UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS

FIRST SESSION

VOLUME 127—PART 19

OCTOBER 21, 1981 TO OCTOBER 28, 1981

(PAGES 24617 TO 25926)

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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, FIRST SESSION

SENATE—*Wednesday, October 21, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us unite in silent prayer for the President as he meets in the summit conference in Mexico, for Senator TALMADGE on the loss of his mother, and for the family of Senator CHILES whose grandson was born prematurely at 26 weeks.

Heavenly Father, whose love is unconditional, impartial and everlasting, I pray for the beloved men and women who constitute our large Senate family. May Thy blessing rest upon them and their loved ones. Thou knowest those who are hurting. Where there is estrangement between husband and wife bring reconciliation. Where parents and children are alienated bring forgiveness. Where there is illness bring healing. Help those facing difficulty with finances. Where there is disappointment, discouragement or despair, give hope. Where there is tragedy, comfort. For those who are ready to give up because they see no meaning or purpose bring reassurance. Renew weary minds, hearts, and bodies.

Gracious God, thank Thee for all the faithful people who make the business of the Senate function. Thank Thee for those who work in the Senate offices in this building or on the grounds. Encourage them in the knowledge that each is important to the effective operation of government. Help us to appreciate each other, to serve each other, to love each other. In the name of Him Who lived to serve. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there are special orders for the recognition of two Senators, Mr. ROBERT C. BYRD of West Virginia and Mr. BENTSEN of Texas, for not to exceed 15 minutes each.

At the conclusion of the time allocated for the recognition of Senators on special orders, there is a unanimous-consent agreement providing for the period for transaction of routine morning business to extend not past the hour of 10 a.m., in which Senators may speak for not more than 5 minutes each.

After that, Mr. President, under the order previously granted, the Senate will resume consideration of S. 1196, with the Glenn amendment No. 560 pending, to be followed by an unprinted Hart amendment.

It is the hope of the leadership that the Senate will conclude its consideration of the Foreign Assistance Act today and obtain final passage.

SIGNIFICANT LEGISLATIVE PROGRESS

Mr. BAKER. Mr. President, when the road to the end of the session looks longer and longer, and becomes increasingly difficult to travel on, progress, however slight, becomes the name of the game. Yesterday, Mr. President, I believe the Senate made significant progress.

Under the able leadership of the chairman of the Foreign Relations Committee, Senator PERCY, and with the able assistance of the distinguished ranking member, Senator PELL, the Senate moved toward final passage of the foreign assistance bill. And it is still my hope that we can conclude that during the day today, perhaps even before the end of the day today, in order to proceed to the consideration of other matters.

In addition, Mr. President, with the assistance of the various committee chairmen, and particularly that of the distinguished chairman of the Appropriations Committee, Senator HATFIELD, it was possible for the leadership to announce a tentative schedule for the appropriations process. It is my hope that that schedule will serve as a blueprint for the efficient management of the appropriation bills in an expeditious manner, and the completion of that process in a minimum amount of time.

I intend to confer with the distinguished Speaker of the House to obtain his views on the time for a sine die adjournment of the Congress. That date will be influenced in large measure by our ability to deal with the appropriation bills. It is necessary to pay special heed to the tentative schedule or blueprint for the management of the appropriation bills as suggested on yesterday.

It is not necessary to say, but the truth of the matter is that we have to do these things if we are going to get out at all.

Mr. President, I have no further requirement for my time. I am prepared to yield the remainder of my time under the standing order.

I see no Senator seeking recognition. I will inquire of the distinguished acting minority leader if he wishes additional time.

Mr. LEAHY. I have no comments, Mr. President, other than to say that I do hope that the distinguished majority leader is able to keep within his schedule. Again, while Washington, D.C., is a beautiful city and we all love it dearly, the hills of Vermont at any time of the year beckon, and around Christmas time they beckon all the more.

I hope that the majority leader will be able to spend his time in the hills of Tennessee and I spend my time in the hills of Vermont during the Christmas period.

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I understand the distinguished minority leader (Mr. ROBERT C. BYRD) is going to address the Senate. I have no requirement for time.

The distinguished Senator from Wisconsin is here.

Mr. BAKER. Mr. President, may I suggest this, if the Senator will yield: I, too, have been told that the minority leader wishes to keep his time under the standing order. I ask unanimous consent, Mr. President, that the time for the recognition of the minority leader under the standing order be aggregated to the time given him this morning under the special

order so the time then will be a total of 25 minutes instead of 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. And that time, of course, will be saved until the minority leader is available to claim that privilege.

Mr. President, if there is no objection from the acting minority leader, what I would propose is that I might reclaim 1 minute of my time under the standing order so I can yield to the distinguished Senator from Wisconsin, without it being charged against the time allocated to the minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GENOCIDE TREATY DOES NOT ACCEPT POLITICAL MURDERS

Mr. PROXMIRE. Mr. President, today I would like to once again refer to allegations made in the recent "White Paper on the Genocide Convention," a document distributed by the Liberty Lobby. The criticisms which have been leveled at the treaty since 1949, and which appear once again in this document, consistently point to supposed loopholes and shortcomings of the treaty.

It is my belief that those who oppose ratification of the Genocide Convention do not understand either the meaning of the treaty nor its underlying principles.

Under the heading "Political Mass Murder Accepted," the Liberty Lobby's white paper essentially makes the assumption that by the noninclusion of political groups as potential genocide victims within the treaty, this form of mass murder is therefore made acceptable.

The white paper then makes the argument that on the basis of this and similar alleged weaknesses. the Genocide Treaty should not be ratified.

In the first place, to believe that the omission of political groups from the treaty's definition of genocide is equal to the approval of the commission of genocide against such groups is an exercise in misguided logic.

Any international agreement is enormously difficult to negotiate; it is imperative to build a foundation upon which all parties may agree. The definition of a particular crime in a treaty does not perpetually exclude other acts not originally covered.

Later negotiations may well expand the scope of the original treaty. Does the limitation in scope of one aspect of the treaty warrant the denial of protection to the other groups which are protected by the Genocide Convention? Absolutely not.

Second, the implication of the White Paper that the omission of "political groups" permits the Soviet Union or any Communist or non-Communist state to reclassify any group of citizens as a "political group" and then freely commit mass murder is ludicrous.

It is clear that attempts to destroy members of an ethnic, racial, religious or national group, in whole or in part, constitute genocide. The public relations efforts of such murderous henchmen do not excuse or permit such unconscionable acts under the treaty.

Third, a point that friends and foes alike should heed is that this convention would apply to Communist and non-Communist nations alike. And I want to make it absolutely clear that this Senator intends to speak out loud and clear regarding any Communist transgressions of the spirit or letter of this convention.

Mr. President, the Genocide Convention stands as an affirmation of human rights, and a movement toward international protection of human life. Ratification of the treaty would enhance the position of the United States as a leader in the cause of human rights.

Certainly, ratification would aid in the credibility and overall strength of international law.

The treaty is not a plot by Communist sympathizers or bleeding hearts, nor is it an attempt to abridge the constitutional rights of Americans by allowing indiscriminate extraditions and international trials. No treaty—and I mean none—can override any constitutional rights of Americans.

Those who would seek to invalidate the benefits of the treaty by engaging in these ill-conceived exercises in sophistry must not prevent ratification of the Genocide Convention any longer. The United States must ratify the Genocide Convention.

I thank the distinguished majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged against either the standing order or the special order.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that the time under the special order in favor of the Senator from Texas (Mr. BENTSEN) be added to the time allocated previously to the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. That will mean, then, that the minority leader, in the sequence of arrangements will have 15 minutes plus 15 minutes plus 10 minutes, or a total of 40 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I should like to change the order in sequence of this morning's activity, and I make the following request:

I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past 10 a.m., on the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I ask unanimous consent that at 10 o'clock, the distinguished minority leader be recognized under the time arrangements heretofore made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from West Virginia, the minority leader, the Senate resume consideration of S. 1196, under the terms and conditions previously described.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for routine morning business.

U.S. ENERGY DEVELOPMENT

Mr. STEVENS. Mr. President, I am speaking today in support of the philosophy for U.S. energy development recently expressed by Secretary Edwards at the Herald Tribune Conference in London. Mr. Edwards correctly analyzes our energy situation as one of the best served by the free market system. I believe that coal, oil, gas, nuclear, and all of the renewable fuels can all prosper, given the will of our Government to allow the markets freedom to select and allocate appropriate resources under normal economic conditions.

Our Nation is moving away from imported energy through the efforts of all consumers to conserve fuels. Although cheap energy is no longer available, we are doing more with less. I, for one, expect that trend to continue with direct Government aid to only those high potential resources burdened by current need for risk-laden research to bring them to fruition.

Finally, it is the will of this country to take those steps necessary to prepare for the possibility of supply interruption. We are doing so by exploring, discovering, and bringing to market needed energy resources. I commend Secretary Edwards in his efforts to establish an energy policy that seeks to strengthen this Nation's energy security and thereby provide the security of our commitments internationally. I ask unanimous consent that the Secretary's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY JAMES B. EDWARDS

It's a pleasure to be visiting here with you. I welcome the opportunity of talking with you today about the Reagan Administration's energy policy.

We're proud of the accomplishments we've made as a nation during the first eight months of this Administration. Last week, there were 4,249 drilling rigs at work in the United States, more than at any time since the oil industry began keeping records. And we're optimistic that as we continue dismantling the onerous regulatory edifice that has sapped our nation of its creative energies, and as we cut federal spending, industry will have even more market incentives

to seek out and produce oil, gas, coal and other resources.

Production is one pillar of our energy policy. Conservation is the other. The free market is encouraging Americans to conserve. We're confident that as we reinvigorate the free market we'll witness even greater savings.

Before telling you more about our domestic commitment to ending the siege mentality that we have all lived with since the 1973 oil crisis, I want to talk to you about the overall world energy outlook. Let me assure you at the outset that the United States takes its commitment to the International Energy Agency, to its friends and allies, very seriously. We share the responsibility for reducing worldwide vulnerability and for encouraging exploration.

The outlook for the next ten years indicates that imported oil will provide a declining proportion of American energy requirements. It isn't our policy to make precise—but inherently unrealizable—predictions about import levels. Yet, there is ample evidence that we are making progress. Between 1977 and 1980, our oil imports fell by more than 2.3 million barrels a day. For the first nine months of this year, they are down still further. If the crude oil we are buying for the Strategic Petroleum Reserve is excluded, our imports so far this year are down 21 percent compared to last year.

For the balance of the decade, there may be fluctuations in imports but we are confident that we will never return to the 8.6 million barrel a day level in 1977. The overall trend is definitely downward.

Contrary to the prophecies of the doomsdayers, we believe that there are still enormous quantities of oil and gas waiting to be discovered and added to world reserves. There may be only a few giant oil fields awaiting discovery, but there are unexploited offshore fields as well as hundreds of onshore sites in North and South America, Africa and Asia.

It is not often realized that nearly 90 percent of the world's drilling activity is concentrated in North America; three-quarters of it in the United States alone. If other nations provided as hospitable a climate for business as the United States, we're convinced oil companies would rise to the challenge and find new sources of oil that would help relieve many of the lesser developed countries of the ruinous financial burden they must shoulder in order to pay for imported oil.

Large volumes of hydrocarbons have been discovered since 1973 in Egypt, Tunisia, Australia, Mexico, Venezuela, and the South China Sea. In North America, there are promising areas north of the Arctic Circle. Canada's Hibernia field is one of the largest finds in recent history.

Advances in technology—like a recently dedicated rig that is designed to drill to an unprecedented 50,000 feet—will make it possible to exploit resources that, until now, we have ruled out. A whole new concept of business is emerging as we begin drilling for deeper oil.

As President Reagan said during the election campaign: "Our physical supply of fuels has not run out—only our supply of cheap fuels has." It will cost us more to produce energy, but we are convinced we are not about to run out of natural resources.

We have faith in ourselves and in our friends. Nonetheless, there's a need for continued vigilance to protect the Free World from unanticipated oil supply disruptions. We intend to fill the Strategic Petroleum Reserve at as rapid a rate as possible; this week we expect to add the two hundred millionth barrel of oil. We've added 90 million of those barrels to the Strategic Petroleum Reserve since coming into office in January.

While trying to maximize the production of oil, the Reagan Administration's policy is to encourage the development of all our domestic energy resources. Our National Energy Policy Plan, which we submitted to Congress in July, calls on us to strengthen our security by reducing our vulnerability. Within not too many years we may achieve energy self-sufficiency. Through competitive market pressures and individual choice, we envision oil, gas, coal, nuclear and a whole host of renewable resources competing in the market place, without subsidy and regulatory constrictions. Consumers, not the government, will make the choices about what fuels are most economical and efficient to use.

In short, this Administration has no blueprint to force upon the nation and the world. When the government intervenes the result is gasoline lines, erroneous predictions about shortages of natural gas and economic malaise.

As he promised during the election campaign last year, President Reagan is moving ahead to dismantle the Department of Energy. As he said in his speech to the nation last week, "We do not need an Energy Department to solve our energy problems as long as we let the forces of the marketplace work without undue interference." We believe that, instead of solving problems, the Department of Energy has been complicating them.

Due to the economic situation, the President has asked us to speed up the process of deciding how to keep his promise. Essential national security functions and long-term high-risk research and development will continue. There will always be a focal point in the government for managing emergencies and dealing with international energy matters.

Since January we have been reducing the size of the Department of Energy and eliminating its regulatory functions. We've already decontrolled oil and are taking steps to eliminate government price controls on gas.

With decontrol of oil, prices more accurately reflect the real cost of the resource. As prices rise to market levels, people are looking more closely at how they consume. For the first time in years, service stations are engaged in price wars with each other, a vibrant indication of how competition is advantageous to the consumer.

Spurred on by the new free market in prices and improved fuel economy, U.S. gasoline demand for the first five months of this year was 170,000 barrels a day lower than last year. Overall, U.S. oil consumption averaged 16.1 million barrels a day during the first five months of this year, down from nearly 19 million barrels a day in 1978.

Decontrol of oil has also provided industry with the incentive to explore and develop new resources. In June, more than 6,900 wells were drilled in the United States, a 40 percent increase over last year. More than 575 new rigs began operation during the first five months after decontrol. And the number of seismic crews at work has also increased sharply; in August, we had 735 crews at work, 30% more than a year earlier.

To encourage even more exploration, we've announced a new accelerated 5-year offshore leasing program. To date, only 20 million of the 1.1 billion acres on the Outer Continental Shelf have been leased. Yet, those areas alone supply nearly 10 percent of our domestic oil production and over 20 percent of our gas. We can open these vast offshore areas without undue risk to the environment and with proper consideration for competing social and economic interests.

Onshore too, we've already announced a vastly accelerated exploratory program. In December, the Department of the Interior will open for bids, 1.5 million acres within the National Petroleum Reserve A in Alaska, ending a 15-year moratorium on federal oil and gas leasing in that state. Additional sales will be held next year.

The President has before him a recommendation that he ask Congress to approve an accelerated phased decontrol of natural gas prices. Since 1978, when Congress voted to decontrol the price of deep gas and other types of new gas, industry has had an incentive to increase exploration for them. The sooner we start decontrolling all categories of gas, the sooner we will see our proven reserve levels increase. We won't know how large our gas reserves are until we decontrol.

Decontrol will raise the price of gas, but much less—in the long-run—than if we wait until 1985, as the current law stipulates. Americans have a choice between an interest-free installment plan, or having to assume an intolerable financial burden in 1985.

As you know, we're the world's largest producer of coal. Between 1978 and 1980 our production increased by 24 percent and despite a decline in metallurgical coal exports, the burgeoning increase in steam coal purchases has led to a 125 percent growth in exports in the last three years. That's indicative of our foreign customers' faith in our ability to become a reliable, economical supplier.

We welcome foreign investment in developing new mines, railroads, slurry lines and port facilities.

On July 17, we announced our coal export policy. We are reducing delays caused by needless regulations and permitting procedures. And we now have a coal export task force that's formulating recommendations to convince you that it's to your advantage to sign long-term contracts with our coal companies.

Earlier this year we ended a 10-year moratorium on coal leasing on federal land and we're urging the President to recommend extending the power of eminent domain so we can build a nationwide network of coal slurry lines.

In becoming a reliable supplier of coal, our goal is to help our friends become less dependent on higher priced imported oil.

Eventually, some of our coal will be turned into synthetic gas and oil. And with the development of North America's huge oil shale and tar sand deposits, we will have an abundant new source of energy for turning the wheels of industry. By providing loan guarantees and price supports to three large projects, the Tosco and Union Oil shale projects and the Great Plains coal gasification plant, the Reagan Administration has created the conditions so that the financial community can safely back other projects now on the drawing board or already in test operation.

Nuclear energy is a key element in our energy mix. Today, it provides 11 percent of our electricity. It's a cheap and reliable source of power. It's also a safe technology. The Reagan Administration believes we should do everything in our power to restore public faith in nuclear energy, to help the utilities overcome their financial problems and to open the way for the commercialization of advanced nuclear technologies like the breeder and fusion.

We need the political courage to start managing our radioactive waste. There are no major technical problems to overcome. Reprocessing spent fuel is the best solution. I want you to know that we stand ready to work with other countries to find mutually acceptable ways of sharing the responsibility for reprocessing spent fuel.

The Reagan Administration is intent on reestablishing U.S. credibility as a reliable nuclear supplier, while, of course, maintaining effective safeguards to prevent the spread of nuclear weapons. In July, President Reagan promised to streamline the export and retransfer licensing and permitting procedures that have been a source of frustration

to other countries. Our friends and allies are looking to us for leadership in this area. We will not disappoint them.

Renewable resources are the other major element in our energy mix. By removing federal subsidies for conventional fuels, we have created a more competitive environment for renewable energies. Most of these resources—solar, hydro, geothermal, alcohol, wind and biomass—are commercially viable, even if still expensive. We'll continue to support research on long-term high-risk technologies.

Within a few years, we hope to become far less dependent on imported energy. That does not mean, however, that we intend to forsake our international commitments. A prolonged, large-scale disruption in world oil supplies would be felt by all our citizens.

We can't make energy policy in a vacuum. We're seeking to reinforce the fabric of economic, political and security ties that bind us to friendly nations. The International Energy Agency has been and will continue to be the focus of our international energy efforts. The U.S. helped create the IEA, and we will stand by it.

Regarding major disruptions that trigger the formal oil sharing system we've developed since 1974, we are enabling U.S. companies to participate in the existing IEA emergency sharing system. We strongly endorse close and continued consultation with the oil industry on these issues.

We recognize the role of responsible oil producers in setting reasonable prices and production levels in order to maintain market stability. These same countries deserve praise for providing aid to the lesser developed countries.

The United States strongly supports large strategic reserves as a deterrent to potential supply disruptions. Hence, we encourage all IEA members to increase their stocks. We are increasing our reserve at a rate of as much as 500,000 barrels a day. During the first half of September, 19 tankers discharged oil including the first shipload of oil purchased from Mexico. We're vigorously pressing ahead to add capacity to enable us to achieve our goal of a 750 million barrel stockpile.

The Reagan Administration is aware that the burden of high oil prices tends to fall heavily on the resource-poor developing nations. We're confident that as we reduce our demand for imported oil, the international price of oil will tend to stabilize and the adequacy of supplies will be assured.

Our goal is clear. We must increase production, use energy efficiently, and practice conservation. One hundred and forty years ago, the French observer. Alexis de Tocqueville, wrote: "In the United States, the greatest undertakings and speculations are executed without difficulty, because the whole population is engaged in productive industry, and because the poorest as well as the most opulent members of the commonwealth are ready to combine their efforts." Today, that is still true.

We have an enormous storehouse of raw materials. Our people are creative and hardworking. In cooperation with our friends, we can relegate to the history books the crisis mentality that has weakened our resolve. If we act with strength and confidence, my children and yours will all find the world a more secure and hospitable place in which to live.

MOSHE DAYAN—A MAN OF PEACE

Mr. PERCY. Mr. President, the death last week of Moshe Davan in many ways touched us all. To many Americans he symbolized the versatility, dynamism, and determination which has won international respect for the Israeli people. His life is reflective of and intertwined with the growth and development of the State of Israel. He was born on a kibbutz in Galilee, and during his youth he worked the land and learned to know and respect his Palestinian Arab neighbors as they respected him.

Moshe Dayan above all is remembered for being the courageous soldier who fought for the birth and survival of Israel. More than any other figure Moshe Dayan captured the imagination of friend and foe alike. He was for many the personification of the Israeli spirit.

But let us not forget that this great soldier was also a man of peace. Moshe Dayan understood the ultimate survival of Israel rested on peace with its neighbors. His secret meetings with Egyptian envoy Tukaymi in Morocco were the first steps toward Camp David—a process in which he was an active participant. Without him, some believe, the process may never have borne fruit.

Moshe Dayan, moreover, realized that true and lasting peace demanded much from all parties. For him, the Sinai settlements were part of a vision of a future Israeli state. He spoke of Yamit becoming a city and port of 25,000 Israelis in the Sinai. Nevertheless, at Camp David he could substitute his vision of Yamit for one of lasting peace with Egypt.

Moshe Dayan was truly a man of many talents. Just as he captured our imagination, he himself was a man of insights and imagination. His ability to cut through knotty problems won admiration. We can do no better honor to the man, and to the peace process he promoted, than to renew our own efforts to carry his work forward.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECOGNITION OF SENATOR ROBERT C. BYRD

The PRESIDING OFFICER. Under the previous order the Democratic leader is recognized.

(Mr. ARMSTRONG assumed the chair.)

PROPOSED SALE OF AWACS TO SAUDI ARABIA

Mr. ROBERT C. BYRD. Mr. President, in the words of one of my favorite poets, James Russell Lowell:

> Once to every man and nation
> Comes the moment to decide
> In the strife of truth with falsehood
> For the good or evil side.

Today, I am announcing my decision on the administration's proposed sale of AWACS to Saudi Arabia.

This has not been an easy decision for me, as I know it has not been an easy decision for many of my colleagues. For almost every argument I have heard for the sale I can offer an equally persuasive argument against the sale; and, conversely, for every argument against the sale, I can offer an equally convincing argument, at least in my viewpoint, for it.

In other words, the terms of the debate as currently structured leave me unable to make a decision. For example, the argument is made that the Saudis are our friends in the region and we need to make good on a commitment to them. I think it is equally persuasive to argue that our being too close to the Saudis may not in the long run be in their best interests and, therefore, not in our own best interests.

Therefore, I feel it is impossible to try to add up pros, add up the cons, and place them on a balance to see which weighs heavier.

I have met with officials of this administration—Secretary of State, Alexander Haig; National Security Advisor, Richard Allen; and Under Secretary of State, James Buckley. I have talked with President Reagan privately in the Oval Office and by telephone, and I have had a brief discussion by telephone with former President Carter, who has addressed a letter to me on the subject, which I shall later insert in the RECORD. I have discussed the proposed sale with former Secretary of Defense, Harold Brown; former National Security Advisor, Zbigniew Brzezinski; and former Secretary of Defense, James Schlesinger.

I have listened to Senators on both sides of the aisle. I have been willing to listen to any Senator or anyone else who wishes to talk in this ear, any Senator or anyone else who wishes to talk in this other ear, but I have steadfastly refused to be "lobbied" by anybody.

I have talked with numerous West Virginians, and read the letters from my constituents. Three former Presidents have expressed support for the AWACS sale, and certainly this support by three prior Presidents and their advisors must carry important weight for us.

In my view, there is only one issue involved in a matter of this importance, and that is whether or not it will serve the interests of the United States.

The overarching question which should guide our discussion is this: What is the best course for America to steer toward a lasting peace in the Middle East? That must be the top priority; for, without peace, other long-term goals in that region will never be achieved.

It is apparent at the outset that the proposed sale of sophisticated aircraft and the associated equipment and weaponry is but a subsidiary piece of what must be a broader policy determination by this Government. And it is precisely because a coherent policy framework for the United States in the Middle East has not yet been developed by this administration, that the decision on AWACS has been so difficult for me and many of my colleagues. In deciding the merits of this relatively narrow question—the sale some 4 years hence of 5 AWACS aircraft as well as enhancements for fighter planes already agreed to—we have had to extend ourselves into presumptions, hypothetical scenarios, and guesswork about the sale's impact on the deeper

currents running in the politics of the Middle East.

These calculations unfortunately lack the perspective which a larger policy framework would lend to them. The crying need today is for action on the larger issues which are burning for resolution in that tragic region.

From the outset, the issue of AWACS sales to Saudi Arabia unfortunately has been politicized, affording little opportunity to weigh the merits of the case. Issues peripheral to the debate have come to dominate the headlines, obscuring deep concerns that I, and many of my colleagues, have regarding the sale.

For example, some have expressed concern that the AWACS technology could be used to give the Saudis a capability of offensive action against Israel.

However, the administration has addressed this issue in some detail, and I am generally satisfied that the assurances we have received from the Saudis, as well as the continued close cooperation in the use and maintenance of the aircraft and our complete commitment to Israel's security, minimize this danger.

The existence of a Saudi AWACS will not significantly alter the balance of air forces vis-a-vis the Israelis. Even if the Saudis were to attempt to use AWACS in a war against Israel, according to a staff study by the Senate Committee on Foreign Relations, they would probably not succeed, and the costs to the Saudis would be very high. If the Saudis were to attempt such an attack alone, according to the study:

> The effectiveness of such an attack would be limited ... by AWACS equipment limitations, Israeli jammings and E-2C capabilities, terrain masking, AWACS vulnerability, and possible early warning from U.S. maintenance personnel. The costs for Saudi Arabia could be severe in terms of Israeli military retaliation and severed military ties with the United States.

It should also be observed that earlier this year the Saudis used their influence, through quiet diplomacy, to help secure a reduction in tensions in Lebanon. Indeed, our envoy in the Lebanese situation, Mr. Philip Habib, has stated that the Saudi influence in the Lebanese situation was essential to the cease-fire agreement in the country.

Another hypothetical situation put forward by some analysts is a possible Saudi attempt to link up with Syrian and Jordanian command centers in a coordinated attack. The Saudis have agreed, however, according to the administration, that no Saudi AWACS-gathered information will be shared with third countries or parties without prior mutual consent of the United States. If this aspect of the Saudi-American agreement were to be violated, such information sharing would have to be practiced beforehand and be immediately obvious to us. In that case, we are told that we would have advance warning and could act to prevent this development.

I think it is important to underscore, forcefully, the following points. The vote on this issue is not a test of the United States-Saudi relationship, as some would have it, or a test of the United States-Israeli relationship, as others would have it. This is not a test between the Prime Minister of Israel and the President of the United States as to who will call the shots in our foreign policy. These are peripheral issues which obscure and obfuscate the fundamental concerns which Congress must address in arriving at a decision on this matter.

The real issue is that the Congress of the United States is being called upon to acquiesce in a major foreign policy decision impacting upon a vital, but highly volatile, region of the world. We are being called upon to make such a decision in the absence of a clearly defined or workable policy for the Middle East on the part of the administration.

In attempting to arrive at a prudent decision on this matter, all we are given by the administration is some vague notion that it is important for the U.S. to forge a "strategic consensus" in that region. It is upon this fragile reed alone that the administration predicates its foreign policy in the Middle East. Somehow, in the absence of addressing directly the potentially explosive Arab-Israeli issues, the administration hopes to bring the adversaries in the region together in some loose strategic alliance to counter the threat of the Soviet Union and her proxies.

However, the Middle East peace process must be brought back to the forefront of our policy, and significant progress demonstrated for any strategic consensus on the Soviet threat to be viable. At present, in light of the assassination of President Sadat, I do not know where events will lead us in the Middle East, but I am deeply concerned.

Mr. President, I have no idea what the administration is doing relative to the Middle East. In the absence of a coherent policy, the administration has reacted with a series of ad hoc and ill-conceived responses to events rooted primarily in the Arab-Israeli dispute and not the Soviet threat. As a consequence, these responses have been contradictory and have served to undermine our fundamental goal in the region—and that fundamental goal is the promotion of peace and stability.

The administration's actions toward Mr. Begin have, in my judgment, already given him too little incentive to pursue Camp David. To his credit, Mr. Begin has committed his government to complete the total withdrawal of Israeli forces from the Sinai scheduled for next April. But much more is to be expected of Mr. Begin. Mr. Begin has been given a large historic opportunity—it is to replace Mr. Sadat as the key architect of peace at this juncture. Surely no one is more aware of this than Mr. Begin himself. He is capable of exhibiting great political courage in this matter, and the circumstances demand nothing less.

The central issue for American policy in the Middle East is the Arab-Israeli dispute, and not the Soviet threat to the region. This is not to say that there is not a Soviet threat. Soviet influences, direct and indirect, are a primary and destructive force throughout the region.

The Soviets, through their proxies and clients in the Yemens, Ethiopia, Libya, Iraq, Syria, and elsewhere, are promoting instabilities which could be a primary cause of a major war there. The American answer can only partly be the arming of our friends, for this does nothing to resolve the central irritation—which is the Arab-Israel dispute. We must take immediate action to settle the issues in that dispute, including the breathing of new life into the Camp David peace process as well as broadening that process to include a resolution of the Palestinian question. The fundamental questions of the status of the West Bank and Jerusalem, the future of the Palestinians, and the right of Israel to live in recognized, secure borders are the paramount issues, and they will not go away.

The administration has expended most of its time and capital to date in attempting to build an anti-Soviet strategic consensus among our friends—including the Israelis, Egyptians, Saudis, the Gulf States, and Jordan. Yet, such a consensus would only be viable if the Arab-Israeli issues are resolved. In resolving them, a strategic consensus would become viable. If there is no progress in resolving them, it would seem impossible to develop such a regional consensus.

The Egyptians and Israelis took the initiative to reopen the autonomy talks on the West Bank and Gaza which were called for in the Camp David accords. The United States did not throw its prestige and creativity into those talks. It should have done so.

Under the Camp David framework, May 16, 1980, was the target date for elections of the self-governing authorities on the West Bank and Gaza. Israeli military governments were to have been dismantled and Israeli troops withdrawn into special locations after the establishment of administrative councils. That deadline is 18 months overdue.

June 16, 1980, was the deadline for establishment of self-governing authorities in those areas. This was to have been the beginning of a 5-year transitional period of self-rule. That deadline was missed.

Prime Minister Begin visited Washington last month. His visit followed a series of Israeli actions which have not been helpful to the peace process. The use of American-supplied jet aircraft to destroy a nuclear reactor in Iraq was a preemptive strike which reasonable men could hardly be comfortable in defining as "defensive" in nature.

Yet, further deliveries of sophisticated American jet aircraft are going forward, despite the violation of the condition that such transfers be for defensive purposes only.

Further, Mr. Begin has endorsed Israeli legislation annexing all of Jerusalem as Israel's eternal capitol, and

there is a growing perception that Mr. Begin is unwilling to permit any real local control over the West Bank by Arab authorities.

All these signs point in the direction of an Israeli intransigence in the peace process which discourages hope of tangible progress on the difficult questions which must be resolved.

During Prime Minister Begin's visit to Washington last month the issues of the West Bank, Jerusalem, the autonomy talks, and the future of the Palestinians were not raised by our Government in any meaningful fashion. What was announced was the creation of a new "strategic relationship" with Israel, thereby creating new suspicions on the part of moderate Arabs that the Palestinian issue was being forced further into the background by the administration.

Subsequent to the visit of Prime Minister Begin, the administration has pressed forward with the arms sale package to Saudi Arabia, undercutting any leverage we might have with the Israelis in obtaining substantive movement on the Palestinian issue.

In the wake of the assassination of President Sadat, the administration is now emphasizing that the United States would protect Saudi Arabia from any external or internal threat, transferring the mantle of a client state from Egypt to the Royal Kingdom.

I was talking a few days ago with a very high official of this Government and he said that to me.

He said that the United States would protect Saudi Arabia from any external or internal matters. I said, "How can you do it?" It was obvious that he did not anticipate that question. He really had no answer. He spoke of proxies.

Mr. President, it seems to me a very weak ground upon which to make such a bold, broad statement.

All of these pronouncements, or policy initiatives, if they can be characterized as such, were made in the absence of any consultation with the Congress. All are contradictory to achieving our goals in the region. And all commit this Nation to a future course which may intensify rather than alleviate the immediate threats to the region.

On October 15, I addressed the Senate regarding the concerns I had as they related to our policy in the Middle East. Nobody paid any attention to those concerns. I suppose no one will today.

At that time I noted the following:

In an effort to build a strategic consensus that the Soviet Union constitutes the major and most immediate threat to the vital interests in the Persian Gulf, Secretary of State Alexander Haig undertook a mission to the Middle East in April of this year. At that time, he found a Saudi Arabia primarily concerned with the irresolution of the Palestinian question, and he found a Jordan even more so. In Israel, the threat posed by both the Syrian Army and heavily armed PLO units in Lebanon was uppermost in the minds of Prime Minister Begin and his closest advisers.

Subsequent to the Secretary's trip, we have witnessed the Syrian missile crisis in Lebanon, the Israeli destruction of Iraq's nuclear reactor, terrorist attacks on Israel's civilian population, and the Israeli bombing raid on PLO offices in Beirut which killed an estimated 300 civilians.

We have received repeated warnings from Saudi officials that Israel constitutes the only real threat to peace and stability in the Middle East. Now, we are confronted with the latest tragic chapter in the Arab-Israeli dispute—the assassination of President Sadat.

In sum, not one development in the Middle East this year has involved direct Soviet action and there is no evidence to even suggest indirect Soviet involvement. Yet, this administration is attempting to establish a tacit regional consensus on meeting the Soviet threat among actors in the region whose primary focus is on the Arab-Israeli dispute. And it is within this context that the sale of AWACS to Saudi Arabia must be placed.

Mr. President, there are three fundamental principles upon which our policy toward the Middle East should be based.

First, our commitment to the security of Israel is, and always should be, unwavering and uncompromising.

Second, in light of the importance of Persian Gulf oil to the industrial health of the West, and in recognition of the strategic geography of the Persian Gulf, it is important that this region be secured against any threat.

And third, we should immediately begin refocusing on the Arab-Israeli peace process since it is the major obstacle to the administration's ability to forge a strategic consensus in response to the Soviet threat and represents the most immediate threat to stability in the region.

Within this framework, I would like to address three of the principal concerns I have regarding this sale.

First, we are transferring highly sophisticated technology which, if compromised, could be of significant benefit to the Soviet AWACS program. This should be as much an issue of sovereignty for the United States as it is for Saudi Arabia.

Second, we are launching an ever-escalating round of sophisticated weapons transfers to a highly volatile region of the world in which the primary focus of concern for the countries in the region remains the Arab-Israeli conflict, not the Soviet threat.

I shall never forget my visit to the refugee camps in Jericho, Jordan, in 1955, when I traveled there as a member of the House Committee on Foreign Affairs. The bitterness and the indignation that electrified the atmosphere of our discussions have never been forgotten. As we visited those refugee camps, I was impressed by the bitterness, and it lingers—lingers is the wrong word. It remains today. Why is it that we lose sight of that fact as we seek to put second things first rather than the reverse?

And third, we have all but abandoned the Camp David process, leaving the future of the Egypt-Israeli peace treaty uncertain at best.

The technology transfer question deeply concerns me. I opposed the Carter administration's proposed sale of AWACS to Iran for the same reason.

I shall put into the RECORD later at the end of my speech a copy of correspondence that I wrote at the time which lays out my concerns.

On April 8 of this year, I sent a letter to Secretary of State Alexander Haig expressing my concerns over the possible compromise of AWACS technology being proposed for transfer to Saudi Arabia.

I later shall include that letter in the RECORD.

Despite the fact that we are providing Saudi Arabia with stripped-down versions of our own AWACS, I remain concerned that a compromise of the technology we are providing would be an aid to the Soviets. For AWACS to perform the mission of protecting the Persian Gulf oil fields, it must have a capability which the Soviets do not yet possess to deal with a potential cruise missile or deep penetration bomber threat.

These concerns were reinforced when Allan Schell, an Air Force electronics specialist and official of the Rome, New York Air Development Center, admitted that the Soviets could benefit from our AWACS technology.

In a story which appeared in the September 24, 1981 New York Times, Mr. Schell told reporters during a briefing:

In a hypothetical case in which the Soviet Union gained actual physical possession of an AWACS plane, Soviet experts could determine significant features of the system without accomplishing "reverse engineering" of the software, by a procedure that Mr. Schell called "exercising the radar."

Mr. Schell stated the Soviets would fly the AWACS and deploy a wide variety of aerial radar targets in its radius of operation, while analyzing the radar returns and the way the computerized radar processor, or radar data correlator, displayed the data on multipurpose display consoles. He further stated that this would provide valuable information without working the codes or attempting to unravel the mysteries of the program tapes.

In that same story, another civilian defense consultant was quoted as stating that the Soviet Union would most probably give the highest possible priority to reverse engineering of the programing of the radar data correlator and other computerized subsystems on the aircraft.

In an unrelated story appearing in the Washington Post the same day, AWACS was discussed within the context of our overall strategic posture with the Soviet Union. The article noted:

The Pentagon's new strategic blueprint calls for building 12 Airborne Warning and Control Systems (AWACS) sentry aircraft to patrol the borders of North America. This is the same kind of plane that the Saudis want to buy to guard against surprise attack. . . .

In the belief the Soviets are progressing fast on a look-down AWACS of their own, Pentagon leaders shaping the President's military program for the next five years want existing B-52 bombers armed with devices for countering Russia's airborne sentries.

It is clear to me that the Soviets place a high priority on obtaining U.S. AWACS technology. Even if the risk were minimal that the AWACS for Saudi Arabia could be compromised, I do not care to take that risk, particularly since we will have little control over the system.

Much has been said about the sensitivity of the Saudis regarding the sovereignty issue. Yet, I do not believe we should be providilng top-of-the-line military technology to any country in the world, without strict controls maintained by the United States. I believe the United States has a sovereign right to maintain the integrity of all our military technology.

The AWACS we have sold to NATO have such strict controls applied to their use. We shoulder 40 percent of the cost and have 40 percent of the slots allocated to us for operation of the system. In addition, no decision can be made as to when the AWACS will fly or where they will fly in the absence of U.S. participation in that decision. In other words, we have joint command and control of the NATO AWACS and can veto any decision regarding their use.

I am also deeply concerned over the precedent that would be established by the proposed AWACS sale to Saudi Arabia. The assurances provided the Congress by the administration do not address these concerns adequately. We do not have a treaty relationship with Saudi Arabia. We do not have any defense arrangement with Saudi Arabia. Yet, the Saudis have rejected any suggestion that the United States will exercise joint command and control of the AWACS system.

If the Saudis are as concerned as is the United States in maintaining their security against external threats, then I think we have a right to determine what technology, if any, should be sold them and under what conditions that technology is to be transferred. It is a two-way street. The Saudis have an interest in having access to that technology for their own security; we have an interest in maintaining the integrity of our technology against compromise. Yet, the Saudis have dictated the terms of the sale.

Mr. President, there are other—and even greater—concerns relative to the technology involved in this sale. For example, the AIM 9–L, air-to-air Sidewinder missile is a highly advanced weapon that has not yet been developed by the Soviet Union. It gives our pilots a tremendous advantage because it allows them to fire missiles directly at hostile planes rather than requiring them to engage in time-consuming, and difficult, attempts to maneuver behind the enemy. The Sidewinder is a classified weapon. Saudi Arabia has not been given security clearance to receive the missile.

Since the AIM 9–L is a classified technology, its sale should have been approved through the normal procedures established to safeguard its security and protect it from risks of compromise or misuse. Those unused procedures involve securing the approval of the National Disclosure Policy Committee prior to a sale's being finalized. The National Disclosure Policy Committee, a group made up of representatives of the Secretary of Defense and the various military branches, is charged with evaluating the eligibility of various nations to receive classified weapons technology and weighing the risks and rewards associated with the transfer of that technology.

In the case of the proposed sale of the AIM 9–L to Saudi Arabia, however, a deviation from the normal safeguard procedures was made and an exception to the national disclosure policy was granted. The committee was bypassed.

Despite the fact that Saudi Arabia had not been cleared for receipt of sensitive systems like the AIM 9–L, the committee was not consulted about the sale. It apparently was directed to approve it after the fact, rather than being allowed to debate its merits initially.

During Senate Armed Services Committee hearings on the proposed arms sale package for Saudi Arabia, Senator LEVIN questioned Secretary of Defense Weinberger as to why these procedures were not followed. The Secretary was unresponsive. Senator LEVIN then submitted additional questions to the Secretary for the record. He asked if the administration had consulted—as the National Disclosure Policy Committee does—the CIA's Counter-Intelligence Risk Assessment and the Security Survey Report which are prepared after an on-site investigation. To my understanding, Senator LEVIN has not yet received a reply to his questions.

Earlier this year, 12 F–15 Air Force pilots wrote to Representative TOM LANTOS of California to protest this sale. The following is extracted from their letter:

> We do not want the technology of the AIM 9–L to leak to the Soviets through lack of security in Saudi Arabia or through some closed door bargaining session. We at the user level can attest that the AIM 9–L thrusts the American fighter pilot a very large step ahead in air combat over any other military force. The AIM 9–L is superior because it is a point and shoot weapon with excellent probabilities of success. The AIM 9–L is so superior that it gives the American fighter pilot a believable chance of survival when confronted with overwhelming numbers of Soviet aircraft we must face. If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away? Certainly we as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromised version of our AIM 9–L when we know how effective the missile is. We object to the sale of the AIM 9–L to Saudi Arabia.

These fears are not restricted to users in the Air Force. The Navy, at the highest level, has strongly objected to proposed sales of the AIM 9–L. While much of the material related to those objections is classified, in a memorandum to the Assistant Secretary of Defense for International Security Affairs, dated May 14, 1980, the Chief of Naval Operations wrote that:

> We believe it is imperative to restrict the sale of the AIM 9–L to those countries currently authorized to purchase this missile. Accordingly, the Navy does not concur in the sale of the AIM 9–L to neutral or third world countries, including Sweden, for the foreseeable future.

In a memorandum dated April 23, 1980, the Office of the Chief of Naval Operations reviewed a request for an exception to the national disclosure policy which would have authorized the sale of the AIM 9–L missile to Egypt and concluded that the "Department of the Navy recommends that such request be denied."

In a memorandum to the Secretary of Defense dated September 9, 1981, the Secretary of the Navy again raised questions about the wisdom of transferring the AIM 9–L technology. He wrote then that:

> I strongly recommend that the highest possible level of review be held in the future when the DOD receives a request for the sale of the AIM 9–L or the more advanced AIM 9–M. The technology of the AIM 9–L/9–M series is too advanced to be given to countries who could compromise its effectiveness or endanger U.S. military or allied aircraft with direct use. If the Libyans had had AIM 9–L, the recent incident in the Mediterranean could have had a much different outcome.

Senator LEVIN stated that the Secretary of Defense, in one of the few responses given the Senator, indicated that the President himself decided to grant the exception to the national disclosure policy in the case of the sale of the AIM 9–L. As a result of that decision, the Armed Forces were precluded from raising their concerns in the most appropriate and open forum available to them, the National Disclosure Policy Committee.

I now turn to the concern I have for the escalating arms race in the region.

In the October 18 edition of the New York Times, there appeared an article written by Drew Middleton raising alarming questions regarding the arms race in the Middle East. I quote the following from the article:

> The chronic edginess of the Middle East, sharpened by the assassination of Anwar el-Sadat, has promoted a response that is by now familiar in the region—a rush to weaponry. . .
>
> Transfers of weapons costing billions of dollars to the Middle East have touched off an all-out arms race, increasing the danger of an explosion military analysts warn. After failure in the early 1970's of a United States plan for regional restraints—the Soviet Union and France were not listening—the flow of American weapons rose sharply after Camp David, when Washington promised new hardware to Israel and Egypt to sweeten the deal.
>
> The Soviet Union, meanwhile, was pouring weapons into Libya and Syria, which signed a new defense treaty with Moscow last year; and France, Britain, Sweden, West Germany and even Spain have provided modern weapons to Iraq, Saudi Arabia and Kuwait among others. . . .

I am concerned that in light of the irresolution of the Palestinian issue, we will be precipitating another escalation in the arms race in the Middle East. Will we be faced with annual litmus tests? We hear that the Saudis "consider this as the litmus test." Well, are we going to be faced with annual litmus tests on the part of the Saudis and the Israelis?

What will be the next test? More F–15's and F–16's for Israel to counter the per-

ceived threat posed by the Saudis? In the case of the Saudis, will we be confronted in the coming years with an AWACs enhancement with top-of-the-line equipment available to make jamming impossible—more missiles, planes and other armaments to deal with whom they perceive to be the primary threat in the region—Israel?

As long the Arab-Israeli dispute is pushed into the background, this sale does not make any sense. Rather than contributing to stability in the region, I fear it will only raise the threshold of tension. I am concerned that we are fast approaching the point where we are handing over grenades to potential adversaries in the region with the pins already pulled.

As demonstrated by the raid on the Iraqui nuclear reactor, the Israelis have made it very clear that they will strike any perceived or potential threat to their security. If the level of tension should reach a crisis point, such as direct armed conflict with Syria, I think any strategic planner would have to calculate that the Saudi Air Force and AWACS would be one of the first targets.

In the 1967 Middle East War, the Israelis conducted preemptive strikes on Arab airfields, destroying most of the Arab air forces on the ground. In 1973, they were caught completely by surprise and the cost was enormous. Therefore, preemptive strikes are at the heart of Israeli security policy today, and a Saudi Arabia in possession of AWACS would then be factored in as a threat when it has not been treated so by the Israelis in the past.

I am at a loss to understand how what began as a simple survey of Saudi defense requirements escalated into a major foreign policy issue for the United States, without a great deal of high level attention along the way. We are putting our most sophisticated equipment into a highly volatile region of the world. The fact that we face an adversary of the sophistication and might of the Soviet Union requires that we have for ourselves the best and most sophisticated equipment we can buy. This does not mean that we should transfer this equipment around the world without regard for the instability it can immediately produce, and the pressure for further escalation which almost certainly will result. This is not the only case confronting us.

In an article appearing in the October 19 New York Times, serious questions were raised regarding the foreign policy decisionmaking process in this administration. Written by Leslie Gelb, it pointed out:

Often decisions are made at the top in the White House without proper regard for the consequences on other matters. This was the case in the proposed sale of F-16 fighter-bombers to Pakistan and Venezuela. Little or no consideration was given to the impact of those sales on the desire of the administration to sell new FX aircraft now under development as a less sophisticated substitute for the F-16."

I fear we are faced with the same situation regarding the AWACS sale to Saudi Arabia. What is disturbing is that it appears we were locked into a question of providing AWACS to Saudi Arabia before the foreign policy implications were studied, or a workable Middle East policy formulated. In my estimation, the Pentagon may have overstepped its bounds. It is one thing for our military to concentrate on meeting any threat posed by the Soviet Union, and certainly the potential threat to the Persian Gulf is something for which we should have significant concern.

However, it is quite another to expect our military planners to weight very carefully the present and future foreign policy consequences of such a decision. This is particularly important, since this decision affects a region of the world where traditional adversaries have been Arabs and Israelis, and have not been our primary adversary—the Soviet Union.

A staff report of the Senate Committee on Foreign Relations raises serious questions regarding this problem. The report was submitted to the committee after staff visits to Saudi Arabia and Israel and discussions conducted in Washington and Tinker Air Force Base, Okla. I will cite the relevant portions of the report:

A separate letter was sent on February 18, 1978, from Assistant Secretary Bennett to Congressman Lee Hamilton in which the following statements were made concerning the AIM-9L and AWACS:

"The Saudi Air Force is not scheduled to get the AIM-9L all-aspect Sidewinder missile which will be carried on the United States F-15s.

"An F-15 sale will not lead to the sale of the E-2C or E-3A (AWACS). The F-15 has excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F-15, they would be more likely to seek an airborne radar system."

Despite the assurances, the Saudis remained interested in upgrading their air defense. During March and April of 1979, two U.S. Air Force AWACS aircraft were deployed to Saudi Arabia in response to Saudi concerns that the North-South Yemen conflict could spill over. The importance of the AWACS as a surveillance platform was not lost upon the many senior Saudis who were afforded an opportunity to take a first-hand look at the AWACS deployed there. Accordingly, in September 1979, the Saudis requested a feasibility study to analyze the worth of an airborne surveillance system for the Kingdom.

Mr. President, what should be pointed out here is that the Saudis did not specifically request the E-3A AWACS when the Yemen conflict broke out. The Air Force took the initiative to send two E-3A AWACS to Saudi Arabia.

Quoting again from the report:

When he visited Saudi Arabia in February 1980, Dr. Brezezinski, President Carter's National Security Advisor, was given a list of equipment desired by the Saudis. That list included both F-15 enhancement equipment and the AWACS. On the interagency level, much of the list was approved. However, the Saudis were told on April 23, 1980, that the request for AWACS presented the United States with significant problems. They were also told that the United States was prepared to conduct an air feasibility study without prejudice to the United States' ultimate position on any sales. Nevertheless, Saudi officials began telling American reporters that they had received a commitment that the United States would sell Saudi Arabia the AWACS.

On June 26, 1980, in Geneva, Secretary Brown said that the United States could not make a commitment on F-15 items at that time and that the nature and timing of sales would be subject to eventual consultations with Congress. The Saudis renewed their request for AWACS at that meeting, and Secretary Brown told them that the air feasibility study would have to occur before any decision could be made. In Geneva, Secretary Brown also told the Saudi Defense Minister, Prince Sultan, that the United States was not prepared to loan AWACS to the Saudis, but that the United States would be willing to deploy AWACS to Saudi Arabia for joint training.

The air feasibility study requested by the Saudis was informally ordered on July 1, 1980, and formally initiated on September 8. The study was completed on December 15, 1980, and provided to the Saudis on March 6, 1981. The study made no recommendations; rather, it detailed the number, cost and personnel needs for equipment required to provide full border coverage of Saudi Arabia under each of three scenarios: (1) ground-based radar only; (2) a combination of ground radars and the E-2C "Hawkeye" airborne radar aircraft; and (3) a combination of ground radars and AWACS. The study found that the Saudi radar requirement could be met, respectively, by (1) 48 ground radars, (2) 34 ground radars with 11-15 "Hawkeyes," or (3) 18 ground radars with 5 AWACS. In case (1), though, the Saudis would lack any low-level radar surveillance much beyond 20-30 miles of their borders.

While the study was progressing, the United States deployed four AWACS, at the request of the Saudi Arabian Government, to Saudi Arabia on October 1, 1980. They were to fly over the Eastern provinces to counter any threats posed by the Iraq-Iran war. Although the level of fighting in the war has wound down in recent months and there is now only occasional air activity at night, the four AWACS in Saudi Arabia are still required to fly constant surveillance missions.

I find two aspects of this progression of events unsettling. First, the feasibility study on Saudi Arabia's air defense requirements was not formally submitted to the Saudi Government until March 6, 1981, this year. Second, when four AWACS were deployed at the request of the Saudi Government with the outbreak of the Iran-Iraq war, I was struck by the following sentence from the committee report.

As a result of the deployments to Saudi Arabia, the VIP tours of the aircraft conducted by such U.S. officials as General David Jones, Chairman of the Joint Chiefs of Staff, and the results of the air feasibility study, Saudi Arabia's interest in the aircraft was reinforced. Thus, their desire to have AWACS and the F-15 enhancement equipment became another test of the U.S.-Saudi relationship.

Thus, the decision to provide the package rested firmly with this administration and not the previous administration.

I would now like to turn to my final area of concern. The administration reasons that once this package is approved, then we can begin focusing our attention on resolving the Arab-Israeli dispute. That is like putting the cart before the horse. As events this year in the Middle East have demonstrated, this is a very risky path down which to proceed. The track record has not been good on such intractable problems as the West Bank or the future status of Jerusalem.

My concern is what happens if the administration is wrong. What if there is no further progress on a comprehensive

peace in the Middle East? Where will that leave Jordan, one of our closest allies in the Arab world for the past 25 years, whose King was given up on any prospects for meaningful negotiations on the West Bank? Will more weapons be the answer as one country continues to play us, the United States, off against another? How will we then extricate ourselves from demands for more and more sophisticated weapons and yet preserve stability in the region? It is time for some creative thinking to take place as to how we get the peace talks back on track.

The assassination of President Sadat, rather than demonstrating a greater need for arms transfers to Saudi Arabia, in my estimation, sends a strong signal that it is a time for caution and reflection. We have to understand the forces with which we are dealing in the region. They are diverse, but deeply rooted in the Arab-Israeli dispute.

That dispute transcends everything—everything.

President Sadat was assassinated by fundamentalist Moslem fanatics. This radicalism is not new. It is spreading throughout the region. It toppled the Shah in Iran; one of its leading spokesmen is Libya's erratic and dangerous strong man; it can be found in Syria, Iraq, and Egypt, and could erupt in Saudi Arabia under the right circumstances. It feeds on the continued irresolution of the Arab-Israeli dispute. It is the festering sore promoting conflict between Arab nations undergoing rapid modernization within traditional societies.

Arms and sweeping new military commitments will not defuse these elements. We are dealing with serious political problems, and if we do not recognize that fact, we open doors of opportunity for the Soviets while risking serious damage to our fundamental interests in the region.

Three years ago last March, three leaders emerged from Camp David with an agreement to launch the peace process. They were President Sadat of Egypt, Prime Minister Begin of Israel, and President Carter of the United States. Today, there is one leader of his country left—Prime Minister Begin. President Sadat was assassinated President Carter was defeated for reelection.

Therefore, it is evident that the key to the peace process now rests on the shoulders of Prime Minister Begin—more so than at any time in the past. I am heartened by Prime Minister Begin's and President Mubarek's mutual commitment to carry forward with the peace process. Despite domestic concerns, Prime Minister Begin has also committed his government to completing the total withdrawal of Israeli forces from the Sinai scheduled for next April. For this, he is to be commended.

Yet, the leaders of the region all have difficult decisions confronting them. The willingness of these leaders to make difficult decisions will determine whether or not the spirit of President Sadat will prevail or whether there will be a return to the unending cycle of war. To be able to make these decisions will require considerable maneuvering room.

Such manuvering room will be lessened for the Saudis because of the political burden of the sale on the Saudis. Approval of the sale will vault Saudi Arabia into the position of being America's chief client state in the Middle East. Transfer of technology, such as AWACS and the Sidewinder missile is a strong signal that will provoke a strong response from radical Arabs. Saudi Arabia could easily become the major target of groups ranging from the Libyan terrorists to Islamic fundamental extremists. These violent groups will perceive the Saudis as having sold out to "the Great Satan,"—America. The attack on the Great Mosque in Mecca at the time of the taking of the hostages in Iran demonstrates that the Islamic fundamentalist movement exists not only in Iran and Egypt, but in Saudi Arabia as well. And the Libyans seem to be willing to go to great lengths to harm the interests of the United States.

All of this reduces the contribution that the Saudis can be expected to make to the peace process in the Middle East. The primary component of the Saudi labor force—the people working in the oilfields—are Palestinians and other non-Saudis. Pressure from the bulk of the population on the Saudi royal family to restrain from a close involvement in the peace process is very likely, in my opinion. Disruption of oil production could be swiftly accomplished by the Saudi work force if it felt that the royal family was becoming an American client. And the sale of the AWACS would create that impression.

This line of argument leads me to the conclusion that the greater threat to the Saudi oilfields is internal, not external at least it is as great. By going to extremes to protect the oilfields from the external threat, which the administration says is the Soviet Union but which the Saudis say is Israel, the United States may help to precipitate internal instability. Egypt and Iran may be valid examples of this point. Iran was fantastically well-armed, but fell from internal strife. Egypt after Sadat may find it impossible to remain as close to the United States as we would like. I believe that the AWACS sale would push the Saudi population toward the radicals.

In my estimation, if the AWACS sale were to proceed at this time, the Saudis would lose, the Israelis would lose, the Egyptians would lose, the Jordanians would lose, and ultimately, the United States would lose.

We have to be realistic. The assassination of President Sadat has seriously weakened the position of Egypt to continue bilateral negotiations with the Israelis in isolation from the rest of the Arab world. This is what we overlook. Therefore, Israel will have to make concessions and take risks that it never felt compelled to do in the past, if the process is to continue. Their willingness to take such risks will be predicated upon their full confidence that the United States will stick by them. Approval of the sale will give Prime Minister Begin no maneuvering room whatsoever to make these decisions.

For the Saudis, the most important thing is a demonstration of resolve to address the Palestinian question. I do not buy the argument that the United States would be damaged seriously in the Arab world should this sale be disapproved. The United States is damaged in the Arab world only because of the continued irresolution of the Palestinian problem and the perceived lack of commitment on our part to address this issue.

Confronted with a choice between AWACS and a resolution of the Arab-Israeli dispute, I am confident that the Saudis would choose the latter. This is more of an immediate threat to the royal family's stability and their oil fields than any potential threat from the Soviet Union or a Soviet client. This is not to downgrade the external threats, I must say.

The administration made a serious mistake in using the assassination of President Sadat as a pretext for pushing the AWACS sale. It symbolically transferred the mantle of a U.S. client state from Egypt to Saudi Arabia, a perception that Saudi Arabia cannot afford within the Arab world. As a consequence, it is my judgment that if the sale were to go through, the Saudis would have to demonstrate that they are not a U.S. client, but a sovereign and independent state which views the Arab-Israeli dispute as the primary threat to stability in the region. Therefore, rather than risk being drawn into a poorly conceived peace process, the royal family will have to distance themselves from the United States or face serious problems internally and throughout the Arab world.

On October 15, I outlined my views on what needs to be done regarding our policy in the Middle East. Therefore, I will not repeat those arguments.

And finally, I would like to address the issue of whether or not the President would be weakened in the conduct of foreign policy if this sale were to be rejected by the Congress. The Congress and the executive branch are coequal partners in the policy formulation of our Government. The framers of our Constitution were very careful in constructing a government of checks and balances among the three branches. Constitutional scholars, including Arthur Bestor, Edward Corwin, Richard Neustadt, Arthur Schlesinger, Jr., and Louis Henkin maintain that under the Constitution the executive and legislative branches have "joint possession" of the power to decide questions of foreign policy. Under section 36(b) of the Arms Export Control Act, signed into law by President Ford, the specific congressional role regarding arms transfers was outlined.

There are some who argue that the conduct of foreign policy is vested entirely in the President and that any matter, treaty, or national commitment should have the acquiescence of the Congress. In other words, Congress should be the rubber stamp and should follow any President blindly, dutifully, unques-

tioningly over a precipice. I would only point out that some who have made this argument opposed the Panama Canal Treaty and the SALT I and the SALT II treaties after they had been negotiated by the executive branch.

These treaties were opposed on merit, however, by those who sincerely believed they did not promote the best interests of the United States.

I find this to be the case regarding the proposed arms sale to Saudi Arabia. I do not believe the sale serves the best interests of the United States. Quite to the contrary, I believe it places the best interests of the United States in jeopardy. Such a sale makes sense only within the context of a realistic Middle East policy which focuses on the fundamental issue separating Arabs and Israelis—the future of the Palestinians. If we do not recognize this, then we are launching on a path of upping the ante for Israel and the Saudis—escalating the arms race.

Mr. President, the arguments to vote for the sale are made all for the wrong reasons. They turn mainly on the sphere of the Saudis' reaction or on the President's prestige.

Mr. President, I have listened to those arguments, I have weighed those arguments myself. There have been times when I felt I would be for the sale; there have been times when I felt I would be against it. As I said in the beginning, I think I could take the case and probably support it either way up to a point. But there comes a point when one has to say "yes" or "no" and not "maybe."

So, having reached that point, and for the reasons I have stated, I feel very comfortable with the decision I have reached.

It is just this simple, really: If one, in consideration of the sale, goes back to square one, here is the question: Was this sale, as it is presently outlined, a prudent decision in the first place? I believe the answer would be a definite "no."

At present we have AWACS in Saudi Arabia patrolling the skies. They are manned by U.S. Air Force personnel. They have been in place for many months. Why not continue that arrangement?

If we should reject the sale, would the Saudis then kick the U.S. AWACS out of their country? If they see an external threat, it certainly would not be in their interest to do so.

Mr. President, I ask unanimous consent that the various pieces of correspondence to which I alluded during my statement be printed in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., July 22, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I urge withdrawal of the notice of the proposed sale of seven E–3 aircraft (Airborne Warning and Control System—AWACS) and related equipment to Iran. As you know, this notification was submitted to the Congress on July 7, pursuant to the Arms Control Export Act. Under such notification, Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution.

I point out the particular circumstances which make it difficult for Congress to act within the statutory 30-day period. The Senate did not return from its non-legislative work period until July 11, and a resolution of disapproval was introduced on July 15. The Senate has been faced with a very demanding legislative schedule for the past two weeks and has only two weeks remaining prior to the statutory August recess. Hearings on the proposed sale have been held this week in both Houses, with further hearings scheduled next week.

In view of the limited time remaining, and the schedule facing the Senate, it will be impossible for the Senate to give the proposal the careful and serious consideration it deserves. During the next two weeks, the Senate is likely to consume a large amount of time in considering the legislation providing for public financing of Congressional elections.

I know you are aware that there is considerable controversy within Congress over the proposed AWACS sale and it would be likely to provoke extensive debate within the Senate. I want to convey to you my own serious reservations about the sale. I am particularly concerned about the security risks involved, and I know this concern is felt by many of my colleagues in the Senate and by the Director of Central Intelligence. I believe we would be taking an unnecessary risk of compromising the highly sophisticated technology which is critical to our own national defense.

One factor that especially troubles me is that if the Soviet Union gained access to the AWACS and its technology (by accident, defection, diversion of technical manuals, or through intelligence activities) it could accelerate Soviet development of defense against low-flying aircraft and missiles. This could cut years off the time the Soviets would need to develop a defense against the cruise missile. In view of your recent action discontinuing production of the B–1 and moving ahead with the cruise missile—an action I strongly support—this takes on added importance.

In the past five years we have sold more than $11 billion worth of arms to Iran, making that country by far the biggest recipient of U.S. arms. Iran already possesses large quantities of some of our most sophisticated military equipment.

I am also concerned that the sale would be contrary to our interest in a stable military balance and in limiting arms proliferation in the area. Although I understand that the AWACS is technically a support system, it would create a new and significantly increased combat capability for advanced weapons systems, such as the F–14, which the Iranian Air Force has. The AWACS capability to greatly multiply the offensive power of these aircraft is likely to cause neighboring nations to seek new weapons in response.

Another factor which concerns me is that this proposal may undercut the credibility of your announced policy on arms sales, which included the pledge that we would not introduce into a region "newly developed, advanced weapons systems which would create a new or significantly higher combat capability."

There are other problems which I find troubling, including the fact that NATO does not yet possess the AWACS. Further, the sale to Iran would require substantial American technical support in Iran, where we already have a large number of American citizens, many of whom are involved in military programs.

All of these problems, coupled with the legislative schedule facing the Senate, point to the need to delay action on this matter. I hope, therefore, that you will request the Secretary of Defense to withdraw the notice of the proposed sale.

Respectfully,

ROBERT C. BYRD,
Majority Leader.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., April 9, 1981.

Hon. ALEXANDER M. HAIG, Jr.
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Welcome back from your trip to the Middle East, Madrid, and London. I hope you found your discussions most fruitful.

The purpose of this letter is to raise a number of concerns associated with the announcement that four AWACS will be sold to Saudi Arabia as part of an overall package which includes enhancement of the F–15's previously sold to that country and the proposed sale of KC–135 tankers. In raising these concerns, I want to assure you I have a particular appreciation for the legitimate security needs of a country of such critical importance to the United States as Saudi Arabia. However, I raised the same concerns when President Carter proposed the sale of seven AWACS to Iran in 1977, and I feel these are equally applicable in connection with the proposed sale to the Saudis.

As was brought out in the 1977 hearings, the Air Force maintains that "the E–3A is the most revolutionary development in airpower since the invention of radar." Four years later, AWACS remains a highly sophisticated technology which is critical to our own national defense. Since this would be the first potential delivery of AWACS to a non-NATO country, I am most concerned over potential security risks which could compromise a technology the Soviets are years away from perfecting.

In 1977, the Congress finally agreed to the sale of AWACS to Iran, only after a set of assurances were provided by the President. Because the first AWACS were not scheduled to be delivered to Iran until early 1981, the sale was cancelled after the Shah was deposed.

I would be most appreciative if you could provide answers to the following questions regarding the proposed sale to Saudi Arabia.

First, will the following equipment from U.S. AWACS be installed on the Saudi version: U.S. Government encipherment gear (such as the KG–40); joint tactical information and distribution system (JTIDS); expanded command, control and communications; signal intelligence (SIGINT); additional electronic counter-counter measures (ECCM); and secure mode of identification of friend and foe (IFF)?

It is my understanding that the absence of the above listed equipment in the Saudi AWACS would significantly minimize the risk of U.S. Air Force performance degradation that could result from any security compromise.

Second, has the U.S., in cooperation with Saudi Arabia, developed special security arrangements that insure adequate protection of the AWACS aircraft? In the case of Iran, the framework for all security measures—both special and normal—was the U.S.-Iranian Agreement of June 6, 1974, which provided for the safeguarding of classified information. In addition, it provided that stringent security precautions were to be observed by Iran with respect to classified information received from the United States. Such information was specifically defined in its broadest sense to encompass classified equipment transferred to Iran under the Foreign Military Sales program. The agreement provided for periodic visits by U.S. security experts to discuss procedures, equipment, and facilities for the protection of classified information, and to ensure that such information was receiving adequate protection.

Third, did the U.S. Government take into account the AWACS "multiplier effect" when approval was given to the enhancement of the F–15?

Fourth, will the training of Saudi crews for the AWACS take place entirely in the

United States? Will any U.S. citizens participate in routine operational missions of Saudi AWACS in Saudi Arabia? Will any U.S. personnel perform maintenance or training functions on board AWACS operational flights?

Fifth, what is Saudi Arabia's manpower capacity to absorb high technology systems without additional requirements for U.S. technicians? How many U.S. military and civilian personnel are now stationed in Saudi Arabia in connection with previous sales of U.S. military hardware to that country? How many additional U.S. military and civilian personnel will be required to be stationed in Saudi Arabia if this entire package (the AWACS, F-15 enhancement, and KC-135 tankers) is approved?

And finally, what impact would the sale of AWACS to Saudi Arabia have on the military stability in the region? In particular, as a potential adversary of Israel in another Middle East war, what capability would AWACS give Saudi, Syrian and possibly Jordanian air forces? Would this require significant purchases of counter-measures on the part of Israel to neutralize the potential offensive capability associated with AWACS?

These are the major concerns I have relative to the proposed sale of AWACS to Saudi Arabia. In light of the significant controversy surrounding the Carter Administration's original proposal for the sale of AWACS to Iran in 1977, the proposed sale of AWACS to Saudi Arabia is certain to spark even greater controversy in the Senate than in 1977.

In 1977, the Shah was agreeable to accepting important modifications in the AWACS and the other assurances the President gave the Congress. Would the Saudis be amenable to similar modifications and assurances? I am concerned that the intense public debate which will follow the formal submission of this package not be detrimental to our relations with Saudi Arabia. Therefore, I believe it is important that the concerns I have raised in this letter be addressed adequately prior to the formal submission of the arms package to the Congress.

Thank you very much for your prompt attention to this matter.

Sincerely,

ROBERT C. BYRD.

DEPARTMENT OF STATE,
Washington, D.C., April 16, 1981.

Hon. ROBERT C. BYRD,
U.S. Senate.

DEAR SENATOR BYRD: Thank you for your letter of April 9 to the Secretary regarding the proposed sale of enhancement items for Saudi Arabia's F-15 aircraft. Your letter raises several complex questions which we will need to consider very carefully. We hope to have a complete reply to your questions within a short time following our consultations in this Department and with the Department of Defense.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary for Congressional Relations.

JIMMY CARTER,
October 11, 1981.

To Senator ROBERT BYRD:

I have discussed with you the forthcoming decision by the United States Senate on sale of the AWACS planes to Saudi Arabia, and would like to give you my assessment of some of the factors involved. I also request that you share my views with other members of the Senate who may find them of interest.

Although many arguments can be put forward on both sides of a complicated matter like this Presidential proposal, there is no doubt that at this time it will be best for our nation to approve the sale.

Throughout my service as President I always found the Saudi Arabian leaders to be staunch friends of our country. They are strong and influential moderates in an area where moderation is vital in circumscribing fanaticism and violence. The rejection of the proposal at this advanced stage would likely damage this very important friendly relationship with us and would certainly strengthen the influence of others in the region who do not share our commitment to peace and stability. In many ways, this has become a litmus test of America's reliability.

It is true that the Saudis and other Arabs have not supported the Camp David peace process as much as we would have liked. It is unfortunate, but this undoubtedly will continue to be their position until there is some assurance that the Palestinian issue will be resolved. We can convince the Arab nations to join this peace effort by helping to carry out the promises which were made at Camp David by Israel and Egypt. In the meantime, a crucial question is whether the United States will be a reliable partner in facing threats during these uncertain and troubled times. The Senate vote this month will provide one vivid answer to this question.

The Saudis are not a warlike people, and greatly desire peace and stability. Also, the planes in question are primarily designed for defensive use. It is obvious that other radar sources in the area would be able to monitor airplane flights to and from Israel, and that the basing of the AWACS would not materially change this circumstance. Also, of course, the surveillance planes are already there, dispatched by me during the Iranian crisis to protect both Saudi Arabia and our own nation's interests. They have not endangered Israel or any other nation in the area.

As much as any thing else in my public life, I have worked for Israeli security and for peace in the Middle East, and these goals are still very important to me. I am convinced that the consummation of this sale will contribute to both of them. The beneficial influence of the moderate Arab nations is a valuable resource which we should nourish whenever it is practical to do so.

I do not know what private assurances have been exchanged between the leaders of our two countries. However, I am certain that these arrangements have been shared with the appropriate Congressional committees during recent hearings.

There are two related factors which should be considered, and they are quite significant. One is that the Senate resolution which has been introduced by Senator Nunn and others provides adequate protection of American interests during the coming years. The universal application of these prescribed restraints to all nations who might acquire the AWACS, including our NATO allies, should make them acceptable to the Saudis. Secondly, in the eyes of most nations a commitment by the President of the United States is considered to be a promise by our country.

A rejection of his commitment, rightly or wrongly, will be considered by our allies and potential adversaries as the breaking of a solemn agreement by the United States. From our own legal point of view this is not a persuasive argument, but if an issue such as this is in doubt, the benefit should certainly go to supporting the commitment of our President.

For the well being of our own country, for the continuing security of Israel, and for peace and stability in the Middle East and Persian Gulf area, I hope that you and other members of the Senate will give him this support.

Sincerely,

JIMMY CARTER.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SIMPSON). Under the previous order, the clerk will now report the pending business.

Mr. ROBERT C. BYRD. Mr. President, the majority leader is not on the floor. I hope Mr. PERCY or someone on the other side of the aisle will request a few additional minutes so that colleagues on both sides may comment if they wish.

Mr. PERCY. Yes, of course. Will the Senator yield for just a moment?

Mr. President, I ask unanimous consent for 15 additional minutes so that Senators may be able to reply to the distinguished minority leader's comments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, I shall yield directly to the assistant minority leader.

I know how hard the distinguished minority leader has labored on this particular issue. The number of people, the authorities he has talked to, are impressive. He never takes an issue of this kind, involving the prestige of the United States, lightly.

His speech will be studied by every single Senator. This Senator intends to examine it very, very carefully indeed.

However, I find myself diametrically opposed on this particular issue for a variety of reasons. I have partly enunciated my views during the debate within the Foreign Relations Committee, and I will refrain from making detailed comments at this time, preferring to wait for the AWACS debate so that we can proceed with the foreign assistance bill, which is the pending business on the floor.

However, I do wish to again express my deep affection and very high regard for the minority leader. I can appreciate the difficulty he had in making this decision. He has always tried to stand by his President, be he Republican or Democrat. His decision was made in accordance with his conscience, and that is the highest duty and calling of any U.S. Senator.

I fully respect that, even though we are very much on opposite sides on this issue. We shall do battle down the road.

The honorable Senator from West Virginia has expressed his concerns about the security of the equipment. I believe his fears have been addressed. After extensive consultations between the executive and legislative branches and between our Government and the Government of Saudi Arabia, comprehensive and far-reaching measures have been developed which will protect the security of the U.S. supplied equipment and technology including; U.S. security teams will monitor security procedures on a regular basis; only United States and Saudi personnel will operate and maintain this equipment; special security facilities will be constructed and special identification and control procedures will be established; and a complete security plan will be developed jointly and submitted for U.S. approval 1 year before the first Saudi AWACS is delivered.

While many would have preferred retained U.S. ownership of the aircraft or joint control, these options were neither feasible nor necessary. The measures taken by the administration are fully sufficient to reduce the possibility of a technological compromise to a minimum.

Moreover, in 1975 when Air Force officials first discussed the AWACS with Congress, AWACS were a significant advance in the state of technology. These aircraft will not be delivered to Saudi Arabia until 1985 and American control will be insured until the mid-1990's. By that time, significant advances in technology are probable and the AWACS are unlikely to be as sensitive as they were in 1975 or even as they are today.

Two years ago, in the wake of the Shah of Iran's fall, the Mecca incident and riots in the oil-rich eastern province, concerns were voiced about the stability of the ruling family in Saudi Arabia. It is now evident that the Saudi Government has weathered the shocks of the past 2 years and learned some important lessons. The studied understanding of the overwhelming majority of professional observers of the Middle East who have spent any time in Saudi Arabia is that the Saudi regime at present and in the foreseeable future is stable; opposition groups are small and have little support; and the current regime, while not representative, is responsive to the needs of the population at large.

I find myself most directly in disagreement with the minority leader on the question of the impact of the rejection of the sale on the pursuit of peace in the Middle East. I agree that the foremost concern of the United States is to pursue a policy which promotes peace between the Arabs and Israelis, but disapproval of the sale will make the pursuit of peace much more difficult.

In 1978, if Congress had opposed the sale of F-5's to Egypt, few believe now that Camp David could have occurred without the reassurance of American support that Egypt received as a result of our willingness to make this sale. A defeat would have destroyed U.S. credibility as an unbiased participant in the Camp David process.

The Camp David process has failed to achieve greater success because other Arabs refused to join the process. Their refusal was based primarily on the view the United States would not play the role of impartial broker and, as a consequence, future negotiations would not result in a fair settlement. A failure to approve the arms sale to Saudi Arabia will confirm the perception in many Arab minds that the United States cannot have a balanced Middle East policy. As a consequence, few if any Arabs, will risk supporting U.S. efforts to achieve peace in the Middle East.

Moreover, while emphasizing the importance of achieving peace in the Middle East we cannot deny the necessity to protect the oil flow from a variety of threats. If recent raids on Kuwaiti oil facilities by Iranian aircraft had been directed at a key Saudi facility instead. the consequences for the Western World would have been grave. We must take every step necessary to insure that this does not occur. Our ability to fashion with the moderate Arab States a concerted response to existing and future threats to these vital oil supplies also would be impaired by a disapproval of the sale.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for his comments.

Mr. CRANSTON. Mr. President, I congratulate the Senator from West Virginia for what I deem to be a very, very wise decision and a very sound one. I know that it is buttressed by a very patient, painstaking effort to consider all of the facts, all of the factors, all of the views that have been brought to bear and that play a part in this very, very important issue.

I know the Senator has reached out to many people seeking their advice, and I know he has patiently submitted himself to the advice of those who have come to him unsolicited because of the very important part that he plays in the Senate and is playing now in the decision that we will make in this body next week.

The minority leader's strong stand against the sale of AWACS to the Saudi Arabians greatly increases the prospect that the transaction will be blocked by the U.S. Senate. I believe this is a crucial turning point in the debate. I expect other Senators thus far uncommitted to make it known soon that they share the view of the Senator from West Virginia. I now count on Senator BYRD to assume the leadership of the forces opposed to the sale and we could not have a more skilled, effective and knowledgeable leader.

I agree with the statement of the Senator from West Virginia that this is not a partisan issue, despite the efforts of the President of the United States to make it so behind closed doors in the White House in meetings with the Republicans. It is an international issue, in part relating to foreign policy and to national security and to peace.

It is also, as the minority leader made plain, an institutional issue involving the constitutional role of the Congress in sharing in decisionmaking in foreign policy and in defense matters.

The proposed sale, as the Senator stated, indeed places the national security interests of the United States in jeopardy.

I was particularly impressed by the thoughtful and indeed courageous analysis by the Senator from West Virginia of the Soviet role in the Middle East. And I agree with the analysis, so carefully made, that the Arab-Israeli conflict is very plainly the principal factor threatening peace and stability in the Middle East, not the role of the Soviet Union.

I agree with him that the matter of the security of Israel, our only certain friend and ally in the Middle East, remains a No. 1 factor and must remain that in our decisionmaking in regard to that part of the world; that the security of oil supplies is another factor that we must consider with the utmost care; and I agree with his analysis that oil supply faces primarily an internal, not an external, threat.

The need that he stressed to refocus on the Arab-Israeli peace process, and all the intricate web of factors involved in that, were very carefully analyzed by the Senator, and that is a very important aspect of the matter that is now before us.

The issue of the compromise of secret technology introduced under the proposed sale into a volatile part of the world, without adequate American control, is plainly a major factor that we must consider. And, as the Senator stressed, the whole issue of introducing such sophisticated weapons in ever greater amounts to "both sides" in the conflict in the Middle East does not serve the purpose of stability and plainly does not serve our national interests. All it does is escalate arms throughout that region, as they are escalating in dimensions throughout the world in ways that threaten the security of our country and the future of the entire human race.

The Senator has thought out with the utmost care a profoundly significant issue and I am delighted that he is our leader.

Thank you.

Mr. ROBERT C. BYRD. Mr. President, I thank my distinguished friend and colleague, Mr. CRANSTON.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I would like to join in a very few short remarks complimenting the leader, not necessarily on his decision, even though it happens to come down on the side that I am on, but on the thoroughness in which he has gone into this. I hope that every Senator and every staff member involved in this decision will read and reread his remarks, because I think they put in one document all aspects of this issue better than anything I have seen or heard.

I would go further. The President left within the last couple of hours to go to Cancun for the summit. The reports are that he will meet there with Crown Prince Fahd. I would hope, even at this late date, the President would see fit to bring this up to Crown Prince Fahd and talk about joint crewing, the importance to the area, the importance to us, and the importance to our being able to back up Saudi Arabia in that area.

I am sure the leader takes no joy in making the decision he made today. I have taken no joy in taking the stand I have taken for lo these many months since last spring on this particular issue. It is fraught with such momentous consequences that none of us likes the things we are doing on some of this. Even the proponents of this do not like what they are doing.

So I would hope that even at this late date that we could have some hope raised at Cancun that this area will be discussed again, that the importance of it can be brought up with Crown Prince Fahd, and that all the reasons which the leader has enunciated here today, as well as others, could be brought to bear to try, even at this 11:30 hour in this debate before our vote next week, that we could have perhaps some agreement and work our way out of this.

If there could be some joint manning arrangement, I think that would take

care of 90 percent of the difficulty. I think it would pass on the Senate floor overwhelmingly. It would not be a close vote. It would show our desire to maintain a posture in the Mideast in support of Saudi Arabia and recognizing the importance of that Persian Gulf area.

Let me say that this body passed 88 to 0 before the Ottawa summit a request that the matters of nuclear nonproliferation be made a matter of discussion before the five nations that were nuclear suppliers at Ottawa. Our desires in this were not realized. The President made no issue of this. I think in their final communique there was a small partial sentence mentioned of nuclear nonproliferation. I think it was the 32d or 34th of the items listed in that communique.

So the wishes of the Senate were ignored largely, even though there was an 88 to 0 vote, a unanimous vote of the Senate of the United States.

And even though we have had no vote on Cancun and what the President should do there, I would hope, with all the importance the administration has attached to this and which the Senate attached, that the President could be persuaded to bring this up and talk about it and, hopefully, still work our way out of this. Because, as I say, none of us takes any pleasure in the stance that we are having to take on this particular issue.

I compliment the leader again on his thoroughness and I commend a reading and a rereading of his statement for all who are concerned with this.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Ohio (Mr. GLENN) for his kind comments.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I should like to add a brief comment, too, if I may. I wish to commend the minority leader for a true act of leadership on this difficult and profound issue. I wish to thank him for that leadership.

I think we have heard this morning a brilliant analysis of this issue, an analysis of this issue, an analysis that has been painstakingly deliberate, balanced, and sound. He has addressed every essential element of this proposal. I wish to associate myself with his remarks and with his judgment on this issue.

Mr. ROBERT C. BYRD. Mr. President. I thank the distinguished Senator from Michigan for his very charitable and gracious remarks.

INTERNATIONAL SECURITY AND DEVELOPMENT ACT OF 1981

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1196) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 560

(Purpose: To require a prohibition on furnishing assistance to India or Pakistan if such country detonates a nuclear device)

The PRESIDING OFFICER. The pending business is the amendment numbered 560 offered by the Senator from Ohio.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will have remarks to make. I understand the Senator from Missouri (Mr. DANFORTH) wishes to make comments on this. He has another time commitment. I am glad to yield to him for whatever time he needs.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I thank the Senator from Ohio for yielding to me.

Mr. President, I support the amendment offered by the Senator from Ohio. The amendment is an eminently reasonable approach to the problems of deterring further Soviet aggression in Asia, while at the same time adhering to our policy of stopping the spread of nuclear weapons into unstable regions of the world.

My predecessor in the Senate, Stuart Symington, recognized, as I do, the terrible dangers posed by the proliferation of nuclear weapons. Every time another nation adds such awesome machines of devastation to its arsenal, the chances of nuclear war increase. The dangers are particularly acute where nations in conflict-ridden parts of the world seek to inject the nuclear element. As we saw in the recent case of the destruction of the Iraqi nuclear power facility, even the possibility that a nation is attempting to obtain a nuclear warfare capability is enough to heighten tensions and encourage a violent response.

Since the first days of the nuclear era, the need to prevent the spread of nuclear weapons has been evident. I need not repeat the history of the nuclear nonproliferation effort because the Senator from Ohio very ably set out the milestones in his statement to this body on July 9, 1981. Suffice it to say that our attempts to shorten the list of nations who are moving toward the development of a nuclear capability have not been altogether successful. Today, a host of nations—in the Middle East, the Far East, South Asia, Africa, and even in South America—are rapidly preparing to join the nuclear club.

If nuclear weapons are introduced into the most volatile trouble spots of the world, the dangers of nuclear war will increase exponentially. We are talking not only about the possibility of unthinkable devastation and suffering in one region, but also, because of the distinct possibility of superpower involvement in any nuclear exchange, we are talking about the potential destruction of human civilization.

The problem is particularly acute in South Asia, where two old adversaries, India and Pakistan, face threats not only from each other but also from the Soviet Union. In meeting the problem, we must take particular care not to lose sight of the goal of dissuading countries from their nuclear ambitions. The President recognized the fundamental nature of this goal when, last July 16, he announced his administration's nonproliferation policy framework. The pillars of American policy were said to include the following:

To "seek to prevent the spread of nuclear explosives to additional countries as a fundamental national security and foreign policy objective;"

To "continue to support adherence to the Treaty on the Non-Proliferation of Nuclear Weapons by countries that have not accepted" it; and

To view any violation of international nonproliferation agreements "as having profound consequences for international order and U.S. bilateral relations and also view any nuclear explosion by a non-nuclear state with grave concern."

There is no doubt that the Government of Pakistan is actively seeking to acquire nuclear weapons. It has refused to sign the Treaty on the Non-Proliferation of Nuclear Weapons. Because of its nuclear efforts, the United States, pursuant to the Symington amendment, cut off aid to the Pakistani Government in 1979.

The Reagan administration now submits that, due to the Soviet invasion of Afghanistan and the continued buildup of Soviet military strength, it is essential that the U.S. resume arms shipments to Pakistan. The administration proposes a 6 year, $3.2 billion economic and military assistance program for Pakistan. The President asks Congress to waive the Symington amendment so that U.S. weaponry can flow into Pakistan again, regardless of Pakistan's nuclear advances. Yet, for the security of Pakistan and the rest of the world, we must draw some lines which cannot be crossed by a nation receiving aid from the United States. The amendment being offered by my colleague from Ohio draws the appropriate lines.

If Pakistan were to explode a nuclear device, the United States would have to discontinue arms shipments immediately or renege on its nonproliferation policy. I will therefore support the amendment which would mandate, rather than merely permit, a cut-off of assistance in such an event.

I applaud my colleague, the Senator from Ohio, and I will vote in favor of his proposed amendment to S. 1196.

Mr. President, I thank the Senator from Ohio for yielding to me.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Missouri very much for his support and for his remarks. They were right to the point.

Mr. President, this amendment is very simple. It changes the word "should" in one subsection of the foreign assistance bill to the word "shall."

But in that simple change there is a mountain of difference.

In 1976 Congress adopted an amendment that I had introduced to the Foreign Assistance Act providing for a cut-off of economic and military assistance to any country that imports or exports reprocessing equipment, materials, or

technology, or in the case of a nonweapon state, detonates a nuclear device.

It does not say "weapons." It says a nuclear device, because there is no line between a nuclear explosion, whether it is applied for peaceful purposes or for weapons purposes. A nation would have either option available.

My 1976 amendment to the Foreign Assistant Act also allows for Presidential waiver of the cutoff provisions if our nonproliferation objectives, or the common defense and security would be best served by continuing assistance.

The present version of the foreign assistance bill says that the President "should not" use the waiver provided in the 1976 Glenn amendment if either Pakistan or India detonates a nuclear device.

Mr. President, I submit that the nuclear records of both Pakistan and India are so replete with a disregard for the strengthening of international nonproliferation efforts that even to contemplate the possibility of a Presidential waiver to allow continued economic aid and military assistance to those countries after they detonate a nuclear device is to do grave damage to our public commitment to the longstanding goal of nonproliferation, a commitment to which we have rededicated ourselves time and time again.

Let me go back just a little bit and review the approach that we have taken.

We all, perhaps, wish we could go back to the days of Lilienthal and Baruch when there were proposals made on the international scene to put things nuclear, explosives as well as peaceful uses, under an international control.

That was debated long and hard in this country at that time, and finally proposals were made to the Soviet Union, which were declined at that time. Now we have gone our way and every nation in the world has taken its own stance with regard to matters nuclear. So we cannot, in effect, unring that bell, the signal that went out at that time that each nation was on its own. In other words, we must play with the hand we are dealt in our time, in 1980 or 1981. It is not a particularly good hand, I might add.

In 1978, we passed the Nuclear Nonproliferation Act. What was that all about? Well, it said basically that while we are trying to get nuclear weapons stockpiles of the world's major powers under control, while we have SALT I, while we are working on SALT II. We hoped those efforts would involve the major weapons nations in discussions which could lead to control of weapons and could eventually reduce existing nuclear weapons stockpiles. At an appropriate point we hoped to bring in other weapons states into the SALT process.

I brought this up in China in discussions with Vice Premier Teng Hsiao-ping 2 years ago. I asked if, at an appropriate time they would be willing to put their nuclear stockpiles under some sort of international control or if they would be willing to diminish them if we could get agreement with the Soviets. His reply was typical: "When you get agreement with the Soviets, come back and I will not rule it out."

That is an understandable attitude on his part.

The point is we tried to get the major nuclear weapons stockpile nations involved in a series of talks that would, somehow, let us eventually have a hope of reducing these weapons stockpiles.

Now, where does NNPA fit into this? We have said to the non-nuclear-weapons states that if they will agree to sign the Nonproliferation Treaty (which, in effect, says they will forgo the weapons option in return for our cooperation in the peaceful uses of nuclear energy), then we shall cooperate with them fully in the area of peaceful uses of nuclear energy.

So we are on a dual track, Mr. President. We are saying on the one hand that we are trying to get control of nuclear weapon stockpiles, that are enormous, and at the same time, we are saying, "Look, other nations of the world, if you will cooperate with us, we will, indeed, cooperate with you."

It has not been ineffective, I would say. One hundred and twelve nonweapons states have signed up to do exactly that. One hundred and twelve nonweapons states have said they will not develop nuclear weapons and that they will work with us in the peaceful uses of nuclear energy. So we have 112 nations that have expressed their confidence in us.

But we have had some nations that have not gone along. India has not gone along. Pakistan has not gone along. They have gone along their individual paths of the development of nuclear weapons—nuclear explosions by any other name.

So, Mr. President, what are we to say now? Last year, we sent the shipment of fuel to India, even though it had violated what was our understanding over materials we had sold her, a matter that was brought out in declassified memos during that debate. They had violated and used some of the material that we had sent for producing at least part of the material necessary for their nuclear explosion. Now we find Pakistan has been embarked on a very long process for development of a nuclear explosive capability.

They have virtually no real nuclear energy needs in the country—a 137-megawatt powerplant, which is fairly small by most standards, and a 5-megawatt research reactor. Yet they have embarked all over the world on a program of buying equipment for reprocessing and buying equipment for uranium enrichment. That can only mean that they are carrying out what they said clear back even before the Indian explosion of 1974, when one of the Pakistani leaders of that time—Prime Minister Bhutto—said that if India exploded a nuclear weapon, Pakistan would set out on a course to get the same capability if they had to "eat grass" to do it.

I yield the floor to the Senator from California for a comment.

Mr. CRANSTON. Mr. President, I thank the Senator very much for yielding. I congratulate him for his steadfast efforts in regard to one of the most serious problems confronting our Nation and, indeed, the human race, the matter of nuclear proliferation.

Mr. President, I had seriously considered calling up an amendment to this bill which would have conditioned any aid to Pakistan upon Presidential certification that International Atomic Energy Agency safeguards are adequate to detect any diversion of spent fuel to the Fakistanis' clandestine nuclear bomb development program. I am somewhat encouraged by the action the Senate has taken on the first two Glenn amendments, so I shall not offer my amendment at this time.

I do want to express again my very deep concern that we are preparing to loosen nonproliferation restrictions on aid if the administration has its way, without giving adequate attention to two new facts. First, it is apparent that IAEA safeguards, by the admission of the Agency's own Director General, are insufficient to detect diversion of spent fuel in Pakistan. Second, it is clear that Pakistan's relentless efforts toward attainment of nuclear weapons capability are continuing. I should like to address a couple of questions on these facts to the committee chairman (Mr. PERCY).

I do not believe it is wise for the Senate to vote first on lifting conditions for this $3.2 billion aid program and get the facts some other time, later on. I am concerned that we have had no hearings on the Pakistani aid proposal and that the full committee membership has not been briefed on the new developments in Pakistan and the IAEA before we shall have to vote on this issue in the Senate.

So, Mr. President, I should like to ask the distinguished chairman if it is his intention to receive such a briefing or to arrange one for the full committee at the earliest possible moment, and if it is also his intention to proceed at the earliest possible date to launch a committee inquiry, including hearings, into the weaknesses of the IAEA safeguard system.

Mr. PERCY. Mr. President, with the concurrence of the ranking minority member, the chairman sees no reason why we should not proceed to accomplish that.

Mr. CRANSTON. I thank the Senator very much. I think it would be very helpful.

Mr. President, I thank the Senator from Ohio again for his vitally important leadership on this vitally important matter, and I thank him again for yielding to me.

Mr. GLENN. I thank the Senator from California for his remarks and for his longstanding support and his initiatives in this area.

Mr. President, when our efforts to control the spread of nuclear weapons to more and more nations came under its first test—that was the fuel shipment to India last year—the Senate voted on a very close vote to let that fuel shipment go. That was followed by India's statement, in turn, that they would do what they saw fit to do. That was not the general tenor of the debate on the floor at that time. It was that we somehow had to influence the Indians to pursue more peaceful paths, and that if we just went along with this sale, that

would be the case. But we lost that vote here, on the Senate floor, after probably the hardest lobbying by the Carter administration on any matter, by a vote of 48 to 46, as many Senators will remember. Now we face the second test, it seems to me, on NNPA and whether we mean what we say.

We have had Pakistan give us no assurances that they will not build nuclear explosives. They say they are going ahead. They make no bones about it. To their credit, they have not beaten around the bush on this. They say they will go ahead with a nuclear explosion if they see it is in their best interest.

This poses a difficult problem for us, because we want relations with them, we want to help them with other arms. But at the same time, are we to see our nuclear nonproliferation efforts basically go for naught?

Another disturbing element, Mr. President, is that there are apparently changes in the wind that the administration may propose with regard to our nuclear nonproliferation policy. This is a policy we have been working under through the Nuclear Nonproliferation Act legislation that the distinguished chairman of the Committee on Foreign Relations (Mr. PERCY) introduced, and on which we both worked so hard and so long. This is being called into question by the new administration, according to an article in the Washington Post of just a few days ago. The Post characterized the proposals under discussion as follows:

> Together with other announced or impending decisions in the nuclear field, acceptance of such proposals would represent a full-scale turnabout in governmental policy. The increased strictness with U.S. nuclear exports that followed the global shock waves of India's 1974 atomic test would give way to a much greater official permissiveness . . . [with reliance instead on American standing as a "reliable supplier" for leverage to discourage the spread of atomic weapons.]

I agree with the Post's characterizations of these proposals. The administration says it is premature to assume that these proposals—the proposals for proliferation, in my view—will end up as the official administration position. But I must say that the transition team report made many of these same proposals, about which there were bitter complaints in Congress, including my own. They were not put into effect immediately, but now we see basically the same set of principles surfacing again, some 6 or 7 months later, under a new guise.

I hope that today we can send another message to the administration, that if these proposals do end up as official administration positions, the administration had better be prepared to do as much lobbying as they have done on AWACS if they want to get them through the Senate committees with jurisdiction and through the Senate as a whole.

In mentioning the distinguished chairman of the Foreign Relations Committee, and I believe he agrees with me on this.

No. 1, the administration would eliminate application of the full-scope safeguards criterion for our existing agreements with nonweapon states, including India, South Africa, and Brazil. I find that unacceptable. I imagine that the distinguished chairman of the Foreign Relations Committee would also say that to eliminate these full-scope safeguards criterion would basically alter the whole relationship we tried to establish in the Nuclear Nonproliferation Act.

Another proposal that is being bandied about, apparently, is that we eliminate all these sanction provisions of NNPA. In other words, we would wind up pretty much with a law that is a toothless tiger, to say the least.

This proposal would eliminate the sanction provisions of the NNPA. The administration is also apparently thinking about eliminating the Symington amendment and the Glenn amendment, sections 669 and 670 of the Foreign Assistance Act.

I believe that those eliminations would pretty much gut that law and I find that unacceptable, also.

Another potential change some in the administration seem to be recommending and that I disagree with is elimination of the truly independent review of executive branch decisions on nuclear exports.

Those are several of the proposals that are being bandied about, and I hope we can send an agreed upon message to the administration that we do not agree with these.

I find it inconceivable—to me, at least—that the chairman of our committee would agree that those are in the best interests of the United States.

I do not know whether the chairman wishes to make any comment in this regard, but I would welcome any comment he might wish to make, because, as I see it, we are at a crucial stage. We sent the fuel to India. We are about to make a big decision on aid to Pakistan, despite the nonproliferation restrictions protections we put into existing law, and at the same time we find the administration—at least in a position paper that is apparently in the last draft—proposing to eliminate application of the full-scope safeguards export criterion, in crucial cases, to eliminate sanction provisions in the Symington amendment and the Glenn amendment, and to eliminate independent review of executive branch nuclear export decisions.

Mr. PERCY. I will be happy to comment to my distinguished colleague—not in any partisan sense, because we never have dealt with this in a partisan way.

Mr. GLENN. To the credit of both of us.

Mr. PERCY. This does happen to be a Republican administration now, and we have worked side-by-side with Democratic administrations in testing this legislation and exercising our oversight authority over this act, and insuring that responsible officials in the State Department, such as Ambassador Pickering, did everything conceivable to implement this legislation.

In connection with the Nuclear Nonproliferation Act—which was coauthored by the distinguished Senator from Ohio and me—we realized at the time that it was a new experiment to see whether or not we could use—as Mayor Daley of Chicago would call it—"our clout" with countries to stop the proliferation of nuclear weapons around the world.

We did have considerable clout. We are major suppliers of enriched uranium. Countries do depend upon us. We want to be a reliable supplier, and we want them to depend upon us; but they should depend upon us based upon a certain set of guidelines and rules which are not just U.S. rules but rules adopted by international bodies to safeguard mankind.

So we are now in the process of having a new administration take a look at this whole matter.

The Foreign Relations Committee questioned strenuously the nominees who assumed responsibility in this area. They were probably as long and exhaustive hearings as we have held, to be certain that we did not have people prejudiced against this philosophy, to be certain we did not allow our desire to be a supplier to get ahead of reason. Economics cannot be the overriding consideration when it comes to whether or not the world is going to be safe and whether we can live in sanity and not have a nuclear holocaust.

Just this weekend, I was at California Institute of Technology, dealing there with scientists who have spent a great part of their lives developing some of this capability and who are now trying to do everything they can to see that we prevent its misuse. They are supportive of the peaceful nuclear usages, but they abhor any possibility that this could be used and released against mankind. We know that we have such force that it could obliterate humanity.

As I said in my speech at Cal Tech this Sunday night, the potential and capability are almost unthinkable; but we must think through this kind of problem. Certainly, the Senator from Ohio has been one of the leaders in this field.

The Senator from Illinois attended the Pugwash Conference at Calgary during the recess. That was the first time since it was started in Pugwash, Canada, 31 years ago, that it was held again in Canada; 800 scientists from 80 countries came together to see what could be done about this particular problem.

The concept that created such a dialog was inspired by Albert Einstein and by Bertrand Russell, both of whom I quoted at that time.

So the administration has to recognize that with respect to its proposals—which Senators read about in the newspaper as making profound changes in law—the case will have to be presented to us in overwhelming terms that the law is not working.

When I have had a role in authoring a piece of legislation, I always try to lean over backward and say, "Look, we did the best we could at the time; but now, in the light of circumstances, what have we learned? How can we improve it, modify it, and change it to strengthen it?"

None of us is going to stand here and change our goal or abandon it. Mankind cannot simply afford giving up in this area. No one is proposing that.

And no one wants to take the teeth out of something until we are absolutely

sure we can replace them with something stronger, or to make it weaker, because it is not working quite as well as we would want.

We have not had hearings on this. We have not had detailed proposals made to us. I do not accept something that I read in the newspaper as official doctrine. I anticipate they probably want to float it and get ideas, and if they have not understood yet that we feel strongly about this issue and mankind feels strongly about this issue, they are mistaken.

The distinguished president of the California Institute of Technology indicated that a group of, I think, a dozen universities, started out to talk among the faculties and students about this future, and there are now 110 universities banded together who are devoting a considerable amount of their time thinking through the very problems that we have been entrusted with the responsibility of executing in legislation and seeing that that legislation is implemented for a nonproliferation policy which will safeguard mankind.

I stand firmly with the distinguished Senator from Ohio in preserving and protecting what we have done, but at the same time recognizing that if some aspect of it is not working, or is working contrary to the intention, we want the facts demonstrated to us. We are going to be pretty hard headed about changing something unless we see the need for that change.

Mr. GLENN. Mr. President, I appreciate the Senator's remarks.

I presume from what he says that we can count on the chairman's support in opposing amendments that will weaken the NNPA.

Is that a fair statement?

Mr. PERCY. It all depends on how we define weakening and strengthening.

The Senator talks about weakening to make it less effective, to make it less a force for impeding proliferation of nuclear weaponry, that is right. We are not going to take any teeth out of it. We are not going to weaken it. I wish to strengthen it if possible in every way because we are not making the kind of progress as we know we envisioned.

Mr. GLENN. Mr. President, I join with our distinguished chairman in wanting to strengthen it.

Will the chairman not agree that eliminating full scope safeguards, eliminating sanctions, and eliminating independent review would that not weaken the NNPA?

Mr. PERCY. Without prejudicing the administration's right to present arguments and facts which no Senator may have available to him, I would not want to definitively answer exactly what I will do at that particular time. But as I hear that language it appears without other evidence to the contrary that it would weaken the position.

Mr. GLENN. I thank the distinguished Senator very much for his comments on that because I know he shares my concerns in this.

We have worked together so long and so hard on these matters, and I appreciate his remarks.

I also wish to state my hopes that if there could be strengthening amendments we can make this act work better than it has in the past. We passed this Nuclear Nonproliferation Act knowing it was an experiment, as the chairman rightly says, and hoping other nations would follow our lead.

We have had some success, perhaps less than we had hoped; maybe we did better in some areas than we hoped at that time.

But as to the administration's consideration to eliminate the full scope safeguards criterion for existing agreements to eliminate sanctions, and to eliminate independent review, I hope that they will have second thoughts about this, even though, as I understand it, those proposals are in final draft form awaiting consideration. I think those would be serious weakening actions to the NNPA and there would have to be overwhelmingly good reasons for making those changes.

Let me remark also on the chairman's comments regarding the nonpartisan nature of our considerations on this. That is absolutely correct.

As many will recall last year, I led the fight against the fuels sale to India. The chairman was on the other side for other reasons. So we wound up with a reversal of roles as far as parties are concerned. This has been an absolute nonpartisan issue as far as we are concerned and all we are trying to do is prevent the spread of nuclear weaponry around the world that may result in a holocaust like nothing ever seen in history. This is basically what we are trying to prevent with the NNPA and what I am trying to prevent with protection for those provisions of NNPA.

Let me get back to the issue at hand here today.

The administration claims that President Zia and Prime Minister Gandhi should be "under no illusion" as to what the response of the United States would be in the event of detonation of a nuclear device. If the Senate will forgive me, I have heard that line before.

The Indians were supposed to be under no illusion that the United States would seriously enforce the full-scope safeguards criterion in determining whether to ship fuel to Tarapur. Well, the last administration, the Carter administration, when the crunch came, decided to overturn the Nuclear Regulatory Commission's decision to not send the fuel, and we had a royal battle here in the Chamber which I unfortunately lost 48 to 46.

Now the Reagan administration, according to the Washington Post, as we have just gone through, is considering the possibility of cutting back the full-scope safeguards criterion in the Nuclear Nonproliferation Act so that we can send fuel, not only to India, but I would add such nuclear materials as they see fit to South Africa, Brazil, Argentina, and perhaps other nations without requiring full-scope safeguards.

We did not come here today to argue that particular case or those other cases. We will do that when the appropriate time comes.

We are not talking about nuclear export criteria today. Specifically, we are talking about nuclear explosions, not just shipment of materials, but nuclear explosions and the possibility thereof and what we will do.

We are talking about whether the United States is prepared to give the impression that we would still provide economic and military assistance to nonweapon states that mount nuclear explosions.

The administration is worried about President Zia's sensitivity on this issue.

I am concerned about sensitivities also. I am concerned about the sensitivities of potential millions of people whose lives will be threatened by the spread of nuclear weapons if we do not persist in our efforts to bring this under control.

I say that our time is short. Time is limited because we see this nuclear technology spreading to more and more nations. We see the flow of reprocessing technology, the flow of enrichment equipment, the flow of yellow cake, the flow of uranium enriched to weapons grade material—all of these flowing to smaller and smaller nations.

The potential for the use of these weapons in border disputes—disputes that we would not even consider important but those nations consider vital—is with us more every day.

A Newsweek article a short time ago listed the potential nuclear weapons states 10 years hence, and it included some additional 8 or 10 nations joining the nuclear weapons club over the next 10 years.

So time is running out on us.

We do not have some of the options available to us we wish we had.

So I am concerned not just about President Zia's sensitivities on this and whether he will get his nose out of joint, but I am also concerned about whether we are going to do our level best to prevent the spread of nuclear weapons to more and more nations. At the same time, I would add we must try to get SALT going again, to get the big weapons stockpiles also under control.

To restate what I said yesterday afternoon in debate here in the Chamber, if we look at the alinement of Pakistan's military forces, they are still overwhelmingly alined along the Indian border, not along the Afghanistan border. There is some movement over the past year or so to the Afghan border but it is fairly small, mainly just around one particular path.

The administration does not want any conditions attached to this economic and military aid package. It wants any restrictions to be implicit in nature rather than explicit. I understand that. But we have a lot of countries whose sensitivities we must also consider, including the 112 nonweapon states that signed the Nonproliferation Treaty. Neither Pakistan nor India has signed the NPT. One hundred and twelve other nations did and said they would renounce nuclear weapons.

Are we going to say to those 112 nations that the United States of America can contemplate the possibility of send-

ing economic and military assistance to Pakistan and India after they have actually exploded a nuclear device, while we still ask these 112 nations to hold off now and forswear nuclear arms? How can we urge this and at the same time we give the ultimate in cooperation to those who violate the spirit and intent of our nonproliferation legislation?

If we can contemplate that, Mr. President, then we might just as well put our nuclear bombs up for sale and say we are going to be the reliable supplier of nuclear weapons. We might as well say that we are going to be a reliable supplier of not only equipment, yellow cake and enriched uranium, but that we will bypass the intermediate steps and be a reliable supplier of nuclear weapons so that any country that wants them does not have to make their own and go through the intermediate steps.

So the issue cannot be drawn in more fundamental terms, it seems to me. If we, Mr. President, are incapable of drawing the line at the detonation of a nuclear device, which is all this amendment proposes—it says the cutoff would occur only after a nuclear explosion, and it does not even mention the fact that they are building an enriching and a reprocessing capacity—then we are incapable of ever drawing the line anywhere, I would submit.

So I urge the Senate to support this amendment, which will simply put the President in the position of having to carry out what the administration has implied would be carried out if the Pakistanis or the Indians detonated a nuclear device.

They have said serious consequences would follow such an act. Well, I, too, want there to be serious consequences if nuclear explosions are set off.

The international nonproliferation regime is best served in this case by an explicit statement by the U.S. Congress rather than by some implicit understandings that may or may not be waived, based upon the past performance of this Government.

Mr. President, there are many people who believe we could have influenced the Indian decision to explode a device in 1974 had we been more forceful in spelling out to the Indians what sanctions would follow a decision to misuse nuclear materials for explosive purposes.

We told them in a secret aide-memoire in 1970 that using our nuclear materials for explosions would be a violation of the terms of our agreement for the sale to the Indians of heavy water for their cirrus reactor. It made this point in no uncertain terms. But after the Indians violated our understanding of that agreement we did nothing, we did absolutely nothing. And last year we approved the sale of additional nuclear fuel for the Indian Tarapur reactor even though they did not satisfy the terms of the NNPA.

So with that history and with the history of the debate over Tarapur last year we are now asked to approve a proposal for economic and military assistance to Pakistan without once again making it crystal clear in advance what our attitude would be if they exploded a nuclear device. Such an act would violate American law—not that our law is binding on Pakistan as such, but certainly the law can be binding on whether we continue our cooperation.

Similarly, we are asked to continue economic assistance to India without making it crystal clear what our attitude would be if they exploded another nuclear device in the future.

Let me comment on that briefly in passing here because I think there was some misunderstanding in some offices from phone calls we have received. Under my amendment, assistance would only be cut off to the country that was the violator. The cutoff would be of assistance to India if it was a violator, and to Pakistan if it was a violator, that is, if it tested a nuclear device. Apparently some have interpreted my amendment as providing that if India tested a device there would be a cutoff to Pakistan. That interpretation is not correct. Only the country that was the offender would be cut off without possibility of any Presidential waiver.

Three months ago, Mr. President, on July 18, 1981, the Senate of the United States agreed to a resolution of mine by a vote of 88 to nothing calling on the President to initiate discussions with nuclear suppliers and recipients alike with a view toward reaching an international agreement to institute, among other things, a system of predetermined sanctions for safeguards violations.

We have seen no action, we have had no response, from the administration in that regard.

The resolution was agreed to by the Senate 88 to 0—unanimously. Are we now, just 3 months later, to take the position that we are unwilling or unable to say whether Pakistan or India should have their assistance halted if they exploded a nuclear device? Are we going to leave the impression, as we did in 1974, after the Indian explosion that we will not necessarily take any action if a country violates a clear understanding and goes ahead with exploding a nuclear device?

Every signal we get suggests that if Pakistan goes ahead with its nuclear weapons development program, we may see a nuclear arms race develop in South Asia. The disputes, the wars, the difficulties between India and Pakistan are well known, and a vote in favor of this amendment is a vote to try to stop a South Asian arms race from developing, an arms race that will reduce and not enhance U.S. national security in that area.

I thank the Chair and I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Illinois.

Mr. PERCY. Mr. President, what Senator GLENN has been talking about, as he knows, it an argument that has been very delicately balanced and worked out. The committee bill, as it came out, took into account many of the consequences which have been discussed. We have already discussed two previous Glenn amendments which have been worked out, and the 6-year limit on the waiver does coincide with the length of our multiyear commitment to Pakistan. Congress does, of course, retain the authority to approve or disapprove the assistance each year.

Any restriction less than 6 years could undermine our relationship with the Pakistanis who are looking to establish a long-term relationship with us. As a consequence, we have agreed that we would support the 6-year limit as proposed by Senator GLENN because it does allow us to develop a meaningful strategic relationship with Pakistan about forming our nonproliferation policy.

As I have said, I will support, and we have supported and adopted, a provision calling for Senator GLENN's reporting amendment for the same reasons.

On the other hand, Senator GLENN proposed to change section 670 of the act to remove Presidential discretion should a nuclear device be detonated. This amendment appears to be an attempt to legislate piecemeal a nonproliferation policy, and to do so, first, before the administration has fully developed a nonproliferation policy; second, before adequate congressional branch—executive branch and legislative branch consultations have occurred.

Certainly it is not necessary to emphasize how adversely we react, whenever the administration acts without adequate prior consultation with Congress. Now we are legislating on the floor on a matter that was thoroughly debated in the committee, and we are making a dramatic change in course here without the consultations, without the discussions, that we have agreed would be held with the administration and the legislative branch on a general nonproliferation policy.

And we would do so even before Congress has adequately discussed and had adequate hearings on this subject.

I do not deny that after consultation and hearings and the development of a comprehensive nonproliferation policy, we may well determine that his amendment, or a modified form of his amendment, is the course the United States should follow. But I think, at this time, a determination is premature.

Moreover, the administration has gone a considerable way to consult with us. We urged, at the time of our markup, that a comprehensive nonproliferation policy be articulated. On July 16, the President issued such a statement. This statement is the beginning of a dialog on this vital issue. We should not legislatively preempt the administration any more than they should act without consultation with Congress. This was our understanding when the committee rejected this change at the time we marked up the legislation, and circumstances have not changed.

I, therefore, fully support the administration in strongly opposing this amendment.

Mr. President, I suggest the absence of a quorum.

Mr. GLENN. Mr. President, if the Senator will withhold on that for just a moment, I believe the Senator from North Carolina wishes to make a statement.

Mr. PERCY. I withdraw my request.

Mr. HELMS. I thank the able chairman.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am going to pose a rhetorical question, or at least it seems to me to be purely rhetorical because the answer ought to be obvious.

Is it not time that the United States put some teeth in its nonproliferation policy? That is a simple question. I think the answer is equally simple.

We have been playing around with this policy since I have been in the Senate. It is essential, it seems to this Senator, it is essential at a minimum that our allies, and especially the recipients of U.S. economic and military assistance, understand that the United States expects reasonable commitments concerning nonproliferation—that recipients of U.S. foreign aid, for example, will not detonate a nuclear device.

The distinguished Senator from Ohio (Mr. GLENN) and I have been on the same side of this issue from the very beginning. We took this position during the previous administration and we take it now. During the previous administration, and again now, we hear the protest that this is not the time. Well Mr. President, if this is not the time, when is the time to exercise just a little bit of sanity in terms of nuclear proliferation?

Mr. President, this Senator submits that it would be useful for any President—any President, whether it be Ronald Reagan or his successor or his predecessor—and the sitting Secretary of State to make clear that Congress is becoming more and more wary of appropriating vast sums of taxpayers' money, especially on foreign aid.

I believe it is demonstrable, Mr. President, that Congress does not want to see valuable resources, including the taxpayers' money, diverted from needed domestic and defense commitments in those recipient countries to unnecessary, dangerous, and extremely costly nuclear weapons development programs.

Now, if that is not commonsense, this Senator is not able to define commonsense.

I am, frankly, surprised that the administration is not leading the advocacy that Congress at this time move to put some muscle into the nonproliferation policy. I felt that way when the distinguished gentleman from Georgia was the President of the United States and I feel that way now that my longtime friend Ronald Reagan is President.

I believe a fair case can be made that I have been a long and faithful supporter of President Reagan and his positions on foreign policy taken through the years since I first met him. My admiration for him is undiminished. But I disagree with his administration on this point and I stand firmly with the able Senator from Ohio.

I am puzzled, as a matter of fact, that there is any opposition to the logical and sensible amendment offered by the distinguished Senator from Ohio (Mr. GLENN). I am happy to support this amendment.

I ask the Senator if he would agree to my asking unanimous consent that I may be added as a cosponsor of his amendment.

Mr. GLENN. Absolutely; I would be honored to have the Senator join the list.

Mr. HELMS. I thank the Senator. I so ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair and I thank the distinguished Senator from Ohio.

Having done that, and having said that, Mr. President, let me level with my friends and colleagues. I would like to see the scope of the now Glenn-Helms amendment, if it can be called that, broadened. I would like to see the scope broadened to include all nations which receive any U.S. aid. That is how strongly I feel about this question. Either we put up or shut up, Mr. President, about the proliferation of nuclear devices.

Another rhetorical question, as I conclude, to match my rhetorical question at the outset: Why should this Senate even consider singling out India and Pakistan?

Immediately after the vote on the Glenn amendment, it will be the purpose of the Senator from North Carolina to offer an amendment of his own which applies section 602(e) to all nations receiving U.S. aid.

Again, I commend the distinguished Senator from Ohio for his amendment. I do hope our colleagues will support this amendment. I thank the Senator.

Mr. GLENN. I thank the distinguished Senator very much for his remarks and for his support.

Mr. President, we have other cosponsors that I would like to have included in the RECORD. I ask unanimous consent that Senator DANFORTH, Senator BUMPERS, Senator LEAHY, Senator CRANSTON, Senator METZENBAUM, and Senator KENNEDY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I know that Senator PELL has some remarks he wished to make. I do not see him in the Chamber at the moment.

While we are waiting for him to come back to the floor, I ask for the yeas and nays on this amendment at the appropriate time.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. PERCY. Mr. President, reserving my right to object, I want to be certain that I do honor any agreements that have been reached, possibly, including those made by our staffs. I did not make any agreement that I know of not to move to table the amendment. I would intend, at the appropriate time, after there has been full debate on it, to move to table the amendment.

I would like to inquire whether the staffs, at any point, have reached any understandings or agreements with which I am not familiar. We depend upon our staffs to work in comity. I ask that the Senator withhold the request for the yeas and nays on this until that determination is made.

Mr. GLENN. It is the understanding of the people on my staff that we would have an up-or-down vote. Perhaps there is a misunderstanding.

Mr. PERCY. These are my staff comments: To agree or disagree on "should" or "shall." The committee and the Senator will not agree to support the amendment.

I do not see any place where necessarily there would be an up-or-down vote.

Mr. GLENN. I have this, as of yesterday, that it was agreed there would be an up-or-down vote on the "should" or "shall" amendment.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, based upon the fact that there was not a clear-cut understanding on this on our part, but, clearly, the notes of the distinguished Senator from Ohio and his staff show that the total overall arrangement did embrace an up-or-down vote on "should" or "shall," I withdraw my objection and ask that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. Chairman, I strongly support Senator GLENN's amendment, which would require the President's termination of most military and economic assistance to Pakistan or India if either of those nations detonates a nuclear explosive device.

At present, section 670 of the Foreign Assistance Act of 1961, known as the Glenn amendment, provides for a termination of such assistance to nonnuclear weapons states which detonate a nuclear device. However, that provision also provides for a waiver if the President determines and certifies in writing to Congress that:

> The termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security.

The Glenn amendment would prevent the President from exercising that waiver authority in the case of a future nuclear detonation by Pakistan or India.

The executive branch has been adamant in resisting a change which would make it clear that the aid cutoff will not be waived if either India or Pakistan sets off a nuclear blast. They claim they want flexibility. That could mean flexibility to answer a bomb with a slap on the wrist—or even less.

Those of us who have followed nonproliferation over the past several years have become accutely aware of the risks of the further spread of nuclear weapons. There should be no doubt about U.S. resolve to act if India or Pakistan explodes a nuclear device. The last thing the subcontinent needs, given the widespread human suffering and deprivation, is money to be spent on a nuclear arms race.

The essential message of Senator GLENN's amendment to India and Pakistan is this—if you persist in your nuclear programs to the point of detonating a nuclear explosive device, the American taxpayers are simply not going to provide military and economic assistance to you and thus underwrite the diversion of funds to support a nuclear weapons program.

I think that is a very rational approach to take. It sends a very important message to India and Pakistan, as well as to other nations as to U.S. commitment to curb the spread of nuclear weapons.

Mr. President, in conjunction with our consideration of the Pakistani aid package and the nonproliferation issue, I commend to my colleagues a Providence Journal editorial of September 17, 1981. The editorial forcefully makes the point that:

The United States should not be in the position of begging Pakistan to accept military aid.

For $3.2 billion of U.S. taxpayers' money, the United States has a right to lay down certain conditions which are in our interest and, in my view, also in the interest of greater security in the region. One such condition, even if not explicitly stated by Islamabad, is that Pakistan forgo the nuclear weapons option Pakistan should understand that a nuclear arms race in the subcontinent will greatly diminish its own security.

The proposal of Senator GLENN and others to condition U.S. assistance on Pakistan's willingness to forgo the nuclear option is a modest one. Pakistan is, of course, a sovereign state and need not accept U.S. assistance. If it does, however, it should understand a relationship with the United States is a two-way street, not just a case of our giving and their taking.

I ask unanimous consent that the editorial from the Providence Journal entitled, "U.S. Should Not Have to Beg Pakistan to Accept Aid" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. SHOULD NOT HAVE TO BEG PAKISTAN TO ACCEPT AID

"Pakistan has finally been brought around to accept U.S. assistance, both military and economic. If the announced package seems inordinately large, the six-year spread will soften the impact of the $3.2 billion total. More important in the immediate future is the U.S. agreement to sell Pakistan 40 F-16 fighter planes, six of them in the next year.

"The over-riding U.S. interest in Pakistani aid is to bolster that country's defenses against overt Russian aggression through Afghanistan or threats of aggression that may be equally unsettling for a country that has severe internal pressures of its own. Nevertheless, the aid program and the separate F-16 sale have ramifications that worry not only the neighboring Indian government but many Americans as well.

"The high priority placed on Pakistan's defenses is indicated by the deal worked out by the U.S. State Department, under which Belgium and The Netherlands will produce F-16s for the U.S. Air Force: similar planes will then be made available to Pakistan's air force. In addition to defense purposes, the sale will help western economies, since Saudi Arabia is expected to help Pakistan on the $1 billion financing.

"India obviously is concerned about the big boost to Pakistani military capability. Pakistani military men still smart over several defeats suffered at Indian hands. India is a far more immediate enemy, than Russia. Still, the very fact of Indian supremacy in every encounter should work against any Pakistani attack with conventional arms. It is in the realm of nuclear arms, however, that Indian fears arise—American fears, too. Pakistan has been driving hard to attain the capability of producing nuclear bombs. Such a capability would certainly upset an already unstable Middle East, in a wider circle than Pakistani-Indian relations. That is why U.S. officials should be insisting on a halt to Pakistani bomb-making technology as a prerequisite to military aid of any kind. Previous legislation requires such a condition. A private pledge by the Pakistani government should be obtained, even if a public one would seem demeaning in Islamabad.

"The United States should be doing everything in its power to prevent the regime of President Zia ul-haq from acquiring a nuclear bomb. The Pakistani leader may think a nuclear weapon is necessary to national prestige. But to outside observers, it would be a step toward nuclear instability for the whole world.

"The United States should not be in the position of begging Pakistan to accept military aid. General Zia is astute enough to know where threats to Pakistani independence come from and to be anxious to counter them. It is one thing for Pakistan to shy away from a formal security alliance with the United States. It is quite another to flout U.S. efforts to halt the proliferation of nuclear weapons. The U.S. government would be foolish to commit itself to rearming Pakistan without getting a reliable commitment against development of a weapon that would change the whole strategic balance in the Middle East and South Asia."

Mr. GLENN. Mr. President, I believe the distinguished Senator from New York (Mr. MOYNIHAN) has some remarks to present.

While waiting for Senator MOYNIHAN, I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to support the amendment offered by the able Senator from Ohio (Mr. GLENN). I commend the Senator from Ohio for his continued interest in this question of doing what can be done to prevent the spread of nuclear weaponry.

It seems to me the proposal which he offers today is a reasonable and appropriate one. I am glad to support the amendment offered by the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Chair and I join my colleague from Virginia in stating my support for the amendment which the Senator from Ohio has proposed. I shall take just a moment of the Senate's time to speak to the general situation in South Asia to which the amendment is addressed.

Mr. President, there is a sense in which I could say I was present at the creation here, as I was the U.S. Ambassador in New Delhi when the Indians set off their peaceful nuclear explosion, as they called it. That was in 1974.

I recall then saying to the Government of India in very explicit terms that they had made a profound mistake, that they had been the unchallenged first power of the Indian subcontinent and all the regions about, that there was no second power. There was, in Pakistan, what one might describe as a third-ranking power. Then there were Bangladesh, Nepal, Sri Lanka, and such nations, with no possible way they could attain any combination which would challenge the hegemony, or the paramount power, to use a term from that region, of the State of India. I said also that the explosion by India of a nuclear weapon would lead inevitably to the development by Pakistan of nuclear weapons.

I remember saying very explicitly to the Foreign Secretary that the day would come in 10 years' time "when you will be sitting down here and there will be a mogul general sitting up in Islamabad. And he will phone you one day to say, 'I have four bombs, one for Madras, one for Calcutta, one for Bombay, and one for New Delhi. We would like to have the Punjab and Kashmir by Thursday, or we will set the bombs off, and we will all meet in heaven on Friday.'"

I was told, no, the Pakistanis could not do that, because there was somehow a difference in the way the Pakistanis do physics, as against the way the Indians do physics.

One should remember here that 35 years ago, when the leading physicists from both places were in college, they were all Indians. The notion that there is a difference between what Pakistanis can learn as against what Indians can learn is a notion that only nationalism can bring to you.

I say this for two reasons, Mr. President. One is to say that it is with great regret that I do not know how much influence Senator GLENN's amendment will actually have on the outcome of the Pakistan nuclear program. General Zia, who is indeed their leader now, was not deterred by the Carter administration's holding back aid over a 2-year period. He was prepared to give very little in the way of cooperation to our distinguished former colleague, Under Secretary of State James Buckley, during his visit earlier this year to Islamabad.

The Pakistanis will do what they wish and they will, in particular, make the judgment as to whether, in the long run, it is or is not to their interest to have the first Islamic bomb. It is, however, fundamentally important that the U.S. Senate be on record as saying how unwise this is.

Shall I make the next assumption? If the Punjabis and the Pushtus and the Baluchis of Pakistan think that the Bengalese in what is now Bangladesh are not equally capable of making an A-bomb, they are as wrong as the Indians have been. There shall be no end to this sequence, although when it reaches Mauritius there may be some conclusion of it for the region.

There is also a chain reaction. There is a chain reaction in the development of weapons as there is in the explosion of these weapons. The United States should tell this to the world while it is not yet too late. The United States should tell the world, and Pakistan should know, that if it goes ahead as it appears intent upon doing, it will have made as profound a mistake for itself as India made for itself 9 years ago.

In conclusion, Mr. President, I ask what has the bomb brought India save a dependence on the Soviet Union? What real security has the technology of nuclear weaponry brought to India when the largest popular government in the world can be brought to increasing dependence upon the Soviets? What an ironic outcome of a triumph of Indian physics and engineering, surely never intended by those engineers or those physicists, but implicit in the dynamics; to enter this world and never again know a peaceful moment or an independent day.

Mr. President, I congratulate the Senator from Ohio for his initiative. I hope that he prevails. I would ask that he do me the courtesy of allowing me to be a cosponsor of this amendment.

Mr. GLENN. Mr. President, I shall be honored to have the distinguished Senator from New York as a cosponsor. He brings to this discussion long experience not only as our Ambassador to the United Nations but also as Ambassador to India. He knows that part of the world very well and speaks from the background of that experience when he speaks on the floor here today.

Mr. President, I ask unanimous consent that the Senator from New York be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I rise in opposition to the amendment of my colleague from Ohio to section 714 of the Foreign Assistance Act of 1981, with printed amendment No. 560, which would require the President to institute immediate termination of aid to Pakistan in the event that that country detonates a nuclear device.

Mr. President, I wish to go on record again that I certainly share Senator GLENN's concerns, but I am also convinced that the executive branch would most certainly take the most appropriate action, action which would very likely entail an aid cutoff, should circumstances seem to necessitate it. Furthermore, again as I stated yesterday, the fluidity of the regional relationships in Southwest Asia must be taken into account. It cannot be assumed that just any modification of circumstances would make termination the most suitable reaction. The President in his capacity as chief foreign policymaker, and certainly the constitutional requirement that he is the person who carries on and conducts foreign policy, must be allowed the flexibility to determine the specific action for specific conditions.

Senator GLENN's amendment does not give him that flexibility. It deprives him of that flexibility and gives him a predefined course of action without regard to what the circumstances or other national security requirements might be at that time.

The amendment of the distinguished Senator from Ohio mandates termination of U.S. assistance to the country detonating a device. While I have no doubt that termination of assistance would, and barring unforeseen circumstances should—and I underscore that "should"—be the U.S. response, I must strongly oppose the Senator's amendment which would tie our hands now, and provide no flexibility whatsoever for the President to respond based on an evaluation of all pertinent facts and an assessment of the totality of U.S. interests.

Mr. President, section 714, as reported, would provide Pakistan with the economic, political, and military stability to insure their national security. At the same time, it sends a clear signal to Pakistan of U.S. concern. The language is so worded that it is certain that the President would indeed proceed—given incontrovertible cause—in a manner which would clearly project American sincerity in maintaining its nonproliferation goals.

I would note, Mr. President, that Pakistan has several times in the past, and most recently Sunday, as reported in the New York Times, made public its strong desire for peace in Southwest Asia. Pakistan has proposed a nonaggression pact with India, and has even suggested the imposition of a nuclear-free zone in the region. These initiatives on the part of Pakistan would surely be put forward with greater emphasis, given both assurance of continuing support from the United States and confidence in the durability of its own national security. The renewal of our bond of friendship with Pakistan could only encourage their pursuit of peace.

I noted yesterday that a confrontational approach such as that proposed in this amendment has been tried with Pakistan in the past and has failed. I would hope that the United States will be able to build a new relationship of confidence with Pakistan which we believe would give us a better chance to insure that Pakistan's nuclear program follows a peaceful path. Adoption of this language change would undermine this new relationship.

I would also note, Mr. President, as has been done by several of my distinguished colleagues, that Pakistan is a frontline stage bordering Soviet-occupied Afghanistan along nearly half of its border. Beyond the telling statement of our intentions which renewed ties would give to Pakistan, such a statement would demonstrate in no uncertain terms to the Soviets that we are serious about assuring the security of our friends and allies by providing them with whatever support is necessary.

Mr. President, foreign policy is constitutionally the province of the President. Should Congress involve itself by roping the executive branch into very specific procedural instructions for dealing with the constantly shifting arena of international politics, we may not only be overstepping the bounds of congressional responsibility, but we might be restricting Presidential discretion in a way that could, in some yet unforeseen set of circumstances, be detrimental to the best interests of the United States and of international security.

Mr. President, I believe that the distinguished Undersecretary of State, our former distinguished colleague from New York, Mr. Buckley, has worked tirelessly with the Pakistanis to make progress on these issues. He has reported to the committee and the Congress regarding those continuing discussions with the Pakistanis. It is my strong belief that this President, Secretary Haig, and Undersecretary Buckley should be given every opportunity and the type of discretion in the reported bill to fashion a realistic and viable nonproliferation arrangements with Pakistan which will harmonize all of these national security interests.

In sum, Mr. President, it is the belief of this Senator that the bill as reported, that is, section 714 of the Foreign Assistance Act of 1981, will best serve U.S. interests and concerns for an economically and militarily sound Pakistan. It provides the President with effective authority to waive the Symington amendment in order to permit the President to provide Pakistan with crucially needed assistance.

Mr. President, I do not know how to underscore the absolute necessity, in my view, of giving the President the authority to deal with a changing set of circumstances, circumstances for which we can make no reasonably certain forecast.

It says, in effect, that there is no consideration in this country's view now nor in the next 6 years with respect to Pakistan that is as important as the single objective of avoiding the explosion or detonation of a nuclear device. Every other consideration this country might have is subverted to that one single test.

That is an important objective. As I have said repeatedly on this floor, almost certainly the President of the United States would not waive the Symington amendment under most foreseeable circumstances. But to say now that we know what those circumstances will be, and that there is no conceivable possibility that under any circumstances should the President waive that, seems to me to bind the hands of the President unnecessarily.

We have tried this with Pakistan before, and it does not work. We do not know what the situation will be in the immediate future. We do not know that, and if events of the recent turbulent past in that area are any precursor of the future it proves that fact.

Could you have said 2 months ago that the situation in Egypt would be as radically different as it is today? Could you have said 3½ years ago that the conditions in Iran would be as radically different as they are today? Can you tell me with respect to next year what the conditions in India will be at that time? Can the Senator from Ohio or anyone else tell me what is going to transpire in Afghanistan over the next year?

Could the Senator from Ohio or anyone else tell us that precisely on a given date Kuwait would be attacked by Iranian bombers? Can you tell me on a precise set of circumstances that the Saudi oilfields will not be attacked by someone within the next 6 years?

I am not suggesting that any of these events will take place. But I am saying that if certain events take place the President of the United States might conceivably, under some set of circumstances, desire to invoke the waiver of the Symington amendment. That power to respond to a given set of circumstances would totally deprive the President of the United States, and I think would seriously limit, his ability to deal with some circumstances which might evolve.

I want to state again, as I have stated before, that I do not think there is any doubt that the President would, under almost any conceivable set of circumstances, not choose to invoke the waiver of the Symington amendment. But the fact is we do not know what those circumstances are. It is a blind and, in my view, unreasoning determination in advance that no other consideration of national security could possibly be as important as this single event in one single country. That certainly may be the view of some but it is not the view of the Senator from Idaho.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. SCHMITT). The Senator from Ohio.

Mr. GLENN. Mr. President, the statement of the Senator from Idaho compels me to comment briefly.

As far as tying the hands of the President, as far as reducing his flexibility, what we are really talking about is restricting the flexibility of a nation that obviously has embarked on a course of building nuclear weapons. For what use? For India, next door, and they make no bones about that.

The Senator remarked about the message that the United States is sending to Pakistan regarding our concerns, whether that is sufficient or not. Why not have guts enough to state it?

Why not say what we mean? Why beat around the bush about this? We are talking about the possibility of a nuclear holocaust being visited upon the South Asia continent.

As far as the peaceful desires of Pakistan which, apparently, were described in some papers over the weekend—I believe the New York Times was referred to—if the Pakistanis are of such peaceful intent, why do they not then say they will forgo the nuclear weapons option? We would not need this legislation if they are that peaceful.

And yet we know as I went through yesterday in my statement, where they are getting their sensitive nuclear equipment, where they are getting their reprocessing equipment, where they are getting the enriching equipment.

I do not know why this confrontation approach did not work. What we have said is if we are to cooperate with nations in their concerns, that we want their cooperation in slowing the spread of nuclear weapons.

The weakest link of all is falling back on that old rhubarb that our President has to set foreign policy and that we are questioning the authority of the President to set forth foreign policy.

That is what galls me more in the AWACS debate than anything else, because it is not the Senate of the United States that is questioning the President and his ability to set foreign policy, it is the Constitution of the United States that says that the Senate will have an advise-and-consent role. It does not say this specifically with respect to nuclear arms to Pakistan, it does not say specifically AWACS, but what it does say is the Senate will advise the President.

Pursuant to that, the advise-and-consent part of the Constitution, we have specifically passed certain laws here from the earliest history of this country that perform that function the Constitution assigned particularly to the Senate of the United States and to the Congress overall.

So I question Presidential authority on occasion. I think every Senator here has, on occasion, questioned Presidential authority to set foreign policy alone.

I do not accept that just because he is the President we should abrogate all of our responsibilities under the Constitution and pass no additional laws concerning what the President does in the foreign policy area.

I doubt that anybody in the U.S. Senate would accept that if we brought it to a vote.

So what we are up against is the same old arguments we had during the Indian nuclear fuel sale last year. Somehow, this sale is supposed to influence Pakistan into a more peaceful means of solving their problems. We are supposed to somehow be able, with this sale, to wean them away from nuclear weapons development, even though they have been embarked on this course and it has been their stated policy since 1972. It was well in advance of the Indian nuclear explosion that Pakistan embarked on this path. And we have a record that is complete with all of the different actions that they have taken, one purchase after another, false front corporations, and all of the things that they have been going through to get the necessary equipment.

They acquired 6,500 tubes of special hard-type steel used for gas centrifuges obtained from a firm in Holland; vacuum valves to regulate streams of uranium hexafluoride gas into and out of the centrifuge system from a company in Switzerland; inverters from companies in Great Britain, West Germany, and the United States; electronic equipment used for centrifuges from firms in the United States by way of Canada and Turkey; a gas-feed system for the centrifuge from Kora Engineering of Switzerland; a metal finishing plant from Great Britain; rotors from Holland; rotor parts from West Germany; measuring equipment from Holland; aluminum parts from West Germany; vacuum equipment from West Germany; vessels and tanks for the reprocessing plant from an Italian company; precision equipment for the reprocessing plant from Switzerland; and on and on.

There is no doubt about what Pakistan wants to do. All I am saying is that if we are to have a nuclear nonproliferation policy and if we mean it, now is the time to stand up and be counted. We stood up on the Indian fuel sale last year and ducked. We did not live up to what NNPA said. And yet we continue to say that we have all these concerns about nuclear nonproliferation.

Only 3 months ago we passed a resolution that I put forward here. We passed it 88 to 0 before the President went to Ottawa for the summit meeting. It did not do any good, I might say, because he did not bring up the subject, apparently, up there anyway. But everybody was willing to vote for that one—88 to 0.

But when it comes down to a real cutting vote here, then it seems to me we have to stand up and be counted.

And what kind of message do we now send to the 112 nations that have signed the Nonproliferation Treaty when we say we are prepared to continue assistance to a nation that has absolutely refused to sign the NPT, even if that nation tests a nuclear device?

And Pakistan, to its everlasting credit, has not made any bones about this. They have said what they are doing. They stated way back in Bhutto's days that if India exploded a bomb, they were going to develop a bomb also. And, make no bones about it, that is what they set out to do and that is what they have been doing. So it is up to us.

I would answer the Senator from Idaho, that as far as the specter of the Soviets coming in to Pakistan that he brings up is concerned, he should go and look at the classified maps that show exactly where Pakistan's concerns really are, where their military forces are really alined. And I can tell him without going into specifics that 75 or 80 percent of Pakistan's forces are along the Indian border, not along the Afghan border.

Mr. McCLURE. Will the Senator yield on that point?

Mr. GLENN. Yes.

Mr. McCLURE. I have seen that classified information and certainly I know what the positions of forces of Pakistan are. But that certainly does not detract from the fact that the Soviet Union has moved in Afghanistan. I do not think the Senator from Ohio would mean to imply that the Soviet Union is no threat to the security of Pakistan.

Mr. GLENN. No, I was not implying that at all. What I was doing was replying to these force alinements that I thought the Senator from Idaho was describing as being along the Soviet border, the Afghan border, because that is just not the case.

I hope that they do aline more along the Afghan border and get away from a possible confrontation with India. That is one of the biggest dangers in the sub-Asian continent and has been for a number of years. Indeed, these countries have fought several times already.

So it is not an idle concern that we have regarding whether the next war along that border might be a nuclear

battle and not just a battle with conventional weapons.

So, Mr. President, I have little more to say on this. We have discussed this issue at great length.

Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Will the Senator withhold for just a moment?

Mr. GLENN. Certainly.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I thank the Chair and I thank the Senator from Ohio.

I just want to make this point, if I was misunderstood, and I hope I was not. The President of the United States, under the Constitution, has the responsibility for the conduct of foreign policy. The Senate of the United States has the responsibility to advise and consent to that foreign policy. It is a difficult line for us to draw.

Certainly, I want the Senate of the United States to be in a position to discharge its responsibility with respect to the formulation of policy. The line between the formulation of policy and the conduct of policy is a difficult one to define.

I share with the Senator from Ohio the determination that we shall not abrogate our responsibility in the formulation of policy under the advise and consent provision of the Constitution. It is an important provision. I think it sometimes has been ignored in this body, and I think it oftentimes has been ignored at the other end of the street.

But, at the same time, Congress, once getting involved into the formulation of foreign policy, sometimes finds a great deal of difficulty restraining itself from interference in the conduct of that policy.

So, if we look at that distinction, it seems to me we begin to make some definition of policy in terms that give a clear statement of our policy and gives to the President the authority, as well as the direction, to conduct that policy.

There is no doubt that our policy, as enunciated here in this body, and to the extent that they do so—and they do—in the other body, as well as all recent administrations, has to be to express our concern and horror concerning the possibility of a nuclear holocaust.

But having said that, the conduct of policies that reflect that concern are uniquely the responsibility of the President of the United States. We can say, "We are concerned as a Nation. Now, Mr. President, you carry that concern forward."

All I am arguing here today is that in expressing that concern about nuclear holocaust, we also must recognize that there are other foreign policy considerations that, from time to time, are as important as that concern.

What they are saying in the amendment of the Senator from Ohio is that so far as one nation is concerned, there is no other consideration that can possibly be as important as this single one, just by one test; detonation of a nuclear device.

That seems to me to be applying an unreasonable response to the requirement to conduct a foreign policy in a way which would carry forward the policy objectives as enunciated here and down the street.

Just a year ago we were debating the question of renewing shipments to the neighboring state of India. That was a close question. The Senator from Ohio was involved in that debate, as was the Senator from Idaho. In that instance, the Senate, I think in its wisdom, refused to adopt the position of the Senator from Ohio, that there was going to be one test and one test only with respect to our relations with India.

It is interesting to note that in spite of the fact that we refused to adopt an arbitrary and inflexible position with respect to India, the negotiations, as tough as they have been, are continuing, and, in the meantime, India, looking at all of the range of possibilities and relationships with the United States, has continued to refrain from a weapons program.

So the negotiations have produced, and maybe I should not overstate that. In the presence of negotiations our policies have been furthered with respect to the conduct of India, and, favorably, I believe and hope, will be continued; that they will continue to refrain in the presence of negotiations, but not in the presence of an arbitrary standard which would deprive the President of an opportunity to negotiate flexibly with India. It seems to me we ought to continue the same kind of posture with respect to the other nation, which the Senator from Ohio correctly identifies as a matter of major concern, the nation of Pakistan.

So there are some parallelisms which are involved, and if we are going to apply the parallelisms, it certainly indicates to us the desirability of flexibility in the conduct of policy and not some statement about a yellow line down the center of international diplomacy. It is not just who can have the guts to stand up for something but it is how you stand up for something that counts.

I do not believe that we would be served or that the Nation would be served by casting ourselves into inflexible positions, as strongly as we share the conviction that nuclear nonproliferation is an important goal for this country, an important goal for this world, and that we ought to be continuing it and we ought to continue without myopia; we ought to continue it without blind spots and exceptions. We ought to continue that goal without the selective enforcement of that which has so characterized our foreign policy in many other areas.

I would hope that we do not in this instance become so narrowly selective, as the impact of the Glenn amendment would be in this instance.

Thank you, Mr. President.

Mr. GLENN. Mr. President, I think we have debated this for quite a while today. We have spent a number of hours on this. I doubt if we can say many more things in this regard. Before we move on, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that the name of Senator TSONGAS be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, unless there is further debate on this subject, I am prepared to move to a vote on it.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the proposed amendments by my friend and colleague, Senator GLENN, which would make it absolutely clear that the United States could not provide any security assistance to Pakistan—or any other nonnuclear weapons state—if it explodes a nuclear device.

We all recognize great changes in Southwest Asia over the past few years: increasing chaos in Iran, a larger Soviet naval presence in the Indian Ocean, and the continued Soviet military occupation of Afghanistan. Such changes not only threaten U.S. and Western interests but are of direct and immediate concern to the Government in Pakistan, and it is appropriate to respond to the economic as well as the legitimate defensive needs of Pakistan in this new environment. Historically, there are strong ties of friendship between Pakistan and the United States. I hope that these present times become opportunities for the peoples of both our countries to build a new and lasting friendship.

As our relationship develops there will be areas of difference as well as agreement. One such area of difference is Pakistan's policy toward nuclear development. I, for one, am strongly opposed to the proliferation of nuclear weapons capabilities. Such proliferation is a threat to the very existence of mankind. It transcends the borders of nations. It goes beyond the geographical limits of continents and seas. The nations of the world must face this issue squarely and countries like Pakistan must become a part of the international effort to prevent nuclear proliferation.

It is with the knowledge that Pakistan faces a new and increased military threat from the Soviet Union, and that it understands that any nuclear test will result in a U.S. aid cutoff, that I reluctantly accept modifications to the legislative prohibition of aid to nations that are developing a nuclear explosive capability. At the same time, I strongly support our clear legislative requirement that a U.S. aid cutoff will indeed occur if there is a nuclear detonation, and our finding that a "detonation by either India or Pakistan would cause grave damage to bilateral relations between the United States and such country."

It is now essential for the United States, and other friends of Pakistan, to do all we can to persuade the Pakistan Government not to pursue a nuclear explosive capability. The security advan-

tage of an increased conventional military capability for Pakistan can be dramatically reduced by regional perceptions that it is pursuing nuclear weapons. On the other hand, assurances from Pakistan that it will not explode a nuclear device—at least as long as India does not conduct a second explosion—would actually enhance its own security and make an important contribution to stability not only in South Asia but throughout the world.

As the United States develops stronger relations with Pakistan, it is important for us to maintain and strengthen our ties with India and other nations in South Asia. Our relations with India and with Bangladesh, Sri Lanka, and Nepal go back to their first days of independence. Each has its concerns and fears. Each has its hopes and aspirations.

Instead of contributing to a new arms race, the United States should be a force for peace and security in South Asia. We should work for democracy, human rights, and social and economic justice. We should pursue closer relations with all the states in South Asia, and those states should find our policy sensitive to their concerns and aspirations.

Mr. GLENN. I thank the distinguished Senator from Massachusetts for his support.

Mr. McCLURE. Mr. President, I am prepared to go to a vote on this amendment, but Members should be aware that Senator HELMS said earlier today that he had another amendment which he would offer later. Members should be aware that they will have a vote on that one, too.

Mr. GLENN. Senator HELMS had indicated earlier that he would not be going for a rollcall vote. He may have changed his mind.

Mr. McCLURE. I do not think he has changed his mind, but I believe other Members of the Senate have some feeling on that.

Mr. LEAHY. Mr. President, I wish to support the amendment offered by the distinguished Senator from Ohio directing the President of the United States that he shall not exercise the waiver now in force under section 670 of the Foreign Assistance Act by which U.S. assistance is automatically terminated to any nation detonating a nuclear device unless the waiver is involved.

I do so persuaded that evidence of Pakistan's intentions to develop a nuclear explosive capability is detrimental to the best interests of Pakistan and its neighbors alike. To allow the waiver to be exercised in this instance would represent one more tragic chapter in the history of tension and war in the recent history of South Asia. The United States has a special responsibility to help break this cycle of violence and suspicion, and above all else to slow the race towards turning it into a potential nuclear holocaust.

In 1947 the post-colonial era was launched by the partition of the British Empire in South Asia and the establishment of India and Pakistan. Millions of people fled in opposite directions to escape communal slaughter perpetrated by Hindu and Moselm extremists alike. Pakistan and India fought the first of four wars against each other over Kashmir. Against tremendous odds posed by poverty and warfare, India emerged as the world's largest democracy and Pakistan established a record of solid economic development.

No region so volatile could escape the attention of the worldwide struggle between Soviet imperialism and the Western democracies. By an irony of history India retained political institutions inherited from Great Britain but increasingly relied on arms supplied by the Soviet Union. Pakistan passed through a succession of military governments but became a front-ranking recipient of American economic and military assistance.

Pakistan's effort to retain equality on the subcontinent was compromised by the loss of Bengal, its smaller and poorer but more popular half. Both India and Pakistan expanded their military appetite for weapons neither could afford, and at length a small but sophisticated modern economic sector in each country focused on the development of a nuclear energy capacity.

India detonated an atomic bomb, and Pakistan vowed not to be denied access to an advantage held by its traditional enemy. The great powers, meanwhile, acerbated the conflict. Soviet fear of China reinforced ties with India, which fought a border war against Peking. The Western powers tried to redress the balance by supplying Pakistan increasingly sophisticated weapons.

Neither the Soviet Union nor the West can take comfort in what has happened in South Asia. Russian armies are pinned down in Afghan towns by nationalists willing to respond to the Soviet Union's brutal tactics by brutal countermoves. The United States fears that Pakistan will follow India's success in breaching the nuclear monopoly of the great powers, and that tension between the two countries will lead to the fifth war between them since 1947.

Such a war would provide the Soviet Union an unparalleled opportunity to exploit religious and separatist forces in Pakistan, and result in the extension of Soviet military and political dominance to the Indian Ocean. Iran, already wracked by a revolution turned sour, might succumb to the Kremlin's pressures. India would face the difficult choice of trying to maintain increasingly dangerous ties with the Soviet Union or devoting even more of its scarce resources to defending the remainder of South Asia from Soviet encroachment.

These are the circumstances which influence the provision in the foreign assistance bill before us today to approve more than $3 billion in economic and military assistance to Pakistan. The resumption of massive aid to Pakistan expresses the Reagan administration's fears that unless we bolster Pakistan's military effectiveness the country will succumb to efforts to divide the country irrevocably along linguistic and ethnic lines.

Perhaps assisted by the Soviet Union, the tribesmen of sparsely populated Baluchistan would carve a separate state out of the western desert, which could result in the emergence of a client Soviet state on the banks of the Arabian Sea. India might prove unable to resist the temptation to annex the portions of Kashmir now under Pakistani control. Stripped of most of its territory and reduced to the overpopulated Indus Valley, Pakistan might cease to exist altogether.

The proposal for a renewal of substantial military assistance to Pakistan is designed to help avert this nightmare and to insure Pakistan's viability. Beyond this, the administration's proposal revives that strategy as a byproduct of American efforts to curb Soviet adventurism in South Asia.

A serious aspect of the American military assistance program for Pakistan is the possible impact on Pakistan's longstanding attempt to develop an independent nuclear power capacity. There is incontrovertible evidence that Pakistan's nuclear program contains a growing capacity to produce nuclear weapons.

Pakistan has refused to allow additional safeguards on its reactor or to allow any safeguards at all in its other nuclear facilities. The President of Pakistan has refused to provide assurance to the United States that Pakistan will refrain from detonating nuclear weapons. Pakistan has reportedly assembled the ingredients of a nuclear bomb by surreptitious acquisition of key technology and the purchase of uranium in a loosely supervised world market. It is uncertain whether Pakistan's nuclear genie can be returned to the bottle.

The United States cannot duck the serious implications posed by section 670 of the Foreign Assistance Act as they relate to Pakistan's efforts to become a nuclear military power. It is not too late to influence in Pakistan's potential for producing nuclear weapons. I cannot see such weapons in Pakistan's arsenal as beneficial to Pakistan or to the United States.

Certainly India, faced by evidence that Pakistan was determined to proceed with such a program, would move quickly to exploit its own already considerable technological advantage in this area. The Soviet Union would cite Pakistan's potential as reason enough to attempt to tighten its hold on Afghanistan and to reinforce its ties with India. If nuclear weapons programs proceed apace, the world might face the horrible prospect of war in South Asia in which even a few rather rudimentary nuclear bombs could wreak unparalleled havoc on densely populated regions on both sides of the Indo-Pakistani border.

Certainly the savagery of communal warfare which attended partition in 1947 and bitter memories stemming from that era serve as a dangerous precedent for a nuclear conflict, which even though limited geographically, could devastate portions of the most densely populated area in the world.

This should not be allowed to happen. The proposed level of assistance to Pakistan affords the United States an opportunity to curb the nuclear arms race in a volatile corner of the world. Stipulating to Pakistan that the large military assistance program to Pakistan will pro-

ceed only on conditions that Pakistan refrains from detonating a nuclear device is a modest enough burden upon Pakistan, but it may effectively serve the cause of peace in South Asia. It will also demonstrate to the world that the United States will not condone the proliferation of dangerous nuclear technology for military purposes in parts of the world which cannot but be seriously injured by their use.

● Mr. MITCHELL. Mr. President, I rise today to express my full support for the package of amendments offered by Senator GLENN which are designed to preserve our nuclear nonproliferation policies. I am doing so because I believe that the committee's amendment concerning assistance to Pakistan, standing alone, constitutes a true step backward in our Government's effort to stem the flow of nuclear weapons materials, technology, and knowledge from the "nuclear states" to those which do not currently possess nuclear capabilities.

I share with all of my colleagues here a strong and continuing concern about the existence of 85,000 Soviet troops in Afghanistan. This situation poses a serious security problem for Pakistan and other independent states in Southwest Asia and indeed endangers our own national security interests in the region.

While I fully appreciate the potential for international conflict which the Soviet occupation of Afghanistan presents, I seriously question if the cause of peace will be advanced, or the long-range interests of the United States will be served, by subordinating our nonproliferation goals as we seek to counter the threat posed by the Soviet Union.

We have every reason to be skeptical of the nuclear intentions of Pakistan which for many years has been concerned about nuclear development in neighboring India. Reports appearing in major international journals over the last 3 years suggest that Pakistan is seeking to develop nuclear weapons components which on relatively short notice could be joined to make a nuclear explosive device.

Unfortunately, a number of private firms in the West have facilitated Pakistan's efforts through their willingness to sell equipment and design knowledge. There also exists a possibility that Pakistan may be seeking a nuclear capability in collaboration with one or more other states.

Pakistan obviously is a sovereign state and is entitled to formulate its national policies and to expend its national resources as its leadership sees fit. However, our Government possesses a similar sovereign right to withhold any U.S. assistance which Pakistan may desire, as long as our Government determines that Pakistan's policies with respect to nuclear weapons development endangers U.S. interests, or the security of the region.

In my judgment, the question involved here is one which Pakistan ultimately must answer. The question is: Does the Soviet occupation of Afghanistan constitute a great enough threat to Pakistan that it is willing to forego its nuclear weapons plans, and thereby receive substantial U.S. economic and military aid necessary for its own security?

Senator GLENN's proposals permit U.S. economic and military assistance to go forward in fiscal year 1982. It will also permit Pakistan to receive aid in the fiscal year 1983 to fiscal year 1987 time period. During this period, however, Congress each year would receive a classified report detailing Pakistan's efforts to develop and construct nuclear arms. If Congress does not like what it learns, it can express its concern during the annual consideration of Foreign Assistance Act authorization legislation. Moreover, under the pending amendment—No. 560—the President shall terminate all aid should either Pakistan or India detonate a nuclear device.

Like Senator GLENN, I would prefer that the Symington language now contained in the Foreign Assistance Act of 1961 be left intact. However, it appears that this body collectively is willing in the case of Pakistan to waive the requirement that U.S. aid be terminated to any state which receives or transfers nuclear enriched material, technology or equipment unless the President certifies that he has received "reliable assurances" that the state will not acquire or develop nuclear weapons.

If this is to be the position of the Senate, then the very least we can do is to insist that aid be cut off if a detonation occurs, and to ask that we be informed on a yearly basis what the receipt of our assistance, Pakistan, is doing in the nuclear field.

I urge all of my colleagues to support Senator GLENN's worthwhile efforts.●

Mr. GLENN. Unless there is further discussion, I am prepared to move to a vote on this amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Does the Senator from Ohio yield the floor?

Mr. GLENN. I yield the floor, unless someone else wishes to speak.

Mr. PERCY. Mr. President, we are ready for a vote. We would like to check with the leadership, however, to see if it would be possible—and I will make the unanimous-consent request at the proper time—to vitiate the unanimous-consent agreement to move to the Hart amendment after the vote on the Glenn amendment and, instead, to vote on the Helms amendment, which is on the same subject area. I believe it can be disposed of very quickly, because we have had a good deal of discussion about it, and we can have that as the next order of business. We will discuss that with the leadership.

Mr. GLENN. As I understand it, the floor manager is not proposing that unanimous-consent request at this time.

Mr. PERCY. I am not proposing that unanimous-consent request now. We would like to check with the leadership on both sides, to see if there is any problem with it.

Mr. GLENN. If the Senator should move for that at this time, I would oppose it, until we can get Senator HART to the Chamber.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. EAST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—51

Baucus	Durenberger	Matsunaga
Biden	Exon	Melcher
Boren	Ford	Metzenbaum
Boschwitz	Glenn	Mitchell
Bradley	Hart	Moynihan
Bumpers	Hatfield	Nunn
Burdick	Heflin	Pell
Byrd, Harry F., Jr.	Heinz	Proxmire
	Helms	Pryor
Byrd, Robert C.	Huddleston	Randolph
Cannon	Jackson	Riegle
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Cranston	Kennedy	Specter
Danforth	Leahy	Weicker
DeConcini	Levin	Williams
Dixon	Long	
Dodd	Mathias	

NAYS—45

Abdnor	Hatch	Pressler
Andrews	Hawkins	Quayle
Armstrong	Hayakawa	Roth
Baker	Hollings	Rudman
Bentsen	Humphrey	Schmitt
Cochran	Jepsen	Simpson
Cohen	Kasten	Stafford
D'Amato	Laxalt	Stennis
Dole	Lugar	Stevens
Domenici	Mattingly	Symms
East	McClure	Thurmond
Garn	Murkowski	Tower
Goldwater	Nickles	Wallop
Gorton	Packwood	Warner
Grassley	Percy	Zorinsky

NOT VOTING—4

Denton	Inouye	Tsongas
Eagleton		

So Mr. GLENN's amendment (No. 560) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think this issue ought to be reexplored, and I hope that my good friends from the Foreign Relations Committee will be willing to do that with some of the Members here who were not here during the debate.

If I understand the issue correctly, it is a precedent of what I would call horrendous proportions in view of the past foreign relations policy of this country with regard to those nations that have, in fact, detonated nuclear devices.

It is not something that should be adopted without further explanation, in my opinion, and I hope the Senator from Illinois, the chairman of the Committee on Foreign Relations, will do that.

Mr. President, those nations in the past which have detonated weapons, I can remember when India and when France did and others, and we did not abandon them. Had we abandoned them, we would be alone in the world today.

I think that to say a nation that pursues its technology and comes up with us that we should divorce from them all further assistance is a mistake, and I do hope the chairman of the committee will explain further to the Senate the impact of this decision if it, in fact, is the decision of the Senate.

Mr. GLENN addressed the Chair.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Chair recognizes the Senator from Illinois.

Mr. PERCY. Mr. President, there is not any question that the administration feels very strongly on this issue. They have been in delicate, intensive negotiations with Pakistan, formerly a very strong ally of this country, a country that has now begun to reestablish its relationships with us and bears a tremendous burden with the Afghanistan refugees, several million of them there. Recognizing that in India——

The PRESIDING OFFICER. Excuse me. The Senator from Illinois has the floor and deserves the courtesy to be heard. The Senate will be in order. Those having other business to conduct please go to the cloakrooms, the hallways, or elsewhere. The Senator from Illinois is entitled to be heard and will be heard.

The Senator may proceed.

Mr. PERCY. Mr. President, as I have indicated, the country of Pakistan is now working with the administration to reestablish its relationship. It faces threats from many different sides. We do not have to remind the Senate of a threat from Iran that took out in a raid on Kuwait, its oil storage facilities, some of its oil storage facilities. It is faced with hostility because it is now accepting and has accepted several million refugees resulting from the Soviet occupation in Afghanistan, where the people of Afghanistan are simply being brutalized.

Pakistan has legitimate and deep concerns. Those concerns are being somewhat alleviated by a relationship that has been established with the United States now and with the administration for an arms package.

But it is also faced with the fact that there has been a detonation in India. There is a very massive arms agreement between the Soviet Union and India and though, in a bilateral sense, both of those countries are rationally working toward a better understanding, Pakistan does stand in threat of its own security. For that reason, a closer working relationship with the United States is highly desirable.

In this particular amendment, the committee gave very careful consideration to this matter and we determined that we should indicate that the word "should" should be used in the event of a detonation. But we do not know what circumstances would be involved at that time. And to automatically mandate that something be carried forward might be very dangerous.

Senator GLENN has proposed to change section 670 of the act to remove the Presidential discretion should a nuclear device be detonated. This amendment appears to be an attempt to legislate piecemeal a nonproliferation measure.

Senator GLENN and I have worked closely together. I have deep respect for his knowledge in this field and his devotion and dedication to it. But I do not feel it is wise at this time, without full hearings, without the administration presenting their arguments, to just suddenly come in and take an action here that may upset the very delicate relationship that we are developing with Pakistan.

Mr. GLENN. Will the Senator yield?

Mr. PERCY. I will yield in just one moment.

Mr. GLENN. Are we going to go through this whole debate that we have just spent 6½ hours on? Is it our intention to go the rest of the day on the motion to table?

Mr. PERCY. I think not. I think we can come to a decision on this very quickly.

As the Senator knows, we had very few Senators on the floor. The assistant majority leader said that this is an issue of such vital importance that, in casting his vote, he would much prefer to have a debate now that Senators are alerted to the nature of the particular issue that we have at hand.

Mr. GLENN. Will the distinguished Senator yield for just a moment?

Mr. PERCY. Yes.

Mr. GLENN. What kind of procedure would it be if every time we had a debate on the floor of the Senate, Senators that did not attend were permitted to say, "Well, my goodness, we just had 6 or 7 hours of debate but because the vote went the wrong way, we have to repeat that whole debate over again"? That is ridiculous.

Mr. PERCY. It is in accordance with the Senate procedures the Senator has observed for years. We have always had the right to reconsider a vote. That right was exercised by a Senator and that is the process that we are engaged in. I think in just a few moments we can get the arguments out so that we can come back and at least have the vote on a much better informed basis.

Before adequate congressional and executive branch consultations have occurred, we are being asked now to take a position on an issue that may have an absolutely vital effect on a country that is endangered on one side, threatened on the other, and is now attempting to reestablish a relationship with the administration.

It is the administration's viewpoint that tying their hands, putting them in a straitjacket, mandating a policy from which they would have no recourse would be a dangerous policy to follow.

Certainly, I do not have to emphasize how adversely we would react when the administration acts without adequate prior consultation with Congress, even before Congress has adequately discussed and has adequate hearings on this particular subject.

I do not deny that after consultations and hearings and the development of a comprehensive nonproliferation policy, we may well determine that this amendment, or a modified form of this amendment, is the course for the United States to follow.

But I think the course would be premature. It would be a radical move at this particular time and it may not well be in the best interests of the United States, as I see it.

We should not legislatively preempt the administration any more than they should act without consultation with Congress.

This was our understanding when the committee rejected this change at the time we marked up the legislation. And circumstances have not changed.

We debated that issue in committee. We decided at this particular time that it would be best to leave some leeway here and indicate what the administration should do but not absolutely direct it regardless of the circumstances.

For that reason, I think we ought to give the administration the benefit of the doubt and raise the issue but not try to resolve it at this particular time.

Mr. GLENN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. I move to table the motion to reconsider. Is that debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. MATHIAS. Will the Senator withhold his tabling motion so I could just pose a few brief questions to him?

Mr. GLENN. I will.

Mr. MATHIAS. I voted for the amendment of the Senator from Ohio. I also voted in the Foreign Relations Committee for the modification of the Symington amendment, which really gives rise to this whole question that is now before the Senate. In casting both of those votes, I was trying to steer between Scylla and Charybdis, in a very narrow passage which will lead to a sound national policy.

We were concerned that we would be, as the distinguished chairman of the Foreign Relations Committee said, inflexible under the original provisions of the law and we were in danger of rupturing our relations with Pakistan, which certainly no one wishes to do. So we, therefore, did make the Symington amendment more flexible.

What the Senator from Ohio now proposes will not undo that work, am I right?

Mr. GLENN. That is correct.

Mr. MATHIAS. It will not cause the cessation, the termination of any programs now underway with Pakistan.

Mr. GLENN. The Senator is correct.

Mr. MATHIAS. And what the Senator is proposing, as he and I discussed yesterday, is prospective in its impact.

Mr. GLENN. The Senator is correct.

Mr. MATHIAS. And it is only if some

action should occur hereafter, specifically the detonation of a nuclear device by either India or Pakistan, that programs respectively with those countries would be affected.

Mr. GLENN. That is correct.

Mr. MATHIAS. And we are dealing evenhandedly with India and Pakistan.

Mr. GLENN. That is absolutely correct; in both countries.

Mr. MATHIAS. So the effect here is what happens in the future and not the fact that India has already detonated a nuclear device, nor is it a fact that we have some reason to believe that Pakistan has undertaken some research which moves in that direction.

Mr. GLENN. The Senator is absolutely correct. What we are trying to do is carry out the terms of our nuclear nonproliferation policy. It would not go back and repenalize India for their actions in the past.

What my amendment does attempt to do is prevent the spread of nuclear weaponry to another nation, to Pakistan, which has been embarked on this course for some time. I wish to have the arms sent to Pakistan, but I also want to prevent the spread of nuclear weapons. We have worked in this area through the Nuclear Nonproliferation Act for several years. But the first time the Nuclear Nonproliferation Act came to its test was on the Indian fuel sales last year and we did not stand firm; now we find the second test of it here. I think this is really a test this time of whether we have the true nuclear nonproliferation policy or not.

Mr. MATHIAS. I think the Senator puts his finger on one of the real danger points, flashpoints, in the modern world. It is not only if and when a given country gets a nuclear capacity, it is the moving toward that, that creates the conditions of danger, as we observed in the Israeli raid on Iraq.

During a graduation speech at Harvard University this past summer, Tom Watson, former Ambassador to the Soviet Union, pointed out the highly destabilized condition of the world when one nation observes a hostile neighbor approaching, either quantitatively or qualitatively, a degree of nuclear superiority, the possibility of some hostile or some violent act which can plunge the world into war is present, so that the need to contain proliferation is very real.

I wanted to be absolutely certain, and I am sure other Members of the Senate wish to be certain, in the understanding of the author of this amendment as to exactly how it was intended to operate.

Mr. GLENN. The Senator is absolutely correct.

Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado (Mr. HART) is to be recognized.

Mr. HART. Mr. President, I had thought the committee worked out an agreement which I was agreeable to concerning a limitation of time on the amendment of the Senator from North Carolina. I am waiting for the committee to offer that arrangement.

Mr. HELMS. Mr. President, I will say to the Senator from Colorado, I do not propose to take but a few minutes. It is my understanding that the managers of the bill may accept the amendment. That is the only arrangement I know anything about.

Mr. HART. I think we are having difficulty getting the attention of the managers of the bill right now.

Will the spokesman for the majority or for the minority straighten out the situation regarding the Senator from North Carolina? We are waiting for leadership here.

Mr. PERCY. There was a notification put out that we would ask unanimous consent to take up the Helms amendment at this time and then have it followed by the Hart amendment. Is that agreeable to the Senator from Colorado?

Mr. HART. That is agreeable. I was waiting to have the Senator ask for unanimous consent.

Mr. PERCY. Mr. President, I ask unanimous consent to vitiate the unanimous-consent agreement to move to the Hart amendment after the vote on the Glenn amendment, and that, instead, a Helms amendment related to the Glenn amendment be brought up as the next order of business.

I further ask unanimous consent that there be a time agreement of 20 minutes evenly divided on the Helms amendment, and that the Hart amendment be taken up immediately after the Helms amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. Reserving the right to object, will that modify in any way the Glenn amendment or is it just to come up after the Glenn amendment?

The PRESIDING OFFICER. It has no effect on the Glenn amendment.

Mr. GLENN. I will continue temporarily to reserve the right to object, Mr. President.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. Without losing my right to the floor, I yield to the Senator from Colorado.

Mr. HART. The unanimous-consent request concerned an amendment by the Senator from North Carolina related to the Glenn amendment. The Senator from Ohio has asked about the connection or relation to his amendment.

Mr. HELMS. Mr. President, the question was, Does it affect the Glenn amendment? It does not affect the Glenn amendment, but it does relate to another portion in that same section, if that is clear.

Mr. GLENN. Mr. President, I continue to object, temporarily.

Mr. President, I withdraw my objection.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I apologize for not having heard the last comment. Where do we stand? What is the pending business?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield myself such time as I may require, which will not be very much.

UP AMENDMENT NO. 492

(Purpose: To require a prohibition on furnishing assistance to any country if such country detonates a nuclear device)

Mr. HELMS. Mr. President, let me read the amendment.

On page 83, line 12, strike "either India or Pakistan" and insert in lieu thereof "any country."

I ask unanimous consent to proceed to the consideration of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 492.

On page 83, line 12, strike "either India or Pakistan" and insert in lieu thereof "any country".

Mr. HELMS. Mr. President, the pending amendment is obviously quite simple. This Senator, as many other Senators, feels that the United States should not single out India and/or Pakistan for special penalty. Therefore, the section should be amended or modified to apply to all countries receiving aid from the United States.

Mr. President, this is the point: Pakistan, Argentina, Iraq, Brazil, India, Taiwan, and South Africa are all rumored or known to have substantial nuclear capability, and are said to possess the ability to produce a nuclear weapon. Therefore, if any nation explodes a nuclear device and if it is receiving any kind of assistance from the United States, that aid should be cut off.

Mr. President, somehow we must stop the proliferation of nuclear weapons. We are talking about the future of this world. Otherwise, we will have to live with the specter of nuclear blackmail by a small nation with one nuclear device.

I ask the Senate, what happens if Qadhafi obtains a nuclear weapon?

We simply must use whatever leverage we have in this world to encourage nations to halt the insanity of the spread of nuclear weapons. Cutting off aid to any nation which detonates a nuclear device will help do just that. For that reason, I urge adoption of the pending amendment.

I reserve the remainder of my time.

Mr. PERCY. Mr. President, I voted against and spoke against the Glenn amendment because it singled out, in a sense, two countries. Though there is con-

cern, certainly, about nuclear proliferation in the Near East, which is a highly volatile area, that is not to say that they are alone. There has been interest shown in Latin America, in the Middle East; certainly in Asia and Africa. This problem is a pervasive problem. The virtue of the Helms amendment is that it is nondiscriminatory. It is just against proliferation. It does not name any particular country, it does not point a particularly accusing finger. It simply says every country shall be treated the same. For that reason, I think there is considerable merit in the amendment. I intend to vote for it.

Mr. HELMS. I thank the Senator.

Mr. McCLURE. Will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. McCLURE. I thank the Senator for yielding and I shall not belabor the subject.

Certainly, Mr. President, the Helms amendment does have the virtue of being evenhanded. It does not discriminate among countries except in the sense that those who have already developed a nuclear capacity have, therefore, a frozen position that may be different from their immediate or future adversaries. But I shall continue to oppose the amendment as I opposed the Glenn amendment. The Glenn amendment was faulty on two grounds. One is that it was discriminatory. The other one remains and is stated in the Helms amendment in an even broader and, therefore, more dangerous sense in that it ties the hands of the President of the United States in dealing with any of these countries and it says that there is only one policy consideration and that will override every other policy consideration in the event a country detonates a nuclear device.

Mr. President, if that is the position of the Senate, so be it. This Senator cannot see it that way. Can I imagine or can anybody else in this body imagine that, should the Israelis detonate a nuclear device, we would immediately terminate all aid to Israel? Mr. President, I ask all Members of the Senate to ask themselves that question and honestly answer it—honestly answer it.

If they were to ask themselves that question and really honestly answer it, they would have to ask themselves why we have not responded in that way in other regards. It is obvious that there are other policy considerations that come into the discussion, and some of those policy considerations have been sufficient to outweigh others in the past with respect to tensions between countries.

Let us hypothesize for a moment. India has been suggesting that they do not intend and, as a matter of fact, the Senator from Ohio is concerned that the nation of India does not intend to comply with the restrictions that we may place upon shipments of nuclear materials to that country and, as a matter of fact, they may reverse their policy and move further toward a weapons position. We would immediately terminate aid to India under this amendment or under the Glenn amendment. If, as a matter of fact, Israel were to do so, we would immediately terminate aid to Israel.

Now, Mr. President, nobody believes that. I do not believe that. Because there are other security considerations which are of vital concern to us and to others of our friends that do weigh in the scales of decisionmaking, both in this body and in the administration. It is that very flexibility which the Glenn amendment removed with respect to two nations, that the Helms amendment would remove with respect to all nations. As I said, it has the virtue of being evenhanded. It removes one of the impediments of the Glenn amendment but it leaves the other of inflexibility in policy.

I think we are just kidding ourselves, Mr. President, if we think we shall really apply that when it gets right down to it with respect to some circumstances in some situations. So while it has the appearance of evenhandedness, I do not think that, in fact, we can sustain that no matter how we were to attempt to do so in this body.

Mr. MATHIAS. Will the Senator yield for a question?

Mr. McCLURE. I am happy to yield for a question.

Mr. MATHIAS. The Senator said we would not enforce this proscription in a given case.

Mr. McCLURE. Mr. President, I said in the event that Israel were to detonate a device, this Senator does not believe that the United States would immediately cut off all economic and military assistance to the nation of Israel.

Mr. MATHIAS. The Senator believes that?

Mr. McCLURE. I believe that, Mr. President, and I think the record will bear it out. We got very concerned in this body about the misuse, the abuse of the defense-only requirement on military weapons when Turkey and Greece got into a problem in Cyprus, but we have never had the nerve to be evenhanded with respect to that requirement when it came to the use of weapons furnished by this country to the nation of Israel against Iraq, against Lebanon, against any other nation.

Mr. MATHIAS. But what the Senator from North Carolina is raising is the possibility that we might. Is that not true?

Mr. McCLURE. Yes, Mr. President, and what I am trying to say to the Senator from Maryland is that that is an illusion which this Senator does not believe has any more substance than the proscription upon the defensive use of weapons by the nation of Israel.

Mr. MATHIAS. But now, the Senator has carved out here an exception for Israel, which let us lay aside for the moment for the sake of this conversation. Let us say we are looking at all the rest of the world. Would it not be true that, save for Israel, we are at least creating a doubt in the minds of the many other nations who are now toying with the idea of developing a military nuclear capacity that, if they do it, they just might—just might—be cut off from any kind of a program?

Mr. McCLURE. Oh, I say to the Senator from Maryland, Mr. President, that is in the existing law. We do not have to adopt an amendment to have that.

Mr. MATHIAS. And this will reaffirm it.

Mr. McCLURE. No, it is reaffirmed in a rigid fashion in this amendment, not the creation of a doubt. The Senator is suggesting now that we are saying it but we do not mean it.

Mr. MATHIAS. No, I did not suggest that, the Senator suggested that.

Mr. McCLURE. Well, the Senator from Maryland suggested, let us set Israel aside and we shall create doubts everywhere else.

Mr. MATHIAS. The Senator from Idaho suggested that, Mr. President. I am willing to take the law on its face. I am willing to believe that the Senator from North Carolina believes what he says here today.

Mr. McCLURE. Mr. President, let me simply conclude again, as I have tried to state throughout all of this, that we cannot foresee what the circumstances may be between Israel and Iraq or India and Pakistan, or Afghanistan and Iran. We do not know what those circumstances may be. We can make a policy statement as to what we think we ought to do, as we do when we have the Symington amendment, with the waiver as reported by the committee. But when you have a rigid policy that says there is no exception, it must be observed, the President of the United States can apply no discretion, then I think we have gone too far in setting a policy consideration in the kind of inflexible posture that we have not complied with in other events in other statutes. Therefore, I think it is a mistake.

Mr. MATHIAS. But would that not raise a greater question in the mind of the country that was contemplating the development of a nuclear capacity that, in fact, they would pay a heavy price for the detonation of a nuclear device at some time in the future?

Mr. McCLURE. As I tried to indicate earlier in the debate on the Glenn amendment, when the Senator from Maryland was not present, indeed, I believe that if they did detonate a device and the President had the authority to cut off aid, he would be almost certain to do so. But there are those circumstances under which he might not desire to do so and this amendment would require him to do so. So I think even under the provision of the committee bill without the amendment, every nation in the world should have that concern that if indeed, they do move to join the weapons fraternity, if you want to call it that, that group of nations that holds the awful power to destroy as nuclear weapons can, we would in all likelihood move to terminate economic and military assistance.

But, again, while we send them that message, I think we should be very careful that we do not bind the hands of our President.

The PRESIDING OFFICER. The time for the opponents of the amendment has expired.

Mr. HELMS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Sen-

ator from North Carolina has 7 minutes and 22 seconds.

Mr. PELL. Mr. President, will the Senator respond to a question?

Mr. HELMS. I will try.

Mr. PELL. I am sympathetic to the Senator's amendment. As presently written, as I understand it, it would cover any country. Would that include the United Kingdom or France, or does the Senator mean any nonweapons country within the terms of the nonproliferation treaty?

Mr. HELMS. Obviously, it refers to countries receiving aid from the United States.

Mr. PELL. It also includes credits, and I believe France and Britain receive credits. This would deprive us of the ability to give them credits.

That is why I wonder if the Senator would want to modify his amendment to apply exclusively to nonnuclear nations.

Mr. HELMS. The Senator raises a good point.

Mr. President, without the time being charged to either side, I ask unanimous consent that I may suggest the absence of a quorum, so that we can discuss this.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I send to the desk a modification and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

On page 83, line 12, strike "either India or Pakistan" and insert in lieu thereof "any non-nuclear weapons country".

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (UP No. 492), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

UP AMENDMENT NO. 493

(Purpose: To prohibit the importation of crude oil extracted in Libya)

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Colorado (Mr. HART), for himself and Mr. KENNEDY, Mrs. KASSEBAUM, Mr. MOYNIHAN, Mr. WEICKER, Mr. PROXMIRE, Mr. PRYOR, Mr. LEAHY, Mr. SARBANES, and Mr. MITCHELL proposes an unprinted amendment numbered 493.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

PROHIBITION ON THE IMPORTATION OF CRUDE OIL FROM LIBYA

SEC. 716 (a). The Congress finds that it is in the interest of the United States to combat international terrorism, and that the present regime in Libya is aiding and abetting international terrorism.

(b) Notwithstanding any other provision of law, and effective 90 days from the date of enactment of this Act, no person subject to the jurisdiction of the United States may import, directly or indirectly, into the United States or its territories or possessions any crude oil extracted in Libya.

(c) The Congress calls on the President to (1) actively urge all nations, including our European allies and Japan, to strengthen their cooperation against international terrorism and (2) coordinate international measures to establish and maintain a total prohibition of all imports of Libyan oil, in order to bring to the earliest possible end the international terrorist practices of the current Libyan regime.

(d) The Secretary of the Treasury may prescribe regulations to carry out the provisions of subsection (a).

(e) For purposes of subsection (a)—

(1) the term "person" includes any individual, partnership, corporation, or other form of association, or any government or agency; and

(2) the phrase "person subject to the jurisdiction of the United States" includes any foreign subsidiary or affiliate of any corporation if nationals of the United States own, directly or indirectly, more than 5 per centum of the outstanding capital stock or other beneficial interest in such legal entity.

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 717.".

Mr. HART. Mr. President, on behalf of myself and our disinguished colleague from Massachusetts (Mr. KENNEDY), the distinguished Senator from Kansas (Mrs. KASSEBAUM), the Senator from New York (Mr. MOYNIHAN), and other colleagues, I offer today an amendment to address one of the most serious problems confronting this country and the world—the problem of international terrorism.

We have heard a great deal from the administration and other sources in recent weeks and months about the proliferating problem of terrorism, assassination, and political instability through other than acceptable political means.

We also know, as a matter of fact, that one of the principal sources for that spread of terrorism around the world is the Government of Libya and its leader, Colonel Qadhafi.

Several months ago, the late President of Egypt, President Anwar Sadat, referred to Colonel Qadhafi as a "certified lunatic." We may never know whether that opinion in fact led to President Sadat's death. But there is certainly reason to be suspicious, based on past actions that Colonel Qadhafi and others in his government have participated in—plots to assassinate President Sadat, members of the Government of the United States, other world leaders, and attempts to overthrow the governments in North Africa and the Middle East.

Yet in spite of all this, the United States continues to import oil from Libya. Indeed, the facts indicate that we are the principal importer of Libyan oil.

We are presently importing about 300,000 barrels of oil per day from Libya. We import about 40 percent of all the oil that the Libyans produce. And for that oil, we are paying a premium price—about $40 per barrel.

In round numbers this means we export over $4 billion annually from the United States to Colonel Qadhafi and to the Libyan Government.

There is no question that American dollars are being used to finance international terrorism and assassination.

In fact, recently, one of the leading papers in the country, the Washington Post, noted in an editorial that we are as the largest single purchaser of Libyan oil, and to use the words of the Washington Post, "financially speaking, the United States is the leading sponsor of Libyan adventurism and terror."

Mr. President, pure and simple, this is an intolerable situation. Regardless of whatever profits individual American companies may be making, the fact of the matter is that it is immoral for the United States of America to be financing international terrorism.

American imports of Libyan oil amount to about 2 percent of all the oil we consume. It amounts to about 5 percent of all the oil we import.

In all likelihood, given the continued waste and extravagance in our use of oil, this country can survive, pure and simple, without Libyan oil and survive very well. If need be, there are other sources of oil—even oil of a comparable quality to Libyan oil—including Nigerian oil from exporting countries in the Western Hemisphere, as well as other supplies from the Middle East that we could tap to make up whatever shortfall may exist after the cutoff of Libyan oil.

The amendment which is being proposed here today by myself and the Senator from Massachusetts, and our other cosponsors, would require our Government to terminate imports of Libyan oil within 90 days from the enactment of this law. It further calls upon the President of the United States to seek the cooperation of our other importing allies around the world, in joining us in banning their oil imports from Libya.

Even if the United States, as the principal purchaser and importer of Libyan oil, were to adopt its own import termination, we would still need the cooperation of our allies, to make such an embargo most effective.

Therefore, this amendment calls on the President of the United States to seek the cooperation of our allies, particularly the Germans, the Italians, the Spanish and other countries that are importing Libyan oil, to make this embargo as effective as possible.

In this case, unilateral action will not have the desired effect. But, at the same time, we cannot go to our allies seeking their cooperation unless we are willing to take the first step, and that is what this amendment requires. The United

States, as a good-faith effort to isolate one of the leading ringleaders of international terrorism, one of the most feared and despicable despots on the face of the globe, cannot go to our allies unless we are willing to take the first step and require the kind of international isolation that we should have to bring this individual to bay.

I am hopeful that our colleagues will take this amendment extremely serious, because that is the spirit in which it is being offered by the sponsors.

It seems to me, and I am sure it seems to the American people, an outrageous situation that day after day, week after week, month after month, and, for that matter, year after year, from their stronghold in North Africa, Colonel Qadhafi and his henchmen can launch strikes on our American military forces, launch assassination squads into Egypt, can intimidate governments in North Africa and the Middle East, and do so with American dollars.

There comes a point where some principles and some interests are more important than pure economics and pure profits, and this seems to me to be a clear-cut case of one of those cases. What does this country stand for? Do we stand for profits over morality? Do we stand for supporting terrorism over what is right? Or do we stand for leadership over expediency? Do we stand for something pure and simple? We have a chance here to demonstrate some leadership both to the American people and the people of the free world.

The administration and Members of Congress now have an opportunity through this amendment to take a real step against terrorism.

There has been much talk in these halls about the awful events of recent months and now something must be done. We ask the CIA to look into it, we ask the FBI to look into it, and we ask the President to look into it. We ask the Defense Department what can be done. But we go on sending billions of American dollars to Colonel Qadhafi.

Let us take the first step. Let us take the most immediate and obvious step and cut off a principal source of funds.

One can argue that we have not held hearings on this subject. I wish we had. It has been a situation that has been going on for quite some time. Obviously, the committees of Congress, not just the Foreign Relations Committee, but Armed Services Committee and other committees, have been perfectly free during this period of time to look into this matter and to get testimony.

But since this has not been done, Mr. President, it seems to me that this amendment is a clear-cut, almost black-and-white situation. Will we continue to export American dollars for terrorist oil or will we stop it? Here is a chance today to make a stand, to cast a vote, and to do what is right.

Mr. President, I hope the distinguished managers of this bill will support it. I hope the administration will support it. Former President Nixon, based on his recent travels in that region, called for a total boycott of Libyan oil. Others, of different political persuasions and different backgrounds, have done the same thing.

I think we should have a free and full debate of this issue by the Senate, answer the questions, and then vote this amendment up; send a signal from the Halls of the Senate and of Congress today that we are serious about dealing with this problem of terrorism. It is not an abstract problem. It led to the assassination of one of the most distinguished leaders in the world community in recent years, President Sadat. It has led to assassination attempts on other world leaders and the attempted overthrow of other governments.

Terrorism leads daily, almost hourly, to assassinations in various parts of the world, many of which are supported by Colonel Qadhafi, and financed by our dollars.

Do we want to tolerate that? Do we take the expedient course? Will we procrastinate and delay, saying that we need to hold hearings, we need to look into it, we need to get the administration's point of view, or will we take the stand and vote for this amendment?

Mr. President, I know my colleague from Massachusetts (Mr. KENNEDY) is concerned. He is a strong supporter of this amendment. I want his views to be made known.

I ask unanimous consent that recent articles from August of this year printed in the Los Angeles Times be printed in the RECORD where distinguished writers, who have researched this point, indicate that at one point Qadhafi tried to assassinate the American Ambassador to Cairo, and he had ordered attempts on the life of Sadat.

Qadhafi has supported with cash or arms the Basque and Corsican and other separatist movements throughout Europe.

He has ordered Libyan dissidents residing abroad eliminated, and I would say here, parenthetically, Mr. President, that one of those dissidents resided in my own State of Colorado, as a student at Colorado State University. Responding to a knock on his door several months ago, he opened that door to meet a pistol and be shot several times in the head, and almost lost his life.

Since then the assassin or alleged assassin has been apprehended and now is standing trial in my State for that assassination attempt, and that individual has clear connections to the Government of Libya.

Finally, as this article pointed out, Qadhafi has moved his army into neighboring Chad; and Libyan maps show part of other neighboring countries, such as Algeria, as part of greater Libya.

Mr. President, let us take this step. Let us begin the process of isolating Libya. Let us demonstrate our leadership. Let us send a signal to the people of this country and the free people of the world that the United States is not going to pursue expedient policies but is going to stand for moral principles.

I yield the floor to my distinguished colleague from the State of Massachusetts and others who may wish to be heard in support of the amendment, and I again ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 23, 1981]

REAGAN AND QADHAFI: HIGH NOON IN THE SKIES: LIBYA'S STRONGMAN MUST BE RESTRAINED

(By Charles William Maynes)

WASHINGTON.—You don't have to agree with the Reagan Administration's overall approach on key issues to admire its tactics. It retreats when the opposition is too threatening. It moves decisively when the target is small, unpopular and manageable. Both the continuing conflict with the air controllers and the new crisis with Libya, different as they are, fit this pattern.

Thus in July when the President faced a strike by 600,000 postal workers, who are barred by law from striking as are the air controllers, the Postal Service quietly capitulated and offered its employees an uncapped cost-of-living adjustment. Then came the challenge from the air controllers. This time the decision was to point out to the American people the no-strike pledge of the air controllers, who number only 12,000, and to hit their much smaller union as hard as possible.

The approach toward international terrorism has been similar. The day after the inauguration, Secretary of State Alexander M. Haig, Jr. announced that the Administration would give priority to the fight against terrorism. He lashed out against the Soviet Union for "training, funding and equipping" international terrorists. The President followed up the next day with a blistering attack on Soviet leaders for the "promotion of world revolution" and for reserving "unto themselves the right to commit any crime; to lie; to cheat, in order to obtain (revolution). . . ."

But as did the postal workers, the Soviet Union benefited from Administration concern that the target sighted was too big. The Administration retreated and repealed the grain embargo. Now smaller Libya is also being shown the eagle's claws.

In the case of Libya, the Administration will probably succeed because it has chosen the right target, even if it may have gone unnecessarily out of its way to court confrontation. Libya's strongman, Moammar Qadhafi, does represent a new problem for the international community, for which a solution must be found. That problem, in brief, is what should be done when a country critical to international stability, in effect, runs amok because of its leader's policies.

The international community has always faced this problem with a few key countries. For two centuries the question of who ruled Germany has been key to the future stability of Europe and world peace. The difference between now and then is that in an interdependent age there are so many more countries that can affect the stability of others. Who rules Iran is almost as important as who rules even major European countries.

In the case of Libya, the dilemmas of interdependence reach the point of absurdity. The vast country of less than 3 million people holds hundreds of millions at bay because the quality of its oil is ideal for gasoline production and because it supplies a critical share of the U.S., Italian and German markets.

The President may order Libyan planes shot down in order to defend the principle of the freedom of the seas but 2,000 U.S. oil workers, although urged by their government to leave, remain in Libya, each one a potential target for revenge.

Some people contend that Qadhafi is crazy. Egypt's President Anwar Sadat maintains the Libya's strongman is "100% sick and possessed of the demon." And Sudanese President Jaafar Numeiri says that he has "a split personality—both evil." What is clear is that he is dangerous.

At one point, Qadhafi appears to have tried to have the American ambassador in Cairo assassinated; he has ordered attempts on the life of Sadat, and he has supported with cash or arms Basque, Corsican and other separatists throughout Europe. He has ordered Libyan dissidents residing abroad eliminated. He has moved his army into neighboring Chad. Libyan maps show parts of other neighboring countries, such as Algeria, as part of greater Libya.

Regrettably, the rule of law plays only a marginal role in international affairs. When a state such as Libya shows no respect for even that margin, there is justification for the resort to force. Consequently, the Administration's show of force on the high seas *off* Libya deserves the benefit of the doubt even from America's detractors. Indeed, one of the key issues facing Northern Africa and the Middle East is who should discipline Qadhafi. The question now facing the United States is. Should it be America?

The Carter Administration was perhaps too quick to say no. It rejected for unclear reasons even such measures as severing diplomatic relations with Libya. This Administration may, by contrast, be a little too anxious to answer yes. Having all but formally severed relations, it may now be looking for more forceful, next steps.

But the politics of the developing countries are not as single-minded as those of this Administration. Despite the incredible record of abuse which Qadhafi's Libya has managed to establish against neighboring states, the Administration, if it moves too precipitously, may find to its astonishment that developing countries will rally to Libya's side, especially if Qadhafi can portray himself as another Third World victim of "Western aggression." And if the Administration "unleashes" Sadat to move against Libya, it may find that it has only weakened the Egyptian leader. After all, in World War II even Rommel was finally defeated because the German logistical lines across the Libyan desert were too difficut to maintain.

If the Administration wants to discipline Qadhafi, the key is not unilateral American action or greater American dependence on Sadat, already bearing a heavy burden for the United States. Rather, America must alter its policy toward two key countries in the region. Algeria and Nigeria. Properly supported and encouraged, they would be in an excellent position to join Egypt in containing Qadhafi's ambition. A watchful Algeria, for example, would not only provide a western buffer against Libyan expansion, but would also make Qadhafi wary of engaging Sadat in the east, lest he end up fighting on two fronts. Similarly, Nigeria would not only be able to check any southward Libyan movement, but also could use its substantial prestige with other black African nations to oppose Libyan meddling. Unfortunately, with both Algeria and Nigeria the Administration has made grave errors, seriously violating an unstated law of international politics: Always remember the question, "What have you done for me lately?"

One of the Administration's first actions in the wake of Algeria's assistance in resolving the Iranian hostage crisis was to make it clear that our principal friend in North Africa is Algeria's neighbor and rival, Morocco. Through arms shipments, constituting a reversal in traditional U.S. policy under both Democratic and Republican Administrations, the new team went out of its way to make clear that it felt no gratitude toward the Algerians. Indeed, it seemed anxious to stress the point.

In the case of Nigeria, the one black African country that can counter Libyan actions in Chad, the President got off on the wrong foot by suggesting during his campaign that of all the African countries, the United States has a special obligation to South Africa—allegedly because of the role it played in World War II. In fact, many of South Africa's more important current or recent leaders were then either in jail or under suspicion as Nazi sympathizers. Moreover, Nigeria may feel that the United States also incurred a special obligation to it in 1973 when Nigeria defied an Arab oil boycott against the United States, and continued to supply America much of its imported oil.

The test for the Reagan Administration now is one of focus. Unlike the crisis in El Salvador, the Administration has not identified the wrong target or uncovered misleading information. Qadhafi does need to be restrained. The debate must now determine how to accomplish this. Is the Administration, through the totality of its policies in the area, particularly toward critical countries like Algeria, making it more difficult to do with others what clearly can be done only with enormous cost alone? The answer to that question will determine whether this latest crisis will be a success or failure for the Reagan Administration.

REAGAN AND QADHAFI: HIGH NOON IN THE SKIES: OIL AND TERROR ARE HIS MAJOR EXPORTS

(By Don Schance)

CAIRO—"We in Libya are terrorized by the presence of the American fleet in the Mediterranean—This is real terrorism," Libya's Moammar Qadhafi told an American interviewer a few weeks ago.

The remark was not particularly prescient on the part of the eccentric leader of the oil-rich desert country, who could not then have foretold Wednesday's clash of American and Libyan fighter planes over the Gulf of Sidra. Countering complaints that Libya supports terrorists by accusing the United States of terrorism, in the Mediterranean and elsewhere, is an old theme with the "brother colonel," as he encourages Libyans to call him.

But it is the theme that goes to the heart of the hostility underlying U.S.-Libya relations. Qadhafi airily dismisses the element of terror implicit in Libya's financial support of "national liberation movements" in 40 or more countries, the fielding of hit squads to assassinate Libyan dissidents abroad and overt attempts to destabilize and overthrow the regimes of neighboring states.

To the quixotic Bedouin whose actions in almost 12 years as undisputed ruler of Libya have ranged bewilderingly from naive to cunning, the international defense obligations of the United States are terrorism on a massive scale, while Libyan activities are nothing less than a moral imperative.

Few countries in the Middle East or elsewhere accept his argument and even those that do, such as Iran, question why Qadhafi does not apply the same yardstick to the Soviet Union, with whom his warm relations include the purchase of $12-billion worth of military equipment. Egyptian President Anwar Sadat's public distaste for Qadhafi is shared, if not uttered aloud, by many others in the region, including Saudi Arabia, which the brother colonel last week pledged to "liberate" from "those who have dollars and live in palaces."

To the Saudi royal family, which still suspects that, Qadhafi had a hand in the seizure of the Grand Mosque at Mecca by Muslim fanatics in 1979, and to other Arab regimes as well, the Libyan leader's penchant for meddling in the affairs of other countries has raised an enduring specter of internal unrest and possible revolt.

But it was Libya's harboring of international terrorists and hijackers and his financing of guerrilla groups as far afield as Northern Ireland and the southern Philippines that soured U.S.-Libya relations almost from the beginning of his regime.

Although commercial relations remained intact and the United States continued, as it does today, to buy about 40% of Libya's annual oil exports, Washington long ago adopted a policy of rejecting Libyan purchases of military goods as a device to pressure the Libyan leader into conforming to international norms.

One of the sorest points in the deteriorating relationship during the 1970s, from Qadhafi's point of view, was American refusal to permit delivery of 12 Lockheed C-130 military cargo planes that Libya had bought and paid for. Washington pointedly told him on a number of occasions that when Libya forswore support of terrorism the aircraft would be released.

As Qadhafi expanded his adventures abroad, political relations with the United States continued in a nose dive that many thought had reached its nadir in 1979, when Libyan mobs stormed and burned the American Embassy—long since reduced to the status of a non-ambassadorial mission—in Tripoli. Washington responded by withdrawing its diplomats. And the nose dive continued.

Last year, Qadhafi demanded the "physical elimination of the enemies of revolution abroad." At least eight and possibly 10 murders of Libyan dissidents followed in London, Rome and Athens and two murders of Libyans in the United States appear to have been Tripoli-ordered as well.

During the same period the Libyan leader sent troops into Chad, which for a time he threatened to annex. The move triggered a state of high anxiety among neighboring African nations, which have taken seriously Qadhafi's expressed hope of overturning their governments and establishing a new revolutionary Sahel nation that would span central and North Africa from Sudan to Mauritania.

In Washington, four Libyan diplomats suspected of planning assassinations were expelled after the FBI and police seige of the Libyan "people's bureau" (embassy) in May, 1980, and the remaining 27 members of the discredited mission were finally told to leave the United States last May as the result of "Libyan provocations and misconduct, including support for international terrorism."

Against that background, the presence of the American 6th Fleet well off-shore in the Gulf of Sidra, while doubtless annoying to Libya, would hardly seem to qualify as the terrorism Qadhafi claims it to be.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to commend the Senator from Colorado for introducing this amendment, and I welcome the opportunity to join with him on this important issue.

He has stated very well what I believe is an irrefutable case in support of this amendment. I would like to take just a few moments of the Senate's time this afternoon to speak in support of this amendment. I am extremely hopeful that we can gain a vote on this particular measure, as is Senator HART.

The time has come for the United States to set an example for the world community by taking the urgent action to disassociate ourselves from the terrorist regime in Libya. At this time of tension and tragedy in the Middle East, the United States should not conduct itself in any way that contributes to a regime committed to violence, assassination, and other acts of international terrorism.

Each day, however, the United States pays vast amounts to Libya for oil—over

$7 billion in 1980, over $4 billion through July of 1981. It is unconscionable that dollars from the United States are used to finance the worldwide campaign of terrorism and violence conducted by the Government of Libya.

The amendment that Senator HART and I are offering will prohibit all purchases of oil from Libya by the United States by U.S. firms or by U.S. citizens. It will thereby end all U.S. imports from Libya—over 99 percent of our total imports from that nation. The prohibition in the amendment will take effect 90 days after enactment.

The United States has already pledged military supplies and support to Israel and other nations in the Middle East threatened by Libyan terrorism and subversion. The administration has called upon the 2,000 American civilians and their dependents now in Libya to leave that country as soon as possible. I support these actions. But we must do more. We must put our own house in order, by recognizing that U.S. dollars for oil are being misused to finance the epidemic of Libyan terrorism.

Mr. President, it is immoral and inexcusable for the United States to be the world's largest customer for Libyan oil. Colonel Qadhafi and his lieutenants are working with the PLO and other terrorists to destroy the State of Israel. They are sponsoring and funding assassination attempts in the Middle East and in Europe, and even if the United States.

We mourned when President Sadat was assassinated in Cairo. But the PLO did not mourn. Colonel Qadhafi was the first foreign leader to acclaim this cold-blooded murder. He saluted this cruel act on national television. He promised to welcome and shake hands with the assassins if they came to Tripoli.

Libya today stands condemned by the actions and the words of its own leader. Its government should be an outcast among all the nations of the Earth. It is time for us to sever the oil pipeline that pours billions of American dollars into the Qadhafi arsenal. We know how Colonel Qadhafi uses our oil payments. He is a brutal dictator who spends American money to purchase the Soviet weapons, to assault and plot against America's friends in the Middle East, even to attack American pilots over international waters in the Mediterranean.

We should not pay one cent to Libya for oil until it halts, once and for all, its sponsorship and its financial support for violence around the world. American industry and American homes should not be fueled with oil tainted with the blood of Libyan terror.

It is also time for the administration to demonstrate its opposition to international terrorism by persuading our friends and allies to shun Libya as well. As President Reagan has said, a coordinated international approach is important if we are to succeed in isolating Libya.

But someone must take the first step in establishing a sane policy toward this insane regime. And we can now take that step here in the Senate. We can take the lead in confronting and isolating the terrorist regime in Libya. So long as we continue to buy Libyan oil, we are acquiescing in Libya's acts of violence and contributing our dollars to their treasury of terror.

We must carry out the courageous legacy of President Sadat, who took bold steps toward peace and stability in the Middle East. In this dangerous and unsettled time, we must do more than express our outrage against the outlaws of Libya.

The issue before the Senate is clear. It is time to act, not just talk, against terrorism wherever it exists. We must state the truth that the Government of Libya is in violation of the most basic canons of decency and justice in the world. We must stand up and speak out for peace and humanity. Above all, we must never consort with those who condone violence and murder in international affairs.

Mr. President, I ask unanimous consent that a recent Washington Post article by G. Henry Schuler, which calls for a U.S. oil embargo against the terrorist regime in Libya, be printed at this point in the RECORD.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

AVENGE HIS DEATH BY ISOLATING LIBYA

(By G. Henry M. Schuler)

As barbaric as it may appear on our television news, Col. Muammar Qadhafi has ample cause to gloat these days. The assassination of President Sadat has removed a second target from his publicly proclaimed list of leaders accused of betraying the Arab and Islamic cause by cooperating too closely with the United States. The first was struck from the rolls almost two years ago with the overthrow of the shah of Iran.

Anwar Sadat and Mohammed Reza Pahlavi are gone, but must they be forgotten by the United States after the eulogizing and handwringing are over? Only if we are prepared to accept the demise or capitulation of additional targets on the list.

Can we risk the consequences for our strategic and oil interests of hostile regimes at the entrance to the Mediterranean, on the narrowest choke point at the Straits of Sicily, on the Red Sea across from Jeddah, on the coastal Horn of Africa near the Straits of Hormuz and in the energy heartland itself?

If not, then we would do well to reassess the best way to assist King Hassan of Morocco, Presidents Bourguiba of Tunisia, Numerli of Sudan, and Barre of Somalia and the monarchs of the Arabian Peninsula who are all on Qadhafi's list.

Some will contend that this apocalyptic forecast overstates the importance of Qadhafi, but that has been offered as an excuse for ignoring him for over a decade. It is time to admit the truth which is so unpleasant to a myriad of Western interests. Full details about the assassination will not be available until after Sadat's presumed successor, Hosni Mubarak, has consolidated power. And we may not know the assassins' links with certainty even then. But there can be no doubt that they received some degree of support or encouragement from Libya.

Qadhafi's guilt does not depend upon evidence tying the assassins to renegade Egyptian Gen. Saadeddin Shazli's headquarters in Tripoli or to the numerous cells of youthful Islamic fundamentalists which Libya has trained, armed and funded. Qadhafi is no less culpable if the assassination was executed by Egyptian zealots who had no Libyan contact other than the steady stream of religiously couched anti-Sadat invective from a clandestine radio station established in eastern Libya as long ago as 1973.

To be sure, Western sophistry can be employed to obscure these current facts and ample evidence of prior threats and attempts. But we fool only ourselves, not the countries of the Middle East where perceptions are as important as reality.

Unfortunately, intimidation works except in those exceedingly rare individuals like Anwar Sadat. Therefore, Qadhafi's gloating is more than offensive to our humanitarian instincts . . . it is threatening to our geopolitical interests.

Sadly, we can do nothing to prolong Sadat's life, but we can at least take steps to minimize the threat of intimidation presented by his death.

The Reagan administration made a start some months ago by condemning Libyan subversion, a stand long preached to deaf ears by the late Egyptian president and his colleagues. But condemnation may prove to be the easy part because the opportunities for damage control have been limited by years of drift.

Egypt's tragic experience serves to remind us that the United States can provide little internal security assistance at the muzzle end of the weapon of international subversion. Yes, we can sell massive quantities of sophisticated military equipment to Sudan and other target countries, but this will never stop determined assassins, and may, in fact, encourage unrest by raising the American profile and presence.

Similarly, we can suggest a willingness to intervene with our own forces as President Reagan did last week. But such ill-defined pledges risk further alienation while possessing little credibility in the presence of American oil installations and employes who could be seized as hostages long before American forces could be deployed.

We can also hope that the social, religious and economic problems endemic to the region be resolved. But their solution is way outside American control.

Finally, some argue that we can enhance regional stability by abandoning the policy for which Sadat died, but that only serves to reward the intimidators without satisfying their non-negotiable demand for the abandonment of Israel.

If there is little we can do at the muzzle end of international subversion, then we must turn our attention to the breech end of that weapon. In other words, we must attempt to interdict the funding, arms and propaganda at their Libyan source.

The prospects for a direct Egyptian assault on the Soviet-armed Libyan fortress are not promising. The United States would gain little political mileage—let alone moral stature—by resorting to Qadhafi's own methods of clandestine assassination. But even if we cannot achieve an immediate or decisive interdiction of Libyan subversion by removing Qadhafi, we can at least curtail Western support for his terrorist regime.

This can be accomplished by renouncing business-as-usual, regardless of whether that business is pumping Libya's oil, liquefying her gas, clamoring for her construction contracts, investing her petrodollars, meeting her import and technology requirements, consuming her petroleum or grasping for whatever other piece of that multi-billion-dollar pie we can get our hands on.

Admittedly, that policy will require unusual bureaucratic and corporate courage. But such a collective resolve would hardly rise to the level of Sadat's personal valor in journeying to Jerusalem and accepting the dying shah. If we are to instill courage in the moderates within the new Egyptian government, in other Arab states and even among the Libyan population, the United States and its allies must break the commercial links which finance Qadhafi and create his aura of invincibility.

Much of this disengagement will proceed from events, but the administration can begin by putting some muscle behind its request to American companies to withdraw their several thousand American personnel from Libya.

The companies profess to want an unequivocal order before they risk the shutdown of Libya's petroleum industry, an embargo on its exports to the United States, the nationalization of their remaining assets and the possibility of jeopardizing those personnel.

It is far from certain that they would be happy with such a clarification, but we should recognize that the State Department is equally reluctant to accept responsibility and perhaps government liability. So the companies ignore State's widely publicized request, and Qadhafi and his erstwhile imitators are reinforced in the conviction that the capitalist world is more enticed by Libyan oil and profits than it is repelled by his support for terrorism and subversion.

The administration is far from helpless in this intolerable situation. With no diplomatic representation in Libya and a military encounter only just concluded, State has every justification—even responsibility—to declare American passports invalid for Libya. A similar step was taken during the hostage seizure in Iran, but surely State does not have to wait until hostages have already been seized.

There are, of course, risks. Perhaps a highly visible withdrawal would precipitate the hostage situation which it was designed to avoid. But will waiting make it any less likely, given the confrontation course upon which Qadhafi is embarked?

It is far more probable that such an action would lead to nationalizations, but there are legal remedies—albeit weak ones—and, ultimately, the United States government may have to provide compensation anyway for assets jeopardized for strategic interests.

Although withdrawal of personnel would be designed to protect American citizens and to give the administration greater freedom of action to deal with future provocations, it would also affect Libya's oil industry.

We don't have to attribute indispensability to American technicians in order to recognize that their absence would hurt Libya. Many of the ablest Libyans have fled the repressive regime. It will be difficult to replace either nationality with British, French or Italian technicians, for the oil industry is booming everywhere and Qadhafi's outbursts have not been aimed solely at the United States over the past 18 months. Nor are Soviet technicians a real alternative, for they have their hands full with Russia's oil production problems and are unfamiliar with the American equipment and techniques generally employed in Libya.

Thus, Libya's oil production could wind down, and its extremely complex gas liquefaction would be likely to shut down completely.

But even if Libyan oil sales were not interrupted by production problems, the withdrawal of personnel would likely prompt an embargo of shipments to the United States, which ran at a level of 570,000 barrels per day during the first six months of this year.

But an oil embargo might not be all bad, for our third largest supplier is also our most expensive. At a landed cost of $40.53 per barrel, the United States paid Libya well over $2 billion for a half year's imports . . . enough to purchase a lot of Soviet arms and fund plenty of subversion.

Although it has been argued that we cannot do without Libyan oil, that argument tends to disappear when, as now, the Libyans price it at an unrealistically high level. An embargo would certainly hit different refiners in different ways but that is an argument for arrangements to share sweet crude, not an argument for perpetuating disproportionate dependence on Qadhafi.

There is, however, another view of the oil supply relationship—Libya's. Libya sold 40 percent of its oil to the United States during the first half of 1981. In the currently slack oil market, it is far from certain that Libya could readily find alternative markets for its high priced oil. Libya's crude is better suited to American than to European product slates. Moreover, market considerations which harm Libya might be reinforced by diplomatic representations to allies in the industrialized nations, and the moderate Middle Eastern producers, all of whom have an even greater interest in regional stability than we do.

We must undertake urgent efforts to stop subversion at its Libyan source by abandoning 12 years of a business-as-usual relationship with the Qadhafi regime. No one would argue that those efforts are costless or riskless but the hardships pale by comparison to those incurred by a continued drift which encourages Qadhafi to work his way down a list of target countries. We cannot bring back Anwar Sadat, but neither can we permit him to have died in vain.

Mr. KENNEDY. Mr. President, I believe that the case has been clearly stated by Senator HART and myself, and the references to particular acts of Libyan terrorism are compelling. But these are not only findings of Members of the Senate. The Reagan administration has also come to the very same conclusion in their evaluation of the government of Libya.

This May, the State Department closed the Libyan Mission in Washington. In closing the mission, the State Department cited "a general pattern of unacceptable conduct," and "a wide range of provocations and misconduct, including support for the international terrorism."

Also in May of this year, Secretary of State Haig stated, in a speech in St. Louis, that Libya's oil revenues "are almost exclusively diverted to the purchase of armaments, the training of international terrorists, and the conduct of direct intervention in the neighboring states of Northern Africa."

In briefing the press on the speech, a State Department spokesman called Libya "the patron saint of terrorism."

Mr. President, we will be spending millions of dollars in military aid and assistance to Tunisia, Sudan, and Morocco in order to permit those countries to resist Libyan terrorism.

Mr. President, to sum up, what we are talking about is basically an outlaw regime, headed by an international renegade.

There is a clear inconsistency in U.S. policy. On the one hand, we condemn terrorism as a part of foreign policy; on the other hand, we condone terrorism as a part of our energy policy.

What our amendment is attempting to do is to provide some consistency in condemning terrorism, not only as a matter of foreign policy, but also as a matter of energy policy.

It is immoral and inexcusable for the United States to pay billions of dollars a year for Libyan oil. The fact of the matter is: Our dollars speak much louder than words. Now is the time for us to take this clear and firm action.

Oil from Libya is tainted with the blood of Libyan terror, Libyan murder, and Libyan assassination. Unquestionably, Libya stands in violation of the most fundamental canons of decency and justice in the world.

For these reasons, Mr. President, I am hopeful that the amendments will be accepted.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I think the distinguished Senator from Colorado is quite right in saying that hearings have not been held on this issue. And it is an important issue. They have not been held in the Foreign Relations Committee and they have not been held in the Armed Services Committee.

To legislate as drastic an action as this—and I certainly would want to say that I associate myself with my distinguished colleagues in the way that they have expressed their revulsion at international terrorism as perpetrated by Libya. But to take a precipitous action which would, within 90 days, cut off supplies, which would cause the President to encourage other nations to join us without knowing at all what their reactions would be, would leave us possibly in a position where we were forcing ourselves to take an action that could be harmful only to the American public. It may have little or no effect because of the small proportion of oil that we import from Libya. And it might cause no action whatsoever on the part of other countries.

It would seem that the amendment is an important enough suggestion, and I certainly commend my distinguished colleagues for raising it. We should have brought it up before and this is a good way to do it, to orbit and to raise this issue. And I do fully support the goals of Senator HART, Senator KENNEDY, and other Senators who feel that we must as a nation begin to bring pressure to bear on the Libyan Government.

Its action in support of international terrorism, its efforts to obstruct peaceful settlement of problems in the Middle East, and its acts of hostilities against neighboring countries in Africa should all be condemned by the United States and by the international community.

I do not believe, however, that it would be wise for this body to take such a drastic measure as contained in the Hart amendment without careful analysis of its consequences. This would be the hearing process that very wisely Senator HART has said has not been held.

We should take into account what the effect would be. We should consult with other countries. We should work in concert wherever we possibly can, just as we have worked in concert in the event that force was to be used in other areas—not in Afghanistan, because force has been used there—but in Poland, certainly. And by working in unison with other countries we have sent an unmistakable message to the Soviet Union and force has not been used.

Our action and our power and our influence have been wisely used. But it was done with preparation, careful preparation, and in concert and close consulta-

tion with other countries around the world.

And the action of the Soviet Union in Afghanistan, though it was a precipitous one, and though our embargo of grain and our boycott of the Olympics did not have as much effect as we would have liked it to have had and finally had to be taken off because so many countries did not move with us, we do know in the case of Poland, we have enough assurances, and the Soviet Union has enough assurances, that certainly action will not be taken.

Libya produces a very high quality sweet crude. It is much in demand in the world. If we unilaterally embargoed Libyan crude, we might well find that American companies could be evicted from Libya and the price of our crude imports increased, while decreasing to industrial competitors and revenues to Libya remaining unchanged.

I would remind my colleagues that the experience with unilateral embargoes has not been a very happy and successful one. And all of our objectives and goals here should aim at success when we move against a tyrant and a power in the Middle East that has been totally disruptive so far as the peace and well-being and tranquility of that area are concerned.

At this time I yield to my distinguished colleague from Maryland (Senator MATHIAS) and I think I would offer a suggestion.

Mr. MATHIAS. I appreciate the courtesy of the chairman of the Foreign Relations Committee. I had some concerns about this amendment that I would be glad to have the views of the chairman and of the author of the amendment on.

I tend to be very sympathetic with the purposes of the amendment. In fact, I may ultimately agree with the means by which those purposes are to be achieved.

But my mind does go back to the tragic events of a year or so ago in Tehran when we had the officials and employees of the American Embassy in Tehran held hostage for an extended period of time. We are dealing with an emotional part of the world; a part of the world which has been accurately described by the Senator from Massachusetts. And I think that raises some question about the status of 2,000 Americans who are now in Libya.

I am wondering if the author of the bill or the chairman of the committee could advise us exactly what the status of those Americans now is.

Mr. HART. Mr. President, I would be glad to respond. There are approximately 2,000 American citizens in Libya. They are principally employees of the American oil companies operating there and oil equipment contractors.

The State Department informs me that written notices were published and mailed to all Americans in Libya in 1979 and again as recently as May 1981, officially advising those Americans to leave Libya.

Further, as the Senator well knows, in recent weeks, since that second travel advisory warning, which is the standard governmental State Department approach that we follow, Libyan planes have attacked naval forces of the United States of America and have been successfully thwarted. I believe any American now residing there would be unaware of the tension, between our two nations. Any American can choose, if he or she so desires, to subject themselves to that kind of jeopardy. There is very little constitutionally that the Government of the United States can do to force Americans not to work in Libya. Presumably, these Americans, by and large, are there for economic reasons and have chosen to remain there for that same reason.

If, in fact, they continue to remain there, and the Government has warned them not to, it seems to me that we have gone a long way as a country, as a Nation, to discharging our obligations to those Americans.

I would also point out to the Senator from Maryland that he has the right to worry about a repetition of events which occurred in Iran a couple of years ago. But those events have already happened in Libya.

In Tripoli, the American Embassy was sacked and burned, at least with the acquiesence, if not the instigation of the Government of Libya. We have already suffered all the indignities we suffered in Iran. Fortunately, our official representatives to Libya have been removed. That, in and of itself, should be warning enough to other Americans.

Mr. MATHIAS. What the Senator from Colorado is saying to us is that we have 2,000 Americans who are there officially at their own risk. They have been warned by the U.S. Government to leave.

Mr. HART. Twice.

Mr. MATHIAS. But they have not. Does the Senator know how many of those are women and children?

Mr. HART. No, I do not.

Mr. MATHIAS. I do not either. But it seems to me that although these people might be said to know of the full risks of remaining in Libya under the conditions that we all know exist, yet if they end up in some form of confinement we are going to have a very serious problem.

I look up at the bust of Thomas Jefferson, who was faced with a situation in which American citizens were confined in Tripoli. We all know the action that the Jefferson administration felt compelled to undertake in order to put an end to that kind of harassment of American citizens of that generation.

I am not suggesting that that will necessarily happen, but I am wondering if the Senator has any information from either the State Department or other sources in Government as to what the official view would be of the reaction of Libya to the adoption of this amendment.

Mr. HART. The Senator from Colorado has inquired from agencies in the Federal Government and the administration to obtain a response to that question. I have not yet received any official statement of the administration or U.S. Government views on that, certainly none that I am at liberty to disclose in a public session.

I would just point out, however, that I share the concern of my colleague from Maryland, and the implication of that concern before this body it seems to me is as follows: Because Americans are in Libya and because those Americans have chosen not to remove themselves from Libya, for all practical purposes for economic and personal reasons, that places the Congress of the United States and the Government of the United States hostage already to Colonel Qadhafi and the Libyan Government.

What it says is that because Americans are there and have freely chosen to remain there, there is nothing we can do to terminate our financing of Qadhafi's terrorism, and so long as those Americans, or any portion of them, choose to remain there our hands are tied. By that logic, we become as much hostage as any object of that Libyan terrorism.

Obviously, this measure would have to pass the House and would have to be signed by the President before it became the law of the land. The fact that today the Senate of the United States, as one of the two Houses, took this action should further warn the Americans living in Libya of our intention and give them another opportunity to liquidate whatever interest they have there and get out. In the meantime, I do not think we can use the argument that the American voluntary presence in Libya ties our hands and prevents us from extricating ourselves from the intolerable situation of financing the assassination and the bloodshed of officials and innocent civilians of governments and countries around the world.

Mr. MATHIAS. I hear quite clearly what the Senator from Colorado is saying, and I also realize that we are under a kind of imperative here in this particular bill being debated by the Senate this afternoon, and we are at that point in the debate where it would seem appropriate to offer this kind of an amendment if it is to be offered at all. So there is a certain discipline of time which operates for the Senator from Colorado or any other Senator who wants to see some action of this kind taken. At the same time, I do not believe the options of a great nation are as limited as he describes them.

What happened in Tehran—and it is risky to try to analyze that situation knowing as little about it as we still do, with the record still not fully closed—what happened in Tehran as far as the public record indicates was that there was a lack of coordination within the U.S. Government on decisions that were being made that affected Tehran. There was some knowledge within the administration that the admission of the Shah of Iran for hospitalization in the United States would possibly create public disturbances in Iran. That was apparently widely known.

There was a decision made to admit the Shah to the United States for the purpose of receiving that treatment. There was, notwithstanding that knowledge, no notice sent to the Americans then in the Embassy.

So what was lacking was not options, not the ability to carry out a decision that was made by the United States, or

by responsible officials on behalf of the United States, but what was lacking was the coordination of all of our Members of carrying out and executing a policy once decided upon.

Had we made the decision that we did with respect to the Shah, had we consulted the proper officials of the State Department and other agencies of Government as to the steps that we should take and that flowed from that decision, what happened in Tehran might well have been avoided.

I am simply saying that as we approach this, and, as I said earlier, as I approach it with a great deal of common understanding and gratefulness for the Senator from Colorado, I would hope he would consider that we are dealing with a country as fanatical and organized to commit terrorist acts as the Senator from Massachusetts has described so vividly, and that we think a little bit about what happens on the assumption that a majority of the Senate agrees with the Senator from Colorado; that we begin now to coordinate our effort and not repeat the errors of the Tehran fiasco, in which a lack of coordination resulted so tragically in the incarceration of Americans in violation of international law, in violation of centuries of diplomatic usage, in violation of the Islamic code of hospitality, in violation of all the rules of decency and humanity. We have had that experience once. We ought not to risk repeating it.

Mr. HART. Let me briefly respond. I know my colleague from New York wishes to be heard.

No one, it seems to me, is more aware of the type of government and the type of society which Qadhafi represents than the foreign citizens who live there, including the Americans who live in Libya. It seems to me it would be almost impossible to be an American today in Libya and not know the excesses of that government and what those excesses can lead to in terms of the personal safety of Americans in Libya which is under the leadership of Colonel Qadhafi.

Qadhafi is a leader whose long terrorist arm can reach inside the borders of the United States, inside the State of Colorado, into the community of Fort Collins, and to the doorstep of a Libyan dissident student and have him shot. That is the kind of Government we are dealing with. I would be hard pressed to believe that any American in Libya does not understand that.

I also point out, as a practical matter, that the Senator from Colorado introduced this legislation as separate legislation less than 2 weeks ago. There was some press attention about that bill. Forty-eight hours ago, there was also press notification that this amendment would be offered to the foreign assistance bill.

The oil companies doing business there are, some of them, right outside the Chamber of the U.S. Senate, fully aware of this legislation and this amendment and they have had opportunity to notify their employees that it was going to be offered. I am as concerned about the safety and well-being of Americans in that country and other countries as any Senator, including the Senator from Maryland. But, Mr. President, at some point, we must take action in the interest of saving other lives in that part of the world and around the world by cutting off the source of funds by which those lives are being jeopardized.

I must say to my colleague and I say to all of our colleagues that every day we delay and wait to hold hearings and get administration witnesses and complete a record on this, the terrorism is going to continue. It is going to go on financed by American dollars. I think we all have to be aware of that.

I was asked recently, "If you feel this strongly about this, why did you not offer this legislation months or years ago?" I had to say I was wrong in not doing so. If someone wants to ask a question about this legislation, it is not why I act precipitately; it is why I did not do it a year ago or 2 years ago. That is the legitimate question.

I think a heavy burden is going to rest on the Senate of the United States to justify any delay in acting on this matter and I would not want the burden on my hands if we defeat this legislation and, a week from now or a month from now. Another Sadat is killed, another government overthrown or there is another terrorist act like the one at Munich in 1972, financed from Libya by American dollars.

Mr. MATHIAS. Mr. President, I hope that, as the result of the very signals that the Senator from Colorado has sent out, in introducing legislation and announcing that he was going to call up this amendment and in the discussion today, those agencies of Government which are charged with looking after the safety and security of American citizens wherever they may be—that is one of the boasts of this Republic, that we do have a concern for our citizens in every part of the world—those officials of Government charged with that duty will be on notice and whatever plans they have to contribute to the safety and the security and the return of those Americans, they will be prepared to act more expeditiously than they did in the case of Tehran.

Mr. KENNEDY. Will the Senator yield for an additional comment?

Mr. MATHIAS. Certainly.

Mr. PERCY. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. I shall be very happy to yield to my distinguished colleague. As I said before we got on this colloquy, we shall have a suggestion to offer. I commend my distinguished colleague from Maryland and will be happy to have any comments my colleague from Massachutts would care to make at this time.

Mr. KENNEDY. Mr. President, in relation to the discussion that has taken place between the Senator from Maryland and the Senator from Colorado, it is my understanding that the great majority of women and children have actually been evacuated from Libya after the warnings that were given by the State Department earlier this year. There are still, as I understand it, approximately 200 women and children, out of 2,000 Americans, who still remain in Libya. This is obviously a matter of concern to us all. I would just like to go back and underline a point that has been made during the course of this discussion. That is that the United States is not helpless in protecting its own citizens. I think there should be no misunderstanding, either by Colonel Qadhafi or by other leaders in that part of the world, that the United States is prepared to take whatever steps are necessary to protect its citizens.

It does seem to me, Mr. President, for that reason and the other reasons that have been offered here in support of this amendment, that it is entirely appropriate that we act on it now.

I thank the Senator.

Mr. MATHIAS. Mr. President, the Senator from Massachusetts gets my drift exactly, that if we are going to take this step for good and sufficient reasons, then those officials of Government who are charged with the responsibility to do what can be done should be doing it, not in the kind of muddle that existed prior to Tehran which resulted so tragically.

Mr. KENNEDY. The point I would like to make in response is that the President did not have any hesitancy about making comments about what the United States may or may not do in Saudi Arabia. I would think the lives and well-being of Americans in Libya would have the highest priority. I do not believe that we are defenseless in that part of the world.

Mr. PERCY. Mr. President, as the distinguished Senator has said, the United States is not without power. But I think in our particular role, we can exercise that power much more effectively if we do not do it precipitously, if we do not do it without consultation with our allies. This is the whole emphasis and the essense of a partnership, that we do not surprise completely as we did with Japan, when we opened relationships with the Peoples Republic of China, but we negotiate and talk with them. Obviously, our allies are on notice through the CONGRESSIONAL RECORD that this debate is being carried on.

It is one thing for a debate to be carried on in the Senate. It is another thing for the executive branch to actually take action. They have taken action in these areas before. But I doubt that they have moved with the kind of dispatch and the kind of high priority that is now being put on it by the Senate, and I join my colleagues in assigning high priority to this matter.

What I believe we should do is make certain, when we move, that we know what the consequences of our move will be, what adverse fallout there may be. But also, when we move, we should move in such a way that what we do is effective, does have power, does have impact, and causes the party against which we take such action to respond.

So I have prepared a substitute amendment which would express the sense of

Congress regarding the outrageous behavior of Libya, requesting the President to prepare a report on means of increasing political and economic pressure on Libya, both unilaterally and in concert with our allies.

Included in such a report would be the concept of restricting imports of Libyan crude.

Before sending it to the desk, I should like to read the substitute; and if there are any modifications or changes that any of my colleagues would suggest, or if anyone would care to join me in it, I certainly would entertain such cosponsorship. The amendment is simply this:

The Congress of the United States condemns the Libyan government for its support of international terrorist movements, its efforts to obstruct positive movement toward the peaceful resolution of problems in the Middle East Region, and its actions to destabilize and control governments of neighboring states in Africa.

The Congress believes that the President should conduct an immediate review of concrete steps the United States could take, individually and in concert with its allies, to bring economic and political pressure on Libya to cease such activities. Such a review should include the possibility of tariffs on or prohibitions against the import of crude oil from Libya.

I believe this can be taken up with considerable dispatch. This is not a new subject. The study would not take a prolonged period of time. It would give us the benefit of working in concert with the executive branch of Government charged with certain responsibilities in the area of foreign policy, and it would impose upon them the obligation to consult closely with their allies, to let them know of our deep concern, our intention to do something, to move forward and, it is hoped, to move forward in concert with them.

It would give us an opportunity to evaluate which methods would be the most effective, how we can assure the effectiveness of those, and work in a multilateral and multinational sense, which always has proved to be the far better way to act.

Again, however, I commend my distinguished colleagues for raising the issue, an issue which we have overlooked for too long. We must move forward on this issue. I commend Senator HART, Senator KENNEDY, and Senator MATHIAS for raising the questions they have raised.

I send the substitute amendment to the desk, and I hope to have the support of my colleagues on it.

Mr. HART. Mr. President, will the Senator withhold the submission of the amendment for a brief colloquy?

Mr. PERCY. Does the Senator want the amendment withheld?

Mr. HART. Will the Senator do that?

Mr. PERCY. I am happy to do so.

Mr. HART. Would the Senator be agreeable to a solution to this matter which would perfect the pending amendment to authorize a further delay of 90 days by the President of the United States of the effective date of the ban that is provided for in the amendment, if he certifies to Congress that such a delay is necessary to protect the lives of the Americans in Libya? That would provide the 90-day delay of the effective date of this cutoff of imports and then authorize the President another 90 days beyond that, if he certifies to Congress that the additional delay was necessary to protect the lives of Americans.

Would that be an approach that appeals to the Senator from Illinois?

Mr. PERCY. I would much prefer the working of the substitute amendment. This not only would take into account protecting the lives, and that would be a major part of the study, but also would give us adequate time to review all consequences of different actions. I hope the study would be done expeditiously.

Certainly the Foreign Relations Committee would see that we would ask for rapid handling of this urgent matter. It would be difficult to put an exact time frame on it, and I do feel that, to be really effective, we will have to be assured that we will not be operating in a vacuum.

I ask this question of my distinguished colleague: What proportion of the crude oil shipments of Libya is now purchased by the United States which would be cut off by this particular amendment that has been offered by the Senator from Colorado?

Mr. HART. At the present time, the United States, according to the Department of Energy, is importing about 40 percent of the oil exported from Libya.

Mr. PERCY. What studies have been made and what evidence could be given that this will be sufficient to cause Libya to change an international policy, or what alternatives are available, for which we have evidence, that they could sell this quantity of oil or a large part of it in world markets and therefore suffer no adverse effects?

If there were any possibility that they could get rid of this oil and move it someplace else and pick up the demand that we have imposed upon them for this oil, there is no question in anyone's mind that they would do that; and they would love the opportunity to simply demonstrate and prove that this unilateral action taken by the United States is not going to cause them to change their objective and would not have the adverse impact upon them that we would want it to have.

Mr. HART. The thought of the authors of this amendment in no way suggests that our refusal to pay Colonel Qadhafi for his oil is going to make a nice, gentle, nonterrorizing man out of him. He is insane. He is a lunatic. He was called a lunatic by the President of Egypt, who may have lost his life for saying that.

Every responsible governor in the region has so described him. President Nimeiri, of the Sudan has said that Colonel Qadhafi has a split personality, and that both personalities are evil.

Everyone who has had anything to do with him thinks he is either evil or crazy or both.

So I do not suggest—and I do not think any of the authors of this amendment suggest—that because the United States of America refuses to buy his oil, it is going to change his personality or his politics, and I would not want the Senator from Illinois or any other Senator to believe that.

Second, the Senator says it is important to be effective when you act in the international arena. I agree. But there is one thing more important than effectiveness, and that is morality. How can we go to the other governments of the world and say, "We would like your cooperation," when the immediate response they are going to give us is, "What are you doing about it?"

My point to the Senator from Illinois is that we will be most effective if we take this step. We can then go to the other major importers of Libyan oil—Spain, West Germany, and Italy—and be more effective in getting them to join us.

By demonstrating our willingness to pass over Libyan oil, I think our bargaining position will be improved with respect to our sister governments, the importing countries.

I agree with the Senator that one must deal effectively and one must deal with one's allies, and that is exactly the thrust of this amendment.

Mr. PERCY. As I interpret the comments of the distinguished Senator it is his hope that we could work some sort of a compromise out. I would certainly be very receptive to that. I would like to feel that whatever compromise is worked out is effective because once we shoot our wad and we say this is what we are going to do it is final. When we embargoed grain to the Soviet Union we very quickly learned that it was difficult to get other nations to follow. Some did and then they did not stay very long with this. It is much easier now dealing with Poland as we have reached agreements with our allies on joint action that we are all going to take. That is the principle that I wish to try to stay with. If it is at all possible to work out a compromise amendment that we can both agree on I would like to do that.

At this time I am particularly pleased to yield.

Mr. KENNEDY. Mr. President, if the Senator will yield for 1 minute. I believe it is also important to note that on the issue of U.S. imports of Libyan oil—of which the United States imports approximately 40 percent of total Libyan oil exports—now is the time to take the action that is suggested in this amendment. Today there is an international oil glut. Libyan oil is some of the highest priced oil in the world. They have difficulty selling it. That is why the amount that is imported from Libya has dropped significantly over the last year.

Second, I would certainly hope that this would be just the first step taken by the United States. The question has been raised about the potential danger to Americans in Libya. I hope that after this first step, that we are going to have action by the United States, throughout the international community, the United Nations and with our allies, to pursue a coordinated approach against Libyan terrorism. If we cannot be effective in an oil embargo against Libya, then the effectiveness of the United States is seri-

ously undermined. I believe that we can be effective. If there has ever been a legitimate reason to pursue such a course, this is it: International terrorism, murder, and assassination. If the United States is not going to stand up on this issue, then I do not see how we can expect to be the true world leader on other important issues, such as promoting racial justice in South Africa, or encouraging respect for fundamental human rights in the Soviet Union.

Mr. PERCY. I agree with my colleague that we can be effective. The question is what procedure should we use to be the most effective.

I tend to think we should begin to work out the beginning of something with a group of nations that tend to support us. Rather than saying "This is the action we unilaterally have taken, now you follow us," we should say: "We have a common problem, a common objective and goal, now what are your ideas? Here are some of the things we are willing to do. What are you willing to do?" I tend to think we will bring them together more quickly and more successfully that way than by our just taking a precipitate action.

Also I think in this regard when we do have an executive branch that would be charged with the responsibility of carrying out all of these negotiations, we are not prepared to suddenly drop all our plans here and rush off. In fact, there is a Smith Act that would prevent our doing that.

I think it would be well to do this in such a way that the administration would have enthusiasm for doing it and really have a feeling it would work. That is why I think it would be well for us to consult just a little bit now to see if we can work out a common compromise on this I am very happy to do so.

Mr. HART. I wish very much to do that.

While the Senator from New York is being heard I wonder if the Senator from Illinois will yield 10 seconds for a unanimous-consent agreement.

Mr. PERCY. I yield, of course.

Mr. HART. Mr. President, I point out to my colleague that this is a bipartisan amendment and I ask unanimous consent that the distinguished Senator from Texas (Mr. TOWER) who as we all know is the chairman of the Armed Services Committee be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I yield to my distinguished colleague from New York who has been very patient.

Mr. MOYNIHAN. I thank the chairman.

Mr. President, I believe it is the case that in the last generation the United States has been frittering away a rich inheritance of the 18th, 19th, and 20th centuries. I speak of the belief that the relations among States are governed by law, that this law is to be found in texts, and that these texts are relevant to discussions such as ours. Although deliberate and malicious disregard for international law lies at the center of our entire discussion, the subject of law has not been raised so far today.

I refer the Senate to the Charter of the United Nations, which is not only a treaty but a treaty that reflects traditional international law. The third principle of the organization, as expressed in article 2, is that—

> All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

The fourth principle holds that—

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Among the measures that the Security Council is entitled to take in response to such breaches of the peace is, according to article 41, the "complete or partial interruption of economic relations."

Mr. President, there has not appeared on the world scene in recent years a more flagrantly and assertively illegal regime than that of the present Government of Libya. It openly asserts its use of force against individuals in other states. It has most recently invaded its neighbor Chad and has set up a regime in Ndjamena, the capital there, that represents its interest and not those of the people of Chad.

This whole sequence has been met with a variety of responses by the nations of the world, none that center on the question of whether something illegal is happening here, and to do this is increasingly a normal thing. Members of the Senate will recall that it was a very long while after the seizure of the American Embassy in Iran before it occurred to anyone in the Department of State that this was a clear violation of international law and that the matter ought to be taken to the International Court of Justice. It was finally done and the Court issued a unanimous, resounding, and prompt condemnation of the act.

We do not know what we have lost if we lose the idea that international law is a norm and that individual countries have a responsibility to adhere to those norms and to enforce them by their own actions. In this case we will be taking action to enforce the rule of law in international relations by ceasing to trade with an egregious violator of that law I believe we must. I hope we shall. I urge the adoption of the amendment.

Mr. DECONCINI. Mr. President, I rise in support of the amendment of the Senator from Colorado.

I discussed this with the Senator when he was formulating this suggestion and this idea and I compliment him for taking the lead. It is something which I think is long overdue from the standpoint of where the United States is in not only the international arena but in the specific area of terrorist activities that are recognized throughout the world, and I only wish quite frankly that this effort was far greater than it is and that this amendment went even further.

I have discussed it and made some remarks about a total embargo and realizing the difficulty of that, unless our allies join, I hope that regardless of how this amendment might come out the administration would show some strong leadership in the international area in an attempt to negotiate with our NATO allies and other Western countries to find another source of petroleum, to cease all trade with Libya until we see some positive action by that country that indeed it is willing to live under a civilized society and rule of law which would permit countries to disagree with one another and would permit countries to pursue an effort of peace without the threat of terrorist activities.

This is something that is intolerable in today's world, and I cannot help but think that now is the time, as the Senator from Massachusetts pointed out a few minutes ago, economically it is a good time, from the standpoint of the glut in the world of oil right now. But really it should make no difference. There may be hardships if we were to enact this amendment and if it were to become law. But I think the American people, as they understand the situation, would join in an effort by this country to do something constructive and positive today or within 90 days, as the amendment calls for, from the enactment of the amendment into actual legislation, to cease our purchasing of oil and to move toward an effort that other countries would also do, hopefully soon.

Imagine if we were successful in securing—and if we could take the leadership role or anyone could take the leadership role—the Western World to cease trading with Libya even if only for a short time. It would send a message to any country that would promote the type of terrorism that they flaunt in the world press, in which they take national pride.

Maybe it will be the beginning of the end of this type of activity which, I think, is totally unacceptable to anyone who has any feelings about his fellow human beings, who has a desire to find a solution to problems and has a desire to let people work together in determining their own direction of their government and their societies without these threats of terrorists and the actual implementation of some of the terrorist activities that have gone on.

I ask unanimous consent that I be made a cosponsor of the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I congratulate Senator HART on his amendment. It is high time that we take strong action against the terrorist activities of Libya and its leader, Colonel Qadhafi.

The problem was well stated in a recent Washington Post editorial: "As the single largest purchaser of Libyan oil, the United States is, financially speaking, the leading sponsor of Libyan adventurism and terrorism."

The fact is that the United States buys one-half of Libya's oil. In July of this year, that amounted to 287,000 barrels per day. On an annual basis, this means we are providing Qadhafi with $4 billion to finance his terrorist actions.

That Qadhafi is a destabilizing influence in international affairs is easily documented. He has continually promoted instability in countries friendly to the United States, such as Egypt, Saudi Arabia, and Israel. He ordered an attack on U.S. aircraft even though they were flying over international waters. The most recent example of his threatening role was his tasteless reaction to the assassination of the late Anwar Sadat.

Now is an especially opportune time to send a message to Colonel Qadhafi. The existing glut in the world oil market makes it less likely that Libya can find other customers for its oil exports.

Furthermore, the resulting decline in revenues for Libya could create significant domestic repercussions from which Qadhafi will not be able to isolate himself.

It is time for the United States to assume a leadership role. Under the Hart amendment, we would have 90 days to coordinate actions with other major importers to implement an embargo on Libyan oil. Once we have taken the first step, other nations which desire to curb terrorism should follow suit.

UP AMENDMENT NO. 494

(Purpose: To express sense of Congress concerning Libyan actions by the Libyan Government)

Mr. PERCY. Mr. President, I now send forward my substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 494 to the Hart unprinted amendment numbered 493.

Mr. PERCY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted by amendment UP 493, insert the following:

The Congress of the United States condemns the Libyan government for its support of international terrorist movements, its efforts to obstruct positive movement toward the peaceful resolution of problems in the Middle East Region, and its actions to destabilize and control governments of neighboring states in Africa.

The Congress believes that the President should conduct an immediate review of concrete steps the United States could take, individually and in concert with its allies, to bring economic and political pressure on Libya to cease such activities, and submit such a report to the Congress within 180 days of enactment. Such a review should include the possibility of tariffs on or prohibitions against the import of crude oil from Libya.

Mr. PERCY. The amendment has been fully read, it has been fully discussed, and I feel we would be ready for a vote on this amendment now.

If there are any further Senators who would like to comment on it I would be glad to yield to them. If not, I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. Mr. President, I ask for the yeas and nays on my amendment, as well.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Is that on the Hart amendment?

Mr. HART. We have not yet ordered the yeas and nays.

Mr. PERCY. The vote would follow the pending amendment, but the pending amendment is the substitute amendment.

The PRESIDING OFFICER. The Senator from Illinois is correct. The pending amendment is the amendment of the Senator from Illinois.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Is it the case that the amendment originally offered by the Senator from Colorado and the Senator from Massachusetts is subject to a perfecting amendment?

The PRESIDING OFFICER. It is.

UP AMENDMENT NO. 495

(Purpose: To prohibit the importation of crude oil extracted in Libya)

Mr. HART. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Colorado (Mr. HART) proposes a perfecting amendment, unprinted amendment numbered 495, to unprinted amendment numbered 493.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment of Mr. HART (UP 493) add the following:

PROHIBITION ON THE IMPORTATION OF CRUDE OIL FROM LIBYA

(a) the Congress finds that it is in the interest of the United States to combat international terrorism, and that the present regime in Libya is aiding and abetting international terrorism.

(b) Notwithstanding any other provision of law, and effective 90 days from the date of enactment of this Act, no person subject to the jurisdiction of the United States may import, directly or indirectly, into the United States or its territories or possessions any crude oil extracted in Libya.

(c) The Congress calls on the President to (1) actively urge all nations, including our European allies and Japan, to strengthen their cooperation against international terrorism and (2) coordinate international measures to establish and maintain a total prohibition of all imports of Libyan oil, in order to bring to the earliest possible end the international terrorist practices of the current Libyan regime.

(d) The Secretary of the Treasury may prescribe regulations to carry out the provisions of subsection (a).

(e) For purposes of subsection (a)—

(1) the term "person" includes any individual, partnership, corporation, or other form of association, or any government or agency; and

(2) the phrase "person subject to the jurisdiction of the United States" includes any foreign subsidiary or affiliate of any corporation if nationals of the United States own, directly or indirectly, more than 8 per centum of the outstanding capital stock or other beneficial interest in such legal entity.

(f) The President has the authority to postpone for 90 days the effective date of the oil import ban provided for in this section if he certifies to Congress that such action is necessary to protect American citizens in Libya.

Mr. HART. Mr. President, on behalf of myself, Senator KENNEDY, and Senator KASSEBAUM, the principal cosponsors of this amendment, the perfecting amendment is the language of the original amendment which we offered; that is to say, a complete elimination of imports of Libyan oil within 90 days of enactment of this bill, with the provisions calling for the President to consult with our importing allies to construct an international boycott of Libyan oil, with the additional feature which was to be proposed by the Senator from Kansas (Mrs. KASSEBAUM) that would provide for an additional 90 days for the President to certify to the Congress that that additional period was necessary to protect the lives of Americans in Libya.

So the perfecting amendment is the original amendment offered by the Senator from Colorado, the Senator from Massachusetts, and other colleagues with the additional provision which was to be proposed by the Senator from Kansas to give the President of the United States an additional 90-day period, if he found it necessary, to protect the lives of Americans.

I hope that the committee could support this modified approach. I urge the support of all of our colleagues.

Mr. MOYNIHAN. Will the Senator yield?

Mr. HART. I yield to the Senator from New York.

Mr. MOYNIHAN. Will the Senator have me listed as a cosponsor?

Mr. HART. Yes. I ask unanimous consent that the Senator from New York (Mr. MOYNIHAN) be added as a cosponsor of this perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. If, when I move to table, as I will, the perfecting amendment, if the tabling amendment is agreed to, is the next pending business the Percy substitute amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. PERCY. Mr. President, I move to table the Hart perfecting amendment.

Mr. HART. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois (Mr. PERCY) to table the perfecting amendment (UP No. 495) of the Senator from Colorado (Mr. HART). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MATTINGLY (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), and the Senator from New York (Mr. D'AMATO) are necessarily absent.

I also announce that the Senator from Alabama (Mr. DENTON) is absent due to illness.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Nebraska (Mr. EXON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 33, nays 60, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—33

Abdnor	Grassley	Percy
Andrews	Hatch	Pressler
Baker	Hatfield	Randolph
Cochran	Hayakawa	Rudman
Danforth	Helms	Schmitt
Dole	Humphrey	Stafford
Domenici	Jepsen	Stennis
East	Kasten	Stevens
Garn	Laxalt	Thurmond
Goldwater	Lugar	Warner
Gorton	Nickles	Zorinsky

NAYS—60

Baucus	Glenn	Murkowski
Bentsen	Hart	Nunn
Biden	Hawkins	Packwood
Boren	Heflin	Pell
Boschwitz	Heinz	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Quayle
Burdick	Jackson	Riegle
Byrd, Harry F., Jr.	Johnston	Roth
	Kassebaum	Sarbanes
Byrd, Robert C.	Kennedy	Sasser
Cannon	Leahy	Simpson
Chafee	Levin	Specter
Chiles	Long	Symms
Cohen	Mathias	Tower
Cranston	Matsunaga	Tsongas
DeConcini	McClure	Wallop
Dixon	Melcher	Weicker
Dodd	Metzenbaum	Williams
Durenberger	Mitchell	
Ford	Moynihan	

ANSWERED "PRESENT"—1

Mattingly

NOT VOTING—6

Armstrong	Denton	Exon
D'Amato	Eagleton	Inouye

So the motion to lay on the table Mr. HART's amendment (UP No. 495) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from Colorado.

The perfecting amendment (UP No. 495) was agreed to.

Mr. PERCY. Mr. President, prior to that vote, I asked a parliamentary inquiry as to what the next pending business of the Senate would be. As I understood it, the next vote would be on the Percy substitute.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, so that the Senator from Illinois can be heard.

Mr. PERCY. Mr. President, prior to the last vote, I made a parliamentary inquiry—no matter what the outcome of this tabling motion would be—as to whether the next pending business was a vote on the Percy substitute. Is that correct? The answer given to me was in the affirmative.

The PRESIDING OFFICER. The Chair answered on the basis of the tabling motion carrying, and it did not carry. The question is now on the Percy substitute.

Mr. PERCY. I think the discussion has been completed on the Percy substitute amendment. We are ready for the vote.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. HART. Mr. President, the amendment which was just adopted would prevent the United States from importing oil from Libya after a 90-day period, after the enactment of this into law.

In addition, that amendment was perfected to give the President of the United States an additional 90 days in his discretion, if he certified to Congress that an additional 90-day period were necessary to protect the lives of Americans in Libya. That is the amendment which was just adopted.

The distinguished chairman of the Foreign Relations Committee, the Senator from Illinois, is seeking to enact, as a substitute to that, a proposal that the administration study the question of American imports of oil from Libya and make recommendations as to administrative action to be taken with regard to American policy on the importation of Libyan oil.

I say the issue is a very simple one. Are we now prepared—and I think a majority of the Senate has indicated its commitment—to take steps to begin the process of ending American dependence on Libyan oil? In short, we are importing 300,000 barrels of oil a day from Libya, at a cost of more than $4 billion annually to the American people, and that money is being used as a principal source of financing for international terrorism.

That is why a large majority of the Senate has voted as it has; and we will place the Senate of the United States on record, if we defeat the substitute of the Senator from Illinois, as opposed to the American financing of Qadhafi terrorism. That is the issue.

I hope all our colleagues, on the vote that will now occur on the substitute, will remain consistent and vote against a proposal which would defer American action and Senate action on this issue, which would continue the process of American financing of Libyan terrorism, and would begin the process of cutting off that principal source of financing this very day. That is the issue. The issue is clear cut. Are we going to cut off this American financing of Qadhafi, or are we going to study the issue? That is the choice presently before the Senate.

Mr. PERCY. Mr. President, the issue is a very clear one, and there is no disagreement that we should do whatever we can to discourage in every way we can the hostile actions of Libya for its perpetrating international terrorism and for its efforts to obstruct a peaceful settlement of the problems in the Middle East.

The question simply is: How do we go about doing this? We can unilaterally rush in and cut off all oil in 90 days and then wait to see what the consequences will be.

My question is the same question asked by Senator KASSEBAUM, and that is why her last amendment was helpful, in a sense. The question is, What happens to a couple of hundred Americans who are in Libya? What happens to the oil companies there? Are they precipitately cut back? What happens when we cut off that source of supply? Is it available? Can they use it anyplace else, and do we just hurt ourselves in the meantime?

Should we, in this kind of case, be acting just unilaterally, standing up alone, saying that we are against terrorism and therefore we are going to take this action? Should we give the administration the chance to work with our allies, to work with other countries, to sit down, as my substitute directs them to do, and work with these countries to find out what we should do, what the consequences will be of this unilateral cutting off of oil? What is a better action?

We have learned that by taking unilateral action, we do not necessarily have people follow it. The essence of allies is to have a partnership so that those partners will feel that we are working with them, giving them an opportunity to be a party to this. Then, if we move in unison, as we have agreed to move in unison, I think we have a far better cause on our hands, such as we have in Poland. We have worked with our allies, with our friends, and they now know we are going to take uniform action, and that message has gone across to Moscow.

We should not take unilateral action, without consultation, without knowing what the consequences will be, and acting only on our own in a matter that affects the entire world and revolts the world. We should give them a chance, as my substitute does, directing the administration in 180 days to come back and report to the Senate that these are the consequences, these are the actions, these are our friends, these are our allies, this action unified will really cripple the economy of Libya—I think that is a far sounder and more prudent

and cautious method; and I believe it is more effective in possibly gaining the end result, and we all share the end result.

We want to send a strong message, and that message can be sent by having the administration directed to undertake this study.

As Senator HART has said, no hearings have been held on this issue, no committee has taken this under consideration. Perhaps we have been negligent in that, but just because we have not done something in the past, we should not now move precipitately ahead, not knowing what the consequences would be of this particular action or whether what we do will have any real effect.

The end objective is what we want. That is why I urge voting for the substitute that has been offered that will be greeted by the administration with enthusiasm, allowing them to move forward in parallel with Congress in an action that I think we all hold and the objectives of which we all hold in common. I believe we are ready for the vote.

Mrs. KASSEBAUM. Mr. President, if the chairman will yield for just a second, I wish to say, in response to his saying no hearings had been held, we did have a hearing in the African Affairs Subcommittee on the question of Libya's intentions particularly regarding the Libyan-Chad situation. At that time this issue was raised. I know it has been of concern to the State Department, and my own feelings have been that if we are asking other nations to stop trade with Libya then we must be willing ourselves to recognize the importance of this issue. We did discuss this in a hearing of that subcommittee.

There has been no indepth analysis, but there was certainly agreement that every effort should be made to reduce our imports of Libyan oil. That is the reason that I joined as a cosponsor in this effort because I felt some positive action finally had to be taken and I do think this with the 90 days extension protects the workers who are there and I think that was an important consideration.

Thank you.

Mr. PERCY. I thank my colleague.

Mr. KENNEDY. There are many important issues of American foreign policy that we have to address in this body. We have heard many statements and speeches, both by Members of this body and members of this administration, condemning international terrorism and assassination.

The Senate now has the opportunity to put the United States on a very clear path. The Senate now has the opportunity to state its view that continued international terrorism and assassination will not be funded with the money of American taxpayers.

Mr. President, I would hope that the amendment offered by the Senator from Illinois, which basically calls for a study, would be rejected and that the Senate would then go on record in support of the amendment of the Senator from Colorado.

What we are proposing is to conform our energy policy with our foreign policy. We condemn international terrorism and yet we condone the importation of Libyan oil. Let us have consistency in both. The Hart amendment permits it. We will be able to enact that policy by first rejecting the amendment offered by the Senator from Illinois and then supporting the amendment offered by the Senator from Colorado, which calls for a truly meaningful measure against Libyan terrorism.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Illinois. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Georgia (Mr. MATTINGLY), the Senator from Alaska (Mr. STEVENS), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

I also announce that the Senator from Alabama (Mr. DENTON), is absent due to illness.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO), would vote "Yea."

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Nebraska (Mr. EXON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 44, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—47

Abdnor	Gorton	Nunn
Andrews	Grassley	Pell
Baker	Hatch	Percy
Bentsen	Hatfield	Pressler
Byrd, Harry F., Jr.	Hawkins	Roth
	Hayakawa	Rudman
Chafee	Helms	Schmitt
Cochran	Humphrey	Simpson
Cohen	Jepsen	Specter
Danforth	Kasten	Stafford
Dixon	Laxalt	Stennis
Dole	Long	Symms
Domenici	Lugar	Thurmond
East	Mathias	Tower
Garn	McClure	Wallop
Goldwater	Nickles	Zorinsky

NAYS—44

Armstrong	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Biden	Hart	Moynihan
Boren	Heflin	Murkowski
Boschwitz	Heinz	Packwood
Bradley	Hollings	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Jackson	Quayle
Byrd, Robert C.	Johnston	Randolph
Cannon	Kassebaum	Riegle
Chiles	Kennedy	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Weicker
Dodd	Matsunaga	Williams
Durenberger	Melcher	

NOT VOTING—9

D'Amato	Exon	Stevens
Denton	Inouye	Tsongas
Eagleton	Mattingly	Warner

So Mr. PERCY's amendment (UP No. 494) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks the floor?

The question recurs on the amendment of the Senator from Colorado as amended by the substitute of the Senator from Illinois. The yeas and nays have been ordered——

Mr. PERCY addressed the chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent that the yeas and nays ordered on the Hart amendment be vitiated.

Mr. LONG. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. HART) as amended by the amendment of the Senator from Illinois (Mr. PERCY). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Georgia (Mr. MATTINGLY), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Alabama (Mr. DENTON) is absent due to illness.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "Yea."

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Nebraska (Mr. EXON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. MURKOWSKI). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 3, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—87

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Boren	Hawkins	Pressler
Boschwitz	Hayakawa	Proxmire
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Helms	Randolph
Byrd, Harry F., Jr.	Hollings	Riegle
	Huddleston	Roth
Byrd, Robert C.	Humphrey	Rudman
Cannon	Jackson	Sarbanes
Chafee	Jepsen	Sasser
Chiles	Johnston	Schmitt
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Laxalt	Stafford
Danforth	Leahy	Stennis
DeConcini	Levin	Symms
Dixon	Long	Thurmond
Dodd	Lugar	Tower
Dole	Mathias	Wallop
Domenici	Matsunaga	Williams
Durenberger	McClure	Zorinsky
East	Melcher	
Ford	Metzenbaum	

NAYS—3

Hart	Kennedy	Mitchell

NOT VOTING—10

D'Amato	Inouye	Warner
Denton	Mattingly	Weicker
Eagleton	Stevens	
Exon	Tsongas	

So Mr. HART's amendment (UP No. 493), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from North Carolina for 2 minutes, and then I will yield to the distinguished Senator from Rhode Island.

Mr. HELMS. I thank the Senator from Utah.

THE SITUATION IN NICARAGUA

Mr. President, yesterday the Senate voted to accept an amendment which earmarked $30 million of taxpayers' money in aid involved in this bill for the so-called private sector in Nicaragua. I stated my reasons for opposing this amendment on the floor at that time, and I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, my statement of yesterday, found on pages 24491 and 24492

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I have just been informed by an unquestionably credible source that this morning, at 2 o'clock, less than 12 hours after the Senate adopted the aforementioned amendment, the leaders of the five major private sector organizations in Nicaragua were arrested by the Nicaraguan Government. That shows how free and how private the private sector is in Nicaragua.

The family names of these gentlemen are as follows: Enrique Dreyfuss, Chairman of Private Sector Council; Enrique Bolanos, President of Chamber of Industry; Huberto Cuadra, President of Confederation of Professional Organizations; Renaldo Orlandes, President of Chamber of Commerce; and Benjamin Lanza, Chamber of Construction.

I fear for the safety of these men and the safety of their families. The predecessor of Mr. Dreyfuss, Mr. Salazar, the foremost leader of the private sector, was gunned down by government forces in Nicaragua who led him into an ambush.

Mr. President, I am fearful, in any case, that the private sector is dead in Nicaragua; and I call upon the administration to make diligent representations to the Government of Nicaragua and to inquire about the safety and welfare of these gentlemen.

EXHIBIT 1

Mr. HELMS. Mr. President, I ask that I be recorded in the negative on this amendment.

Mr. President, while I applaud the intent of the distinguished Senator from Nebraska in earmarking the entire $30 million of U.S. economic aid for the private sector in that beleaguered country, I cannot support his amendment. In that connection, I would mention two points to illustrate why I deem it impossible to aid the private sector in Nicaragua through these channels without strengthening, even more, the hold of the Sandinistas over that country.

Mr. President, Jerry Wein, the AID mission director for Nicaragua, recently visited with members of the staff of the Senate Committee on Foreign Relations to explain the conduct of the AID programs in Nicaragua. In reviewing the points he made during his discussion with the committee's staff, Mr. Wein made me even more wary of any attempt to direct aid to the private sector in Nicaragua while the Sandinistas are in power.

First of all, I am troubled by the revelation that, in AID's judgment, any enterprise which is owned in part by the Sandinista government still qualifies as a "private sector" entity, even though the Sandinistas may own as much as 49 percent of the stock.

Second, Mr. President, I am troubled that of the $33 million of the aid earmarked for the private sector which was disbursed in June and October of 1980, only slightly more than $13 million can be accounted for to the satisfaction of our AID officials. That means that our AID officials are not satisfied that any of the other $20 million was spent on the private sector—as mandated by the Congress. So, what happened to the other $20 million? Where was it spent?

Mr. President, the truth is, our AID officials cannot insure that U.S. dollars will be spent as mandated by Congress. How can we be sure that the U.S. taxpayers' dollars will be aiding the Nicaraguan private sector throughout the nationalized banks controlled by the Sandinistas? If past performance is any guide, we cannot.

Finally, Mr. President, my good friend and colleague, the distinguished Senator from Nebraska, has assured us that the money which he has asked to be earmarked for aid to the Nicaraguan private sector was in the administration's budget—the figure, he emphasizes, did not originate with him. Mr. President, I am confident the able Senator realizes that, while the Reagan administration budget did contain such a line item, surely the administration had no intention of sending millions of the American taxpayers' dollars to the Sandinistas, with the compliments of the American taxpayer.

To the contrary, it is clear that the administration wanted to have this money available in the event that developments in Nicaragua might find the Sandinistas out of power, or renouncing its aggressive pro-Marxist program—either development being one which I and many other Americans, as well as many members of the Nicaraguan private sector, would welcome. The administration would then be able to proceed with aid to that country in such new circumstances.

Under present circumstances, Mr. President, I am concerned that any money going to Nicaragua, however well intentioned anyone may be in supplying it, will only serve to buy time, if not arms, for the Sandinistas. For that reason I must oppose the Zorinsky amendment, and I ask that the RECORD reflect my opposition to it.

o Mr. ZORINSKY. Mr. President, I have learned today that the Government of Nicaragua arrested five individuals who comprise the leadership of the private sector in Nicaragua. No action could more vividly highlight the urgent need for the amendment, which I sponsored and the Senate accepted yesterday, earmarking 100 percent of U.S. aid funds to the private sector in Nicaragua.

I only regret that the signal, which the Senate sent yesterday by passing my amendment, apparently arrived too late to stave off this reprehensible action by the Nicaraguan Government which occurred only hours after Senate action. During the course of the debate on my amendment yesterday, I noted, "This year, the administration requested that the law be changed, deleting any requirement that aid go to the private sector in Nicaragua. Mr. President, I believe that sends the wrong signal to the Government of Nicaragua."

At this juncture, Mr. President, I can only hope that the message sent by my amendment, restoring and expanding the requirement on aid to the private sector, has been carefully noted by the Nicaraguan leadership. They should now understand the depth of the U.S. commitment to the survival of the private sector in Nicaragua. In response to our concern and that of other democratic nations, and in view of their own best interests, the Nicaraguan leadership should move speedily to end the captivity of these fine business leaders.

Mr. President, Nicaragua is at a crossroads. Confrontation and repression of the sort evidenced today by the Government in Nicaragua is not the path to stability in Nicaragua or to good relations with the democratic nations of the world community.

I would like to reiterate my stand on Nicaragua by inserting my statement of yesterday with regard to the amendment passed by the Senate.

The material follows:

Mr. ZORINSKY. Mr. President, I would like to point out, prior to the voice vote on this amendment, that it is not my proposal to allocate money in the next year's budget for Nicaragua. It is the administration's proposal, lest there be any confusion as to who proposed what for the budget. My amendment to the administration's proposal does not require that the money requested by the administration be spent. It does require that if funds are spent in Nicaragua that those funds be available solely for the private sector.

There are those who question the need for an amendment on Nicaragua because it is assumed that under the current strain in relations the administration is not planning to send any A D funds. I would answer that it is an assumption that should not be made. I am aware of reports in the press that indicate that discussions between the United States and Nicaraguan officials could very well result in resumed assistance to the Nicaraguan Government. My amendment would insure that funds will not go to the Government of Nicaragua unless the President certifies that the Government there is making substantial progress toward free and fair elections.

Furthermore, I realize that there are those who feel that AID has not been very efficient in disbursing funds in Nicaragua and insuring that 60 percent is getting to the private sector. I have taken a back seat to no one regarding this situation and that is one of the principal reasons for my amendment. The amendment would tighten the accountability procedures by requiring the President to report to the Congress every 6 months on just how the funds are used.

My colleagues would be interested to know that for the past 8 months, I have attempted to obtain from A'D an accounting of funds expended thus far in Nicaragua. I wanted to make certain that 60 percent of U.S. aid had gone to the private sector as required by law.

In recent committee hearings, I put the request for an accounting directly to Secretary of State Haig and I now have his commitment for AID to produce such an ac-

counting within a reasonable time. And in a recent meeting with officials from the AID mission in Nicaragua, Senate Foreign Relations Committee staff were assured that figures still being compiled will bring the amount of private sector assistance to the 60-percent level. My amendment will insure tighter control and supervision of any future expenditure of funds, and mandate in the law a full and detailed accounting every 6 months.

Mr. President, 2 years ago I recommended that the Senate adopt a requirement that 60 percent of all aid to Nicaragua go to the private sector. This requirement became the law. This year, the administration requested that the law be changed, deleting any requirement that aid go to the private sector in Nicaragua. Mr. President, I believe that sends the wrong signal to the Government of Nicaragua.

If U.S. aid is a means to an end, that end in Nicaragua ought to be the establishment of democracy. My amendment, by earmarking not 60 percent, but 100 percent of aid to the private sector is an attempt to keep that prospect of democracy alive.●

Mr. HATCH. Mr. President, as I understand it, the distinguished Senator from Rhode Island has a technical amendment to take care of at this time, and when he concludes, I should like to have recognition.

Mr. PELL. I thank the Senator.

AMENDMENT NO. 571 (AS MODIFIED)

Mr. PELL. Mr. President, I send to the desk—and I request unanimous consent—a technical modification of amendment 571, which was agreed to by the Senate.

The amendment is as follows:

On page 89, between lines 2 and 3, insert the following new section 726 and renumber the subsequent section accordingly:

SEC. 726. If the funds authorized to be appropriated to carry out the Foreign Assistance Act of 1961 for the fiscal year 1982, $13,275,000 under part I, and $20,000,000 under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for Nicaragua under the following conditions:

(a) all of the funds made available to Nicaragua shall be furnished solely for assistance to the private sector in Nicaragua;

(b) the provisions of subsection (a) shall not apply when the President determines, and reports to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, that Nicaragua is making substantial progress toward free and fair elections.

(c) for each 6-month period in which any funds are expended under this Act for Nicaragua, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report accounting fully and in itemized detail for the amounts obligated and actually expended in Nicaragua.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

AMENDMENT NO. 556

(Purpose: To strike out language providing for the autonomy of the Peace Corps, to ensure maximum efficiency of ACTION and Peace Corps)

Mr. HATCH. Mr. President, I call up my amendment No. 556.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 556.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning with page 45, line 8, strike out all through page 50, line 9.

On page 50, strike out lines 11 and 12, and insert in lieu thereof the following:

"SEC. 601. Section 3 of the Peace Corps Act is amended—".

On page 50, line 20, strike out "SEC. 612." and insert in lieu thereof "SEC. 602.".

On page 50, line 21, strike out "sections 605 and 611" and insert in lieu thereof "section 601".

On page 51, line 7, strike out "SEC. 613." and insert in lieu thereof "SEC. 603.".

On page 51, line 23, strike out "SEC. 614." and insert in lieu thereof "SEC. 604.".

Mr. HATCH. Mr. President, part A of title VI of S. 1196, the Foreign Assistance Act, would separate the Peace Corps from its current status as an independent agency within ACTION and make it entirely independent—a new agency within the executive branch. I rise in opposition to that provision, and have proposed this amendment to strike that language. There are many valid, and I believe compelling, reasons why I feel it would be unwise to separate the Peace Corps from ACTION.

The Labor and Human Resources Committee has oversight responsibility for the ACTION agency, and we have been very interested in following the progress of both ACTION and the Peace Corps during the new administration. We have been cautious to try to be sure that both these agencies were working well, and able to function in a way that maximized the productivity and promise which both agencies can offer our great Nation.

After careful examination I have been unable to find one good reason to think that either the Peace Corps or ACTION would substantially benefit if the Peace Corps were separated, and operated as an independent agency within the executive branch. I have been able to discover many reasons why they should continue together. We have every reason to believe that the current arrangement of having the Peace Corps operate as an independent agency within ACTION is serving the needs of both agencies very well, while minimizing the bureaucratic costs to the taxpayer.

COST

Mr. President, the major reason I oppose separating the Peace Corps from ACTION is that such a move would cost the taxpayers more money. There is no doubt that the creation of a new independent agency means more spending. If the Peace Corps were totally separate from ACTION it would need additional funds for: administrative services, recruitment, communications, computer services, health services, accounting, payroll and rent for new office space.

Earlier this year OMB estimated that a separate Peace Corps could cost as much as $3 million per year. Hearings have not been held on the current proposal, by the Governmental Affairs Committee—however, in 1979 the Governmental Affairs Committee held extensive hearings on this issue. At that time—and remember we have had 3 years of staggering inflation since then—they estimated that separation would cost $15 million: $5.5 million for recruitment and communications, $7.1 million for administrative services, $2.5 million for planning and evaluation, and $774,000 for miscellaneous startup costs.

Regardless of the exact amount of cost increases which separation would cause, we all know that new agencies always require additional funds. In 1979, the Carter administration and the Governmental Affairs Committee both opposed Peace Corps separation from ACTION. Cost was the major factor in their decision. Mr. President, how much less can we afford further expansion of the already bloated Federal bureaucracy today.

Instead of looking for ways to develop new agencies and expand the Federal bureaucracy, we would do much better to look at the example of the current cooperation of the Peace Corps and ACTION in sharing services, and keeping administrative costs to a minimum. We have already been through a round of difficult budget cuts. I believe the President is exactly correct when he calls for our support in his efforts to balance the Federal budget. I also agree with my distinguished colleague from California, Senator CRANSTON, when he reminds us to be sensitive to the real needs of people. I could not vote to expand Government bureaucracy for two agencies that are getting along well by pooling resources, when I know that further budget cuts will be necessary even this year.

Mr. President in these times of extreme fiscal restraint I can see no good reason to gamble on an additional $3 to $15 million in the costs of running the Peace Corps.

MILITARY INTELLIGENCE—TOM PAUKEN

When the President nominated Tom Pauken to be the Director of ACTION earlier this year we immediately began to hear concerns voiced by some Members of this Chamber that the safety of Peace Corps volunteers would be jeopardized because Mr. Pauken was involved in a very minor way in Army intelligence many years ago. I have spoken on this floor previously expressing my complete support of Tom Pauken. He is a model citizen with a distinguished record of service to his country both in the Army, when he volunteered to serve during the Vietnam war, and in public activity.

Mr. President, I believe there is absolutely no substance to the argument that Mr. Pauken in his position as Director of ACTION adversely affects the safety of Peace Corps volunteers. As I said when Mr. Pauken was confirmed by the Senate, Peace Corps operates as an independent agency within ACTION. There has been a policy within the Peace Corps from its inception that the Peace Corps activities be kept entirely separate from any intelligence operations. Every President from Kennedy to Reagan has supported and perpetuated that policy. Therefore, Mr. President, there can be no credence given to the argument that Mr. Pauken's distinguished service to his

country many years ago will have any effect whatsoever on the perceptions of the Peace Corps at home or abroad.

I have here a copy of a letter by Joseph Blatchford who was a former Director of ACTION and of the Peace Corps which appeared in the Washington Post in May this year. Mr. Blatchford reminds us that enemies of the United States have been trying to paint the Peace Corps as a CIA plot since its inception. He also points out that the people of the Third World have never been impressed with these ridiculous claims, and that they are not going to start believing them now. The help and work of the Peace Corps volunteers is the thing that impresses the leaders of the countries in which our Peace Corps operates. I am convinced that will continue to be the case. Mr. President, I ask unanimous consent that the Blatchford letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Since Mr. Pauken was confirmed by the Senate I have learned that the Deputy Director of the Peace Corps itself, Mr. Tom Houser, served in military counter intelligence prior to his service in the Peace Corps. Like Mr. Pauken, Mr. Houser's service in the military was many years before he served in the Peace Corps. Mr. Houser served as Deputy Director of the Peace Corps from 1969 to 1971 during the height of the Vietnam war. Those who have been so adamantly opposed to Mr. Pauken, and have used his nomination as ACTION Director as an excuse to separate the Peace Corps from ACTION, have argued that Mr. Pauken's military background would taint the Peace Corps.

Well, let us look at the record. Was there any objection to the nomination of Mr. Houser to serve as Deputy Director of the Peace Corps by those who are so opposed to Mr. Pauken today? Did anyone think he would taint the Peace Corps? No. Did the Peace Corps suffer "guilt" by association with Mr. Houser? No.

Certainly Mr. Houser was much more involved in the day-to-day operation of the Peace Corps as Deputy Director, than Tom Pauken will ever be as Director of ACTION: Yet there was no one who used Mr. Houser's experience in military intelligence as an excuse for attacking the Peace Corps.

If the enemies of the United States want to attack our country's policies, they do not need excuses. Today, as in the past, the Peace Corps is building good will for America among Third World countries. Mr. Pauken's military service will not affect the Peace Corps adversely, just as Mr. Houser's military service did not affect the Peace Corps adversely—even though Houser was actually involved in day-to-day Peace Corps operations, while Mr. Pauken is not.

So, Mr. President, I believe we have more than ample reason to calm the concern of my colleagues that Peace Corps volunteers will be in danger because of Mr. Pauken. There was no substance to that argument 10 years ago, and there is none today. We want to avoid casting any kind of cloud over our veterans who served honorably and well in Vietnam. Certainly Mr. Pauken's distinguished military service is no reason to separate the Peace Corps from ACTION.

POSITION OF THE REAGAN ADMINISTRATION

Mr. President, not only am I and many of my colleagues opposed to separating Peace Corps from ACTION, President Reagan and members of his administration are strongly opposed to this proposal for separation.

David Stockman in a letter to Senator PERCY and members of the Foreign Relations Committee earlier this year said, separating the two agencies would, "create inefficiencies that would damage both ACTION and Peace Corps." He went on to say:

Our analysis indicates that there are significant functions now jointly serving the Peace Corps and ACTION that would have to be duplicated at substantial cost if Peace Corps were to become an independent agency.

And further he said:

In this time of austerity, separate new Federal agencies should not be created except on a showing of the most urgent need. Where, as in the case of the Peace Corps, no such urgent need exists, formation of a separate new agency is a needless extravagance.

I have a letter from Max Friedersdorf, assistant to President Reagan, in which he reaffirms the administration's opposition to separating Peace Corps and ACTION, specifically citing the provisions of this bill, S. 1196. He explains that separation would create unnecessary duplication and certain inefficiencies. Mr. President, I ask unanimous consent that Mr. Friedersdorf's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 4, 1981.

Hon. ORRIN HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate your interest in the Administration's position on legislation to separate the Peace Corps and ACTION.

The Administration is opposed to S. 1015, the Peace Corps Autonomy Act, which would establish the Peace Corps as an independent agency within the executive branch. In addition, we also oppose Title VI of S. 1196, the International Security and Development Cooperation Act of 1981 which is identical to S. 1015. Both of these measures are currently pending on the Senate calendar.

Our opposition to the separation stems from the belief that this action will require increased federal spending, an unnecessary duplication of existing government services, and certain inefficiencies which would disadvantage both ACTION and the Peace Corps. Furthermore, we have determined that no measurable program improvement would result from separation.

We have made our position known to the Senate Foreign Relations Committee in conjunction with their consideration of these measures. I hope this information will be helpful to you, and if you should have further questions, let me know.

Sincerely,

MAX L. FRIEDERSDORF,
Assistant to the President.

Mr. HATCH. Mr. President, I also have a letter from Loret Ruppe in which she states her complete and continuing support for the administration's position. She also declares that members of the new administration have taken particular care to establish "practical and productive" relationships between ACTION and Peace Corps. So we have every reason to believe that things are operating smoothly and well in their joint relationship. I ask unanimous consent that her letter be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PEACE CORPS,
Washington, D.C., July 21, 1981.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Washing, D.C.

DEAR SENATOR HATCH: This is in response to your letter of July 16 requesting my views on the currently pending legislation which would separate the Peace Corps from ACTION.

I have stated several times in the past and wish to repeat my support for the Administration's position. As you know, under an Executive Order issued in 1979 the Peace Corps is an independent agency within ACTION and we share joint support services for which we, the Peace Corps, pay ACTION a certain percentage of the cost of such services.

Members of this new Administration have worked very carefully to establish practical and productive relationships with respect to these joint services. The Deputy Director-designate of our agency and the Deputy Director-designate of ACTION meet often on issues that come up with respect to the performance of these joint support services.

I appreciate your interest in this matter and your providing me with this opportunity to once again state my views.

Sincerely,

LORET MILLER RUPPE,
Director.

Mr. HATCH. It is clear, Mr. President, that the current administration is firmly opposed to the separation of Peace Corps and ACTION. Like the previous administration they feel that it is in the best interest of the Peace Corps to remain under the ACTION umbrella. We have every indication from the Director of the Peace Corps herself that things are working out smoothly. I can see no reason, therefore, why the Senate should not support the administration in the continuation of this cost-effective approach. Mr. Stockman and Mr. Friedersdorf have come to the same conclusions about increased costs if the agencies were separated. And I agree with Mr. Stockman's assessment that there is certainly no "urgent" need to separate the two agencies.

JURISDICTION—GOVERNMENTAL AFFAIRS

Mr. President, Senate rule XXV states that the Committee on Governmental Affairs shall have jurisdiction over the "organization and reorganization of the executive branch of the Government." The last time that the Governmental Affairs Committee held hearings on the question of separating the Peace Corps from ACTION was in 1979 and as a result of its in-depth look at the question, the committee voted overwhelmingly, 15 to 2, to keep the Peace Corps as an independent agency within ACTION.

The committee report, (No. 96–199, June 4, 1979), stated:

No major reorganizations should be undertaken unless clearly desirable, because it inevitably causes disruptions which reduce program effectiveness for a significant length of time. The committee concludes that, at this time, it appears that there is much to be lost, and little to be gained, by transfering either the Peace Corps or the domestic volunteer program to other agencies.

The report continued:

Even if there were marginal advantages in transfering a single, particular program, such as the Peace Corps. . . . the effect on ACTION as a whole would argue against such a move. The committee believes that the original concept and motivation for establishing ACTION is as valid today as it was in 1971. Nothing has happened . . . to alter the importance of having within the Federal Government a single, small agency whose primary purpose is to encourage volunteer efforts. And in order to preserve that concept all the programs now in ACTION should be kept in place.

Mr. President, that was the collective judgment of the members of the Governmental Affairs Committee, the Senate body which is charged under the rules of the Senate with jurisdiction over executive branch organization questions. I believe it would be bad precedent and bad law to legislate an ACTION agency reorganization in the face of near unanimous opposition from the committee with jurisdiction over the issue.

Mr. President, our former colleague, Senator Javits made what I believe to be an important point during the debate in 1979 when, in referring to the Governmental Affairs Committees' report, said:

That is what we have committees for. They go into these matters in considerable detail, both personally and through their staffs and try to come to a conclusion . . . I think the best thing written on the subject (of separation) comes out of the Governmental Affairs Committee . . .

Mr. President, the Governmental Affairs Committees' report stated very accurately, I believe, the importance of keeping the Peace Corps independent within ACTION when it stated:

The committee believes that the real and symbolic value of the Peace Corps as a humanitarian, people-to-people program is not to be underestimated. The image of American volunteers living under austere conditions among the people of Third World nations, enduring physical hardship and financial sacrifice, remains an important expression of the nation's tradition of humanitarian concern and idealism. ACTION is an appropriate place to place the Peace Corps in order to protect and symbolize the volunteer nature of the program.

Sentiments which are all the more important, Mr. President, when we recall the Presidents comment during his recent televised speech to the Nation:

I believe that the spirit of volunteerism still lives in America.

Under Executive Order No. 12137, issued May 16, 1979, the Peace Corps was established as an autonomous agency within ACTION. According to the June 4th committee report:

The new executive order gives the Peace Corps director broad authority over the budget, policy and management of the international volunteer program. It is designed to strengthen the vitality, visibility, and independence of the Peace Corps while preserving its position as a joint venture with the domestic volunteer service programs within the framework of ACTION.

Thus, the Peace Corps now functions with near total autonomy and in fact, Mr. President, at the time of the issuance of the Executive order in 1979, it was the opinion of the then Director of the Peace Corps, Richard Celeste, as expressed in a letter to our distinguished colleague, Senator GLENN, that under the terms of the order, the Peace Corps would have more independence than at any other time of its existence.

In his letter to Senator GLENN, as printed in the CONGRESSIONAL RECORD on June 20, 1979, Director Celeste quotes from an analysis of the Executive order performed by a former general counsel of the Peace Corps:

While for technical reasons, Executive Order No. 12137 establishes the Peace Corps as an agency within ACTION, actually the Peace Corps and its new director, Richard F. Celeste, have more independence than the Peace Corps had in 1961 . . . Executive Order No. 12137 delegates the principal program and administrative functions conferred on the President by the Peace Corps Act directly to the director of the Peace Corps. In 1961 to 1966, those functions were delegated by the President first to the Secretary of State and then by him to the director of the Peace Corps. Thus, the Peace Corps director, . . . was technically subject to the direct authority of the Secretary of State. Under Executive Order 12137, the Peace Corps director in effect reports directly to the President.

The letter also states that:

The Peace Corps director will deal directly with the Office of Management and Budget and the Treasury Department with respect to the apportionment, obligation and expenditure of Peace Corps funds.

And further, Mr. President,

None of the functions under the Peace Corps Act are delegated to ACTION or its Director. As we have seen, all the principal Peace Corps Act program and administrative functions are delegated directly to the Director of the Peace Corps.

In sum, Mr. President, we have a situation today where the Peace Corps Director reports directly to the President on policy matters, deals directly with the Office of Management and Budget and the Treasury Department on budget matters; and shares with ACTION only a few administrative services for the purpose of reducing the cost of shared services.

GAO REPORT

I have attempted to determine from the Governmental Affairs Committee if there have been more recent hearings on this matter than the hearings to which I have referred which were held in May of 1979. I have been told that there have been no such hearings and am therefore somewhat at a loss to figure out from whence the data have come which indicate the need for an immediate and total separation of Peace Corps from ACTION.

Or, for that matter, whether such data exist.

I realize that the Committee on Foreign Relations took a cursory look at the issue earlier this year during its hearings on the Peace Corps authorization request and during the deliberations on the foreign assistance bill, but I am sure that no one would argue that the issue had been thoroughly explored.

I read with interest a report prepared by the General Accounting Office (GAO) and issued on May 21, 1981. The report examined the methods of preparation and training given Peace Corps volunteers.

While the report made some very interesting points and suggested several ways in which the preparation of volunteers could be improved, nowhere was there any mention of any problems whatsoever being experienced by the Peace Corps as a result of its administrative connection with ACTION.

As a matter of fact, in his response to the GAO report, the then Deputy Director of the Peace Corps, stated that:

The major retarding factor (in solving the problems identified by the GAO) has been a lack of sufficient resources . . . one which will probably be exacerbated as we deal with the budgetary constraints of the '80's.

Well, Mr. President, I have no doubt that the Peace Corps as well as every other Federal department and agency will face "budgetary constraints" as we attempt to put our fiscal house in order, but that is all the more reason not to spin the Peace Corps off unto itself to the tune of at least $15 million of the taxpayers dollars. I can only see such a move adding to the resource problems of the Peace Corps, not obviating them.

Furthermore, Mr. President, the GAO report cited the high attrition rate of Peace Corps volunteers. Regrettably, it was found that there was no way to determine exactly why so many volunteers failed to finish their tour. However, it is interesting to note that among all the possible reasons advanced by the then deputy director as explanation for the high attrition rate, the Peace Corps affiliation with ACTION was not mentioned or suggested as a cause of the problem.

And while the GAO report addressed only the issue of preparation of overseas volunteers, I think it is noteworthy that nowhere in the report was the Peace Corps affiliation with ACTION mentioned by the GAO as even a possible cause for the problems it identified in Peace Corps operations.

In the absence of any other relevant studies, data or, most importantly, hearings, such information is revealing, significant and certainly relevant to the debate today.

RECRUITMENT

Some have argued that the joint Peace Corps-ACTION arrangement has hurt recruitment for the Peace Corps since it was first begun in 1979.

There is no substance to that argument. Let us look at some statistics comparing Peace Corps recruitment successes in 1978, the year before the Executive order establishing the joint ACTION-Peace Corps arrangement, with this year under the Reagan administration.

	(Through 30, Sept.) 1978	1981
Applications	13,661	15,622
WATS line inquiries	37,902	53,917
Nominations for appointment	7,987	8,382

Clearly the recruitment activities of the Peace Corps are progressing better today than they were in 1978. Mr. President, there is absolutely no evidence that Peace Corps recruitment efforts have been harmed during the Peace Corps' relationship with ACTION, in fact the evidence indicates that Peace Corps recruitment has been strengthened since they joined forces on recruitment efforts.

COMMUNICATIONS-ADVERTISING

It has been alleged that the joint ACTION-Peace Corps administration has damaged Peace Corps' image by reducing and limiting the visibility of the Peace Corps in national advertising campaigns. Once again this is completely erroneous.

The Peace Corps budget personnel determine how much to utilize on advertising. The ACTION Office of Recruitment and Communications—a joint support service with Peace Corps—has a client-like relationship with Peace Corps. ORC does what its client—Peace Corps—tells them to do regarding advertising. It is entirely up to the Peace Corps to decide how much, and on what advertising money will be spent.

The Office of Recruitment and Communications field staff make great use of radio in Peace Corps recruitment campaigns. We do not know, however, the actual number of radio spots because to monitor such air play is prohibitively expensive. There is every reason to believe that the actual number of radio spots advertising the Peace Corps is from two to three times greater now than it was in 1978. We do know there are approximately 6,000 radio stations which carry Peace Corps advertising spots.

We have a much better idea how many TV spots are aired each year advertising Peace Corps. In the current calendar year, the advertising council is managing the advertising for the Peace Corps. Of 24 such public service campaigns, the Peace Corps is No. 3 in terms of dollar value in contributed time and space, this is by far the most advertising received by any of the ACTION agencies.

Once again it is instructive to compare the amount of advertising in terms of TV spots which were aired in 1978, before the joint Peace Corps-ACTION administration, with those being shown today.

From January 1, 1978 to December 31, 1978, there were 2,188 TV ads for the Peace Corps.

From January 1, 1981, to August 31, 1981—only two-thirds of a year—there have been 6,552 TV ads for the Peace Corps.

In other words, Mr. President, there have been more than three times the number of TV adds for the Peace Corps this year than there were in 1978. There have already been over 2,000 more TV ads for the Peace Corps this year under the Reagan administration than there were for the entire year last year under the Carter administration. When one considers that the audio portion of these ads is distributed to more than 6,000 radio stations around the country it becomes abundantly clear that instead of losing visibility, the Peace Corps is in the midst of a massive public relations campaign that has not been equaled since its inception 20 years ago.

To argue that it is not getting its fair share, or that its visibility has dropped since it joined with ACTION in sharing some administrative costs, is absolute nonsense. The Peace Corps has autonomy to determine how much money it wants to spend on advertising. Clearly its visibility in terms of number of advertisements shown or heard has never been higher than it has been this year.

BUDGETARY PROBLEMS

The assertion has been made that the Peace Corps must bear a disproportionate burden for the joint support services shared between Peace Corps and ACTION. The facts indicate differently.

The support offices outline what they do for the Peace Corps and what they do for domestic operations. An assessment of the services is provided by each joint support office. The percentage the Peace Corps contributes for its share of the funding for joint support services is as close as possible to overall actual usage based on the assessment made.

In this regard, Mr. President, it is interesting to note that under the Reagan administration Peace Corps has only paid for 48.8 percent of the joint support services budget, while under the Carter administration last year they paid for 53 percent of the joint support services.

BUREAUCRACY AND OVERLAP AUTHORITY—PERSONNEL PROBLEMS

It has also been alleged that the vitality of the Peace Corps is being sapped by unnecessary layers of bureaucracy, and that there are personal problems resulting from the ACTION–Peace Corps relationship. Mr. President once again I can find no evidence that such problems exist to any significant extent.

Instead of bureaucratic overload what we have found is an attempt to share some administrative services, and that this attempt has been very successful. The Peace Corps has more public visibility, more volunteers, and pays less for services than any time in recent history. I have already submitted a letter from Peace Corps Director Loret Ruppe in which she says that careful attention has been given to the joint ACTION–Peace Corps relationship and in her own words she assures me that "members of this new administration have worked very carefully to establish practical and productive relationships with respect to these joint services."

To me, Mr. President, the arguments for separating Peace Corps from ACTION have no substance, and this whole matter is a tempest in a teapot—but a teapot which could cost the taxpayers of America $15 million or more each year if we were to make the separation.

Clearly Mr. President, in the absence of any data to the contrary, the current situation is the best possible arrangement and should not be disturbed. The President, the Director of the Office of Management and Budget, the Director of ACTION and the Director of the Peace Corps all favor keeping the status quo. Surely we should give this new team a chance to operate and report back to the Congress after an appropriate period of time. I have presented evidence here today that gives me every indication that things are going extremely well for the Peace Corps. And given these times of budget cut backs I doubt if separating the Peace Corps from ACTION would do anything but harm to the Peace Corps.

Clearly, Mr. President, the Peace Corps under its current arrangement essentially has the best of two worlds—on the one hand, under the provisions of the Executive order, as we have stated, the Peace Corps has virtually total autonomy with its Director reporting directly to the President, and yet the agency does not incur the costs which would accrue to the taxpayers without its residence under ACTION's administrative umbrella.

I urge my colleagues to vote with me in favor of my amendment which will save taxpayer dollars and preserve the integrity and well-being of the Peace Corps by keeping it in its position within the cooperative relationship it currently enjoys with the ACTION agency.

[Exhibit 1]

[From the Washington Post, May 26, 1981]

THE PEACE CORPS' IMAGE

Because President Reagan's nominee to head ACTION, Tom Pauken, served in military intelligence in Vietnam 12 years ago, Sen. Alan Cranston (D-Calif.) wants to take the Peace Corps out from under ACTION and put it in the State Department. He claims that if Mr. Pauken is anywhere near the Peace Corps his background will scare people in the Third World and perhaps endanger Peace Corps volunteers.

This is the same debate that has been carried on since the Peace Corps' founding, and by now it is one of those arguments that may mean something in Washington, but has no reality beyond the Potomac.

Ever since the Peace Corps began 20 years ago, the Soviets have been trying to convince the Third World that the Peace Corps is a CIA plot, in spite of the fact that six presidents from Kennedy to Reagan have maintained strict adherence to a complete separation of the Peace Corps and the CIA both in fact and in appearance. There is nothing in Peace Corps policy, however, that would prevent someone who has served in military intelligence many years ago from also serving in the Peace Corps as well.

Regardless of Peace Corps policy or how the agency is positioned in the federal bureaucracy, the Soviets will continue to claim that the volunteers are spies. On my first trip to Africa in 1969, Soviet propaganda and Jack Anderson claimed that I was trained and financed by the CIA. Anderson publicly retracted the claim, but the Soviets went further. Since I had played tournament tennis while in college, the Soviets pushed the line that the popular TV series "I Spy," then being syndicated in the Third World, was the story of my life.

The people of the Third World and their leaders weren't impressed by this propaganda many years ago and couldn"t care less today. They have enough problems to cope with in their daily lives to worry about political machinations in Washington or appearances that the backgrounds of ACTION directors may give. Besides, these countries have witnessed and been impressed with the work of thousands of volunteers; and never has there been a single incident of spying or intelligence gathering.

So let's keep the Peace Corps in ACTION

and give President Reagan and Mr. Pauken a chance to spin out some new ideas for involving people and make ACTION fulfill its mission of giving Americans of all ages and backgrounds the opportunity to perform peacetime service to their country at home and abroad.

JOSEPH H. BLATCHFORD,
Washington.

(The writer was director of the Peace Corps and of ACTION in the Nixon administration.)

(At the request of Mr. HATCH, the following statement was ordered to be printed in the RECORD:)

● Mr. DENTON. Mr. President, I rise today in support of keeping the Peace Corps under ACTION. The issues in this case are clear: The Peace Corps has not lost any autonomy by remaining under ACTION. In fact, ACTION has little or no influence on budget decisions made by the Peace Corps and no contact at all with OMB or the President with regard to the Peace Corps. The Peace Corps has effective autonomy under ACTION.

Those who support making the Peace Corps a separate agency in the executive branch have precious few hard facts to justify their demand. Those supporters who cite ACTION Director Thomas Pauken's past military intelligence background should be reminded that this body debated that issue at length before Mr. Pauken was confirmed on May 7. And perhaps they have forgotten that Mr. Tom Houser, a former Deputy Director of the Peace Corps itself, had served in Army intelligence; yet, the issue of his background was not raised during his Senate confirmation hearings. There is no indication that Peace Corps credibility was damaged, nor was any volunteer ever harmed, because Mr. Houser was Deputy Director of the Peace Corps. It is also worthy of note that Mr. Houser was Deputy Director at the height of the Vietanam war, when anti-American sentiment was rampant in the Third World.

Obviously, Mr. Houser, as Deputy Director, had more to do with Peace Corps policy and day-to-day operations than does Mr. Pauken today. In fact, since the Peace Corps is autonomous, the Director of ACTION has virtually no influence on either Peace Corps' policy or daily operations. ACTION provides certain support services to the Peace Corps for cost-effective reasons; for example, computer services. However, Mr. Pauken has designated Deputy Director Winnie Pizzano as ACTION's liaison officer to the Peace Corps for support services, effectively removing Mr. Pauken from this aspect of Peace Corps administration.

Mr. Pauken's actions from his first day in office demonstrate that the fears and concerns of those who think the Peace Corps will be tainted by his association are unfounded.

Mr. President, we have not begun to calculate the real costs involved to separate the two agencies. Obviously, the creation of any new agency is going to cost money, and lots of it. Taxpayers understand this truism, and it is time we did. ACTION supplies many of the support services that the Peace Corps would have to provide for itself, which would cost more if provided independently. There are conflicting reports on the actual costs. The claims range from $3 to $15 million. There is even one report that it will cost nothing. No cost at all in creating a new Federal agency is incredible, and the fact that there is any disparity among the figures supports the need to look more closely at all the facts and argues against this attempt at separating the two agencies. There is a bill presently before the Senate under the general order that also deals with this issue. The consideration of that bill will provide the appropriate forum for discussion of separating the Peace Corps from ACTION.

The administration opposes this amendment because it would create inefficiencies that would work to the disadvantage of both ACTION and the Peace Corps. It would produce a duplication of Federal Government services inconsistent with administration policy. Numerous functions jointly serving ACTION and the Peace Corps would have to be duplicated. Both the cost and the inefficiency created by the duplication of work is fundamentally at odds with the administration's policy of fiscal restraint and streamlined administration. The mandate given to the administration last November is diametrically opposed to the creation of a new Federal agency at a time when all other programs are experiencing cutbacks in funds and employees.

Mr. President, the American public has strongly supported our budget cuts and attempts at reducing Federal spending. This entire country has felt the adverse effect of past extravagant economic policies. Can we now, in good conscience, spend an undetermined amount of money—in fact, even a single dollar—to create a new Federal agency? Can we justify such a decision in the face of current tight money policies and reductions in social programs?

The fact is that we cannot justify such a decision when the real impact is unclear, when we demand sacrifices from the public, and when the grounds for that decision are not based on hard fact.●

Mr. HATCH. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Utah to strike the provisions of the committee bill which would provide for the separation of the Peace Corps from the ACTION Agency.

As my colleagues will recall, the Senate voted on this exact issue last June and rejected by a bipartisan vote of 52 to 45 efforts to prevent the inclusion of an identical provision in the Department of State reauthorization bill, S. 1193.

Mr. President, the issues surrounding the necessity for the separation of the Peace Corps from the ACTION Agency were fully debated on the Senate floor last June. The Senate rejected the arguments advanced against separation at that time. It is unfortunate that we are forced to take up the time of the Senate again on an issue that was decided only a few months ago. I do not intend to debate again all of the issues underlying the committee position—a position that was overwhelmingly adopted by the committee with strong bipartisan support. I do want to respond briefly to several points made by the opponents of separation.

First of all, I think we need to dispose once and for all of the cost issue. The Congressional Budget Office says there is no cost impact from this provision. That is CBO's official position. That is their analysis in the committee report. And, as my colleagues know, it is CBO's cost estimates which authoritatively apply to actions under the Budget Act.

The Senator from Utah has tried to argue against separation on the basis of an alleged cost. Let us look at these allegations.

First, it is fairly evident that within the administration there is sharp disagreement as to the budgetary impact of separation. Prior to the establishment this year of an official administration policy on the issue of separation, Peace Corps representatives testified in congressional hearings that there would be no additional cost to the Peace Corps as a result of a separation from the ACTION Agency. This estimate was confirmed by William G. Sykes, at that time the Acting Director of the Peace Corps, at a foreign relations hearing as late as April 29.

It is true that, as I understand it, the ACTION Agency budget office has different projections. That is not surprising. Currently, the Peace Corps pays to the ACTION Agency 60 percent of the cost of joint services, although the Peace Corps does not receive 60 percent of the services. In other words, funds which are appropriated for the operation of the Peace Corps go into the coffers of the ACTION Agency. These funds and the services they buy are then controlled by the ACTION Agency.

This issue of Peace Corps funding of joint services is not a new problem with this administration. This is a longstanding issue of contention between the Peace Corps and the ACTION Agency. It is surely one of the reasons why the ACTION Agency does not want to lose the Peace Corps. What agency would want to give up such a lucrative arrangement?

The Senator from Utah cited an OMB estimate of an additional $3 million in operating costs resulting from separation. A careful review of this estimate, which is included in the appendix to the committee report accompanying S. 1015, indicates this estimate was prepared by the ACTION staff and it specifically states it "should be viewed as an outside estimate and is likely to be too large."

The Senator from Utah has also cited an over 2-year-old, 1979 report from the Governmental Affairs Committee which estimated the cost of separation of the Peace Corps from the ACTION Agency as amounting to up to $15 million. I would simply point out that that estimate was made prior to the issuance of

Executive Order 12137 which gave the Peace Corps additional autonomy within the ACTION Agency. In other words, many of the functions cited in the 1979 report as entailing additional costs have already been separated. For example, following the 1979 Executive order, the Peace Corps established its own planning and evaluation office, personnel office, general counsel office, and a variety of other separate offices. These functions have already been separated.

It is plainly misleading and inaccurate to raise these figures without indicating that the 1979 Executive order substantially changed the factual basis upon which this particular estimate was made.

Moreover, in those areas where joint services continue to be provided, such as recruitment and communications, the 1979 estimates assumed the continuation of VISTA—the one program in the ACTION Agency that actually shared functions with the Peace Corps. VISTA is the only other full-time, stipended volunteer program operated by the ACTION Agency.

Yet, Mr. President, the administration is determined to terminate the VISTA program. The proponent of this amendment serves as the chairman of the Labor and Human Resources Committee and is well aware that his committee has reported legislation to accomplish that precise goal. What economies can possibly arise from sharing services with a program that the administration is terminating?

Mr. President, let me make clear that I strongly support the VISTA program and am strongly opposed to the administration's ill-founded efforts to kill the VISTA program. But, given this administration's proven success in eradicating programs, it is difficult to be optimistic about VISTA's future.

In any event, I find it the height of hypocrisy for the administration on the one hand to be arguing that we ought to keep the Peace Corps in ACTION so that it can share services with VISTA, while it is doing everything within its power to terminate VISTA.

Clearly, the opponents of separation are grasping at any straw to try to justify the no longer justifiable inclusion of the Peace Corps in the ACTION Agency. The alleged cost issue is just that—a straw issue. CBO has determined that there is no cost issue. For the Congress, as I have said, the issue of cost is authoritatively determined by CBO.

INTELLIGENCE ISSUE

Mr. President, I want to speak briefly on the intelligence policy issue relating to the Peace Corps. As my colleagues will recall, much of the impetus this year for the separation of the Peace Corps from the ACTION Agency arose out of the nomination 7 months ago of an individual with a background in overseas military intelligence work to serve as the Director of the ACTION Agency. I strongly felt, as did a number of my colleagues, several former Directors of the Peace Corps from both parties, and many, many former and present Peace Corps volunteers, that this action would seriously undermine the credibility and effectiveness of the Peace Corps in underdeveloped nations throughout the world and would, for the first time, provide a factual nexus upon which to base attacks upon the Peace Corps' integrity and its historic separation from the intelligence activities of this country.

This nomination for ACTION Agency Director presented a break of a tradition of strict separation of the Peace Corps from any connection or appearance of connection with intelligence activities—a tradition which has been adhered to by each successive administration—Republican and Democratic alike—for over 20 years.

However, those opposing confirmation of the nomination for this reason withdrew their opposition to the Senate's consideration of the nomination because we felt that an appropriate approach to dealing with the problem would be through the separation of the Peace Corps from the ACTION Agency.

At that time, the nominee made a commitment to certain members of the Foreign Relations Committee to keep his hands off the Peace Corps. Unfortunately, it now appears that the spirit of that commitment has not been carried out.

Despite the assurances that the ACTION Agency Director would not become involved in the activities of the Peace Corps and despite his statements during the course of his confirmation hearings that he had "no intention at any time in the near future of going overseas," he just last month traveled to Ecuador to represent the United States at an international meeting.

Mr. President, I also noted with interest the remarks of the distinguished Senator from New Mexico (Mr. SCHMITT) in the September 22 CONGRESSIONAL RECORD, at page 21533, in connection with the 20th anniversary of the signing of the Peace Corps Act in which the Senator from New Mexico recounts a recent discussion with the ACTION Agency Director wherein the Director of the ACTION Agency expressed his views as to future directions for the Peace Corps. Yet during his confirmation hearings, the nominee had indicated he would be much too involved with the ACTION Agency's domestic programs to engage in overseas travel or become involved in Peace Corps activities.

Mr. President, I have also been advised that the ACTION Agency just last week terminated 100 employees in the joint services activities for which the Peace Corps provides 60 percent of the funding, including some 70 staff in the volunteer recruitment program, and eliminated entirely the staff providing services to former Peace Corps volunteers. These decisions, I am advised, were made unilaterally by the ACTION Agency without consultation with the Peace Corps.

Mr. President, I cite these recent developments merely to illustrate the need now, even more than 3 months ago, to separate the Peace Corps from the ACTION Agency. How can the Peace Corps effectively recruit new volunteers when the ACTION Agency unilaterally terminates recruiters? How can a program such as the Peace Corps continue to survive in an atmosphere of hostility toward it that is reported to pervade the ACTION Agency? An article describing the tensions that exist between these programs appeared last month in the Washington Post. This article confirms concerns that have also been expressed to my office directly. I ask unanimous consent that the text of the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

FACTORS NECESSITATING SEPARATION

Mr. CRANSTON. Mr. President, the committee report on S. 1015 delineates the various areas that have caused considerable concern over the continued relationship of the Peace Corps to the ACTION Agency. I ask unanimous consent that appropriate excerpts from the committee report, with corrections of certain printing errors, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CRANSTON. Mr. President, these areas of concern that led the Foreign Relations Committee to approve Peace Corps separation have focused upon the unnecessary bureaucracy, decline in recruitment, lowered staff morale, and general subordination of the Peace Corps to the ACTION Agency's domestic programs. Nowhere is the problem more acute than in the area of recruitment and communications. The ACTION agency, not the Peace Corps, is responsible for recruitment activities. Volunteers apply to the ACTION Agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION Agency can be attributed, at least in part, to the Peace Corps' loss of control over—certainly exemplified by the recent unilateral layoffs of recruiters by the ACTION Agency—and its lack of public identification with its own recruitment activities.

The ACTION Agency, not the Peace Corps, controls communication. Hence, various publications, reports, and releases issued by the ACTION Agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the ACTION Agency.

Finally, Mr. President, very real budgetary and personnel problems have plagued the merger of the Peace Corps and the ACTION Agency. As I have pointed out several times, the Peace Corps is forced to pay 60 percent of the cost of joint services, irrespective of the proportion of those services actually provided to the Peace Corps. The separate personnel systems—the Peace Corps with its foreign service-based system and the ACTION Agency with its general schedule-civil service system—have made it difficult for personnel to be transferred between domestic and international volunteer program activities and has been a constant source of internal tension.

When it comes to working out some of these problems, Mr. President, it is the

ACTION Agency, not the Peace Corps, that negotiates with the employee union.

Mr. President, under the current arrangement, the Peace Corps is submerged under unnecessary layers of bureaucracy—a bureaucracy that saps its strength and vitality and has now adopted an adversarial and hostile attitude toward the Peace Corps. The very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of a government bureaucracy. Yet, buried within the ACTION Agency, the Peace Corps has lost much of the visibility and strength which it enjoyed in its early days.

Mr. President, the separation provision contained in S. 1015 and the pending bill were approved overwhelmingly by both the Senate Foreign Relations Committee and the House Foreign Affairs Committee. They would restore the Peace Corps to the kind of operational independence it enjoyed during its first 10 years—making it an independent Federal agency, free from any entanglements with any other Federal agencies. The committee provision would retain, however, the existing relationship between the Peace Corps and the Secretary of State—a relationship which has existed since the enactment of the Peace Corps Act which provides for the effective integration of the Peace Corps with the overseas programs of other U.S. Government agencies.

Finally, Mr. President, although the nomination as the ACTION Agency Director of a person with an active overseas intelligence background precipitated much of the current support for separation of the Peace Corps from the ACTION Agency, that is not the sole reason, nor, at this point, should it be viewed as the primary reason.

The Peace Corps is being suffocated within the ACTION Agency. Separation will restore the Peace Corps to the autonomy it enjoyed during its first 10 years and permit it to regain the strength and vitality it once enjoyed as a shining example of the willingness of the American people to give of themselves for the betterment of mankind.

The Peace Corps is not a liberal or conservative concept. It is a program that transcends partisan boundaries.

I say, free the Peace Corps from its bondage; let it have a chance once again to prosper and represent the greatness of the American spirit and the generosity and selflessness of the American people. Reject this amendment and make the Peace Corps free to regain its vitality and identity. Now, more than ever, America needs a strong Peace Corps working overseas as a living, daily manifestation of the best that is in us and our way of life.

I ask unanimous consent that a letter circulated by myself, the Senators from Oregon (Mr. HATFIELD), Maryland (Mr. MATHIAS), Massachusetts (Mr. TSONGAS), and Connecticut (Mr. DODD) relating to this issue be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

[From the Washington Post, Sept. 21, 1981]

PEACE CORPS, IN ITS 20TH YEAR, UNDER ATTACK FROM THE FAR RIGHT

(By James Naughtie)

The Peace Corps, in its 20th anniversary year, is at the center of an increasingly bitter administration battle over its independence and its budget, a battle that officials say could damage its work overseas.

The corps is under strong attack from hard-line conservative groups with access to high administration officials, and at the same time is facing budget cuts that could reduce the number of volunteers going abroad.

As a result, according to well-placed sources in the Peace Corps, Director Loret Ruppe is spending valuable time defending the corps' work and countering accusations from the far right that it is "anti-Reagan." The effect, the sources said, has been to reduce morale among full-time officials and to discourage prospective volunteers.

Much of the irritation among Peace Corps workers is directed at staff members of the Action agency, which is linked administratively to the corps. Although an executive order by President Carter in May, 1979, guaranteed autonomy for the Peace Corps, with only some shared support services, the two organizations share the same building and there are close management links.

According to one Peace Corps official, there is constant friction between the staffs, leading to such incidents as the appearance on walls and elevators in the Action offices of copies of an article highly critical of the Peace Corps that appeared in the conservative publication "Human Events."

The article attacked the corps' 20th anniversary celebration in June, which it claimed became a forum for "virtually every anti-Reagan freak around." The Peace Corps was described in the article as "a dangerously anti-Reagan instrument."

The accusations caused considerable distress in the Peace Corps, because they were considered unfounded and because copies were known to have been circulated at the White House. Ruppe, according to officials close to her, was outraged by the article.

She is reportedly convinced of President Reagan's support for the Peace Corps but dismayed by conservative attacks on her, because she believes that the work of the corps in the Third World should be attractive to those who profess to believe in "self-help."

The main focus of the anti-Peace Corps campaign is legislation to separate the corps completely from Action. That move is opposed by the administration, on the grounds that it would cost about $3 million a year more to run separate organizations. The bill, passed by the Senate, faces some House opposition, but a congressional staff source said Friday that the bill is expected to become law.

It was introduced in the Senate earlier this year as part of the campaign by liberals to block the nomination of Thomas Pauken as head of Action. One of the arguments used against Pauken, a Republican congressional candidate in Texas last year, was that his connection with military intelligence in Vietnam would be damaging to the Peace Corps, because it would provide opportunities for the Soviet Union to charge volunteers with intelligence links.

As a result of the controversy surrounding his nomination, and his reputation as a hard-line conservative, Pauken is regarded warily by many Peace Corps officials, and the friction with Action staff has tended to confirm their initial fears, according to sources in the corps, despite an apparently good working relationship between Pauken and Ruppe.

Pauken has made it clear that one of his main aims as Action director is to launch an assault on the VISTA program, established in the 1960s to help depressed areas in the United States by organizing teams of volunteers to advise on various topics.

However, what concerns some Peace Corps staff members is that Pauken, who has publicly expressed support for the corps, is closely associated with some of the far right groups now calling for it to be brought under stricter control.

On June 19, for example, Pauken addressed a meeting of the Kingston Group, a private discussion group set up by several conservative organizations, including the Conservative Caucus and the Committee for the Survival of a Free Congress, which meets regularly in the back room of a private house on Capitol Hill.

During this meeting an 11-page list of VISTA programs was circulated. According to a participant at the meeting, the list was handed out by Pauken, who said the programs were "leftist" and were to be dissolved.

Pauken denied in an interview that he had handed out any list at the meeting, but said his staff might have done so. He said the Action staff was examining individual programs to see if they fulfilled the criteria laid down for the agency.

One of the participants at the Kingston Group meeting, who was invited as part of a Conservative Progress Briefing in Washington, described the session as "a shock" because of the passionate antagonism to federal programs displayed and the intolerance to anyone not associated with the far right.

The open hostility of some Action officials to the Peace Corps is causing fears that this year's budget cuts may be the prelude to a more severe cutback. The 1982 appropriation has dropped to $95 million, from $106 million in fiscal 1981, and activities are expected to be concentrated in fewer countries. By 1983 the number of volunteers is expected to be about 20 percent below the figure planned for 1982 by the Carter administration. There are currently 5,400 volunteers in 60 countries.

Yet Ruppe and her staff are convinced that the Peace Corps delivers a large benefit to the nation, at a relatively small cost. One report from a senior official now circulating in the office describes a lengthy tour to African countries where volunteers are at work and concludes: "The United States does not yet realize the incredible impact that the Peace Corps has on these smaller nations—an incredible impact on their societies, world outlook, identities and conceptualization of the West."

Tuesday is the 20th anniversary of the signing of the Peace Corps Act, and an atmosphere of celebration might be expected. But instead, many officials are frustrated and distressed by the attacks which are forcing them to spend time on defensive bureaucratic maneuvers and which they believe could discourage volunteers. They are also concerned that President Reagan's support for the corps might be undermined by hard-liners who regard it as an unpleasant vestige of Kennedy liberalism.

As a result, Peace Corps officials believe they may even be facing a battle for survival.

EXHIBIT 2

EXCERPTS, WITH TECHNICAL CORRECTIONS, FROM SENATE REPORT NO. 97-84, TO ACCOMPANY S. 1015

* * * * *

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany S. 1015]

The Committee on Foreign Relations, to which was referred the bill (S. 1015), having considered the same, reports favorably there-

on with an amendment and recommends that the bill as amended do pass.

COMMITTEE ACTION

S. 1015, a bill to separate the Peace Corps from the ACTION Agency, was introduced by Senator Cranston (for himself and Senators Pell, Mathias, Biden, Sarbanes, Tsongas, Baucus and Kennedy) on April 27, 1981, and referred to the Committee on Foreign Relations. Additional co-sponsors are: Senators Dodd, Glenn, Bradley, Boschwitz, Levin and Hart. The Committee received testimony on the proposal to separate the Peace Corps from ACTION during the Committee's hearing on April 29, 1981.

The Committee agreed in an open markup session on May 13, 1981, to report S. 1015, as amended, favorably to the Senate and to report identical provisions as part of the Foreign Assistance Act Amendments of 1981. Senators voting in favor were: Percy, Kassebaum, Boschwitz, Pell, Biden, Glenn, Sarbanes, Tsongas, Cranston and Dodd. Senators voting in the negative were Helms and Lugar.

COMMITTEE COMMENTS

S. 1015 would separate the Peace Corps from the ACTION Agency, thereby restoring it to the full Operational antonomy it enjoyed during its early years. Although the Committee's decision was precipitated to a large extent by the controversy surrounding the appointment of an individual with a military intelligence training and field work background to serve as the Director of the ACTION Agency and the impact that this nomination might have upon the long-standing policy of the Peace Corps to avoid any involvement or appearance of involvement with any intelligence activities, it is the Committee's view that a number of independent programmatic considerations make separation desirable in order to permit the Peace Corps to carry out its mission effectively.

HISTORY OF PEACE CORPS' STATUS

The Peace Corps Act, enacted September 22, 1961, authorized the President of the United States to carry out the programs authorized under the Act and to exercise the functions vested in him by it through such agency or officer of the United States government as he shall direct. Under Executive Order 11041 of August 6, 1962, the President delegated the basic operational authorities under the Act to the Secretary of State. The Secretary, in turn, delegated those authorities to the Director of the Peace Corps in State Department Delegation 35–11A, dated August 29, 1962. The Peace Corps thus was initially operated as an agency technically within the Department of State, but enjoyed very substantial operational autonomy through the delegation of authorities.

In 1971, pursuant to Executive Order 11603 of July 1, 1971, the Peace Corps was transferred to the ACTION Agency, created by Reorganization Plan No. 1 of 1971, and authority to direct the Peace Corps was assigned to the Director of the ACTION Agency. A statutory basis for the ACTION Agency was established in 1973 in title IV of the Domestic Volunteer Service Act of 1973, Public Law 93–113. Between 1971 and 1979, the Peace Corps was administered by the ACTION Agency and its director along with various domestic volunteer programs such as VISTA (Volunteers in Service to America) and the Older American Volunteer programs—R.S.V.P. (Retired Senior Volunteer Program), Senior Companions, and Foster Grandparents.

In May of 1979, President Carter issued Executive Order 12137 which superseded Executive Order 11603. Executive Order 12137 continued the Peace Corps as a program within the ACTION Agency but provided it with certain budgetary and operating autonomy. The memorandum from President Carter accompanying the Executive Order described its effect as follows:

This executive order supersedes Executive Order 11603, issued in 1971. Executive Order 11603 assigned to the ACTION Director the authority to direct the Peace Corps. The attached order delegates that authority to the Peace Corps Director.

The order requires the Peace Corps Director to consult with the Director of ACTION and to coordinate Peace Corps activities with those of ACTION. It provides that the Director of ACTION will be responsible for the general direction of all ACTION functions which jointly serve ACTION's domestic volunteer components and the Peace Corps, and for advising the Peace Corps Director to ensure the carrying out of the functions assigned to the Peace Corps Director.

Under the 1979 Executive Order, the ACTION Agency controls the following services provided to the Peace Corps:

1. recruitment of volunteers and processing of applications;
2. general administration—for example, space management, accounting, data processing, procurement, and contracting;
3. internal auditing and inspections;
4. investigation of equal employment opportunity complaints;
5. limited legal services—for example, monitoring staff compliance with the Ethics in Government Act, Freedom of Information and Privacy Acts, and monitoring legal requirements of contracting procedures;
6. communication services;
7. health services to Peace Corps volunteers;
8. supervision of the Peace Corps partnership program;
9. services for former volunteers; and
10. security investigations for Peace Corps staff and some volunteers.

The ACTION Agency also is responsible for applying the intelligence separation policy to ACTION Agency employees providing services to the Peace Corps.

At the time the Peace Corps was placed in the ACTION Agency, the desirability of effecting certain administrative economies, a closer degree of cooperation between domestic and international volunteer service efforts, and more efficient recruitment of volunteers were cited as justifications for the merger.

For the most part, these expectations have not been fulfilled. Instead, the Peace Corps, as an agency within the ACTION Agency, has been continually plagued by a variety of managerial, personnel, and budgetary problems. In addition, submerged within the ACTION Agency, the Peace Corps lost much of its visibility and acquired an overlay of staff and bureaucracy which did not contribute to its vitality.

These problems led the House of Representatives in April of 1979 to approve—by a margin of 276 to 116—legislation removing the Peace Corps from the ACTION Agency. The House legislation, however, would have placed the Peace Corps within the then newly forming International Development Cooperation Agency—IDCA—a transfer which many members of the Senate opposed on the grounds that placement of the Peace Corps within IDCA might make it appear to be simply another part of our foreign aid program and thus deprive it of its uniqueness as a people-to-people program, outside the mainstream of government programs. Additionally, it was hoped that issuance of the 1979 Executive Order would resolve some of the problems confronting the program within the ACTION Agency. For these reasons, the committee of conference on the International Development Cooperation Act of 1979 agreed to retain the Peace Corps within the ACTION Agency. The conference committee, however, expressed its strong support for maximum autonomy for the Peace Corps under the new executive order and expressly stated that:

"* * * cost savings may be an argument for continuing some shared functions, but concern is expressed that in the long run effectiveness in meeting the needs of Peace Corps, particularly in a vital area such as recruitment, should be the dominant consideration."

(Conference Report No. 96–397, pages 40–41, to accompany H.R. 3324). The conference committee also stated the intention of the authorizing committees to review carefully the details relating to implementation of the new executive order and

"* * * to reconsider the action taken by the House * * * if implementation of the executive order does not provide sufficient autonomy and alleviate the problems which the Peace Corps has been facing in recent years."

It is the view of this Committee that the implementation of Executive Order 12137 has not effectively alleviated the problems which the Peace Corps has been facing since the merger. In the Committee's view, only full autonomy by the establishment of the Peace Corps as an independent agency will restore it to the visibility and vitality that it enjoyed in its early years.

CONTINUING PROBLEMS WITHIN THE ACTION AGENCY

Concern over the viability of the Peace Corps' placement in the ACTION Agency and the effect of that placement on the continued vitality of the Peace Corps' operations has been raised in various studies, including a 1977 report, The Future of the Peace Corps, prepared by former Assistant Secretary of State Harlan Cleveland under a contract between the ACTION Agency and the Aspen Institute for Humanistic Studies; a 1974 report, The Peace Corps: Perspectives for the Future, prepared by the National Academy of Sciences; and a 1977 report, The Ambitious Task. New Approaches to Peace Corps and Private Voluntary Organization Efforts to Promote Third World Development, prepared by Warren Wiggin, former Deputy Director of the Peace Corps, released by the TransCentury Corporation. These reports cited increased bureaucratic entanglements, lowered staff morale, decline in recruitment, and subordination of the Peace Corps to the Agency's domestic programs as some of the adverse consequences of the placement of the Peace Corps in the ACTION Agency.

Some areas where specific problems have existed include recruitment, communications, overlapping areas of authority, budget and cost allocation, and conflicting personnel systems.

Recruitment

Under the 1979 Executive Order, the ACTION Agency maintains responsibility and control over the recruitment of potential volunteers. The ACTION Agency controls both the recruitment resources and the general recruitment effort. Volunteers apply to the ACTION Agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION Agency can be attributed, at least in part to the Peace Corps' loss of control over and public identification with its own recruitment activities.

Communications

One of the most serious problems associated with the present status of the Peace Corps with the ACTION Agency is its loss of visibility. The ACTION Agency, not the Peace Corps, controls communications,

Hence, various publications, reports, and releases issued by the ACTION Agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the ACTION Agency (including, for example, those in connection with the recent nomination of a new Director and Deputy Director of the ACTION Agency). The value of its unique history and mission and its rich heritage—which have distinguished it from simply being a "volunteer" program and from generally operating as another Government bureaucracy—have thus been substantially diminished. The overall focus and image of the ACTION Agency rests upon and derives from its domestic programs; the continued submergence of the Peace Corps within the ACTION Agency does not serve to enhance the Peace Corps' reputation.

Bureaucracy and overlap authority

Under the present structure, the Peace Corps is encumbered by unnecessary layers of bureaucracy and conflicting channels of communication. The Acting Director of the Peace Corps, William Sykes, in his testimony before the Committee on April 29, 1981, called attention to the problems created by the multiple channels of communication which currently exist, as well as the difficulties that arise when the various support units are required to be responsible to two different masters—the Director of the Peace Corps and the Director of the ACTION Agency.

These unnecessary layers of bureaucracy tend to sap the Peace Corps of vitality. Indeed, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of government bureaucracy. A unique program from its inception, the Peace Corps needs to be free to respond creatively to new ideas and the continuously evolving and emerging needs of host countries.

Budgetary problems

The Committee has had a continuing concern about allocation of costs for support services provided by the ACTION Agency to the Peace Corps, and the extent to which the Peace Corps pays a disproportionate share of the joint support services. Currently, the Peace Corps pays 60 percent of the costs of all these services irrespective of the amount or cost of the services actually provided to the Peace Corps. According to the recent testimony presented to the Committee by the Acting Director of the Peace Corps, this allocation may be equitable in some areas and inequitable in others.

Personnel problems

The Peace Corps operates under a unique foreign service personnel system which requires that its staff appointments generally not exceed 5 years. The ACTION Agency, of course, operates under the general civil service system. The separate Peace Corps personnel system has repeatedly been a source of major labor/management controversies and has made it very difficult for personnel to be transferred between domestic and international volunteer program activities. The ACTION Agency has also insisted upon serving as the sole management representative with respect to labor/management relations covering all of the Peace Corps' nonprofessional employees in the United States. As recently as April 23, 1981, the Acting Director of the ACTION Agency reiterated that all negotiations with the employee's union must be handled through the ACTION Agency's Labor Relations officer.

Cost issues

A preliminary analysis of the cost of operating an independent Peace Corps prepared earlier this year by the Peace Corps budget office indicated that separation would not entail additional costs to the Peace Corps. In testimony before the Committee, the Acting Director of the Peace Corps indicated that the ACTION Agency budget office and OMB had reached different conclusions. In an April 2, 1981 letter to Max Friedersdorf, Assistant to the President for Legislative Affairs, the chairman requested the administration to provide the Committee with a report on whether the shared support services provided for by the 1979 Executive Order had resulted in any significant savings for the Peace Corps, including a detailed comparison of any such savings with the probable costs that would have been incurred by the Peace Corps had it been a completely independent agency from ACTION. In a letter dated April 3, Mr. Friedersdorf indicated that the administration had no information available with respect to this question but indicated that a request was being made to OMB to review the question. On April 27, 1981 the Committee received a further response from Mr. Friedersdorf estimating at the "outside" an additional cost of $3 million to operate an independent Peace Corps. The memorandum, which is reprinted as Appendix II, also states that the figure "is likely to be too large."

Based upon the preliminary data available, it is the Committee's view that it is unclear whether cost savings or additional costs would result from separation of the Peace Corps from the ACTION Agency. However, the Committee believes that the need to provide the Peace Corps with full autonomy in order to assure its future strength and vitality outweigh the possible minimal additional budgetary costs projected by OMB.

INTELLIGENCE-SEPARATION POLICY

Since its earliest days, the Peace Corps has had a policy of complete and total separation from intelligence agencies and activities. In order to dispel any false charges of any intelligence connection, a company policy was established barring persons with certain intelligence backgrounds from serving as Peace Corps volunteers or staff. These policies have been strongly supported since 1961 by each successive administration and have been a cornerstone of the Peace Corps' effectiveness.

Although the Committee was sharply divided over whether the nomination of Thomas Pauken (confirmed by the Senate on May 7, 1981) to be Director of the ACTION Agency would compromise the intelligence-separation policies (see Executive Report No. 97-6, (April 7, 1981)), this Committee remains staunchly committed to the continued total separation of the Peace Corps from intelligence activities and to the maintenance and strict application of the intelligence policies as described in the March 18, 1981, letter of the new Peace Corps Director, Loret Ruppe, and former Acting Director Sykes, set forth in the hearing record on this legislation.

In the Committee's view, the Peace Corps' autonomy will contribute to this goal of maintaining that separation and strictly enforcing those policies. The kinds of issues that arose with respect to Mr. Pauken's nomination and might arise with respect to other ACTION Agency employees would henceforth be eliminated. Moreover, only the Director of the Peace Corps as distinguished from the head of any other agency—would have any role in the interpretation, application, and enforcement of these internal policies.

In this regard and in order to contribute to the maximum possible effectiveness of the intelligence-separation policies and the perception of them, the Committee notes with approval the following statements by Committee member Senator Charles Mathias during debate on May 7 on Mr. Pauken's nomination.

"Mr. MATHIAS. Mr. Pauken gave me his assurances that he would 'keep hands off' the Peace Corps if he was confirmed as the Director of the ACTION Agency. I understood those assurances to mean that he would delegate whatever responsibilities he might have with respect to the Peace Corps to his Deputy and that is a major reason why I felt I could vote to confirm his nomination when it was considered in the Foreign Relations Committee. I understand that Mr. Pauken has recently been reported to have stated his intention to delegate his responsibilities with respect to the Peace Corps to the Deputy Director of the ACTION Agency and will not be directly involved in any decisions made in regard to the Peace Corps. I very much hope that he will make such a delegation of authority as soon as he takes office and will publicize it widely." (Congressional Record, May 7, 1981 page 8785)

The Committee very much hopes that Mr. Pauken will act accordingly during the pendency of Congressional consideration of the separation legislation (also approved by the House Foreign Affairs Committee on May 7 as part of its consideration of the proposed International Security and Development Cooperation Act of 1981).

CONTINUING COORDINATION WITH THE DEPARTMENT OF STATE

The Committee's action with respect to the separation of the Peace Corps from the ACTION Agency would not in any way alter the existing relationship between the Peace Corps and the Secretary of State. The Secretary of State would continue to have the responsibilities, which the Secretary has had since the enactment of the Peace Corps Act, under section 4(c)(4) and (d) for assuring that Peace Corps programs are effectively integrated with and are not unduly duplicative of the overseas programs of other U.S. government agencies.

TRANSFER OF PERSONNEL, RECORDS, UNEXPENDED FUNDS AND RELATED ADMINISTRATIVE MATTERS

The Committee bill provides for all personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds which are employed, held, or used primarily in connection with functions relating to the Peace Corps, as determined by the Director of the Office of Management and Budget (OMB) after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION Agency, to be transferred from the ACTION Agency to the Peace Corps not later than 30 days after the date of enactment, the Director of OMB is required to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs, and the Government Operations Committee, and the Appropriations Committees) and to the Comptroller General a report on the steps taken to implement the separation. This report must include a description of the manner in which the various administrative matters associated with the separation are disposed of, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended funds.

The Comptroller General of the United States is also directed to report to the appropriate Committees within 45 days after enactment, as to whether the division is equitable to the agencies, the employees, and parties involved. In the event it becomes necessary, it is the Committee's expectation that the Director of OMB and the Comptroller General will file supplemental reports to fully inform the appropriate Committees on the matters involved.

The Committee bill also provides specific protections for those employees currently employed by the ACTION Agency who are to be transferred under the Committee bill to the Peace Corps. The bill provides that the transferred employes shall, to the maximum extent feasible, be assigned to related functions and organizational units in the Peace Corps. Thus, a transferred employee would, if

at all possible, be assigned to a position in a unit where his or her duties and the functions of such unit would be comparable to his or her former duties and to the functions of his or her former unit. It also provides that those employees shall not because of such transfer be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after the later of either of the following dates: the date on which the Director of OMB submits the report required with respect to implementation of the separation, or, with respect to any individual employee who has been transferred, the effective date of such individual's transfer. The Committee bill provides that any collective-bargaining agreement covering and regarding employees transferred or those employed by the Peace Corps that is in effect on the date of enactment shall continue to be recognized by the Peace Corps until the termination date of the agreement or until a mutual modification by the parties otherwise specifies. These protections are similar to those which have been provided to employees in other programs when new or independent agencies have been established, such as under section 9(a) of Public Law 93–644 (former section 601(h) of the Economic Opportunity Act) with respect to the Community Services Administration, under section 3(c) of the Legal Services Corporation Act of 1974 (Public Law 93–355) with respect to the Legal Services Corporation, and under section 502(a) of the Department of Education Organization Act (Public Law 96–88) with respect to the Department of Education.

The Committee bill specifically provides for the transferred employees to be appointed as members of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act and, with respect to the 5-year limitation on Peace Corps Act appointments, under section 7(a)(2)(A) of that Act, provides certain protections for personnel with General Schedule appointments who are transferred to the Peace Corps. These protections are based upon the provisions in section 5 of Public Law 89–134 which provided "grandfather" protection to employees with General Schedule (GS) appointments in 1965 when the unique, unified Peace Corps personnel system derived from Foreign Service Act authorities and the 5-year employment limitation were established by the Public Law 89–134. Thus, under the Committee bill, persons whose career or career-conditional appointments were above grade 8 of the General Schedule (GS–8) would be entitled to retain their existing GS appointments for three years. After 3 years, if they wished to continue their employment with the Peace Corps, they would be required to convert to a comparable appointment in the Foreign Service under authority of section 7(a)(2) of the Peace Corps Act and become subject to the 5-year employment limitation contained in clause (A) of section 7(a)(2). Transferred employees whose career or career-conditional appointments were at GS–8 or below would receive comparable Foreign Service Unlimited appointments and would thus be permanently exempt from the 5-year service limitation in the same manner as were employees at GS–8 and below by virtue of the 1965 amendments. Enactment of the Committee bill would not in any way affect the status of those employees "grandfathered" under that prior section. These new protections should be implemented in a similar fashion to the provisions of Public Law 89–134.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1979 (Public Law 150, 91st Congress), the committee provides the following estimate of the cost of S. 1015, prepared by the Congressional Budget Office. The Committee concurs with the estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1015, a bill to separate the Peace Corps from the ACTION Agency, as ordered reported by the Senate Committee on May 13, 1981.

This legislation authorizes no additional funds to carry out the separation and is expected to have no budget impact.

Sincerely,

ALICE M. RIVLIN,
Director.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations has made an evaluation of the regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below:

A. Estimates of the numbers of individuals and businesses who would be regulated, and a determination of the groups and classes of such individuals and businesses.—Inasmuch as the bill provides only for separation of the Peace Corps from the ACTION Agency and the establishment of the Peace Corps as an independent agency, its enactment would not result in the regulation of any individuals or businesses.

B. Determination of the economic impact of such regulations on individuals, consumers and businesses affected.—Since, as previously indicated, there would be no such regulation, there would be no such impact.

C. Determination of the impact on the personal privacy of the individual affected.—The enactment of the Committee bill would not have any impact on the personal privacy of any individuals.

D. Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill.—The only regulations expected to be promulgated directly as a result of the bill would pertain to the transfer of certain personnel, pursuant to the provisions of the bill, from the ACTION Agency to the Peace Corps. Those regulations, however, are not expected to increase substantially the paperwork involved in those transfers.

SECTION-BY-SECTION

Section 1.—Would provide that the measure may be referred to as the "Peace Corps Autonomy Act".

Section 2.—Would provide that, effective on the date of enactment, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency—as it now is under Executive Order 12137, dated May 16, 1979—or within any other department or agency of the United States.

Section 3: Subsection (a) would transfer to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency prior to the date of enactment. This would not, however, in any way limit the President's discretion to withdraw any Peace Corps delegation, under present section 4(b) or other provisions of the Peace Corps Act or under other applicable law, to the Director of the Peace Corps or to any other official.

Paragraph (1) of subsection (b) would provide for the transfer to the Peace Corps of various items, including personnel, assets, liabilities, contracts, property, records, and unexpended balances which are used primarily in connection with functions relating to the Peace Corps, as determined by the Director of the Office of Management and Budget (OMB), after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION Agency.

Subparagraph (A) of paragraph (2) of subsection (b) would provide that the transfer pursuant to this section of full-time employees (except experts or consultants or other special government employees) and part-time permanent employees shall not cause such employees to be separated or reduced in rank, class, grade or compensation, or otherwise suffer a loss of employment benefits for one year after the later of (1) the date on which the Director of the Office of Management Budget submits the report required under section 6(a) or, (2) effective date of a particular individual transfer.

Subparagraph (B) of paragraph (2) of subsection (b) would provide that employees transferred from the ACTION Agency to the Peace Corps pursuant to this section shall be assigned, to the maximum extent feasible, to such related functions and organizational units in the Peace Corps as such employees were assigned to immediately before the date of enactment of this Act.

Subparagraph (C) of paragraph (2) of subsection (b) would provide that any collective-bargaining agreement in effect on the date of enactment of this Act covering employees transferred pursuant to this section or employed on that date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of the agreement, or until a mutual modification by the parties otherwise specifies.

Paragraph (3) of subsection (b) would provide, under such regulations as the President may prescribe, that, with two exceptions, each employee who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, upon the effective date of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof. Under the first exception, no transferred employee may be so appointed without his or her consent until three years after that effective date. During this 3-year period, an employee who does not consent to such an appointment may continue to hold his or her career or career-conditional appointment. Under the second exception, each transferred employee holding a career or career-conditional appointment at grade 8 or below of the General Schedule (GS) shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Thus, persons at grade GS–8 or below would not be subject to the five-year appointment limitation contained in section 7(a)(2)(A) of the Peace Corps Act. Persons above grade GS–8 would be permitted to continue their employment under their career or career-conditional appointments for 3 years after their transfer to the Peace Corps. After that time, if they wished to continue their Peace Corps employment, they would be required to accept a Peace Corps Act (Foreign Service) appointment to which the 5-year appointment limitation would apply. The basic rate of compensation for persons appointed under these provisions would not be permitted to be reduced below the rate received by such person immediately prior to the effective date of such person's appointment. This paragraph is derived from section 5 of Public Law 89–134, establishing the unique, unified Peace Corps personnel system, and should be implemented in similar fashion.

Section 4.—Would amend section 4(b) of the Peace Corps Act to limit the President's current authority to exercise the functions vested in him under the Peace Corps Act

through government agencies and officials of the President's choosing by permitting the President to delegate the authority to perform those functions only to the Director of the Peace Corps.

Section 5.—Would repeal no-longer-applicable provisions of section 3(d), (e), and (f) of the Peace Corps Act, which contain references to the Director of the Action Agency, relating to transfers by the Director of ACTION to the Treasury in fiscal year 1976 to rectify certain imbalances in the Peace Corps readjustment allowance account, the waiver of claims for certain erroneous payments of readjustment allowances to Peace Corps volunteers, and the relieving of ACTION and Peace Corps disbursing officers of liability for certain improper or incorrect payments during that period; and would provide that the repeal of these provisions would not affect the validity of any action taken under the repealed provisions prior to their repeal or the liability of those disbursing officers for such payments.

Section 6.—Subsection (a) would require the Director of OMB to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs and Government Operations Committee, and both Appropriations Committees) and to the Comptroller General, within 30 days after the date of enactment, a report on the steps taken to implement the separation of the Peace Corps from the ACTION Agency.

Subsection (b) would require the Comptroller General to submit to those same committees, within 45 days after the date of enactment, a report stating whether, in the Comptroller General's judgment, the determinations by OMB were equitable.

Section 7.—Would provide that references in any statute, reorganization plan, executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law (Public Law 87-293, as amended) made by S. 1015 as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PEACE CORPS ACT, AS AMENDED

Public Law 87-293

87th Congress, H.R. 7500

September 22, 1961

AN ACT To provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower

TITLE I—THE PEACE CORPS

* * * * * * *

SEC. 3 * * *

[(d) The Director of ACTION shall transfer to the readjustment allowance, ACTION, account at the Treasury Department, no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this Act in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

[(e) The Director of ACTION is authorized to waive claims resulting from erroneous payments of readjustment allowance to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of title 5, United States Code, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

[(f) Disbursing and certifying officers of the Peace Corps and ACTION are relieved from liability for improper or incorrect payment of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of the first section of the Act entitled "An Act to provide permanent authority for the relief of certain disbursing officers, and for other purposes", approved August 11, 1955 (31 U.S.C. 82a-2), and of section 2 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (31 U.S.C. 82c).]

[(g)] *(d)* In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Corps shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economics of developing countries, thus improving their status and assisting the total developing effort.

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps and a Deputy Director of the Peace Corps.

(b) The President may exercise any functions vested in him by this Act through [such agency or officer of the United States Government as he shall direct. The head of any agency or any such officer] the Director of the Peace Corps. The Director of the Peace Corps may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions

* * * * *

EXHIBIT 3

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., October 15, 1981.

Re S. 1196, Foreign Assistance legislation: Peace Corps Autonomy.

DEAR COLLEAGUE: On June 17, 1981, during the consideration of S. 1193, the Department of State reauthorization legislation, the Senate in a bipartisan vote of 45 to 52 expressed its support for an amendment to separate the Peace Corps from the ACTION Agency. Provisions identical to those contained in that amendment as adopted by the Senate in S. 1193 were included by the Senate Foreign Relations Committee in S. 1196, the proposed "International Security and Development Act of 1981", and in S. 1015, the proposed "Peace Corps Autonomy Act", which is pending on the Senate calendar.

When S. 1196 is again taken up by the Senate, it is likely that an effort will be made by Senator Hatch to delete these provisions from S. 1196.

We believe that the reasons for the removal of the Peace Corps from the ACTION Agency were thoroughly discussed on the Senate floor on June 17 and are set forth in detail in the report accompanying S. 1015 (S. Rept. No. 97-84) which was incorporated by reference in the report accompanying S. 1196 (S. Rept. No. 97-83, page 19).

However, materials recently circulated by Senator Hatch opposing this separation have suggested it would cost between $3 and $15 million. These materials are somewhat misleading, and we would like to take the opportunity to set the record straight.

First, the Congressional Budget Office has determined that there is no budgetary impact arising from the separation of the Peace Corps from the ACTION Agency. Its official estimate that there is no cost issue involved in separation is set forth on page 9 of the report accompanying S. 1015. For the Congress, the issue of cost is authoritatively determined by CBO.

Second, it is clear that within the Administration there is sharp disagreement as to whether any costs would result from separation. Peace Corps representatives testified in House hearings earlier this year that there would be no additional cost to the Peace Corps as a result of a separation from the ACTION Agency. This estimate was confirmed by the Acting Director of the Peace Corps at a Senate Foreign Relations hearing on S. 1015 on April 29.

It is true that ACTION Agency budget analysts have reached different conclusions. That is not surprising. Currently, the Peace Corps pays to the ACTION Agency 60 percent of the cost of joint services although it does not receive 60 percent of the services. Funds for the joint services which are appropriated for the operation of the Peace Corps are thus transferred to the ACTION Agency which controls both these funds and the services provided. It is not surprising that the ACTION Agency is concerned about losing the Peace Corps. What agency would want to give up such a lucrative arrangement?

With regard to OMB projections, the entire OMB memorandum, which is reprinted on page 17 and 18 of the report accompanying S. 1015, speaks for itself. The memorandum states that "the $3 million figure should be viewed as an outside estimate" and "is likely to be too large." (S. Rept. No. 97-84, page 18).

Finally, the opponents of separation have cited a 1979 report of the Governmental Affairs Committee as estimating the cost of separation of the Peace Corps at up to $15 million.

(It should be noted that the 1979 review of the Governmental Affairs Committee was of the viability of continuation of the entire ACTION Agency and not focused simply upon the Peace Corps separation issue.)

However, the 1979 estimate was prepared prior to implementation of the 1979 Executive Order which gave the Peace Corps additional autonomy within the ACTION Agency.

Many of the joint functions cited in the 1979 report have already been separated. For example, following the 1979 Executive Order, the Peace Corps established its own planning and evaluation office, personnel office, general counsel's office, legislative affairs office, and a variety of other separate administrative offices.

It is plainly misleading and inaccurate to cite the 1979 estimates without indicating that the 1979 Executive Order substantially changed the factual basis on which those particular estimates were made.

Moreover, in those areas where joint services continue to be provided, such as recruitment and communications, the 1979 estimates assumed the continuation of VISTA—the only other full-time, stipended volunteer program operated by the ACTION Agency.

Yet, the Administration has proposed to terminate the VISTA program and the Labor and Human Resources Committee has reported legislation (S. 1087) to accomplish just that. What economies can possibly arise from keeping the Peace Corps in the ACTION Agency in order to share services with a program which the Administration is terminating?

If VISTA is terminated, the only other major programs operating in the ACTION Agency will be the Older American Volunteer Programs, and it is doubtful that any serious claim can be made that any joint recruiting efforts will be undertaken between the Peace Corps and the Older American Volunteer Programs.

Clearly, the opponents of separation are grasping at any straw to try to justify the no longer justifiable inclusion of the Peace Corps within the ACTION Agency. The al-

leged cost issue is just that—a straw issue. CBO has determined that there is no cost issue.

We urge your support for the provisions of title VI of S. 1196. There could be no more fitting tribute to the Peace Corps during this, its twentieth year, than to restore its autonomy. America needs a strong and vigrous Peace Corps now, more than ever. Separation can provide it with the opportunity to regain the strength and vision which characterized the Peace Corps during its first decade.

Sincerely,

Charles McC. Mathias, Jr.
Paul E. Tsongas.
Mark O. Hatfield.
Alan Cranston.
Christopher J. Dodd.

Mr. ROBERT C. BYRD. Mr. President, I wish to direct a question to the distinguished majority leader. Will there be any more rollcall votes today?

Mr. BAKER. Mr. President, I thank the minority leader for making the inquiry. I apologize to the Senate for having let that slip my mind. I do not plan to ask the Senate to stay significantly past 6 p.m. Therefore, it is not possible to have any further rollcall votes this evening.

As soon as the distinguished manager of the bill for the majority returns I intend to ask and I will ask now the Senator from Illinois when he wishes to lay this bill aside for the evening. We will have a brief period then for the transaction of morning business and be back on this bill in the morning.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION ON PROPOSALS FOR THE NATIONAL ACADEMY OF PEACE AND CONFLICT RESOLUTION FILES FINAL REPORT

Mr. MATSUNAGA. Mr. President, yesterday, as Chairman of the U.S. Commission on Proposals for the National Academy of Peace and Conflict Resolution, I was greatly privileged to present to President Reagan, President pro tempore of the Senate STROM THURMOND, and Speaker of the House THOMAS P. O'NEILL copies of the Commission's final report.

Mr. President, the undeniable fact is that America's heritage, power, and prestige make the United States a major force for world peace. In light of the precarious world situation, Congress created through Public Law 95–561—the Education Amendments of 1978—a nine-member Commission on Proposals for the National Academy of Peace and Conflict Resolution. This Federal study commission was mandated to examine the various proposals for a national institution dedicated to peace education, research, and training; to decide whether or not such an institution should be established; and to make recommendations with respect to its size, location, and scope. Based on its findings during its 1-year study, the Commission is recommending the establishment of a U.S. Academy of Peace.

The concept of a Federal institution devoted to peace is as old as our Republic itself. An early forerunner of the Commission's proposal was outlined in a popular almanac just after the end of the Revolutionary War, and the idea of a Federal peace agency was endorsed by the first President of the United States of America, George Washington—but the concept was never implemented. Since we have only recently celebrated the 200th anniversary of the Battle of Yorktown, which marked the end of the Revolutionary War, it is entirely fitting that a new proposal for an academy of peace should once again be placed before the American people.

The U.S. Academy of Peace envisioned by the Commission will be an interdisciplinary institution devoted to international peace. It will serve institutions and individuals in both the public and private sectors through peace research, education, training, and information services. Its work will focus on the elements of peace, the causes of war, and the skills needed to resolve international conflicts without violence. It will inform and respond to concerns and activities of Members of Congress; the executive branch, including the Departments of State and Defense; and persons in private enterprise and voluntary associations. The U.S. Academy of Peace would not be a policymaking institution and it would not intervene in disputes. It would complement, rather than compete with, programs of Government, business, labor, religious groups, international organizations, and educational institutions.

During 12 public hearings in as many American cities from Boston to Honolulu, and numerous informal meetings, the nine commissioners heard from thousands of individuals and organizations and examined the status of international, national, and community-based peace institutions to assess the status of peace learning and its use. The Commission arrived at the conclusion that a focused Federal investment in peace learning is necessary to stimulate a broad range of Government, private and voluntary activities in international peace endeavors. The Commission also concluded that our twin national goals of international peace and national security require the full exercise of peacemaking knowledge and skill to meet international conflict without resort to violence. In short, the Commission found ample evidence that such knowledge and skills do exist, but have not been recognized or effectively utilized by the U.S. Government.

As recommended by the Commission, the U.S. Peace Academy would be a federally-created, nonprofit, independent corporation. Its core budget would come from Federal appropriations, but it would also solicit private support. Its principal facilities would be located in the Washington, D.C., area, and it would develop outreach and extension programs to serve the needs of people throughout the country. The academy would provide graduate and post-graduate educational programs for which students at institutions of higher education could receive credit; it would conduct training, workshops and other continuing education services for public and private sector individuals and organizations aimed at developing and improving conflict resolution skills; and it would conduct research and disseminate information based on its findings.

A center for international peace would be established within the peace academy to which leaders from this Nation and abroad would be appointed to study; and the academy would establish an award of a medal of peace to be presented annually by the President of the United States.

Each Member of the Senate and House of Representatives will be receiving a copy of the report of the Commission on Proposals for the National Academy of Peace and Conflict Resolution in the very near future. I am informed that the report is already very much in demand, and to meet the needs of constituents, additional copies of the Commission's report may be ordered through the Government Printing Office. Individuals and organizations who wish to order the report may do so by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Those placing orders should use stock number 065–000–0LL6–1. The price of the report is $6.50 a copy.

Although the publication of this report marks the end of the Commission on Proposals for the National Academy of Peace and Conflict Resolution, it is not the end of the Commission's recommendations. Legislation to implement the Commission's findings will soon be introduced in both Houses of Congress, and I urge the cosponsorship of my colleagues.

Mr. President, the concept of a national institution devoted to peace has been the dream of Americans since our Nation was founded. Now it is no longer only a dream. It is a plan. If the support which the Commission received during its study is any indication, I am confident that this plan will be implemented and this American dream will become a reality at last.

THE FUTURE OF TAIWAN

Mrs. HAWKINS. Mr. President, the government in Peking recently offered to "reconcile" with the Republic of China on Taiwan. Today, I am placing in the RECORD a speech by the Taiwanese president, Chiang Ching-Kuo on this subject, and I hope my colleagues read his reasons why the offer is unattractive.

I am also including a recent Wall Street Journal article on the subject.

While the Taiwanese are anxious to be reunified with their brothers on the mainland, they do not want reunification at any price. And the price for reunification under the program announced by Peking could be dear. Peking has made magnanimous sounding pronouncements

about Taiwan retaining some of its political autonomy, its own army, its "socioeconomic system" and even "participate in running" the national government after reunification. But how does this benefit Taiwan? They currently have full political autonomy, they currently field an effective army, they currently manage their own socioeconomic system and they currently run their national government. Reunification can only threaten these things.

Of course, it is not out of generosity that the Communists on the mainland might allow the Nationalists to maintain their own army, their own socioeconomic system and some of their own political autonomy, it is out of recognition of the facts. The mainland is in no position to take these things away from the Taiwanese, though they have tried to do so in the past. Therefore, this offer from the mainland costs them nothing. But if the Taiwanese were to take this offer seriously, they would make themselves vulnerable to future betrayal. In effect, the Peking Government is asking for the Nationalists on Taiwan to risk everything and for themselves to risk nothing.

Rather than trying to force the Taiwanese into a shotgun wedding with the mainland, we should hold up their system as a model for other developing nations to emulate. This is all the more timely given the meetings now going on in Cancun, Mexico.

While Taiwanese industrial development is most impressive, their real success has taken place in the agricultural sector. Other developing nations can learn from Taiwan about agricultural reform because the conditions in Taiwan before the reform were like those in much of the underdeveloped world today.

The key to Taiwan's agricultural program was land reform. Before land reform began in 1949, almost 60 percent of all cultivated land was under tenancy, and tenants had to pay rent equal to 50–70 percent of their total crop yield. To obtain a lease, tenants frequently had to deposit 2 years rent, and the lease could be terminated at the whim of the landlord. Under these terms, there was little incentive for the tenants to invest in their lands or to improve their productivity. Agricultural output reflected this lack of incentive, so a supplyside reform program was developed to raise production.

The land reform program implemented by Taiwan consisted of three phases: First, reduction of farm rents; second, sale of public farmlands; and third, implementation of the land-to-the-tiller program. The first phase of the program required that the maximum rent was 37.5 percent of the main crop yield and that no one who had been charging less than this prior to this new law could increase their rents. This left the tenants with more incentive to produce while helping them to save enough to buy their own land.

During the second phase, the majority of government-owned land was sold to tenant farmers. Terms were favorable, set at 2.5 times the annual main crop yield and paid off over 10 years. As a result of this program, 210,000 families were able to own and till their own land.

The final phase of the Taiwanese land reform program was the land-to-tiller program. This was the most important element of the program and entailed the compulsory sale of all farm holdings in excess of three hectares to the government which resold the land to incumbent tenants. Both the purchase and resale prices were fixed at 2.3 times the annual main crop yield. Landlords were paid in commodity bonds and stocks to government enterprises, and the tenant farmers paid for their land in 20 payments over 10 years. By the end of these initial phases of the Taiwanese land reform program, farm ownership had increased to almost 90 percent.

In Caribbean and Central American countries where the issue of land reform is such an important issue, the Taiwanese experience with the land reform can be repeated. I believe that the United States should actively encourage the governments in the Caribbean and Central America to consider following the Taiwanese model for land reform. It offers a peaceful way for laborers to acquire more control over their lives while raising their standard of living through self-help.

Recently, I visited both Taiwan and the Chinese mainland, and I can attest to the striking differences between them. Unlike the mainland, Taiwan has constructed an economic system that is envied by many throughout the world because it has brought bounty to a small island lacking any significant raw material deposits. Even the streets declare the success of the Taiwanese system and the failure of Peking's. The streets of Taipei form a hive of activity, Cars, taxis, and motorcycles are everywhere. But in Peking, bicycles and feet are the chief means of transportation. Economic statistics also bear out the differences. Per capita income on the mainland is only $300 per year, but on Taiwan it is almost 10 times as high.

Mr. President, because of her commitment to economic incentives, Taiwan is a natural model for developing nations trying to raise their agricultural and industrial output. I personally would regret seeing the Taiwanese Government take unnecessary risks with the future of their remarkable country. For not only they, but the developing world and the United States, have much to lose if a reunification gamble is tried and fails.

Mr. President, I ask unanimous consent that the speech of President Chaing Ching-Kuo on this subject be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESIDENT CHIANG CHING-KUO'S REMARKS TO THE CENTRAL STANDING COMMITTEE OF THE KUOMINTANG OF CHINA IN HIS CAPACITY AS CHAIRMAN OF THE PARTY, OCTOBER 7, 1981

BITTER LESSONS AND A SOLEMN MISSION

Alarmed by our movement of "Unifying China under the Three Principles of the People," the Chinese Communists have recently engaged in one united front propaganda move after another. They have even proposed the so-called talks to be held "on a reciprocal basis" between the Kuomintang and the Chinese Communist Party to "cooperate for the third time." Rather than "cooperating," the Chinese Communists have actually tried to make their way into the ranks of the national revolution in gestures of surrender twice during the last 60 years.

The first occasion was when the Tsungli (Dr. Sun Yat-sen as President of the Kuomintang) sought to guide left-leaning intellectual zealots onto the right track before the launching of the northward expedition. He permitted Communists to apply for Kuomintang membership as individuals but clearly stipulated they could not engage in factional activities to "topple the party." Subsequently, the Communists flew the Kuomintang banner while engaged in proletarian class struggle characterized by killing and arson. Accusations by senior party members led the Tsunktsai (President Chiang Kai-shek as Director General of the Kuomintang) to courageously carry out a party purification.

Although the revolutionary ranks were purified and the northward expedition was successfully completed, the Chinese Communists took advantage of the situation to stage a series of incidents, including the Nanchang, Hunan-Hupeh Autumn Harvest, Haifeng-Lufeng and Canton Uprisings. These set the stage for years of turmoil at home and externally stirred up Japan's aggressive ambitions toward China. Such was the so-called "first cooperation between the Kuomintang and the Chinese Communist Party" so often trumpeted by the Chinese Communists.

The second occasion arose at a time when the Tsungtsai hoped to move the Chinese Communists to take up the righteous responsibility of the people during the war of resistance against Japan. As a result of his great spirit of all-encompassing tolerance, he incorporated the remnant Communist troops into national forces and terminated their notorious Soviet regime even though they were on the verge of being wiped out after their escape to Northern Shansi.

For a time this measure inhibited the wartime open insurgency of the Chinese Communists, but unfortunately it also facilitated their treacherous maneuvers of applying "10 percent of effort to the fight against Japan, 20 percent to temporizing with the National Government and 70 percent to self-strengthening." The Chinese Communists thus had an opportunity to accelerate their own reinforcement, and this plunged all China into a holocaust of Communist destruction. This was how the Communists applied their hearts to the "Second KMT–CCP Cooperation."

These bitter lessons have convinced us that the Communists raise the slogan of "cooperation" as part of their demand to be accepted only when they are weak and need to strengthen themselves by clinging to the Kuomintang. When they have become stronger, they lash out once again. At our party's First National Congress, held at the time the Chinese Communists were admitted to the Kuomintang, Li Ta-chao said: "Our joining the Kuomintang is to accept its platform, not to impose the Communist party's platform on the Kuomintang. As we have joined this party, we shall carry out its platform and abide by its regulations and discipline as long as we remain members."

In a show of repentance and sincerity, the Chinese Communists made four commitments during the war. They said they regarded Dr. Sun Yat-sen's Three Principles of the People as essential to China at that time and they expressed their willingness to work for thoroughgoing implementation. They said they were abrogating the "Red Army," "Soviet" and "line of violence" and "meeting the national crisis together." The Com-

munists always use sweet words to conceal their conspiracies.

The Tsungli accepted the Communists and the Tsungtsai incorporated the Communist troops into the national forces on the basis of choosing the lesser of two evils. The Tsungli and Tsungtsai were motivated by their generosity as gentlemen and their willingness to cooperate with others. But from beginning to end, they found not a single word of the Communists that was not a lie and not a single move that was not political chicanery. Consequently, the nation and people had no way to escape the clutches of agonizing and bloodstained Communist treachery. The untold agony of our compatriots on the mainland and the endless turmoil in Asia today are without exception the continuation of this catastrophe.

The Chinese Communists are now frightened by the proliferating crisis of faith within their party and the military. They are unnerved by our mainland compatriots' repudiation of Communism, the Communist system and Communist rule, and by our compatriots' yearning for the political and economic progress and the prosperity found in our bastion of national recovery. They are panicking under the shock wave generated by our determination to "unify China under the Three Principles of the People." They are therefore falling back on their old trickery and attempting to promote the "third cooperation" between our party and the Communist Party. They try to cause international confusion about our adamancy in sticking to principle. They are resorting to the use of "stirring up" discord in our ranks and isolating us abroad.

In fact, the Chinese Communists have never ceased to manufacture their rumors of "peace talks," but we never paid any attention. At one time they clamored for "washing Taiwan in blood." Then they shifted to the call for "return and indemnification." Now they shout their demands for talks "on a reciprocal basis" and joint "leadership." Tomorrow they will coin another slogan and try to effect another deception.

I therefore must point out:

There is a watershed between benevolent government based on Three Principles of the People and the tyrannical rule of Communism. No confusion can be allowed between these two. The happy and peaceful lives of our compatriots in this bastion of national recovery has for more than 30 years provided a striking contrast to the unparalleled misery of our compatriots on the mainland across the Taiwan Straits. This illumines the basic difference between the two political philosophies, two systems and two ways of life, and shows which is good and which is evil. But the Communists distort this as "partisan intrasigence," "partisan rivalry" and "powers and privileges" to be enjoyed by the Kuomintang and Chinese Communist Party.

To the Communists, peace talks are another form of warfare. Although the two look different, the aim is identical. So I often say: "To talk peace with the Chinese Communists is to invite death." This is an agonizing, bloodstained lesson that we and many Asian countries have learned.

Although the Chinese Communists know that we will not talk peace with them, they still shout their slogan at the top of their lungs. Their strategem is to create in the world the false image that we do not want peace. Anyone who bothers to look into history will find that the Government of the Republic of China has taken up arms only in self-defense and has never been militaristic.

The Chinese Communist regime has been officially branded by the United Nations as an aggressor. It sent troops to help the aggressors in both the Korean and Vietnam Wars. India assisted the Chinese Communist regime and was suddenly stabbed in the back by its supposed friend. The Chinese Communists backed the Vietnamese Communists in seizing South Vietnam but before long turned on those they had helped. They have supported Communist infiltration and subversion in Southeast Asia and Latin America with money, weapons and guerrilla warfare tactics.

Aren't these facts sufficient to make all people aware of the belligerent nature of the Chinese Communists? It is obvious that the "peace talk" advocated by the Chinese Communists does not mean peace but is more political chicanery.

I want to state clearly and resolutely once again: We shall never "negotiate" with the Chinese Communists. In solemnly expressing this view, I want to tell our compatriots on the Chinese mainland that we are resolved to remove the yoke that the Communists have imposed upon them. In their clamor for "peace talks," the Chinese Communists are intending to deceive our compatriots on the mainland by saying: "The Government for which you yearn is about to talk peace with us, so you have lost all hope."

We must tell our mainland compatriots of our confidence and determination to deliver them and assure them that we shall never talk with the Communists they hate so deeply. Our solemn mission is to carry out the Three Principles of the People and unify China. We must courageously carry on the struggle to its victorious end.

From the Tsungli and the Tsungtsai and on down, all dedicated revolutionaries have known only that their responsibility is to wage the revolution for the cause of benevolence." They have never thought of life or death or of such selfish goals as fame, rank or power.

The Three Principles of the People have reached deep into the hearts of the people at home and abroad. The success of benevolent rule based on the Three Principles of the People has created the greatest era in the 70 years of the Republic of China. This success is our best assurance of unifying China under the Three Principles of the People. We have the increasing confidence of victory here in this prospering bastion of national revival. We have the determination to win the struggle against Communism and for national recovery.

Finally, I should like to quote a few passages from the Tsungtsai's diary for our common introspection:

"A devil may suddenly grow 100 feet tall, but before long it will be overwhelmed and obliterated by the spirit of righteousness."

"Persistence leads to victory and endeavor assures success. But the persistence to the last does not mean waiting endlessly, whereas endeavor means the hardening of determination without relaxation."

"This is the darkest period, but I have never wavered at all in confidence the mainland will be recovered. To the contrary, my confidence is always growing. I am sure that the truth is always on my side."

These passages imply the solemn mission in which our comrades and compatriots are engaged. We shall never pause for even an instant until the mission has been completed.

Mrs. HAWKINS. Mr. President, I ask unanimous consent to have printed in the RECORD, an article from the Wall Street Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 15, 1981]

CHINA

PEKING OFFER TO TAPEI "DOESN'T MAKE SENSE"

"The other day the Communist government at Peking published yet another invitation designed to lure the Nationalists on Taiwan into rejoining the mainland. This caused a bit of excitement because the Communists went so far as to offer formally that Taiwan could retain some political autonomy, its own 'socioeconomic system' and even its own army, while its leaders could 'participate in running' the national government. Taiwan, however, promptly rejected the offer, much to the consternation of one-China optimists who saw it as a generous gesture. The New York Times, for example, held that by failing to discuss the proposal Taipei 'forfeits the propaganda struggle.'

"This would be a small price, if true, considering what Taiwan stands to lose by taking the Peking offer seriously. What you had in China's offer wasn't any waking up to reality of the sort that occurred, say, when Anwar El-Sadat of Egypt finally agreed to talk with the Israelis, who had three times defeated his country at war. What we've just heard from Peking is more analogous to an offer by a large corporation in the midst of bankruptcy proceedings to acquire its most successful competitor and set it up as some kind of subsidiary.

"It's an offer, in short, that doesn't make sense. Consider, for example, that Taiwan's per capita income stands, at nearly $3,000 a year, among the highest in the developing world, while China's, at below $300 a year, ranks among the lowest. The gap between the rich and the poor is narrower in capitalistic Taiwan than in supposedly egalitarian and Communist China. And the two-way external trade carried on by Taiwan's 17 million people rivals that of the mainland, with its population of nearly a billion. China, in short, doesn't have the sort of economy into which Taiwan wants to be absorbed.

"This is particularly true when no one, inside or outside of China, seems to be taking seriously Taiwan's own statements on the subject. It argues that the only way to bring about reunification is for the mainland to 'abandon the Communist system.' This would be, after all, the first prescript of any Taiwanese official asked to give advice on economic development policy. And development policy surely must be a key area in which the mainland's rulers want Taiwan's leaders to 'participate in running' the nation.

"Now it is of course true that Deng Xiaoping and his allies have sharply modified Mao's communism, introducing certain capitalist elements, such as joint ventures with foreign firms. But when they began making their overtures to Taiwan, K.T. Li, for many years Taipei's finance minister and an architect of its 'economic miracle,' pointed out the fundamental contradiction that faces not only Peking but any Communist regime as it contemplates economic reform. 'If it adopts the pragmatic measures that proved so successful in Taiwan,' he argued, 'they will lead to the emergence of certain capitalistic elements that will erode the communist ideology and eventually destabilize the existing political system.'

"If you don't believe Mr. Li, take a trip today to Poland and see what he's talking about. The Chinese Communists have come a long way since the death of Mao and it's comforting to know they're tilting in our direction rather than toward the Soviets. But they haven't yet shown signs that they really understand the economic problem they face. And until they do Taiwan deserves nothing but support in its refusal to get sucked into their schemes."

THE ADMINISTRATION'S STRATEGIC WEAPONS PROGRAM

Mr. PELL. Mr. President, the administration's recent announcement concerning the development of the MX missile, the B–1 bomber and related systems represents a commitment to the largest single strategic weapons program since

the beginning of the nuclear age. I have some deep reservations about the staggering price tag attached to this program and strong doubts about whether the value of the additional security we will supposedly be buying is worth the enormous investment of tax dollars. I am also concerned about the foreign policy and arms control implications of this decision.

At the outset, let me state that there are several aspects of the President's decision which I strongly support. I was especially heartened by the elimination from consideration of the so-called "racetrack" basing mode for the MX missile. This proposal would have had a devastating effect on the environment in large areas of our Western States, in addition to its enormous price tag. The President's decision to drop the racetrack basing mode makes good sense, and I applaud him for that.

I am also encouraged by the President's intention, in his announcement, to seek genuine arms reduction with the Soviet Union. Even as we continue to modernize our own strategic forces, we must actively pursue arms reductions, and I am hopeful that the delay of a final decision on the basing mode for the MX missile will open the door to early and constructive discussions with the Soviets on a verifiable new strategic arms limitation treaty and limits on nuclear weapons in Europe. Arms control is a sine qua non of a sane strategic weapons program, because further spending on strategic forces will buy more security only if coupled with limitations on the deployment of such forces.

Several aspects of the President's program remain very troubling to me. The cost of the planned systems is dangerously high in view of the compelling national interest in bringing down the Federal deficit and eventually balancing the budget. Obviously, at a time when human services programs are being slashed to the marrow, the Congress ought to be skeptical of the need for such an enormous expenditure for new strategic weapons. In this connection, I would like to point out that the announced $180.3 billion price tag for the first 6 years of the program does not take into account the fact that an ultimate decision on the basing of the MX could add substantially to the total figure.

I also understand that the $180.3-billion figure only includes R. & D. and initial production during the 6-year period; it does not include the total cost of producing the proposed systems. At bottom, we must ask ourselves how much additional security we are purchasing for such an astonishing cost. We must also ask what the effect of spending so much on new strategic systems will mean for funding badly needed improvements in our conventional forces and for servicing and maintaining existing equipment.

There is no doubt in my mind that production and modernization of strategic weapons must be part of our national defense effort. I seriously question, however, the wisdom or going ahead with the B–1 bomber, when even the Secretary of Defense has conceded that the B–1 bomber will be able to penetrate Soviet air defenses for only a few years after its deployment in the late eighties.

In view of the cost of this item, is this shot in the arm for the Air Force worth developing when our existing B–52's will be able for many years to serve as cruise missile carriers and when an advanced technology or "Stealth" bomber will be available in the 1990's? The Congress will have to carefully consider whether the B–1 can be justified on any basis, especially in view of the minimal increment of additional security it will afford. At the very least, the Congress needs a better justification for the B–1 than it currently has.

In regard to the MX, the President has essentially deferred a decision on a basing mode since no one expects the missiles which will initially be based in hardened Titan silos, to close the so-called window of vulnerability permanently. The President has mentioned three basing modes which will be examined: the continuous airborne patrol aircraft, a land-based system protected by a ballistic missile defense system, and deep underground basing.

Each of these three options involves substantial costs and problems, and I would hope that the administration would consider a fourth alternative, one which, in my view, would ultimately be much more cost-effective and strategically advantageous: the sea-based Trident II missile. The apparent diversity and flexibility of the nuclear Triad continues to have political and other attractions, but may be on the verge of being outdated and unnecessary in terms of the security it provides at such enormous cost.

A submarine-based ballistic missile system would be far more cost-effective and certainly far less vulnerable to enemy attack than the proposed MX missile in any land-based mode. I would urge the administration to accelerate development of the Trident II missile and seriously consider the sea-based Trident II as an alternative to further development of the MX.

I also urge the administration to be mindful of the arms control implications of its proposal, in particular the decision to deploy large numbers of nuclear sea-launched cruise missiles. Since cruise missiles could be deployed on hundreds, if not thousands, of submarines and surface vessels, there would be an immense verification problem that could jeopardize the possibility of achieving meaningful limitations on these weapons in a new SALT agreement. If the Soviet Union were to respond with a similar program involving the larger number of submarines and surface ships at their disposal, a major new threat to the United States would arise.

Furthermore, a new sea-launched cruise missile program could undermine the present NATO consensus to deploy new land-based theater nuclear weapons in Europe, because the deployment of sea-launched cruise missiles would call into question the need for such land-based weapons.

The prospects for negotiations with the Warsaw Pact for mutual limits on theater nuclear deployments in Europe may also be seriously diminished.

Mr. President, for all of these reasons I believe that the Congress should be very skeptical about going along with the proposed strategic weapons package in its present form. In particular, it makes no sense to proceed without a firm commitment by the administration to utilize arms control negotiations as a complement to weapons programs in enhancing our national security.

These are critical times as we strive to put our economic house in order and preserve the peace. But neither objective will be served if we proceed down the road toward a costly and endless nuclear arms race with the Soviets. Now is the time for the Congress to insist on a rational and cost-effective defense program that emphasizes negotiated restraint as well as new weapons.

SENATOR MATSUNAGA'S ADDRESS AT THE AMERICAN MINING CONGRESS CONFERENCE

Mr. PRESSLER. Mr. President, I chaired a hearing on "Law of the Sea" before the Subcommittee on Arms Control, Oceans, International Operations, and Environment on September 30. I should very much have liked to have my distinguished colleague from Hawaii, Senator MATSUNAGA, present testimony, but that day he was addressing the American Mining Congress Conference in Denver, Colo. His remarks there are important and timely, and I think it highly appropriate that they be made more easily available to the public. Mr. President, I ask unanimous consent that Senator MATSUNAGA's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR SPARK M. MATSUNAGA AT THE AMERICAN MINING CONGRESS CONFERENCE

Thank you Jim for your kind introduction. Mr. Kronmiller, Mr. Eskin, Mr. Lawless, Mr. Dubs, members and guests of the American Mining Congress: Aloha! It is a great privilege for me to be with you here in Denver and to chair this afternoon's program on Undersea Mineral Resources.

One of my favorite talking pieces which I have accumulated during my 19 years in Congress is a manganese nodule encased in clear plastic. It is conspicuously placed on the coffee table in my Senate suite. Visitors from Hawaii and elsewhere invariably ask me, "What is that black rock? Where did it come from? Why do you have it so prominently displayed?" "That is a manganese nodule," I tell my guests, "and it came from an area of the seabed in water depths of about 15,000 feet located just southeast of Hawaii."

Then, when they ask me what the rock is used for or what it's made of, I begin to feel like an expert, and respond that the nodule is a chemical precipitate several hundred thousand years old, and that it contains nickel, copper, cobalt and manganese, all of which are strategic or critical minerals upon which the U.S. economy is highly dependent. I also tell them—and this is a surprise to many—that if these nodules are harvested in an intelligent manner, for all practical purposes they can constitute a renewable resource, for the rate of mining can be matched by the rate at which additional accretion of these minerals takes place.

I relate further that the sample nodule was recovered by a huge underwater vacuum-cleaner type device suspended from a ship, and that Hawaii is being scrutinized by the world's ocean mining industry as the possible site of the first major deep seabed minerals processing facility. The combination of factors such as proximity to the richest deposits, the availability of competitive renewable energy, and some favorable legislative language in Public Law 96-283 have, in my estimation, thrust Hawaii into a leading position for such a commercial development.

Of course, an ocean minerals processing industry should do wonders for the economy of the 50th State, but more importantly, the success of such a venture would be invaluable for diversifying the minerals base of the Nation. To set the stage, allow me to try to put undersea mineral resources into perspective with minerals generally.

Events of the past few years, particularly the last two, have focused increased, and sorely needed, attention on the critical importance of minerals—all minerals—to the economy and security of our country. In the process, within the U.S. Congress, there has been a growing awareness of the many factors and issues involved in meeting this Nation's minerals needs.

Most of you, I'm sure, are aware of the almost total dependence of the United States on foreign imports for a number of key mineral resources. This situation is made no less discomforting by the many, serious political stresses and uncertainties that abound in various areas of the world supplying our needs, or that affect our relationships with those areas.

Some observers downgrade this dependence—this vulnerability—wrongly, I think, on grounds that the supplier nations are dependent on their mineral exports and therefore would not curtail them. In my view, however, it would ill-serve this Nation and its people to ignore these political realities and practical mining realities, or to rely on such a simplistic interpretation.

It would be the height of imprudence and irresponsibility not to develop alternative means and sources to help meet future needs and contingencies. Of course, no nation can be totally independent of others. Interdependence is not only a condition of the times, but also, in some respects, desirable. However, interdependence is one thing . . . overdependence is quite another. One of the remedies to one kind of overdependence lies in the mining of deep seabed nodules.

Fifteen months ago, the "Deep Seabed Hard Mineral Resources Act of 1980" became law. The Act, Public Law 96-283, states that "the future national interest of the United States requires the availability of hard minerals resources which is independent of the export policies of foreign nations." The Act further recognizes deep seabed nodules as an alternative source of supply significant both to national and to international needs and provides for a system under which U.S. citizens could obtain license to explore and mine the deep seabed.

That Act contains three other important features. First, it provides that if other nations would recognize U.S. license to mine within specified areas, we in turn would do the same. Second, the U.S. Government is authorized to negotiate agreements with other nations with similar legislation in order to provide for reciprocal recognition of licenses and mining areas, and for a system to resolve conflicts between overlapping applications. Third, a very important feature of the Act provides that U.S. companies operating under U.S. legislation should be grandfathered into any future Law of the Sea Treaty to which the U.S. becomes a party.

It is my great privilege to play a leadership role in shepherding the bill which became law through five Senate Committees and the full Senate, four House Committees and the House, and urging the President to sign the measure into law. I have been pleased to note that since then, much progress has been made toward implementation of the law.

Four U.S. ocean mining consortia have pursued their activities, although in a manner which could use some stimulation. The National Oceanic and Atmospheric Administration just last month issued final regulations implementing much of the Act. International negotiations on a reciprocating states regime have proceeded smoothly. Germany and England have passed their legislation and France is well on its way to do likewise. Similar legislation is beginning to move in Belgium, Holland and Italy.

I am hopeful, and I know you are too, that the reciprocating states regime will be in place in time to start processing applications for exploration licenses in January 1982, as contemplated by Congress.

But despite all this progress, I am troubled by the course of the Law of the Sea negotiations. As you know, a list of U.S. reservations and concerns regarding the Draft Convention was conveyed to the Law of the Sea Conference in Geneva last August by Ambassador James L. Malone. Among other things, his listing suggests that the Draft Convention involves a potential loss of sovereignty.

In testimony presented to the Congress earlier this year, the Reagan Administration stressed that the most problematic features of the treaty included:

(1) A burdensome regulatory system adversely affecting non-discriminatory access and security of tenure;

(2) A supranational mining company called the Enterprise;

(3) A burdensome and unrealistic transfer of technology requirements;

(4) An inflationary production control setup;

(5) A Supreme one nation-one vote Assembly;

(6) A 36-member Council on which the Soviets control three seats and the U.S. none;

(7) A review conference after 15 years which can bind the U.S. to treaty amendments even if the U.S. Senate refuses to ratify them;

(8) Troublesome criteria for revenue sharing; and

(9) The total absence of grandfather language in the treaty text to protect the rights of the companies, which in good faith have relied on the freedom of the seas doctrine incorporated in national legislation, and which have continued their efforts to develop seabed mining technology and to explore the seabed.

From the U.S. point of view, those are undeniably severe deficiencies in the Draft Convention. If suitable modifications are not negotiated, I believe the chances for ratification of a Law of the Sea treaty by the United States Senate would be placed seriously in doubt. If you will turn to the record of the Senate floor debate of December 14, 1979, on the Deep Seabed Hard Mineral Resources Act, you will find that all of these same concerns were expressed then, and they remain as serious concerns today.

The intent of the Congress and the actions required under the Deep Seabed Hard Mineral Resources Act must be carried out to the fullest extent possible, including suitable arrangements with reciprocating states. In this regard, both the Administration and the American mining industry have significant and responsible roles to play if these objectives are to be achieved.

Deep seabed mining can contribute substantially to the economy and security needs of the United States and the free world. It is highly essential that we expedite the approval process.

I am anxious to hear what our distinguished panel of speakers have to say about these important issues and the extent to which the objectives of the 1980 Act are being met. We might pursue these matters after the speakers on the panel have made their presentation.

Thank you.

THE GIVEAWAY LOBBY AT CANCUN

Mr. HARRY F. BYRD, JR. Mr. President, tomorrow, President Reagan and the leaders of 21 other developed and underdeveloped nations will meet at Cancun, Mexico, for what is advertised as a "North-South Summit."

The announced purpose is a dialog between rich and poor nations. Given the wide schism between the industrialized world and the undeveloped countries on economic issues and the split within these two camps, it will be remarkable if the Cancun dialog does not descend into acrimony.

In my view, President Reagan seems to be going to this conference in the right frame of mind. He and members of his administration have repeatedly stressed their view that massive transfers of aid to the lesser developed countries often are counterproductive—and that until these nations permit free enterprise to flourish, they will make scant progress.

I like the way President Reagan put it:

> Unless a nation puts its own financial and economic house in order, no amount of aid will produce progress.

The Secretary of the Treasury, Mr. Regan, put it this way:

> The challenge is to create new wealth, rather than to redistribute current wealth.

The President will urge the nondeveloped countries to drop their demand for confrontation in so-called "global negotiations" and agree to work through existing institutions to spur trade and investment.

The Cancun conference comes just 3 weeks after adjournment of a gathering of 143 finance ministers and central bankers in Washington. That conference, dealing with policies of the World Bank and the International Monetary Fund, also focused to a great extent on the issue of aid to underdeveloped nations.

The President spoke at the Washington conference, as did Treasury Secretary Donald Regan and A. W. Clausen, the new President of the World Bank. The three were in essential agreement on the crucial point that the salvation of the Third World lies not in endless streams of aid, but in private investment, economic development and trade.

Media reports indicated that the position of U.S. officials and Mr. Clausen was received with acquiescence, if not enthusiasm. The British were quite receptive, the French and Canadians somewhat less so, and the Third World nations at least restrained in their criticism.

Certainly it is high time for a fundamental change of attitude at the principle multilateral financial institutions—especially at the International Development Association (IDA), the so-called "soft loan window" of the World Bank.

Indeed, I feel the Reagan administration and World Bank President Clausen

have not gone far enough in reducing the seemingly endless flow of billions into IDA. Efforts early this year by Budget Director David Stockman to press for a cut in the sixth huge replenishment of IDA were squelched when the foreign aid lobby—big commercial banks as well as foreign governments—rallied to the giveaway cause.

I say "giveaway" advisedly.

True, the funds passed out by IDA to underdeveloped nations are termed "concessional loans." But look at the terms: A three-quarters of 1 percent service charge, with 10 years of grace in repayment, which is stretched over 40 years—on the optimistic assumption that there will be any repayment at all.

In my book, these are grants, pure and simple.

These disguised grants, over 18 years, have totaled more than $20 billion. Seventy-five nations have been recipients, but a whopping 42 percent of the total has gone to India.

I trust I need not remind the Senate that India has hardly shown herself a friend of the United States and the other industrialized democracies that have so generously financed her long-running ventures in oppression and socialism.

Indeed, it is one of the great ironies of IDA financing that so much of it has served to prop up socialistic regimes, many of them antidemocratic, if not downright totalitarian. World Bank critics have noted this trend and assailed the Bank's former President, Robert S. McNamara, for encouraging it.

The new President, Mr. Clausen, has declared that the Bank should serve as a catalyst for private investment. I find that a refreshing change of attitude.

At the same time, I confess I was disappointed when Mr. Clausen stated at the end of the Washington conference that he would press for a seventh replenishment of IDA, expanded from a proposed $12 billion to $16 billion. I hope that experience in office will persuade him to change that view.

The American share of IDA replenishments has been enormous. Of the total in the past, the United States provided 42 percent ($320 million) when the IDA was formed; 39 percent, $312 million of the funds for the first replenishment in 1965; 40 percent, $480 million, for the second replenishment in 1968; 40 percent, $960 million, for the third replenishment in 1971; 33 percent, $1.5 billion, for the fourth replenishment in 1974; and 31 percent, $2.4 billion, for the fifth replenishment, July 1, 1977 to June 30, 1980.

In the sixth replenishment, now underway and recently approved by the Senate—without my help—the U.S. contribution is to be $3.2 billion, or 27 percent.

I cannot see that the U.S. taxpayers have $3.2 billion to spare.

Moreover, in addition to this funding for IDA, the Senate today seems ready to approve a bill authorizing some $5.8 billion in other foreign aid. This sum represents an increase of nearly 20 percent over last year's level.

Where are our priorities?

At a time when we are cutting the Federal budget by $35 billion and holding total spending growth to 7 percent, the Senate surely should not vote more than $3 billion for disguised grants to foreign countries and a 20-percent increase in other foreign aid.

I leave it to those who support those measures to explain their position to the American people.

Now the global giveaway lobby is assembling at Cancun to sound once again its unending cry for more, more, more.

I urge the President to stand firm against these ceaseless demands.

Over the years since World War II, the United States has furnished more aid to other nations than all other nations combined through all of world history.

I cannot see that this Nation is more secure or has more friends and allies, than it had when it embarked on this unprecedented giveaway in the 1940's. In fact, I suggest that the opposite is the case.

So I believe the President should resist the cries for "more" at Cancun.

And when he returns, I hope that he and members of his administration will undertake a thorough reexamination of all our aid programs, bilateral and multilateral alike. To date I do not believe that foreign aid has undergone the same intense and objective scrutiny as has been given to other programs.

This is a time when many Americans are being called upon to sacrifice to gain control over runaway spending and runaway inflation.

At such a time, we cannot continue runaway foreign aid.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1209. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2092. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "The World Wide Military Command and Control Information System—Problems in Information Resource Management"; to the Committee on Armed Services.

EC-2093. A communication from the Acting Comptroller General transmitting, pursuant to law, a report entitled "Two Contracts for Nuclear Attack Submarines Modified Under Authority of PL85-804—Status as of December 20, 1980"; to the Committee on Armed Services.

EC-2094. A communication from the Under Secretary of the Air Force, transmitting, pursuant to law, notice that the Air Force has decided to retain Goodfellow Air Force Base, San Angelo, Texas, as a major installation; to the Committee on Armed Services.

EC-2095. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, notice of two construction projects to be undertaken by the Army National Guard; to the Committee on Armed Services.

EC-2096. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice that the Commission has been unable to render a final decision in the matter of Changes in Routing Provisions-Conrail-July 1981, and seeks an extension of 90 days until March 22, 1982, to reach a decision; to the Committee on Commerce, Science, and Transportation.

EC-2097. A communication from the Office of the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to law, international agreements other than treaties entered into by the United States within the previous sixty days; to the Committee on Foreign Relations.

EC-2098. A communication from the Supervisor of Benefits, Farm Credit Banks of Spokane transmitting, pursuant to law, certain 1980 plan year reports of the Twelfth Farm Credit District; to the Committee on Governmental Affairs.

EC-2099. A communication from the Associate Commissioner for Examinations of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in 766 cases exercising authority in section 212(d)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2100. A communication from the Acting Secretary of the Air Force transmitting a draft of proposed legislation to increase the limit on payments for damage to or loss of personal property incident to service; to the Committee on the Judiciary.

EC-2101. A communication from the Associate Commissioner of Examinations, Immigration and Naturalization Service, transmitting, pursuant to law, 1,579 reports on visa petitions accorded third and sixth preference status; to the Committee on the Judiciary.

EC-2102. A communication from the Acting Director of the Federal Mediation and Conciliation Service transmitting, pursuant to law, the thirty-third annual report of the Service, fiscal year 1980; to the Committee on Labor and Human Resources.

EC-2103. A communication from the Director-designate of the National Institute of Education transmitting, pursuant to law, the final report on the Institute's comprehensive examination of vocational education programs; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-529. A petition from citizens of Florida, relative to licensing of CB radios; to the Committee on Commerce, Science, and Transportation.

POM-530. A resolution adopted by the Village of Spring Valley, New York, relative to the sale of AWACS aircraft to Saudi Arabia; to the Committee on Foreign Relations.

POM-531. A resolution adopted by the Legislature of the Virgin Islands; to the Committee on Veterans' Affairs.

"RESOLUTION NO. 1042

"Whereas during the Viet Nam era many of our young Virgin Islanders joined other Americans from across the nation to protect the interests of the United States abroad; and

"Whereas the members of this Legislature empathize with the suffering and neglect of the Viet Nam veterans; and

"Whereas the public commendation that other veterans have received has been long overdue for the Viet Nam veterans; and

"Whereas the strength and courage of these Americans under the most difficult and stressful circumstances provide an example worthy of respect; and

"Whereas the Legislature regards it as an honor to publicly support and commend the Viet Nam veterans; and

"Whereas during World War II, the Virgin Islands petitioned the Congress to be included in the Draft Laws of the United States; and

"Whereas the Virgin Islands, since World War II, has had the highest per capita participation in the defense forces of the United States; now therefore, be it

"*Resolved* By the Legislature of the Virgin Islands:

"SECTION 1. The Legislature of the Virgin Islands hereby honors and commends all Viet Nam era veterans for their defense of their country's interests.

"SEC. 2. Copies of this Resolution shall be prepared and sent to all Virgin Islands Viet Nam veterans.

"SEC. 3. Upon passage of this Resolution, a copy shall be forwarded to the President of the United States, the President of the U.S. Senate, the Speaker of the House, the Secretary of Defense, and the Chairman of the Armed Services Committees of the Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON (for Mr. THURMOND), from the Committee on the Judiciary; without amendment:

S. Con. Res. 43. A original concurrent resolution granting the status of permanent residence to certain aliens (Rept. No. 97-241).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Rosemary M. Collyer, of Colorado, to be a Member of the Federal Mine Safety and Health Review Commission for the term of six years expiring August 30, 1986;

Ford Barney Ford, of California, to be Assistant Secretary of Labor for Mine Safety and Health:

(The above nominations were reported by the Committee on Labor and Human Resources with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 1756. A bill for the relief of Belino D. Iway, doctor of medicine, his wife Olivia Nunez, and his children Yvonne Iway, Christine Iway, and Edsel Francis Iway; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1757. A bill to amend the Internal Revenue Code of 1954 to clarify the tax exempt status of certain amateur sports organizations; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S. 1758. A bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement; to the Committee on the Judiciary.

By Mr. WALLOP (for himself and Mr. CRANSTON):

S. 1759. A bill to clarify Congressional intent regarding the full application of section 1073 of title 18, United States Code, to State felony parental kidnaping cases; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1760. A bill to provide for civil rights in public schools; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1757. A bill to amend the Internal Revenue Code of 1954 to clarify the tax exempt status of certain amateur sports organizations; to the Committee on Finance.

STATUS OF CERTAIN AMATEUR SPORTS ORGANIZATIONS

Mr. STEVENS. Mr. President, today I am introducing an amendment to section 501 of the Internal Revenue Code concerning amateur sports organizations. This legislation is intended to be a technical clarification of language concerning amateur sports organizations which became law by section 1313 of the Tax Reform Act of 1976.

In 3 short years American athletes will be competing at the summer Olympic games in Los Angeles. This will be the first time in 8 years that our young people will be able to participate fully in this great athletic event.

In 1976, Congress fully recognized that we are one of the few nations in the world which does not directly subsidize an Olympic team. The philosophy then, and the one that still prevails, is that the private sector should be responsible for fielding our Olympic teams.

However, the Congress felt that the Government should in some way help facilitate the Olympic effort through assisting the national, regional, and local sports organizations that provide and train athletes for the Olympics. An amendment was made to section 501 (c)(3) of the Internal Revenue Code which made it easier for these organizations, primarily national governing bodies, to get tax exempt status.

Language was added to the amendment to exclude from tax exempt status those organizations which provided athletic facilities or equipment. This was done to prevent private health and social clubs from obtaining a tax windfall. It was absolutely clear from the congressional intent that this was not meant to apply to amateur sports organizations.

However, the Treasury Department has read the language differently, and now many national governing bodies are in danger of losing their tax exempt status and many have been denied tax exempt status simply because they provide training facilities and equipment. Among these organizations are the U.S. Gymnastics Federation, U.S. Diving, the Track Athletics Congress and the U.S. Volleyball Association.

Without tax exempt status, many of these organization's development drives are at a virtual standstill—severely affecting our Nation's effort to field an effective Olympic team for 1984.

What this amendment does is to restate, clarify and fully implement the intent of Congress that was expressed 5 years ago. I strongly urge all my colleagues on both sides of the aisle to support this measure.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S. 1758. A bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement; to the Committee on the Judiciary.

RECORDING OF COPYRIGHTED WORKS ON VIDEO TAPE

Mr. DECONCINI. Mr. President, together with my colleague from New York (Mr. D'AMATO), I am introducing a bill to amend the copyright law to provide an exemption from that law for certain types of video recording for noncommercial purposes. On October 19, the Ninth Circuit Court of Appeals ruled in Universal City Studios, Inc. against Sony Corp. of America that off-the-air copying of telecasts of copyrighted audiovisual materials by owners of video tape recorders in their own homes for private noncommercial use constitutes an infringement of copyright. This decision finds that Congress, in passing the recent Copyright Act of 1976, did not intend to create a blanket, home-use exception for video tape recorders and that home video recording does not constitute fair use.

When Congress debated the copyright law revisions in 1976, the video recorder industry was at an experimental stage and not much was known about the problems that would arise. In the interval since those debates, 3 million Americans have obtained video recorders. The recent Ninth Circuit Court of Appeals decision would limit the use of these machines to commercially prerecorded tapes and to video tapes created by individuals with camera equipment which they may choose to purchase. Ironically, two of the leaders in the manufacture of prerecorded tapes are the plaintiffs in this lawsuit.

Congress now has enough information available to it to make an informed change in the copyright law to accommodate the new technology. The bill I introduce today will exempt the video recording of copyrighted works for private, noncommercial use from copyright in-

fringement charges. My amendment adds a new section 119 to chapter 1 of title 17 that will allow an individual to record television programs off-the-air for their own use and pleasure. It will not allow these recordings to be used commercially.

The technology involved in the home entertainment field is advancing at a pace that is difficult to keep up with for Congress and the courts. My legislation will assure that individuals who have purchased or wish to purchase video recorders in order to schedule their own television watching will continue to have this flexibility. I urge my colleagues to support this legislation.

By Mr. WALLOP (for himself and Mr. CRANSTON):

S. 1759. A bill to clarify Congressional intent regarding the full application of section 1073 of title 18, United States Code, to State felony parental kidnaping cases; to the Committee on the Judiciary.

PARENTAL KIDNAPING

Mr. WALLOP. Mr. President, today I join with my colleague from California (Mr. CRANSTON) to introduce a bill which clarifies one section of the Parental Kidnaping Act. The act was passed last December, and was to be fully implemented by the 1st of July. However, after carefully monitoring the Justice Department's procedures to carry out their responsibilities under the act, I have concluded that the Department is not properly implementing the program.

The Parental Kidnaping Act has three sections. One section requires all States to adopt the uniform child custody code. Another authorizes the Federal Parent Locator Service to assist States in locating parents who have taken their children in contravention of a child custody decision. The third section authorizes the FBI to assist States and local authorities in locating a parent when a felony warrant has been issued. It is this last provision with which I am concerned today.

The Justice Department issued a memorandum at the beginning of the year which set very restrictive requirements for FBI assistance in parental kidnaping cases. The restrictions have prevented the effective management of this section of the act. The bill I am introducing today would clarify congressional intent regarding FBI assistance to State and local authorities.

Recently, I presented testimony to the House Judiciary Committee on this problem. The testimony is a thorough outline of the problem, and I ask unanimous consent that my comments be printed in the RECORD at this point. I would also request that the text of the bill be printed in the RECORD followed by my statement.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 10 of the Parental Kidnaping Prevention Act of 1980 (Public Law 96-611) is amended by—

(1) inserting "(1)" before "In";

(2) striking out "section 302" and inserting in lieu thereof "section 7";

(3) adding at the end of paragraph (1) (as so redesignated) the following new sentence: "Congress further declares, notwithstanding any other provision of law, that such section 1073 apply to State felony parental kidnaping cases without restriction and in the same manner as to all other State felony cases."; and

(4) adding at the end the following new paragraph:

"(2) Not later than 30 days after the date of enactment of this section, the Attorney General of the United States shall eliminate all guidelines that require information that the child is in physical danger or is being abused or neglected, corroboration, prior approval, or otherwise limit the application of such section 1073 in State felony parental kidnaping cases in a manner which frustrates the intent of Congress that such cases be subject to only the requirements applicable in the case of all State felonies under such section. Not later than 45 days after the date of enactment of this section, the Attorney General shall report to the appropriate Committees of the Congress as to how and when the Department of Justice has complied with the provisions of this section and shall provide such Committees with copies of all memorandum, directives, or other communications issued by the Department of Justice, including the Federal Bureau of Investigation, with respect to implementation of this section.".

(b) subsection (b) of section 10 of such Act is amended by—

(1) inserting a comma and "by State and by type of agency or individual initiating such application," in paragraph (1) after "applications";

(2) inserting a comma and "by State," in paragraph (2) after "complaints"; and

(3) inserting a comma and "including a description of disposition of each application and the reasons therefore," in paragraph (3) after "information".

STATEMENT OF SENATOR MALCOLM WALLOP

My sincere thanks to you, Mr. Chairman, and to your distinguished colleagues for convening this timely and important hearing on the implementation of the Parental Kidnaping Prevention Act of 1980, an act with which I have been associated from its inception. Since the law was passed last December, my staff has been monitoring its implementation by the Department of Health and Human Services and by the Department of Justice, and has been tracking to a more limited extent the private custody litigation pending in state courts involving the new law. As the original sponsor of S. 105, the bill from which sections 6-10 of Public Law 96-611 are substantially derived, I note at the outset my considerable disappointment with the failure of the Justice Department to conform its Fugitive Felon Act policies to the express language and legislative history of section 10 of the new law. If this hearing sparks a correction on the part of the Criminal Division and the F.B.I. with respect to the issuance of Unlawful Flight to Avoid Prosecution ("UFAP") warrants in state felony parental kidnaping cases involving interstate or international flight as the law requires, in my opinion it will prove to have been an extremely constructive proceeding, indeed.

The Parental Kidnaping Prevention Act ("PKPA") was enacted on December 28, 1980, to safeguard countless children from the harmful effects of child snatching, the wrongful removal or restraining of a child by a parent or parent's agent in violation of a custody decree or in violation of the other parent's rights as a joint custodian where a custody determination has not yet been made. The PKPA grew out of S. 105, a bill I introduced on January 23, 1979, which was modeled upon an amendment I had successfully offered to S. 1437, the criminal code reform legislation considered by the Senate in the 95th Congress. By the end of the 96th Congress, a bipartisan group of 25 senators had cosponsored S. 105, and over 60 House members had cosponsored H.R. 1290, a companion measure introduced by Representative Charles Bennett.

In January, 1980, the Senate Judiciary Subcommittee on Criminal Laws held a joint hearing on S. 105 with the Labor and Human Resources Subcommittee on Child and Human Development, which was followed in June by a hearing before the House Judiciary Subcommittee on Crime on related bills. The hearings were instructive in several respects.

First, the concealment of children who have been wrongfully removed or retained by a parent has stunning effects on the left-behind parent, who is typically emotionally and financially drained by the unrelenting search for the missing child, as well as for the victim child, who suffers anger, fear and sometimes irreparable psychological trauma.

Second, various agencies of state and federal government were unresponsive to the plight of the victim child and left-behind parent, either through neglect of their lawful responsibilities or for want of legal authority to provide meaningful assistance in parental kidnapping and restraint cases.

Third, the handful of jurisdictions that had not enacted the Uniform Child Custody Jurisdiction Act ("UCCJA") were serving, however, unintentionally, as havens for child-abducting parents, and even some states that had adopted the UCCJA were loosely interpreting that law, the effect of which was to provide abductor-parents with the means to circumvent the jurisdictional requirements and anti-parental kidnaping spirit of that statute.

The consensus from the hearings was that a federal solution was needed for a problem that was essentially interstate in nature. Shortly after the hearings, I offered S. 105 as an amendment to the domestic violence legislation which was agreed to in the Senate on September 4, 1980. In its consideration of the parental kidnaping amendment, a House-Senate Conference Committee accepted the two chief civil sections of the proposal without amendment, and accepted a modified criminal provision. The conference version of S. 105 was ultimately passed by both houses on December 13, 1980 as part of H.R. 8406, a bill providing for Medicare reimbursement for pneumococcal vaccines.

As enacted, the Parental Kidnaping Prevention Act: (1) requires the appropriate authorities of every state to enforce and refrain from modifying custody and visitation rights ordered by courts which have exercised jurisdiction in compliance with the jurisdictional criteria set forth in the law; (2) authorizes the Federal Parent Locator to act on requests from States to locate children who have been abducted or retained and the parents who have abducted or retained them; and (3) expressly declares, I would emphasize, the intent of Congress that the Fugitive Felon Act applies to state felony parental kidnaping cases involving interstate or international flight. The Conference Report on H.R. 2977, the Domestic Violence Prevention and Services Act, contains a concise description of each of these provisions. The relevant pages of that report are attached as an appendix to my statement.

Before tackling the most serious implementation problem, that is, the Justice De-

partment's unacceptable response to section 10 of the law, I would comment briefly on the implementation of the other parts of the law.

When the PKPA was enacted, only 43 states had adopted the UCCJA. One of the desired effects of the Full Faith and Credit provision, section 8 of Public Law 96–611, was to induce the remaining non-UCCJA states to adopt that uniform state law since universal enactment of the UCCJA is consistent with the policy objective of the PKPA. I am pleased to report that three states—South Carolina, West Virginia and New Mexico—adopted the UCCJA subsequent to the enactment of the PKPA, and UCCJA legislation is pending in the City Council of the District of Columbia and in Massachusetts. With respect to case law, there have been thus far very few state court decisions involving section 8 of the PKPA. While at some future date we may wish to reconsider that provision, it would be prudent to postpone any such consideration until a body of cases have been decided, and the legal and academic communities have had an opportunity to thoroughly scrutinize the effect of the law on child custody legislation.

The Parent Locator Service is not yet available to the States wishing to utilize it to locate abducting-parents and missing children. That the Department of Health and Human Services has reacted slowly to the mandate of section 9 of Public Law 96–611 is disturbing to me since the law required only minor adjustments in existing child support enforcement regulations. The delay is of far more immediate concern to the many parents throughout the country who had expected the service to be available soon after the law was passed. Instead, nearly 10 months has elapsed, and these parents are still without recourse to the FPLS to help find their missing children.

I have written to Secretary Schweiker urging the Department to expedite the promulgation of the regulations and the federal-state agreement required by the law. The agreement must be submitted to the States for approval by the Governor or his or her delegate. It is imperative that this section of the PKPA be fully implemented as soon as possible. Every day of delay is potentially another day of separation between parents and their children.

Last, but certainly not least, I turn to the matter of the implementation of section 10 of Public Law 96–611. As mentioned earlier in this statement, the House-Senate Conference Committee substituted for the section of S. 105 that would have created a new federal misdemeanor offense for child snatching, a provision expressly declaring congressional intent that the Fugitive Felon Act applies to parental kidnapping cases. This modification struck a balance between federal and state law enforcement responsibilities in state felony parental kidnapping cases involving flight. The object was to bring the F.B.I. into investigations of abduction and restraint cases which the state prosecutor was intent on prosecuting upon the extradition of the perpetrator. Although the Fugitive Felon Act, 18 U.S.C. 1073, applies on its face to all state felonies, the Justice Department had carved out an exception for parental kidnappings, apparently based on the statutory exemption of parents from the federal kidnapping law, 18 U.S.C. 1201, from which they inferred that Congress similarly intended to limit the application of the Fugitive Felon Act in cases involving parents.

In enacting section 10 of the PKPA, Congress specifically rejected the Justice Department's restrictive standards for the issuance of fugitive complaints which essentially treated parental kidnapping cases differently than all other felony offenses. The pre-PKPA Justice Department guidelines required as conditions precedent to the issuance of Fugitive Felon warrants, and I quote, "convincing evidence that the child was in danger of serious bodily harm as a result of the mental condition or past behavior patterns of the abducting parents."

On December 31, 1980, three days after the law was passed, the Criminal Division of the Justice Department issued "revised" guidelines which purported to implement the Fugitive Felon section of the PKPA. Unfortunately, the new guidelines were little more than a reformulation of the pre-PKPA policy; under the new policy, the Criminal Division required, quote, "independent credible information establishing that the child is in physical danger or is being seriously abused or seriously neglected."

On March 9, 1981, I initiated a letter joined in by nine other senators and congressman to Attorney General Smith requesting that he undertake a review and revision of the fugitive felon directive in accordance with the new law. The belated reply accompanied the report required to be filed by the Justice Department 120 days after enactment of the law, both of which were submitted to Congress on June 26, 1981. Copies of the letter and report are included as an appendix to my statement.

The contents of the letter and report hardly justified the long delay, for the "revised" policy set forth in these documents represents a barely perceptible improvement over the immediately preceding policy formulation. Of primary concern is the fact that these current guidelines continue to require as a condition precedent of the issuance of Fugitive Felon warrants, quote, "independent credible information that the child is in physical danger or is then in a condition of abuse or neglect." Additionally, prior approval must be obtained from the Justice Department in Washington before a U.S. attorney can issue a fugitive complaint.

Mr. Chairman, the current policy frustrates the express intent of the new law. Congress intended that state felony cases would be treated in the same manner as all other state felony charges, and that no special criteria would be applied to restrict the application of the Fugitive Felon Act in state felony parental kidnapping cases in which the state prosecutor intends to extradite and prosecute the fugitive once he or she is apprehended by the F.B.I. Yet, the Justice Department's requirements remain unique to child snatching cases; no similar criteria attach to the issuance of Fugitive Felon warrants in any other state felony cases.

Moreover, these requirements essentially change the character of the underlying offense for which the warrant is available from parental kidnapping, as the law specifically requires, to child abuse or neglect, a result which clearly contradicts the express language of the law. To add insult to injury, the requirements cannot possibly be satisfied by complainant-parents who do not know the whereabouts of their abducted children and therefore cannot provide the requisite (quote,) "credible information that the child is in physical danger or is then in a condition of abuse or neglect."

On account of the Justice Department policy, the federal-state cooperative relationship which the law was intended to forge has unfortunately not materialized. Instead, meaningful federal investigative assistance in state felony parental cases remains unavailable to prosecutors in all but a few cases. The June 26 report leaves no doubt but that very few warrants have been issued since the passage of the PKPA: of the 24 applications that met the "statutory requirements for assistance," a mere 6 UFAP warrants were issued. As an aside, I wonder whether the 24 applications met the Department's guidelines.

The application of the restrictive criteria is only one reason why the warrants are not being issued as intended by the law. The Department's requirement of prior Criminal Division approval of UFAP complaints has also proved to be a very substantial impediment to the issuance of fugitive warrants. Cases have been brought to my attention wherein the local United States Attorney has decided in favor of issuing a fugitive felon warrant in particular state felony cases, only to have that decision overturned by the Justice Department in Washington. In addition, the philosophy of the Justice Department that felony parental kidnapping cases are domestic, rather than criminal matters, has continued unabated despite the clear expression on the part of Congress to the contrary.

Mr. Chairman, for as long as the Justice Department maintains its present policy, one thing is certain. Very few cases of parental kidnapping will involve the F.B.I., and the F.B.I., Justice Department and Congress will be left with nothing more than sheer conjecture as to the actual number of cases which would fall to the federal government to investigate if the new law was applied without restriction. In the absence of such firm data, Congress has no basis to effectively evaluate its decision to involve the federal government in the investigation of parental kidnapping cases.

Nor I might add, can the Justice Department substantiate its claim that the investigation of parental cases require an undue amount of their time and effort. If we are to assess the effectiveness of the law as a response to the tide of parental kidnappings nationwide, it must be fully enforced to provide meaningful data for our evaluations. This would likewise prove instructive for the Department, itself.

Mr. Chairman, I offer the following recommendations to improve the effectiveness of section 10 of the new law. First, the Department should vigorously enforce the law so that data is available to Congress for an in-depth assessment of the efficacy of applying the Fugitive Felon Act to state felony parental kidnapping cases, which in turn will serve as a clear warning to parents that abductions or retentions of children will not be tolerated. Second, the guidelines which treat child snatching cases differently than all other state felony charges should be eliminated, as should be the requirement of prior approval from Washington. Third, the reports required to be filed pursuant to section 10(a) of the law should indicate who the applicant is, and the state in which the application is made. This will facilitate future oversight of the Justice Department's implementation efforts.

Mr. Chairman, I thank you again for your obvious commitment to the full and effective implementation of the Parental Kidnapping Prevention Act.

Mr. CRANSTON. Mr. President, I am pleased to join with the distinguished Senator from Wyoming (Mr. WALLOP) in introducing this legislation to amend the Parental Kidnaping Prevention Act of 1980, Public Law 96–611 in order to insure its full implementation by the Department of Justice.

Mr. President, it has been my pleasure over the past few years to work with the Senator from Wyoming on the Parental Kidnaping Prevention Act. He has been a persistent and dedicated leader in efforts to deal with the devastating problem of parental kidnaping. The Senate has repeatedly and in a totally bipartisan fashion supported these efforts which culminated last year with the enactment of Public Law 96–611. It was my privi-

lege to chair the conference committee which developed the final format which was the basis for the provisions of Public Law 96–611.

Unfortunately, Mr. President, a substantial amount of what we sought to accomplish by the Parental Kidnaping Prevention Act of 1980 has been undermined by the Department of Justice's persistent refusal to implement section 10 of the act. Section 10, as I will explain in more detail in a moment, expressly states that it is the intent of Congress that the Department of Justice apply the provisions of section 1073 of title 18 of the United States Code—the unlawful flight to avoid prosecution (UFAP) statute—to cases involving interstate or international flight to avoid prosecution under State felony parental kidnaping statutes. Nevertheless, the Department of Justice has refused to comply with this express intent of the Congress; instead, the Department has imposed arbitrary and unjustifiable restrictions on the application of section 1073 to parental kidnaping cases.

Mr. President, the legislation we are introducing today simply and unequivocably states that section 1073 shall apply in State felony parental kidnaping cases in the same manner as it does in all other State felony cases and directs the Attorney General to eliminate all guidelines that impose additional restrictions in parental kidnaping cases or otherwise frustrate the intent of Congress in this matter.

LEGISLATIVE HISTORY

Mr. President, in order that my colleagues may understand the background of this legislation, I would like to describe briefly the development of the Parental Kidnaping Prevention Act of 1980.

Although various measures dealing with the problem of parental kidnaping have been introduced in both the Senate and the House over the past decade, the legislation that formed the basis for the Parental Kidnaping Prevention Act of 1980 grew out of provisions first approved by the Senate in January of 1978 as an amendment offered by Senator WALLOP to S. 1437, the proposed criminal code recodification. The House, however, failed to act upon S. 1437 during the 95th Congress. At the beginning of the 96th Congress, the parental kidnaping provisions were reintroduced by the Senator from Wyoming (Mr. WALLOP) as S. 15. This legislation, of which I was an original cosponsor, enjoyed broad bipartisan support with 24 cosponsors representing a broad range of political philosophies.

In April of 1979, as chairman of the former Subcommittee on Child and Human Development of the Labor and Human Resources Committee, I chaired a hearing in Los Angeles, Calif., on this legislation and the problem of parental kidnaping. Testimony at that hearing from both parents and law enforcement personnel indicated the tremendous problems created by the lack of Federal legislation.

The witnesses described the peculiar interstate nature of the problem of child stealing and how the conflicting State laws and jurisdictional barriers actually encouraged abducting parents to flee from State to State with these children, avoiding both the civil and criminal justice system.

In January of 1980, here in Washington, I chaired, with the distinguished Senator from Maryland (Mr. MATHIAS), a joint hearing of the Child and Human Development Subcommittee and the Criminal Justice Subcommittee of the Judiciary Committee on S. 105. Again, the testimony stressed the need for a Federal response to help stem interstate flight in child stealing cases. State law enforcement officers testified at both hearings on how the lack of Federal involvement undermined the effectiveness of their State statutes.

The Senate Judiciary Committee approved the provisions of S. 105 and incorporated them into S. 1722, the 1980 proposed criminal code recodification measure. However, S. 1722 was never brought to the Senate floor and in August of 1980, Senator WALLOP offered an amendment, which I cosponsored, to add the basic provisions of S. 105 as a separate title to the proposed Domestic Violence Prevention Services Act, H.R. 2977. The Senate unanimously approved this amendment and H.R. 2977 was subsequently passed by the Senate.

The provisions of title IV of H.R. 2977 as passed by the Senate had three basic components.

First, it provided for the application of full faith and credit between the States to custody orders entered into in conformity with the provisions of the act. These provisions were based on the Uniform Child Custody Jurisdiction Act which has now been enacted by almost all of the States. They were intended to discourage interstate "forum-shopping" and to resolve the civil interstate jurisdictional problems that contribute to child stealing.

Second, the amendment authorized States to enter into agreements with the Secretary of HHS for use of the Federal Parent Locator Service (FPLS) to assist in location of missing children. The FPLS was established in 1976 to assist in locating parents who have avoided making child support payments; the amendment simply allowed the extension of the program to the location of parents who abduct children.

Third, and finally, the amendment provided for the establishment of a new Federal offense for interstate child stealing.

The first two provisions of title IV were approved in conference with minor modification. The third, the criminal provision, was modified in conference to provide for the application of section 1073 of title 18 of the United States Code to parental kidnaping, rather than to establish a new Federal crime as had originally been proposed and approved by the Senate.

Mr. President, I would like to describe for a moment the circumstances that lead the conferees to modify the criminal provisions of the Senate-passed amendment. The House conferees expressed reservations about accepting the Senate provision establishing a new Federal offense without first attempting to utilize the existing UFAP statute. The conferees were aware of the policy of the Justice Department of refusing to apply the UFAP statute to parental kidnaping cases unless there was a showing of a "serious threat of physical injury to the child" from the abducting parent by reason of his or her medical condition or acute pattern of behavior, for example, alcoholism, interpersonal violence. The Justice Department, in its testimony before the Congress and in its internal guidelines, has consistently taken the position that the UFAP statute should not be applied to parental kidnaping cases except in extreme cases.

The Justice Department's rationalization for refusing to apply the UFAP statute to parental kidnaping cases was an alleged "congressional intent" arising from the fact that Congress, in enacting in 1932 the Federal kidnaping statute, section 1201 of title 18, had provided for an exception for parental kidnaping. Hence, the Justice Department argued, Congress must have intended to avoid Federal involvement in any way in parental kidnaping cases.

The conferees, in the joint explanatory statement of the conference report accompanying H.R. 2977 emphatically rejected that view and incorporated into section 10 of the Parental Kidnaping Prevention Act a clear and unequivocable statement that it is the intent of Congress that the UFAP statute apply to parenal kidnaping cases in the same manner it applies to other interstate felony cases.

Mr. President, I ask unanimous consent that excerpts from that conference report joint statement be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE CONFERENCE REPORT TO ACCOMPANY H.R. 2977

House Report 96–1401, pgs. 41–43

TITLE IV

Parental kidnaping

Findings and Purposes

The Senate amendment contains a statement of findings relating to the problem of interstate disputes and conflicts in matters relating to child custody and visitation matters and provides that the purpose of this title is to promote cooperation among the States in the enforcement of custody and visitation orders, discourage continuing interstate controversies and conflicts, and deter interstate abductions of children.

The House has no comparable provision.

The House recedes.

Full Faith and Credit Provisions

The Senate amendment provides that the appropriate authorities of every State shall enforce and not modify any child custody determination entered by a court of another State having jurisdiction consistent with the provisions of the title.

The House has no comparable provisions.

The House recedes.

Federal Parent Locator Service

The Senate amendment authorized the Secretary of Health and Human Services to enter into agreements with States for utilization of the Federal Parent Locator Service for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of enforcing

any State or Federal law with respect to the unlawful taking or restraint of a child or making or enforcing a child custody determination.

The House has no comparable provision.

The House recedes with an amendment clarifying that the information provided under such agreement will be limited to information as to the most recent address and place of employment of any absent parent of the child and making conforming changes in references to State and Federal law relating to child custody.

Criminal Provisions

The Senate amendment contains provisions which would establish a new federal criminal offense relating to parental kidnaping.

The House has no comparable provision.

The House recedes with an amendment deleting the provisions in the Senate amendment establishing a new federal criminal offense and substituting a provision setting forth Congressional intent that section 1073 of title 18, United States Code, is applicable to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes and requiring the Attorney General of the United States to submit to the Congress reports with respect to the steps taken to comply with the intent of Congress.

It is the view of the Conferees that authority presently exists under 18 U.S.C. 1073 (the so-called "Fugitive Felon Act") for the exercise of federal jurisdiction in many cases involving parental kidnaping. However, that statute, which proscribes, inter alia, interstate or foreign flight to avoid prosecution under state felony statutes, is rarely used. This is the case because the Department of Justice policy as set forth in the U.S. Attorneys' Manual discourages the use of 18 U.S.C. 1073 as a basis for federal involvement in parental kidnaping cases.

Although section 9-69.410 of the Manual states that the primary purpose of the Act is "to assist in the location and apprehension of fugitives from State justice," section 9-69.421 of the Manual requires the express prior approval of the Criminal Division before a U.S. Attorney may issue a complaint under the Fugitive Felon Act in a parental kidnaping case. Section 9-69.421 states that such approval will occur only in "rare instances", and erroneously cites the "intent of Congress" supposedly implied in the parental exception to the federal kidnaping statute (18 U.S.C. 1201(a)) as a basis for this general policy against using the Fugitive Felon Act in cases involving flight to avoid state prosecution on felony charges growing out of parental kidnaping.

Although the Department of Justice should be permitted to reasonably exercise some prosecutorial discretion under the Fugitive Felon Act as under any other Federal criminal law, the Conferees find the reasoning cited in the U.S. Attorneys' Manual for the heretofore limited use of 18 U.S.C. 1073 in parental kidnaping cases to be illogical and largely irrelevant. The fact that Congress has not made parental kidnaping an offense under 18 U.S.C. 1201 does not in any way constitute "Congressional intent" as to whether or how often 18 U.S.C. 1073 should be employed as a jurisdictional basis for federal intervention in parental kidnaping cases. Section 1073 does not require that some other federal offense be found to form the basis of federal jurisdiction, nor does it anywhere suggest that the existence of an equivalent federal offense should be a factor influencing the Attorney General's use of discretion thereunder. The section itself is the jurisdictional basis.

The Conferees are of the opinion that the Attorney General should review and revise this section of the U.S. Attorneys' Manual to provide more specific guidance to the U.S. Attorneys in order to regularize the procedures to be followed by the Department of Justice and to correctly reflect Congressional intent with respect to the use of the Fugitive Felon Act in parental kidnaping cases as stated in section 405(a) of the bill and this Joint Explanatory Statement. Specifically, the Conferees expressly disapprove of the policy of the Department of Justice as set forth in section 9-69.421 of the United States Attorney's Manual (August 16, 1979) to limit the application of 18 U.S.C. 1073 to those parental kidnaping cases where there is a showing that the "abducting parent, by reason of his or her medical condition or acute pattern of behavior (e.g., alcoholism, interpersonal violence), presents a serious threat of physical injury to the child." It is the Conferees view that section 1073 should be applied to State felony parental kidnaping cases in the same manner as in any other State felony case where the other jurisdictional requirements of section 1073 are satisfied.

Mr. CRANSTON. Mr. President, the compromise reached by the conferees in this matter presented, I believe, a fair and workable solution to the problem of interstate child abduction. First of all, it retained the primary responsibility for these cases within the State law enforcement system. Under the provisions of section 1073, a UFAP warrant is authorized where there is an application by a State law enforcement officer for the assistance in the apprehension of an individual who has fled to avoid State felony prosecution.

The State law enforcement officials determine whether to seek a UFAP warrant. The State law enforcement officers determine whether to file State felony charges and, once the individual is apprehended, prosecution is handled by State law enforcement officers.

Second, the role for the Federal law enforcement officers under the conferee's compromise was an entirely appropriate one within our Federal system. UFAP warrants are applicable only where there is interstate flight to avoid prosecution. This interstate nature makes the involvement of Federal law enforcement officers not only appropriate but necessary, given the limited ability of State law enforcement officers to carry out their duties effectively beyond State boundaries.

The compromise reached by the conferees in H.R. 2977 thus retained an appropriate balance between the respective responsibilities of State and Federal law enforcement officials and provided for Federal involvement as a means of asssitance to State law enforcement activities when interstate flight was involved.

Mr. President, the compromise agreement sought simply to make clear Congress intent that section 1073 apply in parental kidnaping cases in the same manner it is applied to other State felony cases—nothing more or less.

The conference agreement on H.R. 2977 was approved by the House on October 1, 1980; unfortunately, the Senate was unable to complete final action on the conference report. The Senator from Wyoming subsequently, on December 9, 1980, offered the provisions of Title IV of the conference agreement as an amendment to S. 3259, relating to bankruptcy laws.

S. 3259 was unanimously passed by the Senate with the parental kidnaping provisions, but the House failed to act on this legislation, Senator WALLOP then, on December 13, offered the same provisions as an amendment to H.R. 8406, relating to medicare coverage of pneumococcal vaccine. Both the House and the Senate approved this legislation, and it was signed into law on December 28, 1980, as Public Law 96-611.

DEPARTMENT OF JUSTICE RESPONSE

Mr. President, on December 31, 3 days after Public Law 96-611 was signed into law, the Department of Justice prepared a message for transmission to U.S. attorneys purporting to provide for the implementation of the provisions of the new law relating to section 10. In fact, the new guidelines promulgated by the Department of Justice continued, with minor changes, the Department's preexisting policy of refusing to apply section 1073 to parental kidnaping cases. The communication sent to U.S. attorneys stated, in part:

> Congress now has expressly stated that 18 U.S.C. 1073 be applied in parental abduction situations. Certainly, in our view, this expression of congressional intent does not require routine Federal involvement in parental abduction situations and is consistent with the Department's general policy.

The guidelines further stated that the Department would authorize FBI involvement under section 1073 in parental kidnaping cases only where there is "independent credible information establishing that the child is in physical danger or is being seriously neglected or seriously abused." The Department has also required that UFAP warrants in parental kidnaping cases be approved by the Criminal Division in Washington, D.C., rather than allowing such warrants to be issued by the respective U.S. attorneys as in other UFAP cases.

Mr. President, I ask unanimous consent that the text of this transmittal be printed in the RECORD at the conclusion of my remarks.

Mr. President, on March 9, along with nine other House and Senate Members, I wrote to the Justice Department expressing strong opposition to the Department of Justice's new guidelines and its failure to comply with congressional intent. On June 26, the Department responded indicating that it was revising the guidelines to delete the requirement that the child abuse or neglect be serious but otherwise was continuing its policy of restricting the application of section 1073 in parental kidnaping cases.

Mr. President, I ask unanimous consent that the text of the March 9 and June 26 correspondence be printed in the RECORD at the conclusion of my remarks.

CONCLUSION

Mr. President, the Department of Justice has persistently refused to comply with congressional intent that parental kidnaping cases be treated just like any other State felony matter with respect to section 1073. The Department continues to characterize these cases "domestic matters" or "civil matters" irrespective of the fact that the vast majority of States have enacted State felony laws expressly covering parental kidnaping. As of this date, only 10 States do not

have State felony statutes covering parental kidnaping. According to the Congressional Research Service, approximately 85 percent of the population of the United States reside in States which have enacted felony statutes.

Over the past several months, my office and many other congressional offices have been contacted by numerous local district attorneys and State law enforcement officers who have been frustrated in the enforcement of their State criminal statutes by the Justice Department's continuing refusal to implement the new law. Cases have come to my attention, where the criminal division has refused UFAP warrants despite the recommendation of the local U.S. attorney that a UFAP warrant be issued.

Mr. President, the Department of Justice actions in this matter have frustrated and totally undermined Congress efforts to deal with interstate parental kidnaping cases. Efforts to persuade the Justice Department to comply with the new law have been essentially fruitless. Just last month in a hearing before the Subcommittee on Crime of the House Judiciary Committee, the Department reiterated its intent to continue to restrict issuance of UFAP warrants in parental kidnaping cases. Enactment of this measure appears to be the only realistic way to achieve implementation of this provision of the new law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., March 9, 1981.

Hon. WILLIAM FRENCH SMITH,
U.S. Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: We are writing to request your review of guidelines issued to United States attorneys by the Criminal Division on December 31, 1980 which purport to implement section 10 of the Parental Kidnapping Prevention Act of 1980, enacted as part of P.L. 96-611 on December 28, 1980. In our opinion, the new directive seriously misconstrues congressional intent with respect to the application of the Fugitive Felon Act to state felony child abduction cases involving interstate flight, and must promptly be amended in order for the new law to achieve its objectives of deterring childsnatching and fostering a cooperative relationship between state and federal law enforcement authorities in interstate childstealing cases.

By way of background, the Parental Kidnapping Prevention Act of 1980 grew out of legislation introduced in January 1979 by Senator Wallop to stem the wave of childsnatching in the United States. S. 105 and companion House measures contained three major provisions, one of which made it a federal misdemeanor to remove or retain a child in violation of an enforceable child custody determination. After hearings in both houses the Senate adopted S. 105 as an amendment to H.R. 2977, domestic violence legislation, which then went to conference.

House-Senate conferees deleted the misdemeanor provision and instead expressly declared that the Fugitive Felon Act, 18 U.S.C. 1073, is applicable to state felony parental kidnapping cases in the same manner as in any other state felony case where the other jurisdictional requirements of section 1073 were satisfied. In the Joint Explanatory Statement accompanying the Conference Report on H.R. 2977 at pages 41-43, the conferees expressly disapproved the policy of the Department of Justice as set forth in the United States Attorney's Manual which limited the application of the Fugitive Felon Act to those parental kidnapping cases where there is a showing that the "abducting parent, by reasons of his or her medical condition or acute pattern of behavior (e.g. alcoholism, interpersonal violence) presents a serious threat of physical injury to the child." It was the H.R. 2977 conference version of the criminal provision which was enacted as part of P.L. 96-611.

The Criminal Division's directive ignores the language, spirit, and legislative history of the new law. In fact, it seems designed to frustrate totally what Congress was attempting to achieve—a change in policy. Instead, what has been done is essentially to issue the old policy in new words. The new guidelines continue to require independent credible evidence establishing physical danger or serious neglect or abuse of a child before a fugitive warrant will be issued. In addition, prior authorization by the Criminal Division is mandated. This completely disregards Congress' clear expression that fugitive felon warrants be issued in state felony childstealing cases on the basis of the same criteria and subject to the same procedures which govern the issuance of warrants for all other state offenses, none of which require such corroboration, prior approval, or other special tests. We are also disturbed by the Criminal Division's continued reference to felony childstealing as a "domestic matter." In clarifying the role for federal criminal authorities in parental kidnapping cases, Congress implicitly rejected the Department's long-standing characterization of these cases as simple domestic disputes.

Mr. Attorney General, the early feedback on the effect of the new guidelines is discouraging; at least one prosecutor has been denied a fugitive warrant notwithstanding a documented intent to extradite and prosecute the state law violation upon the apprehension of the fugitive, and other applications have not been acted upon at all.

We respectfully call upon you to undertake a review and revision of the fugitive felon directive in accordance with Section 10 of P.L. 96-611. We stand ready to assist this Administration in implementing the Parental Kidnapping Prevention Act of 1980 and invite you to consult freely with us toward that end.

Yours sincerely,
Malcolm Wallop, Henry J. Hyde, Dave Durenberger, Don Edwards, Charles E. Bennett, Harold S. Sawyer, Alan Cranston, F. James Sensenbrenner, Jr., William J. Hughes, Charles McC. Mathias, Jr.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., June 26, 1981.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: This is in further response to your letter of March 9, 1981, signed by nine other Senators and Members of Congress, objecting to the Department's policy guidelines limiting FBI involvement under the Fugitive Felon Act in "child snatching" cases, and requesting that these guidelines be revised to conform with the expression of Congressional intent set forth in section 10 of the Parental Kidnaping Prevention Act of 1980 (the Act) (Public Law 96-611).

Because of the concern expressed by you and your colleagues, the Attorney General requested a review of our policy guidelines be undertaken. Based on this review, the Department of Justice is convinced there is a demonstrated need for policy limitations on Federal involvement in "child snatching" cases under the Fugitive Felon Act. However, as a result of that review, the policy limitations have been modified as indicated below.

The Department's experience in these matters indicate that a "child snatcher" is a different kind of offender than the ordinary felon fleeing from state justice. We note that a significant number of states classify parental abduction or custodial interference as a misdemeanor not a felony. Moreover, it appears that state prosecutors often charge an abducting parent with a criminal violation as an accommodation to the victim parent, with no real intention of ultimately prosecuting the criminal charge against the abducting parent. Over the past several years, we have authorized FBI involvement in a significant number of these cases, consistent with existing policy guidelines. We have found that in repeated instances the state felony charges against the abducting parent have been dropped shortly after the complaining parent regained custody of the child. We suggest that the use of the Fugitive Felon Act in situations where state authorities have no actual intention of prosecuting the underlying criminal charges would amount to an abuse of legal process.

In the past four months, a variety of "child snatching" cases have been brought to our attention which, in our view, confirm the need for policy limitations. In two cases, the abducting parents were, in effect, given temporary custody in the asylum state despite outstanding felony "child snatching" warrants in other states. In two other cases, the parents were charged with felonies in spite of the fact they had custody decrees in other states. In at least three cases, the locations of the abducting parent were known, but law enforcement authorities in the asylum states refused to honor the out-of-state warrants, possibly because the asylum states classified child snatching as a misdemeanor. In two other cases, the asylum states refused extradition. In these latter cases, the request for FBI assistance apparently was an effort to avoid the extradition process. The Fugitive Felon Act, of course, is not an alternative to extradition, and individuals arrested on a Federal fugitive warrant should not be removed from the asylum state under Rule 40, Federal Rules of Criminal Procedure, when no Federal prosecution is intended. See *United States v. Love*, 425 F. Supp. 1248 (S.D.N.Y. 1977).

I wish to emphasize that the Department's policy is not intended to frustrate the spirit of section 10 of the Act. To the contrary, our policy is now less restrictive than in the past. Prior to the Act we required "convincing evidence that a child is in danger of serious bodily harm" before involving the FBI in a "child snatching" case. Under new guidelines established after enactment of the Act, we became involved in these matters if there was independent credible information that the child was being "seriously neglected or seriously abused".

As a result of that policy change, we authorized FBI involvement in six "child snatching" cases as of March 31, 1981, the cut-off date used for compiling data for the first report required by section 10(b) of the Act. Since March 31, 1981, we have authorized FBI involvement in at least seven additional cases. Recently, as a result of our policy review, the guidelines have been modified to permit FBI involvement under the Fugitive Felon Act in those instances where there is independent credible information establishing that the child is in physical danger or is then in a condition of abuse or neglect. We believe that this policy modification will result in a significant increase in Federal involvement, when compared with previous years.

Our present policy guidelines are an effort to comply with Congressional intent by ex-

tending Federal involvement to cases involving abuse and neglect. Consistent with our other criminal law enforcement responsibilities, we expect to furnish an increased level of assistance to the states in the legitimate enforcement of their criminal laws. At the same time, we hope to avoid the utilization of FBI investigative resources to enforce civil obligations.

I hope the foregoing information clarifies our position on this matter.

Sincerely,

EDWARD C. SCHMULTS,
Deputy Attorney General.

To: All United States attorneys.
Re: Parental Kidnaping Prevention Act of 1980.

On December 28, 1980, H.R. 8406, the Parental Kidnapping Prevention Act of 1980, was signed into law. Essentially the bill contains three provisions intended to ameliorate the problem of "child snatching."

The full faith and credit provision in the act (section 8), provides that appropriate authorities in every State shall enforce according to its terms, and shall not modify, except in limited circumstances, any child custody determination made consistent with the provisions of section 8 of the Act.

Section 9 of the act expands the use of the Parent Locator Service in the Department of Health and Human Services so that it can be used to locate a parent or child for the purpose of enforcing any State or Federal law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody determination.

Section 10 of the Act contains an expression of congressional intent that 18 U.S.C. 1073 (interstate flight to avoid prosecution) apply to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes. Section 10 further requires that the Attorney General submit periodic reports setting forth steps taken to comply with this expression of congressional intent. Among other things, each report must contain data relating to the number of applications under 18 U.S.C. 1073 involving parental kidnaping and the number of complaints issued.

It has long been Department policy to avoid involvement in situations which are essentially domestic relations controversies. This policy has been based, in part, on the parental abduction exception in the federal kidnaping statute, from which we inferred a congressional intent that Federal law enforcement authorities stay out of such controversies. Consistent with that policy, the Department did not authorize FBI involvement under 18 U.S.C. 1073, for the purpose of apprehending a parent who is charged with a State felony in connection with the abduction of his own minor child, and who has traveled interstate to avoid prosecution. In some instances the Department has made exceptions to this policy where there was convincing evidence that the child was in danger of serious bodily harm as a result of the mental condition or past behavior patterns of the abducting parent. See U.S. Attorneys' Manual § 9-69.421.

Congress now has expressly stated that 18 U.S.C. 1073 be applied in parental abduction situations. Certainly, in our view, this expression of congressional intent does not require routine Federal involvement in parental abduction situations and is consistent with the Department's general policy militating against Federal involvement in domestic matters including abduction situations. Furthermore, the sound exercise of prosecutorial discretion and the need for careful utilization of Department manpower and resources, will require selectivity in seeking Federal fugitive warrants in these situations.

The primary purpose of the Fugitive Felon Act (18 U.S.C. 1073) is to permit the Federal Government to assist in the location and apprehension of fugitives from State justice. In evaluating any request from State or local authorities for assistance under the Fugitive Felon Act, there must be probable cause to believe that a fugitive charged with a State felony has fled interstate and that his flight was for the purpose of avoiding prosecution. Furthermore, it must be clear that State or local authorities are determined to take all necessary steps to secure the return of the fugitive and that it is their intention to bring him to trial on the State charge for which he is sought. It has been our experience that State prosecutors often will charge an abducting parent with a felony as an accommodation to the victim parent, with no real intention of ultimately prosecuting the abducting parent. Therefore, efforts should be made to identify those requests which seek to use the investigative resources of the FBI to compel the discharge of civil obligations, rather than serving a legitimate criminal law enforcement purpose.

In an effort to fulfill congressional intent consistent with its other responsibilities, the Department will authorize FBI involvement under 18 U.S.C. 1073 in parental kidnaping where there is independent credible information establishing that the child is in physical danger or is being seriously neglected or seriously abused. Examples of independent credible information include police investigations or prior domestic complaints to police or welfare agencies.

In view of the reporting requirements of section 10 of the act, it is imperative that the local office of the FBI be telephonically supplied with information regarding each parental kidnaping directly referred to the United States Attorney's Office so that the FBI may gather data for the legislatively required reports.

In order to maintain a uniform national policy, and in view of the Department's general policy against involvement in domestic relations controversies, criminal division authorization still must be obtained before seeking a fugitive felon warrant in parental abduction situations. Attorneys familiar with this policy are available on 724-7526 or 6971.

LAWRENCE LIPPE,
Chief, General Litigation and Legal Advice Section, Criminal Division.

By Mr. HATCH:

S. 1760. A bill to provide for civil rights in public schools; to the Committee on the Judiciary.

PUBLIC SCHOOL CIVIL RIGHTS ACT OF 1981

Mr. HATCH. Mr. President, last month the Senate recorded a historic vote in favor of civil rights in our public schools. By a margin of 60 to 39, the Senate approved the Johnston-Helms amendment which places strict limitations on forced busing to achieve an unspecified notion of racial balance in public schools. During the debate on this amendment, however, Senator JOHNSTON noted in response to my questioning that this amendment is only an interim solution. It is an amendment to the Justice Department authorization bill which will expire in a few years. Due to the vital importance of civil rights for students in our public schools, Mr. President, we cannot consider this issue finally resolved until we enact a lasting solution. Accordingly, at the culmination of hearings in the Judiciary Subcommittee on the Constitution, I am today introducing the Public School Civil Rights Act.

Many Senators may express feelings of regret that we must again soon reconsider this topic. I can understand and empathize with those feelings. After all, this problem, assigning students to public schools on the basis of race, was supposed to be solved in 1954 by the momentous Supreme Court decision of *Brown* v. *Board of Education*, 347 U.S. 483. Again the Senate thought it had prohibited the consideration of race when assigning students to public schools in 1964 when it enacted the Civil Rights Act. Therefore, when we are still striving to convince judicial policymakers decades later that students should be allowed to attend schools without regard for race or color, I can understand why the task would become frustrating. Nonetheless the basic constitutional principle that race should not determine what schools our students may attend must not be abridged.

This principle was clearly enunciated by the venerable Justice John Marshall Harlan in his dissent to the Plessy against Ferguson case. Plessy upheld a Louisiana statute requiring "equal but separate accommodations for the white and colored races" in passenger trains, 163 U.S. 540, 551 (1896). Justice Harlan dissented with the forcible thought that "our Constitution is color-blind," (Id. at 559). These few words captured the essence of our 14th amendment prohibition against deprivation of life, liberty, or property without due process of law and against denial of equal protection of laws.

Harlan's dissent laid the foundation for the Court's ruling in the Brown case 58 years later. In Brown the Court found that—

> The Constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the General Government or by the States against any citizen because of his race, 347 U.S. at 499.

In other words, race and color were not to play any role whatsoever in decisions relative to school district boundaries and school attendance. Race was not to be used in assessing the rights of "any citizen"; certainly racial assessments were not to benefit one group at the expense of another.

The Brown Court mentioned as a reason for its holding one of the major arguments still used against assignment of students to public schools on the basis of race. During the Constitution Subcommittee's hearings on schoolbusing, several witnesses discussed the stigma associated with students who must be transferred to another school because of their race. The Brown Court mentioned that stigma with the following words:

> To separate/students/from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone, 347 U.S. at 494.

I bring up this language because Congress is trying to do today what Brown tried to do in 1954; that is, put an end

to racial discrimination and make race totally irrelevant to sound education decisions. Not only should the Constitution be colorblind, but also the Congress and the courts.

Brown was not the only case that established the principle that the 14th amendment prohibited States from taking cognizance of race. The *Loving* case, 388 U.S. 1 (1967), for instance, struck down a Virginia statute prohibiting interracial marriage. The Court clearly stated that classifying marriage rights on the basis of race was "unsupportable." The *Anderson* case, 375 U.S. 399 (1964), declared unconstitutional any racial designation of candidates on an election ballot. In *Evans*, 396 U.S. 435 (1970), the Court clarified that provisions in a will leaving property to a city for a public park which the will expressly stipulated could never be used by blacks could not be honored. Each of these cases understood and carried out the intent of the Brown case that the 14th amendment forbid consideration of racial classifications of any kind in administering societal programs.

Congress has attempted to statutorily implement the Brown decision. The most notable attempt was, of course, the Civil Rights Act of 1964. Title IV of the act contains several provisions designed to make national education policy colorblind. Section 401(b) defined "desegregation" as:

> The assignment of students to public schools and within such school without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial balance.

The second part of this section was authored by Congressman Cramer of Florida. He explained clearly that the provision was necessary to prevent de facto segregation, or chance segregation caused by housing patterns and adherence to the neighborhood school concept, from becoming the object of congressionally approved desegregation schemes. Cramer, and the 88th Congress, equated the terms de facto segregation and the racial imbalance (110 CONGRESSIONAL RECORD 1598).

The Senate version of the Civil Rights Act added two more amendments to insure that congressional policy would not be misconstrued to countenance any assignment of students to schools on the basis of race (section 407 of the act). The section authorizing the Attorney General to bring school desegregation suits, states that—

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance. 42 U.S.C. 2000c–6(a).

Moreover section 410 clarified that—

> Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin. 42 U.S.C. 2000 c–9.

Both Senate amendments were drafted and approved to prevent de facto segregation, as opposed to de jure or legally enforced segregation, from becoming a justification for the extreme remedy of busing, or assigning students to schools on the basis of race.

Senator Hubert Humphrey of Minnesota, floor manager for the bill in the Senate, explained that these amendments were intended to make doubly clear that title IV did not authorize the Attorney General to correct racial imbalance and in general—

> To soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools. 110 Cong. Rec. 12714.

Senator Humphrey stated that he was relying on the recent decision in *Bell* v. *School of Gary*, 324 F. 2d, 209 (1963), in stating that Federal officials were not required to correct segregation unless it had been enforced by past laws.

This provision was included in the Civil Rights Act to expressly note that racial discrimination was not to be identified solely through use of numerical or statistical evidence rather than through some demonstration of wrongful intent by some individual or group of individuals. Unfortunately, the courts have disregarded this express language and instead relied upon evidence of racial imbalances within schools as proof of unlawful discrimination. Rather than placing the burden upon those alleging discrimination to demonstrate some identifiable act of discrimination, the courts have instead allowed discrimination to be adduced by evidence that some ideal racial proportion has not been achieved.

Harmful intent to discriminate was replaced with statistics that showed, for whatever reason, that more of one race than another were in a particular school or classroom. The defendant, therefore, not only had to demonstrate an absence of a corrupt state of mind, but had to show an affirmative commitment to a racially balanced institution. Treating individuals without regard to race was no longer enough, the defendant had to consider race at least to the degree that the court found proper. The problem, of course, is that no defendant could be sure in advance of adjudication if his notion of racial balance would be the same as the court's. Meantime, students had to be classed again according to race.

This is not the intent of the Constitution or Congress. Instead of considering each child in a school district only as a student, Federal courts classify students according to race. When the numerical ratio between the classes is unsatisfactory according to some subjective notion of racial balance, some black students or some white students are legally required to be hauled to a distant school simply because they are black or white. This is precisely the injustice that Brown and the Civil Rights Act intended to terminate. Prior to Brown, some students were legally required to be hauled to a distant school simply because of their race. It is a tradgedy that we are still fighting to secure civil rights for our public school students.

Some commentators on this problem will undoubtedly note that the situation today is different than it was before Brown, that assigning students to schools on the basis of race is necessary to eradicate the vestiges of past legal segregation. To that my response is clear, we are not going to put an end to racial discrimination by perpetuating distinctions based on race. Schoolbusing is nothing more than assigning students to schools on the basis of race. I repeat, Mr. President, we will never end discrimination by discriminating.

The hearings in the Constitution Subcommittee have substantiated the ill effects of a discriminatory schoolbusing policy. The subcommittee's hearings have demonstrated that past unconstitutional segregation—racial segregation enforced by law—is not a significant cause of existing racial imbalances in public schools; that whatever the cause of racial imbalances in public schools, assignment of students to public schools on the basis of race (busing) results in more segregation of the races by inducing large numbers of families to migrate from school systems subject to such assignment or by inducing large numbers of families to seek alternatives to public school education. Since assignment of students to public schools on the basis of race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination in violation of the 14th amendment.

Mr. President, I might add that there is a very apparent remedy for the kind of unconstitutional segregation prohibited by Brown. If a school authority has legally enforced a policy of racial segregation through school district reorganization, school closings, or other acts of State government, a court could always issue an injunction suspending all implementation of the segregative law or policy. Where such injunctions are not scrupulously obeyed, a court could institute contempt of court proceedings to secure compliance with its order.

My proposed bill will enforce constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin. The first three sections of the bill declare that forced busing has caused a greater separation of the races. Instead of improving relations between the races, it has caused more friction and, in the long run, cause more disruption in education and community relations than existed before it was instituted. In addition, these sections state the findings of the Constitution Subcommittee that forced busing violates constitutional guarantees against discrimination on the basis of race.

The operative provision of my bill would utilize Congress authority under article III, section 1, to withdraw the jurisdiction of lower Federal courts to issue any order requiring the assignment of students to schools on the basis of race or which has the effect of excluding any student from any public school on the basis of race.

Article III of the Constitution vests the judicial power of the United States in "one Supreme Court, and in such inferior courts as the Congress may from time to time establish." An uninter-

rupted chain of Supreme Court holdings have explained that this provision of the Constitution gives Congress "plenary control over the jurisdiction of the Federal courts." *Bro. of Railroad Trainmen* v. *Toledo, P&W RR. Co.*, 321 U.S. 50, 63 (1944). Just a few examples of Supreme Court explanation of this article will suffice to establish the soundness of this bill's action:

For, the Power which Congress possess to create courts of inferior jurisdiction, necessarily implied the power to limit the jurisdiction of those courts. *U.S.* v. *Hudson*, 7 Cranch 32, 33 (1812).

In the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances and applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. *Cary* v. *Curtis*, 3 Howard 236 (1845).

The subordinate judicial tribunals of the United States can exercise only such jurisdiction, civil and criminal, as may be authorized by acts of Congress. *Kentucky* v. *Powers*, 201 U.S. 1, 24 (1905).

The decision with respect to inferior federal court, as well as the task of defining their jurisdiction, was left to the discretion of Congress. That body was not constitutionally required to create inferior Art. III Courts to hear and decide cases within the judicial power of the United States, including those criminal cases arising under the laws of the United States. Nor, if inferior courts were created, was it required to invest them with all the jurisdiction it was authorized to bestow under Article III. . . Congress plainly understood this, for until 1875, Congress refrained from providing the lower federal courts with general federal question jurisdiction. Until that time the State courts provided the only forum for vindicating many important federal claims. *Palmore* v. *U.S.*, 41 U.S. 389 (1973).

This summary of the article III powers of Congress could be expanded to include statements by Chief Justice John Marshall, Chief Justice Stone, or Chief Justice Earl Warren and the message would always be the same. Regardless of whether constitutional issues or property issues or Federal question issues are at stake, there is no constitutional right to have a claim adjudicated in Federal courts. See *Allen* v. *McCurry*, 101 S. Crt. 411 (1981). Instead Congress may decide to grant State courts, bound as they are by the supremacy clause and subject to Supreme Court review, exclusive original jurisdiction to hear and decide certain kinds of cases. In fact, this is precisely the intent of the "may from time to time ordain and establish" language of the Constitution. To give greater insight into this power of Congress, I will include at the close of this statement the testimony given by Harvard Law Prof. Paul Bator at Constitution Subcommittee hearings.

My legislation is also based on section 5 of the 14th amendment. That section specifically grants Congress the power "to enforce, by appropriate legislation, the provisions of" the amendment. By specific language, this constitutional provision grants Congress authority to legislate remedies for violations of equal protection. While I do not believe, Mr. President, that this section grants Congress the power to define the substantive content of the Constitution as the Supreme Court appeared to allow in the case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1866), it does clearly confer upon Congress authority to decide what remedies are most appropriate for enforcement of those guarantees. If section 5 meant what the Katzenbach court seemed to allow, then the National Legislature could define the meaning of "due process" "privileges and immunities," and countless other constitutional phrases in a manner which would void State legislation on almost any subject and replace it with a Federal statute. For this reason, I do not intend by citing section 5 as authority for this bill to give the mistaken impression that Congress may use section 5 as a rationale for rewriting the Constitution.

The section does, however, place Congress in a leading role in the selection of remedies for violations of the 14th amendment. Therefore, it is entirely proper for Congress to determine that assignment of students to public schools on the basis of race is not an appropriate or effective remedy for unconstitutional segregation. The manner in which Congress would choose under this bill to limit this counterproductive remedy, if indeed this could be called a remedy at all, is to withdraw the jurisdiction of lower Federal courts to issue orders that would assign students to schools on the basis of race.

This bill implements Congress article III authority to withdraw the jurisdiction of lower Federal courts to order busing. Those courts may still entertain lawsuits alleging racial discrimination and may use any remedy, including those mentioned in section 3 of this bill, but they may not employ busing. This bill does not, however, limit or affect in the slightest the power of the State courts or the Supreme Court on appeal to use whatever remedies they may deem appropriate. This provision should insure that the policy enunciated by Brown and incorporated into the Civil Rights Act is implemented in Federal courts, that is, race is not to be a factor in school assignments.

In some instances, the Supreme Court already has found egregious constitutional violations and imposed as "a last resort" an order assigning students to schools on the basis of race. See *Swann* v. *Charlotte*, 402 U.S. 1 (1971). The bill does not automatically vacate existing busing orders. Instead, it authorizes school board authorities or other individuals subject to such orders to reopen these cases and subject them to a new standard. If the court cannot make four conclusive findings based on clear and convincing evidence, that party will be entitled to relief from the order. The four findings will require the court to reconsider its former rulings in light of the policies of this bill as expressed by the findings sections.

Unless the court can make the findings under the difficult evidentiary burden of "clear and convincing evidence," the order will be vacated. The four findings are: First, the act which caused the order to be instituted intentionally caused, and in the absence of continuance of the order, will continue intentionally to cause, students to be excluded from public schools on the basis of race; in making this finding the court must look for evidence of wrongful intent, not merely a showing that some amorphous notion of racial balance was not achieved; second, the totality of circumstances have not changed; in making this finding the court should determine whether the passage of time and the effect of this act have provided relief from intentional segregation; third, no other remedy, including those in this bill, would halt the intentional segregation and make busing unnecessary; and fourth, the economic, social, and educational benefits of the order have clearly outweighed the economic, social, and educational costs of the order.

Mr. President, I would hasten to add that this new standard for reopening cases which have imposed busing would not amount to a balancing of constitutional rights. Constitutional rights, of course, must not be made subject to a balancing test. We are not, however, discussing constitutional violations, but the appropriate remedy for an established violation. Once a violation is found, Congress may provide standards to help the courts find the best remedy. Those standards may include weighing the costs of the remedy against its benefits. A remedy which is no remedy at all but an egregious violation in its own right should not be tolerated. Assigning students to schools on the basis of race is just that—more of a constitutional violation than a constitutional remedy.

One further point, Mr. President, some commentators may ask why the bill needs to reopen busing cases at all. These commentators would observe that the Congress might simply deny lower Federal courts all power to enforce existing orders. Then the orders would remain on the books but would not be enforced. This last part of the comment is where the difficulty arises with that plan. While Congress can deny lower Federal courts the power to use a particular remedy, it cannot exercise similar authority over State courts. State courts would most certainly be asked to enforce the Federal courts' busing orders. State courts might feel compelled to enforce a Federal court order without the benefit of a new standard. Accordingly, this bill takes the precaution of stating explicitly that these existing orders will be reopened and the remedy imposed under that order reexamined under a new standard prescribed by Congress.

This bill, Mr. President, should provide the lasting solution necessary to deliver public schools from the torments of racial discrimination. As long as we attempt to frustrate the clear policy of Brown and the Civil Rights Act by treating individuals under the Constitution with anything other than a colorblind standard, we will continue to experience upheavals such as have rocked many of

our cities and States over the past few years. In conclusion, I would like to include a statement delivered by Prof. Lino Graglia at our hearings on the subject of schoolbusing and the 14th amendment. Professor Graglia provides deep insight into the character of the constitutional turmoil occasioned by misguided rulings that classify students on the basis of race.

Mr. President, I ask unanimous consent that the bill, and the article and statement mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows;

S. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public School Civil Rights Act of 1981".

SEC. 2. The Congress finds that—

(1) the assignment of students to public schools on the basis of race, color, or national origin, or in order to achieve balance or correct imbalance regarding race, color, or national origin in public schools—

(A) violates constitutional and legal guarantees that individuals shall not be denied equal protection of the law;

(B) violates constitutional and legal guarantees that individual rights shall not be abridged on the basis of race, color, or national origin;

(C) has failed to demonstrate educational benefits commensurate with the disruption caused by such assignment;

(D) has failed to demonstrate social benefits commensurate with the disruption caused by such assignment;

(E) has contributed to a significant deterioration of public schools in the districts subject to such orders regarding assignment by inducing large numbers of families to migrate away from such districts;

(F) has contributed to the deterioration of public education by removing the neighborhood school as the focus of such education;

(G) has disrupted the education of countless school children who must endure lengthy transportation to and from school each day, and, as a result, must often forego participation in extracurricular activities occurring after school;

(H) has eroded community commitment to public schools and public education;

(I) interferes with the right of parents to make decisions regarding the education of their children;

(J) disrupts racial harmony by characterizing and classifying students on the basis of race or color and assigning them to schools on such basis;

(K) diverts significant amounts of financial resources away from direct improvement of the quality of education;

(L) usurps the responsibilities and traditional functions of State and local authorities to provide an educational system meeting the distinct needs of the community; and

(M) undermines public respect for the Government and its system of administering law and justice;

(2) past unconstitutional segregation, such as racial segregation enforced by law, is not a significant cause of existing racial imbalances in public schools,

(3) since assignment of students to public schools on the basis of race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination by the Government in violation of the fourteenth amendment, and

(4) whatever the basic cause of racial imbalance in the public schools, assignment of students to public schools on the basis of race, color, or national origin results in more segregation of the races by inducing large numbers of nonminority families to migrate away from school systems subject to such assignment or by inducing large numbers of nonminority families to seek alternatives to public school education.

SEC. 3. (a) The Congress finds the remedies listed in subsection (b) are available for unconstitutional segregation exclusive of court orders which assign students to public schools on the basis of race, color, or national origin, finding that such orders themselves have the effect of excluding students from public schools on the basis of race, color, or national origin.

(b) The remedies which the Congress finds are available are—

(1) legal injunctions suspending all implementation of a segregative law or other racially discriminatory Government action;

(2) contempt of court proceedings where such injunctions are not scrupulously obeyed;

(3) programs without coercion or numerical quotas or specific goals based on racial balance that permit students to voluntarily transfer to other schools within the school district where they reside;

(4) advance planning in construction of new facilities to provide nondiscriminatory education within the students' neighborhood; and

(5) other local initiatives and plans to improve education for all students without regard to race, color, or national origin.

SEC. 4. The Congress, pursuant to its authority and powers granted under article III of the Constitution, and under section 5 of the fourteenth amendment to the Constitution, enacts the provisions of this Act in order to protect public school students against discrimination on the basis of race, color, or national origin.

SEC. 5. Section 1343 of title 28, United States Code, is amended by designating the current language as section (a) and adding at the end thereof the following:

"(b)(1) Not withstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any order requiring the assignment or transportation of students to public elementary or secondary schools on the basis of race, color, or national origin or to issue any order which excludes any student from any public school on the basis of race, color, or national origin.

"(b)(2) In the case of court orders entered prior to the date of this Act that require, directly or indirectly, the assignment or transportation of students to a public elementary or secondary school on the basis of race, color, or national origin or which excludes any student from any school on the basis of race, color, or national origin, any individual or school board or other school authority subject to such an order shall be entitled to seek relief from such order in any court and unless that court can make conclusive findings based on clear and convincing evidence that—

"(1) the acts that gave rise to the existing court order intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis or race, color, or national origin; for purposes of this finding, these "acts that gave rise to the existing court order and intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of race, color, or national origin" (including but not limited to school district reorganization, school boundary line changes, school construction, and school closings) shall not include legitimate efforts to employ public education resources to meet public education needs without regard to race, creed, or national origin.

"(2) the totality of circumstances have not changed since issuance of the order to warrant reconsideration of the order,

"(3) no other remedy, including those mentioned herein, would preclude the intentional and specific segregation,

"(4) the economic, social, and educational benefits of the order have outweighed the economic, social, and educational costs of the order,

then such plaintiffs shall be entitled to relief which is consistent with the provisions of this subsection and the Public School Civil Rights Act of 1981 from such order."

THE 74TH AMENDMENT AND SCHOOL BUSING

(By Lino A. Graglia)

In order for Congress to know what it can do about the busing requirement, it must first understand exactly what the busing requirement is. That, unfortunately, is not a simple matter. This is an area in which what the courts say they are doing and what they do in fact are often two quite different things. It is an area in which words are often used to mean the opposite of what they are ordinarily understood to mean; for example, a constitutional prohibition of the assignment of children to school on the basis of race can turn out to be a constitutional requirement that children be assigned to school on the basis of race.

The most important thing to know about the constitutional law of this area is that, in theory at least, there is no constitutional requirement of school racial integration or "balance." All that the courts require, they tell us, is compliance with Brown's prohibition of de jure segregation, segregation compelled by law or by other racially discriminatory government action. The basic requirement, supposedly, is that children be assigned to school without regard to their race, free of all racial discrimination. In theory, the Constitution, since Brown, prohibits segregation, but does not require integration; the existence of racially imbalanced or even one-race schools is not, the Supreme Court has many times stated, a constitutional violation.

But why then do the courts require busing? Is it not obviously a requirement of school racial integration, and does it not necessarily require the assignment of children to school on the basis of race? No, the courts tell us, they do not require integration as such, but only "desegregation," something very different and that is, in fact, simply the requirement, of Brown. Busing for "desegregation" may look a lot like busing to compel integration to those untutored in constitutional law, but they are nonetheless, for those learned in constitutional law, crucially different.

The basic differences are that, first, a requirement of integration would apply wherever school racial separation or imbalance exists, but a requirement of desegregation applies only where unconstitutional segregation exists—that is, there must be, not mere racial separation, which is not unconstitutional, but racial separation required by law or by the racially discriminatory action of government officials, which is a constitutional violation. Second, a requirement of integration would require school authorities to take whatever steps might be necessary to achieve complete school racial integration or balance, but a requirement of desegregation requires school authorities only to "remedy" the constitutional violation found, to undo the unconstitutional segregation—the requirement is, not to make the school system as racially balanced as possible, but only to make it as racially inte-

grated as it would be except for the constitutional violation found.

The courts' supposed requirement of desegregation looks so similar to a simple requirement of racial balance to most observers because in practice they are the same. The problem, in a word, is that the courts do not do in fact what they claim to do. As Justice Powell pointed in the Keyes case eight years ago, what the courts require and justify as "desegregation" is in fact simply compulsory racial balance; it is not the remedying of unconstitutional segregation, as the courts claim, but the undoing of racial imbalance, whatever its cause.

First, courts that order busing do not in fact require an actual showing that the racial imbalance existing in a school system is the result of racial discrimination by school authorities, i.e., unconstitutional segregation. In all or nearly all cases, it quite plainly is not; it is simply the result of the existence of areas of residential racial concentration, of the fact that people of the same race or ethnic group tend to reside in the same neighborhoods. Second, the courts do not in fact limit the busing they order to that necessary to "remedy" the constitutional violation (unconstitutional segregation) that they have supposedly found; they simply order that the schools be racially balanced, as if no school racial separation or imbalance would exist in the absence of racial discrimination by school authorities.

We must assume that the courts do not do in fact what they say they are doing only because they have been unable to make correct and accurate factual determinations as to the actual cause or causes of school racial imbalance. Congress, with its much greater resources for factual investigation, should itself determine the actual cause or causes of existing racial imbalance in our nation's public schools. This is a question subject to empiric investigation, and there are scholars professionally concerned with answering it. If Congress should find that, as would appear to be the case, racial discrimination by school authorities is not a significant cause of existing school racial imbalance, Congress should enact appropriate legislation, pursuant to its power to enforce the Fourteenth Amendment, to prohibit or limit busing.

If busing cannot be justified as a means of preventing or undoing racial discrimination by school authorities—i.e., as a means of enforcing Brown's prohibition of racial discrimination by government, as the courts claim—it becomes itself simply an unjustified practice of racial discrimination by government and, therefore, a clear violation of the Fourteenth Amendment. At a minimum, Congress should provide that all court-ordered busing cease unless it is actually shown in each case that existing school racial imbalance is the result of racial discrimination by school authorities, and Congress should further provide that if such a showing is made, any busing ordered should be specifically limited to that necessary to prevent or correct such racial discrimination.

The courts have apparently also been unable to determine accurately the effects of compulsory busing, particularly the longer-range effects, on school racial integration, educational effectiveness, equality of educational opportunity, and race relations. Again, these are matters subject to empiric investigation, and Congress should itself investigate and determine the facts as to these matters. If Congress should determine that, as would appear to be the case, court-ordered busing typically tends to produce more—rather than less, as the courts apparently believe—racial separation in the nation's public schools and to have an adverse impact on the educational effectiveness of the schools, on the provision of equal educational opportunity, and on race relations, Congress would have a further basis for enacting appropriate legislation, pursuant to its Fourteenth Amendment power, prohibiting or limiting court-ordered busing.

A further step Congress can take regarding the busing issue is to repeal Title IV of the 1964 Civil Rights Act which authorizes the Attorney General to bring suits to require "desegregation." This would be of very limited effectiveness as it would prevent the filing of suits only by the government and would not affect existing busing. It is, nonetheless, a step to be recommended. The 1964 Act explicitly defines "desegregation" as meaning "the assignment of students to public schools and within such schools without regard to their race" and, redundantly, as not meaning "the assignment of students to public schools in order to overcome racial imbalance." The Act, however, has been applied to exactly the opposite effect, to require the assignment of students to schools on the basis of race in order to overcome racial imbalance. If the Act were faithfully applied according to its terms, it could not be a basis for court-ordered busing. It would then also be unnecessary, however, because the assignment of children to public schools on the basis of race—except pursuant to court order—no longer takes place. Making the purpose of the Act more clear by amendment would not seem possible, and in any event, use of the Act according to its actual purpose would, as just noted, make it unnecessary. Simple repeal would remove all basis for argument as to the government's authority and would prevent further misuse of the Act.

In my opinion, Congress should also investigate the possibility of alternative means of ensuring equality of educational opportunity to all persons. It would seem desirable, for example, that in general students or their parents be given freedom of choice as to the school the student will attend in the school district or perhaps even in other districts, with transportation provided at public expense. Unfortunately, it does not appear that problems of educational underachievement can be solved primarily with money, but money should be made available and used in any ways that seem to hold promise. There is no question, of course, that predominantly minority schools must be funded, equipped, and staffed at least as well as predominantly white schools; in fact, it would seem clear that greater educational resources should be devoted to schools where there is greater educational need. In short, once it has determined that court-ordered is not the answer to our educational and racial problems, Congress should attempt to determine what might be at least part of the answer.

PREPARED STATEMENT

(By Paul M. Bator)

Mr. Chairman and Members of the Committee: My name is Paul M. Bator. I am Professor of Law at the Harvard Law School. I teach courses in Federal Courts and Federal Jurisdiction. I am coauthor of a leading text in the field of Federal Courts, Hart & Wechsler's The Federal Courts and the Federal System, Second Edition, and of other writings in that field.

I have been asked to testify about Congress' power to regulate and control the jurisdiction of the federal courts. I will divide my statement into two parts: the first deals with the jurisdiction of the inferior federal courts; the second with the jurisdiction of the United States Supreme Court.

CONGRESS' POWER OVER THE JURISDICTION OF THE INFERIOR FEDERAL COURTS

A

The Constitution contains many things which are not at all clear. It does contain a few that are clear. One of the clearest is the power of Congress to regulate the jurisdiction of federal "Tribunals inferior to the Supreme Court."

Article III of the Constitution provides that the "judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." This text, we know from the records of the Constitutional Convention, was the product of a compromise between those who thought that the Constitution itself should establish a full set of federal courts, and those who thought that the Constitution should authorize no federal courts inferior to the Supreme Court whatever. The purpose of the compromise was to leave it to legislative judgment, to be made from time to time, whether and to what extent lower federal courts are needed to assure the effectiveness and supremacy of federal law.

The Constitutional text itself makes clear that Congress is free to decide that there should be no lower federal courts at all. This would leave all questions of federal law (including the enforcement of federal rights) wholly to the state courts in the first instance, subject to review in the United States Supreme Court.

But the purpose of the compromise imbedded in Article III goes further than giving the Congress the all-or-nothing power to decide whether lower federal courts should exist. It leaves it to Congress to decide, having created lower federal courts, what their jurisdiction should be—that is, to decide which of the cases to which the federal judicial power extends should be litigated in the lower federal courts.

The position that Congress has this additional power to "pick and choose," to create lower federal courts and give them less than the entire federal judicial power, is not based primarily on the mechanical argument that the greater power (not to create such courts at all) must include the lesser (to create them but limit their jurisdiction). It is based on the fact that this reading is the only one consistent with the understanding which animated the compromise adopted by the Framers. The essence of that compromise was an agreement that the question of access to the lower federal courts as a way of assuring the effectiveness of federal law should not be constituted a matter of constitutional principle, but rather, should be left a matter of political and legislative judgment, to be made from time to time in the light of particular circumstances. It would make nonsense of that notion to hold that the only power to be exercised is the all-or-nothing power to decide whether none or all of the cases to which the federal judicial power extends need the haven of a lower federal court. The whole point of the compromise was the insight that the question whether a given "federal" case should initiate in a state court (subject to Supreme Court review), or in a lower federal court, is not an appropriate question for decision at the constitutional level, that Congress is the body best suited to make this institutional judgment on the basis of changing circumstances.

B

The position that the Constitution obligates Congress to create lower federal courts, or (having created them) to vest them with some or all of the jurisdiction authorized by Article III, has been repudiated by an unbroken line of authoritative judicial and legislative precedent.

From the very first Congress has acted on the premise that it is for it to decide which if any of the cases and controversies to which the federal judicial power extends should be litigated in the first instance in lower federal courts. The First Judiciary Act, passed by a Congress whose membership included many of the Framers, created lower federal courts but gave them only a small

portion of the federal judicial power. Cases arising under federal law could not generally be brought in the lower federal courts until 1875; and even thereafter, a jurisdictional amount limit put many such cases in the exclusive original jurisdiction of the state courts.

Nor has this exercise of Congressional power been a one-way ratchet. Congress has consistently felt free to restrict lower court jurisdiction even after it has been given. It has on numerous occasions raised the jurisdictional amount. It has both expanded and restricted the diversity and removal jurisdictions. It has excluded from the jurisdiction of the lower federal courts special categories of cases—most significantly in measures such as the Norris LaGuardia Act, the Johnson Act of 1934, and Tax Injunction Act of 1937.

Further—and notwithstanding contrary dicta by Justice Story in Martin v. Hunter's Lessee—the Supreme Court has upheld Congress' exercise of this power in an unbroken line of authoritative precedent. Indeed, the dramatic fact is that not a single Supreme Court case can be cited which casts the slightest doubt whatever on the validity of the hundreds of statutes which have been premised on the notion that it is for Congress to decide which if any of the cases to which the federal judicial power extends should be litigated in the first instance in the lower federal courts.

The most recent authoritative statement of the meaning of the Constitution in this respect is the opinion of the Supreme Court in Palmore v. United States, 411 U.S. 398 (1973). Here is the relevant passage:

"Article III describes the judicial power as extending to all cases, among others, arising under the laws of the United States; but, aside from this Court, the power is vested 'in such inferior Courts as the Congress may from time to time ordain and establish.' The decision with respect to inferior federal courts, as well as the task of defining their jurisdiction, was left to the discretion of Congress. That body was not constitutionally required to create inferior Art. III courts to hear and decide cases within the judicial power of the United States, including those criminal cases arising under the laws of the United States. Nor, if inferior federal courts were created, was it required to invest them with all the jurisdiction it was authorized to bestow under Art. III. '[T]he judicial power of the United States . . . is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) . . . and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good.' Cary v. Curtis, 3 How. 236, 245 (1845).[1] Congress plainly understood this, for until 1875 Congress refrained from providing the lower federal courts with general federal-question jurisdiction. Until that time, the state courts provided the only forum for vindicating many important federal claims. Even then, with exceptions, the state courts remained the sole forum for the trial of federal cases not involving the required jurisdictional amount, and for the most part retained concurrent jurisdiction of federal claims properly within the jurisdiction of the lower federal courts."

In light of this clear—and consistent—line of authority in the Supreme Court, occasional lower-court dicta which espouse the opposite view do not have authoritative weight.

C

You will have noticed, I hope, that I am not arguing that Congress has plenary power to determine what if any rights shall be enforceable in court. I believe that the Constitution does guarantee that, under certain circumstances, there shall be access to courts, that due process does in some cases mean judicial process. (It is, consequently, my opinion that Congress is not free to control the jurisdiction of the state courts so as to foreclose the vindication of the constitutional right to judicial review.) But the Constitution is indifferent whether that access is to a federal or a state court. If the Congress decides that a certain category of case arising under federal law should be litigated in a state court, subject to Supreme Court review, neither the letter nor the spirit of the Constitution has been violated. What has happened is that Congress has taken up one of the precise options which the Constitutional Framers specifically envisaged. From the viewpoint of the Constitution, nothing has gone awry.

D

It is commonplace that the Congress' power to regulate the jurisdiction of the lower federal courts cannot be exercised in a manner which violates some other Constitutional rule. In that sense—and in that sense only—it can be said that Congress' power is not plenary. Thus if Congress provides that only Catholics may bring suits in the lower federal courts, this would be invalid—not because non-Catholics have a constitutional right of access to lower federal courts, but because the Constitution prohibits any Congressional action which discriminates among religious denominations.

Similarly, a statute which said that Whites only may resort to the district courts would be invalid. The reason, again, is that, in the absence of some compelling and valid purpose, Congress is not free to make distinctions among the races for any purpose whatever.

Furthermore, I would concede that a Congressional statute which regulated the lower courts' jurisdiction in a wholly arbitrary manner ("only plaintiffs who are more than six feet tall may sue in the district courts") would violate the Due Process Clause.

It is, however, a fundamental and egregious mistake to broaden this argument into an assertion that Congress is not free to differentiate among different subject matters, and to specify categories of cases arising under federal law which may or may not be brought to the lower federal courts. Unlike legislation which makes distinctions on the basis of race or religion, there is no independent constitutional rule which says, absolutely or presumptively, that various categories of federal question litigation must somehow be treated jurisdictionally alike. There is no independent constitutional value which says that it is absolutely or presumptively illegitimate or undesirable or suspect to decide that one category of federal right shall be enforced originally exclusively in the state courts, whereas another may be litigated in the lower federal courts. Indeed, it was the very purpose of the Article III compromise to give Congress the power to make precisely these distinctions.

I therefore have no doubt whatever that a statute which provided that cases challenging the validity of state legislative apportionments, or cases challenging the validity of state statutes regulating abortions, may not be brought in the lower federal courts (but must be litigated initially in the state courts, subject always to Supreme Court review), would, if technically correctly drafted, be invulnerable to constitutional challenge. (I stress that there are difficult technical problems in drafting such statutes so as to survive challenge. Congress is free to decide that a lower federal court may not hear a given category of cases or controversy at all. But it cannot allow such a court to take jurisdiction and then command it to decide the case in an unconstitutional manner.

Intricate problems of draftsmanship, therefore, arise when statutes seek to remove federal court jurisdiction over certain types of questions. Such a statute would, if correctly drafted, be valid because it would exemplify the very power which the Framers sought to give Congress; the power to decide that federal interests are best maintained by requiring certain cases to which the federal judicial power extended to be initiated in the state—rather than the lower federal—courts.

E

I have heard various arguments contrary to this position, but find none of them impressive.

(a) The argument advanced by Justice Story, that Article III requires the Congress to vest the entire quantum of federal judicial power in federal courts, has been rejected by an unbroken line of Congressional and Supreme Court precedents, running from the time of the first Congress to the present. It not longer deserves to be taken seriously.

(b) It is sometimes argued that, notwithstanding the clearly expressed plan of the Framers, changing circumstances show that lower federal courts are an absolute necessity and that we should therefore override the original understanding and restrict Congress' power. The argument seems to me to be wholly illegitimate and without authority. Indeed the argument refutes itself: the fact that circumstances are, today, different than they were in 1789 with respect to the need for and role of lower federal courts, supports the wisdom of the Framers' compromise rather than furnishing an excuse for its abandonment.

(c) It is sometimes asserted that Congress does not have the authority to carve out special categories of cases arising under federal law and remit those to the exclusive original jurisdiction of the state courts.

It is unclear just why this is asserted to be so. If it is asserted that this "discriminates" against a certain category of federal right, the answer must be that such discriminations—that is, the power to pick and choose among different categories and subject matters of federal cases—is precisely the power that Article III sought to grant. Ultimately the assertion must rest on the notion that there is a constitutional right as such to litigate certain categories of cases in the lower federal courts—a notion which seems to me to be plainly erroneous.

(d) A somewhat narrower argument is that if it is shown that Congress' motive in requiring a certain category of case to be brought in the exclusive original jurisdiction of the state courts is "hostility" to the substantive constitutional right in question, it can be struck down. But I do not understand how such a rule could be administered. What would be an adequate indication of hostility? The New Deal Congress, in 1934 and again in 1937, moved by serious reservations about the constitutional doctrines which restricted the states' regulatory and taxing authority under the Due Process Clause, provided that constitutional suits to restrain the enforce-

[1] This was the view of the Court prior to Martin v. Hunter's Lessee, 1 Wheat. 304 (1816). Turner v. Bank of North America, 4 Dall. 8 (1799); United States v. Hudson, 7 Cranch 32 (1812). And the contrary statements in Hunter's Lessee, supra, at 327–339, did not survive later cases. See for example, in addition to Cary v. Curtis, 3 How. 236 (1845), quoted in the text, Rhode Island v. Massachusetts, 12 Pet. 657, 721–722 (1833); Sheldon v. Sill, 8 How. 441 (1850); Case of the Sewing Machine Companies, 18 Wall. 553, 577–578 (1874); Kline v. Burke Construction Co., 260 U.S. 226, 233–234 (1922).

ment of state tax statutes and public utility rate orders must ordinarily be brought in the state courts. Are these statutes invalid? No court or commentator—and certainly no "liberal"—has so suggested in the past 40 years. Why is a statute, providing that suits to restrain the enforcement of a state statutes regulating abortions must be brought in the state courts, different?

The fact is that the notion that it is illegitimate for Congress to express concerns about substantive constitutional matters through the technique of jurisdictional regulation is itself erroneous. That is just what Congress did, as I just said, in the Johnson Act of 1934 and the Tax Injunction Act of 1937. (It acted in an analogous manner in the Norris LaGuardia Act.) Such jurisdictional statutes rest on a rational and legitimate notion: that our federalism benefits if certain types of constitutional issues are subject to the insights of the state (rather than the lower federal) courts before they reach the United States Supreme Court. The state courts, equally with the federal, are charged with the task of enforcing and protecting federal constitutional rights.

To give them the task of doing so—subject to Supreme Court review—may manifest concern with or even disagreement with existing constitutional doctrine, but does not subvert it. Such a decision may quite legitimately rest on two allied notions: that in interpreting the constitutional provisions which restrict state power, it may be wise in the first instance to have access to the insights of the tribunals which are closest to the problem at hand; and, second, that it may be politically healthy to give the state courts the opportunity in the first instance to enforce federal constitutional restrictions on state power.

F

I conclude that a correctly drafted statute which does nothing more than provide that a given category of case or controversy arising under the Federal Constitution or laws shall revert to the exclusive original jurisdiction of the state courts is valid,[2] so long as it does not create discriminations which the Constitution independently prohibits and is not wholly irrational and arbitrary. More particularly, my submission is that it is clearly within Congress' power to determine that certain categories of constitutional litigation must in the first instance be brought in the state courts, subject to Supreme Court review.

G

I should stress that the fact that Congress has power to do something is not an argument that it should exercise that power. Nothing in my testimony should be taken to be an endorsement of any particular proposal with regard to the jurisdiction of the lower federal courts. Indeed, my general view is that Congress should be most cautious in creating special jurisdictional rules for special categories of constitutional litigation. It seems to me that such statutes are dangerous because they seem to be premised on the very argument which animates those who assert that Congress lacks this power—the argument that state courts may be expected to give federal constitutional rights less vigorous enforcement than the lower federal courts.

On the other hand, this kind of jurisdictional regulation is quite legitimate if it is the conscientious judgment of Congress that a given category of federal constitutional litigation may benefit from the special insights which state courts can provide into matters that touch closely the regulatory and political authority of the states. And I stress again the point with which I started. The Constitution has relatively few things in it which are clear; it seems to be most regrettable that law professors should try to muddy even such clear waters. There are many legitimate reasons for not favoring legislation that restricts the power of the lower federal courts to adjudicate abortion cases, or apportionment cases, or some other category of cases. But doubts about Congress' power to enact these statutes is not one of them.

[2] I am assuming that the case is not within the Supreme Court's original jurisdiction.

ADDITIONAL COSPONSORS

S. 569

At the request of Mr. JEPSEN, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 604

At the request of Mr. WEICKER, the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 604, a bill to amend the Communications Act of 1934 to provide that telephone receivers may not be sold in interstate commerce unless they are manufactured in a manner which permits their use by persons with hearing impairments.

S. 807

At the request of Mr. ROTH, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 807, a bill to reform the laws relating to the provision of Federal assistance in order to simplify and coordinate the management of Federal assistance programs and requirements, provide assistance recipients with greater flexibility, and minimize the administrative burden and adverse economic impact of such programs and requirements.

S. 1018

At the request of Mr. CHAFEE, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1348

At the request of Mr. SASSER, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1348, a bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds.

S. 1451

At the request of Mr. CANNON, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1451, a bill to amend the Internal Revenue Code of 1954 with respect to the exemption from tax of veterans' organizations.

S. 1479

At the request of Mr. METZENBAUM, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1479, a bill to amend the Internal Revenue Code of 1954 to exclude from the income of an employee certain adoption expenses paid by an employer, to provide a deduction for adoption expenses paid by an individual, and for other purposes.

S. 1498

At the request of Mrs. KASSEBAUM, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arizona (Mr. DECONCINI), the Senator from Alabama (Mr. DENTON), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1498, a bill to establish an office in the National Institutes of Health to assist in the development of drugs for diseases and conditions of low incidence.

S. 1626

At the request of Mr. NICKLES, the Senator from Texas (Mr. BENTSEN), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1626, a bill to amend the Department of Energy Organization Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, to reform and improve the regulation of oil pipelines, and for other purposes.

S. 1635

At the request of Mr. WEICKER, the Senator from Wisconsin (Mr. KASTEN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1635, a bill to delay the application of Revenue Ruling 81–216 until January 1, 1983.

S. 1752

At the request of Mr. HEINZ, the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1752, a bill to amend the Home Owners' Loan Act to increase the lending, investment, and operating authority of Federal mutual savings banks.

AMENDMENT NO. 560

At the request of Mr. GLENN, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of amendment No. 560 proposed to S. 1196, an original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

SENATE CONCURRENT RESOLUTION 43—CONCURRENT RESOLUTION GRANTING THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

Mr. SIMPSON (for Mr. THURMOND), from the Committee on the Judiciary, reported the following original concurrent resolution; which was placed on the Calendar:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1254):

A5–961–562, Bluestein, Nathan;
A7–899–438, Cemlier, Ivan;
A12–613–969, Lew, Don Hing;
A7–398–356, Woo, Yung Ming;

NOTICES OF HEARINGS

SUBCOMMITTEE ON CRIMINAL LAW

Mr. MATHIAS. Mr. President, the Subcommittee on Criminal Law of the Judiciary Committee will hold a hearing at 10

a.m. on Friday, October 23, on the final report of the Attorney General's Task Force on Violent Crime. The session will take place in room 2228 of the Dirksen Building. The Attorney General will be our sole witness. For further information about the hearing, please call Mike Klipper at 224–5618.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Labor Subcommittee of the Labor and Human Resources Committee will hold 3 days of hearings on S. 1541, the Retirement Income Incentives and Administrative Simplification Act of 1981, on November 4, 9, and 12 in room 4232 of the Dirksen Senate Office Building. The hearing on November 4 will begin at 9 a.m.—hearings on the 9th and 12th will begin at 9:30. Members of the public wishing to testify should submit a written request as soon as possible. Please note the change in date from November 5 to November 9.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government Processes of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, October 22, to hold a hearing on reclamation of surface mine prime farmlands.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 22, at 9:30 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FAMILY PROTECTION ACT

● Mr. GARN. Mr. President, as many of my colleagues have, I have been surprised at the reaction to the introduction by Senator JEPSEN of the Family Protection Act. I know that things are not always exactly what they seem, but this is ridiculous. One would think Senator JEPSEN had introduced the Family Destruction Act.

Mr. President, I was a cosponsor of the Family Protection Act introduced by Senator LAXALT in the last Congress. I have also cosponsored the bill this year, and I want to assure the Senate that I am not trying to destroy the family.

Actually, the response to the Family Protection Act has not been all bad, just mostly bad. Those who have actually taken the time to sit down and read the bill, or to talk with its sponsor, have come to the appropriate conclusion that this is a bill designed to relieve some of the pressures on families that governmental action has imposed in recent years.

Some of the provisions of the Family Protection Act have already been adopted into law, and I have not noticed the foundations of the Republic crumbling. My guess is that the rest of it could be adopted without any harmful effects, either.

Mr. President, I would like to insert into the RECORD an editorial from the Des Moines Register, making the same point I have just made: That those who read the bill discover that it is not the plague many editorial writers assume it is. I think my colleagues will profit from this column written by Ian Binnie, a member of the Des Moines School Board.

The editorial follows:

KIND WORDS FOR FAMILY PROTECTION ACT

(By Ian Binnie)

Senator Roger Jepsen's Family Protection Act has received a universally bad press, but, considering the media's love affair with the now-discredited liberal intelligentsia, this is hardly surprising.

Having had an opportunity to read the act and to discuss it with the senator, I wonder how many of its critics have bothered to do likewise. The ones who claim to have read it, finding little in it that any normal person would object to, are reduced to cautioning us to read between the lines (and no doubt look under the bed) to find the wild-eyed right-wingers lurking there.

The average American will have no problem defining the family or identifying with it; it consists of parents, children and sundry other individuals related by blood, marriage or adoption. It does not include loose and temporary associations whose only bond is the economic advantage of sharing food stamps, pad and pot.

The very word "family," of course, sets up a kneejerk disapproval reaction in the radical homosexual-feminist coalition; the former with their sterile dead-end relationships regard the family with a mixture of envy and hatred, and the latter regard it as a form of slavery for women.

The act doesn't force anything on anyone; much of it simply gets the federal government out of areas that properly belong to the states. The argument that the federal government must act whenever the states won't is the argument that the Tenth Amendment to the Constitution was designed to guard against.

Requiring that the parents of a 14-year-old girl be consulted before she is given counseling in contraceptive techniques or abortion doesn't seem unreasonable to those who believe that parents should have at least some say in their children's upbringing. Allowing a tax break for those who keep their elderly parents at home instead of shunting them off to the present-day equivalent of the county poor farm makes both economic and humanitarian sense.

The extra tax break for those who would now like to, but cannot afford to, adopt a handicapped, older or bi-racial child could mean a good life for some children who might otherwise never have a decent chance. Allowing parents to set up a limited tax-free savings fund for their children's education merely extends the freedom of educational choice now available only to the rich.

The right of parents to have some say in what textbooks their children use cannot logically be criticized by those who have demanded and received the right to censor textbooks that minorities and feminists find offensive to them. And surely no liberal who regards a career as the right of every woman can object to allowing a company to write off the cost of operating a day-care center that makes that career possible.

The move to get tax-supported legal-services attorneys back to their proper jobs and out of the advocacy business is timely. Outgoing president John Adams tried to perpetuate his philosophy of government and thwart the will of the people by using the courts, which he had stacked in his favor, to oppose the programs of incoming president Thomas Jefferson. Our outgoing liberals, with the courts and the bureaucracies stacked in their favor, are trying similar tactics to thwart the program that Ronald Reagan campaigned and won on.

The problem of prayer in schools, which wasn't a problem until the Supreme Court made it one with its rather bizarre interpretation of the First Amendment, is a problem that simply has to be faced, and the act chooses to face it now. In any event, the Supreme Court will have to recognize sooner or later that the First Amendment not only forbids the establishment of religion but protects the free exercise of it as well.

The act does not attack homosexuals, but merely requires that any proselytizing they do be done at their own expense, not at the expense of the federal taxpayer. The $371,000 spent recently to relocate Cuban and Haitian homosexuals was a favor granted to no other special-interest group.

The traditional role of women has been denigrated by the radical feminist movement; these strident viragos have trumpeted their opinion in tax-supported forums that raising children is degrading and that only a "career" will properly "fulfill" a woman.

That it is always a "career" and not just a job is an indication of the upper-middle-class elitism of this well-dressed movement. In this scenario, women are to trade the living room for the operating room or the courtroom, not the factory floor or other less desirable tasks that most women will have to accept, as do most men. We need take this group seriously only when Aigner and Pappagallo start making steel-toed safety shoes.

What are the chances of the Family Protection Act's passage? Given the climate of the times, they have to be rated good to excellent. Senator Paul Laxalt (Rep., Nev.) is the co-sponsor, which usually indicates White House approval, and anyone who underrates that fact simply hasn't been paying attention.

But the question may be moot; much of what is in the act probably will be passed in other acts before the Family Protection Act itself comes up. However, the act is valuable as a statement of principle for America's new beginning.●

ACTION NEEDED ON ACID RAIN

● Mr. DODD. Mr. President, the Clean Air Act of 1970 and subsequent revisions were designed to protect the American people from air pollution that jeopardizes their health and welfare. A recent article published in Chemical and Engineering News provides perhaps the most balanced assessment to date of one of the most serious emerging threats to that objective—acid rain.

The evidence is rapidly mounting that acid rain presents a very real and present danger. Some of the documented effects are the destruction of lakes and streams together with the wildlife associated with these natural resources. Even more alarming is the fact that acid rain may pose direct human health hazards by leaching toxic metals into drinking water supplies.

Studies of the causes of acid rain, make it increasingly apparent that man-made sources of sulfur dioxide and nitrogen oxides are the chief causes of the increasing acidity of precipitation. This

is particularly true in the Eastern United States and Canada.

Last week I joined Senator MITCHELL, and others of our colleagues in introducing S. 1706, the Acid Deposition Control Act, to address this problem. This legislation is essential if we are to avoid increasing economic losses and irreversible environmental degradation already being experienced in parts of the United States and Canada and even more severely in Germany and Scandinavia.

Ms. Lois R. Ember's Chemical and Engineering News article provides a comprehensive and balanced overview of the issues and controversies surrounding the acid rain phenomenon. I strongly urge my colleagues to read her article as they consider S. 1706 and ask that the article be printed in the RECORD.

The article follows:

ACID POLLUTANTS: HITCHHIKERS RIDE THE WIND

(By Lois R. Ember)

In Canada it has been called an "ecological holocaust." In the U.S., Office of Management & Budget director David Stockman has denied its existence. Canadians are concerned that their major industries—fisheries and lumber—may be devastated by the acid onslaught. Midwestern coal miners fear the loss of their jobs. Acid rain may not be the most important environmental issue of the decade—global carbon dioxide buildup may be a more intractable problem—but it undoubtedly qualifies as the most emotional.

Canada is bearing down on the U.S. to regulate those pollutants that cross the border with the winds and rain down on the provinces as acids without linking the problem to other issues such as energy exports. The U.S. is trying to appease the Canadians short of legislating, buying time to understand the problem before it regulates.

At stake in this high-rolling political game are the economies and social well-being of both nations. The chips are lakes and aquatic life, forests, agricultural lands, monuments, buildings, cars, and perhaps even health. In the balance is the risk of ecological damage or economic disaster—or both. And while the dice are rolling, acid rain's bitter potion of scientific conundrums and political quandaries has the corrosive potential to rent the federation—pitting state against state or region against region—and to sever the long-standing alliance between the U.S. and Canada.

In short, acid rain may well be the catchy shorthand term for the environmental paradigm of our times. It is the result of a technological fix: Tall stacks, built to eject pollutants high into the atmosphere where they could hitch rides on prevailing winds, solved local air pollution problems but failed to repeal one of Newton's laws—what goes up must come down. Local air pollution problems became regional ones. So for all our technological cleverness, we may be becoming servants rather than masters of technology, warns San Diego University biologist Mary E. Clark.

Servant or master aside, acid rain also spotlights two other modern dilemmas. One—the basic conflict between the need to respond quickly to ameliorate a problem and the need to gather enough scientific information to respond responsibly. The other—that pollution is often the by-product of some action beneficial to society and the cost of pollution must compete with the cost of controlling it.

Like its brethren issues, global carbon dioxide buildup and stratospheric ozone loss, acid rain recognizes no state or national boundaries. As such, it becomes a unifying principle that defines the global village. Canada's Governor General Edward Schreyer reminded President Ronald Reagan of this on Reagan's visit to Canada in March. "If this is the era of the global village," Schreyer said, "then welcome to the house next door."

He might also have pointed out that the shared airshed between Canada and the U.S. is a village commons that can't be "overgrazed" lest, in biologist Garret Hardin's words, "the tragedy of the commons" besets both nations.

In this instance, the commons is being overburdened with the byproducts of industrial activity, electric power generation, and transportation. Sulfur dioxide and nitrogen oxides spewed from these sources are further oxidized in the atmosphere. If they fall back to Earth near the source as dry gases or particles, a small percentage will later combine with precipitation to form acids. But, if they are sent aloft through tall stacks they can travel the prevailing westerly winds for hundreds of miles over a period of several days. During this travel they can be transformed chemically into sulfuric and nitric acids that are scavenged by precipitation and fall on leaves, soils, lakes, and man-made objects as rain, snow, sleet, and fog. Both dry and wet deposition are colloquially lumped together as "acid rain."

How the acid precursors are chemically "processed" is poorly understood. But the classical photo-chemical gas-phase reaction between sulfur dioxide or nitrogen oxides and the hydroxyl radical is now believed to play a less dominant role. More important, some scientists believe, is the processing factory residing in the clouds; tantalizing hints from field experiments point to hydrogen peroxide or another oxidant as the processor that manages the rate of conversion of precursor to acid.

Whatever the transformation mechanisms may be, acid rain with a pH of 3 to 4 is falling over the eastern U.S. and southeastern Canada. Florida and the Carolinas report acid rain. The sensitive Boundary Waters Wilderness Area of Minnesota is receiving an acid onslaught from both the U.S. and Ontario. Isolated spots in Oregon, Washington, and British Columbia are measuring precipitation at pH levels below 5.6, the conventional cutoff between acid and alkaline precipitation (pH 5.6 is the value of atmospheric carbon dioxide dissolved in water). And in 1980, scientists from the University of Colorado reported "unexpectedly low pH values" of precipitation collected in the Como Creek watershed, high in the Rocky Mountains, 4 miles east of the Continental Divide. More recently, acid fog with a pH of 3 has been recorded in Los Angeles.

In contrast to the composition of acid rain falling in the eastern U.S. and Canada, the precipitation falling at Como Creek appears to be dominated by nitric acid. In the East, sulfuric acid, by a factor of two, appears to be the main component of acid rain.

Although there are natural sources of acid—lightning, volcanic eruptions, anaerobic decomposition of organic matter, airborne sea salt sprays—most scientists would agree that the acid rain falling on Scandinavia, the U.S., Canada, and possibly Japan and China traces its origin to the combustion of fossil fuels.

In North America, a whopping 80% of sulfur pollution is generated east of the Mississippi River, mainly in pockets concentrated around Sudbury Ont., smelting facilities, and in the Ohio River Valley—Illinois, Indiana, Ohio, Pennsylvania, West Virginia, and Kentucky—where high-sulfur coal is burned largely unchecked in large power plants. Two thirds of the sulfur dioxide generated in the U.S. comes from thermal power generation, but industrial sources contribute a hefty share. In Canada, smelters are responsible for 40% of the sulfur dioxide produced. Transportation is the main source of man-made nitrogen oxides in both countries.

The airshed shared by the U.S. and Canada is a two-way corridor carrying pollutants in both directions, but not equally. In a point research effort, U.S. and Canadian scientists have determined that the net flux of sulfur compounds, the precursors to the dominant component of "eastern" acid rain, is from south to north. In fact, Canada claims that 50% of its acid rain originates in the Ohio River Valley, and that it sends back only 10 to 15% of the sulfur compounds contributing to acidity in the U.S.

No matter the extent of contribution, the prevailing winds carry the acid pollutants to areas in both countries least able to buffer them. The soils in the Adirondacks, Nova Scotia, Quebec, and Ontario are thin and low in alkalinity. The acidity that would be removed in well-buffered soils is, in these thin soils, allowed to percolate down to groundwater or to run off directly into lakes and streams essentially unneutralized. As a result, the chemistry and biology of the affected soils, vegetation, and waters are altered considerably.

The Scandinavians were the first to make the connection between fossil fuel combustion and atmospheric acidity. In the mid-1950's they set up a monitoring network across northern Europe. After 15 years of measuring for sulfates and nitrates they noticed a "dramatic change" in the composition of precipitation, explains Henning Rodhe of the University of Stockholm.

Winds sweeping over the industrialized areas of England and the Ruhr Valley of West Germany picked up and processed the acid precursors, only to dump them unceremoniously on vulnerable mountain lakes and and streams in southern Norway and Sweden. "Sulfate levels were going up and acidity was increasing," Rodhe says. At the same time, fish populations in those affected waters were declining. In 1959 Norwegian fisheries inspector A. Dannevig linked the two phenomena. Ten years later, Swedish scientist Svante Oden charted the spread of acidity in northern Europe.

Taking their cue from the Scandinavians, American scientists Gene Likens, F. H. Borman, and C. V. Cogbill, over a period of several years in the early 1970's, legitimized acid rain as an issue worthy of study in the U.S. Using the meager data available for the periods 1954–55 and 1972–73, they mapped what they believed to be increasing and spreading acidity. From a central core encompassing the Northeast and parts of the Ohio River Valley they mapped the spread of acidity south toward Florida, west toward Illinois, and north into Canada.

However, the marked increase in acidity (from pH 5.6 to about 4.5) from 1955 to 1973 noted by Likens and associates may be more apparent than real, claim scientists from the coal and utility industries. They cite the work of Richard Semonion of the Illinois State Water Survey.

Semonion contends that the higher pH values recorded or calculated for the mid-1950's were due to alkaline agents and calcium and magnesium kicked up by the dust storms of the drought-ravaged Northeast Midwest. When Semonin substituted more "normal" alkaline levels for the 1955–56 data, he found hot spots of pH levels ranging from 4.3 to 5.0 all across the U.S.

More recent precipitation data coming from two national networks (the National Atmospheric Deposition Program—NADP—and the Multistate Atmospheric Power Production Pollution Study—MAP3S—and the Canadian Network for Sampling Precipitation confirm Likens and his colleagues' finding of expanding areas of high acidity (pH 4.5 or lower), if not a trend for increasing acidity. Says Likens: "People are quibbling about this and that, but the fact is acid

rain is falling and at very high concentrations in the eastern U.S. and Canada. That area has increased in size rather dramatically since 1955; and we have confirmation that about 1930, the rain was not acid in the U.S." Nor was precipitation acid before the industrial revolution. Arctic snows that fell around 1800 and were preserved as ice in glaciers are generally above pH 5.6. The pH of ice cores from Greenland range even higher, from pH 6 to 7.6.

Yet there are disturbing, unresolved problems that make it difficult even to know what the true pH of "pure" rain ought to be, although some scientists believe it to be far below 5.6. Why, for example, are National Oceanographic & Atmospheric Administration scientists finding acidic precipitation (pH 4.7) in remote oceanic areas of the world? Are the sources natural emissions of reduced sulfur compounds from the ocean? Or are the sulfates imported over long distances from industrialized centers of the world?

Why is there no strong trend in acidity evident even at the longest (17 years) continuously operating monitoring station in the U.S. at Hubbard Brook Experimental Forest in the White Mountains of Vermont? "This is bothersome," says atmospheric chemist Ralph Cicerone of the National Center for Atmospheric Research, "because emissions of gaseous pollutants in the area to the west and south of Hubbard Brook, pollutants that feed the precipitation at Hubbard Brook, have increased, though not drastically." Yet this increase is not reflected in increased acidity as monitored at that site.

Other questions also go unanswered. Why is there a shift in dominance of acidity from sulfuric acid to nitric acid? Is it the result of changing source-emission patterns or source controls? Or is it, asks Cicerone, the result of some complicated, poorly understood, nonlinear chemical reactions? More sulfuric acid forms in summer than in winter, yet sulfur dioxide emissions remain fairly constant throughout the year. Can this fluctuation be explained by the same nonlinear reactions? Probably, but nobody knows for certain.

If there are so many unanswered scientific questions, why is there a clamor for regulating the sources of acid precursors? Quite simply, damage reports on fragile ecosystems in the Adirondacks, in southern Ontario, in Nova Scotia, and along the Minnesota-Ontario border in the Boundary Waters Wilderness Area are mounting.

Every environmental hazard has its own biological monitor. Canaries carried into mines warned miners of the presence of deadly but odorless methane gas. Dead fish may be the biological monitors for acid rain.

In 1975, Cornell University scientists surveyed 214 high-altitude Adirondack lakes. Eighty-two of these were devoid of fish; 51% had a pH of 5 or less, a value critical to the survival of fish. In contrast, in the 1930's only 4% of the lakes supposedly had a pH below 5.

According to aquatic biologist Martin Pfeiffer, there are some 2877 lakes and ponds in Adirondack Park. Since 1975, he and his coworkers at the N.Y. Department of Environmental Conservation (DEC) have surveyed 849 lakes. They found that 25% were "critically acidified below pH 5." More precisely, 264 lakes and ponds, totaling some 11,000 acres, have a pH of less than 5 and are incapable of supporting any viable sport fish. An additional 256 lakes and ponds, totaling some 63,000 acres, "are in danger of reaching a critical level of acidity" for fish, says Robert F. Cross, press aide to DEC commissioner Robert F. Flacke.

New York has been adding calcium compounds to lakes—a short-lived corrective measure—since 1959. Because of cost, the program has shrunk over the years. Today, Pfeiffer says, only six or seven lakes—about 200 acres—are limed to protect important native strains of brook trout or to provide fishing at campsites frequented by tourists. Pfeiffer is now determining the effectiveness of the liming treatment. This July his group collected water samples from previously limed waters. In general, their preliminary findings show liming to be effective, that is, able to maintain the pH at a level viable for fish for two to three years.

Like New York's DEC, Canada's Department of the Environment and the Ontario Ministry of Environment also have kept a fish death watch. They report that more than 140 lakes are so acidified that no fish swim in them. A staggering 48,500 additional lakes are threatened and could be fishless in a decade if no action is taken to reduce emissions soon. To the east, nine rivers in Nova Scotia, once teeming with salmon, now have a pH below 4.7 and are barren. Eleven more rivers are threatened.

Lakes in Minnesota also are being ravaged by acid. The Minnesota Pollution Control Agency has just completed a two-year survey of 170 lakes. It reports that the lakes show a decrease in alkalinity that correlates with the history of acid precipitation in the state. The agency expects the most sensitive lakes to go acid within this decade. Alan Watson, chairman of the environmental group, Friends of the Boundary Waters Wilderness, says 87 of those 175 lakes surveyed are in the 1 million acre Boundary Waters Canoe Area, and "83 percent of these lakes are classified as susceptible. Their buffering capacity is close to being overwhelmed." This confirms the 1979 findings of Environmental Protection Agency scientist Gary E. Glass.

Though widely dispersed, the sensitive lake regions in the U.S. and Canada share a common geological history. In the last Ice Age, 250 million years ago, the continent was glaciated. As the glaciers moved southward they scraped away the surface, hollowing out basins and pushing around soils. In the end, a random, thin mixture of soils with different buffering capacities was laid down. Today, adjacent watersheds may possess different abilities to buffer acidity, although Ontario Ministry of Environment limnologist Tom Brydges says "only a little bit of alkalinity in the watershed is needed to neutralize the small amount of acid falling in precipitation."

It is the soils in the watershed that neutralize more than 90 percent of the acid in precipitation. Only a small amount of acid ever gets to the surface waters directly, and that usually occurs during the spring when the accumulated snow melts, flushes rapidly into lakes and streams, and temporarily overcomes the buffering capacity of these waters.

The acid in rain is neutralized by dissolving and mobilizing metals from the soil. Among the metals mobilized is aluminum, which, in combination with high acidity, is toxic to fish. During snow melt, the mobilized aluminum is carried with the runoff to the surface water.

Carl L. Schofield of Cornell University, who along with colleagues climbed the Adirondacks in 1975 to test the waters of the lakes nestled in the high peaks, was one of the first to note the one-two punch packed by acidified (<pH 5) freshwaters containing high concentrations of aluminum. He also found that aluminum leached by organic acids—those found in naturally occurring acid bog lakes—is complexed in a form that is not toxic to fish. Since his finding, Canadians have documented the lethality of the combination to several species of invertebrates, zooplankton, and aquatic insects. Liken's group at Hubbard Brook is finding similar effects on aquatic invertebrates.

While acid rain is mobilizing from the soil aluminum, which now also can be taken up by plant roots, it is also stripping the soil of the valuable nutrients calcium, magnesium, sodium, and potassium. Nitrogen-fixing bacteria, which live in harmony with certain legumes, are slain by increasing acidity. Other microorganisms that thrive on organic litter and humus also are killed by high acidity; with their deaths, the soil is deprived of an important source of nitrogenous nutrients. Some of this loss, however, can be made up by the sulfates, nitrates, and ammonia in acid rain itself, which are required nutrients.

Because of the fertilizing benefits of the acids, some crops actually thrive in a rain bath of acid, and the harmful long-term effects that acid rain may have on forests now may be masked by this short-term shot of nutrients. The few simulated studies on crops that have been carried out by EPA under unnaturally high doses of acidity are inconclusive, and little field work exists. Under these artificial conditions yields of radish, beet, carrot, and broccoli were reduced. Acid loving plants like tomatoes thrived. Foliage of spinach and lettuce was damaged and therefore unmarketable, although the yield was unaffected.

Spruce, pine, aspen, and birch are particularly sensitive to enhanced acidity. The protective waxy surfaces of leaves can be stripped, leaving the tree vulnerable to drought and disease; root systems of toxic metals such as aluminum and perhaps manganese; and transpiration, photosynthesis and seed germination can be inhibited.

Acid rain, however, is just one of a variety of stresses affecting forest ecosystems. Ozone, sulfur dioxide, nutrient availability, drought and heavy metals also "impinge simultaneously on the system," Likens explains. "For whatever reason," Likens says, "the forests in New England appear to be rather unhealthy today."

Canadians are especially concerned about their forests—their number one industry. In eastern Canada alone where the soil is acid, thin, and highly susceptible to acid deposition, the forest industry is worth $4 billion annually and employs thousands of people. In all of Canada, the forest industry employs about 300,000 people, and product exports amounted to $11.5 billion in 1980

Domtar Inc., the largest forest products firm in Canada, sent George H. Tomlinson to West Germany to review the work of Bernard Ulrich and coworkers. For the past 15 years, Ulrich's group has been studying beech and spruce forests on Solling Plateau, downwind of West Germany's steel and industrial heartland. The West German group has noted serious changes in soil chemistry believed to be triggered by acid rain. These changes are reflected in the serious degradation of the beech and spruce forests. The condition of the beech forest is so serious that no palliative measure, including liming, is expected to save it.

Tomlinson reports that the West German group found that forests act as acid concentrators: Acid reaching the forest floor annually is two (beech) to four (spruce) times the acid in the rain entering the forest canopy. This is so because foliage and bark capture and oxidize sulfur dioxide present in the atmosphere in very low concentrations (dry deposition). The resulting acid is then added to the acid aerosols (very small acid particles) already deposited in the canopy from the air. When it rains both these acid sources are cleansed from the trees and fall to the forest floor.

The increased acid input has slowed the breakdown of humus, and carbon and nitrogen stores in the soil are increasing. The increased nitrogen in the soil undergoes additional reactions that generate more acid, further stressing the trees, mainly by

releasing inorganic aluminum into the so-called soil solution. This aluminum is toxic to the fine roots in the soil's mineral layer and they are damaged. The trees survive though they are severely stressed because the fine rootlets in the humus layer above are less affected by the organically complexed aluminum at that soil level. Although the trees' ultimate survival is in doubt, the West German group recommends liming as a remedial measure to rectify damage done by the altered soil chemistries.

The Scandinavians, who have been monitoring the effects of acid rain longer than anyone else, have yet to discern a decrease in productivity of their forests. Arne Tollan of the Norwegian Institute for Water Research, and one of the authors of a final report of an eight-year-long government-sponsored study of acid rain's effect on forest and fish, says, "There appears to be no serious decrease in forest growth because of the increase in nitrogen deposition accompanying acid precipitation. We are finding an increased leaching of calcium and magnesium in the soils, but at present the fertilizing effects of acid rain are dominant."

Folke Andersson, coordinator of Sweden's research on acid rain's effects on soils, forests, and water, explains that "75 percent of nitrogen needed by forests comes from the work of soil organisms." Laboratory studies show that increased acidity kills these microorganisms. "Over the long term we ought to see a decrease in forest productivity due to the decrease in organisms releasing nitrogen to the soil. We can't see this yet," Andersson says.

The Norwegian report makes clear beyond a doubt that precipitation in southern Scandinavia has become more acidic as a result of long-range transport of pollutants, and nitrogen oxides are contributing an ever increasing portion to this acidity. Because precipitation forms when air masses rise and cool, the mountainous area of southern Norway has been particularly affected. Here, all lakes in an area of 13,000 sq km are fishless, and an additional 20,000-sq-km area has severely depressed fish populations, Tollan says. The mobilization of aluminum from soils by acid water is cited as a major factor in the reduced fish populations. How altered land-use patterns may contribute to increased acidification and reduced fish stocks is not clarified in the Norwegian study. Nor are any health effects directly attributed to acid waters, although the fear is that acidified drinking water could leach the toxic metal copper from pipes delivering the water to homes. Andersson reports that children in towns along the southwest coast of Sweden, which receive the highest input of acid pollution, have contracted diarrhea from high copper levels in the drinking water. He also reports that fish in some lakes in this area have been declared unfit for human consumption because of high mercury content. There also is speculation that certain concentrations of aluminum and other metals in drinking water may be related to incidences of mental disorders, and that breathing acid sulfate aerosols may result in respiratory and cardiac problems.

U.S. and Canadian scientists came late to the problem—the first recognition that acid rain was falling on the U.S. was by Likens and colleagues in 1970—but they are making up for lost time. Acid rain is a growth industry: Every year there are more funds, more research, more scientific reports and more articles in magazines and newspapers. One Canadian scientist facetiously suggests that forests may be stressed more by the demand for paper for reports and articles than by acid from the sky.

Research activities abound in all sectors—federal, state, and provincial governments, universities, and private industries. With the signing of the Memorandum of Intent on Transboundary Air Pollution last August—the first step in negotiating an air quality treaty—five joint U.S.-Canadian research groups are now assessing the current state of knowledge.

Canada will spend $41 million (Canadian) over a four-year period on a coordinated federal effort: Ontario alone spends about $5 million (Canadian) a year on a vast array of atmospheric chemistry and ecological effects studies. President Reagan's budget for fiscal 1982 calls for a 75% increase in funds from $12 million last year to about $20 million in 1982 for the coordinated federal effort mandated under the Acid Precipitation Act of 1980 (Title VII of the Energy Security Act of 1980). Since 1977, the Electric Power Research Institute, the research arm of the electric utility industry, has spent $14.5 million—the single largest research effort on the continent, says EPRI's Ralph Perhac.

EPRI's universe of research includes transport, transformation, and deposition studies, ecological effects efforts, and even projects to develop hardware to collect dry deposited acids, which is a very weak link in understanding the acid rain problem. Perhaps the institute's best-known effort is its three-lake study in the Adirondacks. With EPRI funding ($5.5 million), six universities, Brookhaven National Laboratory, and the U.S. Geological Survey have been conducting "calibrated watershed" studies on three neighboring watersheds, each having its own lake. Similar to the work coordinated by Tom Brydges in Ontario, the EPRI effort is measuring every chemical moiety entering and leaving the watersheds.

Although carved out of the same low-calcium/low-buffering granite bedrock, and receiving the same atmospheric acid onslaught, one lake is very acidic, one is "moderately acidic" (pH 5.5 to 7.0), and the third is not acidic (pH 7). EPRI ask why.

Brydges explains that the glaciers impartially and haphazardly laid down soils, so that although a whole region may be low in alkaline agents, one small area may in fact have a better buffering capacity than another nearby. Also, depth of soil and soil compaction may not be the same from one area to the next. Preliminary data indicate that Brydges is correct.

Indeed, the depth and compaction of the soil around the three lakes differ. EPRI's director of ecological programs Robert W. Brocksen says that the residence time of acids in the soil appears to be an important factor in determining the acidity of the surface waters. Loosely packed soils allow the acid precipitation to percolate slowly, the modifying effect of the soils is enhanced, and less acid eventually reaches the surface waters. He also notes that the increased acidity during snow melt is confined to the top 2 to 3 meters of the lakes.

In an effort to understand how acid rain is formed and what is deposited in lakes, for example, EPA and the Department of Energy sponsored the largest, most comprehensive although inexpensive (about $100,000) set of studies on acid rain. Known as OSCAR (Oxidation & Scavenging Characteristics of April Rain), 100 researchers from six U.S. universities, several national laboratories, Environment Canada, and the Ontario Ministry of Environment converged on the Midwest, downwind of that tight knot of high-polluting coal-burning power plants in the Ohio River Valley, this past April to monitor and collect rain from storm systems.

Stationary samplers were spread throughout 30 states and the province of Ontario to collect deposited rain while an analytical armada of three planes collected samples aloft. Field pH data are now being mapped, but only a fourth of the chemical analyses have been completed because funds have dried up. Still, program director Jeremy (Jake) Hales expects to have most of the results documented by spring 1982 and on computer format by that summer. "Scientists will probably be chewing on this for the next 10 years," Hales says. There are plans to rerun OSCAR in October 1983.

OSCAR was patterned after the Acid Precipitation Experiment (APEX) involving 15 investigators from several universities and atmospheric chemist Al Lazrus of the National Center for Atmospheric Research, who is coordinating the effort. APEX was designed to dissect the chemical sequence of events that create acidity. Lazrus argues that the important but as yet baffling chemistry occurs in the clouds. "Unless one knows what's actually happening in the clouds to produce acids, it is very difficult to regulate. You may regulate something that is very costly and yet will have very little effect on acidity," he says.

From field experiments in which cloud water was collected, APEX data show that "a lot of nitric acid is generated in the cloud, but the mechanism is totally unknown," Lazrus says. Collected samples also show that probably enough hydrogen peroxide vapor is generated in the cloud water itself to act as the rate-limiting oxidant in the transformation of sulfur dioxide to sulfuric acid and possibly nitrogen dioxide to nitric acid.

Hydrogen peroxide precursors—hydrocarbons and ozone—are present in sufficient concentrations in polluted air to generate the oxidant. Lazrus' laboratory work suggests that hydrocarbons are indeed controlling the oxidant level. "We don't know all the processes that give rise to hydrogen peroxide, but we do know that olefins, which are unsaturated hydrocarbons, and ozone are two precursors which are capable of doing this," Lazrus says. He also suspects that there are other mechanisms for generating the acids, but he doesn't know what they are.

Volker Mohnen, director of the Atmospheric Sciences Research Center at the State University of New York, Albany, is a member of the APEX team, and is a coauthor of a National Science Foundation-DOE-sponsored study on "Wet Deposition in the Northeastern U.S.," which is being circulated and quoted widely by the coal and electric utility industries.

His group studied the movement of air masses from Canada and from the Southwest and measured and analyzed precipitation falling at a site in Illinois upwind of the Ohio River Valley, and at White Face Mountain in the Adirondacks downwind of the valley. He says the group found no "significant gradient" in wet deposition between the two sites, and that the factor governing the amount of pollution-related ions deposited in rain is the amount of rain, not the direction that the air mass had taken. The rain, however, was less acid in Illinois because of acid-buffering calcium in the Illinois rain. From his work, Mohnen concludes that "it looks as if the acid rain phenomenon is nonlinear with respect to emissions. More emissions do not necessarily mean more acid rain in a proportional way at a specific site." Then he goes on to describe his regional "superbowl," that area from Illinois east, in which high concentrations of sulfur oxides, nitrogen oxides, ozone, and hydrocarbons are emitted from many sources that "somehow ultimately contribute to the acidity of air masses that deposit rain at a particular site." Because of this superbowl, the link between an emitting source and the ultimate deposition site is lost.

He is saying that the question remains which source or sources in the Ohio River Valley to control and by how much to control them to correct the acidity problem in the Adirondacks, for instance. Time is needed, he says, to unravel the chemistry, and to develop better deposition models. "I'm afraid that we will all give our blessing to a 10% reduction in sulfur dioxide emis-

sions that can be achieved through coal washing, scrubbers, and other strategies, and then in five or 10 years look back at the mess and say that it didn't do a darn bit of good. That's dangerous because it hurts the scientific community, and it hurts the overall environmental cause," Mohnen says.

While the research goes on, he suggests that susceptible regions like the Adirondacks be placed in "a holding pattern" by using waterbombers to lime whole watersheds—not just lakes, but the whole shed including forests. He claims that 100,000 acres in Adirondack Park can be limed for a cost of less than $4 million, which includes the establishment of a monitoring network to assure that the cure is not worse than the illness. He admits that Likens views his suggestion as "combating cancer with an aspirin." A Canadian scientist has quipped that "the only agency able to lime all of Ontario is another Ice Age."

The Canadians offer a different interpretation of Mohnen's findings. Peter Summers, a research scientist with the Federal Atmospheric Environment Service, says that the two sites from which measurements were taken are either in or very near the heavily polluted region from southern Ontario, east of the Mississippi, to the northeastern U.S. Air masses traveling over this region from whatever direction would "reach some sort of saturation," because the pollutants are being deposited out of the atmosphere as fast as they are being accumulated. That's why Mohnen is seeing no gradient, no difference in deposition at the two sites. "There is heavy deposition in the same area having high emission rates. Had he looked outside this region, further west of the Illinois site, for instance, he probably would have seen a gradient," a difference in deposition, Summers believes.

In short, in heavily polluted areas, with many high emissions sources, pollutant deposition is correspondingly high, and independent of wind direction. Outside the polluted area, depostion is highly dependent on wind direction. In relatively remote stations near Kenora, Ont., which is northwest of Lake Superior, "the air is much more polluted when it is coming from the Southeast than when it is coming from the North," Summer says. The Canadians also don't believe that Mohnen has sufficiently considered meteorological conditions that produce rain. How much acid rain is produced depends both on the amount of emissions and on weather conditions, they say.

Gregg Van Volkenburgh, director of the air resources branch of the Ontario Ministry of Environment, agrees with Mohnen that there is not a one-to-one relationship between sulfur dioxide emissions and sulfuric acid formation. He also says that the best strategy over the long term is control of sulfur dioxide, nitrogen oxides, and hydrocarbons. Nevertheless, he says that it is "our feeling that a substantial reduction in sulfur dioxide emissions will lead to a substantial decrease in sulfuric acid in precipitation, and the effect will be seen over a five- to 10-year period." A first step must be taken, and sulfur dioxide reduction is such a step, he contends.

Ontario, he points out, is making its major polluters—Inco with its quarter-mile-high stalk spewing out 1% of the global sulfur budget annually, and Ontario Hydro's four power plants—cut emissions about 50%, "without squandering industry's money." Hiding behind the uncertainties and taking no action is not responsible, Van Volkenburgh says. An accelerated research effort without legislation to begin to deal with the problem would be viewed by Canadians as insufficient. "We are not asking the U.S. to devise a new regulatory stratagem for acid rain; that's premature," says George Rejhon, environment counselor with the Canadian Embassy. But, he continues, "We believe that the U.S. ought now, in the course of reviewing the Clean Air Act, to fashion in the law a tool to deal with acid rain."

Under the present Administration, that seems unlikely. The National Acid Precipitation Plan, which was called for under the 1980 Acid Precipitation Act and which is to be the blueprint for a coordinated federal research effort, is expected to be completed this fall. That also is when the actual 10-year research program is to begin, says Chris Bernabo, executive director of the interagency task force developing the plan.

In a June discussion paper on amendments to the law, EPA Administrator Anne M. Gorsuch wrote: "The most conspicuous transport issue is acid rain. Canada is exerting considerable pressure for preventive action. Environmentalists also seek prompt and stern action to address the problem. The best option appears to be to accelerate EPA's current 10-year research project . . . as much as currently available dollars and sound science will permit, and defer regulation until the sources and extent of the problem can be better identified. Industrial groups would support this . . ."

Economics is driving the politics. And like the warm fronts that move eastward across the U.S. to drop acid showers on the Northeast, the hot language of politics is overriding the cold logic of science. Technological controls on the major emitters of sulfur dioxide and nitrogen oxides will be available over the next five to 10 years. But the cost, especially for retrofitting older facilities, would be high. If substantial—on the order of 50%—reduction in emissions were mandated, the power plants also would have to turn to more expensive low-sulfur western coal, depressing the midwestern coal industry and throwing thousands of miners out of jobs. Consumers of electricity in the Midwest would be slapped with substantial rate hikes.

It would be very difficult for President Reagan, who ran on a platform of economic recovery and regulatory relief to industry, to call for strict controls.

So the well-organized voices of the coal and electric power industries have been heard and heeded. Conoco's William C. Hamilton: "Our argument is that it would be a very chancy thing to come out with regulations aimed at decreasing the acidity of rainfall that were based on the supposition that if you dropped sulfur dioxide emissions 50 percent it would produce a 50 percent reduction in acidity. We don't think that follows at all. Our fear would be that there would be a very large amount of economic disruption, at great cost to the consumer, and quite possibly very little relief from the acidity of rainfall."

Electric Edison Institute's Jack Taylor: "Information doesn't exist on the extent of damage, on the causes, and on the transport/transformation mechanisms that contribute to acid rain. At this time, not enough is known to set prudent public policy. We think an aggressive research program should be undertaken in order to answer these questions."

Kathleen M. Bennett, EPA assistant administrator for air, noise, and radiation: "When the Administrator [Gorsuch] had the press conference which reported the principles agreed to [on the Clean Air Act], there was a principle which said that research on acid deposition should be accelerated. It seems clear to us that there are so many questions of a very basic nature that remain to be answered that it would be inappropriate for us to ask the American public for $20 million for research this year and more in the next five or 10 years but then say, 'By the way, here's a regulatory scheme which purports to know the answers to the questions we are now asking you to fund."

Though that appears to be the Administration's position on acid rain now, it already has considerably moderated its general stance on revisions to the Clean Air Act, and may do so again on this issue. During his campaign, Reagan found the Clean Air Act an onerous law in need of drastic modifications. Then a couple of months ago a Harris Poll was released showing that 86 percent of the public fully supported clean air legislation. Reagan backed away from the fray, and sent the EPA Administrator out to announce not proposals with legislative language but 11 principles on needed revisions. She did so while Congress was in recess, and Congressional staffs were busy drafting clean air bills.

If Canada maintains pressure on the Administration, especially if it comes from Prime Minister Pierre Trudeau, and if Americans across the U.S., not just those in affected states, can be made aware of the issue, will be addressed in a renewed Clean Air Act or through separate legislation. Republican Robert T. Stafford, chairman of the Environment Committee and Senator from the acid-drenched state of Vermont, told C&EN that he would "try to pass legislation affecting the acid rain question in this Congress." But, he added, "I think the Clean Air Act is a ship that is going to be carrying a full load of cargo by itself. I don't intend to stick an acid rain cargo on top of the cargo that is already there and cause the ship to sink. So if it looks as though acid rain legislation would overload the Clean Air Act, it's not going to go on it, as far as I'm concerned. It will have to come up as a separate piece of legislation."

Sen. George Mitchell (D.-Me.), who sits on the Environment Committee, plans to test the stability of the ship. This week he will introduce an amendment to the air law that would provide for an inventory of existing sulfur dioxide emissions in a region from Tennessee north and from Illinois east, prohibit further increases in total levels of emissions, and mandate a reduction in emissions over a 10-year period. The House is further away from writing a bill, but Rep. Henry A. Waxman (D.-Calif.), chairman of the Health & Environment Subcommittee, has called acid rain a threat to the nation's air, waterways, water supplies, and forests that also jeopardizes U.S. relations with Canada. "The time has come to cut back on the air pollutants that cause this destruction," he says.

Canadians understand that increased public awareness and sensitivity to the issue will most likely translate to increased pressure on members of Congress to take some action. To this end, government officials and especially Environment Minister John Roberts speak on the issue at every opportunity. On a less official level, a Canadian coalition of 22 special interest groups whose members number 1.5 million has opened an office in Washington, D.C., to complement its Toronto-based activities. Adele Hurley runs the Washington operation of the Canadian operation of the Canadian Acid Rain Coalition. From this platform she informs "the American public of the grave implications that emissions from the U.S. are having on the Canadian environment."

The political concern in Canada already is at very high official levels. When Prime Minister Trudeau met with President Reagan in Washington on July 10 in preparation for the Ottawa economic summit meeting, "the only bilateral issue they discussed was acid rain," reports deputy assistant minister of the environment Raymond M. Robinson. Still, Robinson says that his government does not intend to pressure the U.S. government into action by linking energy exports to the acid rain issue. Nevertheless, Canadian environmental groups have called for just such a linkage.

The Canadian government, however, is not reluctant to remind the U.S. of the mutual

obligations incurred from the mechanisms that have evolved over the years to resolve problems common to both countries: Principle 21 of the 1972 Stockholm Declaration; the Boundary Waters Treaty of 1909, an arbitrary tribunal ruling in the 1980's against a British Columbian smelter for damages caused in Washington state, and the Great Lakes Water Quality Agreement of 1972.

The situation that resulted in the 1972 water quality treaty is similar to the acid rain problem today. Then there was imperfect understanding of the effects of phosphorus on the Great Lakes. Today it is not possible to relate emissions from a particular plant to dead fish in a particular lake. Nonetheless, Roger Simmons, a member of Parliament, says, "We cannot wait for a perfect understanding of the acid rain phenomenon before moving to control it. If we had waited back in 1972 for a complete understanding of the effects of phosphorus on the Great Lakes before starting our joint cleanup program, we would still be waiting and Lake Erie would be irreversibly dead."

Robinson calls the lack of a precise source-receptor relationship a "dead herring." He says that "if you are going to reduce the total burden to the atmosphere of sulfur dioxide on a cost-effective basis, which means controlling the biggest sources most thoroughly, then you are going to reduce the amount of sulfur available to turn into sulfate. It is as simple as that, and all the rest is just a pile of garbage designed to cloud the issue."

The cost to control sulfur emissions, however, is staggering. According to DOE's Jim Bartis, an internal study estimates that to reduce emissions permanently 3% or 1 million tons per year in the utility sector alone would cost about $2 billion in 1981 dollars. Beyond that incremental reduction, the cost rises rapidly, he says. To reduce emissions a significant amount—5 million to 10 million tons per year—would cost $5 billion to $7 billion.

Earlier, EPA estimated that a 10 to 30% reduction in sulfur dioxide emissions in the utility sector would cost $1 billion, and raise utility customer bills 2 to 3% per year on a national average. Customers in the Ohio River Valley, however, would be socked with rate hikes of 10 to 15% per year. EPA's Lowell Smith has suggested a possible "redistribution of revenues collected from all electricity users in the country for use in areas where emission control and/or acid precipitation is the greatest problem."

On the other hand, a recent National Academy of Sciences report, "Prevention of Significant Deterioration of Air Quality," pegs the damage costs in the eastern third of the U.S. in 1978 at $5 billion. This includes damage to materials, forest ecosystems, agriculture, aquatic ecosystems and health and water supply systems. The New England River Basins Commission estimates current economic losses in the New England/Adirondack region of New York from acidic deposition at $250 million to $500 million per year, exclusive of harm to health. And Frederic Menz, an economist at Clarkson College, says a preliminary estimate of the economic losses from the acidification of Adirondack lakes is "$1.6 million to $6.4 million annually in loss of value to New York anglers, and a regional economic impact resulting in a reduction in expenditures by New York resident anglers of $875,000 to $1.75 million annually." Out-of-state and nonlicensed anglers are excluded from the estimates.

The economic damages may be even greater for Canada, a smaller nation. Gross angler expenditures and investments were just over $1 billion in 1975. This is in jeopardy. In Nova Scotia, 30% of the salmon potential is threatened. High acidity threatens the nation's boreal forests. This resource provides employment for more than 10% of the Canadian labor force.

Canadian Environment Minister Roberts says that "Canada expects the U.S. to recognize that it must internalize the real costs of those activities, especially thermal power generation, which produce acid-causing pollutants, rather than exporting those costs across the border in the form of environmental damage to us. By any reasonable interpretation of existing international legal principles the U.S. cannot continue to derive significant economic benefits by exporting significant 'disbenefits' to Canada, particularly when the technology exists to prevent this from happening."

If the Canadian claims are correct—and a just-released National Academy of Sciences study of the problem says they are—power plants burning coal and oil and emitting sulfur and nitrogen oxides are responsible for acid rain. If the Canadians' timetable is correct, that nation will be experiencing ecological and economic disaster before the turn of the century. In view of the potential cost to Canada, the coal and electric utility industries' apparently successful campaign to thwart legislative efforts to control acid rain may be a Pyrrhic victory.●

CONTINUITY AND FIRMNESS—THE BEST GUARANTOR FOR PEACE IN EUROPE

● Mr. LUGAR. Mr. President, recently Assistant Secretary of State Lawrence Eagleburger made a most interesting speech to our friends in Western Europe. The speech forcefully presents the thesis that continuity and firmness are the best guarantors of peace in Europe. I believe that the speech presents an important statement of American policy in Europe, and I commend it to the attention of my colleagues. I ask that the text of the speech be printed in the RECORD.

The text follows:

PREVENTING WORLD WAR III AND PRESERVING WESTERN INDEPENDENCE—CHANGE VS. CONTINUITY

(By Lawrence S. Eagleburger)

We Americans watch with interest and—let us admit it—some apprehension, as Western Europeans increasingly focus on the complex and emotional issue of nuclear weapons and their deployment in Europe. We watch with a good deal of sympathy, since there can be no question about the profound importance of avoiding nuclear catastrophe. All previous human tragedies would pale by comparison with the total devastation a Third World War would bring. Neither the plagues of the Middle Ages, nor the terrible trench warfare of the First World War, nor even the forty million deaths in World War Two approach the death and destruction which a nuclear holocaust would bring in its wake.

Precisely because the prevention of nuclear war is so terribly important, we are concerned about pressures—some well intentioned, some not so well intentioned—to change a policy which has prevented war for over thirty years. Many of my countrymen wonder whether the debate now taking place here is a fundamental challenge to the principles which have guided us for over 30 years, or a discussion about tactics, accompanied by an acceptance of most of the traditional premises about Western security.

While the debate is, as it should be, fundamentally between and among Europeans, we Americans cannot remain totally aloof from it. America's well-being—as well as Europe's—is at stake. In a most profound sense, you are discussing the security of the United States. Just as Americans were inextricably caught up in the first two world wars on this continent, so, now, the survival and well-being of over two hundred million Americans depend on the conclusions you reach.

It seems to me that, despite the complexity of the issues and the diversity of views, the debate of which I spoke is basically over two fundamentally different paths—paths which could profoundly affect the course of history through the end of this century and beyond.

A number of Europeans are now arguing vigorously for a new approach to security. They do so for a variety of reasons. However, to this observer's eye, at least, those who espouse a new approach seem to agree on certain fundamentals.

I don't want to oversimplify, but the central thrust of the argument seems to be that the West should now stress arms control more than defense programs in the search for security. Many also argue that we should pursue this process through gestures of unilateral goodwill, for example by cancelling such defense programs as deployment of theater nuclear forces. And some go further, to urge that Europe try to find a less dangerous middle ground between the two superpowers.

Others in Europe argue for continuity. They believe that war can best be deterred and independence preserved through adequate defense efforts. They believe arms control can only yield serious results if we proceed from a base of strength and confidence, and if we insist on equality. Finally, they believe Europe and America's fate must be inextricably linked, strategically and politically.

Let me say at once that I understand the concerns of at least some of those who argue for change in the West's approach. For thirty years—until the mid-1970s—most Europeans were convinced that the United States was a world power without peer and that it would, in a crunch, defend Europe because it was in its self interest to do so. U.S. inability to bring the war in Vietnam to a successful conclusion, our internal torment over Watergate and subsequent paralysis in Angola, Ethiopia and Afghanistan, culminating with the year-long agony of the hostage crisis in Iran, have undermined that confidence. Thus some wonder not only about our military power, but also whether, in some profound way, we have lost the will to withstand the Soviet Union even if we have the power to do so.

Now, ironically, from some of the same sources, we see a concern that the U.S. may overdo its efforts to restore its military power and face up to Soviet challenges. These concerns, in combination, have produced a view—popular among some—that the U.S. would be all too ready to get into a war, yet bent on confining it to Europe. The result is a mixture of fear and wishful thinking.

Fear of the Soviet Union as an aggressive, imperialist power intent on imposing its will on Europe. Fear of an erratic, unpredictable United States which might, through accident, weakness, overconfidence, or unnecessary confrontation precipitate a nuclear war in its vacillating and disjointed efforts to halt Soviet expansion. And finally fear that both powers would share an interest in limiting war to Europe, thus further reducing the inhibition on confrontation.

And wishful thinking that somehow through demonstration of goodwill toward the Soviet Union, even if distancing itself from the United States, Europe can create a more secure environment for itself.

The central problem with this approach is that it ignores critical realities about both the Soviet Union and the United States.

With regard to the Soviet Union, let us look at the record compiled during the late 1960s and the 1970s, a period of detente—

a period in which there was supposed to have been mutual restraint:

The United States abolished the draft, reduced the size of its armed forces, and decreased its real military spending. The Soviets increased their military forces by one-third, to 4.8 million men, more than double that of the United States, and expanded their real military spending by more than 50 percent. Are those gestures of goodwill?

The Soviets increased their inventory of tanks to some 50,000, compared to just 11,000 American tanks. They transformed their navy from a coastal defense force to an open ocean fleet, increasing the number of large surface combatants by 40 percent, just as the United States decreased the number of ships in its fleet by 40 percent. Is that reciprocity?

During a period when NATO deployed no new long-range theater nuclear forces, the Soviet Union deployed over 750 warheads on their new SS-20 missiles. And the Soviets increased their strategic nuclear delivery vehicles nearly 600 percent. Is that restraint?

As countries and whole continents were liberated from the yoke of Western colonialism, the Soviet Union and its proxies moved in with new forms of imperialism and intervention—Vietnam into Kampuchea and Laos, the Soviet Union into Afghanistan, Cuba into Africa and Latin America.

While the West has endeavored to meet the real needs of the developing countries through food, loans and other economic assistance, the Soviets have concentrated on exports of weapons and Marxist-Leninist regimes—which in turn have proven disastrous failures in meeting the practical needs of their people. Is this a contribution to development and progress?

As the West is swept by anti-defense and anti-nuclear demonstrations, the Soviet Union exposes its own people to a massive display of military films and propaganda, and represses any public expression of concern about the vast sums devoted to a military buildup. Even as the FRG demonstrates its genuine goodwill and humanitarianism throughout the world; the GDR preaches peace in the West, seeks to reduce inter-German contacts, directs a cascade of shrill propaganda against liberalization in neighboring Poland, and makes its most particular export to the developing countries training in the tactics of the secret police. Is that the spirit of detente?

While the West endeavors to cope with the overwhelming human tragedy of some ten million refugees from oppressive communist regimes in Vietnam, Kampuchea, Laos, Afghanistan, Ethiopia and Cuba, the Soviets and their allies create still more refugees and absolve themselves of any responsibility for their care. Is this concern for humanity?

Not only have the Soviets failed to reciprocate the self-restraint and positive efforts of the West, they have also shown open disregard for solemn international agreements.

They have failed to live up to either the security or human rights pledges of the Helsinki Final Act, even arresting a group trying to monitor Soviet compliance with the Helsinki accords.

They may well have violated the Geneva Protocol and the Biological Weapons Convention.

They and their proxies have used force in blatant contempt of the UN Charter itself.

If an approach based on fear and wishful thinking ignores critical facts about the Soviet Union, is this approach forced on Europe because of a permanent change in the United States? Is Europe condemned to a policy of appeasement because of some new structural fault in American strength and will? I urge you to look across the Atlantic for your answer.

The spirit of the American people has revived. As President Reagan said in his speech at West Point in May, America's era of self-doubt is now behind us. We, too, had hoped that the Soviets were prepared to reciprocate our restraint with restraint of their own. Their proven unwillingness to do so has left us no choice but to increase substantially our defense spending to match the Soviet effort, and to reinvigorate our efforts to resolve critical crises through peaceful means. We have the will and the resources to do so.

Most fundamentally, the United States rejects the idea that there is no alternative between surrender of our independence and nuclear confrontation. We have a clear vision of what the future requires. It proceeds from the principles which have served the Atlantic Alliance so well for over thirty years.

During this period, we witnessed over 150 wars in other parts of the world. This was a time when Europe faced an ever more heavily-armed hostile power in close proximity. We must ask ourselves: how was peace secured? How has it been maintained?

In the middle of the twentieth century the ever quickening pace of conflict in Europe was brought to a halt by an Alliance based on two qualities—shared values and a recognition that our security was inextricably linked. Each quality strengthens the other. Our commitment to one another's security is all the more real and lasting because we stand for—and would fight for—common values. Our values are all the more precious because those who would threaten us display utter contempt for our concept of society and the individual.

Just as Secretary Haig, in his recent Berlin speech, called for rededication to our shared values, we must also return to first principles with regard to our security. Amidst the controversies of the day—TNF, Poland, defense budgets, Southwest Asia—we all tend to lose sight of the foundation of our security. In fact, we cannot hope to overcome today's problems unless our policies are built firmly on that foundation.

THE FOUNDATION OF PEACE

Five principles have guaranteed peace in Europe over the past three decades. If we stand by them, they can continue to do so through the end of this century and beyond.

First, Alliance security is indivisible.

Second, our strategy is to deter war at any level.

Third, the burdens of our Alliance must be shared.

Fourth, we must negotiate from a basis of equality, confidence and strength.

Fifth, our political independence requires that we sustain a military balance.

Let me examine each of these traditional principles in today's context.

Our first principle is the indivisibility of Alliance security. Whoever threatens one of us threatens all. This has been and remains the source of our collective strength.

Can anyone really deny that the strategic arsenal of the United States is the ultimate guarantor of European security? Although trends in strategic capabilities have favored the Soviets in recent years, we now are taking steps to maintain a versatile and viable strategic force that will continue to command Moscow's respect. That is the meaning of the comprehensive program announced by President Reagan earlier this month.

To form a bridge to America's strategic forces, the Alliance must implement the December 1979 decision to modernize its theater nuclear forces. The placement of modernized U.S. nuclear systems in Europe is a response to Allied concerns that the Soviet Union is creating the means to devastate or intimidate Europe with theater nuclear weapons while holding the U.S. at bay with its strategic forces. TNF modernization will end Soviet hopes of regionalizing a nuclear conflict based on an ability to strike the European Allies from a Russian sanctuary.

The essential idea behind TNF modernization—like that behind the maintenance of 300,000 American soldiers in Europe—is to remove any doubt the Soviets might have about the U.S. strategic commitment to NATO. The Soviets have no higher goal than undoing the December 1979 decision, leaving themselves with an undeterred capability to wage or threaten nuclear war in Europe. While we welcome debate about TNF, opponents must face up to the fact that the strategic link that has helped bring peace and stability to Europe would be severely strained if they had their way.

The Soviets neither understand nor accept the indivisibility of our security. They do not see why the United States is unwilling to draw a clear distinction between its security and that of its Allies—the former sacred, the latter expendable.

They are surprised that Americans are no less alarmed than Europeans by the SS-20, a system specifically designed to threaten Europe but not the U.S. Indeed, in recent months senior Soviet officials have said flatly to us that U.S. forces in Europe that could strike the Soviet Union from Europe could not be equated with Soviet forces that can only strike the European Allies. We, in turn, have told them bluntly that the Soviet nuclear threat to America's allies is a threat to America itself.

The second principle which has sustained peace for thirty years is that the aim of our strategy is to deter war. Ours is a strictly defensive Alliance. We have everything to lose and nothing to gain from war. Our strategy is defensive, our equipment is defensive, our forces train solely to defend. In contrast, the Soviets train, plan, and are equipped to thrust into Western Europe. Their 50,000 tanks are hardly necessary to defend against NATO forces whose only mission is to safeguard our own territory.

Throughout the postwar period, NATO has chosen to rely on a strategy of flexible response to deter aggression. Knowing that our conventional forces might be insufficient to withstand an onslaught from larger Soviet forces, we have depended heavily on nuclear deterrence.

We have always known that the best way to avoid nuclear war was to close the gap in conventional forces. Today that gap is still serious. But where is the support for improved conventional forces from those who seem so concerned about nuclear war?

Increasingly one hears criticism in Europe of the so-called warfighting doctrine of the United States. This criticism is more vocal, I might add, than that directed against Soviet warfighting doctrine, the object of which is the very European territory Americans would die to defend. Having forces trained and equipped for combat hardly implies that the horror of war is being ignored.

Having nuclear weapons that are secure, survivable, modern, and capable of destroying targets valued by the adversary hardly suggests that the decision to use such weapons would be any less grave. Indeed, possessing the means to hold Soviet territory at risk is the only way to convince the Soviets that warfighting is fraught with danger for them.

I hear time and again that the U.S. is increasing the stockpile of nuclear weapons in Europe in order to wage nuclear war here, while insulating the United States itself from nuclear holocaust. That disgusting claim ignores the several hundreds and thousands of American troops stationed in Europe who would also be victims of such a conflict. It also ignores some fundamental facts. I can understand concern with the numbers of nuclear weapons on this continent. But I never hear reference to the fact that last year the United States withdrew 1000 nuclear weapons from Europe, without replacement. Moreover, those that we are deploying as a result of the December 1979

TNF decision are not battlefield weapons at all, and in fact will replace weapons now in Europe. The US is thus reducing the number of nuclear weapons in Europe.

Our third principle is that the burdens of our alliance should be shared. This is an inescapable consequence of the first two principles. Just as each ally benefits from the security that results from a collective commitment and from deterrence, so must each uphold its responsibilities to the common defense effort. This is a practical imperative as much as a moral duty. So great is the threat that we cannot safely do without the efforts and resources of any Ally, no matter its size. Nor can we ask some nations to bear disproportionate risks while all expect to share in the benefits of credible deterrence.

Indeed, the thought that any of us, on a national basis, can elude the risks of our dangerous world is an illusion. If deterrence fails, none can hope to be spared, least of all my own country. While policies differ among various Allies on the question of peacetime deployment of nuclear weapons, neither the risks we face nor the shelter of deterrence makes such distinctions.

Those who do not have nuclear deterrent forces on their territory owe their security, in large measure, to those who do. None could escape the devastation of a nuclear war, whether they have nuclear weapons on their soil or not. An Ally can opt out of its deterrent responsibilities only at a cost to the security of its Allies and itself. Sharing risks reduces risks.

At the Rome Ministerial meeting of the North Atlantic Council last May, Alliance members acknowledged the danger we face and committed themselves to make available whatever it takes to restore a military balance.

The burden of defense is heavy on the shoulders of our peoples, especially in these times of economic trouble. No one feels this weight more than my own countrymen—who have consistently devoted a higher share of their gross national product to defense than other NATO countries. In recent years we did more than others, but less than is necessary. President Reagan now has reaffirmed the U.S. commitment to a major increased effort to rebuild our military strength, while cutting painfully into non-defense programs in order to restore national economic health.

We know European leaders are well aware of the gap that must be filled by increased defense spending. We urge our European friends to make even greater efforts to generate the necessary funding. The underlying strength of your economies certainly makes this economically possible if there is sufficient political will.

The serious challenge to Alliance security in Southwest Asia has added another dimension to the principle of shared responsibilities. 51 percent of Europe's oil comes from the Persian Gulf—a region facing internal stresses and a growing Soviet threat. Even though only 12 percent of America's oil comes from the Gulf, the U.S. has accepted a special responsibility to meet this challenge and is strengthening its capabilities to protect vital Western interests in that region.

There is no lack of opportunity for the Allies to join the effort: some can increase their own deployments to the area; some can support the transit of U.S. forces sent to Southwest Asia; and some can increase their assistance for Turkey and others directly menaced by the Soviets.

The fourth principle of our security is our desire for serious arms control negotiations combined with our recognition that results will only come if we negotiate from a basis of equality, strength and confidence. The evidence for this proposition is overwhelming. The Alliance's decision to modernize its theater nuclear forces caused the Soviets to reverse their refusal to negotiate and for the first time to offer limits on their own theater forces. Let me repeat this. The Soviets would not even agree to negotiate until we decided to move ahead with our own deployments. We now face a hard and probably lengthy negotiation. The prospects for success depend, above all, on whether the Soviets believe us when we say that our program can be affected only as a result of an equal and verifiable arms control agreement.

Ironically, the real enemies of arms control are those who often are the loudest in its support. Those who undermine the common commitment to both tracks of TNF in fact are undermining any hope of success in arms control. There is an inescapable logic to this position which no amount of rhetoric can obscure.

My Government is applying to strategic arms limitations the same compelling approach that the Alliance adopted with respect to TNF. We are insuring that our strategic programs give us a solid base from which to negotiate serious reductions. President Reagan is committed to significant strategic arms reductions; we hope to be able to begin negotiations sometime during the first half of next year. We don't want unregulated competition. But the Soviets must be convinced—and I think are being convinced—that Americans have the resolve to reverse the trends that have favored the Soviet Union for more than a decade, and to establish an overall balance.

The principle of negotiation from confidence, unity and strength also has been vividly demonstrated in the Madrid CSCE follow-on meeting. Through cohesion, firmness, patience, and a strong negotiating position, we have brought the Soviets some distance toward our proposals for a meaningful European Disarmament Conference and an equally significant outcome on human rights.

For example they have come closer to agreeing that confidence-building measures should apply to Soviet territory up to the Urals—and thus to all of Europe. This would be a development of historic political importance and substantial benefit to our security. If, in the end, the Soviets refuse, they will in effect be saying that their part of Europe should be exempt from the rules they would apply to the rest of the continent. Since the Soviet Union is the threat to European security, the need for confidence-building measures is nowhere greater than on Soviet territory. The only way to get the Soviets committed to a European Disarmament Conference genuinely aimed at enhancing security is to convince them that we won't agree to a Conference without such a mandate, nor to an outcome in Madrid which slights human rights.

The Harmel Report of 1967 proclaimed that military security is "the necessary condition for effective policies directed towards a greater relaxation of tensions." That observation was made when hopes were highest that the East could be brought to share our commitment to moderation and restraint. By the time of the Rome Ministerial meeting, some fourteen years after the Harmel Report, hope had given way to disappointment and frustration. In the intervening period, growth in Soviet military capabilities was spectacular, while we in the West failed to heed Harmel's wise prescription. We have not abandoned the goal of constructive relations with the East, but we must now realize that we haven't given the Soviets enough incentive to pursue this same goal.

The fifth principle which must continue to guide us is the inextricable linkage between sustaining a military balance and our political independence.

Deterrence has served us well—so well that the threat seems almost unreal: a receding memory for some, a distant abstraction for others. But it's worth noting that just a few months ago 100,000 Soviet troops conducted a military exercise on Poland's borders at the very moment the Polish trade union, Solidarity, was meeting.

The Helsinki Final Act forbids its signatories from threatening the use of force. It is clear that neither time nor the pledge of restraint has reduced the readiness of the Soviet leadership to use military power to influence political decisions. The 25th anniversary of the Hungarian revolution next week and the second anniversary of the Soviet invasion of Afghanistan in December remind us of a single fact—the Soviet Union remains determined to dictate the destinies of other nations.

As critical as the U.S. strategic commitment is for deterrence, it is no less important politically. The Soviet Union has long harbored the hope that the U.S. could be effectively removed from the European scene, leaving Soviet military supremacy as the backdrop of European politics. For European governments to take decisions under the threat of overwhelming Soviet military power would be paralyzing in peacetime, dangerous in a crisis, and fatal in a conflict.

Nations which value their independence must sustain the means to defend it. We cannot expect to maintain our freedom and democratic values through appeals to the goodwill of those who would suppress them.

AGENDA FOR THE FUTURE

As I noted at the outset, we can apply these five principles to the future or we can change course in fundamental ways.

If we decide to stay on course, our agenda for the future will require effort and sacrifice. But it also will be full, rich and promising. Above all it will require that we move from principle to practice, that we take concrete steps to implement our overall approach. Specifically it will mean:

In defense, the United States must sustain the substantial program of conventional and nuclear force improvements we have launched. Our Allies also must increase their defense contribution based on the pressing need to close obvious gaps.

In arms control, we will begin TNF negotiations on November 30, we will resume the CSCE discussions this month, and we expect to start strategic arms reduction talks in the first half of next year. By approaching this agenda from a basis of confidence and strength we can work toward significant limitations and reductions.

In areas of current or potential crisis, we can apply Western strength to building restraint and resolving problems. Here too the agenda is rich: gaining independence for Namibia and security for an Angola free of outside forces, the restoration of independence and non-alignment for Afghanistan and Kampuchea, stability and growth for Central America, a permanent peace in the Middle East. We and other nations have made positive and practical proposals in each area, while the Soviet Union and its allies have encouraged intransigence and tension.

Our overall objective should be a new era in which all nations act with restraint and responsibility, in which change proceeds peacefully, in a framework of internationally recognized norms and without damage to the vital interests of any nation. If we are wise, history is on our side. As the NATO Ministers stated in their communique of May 5th, "The more constructive East-West relationship which the Allies seek requires tangible signs that the Soviet Union is prepared to abandon the disturbing buildup of its military strength, to desist from resorting to force and intimidation and to cease creating or exploiting situations of crisis and instability in the Third World." With our balanced program designed to restore Western strength and to proceed with positive arms control and other diplomatic initiatives, we can hope to bring about this greater Soviet restraint.

But, if we desert the principles that have preserved peace for thirty years, then who can, with confidence, predict the future? The lesson we should have learned from the 1930s is that weakness, vacillation and appeasement start a process which, more often than not, leads to tragedy. The aggressive government keeps pushing until it miscalculates, oversteps, and compels a military response or capitulation.

Those who genuinely wish to avoid nuclear confrontation must see that the only rational course is to act now—as we have so steadily and successfully for almost four decades—to make clear to the Soviet Union that their expansionist policies cannot succeed. The age of empire has passed.

Ladies and gentlemen, forty three years ago this month Neville Chamberlain travelled to this city in search of "peace for our time, peace with honor." Within months Europe was once again at war. A combination of fear, wishful thinking and misguided idealism led to disaster. It must never happen again.●

AN ANSWER TO THE HAITIAN REFUGEE DILEMMA

● Mr. HUDDLESTON. Mr. President, in yesterday's Washington Post, there was an article which outlines the dilemma this country faces in trying to deal with the increasing flow of Haitian migrants. According to the article, a few private lawyers have been able to outmaneuver the Department of Justice and have succeeded in bringing our immigration enforcement efforts to a virtual standstill. However, this is not a new dilemma. This legal twilight zone has existed for several years and the recent legal action is merely a continuation of it.

There can be no respect for our immigration laws until they are enforceable; at the present time, the legal delays have effectively rendered them unenforceable. This problem will not be resolved until Congress firmly establishes that aliens who enter the United States under these circumstances are not entitled to all of the due process rights which citizens are entitled to. The Federal courts have held that Congress has this authority and it is folly for us to assume that the almost 50,000 cases which are now backlogged can be disposed of in any other way.

On March 24, 1981, I introduced S. 776, the Immigration and National Security Act, which would solve this problem without the necessity for conducting dangerous interdiction-at-sea operations which are now underway. My bill would create a system which would require fair hearings, but would severely discourage the lengthy legal delays that we are now experiencing. Once this process is underway and illegal arrivals are actually being deported, the word will quickly spread that our immigration laws are being speedily and effectively enforced. This type of legal deterrent will be far more effective in the long run than the much more dangerous interdiction-at-sea program.

I ask that the article from the Washington Post be printed in the RECORD.

The article referred to is as follows:

HAITIAN REFUGEE DILEMMA—LAWYERS FRUSTRATE U.S. ILLEGAL-IMMIGRATION POLICY

(By Mary Thornton)

MIAMI.—For more than a year now, a ragtag group of young lawyers has held the whole U.S. government at bay, managing in case after case to thwart the Department of Justice.

Their efforts have prompted a Justice Department spokesman to declare: "We have lost control of our borders and our beaches. We have to do something about it and do it fast!"

They have caused President Reagan to deploy U.S. military might in the form of the Hamilton, a fully armed 378-foot Coast Guard cutter into the territorial waters of another country: Haiti.

At issue are the Haitians who by the thousands have been packing themselves into small boats, many of them homemade and only 20 or 30 feet long, and making their way over 800 miles of open water for the shores of Florida.

The Hamilton began patrolling the Windward Channel early last week, looking for boatloads of Haitians with the idea of turning them back. But by week's end it had not stopped a boat, and no one was sure what would happen if it did—or if the boat refused to stop.

The government says the Haitians are illegal aliens coming here to seek their fortunes and escape poverty in their island country. For the first time since Japanese-Americans were put into detention camps during World War II, the Immigration and Naturalization Service last July initiated a policy of putting the illegal aliens into prisons to await deportation hearings.

There are now about 2,700 Haitians in detention in the United States and Puerto Rico, and the government estimates that as many as 1,000 per month may be entering the country. The largest of the camps is the Krome Detention Center here on the edge of the Everglades, where 1,200 Haitians live in a concoction of barbed wire and concrete blocks on an old missile site about 45 minutes outside of downtown Miami.

The lawyers, generally working without pay, have insisted that at least some of the Haitians are political refugees fleeing the repressive regime of Jean Claude (Baby Doc) Duvalier and are entitled to full asylum hearings and full due process of law, complete with several layers of appeals.

So far the federal courts have agreed with them, often criticizing INS at length in the process.

"Fighting immigration is like shooting fish in a barrel. It's like the Selective Service in the '60's. They're portraying us as a group of smart lawyers that got together, but in fact the things they're doing are so blatantly illegal that they make it easy for us," said Ira Kurzban, who is leading the lawyers.

In fact, the government is faced with a near-impossible situation. At a time of limited resources and economic problems, it is clear that the United States can no longer welcome everyone who wants to come into the country. That question is complicated even further when the people pouring across the border are poor, often illiterate and don't speak English—people who would present a further drain on already stretched social services.

Alan C. Nelson, deputy INS commissioner, says the Haitians who are coming have absolutely no legal right to be here, and by letting them in, the United States could be encouraging hundreds of thousands of others to attempt to get here.

But because of the lawyers, the Haitians who are coming illegally are perhaps being accorded more legal rights than those who obey the law.

To force the government to provide due process for the Haitians, the lawyers have raised not only the merits of the individual cases, but also virtually every possible legal issue to trap the government in its own bureaucratic tangle.

For example:

At the Ft. Allen detention camp in Puerto Rico, a group of the lawyers forced the government to go through an environmental impact statement procedure because of the sewage that would be produced by the camp.

Each time the government has made any policy change regarding the Haitians, the lawyers have sued to force the government to comply with its own rule-making procedures, complete with publication in the Federal Register with the required 30 days for public comment.

The lawyers have presented evidence—and convinced a federal judge—that the government translators have been so bad that instead of asking the Haitians if they were seeking political asylum, they were asking them if they wanted to go to the insane asylum.

The lawyers repeatedly have been able to stop deportations, often at the last minute, by persuading a federal judge that the INS has violated the Haitians' rights.

Even the state of Florida has gotten in on the act by filing a suit against the government alleging not only overcrowding but also "neglect and indifference" by federal officials. Florida is asking that Krome be shut down and that no new camps be opened in the state.

Besieged by all the lawsuits, the government has engaged in a kind of guerrilla warfare, going as far as rushing groups of Haitians up back stairways into locked courtrooms to avoid lawyers lurking in the hallways.

The latest INS tactic is to schedule hearings for the Haitians at Miami's Krome Detention Center simultaneously in three courtrooms even though they're all represented by the same lawyer from the Haitian Refugee Center. That forces the lawyer, Steve Forester, to race wildly from courtroom to courtroom, begging for continuances that the government has no intention of granting for his 600 clients.

"They've said it's my own fault for taking too many clients . . . but they know very well that there aren't other lawyers, and if we didn't represent these people, they would simply be deported," Forester said.

Nelson said his agency has decided to go full speed ahead with the hearings because the lawyers "will win if the system is bogged down. They're winning now on the procedural rules, not on the merits.

"They've come in and said they have a monopoly on the Haitians, but then they hold up the flow. It's really an antitrust situation. . . . They should either fish or cut bait," said Nelson, who believes the lawyers are deliberately dragging their feet. Haitians, he said, "don't have the right to free counsel. In most other countries in the world, they would have been herded back into the boats and put out to sea."

Nelson charged that there are a number of Haitians who would rather return home than stay in detention, but the issue is so tied up in litigation that it is impossible for anyone to be moved.

Forester retorts that the INS deliberately created the problem when it moved the hearings from downtown Miami to the detention center. Most lawyers don't want to drive that far, he said, though there are 25 lawyers who would provide free services for the Haitians downtown.

Brian McDonald, the first assistant U.S. attorney in Miami, also contends that the lawyers have resources unavailable to the INS. "Some of them are professors at a law school, and they can get assistance from their students," he said, while the INS is "understaffed, they've gotten conflicting policy guidance, and they're confronted with difficult problems."

The lawyers' efforts have been two-pronged. On one side Kurzban, aided by two University of Miami law professors, their students and an assortment of other lawyers around the country who donate their time, have

worked on their own time on a series of class-action cases to help thousands of Haitians who are here illegally.

The other side of the effort is being carried on by Steve Forester and Vera Weisz, working out of a ramshackle storefront office in Miami's Little Haiti area. They receive nominal salaries from the Haitian Refugee Center, which operates from year to year on a grant from the National Council of Churches.

Among the questions the lawyers are raising in their lawsuits are some that have sticky policy implications for the government.

For instance, Kurzban asks whether the United States should routinely grant asylum to Soviet ballet dancers, who led privileged lives in their own country, while it turns away refugees who happen to be poor and uneducated.

He questions whether the country should have an immigration policy that welcomes people fleeing from communist governments while it turns away those fleeing right-wing dictatorships that happen to be friendly to the United States. In this case the government also has to deal with the uncomfortable fact that it has recently allowed entrance to large numbers of Indochinese and Cuban refugees, many of them coming for economic reasons, and now is in the process of turning away the first large group of refugees who happen to be black.

Finally, even if the Haitians are eventually returned to their home country, Kurzban asks, "Shouldn't they be entitled to a fair hearing on their asylum claims?"

Behind high chain-link fences topped with barbed wire, the 1,200 Haitians being detained at Krome spend their days sprawled on bunks and makeshift cots so close that it is difficult to walk between them. The men are kept on one side of the camp and the women and children on the other, separated by another metal fence.

The camp's single, conventional-sized washer and dryer have been shut off—the area is so swampy that it was impossible to use them. The Haitians use portable toilets lined up against one of the fences. The showers are open for two hours in the morning and two in the afternoon.

Laundry is set out to dry on the scraggly patches of grass and on the metal fences. What possessions the Haitians have are stored in clear plastic bags, one stacked neatly on each bunk.

Virtually none of the Haitians speaks English, and there are only 10 translators at the camp to decipher their Creole dialect.

Early last month there were riots at Krome as the Haitiians chanted "liberty or death" and "Miami is my country." But the instigators have been shipped off to more secure facilities and most of the Haitians spend their days now doing no more than staring vacantly into space.

To help ease crowding in Florida, INS recently moved the majority of the Haitians to facilities in out-of-the-way places like Lake Placid, NY.; Big Springs, Tex., and Ft. Allen, Puerto Rico, far away from any Creole translators and any sort of free legal representation.

At a recent Senate hearing, Doris Meissner, the acting INS commissioner, said that the Haitians are generally considered economic refugees who can be returned safely to their country of origin. As such, she said, they are not eligible for asylum.

In response to pointed questioning from Sen. Charles Grassley (R-Iowa), Meissner said there is "no concrete evidence" that the Haitians would be persecuted if they were returned, and a State Department representative said the Haitian government has promised that there will be no reprisals against those who return.

But U.S. District Court Judge James Lawrence King, in a decision last year in Miami, found major problems of political persecution in Haiti, including persecution of those who have fled and then returned to the country.

"This case involves thousands of black nationals, the brutality of their government, and the prejudice of ours," said King, a Republican appointed by Richard Nixon, noting that the Haitians are "fleeing the most repressive government in the Americas."

King listened to weeks of evidence of beatings, torture and deaths in Haitian prisons and he concluded that "the manner in which INS treated the more than 4,000 Haitian plaintiffs violated the Constitution, the immigration statutes, international agreements, INS regulations and INS operating procedures. It must stop."

It was the first major victory for the small group of lawyers who have taken on the Haitians' cause.

Early last month, the lawyers won another victory when federal Judge Alcee Hastings in Miami issued a temporary restraining order barring deportation hearings for Haitians who are not represented by lawyers.

But that victory was clouded when Hastings later became the target of an FBI bribery investigation, stepped down from the bench temporarily and asked to have his cases reassigned. No one is sure what will happen to the Haitian case that was still pending before him.

Meanwhile, both sides are waiting to see what's going to happen with the Hamilton as it patrols the Haitian waters, and the lawyers are trying to decide whether to file yet another lawsuit to stop what they call "the kanargoo court on the high seas."

No one knows for sure what the Hamilton would do if one of the Haitian boats refused to stop and decided to make a run for it. Would the 378-foot vessel ram it? Open fire with the cannons? Sink it?

There also are questions about what will happen to those Haitians who are educated enough to know they have a right to ask the Coast Guard for political asylum. The United States in bound by a United Nations treaty not to return persons to a country where they will be persecuted. But although there will be translators and immigration officers aboard the Hamilton, no one is sure yet how the Haitians can prove they would be persecuted at home.●

S. 1718—INTERSTATE POLLUTION

● Mr. DODD. Mr. President, on October 7, 1981, Senator DURENBERGER and I introduced S. 1718, a bill to amend the Clean Air Act to provide the States with greater protection against air pollution generated in other States.

That current provisions of the act have proven unworkable is demonstrated by the fact that under these provisions no State has yet been granted relief from out of State emissions in spite of clear evidence that such emissions are crossing State lines in quantities that harm the people and the economies of downwind States.

The inability of one State to control harmful emissions from outside its jurisdiction constitutes the very foundation upon which Federal clean air legislation is based. The Federal Clean Air Act exists because independent action by each State, based on its self-interest interest, simply results in exporting pollution and bidding industry and jobs away from neighboring States. Unless the act effectively prohibits such pollution exporting, one of the central purposes of the act will remain unfulfilled.

Unless the interstate pollution prohibitions in section 110 and the enforcement mechanisms in section 126 of the act are modified along the lines of S. 1718, the States affected by pollutants transported across State lines will continue to have no effective recourse under the law.

I would like to share with my colleagues a letter I recently received from Connecticut Governor Bill O'Neill that clearly and simply makes the case for adopting the provisions of S. 1718. Governor O'Neill points out that due to Connecticut's inability, under the current act, to limit the flow of pollutants into the State from outside sources, "economic development in Connecticut is unfairly restrained and the public health and welfare is jeopardized."

While the interstate pollution problem may not be as pervasive in every State as it is in Connecticut, practically every State faces at least localized problems with pollution generated from sources across State lines. I believe it is in the interest of all Senators and their constituents to support this effort to provide a workable and equitable solution to the interstate pollution problem and ask that a copy of Governor O'Neill's letter be printed in the RECORD.

The letter follows:

STATE OF CONNECTICUT,
Hartford, Conn., October 14, 1981.

Hon. CHRISTOPHER J. DODD,
U.S. Senator,
Washington, D.C.

DEAR CHRIS: I want to extend to you my full support of the legislation you have introduced to address the problem of interstate air pollution.

As you are well aware, this is one of the state's most serious problems as current statutory language prevents the state from restricting the flow of pollutants into the state from outside sources. Because of our obligation to limit total pollution emissions and our inability to control out of state sources, economic development in Connecticut is unfairly restrained and the public health and welfare is jeopardized.

I look forward to working with you toward the enactment of your proposal. The Connecticut Department of Environmental Protection has worked effectively with industry and the public in general to insure the optimum benefit of the Clean Air Act State Implementation Plan. I am certain that our efforts will result in a solid foundation of support from those who would be affected by your proposal.

Sincerely,

WILLIAM A. O'NEILL,
Governor.●

THE COMMERCIALIZATION OF DNA

● Mr. HATCH. Mr. President, the controversy over recombinant DNA technology has peaked and valleyed over the course of the past several Congresses. From its inception, this technological breakthrough in applied genetic science has been depicted as good or evil. In retrospect, most of us have come to know that recombinant DNA represents a means rather than an end. It is a tool of science, the ethical application of which can only be determined by those instructed to use it. Now that the National Institutes of Health are in the process of proposing less restrictive procedures for

its application, we in Congress have a necessary public responsibility to at least be aware of them.

The recombinant DNA technology which is now emerging represents one of the greatest accomplishments of modern day biological research. Today, scientists are incorporating single genes—units of heredity—into microorganisms and thus turning them into biological factories producing human insulin, interferon, and other hormones and antibodies which could not be obtained in quantity prior to this technique. The implications for health in terms of potential therapies is overwhelming and future significant developments are on the horizon.

Molecular biologists are now on the verge of introducing new genes into living animals. In the medical field, cancer genes have recently been discovered which will make normal cells malignant after the gene is incorporated into the cell. These studies will undoubtedly enhance our understanding of the mechanisms of cancer induction and may lead to new and better forms of therapy.

However, the employment of the recombinant DNA technology is not restricted to the health sciences. It is also applicable to the chemical, agricultural and mining industries. According to the Office of Technology Assessment the impact of DNA technology on the chemical industry will cut across the entire spectrum of chemical groups involving plastics and resin materials, flavors and perfumes materials, synthetic rubber and the primary products from petroleum that serve as the raw materials for the synthesis of organic materials.

In the chemical industry alone, the value of industrial organics produced by such biotechnology might reach $522 million per year by 1990 and $7.2 billion per year by 2000 based on 1979 dollars. In agriculture, the DNA technology should provide an additional tool to allow development of new varieties and even species of plants as well as finding applications in food processing. It may seem surprising there is also a use of DNA technology in mineral leaching and recovery, enhanced oil recovery and in pollution control.

The commercialization of this DNA technology raises an important question for the academic domain and that is "What is the proper role of universities in the development of scientific discoveries into commercially useful products and innovations?" The involvement of universities in commercial ventures is not new. These have ranged from cooperative agreements with major industries to the establishment of embryo transfer units.

However the potential magnitude of the recombinant DNA technology presents somewhat different problems. Many universities already on financially shaky grounds are prepared to participate in the commercialization of DNA technology. A number of forces are providing impetus for a move in this direction. The expected decrease in real dollars from Federal grants, competition with small business for research funds and potentially greater involvement with industry are all acting to encourage universities to engage in the technological development of scientific discoveries.

Stanford University has recently entered into an agreement with six concerns to build a $2.5 million Center for Biotechnology Research. This academic center owns 30 percent of a commercial concern know as "Engenics" that will seek to market products based on the center's findings. Donald Kennedy, president of Stanford, referring to the relationship between universities and outside sources, has said, "Everybody's breaking new ground. We're all rewriting the ground rules."

Derek Bok, president of Harvard, has identified four dangers to the quality of academic science as a consequence of such involvement. First, the applied side of science may become the dominating force in university research. Second, manpower may be diverted from research and teaching to other tasks in the process of technological development. Third is the introduction of secrecy and proprietary information into scientific research. And fourth would be a threat to the quality of leadership and the general morale within the scientific enterprise.

These general concerns can translate into such specific problems as patent rights when research funds have been comingled; conflicts of interest for faculty engaged in university independent commercial ventures; faculty status of scientists engaged in technological development; proprietary information in Ph. D. thesis projects.

Needless to say, all of these factors could contribute to the restructuring of university graduate education and research programs. While no one is advocating the dissolution of the traditional roles of the universities, they do have a great deal to offer in the transfer of technology which is sorely needed in our country. And if this is the direction the universities are moving, the corresponding problems should be addressed and resolved. It is in the interest and duty of Congress to be aware of these events and directions since public money, to a large extent sponsors the research projects which may lead to technological innovations.

In 1801, the German poet Goethe characterized science in an epigram "Some men see her as a lofty celestial goddess, others as an industrious cow who supplies them with butter." Perhaps there is some truth to both points of view.

Mr. President, I ask that, as illustration of the university research problem I have been describing, a short but incisive analysis by Dr. Bernard D. Davis, M.D. of Harvard Medical School from the May 1981 issue of the New England Journal of Medicine be included in the RECORD.

The article follows:

SOUNDING BOARD: PROFIT SHARING BETWEEN PROFESSORS AND THE UNIVERSITY?

The intellectual yield from our country's investment in fundamental biologic research has been tremendous. Through the fusion of genetics with biochemistry and through the development of ingenious techniques for exploring the range of dimensions that were formerly hidden between microscopy and chemistry, we have acquired a remarkably coherent picture of the universal features of cell structure and function. Moreover, Darwin's theory can now be considered Darwin's law: We understand how the required genetic variation arises, we understand why information cannot flow back from phenotype to genotype, and we can measure evolutionary distance directly in terms of DNA sequences. Yet, however gratifying these triumphs of human intelligence and imagination may be, interest in science as a cultural enterprise was not the main reason for the generous flow of public funds. Valuable applications were promised and were expected.

Nevertheless, unlike earlier experience with the biochemistry of amino acids, vitamins, hormones, and antibiotics, the practical payoffs from molecular genetics were disappointingly slow. Although medical research made major gains in other ways in recent decades, the intracellular marcromolecules of the molecular biologist could not be translated easily into medical prescriptions. The resulting impatience of some legislators was understandable, but the picture has now changed dramatically. Emerging from the integration of three decades of fundamental and even esoteric research, the recombinant-DNA technology now promises innumerable applications in agriculture and in energy production as well as in medicine. Molecular biology has thus burst into the age of high technology, and the resulting acute speculative fever has perhaps, been exacerbated by the earlier celebrity of recombinant DNA as a presumed menace.

The new commercial possibilities present universities with both opportunities and risks. This situation has been brought into sharp focus by a recent proposal of the Harvard administration, which is discussed in Barbara Culliton's article in this issue of the *Journal*. In my analysis of these problems, I shall proceed on the following assumptions: first of all, that the university community has a social obligation to try to promote technology transfer, but that it should do so in ways that will not jeopardize the search for knowledge for its own sake; secondly, that in this country the options lie within the framework of a system of private enterprise; and thirdly, that because of the changing pattern of government support of scientific research, universities are obligated to try to find additional sources of funds, both to preserve their autonomy and to prevent a waste of trained scientific talent. All these assumptions may be questioned, of course, but such questions are beyond the scope of this discussion.

PATENTS

Patents have long been used to provide income for universities. For example, the royalties of the Wisconsin Alumni Research Foundation since the 1920's have made biochemistry an unusually strong field at that university. In general, however, biologists have been much less interested in patents than chemists or engineers have—perhaps because their work has only rarely lent itself to applications. Moreover, in medicine the earlier tradition of charity to the poor raised additional barriers to commercialization. Accordingly, for many years the Harvard Corporation required that any health-related discoveries in its laboratories be dedicated to the public. Meanwhile, there have been major changes in the economics of medical care and in the attitude of federal agencies toward patents. In addition, it has become clear that the absence of a patent often impairs, rather than promotes, the availability of a useful product to the public. Thus, in 1975, Harvard decided that it would take out patents and would transfer a modest fraction of any royalties to the inventor.

Some object to even this degree of university involvement on the grounds that it may lead to preferential treatment of certain faculty members. However, this problem is not

unique to patents. Grants bring in a large overhead. Moreover, faculty salaries are often derived from grants to individual faculty members, and the influence of external funding on appointments may then be considerable. In contrast, any royalties from patents can be distributed without externally imposed restrictions. It is thus hard to see why patents are likely to bias appointments more than grants and contracts do.

Another criticism of patenting is that it encourages secrecy. However, as is well known, secrecy is widespread in highly competitive fields of even the purest research. To be sure, patentability may provide an additional incentive to secrecy over the short term, but in the long run patents eliminate the need for secrecy, since after the date of filing of a patent application, like the date of submission of a publication, the information is released for free discussion and for noncommercial use by others. Indeed, in industry, unpatentable information is the main body of trade secrets.

The history of antibiotics provides an interesting lesson. When Ernst Chain isolated penicillin, he urged that it be patented for Oxford University, but the British establishment in academic medicine refused. As a result, Oxford received nothing; the British were soon paying royalties to American firms. In contrast, a few years later, the royalties from Waksman's discovery of streptomycin at Rutgers and from Umezawa's discovery of kanamycin in Tokyo were used to found and support excellent research institutes.

PRIVATE CORPORATIONS AND THE SPECIAL PROBLEMS OF BIOLOGY

Another well-established mechanism for the commercial exploitation of science—potentially more profitable for the professor—is the formation of a private corporation. That a number of molecular biologists have initiated such undertakings is not surprising, especially since research in this field has been characterized by unusual boldness in moving to challenging new problems.

Universities have treated such activities much as they treat industrial consulting—a practice that they often encourage because, like part-time practice in medicine, it helps to retain valuable faculty. Consulting time is often limited, either by a formal rule or by an informal agreement, to one day a week. However, the development of a new company is likely to require much more time. Moreover, the impact of such an involvement on academic activities cannot be measured entirely in terms of formal hours of work; a change in what the professor is thinking about when showering or driving may have an even greater effect.

An excessive diversion of time may be only a temporary stage at the start of a new business. Accordingly, in this area universities are justified in continuing their tradition of flexibility and patience in supervising the daily distribution of faculty time. On the other hand, the problem of a substantial diversion for a long period under the umbrella of a full-time university salary cannot be ignored, and I shall return to it.

The collegial academic atmosphere is likely to be even more seriously harmed by competition between faculty colleagues who are associated with different companies, although the tradition of industrial ties in chemistry and in solid-state physics provides a somewhat reassuring model. However, there are important differences, not only in the traditions but also in the content of the fields. Specifically, in recombinant-DNA research the competition may well be much more intense than it is in these other fields, at least for the present, because the range of problems is so much narrower: many groups are inevitably seeking the same product, such as insulin or interferon.

Two other differences between biology and chemistry are also pertinent. In the first place, biology often asks more philosophic questions that are remote from potential applications. Secondly, because of the extraordinary complexity of biologic material, major breakthroughs frequently depend on a happy accident, an unexpected observation, or an unpredictable implication of distant findings. If the search for wealth diverts too many of the best biologists in the next generation from undirected exploration of the nature of life, something precious will be lost.

Clearly, these are serious problems. If research in this new industry becomes more autonomous and developmental, perhaps like research in antibiotics over the past decades, these problems may be only temporary. However, antibiotics arose from an accidental discovery, and their pursuant has remained largely empirical, whereas recombinant DNA has extensive theoretical roots. Hence, its applications are likely to continue to depend heavily on advances in academic laboratories.

THE HARVARD PROPOSAL AND THE FUTURE OF INSTITUTIONAL PROFIT SHARING

A major difference between the two mechanisms of technology exploitation described above is that universities have generally shared in profits from patents on discoveries made in their laboratories but not in those from companies stemming from such discoveries. However, some European laboratories have recently extended profit sharing to the second arrangement. A similar proposal was made at Harvard last October but was soon withdrawn. It elicited a strongly unfavorable response from some of the faculty and from editorial writers in the news media. Now that the tempest has subsided, it may be useful to reexamine the issues.

The proposal arose when Harvard was considering the possibility of patenting a discovery of Prof. Mark Ptashne in recombinant DNA. The Harvard administration suggested the alternative of setting up a company with outside venture capital and with the university given a minority share (which was subsequently said to be 10 percent). The company, in return, would have the rights to any patents on Ptashne's discoveries held by the university. In the memorandum that opened the discussion, the Harvard administration carefully spelled out a number of pitfalls in this kind of venture, and it asked the faculty to consider the abstract policy issues and principles involved. However, it did not specify any details of the proposed arrangement or even mention Ptashne's name; it simply informed the faculty that it would be making a decision on a specific arrangement within three weeks.

With the benefit of hindsight, one can see several aspects of the presentation that promoted resistance. The linkage to a concrete decision foreclosed the leisurely philosophical discussion that was requested, since it gave a sense of urgency to those who were opposed, and the lack of details about the proposal aroused mistrust. Vagueness about the role of the university in the proposed company gave rise to the widespread misapprehension (especially in the news media) that Harvard was actually going to operate it. The memorandum emphasized the advantages of having the university protect the interests of a faculty member; willing acceptance by the faculty would have required a degree of confidence in institutional authority that is not universal today. Concern was also heightened by the earlier, wild public response to the Genentech stock offering, which had capitalized that company—as yet without a salable product—at over $500 million. Many faculty members gagged at the prospect of having the university linked with a similar caricature of the capitalist system.

In addition, many faculty members resent the venality and secrecy that has arisen in some laboratories performing recombinant-DNA research. This resentment clearly intensified the reaction, and it led to the understandable conviction that the university should not appear to condone and perhaps even encourage this pernicious development. However, the hostility may have been misplaced. The problem arises from the lucrative potential of the work, not from the possibility of university ownership of shares.

In the end, two dangers seem to have caused the greatest concern: pressures on faculty in their choice of research and favoritism of the university toward financially productive faculty members. The memorandum unfortunately presented both these problems as though they were novel, instead of comparing them with the similar problems associated with other sources of funds. As a result, the issues were analyzed rather unrealistically, and an idealized conception of the university was defended: the institution was presumed to be entirely free of restrictions on how it distributes its income in supporting the preservation, advancement, and dissemination of pure knowledge. In fact, research grants from government, foundations, and industry—and many endowments in support of professorial chairs or specialized institutes—generally do not provide such freedom.

With respect to the basic issues of favoritism and freedom of research, it is instructive to compare the rejected proposal with the recent 12-year grant of $23 million from Monsanto Chemical Company to Harvard Medical School, as described in Culliton's article. This grant has expanded the facilities that are available to the recipient professors, outside the academic control of any department, and it surely commits the recipients to a given line of research. In contrast, dividends from equity in a company need not have either of these consequences, and such funds could be distributed by the university much more freely. Of course, one could consider the Monsanto grant a poor model to follow. However, it seems unlikely that universities will find better terms in their present search for industrial support. The area of research is appropriate and remains basic, freedom of publication is unencumbered, and the institution gains some permanent resources. The company selects the investigators and their area of work and has favored access to the results before publication and to patents, but it seems unrealistic to expect large-scale industrial support without such an exchange. In addition, to the extent that dwindling federal funds are replaced in this way, the research community as a whole benefits.

Universities have had a long history of negotiations, especially in medical schools, over academic activities and positions linked to private gain. The members of the Harvard Faculty of Arts and Sciences demonstrated little awareness of this history in their recent discussion. The emergence of professors as entrepreneurs raises a wide range of problems, but the only one discussed was the prospect of having the university involved as well. In particular, no questions were raised about existing companies that do not contaminate (or benefit) the university—for example, one in biotechnology that was recently initiated by Prof. Walter Gilbert and one in economic consultation that was founded by Prof. Otto Eckstein and was recently sold for about $100 million.

In the absence of limiting ground rules, it was perfectly proper for enterprising faculty members to have set up such unshared private corporations, but I suggest that the rapid expansion of such activities now demands a broader look. Medical schools have long faced a similar problem with full-time salaried faculty members who collect fees from private patients. Many solutions have been tried, ranging from complete transfer of the money to the institution to no transfer. Unfortunately, this experience does not

offer any ideal, universally accepted model for other faculties beginning to face a similar dilemma. Nevertheless, it has certainly not been obvious that complete retention of the income by the faculty member best serves the university, or that it represents the fairest possible arrangement.

CONCLUSIONS

We may all regret the loss of the more Arcadian atmosphere of the past. However, if universities are to protect their financial base in order to advance their academic goals, nostalgia will be no substitute for imaginative adaptations and a tough-minded attitude. There are surely risks in developing industrial connections, but they must be balanced against the increasing financial insecurity of universities today and against a monolithic dependence on an often unsympathetic government.

There is also a question of simple justice. The facilities, the atmosphere, and the financial support of universities have provided an essential background for many commercial developments, and the continued connection of the entrepreneur with the university, like the connection of a physician with a teaching hospital, often gives the entrepreneur a good deal of prestige. It therefore seems just that the university, which can no longer afford to be in the position of a generous parent, should in return receive a share of the profits. In addition, such profit sharing would respond to a widespread and cogent criticism of the present system: that it unfairly allows professors to become rich through developments stemming from tax-supported research. There is still appeal in the basic concept of dedicating a medical discovery (especially a tax-supported discovery) to the public interest, and distribution of part of the profit to the university surely serves the public interest more directly than does distribution only to the other participants.

One could argue that licensing patents is a less entangling way to reimburse the university than is the sharing of equity. However, the advantage of equity in a corporation is not only the possibility of a larger income to the university; it may be even more important as a means of ensuring continued benefits from future discoveries. Once a professor had begun to direct research in an industry as well as in an academic laboratory, he or she would no doubt be tempted to shift to the latter any branch of the academic work that appeared potentially patentable.

Finally, profit sharing could have certain mutually advantageous byproducts that were not mentioned in connection with the Harvard proposal. For example, if the industrial laboratory was nearby, which would be convenient for all concerned, a financial interest by the university could eliminate the question of recompense for access of company scientists to libraries and seminars. Similarly, the specialized instruments and facilities for large scale preparations in an industrial laboratory could occasionally be useful for university researchers.

I have suggested that various arguments against the proposal of the Harvard administration were not convincing. Nevertheless, the possibility of conflict of interest is real as is the problem of keeping the business connection at arm's length from the academic activities of the university. In addition, there remans a serious moral issue. Given the rules of the game, the scientist-entrepreneur is free, within the restrictions of the Securities and Exchange Commission, to convert paper profits into a fortune by selling stock at an inflated, speculative price. Similarly, it is legitimate for a unversity's investment managers to seek capital gains in the open market from fluctuations in the price of such securities. However, if its connection with a company increases public confidence, a university has an additional responsibility not only to protect its reputation but also to protect the public against the creation of a financial bubble.

If the arguments for profit sharing prevail, universities may have to establish requirements for some such arrangement before allowing a faculty member to hold an important position in a corporation. Indeed, even consulting is not necessarily sacred, any more than are fees from patients; investigators at the National Institutes of Health are not allowed to retain consulting fees or lecture honorariums, and President Hutchins once introduced such regulations at the University of Chicago. Of course, this rule effectively discourages consulting—and hence technology transfer—but an arrangement for sharing might not. As the commercial applications of biology grow, there will be room for imaginative experiments, perhaps with buffering organizations like the Wisconsin Alumni Research Foundation between the university and the corporation.

Whatever the main reason for the negative reaction to the Harvard proposal—whether it was the manner of its presentation or the devotion of some faculty members to an idealized conception of alma mater—this reaction is clearly not the last word on the subject. A new company in France, Transgéne, has distributed equity to the Pasteur Institute in Paris and to the University of Strasbourg, and in England a national biotechnology corporation will be sharing profits (and results of research) with the Medical Research Council Molecular Biology Laboratory at Cambridge. In this country, several universities and research institutes seem to be moving rapidly in the same direction. For better or worse, the objections to such arrangements may fade even more rapidly than did the earlier objections to patenting.●

A BIG STEP FOR DRUG ENFORCEMENT

● Mr. NUNN. Mr. President, by repealing the prohibition on the use of U.S. funds to support the spraying of marihuana with paraquat and other herbicides, the International Security and Development Cooperation Act takes a big step toward effective drug enforcement. I congratulate Senator CHILES, who introduced this amendment, for his exemplary leadership in this area.

There is no better way of stopping the flood of illegal drugs coming into the country than to attack them at the source—which means the marihuana fields in overseas nations, especially in Colombia.

Prior to 1978, the United States experienced as serious epidemic of heroin being produced and smuggled in from Mexico. But when paraquat was sprayed extensively by the Mexican Government, the flow of heroin from that country was reduced by 70 percent.

The same can be said of marihuana being grown and imported from Mexico. With Mexican production greatly reduced, Colombia became the primary source country for marihuana. President Turbay of Colombia has said repeatedly that the use of paraquat would enable his government to reduce the flow of marihuana substantially.

Since 1978, however, the U.S. Government has been prohibited from providing funds to Colombia and other countries for use in paraquat spraying. That prohibition was enacted with little debate in the wake of reports that paraquat posed a health danger if smoked along with marihuana.

The available evidence now suggests that the greatest amount of residue left on marihuana would pose no more serious a health hazard than amounts that remain on domestic farm products.

In proposing the repeal of the prohibition last March, Senator CHILES and I provided in our bill—which eventually became section 403(a) of the foreign assistance bill we are considering today—a requirement that the Secretary of State shall notify the Secretary of Health and Human Services of any plans to use a herbicide on overseas marihuana fields. The Secretary of HHS would monitor for health effects.

In addition, the Foreign Relations Committee has provided that $100,000 shall be available to develop a "marker" which would alert a potential user that the marihuana has been sprayed with paraquat.

These provisions, in my opinion, will adequately safeguard the health of Americans who are foolish enough to smoke marihuana, a substance which in all likelihood is dangerous to their health, anyway.

By repealing this prohibition, we are sending an important signal to countries such as Colombia that the United States is serious about its drug problem and that we intend to back up their own efforts to stop the drug trade.

It is difficult for foreign officials such as President Turbay to believe that we are serious when we deny to their governments the money to use the most effective weapon in the war on drugs.

The trade in illicit narcotics is sapping our domestic economy of more than $100 billion a year. Its effects on the economies of the key import States, such as Florida, Texas, and Georgia, are profound.

The Permanent Subcommittee on Investigations, of which I serve as ranking minority member and on which Senator CHILES plays a leading role, has examined the drug problem in detail. The subcommittee has reported extensively on its findings, which indicate that drugs and crime generally rank behind only the economy as our most serious national domestic problem.

The illegal flow of drugs, especially from Latin America, is overwhelming the interdiction efforts of the Drug Enforcement Administration, the Customs Service, and the Coast Guard. The Senate already has approved a measure introduced by Senator CHILES and me that would allow the armed services to render limited but important assistance to these efforts.

By once again providing assistance to the so-called source countries for paraquat spraying, we are taking another giant step toward effective drug enforcement.●

THE ARMING OF SAUDI ARABIA

● Mr. HART. Mr. President, J. B. Kelly's article in today's Wall Street Journal emphasizes a point too often overlooked as we consider the sale of AWACS to Saudi Arabia. The article points out that far from strengthening the U.S. position

in the Middle East, massive arms sales to the Saudis will actually endanger it. For the AWACS sale will not only fail to purchase the friendship of the Saudis, it may encourage them to pursue economic and political aims contrary to Western interests.

The Saudis have no vital stake in friendship with the United States. Their greatest interest is in their own survival, and clear alliance with the West will not help that cause. And they have a religious duty to oppose American bases in Saudi Arabia that arms sales cannot change, despite administration hints to the contrary.

In addition, the consequences of strengthening Saudi Arabia militarily may be severe. It may encourage the Saudis to renew their historical territorial ambitions in the Middle East. And if oil prices continue to fall, the Saudis, if heavily armed, might be tempted to coerce smaller Gulf States into cutting their oil production—or even attempt military action.

Our goals in the Middle East are not the Saudis. For that reason, we must not only stop the AWACS sale, but begin immediately to pursue a policy of energy independence. Until we do so, our vital interests remain at risk in the Middle East.

Mr. President, J. B. Kelly's article does an excellent job of outlining the underlying facts of this vitally important policy question. I ask that the article be printed in the RECORD, and I urge my colleagues to consider it carefully.

The article follows:

[From the Wall Street Journal, Oct. 21, 1981]

THE ARMING OF SAUDI ARABIA

(By J. B. Kelly)

Behind the current controversy over the proposed sale of Awacs aircraft and supplementary F15 weaponry to Saudi Arabia lies an assumption that has been little challenged publicly: that Saudi Arabia is willing and able to serve as the linchpin of a defensive system for the Persian Gulf. Is the assumption correct, or is Saudi Arabia in reality the principal obstacle to such a system?

The House of Saud, as is only natural, is primarily concerned with its own survival and prosperity. It has no vital interest in the contest between the liberal democracies of the West and the communist dictatorships of the East. Time and again it has voiced its determination to keep aloof from the contest, to eschew formal alliances with one side or the other. "The superpowers have no friends," the Saudi foreign minister, Saud ibn Faisal, told the correspondent of an Arabic newspaper last April. "We would be deceiving ourselves if we thought that our relations with the superpowers are founded on friendship and the principles of friendship."

At the same time, however, the Saudi royal house has displayed a certain ambivalence toward the Soviet Union. While its more prominent members and the government-controlled Saudi media are quite free with their recriminations against the United States for its alleged transgressions (notably but by no means exclusively with respect to American policy toward Israel and the question of Palestinian irredentism), they remain remarkably reticent about the activities of the Soviet Union in the Middle East. They continue to allow Soviet aircraft to fly over Saudi territory en route to Aden and Ethiopia, a courtesy that saves the Russians considerable inconvenience. Also, the Saudis persisted in retaining an embassy in Soviet-occupied Kabul for more than a year after the Russian invasion of Afghanistan, severing diplomatic relations with the puppet government of Babrak Karmal only last April, when Secretary of State Haig visited Riyadh.

"WE COULD REPLACE AMERICANS"

"We do not boycott the Soviet Union," the Saudi foreign minister stated in the interview. "Dialogue between Saudi Arabia and the Soviet Union exists and is continuing. Saudi and Soviet diplomats meet in every part of the world." Fifteen months previously, and a month after the invasion of Afghanistan, Crown Prince Fahd, the Saudi deputy prime minister, declared in an interview published in the Lebanese newspaper Al Hawadith: "There are many states such as the Soviet Union which are only too ready to supply the kingdom with everything it wants. In other words, we could easily replace the Americans."

It is against the background of such statements (of which there have been many in a similar vein) that the visit of the Kuwaiti foreign minister to Moscow last April takes on a particular significance. Kuwait, the only Arab Gulf state having formal diplomatic relations with the Soviet Union, has for decades been submissive to the dictates of Riyadh, and has often been used by the Saudis as a stalking horse in international affairs. At the end of his visit to Moscow, the Kuwaiti foreign minister, Sheikh Sabah ibn Ahmad al-Sabah, stated: "The Soviet Union shares our view that the responsibility for the security of the Gulf lies with its states only. It also shares our view of the need to keep the region free of military bases and naval fleets so that it will remain far away from any struggle between the superpowers."

Saudi Arabia has consistently enunciated this same doctrine for a dozen years, and it has been steadfastly supported in its stand for the same length of time by the Soviet Union. It came therefore as no surprise that when the Saudi-dominated Gulf Cooperation Council (made up of Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and Oman) met at Abu Dhabi in late May, its final communique restated the doctrine in terms almost identical to those uttered in Moscow. No reference whatever was made in the document to the dominant Russian presence in South Yemen or to the naval and air facilities enjoyed by the Russians in Syria and Iraq.

It may be taken as axiomatic that no United States or NATO force could operate in the Gulf region without local bases. It is equally certain that Saudi Arabia will never grant the right to such bases—whatever veiled allusions the administration in Washington may be making to the acquisition of "facilities" in that country. The authority of the Saudi royal house derives from its role as the leader of the Wahhabi sect of Islam. As such, its foremost duty is to uphold the predominance of Islam in the conduct of the kingdom's affairs, to defend the sacred soil of Islam against its foes and to assert the primacy of Islam over all other faiths.

To accord the U.S. the right to bases in Saudi Arabia would be tantamount to alienating a portion of the heartland of Islam to infidels. Such a dereliction of the House of Saud's religious duties would strike a severe, perhaps mortal, blow to the foundations of its authority.

The Saudi regime's almost equally fervent opposition to the stationing of U.S. forces elsewhere in the Arabian peninsula (e.g., in Oman) stems from the calculation that the presence of such forces would be a hindrance to the attainment of its own ambitions in the peninsula. The motive power behind the progress of the House of Saud over the past two centuries has been a sense of religious mission coupled to a drive for territorial conquest. The one, needless to say, has helped fuel the other. Since World War I alone the Saudis have annexed the Hijaz, the AAsir, the emirate of Jabal Shammar (in Qatar, Abu Dhabi and Yemen), and the whole of the Rub al-Khali, the Empty Quarter, to which they had not a scrap of right.

Since World War II they have endeavored, through armed incursions, gun-running, bribery, subversion and attempted assassination to acquire segments of territory, actually or potentially oil-bearing, from Qatar, Abu Dhabi and Oman, territory to which, again, they had not a shred of legitimate title. Toward all these endeavors the State Department habitually manifested an attitude of benign indifference, where it did not actually lend surreptitious encouragement to what it chose to regard as the fulfillment of the House of Saud's "manifest destiny"—to rule all Arabia from sea to sea.

The arming of Saudi Arabia on the current scale, ostensibly to meet the country's legitimate defensive needs, may encourage its present rulers (or, what may be more sinister, a new regime of a very different complexion in Riyadh) to resume the pursuit of their historic ambitions in eastern and southeastern Arabia, i.e., to subvert the independence of Bahrain, the Emirates and Oman.

A further incentive to the Saudis to exploit their military superiority over their smaller neighbors is provided by the current state of the oil market. OPEC production is now down from 31 million barrels per day in 1979 to about 19 m.b.d. today, of which Saudi Arabia accounts for close to half. Should demand fall even further, or should Iranian oil come back on stream or Iraq resume full production, the House of Saud may be hard put to it to sell sufficient quantities of oil to generate the revenues it needs to sustain itself in power. Frightened by the dual nightmare of declining sales and falling prices, Riyadh may resort to the desperate expedient of coercing the lesser Gulf oil states into cutting their production to a minimum.

RECKLESS ACTIONS

It is not beyond possibility that the Saudi regime, confronted with a severe financial crisis at home, might encourage Iraq to resume its conflict with Iran with the object of once again shutting down the Khuzistan oil fields. Or that Saudi Arabia might even join in such an offensive, using its Awacs aircraft to coordinate a joint air attack upon Iran with the Iraqi air force, and directing its own F15s (flown by mercenaries if necessary) to strike at obvious targets like the Iranian oil-loading terminal on Kharg Island. To Western eyes such actions would appear reckless in the extreme, but we are not dealing here with Western modes of thinking. The economic consequences for the West would, of course, be enormous.

The U.S. and its Western allies have two prime strategic objectives in the Gulf: one is to secure the region and access to its oil fields against external and internal dangers; the other is to break the power of the OPEC cartel and so arrest the continued economic hemorrhaging of the industrial nations.

The policy espoused by the Reagan administration, of building up the military strength of Saudi Arabia, positively impedes the attainment of these objectives. It also, for all practical purposes, invests Saudi Arabia with a power of veto over America's own plans for the defense of the Gulf. Even worse, the persistence of the U.S. and its principal NATO allies in a policy of inundating the Gulf with advanced weapons of all kinds will almost inevitably precipitate one or the other of the very catastrophes that the policy is theoretically designed to avert—

either the virtual destruction of the Gulf's oil industry or its seizure by forces hostile to the Western world.●

SMALL BUSINESS BANKRUPTCIES

● Mr. HUDDLESTON. Mr. President, the U.S. economy has been staggering under the heavy burden of excessive interest rates for too long. The result of these high rates is that our economy is now officially in a recession. However, the small business people of this country have known for many weeks that we are in a recession, because they have been the ones who have been hardest hit by the excessively high interest rates.

A recent report by the National Small Business Association dramatized the direct correlation between high interest rates and bankruptcies. This report cites the Dun & Bradstreet figures, which show that business bankruptcies increased 41.8 percent in the first 35 weeks of 1981 over the same period in 1980. However, even more disturbing is that "smaller businesses (defined as those with liabilities of $100,000 or less) comprised 50.53 percent of the 1981 total."

Mr. President, I ask that this report by the National Small Business Association be printed in the RECORD.

The report referred to is as follows:

REPORT ON BUSINESS BANKRUPTCIES

BUSINESS FAILURES: CURRENT STATISTICS

From mid-1980 to mid-1981 court-filed business bankruptcies increased 30.1 percent. This is the second largest year-to-year rise of the past 20 years, below only the 45.2 percent increase occurring between 1974 and 1975.

Even more alarming are more current figures from Dun & Bradstreet for January 1 through September 3, 1981, which reflect that business bankruptcies increased from 7,812 to 11,076, a jump of 41.8 percent compared with the same 35 week period in 1980, according to press reports quoting Rowena Wyant, a D&B Vice President in the New York business economics division ("Business Failures Increase," New York Times, September 13, 1981.)

Smaller businesses (defined as those with liabilities of $100,000 or less) comprised 50.53 percent of the 1981 total.

An industry breakdown of the D&B figures for the 35-week period is as follows:

1981 Compared to 1980

	Percent
Construction	up 48.5
Services	up 47.6
Retailing	up 41.4
Manufacturing	up 36.9
Wholesaling	up 30.1

This information is probably conservative from the small firm standpoint, because D&B figures do not include the finance, insurance, and real estate fields where smaller businesses predominate.

In a recent newspaper column George Will characterized similar figures as "a massacre on Main Street." (The Massacre on Main Street, Washington Post, September 20, 1981, page C8:1)

The court filings are on the basis of the "statistical year" of the U.S. Courts which record the information, which for the past two years has been as follows:

"Statistical year," July 1, 1979–June 30, 1980 equals 36,433.

"Statistical year," July 1, 1980–June 30, 1981 equals 47,414.

NOTES

As a technical matter, it should be noted that courts also accept Joint Petitions. These are additional filings where the husband and wife both participate in the enterprise. These are excluded from the above figures, because a "joint petition" covers persons associated with a business that has already filed. Inclusion of joint petitions would increase the business total for the 1980–81 statistical year to 66,000.

The statistics are also affected by changes in the Bankruptcy laws brought about by the Bankruptcy Reform Act of 1978 (effective October 1, 1979). The new code did not make it easier for corporations to file. The law did establish a series of personal exemptions in Federal law for the first time which, in many instances, were more liberal than state laws. (Bankruptcy Code, Sec. 522). However, there were not and are not any corporate exemptions, and corporations can no longer be discharged of debt as they could under the old law.

HISTORICAL TRENDS

The statistics on bankruptcies since 1950, as collected by both the U.S. Courts and Dun & Bradstreet are set forth in a chronological table attached as Exhibit I.

The data show that business bankruptcies have risen and fallen in cycles. From mid-1961 through mid-1970, court-filed bankruptcies by businesses held almost constant (averaging about 16,200 per year, or 1350 per month). Then from mid-1971 to mid-1976, the figure more than doubled to 35,201 (about 2900 per month). Thereafter, the level declined until the end of 1979, when it stabilized at about 2,500 per month, as shown in the following table:

Court filed bankruptcies mid-1975 to mid-1980

1975–76	35,201
1976–77	32,189
1977–78	30,528
1978–79	29,500

Within a few months after the Federal Reserve action of October 1979 boosted interest rates to then-record levels, business bankruptcies began to climb dramatically. Totals reached an average of about 3,800 per month in the spring of 1980, where they remained until this year (1981) when they hit a new plateau of about 4,000 per month. This can be seen in the following quarterly tabulations:

Statistical years	July–September	October–December	January–March	April–June
1980–81	[1] 11,674	[1] 11,227	[2] 12,101	[2] 12,081
1979–80	[2] 8,457	[3] 7,014	[1] 9,137	[1] 11,473

[1] 1980.
[2] 1981.
[3] 1979.

Thus, the business bankruptcy level increased 63.57 percent from the beginning of October, 1979 to the end of June, 1980.

PARTICULARLY HARD-HIT INDUSTRIES

Some industries are particularly hard hit, such as construction. According to Dun & Bradstreet, bankruptcy rates for building contractors and subcontractors increased 48.5 percent through September 3, 1981 over the same period in 1980 (by which time the casualty figures had already risen substantially from the 1979 lows.)

A break-out of comparable figures for the first three months of this year shows:

FAILURE IN BUILDING AND CONSTRUCTION

	January-February-March 1981	January-February-March 1980	Increase Number	Increase Percent
General building contractors	282	228	54	23.68
Building subcontractors	358	218	140	64.22
Other contractors	45	22	23	104.55
Total	685	468	222	47.95

Source: Dun & Bradstreet, New York.

In automobile distribution, 1650 new car dealers went out of business in 1980, the largest total ever. Another 325 have failed during the first 6 months of 1981, bringing the overall exodus close to 9 percent of all businesses in this field since 1979 (NADA Data for 1981, National Association of Automobile Dealers).

"WALKAWAYS"

There are also innumerable instances when businesses just close their doors and terminate the business. They may now owe creditors nothing. Or, they may have substantial debts which are satisfied through attachments on bank accounts or foreclosing tax liens or mortgages, leaving few assets for general creditors to pursue in any kind of formal proceeding. There is probably no overall source of statistics on these "walkaways," but experts believe the number is substantial.

RELATIONSHIP BETWEEN INDIVIDUAL BANKRUPTCIES AND BUSINESS BANKRUPTCIES

Court-filed bankruptcy rates for individuals have more than doubled since the new bankruptcy code became effective in October 1979:

Non-business bankruptcies

1978–79	196,976
1979–80	314,856
1980–81 (preliminary)	450,000

These personal bankruptcies have direct ramifications for small business.

When an individual declares bankruptcy, the creditors are left "holding the bag," which is almost always empty.

Prominent among these creditors are the retailers, distributors, builders and service enterprises where the bankrupt ran up the bills which caused the problems. Many of these are small business.

For example, the May Company reported 1980 losses increasing 103.3 percent to $3.6 million compared to 1979. For J.C. Penney, losses increased 102 percent to $20.7 million. Montgomery Ward's losses increased 117 percent to $50.6 million, while Sears' losses increased 120.4 percent to $46.2 million for the same period.

Local businesses have the same kind of trouble. In fact some of the regional independent stores, which are members of the National Retail Merchants Association, reported 1980 losses increasing over 200 percent compared to 1979.

RELATIONSHIP BETWEEN INTEREST RATES AND BANKRUPTCIES

These cycles raise the question of how interest rates affect bankruptcies. As can be seen from comparing interest rate movements with the bankruptcy cycles documented by Dun & Bradstreet and the U.S. Courts, bankruptcies have tracked the interest rate very closely in recent years. This is illustrated by the chart attached as Exhibit 2, which was prepared by the Small Business Committee of the U.S. House of Representatives.

In technical terms, the correlation between real interest rates (e.g., the nominal rate

minus the inflation rate [GNP deflator] was 74.5 percent during the 3-year period covered by the chart and 73.47 percent for the 5 years from 1976 to 1981. Economists say that 74 percent constitutes a "direct and significant correlation" between these two factors.

Higher interest rate movements can affect a business directly and indirectly in several ways. They add to the costs of financing the production, distribution, inventorying and sale of merchandise. They are also a factor in willingness of consumers to purchase the product.

Interest rates also impact general economic conditions with multiple affects on small firms.

A statistical "correlation" does not spell out how two factors relate to each other or what other factors may be involved. But a correlation does indicate some kind of a relationship—in lesser or greater degree—and a correlation as high as 74 percent indicates the relationship is close and meaningful.

The plight of industries composed mostly of small firms which are particularly sensitive to interest rates—such as builders and auto dealerships—tend to confirm this relationship.

Thus, as long as interest rates remain at record rates, it can be expected that bankruptcies will also continue to set new records.

EFFECTS ON EMPLOYMENT

The fifteen million small firms in the U.S. which file tax returns account for 55 percent of existing employment (59 percent if farming is included) and approximately 80 percent of all new jobs. Professor David Birch of M.I.T. found that independent enterprises with 20 or fewer employees accounted for 52 percent of new private sector jobs between 1967 and 1976. Thus, as bankruptcies increase among small firms, job generation may be inhibited, existing jobs threatened, and increased unemployment may result.

Since each one percent increase in the unemployment rate (approximately equal to one million persons) deprives the U.S. Treasury of $25 to $29 billion in tax revenues forgone and benefits paid, increased bankruptcies—especially among small businesses—can translate into larger budgetary and economic problems.

THE HUMAN DIMENSIONS OF BANKRUPTCIES

Several years ago, a doctor at Johns Hopkins University researched the social effects of unemployment ("Estimating the Social Costs of National Economic Policy: Complications for Mental and Physical Health" by Professor Harvey Brenner, Joint Economic Committee Print, October 26, 1976).

This study found that during periods of higher unemployment, use of alcohol, hospitalization, suicides, heart attack and kidney disease also showed statistical increases.

Such an analysis could apply not only to employees, but to small business owners. Entrepreneurs would also be subject to great financial and personal stress in attempting to save businesses in which they have invested a significant amount of their savings and their careers, especially if these efforts were unsuccessful.

According to an attorney who has practiced bankruptcy law for 42 years, Samuel Greenbaum of Washington, D.C., many small businesses are under-capitalized to begin with. As a result, such owners are often required to put up personal assets such as their homes as additional security for business loans. If a bankruptcy follows, an owner can also have his family life shattered, exacting a "toll of personal tragedy".

The surge in business failures is therefore of great concern for both economic and social reasons.

According to U.S. Courts:

EXHIBIT 1—*Business failures*

1950	8,352
1951	7,387
1952	6,542
1953	6,772
1954	8,888
1955	9,185
1956	9,478
1957	10,144
1958	11,403
1959	11,729
1960	12,284
1961	15,241
1962	15,665
1963	16,303
1964	16,510
1965	16,910
1966	16,430
1967	16,600
1968	16,545
1969	15,430
1970	16,197
1971	19,103
1972	18,132
1973	17,490
1974	20,747
1975	30,130
1976	35,201
1977	32,189
1978	30,528
1979	*29,500
1980	*36,443
1981	*47,414

According to Dun & Bradstreet:

1950	9,162
1951	8,058
1952	7,611
1953	8,862
1954	11,068
1955	10,969
1956	12,686
1957	13,739
1958	14,964
1959	14,053
1960	15,445
1961	17,075
1962	15,782
1963	14,374
1964	13,501
1965	13,514
1963	13,061
1967	12,364
1968	9,363
1969	9,154
1970	10,748
1971	10,326
1972	9,566
1973	9,345
1974	9,915
1975	11,432
1976	9,628
1977	7,919
1978	6,619
1979	7,564
1980	11,742
1981 (thru Sept. 3)	11,076

* Exclusive of Joint Petitions.●

THE ACID DEPOSITION CONTROL ACT

● Mr. DURENBERGER. Mr. President, I am pleased to cosponsor S. 1706, the Acid Deposition Control Act.

As a Senator from Minnesota, I have a special concern about the dangerous effects on our natural resources from acid deposition, which is fast becoming one of the most significant and dangerous environmental problems, not only in the United States, but throughout much of the industrialized world.

In the United States the impact of acid deposition has received most recognition in the northeastern United States and Canada where hundreds of lakes and streams prized by sports fishermen for trout, bass, and salmon can no longer support fish. In the Adirondack Mountains of New York, 212 lakes and 140 lakes in Canada are without fish; 48,000 Canadian lakes are seriously threatened. Studies in Pennsylvania show acidic increase in 107 rivers. Fifty-eight percent of these show a decline in the number of fish species.

It was these and the following trends and the documented impact of acid deposition that led Senator MITCHELL to introduce S. 1706. In his State of Maine, the acidity of lakes has increased eightfold over the last 40 years. Native brook trout no longer reproduce in small lakes over 2,000 feet in altitude and five Atlantic salmon rivers are sufficiently acid to jeopardize young fish.

Although acid deposition has long been recognized as a serious problem primarily in the northeastern United States and Canada, continuing research has led to the recognition that my State of Minnesota and other Upper Midwestern States are faced with potentially great environmental, economic and health loss as a result of acid deposition.

The acidity of a lake and acid deposition are measured on a pH scale, and 7 on the pH scale is considered neutral—values above are alkaline, values below are acidic. It is important to note that the pH scale is exponential, which means that pH 6 is 10 times more acidic than pH 7 and pH 5 is 100 times more acidic than pH 7. pH of "pure water or rainfall is naturally somewhat more acidic with a value of about 5.6 in Minnesota, the average pH of rain in the more sensitive areas of the State—the northeastern portion of Minnesota—is on the average 10 to 25 times more acidic than normal. Recently, the averaged pH of rain in this area was measured to be 4.2. The lowest recorded value measured in northeastern Minnesota 3.6, was at Hovland, Minn., a town near the Canadian border. This is 100 times more acidic than "normal rain."

Throughout Minnesota the pH of rain is less than 5.6. However, research demonstrates that in the one-third to one-half of the State which is the most sensitive, the pH of rain is considerably more acidic than our environment will be able to tolerate. This is the northeastern region of Minnesota—the location of the magnificent Voyageurs National Park and Superior National Forest which includes the 1-million-acre boundary water canoe area wilderness. Both Voyageurs National Park, and the boundary waters canoe area are networks of over 1,000 lakes linked by streams and portages that served as the transportation route for French, English, Canadian, and American fur traders and explorers. The boundary waters area was formally established in 1902—with the 1-million-acre wilderness area insured under the 1978 Boundary Waters Canoe Area Wilderness Act. It is the most heavily used unit in the national wilderness system.

The lakes of Voyageurs National Park and the boundary waters area are on the southern end of the Canadian shield. This is an area which is particu-

larly vulnerable to the effect of acid deposition because it is underlaid by highly silicious types of bedrock such as granite and quartzite. These rock types are resistant to weathering, and the characteristically soft waters of such areas have a low buffering capacity—a low ability to neutralize additions of acid. This area in northeastern Minnesota is comparable in vulnerability to other systems which have been severely impacted by acid deposition in Europe and in North America. Most of these surface waters have little ability to neutralize acidic impacts. Atmospheric loadings near the boundary water canoe area and Voyageurs National Park are at levels associated with the onset of severe lake acidification in Sweden.

Research conducted by Dr. Gary E. Glass and other EPA scientists indicates that at least 35 percent of the lakes in northeastern Minnesota have reached critical acidity levels, even without the addition of new pollutants.

The diverse and valuable fishery of this area of Minnesota include species which have been greatly reduced or eliminated by acid rain and snow in other parts of the United States and Canada. While damage there has been less than in the Northeast, studies have shown increased levels of mercury in trout, walleye pike, and northern pike which may well have resulted from acid deposition. Fish kills not only result from the direct effects of acidic lake water, but also from the toxic metals—such as aluminum—that are released as acid rain is transported through surrounding soils.

The Minnesota Department of Natural Resources estimated that 1.4 million fishing licenses are sold each year and an additional 600,000 children and senior citizens fish without licenses. Commissioner Joe Alexander states that fishermen spent $260 million in 1975 in Minnesota and economic benefit to the State was over half a billion dollars due to the stimulation of secondary and periphery spending. (Letter dated February 12, 1981 signed by Joseph Alexander, commissioner of the department of natural resources, State of Minnesota.)

The threat to the forests of Minnesota is also of great concern. Acid deposition in northeastern Minnesota's Superior National Forest may affect the growing rates of sensitive pine species and cause detrimental effects on other vegetation.

The impact of acid deposition on the forest of the State is not fully understood, but there are growing indications that the effects may be devastating and irreversible.

A review of the preceding comments indicate clearly that acid deposition is of serious concern to not only the Northeastern States and Canada, but to the Upper Midwest as well.

To summarize the impact in my State of Minnesota:

Currently, the pH of precipitation in Minnesota ranges from about 5.5 to 4.6. The acidity is greatest in extreme northeast Minnesota. Recent data collected by the Minnesota pollution control agency monitoring indicates the average pH of rain on the north shore of Lake Superior for the past few months was about 4.1. The lowest even had a pH of 3.2—more than 250 times more acidic than normal rain as well as evidence that the pH in rain and snow in Minnesota is dangerously high, Minnesota pollution control agency staff calculate that the boundary waters canoe area wilderness is receiving loadings of approximately 20 kilograms per hectare per year—this is an average of the acid loadings in northeast Minnesota calculated to be between 13 and 29 kilograms per hectare per year which is approximately twice the loading shown to have caused acidification of lakes in Scandinavia.

Between 2,500–3,700 lakes in Minnesota are sensitive or potentially sensitive to acid deposition. Of these 500–1,000 are extremely sensitive. The Voyageurs National Park and in particular, the BWCA—major Federal holdings in northeastern Minnesota—are the most sensitive areas in the State.

Despite a concern for air quality in Minnesota demonstrated by the State initially setting stricter air quality standards than required by Federal law, action by the State cannot protect these priceless resources, on which the fisheries, the forests, and the economic health of the State depend. Minnesota pollution control agency staff estimate that only about 30 percent of the acid rain falling in Minnesota is due to emissions in the State. The balance originates elsewhere—in the Ohio River valley, Canada, and to the west of the State. EPA studies by such researchers as Dr. Walt Lyons clearly demonstrate the gigantic swirling weather systems that move huge masses of air pollutants from East to West and South to North up the Mississippi valley.

It is ironic that the tall smokestacks constructed by the electric utilities to deal with air pollution have contributed to the problem by disbursing sulfur and nitrogen high into the atmosphere where it can be carried for days by global winds before falling to Earth as "acid rain."

Acid deposition defies the premises on which our current air pollution policy rests, for it is confined to no single State, and the effects occur great distances from its sources.

The argument that the problem must be studied years before any Government action regarding the issue has been directly refuted by a recent report of the committee on the biological consequences of fossil fuel combustion of the National Academy of Sciences. The study found that acid deposition does come from man-made sources, largely powerplants: That the acidity is causing well-documented "wide spread damage to acquatic ecosystems, increased levels of a number of poisonous metals in groundwater supplies, and the elimination of several important species of fish and invertebrates over substantial part of their natural ranges." Other effects listed are damage to human health, to forest and food crops and over time, leaching vital nutrients from the soil.

The report finds that continued emissions at current rates "in the face of clear evidence of serious hazard to human health and to the biosphere, will be extremely risky from a long-term economic standpoint as well as from the standpoint of biosphere protection." The committee believes the situation "is disturbing enough to merit prompt tightening" of allowed emission standards, particularly for powerplants.

The acid rain phenomenon is real, man-made, and damaging. Reduction of emissions impacting effected areas is indicated. This is not to say that research should not be supported—it must continue with adequate funding. However, we must start to reduce emissions as is directed in S. 1706.

S. 1706 is of particular importance because it takes steps to protect resources whose buffering capacity has been reduced but not exhausted. Acid deposition is the most serious new air pollution problem to emerge since Congress last revised the Clean Air Act and should be dealt with during this reauthorization of the act.

S. 1706 proposes a 10-million-ton reduction of sulfur dioxide emissions in the acid deposition impact region over a 10-year period. This is approximately 40 percent of total sulfur emissions in the region now from all stationary sources.

As Senator MITCHELL points out, "This magnitude of reduction is necessary to protect our resources and avoid the costs incurred from their damage in loss. The extent of the resources at risk both from an inherent value and their economic worth is invaluable. Once lost, our lakes, our forests, our soils cannot be replaced and some of those resources have already been lost."

S. 1706 would establish an acid precipitation impact region consisting of all States east of the Mississippi plus Minnesota, Arkansas, and Louisiana—a total of 31 States.

Each State shall determine within 2 years after enactment how its SO_2 reduction shall be accomplished through emission limits on stationary sources of SO_2. The required SO_2 shall be the percentage of the total reduction which is the ratio of each State's actual emissions to total actual SO_2 emissions in the region. One of the unique provisions is that Governors of two or more States may agree to alter their respective shares of the reduction.

Other provisions include that the EPA administrator shall conduct a study of the impacts of long-range transport of emissions in the Northwest, Great Plains, and Southwest regions of the country and the advisability of including these regions in the coverage provided by this strategy and report back to the Congress.

The cost of the implementation of S. 1706 is significant, as are the costs to the damage of our natural resources, and this damage may prove irreversible.

Details of the bill may require further examination and debate, but the need to proceed with action regarding acid deposition is clear.

I want to commend Senator MITCHELL for introducing S. 1706, the Acid Deposition Control Act and enthusiastically add my support to this important piece of legislation.●

FOREIGN POLICY NEEDS

● Mr. KENNEDY. Mr. President, as the Cancun meeting opens today among leaders of both the industrialized nations and the Third World, I believe it is im-

portant for us to recognize that one of the critical foreign policy issues confronting our Nation is the need to establish viable relationships with the vast majority of mankind—who happen to live in the Third World.

In a timely article in the New York Times, Dr. Jean Mayer, president of Tufts University, notes that we have spent most of our foreign policy energy on establishing a stable East-West policy.

Yet, he correctly notes that "we have no North-South policy, although it is here, in our relationships with the developing nations, that the future of the world may be decided."

Mr. President, as we continue consideration today of the foreign assistance bill, I would like to share with my colleagues the excellent essay by Dr. Mayer. I ask that it be printed at this point in the RECORD.

The article referred to is as follows:

[From the New York Times, Oct. 19, 1981]

FOREIGN POLICY NEEDS

(By Jean Mayer)

MEDFORD, MASS.—A great number of diverse regions and nations now play an important role in international affairs. The cultural universe in which American diplomacy has to operate and which American citizens need to understand is more varied and complex than ever before in our history. We do not move with assurance in that universe.

One of the most serious problems we face in the United States today is the need to maintain a strategic foreign policy that, while flexible, remains fundamentally consistent over time.

We have enunciated a strong (though not necessarily consistent) East-West policy, but the success of such a policy depends to a great extent on the understanding and commitment of our allies, and we have a wavering policy of consultation and joint decision-making with the Western Europeans and the Japanese.

Indeed, conversations with high-ranking members of the foreign ministries of several of our main allies (including one foreign minister) have convinced me that the frequency and substance of consultations have reached a new low.

We have no North-South policy, although it is here, in our relationships with the developing nations, that the future of the world may be decided.

At this point, only 0.26 percent of our gross national product, the lowest percentage of any industrialized country, is going to developing lands, and most of this is dedicated to two political allies, Egypt and Israel.

We have an Administration that is inclined to an apocalyptic vision, seeing all the world's problems as linked entirely to the conflict between the United States and the Soviet Union. Clearly, we need a more sophisticated view of the world and a more comprehensive one. (Indeed, it is useful to remember that many of the points of conflict between us and the Soviet Union are related to third-world countries and their problems.)

Many of the problems we face have a long, convoluted history. This does not mean they cannot be solved but first they must be understood. Some are local, and it is often these that are the priority issues for the peoples of the region. Some are general.

Above all, there is the overwhelming problem of the rich and the poor, which cannot simply be equated with technical competence versus non-competence, industrialized countries versus underdeveloped countries. There are many types of situations. Some developing countries have money but no technical competence. Some have technical competence but very little money. Others have neither. Some are open, historically and culturally, to the Western type of industrial development, others far less so. It is essential that those whom we are training to be diplomats have a better understanding of the economic, ethnic, and particularly historical complexities of the world in which they will operate.

In addition, there is a curious trait in American foreign policy: If we do not like a country's philosophy, we tend to delay recognizing its existence as long as possible. We have done it with the Soviet Union, with China, with Cuba, we are doing it with Vietnam.

In this clash of ideals, we deprive ourselves of the means of action, not only in protecting our short-term interests, but often in advancing our ideals. It is not beyond the judgment of well-intentioned, experienced persons to find compromises between long-term objectives and present realities, but unless we train people to uphold the vision of freedom and equality and to take practical action, we will end up negating our ideals and engaging in counterproductive actions.

The greater part of diplomacy does not take place in a vacuum. In a democracy, it is an expression of the goals that an informed and educated public wants to achieve. The foreign policy of the United States involves many others besides the members of our Foreign Service. It must be understood by midcareer officers in the armed forces and other governmental agencies involved in foreign affairs, by international business leaders, personnel in international agencies, in nongovernmental and public-service organizations, in journalism and communications, and in the academic professions, both teaching and research. These, also, are our ambassadors. Finally, it must be understood by the general public.●

PRESCRIPTION FOR ECONOMIC DISASTER

● Mr. ROTH. Mr. President, we have heard a lot of talk in the past few weeks about delaying the Reagan tax cut. Some people are saying we could balance the budget if we would just scale down or delay the scheduled tax relief for individual taxpayers. What these critics fail to mention is that without the tax cut, taxes on individuals will increase by more than $24 billion in fiscal year 1982 from bracket creep alone. Now is not the time to return to the old policy of balancing the budget on the back of the taxpayer. Now is the time to stick with the Reagan economic recovery program, and give it a chance to work.

My good friend and colleague, BOB KASTEN, made an eloquent case against delaying the tax cut in an article which appeared in Sunday's Washington Post, entitled "Prescription for Economic Disaster." The Senator from Wisconsin has been a strong supporter of the Roth-Kemp tax cut right from the beginning—first as a Member of the House, and then here, in the Senate. BOB KASTEN speaks from experience, as both a member of the Budget Committee and of the Appropriations Committee, when he says that there are other, better ways to balance the budget. I ask that this fine article be placed in the RECORD at this time, and I recommend that all my colleagues in the House and Senate take time to consider his persuasive arguments.

The article follows:

PRESCRIPTION FOR ECONOMIC DISASTER

When Teddy Roosevelt and his Rough Riders charged up San Juan Hill, no one could stop them. Their goal was clear, their strategy was set, they held their ranks and America emerged victorious.

Today we're fighting a much tougher battle—a battle against the inflation that has wracked our economy for the past 10 years. Ronald Reagan is leading the charge with an all-out campaign, and so far Congress has followed right behind. But now that we've reached the top of the hill, Congress has started to flinch. Will Congress falter? Will the House and Senate, in a last-minute panic, throw away our strongest economic weapon and cost us the battle?

The big question in Washington today is: will Congress actually scuttle the Reagan tax cut just when we need it most?

During the past few weeks, support for delaying the personal tax cut has grown. People are pointing to the 1982 budget deficit and they are talking in fearful tones about inflation, high interest rates and the 1982 election.

What Congress as a whole has yet to realize is that without the tax cut, a recession looms large on the horizon. In September, unemployment rose to 7.5 percent, and real gross national product has fallen slightly for two quarters in a row. Until now the slowdown has been concentrated in just a few industries, and general consumer demand has remained strong. It's fair to say that anticipation of the tax cut has kept us out of a real recession so far.

That's the way it was supposed to work. A decade of accelerating inflation has undermined investment, unbalanced the financial system and raised tax rates to the point where they destroyed economic incentives for work, saving and productivity. The Reagan program was designed to stop this economic cancer with a strong dose of monetary and fiscal restraint. But to minimize the effect this tough medicine would have on job creation and economic growth, it was coupled with a new dose of economic incentives—regulatory reform and, most important, a dramatic reduction in the personal tax burden. The idea was to cure a destructive inflation without undergoing an equally painful recession.

"Delay the tax cut and we can balance the budget." That's the new clarion call of the liberals in Congress. Yet if we delay the tax cut, we will only see a deeper recession and more unemployment. According to the Congressional Budget Office, for every 1 percent increase in the jobless rate, the federal deficit grows by $27 billion. When people are out of work, they can't pay taxes, and many have to turn to Washington for financial help.

Delay the tax cut and the deficit gets bigger, not smaller. Delay the tax cut and we will go into the 1982 election with inflation, high interest rates, high unemployment and a bigger deficit. Any way you look at it, the American people lose.

The analysis doesn't change when you couple a three-month tax cut delay with a three-month delay in entitlement cost-of-living increases. The result will still be slower economic growth, fewer taxes paid and more social spending. Yes, we need to take a serious look at reforming the cost-of-living increases for entitlement programs. But are we willing to hold the tax cut hostage on the slim hope that we can force dramatic entitlement reform through the House in the next few months? We could end up worse off than when we started—with a delay in the tax cut, no entitlement reform and a longer, deeper recession.

That's not to say that we shouldn't be worried about the size of the federal deficit. Government borrowing is keeping interest

rates high, and Congress should take decisive action now to get the 1982 budget under control. We should take a careful look at the defense spending increases planned for the next three years. We should consider adjusting the cost-of-living formula for entitlement programs. We should keep the 1982 appropriations bills within budget guidelines. And if we have to increase revenues, we could raise a substantial amount of money through consumption-oriented taxes—increase the excise tax on liquor and cigarettes, put a tax on imported oil or close some of the loopholes in our tax code.

But a delay in the personal tax cut won't solve our deficit problem. It would simply hurt our one chance to win the economic battle. When the administration first set out the economic program, it expected two-thirds of the personal tax cut to be effective by Jan. 1, 1982. As it turned out, tax rates will only be cut 5 percent by then, and that tax relief will soon be wiped out by previously scheduled Social Security taxes and bracket creep. If we delay the tax cut for another three months, we won't have any real cut in personal tax rates until fiscal year 1983. If we delay the tax cut, the true supply-side experiment won't start until Oct. 1, 1982. By then it may be too late.

Ronald Reagan was elected because he offered a hopeful new vision to the American people. He said there was nothing wrong with America that a little less government and a little persistence couldn't solve. He said it was time to unleash the creative and innovative forces of the American people, who had been held down too long by excessive taxation, inflation and government regulation. If we scuttle the tax cut now, this positive new approach to governing will never have a chance to work. We will return to the "root-canal economics" of the past—if it doesn't hurt enough, it can't be good for you. For years we were told that the only way to stop inflation was through a deep and painful recession—that we should balance the budget first and then give the people some tax relief.

Shouldn't we at least attempt a new approach to solving our economic problems?

So the questions remain. Will Congress take after the Rough Riders of old and stick with the Reagan program? Will we hold ranks long enough to win the fight against inflation? The American people could win this battle, too, if we just give the program a chance.●

INTEREST RATES CONTINUE TO BATTER REALTY INDUSTRY

● Mr. SASSER. Mr. President, the interest rate problem continues to devastate the realty and homebuilding industries. In August, existing home sales dropped 10.3 percent below the July level. Reports of housing starts also reflect these problems. Less than half of the number of homes needed to meet the new demand for housing are being built.

On October 19, I chaired a Senate Small Business Committee field hearing in Memphis, Tenn., on the impact of high interest rates. A witness from the homebuilding industry testified that high interest rates were the most serious threat to the continued existence of his business. He added that the price of the typical new home in Memphis had risen 28 percent in the last 3 years while the monthly payment for that same house had risen 116 percent. This means that the person who bought that house 3 years ago would today have to have double the income to be able to afford it.

This is the problem this industry is having and it is one that they can do little about on their own. They have made good faith attempts to adapt to today's changing conditions, but to no avail.

The backlog of homes in the Memphis area stands at 2,400 homes. The interest charges on these homes cost builders over $2.5 million per month. Half of the work force of the industry is either unemployed or has gone elsewhere, and residential construction permits are down 84 percent.

There are not many who can continue if these conditions persist for much longer, Mr. President. They will go under as many others already have. When they do they will take the investment in the future of our growing communities with them.

We cannot stand by and see this happen to an industry that means so much to this country. They deserve better, as do the millions of Americans who desire to own their own home.

I ask to have printed in the RECORD Mr. President, several articles from the Realtor News that I think will interest my colleagues in the Senate. I urge every one of them to read this information carefully and take heed of the implications that a continuation of high interest rates will have for the country.

The articles follow:

INTEREST RATES PUSH HOME SALES TO 6-YEAR LOW

WASHINGTON.—Existing home sales reflecting the depressing effect of record-high mortgage interest rates, which are attributable in large part to the federal government, dropped to their lowest level in six years in August, according to Dr. Jack Carlson, NAR chief economist and executive vice president.

"August home sales were at a seasonally adjusted annual rate of 2,260,000 units," Carlson reported, "off 10.3 percent from the July level of 2,520,000 units and down 43.8 percent from the sales level that was typical before the government policy drove interest rates to record levels starting 18 months ago."

Carlson said the amazing thing is that homes are still being sold in spite of the record interest rates.

MORTGAGE ASSUMPTIONS

"Our latest survey indicates that sales are occurring through the use of mortgage assumptions and sellers utilizing their equity to help in the financing," Carlson said. "These uses of creative financing typically provide for interest rates in the 12–14 percent range rather than the 17–19 percent rates which seem to be prevalent."

Carlson noted that the August decline occurred after seven consecutive months in which sales appeared to have reached a bottom level and were holding within a narrow 2.49 to 2.66 million sales range.

"The unexpected and further decline in sales can be directly attributed to the record mortgage interest rates, which are taking a terrible toll on housing," he added.

The continuing recession completed its 34th month in August, and during this period the slump has been felt in every region of the nation. Since 1978, he said, resale activity has dropped 35 percent in the Northeast, 44 percent in the South, 44 percent in the North Central region and 49 percent in the West.

"In August, the level of sales held steady in the North Central region, but declines were recorded in every other region, especially the South and West," Carlson said.

The South saw sales decline by a full 120,000 units on a seasonably adjusted basis, 11 percent from last month and 29 percent from last year.

The West experienced a decline of 100,000 units, 20 percent below the month before and 33 percent below 12 months ago.

Despite the low level of home sales, Carlson continued, home prices have not fallen under the strain on the market.

MEDIAN HOME PRICES

"Last month the median price of an existing home rose 1.5 percent or $900 to $68,400, making up for the $200 price drop in July. Prices increased in every region except the West, where prices dropped by 4.2 percent or $4,200 to $94,700."

In August, the median sales price was only 5.4 percent above the same month in 1980. "However, home prices in 1981 will almost certainly lag 4 percent behind the expected increases in the Consumer Price Index," he said.

After adjusting for lower interest rates associated with creative financing, the drop in real prices of homes may have been 6 or 7 percent since 12 months ago. Although housing price declines are rare, this drop appears modest when considering the huge increase in mortgage interest rates, Carlson added.

"The slow pace of housing construction and sales is creating a shortage that is likely to be reflected in housing prices in the future. Median home prices can be expected to increase by 10 percent during the next 12 months, illustrating the harmful effects of creating a shortage by high interest rates that can only mean greater inflation in the future," he concluded.

IMPROVEMENT PREDICTED: MORTGAGE DELINQUENCIES REMAIN ABOVE LAST YEAR'S LEVEL

Mortgage delinquency rates continue to remain above year-earlier figures, according to data from the U.S. League of Savings Associations, the Mortgage Bankers Association (MBA) and the National Association of Mutual Savings Banks (NAMSB).

William B. O'Connell, U.S. League executive vice president, said the League's figures are "an indication that household budgets remain under some pressure."

However, the delinquency figures "show no sign of any serious borrower stress," he said. "Despite lingering economic problems, Americans continue to give top priority to protecting their housing investment."

The League considers a loan delinquent if payment is more than 60 days late. The August delinquency ratio was 0.99 percent—the highest ratio in five years, compared with 0.92 percent in July. The year-earlier figures were 0.84 percent for August and 0.80 percent for July.

The MBA, which monitors loans that are 30 days, 60 days and 90 days or more past due, reported that while the percentage of loans 30 days past due fell from 3.80 percent in the first quarter to 3.73 percent in the second quarter, the percentage of loans 60 days past due rose from 0.86 percent to 0.89 percent. Loans 90 days or more past due declined slightly from 0.65 percent to 0.64, while foreclosures begun went from 0.16 percent to 0.17 percent.

"An increase in the 60-days-past-due category is an important indication that the economic difficulties behind the delinquencies are more than transitory," MBA Chief Economist Thomas R. Harter said. "Mortgage servicers move quickly to prevent these loans from falling into the 90-days-or-more category, which often preludes foreclosure."

The National Association of Mutual Savings Banks said that delinquencies among the loans its members hold fell during the

second quarter from 0.72 percent to 0.69 percent, but that foreclosures rose from 0.03 percent to 0.05 percent. During the second quarter of 1980 the delinquency rate was 0.65 percent and the foreclosure rate 0.03 percent.

FHA and VA loans accounted for the second-quarter overall decline in delinquencies since the delinquency ratio for conventional mortgages rose slightly, although it remained below the FHA and VA rates, the NAMSB said.

The NAMSB considers delinquent any loan that is three or more payments overdue or that is in foreclosure.

The MBA's Harter, however, is optimistic about the future.

"Nationally, the pressure on homeowners' budgets appears to be easing as inflation declined and personal income registered gains," he said. "Although the economy as a whole remains sluggish, these two factors should help to ease mortgage delinquencies in the months ahead."

UNLOCK THE DOOR TO HOME SALES!

It began as a joint effort to convince Congress and the president that the interest-sensitive home sales, home construction and automobile sales industries need relief from record interest rates.

We had carried this message to Congress and the White House before and it seemed that it had fallen on deaf ears. In the past 10 days, as if we needed confirmation of the problems, existing-home sales slipped to their lowest level in six years. Candidly stated, we are suffering five times more than at any time since the Great Depression of the 1930s.

New-home sales are off 43 percent from just a year ago, and there is every indication that the President, Congress and the Federal Reserve Board are paying little or no attention to our problem.

The campaign referred to is one being jointly sponsored by the National Association of Realtors, the National Association of Home Builders and the National Automobile Dealers Association, and it asks for people nationwide to send their congressmen a key by Oct. 9 to dramatize the plight of the housing and auto industries.

We think this is a sound idea; in fact, we think it is essential to awaken a dormant Congress administration and Federal Reserve to the depth of the depression in housing. While we are watching continuous declines in activity, declines that are largely the fault of our government's economic policies, we are seeing a return in the nation's capital to business as usual—budget-busting and higher deficits, and siphoning of money from housing and investments to fuel that government deficit.

A piecemeal approach to budget cuts, jawboning that the size of the deficit is not important, the attempt to divert people's attention through calls for a return to the gold standard—all these are a smoke screen that will allow the deficit to climb higher and take more money out of the housing and auto industries.

When we say something must be done to unlock the economy, we strongly recommend these three points:

1. The president and Congress must hold the budget deficit to under $43 billion in fiscal 1982 and achieve a balanced budget by 1984.

2. The Federal Reserve Board must allow the money supply (currency and checking accounts) to increase to the middle of the Fed's own targets.

3. The president should appoint a small-business person from an interest-sensitive industry to fill the next vacancy on the Federal Reserve Board, expected by January.

In addition to full implementation of the All-Savers certificate, we encourage your participation in "Unlock the Economy." Send in a key, and encourage your colleagues and friends to do the same. Insist that your leaders meet with your senators and congressmen by Oct. 9. We are taking a severe beating and must be heard.●

MOSHE DAYAN

● Mrs. HAWKINS. Mr. President, last week the world suffered the loss of a visionary world leader—Moshe Dayan. I am saddened at the loss of this great man. Most Americans remember Moshe Dayan for his brilliant conduct of the June 1967 Arab-Israel war when Israel repulsed a military threat from surrounding Arab States. This lightening victory enhanced the Israeli Army's reputation for prowness, discipline, and effectiveness. But I believe that history will place Moshe Dayan's untiring efforts on behalf of the Camp David accords on an equal plane with his significant military accomplishments.

In the aftermath of the Yom Kippur War of 1973, Moshe Dayan began his peace pursuit. Later, when Dayan became Israel's Foreign Minister in 1977, he identified and knocked down barriers to peace that stood between Egypt and Israel. His efforts were richly rewarded when the Camp David accords were signed. The peace and stability that grew out of the accords have benefited the people of both countries. Although the Camp David accords were the result of many men's efforts, they nevertheless bear the strong imprint of Moshe Dayan. And today, the accords embody the only viable framework for resolving the fundamental differences in the Middle East.

Moshe Dayan cast a long shadow in the Middle East. He was a man of war, a man who loved and defended his country. But he was also a man of peace, a man with a vision that Arabs and Israelis could live side-by-side in peace and prosperity. I mourn the passing of this man of peace. The world has far too few. I hope that his passing will remind us all of what he strove for, and encourage us to continue to press on for a lasting peace in this troubled region of the world.●

S. 1718, TO AMEND THE CLEAN AIR ACT WITH RESPECT TO INTERSTATE POLLUTION ABATEMENT

● Mr. DURENBERGER. Mr. President, I am pleased to join in cosponsoring S. 1718, a bill that amends the Clean Air Act to improve the effectiveness of this country's interstate pollution abatement efforts.

Minnesota has demonstrated its concern over air quality by establishing stricter air quality standards than those required by Federal law. But because air pollutants do not respect State boundaries, action by the State of Minnesota alone cannot protect the priceless resources on which the fisheries, forests, and economic health of the State depend.

Meteorological studies done under the auspices of the EPA by Dr. Walt Lyons and others have clearly documented the existence of gigantic swirling weather systems that move huge masses of air pollutants in all directions from the major source regions of the Ohio River Valley. It is a mistake to rely on simplified textbook notions of the "prevailing westerlies"—moving air only from west to east.

Minnesota Pollution Control Agency staff estimate, for example, that only about 30 percent of "acid rain" falling in Minnesota is due to emissions in the State. The balance originates elsewhere. S. 1718 provides a process which should prove effective in a State's efforts to protect its environment from transboundary transport of pollutants.

S. 1718 would improve the process established in the Clean Air Act to provide States with relief from long-range transport that adversely affects the petitioning State's air quality. Section 110 and section 126, the provisions of the Clean Air Act that deal with this issue, have proved to be unworkable.

In hearings before the Government Affairs Intergovernmental Relations Subcommittee, which I chair, testimony from State and territorial air pollution program administrators recommended that the Federal Clean Air Act be amended, particularly sections 110 and 126, to provide specific authority to deal with all long-range transported air pollution.

As presently worded, section 110 requires each State's implementation plan to include provisions to prohibit "any stationary source" of pollution in the State from producing emissions that will "prevent attainment or maintenance" of air quality standards in another State. Section 126 allows a State or local government to petition the Administrator of the Environmental Protection Agency to require emissions reductions from a source in another State that violates the prohibition in section 110.

The limitation to stationary sources has proven too narrow to address major intertsate pollution problems, the standard of proof required of a State suffering pollution from sources in another State has proven impossible or virtually impossible to meet, and timely action by the EPA on allegations of interstate pollution has proven impossible to obtain.

S. 1718 would:

Expand air emissions to include noncriteria pollutants;

Address the total loading of emissions, not just ambient concentrations;

Address meteorological factors and estimates of sources from outside the State affecting air quality in the petitioning State; and

Provide that the petitioning State does not have to rely solely on modeling to indicate culpability.

In summary, S. 1718 is a more comprehensive approach to dealing with interstate transport than is presently provided under the provisions of the Clean Air Act, and should go far to address the concerns of those engaged in the day-to-day administration of the Clean Air Act.

Anthony Cortese from the Commonwealth of Massachusetts testified before the Intergovernmental Relations Subcommittee and expressed well the issues inherent in our present legal structure:

Perhaps no other problem illustrates the

intergovernmental complexities in the clean air program as well as the interstate pollution problem. The flow of air pollution across State lines creates serious institutional equity and air quality problems for many areas of the country. As the National Commission on Air Quality found, there are significant problems from the long distance transport of a number of air pollutants, particularly those related to automobiles, as well as pollutants from individual sources known in the vernacular as "acid rain." The institutional equity issues are similar for all these pollutants, and involve a significant cost in terms of real and potential damage and reduced opportunity for economic development in areas which receive air pollution from upwind States.

The issue of interstate responsibility is of critical importance and it is a pleasure to cosponsor this bill. Although details of the bill may require further examination and debate, the need to proceed is clear.●

INDUSTRIAL DEVELOPMENT BONDS

● Mr. SASSER. Mr. President, I rise today to call attention to recent actions by the Internal Revenue Service which prohibit States and localities from offering multiple lots of small-issue, tax-free, industrial, and agricultural development bonds.

This action reverses three previous revenue rulings and changes a practice that has been established over a 9-year period. It has the effect of preempting congressional action on this matter and deprives small businesses and farmers of a vital source of development funding at a time when record high interest rates threaten their very existence.

Without reliance on small-issue industrial development bonds, small businesses are forced to borrow funds, often at 2 to 3 points above the prime rate in order to meet their capital needs. All too often, we are finding that small businesses are going under, at record rates I might add, rather than continue to operate under the staggering burden of high interest rates.

Small-issue industrial development bonds have enabled small businesses to obtain working capital at 60 to 80 percent of the prime rate instead of paying their usual 2 points over prime. This has the effect of a dual prime rate policy that can keep small businesses afloat during this period of high interest rates.

In addition to the IRS action, legislation has been introduced in the House to take away the tax-exempt status of the small-issue bonds. Small-issue IDB's have created thousands of jobs and spurred economic growth in Tennessee.

As evidence of this fact I ask that a letter by Mr. C. Tiffany Bingham, Jr., executive vice president of the Memphis area chamber of commerce on the value of industrial revenue bonds to the economic development of the Memphis area be printed in the RECORD.

The statement follows:

MEMPHIS AREA
CHAMBER OF COMMERCE,
October 2, 1981.

Hon. ALFONSE M. D'AMATO,
U.S. Senate,
Washington, D.C.:

As Executive Vice President of the Memphis Area Chamber of Commerce I am extremely pleased to have this opportunity to comment upon current proposals to restrict or eliminate the business finance incentives currently available through use of Industrial Revenue Bonds.

Unlike many communities, Memphis only recently began to take advantage of the Industrial Revenue Bond vehicle. As a community we had had many of the concerns now being expressed on a national basis about possible abuses of such bonds. As a result, when the local Industrial Development Board was formed, strict guidelines were set up to insure that the bonds would only be used for productive capital investment. A copy of the Statement of Intent of our local Industrial Development Board is attached to demonstrate the types of restrictions which were determined to be appropriate on a local basis. Also attached are the separate application procedures of our Center City Industry Development Board, demonstrating use of the bonds in connection with our urban redevelopment activities.

As a result of the responsible position taken by our local Industrial Development Board, Memphis' experience with bond financing has been extremely positive. Through the use of local property tax incentives as well as bond financing, we have been able to spark a resurgence in our formerly deteriorating downtown area, including construction of numerous housing and commercial buildings as well as renovation of the Peabody Hotel which has now been restored to its former position at the heart of our downtown. We have also been able to provide badly needed business capital funds for expanding local industry, creating hundreds of new jobs, many filled by previously underemployed individuals.

As a result, current proposals to restrict or eliminate entirely this form of financial incentive cause a great deal of concern to those of us charged with the job of promoting the development of Memphis. Memphis, unlike certain of the other "sunbelt" cities, continues to rank among the poorest in America. Approximately forty percent (40%) of our population is black, and a large percentage of this group, as well as a large percentage of our white population, suffers from unemployment or underemployment. Social services cutbacks already adopted, as well as those currently being proposed, are likely to make this situation worse, not better.

Accordingly, we in the Memphis community have concluded that the best hope for improving the plight of our economically disadvantaged citizens is to promote an aggressive campaign of economic and urban development. Availability of business capital is a critical factor in this program. While big business generally has no problem with finding capital (although its price may be high), smaller business, such as we depend upon in Memphis, can often find no capital whatsoever. The availability of industrial revenue bond financing is a bright spot in an otherwise bleak picture for many of our local concerns.

We would ask that, in considering amendments or restrictions to reduce the costs to the U.S. Treasury of various forms of industrial revenue bond financing, you not lose sight of those areas where a real public purpose exists for this form of financing: i.e., provision of capital funds for the smaller business and provision of financial incentives for redevolpment of economically disadvantaged urban areas.

One matter of specific concern relates to the "Rangel Bill" (H.R. 4420) now being considered by the House of Representatives. This bill is designed to restrict use of industrial revenue bond financing for "commercial-type property" to economically distressed areas, a concept with which we have no problems in the city of Memphis. However, the specific language of the bill is such that commercial-type property is defined to include standard industrial classification code division F-Wholesale Trade. This includes distribution centers and commercial warehouses, possibly even where attached to manufacturing facilities.

For a city such as Memphis this creates a major problem in that much of our economic base depends upon the wholesale and distribution industries. From matters of physical convenience, such distribution facilities must often be located in the newer areas of our community, nearer the expressways and other transportation facilities. These areas are normally not the "economically distressed areas" of the Memphis community, but the facilities constructed for these industries result in the creation of many jobs for the unemployed and under-employed segments of our community. Thus we ask that in considering any bill to restrict use of industrial revenue bond financing for commercial facilities, you define such facilities in such a way as to exclude the wholesale or industrial distribution activities, which are so important to our local economy.

We would appreciate your giving careful consideration of the concerns of the Memphis community in this area and would be pleased to provide further information to you or your committee as appropriate.

Sincerely yours,

C. TIFFANY BINGHAM, Jr.,
Executive Vice President.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be special orders of not to exceed 15 minutes each in favor of the following Senators in the following order:

The Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Texas (Mr. BENTSEN), and the Senator from New Hampshire (Mr. RUDMAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the Senators just specified on special orders there be a brief period for the transaction of routine morning business to extend not past 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF S. 1196

Mr. BAKER. Mr. President, I ask unanimous consent that at 10:30 a.m. the Senate resume consideration of the pending measure at which time the Hatch amendment will be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I inquire of the distinguished minority leader if

he might be in a position to clear on his calendar nominations appearing on today's Executive Calendar beginning with nominations on page 1, including all of those on page 2 and all of those on page 3, with the exception of the two nominations appearing under Department of Labor.

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed on the nominations as stated.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified which include the nominations placed on the Secretary's desk in the Department of Health and Human Services.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk proceeded to read nominations on the Executive Calendar.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations so identified be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

William L. Garwood, of Texas, to be U.S. circuit judge for the 5th circuit.

Hayden Wilson Head, Jr., of Texas, to be U.S. district judge for the southern district of Texas.

James R. Nowlin, of Texas, to be U.S. district judge for the western district of Texas.

H. Franklin Waters, of Arkansas, to be U.S. district judge for the western district of Arkansas.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia.

Dan K. Webb, of Illinois, to be U.S. attorney for the northern district of Illinois.

Ronald E. Meredith, of Kentucky, to be U.S. attorney for the western district of Kentucky.

P. A. Mangini, of Connecticut, to be U.S. marshal for the southern district of Connecticut.

Robert W. Foster, of Ohio, to be U.S. marshal for the southern district of Ohio.

Ralph L. Boling, of Kentucky, to be U.S. marshal for the western district of Kentucky.

DEPARTMENT OF COMMERCE

Donald James Quigg, of Oklahoma, to be deputy commissioner of patents and trademarks.

NATIONAL CREDIT UNION ADMINISTRATION

Edgar F. Callahan, of Illinois, to be a member of the National Credit Union Administration Board.

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Alan M. Hardy, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

David Charles Miller, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service nominations beginning Kenneth S. Brown, to be Medical Director, and ending Robert P. Nugent, to be Senior Assistant Health Services Officer, which nominations were received by the Senate and appeared in the Congressional Record on January 5, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are certain items on my calendar of business, general orders, that are cleared on this side for consideration and passage by unanimous consent.

I will ask the minority leader if he is in position to clear for consideration the passage by unanimous consent of Calendar Orders 297, 298, and 299.

Mr. ROBERT C. BYRD. Mr. President, the calendar orders enumerated by the majority leader have been cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

BOUNDARY OF CRATER LAKE NATIONAL PARK

The bill (S. 1119) to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth", approved May 22, 1902 (32 Stat. 202), as amended, is further amended by revising the second sentence thereof to read as follows: "The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, 'Crater Lake National Park, Oregon,' numbered 106–80, 001–A, and dated March 1981, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.".

(b) Lands, waters, and interests therein excluded from the boundary of Crater Lake National Park by subsection (a) are hereby made a part of the Rogue River National Forest, and the boundary of such national forest is revised accordingly.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN LANDS IN THE GALLATIN NATIONAL FOREST

The Senate proceeded to consider the bill (S. 188) to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, strike line 4, through and including line 9, and insert the following: thence south 63 degrees 50 minutes west, a distance of 68.1 feet; thence south 54 degrees 5 minutes east, a distance of 448.7 feet; thence north 53 degrees 27 minutes east, a distance of 39.3 feet; thence north 51 degrees 3 minutes 52 seconds west, a distance of 429.3 feet to the point of beginning; containing approximately 0.497 acres.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture be, and he hereby is, authorized and directed to convey by patent to Wayne Fuller, the following described lands in the Gallatin National Forest, to wit: township 6 south, range 9 east, and township 6 south, range 10 east, Principal meridian, Montana, Park County, Montana; beginning at corner numbered 4 of H.E.S. 84, thence south 63 degrees 50 minutes west, a distance of 68.1 feet; thence south 54 degrees 5 minutes east, a distance of 448.7 feet; thence north 53 degrees 27 minutes east, a distance of 39.3 feet; thence north 51 degrees 3 minutes 52 seconds west, a distance of 429.3 feet to the point of beginning; containing approximately 0.497 acres.

SEC. 2. No conveyance shall be made pursuant to this Act until payment has been made for the fair market value of the interest being conveyed.

SEC. 3. The patent issued pursuant to this Act shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands.

The amendment was agreed to.

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. MELCHER. Mr. President, I urge support for S. 188 and want to commend the Senate Energy and Natural Resources Committee for the unanimous support.

This bill aims at remedying a long-standing inequity on the Gallatin National Forest in Montana. Mr. Wayne Fuller has been trying to work out this matter for many years now but, when

it comes to the matter of Forest Service land, they have difficulty parting with even the smallest acreage. At first the Forest Service also said the Fullers' water system and canals were in trespass but, when they bothered to do some research of the documents, they found Fuller was right that the water system was a part of the original homestead entry. That was cleared up; then they wanted his barn and sheds moved out of trespass. So here we are. I thought this could have been solved last year with the passage of that bill authorizing sales of these small tracts, but it was vetoed as part of a larger measure to which it was attached.

The Park County Legislative Association contacted me about this matter and pointed out that the problem arose many years ago when the Forest Service was granted an administrative site and road easement from the original homestead entry.

I want to point out that the committee strongly recommends the Forest Service pick up their estimated conveyance cost of $8,000. The fair market value of this 0.497 acres is estimated to be $3,000. The committee has rightly seen these costs as excessive. The Forest Service is, for some reason, treating this narrow question as a full-blown exchange or conveyance. This is wrong.

S. 188, if enacted would convey less than one-half acre of land in the Gallatin National Forest to Wayne Fuller, owner of adjacent lands, to correct a long-standing trespass problem raised by a recent survey. The area described has improvements and is currently under a special use permit allowing the occupancy as an interim measure pending permanent resolution.

Mr. Fuller's residence and his barn are partially located on National Forest system lands. Mr. Fuller prefers to acquire the land rather than move the buildings or to exchange his lands for the lands in question.

I urge the bill be passed to correct a long-standing problem.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESERVATION OF HISTORIC CAMDEN IN THE STATE OF SOUTH CAROLINA

The Senate proceeded to consider the bill (S. 146) to authorize the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, strike line 13, through and including line 15, and insert the following:

(b) Beginning October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $250,000.

So as to make the bill read:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assist in the preservation of the nationally significant historic resources associated with the town of Camden, South Carolina, a key location in the development of South Carolina and in military operations in the South during the American Revolution, the Secretary of the Interior is authorized, in accordance with subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666), to enter into a cooperative agreement or agreements with the Camden Historical Commission, the Camden District Heritage Foundation, or other appropriate public, governmental, or private nonprofit entities pursuant to which the Secretary may assist in the protection, restoration, and interpretation of such resources for the benefit of the public.

(b) Beginning October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $250,000.

The amendment was agreed to.

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I rise in support of Senate bill 146, the historic Camden legislation, which has been introduced by myself and Senator HOLLINGS. This bill would authorize the Secretary of the Interior to assist in the preservation of an important national resource which has come to be known as "Historic Camden," S.C.

As I stated upon introduction of this bill last February, Senator HOLLINGS and I introduced this measure in the 96th Congress; however, because it was attached to other more controversial legislation, it did not achieve final passage. I understand that the legislation we sponsored in the last Congress, which was virtually verbatim the measure presently before the Senate, met with no opposition in and of itself. In fact, both the House and the Senate passed separate measures containing the provision pertaining to historic Camden, but there was insufficient time for a conference to resolve differences in other parts of the legislation.

This bill authorizes the Secretary of Interior to enter into cooperative agreements with the Camden Historical Commission, the Camden District Heritage Foundation or other appropriate organizations, to aid in the protection and restoration of historic areas. Thus, this bill will insure the continued preservation of Camden's historical assets, without the greater expenditures which would have been necessary had Federal acquisition been required.

Mr. President, the need for quick passage of this legislation is manifest, as aid to the various Camden historical societies must be provided soon to prevent deterioration or destruction of many historical areas and artifacts. Therefore, I hope that the Senate will proceed to pass this legislation without delay.

Mr. President, I ask that a copy of the statement by Mrs. Hope Cooper, administrator of the Camden Historical Commission, made before the Senate Energy and Natural Resources Committee, be included in the RECORD at the conclusion of my remarks.

The statement follows:

STATEMENT OF MRS. HOPE COOPER

Mr. Chairman and members of the Committee:

Today the Honorable Mr. Thurmond has presented the legislation for Historic Camden to become an affiliate member of the National Park Service. In his remarks, the national significance and the need for national recognition were well stated.

The members of the Camden Historical Commission, with documented backing from local and state governments, also ask your approval.

This legislation will enable a cooperative agreement to be negotiated annually, and will allow flexibility for private and federal participation in management.

The Camden Historical Commission has invested 1.6 million dollars in development and will continue with vigorous efforts. The affiliation with the National Park Service will allow technical assistance and a proportion of financial support. The recognition received as a result of the affiliation is essential for growth. In return, this growth will substantially contribute to the economic health of the area.

Therefore, we sincerely ask your consideration and approval of this legislation.●

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HOLLINGS. Mr. President, I am pleased to rise in support of S. 146. This legislation would authorize the Secretary of the Interior to take the necessary steps to assist in the preservation of the nationally significant resources associated with the town of Camden, S.C.

The 18th-century town of Camden occupies an important place in the development of South Carolina and the military operations in the South during the American Revolution. Historic Camden's location along major transportation routes and its relation to other settlements made it a trade center of considerable economic and commercial importance in 18th-century southern colonial development. The townsite was laid out by 1774 on a rectangular grid pattern by Joseph Kershaw, the major contributor to the founding and growth of Camden. The settlement consisted of small frame structures, with the notable exception of Kershaw's house, which was apparently patterned after a large Charleston house.

The British occupied Camden in 1780–81 during the Revolution. They constructed five redoubts, fortified the powder magazine and jail, and palisaded the community and the Kershaw house. The most intense military activity included the nearby battles of Camden and Hobkirk's Hill and the related battles at Ninety Six, Cowpens, and Kings Mountain. The colonial Generals Horatio Gates, Nathaniel Greene, Baron Johann DeKalb, and the British Charles Lord Cornwallis are among the primary military leaders associated with the town. The British retreated in May 1781, burning the palisaded town in an effort to minimize the site's strategic value. The fall of Camden as a British stronghold was pivotal to the eventual defeat of the British.

Few vestiges of the once active town remained after the British departure, and the town was rebuilt to the north after the Revolution. Today, the main features of the historic Camden area include the site of the 1780–81 Revolutionary War community and several reconstructions—two redoubts (small earthen forts), a powder magazine, wooden palisades, and the Kershaw house (Cornwallis house). The combination of palisades and redoubts is notable as a unique defense system surrounding the frontier community during the Revolution.

Mr. President, historic Camden was nominated to the National Register of Historic Places in 1969 and listed as nationally significant. S. 146 would authorize the Interior Secretary to enter into cooperative agreements with the Camden Historical Commission and other organizations to aid in the protection and restoration of this historic area. The Senate Committee on Energy and Natural Resources unanimously reported this legislation and I urged its adoption.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I believe this has been cleared with the minority. Let me put the request.

The PRESIDING OFFICER. The majority leader.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS OF 1981

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives on S. 1000.

The PRESIDING OFFICER laid before the Senate the following messages from the House of Representatives:

Resolved, That the bill from the Senate (S. 1000) entitled "An Act to amend the Independent Safety Board Act of 1974 to provide authorizations for appropriations, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Independent Safety Board Act Amendments of 1981".

INDEPENDENT SAFETY BOARD AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purposes of this Act not to exceed $18,540,000 for the fiscal year ending September 30, 1981, $19,925,000 for the fiscal year ending September 30, 1982, and $22,100,000 for the fiscal year ending September 30, 1983, such sums to remain available until expended.".

PRIORITY OF BOARD INVESTIGATIONS

SEC. 3. Section 304(a)(1) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903 (a)(1)) is amended by inserting before "The Board may request" the following new sentences: "Any investigation of an accident conducted by the Board under this paragraph (other than subparagraph (E)) shall have priority over all other investigations of such accident conducted by other Federal agencies. The Board shall provide for the appropriate participation by other Federal agencies in any such investigation, except that such agencies may not participate in the Board's determination of the probable cause of the accident. Nothing in this section impairs the authority of other Federal agencies to conduct investigations of an accident under applicable provisions of law or to obtain information directly from parties involved in, and witnesses to, the transportation accident. The Board and other Federal agencies shall assure that appropriate information obtained or developed in the course of their investigations is exchanged in a timely manner.".

REPORTING OF AVIATION INCIDENTS

SEC. 4. Section 304(a)(6) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903 (a)(6)) is amended by inserting "and aviation incidents" immediately after "accidents".

EXAMINATION AND TESTING OF PHYSICAL EVIDENCE

SEC. 5. Section 304(b)(2) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903 (b)(2)) is amended—

(1) by inserting immediately before the period at the end of the first sentence the following: ", including examination or testing of any vehicle, rolling stock, track, or pipeline component or any part of any such item when such examinaton or testing is determined to be required for purposes of such investigation. Any examination or testing shall be conducted in such manner so as not to interfere with or obstruct unnecessarily the transportation services provided by the owner or operator of such vehicle, rolling stock, track, or pipeline component, and shall be conducted in such a manner so as to preserve, to the maximum extent feasible, any evidence relating to the transportation accidents, consistent with the needs of the investigation and with the cooperation of such owner or operator"; and

(2) in the last sentence, by inserting ", examination, or test" immediately after "inspection" each place it appears.

RESPONSE TO BOARD RECOMMENDATIONS

SEC. 6. Section 307 of the Independent Safety Board Act of 1974 (49 U.S.C. 1906) is amended by inserting "(a)" immediately after "SEC. 307." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall submit a report to the Congress on January 1 of each year setting forth all the Board's recommendations to the Secretary during the preceding year regarding transportation safety and a copy of the Secretary's response to each such recommendation.".

Amend the title so as to read: "An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, four Senators will be recognized on special orders of not to exceed 15 minutes each.

After the time allocated for the recognition of Senators on special orders, there will be a brief period for the transaction of routine morning business to extend not past the hour of 10:30 a.m.

At 10:30 a.m. the Senate will resume consideration of the pending measure, the Foreign Assistance Act, at which time the Hatch amendment will be the pending amendment.

It is anticipated, Mr. President, that tomorrow will be an active day, and, being Thursday, Senators are on notice that it may possibly be a late day.

It is the hope of the leadership that tomorrow final passage can be obtained on the Foreign Assistance Act.

After that, Mr. President, it is the hope of the leadership that we may proceed to the consideration of the Emergency Petroleum Allocation Act, and, the Senate agreeing, it is the intention of the leadership to proceed to the consideration of the Interior appropriations bill sometime during the day on Friday.

Mr. President, there will be other requests made in the course of the transaction of the business of the Senate tomorrow to further arrange the schedule of the Senate, including, perhaps, the small business amendments and other matters that are in the clearance process at this time, which I hope to be able to announce on tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 9 a.m.

The motion was agreed to; and at 6:05 p.m. the Senate recessed until Thursday, October 22, 1981, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 21, 1981:

DEPARTMENT OF JUSTICE

Joseph P. Russoniello, of California, to be U.S. attorney for the northern district of California for the term of 4 years vice G. William Hunter, resigning.

James M. Rosenbaum, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years vice Thomas K. Berg, resigned.

Philip N. Hogen, of South Dakota, to be U.S. attorney for the district of South Dakota for the term of 4 years vice Terry L. Pechota, resigned.

IN THE ARMY

The following-named Judge Advocate General Corps officer for appointment in the Regular Army of the United States, to the grade indicated under the provisions of title 10, United States Code, section 624 and section 601(a), Defense Officer Personnel Management Act.

JUDGE ADVOCATE GENERAL CORPS

To be brigadier general

Col. Donald Wayne Hansen, [redacted], Judge Advocate General Corps, U.S. Army.

IN THE NAVY

The following-named temporary lieutenant commanders of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the Medical Service Corps, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as

applicable, subject to qualifications therefor as provided by law:

Bennett, Alan H.	Garrett, James M.
Berube, Richard P.	Haslam, Garth S.
Brodsky, Stephen M.	Holm, Dale L.
Brown, Harold T., Jr.	Jones, Robert G.
Brown, William E.	Libby, Earle S.
Brunelle, David M.	Miller, Stanley C.
Cruit, Carlton D.	Otlowski, Richard
Cunningham, David W.	Pierce, Charles R.
Diamond, David	Poppell, Gordon H., Jr.
Erichsen, Michael E.	Powell, Cecil D.
Farnham, Willard H.	Rasnick, Lannes B.
Finn, Robert F. M.	Ruby, Perry M., Jr.
Franklin, Kenneth W.	Shannon, Patrick A.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of chief warrant officer (W-2) in the U.S. Marine Corps, pursuant to title 10, U.S. Code, section 1211, subject to the qualifications therefor as provided by law:

Rauch, Floyd A., Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 21, 1981:

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Alan M. Hardy, of Virginia, a Foreign Service officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

David Charles Miller, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

The above nominations were approved subject to the nominee's commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

William L. Garwood, of Texas, to be U.S. circuit judge for the fifth circuit.

Hayden Wilson Head, Jr., of Texas, to be U.S. district judge for the southern district of Texas.

James R. Nowlin, of Texas, to be U.S. district judge for the western district of Texas.

H. Franklin Waters, of Arkansas, to be U.S. district judge for the western district of Arkansas.

DEPARTMENT OF JUSTICE

Joe D. Whitley, of Georgia, to be U.S. attorney for the middle district of Georgia for the term of 4 years.

Dan K. Webb, of Illinois, to be U.S. attorney for the northern district of Illinois for the term of 4 years.

Ronald E. Meredith, of Kentucky, to be U.S. attorney for the western district of Kentucky for the term of 4 years.

P. A. Mangini, of Connecticut, to be U.S. marshal for the district of Connecticut for the term of 4 years.

Robert W. Foster, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years.

Ralph L. Boling, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years.

DEPARTMENT OF COMMERCE

Donald James Quigg, of Oklahoma, to be Deputy Commissioner of Patents and Trademarks.

NATIONAL CREDIT UNION ADMINISTRATION

Edgar F. Callahan, of Illinois, to be a Member of the National Credit Union Administration Board for the term expiring August 2, 1987.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service nominations beginning Kenneth S. Brown, to be Medical Director, and ending Robert P. Nugent, to be Senior Assistant Health Services Officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 5, 1981.

HOUSE OF REPRESENTATIVES—*Wednesday, October 21, 1981*

The House met at 10 a.m.

Rev. Dr. Mark S. Anschutz, D.D., rector, Christ Church, Alexandria, Va., offered the following prayer:

Almighty God, bless this bright land that Thou hast lifted between the seas: Her lonely wilds, her rich earth beneath our feet, her pulsing rivers, her splendid heights, the teeming cities and quiet villages of her landscape.

Bless Lord God this body of persons assembled. Give them minds and hearts this day and always which will allow them to wisely apply the fairness of the freedom we proclaim in this land. Let the laws they will create this day enshrine and reflect your laws and be a mark of Your love on every citizen of this land. Inspire with vision every Member of this council that in seeking Your truth they may be purified, this Republic may be strengthened and Thy glory done.

Inspire us with respect for the dignity of every citizen of this land and especially those who it would be easy to forget, the poor, the homeless and destitute, the old and the sick, and all who have none to care for them. Set us not on selfish paths Lord God, but on Your high purposes, that we may heal all those who are broken in body or spirit and turn their sorrow into joy.

And finally, Lord God, lest we forget look down and visit the families of those elected to this body—the spouses and children and grandchildren of this assemblage. Be Thou their guide and their strength this day and evermore, for it is into Thy care that we entrust them and we pray that Thy love would encompass them and guide them. All of this and so much more we say in the name of our Creator God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 268. Joint resolution to designate October 23, 1981, as "Hungarian Freedom Fighters Day."

REV. DR. MARK S. ANSCHUTZ

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am terribly honored today that the gentleman who gave the prayer is the gentleman whose church the Schroeder family attends when we are in Washington on weekends. Obviously, the church is not in Washington; it is in Alexandria, as you heard, and it is a very historic church, George Washington attended it. I am terribly honored to have Reverend Anschutz and his family with us today.

I was trying to think what I could say to introduce him, and I decided to do more of a feminine type of introduction. He has got all of the wonderful credentials that we always cite when we introduce people like him, so I am not going to use my 1 minute to cite them. I am going to say that here is a man who has carried on a very human ministry in a historic church, here is a man who cares very much about his family, and shows it every day in many ways.

He has done some marvelous, marvelous sermons jointly with his father in the pulpit, a very moving intergenerational type thing. He cares about sailing, he cares about the outdoors, he cares about urban ministry and I think he does something that all of us should emulate, and that is he cares much more about substance than he does about form.

He is a very good role model for all of us, and I think it is a great honor to have him here in this historic House as he comes from his historic pulpit with a very, very human, human approach to life and his ministry we can all learn from.

IRA TERROR

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, in the last month, we have heard reports from Britain and from Ireland that the men of the IRA are once again on the march. Every time they wire a family car to explode; every time they rig a nail bomb to go off in front of a neighborhood grocery store, the recruits of the present-day Irish Republican Army boast of belonging to a proud tradition. They dare to compare themselves to the Irish Republicans of the past, to the men of the rising of 1798 and Easter, 1916. They call themselves an army, but the soldiers they fight so bravely are children unlucky enough to be playing on a sidewalk the IRA has claimed as a bombsite. Because these men have taken the name of the Republican heroes of Ireland's past does not make them heroic. Is murder in cold blood heroic? Is terrorism brave?

The IRA boasts about having financial support from U.S. citizens. It may be that Irish Americans contributed money out of sympathy for the families of Maze Prison inmates, but Americans do not support the violence and anarchy that the IRA stands for.

The IRA has stated, again and again, its goal of spreading terror and chaos in Britain and in Northern Ireland, and of overthrowing the democratic government of the Republic of Ireland. The Irish Nationalists of the past fought to establish a democratic Ireland. A terrorist IRA is a blasphemous insult to their memory.

Americans who support the cause of peace and reconciliation in all Ireland must recognize the recruits of today's IRA for what they are—men who are dedicated to destruction, not to peace, not to the old dream of an Irish Republic.

There are men and women in Northern Ireland and in the Republic today who are working constantly to inspire peace, and a final resolution to the long years of destruction. They are the heirs of the Nationalist tradition. The history of Ireland's struggle can never be represented by an army that fights innocent bystanders. The real courage and honor is preparing for justice, and a lasting peace for all Ireland.

IRA TERRORISM AND VIOLENCE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I join the gentleman from Massachusetts, who just left the well, to condemn unreservedly the new campaign of terrorism and violence conducted by the Irish Republican Army.

As the gentleman from Massachusetts has said, they attempt to link themselves with an earlier tradition of those who fought for Ireland's freedom. They seek to associate themselves with that heritage. But they have no right to such a connection. Those who have committed these

recent acts of violence against the Commandant of the British Royal Marines and against members of the Irish Guards in London, as they have committed acts of violence and murder against members of both communities in Northern Ireland, are criminals and cowards and they should be denounced as such by all right-thinking Americans.

It is time for us as a country to speak up to those who have misguidedly supported this errant so-called cause and reject absolutely the course of the bullet and the bomb.

I repeat: They are criminals. They are not patriots. They are cowards. They are not soldiers. And those whose evil hand again takes the lives of innocent people in Britain or in Ireland or anywhere else need the unreserved condemnation of every American.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be allowed to sit today while the House is considering H.R. 3603 under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO SIT TOMORROW AT 12 O'CLOCK DURING 5-MINUTE RULE

Mr. MITCHELL of Maryland. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be allowed to sit tomorrow at 12 o'clock while the House will probably be under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

A SHRINKING ICE PACK AND THE IMPORTANCE OF SCIENTIFIC RESEARCH

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, if we believe reports in the Washington Post, scientists tell us that the ice pack covering Antarctica is melting at the rate of nearly 1 million square miles every 10 years. This could be the first physical evidence of the global warming trend that scientists have been predicting for years. A shrinking ice pack means that the level of the oceans will rise at a rate of about one-half inch per year. Scientists predict that this could cause flooding of low-lying coastal areas of the world in the years to come.

This warning of long-term impending disaster should cause President Reagan to think about the importance of scientific research. Instead of cutting major research programs across this country, we should fund them at a level commensurate with our need to know about the world in which we live. Although this need is hardly as pressing as the need for national defense, nonetheless, it is a very real need. I urge my colleagues to support our programs of scientific research in this country, so at least we know when we are going to be under water.

ITALY: A COUNTRY SHAPED BY MAN

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, last night, I had the distinct honor of presiding at the opening of an art exhibit entitled, "Italy: A Country Shaped by Man." This million-dollar exhibition was made possible by the sponsorship of the Turin-based Giovanni Agnelli Foundation and represents the foundation's ongoing program to promote activities designed to enhance cultural and ancestoral ties of Italian Americans to Italy and to improve American understanding of Italian culture and history.

The exhibition is a splendid display of ancient Italian artifacts, and early and contemporary photographs of Italian life. Some of the artifacts have never before been on public display outside of Italy including the 16th-century "Illuminated Book of Antiquities of the Ancient City of Tivoli." The exhibit is praiseworthy for its use of images and music to convey the values of a country with a long history of creativity and craftmanship in the arts and I am certain that it will be well appreciated by all who share a love of Italy and for the arts.

I highly recommend this beautiful exhibit to my colleagues and would like to express deep appreciation to the Giovanni Agnelli Foundation for making this event possible.

H.R. 4407 DESIGNED TO COUNTERACT CANADIAN PROTECTIONIST POLICIES

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, Canada's national energy program is a prime example of the protectionist policies which my bill, H.R. 4407, is designed to counteract.

Under the NEP the Canadian Government intends to increase Canadian ownership in the oil and gas industry, largely at the expense of American companies and investors. Non-Canadian firms will be denied grant incentives for exploration and development at the same time that the Canadian Government eliminates depletion allowances which have benefited all firms equally regardless of nationality.

In addition, the NEP will severely limit the access of non-Canadian firms to the oilfields in the Northwest and Yukon Territories as well as in the offshore areas. These preferences arbitrarily depress the value of the U.S. assets in Canada, thereby allowing the acquisition of those assets by Canadian firms at "fire sale" prices. The injury to literally millions of U.S. stockholders is incalculable.

IS THE TAIL WAGGING THE DOG? WATT'S THE DIFFERENCE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, earlier this week, petitions were presented to Congress calling for the removal of Interior Secretary James Watt. While a million signatures may seem impressive, we do ourselves a disservice if we read them as representative of the American public.

After reexamining a Gallup poll of June 1981, I wonder whether the tail is wagging the dog. Gallup found that:

By a 48-39 percent margin the public favors easing restrictions on strip mining to provide more coal;

A sizable 75 to 19 percent agree with a policy of increasing oil exploration and other commercial uses of Federal lands, excluding, of course, national parks;

A similar proportion (73-20 percent) favor spending money to improve existing parks before new land acquisitions; and

Fully 70 percent of the public, with only 22 percent dissenting, believe that the area available for offshore oil drilling should be enlarged.

All of these policies are the very practices used by sponsors of the petition drive to attack James Watt. While the tail is indeed attempting to wag the dog, opponents of James Watt and his policies are barking up the wrong tree.

HOMEBUILDERS, INTEREST RATES, AND THE GOLD STANDARD

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, last week, the Michigan chapter of the National Association of Homebuilders held a press conference which I attended to focus attention on high interest rates and the policy of the Federal Reserve. Keys were sent by citizens from each corner of the State of Michigan asking that the Federal Reserve "unlock the economy."

The homebuilders' message is all too true. High interest rates have hurt every American, but especially the housing industry and the residents of Michigan, the State with the worst economic climate in the country.

However, the cause of high interest rates is not a tight monetary policy. And the solution is not loose money. The problem is the Federal Reserve itself. As history has painfully shown, it is incapable of producing a consistent monetary policy.

This is the key to the high-interest-rate problem. It is made of gold. Only a return to the gold standard and the discipline it brings will convince Americans that an end to inflation is in sight, and interest rates will finally be lowered, and America can once again prosper.

A VIETNAM VETERANS RECOGNITION DAY

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, recently in my hometown of Nashville, Tenn., the city held a massive rally honoring Vietnam veterans. Fifteen thousand people, including more than 300 Vietnam veterans, were in attendance and two former prisoners of the Vietnam war were honored with medals from the city.

Mr. Speaker, I think that this rally did more to put the horrors of that war behind us for our community than anything else that has been done thus far. The support and the enthusiasm of the citizens for the veterans made it clear to many of the veterans that the Vietnam war is finally over for them.

Many of these veterans explained to me their concerns and their fears that they were perceived by many as outcasts or as victims who served in an immoral war. This rally showed them that this is not true, at least in Nashville. They were honored for their service to their country and were shown by thousands that their service was not forgotten and was appreciated.

Mr. Speaker, I would urge that cities all across the country hold the same kinds of Vietnam veterans recognition days in their communities as we did in Nashville. It would be good for the communities, good for the veterans, and good for the Nation, and I am proud to have been a part of one held in Nashville.

Thank you, Mr. Speaker.

FOOD AND AGRICULTURE ACT OF 1981

Mr. DE LA GARZA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 45, as follows:

[Roll No. 270]

YEAS—386

Addabbo	Brown (OH)	Downey
Akaka	Broyhill	Dreier
Albosta	Burgener	Duncan
Alexander	Burton, Phillip	Dunn
Anderson	Byron	Dwyer
Andrews	Campbell	Dymally
Annunzio	Carman	Dyson
Anthony	Carney	Early
Archer	Chappell	Eckart
Ashbrook	Chappie	Edgar
Aspin	Clausen	Edwards (AL)
Atkinson	Clay	Edwards (CA)
AuCoin	Clinger	Edwards (OK)
Badham	Coats	Emerson
Bailey (MO)	Coelho	Emery
Bailey (PA)	Coleman	English
Barnard	Collins (IL)	Erdahl
Barnes	Collins (TX)	Erlenborn
Beard	Conable	Ertel
Bedell	Conte	Evans (DE)
Beilenson	Conyers	Evans (GA)
Benedict	Coughlin	Evans (IA)
Benjamin	Coyne, James	Evans (IN)
Bennett	Coyne, William	Fary
Bereuter	Craig	Fascell
Bethune	Crane, Daniel	Fazio
Bevill	Crane, Philip	Fenwick
Biaggi	Crockett	Ferraro
Bingham	D'Amours	Fiedler
Blanchard	Daniel, Dan	Findley
Bliley	Daniel, R. W.	Fithian
Boggs	Danielson	Flippo
Boland	Dannemeyer	Foglietta
Bolling	Daub	Foley
Boner	Davis	Ford (TN)
Bonior	de la Garza	Forsythe
Bonker	DeNardis	Fountain
Bouquard	Derrick	Fowler
Bowen	Derwinski	Frank
Breaux	Dicks	Frenzel
Brinkley	Dingell	Frost
Brodhead	Donnelly	Fuqua
Brooks	Dorgan	Gaydos
Broomfield	Dornan	Gejdenson
Brown (CA)	Dougherty	Gephardt
Brown (CO)	Dowdy	Gingrich
Ginn	Madigan	Russo
Glickman	Markey	Sabo
Gonzalez	Marks	Santini
Goodling	Marlenee	Sawyer
Gore	Marriott	Scheuer
Gradison	Martin (IL)	Schneider
Gramm	Martin (NC)	Schroeder
Gray	Martin (NY)	Schulze
Green	Matsui	Schumer
Gregg	Mattox	Sensenbrenner
Grisham	Mazzoli	Shamansky
Guarini	McClory	Shannon
Gunderson	McCollum	Sharp
Hagedorn	McCurdy	Shaw
Hall (OH)	McDonald	Shelby
Hall, Ralph	McEwen	Shumway
Hall, Sam	McGrath	Shuster
Hamilton	McHugh	Siljander
Hammerschmidt	McKinney	Simon
Hansen (ID)	Mica	Skeen
Hansen (UT)	Michel	Skelton
Harkin	Mikulski	Smith (AL)
Hartnett	Miller (CA)	Smith (IA)
Hatcher	Miller (OH)	Smith (NE)
Hawkins	Mineta	Smith (NJ)
Heckler	Minish	Smith (OR)
Hefner	Mitchell (NY)	Smith (PA)
Hendon	Moakley	Snowe
Hertel	Molinari	Snyder
Hightower	Montgomery	Solarz
Hiler	Moore	Solomon
Hillis	Moorhead	Spence
Holland	Morrison	St Germain
Hollenbeck	Mottl	Stangeland
Holt	Murtha	Stanton
Hopkins	Myers	Stark
Horton	Napier	Staton
Howard	Natcher	Stenholm
Hoyer	Neal	Stokes
Hubbard	Nelligan	Stratton
Huckaby	Nelson	Studds
Hughes	Nichols	Stump
Hunter	Nowak	Swift
Hutto	O'Brien	Synar
Hyde	Oberstar	Tauke
Ireland	Oxley	Tauzin
Jacobs	Panetta	Taylor
Jeffords	Parris	Thomas
Jeffries	Pashayan	Traxler
Jenkins	Patman	Trible
Johnston	Patterson	Udall
Jones (NC)	Paul	Vander Jagt
Jones (OK)	Pease	Vento
Jones (TN)	Perkins	Volkmer
Kastenmeier	Petri	Walker
Kazen	Peyser	Wampler
Kemp	Pickle	Washington
Kildee	Porter	Watkins
Kindness	Price	Weaver
Kogovsek	Pritchard	Weber (MN)
Kramer	Pursell	Weber (OH)
LaFalce	Quillen	Weiss
Lagomarsino	Rahall	White
Lantos	Railsback	Whitehurst
Latta	Rangel	Whitley
Leach	Ratchford	Whittaker
Leath	Regula	Whitten
LeBoutillier	Rhodes	Winn
Lee	Richmond	Wirth
Leland	Ritter	Wolf
Lent	Roberts (KS)	Wolpe
Levitas	Roberts (SD)	Wortley
Lewis	Robinson	Wright
Livingston	Roe	Wyden
Loeffler	Roemer	Wylie
Long (LA)	Rogers	Yates
Long (MD)	Rose	Yatron
Lott	Rosenthal	Young (AK)
Lowery (CA)	Rostenkowski	Young (FL)
Lowry (WA)	Roth	Young (MO)
Lujan	Roukema	Zablocki
Luken	Rousselot	Zeferetti
Lungren	Roybal	

NAYS—2

Dickinson	Mitchell (MD)

NOT VOTING—45

Applegate	Courter	Florio
Bafalis	Daschle	Ford (MI)
Burton, John	Deckard	Garcia
Butler	Dellums	Gibbons
Cheney	Dixon	Gilman
Chisholm	Fields	Goldwater
Corcoran	Fish	Hance

Heftel	Murphy	Rudd
Lehman	Oakar	Savage
Lundine	Obey	Seiberling
Mavroules	Ottinger	Walgren
McCloskey	Pepper	Waxman
McDade	Reuss	Williams (MT)
Moffett	Rinaldo	Williams (OH)
Mollohan	Rodino	Wilson

□ 1030

Mr. KRAMER changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3603, with Mr. McHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, October 20, 1981, title X was open to amendment at any point.

Are there any amendments to title X?

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 77, insert the following new section after line 2:

"(A) not less than 85 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the purposes provided in clause (A) of paragraph (1) of this subsection; and

"(B) not to exceed 25 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the financing of credit sales to any one country for the purposes described in paragraph (1) of this subsection.

"(4) There are authorized to be appropriated to the Commodity Credit Corporation Revolving Fund for Export Development and Expansion such sums as Congress shall deem necessary to carry out the provisions of this subsection. All funds received by the Corporation in payment for credit extended by the Corporation using the revolving fund, including interest or other receipts on investments and credit obligations, in financing export sales of the type specified in paragraph (1) of this subsection shall be added to and become a part of such revolving fund.

"(5) The Secretary shall submit an annual report to Congress not later than December 1 of each year with respect to the use of the revolving fund in carrying out export credit sales by the Corporation in the previous fiscal year. Such report shall include the names of the countries extended credit under such programs, the total amount of such credit in the case of each such country in such fiscal year, names of such U.S. organizations whose exports are supported through the use of the fund and the total amount of credits provided to each such organization, and a discussion and evaluation of the market development and expansion activities of the Corporation under this subsection during such fiscal year. The first such report shall be submitted to Congress not later than December 1, 1982.

"(6) The revolving fund created by this subsection is abolished effective October 1, 1985, and all unobligated money in such fund on September 30, 1985, shall be transferred to and become part of the miscellaneous receipts account of the Treasury.

"(7) The authority provided under this subsection shall be in addition to, and not in place of, any authority granted to the Secretary or the Corporation under any other provision of law."

"(8) The authority provided by this subsection to incur obligations to make loans shall be effective only to the extent that such obligations do not exceed annual limitations on new direct loan obligations which shall be provided in annual appropriations Acts.".

SEC. 1012. Section 4 of the Food for Peace Act of 1966 (7 USC 1707a) is amended by adding at the end thereof the following new subsection (d):

"(d)(1) There is hereby established in the Treasury a revolving fund to be known as the Commodity Credit Corporation Revolving Fund for Export Market Development and Expansion, which shall be available without fiscal year limitation for use by the Commodity Credit Corporation (hereinafter referred to in this subsection as the 'Corporation') for financing in accordance with this section and section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c)—

"(A) commercial export sales of United States agricultural commodities out of private stocks or stocks owned or controlled by the Corporation on credit terms of not to exceed three years;

"(B) export sales of United States breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including the cost of freight from the United States to designated points of entry in other nations; and

(C) the establishment of facilities in importing countries to improve the capacity of such countries for handling, marketing, processing, storing, or distributing fungible agricultural commodities produced in and exported from the United States (through the use of local currency generated from the sale of United States agricultural commodities).

"(2) The Corporation shall use the revolving fund only to extend credit for purposes of market development and expansion and only where there is substantial potential for developing or enhancing regular commercial markets for United States agricultural commodities.

"(3) The Secretary of Agriculture shall ensure that the revolving fund is used in such a manner as to involve equitable use of the funds to finance sales to the greatest feasible number of countries consistent with maximizing market opportunities. In carrying out this objective, the Secretary shall establish procedures under which—

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I offer this amendment on behalf of the gentleman from Missouri (Mr. SKELTON), the gentleman from Texas (Mr. STENHOLM), the gentleman from Indiana (Mr. FITHIAN), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from New York (Mr. CARMAN), and several other people who have indicated an interest in expanding our agricultural exports.

Mr. Chairman, let me just explain this amendment briefly. This amendment will provide authority for a Commodity Credit Corporation revolving fund for export development and expansion. It authorizes no appropriation, so there is no cost and it sunsets itself at the end of this farm bill, or 3½ years.

The purpose of the amendment is to deal with the issue of maintaining our leadership in farm exports. Current law allows the CCC, the Commodity Credit Corporation, to provide direct export authority to foreign buyers of U.S. agricultural commodities.

During both the Carter and Reagan administrations, however, direct loans have been phased out in favor of privately financed loans backed by CCC loan guarantees. As a result, the overall activity of the CCC loan guarantee was dramatically reduced.

Mr. Chairman, to try to expedite matters, what we are concerned about with here is that other exporting nations have been offering increasingly attractive and preferential financial arrangements for exports. Brazil, one of the chief importers of U.S. wheat, has begun to buy Canadian wheat because of more generous credit terms. The irony is that the Canadian wheat is more expensive and must be shipped a longer distance.

Losses of other exports have developed because of what I call no unified financing tool.

In 1979 the U.S. exports of raw cotton amounted to 98 percent of Korea's cotton purchases. Due to the lack of available credit, the U.S. share of the market dropped to 73 percent by early 1981, for a loss of $150 million in export sales.

We cannot afford to let our export success slide due to credit inadequacy. An ominous trend is developing in agricultural exports. It is true that the last 2 years have been wonderful in increased exports, but the Agriculture Department estimates that little or no growth will occur in fiscal year 1982. There are even more depressing statistics about agricultural export prospects in future years.

In 1979 we had substantial increases in exports. With farm prices weaker than they have been in decades, this decline in growth is serious, indeed.

We have introduced the revolving fund amendment to turn this situation around. It does not provide for a subsidy. The interest rate is competitive with commercial rates, but it does provide a central credit place for market expansion and development for U.S. agricultural commodities of all types, feed stocks, animals, food, fiber, what-

ever, to develop and expand existing export markets.

Mr. SKELTON. Will the gentleman yield?

Mr. GLICKMAN. I would be glad to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I commend the gentleman from Kansas on his work on this amendment of which I am pleased to cosponsor, the Glickman-Skelton-Stenholm amendment to the farm bill. As the gentleman knows, during the last two sessions of Congress, I have introduced legislation which would, like this amendment, establish a revolving fund to finance short-term export credit sales of agricultural commodities. In both years, I have been gratified by the support my bills have received—from my colleagues here in the House and from farmers and farm organizations around the country. The American Soybean Association, the National Association of Wheat Growers, the National Corn Growers Association, the U.S. Feed Grains Council, the U.S. Wheat Associates, the American Farm Bureau Federation, and the National Grange are just a few of the major groups representing farmers which have endorsed an export credit revolving fund. Secretary of Agriculture John Block has also indicated his support of the concept of the revolving fund. He did so in an Associated Press article which followed the introduction of my bill, and he confirmed this view when he appeared with me on a TV interview program.

No one can dispute the fact that the export of agricultural products has been a bright spot in our economy in recent years. But while we are giving ourselves a pat on the back, we should pause to consider the fact that we are in no way reaching our potential in this area. Nor is there any guarantee that we can even maintain our current level of performance. This is a highly competitive area and our competition has adopted aggressive marketing tactics. We must have the tools to meet this competition and to maintain and expand our agricultural export markets.

Our current program of loan guarantees for agricultural export credit works fine for some nations, but many others, for a variety of reasons, prefer direct credit. They must turn elsewhere, to nations which offer more attractive financing terms. These financing terms are often enough to tip the balance in favor of a competitor nation and allow them to capture the export market despite other advantages offered by purchasing from the United States.

The Commodity Credit Corporation revolving fund for export development and expansion, created by the Glickman-Skelton-Stenholm amendment, would give us needed flexibility in the agricultural export area. It would be available for short-term financing of commercial export sales of U.S. agricultural products, export sales of U.S. breeding animals, and the establishment of facilities in importing countries to improve the capacity of such countries for handling, marketing, processing, storing, or distributing U.S. agricultural commodities. Its purpose is to enable our Nation to develop and expand commercial markets for U.S. agricultural commodities. It will help us realize our vast, untapped potential in this area.

Mr. Chairman, farm exports are vital to our entire economy. They are the most important factor on the positive side of our balance of trade, they provide jobs, and they bolster market prices for farmers without adversely impacting food prices or requiring direct Government payments.

Unfortunately, the budget will not allow us to put money in the revolving fund created by this amendment this year. However, I believe it is still vital to get the mechanism on the books. When the budgetary situation does permit us to make it fully operational, I am confident that the CCC revolving fund for export development and expansion will prove to be a sound investment for the Nation and will pay for itself many times over. I strongly urge approval of the Glickman-Skelton-Stenholm amendment.

Mr. GLICKMAN. I thank my colleague. He has played a great leadership role in this area. I appreciate his help.

Mr. Chairman, I yield to my colleague, the gentleman from Missouri (Mr. VOLKMER).

□ 1045

Mr. VOLKMER. I, too, wish to commend the gentleman from Kansas, in the well, for his leadership in making sure we have continued growth in our exports of agricultural commodities, and also the gentleman from Missouri (Mr. SKELTON) for his efforts in the past as a member of the Agriculture Committee, and his continued interest in agriculture in the United States. I just want to recommend that everyone vote "aye" on this amendment.

Mr. GLICKMAN. In conclusion, Mr. Chairman, I just say the following things:

The current method of financing export expansion is not satisfactory. A similar amendment is placed in the Senate bill by Senator HELMS. This amendment is supported by the National Governors Association as well as all major farm groups. We have not appropriated any dollars into the revolving fund because of budgetary problems. That will be up to the Appropriations Committee. And we sunset this fund in September 1985, which means that if there are any moneys left in the fund they will revert to the Treasury. We will see how it works.

Mr. BOWEN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Mississippi.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BOWEN and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BOWEN. Mr. Chairman, I would like to commend the gentleman from Kansas (Mr. GLICKMAN) for offering this amendment. A number of us have cosponsored similar language in other bills. For example, on the cotton and rice legislation which I introduced that we considered before the Committee on Agriculture, we had a revolving export credit fund. We agreed in the committee that rather than having a series of separate approaches, we needed one unified bill that would apply to all the commodities of American agriculture. I am very pleased that the gentleman from Kansas is offering that bill.

We need this competitive tool very badly. It will not cost the American people money. It will pay for itself and be self-renewing. It is the most dynamic instrument that I think we could find at this time to get the prices of American agricultural commodities up by providing the credit that foreign buyers need in order to purchase our agricultural surpluses.

I urge its approval.

I thank my colleague. He has shown great leadership in the area.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Kansas.

Mr. ROBERTS of Kansas. Mr. Chairman, I would like to echo the sentiments of my colleagues and also congratulate my friend and colleague from Kansas (Mr. GLICKMAN). I am an early cosponsor of similar legislation.

I want to say something in regard to the gentleman's comment about aggressively seeking these exports and the fact that we are doing better. But if we adjust for inflation, if we simply adjust for inflation in terms of the so-called record exports that we read about in the press, you will find that they really are not what they were back in 1976. This is a valuable tool that we need to increase our exports in real terms.

Yesterday we spent a great deal of time talking about the problem that we are exporting our farm products below the cost of production. I think it was agreed upon by this House it was a good idea but the wrong vehicle. This is a good vehicle. The exportation of agricultural commodities is one of our few economic success stories of the decade of the 1970's. Agricultural

trade continues to be a source of strength to the entire economy of this country and has done more than any other action to prevent our perennial trade deficit from growing larger. In 1979, the U.S. agricultural trade surplus was $15 billion. By 1980, it had increased to $23 billion. This year it is projected to be over $30 billion.

The export credit revolving fund would provide a much-needed source of short-term credit. Currently, financing of export sales is made through the GSM-5 program and the Public Law 480 program. Both have been very successful. There is a need, however, to develop an international credit program to bridge the gap between commercial financing and the GMS-5 program and long-term credit that is available under Public Law 480. The export revolving credit fund would provide for the establishment of a fund for the development of exports to nations which have a need for short-term credit but are unable to obtain credit through normal commercial channels.

This type of legislation is necessary to provide U.S. exports with a competitive edge in the development and opening of new markets in the developing nations of the Third World. The potential market for U.S. farm products in the developing nations is virtually limitless, but only if we provide a source of short-term credit. If commercial sales to our traditional markets dropped by 10 percent, sales to developing nations could help offset this trade loss. The Third World's need for American farmer's grain is nearly limitless. The only hindrance has been the lack of short-term credit.

We have spent many days debating this omnibus farm bill. Much of the debate has centered on the production of reasonably priced food and fiber for the consumer. However, Mr. Chairman, I would maintain that wheat producers in my district do not want to rely on Government loans and programs to make up the difference between market prices and production costs while food shortages continue to force millions of people to remain undernourished. They would rather produce, export, and receive a decent price for their product.

Secretary of Agriculture John Block, when he spoke before our Agriculture Committee in March of this year made the following statement:

> We need to assure that agricultural exports, which have become so vital to this Nation's economy, will continue to be able to expand despite the difficult financial conditions many foreign countries are experiencing today.

The demand for grain exists in the overseas markets: it therefore becomes increasingly important that we make every effort to stimulate an expansion in exports. The export revolving credit fund is an appropriate effort by this Congress and administration to return the farmer to prosperity.

Some of my colleagues may attack this provision as being a subsidy for agriculture and farmers. However, the provision would only put American agriculture on equal footing with governments around the world. The European Common Market subsidizes the wheat it sells for export in the world market. The European Community continues to export subsidized barley that competes directly with U.S. feed grains in Eastern European markets.

The American farmer has just recently paid a terrific price by having 10 years of export development work destroyed by the previous administration's grain embargo. Much work is needed to rebuild the markets, and America's credibility as a reliable source of grain. The inclusion of the export revolving fund in this farm bill will be a major step in the right direction.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I want to join the gentleman from Kansas (Mr. ROBERTS) in congratulating the gentleman in the well for offering this amendment.

The budget problems that exist have made it difficult to carry forth the export credit program as far as many of us would like. But I do commend the gentleman for this amendment, which I think is a very positive step forward. I urge my colleagues to support it.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman from Kansas for yielding. I think that he and the gentleman from Missouri and the gentleman from Texas and others should be commended for offering this amendment.

Mr. Chairman, I rise in strong support of the Glickman-Skelton-Stenholm amendment to create within the Commodity Credit Corporation a revolving fund to be used for agricultural export market development and expansion. Although current law provides the authority for direct loans by the CCC to foreign purchasers of U.S. agricultural products, that authority has not been fully exercised in recent years as the emphasis has shifted to loan guarantees provided by the CCC, to the severe detriment of our agricultural producers and exporters. I need not remind my colleagues that our agricultural exports are the backbone of the Nation's foreign trade, bringing in over $41 billion last year. Yet we are rapidly falling behind in our ability to compete with other major food-producing nations which offer their producers substantial subsidies and which provide attractive credit terms to their customers. We must be willing to provide credit at reasonable terms and trade assistance to developing world markets if we are to survive in this increasingly competitive environment, and that is precisely what this amendment will do.

I must emphasize the revolving fund nature of this approach. Once appropriated, the fund will be self-sustaining, supporting our agricultural export efforts in the years ahead. The amendment which is before the House represents a sound investment in the strongest sector of our entire export economy.

Mr. Chairman, we frequently hear effusive rhetoric here in the House in great praise and support of agricultural exports. This amendment offers us the opportunity to make good on that rhetoric, with a minimal impact on our efforts to reduce Government spending. The version of the farm bill passed by the other body contains a similar provision authorizing such a revolving fund, and I urge my colleagues to support the Glickman-Skelton-Stenholm amendment.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Chairman, I rise in support of this amendment which will establish in the Treasury a revolving fund to be known as the agricultural export credit revolving fund. A similar provision has already been incorporated in S. 884, the farm bill as passed by the Senate.

This fund would finance commercial export credit sales. Since 1956, USDA has used authorities under the Commodity Credit Corporation Charter Act to facilitate expanded markets for U.S. agricultural commodities by offering direct CCC export loans up to 3 years in length to foreign buyers to purchase U.S. commodities. The Agricultural Trade Act of 1978 authorized the Secretary to make intermediate-term loans of between 3 and 10 years in duration to finance the export of breeding livestock, to finance the establishment of reserve stocks, and to finance the construction of infrastructure abroad for expanded usage of U.S. commodities.

Under the Carter administration, the Commodity Credit Corporation's direct export credits program was phased out and supplanted with a loan guarantee program whereby the foreign customer must arrange private financing with our Government guaranteeing such credit in the event of default. Obviously, this step was taken

as a means of making certain that this program did not appear as a budget item with a huge outlay of Federal funds. The Reagan administration has adopted this same viewpoint, as the loan guarantee program is being continued rather than direct export credits.

It is my position that we should proceed with this authorizing legislation so that if, at a later date, our budget problems abate, we can fund and implement this program.

This amendment provides for financing in three modes: First, for commercial export sales of agricultural commodities on credit terms not to exceed 3 years; second, for export sales of breeding stock including cost of freight; and third, for the establishment of facilities in importing countries to improve their capacity to handle, market, process, store, and distribute agricultural commodities.

Additionally, this amendment provides for the equitable use of funds to finance sales to the greatest feasible number of countries. Not less than 85 percent of the funds shall be made available for sale of stocks and not to exceed 25 percent of the estimated amount in the revolving fund shall be made available to any one country. Further, this amendment calls for an annual report and also contains a sunset provision in that the fund is abolished on October 1, 1985. Finally, there is a provision that the fund cannot exceed annual limitations on new direct loan obligations, which shall be provided in annual appropriations acts.

Elimination of the direct loan program really reduces the number of foreign market development tools available, and in today's world we really need to do everything possible to increase our exports. It is our agricultural exports that keep our balance of payments from being a disaster. Approximately one-third of the annual cost of imported petroleum and petroleum products is paid for by our agricultural exports. As is well known, some nations prefer, for a variety of reasons, to borrow directly from CCC rather than dealing with guaranteed loans from private banks.

By the adoption of this amendment, we are signaling to the administration that we are firmly convinced that the export of our farm commodities is all important not only to our farmers but to the Nation, and that as soon as possible this revolving fund should be funded. I know that the majority of agricultural commodity groups favor this amendment and I urge its adoption.

Mr. GLICKMAN. I thank my colleagues. To more completely explain the need for this amendment, I think the following information would be useful:

Recent U.S. policy decisions threaten our ability to maintain our leadership in farm exports. Current law allows the Commodity Credit Corporation to provide direct export credit to foreign buyers of U.S. agricultural commodities. During both the Carter and Reagan administrations, however, direct loans have been phased out in favor of privately financed loans backed by a CCC guarantee. As a result, overall CCC loan activity was dropped dramatically. In 1980, the last year when both CCC direct loans and loan guarantees were in effect, 30 countries requested over $3 billion under the direct loan program. Because of the policy to emphasize loan guarantees over direct loans, the CCC's Office of General Sales Manager tried to persuade the applicants to accept the guarantees. In the end, only seven nations participated in the guarantee program for a total of $700 million out of the $2 billion available. Some 18 nations were still able to receive the direct loans, but only $718 million out of a total of $1.6 billion budgeted was made available.

At the same time, other exporting nations have been offering increasingly attractive financing arrangements. Brazil, one of the chief importers of U.S. wheat, has begun to buy Canadian wheat because of more generous credit terms. The irony is that the Canadian wheat is more expensive and must be shipped a longer distance. The credit terms offered to the Brazilians were simply too attractive to turn down.

Losses of other export sales have occurred as well. In 1979, U.S. exports of raw cotton accounted for 98 percent of Korea's cotton purchases. Due to lack of available credit, the U.S. share of the market dropped to 73 percent by early 1981 for a loss of $150 million in export sales. Losses such as these during times of depressed markets such as now only further reduce the prices farmers can get for their commodity.

We cannot afford to let our export success slide due to credit inadequacy. Agricultural exports make a meaningful contribution to the reduction of our balance of trade deficit. Farm exports for 1981 are projected to reach $44.7 billion this year, according to the Department of Agriculture. But an ominous trend is developing that could dampen our success. The growth in farm exports has stagnated. The Agriculture Department estimates that little or no growth will occur in fiscal year 1982. The most optimistic prediction that can be made is 9 percent. The projection for fiscal year 1981 is nearly as bleak with only a 10-percent increase in export growth, contrasted to that are the stunning increases recorded in prior years. In fiscal year 1980, a whopping 27-percent increase occurred, and a year earlier 19-percent growth was recorded. With farm prices weaker than they have been in decades, this decline in growth is serious indeed.

We have introduced the revolving fund amendment to turn this situation around. The fund would provide short-term credit to facilitate agricultural exports for the purpose of market development and expansion. The credits would be available only where there would be substantial potential for attracting or enhancing regular commercial markets for the United States. Private funding would continue to finance exports to established markets. Principal and interest from repayment of the loans would be returned to the fund for use in making subsequent loans. A one-time appropriation would be required to generate a pool of funds. Thereafter, the fund would be self-sustaining.

This is a straightforward loan program. No subsidy is involved since the loans would be offered at commercial rates.

The credit that would be provided under the revolving fund would be administered much as in the same way as the GSM-5 export credit program did in the past. That direct loan program was phased out in 1980 in favor of loan guarantees. Those direct loans were not subisdized but offered at levels approximately one-half percent below the prime. The interest rate on loan guarantees was and still is slightly higher.

A direct loan program would work very much like any other commercial credit operation. CCC would lend money directly to the exporting entity, a trading firm or a farmer cooperative, which would then export the commodity to the importing nation. The importing nation repays the loan to the CCC.

The GSM-5 direct loan program worked well. No loan forfeitures occurred, although a small number of loans were rescheduled. The direct loans were phased out in favor of loan guarantees since direct loans show up in the budget as outlays while loan guarantees are not scored unless default occurs. As a self-sustaining operation, the revolving fund addresses the budgetary concern without giving up the advantage of a direct loan. As the initial appropriation is depleted, the repayments would make funds available for subsequent loans. The repayments would not be scored under the Budget Act. To insure that Congress is aware of the financial impact of the program, however, the amendment includes a provision that requires an annual level of loanmaking authority to be set.

Congress has further oversight of the fund because of the sunset provision included in the amendment.

The impact of the amendment on the taxpayer is negligible. Since the loans are made at commercial levels, which precludes any subsidy, the fund, in essence, pays for itself. Further, farm exports serve to bolster market prices for farmers without adversely impacting food prices or requiring direct Government payments. With all of the concern that has been expressed over the cost of our farm programs, this approach should be supported as a means of economizing.

Because of this year's budgetary constraints, we have decided not to set a specific funding level in the amendment. The inclusion of the provision in the farm bill is, nonetheless, significant. It indicates to the administration and to purchasing nations our commitment to move ahead aggressively on our export efforts. The Senate shares this sentiment and included a similar provision in its farm bill.

The provision will favorably affect the U.S. position with respect to the upcoming negotiations on export subsidies with other exporting nations. By placing in law an export credit fund that does not involve any subsidy, we are showing good faith to our competitors that exports can be expanded without relying on predatory methods. It also will give our negotiators an upper hand by showing our willingness to utilize this mechanism to encourage this vital export activity. Now that the first phase of the export subsidy reduction talks have been completed, it is that much more important to have the fund in place.

A critical reason exists to include the fund in this bill. A growing number of middle income nations are graduating from the Public Law 480 concessional program and are becoming commercial customers. These include Korea, Taiwan, Brazil, Sierre Leone, and the Sudan. These types of countries preferred the GSM-5, or direct loan program for a number of critical reasons, principally the economies it offered them. While the interest rate on direct loans was nearly the same as for the loan guarantee program, other factors obviously played a key role.

First, with direct loans, the potential buyer is required to approach only one funding source—the U.S. Government. Many times, banks are unwilling to finance the entire sale and the buyer must shop around until adequate credit is found. Further, in times of severe economic conditions in importing countries, banks may be unwilling to provide the necessary financing. That leaves a willing buyer and a willing seller, but no financing to make the sale.

Second, additional cost savings accrue through the reduced paperwork involved with handling the financing throught one source.

Third, the loan guarantees only insure up to an 8-percent interest rate. The remaining amount of the rate is uninsured. With today's high interest rates, that leaves more than half of the interest uninsured which clearly poses problems to nations with budgetary problems of their own.

Fourth, the direct loan is less expensive to the buyer since the guarantee fee is avoided.

While the loan guarantee program operates well for big buyers who can withstand the vagaries of the export market, new, limited income buyers who are just getting their feet wet cannot. They must buy when the price is right and cannot afford to become bogged down in search of a creditor. Any delay could mean a precipitous increase in the price and cause them to become unable to buy. A revolving fund would provide one-stop financing to these middle-income buyers who can logically be expected to become regular customers over time.

The importance of encouraging these middle-income buyers cannot be underestimated. They have shown tremendous economic progress by moving out of concessional financing into commercial financing. To continue their progress toward sales financed solely by private sources, we must insure that effective middle-level credit is available to them. A credit fund as we have envisioned will fulfill this need.

A large number of both farm and nonfarm organizations support this amendment including the National Governor's Association, the American Farm Bureau Federation, the National Cotton Council of America, the National Grain & Feed Association, the National Association of Wheat Growers, the American Soybean Association, the National Grange, the American Agricultural Movement, and the National Corn Growers Association.

If the United States is to maintain its lead in agricultural exports, more credit is required. I urge your support of the amendment to allow adequate, dependable, and cost-effective credit to insure U.S. strength in farm exports.

Mr. FITHIAN. Mr. Chairman, I rise in support of the Glickman amendment to create a Commodity Credit Corporation (CCC) Fund for Export Market Development and Expansion. Of all the ideas we have debated during the 2 weeks in which we have considered the 1981 farm bill, this is surely one whose time has come.

Despite widely divergent economic philosophies, both the current and the previous administration have expressed strong interest in a revolving fund of this type. And the feeling in virtually all of the major farm groups and commodity organization is nothing short of enthusiastic. Their support for this proposal is well justified, as it would prove highly beneficial to the American economy.

It is a well-known fact that agricultural products constitute 20 percent of the total of all our exports; the yield of 1 in 3 acres is sold abroad. In dollar terms, we will export nearly $45 billion worth of farm commodities this year. Despite this cheering picture, the outlook for the American farming community is a gloomy one. Paradoxically, the incredible productivity of our farmers can be their own worst enemy. We are having excellent harvests in corn and wheat this year, but the seasonal nature of this market conspires with the law of supply and demand to depress prices. The farmer, in turn, reaps a proportionally smaller financial reward for what he has sown. In a capital-intensive enterprise such as agriculture, these diminishing returns can prove disastrous. With interest rates hovering near the 20 percent mark, many producers are understandably reluctant to assume a larger debt load.

Increased exports represent perhaps the best way to extricate ourselves from this dilemma. The establishment of a CCC revolving fund should be viewed as an investment in market expansion; it is decidedly not a Government subsidy. An initial appropriation will eventually be required, but as loan repayments, including interest, are made, the fund should gradually become self-sustaining. It is even conceivable that the CCC might be able to reimburse the Treasury with the seed funding.

Credit is a critical element in the overseas marketing of agricultural commodities. For a variety of reasons, many potential foreign buyers either cannot or will not avail themselves of conventional sources of credit. Because we are currently unable to accommodate this preference for government-to-government financing, we lose valuable trade opportunities to other countries. This is something we can ill afford.

Many of us involved in agriculture policy formulation have heard the objections of farm organizations to long-term trade agreements. There is some merit to their argument that this amounts to a straitjacket approach to fluctuating demand. The revolving fund would be a useful tool in the USDA's shop, as it would present an alternative to bilateral agreements. With a reliable source of credit available to trading partners, market forces should operate far more efficiently.

Finally, it has been pointed out that the Soviet grain embargo seriously damaged our credibility as a reliable supplier. The creation of a revolving fund would be a step in the right direction toward restoring confidence in the United States. In addition to assuring predictable, secure export

credit, the fund would allow the chance for long-range promotional planning.

I urge my colleagues, therefore, to join with me in supporting this important amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise with a great deal of ambivalence to express my objection to this amendment. I agree with the gentleman from Kansas (Mr. GLICKMAN) in what he is trying to do.

I believe that we must be competitive in financing of our agricultural exports. I agree with the gentleman that we should be more aggressive in providing the financing for the exports that we are seeking to increase.

My problem with the amendment is not one of philosophy. I would gladly vote for an increased budget for more of this kind of financing, just as I voted to increase the Eximbank budget so that we could increase export financing for other goods. I think export financing is terribly important.

My objection to the amendment is wholly based budgetary considerations. The gentleman has done a pretty good job. In fact, he has done a very good job of trying to answer the responsible objections to this amendment. He has provided that moneys for this revolving credit must be appropriated. On the first pass, it must go through the appropriations process, and that is good.

My objection to it is that it is a revolving credit fund. The moneys that come back in as the loan funds are repaid are never again subject to the appropriations process. The future use of these funds is what is known as backdoor spending. Backdoor spending is simply the use of funds with the control of budget and appropriations processes.

The gentleman has done one other good thing in this amendment. He has provided that it sunsets after 3 years, and that answers the worst of my objections about the continuous nature of the revolving fund. But I feel it is my obligation to remind the Members of this body that for 3 years we will have a backdoor spending item, with no control by Congress of the funds repaid.

My preference for the cleanest kind of amendment would be to appropriate each year the amount necessary to provide competitive credit to finance increased agricultural exports. I salute his motives. I would like to help him with it. And I realize that the amendment is going to pass, and I take some comfort in that. But I feel obliged to call attention to this serious budgetary defect.

I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I rise to discuss the amendment offered by my colleague (Mr. GLICKMAN). It concerns a subject with which I am deeply concerned, in large part because of facts which came to light during a series of hearings on agricultural trade policy issues held before the Agricultural Subcommittee which I chair. The purpose of this amendment is to authorize the establishment of an export credit revolving fund. This fund would be available to the Commodity Credit Corporation to finance for a period not to exceed 3 years commercial export sales of U.S. agricultural commodities. The fund could also be drawn upon to finance the export of breeding livestock or to assist our trading partners in the construction of commodity handling and storage facilities, facilities which would then presumably be available to receive future commercial exports from the United States.

I must express my reservations on this amendment. I have reservations because I believe that this authority will not be funded, because I am not convinced that this amendment's program will actually increase exports, and because I have strong concerns that we are pushing increased agricultural exports without giving sufficient attention to our resource conservation needs.

The importance of agricultural exports to the farm sector and their positive contribution to our balance of payments is well known to this body and hardly needs repeating. American farmers are completing at this moment a record corn harvest. In fact, the production of nearly all commodities has risen sharply from last year's drought-reduced crop. Stocks of corn, wheat, and other crops are up significantly resulting in unusually strong, although seasonal, downward pressure on market prices. This softness in the market comes at a time when farmers' out-of-pocket cash production costs are steadily escalating, and record high interest rates are imposing an alarming burden on farmers' cash flow. For most types of farming operations, annual interest charge alone exceed 15 percent of gross farm income. For beginning farmers or highly leveraged operations, economic viability is simply unattainable with interest rates pushing 20 percent. Facing this combination of bleak economic realities, farmers understandably question the administration's endorsement of the healthy influence of market forces. How can market forces be used to return the U.S. farm sector to prosperity? One way, of course, is by further expansion of agricultural exports, and an export credit revolving fund could play a role in attaining this objective.

This Congress desperately needs to develop a new generation of farm programs designed to facilitate an efficient response to fluctuating international demand for basic commodities. A policy which is, at the same time equitable to farmers and affordable from society's broader perspective. The cornerstone of future farm programs must be a responsive and balanced agricultural export policy. Although a popular initiative among most agricultural groups, this amendment will result in only minimal progress toward such a balanced policy, mostly because it is highly improbable that Mr. Stockman, or this Congress, will appropriate funds anytime soon to get the fund off the ground. Agricultural exports are literally booming and one can question both the need and wisdom of tinkering with this otherwise healthy sector of international commerce.

An export credit revolving fund is not likely to significantly further enhance the prospects for commercial sales of U.S. farm products abroad for two basic reasons: First, there simply is not a shortage of commercial credit, on whatever terms desired, to creditworthy overseas customers. There clearly is, and always will be, a shortage of subsidized credit and underpriced grain and foodstuffs for aid programs, but these legitimate needs are not those to be served by such an export credit revolving fund. Second, and to me even more disturbing, is the fact that such a fund would constitute yet another indirect subsidy to our commercial trading partners. Let me quote a senior economist who addressed this subject recently at an agricultural trade symposium sponsored by the Federal Reserve Bank of Kansas City:

> The United States, by virtue of its very dominant role as a grain exporter, is the undisputed price leader in the grain world, and will continue to be so in the future. Prices set in Chicago, Minneapolis, and Kansas City or Washington greatly influence the asking prices of all other grain exporting nations.
>
> Since grain prices in most importing nations are well above and fully insulated from United States and other exporters' selling price levels, farmers and governments in exporting countries have in effect been subsidizing buyers in grain importing countries. For exporting countries to compete with each other with even more liberal financing terms than we have right now would just increase this subsidy from exporting to importing nations.
>
> If, for example, the aim of the current congressional proposal to increase CCC export credit terms from 3 years to 10 years is to make the United States more competitive with other exporters, then it probably will be self-defeating. For there is likely no way that other exporters could avoid providing the same terms if they wished to

remain competitive. The net result then would be that neither the United States nor other exporters would gain any competitive advantage: They would merely increase their subsidies to foreign grain buyers.—Harold F. Bjarnason page 129.

Since this quote happens to come from a senior economist with the Canadian Wheat Board—our major competition in the world wheat market—its message is particularly germane and sobering.

Let me briefly raise another set of concerns which this Congress must squarely face in the development of a balanced agricultural export policy. Market cycles have, by their very nature, both up and down sides. The fact that this farm bill debate has occurred during a deep and protracted downward phase for net farm income has obviously played a major role in the tenor and content of the debate. When prices are stronger, when demand rebounds and again exceeds supply, as it surely will, rising prices will restore prosperity to grain and commodity farmers, boost agribusiness profits, and once again stun the livestock industry with excalating feed prices. As these adjustments occur, considerable costs will also be imposed on other segments of our society, on our natural resource base as farmers pump deeper and plow further out onto marginal soils, and on our international trading partners. A balanced agricultural export policy must also have the capability to minimize these costs through a combination of new storage, conservation, and commodity pricing policies.

The remarkable productivity of U.S. agriculture stems directly from this country's unique endowment of land, water, and climate. The growing volume of exports of food to other countries has created an international interdependency on these resources of unprecedented proportion. Our farmers, rural communities, and agribusinesses have, in effect, lost control over their economic fortunes. It is the complex and unpredictable global interplay of economic, political, climatic, and commercial forces which now determines worldwide export demand and prices, and hence the fortune of U.S. farmers. The Congress must act soon and decisively to insulate the farm sector from these export market related uncertainties and economic hardships. If we fail to develop new policies to overcome these recurrent problems, our Nation will fail to capitalize on the full potential of U.S. agriculture.

My colleagues on the Agriculture Committee are well aware of and determined to resolve these problems. Because of the pressing budgetary issues this Congress has been compelled to address, agricultural export policy needs did not receive adequate attention during the development of this farm bill. It would be unfortunate and counterproductive if passage of this amendment leads to a sense of complacency about other pressing export policy needs.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I would be happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I think my colleague agrees the amendment is not harmful. I view this amendment a little like chicken soup when you are sick. It may not help, but it sure cannot hurt.

The second thing I would say about it is the fact that, in fact, the current program of privately financed loans by CCC loan guarantees to provide export financing, has dropped dramatically during the last year and a half or 2 years. Therefore, we need a new, different effort.

Third, what we are beginning to see, as the gentleman well knows, is extensive competition by foreign countries such as Canada and Argentina, and what we need is some form of responsible, centralized credit availability. I admit to the gentleman that this amendment alone is not going to necessarily dramatically increase exports, but it provides a possible vehicle, sunsetted out in 3 years, and I just think it is worth a try.

Mr. BROWN of California. I thank the gentleman for his comments.

I might say that I think the amendment is something like chicken soup, and I cannot quarrel with chicken soup, very honestly. But what I am trying to get the Members to focus on is too much chicken soup is not good for you, either.

The last point that I wanted to make, and I will make it very briefly, is that we can overdo exports and reduce the long-term viability of our resource base in this country, and by looking at this solely as something which we must continue to increase ad infinitum, we are missing the importance of focusing on providing for the long-term sustainability of our agriculture, which is the only thing that will maintain the health of the American farmer and the American people.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SKELTON and by unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think essentially there is one situation we must point out, in that there is in some cases a shortage of direct loan possibilities under the law that we now have, and this CCC export amendment will help on that.

I think that we should also, taking some of the gentleman's words, look at the long-range export situation.

□ 1115

We are going to continue to be the bread basket of the world. We are going to be in competition with other countries of the world that produce grain and commodities. We should be in a position where we can compete with them and do a better job and have that market for our farmers. This is going to help us in the long run. It is too bad that we cannot budgetarywise competely fund it because it would not only make money for the country, it would make money for our farmers and have an excellent market for them and help feed this world, which we have been trying to do for so many years.

Mr. BROWN of California. I appreciate the point the gentleman is making. The point I want to reiterate, however, is that as long as we are exporting grain or other foods at below the cost of production and seeking to solve our problems by increasing those exports, we are on a losing track, and we must have a balanced, long-range policy which will correct that. This is not the balanced, long range policy that will provide the answers to that situation.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from Kansas.

Mr. Chairman, I am cosponsor of legislation similar to that of the gentleman from Kansas, and while there are some differences between our two approaches, I am very happy to join in the effort of the gentleman from Kansas. I wish to associate myself with his remarks. One cornerstone of this administration's policies in agriculture is enhanced export realities—not just opportunities—but bringing to fruition real and significant foreign sales. This amendment enhances those prospects.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. I thank my colleague for yielding. I simply would point out that some of the concern of this body right now is the cost of this program. There was a suggestion some of us had in the Agriculture Committee earlier when the CCC sold some of the embargoed corn in the amount of 199 million bushels back into the market resulting in a budget windfall of an extra estimated $600 million to $800 million. It seems to me that would be a very good source of funding. We have already paid for it once in terms of the embargo, and I do not think the farmers should be asked

to pay for it again. That might be a possible source of funds.

I would like to also reiterate my concern that when we are talking about exports it sounds very good to talk about record exports and that is what we read in the press, but if we adjust for inflation we are not where we were in 1976.

I think this amendment speaks well to the goal of the Reagan farm policy. It is a market oriented farm policy. Right now we do not have a market. It is not a catchall answer by any means, but it is a step toward the right direction.

I, too, am concerned, with my chairman from California, Mr. BROWN in regard to the resource base that we have in this country, but there is another resource I am concerned about. That is the American farmer, and with current prices the way they are we are losing that resource. That is one resource we are going to continue to lose if we do not take some steps like this.

I appreciate the gentleman yielding his time.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of this amendment.

I would like to add for the benefit of those listening to this debate today, my colleague from California made an excellent point, but as far as the endless amount of exports that we seem to be trying to sell, I, too, would agree that we need to be careful in that area and look at what it is doing to our soil and water resources of this Nation, to the energy that we do not have. But the point is, we are producing more than we can sell domestically; therefore, we do need to look at providing the tools necessary to make these sales.

Another point I would make is that I can take any 11 of us on the floor right now, take any 11 of us and take on any professional football team this coming Sunday and we can win if you let me draw the rules. What we are talking about in this amendment is allowing the American farmer, competing in the world export market, to have access to fair rules.

Only in the last month we found that rabbit producers in the United States, who are small businessmen and women throughout this country, suddenly lost their domestic rabbit market because of unlimited imports of rabbits from the People's Republic of China. It brings one of these growers to say:

> I just cannot bring myself to go out and hit those does on the head, but I would be better off because 200 does and 20 bucks are eating a ton of feed a week and I have no place to go with my rabbits.

Really, what we are talking about is fairness and equity, and we cannot find this in any of the areas of agricultural marketing today. I personally would prefer for us to quit production rather than to continue to sell below our cost of production, but we have been unsuccessful thus far to do that. Therefore, we must have every avenue available to us within the budget to sell what we have raised.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Iowa: Insert prior to line 3 on page 77: "Notwithstanding any other provision of law, the Secretary shall not require any feed grain producer to participate in a land diversion or set-aside program or to devote acreage to conservation use as a condition of eligibility for participation in a farmer-held feed grain reserve or extended price support loan program established for the purpose of promoting orderly marketing when feed grains are in abundant supply.".

Mr. SMITH of Iowa. Mr. Chairman, this bill as it is presently written, together with the Stenholm amendment as far as feed grains are concerned, is just a hoax upon the feed grain farmer. For 1982 and 1983 crops, the Stenholm amendment, together with other provisions of the bill, require that as a condition precedent to receiving a loan, a purchase agreement, or a reserve agreement—any of the three—that they participate in a set-aside under a formula that almost no producer can participate in. Therefore, as a practical matter there will not be a reserve program, there will not be a loan program, and there will not be any purchase agreements. That is the sum and substance of it, and to claim that we are doing anything for the feed grain producers in this bill is nothing but a hoax.

I think this bill relies entirely too much anyway on set-asides and target prices. Those are old tools that were adequate at a time, but they are not the principal tool we should be using in the 1980's. In today's market, in the 1980's, we ought to be depending primarily upon marketing our grain at a reasonable price. That should be the primary objective.

Now, let us go back to how this came about. Back in 1961—no member of the Agriculture Committee was here at the time—but in 1961 we devised what we called the set-aside. It was the right thing for that time. At that time, we had more acres that could produce grain than we could possibly market in the world. We had no way to market that much, so we had the idea of setting aside a certain number of acres.

Then in 1963 we devised the idea of target prices. Primarily, it was myself and the present Governor of Minnesota, and that was adequate for the 1960's. It was a good thing for the 1960's, but by the late 1960's it was obvious that we needed a different approach. World markets were expanding. What we needed to do was to be sure we had the grain when it was needed, and also to secure a decent price for it.

That is when I introduced the farmer-held reserve. That was about 1969. That bill was promoted around here for 3 or 4 years. Finally, in 1973 we had a big glut of feed grains in the market, and the gentleman from Texas, Mr. Poage, the chairman of the committee at that time, decided that my bill should be passed in 1973. With his support, my bill was reported to the floor, the farmer-held reserve. It was passed in the House of Representatives but it was opposed by the administration and did not pass in the Senate. Within a year's time, there was a Russian grain sales scandal and had a shortage of grain. The administration was not prohibited from dumping grain as it would have been under the reserve program and we should have had the farmer-held reserve.

Then, in 1975 Bob Bergland became the cosponsor of my farmer-held reserve. He supported it in the committee but we were not able to secure its passage. In 1977 he became Secretary of Agriculture, and with his help, it passed on the floor. The committee did not include it in the bill they reported but the amendment was passed on the floor. It was my bill that I wrote word for word. It happens that the gentleman from Oregon was a member of the committee and I was not, so under the rules he secured recognition to offer my amendment.

But, as the farmer-held grain reserve, it has worked. It was first used in 1978. There was a surplus and grain was put into the reserve. Within a year's time we needed the grain to satisfy our customers' needs and it was taken out at a good profit. The farmer-held reserve should be the primary tool we are using under this bill, but under the bill, producers are not going to be able to use it at all in 1982. I just think the least we can do at this point is to say that a producer does not have to participate in a set-aside, under a formula that makes it impossible to participate in, in order to be eligible for the farmer-held grain reserve.

We know that the administration wants to use it. They are using it in this crop year. They are market oriented downtown. They have announced a farmer-held grain reserve for this crop, and we should not deny them this most important tool. I say that without this amendment, this bill as it is presently written as far as feed grains is concerned is nothing but a hoax.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, do I understand the intent of what the gentleman has just said, he believes there is no need for a set-aside?

Mr. SMITH of Iowa. I believe that they should not be required to have a set-aside next year, and that should not be a condition precedent to a reserve program.

Mr. STENHOLM. Does the gentleman believe we need to continue fence row to fence row production that we currently have in this country?

Mr. SMITH of Iowa. I believe that with a properly operated reserve program and loan program that we can facilitate the marketing of the products we have at least for the next 2 years, and that we ought to have those reserve and loan programs.

Mr. STENHOLM. I would suggest to the gentleman in the well that I think we can predict that we will continue the devastating low prices we are finding now with unlimited production, and we will fill the reserve and have every other bin full.

Mr. SMITH of Iowa. We will certainly have low prices if we do not have a reserve available, and the reserve is prohibited under the gentleman's amendment together with the rest of the bill.

Mr. STENHOLM. All a farmer has to do is set aside 15 percent and he is eligible for the loan and the reserve.

Mr. SMITH of Iowa. I ask for adoption of the amendment.

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment. I do this with great reluctance because of the admiration and respect I have for the gentleman from Iowa, but in this case the basic tool in the legislation is the availability to the Secretary, if he offers a loan and if we provide for a grain reserve, that he have the availability to him and the discretion to reduce acreage if necessary in order to accomplish the long-term intent of the legislation, which is to stabilize prices.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. DE LA GARZA. I yield.

Mr. SMITH of Iowa. The feed grain producer would not have flexibility because, under the Stenholm amendment, it says the Secretary "shall" provide for a set-aside. He has no alternative, whenever there is 18 percent of a crop carryover. I know presently that is what is predicted, so he does not have any flexibility at all. He is required to have a set-aside under a formula nobody can comply with.

Mr. DE LA GARZA. I agree with the gentleman to that extent, and I probably misused the word "flexibility", but as part of the tool the Stenholm amendment would take it at a specific point, but nonetheless it still provides the tool that allows the Secretary, even though he is mandated at a certain level, to control the amount of acreage. This would stabilize the price, which is the long-term intent of the legislation. For that reason, I would oppose the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 7; noes 22.

So the amendment was rejected.

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AMENDMENT OFFERED BY MR. EVANS OF IOWA

Mr. EVANS of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Iowa: Page 69, after line 14, section 1002 is amended by adding a new subsection (i) and redesignating the remaining subsection as (j).

"(i) When a producer samples, turns, moves or replaces grain or any other commodity which is security for a Commodity Credit Corporation producer loan or is held under a reserve program, and does so in violation of law or regulation, the county ASCS committee may forgive some or all of the penalties and requirements that would normally be imposed on the producer by reason of the violation, when in the judgment of the county ASCS committee the violation occurred inadvertantly, by accident, because of lack of knowledge or understanding of the law or regulation, or because the producer or his agent acted to prevent spoilage of the commodity: *Provided*, That in the judgment of the county ASCS committee the violation did not result in harm or damage to the rights or interests of any party, and that this fact is certified to by a majority of the members of the county ASCS committee and a copy of the certificate is filed with the state ASCS committee.".

Mr. EVANS of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EVANS of Iowa. Mr. Chairman, this is a technical amendment which addresses a problem frequently faced by many county ASCS committees throughout the country.

And it is offered at the request of a number of the ASCS committees in my district.

The problem the amendment addresses arises from the fact that county ASCS committees now have very limited power to forgive minor violations of ASCS regulations relating to commodity loans.

This is the case even when it is clear that forgiveness is in order in view of the circumstances and in view of the extreme penalties that must be imposed if forgiveness is not granted.

For example, if a producer has a commodity loan on grain, and that producer samples, turns, moves, or replaces that grain without getting permission of the county ASCS committee, then that county committee has no alternative but to demand repayment in full of the loan and the accrued interest thereon, pending appeal of the matter.

And on appeal the violation can only be forgiven for "highly meritorious or highly unusual circumstances".

And the Members of the House should understand that periodic sampling, turning, moving, and replacing of grain that is going out of condition is standard practice in farming and is in the best interest of the Commodity Credit Corporation which has a lien on that grain.

And the Members should also understand that an unexpected demand to repay principal and interest on such a loan can be a financially fatal penalty to many producers, particularly if at that moment the market value of the commodity is less than the sum due.

At the moment, county committees usually handle this problem by turning their backs—by pretending not to see.

And they do this repeatedly in clear violation of the law, because they believe that this is the best course to justice.

And those county committees are tired of having to violate the law to dispense justice.

This amendment addresses that problem.

It broadens the power of the county committee to forgive the violation and the penalty in certain instances.

Under the amendment, the committee may forgive in whole or in part when all of the following four conditions are met:

First, the only offense is to have failed to inform the county committee in advance of intention to engage in the standard management practices of sampling, turning, moving, or replacing a commodity to maintain its condition;

Second, this is done inadvertently, by accident, because of lack of knowledge of understanding of the law of regulations, or because the producer or his agent acted to prevent spoilage of the commodity;

Third, the violation did not result in harm or damage to any party, including the Commodity Credit Corporation; and

Fourth, the facts are certified by the county committee and reported to the State committee.

Now, compared to many of the issues in connection with this bill, this amendment is of minor importance.

But it would make the producer loan and reserve programs operate more efficiently.

And the department agrees that a change of this nature is in order.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the committee chairman.

Mr. DE LA GARZA. Mr. Chairman, we have examined the gentleman's amendment.

We have had some correspondence from the administration saying that this is the intent of what they do anyway, but that they feel there should be some protection to the CCC through sending the matters up to Washington for review. However, I am personally acquainted with a lot of the problems that affect this area, and even for very minor matters everything must be sent to Washington.

Perhaps with this amendment we would clearly give some discretion, which the Department says it already has.

I would not on this side have any objection to the amendment at this time, subject to perhaps further refinement or clarification as we get into the conference. The intent and the thrust of the amendment would be acceptable at this time.

Mr. EVANS of Iowa. Mr. Chairman, I thank the committee chairman.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I rise in support of this amendment offered by my colleague, the gentleman from Iowa (Mr. EVANS).

This amendment solves one of the misdirections and inequities of the USDA. The farmer is responsible for the product and liable for the full cost and value of that product. If the grain spoils or is damaged by flood, moisture, or an act of God, the farmer must replace that commodity or pay out the loan.

Assuming the farmer, in order to protect his assets and the USDA collateral, goes out and moves, turns, samples, or in any manner tampers with that grain, the farmer is subject to immediate recall of this loan. This amendment will help solve that problem.

Mr. Chairman, the farmer is already responsible, and I think this is an example where the USDA is still operating under those old regulatory directions it has had in the past. The Department needs some direction from this body, and this is an example of regulatory abuse, as far as I am concerned.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I wish to commend the gentleman from Iowa (Mr. EVANS) on his amendment, and I fully support it.

I know of no group of public servants at the local level in particular who are held in higher regard than our ASCS people, and I think they ought to be given the authority that the gentleman suggests in his amendment. I think this will probably effect considerable cost savings, too, by circumventing some of the regulatory requirements.

Mr. Chairman, I congratulate the gentleman on his leadership.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I wish to add my congratulations to the gentleman from Iowa (Mr. EVANS). He has discovered a very important but weak point in our regulations that needs correction, and I salute him.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have examined the gentleman's amendment. I think it does address a very serious problem, and I want to associate myself with the remarks of the gentleman from Texas (Mr. DE LA GARZA). We are willing to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHAMANSKY

Mr. SHAMANSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAMANSKY: Page 77, after line 2, insert the following new section:

REPEAL OF PROGRAMS CONCERNING PRICE SUPPORT FOR AND THE MARKETING OF TOBACCO

SEC. 1012. (a)(1) Section 101 of the Agricultural Act of 1949 is amended—

(A) in subsection (a) by striking out "tobacco (except as otherwise provided herein), corn," and inserting in lieu thereof "corn"; and

(B) in subsection (d)(3) by striking out ", except tobacco," and all that follows the first semicolon.

(2) Sections 101(c) and 106 of such Act are repealed.

(3) Section 408(c) of such Act is amended by striking out "tobacco,".

(b)(1) Section 301(b) of the Agricultural Adjustment Act of 1938 is amended—

(A) by striking out "tobacco," in paragraph (6))A);

(B) by striking out the following in paragraph (7):

"Tobacco (flue-cured), July 1-June 30;

"Tobacco (other than flue-cured), October 1-September 30;";

(C) by striking out "and tobacco" in paragraph (11)(B); and

(D) by striking out "tobacco," in paragraph (12).

(2) Section 303 of such Act is amended by striking out "rice, or tobacco," and inserting in lieu thereof "or rice,".

(3) Section 361 of such Act is amended by striking out "tobacco,".

(4) The first sentence of subsection (a) and the first sentence of subsection (b) of section 371 of such Act are amended by striking out "peanuts, or tobacco" in each sentence and inserting in lieu thereof "or peanuts".

(5) Section 373 of such Act is amended—

(A) by striking out "peanuts, or tobacco, and" in subsection (a) and inserting in lieu thereof "or peanuts, and";

(B) by striking out "peanuts, or tobacco from" in subsection (a) and inserting in lieu thereof "or peanuts from";

(C) by striking out "all persons engaged in the business of redrying, prizing, or stemming tobacco for producers," in subsection (a);

(D) by striking out "$500;" and all that follows in the last sentence of subsection (a) and inserting in lieu thereof "$500."; and

(E) by striking out "peanuts, or tobacco" in subsection (b) and inserting in lieu thereof "or peanuts".

(6) Section 375(a) of such Act is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(7) The following provisions of such Act are repealed:

(A) Section 301(b)(3)(C);

(B) Section 301(b)(10)(B);

(C) Section 301(b)(14)(B);

(D) Section 301(b)(15);

(E) Section 301(b)(16)(B);

(F) Sections 311 through 314 and 316 through 320; and

(G) Section 378(f)

(8) Section 2 of such Act is amended by striking out "tobacco,".

(c) The following provisions of law are repealed:

(1) the Act entitled "An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended", approved July 12, 1952 (7 U.S.C. 1315);

(2) Section 703 of the Food and Agriculture Act of 1965; and

(3) Section 4 of the Act entitled "An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes", approved April 16, 1965 (7 U.S.C. 1314c note).

(d) The first sentence of section 402 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "and for the purposes of title II of this Act," and inserting in lieu thereof "or".

(e) Section 5 of the Commodity Credit Corporation Charter Act is amended by adding the following undesignated paragraph at the end thereof:

"Notwithstanding any other provision of law, the Corporation may not exercise any of the powers specified in this section or in any other provision of this Act with respect to tobacco.".

(f) Section 8c of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 is amended—

(1) by striking out "tobacco" in subsection (2)(A);

(2) by inserting "tobacco," after "(except honey," in subsection (2)(B); and

(3) by adding the following new sentence at the end of subsection (2): "Notwithstanding any other provision of law, no order concerning tobacco may be issued or enforced under this Act.".

(g) The amendments made by this section shall apply to the 1982 and subsequent crops of tobbacco.

Mr. SHAMANSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHAMANSKY. Mr. Chairman, I have submitted this amendment, which, very succinctly eliminates the tobacco allotment program and price support program.

On Monday I sent a letter to the President in which I brought to his attention and reminded him of the fact that he and I campaigned, as did most Members of Congress, on platforms to reduce Government intervention in the American economy. As a matter of fact, I honestly have great difficulty thinking of any Member of this body who did not campaign on getting the Government out of the market economy.

As a matter of fact, the reason for taking this approach is very succinctly set forth in a speech by Murray Weidenbaum, the Chairman of the President's Council of Economic Advisors. It appears in Transaction Magazine, and it is entitled "Freedom and Enterprise." In that speech Mr. Weidenbaum says this:

The role of government in this context must be carefully defined. Support of free enterprise does not mean being simplemindedly pro-business. The latter advocates a partnership between government and business, subsidies for failing industries, "incomes" policies, government planning, and other interventionist techniques, albeit frequently justified on an "exceptions" basis. In contrast, promoting the concept of free enterprise requires that no favored treatment be given to any specific interest group or industry. It means restraining any tendency to reallocate resources from those who are entitled to them by virtue of their own economic activity to those who receive them by political decision.

Mr. Chairman, there is nothing more classically arrived at by political decision than the allotment program for tobacco. With respect to the sources of my information, I wish to bring to the attention of the House something called "North Carolina Insight," and entitled "Tobacco in Transition," volume 4, No. 2. This publication, which is put out by the North Carolina Center for Public Policy Research, Inc., is in turn funded by the Mary Reynolds Babcock Foundation, the Z. Smith Reynolds Foundation, Levi Strauss Foundation, and the Hillsdale Foundation. I think it certainly cannot be accused of being an antitobacco organization. Here is what the publication says about the tobacco program from the research:

The overall purpose of the program is to stabilize prices by restricting supply.

I cannot think of a more succinct definition of a monopoly, and this, I remind the Members of the House, was a monopoly that was set up back in the New Deal days—back in the early 1930's and through the 1930's.

Let us see what this program actually does and who benefits from it. Quoting from page 12 of the article, it says this:

The tobacco program is geared to benefit not the tobacco farmer but rather those who own farms on which tobacco happened to have been raised in 1933. These beneficiaries may be farmers, but they are also doctors and lawyers, churches and banks, millworkers and truck drivers, and in many cases, widows.

I would like to add also that the program benefits outfits—not people but outfits—such as Duke University, North Carolina National Bank, and, according to Senator HATFIELD's remarks from the Senate debate, a very well-known poor tobacco farmer by the name of Mrs. Jesse Helms, Dorothy Helms, who is a beneficiary of this allotment.

Now, the net effect is to price American tobacco out of the world and domestic markets. Continuing on page 12, the article I am quoting from says this:

The current program, however, benefits very little the tobacco farmer who does not own an allotment.

Taking North Carolina as the instance, there are 30,000 farmers of tobacco in North Carolina but 115,000 allotment holders. There are 85,000 allotment holders who do not farm. What that means is that, at about $1,000 an acre, it is as if the Government gave them a special franchise that permits them to impose a fee on American tobacco which goes to the allotment holders and for which they do absolutely nothing.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SHAMANSKY) has expired.

(By unanimous consent, Mr. SHAMANSKY was allowed to proceed for 5 additional minutes.)

Mr. SHAMANSKY. Now, the statistics are—and this is provided by Senator HATFIELD—that the effect of this tobacco program is to reduce American exports, from the 1950's, when we had 60 percent of the world tobacco market, to the point where we are now down to 28 percent. Now our tobacco exports are worth only about $2.5 billion. If we could recapture this market, we would have about another $4 billion worth of exports. The net effect—and should be expected of this kind of Government intervention into the market economy—is to price us right out of the market.

Mr. Chairman, the Department of Agriculture last year testified before the International Trade Commission. The reason they testified is that the tobacco lobby tried to put a tariff on importation of foreign tobacco, because obviously the tobacco program is not working. With respect to the American market an American cigarette is now composed of 30 percent foreign tobacco. Thus, this marvelous, successful program has set the price of American tobacco at about $1.50 a pound, twice the price on the world market. The inevitable effect is to kill off the export of American tobacco. I cannot think of a more insane system.

As a matter of fact, I did some original research. The original draft of this program was made by Lewis Carroll as an appendix to "Alice in Wonderland" and "Through the Looking Glass."

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me at this time?

Mr. SHAMANSKY. Mr. Chairman, I have been waiting since Thursday to get this off my chest. I think I have been very patient. A lot of work has been done, and I would think the gentleman would understand if I do not yield.

Mr. Chairman, the thing we have to understand here is that we would not get this kind of political muscle flexing if the poor farmer were the real consideration. We clearly demonstrated without question here this summer that the "poor" anybody does not cut much ice with us. However, if we have outfits like North Carolina National Bank and Duke University involved, then that is when the muscle appears. I do not blame the tobacco farmers—but the allotment holders who are the beneficiaries of this program. The farmers do not benefit. The allotment holders are the ones who get rental fees of $1,000 a year for an acre.

A suitable parallel to this tobacco system would be if my grandmother in the 1930's had been on welfare, then I would continue to have the right to get welfare today even though I am in Congress. If the King of Saudi Arabia bought an acre of this land, he would be entitled to a $1,000-an-acre allotment price. That is what they do it for.

Worse still, the farmers in my District, in Franklin, Del., and Morrow Counties, Ohio, are not permitted by law from planting even one row of tobacco. By contrast the farmers of North Carolina have the right to grow beans or corn or anything else they choose.

So what we see here is a classic case of a very special interest. This kind of political muscle indicates a lot of money. The "poor farmer" is simply a smokescreen, and the effect of the program is a disaster for the tobacco part of American agriculture.

Now, I would like to just briefly touch upon a few other points. I am not going into the whole question of health. We have letters from the American Medical Association, the

American Lung Association, and the American Cancer Society. After all, at least with the peanut program, we subsidized something that can be eaten. All we can say about tobacco is that it is a disease-causing drug.

□ 1130

I am curious as to how those who voted against the peanut allotment program can possibly turn around and vote against this amendment. What we have been seeing here, since last Thursday, is not "democracy in action" but "hypocrisy in action." What we are getting here is the gathering together of very special interests. Nobody comes to me and says, "Bob, gee, I know this is a really good program." They say, "I know it is bad, but the politics of it demands that we go ahead and support it."

I want to remind the House that last fall I defeated a Republican who had been in the House for 22 years, a man who was a self-designated conservative.

There were no unusual circumstances surrounding my race. The last Democrat elected from my county was 44 years ago. So mine is not a safe Democratic seat. I only say that because I do not think I am totally out of touch with the electorate.

I sent a questionnaire out to the people of my district. They were 9 to 1 against the tobacco subsidy.

After the sugar vote and after the peanut vote I respectfully submit that the public is not going to forget this vote. These unreasonable crop subsidies have been going on for decades because the public has not known about them. Because of the national coverage that we have had, the public does know now.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

(By unanimous consent Mr. SHAMANSKY was allowed to proceed for 3 additional minutes.)

Mr. SHAMANSKY. I have loyally followed and voluntarily followed the leadership of my party. We have great leaders in this House. I had great admiration and respect for them when they candidly admitted publicly that my party had made some mistakes and, therefore, we were paying the price. I again respectfully submit to my fellow Democrats that one of the mistakes we made were programs like this.

When it became fashionable in late July and early August for the political pundits to predict the demise of the Democratic Party, this Democrat already knew exactly where he was going; namely, to make the market system work. In order to do this, this monstrosity which is hurting the American tobacco industry has got to go.

I received a number of telephone calls from tobacco farmers in North Carolina saying, "This is a burden on us; get rid of it." The man in the street in North Carolina is saying this is a bad program. But I admit that the people that go around and see the Congressman from North Carolina socially, are not the poor. They want their special privileges maintained.

This system is self-defeating. It is ruining the American tobacco economy, and I strenuously urge that my amendment be passed.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. SHAMANSKY. I yield to my colleague from Wisconsin.

Mr. PETRI. Mr. Chairman, I would like to commend the gentleman from Ohio for his leadership in this fight. He is an effective and courageous individual. His statement was most persuasive.

Mr. Chairman, I include the following letter from the Notre Dame Law School supporting efforts to deregulate tobacco:

WHITE CENTER FOR LAW,
GOVERNMENT AND HUMAN RIGHTS,
NOTRE DAME LAW SCHOOL,
Notre Dame, Ind., September 30, 1981.

Hon. THOMAS E. PETRI,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PETRI: The Task Force for Review of Public Policy and Tobacco at the Notre Dame Law School's White Center is presently engaged in a major study (Project: Rainbow) of the Federal tobacco price support and acreage allotment programs, and government admonitions against tobacco use. While our report is not yet complete for publication, certain facts have surfaced as the foundation of our work: Federal policy in support of tobacco production is morally suspect given the overwhelming evidence that tobacco use is a major health hazard; this policy is inconsistent with the efforts of the Department of Health and Human Services to discourage tobacco use and to present the health risks of its use to the public; in an era of government expenditure reductions, the tobacco support programs present an unnecessary and costly use of Federal funds for a non-food farm product.

A more rational public policy would eliminate the Federal support for tobacco production. Further, it is our belief that the Federal cigarette tax should be increased so as to further discourage use of this tobacco product and to increase the general revenue of the United States. The Tobacco Deregulation Act of 1981 does eliminate the tobacco support and raises, for the first time since 1951, the Federal cigarette tax. This bill begins the process of removing the Federal government from the tobacco business and is a positive statement in favor of protecting the public health. The Task Force offers its wholehearted endorsement of H.R. 3998 and urges all members of the House of Representatives to do the same.

Sincerely,

JOSEPH M. COSGROVE,
Task Force Coordinator.
JAMES CROKE,
Task Force Associate.
SCOTT MEDLOCK,
Task Force Associate.
LISA PAVELOCK,
Task Force Associate.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SHAMANSKY. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I would like to commend the gentleman on his statement. I think the debate is important today and I hope none of us get stampeded by some of the political arguments that have been made in the last 48 hours about this amendment.

I support the gentleman's amendment and I hope to speak later on the details. I commend the gentleman for his courage at this time.

Mr. SHAMANSKY. I thank the gentleman.

Mr. ROSE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we have heard a very strong statement from our colleague from Ohio (Mr. SHAMANSKY) about his amendment. He has used some very powerful words to describe what to some minds might lead to the conclusion that there is some sort of a coverup under way with the tobacco price support program.

I can assure my colleagues that I am here today supporting a continuation of that program because of the impact it has especially on the moderate- to poor-income farmers across the tobacco-producing belts. This is not a subsidy. This is a loan program.

We have had a difficult time explaining to some from parts of the country that do have target prices and subsidy payments the difference between a dog and a cat, or as somebody said, a rose by any other name would still smell.

This is a loan program. Over the life of the tobacco price support program I submit that this program has had precious little cost to the American taxpayer.

The gentleman from Ohio (Mr. SHAMANSKY) quoted from a document that was prepared by foundations in North Carolina, primarily supported by the tobacco companies. The tobacco companies, I submit, have a slightly different interest in tobacco than do the producers of tobacco for whom the price support program was instituted. Tobacco companies are interested in profits, they are interested in exports.

While we are on the subject of exports, the gentleman from Ohio (Mr. SHAMANSKY) should know, and my colleagues should know, that the net export balance on raw leaf tobacco,

not products, raw leaf tobacco, has gone steadily upward since 1973.

The tobacco price support program limits the production of tobacco, it keeps the price high. I am not sure our tobacco companies are overly excited about the high price they are having to pay right now in the tobacco belt to get tobacco. We have the price up to $1.75 and $1.80 a pound. We like that. A small family farmer in the tobacco-producing area can take an acre of tobacco on a farm or land laying behind their rural home, supplement their income that they get from working in a factory or some other job in the town.

I would ask my colleagues to point me to any other crop in America today that provides that kind of a cash return to the small, rural farmer and his family. It is an economic do-it-yourself survival kit. Joe Califano recognized that not one soul will smoke or not smoke because of the tobacco price support. Tom Wicker, in the New York Times, said essentially the same thing in an editorial about how this program works.

I do not want anybody to be buffaloed about the politics, as has been referred to here this morning. We think that the tobacco price support program is a commodity that is just as worthy of a place in agriculture as is corn, and feed grains, and wheat, and rice, and cotton, and dairy, and oil seeds.

If we look program by program at the deficits that the Government has incurred since 1933, the little, tiny, blue line here in the middle of this chart is tobacco.

There was a time when there were interest subsidies from the Commodity Credit Corporation. At one time the Commodity Credit loaned out money at less than market rates of interest. That is no more.

There was a time when the grading of this tobacco was paid for by the Department of Agriculture. That occurs no more.

There was a time when there were large stocks in stabilization of Fluecured tobacco. I submit that we are down to a 5-year low of some 400 million pounds of tobacco.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. ROSE) has expired.

(By unanimous request Mr. ROSE was allowed to proceed for 5 additional minutes.)

Mr. ROSE. Fred Bond, the administrator of the stabilization in North Carolina that runs the Flue-cured stabilization program, has stated, and I would point out at this time that the Burley stabilization has almost no tobacco in it, the director of the Fluecured stabilization pointed out to me that in 1979 they loaned out $107 million to tobacco farmers but they took in $203 million from stocks that they had sold.

My colleagues, we are not asking for a subsidy and we submit that there is none. We are asking for you to give us the right to keep supply in line with demand. There is no great hue and cry for more tobacco peanut butter. They do not make it. There is no hue and cry among the antismokers that cigarettes be made cheaper.

If my colleagues kill the tobacco price support program they are going to drive small, rural families into the cities and they are going to make tobacco cheaper. Then only the large units of agriculture such as now are necessary for soybeans and corn will be able to produce tobacco at all, and the price will drop.

Is that the public policy we want? I think, I submit that the tobacco price support program is virtually a social program for people who live and work and want to stay in rural America.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield briefly to my colleague.

Mr. SHAMANSKY. The Congressional Research Service has determined that if this program is eliminated that the tobacco farm income would rise because the price of tobacco would not drop as much as would the cost of production.

I would like to add also to the gentleman from North Carolina that the social safety net is there for everybody in this country. What is it about a tobacco farmer, and a tobacco farmer in this context is the man who may have 1½ or 2 or 3 acres, and 100 other acres, what is special about that farmer that does not apply to all of the other farmers in this country?

Why can there not be equity in this?

Mr. ROSE. If the gentleman wants to ask a question, I will be happy to answer it, but I want to reclaim my time.

The gentleman's point, I am afraid, is wasted on me because I know from having worked for all of my career in the Congress with the tobacco industry and especially with the companies, that they are prepared now to move out and contract with large tobacco producers.

I would say to the gentleman what is special about that small allotment is it is the difference between survival and failure for the small family that lives in rural America. I submit that it is the economic lifeblood of literally thousands of those families who, without it, would have to leave.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. I thank the gentleman for yielding. The gentleman from Ohio seems to have spoken in a lot of generalities. I would like to ask the chairman of the subcommittee if there have been any hearings in the district or even in the District of Columbia, in Washington, or even out there in the tobacco districts, any hearings on the direction this amendment or the impact on the farmer that this amendment would have? Have there been any hearings out there?

Mr. ROSE. Absolutely not. I thank the gentleman for his question. I would say that you are pulling the very bottom right out from under all of these people and the economic impact in tobacco-producing areas would be devastating. In my State alone this year's tobacco crop sold for $1.2 billion.

Mr. MARLENEE. I would like to ask the gentlemen to yield further and state I wonder if the gentleman from Ohio (Mr. SHAMANSKY) has even visited one of the districts in the South that produce tobacco. I wonder has the gentleman visited even one small group of farmers, poor farmers that he speaks of. It seems to me one of our problems here in Congress is we have people writing legislation on agricultural products that know nothing about the industry.

Mr. ROSE. I thank the gentleman for that statement.

Let me comment briefly about what the gentleman has said. We do not want this program operated at any cost to the American taxpayer.

□ 1145

I think that you are going to find that before today is over, we will have some colloquies and some words to say to accomplish that result, to assure the Members of this body that my subcommittee and the full Committee on Agriculture will take all of the steps that are necessary to prove to the people in this House that this program is run and will be tuned, if it needs it, in such a way that there is no cost to the American taxpayer.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. ROSE) has expired.

(By unanimous consent, Mr. ROSE was allowed to proceed for 5 additional minutes.)

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Kentucky, the ranking minority member on my subcommittee.

Mr. HOPKINS. I thank the gentleman for yielding.

In response to the gentleman's question about hearings in the district, let me hasten to add that just last year, with the approval of the chairman of the Subcommittee on Tobacco, we had a hearing in Lexington, Ky., to honestly see what we could do to make any improvements in the program. We had literally hundreds of tobacco farmers there. It was attended by the gentle-

man from Virginia (Mr. WAMPLER), the gentleman from North Carolina (Mr. WHITLEY), people who have the honest and sincere best interests of this crop at heart. But nobody is trying to prevent people from coming to town with a better idea. That was the whole purpose of it. The gentleman from North Carolina (Mr. JONES) was there.

So I do not want anybody to leave here thinking that those of us from tobacco-growing country are trying somehow to prevent people with better ideas to make improvements from doing so. We do have those hearings.

Mr. ROSE. I thank the gentleman for his comments.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

Mr. Chairman, I, of course, represent an urban area, but I was recently in southern Maryland, in the three southern Maryland counties, that is Calvert, St. Marys, and so forth, and I was struck by the number of small tobacco farmers who were of my own race, black. Then I saw some additional material about the number of tobacco farms operated by minorities. But I asked the gentleman to yield to answer several questions.

Mr. ROSE. I will be happy to.

Mr. MITCHELL of Maryland. When you say "operated by minority farmers," does that mean that these are really tenant farmers working for somebody else?

Mr. ROSE. This means that they are owned. I ask the gentleman to let me make this point: In my district I have a county that is triracial; it is one-third black, one-third white, one-third Indian, and last Saturday night I spoke to several hundred people, and I said, "Will those of you in this audience who own allotments of tobacco, and interest or total ownership, will you raise your hand?" And evenly divided among the whole audience were black and Indian hands that went up.

Mr. MITCHELL of Maryland. If the gentleman will yield further, I have several questions, because I really want to do the right thing on this if I can.

If they are small farms and owned by blacks and other minority poor people, what size farm are we talking about? What does the gentleman designate as a small tobacco farm?

Mr. ROSE. I would say a small tobacco farm would be a half acre to an acre. Half of the allotments in my State are less than 5 acres. If a black family owns an acre of tobacco, they can grow about 2,000 pounds on that acre. They can get about $3,500 right now for that ton of tobacco and clear about $2,500, with family labor.

Mr. MITCHELL of Maryland. The gentleman leads me right into my third question: If these farms are owned and operated, what percent of the family income is derived from the farm itself, the farming of tobacco?

Mr. ROSE. In North Carolina, over 45 percent of the black-owned farms get over 60 percent.

Mr. MITCHELL of Maryland. Sixty percent of the family income?

Mr. ROSE. Over 60 percent of their income from toabcco.

In the gentleman's State of Maryland, 66 percent of the black-owned farms in the gentleman's State receive over 60 percent of their income from tobacco.

Mr. MITCHELL of Maryland. Will the gentleman yield further?

Mr. ROSE. I will be happy to.

Mr. MITCHELL of Maryland. Mr. Chairman, it would be fairly easy for me to take a parochial position on this and say that I have no tobacco in my district and, therefore, I ought to support the Shamansky amendment. But when you look at what we have done to blacks and minorities in this Congress so far, through the budget cuts, when we have savagely sliced programs on which many of my people are dependent, I just cannot bring myself to vote for an amendment which would jeopardize the well-being of some people who are living at a rather meager existence, apparently, but which would apparently drive them really out of business.

I thank the gentleman for yielding to me and responding to my questions. I just cannot in good faith assume a parochial position and say that it is a rural business and I cannot deal with it because it does not affect my district. I think I have got to look at it in the context of what we have done in this Congress, through Gramm-Latta and all of these other savage cuts that we have imposed, and to try to save some people who are still being productive.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. ROSE) has again expired.

(By unanimous consent, Mr. ROSE was allowed to proceed for 5 additional minutes.)

Mr. ROSE. Mr. Chairman, I just want to react and say to my friend, the gentleman from Maryland, how much I appreciate his understanding of what the black tobacco farmer in my State and in the South generally is faced with. I am proud of what the gentleman said, and I appreciate it.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentleman for yielding.

Just to comment on what was said by the gentleman from Ohio (Mr. SHAMANSKY), that there is a safety net, I think there is very little use for us to put further strain on this so-called safety net. It is not holding so well in some other areas already. So to do this further damage to it and to put further stress on the safety net, to me, seems to make no particular sense at this time.

I would like to associate myself with the remarks from the gentleman from North Carolina and also the gentleman from Maryland.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to my friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I am opposed to this amendment, but I have a slightly different viewpoint that I think has not been expressed.

There are no tobacco allotments in Iowa whatsoever. I am opposed to smoking tobacco for health reasons. This is a control program. This amendment is an amendment to increase the consumption of tobacco. We should not be doing that in the United States. The tobacco program is a control program that has been upheld by the Supreme Court of the United States. They upheld a program that limited production to those who hold an allotment. If those allotments are ever released, we will never again be able to return to a control program like such as we now have.

If this program is abolished, production will increase. Even though proponents of the amendment concede that by their arguments an increase in production, is sure to result in an increase in consumption. It is inconsistent to spend money to discourage smoking and at the same time pass an amendment which would increase smoking.

In some countries, like Mexico, Thailand, Peru, and other places, we buy out of production those kinds of plants that are harmful to people and otherwise try to reduce availability of harmful substances. The tobacco program is a control program that is not costing us anything, and we should not kill, in my judgment, a production control program by voting for an amendment that increases consumption of tobacco.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, I would like to associate myself with the comments of my colleague, the gentleman from Iowa, because he has expressed my exact sentiments.

I come from south Arkansas. We have no tobacco grown there. I did serve on the Agriculture Committee, and I have participated in the last 2½ years in hearings, in trying to redefine many of our agricultural programs. I also do not smoke. So what the gentleman has said really hit home to me.

I would encourage all of my colleagues who are in a similar situation of having no tobacco grown in their districts, who either smoke or do not smoke, not to undermine the tobacco program that is a working program, but issue a challenge either to the administration or issue a challenge to the chairman of the Tobacco Subcommittee or to the chairman of the full Agriculture Committee to continue to hold hearings and bring back some further solutions to the problem, rather than totally dismantling the program today.

Mr. ROSE. Mr. Chairman, I appreciate the remark of the gentleman, and I will tell the gentleman and my colleagues in the House that if they will join me in voting down this amendment, they will see very shortly, with what will follow on, that we are going to assure all of the Members of this body that the Subcommittee on Tobacco and Peanuts and the full Committee on Agriculture is going to run the tobacco price support program at no cost to the American taxpayer.

I thank the gentleman for his understanding and his comments.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Chairman, I would like to associate myself with the comments that were made by the gentleman in the well and the very excellent presentation that he has made.

Mr. ROSE. I thank the gentleman for his comments.

Mr. McEWEN. Mr. Chairman, as part of our consideration of the 1981 Omnibus Farm Bill, we must decide the fate of the Federal tobacco poundage control and price support program. This is a matter of grave concern to small family farmers all across America, including thousands throughout Ohio, many of whom reside in the sixth congressional district.

Why are these farmers concerned? Because attempts are being made here in the House to wipe out this money making, successful farm program at the expense of the 171,000 small family farmers and their families who are engaged in tobacco production. Quite simply, the elimination of this program means that few of these farmers could survive when forced to compete with the unrestricted production capabilities of highly mechanized corporate farms.

Opponents of the tobacco program are trying to convince us that what we are doing by continuing it is offering a subsidy to farmers who grow tobacco. Anyone who understands the program knows that this is simply untrue. The Federal tobacco program is not a subsidy. It is a revolving loan fund for growers—and the growers even pay interest on the loans they receive for tobacco bought by the fund. In fact, the tobacco program is the most successful of all the Federal commodity programs. During the 47-year history of the program, only $56.7 million, or 1 percent of all tobacco loans has not been recovered. In the last fiscal year, the Government lost only $36,000 on tobacco loans. This compares with $670 million lost on feed grains, $283,000 on wheat, and $315 million on dairy products.

Opponents also argue that eliminating this program will save the Government money. Mr. Speaker, I suggest that if this program is eliminated, it is going to cost the Government money. If we vote to wipe out the tobacco program, what is going to happen to the thousands of small family farms that are dependent on tobacco for a large percentage of their income? What is going to happen to the 860,000 workers in my home State of Ohio who owe their paycheck either directly or indirectly to tobacco?

The Federal tobacco program enables a large number of small farms to collectively and equitably stabilize the supply and price of tobacco to prevent a boom and bust economy that few small farmers could survive. It also enables a large number of small farms, utilizing large amounts of labor, to stay in business. Many of the farm operators and most of the family labor would not be able to find any other paid employment if these small farms went out of business.

How much is it going to cost the American taxpayer in welfare and AFDC payments if thousands of small farmers and farm workers are put out of work because we pass an amendment that is supposedly going to save money?

Mr. Chairman, tobacco is a small scale, labor intensive, high value crop. The average tobacco farm consists of 6.6 acres. Each acre of tobacco requires an average of 259 hours of labor compared to 3 hours for food grains and 4 hours for feed grains. The average return on an acre of tobacco is over $700—much higher than other commodities. The soil that tobacco is grown on is not appropriate for many other crops. The small amount of land on which tobacco is grown will not necessarily yield the small farmer sufficient income to replace that which will be lost if the tobacco program is eliminated and he is forced to turn to other crops.

Mr. Chairman, I suggest that my colleagues think twice before they vote to end the tobacco program. It is not a money loser. It is not a subsidy. It is not a boondoggle. On the contrary, it provides the support necessary to assist thousands of small farmers throughout America who are engaged in an industry which contributed an estimated $57.6 billion to the Gross National Product in 1979 and garners over $210 million to our State treasury annually.

I reject these short-sighted attempts to end this worthwhile and successful program.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Tennessee, a member of the committee.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks that have been made by my colleague, the gentleman from Arkansas (Mr. ANTHONY), and others, who are in opposition to this amendment. I want to say to the chairman, the gentleman in the well, that I think he has done a very fine job in putting this program together.

Mr. Chairman, I rise in opposition to the amendment, and I strongly urge my colleagues to vote against any attempt to dismantle the tobacco program.

I will not try to paint myself as an expert on the tobacco program. I know there are many others in this Chamber who can speak with greater authority on the specific mechanics of the program. What I would like to address, though, is the effects on small family tobacco farmers if this amendment is successful.

Tobacco is an extremely labor-intensive crop, and it is grown primarily by small family farmers on allotments averaging less than 1 acre in size. More often than not, his tobacco crop is the farmer's principal source of income, and in many cases the owners of these small allotments are retired or widowed.

We must not eliminate the tobacco price support program and the stability provided by the allotment system. If this happens, we would surely be laying the groundwork for the devastation of a significant portion of those 22,000 small family farmers who depend on the income from their tobacco crops to support their families.

In my own State of Tennessee, tobacco accounts for approximately 49,000 jobs, and it contributes over $600 million through direct or indirect benefits to the economy of the State. Among the 22 States which produce tobacco, Tennessee ranks No. 3, and as a cash crop in Tennessee, tobacco stands second only after soybeans. Very little tobacco is grown in my own district, but this makes me no less concerned about the economic consequences that would result if this amendment is adopted.

The loss of income, and the inevitable unemployment that would result from this amendment, are especially serious when you consider that the average income in Southern tobacco producing States is far below the official poverty level in the United States.

If you want to contribute further to the level of economic distress already existing in the family farm sector, I suggest you vote for the amendment. But if you are at all concerned about the future of a large segment of the family farm system as we know it today, you will not support this effort to destroy the tobacco program.

Mr. ROSE. I thank my colleague for his comments.

Mr. HOPKINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if I may take, just a moment to recognize some Members of this body who have worked I think very, very hard on this issue—and I know that there are very strong feelings on both sides. Certainly I think we need to compliment the chairman of the subcommittee, the gentleman from North Carolina (Mr. ROSE); and certainly we would not want to leave out Mr. WALTER JONES from North Carolina, who, I would remind my colleagues, came from the hospital to be here today for this very important issue which he has fought so long and so hard for; certainly Mr. WHITLEY, from North Carolina; Mr. WAMPLER, from Virginia, the ranking minority minority member on the Agricultural Committee; and JOHN NAPIER, a new member of the committee, from South Carolina, who has tirelessly worked on our behalf; HAROLD ROGERS, from Kentucky; certainly we have got to remember people like BILL NATCHER and CARL PERKINS, who have been here longer than most of us.

I want to say, in reference to the amendment that has been offered, that I do not question the sincerity of those who have offered the amendment. Certainly the gentleman from Ohio has given to us an educated statement. But I would say that perhaps he might have been educated beyond his intellect in this particular area.

I think it is important that we get to the basics, because I have read so many "Dear Colleague" letters, saying bad things about tobacco, I have read so many letters from some of my colleagues about bad things about tobacco that I have decided to give up reading.

The fact is that today we have got around 545,000 small farmers raising tobacco in this country. It is the fifth largest cash crop in our country, and it is the No. 1 cash crop in Kentucky. In my district, the average size tobacco farm is 2 acres. That is average. That means that there are literally thousands of farmers who have much less than 2 acres of a farm. Many of my colleagues here in Washington live on lots here larger than the whole tobacco farm of thousands of tobacco farmers in the State of Kentucky.

This amendment will not stop smoking. This amendment will not cure cancer. Let me tell the Members what this amendment will do: It will literally shift the production of tobacco from the small tobacco farmer to the larger corporation. Can the Members imagine what it is going to do to the imports of tobacco and to the balance of trade of this country?

Let me take an example, if I may, of a small farmer somewhere in this country, who just wants to do the right thing, who just wants to be honest and work for a living.

□ 1200

He goes to a banker and says, "I would like to borrow some money to buy this couple of acres out here so that I can support my family." And it has a tobacco allotment on it, and the banker loans him that money based on the fact that he knows that he can raise tobacco on that small amount of land and repay his loan and provide for his family.

Now if this amendment passes today, you are going to remove that man's allotment.

You are going to remove that man's collateral and tomorrow you will literally have bankers all over this country knocking on doors saying, "Your collateral has been taken away because Congress took away your tobacco allotment and I am here to foreclose on your loan."

I do not think we want to cause that type of economic chaos all over this country.

I would urge my colleagues to vote against this amendment.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. HOPKINS) has expired.

(At the request of Mrs. FENWICK and by unanimous consent, Mr. HOPKINS was allowed to proceed for 1 additional minute.)

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I am totally confused. I was planning to vote for this amendment because it seemed to me that it would free a lot of land that might be adaptable for tobacco to somebody who wanted to raise tobacco, who now cannot do it because he cannot get one of these expensive allotments. Am I wrong?

Mr. HOPKINS. I think the gentlewoman is wrong, and I know that the gentlewoman is sincere, and I know based on the gentlewoman's record that she wants generally to do the right thing. I would encourage the gentlewoman to reconsider that position.

Mrs. FENWICK. It is not only a question of wanting to do the right thing. It is a question of getting the right answer.

Mr. HOPKINS. I have just given it to the gentlewoman.

Mrs. FENWICK. I cannot do the right thing without a clear answer.

I would like to ask the gentleman, am I wrong in thinking that with this amendment a man would be able freely to go into a bank and say, "I have got 3 acres. I am now growing corn. I want to grow tobacco, lend me some money." Could he do that?

Mr. HOPKINS. No.

Mrs. FENWICK. Why not?

Mr. HOPKINS. Because he is not going to be guaranteed of a minimum price for tobacco, No. 1.

Mrs. FENWICK. Who guarantees?

Mr. HOPKINS. The CCC.

Mrs. FENWICK. Who guarantees the price now?

Mr. HOPKINS. It is set by the Secretary of Agriculture.

Mrs. FENWICK. What does that mean? Who pays it?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. HOPKINS) has again expired.

(At the request of Mr. SHAMANSKY and by unanimous consent, Mr. HOPKINS was allowed to proceed for 1 additional minute.)

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Virginia.

Mr. WAMPLER. May I say to the gentlewoman from New Jersey (Mrs. FENWICK) that, as the law is presently constituted, the tobacco price support program is financed through loans from the Commodity Credit Corporation.

The record will show that these loans have been repaid with interest so the cost to the taxpayer is minimal or none.

Mrs. FENWICK. If the gentleman will yield, why do we have to have loans then? The taxpayers put up the money for the loans; is that right?

Mr. WAMPLER. Yes.

Mrs. FENWICK. Why do they not borrow from the banks, as our colleague has described?

Mr. WAMPLER. The fact of the matter is that a lot of tobacco growers get private financing in order to put their crop into the ground to harvest it. Then when the crop is marketed or sold, if it does not bring the price support that has been placed upon it by the Government, then it goes into loan, usually through a cooperative. Those loans are ultimately repaid with interest as the crop moves into the normal channels of trade.

Mrs. FENWICK. That is an anticonsumer arrangement. Because when the gentleman is saying the tobacco will not bring the price, the price would otherwise have been lower, would it not?

Mr. WAMPLER. Not necessarily.

Mrs. FENWICK. Why is it not the purpose of the commodity to give a certain price——

Mr. WAMPLER. A certain parity of price, and parity is considered what is a fair price.

Mrs. FENWICK. If the tobacco farmer could sell it in the fair market he would not have to lean on the Government for this.

Mr. WAMPLER. The history, I think, would be that when we did not have the price support program, indeed, the tobacco farmer would not get a fair price for his product.

Mrs. FENWICK. Why could he not simply go out of the tobacco business and into another?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. HOPKINS) has expired.

Mr. WAMPLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. WAMPLER. Mr. Chairman, at the outset may I read a letter from Richard E. Lyng, the Deputy Secretary of the Department of Agriculture, so that we at least can understand where the administration is coming from and that their position is clear on the pending amendment.

This letter was dated the 19th of October, and addressed to me.

It reads as follows:

This is in reply to your recent request concerning the Department's views on possible changes in the tobacco price support program. At this time, we do not support any major changes for several reasons.

As you are aware, the tobacco price support program has permanent authorization under the Agricultural Adjustment Act of 1938, and the Agricultural Act of 1949. The Department did not include any changes in the tobacco program as part of the Administration's Farm Bill because of the many other programs which must be reauthorized. Since there are so many controversial and complex issues surrounding the programs that must be reauthorized for the next four years, the Department believes that major changes in the tobacco price support program would be counterproductive at this time.

In addition, the tobacco support program is an important part of our economy with over 200,000 farms and 545,000 allotment holders. Many are small farms that depend on tobacco for most of their income. While tobacco represents only 0.3 percent of the Nation's cropland, it accounts for about 4 percent, or approximately $3 billion, of total crop sales annually. Over one-third of the tobacco crop is exported, contributing about $2.5 billion to our trade balance.

I am sure you know that there are no direct Government payments to tobacco producers. Rather, loans are made to cooperative associations to pay advances to growers for tobacco that does not sell for at least the price support rate. Loans are repaid with interest. Historically, the cost to the Federal government has been small. Also, a recent change in the law requires tobacco producers to pay the full cost of grading and inspection services that historically have been borne by the Federal government.

Thank you for giving us the opportunity to respond on this important matter.

Again, Mr. Chairman, this was signed by Richard E Lyng, who is Deputy Secretary and was the Acting Secretary of Agriculture at the time this letter was signed.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Ohio.

Mr. SHAMANSKY. I thank the gentleman for yielding.

I am asking this because the reference was made to my intellect. I wanted to inform the gentleman that I will give back my Phi Beta Kappa key and my Harvard Law School degree. Obviously I do not have a sufficient intellect to comprehend all of this.

Mr. WAMPLER. I do not think that the gentleman from Virginia has questioned the intellect of the gentleman from Ohio, but he certainly would question the gentleman's judgment.

Mr. SHAMANSKY. That I have no objection to.

Mr. WAMPLER. I think that it is important that we understand what the cost of the tobacco program has been to the taxpayers of this country. On July 15 of this year, the Subcommittee on Tobacco and Peanuts held a hearing on two bills that were directed to a special type of tobacco, Maryland type 32 tobacco.

One of the witnesses in that hearing was Hoke Leggett, who is Associate Administrator of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture. Let me read briefly a colloquy I had with Mr. Leggett and I asked this question:

For the record, will you tell this committee what the cost of the tobacco price support program to the taxpayers is?

Mr. LEGGETT. I believe I go back to the testimony which has been given that since 1938 it is about $57 million.

Mr. WAMPLER. In arriving at that figure, what constitutes that $57 million? Is that administrative costs to the taxpayers for the individuals involved in the price support program?

Mr. LEGGETT. No, sir; these were costs directly to the program. Back, I believe, in the middle 1960's we had 5 cents per pound export subsidy for tobacco and most of it accrued during that time.

Mr. WAMPLER. Would you repeat for the record the figure that you just said, the cost since the inception of the program? Did you say 1938?

Mr. LEGGETT. 1938 through 1979. I guess we do not have the last figures for the 1980 crop in there. It is approximately $57 million.

I want to say to my conservative friends who are concerned about fiscal responsibility, here is a program that has cost the taxpayers very, very little. As a matter of fact, tobacco products produce more than $6 billion in excise taxes at the Federal, State, and local levels.

As I indicated earlier, it provides $2½ billion in export sales, something that contributes very positively to a balance in our trade with other nations.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WAMPLER) has expired.

(At the request of Mr. FINDLEY and by unanimous consent, Mr. WAMPLER was allowed to proceed for 3 additional minutes.)

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

I must say that the Members of this body are confronted with an unusual situation. In my view, the allotment system for tobacco harkens out of the past, a sort of feudal system like the peanut system. Unlike peanuts, tobacco has been determined by the Surgeon General to be a menace to health.

So it seems to me that there is a strong argument against the Shamansky amendment in that it would tend to make it easier for tobacco to be produced freely in this country, reduce the price of it, and make it more plentiful.

If the Surgeon General is correct, broader production and consumption would hardly be in the public interest.

At the same time, I think it is unacceptable for taxpayers to help subsidize the production of this commodity, and, to be sure, the subsidy item is a very small one, but it ought to be eliminated totally.

I would like to give notice to my colleagues that later on in consideration of the bill I will offer an amendment which will require a change in rules and regulations so that there will be no subsidy to the tobacco program whatever. I hope my colleagues will join me.

Mr. WAMPLER. I thank the gentleman and let me say again the growers have taken a reduction in the cost to the taxpayers in that the growers now are paying for the cost of grading and inspection, which was previously borne by the taxpayers of this country.

One can have one view or the other about tobacco. As I view it, it is an important agricultural commodity. It is entitled to be considered on its merits, like any other commodity.

The Committee on Agriculture does not have jurisdiction over health-related issues. That jurisdiction rests with other committees of the Congress.

As long as it is a legal product, and so far as I am aware it has not been declared to be illegal, it is entitled to be considered on its merits. I would ask this committee to permit this program to continue to work.

I would say to my colleague from Ohio that if he succeeds in destroying the tobacco program, it is the best way that I know to increase the public welfare rolls of the country.

In my district, in southwest Virginia, the average allotment of tobacco is less than 1 acre. These are small farmers. They are not large wealthy farmers. This is in many cases the sole source of their cash income. If we take that away from them, then they will be candidates to go on public assistance. Why should we here destroy a program that is working effectively, that is providing a means of livelihood for many of our small farmers and put them on public assistance? It simply does not make sense. This program has worked and we should soundly reject this amendment.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WAMPLER) has expired.

(At the request of Mr. BROYHILL and by unanimous consent, Mr. WAMPLER was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I rise in opposition to this amendment and I appreciate the remarks that the gentleman from Virginia has just made.

The author of the pending amendment, Mr. SHAMANSKY, has said that the tobacco program is not working. I differ with him. The program is working. Thousands of farm families are making their livelihood as a result of this program and there will be a mass exodus from the farms in the Tobacco Belt if this amendment passes.

Now, that was the point the gentleman from Virginia was just making and I wonder if he would reiterate that. But another point that I was concerned about is the cost to the taxpayers of this program.

I had thought that perhaps there should be some expression in the House that this program is going to be operated in a fashion that would not be a cost to the taxpayer.

Is the gentleman planning to offer an amendment to assure Members of that fact?

Mr. WAMPLER. I will respond to my colleague from North Carolina (Mr. BROYHILL) by saying it is my understanding that later in the debate amendments will be offered. The gentleman from Virginia does not expect to offer such an amendment. But I think I could support it.

I think, as the record clearly shows, the cost to the taxpayers has been minimal, and if indeed every commodity program is going to start carrying its own, then naturally I think those in the tobacco industry want to do that, and I hope our friends that represent other commodities are prepared to do the same.

I will just say to the gentleman, I would support any reasonable language to effecutate that end, and I will say to the gentleman also, as the ranking member of the Committee on Agriculture, that I will work with my colleague from North Carolina (Mr. ROSE) or anyone of good will on this question. I am sure that we want to make it self-supporting if in fact it is not. I think it is, but we are prepared to address these amendments as they are presented.

Mr. BROYHILL. I thank the gentleman.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding.

I would like to associate myself with the comments that have been very well made here today by the gentleman from Virginia, especially as they refer to the fact that the small farmer will be injured. As the gentleman from western Virginia, the gentleman from Kentucky (Mr. PERKINS), and those of us in southern Ohio are well aware, much of this land is not suitable for virtually any other purpose. It is rocky. It does not possess the necessary nutrients to raise other agricultural products. Yet because of this program the farmer can go out, virtually on his hands and knees, and clear a quarter of an acre, a half an acre tobacco plot in order to bring in what is in many instances 50 to 60 to 70 percent of his annual income. He is often completely dependent upon this sole source of income. It is absolutely vital for us to remind ourselves, prior to taking any precipitous action, from those who represent districts who are fortunate enough to have highly industrialized bases and tourists that can visit here and have substantial incomes, to recognize that we are talking about the area of the country that is virtually tied to the land in this manner. It is an action that we should not take lightly.

□ 1215

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address my remarks perhaps to a question that has been raised on this side of the aisle as to the number of hearings and the research and has gone into the validity of this program.

It seems like we are reacting a drama that appeared here about 4 years ago. On that side of the aisle was one of the best friends I had, Jim Johnson from Colorado. Jim at that point in time had identically the same amendment we have before us today. He was sincere. We were friends. We ate together. We palled together; but out of that friendship and out of a mutual understanding on this House floor, as chairman of the Subcommittee on Tobacco at that time, I made a solemn promise which I kept in good faith that I would take my subcommittee into every area of the tobacco producing States and see if, indeed, there were other commodities, soybeans, corn, wheat, whatever, that could replace the cash income that is derived from tobacco.

Now, bear in mind when we talk about cash income; we are talking about 500,000 people or families who are dependent in part or totally on tobacco for their livelihood.

First we went to Valdosta, Ga., and there we had the opportunity to discuss with the agriculture economists from the University of Georgia their honest opinion as to what could replace tobacco as cash crop to contribute to the farm economy which is so important to this entire Nation.

Bear in mind that the farmer is the Nation's largest customer of all commodities.

Be that as it may, we were told that, "Oh, yes, you can replace tobacco, but to get the same amount of cash flow, the same amount of cash return from 1 acre of tobacco for that given year," I have forgotten what it was, "it would take 14 acres of soybeans, or if you want to replace 1 acre of tobacco with the cash that it would bring in, it would take 15 acres of peanuts."

Well, my friends, may I remind you that there is not that much land available in the Southern States to expand into that type of thing. So what I am trying to reassure the gentleman from Montana and others, hearings have been held. They have been impartial hearings. They have been hearings that were trying to get at: Is there a substitute for the tobacco program? And without exception, the answer comes out no. There is nothing, there is no farm program that has had the success or has produced the results as has the tobacco program since 1933 or 1934, whenever it was enacted.

Money has been mentioned here, about the cost. I believe the gentleman in the well before me mentioned some $56 million for the entire 50-some-odd years this program has been in effect. At the same time, he also mentioned, and I think it is important to know, that of all our agricultural commodities, tobacco is the only one that I know of that produces anywhere near $7 billion a year in taxes to the various levels of government of this United

States. I urge the defeat of this amendment.

Ms. FIEDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Several months ago during budget deliberations I had the opportunity to raise a similar amendment. It was the only amendment, I might add, during the course of our deliberations before the committee which was deferred to another day. I found out, as somebody new to Congress, why that deferral took place. By the time the vote actually came down, it was quite close, but I was not successful in gaining passage of my amendment.

Following that debate and discussion, a number of Members who had voted against the amendment came to me and told me that personally they philosphically supported what I was trying to do, but for one reason or another they felt they could not support the amendment at that time.

My argument at the time when I proposed that amendment was that I believed, based upon health conditions in this country and the negative impact of tobacco use on the health of the people of our country, that it was inappropriate for us to consider public policy which supported an approach which was inconsistent on its face with the health of the American people.

As a person who formerly operated a pharmacy, I have had the opportunity to see the deleterious effects on the health of individuals who use tobacco.

I feel that for us to encourage that use by supporting financially in any way, shape, or form, this particular industry, that it is a disservice to the people of this country.

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. Yes, I would be happy to yield.

Mr. GLICKMAN. I respectfully disagree with the gentlewoman on the public policy question. I think the gentlewoman is correct, that tobacco may prove to be a serious health concern, but if we adopt this amendment, we make the ability to grow tobacco in greater quantities and at cheaper prices a very real possibility throughout this land. That will in fact encourage, not discourage, people to smoke.

I think that while the current tobacco program certainly does not fall within what we call classic market economics, it does protect and limit the growth of tobacco in America. I think that has a positive public policy implication, and not a negative one. I urge rejection of the amendment.

Ms. FIEDLER. I appreciate the difference of opinion which we share on this, but it is my personal belief that it would be up to the individuals who might choose to go into that business to finance it on their own without the assistance of the American taxpayer, who is being asked to support this and then on the other hand also being asked to support huge anti-cancer programs through the National Institutes of Health.

I further would like to make one additional point, if I may, and that is a point regarding the economic impact. We have heard numerous comments from numbers of speakers who take about the terrible impact if we do not continue to produce and support tobacco. Well, I think that is using the same kind of argument as one might choose to use to say that to do away with crime would necessitate a loss of jobs on the part of our police force and law enforcement agencies. I do not personally believe that is a legitimate and valid argument.

Mr. SHAMANSKY. Mr. Chairman, would the gentlewoman yield?

Ms. FIEDLER. Yes; I would be happy to yield.

Mr. SHAMANSKY. I thank the gentlewoman.

I would like to point out that a 30-percent drop in the price of tobacco would affect the price of a pack of cigarettes by 1 cent; so the idea that there is a great problem here because it encourages people to smoke is nonsense. Anyone who is concerned about that will have no trouble, and apparently President Reagan will soon ask that excise taxes be raised anyway, so we can make up for that without any problem.

Ms. FIEDLER. I thank the gentleman. I appreciate his comments.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Let me, Mr. Chairman, talk a little bit about the substance rather than the politics of the issue. I come from a State which is a dairy State and essentially I started out very sympathetic to the position of the gentleman from Ohio (Mr. SHAMANSKY), but the more I got involved and interested and began looking at the issue on its merits—never mind the politics of the thing, just the substance, the merits of the issue—I have come to the conclusion that, in fact, the amendment is not a very good idea.

This position hinges on two different points. I would like to enter into a colloquy with anybody on these points because I think they are the central points of the argument. One is the question about whether this is or is not costing the taxpayers any money. If it is not or to the degree it is not costing the taxpayers money, then I think the amendment is not necessary.

The second point is what happens if this amendment is defeated or passed. How does it change the tobacco production process? How does it change the price, and what does that have to do with what is going on in terms of tobacco growing and smoking and other things?

So the first point, as I understand it, the costs to the taxpayers have been to a great extent eliminated. We started out with a program at one point where the loan program was subsidized. They had an interest subsidy. That was eliminated by a directive. The administration eliminated it by direction.

There was a second cost and that was the cost of grading the tobacco, but that was eliminated. It was eliminated by us in the reconciliation bill which passed through the Congress several months ago. Those were the two main costs associated with the tobacco program.

In fact, after you eliminate those costs, there are almost no other costs involved. In fact, even the administrative costs to the Government of operating the quota system, if that entails some kind of cost, there is interest in the Agriculture Committee for doing away with that. The costs to the taxpayers I think have been eliminated.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Just a little thing about cost, and I am sorry that my education in tobacco is taking place at the cost of so much time to my colleagues.

When the commodity people want to pay the farmer that price which he considers his profit and so on requires, they have to go into the money market to pay it, so that certainly that increases the cost to the taxpayers and forces up the interest rates through the Government agency again going into the credit markets, does it not?

Mr. ASPIN. Oh, yes; for sure there is probably some added cost to interest; but in the light of a $65 billion deficit which we had last year, and not to reopen the old argument that the Reagan program is going to produce in 1982, we are talking about a relatively small amount of addition to what already will take place.

Mrs. FENWICK. Yes; but if the Commodity Corporation did not pay such a high price and did not go into the market for so much money, then we would have a lower priced commodity to export.

Mr. ASPIN. No.

Mrs. FENWICK. We have lost half our export market.

Mr. ASPIN. No; it leads to the second point, which is what happens if this amendment succeeds. I think the first point is that it does not cost the taxpayers money. I think we really can establish that.

But the second point is, if I can explain, the question is if this amendment passes, what will happen is that the quota system will be broken up.

More people at that point can grow tobacco. It will open it up for other people to come in and grow tobacco. We had arguments here about whether those will be small farmers or large farmers, but in any case more people will come in.

When more tobacco is produced of course the price of tobacco as a consumer product will go down. Now, if this were any other product, I think that would be a good thing. From a public policy standpoint, we are lowering the cost to the consumer.

Mrs. FENWICK. Yes; but the peanut people did not agree.

Mr. ASPIN. Let me finish. If this were any other product, that would be a good thing that we are lowering the cost to the consumer; but here we are lowering the cost to the consumer of a product, namely tobacco, which people are smoking and which causes health problems.

So the question is, why are we lowering the cost to the consumer and encouraging people in effect to smoke?

Mrs. FENWICK. Well, we have had debate on the floor here that the difference to the consumer would be 1 cent per package, so it is not much encouragement.

What it would do is to encourage our export trade, because our price here is above the world market.

Look, we dismiss the Commodity Credit action as though it were nothing, but that is Government action.

Mr. ASPIN. Wait a minute, the gentlewoman is covering a whole bunch of different points.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. ASPIN. The point is on the export trade, whatever is happening to amount, our export earnings are going up.

Yes, the amount exported is being reduced, but the export earnings are going up.

The really critical thing is that this is a different product. What we are talking about here is a product that we do not want to encourage people to use in smoking.

Why are we doing this? Let me explain. The original bill from the gentleman from Wisconsin (Mr. PETRI) which cannnot be offered here because it is not germane, recognized the fact that by breaking up these allotments, we would be lowering the cost of tobacco. The gentleman had an additional tax in his bill and the additional tax was to offset the drop in price so that we would not have this effect of encouraging tobacco consumption; but the Shamansky amendment without that increase in tax is, in fact, encouraging people to smoke.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I would be happy to yield.

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Mr. SHAMANSKY. With respect to the question of income, CRS has determined if the program is eliminated, tobacco farmer income would rise.

It is terribly important to keep in mind that in North Carolina alone there are only 30,000 farmers, but 115 allotment holders. So the farmers have to pay something like $1,000 an acre to these allotment holders who get this Government bonanza. The crocodile tears for the poor farmers—there are allotment holders who control this whole program.

With respect to who gets the difference, what is it about an allotment holder who does not farm that is more worthy of this benefit than is the U.S. public? If you are concerned about the prices and do not want to encourage anyone to smoke, then fine, put in a tax, if you wish, which the President is going to do anyway, and then everybody can benefit from that.

Mr. DAN DANIEL. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin (Mr. ASPIN) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. EDGAR. Reserving the right to object, and I will not object, but I reserve the right to object just to point out the fact that there have been two speakers in support of the gentleman's amendment, the gentleman and one other speaker, and there have been several speakers who have taken the floor and asked for additional time to speak against the gentleman's amendment.

I think in fairness to the colloquy, I would hope that there is no action taken on the part of the chairman to limit the debate, because we want to have a full and accurate debate, and there are a number of us who do not serve on the committee who have been unable to be recognized.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ASPIN. I thank the gentleman.

If I could just respond to the gentleman from Ohio on his point, I do not know the arguments about whether this is going to hurt the small farmer or help the small farmer, or what it is going to do. All I am saying is, from a public policy standpoint, if this thing costs nothing to the taxpayer, or virtually nothing to the taxpayer, and if by passing the amendment of the gentleman from Ohio we are not saving the taxpayer any money, and we are lowering the price of tobacco and thereby encouraging smoking, I do not understand from a public policy standpoint what the sense of this is.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

In talking about costing the taxpayer, it costs the American economy, and that affects all taxpayers.

Mr. ASPIN. I do not understand how the——

Mr. SHAMANSKY. Because we have priced ourselves out of the market. And Senator HATFIELD pointed out——

The CHAIRMAN. The gentleman from Wisconsin (Mr. ASPIN) controls the time. The gentleman continues to have time, and he controls it.

Mr. DAN DANIEL. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. I thank the gentleman for yielding. I would like to respond to the gentlewoman from New Jersey (Mrs. FENWICK). She asked two questions. I think I can give the gentlewoman a partial answer.

First, why does not the farmer go to the bank and borrow his money? I was a tobacco farmer before the program went into effect. The banks were reluctant to make the loans, because it is such a hazardous operation. Growing tobacco is a risky business. Allotments have increased land values substantially making loans more attractive.

The gentlewoman raised the question about the effect on interest rates. If we had to go into the money market and borrow $80 billion which we would not have except for tobacco taxes, that would have a very adverse impact on interest rates.

Again I thank the gentleman for yielding.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, I wanted to respond to a couple of points just made. First, one on the question of exports, as I recall, our favorable balance of trade in tobacco last year was about $2 billion. We exported about $2.4 billion worth of tobacco and imported about $400 million.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ASPIN) has again expired.

(On request of Mr. NEAL and by unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Mr. Chairman, I also wanted to make a comment about the question of whether or not this program benefits small family farmers. This program is put to a vote of growers and allotment holders periodically. The last time the vote was taken, 97 percent of the people involved in the

program voted for it. Now, these are the people directly involved in the tobacco program, the allotment holders and the farmers, and if they did not think it would benefit them, they certainly would not vote for it.

Mr. SHAMANSKY. If the gentleman will yield, he is confusing allotment holders and the farmer. Any allotment holder who voted against this would be insane. Do not confuse him with the farmer. He does not have standing to vote. I have never heard of anybody who receives an unearned bonanza from the Federal Government who does not want to keep it.

Mr. NEAL. The gentleman is mistaken. Lessees vote also. It is not just the allotment holders who vote. So everyone who is involved in this program, in the growing of tobacco, the small family farmers, vote for it.

One other point, it has been pointed out here several times that this is not a perfect free-market operation, and that is correct. But this is a Government program that has worked for almost 50 years. It works for the benefit of the farmers, the tobacco manufacturers, the American public. It does not cost much money.

Mr. Chairman, I would just remind people that free enterprise has produced the most dynamic, the most productive, the freest economy in the world. But it is not perfect. There are imperfections. For that reason, over time we have tried to make corrections in that system, and this is one of those adjustments that we have made that has worked. It has worked for almost 50 years. There is very little cost. In the words of an old sage, "It ain't broke." I just say, "Since it ain't broke, don't fix it." Now Mr. Chairman, I would like to elaborate further on this very important issue.

Mr. Chairman, we are engaged in debate which will determine, in a very real way, what happens to several hundred thousand small farmers who have earned a living—most of them all of their adult lives—in the cultivation of tobacco.

The vote we are about to take also will determine, in more than a symbolic way, whether the Congress of the United States is sympathetic toward the small, family farmer—or is willing to sacrifice this way of life, as well as this means of earning a livelihood, to the several golden calves that have been paraded before us during these deliberations.

I do not rise to argue the smoking issue, because this vote has absolutely nothing to do with whether people will continue to use tobacco. Should the amendment before us pass, it would not cause one fewer plant of tobacco to be grown, or one less person to smoke.

Nor is my purpose to justify a substantial Federal outlay to support the tobacco program. The truth of that matter is well established. The tobacco program costs the Government practically nothing, and essentially has paid its way throughout its 47-year history.

I plead, instead, for the economic well-being of my district, my State, and the other regions of our Nation which since colonial days have depended on tobacco production and manufacturing as the backbone of their agricultural economy. More especially, I argue for the some 12,000 people in my congressional district and the some 500,000 nationwide who depend in whole or in part on the tobacco program to protect their ability to earn a living.

Mr. Chairman, I cannot escape the feeling that many of my colleagues who support the amendment before us, however well intentioned, simply do not understand what the tobacco program is, and what it means to the people who grow tobacco. I get the uneasy feeling that they envision an antebellum scenario of land barons using underpaid laborers to produce great fields of golden tobacco—which in turn is converted to bales of dollars, with excess production being bought by the Government and stored in great warehouses until it rots.

That is not the way tobacco is grown, nor is it the way the tobacco program works. The typical tobacco farmer does not own a plantation, does not drive a Cadillac, and is not an overseer of an army of field hands. In fact, he owns less than 50 acres of cropland, if any at all, and hires no labor except during the harvest season, and plants from 3 to 6 acres of tobacco.

He may be an industrial worker who continues to live on the farm and use family labor to grow a small crop of tobacco to supplement his wages. He may be a lifelong tobacco farmer who has retired—or a widow living on the small farm she and her husband tilled—and now rents the tobacco allotment to provide a meager supplement to inadequate social security benefits.

Mr. Chairman, we have heard some unfounded arguments here about what a profitable crop tobacco is, and that the small farmer will get along all right if his allotment is taken from him. Comparisons are made between the per-acre income from tobacco and that of small grain or other crops, the clear inference being that owning a tobacco allotment is very much like owning an oil well. You just plant or rent the allotment, then sit back and wait for the profits to roll in. Well, Mr. Chairman, in my section of the flue-cured tobacco belt, 62 percent of the families engaged in tobacco farming have one or more family members working at another job to make ends meet. Forty percent of the operators have a second job, as do 32 percent of the wives in the entire flue-cured area, 27 percent of the operators have less than an eighth grade education; 58 percent, less than a high school diploma. Thirty-seven percent are older than 55 years, and 12 percent older than 65. Eighty-one percent are older than 35, which is a good indication that most are pretty late in life to consider taking up another occupation.

I submit, Mr. Chairman, that is exactly what a great many of my people would have to do if we were to destroy the tobacco program. Without production controls, I am convinced there would be a vast overproduction for the first few years after the controls were removed. Without a floor on prices, the small operators would be forced, through losses, to stop production and to abandon their investment in land and equipment.

Others have pointed out that a tobacco allotment adds to land value, both for tax and sale purposes. If the producer bought the land on which he now grows tobacco, he paid extra for the right to grow tobacco. If he inherited it, his forbears paid for it with the backbreaking toil necessary to grow tobacco. And his family may have been engaged in that occupation since the early days of the Republic.

Moreover, he will have thousands of dollars invested in curing barns and machinery, all of which will be useless to him if he is forced out of production.

It should be noted, also, that not all tobacco growers are landowners. Many are sharecroppers, both white and black, who will stand to lose not only their annual income, but the very roofs over their heads if the tobacco program is abolished.

Mr. Chairman, there is another cause for which I plead, and it has to do with the concern our great Government has had historically for people who, without our concern, are unrepresented in our society.

We have, in our free market and free enterprise system, the greatest economic system the world has ever seen. It works extremely well for the vast majority of all Americans, but not quite so well for a few. I think we have recognized, over the 200-plus years of our history, that special provisions should be made for those who "fall through the cracks" of our economic system. I believe all farmers, including tobacco farmers, fall into this category, and ever since the 1930's, at least, we have been willing to make these provisions for the general welfare of our Nation.

We are now being told by this administration that the free market system is perfect for everyone, and that anything it cannot do is not worth being done. Government, we are being led to believe, is the enemy, not the friend, of the American people—especially when it seeks to provide for

some of the things enumerated in the Preamble to the Constitution.

Mr. Chairman, I think that is a shortsighted view of our own history resulting in bad policy decisions and I think that it portends a meager harvest in the not too distant future. I just do not believe it is right to say to the American farmer, inlcuding the tobacco farmer, that he must farm on a grand scale, or get out of the farming business.

Mr. Chairman, that is what this amendment is saying to the tobacco farmer. It is saying to thousands of small farmers who have taken pride in their labor that they will have to put aside their plows and lean on something else for sustenance and satisfaction. For some it will be the loss of their land, for others the welfare rolls. For some it will be the end of a way of life, the dignity of earning an independent living, the waste of the only talent and expertise they have or will have had.

I submit that that is not the American way. I therefore strong urge defeat of the amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, tobacco is produced in 118 of the 120 counties in Kentucky. As most of the Members and this committee knows, tobacco is produced on some 550,000 farms by about 700,000 people. Adoption of this amendment by the distinguished gentleman from Ohio would simply mean that tobacco would then be produced in every backyard and on the top of every hillside. There would be no control whatsoever.

This is a controlled program, Mr. Chairman—acreage and poundage control. The farmer votes this program; he votes it on himself. Then the program is controlled by the Department of Agriculture.

You know, Mr. Chairman, this is a right easy amendment for the distinguished gentleman from Ohio to offer. They do not produce a stalk of tobacco in Columbus. They do not produce a stalk of tobacco in Franklin County. I know a little bit about Franklin County. I know in the State of Ohio they produce tobacco in the district of my friend, the gentleman from Ohio, Mr. MCEWEN. In the State of Ohio they produce tobacco in the district of my friend, the gentleman from Ohio, CLARENCE MILLER. Those two gentlemen naturally are very much concerned about this amendment.

This is an awfully easy amendment for the gentleman who sits here on my left to introduce.

Mr. Chairman, one of the major sponsors of this amendment is from the State of Washington, one of the able Members of the House, and a friend of mine.

Mr. Chairman, I remember last year when we had Mount Saint Helens erupting, causing hundreds of millions of dollars of damage to the State of Washington and loss of lives. The gentleman from the State of Washington, together with our other friends on his side and our side, asked us for some help. We had a supplemental appropriation bill pending, Mr. Chairman, at that time. The chairman of our committee, the gentleman from Mississippi, Mr. WHITTEN, held that bill up for several days until we could get the budget estimates for the Mount Saint Helens disaster and include it in that appropriation bill. We held hearings. We put in $784 million to help the great State of Washington. We carried that bill to conference, Mr. Chairman, and in the conference we found we made a mistake in the amount. We increased that amount to $952 million.

Hundreds of millions of dollars in damages in the great State of Washington, and a number of people lost their lives. Not a stalk of tobacco is produced in that State, Mr. Chairman.

Now, what about the State of Wisconsin? One of the major sponsors is from the State of Wisconsin. Not a single stalk of tobacco is produced in that district.

Mr. Chairman, since I have been a Member of Congress, we have had matters pertaining to New York City, pertaining to Chrysler, pertaining to low-income fuel legislation, pertaining to trade adjustment money. The members of our subcommittee, Mr. Chairman will tell you that every time we marched up on the front line to help these people. That is the kind of a country I want to live in, Mr. Chairman.

Certainly we could not let New York City, one of the great cities in the world to go under. Under no circumstances would I cast a vote and say to the Members of this committee, "This does not help my hometown of Bowling Green even if it might save New York City.

Mr. Chairman, we live in that kind of a country. We need help in the States that produce tobacco.

Certainly it is an easy amendment for the three gentleman to offer.

We need help, Mr. Chairman. We ask all of our friends to help us defeat this amendment.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to my friend, the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. I thank the gentleman from Kentucky for yielding to me.

Mr. Chairman, I would like to associate myself with the gentleman's remarks, and I rise in opposition to the amendment.

I think it very useful for all of us to be reminded, as our distinguished friend has reminded us, that we are a great and diverse country. We all, on almost any given issue, represent a minority of the national populace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHILLIP BURTON. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky (Mr. NATCHER) be allowed to proceed for 5 additional minutes.

Mr. EDGAR. Mr. Chairman, reserving the right to object, I reserve the right to object because, first of all, the only people being recognized in this debate are those who do not support the gentleman's amendment.

Secondly, I do not think that it helps the arguments of this debate to go on a personal, vindictive attack.

I will not object to the additional 5 minutes, but I would hope that the additional speakers would tone their comments. Each of us, as Members of Congress, has a right and responsibility to offer amendments that offer our best judgment. I, for one, as one Member of the House, resent the personal attacks that were made in the last speaker's comments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

Mr. PHILLIP BURTON. If the gentlemen will yield further, this is a great and diverse country. Those of us from the urban and suburban areas must recognize clearly that the rural community is a minority of the national American community. Some 4 percent or so of our people produce the food and fiber that gives us, as a Nation, not only that which we place on our table, but it helps enormously in terms of our balance of trade and balance of payments.

I think it very ill advised that my colleagues from the urban and suburban areas do not recognize the unalterable historical fact that every depression this country has ever had inflicted upon them has started in rural America. This farm program that we have and this tobacco program that we have is good for rural America; it is good for small rural farms. We ought to recognize that reality.

We ought to reject this amendment and get on with the business of the House.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

Mr. Chairman, when this tobacco issue first came to my attention, I will be quite candid with you: My first re-

action was, why in the world should I support that kind of program when there are some who favor the program who voted to slice housing funds, CETA funds, education funds, who gleefully supported the Gramm-Latta proposition, which I think was a disaster.

The gentleman's remarks really mirror the thinking process that I went through, that we simply cannot at this time be vindictive nor parochial in our thinking. I will probably get some flak for voting as I do on this particular issue, but if one comes into Congress, one is going to learn to take some flak.

I commend the gentleman from Kentucky (Mr. NATCHER) for his statement, and the gentleman from California, Mr. PHILLIP BURTON, also.

On some issues we simply cannot be parochial nor vindictive.

Mr. DYMALLY. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from California.

Mr. DYMALLY. I thank the gentleman for yielding.

Mr. Chairman, if I were in the California Legislature, I would probably vote for a joint resolution supporting the Shamansky amendment. But I am not in the California Legislature. If this amendment had come up the first day of the session, I would probably have voted for it. But 9 months in the Congress have taught me a lot about the economy of different parts of the country.

I share the view of my friend, the gentleman from Maryland (Mr. MITCHELL), that I, too, was unhappy with the Gramm-Latta vote and felt we should vote against all the regional interests in subsequent matters. But when one looks at the economy of a country, one has to develop a different perspective and cannot make one's determination on parochial interests.

So I am supporting the present program and opposing this amendment because I think it would destroy the economy of a very significant part of the country.

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Mr. PETRI. Mr. Chairman, will the gentleman yield for a clarification?

Mr. NATCHER. I yield to the gentleman.

Mr. PETRI. Mr. Chairman, I admire the gentleman a great deal, and he is in fact one of my heroes in this body, an iron man of this institution. I rise only to defend the State of Wisconsin. We are one of the major tobacco growing areas in the country, and in fact the fastest growing type of chewing tobacco is produced within the borders of my State.

Mr. NATCHER. I thank the gentleman.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Chairman, I share the respect for my distinguished colleague from Kentucky which my other colleague just mentioned. I think the problem that a lot of us have with this, Mr. Chairman, is the fact that it is the principle of this type of a program that allows to pass on from generation to generation the right for a certain few, select families in this country to produce tobacco, to own allotments and quotas, to lease them out, to take in tremendous prices per acre of land based on the allotments that they hold for the use of that land in tobacco production.

I really do not care whether people smoke or not. It is a free country; we do not prohibit it in this country; and they can make that choice, but I do have a lot of problems in seeing where tremendous prices per acre are being paid in the way of leases or rent in order to have that privilege to grow. I think that is what is under attack today.

I will gladly support a loan program for tobacco production based on a world price, in recognition of the cost of production and that sort of thing, in this country, but I do not think we can continue to support a program in Congress after Congress that is far outdated and completely out of sync with the system of agriculture we have in this country. I think that is where we differ on this legislation.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I want to commend Mr. SHAMANSKY, my colleague from Ohio, for his clear and lucid statement at the very beginning of this debate. I would also like to indicate that we have been subjected to an Orwellian type of debate in many respects since then. Some of the arguments absolutely defy the facts and I am astonished to hear them come from the mouths of some of the same people who have been the staunchest free-market proponents in this body. We have, for example, been told that perhaps this tobacco allotment support system is a substitute for a welfare program for poor blacks, and I think anyone that knows anything about the allotment program understands that it has little relationship to poor Southern blacks.

Incredulously, we have also been asked to believe that the higher tobacco prices will somehow reduce smoking and be an endorsement of a better health program for the United States. If there is in fact any correlation, which I seriously doubt, between cost and decreased smoking in this country, then I recommend excise taxes, which are currently under consideration by the administration, and direct those revenues to the Treasury.

But, beyond the issues of the debate which have been raised so far—and they have been diverse—I simply want to point out a couple of facts that I believe are correct, as documented and researched. They are these:

The support system has undermined the ability of domestic producers to compete with cheaper foreign imports, as evidenced by the fact that imports have increased from 11 percent to 30 percent in the last 16 years. A U.S. Department of Agriculture official testified earlier this year before the International Trade Commission and projected a rapid increase in loan losses from this program. The prediction ranged anywhere from $193 to $273 million over the next 4 years. Let me repeat, $193 to $273 million over the next 4 years, compared to the number that has been touted today of $57 million in the last 45 years. This is a program that is too expensive under present economic conditions for the taxpayers to continue to support.

The solution to this problem is not to implement import restriction, as some have suggested, but to eliminate this costly price support system that has outlasted its usefulness.

In addition, I would like to discuss a little bit about the health concerns and the relationship to dollars and cents. The facts are that it will cost the Federal Government $15 million to administer this program in 1981. At the same time, the Government, through the Department of Health and Human Services, in 1981 will spend approximately $40.4 million for research and educational activities related to smoking's impact on health, including an antismoking campaign. It is indeed ironic—it is absolutely dumb—to be spending more money to promote the tobacco industry even while the Government, through other arms, is officially committed to spending millions on an antismoking campaign. It may not bother the people in this body, but I can assure you that it bothers the people in the country at large that we are being asked today to spend money on an antismoking campaign, while continuing to endure large costs to the Government through the allotment program over the years at an increasing rate for a product that is a proven health impediment, while at the same time this body last week voted against a sugar program and a peanut program, and none of these rationalizations were raised against those products at that time.

Mr. HUBBARD. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in opposition to the amendment.

Mr. Chairman, I would like to comment in reference to what my friend and colleague from Pennsylvania said in reference to the Chair's recognition

of Members seeking to speak on this amendment. I believe all of us in this Chamber today know that the Chairman of our Committee, the Honorable MATTHEW MCHUGH of the State of New York, has been very fair and has recognized as best as he could those who have sought recognition. He, of course, has recognized the gentleman from Wisconsin, the gentleman from Ohio, the gentlelady from New Jersey, the gentleman from Pennsylvania, and others who have spoken in favor of the amendment.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. Certainly.

Mr. EDGAR. Mr. Chairman, I think the gentleman has to be corrected. The gentleman in the chair did not recognize those persons. We have gotten recognition through asking those people in the well to yield. There have only been three speakers who have received a total of about 15 minutes to point their case on this issue. I think the gentleman makes a good point, the gentleman in the chair has conducted himself very well, and he has great respect for the Members of Congress and is selecting people to speak by membership on committee, by seniority, by recognizing a balance between both sides, but I do not think the gentleman can make a clear argument that all the points on the issue in support of the gentleman's amendment have clearly been heard by persons recognized by the gentleman in the chair.

Mr. HUBBARD. I thank the gentleman. I would say also that the Chair has been most fair in recognizing people who have sought to speak in favor of the amendment. There are few of them, and I do remember the gentleman from Columbus, Ohio, spoke for 17 minutes with eloquence in presenting his amendment at the beginning of the alloted time.

Mr. Chairman, since 1933 over $5 billion has been loaned by the Commodity Credit Corporation to tobacco growers. Yet, during that 48-year period, only $56.7 million has been charged off. Furthermore, nearly $7 billion is returned to the Federal, State, and local treasuries each year in the form of tax revenues from tobacco sales.

The price support program for tobacco is of primary importance to the State of Kentucky, as has already been pointed out by the gentleman from Lexington, Mr. HOPKINS, and the gentleman from Bowling Green, Mr. NATCHER. I represent in western Kentucky approximately 48,000 tobacco farmers, with 34,000 burley tobacco producers, 8,750 air-cured tobacco growers, and 6,125 Fire-Cured tobacco growers. The district I represent in Kentucky is the Nation's sixth largest producer of burley tobacco.

Many of these western Kentucky tobacco farmers are already poor and needy. I would say to the gentlewoman from New Jersey (Mrs. ROUKEMA), who was making reference to the gentleman from Maryland (Mr. MITCHELL), that thousands of the tobacco farmers I represent are hard-working black citizens who are anxious about the future of the tobacco program. I would mention that these are Southern blacks.

The loans advanced to the farmers permit them to finance their crop. The principal is paid back with interest. The cost to the Government is minimal, if anything.

Mr. Chairman, consequently the arguments that the program costs the Government too much money are not valid, especially when we consider the tax revenues—$7 billion annually—that tobacco brings in.

Lastly I would say, Mr. Chairman, that there are tens of millions of Americans who actually enjoy smoking. We have heard from Members of Congress who have boasted about the fact that they do not smoke. There are many Members of Congress who enjoy smoking. I think of the gentlewoman from New Jersey, who enjoys her pipe. I think of our Speaker, who enjoys his cigar; and many of us in Congress who enjoy smoking cigarettes.

Mr. BONER of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HUBBARD. I yield.

Mr. BONER of Tennessee. Mr. Chairman, I rise to support the gentleman's statement and in opposition to this amendment.

Mr. HUBBARD. Mr. Chairman, I close by asking my colleagues to think of the tens of thousands of tobacco farmers who do strongly oppose this amendment by the gentleman from the city of Columbus, Ohio.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I ask unanimous consent to continue for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WAMPLER. Mr. Chairman, reserving the right to object, what is the request that the gentleman made?

The CHAIRMAN. The gentleman from Pennsylvania requested unanimous consent to proceed for an additional 5 minutes.

Mr. WAMPLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FINDLEY. Mr. Chairman, reserving the right to object, is there any disposition upon the the part of the leadership to limit the debate? Can the Chair inquire as to whether there is any disposition on the part of the leadership to limit debate?

Mr. ROSE. If the gentleman would yield, I have no intention to request to limit debate, but I would urge my colleagues to let us conclude this as quickly as we can and get on with the further business of the Committee.

Mr. FINDLEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. EDGAR) for 10 minutes.

Mr. EDGAR. Mr. Chairman, this has been an interesting debate. To hear the comments, particularly from those who support the tobacco issue and oppose the gentleman's amendment has been enlightening. Let me first make a point about the personal attacks we have heard today. One of the reasons I took the microphone and objected strenuously to the comments being made by the gentleman from Kentucky is not that I do not respect the gentleman very much. In fact, he is one of my heroes in the House as well. But it reminded me of the time not too long ago when I offered an amendment on some water project issues, and Member after Member stood up and said, "What right do you, a Member from Pennsylvania, have to have any comment, any thoughts, any views about the Tombigbee Waterway, the central Arizona project, the O'Neill project, the Merimac Dam or any other dams or water project."

It is incumbent upon each of us as Members of this body to work and vote our best judgment, and to come to the well of the House with amendments that we have researched and that we understand. I commend the gentleman from Ohio for offering his amendment. I commend him for risking himself, and even if there is not a stalk of tobacco grown in his district, his constituents, like mine, have to pay the cost of any subsidy. His constituents, like mine, have a voice in whether or not a tobacco program is placed within Federal policy.

I would suggest that all 435 Members of the House have a right to offer amendments.

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Mr. Chairman, the second point I would like to make is that I would like to see some of the Members of this body, particularly those to my left—those who were very strong in standing up and saying just a few months ago, "Let's get Government off our backs and out of our pocketbooks," those who were very strong in their rhetoric about Government controls, and those who were very strong in their rhetoric about how we should not have Government intervention in so many of the programs and in our

lives—address this issue. Where are those Members today? Were are they in taking the microphone and articulating their position on this issue?

This program has been defended as a control, it has been defended as Government intervention, and it has been developed as a Government subsidy. Many of those issues are issues which many of the Members have objected to.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I will not yield until I have finished with the four points I would like to make.

So the point is: Where are those advocates of balancing the Federal budget today when we have an opportunity, even if it is small, to make an impact on that issue?

Point No. 3: The question has been raised about the poor small farmers. Many of the Members have said that the poor small farmers are going to be put out of work and put out of their farms, and that this highly rich cash crop is no longer going to be available to them.

I wonder where many of the Members were when we were debating issues for the small child who was losing his or her health care program that was critical, or for the mother of a small child who no longer could place that child in a day care center. Where was their compassion when the elderly programs were being laid out for destruction within this body during the budget discussion?

I am concerned about the small farmer, too, and I think all of us throughout the Nation, in urban America, rural America, and suburban America, should be concerned about the small farmer.

Are there any funds in this legislation to provide for that small farmer some research and technology about how he can move from tobacco as a crop to some other commodity? Are there any programs within this bill to provide that small farmer the opportunity to move from the crop of tobacco to some other substance, or will we in fact in the year 2000, after all of the studies and research on tobacco have been completed, still be here with some type of Federal involvement in a program for tobacco?

I think that there are issues relating to small farmers that can be dealth with adequately if we use our creative skills.

But the point I want to make, the bottom line of this discussion, is not the personal attacks, it is not who is for or against the allotment program, and it is not the question of the small farmer. I think the bottom-line question is a symbolic one. It has been said that this program costs us nothing, but over the life of the program over $57 million has been used. It has been suggested that in this bill there is only about $79 million of outlays, all of which will be repaid to the Federal Government.

I ask my colleagues, with an $80 billion deficit, do we borrow that money for this program? I ask my colleagues, even though it may only be a dime, one thin dime of expenditures by the Federal Government, can we in good conscience vote to support a program where one dime is used to support tobacco when there was not a dime of reduction for some of the pork-barrel projects within the new budget?

Can we support a program that spends one dime of taxpayers' dollars when we have reduced the funding for cancer research? Can we in fact spend one dime of the Federal Government's money when we have reduced funds for the school lunch program?

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Can we in fact spend one dime of Federal subsidy when we have reduced scholarship and loan programs to educate our young people?

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I will yield in a moment.

Can we in fact spend one dime of Federal money when we have reduced nutrition programs for many throughout our Nation? Can we in fact spend one dime when we have reduced assistance to families of low income? Can we afford in this time of austerity to borrow one dime and create additional dollars in the Federal deficit for a program of this nature?

I think this is a symbolic opportunity for us as a Congress to stand up and say, not one dime to the tobacco subsidy, the tobacco loan program, or the administration of such a program.

If we determine as a Congress that a controlled program should be put in place, let us put a dime of tax on the sale of tobacco, and let us use the revenues from that dime to pay fully for this program, if that is in fact the nature of it.

Under the present language of the bill, we are going to spend considerable dimes of taxpayer's money to provide for this program. I think it is wrong, and I am not willing to commit that one dime to it.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I now yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I would just respectfully point out to the gentleman, who was referring to the cost of the programs for the feeding of children and senior citizens and for cancer research, that there were many of us who stood and were counted to keep the money for these programs.

I think the gentleman points with a very wide brush. I am sure that many of us who have asked for support for this program also stood and were counted in support of these programs for handicapped children and senior citizens and of feeding programs, and so forth, and we took a considerable amount of heat for it. So I wish the gentleman would not paint with such a wide brush.

Mr. EDGAR. Mr. Chairman, let me commend the gentleman from North Carolina (Mr. HEFNER) for his votes, and I will admit to the gentleman that my brush was a bit wide. I would like to say to the gentleman that I respect his ability to see the larger picture.

I just wish that some of the gentleman's colleagues who did not support that wider view would in fact have supported him, because then I think I might feel much more comfortable about the symbolic dimes that are going to be spent on this program if others had shown the same courage.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Ohio (Mr. SHAMANSKY).

Mr. SHAMANSKY. Mr. Chairman, the point was made that not one stalk of tobacco grows in my district, in Franklin, Delaware, and Morrow Counties, and that is absolutely true. One reason for that could be that the law prohibits anybody from growing tobacco there.

Mr. Chairman, I thank the gentleman for yielding.

Mr. EDGAR. Mr. Chairman, I thank the gentleman from Ohio (Mr. SHAMANSKY) for his comments.

Mr. Chairman, as I conclude my comments, let me just summarize quickly. We have heard a lot of arguments on this bill. I think the amendment is far more symbolic than the issue all of us have focused on.

I commend the gentleman from Ohio (Mr. SHAMANSKY) for his ability and for his willingness to risk himself. I think it is important and incumbent upon all of us as Members of Congress to stand up and analyze the issue and vote for the gentleman's amendment and against the tobacco program.

Mr. NAPIER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I want to commend and associate myself with the words of the distinguished subcommittee chairman, the gentleman from North Carolina (Mr. ROSE). He has been one of the most effective spokesmen for tobacco that I have heard, and he has done an outstanding job.

I would say the same for our ranking minority member, the gentleman from Kentucky (Mr. HOPKINS), and I would say the same for our ranking minority member on the committee, the gentleman from Virginia (Mr. WAMPLER), as

well as for the gentleman from North Carolina, (Mr. WHITLEY), the gentleman from North Carolina (Mr. JONES), who serves on the committee, and my friend, the gentleman from Kentucky (Mr. ROGERS).

Mr. Chairman, the elimination of the tobacco price support program would be disastrous for the southeastern United States, and I rise in strong opposition to the pending amendment.

The tobacco program has two parts. First, it is designed to control the supply of tobacco through marketing quotas, and second, to support the price of tobacco through loans to farmers. The marketing quotas are mandatory only after two-thirds approval by tobacco farmers.

If tobacco producers vote to adopt marketing quotas, then the Government is required to provide price support. Conversely, if marketing quotas are not approved then price support is not provided. There are no direct Commodity Credit Corporation payments to growers. Rather, CCC loans are made available through producer associations, also known as cooperatives, that are under contract with CCC to handle all operations connected with making loan advances to producers, arranging for receiving, redrying, packing, storing, and eventually selling the tobacco under loan.

After the tobacco is sold by the producer cooperative or association, proceeds are used to reimburse CCC, with interest, for its loan advances. In this regard, it should be noted that changes in the tobacco program have already been directed this year through the budget resolution with two specific changes.

First, the interest rate paid at the time of reimbursement to CCC is at the cost of money to the Government, not at a subsidized rate. Second, all costs in regard to grading of tobacco will now be paid by producers, and will not be paid for by the Government.

Since 1933, CCC has loaned about $5 billion through producer associations. At the end of fiscal year 1980, outstanding loans total $814.9 million.

The cumulative loss on tobacco loans from 1933 through fiscal year 1980 amounts to $56.719 million. The cumulative financial loss on the tobacco loan program represents 0.3 percent of CCC's total cumulative loss of $19.1 billion on all commodity loan inventory operations. The supply control feature of the tobacco program effectively helps maintain prices above the support level, thus minimizing loan chargeoffs and losses for CCC, and thus, saving the Government money.

During the same period of time, about $130 billion has been collected by Federal and State governments in cigarette excise taxes. In 1979, the Federal Government received more than $2.4 billion in excise taxes in tobacco products, while State treasuries received about $3.7 billion.

The net cost of the tobacco loan program, over the entire history of the program, represents about the same amount of money that the Federal Government spends every 45 minutes.

Tobacco is very important to the Nation's international balance of payments. The value of tobacco and tobacco product exports in 1980 was about $2.4 billion, with a favorable balance of trade of $1.9 billion.

In South Carolina, tobacco provides jobs for over 27,000 people. In my district alone, in addition to the number of farmers who depend on this crop for their livelihood, there are 41 warehouses. It returns over $377 million to the economy of South Carolina.

Elimination of the tobacco program would be disastrous in economic terms. Not only would there be severe disruptions in the banking and commercial systems of the Southeast, but there would also be a very severe probability of a recession in tobacco producing areas of the country. Allotments are used in calculating land values, and there is little doubt that land values would drop severely in rural areas. Defaults on loans would be commonplace. Bankruptcies, which are already threatened because of other depressed prices and severe farm conditions, would be rampant. Heavy demands would be placed on Government welfare programs. The burden on the economy would be tremendous—in the billions of dollars—and the costs to the taxpayers outside the areas would be equally harsh and long term.

Currently, the cost of the program is minimal. In fiscal year 1980, the costs were broken down as follows.

[Dollars in millions]

Activity:	*1980*
Administration of price support program	$13.9
Inspection and grading	[1] 6.2
Market news reporting	0.5
Research and extension	8.1
Miscellaneous	0.6

[1] Now changed and cost incurred by producers.

The program insures incomes to farmers who would otherwise be unable to support their families on the small farms they own. Their land is particularly suited to grow tobacco, not other crops. The program also insures that the supply of tobacco equals the consumption, thereby preventing huge surpluses of the crop.

In fact, it is the small farmer that the program protects, not the large farmer. Large corporate farms would benefit from a loss of the controls debated today.

A vote to eliminate the tobacco price support program is a vote to destroy the family farm system in the Southeast—a vote to place families on the tax-supported welfare system—a vote to deprive people of the lands they own—and a vote against the people who work so hard, so hard, to provide for the needs of the American consumer—the small family farmer.

Mr. RICHMOND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee position on tobacco, and against this amendment.

I do not smoke. I am from Brooklyn, and, we do not grow tobacco there. However, I support the tobacco program now in effect.

I would hope we can bring this debate to a quick close and vote against this amendment.

Mr. JOHNSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard a good deal of comment here today principally involving the macroeconomics of tobacco. I have heard a lot about millions and billions and things like that from people who, I dare say, would not know how to sucker, much less prime, the first stalk of tobacco.

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Lacking a Phi Beta Kappa key and a degree from Harvard, according to the gentleman from Ohio, the proud possessions of the sponsor of this amendment, I am going to talk a little bit about the economic realities of what a guarantee of a certain price per pound to the average tobacco farmer means.

Tobacco is a unique crop among the major agricultural commodities of this country because it requires an investment of over 250 hours of time before each one of those acres of tobacco can be brought to market. This is an investment that the average farmer cannot get someone to share with him. He must put out this time whether his crop is destroyed by mold, insects, or hail. He must make this investment, and he must make it far ahead of the time at which he will know what that crop is going to bring him in the nature of dollars. In an acre of wheat there are approximately 26 man-hours of labor.

All we really do in assuring the domestic farmers, the small farmers dependent on the sale of this tobacco for the cash to pay their taxes and to provide things that they cannot provide themselves, is give them a minimum wage because we tell them in advance that when they invest this 250 or 300 hours of time that they are going to get something for that time. I wonder how many people in Columbus, Ohio, would go to work on Monday morning if they did not know at the end of the week how much they were going to be paid. Yet, that is precisely the position of the tobacco farmer. In February when he starts his seed beds, long before he transplants them into the fields, he does not know, absent this program, if he will receive anything

for his labor. All this program does is guarantee that we will buy the tobacco.

So he will receive something for those hours of back-breaking labor.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSTON. I yield to the gentleman from Ohio.

Mr. SHAMANSKY. The point is that every farmer in Franklin, Delaware, and Morrow Counties, Ohio, does exactly the same thing, but does not enjoy the same privileges.

Mr. JOHNSTON. If I can get my distinguished colleague from Ohio to understand that there are no crops requiring the investment of 250 to 300 man-hours per acre that I am aware of, other than hothouse tomatoes.

Mr. SHAMANSKY. It is the same principle. Our people take the risk and they have many more acres, a lot more money invested. The farmers in my district invest a lot more money than just a couple of hundred hours. They invest thousands upon thousands of dollars.

Mr. JOHNSTON. My colleague from Ohio is right, they invest money. But we do not have guarantees on money in this country. We do have something called a minimum wage that guarantees a certain amount of pay per each hour expended, that is what this program does for tobacco farmers.

In essence, this program guarantees the farmers, the small farmers of the South and the Midwest, a minimum wage for their time. They cannot invest money because tobacco is not a money-intensive crop. Tobacco is a labor-intensive crop requiring the labor and services of the farmers, their wives, and their families. That is all we are attempting to do, to guarantee them a minimum wage. From this guarantee there springs an industry that provides, this country billions in excise taxes and exports, and most importantly gives thousands of farmers a way to earn their way.

Mr. FUQUA. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition to the amendment.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Tennessee.

Mr. GORE. Mr. Chairman, I also rise in opposition to the amendment.

Mr. Chairman, since its inception in the New Deal, the tobacco support system has been notable as one of the most efficient, least costly, and most effective of all Government programs. The program provides a means of sustenance for thousands of small farmers and their families who would otherwise be faced with spending their lives in conditions of abject poverty. Moreover, it more than pays for itself in revenues generated to the Government.

This program is not a handout to farmers. Rather, it protects them from uncontrollable market fluctuations and insures that they will not be at a competitive disadvantage with agribusiness in terms of tobacco production. The income of these farmers is modest and they are not living off the Government. I am proud to say that the tobacco farmers in my district are honest and hardworking people.

To abolish the tobacco program would be to turn our backs on family farmers. In past years we have acted in ways to hurt family farms and the result has been a shrinking farm population and fewer acres in cultivation. We cannot repeat this mistake with tobacco farmers.

I strongly support the tobacco program as one that makes good sense from both a public welfare and budgetary point of view. I urge my colleagues to do the same.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, we have heard a variety of different points of view being raised today but what I would like to focus on at this moment is a call to reason and a call to commonsense.

We have discussed economics. We have discussed the potential job and employment harm that we may cause as a result of passing this amendment.

But I think it is critically important to ask why do tobacco subsidies continue to enjoy immunity when other Federal programs are being cut. There is no question in the minds of the American people that it is totally and completely inconsistent for one Government agency to support the growth and the manufacture of tobacco while other Government agencies or programs pay for the deleterious health effects sustained by the smoker.

For the record, I would like to have the opportunity to provide a few facts and statistics related to health. In any American poll when people are asked what do they value most, one would think that jobs rises to the top of the list. However, human health is the first and foremost priority of all people.

So let us look at some of the statistics. If one were to recognize that every 2 minutes a death is caused as a result of lung cancer, and that there are an estimated 250,000 deaths yearly as a result of lung cancer, the economic toll for illness and death from tobacco-related causes is estimated at $18 billion yearly. It seems to me if we had access to that $18 billion we would be much closer toward balancing our budget in 1982.

Smoking also makes the chances of lung cancer two and a half to five times more likely and it also makes the chances of heart attack twice as likely. As someone who runs over here periodically to vote, I have great concern for my colleagues who are huffing and puffing as the result of these deleterious health effects.

I think I should also mention that the American Medical Association has taken a very strong position and they urge a halt to the tobacco subsidy program.

Also, there are more taxpayers, and since we seem to focus on the concerns of taxpayers in this fiscally conservative year, there are more taxpayers who are nonsmokers than vice-versa. I believe that they should not be forced to subsidize an industry causing the above problems to the tune of $30 million a year.

Once again, as legislators, I feel it is important for us to remain consistent and not allow one government agency to cause harm and another government agency to attempt to mitigate that harm.

Mr. SHAMANSKY. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHNEIDER. I am happy to yield the remainder of my time to my colleague from Ohio (Mr. SHAMANSKY).

Mr. SHAMANSKY. Mr. Chairman, much has been made of the fact that this program throughout its history has only cost $56 million. That has to be the biggest myth in the world, because if that were true there would have been no necessity for any of the gentlemen from Virginia to point out how the law has been changed to reflect the huge amount of subsidy on the loan program that the Treasury was absorbing. Over the history of this program it has not cost a mere $56 million. But I think one can say and properly so it has cost between $600 and $850 million. Otherwise there was no reason to make that change.

The only reason that law was changed with respect to the subsidy on the interest rate was because no one would admit it was there, and it was exposed. So the Commodity Credit Corporation lends at a lower rate than the Treasury borrows, and that is where we get close to $1 billion over there.

With respect to this business of it is not costing us anything, our economy is losing exports of about $4 billion if we go from 60 percent of the market down to 28 percent overseas. That is a lot of money to this country and we are giving that away.

We have layered in as an unnecessary cost about $1,000 an acre. We cannot get away from the figures that there are only 30,000 farmers of tobacco growers, in North Carolina, but 115,000 allotment holders. They are the ones that get the cream of this, and I can understand why the gentlemen from North Carolina are so anxious. Would that Ohio had such a bonanza unearned.

So what we are doing is a classic case of Government intervention which is losing both our domestic and foreign markets, and also now on which they want tariffs to surround them.

The CHAIRMAN. The time of the gentlewoman from Rhode Island has expired.

(By unanimous consent Mrs. SCHNEIDER was allowed to proceed for 1 additional minute.)

Mr. FOGLIETTA. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHNEIDER. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the amendment.

The Food and Agriculture Act reveals in microcosm the administration's insensitivity to economically distressed States and the people who live in them. On the one hand, it reduces food stamp benefits by $1 billion. On the other, it continues the loan price support system for tobacco, a product identified by the American Medical Association and the Surgeon General as a threat to the public health.

Mr. Chairman, I urge my colleagues to contrast tobacco subsidies with programs already slashed in the Federal budget. Consider, for example, the urban development action grant program, deeply cut in the Reconciliation Act and proposed for extinction in the President's proposed new round of cuts. In Pennsylvania, we need investment and jobs. That is precisely the objective UDAG has served so well, investing only $1.9 billion to create $11.6 billion in private investment and saving or adding 460,000 jobs. In Pennsylvania alone, $109.5 million in action grants produced five times that much in private investment and created 16,000 permanent, useful jobs in our State's economy. UDAG was a wise and responsible expenditure of the public money. Can an administration proposing the elimination of UDAG justify the continuation of tobacco subsidies?

Mr. Chairman, I believe the people of Pennsylvania have already made sacrifices for the President's economic program, and they are being asked to make more. The new round of budget cuts would slash $440 million from public housing, $475 million from Federal aid to help the elderly and poor pay their winter fuel bills, $548 million from revenue sharing, $475 million from mass transit, $362 million from Amtrak, over $1 billion from education, $343 million from student loans, $364 million from nutritional programs for infants.

These cuts are going to affect every State, Mr. Chairman, but they will do the most damage in regions where high unemployment, abandoned factories and lagging investment have robbed our States of the fiscal capacity to fill the vacuum created by this administration.

I firmly believe that every State should shoulder an equal burden to balance the Federal budget. The people of Pennsylvania have already made sacrifices and they are willing to do so—if they are convinced that every other American is asked to sacrifice along with them. That is why we find the tobacco allotment and loan price support system so objectionable. When infants are losing Federal aid needed to provide an adequate diet, when cities are losing Federal aid to provide decent public transportation, when the elderly are losing Federal aid to keep their homes warm during the winter, what possible justification can remain for tobacco subsidies?

I submit, Mr. Chairman, that there is none, and I urge my colleagues to join me in supporting the Petri amendment.

Mr. WHITLEY. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition to the amendment.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding. I take this opportunity to rise in opposition to the amendment and would like to adopt as my reasons those which have so eloquently been stated by many of the persons who have been in this well in opposition to the amendment.

I would like to touch on just one other aspect of this matter, and that is as a member of the Northeast-Midwest Congressional Coalition I want to inform the membership that the coalition has no official position or unofficial position in connection with this amendment. Some of my good friends in the coalition utilize the rules of the coalition to advise members of the coalition that they, on stationery of the coalition, that they were in support of this amendment. I want to advise the membership that the rules of the coalition permit that kind of communication. It is not an official position.

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There is no official position. And each member of the coalition, of course, will be voting his or her individual conscience. As a member of the coalition, I am very pleased to oppose this amendment and urge its rejection by the House.

I extend my thanks to the gentleman.

Mr. WHITLEY. I thank the gentleman for his contribution.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, the basic economic life of North Carolina and many other States is built upon tobacco, and tobacco production by small farmers will no longer be possible if the tobacco program is gutted today, or if the tobacco program is killed. The results of either would be economic disaster. Since I have been calling and talking to many of you for the past 3 weeks, explaining the tobacco program and expressing the hope that you will oppose this attempted destruction of that program, I hesitate to take the time to add to what has already been said about this amendment, but I come from a heavy fluecured tobacco growing district and I feel that many points need to be made.

Let me therefore summarize what would happen if there were no tobacco program next year. I do this because so many members do not seem to appreciate the consequences of adopting this amendment.

Without the tobacco program, the money tap will be cut off the day the bill becomes a statute.

Immediately there will be no money to pay debts or buy the necessities of farming.

The wheels of commerce will grind to a halt. Businesses will collapse in domino-fashion. The small towns of North Carolina will dry up and become ghost towns.

Tractors made in congressional districts far from tobaccoland will not be bought.

In fact, tractors and other farm machinery and many other things already bought will not be paid for—can never be paid for.

Loans of every kind will receive no more payments from tobaccoland. There will be no more money with which to do so.

Remember, agricultural areas are generally extremely credit worthy, but capital-short. They must import the capital needed to create and operate businesses of every kind, including the business of agriculture.

Money for farm and farm-area lending is raised on the national money market and imported.

Farm/farm-area defaults will hurt the whole U.S. economy—it is inevitable.

So many tobacco farmers will be bankrupt and unable to repay off imported loans that it will be the "Grapes of Wrath" again.

Grass will grow in the streets of Smalltown, Tobaccoland, U.S.A., as it did before the people of the United States got a New Deal in the 1930's—a New Deal which had at its heart the farm programs the Congress enacted into law during the early thirties.

Government deregulation seems to be the label attached to everyone's private cause, public cause, or legislative proposal. If it is labeled deregulation then it is supposed to have sanctity from criticism or even objective examination. Simply label your bill as de-

regulation and everyone in the Congress is expected to be an enthusiastic supporter. The alternative may by political suicide.

The latest on the bandwagon of deregulation is the Tobacco Deregulation Act of 1981. Behind this appealing if not seductive title is a bill which will destroy the livelihood of thousands of small family tobacco farms and ruin many rural communities all across the South.

Under the guise of fostering free enterprise, the so-called Tobacco Deregulation Act would not only bankrupt tens of thousands of small farmers and tens of thousands of small businesses; but it would also decimate thousands of communities throughout the tobacco-growing regions of America. And the ramifications of this disastrous legislation would be felt throughout the Nation as farm equipment would go unbought and much of the tax base would crumble.

Indeed, this legislation fails to take into account the reasons why the tobacco program was created and has been maintained for over 40 years. In fact, this legislation ignores the fundamentals and long history of Government assistance and support to all of agriculture.

Government support of agriculture has been an investment which has paid off handsomely. Commodity programs are essential to agriculture in this country, and they provide stability which is needed to insure plentiful supplies of agriculture products. The success of America's agriculture is the envy of the world—a success which has given America's consumers the greatest variety and lowest food prices of any nation on Earth. In addition, America's agricultural exports exceed those of any other country and provided this Nation with $24 billion in foreign exchange in 1980. Tobacco contributed $1 billion to this agricultural trade surplus.

Eliminating the tobacco program does not mean that tobacco production would stop, or that more people will quit smoking. Not at all. But the market price for tobacco would be unstable. Production and prices would fluctuate widely and, in response to the price fluctuations, resources would be continuously moving into and out of tobacco production. It is this constant shifting of resources which would be costly and wasteful for the Nation.

The free market is a theoretical model which is worthy of practical application because it generally achieves efficiency in the allocation of resources and the distribution of products. Efficiency is desirable, and in a world of scarcity, which seems increasingly to be the case, it becomes essential. So, it is economic efficiency that we are all after. I abhor wasting resources as much as any of the rest of you here debating economic policy. But what is often overlooked by the textbook practitioners of market economics is the fact that the real world does not fit the textbook model.

There are circumstances when the rigid application of the free market is inefficient. There are situations when some degree of Government intervention is beneficial. Tobacco production and marketing is one case in point where a limited Government involvment is necessary for reasons of economic efficiency. The Government is the essential ingredient in creating stability in an otherwise unstable industry.

The tobacco program stabilizes tobacco production and thus tobacco prices by restricting harvested acreage and marketing to a level just sufficient to meet domestic and foreign demand. This is accomplished through a system of allotments and quotas. Allotments and quotas are only implemented if approved on 3-year intervals by the tobacco producers. The Government is not forcing controls on the producers. It is the producers who seek Federal assistance to equitably limit production and thus avoid creating surpluses. They voted the program in and they can vote it out.

The allotments and quotas help to balance the supply of tobacco with market demand. Achieving an equilibrium between supply and demand is exactly what a market economy is all about. What the tobacco program does is stabilize production, at a level consistent with demand. This does not distort the market, it stabilizes the market.

The demand for tobacco is not very responsive to prices. Changes in price have very little effect on consumption. So in years when there is excess of production it takes a drastic price drop to clear the market of the surplus. Conversely, when there is a supply shortage the price shoots up because consumers still want the normal quantity.

Wide price swings are costly to society, particularly on the production side because prices direct the allocation of production resources. When prices drop, land, labor, capital, and management are shifted out of tobacco. When prices rise, land, labor, capital, and management are shifted back into tobacco production. Such resource adjustments are costly. By stabilizing production the costly business of shifting resources in and out of tobacco production can be avoided.

Most other agricultural products are like tobacco, small changes in supply bring about wide swings in price. That is why the Federal Government provides price support for 15 commodities. That is why the Federal Government has authorized marketing orders for fruits and vegetables.

Both producers and consumers benefit from these programs. Producers are provided with some assurance of future market prices that will enable them to pay their bills and continue in production. And consumers benefit from adequate and stable supplies of farm produce.

With the long leadtime between production planning and harvest, a reliance on market signals to allocate resources can leave consumers without sufficient supplies. A supply shortage will in turn lead to higher prices but production may not respond for a year or more.

Agriculture is not like a factory which can be closed down one week and restarted the next week. And this is one of the reasons why we have a long history of Federal commodity programs.

The lessons we learned in the absence of farm programs are the reason for their existence. Is our memory so short that we cannot remember why we created our farm programs? Is it really necessary to experience again the hard lessons of history? Surely, it is not necessary to bring hardship and suffering to thousands of family tobacco farms so that we can relearn a lesson that should never have been forgotten.

The most costly aspects of eliminating the tobacco program are the human adjustments. Tobacco is produced on a large number of very small farms. The family farm ethic has been better preserved on tobacco farms than in any other segment of American agriculture, and the family farm character of tobacco is due to the Federal tobacco program. Discontinuing the tobacco program would be equivalent to abandoning the family tobacco farms, and the opportunity of thousands of families to stay on the farm. We desperately need them now, so that when we even approach a food shortage in the United States they will still be in harness, ready, able, and willing to produce more.

The family farm is an institution which was fundamental to the development of this Nation, and it remains an institution which still embraces the values of hard work, self-respect, and freedom. The Congress has repeatedly endorsed the family farm and will do so again in this year's farm bill, if in fact we have a bill. Is it only empty rhetoric in these congressional pronouncements? It would be tragic to abandon the family farms and turn tobacco production over to the large corporations.

There are some 202,000 farms that produce tobacco in this Nation. For many of these farms tobacco is not the major farm commodity but provides additional, and often critical income. However, there are 145,000 commercial tobacco farms which rely on tobacco

as the major source of farm revenue. These commercial tobacco farms are not large. The farms average only 129 acres in size, too small to survive without tobacco. But with an average 6.6 acres of tobacco, these farms now provide a home and a living which is much better than being unemployed in some city, and starving for lack of a job and food.

This is not to say that life is easy for tobacco farmers. It requires hard, very hard work to produce tobacco. I grew up on a tobacco farm. It was even more difficult then, because we did so much by hand. However, today, it is an extremely tough occupation, requiring expensive trucks and tractors and trailers and land-breaking and crop-harvesting equipment. Tobacco is a labor intensive crop. Indeed, it requires 240 hours of labor to produce an acre of tobacco, compared to 3 hours for an acre of corn or wheat. The farm operator and the family supply most of the labor requirements.

Now let me tell you what would happen without the tobacco program. Tobacco acreage would be consolidated into large, highly mechanized operations. The numerous operators of small tobacco farms would be displaced and the family labor would be unutilized. The displacement of farm operators and farm labor would be more acceptable if there were other jobs to absorb these people; but unemployment is high and likely to get worse.

There is no good reason to throw these people into the unemployment lines and restructure the production of tobacco in the name of deregulation. Abandoning family tobacco farms would do nothing to enhance market competition, since competition would ultimately diminish as production would become concentrated in the hands of a few large corporations.

The price fluctuations and instability which would follow the destruction of the tobacco program would make it impossible for the family farms to survive. But corporate tobacco production would survive because a few large corporations would have the ability to enforce stability. They would create stability through the sheer force of market power, monopoly power. And even then, they will have their problems with unlimited production and much lower prices.

The tobacco program has been successful in stabilizing the market—avoiding the boom-and-bust cycle of farm prices has enabled the small family tobacco farms to stay in business. And the cost to the Government has been almost imperceptible. There is not much opportunity to save money with this program. But its elimination would certainly be costly, to the economy, to the Government, and most of all to the family farmers in the tobacco States.

There is no connection between the tobacco program and people's tobacco consumption patterns. This has been admitted by health officials both within and outside of Government. To the extent there is any relationship at all, the tobacco program reduces consumption. The program prevents excessive supplies and low prices that would accompany an unstable industry.

Tobacco seems to be everyone's favorite whipping boy these days. But let us review the facts. First, a lot of people are employed in tobacco production, and the tobacco program helps maintain these jobs. You tell me, what are the alternatives if you take away these jobs? Second, the tobacco program is probably the most effective, maybe the only program to fulfill the congressional mandate of preserving the family farm.

To discontinue this program would be to abandon the family tobacco farms and leave tobacco production to the huge conglomerate businesses. This would be the antithesis of competition and a free market which the sponsors of the antitobacco program legislation espouse.

Finally, the tobacco program is cheap, dirt cheap. The Federal Government is not going to save any money by eliminating this program. Quite the contrary. When the farmers and laborers who now make a living producing tobacco are displaced, it will be the Government which will be stuck with the food, housing, medical, and education expenses for these people. The costs to society of eliminating the tobacco program will be high and personal suffering will be great. And to what avail? So that tobacco production can be turned over to the large monopolistic corporations.

Commonsense and economic sense are on the side of the tobacco program. Let us not be stampeded by nonfactual and emotional rhetoric into believing otherwise.

Mr. WHITLEY. I thank the gentleman for his contribution.

Mr. DAN DANIEL. Mr. Chairman, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment.

First allow me to express on behalf of the tobacco growers of my district sincere appreciation for the leadership exercised by the Tobacco Subcommittee chaired by Mr. ROSE.

It strikes me that we are here discussing an issue in the subjective—not really getting at the heart of why the amendment is being considered at all.

The truth of the matter is that most of those who oppose the tobacco program are not sure why they do so.

Some say they feel the program should be ended because of Government control. Yet, the very restrictions of which they speak have consistently been approved overwhelmingly by the tobacco growers every 3 years in a referendum.

The same restrictions limit the amount of tobacco that can be grown which logic tells us that less tobacco would be available—in response to those who disapprove of its use. It is also clear that ending the tobacco program is not by itself going to stop one person from smoking.

Those who object to its cost usually admit that of all the commodities in which the Government has attempted to involve itself, tobacco has cost least on a percentage basis. During the 40 years it has been in operation, the tobacco program has seen more than 80 billion pounds of tobacco move through the system and 7.7 billion pounds taken under loan. The more than $6 billion in Commodity Credit Corporation loans have been repaid, with less than one-half of 1 percent loss to the Government.

Frankly, I would not be supporting the program if it had been a drain on the Treasury. It simply has not been the case.

Those who protest so hard overlook the fact that these sales have generated in excess of $80 billion in Federal taxes. In addition, sales of American tobacco abroad have netted the United States more than $1 billion annually in recent years. Without this, our balance-of-payments situation would have suffered.

But I am more concerned about the human aspect of what we are discussing. More than 170,000 farm families are involved. Many of them depend totally or to a great degree on receipts from their tobacco crop. The stability of the program has assured them an income. Without it, they do not know what will be their lot.

In addition to throwing their personal economy into a tailspin, many thousands of them would suffer an immediate loss in land values. Not everyone realizes that most of this tobacco land has been enhanced by the allotments which were assigned when the program began. If one owned his farm then, the loss would be less severe than to those who have bought new land with allotments attached. They paid more for the land because of the allotment—and without it, many will have difficulty meeting mortgage payments. Surely, this is a matter of concern to Congress. We cannot lightly treat the results of an action such as this.

This economic effect—which no one seems to be able to calculate—is the principal reason that I feel hasty action should not be taken.

The tobacco program should not be brought down as a vindictive action.

Modification may be in order and if so, they should be approved. But it makes no sense to throw out the baby with the wash water.

Changes in the program, if required, should be considered in an orderly manner, with hearings before the Tobacco Subcommittees of the House and Senate, not in an atmosphere of confusion and controversy.

The tobacco program has evolved in a progression of well-considered steps and it should be continued that way, in the national interest.

In my opinion, if every activity of the Federal Government had been conceived, developed, and administered in the way this program has, we would not be in the sad budgetary situation with which we are confronted today.

If this matter is scrutinized objectively, it should be obvious that the purpose of the tobacco program is to keep a balance between supply and demand; that it has been supported by an overwhelming majority of growers; that they have prudently agreed to adjust allotments, upward or downward, over 40 years to meet the supply requirements of the trade; and that all of this has cost the Government a minimal amount.

The program has achieved its original objectives and survived the test of time. What more can be said.

The program was begun in the 1930's to provide orderly marketing for thousands of tobacco growers who were at that time barely recouping their cost of production. The program sought to assure that supplies did not exceed demand and sought to lift prices under a system of loans guaranteed by the Commodity Credit Corporation. The system worked well for all concerned. Growers were able to stabilize their production and prices, manufacturers were guaranteed a more steady supply, our export trade was enhanced, and the Nation was delivered of one of the major economic problems of the time.

Then, in the confusion following the Supreme Court's invalidation of the original Agricultural Adjustment Act, in 1939 the program was suspended by growers in their referendum. Did the good record of the original program carry over into the non-Government-participation era? It did not. The 1939 crop year was disastrous. Production was out of kilter, prices were unstable, and growers learned a hard lesson. It made sense what the tobacco program was designed to accomplish.

Now, more than 40 years later, the system is still functioning, with some modifications, on the same premise that brought about its creation. It is a remarkable record and has been accomplished because all segments of the industry—growers, warehousemen, buyers, manufacturers, and exporters—have cooperated with the Government in bringing stability. The public also has benefited through the taxes paid, the addition of thousands of jobs and productive utilization of vast areas of land.

Critics of the program are not always clear why they oppose it. Some say the Government should not be in the business of regulating the economy of an industry—that it should keep hands off. This program is self-regulated with the cooperation of the Government.

Some argue that price supports are unnecessary in a time of inflation. The truth is that in most instances prices paid on the market exceed the price support level anyway.

Some question the propriety of the Government having anything to do with tobacco production while simultaneously spending money for medical research to deal with those who fall victim to diseases which have a supposed causal connection with smoking. If this be public policy, why do we make loans to companies which build automobiles that might kill people or permit the manufacture of certain dangerous drugs?

There are those who contend that the Federal Government should not spend money on salaries of personnel who deal with tobacco—in administration, statistics, information, et cetera. Similar outrage is not expressed against the thousands of Department of Agriculture employees who deal with other commodities. Also, the Government is now being relieved of more than $8 million annually for the cost of grading tobacco, as a result of action taken earlier this year in the reconciliation resolution.

It is also argued that the cost of cigarettes and other tobacco products is inflated because of Government participation. The fact is that the amount received by growers for their tobacco is only a small portion of the cost you pay at the cigarette counter.

The fact is that so long as tobacco is grown, there will be a demand for tobacco products. If anything, the system of regulation now in effect limits the amount grown, rather than making tobacco more accessible.

No one has been able to project what would happen if the tobacco program were ended. It seems obvious that mass confusion would be the immediate result. If there were no allotments, more tobacco probably would be grown—both by those who now grow it and others who would see an opportunity for gain. It is likely that many of the 170,000 small farms on which tobacco is now grown would find great competition from large producers who would utilize the benefits of mechanized production.

If production got out of hand, there would be no way to limit it—or—to project what would happen from year to year.

Since tobacco companies obviously must have supplies in the volume required, if better prices and access could be obtained abroad, we might well find more offshore tobacco coming in—with the resultant adverse effect on our balance of payments.

All this is not a desirable goal. Surely, we do not want to create a situation in which the economic well-being of thousands of growers would be placed in jeopardy, the marketing system in disarray and our export trade endangered at a time when so many other ills are befalling us.

Therefore, I urge defeat of the amendment.

(By unanimous consent, Mr. WHITLEY was allowed to proceed for 2 additional minutes.)

Mr. WHITLEY. Mr. Chairman, I shall not belabor the debate. I think the issue has been thoroughly debated on both sides.

There is just one essential point that I think we ought to remember. It has been agreed, I think, by everyone who knows anything about the tobacco program and by anyone who knows anything about the economy of the tobacco-producing areas that to approve this amendment would cause very—and I underscore the word "very"—serious economic disruption in five States and sizable areas in additional States.

Now, if this Congress is going to do that, if we are going to do that, what are we getting in return? Is it worthwhile? Is the taxpayer going to get anything as a result of our taking this action?

Well, there are two arguments that have been advanced. The first is that tobacco is bad, that the smoking of tobacco is a health hazard, and that we ought to oppose it.

Maybe somebody ought to offer a sense of the Congress resolution that smoking cigarettes is hazardous to your health. But adopting this amendment in no way—in no way—addresses the issue of smoking and health. If it passes, there is not one single cigarette that is now being manufactured, sold, and smoked that will still not be manufactured, sold, and smoked. Tobacco will still be available to the tobacco companies, probably at a lower price, so you are not touching the smoking and health issue at all.

The second point is that we would save money for the taxpayers by abolishing this program.

I have carefully researched the cost of this program in every aspect, and all of the figures I have been able to get from the USDA, the Congressional Research Service, or anyone else, adds up to a total cost, including research, including extension, including everything else, of something like $29.3 mil-

lion. That was for 1980. We have already cut $6.2 million, 21 percent of that has already been cut, because we have eliminated the taxpayers payment for the grading and inspection service. That is now being paid by the growers. The only other cost is a possible interest subsidy. That has been eliminated because the interest is now being charged by the Commodity Credit Corporation at the cost of money to the Government. So we are going to stand here today, if we adopt this amendment, and create severe economic disruption and not get a darn thing for it.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WHITLEY) has expired.

(On request of Mr. HARTNETT and by unanimous consent, Mr. WHITLEY was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. I would like to ask my colleague a question. The statement has been made by the author of the amendment at least twice on this floor that there are 115,000 tobacco allotments in the State of North Carolina and only 30,000 tobacco farmers.

I understand this is very much incorrect, and I just wonder if the gentleman can set the record straight for this committee as to exactly what the figures are on tobacco allotments in North Carolina and the number of tobacco farmers there are in North Carolina.

Mr. WHITLEY. The gentleman's figures, as you have said, are completely in error. I would like to enlighten my colleagues on the subject of the size of the farms and the number of farmers. I think I have some information on that right here. For the 1979-80 flue-cured crop—these are not North Carolina figures, but the flue-cured crop—there was an average of 13.8 acres of tobacco produced on 28,906 management units. An average of 13.8. Now, that is not big farming by anybody's standards. Only 27 percent of those operators own no allotment and rented in all of theirs.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WHITLEY) has again expired.

(By unanimous consent, Mr. WHITLEY was allowed to proceed for 2 additional minutes.)

Mr. WHITLEY. Fifty-seven percent used a combination. And get this: 72 percent of all of the producers of flue-cured tobacco were owners of at least some tobacco allotments.

So it is not a matter of just a few people growing great big farms. We are growing an average of 13.8 acres, and the figures on burley are much smaller than that.

Mr. HARTNETT. But what I really need to know, and what I think other Members of this House would like to know, if the gentleman will yield further, are the figures correct of 115,000 allotments in the State of North Carolina versus 30,000 farmers? In fact, the distinguished gentleman from North Carolina (Mr. JOHNSTON) told me there are 100-and-some-odd thousand tobacco farmers in North Carolina.

Mr. WHITLEY. I think we are talking about apples and oranges. There are two types of tobacco. There is flue-cured tobacco and there is burley tobacco. The operating units in flue-cured tobacco are much larger than the operating units in burley tobacco. The operating units in burley tobacco—the gentleman from Virginia (Mr. WAMPLER) I am sure will agree with me—I do not have the exact numbers of those, but they are very small; 2, 3, 4 acres is a normal operating unit in burley. So when you talk about large numbers of allotments, you are including those small burley allotments. But when you are talking about small numbers of operators, you are talking about flue-cured tobacco. So the figures are apples and oranges.

Mr. HARTNETT. I thank the gentleman for his answer.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent a district in Arkansas. No one in my State grows tobacco. I do not smoke, nor do I understand why other people do. But I think that people should have the right to use tobacco, in whatever form, if they wish to.

It is my understanding that the amendment that is before us today is represented by some people as necessary to change the law because people do not have the right to grow tobacco if they want to. That is simply not the case. In order to grow tobacco you must have the land, the equipment, the labor, and the knowledge. We cannot grow tobacco in Arkansas because we do not have the knowledge and we do not have the land. If you have those four ingredient and component parts, under the present system you can apply for and receive an allotment to grow tobacco if you have the land, the labor, the equipment, and the knowledge. Growing tobacco is somewhat similar, I am told, to producing wine. You have to have the climate, the land, the knowledge, and all of the ingredients in order to produce this commodity that is produced and sold in this country in such large abundance.

I hope my friends today in this Congress will recognize that the States that have produced tobacco in the past do an excellent job in producing that product and provide a commodity that the people of this country use and prefer.

It is also offered as an export which is sold around the world today. I see no reason whatever to change a successful program that has produced a very bountiful crop, producing revenues for this country, by changing as envisioned by this amendment. I urge my colleagues to vote down the amendment that is presented here today.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I wish to speak in strong opposition to this amendment which would absolutely destroy the livelihood of hundreds of thousands of farmers and especially those in the very poor sections of our country.

At the outset, I would like to commend the leadership on both sides of the aisle. And I would like to especially commend the gentleman from Texas (Mr. DE LA GARZA), the gentleman from Virginia (Mr. WAMPLER), the gentleman from North Carolina (Mr. ROSE) and my distinguished colleague from Kentucky (Mr. HOPKINS). And I would like to add a special thanks to a young freshman Member of this body, who has lent many hours and a great deal of judgment to this cause, and that is my good friend and my distinguished colleague, John NAPIER of South Carolina.

Mr. Chairman, the real question before this body today is not whether or not tobacco is going to be grown. The fact is that as long as there are people who want to smoke, tobacco will be grown. The question is who will grow it? Will it be grown by the 276,000 family farms throughout 20 States in our country, or will it be grown by a few large corporations?

Because, Mr. Chairman, it is clear that without the poundage control and loan program, the large corporate farms will grow more and more tobacco. They can afford to use expensive machinery and can produce tobacco more cheaply than the small farmers. Small growers would never be able to compete with these corporate farms, and they would soon be run straight out of business.

And let there be no mistake about it. Despite all the talk and rhetoric you have heard, we are talking about very small farms. The average size of a burley allotment is only 1.3 acres. There's just no getting around this fact, these are mostly small, family farms.

And I urge my colleagues to consider that these farmers are people who rely on tobacco as their main cash crop. They use their tobacco income to educate their children, buy their groceries and to make their car, tractor, and mortgage payments.

If these folks lose their allotment and if they are run out of business by

the corporate farms, these hard-working men and women will have no other choice but to go onto welfare. Some of my colleagues have argued that these farmers should just grow other crops. But that would not replace their lost tobacco income since there is not much else you can grow on just 1 acre or so that will earn anywhere near as much as tobacco.

And some of my colleagues have argued that even if tobacco farmers cannot grow tobacco, they would be able to get other jobs, off the land. But Mr. Chairman, many wives have already gone to work in factories, and many other family members have tried to help out their families by getting other kinds of jobs. But the fact remains that in these rural communities there generally are not many other jobs available.

So if these farmers lose their tobacco income, they will not be able to replace it. Despite the fact that they want to work and have worked hard on their farms for years and years, they will be forced onto the welfare rolls. And this will cost all taxpayers millions and millions of dollars. In looking over income figures for my own district, I estimate that the increased welfare costs in just 1 year would be more than the entire profit made by the tobacco program over the last 10 years. And if that is the case for just one district, just think of what the welfare costs would be for the entire country.

Mr. Chairman, it is just plain foolish to kill a successful, moneymaking, Federal program and to replace it with a system that will put people out of work and onto the welfare rolls.

I also urge my colleagues to consider what the impact on local economies and communities would be if we were to lose the allotments.

In my own State, 81,000 people count on tobacco for their jobs. And considering the unemployment rates which are already high, these people would have a hard, if not an impossible time, finding other jobs.

Local communities would face severe financial hardship. Let me explain to you how important these allotments are. A tobacco allotment adds about $6,000 to the value of an acre of land. Without an allotment, appraised land values would fall. And Prof. Milton Shuffett, an agricultural economist at the University of Kentucky, tells me that with the fall in land values, Kentucky would lose $1.5 billion in State and local tax revenues. This will mean less money for schools, hospitals, and local and county revenues.

At the same time, with the falling value of land, farmers' loan collateral would fall. This would lead to foreclosures throughout all of the tobacco regions.

Let there be no mistake about it, if this amendment is adopted there will be financial catastrophe for thousands of small farmers and for their local communities.

Mr. Chairman, the question before the Congress today is not whether or not we can afford to keep the tobacco program. The question is whether we can afford to get rid of it. If the Congress adopts this ill-conceived amendment, it will be ruining hundreds of thousands of small farmers. And it will be replacing a highly successful, moneymaking program and replacing it with increased welfare costs. There is no sense to this approach.

Mr. Chairman, we are not dealing with abstract, cold figures. We are talking about individual, hardworking men and women on farms across the country.

Over the past half year, the Congress has passed the President's program for economic recovery. It is time we gave his program a chance to work. And it will not work if the Congress drives farmers off their land. It will not work if the Congress undermines the economies of communities throughout the country.

We need these farmers. They are essential not only to their communities, but to their States and to our entire national economy. And it is high time that the Congress demonstrated its commitment to the family farmers which have already been hurt so badly by the soaring interest and inflation rates. The Congress can show its commitment to the family farms our country so needs by voting against this amendment.

The facts are clear, Mr. Chairman. The tobacco program is highly successful and is absolutely vital to tobacco farmers and communities all across the country.

I urge my colleagues to join with me in defeating this amendment.

□ 1345

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the amendment that would eliminate the tobacco loan program.

While I am more closely associated with the dairy portion of the farm bill inasmuch as I have the largest dairy district in the country, there has been so much misinformation circulated about the tobacco program that I felt that I had to take the well to clear up many of the mistaken impressions that have been created about the tobacco loan program over the past weeks and months.

I have seen and heard a lot of talk that the tobacco program only aids large, commercial tobacco growers. That simply is not true. Let me tell you about tobacco farmers in Wisconsin—yes, Wisconsin has its share of tobacco growers as well.

First of all, the average tobacco acreage in Wisconsin is 3.8 acres. The average annual income from that acreage is $8,200 per farmer. Wisconsin tobacco farms are almost exclusively family farms.

Second, let us take a look at how the tobacco loan program worked in Wisconsin in 1980. The loan price was 72.9 cents per pound. The average market price was $1.17 per pound. The program was not, in fact, used until the market "dried up" later in the year. And then, when tobacco farmers in my district entered the program, it was the first time since 1972 that tobacco from the Third District in Wisconsin had entered the tobacco loan program.

Finally, the tobacco program is a loan program, not a price support program. Tobacco is placed under loan at a specified rate of interest and the Government holds the tobacco as collateral. In 1980, the interest rate was 11½ percent. In 1980, the net loss of the tobacco program was $36,000.

In fact, the cummulative loss experience by the tobacco program over its 50-year existence through 1980 is just over $56 million. That is just a little over $1 million per year.

Mr. Chairman, the facts are that the tobacco loan program does benefit the small family farmer in Wisconsin and costs the Federal Government relatively little.

I, therefore, urge the Committee to defeat this ill-conceived amendment.

Mr. ROGERS. I thank the gentleman for his comments and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask the manager of the bill a couple of questions.

The first is, in view of the diminishing nature of the tobacco industry in America, have there been any studies conducted to determine alternatives in this regard? I mean, what happens when we reach the Detroit crisis that we are experiencing with regard to automobiles? We have got to do something else somewhere along the line. We may not always enjoy the tremendous auto production that made Detroit the prosperous area that it once was.

Have there been studies or anything on that?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

I would like to tell the gentleman this is a major concern of the Committee on Agriculture and in the 1977 act we added title XIV, which is the research section, and under that title

and other additions since that time, we have been working and cooperating not only with all of the agricultural colleges in the United States, but dealing specifically with the small farmer in the South, tobacco farmers, and some of the areas where we have limited production, several studies have been conducted by members of the committee.

For example, we have an amendment for dairy goat production and for titricale and for fish hatcheries. We have been working with Auburn University, Texas A. & M., Tuskegee Institute, Praire View A. & M. and we have been in the field. We have visited with them. As limited as the funds are, we are trying to gather more funds to continue that reaserach and we have gone to the farmers themselves and asked, "What do you think we can help you with in research for that eventual day."

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

I would point out to the gentleman that people keep on smoking and they seem to be doing that in increasing numbers.

Mr. CONYERS. Is that good news?

Mr. ROSE. That is not good news to me or bad news to me. That was not the gentleman's question. But my observation is that when we talk about this industry, I ask the gentleman which part of it is the gentleman really concerned about, and I say to the gentleman that the part that I am concerned about is, are the people who grow these tobacco leaves, as long as it is legal, as long as it is not a misdemeanor or a felony to posses or smoke cigarettes, I want my farmers getting the top possible dollar for those leaves.

I understand what the gentleman has been through in his district and when the problems occurred with Chrysler I think the gentleman will find that a majority of the Democrats from my State understood that problem, but we want the gentleman to stay in business and keep on making automobiles, and I think the gentleman has proved with the help of this body that they can do it and do it very well.

Mr. CONYERS. Is the gentleman equating the Chrysler bailout with the tobacco subsidy amendment?

Mr. ROSE. No. The gentleman was asking me are we checking into other things for tobacco farmers because of something that the gentleman said about Chrysler. I thought the gentleman was the one who made the comparison.

Mr. CONYERS. Let me rephrase my inquiry.

Mr. ROSE. I would appreciate that.

Mr. CONYERS. What is the tobacco industry doing to anticipate the potential downturn in tobacco sales, assuming people begin believing what the medical industry suggests?

Mr. ROSE. The tobacco industry?

Mr. CONYERS. If the gentleman posits that there is not a diminution in the industry and that people are smoking more than ever, the question that occurs to me is simply this: Are there alternatives being considered in the gentleman's area of the country, as we must in Michigan? What do we do? Suppose we do not always grow so much tobacco? Suppose somehow miraculously the subsidy fails one unfortunate year, what can the people of those areas of North Carolina, South Carolina, Kentucky, Virginia, anticipate in terms of a full employment program?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 4 additional minutes.)

Mr. ROSE. If the gentleman will continue to yield, here again the gentleman is saying the tobacco industry. What is the tobacco industry doing. Cigarette manufacturers are probably not doing anything in anticipation, but we in the Congress who support job programs and who support the full training of umemployed workers will continue to do that and find more imaginative ways to see if this demand goes down, and the Secretary of Agriculture decreases the allotments along with it, that we will have alternative programs.

Mr. CONYERS. I thank the gentleman.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

I think to put it in perspective, there are studies being made as I mentioned. What can one raise on a few acres, rabbits, triticale, a fish. Beyond that, if the gentleman would go like I have gone to where those areas are, it is going to be food stamps and welfare. That is what it is going to be, if they do not have a little allotment or the production on their allotment. That is the only other answer. That is the only other alternative.

Mr. CONYERS. May I suggest to the distinguished chairman of the committee that maybe then this responsibility of creating alternatives might be one that the Members of Congress might want to consider. Maybe the tobacco industry does not give a rat what happens to these farmers who need this continued support.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I would just like to clarify a point.

The gentleman indicated in his questions that he was concerned about the number of people smoking. I think the accurate answer—I would like some clarification from the committee—I think it is right that there are probably more people who are smoking, but there are also more people and the percentage of the total population in the United States that is in fact smoking has been reduced.

Mr. ROSE. If the gentleman will yield, that is possibly right. I do not argue with that. I am just saying as long as it is legal to smoke cigarettes, I want my farmers to get top dollar. Was the gentleman talking about taxes a minute ago?

Mr. EDGAR. I want to congratulate the gentleman for asking the question about research and technology. I raised that a little bit earlier and I think that is an important issue that has to be raised.

Mr. SHAMANSKY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. SHAMANSKY. I thank the gentleman for yielding.

Mr. Chairman, I would like to quote from Senator HATFIELD, from the CONGRESSIONAL RECORD of September 17, 1981——

The CHAIRMAN. The Chair will advise the gentleman from Ohio (Mr. SHAMANSKY) that it is not in order to quote from the proceedings of the other body.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

I want to point out something, that I have listened very intensely today to the whole debate about the tobacco program. I have heard very few comments on exactly what this tobacco program is all about.

In my opinion, being a farmer myself, and I have been one all my life, I think I can speak pretty intelligently not about only this program but every program that I can remember since I was a little boy this high, running around with my father in the milk business.

I can tell the gentleman firsthand exactly what this program does. It brings about orderly marketing to a group of farmers in five States and part of many other States that they would otherwise not have.

This Congress is going to have to make a decision as to whether or not it wants to support a program that will bring about orderly marketing for a

group of farmers in five States and those other ones that grow tobacco also. I think that that is the point that we have really missed today.

I appreciate my colleague from Michigan yielding to me because it was also brought up, if I may comment on this, the fact that these farmers hold some monopoly for growing of tobacco.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has again expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 2 additional minutes.)

Mr. ALBOSTA. If the gentleman will continue to yield, these farmers have to go to those people that they buy their supplies from and ask them, "How much do I have to pay for that supply?" They turn around and go to the auction sale and ask them at the auction sale, "How much will you give me?"

Is there any other business in this country or any other country that operates that way?

The answer has to be, "no." And so the point has to be during this whole farm bill as to whether or not we will assist, not have a giveaway program, this is not a giveaway program, this is simply a loan program—whether or not we will assist our farmers in this country to orderly market their commodities.

Mr. CONYERS. I thank the gentleman for his comments.

I close with a final question to the manager of the bill and a dear friend of mine, the gentleman from North Carolina.

I know there is no affirmative action provision in the measure. Does anyone have any idea how many minority tobacco farmers there may be and how many minority allotment holders that there might exist in the Nation?

Mr. ROSE. Yes. I went over those figures with our colleague from Maryland (Mr. MITCHELL) when he spoke against this amendment earlier.

In the State of North Carolina there are 9,300 farms operated by blacks. And 4,100 of those farms have tobacco allotments on them. In the State of Virginia, 1,700 black tobacco farms, out of some 3,000 total black farms. The percentages are very high. And they are not tenants. These are ownership situations, I would say to my colleague.

Mr. CONYERS. I am happy to see an affirmative action program apparently working with or without EEOC. This is an incredible state of affairs in at least five States and I commend my colleague for this valuable information.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Federal tobacco price support system has provided a stable income to many owners of small farms for the last 48 years.

This program is extremely complex, and any efforts to change it without a full understanding of the ramifications of such changes could be extremely harmful to many of the families who make up the backbone of America's farm community.

The committee system exists to insure that issues considered by the House receive more thorough study than can be given to them in the short time allowed during floor debate. The Agriculture Committee has spent a great deal of time examining the wide range of issues that are traditionally included in omnibus farm legislation, and has proposed a series of well-thought-out changes to many of our current agricultural programs.

The committee has not considered the tobacco program, since this program is established under legislation separate from omnibus farm legislation. To make sweeping changes on the House floor would deny the American public, the tobacco industry, and farm interests the right to express their views on what changes are necessary and prudent. I ask my colleagues to defeat this amendment, and if we believe changes are necessary, then let us make these changes after thoughtful rather than hasty consideration.

□ 1400

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

We have had a rather extensive and lengthy debate on this amendment. I think it is very worthwhile. I had intended to speak earlier on the amendment, because I felt there would be far too many Members who would simply take the position: "Don't confuse me with the facts, my mind is made up."

I say that because in any number of question and answer periods with what I thought were very intelligent people. I found they had no idea how this program actually worked. So I say again, I think the debate we have had has been very enlightening.

I do not know much about tobacco. Shucks, I come from an area where we raise corn and soybeans, feed cattle and raise pigs. That is the farming community out my way.

I know that the grain price support program over a period of time in the past has cost untold billions of dollars.

I also know that it has also served us in a different way than the one the gentleman from Michigan so ably pointed out for tobacco which is an orderly marketing mechanism.

So for that reason I have to rise in opposition to the amendment. The tobacco program was not included in the legislation initially before us because the committee in its wisdom and in my judgment found no need to recommend changes at this particular time. Neither does the administration support any changes in the operation of the program currently.

Why then did the Committee on Agriculture and the administration oppose the amendment? Why do we do that? I think there is good and sufficient reason.

The tobacco support program is an important part of our economy. We have been told any number of times here that more than 200,000 farms in this country produce tobacco and thousands more farm families depend on tobacco for most of their income.

When we talk about preserving the family farm as we have done so many times over a period of time, I will tell you, if you are talking about really small farmers, they do not get any smaller, than these.

I remember in my earlier days in this Congress when I had arguments with Mr. Cooley from North Carolina, the chairman of the Agriculture Committee at that time. I jokingly likened the tobacco allotment of those small farmers to having no bigger plot than square foot dimensions of the ceiling of this Chamber.

We are really talking about very, very small farmers. This type farmer supports his family on an average of four acres and spends 800 hours a year harvesting just one acre of tobacco. This endeavor requires the labor of not only his family members, and during harvest it requires hired help, which reduces the critically high unemployment that exists in many of those rural areas where tobacco is grown.

While utilizing less than one percent of the nation's cropland, tobacco accounts for approximately $3 billion of total crop sales annually.

Something must also be said about tax receipts from the tobacco industry, at a time when people are searching for new and enhanced revenue sources around here. Where are we going to finance the Government? Well, more than $6 billion is collected annually by Federal, State and local governments from the sale of tobacco products alone, not to mention corporate and personal income taxes. Few other commodities can boast such revenue contributions to the Federal Government that are used to provide services vital to our communities.

But the most important thing to keep in mind is the program's cost currently. I hope everyone understands that there are no direct Government payments to tobacco producers, as has been the case even out my way, to pay to not grow a crop over a period of time, a philosophy that is completely alien to this Member.

So I am happy to speak in opposition to the amendment.

The tobacco support program is based on a loan, not a subsidy, and it is repaid with interest at rates comparable to the cost of money paid by the Government.

Admittedly, earlier on that was not the case, but we have corrected it in recent times, so I applaud those corrections that have been made

In fact, the program has one of the best repayment records of all commodity programs. You have heard the figures here of the $5 billion loaned out over the entire length of the program. Cumulative losses, in my judgment, are minuscule compared to those of other crops and commodities, some of which are grown and have been grown historically in my own district.

I think, too, the House should bear in mind that the tobacco program is the least expensive farm program we have now.

In addition, bear in mind that under our reconciliation bill earlier this year, tobacco producers are required to even pay for the full cost of grading and inspection services that traditionally have been borne by the Department of Agriculture. You ask that same question on some of the other commodities and see what kind of an answer you get.

Finally, I would like to remind the House that tobacco is not only a southern crop. It is grown in 22 of our 50 States, as far north as Connecticut and Wisconsin and as far west as Kansas. Elimination of the price support program would have far-reaching ramifications, ramifications that cannot be determined here. The economies of the States where tobacco is a major crop, as has been alluded to here, would be devastated by the sudden disappearance of the program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. FOLEY and by unanimous consent, Mr. MICHEL was allowed to proceed for 4 additional minutes.)

Mr. MICHEL. Mr. Chairman, I thank the gentleman for this additional time.

May I just simply sum up here that I do not think that there is any good purpose to be served here by attempting to eliminate the program at this juncture. As has been said here earlier we are not going to eliminate the public health hazard by what we do here one way or another today. I do not smoke, and I never have. We have seven children who never got stuck on the weed and I am grateful for that; but this is not the legislation that will in any way alter people's smoking habits. Shucks, you have people who are smoking things a lot stronger than tobacco these days and we have been unable to do anything about that, as injurious as it is. People are going to consume alcoholic beverages and we are not going to stop that. The people are going to continue to do dangerous things to their own lives because that is their personal choice. We are not addressing ourselves to that here.

It is, simply, an orderly marketing program for this very vital commodity. I can rise in good conscience in opposition to the amendment and urge my colleagues to vote it down.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my good friend, the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I want to compliment the gentleman in the well. This is not an issue on which there is a partisan division. The gentleman is a distinguished Republican leader of the House. The leadership on this side is opposing this amendment as well. We feel very strongly for the reason that the gentleman and others have stated that the truth of this program is that it does provide more assistance to small farmers and it does not provide any assistance or inducement to smoking. That health issue is a completely fraudulent issue.

The gentleman has stated it in an articulate and persuasive way that over the years this program has been the least costly of all the agricultural programs we have ever engaged in. It is important to hundreds of thousands of producers. It will not in any way induce or contribute to any health problem in the United States.

I urge on behalf of our side that all Members who can be so persuaded vote against this amendment.

Again I congratulate the gentleman in the well for his statement.

Mr. MICHEL. I thank the gentleman.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from North Carolina, who has educated me over a period of years on a variety of subjects, not the least of which is one of his favorites being debated here.

Mr. FOUNTAIN. Mr. Chairman, I thank the gentleman from Illinois for his compliment. I just want to thank the gentleman for his fine contribution and his bipartisan approach. The gentleman was a member of my subcommittee many years ago. My subcommittee seems to have done a lot for Republicans. The distinguished speaker in the well is now the minority leader, and a very capable one. Senator BOB DOLE was on my subcommittee before he went to the Senate. Senator KASTEN, a former member of my subcommittee, is also in the Senate. It seems I have played a part in helping others, but somehow I am still chairman of the Subcommittee on Intergovernmental Relations and Human Resources. However, I like my job.

But I do want to thank the gentleman for his contribution and particularly his opposition to the pending amendment, which bankrupted a large segment of my State, and destroyed the means of livelihood of thousands of my constituents. I do hope that many of his Republican colleagues will follow him. Anyway, as a long time friend, the gentleman with whom I have worked on other matters, I again thank him for his help.

Mr. MICHEL. Well, I thank the gentleman. I hope our Members in sufficient numbers will vote against the amendment.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I got a call before the debate today from a North Carolina tobacco farmer who had some interesting observations to make about this tobacco program that we have been debating here today. He said it was absolutely wrong for the Government to stop people from going to the marketplace.

He complained that the allotments are not controlled by the tobacco farmers, but by the allotment holders, and there is a distinction there.

He said Congress should do away with the program.

So I rise in support of the amendment and I do so knowing that many of my friends on the other side of this issue have expressed concern to me and to others about protecting the small tobacco farmer.

They would have us believe that eliminating the allotment system will hurt the small farmer. But the tobacco program does not work to benefit the small farmer; rather it works to benefit the tobacco allotment holder, often absentee landlords who years ago were lucky enough to buy or to inherit a tobacco allotment.

If there is one word that can best describe the tobacco program, that word is "feudalism."

Franklin Roosevelt once described those who expected the Government to support their privileges as economic royalists. That phrase is certainly pertinent to today's debate.

It is economic royalists who control the allotments and who reap the benefits of this program.

It is economic royalists who collect the monopoly profits and tell tobacco farmers where and when they can plant tobacco.

Now, the U.S. Government's latest agriculture census has some interesting figures so far as North Carolina and the tobacco growers and allotment holders in that State are concerned. The U.S. Agriculture Department figures, according to the last agriculture census that we could determine, indicate that in North Carolina there are 116,000 tobacco allotment holders. There are approximately 34,000 farmers of tobacco. That means there are

at least 82,000 people who are getting money by renting those allotments who are not doing any of the work.

So if you are looking for a place to invest your money, tobacco allotments offer a high return and numerous tax advantages. That is why most allotment holders would rather sit home and count their profits, rather than sweating it out down on the farm.

My friends who oppose the amendment would have us believe that eliminating the allotment system would destroy the small farmer. On the contrary, it would create more opportunity for the small farmers.

Again, the Agriculture Department in a study that was done just a few years ago indicates that total income for the tobacco farmers of the United States if this Government program were done away with would go up $75 million. Sure, there would be less money for the allotment holders. Their income would go down about roughly we figure about a billion dollars in the United States, but the income for the farmers who grow tobacco across the board would be up about $75 million according to this particular study.

You have only to look as far as Pennsylvania and Maryland where specialized types of tobacco by a vote of the farmers themselves have been completely deregulated. We heard some talk earlier about the problems that people might have in Maryland from a Representative from Maryland. I would submit that his tobacco farmers in that State are not subject to the allotment system that we are dealing with here today.

What will happen to the small farmers under deregulation? First, they will be able to grow tobacco anywhere they want on land rented at competitive rates. The profits for growing tobacco will go to the farmers, not the allotment holders or landlords.

Second, small farmers will be able to rationalize their operations and achieve greater efficiency.

Third, eliminating the monopoly rents will bring production costs down by one-third.

Fourth, the lower prices from reduced production costs will enable tobacco farmers to sell a larger amount on the export market. In fact, if lower domestic prices enabled us to recapture just one-half of the ground we have lost in world tobacco markets, we could increase our total domestic production by 25 percent.

Beyond the indirect subsidy from monopoly rents, there are other subsidies, including subsidies for administrative costs, loan subsidies and potential losses which are quite large on currently stored tobacco.

In a time of severe budget cuts in all areas, we should not let tobacco go untouched.

This feudalistic tobacco subsidy program clearly is not working and it is hurting our country's position on the world export markets, resulting in a huge subsidy not from the taxpayers to the Government and then out to the tobacco growers, but rather a subsidy from the purchasers of tobacco products as the result of Government regulations to the allotment holders, a transfer in our economy in the neighborhood of a billion dollars. If we are going to transfer that kind of money I submit with our budget constraints here in Washington we ought to transfer that through raising the tobacco tax from the consumer to the Federal Treasury where it can do some good for everyone.

□ 1415

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have been growing tobacco in this country since the first settlement at Jamestown, and we are going to continue to grow it maybe for the next several hundred years.

The allotment program has been attacked today on the basis that we have arbitrary allotments. This is not true. Allotments are based on the history of the farm. In the depression days, the allotments were based on the number of acres a farmer grew during that period. I do not think any of us want to deprive a farmer of the little clout in the bargaining place in the market. I do not know of any labor organization that is against collective bargaining. And this in some sense of the word is very similar. The allotment program represents the voluntary and organized action of thousands of small growers.

It has been mentioned that this program, the tobacco price support, gives the farmer a minimum wage. In reality, that is everything and all the price support program does.

Now, in my district I have some 22,000 little farmers who grow less than an acre of tobacco. They have other small incomes along with the tobacco, maybe 12 or 13 cows, raise some pigs, maybe a few sheep. But their chief income is from their tobacco. And if we knock the price support out from under the tobacco, we are going to bankrupt these little farmers that have hundreds of millions of dollars worth of loans from PCA, Farmers Home Administration, the banks, and we are going to drive them into the cities. Unemployment compensation—yes and more

But I do not believe when we think through a sound program, as this program has been for the past 40 years, that we want to destroy it. It has been a good program that has been almost cost-free to our Government. Under all estimates, it has never cost more than $60 million over the entire 40 years of its operation. No other commodity can come within that category anywhere.

The Secretary sets the price support—about 65 percent of parity, maybe on burley this year $1.60 or a little better, maybe on Flue-cured a little more. The associations, the local associations of growers have already contracted with Commodity Credit for loans which if advanced will be repaid with interest. And this is no subsidy program by any means. If anything, we are subsidizing the Government because of the tremendous taxes, $6,000,000,000 a year that are paid by tobacco users. Moreover the cooperatives only have to advance payments to these farmers in the case where the farmer does not receive the support price for his tobacco. In many cases we have some setbacks, the tobacco is not cured in the proper manner or something, and the graders do not grade it up to the support price level.

I think these loans which have stabilized the tobacco program, no one should think about depriving the farmers, the small farmers.

I want to say something about the so-called economic royalists that the gentleman from Wisconsin (Mr. PETRI) referred to. This is a deomcratic program. The farmers vote on it. I do not know of any landlord-tenant relationship where you could describe the situation as economic royalist. I think it is the most democratic program that we have in existence insofar as our farm program is concerned today, costing the Federal Government very little—only a small administrative cost involved.

Anyone who wants to grow tobacco is not foreclosed. Some extra acreage is made by the Department of Agriculture, allocated through the Agricultural Stabilization Committees.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DAN DANIEL and by unanimous consent, Mr. PERKINS was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, those extra allotments are allocated to new farmers. But I have never heard a complaint from any farmers that wanted to grow tobacco that did not have that opportunity.

The tobacco farmers that we are defending today have a family history of growing tobacco maybe for 100 or 150 years. If other people want to grow tobacco, I am sure that through this program there will be some acreage allotted to them, extra acreage.

So let us vote down the gentleman's amendment as unsound. It would be destructive to our tobacco program and bankrupt hundreds of thousands of little farmers today, something that we just do not want to happen.

I think the price support, a minimum wage for these farmers, is rea-

sonable, and everybody can live with it, and all the money is paid back to the Government. On this point I submit for the RECORD a communication from John M. Berry and a table to which that letter refers:

BERRY & FLOYD,
ATTORNEYS AT LAW,
New Castle, Ky., February 26, 1981.

Hon. CARL PERKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: Newspaper reporters, columnist and editors persist in the practice of referring to the tobacco programs as a subsidy. Burley Tobacco Growers Cooperative Association, P.O. Box 860, Lexington, Kentucky, has administered the price support program for forty (40) crops of Burley tobacco in the states of Kentucky, West Virginia, Ohio, Indiana and Missouri. The enclosed statement of its operations for the 1940-1979 crops may be useful to you in refuting the charges.

Excluding the profits on the 1975, 1976, 1977, 1978 and 1979 crops which have been sold but not finally settled for, this Association from its operations has distributed to its members $16,486,000.00. On the 1975 and 1976 crops, the Association will distribute to its members the first week in June, 1981, in excess of $7,000,000.00 and in 1982, it will distribute on the 1977, 1978 and 1979 crops an additional $7,000,000.00. The overall result is that the total gains distributed, and to be distributed, will exceed $26,000,000.00.

When we started this program on January, 1, 1941, income-tax-paying farmers were few, if any at all. Since then (1940), and to the credit of the program, tobacco farmers have paid millions upon millions of dollars in income taxes.

Very truly yours,

JOHN M. BERRY.

Enclosure.

BURLEY TOBACCO GROWERS COOPERATIVE ASSOCIATION LEXINGTON, KY.—STATEMENT OF OPERATIONS COVERING ALL CROPS HANDLED (1940-79) AS OF OCT. 31, 1980

[Dollars in thousands]

Crop year	Pounds received in thousands	Redried pounds in thousands	Yield in percent	Advances made	Handling costs	Administrative costs	Interest paid or accrued	Insurance paid	Research and promotion	Total costs	Sales receipts	Total receipts	Gross earnings or loss
1940	26,224	23,267	89.43	$3,783	$448	$101	$93	$15	.....	$4,440	$4,992	$4,992	+$552
1941	5,950	5,292	91.07	885	106	50	22	4	.....	1,067	1,271	1,271	+204
1945	16,351	13,628	89.65	4,882	437	79	190	32	.....	5,620	5,971	5,987	+367
1946	113,899	101,908	91.01	33,559	4,224	288	2,102	168	.....	40,341	41,296	41,396	+1,055
1947	28,058	25,087	90.88	13,126	991	150	717	56	$36	15,076	15,379	15,424	+348
1948	81,038	71,858	89.65	34,476	3,037	144	2,174	161	50	40,042	41,599	41,713	+1,671
1949	28,223	24,980	90.01	10,491	1,061	162	404	47	18	12,183	13,046	13,080	+897
1950	31,155	27,527	90.42	12,415	1,455	178	827	63	19	14,957	15,108	15,158	+201
1951	88,756	78,232	89.62	40,815	4,394	346	5,099	323	36	51,013	49,662	49,737	−1,276
1952	80,467	71,831	90.44	28,204	3,891	317	2,804	168	74	35,458	35,988	36,078	+620
1953	82,892	74,627	91.39	38,670	4,263	337	5,758	333	82	49,443	46,191	46,277	−3,166
1954	165,261	148,682	90.93	88,334	8,604	765	11,639	711	147	110,200	111,289	111,395	+1,195
1955	56,450	50,819	91.66	35,631	2,918	366	4,521	272	99	43,807	43,002	43,050	−757
1956	3,817	3,153	91.63	2,308	286	129	200	16	10	2,949	2,849	2,856	−93
1957	13,608	12,063	90.12	8,407	872	208	1,090	58	11	10,646	10,382	10,393	−253
1958	9,625	8,236	89.94	6,456	588	161	655	39	6	7,905	7,546	7,555	−350
1959	11,055	9,770	90.09	6,600	690	248	786	36	15	8,375	8,202	8,213	−162
1960	7,871	7,035	91.19	5,031	517	202	620	26	8	6,404	6,327	6,335	−69
1961	8,344	7,327	88.90	5,522	531	175	555	20	78	6,881	6,677	6,755	−126
1962	55,144	48,519	89.27	30,017	3,560	304	4,957	127	.....	38,965	37,937	38,068	−897
1963	174,449	154,817	90.19	99,238	11,506	711	15,938	283	.....	127,676	128,158	128,524	+848
1964	97,676	87,473	90.61	57,802	6,917	585	12,199	419	.....	77,922	77,864	78,087	+165
1965	36,649	32,439	90.42	25,018	2,661	291	5,741	17	.....	33,728	33,530	33,700	−28
1966	59,288	51,414	88.23	41,183	4,103	336	7,448	.....	.....	53,070	52,550	52,792	−278
1967	57,133	50,347	89.30	42,293	4,410	507	8,275	283	.....	55,768	55,787	56,077	+309
1968	48,207	42,165	89.49	36,209	3,907	397	6,701	229	.....	47,443	48,074	48,467	+1,024
1969	132,087	114,769	89.34	96,274	10,654	964	12,971	444	.....	121,307	128,589	129,594	+8,287
1970	43,435	37,870	89.08	32,129	3,708	364	3,519	120	.....	39,840	42,479	42,869	+3,029
1971	173	56	90.64	131	95	84	30	.....	.....	340	151	152	−188
1972	18,744	15,754	84.13	14,879	1,986	160	1,048	36	.....	18,109	19,769	19,863	+1,754
1973	365	292	81.56	287	68	1	29	1	.....	386	400	400	+14
1974	2,267	1,790	81.44	1,624	325	23	348	.....	.....	2,320	2,704	2,745	+425
1975	31,658	26,566	84.01	27,920	4,306	465	4,415	.....	.....	37,106	41,666	41,666	+4,560
1976	36,308	30,242	83.27	40,323	5,083	489	6,729	.....	.....	52,624	53,391	55,578	+2,954
1977 [1]	37,005	30,316	81.80	42,778	5,342	405	5,415	.....	.....	53,940	53,656	56,829	+2,889
1978 [1]	54,776	44,599	81.49	71,742	7,893	428	9,156	.....	.....	89,219	93,695	93,695	+4,476
1979 [1]	6,888	5,524	80.26	9,698	1,111	158	676	.....	.....	11,643	12,548	12,548	+905
Total	1,751,296	1,540,274	.....	1,049,140	116,948	11,078	145,851	4,507	689	1,328,213	1,349,725	1,359,319	+31,106

[1] These crops have been completely sold out but the tobacco is still in storage and final billing has not been made. Therefore, to the amount of sales receipts is added the current base sales price of this tobacco. Also on these crops, the profit or loss anticipated is based on these current sales prices. From the 1952 crop one-half of the overplus amounting to $310,219.82 was applied to loss on 1951 crop. From the 1954 crop one-half of the overplus amounting to $620,293.41 was sent to CCC to apply on losses. From the 1963 crop one-half of the overplus amounting to $424,041.60 was sent to CCC to apply on the 1951 crop loss. From the 1964 crop one-half of the overplus amounting to $78,530.10 was sent to CCC to apply on prior crop year losses. From the 1967 crop one-half of the overplus amounting to $154,505.52 was sent to CCC to apply on prior crop year losses. From the 1968 crop one-half of the overplus amounting to $512,045.59 was sent to CCC to apply on prior crop year losses. The application of the overplus has reduced the overall interest loss to $4,150,000.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment offered by the gentleman from Ohio (Mr. SHAMANSKY) and I would eliminate our feudalistic tobacco allotment system, which requires producers of tobacco to own or to rent an assigned acreage allotment before planting and raising their crops. In addition, this amendment would remove the Commodity Credit Corporation's participation from the loan program for tobacco.

Even though the tobacco program is not what we would normally classify as a subsidy, I believe that any time a person receives a reduced interest rate or a direct payment to grow any commodity it can, indeed, be classified a subsidy. For example, the tobacco loan program has cost the American taxpayers $57 million in direct losses since its inception, and over $600 million in interest subsidies, not to mention other costs, including research, grading, marketing, and inspection.

The artificial price supports associated with this highly controlled program have made American tobacco less and less competitive in the world market. Tobacco imports into the United States have increased over 300 percent in the last few years, while our share of the world tobacco market has dropped from 60 percent in the late 1950's to 28 percent today. In addition, the American cigarette in 1965 contained 11 percent imported tobacco but by 1981 a full 30 percent of our cigarette blend is now of foreign origin. As you can see, the artificial Government regulations controlling tobacco production are gradually and effectively closing out the world tobacco market to the American producers.

Mr. Chairman, as of August 31 of this year, 567 million pounds of tobacco, with an estimated cash value of $786 million, are in storage in tobacco cooperative warehouses.

Even though this amount of storage is not out of line with historical precedent, it has become a concern of the U.S. Department of Agriculture. Why? Because an increasing amount of this tobacco is of low quality and difficult to sell, here or overseas, by virtue of its high costs. These high costs, which therefore require a high selling price, are created by the artificially high price supports given to tobacco producers, that are guaranteed and of no risk.

Mr. Chairman, the Department of Agriculture recently testified before the International Trade Commission that even if tobacco imports into the United States are restricted, it will still be very difficult to sell the increasing quantity of low-quality tobacco stocks now in storage. They stated in their testimony that they anticipate a loss in 1982 and 1983 of between 93 million and 122 million dollars' worth of tobacco now in storage.

It is difficult to decrease production and warehouse accumulation of lower quality tobacco that may ultimately be lost by spoilage because the prices of low-quality and high-quality tobacco are inseparably linked in this federally mandated, outdated, and archaic price support system.

Mr. Chairman, is it not time that we begin to change a system that provides allotments, nonrecourse loans, and artificially high prices to produce a product that causes 250,000 deaths per year in the United States and causes this country an estimated economic loss each year from illness and death of up to $18 billion?

Mr. Chairman, for these reasons and several others, I believe that it is time to deregulate the tobacco industry. Let us get the Government out of the tobacco business. We can do this by supporting this amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from North Carolina.

Mr. ANDREWS. Mr. Chairman, if the gentleman is conceding that the program might be good for those who farm but not good for those who hold an allotment and do not farm, may I respectfully inquire why the gentleman does not offer an amendment to do away with that, rather than to kill the entire program for all people, those whom it helps as well as those otherwise?

Mr. PRITCHARD. That is an excellent question and I intend to address that very question with the rest of my remarks.

First of all, let us remember where this bill is going to go. It is going to go to conference committee. And the gentleman from North Carolina in the other body is the chairman of the Senate delegation.

The CHAIRMAN. The Chair will advise the gentleman that reference to a particular Member of the other body is not in order.

Mr. PRITCHARD. I did not call him by name.

That is right; there is only one chairman.

Well, you know we are going to conference, and we will be going to conference with the members of the Senate Agriculture Committee and the House members from the Agriculture Committee. Everyone knows if we strike down tobacco today, there is a very small chance that this program will be stricken, because somewhere in the conference committee it is going to arise. Now you know that and I know that.

But the question is: We better take a pretty strong stand here in the House if we are going to make any change in this program; any change at all is going to take a strong stand by the House. And I think that is an absolute fact.

Now, what kind of a change do we want? Well, if we do not take this strong stand, we will not get any change. It is known that people promised, and the gentleman referred to my friend Jim Johnson. There was talk then that the committee would devise and structure some new approaches to this allocation program. But nothing has been done, and in my opinion nothing will be done until this House takes a stand. When we take a stand, then, in the conference committee the members from the tobacco States and the members from the Agriculture Committee will back up and come in with some reasonable program.

I think many of us are not opposed to helping tobacco farmers. But I think we are very tired of having allocation holders receive large amounts of money for land that they could not get if they were selling for any other product, soybeans, corn, you name it. One cannot get the rents that one gets if one is renting for tobacco. It is like owning one of those allocations for a taxi in New York.

So what we are saying today is: This House is going to have to take a strong stand.

Mr. Chairman, I have heard the arguments in the House here, inside the Chamber. I have also heard the arguments outside the Chamber. Our leadership is saying, "For heaven's sake, do not get on that program; it will hurt Republican candidates in the South." And then I hear on the other side of the aisle, "Do not support this program, do not support this amendment, do not do it, because if you support this amendment it is going to hurt candidates on the other side of the aisle."

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. Will you get me more time?

Mr. ROGERS. Yes; I will.

Mr. PRITCHARD. All right. I will yield to the gentleman.

Mr. ROGERS. Mr. Chairman, the gentleman mentioned the taxi permits in New York. Is that not exactly like that situation?

Mr. PRITCHARD. Dead wrong.

Mr. ROGERS. Suppose there were no limits on the taxi permits in New York City and everyone could drive a taxi. What kind of chaos would you have in New York City?

Mr. PRITCHARD. We would be back to the old free enterprise system, and that seems to be fundamental here. What you do is have a limit on the number, and that makes the number very valuable, and that raises the price.

Mr. ROGERS. Mr. Chairman, will the gentleman yield further?

Mr. PRITCHARD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, does not one have to pay for a taxi permit in New York City, or are they given to certain people and passed on to relatives generation after generation?

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I take taxis in New York. I can tell the gentleman what is going on. One cannot get a taxi because the taxi medallion is now worth $55,000 and they only paid $1.25 for it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PRITCHARD was allowed to proceed for 3 additional minutes.)

Mr. PRITCHARD. The administration has come in opposing our position, and they came in with a very squishy statement; let us label it exactly what it was. The gentleman from Virginia read it. If it is read carefully, it is mealymouthed, because I do not believe that is where their heart is.

But as the Members know, there are a lot of reasons why this amendment that we are offering should be turned down. Somebody said it has to be done in committee. For heaven's sake, a change will never be made in the tobacco subsidy program and allocation program in the Agriculture Committee until they are faced with the proposition that, with the way it is today, it is going to go down the drain and they have to make a change.

I will yield to the gentleman from Washington if he wants to speak.

Mr. FOLEY. Mr. Chairman, I was not seeking to have the gentleman yield. I just wanted to say later on there will be a taxi allotment offered to the final section of the bill.

Mr. PRITCHARD. Mr. Chairman, I would urge the Members today to take a strong stand. If we knocked out peanuts and we knocked out sugar, how in the world can we justify turning around and continuing the tobacco program?

We have a little bit of an out, because when this goes to conference, they are going to back up a long way. If we do not stand tough today, we will not have any change at all. I urge you to support this amendment.

Mr. GOLDWATER. Mr. Chairman, I intend to vote for this amendment which will eliminate the tobacco allot-

ment and loan programs. These tobacco programs are a classic example of massive Government intrusion into the marketplace. Such interference has created a feudalistic land ownership system, sustains artificially high tobacco prices, has undermined our farmers' ability to compete with foreign producers, and forces the taxpayer to subsidize the tobacco industry. This amendment deregulates the tobacco trade, and returns tobacco to a free market economy. It will prevent the Federal Government from endowing the few at the expense of the many. Tobacco is hardly a poor cash crop; it will flourish in the free market system.

There are two Federal policies designed to maintain artificially high tobacco prices: Price support programs and acreage allotments.

After tobacco is graded for type and quality, which establishes the per pound support price, most of today's tobacco is sold at warehouse auctions. To be eligible for price supports, tobacco growers accept acreage and poundage allotments annually established by the U.S. Department of Agriculture. The tobacco must bring at least 1 cent per pound above the support price, or the grower is eligible for a Government loan equal to the support price. He uses his tobacco as collateral. If the tobacco is sold at a higher price than the loan's cost, the Government loan is paid back, and the grower makes a profit. If however, the selling price is less than the cost of the loan, guess who gets struck with the loan? You and me. By subsidizing the tobacco farmer, we are guaranteeing him a profit. The Government must sell the tobacco crop to recoup our losses. Warehouses are currently storing 630 million pounds of tobacco. Most of this tobacco is of a low-grade quality which will be difficult to sell. The Government, meaning you and I, could wind up losing $123 million.

Twenty of the twenty-four varieties of tobacco qualify for support programs. There have been $5.5 billion in tobacco loans since the Government program began in 1933. From the letters I have received, the taxpayer does not want to pay farmers to grow tobacco. While one Federal agency spends $14 million administering tobacco support programs, another is spending $2.5 million telling us we are crazy to smoke.

Besides getting the Government out of the tobacco business, this amendment will help lower a tobacco farmer's production costs. Since there are limited tobacco allotments, owners can charge as much as $1,000 per acre to leasees. This is quite profitable for those fortunate enough to own acreage allotments. In fact, only about 16 percent of those who farm tobacco own their land. These acreage allotments were determined way back in the early 1930's. If the crop was corn, for example, land rent would be in the neighborhood of $60. Eliminating the monopolistic allotment system will lower land costs and give the farmer a fighting chance to receive a fair return for his investment. Stopping the allotment program will also allow all farmers an equal opportunity to grow tobacco. Currently, only those who have historically received allotments may grow tobacco. Why should anyone be prevented from growing the crop of his choice? Why should a grower in Kentucky be allowed to grow tobacco, but a California farmer cannot?

With the amendment's passage, we will help U.S. tobacco growers become internationally competitive. Artificially high tobacco prices have made American tobacco less competitive with foreign producers. While imports have increased over 300 percent in 15 years, America's share of the international market has decreased from 60 percent in the 1950's to 28 percent today.

Can tobacco growers make it without Government assistance? You bet they can. In Maryland, tobacco has been deregulated for 25 years. Maryland producers are doing quite well. Tobacco is Maryland's third largest crop, grossing over $30 million. During Tobacco Subcommittee hearings earlier this year, the Maryland secretary of agriculture, said:

> The viability of our tobacco production can be clearly documented and, while not exceptionally large when compared with other States, it does provide a fair rate of return for our farmers.

The Maryland State comptroller also testified. He stated:

> Maryland tobacco growers don't want production allotments and price supports. They have consistently rejected them, saving the Federal government time and money.

The Government's tobacco programs determine the price for tobacco, establish which acres will be planted in tobacco, limits the number of farmers who grow tobacco, restricts those who do, and costs the taxpayer too much money.

I urge the passage of this amendment.

● Mr. AuCOIN. Mr. Chairman, I strongly support this amendment to eliminate tobacco subsidies and I urge my colleagues to do the same.

Tobacco subsidies are a giveaway program and in this budget-cutting climate, as all fiscal conservatives in this House know, we cannot have any giveaway programs.

The cost of the tobacco program is tremendous. The figures cited by the administration that the program has cost only $56 million since its beginning is misleading. Studies by the Commodity Credit Corporation indicate that since the mid-1950's the tobacco program has cost taxpayers more than one-half billion dollars when one takes into account the interest the CCC pays to the Treasury for the money it borrows to lend farmers.

Price supports have also created huge surplus stocks. Cost estimates show that the program has been estimated for next year to cost over $100 million. The Government has 630 million pounds of tobacco in storage currently at a value of $1 billion.

The absurd irony is that the Federal Government subsidizes the tobacco industry and at the same time is cutting back on health care programs. The Surgeon's General report in 1979 said that smoking accounts for an estimated $5 to $8 billion in health care expenses, not to mention the cost of loss in productivity, wages, and absenteeism caused by smoking related to illnesses; an annual cost estimated at $12 to $18 billion.,

Mr. Speaker, this is the Reagan era. This is the much ballyhooed era of "getting Government off our backs" and "weaning America away from big spending." In this spirit, so far this year Congress has slashed $36 billion from people programs—in some cases causing real injury. Congress has cut $1 billion from health care, $1.5 billion from child nutrition, $1.2 billion from aid to families with dependent children, and $1.7 billion from food stamps.

During the debate on all these cuts, several Members of Congress bravely mentioned the drastic need to cut the Federal budget. I would like to remind my colleagues of what they said then—inasmuch as they are being asked today to be consistent and apply the same budget-balancing principles to a powerful interest group.

Our gentleman from Missouri (Mr. COLEMAN) boldly noted during the earlier budget debate:

> The old saying "Don't cut you, don't cut me, cut the man behind the tree," is a statement of the past. Americans are willing to make individual sacrifices for the good of the country.

I ask my colleagues today: Why should not tobacco interests join in this spirit of noble sacrifice for the good of the country?

The gentleman from Indiana (Mr. COATS) stated in the debate on the Reagan budget resolution that—

> This Government cannot and should not continue to subsidize the middle class * * * we are simply saying that the Federal Government is broke—that we can no longer afford to pay for every possible program, even some desirable programs like school lunches, to the extent that we have done in the past * * *

I ask my colleagues today: Is tobacco use as desirable as school lunches?

The gentleman from Ohio (Mr. LATTA) said while leading the debate on the Republican budget resolution early this year:

> We are here today to carry out the mandate of the Congress and the will of the

people. We are not going to play any games. The President of the United States is not playing games with the American people.

I ask my colleagues today: Were they playing games with America when they said all spending had to be cut? Are they willing to play games with the health of the American people?

Finally, Mr. Chairman, I remember the words of the gentleman from Alabama (Mr. EDWARDS) when he made a key speech in support of the massive Reagan cuts. He said:

We are about to respond to the needs of the people of this country, crying to give us new directions, and it is going to hurt. We have heard horror stories all day * * * but we are at that point now where we somehow have got to get the narcotic needle out of the arm. You know that is painful. We know that we are going to have to struggle with it, and yet we know that it has got to be done.

Mr. Chairman, it is time to put up or shut up. It is easy to cut funds for the poor, the sick, and the aged. Now it is time for tobacco interest to "pull the needle out" of their arm. Now it is time to see if my fiscally conservative colleagues meant what they said about cutting spending—or whether those earlier votes mean that they simply do not like the poor, the sick, and the aged.●

● Mrs. SCHROEDER. Mr. Chairman, last week I was faced with a difficult vote. There are many sugar beet farmers in Colorado. The corporate headquarters for the Great Western Sugar Co. are located in Denver. By all rights I should have voted against the elimination of the sugar loan program. But I did not.

I voted for the Peyser-Heckler amendment because I could not justify asking the sugar consumers to transfer over $300 million from their pockets to 22 producer and processor firms in order to insure that each company realize over $13.6 million per year.

Nor could I support a program that would require the Federal Government to place greater pressures on the credit markets and interest rates by issuing $1 billion in additional debt.

Likewise, there are many reasons for supporting the elimination of the tobacco program. But I am not about to list them all. Instead I will ask three questions.

How can those in Congress who are truly committed to trimming Federal outlays, and have already acted to cut Federal aid to the most poorly fed, the most unsuitably housed, and the most lacking in hope, vote for continuing to support the growing of tobacco with Federal funds?

How can anyone with a sense of fairness vote for the Federal support of a feudalistic system that restricts tobacco-growing rights to a handful of allotment holders who take an average of a $1,000 cut off the top of the $3,000 that a tobacco farmer grosses from each acre of tobacco?

How can the Reagan administration, which has proposed the elimination of numerous Federal programs for the most disadvantaged in our society, preside over the Federal support for tobacco?

The choice is clear. Vote for bringing an end to an increasingly costly, inherently unfair, obviously inconsistent Federal program.●

● Mr. GREEN. Mr. Chairman, as a cosponsor of a bill to eliminate the Federal Government's subsidizing the tobacco industry, I rise in favor of the amendment offered by the gentleman from Ohio and commend his offering it. At a time when we are seeking cutbacks in so many areas, it would be inappropriate and unfair to overlook the agricultural industry as a possible source of savings. Certainly, tobacco production is one activity from which we can withdraw our support and reduce Federal expenditures substantially.

It is my feeling that our support of tobacco production—and of other crops as well—has been unjustified and unnecessary. The Government's regulating the amount of acreage which may be planted, and purchasing any surplus crop after commercial buyers have bought the amount they desire, is clearly an intrusion in the marketplace. Not only does such a policy unfairly increase profits for the producer, but it also does so at the expense of consumers with the use of their tax dollars to finance the program and through the inflated prices which are a result of the controlled supply of the product.

In addition, the tobacco subsidy is a subsidy of a product which poses a severe public health threat. No one can deny the inconsistency of the Government's support of a product the use of which it is trying to discourage through campaigns aimed at discouraging smoking and increasing the awareness of the importance of good health. I am pleased to support the gentleman's amendment and encourage my colleagues to do the same.●

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so only hopefully to close debate. I think everyone has had an opportunity to present his case, and I think we are ready to vote.

I just want to clear up some factors. I have heard the word "feudalism" so much this afternoon; Members are associating it solely with the farm sector, but remember, there are bank charters where about eight people get a charter to operate that First National Bank on Main Street, USA. That is a charter for a lifetime for that family and their children. There are television station charters, radio station charters, for themselves or their families, that sell for millions and millions of dollars from one owner to a prospective owner. The Government tells people where they can build or not build a port, where people can build or not build an airport.

So talking about feudalism and this program is completely extraneous to the subject, because there are more valuable enterprises the Government controls in the sector outside of agriculture.

Second, the average Flue-cured farm, for example, is 13½ acres. When you speak about all this bounty to people who sell or lease the allotment, we are talking of people who own a half acre, 1 acre, and this is the only income they have.

□ 1430

The large farmer of over 20 acres farms his own and the minority element in the South—and I have been there—they are small, black, and they may sell the allotment or farm it themselves.

Finally, I went to an auction. The Federal Government sends an inspector who grades the tobacco. The Federal Government grades the tobacco. That tells you almost how much you are going to get. Then, there is an auction and the price at the time that they bid it down, that is how much he is going to get for his crop on that day.

Now, whether one smokes or does not smoke, that is an individual prerogative in this country. The public policy has not been delineated. An individual in this country under our Constitution has the right to do or not to do; as a creature of God has the right to go to hell if he wants to—that is his choice.

So, I say vote no on the amendment, and Members will be helping all the people that need our help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SHAMANSKY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAMANSKY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 231, answered "present" 2, not voting 16, as follows:

[Roll No. 271]

AYES—184

Anderson	Brinkley	Collins (TX)
Applegate	Brodhead	Conable
Archer	Broomfield	Conte
Atkinson	Brown (CO)	Conyers
AuCoin	Byron	Corcoran
Badham	Carman	Coughlin
Barnes	Chappie	Courter
Bennett	Cheney	Coyne, James
Bereuter	Clausen	Coyne, William
Bethune	Clinger	Craig
Bonior	Coats	Crane, Daniel
Bonker	Collins (IL)	Crane, Philip

Crockett	Hyde	Pritchard
D'Amours	Jacobs	Pursell
Dannemeyer	Jeffries	Railsback
Daub	Kemp	Ratchford
Davis	Kildee	Regula
Deckard	Kramer	Reuss
DeNardis	LaFalce	Rinaldo
Derwinski	Lagomarsino	Ritter
Dornan	Lantos	Roth
Dougherty	Latta	Roukema
Downey	Leach	Russo
Dreier	LeBoutillier	Santini
Dunn	Lee	Savage
Early	Lehman	Sawyer
Eckart	Lent	Scheuer
Edgar	Long (MD)	Schneider
Edwards (AL)	Lowery (CA)	Schroeder
Edwards (OK)	Lungren	Schulze
Emery	Marriott	Schumer
Erdahl	Martin (IL)	Sensenbrenner
Erlenborn	Matsui	Shamansky
Ertel	McClory	Shaw
Evans (DE)	McCollum	Shumway
Fenwick	McHugh	Siljander
Ferraro	McKinney	Simon
Fiedler	Mikulski	Smith (AL)
Foglietta	Miller (CA)	Smith (NJ)
Forsythe	Minish	Snowe
Frank	Mitchell (NY)	St Germain
Frenzel	Moffett	Studds
Garcia	Molinari	Swift
Gejdenson	Moorhead	Tauke
Gibbons	Morrison	Vento
Gingrich	Mottl	Walgren
Goldwater	Murphy	Washington
Goodling	Nelligan	Waxman
Gradison	Nelson	Weaver
Gramm	Nowak	Weiss
Green	O'Brien	Whitehurst
Gregg	Oakar	Whittaker
Grisham	Oberstar	Williams (MT)
Guarini	Obey	Wirth
Hagedorn	Ottinger	Wolpe
Hall (OH)	Oxley	Wyden
Hansen (UT)	Patterson	Wylie
Heckler	Paul	Yates
Hiler	Pease	Yatron
Hollenbeck	Petri	Young (FL)
Horton	Peyser	
Hunter	Porter	

NOES—231

Addabbo	Coelho	Gray
Akaka	Coleman	Gunderson
Albosta	Daniel, Dan	Hall, Ralph
Alexander	Daniel, R. W.	Hall, Sam
Andrews	Danielson	Hamilton
Annunzio	Daschle	Hammerschmidt
Anthony	de la Garza	Hance
Ashbrook	Derrick	Hansen (ID)
Aspin	Dickinson	Harkin
Bafalis	Dingell	Hartnett
Bailey (MO)	Dixon	Hatcher
Bailey (PA)	Donnelly	Hawkins
Barnard	Dorgan	Hefner
Beard	Dowdy	Heftel
Bedell	Duncan	Hendon
Bellenson	Dwyer	Hightower
Benedict	Dymally	Hillis
Benjamin	Dyson	Holland
Bevill	Edwards (CA)	Holt
Biaggi	Emerson	Hopkins
Bingham	English	Howard
Blanchard	Evans (GA)	Hoyer
Bliley	Evans (IA)	Hubbard
Boggs	Evans (IN)	Huckaby
Boland	Fary	Hutto
Bolling	Fascell	Ireland
Boner	Fazio	Jeffords
Bouquard	Findley	Jenkins
Bowen	Fithian	Johnston
Breaux	Flippo	Jones (NC)
Brooks	Foley	Jones (OK)
Brown (CA)	Ford (MI)	Jones (TN)
Brown (OH)	Ford (TN)	Kastenmeier
Broyhill	Fountain	Kazen
Burgener	Fowler	Kindness
Burton, John	Frost	Kogovsek
Burton, Phillip	Fuqua	Leath
Butler	Gaydos	Leland
Campbell	Gephardt	Levitas
Carney	Ginn	Lewis
Chappell	Glickman	Livingston
Chisholm	Gonzalez	Loeffler
Clay	Gore	Long (LA)
Lott	Perkins	Stangeland
Lowry (WA)	Pickle	Stanton
Lujan	Price	Stark
Luken	Quillen	Staton
Madigan	Rahall	Stenholm
Markey	Rangel	Stokes
Marks	Rhodes	Stratton
Marlenee	Richmond	Stump
Martin (NC)	Roberts (KS)	Synar
Martin (NY)	Roberts (SD)	Tauzin
Mattox	Robinson	Taylor
Mavroules	Rodino	Thomas
Mazzoli	Roe	Traxler
McCurdy	Roemer	Trible
McEwen	Rogers	Udall
Mica	Rose	Vander Jagt
Michel	Rosenthal	Volkmer
Miller (OH)	Rostenkowski	Walker
Mineta	Roybal	Wampler
Mitchell (MD)	Sabo	Watkins
Moakley	Seiberling	Weber (MN)
Mollohan	Shannon	Weber (OH)
Montgomery	Sharp	White
Moore	Shelby	Whitley
Murtha	Shuster	Whitten
Myers	Skeen	Wilson
Napier	Skelton	Winn
Natcher	Smith (IA)	Wolf
Neal	Smith (NE)	Wortley
Nichols	Smith (OR)	Wright
Panetta	Smith (PA)	Young (AK)
Parris	Snyder	Young (MO)
Pashayan	Solarz	Zablocki
Patman	Spence	Zeferetti

ANSWERED "PRESENT"—2

Hughes	Rousselot

NOT VOTING—16

Dellums	Hertel	Pepper
Dicks	Lundine	Rudd
Fields	McCloskey	Solomon
Fish	McDade	Williams (OH)
Florio	McDonald	
Gilman	McGrath	

□ 1445

The Clerk announced the following pairs:

On this vote:

Mr. Hughes for, with Mr. Pepper against.

Mr. Williams of Ohio for, with Mr. Rudd against.

Ms. MIKULSKI and Messrs. DAVIS, CRAIG, MARRIOTT, and LENT changed their votes from "no" to "aye."

Mr. HUGHES, Mr. Chairman, I have a live pair with the gentleman from Florida (Mr. PEPPER). If he were present, he would have voted "no." I voted "aye." I withdraw my vote and vote "present."

Mr. HUGHES changed his vote from "aye" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. HOLT

Mrs. HOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HOLT: Page 77, immediately after line 2, insert the following new section:

NONQUOTA CROP SUBJECT TO QUOTA

SEC. 1011. Section 320 of the Agricultural Adjustment Act of 1938 is amended by inserting in the first sentence after the words "nonquota tobacco" the following: "except Maryland Tobacco (type 32) when it is a nonquota tobacco,".

Mrs. HOLT. Mr. Chairman, the gentleman from Maryland (Mr. DYSON) and I are offering an amendment that assures tobacco farmers of a fair solution to a nagging conflict between the producers of nonquota Maryland tobacco and those from other States who participate in the price support program.

This amendment that the gentleman from Maryland (Mr. DYSON) and I are offering makes provision for any Maryland type tobacco grown in an area under price support. It has no effect on other traditional types of tobacco in those areas. It does not bring in more farmers under the program, and it does not cost the Government any money. It does not prohibit anyone from growing Maryland type tobacco.

Mr. WAMPLER. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, we have examined the gentlewoman's amendment, and I might say that earlier this year the Subcommittee on Tobacco and Peanuts held hearings on the subject matter of this amendment. We heard testimony from the gentlewoman from Maryland (Mrs. HOLT) and the gentleman from Maryland (Mr. DYSON), and others and I am happy to say that the Department of Agriculture has no objection to this amendment. As a matter of fact, the Department tried to cure the problem administratively but was unable to do so.

Mr. Chairman, I urge the adoption of the amendment.

Mrs. HOLT. Mr. Chairman, I thank the gentleman from Virginia (Mr. WAMPLER).

Mr. ROSE. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I would like to echo the comments that the ranking minority member just stated. I have no objection to the amendment, and I would suggest that the gentlewoman yield to the chairman of the committee for his comments.

Mr. DE LA GARZA. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the committee chairman.

Mr. DE LA GARZA. Mr. Chairman, on behalf of the committee, I would also like to associate myself with the remarks of the gentleman from Virginia (Mr. WAMPLER) and the gentleman from North Carolina (Mr. ROSE) and say that on our side we would accept the amendment.

The gentleman from Maryland (Mr. DYSON) has worked diligently on this, and he had a similar amendment, if not an identical amendment, which we had offered to support, the same as we are supporting the amendment offered by the gentlewoman from Maryland

(Mrs. HOLT). We have no objection to the amendment.

Mr. Chairman, I am sure that the gentleman from Maryland (Mr. DYSON) will on his own time be happy to explain his participation.

Mr. HOPKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I wish to associate myself with the remarks of the ranking minority member of the Committee on Agriculture and compliment the gentlewoman from Maryland (Mrs. HOLT) for her amendment, because certainly Maryland type tobacco has been of great concern to many of the tobacco farmers in Kentucky. I appreciate the gentlewoman's willingness to bring this amendment to our attention on the floor.

Mr. DYSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment, offered by my colleague, Mrs. HOLT, which is identical to the one I have before the desk, will strengthen the integrity of the tobacco price support program while clarifying language in section 320 with respect to "nonquota" tobacco types.

The intent is to strengthen the prohibition against the production of Maryland, U.S. type 32 tobacco in the burley and flue-cured regions by producers who have elected to participate in the price support program.

The Maryland tobacco industry has been threatened by an overproduction of Maryland, U.S. type 32 tobacco in past years. Expected production for 1981 crop year is expected to reach 30 million pounds in Maryland. If production of Maryland, U.S. type 32 is allowed to increase outside of the traditional producing areas, Marlyand's tobacco industry will be seriously threatened by overproduction.

In hearings before the Subcommittee on Tobacco and Peanuts earlier this year, it was determined that language inserted in section 320 was so broad that it was open to interpretation by the Department of Agriculture in direct contradiction to the original intent of the statute. This fact is clearly documented in reports of the 1973 hearings which addressed this issue. In the hearings this year both the Subcommittee on Tobacco and Peanuts and the Department of Agriculture concurred on the need to clarify section 320 of the Agricultural Adjustment Act of 1938.

At the hearings the Department of Agriculture said:

That we must protect the quotas of our tobacco producers by not permitting the production and sale of non-quota tobacco that might displace Flue-cured, burley or dark types and eventually result in a reduction of the quotas for the traditional producers.

Historically, the tobacco program has survived only through the cooperation of all segments of the tobacco economy from all kinds of tobacco. This amendment is necessary to insure stable production and marketing of both "nonquota" tobacco and tobacco covered under approved marketing programs.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. HOLT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 77, after line 2, add the following new section:

"SEC. 1012. Notwithstanding any other provision of law, the Secretary is directed to announce on or before January 2, 1982, policies, rules and regulations as the result of which the tobacco price support program will function without cost to the American taxpayer. The new policies, rules and regulations shall take effect beginning March 1, 1982, unless disapproved prior to that date by concurrent resolution of the Congress."

Mr. FINDLEY. Mr. Chairman, we have just made a decision on tobacco programs. The program will continue largely as it has been. That was the clear decision of the vote just completed.

Now, this program has on occasion resulted in subsidy and cost to the taxpayers, and the one and only question raised by my amendment is this: Should the taxpayers of the United States subsidize to any degree the program under which tobacco is produced in the United States? That is the only question.

The reason I offer this amendment is that a number of us who did oppose the Shamansky amendment did so feeling that nevertheless there should be a change in the program which would require that from this day forward it be self-financing, and that there be no subsidy whatever.

□ 1500

The Surgeon General has come to the conclusion that cigarette smoking is harmful to health. I think even many of the smokers of cigarettes will agree to that contention.

That raises this very fundamental moral question: Should taxpayers help to finance the programs under which a commodity is produced that the Surgeon General has found harmful to health?

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. Of course I yield to my friend from Kentucky.

Mr. PERKINS. In the debate here today it was disclosed that tobacco was costing the Government very little.

Mr. FINDLEY. That is very true.

Mr. PERKINS. Perhaps $80 million over a period of years. But, as I see the gentleman's amendment, the cost estimates which the Secretary would include in the calculation of loan and/or interest differentials, they are not identified and the impact of the amendment, therefore, would be indeterminable in my judgment.

Mr. FINDLEY. If the gentleman will permit me, I am wondering if he has my amendment before him. The only thing that my amendment requires is that the Secretary announce on or before January 2, 1982, policies, rules, and regulations as a result of which the tobacco price support program will function without cost to the taxpayer. That is all it does. It does not tell him how to do it. Whatever recommendation he makes will be subject to the congressional veto and would not take effect until March 1. So there will be ample opportunities for the Congress to examine exactly what the Secretary has come up with.

The gentleman's point is a very sound one. The tobacco program has been almost cost free to the taxpayers. But why not make it totally cost free and thus eliminate completely the emotional argument that is often made against the tobacco program, that the taxpayer should not subsidize the production of a commodity harmful to health.

Mr. PERKINS. It the gentleman will yield further, I agree with what the gentleman is striving to do. But we have certain costs, maybe additional costs added on to the local agricultural stabilization committee's office and other administrative costs that I am fearful, without legislation, that this amendment could absolutely stop the effectiveness of the operation of the tobacco program, just to put it bluntly.

Mr. FINDLEY. I think the gentleman overstates.

Mr. PERKINS. They may construe it in such a manner that the gentleman from Illinois never intended it be construed.

Mr. FINDLEY. I will say to the gentleman that the subsidy involved in the tobacco program has been very small and thus the adjustment in policy required in order to eliminate subsidies from this day forward will be very modest. In any event, should the Secretary of Agriculture go wild, and his bureaucracy go wild and come up with a program that would be against the interests of the American people, the Congress would have the opportunity prior to March 1 to vote it down, and that would be the end of the matter.

I am sure that most of the people whose districts are intimately involved in tobacco production, most of those people would like to see no change whatever. But I think I speak really for the majority of the American

people when I say that we do not want to subsidize the production of tobacco.

The sole effect of this amendment is to cause the Secretary of Agriculture to operate the tobacco program in a manner in which there will not be 10 cents worth of subsidy of tobacco production in the future. Surely those who are interested in the tobacco industry would welcome an amendment that would take out of contention the question of subsidy.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am happy to yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I would like to commend my respected colleague, the gentleman from Illinois (Mr. FINDLEY), on his amendment. I rise in support of his amendment, and also to make the point briefly that his amendment is somewhat more significant than it appears because there is a substantial amount of tobacco in storage right now which may at some point have to be disposed of at a considerable loss. This would make sure that that cost was borne by the industry rather than by the taxpaying public.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent Mr. FINDLEY was allowed to proceed for 3 additional minutes.)

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I have heard the argument made by those in support of the tobacco program that it does not cost the American taxpayer any money, and that there is more than sufficient revenue produced by the tobacco industry to defray the costs of the tobacco program. So it seems to me the amendment offered by the gentleman from Illinois (Mr. FINDLEY) is consistent with the arguments that are propounded by those who support the existing tobacco program. So I would think the gentleman's amendment would be consistent with those views and would likewise, as the gentleman says, be consistent with the needs and desires of the American people.

I thank the gentleman for yielding.

Mr. FINDLEY. I want to add also that the amendment I have proposed does not bypass the legislative process in which this body is very closely involved, because the Congress would have ample time between this date and March 1 to work its will on any legislative recommendations the Tobacco Subcommittee might come up with. Of course, that legislation could set aside the effect of this amendment if they have a program that would be superior to what the Secretary of Agriculture would have recommended.

I think this body would be wise to put this in the bill, to have something to go to conference with on tobacco. If it is not accepted, we will not go to conference with anything that will yield any kind of a reform whatever to the tobacco program.

This is a reasonable, modest reform and I hope my friend and the whip of the majority will agree with me.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. FOLEY. I would just say to the gentleman that I will shortly offer a substitute to the gentleman's amendment which I think will serve his purpose and will be one that perhaps we can get some consensus on. I thank the gentleman.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentleman in the well. I support the gentleman's amendment. I think it is a good approach. I think it incorporates the kind of thing we were trying to do on a larger scale on the previous amendment. That is to say that the Federal Government should not be involved in subsidizing this particular program, that there are other resources that might be used.

So I commend the gentleman.

Mr. FINDLEY. Would the gentleman agree with me that we ought to make a decision right here today that the subsidy should end?

Mr. EDGAR. Absolutely.

Mr. FINDLEY. And that we should not refer it just for another study by some other committee?

Mr. EDGAR. I agree with the gentleman.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I cannot understand what we are doing. We have been listening and spent 3 hours this morning being told that there was not a single dime of taxpayer's money that was going into this. How can anybody who has supported the whole tax program now be objecting to this kind of an amendment? We were all told there was not any expense to the public. I tried to find that out when I asked for a clear answer.

Mr. FINDLEY. I assure the gentlewoman that in contrast with most commodity programs, the subsidy here has been modest. But there has been a subsidy and, whatever it is, I think it should not be passed on to the taxpayers. It ought to be borne by the industry itself, and that is the total effect of the amendment now pending.

Mrs. FENWICK. We were told there was no subsidy.

AMENDMENT OFFERED BY MR. FOLEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FINDLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY as a substitute for the amendment offered by Mr. FINDLEY: On page 77, after line 2, add the following new section:

TOBACCO PROGRAM COST

SEC. 1012. It is the intent of Congress that the tobacco price support and production control program shall be carried out in such a manner as to result in no net cost to the taxpayers other than such administrative expense as is incidental to the implementation of any commodity program.

To accomplish this objective, the Secretary is directed to publish, issue and promulgate such regulations and policies as are currently within his existing authority not later than January 1, 1982.

The Secretary shall recommend to Congress no later than January 1982 any legislative changes he believes to be necessary and proper to achieve such objective.

Mr. FOLEY. Mr. Chairman, I would like to point out the difference between my amendment and the amendment offered by the gentleman from Illinois (Mr. FINDLEY). In effect his amendment directs the Secretary to produce a no-cost tobacco program. It also gives the Secretary a legislative carte blanche to write the law in any way he wishes. Without any disrepect to the distinguished Secretary of Agriculture, the Congress has been reluctant to hand Cabinet officers total authority to rewrite existing law.

What the amendment I offer as a substitute would do is three things. First of all, it would establish the policy by this Congress that the tobacco program alone of all of the commodity programs shall bear its own costs. That is the first thing it will do as a matter of policy.

I will say, just to answer the gentlewoman from New Jersey, nobody has claimed that the tobacco program has not cost any money. We have claimed, and correctly, that it has cost less money than any other commodity program in the history of the United States. It has cost some, but very little.

What this amendment shares with the amendment of the gentleman from Illinois (Mr. FINDLEY) is the commitment of Congress that we shall move toward a policy where except for incidental administrative expenses—the program would have no additional cost to the taxpayer.

Second, what it does is direct the Secretary to use all of the existing law that he has at his disposal under current law to come to this point by issuing new regulations and bringing about administratively as much as he can accomplish. If he feels that he cannot accomplish this goal, without additional legislation, then the Secre-

tary is authorized and directed to refer to the Congress those specific legislative changes that he feels are necessary to achieve this result. The Congress has the obligation then, and I will freely say, the obligation to consider and discuss and resolve those recommendations.

For those who may think all this says is that if legislation has to occur it is up to the Congress to do it, I want to point out that the first part of my substitute clearly puts the Congress on record in support of a policy that the tobacco program shall have no net cost to the taxpayer. The Secretary is authorized to do whatever he can within his administrative authority and statutory law to bring that about, and on the same timetable as the gentleman from Illinois.

Finally, if he has to have additional authority not now vested within the Secretary, he shall report that back and let the Congress have an opportunity under this policy of bringing that about in the appropriate manner.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I would yield first to the author of the amendment to respond.

Mr. FINDLEY. In reading the gentleman's amendment I see the words that appear first are "It is the intent of Congress that . . ." Would the gentleman accept an amendment to cause that first sentence to begin with the word "The" so that we strike out the words "It is the intent of Congress that . . ." and, instead of that, the sentence would read this way: "The Tobacco Price Support and Production Control Program shall be carried out in such manner . . ." and so on?

Mr. FOLEY. The difference, the gentleman well knows, is not a slight difference. What the gentleman is proposing to do in his amendment is to allow the Secretary a legislative carte blanche to make any changes in the law that he finds are necessary without referring that to Congress, except through the legislative veto process.

May I just answer the gentleman, because this is a critical question. If we say the Secretary may do anything he wishes in order to carry out this policy, subject only to a veto, we have handed him the legislative authority and we have taken the executive veto on our side. That is the reverse of the constitutional arrangement.

□ 1515

We should have the responsibility of making legislative changes subject to an executive veto. I think it would be a very bad precedent for us to say the Secretary shall develop agricultural programs that provide adequate food and fiber and suit the needs of farmers, and then we will veto what he does.

With respect for the gentleman—I know he has over the years been concerned about excessive administrative power, as well as having an interest in good manageable programs. I do not think most Members of Congress want to give any Secretary quite that much leeway.

Mr. FINDLEY. If the gentleman will yield further, I obviously misstated my request. I am not suggesting that one word of the gentleman's amendment be changed. I am suggesting it be accepted in its entirety as a substitute to my amendment, with one change, and that is in the first sentence, to make it very clear that the gentleman intends that the price support program be carried out in such a manner as to result in no net cost. Take off the words "It is the intent of Congress that." Those are somewhat rubbery words that can mean a lot of things to different people. Strike those words and make the statement of policy very clear and unequivocal. Why would the gentleman object to that?

The CHAIRMAN. The time of the gentleman from Washington (Mr. FOLEY) has expired.

(On request of Mr. FINDLEY and by unanimous consent, Mr. FOLEY was allowed to proceed for 5 additional minutes.)

Mr. FOLEY. The only problem I have with it is that the gentleman's amendment, for which this is a substitute, clearly does enable the Secretary to exercise a legislative grant from Congress to rewrite the tobacco law. That is what he is trying to do. And then he says after they rewrite the tobacco law, he can send it up here, and if we do not like it, we can veto.

Now, my amendment on the other hand, states a policy. I do not think it is rubbery.

Mr. FINDLEY. Let us clarify the policy, then. Why would the gentleman object?

Mr. FOLEY. As long as it is in a framework where we are talking about it as a policy:

It is the intent of Congress that the tobacco price support and production control program shall be carried out in such a manner as to result in no net cost to the taxpayers.

I think it is pretty clear.

Mr. FINDLEY. Leave the whole thing in, but strike out the first words, which do create a doubt in my mind and perhaps in other minds as to whether this is a declaration of governmental policy once it is signed into law by the President.

If the gentleman is really supporting the idea of a subsidy-free tobacco program, then he surely would want to say so without tying it to intent of Congress wordage.

Mr. FOLEY. I am sorry, I did not want to try to ask the gentleman to change the wording of his amendment, but I said, very frankly, if this amendment is adopted it is my judgment that Congress has gone on record as supporting a no-cost tobacco policy.

The differences, basically, are the ones that I have enunciated: The Secretary would have to implement that by regulation. If he could not implement it by regulation, he would have to suggest to us legislative changes and we would have to undertake them. Now, I do not have the authority to speak for the distinguished chairman of the committee, the gentleman from Texas (Mr. DE LA GARZA), or the chairman of the subcommittee, the gentleman from North Carolina (Mr. ROSE), but I think I can say—and they will have to gainsay me otherwise—that there will be a responsible addressing of these recommendations by the Secretary. The subcommittee will hold hearings, the committee will consider the matter, and I think clearly that is the appropriate way for legislation to take place.

I would hope, without getting into too much of a legalistic quibbling on words, we could accept the fact that we are talking about moving toward a no-cost program for tobacco. But I very frankly, on the other hand, recognize personally, and I hope the gentleman would recognize, that abrupt changes in this program could be very disrupting and could cause enormous economic hardship. And that is, frankly, what we are trying to avoid. We are not trying to put aside the idea of a no-cost program. It has been the closest thing to a no-cost program we have had. I am perfectly willing to support the idea that we should make it a no-cost program but to do so without disruption.

Mr. FINDLEY. If the gentleman will yield further, I just have two brief additional questions.

First of all, as I understand the gentleman's explanation, if this becomes law, he would consider that the Government of the United States is on record in support of a policy of no subsidy for tobacco; is that correct?

Mr. FOLEY. In my judgment, if this is adopted, the Secretary would in effect be directed to move toward a no-cost program.

Mr. FINDLEY. He would get as close to a no-subsidy tobacco program as existing law would permit; is that correct?

Mr. FOLEY. That is correct.

Mr. FINDLEY. All right.

Second, would the gentleman help me defend this language in the House-Senate conference committee when the time comes?

Mr. FOLEY. I have never offered an amendment on the floor that I can recall for the purpose of killing it in conference, and I will defend this language in conference.

Mr. FINDLEY. I thank the gentleman.

For my part, I feel that the language, while it could be improved, nevertheless accomplishes the objective I had of leading us swiftly to policies and regulations under which there would be no subsidy in the tobacco program. The taxpayers would not pick up one dime of the cost of carrying out the tobacco program. I, therefore, accept and support the gentleman's substitute.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I do not mean to be picky on this, but the question was raised: Why should tobacco be the only program that carries its own administrative expenses?

I would like to say that this morning we never heard one word, at least I did not hear one word, about the $13 million it costs to administer this program.

But surely that is not an enormous amount that should be, I think, absorbed by those who benefit from it.

And you ask why this tobacco should be the only crop which carries its own administrative expenses.

It is the only poison that we encourage and propagate. It is the only poison. Even humans can eat sunflower seeds. At least that is not poison.

I really think we could well adopt the Findley amendment, which simply says: Yes; we have these allotments, we know that this system exists, we know that there are people who do not farm who are getting the profits, but we also insist that this should be not a cost to the taxpayer.

Mr. FOLEY. I would not want the gentlewoman to misunderstand what I said.

I was suggesting in this amendment that, except for administrative expenses, the program would be a no-cost program. There would be no losses.

Mrs. FENWICK. Why except it?

Mr. FOLEY. What I said in my remarks is that if that policy is adopted—I just parenthetically remarked—if that policy is adopted, it would be the only policy covering any agricultural commodity that I know of in which that is the case.

Mrs. FENWICK. Why not?

Mr. FOLEY. And the gentlewoman says, "Why not?" I certainly will not argue against something that is in my own amendment, so I will forego the pleasure of a further discussion on why not.

Let me just say one thing: For those who have felt for a long time that the tobacco program is a program that encourages smoking and problems of health, this program restricts the production of tobacco. It does not expand it. There was, in my judgment, some inconsistency on the part of the proponents of the amendment offered earlier. On the one hand, it was said to be a health problem and, therefore, should be killed, and on the other hand, if we killed the program, it would lead to vastly more efficient production and export of tobacco.

I do not think the economic arguments and the so-called health arguments can be handled in the same sentence.

Mr. ROSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to thank my colleague, the gentleman from the State of Washington, the distinguished majority whip, for his substitute amendment. I support it fully.

I would like to say to my good friend, the gentleman from Illinois, PAUL FINDLEY, that I adopt the language and the colloquy that Mr. FOLEY had with you, and I pledge to you and all Members of this House that I will diligently work in my subcommittee to accomplish the third paragraph of this amendment. I will hold timely hearings. As I told the gentleman earlier today, we will consider and pass whatever legislation is necessary to achieve the result that is spelled out in the first paragraph of this amendment. I will support it and see that it moves through this body.

People within this body and without have said there is no tobacco subsidy, and I endorse that. That is what this language says.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to my colleague, the gentleman from Virginia.

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the substitute that is offered by the gentleman from Washington (Mr. FOLEY) for the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

I want to reiterate what has already been said. To the extent that I can control it, if indeed the Secretary of Agriculture makes recommendations to the Congress, as is directed by this substitute, that is, if he has legislative changes he believes to be necessary and proper to achieve this objective of no cost to the taxpayer, we will have hearings. A lot of our newly discovered colleagues who have this interest now in tobacco will be invited to come, as will others, and we will do our best to carry out the intent of this. I think this substitute makes a great deal more sense than the language of the amendment offered by the gentleman from Illinois.

Mr. ROSE. I thank the gentleman for his remarks.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY) as a substitute for the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY), as amended.

The question was taken; and the Chairman announced that ayes appeared to have it.

RECORDED VOTE

Mr. FINDLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 21, as follows:

[Roll No. 272]

AYES—412

Addabbo	Conable	Fountain
Akaka	Conte	Fowler
Albosta	Conyers	Frank
Alexander	Corcoran	Frenzel
Anderson	Coughlin	Frost
Andrews	Courter	Fuqua
Annunzio	Coyne, James	Garcia
Anthony	Coyne, William	Gaydos
Applegate	Craig	Gejdenson
Archer	Crane, Daniel	Gephardt
Ashbrook	Crane, Philip	Gibbons
Aspin	Crockett	Gingrich
Atkinson	D'Amours	Ginn
AuCoin	Daniel, Dan	Glickman
Badham	Daniel, R. W.	Goldwater
Bafalis	Danielson	Gonzalez
Bailey (MO)	Dannemeyer	Goodling
Bailey (PA)	Daschle	Gore
Barnard	Daub	Gradison
Barnes	Davis	Gramm
Beard	de la Garza	Gray
Bedell	Deckard	Green
Beilenson	DeNardis	Gregg
Benedict	Derrick	Grisham
Benjamin	Dickinson	Guarini
Bennett	Dicks	Gunderson
Bereuter	Dingell	Hagedorn
Bethune	Dixon	Hall (OH)
Bevill	Donnelly	Hall, Ralph
Biaggi	Dorgan	Hall, Sam
Bingham	Dornan	Hamilton
Blanchard	Dowdy	Hammerschmidt
Bliley	Downey	Hance
Boggs	Dreier	Hansen (ID)
Boland	Duncan	Hansen (UT)
Bolling	Dunn	Harkin
Boner	Dwyer	Hartnett
Bonior	Dymally	Hatcher
Bonker	Dyson	Hawkins
Bouquard	Early	Heckler
Bowen	Eckart	Hefner
Breaux	Edgar	Heftel
Brinkley	Edwards (AL)	Hendon
Brodhead	Edwards (CA)	Hightower
Brooks	Edwards (OK)	Hiler
Broomfield	Emerson	Hillis
Brown (CA)	Emery	Holland
Brown (CO)	English	Holt
Brown (OH)	Erdahl	Hopkins
Broyhill	Erlenborn	Howard
Burgener	Ertel	Hoyer
Burton, Phillip	Evans (DE)	Hubbard
Butler	Evans (GA)	Huckaby
Byron	Evans (IA)	Hughes
Campbell	Evans (IN)	Hunter
Carman	Fary	Hutto
Carney	Fascell	Hyde
Chappell	Fazio	Ireland
Chappie	Fenwick	Jacobs
Cheney	Ferraro	Jeffords
Chisholm	Fiedler	Jeffries
Clausen	Findley	Jenkins
Clay	Fithian	Johnston
Clinger	Flippo	Jones (NC)
Coats	Foglietta	Jones (OK)
Coelho	Foley	Jones (TN)
Coleman	Ford (MI)	Kastenmeier
Collins (IL)	Ford (TN)	Kazen
Collins (TX)	Forsythe	Kemp

Kildee	Nelligan	Simon
Kindness	Nelson	Skeen
Kogovsek	Nichols	Skelton
Kramer	Nowak	Smith (AL)
LaFalce	O'Brien	Smith (IA)
Lagomarsino	Oakar	Smith (NE)
Lantos	Oberstar	Smith (NJ)
Latta	Obey	Smith (OR)
Leach	Ottinger	Smith (PA)
Leath	Oxley	Snowe
LeBoutillier	Panetta	Snyder
Lee	Parris	Solarz
Lehman	Pashayan	Solomon
Leland	Patman	Spence
Lent	Patterson	St Germain
Levitas	Paul	Stangeland
Lewis	Pease	Stanton
Livingston	Perkins	Stark
Loeffler	Petri	Staton
Long (LA)	Peyser	Stenholm
Long (MD)	Pickle	Stokes
Lott	Porter	Stratton
Lowery (CA)	Price	Studds
Lowry (WA)	Pritchard	Stump
Lujan	Quillen	Swift
Luken	Rahall	Synar
Lungren	Railsback	Tauke
Madigan	Rangel	Tauzin
Markey	Ratchford	Taylor
Marks	Regula	Thomas
Marlenee	Reuss	Traxler
Marriott	Rhodes	Trible
Martin (IL)	Richmond	Udall
Martin (NC)	Rinaldo	Vander Jagt
Martin (NY)	Ritter	Vento
Matsui	Roberts (KS)	Volkmer
Mattox	Roberts (SD)	Walgren
Mavroules	Robinson	Walker
Mazzoli	Rodino	Wampler
McClory	Roe	Washington
McCollum	Roemer	Watkins
McCurdy	Rogers	Waxman
McEwen	Rose	Weber (MN)
McGrath	Rosenthal	Weber (OH)
McHugh	Rostenkowski	Weiss
McKinney	Roth	White
Mica	Roukema	Whitehurst
Michel	Rousselot	Whitley
Mikulski	Roybal	Whittaker
Miller (CA)	Russo	Whitten
Miller (OH)	Sabo	Williams (MT)
Mineta	Santini	Wilson
Minish	Savage	Winn
Mitchell (MD)	Sawyer	Wirth
Mitchell (NY)	Scheuer	Wolf
Moakley	Schneider	Wolpe
Moffett	Schroeder	Wortley
Molinari	Schulze	Wright
Mollohan	Schumer	Wyden
Moore	Seiberling	Wylie
Moorhead	Sensenbrenner	Yates
Morrison	Shamansky	Yatron
Motti	Shannon	Young (AK)
Murphy	Sharp	Young (FL)
Murtha	Shaw	Young (MO)
Myers	Shelby	Zablocki
Napier	Shumway	Zeferetti
Natcher	Shuster	
Neal	Siljander	

NOES—0

NOT VOTING—21

Burton, John	Gilman	McDonald
Dellums	Hertel	Montgomery
Derwinski	Hollenbeck	Pepper
Dougherty	Horton	Pursell
Fields	Lundine	Rudd
Fish	McCloskey	Weaver
Florio	McDade	Williams (OH)

□ 1530

Mr. McEWEN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1545

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: On page 77, immediately after line 2, insert the following new section:

SEC. 1018. The Federal Plant Pest Act (71 Stat. 31; 7 U.S.C. 150aa) is amended by—

(a) in section 105, renumbering subsections (b), (c), and (d) as (c), (d), and (e) and adding a new subsection (b) as follows:

"(b)(1) Whereas, the existence of a plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States on any premises in the United States would constitute a threat to crops, other plant life, and plant products of the nation and thereby seriously burden interstate or foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the presence of such plant pest on any premises in the United States, and that the presence of such plant pest anywhere in the United States threatens the crops, other plant life, or plant products of the United States, the Secretary may (A) seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as the Secretary deems appropriate, any product or article of any character whatsoever, or means of conveyance which the Secretary has reason to believe is infested or infected by or contains any such plant pest; (B) quarantine, treat or apply other remedial measures to, in such manner as the Secretary deems appropriate, any premises, including articles on such premises which the Secretary has reason to believe is infested or infected by any such plant pest: *Provided*, That any action taken under clauses (A) and (B) shall be consistent with the provisions of the Federal Insecticide, and Fungicide, and Rodenticide Act: *Provided further*, That such action may be taken under this section only if the Secretary finds after review of measures taken by the State or other jurisdiction and after consultation with the Governor that the measures being taken are inadequate. Before any action is taken in any State or other jurisdiction under this subsection, the Secretary shall notify the Governor of the State or other jurisdiction, shall issue a public announcement and shall file a statement for publication in the Federal Register of the action the Secretary intends to take together with the findings and reasons therefor: *Provided*, That if it is not possible to make such filing with the Federal Register prior to the taking of action, the filing shall occur on the first business day thereafter. If the Secretary wishes to change any action previously taken under this subsection, the Secretary shall follow the procedure set forth in the preceding sentence of this paragraph. The cost of any action taken by the Secretary under this subsection shall be at the expense of the United States.

"(2) The Secretary may pay compensation to producers and other persons for economic losses incurred by them as a result of the quarantine, destruction, or other action taken under the authority of paragraph (1) of this subsection. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final.

"(3) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.".

(b) in section 107, adding after the second semicolon the following: "to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this Act or the regulations issued thereunder;".

Mr. THOMAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Chairman, this is an amendment to expedite the legislative process. I introduced a bill similar to this amendment that has been heard in subcommittee, but we want to try to move it on the farm bill so there is no undue delay, and that the unfortunate situation that occurred in California over the Medfly does not occur again.

This is an amendment to the Animal Plant Health Inspection Service of the Department of Agriculture which will provide it with the powers in extraordinary circumstances to take such action as seems appropriate.

I said it was similar to the legislation I introduced. It is not identical, because under the good auspices of my chairman of the Department of Operations Subcommittee of the Agriculture Committee, Mr. BROWN of California, we have made amendments which I believe take care of any objections that may have been offered in the subcommittee.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California, who has provided me with able assistance on this amendment.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding.

First, I would like to compliment the gentleman for the legislation that he introduced and also for the very valuable work that the gentleman does as a member of the Subcommittee on Department Operations, Research and Foreign Agriculture.

In response to the California Medfly situation, which seemed to be plagued by delays in instigating the proper remedial efforts in the State, the gentleman introduced legislation which would modify the powers of the Secretary to act in situations of this sort. It was narrowly limited and defined, and I thought was constructive. We did hold 1 day of hearings on this.

I might also comment that our other distinguished colleague, the gentleman from California (Mr. PANETTA) had another bill which had somewhat similar intent.

What we, I think, have accomplished in the amendment which the gentleman is offering is to combine the best portions of these bills and slightly

modify the language which already exists within the Senate bill.

In the form that the gentleman has presented the amendment, I think it is a constructive addition to the bill. I personally intend to support and congratulate the gentleman for his initiative in doing this.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to my colleague from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

I, too, commend the gentleman for moving this amendment.

I think for the purposes of the House the important thing about this amendment is that it helps first of all to expedite action by the Secretary of Agriculture where there is a type of infestation like the Medfly infestation.

Second, it tries to provide compensation for those who incur severe losses in areas that are quarantined as a result of those infestations. Both of these steps we think are extremely important in trying to develop a comprehensive strategy. Hopefully it will not be needed, but if necessary to deal with this in the future. I urge support for the amendment.

Mr. THOMAS. I thank my colleague, the gentleman from California, for the constructive portion of this amendment dealing with the compensation aspect.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to my colleague from Montana.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman for yielding.

May I inquire of the gentleman from California what the administration's position is on this amendment?

Mr. THOMAS. The administration supports this amendment.

Mr. MARLENEE. A second question. On page 2 it reads:

"(2) The Secretary may pay compensation to producers and other persons for economic losses incurred by them as a result of the quarantine, destruction, or other action taken under the authority of paragraph (1) of this subsection. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final."

Is there no cap, no limit that the Secretary can determine compensation? Where does the money come from today?

Mr. THOMAS. This provision is principally that portion of the legislation that my colleague from California worked on; but it is totally discretionary on the part of the Secretary.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to my colleague, the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

That is correct, that it is totally discretionary on the part of the Secretary to determine what levels of compensation or if, indeed, any compensation should be paid.

I might also remind the gentleman that this language is very similar to the same language that applies to cattlemen in the event of infestations of disease take place impacting on cattle. The same kind of compensation is provided for those that raise cattle.

This same provision would apply in this area with regard to Medfly infestations.

Mr. THOMAS. To underscore that point, we have tried to duplicate as best we were able under the plant pest section of the powers given to the Animal Plant Health Inspection Service (APHIS), those same powers that they have under the animal disease control area.

I was quite surprised in fact to find out that they did not have those kinds of powers under the plant pests section. That is why we fashioned this legislation to look almost exactly, with the exception of the kinds of pests we are dealing with, like the animal disease section.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. MARLENEE, and by unanimous consent, Mr. THOMAS was allowed to proceed for 3 additional minutes.)

Mr. MARLENEE. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. I yield to my colleague, the gentleman from Montana.

Mr. MARLENEE. Was there any estimate of the cost impact of this particular piece of legislation, this amendment, with this unlimited authority to pay compensation?

Mr. THOMAS. To my knowledge, there was no cost impact involved.

I think we have to understand that the Secretary, any Secretary, regardless of which administration, would not want to give the taxpayer's money away. It would be a congested situation in which the Secretary would not want to pay the compensation, but in which the producers or the individuals in the case of California, there were many backyard individuals who lost amounts of fruit, who would urge compensation.

Mr. PANETTA Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Certainly, I yield to the gentleman.

Mr. PANETTA. In addition to that, I might say that if the Secretary does decide he wants compensation, he would then have to seek appropriations from the Congress in order to justify the payment under this authority.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. THOMAS. I yield to my chairman.

Mr. DE LA GARZA. Mr. Chairman, we have examined the amendment and know of the consensus the gentleman has been able to reach.

Also, it is my understanding personally and from counsel, they might want to verify with the gentleman from California, that all this does is to give the Secretary identical authority in the plant pest area that he already has in the animal health area. For some reason, there was an omission in the original law. This will give him the authority to deal either with animal or pests and this is the thrust and intent of the amendment.

Mr. THOMAS. That is the total thrust and intent of the amendment. I could not say if it was identical to the animal disease area but the thrust is identical, it is clearly for extraordinary circumstances.

I think one of the most interesting points in the subcommittee hearing was the fact that the animal disease aspect has been used only once in 20 years by the Department of Agriculture and what we are trying to do is to make sure that those extraordinary and unfortunate circumstances such as occurred in California do not occur again. It was not good for California. It was not good for the Nation. This is an attempted remedy.

Mr. DE LA GARZA. I thank the gentleman for his interest and his work in this area.

Mr. Chairman, we have no objection to the amendment.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Certainly, I yield to my colleague, the gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, we, too, have examined the gentleman's amendment. We have no objection to it.

I commend the gentleman for his interest in bringing this amendment to us becaue I think, indeed, it bridges an oversight that was never intentional. As the gentleman pointed out, I believe in only one instance has the authority been used in the case of animal disease. I believe that was an outbreak of Newcastle's disease which is highly contagious.

I am confident it is a good amendment.

Mr. THOMAS. Mr. Chairman, I thank my ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOEFFLER

Mr. LOEFFLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOEFFLER: Page 77 after line 2, insert the following new section:

PLAN FOR CONTROL OF OAK WILT AND OAK DECLINE DISEASE

SEC. 1019. The Secretary of Agriculture, in cooperation with the States and political subdivisions thereof, shall conduct a study of the incidence of oak wilt and oak decline disease and evaluate methods for controlling the spread of such disease. The Secretary shall prepare and submit a report to both Houses of Congress on or before March 1, 1982, which shall include—

(1) the results of such study;

(2) plans for further research into the control of oak wilt and oak decline disease; and

(3) recommendations for controlling the spread of the disease, including an estimate of the costs involved and the availability of financial assistance.

Mr. LOEFFLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LOEFFLER. Mr. Chairman, during recent years I have personally witnessed the destruction of thousands of acres of oak trees in the hill country area of Texas. These oak trees are extremely valuable for their critical ecological contribution toward maintaining a proper balance of domestic livestock and wildlife populations in the area. The disease causing this destruction—live oak decline—is resulting in heavy losses throughout Texas and may eventually impact more than 3 million acres of trees in nine States from Texas to Virginia, and is associated with oak wilt—the most destructive disease of oaks in the upper Mississippi Valley.

Research into this disease by the Forest Service in cooperation with the Texas Agricultural Extension Service has identified possible means to control the spread of oak wilt. Yet, despite the best efforts of these groups, limited resources exist with which to combat the spread of the disease on a large scale basis.

In an effort to focus the resources of the Department of Agriculture on this critical problem, I have offered the amendment now pending before the House. However, I am informed that the Department does have existing authority to deal with this problem, and, within existing resources, is proceeding to determine the extent of the problem in an effort to provide the assistance necessary to halt the spread of oak wilt.

I would like to clarify this authority with the distinguished chairman of the Agriculture Committee, and at this time I yield to the gentleman from Texas for that purpose.

Mr. DE LA GARZA. I appreciate the gentleman's concerns and join him in his efforts to bring attention to this serious problem. I have received assurances from the Department of Agriculture that the Department does have the authority to deal with oak wilt and is currently evaluating the problem in order to determine what assistance can be provided to those areas critically impacted by the disease. Under section 5 of the Cooperative Forestry Assistance Act of 1978, and other USDA authorities, the Forest Service is initiating technical assistance, in cooperation with the Texas Forest Service, to evaluate the problem and recommend appropriate solutions. I have a letter to this effect from the Deputy Secretary of Agriculture and I include it in the RECORD at this point:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 6, 1981.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: We would like to comment on the amendment to H.R. 3603 offered by Mr. Loeffler which appears on page H6725 of the September 30 CONGRESSIONAL RECORD. This amendment, which would appear in the bill as section 1012 of Title X, would direct the Secretary of Agriculture to study oak wilt and oak decline diseases and evaluate methods of control. The results of the study would be transmitted to Congress by March 1, 1982. It is our understanding that this amendment is directed toward the oak wilt problem affecting live oak trees in south Texas.

It is our position that this amendment is not necessary because the Secretary already has authority to deal with the live oak wilt problem under Sec. 5 of the Cooperative Forestry Assistance Act of 1978 (92 Stat. 368) and other USDA authorities. Under this authority, the Forest Service is initiating technical assistance in cooperation with the Texas Forest Service to evaluate the problem and potential control techniques. However, this type of technical assistance would not represent a comprehensive study as appears to be required by the amendment. Such a study could not be accomplished during fiscal year 1982 because of budget constraints. Furthermore, even if the resources were available, such a study could not possibly be completed by March 1, 1982, for biological and other reasons.

The Department will consider the results of the Forest Service evaluation, to be carried out under existing authorities, to determine what further action, if any, would be appropriate to deal with the live oak wilt problem. As you know, any financial assistance by USDA would have to reflect overall budget priorities and the need to hold down the level of the Federal budget.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG,
Deputy Secretary.

Mr. DE LA GARZA. This activity by USDA tracks the intent of the gentleman's amendment.

The gentleman has my assurances that I will work with him to assure a prompt and thorough review of this problem in order to provide needed assistance at the earliest possible time.

Mr. LOEFFLER. I appreciate the chairman's comments and his very generous assistance. It is my understanding, then, that the Department is initiating a thorough review of oak wilt and live oak decline and following that review will be in a position to determine what financial assistance may be available and appropriate to halt the spread of this disease.

Mr. DE LA GARZA. The gentleman is correct.

Mr. LOEFFLER. Mr. Chairman, with those assurances, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. STANGELAND

Mr. STANGELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STANGELAND: Page 77, immediately after line 2, insert the following new section:

SEC. 1018. Effective only with respect to the 1982 through 1985 crops of oil sunflower seeds, section 201 of the Agricultural Act of 1949 is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The price of the 1981 through 1985 crops of oil sunflower seeds shall be supported through loans and purchases at such level, not less than $8 per hundredweight, as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors. Loans during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature before the end of such fiscal year.".

Mr. STANGELAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. STANGELAND. Mr. Chairman, this amendment might well be called the Stangeland-Daschle amendment. It is an amendment that would provide a Commodity Credit loan program for sunflowers. There was a program for sunflowers in the farm bill as it left the House Agriculture Committee. It was part of the sugar section, the sugar title, and in the Bedell amendment that deleted that sugar title and wrote a new title, sunflowers were dropped.

The reason for a sunflower loan program, and let me say that this program is virtually identical to the present Commodity Credit loan program for soybeans, there are no deficiency payments. There are no target prices, but just simply an $8 a hundredweight loan program.

This amendment also has been passed by the USDA and the OMB.

In the amendment we have made a proviso that loans during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature before the end of such fiscal year. With that language, OMB and USDA advises that there is no budget exposure. The budget exposure is zero.

This is a crop that is grown primarily in my district in Minnesota, in eastern North Dakota, and in South Dakota, but is expanding.

Also I would like to point out that this is a crop that is heavily exported. About 80 percent of the production of sunflowers are exported. It assists in our balance of payments greatly and is a crop that has found great favor up in our area of the country.

□ 1600

Mr. DASCHLE. Will the gentleman from Minnesota yield?

Mr. STANGELAND. I am happy to yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I want to commend the gentleman. One of the reasons I voted against the Bedell amendment is because it struck this very important feature in the farm bill. I think for that industry in South Dakota, North Dakota, Minnesota, where we see a growing interest in the development of sunflowers as an alternative crop, we find a need for stability, and that is all this amendment does. It provides some rockbottom stability at no cost to the Government.

Eight cents a pound is a very conservative figure, one we can live with. I think we can be very confident that all it will do is provide the stability without providing budgetary exposure. Because of that, I think this amendment needs and deserves the support of the Congress, and I again commend the gentleman for offering it.

Mr. STANGELAND. I thank my colleague.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I appreciate the gentleman yielding.

Mr. Chairman, I would like to remind the House that under the Bedell amendment that was previously adopted, the mandatory part of the sunflower program was deleted, leaving discretionary authority in the Secretary, and at this point I would suggest to the House that the House work its will on the amendment. We would gladly accept the determination by the House at this point if the gentleman should prevail.

Mr. STANGELAND. I thank the chairman.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I would like to assure the gentleman that the purpose of the Bedell amendment was simply to get us down to where we meet the budgetary requirements. I understand from the gentleman that he does have assurance from the Department that there is no budgetary exposure under his amendment, and that it would still meet the budget requirements. Is that correct?

Mr. STANGELAND. We have that assurance from the Department and from OMB as well, with the proviso that the loan is made in 1 year and paid back in that same fiscal year. This, again, is a loan program. It is a marketing tool for the sunflower growers up in our area, because of transportation deficiencies and concerns that we have with the Port of Duluth that is closed 5 months out of the year. Most of our sunflowers are exported out of the Duluth Port.

We do have that assurance.

Mr. BEDELL. Mr. Chairman, it certainly was not the intent of the gentleman from Iowa to single out sunflowers. We were trying to get down to where we meet the budget requirements. If the gentleman has the assurance this does not adversely affect the budget, certainly the gentleman from Iowa has no objection to the amendment.

Mr. STANGELAND. Let me assure the gentleman from Iowa that I am as concerned about that budget exposure as he is. I recognize the need for that Bedell amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. STANGELAND).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title X? If not, the Clerk will designate title XI.

Title XI reads as follows:

TITLE XI—NATIONAL AGRICULTURAL COST OF PRODUCTION STANDARDS REVIEW BOARD

ESTABLISHMENT OF BOARD

SEC. 1101. There is hereby established an advisory board to be known as the National Agricultural Cost of Production Standards Review Board (hereinafter referred to as the "Board").

MEMBERSHIP OF BOARD

SEC. 1102. (a) The Board shall be composed of eight members appointed by the Secretary of Agriculture (hereinafter referred to as the "Secretary").

(b)(1) The terms of the members first taking office shall expire (as designated by the Secretary at the time of appointment) as follows: Two at the end of one year, two at the end of two years, two at the end of three years, and two at the end of four years. Thereafter the terms of all members shall be four years, except that the term of any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of such person's predecessor.

(2) The Secretary shall appoint persons to the Board who are producers of one or more of the various major agricultural commodities produced in the United States who represent various geographical areas where such commodities are primarily produced and who rely on that activity for their principal source of income. The Secretary shall also appoint one person to the Board who, by virtue of education, experience, and training, has extensive knowledge of matters relating to the cost of producing agricultural commodities with adequate background in the fields of agricultural economics and accounting.

(3) No person may serve as a member of the Board for more than two terms, including an unexpired term.

(4) The Secretary shall designate one member of the Board to serve as Chairman and one member to serve as Vice Chairman, both of whom shall serve until their terms expire.

FUNCTIONS OF THE BOARD

SEC. 1103. (a) It shall be the function of the Board to—

(1) review the adequacy, accuracy and timeliness of the cost-of-production formulas and the implementation of those formulas in determining specific cost-of-production figures, including the information relied upon in arriving at such formulas, developed and utilized by the Department of Agriculture for the purpose of determining the cost of production of various agricultural commodities;

(2) advise the Secretary whether the cost-of-production formulas used by the Department of Agriculture in connection with the administration of its price support programs are fair and accurate and recommend to the Secretary how such formulas might be improved, including, when necessary, the submission of findings of actual costs of production;

(3) advise the Secretary on such other matters relating to the cost of production of agricultural commodities and price support operation as the Secretary may request; and

(4) review the adequacy of the parity formulations and make recommendations for improvements in the formula or other areas that may require improvement.

(b) The Secretary shall report promptly to the Board on the disposition of its recommendations including reasons for not accepting the recommendation or recommendations of the Board.

(c) The Board shall submit annually to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a written report outlining the activities of the Board during the preceding year including any findings or recommendations made to the Secretary with respect to cost-of-production formulas and figures for any commodity. The Board shall include in each such report a list of the recommendations made to the Secretary and the disposition thereof.

(d) The Board shall meet at least annually, or more often if such meetings are necessary to meet the purposes of this Act. The Board shall, to the maximum extent feasible, schedule its meetings so as to permit prepublication review of annual Department of Agriculture cost of production reports as prescribed in section 1441a of title 7, United States Code.

SUPPORT SERVICES

SEC. 1104. The Secretary shall provide the Board with such office space, equipment,

and staff as may be necessary for the Board to perform its functions under this Act.

COMPENSATION

SEC. 1105. No member of the Board shall receive any compensation for such member's services as a Board member but may be paid travel expenses, including per diem in lieu of subsistence, as provided in regulations issued under section 7 of the Federal Advisory Committee Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1106. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TRANSFERS OF FUNCTIONS

SEC. 1107. The Secretary shall transfer to the Board any functions duplicating those provided for in this Act which are currently being carried out elsewhere in the Department.

APPLICABLE PERIOD

SEC. 1108. The authority provided in this title shall be applicable for the 1982 through 1985 crop years.

The CHAIRMAN. Are there any amendments to title XI? If not, the Clerk will designate title XII.

Title XII reads as follows:

TITLE XII—EXPORT PROVISIONS

Subtitle A—Public Law 480

REQUIREMENT FOR INVITATIONS FOR BIDS ON TITLE I PURCHASES

SEC. 1201. Section 115(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting in the first sentence after the words "food commodities" the words "from private stocks".

TITLE II AUTHORIZATION CEILING

SEC. 1202. Section 204 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "$750,000,000" and inserting in lieu thereof "$1,000,000,000".

OVERSEAS MARKET DEVELOPMENT ACTIVITIES

SEC. 1203. Section 402 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out in the second sentence "wine or beer" and inserting in lieu thereof "wine, beer, or other alcoholic beverage".

ANNUAL REPORT

SEC. 1204. Section 408(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "April 1" and inserting in lieu thereof "February 15".

EXTENSION OF PROGRAM

SEC. 1205. Section 409 of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) striking out in the first sentence "1981" and inserting in lieu thereof "1985"; and

(2) striking out in the second sentence "Food and Agriculture Act of 1977" and inserting in lieu thereof "Food and Agriculture Act of 1981".

Subtitle B—American Agriculture Protection Program

SEC. 1206. Section 1002 of the Food and Agriculture Act of 1977 is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) Notwithstanding any other provision of law, whenever the President of the United States or any other member of the executive branch of the Federal Government, either directly or indirectly, suspends or causes to be suspended, the export sales of any commodity as defined in subsection (c) of this section to any country or area to which the United States continues any other commercial export trade if such trade exceeds 50 per centum of the average trade during the past five years, the Secretary of Agriculture shall, on the date the suspension is initiated, set the loan level for such commodity under the Agricultural Act of 1949 for any new loans made beginning on such date, if a loan program is in effect for the commodity, as provided in this subsection. If such suspension is based upon any reason other than, or in addition to, national security, the loan level for such commodity shall promptly be set at 90 per centum of the parity price for the commodity, as such parity price is determined on the date the suspension is initiated. If such suspension is based solely on reasons of national security, the loan level for such commodity shall promptly be set at a level not less than the average market price for such commodity during the fifteen marketing days immediately preceding such suspension. Producers who receive loans based on the level established under this subsection shall not be charged interest with respect thereto and shall be entitled to storage charges for storing any such commodity at such rate as the Secretary determines to be fair and reasonable.

"(b) Any loan level established pursuant to this section shall remain in effect as long as the suspension of commercial export sales described in subsection (a) remains in effect and shall then be adjusted by the Secretary in four approximately equal steps over a period of nine months to the loan level which would be in effect for such commodity if commercial export sales had not been suspended."; and

(2) adding after subsection (c) a new subsection as follows:

"(d) The provisions of this section shall be implemented only for commodities for which it can be reasonably presumed by the Secretary from export data of preceding years that the suspension will reduce the annual tonnage of exports of the commodities by more than 2 per centum.".

Subtitle C—Other Export Provisions

INCREASED USAGE OF PROTEIN BYPRODUCTS DERIVED FROM ALCOHOL FUEL PRODUCTION

SEC. 1207. (a) The Congress finds that the use of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities may make it possible for the United States to make available significantly increased amounts of protein to meet the food needs of developing countries without any increase in handling, storage, and transportation facilities. The Congress believes that serious consideration should be given to the potential of this protein byproduct and that, if found to be feasible, this protein byproduct should be included in the Department of Agriculture's commodity export and donation programs.

(b) Accordingly, the Secretary of Agriculture shall investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in meeting the food needs of developing countries through food for peace programs carried out under the Agricultural Trade Development and Assistance Act of 1954 and through the export credit sales program carried out under section 4 of the Food for Peace Act of 1966 and section 5(f) of the Commodity Credit Corporation Charter Act.

(c) The Secretary of Agriculture shall also investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in the distribution of food products under the commodity donation program carried out under clause (3) of section 416 of the Agricultural Act of 1949 and under section 210 of the Agricultural Act of 1956.

(d)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture shall report to the Congress on the results of the investigations conducted pursuant to subsections (b) and (c) of this section.

(2) The Secretary of Agriculture shall provide to the Congress each year a description of the efforts being made by the Department of Agriculture to make available, as part of the programs referred to in subsections (b) and (c) of this section, the protein byproduct resulting from the production of fuel alcohol from agricultural commodities. The information for all such programs may be included in the report submitted pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954, or the information for each such program may be included in the annual report for that program.

SEC. 1208. The Act entitled "An Act authorizing Commodity Credit Corporation to purchase flour and cornmeal and donating same for certain domestic and foreign purposes", approved August 19, 1958 (7 U.S.C. 1431 note), is amended in the proviso by inserting "(except that this limitation does not apply in the case of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities)" immediately after "processed".

EXPORT SALES OF WHEAT AND FEED GRAINS

SEC. 1209. It is the sense of the Congress that any agreement into which the United States enters after the date of enactment of this section for any sales of wheat, corn, soybeans, or feed grains by the United States to any country should stipulate that the price of the commodity in any such sale under such agreement shall be not less than the cost of production of such commodity, as determined by the Secretary of Agriculture.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 82, strike out lines 21 through 24 and insert in lieu thereof the following: "this section to any country or area to which (1) commercial export sales of United States agricultural commodities so restricted exceed 50 percent of the average total United States commercial export sales to such country or area for the previous five years, or (2) the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the .".

The CHAIRMAN. Does any Member wish to be heard on the committee amendment?

If not, the question is on the committee amendment.

The committee amendment was agreed to.

Mr. BROOKS. Mr. Chairman, I support the rice title of H.R. 3603. I know that it was carefully and consciously developed over a long period of time and with unheard of cooperation between rice producers and the chair-

man of the Cotton, Rice and Sugar Subcommittee. In passing, I might add that I am extremely proud of the rice industry for many reasons but specfically in regard to this legislation. A group representing rice producers in the five principal producing States worked long and hard and in the process made many compromises to develop a rice industry position that is painfully prudent and reasonable even in this time of administration-mandated budget levels. A single rice industry position on legislation encompassing significant program changes is a major accomplishment in itself. This legislation will repeal the authority for acreage allotment and marketing quotas and permit producers to be eligible for the program even though they do not have rice allotment. While I personally have considerable reservations about this particular change, it is what this administration wants; and more importantly, the producer group has agreed to accept it as a part of their compromise recommendations.

As a concomitant part of the industry compromise, there was also the authority for the Secretary of Agriculture to impose a specific set-aside of rice acreage when production adjustment is needed to adjust the supply-demand balance.

The important other aspect of the production adjustment provision is a reasonable level for the target prices and the loan level. Reasonable level—reasonable in relation to the costs and risks of production—are essential if meaningful production is to be obtained when needed. Eligibility for target price payments and loans would be the only inducement for producers to participate in the voluntary production adjustment in the years when it is needed. I should add that the USDA with the conscientious use of the production adjustment authority could virtually eliminate a supply-price circumstance that would require target price payments.

Another, and yet very important, reason for reasonable levels for the target price and loan is to undergird the rice industry. Undergirding the production of this essential food crop and major export crop is of utmost importance. Let me list a few of the reasons for this statement:

First. Rice is a very costly crop to produce. Even USDA statistics show a cost of $444 per acre, excluding land costs, as the average cost of production for the 1981 crop. It is reasonable to assume such costs will be close to $500 per acre for the 1982 crop and this cost does not include an allowance for the cost of land. So, this basically is the out-of-pocket costs and surely there are substantial land costs involved and those while quite variable must be added.

Second. Rice is an export commodity—in recent years over 60 percent of the annual production has been exported. As a major food grain of the world, it is traded into a highly protected world market; and as a result, our actual export movement is subject to unforeseeable whims of international policies. One comment to illustrate—much U.S. rice is sold to Middle Eastern countries and we all realize that with the unsettled conditions in this area of the world these markets could be closed to us without justification or notice. Iran was a major customer and overnight they were no customer.

Third. The many uncertainties of rice production and marketing coupled with the high cost of rice production requires an effective rice program so that producers can finance their production operation. Without reasonable program guarantees, producers, especially small producers, would find it difficult or perhaps impossible to obtain the credit to produce a crop.

Fourth. Rice is not storable for extended periods like wheat or corn. Hence, a farmer-held reserve as an adjunct to the regular price support program is not feasible.

The point of all this is that an effective and adequate price support and production adjustment program for rice is a necessity. The provisions of H.R. 3603 is the best compromise that we can devise under the severe restrictions imposed by this administration.

I wish I could tell the rice producers of my district to forget rice and produce an alternative crop for a greater and more stable return. Unfortunately, because of a combination of soil and climate, we do not have a feasible alternative crop. The agriculture of my district is limited to rice and cattle and the current outlook for both is anything but good. The proposed program for rice is the least I can accept for my rice producers.

AMENDMENT OFFERED BY MR. HUCKABY

Mr. HUCKABY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUCKABY: On page 86, after line 25, insert the following new section:

"SEC. 1210. Any company engaged in the export of wheat or feed grains shall pay no less than the fair market value of the commodity at the time of purchase. Such a fair market value shall be determined by the price of that commodity on the appropriate commodity exchange at the time of purchase by the company."

Mr. HUCKABY. Mr. Chairman, this amendment appears in the sense of Congress section regarding exports. For the past 2 years, Southern wheat farmers have found that once they take their wheat crops to an export port in the Gulf of Mexico that they have been receiving from 30 to 70 cents a bushel less than what the markets around the world say their wheat was valued at.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I would be happy to yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, it is my understanding that the gentleman's amendment would appear as sense of Congress language in the statute; is that correct?

Mr. HUCKABY. That is correct.

Mr. FINDLEY. I want to express my support for it.

Mr. HUCKABY. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. HUCKABY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 86, after line 25, insert the following new section:

STUDY OF ALTERNATIVE EXPORT MARKETING OF GRAIN

SEC. 1211. (a) The Secretary of Agriculture shall conduct a study to develop proposals for legislation that would provide alternative marketing and pricing programs to assure that the price paid by foreign purchasers for grain produced in the United States results in producers of such grain receiving an average amount for such grain that is not less than the average estimated domestic cost of production of such grain. For purposes of this subsection the term "grain" means wheat, soybeans, and corn and other feed grains.

(b) For purposes of developing proposals under subsection (a), the domestic cost of production shall be determined on the basis of official statistics maintained by the Department of Agriculture, and shall include the average acquisition value of land as the cost of land.

(c) The Secretary shall transmit the proposals developed under subsection (a) to the Congress not later than January 1, 1983.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DORGAN of North Dakota. Mr. Chairman, I am offering this afternoon an amendment which I believe will signal the beginning of a serious attempt on the part of our Government to recognize the pricing potential which we have with regard to our grain exports. It is an attempt to utilize that pricing potential in a manner which will guarantee that, when our farmers produce grain for export, they receive a price for that grain that is at least equal to their costs of production.

In recent years our grain and oilseed exports have grown to the point where we now provide such a large percentage of the grain that is sold in the international market that we virtually set the world market price. Our exports account for approximately 50 percent of the wheat, 70 percent of the coarse grain, and 80 percent of the soybeans that move in international trade. This is more than twice the percentage of the international oil trade accounted for by Saudi Arabia, the acknowledged price leader with regard to crude oil.

Unfortunately, the growth in our markets has not, by itself, been able to assure our farmers a profit on the grain that leaves this country. Although our exports of wheat, for example, have tripled in the last 10 years, farmers are losing more money today on wheat that is exported than they were in 1971.

At the current price of about $3.50 per bushel, our farmers are receiving about two-thirds of the $5.20 per bushel that it costs them to produce wheat. At this rate, American wheat farmers are going to lose about $3 billion during 1981—just on the wheat that we are going to export.

And which countries are the big beneficiaries of this bargain basement price policy for U.S. wheat? None other than some of the richest nations in the world. Together, the Soviet Union, its satellites, Japan, China, and the OPEC countries buy nearly half of our grain exports. In effect, our farmers are funding a food stamp program for the Soviets, for the OPEC countries, and for other prosperous nations.

Selling wheat and other grains at below what it costs us to produce them might make sense if other countries could produce them cheaper. But they cannot. We have the most efficient agricultural system in the world.

In fact, our grain is so cheap that, even after paying over $1 per bushel for shipping, many countries find that they can import it at much less than what it costs to produce alternatives locally. In order to protect their local farmers, governments of a number of nations, including Japan and the members of the European Community, add a substantial amount to the price of our grain as it enters their countries.

In Japan, a state trading agency purchases wheat on the international market and then resells it to local outlets for about $2.50 per bushel more than the landed price to the government. In western Europe, governments charge a variable levy on imported grain. Currently that levy stands at $2.90 per bushel for wheat and at $1.78 per bushel for corn. In both cases the add-on, goes directly into the treasuries of the grain importing nations.

When we sell grain to these countries at less than our own farmers cost of production, we are asking those farmers to help pay the cost of any number of government programs in those countries. It is time we realize that with our degree of dominance in the international grain market, we no longer have to put up with that.

In order to initiate some serious study of our pricing potential, I am offering the following amendment which instructs the Secretary of Agriculture to undertake an in-depth investigation into what might be the best approach to follow in order to secure a price for our grain exports that is sufficient to allow our farmers to at least cover their costs of production on that grain.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota (Mr. DORGAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 81, after line 21, insert the following new section (and redesignate succeeding sections accordingly):

VALUATION OF COMMODITIES

SEC. 1204. Section 403(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "a price not greater than" after "valued at".

□ 1610

Mr. GUNDERSON. Mr. Chairman, there is little doubt that one of the most worthwhile programs Congress has established is the Public Law 480, food-for-peace program. It is through this program that the United States can share its abundant production of agricultural commodities with the less developed countries of the world.

Clearly, one good source of commodities for the Public Law 480 program is the Commodity Credit Corporation. Under current law, commodities acquired by the Commodity Credit Corporation under a domestic price support program must be valued at the export market price for the commodity for purposes of reimbursing the CCC when the commodity is removed from inventory and moved through the Public Law 480 program.

The export market price is not the world price; rather, it is a price that is set by an administrative formula and used exclusively to determine the reimbursement for using CCC acquired commodities in the Public Law 480 program.

Since the various commodities acquired by the CCC are not all purchased at the same price, their export market prices will vary. Thus, commodities with larger export market prices do not move as readily through the Public Law 480 program as commodities with cheaper export market prices even though they may be in greater quantity. The reason for this phenomenon is, of course, the mandatory price that is placed on the commodity if it is to be moved through the Public Law 480 program.

As an example of this problem, we all know that the CCC presently has greater quantities of surplus dairy commodities than any other commodity. The export market price for nonfat dry milk is 19 cents per pound.

At the same time the export market price for flour is 12 cents per pound, for wheat is 9 cents per pound, and for corn is 7 cents per pound.

It is, therefore, uneconomical for a Public Law 480 country to purchase nonfat dry milk even though it is presently in the greatest quantity since it can get half again as much flour, twice as much wheat, and almost three times as much corn for the same price. Yet, nonfat dry milk is just as nutritious as, if not more nutritious than, the other commodities.

The Commodity Credit Corporation presently has over 750 million pounds of nonfat dry milk in storage. The cost of storing this quantity of milk is approximately 7½ cents per hundredweight per month or a little over $6 million per year. Thus, it is not only in the best interests of the Public Law 480 country that receives CCC milk to use these surplus stocks, but in the best interests of the American taxpayer as well.

My amendment would establish the export market price as a ceiling for reimbursement of the CCC for commodities purchased under a domestic price support program if they are used in the Public Law 480 program. The Secretary of Agriculture would have the discretion to set the price of a particular commodity below the export market price. In this way, the Secretary can make commodities with high export market prices more competitive with commodities with lower export market prices if the CCC has large surpluses of the former commodities.

Again, in the case of the present surplus of nonfat dry milk, for every 110 million tons of milk that is moved through the Public Law 480 program, the American taxpayer saves approximately $1 million a year in storage costs. If the amendment becomes a part of the farm bill, the USDA estimates that it will be helpful in not only moving nonfat dry milk through the Public Law 480 program, but rice as well.

I should note in closing that the USDA has worked closely with my office in bringing this amendment to the floor and I am confident of their support of it. Similarly, the amendment was adopted by the Senate in September as part of their version of the farm bill.

I, therefore, urge my colleagues to support this well-reasoned amendment that benefits both the less privileged in developing countries by allowing them greater access to surplus CCC commodities with high export market prices and the American taxpayer by saving him the costs of storage of these surplus commodities.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I want to commend the gentleman for his amendment. This is not anything that is novel in that sense. We did have a temporary provision which allowed that previously. It is an important one, and one that can be of great assistance to us. I appreciate the gentleman offering the amendment and I support it wholeheartedly.

Mr. GUNDERSON. I appreciate the comments of the gentleman from Vermont.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GUNDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: Page 81, insert the following after line 5 and redesignate the succeeding sections accordingly:

HUNGER AND GLOBAL SECURITY

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION; VERIFICATION OF SELF-HELP PROVISIONS

SEC. 1201. (a) Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (3) by inserting immediately before the semicolon ", and reducing illiteracy among farmers";

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(3) by inserting the following new paragraph immediately after paragraph (10):

"(11) carrying out programs to improve the health of farmers and their families.".

(b) Section 109 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d)(1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum feasible extent, in quantitative and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

"(2) The President shall, to the maximum feasible extent, take appropriate steps to satisfy himself that, in each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake are additional to the measures which the recipient country otherwise would have undertaken irrespective of that agreement or amendment.

"(3) The President shall take all appropriate steps to determine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out.".

Mr. DASCHLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Chairman, there is growing concern, in the Congress and elsewhere, that the assistance we provide through the food-for-peace programs a developmental purpose; that there is no point in selling or giving away food on concessional terms which then undercut local markets in recipient countries, or which do not reach the needy population. When the food-for-peace program began we had agricultural surpluses and it was designed to solve at least three purposes:

First, getting rid of agricultural surpluses for which we had no storage space; second, it served to depress market prices and third, it would help alleviate world hunger. But we have come to the realization that we do not live in a time of world food surplus and we may never do so. Our problem may be one of choosing which countries among the world to whom we now must export. We must, therefore, recognize that changes in the program must now be made.

We should use the food-for-peace program to more aggressively encourage agricultural development in recipient countries—a recognition which has come to us in recent years. Currently 70 percent of the food under the program is in the form of concessional sales. The recipient governments in turn sell the food, sometimes at prices which undercut local markets, and therefore, harm their own farmers and discourage incentive to increase agricultural output.

Often, as in the case recently in Bangladesh, the food does not reach the most needy, but is sold by the Government to select urban groups such as civil servants, police, and the army.

In 1977, Congress first made an attempt to deal with this issue and strengthen the self-help or developmental aspect of the food-for-peace program by establishing title III, which basically turns title I loans into grants for those countries willing to institute a complete agricultural development project. There have been proposals that the self-help measures in title I be strengthened by requiring contracts to be more specific and verifiable regarding agricultural development, and that the projects be of benefit to the most needy segment of the population. Those suggestions were proposed in numerous hearings held throughout this year, both before the House Agricultural Committee and the House Foreign Affairs Committee.

My amendment addresses the recommendations made in that testimony by first requiring that title I sales and agreements be far more verifiable and specific with respect to self-help measures that this legislation will incorporate.

Second, the amendment addresses the current problem we have found in that the great majority of self-help provisions—over two-thirds in a recent study of 192 such provisions—do not require that the poor be the primary beneficiaries.

This legislation requires that needy people in recipient countries be the major beneficiaries of the self-help measures pursuant to each one of the agreements.

It also makes these agreements more meaningful. There is a danger, many times, that these self-help measures set out in the sales agreements will merely be steps that the recipient government had been planning to take all along whether it had or had not received this assistance. This legislation calls for the agreements to represent actions which the recipient government would not have taken otherwise.

Finally, this legislation requires that all appropriate steps be made to determine whether the self-help provisions of each one of the agreements and be fully carried out.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I am grateful to my colleague for yielding. I would like to support this amendment. I think it is essential. We must encourage the self-help aspect.

It has passed the Foreign Affairs Committee in May. We passed a similar amendment to the Foreign Trade Act.

I would like to say something to this House as indeed I did to the committee, that we must inspect the question as to whether or not we must continue to insist that one-half of all shipments go in American cargo ships. This is causing an extra expense, and in one section of the bill alone of $79 million last year. It does discourage the export of our grain. It also limits the amount of food we can get to those countries which are full of starvation.

I thank my colleague.

Mr. DASCHLE. I thank the gentlewoman for her support.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the chairman of the Foreign Affairs Committee.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from South Dakota for yielding. I desire to ask the gentleman just a few questions.

Is my understanding correct that the gentleman's amendment is word for word the provisions that are contained in H.R. 3566, the foreign aid bill?

Mr. DASCHLE. The Chairman is correct. It is identical to the language passed in the Foreign Affairs Committee.

Mr. ZABLOCKI. But the gentleman's amendment is only part of the provisions in the House Foreign Affairs Committee bill, H.R. 3566. An overall, larger package of food and Public Law 480 provisions is contained in that bill.

Mr. DASCHLE. That is correct. There are other reforms that must be made, and will be the subject of legislation in the foreign affairs bill when it comes onto the floor later on next month. This simply deals with the self-help measures under title I that both the Senate Agriculture Committee and, as I understand it, the Senate Foreign Affairs Committee have taken up in the last couple of weeks.

Mr. ZABLOCKI. Will the gentleman yield further?

Mr. DASCHLE. I will be happy to yield.

Mr. ZABLOCKI. I certainly appreciate the good intentions of the gentleman from South Dakota, but I must ask him why this amendment is necessary to be acted upon at this time, since it is just a part of the whole package. Would not it be better and more orderly to wait until we consider the whole foreign aid bill?

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

(By unanimous consent Mr. DASCHLE was allowed to proceed for 3 additional minutes.)

Mr. DASCHLE. Mr. Chairman, I think that there is merit to bringing up the specific items on which we can all agree. I do not think the gentleman will find unanimous agreement for some of the other provisions that the chairman will be dealing with in the foreign aid bill, so I think the expeditious manner with which this particular part will be handled will certainly lend itself well to our objectives.

□ 1620

I would also add that the Senate Agriculture Committee and then, of course, the Senate, in passing the farm bill on the floor of the Senate just recently, included these very provisions. It had bipartisan approval. Many of the Senators on both sides of the aisle endorsed and supported this legislation.

So this is an effort to move ahead with those reforms in title I which we recognize are necessary, so that an expeditious implementation can be realized.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. DASCHLE. I yield to the chairman of the committee.

Mr. ZABLOCKI. Mr. Chairman, I want to take this opportunity to thank the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. DE LA GARZA), for the agreement we had reached on the handling of the various Public Law 480 provisions in our respective bills. I do not oppose the amendment of the gentleman from South Dakota, but I realize he is breaking an agreement.

Mr. DASCHLE. Mr. Chairman, I certainly do not speak for the committee chairman. The chairman may have had some agreements, but I feel very strongly about the self-help provision and recognize that my right to offer the amendment is protected.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. Yes; I am happy to yield to the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I would like to inform the distinguished gentleman from Wisconsin (Mr. ZABLOCKI), who is my dear friend, that the chairman has broken no agreement.

Mr. ZABLOCKI. No; if the gentleman will yield further, I did not say or intend to say that the chairman had broken an agreement.

Mr. DE LA GARZA. The agreement had been and will continue to be that in any area in which it appears in this bill that we have joint or similar jurisdiction we would be very happy to have our colleagues from the Committee on Foreign Affairs participate as conferees to the extent that we have joint jurisdiction.

Mr. DASCHLE. Mr. Chairman, it is my understanding—and perhaps the committee chairman can clarify this—that some members of the Committee on Foreign Affairs will be invited to participate in the conference on food-for-peace matters throughout the entire conference with the Senate; is that not correct?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the chairman of the committee.

Mr. ZABLOCKI. Mr. Chairman, the gentleman is correct, with regard to food for peace and certain other matters also.

If I may proceed, just for the purpose of clarification, the gentleman from Wisconsin did not imply nor intend to imply, and he certainly did not state, that the chairman of the committee had broken an agreement. The gentleman from Texas is a valued member of the Foreign Affairs Committee. For years we have been great friends, and we keep our agreements. If another Member wants to offer an amendment at this point, for whatever reason, I do not blame the chairman of the committee.

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's clarification. Our agreement continues to the extent that we have personal control.

Mr. ZABLOCKI. That is correct.

Mr. DASCHLE. Mr. Chairman, with that, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota (Mr. DASCHLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: On page 86, after line 25, insert the following:

EXPANSION OF INTERNATIONAL MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SEC. 1210. (a) It is the sense of the Congress that, in order to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and the products thereof, the Secretary of Agriculture should, and is hereby urged and requested to—

(1) use the intermediate credit program authorized under section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a) to improve the capability of importing nations to purchase and use United States agricultural commodities and the products thereof on a long-term basis;

(2) ask the Congress, at the earliest practicable date, for funds for the agricultural export credit revolving fund in an amount sufficient to meet the demand for short-term credit authorized to be made available under section 4 of the Food for Peace Act of 1966;

(3) establish, insofar as practicable, the maximum number of United States Agricultural Trade Offices in other nations authorized by section 605A of the Act of August 28, 1954 (7 U.S.C. 1765a);

(4) use, to the maximum extent practicable, existing authority to ensure full utilization of the levy-free quota, established during the Tokyo round of the multilateral trade negotiations, for the export sale of United States high quality beef to the European Economic Community;

(5) expand, to the fullest extent possible, the market development activities of the Foreign Agricultural Service of the Department of Agriculture in developed, developing, market, and nonmarket foreign countries with particular emphasis on (A) continuation of the cooperator programs at the same funding level (adjusted for inflation) provided to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) during fiscal year 1970; (B) a more active export market development program for value added farm products and processed foods; and (C) the implementation of a full scale program for

forestry products, including commodity information, trade policy, and market development for such products;

(6) insure that the European Economic Community observes its commitments under the General Agreement on Tariffs and Trade (GATT) regarding the tariff-free binding on imports of soybeans and corn gluten feed;

(7) consult with the appropriate officials of the Government of Japan with the objective of increasing the export sales of citrus fruits and high quality beef to Japan and to develop mutually acceptable standards for the certification of lettuce and other speciality crops for export to Japan; and

(8) use the authority under section 32 of the Act of August 24, 1935 (49 Stat. 774; 7 U.S.C. 612c) to establish a special standby export subsidy program for United States agricultural commodities and the products thereof, the export of which has been restricted by foreign government subsidies.

(b) It is further declared to be the sense of the Congress that any special standby export subsidy program established by the Secretary of Agriculture pursuant to subsection (a)(8) should (1) be consistant with United States international obligations, and (2) be designed to neutralize the effects of those for agricultural commodity subsidy programs which—

(A) the President has determined, pursuant to section 301 of the Trade Act of 1974 (19 U.S.C. 2411), are acts, policies, or practices described in section 301(a) of such Act that should be eliminated by appropriate action of the United States:

(B) have, as the result of the appropriate dispute settlement procedures, been found to be in violation of the General Agreement on Tariffs and Trade (GATT) or the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures), if applicable.

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

Mr. PANETTA. Mr. Chairman, the amendment I am offering was also offered in part and adopted by the Senate during its consideration of the farm bill. It is in the nature of a declaration of the sense of Congress that the Secretary should undertake certain steps to develop, maintain, and expand our Nation's export trade.

The Secretary has been authorized to established international trade offices, interim credit revolving funds, market development programs for value-added and processed food, and cooperator programs for foreign exporters. The Senate amendment would encourage him to take full advantage of these authorities. While I agree with many of the recommendations included in the Senate amendment, I am particularly interested in the recommendation that the Secretary engage in consultation with officials of the Government of Japan with the objective of increasing the export sales of citrus fruits and high-quality beef to Japan.

My amendment would expand upon the recommendation to the Secretary to include in these discussions the development of mutually acceptable standards for the certification of lettuce and other speciality crops for export to Japan. While lettuce is classified as "enterable" for Japan's market, the lack of assurance on the part of growers and shippers that their product will not be turned away at the last minute has effectively halted its export.

The potential of lettuce exports to Japan is exceedingly great. There is a tremendous demand for our product that for the most part goes unmet because of the lack of mutually acceptable standards between our two countries. One importer estimates that Japan could consume 250,000 to 500,000 cartons of lettuce per week. This works out to a potential market for 25 million cartons in new trade with the Japanese which at $5 per unit would represent $125 million in new trade.

Lettuce is the leading crop of the Salinas Valley and accounts for 42 percent of all the acreage committed to lettuce in the entire State of California. Our State provides over 72 percent of all the lettuce grown in the United States. The annual field value of this single crop in the Salinas Valley alone exceeds $200 million.

While there is tremendous demand in Japan for California lettuce, our growers and shippers are quite reluctant to export it because of uncertainty as to whether it will be accepted by Japanese officials as suitable for their market. Japan's pest tolerance levels do not comport with the U.S. Department of Agriculture's standards for the issuance of phytosanitary certificates. These certificates certify that the particular product does not exceed acceptable levels of plant pests. It is necessary for the Secretary to consult with the Japanese and to develop mutually acceptable standards for phytosanitary certification so that exporters may be assured of entrance to Japan's market. My amendment urges the Secretary to undertake such consultations with regard to lettuce and other speciality crops.

I would like to submit for the RECORD a brief description for my colleagues of the other recommendations which have been adopted by the Senate. These recommendations if fully implemented will assist our national effort to expand our agricultural export market.

ADDITIONAL INFORMATION

INTERMEDIATE CREDIT

Congress called for enactment of the Intermediate Credit Program in 1978. It was briefly in operation; however, no funding was allocated in 1981. Intermediate credit provides a valuable link between the short-term credit guarantee program for sales with 1 to 3-year credit repayment terms and concessional sales for market development under P.L. 480, Title I, with repayment terms of 20 to 40 years. The need for intermediate credit terms providing three to ten year credit for breeding animals and foreign market development facilities is not met by the guarantee program. Particularly in developing countries where potential for increased livestock exports is greastest, and where facilities to handle agricultural imports are most needed, longer repayment terms become critical in managing these types of investments with slower rates of return.

One mechanism for providing intermediate credit while expanding our short-term credit options is an export credit revolving fund, as proposed by the Senate Agriculture Committee Farm Bill. It would be advantageous to revive the direct credit program in order to complete our mix of export credit marketing tools. USDA says there may be some instances where direct government-to-government credit is a better selling tool than private guaranteed credit. The original Senate proposal called for funding not to exceed $300 million in FY 82, $500 million in FY 85, and $700 in FY 85.

AGRICULTURAL TRADE OFFICES

In the Agricultural Trade Act of 1978, Congress authorized the establishment of a minimum of six and a maximum of 25 Agricultural Trade Offices to be located in the major market areas with potential for expansion, i.e., OPEC countries, planned economies, and developing countries. The goal of the Trade Offices is to provide one-stop marketing service for U.S. exporters and foreign buyers.

At present, eight trade offices are fully operational and three trade officers are at posts in Nigeria, China and Tunisia with trade offices in development. In the fall of 1981, evaluation teams will begin a study of trade offices in Hamburg, London, Warsaw, Manama, Singapore, and Seoul to determine their effectiveness and the feasibility of creating additional trade offices.

EC IMPORTS OF HIGH-QUALITY BEEF

The European community's Beef and Veal Management Committee allocates the U.S. a 10,000 MT quota of a 21,000 MT quota for high quality beef as ageed to in the Tokyo Round of the Multilateral Trade Negotiations. This was seen as a major breakthrough in U.S. efforts to gain access to the European market. However, U.S. exporters filled only 941 MT of the quota in 1980 and 1,215 MT to date in 1981. Obstacles to increased use of the quota center around pricing by U.S. producers and European wholesalers and complex licensing procedures for European importers. In June, 1981, Secretary Block won a commitment from EC ministers to keep the quota in place while these problems are addressed. Foreign Agricultural Service officials met with EC officials and U.S. industry representatives in July and August 1981. Further progress is expected with a strong, concerted effort.

MARKET DEVELOPMENT ACTIVITIES

(A) Cooperator Programs.—The dramatic expansion in agricultural exports in the past decade has put increasing pressure on the resources available for the market development cooperator program. Since 1970, the number of participants has doubled from 25 to 50 associations and a new component, the Export Incentive Program with 36

participants has been added. Funding has not kept pace with this growth. While authorization ceilings for the program have doubled from $13.1 million in 1970 to $26.6 million in 1981, inflation and currency fluctuations have kept the real purchasing power at $13.6 million—only $1.3 million above 1970 purchasing power. Instead of providing more service to agricultural exporters, FAS is providing less to an increased number of participants.

(B) Value-added Products.—With increasing emphasis on the relationship of exports to domestic employment, greater attention must be given to the importance of value-added products and processed food exports. The Foreign Agricultural Service has recently completed a draft study with recommendations for development of a program to target export market potential for these products.

(C) Forestry Products.—In 1979, the Foreign Agricultural Service began consultation with the National Forest Products Association (NFPA) in an effort to develop a cooperator program. Wood export in 1980 totalled almost $4.0 million nearly as much as the nation's coal exports. With aggressive marketing, NFPA projects a doubling of these exports in the next 20 years. FAS specialists and Agricultural Attaches are currently initiating plans to assist the wood industry in export marketing.

ZERO BINDING ON SOYBEANS AND CORN GLUTEN

During the Dillion Round of Trade Negotiations in 1961-62, the European Community (EC) agreed to a zero tariff binding on soybeans and soybean meal. Since then, U.S. exports of these products to the EC have grown to $3.6 billion annually. The EC Council of Ministers, concerned over the entrance of Spain into the EC in 1985, has again raised the possibility of a special tax on soybeans and soybean products. (Under the current system, Spanish olive oil will require heavy subsidization to compete with soybean oil.) As in the past, the U.S. strongly opposes such a tax as a violation of the agreement to the zero binding.

Similarly, the last five years have seen a large increase in U.S. exports of feed substitutes to the EC from 15 percent in 1975 to over 30 percent in 1980. Most of the $600-$700 million of such products is corn gluten feed. EC officials, fearing further increases in imports, are discussing schemes for raising duties on feed grain substitutes. These duties are bound at zero to six percent by the General Agreement on Trade and Tariff (GATT). Our competitiveness in the EC is based on more competitive pricing. Currently, corn gluten feed in the U.S. is priced roughly 25 percent above U.S. domestic corn prices, while still registering 20 percent below EC corn prices. Secretary Block and U.S. Trade Representative Brock have taken every opportunity to state U.S. opposition to such changes in EC policy, which would represent further protectionism.

The U.S is presently involved in repealing the GATT decision allowing Spain to tax and restrict domestic use of soybean oil derived from imported soybeans. If the GATT decision is upheld, it will allow the EC to establish a secondary tax as described above. The U.S. will appeal the decision at the GATT council meeting in Fall 1981.

JAPANESE CITRUS AND BEEF IMPORTS

Although Japan has become our leading agricultural export market, quantitative restrictions on imports of certain agricultural products still severely limit our access to those markets. The apparent potential for a much larger market in Japan for U.S. citrus and beef has made the quantitative restrictions on these commodities particularly frustrating. In the Multilateral Trade Negotiations, a good beginning was made toward loosening the restraints. As a result of Japanese concessions during these talks, quotas on beef will increase annually from 16,800 tons in JFY 1978 to 30,800 tons in JFY 1983 and quotas on oranges will increase from 68,000 tons in JFY 1980 to 82,000 tons in JFY 1983. Quotas on orange and grapefruit juice will also gradually increase.

The process of loosening controls, however, has just begun. Agreement was reached with Japan to reinstitute talks on citrus and beef in JFY 1982. The U.S. objective during those talks will be to further expand the permissible levels of exports to Japan. During the U.S.-Japan Agricultural Consultations in December, Secretary Block's visit with Ambassador Okawara in March, Director General Matsuura's visit in May, Deputy Secretary Lyng's visit to Japan in July, and on numerous other occasions involving USTR, State and working level USDA and MAFF officials, the Japanese have been informed of our expectations concerning the planned talks.

EXPORT SUBSIDY UNDER SECTION 32

Sections 32 of Public Law 320 and the CCC Charter Act provides for a separate fund to be established under the discretion of the Secretary of Agriculture to be used to divert surplus agricultural commodities from the domestic market. Specifically, the fund is "to encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation . . . ". Other provisions include distribution of surplus to low-income groups and through donation programs. Thus, the law would give the Secretary broad authority to subsidize export sales, as long as no one commodity received more than 25 percent of the funds. Recent trade policy objectives and trade practices have been such that this authority is not in use. Section 32 is primarily used for donation of commodities to low-income groups and school lunch programs. However, escalating use of export subsidization by foreign competitions as noted above increases demand for this type of export marketing tool.

The CHAIRMAN. The question is on the amendment offered by the gentleman for California (Mr. PANETTA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 86, after line 25, insert the following new section:

CONGRESSIONAL REVIEW OF CERTAIN EXPORT SALES OF COMMODITY CREDIT CORPORATION STOCKS

SEC. 1210. (a) Notwithstanding any other provision of law, no agreement providing for the sale, barter, or exchange of a quantity of commodities owned or controlled by the Commodity Credit Corporation which has a value of more than $5,000,000, which is to be exported, and for which the value to be received is less that 85 percent of the value of such quantity shall be valid—

(1) until the Secretary of Agriculture submits a report to the Speaker of the House of Representatives and the President of the Senate specifying in detail the terms of such agreement; and

(2) unless the Congress does not adopt a concurrent resolution disapproving such agreement before the expiration of 30 days of continuous session of the Congress beginning on the day such report is submitted.

(b) For purposes of subsection (a)(2)—

(1) continuity of session is broken only by an adjournment of the Congress sine die; and

(2) days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computing the 30-day period described in such subsection.

(c) For purposes of subsection (a), the term "value" means the fair market value on the world market.

(d) Subsection (a) shall not apply to any agreement entered into before the date of the enactment of this Act.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, on August 5, the U.S. Department of Agriculture sold 220 million pounds of Commodity Credit Corporation butter to the New Zealand Dairy Board for $155 million, or about 70 cents a pound. The price on the open market then was $1.05 a pound. The aggregate difference is $77 million on that sale.

The New Zealand agreement is a classic example of a selective trade embargo causing more damage to U.S. farmers than to our adversaries.

My amendment to title XII of H.R. 3603 will give Congress the power to review future agreements of this nature, and, if necessary, veto them.

The amendment would require the Secretary of Agriculture to submit to Congress, for its review, any agreement providing for the sale, barter, or exchange for export of commodities owned or controlled by the CCC which have: First, a value of more than $5 million; and second, for which the value to be received is less than 85 percent of the world market price. Congress would have 30 legislative days to adopt a concurrent resolution disapproving the agreement.

This amendment represents the very essence of the balance of powers concept of our Constitution—and that is the point I am arguing—that Congress should play a role in the international marketing of commodities, because the national interest is at stake.

The New Zealand butter agreement has raised serious concerns among American Dairy farmers and many Members of this House.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I think the amendment sounds extremely sensible.

I wondered about this: What were the reasons by which the CCC decided to sell at 70 cents when the world price was $1.09?

Mr. OBERSTAR. That was the best deal they could work out with the New Zealand Dairy Board. The Russians, United States private exporters, and the Governments of Romania, Ireland, and Poland had made inquiries or put out feelers with the Commodity Credit Corporation to buy that butter at prices significantly higher than 70 cents a pound, but for foreign policy considerations it was decided not to sell to the Russians or other interested parties, but to deal with the New Zealand Dairy Board.

Mrs. FENWICK. Could we have gotten $1.09 from the Russians?

Mr. OBERSTAR. They were prepared to pay the world market price, which was $1.05 at that time.

Mrs. FENWICK. So we took a loss of how many millions of dollars, did the gentlenman say?

Mr. OBERSTAR. It was a loss of some $77 million.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman.

Mr. OBERSTAR. Not only that, but there is a provision in the agreement with the New Zealand Dairy Board that grants the board veto power over any further U.S. butter export sales until July 1982. As if the selective butter embargo against the Soviets wasn't enough, we now have until July, a complete embargo against all butter exports. The gravity of this provision is demonstrated by the fact that three such proposals have already been turned down by the New Zealand Dairy Board.

Now, had this amendment been in effect prior to that agreement, Congress would have had the opportunity to review the sale, to raise questions about the agreement, and then, armed with the facts, make an informed judgment.

Now, before that sale, the Commodity Credit Corporation rejected an offer by a U.S. exporting firm of 87 cents a pound, which would have meant a $37 million loss on our agreement. Other dairy exporting nations expressed interest in purchasing the butter, and for reasons not yet entirely clear, the Department of Agriculture and the CCC chose to negotiate seriously only with New Zealand, they say, because New Zealand has had long experience in marketing these commodities on the world scene.

In arguing for the sale to NZDB, USDA has claimed that selling to New Zealand will assure that U.S. stocks will not disrupt orderly world market trade in butter and cause world prices to fall. But would not a sale to the Soviets provide an even butter assurance of this goal? Mr. Frank Gill, New Zealand Ambassador to the United States has said a direct sale to the Soviets would have been the least disruptive option to the international dairy market.

Secretary of State Alexander Haig rejected a proposal to sell the butter directly to the Soviet Union, saying that would somehow be "sending the wrong signs." What signal did we send the Soviets last Friday when we agreed to sell them up to 15 million tons of grain?

Why is it acceptable for the United States to sell the Soviets grain, industrial and high technology equipment, yet it is unacceptable to sell them butter particularly old, surplus butter?

I am not arguing for or against sales to the Soviets nor does the amendment address that particular sale. This amendment deals with the principle of how such sales may be conducted in the future. The sale of butter to New Zealand sends mixed signals to American farms who now depend on export markets for 40 cents out of every dollar of gross income they receive.

I am not opposed to selling butter from U.S. stocks for export. In fact, I have encouraged USDA's efforts to make such sales since discussion of this issue began.

The sole purpose of my amendment is to give Congress a partnership role in the international trading of CCC stocks—a role which directly affects the livelihood and well-being of American farmers. We must explore every opportunity to reduce our surplus dairy products, including expanded aid programs for milk products, additional credit for sales to selected foreign government agencies, and distribution of the products for humanitarian and social welfare purposes, but in doing so, we must avoid causing financial harm to American farmers.

I believe the administration made a serious mistake in the August 5 sale. The butter should have been sold directly to any customer willing and able to pay the fair market price.

I urge you to support my amendment.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Texas.

□ 1630

Mr. DE LA GARZA. This issue has been informally discussed in the committee. We have had oversight hearings on the agreement with New Zealand, but the committee has not really devoted, because of the time frame when we were preparing to come to the floor, the time necessary to really evaluate the implications of an amendment such as the gentleman has offered, although it certainly would appear to reflect the intent of many members of the committee.

So in order to expedite proceedings I would tell the gentleman that we would accept the amendment on this side at this time with the understanding that it may be dropped in conference if further study is needed with the assurance that we would come back in the committee, the appropriate subcommittee, for further study, and eventually arrive at something similar to this. But I do not feel that we could commit ourselves at this time in an irreversible manner.

If that would help the gentleman with what he is trying to do, we would be agreeable to that extent.

Mr. OBERSTAR. I think the gentleman has made a very fair proposal. It will establish the principle of congressional review of such commodity agreements in the future, and I am very pleased to have the gentleman's statement.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

Mr. DE LA GARZA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the Chair, Mr. MCHUGH, Chairman of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes, had come to no resolution thereon.

PROGRESS OF FARM BILL

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I would like to mention to my colleagues in the House that we have been on this legislation now for some period of days during October, October 2, October 7, October 14, October 15, October 20, and today.

I would like the cooperation of my colleagues. We do not want to make this legislation the work of the House and of the Committee of the Whole for the rest of this session. I am sure that there are other very important bills that need to be considered.

This is my first venture as chairman with a farm bill, but I do not want to break the existing record for longevity

in time of discussion on legislation. So it would be my hope that at some point when we return to the Committee of the Whole we could assess all of the amendments that are posted in the RECORD and evaluate the time frame, and set a limit on debate in order that we might not invite other amendments that are not posted.

The discussion has been beneficial, but it may be it is sometimes repetitious and only adds to the length of time in which we discuss this legislation. So I would implore Members that when we do arrive at that time that we would consider the fact that we have worked for 6 days on this legislation and that we must proceed with other important legislation. I would hope the Members would be amenable and cooperative to the Chairman when we do ask for some restraint in time.

I do not think that we have cut anyone off. I think everyone has had ample opportunity to discuss all of the issues. Certainly today I think was a good example. I think the debate has been helpful and fruitful.

For one moment we deviated somewhat from the norm and there was some mention of personalities. But from that point, with that exception, we have discused the issues in a bipartisan way. The members of the committee have in no way attempted to limit amendments offered or time for discussion.

But there is a point in time when we must discipline ourselves. I do hope that later today or tomorrow, at what might be the appropriate time, I may ask for the consideration and assistance of the Members when we do make that request.

REAGAN ECONOMIC PROSPERITY EQUALS RECESSION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Last week, Mr. Speaker, the President very nonchalantly made reference to the fact that we were in a recession. Today the Government made it official. We are in a recession and it is a real recession.

For months we have been told just the opposite. We have been told that everything was going to be all right, that we were headed for prosperity, for an economic renaissance. The President on August 5 said he had everything that he wanted. He had his rich man's tax cut. He had his budget cuts.

Yes, indeed, now we are facing economic reality. We are in a recession.

For months we have been told we would have huge tax cuts for the rich, huge new defense systems, brutal cuts in social programs, and cruel interest rates, and that we could have all of these things and still reach a balanced budget. We could still have economic prosperity.

Today we have the Reagan nonsense, economic nonsense, which you people voted on, and we have seen what that really is here in America.

It is a shame that it takes the human tragedy of unemployment to show the Reagan economic nonsense for what it is. It is a shame that it takes a period of fewer homes and less housing being built than at any time since 1945 to show the Reagan nonsense for what it is.

Last summer during the heat of this debate, we Democrats presented an alternative program. It called for a fairer tax cut, for a lower deficit. Yes, it would have meant lower interest rates. That Democratic program would have been good for investment and good for the American people. It would have created a lot more jobs and a lot more opportunities than we see today.

Unfortunately, people only really believe what they discover for themselves, and the latest I understand is that the leadership has been talking about more cuts and more hurts.

□ 1640

Does it mean more planned unemployment? Does it mean the same inflation? And does it mean the same huge interest rates?

I think the policies of Mr. Reagan and those at the Whtie House have been wrong. I urge you on the Republican side to do some rethinking and reconstructing, because you are the people in power in the Capital of the United States.

YOU REAP WHAT YOU SOW

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have to respond to that, because if a program has been in effect for 21 days, how can you then charge that the country is plunged into a recession when a program has only been in effect 21 days?

I think it is total nonsense on your part to even suggest that. Do you want to spend the next 4 years pointing fingers about the ills of the last 20 years? Or do you want to do something about correcting it? You cannot have increased expenditures, 12 percent, 15 percent, 16 percent, year after year, as we did during the Carter years, and not have that juggernaut of government come up to the point where we are now and expect it to have it all remedied within 21 days. Of course not. What we are reaping today are those seeds we have sown over those disastrous 4 years that we have just concluded.

FOOD AND AGRICULTURE ACT OF 1981

Mr. DE LA GARZA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3603, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose earlier this afternoon, title XII was open to amendment at any point.

Are there any further amendments to title XII?

Mr. BEDELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has come to my attention that in the Senate bill there is a provision at the end of the bill which says, in effect, that it will move the date at which the part that says there will not be State inspection back.

The net result is that it qualifies States to institute State inspection for export grain which have not previously been qualified. And the reason that they were not qualified is that, as we had a great scandal in regard to our grain inspection, there was one State which had been having State inspection and they could not be qualified because all of the people had been under indictment. Under those circumstances, that particular State was not, therefore, certified to conduct State inspections. This was something which did not come up in the consideration of the House bill. The purpose of my taking the floor is to point out to the Members on the floor who might be conferees that this is a section in the bill which at least this gentleman feels would be a terrible disservice for our exports of grain if it were to be left in the bill.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to my fellow Iowan.

Mr. SMITH of Iowa. Mr. Chairman, I commend the gentleman for bringing this up, because I thought it ought to come up sometime before we conclude the bill.

We are talking about the State of Louisiana, where they had to close

down the State inspection service about 1976 or 1975 because so many of their people who worked there were under indictment or imprisoned that they could not operate the service. It is just unbelievable that the other body would put in an amendment that would propose to let them now establish a new inspection service in that State. At the time they had these indictments that involved short-weighing and misgrading at Baton Rouge. I have been to that plant. I have been all through the plant. It is a fine plant. But this is no time to discourage other people from thinking that we have decent grain in this country.

We just saw just last week the Secretary of Agriculture is over in China, and China is complaining about foreign material in the grain that they are getting now.

We need to have more confidence in our grain and not less, and it would just be unconscionable to come back from conference with this provision that is in the Senate bill.

Mr. BEDELL. I would just urge the chairman and the minority leader on the committee, when this comes up in conference, to be certain that they look at the importance of our having adequate grain inspection. It was a great scandal, as I am sure many of the Members on the floor will recall, and I would hope that we would not let this slip through without proper consideration in the conference committee.

Mr. ASHBROOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes. In the spirit of what our chairman said a few moments ago, I think we will try to expedite this bill. But I merely want to point out to my colleagues from that side of the aisle that when this Committee rises for the sole purpose of the Speaker to make what I would happen to think is a very political statement which could have opened up a debate which could have gone on and on, it ill-behooves my friends on the other side of the aisle to say we are going to expedite this bill. I merely state that as what one Member thinks. If we are going to play that kind of a game, many of us can do it.

The CHAIRMAN. Are there additional amendments to title XII? If not, the Clerk will designate title XIII.

Title XIII reads as follows:

TITLE XIII—FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1981

SEC. 1301. This subtitle may be cited as the "Food Stamp and Commodity Distribution Amendments of 1981".

HOUSEHOLD DEFINITION

SEC. 1302. Section 3(i) of the Food Stamp Act of 1977 is amended by—

(1) inserting before the period at the end of the first sentence "; except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is 60 years of age or older";

(2) striking out "live together" in paragraph (2) and inserting in lieu thereof "live as one economic unit"; and

(3) striking out "neither" in the second sentence and inserting "no" in lieu thereof.

BOARDERS

SEC. 1303. Section 3(i) of the Food Stamp Act of 1977 is amended by—

(1) striking out in clause (1) of the first sentence "or else pays compensation to the others for such meals,";

(2) striking out everything in the first sentence after "consumption" in clause (2) and inserting a period in lieu thereof; and

(3) adding before the period at the end of the second sentence ", or else live with others and pay compensation to the others for meals".

RETAIL FOOD STORES

SEC. 1304. (a) Section 3(k) of the Food Stamp Act of 1977 is amended by—

(1) revising clause (1) to read as follows: "(1) an establishment or house-to-house trade route whose gross sales volume consists of more than 50 per centum eligible food items and in which over 50 per centum of eligible food sales volume consists of staple food items, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, spices, snack foods such as potato chips, pretzels, and popcorn, and dessert items such as cakes, pies, cookies, and pastries";

(2) redesignating clauses (2), (3), and (4) as clauses (4), (5), and (6) respectively; and

(3) inserting after clause (1) new clauses (2) and (3) to read as follows: "(2) an establishment which contains a clearly identifiable grocery department with a full line of grocery items and in which over 50 per centum of eligible food sales volume consists of staple food items, (3) an establishment which sells staple food items and is the only source for households to obtain such staple food items in an immediate area, and which meets such other criteria as the Secretary may prescribe,";

(b) Section 9(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out "(1) the nature and extent of the food business conducted by the applicant;" and inserting in lieu thereof "(1) whether the applicant meets the definition in section 3(k) of this Act of a retail food store; and";

(2) striking out clause (2); and

(3) redesignating clause (3) as (2).

ALASKA'S THRIFTY FOOD PLAN

SEC. 1305. Section 3(o) of the Food Stamp Act of 1977 is amended by revising clause (2) to read as follows: "(2) make cost adjustments in the thrifty food plan for Hawaii and the urban and rural parts of Alaska to reflect the cost of food in Hawaii and urban and rural Alaska,".

ADJUSTMENT OF THE THRIFTY FOOD PLAN

SEC. 1306. Section 3(o) of the Food Stamp Act of 1977 is amended by—

(1) striking out "through January 1, 1980,", "and July 1", "and March 31, respectively" in clause (4);

(2) striking out "six" and inserting in lieu thereof "twelve" in clause (4); and

(3) striking out clauses (5) and (6), and inserting a period in lieu of the colon at the end of clause (4).

GROSS INCOME ELIGIBILITY STANDARD

SEC. 1307. (a) Section 5 of the Food Stamp Act of 1977 is amended by—

(1) striking out "subsections (c) and (e)" from subsection (b) and inserting in lieu thereof "subsection (c)";

(2) inserting in subsection (c) "130 percent of" after "standards of eligibility shall be"; and

(3) striking out from the first sentence of subsection (e) "In" and inserting in lieu thereof "Further, in", and inserting "for purposes of determining the household's benefit level only" after "household income".

(b) Section 8(a) of the Food Stamp Act of 1977 is amended by inserting "(d) and (e)" after "Section 5" in the first sentence.

(c) Section 17 of the Food Stamp Act of 1977 is amended by striking out subsections (d) and (e).

REDUCTION IN DEDUCTION ADJUSTMENT

SEC. 1308. Section 5(e) of the Food Stamp Act of 1977 is amended by—

(1) in the second sentence, striking out everything after "January 1, 1982" and inserting in lieu thereof: "and every January 1 thereafter, shall be adjusted to the nearest $5 to reflect changes in the Consumer Price Index for all urban consumers of the Bureau of Labor Statistics for items other than food (exclusive of the home ownership portion of the shelter component of housing costs), for the twelve months ending the preceding September 30."; and

(2) in the fourth sentence, striking out everything after "January 1, 1982" through the end of clause (2), and inserting in lieu thereof: "and every January 1 thereafter, adjusted to the nearest $5 to reflect changes in the shelter (exclusive of the home ownership portion), fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers of the Bureau of Labor Statistics for the twelve months ending the preceding September 30, or".

DISALLOWANCE OF DEDUCTIONS FOR EXPENSES PAID BY VENDOR PAYMENTS; ATTRIBUTION OF INCOME AND RESOURCES TO SPONSORED ALIENS

SEC. 1309. (a) Section 5(e) of the Food Stamp Act of 1977 is amended by adding in the fourth and fifth sentences after "entitled" the following: ", with respect to expenses other than expenses paid on behalf of the household by a third party,".

(b) Section 5 of the Food Stamp Act of 1977 is amended by adding a new subsection 5(i) to read:

"(i)(1) For purposes of determining eligibility for and the amount of benefits under this Act for an individual who is an alien as described in subsection 6(f)(2)(B) of this Act, the income and resources of any person who as a sponsor of such individual's entry into the United States executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse if such spouse is living with the sponsor, shall be deemed to be the income and resources of such individual for a period of three years after the individual's entry into the United States. Any such income deemed to be income of such individual shall be treated as unearned income of such individual.

"(2)(A) The amount of income of a sponsor, and the sponsor's spouse if living with the sponsor, which shall be deemed to be the unearned income of an alien for any year shall be determined as follows:

"(i) the total yearly rate of earned and unearned income of such sponsor, and such sponsor's spouse if such spouse is living with the sponsor, shall be determined for such year under rules prescribed by the Secretary;

"(ii) the amount determined under subparagraph (i) shall be reduced by an amount equal to the income eligibility standard as determined under subsection 5(c) of this Act for a household equal in size to the sponsor, the sponsor's spouse if living with the sponsor, and any persons dependent upon or receiving support from the sponsor or the sponsor's spouse if the spouse is living with the sponsor;

"(iii) the monthly income attributed to such alien shall be one-twelfth of the amount calculated under subparagraph (ii).

"(B) The amount of resources of a sponsor, and the sponsor's spouse if living with the sponsor, which shall be deemed to be the resources of an alien for any year shall be determined as follows:

"(i) the total amount of the resources of such sponsor and such sponsor's spouse if such spouse is living with the sponsor shall be determined under rules prescribed by the Secretary:

"(ii) the amount determined under subparagraph (i) shall be reduced by $1,500;

"(iii) the resources determined under subparagraph (ii) shall be deemed to be resources of such alien in addition to any resources of such alien.

"(C)(i) Any individual who is an alien shall, during the period of three years after entry into the United States, in order to be an eligible individual or eligible spouse for purposes of the Act, be required to provide to the State agency such information and documentation with respect to his sponsor's spouse as may be necessary in order for the State agency to make any determination required under this section, and to obtain any cooperation from such sponsor necessary for any such determination. Such alien shall also be required to provide such information and documentation which such alien or the sponsor provided in support of such alien's immigration application as the State agency may request.

"(ii) The Secretary shall enter into agreements with the Secretary of State and the Attorney General whereby any information available to such persons and required in order to make any determination under this section will be provided by such persons to the Secretary, and whereby such persons shall inform any sponsor of an alien, at the time such sponsor executes an affidavit of support or similar agreement, of the requirements imposed by this section.

"(D) Any sponsor of an alien, and such alien, shall be jointly and severably liable for an amount equal to any overpayment made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to prove correct information under the provisions of this section, except where such sponsor was without fault, or where good cause for such failure existed. Any such overpayment which is not repaid shall be recovered in accordance with the provisions of subsection 13(a)(2) of this Act.

"(E) The provisions of this subsection shall not apply with respect to any alien who is a member of the sponsor's household, as defined in subsection 3(i) of this Act.".

REPEAL OF INCREASES IN DEPENDENT CARE DEDUCTIONS FOR WORKING ADULTS AND MEDICAL DEDUCTIONS FOR THE ELDERLY AND DISABLED

SEC. 1310. Sections 104 and 105 of Public Law 96-249 are repealed.

RETROSPECTIVE ACCOUNTING

SEC. 1311. (a) Section 5(f) of the Food Stamp Act of 1977 is amended to read:

"(f)(1)(A) Household income for those households that, by contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year, shall be calculated by averaging such income over a twelve-month period.

"(B) Household income for those households that receive nonexcluded income of the type described in subsection (d)(3) of this section, shall be calculated by averaging such income over the period for which it is received.

"(2)(A) Household income for migrant farmworker households shall be calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Household income for all other households shall be calculated either on a prospective basis as provided in paragraph (3)(A) or on a retrospective basis as provided in paragraph (3)(B), as elected by the State agency under regulations prescribed by the Secretary.

"(3)(A) Calculation of household income on a prospective basis is the calculation of income on the basis of the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined. Such calculation shall be made in accordance with regulations prescribed by the Secretary which shall provide for taking into account both the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined and the income received by the household during the preceding thirty days.

"(B) Calculation of household income on a retrospective basis is the calculation of income for the period for which eligibility or benefits are being determined on the basis of income received in a previous period. Such calculation shall be made in accordance with regulations prescribed by the Secretary which shall provide for the determination of eligibility on a prospective basis for the month of application and subsequent months as specified by the Secretary for newly applying households (other than households reapplying within thirty days after the end of a prior certification period) and other classes of households for which this method of income calculation either serves no useful purpose or could result in the provision of unnecessary benefits and for providing supplemental benefits to households which experience a significant change in household circumstances, including a loss of income of $50 per month or the addition of a new member.

"(4) In promulgating regulations under this subsection, the Secretary shall consult with the Secretary of Health and Human Services in order to assure that, to the extent feasible and consistent with the purposes of this Act and the Social Security Act, the income of households receiving benefits under this Act and title IV-A of the Social Security Act, is calculated on a comparable basis under the two Acts. The Secretary is authorized, upon the request of a State agency, to waive any of the provisions of this subsection with respect to applicants for or recipients of aid to families with dependent children under part A of title IV of the Social Security Act to the extent necessary to permit the State agency to calculate income for purposes of this Act on the same basis that income is calculated under that Act in that State.".

(b) Effective October 1, 1983, paragraph (2)(B) of section 5(f) of the Food Stamp Act of 1977, as amended by subsection (a), is amended to read:

"(B) Household income for all other households shall be calculated on a retrospective basis as provided in paragraph (3)(B).".

PERIODIC REPORTING

SEC. 1312. (a) Section 3(c) of the Food Stamp Act of 1977 is amended by inserting before the period at the end of the second sentence "except that the limit of twelve months may be waived by the Secretary to improve the administration of the program".

(b) Section 6(c) of the Food Stamp Act of 1977 is amended by—

(1) inserting after "households" in the first sentence of paragraph (1) ", including all households with earned income, except migrant farmworker households; all households including individuals receiving unemployment compensation benefits and individuals required by section 6(d) of this Act to register for work, and all households required to file a similar report under title IV-A of the Social Security Act, but excluding households in which all members are either elderly or are disabled or blind recipients of supplemental security income benefits or disability insurance benefits under title II or XVI of the Social Security Act,";

(2) striking out "5(f)(2)" in paragraph (1) and inserting "5(f)" in lieu thereof;

(3) inserting after paragraph (3) the following new paragraph:

"(4) Any household which fails to submit periodic reports required by paragraph (1) shall not receive an allotment for the payment period to which the unsubmitted report applies until such report is submitted."; and

(4) inserting after "State agencies" in the first sentence of paragraph (1) "other than those qualifying for an increased share of administrative costs pursuant to section 16(c)(2) of this Act".

(c) Effective October 1, 1983, section 6(c)(1) of the Food Stamp Act of 1977 is further amended by—

(1) striking out in the first sentence "elect to"; and

(2) striking out the second sentence.

RESOURCES

SEC. 1313. Section 5(g) of the Food Stamp Act of 1977 is amended by inserting "(other than those relating to licensed vehicles)" after "June 1, 1977" in the second sentence.

ELIGIBILITY DISQUALIFICATIONS AND CLAIMS COLLECTIONS

SEC. 1314. (a) Section 6(b) of the Food Stamp Act of 1977 is amended to read as follows:

"(b) No individual who is a member of a household which is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program for (1) a period of three months after the date on which such individual has been found by a State agency, after notice and opportunity for hearing at the State level, or after failure to appeal a local hearing to the State level, to have intentionally made a false or misleading statement or misrepresented, concealed, or withheld facts for the purpose

of using, presenting, transferring, acquiring, receiving, or possessing coupons or authorizations cards in violation of this Act or the regulations issued thereunder, or to have fraudulently used, presented, transferred, acquired, received, possessed, or altered coupons or authorization cards; or (2) a period of not less than six and not more than twenty-four months, as determined by the court, after such individual has been found by a court of appropriate jurisdiction, with a State or a political subdivision thereof or the United States as prosecutor or plaintiff, to have committed criminal or civil fraud in the use, presentation, transfer, acquisition, receipt, possession, or alteration of coupons or authorization cards; or (3) both of the periods specified in clauses (1) and (2) of this subsection. Each State agency shall proceed against an individual alleged to have engaged in such activity either by way of administrative hearings in accordance with clause (1) of this subsection, or by referring such matters to appropriate legal authorities for civil or criminal action in accordance with clause (2) of this subsection, or both. Each period of ineligibility shall take effect immediately upon the relevant administrative or judicial finding and shall remain in effect, without possibility of administrative stay, unless and until the finding on which the ineligibility is based is subsequently reversed by a court of appropriate jurisdiction, but in no event shall the period of ineligibility be subject to judicial review."

(b)(1) Section 13 of the Food Stamp Act of 1977 is amended by redesignating current section 13 as subsection (b) and inserting before it the following new subsection:

"SEC. 13. (a)(1) In the case of any ineligibility determination under section 6(b), the household of which such ineligibility individual is a member shall elect to (A) accept a reduction in the allotment of the household of which such individual is a member, or (B) pay in cash, in accordance with a schedule determined by the Secretary, an amount that will be sufficient to reimburse the Federal Government for any over-issuance of coupons resulting from the conduct that was the basis of the finding of ineligibility. If a household refuses to make an election, or elects to make a payment in cash under the provisions of the preceding sentence and fails to do so, the household shall be subject to an allotment reduction.

"(2) Any claim against a household arising from the over-issuance of coupons, other than claims the collection of which is provided for in paragraph (1) and claims arising from an error of the State agency, may be collected by reducing the monthly allotments of the household, but only in such cases and in such amounts as reasonable considering the income and resources of the household, as determined under regulations prescribed by the Secretary.".

(b)(2) The heading of section 13 of that Act is amended to read "COLLECTION AND DISPOSITION OF CLAIMS".

(c) Section 16(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out everything in the first sentence after "recovered or collected" and inserting in lieu thereof "pursuant to section 13(a)(1).''; and

(2) inserting in the second sentence after "determinations of" the word "ineligibility" in lieu of "fraud".

WORK REQUIREMENTS

SEC. 1315. Section 6(d) of the Food Stamp Act of 1977 is amended by—

(1) striking out ", unless the household was certified for benefits under this Act immediately prior to such unemployment" in clause (iii) of paragraph (1); and

(2) inserting "(including the lack of adequate child care for children above the age of six and under the age of twelve)" after "good cause" in clause (iv) of paragraph (1); and

(3) inserting before the semicolon at the end of clause (A) of paragraph (2) ", in which case, failure by such person to comply with any work requirement to which such person is subject that is comparable to a requirement of paragraph (1) shall be the same as failure to comply with that requirement of paragraph (1)"; and

(4) striking out "twelve" and inserting in lieu thereof "six" in paragraph (2)(B).

ANNUALIZATION OF WORK REGISTRATION

SEC. 1316. Section 6(D)(4) of the Food Stamp Act of 1977 is amended by striking out "six" and inserting in lieu thereof "twelve".

STRIKERS

SEC. 1317. (a) Section 6(d)(4) of the Food Stamp Act of 1977 is amended—

(1) in the first proviso by inserting ", but in no case shall a household receive increased benefits under this Act as a result of a member's going on strike" before the colon, and

(2) by striking out the last proviso.

(b) Section 6 of the Food Stamp Act of 1977 is amended by striking out subsection (i).

STATE ISSUANCE LIABILITY

SEC. 1318. Section 7(f) of the Food Stamp Act of 1977 is amended to read as follows:

"(f) Notwithstanding any other provision of this Act, the State agency shall be strictly liable to the Secretary for any financial losses involved in the acceptance, storage and issuance of coupons, except that in the case of losses resulting from the issuance and replacement of authorizations for coupons and allotments which are sent through the mail, the State agency shall be liable to the Secretary to the extent prescribed in the regulations promulgated by the Secretary.".

PRORATING ALLOTMENTS

SEC. 1319. Section 8 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(c) The value of the allotment issued to any eligible household for the initial month or other period for which an allotment is issued to such household shall, rounded to the nearest $1, be a value which bears the same ratio to the value of the allotment for a full month or other period for which the allotment is issued as the number of days (from the date of the application) remaining in the month or other period for which the allotment is issued bears to the total number of days in the month or other period for which the allotment is issued. As used in this subsection, the term 'initial month' means (1) the first month for which an allotment is issued to a household, and (2) the first month for which an allotment is issued to a household following any period of more than thirty days during which such household was not participating in the food stamp program under this Act after a previous participation in such program.".

SIXTY-DAY TRANSFER OF CERTIFICATION

SEC. 1320. Section 11 of the Food Stamp Act or 1977 is amended by striking out subsection (b) and redesignating subsections (c) through (l) as subsections (b) through (k), respectively.

OUTREACH

SEC. 1321. Section 11(d) of the Food Stamp Act of 1977 is amended by—

(1) revising clause (1)(A) to read as follows: "(A) inform applicants and participants of their rights and responsibilities under this Act and program regulations;"; and

(2) striking out clause (B), striking out "and (C)", and inserting "and (B)" in lieu thereof.

RECERTIFICATION NOTICE

SEC. 1322. Section 11(d)(4) of the Food Stamp Act of 1977 is amended by—

(1) striking out "immediately prior to or at" and inserting in lieu thereof "prior to";

(2) inserting after "new certification period" the first time that it appears, ": *Provided*, That such notice shall be provided no earlier than thirty days prior to the start of the last month of the certification period if the certification period is six months or longer;"; and

(3) striking out "it" after "advising" and inserting in lieu thereof "the household".

EXPEDITED SERVICE

SEC. 1323. Section 11(d)(9) of the Food Stamp Act of 1977 is amended by striking "in immediate need because of no income as defined in sections 5 (d) and (e) of this Act" and inserting in lieu thereof "(A) whose income as defined in section 5(d) of this Act does not exceed $150 per month or that are destitute since they have not received income for the month of application in the political subdivision in which such application is filed other than from a new source not in excess of $25 a month until at least 10 days after the date of application as defined in paragraph (2) of this subsection and (B) whose liquid assets as defined pursuant to section 5(g) of this Act do not exceed $100".

RESTORATION OF LOST BENEFITS

SEC. 1324. (a) Section 11(d)(11) of the Food Stamp Act of 1977 is amended to read as follows:

"(11) upon receipt of a request from a household, for the prompt restoration in the form of coupons to a household of any allotment or portion thereof which has been wrongfully denied or terminated, except that allotments shall not be restored for any period of time more than one year prior to the date the State agency receives a request for such restoration from a household or the State agency discovers in the normal course of business that a loss to a specific household has occurred and notifies the household of its lost benefits;".

(b) Section 14 of the Food Stamp Act of 1977 is redesignated as section 14(a), and a new section 14(b) is added to read as follows:

"(b) In any judicial action arising under this Act any food stamp allotments found to have been wrongfully withheld shall be restored only for periods of not more than one year prior to the date of the commencement of such action, or in the case of an action seeking review of a final State agency determination, not more than one year prior to the date specified under section 11(d)(11) of this Act, or, if that section does not apply, of the filing of a request with the State for the restoration of such allotments.".

INFORMATION

SEC. 1325. (a) Section 11(d) of the Food Stamp Act of 1977 is amended by—

(1) in paragraph (19) striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following new paragraph:

"(20) that information available from the Social Security Administration under the provisions of section 6103(i)(7) of the Internal Revenue Code of 1954, and information available from agencies administering State unemployment compensation laws under the provisions of section 303(d) of the Social Security Act, shall be requested and utilized by the State agency (described in section 3(n)(1) of this Act) to the extent permitted under the provisions of such sections, except that the State agency shall not be required to request such information from the Social Security Administration if such information is available from the agency administering the State unemployment compensation laws.".

NUTRITION EDUCATION PROGRAM

SEC. 1326. Section 11(e) of the Food Stamp Act of 1977 is amended to read as follows:

"(e) To encourage the purchase of nutritious foods, the Secretary is authorized to extend food and nutrition education to reach food stamp program participants, using the methods and techniques developed in the expanded food and nutrition education and other programs.".

ALASKAN FEE AGENTS

SEC. 1327. Section 11 of the Food Stamp Act of 1977 is amended by adding thereto the following new subsection:

"(o) The Secretary shall provide for the use of fee agents in rural Alaska. As used in this subsection 'fee agent' means a paid agent who, although not a State employee, is authorized by the State to make applications available to low-income households, assist in the completion of applications, conduct required interviews, secure required verification, forward completed applications and supporting documentation to the State agency, and provide outreach and other services as required by the State agency. Such services shall not include making final decisions on household eligibility or benefit levels.".

USE OF CERTIFIED MAIL

SEC. 1328. Section 11 of the Food Stamp Act of 1977 is amended by adding thereto the following new subsection:

"(m) The Secretary shall permit a State agency to issue coupons by means of certified mail with the Secretary paying each State agency that issues coupons by certified mail 75 per centum of the costs of such mail.".

DISPOSITION OF CLAIMS

SEC. 1329. Section 13(b) of the Food Stamp Act of 1977 is amended by—

(1) inserting before the period at the end of the first sentence ", including the power to waive claims if the Secretary determines that to do so would serve the purposes of this Act"; and

(2) adding the following new sentence at the end thereof: "The Secretary shall have the power to reduce amounts otherwise due to a State agency under section 16 of this Act to collect unpaid claims assessed against the State agency if the State agency has declined or exhausted its appeal rights under section 14.".

STAFFING

SEC. 1330. Section 16(b)(1) of the Food Stamp Act of 1977 is amended by striking out ", including, but not limited to, staffing standards such as caseload per certification worker limitations,".

INCENTIVES FOR ERROR REDUCTION EFFORTS AND CORRECTIVE ACTION PLANS

SEC. 1331. Section 16 of the Food Stamp Act of 1977 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (c) the following: ", and, effective October 1, 1981, which also meets the standard contained in paragraph (1)(B) of this subsection"; and

(2) in subsection (d), striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1981", and by inserting "(2)" after "subsection (c)".

SOCIAL SECURITY ACCOUNT NUMBERS

SEC. 1332. The first sentence of section 16(f) of the Food Stamp Act of 1977 is amended by striking out "may" and inserting in lieu thereof "shall".

EXTENDING AND AMENDING CASH-OUT PILOT PROJECTS

SEC. 1333. Section 17(b)(1) of the Food Stamp Act of 1977 is amended by—

(1) inserting "or the average value of allotments by household size" after "allotments" in the first sentence;

(2) striking out "either";

(3) inserting "any of whose members are" after "over or";

(4) inserting "or to aid to families with dependent children under part A of title IV of the Social Security Act" after "Social Security Act";

(5) inserting ", other than any project involving the payment of the average value of allotments by household size in the form of cash to eligible households," after "no project"; and

(6) striking out "1981" and inserting "1985" in lieu thereof.

NUTRITIONAL MONITORING

SEC. 1334. Section 17(c) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following: "The Secretary shall, by way of making contracts with or grants to public or private organizations or agencies, implement pilot programs and in locations selected to provide a representative geographic and demographic cross-section of political subdivisions reflecting natural usage patterns of health and nutritional services which contain high proportions of low income people that will test various means of measuring on a continuing basis the nutritional status of low income people in such subdivisions, with special emphasis on people who are eligible for food stamps, in order to develop minimum common criteria and methods for systematic nutrition monitoring that could be applied on a nationwide basis. The Secretary shall report on the progress of these projects on an annual basis commencing on July 1, 1982, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, together with such recommendations as the Secretary deems appropriate.".

STUDY OF RETROSPECTIVE ACCOUNTING AND PERIODIC REPORTING

SEC. 1335. Section 17 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall study the effects of retrospective accounting and periodic income reporting in the food stamp program, including the impact on benefit and administrative costs and on error rates, and the degree to which eligible households are denied food stamp benefits for failure to file periodic reports. The Secretary shall also conduct pilot projects in which periodic income reporting is conducted in conjunction with prospective income accounting. The Secretary shall issue an interim report to the Congress on the results of these studies by March 1, 1983, and a final report on March 1, 1985.".

FOOD STAMP FUNDING AND PROGRAM EXTENSION

SEC. 1336. Section 18(a) of the Food Stamp Act of 1977 is amended in the first sentence thereof by—

(1) striking out "and" after "September 30, 1980";

(2) striking out $9,739,276,000" and inserting in lieu thereof $11,480,000,000"; and

(3) inserting before the period at the end thereof the following: "; not in excess of $10,010,000,000 for the fiscal year ending September 30, 1982; not in excess of $10,345,000,000 for the fiscal year ending September 30, 1983; not in excess of $10,290,000,000 for the fiscal year ending September 30, 1984; and not in excess of $10,480,000,000 for the fiscal year ending September 30, 1985".

INCENTIVES, SANCTIONS, AND CLAIMS

SEC. 1337. Section 18 of the Food Stamp Act of 1977 is amended by adding a new subsection (e) to read as follows:

"(e) Funds collected from claims against households or State agencies, including claims collected pursuant to sections 7(f), 11(g), and 16(g) of this Act, claims resulting from resolution of audit findings, and claims collected from households receiving overissuances, shall be credited to the food stamp program appropriation account for the fiscal year in which the collection occurs. Funds provided to State agencies under section 16(c) of this Act shall be paid from the appropriation account for the fiscal year in which the funds are provided.".

WORKFARE

SEC. 1338. The Food Stamp Act of 1977 is amended by adding at the end thereof the following new section:

"WORKFARE

"SEC. 19. The Secretary shall permit any political subdivision in any State that applies and submits a plan to the Secretary in compliance with guidelines promulgated by the Secretary to operate and administer a workfare program pursuant to which every person who is a member of a household participating in the food stamp program who is not exempt by virtue of the provisions of this subsection shall accept an offer from such subdivision to perform work on its behalf, or may seek an offer to perform work, in return for compensation consisting of the allotment to which the household is entitled pursuant to section 8(a) of this Act, with each hour of such work entitling the household to which the person belongs to a portion of its allotment equal in value to 100 per centum of the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C 206(a)(1)). Such work shall not be required to the extent that it exceeds in value the allotment to which the household is otherwise entitled or that it either exceeds twenty hours a week or would, together with any other hours worked in any other compensated capacity by such person on a regular or predictable part-time basis, exceed thirty hours a week. A political subdivision operating a workfare program may allow a job search period, prior to making workfare assignments, of up to thirty days following a determination of eligibility. Such work shall not include any that has the effect of replacing or preventing the em-

ployment of an individual not participating in the workfare program or that does not provide the same benefits and working conditions that are provided by the political subdivision to employees performing comparable work for comparable hours. In the event that any person fails to comply with the requirements of this section, neither that person nor the household to which that person belongs shall be eligible to participate in the food stamp program for two months, unless that person or another person in the household satisfies all outstanding workfare obligations prior to the end of the two month disqualification period. The Secretary shall pay each political subdivision operating a workfare program 50 per centum of all administrative costs including reimbursements to participants for work-related expenses involved in such operation. The Secretary may suspend or cancel some or all of these payments, or may withdraw approval from a political subdivision to operate a workfare program, upon a finding that the subdivision has failed to comply with the workfare requirements. The persons who shall be exempt from workfare requirements are persons who are either (A) mentally or physically unfit; (B) under eighteen years of age; (C) sixty years of age or over; (D) subject to and currently involved for at least twenty hours a week in a work training program under a work registration requirement pursuant to title IV of the Social Security Act, as amended (32 U.S.C. 602); (E) a parent or other member of a household with responsibility for the care of a child under age six or of an incapacitated person; (F) a parent or other caretaker of a child in a household where there is another person who is subject to the requirements of this subsection or is employed full-time; (G) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program, or (H) an individual described in sections 6(d)(2)(D) or (F) of this Act. Political subdivisions operating workfare programs shall reimburse participants for actual costs of transportation, and other actual costs reasonably necessary and directly related to participation in the program not to exceed $25 in the aggregate per month.

EXTENSION OF AUTHORITIES, PENALTIES FOR FRAUD, AND MISCELLANEOUS PROVISIONS

SEC. 1339. (a) Effective October 1, 1981, section 4 of the Agriculture Consumer and Protection Act of 1973 is amended by—

(1) striking out "1978, 1979, 1980, and 1981", in the first sentence of subsection (a) and inserting in lieu thereof: "1982, 1983, 1984, and 1985"; and

(2) adding a new subsection (c) to read as follows:

"(c) Whoever embezzles, willfully misapplies, steals or obtains by fraud any agricultural commodity or its products (or any funds, assets, or property deriving from donation of such commodities) provided under this section, or under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals or retains such commodities, products, funds, assets, or property for personal use or gain, knowing such commodities, products, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such commodities, products, funds, assets, or property are of a value of $100 or more, be fined not more than $10,000 or imprisoned not more than five years, or both, or if such commodities, products, funds, assets, or property are of value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

COMMODITY SUPPLEMENTAL FOOD PROGRAM—PILOT PROJECTS FOR THE ELDERLY AND ADMINISTRATIVE COSTS

SEC. 1340. Effective October 1, 1981, section 5(a) of the Agriculture and Consumer Protection Act of 1973 is amended to read as follows:

"(a) In carrying out the supplemental feeding program (hereinafter referred to as the 'commodity supplemental food program') under section 4 of this Act, the Secretary shall (1) institute two pilot projects directed at low-income elderly persons, including, where feasible, distribution of commodities to such persons in their homes, and (2) provide to the State agencies administering such program, for each of the fiscal years 1982 through 1985, funds appropriated from the general fund of the Treasury in amounts equal to the administrative costs of State and local agencies in operating the program, except that the funds provided to State agencies each fiscal year may not exceed 15 per centum of the amount appropriated for the provision of commodities to State agencies.".

EFFECTIVE DATE

SEC. 1341. Except as otherwise specifically provided, these amendments shall be effective upon such dates as the Secretary may prescribe, taking into account the need for orderly implementation of these provisions.

FOOD STAMP CASH-OUT OF SSI RECIPIENTS

SEC. 1342. Effective July 1, 1981, section 8(d) of Public Law 93-233 is amended to read as follows:

"(d) Upon the request of a State, the Secretary shall find for purposes of the provisions specified in subsection (c), that the level of such State's supplementary payments of the type described in 1616(a) of the Social Security Act has been specifically increased for any month after June 1976 so as to include the bonus value of food stamps if: (1) the Secretary has found that such State's supplementary payments in June 1976 were increased to include the bonus value of food stamps; and (2) recipients of supplementary payments in such State were ineligible for food stamps for the month of December 1980; and (3) such State continues to meet the requirements of section 1618 of such Act for each month after June 1977 and up to and including the month for which the Secretary is making the determination.".

The CHAIRMAN. Are there amendments to title XIII?

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 89, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

ADJUSTMENT OF THE THRIFTY FOOD PLAN

SEC. 1306. Section 3(o) of the Food Stamp Act of 1977 is amended by striking out clause (6) and all that follows through the end of clause (9), and inserting in lieu thereof the following: "(6) on October 1, 1982, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twenty-one months ending the preceding June 30, 1982, and (7) on October 1, 1983, and each October 1 thereafter, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30".

(Food stamp funding and program extension.)

Page 114, line 7, insert "and" at the end thereof.

Page 114, strike out line 8 and all that follows through line 17, and insert in lieu thereof the following:

(2) inserting before the period at the end thereof the following: "; not in excess of $11,300,000,000 for the fiscal year ending September 30, 1982; not in excess of $11,170,000,000 for the fiscal year ending September 30, 1983; not in excess of $11,115,000,000 for the fiscal year ending September 30, 1984; and not in excess of $11,305,000,000 for the fiscal year ending September 30, 1985".

Page 120, after line 22, insert the following new section.

AUTHORITY OF OFFICE OF INSPECTOR GENERAL

SEC. 1343. Any person who is employed in the Office of the Inspector General, Department of Agriculture, who conducts investigations of alleged or suspected criminal violations of statutes, including but not limited to the food stamp program, administered by the Secretary of Agriculture or any agency of the Department of Agriculture, and who is designated by the Inspector General of the Department of Agriculture may—

(1) make an arrest without a warrant for any such criminal violation if such violation is committed, or if such employee has probable cause to believe that such violation is being committed, in the presence of such employee,

(2) incident to making an arrest under paragraph (1), search the premises and seize evidence, without a warrant,

(3) execute a warrant for an arrest, for the search of premises, or the seizure of evidence of such warrant in issued upon probable cause to believe that such violation has been committed, and

(4) carry a fireman,

in accordance with rules issued by the Secretary of Agriculture, while such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978. (5 U.S.C. app. 6, 9)

Page 104, line 23, insert after "of coupons" the following: "including any losses involving failure of a coupon issuer to comply with the requirements specified in section 11 (d)(21).".

Page 108, line 21, strike our "paragraph:" and insert in lieu thereof "paragraphs:".

Page 109, after line 9 insert the following:

"21. that, project areas or parts thereof where authorization cards are used, and eligible households are required to present photographic identification cards in order to receive their coupons, the state agency shall include, in any agreement or contract with a coupon issuer, a provision that (1) the issuer shall (A) require the presenter to furnish a photographic identification card at the time the authorization card is presented, and (B) record on the authorization card the identification number shown on the photographic identification card; and (2) if the State agency determines that the authorization card has been stolen or other-

wise was not received by a household certified as eligible, the issuer shall be liable to the State agency for the face value of any coupons issued in the transaction in which such card is used and the issuer fails to comply with the requirements of clause (1).".

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(By unanimous consent, Mr. COLEMAN was allowed to proceed for 1 additional minute.)

Mr. COLEMAN. Mr. Chairman, today I am offering an amendment along with the chairman of the subcommittee responsible for the food stamp program. This is a bipartisan amendment.

Mr. Chairman, this amendment will do four things. First, the adjustment of the thrifty food plan will be delayed until October 1982. The thrifty food plan is the basis for the benefits that are paid to participants in the program. It is normally updated once each year. During the reconciliation process, this adjustment was delayed and my amendment will delay it further.

This portion of the amendment will save $600 million in 1982. Even with all of the reforms that were contained in the Reconciliation Act, the food stamp program will cost over $11.3 billion in fiscal year 1982. Some additional savings measures were needed because of the rising cost of this program.

I feel that this measure—to delay the increase in benefits—is the method to accomplish additional savings. The amendment does not deny benefits to anyone; it does not reduce benefits. It does postpone the increase in benefits in an attempt to place a measure of fiscal integrity into the food stamp program.

The second part of the amendment reauthorizes the food stamp program for the next 4 years and sets a ceiling on the authorization for these years. The authorization for 1982 is set at $11.3 million. The administration tells me that with the first portion of the amendment that I mentioned, the food stamp program can operate with this authorization for the year.

I share the concern of many of you about the cost of this program. I, too, wish to see the cost of the food stamp program reduced. I believe that if you review the Coleman amendments in the Reconciliation Act, you will agree that some of this has been accomplished.

However, I also believe that as responsible Members of Congress we should design a program that will both help those truly in need and fit the level of funding available. We cannot continue to have the money authorized for the food stamp program go to persons who are not eligible.

The third part of the amendment addresses this issue. I am sure that many of you saw the national television program earlier this year in which food stamps were shown as being used as a second currency—just like money. They were used to buy guns, drugs, cars, and other items for which food stamps were never intended. The Department of Agriculture's Office of the Inspector General is the organization charged with the responsibility to investigate criminal activity in the food stamp program.

This portion of the amendment gives certain limited law enforcement authority to the USDA Office of the Inspector General. Subject to carefully prescribed rules to be issued by the Secretary of Agriculture, these criminal investigators would have the authority to make arrests without warrants for criminal violations committed in their presence; to conduct a search of the immediate premises and seize evidence involved in the arrests; to execute warrants for the arrest, the search of the premises, or the seizure of evidence upon probable cause to believe that a criminal violation of the law has taken place; and, to carry a firearm.

There are now 260 criminal investigators at the Department of Agriculture Office of the Inspector General. Of those investigators, 80 to 100 at any one time are assigned to investigate food stamp trafficking cases. All OIG investigators are required to complete basic criminal investigator training at the Federal Law Enforcement Center at Glynco, Ga. The only exceptions are those criminal investigators who have completed successful training at a comparable center, such as the FBI basic agent's course or one with the military.

The training at Glynco, Ga., includes firearm training, and criminal investigators are required to complete such a course and other related courses.

The New York City inspector general's office and his agents now have this authority—the Federal agents do not.

The fourth and last portion of the amendment provides for a first endorser liability for persons or organizations who issue food stamps. This provision is similar to the one that exists for U.S. currency—whoever accepts the counterfeit money must bear the loss. In the first endorser liability provision, those States, counties, or cities where authorization to participate (ATP) cards are used and photo ID cards are used, the organization issuing the food stamps will be required to view the photo ID card when the ATP card is presented.

The issuer must record on the ATP card the ID number that is shown on the photo ID card. If that State later determines that the ATP card was stolen or not received by the household entitled to the food stamps, the issuer will be liable for the value of the stamps issued if they failed to comply with the above requirement.

This section of the amendment will require that coupon issuers be more alert when they are issuing stamps. These issuers are primarily banks—check-cashing concerns who are paid, sometimes up to $2 per transaction—for issuing the food stamps. It is only proper that they should exercise a measure to control when stamps are issued; and if they fail to properly screen the person presenting the ATP card and the photo ID card, they should be responsible for the loss to the Federal Government.

I believe that these four provisions contained in the amendment should be adopted, and I urge that you support the amendment.

□ 1650

Mr. WAMPLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the ranking member of the subcommittee responsible for the food stamp program and the chairman of that subcommittee. This is a bipartisan amendment and one that is accepted by the administration as well. This amendment contains four parts. First, the adjustment of the thrifty food plan will be delayed until October 1982. Second, the food stamp program will be reauthorized for the next 4 years and spending ceilings will be placed on this program. Third, certain limited law enforcement authorities will be given to the Department of Agriculture's Office of the Inspector General. Fourth, there will be established a first endorser liability for those organizations which issue food stamps, which will make the issuer responsible for food stamps issued in error.

I would like to discuss briefly the reason for the last two sections of this amendment, since I am sure the ranking member and the chairman of the subcommittee will discuss this matter in greater detail.

There are two areas in which most Members of this body agree. First, that the food stamp program is necessary and does provide assistance to the poor, the elderly, and the disabled; and second, there are problems with fraud and mismanagement in this program. Over the past years Congress has acted to provide administrators with the tools necessary to combat fraud and abuse and incentives to improve the management of the food stamp program. The last two sections

of this amendment provide additional measures to address this issue.

I am confident that this administration will continue and will increase the emphasis on reducing the amount of money that is spent due to fraud and mismanagement. I urge them to take whatever steps are necessary to do so and to insure that States and local jurisdictions do so as well.

I urge support of this amendment.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

As the ranking minority member of the Committee on Government Operations, which originated the Inspector General Act, I want to take this opportunity to inform the Members of the purpose of that act and why this amendment is contrary to that act.

Section 2 of the Inspector General Act of 1978 clearly states the purpose of the act. It is, and I quote:

To create independent and objective units (1) to conduct and supervise audits and investigations relating to programs and operations of the various agencies; (2) to provide leadership and cooperation and recommend policies for activities designed (a) to promote economy, efficiency and effectiveness in the administration of and, (b) to prevent and detect fraud and abuse in such programs and operations, and, (3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed of our problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

That is the end of section 2 of the Inspector General Act setting forth the purpose. In essence Inspectors General are independent and objective auditors and management advisers. They are by no means supposed to be cops on the beat. Yet this amendment would give them powers far greater than those enjoyed by any policeman I know of, at least any policeman in a democracy.

Paragraph 1, for example, would permit a designated employee of the IG office, at the Agriculture Department, to make an arrest without a warrant for any criminal violation of a statute administered by the Department, if the employee has probable cause to believe that violation is being committed in his presence.

The employee does not have to see the violation being committed, he merely needs probable cause to believe that it is being committed.

This is a power far and beyond that of any police officer I know of. A policeman to make an arrest without a warrant must see the crime actually being perpetrated.

Paragraph 2 would permit IG employees while making this sort of arrest to search the premises and seize evidence without a warrant.

If policemen have only probable cause to make an arrest they must get a warrant from a judicial officer before making any such a seizure.

Paragraph 3, on the other hand, gives the IG employee himself the judicial power to execute warrants.

This authority seems somewhat superfluous for an individual who has vast power to act without a warrant.

Paragraph 4 would permit any IG staff members to carry firearms. Why an auditor and adviser would need one of these is beyond me.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. HORTON. I yield to the gentleman from Missouri.

Mr. COLEMAN. I thank the gentleman for yielding.

The reason that they need it is that these people are in an undercover situation. These people are dealing with hardened criminals who are trafficking food stamps illegally. Even the underworld is involved. They put their lives in danger in order to enforce the law that the gentleman and I have asked them to enforce.

Mr. HORTON. If that is the situation then I think they need protection. I think it needs to be turned over to another department of the Federal Government, those who are responsible for that.

What I am saying is that the Inspector Generals were not authorized for the purpose of being cops on the beat and for them to be authorized to carry firearms is far and beyond anything that was envisioned in the act that originally was set up in Inspector Generals.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. HORTON. I yield to the gentleman from Missouri.

I understand that this amendment has been prompted by concern that some employees of the Agriculture Department Inspectors General have been placed in physical danger in the performance of their duties. If these individuals have indeed been subject to threats of death or serious injury, I suggest that the proper response is, first, to determine whether they should have engaged in the activities which put them in such a position, and then if those actions are appropriate, to protect those individuals when they perform these types of duties.

The proper solution is not to give these employees massive new law enforcement powers.

Mr. Chairman, this amendment so badly carries out the purpose of the IG Act that if it were adopted the entire act and all the Inspectors General offices it creates, in my judgment, would be held up to ridicule and would be subject to a great deal of criticism.

As a strong defender of the Inspectors General as they are presently constituted, I urge the Members to resist this attempt to pervert their mission.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I would like to concur in principle with the gentleman's remarks and associate myself with the gentleman's remarks with regard to the mixing up of the functions of law enforcement officials and Inspector General employees.

The CHAIRMAN. The time of the gentleman from New York (Mr. HORTON) has expired.

(At the request of Mr. KINDNESS and by unanimous consent, Mr. HORTON was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. If the gentleman will continue to yield, when the IG Act was passed, in 1978, it did move the Office of the Inspectors in the Department of Agriculture into the IG office, but there was no identified need at that time that I know of or can find out about for this protective set of powers that are under discussion here.

It is only since that time, apparently, that the need has been brought to anybody's attention to have arrest powers and the right to bear firearms on the part of IG personnel.

So we are not talking about something that has really been placed as a burden upon the Inspector Generals, as I understand it.

We look at the IG Act and it speaks in general terms about the management or programs, that is, overseeing and investigating the management of programs, but not the detailed law enforcement functions that are contemplated by this amendment.

If this amendment is adopted with respect to the IG personnel of the Department of Agriculture, then other departments are going to be in here and we are going to have all the IG personnel in all the departments running around with shoulder holsters instead of, as the gentleman from New York might feel, green eyeshades might be more appropriate.

I just want to join in urging a note of extreme caution with respect to this amendment. It was turned down by the House Subcommittee on Criminal Justice of the Committee on the Judiciary last year when an attempt was made to get the same sort of provision in the Criminal Code.

□ 1700

I still think the same way, that it ought not to be made a function of the Inspector General personnel to be law enforcement officers carrying a gun and executing warrants and making arrests.

We have problems of interrelating the activities of different departments

and personnel in different departments and other places in the Federal Government. It can be done just as well here as it is between the FBI and other departments and agencies that also have an obligation to see that the laws of the United States are properly enforced.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. HORTON was allowed to proceed for 1 additional minute.)

Mr. HORTON. Mr. Chairman, I would like to just add also that I think this is a serious step to provide this type of enforcement authority for the Inspector General of the Agriculture Department. So far as I know, there were no hearings held on this specific provision.

I think that if it is necessary, that there ought to be full and complete hearings. There ought to be an opportunity for the agencies, such as the Justice Department and the FBI and other law enforcement agencies, to have an opportunity to have their input into this type of provision.

So accordingly, I would urge my colleagues to turn down this amendment and vote against it.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have very serious reservations about the scope and the effect of this amendment which would add a new section 1343 to expand the authorities of the Department of Agriculture's Inspector General. The new section would permit employees of the Department of Agriculture's Inspector General's Office to make warrantless arrests for criminal violations committed in their presence, make warrantless searches and seizures incident to such arrests, execute arrests and search warrants on probable cause of violation and to carry firearms.

Now, I have been a long supporter of the Inspector General legislation. I have offered it. I have worked with the gentleman from New York (Mr. HORTON) on it and with others.

We feel it is a good proposal, but I understand the intent behind this amendment and I share the deep concern that members of the Agriculture Committee and other Members of Congress have expressed about fraud and criminal violations in the food stamp programs and other programs of the Department of Agriculture.

There might be good reason in very narrow and carefully drawn circumstances to extend such authority to Inspectors General; however, I can say as one of the original sponsors of the original Inspector General Act, it was never intended—it was never intended by us or by this Congress, it was never mentioned, nobody ever said it, nobody thought it, nobody inferred it, nobody intended for the IG's to become armed law enforcement officers. They were supposed to ferret out fraud and waste. They were not hired guns going around without search warrants searching people, seizing people, and arresting people. That was not comtemplated as part of their job. They were and are intended to function as a specialized audit and investigation tool for the agencies in which they operate.

Now, one of my concerns about this amendment is that it could have the effect of spreading the Agriculture Department's IG resources too thin, preventing them from carrying out their basic function of audit and investigation as effectively as possible. For instance, to carry out its new law enforcement duties responsibly, the Agriculture Inspector General would have to commit substantial resources to the training of his personnel in law enforcement areas, including weapons training, breaking and entering, I guess a whole lot of them. If you are going to do it without a warrant, you might as well kick in the door.

I also have grave reservations about the proliferation of Federal employees charged with law enforcement responsibilities. The power to enforce Federal laws is the most serious the Federal Government can confer on one of its employees. We should not grant this authority to a new group of employees without more study than this amendment apparently has received.

In conclusion, Mr. Chairman, while I agree that criminal violations and fraud in USDA programs must be attacked vigorously, I feel we should move very cautiously before extending law enforcement powers to the Agriculture Inspector General's Office. This is a serious issue that needs much more study than it has received to date.

I am anxious to work with the Department of Justice, the Judiciary Committee, the Agriculture Committee, and other interested Members in seeking ways to make the Agriculture IG a more effective tool in combating fraud and criminal violations in USDA programs; but we should not give the Agriculture Inspector General law enforcement powers at this time.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend from New York.

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding.

I want to associate myself fully with the gentleman's remarks.

As I understand what the distinguished chairman of the Government Operations Committee was saying, his objection is to that portion of the the amendment which is the new section 1343; is that correct?

Mr. BROOKS. The gentleman is absolutely correct. That is the only portion to which I object. I have talked to the author of the amendment, asked him if he would accept an amendment to strike that. He said that he would not, that that was the main thrust of his amendment. I agreed then that I would be opposed to the whole thing. If he does not want to change it, I am against it.

Mr. WEISS. Mr. Chairman, if the gentleman will yield further, at the time the votes comes up, I am going to ask for a division so that in fact we will get a separate vote on just the portion that the gentleman objects to.

Mr. BROOKS. Can we get a vote on just one section?

Mr. WEISS. Yes, just by asking for a division.

Mr. RICHMOND. Mr. Chairman, I move to strike the requisite number of words.

Title XIII of the 1981 farm bill, H.R. 3603, will enable us to have a sound, efficient, and meaningful food stamp program for the next 48 months. Title XIII taken together with the bloc of amendments to be offered jointly by the gentleman from Missouri (Mr. COLEMAN), who is the ranking minority member of my Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and me will streamline the food stamp program by reducing expenditures even beyond the level of cuts sustained in the Omnibus Budget Reconciliation Act of 1981 and by providing further legislative safeguards against fraud and error. At the same time, our amendments allow this vital program to continue to fulfill its mission of feeding millions of needy Americans through fiscal year 1985.

This House may not yet realize what it has done to alter the food stamp program in the last year and one-half and what it is likely to do in the next day. The food stamp program has, through a series of substantial changes wrought in May 1980 and August 1981, have been retrenched and revised more than any other major social program in an effort to make sure that it operates effectively to provide benefits directly to impoverished individuals and households. Before now, it was possible for critics of the program to assert that the program was defective because it fed strikers or college students or persons with incomes substantially above the poverty level or raised benefits in a way that overcompensated for changes in the cost of living. Today, any such contentions are factually false. After the 1980 amendments, the 1981 reconciliation provisions, and what we hope to accomplish today:

No strikers remain eligible for the program because of the loss of income brought about by their strike;

The only students that remain are either elderly, disabled, have dependents to support, or work almost full-time;

The absolute income eligibility cutoff for a family of four is below $11,000 or 130 percent of poverty, while three-quarters of all participant households have gross incomes below $4,800 a year or $13 a day, which is hardly enough to sustain life in these inflationary times; and

There will be no cost-of-living benefit increases for 21 months from January 1, 1981 until October 1, 1982; the increases that will occur will be at least 3 to 15 months out-of-date; there will not be any of the deduction increases this Congress awarded in 1980; all deductions will be frozen from January 1, 1981 through July 1, 1983, at which point any cost-of-living adjustments will no longer take account of the unusually high and, for food stamp recipients' purposes, irrelevant increases in homeownership costs based upon mortgage interest rates and the price of new homes; and the earned income deduction to which every worker is entitled to compensate for social security taxes, Federal and State taxes, transportation and other work-related expenses, has been dropped from 20 to 18 percent of gross earnings.

The old standby criticisms of this program that have been repeated for years by all of those who like to take aim at the food stamp program because only the weak and the politically powerless enjoy its meager benefits of less than 50 cents per person per meal are no longer valid. They should not be repeated any more. The strikers, the students, and the greedy are gone forever so long as this administration properly polices the program. No one is going to get fat on the food stamp rolls.

By virtue of these and other changes in the shape of the program, the food stamp portion of the budget has been significantly diminished. The food stamp program has been one of the primary targets of both the Office of Management and Budget and our budget process. The Agriculture Committee has responded swiftly and in the best of faith to meet the budgetary challenge by trimming expenditures beyond what the Congress mandated. The first concurrent budget resolution called for slicing $1.458 billion from the program for fiscal year 1982. We replied with program changes worth $1.657 billion or $199 million more than what was required. Similarly, for fiscal years 1983 and 1984 this committee, through the reconciliation act of August that it helped shape, has curtailed the program by another $2.046 ($75 million on top of the resolution) and $2.334 billion ($7 million more), respectively, for an overall total of $6.037 billion in program retrenchment for the 3 forthcoming fiscal years.

To that record we add today an additional $700 million through the Coleman-Richmond amendment that would delay the April 1, 1982, benefit adjustment to reflect increases in food prices until October 1, 1982, at a cost of approximately $138 per household on the program. As a result of these massive contractions we have ordered for the food stamp program, approximately 1 million persons have been or shortly will be dropped from the program rolls, while nearly all of the 22 million persons remaining on the program, well over 90 percent of them from families below the poverty line, will receive lower benefits than they expected under the law as it was in effect in July. The only households that will not be adversely affected by what we have done will be those, primarily elderly, that are eligible to receive the statutory minimum benefit of $10 per month or 11 cents a meal.

That is a record of program reductions that I am not particularly proud of. But I have labored to do what had to be done to assure that the food stamp program would survive. The program is critical to all of those we have determined deserve its benefits. There is no questions in my mind that the food stamp program, with all of the shortcomings that this bill seeks and the reconciliation act that preceded it sought to address and redress, is still the most effective social program in aid of the poor in operation today. Witness after witness in our hearings this spring reported evidence confirming this. In 1967, when a team of doctors funded by the Field Foundation went across the country to examine the status of hunger and malnutrition among poor Americans, they returned to report that they had found hungry children suffering diseases caused by malnutrition that were well-known in Africa and Central and South America, but not the United States. In 1979, after they had conducted a similar study, they were able to report that:

> Now in those same areas, there is nowhere the same evidence of gross malnutrition we saw then. In the Mississippi delta, in the coal fields of Appalachia and in coastal South Carolina—where visitors 10 years ago could quickly see large numbers of stunted, apathetic children with swollen stomachs and the dull eyes and poorly healing wounds characteristic of malnutrition—such children are not to be seen in such numbers today.

The primary reason for the dramatic difference for the 33-percent decline in infant mortality and the greater than 50-percent reduction in infant deaths from diarrhea, influenza, pneumonia, and immaturity—all directly related to poverty and malnutrition—was, from their perspective, the existence and intervention of the food stamp program. They stated categorically that "the food stamp program does more to lengthen and strengthen the lives of disadvantaged Americans than any other noncategorical social program," and "is the most valuable health dollar spent by the Federal Government." I concur wholeheartedly.

For the program to continue to perform in the fashion we would like two things are essential:

First, sufficient funds to enable it to meet the needs of eligible persons without artificial shortfalls requiring across-the-board reductions in benefits or other restrictions that undermine its nutritional efficacy and,

Second, appropriate techniques for controlling and limiting the possibilities for fraud and error.

This bill goes part of the way to achieve the first objective of full funding and all of the way to furnish the management tools necessary to deal with fraud and error.

With respect to the cap or ceiling on program funding, we had to compromise, seeking to achieve the goal of adequate funding for the present fiscal year 1982, but postponing questions relating to funding more than 1 year from now to a later time.

In the current fiscal year, the administration and we have agreed to fully fund a cap set at $11.3 billion. We believe that, after the nearly $2.4 billion in program cuts brought about by the Omnibus Budget Reconciliation Act and this bill, $11.3 billion should be enough to run the program through September 30, 1982, with reducing allotment values at any time during this fiscal year to compensate for the limitations of this cap.

Of course, we cannot be certain at this stage, nearly 12 months in advance, that $11.3 billion will meet full funding needs. We confront the unforeseeable nature of changes in the economy, especially food price inflation and unemployment; the uncertain pace at which the August 1981 program changes will be implemented throughout the country, although much of the projected $2.4 billion in savings depends upon an October 1, 1981, effective date (some States may delay enforcing some of them for several months because of administrative difficulties); and the food stamp program-related reactions of households that lose all or part of their welfare benefits, public service job wages, or unemployment compensation.

If $11.3 billion should prove, late next spring or early next summer, to be somewhat short of the mark, this committee and the Congress will address that issue in a timely fashion, and, hopefully, as we have consistently done in fiscal years 1979, 1980, and 1981, raise the cap sufficiently to account for the shortfall and furnish the requisite supplemental appropriations.

Certainly, at this stage, and for at least the next 8 months, if not beyond,

the Secretary has no basis whatever for determining under section 18(b) of the Food Stamp Act to reduce benefits because the requirements of participating States will exceed the limitation of the cap contained in section 18(a)(1) or for reporting in his section 18(a)(1) required monthly report to the Agriculture Committees that he has any reason to believe that reductions in the value of allotments issued to households certified to participate in the food stamp program will be necessary under subsection (b) of this section.

If there should come a time in June 1982 or thereafter when the Secretary has to exercise his discretion in making a finding that benefit reductions are necessary in accordance with sections 18 (a) and (b) of the law, he should do so in light of the realities of congressional intent and action. We expect that the Secretary will not proceed to decide to commence benefit reduction until there is a clear indication from the Congress itself that it will not provide sufficient funding. Thus, the Secretary should closely scrutinize expressions of congressional intent on the matter of benefit reduction and the likelihood of congressional action to authorize and appropriate the necessary moneys as revealed in authorization committee hearings and markups with a view to drafting legislation to raise the cap, Appropriations Committee or Budget Committee reports, and debates on the relevant appropriations bills and budget resolutions. Then, the Secretary should make his best judgment about the prospects for congressional action. Unless he finds that there is a clear and convincing evidence that Congress will not act, he should continue to operate on the assumption that funding will be adequate, continue benefits at the congressionally mandated levels, and apportion program funding accordingly. If a major cut in benefits to needy households is to be made, the Congress wants a full opportunity to review the appropriateness of that cut before, not after or while, it is made.

With respect to fiscal years 1983, 1984, and 1985, the caps we have selected are necessarily arbitrary. We cannot predict with any degree of certainty today that we will spend no more than $11.170 billion or $11.115 billion or $11.305 billion, respectively, then. More than likely we can predict that the program will be amended in some fashion between now and then and that a myriad of other cost-significant factors will change. Any meaningful discussion of the adequacy of those caps will have to wait until the end of 1982 or 1983 when we can better ascertain:

(1) What impact these previous amendments have had on the size and scope of the program,

(2) What effect the administration's changes and cutbacks in other income transfer programs such as Aid to Families with Dependent Children, CETA/Public Service Employment and Unemployment Compensation have on food stamp participation and benefits (since a dollar lost in other income transfer programs is usually partially offset by a 30-cent increase in food stamp allotments), and

(3) How our economy is faring, since every full percentage point increase in food price inflation triggers $150 million in program costs (the administration has based the cap for fiscal years 1982 through 1985 on projectons of food price inflation of 9.1, 6.5, 5.7, and 4.8 percent, respectively) and every full percentage point rise in unemployment over the administration's predicted level (7.4, 6.8, 6.4, and 6.1 percent, respectively, for the 4 fiscal years in question) will cost an extra $680 million in any fiscal year.

Although this bill may not finally resolve the question of the cap, it is intended to be the final solution, insofar as one is legislatively obtainable, to the problem of fraud. It may well be true that, as Deputy Assistant Secretary of Agriculture John Bode informed my subcommittee last month, "no matter how much we work to design a tight, fraud-proof system, no matter how good our audit and investigation efforts are, there will always be the smart person out there who prefers to make money dishonestly rather than honestly." But this committee intends to keep on trying to outwit the dishonest by placing legislative roadblocks in their path and giving the Department of Agriculture the fullest possible arsenal of legislated tools to improve all aspects of program integrity.

We know that however generously motivated Americans may be to furnish resources to the poor to enable them to survive, particularly in the face of significant inflation and slowed economic growth, they understandably object if they believe that those resources are being abused or wasted. We agree wholeheartedly with that concern:

We want to be certain that the food stamp program is run as efficiently and as error-free as possible.

We want applicants and recipients alike constantly to be aware that the Congress does not and will not tolerate any refusal to disclose earnings accurately, and underreporting of welfare or other assistance program benefits, any efforts to evade the work requirement or any other attempts to take advantage of the program and dollars intended only for those who completely satisfy the stringent eligibility requirements set forth in sections 5 and 6 of the Food Stamp Act of 1977 and further tightened this year and in this bill.

We want the Federal and State personnel in charge to have all the necessary and proper authority to detect and prevent fraud and limit the incidence of errors that are inevitable when nearly 22 million persons obtain benefits monthly from a complex Federal-State network of administrators.

We want the American public to come to realize that those who are charged with allocating the taxpayers' money to alleviate the serious evils of hunger and malnutrition and permit low-income households to obtain a more nutritious diet will do so sympathetically, yet responsibly, effectively, yet carefully, so that the program's universally approved objectives are achieved at the lowest cost necessary to do the job.

My subcommittee has been striving for the past several years to rid the food stamp program of any hint of waste, fraud, and error. It is an insult to the American people to misuse a single penny of their hard-earned money. It is damaging for the American people to confuse the 22 million needy Americans, who depend on food stamps for their very survival, with criminals and irresponsible public officials, whose behavior undermines the integrity of the food stamp program.

Let us be very clear about one thing: There are many, many people in this country—and some of them are Members of this Congress—who believe that food stamps are bad, in principle. When these people see the outright fraud and administrative neglect that allows millions upon millions of dollars to be literally stolen from the American people, as recently portrayed on national television, they harden their attitudes. They use the facts of fraud and abuse as leverage to attack the entire food stamp program.

Those who take a sober moment or two to think about the problem, know that cutting the funds of the food stamp program will not reduce waste, fraud, and error. They will only be reduced if we remove the opportunity for abuse, and rid ourselves of administrators who condone mismanagement of this vital program.

I think we can proudly state that the Congress record in seeking to control fraud and error has been excellent. In 1979, we provided for the collection of social security numbers from applicants, gave the States the right to retain 50 percent of the funds recovered as a result of their fraud investigations and prosecutions, and required persons disqualified from the program for fraud to repay the amounts they fraudulently obtained as a condition of future program eligibility. In 1980, we crafted sanctions to be imposed against States with high-quality control error rates, authorized 75-percent Federal cost-sharing for computerizing the handling of pro-

gram data, encouraged computer wage and benefit matching, allowed States to tighten verification rules by relying upon error-prone profiles, permitted the use of photo identification cards in urban areas where the Secretary thought that would enhance program integrity, and gave the Secretary power to confiscate cash or goods used in food stamp trafficking.

The 1981 Omnibus Budget Reconciliation Act required the use of retrospective accounting and periodic reporting for all but entering and migrant households as of October 1, 1983, increased the penalties for fraud disqualifications, and encouraged the collection of nonfraud overissues by permitting States to retain 25 percent of the amounts recovered.

The bill before you would add to these more antifraud and anti-error provisions. Among other things it would:

First, require the Secretary to permit any political subdivision that wishes to do so in return for a 50 percent share of workfare administrative costs and that agrees to comply with the Secretary's guidelines, to administer a workfare program in which nonexempt food stamp recipients must work for the subdivision at the Federal minimum hourly wage rate (or State rate, if higher), payable in the form of food stamps;

Second, eliminate establishments that do only a marginal staple food business, such as bars, gas stations, party stores, and carryout shops, from the program unless they are the only food store in the immediate area;

Third, deny deductions for any expenses paid on a household's behalf by a third party and require the income and resources—over a floor—of sponsors of certain aliens to be deemed available to those aliens in order to determine the aliens' eligibility and benefits;

Fourth, give the Secretary flexibility to alter the complex accounting standards for ascertaining the value of licensed vehicles;

Fifth, extend program disqualification for voluntarily quitting a job to current program participants; extend sanctions for noncompliance with the food stamp work registration requirement to food stamp participants who fail to satisfy an AFDC-WIN or unemployment compensation work requirement; and make work registration an annual requirement;

Sixth, make States strictly liable for issuance losses and provide liability for on the basis of negligence failures in certain other areas of State agency administrative responsibility;

Seventh, end the 60-day transfer provision permitting benefits to follow a household moving from one political subdivision to another in an uninterrupted fashion;

Eighth, allow States flexibility to provide households with a notice of expiration of their certification periods up to 30 days before the start of the last month of a 6-month or longer certification period;

Ninth, limit provision for expedited food stamp benefits within 3 working days of application to applicant households with $150 or less in gross income a month and liquid assets of $100 or less and to applicant households whose only income for 10 days after filing an application is $25 or less from a new source of income and who also meet the $100 liquid assets test;

Tenth, end the department's liability to restore food stamps to households that have wrongfully been denied them or terminated from the program if the benefits were lost more than 1 year prior to a household's request for restoration;

Eleventh, require the State agency to request and utilize for certification purposes household members' wage and benefit information available from the Social Security Administration and State unemployment compensation agencies;

Twelfth, require the Secretary to allow political subdivisions to use certified mail in issuing food stamps to reduce mail theft and loss;

Thirteenth, end the imposition of staffing standards upon the States;

Fourteenth, require States to meet the Secretary's standard for improper denials and terminations in order to receive 55-percent Federal funding of administrative costs and further require all States with error rates over 5 percent to develop corrective action plans; and

Fifteenth, mandate obtaining a household's social security number as a prerequisite to participation.

On top of these measures, Mr. COLEMAN and I will offer a package that, among other things, expands the authority of the criminal investigator employees of the Department's Office of Inspector General, who are on the frontline of the department's effort to combat food stamp and other agriculture-program fraud by organized crime, to make warrantless arrests, search premises incident to an arrest, execute arrest warrants, and carry firearms. In addition, our package makes first endorser-issuers liable for coupons received by ineligible households in those locations in which an authorization-to-participate (ATP) card issuance system coincides with mandatory photo identification cards. The check-cashing office or bank that initially handles the ATP card would be held responsible for any losses flowing from misuse of that authorization so long as the endorser could, through demand for the cardholder's photo identification card, readily identify the cardholder and prevent abuse.

These two measures, which are part of the combination amendment to raise the cap for fiscal years 1982 through 1985, are crucial to halting fraud. With them, the amendments contained in title XIII as reported by the House Agriculture Committee and our prior actions in 1979 and 1980 we have provided the food stamp program with the most powerful collection of antifraud measures available to any existing social welfare program.

So I urge, let us accept the Coleman amendment. It is a good amendment. We need it for the very continuation of this program.

I thank the Chairman.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to remind the Members that this is a consensus amendment which has been worked out by both sides in the subcommittee, a tremendous amount of work has been done, both by Mr. COLEMAN and by Mr. RICHMOND.

We, of course, agreed to the consensus and to the package which they brought to us. Unfortunately one section of that amendment seems to have some opposition to it and some legislative concerns have been expressed here.

It would be my hope, although I intend to support the package, that rather than object to the whole package, because we have the cap and other needed areas, that we accept the recommendation of the gentleman from New York (Mr. WEISS) who is going to ask for a division of the question in order that we might approve the areas that have no controversy and then address the issue to which objection has been raised.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Texas.

Mr. BROOKS. To the distinguished chairman of the committee who has done an outstanding job on this piece of legislation, I want to say that that is my understanding, that Mr. WEISS will make the demand for a division and a separate vote on so much of the amendment as creates a new section 1343. I would support that division and would be opposed to that section, though the remainder of the amendment offered by Mr. COLEMAN I would certainly have no objection to and would support as you and your committee desire.

Mr. DE LA GARZA. I thank the gentleman. I think that would be a wise and prudent action to take, as the recommendations from the distinguished gentleman from New York always are. And I would hope that we would proceed in that fashion.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLEMAN. Mr. Chairman, at what point would a motion to divide be in order?

The CHAIRMAN. The Chair will advise that a demand for division of the question is a proper request and can be made at the time that the question is put on the amendment, but not after the question is put.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I would be happy to yield to the gentleman from Missouri.

Mr. COLEMAN. I appreciate my chairman yielding.

As I indicated this was a delicate balanced amendment that we put together. Obviously we are not surprised at some of the opposition that was generated here on the floor.

We put together a package in which one tries to reform the food stamp program, tightening up that fraud and abuse that we have seen on national television in New York City where up to $29 million worth of fraud was allegedly made because they did not have the photo ID and did not have the ATP card lined up and did not have this first endorsement liability. We have raised the cap up, a compromise position, from the administration, what the cost of this program was going to be.

We talked about trying to put off the thrifty food plan for another 6 months to save $600 million.

Now, the thrust of the opposition to the law enforcement powers is spurious. The reason that it is, we have told—and I might point out most of them are members of the Government Operations Committee who would like to see some of these things change—where have they been?

We have people who are out endangering their lives right now as undercover agents because you and I have asked them to. We have given them the powers to go out and force them "Here, guys, go out and do it." But we have not given them anything to protect their lives with.

They do not have the power to make arrests. They do not have the power to confiscate anything that they find in the possession, as undercover agents.

These people deal with the underworld, they deal with hardened criminals.

And what have we done for them? We sit around here and debate the issue in committee. That is what we have done.

We have not given these people the power to go out on the street and stop somebody from jay-walking.

People say, "Well, we didn't mean this to happen to the Office of the Inspector General." Maybe they did not mean it. But that is exactly what they have to do in order to go out and make these cases. And the reason they are making these cases is that we did away with the purchase requirement of the stamps so they are just like money. It is just like cash in hand. That is why you have a lawyer in my hometown of Kansas City convicted of going out and making and selling $9,000 worth of food stamps at half price because he knew that he could make a buck off of it. And where do we find this man who has been convicted in the Federal courts, a lawyer in the State of Missouri? Two days ago he was arrested for arson and torching a tavern with a hotel above with 95 senior citizens that would have gone up in flames. This is the type of individual we are talking about.

We are not talking about the welfare cheater. We are not talking about anybody else. We are talking about hardened criminals.

If my colleagues in this House want to tell these people to go out and make these cases but do not give them any law enforcement powers, we are saying forget about food stamp fraud, go out and do it, it is a rip-off system.

Go back and look at the ABC television series and see how many millions it is estimated, hundreds of millions of dollars being ripped off from your taxpayers and mine.

We are just going to say go ahead and do it.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

I take this time primarily to ask some questions of the gentleman from Missouri, because I, too, am a member of the Government Operations Committee, an enthusiastic backer of the Inspector General concept. But I have to feel that the gentleman from Missouri has raised some valid points in the amendment that he brings before us today.

If my understanding is correct, what we did when we created the Inspector General for the Department of Agriculture was we put an Office of Inspections that had previously existed within that Department under the Inspectors General. Is that correct?

Mr. COLEMAN. I would yield to your expertise, serving on the committee. It is my understanding that the Department of Agriculture is unique in this fashion, that we are not talking about all Inspector General. We are talking about one—the Department of Agriculture.

Mr. WALKER. And that would have been the office, if it was still in existence, that would have had the authority to go out and take a look into fraud, waste and abuse in the food stamp program, is that correct?

Mr. COLEMAN. Not to take a look. We have mandated they go out there. I think your constituents, mine, and everybody in the country wants to make sure the money we are ready to authorize, $11 billion, is going to people that need it for food, not for criminals that buy drugs, like down in southeast Virginia, where they uncovered drug paraphernalia, purchasing drugs, cars, all these other stolen goods with the money to go to the people's food stamps.

Mr. WALKER. In other words, though, if I am correct in this, the Office of Inspections would have been the one who would have followed up and enforced the law with regard to food stamps and fraud, waste and abuse that has been in existence. And what happened was it was put under the Inspector General in the Department of Agriculture.

Now, it seems to me that the gentleman's point of a few minutes ago is absolutely correct. What we have created in the food stamp program at the present time is a new money system. So it seems to me we have something akin to going over to the Department of Treasury and putting the Secret Service under the Inspector General and then taking away all their enforcement powers, their weapons and everything else, and telling them to go out and act against counterfeiters without any authority to act.

So what you are saying is that what we need to do is reinstate the authority of the Department of Agriculture to do something about the massive fraud, waste, and abuse.

Some people I think estimate it may be as high as 30 percent in this program.

I think the gentleman is absolutely right. We had better get some teeth into the program.

Mr. COLEMAN. There are protections in this legislation. Not anybody is going to be out on the street from the Inspector General's Office. It has to be those who were involved in conducting investigations of criminal violations. This is not somebody going out to determine whether or not a welfare mother is trying to get more food stamps than she is eligible for. We are talking about specifically to make an arrest if they see the violation in their presence. If it is not done in their presence, they are not going to be able to make the arrest.

But the way it is now, the Inspector General has had to serve and work with local law enforcement officials who actually go in and make the arrest. They have to go to a Federal judge, they have to send the U.S. marshal. They have to call the marshal and say, "Can you go down and give them a warrant because we have an undercover case here." If the U.S. marshal is busy doing something or tells him where to go, there cannot be an arrest warrant obtained. We are

trying to give that request that the Inspector General of Personnel can go to the U.S. judge and ask for a warrant for the arrest. That is what we call executing a warrant.

Somebody down there said they could swear out a warrant, produce the warrant themselves. He knows better than that. A judge has to do that; he has to do it for the FBI and the Inspector.

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Mr. WALKER. I thank the gentleman for his statement. I just want to pursue one other point. If I am correct, then, when the gentleman from New York seeks to divide the question, what he is really seeking to do is to pull the whole fraud, waste and abuse component out of the gentleman's amendment and leave us with 30 percent waste in the program with no tools to get at it. Is that correct?

Mr. COLEMAN. Plus raising the cap up to a point higher than the budget. Now, if we want to go into this amendment and talk about the budget a little bit, I will be glad to talk about the budget. I came up on the budget. I got David Stockman to move up on the budget so that we could get this amendment passed. Let us not open all of this up. I think we are going to open up a Pandora's box.

Mr. HIGHTOWER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Texas.

Mr. HIGHTOWER. Does the gentleman propose that every Inspector General and employee of the Agriculture Department have the authority to make arrests?

Mr. COLEMAN. Absolutely not. These are people who are designated GS-1811, who are the law enforcement component of the Department of Agriculture's Inspector General's Office. The amendment specifically says those who conduct investigations of criminal violations of the statutes, so we are talking about a small number of people who have the responsibility today to make these cases.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. HIGHTOWER and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. HIGHTOWER. Is the gentleman creating a special class of law enforcement officer that does not now exist in the statutes?

Mr. COLEMAN. No, they already are required to do this, but we have not given them the authority.

Mr. HIGHTOWER. So they are not law enforcement officers, so this would be a special class of law enforcement officer who would have the authority to make arrests, have the authority to issue and swear out a warrant, is that right, but he would not have now?

Mr. COLEMAN. These people, in order to enforce the food stamp law, would have to make arrests if they see a violation occur in their presence. Right now we tell them to go out and tighten up on fraud, but they cannot make an arrest, they cannot go to a Federal judge and ask for a warrant. They have to get a U.S. marshal to do it, and if they see the evidence in front of them they cannot proceed.

Mr. HIGHTOWER. Suppose he saw some other Federal statute being violated, would he have authority to make an arrest then?

Mr. COLEMAN. No, he would not.

Mr. HIGHTOWER. So he would be a special class of law enforcement officer?

Mr. COLEMAN. He would be just for those criminal statutes which are administered by the Department of Agriculture.

Mr. HIGHTOWER. But he would still have to have some training as a law enforcement officer.

Mr. COLEMAN. If the gentleman did not listen to my opening statement, these people are trained now in Glen Cove, Ga., where they have law enforcement training; plus, they would be under prescribed rules of the Secretary maintaining that ability, and of course they are going to be well trained. Nobody is going to allow people to go out not well trained to do this. They already have proposed regulations that are going to be sent to the Congress for OK.

Mr. HIGHTOWER. Did the Inspector General ask for this authority?

Mr. COLEMAN. Yes, he did, and the Secretary of Agriculture has supported him, and there is evidence that somebody mentioned the FBI, whatever, if they want to get involved, why do we not turn this over to the FBI? I think the FBI just as soon have the Department of Agriculture do it. There is an internal memo being circulated somewhere that so says that. It will limit the authority of these officers—clearly spelled out.

The CHAIRMAN. The Chair points out that the gentleman from Pennsylvania controls the time, and the gentleman may yield to whomever he wishes.

Mr. WALKER. Mr. Chairman, I yield to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I thank my friend from Pennsylvania for yielding.

I do not think the issue in this amendment is over whether Members of this House want to see food stamp fraud eliminated. I think we take that as given, and we can each express the passion with which we wish to see that occur as we may. I do not think that is the issue.

I am concerned that the administration is proposing a 12-percent reduction in the budget which may reduce the number of inspectors general to do this job, but that is a different issue.

I would like, if I may, through my friend from Pennsyvania, to ask the gentleman from Missouri about the provision here, because it seems to me that this amendment as it is written gives an inspector general of the Department of Agriculture more authority to make an arrest than an agent of the FBI, a Secret Service agent, a drug enforcement agent, an Immigration and Naturalization Service agent. For example, the right to make an arrest without a warrant by a law enforcement officer is invariably restricted to felonies which are committed in his presence.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. LEVITAS and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Under the language of this amendment we would be giving, as I understand it, an inspector general of the Department of Agriculture the right to make arrests for criminal violations, which would include misdemeanors, of any statutes of the Department of Agriculture. That would include beef grading and things of that sort, and without a warrant. I really do not believe that the gentleman wants to go that far. We all want to eliminate this massive fraud and abuse in the food stamp program, but we do not want to create a police state giving the inspectors general powers that even the FBI does not have.

Mr. WALKER. I would be glad to yield to the gentleman from Missouri.

Mr. COLEMAN. I do not think we can compare what we are trying to do here with what the FBI has, and it would not serve any purpose to go into all that. This is more narrowly drawn. I think the gentleman's issue about felonies or misdemeanors may be correct. The fact of the matter is we have asked them to enforce laws that may be misdemeanors as well as felonies.

I just point out to the gentleman that obviously I am sensitive—I think we are all sensitive—to the argument that we are going to have everybody running around with a gun, and so forth. This I believe, I truly believe, is limited strictly enough. They are going to have regulations issued. These people are going to have, and do have now, law enforcement training at the same academies many of these other agencies the gentleman mentioned have received their training at.

I have just out of the blue received a letter from a constituent today—I do not even know who she is—who wrote to me and told me that her husband

happens to be in the Inspector General's Office, and telling me of the type or people she is fearful her husband will be done in by because he does not have authority to carry a gun. She heard about my amendment, and that is why she wrote me about it. He has to walk into a room of underworld characters, of drug smugglers, international in some cases, because they are also dealing in food stamps, without anything to protect him at all, nothing whatsoever.

We are talking about a very few people designated GS-1811, which is a significant designation for criminal law enforcement in the OID office.

Mr. WALKER. I thank the gentleman for his statement. In closing here, I just want to make a statement. It seems to me the gentleman has offered a carefully drawn, bipartisan amendment that is supported by the Secretary of Agriculture, the Inspector General of the Department of Agriculture, which goes to the heart of the problem of the food stamp program right now; that is, waste, fraud and abuse. If we strike this section from the gentleman's amendment we will strike out our ability to deal with waste, fraud and abuse on an immediate basis. I think this would be tragic. I thank the gentleman for offering his amendment.

Mr. ENGLISH. Mr. Chairman, I move to strike the requisite number of words.

Perhaps, Mr. Chairman, I have a vantage point that some of the other speakers have not had in that I serve on both the Agriculture Committee and the Government Operations Committee. I was part of the Government Operations Committee when we set up the Inspector General's Office in the Department of Agriculture. I can understand and appreciate what the gentleman from Missouri is attempting to do. Certainly we have been frustrated on the Agriculture Committee time and time again in dealing with this problem of abuse of food stamps. Certainly, we have people who are needy who are not receiving benefits while we have those who certainly should not be receiving those benefits who are receiving them, and I know what he is attempting to get at.

On the other hand, in looking at it from the standpoint of the Government Operations Committee and the original intent behind the Inspector General's Office, it was one that was designed, as has been said, to allow the green eyeshade, the accountant, to identify fraud and abuse as well as waste. I can recognize and understand how easy it would be to make a law enforcement office out of the Inspector General's Office.

□ 1730

But I think we are going to have to give a great deal of consideration to the way the food stamp program is set up.

First of all, it is my understanding that the food stamp program is primarily the responsibility of the States. The States have the primary responsibility for carrying out that program. They have the primary responsibility for making certain that all the rules and regulations are obeyed.

So I think that we should involve the States in this particular discussion. How good a job have they done? Have they been able to ferret out this type of fraud, and how much cooperation has the Inspector General's Office received from local and State law enforcement agencies?

Of course, the question also then gets to the point as to whether or not the Inspector General's Office and his deputies are able to carry out their responsibilities to the Congress and to the Government of the United States through the States themselves, as opposed to in fact creating Federal law-enforcement officers.

Then perhaps, finally, we should consider whether or not we can hire enough Federal officials to police the entire food stamp program nationwide, but I do not think that is the intent of the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. Certainly; I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, the gentleman is absolutely right. That is not our intent, and we could not hire enough people to ferret out all the waste, fraud, and abuse. But at least we can do something for these people who are hired to perform their duty, and that is to protect themselves and to be able to make an arrest when they see a violation of law in their presence.

The gentleman knows that the Inspector General has been very aggressive in making arrests and bringing indictments, yes; but they do not have the powers obviously or we would not be here talking about it. The Inspector General, with the cooperation of local police officials and agents, has made 800 arrests this year, and the conviction rate is way over 80 percent.

But the point is that they can do even better, and we are not going to open this up to have them run it alone. We are going to be able to do it with local police officers and local law enforcement officials. But when they walk in there with a local policeman or law enforcement official and everybody goes through the front door and there is a shotgun waiting on the other end, those people have their guns drawn to defend themselves. When one of the Inspector General's guys walks in, I hope he has a bullet-proof vest on because that is all he can have if he wants to have an opportunity to defend himself.

Mr. ENGLISH. Mr. Chairman, I appreciate and understand what the gentleman is saying.

I suppose the real issue in question is whether or not the Congress and the U.S. Government want to in fact place that type of officer in that type of situation or whether or not he should, as I think the Government Operations Committee envisioned—and of course, we certainly have plenty of members here from the committee—be more of an accountant to identify problem areas.

If he uncovers fraud, that would be an area where there would be some possible danger, and if he does uncover fraud, then he can exercise his responsibility by reporting that fraud to law enforcement officials and let them carry out their duties.

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, that is fine, but I must ask the question, "When are you guys going to get your act together to do this?" That is the point.

I agree with the gentleman, and if he wants to write a new law and bring it to the floor next week, that is fine. You can write a law and supersede the law that is on the books. We can write a new law, but we have not had any action along that line before now. We have not had any understanding or feeling of compassion that I now see springing up on the floor here.

The people in the Inspector General's office have been batting their heads around trying to get something like this, and the problem is becoming more and more acute. We wait until we have a crisis; we wait until somebody is killed; we wait until we see somebody who is trying to serve his country get killed, just like an FBI agent or somebody in the military who is trying to serve his country.

What kind of things do they get to help them? What kind of tools do we give them? Nothing.

If we do not act on it today, we will not have the opportunity and we will not have the vehicle, and it is going to be locked up in the Judiciary Committee. Notwithstanding all these fine remarks that have been made this afternoon, it is just going to be locked up, and we are not going to be able to do anything.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. ENGLISH) has expired.

(By unanimous consent, Mr. ENGLISH was allowed to proceed for 1 additional minute.)

Mr. ENGLISH. Mr. Chairman, the point I am trying to make, if I could have the attention of the gentleman from Missouri (Mr. COLEMAN), is that perhaps the failure is the failure of Congress. Perhaps Congress did not

identify carefully enough exactly what the responsibilities were and what the duties of the Inspector General were, and I think the gentleman is supplying a valuable service in bringing that to the attention of the Congress.

However, I think that is something that deserves very careful consideration as to which avenue we choose to proceed down. I agree with the gentleman; I certainly do not want to see the Inspector General and his deputies placed in that kind of a life-jeopardizing situation, because they deserve to be protected, but at the same time I want to see them do a vigorous job, just as the gentleman does.

Mr. COLEMAN. Mr. Chairman, if the gentleman will yield further, if the gentleman from Oklahoma (Mr. ENGLISH) would bring a bill to the floor, I will be able to support him in such an effort if we get to that point in time.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry to see that we are dealing with so much confusion this afternoon.

The gentleman from Missouri (Mr. COLEMAN) has stated on more than one occasion that he is waiting for this to be straightened out by the Government Operations Committee or the Judiciary Committee or somebody else. Let us make it perfectly clear that the reason we are here is because there was included in the food stamp law several years back a criminal provision, and it was put into the hands of the Department of Agriculture to administer this criminal law. That came out of the Committee on Agriculture, and our problems started there. We are trying to build on that and enlarge the problem today. I hope we do not do that.

I think it is entirely useless to say that some other committee ought to straighten out the mess that the Agriculture Committee started in the first place. What we ought to do is not deepen the mistake.

I realize that there is a need for law enforcement activity in this field. Let us place it where it belongs. But there are those of us who are not going to stand idly by while these steps are taken in succession to dissemble the fourth amendment, one of the very important parts of the Bill of Rights, and to disperse through these various departments and agencies the law enforcement powers and create a number of law enforcement agencies. That is wrong.

The Inspector General Act did not create this problem. It did perpetuate it by allowing the Office of Inspections in the Department of Agriculture to continue in existence with the function of enforcing criminal laws. But the first mistake was putting criminal law enforcement in the Department of Agriculture. Let us correct that problem.

I am sorry that the gentlemen who made these assertions are not listening at the present time, but perhaps they will work out something to withdraw this amendment or something of the sort. At any rate, it is not just a matter of what committee jurisdiction is involved. This is a matter of much deeper moment than that.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding, and I want to commend him for his statement.

I think it is a very profound constitutional issue that we are discussing at this time. In 1977 a bill emerged on the floor of the House which sought to give the personnel of the National Park Service the right to search and seize without warrant people who are driving through the national parks if, in the opinion of those National Park Service people, a crime was probably being committed. This House, with the backing of conservationists and civil liberties people—people who adhere to the Constitution—defeated that effort.

Every once in awhile one of the committees that does not have full jurisdiction, such as the Judiciary Committee, gets a bright idea. The motivation is perfectly sound, but they sometimes tend to forget that we are a constitutional government.

The gentleman from Missouri has kept on saying that all this amendment which he has offered does is to allow someone to make an arrest when he sees a crime being committed in his presence. That happens not to be so. I read section 1, which would authorize these people to make an arrest without a warrant for any such criminal violation if such violation is committed or if such employee had probable cause to believe that such violation is being committed in his presence. Now, that is what I have read.

Mr. KINDNESS. Mr. Chairman, if the gentleman will allow me to reclaim my time, on that point I did talk today at length with the gentleman from Missouri, and that is intended to be a narrower scope of function because of the documentary nature of the problem with which they are dealing. It is meant to provide by that that the agent might not be sure that the felony was being committed in his presence until he could get hold of the documentary evidence.

Mr. WEISS. Mr. Chairman, if the gentleman will yield further, I know what the gentleman intends. I am saying this is what he is likely to accomplish outside of what he intends.

The final point I would like to make is that the Department of Justice has spent this year trying to gather unto itself the various law enforcement activities that are going on under Federal auspices. Indeed, there has been a public statement by the Attorney General that he wants the drug enforcement agencies to come within the jurisdiction of the FBI.

For this body now to start spreading out that jurisdiction flies in the face of what the administration is asking for.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

(On request of Mr. COLEMAN, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 1 additional minute.)

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, I would like to point out to my friend, the gentleman from New York (Mr. WEISS)—and he is a friend of mine, and I hope that he would listen——

Mr. WEISS. I will listen.

Mr. COLEMAN. I would point out that in the gentleman's own city, the city of New York, the scene where we have seen so much fraud and abuse in the food stamp program, the Inspector General's office there has the authority that I am trying to give the USDA officials. The gentleman has that in his own city. They have got those powers in his city to clean up the act of New York City, and I say it is necessary to have this on a nationwide basis.

□ 1740

Mr. KINDNESS. If the gentleman would note one thing, we do have a division under our constitutional government between the powers of States and the powers of the Federal Government. I do not care who recommends this amendment, I do not care if the administration likes it, the Department of Agriculture likes it, or who likes it. We are not going to disassemble the fourth amendment without something being said about it.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from California.

Mr. ROUSSELOT. Did I understand my colleague correctly, the inspector general of the city of New York has this authority to do this? That is incredible. And you are objecting to it for this program that is ladened with fraud and abuse?

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DE LA GARZA. Mr. Chairman, we have an amendment composed of four sections of which three sections are unobjectionable, and then there is a question about the fourth one. Is it possible to vote on the unobjectiona-

ble sections without curtailing or limiting further debate on the fourth section?

The CHAIRMAN. The Chair will advise the gentleman that if before the Chair first puts the question on the Coleman amendment there is a request for a division of the question, the remainder of the amendment will be voted on first and the portion on which the division is demanded will be voted on last, and following the adoption or rejection of the portion first voted on, which the gentleman refers to as the objectionable portion, the portion on which a division is demanded will remain open to further debate and amendment.

Mr. DE LA GARZA. I thank the Chairman.

I rise to strike the requisite number of words.

Mr. Chairman, I understand there is a possibility of some agreement on this amendment if we lay over overnight and we have overstayed our welcome in this Chamber for this afternoon. I would hope, if it is possible, knowing that at this point three sections have no objection, that we might reach an agreement at this time that we would rise and come back in the morning with this matter pending. Having had the discussion that we have had here this afternoon from both chairman and the ranking members of the committee, the distinguished members of the Government Operations Subcommittee who have made a very forceful presentation and have presented their viewpoints, perhaps we might agree upon 1 hour tomorrow on the fourth section as sufficient time to conclude the debate on this amendment and any amendment thereto, and then continue with the balance of the bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because the gentleman knows it has been my intention to object to time limits on the bill, principally because my feeling was that if we have time to leave the committee's business and go and make partisan remarks on the House floor that we have time to fully debate all of the issues that are before us. So that was to be my intention.

The gentleman has explained now to me what he is trying to do in the hour is accommodate all of the Members, and so in this particular instance I would be restrained and would be very glad to allow him to get his 1 hour of debate. However, I would inform the gentleman that other time limits are certainly subject to objection from this side, because I think the House probably should work its full will on the bill.

Mr. DE LA GARZA. The gentleman from Texas understands the concern of the gentleman and appreciates his cooperation in this effort at this time.

Mr. ASHBROOK. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Further reserving the right to object——

Mr. DE LA GARZA. I would tell the gentleman that it was not a request at this time. But I yield to the gentleman.

Mr. ASHBROOK. Further reserving the right to a future objection, I would say to my colleague that I agree 100 percent with what my friend from Pennsylvania has said. Our friend from Texas, the chairman of the committee, is truly one of the fine Members of this body. I would have to say I think what happened at 4:30 was something that we should be very careful about in the future.

If we want a spirit of trying to solve our problems, if we are going to have a spirit of cooperation of limiting debate, it is a two-way street. I want to simply say that if it were not for my friendship and admiration for the gentleman from Texas I would be constrained to object also. I will not, but I think the point ought to be made.

Mr. DE LA GARZA. I appreciate the gentleman's cooperation and certainly his concern is duly noted.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. ROUSSELOT. I have some problems with the out-year funding on this, and so if we agree to some kind of limitation here—the dollar amounts have not really been talked about too much. It gets a little expensive, as the gentleman knows.

Mr. DE LA GARZA. The gentleman would not be precluded from addressing that issue at a later point in the debate.

Mr. ROUSSELOT. I would be if the amendment knocks out my ability to change it.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New York.

Mr. RICHMOND. The debate on section 1343 of the Coleman amendment, which apparently is limited to 1 hour tomorrow morning, will then close that section but certainly leave the other three sections open for further debate.

Mr. ROUSSELOT. I thank the gentleman.

Mr. COLEMAN. Will the gentleman yield?

Mr. DE LA GARZA. If I still have the time, I yield to the gentleman from Missouri.

Mr. COLEMAN. I am somewhat confused now. Is it the gentleman's intention to move that we limit time on one aspect of this amendment, one section of this amendment tomorrow? Is that the gentleman's intention?

Mr. DE LA GARZA. No; that on that amendment and any amendments thereto, since only one section would require more time to discuss.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. If the gentleman would yield, I would like to make a parlimentary inquiry.

Mr. DE LA GARZA. I yield to the gentleman for that purpose.

Mr. COLEMAN. Mr. Chairman, there seems to be a fiction perpetrated here that there is only one part of this amendment which is controversial, 1340. My question is at what point and in what order do we vote if we were to separate, as has been the indication, separate one out? I would like to know, and I think others would like to point out that there are some extreme difficulties with some of the other sections of this amendment. If we are going to start couching in a one or the other situation, then we are going to have a division on every one of these things if we have a division on one.

The CHAIRMAN. The Chair will advise the gentleman that if a division is requested with respect to section 1343, the enforcement provisions, that a vote would first be taken on the balance of the Coleman amendment, the section upon which a division was demanded would be open for debate and amendment. But the part, of course, that had been voted upon, the balance of the Coleman amendment would be foreclosed from further debate and amendment.

Mr. COLEMAN. If I might inquire of the Chair, what if an objection was made or a division were to be requested or a division were to be made on 1306, would that be voted on first?

The CHAIRMAN. With respect to a demand for a division, assuming the question is divisible, there would be a vote on the part not subject to the demand for a division first.

Mr. COLEMAN. But if there was a demand for a division on 1306, would that precede the vote on 1343?

The CHAIRMAN. If a division were demanded on both, that is correct.

Mr. COLEMAN. I thank the chairman.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. DE LA GARZA was allowed to proceed for 4 additional minutes.)

Mr. ROUSSELOT. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding. That was my concern that the division vote would first

occur on section 1306, and then I would be prevented, or anybody else, from offering alterations to the funding levels of this thing because that is in section 1306. I do not wish to be preempted, and if that is what the attempt is now I wish to know because the Chair has stated that the vote would first come on the division of 1306.

Mr. DE LA GARZA. But let me inform the gentleman that the whole amendment will be before us as we return, and the gentleman would not be precluded from trying to offer an amendment or getting another separate vote or trying to. All we are trying to do is say we feel one hour should accommodate the remaining contribution tomorrow, and that is as simple as that.

□ 1750

No one would be precluded, to the extent that one hour would handle the balance of the debate on this issue.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague, the gentleman from Texas, for yielding, and I want to compliment him for his patience in the way he is handling this very difficult and important piece of legislation.

My concern is that if there is a limitation of 1 hour on section 1343, it is altogether possible that overnight there may be some proposals made for compromise. There may even be some additional amendments offered to that section. I wonder, until we have an opportunity to find out what the situation is tomorrow, is it appropriate to ask for the limitation of debate tonight rather than at the beginning of the session in the morning?

Mr. DE LA GARZA. Well, I would tell the gentleman that one of the reasons for trying to do that is that I think we can ascertain the concern of some of the Members. Having sat through this bill now on its sixth sitting, I assure you that it has never been my intention to limit debate. But I have found out, in the last few days, that one discourse would invite another one, and then we get to repetition. With all due respect to the Members—I know that each Member makes a valuable contribution—there is a point in time when we have to finish this legislation. Judging from the contributions already made by the chairman of the committee and by the ranking minority member of the committee, who ostensibly should speak for all of the members of the committee, I cannot see where any contribution of more value than the two distinguished leaders could be made.

So hoping that overnight we might arrive at some form of compromise, we would allow an hour tomorrow to conclude.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I think the one thing that needs to be made clear from this side is, if one section of this amendment, of the Coleman amendment, is controversial, all sections of the amendment become controversial.

Mr. DE LA GARZA. The gentleman is correct. I have no quarrel with that.

Mr. WALKER. The point is, then, that the parliamentary situation then becomes extremely important because we would not want to be put in a position on this side to have the waste, fraud and abuse section eliminated and not have an opportunity to act on cutting back on the cap, then, because every section of this amendment ties in with another section, and so there is no way we can describe one section as the controversial section and another section as benign. All sections of this amendment become controversial as soon as you begin to tamper with any one. That is the key question from this side. How can we assure that we are going to be protected that all sections of the amendment have an opportunity to be amended and also be acted upon in a manner timely that will assure all Members have a chance to act on those things that they regard as controversial?

Mr. DE LA GARZA. The gentleman from Texas can give no assurance in that respect, as the gentleman well knows. All that the gentleman from Texas is trying to do is trying to arrive at an agreement. Apparently, we will arrive at no agreement.

So Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I was unavoidably detained yesterday and unable to cast my vote against the Weaver amendment. I would like the record to show that, had I been here, I would have voted against the Weaver amendment.

□ 1015

CONGRESS SHOULD NOT BE ALLOWED TO GRANT ITSELF INCREASED PAY AND BENEFITS

(Mr. LEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEE. Mr. Speaker, Congress should not be allowed to grant itself increased pay and benefits. That, Mr. Speaker, is a statement of commonsense.

I am today seeking your support for that statement, and for a bold approach to maintaining the perceived integrity of both this House of Congress and the Senate.

This is not a new concept. I am, however, frankly chagrined to admit that an idea with so much value was drafted by the framers of our Constitution in 1789 and has yet to become law.

In 1789, this Nation's Founding Fathers offered 12 amendments to the new Constitution. Ten of those were ratified and became known as the Bill of Rights. Please let me read to you the original, unsuccessful article II of the bill:

> No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

To put that statement in simple terms: No Congress may approve pay or benefit increases for itself. Any change in compensation made by this Congress, for instance, would not take effect until the opening day of the next Congress.

As recently as 1977, the concept of congressional pay deferral was seriously considered in this House and apparently had plently of support. Undue complexity and a handful of additions to the bill containing that concept apparently led to its progression only to the committee level. It is valuable to note, however, that at that time the legislation's pay deferral aspect for Members of Congress received overwhelming support.

I propose to offer this concept anew, in two forms: The first, a return to the Founding Fathers' constitutional amendment to set the course for Congresses to come; the second, a bill to determine the course of this Congress. With proper attention, the change can be affected right here in this Congress where benefits in increased integrity will accrue. Yet even with that done—in an issue so personal and so controversial—I feel that duplication in constitutional amendment, which cannot be changed by congressional caveat, is also in order.

Let me briefly explain that this revolutionary tactic to alleviate apparent conflict of interest in Congress is not new in the member States. Today, only 10 States allowed unrestricted compensation of their own legislators. A vast majority require the kind of waiting period I am proposing now and many require an actual referendum to change constitutions.

What apparently prevented congressional pay deferral approval in past years was disagreement over how widespread the enacting legislation should be. Some Members felt that by incorporating only Members of Congress, the bill singled out legislators in discriminatory fashion. Their concerns were shortsighted.

The simple fact is that we are uniquely capable of making laws in this Nation, and as such we are unique in application of those laws. Today we can find dozens of places where Congress has ordered an entire nation to abide by laws from which it has exempted itself. I find it shallow indeed that cries of discrimination surface only when such an exemption from the practices of others is not to our advantage.

Mr. Speaker, in the last hour of the last day of the Federal fiscal year 1981, this Congress literally sat its way to a better compensation package. Only 32 Members of this House stood to request a recorded vote on the increased compensation package. By their very inaction, the remaining 403 Members gave themselves a raise. I say that this tactic is a hideous abuse of the congressional process.

Raises may be needed for Members of Congress. The job itself is expensive, difficult, and draining on all of us. But I would wager that today, virtually every working man and woman in America feels the same way about his or her job in light of the compensation they receive. We, however, are unique in being able to immediately grant ourselves gratification. I do not need to remind you of how we do that—with the taxpayers' money.

Throughout the business and industrial world, there is a common procedure for getting a raise. Since many of us have been away from the real world for a while, let me remind you of how it is done.

First, the employee does what he or she feels is a good job. They faithfully discharge the duties assigned to them in the best way they know to do. Then they feel that they deserve a raise.

They go to the employer, the boss, the board of directors, or whomever is responsible for balancing the books and they present their justifications for a raise.

Based on the boss' image of that presentation and the work that has been done, the issue of raise is decided.

Our board of directors, the American electorate, is given no opportunity to decide our compensation. Their only choice is to decide, first, if Congress is performing to the standards which voters desire; and second, whether these employees should be left on the job or new ones brought in.

I am currently serving in only my second term in Congress. Yet I have now twice watched as this House used legislative sleight of hand to reward itself without ever having to stand up and be counted. Two terms, two tricks. I consider it only a stroke of the good fortune of each silent Member that his or her constituents continue to allow this to happen.

Mr. Speaker, I just do not think any of us should have to hide our heads or back up to the pay window.

By the same token I do not believe that we should take advantage of our unique ability to compensate ourselves any time we feel the urge. I am pleased to say that I know of none of my colleagues who sought this office purely to gain personal wealth. Yet our actions on pay and benefits packages would leave that perception with many voters.

I am today urging you to join with me in speeding these two integrity-enhancing measures through our congressional processes.

I am extemely pleased today to have my distinguished colleague from California (Mr. GRISHAM) join with me in introduction of this legislation and the recycling of a commonsense amendment to the Constitution. In the days to come, we will seek the personal support of each Member whose district lies between ours—mine in New York and Mr. GRISHAM'S district in California.

We have the opportunity to do much for the image of Congress itself, to begin counteracting the popular perception of those who serve in this body as—in the words of Mark Twain—the only "distinctly native American criminal class."

We have the unusual opportunity to directly inject today, in modern context, the wisdom of those who drafted our Constitution.

This is an ultimately reasonable request. It will allow us to avoid the individual agony of future decisions, and it can return clear conscience to those Members who have long and bitterly felt the need for both increased compensation and integrity of process.

After 192 years of ignoring commonsense, let us not squander this chance.

Thank you.

CONGRESSIONAL COMPENSATION INCREASE DEFERRAL

(Mr. GRISHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRISHAM. Mr. Speaker, I am pleased to join with my distinguished colleague from New York (Mr. LEE) in offering two pieces of legislation to defer any increase in the compensation of Members of Congress until the people decide if Members deserve a raise. The gentleman from New York is to be commended for his efforts in this area, and I want to associate myself with his remarks.

Mr. Speaker, the idea that congressional pay increases should not take effect until the next Congress convenes is as old as our Constitution itself. One hundred and ninety-two years ago, the framers of the Constitution proposed an amendment designed to prevent any Congress from increasing its own pay. The contitutional amendment that Mr. LEE and I are offering today is identical to that original second amendment.

Additionally, several other legislative institutions have acted on this issue. Today, 24 States have laws on their books that defer pay raises for State legislators. I am proud to say that my own State of California is one of them. Further, 16 States restrict legislative compensation in some other fashion; only 10 have no restrictions.

Mr. Speaker, I want to emphasize the purpose my friend from New York and I share in offering these measures. There is really only one and it is very simple—to let the people decide who among us deserves a pay raise. By requiring that an election of the House of Representatives follow the enactment of any adjustment and deferring that adjustment until the next Congress convenes, the people will have that opportunity—in the voting booth.

Let there be no mistake, Mr. Speaker: In offering these measures, it is not our intention to question the merit of any increase that has been provided to Members in the past. Further, the wisdom of providing Members with increases in the future is not the issue here. Finally, these measures do not seek to address the methods by which Congress deals with specific pay increase proposals.

Denying any Congress the ability to increase its own pay is the one and only goal of these measures. Only the self-employed, who answer to themselves for their performance on the job, should have that right. We are not self-employed, Mr. Speaker, the people are our bosses. They pay our salaries and it is their tax dollars that provide the money for the increases in compensation that we allow. It simply follows that they should have the right to determine if Members deserve a raise before it is reflected in our paychecks.

WORLD POPULATION AND BIRTH CONTROL

The SPEAKER pro tempore (Mr. SMITH of Pennsylvania). Under a previous order of the House, the gentleman from Connecticut (Mr. GEJDENSON) is recognized for 15 minutes.

Mr. GEJDENSON. Mr. Speaker, today I have introduced a bill, with 72 of my colleagues, asking for continued effort in world population control and birth control throughout the world. This is especially appropriate, with President Reagan today in Cancun, at the North-South Conference, taking a look at the disparities in the world as far as wealth and the industrial nations, compared to the underdeveloped nations.

The dangers of continued growth in world population become very evident as we take a look at some of the startling statistics. World population, which is expected to stabilize in the year 2110 at 10.5 billion, will have 90 percent of the world's population in the developing countries. Today we have some 450 million people, about 10 percent of the world's population, living in malnutrition.

Currently some of the countries that have the greatest political turmoil also have the greatest growth in population, and that is no accident; for as population increases at a greater and greater percentage, it takes a greater amount of the country's natural resources to maintain the level of economic growth and the level to which the individuals have a standard of living. If we just take a look at what will occur in countries like Bangladesh, with a 2 million increase yearly, it increases the need for 400,000 tons of grain, 700,000 more jobs, 300,000 more dwelling units, and 11,000 more schools.

As we take a look at what is happening in Latin America, in Africa, and other parts of the world, we can see time and time again that these economic pressures created by overpopulation put tremendous political pressure and create tremendous political upheaval.

To those of us in the industrialized West who are looking for stabilization and a continued growth in democracy throughout the world, it is vitally important that we assist these countries in stabilizing their population.

□ 1800

I might further add that for those of us in this country who might feel secure as a result of our own ability to grow foodstuffs and the strength of our own economy, we only need to look at some of the strategic minerals and other minerals that we import. Of 91 nonfuel minerals and commodities that the United States uses, a net total of 66 are imported. Of 29 strategic minerals, a full 19 are imported from other countries.

So as the pressures for food and other foodstuffs increase the trade in these minerals could even hamper us in this country.

I commend my 72 colleagues who joined with me in this action and would hope that it would pass the House with all deliberate speed.

FREEDOM OF INFORMATION IMPROVEMENTS ACT OF 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, at the request of the Department of Justice, I am today introducing the Freedom of Information Improvements Act of 1981. This bill contains the administration's proposals for amending the Freedom of Information Act. TOM KINDNESS, ranking minority member of the Subcommittee on Government Information and Individual Rights, joins with me in sponsoring this legislation.

I want to emphasize that I am introducing this bill in my capacity as chairman of the Subcommittee on Government Information and Individual Rights and at the request of the Department of Justice. I do not support most of the provisions of the bill, and I strongly disagree with the premises on which the bill is based.

I particularly disagree with some of the statements made by Assistant Attorney General Jonathan Rose when the FOIA package was unveiled last week. Rose called the FOIA a "highly overrated instrument" and said that he did not believe that any important evidence of Government wrongdoing has been made public as a result of FOIA.

The record compiled by my subcommittee at oversight hearings last July demonstrates that the FOIA is an important tool for exposing wrongdoing both within and without the Federal Government. Just to pick one well-known example, the FBI's counterintelligence program—known as COINTELPRO—first came to light as a result of a FOIA request. The hearing record contains other instances too numerous to include here. Many of these disclosures have led to significant savings in Government programs.

If anything, the FOIA has been highly underrated. The subcommittee has received evidence suggesting that for every FOIA request formally filed, as many as twenty other requests are not formally recorded. Bureacrats who know that documents will ultimately have to be disclosed will frequently give up the documents without forcing the requester to make a formal request.

During the subcommittee's oversight hearings, I indicated that those seeking amendments to the law bear the burden of providing adequate justification for their proposals. Based on the scope of the changes being sought by the administration in this bill, this will be a very heavy burden to meet. While it will take time to absorb fully the details of these recommendations, it is apparent that sweeping new restrictions on the availability of information are included in the package.

I am pleased, however, that the administration decided not to ask for a general moratorium on records maintained by the Federal Bureau of Investigation. Such a proposal would have been unnecessarily divisive and would have made consideration of FOIA amendments more difficult. I also note the absence of any provision dealing with access to intelligence information. I agree with the administration that this issue is best left for a separate bill.

I hope that all of those with an interest in the Freedom of Information Act will carefully study the administration's bill. I understand that Senator Hatch has recently introduced his own bill, and I anticipate that other proposals may be introduced in the future. The Subcommittee on Government Information and Individual Rights will hold additional hearings on the freedom of information later this Congress.●

RESPONSE TO EVANS AND NOVAK ON EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, on October 19, the Washington Post and other newspapers across the country carried a column by Rowland Evans and Robert Novak, entitled "Bridge Over the River Lempa," which alleges that 500–600 Cuban troops have been shipped into Nicaragua for the purpose of "occupying" eastern El Salvador. I believe that this column, and its call for further U.S. involvement in El Salvador in response to these alleged occurrences, are based on faulty information and unwarranted assumptions.

I would like to share with my colleagues the text which I have sent to the Washington Post in response to this column. I have also included, for the record, the text of the original column and the response printed in this morning's Washington Post from the Nicaraguan ambassador, His Excellency Arturo J. Cruz:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
October 21, 1981.

EDITOR,
Washington Post, Washington, D.C.

DEAR SIR: I write in response to the October 19 column of Rowland Evans and Robert Novak, entitled "Bridge Over the River Lempa," which puts forth the asser-

tion tnat Cuban troops were "surreptitiously" shipped to Nicaragua in September "aimed at setting up a revolutionary Marxist government in eastern El Salvador."

Relying upon its own "unimpeachable Latin American sources" as authority for its assertion that four Cuban transport planes left "Havana's Jose Marti airport on September 16, 17, 18 and 19" carrying "between 500 and 600 troops of Cuba's 'quick strike' special forces. . . surreptitiously to Nicaragua," the columnists then extrapolate from these "facts" that the destruction of the Lempa River Bridge in El Salvador, "exactly 26 days later," was accomplished by these Cuban troops.

Most dangerously of all, the column concludes that, "If a subterranean Cuban invasion of El Salvador is in the offing—or perhaps started with destruction of the bridge—U.S. counter-measures far beyond dispatch of a mere 50 Army advisers confined to San Salvador are essential."

This is the same kind of speculative reporting, based on suspect information, that produced our Vietnam debacle. Have we learned nothing from that experience?

If the reporters had but checked the dates given by their "unimpeachable sources" for the claimed massive movement from Havana's airport of 500-600 troops dressed as "everyday tourists," they would have learned that these were the very same dates when delegates from about ninety countries—including the United States—were passing through that airport for assembly in Havana for the 68th Inter-parliamentary Union Conference. These delegates—representatives of their governments' federal legislatures and other seasoned observers—would be rather embarrassing witnesses to such a large troop movement, had it taken place.

I attended that conference in Havana, as an official delegate of the United States. I arrived at Jose Marti airport, as did most of the delegates, on intermittent and unscheduled flights from around the world.

The Jose Marti airport was practically deserted except for the arrival and departure of delegates to the Conference. There were no large groups of persons, dressed as tourists or in any other manner.

Indeed, at the same time these troops were supposedly preparing to be shipped out, President Castro was opening the IPU Conference with a vitriolic attack upon the United States for its own "fascist" foreign policy of intervention in the area.

It is inconceivable to me that your reporters did not check further into their "unimpeachable sources", but reported such an antagonistic story in order to gain support for further U.S. involvement in the internal struggle now taking place in El Salvador.

I can only hope that those who would be moved by such inflammatory rhetoric and alleged facts will also read the comprehensive response of His Excellency Arturo J. Cruz, the Nicaraguan ambassador to the United States, in the October 21 Post (Letters to the Editor), wherein his government completely and categorically denies the allegations of Evans and Novak.

We don't need U.S. troops in El Salvador, and we don't need a campaign of fear and Cold War mentality to stampede us into unwarranted actions there. What we do need, and what is continually lost on this Administration and apparently on Mr. Evans and Mr. Novak, is a commitment to support a negotiated and just settlement of the El Salvador situation.

Sincerely,

GEO. W. CROCKETT, JR.,
Member of Congress.

BRIDGE OVER THE RIVER LEMPA

Between 500 and 600 troops of Cuba's "quick strike" special forces flew surreptitiously to Nicaragua last month—with Cuba's ambassador to Nicaragua aboard the last flight—in a move that may be aimed at setting up a revolutionary Marxist government in eastern El Salvador.

Fidel Castro's gall and self-confidence in transporting a concealed strike force, under the control of Cuba's minister of the interior, for combat in beleaguered El Salvador has shocked the highest officials in the Reagan administration.

But beyond shock, the movement of these forces from Havana's José Marti airport on Sept. 16, 17, 18, and 19 to Managua's Sandino airport poses a critical choice for the Reagan administration: to tell the world the truth about the advanced stage of Castro's Soviet-backed plan to seize control of El Salvador and meet it head-on; or to continue fudging the issue in hope that some miracle will make it go away.

The bare facts of what amounts to another Cuban foreign intervention, made available to us from unimpeachable Latin American sources, are as follows: the four Cuban transport planes, known as 1462s, were ostensibly filled with everyday tourists; their arms, loaded by special cargo handlers, were concealed in what looked like tourist trunks and other commonplace luggage.

When the Sept. 19 flight arrived at Managua's Sandino airfield, the "quick strike" troops, trained for special operations, were whisked into waiting helicopters, which disappeared over the Nicaraguan jungles. Julian Lopez, Cuba's ambassador to Nicaragua, was aboard.

Exactly 26 days later, in the pre-dawn morning of Oct. 15, the most important bridge over the Lempa River that cuts El Salvador in two was blown up. That supposedly well-defended bridge connects the lightly populated eastern third of El Salvador, facing Nicaragua, from the rest of the embattled country and its capital, San Salvador.

Castro's scheme may have classic simplicity; use the 500- to 600-man special force now in Nicaragua to occupy, without possibility of military resistance, the eastern third of El Salvador, establish a Soviet-backed communist government and use it to rally world support for the so-called Democratic Revolutionary Front.

Destruction of the *Puente del Oro*, one of only two spans over the milewide Lempa, betrayed a made-in-Cuba professionalism. If the second bridge is also blown, the eastern third of El Salvador will be beyond rescue by the Salvadoran army, creating ideal conditions for infiltrating Cubans to consolidate control by the insurgents.

Given this ominous event, President Reagan faces not some vague future crisis in the deteriorating Caribbean, he confronts an acute emergency demanding quick decision by an administration that has not shown much sophistication in handling more than one crisis at a time.

Last spring and summer the White House ignored the threatening Mideast crisis while it tackled the budget and tax cuts. It paid heavily when the AWACS crisis, escalating almost out of control, sponged up all the president's attention and that of his chief national secuirty advisers the past month.

If a subterranean Cuban invasion of El Salvador is in the offing—or perhaps started with destruction of the bridge—U.S. countermeasures far beyond the dispatch of a mere 50 Army advisers confined to San Salvador are essential. But despite tough talk ever since Reagan took office, the administration is far short of agreement on what those countermeasures should be.

Last spring a top national security official returned from a trip to El Salvador with this somber report: a Cuban force composed of one tank company—comprising 20 to 30 tanks—and one infantry company in trucks or armored personnel carriers could race unimpeded from Nicaragua up the Pan American Highway through a corner of Honduras and secure eastern El Salvador "in 36 hours."

No predictions are being heard here of any such overt, blatant Cuban invasion, but under the heavy cloud cover of the current rainy season it is not ruled out. More likely is slow, steady infiltration, sabotage and the isolation of the eastern third of El Salvador, an intervention that makes a mockery of the mere 50 U.S. military advisers Reagan sent to San Salvador despite angry reproaches from the U.S. Congress to keeps hands off.

THE AMBASSADOR OF NICARAGUA RESPONDS

On behalf of the government of Nicaragua, I wish to totally, categorically deny the report in the Rowland Evans and Robert Novak column of Oct. 19, published in The Post under the title of "Bridge Over the River Lempa" (op-ed). That column alleges—based on unidentified sources—Nicaragua has been used by Cuba and Fidel Castro, as a staging area to mount an attack on El Salvador.

The government of Nicaragua is indignant at the allegation and is very concerned about the repercussions such a melicious accusation could have on the development of a positive and harmonious relationship between the government of Nicaragua and the United States, which my government seeks.

My government wished to make it clear to the American people that Nicaragua has not and will not permit its sovereign territory to be uses as a staging point by anyone for any direct or indirect military intervention in the affairs of El Salvador, or of any other country.

Nicaragua maintains full diplomatic relations with the government of El Salvador and is completely and totally committed to a peaceful solution to the tragic internal conflict in that country. In this regard, the government of Nicaragua has fully endorsed the joint French-Mexican proposal, supported by other friendly governments, for a peaceful and negotiated solution in El Salvador.

Indeed, the government of Nicaragua has striven to achieve a negotiated settlement in El Salvador. On Oct. 7, the chief of state of my government, Comandante Daniel Ortega Saavedra, presented to the United Nations a specific proposal for peace in El Salvador through negotiations without any preconditions.

My government is therefore greatly encouraged by the announcement of Sen. Christopher Dodd of Connecticut, on Oct. 16, that President José Napoleon Duarte's Christian Democratic Party has informally agreed to negotiate with the opposition forces in a sincere effort to achieve peace.

My government applauds this decision by President Duarte and his party, as well as Sen. Dodd for his noble efforts to encourage negotiations.

Immediately upon communicating the substance of the Evans and Novak article to my government, it instructed me to inform the U.S. Department of State of the complete untruth of the allegation. During my discussions with the Department of State, I took the occasion to reiterate the desire of the government of Nicaragua for a positive and harmonious relationship with the United States and for peaceful relations with all of our neighbors.

The government of Nicaragua was very pleased by the recent visit by Assistant Secretary of State Thomas Enders to our country and felt that it helped pave the way for closer and more friendly relations between our two governments. Mr. Enders has provided a number of constructive suggestions following up on that meeting, to which the government of Nicaragua will be shortly responding.

Whatever the purpose and motive behind the Evans and Novak article, its unfounded allegations can only complicate the efforts of our government to move toward the closer and friendlier relationship we desire with the United States. Nevertheless, we will remain undeterred in our efforts, and we will continue to pursue such a relationship to the utmost of our abilities.

I greatly appreciate this opportunity to rebut the irresponsible contention in the Evans and Novak article.

ARTURO J. CRUZ,
Ambassador of Nicaragua.

WASHINGTON.

BANKING COMMITTEE HEARS 71 WITNESSES IN DAY-LONG GRASSROOTS HEARING ON THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, on Monday, the Banking, Finance and Urban Affairs Committee was in St. Paul, Minn., to hear testimony on the impact of current economic conditions and policies on the economy of that area.

This is the first in a series of six hearings which our committee will conduct across the Nation in an attempt to obtain a grassroots readings on the economic problems that most concern Americans today.

On Monday, the committee sat from shortly after 9:30 a.m. to just before 7 p.m.—about 9½ hours of non stop testimony—everyone from unemployed workers, to the independent supermarket operator, to the high school principal who could not find mortgage money, to the 85-year-old senior citizen who was not sure how she was going to pay her gas bills this winter.

Mr. Speaker, I do not want to put words in the mouths of my colleagues, but I do not think anyone came away from that hearing without being impressed by the stories of these hard-working citizens—people impacted by high-interest rates, lack of employment opportunities, rising utility costs, and without being concerned about the ability of local governments to pick up the slack left by Federal budget cuts.

Mr. Speaker, the turnout was so great that the committee decided to forego a lunch break. We ate right there and continued to hear the witnesses throughout the day and long after the sun had set—by about 7 p.m.—we had heard 71 people from various parts of Minnesota, of various backgrounds, of various interests.

All of us, Mr. Speaker, will long remember the sight of that intense, blond-headed young auto worker who had been laid off * * * a family to raise, two children, a $600-a-month mortgage and unemployment compensation that runs out 1 week from this coming Saturday.

In response to comments from some of the members, this young worker told the committee:

I don't want your charity, your welfare, all I want is a job . . . all I am asking is a chance to work and support my family . . . that's all I'm asking . . . I can't feed my family on hope.

And Mr. Speaker, at the other end of this witness table was a black worker, perhaps in his forties, who leaned forward and told the committee that he had a master's degree, had taught school, only to lose that job as enrollment declined, finally deciding to work with his hands in an automobile plant. Now, he was seeing that job fade away while he attempted, as a single parent, to raise his children. He told us he had wanted to remarry, but had decided against it because of unsettled economic conditions and after seeing two jobs literally disappear from under him—through events over which he had no control.

And it will be awhile, Mr. Speaker, before the story is forgotten of the gentlemen who appeared before the committee in a three-piece suit to tell us of the problems of a family-run independent supermarket. His family, for three generations, he told us, had run several supermarkets in the Rochester, Minn., area, and now he wondered whether the business would survive for a fourth generation in the face of high interest rates.

And there was the young Hispanic in St. Paul who had struggled to set up his own plumbing and heating business, working long hours to make his small firm a success. His opportunities were being wiped out as high interest rates crushed the homebuilding industry.

Mr. Speaker, these are just a handful of the stories that were related during the long day. We heard dozens of stories of people trying to hold neighborhoods together, to keep small businesses afloat, to borrow money to pay utility bills, to find rental housing, to find jobs.

Mr. Speaker, we will be holding another hearing in Seattle on November 6. We will be in Tucson on November 7, Chicago on November 9, Atlanta on November 13 and Providence on November 23.

AIRPORT AND AIRWAY REVENUE ACT OF 1981

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation which will be used as the vehicle for the Ways and Means Committee markup of the Airport and Airway Revenue Act of 1981. I am joined in this effort by the Honorable BARBER B. CONABLE, JR., ranking minority member of the Committee on Ways and Means. This act will become the financing title to accompany H.R. 2643, the Airport and Airway Improvment Act of 1981, as reported by the House Public Works Committee.

This proposal does justice, I believe, to all the parties affected by the aviation excise taxes imposed to fund our airport development and safety programs. It charts a middle course between the levels of tax proposed by the administration and the lower levels urged by those who appeared at the Committee on Ways and Means hearing on this matter. It will provide adequate funding for the airport and airway programs proposed by the Public Works Committee while moderating the existing high trust fund balances. As such, this legislation attempts to find an acceptable balance between the competing views on these matters; however, neither Mr. CONABLE nor I are inflexibly committed to the tax levels proposed in this bill if members of the Committee on Ways and Means can be persuaded that the higher tax rates supported by the administration are warranted.

BACKGROUND

On October 1, 1980, many of the aviation excise taxes expired or were reduced and the deposit of aviation tax revenues into the airport and airway trust fund was terminated. Although the Ways and Means Committee had acted on legislation in the second session of the 96th Congress to extend the trust fund and its taxes—(title II of H.R. 6721, the Airport and Airway Revenue Act of 1980)—final congressional action was not taken prior to adjournment of the 96th Congress.

As a result, the passenger ticket tax was automatically reduced from 8 percent to its present rate of 5 percent, the fuel tax on gasoline was reduced from 7 cents to 4 cents per gallon, and a number of taxes expired, including the 7-cents-per-gallon fuel tax on jet

fuel, the $3-per-person international departure tax, the 5-percent air freight waybill tax, and the aircraft use taxes. The revenues that are currently being collected are deposited in the general fund. In addition, the revenues from the aircraft tires and tubes taxes, imposed at the general rates for nonhighway use, have remained in the highway trust fund instead of being transferred to the airport and airway trust fund.

Earlier this year, the administration submitted its proposals relating to aviation excise taxes and trust fund provisions. In their current form, these proposals would increase the ticket tax to 6.5 percent and the fuel taxes would be increased over a period of years as follows: the 4-cents-per-gallon tax on gasoline would be increased to 12 cents in fiscal year 1982, phasing up to 36 cents after fiscal year 1985; the jet fuel tax would be imposed at 20 cents per gallon in fiscal year 1982, phasing up to 65 cents after fiscal year 1985. The air freight waybill tax and the international departure tax would be restored at prior tax levels. The aircraft use taxes would not be reinstated. In addition, the trust fund's spending purposes would be amended to generally permit expenditures for operation, safety and regualtory activities by the Federal Aviation Administration. There would not be any expiration dates for aviation taxes or transfers to the trust fund. The administration's commitment to the increased user taxes or general aviation was reaffirmed by the President in his September 24, 1981, speech to the Nation describing his fall budget program.

At the Ways and Means Committee hearing on October 14, 1981, on this matter, most witnesses urged tax levels below those proposed by the administration and a number of technical modifications to the taxes on air passengers were suggested.

PROPOSAL

The Airport and Airway Revenue Act of 1981 would extend the airport and airway trust fund and its taxes through the end of 1983, consistent with the 2-year spending program proposed by the House Public Works Committee. In addition, the bill simplifies the statutory trust fund language and more closely coordinates the trust fund with the excise taxes which fund it. Changes proposed to the aviation excise taxes would be effective January 1, 1982, and on that date all revenues from the aviation taxes would be transferred into the airport and airway trust fund. Trust fund revenues would be available for the purposes specified in H.R. 2643 as reported.

Under this proposal, the passenger ticket tax would continue at its present 5-percent rate and the freight waybill tax would be reinstated at its prior rate of 5 percent. The international departure tax would be reinstated at a rate of $5 per person. The fuel tax would be imposed at 12 cents per gallon for both gasoline and jet fuel and the tire and tube taxes would continue as under present law. The prior-law use taxes would not be reinstated for either commercial or general aviation. In addition, a number of technical modifications would be made to simplify the taxes as they apply to travel between the United States and Alaska or Hawaii, to eliminate the requirement that the ticket fare and tax be shown in trip segments, to extend the 6-hour layover rule for international travel to 12 hours, to reinstate the charge to the airlines for overtime costs of customs personnel for Sunday and holiday service, and to permit the Secretary of the Treasury to waive the 225-mile-zone rule for travel to Canada and Mexico under certain conditions. Several of these changes were included in the 1980 Committee on Ways and Means amendment.

At this point in the RECORD I would like to insert a copy of the bill, H.R. 4800:

H.R. 4800

A bill to reinstate certain taxes imposed on aviation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II—AIRPORT AND AIRWAY REVENUE ACT OF 1981

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Airport and Airway Revenue Act of 1981".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. TAX ON FUEL USED IN NONCOMMERCIAL AVIATION.

(a) INCREASE IN TAX.—

(1) Paragraph (1) of section 4041(c) (relating to imposition of tax on fuel for noncommercial aviation) is amended by striking out "7 cents" and inserting in lieu thereof "12 cents".

(2) Paragraph (3) of section 4041(c) (relating to rate of tax on gasoline for noncommercial aviation) is amended by striking out "3 cents" and inserting in lieu thereof "8 cents".

(b) REINSTATEMENT.—Paragraph (5) of section 4041(c) (relating to termination of tax on fuel for noncommercial aviation) is amended to read as follows:

"(5) PERIOD DURING WHICH TAXES APPLY.—The taxes imposed by paragraphs (1) and (2) shall apply on and after January 1, 1982, and before January 1, 1984."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1982.

SEC. 203. TAX ON TRANSPORTATION BY AIR.

(a) TRANSPORTATION OF PERSONS.—Subsections (a) and (b) of section 4261 (relating to tax on transportation of persons by air) is amended by striking out "8 percent" and inserting in lieu thereof "5 percent".

(b) USE OF INTERNATIONAL TRAVEL FACILITIES.—

(1) INCREASE IN AMOUNT OF TAX.—Subsection (c) of section 4261 (relating to use of international travel facilities) is amended by striking out "$3" and inserting in lieu thereof "$5".

(2) REINSTATEMENT.—Subsection (e) of section 4261 (relating to reduction, etc., of rates) is amended to read as follows:

"(e) PERIOD DURING WHICH TAX IMPOSED BY SUBSECTION (c) APPLIES.—The tax imposed by subsection (c) shall apply with respect to transportation beginning after December 31, 1981, and before January 1, 1984."

(c) REINSTATEMENT OF TAX ON TRANSPORTATION OF PROPERTY BY AIR.—Subsection (d) of section 4271 (relating to termination) is amended to read as follows:

"(d) PERIOD DURING WHICH TAX APPLIES.—The tax imposed by subsection (a) shall apply with respect to transportation beginning after December 31, 1981, and before January 1, 1984."

(d) TECHNICAL MODIFICATIONS.—

(1) ELIMINATION OF EXCLUSION FOR CERTAIN TRAVEL.—

(A) IN GENERAL.—Subsection (b) of section 4262 (relating to exclusion of certain travel) is hereby repealed.

(B) RETENTION OF EXCLUSION FOR TAX ON TRANSPORTATION OF PROPERTY.—Paragraph (1) of section 4272(b) (relating to exceptions) is amended by striking out "section 4262(b)" and inserting in lieu thereof "section 4262(b) (as in effect on the day before the date of the enactment of the Airport and Airway Revenue Act of 1981)".

(C) CONFORMING AMENDMENTS.—

(i) Subsection (c) of section 4262 is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(ii) Paragraph (2) of section 4262(a) is amended by striking out "subsection (c)(3)" and inserting in lieu thereof "subsection (c)(2)".

(2) LONGER LAYOVER PERMITTED TO QUALIFY AS UNINTERRUPTED INTERNATIONAL AIR TRANSPORTATION.—Paragraph (3) of section 4262(c) (defining uninterrupted international air transportation) is amended by striking out "6 hours" each place it appears and inserting in lieu thereof "12 hours".

(3) AUTHORITY TO WAIVE 225-MILE ZONE PROVISIONS.—Section 4262 (defining taxable transportation) is amended by adding at the end thereof the following new subsection:

"(e) AUTHORITY TO WAIVE 225-MILE ZONE PROVISIONS.—

"(1) IN GENERAL.—If the Secretary of the Treasury determines that Canada or Mexico has entered into a qualified agreement—

"(A) the Secretary shall publish a notice of such determination in the Federal Register, and

"(B) effective with respect to transportation beginning after the date specified in such notice, to the extent provided in the agreement the term '225-mile zone' shall not include part or all of the country with respect to which such determination is made.

"(2) TERMINATION OF WAIVER.—If a determination was made under paragraph (1) with respect to any country and the Secretary of the Treasury subsequently determines that the agreement is no longer in effect or that the agreement is no longer a qualified agreement—

"(A) the Secretary shall publish a notice of such determination in the Federal Register, and

"(B) subparagraph (B) of paragraph (1) shall cease to apply with respect to transportation beginning after the date specified in such notice.

"(3) QUALIFIED AGREEMENT.—For purposes of this subsection, the term 'qualified agreement' means an agreement between the United States and Canada or Mexico (as the case may be)—

"(A) setting forth that portion of the country which is not to be treated as within the 225-mile zone, and

"(B) providing that the tax imposed by such country on transportation described in subparagraph (A) will be at a level which the Secretary of the Treasury determines to be appropriate.

"(4) REQUIREMENT THAT AGREEMENT BE SUBMITTED TO CONGRESS.—No notice may be published under paragraph (1)(A) with respect to any qualified agreement before the date 90 days after the date on which a copy of such agreement was furnished to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate."

(4) REPEAL OF CERTAIN TERMINATED TAXES.—

(A) IN GENERAL.—Subchapter E of chapter 36 is hereby repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) The table of subchapters for chapter 36 is amended by striking out the item relating to subchapter E.

(ii) Section 4281 (relating to small aircraft on nonestablished lines) is amended—

(I) by striking out "(as defined in section 4492(b))", and

(II) by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate."

(iii)(I) Subsection (a) of section 6156 is amended by striking out "or 4491".

(II) Paragraph (2) of section 6156(e) is amended by striking out "in the case of the tax imposed by section 4481".

(III) The section heading for section 6156 is amended by striking out "AND CIVIL AIRCRAFT".

(IV) The table of sections for subchapter A of chapter 62 is amended by striking out "and civil aircraft" in the item relating to section 6156.

(iv)(I) Section 6426 is hereby repealed.

(II) The table of sections for subchapter B of chapter 65 is amended by striking out the item relating to section 6426.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transportation beginning after December 31, 1981.

SEC. 204. MANNER IN WHICH TAX ON TRANSPORTATION BY AIR IS REQUIRED TO BE SHOWN ON AIRLINE TICKETS.

(a) GENERAL RULE.—Subsection (a) of section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended to read as follows:

"(a) TICKETS.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262), the ticket for such transportation shall show the total of—

"(1) the amount paid for such transportation, and

"(2) the taxes imposed by subsections (a) and (b) of section 4261."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transportation beginning after the date of the enactment of this Act.

SEC. 205. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

(a) GENERAL RULE.—The Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subtitle:

"Subtitle I—Trust Fund Code

"SEC. 9500. SHORT TITLE.

"This subtitle may be cited as the "Trust Fund Code of 1981".

"Chapter 98—TRUST FUND CODE

"Subchapter A. Establishment of Trust Funds.

"Subchapter B. General provisions.

"Subchapter A—Establishment of Trust Funds

"SEC. 9501. Establishment of airport and airway trust fund.

"SEC. 9501. ESTABLISHMENT OF AIRPORT AND AIRWAY TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Airport and Airway Trust Fund', consisting of such amounts as may be appropriated or credited to the Airport and Airway Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO AIRPORT AND AIRWAY TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There is hereby appropriated to the Airport and Airway Trust Fund—

"(1) amounts equivalent to the taxes received in the Treasury after December 31, 1981, and before January 1, 1984, under subsections (c) and (d) of section 4041 (taxes on aviation fuel) and under sections 4261 and 4271 (taxes on transportation by air);

"(2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1981, and before January 1, 1984, under section 4081, with respect to gasoline used in aircraft; and

"(3) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1981, and before January 1, 1984, under paragraphs (2) and (3) of section 4071(a), with respect to tires and tubes used on aircraft.

"(c) APPROPRIATION OF ADDITIONAL SUMS.—There are hereby authorized to be appropriated to the Airport and Airway Trust Fund such additional sums as may be required to make the expenditures referred to in subsection (d) of this section.

"(d) EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.—

"(1) AIRPORT AND AIRWAY PROGRAM.—Amounts in the Airport and Airway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before October 1, 1983, to meet those obligations of the United States—

"(A) incurred under title I of the Airport and Airway Development Act of 1970 or of the Airport and Airway Development Act Amendments of 1976 or of the Aviation Safety and Noise Abatement Act of 1979 or under the Fiscal Year 1981 Airport Development Authorization Act (as such Acts were in effect on the date of enactment of the Fiscal Year 1981 Airport Development Authorization Act) or incurred under the provisions of the Airport and Airway Improvement Act of 1981 (as such provisions were contained in such legislation as reported by the House Committee on Public Works);

"(B) heretofore or hereafter incurred under the Federal Aviation Act of 1958, as amended (49 U.S.C., sec. 1301 et seq.), which are attributable to planning, research and development, construction, or operation and maintenance of—

"(i) air traffic control,

"(ii) air navigation,

"(iii) communications, or

"(iv) supporting services,

for the airway system; or

"(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraph (A) or (B).

"(2) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN REFUNDS.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid after December 31, 1981, and before January 1, 1984, in respect of fuel used in aircraft, under section 6420 (relating to amounts paid in respect of gasoline used on farms), 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes), or 6427 (relating to fuels not used for taxable purposes).

"(3) TRANSFERS FROM AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN SECTION 39 CREDITS.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the general fund of the Treasury amounts equivalent to the credits allowed under section 39 with respect to fuel used after December 31, 1981, and before January 1, 1984. Such amounts shall be transferred on the basis of estimates by the Secretary of the Treasury, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the credits allowed.

"Subchapter B—General Provisions

"Sec. 9601. Transfer of amounts.

"Sec. 9602. Management of Trust Fund.

"SEC. 9601. TRANSFER OF AMOUNTS.

"The amounts appropriated by any section of subchapter A to any Trust Fund established by such subchapter shall be transferred at least quarterly from the general fund of the Treasury to such Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such section. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"SEC. 9602. MANAGEMENT OF TRUST FUND.

"(a) REPORT.—It shall be the duty of the Secretary of the Treasury to hold each Trust Fund established by subchapter A, and to report to the Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(b) INVESTMENT.—

"(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of any Trust Fund established by subchapter A as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

"(2) SALE OF OBLIGATIONS.—Any obligation acquired by a Trust Fund established by subchapter A may be sold by the Secretary of the Treasury at the market price.

"(3) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in a Trust Fund established by subchapter A shall be credited to and form a part of the Trust Fund."

(b) REPEAL OF SECTION 208 OF THE AIRPORT AND AIRWAY REVENUE ACT OF 1970.—Section 208 of the Airport and Airway Revenue Act of 1970 is hereby repealed.

(c) CLERICAL AMENDMENT.—The table of subtitles for such Code is amended by adding at the end thereof the following new item:

"Subtitle I. Trust Fund Code."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1982.

(2) SAVINGS PROVISIONS.—The Airport and Airway Trust Fund established by the amendments made by this section shall be treated for all purposes of law as the continuation of the Airport and Airway Trust Fund established by section 208 of the Airport and Airway Revenue Act of 1970. Any reference in any law to the Airport and Airway Trust Fund established by such section 208 shall be deemed to include a reference to the Airport and Airway Trust Fund established by the amendments made by this section.

SEC. 206. CERTAIN REIMBURSEMENTS MADE TO CUSTOMS SERVICE.

Effective on and after January 1, 1982, the first sentence of subsection (e) of section 53 of the Airport and Airway Development Act of 1970 shall not apply with respect to the compensation and expenses of customs officers and employees.●

EXPLANATION AS TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

● Mr. DANIELSON. Mr. Speaker, I was presiding over the House as Speaker pro tempore on October 20, 1981, when the House voted on rollcall No. 268, and agreed to resolve itself into the Committee of the Whole for the consideration of H.R. 3603, the Food and Agriculture Act. The vote was 384 yeas to 3 nays, 1 Member voting "present."

Inasmuch as I was sitting as Speaker pro tempore, I favored myself with enjoying the privilege usually exercised by the Speaker himself and refrained from voting. If I had chosen to vote, I would have voted "yea."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. GEJDENSON, for 15 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. HUGHES, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. DANIELSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, prior to the vote on the Shamansky amendment to H.R. 3603 in the Committee of the Whole today.

Mr. BROOKS, on title VI—rice, of H.R. 3603, Food and Agriculture Act of 1981.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. KINDNESS.
Mr. WILLIAMS of Ohio.
Mr. LIVINGSTON.
Mr. LEWIS in two instances.
Mr. CORCORAN.
Mr. LAGOMARSINO.
Mr. DANNEMEYER.
Mr. PORTER.
Mr. RITTER in two instances.
Mr. MICHEL.
Mrs. MARTIN of Illinois.
Mr. RAILSBACK in two instances.
Mr. YOUNG of Alaska.
Mr. LENT.
Mr. WOLF.
Mr. HYDE.
Mr. GOODLING.
Mr. COATS in two instances.
Mr. DORNAN of California.
Mr. SCHULZE.
Mr. PETRI.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. STOKES in two instances.
Mr. WIRTH.
Mr. HAMILTON.
Mr. OTTINGER.
Mr. HARKIN.
Mr. PEYSER.
Mr. SIMON in two instances.
Mr. ERTEL.
Mr. GUARINI.
Mr. LUNDINE.
Mr. BRODHEAD.
Mr. MARKEY.
Mr. EVANS of Indiana.
Mr. HUBBARD.
Mr. MATSUI.
Mr. LONG of Maryland.
Mr. BARNES.
Mr. VENTO.
Mr. MCDONALD.
Mr. HOWARD.
Mr. NOWAK.
Mr. ST GERMAIN.
Mr. BROOKS in two instances.
Mr. GAYDOS.
Mr. FAUNTROY.
Mr. CONYERS.
Mr. SCHUMER.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3499. An act to amend title 38, United States Code, to extend the period for Vietnam-era veterans to request counseling under the veterans' readjustment counseling program, to provide medical care eligibility for veterans exposed to herbicides or defoliants (including agent orange), or to nuclear radiation, to establish a minimum total number of operating beds in Veterans' Administration hospital and nursing home facilities, to extend for certain Vietnam-era veterans the period of time in which GI bill educational assistance benefits may be used for the pursuit of certain training, to provide a small business loan program for Vietnam-era disabled veterans, and to extend the authority for veterans readjustment appointments in the civil service; and for other purposes; and

H.J. Res. 268. Joint resolution to designate October 23, 1981, as "Hungarian Freedom Fighters Day."

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 1209. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

S.J. Res. 4. Joint resolution to authorize the President to issue a proclamation designating the week beginning November 22, 1981, as "National Family Week."

ADJOURNMENT

Mr. GEJDENSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, October 22, 1981, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2373. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the

maintenance function for the 14B49 position trainer complex device at the Naval Air Station, North Island, San Diego, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2374. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the keypunch function at the Fleet Accounting and Disbursing Center, U.S. Atlantic Fleet, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2375. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2376. A letter from the Acting Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during the month of September 1981, pursuant to section 234 of the Legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

2377. A letter from the Associate Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2378. A letter from the Commander and Division Engineer, New England Division, Corps of Engineers, Department of the Army, transmitting the final environmental impact statement for the proposed Dickey-Lincoln School Lakes project, Maine; to the Committee on Public Works and Transportation.

2379. A letter from the Chairman, Federal Communications Commission, transmitting various legislative proposals of the Commission; jointly, to the Committees on Energy and Commerce and the Judiciary.

2380. A letter from the Secretary of Energy, transmitting the fourth comprehensive program and plan for Federal energy education, extension and information activities, pursuant to section 508 of Public Law 95-39 and section 404 of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

2381. A letter from the Secretary of Agriculture, transmitting the fiscal year 1981 food aid needs and availabilities report, pursuant to section 408(b) of the Agricultural Trade Development and Assistance Act, as amended; jointly, to the Committees on Foreign Affairs and Agriculture.

2382. A letter from the Comptroller General of the United States, transmitting a report on budgetary pressures created by the Army's plans for procurement of major new weapons systems (MASAD-82-5, October 20, 1981); jointly, to the Committees on Government Operations and Armed Services.

2383. A letter from the Acting Comptroller General of the United States, transmitting a report on Federal credit assistance programs (PAD-82-22, October 21, 1981); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. Revised report on allocation of budget totals to subcommittees (Rept. No. 97-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 3963. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated; with an amendment (Rept. No. 97-283). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE):

H.R. 4800. A bill to reinstate certain taxes imposed on aviation, and for other purposes; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. COLLINS of Texas, MR. BROYHILL, Mr. MARKEY, Mr. TAUZIN, and Mr. MARKS):

H.R. 4801. A bill to amend the Communications Act of 1934 to eliminate certain provisions relating to consolidations or mergers of telegraph and record carriers and to create a fully competitive marketplace in record carriage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 4802. A bill to require annual authorizations for amounts appropriated for the Smithsonian Institution; to the Committee on House Administration.

By Mr. DONNELLY (for himself, Mr. STUDDS, and Mrs. HECKLER):

H.R. 4803. A bill to provide for the transfer to the State of Massachusetts of certain rail lines owned by Conrail; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 4804. A bill to strengthen the assignment program for durable medical equipment under title XVII of the Social Security Act and for other purposes; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. ENGLISH (for himself and Mr. KINDNESS) (by request):

H.R. 4805. A bill to amend the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. GEJDENSON:

H.R. 4806. A bill to eliminate the duty on allyl resins; to the Committee on Ways and Means.

By Mr. LEE (for himself and Mr. GRISHAM):

H.R. 4807. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; to the Committee on Post Office and Civil Service.

By Mr. PARRIS:

H.R. 4808. A bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement; to the Committee on the Judiciary.

By Mr. SHANNON:

H.R. 4809. A bill to provide for changes in the boundary of the Florida Keys Wilderness; jointly to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. SMITH of Pennsylvania:

H.R. 4810. A bill to prohibit the imposition of any user fee the proceeds of which are to be used for the dredging or maintenance of any channel in the navigable waters of the United States; to the Committee on Public Works and Transportation.

By Mr. WHITTEN:

H.J. Res. 343. Joint resolution making further continuing appropriations for the fiscal year 1982; to the Committee on Appropriations.

By Mr. LEE (for himself and Mr. GRISHAM):

H.J. Res. 344. Joint resolution proposing an amendment to the Constitution of the United States to deal with compensation for services of Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. CARNEY, Mr. COURTER, Mr. DANNEMEYER, Mr. DERWINSKI, Mr. DAUB, Mr. DUNN, Mr. EMERSON, Mr. FORSYTHE, Mrs. HOLT, Mr. HUTTO, Mr. KEMP, Mr. LAFALCE, Mr. MCCLORY, Mr. NEAL, Mr. NELLIGAN, Mr. ROBERTS of South Dakota, Mr. ROE, Mr. ROGERS, Mr. ROBINSON, Mr. SCHEUER, Mr. SMITH of Pennsylvania, Mr. SUNIA, Mr. WHITEHURST, Mr. CLAUSEN, and Mr. FAZIO):

H.J. Res. 345. Joint resolution to provide for the designation of the week beginning February 28, 1982, as "National Construction Industry Week"; to the Committee on Post Office and Civil Service.

By Mr. GEJDENSON (for himself, Mrs. SCHROEDER, Mr. AUCOIN, Mr. BEILENSON, Mr. BINGHAM, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. COLLINS of Texas, Mr. CONYERS, Mr. COUGHLIN, Mr. CROCKETT, Mr. DELLUMS, Mr. DOWNEY, Mr. DUNN, Mr. EDGAR, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GORE, Mr. GRAY, Mr. GREEN, Mr. HOLLAND, Mr. HOLLENBECK, Mr. HOWARD, Mr. JEFFORDS, Mr. LEACH of Iowa, Mr. LELAND, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. PEASE, Mr. PEPPER, Mr. PEYSER, Mr. PRITCHARD, Mr. RANGEL, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. UDALL, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS of Montana, Mr. WILSON, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, and Mr. WYDEN):

H. Con. Res. 206. Concurrent resolution endorsing certain family planning principles

and urging the President to take certain actions in support of family planning both in the United States and abroad; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. BOLLING:

H. Res. 251. Resolution amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept; to the Committee on Rules.

By Mr. VENTO (for himself, Mr. LEWIS, Mr. BEDELL, Mr. BEILENSON, Mr. BROWN of California, Mr. D'AMOURS, Mr. DOWNEY, Mr. EDGAR, Mr. FASCELL, Mr. GARCIA, Mr. HARKIN, Mr. HOLLENBECK, Mr. JEFFORDS, Mr. LOWRY of Washington, Mr. MILLER of California, Mr. MINETA, Mr. MOFFETT, Mr. MOLINARI, Mr. RICHMOND, Mr. SABO, Mrs. SCHNEIDER, Mrs. SCHROEDER, Mr. SCHUMER, Mrs. SNOWE, Mr. STARK, Mr. PRITCHARD, Mrs. FENWICK, Mr. DENARDIS, and Mr. SOLOMON):

H. Res. 252. Resolution expressing the sense of the House of Representatives that clean air is fundamentally important for the health and well-being of the citizens, economy, and environment of the United States and concluding, therefore, that the Nation's existing Clean Air Act should be maintained and strengthened subject only to such changes that will improve its administration and effectiveness; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 4811. A bill for the relief of Sylvia Rabanal Gulen; to the Committee on the Judiciary.

H.R. 4812. A bill for the relief of Chen-Chuan Jen; to the Committee on the Judiciary.

H.R. 4813. A bill for the relief of Fung Ping Lee; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. MILLER of Ohio.

H.R. 713: Mr. TAUKE.

H.R. 1914: Mr. BAILEY of Pennsylvania.

H.R. 2034: Mr. DAUB, Mr. NEAL, and Mrs. SMITH of Nebraska.

H.R. 2372: Mr. SAM B. HALL, JR., Mr. GRAMM, Mr. SYNAR, Mr. GLICKMAN, Mr. DOWNEY, and Mr. SILJANDER.

H.R. 2488: Mr. RAILSBACK and Mr. ATKINSON.

H.R. 2640: Mr. WEBER of Minnesota.

H.R. 3252: Ms. MIKULSKI, Mr. MOAKLEY, Mr. JAMES K. COYNE, Mr. LUNGREN, and Mr. ST GERMAIN.

H.R. 3464: Mr. DYSON.

H.R. 3708: Mr. HUNTER, Mr. MARRIOTT, and Mr. OXLEY.

H.R. 3755: Mr. LEE, Mr. RINALDO, Mr. MOORHEAD, Mr. COATS, Mr. MARKS, Mr. MCEWEN , and Mr. DWYER.

H.R. 3929: Mr. DORNAN of California.

H.R. 3949: Mr. EVANS of Georgia.

H.R. 3955: Mr. HUTTO.

H.R. 4186: Mr. SMITH of Alabama.

H.R. 4351: Mr. BUTLER and Mr. OXLEY.

H.R. 4467: Mr. LEHMAN and Mr. ROSENTHAL.

H.R. 4569: Mr. EDGAR, Mr. HORTON, Mr. CONTE, Mr. OBERSTAR, Mr. MAVROULES, Mr. STANTON of Ohio, Mr. BRODHEAD, Mr. STUDDS, Mr. SHANNON, Mr. SCHEUER, Mr. ASPIN, Mr. SENSENBRENNER, Mr. FRANK, Mr. ALBOSTA, Mr. FORD of Michigan, Mr. REUSS, Mr. KEMP, Mr. ANNUNZIO, Mr. DOWNEY, Mr. LATTA, Mr. LUNDINE, Mr. BINGHAM, Mr. MINISH, Mr. MCCLORY, Mr. DERWINSKI, Mr. NOWAK, Mr. GOODLING, Mr. GUARINI, Mr. SEIBERLING, Mr. RINALDO, Mr. FORSYTHE, Mr. LAFALCE, Mr. MURPHY, Mr. DAVIS, Mr. RODINO, Mrs. FENWICK, Mr. WYLIE, Mr. MITCHELL of New York, Mr. RUSSO, Mr. LEE, Mr. NELLIGAN, Mr. BAILEY of Pennsylvania, Mr. LONG of Maryland, Mr. LEBOUTILLIER, Ms. OAKAR, Mr. WEISS, Mr. BEDELL, Mr. BIAGGI, Mr. DUNN, Mr. HUGHES, Mr. JACOBS, Mr. FISH, Mrs. MARTIN of Illinois, Mr. YATRON, Mr. BARNES, Mr. FRENZEL, AND Mr. BLANCHARD.

H.R. 4619: Mr. SPENCE and Mr. FORSYTHE.

H.R. 4620: Mr. SPENCE and Mr. WON PAT.

H.R. 4621: Mr. SPENCE and Mr. WON PAT.

H.R. 4622: Mr. SPENCE, Mr. WON PAT, and Mr. FORSYTHE.

H.R. 4639: Mr. FRANK, Mr. GREGG, and Mr. BEDELL.

H.R. 4751: Mr. GLICKMAN, Mr. MCEWEN, Mr. COATS, and Mr. NELLIGAN.

H.J. Res. 50: Mr. STATON of West Virginia.

H.J. Res. 225: Mrs. COLLINS of Illinois, Mr. ROTH, Mr. DICKINSON, Mr. FLIPPO, Mr. EDWARDS of Alabama, Mr. DYMALLY, Mr. ADDABBO, Mr. JENKINS, Mr. FISH, Mr. HUBBARD, Mr. CHAPPIE, and Mr. FROST.

H.J. Res. 277: Mr. HUNTER, Mr. MARRIOTT, and Mr. OXLEY.

H.J. Res. 316: Mr. HOLLENBECK, Mr. GILMAN, Mr. DASCHLE, Mr. RODINO, Mr. FOWLER, Mr. WEAVER, Mr. HORTON, Mr. WORTLEY, Mr. FASCELL, Mr. CORCORAN, Mr. DUNCAN, Mr. LOWRY of Washington, Mr. HUTTO, Mr. PEYSER, Mr. PEPPER, Mr. JAMES K. COYNE, Mr. MOORE, Mr. DE LA GARZA, Mr. GORE, Mr. VENTO, Mr. PURCELL, Mr. MONTGOMERY, Mr. WIRTH, Mr. YOUNG of Missouri, and Mr. FORD of Tennessee.

H.J. Res. 326: Mr. NOWAK, Mr. STRATTON, Mr. GREEN, and Mr. NICHOLS.

H.J. Res. 339: Mr. FISH, Mr. GOODLING, Mr. HUBBARD, Mr. BOWEN, Mr. WON PAT, Mr. ROE, Mr. KRAMER, Mr. WYDEN, Mr. SCHEUER, Mr. MITCHELL of Maryland, and Mr. FRENZEL.

H. Con. Res. 77: Mr. BLANCHARD, Ms. FERRARO, Mr. GINGRICH, Mr. BONER of Tennessee, Mr. SMITH of Pennsylvania, Mr. HALL of Ohio, and Mr. PEASE.

H. Con. Res. 121: Mr. FITHIAN.

H. Con. Res. 139: Mr. DANIEL B. CRANE.

H. Con. Res. 178: Mr. ROUSSELOT, Mr. NATCHER, Mr. MURPHY, and Mrs. MARTIN of Illinois.

H. Con. Res. 196: Mr. WINN and Mrs. BOUQUARD.

H. Con. Res. 197: Mr. GILMAN, Mr. BARNES, Mr. STUDDS, Mr. CROCKETT, Mr. BINGHAM, Mr. SOLARZ, Mr. BONKER, Mr. CONTE, Mr. DELLUMS, Mrs. SCHROEDER, Mr. OTTINGER, Mr. FOGLIETTA, Mr. WEISS, Mr. EDGAR, Mr. HARKIN, Ms. OAKAR, Mrs. CHISHOLM, and Mr. FAUNTROY.

H. Res. 101: Mr. WILLIAM J. COYNE.

H. Res. 233: Mr. MINISH, Mr. MOLINARI, Mr. NELLIGAN, Mr. BEDELL, Mr. DWYER, and Mr. SIMON.

H. Res. 243: Mr. CORRADA, Mr. DAVIS, Mr. DE LUGO, Mr. EVANS of Indiana, Mr. FORD of Tennessee, Mr. GINN, Mr. GREEN, Mr. LEBOUTILLIER, Mr. MCCLOSKEY, Mrs. MARTIN of Illinois, Mr. MILLER of Ohio, Mr. SMITH of Pennsylvania, Mr. STANGELAND, Mr. TAUZIN, Mr. UDALL, Mr. YATES, and Mr. ZABLOCKI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3603

By Mr. DASCHLE:

—Page 3, immediately before line 1, insert the following new item:

"TITLE XVII—EXAMINATION, INSPECTION, AND LABELING REQUIREMENTS FOR IMPORTED MEAT".

Page 222, after line 25, add the following new title:

TITLE XVII—EXAMINATION, INSPECTION, AND LABELING REQUIREMENTS FOR IMPORTED MEAT

SEC. 1701. Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by inserting "(1)" after "(a)", and by adding at the end thereof the following:

"(2) Any carcass, part of a carcass, meat, or meat food product described in paragraph (1) (or container or package thereof) which is imported into the United States, and any meat food product (or container or package thereof) made in whole or in part of any such imported meat, shall be labeled 'Imported From ', 'Contains Meat Imported From ', or 'May Contain Meat Imported From ', as the case may be, with the blank space to be filled in with the name of the country of origin. The first sentence of this paragraph shall not apply if the carcass, part of a carcass, meat, or meat food product (or the container or package thereof) is required to be marked or labeled to show the country of origin in accordance with regulations prescribed under paragraph (1).

"(3) If a person cuts any carcass, part of a carcass, meat, or meat food product into pieces (or breaks a container or package containing any of such articles) other than to prepare it for ultimate consumption, and such carcass, part of a carcass, meat, or meat food product (or such container or package) is marked or labeled under paragraph (1), (2), or (4)(C)(ii), such person shall mark or affix a label to each of such pieces (or the container or package containing any of such pieces) to supply the information which was so provided before it was cut (or broken).

"(4)(A)(i) No carcass or part of a carcass described in paragraph (1) may be imported into the United States unless such carcass or part of a carcass, including the internal organs (or samples from such internal organs) of the animal from which such carcass or part came, is examined and inspected at the port of entry to determine that such carcass or part is not adulterated.

"(ii) No meat or meat food product described in paragraph (1) (or container or package thereof) may be imported into the United States unless such meat or meat food product is examined and inspected at the port of entry to determine that such meat or meat food product is not adulterated.

"(B) Any examination or inspection conducted under this paragraph with respect to any carcass, part of a carcass, meat, or meat

food product, shall include the equivalent of at least one core test for every fifty pounds thereof (irrespective of whether the article is fresh, chilled, frozen, or cured), except that, in the case of cans or other sealed containers thereof, such examination or inspection shall be conducted using such methods as the Secretary shall by regulation prescribe.

"(C)(i) Notwithstanding subsection (b), the Secretary shall, in accordance with such regulations as the Secretary shall prescribe, dispose of any article determined under this paragraph to be adulterated by selling such article as tankage or fertilizer.

"(ii) Any article determined under this paragraph not to be adulterated shall be labeled "Prime", "Choice", "Standard", or "Utility", as the case may be, in accordance with such regulations as the Secretary shall prescribe, to indicate the grade of such article.

"(D) Any examination, inspection, or labeling required under this paragraph shall be performed by inspectors appointed for that purpose by the Secretary.

"(E) For purposes of subparagraph (A)(i), the term 'internal organs', as used with respect to an animal, means the liver, heart, kidneys, lungs, and spleen of such animal.

"(5)(A) The Secretary shall prescribe such assessments and fees on imported carcasses, parts of carcasses, meats and meat food products as the Secretary determines necessary to cover the costs of inspection, examination, marking, and labeling, under this section.

"(B) In establishing the level or rate of assessments and fees to be imposed under this paragraph, the Secretary shall take into consideration the volume of imports into the United States of the articles to which this section applies, the value of such imports, and such other factors as the Secretary determines appropriate.

"(C) No carcass, part of a carcass, meat, or meat food product (or container or package containing any of such articles) as to which an assessment or fee is levied under subparagraph (A) shall be released from customs custody unless the foreign plant exporting such carcass, part of a carcass, meat, or meat food product (or container or package containing any of such articles) to the United States pays, in accordance with such regulations as the Secretary shall prescribe, such assessment or fee.".

SEC. 1702. The amendments made by section 1701 shall become effective one hundred and eighty days after the date of the enactment of this Act.

—Page 81, insert the following after line 5 and redesignate the succeeding sections accordingly:

HUNGER AND GLOBAL SECURITY

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION; VERIFICATION OF SELF-HELP PROVISIONS

SEC. 1201. (a) Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (3) by inserting immediately before the semicolon ", and reducing illiteracy among farmers";

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph immediately after paragraph (10):

"(11) carrying out programs to improve the health of farmers and their families.".

(b) Section 109 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d)(1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum feasible extent, in quantitative and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

"(2) The President shall, to the maximum feasible extent, take appropriate steps to satisfy himself that, in each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake are additional to the measures which the recipient country otherwise would have undertaken irrespective of that agreement or amendment.

"(3) The President shall take all appropriate steps to determine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out.".

By Mr. DE LA GARZA:

—Page 179, immediately after line 22 insert the following new section:

AUTHORITY TO AWARD GRANTS TO UPGRADE 1890 LANDGRANT COLLEGE RESEARCH FACILITIES

SEC. 1441. (a) It is hereby declared to be the intent of the Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter referred to in this section as "eligible institutions"), in the acquisition and improvement of research facilities and equipment so that eligible institutions may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

(b) There are hereby authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this section $10,000,000 for each of the fiscal years 1982 through 1986, such sums to remain available until expended.

(c) 4 per centum of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

(d) Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

(e) Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

(f) The Secretary may promulgate such rules and regulations as the Secretary may deem necessary to carry out the provisions of this section.

EXTENSIONS OF REMARKS

LAW OF THE SEA AND NATIONAL SECURITY

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BREAUX. Mr. Speaker, many Members, especially those who participated in our debate of last year when we enacted the Deep Seabed Hard Mineral Resources Act, will recall my concern with the Draft Convention text which has been emerging from negotiations at the Third United Nations Conference on Law of the Sea (UNCLOS II). In fact, many Members from both sides of the aisle joined me in a letter to then President-elect Reagan last December which requested the incoming administration to put a "hold" on further U.S. participation in the negotiations. We were concerned that several different features of the text were inimical to U.S. domestic economy, foreign policy, and national security interests. We urged the administration to conduct a thorough interagency review of U.S. objectives and make an assessment of the utility of continuing at UNCLOS III.

At that time, we were accused by treaty proponents of using scare tactics to achieve a limited objective—a "better deal" for U.S. seabed mining companies—at the expense of broader national security interests—the right of freedom of navigation. Our response to this charge was based upon an analysis of the existing treaty text that left us concerned as to how good a job the treaty did in protecting our admittedly essential navigation rights. Fortunately, the Reagan administration decided to grant our request for a review. A high level interagency task force has spent the last 6 months reviewing the existing treaty text, comparing the textual provisions with U.S. national interests and objectives and conducting exploratory discussions with other Conference participants regarding the possibility of negotiating the necessary changes. A decision memorandum for the President is in the final stage of preparation.

Recently, Secretary of the Navy, the Honorable John Lehman, gave a speech before the World Affairs Council. In that speech, Secretary Lehman discussed not only his concerns over the navigation provisions of the existing text, but reiterated a point many of us have been making for quite some time—the United States has an equally valid interest in insuring assured, nondiscriminatory access by U.S. citizens to the strategic minerals of the deep seabed. Although assured access is what we in the Congress called upon our negotiators to achieve in title II of our domestic deep seabed mining legislation, the Reagan administration's interagency review has demonstrated how woefully short of that goal we are in the existing Draft Convention text.

Mr. Speaker, Secretary Lehman's analysis is succinct, forthright, and, typical of a man of his integrity, does not hold any punches. I request that his speech be inserted in the RECORD at this point and I urge my colleagues to take a few moments to consider his thoughts on the law of the sea and national security.

STATEMENT OF HON. JOHN LEHMAN

Distinguished members of the World Affairs Council, noted guests, Ladies and Gentlemen:

It is both a pleasure and an honor to be with you here today. As you well know, the U.S. Navy is currently embarked on a major expansion of both forces and capabilities—an expansion that will ultimately lead us back to a position of unquestioned maritime superiority within this decade. It is an ambitious program—and a program which will require the fullest measure of national support—but a program that will without question produce a Navy that will serve as the centerpiece of our national strategy into the future, and as the vital guarantor of U.S. interests around the world. As an "island" nation, traditionally and increasingly dependent on the seas for economic—and thus national—survival, it could scarcely be otherwise.

Our future strength on the seas—and our ability to preserve those vital seabridges to friends and allies, and to maintain lifeblood trade—is also dependent on other factors external to military balance. One of these is the legal environment of the world's oceans—the treaties and agreements, and the codification of maritime and sovereign usage. I am here today to discuss this most important matter with you.

It has always been the Navy's mission to defend our freedom of navigation, to hold open our vital sealanes, and to maintain our transit rights through the ocean's straits and narrows. The United States, as a major maritime power, has long played a leading role in preserving the crucial benefits of free access to the oceans for the community of nations. Indeed, the concepts of openness, of minimized regulation, and of commercial and scientific competition, are all ideals in harmony with traditional American dedication to the improvement of world order and the betterment of all nations.

In recent decades, freedom of the seas has been seriously encroached upon by the unilateral actions of various nations. A number of nations have felt a need for rules to meet unique new problems they encountered, created largely by advancing technology. Examples include the attempt to control pollution, or to prevent damage to fisheries. Such developments strongly influenced a series of international negotiations established to codify a new law of the sea.

Over the last seven years, a third Law of the Sea conference has been periodically in session under United Nations auspices. The result has been a "draft convention," that is, the proposed text of a new treaty. The scope of this most recent effort has been very ambitious—too ambitious, some would argue. The draft convention seeks not only to cover the traditional issues of law of the sea, such as questions of navigation and territorial waters, but also to adopt rules for the mining of the seabed and the protection of fisheries, and to draw up a charter for a new and potentially powerful international organization.

Whether or not one is well-grounded in the compelling treatises of Hugo Grotius or John Locke on those elements of nature belonging to the "universal common," this Law of the Sea Draft Convention must ultimately stand tests of both law and logic. We have, perhaps, entered as nations into these negotiations under the impression that we are all "joint owners" of the world's oceans and that which lies beneath and in them. I would offer another interpretation. When the assertion is made that the deep seas are the "common heritage of all mankind," it does not mean that every nation considered sovereign is somehow a part owner. To the contrary, what it means—and has always meant under international law—is that the seas are unowned. On that basis, no nation has any right to any particular share of anything; no nation has a predetermined voice or vote in what is to be done; and no one has any authority unless and until there is agreement about what is to be done. We forget such simple truths as a nation only at our peril.

Shortly after taking office, the Reagan Administration decided to undertake a thorough review of this draft convention. The review is essentially complete and soon the President will determine the direction of the United States in law of the sea negotiations. The conference, which met for several weeks this past August, will next resume its work in March 1982 in New York.

During the review U.S. interest and objectives of the United States in the Law of the Sea were identified and the Draft Convention was subjected to an intense and comprehensive analysis in light of those objectives. Navigation provisions are being scrutinized with particular care and objectivity, in terms of their adequacy from the standpoint of our naval operations and national security. As the Administration has declared in testimony before the Senate Armed Services Committee, naval power remains the first prerequisite for the continued free existence of this Nation. This central role of the Navy will continue far into the future, and will no doubt increase as Western dependence on the sea as a source of energy and commerce continues to grow. We will need to judge the navigation provisions of the Draft Convention in light of those forceful requirements.

For this reason, it would be a mistake to accept categorical statements by treaty proponents concerning this security issue. Some retired officers of our Armed Forces—

and others—have taken it upon themselves to convey the impression that the interests of the Navy, indeed of our Nation's security, demand that the United States embrace this Draft Convention. Our evaluation does not support this conclusion. In fact, from the point of view of our security interests, we must not only evaluate the navigation provisions of the Convention, but the rules proposed for seabed mining as well. For it is extremely important that we preserve flexibility in obtaining the strategic mineral resources that our future defense efforts may require * * * resources that our future national economy will almost certainly require.

In a recent public statement, Deputy Assistant Secretary of State Kronmiller put it succinctly: "After more than a decade of compromises on access to seabed minerals, this Administration is taking a long hard look at the results. Although our review is not yet complete, it is already clear that elements of the Draft Convention pertaining to seabed mining do not meet our national interests and objectives."

The views of the Navy Department on this subject may appear to represent a departure from previous policy. This is correct, but only in relation to the position that the Carter Administration was willing to accept. Not uncharacteristically, that Administration sought less than had been previously asked for in United Nations negotiations. It was well known, for example, that the regime for the exclusive economic zone set out in the Draft Convention did not reflect the preferred position of earlier administrations. A careful reading of the Draft Convention also reveals that navigation interests are compelled to rely upon a highly complex assortment of treaty provisions. Informed opinion concerning the correct interpretation of those provisions is—to understate—quite varied.

It would be unreasonable to ignore the intense scholarly debate that has taken place over certain critical elements of the proposed navigation regime, including the controversial straits transit provisions. On the other hand it would be just as unreasonable blindly to accept the arguments of treaty critics and to reject the treaty without careful thought. We have chosen the most reasonable tack: To acknowledge that questions may be legitimately raised and carefully considered.

It must be understood that the willingness of this Administration to reassess the navigation provisions of the Draft Convention is not an indication that our naval interests are somehow viewed to be of greater or lesser importance, in relation to what are often seen as "conflicting" seabed mining interests. On the contrary, the Administration has demonstrated a heightened concern for both, and does not view them as competing—much less conflicting. There are extremely important strategic factors involved with each issue, and the Administration's review has taken all factors into account. Our absolute commitment to U.S. naval and maritime security is complemented by our strong determination to achieve reliable access to strategic minerals—including those of the deep seabed. Naval strength and mobility are not sufficient answers to an insecure supply of critical materials, which would likely threaten not only the success of defense-related high technology enterprises, but possibly the viability of our industrialized society as well. Let me give two examples.

Without cobalt, now obtained largely from unreliable land-based sources, but available from the deep seabed, jet engines could not be manufactured. Without manganese, found in abundance on the ocean floor, many important steel products could not be produced. Today we are 95 percent dependent on external sources for manganese; 98 percent for cobalt. For these strategic materials and others, ocean mining holds the promise of reduced national vulnerability.

It is certainly conceivable that a Law of the Sea treaty could protect and promote vital U.S. interests. However, this Draft Convention appears to fall far short in its seabed mining provisions. Moving now to the specific, I will outline some of the Administration's principal areas of concern:

The Draft Convention places the development of all resources of the seabed and subsoil lying beyond the geographic limits of national jurisdiction under burdensome international regulation. This area represents approximately two-thirds of the earth's submerged area. The draft includes mineral deposits found beneath the surface of the seabed. Little is known of these deposits today, but in the future they may well have substantial economic importance.

One proposal would establish a supranational mining company, the Enterprise, which would benefit from significant discriminatory advantages relative to the private firms in developed countries. Arguably, the Enterprise could monopolize production of seabed minerals. Moreover, the Draft Convention would require the United States and other nations to provide the initial capitalization for the Enterprise, in direct proportion to their United Nations contributions. The American taxpayer, therefore, would have to provide the dominant capital share for a supranational mining organization controlled by other nations, and which may well act in ways not beneficial to the U.S. interest. What we have here, with sweeping authority over almost all activities on the seas, is a large, complicated, highly organized, unelected powerful organization. We should think long and hard about the creation of such an entity as "the Enterprise."

Through transfer of technology provisions, the sale of proprietary information and technology now largely in U.S. hands would be virtually compulsory under certain circumstances. With certain restrictions, the Enterprise, through mandatory transfer, if guaranteed access on request to seabed mining technology owned by others. Similar access to privately-owned technology is further guaranteed for any developing country planning to go into seabed mining. It is most important that we carefully consider how such provisions relate to our security-oriented technologies, current and future.

The Draft Convention creates a one-nation, one-vote international organization, governed by an assembly and a 36-member Executive Council. While the Soviet Union and its allies have three guaranteed seats in the Council, the United States would be forced to compete with its allies for representation. The great bulk of votes would be possessed by the Third World nations, the so-called "Group of 77," rather than by those countries contributing the technical expertise and financial resources to the organization. This would result in politicization of the governing process.

After fifteen years of seabed production, the provisions of the treaty will be reviewed to determine whether they have fulfilled appropriate policy considerations, such as protection of land-based producers, promotion of Enterprise operations, and "equitable" distribution of mining rights. If two-thirds of the States party to the treaty wish to amend provisions concerning the system of exploitation, they may do so only after five years' negotiation and following ratification by two-thirds of the assembly members. Thus, if the United States were to disagree with duly ratified changes, it would be bound by them nevertheless—unless it exercised its option to denounce the treaty in its entirety.

Although the assessment is incomplete at this time, we must keep firmly in mind that the important provisions within the Draft Convention governing navigation on the high seas be fully consistent with our national security imperatives. With the strongest interest in preserving maximum freedom of movement at sea for our naval combatants, the U.S. has viewed with great concern the emergence of provisions for 12-mile territorial seas and 200-mile exclusive economic zones. In the U.S. view, areas to seaward of 3 miles remain high seas under existing international law, based upon historical usage. The Draft Convention represents a considerable divergence from our current juridical positions. Under such circumstances, it should not, therefore, be surprising that the Navy and the Administration have given strong voice to concerns for our essential navigation interests.

I trust that these few examples serve to make clear the insufficiencies—even the potential danger—of the proposed treaty when viewed in light of either our national security or economic interests. It should also make obvious the reasons for the Administration's studied and cautious approach to the Draft Convention.

A humorist once gave the following definition of the word "yours." "Yours," he said, "is anything which up to the present others have not been able to get away from you." Like most good writing in the genre, it contains an element of truth. In this case, an important element.

Perhaps the American people have tired of their long years of sacrificing U.S. national goals and interests for the greater supranational interests of the world's community of nations. In the view of many, the return on some of these investments has been woefully insufficient. Too frequently, the practical application of our national compassion and fairness has produced results inimical to U.S. interests—or it has produced nothing at all. The feeling of having been "used" pervades. Little is more rankling than unappreciated—and often unrequited—international cooperative efforts.

It is time to take a new look at the Law of the Sea Treaty draft with a primary focus on U.S. interests—and with important, but comparatively lesser concerns for our ability to assist the rest of the world. This should not sound startling. What I am saying is simply what we all know to be true—characteristic of both humans and nations alike. But it is often important that we state and restate such ideas, if only so we may better behave in accordance with them. As H.G. Wells said, "There is a time when the best thing that wise men can do is to keep repeating the obvious." Now may be such a time.

There is little new in such a focus. We will continue to behave as a great nation should behave, in accordance with an historic perspective of freedom, justice, and reason that has made us unique in history. We will not, as the Soviet propagandists will become more aggressive, expansionary or imperial.

We will remain what we have always been—the primary guarantor of freedom in the world. Our national aim—and the aim of our Navy—is to continue that vital guarantee . . . and to insure that freedom of the seas is a non-negotiable freedom.

As always, we will support international law and the codification of just agreements among nations—these are confluent with our own traditions. But we will be firm in defense of our freedom of the seas. And we will not be a party to agreements in which U.S. national interests, and those of our allies and friends, are not promoted in a reasonable and balanced way.

Certainly there is some risk in any major policy decision made at this time. But the risk, for instance, of losing this particular treaty does not outweigh the future implications of an agreement unfairly constructed in favor of one portion of the international community at the expense of another.

For now, those who seek to offer views on the subject should not assume that national interests, the Defense Department's interests, or the Navy's interests, argue for U.S. acceptance of the Draft Convention, and that it is only a small number of self-serving mining companies that have stirred up opposition. My purpose in speaking with you here today is to say—firmly and clearly—that this is not true. At issue is U.S. national security, our vital national interests, and the global environment in which our U.S. maritime superiority will operate in the decades to come. These are very high stakes * * * Let us not forget that.

Thank you.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. CORCORAN. Mr. Speaker, due to a previous commitment this morning, I was not able to be present when the House voted on a motion to resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 3603, the farm bill. Had I been present, I would have voted "yea."●

HOUSE TELECOMMUNICATIONS, CONSUMER PROTECTION, AND FINANCE SUBCOMMITTEE PENALTIES FOR THE PIRACY OF PAY-TELEVISION SIGNALS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. WIRTH. Mr. Speaker, I am very pleased to be cosponsoring, along with the gentleman from California (Mr. WAXMAN), legislation which we introduced last week that amends section 605 of the Communications Act of 1934 by providing for strengthened penalties for the piracy of pay television signals. I want to praise and commend the leadership of Mr. WAXMAN in drafting this legislation which addresses the compelling need to protect against the unauthorized reception of subscription television signals.

One of the more exciting aspects of the emerging telecommunications technologies is the fact that programing can be offered to subscribers directly on a per channel or per program basis, thereby increasing the opportunities for delivering programing that meets the more specialized interests of the viewing public—something advertiser-supported programing aimed at a mass audience is less able to provide. However, this new means of program delivery is being severely threatened. The proliferation of products, such as "black box" decoders and satellite Earth stations, permit many to receive a subscription signal—transmitted via satellite or over a multipoint distribution system or subscription television service even though they have not paid to do so.

If these unauthorized receptions are not checked through the explicit provision of penalties for these recognized violations of section 605 of the Communications Act, then the financial viability of these new services will be jeopardized, and the increasing availability to the public of a diversity of programing, from a diversity of sources will be undermined.

As we enter an age in which direct broadcast satellite (DBS) service to the home will join the many other developing means of transmitting video information to the public, the need to protect against this form of unauthorized reception becomes even clearer.

I am frankly rather concerned about one particular issue this bill raises. There are an increasing number of citizens who are making use of the great opportunities offered by satellite Earth stations, which permit the viewer to receive the growing number of program signals being beamed off of satellites. I believe that these devices play a very important role in expanding the variety of programing available to the viewing public; however, it should be realized that Earth stations do not distinguish between the types of satellite transmissions they receive, and thus can pick up both subscription and nonsubscription television signals.

I am sensitive to the concerns of these citizens who live in areas, particularly rural ones, where they cannot gain access to cable and other telecommunications services, and thus, only through the direct reception of satellite signals can the diversity of programing available to them be increased. However, in their use of Earth stations pay television signals are also being picked up, even though the companies distributing the subscription services have not authorized those individuals to do so. It is my hope that this legislation can serve as a vehicle for reaching an agreement between private Earth station owners who live in areas where only this technology provides them with the promise of a diversity of program services, and program producers and distributors who have a legitimate property right that is worthy of protection. In any event, I agree with the statement of my colleague, Mr. WAXMAN, that prosecution of this class of individuals is not the intent of this legislation. Rather, this bill is aimed instead at those pirates who are engaging in the practice of unauthorized reception for their own commercial advantage or financial gain.

Again, I want to commend the gentleman from California for his efforts. As chairman of the House Telecommunications, Consumer Protection and Finance Subcommittee of which Mr. WAXMAN is a distinguished member, I fully intend for my subcommittee to hold hearings and take further action on this bill as expeditiously as possible.●

THE REAGAN ADMINISTRATION'S PROPOSALS TO AMEND THE FREEDOM OF INFORMATION ACT

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. KINDNESS. Mr. Speaker, as ranking minority member of the Government Information and Individual Rights Subcommittee, I am today joining with our subcommittee chairman, GLENN ENGLISH, in introducing, by request of the Reagan administration, its proposals to amend the Freedom of Information Act.

We will need to take time to carefully study the potential ramifications of the administration's proposals. Judicial interpretation of the act prior to and since the 1974 amendments show how important it is for the Congress to take care in phrasing both the law itself and the accompanying legislative history. Hearings before our subcommittee have also revealed that proper agency administration of the act is as important as the language of the act itself. Senate action on these proposals is expected in the near future and that will certainly be illuminating to us.

During this time, I expect that we will continue to work with the administration to attempt to refine its proposals; thus, I see our introduction and study of this bill as another step in our subcommittee's general review, begun earlier this year, of the Freedom of Information Act.●

HOUSE RESOLUTION 243

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. HARKIN. Mr. Speaker, I recently introduced House Resolution 243 together with Representatives JEFFORDS, WOLPE, SCHNEIDER, FAZIO, GEORGE BROWN, and a majority of the House. This resolution places the House of Representatives on record in opposition to any repeal or reduction in the conservation and renewable energy tax incentives.

These incentives include:

The residential renewable energy credit allowing a 40-percent credit on the first $10,000 invested in active solar, certain passive solar components, wind, photovoltaic, and geothermal equipment;

The residential energy conservation credit allowing a 15-percent credit on up to $2,000 invested in specific energy conserving home improvements such as insulation and weatherstripping;

The business/industrial renewable energy investment credit providing for a 15-percent investment tax credit for solar, wind, and geothermal equipment for industrial purposes;

The hydroelectric and biomass credits which provide an 11-percent and 10-percent credit, respectively, for industrial equipment in those technologies; and

The alcohol fuels production credit which provides for a 40-cent-per-gallon credit for alcohol used to make gasohol.

All of these credits are temporary, most ending at the end of 1985. They are designed to reduce our Nation's dependence on imported oil at a rapid rate. The incentives are also designed to develop solid conservation and renewable energy industries so we can manufacture these materials at a competitive price domestically and overseas.

Our Nation has experienced considerable economic difficulties and disruptions since 1973 because of the rapid increase in the price of oil. In 1972, U.S. petroleum imports cost $5 billion. In 1980 they cost $85 billion. Most experts agree that is the primary reason the United States suffered under a 13-percent rate of inflation in 1979-80.

Now petroleum prices have stabilized and our imports are down. However, we cannot be complacent. I remember the strong resolve people felt in 1973. That resolve later evaporated. We cannot allow that to happen again. America must reduce its dependence on imported oil, especially given the instability of the Mideast, the region from which a major portion of our imported oil comes.

Increased energy conservation, the increased use of renewable energy sources such as solar, wind, geothermal, and the increased use of plant material for alcohol and biomass can increase our energy independence. It can also decrease our costs. And, by using cogeneration, the use of waste heat, we can also save resources and cut costs.

In addition, the cost of producing electricity is skyrocketing. Every new electric plant built—whether it is a nuclear plant or a coal plant—will create higher electricity costs. Through conservation, we reduce our need for new plants and, thus, help keep our costs down.

If conservation and the use of renewable sources of energy are such good ideas, why do we need tax incentives to get people to use them? For several reasons:

In a perfect world of perfect information, people would know the exact costs and savings involved, and would make their energy investments in those areas in which the technology is well established. However, people do not have perfect information. Many people fail to install energy-saving devices or use renewable energy sources even though it would be financially beneficial for them to do so. Our current tax incentives provide the added impetus they need. Second, in many areas, the technology is new or experimental. The industries are just starting to grow and there is some legitimate question about whether the technology will be cost effective; but the stakes are worth the risk. We need to provide incentives so that the United States can maintain the lead it now enjoys in renewable energy technology. Clearly, Europe and Japan are rapidly increasing their assistance to these industries. The United States previously led the world in auto sales. We have lost the majority of the auto market to other nations. We cannot allow that to occur in renewable energy and energy conservation equipment.

The Treasury Department is now reviewing the usefulness of the conservation and renewable energy tax incentives and will shortly make a recommendation to the White House. I hope they will fully consider the huge impact that these technologies can have on the cost of the energy in the United States, on the increased energy independence of our country, on conservation and the use of renewable energy sources, and on our ability to sell our products overseas.

Government funding of research and grants for installation of conservation and renewable energy materials have already been drastically cut. The administration is clearly planning to propose further reductions. To propose repeal of these tax provisions at this time would create severe damage to a large number of projects that are even now under negotiation. Certainly, we must reduce our budget deficits. However, I believe that this would be one of the worst places to reduce our assistance to taxpayers. The fact that a majority of the House, 228 Members, have joined in cosponsoring House Resolution 243 clearly shows that the need to preserve these tax incentives is widely felt by the Members of this body.●

A TRIBUTE TO FRITZ REDER

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to bring to the attention of the U.S. House of Representatives a man well respected for his efforts on behalf of the Saxon Club of Youngstown, Ohio.

The man is Fritz Reder. Mr. Reder moved to this country in 1956 from Wiesbaden, Germany. He has devoted many hours of his time to the Saxon Club and other ethnic groups. He is a member of the Youngstown Saxon Club Branch 30 where he held various offices. He served on the club's building committee in 1967 and 1974. He also spent countless hours gathering cultural artifacts from the club's culture room. He personally made or donated several items for display in that room.

Mr. Reder was a representative of the Landsmannschaft of the United States. He also promoted the exchange of brass bands between the United States, Austria, and Germany.

To the many friends and admirers he has in the Saxon Club, Mr. Reder will always be thought of as a fine and concerned person always ready to give of himself for the betterment of all. This esteem for Mr. Reder was demonstrated on October 15 of this year when the Youngstown Saxon Club held a testimonial dinner in Mr. Reder's honor. Those attending have said they felt that was the least they could do for a man who has done so much for them and their organization.●

A NICE IDEA THAT HAS NOT WORKED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. LAGOMARSINO. Mr. Speaker, we recently voted to extend the Voting Rights Act, an action which I supported and voted for, and it will soon be the Senate's turn to act. During the

floor debate, I indicated my concern with one provision of the act, dealing with the requirement for printing ballots in languages other than English. I noted the experience of several counties in my district with the provision, and voted to amend that section of the act to make it more practical; an amendment which unfortunately did not pass.

In that regard, I would like to share with my colleagues an editorial which recently appeared in the Ventura County Star-Free Press, on October 15, 1981, entitled, "A Nice Idea That Hasn't Worked":

A NICE IDEA THAT HASN'T WORKED

Under the heading of nice ideas that haven't worked too well, we would have to include bilingual voting.

That was mandated by the federal Voting Rights Act of 1975, recently extended by Congress, which required election material to be printed in the native languages of minorities constituting more than 5 percent of the population.

The goal was to encourage greater participation by minorities in the American election process. But it really hasn't turned out that way.

In most of California, as in Ventura County, the primary thrust of bilingual voting material has been in Spanish. But experience has shown that very few voters have used the Spanish-language material that was made available.

In the June 1980 primary election, for example, 7,180 Spanish-language ballots were printed in Kings County; two were used. Similar results are found throughout the state.

This experiment in bilingual voting hasn't been cheap. Extra expenses added an estimated $750,000 to the cost of the 1980 general election in California. And the cost per Spanish ballot used, where it has been calculated, has been steep.

In San Bernardino County 1980, $108,000 was spent to provide bilingual election materials. With only 113 ballots used, the cost was $950 a ballot.

In Ventura County, the cost hasn't been so prohibitive, because the county's chief elections officer, Clerk-Recorder Bob Hamm, has taken a different approach. Mr. Hamm makes Spanish voting material—sample ballots and voting instructions—available to those who ask for it. Each polling place has a sample ballot in Spanish, and at precincts with heavy Spanish-speaking voter registration, there is an election worker who is fluent in Spanish, to provide aid to any voter who asks for it.

The cost of printing the Spanish language material was about $40,000 for the two elections of 1980, says Mr. Hamm. There were about 1,700 voters who asked for voting materials in Spanish, putting the added cost at about $24 per voter (if all 1,700 voted).

That beats printing thousands of bilingual ballots, to have only a few of them used.

The irony is, Mr. Hamm was actually threatened with jail by federal elections officials for failure to comply with the Voting Rights Act in 1976. Logic finally prevailed, and the feds accepted his procedure.

Some Taxpayers are impatient with the whole idea of bilingual voting, since English is the language of this country. And there are limits to how far elections officials should go to try to overcome plain apathy by non-voters, no matter what language they speak.

But bilingual voting is a federal requirement, and since it is, Mr. Hamm's approach to compliance seems the best way to handle a well-intentioned idea that simply hasn't produced the hoped-for results.●

HIGH INTEREST RATES AND THE FAMILY FARM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. SIMON. Mr. Speaker, the family farmer has been the backbone on which this country's productivity was founded. The men and women who are family farmers have fed this Nation since its earliest days. They are people who understand the economy, because they have provided the basis for its health and growth for years. They have done so while having to adjust to every turn in our Nation's economy, and having to remain productive. The family farmer has to know not only about soil conditions and weather patterns, he or she must also know about the economic climate, and how to adapt to its shifts. The family farm is a critical barometer to our economic health, and the farmer is telling us that things are becoming very sick. A farmer in my district, Lindel Whitelock of Grantsburg, Ill., has taken the time to spell out very simply and clearly what high interest rates are doing to his farm business. His is a small operation, he and his wife run 560 acres on which they grow corn, grain, sorghum, and wheat and raise hogs and cattle. Mr. Whitelock originally offered these comments to be placed in the record of the House Budget Committee. For those who have trouble understanding how dire the high interest situation is, they provide a very apt lesson. Because they explain the interest rate crisis so well, I am inserting a summary of Mr. Whitelock's remarks into the RECORD:

COMMENTS ON INTEREST RATE SITUATION BY LINDEL WHITELOCK, GRANTSBURG, ILL.

I am a family farmer. My background in farming and farm financial management gives me an understanding of the current agricultural situation and the impact high interest rates have had on the family farm. The farm which I operate has been and still is a farm which is suffering due to high interest rates and high costs.

Let me describe the plight my wife and I currently face. I own and operate 420 acres and rent another 140 acres. My land has all been purchased. My interest rate on my real estate mortgage is 12¾ percent. In addition to my real estate loan I have a loan for equipment and operating expenses. The interest on this money is the prime rate plus one percent, offered by a bank in St. Louis, Missouri. This means the interest on my operating money has exceeded 20 percent for over one year. Our operation is of a general nature. We have corn, grain, sorghum, wheat, hogs and cattle. Basically, if there is one good area of farming, we are able to offset losses in another crop by having this type of operation. I would like to explain what impact high interest rates have had on my operation.

The major impact is that through high interest periods my repayment ability is greatly lessened. For example, an increase of one percent reduces my ability to repay $1,600 on my loans. This interest puts a squeeze on next year's funds. If interest continues to climb the squeeze will eventually eliminate me from farming. Higher interest rates increase my cost of operation. Interest is an overhead cost and must be paid first. The items which I purchase for production increase as a result of processors passing the cost onto the purchaser. The same is true when the final processor purchases our grain, hogs and cattle. Due to the loss of net income through higher interest paid, higher cost, and lower sales prices, less money is available for the purchase of farm equipment, consumer items or the items that would increase the efficiency of my operation. This eventually will result in severe production efficiency losses. The higher interest charges have caused the curtailment of many feeder operations which will tighten the supply of meat to the consumer. The bottom line is that a slowdown in the farming sector leads to losses in other areas.

The impact of high interest is also being felt on local businesses. As farmers have less money, or as money becomes tighter, farmers spend less and in turn local and national businesses slump. In addition higher cost money creates cash flow problems for many people other than farmers. For example, most farmers purchase production items in the spring of the year, however they do not have income until fall due to the time required to produce a crop. Agriculture, unlike other areas of production has a 3-6 month time lag in starting an income flow after inputs are made. The only exception is the dairy business. Farmers pick up input items and do not usually pay for these items for 60 days and then he pays generally with borrowed money. The supplier has to replenish his stock and pay for that stock within 30 days. This policy then puts the local merchant in an income expense cost squeeze. Farmer resistance to high interest and higher money costs is creating problems to local businessmen. These are the problems that occur now, but let's take a look at what can be anticipated in the future if higher interest persists.

If high interest rates continue, everything the farmer and consumer alike purchases will increase in price due to the added cost. These production or consumer items, will be higher not only to those who have to borrow money to buy them, but the higher costs will be felt by those who pay cash. Farmers are going to be asked to take a larger risk because elevator operators are less willing to forward price our products because of the interest they must pay on the margin money required when a farmer locks in a contract. At this point farmers are not able to forward price any wheat because elevators will not make a bid. Higher interest rates make it very unattractive for farmers to purchase livestock to go into feed lots. This in turn could possibly lead to a shortage of meat and higher inflation because of higher grocery costs. Higher interest costs simply take money from the family farmer and give it to the wealthy who have the money to loan.

For many farmers who may find themselves in serious financial difficulty, there will be no out. High interest rates coupled

with low prices make it almost impossible for anyone to enter agriculture and more particularly farming. Farm equipment, real estate, durable goods, fertilizers for buildup purposes are not selling simply because no one has the money to purchase these goods. Allis Chalmers, for example has experienced a 35 percent decrease in sales since one year ago. Furthermore this translates to unemployment not only at AC's factories but at local dealerships. High interest is certainly not helping the items the government reports say they are helping.

High interest will not balance the budget, nor will it reduce inflation. To balance the budget income must increase to match spending.●

MR. KANER'S WINNING POEM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. PEYSER. Mr. Speaker, I am entering in the RECORD a poem written by Paul Kaner, a senior citizen living in the city of Yonkers.

This poem won first prize in a city of Yonkers-sponsored senior citizens poetry contest.

In addition to being a fine poet, Mr. Kaner, who is a graduate of Columbia University, has won numerous awards for his paintings and drawings.

I am pleased to share with my colleagues, Mr. Speaker, Mr. Kaner's winning poem, a moving statement of love.

GONE IS MY LOVE

I speak of one—a love so fair,
With halo formed of golden hair,
And scented garlands rich as wine
Entwined about a form divine.
Of one whose voice compelled the ear,
And all the senses crystal clear,
To greet a welcome to the sound
Her gentle steps made on the ground.

I speak of days and cherished hours
Our heated frames spent 'midst the flowers,
And flaming passions known to young
Soared skyward in enraptured song.
Sweet moments spent in warm embrace,
Of love transcending Time and space,
We languished 'neath the sycamores
And pledged our troth forevermore.

I speak of one with love intense,
Exalted by true innocence,
And shrouded in a virgin shell
Where I alone with her did dwell.
But now no deed can I perform
Which tells of my poor love forlorn,
For we are rent, no more to meet
So blissfully in sweet retreat.

Alas, she's gone to Death's domain,
Forever there will she remain,
Till I can join, in ecstasy,
My true love in eternity—
I speak no more since we're apart,
Nor will again—till I depart.

PAUL KANER.

MESSAGE FROM HOME ON THE ECONOMIC RECOVERY PROGRAM: STICK TO YOUR GUNS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. PORTER. Mr. Speaker, not long ago an old friend from college days who has been a very successful building contractor telephoned to tell me his feelings about the Reagan economic recovery program.

Specifically and naturally he was concerned about high interest rates and advised me that his company, which had earned millions in recent years, was now, with the new home market virtually dead, barely existing on money borrowed at interest rates that would soon mean bankruptcy.

I expected his next words would be to urge congressional pressure to loosen the Feds tight reins on money growth. Instead he said:

You tell the President to keep right on doing what he's doing and to stop these throwaway HUD spending programs that pay contractors three times the value for public housing and waste billions of taxpayer dollars.

He demanded continuing efforts to cut Federal spending and waste, to cut taxes, and to end excessive bureaucracy and regulation.

He said:

If my company's going to go broke after so many years of success, it will be the fault of all the stupid economic policies that Washington has pursued in the past. But if it is to happen, I sure don't want to go under without accomplishing something. You people in Washington who have finally seen the light, stick to your guns and at least we'll have an economic future for our country to look forward to.●

PRESENT DAY COAST GUARD

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. LIVINGSTON. Mr. Speaker, one of my constituents whose son serves in the Coast Guard recently sent me what I believe to be one of the best, most informative articles I have seen about the Coast Guard. I think all my colleagues will agree after reading this article that serious problems exist in the service, and unless corrected, will cripple the Coast Guard's ability to perform its functions.

[From the Daily Sentry-News, Sept. 23, 1981]

GUARD OVERWORKED, OUTDATED

(By Tom Tiede)

PORTLAND, MAINE (NEA).—Capt. Charles Mincks says it was to have been a routine mission. So last February he ordered the crew of the United States Coast Guard Cutter Duane to prepare the ship for a 21-day patrol; they were going to the nearby Georges Bank to enforce the fishing regulations.

But they never left.

Just before departure the captain stunned his superiors by "recommending" that the cutter be kept in port for extensive repairs. The boat was 44 years old, he explained, and so ridden with deficiencies and deterioration that he decided it was not safe to take it even on an everyday patrol.

The electrical system was rotting, for one thing. And the boiler looked as if it could blow. Then there were the ventilation shafts running throughout the ship; they were laden with years of accumulated grease and a spark could send rolling fire from one end of the vessel to the other.

Thus Capt. Mincks gave tradition the deep six.

He refused to put out to sea.

But if the incident shocked Mincks' superiors, it should not have surprised them. The Duane is just one of many elderly and undependable ships in the U.S. Coast Guard today, and it may in fact personify a service that has quietly become overworked, outdated, ill-equipped and in trouble.

Indeed the venerable service, which has roots in the American Revolution, is awash in the sea of hard times. Its commandant, Adm. John Hayes, says the force is in "desperate straits"; some of its deck sailors, even more candid, feel conditions today are right out of His Majesty's Ship Bounty.

And outside observers are quick to agree. Last year the General Accounting Office studied the Coast Guard from aft to foredeck and reported that it can no longer be expected to carry out all of its duties. One GAO researcher adds privately that the state of the service is scandalous.

The scandal may be most evident in the Coast Guard's fleet. The GAO believes it is too gray and thin to meet its responsibilities. The average age of a ship in the Coast Guard in now 23 years old, and the number of cutters (the fleet workhorses) has declined from 339 to 246 in 10 years.

What's more, some of the cutters that are left are not just old but ancient. Five of them, including the Duane, were built before World War II. Service officers recall with anger that the cutter Cuyahoga, which sank on duty in 1978, taking 11 men to their deaths, was 52 years old at the time.

And if the ships are dated, the equipment on board is likely to be of similar vintage. The life jackets on some of the cutters were designed in the 1940s. The rafts are regularly too worn to pass inspection. Officers say the only up-to-date items on the Duane are this week's news magazines.

Ah, the Duane. The captain says it's so dilapidated he's even had trouble with the whistle. And the ship's assistant engineer, George Self, reports that he has been trying for almost two years to replace a steam-operated laundry component: "'There's no money,' they keep saying, 'no money.'"

That is the root of the dilemma all right. The Coast Guard is unquestionably the poor sister of the service. The budget this year is a scant $2 billion, or about the cost of a single nuclear aircraft carrier, and officers say this is because Congress tends to forget what the Coast Guard is.

What it is is both fish and fowl, actually. And there is where the confusion lies. The service was originated 191 years ago to help collect tax revenue for the new nation. It was called the Revenue Cutter Service then,

and its members were given ranks parallel to those in the Navy.

As it happened, those ranks came in handy. When the War of 1812 broke out the cutter service was used to bulwark the maritime defenses, and it's continued to do so in all subsequent hostilities. This means the Coast Guard has a dual role: saving lives in peace, and taking them in battle.

Despite this military responsibility, though, the service has never been a direct part of the defense bureaucracy. It was originally answerable to the Secretary of the Treasury, Alexander Hamilton, and since then it has become one of the many divisions of the Department of Transportation.

In other words the Coast Guard does not enjoy the influence of a direct alliance with the Army, the Navy and the Air Force. As a result it can be overlooked when the money is passed around. In recent years the slight growth in the Coast Guard's budget has not so much as covered inflation.

What is worse, the duties of the service have in those same recent years expanded almost exponentially. It still is the good Samaritan of the nation's waterways, and it still prepares for combat, but it also has been given whole new responsibilities for law enforcement and border protection.

In the last decade the Coast Guard has been assigned to enforce federal laws regarding boating safety, water pollution and the operation of deepwater ports. It has also inherited the regulatory responsibilities for the 200-mile fishing limit and for illegal immigration and dope smuggling.

Last year the service intercepted drug shipments worth $1 billion. It likewise was called to facilitate and secure the arrival of more than 120,000 Cubans on the shores of Florida. All in all, Coast Guard executives say the agency has become the largest marine police force in world history.

At the same time the service has become something of a disappointment for an alarming number of its members. Men in the rank and file say they joined the Coast Guard to be part of its traditional work, which is search and rescue, but instead they've become cops who chase marijuana boats.

Besides this, they do the chasing in vessels that are not shown on the recruitment posters. That is to say those like the 327-foot, 2,500-ton Duane. At best, the ship is uncomfortable, unsanitary, unredeemable and very dangerous. Operations Officer David Edwards says it's not fit to habitate.

The Duane's mess hall is so small, for instance, that those waiting to eat must stand in a line that stretches to an upper deck. And the enlisted men's shower rooms are even worse; there are six showers in one room to service half of the 143-man crew, that is, if all six of them are working.

The men say the ship is rife with bugs that bite and flies that get into the soup. And the rust pops out of new paint like an incurable rash. The air-conditioning is faulty, the lights are unpredictable and there are layers of asbestos on the ceilings that worry the environmental purists.

Also, there are the sleeping bays, they are medieval. The men grump that the three-tiered bunks are so close together that people with big shoulders can't turn over in the night, and the air is so inherently grimy that the sheets turn brown as boot leather in the seven days between washings.

Lt. Cmdr. Edwards says the sleeping bays constitute permanent living quarters for many of the lower-ranking crewmen. Officers can leave the ship in port, and so can enlisted men who are married, but the rest of the sailors are required to spend every night of their enlistments in the bays.

No wonder many of the men on the Duane can't wait until their enlistments are up. And that is apparently a prevailing sentiment throughout the service. The Coast Guard is currently up to its authorized strength of about 40,000, but the GAO report says its retention rate is only 15 percent.

In other words, morale is such that fewer than two of 10 Coast Guard sailors renew their enlistments. And in some ranks the rate is only one in 10. Rep. Gerry Studds, who handles Coast Guard affairs for the House of Representatives, claims the average 1981 enlistee has less than two years' experience.

And Studds, a Massachusetts Democrat, says that's sobering. He thinks the neglect and underfunding of the service has cut into its heart and soul. And he wonders with a good many other advocates when the Congress and the nation will wake up to the reality that the Coast Guard is listing.

In fact they may be waking up now. At least the Coast Guard command says things are starting to get slightly better. It says Congress is paying more attention, the Reagan administration seems sympathetic, some new ships have been ordered and morale may have struck bottom and turned around.

Further, there is talk of greater things to come. The GAO suggests the Coast Guard's fleet (9,000 vessels) must be completely overhauled, Rep. Studds thinks the number of men in the service should double this decade, and Adm. Hayes says that a "quantum jump" in the budget is not out of the question.

Quantum jumps? Twice the manpower? All of this is still the stuff of dreams on the USCGC Duane, where the tow lines remain inadequate and the fuse boxes continue to be on the critical list. But if the renaissance does come, this ship should be at the center of the servicewide celebration.

For it was here last February that Capt. Charles Mincks took his stand. When he docked the old boat for repairs he said in effect that even in the Coast Guard deterioration has its limits, and that his mission at the moment was not worth endangering the lives of the men under his command.

It was a risky act. He might have been court martialed for it. But it turned out that his superiors understood the decision, and agreed with it, and a lot of Coast Guard people now think that any reversal of service decline should date to the time this courageous captain refused to go to sea.●

IN SUPPORT OF H.R. 4560

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mrs. MARTIN of Illinois. Mr. Speaker, 10 months ago the people of northern Illinois sent me to Washington to abate excessive Government spending. I have been told time and time again that for too long the strangling effect of unquestioned Government spending has taken its toll on working Americans. These are the very same Americans who benefit from many of the programs contained in H.R. 4560—Labor, Health and Human Services, Education appropriations for 1982.

During the discussion of this far-reaching bill, I did not challenge the merit of the many worthwhile domestic programs appropriated in this piece of legislation, but in fact questioned the continued unleashed spending policy of the Federal Government: a policy that threatens the very livelihood of you and I through a sick economy—forcing high inflation, high interest rates, and high taxation by which to finance this debt.

Although it was necessary for me to be off the floor at the time the vote to send this bill back to the Appropriations Committee was taken, I had every intention to lend my support to this unsuccessful effort. An effort that was a necessary response to a bill that exceeded its limit in the budget resolution by $700 million in actual spending for combined discretionary and mandatory programs: $700 million that will have to be made up somewhere else and, if not, added to our Federal deficit. And, a deficit, I remind you, that must be kept to a minimum if we are to achieve our goals and objectives of a balanced budget and a revitalized economy.

As a longstanding supporter of the many programs in H.R. 4560, I do not deny their value, but in fact am supportive of their merit and delicate relationship with the overall economy.●

GARMENT WORKERS SUPPORT VISIBLE U.S. ROLE IN NORTHERN IRELAND CRISIS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BIAGGI. Mr. Speaker, I would like to bring to the attention of my colleagues copies of letters I received from the senior executives of the Amalgamated Clothing and Textile Workers Union of New York which urge a new initiative in Northern Ireland.

Recognizing the importance of the role of the United States in bringing peace to Northern Ireland, the ACTWU contacted President Reagan urging his attention to this area through contact with the British Government. In addition, the union, which represents 455,000 textilers, also contacted British Prime Minister Thatcher, to urge the withdrawal of troops and fair and equitable treatment of the Catholic minority in the areas of employment, housing, and political representation.

Mr. Speaker, as chairman of the 126-member ad hoc congressional committee for Irish affairs, I am proud that

the leaders of the ACTWU have taken a lead role in this area, in concert with other New York labor groups who have also spoken out on this issue. The contributions which they make can only enhance the work of the ad hoc committee, whose primary role is to elevate this issue in U.S. foreign policy and to expedite a peaceful solution to this tragic situation.

I commend the leaders of the ACTWU for their initiative in this area and look forward to working with them in advancing peace and justice for all people of Northern Ireland.

The letters follow:

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION,
New York, N.Y., October 5, 1981.

Hon. MARGARET THATCHER,
Prime Minister,
c/o British Consulate,
New York, N.Y.

DEAR MADAM PRIME MINISTER: The Amalgamated Clothing and Textile Workers Union affiliated with the American Federation of Labor and Congress of Industrial Organizations deplores and condemns usurpation of the people of Northern Ireland through the use of British troops and armor.

We deplore the denial of the Catholic population in Northern Ireland and the discrimination of jobs, living standards and political representation. We further condemn the illegal imprisonment of men and women for alleged crimes without trial by jury or due legal process. For some 800 years the people of Northern Ireland have been subjugated, exploited and discriminated against at the hands of the British government.

As an organization founded and devoted to the principles of human rights with equality of justice for all people in all lands, we call upon you to begin the necessary and inevitable task of a phased out withdrawal of British troops of occupation of Northern Ireland as a means of achieving the goal of peace and justice and the unification of the Irish nation 8 centuries overdue.

Sincerely yours,

MURRAY H. FINLEY,
President.
JACOB SHEINKMAN,
Secretary-Treasurer.
SOL STETIN,
Sr. Executive Vice President.
SCOTT HOYMAN,
Executive Vice President.

AMALGAMATED CLOTHING AND TEXTILE WORKERS UNION,
New York, N.Y., October 5, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Amalgamated Clothing and Textile Workers Union founded in 1914 with a membership of 455,000 in the United States and Canada deplores and condemns the usurpation by the British government of the people in occupied Northern Ireland.

We concur and support whole-heartedly the official policy statement of the AFL-CIO with which we are affiliated condemning the centuries old blatant discrimination of the Catholic population in jobs, living standards and political representation. We deplore further the denial of basic human rights such as imprisonment of Irishmen and women for alleged crimes without trial by jury or due legal process. The Amalgamated Clothing and Textile Workers Union has since its very inception actively supported the cause of human rights and equality for all people in all lands.

As President of the United States of America founded on the principles of justice and equality and human rights, we respectfully call upon you to use your immense influence with the British government to take the necessary and inevitable steps of a phased out withdrawal of British troops from Northern Ireland as a prelude to achieve the peace and unification of that ill-fated nation 8 centuries overdue.

Sincerely yours,

MURRAY H. FINLEY,
President.
JACOB SHEINKMAN,
Secretary-Treasurer.
SOL STETIN,
Sr. Executive Vice President.
SCOTT HOYMAN,
Executive Vice President.

CUTS IN SOCIAL SPENDING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, October 21, 1981, into the CONGRESSIONAL RECORD:

CUTS IN SOCIAL SPENDING

The spending cuts in social programs are beginning to pinch. Such is the message I get as I travel around the 21 counties of the Ninth Congressional District.

The cuts in spending which have already been made will have far-reaching effects. Across the nation, 700,000 families will lose all or part of their welfare benefits. About 1.1 million persons will no longer receive food stamps. For thousands of children, school lunch prices will go higher and meals will be smaller. Some 1.5 million unemployed workers will not have 13 extra weeks of benefits. Approximately 900,000 people will not get the public service jobs they had been counting on. Fewer federally subsidized housing units will be available, and rents will rise to between 25 percent and 30 percent of the occupant's income. Scores of other changes will be made in these programs. About 70 percent of all cuts made so far are in programs which help the poor.

Low-income Hoosiers will also suffer. In Indiana, as Governor Robert Orr has said, "the cuts will bring pain and more pain." Aid to families with dependent children, the biggest welfare program, will be cut from 10 percent to 20 percent. About 20,000 of the 400,000 households in Indiana which receive food stamps will become ineligible, and 12,000 other households will have their allotments trimmed. The size of school lunches will be reduced and their cost will increase. Two-thirds of the 60,000 people who draw trade readjustment assistance will lose it. Ten thousand public service workers will be dropped. In 57 categorical programs for social services, funding will fall from $204 million to $180 million overall. There will be other effects as well. Towns, cities, and counties will see their revenue sharing trimmed from $87.6 million to $83.2 million. Although it is too early to judge with certainty, Hoosier college students will probably find it harder to get loans for their education.

Whether nationwide or in our state alone, the ultimate impact of the spending cuts on people's lives can only be estimated. Thousands of families will be deprived of income and assistance they need to make ends meet. The cuts may carry high social costs, including increased crime or urban unrest. Most experts believe that under the changes approved by the President and Congress, the very poor who are totally dependent on welfare will be spared major losses, but the poor who have low-paying jobs may have to quit work altogether. The experts also believe that the cuts are coming at a time when poverty in the United States is growing. However, predictions about the overall condition of the poor are difficult to make because social programs are run by state and local governments, many of which have not yet decided what to do.

The cuts in spending raise profoundly complex questions for policymakers. It is clear that the nation is changing course after years of extraordinary growth in entitlement programs such as welfare, food stamps, school lunches, and unemployment compensation. Most of these well-intentioned programs started off rather modestly and then exploded in size and cost. Between 1970 and 1981, the cost of living rose 138 percent, yet during the same period federal spending for entitlement programs more than quadrupled, from $70 billion to $295 billion. Entitlements now account for almost half of all federal spending, up from 22 percent in 1956. With increased size and cost have come waste and bureaucracy. If the present trend were to continue unchanged, entitlement programs would continue to grow and would threaten any chance to balance the federal budget. I do not find in Congress any dissent from the proposition that the growth of entitlement programs must be slowed, but the effort to cut them back is bound to provoke a strong public reaction. Congress realizes that the necessary curtailment in federal spending will never be achieved by attacking fraud, waste, and abuse. We must do our best to eliminate such excesses wherever they exist, but we should recognize that the cuts in social programs now on the books will cause hardship for many citizens.

The cuts in spending should prompt Congress to think carefully about the role of government in a democratic society. All of us want ours to be a compassionate society. I do not find any real opposition to the general idea that government should protect the genuinely needy against the reverses of life. At the same time, no one wants to bestow unwarranted benefits on persons who do not need them. To do so places an unfair burden on taxpayers. While all of us subscribe to the view that government should undertake to do only the things which people cannot do for themselves, there are many different interpretations of that principle. A more serious problem is that our economy is no longer growing rapidly.

After a generation of improvement in our standard of living, the nation has entered a period of slower growth. Economic growth, however, has been an indispensable factor in achieving a wide range of social goals. We must, of course, take the necessary measures to increase our rate of growth, but until we succeed there will be increased tension over the distribution of income. We simply cannot address all the needs of all who require, or think they require, a help-

ing hand. Controlling government expenditures, a task which is difficult enough in periods of rapid growth, becomes more difficult still in periods of slow growth.

There is general agreement that the costs of our social programs have increased while our ability to pay for them has not. Almost all of us agree that cuts in spending must be made, but if these cuts are to be made then extraordinary efforts must also be made to guarantee social justice and equity for those people at the lower end of the economic spectrum. If government is going to encourage economic growth with tax reductions of many kinds, then it must do everything in its power to ensure that available resources are distributed fairly. If Americans do not perceive the tax and spending cuts as fair, then it is a safe bet that the policies which set them will, in time, be repudiated.●

INVESTING IN PEOPLE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. OTTINGER. Mr. Speaker, I want to bring to the attention of my colleagues a recent article by Howard J. Samuels which was printed in the New York Times. Mr. Samuels' comments describe the devastating impact of President Reagan's cuts in funding for education, job training, day care, and other social services. As he clearly points out, these are false economies. Spending in these areas are investments in the future of the Nation, not just debits on the budget.

The text of Mr. Samuels' article follows:

INVESTING IN PEOPLE

(By Howard J. Samuels)

The Reagan Administration's drastic reduction in funds for education, job training, day care, student loans and a host of seemingly expendable social services are the worst sorts of false economies.

What we are slashing is financing for the development of what economists call "human capital." In doing so, we have somehow lost sight of an essential fact, described by Adam Smith. "The skill, dexterity and knowledge of a nation's people is the most powerful engine of its economic growth." Or, as stated by Nobel Laureate economist Theodore Schultz, "The rate of return on education has tended over time to exceed the rates of return on physical capital."

In short, while there is a consensus on the need to invest more in machinery and research, we have forgotten the value of investing in people's health, education and earning capacities. The need to upgrade America's human capacities is ever more evident as our economy shifts toward service professions and higher technology.

We are approaching a critical shortage of highly skilled people. More and more of the graduates of our nation's school system cannot read and write. Young people who cannot fill out a job application or read a page of classified ads have literally no productive future in our economy.

Not only will they be unproductive, but our increasing cost of welfare and crime is becoming a national scandal. However much we deplore it, there is no sense at all in denying that lack of education and training is a direct cause of crime, drug addiction and despair. The main response to rising crime seems to be a willingness to spend lavishly on new prisons, not on programs that might stop crime.

Russia, our political competitor, and Japan, our economic competitor, are spending billions to capitalize on their youth's potential. Both are engaged in hugely ambitious educational and technical development programs. Ninety-eight percent of all Soviet children now complete the mandatory 10-year primary and secondary school program. Only 75 percent of American children make it through high school.

More importantly, virtually every student receives 10 years of mathematics, five years of physics, four years of chemistry, five and a half years of biology, five years of geography, three years of mechanical drawing and 10 years of workshop training for both boys and girls.

Meanwhile, the Japanese are pursuing a similarly intensive scientific training program and achieving astounding results. Japan now graduates as many engineers every year as the United States, and Japanese students score the highest in the non-Communist world in math and science.

The economic implications for the future productivity of America's work force are glaring enough, but the "skills gap" may be a greater threat to our national security than shortages of sophisticated weapons. Buttons and video screens do not wage wars—people do. A recent survey of 23,000 recruits at the San Diego Naval Base showed that 37 percent of them could not read at the 10th-grade level.

It is easy to understand why Americans have become disillusioned about spending on human services. Education, child care and health are investments paid from the pockets of today's taxpayers, with a return that may not show up for 20 years.

Obviously, money alone is not enough. We must reform our ways of delivering human services to make them more cost-effective. Our inner-city schools are highly bureaucratized and ineffective. Our health-care programs are laden with waste. It will take leaders with courage and foresight to explain to the American people that there will be no easy fix by simply slashing funds.

Most of all, we need to realize that spending on programs that improve health, literacy and skills of our people are investments in the future of the nation, not just debits on the budget.

This is a bipartisan issue, for the common good of the country. I am a Democrat, but let me quote A. W. Clausen, a no-nonsense Republican and former president of the Bank of America and now president of the World Bank: "The United States can't neglect its resources of brain power any more than it can neglect energy, capital, or other factors of production. Employment, productivity, and, ultimately, our humanity hangs in the balance." I could not agree with him more.●

THE DURABLE MEDICAL EQUIPMENT DISCLOSURE AMENDMENTS OF 1981

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. DUNCAN. Mr. Speaker, I am today introducing the Durable Medical Equipment Disclosure Amendments of 1981. This bill would amend title XVIII of the Social Security Act to require that medicare beneficiaries who are considering the purchase or rental of durable medical equipment (DME) covered by medicare be given certain specific information about the equipment they are considering. This disclosure requirement is placed on the durable medical equipment supplier. The bill provides that, if such disclosure is made, the supplier may accept an assignment of medicare benefits and charge the beneficiary the disclosed price rather than medicare's determination of the reasonable and customary charge.

The purpose of this bill is to focus attention on the problems in the DME program under medicare and to stimulate discussion by proposing a solution. Simply stated, the problem is that the assignment program for durable medical equipment is not working as Congress has intended—to help medicare beneficiaries obtain needed supplies and equipment. Excluding the sale or rental of oxygen equipment and items costing less than $50, it is believed that a small percentage of DME purchases and rentals are subject to assigned claims.

The reasons for this are not hard to find. First of all, there are very few standard items in the DME area. There are many variations and added features for DME products designed for different types of patients and for different periods of use. Also, current medicare law and policy effectively discourages a medicare beneficiary who needs and desires a special feature from obtaining that feature and still assigning his claim for medicare payment to the supplier.

As a consequence of all this, many dealers simply refuse to accept assignments for most DME purchases.

This proposal is one way to help solve this dilemma. It would allow beneficiaries to choose—and to pay for themselves—those added features of DME covered by an assignment which they feel are necessary and desirable for their condition. And, most significantly from the point of view of the beneficiary and the medicare program, to complement this change in assignment policy, the full disclosure requirement would provide a vigorous incentive for cost constraint and price competition among DME suppliers. It

would also have the very desirable effect of equipping medicare beneficiaries and their families with information necessary to be prudent buyers at the time the item of DME equipment is being considered for purchase or rental.

The DME program has been the subject of considerable interest to the Department of Health and Human Services and Congress over the years. I am well aware that there are several issues which may be raised about any proposal to change the assignment policy with respect to DME. Therefore, I would like briefly to discuss some of these matters. First and foremost is the question of possible additional cost to the medicare beneficiary. Nothing in this proposal would reduce the amount of money medicare will reimburse as the reasonable charge for an item. Moreover, this proposal would introduce real competition and thus restrain beneficiary costs by requiring full disclosure of price information and allowing the beneficiary time to "shop" for a lower price. For standard items of DME—those that do not involve additional features—it can reasonably be expected that in many cases that price will not exceed the medicare reasonable charge—at least in instances where that charge has been fairly and accurately determined.

A second concern will be the cost to the medicare program. This is a particularly compelling question because of the need to keep costs down in all parts of the Federal budget. Here again, the requirements of full disclosure will assure that suppliers are fully competitive with one another and that beneficiaries are fully informed, prudent buyers. In effect, this proposal would tend to create competition where none exists now and constrain program costs without the added administrative costs of price surveillance and controls.

Third, some may fear that an unfortunate precedent would be created by modifying the assignment policy with respect to only one aspect of the medicare program. First of all, no other part of the medicare part B program is so much beyond the control of the provider; the DME supplier is at the mercy of the manufacturer product design and pricing decisions. Although equipment servicing provided by the DME supplier can be a significant contribution to the well-being of the medicare beneficiary, it is only rarely a significant component of the cost of an item. By contrast, the price of most other medicare part B services is significantly within the control of the provider itself and not determined significantly by outside forces. Moreover, the principles of making an informed, prudent buyer of the medicare beneficiary may well be a principle which is worth watching and considering for other areas of the medicare program.

Last, some may be concerned that modifying the assignment policy is a more fundamental change than is necessary to deal with DME problems. Proponents of this view would argue that updating the medicare charge screens more frequently should be enough. In response to this, it should be pointed out that updating the screens simply would not go far enough. That would benefit only the DME supplier with added medicare costs at a time when we can least afford them. That would interject no additional element of price competition among suppliers and provide no further information to medicare beneficiaries to enable them to become prudent buyers. The mandatory disclosure requirement does both. It is indeed a departure in medicare program policy, but it is a reasonable quid pro quo for modifying the assignment policy with respect to DME.

These and other questions, I am sure, will be fully debated in the months to come. The purpose in proposing the Durable Medical Equipment Disclosure Amendments of 1981 is to stimulate this discussion, to focus on the failure of the DME assignment policy, and to stimulate the search for solutions to the problem. I believe that this bill provides one workable solution. There may be others. If so, I urge that they be brought forth and discussed fully by medicare beneficiaries, DME suppliers, medicare program officials, and the Congress.●

A SILVER ANNIVERSARY SALUTE TO IOTA CHAPTER OF TAU GAMMA DELTA SORORITY, INC.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. STOKES. Mr. Speaker, the Iota Chapter of the Tau Gamma Delta Sorority, Inc., in Cleveland will celebrate its silver anniversary on Saturday, October 31, 1981. Mr. Speaker, as this group of distinguished and dedicated business and professional women in the Cleveland metropolitan area mark another milestone in their rich history of service to the community, I feel that it is appropriate to pay tribute to them.

Mr. Speaker, the Iota Chapter of the Tau Gamma Delta Sorority, epitomizes and successfully implements every goal and program of the national organization. To best understand the outstanding job the chapter in Cleveland is doing, we must first review the program goals set forth by the national organization.

Mr. Speaker, the national organization was founded in 1942 by eight talented business and professional women in Detroit, Mich. The sorority adopted as its purpose the cultivation and encouragement of high scholastic standards, the promotion of high individual conduct, and the enhancement of harmony, discipline, and general welfare of the womanhood. There are over 800 active members in the Tau Gamma Delta Sorority nationally.

Mr. Speaker, the key words that characterize the work of the Tau Gamma Delta Sorority are service and support. Both words provide the strong foundation for them activity promoted by the national organization as well as the local chapter in Cleveland, Ohio.

Under the dynamic leadership of national president Noma O. Scott, the organization has implemented and expanded service projects which have provided valuable encouragement and exposure for many young people in the various chapter areas across the Nation.

Mr. Speaker, one of those programs is called "Taugadetta" which is designed to give young and aspiring artists needed exposure in their pursuit of successful careers in the art field. Another national project is called "Tauettes". This is a group organized by the sorority for the purpose of encouraging teenage girls to develop interests in social, cultural, and educational activities.

Mr. Speaker, the exhaustive list of other service projects include a national charity award given each year at the organization's convention in recognition of organizations rendering outstanding service in the community where the meeting is held. Local and national scholarship awards are given also to outstanding and needy students in the Cleveland metropolitan area and across the Nation.

Mr. Speaker, as I noted at the beginning of this tribute, the members of the Iota Chapter of Tau Gamma Delta Sorority in Cleveland are, in my estimation, probably the finest examples of the dedication of the women in the national organization. They have taken the charge and purpose of the sorority close to their hearts and consciences.

By doing so, they have embarked on new approaches to enhance and expand the national projects and priorities. This has meant unflinching service, financial support, and donation of valuable time and talents for worthy projects. However, this is nothing new for these active women.

Since their founding in 1956 by Alma Alsup, Ann L. Allen, Vera Lewis, Evelyn Thompson, Zella Higgins, and Madelyne Blunt, the city has been impacted in a positive manner by the notable business expertise and social consciousness of the organization.

These dynamic women set the tone in 1956 for the aggressive and progres-

sive programs of the Iota Chapter of the Tau Gamma Delta Sorority through the years. Holding true to and carrying forth the ideals of the national and local founders, the Cleveland chapter has increased its membership to 50 members and swelled its power in order to fulfill its project commitments throughout the Cleveland metropolitan area.

Mr. Speaker, in addition to conducting local projects in accordance with the national priorities, the sorority members, under the leadership of President Mary Hills, have developed their own unique programs. This chapter has embarked on such needed and worthwhile programs as an ongoing service project at the Rose Park Convalescent Home for the elderly and other such facilities in the area. These women have taken the time to give birthday parties, holiday celebrations, and visitations to the patients at the convalescent centers and veterans hospital. They also have donated money and put on Christmas parties for the children at the Howard Metzenbaum Receiving Home for Children.

The members of Iota Chapter, Tau Gamma Delta Sorority have worked as hostesses for various art benefit shows.

Mr. Speaker, in addition to serving as hostesses, the chapter members have worked diligently within their own neighborhoods in encouraging others to become more socially responsible. Chapter members are closely associated with the March of Dimes project and Cancer Fund in Cleveland.

Mr. Speaker, it is evident to me and to the community through the deeds of the women of the Iota Chapter of the Tau Gamma Delta Sorority that the key words "service" and "support" have been taken seriously and enthusiastically incorporated into the sorority's projects. By referring to these words for inspiration and guidance, the women have made an indelible mark on the community in Cleveland.

Historically, we assess the impact of an organization based 10 and 25 year intervals. Accordingly, the silver anniversary is an appropriate time to review the work and activities of the Tau Gamma Delta Sorority in Cleveland. In reviewing their work, it is evident to me that the Iota Chapter of Tau Gamma Delta Sorority has been an active force in the community during the past 25 years.

On this significant occasion, the motto of the national organization seems to be the most appropriate tribute to these women. That motto is "Illuminating the Pathway."

Mr. Speaker, the women of the Iota Chapter, Tau Gamma Delta Sorority in Cleveland have been the ray of light which brought hope to the elderly, the neglected, and the needy in Cleveland. They also have been the light in forging new ideas to meet the problems of those groups. Finally, they have been the torch of knowledge always illuminating the path to a better future for the young people in Cleveland. Looking toward the next 25 years, I know that their light, their vitality, and their enthusiasm will reach new heights.

At this time, Mr. Speaker, I ask my colleagues to join me in a salute to the members of the Iota Chapter of the Tau Gamma Delta Sorority, Inc. on their silver anniversary on October 31, 1981.●

JOHN J. CURLEY, EDUCATOR AND ADMINISTRATOR: A DEDICATED PUBLIC SERVANT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. RITTER. Mr. Speaker, this summer my district lost an outstanding individual when Mr. John J. Curley, teacher, principal, and school administrator for over 40 years, passed away at the age of 74 years.

I knew John Curley for only a couple of years but I had a great respect for his reputation as an educator and was aware of his major contributions to the well-being of the Easton Area School District since 1941 through his educational leadership in Lehigh County. Mr. Curley not only taught and served as a principal and administrator in the Easton school system, but he also held key posts on educational advisory boards and was a past president of the Easton Teachers' Association. He remained an active and vital citizen until shortly before his death, and touched all who worked with him in a special way through his consideration and warmth.

I am pleased to be able to bring his distinguished public service record to the attention of my colleagues, and I extend my condolences to his wife, Emily of Palmer Township, and his sons, John J. and Thomas.●

AN ACKNOWLEDGEMENT OF THE SIERRA CLUB PETITION TO CONGRESS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. MATSUI. Mr. Speaker, the conservation movement, initiated by a group of concerned Americans such as John Muir and Gifford Pinchot during the administration of Theodore Roosevelt, has grown in both strength and stature since these early beginnings. Over the past 80 years, Americans have grown increasingly more concerned about the environmental quality of the world they inhabit and with the preservation of sensitive ecosystems and public lands that their descendants will inherit. In response to these considerations, organizations such as the Sierra Club, the Wilderness Society, and the National Wildlife Federation have been formed and serve as a valuable link between citizens interested in environmental questions and elected officials who formulate public policy on these issues. The enactment of much needed conservation legislation over the last two decades, including the Alaska National Interest Lands Conservation Act of 1980, the Surface Mining Act of 1977, and the Land and Water Conservation Fund Act of 1965, attest to the public's, and the Congress, continuous support for the preservation of our Nation's natural resources.

During these past 9 months, the Department of the Interior has advocated a number of specific actions and proposals which would alter profoundly this strong Federal commitment to environmentally sound governmental policies. The adverse actions undertaken by the Department center on the reduction and elimination of Federal funds for enforcement, planning, and resources inventories so necessary for safeguarding the continued environmental health of America's national parks and recreation areas, public lands and wildlife sanctuaries.

Although many of these new Federal policies affect the Nation as a whole, I am particularly concerned about the ramifications of these actions on California. During the past year, the Interior Department recommended that four ecologically sensitive northern California coastal areas be opened for oil and gas leasing exploration. Moreover, in refusing to proceed on regulations to protect marine mammals, the Interior Department has jeopardized the unique sea life along the California coast. In recommending to allow airboats in Sequoia National Park, the Department has violated the historic tranquility found alone among these giant trees. In revoking the executive order on off-road vehicles, the Department has subjected the ecologically fragile terrain of the California deserts to permanent damage.

Instead of allowing the significant environmental gains achieved during the past 80 years to erode, we must work aggressively to retain existing ecological protections. America must pursue consistent environmental policies which adhere to the principles of multiple use and conservation, in order to insure that future generations can enjoy the irreplaceable beauty of our forests, wild lands, and waters. Both elected and appointed officials must realize the importance of this effort and the depth of Ameri-

cans' support for the preservation of our national resources.

By petitioning Congress in support of environmentally protective policies, these petitioners are continuing in the tradition of the first conservationists who actively lobbied the Congress for the establishment of such natural monuments as Yosemite and Yellowstone National Parks. It is hoped that the long-term environmental needs of our land will be as well served by these petitioners today as by the personal commitment of John Muir so many years ago.●

DEMOCRATIC STUDY GROUP

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BRODHEAD. Mr. Speaker, yesterday, Mr. WENDELL BAILEY, Republican of Missouri, in a floor statement, press release, "Dear Colleague," and a letter to Chairman HAWKINS of the House Administration Committee, made some allegations of improper activities against the Democratic Study Group. The charges made by Mr. BAILEY are totally unfounded and inaccurate in virtually every detail.

Today I sent to Chairman HAWKINS of the House Administration Committee the following response to Mr. BAILEY's charges. I believe that this letter clearly and unequivocally deals with each and every allegation Mr. BAILEY has made and shows that his case is totally without merit. DSG executive director Dick Conlon and I will be happy to respond to the inquiries of Members.

The letter follows:

DEMOCRATIC STUDY GROUP,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., October 21, 1981.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on House Administration, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in behalf of the Executive Committee of the Democratic Study Group with respect to the letter you received yesterday from Mr. Bailey of Missouri making a number of allegations regarding the operations of the Democratic Study Group.

Mr. Bailey alleges that DSG has operated illegally by using funds paid from Members' official expenses allowance to pay staff salaries.

This is untrue. DSG does not violate any rule or regulation of the House in payment of its staff. For more than 22 years, the salaries of DSG staff have been paid partly via clerk-hire—to the extent it was available—and the remainder from a separate payroll account using funds received from payment of Members' dues and—in earlier years—outside contributions.

This account is registered with the Internal Revenue Service, the same as a private business, and DSG has withheld Federal income taxes and social security taxes from employees' salary payments, the same as a private business. The leaders of DSG checked the propriety of this method of paying staff 22 years ago and on occasion since then and have been assured that it is a proper procedure. In fact, Paragraph 5 of the proposed regulation is a direct model of the DSG system.

Specifically, DSG has checked out the propriety of using funds which are received from Members via vouchered payments from their official expense allowance to pay DSG staff salaries, and we have been assured by officials of the House Administration Committee and the Committee on Standards of Official Conduct that the restrictions which apply to Members' use of such funds do not apply to their use by entities which receive such funds in payments for services, etc. This fact is specifically recognized now by Paragraph 5 of the proposed regulation.

In addition, Mr. Bailey alleges that DSG violates House rules by paying its Executive Director more than would be allowed were he being paid totally through clerk-hire funds. Again, this is inaccurate since that portion of the Director's salary which exceeds the clerk-hire limit is paid with unofficial funds from DSG's separate payroll account.

Mr. Bailey also makes a series of allegations regarding the relationship between the Democratic Study Group and its political affiliate, the DSG Campaign Fund, which is located in private office space at 419 New Jersey Avenue, SE.

With respect to involvement of DSG staff in activities of the DSG Campaign Fund, DSG adheres to a more rigid standard than that required of Members' staff involvement in their campaign related activities. The House policy regarding campaign work by congressional employees, as set forth by the Committee on Standards of Official Conduct, is as follows:

"Employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods," during which time they may "voluntarily engage in campaign activities."

To avoid any possible misperception and misleading allegations such as those made by Mr. Bailey, DSG policy goes beyond this House standard by paying DSG staff from campaign funds for any work they do for the DSG Campaign Fund. In short, when DSG staff do any work for the DSG Campaign Fund it is treated the same as having a second or outside job totally separated from their duties at the Democratic Study Group with the exception that if campaign work in any way cuts into the employee's regular DSG duties, then the employee's DSG salary is reduced accordingly.

I might note, that Mr. Bailey's attachment listing DSG staff who have received payment from the DSG Campaign Fund over the years is inaccurate in several respects, to wit: Mr. Conlon is not the treasurer of the DSG Campaign Fund and has not been for at least two years, Mr. Anderson, Mr. Jones and Mr. Stricklet are not pollsters or bookkeepers as Mr. Bailey indicates but are part-time printers, and Ms. Higgins and Ms. Reamy are secretaries rather than pollsters as Mr. Bailey indicates.

Mr. Bailey also alleges that DSG and the DSG Campaign Fund "both have used the same computer equipment at the same time." This is accurate only insofar as the fact that the Democratic Study Group and the DSG Campaign Fund used the same piece of equipment (a typewriter terminal) at different times. However, the equipment involved was neither owned by nor leased through the House of Representatives but rather was leased from a private business. In addition, during the very minimal (2 percent) amount of time when the machine was used for campaign activities, it was located in the DSG Campaign Fund office and the charges were allocated accordingly between the two organizations.

Mr. Bailey also alleges that "official telephones" were used by the DSG Campaign Fund. That too is inaccurate. DSG Campaign Fund does not now and never has used official telephones. The Democratic Study Group has one private (unofficial) telephone line and in 1979, during a careful reexamination of DSG's accounts, we discovered that a pollster employed by DSG Campaign Fund in 1976 and 1978 had been charging long distance telephone calls to this private line rather than to the DSG Campaign Fund telephone lines when he was in other parts of the country. As a result, the DSG Campaign Fund made a $1,240 reimbursement payment to the Democratic Study Group so that there would be no question of DSG funds or resources being used for DSG Campaign Fund activities.

Lastly, Mr. Bailey alleges that the DSG Campaign Fund "has used an official envelope" to mail a report to the Federal Election Commission. Like most Members, the DSG Campaign Fund always files its FEC reports through the Office of Records and Registration rather than mailing them to the FEC. But on one occasion in 1979, a "Record-size" House envelope was used to mail some material to the FEC. I want to emphasize, however, that the Congressional frank was not used; postage was paid—a fact that Mr. Bailey neglects to mention. In addition, the postage label appears to have been blanked out on the Xerox copy of the envelope which Mr. Bailey includes in this letter to you. Attached is another Xerox copy of the same envelope obtained from FEC records which clearly shows a postage label in the upper right hand corner.

Finally, Mr. Chairman, I would like to note what the Better Government Association noted in its report on Legislative Service Organizations; namely, that DSG has been in the forefront of the effort to assure accountability in the operation of LSO's. DSG has operated responsibly and in strict adherence to all House Rules and ethical standards over the years, and you may be assured that we will continue to do so.

Thank you for your consideration.

Sincerely,

WILLIAM M. BRODHEAD,
Chairman.●

NEW AMERICANS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. LONG of Maryland. Mr. Speaker, it is with particular pleasure that I congratulate 61 residents of Maryland's Second Congressional District who have chosen to become American citizens, accepting all of the responsibilities that freedom and citizenship entail. I hope that my colleagues will

join me in welcoming these new Americans.

Carol Palatucci, Young Ja Cho, Bong Hee Cho, Abdul Malik, Vasiliki Gregorakos, Maria Kerr, Tazina Samaroo, In Soo Jun, Rosaleen Calvert, Naji Haroun, Yun Sik Chong, Mr. and Mrs. Richard Pfunder in behalf of Beth Doh-Hee Pfunder, Pothuvayalil Kurian, Hyun Kim, Thin Le, Cham Le, Diana Weiss, Marjorie Leon, Lai-Wang Chen, Chyang Chen, Cesar Gamboa, Aldo Paz-Guevara, Farideh Sadjadi, Hatem Abdo, Sang Kim, Norma Beddows, Antonio Inocencio, Rebecca Kitt, Ramzi Abid, Myong Suk Hwang, Song Yol Hwang, Joseph Orlai, Fung Lee, Shu Lee, Sa Han, Lalitha Gowda, Hugo Gonzalez-Sarratos, Roberto Arguero, Jr., Eun Chong, Chen-Yi Lee, Mr. and Mrs. Harry Hochman in behalf of Joshua Evan Hochman.

Myong Kim, Cheong Kim, Sang Kim, Son Nguyen, Rosa Sebree, Eduardo Perez, Swaran Anand, Feige-Zipora Abzug, Jacqueline Deming, Kyung Isaac, Chong Yi, Young Yi, Kwang Kwon, Bernardino Esguerra, Concepcion Esguerra, Millicent McLeod, Hector McLeod, Homa Rostami-Rabet, Dae Lee, and Pohlean K. Evans.●

COMMITMENT TO THE CLEAN AIR ACT RESOLUTION OF THE 97TH CONGRESS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. LEWIS. Mr. Speaker, the ravages of air pollution can be seen in California by anyone who is willing to look. It is critical that the Federal and State Governments continue in their partnership to attempt to decrease the impact of air pollutants in our environment. Because of the Clean Air Act, great strides have been made to clean up the Nation's air. The Clean Air Act is an enforceable strategy for cleaning up the air and keeping it clean. Though the job is not yet finished, this legislation has proven to be effective in reducing pollution in many parts of the country.

Probably the most far-reaching environmental issue the 97th Congress will consider will be amendment and extension of this act. It is perhaps the most important environmental law ever passed by Congress and has served as the cornerstone of our national effort to control and reduce air pollution during the past decade. As Congress begins work on the reauthorization of the Clean Air Act, many questions will be raised.

Today Congressman BRUCE VENTO, Democrat of Minnesota, and I, introduced a congressional resolution reaffirming the importance of this measure. According to a recent Louis Harris poll, by 80 to 17 percent, a sizable majority of the public nationwide do not want to see any relaxation in existing Federal regulation of air pollution. The Nation's existing Clean Air Act should be maintained and strengthened subject only to such changes that will improve its administration and effectiveness.

The importance of air quality cannot be overemphasized. My feelings on this subject go back to my days in the California Legislature. While in the California Assembly, I served as chairman of the subcommittee on air quality and successfully authored legislation establishing the South Coast Air Quality Management District in southern California. We cannot allow the impressive gains we have made in our fight against air pollution to be wiped out.

The commitment to the Clean Air Act is one way to express the feeling of the House of Representatives that we are strongly committed to the goals and structure of the Clean Air Act as amended in 1977. It recognized that this act has achieved documented improvement in air quality, to the betterment of public health, welfare, and environmental quality and, furthermore, suggests that modification of either the goals or the structure would negatively impair the effectiveness of this landmark statute.●

AWACS SALE, TAX CUT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. HUBBARD. Mr. Speaker, my recent decision to vote for the sale of AWACS radar aircraft to Saudi Arabia was based on the encouragement from many of my constituents, including Timothy A. Cantrell, an instructor at Madisonville Community College in my district. Mr. Cantrell has written me on that issue and the tax cut bill, which I also supported. Mr. Speaker, I submit Mr. Cantrell's letter:

Dear CONGRESSMAN HUBBARD: Your vote on the tax-cut bill was a wise one. Hopefully, the President's policies will solve some of our problems. I applaud your cooperating with the President rather than trying to be a negative force like so many other Democrats. The people have elected a leader (I didn't vote for him), so I think we should at least give him a chance to succeed. To do less would be unfair.

I would also like to encourage you to vote for the AWACS sale to Saudi Arabia. I see this as the best way of assuring stable oil prices at least through 1990 since we will not deliver them until 1985 and we will have a part in running them through 1990. I realize it is bad politics to vote against Israel's interest, but I don't see this as an anti-Israel vote. It is a vote for US interests in the Middle East and stable oil prices for the next decade.

Your friend,

TIMOTHY A. CANTRELL.●

NO NEED FOR FAST-TRACK NUCLEAR LICENSES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. MARKEY. Mr. Speaker, when the House considers the NRC authorization bill, I intend to offer together with the gentleman from Connecticut (Mr. MOFFETT) an amendment to strike section 12 of the bill, the provision allowing interim operation of nuclear plants while safety hearings are still incomplete.

Many Members of the House are already familiar with the national debate which has led to the inclusion of that interim operating authority in the NRC authorization bill. As you know, the nuclear power industry has contended since the beginning of this year that a large number of completed new nuclear powerplants are standing idle and being kept from operation because of the pendency of these safety hearings. The industry has emphasized to the public and to many Members the potential economic cost of that purported delay.

What we have to say to you is simple: The industry's claims of delay are factually unfounded. Plants are not being kept out of operation by safety hearings. The Subcommittee on Environment, Energy and Natural Resources began an exhaustive investigation of those claims last spring. That inquiry culminated in a major report approved by voice vote on October 7 by the full Committee on Government Operations.

The committee report, entitled "Licensing Speedup, Safety Delay: NRC Oversight" makes three critical findings:

1. The industry has "grossly exaggerated" the delay caused by NRC proceedings in getting new plants on line. In fact, the Committee found that only one plant in the country even arguably can be said to have been completed and to have experienced actual delay because of NRC licensing proceedings. That plant is Diablo Canyon. For reasons which are in the report and in the current headlines, that plant is a poor case for the industry to rely on while arguing that the NRC has impeded operations at new nuclear plants. The utility made the critical initial siting error of placing the reactor near a major earthquake fault. And as revelations in the last few days have demonstrated, the utility also has made errors in construction which at this moment are keeping the plant out of operation—despite the fact that the plant now has NRC authorization for fuel loading and low power operations.

2. Many of the NRC actions to respond to the purported problem of licensing delay

have been misguided and detrimental to both nuclear safety and public confidence in the nuclear industry. In particular, the report finds that the interim licensing authority idea, first proposed to the Congress by the NRC last March, is a "remedy without a reason" which may prove detrimental to long-term safety.

3. Most important of all, the Government Operations Committee oversight report concludes that significant nuclear safety programs are behind schedule and are not receiving the attention they require if the public health and safety are to be properly safeguarded. The report concludes that the verified problem of safety delay has gone untended while the false problem of licensing delay has received the attention and energy of NRC officials.

Based on those conclusions, I urge you to conclude that this interim operating authority is not necessary and would be an inappropriate power to grant to the NRC. If the Congress endorses this idea, it will be because it is acceding to an industry request which is not founded in fact. It will be because the Congress is too willing to accept the claims of the nuclear industry without the kind of careful scrutiny they deserve.

Together with my colleague from Connecticut, I urge you to support our amendment to this bill.●

BUSINESS LEADERS WANT FOREIGN LANGUAGE ACTION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. SIMON. Mr. Speaker, recently I wrote to a few business leaders whom I learned were interested in the relationship of our foreign language deficiencies and U.S. sales overseas.

I am taking the liberty of inserting four of these replies in the CONGRESSIONAL RECORD.

One is from Richard M. Morrow, president of Standard Oil Co. of Indiana. A second is from Robert H. Levenson, vice chairman, Doyle Dane Bernbach, Inc., a major advertising firm. The third is from Mark Stroock, senior vice president and director of corporate relations, Young & Rubicam, Inc., another major advertising firm. And the fourth is from Harold W. McGraw, Jr., chairman and chief executive officer of McGraw-Hill, Inc., one of the Nation's leading publishers.

All mention both the quality and quantity problem.

Mr. McGraw, for example, says:

> We face a frequent problem in finding competent executives and journalists who command the foreign language we need to use. This is a problem encountered, I believe, by substantially all American companies with large overseas operations.

While the letters are not in complete agreement with each other, they convey a sense of concern about a national problem to which I hope we will pay more attention.

STANDARD OIL COMPANY (INDIANA),
Chicago, Ill., September 21, 1981.

Hon. PAUL SIMON,
Chairman, Subcommittee on Postsecondary Education, House Committee on Education and Labor, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for writing in connection with H.R. 3231, the National Security and Economic Growth Through Foreign Language Improvement Act.

Standard Oil Company (Indiana) shares your concern about the quality of foreign language education in this country. Our company is involved worldwide in well over forty countries and depends greatly on the goodwill of those countries. Much of that goodwill derives from our ability to communicate effectively with the host governments and nationals of these countries. Needless to say, language plays a major role in that process.

In talking with our people I find that they feel most strongly about part 3 of your bill (on page 2) which states that foreign language is a key tool in understanding the "history and culture which influence the perspectives, values, and attitudes of the people of other countries." We find this to be particularly true in the Arab world where expectations run high and sensitivities are deep. While we have no illusions that many of our employees will actually learn Arabic, we do think that exposure to the language goes a long way toward familiarizing them with the Islamic heritage and civilization. That counts for a great deal and is very important to our business. The same holds true for other non-Western parts of the world.

Closer to home and of particular relevance, Latin America and its generally Spanish heritage need concentrated attention. Very special efforts should be made in this area, not only for our relations with Central and South America, but for the obvious domestic reason that Hispanics will become an increasingly important force here at home.

For all of these reasons, the United States can no longer afford to remain a monolinguistic nation, expecting the rest of the world's peoples to adjust to our ways. Thus the need for Americans to learn foreign languages is more urgent than ever. Toward this end, you will be interested to know that some of our people are working with the Illinois Foreign Language Teachers Association in furtherance of mutual goals, and that one of our foreign affairs specialists is the keynote speaker at the association's October 2 meeting here in Chicago.

We appreciate your efforts in behalf of a renewed dedication to foreign language studies at the elementary and secondary school levels.

Sincerely,

RICHARD M. MORROW,
President.

DOYLE DANE BERNBACH, INC.,
September 22, 1981.

Hon. PAUL SIMON,
House of Representatives, Committee on Education and Labor, Subcommittee on Postsecondary Education, Cannon House Office Building, Washington, D.C.

DEAR MR. SIMON: Mr. Bernbach has asked me, as International Creative Director of Doyle Dane Bernbach, to respond to your letter.

I agree completely that Americans doing business abroad are significantly disadvantaged by poor and insufficient training in foreign languages. There is always a subtle, but distinct, loss of the "upper hand" when one cannot make oneself understood.

My personal feeling is that the quality of foreign language instruction is even more important than the quantity. While your bill is extremely worthwhile in its purpose. I feel that it could be enhanced dramatically by building in a number of quality guarantees.

For example, the bill could require:

(1) Native instructors in the foreign language.

(2) Classes conducted strictly in the foreign language.

(3) Some required period of time in the foreign country.

(4) A comprehensive final examination leading to a special degree (Bachelor of Language, Master of Language).

(5) An exchange program with leading universities in other countries.

(6) Grants to major professional organizations (American Bar Association, American Medical Association, The Association of American Advertising Agencies, etc.) to provide special, professional foreign language training.

(7) Similar inducements to Diplomatic and military personnel, if they do not already exist.

(8) Foreign language programs that model themselves after the most successful commercial programs.

(9) Cable TV channels to provide foreign language instruction.

Finally, I think we have to understand that the reason most Americans have not mastered a foreign language is that it has not been necessary or even useful for us to do so. Worse, we consider it a flaw if others don't speak our language. ("What's the matter with you? Don't you speak English?")

A laudable bill such as yours must, I feel, try to make mastery of foreign languages both economically and socially desirable from the perspective of the students themselves or it cannot succeed.

We are grateful to have had this opportunity to comment on this important legislation, and wish you great success with it.

Cordially,

ROBERT H. LEVENSON.

YOUNG & RUBICAM, INC.,
New York, N.Y. September 22, 1981.

Congressman PAUL SIMON,
House of Representatives, Committee on Education and Labor, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN SIMON: This is in response to your letter to Mr. Ney dated September 4 concerning H.R. 3231. We certainly support this bill and its purposes. In our International operation we have often come across the shortcoming that your bill is attempting to correct: the inability of citizens of the United States to speak foreign languages.

The only addition to your excellent bill that we would suggest is for continuing education. We do believe in the purpose of your bill which, as we understand it, is to increase the teaching of foreign languages in secondary schools and colleges.

However, there are a vast number of Americans who have graduated from college

and cannot speak foreign languages. Many of them are in business. Many of them would benefit from language training, even though they have completed their formal education. We realize this would change your bill somewhat but we do think it's important not to write off that large number of U.S. citizens now in business who have completed their formal education and who would benefit from such a program. We think obviously that the country itself would be the ultimate beneficiary.

We thank you for asking our judgments and wish you great good luck with the bill.

Sincerely,

MARK STROOCK.

MCGRAW-HILL, INC.,
New York, N.Y., September 17, 1981.

Hon. PAUL SIMON,
House of Representatives, Committee on Education and Labor, Subcommittee on Postsecondary Education, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN SIMON: Thank you for giving me an opportunity to comment on your proposed Bill, H.R. 3231, relating to foreign language study. I certainly agree with you that it is unfortunate there has been such a marked decline in enrollments in modern foreign languages both at high school and college level. I think it is important to us as a nation that our citizens in general should have a better appreciation of the characteristics and cultures of other countries. Surely foreign language study is one means of acquiring that. I am sensitive, however, to the difficulties that are encountered in trying to change this situation, especially at a time when federal funding for education is being cut and categorical grants are in disfavor. Even with better federal support the problem is a stubborn one because of the lack of opportunities for practical use of languages other than English in the daily lives of most Americans—a lack which reduces their incentives to learn them.

You asked specifically about the problems we encounter in competitive international markets because of the limited number of Americans with foreign language capacity. Our overseas operations are substantial, but we staff most of them with the nationals of the countries concerned who also speak English. It is true, however, that we face a frequent problem in finding competent executives and journalists who command the foreign language we need to use. This is a problem encountered. I believe, by substantially all American companies with large overseas operations.

This specific problem, however, is not effectively addressed by having most or a large percentage of American students receiving a two- or three-year introduction to a language in high school or college, an introduction which too often soon becomes too rusty to be useful. What we and other companies need is not so much a large number of people with a slight knowledge of a foreign language, as a few people with a real mastery requiring intensive study. The government attempts to meet this problem for its own staff through a such specialized language schools as those operated by the State Department and the Armed Services.

To help in a similar attack on the problems of American businesses, perhaps you would want to consider including in your Bill a section providing for some government initiative and assistance in aiding university schools of business in offering programs to prepare young people specifically for international business careers. These should, of course, include intensive and thorough foreign language study intended to prepare students to discuss business matters fluently, but would also include courses in international trade and overseas marketing practices, foreign cultural considerations of which businessmen should be aware, etc. Since the government will be dealing with only a relatively few institutions and only several hundred or, at the most, a few thousand students, the cost would be relatively small. And I suspect that most of the cost would be paid by businesses who send employees to such schools along with; the individual students who enroll for their own career objectives. This sort of precisely targeted program could perhaps be very helpful to American businesses seeking to strengthen their international competitive position and could achieve results rather quickly and with very modest government expense.

If it were thought of as an export promotion and productivity measure, perhaps it might also have somewhat greater chance of legislative success at the present time than if it were thought of as solely an educational measure.

Sincerely,

HAROLD W. MCGRAW, JR.●

LARRY HOLMES DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. RITTER. Mr. Speaker, today I would like to recognize an important event which recently took place in Pennsylvania, and pay tribute to the outstanding individual honored by that event.

September 29, 1981, was declared Larry Holmes Day in Pennsylvania, and the highlight of the day was activities I was happy to be a part of which took place in the heavyweight champ's hometown of Easton, Pa.

It was a bright, sunny day as we gathered in Center Square. Spirits were high in anticipation of the Governor's and Larry's arrival. It was a very special day for the city of Easton.

On hand to honor Larry were Gov. Dick Thornburgh, and his wife Ginny, Easton Mayor Philip Mitman, State representatives Ed Sieminski and Len Gruppo, representatives of the Easton Area Chamber of Commerce, and over 2,000 of Larry's friends and fans of Easton. Later on, sportscaster Howard Cosell joined in paying tribute to Larry. Larry's mother Flossie and his wife Diane were also present. While Larry is known nationally for his abilities in the ring, an important theme of Larry Holmes Day was the many and varied contributions he made to our community.

Gov. Dick Thornburgh described the champ as a "man who has kept his roots in Pennsylvania and who honors those roots. He has kept his feet firmly planted in the community where he grew up." Indeed that is true. While another champion might have moved to a larger city seeking more publicity, Larry and his family have remained in Easton where he has become a community leader. In his own words,

I don't want to be a star. I want to help people help people.

Remembering the help and guidance he received as a youngster in Easton, Larry is a leading supporter of the Boys Club of Easton, St. Anthony's Youth Center, the local NAACP, and other charities. His contributions have included a new boxing gym and other sports equipment, as well as his time working with Easton's youth.

Recently, Larry has become a leader in bringing new business to Easton, and has opened his own restaurant, nightclub, and sportswear store. He is also finishing plans for a sports complex where a variety of recreational activities will be available. The Easton Assassin in the ring is Easton's leading citizen outside of it.

In short, Larry Holmes is more than the best in his profession, although he certainly is that. Larry Holmes is a man who cares deeply about his community and its residents, and tries every way he can to contribute to their quality of life. His quiet words of wisdom gained through experience—always coming from the heart—pack even more punch than the ferocious left hook.

I am proud to represent Larry Holmes in the U.S. Congress and I am doubly proud to call him my friend. And I am proud to join the citizens in Pennsylvania and especially the city of Easton in saying, "Thanks Champs, you're the greatest."●

A SALUTE TO FRED JOHNSON AND THE BLACK SHIELD POLICE ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. STOKES. Mr. Speaker, exceptional public servants and the catalysts for positive change and justice in the city of Cleveland are the phrases which best describe the Black Shield Police Association and its president, Fred Johnson. On Saturday, October 24, 1981, this active and worthwhile organization will hold its 12th Annual Awards Dinner Dance.

Mr. Speaker, as that occasion approaches, I believe that it is appropriate to salute the Black Shield Police Association for the beneficial work and monumental achievements in the community. The ideals they have promoted in the Cleveland Police Department and in the minority community

have contributed immensely to the improved rapport and communication between the two groups.

The best way I know of saluting this great organization is by detailing for my colleagues the goals of both the organization and its leader—Mr. Fred Johnson. Mr. Speaker, no salute to the Black Shield Police Association would be complete without a tribute to Mr. Johnson. His life, his motivation, his career experiences, and the sacrifices he made are deeply intertwined with the actions and successes the organization has amassed over the years.

Mr. Speaker, the primary focus of the organization is the elimination of barriers between the Cleveland Police Department and minorities in the city. This is an awesome task.

But, the Black Shield Police Association has tackled this job enthusiastically. The unique and unrelenting approach to the task has covered the following areas: increased minority hiring, community outreach programs, and educating nonminority officers about the needs of the minority community.

Challenging as it may seem, the Black Shield Police Association has gone forward in pursuing these goals using tools such as community involvement and court actions effectively. Many sacrifices were made along the way. However, the just principles and strong leadership by Fred Johnson have stimulated victories for both the Black Shield Police Association and the minority community.

Mr. Speaker, the vitality and perseverance of Fred Johnson, a police force veteran of 24 years, are an integral part of the maturation to a viable entity and success of the Black Shield Police Association in the city of Cleveland. The organization was formed in 1964 basically as a social club for the few black police officers in Cleveland. In 1970, the group was reorganized and the goals were revamped. In 1972, Mr. Johnson, then assigned to the prestigious detective division, became the president of the Black Shield Police Association.

Fred Johnson's unswerving dedication to fellow minority colleagues and to the community were infectious. At that juncture, the organization became noticeably more aggressive and committed to pursuing the needs of the minority community through the employment of more minority policemen and other programs.

Mr. Speaker, it came as no surprise to the community and those of us who know Fred Johnson that in the same year he assumed the presidency, the association pursued its goals with new vigor and a lawsuit against the city of Cleveland for discrimination in hiring and promotion by the Cleveland Police Department was filed. That lawsuit was the beginning of a long and hard struggle in the police force by the organization and unconscionable and unfair actions against Fred Johnson.

In a manner of speaking, Mr. Speaker, there was a cold yet important war going on between the department and the minority police officers as a result of the lawsuit.

The friction seemingly came to a climax in 1975 when Fred Johnson charged the department with not properly investigating the death of a black man by a white police officer. That action, in the best interest of justice and the community, resulted in Fred Johnson being cast into a pseudo yet unofficial 20th century exile in a police outreach post from his assignment in the detective division. Assigned there for 7 months, Fred Johnson was required to sign in and out and to ask permission from his sergeant before leaving his post.

Not succumbing to any punishment or harassment for his activism, success and justice came for Fred Johnson and the Black Shield Police Association in 1977. That year, the court ruled in favor of the association's lawsuit.

The court instructed the city to institute a percentage hiring program which would insure that 43 percent of the officers hired would be minorities. The long-term numerical goals set by the court were that the force should be at least 35.8 percent minority by 1984.

Since the lawsuit was initiated, the number of minority police force members has grown from 170 to 405.

The court decision also required the city of Cleveland to promote a certain percentage of minorities within the police force. One out of four candidates for sergeant must be minorities and one out of seven persons promoted to lieutenant must be a minority until 1984 as a result of the court decision.

Additionally, largely because of the efforts of the Black Shield Police Association, the background investigations and promotional exams were changed to become job relevant.

The members of the Black Shield Police Association under the leadership of Fred Johnson started a vigorous campaign to encourage minorities to seek jobs in the police force. This has included public service announcements and other methods.

Further denoting the members' commitment to increasing minority representation on the force, Black Shield Police Association members have offered assistance to those preparing to take the academy entrance exam and carefully monitor their progress to combat high attrition rates.

Mr. Speaker, the next important step of the association under the guidance of Fred Johnson was their request of the Justice Department to encourage the city of Cleveland to protect the equitable administration of justice. What resulted from this request was that all Cleveland police officers are required to attend a 1-day seminar at the police academy where they are given information on when to shoot and when not to shoot a suspect. The officers are also informed of their civil liability in those kind of deadly force situations. This program is designed to hold down friction between the black community and the police force by preventing officers from acting hastily and without fear of repercussion when it involves action against minorities in the city of Cleveland.

Finally, Mr. Speaker, the association, again under the unswerving guidance of Fred Johnson, has embarked on numerous community outreach programs. They are designed to bridge the gap between the minority community and the police force. Those programs have included the distribution of pertinent information on drug programs and crime prevention programs.

Mr. Speaker, I am sure that his colleagues will agree that the majority of the endeavors of the Black Shield Police Association were either conceived or pushed for implementation by Fred Johnson. He has been an excellent administrator in his two terms as president of the association.

In many respects, he has been the catalyst for positive change in the community and in the Cleveland Police Department. He has given a new vitality and sense of purpose to the Black Shield Police Association. I respect Fred Johnson as a man of great vision, courage, and an outstanding public servant. He is truly one of Cleveland's finest.

Mr. Speaker, as the Black Shield Police Association prepares for the 12th Annual Awards Dinner Dance, I ask my colleagues to pause and salute them. The association and Fred Johnson have brought a new day and hope for a brighter tomorrow to relations between the Cleveland Police Department and the minority community.●

DON'T BE FOOLED BY THE SIERRA CLUB

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. YOUNG of Alaska. Mr. Speaker, this week, in a well-orchestrated media event designed to discredit the balanced Federal land policies of the Reagan administration and specifically, Secretary of the Interior Watt, the Sierra Club will be visiting our colleagues in the Congress. The message, designed by the leadership of the Sierra Club, is that the people of the United States reject Secretary Watt and his programs. This is blatantly

untrue. The following results of a recent poll indicate that, regardless of their rhetoric, the Sierra Club is not attuned to the man in the street—the man who has to work hard to feed his family and make ends meet in an era when we must import the basic resources for an industrialized economy. This same man likes to take his family to the national parks when he has some vacation time; unlike many in the Sierra Club, he cannot afford private aircraft and month-long wilderness journeys into areas inaccessible to the many. Asked reasonable questions, the following represents the real public view:

The June 29, 1981, edition of Newsweek magazine contained a recent Gallup poll that showed more than 70 percent of the American people endorsed Secretary Watt's basic policies and general philosophies.

More than 75 percent of the American people believe it is possible to maintain strong economic growth in the United States and still maintain high environmental standards—as does Secretary Watt.

More than 76 percent of the American people favor increasing oil exploration and other commercial uses of Federal lands—as does Secretary Watt.

More than 73 percent of the American people favor spending money to improve the condition of the national parks rather than expanding the national park system—as does Secretary Watt.

And, more than 70 percent of the American people favor enlarging the area of offshore oil drilling on the east and west coasts—as does Secretary Watt.

This poll, and numerous other indications of American public opinion, show that Secretary Watt is enacting the regulatory mandates damaged of the Federal Government by the American people last November 5, 1980. Without question, the often too silent majority of the American public supports the Secretary, his policies, and management objectives, which are in the mainstream of American consciousness.●

AD HOC CONGRESSIONAL COMMITTEE FOR IRISH AFFAIRS: 4 YEARS OF ADVOCACY ON BEHALF OF PEACE AND JUSTICE FOR NORTHERN IRELAND

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. EVANS of Indiana. Mr. Speaker, on Sunday, September 27, the ad hoc Congressional Committee for Irish Affairs observed its fourth anniversary. I wish to take this occasion to review the past, analyze the present, and discuss our future activities.

Since 1977, the membership of the committee has grown. It has always been bipartisan in makeup and activity.

At the time the committee was established, we announced that our goals were threefold in nature:

First, we sought congressional hearings on Northern Ireland;

Second, we sought to change the State Department visa policy which served to exclude legitimate segments of Irish political thought from entering our Nation; and

Third, we sought to give the President a broader perspective on the Irish question.

Now 4 years later, we have made strides in achieving our objectives. In the most general sense, the ad hoc committee has raised the Irish issue from a position of obscurity to one which now regularly commands national and international attention. We have seen Northern Ireland emerge both as a valid foreign policy and polictical issue in the United States. Our primary role, as a nonofficial and nonlegislative committee, in this matter is to maintain a highly visible profile for the United States as we have a legitimate interest in seeking a just resolution of the situation in this part of the world.

WHAT HAVE WE ACCOMPLISHED TO DATE?

Our bipartisan activities have produced several major initiatives since our formation in 1977. These activities have underscored our successes in filling the vacuum created by previous lack of leadership on this issue prior to the formation of the ad hoc committee.

The year 1978 was an active year for the committee in the legislative arena. For the first time ever, a special order was conducted on human rights abuses in Northern Ireland in June of that year which focused on the reports of Amnesty International and other international watchdog groups which cited the Royal Ulster Constabulary for numerous violations of human rights of prisoners and prison suspects in Ulster's Maze Prison. As a result of these charges and in response to negative world opinion, the British appointed their own commission to investigate these charges. This Bennett Commission as it was called, confirmed the reports of amnesty and others and legitimized the claims of the ad hoc committee.

The year 1979 saw continued advocacy on behalf of peace and justice in Northern Ireland. In February, the executive committee of the ad hoc committee met and unanimously endorsed a proposal to sponsor a peace forum where all parties and organizations in Ulster would be invited to present and discuss peace proposals. It has been the contention of the committee from its inception that no peace would come to Northern Ireland unless all parties involved in the conflict were a part of the solution. Nobel Prize laureate Sean McBride and Irish and European Parliament Deputy Neil Blaney both addressed the committee and endorsed this proposal and the work of the committee.

In May, House Concurrent Resolution 122 was introduced, a resolution prompted by the continued inability of the British Government to effect a peaceful solution calling upon them to embark on a new initiative to promote peace and self-determination there. This resolution received strong support from the committee and from the Irish-American community resulting in 120 cosponsors.

The highlight of our accomplishments, which remains the centerpiece of our accomplishments to date, is the August 1979 suspension of arms sales to Great Britian for use in Northern Ireland. This action was generated by the discovery that the United States had regularly made such sales to the RUC—sales which directly violated both the spirit and the intent of our Foreign Assistance Act which prohibits such action to violators of human rights. Thanks to the work of the committee members in highlighting, this problem during consideration of the State Department's 1980 appropriations bill, hearings were held in the Foreign Affairs Committee for the first time since 1972.

This suspension remains in effect, and was most recently reaffirmed by the administration in a reply to our inquiry early this year. The ad hoc committee considers it essential that this suspension remain in effect and will continue to work to insure its retention until peace comes to Northern Ireland.

The ad hoc committee continued to promote the U.S. role in helping to resolve the Ulster situation throughout 1980. After consulting with former President Carter on several occasions on this matter, Northern Ireland became for the first time a part of the 1980 Democratic Party platform, in part due to the ad hoc committee's effectiveness in making this a visible issue for the Presidential campaign.

WHERE ARE WE TODAY?

This year, our bipartisan efforts have produced several important initiatives. As noted above, one of the committee's first actions of the 97th Congress was to contact President Reagan to reaffirm the gun ban suspension.

Our efforts this year were also centered around the hunger strike in Ulster's Maze Prison conducted by inmates seeking basic prison reforms. In March of this year, 20 of my colleagues sent a letter to President Reagan urging that he speak directly with Prime Minister Thatcher and urge her government to abandon their

inflexible policy in this matter. We also appealed to Margaret Thatcher personally in a telegram signed by 50 Members urging her to commence negotiations on the hunger strike before any feasible solution was permanently out of reach.

In order to demonstrate congressional concern for a resolution of the hunger strike in a tangible fashion, House Resolution 158 was introduced, which urged the British Government to embark upon a humanitarian resolution of the hunger strike. This resolution, which has over 80 cosponsors, also restated the ad hoc committee's total opposition to all forms of violence which currently exist in the North—both official and civilian.

The committee was honored to receive testimony from two witnesses on July 11 who provided first-hand accounts of the current situation in Ulster. Father Brian Brady, religion department head at St Joseph's College of Education in Belfast and a leader in the human rights movement, presented testimony on economic discrimination in Northern Ireland by American manufacturing firms. We also heard from Mickey Brennan with the AFL-CIO who visited with labor leaders in Ireland and presented his impressions on the current situation to committee members.

Both these witnesses underscored what we of the ad hoc committee have sought to dramatize: The current situation in Northeren Ireland is in need of an immediate humanitarian and equitable solution in lieu of the current intransigence of British policy. The ad hoc committee will continue to work to effect such a solution in both the hunger strike as well as an overall solution to the Irish question before any permanent solution exceeds our grasp.

WHERE ARE WE GOING?

The future efforts of the ad hoc committee will be directed toward working to develop an economic assistance package for Northern Ireland in keeping with the historical role of the United States in providing such foreign aid to promote economic and political stability. Such aid might also attract additional U.S. investment in this area, and follow the lead of several major firms who have business interests there.

In retrospect, the ad hoc congressional committee for Irish affairs can justifiably be proud of the progress we have made in this issue since our beginning in 1977. The issue of Northern Ireland is now a component of our foreign policy and we will continue to work to keep it a viable component of U.S. actions in the international arena. The issues of human rights, economic justice, and humanitarian resolve will continue to highlight our work in helping to promote a peaceful solution for Northern Ireland. Now more than ever, the United States can contribute to a solution to this problem for never has there been greater instability, bloodshed, and strife. Progress has been made, but it is infinitesimal to the work which is yet to be done. We stand ready to work with all parties and individuals in seeking an end to the crisis which faces Northern Ireland.●

STUDENTS FROM PENN STATE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. GOODLING. Mr. Speaker, I would like to call to the attention of my fellow colleagues in the House the visit to Washington of a class of continuing adult education students—many of whom are retirees—scheduled for this Friday. They will be attending meetings and lectures on international security issues. Their class is entitled "International Security Decisions—An Inside Look." Thus in the pursuit of their studies they will visit the Pentagon, the State Department, the White House, and late in the day, the Hill. I would greatly appreciate any courtesy extended to these students from the Pennsylvania State University.●

MONEYS FOR THE SMITHSONIAN NEED TO BE AUTHORIZED AS WELL AS APPROPRIATED

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. DANNEMEYER. Mr. Speaker, William Shakespeare once said "what is past is prolog." If that be true, and I believe it is, then the importance of institutions, such as the Smithsonian, which chronicle our accomplishments as a nation in a wide variety of scientific, social, philosophical, and cultural fields cannot be underestimated. In particular, the Smithsonian, which was created by an act of Congress in 1846 "for the increase and diffusion of knowledge among men" and which has been partially funded by the taxpayers since 1858, has played a unique role in recording our progress as a people and mankind's progress generally. Indeed, the Smithsonian has attained a position of preeminence not only as a national but as a world famous international museum.

What makes the Smithsonian even more unique, however, has been its arms length relationship with the institution that provides much of its financial support—the Congress of the United States. With the exception of authorizations for changes in, or additions to, its physical plant, the Smithsonian has not been obliged in recent years to go through the annual congressional authorization process. Instead, its Director simply makes a presentation to the Interior Subcommittee of the House Appropriations Committee, each year as to its operations and programs, indicating in the process the amount of money that will be needed to implement same during the next fiscal year. Then, the subcommittee, followed by the full Appropriations Committee marks up this request as part of the Interior appropriations bill and it is reported to the House floor. There, amendments to change the dollar figures are in order but, if a Member or Members feels some policy change is in order, to protect the taxpayers investment, an amendment to reflect that change cannot be offered. In short, the ability of this institution to exercise effective oversight over another institution for which it has responsibility is effectively limited.

One is tempted to say, given the prestige of the Smithsonian, why tamper with success? However, to make such a statement is to say there is no room for improvement and, good as the Smithsonian's program generally is, I can think of specific instances in which it could be made better. One, in particular, comes to mind, involving the National Museum of Natural History. In that museum, currently, there is an exhibit entitled "The Dynamics of Evolution," which presents the theory of evolution in such a way as to give millions of viewers each year the impression that said theory is the only explanation of life's origins.

By the way of background, evolutionists have been claiming for years that their theory has been based purely on scientific data and thus has scientific validity. Conversely, they have argued that the Biblical theory of creation has no scientific support. Yet scientists are far from agreed on such a formulation. For example, philosopher of science, Prof. Karl Popper states:

> There can never be a law of evolution. The search for the law of "unvarying order" in evolution cannot possibly fall within the scope of scientific method, whether in biology or sociology. Simply because if the evolution of life did occur, it was a unique historical process which cannot be tested because it is unrepeatable. We cannot hope to test a universal hypothesis nor find a natural law acceptable to science if we are forever confined to the observation of one unique process.

Biochemist Duane Gish is another who questions the evolutionary case. Speaking of the probability of life having begun as the combination of chemicals in a primordial sea, he says:

> If you take a simple protein, one that is made up of about a hundred amino acids in a chain, and given the fact that amino acids come in 20 different kinds what is the probability of them coming together in one spe-

cial sequence? You find if you calculate the probabilities that there are so many different sequences possible, such an enormous number, that no chance process in five billion years, or even 50 billion years could ever give a sufficent quantity of any special arrangement.

As indicated above, the idea of gradual evolution in now being challenged by researchers in many fields. One such researcher is paleontologist Niles Eldrige who explains that there is no fossil evidence to document such gradual change, hypothesizing that mutation produced more abrupt change. Yet the current "Dynamics of Evolution" exhibit in the Museum of Natural History displays physical changes in animal life which serve to reinforce evolutionary theory. The creation theory is not included.

At this point let me suggest that legislation subjecting the operations of the Smithsonian, not past changes in physical plant, to the authorization process in one way of dealing with this problem—one way of insuring that Federal dollars are not being used to promote one religious theory exclusively. Which brings me to a key point; in Tarcaso against Watkins (1961), the U.S. Supreme Court ruled that secular humanism, of which the theory of evolution is a part—in fact it is the sixth doctrine of secular humanism—is, in fact, a religion. This ruling was the result of the Court's decision to characterize religion as belief. In Tarcaso against Watkins the Court considered theistic faiths as "those religions based on a belief in the existence of God," yet it recognized nontheistic faiths as a type of belief entitled to the term "religion." From there, the Court said that a belief which is in a "parallel position" to that of the traditional theistic concept of God is protected by the first amendment of the Constitution. Secular humanism, as documented in the "Humanist Mainfesto," fits that description because of its reliance upon "belief" in the primacy of the individual and the rationalization of man's mind.

If the theory of evolution is just that—a theory—and if that theory can be considered a religion—as the Supreme Court says it can—then it occurs to this Member that other Members might prefer it not be given exclusive or top billing in our Nation's most famous museum but equal billing or perhaps no billing at all. But, for these choices to be possible, the funding for all the operations of the Smithsonian must be subject to the annual authorization process. The bill I am introducing today would bring about such a change starting in fiscal year 1983. On procedural as well as substantive grounds, I believe it is deserving of consideration. I urge each of my colleagues to give it his or her support.

The text of the bill follows:

H.R. 4802

A bill to require annual authorizations for amounts appropriated for the Smithsonian Institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no amount shall be appropriated for the Smithsonian Institution for a fiscal year unless such amount has been specifically authorized by law to be appropriated for such fiscal year.

SEC. 2. The limitation imposed by the first section shall apply to fiscal years beginning after September 30, 1982.●

PAY CAP IS CAUSING U.S. MAGISTRATES TO LEAVE GOVERNMENT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. WOLF. Mr. Speaker, a telephone survey of the full-time U.S. magistrates conducted by the National Council of U.S. Magistrates last month disclosed that a significant number of these full-time U.S. magistrates will resign and enter private practice if there is no significant increase in their salaries between now and December 1982. When combined with those who would be inclined to leave, the number tops 50 percent of the U.S. magistrates.

Lifting the pay cap would avoid the loss of these outstanding individuals who have gained substantial judicial expertise and who are contributing greatly to the Federal courts in coping with their ever-increasing civil caseloads.

An even greater number of magistrates indicated that they would seriously consider leaving the system since they are in midlife, with children about to enter or in college and have other expenses. A significant number of older magistrates without the obligations for minor children, or children in college, out of a sense of commitment to public service, stated that they were inclined to remain with the U.S. magistrate system because of its intellectual challenge, their sense of commitment to public service, and the nature of the judicial responsibility they are now beginning to shoulder within the Federal judiciary. Yet even these magistrates feel a strong sense of frustration and deprivation of just compensation for their endeavors, quite frequently involving 60 to 70 or more hours per week, and the impact that keeping their salaries down will have on the amount of their retirement annuities some 5 or 10 years from now.●

HOFSTRA UNIVERSITY, A LEADER IN MAKING ITS PROGRAMS AND ACTIVITIES ACCESSIBLE TO DISABLED STUDENTS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. LENT. Mr. Speaker, I have just learned that my alma mater, Hofstra University, has completed a two-decade-long effort to remove architectural barriers so that its programs and activities will be fully accessible to the physically disabled.

That is a rare accomplishment. Only two other institutions of higher learning in the Nation have reached such a goal—the University of Illinois at Champaign-Urbana and the University of California at Berkeley. Hofstra is the first privately supported university to do so and has the only campus in the eastern part of the Nation that is fully accessible.

There are a number of details in Hofstra's achievement that I would like to call to the attention of my colleagues in the House. The project was financed by both the private and the public sectors. Over the years, more than $1 million was raised from philanthropic foundations, corporations, and individual benefactors. Nassau County and the Federal Government recently matched this with an additional $500,000. Here is an example of public and private initiative working together to bring about a worthy goal.

Those funds paid for ramps, elevators, electronically controlled doors, lowered drinking fountains and telephones, restroom renovation, curb cuts, special parking facilities, redesigned dormitory rooms and shower facilities, and many other improvements.

In human terms, perhaps the most important achievement is the fact that since Hofstra began its program, more than 1,200 disabled students have earned their degrees there. It is significant that all were as qualified as nondisabled students, both for admissions and graduation requirements.

A year ago, a wheelchair-bound student was vice president of the student senate. Another disabled student was recently admitted to medical school upon graduation from Hofstra. Still another, recently received his Ph. D. in clinical psychology at the university and is in the process of opening a private practice. And, the coordinator of Nassau County's Office of Services for the Physically Handicapped, holds both a bachelor's and a master's degree from Hofstra.

In short, the disabled students who come to Hofstra get an opportunity for a very good higher education and a

chance at a more meaningful life. They go on to become productive citizens and whatever assistance they receive is more than repaid in terms of employment and income taxes yielded to all levels of government. Just imagine what it might be like if these same people had no access to college or graduate school. They might have been unable to obtain jobs and they might have become statistics on the welfare rolls. That obviously, would be a tremendous waste of talent for our Nation and an unnecessary fiscal burden for taxpayers.

Hofstra University, as you may know, is located in Hempstead, on Long Island in New York State. It has an enrollment of more than 11,500 students, who attend classes and extracurricular activities in 55 buildings on a campus containing 238 acres.

Hofstra's current enrollment of disabled students is at about 100. About half live on campus. Many commute in specially equipped automobiles. A little more than half are in wheelchairs. The university has a highly rated wheelchair basketball team and a karate program for disabled students.

Mr. Speaker, I am very proud that my alma mater has pioneered in making its campus accessible. I am also proud that now Hofstra stands as a model or prototype for other colleges and universities in the Nation.

Hofstra's accomplishment in removing architectural barriers to accessibility merits the attention and commendation of the Nation.

Thank you very much.●

SOVIET DISINFORMATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. MICHEL. Mr. Speaker, the extent to which the Soviet Union uses disinformation to serve its purposes is little-known except among experts in the field. The Christian Science Monitor recently published an article which outlines the wide scope of Soviet activity. I want to bring this excellent article to your attention because the Soviet Union is spending hundreds of millions—perhaps much more—on lies, while we, comparatively speaking, are barely funding our own information agencies and international broadcasting stations such as Radio Free Europe, Radio Liberty, and the United States Information Agency's "Voice of America." It is time we started taking this war of words seriously. I am glad to know that President Reagan realizes the importance of telling America's story to the world through our information agencies.

At this point I wish to insert in the RECORD, "U.S. Details Soviets' Propaganda Methods" from the Christian Science Monitor, Tuesday, October 20, 1981.

[From the Christian Science Monitor, Oct. 20, 1981]

UNITED STATES DETAILS SOVIETS' PROPAGANDA METHODS

(By Stephen Webbe)

In its attempts to discredit and weaken the United States and other countries, the Soviet Union engages in activities which are frequently secret, sometimes violate the law, and "often involve threats, blackmail, bribes, and exploitation," according to a newly published State Department report.

The report claims that in efforts to influence the policies of other nations—as distinct from espionage and counterintelligence—the Kremlin employs a variety of methods, euphemistically known as "active measures," which include:

Written or spoken disinformation.

Attempts to control media in foreign countries.

The use of communist parties and front organizations.

Clandestine radio broadcasting.

Political influence operations.

By way of example, the report maintains that in late 1979 the Soviet Union spread a false rumor that the US was responsible for the seizure of the Grand Mosque in Mecca. "In August 1981, the Soviet news agency Tass alleged that the United States was behind the death of Panamanian leader Omar Torrijos," it adds, calling this assertion a "particularly egregious example" of Soviet disinformation.

Declaring these actions to be "a major, if little understood, element of Soviet foreign policy," the State Department asserts that those who practice such skulduggery are not adverse to the partial and outright forgery of documents and the exploitation of a nation's academic, political, economic, and media figures.

"Active measures" are authorized by the Politburo, the highest authority in the Soviet Union; devised largely by the KGB and the international department of the party's Central Committee, and executed by "official and quasi-official Soviet representatives," the State Department report asserts.

Among those carrying out operations abroad, it observes, are scholars, students and journalists "whose official Soviet links are not always apparent."

As part of its efforts to manipulate the foreign press, the Soviet Union has used the Indian news weekly "Blitz" to publish "forgeries, falsely accuse Americans of being CIA personnel or agents, and disseminate Soviet-inspired documents," according to the State Department. "In another country, the Soviets used local journalists to exercise substantial control over the contents of two major daily newspapers," it maintains.

Recent Soviet forgeries are better and more prolific, observes the State Department report, maintaining that among the documents fabricated by agents are war plans "designed to create tensions between the United States and other countries."

Rumor, insinuation, and distortion of facts are used by Soviet agents to discredit foreign governments and leaders, the State Department alleges. It claims that Soviet officials "warned" officials of an unnamed West European country that the CIA had increased its activities there and that a coup was being planned. The State Department does not say when the warning was issued.

Noting that front organizations are more effective than openly pro-Soviet groups "because they can attract members from a broad political spectrum," the report labels the World Peace Council and the World Federation of Trade Unions—among others—as Soviet-controlled fronts.

According to the State Department, the Soviet Union operates two radio stations, the National Voice of Iran (NVOI) and Radio Ba Yi, which broadcast to China. Both pass themselves off as the voices of "progressive" elements in each country. Throughout the Iran hostage crisis, the NVOI consistently urged that the imprisoned US Embassy personnel not be released. At the same time, official Soviet statements supported the hostages' claim to diplomatic immunity, the report alleges.

The most important but least understood aspect of Soviet "active measures," the State Department asserts, are political influence operations which seek to exploit contacts with political, economic, and media figures to secure their active collaboration with Moscow. In this respect it notes that last year French journalist Pierre-Charles Pathé was convicted for acting as a Soviet agent of influence since 1959.

The State Department maintains that the Soviet campaign to prevent the deployment of 572 Pershing II and cruise missiles in Europe, known as theater nuclear force (TNF) modernization, serves as a classic example of "active measures" at work.

While conceding that not all opposition is inspired by the Soviet Union, it nevertheless states that "Moscow has spurred many front groups to oppose the TNF decision" and that they have then lobbied antinuclear groups, pacifists and environmentalists in an attempt to broaden the opposition to TNF modernization.

The State Department adds that the Soviet Union waged a similar campaign against neutron or enhanced radiation weapons (ERW) throughout 1977 and 1978 involving "peace councils" and intensive propaganda in an attempt to block ERW deployment and direct attention from its growing military buildup. Notes the report: "With the recent U.S. decision to proceed with ERW production, the Soviets have begun a new barrage of propaganda and related 'active measures.' "

The State Department also maintains that Soviet "active measures" have been directed against U.S. policy in El Salvador and the Middle East. It claims that on Dec. 30, 1980, Pravda falsely reported that U.S. military advisers in El Salvador had used napalm and herbicides against noncombatants. It brands a report earlier this year in the Soviet weekly Literaturnaya Gazeta that the U.S. was preparing the "elimination" of thousands of Salvadorans, "another particularly outrageous distortion."

"Active measures" directed against the Camp David peace process and the close relationship between Egypt and the U.S. have been typified by the use of forgeries, the State Department claims.

One forgery surfaced in the Oct. 1, 1979, issue of the Syrian newspaper Al-ba'th, it maintains. This purported to be a letter from the U.S. ambassador to Egypt, Hermann F. Eilts, declaring that because President Sadat has not prepared to serve U.S. interests "we must repudiate him and get rid of him without hesitation."●

PRESIDENTIAL COMMISSION TO COMBAT DRUNK DRIVING EPIDEMIC

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BARNES. Mr. Speaker, on October 6 I was joined by our two distinguished colleagues, GLENN ANDERSON of California and JIM HANSEN of Utah, in launching a new initiative to combat what is perhaps America's greatest tragedy, and the most often committed violent crime in the Nation today, drunk driving.

We are sending a letter to President Reagan next week asking him to take a firm public leadership role against the drinking driver problem, one which claimed the lives of 26,000 Americans, seriously injured another 750,000 citizens, and created economic costs soaring above $5 billion last year alone.

We are calling on the President to take two responsible and reasonable steps which we believe can significantly reduce death and injury caused by drinking drivers in each community nationwide. First, we are asking Mr. Reagan to appoint a national commission, bringing together the most qualified persons, to map out a master plan confronting the problem nationally. Second, we are encouraging the President to urge each State Governor to form his own solution-oriented volunteer task force on drunk driving to uncover existing deficiencies within the State and to directly address those problems with realistic solutions. Over the past year, statewide task forces in the States of Maryland, California and New York have led to important changes both administratively and legislatively resulting in tougher laws and increased enforcement within those States.

Currently, our letter to President Reagan is circulating among our colleagues seeking their signatures. To date, we have collected an impressive list of nearly 100 Members of both Houses and parties.

Mr. Speaker, none of us is immune to the daily threat of death and destruction posed by drinking drivers. I note that our colleague, Mr. HANSEN, learned this fact first hand. Over the past 5 months, Mr. HANSEN has been struck twice by drinking drivers, the latest collision seriously injuring his wife and daughter.

I commend our colleague, Mr. ANDERSON, who chairs the key House subcommittee having direct jurisdiction over the drunk driving problem, for joining in the effort to bring this critical health and safety issue to the attention of the President, the States, and the public generally. His support is extremely important.

Mr. Speaker, I submit for the RECORD a copy of the letter to President Reagan, along with my statement from the October 6 news conference announcing this initiative, and subsequent news articles from the Washington Post and Christian Science Monitor:

CONGRESS OF THE UNITED STATES,
Washington, D.C.

Hon. RONALD REAGAN,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned members of Congress, wish to bring to your attention the need for you to take a firm public leadership role to help resolve what is perhaps "America's Greatest Tragedy"—the alcohol crash problem in our country.

Drinking driving and the gruesome toll it takes everyday is the most often committed violent crime in our country and has been allowed to become a national disgrace. In the past ten years alone, an estimated one quarter of a million Americans have been killed in alcohol-related crashes. Millions more have been seriously injured—many crippled or maimed for life. This year another 26,000 people are expected to be killed in our country by drinking drivers—hundreds of thousands more seriously injured. The problem is projected to get worse—much worse.

We are convinced that much of the pain and suffering inflicted on innocent American families by drinking drivers is needless and preventable. In a country as great as ours, with our wealth of resources and talent, there is no sane reason to let this carnage continue. Drinking drivers can be removed from the highways. Death and destruction can be substantially reduced. But for this to happen your involvement is needed.

Therefore, we ask that you appoint a blue ribbon Presidential Commission which will bring together the most qualified persons in the nation to develop a realistic national master plan to curtail the tragic suffering caused by the drinking driver epidemic. We ask that you call on the American people to help in this effort.

And, finally, we ask that you encourage every Governor to establish a solution-oriented state task force to deal with drinking drivers at the state and local levels.

We believe society does not want the tragic problem of the drinking driver to continue. We believe the American public will get firmly behind your efforts to reduce death and injury caused by drinking drivers.

Thank you.

Sincerely,

———.

A NATIONWIDE PLAN TO CURTAIL THE DRUNK DRIVING EPIDEMIC

Drunk driving is one of the most serious health and safety problems facing the citizens of our nation. None of us is immune to this daily threat to life and limb. Our families can be destroyed in a matter of seconds by a drinking driver at any time. The fact is, American streets are not safe. This insanity is totally unacceptable.

The experts all seem to agree that we are losing the war against drunk drivers. Unfortunately, until now we have not known how to effectively curtail the senseless human suffering inflicted on innocent citizens. But, that is no longer true.

Today, I am pleased to bring to the attention of the American public an important step in the struggle against the drinking driving epidemic.

As many of you know, I have been interested in this problem for some time. It was over one year ago that the severity of this problem was first brought to my attention. I learned just how serious a threat drunk drivers pose to the health and safety of citizens in every community across the nation. Today we will urge an important new strategy that can help the nation lead itself out of the drunk driving nightmare.

Now we know what needs to happen nationwide in every state and community to finally stem the tide against what I have said is nothing less than a holocaust on our highways. According to the president of a major auto insurance company, we are attempting to address this problem with solutions that have a better chance of succeeding than has obviously been true of any attempts we have made in the past.

At the federal level, we need President Reagan to establish a blue ribbon commission which will bring together the most qualified persons to develop a master plan designed to address the drinking driver crisis. To that end, I am helping to lead a bipartisan effort encouraging all members of Congress to make the resolution of the drinking driver tragedy a national priority. Today, we are asking each member of Congress to join with us in this effort to urge the President to take immediate action.

At the state and local levels, we must encourage every governor to establish a solution-oriented task force to thoroughly investigate the adequacy of the laws in each state and the system that deals with the drinking driver in each community.

In my community, Montgomery County, Maryland, a task force to investigate the drinking driver problem was recently appointed by the county executive. The purpose of that task force, which I am a member of, is to do everything possible to reduce death and injury caused by drinking drivers.

We need that kind of local initiative in every community, in every state in the nation. I think it is long past time that citizens in this country ought to be demanding action. Local citizens should call their state legislators, and members of their county or city councils asking them what they are going to do about this problem. When 70 of our neighbors in this country are killed every day by drunk drivers, 26,000 deaths this year alone, it is time that we all demand that our government do something about it.

Not very many years ago, hundreds of thousands of people marched here on the United States Capitol because 50,000 people had been killed in Vietnam. We have killed more people than that by drinking drivers in the past two years alone. Yet, we do not have hundreds of thousands of people marching on the Capitol, but this problem deserves that kind of national outrage.

[From the Washington Post, Oct. 9, 1981]

DRUNKS

(By Judy Mann)

Representative James V. Hansen (R-Utah) has been involved in two automobile accidents in the last five months. The first occurred last May when a driver went through a stop sign. Hansen suffered cuts and sprains and his car was totaled. He says the police officer told him the driver who hit him had been drinking, but that he was just going to give him a citation.

Two months later, Hansen, his wife and five children were in Utah, going about 50 miles an hour in the right lane, when another driver came along in the left lane at what Hansen describes as "a pretty good clip." The driver lost control, bounced off the interstate barrier and hit the Hansens broadside, rolling their car down a hill and totaling it. Hansen's wife and two of his children suffered fractures. Hansen says the driver admitted drinking beer, but despite Utah laws requiring blood tests to determine alcohol content, the officer only made him walk a straight line before deciding not to charge him.

"That kind of irritated me," says Hansen, a former speaker of the Utah legislature. "What good are all the laws we legislators put in if we can't get the judiciary and the enforcement areas to back us up?"

This week, Hansen and a number of other Congressmen, including Michael D. Barnes (D-Md.) and Glenn M. Anderson (D-Calif.), chairman of the House surface transportation subcommittee, urged President Reagan to appoint a presidential commission to develop a comprehensive, national plan for getting drunk drivers off the roads. They also urged him to involve the nation's governors and mayors in a cooperative effort to close the legal and enforcement loopholes that result in nearly 26,000 Americans being killed in alcohol-related collisions each year.

Some 750,000 more Americans are maimed or seriously injured each year in accidents involving alcohol. According to federal data, one out of 10 drivers on the roads on week nights is drunk, yet only one in 2,000 is ever arrested for drunk driving and the chances of the arrested person's being severely punished are insignificant. The General Accounting Office estimates the toll at $5 billion a year in lost wages, medical costs, insurance costs and property damage.

The commission being proposed could be underwritten by the insurance industry, which clearly has a stake in reducing the loss. This is a project that would enable the Reagan White House—which has been criticized for frivolity and extravagance in its use of private funds for public projects—to engage industry in preventing the unnecessary loss of American lives.

"It's a national tragedy," says Hansen, "but we just ignore it. It should not be something we just shrug our shoulders about and say, 'That's life.'" Nor should it be something we treat as a routine traffic offense. Maine, he points out, has recently passed a mandatory two-day jail term for a person convicted of drunk driving, and a bar in Bangor that has installed a Breathalyzer has found its patrons more than willing to use it to find out if they are sober enough to drive.

Some 50 members from both parties are currently sponsoring legislation that would allow the federal government to withhold federal highway safety funds from states that don't take a tough stand on drunk drivers. Bills in the House and Senate would require states to set a uniform blood-level standard of intoxication, mandatory sentencing of first offenders to 10 days' service in something like a shock-trauma unit, mandatory suspension of license for up to a year. Repeat offenders would face mandatory sentence of 10 days in jail, loss of license for at least a year and fines. States would need to establish ways of screening drunken drivers for treatment and each state would need to establish a statewide tracking system to identify repeat offenders.

Tom and Dot Sexton are a Bowie couple whose 15-year-old son, Tommy, was killed 14 months ago. The driver received a $200 fine, a year's probation and was sent to an alcohol treatment program. They were among those who joined the congressmen this week to urge the president to make drunk drivers a national priority and to urge citizens to write their mayors, governors, congressmen and the White House to show that American drivers are tired of playing roulette on the road.

The carnage on the highways is not something that defies solution as long as a drunk driver can kill someone and get off with a $200 fine, or as long as a 19-year-old with a record of 17 driving offenses, including driving while intoxicated and reckless driving, is loose to kill four people in an auto crash, as happened in Annandale last November.

"Nobody wants to take on the drunk driver because they're taking on themselves," says Hansen. But there are signs in Congress and in states such as Maine and Maryland, which saw a 130 percent increase in one month's drunk-driving arrests after it toughened its laws, that we are finally ready to do just that.

[From the Christian Science Monitor, Wednesday, Oct. 14, 1981]

CONGRESS TO TAKE UP FIGHT AGAINST DRUNKEN DRIVING

(By Brad Knickerbocker)

Uncle Sam is preparing to take the lead in the effort to combat drunken driving.

A bipartisan group of more than 50 congressmen is sponsoring legislation that would mandate stiffer punishment, especially for repeat offenders, and a similar effort is gaining momentum in the Senate.

President Reagan last week was urged by a group of lawmakers to take a firm leadership role in finding solutions to a problem the administration acknowledges is becoming more serious. The President is being petitioned by members of Congress to name a special commission that would develop a "national master plan to curtail the tragic suffering caused by the drinking driver epidemic."

There has been no official administration response, but White House drug policy adviser Daniel Leonard says, "Personally, I think it's a great idea."

"I would think there has to be an interest," says Mr. Leonard, a former New York City narcotics officer. "I've seen the damage drunk drivers can do, and it's horrendous."

According to information gathered by the National Highway Traffic Safety Administration and the National Safety Council, accidents caused by drunk drivers result in the most common type of violent death in the United States.

Intoxicated drivers account for some 26,000 deaths and 750,000 injuries annually, more than half the yearly total, at an estimated cost of $5 billion. On a typical weekend night, one in 10 drivers is drunk, but only about one out of 2,000 is arrested.

Many states (Maryland, New York, and California among them) have taken helpful steps to curb the problem, but it continues to get worse. Part of the problem, experts say, is the lack of uniformity between states. In many instances, a driver who has lost his license in one jurisdiction has little trouble obtaining one in another. Because of poor record keeping, judges and law enforcement officials may not know of an arrested driver's past problems with driving while intoxicated.

Rep. Michael D. Barnes (D) of Maryland and Sen. Claiborne Pell (D) of Rhode Island have drafted a bill that seeks to fill these gaps. In order to continue receiving federal highway traffic safety funds (which total some $200 million a year), states would have to sentence first-time drunk drivers to a minimum of 10 days of community service and require their participation in a traffic safety program. Those convicted of drunk driving more than once within a five-year period would be jailed for at least 10 days and lose their license for at least one year, without exception.

Separate legislation would upgrade and computerize the US Department of Transportation's National Driver Register so that states could more easily share information on persons with drunk-driving records.

Supporters point out that none of this would require increased federal spending, but simply tries to encourage states to follow the led of those in the forefront of combating drunk driving. Maryland has nearly doubled its arrest rate by having more police on duty late at night and early in the morning. Washington state now sends most of its first-time drunk drivers to jail for at least 24 hours.

"From my own experience as a graduate student studying in Switzerland, tough laws, stringent enforcement, and effective public information campaigns work," says Congressman Barnes. "We understood that you just did not drink and drive. Our legislation seeks to create that same atmosphere in the United States."

In a letter to Rep. Glenn M. Anderson (D) of California, chairman of the House surface transportation subcommittee, Department of Transportation officials expressed disapproval of the Barnes-Pell legislation. Federally mandated jail sentences, they said, infringe upon states' rights and judicial discretion.

But the administration says it wants to work with Congress on what Senator Pell calls "America's No. 1 highway safety problem."

"We have the highest rate of alcohol-related traffic fatalities in the world," says Pell, two of whose aides were killed in accidents involving drunk drivers. "I believe the federal government can encourage state and local governments to expand enforcement against drunk drivers, and at the same time establish a strong national deterrent. . . ."●

A TIME TO RECALL THEIR SERVICE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. SCHULZE. Mr. Speaker, today I would like to share with my colleagues the contents of a proclamation which was unanimously passed by the Delaware County Council, Pa., recently. The proclamation was introduced by an inventive and patriotic constituent, Mr. Carl E. Mau.

Mr. Mau's proposal urged that all Delaware County residents fly the American flag from Veterans Day, November 11, through Pearl Harbor Day, December 7. These 27 days of remembrance will serve to spark the flame of patriotism in the hearts and minds of the residents of Delaware County.

I can think of no better way for all citizens to honor the men and women who served their Nation, and particularly those who died in the service of their country, than to follow Delaware County's lead.

I therefore would like to take this opportunity to urge all Americans to fly the American flag for the 27 consecutive days from November 11 through December 7, and to ever retain that spark of patriotism which lives within us all.●

OMB MAY ELIMINATE CRUCIAL ENERGY INFORMATION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. RAILSBACK. Mr. Speaker, I rise today to address a topic which has concerned me for several years—public access to a Federal, central energy data bank. The Energy Information Administration's (EIA) ability to gather oil and oil product price and supply information may be sharply curtailed by two recent actions:

The Office of Management and Budget's (OMB) hesitation to approve five EIA petroleum price and marketing forms which authority expired on September 30, 1981. Three of these forms gather State-level data on home heating and diesel fuel.

The American Petroleum Institute's (API) September draft entitled a "Design for a National Petroleum Reporting and Information System." The proposal recommends that five of nine petroleum price and marketing forms be eliminated.

My concern, both as a member of the Northeast-Midwest Congressional Coalition and as a national legislator, stems from my feeling that a central, unbiased source of energy data is essential. Also, Federal and State governments must have access to State and regional-level data on petroleum prices and supplies. I have worked closely with the coalition to publicize the importance of certain energy information programs, and on September 8, I held a press conference to release the API draft.

I would like to emphasize that I support OMB's efforts to reduce Federal spending and paperwork. However, Federal energy information that is more acceptable to constituents than industry data must remain available. And, both the National Governors' Association and the National Conference on State Legislatures have indicated to OMB , EIA and the coalition the importance of State-level data that aids States in budgeting, planning, and forecasting emergencies.

Since my press conference, I understand API representatives met with people from the National Governors' Association. API now indicates that it would not recommend elimination of one form requiring State-level price and supply information. Although a big step in the right direction, I am concerned about data collected on the other forms.

Another aspect of OMB's reluctance to approve forms and the API's draft proposal is the loss of data on small- and medium-sized wholesalers and dealers. If the forms are not approved by EIA, oil, and oil product data collection activities would concentrate on major refiner-marketers and importers who provide only 19.2 percent of our motor gasoline and 58.7 percent of our No. 2 middle distillates, diesel and home heating fuel, to consumers. Price and market share information is needed for policymakers to assess the impact of price and supply changes on States and regions and to plan wisely to alleviate future problems.

The EIA must maintain its role as the central energy data bank. During past shortages, constituents displayed a pervasive and deep skepticism about the true state of our energy situation. They questioned the integrity of oil companies and energy data supplied by those companies. Having a central source of relatively unbiased information became essential, and Congress passed the Department of Energy Organization Act of 1977 which specifically created the semi-independent agency as the central, comprehensive, and unified energy data and information program.

The EIA has improved to the point where programs are in place, the personnel know what they are doing, and the information is reputable. It continues to make strong efforts at reducing the paperwork burden for respondents, eliminating 23 forms in April and working to consolidate several more. We are not now facing a shortage so a sense of crisis does not exist. However, we must not terminate or sharply curtail programs that would prove essential during an emergency, in predicting another shortage and in monitoring prices and supplies by State and region.

I appreciate this opportunity to share this matter with you, and I hope you will seriously consider any comments.●

JOSEPH STILE TO BE HONORED

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. SCHUMER. Mr. Speaker, this Friday, October 23, 1981, I will join my constituents in commemorating the silver anniversary of the Brooklyn Hemophilia Guild. I can think of no better way to celebrate the occasion than by honoring its president and most outstanding member, Joseph Stile.

As a founding father of the Brooklyn Hemophilia Guild, Joseph has dedicated himself to the betterment of the disabled, the aged, and the handicapped. He has continually displayed this dedication as a member of the New York State's Governor's Advisory Council on the Disabled, the President's Committee for Hiring the Handicapped, the board of trustees of the Kings Highway Community Hospital, and the board of directors of the Multiple Sclerosis Organization.

I am not the first and will surely not be the last to pay tribute to Joe. As a volunteer at the Kings Highway Hospital, Joseph has received its highest honor, the David Menkin Award. He has been honored by two Brooklyn borough presidents including our current president, Howard Golden, Governor Carey and former President Jimmy Carter. Joe is by all means a true champion.

Joe has been active in other areas of community work as well. The Marine Park Civic Association, the Brooklyn Democratic Club, the Flatlands Chamber of Commerce and the Flatbush Gardens Civic Association are all thankful for the dedication he has shown to them.

In spite of all of the time he has spent working in the community, Joe has been a model family man, dedicated to his wife, Mary, and to his children, Joseph and Loretta. I would like to take this opportunity to wish Joe and Mary only the best as they celebrate two very special anniversaries on October 23, the silver anniversary of the Brooklyn Hemophilia Guild and their 40th wedding anniversary. Joe Stile is a man of great quality; we in Brooklyn are proud to call him one of our own.●

EXPANDING AGRICULTURAL EXPORTS

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. COATS. Mr. Speaker, I would like to take this opportunity to rise in support of H.R. 4510, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

Agricultural exports are vital to the U.S. economy. Agricultural trade last year tallied up an enormous surplus of more than $23 billion, offsetting nearly half of our nonagricultural trade deficit. In 1980, farm exports amounted to $40.5 billion, an increase of 29 percent above the previous year.

Ten States accounted for about 60 percent of this $40.5 billion total. I am proud that Indiana is one of these 10 States. In 1980, Hoosier farmers exported almost $800 million in feed grains and over $600 million in soybean products. All together, Indiana farmers exported almost $1.75 billion in agricultural commodities.

The Department of Agriculture anticipates a 7-percent increase in corn production this year, amounting to almost 8 billion bushels. If this corn forecast is realized, it will be the second largest corn crop in history. Wheat production is expected to rise 20 percent, amounting to a record harvest of 2.75 billion bushels. USDA also forecasts a 15-percent increase in oats and a 33-percent rise in barley.

These bumper crops could mean disaster for many farmers, primarily because markets for these surpluses may not be available. Ironically, as the need for strong farm exports has increased, our willingness to support such a policy has diminished.

Under the Carter administration, for example, the Export-Import Bank financing for agricultural commodities was terminated. As a result, we have a situation where an importer of U.S. produced industrial items, such as computers or airplanes, can obtain financing through the Bank at 10¾ percent interest while at the same time, an importer of U.S. agricultural commodities can obtain nothing.

Today nearly $1 out of every $3 earned by the American farmer comes from export sales. This phenomenal growth rate is impressive, but the need for increasing exports has never been greater. I hope that this legislation will repair existing inequities so that the American farmer can enjoy and expand his prominence in the world market.●

ANIMAL RIGHTS ADVOCACY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. HOWARD. Mr. Speaker, recent hearings sponsored by the House of Representatives Subcommittee on Science Research and Technology were devoted to examining the scientific and ethical responsibility of public and private industry in the use of animals in research. While the goals of research are often practical and admirable, it is certain that many abuses of animals have occurred in the past. It is my hope that these hearings will be the foundation of a campaign to end all unnecessary suffering by animals in research laboratories.

I am submitting the following article by Constance Holden on animal rights which appeared in July 1978, of Science. The issues raised in this article concerning research methods reemphasize the need for action by Congress on the humane treatment of animals in research.

The article follows:

[From Science magazine, July 7, 1978]

ANIMAL RIGHTS ADVOCATE URGES NEW DEAL

(By Constance Holden)

The animal rights movement, which for long had as its major champions the proverbial "little old ladies in tennis shoes," has in recent years achieved a new level of intellectual sophistication and political effectiveness.

The movement has its own philosophers and theorists. One is an English-born veterinarian, psychologist, and author named Michael Fox, who for the past 18 months has been director of the Humane Society's new Institute for the Study of Animal Problems in Washington, D.C.

The institute is the research arm of the society. "My being here is a symptom of a new direction in the humane movement," says Fox. "Sentiment is not enough" as an argument for humane treatment of animals. "We can't use the argument that animal suffering is reason to be humane," for that after all is our own subjective judgment. It also implies that there is a cutoff point somewhere—that baby seals, for example, deserve more respect than lizards. That is a form of "speciesism" which Fox deplores. "We have to be ethically responsible because they exist—not because they are sentient."

The institute, which has four research associates, is engaged in gathering good hard Western-minded scientific evidence to undergird the ethic it embraces, which is more in tune with the spiritual doctrines of the East.

A major concern is the use of animals in laboratories and schools. Although the Animal Welfare Act of 1970 promulgates standards for the care of lab animals, it says nothing about their behavioral and social well-being. Yet, Fox says, humane treatment is better science because you cannot get good results with emotionally deprived animals. For example, he says, the LD_{50} (dose at which half a population dies) for rats kept in separate cages is different from that for animals kept in their own social group. Although Fox is mainly concerned with primates, dogs, cats, and rodents, he says that even with fish there are data showing that social deprivation limits growth of nerve cell dendrites.

Fox's group also contends that a great deal of unnecessary research is being done on animals—testing cosmetics on rabbits' eyes, for example, or shaving cats' faces to test skin lotion. In many of these instances the animal testing is irrelevant to humans, and there are alternatives—testing substances on tissue cultures or using human volunteers—that are both more reliable and more humane. "The research establishment is beginning to face up to the issue quite squarely," says Fox, "provided we don't scream abolitionist or antivivisectionist nonsense." The institute will be doing more work on alternatives to animal subjects when its newest staff member, Andrew Rowan, arrives from England. Rowan, an Oxford graduate and former Rhodes scholar, has been working in London for the Fund for the Replacement of Animals in Medical Experiments.

Another area where people are behaving very badly, says Fox, involves high school science fairs. Children are doing stupid and ill-supervised experiments, such as dosing rats with lead or scalding them, or putting saltwater fish in fresh water. One child's project consisted of evaluating the effects of his mother's Valium and Thorazine on a hamster. "They are still giving dogs strychnine at some schools to see how it works," adds Fox. Science fairs have been a longstanding source of outrage among the animal rights types, but according to Fox only one state—California—effectively regulates these practices.

But the most large-scale outrage—and Fox is glad he is almost through with this project because it takes its toll emotionally—has to do with the treatment of animals raised for food. Animals are beginning to get some legal rights, namely through the Animal Welfare Act and the Endangered Species Act, but farm animals "are a totally neglected area."

Fox has traveled the country inspecting animals on "factory farms" and is now completing a book, tentatively entitled "Animal Farm Revisited." His basic case is that massive animal rearing operations are not only inhumane, but by no means as efficient as their advanced technology and economies of scale might indicate. Half the country's antibiotics are fed to farm animals, he says, and much of this is unnecessary as they are administered to counter diseases that would not occur if the animals were not subjected to overcrowding and stress. Special diets and genetic selection to enhance meat quality or augment production also serve to weaken animals' natural coping mechanisms. Calves raised for veal, for example, suffer anemia and weakness from their low-iron diet; also, because they are fed no roughage, they resort to licking off their own hair.

Behavioral problems are legion as a result of overcrowding and lack of normal opportunities for socialization. Pigs chew each other's tails off. Chicks have their beaks cut off so they will not peck each other. Pigs and chickens even resort to cannibalism. Animals kept tethered in solitary pens become unbalanced from boredom, chew on themselves, molt excessively, and develop nervous tics and stereotyped behaviors; hogs and bulls, which are used for artificial insemination, often become sterile because of lack of social contact; this is treated by more hormones.

Fox says the mortality rate is as high as 20 percent on some farms, and many more deaths occur in the course of transporting animals for fattening and slaughtering. He says that the ventilation and temperature control on the trucks are haphazard, and losses in transportation alone amount to $1 billion a year—equivalent to a 4-mile-long freight train filled with carcasses.

Fox says many of the inhumanities could be altered by simple means—supplying places for nesting and roosting for hens, for example, or changing the concrete flooring that causes pigs to develop arthritis, or supplying shaded areas in beef feedlots.

Fox talks much of the need for "empathy" with animals. By this he does not mean anthropomorphism, but rather a replacement of "macho dominionism"—with its assumption that humans have a right to control and dominate the rest of nature—with the recognition that all life is valuable.●

SAN PEDRO SPORTS WALK HALL OF FRAME INDUCTS THREE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. ANDERSON. Mr. Speaker, three plaques will be placed in the San Pedro Sports Walk Hall of Fame, this Tuesday, to honor three outstanding athletes. They are Manuel Laraneta, former University of Southern California great; Tom Mack, the ex-Los Angeles Rams star; and Parnelli Jones widely respected automobile racing champion.

Manuel Laraneta, a San Pedro native, was one of the University of Southern California's all time athleles. On October 6, 1923, Laraneta was the first man to score a touchdown in the then New Los Angeles Coliseum. Three years later, in 1926, Laraneta gained 1,165 yards for the Trojans as a senior fullback. That year, Laraneta lost a coin toss to fellow Trojan Morton Kaer that determined whom would be on the All-American team. Laraneta starred defensively as well. His 13 pass interceptions remained a USC record until 1973. Laraneta never forgot his South Bay roots and returned to coach San Pedro High School's football team. He died in 1969.

Parnelli Jones, the first racing car driver to exceed 150 miles-per-hour, was raised in Torrance. Jones won the pole position in the 1962 and 1963 Indianapolis 500. In the latter year, he not only won the most famous of auto races, but also broke the 150 miles per hour barrier with his record breaking time of 151.153 miles-per-hour during a qualifying lap. Jones still participates in four-wheel drive, off-the-road races and presently holds most of the principle Baja titles, including the exhausting Baja 1,000. When not setting records, this great champion runs his own highly successful Firestone tire dealership.

Tom Mack, an All-American tackle with Michigan, was the Los Angeles Rams No. 1 draft choice in 1966. During his 13-year professional career with the Rams, Mack was named to the probowl team 11 times. One of football's premier offensive linemen, Mack played in 184 consecutive contests. In recognition of his outstanding leadership skills, Mack was chosen as team captain in 1976.

My wife, Lee, and I would like to join the San Pedro Sports Walk Hall of Fame in honoring these three great athletes, Manuel Laraneta, Parnelli Jones, and Tom Mack, for their outstanding contributions to sports, both nationally and in the South Bay.●

FATHER HESBURGH ON EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday October 21, 1981

● Mr. HYDE. Mr. Speaker, columnist Georgie Anne Geyer's interview with Father Theodore Hesburgh was published in the Cleveland Plain Dealer on September 24, 1981.

The substance of this interview is of the utmost interest and importance—particularly because so many well meaning church affiliated persons seem to denigrate the Government's efforts in El Salvador to end the insurgencies of both the right and left. I commend it to my colleagues.

HESBURGH'S PLAN: SCRAP EASY ANSWERS

(By Georgie Anne Geyer)

NOTRE DAME, IND.—Coming back to work after an all-too-short vacation, Columnist Geyer (that's me) thinks about all the sober topics facing us: surrogate warfare all over the world, the Middle East mess, that big, growling Russian bear.

But those problems are not everything in the world. The "other" world that is just as real and just as reachable is perhaps found here: on the exquisite campus of Notre Dame University and in the uncommonly good mind of its retiring president, Father Theodore Hesburgh.

He will leave at the end of this year, this Renaissance man who has moved through all the social and political problems of our times with such grace. He sits in his handsome office exuding a rare inner peace. His mind roves from area to area, but he comes down over and over to two basic, typically Hesburghian, central thoughts.

First of all, "Everybody today has easy answers," he says, leaning back behind his big desk. "I am getting damned tired of easy answers, especially those which blame people thousands of miles away."

Secondly, "Somehow we've got to find an answer to systemic injustice," he says. "When you ask me what is the long-range answer, I go back to the church's aphorism, 'Opus Justitiae Pax,' or 'Peace is the work of justice.' "

"If you ask me what is the biggest misperception in the U.S. today," he goes on, speaking of the Reagan administration, "it is that national security equals piling up armaments. We can't spend so little on foreign assistance and think we are talking about security.

"When the social fabric exploded, all of those arms were useless for the shah. To not see that real national security involves creating a more just world means we are just asking for disaster."

What is impressive about Hesburgh, who describes himself as "conservative as far as human values are concerned and a pragmatic liberal on other things," is the fact that he simply refuses to take the simple or the modish ideological stance. He will not be easily labeled.

"The old-style liberalism—it got worn out and dog-eared," he says. "When I hear friends giving speeches rehashing FDR values and when you have a third generation on welfare, you're in trouble.

"I told my liberal friends, 'Watergate gave you four more years.' Now we are at the point where we are forced to take a look at the liberal position and redo it—and already there are all sorts of groups stirring."

On the other hand, looking at social issues in the international realm, he also cannot take the position of the radical priests in the Latin America he has known and loved so well.

"The impact of the missionaries is greater than ever," he says. "I understand their anguish and that they cry out for quick answers. But the answers to a country like El Salvador are long-range and terribly nuanced, and tied up with global realities of the East-West, North-South conflicts.

"What I'd like to see instead of simplistic answers is how to get at the systemic problems of society."

He is suspicious—deeply so—of the priests and nuns who believe, in places like El Salvador, that they can work with the Marxists.

"There are three points I gag on," he says. "First, we're talking about a way of life. We believe in eternal life and temporal life, but always in the context of the eternal. We can't give away people's rights in that area.

"Second, I live for freedom, and fundamentally Marxist society has no freedom. People who deeply believe in freedom should not sell out to a system without freedom.

"Third, Christian humanism is fundamentally a spiritual thing. With them the total answer is economic. To bargain away liberty, and eternity, for that? I just don't buy it."

So, as Father Hesburgh, 30 years the president of this great university, faces his last year, he faces it as a unique and rational man who has compromised neither his humanity nor his simple common sense.

People find him hard to pigeonhole. They find him difficult to place ideologically. A priest who oversees the program of birth control development for the Rockefeller Foundation? A priest who loves humanity and yet believes fervently that we need immigration restraints?

What they are seeing, in a time when we swing back and forth like dead men in hangman's nooses between the absurdities of ideological extremes, is one solid man of the rational and questioning center. Perhaps we should be wondering today why this type of man should suddenly seem so rare.●

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BROOKS. Mr. Speaker, the monthly lists of GAO reports include summaries of reports which were prepared by the staff of the General Accounting Office. The August 1981 list includes:

NATIONAL DEFENSE

DOD Loses Many Competitive Procurement Opportunities. Acc. No. 116095, PLRD-81-45, July 29.

The Air Force Has Incurred Numerous Overobligations in its Industrial Fund. Acc. No. 116124, AFMD-81-53, August 14.

Countervailing Strategy Demands Revision of Strategic Force Acquisition Plans. Acc. No. 116056, MASAD-81-35, August 5.

Logistics Managers Need to Consider Operational Readiness in Setting Safety Level Stocks. Acc. No. 116055, PLRD-81-52, August 10.

DOD Can Save Millions By Using Less Expensive Packaging for Small Arms Training Ammunition. PLRD-81-53, August 18.

Letter reports

DOD's fiscal year 1980 use of its authority to exceed its civilian personnel ceiling was consistent with the intent of the DOD Authorization Act. FPCD-81-66, August 18.

Inconsistencies exist among the Military Services in handling exchange rate fluctuations for some programs and activities. ID-81-54, August 21.

Navy can reduce the cost of ship construction if it enforces provisions of the contract escalation clause. PLRD-81-57, August 24.

Most DOD conversions to contract performance awarded under OMB Circular A-76 did not result in price increases or performance shortfalls. PLRD-81-58, August 26.

INTERNATIONAL AFFAIRS

Changes Needed in Administering Relief to Industries Hurt By Overseas Competition. Acc. No. 116008, ID-81-42, August 5.

The Growing Role of Trade as a Development Assistance Mechanism. Acc. No. 116122, ID-81-46, August 11.

U.S. Strategy Needed for Water Supply Assistance to Developing Countries. ID-81-51, August 25.

Management of the Department of State Office of Passport Services Needs to be Improved. Acc. No. 116036, ID-81-39, August 6.

ENERGY

Greater Commitment Needed to Solve Continuing Problems at Three Mile Island. EMD-81-106, August 26.

DOE's Alcohol Fuels Awards Process Resulted in Questionable Award Selections and Limited Small Business Success. EMD-81-125, August 21.

TVA's Coal Procurement Practices—More Effective Management Needed. Acc. No. 116125, EMD-81-65, August 14.

Letter reports

Interim status report on implementation of "National Materials and Minerals Policy, Research, and Development Act of 1980." Acc. No. 116053, EMD-81-124, July 27.

The Department of Energy has no practical way to ensure that a State will not award funds to an ineligible local agency. EMD-81-114, August 4.

The United States Synthetic Fuels Corporation's project selection guidelines need clarification. Acc. No. 116045, EMD-81-129, August 5.

NATURAL RESOURCES AND ENVIRONMENT

Continuation of the Resource Conservation and Development Program Raises Questions. Acc. No. 116098, CED-81-120, August 11.

Simplifying the Federal Coal Management Program. EMD-81-109, August 20.

How Interior Should Handle Congressionally Authorized Federal Coal Lease Exchanges. Acc. No. 116035, EMD-81-87, August 6.

Changes in Federal Water Project Repayment Policies Can Reduce Federal Costs. Acc. No. 116126, CED-81-77, August 7.

National Direction Required for Effective Management of America's Fish and Wildlife. CED-81-107, August 24.

Letter reports

Allegations that a political appointee at EPA was exercising control over the Office of the Inspector General. Acc. No. 115982, AFMD-81-77, June 25.

The Office of Surface Mining Reclamation and Enforcement needs to consider several issues while revising its regulations. Acc. No. 116052, CED-81-145, August 5.

AGRICULTURE

Cooperative Extension Service's Mission and Federal Role Need Congressional Clarification. CED-81-119, August 21.

Limited-Resource Farmer Loans: More Can Be Done to Achieve Program Goals and Reduce Costs. CED-81-144, August 31.

Emerging Issues from New Product Development in Food Manufacturing Industries. CED-81-138, August 19.

Analysis of Certain Operations of the Federal Crop Insurance Corporation. Acc. No. 116022, CED-81-148, July 30.

Long-Range Planning Can Improve the Efficiency of Agricultural Research and Development. Acc. No. 116007, CED-81-141, July 24.

Letter reports

Any reorganization of nutrition in the Department of Agriculture can be expected to disrupt operations in the short run. CED-81-150, August 17.

COMMERCE AND HOUSING CREDIT

Policy Needed at Eximbank for Financing Aircraft Spare Parts and Other Suppport Items. Acc. No. 116096, ID-81-55, July 31.

Federal Reserve Could Improve the Efficiency of Bank Holding Company Inspections. GGD-81-79, August 18.

Letter reports

Corrective action is being taken in Montana to alleviate its mail service problems. GGD-81-86, July 23.

TRANSPORTATION

Better Targeting of Federal Funds Needed to Eliminate Unsafe Bridges. CED-81-126, August 11.

SOCIAL SERVICES

Insights Gained in Workfare Demonstration Projects. Acc. No. 116097, CED-81-117, July 31.

HEALTH

Better Oversight Needed for Safety and Health Activities at DOE's Nuclear Facilities. Acc. No. 115979, EMD-81-108, August 4.

Letter reports

The National Institute on Alcohol Abuse and Alcoholism should make greater efforts to support treatment demonstration projects. Acc. No. 116054, HRD-81-131, July 31.

INCOME SECURITY

Perspective on Income Security and Social Services and An Agenda for Analysis. Acc. No. 116120, HRD-81-104, August 13.

Limits on Receipt of Multiple Disability Benefits Could Save Billions. Acc. No. 115980, HRD-81-127, July 28.

GENERAL GOVERNMENT

Evaluations Called for to Monitor and Assess Executive Appraisal Systems. Acc. No. 115981, FPCD-81-55, August 3.

GSA's Cleaning Costs are Needlessly Higher than in the Private Sector. AFMD-81-78, August 24.

Improving the Credibility and Management of the Federal Work Force Through Better Planning and Budgetary Controls. FPCD-81-54, July 17.

Federal Life Insurance Changes Would Improve Benefits and Decrease Costs. FPCD-81-47, August 21.

Review of Financial Statements of Commodity Credit Corporation. CED-81-137, August 13.

Audit of the Senate Barber Shops Revolving Fund for Calendar Year 1980. Acc. No. 116050, AFMD-81-81, August 6.

Audit of the House Minority Printing Clerk Fiscal Year Ended September 30, 1980. AFMD-81-80, August 24.

Audit of the House Majority Printing Clerk Fiscal Year Ended August 31, 1980. AFMD-81-75, August 24.

Audit of the Senate Building Beauty Shop for the Fiscal Year Ended February 28, 1981. Acc. No. 116051, AFMD-81-79, August 6.

Letter reports

Proposed rescissions totalling $321.0 million, 13 new deferrals totalling $220.1 million, and revisions to five previously reported deferrals totalling $78.1 million. Acc. No. 115942, OGC-81-14, July 30.

The Panama Canal Commission is close to a violation of the Anti-Deficiency Act with respect to entertainment expenditures. Acc. No. 116116, ID-81-57, August 5.

The use of software in medical devices is emerging as a troublesome area. Acc. No. 116037, AFMD-81-95, August 5.

A policy of encouraging Federal agencies to assist local economies in meeting Federal space needs can be applied without increasing costs. PLRD-81-62, August 21.

Staffing levels in the Department of Education. Acc. No. 116006, FPCD-81-63, August 5.

Adoption of preplanned product improvement techniques can reduce cost of improving effectiveness of systems during their lifetime. Acc. No. 116137, MASAD-81-39, August 13.

Impoundment of funds for several Federal agencies. OGC-81-15, August 17.

Financial control system problems at the Community Services Administration will not be fully solved by the current system redesign project. AFMD-81-96, August 19.

OMB is unable to cite evidence as to how the Immigration and Naturalization Service could more effectively use its personnel resources. FPCD-81-67, August 20.

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CONGRATULATIONS TO WOBURN TIMES ON 80TH ANNIVERSARY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. MARKEY. Mr. Speaker, it is my sincere pleasure to extend my congratulations to the Woburn Daily Times of Woburn, Mass., on the occasion of its 80th anniversary.

The Daily Times has grown since its beginning as a small penny journal in 1901, yet under the guidance of the

Haggerty family, it has retained its original spirit of dedication to the community and its loyal corps of readers.

For the past 80 years the Daily Times has remained a vital part of the city of Woburn, as well as the surrounding communities of Winchester and Burlington. More than just a newspaper, the Daily Times has been an illustrated diary of the milestones, the tragedies, and the triumphs of the people of suburban Boston.

I would like to pay special tribute to the paper's founder, James Haggerty, and to other members of the Haggerty family who have maintained its proud tradition over the past eight decades.

The Daily Times can be proud of the important role it has played in Woburn's history. I wish the Daily Times the best of luck in its next 80 years of continuing its tradition of excellence and service.●

IN COMMEMORATION OF THE BIRTHDAY OF TWO JAZZ GREATS

HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. CONYERS. Mr. Speaker, today marks the birthdates of two of the world's most accomplished and celebrated musicians: Dizzy Gillespie and "Don" Byas. Both of these distinguished gentlemen, made their marks on the world of jazz. Unfortunately, only one of them remains with us today.

Born in 1913, Don Byas, was one of the most brilliant saxophone players of his time. An outstanding virtuoso of his instrument, the purity of his smooth, round tone was admirable.

Byas was uniquely, and unusually gifted, in both melody and harmony. It has been said that his rich musicianship is reminiscent of the great Benny Carter's. Byas, had an extraordinary knack for swinging it, while lightly paraphrasing his music with real artistry. Byas, who died of cancer in 1971, recorded with such greats as: Count Basie, Coleman Hawkins, Lucky Millender, Art Blakey, Duke Ellington, and Quincy Jones.

Dizzy Gillespie, born in 1917, has been called the "Abraham Lincoln of jazz", and credited with coining the word "bebop"—a unique harmonic form with rythmic nuances which influenced the entire field of jazz.

John Birks Gilliespie, the last of nine children born to John and Lottie Gillespie, was given early instrumental training by his father. His genius enabled him to learn to play the trumpet, piano, drums, and trombone, at a very early age.

The young musician organized his own band when he was 14 and acquired a reputation for his prowess on the trumpet. Winning a scholarship to the Larinburg Institute, a Negro industrial school in South Carolina, was the start of his training in theory and harmony.

Gillespie recalls arriving in Philadelphia in 1935 carrying his trumpet in a paper sack. He got a job playing in the band of Frank Fairfax. His nickname "Dizzy" originated while playing with the Fairfax band, because of his eccentric mannerisms.

In 1939, Dizzy Gillespie joined the band of Cab Calloway. Impressed with Dizzy's imaginative arrangements, Calloway had him make several records. Gillespie went on to play with several all time great artists: Benny Carter, Earl Hines, Coleman Hawkins, and Duke Ellington.

Early in 1945 he formed his own band and toured the Nation. The New York Herald Tribune commented: "Gillespie is gifted technically but his style is one of the most facile and transparent showmanship, fantastic rather than musical".

Gillespie has received many of the highest acclaimed awards a musician can receive, including; The Esquire New Star Award in 1945, Metronome chose Dizzy's group as "Band of the Year" for 1948, chosen best trumpeter of 1956 in the Down Beat poll.

In March 1956 Gillespie headed a large band organized by the American National Theatre and Academy (ANTA) which toured abroad under the auspices of the international exchange program of the U.S. Department of State; this was the first time a jazz band had been sponsored. The band played at 64 concerts in 15 cities; in Pakistan, Iran, Egypt, Turkey, Greece, Lebanon, Syria, and Yugoslovia. Everywhere they went, the musicians were received with enthusiasm.

Dizzy Gillespie, the musician who sent chills up the listeners' spines, influenced the entire field of jazz like no other musician has ever done. His "bebop" presented a new word into the musical vocabulary. At the age of 64, he continues to be, regarded as the foremost, most respected genius of jazz.●

CONGRESS COMMITMENT TO CLEAN AIR

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. VENTO. Mr. Speaker, I am certain that my colleagues are aware that during this Congress the reauthorization of the most effective environmental legislation, the Clean Air Act, is at hand. It is most appropriate at this time that the House of Representatives reafirm its determination to maintain a strong Clean Air Act. Today Congressman LEWIS and I and 27 of our colleagues are introducing a "Commitment to the Clean Air Act Resolution of the 97th Congress" which will reiterate the firm commitment of Congress to uphold the present standards of the Clean Air Act.

The Clean Air Act was enacted expressly to establish programs to clean up polluted air and to preserve air quality in those regions that still enjoy the luxury of a pollution-free environment.

The air pollution problems evident in the United States, Canada, and other countries include sulfur and nitrogen oxides from automobiles, other transportation vehicles, and power plants, and toxic hazardous pollutants from chemical plants, refineries, and synthetic fuel plants. These pollutants have threatened human health, have damaged our environmental resources, have affected agriculture and forest growth, and have led to the deterioration of buildings constructed of materials such as marble and metals.

We have witnessed significant improvement in the cleansing of our Nation's air, and the prevention of further degradation of our environment through the Clean Air Act. Let us not turn the clock back by reducing the effectiveness and importance of this law or by undoing the obvious improvements which have resulted from the act.

A report from the Council on Environmental Quality (CEQ) stated that between 1973 and 1978, despite increases in population, the national concentrations of CO and SO_2 and total suspended particulates had gone down in urban and rural areas. CO levels were down 33 percent and SO_2 levels dropped 20 percent.

In 1978 the air quality in New York City was unhealthy 174 out of 365 days and Los Angeles had undesirable air quality readings on 206 days. Although these abnormal levels for so many days are substantially high, they are a vast improvement over previous years for these two areas. Some of these reductions were largely a result of the reduction in automobile pollution. The technology exists now to even further reduce auto emissions. Virtually all new cars, domestic and foreign, are equipped with the proper equipment to meet the present emission standards in the Clean Air Act.

The Clean Air Act has also helped in promoting the protection of our scenic areas such as Federal and State park lands and wilderness areas which now total well over a hundred million acres.

Sacrificing the right to breathe clean and healthy air for the sake of cost effectiveness is not the proper solution. It is impossible to put a price

tag on human health and a pollution-free environment.

Although our attention should be focused on the benefits we have deduced from the enforcement of this act, we must also focus on the problems and challenges that still remain. The United States continues to emit 30 million tons of sulfur dioxide and 22 million tons of nitrogen oxides annually. These pollutants are contributed mainly by automobiles and power plants.

Congress has a commitment to the people of this Nation to maintain clean and healthy air quality. We can certainly refine the Clean Air Act, but we must not settle for maintaining present air quality conditions. We must push for continued reduction of harmful pollutants invading our environment so that we may further reduce our pollution levels.

Congress must also acknowledge the public support of the Clean Air Act. The American people recognize the importance of a strong Clean Air Act. This is evidenced in the most recent Harris survey which reported that 80 percent of Americans oppose any weakening of the provisions of the Clean Air Act. Clearly, this percentage indicates that sentiment of the American people with regard to the Clean Air Act. Congress must recognize the support of Americans as well as of our Canadian neighbors who are also suffering from air pollution damage.

The most prominent type of air pollution shared by the United States and Canada is acid rain. This mixture of sulfur and nitrogen oxides which rises high into the atmosphere can travel thousands of miles from its source depending upon the direction of the prevailing winds. It then falls back to the Earth in the form of wet and dry deposition. This primarily manmade problem is increasing quantitatively and geographically. A virtually invisible source of pollution, acid rain is silently killing off lakes and other bodies of water dramatically changing the aquatic life and environment, and significantly damaging agricultural productivity and forest growth. Vegetation damage due to air pollution has been estimated to be as high as $2.8 billion annually. It is especially important that acid rain pollution be adequately addressed in the present Clean Air Act. Substantial research and evidence has definitely given us more than enough information to know that this problem exists and is worsening as time goes on.

The Clean Air Act must also further address toxic air pollutants which range from airborne chemicals to radioactive particulates. Through the Clean Air Act, the Environmental Protection Agency was given the power to list and regulate toxic air pollutants some of which are suspected to cause cancer, genetic damage, neurotoxicity, reproductive effects, and other serious health problems. So far only seven have been listed and the industrial sources of only four have been regulated. The seven listed toxic pollutants are asbestos, beryllium, mercury, vinyl chloride, benzene, radionuclides, and arsenic. Sources have been regulated for asbestos, beryllium, mercury, and vinyl chloride. There are many additional toxic airborne substances which include potentially dangerous carcinogens. Through the Clean Air Act we must insure that EPA will continue to list toxic substances and put regulations and restrictions on the sources of these materials.

As I mentioned before, the present standards of the Clean Air Act have led to significant improvements in the quality of our air. It is now up to the House of Representatives to maintain a commitment to continue these efforts in support of a strong Clean Air Act. In order to reaffirm this commitment, Congressman LEWIS and I are introducing this resolution to further confirm the support of the House of Representratives to maintain the goals and standards of the Clean Air Act. Our "Commitment to the Clean Air Act Resolution of the 97th Congress" seeks to achieve the goals of protecting the right of the American people to breathe clean air. We reaffirm the House of Representatives support for those standards in the Clean Air Act which will keep the air we breathe free from harmful or potentially harmful pollutants. The resolution urges that the necessary standards be in place to protect agricultural productivity from further setbacks due to pollution. We call on Congress to adequately address the proper control and elimination of acid rain in the Clean Air Act through controlling the sources of the emissions. We also recognize that we have made significant progress in reducing the emission levels of automobiles through emission standards already mandated by the Clean Act. We must continue to maintain this progress. The resolution reaffirms the commitment of the House of Representatives to maintain the requirements to protect our existing clean air areas such as national parks and wilderness areas from air pollution and seeks to insure that those toxic hazardous pollutants—some of which are carcinogens—that are serious public health threats will be adequately regulated by the EPA. The resolution also recognizes that by building on the existing record of success and the proven technology, we can attain the goals and intentions of the Clean Air Act.

Congress must continue to support the importance of protecting our air quality as a national priority before it is too late.

At this time I would like to bring to the attention of my colleagues, a copy of the most recent Harris survey on the Clean Air Act as it appeared in the St. Paul Pioneer Press.

[From the St. Paul Sunday Pioneer Press, Oct. 18, 1981]

PUBLIC SHOWS RESISTANCE TO FLEXIBLE POLLUTION STANDARDS

(By Louis Harris)

Prospective amendments to the Clean Air Act, designed to make current air pollution standards more flexible and, in some cases, more relaxed, are meeting stiff public resistance.

As Congress prepares to discuss the extension of the 10-year-old Clean Air Act, an overwhelming 80–17 percent majority of Americans is continuing to oppose changes that will make the anti-pollution law less strict.

Earlier this year, members of the Reagan administration in charge of environmental regulation drew up plans for a measure that would relax many tough anti-pollution laws.

When the Harris Survey and other polls uncovered strong opposition among Americans to making air standards less strict, the administration pulled back from its plan. But in spite of clear public resistance, the administration again is pushing for selective relaxation of the Clean Air Act that was passed in 1970. The law is up for renewal this year.

One of the key changes being advocated by opponents of the current law concerns a consideration of the costs incurred as a result of standards which are set to protect human health. The Reagan administration is considering asking Congress to give EPA officials the option of relaxing these health standards when the costs of implementing them are considered excessive.

By 65–32 percent, a better than 2-to-1 majority of Americans is opposed to relaxing environmental health standards, no matter what the resulting costs may be. Most adamant on this score are residents of the West (opposed by 72–26 percent), people younger than 30 (72–27 percent opposed), women (70–26 percent opposed), those in the $15,000 to $25,000 income bracket (70–28 percent opposed), Catholics (72–26 percent opposed) and liberals (76–22 percent opposed).

Significantly, no major segment of the public is willing to yield on the cost question. It is even opposed by Republicans (by 56–42 percent), conservatives (by 56–41 percent), business executives (by 55–43 percent) and those who voted for Reagan in 1980 (by 56–41 percent).

Six other prospective changes designed to ease air pollution regulations, which were tested in the latest Harris Survey of 1,249 adults nationwide taken between Sept. 19 and Sept. 24, also are rejected:

By 66–29 percent, a majority opposes relaxing "pollution standards to allow power plants to burn higher sulfur content oil and coal."

A 61–34 percent majority rejects the notion of relaxing "national air quality standards."

By 61–36 percent, a majority opposes relaxing "regulations that protect national park and wilderness areas from air pollution."

A 57–37 percent majority is opposed to the federal government postponing "current deadlines for electric companies meeting power plant pollution standards."

By 58–38 percent, a majority rejects the proposal to relax "current auto pollution

standards." The automotive industry, hard hit by competition from Japan and West Germany, has pressed for delays in meeting new auto pollution standards on the grounds that such added costs would hurt the competitive position of American cars.

By 54-42 percent, a majority opposes postponing "the current deadlines for auto companies meeting auto pollution standards." Although Americans show some sympathy for the plight of the auto industry, the desire for clean air runs deeper.

When Americans were asked what ought to be done about renewing the Clean Air Act, 29 percent said the law should be made stricter, 51 percent wanted to keep it as it is and only 17 percent wanted to make it less strict. So, by 80-17 percent, the American people want no part of any effort to ease up on air pollution standards. While this is down marginally from 86-12 percent in May and 82-12 percent in February, public opinion is clear: Air pollution standards should not be relaxed.●

CALL TO CONSCIENCE VIGIL: THE FELDMAN BROTHERS AND THE ABRAHAM STOLAR FAMILY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. RAILSBACK. Mr. Speaker, I want to draw attention to the plight of the Feldman brothers, Vladimir and Efim, and the Abe Stolar family who have repeatedly been denied permission to emigrate from the Soviet Union.

Vladimir and Efim Feldman are twin sons of Riva Feldman, now living in New York. Mrs. Feldman first requested permission for her family to leave the Soviet Union in 1970, but was detained until 1980. Soviet authorities did not allow her sons to leave on the ground of "army service," even though I understand that both successfully completed their terms of service.

I am also concerned about Abraham Stolar and his family, especially since he and his son, Michael, are U.S. citizens. In fact, Mr. Stolar was born in my home State of Illinois. Mr. Stolar applied to emigrate with his family to Israel in 1974, received permission to leave in 1975, and then was detained at the last minute because his wife was allegedly engaged in secret work. I have been told that Mrs. Stolar, although working in a chemical factory, was not actually engaged in secret work and that after 7 years her knowledge is obsolete.

Because of Soviet Union signed the Helsinki Accord, it seems to me that allowing the Feldmans and Stolars to leave Russia should not be in question. Detaining these people and many other Soviet Jews is not constructive to Soviet society or to relations between the United States and the Soviet Union.

Efforts to draw attention to the problems of Soviet Jews by Representative MIKE BARNES and organizations like the Chicago Action for Soviet Jewry are commendable. People like Pamela Cohen in Chicago and the Feldmans who live in my district have increased my awareness of the problem, and as a result, I wrote to both President Leonid Brezhnev and Ambassador Anatoly F. Dobrynin regarding the Feldman brothers and the Stolar family. I sincerely hope the efforts of such dedicated people will have an impact on an unnecessarily restrictive Soviet policy.●

MIDDLE EAST STABILITY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. DORNAN of California. Mr. Speaker, during the recent debate concerning the sale of AWACS to Saudi Arabia, my comments were underscored by the succinct arguments made by Mr. George Will; I commend this penetrating evaluation of the explosive Middle East to my colleagues:

[From Newsweek, Oct. 26, 1981]

WHO IS OUR MIDEAST PILLAR?

(By George F. Will)

As a bass fisherman casting with light line and a high wind, I have produced some dreadful snarls. But I have rarely seen anything as snarled as the AWACS argument. The argument is less about hardware than about the suspicion that there is afoot a radical reorientation of U.S. policy. It is about how much weight the Saudi regime can bear. And it is about adopting the Saudi approach to peace, which means accommodating the group the Saudis sponsor, the PLO.

Regarding AWACS, the Administration has entangled a sensible question (how can we protect Saudi Arabia?) with a nutty question (how can we make Saudi Arabia the center of American policy in the Middle East?). The Administration downgraded Sadat by elevating the Saudis to a "pillar" of U.S. policy. the Shah was a pillar. So was Sadat. Now Saudi Arabia is called a pillar. That reminds me of Lincoln's lesson: if you call a tail a leg, how many legs has a dog got? Five? No, four, because calling a tail a leg does not make it a leg. In any debate about which nation can be counted as a pillar, it cannot hurt to notice the obvious: Israel is the only nation in the region where we know we can land a plane tomorrow.

A Partner? Grasping for ground for praising the Saudis, the Administration cites the Saudi role in the most recent "settlement" in southern Lebanon. But that was a defeat for Israel. The Syrian missiles which precipitated the crisis remain.

The Administration says Saudi Arabia's moderation makes it a plausible partner in a "strategic consensus." But the Administration says Saudi friendship is so tenuous it must be bought with AWACS. Perhaps Saudi Arabia's policy is ambiguous, and it is so because Saudi Arabia's position is ambiguous: for cultural reasons it cannot be pro-Soviet, but for political reasons it dare not be pro-American. However, the premise of the AWACS sale is that the Saudis want to be helpful. The sale needs a new premise unless the Saudis endorse the Camp David process and especially the multinational force for the Sinai.

As Carter did with SALT II, Reagan chose to get into a game of "chicken" with Congress, thereby risking paralysis in government, discord in the country and disrespect in the world. He assumed that Congress, afraid of being blamed for that, would flinch. Reagan's men must not have noted that, regarding SALT II, Congress did not flinch and was not blamed for the damage Carter caused.

The Administration has chosen to poison our politics by impugning the motives of opponents, implying that they are craven about "the Israeli lobby." This libel comes from people inexhaustibly obsequious toward a Saudi regime that molests U.S. interests while refusing even slight compromise to help the President out of the AWACS crisis his men have caused.

At first, a reason for gritting one's teeth and supporting the sale was to prevent the President's Middle East policy from becoming a shambles. But a policy of treating Saudi Arabia as a pillar is inherently a shambles. A remaining reason for approving the sale is that if it is disapproved the Administration may spend three years offering abject apologies to the Saudis.

Speaking of abjection, consider the musings of ex-presidents Ford and Carter in favor of accommodating a terrorist organization, the PLO. The musings are a reminder of why Ford's Presidency made Carter's Presidency possible, and why the country refused to renew either. In their airborne press conference, Carter was in character, laying down the law about abstract "rights" and sermonizing about how Israel is violating "the heritage of the Jews." But Carter is consistent. The logic of his Administration's initial policy of pushing for a "comprehensive" settlement, which would have maximized the leverage of the most extreme party at the table, pointed to an embrace of the PLO. Indeed, Sadat went to Jerusalem to derail Carter's policy. But now Carter and Ford have retreated from solemn commitments. As presidents, Ford and Carter pledged that the United States would not deal with the PLO until the PLO acknowledges Israel's right to exist. But now they have prepared the ground for the burial of those pledges. They have done so while they and the Reagan Administration (which should ponder the fates of Ford and Carter) urge Israel to trust U.S. reliability while the United States arms Israel's enemy.

Keystone: Sadat's death suggested that being America's friend can be fatal. The Administration's solicitousness toward Saudi Arabia suggest that a nation need not be friendly to garner the benefits of U.S. friendship. But if the Administration is determined to treat Saudi Arabia as the keystone of U.S. policy, it must try to sanitize the PLO, which Saudi Arabia finances. Candidate Reagan said: "Unlike President Carter, I have no hesitation branding the PLO as a terrorist organization." President-elect Reagan said: "I think the PLO has proven that it is a terrorist organization." Yet President Reagan allows the PLO to maintain an office in Washington.

Regarding the PLO, Ford and Carter spoke the language of inevitability. An approach to the PLO "has to happen," it "has to take place" (Ford), the dealings "have to be done" (Carter). But if accommodation of

the PLO is, as Ford and Carter say, inevitable, the PLO has no need to abandon the terrorism and intransigence that have won it the status of an inevitability. Heaven preserve us from small minds bandying large notions of what history says "has to take place," and playing fast and loose with the nation's honor. Leaving honor aside, where if frequently has been left, let this be said: our ex-presidents are pushing Egypt toward radicalism and Israel toward South Vietnam's fate.

Bruno Kreisky, Austria's Chancellor, holds the Olympic record for fawning over the PLO, but even he was momentarily sobered by the PLO statement about shaking the hand that pulled the trigger to kill Sadat. When Ford and Carter urged appeasing the PLO, they were flying home from the funeral of a man who opposed the PLO and paid with his life. They could have found a more tasteful time to advocate rewarding those who execrated Sadat while he lived and rejoiced at his death.●

HEARINGS NEEDED TO EVALUATE TOBACCO PROGRAM

HON. FRANK WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. WOLF. Mr. Speaker, I do not smoke and do not condone the habit. I do not have any tobacco farms in my district of northern Virginia. However, I have listened carefully to the debate and have been particularly impressed with the arguments presented by my colleagues, including Mr. CHARLES ROSE of North Carolina and others.

Clearly, this is not a health issue and it is not a smoking issue. It is a referendum on the tobacco allotment or loan program and the system it represents. Once this distinction has been made, I want to express my opposition to the amendment based on my concern over the economic impact of this legislation to Virginia and the rest of the country. When the ripple effect is considered, the impact on store owners, equipment manufacturers, bankers, and scores of others who do business with farmers could be staggering.

For example, Mason Carbaugh, the Virginia Commissioner of Agriculture, informed me that this legislation could result in a total loss to the economy of $1.9 billion per year. The Virginia Farm Bureau Federation agrees with these figures.

Gov. John Dalton announced in April the results of a study conducted by the University of Pennsylvania's Wharton Applied Research Center which further supports these figures. The study shows that tobacco is responsible for more than 1 out of 20 jobs in the Commonwealth and generates compensation totaling over a billion dollars annually.

Although I value all the information supplied to me by organizations both for and against the legislation, I must point out that it would be preferable for Congress to conduct its own investigation in the form of hearings to determine the economic impact. Until this has been done, I have no choice but to use the overwhelming evidence available to support the economy of my State.

In these times of tight budgets for Federal, State, and local governments, it is especially important to consider carefully the economic impact of this type of legislation. I understand, for example, that the allotment or loan program can add between $6,000 and $10,000 per acre to the value of farm land. If this is suddenly reduced, land values will plummet along with property tax revenues. At a time when local governments need funds to support programs that are being rightfully restored to them, they would have less to spend for such things as schools, assistance to the elderly, police, and fire protection.

The intense debate surrounding this matter has also pointed out the need for changes in the loan program, particularly in regard to escalating support prices. Because of my concern over the possible economic impact of such legislation and my desire to have the program evaluated and made more efficient, I have today sent a letter to the chairman of the House Agriculture Committee requesting that hearings be held to address these areas. Until such time as those hearings are held and more information is available, I refuse to gamble my vote on an amendment that could jeopardize the economic health of Virginia and the rest of the country and hurt countless small farmers in the process.●

ANWAR SADAT: A GIANT AMONG MEN

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. COATS. Mr. Speaker, Anwar Sadat was a giant among men and we are all lesser today for his death.

His assassination is a grave blow to Egypt, places the fragile Israeli-Egyptian peace treaty in jeopardy and plunges the entire Middle East into a dangerous new crisis.

These awesome consequences are, in themselves, the measure of Sadat's greatness. As a human being and as a statesman, he made inspired contributions to lifting Egypt out of poverty and toward securing and consolidating peace in the volatile Middle East.

Sadat was a courageous apostle of peace. Where others carried only hatred in their hearts, he carried compassion and offered compromises. Where others approached negotiations with suspicion and the animosity of the past, he brought patience and forbearance.

When most Arab leaders called for the eradication of the State of Israel, Sadat extended the hand of peace. Sadat was among the first to recognize the importance of including all sides of the Middle East dispute in the peace talks.

No man possessed greater courage than Anwar Sadat. He was a good friend to the American people and we shall miss him deeply.

Sadat rose from poverty, moved into the ranks of the revolutionaries, emerged from the shadow of his friend and leader, President Gamal Abdel Nasser, and went on to become not only a world leader but the most powerful figure the Arab World had seen in generations.

When Nasser died of a heart attack on September 28, 1970, few believed anyone could fill his shoes—much less the little-known politician named Anwar el-Sadat, the vice president.

But in less than 3 years in office, Sadat showed his determination to achieve a position of leadership among his people by accomplishing what his predecessor could not. While Nasser had led the Arabs in battles in the 1967 war against Israel which ended in humiliation for Egypt, Sadat was able to lead Egypt to restore a sense of pride in the Egyptian people through his bold initiatives against Israel. The Egyptian successes, though limited, prompted Sadat to trumpet: "This was a glorious Arab victory."

The true measure of Anwar Sadat was in his determination not to be memorialized as a military leader, but as a statesman for peace.

He saw himself as a statesman and after the war, he vowed to go to the ends of the Earth—"even to the Israeli (parliament)" to discuss peace, if it saved even one Egyptian soldier's life.

By then, Sadat had committed another bold act—against the Soviet Union. He gave the boot to the Soviet ambassador, six other diplomats, and 700 advisers, although the U.S.S.R. had invested billions of dollars in a dam and other projects vital to economic upgrading in the land of the Nile.

At the same time, Sadat began an unprecedented era of friendship with the United States. He invited European and American firms to do business in Egypt under his new economic liberalization policy.

Then came Sadat's trip to Israel that shattered Arab precedent and horrified other Arab leaders. It was followed by Prime Minister Menachin Begin's own precedent-shattering journey to Egypt and led to the 1978 U.S.-mediated Camp David accords. Sadat, who shared the 1978 Nobel Peace Prize with Begin, will long be remembered for his November 1977 trip to

Israel, which helped make possible the September 1978 Camp David peace agreement.

It is true that it takes two to make a peace pact, and Sadat's cosigner on the Camp David accords, Begin, also took a brave gamble as well. But Sadat had to summon that special courage needed to walk away from longtime friends and allies when they are wrong, such as those in the Arab and Communist worlds who had stood with Egypt through the Yom Kippur War, and to pursue peace alone. This is why President Sadat was so widely loved and admired. It is also why he was so feared and, ultimately, why he was struck down.

Sadat became a hero of the West in the true sense of the word. He endeared himself to Americans even more last year during the Iranian hostage crisis and incurred the futher enmity of Arab nations.

It was Sadat who launched the huge task of transforming Egypt from a peasant economy toward its present modernization. It was Sadat who retrieved control of his country from Moscow's long grasp and directed Egypt into a firm relationship with the United States. It was Sadat who recognized the pointlessness of recurring wars with Israel and—on his own initiative—made the historic journey to Jerusalem just under 4 years ago to make his separate peace.

It can truly be said that President Sadat was a man that walked alone. And behind him he leaves a void. Sadat lived as a hero whose bold actions courted a fate that he must have known would end in violent death. Yet, for the cause of peace, this is the path he chose. Such a path is seldom chosen, and when someone of the stature of Anwar Sadat no longer travels this road, the world becomes a much more dangerous place.●

TOUCHDOWN CLUB TRIBUTE TO DARRYL STINGLEY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. FAUNTROY. Mr. Speaker, I am privileged today to bring to the attention of my colleagues that on Friday, October 23, 1981, The Touchdown Club of Washington will present its Gene Brito Achievement Award to former National Football League player Darryl Stingley.

The award is given to an individual who has demonstrated "great faith, perseverance, and fortitude." Darryl Stingley is the epitome of this standard.

In 1973 Stingley was the 19th player selected in the NFL college draft by the New England Patriots. He had 5 outstanding playing years, from 1974 through 1977, compiling stunning statistics during 60 games: 110 pass receptions netting 1,883 yards; an average of 19.1 yards per catch (longest gain of 68 yards); and 14 touchdowns.

During a 1978 preseason football game with the Oakland, Raiders, Stingley suffered a crippling spinal cord injury that ended his football carreer and has left him unable to walk.

Darryl Stingley, though, has risen above his injury and overcome his handicap. With the support and encouragement of family, friends and former teammates, plus an unyielding faith, determination, and courage, Darryl has rehabilitated himself to resume his football career in another direction—as executive director of player personnel for the Patriots.

I believe Darryl Stingley exemplifies the spirit of hope, self-confidence, and undaunted will which abounds in our country and gives me assurance that we as a nation can, if we have the heart of a Darryl Stingley, overcome anything.

In this the International Year of the Handicapped, I invite you to join me in saluting the inspirational accomplishments of Darryl Stingley.●

BUFFALO, N.Y., BUSINESSMAN CITED FOR SERVICE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. NOWAK. Mr. Speaker, next week, the board of trustees of the Theodore Roosevelt Inaugural Site Foundation will present their annual Exemplary Citizenship and Service Award to Mr. Frank D. Leavers, a Buffalo, N.Y., businessman who has been active for many years in a broad range of community affairs.

The foundation administers the operation of the Theodore Roosevelt Inaugural National Historic Site in my hometown of Buffalo, under a cooperative agreement with the National Parks Service. The site is the former Wilcox Mansion on Delaware Avenue, where Theodore Roosevelt took the oath of office as the 26th President of the United States after the assassination of President William McKinley in 1901.

A distinguished citizen, Mr. Leavers served as president of the foundation for many years and was in the forefront of community leaders who worked to preserve the inaugural site as an important part of the heritage of our city, State, and Nation.

Having known Frank Leavers for many years, I can attest to the fact that this Exemplary Citizenship and Service Award is truly richly deserved. He certainly meets the criteria the board of trustees set for the award recipients, namely:

I. The recipient must be an individual who has or is presently devoting an unselfish share of his or her time to the betterment of the community in such a manner that is in accord with the highest principles of honor and justice.

II. The recipient must be a citizen of the United States whose public and private pursuits are noteworthy for daring and unselfish leadership, unafraid of carping critics and not self-seeking in purpose.

III. The recipient must be a person whose contributions could never be described as commonplace or pedestrian. On the contrary, they must be exemplary and inspirational to any and every American citizen.

IV. The recipient must be a person whose life and work is manifestly in the spirit of that greatest of American Presidents, Theodore Roosevelt, thereby deserving of the Foundation's acclaim.

The following article from the Buffalo Evening News traces some of Frank Leavers' community activities, which have included service on a wide range of civic, nonprofit and community-based organizations and projects.

[From the Buffalo Evening News, Sept. 29, 1981]

ROOSEVELT-SITE GROUP WILL HONOR LEAVERS

Frank D. Leavers will receive the annual Exemplary Citizenship and Service Award next month from the board of trustees of the Theodore Roosevelt Inaugural Site Foundation.

The presentation will be made at the Theodore Roosevelt birthday dinner Oct. 27 in the Plaza Suite to mark the 123rd anniversary of the birth of the 26th President.

Mr. Leavers played a leading role in developing the Theodore Roosevelt Inaugural National Historic Site, formerly the Wilcox Mansion, 641 Delaware Ave., where Theodore Roosevelt was inaugurated in 1901 after the assassination of President William McKinley.

The award was voted at a recent trustees' meeting and was announced Monday by Barbara B. Brandt, curator of the site.

Mr. Leavers is a former president and director of the Inaugural Site Foundation and is a trustee of the foundation.

Chairman of the board of Leavers & Frank Inc. and Professional Janitorial Supply Inc., 1445 Military Road, Town of Tonawanda, Mr. Leavers has been active in community affairs, serving as a member of the Buffalo area Chamber of Commerce, Buffalo Beautiful Committee and chairman of its Paint-Up Fix-Up Committee.

He was on the Buffalo Transportation Board and the Landmarks Society. In 1964, he received The Buffalo Evening News Outstanding Citizen award.

Mr. Speaker, Frank Leavers' determination and dedication in working to preserve the historically significant Wilcox Mansion—a community treasure—and his continuing efforts to sustain it are a textbook example of good citizenship in action.

Appropriately, this award will be presented next Tuesday, October 27, 1981, at a dinner in Buffalo marking

the 128th anniversary of the birth of Theodore Roosevelt.

T. R. would have been proud of Frank Leavers' doggedness and proud to join in saluting him for this merited honor.●

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The July 1981 list includes:

NATIONAL DEFENSE

Millions Written Off In Former Service Members' Debts—Future Losses Can Be Cut. AFMD-81-64, July 28.

Recruiting Malpractice: Extent, Causes, and Potentials for Improvement. Acc. No. 115872, FPCD-81-34, July 20.

Logistics Planning for the M1 Tank: Implications for Reduced Readiness and Increased Support Costs. Acc. No. 115700, PLRD-81-33, July 1.

Military Contractor-Operated Stores' Contracts are Unmanageable and Vulnerable to Abuse. Acc. No. 115723, MASAD-81-27, July 8.

Manpower Effectiveness of the All-Volunteer Force. Acc. No. 115825, FPCD-81-38, July 15.

Logistics Concerns Over Navy's Guided Missile Frigate FFG-7 Class. Acc. No. 115714, PLRD-81-34, July 7.

Greater Coordination Required in Defense Planning for Intratheater Airlift Needs. Acc. No. 115768, PLRD-81-42, July 9.

Employment Trends and Grade Controls in the DOD General Schedule Work Force. FPCD-81-52, July 28.

Letter Reports

No evidence was found that unauthorized research was being conducted at Army's Laboratories and Research Activities in San Francisco. HRD-81-98, May 29.

The Navy is taking action to improve initial skill training. Acc. No. 115705, FPCD-81-56, June 29.

Initial actions taken by the Office of the Secretary of Defense and the services to inprove coordination and utilization of human resources research have been sound and timely. FPCD-81-62, July 23.

Defense can save time and money by exploring alternatives to construction of new cargo ships for the Rapid Deployment Force. PLRD-81-55, July 27.

The Navy must improve its accountability for conventional ammunition. PLRD-81-54, July 29.

Some training issues affect the quality of the Air Force's initial skill training program and deserve prompt attention. FPCD-81-61, July 29.

ENERGY

Consumer Products Advertised to Save Energy—Let the Buyer Beware. HRD-81-85, July 24.

Improvements Needed in the Nuclear Regulatory Commission's Office of Inspector and Auditor. Acc. No. 115874, EMD-81-72, July 9.

Department of Energy Can Improve Management of the Acquisition of Major Projects. Acc. No. 115816, MASAD-81-33, June 22.

Elimination of Federal Funds for the Heber Project Will Impede Full Development and Use of Hydrothermal Resources. Acc. No. 115707, EMD-81-110, June 25.

Analysis of Trends in Residential Energy Consumption. Acc. No. 115765, EMD-81-74, July 9.

Further Evaluation of the Proposed Interim Consolidation of the Nuclear Regulatory Commission. Acc. No. 115873, EMD-81-76, June 24.

Is Spent Fuel or Waste from Reprocessed Spent Fuel Simpler to Dispose Of? Acc. No. 115813, EMD-81-78, July 12.

NRC Should Specify User Needs and Improve Cost Control for Its Document Control System. Acc. No. 115826, EMD-81-90, June 3.

FERC Should Improve the Natural Gas Well Determination Process. EMD-81-88, July 30.

Letter Reports

Status of strategic petroleum reserve activities. EMD-81-107, June 12.

No Federal agency collects data in a form that can be used to project demand for minerals to various energy technologies. Acc. No. 115818, EMD-81-104, June 25.

Update of cost information on specific aspects of the Clinch River Breeder Reactor Project. EMD-81-112, June 26.

Designation criteria for the Energy Impacted Area Development Assistance Program. Acc. No. 115696, EMD-81-103, June 26.

Department of the Interior needs to reevaluate funding strategically secure and economic research projects for alumina. Acc. No. 115706, EMD-81-96, June 29.

Department of Energy's assignment of operating and testing responsibilities for OTEC-1. EMD-81-92, June 30.

Options for establishing an Energy Conservation Grant Program. EMD-81-115, July 8.

Status of strategic petroleum reserve activities-July 1981 EMD-81-118, July 17.

NATURAL RESOURCES AND ENVIRONMENT

Solid Waste Disposal Practices: Open Dumps Not Identified-States Face Funding Problems. CED-81-131, July 23.

Wyoming Wastewater Treatment Facility Proves Unsuccessful. Acc. No. 115815, CED-81-94, June 15.

Health and Safety Deficiencies Found at Water Recreation Areas. Acc. No. 115814, CED-81-88, June 15.

EPA's New Research Controls: Problems Remain. Acc. No. 114788, CED-81-124, July 14.

AGRICULTURE

Lessons to be learned from Offsetting the Impact of the Soviet Grain Sales Suspension. CED-81-110, July 27.

More Can Be Done to Improve Department of Agriculture's Commodity Donation Program. Acc. No. 115741, CED-81-83, July 9.

Improving Sanitation and Federal Inspection at Slaughter Plants: How to get better results for the Inspection Dollar. CED-81-118, July 30.

Department of Agriculture Needs Leadership in Managing its Information Resources. Acc. No. 115857, CED-81-116, June 19.

Analysis of Certain Aspects of the California-Arizona Navel Orange Marketing Order. Acc. No. 115786, CED-81-129, July 2.

COMMERCE AND HOUSING CREDIT

New Mortgages for Financing Homes Need Uniform and Comprehensive Consumer Safeguards. CED-81-53, July 2.

HUD Should Strengthen Mortgagee Monitoring to Reduce Losses. CED-81-108, June 9.

Consistent Criteria are Needed to Assess Small-Business Innovation Initiatives. Acc. No. 115708, PAD-81-15, July 7.

Better Management of Collateral Can Reduce Losses in SBA's Major Loan Program. Acc. No. 115846, CED-81-123, July 17.

Some Restructuring Needed in District's Contracting Program to Serve Minority Businesses. Acc. No. 115766, GGD-81-68, June 24.

TRANSPORTATION

Transportation Contingency Plans for Future Gas Shortages will not meet Commuter Needs. Acc. No. 115703, CED-81-79, July 1.

Controller Staffing and Training at Four FAA Air Traffic Control Facilities. CED-81-217, July 9.

Management Improvements Needed in Coast Guard Supply System. Acc. No. 115698, PLRD-81-37, July 2.

Letter Reports

FAA has not effectively managed it en route computerized air traffic control system. Acc. No. 115812, AFMD-81-66, June 1.

GAO Found no basis to conclude that the purchase decision of the M/V Cowslip vessel was improper. CED-81-128, June 25.

The Federal Aviation Administration should discontinue research and development on its voice switching and control system (VSCS) and cancel its planned purchase. MASAD-81-37, July 29.

COMMUNITY AND REGIONAL DEVELOPMENT

The Urban and Community Impact Analysis Program, if Retained, Will Need Major Improvements. GGD-81-85, July 23.

SOCIAL SERVICES

Internal Control Weaknesses Contributed to the Mismanagement and Misuse of Federal Funds at Selected Community Action Agencies. Acc. No. 115770, AFMD-81-54, July 10.

Head Start: An Effective Program but the Fund Distribution Formula Needs Revision and Management Controls Need Improvement. HRD-81-83, July 23.

HHS Moves to Improve Accuracy of AFDC Administrative Cost Allocation: Increased Oversight Needed. Acc. No. 115782, HRD-81-51, May 18.

More Can Be Done to Measure HUD's Success in Using Millions of Dollars for Rehabilitating Housing. CED-81-98, July 14.

Labor Needs to Better Manage Migrant Grants in Virginia and Improve the Process for Selecting Grantees. Acc. No. 115686, HRD-81-66, July 1.

Letter Reports

Process used by the Department of Education to award contracts for Indian education centers. HRD-81-100, June 10.

Analysis of HUD's response concerning its efforts to alleviate housing abandonment. Acc. No. 115784, CED-81-130, June 25.

Questions exist about the Department of Health and Human Services readiness to ensure that mechanized claims processing and information retrieval systems for Aid to Families with Dependent Children can meet requirements of Public Law 96-265. Acc. No. 115697, HRD-81-119, June 29.

Navajo and Hopi Indian Relocation Commission Program. Acc. No. 115744, CED-81-139, July 2.

Ohio was not spending its energy assistance funds as quickly as initially planned and the number of households served by its Home Energy Assistance Program will be significantly lower than estimated. HRD-81-122, July 15.

HEALTH

District Needs to Improve the Process for Identifying Misuse of its Medicaid Program. Acc. No. 115781, GGD-81-78, July 13.

Impediments to State Cost Saving Initiatives Under Medicaid. HRD-81-121, July 29.

A bibliography of Documents Issued by the GAO on Matters Related to: Health. OISS-81-8.

Letter Reports

All grant proposals submitted to the National Institutes of Health were peer reviewed in a similar manner. Acc. No. 115810, HRD-81-95, June 1.

Missouri's handling of Medicaid payments to its Department of Mental Health was permissible under Federal law and regulations. HRD-81-105, June 30.

Federal drug development programs. Acc. No. 115882, HRD-81-125, July 17.

INCOME SECURITY

Action Needed to Eliminate Delays in Processing Civil Service Retirement Claims. FPCD-81-40, July 20.

Assessment of Pension Benefits for Contractors' Employees in Hanford, Washington. HRD-81-103, July 8.

Using the Exact Match File for Estimates and Characteristics of Persons Reporting and not Reporting Social Security Self-Employment Earnings. HRD-81-118, July 22.

Letter Report

Social Security Administration policies for managing its administrative law judges. HRD-81-91, June 2.

The 1972 amendments to the Longshoremen's and Harbor Workers' Compensation Act increased the number of compensation claims. Acc. No. 115783, HRD-81-107, June 12.

VETERANS' AFFAIRS

Cost of VA Medial Care to Ineligible Persons is High and Difficult to Recover. Acc. No. 115817, HRD-81-77, July 2.

Providing Veterans with Service-Connected Dental Problems Higher Priority at VA Clinics Could Reduce Fee-Program Costs. Acc. No. 115856, HRD-81-82, June 19.

Letter Reports

The future of the Department of Veterans Benefits remains uncertain due to cuts in VA's fiscal year 1982 budget. Acc. No. 115785, HRD-81-106, June 30.

ADMINISTRATION OF JUSTICE

Illegal Tax Protesters Threaten Tax System. Acc. No. 115742, GGD-81-83, July 8.

GENERAL GOVERNMENT

Federal Pay-Setting Surveys Could Be Performed More Efficiently. Acc. No. 115687, FPCD-81-50, June 23.

Civil Agencies Should Save Millions by Recovering Silver from Photographic Wastes. PLRD-81-48, July 31.

Bank Secrecy Act Reporting Requirements Have Not Yet Met Expectations, Suggesting Need for Amendment. GGD-81-80, July 23.

Federal Facilities Acquisition and Management: Issues for Planning. Acc. No. 115789, PLRD-81-51, July 14.

Limited Progress Made in Consolidating Grants to Insular Areas. Acc. No. 115743, GGD-81-61, July 10.

Gains and Shortcomings in Resolving Regulatory Conflicts and Overlaps. Acc. No. 115701, PAD-81-76, June 23.

Independent Regulatory Agencies can Reduce Paperwork Burden on Industry. Acc. No. 115767, AFMD-81-70, July 7.

Proposed Changes to the Payment in Lieu of Taxes Program Can Save Millions. PAD-81-82, July 10.

GSA's Management of Reimbursable Building Services Needs Improvement. Acc. No. 115739, PLRD-81-46, July 8.

Audit of the House Recording Studio Revolving Fund for the Calendar Year 1980. Acc. No. 115667, AFMD-81-69, July 1.

Audit of the United States Senate Restaurants Revolving Fund-September 30, 1979 to September 27, 1980. Acc. No. 115713, AFMD-81-63, July 7.

Letter Reports

A need exists for better policy and control over public information requests. Acc. No. 115722, GGD-81-70, July 8.

Impoundment of funds for EPA and the National Endowment for the Arts and the National Endowment for the Humanities. Acc. No. 115790, OGC-81-13, July 13.

GSA's planned post occupancy evaluation program could help improve its facility acquisition performance. PLRD-81-56, July 27.

GENERAL PURPOSE FISCAL ASSISTANCE

Intertitle Transfers-A Way for States to Increase Federal Funding for Social Services. Acc. No. 115769, HRD-81-116, July 10.

The monthly list of GAO reports and/or copies of the full texts are available from the U.S. General Accounting Office, distribution section, room 1518, 441 G Street NW., Washington, D.C. 20548. Phone (202) 275-6241.●

FEDERAL TMI COMMITMENT: A GAME OF SMOKE AND MIRRORS

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. ERTEL. Mr. Speaker, yesterday the administration finally provided details on its position on assisting in the funding of the cleanup at Three Mile Island unit 2. To most Pennsylvanians' disappointment, it is little more than a smoke and mirrors trick which gives the false impression that a new Federal commitment had been made to assist in the cleanup funding.

Despite Energy Secretary Edwards' rhetoric, the administration has rejected all present plans for the cleanup, including Governor Thornburgh's proposal. In a letter to Pennsylvania Congressmen, Secretary Edwards stated: "It would not be appropriate for the Federal Government to enter into an open-ended commitment to finance a fixed percentage of cleanup costs or to commit funds without regard to whether those funds were to be used for one of the two legitimate Federal responsibilities identified above." These responsibilities were research and development of broad national benefit and isolation and disposal of high level radioactive wastes at TMI. To make matters worse, in addition to rejecting all current plans for funding the cleanup, Secretary Edwards' conflicting statements may well slow down the process of arriving at a meaningful TMI-2 funding solution.

Despite appearances, Secretary Edwards merely restated the previous administration commitment of $123 million over the next few years for TMI-2. The impression conveyed was that there is significant cleanup assistance in the Federal efforts, that yesterday's statement represents new TMI money, and that this is a new Federal TMI initiative. On all counts this is completely inaccurate.

The $123 million is composed of two programs already underway at DOE: $75 million for research and development in fiscal years 1982 through 1984, and $48 million for data acquisition at TMI-2. These are not new initiatives, these are not new funding levels—in fact, some of this money has already been spent, and the whole $123 million has very little value in reducing the costs of the cleanup—DOE and GAO have estimated the cleanup value of this $123 million as only $25 million.

What is this money for specifically? The $75 million, announced last spring, is a 3-year R. & D. program on the damaged reactor core and on high level waste immobilization. Last spring, the administration requested $37 million for its TMI program; of this $27 million was a part of the 3-year $75 million effort. The Congress has already authorized $31 million of the $37 million fiscal year 1982 request. This is certainly not new money.

The $48 million data acquisition part of the $123 million is a commitment entered into by the Carter administration to work with EPRI to collect useful data during the TMI-2 cleanup; $12 million of this was spent in fiscal years 1980 and 1981. The administration last spring requested another $10 million of this for fiscal year 1982 and announced its intention to request $10 million more for each year of the cleanup. DOE acknowledges that this money will not assist or offset the cleanup at all. None of this is new money.

This overall $123 million plan, begun under the Carter administration, has been openly discussed and described for the last 6 months. GAO looked at this plan as a part of their report released last August, entitled "Greater Commitment Needed to Solve Continuing Problems at Three Mile Island," and concluded that DOE was correct in its estimate that the $75 million R. & D. plan would offset the

TMI-2 cleanup costs by about $25 million. Particularly instructive in the debate on whether yesterday's commitment represents anything new is DOE's response to the GAO report, dated August 7, 1981, in which this $75 million R. & D. program is described, as well as the $10 million per year data collection program. DOE Assistant Secretary Heffelfinger's letter states:

> The Department is moving forward with a Three Mile Island research and development program to provide valuable data related to nuclear safety and cleanup technology. This program will also provide technical support to the General Public Utilities Company for prompt, safe and efficient fuel removal and waste handling operations. The Department current projects expenditures of about $75 million over 3 years (beginning this October) for research and development in the fuel and waste processing area, and about $10 million per year to acquire data on radioactivity distribution, electrical equipment performance, and other areas related to nuclear safety.

It is obvious that the administration has rejected Governor Thornburgh's TMI funding plan, as well as all other proposals on the table. In Edwin Meese's letter to the Governor, the administration's view is made clear: The responsibility for the financial burdens created by the TMI accident must rest primarily with those who produced and used the electric power from the facility, not the Federal Government.

Governor Thornburgh's plan required the Federal Government to make a contribution to the cleanup of $190 million. The administration's position offers $25 million for the cleanup, and leaves the Governor $165 million short. The administration has also expressed opposition to a Government program to provide property damage insurance which could also be made available for the TMI cleanup.

By trying to give the opposite impression—that the administration supports the principles of the Governor's plan—the administration has injected new uncertainties into the complex debate on the TMI-2 cleanup funding and made it more difficult for other cost-sharing plans, which do not rely on Federal contributions, to attract the necessary legislative attention. As such, the administration has actually worked against a solution, and thus, increased the risks that a public health and safety hazard will develop, that GPU will go bankrupt, and, ironically, that the Federal Government may be required to pay for the entire cost of the cleanup.

Not only is the Federal commitment not new and provides only $25 million toward the cleanup, it is also not open ended, as some have reported. Secretary Edwards made several unclear statements yesterday which confused the issue. Later, however, DOE Assistant Secretary Shelby Brewer clarified the nature of the commitment and made it clear that it was not open ended. While it was stated that the level of Federal R. & D. expenditures might be increased if it is discovered that the cost of the identified tasks is greater than is now believed, it is also clear that such an eventuality would elevate the overall total cost of the cleanup. The signficance of this is that even if this occurs, the shortfall in the required Federal involvement under the Governor's plan will, at best, remain unchanged, and may well increase if the cost of decontaminating TMI-2 has been underestimated.

We now know what the administration is against—everything that has been proposed to date. We do not know, however, what the administration supports. An answer to this question is critical for any serious progress on the problem. Inaction serves only to make everything worse. As the TV commercial says, you can pay now or you can pay a whole lot more later. Everyone, particularly the Federal Government, pays a far more dear price if the administration does not offer constructive and realistic alternatives to the proposals that it has rejected.●

A SALUTE TO THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY'S GEORGE WASHINGTON BRIDGE AND BAYONNE BRIDGE ON THEIR GOLDEN JUBILEE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. GUARINI. Mr. Speaker, within the next few weeks two golden anniversaries will be celebrated spotlighting the George Washington Bridge and the Bayonne Bridge, built and administered by the Port Authority of New York and New Jersey.

The Port Authority of New York and New Jersey came into existence in 1921 by a compact between New York and New Jersey to advance projects in fields of transportation and world trade and to develop and operate terminals and other facilities of transportation and commerce.

Over the years the port authority has financed, constructed, and currently operates 26 major facilities representing an investment of over $3.7 billion. The Governor of each State appoints one-half of the 12 commissioners to the port authority while reserving the power to veto actions from the commissioners from his State.

There are 7,700 individuals working with the port authority whose compact envisions the operation as financially self-sustaining.

Specifically, I would like to spotlight two anniversaries being celebrated. On October 25, the two-level George Washington Bridge will celebrate its 50th anniversary.

The only 14 lane suspension bridge span in the world it is the longest structure. From tower to tower, the bridge leaps in uninterrupted splendor for 3,500 feet across the Hudson River which flows 250 feet below the span. It is tall and proud and mighty towers stand 600 feet high.

The George Washington Bridge's second level has been known affectionately as "Martha" and is the gateway to the major traffic arteries between New York and New Jersey. It is 119 feet wide and its cables contain 105,000 miles of wire. The annual traffic volume is more than 83 million vehicles, as a contrast on its opening day, October 25, 1931, 55,523 vehicles made the crossing. The busiest single day, November 21, 1978, when 140,290 cars, busses, and trucks were carried eastbound across the Hudson.

Of deep social significance is the strong economic development of Bergen County and its 70 communities because of the George Washington Bridge. Business, industry, population, tax ratables all benefit because of this structure.

Last year, during the water shortage, New York and New Jersey officials sought and obtained permission from the port authority to install 36 inch water pipelines across the bridge to carry water from the Delaware River via upstate New York back across to New Jersey.

The annals of history will show that the bridge was dedicated as a memorial to friendly cooperation between the States of New York Governor Franklin D. Roosevelt and Governor Morgan F. Larsen of New Jersey.

The other anniversary I am spotlighting is the 50th anniversary of the Bayonne Bridge which links Staten Island, N.Y. with Bayonne, N.J. It is the longest steel arch bridge in the world and is considered one of the most spectacular bridges, as its midspan clearance permits ocean going vessels to use this entrance to Port Newark without interference.

The bridge has a 1,675-arch span and is 8,460 feet long with an annual traffic volume of 3,800,000 vehicles. The height of its beautiful arch above water is 327 feet at the crown. From opening day, November 15, 1931, to the end of 1981, the four-lane span has carried 116 million vehicles, and not only helped serve the bistate region and its great ports and modern terminals, it serves the Army and Navy at the Bayonne Military Base and Government facilities on Staten Island. The bridge was authorized by legislation passed in New Jersey and New York in 1925, and represents a port authority investment of $18.4 million.

Appropriate ceremonies have been planned with Federal, State, and local officials to commemorate these anniversaries. I am pleased to have been invited to participate by Port Authority Chairman Alan Sagner to both ceremonies on Saturday, October 24, 1981, at 11 a.m. at the George Washington Bridge plaza, when I will join Gov. Brendan T. Byrne, New York Governor Hugh Carey, Port Lee Mayor Nicholas Corbiscello and New York City Mayor Edward I. Koch, who are scheduled to officiate.

On November 15, 1981, ceremonies spotlighting the Bayonne Bridge anniversary will be held. I shall be pleased to participate with Bayonne Mayor Dennis Collins, and Anthony Gacta, borough president of Staten Island.

A bit of nostalgia was brought to my attention by my administrative aide Neil J. Carroll. Over the weekend he showed me a medal which his father received on the first day of trafffic in 1931. As a motorcycle policeman, Cornelius Carroll led the procession across the great span. Needless to say, this commemorative medal is highly cherished by the Carroll family. Cornelius Carroll rose in ranks to be Bayonne's police chief, and his widow, Susan, a resident of Bayonne, intends to join Neil at the ceremonies.

Webster defines a bridge as a structure spanning and providing transportation over a waterway, railroad, or other obstacle. In my opinion, however, these structures can be described as helping to provide opportunity, challenge, hope, happiness, friendship, courage, patriotism, and brotherhood.

Both structures stand as symbols of inspiration and progress. They are a part of a panorama at sunrise and sunset each day, with their seemingly effortless beauty and charm, with their myriad of lights shining like a giant necklace in celestial beauty. They bathe in symmetry with harmonious balance. Truly they project scenes that no artist can capture.

If it were possible to deliver a message to these works of grandeur, I believe these four lines from Edwin Markham's poem "Advice" would be appropriate:

Stand straight;
Step firmly, throw your weight;
The heaven is high above your head
And the good gray road is faithful to your tread.

I am certain that all my colleagues will join with me in recognizing the outstanding achievements of the Port Authority of New York and New Jersey, and add their voices in praise for current Board Chairman Alan Sagner, and all its Commissioners, officials, and employees, past and present, for a job well done.●

SUPPLY-SIDE ECONOMICS—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. McDONALD. Mr. Speaker, yesterday I offered part I, for my colleagues and any others who might be interested in the full implications of supply-side economics, an in-depth analysis by noted Austrian school economist, Percy Greaves.

We ended yesterday's dissertation by Mr. Greaves, as he introduced the more popular writers on the matter of supply-side economics. As we continue, Percy Greaves gets into the heart of George Gilder's "Wealth and Poverty."

In concluding with part II, Mr. Greaves clearly demonstrates that supply-side economics is nothing more, as he suggests, than a "halfway house" with no "firm foundation." This Nation cannot continue with such philosophy or practice. For that reason I urge all to pay heed to the age-old adage that "he who will not read has no advantage over he who cannot read." The conclusion of Mr. Greaves remarks follows:

Gilder has read widely, but not wisely. While he is not particularly familiar with Mises or any other of the better books, he has read a lot of the leftist books. He disagrees with some of them—the Heilbronners and the Galbraiths. He pokes fun at them constantly, because he does have this faith in capitalism. He considers investment a form of "giving." The investor gives this money to society without any knowledge that he is going to get anything back. He looks down on self interest. He claims "the essence of productive work under capitalism is that it is altruistic." He considers Adam Smith all wrong in his emphasis on self interest. He has faith that capitalism works.

He thinks most investors have that same faith, although on some pages he does admit that some businessmen have self interest in mind. He does not know or understand the role of savings, and he considers government as productive as private industry. He believes government's role includes education, health, environment, public works, hospitals, research and a number of other intangibles. As he has no understanding of monetary theory, he believes that hoarding is a cause of depressions.

One of his solutions is government child allowances as "are currently in effect in most Western industrial nations." He believes that if our government paid child allowances to all families, poor families would have an inducement to get off of welfare because they would still get the family allowances. He approves of anti-discrimination laws and the Department of Energy which he thinks attempts "to disperse" the effects of shortages. He approves of rent control, as he believes it diffuses the effects of housing shortages. He claims that many government jobs are worth subsidizing.

Gilder's solutions are always government payments. We should not let inflation interfere with what he considers essential government projects. Inflation is for him, as it is for too many people, "higher prices," rather than an increase in the quantity of money. He does not consider inflation to be necessarily bad. He tells us it can be a forerunner to a healthy adaptation to new conditions. He holds a theory that inflation precedes all the major steps forward in world history. He claims that inflation is not the prime economic problem because it may be necessary to sustain certain government spending programs. As he phrases it, "To say that the Federal Reserve should not accommodate government spending is, in practice, to say that business should pay." Our inflation began, according to Gilder, with the government's "necessary spending to accommodate the baby boom as it moved into schools and colleges. But then the surge acquired a momentum of its own, impelled as much by political enterprise as by social needs." He opposes the political enterprise but not the so-called social needs.

Like other supply-siders, Gilder considers inflation a tax. He prefers it to high tax rates on business and the rich. He thus considers inflation an acceptable substitute for the high taxes he opposes. When inflation supports government programs, he approves. He prefers inflation to high taxes. "Any attempt to fight inflation by monetary contraction alone," he says, "will cause more destructive, and more permanent inflation." You need inflation, he claims, as a supply-side stimulus. If the "money supply," as he calls it, or the "quantity of money" as I prefer, is constant, then there would be less investment, less production and prices would go up to reflect higher government costs. So for Gilder an expanding quantity of money, that is inflation, makes possible more business activity, more supply and is, therefore, good.

Government, in Gilder's view, is a factor of production which needs to be made more productive. He faults our government for not being as productive as it should be. So, he seeks to make government more productive. The fundamental problem, as he sees it, is not inflation, but collapsing production. What matters is the supply side and he feels our government has fallen short in maintaining as much "supply" as it should.

Gilder maintains there is a free lunch under capitalism. This free lunch is the emotions, the visions, the faith in the ideas that can expand production. He considers both labor and resources "enormously elastic" and the solution is to expand them. Their expansion is, for him, a free lunch. He believes there are limitless returns from the metaphysical capital that he talks about and that tax cuts are the only way to balance the budget. Business, he says, doesn't have to worry about inflation. "It can deal with inflation by raising its prices." Government regulations are needed. They should be adopted whenever the benefits exceed costs. Then, he admits that many costs are impossible to measure.

Glider has one rather startling opinion, but maybe you will like it, Congressman. He says, "Our politicians are our aristocrats." One of our problems is that we do not pay them enough. Senators, governors, mayors and Congressmen should be paid at least four or five times their current salaries. If they were, he believes they wouldn't be so envious of the rich and they would be more in tune with the situation.

Glider has a strong faith or religious belief in capitalism. He believes that capitalism is both altruistic and irrational. He has no understanding of its rationale. On the other hand, he thinks that socialism and

government planning are rational, while he considers planning by individuals irrational. He seems to believe profits are a matter of luck. He does not know the difference between gambling and speculation and he's completely confused on planning, rationality and leadership.

The other book on supply-side economics that I have recently read is Reagonomics. It is getting a lot of favorable publicity. In fact, I would suggest to its author, Mr. Bartlett, or Bruce as I know him, that he ought to be worried that he has gotten so much favorable publicity from publications that do not usually endorse "conservative" causes. However, like the books of Galbraith, it may push the author up into the higher income tax brackets.

Bruce Bartlett came to me about 15 or 16 years ago when he was a junior at Rutgers. He was then writing a paper on Pearl Harbor and he had somehow learned that I knew something about Pearl Harbor. So he came to me for some help. He wrote a reasonably good paper on Pearl Harbor. A few years later he wrote a book on the same subject with many good points. However, he was not entirely happy with my review of it. During his senior year, he became interested in Austrian economics. He again visited me and we discussed economics at some length. I have thought he had read my "Understanding the Dollar Crisis," but his Reagonomics shows little evidence of it. So while Gilder has been coming up from a leftish background to the half-way house of supply-side economics, Bartlett, a prolific writer for conservative publications, has, in my judgment, fallen from some of the sound economics to which he has been exposed.

Bartlett does have a better familiarity with economics than Gilder. Among the good things he tells us is that the production lost due to government interference is part of our tax burden. He also discusses at length the growth of the subterranean economy as a result of present high income tax rates. He wants the government to stop waste, manipulating energy and giving money to the poverty lobby to perpetuate dependency. He opposes many regulations as well as the vast housing subsidies which he says demoralize honest workers. He claims income tax rates over 50 percent are unproductive and that the "wedge" between welfare payments and the pay of working people is too small. He finds that in many cases welfare benefits exceed the net income of the workers. Accordingly, like Gilder, he wants to cut the benefits. None of the supply-siders wants to do away with welfare programs—they just want to reduce the amounts paid. The government is forced, he believes, to help poor people, but it should also, he believes, help capitalist investments. He seeks to cut the highest income tax rates, so that we can have more productivity. He writes about how Kennedy reduced income tax rates from a spread of 20 percent to 91 percent to one of 14 percent to 61 percent. For him, the great proof that this was beneficial is that it increased government revenues. That made it good!

When Bartlett left Rutgers, he became a graduate student in history at one of the Washington universities, Georgetown, I believe. He first got a job with Congressman Ron Paul. When Ron Paul was defeated, he went over to Kemp and become a student of Kemp's. Kemp sold him on his tax-cutting ideas and he helped draft the first of Kemp's tax-cutting bills. He later moved over to Senator Jepsen and is now the Deputy Director of the Joint Economic Committee of the Congress, of which Senator Jepsen is currently the Vice Chairman. In the next session of Congress Jepsen will assume the Chairmanship and Bartlett is slated to become the Director of this important committee. He has gone far, and he has done it to a large extent by accepting and promoting the Kemp premises.

Bartlett tells us that Carter kept one of his promises, the promise to make our income taxes more progressive. He also realizes that Carter sought the so-called "excess profits taxes" on oil companies as a vote-buying fund, somewhat as years ago I witnessed Roosevelt create the social security trust fund as a "kitty" he could spend to keep himself popular. Roosevelt is not worrying about present day social security payments. Neither is Carter such concerned about those of us who have to pay higher prices for gasoline to provide our government with more spending money.

Bartlett scores some good points against Sweden's welfare state. One interesting thing I learned, and I assume it is true, is that in 1978 in Sweden a family of four with an income of $4,600 was given benefits that brought their income up to $14,000. At the same time, a similar family with an income of $23,000 was brought down by taxes to $14,000. So families with earned incomes between $4,600 and $23,000 were allocated the same incomes. That is socialism with a vengeance.

Bartlett does say that some government spending must be cut. He hopes that the tax cuts will persuade people to switch from leisure to work and from consumption to savings. Like Gilder, he looks on inflation as a tax. He believes it is primarily a tax on cash balances and bond holders. He feels it is better to tax them than to tax the producers of wealth. He apparently has little idea of how inflation disorganizes the entire economy.

Bartlett is mixed up on Keynes. Keynes' cure for inflation, he says, was a recession. Keynes' cure for inflation was more inflation. Too little, too late, was his idea. Actually, a recession is the necessary free market correction of the problems created by inflation. You cannot correct or stop inflation without those people first receiving the inflated quantities of money losing that source of funds and those who have been selling to them losing them as customers. The beneficiaries of inflation then have to readjust to reality. A recession, thus, is a necessary readjustment if you are ever going to end inflation. But the supply-siders do not seem to know this, or realize it, or care about it.

Although all of the supply-side arguments are against the marginal tax rates on the upper brackets and particularly the tax on capital gains, they endorse progressive taxation. They do not know what inflation is. They talk about inflation as higher prices, whereas the only meaningful definition is an increase in the quantity of money. They are also confused about the econometric models they now have which, of course, cannot spill out anything but what is put into them.

Bartlett has a whole chapter on the Mellon tax reductions of the 1920s, without mentioning the inflation that accompanied them or the fact that Mellon started with a balanced budget. He does show that Treasury revenues rose each time Mellon cut tax rates—the high rates of World War I. He has more to say about Kennedy's tax reductions, which I have already covered.

Bartlett does not seem to realize that the chief benefits of reducing capital gains taxes are primarily that it unlocks capital and permits investments to be transferred to where they can better satisfy customers. He thinks of such a tax reduction merely as a means of increasing income for the government. More revenue for the government is the prime drive of all supply-siders.

Bartlett says nothing about the labor unions or the double taxes on dividends. He prefers inflation to a balanced budget or high taxes. Although all of his arguments in favor of tax reductions concern the higher tax rates and capital gains, he and the other supply-siders reach the illogical conclusion that the tax reductions must be across the board. He also wants to index income tax rates. He says it is "unlikely" that we shall stop inflation. So, in his words, "indexation will eliminate the pain of inflation."

Let me show you what some of our young people are thinking of the late President Franklin D. Roosevelt by reading a paragraph from Bartlett's book. Remember he belongs to a generation born long after the New Deal. Such generations have no personal knowledge or memory of the New Deal as do those of us who have reached my ripe old age. This is what he has to say about Roosevelt:

"In the 1932 election, when the Socialist Party received almost a million votes, or more than 6% of Herbert Hoover's total, the specter of socialism as a threat to the established order was driven home forcefully. Roosevelt, it can now be seen, was at heart a conservative, in the sense that he opposed socialism and radical change. (Anyone who does not believe this should read some of the 1932 campaign speeches or the 1932 platform of the Democratic Party.) But he understood, perhaps more clearly than is possible today, that socialism represented a threat to the system. His response was to move away from laissez-faire toward a more activist role for government in the economy. Roosevelt understood that, unless government was able to deal with the Depression (or at least give the appearance of doing so), socialism might triumph. Although his policies were unsuccessful in ending the Depression—the economy was worse off in 1937 than it was in 1932—Roosevelt was totally successful in conveying the view that government could deal with the situation within the context of capitalist democracy."

There you have another one of their popular errors. They all think democracy is wonderful. They do not know our Founding Fathers opposed democracy, so they created a republic. They have no understanding that democracy would eliminate the Bill of Rights.

Going back to the quote. Note this last sentence:

"The socialists were destroyed."

Now that is news to me, and I think it is to many of you. Socialism destroyed and by Franklin D. Roosevelt!

This paragraph reflects no realization that Roosevelt scrapped his Party's 1932 platform and gave us a radical avalanche of regulatory agencies starting with the triple "A" and winding through the entire alphabet by the unconstitutional NRA to the WPA, and is executive-created Youth Administration.

To sum up, we have let the jinni out of bottle as far as this off-the-books economy is concerned. More and more income producing activities go unreported. It is going to be very difficult for people to drop that habit. The supply-siders seek income tax

cuts across the board as a panacea. They believe such cuts will increase government revenues, which they consider more important than balancing the budget. They oppose some Keynesian subsidies for "demand" while endorsing government assistance for "supply." For them, inflation, which is ruining our economy, is not necessarily bad, particularly when the politically created dollars are used to support welfare state programs and permit tax reductions which they hope will encourage business and the rich to increase "supply." They have no program for solving our mass unemployment. They want to reduce, but not eliminate, regulation, food stamps, unemployment subsidies, government welfare, and the progressive income tax. Their half-way house has no firm foundation. They have little understanding of basic economics or the essential elements of a free society. They are all for "democracy." They have no thoughts of returning our country to the pre-New Deal concepts of a limited constitutional government. They just want to cut taxes across the board so that government can have more revenues!

Thank you!●

LOCKS, DAMS, RIVER TAX MAY SINK NO. 1 INLAND PORT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1981

● Mr. GAYDOS. Mr. Speaker, this past August the U.S. Army Corps of Engineers officially credited the Port of Pittsburgh, Pa., as the Nation's No. 1 inland port.

The corps reported that in 1979, the last year for which figures are available, the port handled nearly 41 million tons of freight. That is 19 million tons more than its closest competitor and the tonnage was exceeded by only 12 seaports in the Nation. Furthermore, the total tonnage for the entire Port of Pittsburgh region, which includes West Virginia's northern panhandle and Ohio sections, was a record 72.5 million tons, a figure topped by only five of the seaports.

Products accounting for this overall total included: Coal, 51.6 million tons; oil/gasoline, 5.9 million tons; sand/gravel/crushed rock, 5.5 million tons; iron/steel, 4.1 million tons; chemicals, 2.5 million tons; coke, 369,973 tons; and other commodities, 2.4 million tons.

Those figures make very clear the importance of the Port of Pittsburgh to the Nation's inland waterways system and they should emphasize how vital it is to the national interest that we maintain a highly efficient and smoothly operating network of inland ports. The rivers are much more than merely a major economic generator.

They provide energy efficient transportation, commercially as well as recreationally. They are a key element in national defense, a source of water for industrial plants and communities located along their banks and the economic base upon which thousands of cities and towns are built.

The Port of Pittsburgh, as recognized by the Corps of Engineers, now stands as a titan among the Nation's inland ports. It would be tragic, therefore, were it permitted to become an industrial *Titanic*, frantically sending out SOS's while sinking slowly beneath the waters of neglect, delay, and inaction.

But, that is precisely what could happen, Mr. Speaker, if the Federal Government continues its policy of benign neglect toward the locks and dams so critical to the shipment of goods along the river. It is precisely what could happen if the Federal Government, in its desperate search to find new revenue to offset huge tax cuts, should take it upon itself to levy unfair, unwarranted, and unbearable new taxes upon the users of these rivers.

The fact is the locks and dams along the network of rivers, particularly in the upper Ohio River region, are deteriorating rapidly and despite continued pleas for assistance the Government has ignored the situation. Instead, in recent years it has concentrated on creating a new source of revenue from the rivers, departing from a century-old policy in the process.

On April 7, 1981, I inserted into the RECORD a detailed summary of the serious condition of some 30 locks and dams along the Ohio, Allegheny, Monongahela, and Kanawha Rivers. In that summary, it was pointed out the projected lifespan of these structures, when they were built, was 50 years ago. Yet, the average age of the structures mentioned already exceeded 50 years and one was pushing 75.

These aging and crumbling locks and dams are hardpressed to handle the volume of traffic which passes through them today. Experts agree they will, in their present condition, be incapable of meeting the challenges they will face tomorrow as the Nation moves forward in its campaign to increase productivity in the face of growing foreign competition.

Minor disruptions in the moving of products shipped by river cause mammoth problems and monstrous cost increases. For example, this summer new gates had to be installed on one of the locks. The construction lasted just 2 weeks but shippers were delayed 30 hours or more per trip. Translated into direct and indirect costs, these delays cost the companies shipping by river more than $50 million.

The solution, of course, would be to replace most, if not all, of the existing locks and dams. The cost of such a program, however, has not been seriously contemplated nor calculated to my knowledge. But, it has been estimated that replacement of just three of the locks would cost between $2 and $3 billion. But, as critical as those funds are to the national interest, there seems to be little enthusiasm to provide them.

Mr. R. Barry Palmer, executive director of DINAMO, a four-State regional association of business, labor, and government representatives formed to focus attention on the disintegration of the locks and dams, explained the seriousness of the situation.

Mr. Palmer observes:

> The economic future of the entire region is at stake. If we have any hope for the development of Eastern coal as a valuable export commodity, if we have any hope of developing a significant alternate fuel industry, if we want to maintain any kind of competitive position for steel and other heavy industries here, we have to improve the (river) facilities needed to get our goods to market.

In the past, Mr. Speaker, the improvement of these facilities has been far easier said than done. The Corps of Engineers repeatedly has submitted plans for major repairs to the locks and dams but, except for emergencies, funding has not been forthcoming. In fact, no waterway modernization project has been approved for construction in the region since 1964, according to DINAMO.

It was for that reason I introduced H.R. 3619 last spring. This legislation authorized critically needed navigation improvement projects along the Monongahela and upper Ohio Rivers. On June 3, the legislation was referred to the Office of Management and Budget for comment.

Frankly, I am reluctant to hazard a guess as to what OMB's comments might be in view of that agency's burning desire to slash budgetary funds in all areas except the military. This feeling is reinforced by reports the administration will renew its request to Congress, submitted earlier this year, to establish a new schedule of user charges for commercial vessels on the rivers. The proposal seeks to recover from the users a substantial portion of the costs for dredging, construction, and maintenance of river channels, locks, dams, and ports.

Despite my misgivings, however, I hold out hope that OMB will recognize that by clamping too tight a lid on the spending of Federal money to replace the crumbling system of locks and dams it might well be pulling the plug on the waterway industry's ability to help build a new beginning for America.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint com-

mittees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 22, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 23

9:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on miscellaneous tax proposals.
2221 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To continue hearings on S.J. Res. 115, approving the President's recommended waiver of law to expedite the construction and initial operation of the Alaska Natural Gas Transportation System.
3110 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings to discuss the final report of the U.S. Attorney General's task force on violent crime.
2228 Dirksen Building

Labor and Human Resources
Education Subcommittee
To hold hearings on the proposed Pell Grant Family Contribution Schedule, providing assistance to college students from low-income families.
4232 Dirksen Building

11:00 a.m.
Foreign Relations
To hold hearings on the nominations of John D. Negroponte, of New York, to be Ambassador to Honduras, and Robert C. McEwen, of New York, to be a U.S. Commissioner on the International Joint Commission, United States and Canada.
4221 Dirksen Building

OCTOBER 26

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of cobalt.
5302 Dirksen Building

*Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 1662, establishing a Federal program for the interim storage and permanent disposal of high level nuclear waste from civilian powerplants.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To resume hearings on S.J. Res. 115, approving the President's recommended waiver of law to expedite the construction and initial operation of the Alaska Natural Gas Transportation System.
3110 Dirksen Building

*Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 1688, proposed Career Criminal Life Sentence Act.
2228 Dirksen Building

1:00 p.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on S. 1695, repealing the generation skipping transfer tax, S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions, S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions, and S. 1733, providing a procedure for determining the fair market value of certain assets for estate tax purposes, and providing for declaratory judgments relating to installment payment of estate tax.
2221 Dirksen Building

OCTOBER 27

9:00 a.m.
Governmental Affairs
To resume hearings to examine the acquisition process of the Department of Defense.
3302 Dirksen Building

*Labor and Human Resources
To hold hearings on S. 1483, proposed Radiation Exposure Compensation Act.
4232 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building

Small Business
To hold oversight hearings on implementation of the Small Business Administration's direct loan program.
424 Russell Building

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1516, to expedite exploration and development of geothermal resources.
3110 Dirksen Building

Environment and Public Works
To hold hearings on the nominations of Robert A. Jantzen, of Arizona, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior, and Carlos C. Campbell, of Virginia, to be Assistant Secretary of Commerce for Economic Development.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Sonia Landau, of New York, and R. Kenneth Towery, of Texas, each to be a member of the Corporation for Public Broadcasting.
235 Russell Building

1:00 p.m.
Foreign Relations
To hold hearings on the proposed Convention on the Conservation of Antarctic Marine Living Resources (Ex. X, 96th Cong., 2d sess.).
4221 Dirksen Building

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Jean B. S. Gerard, of New York, for the rank of Ambassador during tenure of her service as Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization (UNESCO), Geoffrey Swaebe, of California, to be U.S. Representative to the European Office of the United Nations, with the rank of Ambassador, Frank Shakespeare, of Connecticut, to be a member of the Board for International Broadcasting, and Mark Goode, of California, to be a member of the Board for International Broadcasting.
4221 Dirksen Building

Judiciary
To hold oversight hearings on merger policy in the private sector.
2228 Dirksen Building

OCTOBER 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on international investment policy.
4221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on alleged corruption in the International Longshoreman's Association's influence and control over the waterfront industry along the east and gulf coasts.
3302 Dirksen Building

Labor and Human Resources
Business meeting, to consider the nominations of John R. Van de Water, of California, to be a member of the National Labor Relations Board, and C. Everett Koop, of Pennsylvania, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To receive a briefing from Secretary of Agriculture John R. Block on the administration's soil conservation policy.
324 Russell Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on Senate Concurrent Resolution 33, disapproving the Federal Trade Commission Trade Regulation Rule relating to the sale of used motor vehicles.
235 Russell Building
Energy and Natural Resources
Business meeting to consider pending calendar business.
3110 Dirksen Building
Governmental Affairs
To hold hearings on S. 864, to require each executive agency to submit an annual report to the President on the adequacy of its internal accounting and administrative control systems.
Room to be announced
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on activities of the Office of Justice Assistance, Research, and Statistics, Department of Justice, focusing on Federal assistance to State and local law enforcement.
5110 Dirksen Building
*Labor and Human Resources
Labor Subcommittee
Business meeting, to consider S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.
4232 Dirksen Building

11:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on administration recommendations for a comprehensive soil and water resources conservation program to increase America's food production capability.
324 Russell Building

2:00 p.m.
Select on Ethics
To hold a closed business meeting on pending committee business.
6228 Dirksen Building

OCTOBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building
Commerce, Science, and Transportation
Business, Trade and Tourism Subcommittee
To hold hearings on S. 1256, to regulate interstate commerce by protecting the rights of consumers, dealers, and end users.
235 Russell Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on alleged corruption in the International Longshoremen's Association's influence and control over the waterfront industry along the east and gulf coasts.
224 Russell Building
Judiciary
Courts Subcommittee
To hold hearings on the future income of individuals claiming bankruptcy.
5110 Dirksen Building
Labor and Human Resources
Education Subcommittee
To hold oversight hearings on title III of the Higher Education Act (Public Law 96-374), relating to developing institutions.
4232 Dirksen Building
Special on Aging
To hold hearings on the Federal role in promoting greater opportunities for older workers.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 625, revising the boundary of Voyageurs National Park in the State of Minnesota.
3110 Dirksen Building
Environment and Public Works
To hold hearings on S. 1706, S. 1709, and S. 1718, bills strengthening environmental protection laws.
4200 Dirksen Building
Foreign Relations
To hold hearings on the foreign policy and arms control implications of the President's strategic weapons proposals.
4221 Dirksen Building
Governmental Affairs
To resume oversight hearings on the congressional budget process.
3302 Dirksen Building
Judiciary
*Immigration and Refugee Policy Subcommittee
To hold hearings on granting amnesty to certain illegal aliens.
2228 Dirksen Building

2:00 p.m.
Energy and Natural Resources
*Energy Regulation Subcommittee and Water and Power Subcommittee
To resume joint oversight hearings on hydroelectric development and related licensing procedures.
3110 Dirksen Building

OCTOBER 30

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of L. Ebersole Gaines, of Idaho, to be Executive Vice President of the Overseas Private Investment Corporation (OPIC).
4221 Dirksen Building

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

NOVEMBER 4

9:00 a.m.
Governmental Affairs
Intergovernmental Affairs Subcommittee
To resume oversight hearings on fiscal disparities within the Federal budget system.
357 Russell Building
Labor and Human Resources
*Labor Subcommittee
To hold hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
3110 Dirksen Building
Small Business
Advocacy and the Future of Small Business Subcommittee
To resume hearings to examine effects of government competition on small business.
424 Russell Building

NOVEMBER 5

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 709, requiring a refund value for certain beverage containers, and prohibiting the sale of metal beverage containers with detachable openings.
235 Russell Building
Governmental Affairs
To resume hearings to examine the acquisition process of the Department of Defense.
3302 Dirksen Building

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the VA's Department of Medicine and Surgery's implementation of the Office of Management and Budget's circular A-76, providing for the contracting out of certain government services.
412 Russell Building

10:00 a.m.
*Energy and Natural Resources
To hold oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building
Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the impact of media on juveniles.
6226 Dirksen Building

NOVEMBER 6

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolu-

tion 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

10:00 a.m.
*Energy and Natural Resources
To continue oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To resume oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

NOVEMBER 9

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of titanium.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

NOVEMBER 10

8:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation and effects of the Staggers Rail Act of 1980 (Public Law 96-448), reducing ICC regulations of the railroad industries and providing opportunities for railroads to improve their financial viability.
1318 Dirksen Building

Labor and Human Resources
To resume hearings on S. 234, to encourage the establishment of home health care programs and to provide expanded coverage of home health services under the medicare and medicaid programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

*Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold hearings on S. 1226, establishing the National Nuclear Property Insurance Corporation, and providing supplemental insurance coverage for certain cleanup costs following damage to nuclear powerplants.
Room to be announced

NOVEMBER 11

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

NOVEMBER 12

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

10:00 a.m.
Judiciary
Criminal Law Subcommittee
To resume hearings on S. 101 and S. 751, bills to eliminate or establish an alternative to the exclusionary rule in Federal criminal proceedings.
5110 Dirksen Building

2:00 p.m.
Judiciary
Criminal Law Subcommittee
To continue hearings on S. 101 and S. 751, bills to eliminate or establish an alternative to the exclusionary rule in Federal criminal proceedings.
5110 Dirksen Building

NOVEMBER 13

10:00 a.m.
Energy and Natural Resources
*Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

NOVEMBER 16

1:30 p.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

NOVEMBER 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

*Veterans' Affairs
To hold oversight hearings on the effects of the use of Agent Orange.
412 Russell Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

NOVEMBER 19

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

NOVEMBER 24

9:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on State implementation of Federal regulations, focusing on standards of the Resource, Conservation and Recovery Act.
3302 Dirksen Building

DECEMBER 1

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

DECEMBER 2

9:30 a.m.
Labor and Human Resources
To continue oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

JANUARY 13, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 14, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 20, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 28, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 4, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 11, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 18, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 25, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

CANCELLATIONS

OCTOBER 22

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1554, S. 1253, S. 482, and S. 440, bills to amend the Federal Criminal Code with respect to the circumstances under which a person charged with or convicted of a crime may be released on bail or personal recognizance.
Room to be announced

10:00 a.m.
Governmental Affairs
To resume oversight hearings on the congressional budget process.
3302 Dirksen Building

OCTOBER 23

10:00 am.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up S. 1647, restricting the power of Federal courts in matters of court-ordered school busing.
5110 Dirksen Building

OCTOBER 26

9:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 653, proposed Habeas Corpus Procedures Amendments Act.
2228 Dirksen Building

OCTOBER 28

9:30 a.m.
*Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on granting amnesty to certain illegal aliens.
2228 Dirksen Building

OCTOBER 30

10:00 a.m.
Judiciary
To resume oversight hearings on the implementation of the Copyright Act of 1976, focusing on section 101 relative to cable TV policy.
2228 Dirksen Building

NOVEMBER 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

NOVEMBER 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, October 22, 1981*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The heavens declare the glory of God; and the firmament sheweth His handiwork.—Psalm 19: 1.

O God, help to lift our eyes to see the beauty of Your creation and the marvel of Your handiwork. With all our involvement with the actions and reactions of the events of the day may we still open our souls to the grandeur of Your spirit and the power of Your presence. May we never be content to see only the rush of events that fill the hours, but enable us to behold Your glory, which transcends and gives meaning to all we do. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1000. An act to amend the Independent Safety Board Act of 1974 to provide authorizations for appropriations, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 146. An act to authorize the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina, and for other purposes;

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes; and

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

PUNK ECONOMICS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, during the last dozen months or so, our Nation has adopted a new economic policy and learned new economic terms.

Last year we heard of Kemp-Roth; later, monetarism, then supply side economics—all summed up as Reaganomics—the administration's economic policy.

Now Dr. Herbert Stein, who was the chief economist for Presidents Nixon and Ford, has characterized President Reagan's economic policy as "punk supply sideism" (New York Times, Oct. 20, 1981, p. A31). Dr. Stein, in describing punk economics, uses "punk," he said, in the rock-music sense of "extreme to the point of being bizarre."

No matter how you describe it, it means a recession. The headlines read: "GNP Falls at 0.6 Percent Rate, Confirms Recession." Productivity is down, unemployment is up, and interest rates remain at an alltime high.

For all Americans who are not concerned about economic terms, it means hard times ahead.

THE RECESSION

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I learned with dismay last evening that some of the members of our administration have said that it is good to have a recession at about this time, it is good to have a recession once in a while, under the theory that it purifies the economy.

You know, you might as well say that it is good to have pneumonia once in a while because it purifies the blood.

Now, that simply will not fly in my district in California. When you have lost four rubber tire factories, one automobile assembly plant, and another one working at half speed, when you have lost two steel mills, when bankruptcies are increasing, and the construction trade has come to a standstill, a recession has no appeal for the people in my district.

I want to say this: If this is good for the economy, the people in my district have not yet gotten that message from the messiah of the millionaires. And I want to warn the messiah of the millionaires that if this does not turn around, and turn around soon, he is going to get the message, the messiah is going to get the message next year.

HOUSE CONCURRENT RESOLUTION 197 URGES NEGOTIATED SETTLEMENT TO ONGOING WAR IN EL SALVADOR

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, on October 1, I introduced House Concurrent Resolution 197, urging the President to press for a negotiated settlement among the major political factions in El Salvador, in order to guarantee a safe and stable environment for open democratic elections.

Mr. Speaker, my reason for offering this resolution is simple. The war in El Salvador has dragged on for too long with no end in sight. The indiscriminate acts of violence perpetrated by the rightwing extremists and the Marxist guerrillas have consumed the lives of thousands of innocent people.

The administration, realizing the shortcomings of its present policy toward El Salvador, is now opting for a political solution, through elections scheduled for March of 1982.

However, it would be unrealistic to assume that the people of El Salvador could safely participate in elections in a climate of violence and fear.

Mr. Speaker, it is my belief that unless the Reagan administration urges the Duarte government to establish a meaningful dialog, with its political opposition, the conflict will intensify, impeding progress toward holding free and open democratic elections.

I urge my colleagues to cosponsor House Concurrent Resolution 197, endorsing a negotiated settlement to the ongoing war in El Salvador.

SECRETARY OF COMMERCE MARY POPPINS

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, a visitor to my office this week provided a grim example of the crushing effect of high interest rates.

My visitor was a young businessman from Cleveland, who runs an established, profitable meat-processing company.

His 45-year-old firm, founded by his father, has been providing ground meat to the Cleveland public schools and the U.S. military. He had a successful year last year, and won new contracts this year. But to meet them,

he needed new equipment. Until the payments arrive, he has taken out bank loans, and laid off workers.

Now he is paying 23-percent-interest rates, Mr. Speaker, on a quarter of a million dollars in loans. He has cut his payroll from 25 to 12. At the rates he is paying, interest costs him $60,000 per year.

Mr. Speaker, it would be cheaper and healthier for our Nation to keep interest rates under control. Twenty-three-percent rates will put workers everywhere in the unemployment and food stamp lines, and put their dependents on welfare.

Bankruptcies are already at the highest levels small business can experience. Make no mistake about it, the Reagan recession is here.

I am appalled at the comments of Secretary of Commerce Malcolm Baldrige who believes a recession is useful, "almost necessary right now," according to the Secretary.

Unemployment and high interest policies of this administration, cannot be the cure for our country's economic problems. I do not believe the working men and women of this country should pay the price for these ill-conceived administration actions.

A Secretary of Commerce who says a recession is necessary to solve our economic problems is a lot like Mary Poppins; who wants us to swallow some recessionary sugar to help make their high interest rates and unemployment medicine go down.

PRODUCTIVITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think the casualness with which the administration dealt with the fact that we are in a recession is really cruel. They ignore the human terms and the fact that many people are suffering. To have administration officials say that people are supposed to feel good about this suffering, I find amazing.

But one of the things we must do is act. We cannot stand around here and the administration cannot stand around here giving everybody advice. We have got a lot to do, too. We have been going around and the administration been going around pointing their finger and saying to people in the private sector, you have to become more productive. We all know they have to become more productive. But we should do all we can to see the public sector becomes more productive, also.

I was shocked that this administration did away with the productivity section of the Office of Personnel Management. That is the whole area that deals with productivity for the entire Federal bureaucracy.

So they deal with the recession so casually in the human terms and in productivity in their area they ignore. At a time when we should have the Federal Government be more productive, they cancel the productivity section. I have a bill on productivity in the public sector. I think we have to set an example, not just give others advice. It is very important that we show the American people we are not dealing with the recession as casually as the administration is.

BILL INTRODUCED PROVIDING FOR RELIEF FOR INDIVIDUALS THREATENED WITH RIF PROGRAM

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FAUNTROY. Mr. Speaker, when President Reagan stated that $1.3 billion would be saved as a result of reductions in Federal personnel, I and thousands of Federal employees wondered how and where the meat ax would fall.

To date, thousands of Federal employees have already felt the blow of the President's reduction in force program, and many more can expect a similar fate.

In recent weeks, my office has been inundated with complaints from Federal employees who have lost their jobs or expect to lose their jobs due to the RIF. Many are long-term employees.

Lives are being disrupted, unemployment is increasing, and still, the White House has been unclear as to how far and how deep these cuts will go.

Just yesterday, three employees of the Department of Health and Human Services came to my office, uncertain of their future. Two of them have been employed with the Federal Government for 26 years each, and the other has been employed for 15 years. They have received a general RIF notice, effective October 31, and may be forced to compete for jobs in the private market after a career of Government service.

I am today introducing a bill to provide some relief to individuals whose lives, livelihoods and families are threatened by this RIF program.

My bill has three major provisions:

First, it requires that OMB establish and maintain a national register of RIF'ed employees.

Second, it allows a RIF'ed employee to have the right of first refusal for job openings in the Federal Government by disallowing Federal agencies from appointing anyone to a position as long as a qualified RIF'ed individual is available for the job.

Third, it provides for appeal to the courts in the event a RIF'ed individual is not satisfied that a Federal agency has complied with this law.

I am considering other legislative measures to augment this bill. Hopefully this measure will help to reduce the doubt, remove the uncertainty, and ease the pain of a seemingly out of control personnel reduction program. Thank you.

□ 1015

A FLAWED ECONOMIC PROGRAM

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, yesterday I noticed that a Cabinet officer in our Government said that we probably need a recession in this country. Some of us who are in Congress for the first time came here expecting to hear a few higher truths from folks in those positions of responsibility and we find instead that these higher truths are not forthcoming.

We find folks in those positions welcoming a recession with open arms and I think that is more a product of bankrupt economic thought than a higher truth.

The American people are starting to understand that we cannot, through a process of mere emotional arithmetic, have the largest tax cut in American history and the largest military build-up in American history and come out with a balanced budget. That does not make sense. This is an economic program that is flawed.

The American people are starting to understand that.

To be specific, let me talk about taxes for a half a minute. We just passed a tax cut which is the largest in the history of America.

In 1960, corporations in this country paid 23 percent of America's income taxes. After this new tax cut washes through the American economy in 5 years, American corporations will pay 7 percent of the American income tax. Guess who pays the rest? The American folks out there who are working for a living. There is a big tax increase in America's future for the working people. I think this is the kind of economic philosophy which says the rich get richer and the poor get poorer.

The American economy is floundering. The policies we are running do not represent the best of what we have to offer this country and its future.

THE ADMINISTRATION'S NEO-NEW FEDERALISM MEANS HIGHER PROPERTY TAXES

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, the subject of federalism is much discussed these days and the concept of new federalism or what I describe as neo-new federalism, as put forth by this administration, has come under scrutiny by the House Government Operations Committee in order to find out what this administration really means by new federalism. Secretary James Watt was sent over as the spokesman for the administration in these hearings and I think we now have learned that this administration believes that federalism or their brand of neo-new federalism means increasing local property taxes.

In the course of the testimony given by Secretary Watt, I asked Secretary Watt:

What do we do about efficiently operated, necessary programs that are going to be affected by some of the budgetary proposals this administration has made? If they are to be maintained—

I asked—

will it result in an increase in local property taxes as a result of your concept of new federalism?

Secretary Watt said:

I think that is right; an increase in local taxes.

To which I said:

An increase in local taxes? The fellow who pays Federal tax is the same fellow who pays property taxes. You should not lose sight of that fact.

New federalism should mean more than raising local property taxes and I think the American people ought to be forewarned that the brand of neo-new federalism which is now being espoused does not recognize States prerogatives and States rights but is simply raising local property taxes in the name of neo-new federalism.

I believe in true new federalism and I hope the administration's neo-new federalism will come to mean something more than higher property taxes across America. If not, next year when the voters ask themselves "Am I better off today than I was 2 years ago?" they will say "No" if they see their property taxes going up and up because of the administration's neo-new federalism.

BIPARTISAN EFFORT NEEDED TO STRAIGHTEN OUT ECONOMIC MESS

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, all the news about recessions and high interest rates and sluggish investments and unprecedented Federal deficits is really not news at all. If we would refer back to the debates on the first budget resolution earlier in this spring, we will find that all of the things over which we are wringing our hands this fall were predicted precisely by those of us on the Budget Committee who tried to warn against these conditions last spring.

An administration policy that coupled a large Federal deficit, unprecedented borrowing by the Federal Government, taking out nearly 40 percent of the available credit this year, coupled with a stimulative fiscal policy that creates higher demand for private credit, coupled with a monetary policy that shrinks the available credit that is there to borrow, that policy simply is going to lead to one of two things: Very high interest rates and high inflation or very high interest rates and high inflation that will lead to a very high recession.

Clearly the tenets that we set out in the first budget resolution in the Budget Committee look sounder and make more sense now than they did even in the spring. I would hope that this body and this administration would recognize the need to change course and would do what is right for America and put together a truly bipartisan, not a bogus bipartisan effort to straighten out the economic mess we find ourselves in.

ADMINISTRATION SEEMS ONLY CONCERNED WITH RICH

(Ms. OAKAR asked and was given permission to address the House for 1 minute and revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I, too, am amazed at how casually the administration acknowledges a recession. Apparently they agree with having one.

Mr. Speaker, production and sales in certain industries, such as housing and automobiles, are almost at a standstill. New home sales have dropped 15 percent more in the last 6 months. The high interest rates are killing our small businesses. In my area alone, the bankruptcy rate is one-third more this year than last year for small businesses.

Mr. Speaker, if we do not produce and people cannot afford to buy, unemployment and frustration increases. Government ought to produce the greatest good for the greatest number of people. A recession has a negative catastrophic impact on the majority of Americans, but apparently the administration does not seem to be concerned about the majority of Americans, only the selected few who are rich.

HIGH INTEREST RATES

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I, too, am concerned, first of all that it has taken the administration this long to recognize that the economy is in a serious recession, and secondly, I am stunned by the fact that Secretary Baldrige yesterday said that a recession is good for the country. A recession means unemployment and misery for millions of Americans; it is not good for our country.

Out in the Pacific Northwest, we have a very weak economy in which the housing industry and forest product industries are not just in a recession, but nearly a depression. That depression is caused by the complicity of this administration in a high interest rate policy that is choking off America's economy.

If there was a chance for the administration's program to work, it has been strangled by the Federal Reserve Board's tight money policies that cause high interest rates. So, the policies of the Fed which this administration continues to support has caused this problem.

We need housing in this country. Ninety-five percent of Americans today cannot afford housing because of high interest rates and the size of monthly payments required to purchase a home.

The homebuilders of this country, the realtors, the automakers, have launched a campaign to unlock the economy, sending keys to Congress and the Fed in protest of these high interest rates. National unemployment is nearing 8 percent. In Washington State unemployment is at 10 percent.

I say it is time for this administration to make it clear to the Federal Reserve Board that we can no longer tolerate the high interest policy and the resulting damage it is doing to small business, homebuilders, realtors, savings and loans, and the forest products industry of this country.

HOUSING INDUSTRY SUFFERS FROM HIGH INTEREST RATES

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, while yesterday's report of a further decline in the GNP came as no surprise and will be viewed as confirmation that a recession is underway, the administration's attitude of "wait and see until it gets bad" is somewhat disconcerting.

With total housing starts this year not expected to exceed 1.1 million units and auto sales limping along at the same rate as last year of 9 million units, I suggest it is time the administration take a look at the disastrous effect high interest rates are having on these two key industries.

The housing industry is suffering as much from lowered expectations as well as high interest rates. I am told

by many homebuilders that so few people believe financing is available at reasonable rates that new homes can be on the market for months before people come looking. Much has been said about importance of predictability in the economy and the need for a 3-year tax cut to encourage spending and investments. When the tax bill was signed, perhaps the news failed to make it beyond the rosy predictions of the Rose Garden.

What is needed now is less dogma and more pragmatism. If fiscal restraint is to produce lower interest rates it will take a new budget approach which is even and fair handed in reality as well as perception.

LOOK ALIKE DRUGS

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, last week the Subcommittee on Crime, which I chair, held the first congressional hearings on look alike drugs. Look alike drugs are drug products that have been manufactured to imitate controlled substances. Originally they were a swindle against persons buying illegal drugs. Now this fraud is mass marketed by means of direct mail, handbills, and mail order.

The targets are school children who are told that they can get high on legal stimulants. They are legal only if they are properly labeled. But look alikes are sold by the rules of the drug world: No labels, no warnings, just caveat emptor.

The over-the-counter drugs used in the look alike capsules are themselves dangerous. We heard of children being killed by these drugs. The FDA told us that they are reviewing the safety of those ingredients which are stimulants. The medical literature of the adverse effects such as strokes and paralysis from these drugs is growing.

There is a serious law enforcement problem here too. Narcotics agents can be confused by the look alike drugs. They risk being sued for false arrest which can destroy a police department's effectiveness. The only bright spot is that the U.S. postal inspectors, with limited resources and jurisdiction, have put several look alike distributors out of business.

A representative of State government and a drug abuse educator were both convinced that the States cannot do the job alone, and that an effective Federal response is needed.

The Subcommittee on Crime will hold further hearings to develop the best way to fight those who encourage children that drug use is normal or acceptable. We must stop those who spread look alike drugs and thereby encourage our children into the drug using cult we are trying to destroy.

CARNIVAL ECONOMICS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, a very curious event took place on the floor yesterday during the consideration of the farm bill. In the middle of the consideration of that important piece of legislation the Committee of the Whole rose. Then, even though we were supposedly pressed for time the Speaker took the well to make a partisan political speech announcing the so-called recession we are now entering.

But what was even more curious is that the Speaker sought to blame the 22-day-old Reagan economic program for the recession. As the Speaker is becoming so fond of saying "its all the fault of Reagan's voodoo economics." What the Speaker did not mention is the pre-Reagan, O'Neill-Carter inflation rate of 13 percent. What the Speaker did not mention is the pre-Reagan, O'Neill-Carter interest rates of 20 percent or more. And finally what the Speaker did not mention is 20 years of what I would term "carnival economics." What is Speaker O'NEILL's carnival economics? Carnival economics proposes that the liberal democratic leadership have a merry time of taxing and spending a sound economy into oblivian, while the American people take a roller coaster ride of high inflation, low productivity, high interest rates, and declining real income.

Mr. Speaker, 20 years of carnival economics cannot be reversed by 22 days of sanity. If voodoo economics means reducing inflation to single digits, falling interest rates, and lower taxes I will take it over carnival economics any day.

PRESIDENT REAGAN'S FOREIGN POLICY

(Mr. HENDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDON. Mr. Speaker, in recent months some of our colleagues have complained that President Reagan does not have a foreign policy.

The Washington Post yesterday published the results of a nationwide poll that will put an end to that sort of misinformation.

Let me read to you what the Post said:

> Three in every four Americans believe that President Reagan's hard-line approach to foreign affairs is creating new respect for the United States overseas.

The Post goes on to report that,

> Overall, the public gives the President high marks for his conduct of foreign affairs and continues to support him strongly on his plans for a military buildup.

I bring this to your attention only to point out what has been obvious since November of 1980: The American people want the kind of leadership President Reagan has been giving them. They clearly do not want the discredited, failed, dangerous foreign policy leadership—if you can call it that—this country endured from 1977 to January 1981.

It is ironic: From 1977 to January 1981, the United States had a foreign policy but the vast majority of Americans disliked it. Since President Reagan took over, we are now told we have no foreign policy—but a vast majority like it very much.

□ 1030

SOME POSITIVE SIGNS

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, the media interlude we were treated to yesterday made me fondly recall the days of the last administration when economic policies changed direction almost as often as the breeze.

Now that we have entered the 22d day of the Reagan economic program your calls to abandon this carefully coordinated policy are clear testimony to your support of the rudderless drift followed by the previous administration.

But the rhetoric betrays a lack of alternative policies. The call for a change 3 weeks into the new regimen betrays a shocking lack of ideas.

No; the problems created by 15 years of the Great Society have not been totally reversed in 22 days. However, there are some positive signs—interest rates have dropped 10 percent in these last 3 weeks, inflation has receded to single digit, and with the tax cuts real income to workers has begun to increase.

No one pretends that we have completely turned around the disaster left us by the veto-proof Democratic legacy of the last 4 years, but a policy exists. A policy that is beginning to show some positive movement.

To the dismay of all those who lack any ideas, lick the finger and test the wind economics is banished and a program that can work has just begun.

THE ECONOMIC HANGOVER

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, yesterday the Chair interrupted the legislative business of the House in order to launch a partisan attack on the economic program of the present administration. I think while most of us in

this House, including most of my colleagues on the Republican side, share the Speaker's concern about the recession, I think we also know where that recession came from. It is an economic hangover from the days of the Carter administration that literally destroyed the economics of this country. We were headed for a Carter collapse and what we are seeing is the result of those disastrous policies.

What we would also contend is that the idea put forth that somehow the Democratic alternative economic program offered on this floor earlier this year would have prevented this is, in my opinion, nonsense.

We know one thing about that alternative. Had that alternative been adopted, taxes would have been going up. The trend would have been upward, not downward.

We also know one other thing. Faced with the dire economic straits of this country, social security recipients next year could have expected their cost of living increases to be cut, to be eliminated for 3 months, as the result of the adoption of that alternative. I do not think that is what the American people want. I think they want the kind of economic programs this administration and this Congress has adopted.

WORLD HUNGER

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, in the past several months I have become increasingly aware of a strong feeling among many of my constituents on the subject of world hunger. These individuals are especially interested in the form and substance of President Reagan's participation in the Cancun summit.

The President will be telling other world leaders that massive amounts of dollars being doled out to needy nations will not necessarily solve the problem of world hunger. It is clear that this aid in many instances does not reach those who need it the most. There is also evidence that massive aid can become a disincentive to self-sufficiency.

I agree with the President that the free market is the most effective solution to the root cause of world hunger; namely, self-sufficiency in the production of food. Yet, we cannot assume that Third World nations can establish free-market economies for themselves. This Nation can, and should, provide developmental assistance and unfettered trade for those nations to assist them in their development.

At this moment, no nation has given top priority to alleviating world hunger; but now more than ever a comprehensive food assistance and development program is necessary. The cause of human freedom and economic growth can best be achieved when a nation achieves the ability to provide for the basic needs of its people.

ACID RAIN

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, in order to curb the serious effects that acid rain is having on New Hampshire, the Northeast, and Canada, I today, along with a number of other colleagues, have introduced in the House two bills calling for regulatory control, coupled with an increased research and development program.

The first bill, called the Acid Deposition Control Act, is designed to reduce sulfur dioxide emissions at the source. It primarily concentrates on controlling the greatest sulfur dioxide emitters, which are the coal-burning powerplants of the Midwest.

The second bill of what I am calling the two-pronged approach, is designed to significantly increase the research on acid rain and to present a thoroughly laid-out procedure through which long-term control strategies can be implemented.

The effects of acid rain, which is causing destruction of many of the lakes in New Hampshire and throughout the Northeast and Canada, the increased occurrence of respiratory and nervous system disorders, adversely impacting the tourist industry and damaging buildings, are becoming alarmingly more evident. For these reasons, I cannot emphasize enough the need to take action now to stop acid rain.

RISK COMPARISON

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, 2 days ago we passed a Hazardous Materials Transportation Act amendment which called for a "comparative risk analysis" of transporting hazardous substances. I am pleased that this method is receiving legislative acceptance. I have been communicating the value of comparative risk analysis—putting hazards in perspective—in the Congress for 3 years now. My bill, H.R. 3441, the Risk Analysis Research and Demonstration Act of 1981, is now pending markup in the Science and Technology Committee. I would have been here on the House floor to actively support the comparative risk analysis amendment had I not been at Health and Environment Subcommittee hearings regarding the role of risk analysis in the standard setting process in the Clean Air Act. The transportation of hazardous substances is indeed an ideal topic for comparative risk analysis or in plain English, putting hazard in perspective whether for regulators or the public. In my own district, the Lehigh Valley in Pennsylvania, a group of engineers and scientists produced a study which spelled out the facts about the transportation of nuclear materials as compared to the road transportation of other hazardous materials like chlorine, gasoline, propane, and so forth. This report has been extremely helpful for the average citizen to put this specific issue in perspective. The study helped to defuse unnecessary alarm by providing some basic factual information. I submit that risk analysis will make it easier for us to do the right thing regarding complex technical issues to minimize real risks to society. With scarce regulatory dollars we simply must improve regulatory efficiency. Risk analysis will help greatly through a better description of hazard.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT TODAY DURING 5-MINUTE RULE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may be permitted to sit today during any proceedings under the 5-minute rule.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Colorado?

Mr. WALKER. Mr. Speaker, reserving the right to object, is this something which is entered into as an understanding with the minority?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield, my understanding is that this was cleared with the minority. The meeting is to consider subcommittee reports on legislation that is noncontroversial.

Mr. WALKER. Is a markup of any bill contemplated in this hearing?

Mrs. SCHROEDER. Well, the understanding I have is that the subcommittee reports on legislation will be voted on.

I assume that the markup of the bills will probably take place, but I do not think any of them are controversial. I could give the gentleman a list of the bills if he would like, but my understanding is they were cleared with the minority. They looked at them and felt they were noncontroversial and it would take just a short time.

Mr. WALKER. Well, further reserving the right to object, we are going to be considering some very important matters here on the floor today. We have the food stamp program. We have got a lot of very important mat-

ters that are going to come before the House. It seems to me that if a markup is going to take place, even on noncontroverisal matters, you will have people that will have to be there in order to maintain a quorum. That would cause some Members a problem that might have to be on the floor for the very important business that we are going to be conducting.

Mrs. SCHROEDER. If the gentleman wishes to object, it is perfectly all right with me. I think I am basically the real minority on the Armed Services Committee; the minority on the gentleman's side of the aisle, as I understand it, agreed with this. They felt the bills would move expeditiously because they are noncontroversial.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Are there other objectors?

An insufficient number has objected.

The request is agreed to.

USELESS VOTES

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, I take this time to object to the increase in the number of very wasteful votes that are being called on the approval of the Journal and going into the Committee of the Whole House for the State of the Union.

Yesterday I was holding hearings. We had the Assistant Secretary of State there. We had the former Secretary of Defense and president of the World Bank, Mr. Robert McNamara. There must have been a dozen members of the State Department there. To keep people like this waiting for a meaningless vote is rude and an unwarranted imposition.

I calculated that for each one of these foolish votes it cost the taxpayers somewhere in the neighborhood of $50,000. We have 435 Members. They have to spend a half an hour coming over here. There is an average of maybe 10 committees in session at the time of any such vote and each has witnesses, many of whom come long distances and at considerable sacrifice to testify.

Furthermore, it demeans the significance of our votes, because these are perfectly meaningless votes, yet they count the same on a Member's voting record as do votes on substantive issues.

I would strongly urge upon the leadership that we defer votes on approving the Journal to the end of the legislative day which would probably obviate these altogether, and that we have the Rules Committee provide that we automatically go into the Committee of the Whole, so we would not have to have a vote on that, and we could get to the very serious business this House has to consider.

TOBACCO SUPPORTS THE GOVERNMENT

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOUNTAIN. Mr. Speaker, yesterday a considerable amount of time was spent in trying to perfect an amendment which would indicate that in the future the tobacco program would be of no cost to the Federal Government.

I just want to make the observation that the cost of the program to the Government has been very low in the past, and far below all other commodities, and it is not costing the Government today any consequential amount, on the contrary Government is costing tobacco billions of dollars in taxes. In fact, tobacco is supporting all governments in both direct and indirect taxes annually to the tune of $22 billion. Tobacco has been supporting all levels of government for years.

Let me briefly tell you what tobacco has meant to this country, according to figures from the 1939 study conducted by the Wharton Applied Research Center, a very reputable institution.

In employment, direct and indirect, tobacco has been providing over 2 million jobs annually.

In direct and indirect compensation, it has has provided $29,900 million for jobs.

In taxes to the 50 States, local units of government not included, over $4,317 million.

In Federal taxes, $4,442.5 million.

So the result is that almost $10 billion in direct taxes is going to the 50 State and Federal governments. Add local government taxes—figures I do not now have—and the indirect State and Federal Government taxes to the direct tax figures I've broken down, and we get the annual direct and indirect tax figures showing that the tobacco industry is supporting all levels of government by approximately $22 billion annually.

So unquestionably tobacco is supporting the Government.

FOOD AND AGRICULTURE ACT OF 1981

Mr. DE LA GARZA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 1, answered "present" 1, not voting 53, as follows:

[Roll No. 273]

YEAS—378

Addabbo	Crane, Philip	Ginn
Akaka	D'Amours	Glickman
Albosta	Daniel, Dan	Gonzalez
Alexander	Daniel, R. W.	Gore
Anderson	Danielson	Gradison
Andrews	Dannemeyer	Gramm
Annunzio	Daschle	Gray
Anthony	Daub	Green
Archer	Davis	Gregg
Ashbrook	de la Garza	Grisham
Aspin	DeNardis	Guarini
Atkinson	Derrick	Gunderson
AuCoin	Derwinski	Hagedorn
Bailey (MO)	Dickinson	Hall (OH)
Bailey (PA)	Dicks	Hall, Ralph
Barnes	Dingell	Hall, Sam
Beard	Dixon	Hamilton
Bedell	Donnelly	Hammerschmidt
Beilenson	Dorgan	Hansen (ID)
Benedict	Dornan	Hansen (UT)
Benjamin	Dougherty	Harkin
Bennett	Dowdy	Hartnett
Bereuter	Downey	Hatcher
Bethune	Dreier	Hawkins
Bevill	Duncan	Hefner
Bingham	Dunn	Heftel
Blanchard	Dwyer	Hendon
Bliley	Dymally	Hightower
Boggs	Dyson	Hiler
Boland	Early	Hillis
Boner	Eckart	Holland
Bonior	Edgar	Hollenbeck
Bonker	Edwards (CA)	Holt
Bouquard	Edwards (OK)	Hopkins
Bowen	Emerson	Horton
Breaux	Emery	Howard
Brinkley	English	Hoyer
Brodhead	Erdahl	Hubbard
Broomfield	Erlenborn	Huckaby
Brown (CA)	Evans (DE)	Hughes
Brown (CO)	Evans (IA)	Hunter
Broyhill	Evans (IN)	Hyde
Burgener	Fary	Ireland
Burton, John	Fascell	Jacobs
Burton, Phillip	Fazio	Jeffords
Byron	Fenwick	Jeffries
Carman	Ferraro	Jenkins
Carney	Fiedler	Jones (OK)
Chappell	Fields	Jones (TN)
Chappie	Findley	Kastenmeier
Chisholm	Fish	Kazen
Clausen	Fithian	Kildee
Clay	Flippo	Kindness
Clinger	Foglietta	Kogovsek
Coats	Foley	Kramer
Coleman	Ford (MI)	LaFalce
Collins (IL)	Forsythe	Lagomarsino
Collins (TX)	Fountain	Lantos
Conable	Fowler	Latta
Conte	Frank	Leach
Conyers	Frenzel	Leath
Coughlin	Garcia	LeBoutillier
Courter	Gejdenson	Lee
Coyne, James	Gephardt	Lehman
Craig	Gibbons	Leland
Crane, Daniel	Gilman	Lent

Levitas	Parris	Smith (NE)
Lewis	Pashayan	Smith (NJ)
Livingston	Patman	Smith (OR)
Loeffler	Patterson	Smith (PA)
Long (LA)	Paul	Snowe
Long (MD)	Pease	Snyder
Lott	Perkins	Solarz
Lowery (CA)	Petri	Solomon
Lowry (WA)	Peyser	Spence
Lujan	Pickle	St Germain
Luken	Porter	Stangeland
Markey	Price	Stanton
Marks	Pritchard	Stark
Marlenee	Pursell	Staton
Marriott	Quillen	Stenholm
Martin (IL)	Rahall	Stokes
Martin (NC)	Railsback	Stratton
Martin (NY)	Rangel	Studds
Matsui	Ratchford	Stump
Mattox	Regula	Swift
Mavroules	Reuss	Synar
Mazzoli	Rhodes	Tauke
McClory	Richmond	Tauzin
McCollum	Rinaldo	Taylor
McCurdy	Ritter	Thomas
McDade	Roberts (KS)	Traxler
McEwen	Roberts (SD)	Trible
McGrath	Robinson	Udall
McHugh	Rodino	Vander Jagt
McKinney	Roe	Vento
Mica	Roemer	Volkmer
Mikulski	Rogers	Walgren
Miller (CA)	Rostenkowski	Walker
Miller (OH)	Roth	Wampler
Mineta	Roukema	Washington
Minish	Rousselot	Waxman
Mitchell (NY)	Roybal	Weaver
Moakley	Rudd	Weber (MN)
Moffett	Russo	Weber (OH)
Molinari	Sabo	Weiss
Mollohan	Santini	White
Montgomery	Sawyer	Whitehurst
Moore	Scheuer	Whitley
Moorhead	Schneider	Whittaker
Morrison	Schroeder	Whitten
Mottl	Schulze	Wilson
Murtha	Schumer	Winn
Myers	Sensenbrenner	Wirth
Napier	Shamansky	Wolf
Natcher	Shannon	Wolpe
Neal	Sharp	Wortley
Nelligan	Shaw	Wright
Nelson	Shelby	Wyden
Nichols	Shumway	Wylie
Nowak	Shuster	Yates
O'Brien	Simon	Yatron
Oberstar	Skeen	Young (FL)
Obey	Skelton	Young (MO)
Oxley	Smith (AL)	Zablocki
Panetta	Smith (IA)	Zeferetti

NAYS—1

Mitchell (MD)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—53

Applegate	Ertel	Lungren
Badham	Evans (GA)	Madigan
Bafalis	Florio	McCloskey
Barnard	Ford (TN)	McDonald
Biaggi	Frost	Michel
Bolling	Fuqua	Murphy
Brooks	Gaydos	Oakar
Brown (OH)	Gingrich	Pepper
Butler	Goldwater	Rose
Campbell	Goodling	Rosenthal
Cheney	Hance	Savage
Coelho	Heckler	Seiberling
Corcoran	Hertel	Siljander
Coyne, William	Hutto	Watkins
Crockett	Johnston	Williams (MT)
Deckard	Jones (NC)	Williams (OH)
Dellums	Kemp	Young (AK)
Edwards (AL)	Lundine	

□ 1100

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3603, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 21, 1981, title XIII was open to amendment at any point, and pending was an amendment offered by the gentleman from Missouri (Mr. COLEMAN).

Does the gentleman from Missouri seek recognition?

Mr. COLEMAN. Yes, Mr. Chairman, I do.

MODIFICATION OF AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent to modify the pending amendment.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Modifications of amendment offered by Mr. COLEMAN: In line 4, section 1343, insert after the word "suspect" the word "felony".

In paragraph (1) of section 1343, after the word "criminal" on line 2, insert the word "felony".

Strike out paragraph 2 and renumber the succeeding paragraphs accordingly.

In paragraph 2, line 3, strike the word "in" and insert the words "is under the authority of the United States".

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Missouri (Mr. COLEMAN) is recognized for 5 minutes.

There was no objection.

Mr. COLEMAN. Mr. Chairman, I would want to make clear that it is my understanding that in part of the legislative history that is being made on this bill, that changing of the language which I have just done relative to searches incident to arrest in section 1343 in no way should be interpreted as diminishing the authority to conduct searches incident to an arrest provided for in such section which is implicit in the authority to arrest as contained in the decisions of the U.S. Federal courts, including the U.S. Supreme Court.

Furthermore, the changing of the language contained in section 1343 relating to searches incident to arrests is in no way intended to limit the general authority of those given arrest authority provided for in this section that exists for other Federal investigators who have arrest authority.

Mr. Chairman, in everyday terms, that is to indicate that we feel that it is implicit in the authority given in subsection (1) therefore is unnecessary to provide this further authority.

Mr. Chairman, these amendments and changes to my amendment in this section have been arrived at in a spirit of compromise, and it is my understanding that the gentleman from New York will offer an amendment in just a moment to provide for codesignation by the Inspector General of the U.S. Department of Agriculture and the Attorney General, and we will dicuss that amendment following, but I thought it was more appropriate for him to offer that in just a moment.

Mr. Chairman, I do this in a spirit of compromise, trying to keep together the package that has been delicately formed and reformed.

Mr. Chairman, I would yield to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman yielding to me.

This is to agree with the gentleman and reemphasize the fact that any activity which is pertinent to arrest under the law that any of the stricken language, if it is implied, does not diminish whatever the present law is and whatever part of it is encompassed within the present law. To that extent, I think that should be the legislative history.

Further, I state to the Members that I appreciate the gentleman's spirit of compromise in this effort, and I think that with this change we would have satisfied the major concerns of most of the Members who have expressed concern.

There is still some general concern, and perhaps later we might be able to more fully address this issue, but for the present time as part of the compromise I think that we should go along and accept it in the spirit of compromise in order to protect all of the other sections that encompass the consensus compromise.

I thank the gentleman from Missouri.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding, and I would like to say at the outset that I understand that this amendment was included with other amendments, and that there was an agreement on both sides of the aisle in the Agriculture Committee which affected not only section 1343, but caps and other matters that were very important to both sides of the aisle of the Agriculture Committee.

I, however, as I expressed yesterday on the floor, was very concerned about the fact that this is a unique situation that we did not envision when we established the Inspectors General, that

there would be any sort of authority for law enforcement. It was primarily an audit function, so this is a unique departure from the initial authority that was contained in the legislation which established the Inspectors General in the various departments, and particularly in the Agriculture Department. Now, I think this is unique in the sense that we do have a situation in which these individuals in the Inspectors General are in essence doing more than what the Inspector General Act envisions.

In the spirit of compromise I am willing to accept the compromise that has been proposed. The staff people on the Government Operations Committee have been working with the staff of the Agriculture Committee to put together this language the gentleman has just included. I also think it is important that the amendment to be offered by the gentleman from New York (Mr. WEISS) be accepted because that does provide that, in addition to the Inspector General of the Department of Agriculture, that the Attorney General of the United States would have to designate those persons who would be responsible for carrying out this law enforcement function.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(At the request of Mr. HORTON and by unanimous consent, Mr. COLEMAN was allowed to proceed for 3 additional minutes.)

Mr. HORTON. So, in a spirit of compromise and also because of the special situation that exists with regard to the food stamp program, I personally would be willing to accept the language that has been proposed here by way of a compromise, but I want to make perfectly clear that this is not to be a precedent with respect to Inspectors General in other departments, and I would hope that somewhere along the line hearings could be held so that this could be even better limited with regard to what these individuals will be permitted to do under this law enforcement provision.

Mr. COLEMAN. I appreciate the gentleman's comment, and I want to point out that we need to protect these people, allow them to do their duties now. If the gentleman's committee or any other committee wants to work on this, I would be more than happy to have them do that, but in the meantime the enforcement requirements are with this agency and we need to be able to give them the tools to do it. If anybody wants to make those changes, fine, let us make them, but let us not send these fellows out without having the capability to perform them.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank my colleague for yielding.

I would like to say, as one who yesterday voiced some concerns about the original text of the language, that the changes which the gentleman has made in the spirit of compromise satisfy the major objections that I had and which I discussed with the gentleman yesterday. I thank him for making those changes, and in that sense I can certainly support the amendment as changed. I commend him for it.

I would like to say further that it is extremely important that we take effective action against the food stamp fraud, which has gotten involved in the underworld and criminal activities, and I think this is an absolutely essential activity. The Inspectors General of the U.S. Department of Agriculture are already working with Justice Department crime force groups in order to deal with this matter, and this type of legislative action is needed. I think at a later time, perhaps some changes and improvements can be made.

There is one other point I would like to address to the gentleman. I am concerned that if we are really going to fight food stamp fraud, we have got to do it with people who are out there investigating these activities. I have heard that there will be an effort made to reduce the number of Inspectors General in the Department of Agriculture who are doing this very thing.

□ 1115

Mr. Chairman, I do not believe we can fight fraud with fewer fraud fighters. I think we have got to have at least the number on board that are presently there to get this job done if we are really serious about doing it.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. COLEMAN) has expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. COLEMAN was allowed to proceed for 2 additional minutes.)

Mr. COLEMAN. Mr. Chairman, I agree with the gentleman from Georgia (Mr. LEVITAS), and I understand that obviously there will be cuts along the way in personnel. But it is my understanding there will not be any cuts made in the USDA on persons investigating this criminal trafficking in food stamps and the waste, fraud, and abuse in the system. I agree with the gentleman in what he said.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman knows, a number of us who were debating this topic yesterday felt strongly that what the gentleman was doing in getting at this waste, fraud, and abuse was an important contribution.

Is the gentleman convinced that the compromise that has been reached will still afford the kind of enforceable action that will be needed to get at the waste, fraud, and abuse in the program?

Mr. COLEMAN. Absolutely. But I think at the same time it recognizes the sensitivity of the issue and the concerns some Members had which were legitimate, and I believe we have allayed those fears. We have an amendment which still has a lot of teeth in it, and it is one by which the people who are out on the line and who are actually in an undercover situation, working in many cases with organized crime, are going to be able to protect themselves as they perform their public duties.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I think that what he has done is an excellent way to resolve what appeared to be an impasse.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WALKER).

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I would point out that, while I am not a party to any discussions on compromises with regard to the wording of this amendment, as revised, I understand the atmosphere and the climate that exists here, which is that of compromise. I just want to point out that some of our worst law arises out of compromise. I think we are still heading in the wrong direction with this amendment.

I realize that the amendment is going to be approved. I just want to voice the warning that we have gotten into this situation because the Department of Agriculture has moved ahead into a law enforcement area. The Inspector General's Office has not been given the charge, as the gentleman from Missouri had indicated yesterday, to enforce the law or to serve as law-enforcement officials.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(On request of Mr. KINDNESS, and by unanimous consent, Mr. COLEMAN was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. Mr. Chairman, if the gentleman will yield further and if I may continue, that was not a part of the authority of the Office of Inspections previously either. So the reason we have gotten into this situation is that the established Federal law enforcement officials, the FBI in particular, have not devoted the resources to this program that are needed. I think

it is in that area where we really should be getting the emphasis rather than in this area.

I would just mention that I still feel we are heading in the wrong direction, but I understand the effort that is underway here to get on with this legislation.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I want to say to the gentleman that I think the gentleman's language is an improvement, but it still has some problems, as I see it.

In the first place, the language is much more restrictive than is the case with felony violations generally. So we are creating a new class of instances where an arrest and search can be made.

The second point is that we are putting the officer, it seems to me, in a position where he is going to have to determine whether the court has in fact issued a warrant upon probable cause, because under the gentleman's language under (3) it would cite that he can execute a warrant for an arrest, for the search of premises or the seizure of evidence if such a warrant is issued upon probable cause.

So the officer is being put in a position of having to determine whether or not the warrant was issued upon probable cause.

Mr. COLEMAN. Well, the gentleman has raised a question, and I think I can explain it by saying that it is not the agent who is producing the warrant; it is going to be a magistrate, and he will not do it unless there is probable cause shown by the agent.

Mr. HUGHES. That is not the point I am making.

If the gentleman will yield further, Mr. Chairman, the gentleman's language is "* * * if such warrant is issued upon probable cause to believe that such violation has been committed."

That is putting the officer in the position of having to determine whether or not a court had probable cause.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. COLEMAN) has again expired.

(On request of Mr. HUGHES, and by unanimous consent, Mr. COLEMAN was allowed to proceed for 2 additional minutes.)

Mr. COLEMAN. Mr. Chairman, the reason that language is in there is that right now when an agent makes a case and he needs a warrant, he has to ask for the U.S. Marshal to go to the court to get a warrant for the arrest or for the search. That is all there is to it. The difference is that we are substituting the requirement that he go to the judge instead of the U.S. Marshal to ask for it. That is the only thrust of that language, and I think that is all it does.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield further, I know what the gentleman wants to do but what the language and what the gentleman wants to do, are two different things.

I would suggest to the gentleman that a very preferable way to deal with the problem is to make it specific, as we do with any other law enforcement agency, and grant the authority to carry a firearm and make arrests.

Mr. COLEMAN. Well, Mr. Chairman, if I may reclaim my time, obviously the gentleman is opposed to the amendment, and that is fine; he can exercise that opposition. But the gentleman can offer an amendment or take whatever action he wishes.

Mr. DUNN. Mr. Chairman, will the gentleman yield for one question?

Mr. COLEMAN. I yield to the gentleman from Michigan.

Mr. DUNN. Mr. Chairman, I have just one quick question.

Does the amendment that has been worked out by the gentleman in the compromise address the issue of protection for the agent who is actually going out into the field?

Mr. COLEMAN. Yes; it does. I certainly feel that it does or I would not have agreed to the compromise.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the chairman of the committee.

Mr. DE LA GARZA. Mr. Chairman, I rise only to make the fact known that, for example, under the powers of postal inspectors the law reads that they can make arrests without warrant for felonies recognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

That is the present law for postal inspectors, and we are dealing here with something that could be as serious or perhaps more serious under much more limiting circumstances.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman for pointing that out, and that is about right. I appreciate the gentleman's comments.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

This amendment is an extremely unwise attempt to convert the carefully crafted Inspector General's office into a police force which has arrest and search and seizure powers in excess of those granted to any Federal law enforcement agency. When we established the Inspectors General, we did so with the intention that they should ferret out fraud, waste, and abuse of Government programs with the primary tool being the use of the audit function. We in no way intended that they should become a national police force. We have Federal agencies that are equipped to handle the police functions of arrest and search and seizure should the investigations of the Inspector General show such a need.

The requirement that an independent judicial officer approve a warrant for arrest or search and seizure has been a part of our constitutionally guaranteed rights since the adoption of the fourth amendment to the Constitution. There is no reason today to yield to the expediency of the moment to minimize the protections which the amendment affords.

Mr. Chairman, we have no record upon which to base such an extraordinary action. Any modification in matters of criminal law and procedure should be carefully scrutinized by the Committee on the Judiciary. The profound effects of such action should be examined in great detail by the committee which has the expertise and experience in this highly complex area.

This amendment would set a dangerous precedent in law enforcement. Should we grant such power to the Inspector General of the Department of Agriculture, certainly every other Inspector General would be seeking such authority for his or her department.

I strongly believe that this amendment is ill-conceived. It could have drastic and far-reaching ramifications which have not been adequately examined.

While it has been stated that the Secretary of Agriculture is in favor of this proposal, the Assistant Attorney General for the Office of Legislative Affairs, Robert M. McConnell, informed the general counsel of our committee yesterday that the White House, the Department of Justice, and OMB oppose this amendment.

It also appears to me to be symptomatic of faults within our own institutions in how we approach the important business of legislating in this day and year. Rather than utilize our existing committee systems and have the committees with the expertise and experience review and fashion legislation within their spheres of jurisdictions, we attempt, for whatever reasons, to do these things on the floor and usually in the wrong vehicle. If we are to establish or grant these far reaching police powers to the Inspector General for the Department of Agriculture, or any Inspector General, let us do it after careful thought and sensible scrutiny by the proper committees of our body.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

The distinguished chairman of the Committee on the Judiciary, as usual, has come forward to protect the deliberative process with regard to our Constitution and its Bill of Rights, and I commend the gentleman for that.

But I was wondering whether the gentleman from New Jersey (Mr. RODINO) might have commented concerning the existing incentive for States to enforce the law with regard to the food stamp programs within States. There is an incentive by way of 75 percent of the cost of that being reimbursed by the Federal Government, plus the fact that they can keep 50 percent of whatever proceeds happen to be recovered out of such activities.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has expired.

(On request of Mr. KINDNESS, and by unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. Mr. Chairman, if the gentleman will yield further, part of the constitutional arrangement that we seek to protect and preserve against being nicked away at the edges is that there is a role of the States in so many areas of government in our country. Here is one which apparently we are not trying to make known, and that is a constitutional question I have.

Mr. RODINO. Mr. Chairman, this is a matter which I think needs to be addressed.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding.

The gentleman mentions the fact that he is concerned that appropriate action be taken to eliminate the fraud and abuse. My chairman is well aware that the Committee on Agriculture has had all kinds of hearings on the subject of fraud and abuse, and the General Accounting Office has produced all kinds of reports.

Why does the gentleman wait until this moment to suddenly come forward? I hope that we do not have to wait for the gentleman's committee as long as we did on the bottle bill, because I remember that very well.

The chairman of the subcommittee has said that he basically thinks the committee produced a worthwhile product in trying to give some authority to the Agriculture Department in the appropriate area, the Inspectors General and the office which was set up by roughly 80 people in the Department to handle the problem of dealing with fraud and abuse.

Now, I cannot understand why the gentleman waits until this late hour, because the committee dealt with this for well over 6 months on the whole issue and now they come along to cope with the issue.

Mr. RODINO. Mr. Chairman, my understanding is that this is an amendment that just developed over a short period of time. The Committee on Agriculture, while it addressed fully the problems of fraud and waste in the program, did not, as far as I am aware, take testimony or deliberate on the question of granting these extraordinary police powers to the Inspector General.

At this time it has come to my attention, and I believe it is my responsibility as the chairman of the committee having jurisdiction over criminal matters to address the subject.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(On request of Mr. ROUSSELOT, and by unanimous consent, Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield further just briefly?

Mr. RODINO. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I know the gentleman was supportive of the idea of the Inspector General operations being strengthened in the various departments, and that is one of their functions, to prevent criminal activity.

I understand that New York City has given and granted to Inspectors General similar authorities and powers. I cannot understand why there is this great concern that somehow the Inspector General operation in the Agriculture Department is going to be any less careful about people's civil rights than any of the others.

□ 1130

Mr. RODINO. I would want to say to the gentleman from California that while he cites certain examples of authority existing in other areas of Government, I am not prepared to say I endorse that. I think that the fundamental argument I make is that when we are considering granting police powers, we had better be careful. I believe that Inspectors General, should have the limited function of auditing and doing investigative work, they should not be given authority to do police functions.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. HORTON. I would like to call the attention of the gentleman from California to the fact that I think he has misstated the responsibilities of the Inspectors General under the acts that we have passed. They have the responsibility to audit. They have the responsibility to ferret out wrongdoing and abuse and so forth.

But they do not have the authority of law enforcement. As a matter of fact, in the act it is stated, and I quote:

> In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

So that is what I was saying earlier, that there is an extension being proposed here in this compromise that was not in the acts that govern the setting up of these Inspectors General. That is why I feel it is important that we follow up quickly on this.

I would urge the chairman of the Judiciary Committee, and I will certainly urge the chairman of the Government Operations Committee, the gentleman from Texas (Mr. BROOKS), who is not able to be here this morning because he had to return to his district, but I will certainly urge him to hold expeditious hearings.

I appreciate the cooperation of the gentleman from Missouri (Mr. COLEMAN), and also the cooperation of the chairman of the committee, the gentleman from Texas (Mr. DE LA GARZA), in following up to make certain that we are going to permit the type of law enforcement activities that are necessary to carry out the problems of resolving that abuse in the food stamps in line with the constitutional mandates that we find ourselves in when we give these law enforcement powers.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has expired.

(At the request of Mr. COLEMAN and by unanimous consent, Mr. RODINO was allowed to speak for 2 additional minutes.)

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Missouri.

Mr. COLEMAN. I think the gentleman from New York (Mr. HORTON) made a very good point that I would like to follow up. He quoted the language in the Inspectors General legislation in 1978 that passed, and that is exactly what the Inspector General of the Department of Agriculture is doing, is reporting to the Attorney General through the U.S. attorney system exactly where the criminal acts are occurring. The only way they can get the information to pass on to the Attorney General and to his agents, the U.S attorneys, is to provide undercover work.

I think the gentleman made a very good contribution, and I hope that this becomes law, and if we want to go further with it and refine it in the

gentleman's committee or in the Government Operations Committee, I certainly will cooperate and work on that. But I think the point of it is there is an understanding between the Department of Justice and the Secretary of Agriculture's Office. There is a relationship between the FBI now and the OIG, and basically the FBI has turned this over to the Office of Inspector General. That is the understanding, and that is how things have been working.

If that should change or there are necessary changes in that with other protections, then we can proceed from there. But that is the practical, realistic, what-is-happening-today attitude.

I thank the gentleman for yielding.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I think the discussion here has very well pointed out that there is no need for any legislation in this area, not any legislation is needed out of any committee. The problem is that we are trying to make a silk purse out of a sow's ear. We are trying to put into the Department of Agriculture Inspector General's Office a law enforcement function that does not belong there.

We have at this point in time the opportunity to leave the law as it is, and I think that is exactly what we should do. All that is needed is for the resources of the FBI, the Justice Department, to be devoted to this problem that needs to be addressed. We have 260 personnel involved in this function in the IG's Office. They really ought to be law enforcement personnel in the FBI.

Mr. RODINO. I want to thank the gentleman. I think the gentleman has made a very fine point. Let us leave the police functions where they really ought to be. While I know that this amendment is well intentioned, nonetheless, I would rather not proceed with the granting of such extraordinary police power to the Inspectors General without the committee of proper jurisdiction having had the opportunity to carefully scrutinize all of the ramifications of such an action.

Mr. WEISS. Mr. Chairman, upon consultation with the gentleman from Missouri (Mr. COLEMAN) I ask unanimous consent that this amendment be amended so that it will incorporate the following:

In the first paragraph, in the last phrase before the word "designated" add the word "jointly," and after the word "designated" add the words "by the Attorney General of the United States and."

The CHAIRMAN. The Clerk will report the requested modification.

The Clerk read as follows:

Amendment offered by Mr. WEISS, to the amendment offered by Mr. COLEMAN: Section 1343, first paragraph of the Coleman-Richmond amendment at page 120 of H.R. 3603, insert before "designated" the word "jointly", and insert after "designated" the following "by the Attorney General of the United States and".

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

PARLIAMENTARY INQUIRY

Mr. HUGHES. Reserving the right to object, Mr. Chairman, if in fact the unanimous-consent request is granted, would this section be subject to further amendments, or would this foreclose it?

The CHAIRMAN. Is the gentleman asking a parliamentary inquiry?

Mr. HUGHES. That is a parliamentary inquiry, yes.

The CHAIRMAN. The answer to the gentleman is that it would be open for further amendment.

Mr. HUGHES. It would be open for further amendment?

The CHAIRMAN. The gentleman is correct.

Mr. HUGHES. I thank the Chair, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment that was just accepted by unanimous consent I think is self-explanatory. I only want to add a few brief words of explanation.

What my amendment does is to require joint designation by the Attorney General of the United States and Inspector General of the Department of Agriculture in order for any of the powers mentioned in the amendment to be able to be exercised by any Agriculture Department personnel. This, I believe, removes the concern that many of us had that we would have proliferation of law enforcement activities, by agencies and individuals who were not originally authorized to do that, or perhaps even trained to do that.

Now with the Attorney General being required to be a joint designor, I think that problem has been resolved. I appreciate the cooperation of the gentleman from Missouri (Mr. COLEMAN), the gentleman from New York (Mr. RICHMOND), and the chairman of the full committee, the gentleman from Texas (Mr. DE LA GARZA) in achieving this in a spirit of compromise.

I want to add a few words of correction, if I may, just for the sake of the record. It has been said that the Department of Agriculture Offices of Investigation and Audit had, prior to being incorporated in the Inspector General's office, some powers along the lines being given to them by this amendment. That is not so. They never had such powers.

It has also been said that the city of New York inspector general's office has such powers. They have no such powers at all. I just want the record to be absolutely clear on that.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Missouri.

Mr. COLEMAN. I believe I was the one who said that the inspector general of the city of New York had these powers. I believe the gentleman corrected me in saying it was what agency?

Mr. WEISS. The department of investigation, which is the equivalent of the FBI of the city of New York.

Mr. COLEMAN. Which again I think is an analogous argument, that they are pursuing food stamp fraud in the city of New York, and welfare fraud also, and they have the same powers that we are trying to extend.

Mr. WEISS. If the gentleman will allow me, that is right. But what is being done is that the department of investigation is, in essence, the Justice Department of the city of New York. They have police officers and special investigators who are peace officers by training and by occupation to do that work.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I appreciate his statement.

I hope that his amendment does resolve his concerns about this.

The action does give me a bit of a problem. Does the gentleman know any other agency of the Federal Government involved in the kind of investigatory activities that are involved in food stamp fraud where this kind of joint authority is required? For instance, the Secret Service, in investigating counterfeiting cases, do they have to go to the Attorney General; or Postal Service officials involved in similar things, do they have to go to the Attorney General? Could the gentleman tell me that?

Mr. WEISS. If the gentleman will allow, what we have here, as the gentleman from Ohio (Mr. KINDNESS) and the gentleman from New Jersey (Mr. RODINO) have pointed out, is a unique devolution of authority upon people who were never intended originally to have such authority, or such function. So it is not analogous to any other law enforcement function, because what we have here are auditors and investigators in the auditing field all of a sudden being made law enforcement people. In order for that to be done, I

think it is the better part of wisdom, and I am pleased the amendment has been accepted, that the Attorney General play a role.

Mr. WALKER. Will the gentleman yield further?

Mr. WEISS. I would be pleased to yield further.

Mr. WALKER. I thank the gentleman for yielding, because I think we do have an analogous situation, for instance, to the Secret Service because we never intended to turn food stamps into currency, but that, in fact, is what we have done. So, therefore, the only place that we have given enforcement powers to do something about the fraud that has resulted from that kind of a change was in the Office of Inspections that happens to be under the Inspector General. Yet it seems to me what the gentleman's amendment has done is put at least somewhat of a restraint on that Office of Inspections that does not exist in any other law enforcement unit of the Federal Government.

Mr. WEISS. If the gentleman will allow, quite the contrary. I am sensitive to some of the comments the gentleman made yesterday about his concern for fraud, waste, and abuse in the food stamp field. No one is more concerned about that than I am because every bit of fraud and corruption deprives and cheats people who are legitimately entitled to those food stamps of the right to eat. What my amendment does, I believe, is, in fact, to bring the Justice Department into the picture so there will be additional personnel from the Justice Department who will be into the act, and perhaps will provide the resources which the Department of Agriculture may not have available.

Mr. WALKER. I thank the gentleman.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am pleased to yield to the gentleman from Missouri.

Mr. COLEMAN. I think, as we indicated before, the Attorney General in the Justice Department is already in on the act, and this simply spells out a joint participation. I do not know that I can accept this, but I will not oppose it. I do think it might divide somewhat the responsibility for this program, but it will bring to a head, I think, the roles of these two agencies that have so far allowed the U.S. Department of Agriculture to carry the load on this.

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend those whose concern about this language has led to the compromise. I find that the true conservatives who have worked on this are much to be congratulated. I would myself like to see the entire section struck, but I appreciate very much the work that has been done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN), as modified.

The amendment, as modified, was agreed to.

□ 1145

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have some great concerns over the language as presently constituted. In my judgment, the language that now exists, which would require a police officer, an inspector general, to make a determination if in fact there is probable cause after a warrant has been executed—I realize that my colleague does not want to do that, I know that is not his intent. But that is precisely what he does. And even though I have some basic problems with giving the Inspector General this authority, I think it is the wrong direction.

I had hoped that we could clean up the language. It would have been far preferable if in fact we had kept it general instead of trying to be specific about where arrest and search warrants might be executed, in trying to delineate those instances, if we had just left it to a provision that the Inspector General would have the authority that any other law enforcement office would have, to seek an arrest warrant, a search warrant, in accordance with the laws of the United States. That would have done it, instead of trying to specify those areas, such as we have, in the presence, for instance, of a police officer. That is not required under the common law, under the case law. The only thing that is required in a felony investigation is that there be probable cause to believe that an offense has been committed, a felony has been committed, and that the defendant has committed the offense. We are limiting that. We are creating a bastard type of provision now in statute law which I think is unfortunate. And it perhaps can be cleaned up in conference. I know my colleague, the gentleman from Ohio, shares that concern, because my colleague had some language he was going to offer and, apparently, he had decided not to, that would clean up that provision. If in fact my colleague would be willing to work along that line, at least it would be far preferable to what we have.

Let me move on to my broader concern. In my capacity as chairman of the Subcommittee on Crime, we have had witness after witness from the administration come in an indicate to us that we do not have the resources to fund our law enforcement community in the fashion that we need to. The FBI took a $4.5 million cut in the last round. They are now targeted for a $44 million cut under the new round of cuts. They have taken at the present time such cuts that we are now unable to even accommodate State agencies in running fingerprint checks essential in trying to check whether individuals have criminal records when they are applying for sensitive positions.

So we do not have the resources to enable our law enforcement community, the community that really should be investigating fraud, abuse and corruption in food stamps and health care and all of the other myriad services that we provide; but we are going to commit resources now to provide another area of law enforcement, in the area of inspectors general, whose job primarily was one of internal audit and administrative responsibility. It does not make sense. We are now creating another posse, really, much like posse comitatus. We do not have money to enable the Bureau of Alcohol, Tobacco and Firearms, the Drug Enforcement Administration, the FBI, the U.S. Marshals to carry out their functions, but we are going to provide moneys at this point for the Inspector General to take on new law enforcement responsibilities. It is the wrong direction. The Drug Enforcement Administration now has to cutback in many of their functions, including the functions overseas, because they do not have enough moneys to do their job. The Department of the Treasury is looking at annihilating the Bureau of Alcohol, Tobacco and Firearms because of budget cuts. They are now looking at the possibility of cutting back in our capability to trace handguns in the area of recordkeeping. We are going to annihilate the arson squads, that have been so effective in the BATF, because we do not have enough moneys. We are eliminating training programs for local police officials because we do not have enough resources. But we have enough moneys, apparently, to create another area of responsibility, another law enforcement agency, if you will, in the Inspector General. It is insane. It is the wrong way to go.

I understand that there were some compromises struck in committee to try to salvage the food stamp program, and I respect that.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. I am a strong supporter of the food stamp program, and I want to see a food stamp program survive. But not at the expense of first of all jeopardizing constitutional rights—and that is what we are doing under the fourth amendment. We are creating another statutory mandate which is going to be a bastard provision in the statute law creating limita-

tions on law enforcement officials when they can seek arrest warrants and search warrants.

I just hope my colleagues will reject the amendment and, hopefully, if we do need additional authority, we can go back in the proper committees and develop the authority in the way that we should be developing authority for law enforcement or for any other aspect of the bill.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I am sure my colleague knows full well—because I am sure he has heard from his constituents and others—the fraud and abuse in this program is just outrageous. The people who are really in need under this program for genuinely needed food stamps are also outraged that there has been so much fraud and abuse. I am sure that the gentleman does not object to the attempt to try to put better discipline in the system to prevent this kind of fraud and abuse which the General Accounting Office has shown us in report after report runs as high as 20 percent or 30 percent in some areas.

I am sure the gentleman is not trying to prevent in any way the attempt by this committee and now the full House to give some discipline capability to the Department of Agriculture.

Mr. HUGHES. If I could recapture my time, the gentleman from California knows better than that. That is not the issue.

Mr. ROUSSELOT. I just did not want to let the time go by without mentioning that these measures were made necessary because of such widespread abuse.

Mr. HUGHES. I do not condone fraud, abuse or corruption in any area, whether you are talking about food stamps or health care. How about in health care?

Mr. ROUSSELOT. There certainly is a problem of abuses in say various State health plans.

Mr. HUGHES. Is my colleague concerned about that?

Mr. ROUSSELOT. You bet.

Mr. HUGHES. Do we want to create in the Health and Human Services Department and in the Inspector General this same law enforcement authority?

Mr. ROUSSELOT. If it will help to put a handle on the abuse in medicare that has occurred in my State, the answer is "Yes."

Mr. HUGHES. I say to my colleague, who happens to be one of the most fiscally responsible individuals in this House, and who well knows that law enforcement functions belong in the law enforcement community, that the answer is to provide the police officers, the law enforcement people, with the resources so that they can do a better job.

The 12- or 14-month lag that we have in cases in investigations are directly the result of inadequate facilities, inadequate manpower commitments on the part of the Federal Government in these agencies that should be taking the lead. It is a matter of prioritizing these areas. In fact, what we should be doing is strengthening the internal review processes for the Inspector General, identifying those areas where felonies or misdemeanors are being committed, and referring those to the proper law enforcement agencies and funding them so that they can do a decent job. That is the issue. It is not a question of whether you are for fraud and abuse. I do not know anybody in the Congress who is for fraud and abuse, and I am sure my colleague does not.

The CHAIRMAN. Are there further amendments to title XIII?

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA: Page 91, after line, 2 insert the following new section (and redesignate succeeding sections accordingly):

ENERGY ASSISTANCE PAYMENTS; EXCLUDED PAYMENTS OF OTHER PROGRAMS

SEC. 1308. Section 5(d) of the Food Stamp Act of 1977 is amended by striking out "and (11)" the first place it appears and all that follows through the period, and by inserting in lieu thereof the following:

"(11) any income that any other Federal law specifically excludes from consideration as income for purposes of determining eligibility for the food stamp program, and (12) any payments or allowances made under (A) any Federal laws for the purpose of providing energy assistance or (B) any State or local laws for the purpose of providing energy assistance, designated by the State or local legislative body authorizing such payments or allowances as energy assistance, and determined by the Secretary to be provided by the State or local government involved on a seasonal basis for an aggregate period not to exceed 6 months in any year.".

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I am offering a simple amendment to spell out clear requirements with regard to the relationship between State low-income energy assistance and food stamp eligibility.

My amendment would not add any new food stamp recipients to the rolls. It would not increase Federal expenditures, and it definitely would not affect Federal energy assistance programs.

It would, however, close a loophole that currently permits States to shift more of the cost of their State welfare programs to the Federal Government via the food stamp program. At the same time, my amendment would protect the legitimate recipients of food stamps and low-income energy assistance.

The loophole needs closing because of allegations that three States have allegedly manipulated the law by raising welfare payments and calling them energy assistance. By doing so, a higher portion of the welfare burden is shifted to the Federal Government because energy assistance is not counted as income for food stamp applicants. I do not know whether these allegations are correct, but it is clear that the potential for misapplication of the existing law is there.

The other body, however, went far beyond just closing the loophole, and in the process adopted a formula that would drastically affect the very neediest citizens in many States. There are at least 11 States that have low-income energy assistance programs similar to the one in my own State of New Jersey. The formula adopted by the other body would count State low-income energy assistance as income in determining food stamp eligibility. In amending the current law arbitrarily, we would inadvertently have a disastrous effect on our very neediest citizens in many States. For example, New Jersey's low-income energy assistance program, called Lifeline, serves 377,000 people—all senior citizens and disabled. Of those 377,000, approximately 177,000 received direct cash grants because they are tenants, and thus do not make direct utility payments. These tenants are the people who would find their food stamp benefits reduced or, in about half the cases, completely eliminated. Remember, we are talking about seniors or the disabled. And note that there are programs similar to New Jersey's in at least 10 other States where people would be similarly affected. Thus, the attempt by some to make sure that the State energy assistance programs are really energy assistance programs—and not welfare increases—could have unintended effects.

All my amendment does is finally define, within the law, "energy assistance." It could not be more basic. It would have to be seasonal; it would have to be designated by the authorizing legislative body specifically as energy assistance. Clearly, the distinguishing feature would be its seasonal nature. This would assure us of the fact that the payments would indeed be for higher energy costs that occur during a particular time of the year.

The National Governors Association is on record in supporting this concept. We could still save as much as

$133 million, according to the U.S. Department of Agriculture, if the allegations about these three States are true and we close the loophole. We do so without spending one additional dollar, and we can do so without adding one person to the food stamp roles, and we can do so while protecting those people who receive legitimate energy assistance and would otherwise face loss or reduction of their food stamp benefits.

I say we can eliminate the potential for abuse while protecting the truly needy. No American citizen would be forced to choose between food or heat. I ask the support of the Committee and the support of my colleagues for this amendment.

□ 1200

Mr. RICHMOND. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentlewoman from New Jersey (Mrs. ROUKEMA) has expired.

(At the request of Mr. RICHMOND and by unanimous consent, Mrs. ROUKEMA was allowed to proceed for 2 additional minutes.)

Mr. RICHMOND. Mr. Chairman, I would like to commend the gentlewoman on a very, very sensitive amendment and her diligent work on this amendment. I have no problem with the gentlewoman's amendment so long as it is understood it would not take effect and that existing law would continue to operate until a reasonable time had elapsed in which the State legislatures would have an opportunity to meet in order to comply with the specifics of this amendment relating to designation and the seasonal limitation of payment.

Does the gentlewoman agree that is her intent also?

Mrs. ROUKEMA. Yes; it is not only the intention, but it would be essential for the actual operation.

Mr. RICHMOND. I thank the gentlewoman and I am perfectly happy to accept the amendment.

Mr. COLEMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Missouri.

Mr. COLEMAN. I thank the gentlewoman for yielding.

What a reasonable period of time might be to the Missouri Legislature may be something different from what the New York General Assembly might consider a reasonable time.

Would the gentleman agree and would the author of the amendment agree that the States would have 90 days or 120 days after the enactment of this law to make their changes?

Mr. RICHMOND. One hundred and twenty days? How about during the next session of the State legislature? Would that suit the gentleman from Missouri?

Mr. COLEMAN. Yes.

Mrs. ROUKEMA. Yes.

Mr. COLEMAN. I think that would be a reasonable period of time, or in a special session, if they were to meet prior to that time, because I know the States vary.

I would compliment the gentlewoman from New Jersey who has presented an amendment that is well balanced trying to reduce the subterfuge by certain States but at the same time recognizing when there is a need for energy assistance the States can provide that and they are not going to be penalized. I congratulate the gentlewoman for her amendment.

Mrs. ROUKEMA. I thank the gentleman.

Mr. AuCOIN. Mr. Chairman, as a Member of Congress from one of the three States affected by this amendment, I object to the gentlelady's statement that these States have tried to push off costs of the food stamp program onto the Federal Government.

Oregon has excluded energy assistance in determining income eligibility for food stamps and thus was able to increase the amount of food given to hungry people. But it did not put a financial burden on the Federal Government. My State has a good record of taking innovative steps in other human services programs which resulted in reduced costs.

Actions taken by Oregon in reducing Federal matched AFDC payments saved the Federal Government more money in the AFDC program than it cost the Federal Government in the food stamp program. For example, it terminated its participation in the AFDC unemployed program and substituted a 100-percent State-funded program. This saved the Federal Government over $18 million a year. Also, the State enacted a law in 1979 which allows the State to count the income of stepparents in determining AFDC eligibility and grant levels. This action saved the Federal Government over $6.8 million and came before one of the administration's AFDC proposals. Finally, Oregon put together a job development program with the goal of finding employment for AFDC applicants before they become recipients. This saved the Federal Government over $12.3 million on a yearly basis.

These imaginative programs—including the energy assistance exclusion—are part of a comprehensive package. They show that the State is fiscally responsible and is sensitive to the problems of the Federal Treasury. They show compassion by increasing food to the needy.

I oppose the amendment offered by the gentlelady from New Jersey. Although I know it will be accepted as a compromise, I want the RECORD to show my opposition. Hungry people who are struggling with high utility bills will be the losers.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS OF IOWA

Mr. EVANS of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Iowa: Page 120, line 1, add the following new section 1341 and redesignate the remaining sections:

RETAIL REDEMPTION

SEC. 1341. Section 10 of the Food Stamp Act of 1977 is amended by striking out the term "bank(s)" whenever it appears throughout this section and substituting in lieu thereof the following:

"Financial institutions which are insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).".

Mr. EVANS of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EVANS of Iowa. Mr. Chairman, this is really a technical amendment, a corrective amendment, if you will, which I believe updates an anachronism in the Food Stamp Act of 1977.

When that act was enacted, it provided that food retailers would redeem stamps taken in trade by depositing them in their checking accounts in commercial banks. The banks would then redeem the stamps through their regional Federal Reserve banks.

At the time, this was a very satisfactory procedure for handling redemptions since all food retailers conducted their business through checking accounts in commercial banks. But in the interim, NOW accounts or checking accounts here evolved in savings and loan institutions and these NOW accounts can be used as business checking accounts by businesses which are sole proprietorships.

There are now at present 40,000 sole proprietorships using NOW accounts and many of these are mom and pop grocery stores that accept food stamps, but the problem is that under present law those grocery stores cannot redeem their stamps by depositing them in checking accounts in savings and loans, and those thrift institutions cannot clear the stamps through the Federal Reserve.

This amendment solves that problem by amending the redemption section of the Food Stamp Act to recognize the existence of checking accounts in savings and loans and to permit savings and loans to redeem food stamps for grocers and then clear those stamps through the Federal Reserve.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from New York.

Mr. RICHMOND. I thank the gentleman for yielding.

I have no trouble with the amendment of the gentleman from Iowa (Mr. EVANS) to permit savings and loan associations and other financial institutions insured by FDIC or FSLIC to redeem food stamp coupons for retailers in the same fashion as banks now do, since we are currently in the process of removing all major substantive distinctions between banks and other financial institutions that are not banks.

To the extent that the participation of the savings and loans expands the potential numbers of those who could perpetrate fraud, it will be necessary to apply greater vigilance, but the Department should be doing that anyway.

I find the gentleman's amendment most acceptable and commend the gentleman for his amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Does this prohibit just anybody from depositing food stamps in a savings account or does it state only those in a retail level in business who are able to do this?

Mr. EVANS of Iowa. It would continue the same restrictions that are imposed upon commercial banks at the present time. These same restrictions would apply to the checking accounts in savings and loans.

In short, I think that the same safeguards would prevail in the future as have prevailed in the past.

Mr. ROUSSELOT. Could the gentleman tell us, has it been difficult for mom and pop grocery stores, as he says, to convert these food stamps to cash? I know the people who use the food stamps have no problem converting them to cash and then buying other things like liquor. Is it really a problem?

Mr. EVANS of Iowa. Yes, it is a problem because when they go to the savings and loans, the savings and loans are not allowed to accept those stamps. Some of them do. If they do, in order to clear them, they then have to take the stamps to a commercial bank. This imposes an additional burden on the commercial banking system to clear stamps that should be cleared through the savings and loans.

I would add that I have discussed this at some length with senior officers of a regional Federal Reserve bank responsible for this function. They see no reason why it should not work. They think it will add to the efficiency of the system and do not believe it will add to their regulatory load.

Mr. ROUSSELOT. If the gentleman will yield further, we certainly are acknowledging now that food stamps are another form of currency, are we not?

Mr. EVANS of Iowa. I do not know that this adds to that perception.

Mr. ROUSSELOT. The gentleman is suggesting that food stamps be deposited in the savings account or a NOW account of a person in a small retail business. As the gentleman indicated, we are acknowledging that food stamps are a form of currency.

Mr. EVANS of Iowa. I think that has been done in other ways than through this particular amendment.

Mr. ROUSSELOT. Well, I have grave reservations about this action, but there is not much I can do because I am sure if I ask for a vote most people coming in the door would not understand what we are doing.

All the savings and loans security and bank officers are demanding that we do this?

Mr. EVANS of Iowa. It is greatly desired by the savings and loan industry and it has not been objected to by the American Bankers Association, and it was brought to their attention and discussed in some detail with them and they raised no objection to this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: Page 88, after line 6, insert the following new section (and redesignate succeeding sections accordingly):

INDIAN RESERVATIONS

SEC. 1304. Section 3(j) of the Food Stamp Act of 1977 is amended by inserting", and includes any lands over which a tribal organization (as that term is defined in section 3(p) of this Act) has authority to exercise any governmental jurisdiction" before the period.

Mr. ENGLISH. Mr. Chairman, I have an amendment to title 13 of the farm bill which will eliminate an inequity in the current law with regard to the participation of Indian tribes in the food distribution program.

In the 1977 food stamp amendments, the commodities program for individuals was terminated and everyone switched to food stamps, except Indians. At that time it was decided that because of the dire nutritional need and the difficulty of obtaining food stamps that the commodities program should be continued for Indians who live in or near a reservation which was defined as a "geographically defined area or areas over which a tribal organization exercises governmental jurisdiction." After the 1977 act, the Department of Agriculture decided by regulation that federally recognized tribes in Oklahoma were not eligible because there are no reservations.

After some questioning by members of the Oklahoma delegation, the Department has decided that they would allow Oklahoma tribes to apply for participation. Unfortunately, the Department would place requirements on Oklahoma tribes that are not placed on other tribes; namely, that the tribes have a power of enforcement either through a separate court system, or a separate law enforcement system.

I and other Members from Oklahoma feel that this is a very undesirable situation and believe that this amendment will clarify and eliminate the inequity that currently exists.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from New York.

Mr. RICHMOND. I thank the gentleman for yielding.

I would like to thank the gentleman from Oklahoma (Mr. ENGLISH) for his deep interest in the welfare of Indians and State that our committee accepts the amendment.

Mr. ENGLISH. I thank the gentleman.

The CHAIRMAN. The question is one the amendment offered by the gentleman from Oklahoma. (Mr. ENGLISH).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. JEFFORDS: On page 120, after line 22, insert a new section as follows:

HOUSEHOLD DEFINITION

SEC. 1343. Section 3(i) of the Food Stamp Act of 1977 is amended by inserting before the period at the end of the first sentence the following: ", or receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act".

Page 120, insert a new section as follows:

REIMBURSEMENT EXCLUSION

SEC. 1344. Section 5(d)(5) of the Food Stamp Act is amended by adding before the comma the following: ": *Provided*, That no portion of benefits provided under title IV-A of the Social Security Act, to the extent it is attributable to an adjustment for work-related or child care expenses, shall be considered such reimbursement.".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. Is there objection to the initial request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, this amendment would make a minor modification in one of the food stamp provisions included in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). In that act, the definition of "household" was modified to provide that all children and parents who live together will be treated as one food stamp household whether or not they customarily purchase and prepare meals together for home consumption, unless one of the parents is 60 years of age or older.

This amendment would add another exception to the general rule. It would allow parents and children who live together to qualify as separate households if one of the parents is disabled and receives assistance from another program—such as SSI, social security disability, or aid to the blind or disabled.

This amendment does not change the current requirement that all parents and children who ordinarily purchase and prepare food together shall be treated as one household for food stamp purposes. It simply would allow disabled parents to qualify independently of their children if, in fact, they do not purchase and prepare food together.

This amendment would affect very few families and have minimal cost. CBO estimates the cost at less than $1 million. However, for the very few families who are affected, it has a most important impact.

Senator HUDDLESTON, whose interest in this amendment spurred my own, provided me with the following example. A constituent of his from Brownsville, Ky., has received notice that he and his wife will be ineligible for food stamps effective November 1, 1981. The gentleman is a quadriplegic whose only source of income is $285 a month in social security disability payments. His housing and medical costs alone exceed $400 a month.

Yet, because his daughter lives with him and helps care for him, the recently enacted law would deprive him of all of his food stamp benefits. Her modest salary puts the household's income just above the cutoff level for eligibility.

I really do not believe that this is the type of person we intended to remove from the food stamp rolls when we passed Public Law 97-35. In that law, we did put in a special exemption to protect elderly parents from an unfair loss of benefits.

I believe the same protection should be afforded to permanently and totally disabled parents. I do not believe that the law should provide a financial disincentive against children living with parents who need their care. I urge my colleagues to approve this humane and sensible amendment.

I offer my thanks to Senator HUDDLESTON for bringing this issue to my attention.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. RICHMOND. I thank the gentleman for yielding.

I thank the gentleman for his sensitivity to the needs of the disabled and elderly people and we are delighted to accept the gentleman's amendment.

Mr. JEFFORDS. Mr. Chairman, this amendment would exclude as a reimbursement in the food stamp program the benefits received for work-related and child-care expenses under the AFDC program.

There is a case pending in the district court of Vermont in which the plaintiffs are asking for a double counting of AFDC benefits. The plaintiffs are interpreting, in a new way, the food stamp law. They claim that not only should their work and child-care expenses be disregarded when computing food stamp benefits, but that also the income they received under the AFDC program, that can be attributed to meeting these expenses, should be disregarded.

If the decision in Vermont favors the plaintiffs, the costs of the Federal food stamp program will increase. In the State of Vermont alone, which receives a mere two-hundredths percent of the food stamp program, the estimated increase in Federal payments will be $0.6 million. There will also be a greater burden on the State in terms of administrative costs. But this decision does not affect only Vermont. Unless overruled it will change administration of the whole program. The case will place increasing demands on an already overburdened food stamp program.

This amendment does not change how the food stamp program currently operates. I offer it merely to clarify the language of the law so that it truly reflects the spirit in which it was written. It was not the intent of this program to allow such a double deduction of benefits. Participants would continue to get disregards for work and child-care expenses under both AFDC law and food stamp law.

Therefore, I urge my fellow Members to support this amendment. If the language is not corrected, the potential cost to the Federal food stamp program could be significant. Let us prevent this costly misinterpretation of food stamp law.

Thank you, Mr. Chairman.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. RICHMOND. I thank the gentleman for yielding.

I am happy to say our committee will accept the gentleman's second amendment also.

Mr. JEFFORDS. I appreciate that.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Vermont (Mr. JEFFORDS).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: Page 114, after line 7, insert the following new section (and redesignate succeeding sections accordingly):

PILOT PROJECTS TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR CERTAIN AFDC, SSI, AND MEDICAID RECIPIENTS

SEC. 1336. Section 17 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may conduct pilot projects in which households that include one or more recipients of aid to families with dependent children under part A of title IV of the Social Security Act, of supplemental security income under title XVI of the Social Security Act, or of medical assistance under title XIX of the Social Security Act, and whose income does not exceed the applicable income standard of eligibility described in section 5(c) of this Act shall be deemed to satisfy the application requirements prescribed under section 5(a) of this Act and the income and resource requirements prescribed under subsections (d) through (g) of section 5 of this Act. For any pilot project carried out under this subsection, allotments provided pursuant to section 8(a) of this Act shall be based upon household size and (1) benefits paid to such household under Part A of Title IV or Title XVI of the Social Security Act, or (2) income as determined for eligibility under Title XIX of the Social Security Act, or at the option of the political subdivision or the State, the standard of need for such size household under such programs, except that the Secretary shall adjust the value of such allotments as may be necessary to ensure that the average allotment by household size for households participating in such pilot project and receiving such aid to families with dependent children, such supplemental security income, or such medical assistance, as the case may be, is not less than the average allotment which would have been provided under this Act but for the operation of this subsection, for each category of households, respectively, in such pilot project area, for any period during which such pilot project is in operation. The Secretary may conduct such pilot projects in any political subdivision of a State, upon the request of such political subdivision, or throughout a State, upon the request of such State. The Secretary shall evaluate the impact of such pilot projects on recipient households, administrative costs, and error rates. The administrative costs of such projects shall be shared in accordance with the provisions of section 16. In implementing this section, the Secretary shall consult with the Secretary of Health and Human Services to ensure that to the extent practicable, in the case of households participating in such pilot projects, the processing of applications for, and determinations of eligibility to receive, food stamp benefits are simplified and are unified with the process-

ing of applications for, and determinations of eligibility to receive, benefits under such titles of the Social Security Act.".

Mr. ENGLISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Chairman, together with the gentleman from Illinois (Mr. FINDLEY) I am offering an amendment to title 13 of the farm bill providing authorization for a pilot project which would considerably reduce paperwork and create a savings in operational costs for the food stamp program.

Approximately 40 percent of the food stamp recipients in Oklahoma are also recipients of supplemental security income (SSI) and aid to families with dependent children (AFDC). Currently people receiving SSI and AFDC must fill out duplicate forms for food stamp application. My amendment would allow participants in SSI, medicaid, and AFDC who are involved with the pilot project and meet the income requirement for food stamps become automatically qualified for food stamp benefits without making duplicate applications. This procedure would simplify the application process by alleviating the unnecessary burden of filling out additional forms, thereby reducing the amount of paperwork which must be reviewed and processed by staff.

In my State of Oklahoma, officials estimate that this amendment would result in a $2 million savings, nearly 20 percent of the total administrative budget in the Department of Human Services.

Our country is now working toward a balanced budget and a decrease in Federal spending without reducing benefits to those who are truly in need. My amendment is a step in that direction.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from New York.

Mr. RICHMOND. I thank the gentleman for yielding.

I want to thank the gentleman for his amendment which I fully support and I am happy to say our committee accepts the gentleman's amendment.

□ 1215

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. As I understand the amendment, anyone who has already qualified for AFDC and SSI benefits, those people are automatically qualified for food stamps without having to go file an application and go through the paperwork.

Mr. ENGLISH. The duplication of paperwork, of course, that is correct. In order to qualify, obviously, they are going to have to go through the process for SSI or AFDC and establish what their income requirements are.

What this would do is remove the duplication that States have to go through.

Let me say, first of all, this is only a pilot project. It allows the Secretary to establish such a pilot project to look into the feasibility of cutting back on such duplication.

Mr. SAM. B. HALL, JR. I thank the gentleman.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the gentlewoman from California.

Ms. FIEDLER. I wonder if the gentleman could tell me whether those people who all apply for SSI today also qualify for food stamps or if there is a difference between the numbers of those who both qualify and those who apply?

Mr. ENGLISH. To my knowledge, there would definitely be a difference between those who apply and those who are finally approved. Obviously, some are not approved.

Certainly there would be a difference between those who would receive food stamps and those who may qualify for FDC or SSI.

The point is the income limitations on the requirements that are necessary under the food stamp program would be established under that application. In other words, their application would be determined there.

Ms. FIEDLER. What I am concerned about is the possibility that by passing this amendment which makes good sense from a paperwork standpoint that it would permit expanded eligibility for food stamps. I would want to know what would be the outcome of that.

Mr. ENGLISH. No; that is not the intention of the amendment at all.

Let me again state that what we are doing here is establishing a pilot project to look into this possibility and to review the possibility; but certainly we are not trying to say automatically regardless of your income that you are going to qualify; but under most conditions, you will.

Ms. FIEDLER. Would the gentleman expect this to be implemented in the broader sense or only in a very narrow sense or merely a study to be done?

Mr. ENGLISH. Well, this is a study. This is only a pilot project.

Ms. FIEDLER. I thank the gentleman.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the gentleman who is a cosponsor of the amendment, the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. I really appreciate the leadership that the gentleman from Oklahoma has provided here.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma. As I understand it, this amendment will provide for demonstration projects aimed at the simplification of the process whereby people are evaluated for eligibility for assistance. This amendment provides that the Secretary of Agriculture may conduct pilot projects, in any State, county, or city, upon the request of that State, county, or city. The political entity applying for the opportunity to conduct a pilot project may include those households in which one or more members or all members, if they so choose, receive aid to families with dependent children, supplemental security income, or medicaid, and whose income does not exceed the maximum allowable standards of the food stamp program.

The gentleman's amendment provides that the Secretary will evaluate these pilot projects to determine the impact on error rates, recipient households, and administrative costs. The Secretary is authorized to pay the regular reimbursement rate for the administrative costs of these pilot projects. Additionally, the Secretary of Agriculture will consult with the Secretary of Health and Human Services to insure, to the extent practicable, that the processing of applications and the determinations of eligibility under this pilot project are simplified and unified.

The current system for determining eligibility for families applying for more than one type of assistance is cumbersome, error-prone and costly. The regulations for the food stamp program, the AFDC program, the SSI program and the medicaid program differ considerably and are confusing for both administrators and recipients alike.

These programs, in most areas, are administered side by side—by the same State or local officials. The gentleman's amendment will allow for demonstration projects to test how common eligibility criteria and common application forms could be utilized to simplify the process.

The common administration of these programs will provide cost savings to the Federal Government as well as to State and local governments. These savings can be realized by the reduction of program specialization of staff, duplication of forms and personnel, and the time necessary to evaluate the eligibility of the same family for different types of assistance.

Allow me to stress one very important point—I do not foresee nor should there be any increase in the number of people receiving benefits from any of these programs as a result of the pilot proj- ects. These demonstration projects are aimed at taking a specific group of people—who are now applying for assistance in more than one of the categories I mentioned earlier—and merging that process so that their eligibility may be ascertained through one, simplified process.

I would like to ask a question of the gentleman from Oklahoma. Is it your understanding that States, counties, or cities, upon enactment of this legislation, could submit plans for the pilot projects to the Secretary of Agriculture immediately?

If a State, a county or a city is prepared to implement such a pilot project, could they do so by January 1, 1982?

I would strongly urge the Secretary of Agriculture to act without delay in implementing this provision so that anyone submitting a plan for such a pilot project could begin as early as January 1982. I believe that the States, counties, and cities are the best judges of when they could begin such projects.

I urge you to support this amendment—to allow demonstration projects which are monitored by the Secretary of Agriculture—to see if there is a way to simplify the process of evaluating eligibility for people applying for assistance.

Mr. ROEMER. Mr. Chairman, would the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's amendment.

I just want to say for the record and to the gentleman, too, that the gentleman is not trying to either expand or contract eligibility in terms of food stamps; the gentleman is trying to eliminate a duplicating paperwork step, and that is it?

Mr. ENGLISH. Absolutely, positively, no question about it. The gentleman is totally correct.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WAMPLER

Mr. WAMPLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAMPLER: Page 106, after line 24, insert the following new section (and redesignate succeeding sections accordingly):

ACCESS OF COMPTROLLER GENERAL TO INFORMATION

SEC. 1323. (a) Section 9(c) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following: "Such purposes shall not exclude the audit and examination of such information by the Comptroller General of the United States, authorized by any other provision of law.".

(b) Section 11(d)(8) of the Food Stamp Act of 1977 is amended by inserting before the semicolon the following: ", except that such safeguards shall not prevent the use or disclosure of such information to the Comptroller General of the United States for audit and examination authorized by any other provision of law".

Mr. WAMPLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WAMPLER. Mr. Chairman, I am offering an amendment to title XIII of H.R. 3603, which concerns the food stamp program. I am offering this amendment because a question has arisen between the General Accounting Office and the Department of Agriculture concerning access by the GAO to food stamp program records containing data on individual program recipients. This amendment makes it clear that it was never the intent of Congress to deny access by GAO to these records.

GAO's authority to audit and access to records as applied to the food stamp program is firmly established by a number of statutes. Thus, GAO's audits of the food stamp program are contemplated, have been conducted, and should be regarded as a direct part of the administration and enforcement of the act.

Section 9 of the Food Stamp Act, which contains the same language as section 11, regarding disclosure of information on retail food stores applying to participate in the food stamp program, is also amended. The amendment is intended to insure that the language in section 9 is given the same interpretation regarding GAO access as the corresponding language in section 11.

I would like to emphasize that the GAO access to food stamp records, to my knowledge, has never been questioned before. The general authority granted to the GAO under the Intergovernmental Cooperation Act provides them access to all records and files of programs such as the food stamp program. This amendment places the description of access in the Food Stamp Act as well. This is not a new authority for the GAO, but, simply, a clarification of their existing access to records and files for the food stamp program.

Let me remind you of the GAO reports issued since 1976 on the food stamp program. In order to complete their review, the GAO had to have access to food stamp case files and records for recipients and retail food stores.

February 1976: "Processing Applications for Food Stamps—How Long Does It Take?"

April 1976: "Student Participation in the Food Stamp Program at Six Selected Universities."

July 1977: "The Food Stamp Program—Overissued Benefits Not Recovered and Fraud Not Punished."

April 1978: "Food Stamp Work Requirements—Ineffective Paperwork or Effective Tool?"

June 1978: "Federal Domestic Food Assistance Programs—A Time for Assessment and Change.

December 1978: "Regulations of Retailers Authorized To Accept Food Stamps Should Be Strengthened."

July 1981: "Insights Gained in Workfare Demonstration Projects."

I am not sure why this controversy came about. I am sure that it is in the best interest of the Congress that the GAO continue to have access to food stamp files and records so that they may provide the necessary response and oversight on this very visible program.

I urge you to support this amendment.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to my colleague, the gentleman from New York.

Mr. RICHMOND. Mr. Chairman, I thank the gentleman for the amendment. Our committee finds this acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WAMPLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 87, after line 4, insert the following new section and redesignate succeeding sections accordingly:

SEC. 1302. (a) Section 3(b) of the Food Stamp Act of 1977, is amended by inserting "and any amount to be paid by such household for such allotment" before the period.

(b) Section 7(d) of the Food Stamp Act of 1977 is amended by striking out the third and fourth sentences.

(c) Section 8(a) of the Food Stamp Act of 1977 is amended by striking out "reduced by" and all that follows through "this elimination".

(d) Section 8(b) of the Food Stamp Act of 1977 by inserting "which is in excess of the amount charged such household for such allotment" after "eligible household".

(e) Section 8 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsections:

"(c) Nothwithstanding any other provision of law, households, other than households containing a member who is sixty years of age or over or who receives supple-

mental security income benefits under title XVI of the Social Security Act or disability payments under title II of the Social Security Act, shall be charged for the allotments issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than 30 per centum of the household's income, except that—

"(1) allotments may be issued without charge to households with an income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary; and

"(2) the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued an allotment less than the allotment authorized to be issued to such household under subsection (a) of this section. The charge to be paid by any eligible household electing to exercise the option described in the preceding sentence shall be an amount which bears the same ratio to the amount which would have been payable under this subsection for an allotment issued to such household under subsection (a) as the allotment actually issued to such household bears to the allotment that would have been issued to such household under subsection (a).

"(d)(1) Funds derived from the charges made for allotments shall be promptly deposited, in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons.

"(2)(A) The Secretary shall by regulation prescribe the manner in which funds derived from the distribution of coupons (charges made for allotments) shall be deposited by coupon issuers. Such regulations shall contain provisions requiring that coupon issuers promptly deposit such funds in the manner prescribed by the Secretary, except that such regulations shall, at a minimum, require that (i) such deposits be made at least weekly, and (ii) upon the accumulation of a balance on hand of $1,000 or more, such deposits be made within two banking days following the accumulation of such amount.

"(B) Any coupon issuer, or any officer, employee, or agent thereof, convicted of violating the regulations issued under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(3)(A) Coupon issuers receiving funds derived from the distribution of coupons (charges made for allotments) shall be deemed to be receiving such funds as fiduciaries of the Federal Government, and such coupon issuers shall immediately set aside all such funds as funds of the Federal Government. Funds derived from the distribution of coupons (charges made for allotments) shall not be used, before the deposit of such funds in the manner prescribed by the Secretary, for the benefit of any person, partnership, corporation, association, organization, or entity other than the Federal Government.

"(B) Any coupon issuer, or any officer, employee, or agent thereof, convicted of violating subparagraph (A) of this paragraph shall be fined not more than $10,000 or a sum equal to the amount of funds involved in the violation, whichever is the greater, or imprisoned not more than ten years, or both, except if the amount of such funds is less than $1,000, then such issuer shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(4)(A) The Secretary shall by regulation require that upon the deposit, in the manner prescribed by the Secretary, of funds derived from the distribution of coupons (charges made for allotments), coupon issuers shall immediately send a written notice to the State agency, accompanied by an appropriate voucher, confirming such deposit. In addition to such other information deemed by the Secretary to be appropriate, such regulations shall require that such notice contain—

"(i) the name and address of the coupon issuer;

"(ii) the total receipts of such coupon issuer derived from the distribution of coupons (charges made for allotments) during the deposit period;

"(iii) the amount of the deposit;

"(iv) the name and address of the depository; and

"(v) an oath or affirmation signed by the coupon issuer or, in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon issuer, certifying that the information contained in such notice is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon issuer, or any officer, employee, or agent thereof, convicted of failing to provide the notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon issuer, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(5)(A) The Secretary shall by regulation require each coupon issuer at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary, or his designee, a written report of the issuer's operations during such period under the food stamp program. In addition to such other information deemed by the Secretary to be appropriate, the regulations shall require that the report contain—

"(i) the name and address of the coupon issuer;

"(ii) the total receipts of the coupon issuer derived from the distribution of coupons (charges made for allotments) during the report period;

"(iii) the total amount of deposits made by the issuer of funds derived from the distribution of coupons (charges made for allotments) during such period;

"(iv) the name and address of each depository receiving such funds from such issuer; and

"(v) an oath or affirmation, signed by the coupon issuer, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon issuer, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

"(B) Any coupon issuer, or any officer, employee, or agent thereof, convicted of failing to provide any notice required under subparagraph (A) of this paragraph shall be fined not more than $3,000, or imprisoned not more than one year, or both.

"(C) Any coupon issuer, or any officer, employee, or agent thereof, who knowingly provides false information in any notice required under subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(6) The Secretary may by regulation require State agencies to provide periodic reports to the Secretary, or his designee, containing a consolidation of the respective coupon issuer's notices to such State agencies at such intervals as the Secretary in his discretion deems appropriate.

"(7) The Secretary and the United States Postal Service shall jointly arrange for the prompt deposit of funds collected by the United States Postal Service on behalf of a State from charges made for coupon allotments.".

(f) The heading for section 8 of the Food Stamp Act of 1977 is amended to read as follows:

"Value of Coupon Allotment and Charges to be Made".

(g) Section 15(a) of the Food Stamp Act of 1977 is amended by inserting "purchase by and" before "issuance".

(h) Section 18(a)(1) of the Food Stamp Act of 1977 is amended by inserting after the second sentence the following: "Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 8(a) of this Act.".

(i) Section 18(b) of the Food Stamp Act of 1977 is amended—

(1) by inserting "(1)" after "(b)",

(2) by striking out the first sentence and inserting in lieu thereof the following: "In any fiscal year, the Secretary shall limit the value of coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred in accordance with subsection (a) of this section to the separate account referred to in such subsection."; and

(3) by adding at the end thereof the following: "If the Secretary determines that any of the funds in such separate account are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, what this amendment does——

Mr. GLICKMAN. Mr. Chairman, if the gentleman would excuse me, would the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. GLICKMAN. Was this amendment noticed in the RECORD?

Mr. WALKER. I would say to the gentleman, and I am glad to yield to him, no, it was not printed in the RECORD. At the present time we are in the process of attempting to get copies to provide to all concerned parties. I think I can explain very quickly what

the amendment is, however. It could be a rather major amendment, but I will make certain that copies get to you as soon as we have them.

Mr. Chairman, this amendment in effect restores partially the purchase requirement to the food stamp program. This is a requirement that was in the food stamp program for the first years that it was in effect. It was in force, in fact, up until January 1, 1979. It is a requirement that was an attempt to do several things. Above all, it required people to evaluate their own diet based upon their own purchases. So therefore it added an extremely important nutritional component to the program.

It seems to me what we have done in recent years is that we have taken a lot of the nutritional components out of the program without, in my opinion, good cause. So what I am attempting to do here is put a nutritional component back into the food stamp effort by assuring that people do have to participate in some way on their own by putting their own money toward the food that they purchase.

I think it is important also to realize that since we eliminated the purchase requirement, the rolls in food stamps have increased dramatically. They have gone from 15.9 million on January 1, 1979, to 22.5 million people now participating in the program. That is an increase of almost 42 percent in that short period of time since we eliminated the purchase requirement.

I think that that is something that has to be evaluated at a time during which we are attempting to find places to reduce Government spending.

The original purpose of the act was always to permit low-income persons to purchase a nutritionally adequate diet. What this amendment will do is get us back to that idea, that people are purchasing a nutritionally adequate diet.

I might point out that the savings to the budget would be considerable under this amendment. The CBO, the Congressional Budget Office, estimates that if you restore partially the purchase requirement, put that together with the administration's other changes in the program, that you could save $1.4 billion annually. If this proposal that I am offering here today is implemented, and is implemented in March 1982, you could get a savings of over $800 million for fiscal year 1982. I think that that is something that we in this House have to consider favorably.

I might also point out that the amendment I am offering here is only a partial restoration of the purchase requirement in that it would exempt the elderly and the disabled from its provisions; so all other people participating in the food stamp program would have to pay, but by exempting the elderly and the disabled we assure that those unable to find money for purchasing stamps would not be harmed.

Mr. RICHMOND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to thank the gentleman from Pennsylvania for his interest in reducing fraud, error, and abuse in our program and in improving the administration of the program.

I would like the gentleman from Pennsylvania to know that we have worked on this for 7 straight years and this bill has been before the House for 7 years.

Fortunately, 4 years ago we were able to finally convince this House and the Senate that the only way to run a clean relatively low-cost administrative food stamp program was to eliminate the purchase requirement, in addition to which we were able to identify millions of people in the United States who are so poor that they never had the purchase requirement with which to go ahead and buy their stamps at the time that the cash had to be paid. Therefore, they were unable to obtain their food stamps. We were able to identify millions of people who never had the $20 or $30 in their hands at one specific time so they could go ahead and buy their stamps; therefore, they were effectively out of the program. That was certainly not the intent of the Congress. We want to get down to the poorest people in the United States and give them the food stamps. I am sure the gentleman from Pennsylvania would agree, right? That is first.

Second, the gentleman from Pennsylvania should realize that money now costs considerably more than it did in 1977. Many check-cashing institutions are involved in delivering food stamps. I can assure the gentleman if we ever reinstituted the purchase requirement, this would be the greatest bonanza to the little check-cashing institutions throughout the United States than anything could possibly be, because they would then take the Government's money and use every possible means of holding up repayment to the Government, rather than repaying within 24 hours as the law says.

They would say their bank account was in Honolulu. They would say their bank account was in San Francisco or somewhere. That is the second reason. When money costs 20 percent, the gentleman can well realize how much money we are talking about if we were to reinstitute the purchase requirement. Federal money would be floating all over the United States and unfortunately we would never get a lot of it back as quickly as we ought to. That is the second reason.

The third reason is that in order to reduce fraud, waste and abuse, and administrative costs, you must eliminate the purchase requirement, because it adds massively to the problems of administering this program.

I would hope that when we finally finish this bill today and ultimately have the President sign it that we can then get down to improving the administration of the bill.

I believe that once this bill is set in cement, there is a good billion dollars we can take out of this bill by improving the administration, by reducing waste, fraud and abuse, particularly now that we have the machinery to do so, now that we have the photo I.D. cards, now that we have first endorser liability, now that we are not allowing wholesalers to accept food stamps. We have succeeded in plugging almost every loophole we have been able to identify to date.

The next thing is to move the food stamp program into the 20th century and computerize the entire program.

I would hope the gentleman would understand that reinstituting the purchase requirement will make the modern administration of this program totally impossible. It will waste enormous amounts of money in float for the U.S. Government. It will hurt all the truly needy people we are really trying to help and it will accomplish nothing.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RICHMOND. Yes.

Mr. WALKER. I thank the gentleman for yielding, because I think the gentleman makes some excellent points, and I think it speaks to some of the concerns that have been addressed in my amendment.

The gentleman points out, I think rightfully so, that there were a lot of people in our society that could not come up with the purchase requirement.

Mr. RICHMOND. Two million.

Mr. WALKER. Two million, as the gentleman mentioned; however, I think we also found that the vast majority of those, I think it was over 75 percent of those, were elderly.

The amendment that I am offering here specifically exempts the elderly; so therefore of those 2 million people, I think the amendment speaks to that.

Mr. RICHMOND. No; even according to the gentleman's figures, that would still leave 500,000 very poor people who would not be able to buy food stamps.

Mr. WALKER. Mr. Chairman, if the gentleman would yield further, the other group of people that are exempt under my amendment are the disabled, which also fell into the category of which the gentleman speaks; so I think we have addressed some of the concerns there. Of course, the rolls have increased far more than the 2 million of which the gentleman speaks. Actually, they have gone up by

almost 7 million. That is one of the problems.

The other problem that I think we did not realize when Congress became convinced of the merits of doing away with the purchase requirement, as the gentleman has suggested, was that we were creating this new system of currency. One of the problems that we have seen now develop is the fact that we have created a second currency in this country. It has created more fraud, waste and abuse, then we ever believed was imaginable.

What I am attempting to do is reduce that character of the food stamp program by reducing its worth as an alternative dollar bill.

Mr. RICHMOND. I could tell the gentleman that as soon as this legislation is completed, our plan is to try to remove the actual food stamps from circulation. We believe that modern technology has developed programs by which we can deliver not food stamps, but simply credit slips at grocery stores in an absolutely safe fashion. Without food stamps, that would save us $60 million right there in printing food stamps, without authorization of purchase cards, without any mail fraud. I think we have developed a good program with the help of the gentleman from Kansas (Mr. COLEMAN), the ranking minority member.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. GLICKMAN, and by unanimous consent, Mr. RICHMOND was allowed to proceed for 3 additional minutes.)

Mr. RICHMOND. So it would eliminate all the paperwork, all the food stamps, all the ATP cards, all the mail out of the entire program.

Now, if the gentleman would just allow us to finish this piece of legislation and allow us to get back to work, I think we could show the gentleman that in a year's time a much improved food stamp program.

Mr. GLICKMAN. Mr. Chairman, would my colleague yield to me?

Mr. RICHMOND. I would be happy to yield.

Mr. GLICKMAN. Mr. Chairman, I would just like to tell my colleague that in the Senate report on this bill in the additional views of my senior Senator from Kansas, with whom I do not always agree, but in this case I do, he talked about this thing. He said:

Among the proposals defeated by the committee was an attempt to partially restore the purchase requirement—

The exact same amendment as the Walker amendment.

The Committee recognized that the effects of such a proposal would have been a significant increase in administrative costs, as well as reopening a previously closed door to fraud and abuse on the part of vendors and participants. Restoring the purchase requirement would reintroduce the handling of cash on a day-to-day basis at thousands of issuance points throughout the country. Serious problems with vendor abuse led to enactment of the Food Stamp Vendor Accountability Act in 1976. Restoration of the purchase requirement would most likely lead to greater black market activity. Instead of receiving just the "bonus" value of their stamps, participants would again receive the entire allotment of food stamps equal to the cost of the thrifty food plan.

The report goes on to state that it would be a serious obstacle to participation by many of the neediest people, particularly in rural areas of America, and is opposed by every State and local food stamp administrator in the country.

I would urge rejection of the amendment.

□ 1230

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. RICHMOND. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, I would like to share, if I could, in the comments of my colleague from Kansas.

The gentleman from Pennsylvania (Mr. WALKER) would agree, I hope, that I share with him his desire to see that those who need food stamps get them; that those who do not need them be removed from the rolls. But I am yet to be convinced of how the gentleman's amendment would help either of those conditions. I know it would add to the administrative cost. I know it would unfairly and unduly penalize those who could not put up their part of the payment.

I just wonder if the gentleman who controls the time would yield to the gentleman from Pennsylvania to respond to my concerns.

Mr. RICHMOND. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman very much for yielding.

Yes; I am one who shares your concerns. I would only say that I disagree with the Senator from Kansas who was quoted earlier, and I do not often do that. However, I have to go by what the Congressional Budget Office tells us. The Congressional Budget Office tells us that the restoration of a partial purchase requirement would save $1.4 billion. Now, I think that is what we have to evaluate: Whatever changes are an administrative cost, the bottom line is that we are going to save $1.4 billion, and even in fiscal year 1982, half over, we are going to save over $800 million. That is what the CBO says. That is the approach of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 251, not voting 35, as follows:

[Roll No. 274]

AYES—147

Archer	Frenzel	Paul
Ashbrook	Gibbons	Petri
Atkinson	Goodling	Porter
Badham	Gramm	Pritchard
Bailey (MO)	Gregg	Quillen
Benedict	Grisham	Regula
Bennett	Hagedorn	Ritter
Bereuter	Hammerschmidt	Roberts (KS)
Bliley	Hansen (ID)	Roberts (SD)
Broomfield	Hansen (UT)	Robinson
Brown (CO)	Hartnett	Roth
Brown (OH)	Hendon	Rousselot
Broyhill	Hiler	Rudd
Burgener	Hillis	Santini
Butler	Holt	Sawyer
Carman	Hunter	Schulze
Carney	Jeffries	Sensenbrenner
Chappie	Jones (OK)	Sharp
Cheney	Kemp	Shaw
Clausen	Kramer	Shumway
Clinger	Lagomarsino	Shuster
Coats	Latta	Skeen
Coleman	LeBoutillier	Smith (AL)
Collins (TX)	Lee	Smith (NE)
Conable	Lent	Smith (OR)
Courter	Lewis	Snyder
Coyne, James	Loeffler	Solomon
Craig	Lott	Spence
Crane, Daniel	Lowery (CA)	Stangeland
Crane, Philip	Madigan	Stanton
Daniel, Dan	Marlenee	Staton
Daniel, R. W.	Marriott	Stump
Dannemeyer	Martin (IL)	Tauke
Daub	Martin (NC)	Taylor
Derwinski	Martin (NY)	Thomas
Dornan	McClory	Trible
Dreier	McCollum	Vander Jagt
Duncan	McDonald	Walgren
Dunn	McEwen	Walker
Edwards (AL)	McGrath	Weber (MN)
Edwards (OK)	Michel	Weber (OH)
Emerson	Miller (OH)	Whitehurst
Emery	Montgomery	Whittaker
Erdahl	Moorhead	Whitten
Erlenborn	Morrison	Winn
Fenwick	Mottl	Wolf
Fiedler	Myers	Wortley
Fields	Oxley	Wylie
Forsythe	Pashayan	Young (FL)

NOES—251

Addabbo	Fountain	Natcher
Akaka	Frank	Neal
Albosta	Fuqua	Nelligan
Alexander	Garcia	Nelson
Anderson	Gaydos	Nichols
Andrews	Gejdenson	Nowak
Annunzio	Gephardt	Oakar
Anthony	Gilman	Oberstar
Applegate	Ginn	Obey
Aspin	Glickman	Ottinger
AuCoin	Gonzalez	Panetta
Bailey (PA)	Gore	Patman
Barnard	Gray	Patterson
Barnes	Green	Pease
Bedell	Guarini	Pepper
Beilenson	Gunderson	Perkins
Benjamin	Hall (OH)	Peyser
Bethune	Hall, Ralph	Pickle
Bevill	Hamilton	Price
Biaggi	Hance	Pursell
Bingham	Harkin	Rahall
Blanchard	Hatcher	Railsback
Boggs	Hawkins	Rangel
Boland	Heckler	Ratchford
Bolling	Hefner	Reuss
Boner	Heftel	Richmond
Bonior	Hightower	Rinaldo
Bonker	Holland	Rodino
Bouquard	Hollenbeck	Roe
Bowen	Hopkins	Roemer
Breaux	Horton	Rogers
Brinkley	Howard	Rose
Brodhead	Hoyer	Rostenkowski
Brown (CA)	Hubbard	Roukema
Burton, Phillip	Huckaby	Roybal
Byron	Hughes	Russo
Chappell	Hutto	Sabo
Chisholm	Hyde	Scheuer
Clay	Ireland	Schneider
Coelho	Jacobs	Schroeder
Collins (IL)	Jeffords	Schumer
Conte	Jenkins	Seiberling
Conyers	Jones (TN)	Shamansky
Coughlin	Kastenmeier	Shannon
Coyne, William	Kazen	Shelby
Crockett	Kildee	Simon
D'Amours	Kogovsek	Skelton
Danielson	LaFalce	Smith (IA)
Daschle	Lantos	Smith (NJ)
Davis	Leach	Smith (PA)
de la Garza	Leath	Snowe
DeNardis	Lehman	Solarz
Derrick	Leland	St Germain
Dickinson	Levitas	Stark
Dicks	Livingston	Stenholm
Dingell	Long (LA)	Stokes
Dixon	Long (MD)	Stratton
Donnelly	Lowry (WA)	Studds
Dorgan	Lujan	Swift
Dowdy	Luken	Synar
Downey	Markey	Tauzin
Dwyer	Marks	Traxler
Dymally	Matsui	Udall
Dyson	Mattox	Vento
Early	Mavroules	Volkmer
Eckart	Mazzoli	Wampler
Edgar	McCurdy	Washington
Edwards (CA)	McDade	Watkins
English	McHugh	Weaver
Evans (DE)	McKinney	Weiss
Evans (GA)	Mica	White
Evans (IA)	Mikulski	Whitley
Evans (IN)	Miller (CA)	Williams (MT)
Fary	Mineta	Wirth
Fascell	Minish	Wolpe
Fazio	Mitchell (MD)	Wright
Ferraro	Mitchell (NY)	Wyden
Findley	Moakley	Yates
Fish	Moffett	Yatron
Fithian	Molinari	Young (AK)
Flippo	Mollohan	Young (MO)
Foglietta	Moore	Zablocki
Foley	Murtha	Zeferetti
Ford (MI)	Napier	

NOT VOTING—35

Bafalis	Dougherty	Gradison
Beard	Ertel	Hall, Sam
Brooks	Florio	Hertel
Burton, John	Ford (TN)	Johnston
Campbell	Fowler	Jones (NC)
Corcoran	Frost	Kindness
Deckard	Gingrich	Lundine
Dellums	Goldwater	Lungren
McCloskey	Rhodes	Waxman
Murphy	Rosenthal	Williams (OH)
O'Brien	Savage	Wilson
Parris	Siljander	

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Bafalis for, with Mr. Hertel against.

Mr. Corcoran for, with Mr. Ford of Tennessee against.

Mr. Johnston for, with Mr. Dellums against.

Mr. Kindness for, with Mr. Jones of North Carolina against.

Mr. Lungren for, with Mr. Parris against.

Mr. O'Brien for, with Mr. Williams of Ohio against.

Mr. Siljander for, with Mr. Dougherty against.

Mr. HOLLAND and Mr. COUGHLIN changed their votes from "aye" to "no."

Mr. ERDAHL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I take this time for the purpose of inquiring of the distinguished majority leader as to the program for the balance of this week and possibly next week's program. I am sure the Members will be interested in what the majority leader has in store for us, and if they will listen, they will all know at one time.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the majority leader.

Mr. WRIGHT. Mr. Chairman, I am delighted to respond to my distinguished friend, the minority leader, the gentleman from Illinois (Mr. MICHEL), by stating that when we conclude action on the agriculture bill today, and we anticipate being able to do that at a reasonable hour, the business for this week will have been concluded, and there will be no session tomorrow.

Mr. MICHEL. That is, if we finish this bill today?

Mr. WRIGHT. Assuming that we do finish this bill today, and that is our firm intention. If we for some reason fail to finish this bill today, which I do not anticipate, then, of course, we would have to be in session tomorrow. But it is fully expected that we will finish this bill at a reasonable hour today and will not have a session tomorrow.

On Monday, October 26, five bills are scheduled for suspension, and those bills are as follows:

H.R. 4734, Italian American War Veterans of the United States;

H.R. 4755, former Members of Congress;

H.R. 4766, submarine veterans of World War II;

H.R. 4769, American Council of Learned Societies; and

H.R. 3963, Drug Dependent Federal Offenders Act amendments.

There will be no votes on those bills on Monday. Any votes required on those bills scheduled for suspension will be postponed until Tuesday. Therefore, Members may be sure that there will be no votes on legislative matters on Monday, October 26.

On Tuesday, October 27, we will have such recorded votes as may have been demanded, and then we will take up H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981, under an open rule, with 1 hour of general debate; and if there is still time, H.R. 2330, Nuclear Regulatory Commission authorizations, to complete consideration.

On Wednesday, October 28, we will meet at 10 o'clock and will take up H.R. 4437, the Energy Conservation Daylight Saving Act, under an open rule, with 1 hour of general debate.

On Thursday and the balance of the week—and we hope that Thursday will be the balance of the week—we will meet at 10 o'clock, taking up the State Department authorizations, a bill that has been before us once, subject to the granting of a rule; and H.R. 3275, the Civil Rights Commission authorization, under an open rule, with 1 hour of general debate.

It seems quite plausible to me that we might reasonably look forward to concluding those votes on Thursday, barring any unforeseen problems or deliberative dilatory tactics and thereby be able not to meet on Friday.

Now, let me project our expectations 1 week beyond to the week after next. Since Tuesday, November 3, is an election day in many States, we would plan not to have a session on that day, and we would plan to have only a proforma session on the Monday preceding, so that Monday and Tuesday, November 2 and 3, would be respectively a pro-forma day and a day out of session. If we are able to conclude the business at hand by Thursday of next week, that would permit the Members to have an extended home district work period.

I would like to say to my distinguished friend, the minority leader, that with his splendid cooperation and that of both the majority and minority, the House is well ahead of schedule. There remains very little on our schedule to be completed prior to adjournment. I should like to suggest a few things that must be done; things that remain to be completed.

One of them is the Defense Department appropriation bill. My friend, the chairman of the Subcommittee of

the Appropriations Committee, the distinguished gentleman from New York (Mr. ADDABBO), has indicated that markup will begin on that bill next week in the subcommittee. The chairman of that subcommittee and the chairman of the full committee, the gentleman from Mississippi (Mr. WHITTEN), have indicated that on the succeeding Monday, assuming completion, the full committee will take it up so that we will have that bill ready for us probably sometime in the week of November 10.

There are two or three other things that are quite likely to come before the House, and that is all. One of them would be the probability of a continuing resolution. A meeting today with the majority leader of the Senate, Mr. BAKER, and the minority leader of the House, the gentleman from Illinois (Mr. MICHEL), reveals that the other body intends to take up and act upon at least some of the appropriation bills we have passed. We have passed all of them but one now, or, rather, all of them but two that have passed the House are in the Senate. They will take up those bills that they can act on individually, and such as they cannot they would hope to put into a continuing resolution, which would hold until sometime in March.

Now, it would be necessary for us, if we follow that course—and we probably will—to act upon that continuing resolution prior to November 20, and that date concludes the extent of the present extant continuing resolution. So we may expect that we will be acting on a continuing resolution sometime prior to November 20.

That leaves one other thing, and that is the budget resolution. The Budget Committee has not been dilatory. The Members have been very diligent. They have been holding hearings. They have been asking the administration for information. They have several times scheduled witnesses from the administration. Often those schedules have been postponed at the request of the administration. They are seeking additional information, and they will be prepared to act whenever all that information is collated and available.

So we may expect those three things: Action on the Defense Department appropriation, probably action on a continuing resolution prior to November 20, and the budget resolution, the second budget resolution for fiscal year 1982. And of course we shall have to come to some sort of resolution on the social security question.

Mr. MICHEL. The gentleman, of course, has alluded to the other body moving on appropriation bills, which would suggest, then, that there would be opportunities for conferences on some of those appropriation bills. That opens up the question of that week of November 9 and 10, with Veterans Day following on November 11.

There was some suggestion that there might be either days before or days after Armistice Day on which we would not meet, in view of the fact that we would probably have to meet on some conference measures.

Would the distinguished majority leader be able to respond to that kind of question? What would happen during the course of that week of November 9, particularly with reference to Armistice Day?

Mr. WRIGHT. Well, I think it might make a difference as to when the Appropriations Committee was able to conclude its deliberations and report the Defense Department appropriation bill. It seems plausible that sometime during that week we might want to take action on that bill.

If the bill were ready for us and ready for our consideration on the first 2 days of the week, it is conceivable that we might be able to take the last 2 days of the week following Veterans Day. On the other hand, if the bill is not ready by then, we may have to use the last 2 days of the week for the appropriation bill, and in that case we might be able to let the first 2 days of the week be days without legislative business.

But I am not able to give an answer to that question at this time. I think the best we can do at this time is project our schedule through next week and into the succeeding week. The Members will be pleased to know that if we finish our business next week on Thursday, there may be Friday, Saturday, Sunday, Monday, and Tuesday, Tuesday being election day, available for a home district work period.

Mr. MICHEL. The gentleman may recall the conversation with the distinguished majority leader of the other body relative to the continuing resolution, pointing out the fact that it will expire on November 20 and they would like to have that resolution sufficiently in advance of that date that we would not all be caught in some kind of scissors on the evening of November 20 with no prospect of knowing whether we have finally gotten an agreement or not.

I would hope that we would be able to complete that action here in this body and send it over to the other body sufficiently in time to give them the opportunity to do whatever they want to do with it.

Mr. WRIGHT. I think the gentleman makes a good point. Obviously it does not do anybody in the Government any good for us to wait and play brinksmanship on that kind of a bill. It makes people nervous and causes all kinds of unnecessary consternation on the part of people who work for the Government.

However, we do have this kind of a sequence that has to be followed. Obviously, it is necessary for the Appropriations Committee to take its action on the Defense Department appropriation bill before we can know the appropriate figures in that Department to crank into a continuing resolution. Therefore, our action on the continuing resolution most appropriately ought to await completion of that action on the part of the Appropriations Committee, and its members are moving diligently.

I would suppose that might be one additional reason why we need to stay a little flexible about which of the other days, if any, we can allow Members to have off during the week of Veterans Day. We know that we are going to have Wednesday off. Wednesday, November 11, is Veterans Day, and the Members may confidently know that day will be a day of no business. If it is possible, we will try to work in another day or two. I cannot promise that now because of the things we have just discussed. Obviously it would be good if we can send the continuing resolution to the Senate at a time when it does not get caught in an act of brinksmanship on the last day.

Mr. MICHEL. Mr. Chairman, I thank the distinguished gentleman, the majority leader.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: On page 117, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

REPORTING OF ABUSES BY THE PUBLIC; NOTICE OF VERIFICATION; DISCLOSURE OF INFORMATION TO LAW ENFORCEMENT OFFICIALS; MINIMUM MANDATORY COURT SENTENCE FOR CRIMINAL OFFENSES; WORK RESTITUTION PROGRAM

SEC. 1339. (1) Section 9 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (e) to read:

"(e) Approved retail food stores shall display a sign providing information on how persons may report abuses they have observed in the operation of the food stamp program.".

(2) Section 11(e)(2) of the Food Stamp Act of 1977 is amended by inserting after the second period the following new sentence: "Each application shall also contain in understandable terms and in prominent and boldface lettering a statement that the information provided by the applicant in connection with the application for a coupon allotment will be subject to verification by Federal, State, and local officials to determine if such information is factual and that if any material part of such information is incorrect, food stamps may be denied to the applicant, and that the applicant may be subjected to criminal prosecution for knowingly providing incorrect information.".

(3) Section 11(e)(8) of the Food Stamp Act of 1977 is amended by striking the semicolon at the end and inserting in lieu thereof a comma and the following: "except that,

notwithstanding any other provision of law, all information obtained under this Act from an applicant household shall be made available, upon request, to local, State, or Federal law enforcement officials for the purpose of investigating an alleged violation of this Act or any regulation issued under this Act;".

(4) Subsections (b) and (c) of section 15 of the Food Stamp Act of 1977 are amended to read:

"(b)(1) Subject to the provisions of paragraph (2) of this subsection, whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of a value of $100 or more, be guilty of a felony and shall, upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than $10,000 or, if such coupons or authorization cards are of a value of less than $100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

"(2) In the cae of any individual convicted of an offense under paragraph (1) of this subsection, the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the agency as a result of the offense for which such individual was convicted. If the court permits such individual to perform such work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual perform the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

"(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than $10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than five years and may also be fined not more than $10,000, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1315

Mr. DANNEMEYER. Mr. Chairman, I know that many of my colleagues are concerned about the increasing reports of fraud within the food stamp program, as am I. It is widely acknowledged that the program is, by its very nature, highly vulnerable to fraudulent activity.

The amendment which I offer today is intended to address some of these concerns. It incorporates four key provisions which will allow for tightening the enforcement of the food stamp program.

I would note that these provisions were included in the Senate-passed food stamp bill, S. 1007. I believe that they are worthy of inclusion in the House bill as well.

These provisions would:

First, require all authorized retail food stores to display a sign providing information on how individuals may report food stamp abuses they have observed.

Second, require that the application form state that information provided by the applicant will be subject to verification and if incorrect may be the basis for denial and criminal prosecution.

Third, clarify existing law specifically to permit local, State, and Federal law enforcement officials to have access to information obtained from food stamp applicants. These officials would be able to obtain requested case file information for the purpose of conducting investigations of alleged Food Stamp Act violations.

Fourth, require stronger penalties for persons who are found guilty of felonies and misdemeanors. Penalties for the first conviction under these sections would not be changed. However, the second and subsequent offenses would require a prison sentence of not less than 6 months for a felony conviction and not more than 1 year for a misdemeanor. In addition, the court could suspend the convicted person from participating in the food stamp program for up to 18 months above those levels already required by law. The court may permit the convicted person to perform work approved by the court for the purpose of restoring losses. If the person agrees, the court would withhold the sentence conditional upon the satisfactory performance of the work and then could suspend the sentence.

RETAIL STORE NOTICES

One of the most frustrating comments which I have heard from constituents is that they often do not know how to go about reporting abuses of the food stamp program which they observe firsthand. A sign in the grocery store will serve the twofold purpose of notifying citizens how to report abuses, and reminding recipients of the need for obeying the law lest they be reported and prosecuted for violations.

APPLICATION NOTICE

By the same token, the information on the application itself will remind food stamp applicants of the need to accurately complete the application. Repeated investigations have found that the two most common errors on applications are understatement of household income and overstatement of household size—both of which increase the food stamp allotment received by the household.

DISCLOSURE OF INFORMATION ON RECIPIENTS

A third provision is needed to clarify that Congress most certainly does intend that local, State and Federal law enforcement officials have access to food stamp case files. This authority is needed to overturn a court decision in Florida and thereby clarify congressional intent.

The State attorney of Florida initiated an investigation of food stamp recipients in Nassau County, Fla., in February 1979. The State attorney's office requested the food stamp case files of all persons in the county who were receiving a monthly food stamp coupon allotment of $125 per month or more, and began a criminal investigation. In the summer of 1979, the State attorney initiated an investigation using similar procedures in Clay County, Fla.

I believe that Congress clearly did not want to restrict such aggressive law enforcement efforts as demonstrated in Florida.

Yet in the case of *Roberts* V. *Austin*, 632 F. 2d 1201 (5th Cir., 1980), the U.S. Fifth Circuit Court of Appeals overturned the decision of the U.S. District Court for the Middle District of Florida which had denied an injunction to prevent welfare officials from turning over food stamp applicant information to the State attorney of Florida.

This provision will make it clear that Congress believes that local, State, and Federal law enforcement officials are "directly connected with the enforcement of the food stamp program" as defined in current law and that so long as they are conducting investigations to determine possible violations related to the Food Stamp Act or regulations, they should have access to

information provided by applicant households.

MINIMUM COURT SENTENCE

The fourth provision included within the amendment is designed to address the "revolving door" of fraudulent food stamp recipients. It is not unusual, according to Florida officials, to find that those individuals investigated, prosecuted, and convicted for food stamp fraud have previously been found guilty of the same or similar food stamp offenses. Yet these individuals are usually allowed "a slap on the wrist" and are back on the streets—and frequently back on the food stamp rolls—soon afterward.

This provision will put some teeth in the penalties contained in the Food Stamp Act by providing that second offenders will receive a minimum 6 months' prison sentence for a felony conviction and not more than 1 year for a misdemeanor.

Additionally, a person could be disqualified from participation in the food stamp program for up to 18 months beyond existing periods at the discretion of the court.

The court could suspend the jail sentence only in return for work approved by the court for the purpose of restoring losses. In this manner, the taxpayers will be reimbursed by those who defraud the food stamp program.

Mr. Chairman, I believe that these are reasonable provisions which will improve the integrity of the food stamp program. I commend the Senate for including these in its legislation, and urge my colleagues to support their inclusion in H.R. 3603.

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield to the gentleman from New York.

Mr. RICHMOND. Mr. Chairman, I agree to the gentleman's amendment on behalf of the committee in light of the two changes he has made to these provisions as they appeared in the Senate version of the food stamp bill.

Currently the Food Stamp Act operates to restrict referral of food stamp case files to State or local prosecuting authorities in those cases where individuals are suspected by food stamp officials of committing fraud. This is a careful, qualified approach that seeks to maintain a balance between a food stamp household's privacy rights and the need to investigate statements by the household to insure accuracy and prevent fraud. Criminal investigation proceeds only after a household has provided questionable information.

This amendment would not drastically alter that balance. It would not make legal the horrendous situation that occurred in two counties in Florida in early 1979 and would subject millions of food stamp families across the country to totally unnecessary and likely unconstitutional humiliation and harassment.

In 1979 the State attorney's office in two counties in Florida demanded that food stamp offices surrender to them the full files of all persons in those counties who were receiving food stamps worth $125 per month or more. There was no evidence whatever that the State's attorney had any reason to suspect that any of these persons had engaged in fraud. The only excuse for the blanket release of files was that the persons were receiving a certain level of food stamps.

When the files were transferred, all of the information from them was placed on sheets which were distributed to local police personnel. The local police were asked to use standard criminal investigation techniques to verify this information and to contact neighbors, employers, and all others who might be familiar with the households' circumstances. This was a massive invasion of the right of privacy. What might have been legitimate had there been any reasonable grounds for suspecting particular households of fraud became a general dragnet holding thousands of innocent households up to the public exposure and ridicule of police inquiry for no reason other than that they were food stamp recipients. How would you like to have someone question your constituents' neighbors about their lifestyle simply because your constituents receive social security benefits? Big brother has to be cabined.

Controlling fraud on a case-by-case basis is one thing; harassing households wholesale is quite another. This amendment would permit State prosecutors to secure food stamp files but only where there was some basis, some valid reason to suspect the affected households of fraud. The State attorney would be prohibited from conducting a fishing expedition in the food stamp files and therefore harming without just cause thousands of people.

I am glad that the gentleman would limit the threat of prosecution and/or denial of food stamps to the insertion of incorrect factual information in a food stamp application form that is material. No household should be threatened either with criminal prosecution or the loss of food stamps simply because a member of that household misspells the name of child or misstates the child's age or gets an address wrong. What matters is that information relating to material factors, such as income, deductions, and household size be stated accurately.

In addition, I would like to state that with respect to that portion of the gentleman's amendment which relates to the displaying of signs in retail food stores, I welcome the provision only if it is read in the following manner.

Just because members of the public have questioned the use of food stamps does not mean that these reports constitute violations of the program. Where a member of the public raises concerns about the observed use of food stamps, we, of course, want the food stamp office to apply its expertise in food stamp law to the threshold question of whether in fact the allegations, even if true, would constitute a violation. If the answer is affirmative, then the recipient must be provided with an opportunity to explain the discrepancy. In no event should these matters be referred or released to already overburdened law enforcement officials before the agency has first determined whether the allegations would even constitute a violation, or before the recipient has had an opportunity to clear up the matter.

Mr. DANNEMEYER. I thank the distinguished chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The amendment was agreed to.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to discuss with my colleague from Missouri (Mr. COLEMAN), a member of the committee, or any other individual on the committee who is aware of what is now being done on photo identification. It is my understanding that the current law states that it is discretionary as to whether photo identification is required by those utilizing food stamps so that it is possible to reduce those who should not be receiving these food stamps. Can my colleague comment as to what the disposition is of the Department of Agriculture relating to the use of this authority?

Mr. COLEMAN. Will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Missouri.

Mr. COLEMAN. I thank the gentleman for his inquiry and respond that we have given the Department discretionary authority to require photo identification.

Recently the Department has come forward with regulations to do that very thing in certain areas, basically urban areas with 100,000 recipients or more where they now will be required to have photo I.D. which we feel, and I know the Chairman joins with me in this feeling, will cut down on the fraud and abuse that we have seen in the system. So going back even further and building upon that, as I say, not all participants in the food stamp program will be required to show a photo I.D. But they are getting to about 30 percent of the program where the problem is and that is in the urbanized areas of the country.

My amendment, which was passed earlier today went even further. It said in those areas where it has been mandated for a photo I.D. that the bank or whatever distribution center has to look at the photo I.D. and the authorization to participate card and put those together so that we are already building upon this requirement by the administration to have the photo I.D. because it is an integral part of cutting down on the fraud and abuse in the system.

Mr. ROUSSELOT. I appreciate my colleague's comments. Is there any reason why the photo identification should not be utilized by all distribution centers? I realize there is the potential cost of $1 or $2 for providing such a card, but I would believe that as we have done with automobile licenses, that it is helpful to have a photo identification. I cannot understand why we are not doing this with this program, which according to some of our General Accounting Office reports, there has been so much fraud. This might be an additional way to prevent that.

Mr. COLEMAN. If the gentleman will continue to yield, it certainly might be in the future. I would suggest, and I know the gentleman is sincere in his questions and concerns that we obtain the experience of requiring the photo I.D. in the 30 percent of the program where we have a significant problem, in the urban areas, and see if we can build upon that. The committee is quite concerned about this, and if we see that the photo I.D.'s are necessary we will certainly pursue this.

But even further, the administration I think is committed to tightening up this program, and they have already done this by requiring it in these instances. If they feel, and I think they are doing it in a good-faith effort, if they feel it is necessary for other portions of the program, or to make it universal, they will come forward with that experience. I would want to work with the gentleman in doing that. My suggestion today is to go forward and allow the department to continue what they are doing, which is to begin the photo I.D. as an instrument for cutting down on waste, fraud, and abuse in the system, but not necessarily mandated today in legislation, but continue to have the discretion which the basic law already has in it and let the people downtown determine whether or not it is economic and cost effective.

Mr. ROUSSELOT. The gentleman does feel the administration is disposed to make greater use of this photo identification as a way to eliminate or potentially eliminate or minimize abuses in the program?

Mr. COLEMAN. Absolutely. The Chairman and I have had informal discussion with the department in going even further on photo identification, if we could come up with a system which would almost be failsafe, that could cut down immensely on fraud, waste, and abuse. So we are all working in the right direction. I appreciate the gentleman's contribution.

Mr. ROUSSELOT. As the gentleman knows, I was prone to offer an amendment to require a photo I.D. card as a mandated item. But if the ranking Republican member of the subcommittee and the chairman of the subcommittee have both assured me they intend to pursue the use of photo identification to begin to more clearly specify who should or should not be receiving food stamps, I appreciate the pursuit of that effort and I hope that we will have early next year maybe a report back to the House as to the progress of that effort.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. PEYSER and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. RICHMOND. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague from New York.

Mr. RICHMOND. I just want to tell my colleague from California that he is 100 percent right. I assure him that within the next year he is going to see remarkable progress in reducing waste, fraud, and abuse from this food stamp program, now that we have photo I.D. in place, first enforcibility in place, and we are eliminating wholesalers from receiving stamps, and I think those are three big moves. Now we are all set to move in and improve the administration of the program.

Mr. ROUSSELOT. I appreciate the gentleman's comments and the committee's consideration of this method of identification.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from New York.

Mr. PEYSER. I guess the one thing that hurt me in listening to this discussion, if I heard it correctly, is that the present idea, and the photo program is aimed at urban areas where numbers are in excess of 100,000 or whatever the number may be, they would then have the photo identification; is that correct, at that point?

Mr. ROUSSELOT. I think my colleague from Missouri (Mr. COLEMAN), the ranking member of the subcommittee, was saying that that was just a current criteria they were utilizing for lack of a better one.

Mr. PEYSER. I agree with my friend from California because the inference of that is that somehow the urban poor are the ones that are ripping off the food stamp program, and that the rural or non-heavily-populated areas are all observing the law. I think the gentleman is correct, there is a need for this, and there is a need for it for everybody.

Mr. ROUSSELOT. It should be applied universally.

Mr. PEYSER. Of course, this really makes it seem like we are saying watch out for the urban poor, but let the rest of them alone.

Mr. ROUSSELOT. I agree with my colleague. It may be that as a result of all these other things that have now been put in the law to require greater compliance, that we may be able to eliminate much of this fraud and abuse. But I think myself that it should be applied universally.

But our chairman of the subcommittee and the ranking member have agreed to report back to the House at an early date next year to tell us the progress of the photo identification program and I appreciate the gentlemen bringing it up.

Mr. TRAXLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend the chairman of the full committee, the gentleman from Texas (Mr. DE LA GARZA), and the chairman of the subcommittee, the gentleman from New York (Mr. RICHMOND), for presenting us with such a fine piece of legislation. My very best wishes and thank you to the minority members for this fine work.

Mr. Chairman, I rise in particular support of section 1340 of the Food and Agriculture Act of 1981. This section reauthorizes the commodity supplemental feeding program, and provides authority for two pilot projects in which a CSF-type program will be operated for the benefit of senior citizens.

I want to compliment the gentleman from New York (Mr. RICHMOND) the chairman of the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, for his foresight in continuing this most vital special feeding program, and for his cooperation in allowing for the establishment of the two pilot projects.

The commodity supplemental feeding program is a relatively small one. It operates in 21 cities, and provides commodities such as canned meats, vegetables, juices, cereals, flour, nonfat dry milk, and infant formula to about 115,000 pregnant or lactating women, infants, and children each month.

The program is one of the cheapest in the arsenal of feeding assistance, with a cost of only about $22.50 per person per month, including administrative costs. This amount compares to about $34 per month in the women, infants, and children feeding program, which provides food vouchers rather than food items directly.

This program has been slated for a cut of 40 percent in the Reagan budget, including the latest revisions. As a member of the Subcommittee on Agriculture of the House Appropriations Committee, I was very pleased to work against this most insensitive budget reduction, as I did against a similar reduction in the WIC program. The House approved a more realistic budget figure for both CSFP and WIC when we adopted the fiscal 1982 agricultural appropriations bill, H.R. 4119, in July of this year.

Mr. Chairman, I think that special attention needs to be paid to the authorization provided in this section for the two pilot elderly commodity feeding programs. Many poor senior citizens have significant nutritional problems which are associated with both worsening economic conditions and the underutilization of local feeding programs. Testimony before Mr. Richmond's subcommittee revealed that while food stamps is a good program, it is not very well utilized by senior citizens who either dislike the welfare stigma associated with the program, or have been so frustrated in their efforts to qualify for the program that they have simply given up. On the other hand, many seniors have expressed a strong interest in the possibility of getting commodity food packages, such as those provided by CSFP.

The two pilot projects authorized by the bill will be operated by existing CSFP operators in Detroit and New Orleans. These cities were selected because these project operators have already done some work on the project, and because they are the largest existing CSFP operators in the Nation. It needs to be emphasized that existing CSFP operators were selected so as to minimize any administrative or start-up costs that might otherwise be associated with this type of project.

Additionally, the Department of Agriculture is on notice that the food package is to be modified to meet the nutritional needs of senior citizens. Concerns about salt and sugar levels which may be of particular concern to seniors will be resolved by the Department in its development of a food package which will be basically the same as the existing CSFP package.

These pilot projects will serve about 1,500 seniors in each city, and will be evaluated by the Department and the program operators during the period of the project. The total cost is estimated to be a maximum of $900,000 in fiscal 1982, assuming full participation for a full year.

Mr. Chairman, funds for these pilot projects under the conditions specified in the report accompanying H.R. 3603, have already been provided on a contingency basis in the fiscal 1982 Agricultural Appropriations bill. This project, therefore, has the support of two different congressional committees, and the implied support of the House by virtue of the appropriation for the project.

Additionally, I am aware of some strong sentiment in support of these pilot projects in the Senate, and anticipate Senate support in conference.

Mr. Chairman, it is obvious that we need to find the least costly alternatives of providing assistance to the many in this Nation who cannot survive without the reasonable compassion and aid of the Federal Government. These pilot projects are a step toward finding another way to provide nutritional foods to needy senior citizens, and are worthy of the support of this body.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am just going to take a minute; I hope we are rapidly approaching the end of this bill and that we will vote on it. My one concern, and I just say this to alert Members who may be having other engagements and having to leave, I do not think that is the problem, but there is a possibility always that separate votes will be requested when we go back into the House. It is my hope that that is not going to happen, because of the time that will be consumed, and hopefully we can pass the bill and finish it and go on to other business.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHMOND: On page 120, after line 22 insert the following:

FOOD STAMPS IN PUERTO RICO

SEC. 1344. Section 116 of the Omnibus Reconciliation Act of 1981 (Public Law 97-35) is repealed.

Mr. RICHMOND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RICHMOND. Mr. Chairman, in the course of passing the Omnibus Budget Reconciliation Act last August, this Congress perpetrated a discriminatory act against the people of Puerto Rico who are citizens of the United States, an act that is harmful to the stature of Puerto Rico in the Western Hemisphere, that is harmful to our relations with the Spanish-speaking nations of Central and South America, and that may prove devastating to millions of truly needy people in Puerto Rico. Effective July 1 of next year, we terminated Puerto Rico's access to the food stamp program and ordered Puerto Rico to distribute nutritional assistance to its poor on its own, with $204 million less in funds than it currently has available under the food stamp program.

For every other State, every other territory, and every other local jurisdiction we made across-the-board program cuts, amounting, when this bill now before us is taken into account, to over $2.4 billion in fiscal year 1982 alone. Puerto Rico was willing to absorb its fair share of these cuts, which, since it had 1.795 million citizens receiving food stamps in July 1981, would have been as much as 8 or 9 percent of the total.

What was unjust, what was unfair was singling Puerto Rico out for special reductions targeted at a specific geographical area instead of persons who, because of their economic circumstances, deserved less or no assistance. When we acted to deprive Puerto Rico of the food stamp program, we dealt unjustly with persons who fight beside us in our Armed Forces, but who already do not receive full benefits in other Federal assistance programs. When we turned our back on the hungry and malnourished Puerto Ricans, we sent a signal to the rest of the world and, especially, to the citizens of other countries in the Caribbean, Central America, and South America, that we viewed our Spanish-speaking U.S. citizens who happened to reside on the island of Puerto Rico as second-class citizens, not entitled to the same nutritional treatment as mainland Americans.

This signal is not a fortunate one. It undermines any semblance of a good neighbor type policy in this region. It has distinct racial overtones even if we did not intend them. It diminishes respect for us in an area in which we desperately need respect and support.

We once intended to make Puerto Rico the showcase of the hemisphere. We seem to have abandoned that intent by this action.

The only explanation for our ungenerous behavior was that we thought—however mistakenly—that Puerto Rico did not need as many food program benefits as other parts of our country because food is cheaper there or people not so poor in a relative sense because of the lower per capita income. Both of those impressions are wrong. The food portion of the cost of living in Puerto Rico tends to be higher, not lower, than on the mainland because Puerto Rico has to import 85 percent of its foods and, under another law passed by the Congress—the Jones Act—do so on more costly American ships. Similarly, while the per capita income in Puerto Rico may be lower than on the mainland, more than 85 percent of the 492,000 households receiving food stamps in July had income of less than $500 per month and 16 percent of them had no reportable income whatever. These persons would satisfy whatever defini-

tion of "truly needy" we might reasonably seek to apply.

We were wrong in August to cut them off the program as of next July and force them to devise a significantly diminished nutritional assistance program of their own. The only way to right that wrong is to join with me today to reverse our action, reinstate Puerto Rico on the program, but subject to the nationwide cuts in benefits, eligibility, and so forth, that will, on an across-the-board basis, applicable in every State of the country, including Puerto Rico, probably reduce food stamp benefits nearly 20 percent from what they otherwise might have been.

I ask your support for this effort to treat Puerto Ricans equitably and fairly, in the same fashion we treat other Americans.

□ 1330

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. RICHMOND. I yield to the gentleman from Arkansas.

Mr. ANTHONY. I thank the gentleman for yielding.

Mr. Chairman, on the point where the gentleman said he has talked with the present Governor of Puerto Rico, I would like to join in on the comments there.

I have attended some meetings where the gentleman was present with the Governor of Puerto Rico, and I have discussed this problem with him also; I also had the opportunity to go to Puerto Rico for a 4-day weekend to study the economic situation down there.

Based on that study, based on my conversation with the Governor, and also the former Governor of Puerto Rico, I think it is incumbent upon this Congress to treat Puerto Rico fairly and equitably, but to send a message to them to give them the opportunity to economically develop their own plan and their own program within Puerto Rico so that we could show that we have been a proper and good neighbor. I think the comments of the gentleman are very well taken.

The CHAIRMAN. The time of the gentleman from New York (Mr. RICHMOND) has expired.

(On request of Mr. ANTHONY and by unanimous consent, Mr. RICHMOND was allowed to proceed for 1 additional minute.)

Mr. ANTHONY. If the gentleman will yield further, I think that this is an issue that, especially even in my State of Arkansas and in my own district, the Fourth District, is one that can be very easily misunderstood, because when you talk about Puerto Rico and the number of poor people there and the large percentage of the population that is on food stamps, without going into the reason behind it and all of the other justifications and our historical presence with Puerto Rico, it is very easy for one to come in and say, "Well, we are just going to cast a political vote and really not look at the economics of it."

I think it is incumbent upon this Congress to act responsibly, and I think the responsible action would be to restore Puerto Rico to the program, but with that proviso that they come forward with this 5-year economic plan and one that I think we could all help in developing.

Mr. RICHMOND. I thank the gentleman from Arkansas for his remarks.

Mr. CORRADA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am not going to elaborate on the points already made excellently and eloquently by the chairman of the subcommittee. I would only hope that the Members understand that we are particularly concerned by the provisions that the Richmond amendment would intend to eliminate, because it singles out Puerto Rico for a block grant on food stamps which is not being proposed for any other State, territory, or jurisdiction under the American flag.

We Puerto Ricans are American citizens. We are proud to be American citizens. When our Nation goes to war, our children, our youth, fight under the American flag in defense of the Nation. We have never come to this Congress to ask that we be treated on a set-aside basis so that our youngsters be drafted on a lower proportion than the rest of the Nation, because we felt that as American citizens it is a duty and a responsibility to defend democracy at home and abroad.

That is why we particularly resent the provision that the Richmond amendment would strike, which singles out Puerto Rico for discriminatory treatment on the food stamp program. We are willing to take whatever cutbacks are provided; we are willing to tighten the program because of the provisions already contained in this bill; and, of course, as it has been suggested, our Governor has already a 12-year economic recovery plan for the reconstruction of agriculture there, tourism, manufacturing, and he will comply with the 5-year plan that has been suggested by the chairman.

So I do hope that my dear colleagues will provide equity for American citizens there and that they will support the Richmond amendment.

Mr. Chairman, many Members were not aware of the devastating impact that one section of the Omnibus Reconciliation Act would have in Puerto Rico. This provision singled out the U.S. citizens of Puerto Rico for exclusive and discriminatory treatment in the food stamp program.

Unless this inequity is changed, Puerto Rico will—by July 1, 1982—suffer a $204 million reduction in the food stamp program.

No other State, no other territory, no other local jurisdiction was granted a "nutritional assistance block grant" which Puerto Rico will have to convert to next year, with an attendant reduction in funds.

A vote for the amendment to restore equal treatment for Puerto Rico in the food stamp program will continue the national program at the same reduced level as other citizens will have to cope with.

More than 56 percent of Puerto Ricans—many of them the "truly needy"—will be forced to have their benefits reduced at a sharper level since the "nutritional assistance block grant" offers a special and exclusive reduction and a program which will not take place in any other State or territory.

The most recent statistics for the food stamp program reflect this fact.

As of July 1981, 492,228 families in Puerto Rico received food stamp benefits. This represents 1,795,914 U.S. citizens—more than 56 percent of the island population. Of this figure, 77,077 families have no income to report—15.96 percent of the participants—and 336,700 families—an additional 69.18 percent—have an income of less than $500.

In other words, more than 85 percent of the total recipients of food stamps in Puerto Rico had income of less than $500 per month, a sad and tragic fact but one which reflects accurately the economic and poverty levels of Puerto Rico.

The majority of the remaining food stamp participants are "truly needy" by any category, any standard, and rule of measure and to single out these individuals is clearly unfair, having no real political clout in Congress which "States" of the Union have.

Puerto Ricans do not receive full benefits in many Federal assistance programs. There is a higher level of participation in the food stamp program in Puerto Rico since SSI and other Federal assistance programs have not been extended to Puerto Rico.

Puerto Ricans fight in the Armed Forces of the United States and have indicated that they are sharing the same burden of cutbacks which every other State is now confronted with. However, the exclusive and negative treatment of Puerto Rico as embodied in the Omnibus Budget Act is viewed as an affront.

There have been attempts made by the Reagan administration to reduce national participation in the program. Puerto Ricans are willing to share the burden of those cuts which have been adopted. But we consider grossly unfair and unjust the separate standards being applied to Puerto Rico. Both the Governor of Puerto Rico, Carlos Romero-Barceló, and I testified

in the Senate and House Agriculture Committees in strong and sharp opposition to this "targeted" treatment.

The House rejected an amendment offered in the Agriculture Committee during markup on the food stamp program which would have restricted our participation in the program by essentially reducing benefits to 55 percent of national income eligibility.

This proposal, was not as restrictive as the provisions contained in the omnibus budget reconciliation, however.

A "Yes" vote on the amendment to restore equal treatment to Puerto Rico will be viewed in Puerto Rico as a support of the rights of a group of citizens to the same treatment as other U.S. citizens no matter where they reside. A "No" vote would be a blow in the face of fairness for the more than 3.1 million U.S. citizens residing in Puerto Rico, citizens who are proud of the fact that they are Americans and have a higher standard of living—as citizens—than any other country in Central America, South America, or the Caribbean.

I urge you to support this amendment to restore equal treatment for Puerto Ricans as American citizens in the food stamp program.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to strike the provision allowing for a block grant for food assistance for Puerto Rico.

As you may remember, the Omnibus Reconciliation Act of 1981 provided for a block grant for Puerto Rico beginning July 1982. Allow me to reiterate the reasons for this block grant proposal.

In Puerto Rico, about 58 percent of the population receives food stamps, well over one-half the island's population. This is compared with the total number in the contiguous States receiving food stamps, which is about 10 percent of the population. Also, 10 percent of the entire food stamp budget goes to Puerto Rico, and 10 percent of the personal income of the people in Puerto Rico is derived from food stamps.

The people of Puerto Rico do not pay Federal income tax. They make no financial contribution to the funds that provide the food stamp assistance. The new block grant legislation offers Puerto Rico the opportunity, one, to address the unique characteristics of its population; two, evaluate the appropriateness and effectiveness of operating a food stamp program as it has been in operation in the past; three, have maximum flexibility in designing nutrition assistance which meets the special needs of its population; four, achieve significant savings for the Nation; five, more effectively direct program dollars to the truly needy, thereby eliminating excess; and, six, insure that food programs more realistically relate to its existing economy and particularly the agricultural sector.

Mr. Chairman, even in the present food stamp program, Puerto Rico has different rules applying to the island. The standard deduction, the shelter/dependent care deduction, and the thrifty food plan are lower in Puerto Rico than they are in the 48 contiguous States and the District of Columbia. Congress has already recognized that Puerto Rico differs with respect to the deductions and benefits of the food stamp program.

Congress was concerned about the size and the growth of the food stamp program in Puerto Rico and was determined that the Puerto Rican government should have the opportunity to design their own assistance program.

As I stated earlier, the block grant will begin on July 1, 1982, and $206 million was authorized for this year. In fiscal year 1983 and subsequent years, $825 million is earmarked and authorized each year for Puerto Rico. With this block grant, the government of Puerto Rico will have the opportunity to tailor a food assistance program to the specific needs of the people of Puerto Rico.

The savings over the 3-year period that we are talking about, with the provision of the block grant in effect, is $700 million. We cannot begin to undo the saving measures that were accomplished during the reconciliation process here on the floor of the House just a few months ago. We must continue the provision of a block grant to Puerto Rico.

Remember that 58 percent of the population receives food stamps, that no State approaches this level. Mississippi has 21 percent of their population receiving food stamps, and that is the next highest participation rate in the entire program.

I believe that the block grant, with the funding level set at $820 million a year, is the best method to address the Puerto Rican situation.

Before I yield to my friend, the gentleman from Puerto Rico, I do want to point out that within the reconciliation package is authority for the people of Puerto Rico, the Governor of Puerto Rico and those people who are coming up with their program, to utilize some of the moneys from that in order to accomplish more, produce more, provide incentives for them to produce more, and have economic growth in their own agricultural sector. And that is a very important thing that we must recognize, that Puerto Rico is presently dependent on food imports and that they are going to have to construct on the island their own agricultural capability of producing for themselves to a much greater extent than they have now.

I would also like to point out to the Members that we have an implementation date which is coming upon us. The Governor and the island have to come up with a plan submitted to the Congress by April of next year so that they can go forward with the plan to commence this block grant proposal. So it is important that we keep this in the law as it presently is, or we are going to have to be faced with the situation of finding some $700 million more in cuts in other parts of this program. Or, do you want to take it out of the agricultural commodity program, if we do not continue with the block grant proposal that we voted through in the Reconciliation Act earlier this year?

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to my friend, the gentleman from Puerto Rico.

Mr. CORRADA. I thank the gentleman for yielding.

Mr. Chairman, I would like to mention to the gentleman that, first of all, the implication of the Richmond amendment is not $700 million, or anywhere near that amount. For the purpose of this fiscal year, it will be $45 million, $200 million for fiscal year 1983, which is the year when the block grant will be fully implemented.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. COLEMAN) has expired.

(On request of Mr. CORRADA and by unanimous consent, Mr. COLEMAN was allowed to proceed for 2 additional minutes.)

Mr. CORRADA. If the gentleman will yield further, I would like to let the gentleman know that if he thinks that this kind of provision is going to effectuate any savings in the food stamp program, he is totally wrong. I will tell the gentleman what it is going to do. It will restart a massive migration of Puerto Ricans, who are American citizens and can fly to New York, Illinois, to Massachusetts, New Jersey, Connecticut, every State here in the U.S. mainland. If you provide this kind of cut in the food stamp program there, all you are doing is providing an incentive for them to fly to the U.S. mainland and not only get food stamps here, but require services such as education, health, and so on. So I think that this will not effect the savings that the gentleman would like to have.

Mr. COLEMAN. I appreciate the gentleman's comments, but this is the challenge that the Governor of Puerto Rico has: He has the challenge from the Congress to construct a program on the island that is going to serve the needs of his people, with $825 million a year. I think he is up to that challenge. I think the gentleman is up to this challenge. We will not see the outmigration that the gentleman is antici-

pating. I think they will come up with a workable program, by the people of Puerto Rico, for the people of Puerto Rico. I might point out that the administration, of course, is opposed to the Richmond amendment because we are anticipating savings next year of $70 million and in 1983, $325 million.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from New Mexico.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. COLEMAN) has again expired.

(On request of Mr. SKEEN and by unanimous consent, Mr. COLEMAN was allowed to proceed for 2 additional minutes.)

□ 1345

Mr. SKEEN. I thank the gentleman for yielding and I want to associate my remarks strongly opposing this amendment.

We fall victim to what is known around this place as congressional timidity. We spend a lot of time passing bills, then we go back by amendment nibbling away at them.

I think it is extremely important we keep this strong provision in, the block grants to Puerto Rico.

This amendment seeks to reverse the decision of the Congress made several months ago to allow the Commonwealth of Puerto Rico to assume control over its citizens' own nutritional needs. It would destroy the opportunity to provide a real demonstration of local authorities administration of a significant human assistance program on a block grant basis and I, for one, am anxious to allow this program to go forward. I have been convinced that we need help from local authorities in designing programs that will eliminate the fraud and abuse that has so characterized this national program. Let us give the Puerto Rican government a chance to show us what can be done. I am confident that they will be innovative and prudent.

We in this Congress will always have the authority to review what is being done there as anywhere else. If we find that the government of Puerto Rico is simply making cash distributions to their food stamp recipients or some other imprudent scheme, we can review the program and institute guidelines to eliminate such abuses.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Did the gentleman say that 58 percent of the people were on food stamps?

Mr. COLEMAN. That is right.

Mr. ROUSSELOT. That is a little high. I think the gentleman is to be complimented for trying to retain the block grant concept, especially evidently since the Governor of Puerto Rico has agreed to try to come up with a plan to put controls on this effort.

If all food stamp programs in various States got as far out of hand as this, I think we would be in deep trouble all over the country. I think the gentleman is to be complimented for opposing this amendment because I think this amendment would eliminate a control where the local government was involved in trying to help put a handle on it. Nobody is really going to be denied food stamps if this amendment does pass, will they really?

Mr. COLEMAN. No. The food stamp program in operation in Puerto Rico will be under the present law. They are going to get $825 million per year. They are going to get millions of dollars a year to run their program.

Also, there is authorization for seed money to develop their own agricultural base which has not been developed to the extent it could be. They could bring down their own domestic prices, the cost of food and they could also produce much of it on their own, which they have not done in the recent past.

I think that is something we all should recognize. They can help themselves, too, in this process.

Mr. ROUSSELOT. I appreciate the gentleman's comments.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. COLEMAN) has expired.

(At the request of Mr. BEDELL and by unanimous consent, Mr. COLEMAN was allowed to proceed for 3 additional minutes.)

Mr. BEDELL. First of all, I want to commend the gentleman. It is not easy for us to stand up and oppose things that might be beneficial to some of our colleagues or that they might support, but I think the gentleman has pointed out something that needs to be pointed out.

We have a budget that we are trying to meet. The gentleman from Iowa offered an amendment to cut a billion dollars out of this farm program in order to meet that budget. I think it is important that we recognize that and we do not go willy-nilly adding costs to programs unless we can clearly justify those costs.

In my opinion, this increase is not justified. I have nothing against the Puerto Rican people. I know they are beautiful people. I certainly support them. But there are differences.

As the gentleman has pointed out, there are already differences in how you qualify. The fact is the Puerto Rican people do not pay income taxes, as do the rest of the citizens of the continental United States. There are differences. I think we should recognize those differences very clearly.

I have a letter from a sister who has served in Puerto Rico from my district. I would like to read two or three sentences:

> Having worked on the island for 5 years, I know that 60 percent of the people there do not need food stamps. This handout has been a curse to the people and a ripoff of the United States.

Further, she says:

> Puerto Ricans are beautiful people, but their overdependence on us has hurt their dignity as a people.

I would hope we would have concern for the people of Puerto Rico. I would hope we would have concern for what type of bill we are passing. I hope we would above all have concern as we act as a legislative body and I would hope we would have the courage to try to vote a bill which will meet the budget as the gentleman from Missouri is proposing.

I certainly support the gentleman's effort.

Mr. COLEMAN. I thank the gentleman.

I think the gentleman's comments are very appropriate. If we do pass the Richmond amendment, we are going to have to right now find tens of millions and hundreds of millions of dollars somewhere in the farm programs to balance this off. I do not think we want to make that decision right here and I would like to congratulate my friend from Puerto Rico, who has worked very closely and very hard for his people on this program and I think we have tried to accommodate many of their concerns.

As I said earlier, I think he, the Congress, and the Governor of Puerto Rico can construct a very good plan that can become effective and work to the betterment of the people of Puerto Rico, as well as all the taxpayers of the United States.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I have been listening to the debate on this particular issue and had read some previous material concerning it, and I must say I find this very hard to understand today.

What everyone is saying reminds me of a group that I talked to a month ago, a group that I was explaining the impact of budget cuts to, and a member of this group—this was a group in the business community—said to me, "Well, we all have to tighten our belts, we just understand the President has told us we must all tighten our belts and must sacrifice."

So I said to the group, I said, "Will one member of this audience please stand and tell me what they are going to sacrifice because of these budget cuts?"

And there was not anybody who could tell me anything that they were going to sacrifice in that particular group.

I would not expect it. These were upper middle income business people. I do not think the budget cuts are going to hurt them.

Here we are, the United States of America, still the wealthiest Nation in the world saying to a group of Puerto Ricans who are citizens, "You are just going to have to tighten your belts like the rest of us only you are going to have to do it more so."

I do not understand that. I do not even think in the sense of fair play of Americans that the public would accept that. Unless someone is prepared to say that the people in Puerto Rico are not at poverty levels, and that they do not need, if someone wants to say they do not really need food stamps and that this whole thing is just a giant ripoff, and these people are living great, if anybody can produce evidence on that, I would certainly feel differently on the matter. But I do not think that is what anybody is saying.

So I just feel that we ought to really be able to say these are people who need the help and people who are entitled to the help.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Iowa.

Mr. BEDELL. I just read a letter from a sister who has been there, who says exactly what the gentleman is saying, that 60 percent of the people there do not need food stamps. This handout has been a curse on the people and a ripoff of the U.S. Government.

Mr. PEYSER. I heard the gentleman reading a letter saying that, but that letter does not impress me nearly as much as my friend from Puerto Rico.

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. I am glad that my distinguished colleague from Iowa (Mr. BEDELL) has mentioned that letter from a nun. Let me say that I happen to come from a very nice family; I have three sisters who are nuns, and I know they know Puerto Rico much better than this American Iowan sister who come down there and met with the people.

I do not understand how she can say 60 percent of the people who receive food stamps in Puerto Rico are not entitled to them when 70 percent of the entire population of Puerto Rico is under the Federal standard of poverty. The reason why 56 percent of the people are on food stamps rather than the 70 percent is that people still try to avoid getting food stamps.

Let me also say that does not mean that food stamps are the sole source of their income for nutrition purposes. Because of the proportion, 36 percent are solely dependent on food stamps. The rest are hard working people who would rather have work, but we have a 20-percent level of unemployment, which apparently was of no concern to this dear nun who was there.

So the reason that we have that high a percentage of participation is, first of all, that 70 percent of the people are poor. AFDC is restricted to a very narrow group and this would be a step backward because all we are doing under the Richmond amendment is keeping Puerto Ricans as they are currently, subject, of course, to all the restrictions that are being placed as a result of this bill.

Mr. PEYSER. I thank the gentleman.

I think, as Members of this House, we can place a great deal more credence in what the gentleman from Puerto Rico says on this situation and in the sense of fair play that Americans have always demonstrated that we would not take this kind of action of striking down the Richmond amendment, which obviously should be passed.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Michigan.

Mr. DUNN. I thank the gentleman for yielding.

Putting aside the budget considerations and a sense of fair play, does the gentleman not think there is a possibility that there is something wrong with the system where 58 percent of the people are on it, and does the gentleman not think in a sense of fair play to those people that they, not the gentleman or I, deserve an opportunity to try something different?

Mr. PEYSER. Let me answer my friend and tell him I think there is something wrong with a system that has 58 percent of the people on it, but not for the reason that the gentleman is talking about.

What is wrong is that these people are in poverty and they do not have jobs and they have been restricted in their opportunities. I think for us to cut back on these people is really unfair. I cannot understand that we would do that.

The CHAIRMAN. The time of the gentleman from New York (Mr. PEYSER) has expired.

(By unanimous consent, Mr. PEYSER was allowed to proceed for 1 additional minute.)

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I am going to support the Richmond amendment. I think what this discussion has pointed out is that we have not faced up to the realities in Puerto Rico as we should and as we must. In fact, Commonwealth status is second-class citizenship status, unfortunately.

Now, I think one of these days I hope that the people of Puerto Rico will make a decision that will go in the direction of statehood. In the meantime, I think we should be approaching as close to that as we could, but at the very least we should not be cutting back on people who already face real misery in Puerto Rico.

Mr. PEYSER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RICHMOND).

The amendment was rejected.

Mr. WAMPLER. Mr. Chairman, I would like to discuss an issue concerning the food stamp workfare projects. Currently there are 14 pilot projects in operation and as I understand, H.R. 3603 will allow any State, county, or city to operate a workfare project. Some of you may be aware of the various groups, allegedly representing the interests of food stamp recipients and who are themselves recipients of Federal funds, attempting to interfere with and impede the implementation of the workfare pilot projects. In fact, a situation of this type has recently occurred in the county in my district that operates a workfare pilot project.

Allow me to recite a brief history of these types of activities in my district:

First, in December 1980, Tazewell County began implementation of their workfare pilot project.

Second, in February 1981, two organizations who are recipients of Federal funds through the Legal Services Corporation organized a meeting concerning the workfare project. In a letter written shortly after that meeting they stated that the purpose of the meeting was:

> The purpose of our meeting in Tazewell County was to begin finding out what problems workfare participants were having, not only so that we could work on those problems here, but also, so that information on this program will be available to advocates who are trying to influence the future form of the program.

Third, in March 1981, another organization, also a recipient of Federal funds through the Legal Services Corporation, decided that their study of the workfare pilot projects should take place in Tazewell County.

Fourth, in June 1981, personnel of this organization went, unannounced, to Tazewell County and interviewed workfare participants and job sponsors about the pilot project. They did not advise the county administrators of their intent to come to Tazewell County. The GAO is in the process of conducting an investigation into this

matter; therefore, what actually occurred during that visit has yet to be fully evaluated.

Fifth, in August 1981, three organizations, who again I might mention are recipient of Federal funds, organized a meeting in Tazewell County. A few State and county officials were invited to speak at this meeting. As it turned out they were confronted by a group of hostile people which included about 50 people brought in from other Virginia localities, some as far away as the Tidewater area. Allow me to read an excerpt from a newspaper article which recounted this event from the Richmond News Leader, August 14, 1981:

Welfare recipients from more than 30 Virginia counties and cities have denounced a "workfare" requirement for getting food stamps.

They met yesterday in Tazewell County, the only locality in Virginia with a workfare program requiring some food stamp recipients to work.

Some 50 people from as far away as Norfolk and Virginia Beach gathered at the Tazewell rescue squad building for a meeting sponsored by the Tazewell Client Council, Virginia Poverty Law Center and Virginia Antihunger Coalition.

Attorneys and other speakers urged participants to take information gathered at the meeting and use it to persuade their local governing bodies not to approve workfare.

My point in raising this issue is to clarify that organizations of this nature are prohibited from using Federal funds to impede or harrass State or local administrators in implementing the provisions of the Food Stamp Act—or in fact any program authorized by the Congress.

I wish to make it clear that the activities of the nature I described must not be repeated by organizations who receive Federal funds.

VA. WELFARE RECIPIENTS SCORE "WORKFARE" PLAN

TAZEWELL.—Welfare recipients from more than 30 Virginia counties and cities have denounced a "workfare" requirement for getting food stamps.

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Attorneys and other speakers urged participants to take information gathered at the meeting and use it to persuade their local governing bodies not to approve workfare.

Tazewell County is one of 14 localities in the nation with pilot workfare programs. This one got under way last December, after the U.S. Department of Agriculture agreed to pay 50 percent of the administrative costs.

Local officials have termed the program successful.

But Martin Wegbreit, staff attorney for Client Centered Legal Services of Southwest Virginia Inc. in Castlewood, said the county's workfare positions—except for a few showcase jobs such as clerk-typist or mechanic's aide—are custodial or menial.

He said many jobs planned for the program could not be filled because workfare participants lacked the skills, education and training to fill them.

He said the county has 1,700 households on food stamps, and only 380 people from those households were found qualified for the workfare program. Of these, he said, only 80 are working and they each work an average of 46 hours a month.

About a quarter of the 380 people were able to raise their incomes. Another quarter never responded to the letter informing them they should report for a workfare interview, and 62 have forfeited their food stamp allotment.

Wegbreit also argued that the administrative costs of the workfare program are more than the value of the work done.

The CHAIRMAN. Are there further amendments to title XIII?

If not the Clerk will designate title XIV.

Title XIV reads as follows:

TITLE XIV—NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981

SHORT TITLE

SEC. 1401. This title may be cited as the "National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981".

FINDINGS

SEC. 1402. Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended by—

(1) beginning the first word of each numbered paragraph with a capital letter;

(2) striking out the semicolon at the end of each numbered paragraph and inserting in lieu thereof a period;

(3) striking out the word "and" at the end of paragraph numbered (8); and

(4) adding new paragraphs (10) and (11) at the end thereof to read as follows:

"(10) It is and has been the policy of the United States to support food and agricultural research, extension, and teaching in the broadest sense of these terms. The partnership between the Federal Government and the States, as consummated in legislation and cooperative agreements, and the cooperative nature of efforts to implement this policy in cooperation with the food and agricultural industry has been eminently successful. Cooperative research, extension, and teaching programs have provided the United States with the most productive and efficient food and agricultural system in the world. This system is the basis of our national affluence and it provides vast amounts of food and fiber to other people around the world. However, the food and agricultural system is dynamic and constantly changing. The research, extension, and teaching programs that support the food and agricultural system must be maintained and constantly adjusted to meet ever changing challenges. National support of cooperative research, extension, and teaching efforts must be reaffirmed and expanded at this time to meet major needs and challenges in the following areas:

"(A) FOOD AND AGRICULTURAL SYSTEM PRODUCTIVITY.—Increases in agricultural productivity have been outstanding, however, productivity growth in the past decade has slowed. It is imperative that improved technologies and management systems be developed to maintain and enhance agricultural productivity in order for agricultural production in the United States to meet the demand of a rising world population, rising costs of production, and limitations on energy consumption. Improved productivity in food and agricultural processing and marketing sectors is a critical need in the national effort to achieve a strong economy.

"(B) DEVELOPMENT OF NEW FOOD, FIBER, AND ENERGY SOURCES.—Programs to identify and develop new crop and animal sources of food, fiber, and energy must be undertaken to meet future needs.

"(C) AGRICULTURAL ENERGY USE AND PRODUCTION.—Much of the current agricultural technology is relatively energy intensive. It is critical that alternative technologies be developed to increase agricultural energy efficiency and to reduce dependence on petroleum based products. Furthermore, agriculture provides the United States with alternative potential sources of energy that must be assessed and developed.

"(D) NATURAL RESOURCES.—Improved management and conservation of soil, water, forest, and range resources is vital to maintain the resource base for food and fiber production. An expanded program in the area of soil and water conservation research is needed to develop more economical and effective conservation systems. Five key objectives of this research are:

"(i) sustaining soil productivity;

"(ii) developing more cost-effective and practical conservation technologies;

"(iii) managing water in stressed environments;

"(iv) protecting the quality of the nation's surface water and groundwater resources; and

"(v) establishing integrated multidisciplinary organic farming research projects designed to foster the implementation of the major recommendations of the United States Department of Agriculture Report and Recommendations on Organic Farming, July 1980.

"(E) PROMOTION OF THE HEALTH AND WELFARE OF PEOPLE.—The basic objectives of food and agricultural research, extension, and teaching programs are to make the maximum contribution to the health and welfare of people and to the economy of the United States through the enhancement of owner-operated family farms, to improve community services and institutions, to increase the quality of life in rural America, and to improve the well-being of consumers. The rapid rate of social change, economic instability, and current energy problems increase the need for expanded programs of research and extension in family financial management, housing and home energy consumption, food preparation and consumption, human development (including youth programs), and development of community services and institutions.

"(F) HUMAN NUTRITION.—The challenge to meet the food needs of the world continues, but there is an increasing need to address nutrition research and educational issues associated with diet resulting from changing life styles and with respect to special groups such as the elderly, teenagers, infants, and pregnant women.

"(G) INTERNATIONAL FOOD AND AGRICULTURE.—The greatest challenge facing mankind through the next two decades will be to produce adequate food for an expanding world population. This challenge demands a dedicated effort by the Federal Government

and the State cooperative institutions, and other colleges and universities to expand international food and agricultural research, extension, and teaching programs. Improved cooperation and communications by the Department of Agriculture and the cooperators with international agricultural research centers, counterpart agencies and universities in other countries, is necessary to improve food and agricultural progress throughout the world.

"(11) Long-range planning for research, extension, and teaching is a key element in meeting the objectives of this title, and all of the elements in the food and agricultural science and education system are encouraged to expand their planning and coordination efforts.".

PURPOSES

SEC. 1403. Section 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3102) is amended by—

(1) in paragraph (4), striking out the comma after the word "programs" the first time it appears and striking out the words "including the initiatives specified in section 1402(8) of this title";

(2) in paragraph (6), striking out "and" immediately after the semicolon;

(3) in paragraph (7), striking out the words "training and research" and inserting in lieu thereof the words "research, extension, and teaching"; and striking out the period at the end thereof and inserting "; and" in lieu thereof; and

(4) adding a new paragraph (8) to read as follows:

"(8) ensure that the food and agricultural system of the United States can meet the challenges described in section 1402(10) of this title and future challenges by providing adequate support for research, extension, and teaching, by—

"(A) improving and strengthening the Federal-State partnership;

"(B) reducing unnecessary and pernicious regulations; and

"(C) improving the cooperation among all who are involved in the food and agricultural sciences.".

REVISED DEFINITIONS

SEC. 1404. Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended by—

(1) revising paragraph (8) to read as follows:

"(8) the term 'food and agricultural sciences' means basic, applied, and developmental research, and extension and teaching activities, in the food, agricultural, renewable natural resources, forestry, and physical and social sciences, in the broadest sense of these terms, including but not limited to, activities relating to:

"(A) agriculture, including soil and water conservation and use, the use of organic waste materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

"(B) the processing, distributing, marketing, and utilization of food and agricultural products;

"(C) forestry, including range management, production of forest and range products, multiple use of forest and rangelands, and urban forestry;

"(D) aquaculture;

"(E) home economics, including consumer affairs, food and nutrition, clothing and textiles, housing, and family well-being and financial management;

"(F) rural community welfare and development;

"(G) youth development, including 4-H clubs;

"(H) domestic and export market expansion for United States agricultural products; and

"(I) production inputs, such as energy, to improve productivity.";

(2) revising paragraph (12) to read as follows:

"(12) the term 'State' means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia,"; and

(3) in paragraph (13), striking out "and" immediately after the semicolon;

(4) at the end of paragraph (14), striking out the period and inserting a semicolon in lieu thereof; and

(5) adding at the end thereof new paragraphs (15) and (16) as follows:

"(15) the term 'cooperating forestry schools' means those institutions eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(16) the term 'State cooperative institutions' or 'State cooperative agents' means institutions or agents designated by—

"(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

"(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act, including the Tuskegee Institute;

"(C) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

"(D) the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act;

"(E) the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(F) subtitles E, L, and M of this title;".

RESPONSIBILITIES OF THE SECRETARY AND COORDINATING ROLE OF THE DEPARTMENT OF AGRICULTURE

SEC. 1405. Section 1405 of the National Agricultural Research Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by—

(1) In subsection (1), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services";

(2) In subsection (5), striking out the word "other";

(3) In subsection (6), inserting the words "or proposed" after the words "actions taken";

(4) In subsection (8), striking out the word "and" at the end thereof;

(5) In subsection (9), striking out the period and inserting in lieu thereof a semicolon; and

(6) Adding at the end thereof the following new paragraphs:

"(10) coordinate all agricultural research, extension, and teaching activities conducted or financed by the Department of Agriculture with the periodic Renewable Resource Assessment and Program provided for in sections 3 and 4 of the Forest and Rangeland Resources Planning Act of 1974 and the appraisal and program provided for in sections 5 and 6 of the Soil and Water Resources Conservation Act of 1977; and

"(11) take the initiative in overcoming barriers to long-range planning by developing, in conjunction with the States, State cooperative institutions, the Joint Council, the Advisory Board, and other appropriate institutions, a long term needs assessment for food, fiber and forest products, and by determining the research required to meet the identified needs.".

SUBCOMMITTEE ON FOOD, AGRICULTURAL, AND FORESTRY RESEARCH

SEC. 1406. (a) Section 1406 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by striking out the title and inserting in lieu thereof "Subcommittee on Food, Agricultural, and Forestry Research".

(b) Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6551(h)) is amended by—

(1) striking out "Subcommittee on Food and Renewable Resources" and inserting in lieu thereof "Subcommittee on Food, Agricultural, and Forestry Research";

(2) striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services"; and

(3) striking out "Energy Research and Development Administration" and inserting in lieu thereof "Department of Energy".

JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES

SEC. 1407. (a) Section 1407(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(a)) is amended by striking out "five" and inserting in lieu thereof "eight".

(b) Section 1407(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C 3122(b)) is amended to read as follows:

"(b) The Joint Council shall be composed of not fewer than twenty-five representatives of organizations or agencies which conduct or assist in conducting programs of research, extension, or teaching in the food and agricultural and forestry sciences, including State cooperative institutions; other colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching; agencies within the Department of Agriculture which have significant research, extension, or teaching responsibilities; the Office of Science and Technology Policy; other Federal agencies determined by the Secretary to be appropriate, and other public and private institutions, producers, and representatives of the public who are interested in and have a potential to contribute, as determined by the Secretary, to the foundation of national policy in the food and agricultural sciences. Members shall be appointed for a term of up to three years by the Secretary from nominations made by the organizations and agencies described in the preceding sentence. The terms of members shall be staggered. To ensure that regional differences are properly considered, at least one-half of the members of the Joint Council shall be appointed by the Secretary from among distinguished persons engaged in agricultural research, extension, and teaching programs at land-grant colleges and universities and State agricultural experiment stations. To ensure that other agricultural institutional views are considered by the Joint Council, two of the members of the Joint Council shall be appointed by the Secretary from among persons who are distinguished representatives of other colleges and univer-

sities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching. The Joint Council shall be jointly chaired by the Assistant Secretary of Agriculture responsible for research, extension, and teaching, and a person to be elected from among the non-Federal membership of the Joint Council.".

(c) Section 1407(d)(1) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(1)) is amended to read as follows:

"(1) The primary purpose of the Joint Council is to bring about more effective research, extension, and teaching in the food and agricultural sciences in the United States by improving planning and coordination of publicly and privately supported food and agricultural science activities and by relating Federal budget development and program management to these processes.".

(d) Section 1407(d)(2)(E) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(2)(E)) is amended by striking out "efforts" and all that follows through "planning," and inserting in lieu thereof "in the food and agricultural sciences, by using, wherever possible, the existing regional research, extension, and teaching organizations of State cooperative institutions to provide regional planning and coordination,".

(e) Section 1407(d)(2)(G) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(2)(G)) is amended to read as follows:

"(G) submit a report—

"(i) not later than June 30 of each year, specifying the Joint Council's recommendations on priorities for food and agricultural research, extension, and teaching programs; delineating suggested areas of responsibility among Federal, State, and private organizations in carrying out such programs; and specifying the levels of financial and other support needed to carry out such programs;

"(ii) not later than November 30 of each year, specifying ongoing research, extension, and teaching programs; accomplishments of such programs; and future expectations of these programs; and

"(iii) not later than June 30, 1983, outlining a five-year plan for food and agricultural sciences that reflects the coordinated views of the research, extension, and teaching community; and updating this plan every two years thereafter.

Each such report shall be submitted to the Congress, the President, the Secretary of Agriculture, and the constituent organizations of the Joint Council. Minority views, if timely submitted, shall be included in such report.".

(f) Section 1407 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Federal Advisory Committee Act (5 U.S.C. app.), and title XVIII of the Food and Agriculture Act of 1977, shall not apply to the Joint Council.

"(2) The meetings of the Joint Council shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Joint Council shall be kept and made available to the public on request.".

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD

SEC. 1408. (a) Section 1408(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(a)) is amended by striking out "five" and inserting in lieu thereof "eight".

(b) Section 1408(b) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by—

(1) striking out "twenty-one" and inserting in lieu thereof "twenty-five", and

(2) amending paragraph (1) to read as follows:

"(1) eight members representing producers of agricultural, forestry and aquacultural products, from the various geographical regions,"

(3) adding at the end thereof the following: "Such members shall be appointed to serve staggered terms.".

(c) Section 1408(f)(2) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(f)(2)) is amended by—

(1) in subparagraph (E), striking out "October 31" and inserting in lieu thereof "July 1", and

(2) in subparagraph (F), striking out "March 1 of" and inserting in lieu thereof "February 20 of".

EXISTING RESEARCH PROGRAMS

SEC. 1409. Section 1409 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124) is amended by striking out "Health, Education, and welfare" each time it appears and inserting in lieu thereof "Health and Human Services".

FEDERAL-STATE PARTNERSHIP

SEC. 1410. The Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124) is amended to add a new section 1409A to read as follows:

FEDERAL-STATE PARTNERSHIP AND COORDINATION

SEC. 1409A. (a) A unique partnership arrangement exists in food and agricultural research, extension, and teaching between the Federal Government and the governments of the several States whereby the States have accepted and have supported, through legislation and appropriations—

"(1) research programs under—

"(A) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

"(B) the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962;

"(C) subtitle E of this title; and

"(D) subtitle G of this title;

"(2) extension programs under subtitle G of this title and the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act; and

"(3) teaching programs under—

"(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

"(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act;

"(C) the Act of June 29, 1935 (7 U.S.C. 427 et seq.), commonly known as the Bankhead-Jones Act.

This partnership in publicly supported agricultural research, extension, and teaching involving the programs of Federal agencies and the programs of the States has played a major role in the outstanding successes achieved in meeting the varied, dispersed, and in many cases, site-specific needs of American agriculture. This partnership must be preserved and enhanced.

'(b)(1) The purpose of this subsection is to confer upon the Secretary of Agriculture general authority to award contracts, grants, or cooperative agreements to further the research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture. This authority supplements all other laws relating to the Department of Agriculture and is not to be construed as limiting or repealing any existing authorities.

"(2) The Secretary of Agriculture may make contracts, grants, or cooperative agreements for periods not to exceed five years, to State agricultural experiment stations, State cooperative extension services, all colleges and universities, other research or education institutions and organizations, Federal and private agencies and organizations and individuals, and any other contractor or recipient either foreign or domestic, to further research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture.

"(3) The Secretary of Agriculture may vest title to expendable and nonexpendable equipment and supplies and other tangible personal property in the contractor or recipient when the contractor or recipient purchases such equipment, supplies, and property with contract, grant, or cooperative agreement funds and the Secretary deems such vesting of title a furtherance of the agricultural research, extension, or teaching objectives of the Department of Agriculture.

"(4) Unless otherwise provided in this title, the Secretary of Agriculture may enter into contracts, grants, or cooperative agreements, as authorized by this subsection, without regard to any requirements for competition, the provisions of section 5 of title 41 of the United States Code, and the provisions of section 529 of title 31 of the United States Code.

"(c) In order to promote research and education in food and human nutrition, the Secretary may establish cooperative human nutrition centers to focus resources, facilities, and scientific expertise on particular high priority nutrition problems identified by the Department. Such centers shall be established at State cooperative institutions, and at other colleges and universities, having a demonstrable capacity to carry out human nutrition research and education.

"(d) In order to meet the increasing needs of consumers and families and to promote the health and welfare of people, the Secretary shall ensure that the cooperative research, extension, and teaching programs of the various States adequately address the challenges described in paragraph (10) of section 1402 of this title. The Secretary may implement new cooperative initiatives in home economics and related disciplines to address such challenges.".

SECRETARY'S REPORT

SEC. 1411. Section 1410 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125) is amended by—

(1) striking out "February 1" and inserting in lieu thereof "January 1"; and

(2) striking out "and" at the end of paragraph (2);

(3) striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding at the end of section 1410 the following new paragraph:

"(4) in the report of January 1, 1983, the Secretary's needs assessment developed pursuant to the provisions of section 1405(11) of this title.".

LIBRARIES AND INFORMATION NETWORK

SEC. 1412. Section 1411 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3126) is amended by—

(1) in subsection (a)(5), striking out the period and inserting in lieu thereof a semicolon and the word "and";

(2) adding a new subsection (a)(6) to read as follows:

"(6) the Department of Agriculture establish mutually valuable working relationships with international and foreign information and data programs.".

(3) amending subsection (b)(3) to read as follows:

"(3) providing notification about these collections on a regular basis to the State cooperative extension services, State educational agencies and other interested persons.".

STAFF SUPPORT FOR THE JOINT COUNCIL AND THE ADVISORY BOARD

SEC. 1413. Section 1412(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127(a)) is amended to read as follows:

"(a) To assist the Joint Council and the Advisory Board in the performance of their duties, the Secretary may appoint, after consultation with the cochairperson of the Joint Council and the chairperson of the Advisory Board—

"(1) a full-time executive director who shall perform such duties as the cochairperson of the Joint Council and the chairperson of the Advisory Board may direct and who shall receive compensation at a rate not to exceed the rate payable for GS-18 of the General Schedule established in section 5332 of title 5, United States Code; and

"(2) a professional staff of not more than five full-time employees qualified in the food and agricultural sciences, of which one shall serve as the executive secretary to the Joint Council and one shall serve as the executive secretary to the Advisory Board.".

ADDITIONAL ASSISTANT SECRETARY OF AGRICULTURE

SEC. 1414. (a) Section 1413 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by adding at the end thereof the following new subsections:

"(c) The President shall appoint, by and with the advice and consent of the Senate, an Assistant Secretary of Agriculture who shall perform such duties as are necessary to carry out this title and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.

"(d) The Subcommittee on Food, Agricultural and Forestry Research, the Joint Council, the Advisory Board, and others in the agricultural science and education system shall improve communication and interaction among themselves through such mechanisms as the exchange of reports, joint meetings, and the use of liaison representatives.".

(b) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Agriculture by striking out "(5)" and inserting in lieu thereof "(6)".

GRANTS FOR AGRICULTURAL RESEARCH

SEC. 1415. (a) Section 2(b) of the Act of August 4, 1965 (7 U.S.C. 450i), is amended by—

(1) inserting after the second sentence the following:

"For purposes of the preceding sentence, high priority research shall include—

"(1) basic research aimed at the discovery of new scientific principles and techniques that may be applicable in agriculture and forestry;

"(2) research aimed at the development of new and innovative products, methods, and technologies relating to biological nitrogen fixation, photosynthesis, and other processes which will improve and increase the production of agricultural and forestry resources;

"(3) basic and applied research in the fields of animal productivity and health;

"(4) basic and applied research in the fields of soil and water;

"(5) basic and applied research in the field of human nutrition; and

"(6) research to develop new strains of crops, new promising crops, including guayule, jojoba, and others.", and

(2) by striking out "and $50,000,000 for the fiscal year ending September 30, 1982," and by inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1982, $35,000,000 for the fiscal year ending September 30, 1983, $40,000,000 for the fiscal year ending September 30, 1984, $45,000,000 for the fiscal year ending September 30, 1985,".

(b) Section 2(c) of the Act of August 4, 1965 (7 U.S.C. 450i(c) is amended by—

(1) in paragraph (1), inserting "research foundations established by land-grant colleges and universities," after "land-grant colleges and universities,", and

(2) amending paragraph (2) to read as follows:

"(2) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities, receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a, 582a-1 through 582a-7), and accredited colleges of veterinary medicine, to facilitate or expand ongoing State-Federal food and agricultural research programs that (A) promote excellence in research, (B) promote the development of regional research centers, (C) promote the research partnership between the Department of Agriculture and such colleges and universities, such research foundations or State agricultural experiment stations, or (D) facilitate coordination and cooperation of research across State lines.".

(c) Section 2(d) of the Act of August 4, 1965 (7 U.S.C. 450i(d) is amended by—

(1) striking out "the purchase of equipment" and all that follows through the dash and inserting in lieu thereof "the renovation and refurbishment (including energy retrofitting) of research spaces in buildings or spaces to be used for research, and the purchase and installation of fixed equipment in such spaces. Such grants may be used for new construction only for auxiliary facilities and fixed equipment used for research in such facilities, such as greenhouses, insectaries, and research farm structures and installations. Such grants shall be made to—",

(2) in paragraph (1), striking out "available; and" and inserting in lieu thereof "available;",

(3) in paragraph (2), striking out the period and inserting in lieu thereof a semicolon, and

(4) inserting after paragraph (2) the following new paragraphs:

"(3) each cooperating forestry school not described in paragraph (1), in an amount which is equal to 10 per centum of the funds received by such school under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(4) each college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee Institute, in an amount which is equal to 10 per centum of the funds received by such college under section 1445 of this title.".

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH FACILITIES ACT OF 1963

SEC. 1416. Section 4(a) of the Act of July 22, 1963 (7 U.S.C. 390c(a)), is amended by striking out "and $31,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$15,000,000 for the fiscal year ending September 30, 1982, $19,000,000 for the fiscal year ending September 30, 1983, $23,000,000 for the fiscal year ending September 30, 1984, $27,000,000 for the fiscal year ending September 30, 1985,".

FEDERAL SUPPORT OF HIGHER EDUCATION IN THE FOOD AND AGRICULTURAL SCIENCES

SEC. 1417. (a) Section 1417(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(a)) is amended to read as follows:

"(a)(1) The Secretary of Agriculture shall promote and develop higher education in the food and agricultural sciences by formulating and administering higher education programs.

"(2) The Secretary may make grants to land-grant colleges and unversities, and to other colleges and universities having a demonstrable capacity to carry out food and agricultural teaching, for a period not to exceed five years—

"(A) to strengthen institutional capacities to respond to State, national, or international educational needs in the food and agriculture sciences;

"(B) to attract students and to educate them as needed in the food and agricultural sciences, and to attract needed professionals to provide for their professional improvement in the food and agricultural sciences;

"(C) to design and implement innovative food and agricultural educational programs; and

"(D) to facilitate cooperative agreements between two or more eligible institutions to maximize the use of faculty and facilities to improve their food and agricultural teaching programs.

Such grants shall be made without regard to matching funds, but each recipient institution shall have a significant ongoing commitment to the food and agricultural sciences generally and to the specific subject area for which such grant is to be used.

"(3) The Secretary may make competitive grants to colleges and universities for a period not to exceed five years—

"(A) to develop or administer programs to meet unique food and agricultural educational problems; and

"(B) to administer and conduct specialized programs to attract individuals for undergraduate and graduate programs and to administer and conduct graduate fellowship programs to meet regional and national objectives in the food and agricultural sciences.

Such grants shall be made without regard to matching funds provided by recipients.".

(b) Section 1417(c) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 315(c)) is amended to add at the end thereof the following: "There are hereby transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act of June 29, 1935 (7 U.S.C. 329 et seq.) applicable to the activities and programs for which funds are made available under section 22 of such Act.".

(c) Section 1417(d) of the Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3152(d)) is amended by striking out "and $50,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$25,000,000 for the fiscal year ending September 30, 1982, $30,000,000 for the fiscal year ending September 30, 1983, $35,000,000 for the fiscal year ending September 30, 1984, $40,000,000 for the fiscal year ending September 30, 1985,".

TRANSFER OF FUNCTIONS UNDER THE MORRILL ACT

SEC. 1418. There are hereby transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

REDESIGNATION OF INSTRUCTION FUNDING

SEC. 1419. (a) The first section of the Act of August 30, 1890 (7 U.S.C. 322) is amended by striking out "agriculture, the mechanic arts," and all that follows through "industries of life" and inserting in lieu thereof "food and agricultural sciences".

(b) The tenth undesignated paragraph under the heading "DEPARTMENT OF AGRICULTURE" of the Act of March 4, 1907 (34 Stat. 1282) is amended by striking out "agriculture and the mechanic arts" the second place it appears and inserting in lieu thereof "food and agricultural sciences".

RESEARCH GRANTS ON PRODUCTION AND MARKETING OF ALCOHOL FUELS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL PRODUCTS

SEC. 1420. Section 1419 (a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(a) is amended by—

(1) striking out "four", and

(2) striking out "and September 30, 1982" and all that follows through the period at the end of that sentence and inserting in lieu thereof the following: ", September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985: *Provided*, That the total amount of such appropriations shall not exceed $40,000,000 during the eight-year period beginning October 1, 1977, and shall not exceed such sums as may be authorized by law for any fiscal year subsequent to such period: *Provided further*, That not more than a total of $5,000,000 may be awarded to the colleges and universities of any one State.".

SEC. 1421. Section 1424 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174) is amended to read as follows:

"ASSESSMENT OF FOOD AND HUMAN NUTRITION RESEARCH CENTERS

"SEC. 1424. The Secretary shall make a study assessing the accomplishments, costs, and benefits of existing regional food and human nutrition research centers as established by the United States Department of Agriculture, recommendations relating to funding levels, the status of grants to build or supply the regional research centers, and progress toward achieving cooperation with States and others in the use of Federal facilities in research carried out to achieve the policy set forth in section 1421 of this title. The Secretary shall complete this study and submit a report setting forth the findings of the study and recommendations for the implementation of these findings, as a part of the report the Secretary is required to submit to Congress pursuant to section 1405(6) of this title, not later than the second annual budget submission following the effective date of this title.".

SEC. 1422. Section 1427 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3177) is amended to read as follows:

"HUMAN NUTRITION RESEARCH AND INFORMATION MANAGEMENT SYSTEM

"SEC. 1427. The Secretary and the Secretary of Health and Human Services shall formulate and submit to Congress, within one hundred and twenty days after the date of enactment of this title, a plan for a human nutrition research management system. This system shall be based on online data support capability allowing for fiscal accounting, management, and control of cross-agency human nutrition research activities. The plan shall provide for management activities of all agencies managing funds for human nutrition research activities under existing authorities and contain recommendations for any additional authorities necessary to achieve a human nutrition research management system.".

CONFORMING AMENDMENT

SEC. 1423. Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended by revising the last sentence thereof to read as follows: "It is recognized that the total animal health and disease research and extension efforts of the several State colleges and universities and of the Federal Government would be more effective if there were close coordination between such programs, and it is further recognized that colleges and universities having accredited colleges of veterinary medicine and State agricultural experiment stations which conduct animal health and disease research are especially vital in training research workers in animal health.".

ELIGIBLE INSTITUTIONS FOR ANIMAL HEALTH AND DISEASE RESEARCH FUNDS

SEC. 1424. Section 1430 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3192) is amended by amending paragraph (1) to read as follows:

"(1) the term 'eligible institution' means an accredited school or college of veterinary medicine or a State agricultural experiment station which conducts animal health and disease research.".

APPROPRIATIONS FOR ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS AT ELIGIBLE INSTITUTIONS

SEC. 1425. Section 1433(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is hereby amended by striking out the first sentence and inserting in lieu thereof: "There are hereby authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed $25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

APPROPRIATIONS FOR RESEARCH ON SPECIFIC NATIONAL OR REGIONAL ANIMAL HEALTH OR DISEASE PROBLEMS

SEC. 1426. (a) Section 1434(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is hereby amended by striking out the first sentence and inserting in lieu thereof; "There are hereby authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed $35,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year."

(b) Section 1434(b) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended to read as follows:

"(b) Funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions.".

(c) Section 1434 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is amended by adding at the end thereof the following new subsections:

"(c) In order to establish a rational allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease problems of national or regional significance. Such lists shall be prepared after consultation with the Joint Council, the Advisory Board, and the Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary, the Joint Council, the Advisory Board, and the Board shall consider the following factors:

"(1) any health or disease problem which causes or may cause significant economic losses to any part of the livestock production industry;

"(2) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and

"(3) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

"(d) Without regard to any consultation under subsection (c), the Secretary shall, to the extent feasible, award grants to eligible institutions on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

"(e) In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.".

EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE INSTITUTE

SEC. 1427. Section 1444 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3211(a)) is amended by—

(1) in subsection (a),

(a) inserting "and ending with the fiscal year ending September 30, 1982," after "Beginning with the fiscal year ending September 30, 1979,", and

(b) inserting after the second sentence thereof the following: "Beginning with the fiscal year ending September 30, 1983, there shall be appropriated under this section for each fiscal year an amount not less than 7 per centum of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341-349.";

(2) in subsection (b)(2)(B), inserting "current at the time each such additional sum is

first appropriated" after "the last preceding decennial census" both times it appears;

(3) in subsection (c), striking out "administrative head for extension" and inserting in lieu thereof "extension administrator"; and

(4) in subsection (d), striking out "submitted by the proper officials of each institution" and inserting in lieu of "submitted, as part of the State plan of work, by the State director of the cooperative extension service".

AGRICULTURE RESEARCH IN 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE INSTITUTE

SEC. 1428. (a) Section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222) is amended by—

(1) in subsection (b)(1), adding at the end thereof a new sentence to read as follows: "These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.";

(2) in subsection (b)(2)(B), inserting "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" both times it appears; and

(3) in subsection (c) and (d), striking out "chief administrative offer" each time it appears and inserting in lieu thereof "research director".

(b)(1) The Secretary of Agriculture shall make a grant of funds appropriated under paragraph (5) to the one college of all the colleges eligible to receive funds under the Act of August 30, 1980 (7 U.S.C. 321), including Tuskegee Institute which, on the date of the enactment of this title—

(A) has initiated a dairy goat research program, and

(B) has the best demonstrable capacity to carry out dairy goat research.

(2) Any grant received under paragraph (1) by such college may be expended to—

(A) pay expenses incurred in conducting dairy goat research,

(B) print and disseminate the results of such research,

(C) contribute to the retirement of employees engaged in such research,

(D) plan, administer, and direct such research, and

(E) construct, acquire, alter, and repair buildings necessary to conduct such research.

(3)(A) Under the terms of such grant, funds appropriated under paragraph (5) of this subsection for a fiscal year shall be paid to such college in equal quarterly installments beginning on or about the first day of October of such year upon vouchers approved by the Secretary of Agriculture.

(B) Not later than sixty days after the end of each fiscal year for which funds are paid under subsection (a) to such college, the chief administrative officer of such college shall submit to the Secretary of Agriculture a detailed statement of the disbursements in such fiscal year of funds received by such college under such subsection.

(C) If any of the funds so received by such college are by any action or contingency misapplied, lost, or diminished, then—

(i) such college shall replace such funds, and

(ii) the Secretary shall not distribute to such college any other funds under subsection (a) until such replacement is made.

(4) for purposes of section 1445(e) of the Food and Agriculture Act of 1977 (7 U.S.C. 3222(e)), research and experiments funded under this subsection shall be deemed to be research and experiments funded under section 1445 of such Act.

(5) There is authorized to be appropriated for each of the fiscal years 1982, 1983, 1984, and 1985 an amount equal to one percent of the aggregate amount of funds appropriated to carry out section 1445 of the Food and Agriculture Act of 1977 (7 U.S.C. 3222) in the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under this paragraph.

SOLAR ENERGY DEFINITION

SEC. 1429. Section 1457 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3282) is amended to read as follows:

"SEC. 1457. For purposes of this subtitle, the term 'solar energy' means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended.".

INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION

SEC. 1430. Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by—

(1) in subsection (3), striking out "work with developed countries on agricultural" and inserting in lieu thereof "work with developed and transitional countries on food, agricultural and related";

(2) in subsection (5), striking out the period and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding a new paragraph to read as follows:

"(6) provide specialized or technical services on an advance of funds or a reimbursable basis to United States colleges and universities carrying out international food, agricultural, and related research and development projects and activities. All funds received in payment for furnishing specialized or technical services authorized under this subsection shall be deposited to the credit of the appropriation from which the cost of providing such services has been paid or is to be charged.".

AUTHORIZATION FOR APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL PROGRAMS

SEC. 1431. (a) Section 1463(a) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking out "and $780,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$780,000,000 for the fiscal year ending September 30, 1982, $800,000,000 for the fiscal year ending September 30, 1983, $820,000,000 for the fiscal year ending September 30, 1984, $840,000,000 for the fiscal year ending September 30, 1985,".

(b) Section 1463(b) of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(b)) is amended by striking out "and $220,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$220,000,000 for the fiscal year ending September 30, 1982, $245,000,000 for the fiscal year ending September 30, 1983, $270,000,000 for the fiscal year ending September 30, 1984, $295,000,000 for the fiscal year ending September 30, 1985,".

(c) Section 1463 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by adding at the end thereof a new subsection to read as follow:

"(c) Notwithstanding any other provision of law, effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the Secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a, et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a, et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 (7 U.S.C. 405l); the animal health research program provided for under sections 1433 and 1434 of this title; the native latex research program provided for in the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178, et seq.); and the research provided for under various statutes for which funds are appropriated under the Agricultural Research heading or a successor heading, shall be appropriated for research at State agricultural experiment stations pursuant to the provision of the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a, et seq.)."

AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION

SEC. 1432. Section 1464 of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking out "and $350,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$350,000,000 for the fiscal year ending September 30, 1982, $370,000,000 for the fiscal year ending September 30, 1983, $390,000,000 for the fiscal year ending September 30, 1984, $410,000,000 for the fiscal year ending September 30, 1985,".

INDIRECT COSTS AND TUITION REMISSION

SEC. 1433. Subtitle K of the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311-3316) is amended by adding at the end thereof the following new section:

"RESTRICTION ON TREATMENT OF INDIRECT COSTS AND TUITION REMISSION

"SEC. 1471. Funds made available by the Secretary of Agriculture under established Federal-State partnership arrangements to State cooperative institutions under the Acts referred to in section 1404(16) of this Act and funds made available under subsection (c)(2) and subsection (d) of section 2 of the Act of August 4, 1965 (7 U.S.C. 450i); shall not be subject to reduction for indirect costs or for tuition remission. No indirect costs or tuition remission shall be charged against funds in connection with cooperative agreements between the Department of Agriculture and State cooperative institutions if the cooperative program or project involved is of mutual interest to all the parties and if all the parties contribute to the cooperative agreement involved.".

AQUACULTURE AND RANGELAND RESEARCH

SEC. 1434. The Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3301-3304) is amended by adding at the end thereof the following new subtitles L and M:

"Subtitle L—Aquaculture

"PURPOSE

"SEC. 1475. It is the purpose of this title to promote research and extension activities of the institutions hereinafter cited in section 1476(b) of this Act, and to coordinate their efforts as an integral part and in implementation of the 'National Aquaculture Act of 1980' (Public Law 96-362; 16 U.S.C. 2801) by

encouraging landowners, individuals, and commercial institutions to develop aquaculture production and facilities and sound aquaculture practices that will, through research and technology transfer programs, provide for the increased production and marketing of aquacultural food products.

"AQUACULTURE ASSISTANCE PROGRAMS

"SEC. 1476. (a) The Secretary may develop and implement a cooperative research and extension program to encourage the development, management, and production of important aquatic food species within the several States and territories of the United States, in accordance with the National Aquacultural Plan and revisions thereto developed under the National Aquacultural Act of 1980.

"(b) The Secretary may make grants to—

"(1) land-grant colleges and universities;

"(2) State agricultural experiment stations; and

"(3) colleges, universities, and Federal laboratories having a demonstrable capacity to conduct aquacultural research, as determined by the Secretary;

for research and extension to facilitate or expand promising advances in the production and marketing of aquacultural food species and products. No grant may be made under this subsection unless the State in which the grant recipient is located makes a matching grant to such recipient equal to the amount of the grant to be made under this subsection, and unless the grant is in implementation of the National Aquacultural Plan and revision thereto developed under the National Aquacultural Act of 1980.

"(c) The Secretary may assist States to formulate aquaculture development plans for the enhancement of the production and marketing of aquacultural species and products from such States and may make grants to States on a matching basis, as determined by the Secretary. The aggregate amount of the grants made to any one State under this subsection may not exceed $50,000. The plans shall be consistent with the National Aquaculture Plan, and revisions thereto, developed under the National Aquaculture Act of 1980.

"(d) To provide for aquacultural research, development, and demonstration projects having a national or regional application, the Secretary may establish in existing Federal facilities or in cooperation with State agencies (including State departments of agriculture), and land-grant colleges and universities, up to four aquacultural research, development, and demonstration centers in the United States for the performance of aquacultural research, extension work, and demonstration projects. Funds made available for the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings or facilities.

"(e) Not later than one year after the effective date of this subtitle and not later than March 1 of each year, the Secretary shall submit a report to the President, the Committee on Agriculture of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Appropriations of the Senate, a summary outlining progress of the Department of Agriculture in meeting the purposes of the programs established under this subtitle.

"AQUACULTURE ADVISORY BOARD

"SEC. 1477. (a) The Secretary shall establish within the Department of Agriculture a board to be known as the Aquaculture Advisory Board (hereinafter in this subtitle referred to as the "Board") which shall have a term of five years and which shall be composed of the following twelve members appointed by the Secretary—

"(1) four representatives of the Science and Education Administration, Department of Agriculture; and

"(2) eight members appointed by the Secretary comprised of—

"(A) two members representing cooperative extension services;

"(B) two members representing State agricultural experiment stations; and

"(C) four members representing national aquaculture organizations.

Members of the Board shall serve without compensation for such service. While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

"(b) The Board shall meet at the call of the Secretary, but at least annually, to consult with and advise the Secretary with respect to the implementation of this subtitle and to recommend priorities for the conduct of research and extension programs authorized in this subtitle, under such rules and procedures for conducting business as the Secretary may, in the Secretary's discretion, prescribe.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1478. (a) There is authorized to be appropriated $7,500,000 for each fiscal year beginning after the effective date of this subtitle, and ending with the fiscal year ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

"(b) Funds appropriated under subsection (a) shall be allocated by the Secretary for work to be done as mutually agreed upon between the Secretary and the institutions described in section 1476(b). The Secretary shall, whenever possible, consult with the Board in developing plans for the use of these funds.".

"Subtitle M—Rangeland Research

"PURPOSE

"SEC. 1479. It is the purpose of this subtitle to promote the general welfare through improved productivity of the Nation's rangelands, which comprise 60 per centum of United States land area. Most of these rangelands are unsuited for cultivation, but produce a great volume of forage inedible by humans, but readily converted to high quality food protein by grazing animals in the most energy efficient form of agriculture. These native grazing lands occur throughout the United States and provide the source for major segments of the Nation's livestock industry. In addition to the many directly dependent on range, other segments of agriculture are indirectly dependent on range-fed livestock the harvest crop aftermath and to stabilize grain prices by substituting forage for grain in times of grain scarcity or being fed more grain in times of surplus. Recent resource assessments indicate that forage production of rangeland can be increased at least 100 per centum through development and application of improved range management practices while simultaneously enhancing wildlife, watershed, recreational, and aesthetic values and reducing hazards of erosion and flooding.

"RANGELAND RESEARCH PROGRAM

"SEC. 1480. The Secretary may develop and implement a cooperative rangeland research program in coordination with the program carried out under the Renewable Resources Extension Act of 1978 to improve the production and quality of desirable native forages or introduced forages which are managed in a similar manner to native forages for livestock and wildlife. The program shall include studies of: (1) management of rangelands and agricultural land as integrated systems for more efficient utilization of crops and waste products in the production of food and fiber; (2) management of rangeland watersheds to improve the condition of water utilization, water yield, water quality, and water conservation, and to protect against onsite and offsite damage of resources from floods, erosion, and other detrimental influences and to remedy unsatisfactory and unstable rangeland conditions; (3) revegetation and rehabilitation of rangelands including the control of undesirable species of plants; and (4) such other matters as the Secretary considers appropriate.

"RANGELAND RESEARCH GRANTS

"SEC. 1481. The Secretary may make grants to landgrant colleges and universities, State agricultural experiment stations, and to colleges and universities and Federal laboratories having a demonstrable capacity in rangeland research, as determined by the Secretary, to carry out rangeland research. This grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum non-Federal funding.

"REPORTS

"SEC. 1482. Not later than one year after the date of the enactment of this subtitle, and not later than March 1 of each successive year the Secretary shall submit a report to the President, the House Committee on Agriculture, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations, outlining progress of the Department in meeting the program requirements set forth in section 1480 of this subtitle.

"RANGELAND RESEARCH ADVISORY BOARD

"SEC. 1483. (a) The Secretary shall establish a board to be known as the Rangeland Research Advisory Board which shall have a term of four years, and which shall be composed of the following twelve members appointed by the Secretary:

"(1) Four representatives of the Department of Agriculture's Science and Education Administration,

"(2) Four representatives of the State Agricultural experiment stations, and

"(3) Four representatives of national rangeland and range livestock organizations.

The members shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the Board, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section

5701 through 5707 of title 5 of the United States Code.

"(b) The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of this subtitle and to recommend priorities for the conduct of programs authorized under this subtitle, under such rules and procedures for conducting business as the Secretary shall prescribe.

"APPROPRIATIONS

"SEC. 1484. (a) There are hereby authorized to be appropriated, to implement the provisions of this subtitle, such sums not to exceed $10,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and thereafter such sums as may after the date of enactment of this subtitle be authorized by law for any subsequent fiscal year.

"(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institution or institutions. The Secretary shall, whenever possible, consult the Board in developing plans for the use of these funds.".

TABLE OF CONTENTS

SEC. 1435. The table of contents of the Food and Agriculture Act of 1977 is amended by—

(1) inserting immediately after the item referring to section 1409 the following new item:

"Sec. 1409A. Federal-State partnership and coordination."; and

(2) adding at the end of title XIV the following new items:

"SUBTITLE L—AQUACULTURE

"Sec. 1475. Purpose.
"Sec. 1476. Agriculture assistance programs.
"Sec. 1477. Aquaculture Advisory Board.
"Sec. 1478. Authorization of appropriations.".

"SUBTITLE M—RANGELAND RESEARCH

"Sec. 1479. Purpose.
"Sec. 1480. Rangeland research program.
"Sec. 1481. Rangeland research grants.
"Sec. 1482. Reports.
"Sec. 1483. Rangeland Research Advisory Board.
"Sec. 1484. Appropriations.".

M'INTYRE-STENNIS ACT AMENDMENTS

SEC. 1436. (a) Section 1 of the Act of October 10, 1962 (16 U.S.C. 582a), commonly known as the McIntyre-Stennis Act of 1962, is amended by adding at the end thereof the following: "It is also recognized that the provisions of this Act are essential to assist in providing the research background which undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974, the Renewable Resources Extension Act of 1978, and the Soil and Water Conservation Act of 1978.".

(b) Section 2 of the Act of October 10, 1962 (16 U.S.C. 582a–1), commonly known as the McIntyre-Stennis Act of 1962, is amended by adding at the end thereof the following: "If more than one institution within a State is certified as qualifying for assistance, then it shall be the responsibility of such institutions in agreement with the Secretary of Agriculture, to develop complementary programs of forestry research for the State.".

(c) Section 5 and section 6 of the Act of August 10, 1962 (16 U.S.C. 582a–4, 582a–5), commonly known as the McIntyre-Stennis Act of 1962, are amended to read as follows:

"SEC. 5. (a) The Secretary shall prescribe such rules as may be necessary to carry out this Act and to furnish such advice and assistance through a cooperative State forestry research unit in the Department of Agriculture as will best promote the purpose of this Act.

"(b) The Secretary shall appoint a council of not fewer than 16 members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified eligible institutions, and volunteer public groups concerned with forests and related natural resources. The council shall meet at least annually and shall submit a report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds. The Secretary shall seek, at least once each year, the advice of the council to accomplish efficiently the purposes of this Act.

"SEC. 6. Apportionments among participating States shall be determined by the Secretary after consultation with the council appointed under section 5. In making such apportionments, consideration shall be given to pertinent factors including non-Federal expenditures for forestry research by State-certified eligible institutions, areas of non-Federal commercial forest land, and the volume of timber cut annually. Three per centum of such funds as may be appropriated shall be made available to the Secretary for administration of this Act.".

PROHIBITION AGAINST REDUCTION OF STATE FUNDS UPON INCREASE IN FEDERAL ALLOTMENT

SEC. 1437. (a) Section 3 of the Act of March 2, 1887 (7 U.S.C. 361c), commonly known as the Hatch Act of 1887, is amended by adding at the end thereof a new subsection (g) as follows:

"(g) If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State agricultural experiment station is reduced because of an increase in the allotment made available under this Act, the allotment to the State agricultural experiment station from the appropriation in the next succeeding fiscal year shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other States for use by their agricultural experiment stations.".

(b) Section 4 of the Act of October 10, 1962 (16 U.S.C 582a–3), commonly known as the McIntire-Stennis Act of 1962, is amended by adding at the end thereof the following: "If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance under this Act is reduced because of an increase in the allotment made available under this Act, the allotment of such State-certified institution from the next succeeding appropriation shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary shall reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.".

EXCESS FEDERAL PROPERTY

SEC. 1438. Section 202(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) is amended by—

(1) striking out the word "or" at the end of subparagraph (C);

(2) striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and the word "or"; and

(3) adding the following new subparagraph immediately after subparagraph (D):

"(E) property furnished by the Secretary of Agriculture to any State or county extension service engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, commonly known as the Smith-Lever Act (7 U.S.C. 341 et seq.); any State experiment station engaged in cooperative agricultural research work pursuant to the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); and any institution engaged in cooperative agricultural research and extension work pursuant to sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221–22), where title is retained in the United States. For the purpose of this provision, the term 'State' means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia.".

EFFECTIVE DATE

SEC. 1439. This title and the amendments made by this title shall take effect on October 1, 1981.

Mr. BROWN of California. Title XIV of the Food and Agriculture Act of 1981 contains provisions of importance to all parts of our society. Producers and consumers alike benefit from the food, nutrition, and agriculture research, extension, and teaching programs authorized here. The application of past research results has provided us with a bounty of agricultural production. But we must protect our research, extension, and education system if we are to continue to produce at current levels.

I have been concerned for some time we have been "mining" our research and knowledge base in agriculture. By this I mean that we are taking more out of the research, extension, and teaching system than we are putting back in. Outlays for this system have remained constant for many years, yet the importance of the agriculture sector in our economy has grown dramatically. Our current bounty of production results from applications of research done over the last 40 years. While we can expect these good times to continue into the near future, there are new factors entering the picture which our past research has not had to deal with.

We are currently facing a number of limitations to resources which are vital to agricultural production. Energy cost increases are driving up the cost of agricultural production and forcing changes in farming practices. Water of

a quality and quantity to sustain our agricultural production will become increasingly limited. Our soil resources are eroding at a rate that threatens our productivity in the near term. We need to develop new strategies for dealing with these limitations. But this research requires a strong commitment by the Federal and State partners in our system. It also requires a better job of coordination between the Department of Agriculture and other Government agencies and between our public sector efforts and private sector research.

This planning and coordination function is accomplished, in part, by two advisory bodies established in the 1977 farm bill: the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board. In this year's legislation, minor changes are made to these two bodies to enhance their operation. As was pointed out in the report accompanying H.R. 3603, the diversity of viewpoints represented on these bodies is of great assistance to the Congress. We obtain a much more thorough examination of issues than could be provided from a narrower perspective and expect that the present diversity will be continued.

Recognizing the delay between the initiation of research and its application, an increased emphasis on longer range planning is included in the provisions of title XIV. The Joint Council is to prepare, by June 30, 1983, a 5-year plan for food and agricultural sciences and update this plan every 2 years. A separate mandate is given to the Secretary to develop a long-range research needs assessment. This needs assessment should involve the best minds inside and outside of the Department of Agriculture and produce a document of use to all parts of the food and agriculture sector.

This title also reinforces the importance of the Federal-State partnership in our research, extension, and teaching system. Numerous changes are made to emphasize the role of the land-grant institutions and to facilitate their valuable contribution to our food and agriculture sector.

In an attempt to take advantage of research taking place in other disciplines, the competitive grants program is reauthorized.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 179 immediately after line 22 insert the following new section:

AUTHORITY TO AWARD GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE RESEARCH FACILITIES

SEC. 1441. (a) It is hereby declared to be the intent of the Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter referred to in this section as "eligible institutions"), in the acquisition and improvement of research facilities and equipment so that eligible institutions may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

(b) There are hereby authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this section $10,000,000 for each of the fiscal years 1982 through 1986, such sums to remain available until expended.

(c) 4 per centum of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

(d) Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

(e) Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

(f) The Secretary may promulgate such rules and regulations as the Secretary may deem necessary to carry out the provisions of this section.

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, this amendment is the identical wording of the bill, H.R. 1309, which has already passed the House by voice vote and it is an attempt since it has not been picked up in the Senate, to incorporate it into this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SMITH OF NEBRASKA

Mrs. SMITH of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SMITH of Nebraska: Page 179, after line 19, insert the following new section:

APPORTIONMENT OF FUNDS APPROPRIATED FOR SCHOOLS OF VETERINARY MEDICINE

SEC. 1439. Section 1415(c)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151(c)(2)) is amended by striking out the colon and the proviso.

Page 179, line 21, strike out "SEC. 1439." and insert in lieu thereof "SEC. 1440.".

Mrs. SMITH of Nebraska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

Mrs. SMITH of Nebraska. Mr. Chairman, this amendment will eliminate a roadblock to future construction of Colleges of Veterinary Medicine.

Section 1415 of title XIV of the 1977 Farm bill authorizes appropriations for matching grants to regional schools of veterinary medicine. To qualify, such a school, which emphasizes treatment of food animals, must have 50 percent State and local matching funds and must have the cooperation of at least one other State than that in which it is located.

The authority has never been used, for two reasons. First, schools have been able to acquire funds through the Department of Health and Human Services. However, as a result of budget cuts, such funds for construction are no longer available. Second, there is a provision in section 1415 that requires 50 percent of any funds appropriated for new schools to be available for existing accredited schools.

This provision, more than any other, has effectively eliminated use of the authority for construction of colleges of veterinary medicine. Incredibly, it requires that if any prospective school asks for funding, any resulting appropriation must be double the amount requested. The use of funds made available under such an appropriation to existing schools is undefined.

We all know that appropriating new construction money is nearly impossible, but appropriating "double the money" is totally impossible.

This amendment does not involve any money, is acceptable to the American Veterinary Medicine Association, and is not opposed by the majority or minority of the agriculture committee. It will simply remove a roadblock to future use of the authority for construction of regional food animal colleges of veterinary medicine.

Mr. DE LA GARZA. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, we have examined the gentlewoman's amendment and consider it to be a valuable addition to the present law and would be very happy to accept it on our side.

Mrs. SMITH of Nebraska. I thank the gentleman.

Mr. WAMPLER. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Virginia.

Mr. WAMPLER. I want to commend the gentlewoman from Nebraska for her interest in title XIV of this bill.

She has made many valuable contributions and certainly this amendment is one of them. We are certainly willing to accept it on this side.

Mrs. SMITH of Nebraska. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nebraska (Mrs. SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: On page 158, line 13, "strike 'by the State director of the cooperative extension service.'"

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, this amendment is offered to satisfy the concerns of a number of 1890 extension administrators who feel that the current language in the bill does not allow the 1890 institutions sufficient flexibility to develop their own independent extension work plans. The amendment merely eliminates the provision that each State's work plan be submitted by the State director of the cooperative extension service.

This amendment is in keeping with a resolution recently passed at the southern regional meeting of extension directors and administrators and is acceptable to the Department of Agriculture.

The amended language is a result of the coordinated efforts of a special task force consisting of a representative of the National Association of State Universities and Land-Grant Colleges (NASULGC), the chairman of the Extension Committee on Policy (ECOP), and the chairman of the 1890 Extension Committee.

While my amendment insures that the 1890 extension administrators can continue to maintain a strong voice in the planning and execution of programs geared to their special needs, it is expected that the State's extension programs will continue to be coordinated in order to eliminate any duplication and fragmentation of effort and to best fit the requirements of the people of the State as a whole.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BROWN OF California. I yield to the gentleman from Texas.

Mr. DE LA GARZA. As chairman of the subcommittee that has jurisdiction over this matter, we appreciate the gentleman's interest and we would gladly accept the gentleman's amendment.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Virginia.

Mr. WAMPLER. I thank the gentleman for yielding.

I wish to associate myself with the remarks of the distinguished gentleman from Texas (Mr. DE LA GARZA) and we are perfectly willing to accept the gentleman's amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The amendment was agreed to.

Mr. WAMPLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, title XIV of H.R. 3603 amends the 1977 farm bill in several critical areas and extends other provisions of this title for an additional 4 years. In particular, it more clearly defines the partnership arrangements that have existed between the Federal Government and the States in the food and agricultural research, extension, and teaching systems for well over 100 years.

For example, the principal advisory body to the Secretary of Agriculture in the food and agricultural sciences is strengthened to achieve a more representative balance between scientific experts from the State land-grant colleges and other educational institutions and the Federal representation on the Joint Council than now exists in the current act. This change should greatly improve the quality of the advice given the Secretary on agricultural research, extension, and teaching matters by the Joint Council and at the same time improve the participation of the State research, extension, and teaching institutions in the overall system. Additionally, the Users Advisory Board, made up from all sectors of society which benefit from agricultural research, extension, and teaching, has also been strengthened to increase producer representation on this body.

One of the main deficiencies of the 1977 act was the failure of the Congress to establish a policy head for the food and agricultural sciences in the Department of Agriculture. These amendments provide for an Assistant Secretary of Agriculture with the prime mission of administering this title. The mission of American agriculture is to provide food, fiber, and forest products to our economy at reasonable prices and also to play a major role in supplying these products to a world whose appetite seems to be limitless, especially as time goes forward into the coming century. It goes without saying that agricultural science, extension, and teaching will play a major role in accomplishing the task of increasing agricultural production beyond our present capacity in the face of limited water, soil, energy, and financial supplies. Leadership to head up this task is demanded. An assistant secretary for agricultural research, extension, and teaching will assist greatly in meeting this need.

Several new features are also included. One would provide authorization for a new subtitle on rangeland research, which provides authorization for a new and expanded rangeland research program, proposed by our chairman, Mr. DE LA GARZA. There is also a new subtitle on aquaculture, which provides direction and authorization for a specific aquaculture research and extension program in the Department of Agriculture, thus carrying out the provisions of the National Aquacultural Act of 1980.

At this point I want to commend the contributions of Chairman DE LA GARZA and Subcommittee Chairman BROWN of California and many other members of our committee for their bipartisan efforts on behalf of this bill. Far too often we tend to overlook the hard work of our researchers and extension scientists who day-by-day work to put food on our tables, clothes on our backs, furniture in our homes and shelter for our young ones. We as Americans have been living in an era of plenty, a period of oversupply. Tomorrow we face a period of ever-increasing shortages. Science and technology, alone, can provide us with the key to the future. I urge your support for this title.

□ 1400

AMENDMENT OFFERED BY MR. BETHUNE

Mr. BETHUNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BETHUNE: Page 179, insert the following new section after line 19, and redesignate the following section accordingly:

TRANSFER OF FISH RESEARCH AND EXPERIMENTATION PROGRAM

SEC. 1439. (a) The Act entitled "An Act to authorize the Secretary of the Interior to establish a program for the purpose of carrying on certain research and experimentation to develop methods for commerical production of fish on flooded rice acreage in rotation with rice field crops, and for other purposes", approved March 15, 1958 (16 U.S.C. 778-778c), is amended—

(1) by striking out "Secretary of the Interior" in the first section, section 2, and section 3, and inserting in lieu thereof "Secretary of Agriculture"; and

(2) by striking out "Department of Agriculture" in the first section and section 3, and inserting in lieu thereof "Department of the Interior".

(b) Within ninety days after the effective date of this title, the personnel employed in connection with, and the assets, liabilities, contracts, real and personal property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, arising from, available to, or to be made available in connec-

tion with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Secretary of Agriculture.

Mr. BETHUNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SNYDER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. BETHUNE. Mr. Chairman, I thank the gentleman for reserving the point of order in order to give me a chance to be heard on this amendment.

This amendment that I propose would simply transfer the Fish Farming Experimental Station at Stuttgart, Ark., from the Department of the Interior to the Department of Agriculture.

I offer this amendment because as a Member of Congress every year since I have been here I have had the problem of having to go all about this House and over on the Senate side to get the funding for this particular fish farming experimental station put back into the legislation.

I have discovered in the course of these travels, not being a member of either the Agriculture Committee or the Interior Committee that the agriculture people have a very keen interest in catfish farming. They seem very interested in getting into agriculture. They are doing research at universities and they could really use this facility.

The work that is being done here is more nearly related to the production of food and the kinds of functions that we have in the Agriculture Department than we find in the fish and wildlife services; so it occurred to me that in order to save this process each year that we simply ought to move this from one department to another and be done with all the difficulty and get it into those departments of Government that really care about the mission that we are trying to accomplish down there.

As a matter of fact, the record bears out that not only is it difficult to get the funding back in for this very productive facility, but when the funding is approved it is approved at the constant level and therefore due to inflation we wind up with less money and less personnel and we are unable to do the work that we should be doing at the station. So that is why I offer the amendment.

I would very much like to hear the comments of the distinguished gentleman from Kentucky and others who are on the committees that I have had difficulty with in the last couple years.

The CHAIRMAN. Does the gentleman from Kentucky wish to be heard on his point of order?

Mr. SNYDER. Yes, Mr. Chairman.

POINT OF ORDER

Mr. Chairman, I make a point of order that the gentleman's amendment is in violation of House rule XXI, clause 5, which prohibits the consideration of an amendment which proposes an appropriation to a bill reported by a committee not having that jurisdiction.

The amendment before us violates this rule at the bottom of the first page by transferring an unexpended balance of an Interior appropriation to the Secretary of Agriculture.

Rule XXI, clause 5, says:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.

The CHAIRMAN. Does the gentleman from Arkansas wish to be heard on the point of order?

Mr. BETHUNE. Yes; Mr. Chairman, I recognize the jurisdiction difficulties and the parliamentary difficulties.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the distinguished gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I just would like to join in the presentation made by the gentleman in the well. We have that same situation occurring all over the country.

I recognize the jurisdictional question which the Chair has to rule on; but the Department of the Interior is constantly threatening and attempting to cut out these fish hatcheries. The Interior Department does not seem to have any realization that it has become a big commercial enterprise and of very great importance not only to the consumer, but to the producer.

It might surprise many folks to know that this program was started by Senator Fulbright of Arkansas, whose interests were in many directions.

I would just like to say here that I hope this committee will give some thought to taking such authorizing steps as may be helpful in putting this, as a commercial enterprise, into the Department of Agriculture so that we may bring together those that have a knowledge of the program with those who have the money.

As Members know, I have been chairman of the Appropriations Subcommittee on Agriculture for a long time; and Interior just simply does not seem to have an understanding beyond sport fishing. This has become a big problem and I think more properly it should be in the Department of Agriculture.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the distinguished gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, I thank the gentleman for yielding.

Let me associate myself with the remarks of the distinguished gentleman from Mississippi (Mr. WHITTEN). Title XIV of the bill that is currently before us authorizes research in aquaculture. This is a recognition of a great potential that we should give more attention to.

As a member of the Committee on Agriculture, I would like to see the Department of Agriculture more actively involved in this area of research and production.

(Mr. WAMPLER asked and was given permission to revise and extend his remarks.)

Mr. BETHUNE. Mr. Chairman, I thank the gentleman for his contribution.

I think it is plain from the colloquy here that there is an interest in agriculture for this particular station.

The CHAIRMAN. While the Chair permits this colloquy pending the request to withdraw the amendment, does the gentleman from Kentucky (Mr. SNYDER) continue to reserve his point of order which he has made?

Mr. SNYDER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas still has the time.

Mr. BETHUNE. Mr. Chairman, I know the gentleman from New Jersey was not present, but we had a discussion about this earlier.

Of course, the crux of this matter is that my concern is for the continued development of this very worthy project in fish farming at the experimental station at Stuttgart, Ark.

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from New Jersey.

(Mr. FORSYTHE asked and was given permission to revise and extend his remarks.)

Mr. FORSYTHE. Mr. Chairman, I would like to point out that even though I do object to the transfer to the Department of Agriculture that I do believe this is a very good facility and that we should try to work together in seeing that it does get sufficient funding to keep it in business, because it is doing very good work and we should try to do that.

Mr. Chairman, I rise in opposition to the amendment which has been offered by my distinguished colleague from Arkansas.

The Stuttgart Fish Farming Experimental Station was established to provide much-needed research, extension, and diagnostic services to the commer-

cial fish farming industry. It is the only Federal facility with the specific role of providing such services.

The National Aquaculture Act of 1980 provides for the establishment of a National Aquaculture Plan by March, 1982. This plan will identify the obstacles to the development of the U.S. aquaculture industry and will determine which Federal department is best equipped to assist in overcoming these obstacles.

Preceding passage of this historic act, it was clear that the Department of the Interior had the best capability to carry out certain disease and nutritional research work relating to the aquaculture of various species. Congressional testimony is replete with examples of the outstanding work done in this field by the Department of the Interior. All parties involved in the development of the aquaculture bill agreed that such research would be a major contribution to aquaculture development—and the major component of the Department of the Interior's research capability is the Stuttgart Fish Farming Experimental Station.

Mr. Chairman, it is both premature and illogical to transfer this facility from the Department of the Interior to the Department of Agriculture. Such a transfer prior to the completion of the aquaculture plan prejudges how the plan should be implemented. Further, such a transfer would seriously undermine the Department of the Interior's capability to continue this important research for all recreational and commercial fisheries species.

I recognize that the Stuttgart facility would continue to operate within the Department of Agriculture but I also know that their interest in aquaculture disease and nutritional research is substantially more limited than that carried out by the Department of the Interior. Further, the Stuttgart Experimental Station is only one component of the Department of the Interior's extensive fish research program, and its transfer would probably mean a lesser capability to continue in their overall fish research program.

In the absence of any hearings on this proposal, and in the absence of a completed aquaculture plan, and given the serious adverse impacts such a transfer could have on the success of the Interior Department's fish research program, I urge that this amendment be defeated.

Mr. BETHUNE. Well, that is good news to the gentleman in the well.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mrs. BOGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I represent a district that has only a small handful of farmers in it. However, as a representative of an urban area, I fully recognize the importance of agriculture to the economic and nutritional well-being of the consumers that reside in the city of New Orleans and suburban Jefferson Parish. We must have the bountiful harvests of our farmers in order to survive.

We in America are fortunate: Our farmers are the most productive in the history of the world. Not only do they provide sufficient food for our tables and fiber for our clothes, but they produce additional crops and foods so that we may export them and thus help develop a more positive balance in our international trades. We in New Orleans are especially aware of the commerce that the lively trading brings through our port facilities.

Because I represent a nonagricultural district, I frequently have to rely on people from around the State of Louisiana for advice in farm matters. One trusted adviser is Fred Huenefeld, a farmer and active citizen who lives near Monroe.

Recently, Mr. Huenefeld took the time to put his thoughts on paper so that I might better appreciate the plight of the American farmer. He makes the point that our "prosperity depends on farm income as farm income makes up one-seventh of the income of the Nation" and that "the income of the farm family is the key to our economic well-being."

Mr. Chairman, I think we all can agree with Mr. Huenefeld's reasoning. Our economy is heavily dependent on the strength of our agricultural sector and I would hope that this House will pass a farm bill that will strengthen our agricultural sector because it will, in the end, strengthen our national economy.

At this point, I would like to include in the RECORD the essay I received from Mr. Fred Huenefeld, Jr., of Monroe, La.:

High interest rates and low crop prices are squeezing the American farmer. They are caught in a worsening credit bind. Crop prices on a national average have dropped 40 percent to the American farmer in the past 6 months. It is projected by the USDA that on a 515 lb. yield, it cost 89.8 cents to raise a pound of cotton. Todays price of cotton is running around 62 cents to 65 cents depending on grade. USDA said cost of production per acre rose 20 percent for corn, 16 percent for wheat, and 14 percent for soybeans in 1980.

The raw materials grown or extracted each year from the soil represent what we call New Wealth. Keep this firmly in mind, New Wealth. New Wealth is the key to the working of our economy. The exchanges of money that make up the economy actually begin with the production of New Wealth.

In many ways, our economy is like a tree. The roots take the minerals and water from the soil and make a life giving sap that flows to all parts of the tree and supports it. The minerals and water are raw materials. The roots are the producers—the farmers, ranchers, miners, lumbermen, oilmen, and fishermen—who make them available to the tree, and who provide the economy with the lifeblood. No tree can live if it is separated from its roots. It withers and it dies. The same thing holds true with the economy. Cut off the root—the raw material producers—and the tree (the rest of the economy) dies. Unfortunately, we are at that threshold now in the United States. Most of all, we have lost sight of this basic fact of economy life. So have the policy makers, the people who are supposed to come up with solutions to our many economy problems. They ignore the importance of New Wealth and focus mistakenly on other areas. This is why their solutions do not work, none of their ideas really cut into the heart of the problem. They just keep missing the point. One man who did not miss the point was Carl Wilken, an economist and mathematician by profession who set about to discover the whys and wherefores of the Great Depression of 1930. In the course of his work, Wilken undercovered a relationship between New Wealth and the prosperity of the overall economy. Our sources of new wealth—farming, mining, timber and fishing—(farming being the biggest) provide about 70 percent of the New Wealth created in this nation. So, Wilken focused his study on the role of agriculture in the economy. Wilken discovered a simple and precise relationship between farm income and national income. Whenever farm income equals one-seventh of national income, times are good, and whenever farm income is below one-seventh, times are bad. Wilkens pointed out that the heartbeat of American economy is American agriculture. Prosperity depends on farm income as farm income makes up one-seventh of the income of the whole nation, the economy produces prosperity for all. The income of the family farm is the key to our economic well being. At first glance, this connection between farm income and national income may seem strange, but with a bit of thought it shows why it makes sense. The money our farmer was paid for his wheat does not remain in his pocket or checking account. Instead, he spends it giving his worker wages, paying off loans, buying new equipment, and sending his children to college and so forth. The income that goes to the farmer from the sale of New Wealth turns into income for the people of the other sectors of the economy. The same exchange of income flows from businesses that handle the agricultural products and people who receive the money from the farmer for goods and services. These people, too, pay workers, pay off loans, buy new equipment, etc. The people who receive the money again spend it. On and on, the process goes, with each dollar changing hands seven times. Thus, each dollar of income to the farmer becomes $7 to the income to others. There is no way to make too much of the importance of this relationship between the creation of New Wealth and the rest of us. Our income ultimately comes from their income, so the more or less the farmers earn, the more of less we earn. Suppose a farmer grows 1 million bushels of corn that sells for $1 per bushel. The income to the farmers from the corn is $1 million which they have spent and which eventually becomes $7 million to the national income. Now, suppose the price of corn drops to 50 cents per bushel. Farm-

ers get only $500,000 which becomes $3.5 million to the national income. Thus, the drop in the price of corn costs the whole economy $3.5 in lost income. This is the exact situation we are in today with a drop in the price of agricultural products. The entire economy of our nation is going to suffer if we do not stabilize and strengthen the price of American agricultural products. Monday's Wall Street Journal article by Chase Manhattan Bank economist predicted $100 billion deficit for 1981. Farmers cannot afford to sell their products at below the cost of production. Today, USDA figures estimate that it cost 89.8 cents to produce a pound of cotton with a 515 lb. average. Yet, cotton is selling below the cost of production today. The same is true with rice, sugar, and soybeans. It is time America woke up and helped solve this problem.

Our choice, while one is still available to us, is to restore parity to agriculture and thereby restore sanity to our dollar and solvency to our economy. Parity does not cost anything. It creates wealth from nature. When our largest industry (agriculture) makes a profit, the whole economy is underpinned. As fresh New Wealth is pumped into our anemic bloodstream, the dollar is stabilized, employment is supportive, interest rates are digestible, and the cancerous growth of debt is arrested.

Knowing that most of the nation's wealth poured through the farm gate, and knowing that as our biggest industries faired, so faired our nation, Wilkens projected the national income with 98 percent accuracy 6 months prior to his publication. He did this for fifteen consecutive years. Such cannot be guess work. He foretold what would happen and why. He also patiently explained why the soothsayings of political economists were a false economy. His observations were fortified by the teachings of such historians as Arnold Toynbee, Henri Piernne, and Will Durant, that nation after nation has fallen when it emptied its countryside and denied agriculture a rightful place in the scheme of things.

It is time for our policy makers to realize their responsibility in writing a 1981 Agriculture Act that will strengthen American agriculture and the economy of this nation. Today is not too late. Political problems are the preserves of the state. It is the job of the farmers to produce food which he has done superbly, work in his factory 24 hours a day, 7 days a week. It is the job of the government to see that our food producers are treated with parity and not discrimination. Government has ignored this responsibility.

Germany, France, Holland, Switzerland, and other European common market countries are now in better shape than we are, buying our gold and discounting our dollars. The common market pushes exports of steel, electronics, and food to the United States. We are reacting by protecting steel and electronics, but not food. Strange, isn't it, that we are enjoying the finest economy of any nation in history while simultaneously presiding over its liquidation. As Pogo says, "We have met the enemy, and they is us".

Agricultural leaders, farmers, bankers, businessmen and farm organizations and the general public need to shoulder the harness and face reality with the American agriculture.

FRED HUENEFELD, Jr.

The CHAIRMAN. The Clerk will designate title XV.

Title XV reads as follows:

TITLE XV—CREDIT, RURAL DEVELOPOMENT, AND FAMILY FARMS

FARMERS HOME ADMINISTRATION REAL ESTATE AND OPERATING LOANS TO COOPERATIVES

SEC. 1501. (a) The last sentence of section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by striking out "cooperatives, corporations, and partnerships", and inserting in lieu thereof "corporations and partnerships", and by inserting immediately before the period at the end thereof the following: "in the case of cooperatives, corporations, and partnerships".

(b) The last sentence of section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)) is amended by striking out "cooperatives, corporations and partnerships", and inserting in lieu thereof "corporations, and partnerships", and by inserting immediately before the period at the end thereof the following: "in the case of cooperatives, corporations, and partnerships".

INTEREST RATES ON FARMERS HOME ADMINISTRATION WATER AND WASTE DISPOSAL AND COMMUNITY FACILITY LOANS, LOANS TO LOW-INCOME LIMITED RESOURCE BORROWERS, AND LOANS FOR NONFARM FACILITIES ON PRIME FARMLANDS

SEC. 1502. (a) Section 307(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)) is amended by—

(1) in paragraph (2), striking out "and (5)" and inserting in lieu thereof "(5), and (6)";

(2) in paragraph (4), striking out "The" and inserting in lieu thereof "Except as otherwise provided in paragraph (6), the";

(3) amending paragraph (3) as follows:

"(3)(A) Except as provided in paragraph (6), the interest rates on loans (other than guaranteed loans), to public bodies or nonprofit associations (including Indian tribes on Federal and State reservations and other federally recognized Indian tribal groups) for water and waste disposal facilities and essential community facilities shall be set by the Secretary at rates not to exceed the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for such loans, and adjusted to the nearest one-eight of 1 per centum; and not in excess of 5 per centum per annum for any such loans which are for the upgrading of existing facilities or construction of new facilities as required to meet applicable health or sanitary standards in areas where the median family income of the persons to be served by such facility is below the poverty line prescribed by the Office of Management and Budget as adjusted under section 625 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d) and in other areas as the Secretary may provide where a significant portion of the persons to be served by such facilities are of low income, as determined by the Secretary.

"(B) Except as provided in paragraph (6), the interest rates on loans (other than guaranteed loans) under section 310D of this title shall be as determined by the Secretary, but not in excess of one-half of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, nor less than 5 per centum per annum."; and

(4) adding at the end thereof a new paragraph (6) as follows:

"(6)(A) Notwithstanding any other provision of this section, in the case of loans (other than guaranteed loans) made or insured under the authorities specified in subparagraph (B) for activities that involve the use of prime farmland as defined in subparagraph (C), the interest rates shall be the interest rates otherwise applicable under this section increased by 2 per centum per annum. Wherever practicable, construction by a State, municipality, or other political subdivision of local government that is supported by loans described in the preceding sentence shall be placed on land that is not prime farmland, in order to reserve the maximum practicable amount of those prime and unique lands for production of food and fiber. Where other options exist for the siting of such construction and where the governmental authority still desires to carry out such construction on prime farmland, the 2 per centum interest rate increase provided by this clause shall apply, but such increased interest rate shall not apply where such other options do not exist.

"(B) The authorities referred to in subparagraph (A) are—

"(i) clauses (2) and (3) of section 303(a),

"(ii) the provisions of section 304(a) relating to the financing of outdoor recreational enterprises or the conversion of farming or ranching operations to recreational uses,

"(iii) section 304(b),

"(iv) the provisions of section 306(a)(1) relating to loans for recreational developments and essential community facilities,

"(v) section 306(a)(15),

"(vi) clause (1) of section 310B(a),

"(vii) subsections (d) and (e) of section 310B, and

"(viii) section 310D(a) as it relates to the making or insuring of loans under clauses (2) and (3) of section 303(a).

"(C) For purposes of this paragraph the term 'prime farmland' means prime farmlands and unique farmland as those terms are defined in sections 657.5 (a) and (b) of title 7, Code of Federal Regulations (1980).".

(b) Section 316(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a) is amended—

(1) inserting "(1)" after "(a)";

(2) inserting "and as provided in paragraphs (2) and (3)" after "except for guaranteed loans"; and

(3) adding at the end thereof new paragraphs (2) and (3) as follows:

"(2) The interest rate on any loan (other than a guaranteed loan) to a low-income, limited resource borrower under this subtitle shall be as determined by the Secretary, but not in excess of one-half of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, nor less than 5 per centum per annum.

"(3) In the case of any loan, other than a guaranteed loan, made or insured under clause (5) of section 312(a) for activities that involve the use of prime farmland as defined in section 307(a)(6)(C), the interest rate shall be the interest rate otherwise applicable under this section increased by 2 per centum per annum.".

(c) The amendments made by this section shall apply to loans made after September 30, 1981.

EXTENSION OF THE EMERGENCY AGRICULTURAL CREDIT ADJUSTMENT ACT OF 1978

SEC. 1503. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 is amended by striking out "September 30,

1981" and inserting in lieu thereof "September 30, 1982".

FARM STORAGE FACILITY LOAN PROGRAM

SEC. 1504. Section 4 (h) of the Commodity Credit Corporation Charter Act, as amended by section 151 of the Omnibus Budget Reconciliation Act of 1981, is amended by inserting after the word "growers" at the end of the fourth proviso of the second sentence the following: ", except that the Secretary shall make such loans in areas in which the Secretary determines that there is a deficiency of such storage".

EXTENSION OF FEDERAL CONTRIBUTIONS TO THE RURAL TELEPHONE BANK

SEC. 1505. The Rural Electrification Act of 1936 is amended as follows:

(a) the second sentence of section 406(a) is amended by inserting after "thereafter" the words "but not later than fiscal year 1991", and by striking out "$300,000,000" and inserting in lieu thereof "$600,000,000".

(b) The first sentence of section 406(c) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1995" and by striking out "and after the amount of class A and class B stock issued totals $400,000,000,".

RURAL ELECTRIFICATION ACT AMENDMENTS

SEC. 1506. The Rural Electrification Act of 1936 is amended as follows:

(a) Section 305(b) is amended as follows:

"(b) Insured loans made under this title shall bear interest at 5 per centum per annum: *Provided*, That the Administrator may make insured loans to an electric or telephone borrower at an interest rate of less than 5 per centum per annum but not less than 2 per centum per annum if, in the Administrator's sole discretion, the Administrator finds that the borrower:

"(1) has experienced extreme financial hardship, or

"(2) cannot in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrower to its consumers or subscribers provide service consistent with the objectives of the Act.".

(b) Section 306 is amended by inserting immediately after the second sentence the following: "Upon request by the borrower with respect to any guarantee issued by the Administrator under this section, the loan guaranteed thereby shall be made by the Federal Financing Bank at a rate of interest that is not more than the rate of interest applicable to other similar loans then being made or purchased by the Bank.".

(c) The fourth sentence of section 306, and section 307 are amended by striking out "a loan insured at the standard rate" and inserting in lieu thereof "an insured loan".

FAMILY FARMS

SEC. 1507. Section 102 of the Food and Agriculture Act of 1977 is amended as follows:

"SEC. 102. (a) Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. Congress firmly believes that the maintenance of the family farm system of agriculture is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is neither the policy nor the intent of Congress that agricultural and agriculture-related programs be administered exclusively for family farm operations, but is is the policy and the express intent of Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

"(b) In order that Congress may be better informed regarding the status of the family farm system of agriculture in the United States, the Secretary of Agriculture shall submit to Congress, not later than July 1 of each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm operations in the United States. The Secretary shall also include in each such report (1) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how tax, credit, and other Federal laws may encourage the growth of nonfamily farm operations and investment in agriculture by nonfamily farm interests, both foreign and domestic, and (3) such other information as the Secretary deems appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.".

WAYS AND MEANS COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the Ways and Means Committee amendment.

The Clerk read as follows:

Amendment offered by the Committee on Ways and Means: Page 187, strike out lines 3 through 10 and insert the following:

(b) Section 306 is amended by inserting after the second sentence the following new sentence: "Upon request by the borrower with respect to any loan guaranteed (or to be guaranteed) under this section, the Administrator shall request the Federal Financing Bank to purchase such loan, and no officer or agency of the Federal Government shall place such loan in a position which, with respect to access to the Federal Financing Bank and terms and conditions for purchase by such Bank, is less advantageous than the position of other similar loans then being made or purchased by such Bank."

Mr. ROSTENKOWSKI. Mr. Chairman, on behalf of the Committee on Ways and Means, I ask unaimous consent to withdraw the technical amendment relating to the Federal financing bank listed on page 188.

I am informed that the changes included in the Budget Reconciliation Act make this technical amendment moot and that it should be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. JONES of Tennessee. Mr. Chairman, I want to point out to my colleagues that major portions of title 15 were inserted into the Budget Reconciliation Act earlier this year.

However, a few of the provisions remain in H.R. 3603 and I will finally explain those items.

First, it would facilitate making FmHA operating and ownership loans to small farm production cooperatives by removing the family farm size limitations for the cooperative entity but not for the individual members.

Under the interpretation used by USDA of the current law, small cooperatives have been having difficulty obtaining loans because while each member of the cooperative meets the family farm size requirement, the cooperative entity itself exceeds the family farm size limitation.

This bill removes the family farm limitation with regard to the cooperative entity, but not with regard to individual members of the cooperative. The loan size limitations which apply to individual farmer loans would apply as well to cooperatives.

Second, this title would extend the authority to make economic emergency loans through September 30, 1982. This program was established in 1978 to assist farmers who are unable to obtain sufficient credit from normal credit sources. This bill does not provide additional funding but simply extends for 1 year the authority for the Farmers Home Administration to make economic emergency loans. I have been informed that about $500 million remains unused in the fund. This amount plus incoming repayments would be available for loans in the next year.

Third, the farm storage facility loan program would be amended to require loans in storage-deficit States only. This program was made discretionary in the Budget Reconciliation Act thereby saving over $230 million in fiscal year 1982. This farm bill amendment will simply require a program in storage-deficit States which the administration plans to do anyway.

Fourth, this bill extends for 10 years the annual appropriation authority of $30 million for purchase by the United States of capital stock of the Rural Telephone Bank.

The Rural Telephone Bank was established in 1971 to provide a source of financing to supplement the REA loan program. The Bank charges a single interest rate to all borrowers based on the average cost of money to the Bank. The current rate of interest charged is 11¼ percent.

This infusion of capital will permit the Bank to net its interest rate, which is based on the cost of money, at a level which will enable a larger number of borrowers to meet the Banks' lending criteria. Borrowers which cannot meet these criteria are eligible to obtain loans from REA's revolving fund at a lower interest rate involving greater cost to the Government.

Mr. Chairman, these credit provisions are minor elements in this farm bill but are important in their own way. I hope my colleagues will support these provisions.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: Page 187, strike out lines 10 through 12.

Page 188, strike out lines 3 through 10.

Mr. DE LA GARZA. Mr. Chairman, this amendment is to comply with the amendment just withdrawn by the gentleman from Illinois, so that we have in the bill completely taken out any reference to what is already in the reconciliation bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

Mr. ROBERTS of South Dakota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have the great opportunity of serving on the Agriculture Committee under the able and dedicated leadership of Chairman DE LA GARZA, and before I continue, I would like to thank him for his efforts on behalf of agriculture.

In all the debate we have had on this farm bill, the most telling comment that I have heard is one made by our distinguished ranking minority member, the gentleman from Virginia.

Mr. WAMPLER has said several times during this debate that when agriculture is healthy, the Nation is healthy, and nothing could be more apparent or true.

As a member of the committee, as a former Secretary of Agriculture in my own State of South Dakota, and as a farmer and rancher myself, I would like to share my deep concerns and fears for the future of what I believe is the greatest industry in this Nation—agriculture.

Agriculture is the single industry that holds the well-being of this Nation and the world in its hands every minute of the day.

Agriculture also happens to be the largest single consumer in this Nation with purchases of goods and services of nearly $100 billion annually.

It is agriculture's productivity which has singlehandedly rescued the Nation this past decade from terrible imbalances in our world trade.

Mr. Chairman, although I suspect I would have some difficulty convincing my more urban colleagues of this fact, it is indeed true that the American consumer enjoys one of the lowest food bills in the world, and no other nation enjoys better quality food than we do here in America.

But how have we thanked this vital industry for all it contributes to our Nation? I can tell you, as a farmer, that we have thanked agriculture by pushing our farmers ever closer to bankruptcy.

Those of you who represent rural districts, and those of you who have traveled recently through America's breadbasket, know that America's Main Streets seem to be getting shorter and shorter.

Why? It is no mystery. America's Main Streets are disappearing because there are fewer and fewer people with even fewer dollars to spend in their counties and towns.

The reason we are in this situation in rural America is that American agriculture has been providing its products for too long at below what it costs to produce them.

But that is in the past. You have heard the facts and figures on the current plight of the American farmer many times during this debate. Let us turn to the future, and the next few months and years for rural America.

Mr. Chairman, if we maintain the current cheap food policy, I can guarantee you, as a farmer, that we will see the destruction of the family farm. We are not subsidizing agriculture in this farm bill. It is the farmers who subsidize us—by providing their farm products at less than the cost of production.

If we destroy the family farm, the abundance of reasonably priced food products that consumers now enjoy will soon go the way of abundant, reasonably priced energy.

Let me say to my urban colleagues that, although they may not realize it, the best friend they have is the family farmer; the mother and father and their children who tend the land because they love it.

The only request of these family farmers is a fair return. When that fair return is gone, as it very nearly is, then those family farmers—my neighbors, and yours—will lose the incentive and opportunity to produce.

There has been a great deal of talk on this floor about special interests. I just want to say that I have a special interest, and it is the family farmer. It is my son and my neighbors, and all the family farmers in this country. They want to provide a land of plenty, for the rest of the Nation to enjoy, and they want to deliver a degree of productivity that can feed much of the rest of the world.

□ 1415

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WAMPLER and by unanimous consent, Mr. ROBERTS of South Dakota was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS of South Dakota. Mr. Chairman, the family farmer, cannot do it if he has to go on borrowing up to his eyebrows on his land just to stay solvent.

He cannot continue to work for far less than the minimum wage just because of the pleasure he gets from watching the fruits of his labor germinate and grow.

Mr. Chairman, I am terribly concerned about this bill and the attacks that have been made on it. I am even more concerned that when we are all said and done here, we may not have a bill at all. In that case, of course, agriculture would once again be asked to bear the burden.

I would respectfully ask my colleagues to consider that if we continue to slice up this bill and then move to recommit it to the committee, we could well have no bill at all.

If we have no bill at all, farmers will once again be asked to exist on less, and it will be even less than they are existing on now.

As a farmer, Mr. Chairman, I can tell you that my neighbors and my family and I can go pretty far—but we just cannot go below zero.

I urge my colleagues when considering this bill to remember who America's best friend is—the family farmer. Thank you.

Mr. WAMPLER. Mr. Chairman, will the gentleman from South Dakota yield to me?

Mr. ROBERTS of South Dakota. I yield to the gentleman from Virginia.

Mr. WAMPLER. I appreciate the gentleman yielding.

Mr. Chairman, I want to commend the gentleman on his fine statement. I also want to commend him on his very valuable service as a new member of the House Committee on Agriculture. The gentleman possesses a wide personal experience in agriculture, not only as a rancher and a farmer, but as a former Secretary of Agriculture in his great State of South Dakota.

Mr. Chairman, I personally want to thank the gentleman for his commitment to the activities of the committee, his diligent attendance at the sessions of the committee, the markup sessions, his cooperation in trying to fashion a bill which would help rural America and those who produce the food and fiber of this country. I want to say to the gentleman how much I personally appreciate him, and I know I speak on behalf of the entire membership of the Committee on Agriculture. I especially wanted the good people in his district of South Dakota to know the commitment he has to agriculture and how he has manifested it in such an effective way here in the Congress. We are grateful for that service.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of South Dakota. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I would like to thank the gentleman for his kind and gracious words. I sympathize and agree with what the gentleman has expressed concerning agriculture and American family farms.

I very much appreciate the gentleman's valuable contribution to our committee and the work that he does

in trying to help the family farms and agriculture within our committee.

Mr. ROBERTS of South Dakota. I thank the gentleman.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of South Dakota. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. Mr. Chairman, I would like to echo the sentiments of my colleagues and thank my "cousin" one of the Roberts boys in this body. We worked together on the wheat section of the bill, and I thank him for his contributions.

Mr. Chairman, I represent the district that grows more wheat than any State, and this year it seems as if South Dakota edged us out because of a freeze. But doubtlessly we both will compete for that record down in the future.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. ROBERTS of Kansas and by unanimous consent, Mr. ROBERTS of South Dakota was allowed to proceed for 1 additional minute.)

Mr. ROBERTS of Kansas. Mr. Chairman, the gentleman mentioned the most important thing in this entire debate—the future of agriculture. The fact is that the most important policy question we will consider in this body with this farm bill is not so much the loan rate, the target price, or a set-aside, but where will the next generation of farmers come from?

The gentleman from South Dakota is committed to that goal. I enjoy very much working with him and I commend him for his work.

Mr. ROBERTS of South Dakota. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: On page 190, after line 14, insert the following:

ADMINISTRATIVE PROVISION

SEC. 1508. Section 331 (i) of the Consolidated Farm and Rural Development Act is amended by inserting after "(i)" the following sentence: "consent to long term leases of facilities financed under this title notwithstanding the failure of lessee to meet any of the requirements of this title, provided that such long term leases are necessary to insure the continuation of services for which financing was extended to the lessor;".

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Mr. Chairman, I rise to offer an amendment with the support of my colleague, Mr. DE LA GARZA, chairman of the committee. It will correct a shortcoming in the Secretary's authority pertaining to long-term leases of community facilities financed under the loan programs of the Farmers Home Administration. No express authority exists in present law to allow the Secretary to approve long-term lease agreements between recipients of Farmers Home Administration loans and third parties.

My amendment simply extends this authority to the Secretary with the restriction that it can only be exercised when necessary to assure the continuation of services for which the financing was originally extended to the qualifying lessor. To illustrate the anomaly that results from the lack of this authority, I bring to the attention of my colleagues a situation that has arisen in my district.

The Boronda Water District is the recipient of a Farmers Home Administration loan which was made for the purpose of digging wells and constructing facilities to extend potable water services to some 260 accounts in the rural Boronda area located near the incorporated town of Salinas, Calif. Since the completion of this project, a combination of factors including seepage, inadequate construction, and inexperienced management, have led to well water contamination periodically necessitating reductions and temporary termination of water services.

The Boronda Water District, recognizing its inability to carry out its maintenance and management duties and unable to generate additional funds necessary for capital improvements, negotiated a long-term lease agreement with the California Water Co., a privately owned utility which services the neighboring city of Salinas and is regulated by the California State Public Utilities Commission. The lease agreement would extend over the lifetime of the Farmers Home Administration loan and provides that lessee water company will make periodic payments sufficient to meet the lessor Boronda Water District's loan repayment schedule. In addition, the lessee water company in a public minded gesture has offered to perform the necessary capital construction to repair existing wells and facilities to dig a new well to insure a reliable supply of potable water to the residents of the Boronda area.

Under present law, however, the Farmers Home Administration does not have the authority to approve such a long-term lease agreement. The Farmers Home Administration has indicated that the law does permit it to approve a short-term lease agreement and to consider periodic renewal of such a lease. It has also indicated that it would consider such an arrangement in this particular situation.

The catch 22, however, arises from the fact that the California Water Co., is a private utility regulated by the California State Public Utilities Commission. The commission's rules provide that no utility can impose an unfair burden upon one segment of its customers. The capital construction costs arising from the necessary repairs to the Boronda system must be born by all the users of the system over the useful life of the facility. A short-term lease subject to termination by the Federal Farmers Home Administration would place the California Water Co. in violation of the State public utilities laws in that if termination of the lease were to occur, the rest of California Water Co.'s customers would unfairly shoulder the burden of paying for the cost of the repair of Boronda's facilities.

The solution to this terrible dilemma is the adoption of my amendment. It would permit the Secretary to approve such long-term lease agreements despite other restrictions on the program, provided that such an agreement is necessary to insure the continuation of the services for which the loan was extended.

My staff has discussed this matter extensively with committee counsel and the Department. I am assured that adoption of this measure will remove the legal obstacle to the Secretary's approval of the long-term lease agreement between Boronda Water District and the California Water Co.

I would like to submit for the RECORD copies of correspondence from the Monterey County Department of Health Services certifying the contamination of Boronda's present water supply as well as my correspondence with the Farmers Home Administration regarding this matter.

In conclusion, I would point out that I have discussed this matter with my colleague Mr. ED JONES, chairman of the Conservation and Credit Subcommittee with jurisdiction over the programs of the Farmers Home Administration. He has indicated to me his support for this measure. I would have offered this amendment during committee consideration of the farm bill had it been clear at that time that the problem could not be solved administratively. It is now apparent that this amendment is necessasry to correct this situation and similar situations that may arise in the future.

MONTEREY COUNTY,
September 12, 1980.

Attn: Mr. Jim Hatter, Chief of Community Programs.

FARMERS HOME ADMINISTRATION,
Woodland, Calif.

DEAR MR. HATTER: We were pleased to learn of your approval for the Boronda County Water District to lease their water system to California Water Service of Salinas. However, we understand that prior to Cal-Water connecting to the system approv-

al must be obtained from your Washington Office and may result in a substantial delay.

As you may know, the Boronda County Water District has a severe problem with nitrate contamination in its main well. It is only serviced by an auxiliary well at this time. The district experiences numerous water outages ranging to 12 hours in length. These outages are becoming increasingly frequent and during the last episode the contaminated well was placed in service resulting in the residents of Boronda being exposed to contaminated water for a period exceeding 12 hours.

Needless to say, we are most anxious to have these occurrences end. We believe that there must be some way of expediting the lengthy approval process so that the residents of Boroanda are supplied with wholesome water without delay.

Very truly yours,
Walter Wong, M.P.H., R.S.,
Director of Environmental Health.

DEPARTMENT OF HEALTH SERVICES,
Berkeley, Calif., September 11, 1980.

MR. RAMIRO CORTEZ,
President, Board of Directors, Boronda County Water District, Salinas, Calif.

DEAR MR. CORTEZ: Records available at this office show your system failed to meet the bacteriological regulations for domestic water during the month of August, 1980. Specifically, Section 64423 (a) (1) and (c) of the California Administrative Code which states:

64423. Maximum contaminant levels—multiple tube technique. (a) When 10 ml portions are examined, coliform bacteria shall not be present in any of the following: (1) More than 10 percent of the portions of the samples collected in any month.

(b) Calculation of the percentage of positive portions and percentage of positive samples from water systems that have less than 601 service connections shall be based upon sampling during the last three-month period. The Department may base compliance upon sampling during a one-month period.

Therefore, in accordance with Section 4028 of the Health and Safety Code and Section 64463 of the California Domestic Water Quality and Monitoring Regulations you are required to notify your water consumers as follows:

1. Each water consumer is to be notified by letter (wording must be approved by this Department). The notice must be sent as soon as possible, in both Spanish and English, no later than September 30, 1980.

2. The notification letter is to be published in three consecutive issues in a newspaper or newspapers of general circulation in the area served by your system. The notice shall be completed within fourteen (14) days after receipt of this letter.

(3) Furnish a copy of the notification letter to the local radio and television stations covering the area served by your system within seven (7) days after receipt of this letter.

4. Send us a copy of the notification letter and newspaper clipping of the published notice.

For your assistance we are enclosing a copy of a draft letter which you may use as a guide for consumer notification.

Please let us know if you have any questions regarding these notification procedures.

Sincerely,
W. B. SCHREEDER,
District Engineer, Monterey District, Sanitary Engineering Section.

BORONDA COUNTY WATER DISTRICT,
Salinas, Calif.

DEAR CUSTOMER: The drinking water monitoring program operated by the Boronda County Water District's water system during August did not meet the drinking water standards as specified in Section 64423 of the California Domestic Water Quality and Monitoring Regulations.

The bacteriological quality of domestic water is routinely determined by testing for coliform bacteria. Coliform organisms are indicators of potential contamination and may originate from human, animal or soil sources. If the coliform standards are met, the water served can be considered as being bacteriologically safe. If the standards are not met, drinking the water may not necessarily result in illness but that possibility exists. At times, a positive coliform bacteria test may result from situations which are not a hazard to health. However, the findings of coliform bacteria cannot be ignored and each water utility must take appropriate follow-up action. If routine testing for coliform bacteria is not performed, drinking water standards are not being met.

The Findings to Date Indicate That No Special Precautions are Necessary On Your Part.

This notification of the public is being done in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Consumers wishing more information should contact the Boronda County Water District at (408) 758-0565.

RAMIRO CORTEZ,
President.

CONGRESS OF THE UNITED STATES,
WASHINGTON, D.C.,
April 2, 1981.

MR. DWIGHT CALHOUN,
Acting Administrator, Farmers Home Administration, USDA, Washington, D.C.

DEAR MR. CALHOUN: This is to followup on conversations Mr. Kim Bowersox of my staff has had with Mrs. Louis G. Bennett regarding the critical problem of the Boronda County Water District. I urge you to give your prompt attention to resolving this matter.

As you know, the Boronda District, near Salinas, California, provides service to some 260 metered accounts. One of the District's two wells has been shut down by order of health authorities, and the second well, now the only source of supply, shows fecal contamination and must be carefully monitored and chlorinated. Also, during power outages Boronda residents are entirely without water service, or water for fire protection, as no back-up facilities are available. The California Water Service Company which is regulated by the California Public Utilities Commission, has agreed to take over the management of Boronda facilities on a lease basis and to perform the necessary capital improvements to insure the residents of that area of a safe and reliable supply of water.

As a public utility corporation, California Water Company cannot agree to any terms that might place a burden on other customers as could result if it were to make a substantial investment in order to serve the Boronda area, and then for some unforeseen reason, find that a year lease could not be renewed. Consequently, the Boronda Water District and California Water Company have negotiated a 27 year lease agreement. Boronda's existing water facilities were constructed with a loan from the Farmers Home Administration. The unpaid balance on that loan is now approximately $200,000.

At the request of the Board of Boronda Water District, California Water Company has agreed to operate and maintain the Boronda system until Boronda's loan from the Farmers Home Administration is repaid. At that time all rights to the water system would be surrendered to California Water Service Company. Annual rental payments by California Water to Boronda of $7,556.00 will insure that the Farmers Home Administration loan is repaid in full over the lifetime of the lease agreement. This lease agreement cannot be implemented without approval from the national office of the Farmers Home Administration.

The situation in the Boronda has reached a critical stage. The fact is that the Boronda County Water District has attempted to address the many problems with its water system including lack of proper management. The poor economic position of the District has restricted satisfactory long-range solutions to these problems. It is apparent that the problems affecting the Boronda County Water will not change and that approval of the long-term lease agreement with California Water is the only alternative to insuring that the people of the Boronda area receive a safe and reliable supply of water.

I urge your immediate attention to this matter. Mr. Bennet has indicated to my staff that the Office of the General Counsel is presently reviewing the matter to determine whether approval of the long-term lease can be given in keeping with the legal requirements of the program. As far as Congressional intent is concerned, as a member of the House Agriculture Committee with jurisdiction over rural development programs of the Department of Agriculture, it is my intent that the Farmers Home Administration water loan program work to meet the water supply needs of rural communities. At present, the people of the Boronda area are in jeopardy of losing all such services.

Thank you in advance for your immediate attention to this matter. My staff shall remain in contact with your offices until this matter is resolved.

Sincerely,
LEON E. PANETTA,
Member of Congress.

FARMERS HOME ADMINISTRATION,
WASHINGTON, D.C.,
May 4, 1981.

HON. LEON E. PANETTA,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PANETTA: This is in response to your letter concerning Boronda Water District leasing its facilities to California Water Company for 27 years.

The authorizing legislation does not specifically address leasing, or the terms of any such leasing of security property. However, legislation authorizes the making or insuring of loans to associations, including corporations not operated for profit, public and quasi-public bodies. Legislation further re-

quires the applicant to certify in writing that it is unable to obtain sufficient credit elsewhere to finance the actual needs at reasonable rates and terms. Also, it requires an agreement by the borrower that if at any time it shall appear the borrower may be able to obtain a loan from a private source at reasonable rates and terms for loans of similar purposes and periods of time, the borrower will, upon request, apply for and accept such loan in sufficient amount to repay the FmHA loan.

It is necessary that representatives of Boronda Water District, to which FmHA funds have been provided, retain management and operational control of the facility. Also, they must use all available resources including facility income in an effort to gain a financial position that would enable the district to refinance its FmHA indebtness. Leasing of the facility as proposed, would only allow the District to obtain sufficient income to meet their annual installment to FmHA and would allow all other income from the facility to go to the lessee. Such an arrangement would be in conflict with the intent and refinancing requirement of enabling legislation. Also, it is not the intent of enabling legislation for funds to be made available to or benefits be derived by other than eligible applicants.

In certain cases, as a means of servicing to protect the interest of the Government, FmHA regulations provide that facilities may be leased for a one year period not to exceed two consecutive years without authorization from the National Office. If such authorization is granted by the National Office, it would not exceed a one year period. It is emphasized that the leasing of a facility is for servicing action and is not intended to be a part of the normal program for providing needed water and sewer facilities to rural communities.

Because of the above reasons, Boronda Water District should be encouraged to sell, transfer, or otherwise convey the security to another entity if it is unable to continue to operate the system. If, however, the District can remain active, maintain control of facility management and it is determined that it would be beneficial to the District and is concurred in by FmHA, the district may consider entering into a management agreement whereby a third party would operate and maintain the system.

Sincerely,

KENNETH E. LATCHOLIA,
Deputy Administrator,
Rural Development.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I would be pleased to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, we have examined the gentleman's amendment and know that he makes a valued contribution to the extension of the Consolidated Farm and Rural Development Act, and we have no objection to the amendment on this side.

Mr. PANETTA. I thank the gentleman.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Virginia.

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Chairman, we have examined the gentleman's amendment. As usual, it makes a great deal of sense. We are happy to accept it.

Mr. PANETTA. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. PANETTA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 190, line 11, after the comma insert the following new subsection (and redesignate succeeding subsections accordingly):

(3) an assessment of how reductions in commodity price support programs have affected family farmers and the family farm structure,

Mr. GUNDERSON. Mr. Chairman, section 1507 of H.R. 3603 is one of the most worthwhile sections of the farm bill in that it mandates the Secretary of Agriculture to submit an annual report to the House Agriculture Committee, the Agriculture Committee in the other body, and the Congress on the status of the American family farm system and trends in family farm operations.

The amendment that I am now offering would simply have the Secretary include in that annual report an assessment of how reductions in commodity price support programs have affected family farmers and the family farm structure.

The language of the amendment may be very simple; however, it accomplishes a very important result.

An unfortunate phenomenon of the consideration of the 1981 farm bill is the fact that many decisions are being made on the basis of budget policy rather than on the basis of sound farm policy. This is particularly true of decisions this body has recently made on most of the commodity programs.

These decisions cannot help but have an impact on the family farm structure—the backbone of the American agricultural economy as we know it.

As my colleagues know, I represent the largest dairy district in the United States. The House has taken action on three different occasions this year that have led to unprecedented reductions in the dairy price support program that may, in fact, lead to the bankruptcy or retirement of thousands of dairy farmers in Wisconsin.

I have mentioned these statistics on the floor several times in the past 2 weeks; however, they bear repeating at this point. In March the Congress eliminated the April 1981 adjustment in dairy price supports. That saved $190 million in outlays.

The level of support was decreased by the Congress in July from 80 percent of parity to 75 percent of parity. That saved $381 million in outlays.

The Bedell amendment that the House adopted 2 weeks ago maintains the current support price of $13.10 per hundredweight for 3.67 milk during fiscal year 1982. That is estimated to save $301 million in outlays. And finally, the bill, itself, eliminates the April 1982 adjustment in price supports. That is estimated to save $100 million.

Mr. Chairman, that is a total of $972 million that has been cut from the dairy program since the beginning of this year—48 percent of the entire dairy price support program.

In effect, these cuts will mean that the American dairy farmer will receive the same price for his product in the upcoming marketing year that he received last year. This is particularly devastating in light of the fact the costs of production for the average Wisconsin farm in 1980 were 28 percent higher than in 1979.

Mr. Chairman, in the past 20 years farms in the United States have declined by a third—from 3.7 million in 1961 to 2.4 million today. Now some economists are predicting that we will lose another third in the next 20 years. I fear that the reductions that this Congress seems intent on making in the various commodity price support programs will only speed the extinction of the family farm as we now know it.

That is why it is absolutely imperative that the Congress know the exact outcome of their present actions so that they have historical guidance for future decisions involving commodity price support programs and the family farm. Before this body considers similar drastic overreactions in the future, they should seriously consider the effect of reductions in the commodity price support programs on family farmers and the family farm structure.

My amendment would have the USDA provide this information to the Congress on an annual basis. I urge my colleagues to support the amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, is it my understanding that the gentleman just adds another item to the report already required of the Secretary?

Mr. GUNDERSON. That is exactly correct. What we are asking for is simply that the Secretary also tell us what the effect of the reductions in certain price support commodity programs is on the family farm structure. As you know, we are putting together a farm bill under budget duress. We are doing it for budget policy.

Mr. DE LA GARZA. Mr. Chairman, we would have no objection to the amendment on this side.

Mr. GUNDERSON. I appreciate the comment of the distinguished chairman.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the distinguished ranking member of the committee, the gentleman from Virginia.

Mr. WAMPLER. We are willing to accept the gentleman's amendment.

Mr. GUNDERSON. I appreciate the gentleman's comment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GUNDERSON).

The amendment was agreed to.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like the privilege of engaging the distinguished chairman of the committee and the distinguished ranking minority member in a colloquy.

Mr. Chairman, it has come to my attention that new FmHA rules regarding the emergency disaster loan program have unfairly affected certain counties in Nebraska and Kansas.

We experienced a damaging freeze in May of this year substantially and adversely affecting many of our wheat farmers.

According to final rules published in the Federal Register on May 26, 1981, procedures for counties to be eligible for disaster loan assistance have been changed, leaving some farmers without any assistance.

New rules state that counties in which 25 or fewer farmers have individual losses of 30 percent or more can be eligible for emergency loans by the authorization of State ASCS directors. These rules also state that counties in which 25 or more farmers have experienced 30 percent losses must be designated disaster counties by the Secretary of Agriculture if the Secretary determines that the natural disaster has substantially and adversely affected farmers.

A problem emerges in counties with more than 25 farmers with 30 percent individual losses that do not constitute 30 percent of the aggregate county production. In other words, a county with 40 farmers who have production losses of 30 percent each but whose combined losses do not equal 30 percent of the county's production is not provided for under new rules and is left to the Secretary's interpretation of "substantially and adversely affected."

I had originally intended to offer an amendment correcting this unfair and inequitable situation. After conferring with the distinguished chairman and ranking minority member of the subcommittee I have decided not to offer this amendment. With the committee's assistance I hope that we will make it clear to the Secretary that these counties who fall through the cracks will not be unfairly treated and that farmers who experience 30-percent losses should be eligible for disaster loans and that the Secretary shall treat these producers in the same manner regardless of whether he designates the county as a disaster area or the State director does.

Mr. JONES of Tennessee. Mr. Chairman, will the gentlewoman from Nebraska yield?

Mrs. SMITH of Nebraska. I am honored to yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Mr. Chairman, I am very glad, indeed, to reply to the gentlewoman from Nebraska, VIRGINIA SMITH, because I realize the problem that she has in Nebraska. I can assure the gentlewoman that she will have the full cooperation of this subcommittee, and I am sure of the full committee. I do understand very much the serious problem that the gentlewoman is faced with there.

Mr. JEFFORDS. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I am honored to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, after such an eloquent and compassionate plea, how could I refuse? I certainly want to assure the gentlewoman that I also understand the problems created by these regulations in Nebraska and will do everything I possibly can to assist the gentlewoman in her pursuit of fairness toward her farmers.

Mrs. SMITH of Nebraska. I thank the gentleman.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to my good friend, the gentleman from Kansas.

Mr. ROBERTS of Kansas. Once again the gentlewoman has been a leader in focusing upon a real problem that involves all of us in the High Plains wheat country. I do not care what kind of a farm program you have, if it is not really administered fairly by the USDA, you really do not have a good farm program.

In May we had a freeze in the High Plains. We lost a third of our crop in my district. Twenty-seven counties were granted assistance. Twenty-eight counties were not granted assistance, and we just learned this as of October 6. It has been a piecemeal approach. It has not been timely. And our producers have not been well served by the USDA.

We have a situation where some producers in one county who have suffered a total loss have no assistance. Other producers in other counties have a partial loss and yet they have assistance. And one neighbor right across the county line from another does not understand it. I do not understand it.

I am pleased to announce to the gentlewoman that my colleagues in the other body and I have sent a letter to Secretary Block urging a review of this program policy, some changes in this program. We are very consistent in terms of your goals.

Again, I congratulate my friend and colleague, the gentlewoman from Nebraska, for her efforts in this regard.

Mrs. SMITH of Nebraska. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we hopefully complete consideration of House Resolution 3603, the Food and Agriculture Act of 1981. It is my intention, of course, to support this legislation, although I have some serious doubts about certain provisions of it.

Mr. Chairman, I think it is important to remember that agriculture is the economic backbone of this Nation. Washington and Jefferson were farmers and held a great deal of respect for the land. In fact, when the colonies first united, well over 90 percent of the population were farmers. Today, due to modernization and technical advancement, the percentage of our population living and working on the farm has fallen to less than 4 percent, but they remain a very important part of our economy. Each farmer produces enough food to feed 55 other people. Beyond feeding our own people, American agriculture provides food and fiber for a large part of the rest of the world. The domestic agriculture economy generated over $200 billion in products, with enough surplus to export more than $40 billion throughout the world, a significant asset in our balance of trade.

Now, Mr. Chairman, let us consider some of the changes that have occurred in agriculture over the last 10 years. The American farmer has to contend with energy costs which have risen 250 percent since 1970, land prices which have tripled in my State, equipment prices have risen 230 percent, and production costs that have risen 200 percent in a decade. Is it any wonder that farm income has remained unchanged, while farm debt has tripled in the same period.

Mr. Chairman, our American farmers are in serious trouble. Not only do farmers face the rising costs but because of their unique business, farmers are dependent on readily available credit at reasonable interest rates in order to effectively operate their farms. High interest rates have forced thousands of young people to leave the farm and seek employment in the

city. Farm bankruptcies have increased dramatically in the last few years and the trend will continue unless interest rates are brought down. Not only is the economic climate forcing foreclosures, it is severely limiting anyone from expanding or improving their farm operation. And perhaps the most serious effect of the interest rates is that no young person can begin farming with any hope of making a reasonable profit. This is a very serious problem since the average age of farm owners is moving over 50 years old. If young people cannot move onto the farm, who will supply our food in the next decade? We can no longer ignore these problems and must do something to relieve this terrible burden from the shoulders of our farmers. We must do something to insure the continuation of this great American tradition.

Mr. Chairman, I contend that the first action to take to help our farmers is to balance the Federal budget. I think that more than any other sector of our society, the farm community understands the importance and the need for a balanced budget. Farmers are more than willing to accept their share of the budget cuts, and in fact, have already done so. But we must not be overzealous in our efforts and destroy the most productive sector of our economy. Every dollar of farm income, generates seven additional dollars throughout the economic cycle. I find it very strange that the price the farmer receives for the wheat in a loaf of bread is less than the cost of the wrapper around the bread and that the cost of the packaging for breakfast cereal far exceeds the price the farmer receives for the grain in the box. The farmer price for grain has increased over the last 10 years, from a seasonal average for wheat of $1.35 in 1970 to about $3.85 last year and corn rose from $1.33 to about $2.52. But we must remember that the farmer faced much greater increases in transportation, processing, and harvesting costs to get his grain to market. In the same period of time transportation costs have more than tripled, and production costs have skyrocketed to where a farmer pays $50 to $60 to plant an acre of land as opposed to $15 10 years ago. We must remember that many of these expenses must be paid by the farmer through borrowed money.

Mr. Chairman, I realize most Members of this body represent a consumer constituency and often charge that increased farm prices will cost too much. I want to remind everyone here that the American public remains the best fed, at the lowest cost of any people in the world. The annual per capita consumption of meat, fish, and poultry in this country is in excess of 200 pounds. No country in the world approaches that level. Let us also consider that the disposable income spent on food by Americans has declined from 20 percent in 1960 to about 15 percent in 1980. As a comparison, the French and British spent 20 percent on food, the Soviets, 34 percent, and in China, 60 percent of their disposable income is needed to buy food. These figures show just how efficient and productive the American farmer really is.

We have all heard the complaints about the consumer price index doubling for food in the last 10 years. But remember, much of this increase can be attributed to inflation, and increased costs for manufacturing, wholesaling, and marketing of the food. We still produce the cheapest food in the world. In fact, because of our ability to produce staggering quantities of wheat and grain, we export huge amounts of our grain. It is interesting to note that we now produce more rice for Japan in this country than is produced in Japan. Few countries can match our yield per acre in any crop. Through research and development of hybrid seeds, disease resistant crops, and strong conservation practices, our farmers have more than tripled yields over the last 20 years.

Mr. Chairman, we all realize that some reductions in program cost have been achieved in this legislation. We can ill afford to lose even one more farmer because of misguided economics. Those of us who represent farm districts understand the long, hard hours, 12 to 14 hours a day, 7 days a week, 365 days a year, that our farmers devote to their business. I hope we give these loyal dedicated citizens their just reward for their labor.

CHANGES IN CROP YIELD PER ACRE FROM 1970 TO 1979

	1970	1979	Percent increase
Wheat	33.4	36.9	9
Corn	72.4	109.4	20
Milo	50.4	62.9	11
Peanuts	2,030	2,611	12.5
Milk	[1] 9,751	[1] 11,471	8
CPI/food	114.9	234.5	33

[1] Production for 1 cow per year.

MEAT MARKET LEVELS

[Dollars in millions]

	1970	1979
Hogs (yield per acre)	21.75	41.56
EXPENSES		
Feed	$8,028	$17,004
Seed	927	3,400
Fertilizer	2,390	6,692
Labor	4,346	9,239
Total farm expenses	44,424	118,618
Number of farms (in thousands)	2,949	2,333

The CHAIRMAN. Are there additional amendments to title XIV?

□ 1420

AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: On page 190, insert after line 14 the following:

SAFETY NET FOR FARMERS

SEC. 1508. Effective only for the period beginning on the date of enactment of this Act and ending on September 30, 1982, section 331A of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1981a). is amended by (1) inserting, before the text thereof, the designation "(a)", and (2) adding at the end thereof a new subsection (b) to read as follows:

"(b) With respect to farm real estate, farm operating, and emergency loans, and loans made under the Emergency Agricultural Credit Adjustment Act of 1978, the Secretary shall, during any period in which the agricultural sector is suffering economic distress, take the action with respect to deferring of principal and interest and foregoing of foreclosure which he is authorized to take under subsection (a). For purposes of this subsection, a 'period in which the agricultural sector is suffering economic distress' is a period beginning with the date on which the total of forced liquidations and/or foreclosures of outstanding loans made, insured, or held by the Secretary exceeds 2 per centum of all outstanding loans made, insured, or held by the Secretary at the date of enactment of this subsection, and ending on September 30, 1982.

Mr. ENGLISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ENGLISH. Mr. Chairman, this particular amendment is aimed at dealing with a problem that is evolving in the Great Plains area. I know in my own particular area, the Southwestern part of the United States, we are finding rumors are circulating that large numbers of foreclosures are imminent; rumors to the effect that the Federal Government is planning somewhere in the neighborhood of 10,000 foreclosures and forced liquidations in the State of Texas over the next few months, between 2,500 and 3,000 foreclosures or forced liquidations in the State of Oklahoma, something in the neighborhood of 2,000 to 2,500 in the State of Kansas.

I have been assured by the Department of Agriculture that these rumors are incorrect, but I think when one looks at the difficult times that lie ahead, huge carryovers of grain, falling farm prices, and the fact that farmers are having an increasingly difficult time in trying to meet their costs of production, one can quickly understand how dangerous such rumors could be. We know that the rumors themselves sometimes create

panic. The worst possible thing that could happen now would be this: If there were an increase in foreclosures, panic would rise within the country which would lead to selling, which could possibly lead to falling land prices, which would prove detrimental not only to our farmers but also to the Federal Government since its security for all the loans is based primarily upon land.

So with that in mind, Mr. Chairman, the amendment I offer states very simply that anytime the number of forced liquidations or foreclosures reaches the level of 2 percent of the total number of loans, that for the remainder of the next fiscal year, through September 30, 1982, there would be a simple moratorium on further foreclosures and forced liquidations.

I recognize that the 2-percent level is well above anything that we have experienced in recent history. In fact, the closest we have come, to my knowledge, was 0.09 of 1 percent, but I think that the fact that this provision is in the law would go far in quieting these rumors, go far in stabilizing the situation in rural America and prevent the panic not only for rural America but for our entire economy. So, with that in mind, I urge the committee to adopt this amendment.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I want to commend the gentleman for his amendment. I would like to ask one question. This may have been mentioned, but what is the rate of foreclosure now? My understanding is, it is something like 0.4 of 1 percent. I would be interested in knowing what it is compared to a year ago.

Mr. ENGLISH. The gentleman is correct. For the month of August it was exceptionally high, and foreclosures reached 0.4 of 1 percent, which would be about one-fourth of the trigger level. But, I again point out the concern, and obviously a level such as 0.4 of 1 percent could begin to give credibility to the rumors which we have experienced in the Great Plains area. The highest in recent history was last year, which was 0.06 of 1 percent, and 0.09 of 1 percent in 1977.

Mr. DASCHLE. I again want to reiterate my support for the amendment. I think this puts some stability back into the system at a time when a stability is a rare entity. I think what we have to do is tell these people that as difficult as things are going to be, we are not going to pull out that kind of limited Federal support that does exist for them as they go through these very turbulent economic times, so I commend the gentleman for his statement and for the amendment, and I certainly join him in urging its passage.

Mr. ENGLISH. I thank the gentleman.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the chairman of the subcommittee.

Mr. JONES of Tennessee. Mr. Chairman, I rise in support of the English amendment. I appreciate that the gentleman from Oklahoma is not offering his original version of his amendment which was strongly opposed by the administration and could have been very expensive.

In response to the original version, I have received a letter from Under Secretary of Agriculture, Frank Naylor, expressing opposition to it and shedding some light on the administration's views on foreclosures.

The letter states that it is not the policy of FmHA to engage in large-scale foreclosure efforts and that to do so would be irresponsible and would have far-reaching unfavorable consequences throughout the entire financial community.

I will make the text of the letter a part of the RECORD with my remarks.

To close, I believe this new version of the English amendment has adequately addressed the concerns expressed by USDA and the amendment will give Farmers Home Administration incentive to go the extra mile with hard-pressed borrowers.

Mr. Chairman, the letter follows:

WASHINGTON, D.C.,
October 14, 1981.

Hon. ED JONES,
Chairman, Subcommittee on Conservation, Credit and Rural Development, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN JONES: An amendment to Section 331A of the Consolidated Farm and Rural Development Act, introduced by Representative Glenn English of Oklahoma, mandates a one-year moratorium on the payment of principal and interest on any outstanding FmHA loan made under that Act. It would also require the Agency to forego foreclosure on any loan when a borrower is unable to make payments due to circumstances beyond the borrower's control when to continue making payments would unduly impair the borrower's standard of living.

Under existing authority FmHA has a number of alternatives available which will achieve the purpose of this amendment, including authority to consolidate, reschedule, or defer loans. FmHA will use the full range of these options to assist its borrowers and to avoid termination of a loan account.

The Department of Agriculture strongly opposes this amendment. We believe it would be counterproductive to the responsible administration of FmHA programs. Potential deferred collections during fiscal year 1982 are estimated to be $3.9 billion. In addition, increased interest costs to finance the additional outlays during this period would be approximately $400 million.

The FmHA now sets a high priority on carefully counseling its borrowers on a case-by-case basis. This case-by-case basis is the only equitable way to deal with borrowers. To lump individual problems together and treat them en bloc would invite program abuses on the part of borrowers who might be able to repay their loans but would choose not to do so.

Under the present program policy, FmHA will work one-on-one with delinquent borrowers, or borrowers who may have other payback problems when there is a reasonable chance for the borrower to ultimately overcome his problems. The full range of existing authorities will be used to help such farmers get back on an orderly repayment schedule.

It has never been, and certainly is not now, a policy of FmHA to engage in large-scale foreclosure efforts. To do so would be irresponsible and would have far reaching unfavorable consequences throughout the entire financial community. At the same time FmHA believes it is necessary to maintain flexibility in the servicing of its accounts. An across the board moratorium would adversely affect program administrators and seriously hamper the Agency's efforts to collect on loans in an orderly and responsible manner.

Sincerely,

FRANK W. NAYLOR, Jr.,
Under Secretary for Small Community and Rural Development.

Mr. ENGLISH. I would like to say in response to the subcommittee chairman that he is absolutely correct. We have included the trigger. The trigger provides more than enough flexibility for the department to make sure that the Federal Government is protected.

Mr. JONES of Tennessee. Exactly right.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(At the request of Mr. DE LA GARZA and by unanimous consent, Mr. ENGLISH was allowed to proceed for 2 additional minutes.)

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the chairman of the full committee.

Mr. DE LA GARZA. Mr. Chairman, I notice in the gentleman's amendment that he limits its application to September 30, 1982. Is this correct?

Mr. ENGLISH. That is correct.

Mr. DE LA GARZA. Which is more or less of an emergency nature?

Mr. ENGLISH. Exactly.

Mr. DE LA GARZA. For the following several months.

Mr. ENGLISH. My main concern is the low crop prices that we have been experiencing, the huge carryover that has developed, and this is obviously a time of serious concern to our farmers. I felt that I did not want to simply blindly insert an amendment such as this and make it a part of the long-term policy, but it will hopefully be short-term emergency.

Mr. DE LA GARZA. Under the present law and authority, the Secretary is able to deal on a one-on-one basis, or one loan at a time, in case they get into trobule, and this would have no effect on that?

Mr. ENGLISH. Absolutely not.

Mr. DE LA GARZA. He still would continue to do that?

Mr. ENGLISH. Correct.

Mr. DE LA GARZA. And then the stipulation, if it gets to the 2-percent level, that would be the trigger point for this emergency action?

Mr. ENGLISH. Exactly right.

Mr. DE LA GARZA. That being the case we would have no objection to the amendment.

Mr. ENGLISH. I thank the chairman for his support.

Mr. THOMAS. Mr. Chairman, will the gentleman yield for a series of questions?

Mr. ENGLISH. I yield.

Mr. THOMAS. My understanding is, the Secretary already has this power on a discretionary basis.

Mr. ENGLISH. True.

Mr. THOMAS. Is it the gentleman's feeling that the administration of this department has not been proper in terms of counseling farmers in terms of their needs to take care of their budgetary concerns?

Mr. ENGLISH. That is not the objective. The objective is to try to still rumors, particularly in the Great Plains area, that large numbers of foreclosures are coming. As the gentleman well knows, even unfounded rumors can be just as devastating as fact. What we are attempting to do is quiet those rumors.

Mr. THOMAS. I understand the gentleman's concern to send a mesage. My worry is that another message will be sent; that is, if there is some kind of cooperation and communication on any group out there that since it is a blanket provision those who are truly in need will be covered, but it is also entirely possible that those not truly in need will be covered.

As the gentleman may well know, in California on the disaster aid program on the national news, there was concern about the possibility that some people took advantage of the programs, and I think we have to be very, very cautious about people taking advantage of the programs.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. THOMAS and by unanimous consent, Mr. ENGLISH was allowed to proceed for 2 additional minutes.)

Mr. THOMAS. I understand the gentleman's motives in dispelling rumors, but one of the things I do not want to do is paint the picture that we still do not understand that when we apply blanket arrangements, there is a possibility for particular individuals to take advantage of it. It has happened in the past; it is entirely possible that it could happen under this circumstance.

Since the Department is doing a good job, and since a case-by-case analysis and discussion with the Members who are having trouble is taking place, I think a case-by-case discretionary procedure is far superior over a blanket for the sole purpose of dispelling rumors. I think we are going to create more problems for ourselves by a blanket approach. Even though the end may seem justified, I think the means are entirely inappropriate.

Mr. ENGLISH. Let me state in response to the gentleman that this is the reason we placed the trigger at 2 percent. As the gentleman knows, looking at the last 7 or 8 years, this is far in excess of anything we have approached. The thought behind that trigger is that this gives the Secretary a great amount of flexibility. He has the ability to deal with any problems that occur.

The other part, and I know the gentleman being on the Agriculture Committee is well aware, it is very rarely that farmers agree on agriculture legislation, much less agreeing to such an extreme thing as mass foreclosures. So, I think the gentleman's concerns are unfounded. Let me say that if we ever reach a point of 2 percent, we would hope the Secretary of Agriculture on his own long before that time would have taken action, but unfortunately, my hopes are not going to still those rumors.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I agree with the purpose of the amendment. I have some reservations, as the gentleman from California has, as to the blanket approach. I, too, think we need to do something about the information that is supposedly going out as to the number of foreclosures so that we do not have a stampede.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. ENGLISH was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. I met with the Secretary and with the Farmers Home on this just this morning, and I have their assurance that they will continue to work on a one-to-one basis, as we planned to do with my farmers in my district, who are very desperately hurt because of wet weather this year and drought the past 2 years. So, I agree that we need to do something to dispel this idea so that we do not see land values deteriorate to nothing and we see something like what happened in the depression. None of us want that to happen.

I think that if we can somehow work it out, use the gentleman's language to stop it, and one-on-one work with our individual farmers to make sure that they do not go under, it would be the best of all worlds.

Mr. ENGLISH. I certainly say in response to the gentleman that I certainly agree with him. However, I have found that the farmers in my part of the country, when they get concerned about foreclosures, the assurances of the Secretary do not mean much to them. They want to see something in law. I think the objections to my position of this amendment by the administration probably are going to generate more fears in the country rather than lessen them, so I am hopeful that the House will adopt the measure and put these fears to rest so that we do not have this concern.

Mr. GUNDERSON. Will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I have a couple of questions on this question of the mandatory nature of it. We have discussed in committee many times my concern about economic emergency loans, for example, that somehow or another we destroy the credibility for the Farmers Home Administration at a time that we allow the farmer down the road because he is going under, to get an economic emergency loan, and we have this young guy out here with high interest rates trying to get started, and he has a good farm background. He cannot get any money. When I look at this amendment, it seems that it is so rigid that if we allow that to happen, that if we get this 2 percent, certainly there are going to be some people that through foreclosure due to unfortunate circumstances, need this kind of assistance, but should not it be discretionary, because otherwise we are not going to be able to help these young people? We are going to keep people in existence that ought not be in existence. I agree with the intent, but is there not another way we can accomplish this without the rigidity of this amendment?

Mr. ENGLISH. Let me say in response to the gentleman's question, I wish that there were, but quite frankly, when we get down to it, the foreclosure rate we are talking about roughly 20 times the rate we have had in recent history. Obviously, before we reach this trigger, the slide is going to be so pervasive, the turndown in farm prices is going to be so extreme, it is going to be too late.

The point I am trying to make is this: We are giving a tremendous amount of flexibility to the Secretary to deal with any of these problems, but I think the farmer deserves some assurance that we are not going to have wholesale forced liquidations, wholesale foreclosures taking place in the country. I think anything we can do to still this type of rumor, we should do. After all, this amendment applies only until September of next

year. Surely, that is not too much, given the dire circumstances in agriculture for us to respond to.

Mr. GUNDERSON. Does the gentleman really believe the Department of Agriculture will get the rules and regulations all in effect by September 30 next year, that we will have some kind of standards to operate this on? Supposing we reach that 2 percent?

Mr. ENGLISH. It is very simple. The previous Secretary of Agriculture declared a moratorium 2 year ago under these circumstances. It did not take him more than 24 hours to do it. No problem.

Mr. GUNDERSON. I thank the gentleman.

□ 1445

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so reluctantly. Nobody likes to try to defeat an amendment which looks so nice and so generous and so helpful to those people we all have affection for. On the other hand, let us examine the kind of principles we are setting here and what we are doing.

First of all, as I understand it, this amendment is being offered because there are some rumors flying around. That alone raises a question in my mind as to whether or not we ought to propose legislation here which is a very substantial departure from a program policy in not only this area but the small business area and wherever else we have Federal loans.

We are saying here that we ought to do something because we have some rumors. First of all, let me read from a letter of the Secretary of Agriculture:

> It has never been and certainly is not now the policy of FmHA to engage in large-scale foreclosure efforts. To do so would be irresponsible and would have far-reaching unfavorable consequences throughout the entire financial community * * *.

So I think that there we have the word of the Secretary of Agriculture that these rumors are unfounded.

Second, let us look at the trigger. The trigger may appear big when you say it is this big and it is 2 percent, but we have got to remember that FmHA loans, although I do not know the figures of the actual loans, in dollar volume, are only 11 percent of our farms which have FmHA loans, and at least in my area less than 20 percent of the farms have FmHA loans. The others refer to dollars. And we must remember that the FmHA loans are to the risk farm population.

So in order to get to the 2 percent, it may not be as big a problem as it might appear to be. The reason it has not been is that we have had a good policy within FmHA to deal with the risk population and to help them along and only bring foreclosure when there is no alternative. And in many cases it is better for the people involved to foreclose when they do face that reality.

So to establish a policy that says the Secretary of Agriculture is going to embark upon some horrendous great process of trying to bring foreclosures for whatever purpose is, I think, wrong.

Second, I think, as has already been pointed out, that, for instance, in some area, if an organized group wants to raise havoc with a situation, they can go in and refuse to pay and bring 2 percent to the brink of foreclosure. The rest would plead poverty, and then no one in the area pays any principal or interest on a protest basis, and this would sanction such a protest. It would invite the kind of chaos the gentleman is saying this is supposed to prevent, because if we have an organized farm movement to protest, they can raise havoc with this thing. The estimate of the Department of Agriculture of what would happen in this situation is a cost of up to $400 million and some $3.9 billion in deferred collections if there were a widespread protest movement.

I think we have to be responsible here. Sure, we would all like to do these kinds of things, but there is adequate discretion, there has been discretion, and they have acted responsibly. There is no indication of truth to the rumors, and there is no indication it has not been used responsibly.

I am sorry, Mr. Chairman, but I cannot lend myself to the support of an amendment which I think really may raise false expectations or may create chaos by bringing these things on through protest movements which may be genuine but which may create chaos and create financial problems in the FmHA community.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am pleased to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I think that the gentleman from Vermont (Mr. JEFFORDS) has made some good points, and normally I would agree with him. But, quite frankly, when we look back at this particular Secretary, we have to remember that last spring, when this committee in meeting with that Secretary urged, pleaded, and did everything possible to try to talk him into moving to limit production through a set-aside program that would be effective, we found that we had no cooperation. And now we look back and find that we have the highest foreclosure and forced liquidation rate than any time in recent history, I believe in the last 7 years. Whenever we find a situation when farmers are looking at a carryover that is mammoth, when we hear more and more concerns expressed about being forced out of the business of farming, and when we take a look at this very farm bill and what it is going to do for farmers, then I think there is perfectly good justification among many farmers to be concerned, and that concern can quickly turn to panic.

That is what we are trying to prevent here. That 2 percent is 20 times larger than any other foreclosure rate in any given year in the last decade.

If this administration is prepared to state that it is willing to move ahead and stand in the way of that kind of trigger, maybe that is going to signal something to the American farmer. it is certainly going to signal something to the American public. I think that is something to be concerned about and, quite frankly, maybe 2 percent is too high; maybe we ought to bring it down to 1 percent. I say that because the more opposition I see to this amendment—and, quite frankly, I am surprised by it—the more convinced I am that there is perhaps something in the wind. Maybe there is some reason why the administration is fighting so hard to defeat this amendment.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 3 additional minutes.)

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I want to thank the gentleman for yielding, and I wish to say to my former colleagues on the Agriculture Committee that I have, because of my leave of absence, stayed out and tried very diligently to stay out of its business.

I would say to my distinguished colleague, the gentleman from Oklahoma (Mr. ENGLISH), that I am particularly always ambitious to stay out of his business because of the many difficulties he and I had over a 6-year period of time. As I am sure the gentleman will recall, most of those difficulties occurred when he tried to do things like what he is trying to do today. The gentleman may recall those fights that went on between the two of us, not only in the subcommittee but also in the full committee and even sometimes on the floor of the House, as this one today.

I would say to the gentleman that, notwithstanding all the reasonable ambitions I am sure he has for the people in Oklahoma, the fact of the matter is that what he would be doing here is excusing from the responsibilities of repaying a legitimate debt people who are quite able to repay that legitimate debt. The gentleman is making no distinction here in his amendment between those people who

cannot pay and those people who are quite able to pay.

As a matter of fact, under the provisions of the gentleman's amendment, a millionaire with a million dollars in cash in the bank would be able to avoid repaying both principal and interest and would be able to take the moneys that otherwise would have been repaid on this loan to the Government and invest them in some other kind of investment like a certificate of deposit and make money with the very money that is due and owing to the taxpayers of the United States.

Now, that is the kind of an amendment the gentleman is sponsoring here. That is the kind of thing we have been through before, to the extent that some of these programs became a national disgrace that they became the subject of television programs like "60 Minutes." I am sure the gentleman will recall that, and the gentleman from California (Mr. THOMAS) has alluded to that.

I do not think that the House of Representatives wants to go on record this afternoon as supporting an amendment that would allow a millionaire farmer or rancher to get away from paying a just debt which he or she is able to pay, just on the premise that the Department of Agriculture may not do exactly what it has assured the gentleman from Virginia (Mr. WAMPLER), the gentleman from Vermont (Mr. JEFFORDS), and me as recently as an hour ago it is not only willing to do but in fact is already doing.

So, Mr. Chairman, I would urge all my colleagues in the House to not take this step backward, to not slip backward into this potential for disgrace and embarrassment that we have so diligently moved away from as members of the Agriculture Committee, and to defeat this amendment.

Mr. JEFFORDS. Mr. Chairman, I would like to point out that I think the description of the amendment by the gentleman from Illinois (Mr. MADIGAN) is correct, but I wonder if that was really the intention of the offerer of the amendment.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS)) has expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 2 additional minutes.)

Mr. JEFFORDS. Mr. Chairman, under existing law the statute reads that the Secretary may have this moratorium for a certain period of time with certain criteria. Now, as I read the amendment the same way the gentleman from Illinois does, what it does is to supersede all the criteria established in the basic law for the discretionary period.

If that is the case, then the moratorium affects everybody that is on FmHA loans. Now, if that is not the gentleman's intent, maybe we ought to correct the amendment. If the gentleman still intends the criteria, which I will read, to be in effect, that would make a significant difference in the amendment. The criterion is that upon showing by the borrower that due to circumstances beyond the borrower's control the borrower is temporarily unable to continue to make payments on principle and interest—and this refers to the credit of the borrower.

Now, that is all in the period section of the basic law. If the gentleman is superseding all that, he is saying that nobody is going to make any payments on any FmHA loans regardless of whether they are millionaires.

Mr. Chairman, I will ask the gentleman, what is the intention of his amendment?

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, the intention of the amendment was that whenever we get into a situation where we have large wholesale foreclosures and forced liquidations which reach the level of 2 percent, 20 times larger than anything we have had in recent history today, at that particular point the Secretary would then declare a moratorium through the rest of the fiscal year, which would be through September 30, 1982.

Let me state further, since the gentleman asked the question, that, of course, under those circumstances the Secretary has a tremendous amount of flexibility. Obviously, or hopefully, we will not find ourselves in a situation where the Secretary is going to move in and suddenly raise the level of foreclosures and forced liquidations throughout this country by 20 times. I would not think he would do so. If we have laws such as this in place, obviously the Secretary would be mindful of that.

I would hope and would expect that the Secretary would have the discretion and the responsibility to understand his limitations under that ceiling and, therefore, would work toward dealing with that problem.

Let me say one thing further as far as millionaire farmers are concerned. As it stands right now, anybody who is a millionaire receiving loans from the Farmers Home Administration is not eligible, so they would not apply under the terms of the program. Otherwise it would mean that the Administration had given loans to people who should not have received them.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has again expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 1 additional minute.)

Mr. JEFFORDS. Mr. Chairman, I just want to point out, in response to what the gentleman said, so everybody understands it, that the interpretation the gentleman from Illinois (Mr. MADIGAN) and I have is that that moratorium does not refer to people who are in financial distress; it refers to everyone who has an FmHA loan at that time, and it means that nobody has to make a payment.

That, I think, is ludicrous. I cannot understand anyone proposing that kind of an amendment, where everybody in that area, regardless of their financial circumstances, has no need to make a payment. That is a nice gift, and maybe it is very politically expedient. It surely makes horrible policy.

Mr. Chairman, I yield back the balance of my time.

Mr. WAMPLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentleman from Oklahoma. I wish to commend the gentleman for his interest and hard work on this extremely crucial issue, and say to the gentleman that we are all well aware of and concerned about the critical problems our farmers are facing in meeting their credit needs. Nevertheless, I do not believe that it would be prudent policy to adopt the amendment now before us.

As I understand the amendment, it would require the Secretary of Agriculture to establish a moratorium on the repayment and foreclosure of any FmHA farm loan under certain conditions. FmHA already has, under existing authority, a number of alternatives available which will achieve the purpose of this amendment, including authority to consolidate, reschedule, or defer loans. Furthermore, we have received a letter from USDA stating that it is their full intention to use the full range of these options to assist their borrowers and avoid termination of a loan account.

It has never been a Farmers Home Administration policy to engage in large-scale foreclosure efforts. For fiscal year 1980 and the first 8 months of 1981, FmHA has foreclosed on only 0.06 of 1 of all FmHA farm loans.

It should also be pointed out that the majority of these foreclosures have been voluntary conveyances by the borrowers. FmHA policy is very lenient in allowing repayment extensions, and the agency generally forecloses only when there is no reasonable chance for the borrower to continue a viable operation.

Mr. Chairman, I believe it is important for the Secretary of Agriculture to have the proper flexibility to administer the loan programs of the Farmers Home Administration in a responsible manner under all types of

circumstances. Adoption of the English amendment could destroy this flexibility and disrupt the orderly financial management of the $4 billion FmHA farm loan program.

I urge my colleagues to oppose this amendment.

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Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I am happy to yield to my colleague from Vermont.

Mr. JEFFORDS. I again would like to emphasize here if the gentleman is talking about organized effort to get a total moratorium for everyone in the area, all we have to do is consider this sort of average that only 20 percent of the farms in the area have any FmHA loans, then all we have to get is about 0.4 percent of the farms to agree to somehow get in a position where foreclosure comes about. At that point they can get a moratorium on all loans owed to any farmers in that area. I think to put the law in the position to give that kind of a break to a particular area on a protest movement is a very, very dangerous precedent to set.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. I think the main point though that has to be made, and with the gentleman's long experience on the Agriculture Committee he would agree, anytime this Nation finds itself in a situation in which we have 20 percent the normal rate of foreclosures and forced liquidations take place, what we would have happening would be a sliding of land values. We have seen that happen in the past, although thankfully it has been many, many years since we have seen it happen.

If that should happen, there would be no such thing as a well-to-do farmer, because as the gentleman well knows, most farmers are living off of the equity, and whenever that equity starts going through a loss of value of the land, certainly neither the farmer nor the Federal Government would be protected. So the Federal Government would lose, the farmer would lose and all other lenders would lose. Certainly the country and the economy of the Nation would lose because that is how depressions begin. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

The question was taken; and on a division (demanded by Mr. ENGLISH) there were—ayes 10, noes 18.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: Page 180, insert after line 18 the following new section and renumber the succeeding sections of title XV accordingly:

BORROWER'S NET WORTH ANNUAL REPORT

SEC. 1502. The Consolidated Farm and Rural Development Act is amended by—

(1) in section 333(a), inserting the designation "(1)" immediately after "the applicant" and inserting before the semicolon at the end thereof the following: ", and (2) to furnish a written statement showing the applicant's net worth"; and

(2) adding at the end thereof a new section 349 as follows:

"SEC. 349. Not later than December 31 of each calendar year, beginning with calendar year 1981, the Secretary shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry a report describing the characteristics of borrowers initially receiving, during the fiscal year ending in that calendar year, loans made or insured under sections 303 and 312(a) and separately for loans guaranteed under such sections. The report shall be made on a State by State basis, and shall include, but need not be limited to, each borrower's age, education, farming experience, net worth, amount of farm ownership and operating loans outstanding, amount of other loans outstanding, gross farm income, and other income. This information shall be provided separately for borrowers receiving low-income loans and those receiving regular loans.".

Mr. JONES of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. JONES of Tennessee. Mr. Chairman, this amendment I am offering to title XV of the farm bill would amend the Consolidated Farm and Rural Development Act in two instances, but the purpose of the changes is the same: To strengthen the integrity and accountability of the farm operating and real estate loan programs of the Farmers Home Administration.

First, my amendment would require applicants for Farmers Home Administration operating and real estate loans to furnish the agency with a written statement indicating their net worth. I do not see this as either a burdensome or needless requirement. To the contrary, I believe it is essential that FmHA have as much information of this type as possible in evaluating the true need of an individual who applies for a Government loan, especially since many FmHA loans are made at a subsidized interest rate.

As we all know, the funding level for FmHA has been placed under the same budget constraints as most other Government lending agencies. In some cases, the FmHA budget has been trimmed to an even greater extent than other similar lending agencies. It is for this reason that we must do all we can to assure that the Secretary of Agriculture and the Administrator of FmHA have the necessary information to make the best judgment in seeing that the limited funds available to them go to those farmers most deserving of assistance.

The second provision of my amendment would require the Secretary of Agriculture to submit annual reports to Congress on factors relating to the nature of borrowers participating in the so-called limited resource loan programs of the Farmers Home Administration.

In 1978 Congress created this loan program tailored for a group of borrowers with special credit needs. Among those targeted for assistance are limited resource farmers, beginning farmers and owners or operators of small or family farms with a low income, such as young farm families which have had an opportunity to buy their first piece of land, and small minority farmers.

Twenty percent of farm operating and real estate loans are earmarked for limited resource borrowers. In the case of farm real estate loans, the interest rate is pegged at not more than one-half the cost of money to the Government; and in the case of farm operating loans, the interest rate charged to the borrower carries a 3-percent subsidy.

Earlier this year, the administration proposed to Congress that the limited resource loan program be abolished. We were told by representatives from the Department that plans were underway to formulate a new program to replace the limited resource loan program. However, nothing ever developed from these assurances, and the proposal to abolish the current program did not gain tangible support in the Congress and was summarily dismissed. Nevertheless, several changes were made to the program in the Budget Reconciliation Act.

I believe the recent focus given to the limited resource loan program and the proposal to abolish it, give rise to some serious questions about the program and its future. I believe it is important that we have the information and data necessary to thoroughly evaluate the effectiveness and value of the program. My amendment would simply provide the tools essential to a complete and useful review of the program.

Mr. Chairman, I urge my colleagues to join me in support of this amendment. As I mentioned earlier, it will serve to strengthen and improve the vital farm lending programs of the Farmers Home Administration.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I am happy to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I rise in support of the Jones amendment to title XV. I want to commend the gentleman from Tennessee, the chairman of the Subcommittee on Conservation, Credit, and Rural Development, for his work on this amendment, which I believe will help improve the effectiveness and accountability of the important lending programs of the Farmers Home Administration.

The first part of this amendment would require applicants for Farmers Home Administration farm loans to furnish the agency with a written statement indicating their net worth. Last spring, during oversight hearings on FmHA loan programs, numerous witnesses criticized the agency's operations and priorities. It was stated repeatedly that, in many cases, the Farmers Home Administration did not have the ability to judiciously review and evaluate all loan requests due to manpower shortages, lack of information, and other factors.

This problem is made even more critical by the fact that Farmers Home Administration is now under the same budget constraints that most other Government agencies also are facing. For this reason, we must see that the Farmers Home Administration has the necessary information to effectively evaluate the true need of an individual who applies for an FmHA loan. I believe that this provision of the Jones amendment is essential in insuring that the limited funding that is available will be directed to those farmers most in need of assistance.

The second provision of the Jones amendment requires the Secretary of Agriculture to submit annual reports to Congress on factors relating to the nature of borrowers participating in the "limited resource" loan programs of the Farmers Home Administration.

This loan program was created by Congress in 1978 for a group of borrowers with special credit needs. Among those targeted for assistance are limited resource farmers, beginning farmers and owners or operators of small or family farms with a low income, and small minority farmers.

Mr. Chairman, I have been particularly concerned with the needs of the young, beginning, limited resource farmers who, in today's economic environment, may never get a chance to get started. A good example is my own State of Vermont, where the average age of our farmers is 55. If we are going to maintain a healthy food supply and a productive agricultural sector, then we must provide the opportunity for future generations to farm. The FmHA limited resource program has been a major factor in trying to achieve this goal.

The administration earlier this year suggested that Congress abolish the FmHA limited resource program. While such drastic action was rejected by the House Agriculture Committee, several changes which severely limited the scope of the program were made in the Omnibus Budget Reconciliation Act.

Because of these changes, the current credit crunch facing our farm sector, and the obvious need to provide some assistance to help young and beginning farmers get started, it is essential that we have the information and data to adequately review Federal programs affecting the needs of our young and beginning farmers. I believe that adoption of the Jones amendment will enable the Congress to evaluate the effectiveness and value of the FmHA limited resource program, and to assess the effect of recent changes in this program made in reconciliation.

I urge my colleagues to support the amendment.

Mr. JONES of Tennessee. I thank my friend very much for his support.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I am glad to yield to my chairman.

Mr. DE LA GARZA. Mr. Chairman, I would say so far as the gentleman's amendment is concerned, this is something the Department should already be doing. If they are not doing it, then maybe we need it in the law. We would accept the amendment on this side.

Mr. JONES of Tennessee. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. JONES).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title XV?

If not, the Clerk will designate title XVI.

Title XVI reads as follows:

TITLE XVI—CONSERVATION

Subtitle A—Special Areas Conservation Program

TECHNICAL AND FINANCIAL ASSISTANCE; CONTRACTS

SEC. 1601. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall establish a program for the conservation of soil, water, and related resources in special areas designated under section 1602 and approved under section 1604 (referred to in this subtitle as "designated special areas") by providing technical and financial assistance to owners and operators or groups of owners and operators of farm, ranch, and certain other lands at their request. Such assistance with respect to State, county, and other public land shall be limited to those lands that are an integral part of a private farm operating unit and under the control of the private landowner or operator.

(b) To carry out the program established under this subtitle, the Secretary may enter into contracts with owners and operators of farm, ranch, or other land in a designated special area who have such control over the land as the Secretary deems necessary. Any such contract may be entered into with respect to land in a designated special area which is not farm or ranch land only if the erosion-related problems of such land are so severe as to make such contracts with respect to such land necessary for the effective protection of farm or ranch land in that designated special area. Contracts under this subtitle shall be designed to provide assistance to the owners or operators of such farm, ranch, or other land to make voluntary changes in their cropping systems or uses of land or water which are needed to conserve or protect the soil, water, and related resources of such lands, and to carry out the soil and water conservation measures needed under such changed systems and uses.

(c) The landowner or operator shall furnish to the Secretary a plan—

(1) which incorporates such soil and other conservation practices and measures as may be determined to be practicable to protect such land from erosion-related damage;

(2) which outlines a schedule for the implementation of changes in cropping systems or use of land or of water and of conservation measures proposed to be carried out on the farm, ranch, or other land during the contract period;

(3) which is designed to take into account the local social, economic, and environmental conditions which will help solve the particular erosion- or water-related problems of the designated special area;

(4) which may allow for such varying levels of conservation application as are appropriate to address the problems and may be developed to cover all or part of a farm, ranch, or other land as determined to be necessary to solve the conservation problems;

(5) which may include practices and measures for enhancing fish and wildlife and recreation resources and for reducing or controlling agricultural-related pollution; and

(6) which identifies those measures, including planned grazing systems, needed to improve vegetative conditions, reduce erosion, and conserve water on rangeland. Conservation plans of landowners and operators developed in cooperation with, and approved by, the soil and water conservation district board for the district in which the lands are situated shall form the basis for contracts under this subtitle.

(d) Under any contract entered into under this subtitle, the landowner or operator shall agree—

(1) to effectuate the plan for the farm, ranch, or other land of the owner or operator substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to subsection (f);

(2) to forfeit further payments under the contract and refund to the United States all payments received thereunder, plus interest, upon violation by the owner or operator of the contract at any stage during the time the owner or operator has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board for the district in which the lands are located, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds, plus interest, or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the contract; and

(3) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract.

(e) In return for such agreement by the landowner or operator, the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest. The portion of the costs to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the implementation, and, if applicable, the maintenance of the conservation practices and measures under the contract, including the cost of labor. In determining the share of costs to be borne by the Federal Government, the Secretary shall take into consideration the particular social, economic, and environmental conditions of the geographic area involved and the degree of conservation to be achieved. The Secretary shall determine the maximum amount of financial assistance that may be provided to any single recipient. If adjustments from cultivated crops to permanent vegetative cover or changes in crop varieties are undertaken as a conservation practice or measure under the contract, financial assistance may be provided under such contract with regard to the income lost as a result of such adjustments.

(f) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as the Secretary may determine to—

(1) carry out the purposes of the program or facilitate the practical administration thereof;

(2) accommodate adjustments in crop production; or

(3) accomplish equitable treatment with respect to other similar conservation or commodity programs administered by the Secretary.

(g) In addition, the Secretary may enter into contracts with landowners or operators for the purpose of maintaining a conservation practice or measure which was established under the program authorized by this subtitle or otherwise established, and to provide necessary assistance. Subsections (b) through (f) shall apply to contracts made under this subsection.

DESIGNATION OF SPECIAL AREAS

SEC. 1602. (a) The program established under this subtitle shall be directed toward identifying and correcting such erosion-related or irrigation water management problems as may exist within each designated special area. Assistance under this subtitle may be provided to any geographic area of the United States if such an area is first designated by the Secretary as having severe and chronic erosion-related or irrigation water management problems and such designation is approved under section 1604.

(b) In identifying a geographic area as one appropriate for designation as a designated special area under this subtitle, the Secretary shall prepare a report setting forth an assessment of the problems, objectives, priorities, and a schedule for the implementation of the program under this subtitle in such area. As part of such report, the Secretary shall indicate how the program, as developed with respect to the area discussed in such report, takes into consideration programs of Federal, State, and local agencies—including soil and water conservation district boards and State Agricultural Stabilization and Conservation Committees—relating to soil and water conservation, pollution abatement, or the improvement or protection of forest land. In designating special areas, the Secretary shall review national resources inventory data, river basin plans, special studies, and other resource information. The Secretary shall consider tons of soil loss prevented, acres protected, and volume of water conserved. The Secretary shall evaluate the degree and type of interagency cooperation, the degree of local acceptance of the planned target activity, and the significant favorable and adverse impacts of the targeted activity.

PERIOD OF PROGRAM

SEC. 1603. Special geographic areas may be designated pursuant to section 1602 during the period of ten years following the effective date of this subtitle. Contracts authorized by subsections (b) and (g) of section 1601 may be entered into during a period of ten years following the designation of the special area to which they relate. Such contracts may not exceed ten years in duration, and may not exceed the amounts of such appropriations as may be provided therefor.

APPROVAL OF DESIGNATIONS

SEC. 1604. The Secretary shall submit each report prepared pursuant to section 1602(b) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. The Secretary may not enter into contracts under section 1601 with respect to land in a particular area unless the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives pass resolutions approving the report prepared under section 1602(b) with respect to such area.

SERVICES OF AGENCIES

SEC. 1605. In carrying out the provisions of this subtitle, the Secretary may utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) and the technical services of the Department of Agriculture, soil and water conservation district boards, and other State or local agencies. The Secretary may utilize the services and facilities of the Commodity Credit Corporation in discharging the functions and responsibilities of the Secretary under this subtitle.

RESEARCH

SEC. 1606. The Secretary may expend funds directly or through grants for such research as is needed to assist in developing new technologies for controlling erosion-related or irrigation water management problems in a designated special area.

GRANTS

SEC. 1607. The Secretary may provide grants to any State containing lands within a designated special area to conduct evaluation and analysis of the local and State tax structures, rules, and regulations and their impact on the acceptance, implementation, and maintenance of conservation practices or measures, or other pertinent items that may be needed for an effective program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1608. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

REPORTS

SEC. 1609. The Secretary shall submit an evaluation report to the Congress by January 1, 1986, and at each five-year interval thereafter, concerning activities and results under the program authorized by this subtitle. Recommendations for additional legislative action necessary to apply related research findings or more effectively solve erosion-related or irrigation water management problems of the designated special areas shall be included along with any other pertinent matters.

PROTECTION OF PARTICIPANTS

SEC. 1610. The Secretary shall, to the extent feasible, provide for protection of program participants from indirect or direct disqualifications, discrimination, forfeiture, or reduction of eligibility, or penalty under other agricultural programs for participating in the program authorized by this subtitle.

Subtitle B—Matching Grants for Conservation Activities

GRANTS PROGRAM

SEC. 1611. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall formulate and implement a program for furthering the conservation of soil, water, and related resources through annual grants to local units of government through State soil conservation agencies. Such grants shall be for noncapital expenditures in furtherance of local and State conservation objectives specified in section 1613.

(b) Such grants shall be made to augment rather than to replace other technical and financial assistance programs of the United States Department of Agriculture.

(c) A local unit of government may be eligible for a grant under subsection (a) if it—

(1) has in effect a current long-range program which the State soil conservation agency determines is adequate to meet local and State laws and objectives;

(2) has in effect a current annual work plan which is consistent with the long-range program in paragraph (1); and

(3) certifies to the Secretary or his designee at the State level that it has arranged for equal matching funds or in-kind services to the local unit from regional, State, local, or private sources.

(d) Whenever the Secretary determines that a component of the long-range program or annual work plan involves primarily a national rather than a local or State objective, the State or local matching funds required for the national component of the long-range program or annual plan need not exceed 25 per centum of the total funds required to accomplish the national objective. The Secretary, by regulation, shall define those objectives which are national in scope.

PROGRAM IMPLEMENTATION AND REVIEW

SEC. 1612. (a) For purposes of implementing the program and plan under section 1611(c), the local unit of government is encouraged to seek the input and cooperation of—

(1) local agencies, organizations, and citizens; and

(2) agencies of the United States Department of Agriculture or other Federal agencies, cooperative Extension services, and others that may be designated by the Secretary or the Governor to serve as advisers.

(b) In reviewing programs and work plans, the State soil conservation agency, the State Agricultural Stabilization and Conservation Committee, and the Secretary or his

designee at the State level may recommend additions or changes in order to meet urgent State, multistate, and national conservation needs or priorities as developed through the Soil and Water Resources Conservation Act of 1977 or similar process.

PLANS

SEC. 1613. (a) Long-range programs and annual work plans may include any of the following soil, water, and related resource conservation objectives: (1) soil erosion prevention and control; (2) cropland, forest, woodland, pasture or rangeland improvement; (3) water conservation, development, and management, and water quality improvement; (4) agricultural land retention or preservation; (5) demonstration projects to test and publicize the effectiveness of natural resource management systems adapted to local conditions; (6) fish and wildlife habitat improvement; (7) animal waste management; (8) watershed protection and flood prevention; (9) sediment control and stormwater management in urbanizing areas; (10) environmentally sound energy conservation and production; (11) leadership in natural resources aspects of rural community planning and development; or (12) any other purpose authorized or required by local or State conservation laws.

(b) Where an objective has been identified which will require more than one year to complete or reach, the Secretary or his designee may enter into a long-term agreement of not more than ten years with the local unit of government or State agency to provide funding assistance for the term of the agreement. Such assistance shall be contingent upon the amount of funds appropriated under section 1616 of this subtitle.

MATCHING FUNDS

SEC. 1614. (a) Federal matching grant funds, as mutually agreed upon by the State soil conservation agency and the Secretary, may be used to provide technical assistance to land owners and operators for planning and application of soil and water conservation practices and resource management systems.

(b) Such technical assistance shall be administered by the State soil conservation agency through local soil and water conservation districts.

(c) Such technical assistance shall be fully coordinated with technical assistance provided through ongoing Federal, State, and local resource conservation programs, and shall be in accord with established technical standards or guidelines.

(d) The basis for the transfer of grant funds shall be a grant agreement entered into by the parties referred to in section 1612(b).

RECORDS

SEC. 1615. (a) Each local unit of government or State agency receiving assistance under this subtitle shall keep such records as the Secretary requires, including records which fully disclose the amount and disposition by such unit or agency of the proceeds of such grants, the total cost of the projects or undertakings in connection with which such funds are given or used, and the amount of that portion of the costs of the projects or undertakings supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the local units that are pertinent to the grants received under this subtitle.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1616. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

(b) No funds shall be appropriated to carry out this subtitle for the fiscal year beginning October 1, 1992, and subsequent fiscal years, except as authorized by law enacted after the effective date of this subtitle.

(c) The Secretary shall report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on the progress of the program authorized by this subtitle. The first such report shall be submitted by January 1, 1986, and the succeeding report by January 1, 1991. Each such report shall include an evaluation of the program and the Secretary's recommendations for strengthening it.

Subtitle C—Conservation Loan Program

SEC. 1617. (a) Section 4(h) of the Commodity Credit Corporation Charter Act is amended by inserting immediately after the second sentence the following: "To encourage the alleviation of natural resource conservation problems that reduce the productive capacity of the Nation's land and water resources or that cause degradation of environmental quality, the Corporation may, beginning October 1, 1981, make loans to agricultural producers for those natural resource conservation and environmental enhancement measures that are recommended by the applicable county and State Agricultural Stabilization and Conservation Committees and are included in the producer's conservation plan approved by the local soil and water conservation district; such loans shall be for a period not to exceed ten years at a rate of interest based upon the rate of interest charged the Corporation by the United States Treasury; the Corporation may make loans to any one producer in any fiscal year in an amount not to exceed $25,000; loans up to $10,000 in amount may be unsecured and loans in excess of $10,000 shall be secured; and the total of such unsecured and secured loans made in each fiscal year shall not exceed $200,000,000: *Provided*, That the authority provided by this sentence to make loans shall be effective only to the extent and in such amounts as may be provided for in prior appropriation Acts.".

Subtitle D—Volunteers for Conservation

ESTABLISHMENT OF PROGRAM

SEC. 1618. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall establish a program to use volunteers in carrying out the natural resources assistance programs of the Department of Agriculture.

(b) The Secretary is authorized to accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Department of Agriculture for such purpose if the service:

(1) is to be without compensation; and

(2) will not be used to displace any employee of the Department of Agriculture.

(c) Any individual who provides voluntary service under this subtitle shall not be considered a Federal employee except for purposes of chapter 81 of title 5 of the United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28 of the United States Code (relating to tort claims).

AUTHORIZATION OF APPROPRIATIONS

SEC. 1619. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

Subtitle E—Reservoir Sedimentation Reduction Program

FORMULATION OF PROGRAM

SEC. 1620. The Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized to formulate and implement a program for testing the feasibility of reducing excessive sedimentation in existing reservoirs. Such an assistance program shall be implemented on the watershed drainage areas of no more than five publicly owned reservoirs. The Secretary shall select for the program those reservoirs in which excessive amounts of sediment are being deposited because of critical soil erosion problems in the watershed drainage area.

PLANS

SEC. 1621. For each reservoir and drainage area selected under section 1620, a plan shall be prepared that includes an assessment of the problems, a listing of objectives and priorities, and an implementation plan for achieving the objectives. The Secretary shall enter into an agreement with the soil and water conservation district(s) containing land within the reservoir or drainage area, an agency of State government designated by the Governor, and any unit(s) of local government which has a recognized interest in the reservoir, for the purpose of preparing the plan. The plan shall be signed by the Secretary, or the Secretary's designee, and the other parties to the agreement.

APPROVAL OF PLANS

SEC. 1622. The Secretary shall submit each plan developed under section 1621 to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives. The Secretary may implement the plan only after each committee passes a resolution approving the plan.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1623. There are hereby authorized to be appropriated, for each of the fiscal years 1983 through 1987, such sums as may be necessary for carrying out the provisions of this subtitle, such sums to remain available until expended.

REPORT

SEC. 1624. The Secretary shall submit a report evaluating the program authorized by this subtitle to the Congress by January 1, 1978. The report shall include a recommendation as to whether the program should be extended and, if so, how it could be strengthened.

Subtitle F—Designation of Lands Set Aside or Diverted

SEC. 1625. Notwithstanding any other provision of law, if the Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized or directed by any Act of the Congress to establish a set-aside or diversion program for any agricultural commodity, and if the Secretary establishes such a program, the designation by a producer of lands to be set aside or diverted in an application to participate in such program shall be subject to disapproval under subsection (b).

(b) If there is a soil and water conservation district board for the district in which the designated lands are situated, the Secretary is authorized to empower such board—

(1) to disapprove the producer's designation of lands if the board finds that lands designated will make a less than average contribution to soil conservation compared to the contribution of other lands which the producer could have designated to set-aside or divert under such program, and

(2) if a designation is so disapproved, to specify which lands of the producer would be acceptable to such board for set-aside or diversion under such program.

(c) If a producer's designation is disapproved under subsection (b)(1), then such producer shall be permitted to submit an amended application to participate in the program, designating for set-aside or diversion lands specified by the board under subsection (b)(2).

Subtitle G—Land Removed From Production for Conservation Purposes

PAYMENTS

SEC. 1626. The Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized to enter into contracts to provide financial assistance in the form of payments to owners and operators of cropland located in counties where the soil normally freezes to a depth of at least four inches annually who remove such land from agricultural production for a period not to exceed one year for the purpose of installing enduring conservation measures which involve excavation of the soil. The payments under such contracts shall be in such amounts as determined by the Secretary to be necessary to effectuate the purposes of this subtitle but shall not exceed an amount equal to the number of acres of cropland removed from agricultural production for such purpose multiplied by 50 per centum of the typical annual rent paid for similar land in the county. Financial assistance may not be provided under this subtitle with respect to any conservation measure without the approval of the soil and water conservation district board for the district in which the land is located, and may not, in the aggregate, be provided in any year with respect to more than one-half of 1 per centum of the cropland in any county.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1627. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

Subtitle H—Agricultural Land Resources

STATEMENT OF POLICY

SEC. 1628. (a) Congress hereby reaffirms that agricultural land is an important natural resource because it provides—

(1) a livelihood for farm families and for people in agriculture-related industries;

(2) a strategically important assurance of enduring national self-sufficiency in food and fiber at a reasonable cost to American consumers and producers; and

(3) agricultural products for export and foreign exchange to improve the international balance of payments and assist in the effort toward world peace.

(b) It shall be the policy of the United States and the intent of Congress that Federal programs be administered, except where precluded by law, in a manner that will not cause the unnecessary, irreversible conversion of agricultural land to nonagricultural uses, and that will not conflict with local or State programs to protect agriculture.

INTERGOVERNMENTAL COOPERATION

SEC. 1629. The Secretary of Agriculture (referred to in this subtitle as the "Secretary") is encouraged to cooperate with other Federal agencies whose programs may influence the conversion of land from agricultural uses, and to encourage those agencies to undertake positive steps leading to development of policies that recognize the importance of limiting the conversion of productive agricultural land to nonagricultural uses.

RECOMMENDATIONS

SEC. 1630. In order that Congress may be better informed of any needed future actions, the Secretary and the Director of the Office of Management and Budget shall submit to Congress, not later than one year following the effective date of this subtitle, recommendations regarding the design and administration of Federal programs in order to assure the retention of productive agricultural land.

TECHNICAL ASSISTANCE TO STATES AND LOCALITIES

SEC. 1631. The Secretary is encouraged to provide technical assistance to any State or locality or qualifying nonprofit organization which desires to develop programs or policies to limit the conversion of productive agricultural land to nonagricultural uses.

AGRICULTURAL LAND RESOURCE INFORMATION

SEC. 1632. (a) The Secretary, through existing agencies or interagency groups, and in cooperation with the cooperative extension services of the States, shall design and implement educational programs and materials emphasizing the importance of productive agricultural land to the Nation's well-being and distribute educational materials through communications media, schools, groups, and other Federal agencies.

(b) The Secretary shall designate one or more agricultural land information centers to serve as central depositories and distribution points for information on agricultural land issues, policies, programs, technical principles, and innovative actions or proposals by local and State governments.

GRANTS; CONTRACTS

SEC. 1633. The Secretary may carry out the purposes of this subtitle, with existing facilities and funds otherwise available, through the use of grants, contracts, or such other means as the Secretary deems appropriate.

Subtitle I—Resource Conservation and Development

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 1634. (a) The Congress finds and declares—

(1) that the rural areas of the Nation are confronted by critical resource utilization, economic, and environmental problems;

(2) that such problems are the result of—

(A) continually increasing pressures on such rural areas to meet domestic and foreign demand for food, fiber, and wood;

(B) inadequate public and private investment to help formulate and carry out acceptable courses of action necessary to meet the accelerating demands being made on the land and natural resources of the Nation; and

(c) social, economic, and environmental conditions of such complexity that they cannot be effectively dealt with by individual communities in rural areas acting independently of each other; and

(3) that such problems have resulted in and unless changed, will continue to result in the decline of the family farm system, small business enterprise, and job opportunities, as well as a decrease in the amenities and environmental qualities of rural areas throughout the United States.

(b) It is, therefore, the purpose of this subtitle to encourage and assist State and local units of government and local nonprofit organizations in rural areas to plan, develop, and carry out a program for resource conservation and development.

DEFINITIONS

SEC. 1635. As used in this subtitle—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "planning process" means the continuing effort by any State, local unit of government, or local nonprofit organization to develop and carry out effective resource conservation and utilization plans for a designated rural area, including development of an area plan (as defined in paragraph (3)), goals, objectives, policies, implementation activities, and evaluations and reviews, and the opportunity for public participation in such effort.

(3) The term "area plan" means a resource conservation and utilization plan for a designated rural area of a State or States which has been developed through a planning process and which includes one or more of the following basic elements:

(A) a land conservation and utilization element the purpose of which will be to correct maladjustments in land use, to protect agricultural land from imprudent conversion to other uses, to control erosion and sedimentation, and to protect fish and wildlife habitats;

(B) a water management element the purpose of which will be to provide for the conservation and utilization of water, including irrigation and rural water supplies; the mitigation of floods and high water tables; construction, repair, and improvement of dams and reservoirs; improvement of agricultural water management; and improvement of water quality through control of nonpoint sources of pollution;

(C) a community development element the purpose of which will be the development of natural resource based industry, the protection of rural area industries from natural resource hazards, the development of aquaculture and adequate rural area water and waste disposal systems, improvements in recreation facilities, rural housing, adequate health and education facilities, and essential transportation and communication needs; and

(D) other elements such as energy conservation, environmental protection, preservation of unique natural and cultural resources that are appropriate to achieving the goals of the citizens in the designated rural areas.

(4) The term "State" means the several States, the Commonwealth of Puerto Rico, and the Virgin Islands.

(5) The term "local unit of government" means any city, town, township, parish, village, or other general-purpose subdivision of a State, any local or regional special district or other limited political subdivision of a State, including any soil and water conservation district, irrigation, watershed, or drainage district, school district, park authority, and water or sanitary district.

(6) The term "nonprofit organization" means any community association, wildlife group, or resource conservation organiza-

tion that is incorporated and approved by the Secretary for the purpose of providing to any rural area those public facilities or services included in the area plan for such rural area.

(7) The term "technical assistance" means any service provided by the staff members of any agency of the Department of Agriculture, including advising, inventory evaluating, planning, designing, supervising, laying out, and inspecting, and the providing of maps, reports, and other documents associated with the services provided.

(8) The term "financial assistance" means the assistance made available under this subtitle by means of Federal grants and loans.

(9) The term "works of improvement" means the facilities installed or being installed in compliance with the area plan.

RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

SEC. 1636. The Secretary shall establish a resource conservation and development program under which the Secretary shall make available to States, local units of government, and local nonprofit organizations the technical and financial assistance necessary to permit such States, local units of government, and organizations to operate and maintain a planning process for the development of plans and actions needed to conserve and better utilize land, develop natural resources, and improve and enhance the economic and environmental conditions of rural areas of the United States.

AUTHORITY OF THE SECRETARY OF AGRICULTURE

SEC. 1637. In carrying out the provisions of this subtitle the Secretary may—

(1) provide technical assistance and advice, upon request, to any State, local unit of government, or local nonprofit organization within a designated rural area to assist in developing an area plan for such area;

(2) cooperate with other departments and agencies of the Federal Government, with State and local governments, and with local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans;

(3) assist in carrying out an area plan approved by the Secretary for any rural area by providing technical and financial assistance, including grants and loans, to local public agencies and nonprofit organizations designated to receive such assistance by the Governor or legislature of the State concerned; and

(4) enter into agreements with State agencies, local units of government, and local nonprofit organizations, as provided in section 1638.

AGREEMENTS; TERMS AND CONDITIONS

SEC. 1638. (a) Technical and financial assistance may be provided by the Secretary to any State agency, local unit of government, or local nonprofit organization to assist such agency, unit of government, or organization in carrying out works of improvement specified in an area plan approved by the Secretary only if—

(1) such State agency, unit of government, or organization agrees in writing to carry out such works of improvement and to finance or arrange for financing of any portion of the cost of carrying out such works of improvement not paid by the Secretary under this subtitle;

(2) the works of improvement for which assistance is to be provided under this subtitle are included in an area plan and have been approved by the local units of government to be assisted;

(3) the Secretary determines that assistance to finance the type of works of improvement concerned is not reasonably available to such agency, unit of government, or organization under some other Federal program;

(4) the works of improvement provided for in the area plan for any area are consistent with any existing comprehensive plan for such area;

(5) the cost of land or interest in land acquired or to be acquired under such plan by any State, local unit of government, or local nonprofit organization is borne by such State, unit of government, or organization, except in the case of land or interest in land acquired or to be acquired for the purpose of conserving or protecting fish or wildlife, acquired or to be acquired for public recreational purposes, or acquired or to be acquired to protect the public from a threat to its health and welfare; and

(6) the State, local unit of government, or local nonprofit organization participating in an area plan agrees to maintain and operate any work of improvement carried out under such plan.

(b) Loans made under this subtitle shall be made on such terms and conditions as the Secretary may prescribe, except that such loans shall have a repayment period of not more than thirty years from the date of completion of the works of improvement for which the loan is made and shall bear interest at the average rate of interest paid by the United States on its obligations of a comparable term, as determined by the Secretary of the Treasury.

(c) Assistance may not be made available to any State, local unit of government, or local nonprofit organization to carry out any area plan unless such plan has been submitted to and approved by the Secretary.

IDENTIFICATION OF GROUPS OR PROBLEMS FOR SPECIAL CONSIDERATION IN AREA PLANS

SEC. 1639. Any area plan may identify for special emphasis or assistance under such plan any particular group (including small farm operators, rural poor, or minority groups living in the area covered by such plan), or any particular natural resource or water utilization problem.

SUPPLEMENTAL AUTHORITY OF THE SECRETARY

SEC. 1640. The authority of the Secretary under this subtitle to assist States, local units of government, and local nonprofit organizations in the development and implementation of area plans shall be supplemental to and not in lieu of any authority of the Secretary under any provision of law.

RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD

SEC. 1641. (a) The Secretary shall establish within the Department of Agriculture a Resource Conservation and Development Policy Board (hereinafter in this section referred to as the "Board").

(b) The Board shall be composed of seven members appointed by the Secretary. One member of the Board shall be designated by the Secretary to serve as chairperson.

(c) It shall be the function of the Board to advise the Secretary regarding the administration of this subtitle, including the formulation of policies for carrying out the program provided for by this subtitle.

EVALUATION OF PROGRAM

SEC. 1642. The Secretary shall evaluate the program provided for in this subtitle with a view to determining whether such program is effectively meeting the needs of, and the objectives identified by, the States, local units of government, and local nonprofit organizations participating in such program. The Secretary shall submit a report to the Congress containing the results of the evaluation not later than December 31, 1986, together with the Secretary's recommendations for continuing, terminating, redirecting, or modifying such program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1643. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, except that not more than $60,000,000 may be appropriated for technical and financial assistance for any fiscal year and not more than $15,000,000 may be appropriated for loans for any fiscal year.

SEPARABILITY PROVISION

SEC. 1644. If a part of this subtitle is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this subtitle is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid part.

Subtitle J—Effective Date; Regulations

SEC. 1645. Except as otherwise provided herein, the provisions of this title shall become effective October 1, 1981.

SEC. 1646. The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out the provisions of this title.

Mr. JONES of Tennessee. Mr. Chairman, Over the past hours since we began consideration of the farm bill, I have listened to statements by my colleagues describing in vivid terms how seriously depressed economic conditions are in our Nation's farm community. I concur with their remarks, but let us not forget that these conditions are further aggravated by the rapid depletion of our soil resource by soil erosion rates which far exceed rates defined as acceptable by professional soil conservationists.

According to studies made by the Soil Conservation Service, about 4 billion tons of soil is lost annually from the non-Federal lands in the United States with one-half of it coming from cropland. Forty-four percent of the 413 million acres used for cropland in 1977 were on soils with a moderate to very high risk damage by sheet and rill erosion. Some soils lose as much as 100 tons or more per acre per year. Erosion is especially serious on sloping, unprotected cropland. In some areas, a combination of conditions results in deep cavernous gullies that void the land for any productive use.

The Soil Conservation Service studies show an alarming national average of 4.8 tons of soil eroded from each acre of cropland each year. However, even this figure does not portray the seriousness of the problem because it is merely a national average. In many parts of the country the erosion is much higher.

The soil resource of this country is not without limits. This resource is the lifeblood of our Nation and it is vul-

nerable as we have seen in areas where productivity has been reduced to zero by gullies, duststorms, and drought. Despite the fact that we have seen this happen, we are continuing to waste, diminish, and abuse our soil resource. To further aggravate the problem, our prime farmland is being irreversibly converted to highways, shopping centers, airports, housing tracts, and other municipal uses. We are currently losing 3 million acres of agricultural land each year, and about 1 million acres of this total is classified as prime farmland.

No doubt many of my colleagues could cite facts from their own districts that would show that this is a nationwide problem, and we must do something to stop this deplorable waste.

The House Agriculture Committee has included a conservation title in the farm bill which, though it does not solve the total problem, will help to reduce our losses in agricultural land. Title XVI contains several new conservation approaches, including:

A special areas conservation program to identify and correct erosion-related or irrigation water management problems;

A matching grants program with local units of government through State soil conservation agencies;

Loans to farmers and landowners from the Commodity Credit Corporation for natural resource conservation and enhancement;

The use of volunteers in carrying out the natural resources assistance programs of USDA;

A program for testing the feasibility of reducing excessive sedimentation in existing reservoirs;

Financial assistance to eligible parties who remove land from agricultural production for at least 1 year to excavate soil for the purpose of installing enduring conservation measures; and

A resource conservation and development program to aid States, localities, and nonprofit institutions in developing plans to conserve and better utilize land.

These actions will assist in alleviating some of the agricultural problems facing the farm community today.

As we discuss and consider the 1981 farm bill, let us not forget that legislation must consider the protection of our soil resources, or we may be facing a day in the foreseeable future when our farm community will not be able to produce the necessary food and fiber which will keep our Nation in a leadership position.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 210, strike out line 15 and everything that follows through line 2, page 213 and insert in lieu thereof the following:

SHORT TITLE

SEC. 1628. This subtitle may be cited as the Agricultural Land Resources Policy Act".

FINDINGS, PURPOSE, AND DEFINITIONS

SEC. 1629. (a) Congress finds that—

(1) the Nation's farmland is a unique natural resource and provides food and fiber necessary for the continued welfare of the people of the United States;

(2) each year, a large amount of the Nation's farmland is irrevocably converted from actual or potential agricultural use to nonagricultural use;

(3) continued decrease in the Nation's farmland base may threaten the ability of the United States to produce food and fiber in sufficient quantities to meet domestic needs and the demands of our export markets;

(4) the extensive use of farmland for nonagricultural purposes undermines the economic base of many rural areas;

(5) Federal actions, in many cases, result in the conversion of farmland to nonagricultural uses where alternative actions would be preferred;

(6) the Department of Agriculture is the agency primarily responsible for the implementation of Federal policy with respect to United States farmland, assuring the maintenance of the agricultural production capacity of the United States, and has the personnel and other resources needed to implement national farmland protection policy; and

(7) the Department of Agriculture and other Federal agencies should take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to nonagricultural uses in cases in which other national interests do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

(b) The purpose of this subtitle is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland.

(c) As used in this subtitle—

(1) the term "farmland" includes all land defined as follows:

(i) prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum input of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage;

(ii) unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary of Agriculture. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables; and

(iii) farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food, feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, and that the Secretary of Agriculture determines should be considered as farmland for the purposes of this subtitle;

(2) the term "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or any territory or possession of the United States;

(3) the term "unit of local government" means the government of a county, municipality, town, township, village, or other unit of general government below the State level, or a combination of units of local government acting through an areawide agency under State law or an agreement for the formulation of regional development policies and plans; and

(4) the term "Federal program" means those activities or responsibilities of a department, agency, independent commission, or other unit of the Federal Government that involve (i) undertaking, financing, or assisting construction or improvement projects; or (ii) acquiring, managing, or disposing of Federal lands and facilities. The term "Federal program" does not include construction or improvement projects that on the effective date of this subtitle are beyond the planning stage and are in either the active design or construction stage.

FARMLAND PROTECTION POLICY

SEC. 1630. (a) The Department of Agriculture, in cooperation with other departments, agencies, independent commissions, and other units of the Federal Government, shall develop criteria for identifying the effects of Federal programs on the conversion of farmland to nonagricultural uses.

(b) Departments, agencies, independent commissions, and other units of the Federal Government shall use the criteria established under subsection (a) of this section, to identify and take into account the adverse effects of Federal programs on the preservation of farmland; consider alternative actions, as appropriate, that could lessen such adverse effects; and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government, and private programs and policies to protect farmland.

(c) The Department of Agriculture may make available to States, units of local government, individuals, organizations, and other units of the Federal Government information useful in restoring, maintaining, and improving the quantity and quality of farmland.

CONFORMATION OF EXISTING POLICIES AND PROCEDURES

SEC. 1631. (a) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such unit of the Federal Government from taking appropriate action to

comply fully with the provisions of this subtitle.

(b) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall, as appropriate, develop proposals for action to bring its programs, authorities, and administrative activities into conformity with the purpose and policy of this subtitle.

Renumber section 1631 as section 1632; section 1632 as 1963; section 1633 as 1634, and add the following four new sections:

REPORT

SEC. 1635. Within one year after the effective date of this subtitle, the Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on the progress made in implementing the provisions of this subtitle. Such report shall include information on—

(1) the effects, if any, of Federal programs, authorities, and administrative activities with respect to the protection of United States farmland; and

(2) results of the reviews of existing policies and procedures required under section 1631(a) of this subtitle.

STATEMENT OF LIMITATION

SEC. 1633. (a) This subtitle does not authorize the Federal Government in any way to regulate the use of private or non-Federal land or to affect the property rights of owners of such land.

(b) None of the provisions or other requirements of this subtitle shall apply to the acquisition or use of farmland for national defense purposes.

PROHIBITION

SEC. 1634. This subtitle shall not be deemed to provide a basis for any action, either legal or equitable, by any State, local unit of government, or any person or class of persons challenging a Federal project, program, or other activity that may affect farmland.

EFFECTIVE DATE

SEC. 1635. The provisions of this subtitle shall become effective six months after the date of enactment of this Act.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, I rise to offer an amendment to title XVI. This amendment augments the agricultural land resources subtitle in H.R. 3603 with the substantive provisions addressing the same matter as already passed by the other body. As amended, the agricultural land resources subtitle would constitute a valuable step toward mitigating the avoidable negative effects of Federal programs and projects on farmland.

I offer this amendment also on behalf of my colleague, Congressman JAMES JEFFORDS, who has worked diligently and persistently in the House to direct our attention to the matter of agricultural land conversion. Coming from California's most rapidly urbanizing district, I share with Mr. JEFFORDS, and many other Members of the House, a deep concern for the viability of agriculture in and around urban or rapidly growing areas. I strongly believe that Federal programs should be administered with a greater degree of sensitivity to the local importance of agricultural land resources both to the farm families who have worked the fields and orchards for generations and for people who sincerely appreciate for a host of reasons the opportunity of living near or around farmland where food and fiber are actually produced. I believe this farm bill should do as much as possible to assure farmers continued access to a productive land base so that agricultural operations can proceed as viable businesses in as many regions of the United States as possible.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I rise as a cosponsor to this amendment.

Many of my colleagues are aware that I have, for several years, supported the establishment of a Federal policy on agricultural land resources—a policy which would minimize the impact that Federal actions and programs have on agricultural land loss.

In January of this year, a study entitled, "The National Agricultural Lands Study," was completed. This report shows that we have many reasons to be concerned about the loss of some of our most productive agricultural lands. These reasons include:

That 1 million acres of prime agricultural land are being lost to nonagricultural uses each year.

The loss of agricultural land could threaten our position as the breadbasket of the world, for by the turn of the century 20 million acres could be lost.

That there are uncertainties whether technological change can lead to the level of increased production that has been experienced in the past.

That if we continue to lose vast acreages of agricultural land and if production does not increase dramatically, domestic food prices will increase significantly by the turn of the century.

"The National Agricultural Lands Study" found that over 90 Federal programs are directly influencing the loss of agricultural land. Our amendment is a relatively simple amendment that will guarantee that Federal agencies review their programs and actions to insure that they are not contributing to the loss of productive agricultural land.

I am pleased that the Secretary of Agriculture supports the establishment of formal national policies for protecting agricultural lands on the part of Federal agencies. I want to quote from a letter from Secretary Block, dated March 25, 1981:

I am currently considering suggestions from within USDA on ways to incorporate particular recommendations of the National Agricultural Lands Study in the 1981 Farm Bill. Generally, these suggestions address the need for formal national policies for protecting agricultural lands on the part of Federal agencies and the need for the monitoring of these policies and their implementation.

I ask that my colleagues join me in passing this amendment that will assure that the Federal Government gets its house in order.

Mr. BROWN of California. I appreciate the remarks of the gentleman. As a matter of fact, in my remarks I had wanted to designate this amendment as the Brown-Jeffords amendment, if the gentleman does not object.

Mr. JEFFORDS. I most certainly do not object.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I certainly yield to my distinguished chairman.

Mr. DE LA GARZA. I would like to verify with the gentleman the intent of the limitation which provides that this amendment would not in any way regulate the use of private or non-Federal land or to affect the property rights of owners of such land.

Mr. BROWN of California. I might say to the gentleman that that is exactly correct. That language is specifically set forth in the version offered by the other body which I am offering and does not occur in the House language, and is an improvement in that respect.

Mr. DE LA GARZA. It provides that there would be none of what we would call Federal land use or Federal land use planning affecting private property or ownership?

Mr. BROWN of California. The gentleman is absolutely correct. I am sure that he is well aware that while there is some interest in trying to improve the planning of agricultural or nonagricultural land in this country, that efforts to achieve that have certainly not gone anywhere in the past.

The focus of this amendment, and it is mainly exhortation, is to have the Federal Government not engage in any practices which would go contrary to the agricultural land preservation programs that are being administered by State or local government, to slow down as much as possible the rapid removal of prime farmland from agricultural use.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONES OF TENNESSEE

Mr. JONES of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Tennessee: On page 205, line 16, strike out "Volunteers for Conservation" and insert in lieu thereof "Volunteers for Department of Agriculture Programs".

On page 205, lines 20 and 21, strike out "natural resources assistance".

On page 206, line 3, insert immediately after "employee of the Department of Agriculture" the phrase "including the local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act".

□ 1515

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I yield to my distinguished friend, the ranking minority member of the subcommittee.

Mr. JEFFORDS. I just want to say that we have reviewed the amendment and believe it is an appropriate change, and we would enthusiastically endorse the amendment.

Mr. JONES of Tennessee. I thank the gentleman.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I yield to my chairman.

Mr. DE LA GARZA. Mr. Chairman, in behalf of the committee, we have no objection to the amendment.

Mr. JONES of Tennessee. I thank the gentleman.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Tennessee. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Just for the edification of the Members here, would the gentleman tell us what the amendment does?

Mr. JONES of Tennessee. I would be glad to, and I will take just as little time as I possibly can.

Mr. Chairman, this amendment would expand the agencies in the Department of Agriculture that would be authorized to accept volunteers to assist in operating their programs. As presently worded, section 1618 is restricted to volunteers for the natural resources assistance programs.

For several years some of the USDA agencies have sought legislation which would allow them to accept the services of volunteers in providing visitor and other services for programs and at facilities they administer. For example, the Agricultural Research Service would find this authority particularly useful at the U.S. National Arboretum where the visitor level exceeds 500,000 annually and at the Beltsville Agricultural Research Center where 20,000 or more individuals visit the Center annually. In the case of the U.S. National Arboretum, one traditional characteristic of all arboretums and botanic gardens is the utilization of volunteers and docents to provide for scholarly assistance to visitors. Not only does this provide a corps of capable people to augment the professional staff of the arboretum but it offers to talented people an opportunity to put their skills to use.

The bill makes it clear that the volunteers would serve without compensation and would not be used to displace any employee.

I have been informed that the Department supports this amendment, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. JONES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: At the end of the bill, add the following new title XVII:

SEC. 1. Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by striking all that precedes the semicolon in the first sentence of subsection (b) and inserting in lieu thereof the following:

"The price of honey shall be supported for the 1982 through 1985 crop years through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 50 per centum of the parity price thereof.".

Mr. VOLKMER. Mr. Chairman, the amendment I offer relates to the honey price support activities of the U.S. Department of Agriculture. It will lower the minimum support level to 50 percent of parity. The ASCS has projected that we will experience a problem with the honey program over the next 5 years—namely that the price support level is likely to exceed the world price. This, plus the displacement of some domestic production by honey imports will result in CCC acquisitions and increasing program costs.

Mr. Chairman, under present law, the price support for honey is mandatory at not less than 60 percent, nor more than 90 percent of parity. Support has been maintained at the minimum level of 60 percent since 1973. However, the honey support price for 1981 is above the present market price and this situation should persist for the foreseeable future, according to the Department of Agriculture.

Mr. Chairman, as that is occurring, the loan activity will increase and over the next 5 years it is expected to double from the present level. CCC will probably begin to acquire honey during fiscal year 1981. And, then CCC acquisitions can be expected to increase from 2 million pounds this year to 15 million pounds in fiscal year 1985 and that will affect expenditures.

Mr. Chairman, net expenditures for the support program were −$1.7 million in fiscal year 1979 and $8.7 in fiscal year 1980. In fiscal year 1981, net expenditures are projected at $5.9 million. Assuming that CCC owned honey can be sold to the school lunch program, net expenditures are expected to rise to $15.2 million in fiscal year 1985.

Mr. Chairman, I urge the adoption of my amendment. It continues the program, in fact it mandates a honey program. What it allows is the Secretary of Agriculture to operate the honey support program at not less than 50 percent of parity but not more than 90 percent of parity. It will reduce Government expenditures in the next 4 years.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman yielding, but I must object to the amendment, in spite of the deep admiration and respect I have for the gentleman from Missouri.

The problem is that the honey support program is operating well. We are having some problems with imports. The reason behind this amendment is to lower the support price by 10 parity points, which in the long term would save us some $17 million. In the context of this multibillion dollar budget that we are working with, to disrupt a program which has worked so well and to disrupt the economic factor which the beekeepers or bee raisers are working under, without having had any hearings to assess the full impact that it could have on this small but important segment of agriculture, might not be the wise thing to do at this time.

For that reason, I would hope that my distinguished colleague would withdraw his amendment and allow us to take a further look at this situation.

Mr. VOLKMER. Mr. Chairman, I would like to inquire of the gentleman from Texas if it would be possible that perhaps we could conduct hearings as to the implications of reducing the support level, not only on the beekeepers, but also on the impact that we are now having of imports on honey producers or the beekeepers of this country. Perhaps we could have the hearings yet this year, with planned activities the first part of the year.

Mr. DE LA GARZA. I appreciate the gentleman's interest in that respect, and I concur with him. I certainly would urge the appropriate subcommittee to take a very close and detailed look at this matter because it is an important matter and it should be addressed. I am hopeful, and I can almost assure the gentleman, that this would be done.

Mr. VOLKMER. I thank the gentleman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. Are there additional amendments to title XVI?

AMENDMENT OFFERED BY MR. EVANS OF IOWA

Mr. EVANS of Iowa. Mr. Chairman, I offer an amendment that would add an additional title.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Iowa: Page 222, after line 25, add the following new title:

TITLE XVII—CONTINUATION OF FEDERAL CROP INSURANCE PILOT PROGRAMS

Section 107(b) of the Federal Crop Insurance Act of 1980 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section; for the purpose of providing data on the comparative costs of selling and servicing crop insurance by various delivery systems, the Corporation shall for the crop years 1982, 1983, 1984, and 1985 continue its pilot program of making crop insurance available at selected county offices of the Agricultural Stabilization and Conservation Service. The Secretary of Agriculture shall be February 1, 1985, report to Congress on the comparative costs of all delivery systems used in crop years 1981 through 1984.".

Mr. EVANS of Iowa. Mr. Chairman, I submit this amendment on behalf of the gentleman from Kansas (Mr. ROBERTS) and myself. This amendment would direct the Department of Agriculture to continue for 4 years its present pilot program of making Federal crop insurance available through selected county offices of the Agriculture Stabilization and Conservation Service.

The 1980 Federal Crop Insurance Act provided for not less than 25 such pilot programs across the country, to be continued through the 1985 crop year. Some of these pilot programs were initiated in selected county ASCS offices for the 1981 crop.

Now the Federal Crop Insurance Corp. states that it intends to terminate those pilot programs in county offices at the end of this crop year. While termination of these pilot programs is probably technically legal, given the peculiar wording of the 1980 act, termination at this time does not seem to be in the public interest or in keeping with congressional intent of the 1980 act.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I would just like to say that I have reviewed the amendment. Certainly from the perspective of my position on the subcommittee dealing with this problem, I have no objection to the amendment.

Mr. EVANS of Iowa. I appreciate the support of the gentleman.

Mr. JONES of Tennessee. Mr. Chairman, will my colleague, the gentleman from Iowa, yield to me?

Mr. EVANS of Iowa. I would be pleased to yield to my chairman.

Mr. JONES of Tennessee. I thank the gentleman for yielding, and I want to say that I have no objection to the amendment being offered by the gentleman.

Mr. Chairman, this is an amendment to the Federal Crop Insurance Act which was amended and updated in 1980. That bill was sponsored by my friend, Representative ED MADIGAN, and myself.

This amendment would continue a pilot program which was begun by the previous administrations to test the idea of delivering crop insurance through the ASCS offices.

The data received from that pilot program so far has been interesting but inconclusive. The issue of which delivery system is most desirable and efficient remains very controversial as the subcommittee learned in hearings a few weeks back.

Since many questions on this issue remain, I have no objections to continuing the pilot program. Therefore, I have no objections to the amendment.

Mr. EVANS of Iowa. I appreciate the support of the chairman of the subcommittee.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Iowa. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. I thank my colleague and friend, the gentleman from Iowa, for yielding. I wish to also thank him for allowing me to be a coauthor of this amendment. As my friend and colleague knows, we have a new concept of Federal crop insurance now going into place, but we also have some problems with this program. As my chairman and colleague, the gentleman from Tennessee (Mr. JONES), has indicated, he has been holding oversight hearings. This is no time to terminate the pilot program without our ASCS offices. As a matter of fact, it is an excellent opportunity to keep this pilot program intact, and I wish to echo the sentiments of my colleague from Iowa and again thank him for providing us this leadership in this direction.

Mr. EVANS of Iowa. I appreciate the support of the gentleman from Kansas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HANCE

Mr. HANCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCE: Page 222, after line 25, insert the following new title:

TITLE XVII—CONFERENCE

WHITE HOUSE CONFERENCE ON AGRICULTURE

SEC. 1701. (a) The President is requested to call a White House Conference on Agriculture to be held not later than one year after the date of the enactment of this Act.

(b) The purpose of the White House Conference on Agriculture shall be to study current problems in the agricultural sector of the economy and to develop recommendations regarding short-term and long-term solutions to such problems.

(c) Members of the White House Conference on Agriculture shall be appointed by the President from among—

(1) heads of organizations comprised of producers of agricultural commodities,

(2) representatives of the banking industry,

(3) representatives of businesses which provide services, or produce goods, used by producers of agricultural commodities,

(4) heads of organizations representing the interests of consumers, and

(5) producers of agricultural commodities.

(d) A report of the White House Conference on Agriculture shall be submitted to the President and to the Congress not later than one year after the members of such Conference are first appointed.

Page 3, insert the following immediately before line 1:

TITLE XVII—CONFERENCE

Mr. HANCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HANCE. Mr. Chairman, this amendment requests the White House to call a White House Conference on Agriculture.

I think the problems that we see in agriculture are very severe. At the present time, there are probably millions of Americans who really do not recognize these problems. This conference would propose recommendations for short-term and long-term solutions to the problems we face in agriculture.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I think this is an excellent idea. Just in the last couple of weeks, as we have debated this bill, if we use the Department of Agriculture statistics, we find that more than 1,000 farm families are leaving the farm each week. I think we need to be able to talk about those trends in a far more effective way than we have done in recent years, and I think this amendment certainly deserves the support of the House.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I would like to thank the gentleman from Texas for his splendid idea. I

think it is something that ought to be done, and I would hope and respectfully request that the President would do so. I certainly would approve and, in our behalf, I accept the gentleman's amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I think it is a good idea. But I just want to sound a word of warning, because I have just been through one of these in the last 3 or 4 years with small business. What happened there will probably happen here, if the committee does not stay on top of it.

What happened was that they tried to structure the local conferences that they were having in which they selected delegates by reducing the number that could attend. In Los Angeles, they held it in a room that only held 400 people, and the only 400, then, who were permitted to attend were the people that they wanted to have there.

So it is terribly important that you compel them, if they have a conference, to open up these local meetings, let anybody come who wants to, and let them have a free election to elect their own delegates. Otherwise all you will get is a White House conference of selected people. I just hope that you will stay on top of this, if this becomes a reality.

Mr. HANCE. Mr. Chairman, I appreciate the gentleman's recommendation. I visited with the gentleman earlier about this, and I think it is a very important point. We will keep that in mind, and we will stay on top of it.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would just like to echo that. We have had four White House conferences in the last few years. We had one on small business, families, children, youth, and now aging. For the most part, they have not been terribly productive on producing legislative solutions, but have been useful in providing revenues for Xerox and for duplicating companies. The recommendations have not been taken very seriously.

All the gentleman is doing in his amendment is requesting one. I hope that the President honors the gentleman's request. I hope it has a little more meat—excuse the pun—than some of the other ones that we have had.

Mr. HANCE. I appreciate the gentleman's support.

□ 1530

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HANCE).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to the bill?

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment which would be incorporated in a new section of the bill.

The Clerk read as follows:

Amendment Offered by Mr. DASCHLE: Page 3; immediately before line 1, insert the following new item:

"TITLE XVII—EXAMINATION, INSPECTION, AND LABELING REQUIREMENTS FOR IMPORTED MEAT".

Page 222, after line 25, add the following new title:

TITLE XVII—EXAMINATION, INSPECTION, AND LABELING REQUIREMENTS FOR IMPORTED MEAT.

SEC. 1701. Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by inserting "(1)" after "(a)", and by adding at the end thereof the following:

"(2) Any carcass, part of a carcass, meat, or meat food product described in paragraph (1) (or container or package thereof) which is imported into the United States, and any meat food product (or container or package thereof) made in whole or in part of any such imported meat, shall be labeled 'Imported From ————', 'Contains Meat Imported From ————', or 'May Contain Meat Imported From ————', as the case may be, with the blank space to be filled in with the name of the country of origin. The first sentence of this paragraph shall not apply if the carcass, part of a carcass, meat, or meat food product (or the container or package thereof) is required to be marked or labeled to show the country of origin in accordance with regulations prescribed under paragraph (1).

"(3) If a person cuts any carcass, part of a carcass, meat, or meat food product into pieces (or breaks a container or package containing any of such articles) other than to prepare it for ultimate consumption, and such carcass, part of a carcass, meat, or meat food product (or such container or package) is marked or labeled under paragraph (1), (2), or (4)(C)(ii), such person shall mark or affix a label to each of such pieces (or the container or package containing any of such pieces) to supply the information which was so provided before it was cut (or broken).

"(4)(A)(i) No carcass or part of a carcass described in paragraph (1) may be imported into the United States unless such carcass or part of a carcass, including the internal organs (or samples from such internal organs) of the animal from which such carcass or part came, is examined and inspected at the port of entry to determine that such carcass or part is not adulterated.

"(ii) No meat or meat food product described in paragraph (1) (or container or package thereof) may be imported into the United States unless such meat or meat food product is examined and inspected at the port of entry to determine that such meat or meat food product is not adulterated.

"(B) Any examination or inspection conducted under this paragraph with respect to any carcass, part of a carcass, meat, or meat food product, shall include the equivalent of at least one core test for every fifty pounds thereof (irrespective of whether the article is fresh, chilled, frozen, or cured), except that, in the case of cans or other sealed containers thereof, such examination or inspection shall be conducted using such methods as the Secretary shall by regulation prescribe.

"(C)(i) Notwithstanding subsection (b), the Secretary shall, in accordance with such regulations as the Secretary shall prescribe, dispose of any article determined under this paragraph to be adulterated by selling such article as tankage or fertilizer.

"(ii) Any article determined under this paragraph not to be adulterated shall be labeled "Prime", "Choice", "Standard", or "Utility", as the case may be, in accordance with such regulations as the Secretary shall prescribe, to indicate the grade of such article.

"(D) Any examination, inspection, or labeling required under this paragraph shall be performed by inspectors appointed for that purpose by the Secretary.

"(E) For purposes of subparagraph (A)(i), the term 'internal organs', as used with respect to an animal, means the liver, heart, kidneys, lungs, and spleen of such animal.

"(5)(A) The Secretary shall prescribe such assessments and fees on imported carcasses, parts of carcasses, meats, and meat food products as the Secretary determines necessary to cover the costs of inspection, examination, marking, and labeling, under this section.

"(B) In establishing the level or rate of assessments and fees to be imposed under this paragraph, the Secretary shall take into consideration the volume of imports into the United States of the articles to which this section applies, the value of such imports, and such other factors as the Secretary determines appropriate.

"(C) No carcass, part of a carcass, meat, or meat food product (or container or package containing any of such articles) as to which an assessment or fee is levied under subparagraph (A) shall be released from customs custody unless the foreign plant exporting such carcass, part of a carcass, meat, or meat food product (or container or package containing any of such articles) to the United States pays, in accordance with such regulations as the Secretary shall prescribe, such assessment or fee.".

SEC. 1702. The amendments made by section 1701 shall become effective one hundred and eighty days after the date of the enactment of this Act.

Mr. DASCHLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, has the gentleman had his amendment in the RECORD and is it available for the membership or should we have it read?

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from South Dakota.

Mr. DASCHLE. The first version of the amendment was introduced last week. The version to be considered right now was introduced yesterday and is in yesterday's CONGRESSIONAL RECORD.

Mr. FRENZEL. The gentleman had one in the RECORD before and the gentleman entered one yesterday, and the gentleman from Oklahoma has had three or four versions floating by. We are shooting at a moving target, so the gentleman is making it a little difficult for the House to follow.

Mr. DASCHLE. I appreciate the gentleman's concern. I do not have the exact reference, but I know that the gentleman can find it under the "Amendments Introduced" section of the CONGRESSIONAL RECORD.

Mr. FRENZEL. Based on my confidence in the gentleman to explain his amendment with perfect precision, Mr. Chairman, I will withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Chairman, one of the remaining concerns that many of us have in agriculture is the current quality and quantity of imported meat coming into this country.

In 1980, the United States imported $2.3 billion of imported meat and meat products. Beef imports accounted for about $1.8 billion. Pork, $1.46 million and other meats, $75 million.

Of the imports that we do bring into the country, 81 percent come from two countries, Australia and New Zealand. The United States currently buys about 60 percent of Australia's total meat exports, about $700 million worth.

At the same time, we only exported about 890 million dollars' worth of meat last year.

A serious problem exists, however, Mr. Chairman, in that all of this imported meat is not subjected to adequate inspection standards or labeling. And that fact has caused serious problems for both American producers and American consumers.

Currently there are approximately 1,150 foreign establishments that are certified to export meat into this country. However, even though countries in which these establishments are located must have inspection standards that must be equivalent to those of the United States, the United States has only 17 USDA inspection analysts in foreign plants. Their requirement in many cases is only to inspect those plants twice a year, although those of the moderate export levels have a requirement of four times a year. The problems that we have seen as a result of those very limited inspection requirements are overwhelming.

The USDA right now has no authority to require that imported meat products be labeled with its country of origin if it is processed here. There is no way we have of knowing which country is the source of the meat we eat under current law. Given the grossly inadequate inspection and enforcement standards, the American people have no way of knowing what level of quality meat they are consuming. There are no grading requirements, there are grossly inadequate enforcement procedures.

So what happens?

Recently we saw in an article in the Washington Post what happens. When meat in containers marked for export to the United States from Australia was analyzed, we found in one set of samples that 24 of those products were horsemeat, 16 were kangeroo, and 5 were beef.

Mr. Chairman, what my amendment does is very simple. It requires a much improved standard for testing of imported meat. Through the use of multiple core tests and inspection at the port of entry, consumers and producers would at last be confident of getting quality meat.

It requires labeling as to the origin of the production of that meat. Perhaps more than anything else, the American people have a right to know where the meat they buy is coming from. Finally it requires grading. It requires the same grading standards as those in the United States.

I think it is an excellent improvement in the way in which imported meat is currently handled and I certainly urge passage of the amendment. The time has come when this Congress must recognize the dire need there is for vast improvements in meat import policy.

The CHAIRMAN. The time of the gentleman from South Dakota (Mr. DASCHLE) has expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. DASCHLE was allowed to proceed for 3 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, year after year unsuspecting Amercan consumers open up their daily newspapers to learn that this Nation has once again been victimized by unscrupulous meat exporters in other countries. We are to the point where it is hardly even surprising to hear about the discovery of another shipment of contaminated beef or even horse meat.

It now appears that we have been the target of Australian exporters seeking to dump kangaroo meat on the United States in the guise of boneless beef. This is clearly unacceptable treatment of our consumers and also to our food and livestock industries, whose reputations can be damaged by these occurrences which are beyond their control.

It is time to act and approve the Daschle amendment to require labeling of imported meat. We are told there is opposition to the amendment because such a recordkeeping system would be expensive and, in any case, the Department of Agriculture is taking steps to see that it will not happen again. Mr. Chairman, I appreciate what the Department of Agriculture is doing, but I am concerned that this is a case of too little and too late.

I applaud the USDA inspector who last July pulled three suspicious frozen blocks of so-called boneless beef off the line because of their dark color and stringy appearance, which proved to be horsemeat. But I also note that since January 1, about 815,000 pounds of so-called boneless beef have been imported into the United States from the same Australian facility. According to USDA, about 7,000 pounds of one shipment from the same facility was consumed by customers of a fast-food restaurant chain.

I am not sure what these people ate in their tacos and burgers, but I believe as paying customers they deserved to know they were eating something other than American beef, whatever it was.

Now let us see what this amendment says. First, it simply orders that imported meat shall be labeled "imported from (blank), contains meat imported from (blank) or may contain meat imported from (blank)." What in the world is unfair about that? Is this not truth in labeling? It simply gives away the secret of the origin of food bought and paid for by the consumer.

If that carcass is cut up, the pieces are labeled. what is so confusing or complicated about that?

It says that no meat may be imported into the United States unless it is examined and inspected and graded.

The operator at the site of consumption would simply post a sign or show on the menu that imported meat is being served. There should be no objection to this—some operators may be proud of it. It does not mean that the food is good or bad, but it does give the customer an even break.

The same thing applies to stores where American homemakers pay their hard earned money for meat. Foreign meat should undergo the same detailed inspections as domestic beef, but the sad fact is that it does not, and some of these exporters seem to know when the inspectors are coming in for spot checks. That does not make all imported meat bad, of course, but neither does it make it domestic beef. It may be just as good as our own beef, but American homemakers deserve to know difference.

This labeling would lead to some of these exporting countries being a little more careful about what they allow to be shipped to the United States. In the end, I think we would all win. I support the amendment and encourage all Members to support it.

Mr. DASCHLE. I thank the gentleman for his comments.

The basic proposals we are making here are: No. 1, foreign meat producers ought to be meeting the same inspection standards that are applied to domestic producers, and, No. 2, that the consumers as well as everyone else ought to have the right to know the origin of the meat that is being produced.

That is the essence of this amendment and certainly I think that the gentleman makes some very excellent points.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ENGLISH AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DASCHLE

Mr. ENGLISH. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from South Daktoa (Mr. DASCHLE).

The Clerk read as follows:

Amendment offered by Mr. ENGLISH as a substitute for the amendment offered by Mr. DASCHLE: Page 222, after line 25, add the following new title:

TITLE XVII—IMPORTED MEAT

SEC. 1701. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, all carcasses, parts of carcasses, meat and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food offered for importation into the United States shall be subject to the inspection, sanitary, species verification and residue standards applied to such articles produced in the United States. Neither shall any meat or meat food products be imported which have been produced using agricultural chemicals or animal drugs, the use of which, in the direct production of such meat products, (1) has been prohibited in the United States for reasons of health or safety by final judicial action or by administrative action that is final, subject to judicial review, and that has become effective, or (2) has been determined by the Secretary to render such articles adulterated within the meaning of this Act: *Provided*, That the President may set aside the application of clause (1) of this provision to the importation of any meat or meat food products if the President finds that it will have the specific effect of causing serious damage to the exportation of agricultural products from the United States, and reports such factors, facts, concerns and findings that led him to such a determination to the Congress at least 10 days before such action becomes effective.

The Secretary shall inspect such articles through the use of random sampling for such residues and species verification. The provisions of this subsection shall not be deemed to permit the imposition of standards with respect to such imported articles that are less stringent than standards imposed under the other subsections of this section. The Secretary shall issue such regulations as are necessary to carry out the provisions of this subsection. The provisions of this subsection shall become effective 30 days after the date of enactment of this subsection, except that the provisions of clause (1) of the third sentence shall become effective one year after such date of enactment and, thereafter, on the same date that a prohibition becomes effective with respect to the use of an agricultural chemical or animal drug in the domestic production of such meat products: *Provided*, That if the prohibition becomes effective with respect to such domestic production less than six months after the issuance of the administrative or court order, as applicable, the provisions of clause (1) of the third sentence shall become effective with respect to imported meat products six months after such order."

Mr. ENGLISH. Mr. Chairman, I think that all the Members are fully aware of the fact that this is an amendment that is strongly supported by the American Cattlemen's Association, mainly because of the fact that they seek equity and fairness. Not because of any expectation that this amendment is going to eliminate imports or even reduce imports, but simply equity and fairness.

What is fair for the American cattlemen certainly should be fair for the foreign producer who ships his meat into this country.

I wanted to include as my statement on behalf of this measure not a message from the American Cattlemen's Association, but rather a message from the Community Nutrition Institute, the Congressional Watch, the Consumer Federation of America, all consumer groups.

This is a copy of the letter that they sent to me, which I think does a good job of describing this bill and outlining its provisions, not only from the standpoint of the cattlemen, but also from the standpoint of the consumer.

□ 1545

COMMUNITY NUTRITION INSTITUTE,
Washington, D.C., October 19, 1981.

Hon. GLENN ENGLISH,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ENGLISH: The consumer organizations signed below, representing a broad spectrum of consumers across the country, are writing to express our strong support for your amendment to H.R. 3603, the Food and Agriculture Act of 1981, which would ensure that American consumers would no longer be exposed to imported meat that was produced using agricultural chemicals or animal drugs that have been prohibited in the United States.

Under existing law, meat which has been produced in a foreign country using chemicals or drugs which are banned in the U.S. can be exported to this country, and will be consumed by the American public, unless residues are detected at the port of entry by U.S. meat inspectors. Yet since residue analysis is conducted on only a tiny fraction of the total volume of imported meat, most meat containing such potentially harmful residues will enter the U.S. food supply totally unobstructed. In addition, the residue analysis procedures themselves are often not designed to detect residues of hazardous chemicals used abroad but not in the U.S. Finally, since residue analysis customarily takes as much as several weeks to complete, the original violative meat that is detected will unavoidably enter the U.S. food supply (while future shipments from the meat exporter in question will be monitored more closely). Without any doubt, the existing consumer safeguards against hazardous chemicals in imported meat are inadequate; the English Amendment would greatly strengthen these consumer safeguards and significantly increase the integrity of the meat supply.

A case in point is the chemical hexachloroethane which, for some years, was applied to meat animals in the U.S. to kill certain parasites. After a National Cancer Institute Study determined that hexachloroethane was a carcinogen, the Food and Drug Administration withdrew the regulatory approval for its use, effectively banning the chemical. Yet hexachloroethane is reported to be used in certain foreign countries, including some who export significant amounts of meat to the U.S. Thus it is likely that American consumers are routinely being exposed to this carcinogenic chemical.

The Administration and others have alleged that the English Amendment would constitute a barrier to international trade, but, as the above example makes clear, the only trade which conceivably could be affected would be that of meat which was produced using drugs or chemicals positively determined by our health authorities to be hazardous. Clearly, this is trade that the American public can do without. In addition, the English Amendment includes a provision which permits the foreign users of such hazardous chemicals up to one year to either find an alternative or to stop using the chemicals altogether, thus blunting any trade disruption the amendment could possibly cause.

As representatives of the consumer interest, we are clearly mindful of the economic as well as the health and safety aspects of any legislative proposal concerning the trade of food commodities. In this particular case, however, we feel very strongly that any negative economic repercussions from the English Amendment would, because of the one-year time lag provision, be either very small or non-existent and, more importantly, come only from calling an appropriate halt to the importation of meat which has been produced through the deliberate use of chemicals that the U.S. considers to be hazardous.

Once again, we wish to express our strong support for the English Amendment to H.R. 3603. Please contact us if we can provide you with any additional information on the subject.

Sincerely,

ELLEN HAAS,
Director, Consumer Division,
Community Nutrition Institute.
CAROLYN BRICKEY,
Congress Watch.
STEVEN BROBECK,
Executive Director,
Consumer Federation of America.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(At the request of Mr. GLICKMAN, and by unanimous consent, Mr. ENGLISH was allowed to proceed for 3 additional minutes.)

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be glad to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would like to ask just a couple questions, because I want to make sure that we do not have any problems vis-a-vis trade, that this is not an attempt to just increase the difficulty of imports which could cause problems on our ability to sell overseas.

As I understand what the gentleman is trying to do, which is much different than the Daschle amendment, what the gentleman is trying to do is to ban the import of meat which contains chemicals or drugs banned in the United States. Thus, if a cattleman in Newkirk, Okla., could not use a drug to feed, or a chemical to feed livestock in this country, what the gentleman is saying is that we should not import livestock that contains a banned drug or chemical.

Mr. ENGLISH. The gentleman is absolutely correct. As I have stated, what we are looking for is equity across the board. If a chemical is allowed to be used in the United States, certainly it can be used abroad. If there is a certain limitation on the amount of chemical used in the United States, it can be used abroad.

Mr. GLICKMAN. Now, the second thing is that if the FDA or if another Government agency has not ruled on a chemical or a drug, then that would not be grounds for barring the livestock from coming in or the meat products from coming in.

Mr. ENGLISH. The gentleman is absolutely correct. It has to be prohibited and banned in this country in order to apply.

Mr. GLICKMAN. My third thing is this. What if we have a trade problem where let us say we have relationships with another country, like Mexico or Japan, and let us say we are worried about a bilateral reciprocal trade arrangement and let us say that the President or the Secretary might say, "Well, this sounds reasonable on its face, but we could have a problem with Japan or with Mexico or whatever."

Would the Secretary or the President under the gentleman's amendment have any discretion to in fact permit the entry of those products?

Mr. ENGLISH. The President would indeed have the authority to set aside the provisions of this amendment if he is certain that there would be an effect detrimental to the export of American agricultural products.

Mr. GLICKMAN. I kind of have mixed feelings about this. I think I am going to support the amendment. The way I feel about it is that if in fact the chemicals cannot be used in this country or are banned for health reasons and if we import meat that contains the same chemicals, that it is probably not fair; but at the same time I do not want to give the President discretion to waive that if it is going to cause a trade war, because we in agricultural countries spend nothing more than months and years in efforts to try to increase our exports. We do not want to do anything that will harm that particular phase of the situation.

I look at this amendment a little bit like when we import cars from Japan or from wherever. We make sure they meet our pollution control and emissions requirements as well as our fuel economy requirements.

I guess the biggest concern I have is would this in any way jeopardize our trade relationships, and the gentleman has given the President an out in this regard.

Mr. ENGLISH. If it is good for imported cars, it ought to be good for imported food.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. KAZEN, and by unanimous consent, Mr. ENGLISH was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, first let me ask the gentleman this question. Does the gentleman's amendment have anything to do with the labeling of meat imported into this country?

Mr. ENGLISH. It does not.

Mr. KAZEN. Well, I cannot understand why the gentleman offers it as a substitute for the amendment sent up by the gentleman from South Dakota, since his deals with labeling and that of the gentleman in the well does not. I want to support both the gentleman's idea and the labeling idea, but I cannot do it because the gentleman's amendment does not cover labeling.

Mr. ENGLISH. I certainly understand the gentleman's dilemma.

Let me say that my heart is certainly with the gentleman's cause as far as labeling. I, too, would like to see such a provision; but I think the gentleman recognizes and knows full well that such a labeling provision through this Congress is probably virtually impossible. At this point, I think we are going to have a fight on our hands.

Mr. KAZEN. Impossible?

Mr. ENGLISH. That is correct, given the present attitude.

Mr. KAZEN. Impossible to let the people of this country know that they are consuming imported goods?

Toyota is imported from Japan. Volkswagen is imported from Germany. Everything that is imported that we use has a mark, "Made in." What is so different about the food that we consume being labeled as imported from some country?

Mr. ENGLISH. I would say to the gentleman that it is not the food. It is the Congress of the United States.

Mr. GLICKMAN. Mr. Chairman, would the gentleman yield on that point?

Mr. ENGLISH. I would be happy to yield.

Mr. GLICKMAN. I mean, in all candor, I think that by passing strict labeling requirements we do jeopardize trade relationships. I have not seen our wheat that we send to Japan or China labeled, "Produced in Kansas," or, "Produced in the United States."

It looks to me like the gentleman's amendment has a public health and safety policy behind it, whereas the amendment of the gentleman from South Dakota has the intent to restrict the import of foreign meat. In my judgment, I do not think that is good public policy.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. BEDELL, and by unanimous consent, Mr. ENGLISH was allowed to proceed for 3 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I would be happy to yield.

Mr. BEDELL. The gentleman from Iowa has had a bill in for some time that would require labeling of imported meat. The concern I have with the proposed amendment by the gentleman from South Dakota is that I do not really believe it accomplishes what we need to accomplish.

Most imported meat is served in fast food chain restaurants. The amendment by the gentleman from South Dakota makes no such provision for that meat.

I think it is much more important that that meat be identified than it is the meat that may be placed in cans here in the United States.

It would seem to me that the proper thing to do is to hold hearings in the Agriculture Committee; at least I have the indication that we will be able to do that, on a meat labeling bill. I think we should have a strong meat labeling bill that does as the gentleman indicates and really gives some protection to the consumer so that he knows whether or not he is buying imported meat, particularly since it is a lower quality generally than domestic meat.

It seems to me that the gentleman's amendment is the amendment we should support and certainly I would work with the gentleman from South Dakota and I think many other members of the committee would. I do not happen to agree with the gentleman that it is an impossibility to get such legislation passed in the House. At least I think we should make such an effort.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, the gentleman from Kansas indicated that he thought the intent of my amendment might at least in part be to restrict trade, restrict imports. That is not at all the intent of the amendment. The intent of the amendment deals directly with the problem just raised again by the gentleman from Iowa, and that is that we do not have adequate consumer information, nor do we have adequate inspection of imported meat. For that reason we are bringing in very substandard and unacceptable meat without any knowledge or information on the part of the consumer. That is what I think the amendment directs itself toward.

I certainly commend the gentleman. I just feel that my amendment goes a little farther and recognizes that need a little bit better.

Mr. ENGLISH. The gentleman is also very familiar with what has been happening around here with regard to this modest approach. Would the gentleman agree that this measure by itself is going to have a difficult enough time passing as opposed to going to something more ambitious, that we may have to wait another day to fight the good fight that the gentleman is leading.

Mr. DASCHLE. Well, the gentleman has always been a practical legislator and certainly this amendment addresses his practicality.

Mr. DE LA GARZA. Mr. Chairman, would the gentleman yield?

Mr. ENGLISH. I would be happy to yield to the distinguished chairman.

Mr. DE LA GARZA. Mr. Chairman, I take this time not to take a position on the gentleman's amendment, but rather to clarify the issue at hand, and to understand it so that we do not get carried away by emotional arguments based on a misunderstanding of this topic.

Most of the beef imported by the United States comes from Australia, while lamb and mutton comes from New Zealand. We have other imports from Central America and from Mexico.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

(At the request of Mr. DE LA GARZA, and by unanimous consent, Mr. ENGLISH was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. Specifically, the one beef import that we are addressing today is what is called a lower class range-fed or non-grain-fed beef, which is used as a beef product mixture.

I think it should be made perfectly clear here that the homemaker or the housewife does not buy this type of beef at the grocery store. We are not talking about chops or steaks or the hamburger meat that she buys there. Most of it, the supermarket beef, comes in a carcass, and that is not the type that mix with horse or kangaroo meat. The carcass type does not lend itself to that.

We are addressing then the meat type that comes in the frozen cubes or box. That is not sold at the grocery store; so the person who buys that beef knows where it is coming from.

On such beef, the original pruchaser knows he bought it from a broker or a trader or from a company in Australia, so he knows where it came from.

Then from that step it goes to either the one that processes it, mixes the lean beef with U.S. tallow or fat for the hamburger establishments, the beef establishments; but the one that you see at the grocery store, like from New Zealand, that is already marked by New Zealand as a product of New Zealand, where you buy a leg of lamb. We should not confuse roasts, or chops, or steaks bought by American homemakers or housewives at the grocery stores with the other type of beef. If this distinction is not so, then it is beyond the information that I have. It is only for composition of other meats, bologna, salami, et cetera, to whoever the processor desires.

I would like, if it helps for the further debate of this issue, to make this clear at this point and allow each Member to take the position which he desires to take, but knowing full well that we are not speaking of beef that we see or find at the counter at the grocery store for homemakers to buy.

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Mr. LEATH of Texas. Mr. Chairman, I would like to ask the distinguished chairman, as was pointed out, there have been several bills introduced that addressed the problem of labeling. Is there an intention at any time in the near future to hold some hearings to determine if we can develop a labeling policy in this country that can speak to all of these problems we are concerned about?

Mr. DE LA GARZA. If the gentleman would yield further, to me, I cannot speak as the chairman of the subcommittee. I am sure the issue will be addressed. It has been addressed. The issue was addressed during the meeting of the full committee in the markup of this bill and such an amendment was not agreed to.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the gentleman's amendment. This amendment would assure both our consumers and producers that foreign meat comply with the same chemical use standards applied to meat produced in the United States. I have long been a supporter of such legislation and have, in fact, introduced legislation similar to that offered by the gentleman.

In carrying out the existing Federal Meat Inspection Act, the Food Safety and Quality Service "relies heavily upon a foreign government's regulation of its meat and poultry system." The 1979 "USDA Task Force on the Inspection of Imported Meat and Poultry," from which I just quoted, went on to say "we (the USDA) do not require that either the producer or government furnish information regarding the specific outcome of such quality control and inspection." Without such reporting by foreign governments we would hope that U.S. inspectors would visit foreign plants often. Yet the USDA will inspect foreign plants at a maximum rate of four times per year and often visits the foreign plant once every 2 years. Compare this with inspectors in the U.S. plants. They visit the plant on a daily basis. How can we assure that foreign meat attains the same standards as domestic meat? The only way to do this is to adopt the English amendment. The English amendment is not a barrier to trade as some have claimed. How can an amendment which assures foreign meat attain consumer standards set for domestic meat be a barrier to trade?

Imported meat accounts for between 6 and 7 percent of America's total meat supply—approximately 1.5 billion pounds a year.

As some of you are aware, chemical residues tend to concentrate in the liver and kidneys of animals. Therefore, these organs provide the best source from which to test the presence of substances which may be hazardous to the consumer. However, when meat is imported, only the red muscle tissue is available for testing. In previous years, the National Cattlemen's Association has testified that no meaningful results can be obtained by our inspectors for antibiotics, hormones, and heavy metals if only red meat is provided for testing. I am somewhat skeptical as to the degree to which laboratory analyses are conducted on the internal organs of animals slaughtered in foreign plants. Thus I am led to the conclusion that foreign meat is not inspected properly at the port of entry.

This conclusion is further substantiated when we examine the size of test samples.

In 1977, according to Carol Foreman, then Assistant Secretary of Food and Consumer Services, the USDA collected 2,424 random samples from the 1.7 billion pounds of imported meat. A simple division will show that this is approximately one sample per every 700,000 pounds of meat.

It is no wonder they can race horse meat over our borders and jump on our consumers with kangaroo meat.

While the USDA sample size varies with the amount of meat imported in a single shipment, this figure still concerns me as to the reliability of USDA practices. In fact, FSQS statisticians have pointed out that "our residue inspection program is not as statistically sound as it should be." With such a sampling system, can the USDA assure us that imported meat has not been adulterated?

It appears to me that we have set standards for American meat plants, presented these standards to foreign countries who wish to import to us, and then we permit the exporting country to assure us that they have indeed achieved our standards.

It also appears from the USDA report I have quoted that there is little oversight by USDA and little effort on their part to obtain information on the data foreign countries gather to determine if their meat complies with our health standards.

Would the USDA be willing to take the word of a non-USDA inspector that a domestic plant is operating on a sound basis and agree that test results from the plant need not be reviewed by the Department? I doubt they would and I think such law would be greeted with deep cynicism by both the Department of Agriculture and the consumer. Yet it appears that this is just what is happening in foreign plants.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I commend the gentleman for his statement. Certainly he has been a leader in this area, in an attempt to bring about equity at least between our American producers and foreign producers.

I think certainly a year's lead time is more than enough for any foreign producers who wish to sell to the American market to clean up their act, so to speak.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. MARLENEE. Mr. Chairman, I, too, would rather have a bill that encompassed labeling. However, let us look at the practicalities of this.

I cosponsored, with my good friend, the gentleman from Iowa, BERKLEY BEDELL, a similar bill to this in the last Congress and we had some hearings on it. But let us go with the English amendment to this bill, and then we will have some hearings in the Agriculture Committee and proceed forward. I support the English amendment.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, the chairman of the subcommittee is here at this time. I would ask the chairman of the subcommittee whether he would be willing to hold hearings on meat labeling and meat inspection in the event that the Daschle amendment does not carry.

Mr. HARKIN. Mr. Chairman, if the gentleman will yield, I would just say our subcommittee has had before it for some time various proposals on meat inspection and meat labeling in regard to imported meat.

It had been my intention to have the subcommittee hold some hearings regarding this yet this year. However, due to the lateness of the session, and the fact that we just now have the farm bill up, we were not able to do that. It is my intention that after the first of the year we will have some hearings regarding the whole area of meat imports and meat labeling and meat inspections.

Mr. SKELTON. Mr. Chairman, I rise in strong support of the English amendment. It is reasonable and it is necessary—both to protect U.S. producers from unfair competition and to protect U.S. consumers from potential health hazards.

Hearings held during the last Congress before the House Agriculture Committee clearly indicated the need for this amendment. Despite current inspection procedures, meat that has been treated with substances that have been banned for health reasons in the United States is imported and does get into commerce in our country. This amendment makes the same rules which apply to U.S. meat production apply to imported meat. U.S. meat producers should not be denied the use of chemicals and animal drugs which would make their production more efficient and then have to compete with foreign produced meat that has not been required to meet the same standards. U.S. consumers should not be led to believe that their health is being protected when in fact much of the meat they eat is imported and, thus, not produced according to U.S. standards.

I urge the adoption of the English amendment.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

I have sponsored and promoted legislation to improve the inspection of imported meat and meat products as long as I have been in Congress. I feel that it is absolutely essential that we upgrade the inspection of these imports so that they meet the same standards we require for our domestic products. We have inspection, yes, but it is far from adequate. We just do not have enough inspectors overseas to do the job. They accept a great deal on faith. If a foreign plant has a reasonably good record as far as inspections are concerned, those shipments usually enter this country without adequate checking by our inspectors, unless they are spot checked at the port of entry in this country. Based on the amount of meat we reject when these port-of-entry spot checks are made, it is easy to see that a great deal of subpar shipments get through under the present system. It must be upgraded.

I have reintroduced legislation this year. It is substantially the same bill I have sponsored since 1975, but I have eliminated the labeling requirement. However, I believe there would be value in letting the consumer know whether or not he or she is buying or eating imported meat.

In the legislation I introduced this year, I included rabbits in the list of meat-animals subject to the tests required by the bill. Shipments of large quantities of rabbit meat are coming into the country, especially from mainland China. The Department of Agriculture does not presently have any requirement to inspect these shipments. They are spot checked by the Food and Drug Administration. That means that some shipments reach our retail markets here that are not fit for human consumption. We need adequate inspection of these imports, too.

At present rabbit meat imports are entering the United States at prices far below what it costs to produce rabbits for food here. Therefore, they create unfair competition for our domestic producers. There is a question how long many of them can continue to produce in the face of this competition. Higher inspection standards abroad could help equalize this price differential.

But when all is said and done, we need better inspection of imported meat, and I support language in this farm bill to bring that about.

AMENDMENT OFFERED BY MR. FINDLEY TO THE AMENDMENT OFFERED BY MR. ENGLISH AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DASCHLE

Mr. FINDLEY. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY to the amendment offered by Mr. ENGLISH as a substitute for the amendment offerd by Mr. DASCHLE: On line 8 strike the words "which have been produced using" and insert in lieu thereof the words "which contains".

Mr. FINDLEY. Mr. Chairman, I hesitate to take the time of the committee for a further amendment, but the gentleman from Oklahoma has presented us with an amendment that has very far-reaching importance, as I am sure he recognizes. The gentleman has been very thoughtful in presenting the language of this amendment to a number of us as it has been devel-

oped. I appreciate that. In fact, I am gratified that he did include the recommendation that I made which permits the President, under certain circumstances, to set aside the effect of the language.

The amendment to the substitute that I have offered would, I think, clear away a lot of possible litigation and narrow down the effect of the language to the protection of the health of the U.S. consumer, which I think is the gentleman's purpose. It is not intended to be a protective device in terms of trade protection but, rather, protection of the health of the users of products.

Therefore, I have offered an amendment to the substitute which would make the sentence in the middle of the amendment read as follows: "Neither shall any meat or meat food products be imported which contain agricultural chemicals or animal drugs," and so forth. That would limit the responsibility of the U.S. Government to examine the meat or meat products at point of entry. It would not impose upon the U.S. Government any responsibility to look beyond that point to determine what procedures may have been made during the production of cattle, which may have been 4 or 5 years prior to the date of import into the United States.

I am sure the gentleman did not intend to impose upon our Government the responsibility to police production of imported food products right back to the place of origin but, rather, to examine the product once it reaches our borders to make sure that the health of the American consumer is fully protected. It is for that reason that I offer this amendment, in the spirit of trying to improve the language, to narrow it down to what I believe the gentleman from Oklahoma really intended the language to say.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, can the gentleman tell me again, looking at the issue of equity, and looking at the issue of wholesomeness, would your amendment be precisely what American cattlemen can do?

□ 1610

Mr. FINDLEY. I am sorry, I could not catch the language.

Mr. ENGLISH. The gentleman is changing the words "which have been produced using," to "which contain."

Mr. FINDLEY. Yes.

Mr. ENGLISH. Can American cattlemen use these chemicals now in producing this meat, and if it it used, then is there anyway that it would not contain it?

Mr. FINDLEY. I think the only concern we can legitimately have about imported meat or meat products is what the meat or meat products contain. Do they contain items harmful to the health of the consumer in this country? That is why I have offered this amendment. It may be the gentleman is not satisfied with this amendment to his substitute, and I would understand if he is not.

Mr. ENGLISH. Will the gentleman yield further?

Mr. FINDLEY. Yes.

Mr. ENGLISH. I suppose the concern is that it appears to me that there is no way we could use that chemical without the animal in some degree containing it, we can use it and not be detected, possibly. If it is the gentleman's objective to overcome the detection devices while the animal still contains the chemical that is offensive, then I would say that the gentleman's amendment makes sense, but I do not see how we can use a chemical and not have the animal contain it to some degree.

Mr. FINDLEY. Surely our scientists at the point of import can determine whether there is harmful residue of this sort. I think the gentleman will really improve our public law if he will give to our inspectors the right to reject meat or meat products which do have the residues of chemicals which in our own society we do not permit in the production of such products.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding. There may be some mistaken ideas of how meat coming into this country is inspected. I hope Members do not believe that every parcel of meat that comes into this country is inspected. In fact, we have inspection procedures—I took the time to go down to one of the plants where meat comes into this country to see how they do it. Quite frankly, they have all kinds of procedures of the huge amounts coming into this country without ever having been sampled or tested. It is not like the assembly line production of meats in this country where every carcass is inspected.

Mr. FINDLEY. Mr. Chairman, I want to commend the gentleman from Oklahoma for his diligence in approaching this problem.

But, I am confused. Why does the American Soybean Association oppose this amendment? Why does the National Broiler Council oppose it? Why does the National Turkey Federation oppose it? Why does the United Fresh Fruit and Vegetable Association oppose it? These are producer groups.

Why does the U.S. Special Representative for Trade Negotiations oppose it? Why does the U.S. Department of Agriculture oppose it? And, why does an administration that needs cattlemen's support oppose it?

It is simple. Because none of these groups know how it will be perceived by our trading partners. And, with billions of dollars of agricultural exports at stake, these groups want us to take the time to carefully examine the potential effects of this amendment.

I cannot help wondering whether we would be voting on this amendment today if Bill McMillan were still with the National Cattlemen's Association. He certainly would want us to hold hearings on this language to give other producer groups an opportunity to present their views on how this amendment could affect their commodities.

I support strongly the intent of this amendment. Competition should be fair. Our cattlemen should not be asked to compete at a disadvantage. I think this amendment, or an amendment similar to it, should become law.

But, we do not live in an economic vacuum. There are many countries in the world that would enjoy seeing the United States moving toward trade protectionism. Any move toward protectionism could be used as an excuse to restrict imports of our products.

The European Economic Community would like to undermine our zero duty binding on soybeans. They recently considered taxing our soybean oil imports. The Europeans would like to impose new standards for poultry. And, the Europeans have indicated an interest in banning imports of meat products that come from animals which have been raised using hormones.

The problem we have today is that world trade is not bound by U.S. law. That is why we have so many double standards. These double standards should be eliminated and I strongly support efforts to eliminate them. The issue today is not whether to eliminate this double standard in imported beef, but how to eliminate. Given my years of experience in the area of foreign relations and international trade, I respectfully suggest that the proper way to address this problem is through an open forum in which all interested parties will be allowed to present their views. Perhaps, we need to negotiate with our trading partners. In any event, as long as there are questions in my mind about how this amendment will affect soybeans, poultry, grains, and other agricultural products, I must most reluctantly vote against this amendment.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, I am aware of the late hour, I am aware of the fact that I am not a member of this very fine Committee on Agriculture, and I respect the expertise that is arrayed here on this serious subject. But, I do

have a deep interest in this. I have helped the beef producer in the Ways and Means Committee on tax laws. I have gone out of my way to help them in all of that, so I am not hostile to any of this.

I know that there are problems, but I think we need to review where we are in this picture. Ten years ago, the export and import trade of the United States was about $40 billion. Now, the export trade in agriculture alone is $45 billion. One out of every three acres in agriculture is dedicated to export.

It is no mere accident that this has occurred. It is because those of us who are interested in opening markets have been going around the world, and representatives of this Government have been going around the world, and we have been beating down the doors that have been closed to our products, our industrial products and our agricultural products. Now, the debate we have just heard here could just as well have been carried on in the Japanese Diet or in the European Parliament. They all have the same concerns we do, and if we lead the way and impose this kind of legislation, our beef products and beef exports will suffer some, but all of our other agricultural exports will suffer and some will suffer very greatly. That is the problem that we face.

Now there has never been, so far as I have ever been able to determine, any history of anybody ever having been adversely affected physically by any of the things that are complained about here. There are no recorded cases. There is nothing on this at all. When we strip this argument of all of its beautiful language and its fervance, it is nothing more than pure protectionism.

For 10 years we have been going around this world beating down its doors so that the American farmer and so that the American exporter will have great opportunities to export their products. That is what this issue is all about. Now, if there are any problems—if there are any problems about health and safety and all of those things, we in the Committee on Ways and Means will be most happy to take them up. We have jurisdiction in this matter along with the Agriculture Committee, but we never hear any complaints about it except from those who are representing—as they should represent—their own constituency, that are engaged in cattle production. We have worked for years to try to open up world markets. We still have problems opening up world markets, but if we start moving in this direction not only will American beef products suffer in Japan, in Europe, but all our other agricultural products, our citrus, everything else will suffer; our poultry. All of these things will suffer because they all can be subjected to this kind of inspection and this kind of delay and this kind of restraint.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I will be glad to yield.

Mr. KAZEN. Mr. Chairman, I can understand the gentleman's statement and I agree with him, but only partially. I think that after knocking down doors and after beating on everybody to take our products we come with one conclusion, that those people buy our products because of the high quality and because of the standards that we maintain in this country. Everybody wants the high quality.

Mr. GIBBONS. That is a great, naive belief. The reason why they buy them is because we can get them past the borders. If they never get past the borders, if they have to meet the kind of restraints we wish to have imposed here, they will never get past the borders. But once we get our products on their shelf they can compare the quality and price. Then they will buy our product.

That is the argument I make. We have got to open up these markets. We cannot open world markets with this kind of restrictive legislation. If we set this kind of standard, everybody else is going to close us out. We are going around now day after day negotiating and trying to open world trade doors. Please do not make it more difficult. Please do not slaughter your own livestock before it can be sold. Do not cut off another farmer's right to export. Do not cut off his market. That is what I am talking about.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(At the request of Mr. FRENZEL and by unanimous consent, Mr. GIBBONS was allowed to proceed for 3 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield,

Mr. GIBBONS. I will be glad to yield.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman in the well. I know because I have been with him, of his strenuous efforts on behalf on not only agricultural product exportation from this country, but all kinds of products, and the only way we can continue to do that is to continue to remove trade barriers, not enact new ones.

Mr. Chairman, I rise in strong opposition to this amendment, which I believe represents a significant attempt to establish a nontariff protectionist barrier that could seriously injure our international trade position.

The amendment, on the face of it, appears to be aimed at protecting the American consumer. The result of the amendment, however, would be to harm the American consumer—in the pocketbook, by increasing the cost of meat products in this country.

It is argued that the health of the consumer would be protected under this proposal. I would remind my colleagues that the consumer is already adequately protected by the EPA, the FDA and the Department of Agriculture. All of these Government organizations maintain the programs and facilities needed to inspect all imported meat into this country.

Most countries exporting meat to the United States use some chemicals that are not approved for the same use in the United States. The use of these compounds does not pose a health hazard, however, as long as the imported meat and meat products conform to the standards set by the U.S. inspection agencies.

To establish such criteria for imported meat as proposed by this amendment would virtually prohibit imports of meat into the United States and invite probable retaliation from U.S. trading partners. It is an action I believe we must avoid.

The United States has just recently resolved a longstanding trade dispute with Australia on imports of lamb into this country. An action which could adversely affect beef imports into the United States from Australia could have serious repercussions on our relations. That could be duplicated with other countries around the world.

I will remind my colleagues that we are now engaged in rather strenuous efforts with the Government of Australia trying to encourage them to support our policy and to join with us in the multinational force in the Sinai, a very essential part of the peace process in the Middle East.

That is a very essential part of the peace process in the Middle East.

I will include in the RECORD a letter from the Australian Ambassador concerning this matter, and I would also like to remind my colleagues that many of the California agricultural product producers, especially of crops that grow in California, are very concerned about this amendment.

Mr. Chairman, the very least we can do is to adopt the amendment to the amendment offered by the gentleman from Illinois (Mr. FINDLEY), and I congratulate the gentleman for offering it.

The letter to which I referred is as follows:

EMBASSY OF AUSTRALIA,
Washington, D.C., September 23, 1981.

I refer to the Agriculture and Food Act of 1981 (S. 884) and Amendment Number 356 proposed by Senator Melcher (for himself and Mr. Bentsen). This Amendment was accepted by the Senate and attached to S. 884. The Amendment would require that imported meat products meet the inspection, sanitary quality, species verification and residues standards which apply to products produced in the United States.

Australia supports the objective of ensuring food safety and believes that it is possible to achieve this objective in ways which do not impose unnecessary and harmful impediments on the free flow of trade. My authorities are greatly concerned about that part of the Amendment which refers to the use of chemical compounds and which reads:

"Neither shall such products be imported which have been produced using agricultural chemicals, animal drugs or medicated feeds which are not currently approved for the same use in the United States."

It is Australia's opinion that the legislation would effectively stop the importation into this country of meat and meat products. To take Australia as an example, any chemical compounds which are allowed to be used have been rigorously assessed and approved to ensure the safety of the food supply. However not all of these chemicals have been submitted for approval for United States use.

Many countries have markedly different agricultural systems to those in the United States, and this is the case in Australia. For example, beef production in Australia is largely a grazing concern whereas in the United States extensive feed-lotting is carried out. Similarly wool and lamb production is a major industry in Australia as compared to the U.S.A.

As a consequence of these different systems, agricultural chemical and animal drug usage is, by necessity, in many instances different from that in the U.S.A. in order to maximise efficiency of agricultural production. Chemical manufacturers are often not prepared to seek United States approval for chemical compounds used in other countries because of the high cost, delays in obtaining approval and limited marketing potential in this country. It would therefore be unrealistic either to discontinue the use of essential non-U.S.A. approved chemicals in Australia, or to expect manufacturers to obtain costly approvals in this country for product which might not be used here.

It should be emphasised that Australia has well developed and effective systems for approval of chemical compounds to ensure the safety of food product. These approval systems operate through the National Health and Medical Research Council, a body comprising both Federal and State representatives, and are well known to the United States Department of Agriculture and the Department of Health and Human Services.

The introduction of a requirement which would impose trade sanctions on Australia because chemical compounds tested and accepted as safe in Australia although not approved in the United States are used in agricultural production would constitute a non-tariff technical trade barrier. Both Australia and the United States are parties to the General Agreement on Tariffs and Trade and it is Australia's view that such trade sanctions would be contrary to United States obligations under that Agreement.

Approximately 30 percent of Australian beef production is exported to the United States, and even though it is only 4 percent of your consumption this represents around 37 percent of total Australian exports to the U.S. market over the past 5 years. Prohibition of imports of Australian meat would, therefore, have a devastating effect, not only on the meat industry in Australia but also on our balance of trade which has consistently been heavily in favour of the United States.

Passage of the Amendment could damage the United States. Cessation of meat imports would have a drastic effect on your meat processing industry, since that industry relies heavily on imports. There would inevitably be a sudden rise in cost of foodstuffs generally relied upon by the poorer members of the community. If the practice of requiring an exporter to conform to chemical and drug use limitations of the importing country were to be adopted by other importing countries, the efforts which United States producers are making to increase their own exports would be severely hindered. No exporter could comply with limitations of all importing countries; there are bound to be inconsistencies between such limitations.

Australia therefore views the trade implications of that portion of the Melcher Amendment which deals with agricultural chemicals, drugs or medicated feeds with the gravest concern and seeks your full support in opposing this either in the House Agriculture Committee, or on the floor of the House when the Farm Bill is debated, and in Conference.

I am writing similarly to the Chairman of the Sub-Committee on Trade of the Ways and Means Committee and sending copies of my letter to all members of your Committee, and of the Sub-Committee on Trade.

Sir NICHOLAS PARKINSON,
Ambassador.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I would again want to remind the gentleman from Florida (Mr. GIBBONS), as well as the gentleman from California (Mr. LAGOMARSINO), that this amendment contains the following provision: "provided that the President may set aside the application of clause 1" which is the part regarding chemicals.

Mr. GIBBONS. Mr. Chairman, I realize that the gentleman has been improving his amendment all along, but it is still a poor amendment, if he will pardon the expression.

All that means is that every time we have got to run to the Chief Executive and we have got to go through all these things. Other countries can do the same thing. We have got to go to the elected heads of their governments, and we have to go all through this and all this restrains trade.

We have been trying to teach other people in the world, but this really does not help them, and it does not help us.

I respectfully say that while the gentleman's amendment is not as bad as it was day before yesterday or last week when I saw it, it is still not any good. It is one of those kinds of amendments that when we enact it, it gives a license to everyone else to enact it also, and when everyone enacts it, the barriers slowly go up.

These kinds of amendments were rejected in the Agriculture Committee. As I say, if any Member seriously wants this kind of amendment and wants to come to the Ways and Means Committee, we will be glad to entertain them and bring in all the witnesses they have, and we can see if there is any kind of public health problem.

This proposal has little if anything to do with public health; it has nothing to do with the environment.

This type amendment was rejected in the Agriculture Committee, and I just do not see any need for it.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to two out of the three amendments.

Mr. Chairman, I think everyone is agreed that the Daschle amendment is unsuitable and that the English amendment is the one that we are now discussing.

If the amendment offered by the gentleman from Illinois (Mr. FINDLEY) is adopted as a part of the English amendment, in my judgment, it would be barely tolerable. It would still be an offensive, obviously protectionist amendment which would be badly interpreted by our trading partners and probably cause retaliatory market barriers on their part. But, nevertheless, it would be tolerable.

If the Findley amendment is not accepted, the English amendment, in my judgment represents a substantial indefensible barrier to trade that would cause the particular people that it is intended to help great distress in marketing their own products offshore.

The amendment prohibits the importation of certain meats that have been produced with chemicals, drugs, and so forth, banned in the United States whether or not the meats contains residues or is adulterated.

A longer recitation of the provisions is unnecessary. It would require extensive additional testing procedures that would do nothing to improve the quality and safety of meat products sold in this country.

The inspecting and testing of imported meats is already quite extensive in order to insure that imported meat products comply with all domestic standards. Only establishments specifically certified as meeting such requirements can prepare meat and meat products for export to the United States. The USDA conducts onsite reviews of foreign producers, as well as additional random inspections, including sampling for chemical residues, at major ports of entry.

Mr. Chairman, this kind of amendment is exactly what happened to us when Canada barred DES and American producers could still use it in America. The folks who are presenting this amendment came to the Congress and said, "This is an unfair trade barrier because here we are using an additive in the United States that Canada has unfairly prohibited." We worked out an arrangement with Canada, thank heavens, so we could ship the

meat until everybody reached an agreement on DES.

But we are doing with this amendment exactly what Canada did in that case, and we called it unfair at that time.

As the gentleman from Florida (Mr. GIBBONS) pointed out, we do three-quarters of a billion dollars of meat business overseas. Much of that meat business would be jeopardized and lost if our trading partners used the language of the English amendment in determining whether they would accept our food or not.

Worse than that, Mr. Chairman, we would also tend to lose other kinds of business such as the beans we ship to Mexico which are grown in areas that are treated with paraquat. In addition, we use fungistats on apples and pears that are banned in some European Community countries, and there are chemicals parathion, malathion, that we put on our soybeans which are prohibited in Japan, the Netherlands, West Germany, Poland, and other countries. Europe bans the arsenicals used in our poultry.

So what we are doing, if we accept the English amendment, is to provide standards which, if they were used by our trading partners, would cost us many of our export markets abroad. We will be thumbing our nose at the rest of the world, and many nations will thumb right back.

Of course, this comes at a time when all Members of Congress are telling us on the Trade Subcommittee to "get out there and expand your exports, fellows." And we are out every day trying to break down trade barriers all around the world. We just returned from the Far East where we demanded of a number of nations, primarily Japan, that they repeal barriers like this so we could sell in those markets.

But I ask, "How can we break down barriers abroad if you keep erecting barriers behind us?" If you accept the English amendment, it means that we cannot go in with clean hands when we negotiate with our trading partners. That makes our work much harder. We cannot build new markets for ourselves, and we cannot get concessions abroad, because we are raising barriers here.

I just cannot describe the difficulty that this amendment will cause us as we do our best to establish these new markets.

The worst of it is, of course, that no industry is more reliant on markets abroad than agriculture. When agriculture goes protectionist, as it apparently will today, free trade is badly wounded. The best industry in the country most dedicated to trade expansion is now leading us down the lonely, one-way street of protectionism.

Mr. Chairman, this amendment is opposed by the administration, the Council of Economic Advisers, the U.S. Trade Representative, the U.S. Department of Agriculture, and the U.S. State Department, all of which have directed specific letters to various Members of Congress, including the chairman of the Committee on Agriculture, saying that they oppose the adoption of this amendment.

Mr. Chairman, if we accept this amendment, we are going to cause ourselves enormous trouble in world trade.

The agencies of this administration, including the U.S. Department of Agriculture, have stated that the amendment prohibits imports of meat that has been produced with chemicals, animal drugs or medicated feeds banned in the United States, whether or not such products have been adulterated or contain residues of harmful substances. The restriction on imports also would apply to meat produced using chemicals and other substances not approved for use in the United States, if such use has adulterated the imported product.

Both these provisions are unnecessary and would require extensive additional testing procedures that would do nothing to improve the quality and safety of meat products sold in this country. It also would make meat products, both domestic and foreign, more costly for American consumers.

Only 60 of the 150 chemicals commonly used in agriculture can be detected by known analytical methods. Our present testing results in stopping imports of about one-half of 1 percent of imported beef. I do not know what the rejection rate for domestic beef is, but I read that we do find bad products from time to time.

Inspection and testing of imported meat already is quite extensive, in order to assure that imported meat products comply with all domestic standards. Only establishments specifically certified as meeting such requirements can prepare meat and meat products for export to the United States. USDA conducts onsite reviews of foreign producers as well as additional random inspections, including sampling for chemical residues, at major ports of entry.

The fact that chemicals and other substances have not been approved for use in the United States does not mean they are harmful or unsafe. Different production techniques, traditional usages, and problems occurring in some countries and not in others is often more a consideration than health and safety in determining which substances are approved by which countries.

Further, the provisions of this amendment could have an adverse effect on our own agriculture exports because it would signal other countries to take similar actions or to continue inspection practices that amount to trade barriers.

For example, the United States has been trying to persuade the European Community not to ban the importation of meat products which have been produced using naturally occurring growth stimulants and antibiotics. These substances are used extensively in livestock rearing in the United States. If this amendment is enacted, we could lose much of our leverage with the European Community and further endanger a trade valued at about $300 million per year.

Another example can be seen in the use of DDT, DES, aldrin, and dieldrin which are prohibited for use in meat production or on crops in the United States for environmental reasons. It is possible, however, to export products exposed to these chemicals if residue standards are met in the receiving country. If other countries move to totally block these exports, as we are considering doing today, the losses to our own agriexports could be substantial.

That would be a high price to pay, especially since our beef imports, less than 10 percent of U.S. production, are down this year. However, that 10 percent represents one-quarter of manufacturing beef supplies because of our 30-percent maximum fat specification for hamburger. Not only is the imported meat wholesome, but we need it because U.S. producers do not provide enough meat of this kind.

Finally, the amendment would be a nontariff trade barrier in violation of our GATT obligations. It could not be justified in the GATT as being necessary to protect either human or animal health. Countries whose exports are restricted, even though they meet residue requirements, would have legitimate cause for claiming compensation for impairment of trade benefits.

Mr. Chairman, I believe we currently have adequate health and safety standards for meat products both produced and imported. The important factor is that the public be protected from unsafe or contaminated meat. I urge my colleagues to reject the amendment.

Mr. MARLENEE. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I do not want the State Department in charge of my agricultural business. However, I would like to ask the gentleman from Minnesota (Mr. FRENZEL) two questions.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(On request of Mr. MARLENEE, and by unanimous consent, Mr. FRENZEL

was allowed to proceed for 3 additional minutes.)

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield further, the gentleman seems to contend that there are sufficient safeguards within what the USDA does to insure that the American consumers are allowed a quality product. Is that correct?

Mr. FRENZEL. That is the USDA's opinion, and I think that is more in the gentleman's department than in mine.

Mr. MARLENEE. Well, I think that is the contention here with this amendment and that the safeguards are just not there.

We have one sampling per 700,000 pounds of beef. We have had horse meat shipped into this country, and we have had kangaroo meat masquerading as beef.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for that contribution.

The gentleman's amendment, however, does not ask that we sample more product. It does not call for an appropriation or an authorization to the Agriculture Department to do more controlling and more testing. The Department now does do spot testing, and I believe in the last 2 years they have rejected about one-half of 1 percent of imported beef. But, as I read in my papers, I find that we rejected a little domestic meat, too, and I suspect the proportions are not very much different.

I say to the gentleman that if the USDA had been on its toes, the law was sufficient to detect all the problems of kangaroo meat and those things we have read in the paper about adulterated products.

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield further, I think the bone of contention here is safeguarding the consumer in the Findley amendment as opposed to the English amendment.

If we look at the language, offered by our colleague from Illinois, it says, "Contains agricultural chemicals or animal drugs." That simply goes back to the same old story, this: How have they done their job? How do they insure that it does not contain these dangerous chemicals or dangerous drugs? They cannot do it under the present system of checking one sample of 700,000. They must check the internal organs of these animals if they are going to see whether there are dangerous chemicals or dangerous drugs contained in the meat coming into this country.

There is a difference between the two amendments. One says, "Contained," and the other puts the onus of responsibility on the USDA to get the job done.

Defeat the Findley amendment.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for that contribution, but he has pointed out one of the real problems with the English amendment.

Under the language of the English amendment, if a cow grazes in a yard that has been spread with any item that has been banned in the United States, that cow would not be able to be imported. We have a lot of imports from Central America where cattle do graze in areas that have been sprayed with products that are banned in this country.

□ 1630

The cows do not necessarily eat the stuff. They are not intended to, but they wander in it.

As anybody who read the amendment would know, those cows could not be imported. The meat is perfectly good, contains no trace of those particular elements, and would, I think, in any rational person's mind be judged wholly pure for American consumption.

The English amendment is clearly intended to frustrate importation of meat and to provide special kinds of barriers for our trading partners.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(By unanimous consent, Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, would the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Texas.

Mr. KAZEN. I will tell the gentleman that I followed his argument and the arguments of the gentleman from Florida in the well about this amendment or talking about both amendments and every amendment that is pending now being a barrier to trade. I would ask the gentleman to explain to me how we are creating a barrier to trade when we require that foreign producers toe the line and adhere to the same standards that we set for our own producers. How does that impair trade?

Mr. FRENZEL. The problem is, I will tell the gentleman, and I thank him for his question because it is a good one, that foreign producers do not require us to toe that line and meet their same standards. All they ask is that the meat, when we ship it to them, be pure and free of substances which they prohibit in their country and that, as I understand it, is what we require of products coming into this country. I cannot see anything fairer, I have to tell the gentleman.

Mr. KAZEN. I will tell the gentleman that when we passed the meat inspection bill and all these other bills putting our own producers, our own retailers, our own processors under those rigid health standards that we at that time expected all of these processors outside of this country to meet the same standards. Something has happened along the line, and I do not think it is fair to ask of our people more than what we are asking of their competition overseas.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not intend to get into this debate, but I think there have been some things here said that ought to be straightened out.

To start with, we have two issues. One is what volume of meat should be imported into the United States, and the other is the wholesomeness of the product. They are two separate issues. Volume of imports is handled primarily by the Ways and Means Committee. It is the volume of meat coming into the country. The wholesomeness issue is handled through the House Agriculture Committee.

As far as the volume of meat coming into the country, let me go back to 1964. We passed here in the Congress in that year, not with my help but over my opposition, an upside-down formula saying that the bigger the volume of meat that is slaughtered in this country, the more meat could be imported into the country. Do my colleagues know who supported that? The National Cattlemen's Association joined with the packers to pass that law. I know because they attacked me in the net election because I had opposed the bill that they supported. Fifteen years later and two cattle cycles later, after a lot of their people had gone broke because of the bad law, we were able to change the law. That is the volume. We just changed that upside-down formula here about 2 years ago. Bills governing the volume should be changed in that manner.

The other issue is the wholesomeness of the product. Nobody is more for wholesome products than I am. I was the author of the 1967 meat inspection bill. In 1967 we finally got a bill on the floor of the House, over the opposition of the National Cattlemen's Association and the packers, over the opposition of both of them.

The National Cattlemen's Association opposed the bill because some of their producers would not be able to continue selling some of their sick animals and they went right along with the packers who were not processing meat as most people would want them to do. But after it was exposed that meat was being sold coming out of rendering plants and other places—finally with that exposure the majority supported the 1967 Meat Inspection Act.

So we passed the 1967 law.

This 1967 law requires, as a matter of law, that there be equal inspection in foreign countries compared to what we have in this country. After that law

passed in Mexico, for example, some 32 plants that had been exporting had to close down while 5 plants were upgraded to meet the standards required in this country.

The problem is not with the law, it is the enforcement of the law. I say it is inadequate. But we cannot get at that problem by passing this amendment. Passing an amendment would mislead some people into believing we had taken care of any problems when in fact it had not.

What we ought to do is actually have equal inspection over there. My colleagues say they do not inspect their animals. That is not so at all. Australia and New Zealand, for example, are required to have inspectors just like we have. Every animal is inspected. They are not inspected by our employees; it is their employees. They are required to meet the same standards as ours, for example, that inspectors cannot be the employees of the packing company. They must be hired by and paid for by the government so they do not have a conflict of interest, the same requirement as for our inspectors in this country.

As a matter of law, they have the same inspection system that we do. But we do not have enough supervisory personnel over there, and that is what we are talking about, is supervisory personnel comparable to our supervisory personnel to make sure that they are doing the same inspections we have in this country.

We even know that in some instances over there in those other countries where they have been warned ahead of time when they come in for a spot check. The problem is in getting adequate inspection as required by law. If a plant is in violation, they can even black list the plant completely and should where necessary. I do not recall any of those who support this amendment or any of these organizations coming to the Appropriations Committee and complaining this year when the administration submitted the budget to reduce, not to increase, but to reduce the number of inspectors, and actually to go to a spot inspection system in this country with regard to some of our red meat. That is what my colleagues ought to do if they really believe in the wholesomeness of the product, is to get over there to the Appropriations Committee and try to get these appropriations increased so that we have the number of supervisory personnel in foreign countries that are needed, and to make sure they follow the present law.

The problem is not with the law. It is the way it is being administered, and there is no substitute for beefing up the administration of the present law.

Mr. ENGLISH. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the Findley amendment.

On the surface it would appear that the Findley amendment is a very reasonable approach. However, one must wonder if the intent of the Findley amendment is to prohibit the containment of prohibited and banned drugs in the meat that is imported into the United States.

Why would we change the language from "having been produced using that chemical" to "containing that chemical"? I think if one is familiar with the inspection facilities and procedures for meat coming into the United States, it becomes very evident.

It takes roughly 10 days for a laboratory inspection to be completed. Therefore, meat which is contaminated, or from which the sample of meat has been taken is already being distributed to and eaten by consumers.

We have heard a great deal from the Ways and Means Committee about their concern on what the effect is that this might have on agricultural exports. Of course, they ignore the provision that any time the President finds that there is a danger and a threat to American exports because of these standards, he can suspend them so long as he specifically identifies the reason.

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But that is not good enough. Somehow, people have gotten the idea that foreign countries buy American agricultural products because they think we are nice guys, they want to make us happy. I have never heard of an agricultural sale being made on that basis. I have heard it being done because of a better price in the United States. I have heard it because they want to sell products in the United States and they think this may curry favor with us. I have heard it because we have had the most consistent production of agricultural products throughout the world. I have heard it because no other country has agricultural products to sell. I have also heard of countries that import American agricultural products for the purpose of raising revenue. They simply slap a tax on those American agricultural products that may even in fact be in excess of what the American farmer received. But never have I heard of a country buying from the United States just because they think we are good old boys.

Let me also raise another question. The Ways and Means Committee members tell us that this might chill trade. Why then do we require on automobiles imported into this country that they comply with our auto emission standards? What is more important about those automobile emission standards that gives them priority over the food that people stick in their mouths? Their view is very strange.

This amendment was drawn for the purpose of creating equity, and it does. We are not asking one thing more of those producers who want to sell meat products in this country, than we ask of our own producers. If our requirements are too stringent, then those who object to those stringent requirements, should try to change them. Then the import requirements for foreign producers will be reduced as well. But somehow I do not think that we are going to see those who are so concerned about this issue of imports offering those kinds of amendments.

Let me state very briefly a press release that came out on August 25 of this year.

I noticed that Agriculture Secretary John Block announced a series of tough new steps to prevent mislabeling, uninspected or otherwise adulterated meat from coming into the United States.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. ENGLISH) has expired.

(By unanimous consent, Mr. ENGLISH was allowed to proceed for 1 additional minute.)

Mr. ENGLISH. This same press release contains the following statement, and I am quoting from Mr. Block:

These steps are necessary because mislabeled and adulterated imports apparently have been coming into the United States for several months.

Well, can you imagine what the Findley amendment would do in the area of catching meat products that contain those chemicals?

I would simply say that the amendment as it was drawn prohibits that use, and I think, Mr. Chairman, that should be sufficient.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Would the gentleman's amendment prohibit the import of meat if they had used certain chemicals that are not authorized in this country in the production? Is that correct?

Mr. ENGLISH. The gentleman is not correct. They have to be banned.

Mr. SMITH of Iowa. Will the gentleman clear that up?

Mr. ENGLISH. They would have to be banned. If they are not authorized, they would be all right. But if they are banned and prohibited from use in this country, then they would be prohibited from abroad.

Mr. SMITH of Iowa. I see. The gentleman has changed that.

Mr. COELHO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on October 13, 1981, the Wall Street Journal ran an editorial on the meat import issue that we are now debating. The editorial makes some very valid points that I would

hope my fellow colleagues will consider before making up their minds on this matter.

The title of the editorial is "Hot Dog Hustle." It discusses the recent USDA impoundment of Australian kangaroo and horsemeat that was shipped into the United States, and how this episode is being used by the U.S. cattle-producing industry to severely tighten restrictions on imported beef.

My distinguished colleague from Oklahoma is offering an amendment to restrict meat imports. However, what one must remember is that imported beef differs in quality from our domestic product, which tends to be high quality grain-fed beef. The imported product is a lean, manufacturing quality beef that is used to help meet the U.S. consumers demand for hamburgers, hot dogs, bologna, and other processed meat products. Imported beef fills the gap between what U.S. consumers demand and the domestic industry's ability to fulfill that demand at a realistic price.

A simple interpretation of the English amendment is that it takes U.S. meat production rules and applies them to meat imports. However, the English amendment goes beyond that. It forces foreign meat suppliers to comply with the same species, residue, and chemical use standards that apply to U.S. meat. The U.S. Department of Agriculture already has the authority to deny entry into the United States of any imported meat or meat product that does not meet FDA and EPA tolerance levels. Yet, the English amendment prohibits the importation of any meat that has been produced with chemicals or drugs that have been banned for use in the United States. What this limits, Mr. Chairman, is imports of meat and meat food products that may not even pose a health risk to the consumer. The amendment, also, precludes from import any meat or meat food product that has been produced using a prohibited agricultural chemical or animal drug—even if there is no residue of the chemical or drug in the meat or meat food product at the time of importation.

The English amendment is a nontariff trade barrier and it will be perceived as a nontariff trade barrier by U.S. trading partners throughout the world. When action by our Government is taken to restrict imports one must stand back and ask how this import restriction will affect U.S. exports. It will have a negative impact. There are many examples of chemicals, drugs, and feed additives that are safe and are used in the United States, but that are not approved for use in foreign countries. If the English amendment is accepted, foreign countries can restrict U.S. imports for the same reasons.

Any action to restrict imports that only supplements U.S. meat and meat products will be harmful to U.S. trade. Domestic beef already has import protection. If the supply of domestic beef is heavy, then imports are cut back. If the domestic supply is scarce, more imports are allowed. This type of a trade restriction is understood by our trading partners. We all have to protect our domestic industry, but not to the point that our own exports are harmed. Both the Department of Agriculture and the Office of the U.S. Trade Representative say that the English amendment is inconsistent with our country's international trade obligations under the General Agreement on Tariffs and Trade (GATT).

It is for these reasons, Mr. Chairman, that I urge my colleagues to oppose any effort to restrict meat imports into the United States. I include in my remarks the Wall Street Journal article that I made reference to:

[From the Wall Street Journal, Oct. 13, 1981]

HOT DOG HUSTLE

Last August our chief source of imported beef, Australia, sent us some kangaroo and horse meat—this was presumably, an accident since the Aussies are supposed to send us cow meat. The USDA discovered the accident, impounded the meat and that should have been that.

It wasn't. Some cattle-state members of Congress are using the Whinneygate scandal to trot out legislation they try to pass every time domestic beef prices take a dive. The purpose of the legislation, now attached as an amendment to the farm bill, is to severely tighten restrictions on imported beef.

Current regulations require that all imported beef be subject to the same standards as domestic beef. Although this sounds straightforward, it's a complicated enforcement problem in practice because some exporting countries use chemicals or drugs in beef production that are not covered by U.S. regulations. Essentially, then imports are tested only for residues of stuff prohibited by U.S. regulations and by "species verification"—is this a cow or is it kangaroo?

But the Congress and cattle people argue that current regulations are not enough to insure consumer safety. Instead, they are pushing for a chemical and drug standard which—in its strictest version—would half beef imports altogether. These proponents claim that such restrictions would have little or no effect on prices; however, the Australian experience suggests otherwise. The impact of removing 60 million pounds of Australian meat was an immediate run-up in beef prices of 15%.

And there is no reason to believe that increase was a fluke. Unlike high-grade domestic beef, imported beef is manufacturing grade—very lean—used for hot dogs and bologna and other processed meat. Sure, it represents a small share of total beef supplies, perhaps 6 percent, but because domestic supplies of manufacturing-grade beef are limited, any cutoff in supplies—will send prices skyward.

These new import restrictions are even more unseemingly given that the domestic beef industry already enjoys import protection. The amount of beef allowed into the U.S. varies with supplies of domestic beef. When beef is plentiful, imports are cut back, easing any downward pressure on prices.

Certainly, no consumer should be defrauded by hot dogs made from kangaroo. But the argument that consumers are well-served by keeping prices high by keeping foreign beef out is bologna.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 13, 1981.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
Washington, D.C. 20515

DEAR MR. CHAIRMAN: On September 30, Representative Gunderson (R-Wisconsin) filed in the House an amendment to the Farm Bill (H.R. 3603) identical to the Melcher Amendment to the Senate version of the Farm Bill. These amendments would require that all meat products imported into the United States be subject to the same inspection, sanitary, quality, species verification and residue standards that apply to domestic products and would prohibit importing of any meat or meat product produced using agricultural chemicals, animal drugs or medicated feeds not approved for the same use in this country.

The Administration and the Department of Agriculture oppose the Melcher and Gunderson amendments and any other similar proposals which may be forthcoming.

The provisions of these amendments would virtually eliminate all meat imports. Current law allows meat and meat products containing residues of chemicals and drugs not approved for the same use in the United States to enter the country so long as they do not exceed USDA, FDA and EPA approved action and tolerance levels. Most countries exporting meat and meat products to the United States use some agricultural chemicals, animal drugs or medicated feeds not approved for the same use in this country, as well as those not used in this country because of differing agricultural practices and needs. For example, Australia and New Zealand supplied 81 percent of America's beef imports in 1980. These countries use 37 chemical compounds in their animal agriculture which are not apporved for the same use in the United States.

The Melcher and Gunderson amendments assume that all agricultural chemicals, pesticides and animal drugs not approved for use in the United States are public health hazards. In fact, because of different climatic and agricultural conditions in other countries, certain chemicals used abroad are not commonly, or of necessity, used in the United States. This practice is not unusual; the United States currently uses chemicals in agricultural products exported to other countries which have not registered the use of such chemicals for their own commodities.

Moreover, the Department agrees with the Office of the United States Trade Representative and the President's Council of Economic Advisors that the requirements of the Melcher and Gunderson amendments constitute a non-tariff trade barrier. These amendments are inconsistent with America's international trade obligations under the General Agreement on Tariffs and Trade (GATT). If we violate our trade obligations, other countries could be authorized to withdraw trade concessions of equivalent value to United States exports. Such restrictive legislation would also disrupt America's efforts in the Codex Alimentarius Commission, an organization of the United Nations, to reach international agreement on the use

of agricultural chemicals, pesticides and food additives.

The Federal Meat Inspection Act (FMIA) requires that every foreign country with plants preparing meat and meat products for export to the United States maintain an inspection program at least equal to that established under our laws and regulations. Further, only establishments specifically certified by a foreign government as meeting such requirements can prepare meat and meat products for export to the United States. USDA conducts on-site reviews of these certified foreign establishments to verify whether meat and meat products intended for export to the United States are produced in compliance with requirements at least equal to those in the United States. An additional check is made at the time certified meat and meat products are presented for entry into the United States. USDA inspectors at the major ports-of-entry and at inland inspection facilities re-examine and test meat and meat products on the basis of random sampling plans devised by department computers. This includes sampling for chemical residues.

The testing program USDA administers is identical for domestic and imported meat and meat products. As a result of the recent problem involving imported meat from Australia, the Department has strengthened existing inspection and testing requirements for imported meat and meat products. These procedures include requiring that countries exporting boneless beef to the United States establish a species monitoring program. Also, an accredited species identification program has been initiated in this country.

Having implemented these changes in the inspection procedures for imported meat and meat products, USDA believes that the current law and regulations assure that American consumers receive safe and wholesome imported meat and meat products.

In 1980, the United States imported $2.3 billion worth of meat and meat products. Of that total amount, beef imports accounted for $1.8 billion, pork imports for $486 million and other meats for $75 million. The United States exported $890 million worth of meat and meat products in 1980.

It is imperative that Congress not enact legislation that would be perceived, in this country or abroad, as an impediment to free trade or that might induce our trading partners to consider reciprocal trade sanctions.

Sincerely,

RICHARD E. LYNG,
Deputy Secretary.

U.S. DEPARTMENT OF AGRICULTURE,
FOREIGN AGRICULTURAL SERVICE,
Washington, D.C., Oct. 20, 1981.

To: Richard E. Lyng, Deputy Secretary.
From: Richard A. Smith, Administrator.
Subject: English amendment to ban meat imports produced with agricultural chemicals prohibited in the United States.

The Department has registered opposition to this amendment based on our interpretation that it would constitute a non-tariff trade barrier. If our trading partners chose to respond with similar measures, we could expect adverse impact on our export in other commodities. A survey of FAS commodity experts has elicited the following examples:

TOBACCO

Tobacco producers apply maleic hydrazide (MH-30) to plants during the growing stage. West German health authorities have questioned whether residues of MH-30 in tobacco products may be injurious and German cigarette manufacturers have agreed to limit residues of MH-30 in the smokestream of their cigarettes to not more than 80 ppm. So far, this is a voluntarily agreed tolerance. If the West German Government were to make it mandatory, it would probably be adopted EC-wide and could be used to restrict imports of U.S. leaf.

U.S. leaf tobacco exports to the EC in 1980 were $458 million.

DRY BEANS

In the production of dry beans in portions of the U.S., the defoliant "paraquat" is regularly used. Mexico, which is a major market for U.S. dry beans, considers any food product unsafe if its production has involved the application of this chemical. Mexico does not allow the use of paraquat in producing beans in that country. This trade could be lost if Mexico chose to impose it's domestic requirements on import production.

POULTRY

Arsenicals are banned in poultry production in France and Germany. France already prohibits the import of U.S. poultry meat (not offals) because of this and Germany could do the same. The U.S. shipped $18.6 million worth of poultry meat products (including offals) to the FRG.

SOYBEANS

Japan has discontinued the sale and manufacture of parathion and methylparathion, both of which are used on soybeans in the United States. Japan imported 4 million tons of U.S. soybeans in 1980.

Netherlands, West Germany, and Poland, while not growing soybeans, have overall restrictions against carbophenothion (Netherlands), EPN (Netherlands) and toxaphene (Netherlands). All of these chemicals are registered for soybeans in the United States. The sale of soybeans and products from the United States to those countries was 7.1 million tons in 1980.

APPLES, PEARS AND LEMONS

U.S. fruit producers use fungistats: TBZ, OPP/SOPP, Diphenyl, and Benlate; and antioxidants: Diphenyl Amine (DPA) and Ethoxyquin in post-harvest treatments. For these chemicals, EC countries have differing standards which permit their use by U.S. exporters.

In Finland, post-harvest treatment is permitted on apples and pears with specified tolerance levels on TBZ, OPP/SOPP, Ethoxyquin. Benomyl is approved only for use on citrus fruits.

In Belgium, fungistats TBZ, OPP/SOPP, Diphenyl and Benlate (Benomyl), and antioxidants such as Diphenyl Amine (DPA) and Ethoxyquin are not authorized for use on apples or pears in Belgium. However, Ethoxyquin and Diphenyl Amine are currently under review and might be authorized in the future.

In Denmark, fugicide and antioxidant tolerance levels for imported apples and pears are applied in accordance with FAO/WHO CODEX or EC guidelines in random sampling/test procedures. Except for citrus and bananas, no regulations have yet been issued regarding pesticide residues in or on fruits but decree is expected before end of year.

In France, only three chemical treatments are authorized for post-harvest treatments on apples and pears, as fungicide and antioxidants: 1) Benomyl; 2) Thiabendazole; and 3) Ethoxyquine. All other post-harvest treatments are prohibited, including Diphenyl Amine.

In Germany, the following post-harvest treatments are approved for fresh apples and pears as imported: DPA, tolerance 3ppm; Benomyl, tolerance 2ppm. The following post-harvest treatments are prohibited: OPP/SOPP, Ethoxyquin, TBZ, and Diphenyl.

In Ireland, some fungistats (TBZ, SOPP, and Diphenyl) are permitted for citrus and TBZ is permitted on bananas. No tolerances are listed for apples and pears. Ireland's Department of Agriculture is in the course of framing legislation which will introduce chemical tolerances for a large number of commodities in line with EC implementation of CODEX recommendations.

In the Netherlands, fungicide/antioxidants tolerances for apples and pears are specified for TBZ, OPP/SOPP, Diphenyl, Benlate, Diphenyl Amine, and Ethoxyquin.

In Sweden, post-harvest treatments are permitted on imported apples and pears with tolerance levels as specified: TBZ(6ppm), Opp/SOPP(10ppm), Diphenyl Amine (3ppm), and Ethoxyquin (3ppm).

In Switzerland, no post-harvest treatments are permitted.

In the United Kingdom, DPA may be used on apples and pears if it meets a 10ppm. Use of thiophanate-methyl is governed by recommended safeguards of the Ministry of Agriculture but no tolerance levels are specified.

Major markets for U.S. apple and pear exports found in the EC. Sweden imported $6.5 million of pears in 1980 with only Canada taking a larger portion of U.S. exports. The UK imported $9.5 million and Norway, Finland, and Sweden each imported over $4.0 million. The UK is one of the ten top markets for U.S. apples. The Scandinavian countries also rank high in the top twenty markets.

GENERAL

Certain member states of the EC approve agricultural chemicals on a product-by-product basis and for specific purposes. This is different from the U.S. system which approves the use of substances if they are "generally regarded as safe," i.e., the GRAS list. These substances are then generally used freely.

Our market in the EC and Japan could be seriously affected if these countries prohibited imports from countries that use agricultural chemicals, additives, or hormones not approved for use in the importing country. Our citrus in Japan might be affected. Another example would be the use of Methyl Bromide, Captan, and Aluminum Phosphides on our grains for export to certain countries which do not register these chemicals for their own commodities. Presently, they do accept our grains.

Total U.S. grain exports for 1980 were valued over $27.7 billion.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 15, 1981.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture,
Washington, D.C.

DEAR MR. CHAIRMAN: Congressman English has proposed an amendment to the Farm Bill which would amend Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620).

The Department opposes adoption of this amendment.

The English proposal would prohibit importing into the United States meat and meat food products produced using agricultural chemicals or animal drugs which (1) are prohibited from use in this country "by final action as a result of or subject to judicial review" or which (2) the Secretary of Agriculture has determined render such products adulterated under the provisions of the Federal Meat Inspection Act. In addition, it would require the Secretary to inspect such articles through the use of random sampling for residues and species verification.

The Department is concerned that this proposal which would significantly modify the substance of the Federal Meat Inspection Act regarding meat and meat food product imports, should be fully and carefully considered outside the context of the Farm Bill. If after such an assessment, a modification of Section 20 is deemed necessary, appropriate provisions amending the Federal Meat Inspection Act alone would be a more appropriate vehicle than the Farm Bill for enacting such legislation.

The Department is also concerned that the proposed language could limit imports of meat and meat food products which do not pose health risks to the consuming public. An order refusing to approve a new animal drug, for example, may be predicated on factors other than safety, such as the methods used in, and facilities and controls used for the manufacture, processing and packing the product, a product's efficacy, or a product's labeling.

In addition, the amendment would preclude from import a meat or meat food product produced using a prohibited agricultural chemical or animal drug. Thus, even if there were no residue of the chemical or drug in the meat or meat food product at the time of importation, the importation would not be allowed.

The Department is also concerned that importation would be precluded based upon a prohibition of an agricultural chemical or animal drug "by final action . . . subject to judicial review." This language could be construed to mean that during the pendency of judicial review of an administrative agency's decision to prohibit the use of a chemical or drug, importation of meat and meat food products containing such a substance would be precluded, even if the reviewing court had stayed the agency's decision pending review.

Finally, the Department wishes to emphasize that it currently administers a testing program for domestic and imported meat and meat food products which includes sampling for chemical residues. As a result of the recent problem involving imported meat from Australia, the Department has strengthened existing inspection and testing requirements for imported meat and meat food products. These procedures include requiring that countries exporting boneless beef to the United States establish a species monitoring program. Also, an accredited species identification program has been initiated in this country. Having implemented these changes in the inspection procedures for imported meat and meat products, the Department believes that the current law and regulations assure that American consumers receive safe and wholesome inspected meat and meat food products.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

C. W. McMILLAN,
Assistant Secretary,
Marketing and Inspection Services.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Oklahoma (Mr. ENGLISH). There simply is no question that the United States is presently facing a very serious problem relating to the importing of adulterated meat.

The depth of this problem was best illustrated in a front page article of the October 4, 1981, Washington Post that indicated in a recent set of samples of meat scheduled to be imported from Australia and designated as "beef," 24 of the samples were actually horsemeat, 16 were kangaroo meat, and only five samples were beef.

The article further explained that the Australian Government has known about this problem for a number of years and virtually nothing has been done about it.

PROBLEMS WITH THE CURRENT INSPECTION SYSTEM

The cause of this problem can be found in our method of inspecting meat imports. Simply stated, we rely on the countries who export meat to the United States to conduct the requisite inspections at the processing stage as well as when the meat is loaded on the transporting vehicles.

Similarly, I am informed that we have a very minimal number of individuals who monitor these foreign inspections and that their spot checks of the foreign procedures are announced in advance of their arrival.

Additionally, we are all aware of the fact that such inspections are hampered by the usual jurisdictional disputes between the National Government and States rights in Australia.

Finally, during the recent Australian episode, we did not even have the ability to make a test for the kangaroo meat that was allegedly imported into the country as beef. Rather, we had to wait for this to be sent from Australia.

RESULT: NO CONSUMER CONFIDENCE

The failure of foreign inspections to weed out adulterated meat could result in a failure of consumer confidence in meat products. If a consumer is no longer able to know with certainty that he is eating hamburger rather than something else, what else can we expect?

According to USDA figures, half of all meat imports are used in ground beef production. The USDA further estimates that between 30 and 45 percent of all ground beef in the United States contains some imported meat. It is, therefore, very important that all meat—foreign or domestic—be unadulterated. Even slight slip-ups could cause large drops in consumer confidence in meat products.

Clearly, the whole question of consumer safety must be addressed by the Congress here and now. If foreign inspections either accidentally or purposely missed an obvious species problem, how can we expect them to discover subtle residues of harmful chemicals?

RESULT: DAMAGE TO DOMESTIC MEAT PRODUCERS

When consumer confidence in a product diminishes, it is a logical corollary that less product will be purchased and prices will fall as production exceeds consumption. Since there is presently no requirement that foreign meat be labeled differently than domestic meat, problems with meat imports cannot help but impact on the domestic meat industries.

Clearly, we are talking about the possibility of producers going out of business as a result of an inadequate return on their production. Similarly, if less product is consumed, we are also talking about the possibility of processing plants closing or laying off portions of their work force.

Thus, it is important to domestic producers and meat processors to insure that the foreign meat that enters this country be of sufficient quality, as determined by domestic standards, to maintain consumer confidence in meat products.

IMPACT ON OTHER AGRICULTURAL INDUSTRIES

The meat industry has a direct impact on other agricultural industries as well. In my own State of Wisconsin, the dairy industry is directly impacted by the price of beef.

Cull dairy cows provide lean beef when slaughtered. Currently, beef prices are very depressed and dairy farmers are discouraged from reducing the size of their dairy herds. Such discouragement only complicates the present problem of overproduction in the dairy industry as farmers continue to milk their cows rather than reducing their herds.

The correlation between beef prices and the production of milk has been demonstrated mathematically by Robert Cropp of the University of Wisconsin-Platteville for my office. First of all, Mr. Cropp noted that the correlation between an increase in the price of milk and greater production of milk was +0.73. Since a perfect correlation would be +1.00, Mr. Cropp describes the correlation between an increase in the price of milk and greater production of milk as very strong.

In the case of beef prices, Mr. Cropp found a correlation of +0.67 between decreased beef prices and a greater production of milk. This correlation must also be described as very strong. These figures were based on a 10-year comparison of prices and production.

Similarly, a healthy domestic beef industry is important for conservation

purposes as well. Recently, the chairman of the Wisconsin ASCS committee, Wilfred Turba, noted that half of the farmland in Wisconsin should be kept in grass for conservation purposes.

The only real use for this land is to feed dairy or beef cattle. Thus, the long-range productivity of a considerable portion of our range and farmland will be determined by the profitability of our domestic dairy and beef industries.

REMEDY: EQUITABLE STANDARDS

The quality of meat imports into our country, therefore, has a significant impact on consumer demand for meat products as well as on the domestic meat industry, meat processing industry, and other related agricultural industries. Accordingly, there is no reason that I can conceive of as to why we do not require the same inspections of imports that we do for domestic meat products.

There are those who have asserted that any amendment relating to imported meat will adversely affect trade. That argument is simply inaccurate. This amendment will affect the way foreign meat is produced if foreign producers expect to market in the United States. It will not affect foreign trade unless a foreign country or a foreign producer refuses to comply with our domestic production and inspection standards (which, incidentally, is tantamount to an admission that their product is tainted with improper meat or prohibited chemicals).

The bottom line is that current inspections of meat imports do not meet the same standards that inspections of domestic meat products do. All the English amendment does is to require that the standards be the same. Arguably, this could be done by lowering domestic inspections to the same levels as foreign inspections. Such a move, however, flies in the face of consumer safety.

Mr. Chairman, in the interests of equity, consumer safety, and the reputation of the meat industry worldwide, we must upgrade the current inspection standards for foreign meat to insure that the same standards that are applied to domestic meat are actually applied to foreign meat. I, therefore, strongly urge my colleagues to support the English amendment.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the English amendment and opposed to the gutting amendment offered by the gentleman from Illinois.

I was listening to the debate a little earlier. The gentleman from Minnesota made the comment that this meat contains no traces, and he mentioned Latin America from where a lot of meat comes and where they are using chemicals that are banned here but the meat does not contain any traces of it. The cows do not necessarily eat it, but they may wander in it.

Let me tell the House about something that I discovered a couple of years ago, and if this is not enough to make you decide to vote for the English amendment, nothing will.

I decided as a member of the Agriculture Committee to take a trip to Miami, Fla., and to visit the largest cold storage warehouse in Miami where the imported meat comes in. I wanted to examine this imported meat to trace it all the way from its point of origin, all the way to its final consumption in the United States.

□ 1650

Well, we went to the cold storage warehouse. They receive beef from all over Latin America. There happened to be one large shipment that came in from Nicaragua. We watched to see how they take the samples of this meat. They do not sample every box. They come in 60-pound boxes, I believe it is. As I said, they do not sample every box. They randomly pick one or two or three out of each stack and then run it through and they thaw it out because it is nearly all frozen. Then they take little strips of fat off and they put it into plastic bags and sent it off to be analyzed. Some of it is analyzed by the Government. Some of it is analyzed by private chemical firms that are contracted with by the USDA.

While those samples are sent off for analysis, the meat does not just sit there in the warehouse. No. The samples are sent off for analysis, but the meat from which they were taken leaves the warehouse and is shipped to a meat purveyor. For example, one batch of meat that I know of was sent from Miami to Pittsburgh, Pa. before the analysis, which had been sent to Atlanta, was completed.

So I got my staff to trace this shipment to Pittsburgh, Pa. We found out where it was kept in Pittsburgh. We then found that the meat was then broken up into small blocks, relatively small blocks, and shipped to various packinghouses throughout the United States.

Later, the reports came back from that sample of meat and guess what? Not a one of them passed the analysis because they were all too high in residues of, guess what? DDT. As you know, DDT is banned in this country, but every one of those samples was too high in DDT.

Well, what they do then is put out a call to have all of this meat that has gone out from that batch returned back to that cold storage warehouse in Miami.

OK. Several weeks had gone by. I then traced some of this meat from Pittsburgh to a packinghouse in Mason City, Iowa. It was in late June, just prior to the Fourth of July. I called up the warehouse, the packing plant in Mason City, Iowa, and determined that, yes, they had received a shipment of Nicaraguan meat from Pittsburgh, and I asked them if they were aware that this meat may have been contaminated, that it may have been too high in residues of DDT. Of course they were not aware of it. I then asked them were they aware that a call had gone out to return meat from that particular packing plant. Well, no, they had not been aware of that, but they informed me, "Congressman, it is much too late, that meat has come in. We have already ground it up and already put it into hot dogs." I said, "Hot dogs?"

"Yes, it has already been put in and already shipped out. We only keep shipments of imported meat like that in the plant for a day or two before it is shipped out as hot dogs."

I said, "Under what label?" They said it had gone out under various labels for the Fourth of July trade.

No way is that meat ever recalled back and shipped back out of this country. Typically, it is all eaten before the lab tests are back.

I use that example to show my colleagues that those hot dogs were eaten by Members' children, by Members' families, and they contained high residues of DDT, a well-known carcinogen.

The gentleman from Iowa, my distinguished dean of our delegation, said that these plants in these foreign countries have to have the same kind of inspections that we do. That is required. But the fact is they do not do it. Now the Department of Agriculture has supervisors who travel to foreign countries, so I checked into the supervisors in Latin America. There is one supervisor inspecting beef coming from four countries in Latin America.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(At the request of Mr. SMITH of Iowa and by unanimous consent, Mr. HARKIN was allowed to proceed for 3 additional minutes.)

Mr. HARKIN. He rides the circuit and every time he goes to one of these countries he lets them know that he is coming. They know that he is coming. They clean up their act and get all ready for him when he shows up on the scene.

While they are required to have the same inspections, actually they do not have the same inspection because many of these plants, not only in Latin America, but also in Australia exist for only one purpose, and that is to export meat.

They do not even sell it on their local economy. They get the meat from the ranchers out there where they grow this lean meat. They bring

it into the packing plant. They freeze it and they ship it all out of the country. They do not even put it on their local markets and yet, we are importing it into this country.

Mr. SMITH of Iowa. Mr Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

I do not disagree with anything the gentleman says. The point is this: We do have a law like the gentleman says. It is not being adequately enforced because they do not have enough supervisors and they are not doing it right.

The example the gentleman brings up is prohibited now under law and passage of the English amendment is not going to do anything more.

Mr. HARKIN. There was not one law broken or violated.

Mr. SMITH of Iowa. You cannot have residues of DDT in meat under the present law.

Mr. HARKIN. Because when it comes into the country the law allows the meat to go into the channel.

Mr. SMITH of Iowa. That is the matter of how they are administering the law. They should have the samples tested there.

Mr. HARKIN. At that time, the law allowed that, the law has been changed.

Mr. SMITH of Iowa. That was a regulation or a rule.

Mr. HARKIN. The gentleman is right, it was a regulation. However, they still cannot sample every piece of packet of meat that comes into this country.

Mr. SMITH of Iowa. It is supposed to be sampled and examined at the packaging plant and if we had the right supervisors over there they would do it there.

Mr. HARKIN. We do not have that many supervisors. I do not know what it would take, hundreds of supervisors.

Mr. SMITH of Iowa. That is the reason why we need to have adequate supervisors.

Mr. HARKIN. They do not perform adequate chemical sampling of their meat for residues. They do not adequately check to see if it is too high in DDT or whatever.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

I think the story the gentleman tells is an excellent one, but it does not address the whole problem. Much of the imported meat is contaminated. Much of the imported meat goes beyond the chemical residues we find in the meat. This makes it unacceptable. The English amendment only deals with chemical residues. It does not deal with the fact that we are importing kangaroo and other kinds of elements within that meat.

That is why I think a much stronger inspection and a labeling provision is really what we need.

Mr. HARKIN. The gentleman from Iowa (Mr. SMITH) is right, we do need stronger inspections, we do need more supervisors in those countries.

Second, I support the gentleman from South Dakota in saying we ought to have meat labeling. I do not see that it is a trade barrier. I think it is a right of the people in this country to know what they are eating.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. It does contain species verification.

Mr. CRAIG. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the English amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY) to the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH) as a substitute for the amendment offered by the gentleman from South Dakota (Mr. DASCHLE).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 17, noes 29.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1700

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Minnesota (Mr. FRENZEL) for a recorded vote.

A recorded vote was refused.

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH) as a substitute for the amendment offered by the gentleman from South Dakota (Mr. DASCHLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ENGLISH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes, 162, answered "present" 1, not voting 47, as follows:

[Roll No. 275]

AYES—223

Addabbo	Goodling	Petri
Akaka	Gore	Pickle
Albosta	Gramm	Quillen
Anderson	Gray	Rahall
Andrews	Gunderson	Railsback
Anthony	Hagedorn	Ratchford
Applegate	Hall (OH)	Regula
Aspin	Hall, Ralph	Richmond
AuCoin	Hall, Sam	Rinaldo
Badham	Hamilton	Roberts (KS)
Bailey (MO)	Hammerschmidt	Roberts (SD)
Bailey (PA)	Hance	Rodino
Barnes	Hansen (ID)	Roemer
Bedell	Harkin	Rogers
Benedict	Hatcher	Rose
Benjamin	Heftel	Roth
Bennett	Hendon	Rudd
Bereuter	Hightower	Santini
Bethune	Hiler	Sawyer
Bevill	Hillis	Schneider
Blanchard	Hollenbeck	Schroeder
Boggs	Howard	Seiberling
Bonior	Hoyer	Sensenbrenner
Bowen	Hubbard	Shamansky
Breaux	Huckaby	Sharp
Brinkley	Hunter	Shaw
Brodhead	Hutto	Shelby
Broomfield	Jeffords	Shuster
Brown (CO)	Jeffries	Siljander
Chappell	Jenkins	Skeen
Cheney	Jones (OK)	Skelton
Coats	Kastenmeier	Smith (AL)
Coleman	Kazen	Smith (IA)
Collins (IL)	Kildee	Smith (NE)
Conyers	Kogovsek	Smith (NJ)
Courter	Kramer	Smith (OR)
Coyne, William	Latta	Smith (PA)
Craig	Leach	Snowe
Crockett	Leath	Snyder
Danielson	Levitas	Spence
Davis	Loeffler	St Germain
Deckard	Long (LA)	Stangeland
Derrick	Lott	Stark
Dickinson	Lujan	Stenholm
Dingell	Markey	Stokes
Donnelly	Marlenee	Stratton
Dorgan	Marriott	Studds
Dornan	Martin (IL)	Stump
Dowdy	Mattox	Synar
Duncan	McCollum	Tauke
Dwyer	McCurdy	Tauzin
Dyson	Mikulski	Taylor
Eckart	Miller (OH)	Traxler
Edwards (AL)	Minish	Volkmer
Edwards (CA)	Mitchell (MD)	Walgren
Edwards (OK)	Mitchell (NY)	Watkins
Emerson	Moffett	Weaver
Emery	Montgomery	Weber (MN)
English	Moore	White
Erdahl	Morrison	Whitley
Evans (GA)	Mottl	Whittaker
Evans (IN)	Murtha	Whitten
Ferraro	Myers	Williams (MT)
Fields	Natcher	Wilson
Fithian	Neal	Winn
Flippo	Nelligan	Wirth
Foglietta	Nelson	Wolpe
Ford (MI)	Nichols	Wright
Ford (TN)	Oakar	Wylie
Fuqua	Oberstar	Yatron
Gaydos	Obey	Young (FL)
Gejdenson	Oxley	Young (MO)
Ginn	Patman	Zeferetti
Glickman	Pepper	
Gonzalez	Perkins	

NOES—162

Alexander	Fish	Miller (CA)
Annunzio	Foley	Mineta
Archer	Forsythe	Moakley
Atkinson	Fountain	Molinari
Beard	Frank	Mollohan
Beilenson	Frenzel	Moorhead
Bingham	Gephardt	Napier
Bliley	Gibbons	Nowak
Boland	Goldwater	Ottinger
Boner	Gradison	Panetta
Bonker	Green	Parris
Bouquard	Gregg	Pashayan
Brown (CA)	Grisham	Patterson
Burgener	Hansen (UT)	Paul
Burton, Phillip	Hartnett	Pease
Butler	Hawkins	Peyser
Byron	Heckler	Porter
Carman	Holt	Price
Carney	Hopkins	Pritchard
Chappie	Horton	Pursell
Clausen	Hughes	Rangel
Clinger	Hyde	Reuss
Coelho	Jacobs	Ritter
Conable	Jones (TN)	Robinson
Conte	Kemp	Rostenkowski
Coughlin	Kindness	Roukema
Crane, Daniel	LaFalce	Roybal
Crane, Philip	Lagomarsino	Russo
D'Amours	Lantos	Sabo
Daniel, Dan	LeBoutillier	Savage
Daniel, R. W.	Lee	Scheuer
Dannemeyer	Lehman	Schumer
Daschle	Leland	Shannon
Daub	Lent	Shumway
de la Garza	Lewis	Simon
DeNardis	Livingston	Solarz
Derwinski	Long (MD)	Solomon
Dicks	Lowery (CA)	Stanton
Dixon	Lowry (WA)	Staton
Dougherty	Luken	Swift
Downey	Madigan	Thomas
Dreier	Martin (NY)	Trible
Dunn	Matsui	Vander Jagt
Edgar	Mavroules	Vento
Erlenborn	Mazzoli	Walker
Ertel	McClory	Wampler
Evans (DE)	McDade	Washington
Evans (IA)	McDonald	Weber (OH)
Fary	McEwen	Weiss
Fascell	McGrath	Whitehurst
Fazio	McHugh	Wolf
Fenwick	McKinney	Wortley
Fiedler	Mica	Yates
Findley	Michel	Zablocki

ANSWERED "PRESENT"—1

Brown (OH)

NOT VOTING—47

Ashbrook	Early	Marks
Bafalis	Florio	Martin (NC)
Barnard	Fowler	McCloskey
Biaggi	Frost	Murphy
Bolling	Garcia	O'Brien
Brooks	Gilman	Rhodes
Broyhill	Gingrich	Roe
Burton, John	Guarini	Rosenthal
Campbell	Hefner	Rousselot
Chisholm	Hertel	Schulze
Clay	Holland	Udall
Collins (TX)	Ireland	Waxman
Corcoran	Johnston	Williams (OH)
Coyne, James	Jones (NC)	Wyden
Dellums	Lundine	Young (AK)
Dymally	Lungren	

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Biaggi for, with Mr. Dellums against.

Mr. Hertel for, with Mr. Garcia against.

Mr. Bafalis for, with Mr. O'Brien against.

Mr. Corcoran for, with Mr. Campbell against.

Messrs. PANETTA, SCHUMER, PARRIS, Mrs. BOUQUARD, Messrs. LIVINGSTON, RUSSO, FOUNTAIN, and MILLER of California changed their votes from "aye" to "no."

Mr. FIELDS, Ms. MIKULSKI, Messrs. EDWARDS of California, DONNELLY, WALGREN, QUILLEN, DICKINSON, PETRI, ROTH, and Ms. FERRARO changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. On the proposition just voted, am I correct that the Members of this body voted for the English amendment on import restrictions as substitute for the Daschle amendment on requiring labeling of imported items?

□ 1730

Mr. ENGLISH, Regular order, Mr. Chairman. That is not a parliamentary inquiry.

Mr. FINDLEY. Am I correct, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. FINDLEY. Mr. Chairman, do I understand that the pending business before the Committee is whether to accept or reject the English amendment, which establishes new restrictions on the import of meat?

Mr. ENGLISH. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman has characterized the amendment.

The question is on the amendment offered by the gentleman from South Dakota (Mr. DASCHLE), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ENGLISH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ENGLISH) demands a recorded votre.

PARLIAMENTARY INQUIRY

Mr. ENGLISH. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN, The gentleman will state it.

Mr. ENGLISH. May I ask, Mr. Chairman, is the vote that we are about to take identical to the vote we just completed?

The CHAIRMAN. The vote is on the Daschle amendment, as amended by the English substitute which the House has just adopted.

Mr. ENGLISH. Which is exactly the amendment we just voted on, Mr. Chairman?

The CHAIRMAN. All those in favor of taking this by recorded vote, stand and remain standing until counted.

Evidently a sufficient number. A recorded vote is ordered.

Those in favor of the amendment will vote "aye," and those opposed will vote "no."

Members will record their votes by electronic device.

The vote was taken by electronic device, and there were—ayes 211, noes 168, answered "present" 1, not voting 53, as follows:

[Roll No. 276]

AYES—211

Addabbo	Glickman	Patman
Akaka	Gonzalez	Pepper
Albosta	Goodling	Pickle
Anderson	Gore	Quillen
Andrews	Gramm	Rahall
Anthony	Gray	Railsback
Applegate	Grisham	Ratchford
Aspin	Gunderson	Regula
AuCoin	Hagedorn	Richmond
Badham	Hall (OH)	Rinaldo
Bailey (MO)	Hall, Ralph	Roberts (KS)
Bailey (PA)	Hall, Sam	Roberts (SD)
Barnes	Hamilton	Rodino
Bedell	Hammerschmidt	Roemer
Benedict	Hance	Rogers
Benjamin	Hansen (ID)	Rose
Bennett	Hansen (UT)	Roth
Bereuter	Harkin	Rudd
Bethune	Hatcher	Santini
Bevill	Heftel	Sawyer
Blanchard	Hendon	Schneider
Boggs	Hightower	Schroeder
Bonior	Hiler	Seiberling
Bowen	Hillis	Sensenbrenner
Breaux	Hollenbeck	Shamansky
Brinkley	Hoyer	Sharp
Brodhead	Hubbard	Shaw
Broomfield	Huckaby	Shelby
Brown (CO)	Hunter	Shuster
Chappell	Hutto	Siljander
Cheney	Jeffords	Skeen
Coats	Jeffries	Skelton
Coleman	Jenkins	Smith (AL)
Collins (IL)	Jones (OK)	Smith (NE)
Conyers	Kastenmeier	Smith (NJ)
Courter	Kazen	Smith (OR)
Coyne, William	Kildee	Smith (PA)
Craig	Kogovsek	Snyder
Daschle	Kramer	Spence
Davis	Leach	St Germain
Deckard	Leath	Stangeland
Derrick	Levitas	Stark
Dickinson	Loeffler	Stenholm
Dingell	Long (LA)	Stokes
Donnelly	Lott	Stratton
Dorgan	Lujan	Studds
Dornan	Markey	Stump
Dowdy	Marlenee	Synar
Duncan	Marriott	Tauzin
Dyson	Martin (IL)	Taylor
Eckart	Mattox	Traxler
Edwards (AL)	McCollum	Volkmer
Edwards (CA)	McCurdy	Walgren
Edwards (OK)	Mikulski	Watkins
Emerson	Miller (OH)	Weaver
Emery	Minish	Weber (MN)
English	Mitchell (NY)	Whitley
Erdahl	Moffett	Whittaker
Evans (GA)	Montgomery	Whitten
Evans (IN)	Moore	Williams (MT)
Ferraro	Morrison	Wilson
Fields	Motti	Winn
Fithian	Murtha	Wirth
Flippo	Myers	Wolpe
Foglietta	Natcher	Wylie
Ford (MI)	Neal	Yatron
Fountain	Nelson	Young (FL)
Fuqua	Nichols	Young (MO)
Gaydos	Oakar	Zeferetti
Gejdenson	Oberstar	
Ginn	Obey	

NOES—168

Alexander	Beard	Boland
Annunzio	Beilenson	Boner
Archer	Bingham	Bonker
Atkinson	Bliley	Bouquard

Brown (CA)	Gradison	Nelligan
Burgener	Green	Nowak
Burton, Phillip	Gregg	Ottinger
Butler	Hartnett	Oxley
Byron	Hawkins	Panetta
Carman	Heckler	Parris
Carney	Holt	Pashayan
Chappie	Hopkins	Patterson
Chisholm	Horton	Paul
Clausen	Howard	Pease
Clinger	Hughes	Perkins
Coelho	Hyde	Petri
Conable	Jacobs	Peyser
Conte	Jones (TN)	Porter
Coughlin	Kemp	Price
Crane, Daniel	Kindness	Pritchard
Crane, Philip	LaFalce	Pursell
D'Amours	Lagomarsino	Rangel
Daniel, Dan	Lantos	Reuss
Daniel, R. W.	Latta	Ritter
Danielson	LeBoutillier	Robinson
Dannemeyer	Lee	Rostenkowski
Daub	Lehman	Roukema
de la Garza	Leland	Roybal
DeNardis	Lent	Russo
Derwinski	Lewis	Sabo
Dicks	Livingston	Scheuer
Dixon	Long (MD)	Schumer
Dougherty	Lowery (CA)	Shannon
Downey	Lowry (WA)	Shumway
Dreier	Luken	Simon
Dunn	Madigan	Smith (IA)
Dwyer	Martin (NY)	Snowe
Edgar	Matsui	Solarz
Erlenborn	Mavroules	Solomon
Ertel	Mazzoli	Stanton
Evans (DE)	McClory	Staton
Evans (IA)	McDade	Swift
Fary	McDonald	Tauke
Fascell	McEwen	Thomas
Fazio	McGrath	Trible
Fenwick	McHugh	Vento
Fiedler	McKinney	Walker
Findley	Mica	Wampler
Fish	Michel	Washington
Foley	Miller (CA)	Weber (OH)
Ford (TN)	Mineta	Weiss
Frank	Moakley	Whitehurst
Frenzel	Molinari	Wolf
Gephardt	Mollohan	Wortley
Gibbons	Moorhead	Yates
Goldwater	Napier	Zablocki

ANSWERED "PRESENT"—1

Brown (OH)

NOT VOTING—53

Ashbrook	Forsythe	Mitchell (MD)
Bafalis	Fowler	Murphy
Barnard	Frost	O'Brien
Biaggi	Garcia	Rhodes
Bolling	Gilman	Roe
Brooks	Gingrich	Rosenthal
Broyhill	Guarini	Rousselot
Burton, John	Hefner	Savage
Campbell	Hertel	Schulze
Clay	Holland	Udall
Collins (TX)	Ireland	Vander Jagt
Corcoran	Johnston	Waxman
Coyne, James	Jones (NC)	White
Crockett	Lundine	Williams (OH)
Dellums	Lungren	Wright
Dymally	Marks	Wyden
Early	Martin (NC)	Young (AK)
Florio	McCloskey	

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Biaggi for, with Mr. Dellums against.

Mr. Hertel for, with Mr. Garcia against.

Mr. Bafalis for, with Mr. O'Brien against.

Mr. Corcoran for, with Mr. Campbell against.

So, the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I rise to provide a budgetary perspective on the Food and Agriculture Act of 1981. I want to first address the budget impact of the price support provisions in this bill and second to address the budget impact of the food stamp provisions in this bill.

The estimated budgetary impact of the price support provisions in this amended bill are well under the first concurrent budget resolution for fiscal year 1982. The resolution provides for $2,182 million total outlays in fiscal year 1982. The Bedell amended bill would have resulted in estimated total outlays of $2,165 million, $17 million below the resolution. The Bedell amended bill was further amended resulting in estimated outlays being reduced to $2,069 million. This means the present amended bill is an estimated $113 million under the resolution for total fiscal year 1982 net outlays.

The amended bill is also under the resolution in terms of new entitlement authority. The resolution provides for $1,309 million in new entitlement authority. The Bedell amended bill would have resulted in estimated new entitlement authority of $1,228 million, $81 million below the resolution. The bill was further amended resulting in the present amended bill having estimated new entitlement authority of $1,101 million. This means the present amended bill is an estimated $208 million below the resolution for new entitlement authority.

I now want to briefly address the budgetary impact of the food stamp provisions in this bill.

The bipartisan amendment offered by my colleagues, Messers, COLEMAN and RICHMOND, would increase the ceiling on appropriations in fiscal year 1982 to $11.3 billion.

This level is consistent with the estimates which OMB supplied to the Budget Committee just last month. On the other hand, this level exceeds the amount is the Gramm-Latta budget by $650 million.

This increase of $650 million is caused by three factors. First, the administration and the Gramm-Latta budgets did not assume that the cutbacks in social programs which the administration insisted on in the reconciliation process this year would cause any increase in participation or benefit levels in the food stamp program. This assumption was most unrealistic. This lack of realism accounts for $400 million of the $650 million increase. Second, $100 million of the increase reflects delays in the implementation of benefit reductions which the Congress approved this summer in the reconciliation bill. Third, the remaining $150 million is primarily attributable to higher participation in the program because of optimistic economic and participation assumptions made by the administration last spring when it drew up its budget and the Gramm-Latta budget.

What we are being asked to approve in this amendment is a more realistic funding level for the food stamp program. If we were totally realistic, we would be increasing the funding to $12.1 billion. This amendment limits costs to $11.3 billion, however, primarily by delaying the cost-of-living increase for 6 months.

I must warn you that if the administration's economic program does not work, the ceiling of $11.3 billion which this amendment would authorize may not be enough. The program costs for the remainder of this fiscal year will be very sensitive to economic conditions, particularly the unemployment rate.

□ 1750

Mr. STENHOLM. Mr. Chairman, I have a unanimous-consent request which I have cleared on both sides of the aisle, which deals with my amendment which was approved on October 15 to the feed grain section, title IV, where it says, "When such set-aside has been announced, loan rates should be increased * * *".

I ask unanimous consent to change the word "should" to "shall." It was a typographical error.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: Page 222, after line 25, insert the following new title:

TITLE XVIII——USER FEES FOR REPORTS AND PUBLICATIONS

SEC. 1701. The Secretary of Agriculture is authorized to furnish upon request copies of pamphlets, reports or other publications prepared in the Department in carrying out agricultural economic research and statistical reporting functions authorized by law; and to charge such fees therefor as he may determine to be reasonable: Provided, That the imposition of such charges shall be consistent with the provision of title V of the Act of August 31, 1951, as amended, (31 U.S.C. 483(a)), except that all monies received in payment for work or services performed or for documents, reports, or other publications provided shall be deposited in a separate account or accounts to be available until expended and may be used to pay directly the costs of such work, services, documents, reports or publications, and to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs.

Mr. THOMAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Chairman, the proposed amendment would allow the Department to establish fees to recover the cost of printing and distributing reports, publications, and documents. Only those members of the public desiring a hard copy of the information would be required to pay, and only for the cost of providing the hard copy.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMAS).

The amendment was agreed to.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that debate on all pending amendments and amendments thereto end in one-half hour, the time to be equally divided by the gentleman from Missouri (Mr. COLEMAN) and the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 222, after line 25, insert the following new title:

TITLE XVII—REFERENCES TO YEARS

TWO-YEAR PROGRAM

SEC. 1701. (a) For purposes of this Act and the amendments made by this Act, references specified in this subsection and appearing in any other section of this Act or in such amendments shall be construed as follows:

(1) Each reference to "terminate December 31, 1985" shall be deemed to be a reference to "terminate December 31, 1983".

(2) Each reference to "'September 30, 1985'" (other than the reference in section 1505(b)) shall be deemed to be a reference to "'September 30, 1983'".

(3) Each reference to "the 1982 through 1985 crops" shall be deemed to be a reference to "the 1982 and 1983 crops".

(4) Each reference to "'1985'" shall be deemed to be a reference to "'1983'".

(5) Each reference to "May 31, 1986" shall be deemed to be a reference to "May 31, 1984".

(6) Each reference to "years 1982 through 1985" shall be deemed to be a reference to "years 1982 and 1983".

(7) Each reference to "'1982 through 1985'" shall be deemed to be a reference to "'1982 and 1983'".

(8) Each reference to "July 31, 1986" shall be deemed to be a reference to "July 31, 1984".

(9) Each reference to "the 1986 crop" shall be deemed to be a reference to "the 1984 crop".

(10) Each reference to "the 1982 through the 1985 crops" shall be deemed to be a reference to "the 1982 and 1983 crops".

(11) Each reference to "the 1985 crop" shall be deemed to be a reference to "the 1983 crop".

(12) Each reference to "each of the 1983, 1984, and 1985 crops" shall be deemed to be a reference to "the 1983 crop"

(b) Notwithstanding any other provision of this Act and the amendments made by this Act, section 201(c) of the Agricultural Act of 1949, as amended by section 101 of this Act, is amended—

(1) by inserting "and" before "(B)"; and

(2) by striking out "; and (C)" and all that follows through "the relevant year".

(c) Notwithstanding any other provision of this Act—

(1) section 18 of the Food Stamp Act of 1977, as amended by section 1336(3) of this Act, is amended by—

(A) inserting "and" after "1982;"; and

(B) by striking out "1983;" and all that follows through "1985" and inserting in lieu thereof "1983";

(2) section 2(b) of the Act of August 4, 1965, as amended by section 1415(a)(2) of this Act, is amended—

(A) by inserting "and" after "1982,"; and

(B) by striking out "$40,000,000" and all that follows through "1985,";

(3) section 4(a) of the Act of July 22, 1963, as amended by section 1416 of this Act, is amended by—

(A) inserting "and" after "1982,", and

(B) striking out "$23,000,000" and all that follows through "1985,";

(4) section 1417(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1417(c) of this Act, is amended—

(A) by inserting "and" after "1982,", and

(B) by striking out "$35,000,000" and all that follows through "1985,";

(5) section 1419(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1420(2) of this Act, is amended—

(A) by inserting "and" after "1982,";

(B) by striking out ", September 30, 1984, September 30, 1985"; and

(C) by striking out "eight-year" and inserting in lieu thereof "six-year";

(6) section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1425 of this Act, is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1983";

(7) section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1426(a) of this Act, is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1983";

(8) in lieu of any funds authorized by section 1428(b)(5) of this Act to be appropriated to carry out section 1445 of the Food and Agriculture Act of 1977, there is authorized to be appropriated for each of the fiscal years 1982 and 1983 an amount equal to one percent of the aggregate amount of funds appropriated to carry out section 1445 of the Food and Agriculture Act of 1977 in the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under this paragraph;

(9) section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1431(a) of this Act, is amended—

(A) by inserting "and" after "1982,"; and

(B) by striking out "$820,000,000" and all that follows through "1985,";

(10) section 1463(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1431(b) of this Act, is amended—

(A) by inserting "and" after "1982,"; and

(B) by striking out "$270,000,000" and all that follows through "1985,";

(11) section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended by section 1432 of this Act, is amended—

(A) by inserting "and" after "1982,"; and

(B) by striking out "$390,000,000" and all that follows through "1985,";

(12) sections 1484 and 1978(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as added by section 1434 of this Act, is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1983,"; and

(13) section in lieu of any funds authorized by section 1623 of this Act to be appropriated to carry out in subtitle E of title 16 of this Act, there are hereby authorized to be appropriated, for each of the fiscal years 1983 through 1985, such sums as may be necessary to carry out the provisions of such subtitle, such sums to remain available until expended.

Page 3, insert "TITLE XVII—REFERENCES TO YEARS" immediately before line 1.

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unamimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, briefly, my substitute incorporates all the changes made in H.R. 3603 by the House, but instead of a 4-year bill it limits it to a 2-year bill for 1982 and 1983 in both commodities and food stamps.

The first 2 years of this bill provides a responsible farm program—a safety net for producers and consumers. It is the last 2 years, in 1984 and 1985, for wheat, feed grains, and dairy, that are too costly and $2 billion over the figures contained in the first budget resolution, contributing $2 billion more to already large 1984 and 1985 deficits.

My substitute protects the farmer. The target prices and loan rates contained in the bill remain unchanged; the English amendment to wheat and the Stenholm amendment to feed grains are retained; the dairy provisions stay the same as in the Bedell amendment.

The only difference is that my substitute provides a 2-year bill, for 1982 and 1983.

It does little good to write a 4-year bill, knowing full well that changing conditions will not allow it to survive its life expectancy.

It is impossible to forecast the needs of farmers 3 and 4 years down the line. We cannot predict the weather, what farm production will be, or intervening international events. It makes a great deal more sense to make these analy-

ses and judgments 2 years from now than today.

In reality, in recent years, we have not had 4-year farm bills. The ink was barely dry on the 4-year 1977 farm bill before the Congress made significant changes in it just 8 months later to provide emergency assistance to grain producers. That same 4-year bill—the one that was designed to last through the 1981 crop year—was amended again last year to adjust target prices for wheat and feed grains and extend the disaster payment program. And one program under the 1977 Farm Act—the dairy price support program—was intentionally and expressly enacted for only a 2-year period.

Some have suggested going with a 1-year extension or a 1-year bill. I do not think that is a very good idea because it allows for too little planning. A 2-year bill provides sufficient continuity for these farm programs so farmers can plan ahead. A 1-year bill would not.

I believe my substitute is economically responsible. It reduces the deficit by $2 billion. It shows that all segments of American society are sacrificing so that all Americans may benefit from lasting economic recovery.

This substitute is realistic. It stands a lot better chance of being signed into law than H.R. 3603 as a 4-year bill. Some will say let us clean it up in conference. I say let us clean it up on the floor and not pass the buck to the conferees or to Members of the other body.

Finally, we are not doing any favors for the American farmer by passing a budget-busting, deficit-ridden farm bill. Farmers are a lot more concerned about the high interest rates they are paying than they are about what is in this bill. The most important thing we can do for all farmers—indeed, for all Americans—is to bring down these drastically high interest rates.

If we pass H.R. 3603 as a 4-year bill with its $2 billion deficit, we are inviting the people at the Federal Reserve and on Wall Street to question whether we are serious about controlling the deficit. The result will be continuing high interest rates that are damaging the farmer even more than any good that might be contained in this bill for 1984 and 1985.

Let us not carry around $2 billion in extra baggage for the next 2 years and get nothing in return but more high interest rates. Let us get rid of it now. That would be the most helpful thing we could do for our farmers.

Mr. WAMPLER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Virginia.

□ 1800

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment.

Inflationary pressures on farmers and changing domestic and world supply and demand situations, during the life of the 1977 Farm Act, have caused major changes in what otherwise would have been a 4-year program.

We have not, in fact, been operating under a 4-year farm program since 1977 but a much modified version of the original legislation.

Given the continuing changing situation in agriculture and the national and world economy today, farmers themselves find it virtually impossible to plan for 4 years ahead with any degree of confidence that their plans will not have to be changed, with or without Federal farm program considerations.

Under the present circumstances, it does seem to me that there is much merit in considering farm legislation that will extend only 2 years into the future, within what I might call a range of predictability. Beyond that 2-year period, the predictability factor becomes fuzzy and subject to many changes not now possible to foresee with accuracy.

Thus, a 2-year farm bill would insure that the Congress would take account of the changing conditions by allowing for changes 2 years hence, or simply extending those programs proved to be working well.

Recent history bears out the fact that the 4-year bill enacted in 1977 has not turned out to be a 4-year program but has had five major amendments, all done to reflect changing conditions since enactment.

The Food and Agriculture Act of 1977, Public Law 95-113, signed into law September 29, 1977, was generally a 4-year farm program hammered out in 1977 with the approval of the Carter administration.

As stated before, the ink was hardly dry on the 1977 Farm Act when it was amended in 1978 by the Emergency Assistance Act of 1978, which provided emergency assistance to producers of wheat, feed grains, and upland cotton.

To refresh my colleagues' memory, here are the other four major amendments enacted:

The milk price support extension amendment of 1979, which extended until September 30, 1981, the requirement that the price of milk be supported at not less than 80 percent of parity;

The Agricultural Adjustment Act of 1980, which adjusted target prices for 1980-81 crops of wheat, feed grains, upland cotton, and rice; extended disaster payment programs for the 1980 crops of wheat, feed grains, upland cotton, and rice; and authorized the Secretary of Agriculture to require that producers of those crops not exceed the normal acreage for the 1980-81 crops;

The corn and wheat farmer-held reserve program of 1980, to encourage greater participation in the reserve programs;

The Agricultural Act of 1980, to increase the minimum price support for wheat, feed grains, and soybeans; to improve the farmer-held reserve program for wheat and feed grains; and to establish a 5-year food security wheat reserve.

In addition, Congress passed the Emergency Agricultural Credit Adjustment Act of 1978 to extend the economic emergency loan program and add $2 billion to the authorized level of total obligations. The 1977 Food Stamp Act has had three major amendments in the last 4 years.

All of these actions were responses to changing conditions which were not foreseen by the Congress when it approved 4-year legislation.

Turning from the commodity programs, we have seen a similar changing situation with the food stamp program.

In late 1970, Congress enacted the first major amendments to the Food Stamp Act. The amendments accepted the administrative changes made in late 1969—uniform and higher allotment schedules and lower purchase requirements, thus larger benefits—and made other substantial changes to liberalize the program, such as annual indexing of food stamp allotments to the rate of food-price inflation.

In 1973, as part of the farm bill, Congress passed the second major set of amendments. And then again in 1977, as part of the farm bill, Congress adopted a completely rewritten Food Stamp Act and repealed the 1964 act. While the Food Stamp Act of 1977 kept some of the basic features of the old food stamp program it also made substantial changes which considerably liberalized the program as to eligibility and benefits and it eliminated the purchase requirement as an incentive for more participation.

The Food Stamp Act of 1977 has been amended three times since the date of enactment, September 29, 1977. But for the fact that most of the changes in the 1977 act did not take effect until fiscal year 1979, there may have been further amendments to the 1977 act.

In 1979, on August 14, Public Law 96-58 increased the authorization for fiscal year 1979 by $620 million. It also provided special medical deductions for the elderly and the disabled; food stamp benefits for the elderly and disabled living in group arrangements; repayment of food stamps fraudulently received; and for States to retain 50 percent of all recoveries through prosecutions or other such activities of stamps fraudulently received.

In 1980, Public Law 96-249 again increased the authorization for the food

stamp program for fiscal years 1980 and 1981 by $3.3 billion and $3.5 billion respectively. Other portions of Public Law 96-249 provided for food stamp benefits for residents of shelters for battered women and children; expanded the dependent care deduction for working adults; expanded the medical deduction for the elderly and the disabled; and provided for the annual adjustment of the thrifty food plan and that the deductions would be based on projected data.

Additionally, Public Law 96-249 provided for the exclusion of energy assistance payments as income for food stamp purposes; States' option to use retrospective accounting and periodic reporting; photo ID cards; and increased funding for States' computerization of the food stamp program. Other provisions of this law include increased funding for States if their rates of error are reduced; sanctions if States' error rates are above the national average; a restriction on student participation in the program; and a reduction in the asset limitation.

In 1981, Public Law 97-18 provided for an increase in the authorization level for fiscal year 1981 of $1.7 billion and continued the SSI cash-out provisions through August 1, 1981.

A 4-year Food Stamp Act did not prevent the Congress from taking action in 3 of the 4 years covered by the act. The only reason that action was not taken in all of the 4 years was that the first provisions of the Food Stamp Act of 1977 were not implemented until 1979.

In 2 of the 3 years, the rules of the program were expanded in some cases and in others there was a tightening of the rules due to program abuses. In all of the 3 years, the authorization levels were increased. The ability for the Congress to act was not hampered or enhanced because the act covered a 4-year period.

Congress will be looking at the food stamp program in the near future no matter whether there is a 4-year bill or not. A 2-year food stamp bill provides no disservice to the participants of this program and may in fact provide a funding level more consistent with the actual cost of the program.

In each instance noted above, when the Food Stamp Act of 1977 was amended, it was not joined with a farm bill amendment but rather was considered alone. A 2-year farm bill with a food stamp title might permit consideration of both.

Mr. Chairman, I offer this historical summary to refresh our minds as to what the Congress has done to reshape a 4-year farm program established in the 1977 act. All of these actions, including the emergency credit program, were responses to changing conditions in agriculture which were not foreseen by the Congress when it approved 4-year legislation.

I offer that as evidence that there is no magic in a 4-year program; in fact, we probably would be called upon to pull more rabbits out of the hat during the course of a 4-year program, just as we have had to make adjustments in the 1977 act.

In the last 4 years, target prices and loan levels and dairy price supports were not permitted to operate as provided for in the 1977 Farm Act. One could argue that target prices and loan levels were set in the Congress as politically arrived at figures. Perhaps it is what must occur when farmers and producers are operating in the atmosphere of an unstable economy with high rates of inflation, high interest rates, and escalating costs of production.

However, one can argue that 2 years, until 1983, will give the Congress and administration time to come up with changes and improvements on existing programs that could be inserted in a 1983 farm bill that will be considered in a better economic climate and that may permit greater market orientation in a farm bill.

I urge support of the amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to the amendment of my colleague from Missouri, simply because we have worked so diligently in the committee and now on the floor and spent these many days. We have a good 4-year bill; it is not as good as some of us would like to have it, but we are supporting it. We do not need to cut it back to 2 years and go into the conference with the other body. The chairman of the Agriculture Committee over there has said there will be a 4-year bill.

What it amounts to is we have the first 2 years of the House bill and the last 2 years of the Senate bill, which many of us cannot live with and which is very detrimental to the farmers. It is purely a strategy in order to get the Senate bill actually enacted and not the House bill. The House bill is a lot better for the farmers.

I ask all of my colleagues rather than go back and take this all over again for the next 2 years that we stay with the committee and vote for a 4-year bill and oppose the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I am amazed to find that the gentleman from Missouri is following the lead of the chairman of the Senate Agriculture Committee, and, as a matter of fact, the statement that we would be required to accept the last 2 years of a Senate bill is simply factually incorrect.

Even though this House may vote on a 2-year bill on this side, I think it must be understood—and there is a lot of misconception going on on this floor—even if the House votes 2-year bill, and we go into conference with their 4-year bill, that we do not deal with the Senate figures in the 2 outyears of 1983 and 1984 and 1985, as the ceiling between zero in the House bill and the Senate figures.

As a matter of fact, the Senate figures would be the floor and not the ceiling because, according to the Parliamentarian in terms of his ruling, we would be operating on the House side under the 1949 act, and on both desks we have the parity figures from the 1949 act and, the Members will find that for wheat, rice, cotton, corn, milk, and other nonquota commodities, we have a parity figure between 50 and 65 percent, and in every instance in terms of key commodities that go on to bust the budget at better than $2 billion, we have been trying to knock down to a reasonable figure, since committee, that everyone of those figures under the 1949 act is higher than the Senate figure.

So, it is simply a falacious argument to assume that the figure we will be operating on are the Senate figures. It is just not so.

In terms of loans and in terms of targets, the percentage figures that we have coming out of the House bill can be projected for the final 2 years. So although the House version would be 2 years, and it is 2 years to try to protect a veto, because the 2 outyears are so high in the wheat feed grains and dairy area that we are on a collision course with the administration.

I do not want a vetoed bill. I want a farm bill. I want a farm bill that is reasonable.

If we pass a 4-year bill, the dynamics in the committee—I know many Members on this side are interested in these dynamics—will be a clear collision course with the administration, because the compromise figures between the House side and the Senate side, as we now have the bill structured, are clearly on a veto course.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Missouri.

Mr. COLEMAN. I thank the gentleman for yielding.

What the gentleman is saying is that he is surprised that some of our colleagues are taking the lead from the chairman of the other body's Agriculture Committee; is that what the gentleman is saying? And that the figures that we would go into conference with in the outyears are not zero figures, but in fact, would be figures based upon the 1949 act which we use as a floor?

Mr. THOMAS. The 1949 act in every instance on those key commodities is higher than the Senate figures. The

Senate figures will be a floor and not a ceiling. If anyone is assuming that they are voting "no" on a 2-year bill because we have to accept the Senate figures in the 2 outyears, simply does not understand what will be going on in conference.

It is a prudent measure. It is an attempt to come up with a farm bill that can pass, rather than one that is on a veto course for political purposes.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. Mr. Chairman, Abraham Lincoln once said, "The Lord must have loved poor people, he made so many of them." Lincoln must have known a lot of farmers.

Not long ago a lady in my district said: "I'm tired of hearing about poor farmers. I know a lot of farmers who are not poor."

That is our problem. Many people do not understand the reason, the philosophy, behind farm programs.

Farm bills should be designed to assure an economic climate for agriculture that will make it possible for the farmer to continue to farm. We are not trying to make farmers rich at the expense of the people who eat. What we are trying to do is make it possible, in a free enterprise system, for a farmer to plant and harvest his crops and support his family from year to year thereby assuring a steady flow of those commodities to the grocery shelves and dinner tables of America.

The consumer, the urban citizen, the white collar and blue collar industrial workers, have the greatest interest in securing a stable agriculture economy.

Now we in Washington are hearing talk about a recession. I do not have to tell the farmers in my area, who are having farm sales to sell their land and equipment before joining the ranks of the unemployed in town, that we are in a recession.

We could not solve all the problems of agriculture in this bill, but we could do better than we have done. My regret is that we could get very little support to raise loan rates on commodities. I understand the fear that high loan rates discourage exports, but we could have raised the rates to a higher level without destroying our world markets.

My fear is that we may be approaching a time in my area when only people who own oil wells will be financially able to own farm land. I view with alarm what I understand to be happening with the purchase of agriculture land by foreign investors—Canadians, West Germans, French, Saudis, and others buying our land.

We must not become tenant farmers to overseas ownership. Neither should we permit a situation to develop when conglomerates and other corporate groups take over more of our agriculture production. Vertical integration of corporate activities would see corporate enterprise producing, processing, packaging, distributing, and selling at the retail level the food that we eat. These things are happening today and will continue.

The increased productivity, the probability of increased exports, the community strength provided by family farm operations contribute a value to this country that must not be endangered or destroyed. We stand to lose much more than numbers if production of food and fiber moves into the hands of the large corporations that are far removed from the land. The family farm that involves the husband, wife, and children as farmers in the 7-day-a-week operation means a commitment to the land that will not be matched in any corporate headquarters. The farm depression is real and will spread if we continue to look the other way. This farm bill is looking the other way. We cannot turn the clock back, nor would we if we could. We must not, however, stand by and see undesirable consequences without trying to do something about it.

This bill is inadequate and I plan to vote against it. I urge the adoption of the 2-year amendment. Even 2 years is too long for an inadequate bill but better than 4 years.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I think it is important that we do understand exactly what we would be doing if we go to a 2-year bill. The gentleman from California is correct in that we would then be able to consider the House bill in those 2 outyears.

There were some people in the House who felt that we should change some of the programs, including peanuts and sugar, for example. I hope everyone would realize since those programs are in the 1949 act that we would be eliminating the conferees from the House side from any opportunity to represent the House position as we go to that bill.

I do not believe it is right to remove the conferees from the opportunity to represent what has been voted here in the House for those last 2 years and I hope we will support the 4-year bill we have already voted for.

Mr. COLEMAN. Mr. Chairman, I yield 5 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, in my 25 years in this body I have seen many farm bills come and go.

I do not remember a really good farm bill coming out of the Congress. Most of them have been monuments to mediocrity. This bill is no exception.

It is the byproduct of geographical interests, parochial interests, and demographic interests. All of these divergent influences play a legitimate role in the fashioning of any legislation.

Our colleagues on both sides of the aisle have fought hard for the constituencies they represent. That is as it should be. Dairy farmers, peanut growers, or urban dwellers should expect nothing less from their Representatives in this body. I do not fault anyone for that.

Nor can I deny all of the arguments that have been made on this floor on behalf of price supports, loan programs, or acreage allotments.

But there has to be balance. There must be equilibrium between the regional interest and the national interest. I will listen sympathetically to my friend and colleague from Wisconsin when he tells me of the plight of the small dairy farmer in his district. But then, too, I wince when I pick up the Wall Street Journal and see an ad, a serious ad, for a tax-sheltered dairy cow leasing program, or I look at the outyear cost of the dairy price supports.

There has been no real balance struck in this legislation.

There is no sense arguing the specifics anymore. The hour is too late.

Let us just look at what we have.

This bill is over budget. It will cost about $10 billion more than we would like. In just the Reagan budget years it will cost $6.6 billion more than we would like.

And let us face it. These cost estimates are utopian in their optimism. Our economic assumptions have deteriorated rapidly over the course of the last 6 months. We are only beginning to see how bad the economy really is. We are only just beginning to feel the economic pain from past years of neglect and irresponsibility. We are looking down the road to disaster.

While the costs of this bill are rising over the next 4 years, the Federal deficit will be rising too.

I think we ought to stop kidding ourselves. Because of our own neglect, the Federal deficit next year, the year after that, and the year after that could be higher than it is this year, if we do not quit blaming the other guy or looking somewhere else to be fiscally responsible. Can anyone in this body justify an $80 billion deficit? Can anyone in this body explain that to the American people? I do not think so.

Making matters worse is the fact that this bill is a collection of entitlements, which are, in my opinion, more responsible for the failure of our budgetary process than any other element in it.

This bill is a model of Government meddling in the marketplace. It regulates and it controls. It does so over a period of 4 years, locking in economic assumptions, cost projections, and support levels which may be entirely irrel-

evant and irresponsible 4 years from now.

That has been the history of entitlements, and from them has flowed a raging river of red ink that threatens to engulf us.

We can no longer lock in billion-dollar Federal programs for years into the future and then sit back and say there is nothing we can do about them. The time for entitlement reform is now. We can take a small step in that direction here today.

We can adopt the Coleman amendment, reducing the lifespan of this legislation to 2 years, instead of 4. This amendment does not tamper with what the House has done. It embraces all of your decisions, bad as they are and good as they are.

The Coleman amendment will help us bridge the gap between the past and the future. It gives us an opportunity 2 years hence to make adjustments, to keep up with changing times, to balance parochial interests with national interests.

We all know the political realities of this bill. We know who has won. We know who has lost.

We have an opportunity here to help insure that the American people, whether they be farmers or urban dwellers, do not end up the big losers 4 years from now. There is not a family farmer in this Nation or an inner-city consumer in this Nation who will benefit one iota from the provisions of this bill, if we do not turn our economy around in a hurry.

The national interest must be our first priority. That is the big issue today—right here and now.

I hope you will support the Coleman amendment.

□ 1810

Mr. de la GARZA. Mr. Chairman, first let me clarify that the distinguished minority leader, my friend for whom I have great appreciation and respect, was using old figures from the USDA about the bill before our amendments—about the $10 billion and so on.

Second, as much as I have enjoyed being in the limelight here for the past 7 days and some 30 hours, how would you like to do this again next year?

There were some 45 amendments. I think that 4 years is well enough time to do this again.

Let me say also that we are within the budget in 1982. We are below the budget some $170 million.

We are below the Senate bill by some $70 million. That is where we are.

It is true that in the final 2 years there is what the economists say could be an overage, but we do not know. We do not know where we are going to be.

I think that my distinguished friend is not being optimistic enough about the administration, about where this President wants to take us. If unemployment is down, if the intervention of the Government is lifted from producers, if we deregulate, maybe things will be better.

We do not know what the budget resolution is going to be in 1985 or 1984 or 1983.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield.

Mr. COLEMAN. Mr. Chairman, the gentleman just made the greatest speech for this amendment, because we do not know what they are going to be. We do not know what is going to happen out on the farm in 2 years, either.

Mr. DE LA GARZA. That is where the gentleman is mistaken, because the budget can be changed if necessary. We are not doing anything to the $80 billion deficit with our bill as far as 1982 is concerned. That has been done by something else.

Let me just tell the gentleman that we are talking about something very, very important, which is the American agricultural sector. It is the only sector bringing dollars back from abroad, the only one that is helping in the balance of payments.

Also, we discussed during consideration of an amendment how many farmers are going bankrupt. Now, you can have your guns and ships and tanks and missiles and submarines, you can be the strongest nation in the world economically, but if you have no food, forget it. As a friend from Brooklyn said, "Without no food, there ain't no ballgame." That is what we are dealing with tonight.

The farm bill has always been a 4-year bill. The Secretary of Agriculture the last time I discussed it with him was for a 4-year bill.

I think it would be prudent and wise to go to conference, see what we can work out over there as far as the budget is concerned, but the most prudent, the most wise decision would be to give some stability to the farmers, to allow them to plan. They need more time than a 2-year bill to do their planning.

I am an optimist. I believe in the President. He is the only President we have got. He is your President. He is my President. I do not believe in that great American who said, "voodoo economics." I think he has regretted it ever since.

I believe with the leadership we have just some semblance of a safety net; this is no bill that is going to bail anyone out. It is a safety net for the farmers of America.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New York.

Mr. PEYSER. I thank the chairman for yielding.

There is something I would like to be clear on.

Mr. Chairman, if we had a dramatic change in the economic situation, is it not possible that the Congress and the gentleman's committee could act on this bill 1 year from now or 2 years from now if there was a dramatic change?

Mr. DE LA GARZA. Oh, most certainly we could. The fact is that if we had a dramatic change in prices to the farmers, under the target price concept there would be no cost. The cost would be nil. We are dealing here with assumptions.

Mr. PEYSER. In other words, there is nothing that is locking us into anything here by going with a 4-year bill, except giving the committee the opportunity of working: First, in the conference; and second, laying out a program for that period of time, and then if changes have to take place and when our friend, the minority leader spoke of an $80 billion deficit, the gentleman was not talking about the agriculture community, he was talking about what we did on tax legislation. We are getting the two confused.

Mr. DE LA GARZA. He was talking about another area. We are not causing the deficit. The farmers of America are not the drain on the economy. They are not the drain on the budget.

Yes, they impact on the budget some; but look at what they bring back from abroad in dollars. We spoke about trade. We spoke about everything that is needed.

Again, let me tell you, my dear friends, a 4-year bill is what we need for the planning of the farmers. I am optimistic about what is going to happen to our country.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield.

Mr. COLEMAN. The gentleman has told us all the virtues of 1982 and 1983. The gentleman so convinced me that my substitute incorporates everything that the gentleman wants and has what this House has done for 1982 and 1983. There is absolutely no difference. Every line is the same.

The gentleman understands that this is all for farmers and if there is anything that we can do for farmers it is to bring down these interest rates that are eating them up alive, so let us do that.

Mr. DE LA GARZA. Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, in my one remaining minute, I would like to point out that there is not one of us that is ready to catch a plane to leave this Chamber that is not going back to his or her district and will talk about these high interest rates, and oh, my gosh, they are terrible.

I wish we could build more homes. I wish we could give you more loans on

the farm. I wish we could do that for you; but all these high interest rates are killing us and the reason they are killing us is because right now is the time for decision. You talk about a deficit, deficits just do not grow on trees. They are an accumulation of bills that we have passed on the floor and for 2 years we are going to carry excess baggage of $2 billion in this deficit that everyone of us is going to go back and talk about how we ought to listen and how we ought to bring down interest rates; so all right, let us end the debate. Let us go to the airport. Let us go home and tell it like it is, and we will all be very untruthful unless we support a 2-year bill.

□ 1820

Mr. DE LA GARZA. Mr. Chairman, to conclude, I agree with the gentleman. But it is not the American farmer that is causing high interest. It is not the American farmer who has put us in the budget deficit that we are in. We cannot balance the budget on the back of the American farmer. We have hurt him enough. The American farmer is the only ray of light. Foreign countries are not buying our cars. They are not buying our television sets. They are not buying our radios. They are not buying anything we produce. They are buying our agricultural commodities. That is what they are buying abroad. And if you limit that, then you are limiting the receipt of income from abroad to the United States.

So do not blame the American farmer for your deficit. Do not blame him for the high interest rates. I am not pointing the finger at anyone. But it has not been the American farmer that has put us in the situation we are in.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, it is not the American farmer. It is you and me. That is who I am blaming.

Mr. DE LA GARZA. Well, the gentleman can take his share of the blame and I will take my share of the blame. But let us not put it on the back of the American farmer. We need a 4-year bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLEMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 193, not voting 60, as follows:

[Roll No. 277]

AYES—180

Applegate	Goodling	Morrison
Archer	Gradison	Mottl
Badham	Gramm	Myers
Bailey (MO)	Green	Napier
Beard	Gregg	Nelligan
Benedict	Grisham	Oxley
Bennett	Hagedorn	Parris
Bethune	Hall, Sam	Pashayan
Bliley	Hansen (ID)	Paul
Brinkley	Hansen (UT)	Porter
Broomfield	Hartnett	Pritchard
Brown (CO)	Heckler	Quillen
Brown (OH)	Hightower	Railsback
Burgener	Hiler	Regula
Butler	Hillis	Rinaldo
Carman	Hollenbeck	Ritter
Carney	Holt	Roberts (KS)
Chappie	Hopkins	Robinson
Cheney	Horton	Roemer
Clausen	Hughes	Rogers
Clinger	Hunter	Roth
Coats	Hyde	Roukema
Coleman	Jacobs	Rudd
Conable	Jeffords	Santini
Conte	Jeffries	Sawyer
Coughlin	Kemp	Schneider
Courter	Kindness	Sensenbrenner
Coyne, James	Kramer	Shaw
Craig	LaFalce	Shumway
Crane, Daniel	Lagomarsino	Siljander
Crane, Philip	Latta	Skeen
Daniel, R. W.	Leach	Smith (AL)
Dannemeyer	LeBoutillier	Smith (IA)
Daub	Lee	Smith (NE)
Davis	Lent	Smith (NJ)
Deckard	Levitas	Smith (OR)
DeNardis	Lewis	Snowe
Derwinski	Livingston	Snyder
Dickinson	Loeffler	Solomon
Dornan	Long (MD)	Spence
Dougherty	Lott	Stangeland
Dreier	Lowery (CA)	Stanton
Duncan	Lujan	Staton
Dunn	Madigan	Stratton
Edwards (AL)	Marlenee	Stump
Edwards (OK)	Marriott	Tauke
Emerson	Martin (IL)	Taylor
Emery	Martin (NY)	Thomas
Erdahl	Mazzoli	Trible
Erlenborn	McClory	Walker
Evans (DE)	McDade	Wampler
Evans (IA)	McDonald	Weaver
Fenwick	McEwen	Weber (OH)
Fiedler	McGrath	Whitehurst
Fields	Michel	Whittaker
Findley	Miller (OH)	Winn
Fish	Mitchell (NY)	Wolf
Frank	Molinari	Wortley
Frenzel	Moore	Wylie
Goldwater	Moorhead	Young (FL)

NOES—193

Addabbo	Chappell	Fazio
Akaka	Chisholm	Ferraro
Albosta	Coelho	Fithian
Anderson	Collins (IL)	Flippo
Andrews	Conyers	Foley
Annunzio	Coyne, William	Ford (MI)
Anthony	Crockett	Ford (TN)
Atkinson	D'Amours	Fountain
AuCoin	Daniel, Dan	Fuqua
Bailey (PA)	Danielson	Gaydos
Barnes	Daschle	Gejdenson
Bedell	de la Garza	Gephardt
Beilenson	Derrick	Gibbons
Benjamin	Dicks	Ginn
Bereuter	Dingell	Glickman
Bevill	Dixon	Gonzalez
Bingham	Donnelly	Gore
Blanchard	Dorgan	Gray
Boggs	Dowdy	Gunderson
Boland	Downey	Hall (OH)
Boner	Dwyer	Hall, Ralph
Bonior	Dyson	Hamilton
Bonker	Eckart	Hammerschmidt
Bouquard	Edgar	Hance
Bowen	Edwards (CA)	Harkin
Breaux	English	Hatcher
Brodhead	Evans (GA)	Hawkins
Brown (CA)	Evans (IN)	Heftel
Burton, Phillip	Fary	Hendon
Byron	Fascell	Howard
Hoyer	Neal	Shelby
Hubbard	Nelson	Shuster
Huckaby	Nichols	Simon
Hutto	Nowak	Skelton
Jones (OK)	Oakar	Smith (PA)
Jones (TN)	Oberstar	Solarz
Kastenmeier	Obey	St Germain
Kazen	Ottinger	Stark
Kildee	Panetta	Stenholm
Kogovsek	Patman	Stokes
Lantos	Patterson	Studds
Leath	Pease	Swift
Lehman	Perkins	Synar
Leland	Petri	Tauzin
Long (LA)	Peyser	Traxler
Lowry (WA)	Pickle	Vento
Luken	Price	Volkmer
Markey	Rahall	Walgren
Matsui	Rangel	Washington
Mattox	Ratchford	Watkins
Mavroules	Reuss	Weber (MN)
McCurdy	Richmond	Weiss
McHugh	Roberts (SD)	Whitley
Mica	Rodino	Whitten
Mikulski	Rose	Williams (MT)
Miller (CA)	Rostenkowski	Wilson
Mineta	Roybal	Wirth
Minish	Russo	Wolpe
Mitchell (MD)	Sabo	Yates
Moakley	Scheuer	Yatron
Moffett	Schroeder	Young (MO)
Mollohan	Seiberling	Zablocki
Montgomery	Shamansky	Zeferetti
Murtha	Shannon	
Natcher	Sharp	

NOT VOTING—60

Alexander	Forsythe	McKinney
Ashbrook	Fowler	Murphy
Aspin	Frost	O'Brien
Bafalis	Garcia	Pepper
Barnard	Gilman	Pursell
Biaggi	Gingrich	Rhodes
Bolling	Guarini	Roe
Brooks	Hefner	Rosenthal
Broyhill	Hertel	Rousselot
Burton, John	Holland	Savage
Campbell	Ireland	Schulze
Clay	Jenkins	Schumer
Collins (TX)	Johnston	Udall
Corcoran	Jones (NC)	Vander Jagt
Dellums	Lundine	Waxman
Dymally	Lungren	White
Early	Marks	Williams (OH)
Ertel	Martin (NC)	Wright
Florio	McCloskey	Wyden
Foglietta	McCollum	Young (AK)

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. White for, with Mr. Pepper against.

Mr. Bafalis for, with Mr. Biaggi against.

Mr. Campbell for, with Mr. Dellums against.

Mr. Corcoran for, with Mr. Garcia against.

Mr. Forsythe for, with Mr. Guarini against.

Mr. Gingrich for, with Mr. Hertel against.

Mr. McCollum for, with Mr. Jones of North Carolina against.

Mr. O'Brien for, with Mr. Waxman against.

Mr. HOPKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. HAGEDORN. Mr. Chairman, I would like to express my support for the legislation introduced today requiring foreign countries supplying meat to this country to comply with the same species, residue, and chemical use standards that are applied to U.S. meat.

The amendments are less restrictive than the Melcher amendment passed in the Senate. According to USDA, its provisions would virtually eliminate all meat imports because current law allows meat and meat products containing residues of chemicals and drugs not approved for the same use in the United States to enter the country so long as they do not exceed USDA, FDA, and EPA approved action of tolerance levels. As I understand it, most countries exporting meat to this country use chemicals and drugs not approved for the same use in the United States as well as those not used here because of differing agricultural practices and needs.

In addition, USDA believes that all amendments that have been introduced constitute a nontariff trade barrier. The Melcher amendment assumes that all agricultural chemicals, pesticides, and drugs not approved for use in the United States are not used because they are hazardous. However, because of differing agricultural and climatic conditions in other countries, they use drugs which are not necessary in this country. And, we in fact use chemicals in the production of grain for export which are not registered for use in some foreign countries for their own commodities.

The English amendment would particularly alleviate those concerns. The first clause in the amendment would apply to chemicals and drugs prohibited from use in the United States that have been banned by either agency or court action. It would not cover chemicals and drugs whose use has not been approved in the United States unless a final disapproval of that use has been mandated. If a chemical or drug has never been submitted for approval or is pending approval, it would not be prohibited.

The second clause would apply to agricultural chemicals and drugs that have neither been approved for use in the United States nor been banned from use in the United States. The Secretary would be able to determine whether their use in meat food products would cause it to become adulterated. If a chemical or drug has been approved for use in a foreign country, USDA could determine whether the residues could be injurious to health.

In addition, the President can set aside the application of the first clause if he finds that it would have a damaging effect to the export of U.S. agricultural products.

I feel this amendment will not cause trade barrier problems nor totally cut off meat imports. It is imperative that domestic producers are not required to operate under more restrictive standards than foreign producers. On the other hand, it is not in our interests to completely cut off meat imports. Much of the meat imported is manufacturing grade, which is not in large supply except when large numbers of cows are culled, and is used in processed products—sausages, frankfurters, stews, soups—or ground beef and hamburger, and accounts for only about 6 or 7 percent of total U.S. meat supply. I believe that this amendment would treat all involved parties fairly and support its adoption.

I think that in the event this legislation is not adopted that hearings be held by the Livestock, Dairy, and Poultry Subcommittee of which I am ranking minority member, to receive input from all concerns and then proceed on a markup of a bill that will insure adequate safeguards and procedures on imported meat entering the United States.

Thank you, Mr. Chairman.●

● Mr. ALBOSTA. Mr. Chairman, the farm bill that we are considering today is nowhere near as strong as it should be. Loan rates are too low, dairy price supports are too low, and there is not even a sugar loan program in the bill. For the past 3 weeks, those of us from agriculture districts and agriculture backgrounds have tried to explain to other Members the importance of having a strong farm bill that will help farmers receive a fair return for their commodities.

American agriculture is one of the most productive industries in the world. We are able to feed this entire country and export grain to many parts of the world. American agriculture is so efficient because of the family farm. The 1981 farm bill will not help the family farmer unless loan rates are increased, dairy price supports are adjusted upward, and a sugar program is included.

I believe these types of programs must be in any final 1981 farm bill the Congress approves. If they are not, American agriculture will not be as strong and as productive as it can be in a world of hungry people who desperately need our food. Fifty years ago, this country and particularly the farm economy was in the middle of the worst economic crisis ever known, the Great Depression of the 1930's. Farms were foreclosed on, people went hungry, and the country suffered.

I hope we have learned enough over the years to avoid making the same mistakes that caused the Great Depression and particularly I hope that we will pass a new farm bill that will not further hurt American agriculture. We have the opportunity to enact good agriculture policy for farmers, consumers, and the country. I urge my colleagues to consider this as we move toward passage of the 1981 farm bill.

At the same time, I would also hope that my collegues would realize that farmers must pay whatever the going price is for equipment, seed, herbicides, and feed, while they have absolutely nothing to say about the market price. For these reasons it is necessary for Congress to have some say in how low farm prices are allowed by having a decent loan rate.

Mr. Chairman, I would like unanimous consent to enter into the RECORD a statement by Dale Fast in the Sturgis Journal on Saturday, July 11, 1981, that best sums up the farm situation.

The statement follows:

FARMER NOW HAS A PRAYER

Communications between the farmer and his city friends is a constant challenge.

The grass on the other side of the fence always looks greener. But when we get over there we find it's just as hard to mow. Our city friends don't understand the farmers plight and the farmer sometimes doesn't understand that his city cousin has problems, too.

The farmer is a patient man—patient, determined, and proud. He has to be patient. He'll lose a crop and come right back next spring with a grin and an 80-hour week. He battles the weather and machinery breakdown to get the crop planted. He spends hundreds of dollars per acre for seed, fertilizer, and pesticides, knowing full well that frost or drought may get it, and if not, the bugs will—and if there is any left, a hail storm will probably finish it off. So he has to be a patient and determined person to be a farmer.

But there are some things he just doesn't understand.

I've seen wall plaques for the housewife, golfer and even one for a sunday afternoon driver. Perhaps we need a prayer for the farmer to help him understand. It might go something like this:

"Help me to understand, Lord, why a person will pay $1.50 for a four ounce drink in a bar and say "Gimme another one", but you charge him $1.85 for a whole gallon of milk and he'll say "boy, that's expensive".

"Help me to understand why a Japanese autoworker will pay $17.00 for a lb. of steak in a grocery store and a U.S. auto worker, who draws wages of $8.00 per hour more than the Japanese worker, will look at steak in the meat counter at $3.25 per pounds and he'll shake his head and say, "Food costs are just too high."

And help me to understand, Lord, why when I borrow $5,000 to paint my barn and put a new roof on my house, the tax assessor raises my taxes even though I don't have any more equity in the place.

And maybe, Lord, you can help me to understand why some people shake their heads when a farmer pays for power steering and air conditioning on his tractor, which he uses 12 to 14 hours a day in a hot dusty field, when they buy the same thing on an automobile to drive down a smooth blacktop road for less than an hour a day.

And, Lord, help me to understand why the weeds always grow the fastest in my corn field at a time when my city cousin says the fish are biting the best, and invites me to go along fishing on his weekends off, or after he gets out of work at 3:30 p.m.

And could you help me understand how the raccoons know exactly when to raid my sweet corn patch the night before I think it's ready for the freezer?

And please help me to understand why the output per worker in our factories has gone down to a point that unit labor costs have doubled in the last five years, while efficiency of the American farmer has in-

creased to a point where each farmer feeds himself and 67 other people.

And, oh yes Lord, with half of the world's population going to bed hungry every night I just can't understand why people aren't more thankful that our main problem in the USA is, "why can't I stay on my diet with so much food on the table."

Now, I'm not complaining, Lord, I'm used to hard work and disappointment. But I've read in my favorite book that you also had trouble with human nature at times, when you were here, and I will be so grateful if you can help my understanding in these matters about which I am so confused.●

● Mr. FRENZEL. Mr. Chairman, I usually vote for any major farm bill on the theory that we need one. In the case of H.R. 3603, we need it like we need a bad accident.

We rejected peanuts, but defended tobacco, a very similar program. We left milk subsidies high, but we dumped sugar. There is no rational thread of consistency in this bill at all.

The bill is a budget buster. We have cut social programs. We will cut military programs. It is hardly reasonable that farm entitlement programs should escape.

The protectionist sections are the worst. The industry most reliant on markets abroad has suckered for protectionism. The industry which most needs free trade has shot itself in the foot.

I would prefer not to have a part in passing this bill. I must vote against it.●

● Mr. ALBOSTA. Mr. Chairman, I had planned to offer an amendment to H.R. 3603, the 1981 farm bill that would establish a Grain Elevator Insurance Corporation. In my own State of Michigan and in other parts of the country we have seen grain elevators run into economic trouble and go bankrupt. Farmers as a result have been unable to get their grain out of the bankrupt elevator, or the grain just was not there.

My amendment, which is really H.R. 2523, would establish a Grain Elevator Insurance Corporation to be run in a similar manner to the Federal Deposit Insurance Corporation that insures our savings accounts in banks. The insurance fund would be financed by a 0.5 cent checkoff on each bushel of grain stored in a commercial elevator. The insurance would be limited to $100,000 per farmer in a particular elevator. This program would be run through existing ASCS Offices and in cooperation with State department of agriculture.

In addition, and this is most important, the grain elevator insurance fund will be limited to a total of $25 million at any one time. Therefore, the 0.5 cent checkoff will only be required until the insurance fund reaches $25 million or in the event that it goes below $25 million should there be any claims paid out under the program.

I am not offering my amendment today because I have been assured by the chairman of the Agriculture Subcommittee that will handle this legislation. The distinguished gentleman from Washington, that hearings will be held by the subcommittee this session on H.R. 2523. I would hope that after these hearings this bill could be moved through Congress before it adjourns. Just recently the General Accounting Office issued a report that shows that 5 percent of federally and State licensed elevators are in financial trouble. Abut 300 of the Nation's elevators fall into this troubled category. I believe Congress must act before we see more grain elevator bankruptcies and more farmers hurt in the process.●

● Mr. HAGEDORN. Mr. Chairman, I rise in support of the 2-year amendment to H.R. 3603. As we are all aware, the estimated commodity outlays under the bill for wheat, feed grains, and dairy will exceed the first concurrent budget resolution restraints for the outyears fiscal 1983, 1984, and 1985.

In the amendment introduced, the dairy provisions would be the same as those in the Bedell amendment that was passed by this body earlier this month. For fiscal year 1982, the price support for milk would be set at a minimum level of $13.10 per hundredweight, which brings outlays into line with the budget resolution. That level is currently at 72.5 percent of parity. According to Congressional Budget Office estimates, net outlays would exceed the budget resolution by $241 million. While that is unacceptable, further adjustments would likely be forthcoming in conference.

Government stocks of cheese, butter and nonfat dry milk increased from 1 billion pounds in fiscal year 1980 to 1.8 billion pounds in fiscal year 1981, an 80-percent increase. Total net removals, on a milk equivalent basis, increased from 8.2 billion pounds to 12.6 billion pounds over the same time period. It is obvious that this trend must be reversed. USDA estimates that net removals will be in the 6 billion pound range in fiscal year 1983 if a support level of 72.5 percent is established. This would be a 2.5 billion pound reduction from fiscal year 1982. Thus, I believe the dairy provisions in this amendment will bring purchases down and adjust milk supply in relation to domestic and foreign demand.

Concerning wheat and feed grains, the amendment provides target prices and loan levels that are projected to result in outlays that are in excess of the budget resolution. Loan rates should be set so that they can provide income protection during periods of oversupply and weak prices and yet not provide too wide a spread from the loan level, which could result in unnecessary and excessive deficiency payments. I would hope that a fair compromise can be obtained when this legislation is debated in conference.

In the past, a 4-year farm bill has not proved to be totally effective. Since 1977, inflationary pressures have prompted Congress to amend various provisions. The dairy provisions in the Food and Agriculture Act of 1977 were amended in 1979 to extend the minimum support level of 80 percent of parity from March 30, 1979, to September 30, 1981. The semiannual adjustment was also extended from March 31, 1979, to September 30, 1981. Both of these changes drastically altered the dairy support program causing overproduction and excessive government inventories of milk products. Adjustments in the loan and target prices for wheat and feed grains also occurred after passage of the 1977 farm bill.

Today, we are faced with record wheat and corn production, prohibitive interest rates, and grain exports which are currently only approaching levels of a year ago. Weather, variable domestic and world crop production, uncertain political climate and an economy faced with high inflation and interest rates make it also impossible to mandate farm programs 4 years in the future. A 2-year farm bill would allow Congress the flexibility to adapt to these changing conditions and provide producers farm programs that provide stability to the agricultural sector. For these reasons, I support the 2-year amendment.

Thank you, Mr. Chairman.●

The CHAIRMAN. Are there additional amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MCHUGH, Chairman of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3603) to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes, pursuant to House Resolution 235, had directed him to report the bill back to the House with sundry amendments adopted by the Committee of the Whole.

□ 1840

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RINALDO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RINALDO. Yes, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RINALDO moves to recommit the bill, H.R. 3603, to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. DE LA GARZA. Mr. Speaker, pursuant to House Resolution 235, I call up from the Speaker's table a similar Senate bill (S. 884) to revise and extend programs to provide price support and production incentives for farmers to assure an abundance of food and fiber, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DE LA GARZA moves to strike out all after the enacting clause of the Senate bill, S. 884, and to insert in lieu thereof the provisions of the bill, H.R. 3603, as passed, as follows:

That this Act with the following table of contents may be cited as the "Food and Agriculture Act of 1981".

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TITLE I—DAIRY PRODUCTION ACT OF 1981
TITLE II—WOOL AND MOHAIR
TITLE III—WHEAT
TITLE IV—FEED GRAINS
TITLE V—COTTON
TITLE VI—RICE
TITLE VII—PEANUTS
TITLE VIII—SOYBEANS
TITLE IX—GENERAL AND MISCELLANEOUS COMMODITY PROVISIONS
TITLE X—NATIONAL AGRICULTURAL COST OF PRODUCTION STANDARDS REVIEW BOARD
TITLE XI—EXPORT PROVISIONS
TITLE XII—FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1981
TITLE XIII—NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981
TITLE XIV—CREDIT, RURAL DEVELOPMENT, AND FAMILY FARMS
TITLE XV—CONSERVATION
TITLE XVI—CONTINUATION OF FEDERAL CROP INSURANCE PILOT PROGRAMS
TITLE XVII—CONFERENCE
TITLE XVIII—IMPORTED MEAT
TITLE XIX—USER FEES FOR REPORTS AND PUBLICATIONS

TITLE I—DAIRY PRODUCTION ACT OF 1981

MILK PRICE SUPPORT

SEC. 101. Section 201 of the Agricultural Act of 1949, as amended by section 150 of the Omnibus Budget Reconciliation Act of 1981, is amended by—

(1) striking out everything after the first sentence of subsection (c) and inserting in lieu thereof the following: "Notwithstanding the foregoing, (A) effective for the period beginning with the date of enactment of this provision and ending September 30, 1982, the price of milk shall be supported at such level as determined by the Secretary, but not less than $13.10 per hundredweight for milk containing 3.67 per centum milk fat; (B) effective for the period beginning October 1, 1982, and ending September 30, 1983, the price of milk shall be supported at such level as determined by the Secretary, but not less than 72.5 per centum of the parity price therefor; and (C) effective thereafter for each subsequent fiscal year through the year ending September 30, 1985, the price of milk shall be supported at a level of not less than 70 per centum of parity, except that whenever the Secretary estimates that net Government price support purchases of milk or the products of milk will be less than 3.5 billion pounds (milk equivalent) during any of said latter two fiscal years, the price of milk shall be supported at such level as determined by the Secretary, but not less than 75 per centum of the parity price therefor as of the beginning of the relevant fiscal year. Such price support shall be provided through the purchase of milk and the products of milk."; and

(2) striking out subsection (d) in its entirety.

PRODUCER HANDLERS

SEC. 102. The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendment made by this Act as it was prior thereto.

FEDERAL MILK MARKETING ORDERS

SEC. 103. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 is further amended by—

(1) striking in subparagraph (B) of subsection 8(c)(5) all that part of said subparagraph (B) which follows the semicolon at the end of clause (c) and inserting in lieu thereof the following: "(d) a further adjustment to encourage seasonal adjustments in the production of milk through equitable apportionment of the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; and (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order.".

(2) striking the period at the end of subsection 8c(17) and adding in lieu thereof the following: ": *Provided further*, That if one-third or more of the producers as defined in a milk order apply in writing for a hearing on a proposed amendment of such order, the Secretary shall call such a hearing if the proposed amendment is one that may legally be made to such order. Subsection (12) of this section shall not be construed to permit any cooperative to act for its members in an application for a hearing under the foregoing proviso and nothing in such proviso shall be construed to preclude the Secretary from calling an amendment hearing as provided in subsection (3) of this section. The Secretary shall not be required to call a hearing on any proposed amendment to an order in response to an application for a hearing on such proposed amendment if the application requesting the hearing is received by the Secretary within ninety days after the date on which the Secretary has announced his decision on a previously proposed amendment to such order and the two proposed amendments are essentially the same."; and

(3) inserting after the phrase "pure and wholesome milk" in section 8c(18) the phrase "to meet current needs and further to assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs".

(b) The provisions of subsection (a) shall become effective January 1, 1982 and shall terminate December 31, 1985.

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS HOSPITALS

SEC. 104. Section 202 of the Agricultural Act of 1949, as amended, is amended by striking out "1981" in subsections (a) and (b) and inserting in lieu thereof "1985."

DAIRY INDEMNITY PROGRAM

SEC. 105. The Act of August 13, 1968 (82 Stat. 750, as amended; 7 U.S.C. 450 j, k, and l), is amended by striking out "September 30, 1981" in section 3 and inserting in lieu thereof "September 30, 1985".

ENCOURAGEMENT OF EXPORTATION AND DOMESTIC CONSUMPTION OF DAIRY PRODUCTS

SEC. 106. (a) The Secretary of Agriculture is encouraged to utilize, to the fullest extent practicable, the provisions of section 32 of Public Law 320, Seventy-fourth Congress (7 U.S.C. 612c), title II of the Agricultural Trade Development and Assistance Act of 1954, and other commodity distribution programs of the Department of Agriculture, for the purpose of disposing of excess inventories of dairy products held by the Commodity Credit Corporation.

(b) The Secretary shall examine the feasibility of using inventories of nonfat dry milk held by the Commodity Credit Corporation, and other excess supplies of dairy products, to assist in the production of casein and caseinates in order to reduce the impact that the importation of foreign sub-

sidized casein and other milk protein products is having on the dairy price support program. The Secretary shall notify within ninety days after this legislation becomes effective, in writing, the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry and the chairman of the House Committee on Agriculture of the results of such an examination.

REGIONAL FOOD SECURITY

SEC. 107. In order to better balance the supply of and demand for fluid milk and milk products within specific regions within the continental United States and in order to guarantee regional food security, the Secretary of Agriculture shall submit to Congress, not later than one year following the effective date of this subtitle, recommendations regarding the design and administration of the Federal dairy support program and milk marketing orders in order to guarantee regional production self-sufficiency and food security.

SEC. 108. The Secretary is authorized and encouraged to enter into an agreement with representatives of the Union of Soviet Socialist Republics to effect the sale of up to 220 million pounds of butter at $1.05 per pound (acquired by the government at a cost of approximately $1.50 per pound) and the sale of such amounts of non-fat dry milk at 50 cents per pound and cheese at 68 cents per pound (acquired at a cost to the government of approximately 94 cents per pound and $1.40 per pound, respectively) as can be agreed to by the respective parties to such agreement.

TITLE II—WOOL AND MOHAIR

EXTENSION OF ACT; SUPPORT PRICE

SEC. 201. Section 703 of the National Wool Act of 1954 is amended by—

(1) striking out "1981" in subsection (a) and inserting in lieu thereof "1985"; and

(2) striking out "1981" in subsection (b) and inserting in lieu thereof "1985".

TITLE III—WHEAT

WHEAT LOAN RATES, TARGET PRICES, AND PAYMENTS

SEC. 301. Effective only for the 1982 through 1985 crops of wheat, subsections (a) through (c) of section 107A of the Agricultural Act of 1949 are amended to read as follows:

"SEC. 107A. Notwithstanding any other provision of law—

"(a) The Secretary shall make available to producers loans and purchases for the 1982 crop of wheat at not less than $3.55 per bushel and for each of the 1983 through 1985 crops of wheat at not less than such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to the established price for the preceding year's crop: *Provided*, That if the Secretary determines that the average price of wheat received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for wheat for such marketing year, the Secretary may reduce the level of loans and purchases for wheat for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $3 per bushel.

"(b)(1)(A) In addition, the Secretary may make available to producers payments for each of the 1982 through 1985 crops of wheat in an amount computed as provided in this subsection: *Provided*, That the Secretary shall make such payments available to producers of any such crop if the domestic carryover from the previous year's crop of wheat exceeds one billion bushels. Payments for each of the 1982 through 1985 crops shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event shall payments be made under this paragraph for any of the 1982 through 1985 crops on a greater acreage than the acreage actually planted to wheat.

"(B) The payment rate for wheat shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop

is less than the established price per bushel. For the 1982 crop of wheat the established price shall be $4.20 per bushel, and for each of the 1983 through 1985 crops of wheat, the established price shall be the established price for the previous year's crop adjusted to reflect any change in (a) the average adjusted cost of production per acre estimated for the two-year period which includes the crop year for which the established price will be applicable and the immediately preceding crop year, from (b) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the established price will be applicable. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop. In determining the established price under this subsection and the loan rate under subsection (a) for the 1984 and 1985 crops, the Secretary shall use as a base in making adjustments the established price and loan rate for the previous years that would have resulted had the actual cost of production figures, as determined by the Secretary for those years, been used.

"(C) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for wheat in accordance with the proviso in subsection (a) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for wheat by such amount (or if there are no such payments in effect for such crop by providing for payments in such amount) as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any payments under this subparagraph shall not be included in the payments subject to limitations under the provisions of section 101 of the Food and Agriculture Act of 1977.

"(D) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1982 through 1985 crops of wheat, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price per bushel for wheat.

"(B) Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1982 through 1985 crops of wheat, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a farm disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

"(C) No person shall be eligible to receive disaster payments for any crop of wheat under this paragraph in any county in which crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act, is generally offered for that crop prior to planting.

"(c) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.".

PROGRAM ACREAGES, PAYMENT YIELDS, AND SET-ASIDE PROGRAM

SEC. 302. Subsections (d) through (i) of section 107A of the Agricultural Act of 1949 effective for the 1978 through 1981 crops of wheat shall be effective for the 1982 through 1985 crops amended by—

(1) amending the first two sentences of subsection (d)(1) to read as follows: "The Secretary shall proclaim a national program acreage for each of the 1982 through 1985 crops of wheat. The proclamation shall be made not later than August 1 of each calendar year for the crop harvested in the next succeeding calendar year.";

(2) in the first sentence of subsection (d)(3) striking out all after "the proclamation of the national program acreage" and inserting a period in lieu thereof;

Strike lines 21 through 24, page 16, and substitute the following:

(3) amending the first three sentences of subsection (f)(1) to read as follows: "The Secretary shall provide for a set-aside of cropland for any marketing year if the Secretary estimates that the domestic carry over of wheat at the end of the marketing year preceding the year for which the set-aside determination is made will exceed 6 per centum of total world usage for that year. If a set-aside of cropland is in effect

under this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set-aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, but in any case not less than 15 per centum of that farm's previous year's plantings. When such set-aside has been announced, loan rates shall be increased by 5 per centum above the level established in Section 107A. The producer may, at his option, elect to set-aside 30 per centum of the farm's previous year's plantings, in such case the producer shall be eligible for a loan rate 15 per centum higher than the level established in section 107A. The Secretary shall announce any such set-aside not later than August 1, prior to the calendar year in which the crop is harvested, except that in the case of the 1982 crop, the Secretary shall announce such set-aside as soon as practicable after enactment of the Food and Agriculture Act of 1981. For the 1982 through 1985 crops, the Secretary shall permit the set-aside acreage to be devoted to haying and grazing."; and

(4) amending the third sentence of subsection (f)(1) by deleting the period and adding ": *Provided*, That in applying the provisions of this Section to land that has been farmed under summer fallow practices on three of the five years prior to the requirement of a set-aside, the Secretary shall consider the effects of soil erosion and such other factors as he considers appropriate in determining the amount of land to be idled: *Provided further*, That in no case shall the Secretary require farmers to idle more than 60 per centum of their cropland when included with land already idled by summer fallow practices where summer fallow practices are in effect: *Provided further*, That the Secretary shall issue rules and regulations defining 'summer fallow'.".

NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS

SEC. 303. Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1982, through May 31, 1986.

SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE PROVISIONS

SEC. 304. Sections 331, 332, 333, 334, 335, 336, 338, 339, 379b, and 379c of the Agricultural Adjustment Act of 1938, shall not be applicable to the 1982 through 1985 crops of wheat.

SUSPENSION OF QUOTA PROVISIONS

SEC. 305. Public Law 74, Seventy-seventh Congress (55 Stat. 203, as amended) shall not be applicable to the crops of wheat planted for harvest in the calendar years 1982 through 1985.

NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949

SEC. 306. Section 107 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1982 through 1985 crops of wheat.

TITLE IV—FEED GRAINS

FEED GRAINS LOAN RATES, TARGET PRICES AND PAYMENTS

SEC. 401. Effective only for the 1982 through 1985 crops of feed grains, subsections (a) through (c) of section 105A of the Agricultural Act of 1949 are amended to read as follows:

"SEC. 105A. Notwithstanding any other provision of law—

"(a)(1) The Secretary shall make available to producers loans and purchases for the 1982 crop of corn at not less than $2.65 per bushel and for each of the 1983 through 1985 crops of corn at not less than such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to the established price for the preceding year's corp: *Provided*, That if the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for corn for such marketing year, the Secretary may reduce the level of loans and purchases for corn for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $2 per bushel.

"(2) The Secretary shall make available to producers loans and purchases on each of the 1982 through 1985 crops of barley and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"(3) The Secretary shall make available to producers loans and purchases on each of the 1982 through 1985 crops of oats, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, wheat, and barley, taking into consideration the weight of a bushel of oats as compared to these comparison grains, the value of oats as a specialty animal feed, the value of oats as a human food, the value of oats as a soil conservation crop, and other factors specified in section 401(b) of this Act: *Provided*, That the level of loans and purchases on each such crop of oats shall not be less than a rate computed by multiplying the loan rate for each comparison crop by a fraction, the denominator of which is the weight of a bushel of the comparison crop and the numerator of which is the weight of a bushel of oats, adding the resulting numbers and dividing by three.

"(b)(1)(A) In addition, the Secretary may make available to producers payments for each of the 1982 through 1985 crops of corn, grain sorghums, and, if designated by the Secretary, oats and barley, in an amount computed as provided in this subsection: *Provided*, That the Secretary shall make such payments available to producers of any such crop of corn and grain sorghums if the domestic carryover from the previous year's crop of corn exceeds 1.3 billion bushels. Payments for each of the 1982 through 1985 crops shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event shall payments be made under this paragraph for any of the 1982 through 1985 crops on a greater acreage than the acreage actually planted to such feed grains.

"(B) The payment rate for corn shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop

is less than the established price per bushel. For the 1982 crop of corn, the established price shall be $2.90 per bushel and for each of the 1983 through 1985 crops of corn, the established price shall be the established price for the previous year's crop adjusted to reflect any change in (a) the average adjusted cost of production per acre estimated for the two-year period which includes the crop year for which the established price will be applicable and the immediately preceding crop year, from (b) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the established price will be applicable. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop. In determining the established price under this subsection and loan rate under subsection (a) for the 1984 and 1985 crops, the Secretary shall use as a base in making adjustments the established price and loan rate for the previous years that would have resulted had the actual costs of production, as determined by the Secretary for those years, been used.

"(C) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for corn in accordance with the proviso in subsection (a)(1) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for corn by such amount (or if there are no such payments in effect for such crop by providing for payments in such amount) as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any such payments under this subparagraph shall not be included in the payments subject to limitations under the provisions of section 101 of the Food and Agriculture Act of 1977.

"(D) The payment rate for grain sorghums, and if designated by the Secretary, oats and barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(E) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1982 crop of feed grains, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented

planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price per bushel for feed grains.

"(B) Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1982 crop of feed grains, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm in less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a farm disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

"(C) No person shall be eligible for disaster payments for any crop of feed grains under this paragraph in any county in which crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act, is generally offered for that crop prior to planting.

"(c) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.".

PROGRAM ACREAGES, PAYMENT YIELDS, AND SET-ASIDE PROGRAM

SEC. 402. Subsections (d) through (i) of section 105A of the Agricultural Act of 1949 effective for the 1978 through 1981 crops of feed grains shall be effective for the 1982 through 1985 crops amended by—

(1) amending the first two sentences of subsection (d)(1) to read as follows: "The Secretary shall proclaim a national program acreage for each of the 1982 through 1985 crops of feed grains. The proclamation shall be made not later than November 1 of each calendar year for the crop harvested in the next succeeding calendar year.";

(2) amending the first sentence of subsection (d)(3) by striking out all after "the proclamation of the national program acreage" and inserting a period in lieu thereof; and

TITLE IV—FEED GRAINS

Strike lines 9 through 12, page 25, and substitute the following:

(3) amending the first three sentences of subsection (f)(1) to read as follows: "The Secretary shall provide for a set-aside of cropland if the Secretary determines that domestic carryover supplies of corn will in the absence of a set-aside exceed 18 per centum of the previous year's total use. If a set-aside of cropland is in effect under this subsection, then as a contition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, but in any case not less than 15 per centum of the farm's previous year's planting. When such set-aside has been announced, loan rates shall be increased by 5 per centum from the level established in section 105A. The producer may, at his option, elect to set aside 25 per centum of the farm's previous year's plantings, in such case the producer shall be eligible for a loan 10 per centum higher than the level established in section 105A. The Secretary shall announce any such set-aside not later than November 1, prior to the calendar year in which the crop is harvested."

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949

SEC. 403. Section 105 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1982 through 1985 crops of feed grains.

TITLE V—COTTON

SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS AND RELATED PROVISIONS

SEC. 501. Sections 342, 343, 344, 345, 346, and 377 of the Agricultural Adjustment Act of 1938 shall not be applicable to upland cotton of the 1982 through 1985 crops.

LOAN RATES, TARGET PRICES, AND ACREAGE LIMITATIONS FOR THE 1982 THROUGH 1985 CROPS

SEC. 502. Section 103(f) of the Agricultural Act of 1949, effective for the 1978 through 1981 crops of upland cotton, shall be effective for the 1982 through 1985 crops amended as follows:

(1) In the first sentence of paragraph (1)—

(A) strike out "1978 through 1981" and insert in lieu thereof "1982 through 1985";

(B) strike out "quoted for Strict Middling one-and-one-sixteenth-inch cotton C.I.F. Northern Europe" and insert in lieu thereof "quoted for Middling one-and-three-thirty-seconds-inch cotton C.I.F. Northern Europe"; and

(C) change the proviso clause at the end of the sentence to read as follows: *"Provided,* That in no event shall such loan level be less than fifty-five cents per pound.".

(2)(A) Amend the second sentence of paragraph (4) to read as follows: "For the 1982 through 1985 crops, the established price shall be 120 per centum of the loan level determined under paragraph (1) of the subsection for such crop."; and

(B) Strike out the third sentence of paragraph (4).

(3) In paragraph (5)—

(A) strike out "1978 through 1981" wherever it appears in subparagraphs (A) and (B) and insert in lieu thereof "1982 through 1985"; and

(B) amend subparagraph (C) to read as follows:

"(C) No person shall be eligible to receive disaster payments for any crop of upland cotton under this paragraph in any county in which crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act, is generally offered for that crop prior to planting.".

(4) In the first sentence of paragraph (7), strike out "1978 through 1981" and insert in lieu thereof "1982 through 1985" and strike out "December 15" and insert in lieu thereof "November 1".

(5) In the first sentence of paragraph (9), strike out "December 15" and insert in lieu thereof "November 1".

(6) In paragraph (11)—

(A) amend subparagraph (A) to read as follows:

"(A) The Secretary may limit the acreage planted to upland cotton if the Secretary determines that the total supply of upland cotton will otherwise likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be applied on a uniform basis to all cotton-producing farms. The base for such uniform reduction shall be the acreage planted on the farm in the preceding year: *Provided,* That in case no cotton was planted on the farm in such year, the farm base shall be (i) the larger of the acreages planted to cotton on the farm in the two years prior to such year or (ii) the average acreage planted to cotton on the farm in such two years, as determined in accordance with regulations issued by the Secretary. Producers on a farm who knowingly plant cotton in excess of the permitted cotton acreage for the farm shall be ineligible for cotton loans or payments with respect to that farm. If mandatory acreage reduction limitations are in effect under this paragraph, then as a further condition of eligibility for loans and payments on upland cotton, the Secretary may provide that producers on a farm must devote to such conservation uses as the state committee establishes as appropriate for the protection and maintenance of lands in the state, an acreage of cropland equal to the mandatory acreage reduction percentage multiplied by the acreage planted to cotton on the farm (the result of such calculation is referred to herein as the 'cotton conservation acreage'): *Provided,* That the Secretary may permit all or any part of the cotton conservation acreage for the farm to be planted to one or more crops designated by him if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.";

(B) in subparagraph (B), strike out ", whether or not a set-aside for upland cotton is in effect,"; and

(C) in the first sentence of subparagraph (C), strike out the language "set-aside acreage and the additional".

(7) Strike out the second sentence in paragraph (12).

(8) Amend paragraph (14) to read as follows:

"(14) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection, including compliance with any prescribed time deadline, precludes the making of loans, purchases and payments, the Secretary shall, nevertheless authorize the State and county committees, to make such loans, purchases and payments in such amounts as they determine to be equitable in relation to the seriousness of the default.".

(9) Immediately before the period at the end of paragraph (15) add the following: ": *Provided,* That such regulations shall not include provisions that condition loans and payments on cross-compliance and offsetting-compliance procedures".

(10) Add a new paragraph (18) as follows:

"(18) In order to encourage and assist producers in orderly ginning and marketing of their cotton production, the Secretary shall make available recourse loans on seed cotton in accordance with authority vested in him by the Commodity Credit Corporation Charter Act.".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 503. Effective only with respect to the period beginning August 1, 1978, and ending July 31, 1986, the tenth sentence of section 407 of the Agricultural Act of 1949 is amended by striking out all of that sentence through the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 115 per centum of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, and (2)".

MISCELLANEOUS COTTON PROVISIONS

SEC. 504. (a) Section 408(b) of the Agricultural Act of 1949 is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further,* That for the 1982 through 1985 crops of upland cotton, a cooperator shall be a producer on a farm who has limited the acreage planted in accordance with section 103(f)(11)(A).".

(b) Sections 103(a) and 203 of the Agricultural Act of 1949 shall be applicable to the 1982 through 1985 crops.

SKIPROW PRACTICES

SEC. 505. Section 374(a) of the Agricultural Adjustment Act of 1938 is amended by striking out "1981" in the last sentence and inserting in lieu thereof "1985".

PRELIMINARY ALLOTMENTS FOR 1986 CROP OF UPLAND COTTON

SEC. 506. Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland coton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938, as amended, shall again become effective as preliminary allotments for the 1986 crop.

SEC. 507. Effective beginning with the 1982 crop of extra long staple cotton, Section 101(f) of the Agricultural Act of 1949 (7 U.S.C. 1441(f)), is amended to read as follows:

"(f) The provisions of this Act relating to price support for cotton shall apply severally to (1) American upland cotton and (2) extra long staple cotton described in subsection (a) and ginned as required by subsection (e) of section 347 of the Agricultural Adjustment Act of 1938, as amended, except that, notwithstanding any other provision of this Act, price support shall be made available for the 1982 and each subsequent crop of extra long staple cotton through nonrecourse loans as provided in this subsection. If producers have not disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which is not less than 75 per centum or more than 125 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. If producers have disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which shall be 50 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. Nothing contained herein shall affect the authority of the Secretary to make price support available for extra long staple cotton in accordance with section 402 of this Act.".

TITLE VI—RICE

REPEAL OF ACREAGE ALLOTMENT AND MARKETING QUOTA PROVISIONS

SEC. 601. Effective with the 1982 rice crop sections 352, 353, 354, 355, and 356 of the Agricultural Adjustment Act of 1938 are repealed.

LOAN RATES, TARGET PRICES, AND SET-ASIDE FOR THE 1982 THROUGH 1985 CROPS

SEC. 602. Effective only for the 1982 through 1985 crops of rice, section 101(h) of the Agricultural Act of 1949 is amended to read as follows:

"(h) Notwithstanding any other provision of law—

"(1) The Secretary shall make available, to cooperators in the several States of the United States, loans and purchases for each of the 1982 through 1985 crops of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to the established price for the preceding year's crop. If the Secretary determines that loans and purchases at the foregoing level for any of the 1982 through 1985 crops would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may, notwithstanding the foregoing provisions of this paragraph, establish loans and purchases for such crop or crops at such level, not less than $8 per hundredweight, as the Secretary determines necessary to avoid such consequences: *Provided,* That the loan and purchase level for the succeeding crop shall be established from a loan and purchase level as provided in the immediately preceding sentence. The loan and purchase level and the established price for each of the 1982 through 1985 crops of rice shall be announced not later than March 1 of each calendar year for the crop harvested in that calendar year.

"(2)(A) In addition, the Secretary shall make available to cooperators payments for each of the 1982 through the 1985 crops of rice grown in the several States of the United States in an amount computed as provided in this paragraph. Payments for each such crop of rice shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the yield established for the farm. In no event shall payments be made under this paragraph for any of the 1982 through 1985 crops on a greater acreage than the acreage actually planted to rice. The total quantity on which payments would otherwise be payable to a cooperator for any crop under this subparagraph shall be reduced by the quantity on which any disaster payment is made to the cooperator on a farm for the crop under this paragraph.

"(B) The payment rate for rice shall be the amount by which the established price for the crop of rice exceeds the higher of—

"(i) the national average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under paragraph (1) for such crop.

The established price for the purpose of making payments under this subsection shall be the established price for the previous year's crop adjusted to reflect any change in (A) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (B) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the established price is being determined divided by (c) the normal yield. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited, on a per-acre basis, to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on a basis of the proportion of the value of the total production derived from each crop.

"(C) the yield established for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years: *Provided,* That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, other natural disaster, or other condition beyond the control of the cooperators. If no rice was produced on the farm during such period, the yield shall be determined taking into consideration the yield of comparable farms in the surrounding area and such other factors as the Secretary determines will produce a fair and equitable yield.

"(D) Except as otherwise provided in subparagraph (F) of this paragraph, effective with respect to the 1982 through 1985 crops of rice, if the Secretary determines that the persons involved in producing rice on a farm are prevented from planting all or any portion of the acreage intended for rice on the farm to rice or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to cooperators on a farm on the number of such acres so affected but not to exceed the acreage planted to rice for harvest (including any acreage which the producers were prevented from planting to rice or other nonconserving crop in lieu of rice because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by the yield established for the farm times a payment rate equal to 33⅓ per centum of the established price for rice.

"(E) Except as otherwise provided in subparagraph (F) of this paragraph, effective with respect to the 1982 through 1985 crops of rice, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of rice which the persons involved in producing rice on a farm are able to harvest on the farm is less than the result of multiplying 75 per centum of the yield established for the farm by the acreage planted for harvest for such crop, the Secretary shall make a farm disaster payment to the cooperators on the farm for the deficiency in production below 75 per centum of the crop at a rate equal to 33⅓ per centum of the established price for the crop.

"(F) No person shall be eligible to receive disaster payments for any crop of rice under this paragraph in any county in which crop insurance, part of the premium for which is

paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act, is generally offered for that crop prior to planting.

"(3) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(4)(A) The Secretary shall proclaim a national program acreage for each of the 1982 through 1985 crops of rice. The proclamation shall be made not later than January 31 of each calendar year for the crop harvested in that calendar year. The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (B) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for rice shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm established yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of rice are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(B) The Secretary shall determine a program allocation factor for each crop of rice. The allocation factor for rice shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided,* That in no event shall the allocation factor for any crop of rice be more than 100 per centum nor less than 80 per centum.

"(C) The individual farm program acreage for each crop of rice shall be determined by multiplying the allocation factor by the acreage of rice planted for harvest on the farms for which individual farm program acreages are required to be determined: *Provided,* That the rice acreage eligible for payments shall not be further reduced by application of the allocation factor if the producers reduce the acreage of rice planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the annual proclamation of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of rice planted for harvest is less than for the preceding year, but the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for rice, the Secretary is authorized to make such adjustments as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(5)(A) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of rice will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Any such set-aside shall be announced by the Secretary not later than January 31 of the calendar year in which the crop for which the announcement is made is harvested. If a set-aside of cropland is in effect under this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section on rice, the producers on a farm must (i) set-aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the rice acreage planted for harvest for the crop year for which the set-aside is in effect and (ii) limit the acreage of rice planted for harvest for the crop year to an acreage that when added to the acreage required to be set-aside, in accordance with clause (i) above, will not exceed the sum of the acreage of rice planted for harvest plus the rice program set-aside acreage, if any, from the previous crop year. If the acreage of rice planted for harvest in the previous crop year was abnormal because of drought, flood, or other natural disaster, or other condition beyond the control of the producer, the Secretary shall adjust such acreage based upon such factors as the Secretary determines fair and equitable. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion; however, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the set-aside acreage to be devoted to sweet sorghum, hay, and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide and adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

"(B) The Secretary may make land diversion payments to producers of rice, whether or not a set-aside for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, limit the acreage of rice planted for harvest and devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(C) The set-aside acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(D) The Secretary may make such adjustments in determining the rice acreage planted for harvest in the previous year and in individual set-aside acreage under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and such other factors as the Secretary deems necessary.

"(E) If the operator of the farm desires to participate in the program formulated under this subsection, the operator shall file an agreement to do so no later than such date as the Secretary may prescribe. Loans, purchases, and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producers, terminate or modify any such agreement entered into pursuant to this subsection of the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(6) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

"(7) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(8) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.".

DEFINITION OF COOPERATOR

SEC. 603. Section 408(b) of the Agricultural Act of 1949 is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further,* That for the 1982 through 1985 crops of rice, a cooperator shall be a producer on a farm who has set aside any acreage as required under section 101(i)".

REPORT ON TRADING OF RICE FUTURES

SEC. 604. The Secretary of Agriculture shall on or before July 31, 1983, submit a report to the Congress evaluating the trading of rice futures on the commodity exchanges. The report shall contain an assessment as to whether the rice futures prices effectively reflect the market prices for rice except for certain factors such as carrying charges and storage costs. In addition, the Secretary shall include in such report an assessment of the feasibility of using the seasonal average price received by farmers for rough rice or the futures price for rice as a

basis for calculating the support and loan rate for rice as provided for in the Agricultural Act of 1949, as amended. Such report shall contain any other recommendations of the Secretary as may relate to these matters.

TITLE VII—PEANUTS

REPEAL OF EXISTING PROGRAM

SEC. 701. (a) Effective beginning with the 1982 crop of peanuts, part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357-1359), relating to peanuts, is repealed.

(b) Effective beginning with the 1982 crop of peanuts, the Agricultural Act of 1949 is amended—

(1) by striking out "and peanuts" in section 101(b); and

(2) by striking out "peanuts," in section 408(c).

PRICE SUPPORT FOR PEANUTS

SEC. 702. Effective beginning with the 1982 crop of peanuts, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) by inserting "peanuts," after "honey," in the language preceding subsection (b); and

(2) by adding at the end thereof a new subsection (g) as follows:

"(g) The prices of the 1982 and subsequent crops of peanuts shall be supported at such level as the Secretary considers appropriate, taking into consideration the eight factors specified in section 401(b) of this Act, the cost of production, any change in the index of prices paid by farmers for production items, interest, taxes and wage rates during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the crop year for which the level of support is being determined, the demand for peanut oil and meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.".

TITLE VIII—SOYBEANS

SOYBEAN LOANS

SEC. 801. Effective only for the 1982 through 1985 crops of soybeans, section 201 of the Agricultural Act of 1949 is amended by—

(1) inserting in the first sentence after "tung nuts," the following: "soybeans," and

(2) amending subsection (e) to read as follows:

"(e)(1) The Secretary shall make available price support to producers for soybeans through loans and purchases during each of the four marketing years beginning with the 1982 marketing year at a level equal to 75 per centum of the average Chicago quoted cash price for number 1 yellow soybeans for each of the preceding five marketing years, excluding the high and low valued years: *Provided, however,* That in no event shall the Secretary establish a support price of less than $5.02 per bushel: *Provided further,* That if the Secretary determines that the average price of soybeans received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for soybeans for such marketing year, the Secretary may reduce the level of loans and purchases for soybeans for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for soybeans, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $4.50 per bushel. For the purposes of this title the soybean marketing year shall be the twelve-month period beginning on September 1 and ending August 31. The Secretary shall make a preliminary announcement of the level of price support not earlier than thirty days in advance of the beginning of the marketing year based upon the latest information and statistics available when such level of price support is announced, and shall make a final announcement of such level as soon as full information and statistics are available on prices for the five years preceding the beginning of the marketing year. In no event shall such final level of support be announced later than October 1 of the marketing year for which the announcement applies, nor shall the final level of support be less than the level of support set forth in the preliminary announcement.

"(2) Notwithstanding any other provision of law—

"(A) the Secretary shall not require participation in any production adjustment control program for soybeans or any commodity as a condition of eligibility for price support for soybeans; and

"(B) soybeans shall not be considered an eligible commodity for any reserve program, and the Secretary shall not authorize payments to producers to cover the cost of storing soybeans.".

TITLE IX—GENERAL AND MISCELLANEOUS COMMODITY PROVISIONS

PAYMENT LIMITATIONS

SEC. 901. Subsection (1) and (2) of section 101 of the Food and Agriculture Act of 1977 are amended to read as follows:

"(1) The total amount of payments (excluding disaster payments) which a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, and rice shall not exceed $50,000 for each of the 1980 through 1985 crops.

"(2) Beginning with the 1980 crop year, the total amount of disaster payments that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, and rice for any crop year shall not exceed $100,000.".

PRODUCER STORAGE PROGRAM FOR WHEAT AND FEED GRAINS

SEC. 9022. Section 110 of the Agricultural Act of 1949 is amended to read as follows:

"SEC. 110. (a) The Secretary shall formulate and administer a program under which producers of wheat and feed grains will be able to store wheat and feed grains when such commodities are in abundant supply and extend the time period for their orderly marketing. The Secretary shall establish safeguards to assure that wheat and feed grains held under the program shall not be utilized in any manner to unduly depress, manipulate, or curtail the free market. The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operations.

"(b) In carrying out the producer storage program, the Secretary shall provide extended price support loans for wheat and feed grains under terms and conditions designed to encourage producers to store wheat and feed grains for extended periods of time in order to promote orderly marketing when wheat or feed grains are in abundant supply. Loans made under this section shall be made at such level of support as the Secretary determines appropriate: *Provided,* That the loan rate shall be not less than 110 per centum of the then current level of support under section 105A(a) of this Act in the case of feed grains, or under section 107A(a) of this Act in the case of wheat. In no event shall such loan level be less than $3.85 per bushel in the case of wheat or $2.80 per bushel in the case of corn. Among such other terms and conditions as the Secretary may prescribe by regulation, the program shall provide as follows: (1) Repayment of such loans shall be required in not less than three years nor more than five years. (2) Payment shall be made to producers of storage payments in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program, except as provided in clause (5) of this subsection. (3) A rate of interest shall be computed as determined under subsection (c) of this section. (4) Recovery of amounts paid for storage, and payment of additional interest or other charges shall be required if such loans are repaid by producers before the market price for wheat or feed grains has reached the price levels specified in clause (5) of this subsection. (5) Conditions shall be designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof, subject to clause (6) of this subsection. To this end, whenever the Secretary determines that the market price of the commodity has, on each fifteen consecutive market days, attained a level which exceeds 125 per centum of the then current level of support under section 105A(a) of this Act in the case of feed grains, or 107A(a) of this Act in the case of wheat, the Secretary may remove the penalties for early repayment provided for in clause (4) of this subsection; whenever the market price during such fifteen-day period exceeds 135 per centum of such level of support, the Secretary may terminate payments for storage; and whenever the market price during such fifteen-day period exceeds 145 per centum in the case of feed grains and 160 per centum in the case of wheat of such level of support, the Secretary may impose market rates of interest as provided in subsection (c) of this section. (6) Conditions shall be prescribed by the Secretary under which the Secretary may extend, for all producers within a State, for a period of thirty days and for such additional thirty-day periods as may be necessary the date for termination of storage payments or imposition of market rates of interest in the settlement of loans redeemed as a result of the imposition of such conditions under clause (5) of this subsection if (A) the Agricultural Stabilization and Conservation State Committee for such State submits a request for such delay, and (B) the Secretary does not deny such request in writing within ten days after such request is submitted.

"(c) The rate of interest charged participants in the program authorized by this section shall be based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest as he deems appropriate to effectuate the purposes of this section. Notwithstanding the foregoing, and subject to the provisions of clause (6) of subsection (b), the rate of interest with respect to any wheat or feed grain which was stored under the program authorized by this section during the fifteen-day period referred to in clause (5) of subsection (b) shall, beginning immediately

after the end of such period, be the market rate of interest, as determined by the Secretary.

"(d) Notwithstanding any other provision of law, the Secretary may require producers to repay loans made under this section plus accrued interest and such other charges as may be required by regulation prior to the maturity date thereof if the Secretary determines that emergency conditions exist which require that such commodity be made available in the market to meet urgent domestic or international needs.

"(e) The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable, except that the Secretary shall place no limit under such terms and conditions on the quantity of wheat or feed grains which may be stored under the program.

"(f) Notwithstanding any other provision of law, except as otherwise provided under section 302 of the Food Security Wheat Reserve Act of 1980 and section 208 of the Agricultural Trade Suspension Adjustment Act of 1980, whenever the extended loan program authorized by this section is in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains at less than 105 per centum of the price level at which the Secretary may encourage repayment of producer storage loans on the commodity prior to the maturity dates of the loans by the imposition of market rates of interest under clause (5) of subsection (b) of this section: *Provided*, That such restriction shall not apply to—

"(1) sales of such commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

"(2) sales or other disposals of such commodities under (A) the fifth and sixth sentences of section 407 of this Act; (B) the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. 1427 note), and (C) section 813 of the Agricultural Act of 1970; and

"(3) sales of corn for use in the production of alcohol for motor fuel at facilities that—

"(A) began operation after January 4, 1980, and

"(B) whenever supplies of corn are not readily available, can produce alcohol from agricultural or forestry biomass feedstocks other than corn,

when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined under clause (5) of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980) for corn exceeds such price, at not less than the fuel conversion price.

"(g) The Secretary may, with the concurrence of the owner of grain stored under the program authorized by this section, reconcentrate all such grain stored in commercial warehouses at such points as the Secretary deems to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations which assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of grain covered by his commitment.

"(h) Whenever grain is stored under the provisions of this section, the Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities of grain in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such commodities which the Commodity Credit Corporation owns or controls. Such purchases to offset sales shall be made within two market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

"(i) When a producer samples, turns, moves or replaces grain or any other commodity which is security for a Commodity Credit Corporation producer loan or is held under a reserve program, and does so in violation of law or regulation, the county ASCS committee may forgive some or all of the penalties and requirements that would normally be imposed on the producer by reason of the violation, when in the judgment of the county ASCS committee the violation occurred inadvertently, by accident, because of lack of knowledge or understanding of the law or regulation, or because the producer or his agent acted to prevent spoilage of the commodity: *Provided*, That in the judgment of the county ASCS committee the violation did not result in harm or damage to the rights or interests of any party, and that this fact is certified to by a majority of the members of the county ASCA committee and a copy of the certificate is filed with the state ASCS committee.

"(j) The Secretary may use the Commodity Credit Corporation, to the extent feasible, to fulfill the purposes of this section. To the maximum extent practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.".

FINALITY OF DETERMINATIONS

SEC. 903. Effective only for the 1982 through 1985 crops, section 385 of the Agricultural Adjustment Act of 1938, is amended by amending the first sentence to read as follows: "The facts constituting the basis for any Soil Conservation Act payment, any payment under the wheat, feed grain, upland cotton, and rice programs authorized by the Agricultural Act of 1949 and this Act, any loan, or price support operation, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.".

SPECIAL GRAZING AND HAY PROGRAM

SEC. 904. Section 109(a) of the Agricultural Act of 1949 is amended by striking out "1978 through 1981" and inserting in lieu thereof "1982 through 1985".

SUPPLEMENTAL SET-ASIDE AUTHORITY

SEC. 905. Section 113 of the Agricultural Act of 1949 is amended to read as follows:

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1982 through 1985 crops of wheat and feed grains, the Secretary may announce and provide for a set-aside of cropland under section 105A(f) or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

SEC. 906. Section 408(k) of the Agricultural Act of 1949, as amended, to be effective for the 1971 through 1981 crops, shall be effective for the 1982 through 1985 crops, and shall read as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT, FEED GRAINS, UPLAND COTTON, AND RICE

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat, feed grains, upland cotton, and rice under this Act; and references made to the terms 'price support', price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act.".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS FOR WHEAT AND FEED GRAINS

SEC. 907. Effective only with respect to the marketing years for the 1982 through 1985 crops, section 407 of the Agricultural Act of 1949, as amended, is amended by—

(1) striking out in the third sentence the language following the third colon and inserting in lieu thereof the following: *Provided*, That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye respectively at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges.";

(2) striking out in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and inserting in lieu thereof the following: "current basic county loan rate (or a comparable price if there is no current basic county loan rate)"; and

(3) striking out in the seventh sentence ", but in no event shall the purchase price exceed the then current support price for such commodities" and inserting in lieu thereof the following: "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use".

NORMALLY PLANTED ACREAGE AND TARGET PRICES

SEC. 908. Section 1001 of the Food and Agriculture Act of 1977 is amended to read as follows:

"SEC. 1001. (a) Notwithstanding any other provision of law, effective for one or more of the 1982 through 1985 crops of wheat and feed grains, the Secretary of Agriculture may require, as a condition of eligibility for loans, purchases, and payments under the Agricultural Act of 1949, that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary, adjusted as deemed necessary by the Secretary to be fair and equitable among

producers. The acreage for any farm normally planted to crops designated by the Secretary shall be reduced by any set-aside or diverted acreage. Such normal crop acreage for any crop year shall be determined based on the acreage planted to such crops during the preceding two years. The Secretary may require producers participating in the program to keep such records as the Secretary determines necessary to assist in making such determination.

"(b) Notwithstanding any other provision of law—

"(1) Whenever the Secretary, for one or more of the 1982 through 1985 crops of wheat and feed grains requires that producers not exceed the acreage on the farm normally planted to crops designated by the Secretary in accordance with subsection (a) of this section, the Secretary may increase the established price payments for any such commodity by such amount (or if there are no such payments in effect for such crop by providing for payments in such amount) as the Secretary determines appropriate to compensate producers for not exceeding the acreage on the farm normally planted to crops designated by the Secretary and participation in any required set-aside with respect to such commodity.

"(2) In determining the amount of any payments for any commodity under this subsection, the Secretary shall take into account changes in the cost of production resulting from not exceeding the acreage on the farm normally planted to crops designated by the Secretary and participation in any required set-aside with respect to such commodity.

"(3) If payments are provided for any commodity under this subsection, the Secretary may provide for payments for any other commodity in such amount as the Secretary determines necessary for effective operation of the program.

"(4) The Secretary shall adjust any payments under this subsection to reflect, in whole or in part, any land diversion payments for the commodity for which an increase is determined.".

REDUCTION IN INTEREST TO DISCOURAGE PRICE SUPPORT LOAN DEFAULTS

SEC. 909. Section 405 of the Agricultural Act of 1949 is amended by designating the existing provisions as subsection (a) and adding the following new subsection:

"(b) Notwithstanding any other provision of the law, when in a period of declining prices the requirement of paying accumulated interest charges on Commodity Credit Corporation loans becomes and incentive for farmers with outstanding loans on commodities to default in order to avoid the interest, the Secretary is authorized to progressively reduce such interest charges up to the amount of the cost of one year of storage charges in order to neutralize the incentive to default. It is further provided that any such reduction authorized by this section shall not exceed the total amount of interest due.".

NORMAL SUPPLY

SEC. 910. Notwithstanding any other provision of law, if the Secretary determines that the supply of wheat, corn, upland cotton, or rice for the marketing year for any of the 1982 through 1985 crops of such commodity is not likely to be excessive and that program measures to reduce or control the planted acreage of the crop are not necessary, such a decision shall constitute a determination that the total supply of the commodity does not exceed the normal supply and no determination to the contrary shall be made by him with respect to such commodity for such marketing year.

EMERGENCY FEED PROGRAM

SEC. 911. The fifth sentence of section 407 of the Agricultural Act of 1949 is amended by striking out the word "shall" wherever it appears and inserting in lieu thereof the word "may".

PERISHABLE AGRICULTURAL COMMODITIES

SEC. 912. (a) Paragraphs (6) and (7) of section 1 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c (6) and (7), are amended by striking out "$200,000" and inserting in lieu thereof "$230,000".

(b) Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 490 (b)), is amended by striking out "$150", "$50", and "$1,000", and inserting in lieu thereof "$300," "$150", and "$3,000," respectively.

(c) Sections 6(c) and 6(d) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f (c) and (d), are amended by striking out "$3,000", wherever it appears, and inserting in lieu thereof "$15,000".

AUTHORITY TO RELEASE BEE GERM PLASM

SEC. 913. Section 103 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 283) is amended by adding immediately before the period "and may release bee germ plasm to the public".

DISTRIBUTION OF SURPLUS COMMODITIES

SEC. 914. (a) Notwithstanding any other provision of law, whenever Government stocks of commodities are acquired under the price support program, such commodities shall be made available without charge or credit to nutrition projects under the authority of the Older Americans Act of 1965 (42 U.S.C. 3001, et seq.), to child nutrition programs providing food service, and to food banks participating in the food bank program established under section 211 of the Agricultural Act of 1980. Such distribution may include bulk distribution to congregate nutrition sites and to providers of home delivered meals under the Older Americans Act. The Commodity Credit Corporation is authorized to use available funds to operate the program under this section and to further process products to facilitate bonus commodity use.

(b) Section 211(a) of the Agricultural Act of 1980 is amended—

(1) in the first sentence by striking out "carry out demonstration projects" and inserting in lieu thereof "establish a program";

(2) in paragraph (2)—

(A) by striking out "demonstration projects" and inserting in lieu thereof "program"; and

(B) by striking out "projects" each place it appears and inserting in lieu thereof "program".

(d) Section 211(c) of the Agricultural Act of 1980 is amended in the second sentence by striking out "projects" and inserting in lieu thereof "program".

(e) Section 211(d) of the Agricultural Act of 1980 is amended—

(1) by striking out ", 1982," and inserting in lieu thereof "of each year"; and

(2) striking out "demonstration projects" and inserting in lieu thereof "program".

(f) Section 211(f) of the Agricultural Act of 1980 is amended by striking out "to carry out this section $356,000" and inserting in lieu thereof "such sums as may be necessary to carry out this section".

(g) Section 211 of the Agricultural Act of 1980 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) The Secretary shall minimize paperwork requirements placed on food banks which participate in the program established under this section and shall otherwise encourage food banks to participate in such program".

(h) The heading for section 211 of the Agricultural Act of 1980 is amended to read as follows:

"DISTRIBUTION OF EXCESS AGRICULTURAL COMMODITIES THROUGH COMMUNITY FOOD BANKS".

(i) Section 4(b) of the Food Stamp Act of 1977 shall not apply with respect to distribution of surplus commodities under this section.

SEC. 915. Section 4 of the Food for Peace Act of 1966 (7 USC 1707a) is amended by adding at the end thereof the following new subsection (d):

"(d)(1) There is hereby established in the Treasury a revolving fund to be known as the Commodity Credit Corporation Revolving Fund for Export Market Development and Expansion, which shall be available without fiscal year limitation for use by the Commodity Credit Corporation (hereinafter referred to in this subsection as the 'Corporation') for financing in accordance with this section and section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c)—

"(A) commercial export sales of United States agricultural commodities out of private stocks or stocks owned or controlled by the Corporation on credit terms of not to exceed three years;

"(B) export sales of United States breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including the cost of freight from the United States to designated points of entry in other nations; and

"(C) the establishment of facilities in importing countries to improve the capacity of such countries for handling, marketing, processing, storing, or distributing fungible agricultural commodities produced in and exported from the United States (through the use of local currency generated from the sale of United States agricultural commodities).

"(2) The Corporation shall use the revolving fund only to extend credit for purposes of market development and expansion and only where there is substantial potential for developing or enhancing regular commercial markets for United States agricultural commodities.

"(3) The Secretary of Agriculture shall ensure that the revolving fund is used in such a manner as to involve equitable use of the funds to finance sales to the greatest feasible number of countries consistent with maximizing market opportunities. In carrying out this objective, the Secretary shall establish procedures under which—

"(A) not less than 85 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the purposes provided in clause (A) of paragraph (1) of this subsection; and

"(B) not to exceed 25 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the financing of credit sales to any one country for the purposes described in paragraph (1) of this subsection.

"(4) There are authorized to be appropriated to the Commodity Credit Corporation Revolving Fund for Export Development and Expansion such sums as Congress shall deem necessary to carry out the provisions of this subsection. All funds received by the Corporation in payment for credit extended by the Corporation using the revolving fund, including interest or other receipts on investments and credit obligations, in financing export sales of the type specified in paragraph (1) of this subsection shall be added to and become a part of such revolving fund.

"(5) The Secretary shall submit an annual report to Congress not later than December 1 of each year with respect to the use of the revolving fund in carrying out export credit sales by the Corporation in the previous fiscal year. Such report shall include the names of the countries extended credit under such programs, the total amount of such credit in the case of each such country in such fiscal year, names of such U.S. organizations whose exports are supported through the use of the fund and the total amount of credits provided to each such organization, and a discussion and evaluation of the market development and expansion activities of the Corporation under this subsection during such fiscal year. The first such report shall be submitted to Congress not later than December 1, 1982.

"(6) The revolving fund created by this subsection is abolished effective October 1, 1985, and all unobligated money in such fund on September 30, 1985, shall be transferred to and become part of the miscellaneous receipts account of the Treasury.

"(7) The authority provided under this subsection shall be in addition to, and not in place of, any authority granted to the Secretary or the Corporation under any other provision of law.

"(8) The authority provided by this subsection to incur obligations to make loans shall be effective only to the extent that such obligations do not exceed annual limitations on new direct loan obligations which shall be provided in annual appropriations Acts.".

NONQUOTA CROP SUBJECT TO QUOTA

SEC. 916. Section 320 of the Agricultural Adjustment Act of 1938 is amended by inserting in the first sentence after the words "nonquota tobacco" the following: "except Maryland Tobacco (Type 32) when it is a nonquota tobacco,".

TOBACCO PROGRAM COST

SEC. 917. It is the intent of Congress that the tobacco price support and production control program shall be carried out in such a manner as to result in no net cost to the taxpayers other than such administrative expense as is incidental to the implementation of any commodity program. To accomplish this objective, the Secretary is directed to publish, issue and promulgate such regulations and policies as are currently within his existing authority not later than January 1, 1982. The Secretary shall recommend to Congress no later than January 1982 any legislative changes he believes to be necessary and proper to achieve such objective.

SEC. 918. The Federal Plant Pest Act (71 Stat. 31; 7 U.S.C. 150aa) is amended by—

(a) in section 105, renumbering subsections (b), (c), and (d) as (c), (d), and (e) and adding a new subsection (b) as follows:

"(b)(1) Whereas, the existence of a plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States on any premises in the United States would constitute a threat to crops, other plant life, and plant products of the nation and thereby seriously burden interstate or foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the presence of such plant pest on any premises in the United States, and that the presence of such plant pest anywhere in the United States threatens the crops, other plant life, or plant products of the United States, the Secretary may (A) seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as the Secretary deems appropriate, any product or article of any character whatsoever, or means of conveyance which the Secretary has reason to believe is infested or infected by or contains any such plant pest; (B) quarantine, treat or apply other remedial measures to, in such manner as the Secretary deems appropriate, any premises, including articles on such premises which the Secretary has reason to believe is infested or infected by any such plant pest: *Provided*, That any action taken under clauses (A) and (B) shall be consistent with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act; and *Provided further*, That such action may be taken under this section only if the Secretary finds after review of measures taken by the State or other jurisdiction and after consultation with the Governor that the measures being taken are inadequate. Before any action is taken in any State or other jurisdiction under this subsection, the Secretary shall notify the Governor of the State or other jurisdiction, shall issue a public announcement and shall file a statement for publication in the Federal Register of the action the Secretary intends to take together with the findings and reasons therefor: *Provided*, That if it is not possible to make such filing with the Federal Register prior to the taking of action, the filing shall occur on the first business day thereafter. If the Secretary wishes to change any action previously taken under this subsection, the Secretary shall follow the procedure set forth in the preceding sentence of this paragraph. The cost of any action taken by the Secretary under this subsection shall be at the expense of the United States.

"(2) The Secretary may pay compensation to producers and other persons for economic losses incurred by them as a result of the quarantine, destruction, or other action taken under the authority of paragraph (1) of this subsection. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final.

"(3) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.".

(b) in section 107, adding after the second semicolon the following: "to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this Act or the regulations issued thereunder;".

SEC. 919. Effective only with respect to the 1982 through 1985 crops of oil sunflower seeds, section 201 of the Agricultural Act of 1949 is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The price of the 1981 through 1985 crops of oil sunflower seeds shall be supported through loans and purchases at such level, not less than $8 per hundredweight, as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors. Loans during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature before the end of such fiscal year.".

TITLE X—NATIONAL AGRICULTURAL COST OF PRODUCTION STANDARDS REVIEW BOARD

ESTABLISHMENT OF BOARD

SEC. 1001. There is hereby established an advisory board to be known as the National Agricultural Cost of Production Standards Review Board (hereinafter referred to as the "Board").

MEMBERSHIP OF BOARD

SEC. 1002. (a) The Board shall be composed of eight members appointed by the Secretary of Agriculture (hereinafter referred to as the "Secretary").

(b)(1) The terms of the members first taking office shall expire (as designated by the Secretary at the time of appointment) as follows: Two at the end of one year, two at the end of two years, two at the end of three years, and two at the end of four years. Thereafter the terms of all members shall be four years, except that the term of any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of such person's predecessor.

(2) The Secretary shall appoint persons to the Board who are producers of one or more of the various major agricultural commodities produced in the United States who represent various geographical areas where such commodities are primarily produced and who rely on that activity for their principal source of income. The Secretary shall also appoint one person to the Board who, by virtue of education, experience, and training, has extensive knowledge of matters relating to the cost of producing agricultural commodities with adequate background in the fields of agricultural economics and accounting.

(3) No person may serve as a member of the Board for more than two terms, including an unexpired term.

(4) The Secretary shall designate one member of the Board to serve as Chairman and one member to serve as Vice Chairman, both of whom shall serve until their terms expire.

FUNCTIONS OF THE BOARD

SEC. 1003. (a) It shall be the function of the Board to—

(1) review the adequacy, accuracy and timeliness of the cost-of-production formulas and the implementation of those formulas in determining specific cost-of-production figures, including the information relied upon in arriving at such formulas, developed and utilized by the Department of Agriculture for the purpose of determining the cost of production of various agricultural commodities;

(2) advise the Secretary whether the cost-of-production formulas used by the Department of Agriculture in connection with the administration of its price support programs are fair and accurate and recommend to the Secretary how such formulas might be improved, including, when necessary, the submission of findings of actual costs of production;

(3) advise the Secretary on such other matters relating to the cost of production of

agricultural commodities and price support operation as the Secretary may request; and

(4) review the adequacy of the parity formulations and make recommendations for improvements in the formula or other areas that may require improvement.

(b) The Secretary shall report promptly to the Board on the disposition of its recommendations including reasons for not accepting the recommendation or recommendations of the Board.

(c) The Board shall submit annually to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a written report outlining the activities of the Board during the preceding year including any findings or recommendations made to the Secretary with respect to cost-of-production formulas and figures for any commodity. The Board shall include in each such report a list of the recommendations made to the Secretary and the disposition thereof.

(d) The Board shall meet at least annually, or more often if such meetings are necessary to meet the purposes of this title. The Board shall, to the maximum extent feasible, schedule its meetings so as to permit prepublication review of annual Department of Agriculture cost of production reports as prescribed in section 1441a of title 7, United States Code.

SUPPORT SERVICES

SEC. 1004. The Secretary shall provide the Board with such office space, equipment, and staff as may be necessary for the Board to perform its functions under this title.

COMPENSATION

SEC. 1005. No member of the Board shall receive any compensation for such member's services as a Board member but may be paid travel expenses, including per diem in lieu of subsistence, as provided in regulations issued under section 7 of the Federal Advisory Committee Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1006. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TRANSFER OF FUNCTIONS

SEC. 1007. The Secretary shall transfer to the Board any functions duplicating those provided for in this title which are currently being carried out elsewhere in the Department.

APPLICABLE PERIOD

SEC. 1008. The authority provided in this title shall be applicable for the 1982 through 1985 crop years.

TITLE XI—EXPORT PROVISIONS

Subtitle A—Public Law 480

HUNGER AND GLOBAL SECURITY

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION; VERIFICATION OF SELF-HELP PROVISIONS

SEC. 1101. (a) Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (3) by inserting immediately before the semicolon ", and reducing illiteracy among farmers";

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph immediately after paragraph (10):

"(11) carrying out programs to improve the health of farmers and their families.".

(b) Section 109 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d)(1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum feasible extent, in quantitative and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

"(2) The President shall, to the maximum feasible extent, take appropriate steps to satisfy himself that, in each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake are additional to the measures which the recipient country otherwise would have undertaken irrespective of that agreement or amendment.

"(3) The President shall take all appropriate steps to determine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out.".

REQUIREMENT FOR INVITATIONS FOR BIDS ON TITLE I PURCHASES

SEC. 1102. Section 115(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting in the first sentence after the words "food commodities" the words "from private stocks".

TITLE II AUTHORIZATION CEILING

SEC. 1103. Section 204 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "$750,000,000" and inserting in lieu thereof "$100,000,000".

OVERSEAS MARKET DEVELOPMENT ACTIVITIES

SEC. 1104. Section 402 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out in the second sentence "wine or beer" and inserting in lieu thereof "wine, beer, or other alcoholic beverage".

VALUATION OF COMMODITIES

SEC. 1105. Section 403(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "a price not greater than" after "valued at".

ANNUAL REPORT

SEC. 1106. Section 408(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "April 1" and inserting in lieu thereof "February 15".

EXTENSION OF PROGRAM

SEC. 1107. Section 409 of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) striking out in the first sentence "1981" and inserting in lieu thereof "1985"; and

(2) striking out in the second sentence "Food and Agriculture Act of 1977" and inserting in lieu thereof "Food and Agriculture Act of 1981".

Subtitle B—American Agriculture Protection Program

SEC. 1108. Section 1002 of the Food and Agriculture Act of 1977 is amended by—

(1) amending subsections (a) and (b) to read as follows:

"(a) Notwithstanding any other provision of law, whenever the President of the United States or any other member of the executive branch of the Federal Government, either directly or indirectly, suspends or causes to be suspended, the export sales of any commodity as defined in subsection (c) of this section to any country or area to which (1) commercial export sales of United States agricultural commodities so restricted exceed 50 percent of the average total United States commercial export sales to such country or area for the previous five years, or (2) the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the date the suspension is initiated, set the loan level for such commodity under the Agricultural Act of 1949 for any new loans made beginning on such date, if a loan program is in effect for the commodity, as provided in this subsection. If such suspension is based upon any reason other than, or in addition to, national security, the loan level for such commodity shall promptly be set at 90 per centum of the parity price for the commodity, as such parity price is determined on the date the suspension is initiated. If such suspension is based solely on reasons of national security, the loan level for such commodity shall promptly be set at a level not less than the average market price for such commodity during the fifteen marketing days immediately preceding such suspension. Producers who receive loans based on the level established under this subsection shall not be charged interest with respect thereto and shall be entitled to storage charges for storing any such commodity at such rate as the Secretary determines to be fair and reasonable.

"(b) Any loan level established pursuant to this section shall remain in effect as long as the suspension of commercial export sales described in subsection (a) remains in effect and shall then be adjusted by the Secretary in four approximately equal steps over a period of nine months to the loan level which would be in effect for such commodity if commercial export sales had not been suspended."; and

(2) adding after subsection (c) a new subsection as follows:

"(d) The provisions of this section shall be implemented only for commodities for which it can be reasonably presumed by the Secretary from export data of preceding years that the suspension will reduce the annual tonnage of exports of the commodities by more than 2 per centum.".

Subtitle C—Other Export Provisions

INCREASED USAGE OF PROTEIN BYPRODUCTS DERIVED FROM ALCOHOL FUEL PRODUCTION

SEC. 1109. (a) The Congress finds that the use of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities may make it possible for the United States to make available significantly increased amounts of protein to meet the food needs of developing countries without any increase in handling, storage, and transportation facilities. The Congress believes that serious consideration should be given to the potential of this protein byproduct and that, if found to be feasible, this protein byproduct should be included in the Department of Agriculture's commodity export and donation programs.

(b) Accordingly, the Secretary of Agriculture shall investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in meeting the food needs of developing countries through food for peace programs carried out under the Agricultural

Trade Development and Assistance Act of 1954 and through the export credit sales program carried out under section 4 of the Food for Peace Act of 1966 and section 5(f) of the Commodity Credit Corporation Charter Act.

(c) The Secretary of Agriculture shall also investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in the distribution of food products under the commodity donation program carried out under clause (3) of section 416 of the Agricultural Act of 1949 and under section 210 of the Agricultural Act of 1956.

(d)(1) Not later than six months after the date of enactment of this Act, the Secretary of Agriculture shall report to the Congress on the results of the investigations conducted pursuant to subsections (b) and (c) of this section.

(2) The Secretary of Agriculture shall provide to the Congress each year a description of the efforts being made by the Department of Agriculture to make available, as part of the programs referred to in subsections (b) and (c) of this section, the protein byproduct resulting from the production of fuel alcohol from agricultural commodities. The information for all such programs may be included in the report submitted pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954, or the information for each such program may be included in the annual report for that program.

SEC. 1110. The Act entitled "An Act authorizing Commodity Credit Corporation to purchase flour and cornmeal and donating same for certain domestic and foreign purposes", approved August 19, 1958 (7 U.S.C. 1431 note), is amended in the proviso by inserting "(except that this limitation does not apply in the case of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities)" immediately after "processed".

EXPORT SALES OF WHEAT AND FEED GRAINS

SEC. 1111. It is the sense of the Congress that any agreement into which the United States enters after the date of enactment of this section for any sales of wheat, corn, soybeans, or feed grains by the United States to any country should stipulate that the price of the commodity in any such sale under such agreement shall be not less than the cost of production of such commodity, as detemined by the Secretary of Agriculture.

SEC. 1112. Any company engaged in the export of wheat or feed grains shall pay no less than the fair market value of the commodity at the time of purchase. Such a fair market value shall be determined by the price of that commodity on the appropriate commodity exchange at the time of purchase by the company.

STUDY OF ALTERNATIVE EXPORT MARKETING OF GRAIN

SEC. 1113. (a) The Secretary of Agriculture shall conduct a study to develop proposals for legislation that would provide alternative marketing and pricing programs to assure that the price paid by foreign purchasers for grain produced in the United States results in producers of such grain receiving an average amount for such grain that is not less than the average estimated domestic cost of production of such grain. For purposes of this subsection the term "grain" means wheat, soybeans, and corn and other feed grains.

(b) For purposes of developing proposals under subsection (a), the domestic cost of production shall be determined on the basis of official statistics maintained by the Department of Agriculture, and shall include the average acquisition value of land as the cost of land.

(c) The Secretary shall transmit the proposals developed under subsection (a) to the Congress not later than January 1, 1983.

EXPANSION OF INTERNATIONAL MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SEC. 1114. (a) It is the sense of the Congress that, in order to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and the products thereof, the Secretary of Agriculture should, and is hereby urged and requested to—

(1) use the intermediate credit program authorized under section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a) to improve the capability of importing nations to purchase and use United States agricultural commodities and the products thereof on a long-term basis;

(2) ask the Congress, at the earliest practicable date, for funds for the agricultural export credit revolving fund in an amount sufficient to meet the demand for short-term credit authorized to be made available under section 4 of the Food for Peace Act of 1966;

(3) establish, insofar as practicable, the maximum number of United States Agricultural Trade Offices in other nations authorized by section 605A of the Act of August 28, 1954 (7 U.S.C. 1765a);

(4) use, to the maximum extent practicable, existing authority to ensure full utilization of the levy-free quota, established during the Tokyo round of the multilateral trade negotiations, for the export sale of United States high quality beef to the European Economic Community;

(5) expand, to the fullest extent possible, the market development activities of the Foreign Agricultural Service of the Department of Agriculture in developed, developing, market, and nonmarket foreign countries with particular emphasis on (A) continuation of the cooperator programs at the same funding level (adjusted for inflation) provided to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) during fiscal year 1970; (B) a more active export market development program for value added farm products and processed foods; and (C) the implementation of a full scale program for forestry products, including commodity information, trade policy, and market development for such products;

(6) insure that the European Economic Community observes its commitments under the General Agreement on Tariffs and Trade (GATT) regarding the tariff-free binding on imports of soybeans and corn gluten feed;

(7) consult with the appropriate officials of the Government of Japan with the objective of increasing the export sales of citrus fruits and high quality beef to Japan and to develop mutually acceptable standards for the certification of lettuce and other specialty crops for export to Japan; and

(8) use the authority under section 32 of the Act of August 24, 1935 (49 Stat. 774; 7 U.S.C. 612c) to establish a special standby export subsidy program for United States agricultural commodities and the products thereof, the export of which has been restricted by foreign government subsidies.

(b) It is further declared to be the sense of the Congress that any special standby export subsidy program established by the Secretary of Agriculture pursuant to subsection (a)(8) should (1) be consistent with United States international obligations, and (2) be designed to neutralize the effects of those foreign agricultural commodity subsidy programs which—

(A) the President has determined, pursuant to section 301 of the Trade Act of 1974 (19 U.S.C. 2411), are acts, policies, or practices described in section 801(a) of such Act that should be eliminated by appropriate action of the United States;

(B) have, as the result of the appropriate dispute settlement procedures, been found to be in violation of the General Agreement on Tariffs and Trade (GATT) or the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures), if applicable.

CONGRESSIONAL REVIEW OF CERTAIN EXPORT SALES OF COMMODITY CREDIT CORPORATION STOCKS

SEC. 1115. (a) Notwithstanding any other provision of law, no agreement providing for the sale, barter, or exchange of a quantity of commodities owned or controlled by the Commodity Credit Corporation which has a value of more than $5,000,000, which is to be exported, and for which the value to be received is less than 85 percent of the value of such quantity shall be valid—

(1) until the Secretary of Agriculture submits a report to the Speaker of the House of Representatives and the President of the Senate specifying in detail the terms of such agreement; and

(2) unless the Congress does not adopt a concurrent resolution disapproving such agreement before the expiration of 30 days of continuous session of the Congress beginning on the day such report is submitted.

(b) For purposes of subsection (a)(2)—

(1) continuity of session is broken only by an adjournment of the Congress sine die; and

(2) days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computing the 30-day period described in such subsection.

(c) For purposes of subsection (a), the term "value" means the fair market value on the world market.

(d) Subsection (a) shall not apply to any agreement entered into before the date of the enactment of this Act.

TITLE XII—FOOD STAMP AND COMMODITY DISTRIBUTION AMENDMENTS OF 1981

Sec. 1201. This title may be cited as the "Food Stamp and Commodity Distribution Amendments of 1981".

INDIAN RESERVATIONS

Sec. 1202. Section 3(j) of the Food Stamp Act of 1977 is amended by inserting ", and includes any lands over which a tribal organization (as that term is defined in section 3(p) of this Act) has authority to exercise any governmental jurisdiction" before the period.

RETAIL FOOD STORES

Sec. 1203. (a) Section 3(k) of the Food Stamp Act of 1977 is amended by—

(1) revising clause (1) to read as follows: "(1) an establishment or house-to-house trade route whose gross sales volume consists of more than 50 per centum eligible

food items and in which over 50 per centum of eligible food sales volume consists of staple food items, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, spices, snack foods such as potato chips, pretzels, and popcorn, and dessert items such as cakes, pies, cookies, and pastries";

(2) redesignating clauses (2), (3), and (4) as clauses (4), (5), and (6) respectively; and

(3) inserting after clause (1) new clauses (2) and (3) to read as follows: "(2) and establishment which contains a clearly identifiable grocery department with a full line of grocery items and in which over 50 per centum of eligible food sales volume consists of staple food items, (3) an establishment which sells staple food items and is the only source for households to obtain such staple food items in an immediate area, and which meets such other criteria as the Secretary may prescribe,";

(b) Section 9(a) of the Food Stamp Act of 1977 is amended by—

(1) striking out "(1) the nature and extent of the food business conducted by the applicant;" and inserting in lieu thereof "(1) whether the applicant meets the definition is section 3(k) of this Act of a retail food store; and";

(2) stiking out clause (2); and

(3) redesignating clause (3) as (2).

ALASKA'S THRIFTY FOOD PLAN

SEC. 1204. Section 3(o) of the Food Stamp Act of 1977 is amended by revising clause (2) to read as follows: "(2) make cost adjustments in the thrifty food plan for Hawaii and the urban and rural parts of Alaska to reflect the cost of food in Hawaii and urban and rural Alaska,".

ADJUSTMENT OF THE THRIFTY FOOD PLAN

SEC. 1205. Section 3(o) of the Food Stamp Act of 1977 is amended by striking out clause (6) and all that follows through the end of clause (9), and inserting in lieu thereof the following: "(6) on October 1, 1982, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twenty-one months ending the preceding June 30, 1982, and (7) on October 1, 1983, and each October 1 thereafter, adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30".

ENERGY ASSISTANCE PAYMENTS; EXCLUDED PAYMENTS OF OTHER PROGRAMS

SEC. 1206. Section 5(d) of the Food Stamp Act of 1977 is amended by striking out "and (11)" the first place it appears and all that follows through the period, and by inserting in lieu thereof the following:

"(11) any income that any other Federal law specifically excludes from consideration as income for purposes of determining eligibility for the food stamp program, and (12) any payments or allowances made under (A) any Federal laws for the purpose of providing energy assistance or (B) any State or local laws for the purpose of providing energy assistance, designated by the State or local legislative body authorizing such payments or allowances as energy assistance, and determined by the Secretary to be provided by the State or local government involved on a seasonal basis for an aggregate period not to exceed 6 months in any year.".

DISALLOWANCE OF DEDUCTIONS FOR EXPENSES PAID BY VENDOR PAYMENTS; ATTRIBUTION OF INCOME AND RESOURCES TO SPONSORED ALIENS

SEC. 1207. (a) Section 5(e) of the Food Stamp Act of 1977 is amended by adding in the fourth and fifth sentences after "entitled" the following: ", with respect to expenses other than expenses paid on behalf of the household by a third party,".

(b) Section 5 of the Food Stamp Act of 1977 is amended by adding a new subsection 5(i) to read:

"(i)(1) For purposes of determining eligibility for and the amount of benefits under this Act for an individual who is an alien as described in subsection 6(f)(2)(B) of this Act, the income and resources of any person who as a sponsor of such individual's entry into the United States executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse if such spouse is living with the sponsor, shall be deemed to be the income and resources of such individual for a period of three years after the individual's entry into the United States. Any such income deemed to be income of such individual shall be treated as unearned income of such individual.

"(2)(A) The amount of income of a sponsor, and the sponsor's spouse if living with the sponsor, which shall be deemed to be the unearned income of an alien for any year shall be determined as follows:

"(i) the total yearly rate of earned and unearned income of such sponsor, and such sponsor's spouse if such spouse is living with the sponsor, shall be determined for such year under rules prescribed by the Secretary;

"(ii) the amount determined under subparagraph (i) shall be reduced by an amount equal to the income eligibility standard as determined under subsection 5(c) of this Act for a household equal in size to the sponsor, the sponsor's spouse if living with the sponsor, and any persons dependent upon or receiving support from the sponsor or the sponsor's spouse if the spouse is living with the sponsor;

"(iii) the monthly income attributed to such alien shall be one-twelfth of the amount calculated under subparagraph (ii).

"(B) The amount of resources of a sponsor, and the sponsor's spouse if living with the sponsor, which shall be deemed to be the resources of an alien for any year shall be determined as follows:

"(i) the total amount of the resources of such sponsor and such sponsor's spouse if such spouse is living with the sponsor shall be determined under rules prescribed by the Secretary;

"(ii) the amount determined under subparagraph (i) shall be reduced by $1,500;

"(iii) the resources determined under subparagraph (ii) shall be deemed to be resources of such alien in addition to any resources of such alien.

"(C)(i) Any individual who is an alien shall, during the period of three years after entry into the United States, in order to be an eligible individual or eligible spouse for purposes of this Act, be required to provide to the State agency such information and documentation with respect to his sponsor and sponsor's spouse as may be necessary in order for the State agency to make any determination required under this section, and to obtain any cooperation from such sponsor necessary for any such determination. Such alien shall also be required to provide such information and documentation which such alien or the sponsor provided in support of such alien's immigration application as the State agency may request.

"(ii) The Secretary shall enter into agreements with the Secretary of State and the Attorney General whereby any information available to such persons and required in order to make any determination under this section will be provided by such persons to the Secretary, and whereby such persons shall inform any sponsor of an alien, at the time such sponsor executes an affidavit of support or similar agreement, of the requirements imposed by this section.

"(D) Any sponsor of an alien, and such alien, shall be jointly and severably liable for an amount equal to any overpayment made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to prove correct information under the provisions of this section, except where such sponsor was without fault, or where good cause for such failure existed. Any such overpayment which is not repaid shall be recovered in accordance with the provisions of subsection 13(a)(2) of this Act.

"(E) The provisions of this subsection shall not apply with respect to any alien who is a member of the sponsor's household, as defined in subsection 3(i) of this Act.".

RESOURCES

SEC. 208. Section 5(g) of the Food Stamp Act of 1977 is amended by inserting "(other than those relating to licensed vehicles)" after "June 1, 1977" in the second sentence.

WORK REQUIREMENTS

SEC. 1209. Section 6(d) of the Food Stamp Act of 1977 is amended by—

(1) striking out ", unless the household was certified for benefits under this Act immediately prior to such unemployment" in clause (iii) of paragraph (1); and

(2) inserting "(including the lack of adequate child care for children above the age of six and under the age of twelve)" after "good cause" in clause (iv) of paragraph (1); and

(3) inserting before the semicolon at the end of clause (A) of paragraph (2) ", in which case, failure by such person to comply with any work requirement to which such person is subject that is comparable to a requirement of paragraph (1) shall be the same as failure to comply with that requirement of paragraph (1)"; and

(4) striking out "twelve" and inserting in lieu thereof "six" in paragraph (2)(B).

ANNUALIZATION OF WORK REGISTRATION

SEC. 1210. Section 6(d)(1)(i) of the Food Stamp Act of 1977 is amended by striking out "six" and inserting in lieu thereof "twelve".

STATE ISSUANCE LIABILITY

SEC. 1317. Section 7(f) of the Food Stamp Act of 1977 is amended to read as follows:

"(f) Notwithstanding any other provision of this Act, the State agency shall be strictly liable to the Secretary for any financial losses involved in the acceptance, storage and issuance of coupons, including any losses involving failure of a coupon issuer to comply with the requirements specified in section 11(d)(21), except that in the case of losses resulting from the issuance and replacement of authorizations for coupons and allotments which are sent through the mail, the State agency shall be liable to the Secretary to the extent prescribed in the regulations promulgated by the Secretary.".

SIXTY-DAY TRANSFER OF CERTIFICATION

SEC. 1212. Section 11 of the Food Stamp Act of 1977 is amended by striking out subsection (b) and redesignating subsections (c) through (l) as subsections (b) through (k), respectively.

RECERTIFICATION NOTICE

SEC. 1213. Section 11(d)(4) of the Food Stamp Act of 1977 is amended by—

(1) striking out "immediately prior to or at" and inserting in lieu thereof "prior to";

(2) inserting after "new certification period" the first time that it appears, ": *Provided*, That such notice shall be provided no earlier than thirty days prior to the start of the last month of the certification period if the certification period is six months or longer;"; and

(3) striking out "it" after "advising" and inserting in lieu thereof "the household".

ACCESS OF COMPTROLLER GENERAL TO INFORMATION

SEC. 1214. (a) Section 9(c) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following: "Such purposes shall not exclude the audit and examination of such information by the Comptroller General of the United States, authorized by any other provision of law.".

(b) Section 11(d)(8) of the Food Stamp Act of 1977 is amended by inserting before the semicolon the following: ", except that such safeguards shall not prevent the use or disclosure of such information to the Comptroller General of the United States for audit and examination authorized by any other provision of law".

EXPEDITED SERVICE

SEC. 1215. Section 11(d)(9) of the Food Stamp Act of 1977 is amended by striking "in immediate need because of no income as defined in sections 5 (d) and (e) of this Act" and inserting in lieu thereof "(A) whose income as defined in section 5(d) of this Act does not exceed $150 per month or that are destitute since they have not received income for the month of application in the political subdivision in which such application is filed other than from a new source not in excess of $25 a month until at least 10 days after the date of application as defined in paragraph (2) of this subsection and (B) whose liquid assets as defined pursuant to section 5(g) of the act do not exceed $100".

RESTORATION OF LOST BENEFITS

SEC. 1216. (a). Section 11(d)(11) of the Food Stamp Act of 1977 is amended to read as follows:

"(11) upon receipt of a request from a household, for the prompt restoration in the form of coupons to a household of any allotment or portion thereof which has been wrongfully denied or terminated, except that allotments shall not be restored for any period of time more than one year prior to the date the State agency receives a request for such restoration from a household or the State agency discovers in the normal course of business that a loss to a specific household has occurred and notifies the household of its lost benefits;"

(b) Section 14 of the Food Stamp Act of 1977 is redesignated as section 14(a), and new section 14(b) is added to read as follows:

"(b) In any judicial action arising under this Act any food stamp allotments found to have been wrongfully withheld shall be restored only for periods of not more than one year prior to the date of the commencement of such action, or in the case of an action seeking review of a final State agency determination, not more than one year prior to the date specified under section 11(d)(11) of this Act, or, if that section does not apply, of the filing of a request with the State for the restoration of such allotments.".

INFORMATION

SEC. 1217. (a) Section 11(d) of the Food Stamp Act of 1977 is amended by—

(1) in paragaph (19) striking out the period at the end thereof and inserting in lieu thereof "; and "; and

(2) adding at the end thereof the following new paragraphs:

"(20) that information available from the Social Security Administration under the provisions of section 6103(i)(7) of the Internal Revenue Code of 1954, and information available from agencies administering State unemployment compensation laws under the provisions of section 303(d) of the Social Security Act, shall be requested and utilized by the State agency (described in section 3(n)(1) of this Act) to the extent permitted under the provisions of such sections, except that the State agency shall not be required to request such information from the Social Security Administration if such information is available from the agency administering the State unemployment compensation laws.

"(21) that, project areas or parts thereof where authorization cards are used, and eligible households are required to present photographic identification cards in order to receive their coupons, the state agency shall include, in any agreement or contract with a coupon issuer, a provision that (1) the issuer shall (A) require the presenter to furnish a photographic identification card at the time the authorization card is presented, and (B) record on the authorization card the identification number shown on the photographic identification card; and (2) if the State agency determines that the authorization card has been stolen or otherwise was not received by a household certified as eligible, the issuer shall be liable to the State agency for the face value of any coupons issued in the transaction in which such card is used and the issuer fails to comply with the requirements of clause (1)".

NUTRITION EDUCATION PROGRAM

SEC. 1218. Section 11(e) of the Food Stamp Act of 1977 is amended to read as follows:

"(e) To encourage the purchase of nutritious foods, the Secretary is authorized to extend food and nutrition education to reach food stamp program participants, using the methods and techniques developed in the expanded food and nutrition education and other programs.".

ALASKAN FEE AGENTS

SEC. 1219. Section 11 of the Food Stamp Act of 1977 is amended by adding thereto the following new subsection:

"(o) The Secretary shall provide for the use of fee agents in rural Alaska. As used in this subsection 'fee agent' means a paid agent who, although not a State employee, is authorized by the State to make applications available to low-income households, assist in the completion of applications, conduct required interviews, secure required verification, forward completed applications and supporting documentation to the State agency, and provide outreach and other services as required by the State agency. Such services shall not include making final decisions on household eligibility or benefit levels.".

USE OF CERTIFIED MAIL

SEC. 1220. Section 11 of the Food Stamp Act of 1977 is amended by adding thereto the following new subsection:

"(m) The Secretary shall permit a State agency to issue coupons by means of certified mail with the Secretary paying each State agency that issues coupons by certified mail 75 per centum of the costs of such mail.".

STAFFING

SEC. 1221. Section 16(b)(1) of the Food Stamp Act of 1977 is amended by striking out ", inlcuding, but not limited to, staffing standards such as caseload per certification worker limitations,".

INCENTIVES FOR ERROR REDUCTION EFFORTS AND CORRECTIVE ACTION PLANS

SEC. 1222. Section 16 of the Food Stamp Act of 1977 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (c) the following: ", and, effective October 1, 1981, which also meets the standard contained in paragraph (1)(B) of this subsection"; and

(2) in subsection (d), striking out "October 1, 1978", and inserting in lieu thereof "October 1, 1981", and by inserting "(2)" after "subsection (c)".

SOCIAL SECURITY ACCOUNT NUMBERS

SEC. 1223. The first sentence of section 16(f) of the Food Stamp Act of 1977 is amended by striking out "may" and inserting in lieu thereof "shall".

EXTENDING AND AMENDING CASH-OUT PILOT PROJECTS

SEC. 1224. Section 17(b)(1) of the Food Stamp Act of 1977 is amended by—

(1) inserting "or the average value of allotments by household size" after "allotments" in the first sentence;

(2) striking out "either";

(3) inserting "any of whose members are" after "over or";

(4) inserting "or to aid to families with dependent children under part A of title IV of the Social Security Act" after "Social Security Act";

(5) inserting ", other than any project involving the payment of the average value of allotments by household size in the form of cash to eligible households," after "no project"; and

(6) striking out "1981" and inserting "1985" in lieu thereof.

NUTRITIONAL MONITORING

SEC. 1225. Section 17(c) of the Food Stamp Act of 1977 is amended by adding at the end thereof the following: "The Secretary shall, be way of making contracts with or grants to public or private organizations or agencies, implement pilot programs in locations selected to provide a representative geographic and demographic cross-section of political subdivisions reflecting natural usage patterns of health and nutritional services which contain high proportions of low income people that will test various means of measuring on a continuing basis the nutritional status of low income people in such subdivisions, with special emphasis on people who are eligible for food stamps, in order to develop minimum common criteria and methods for systematic nutrition monitoring that could be applied on a nationwide basis. The Secretary shall report on the progress of these projects on an annual basis commencing on July 1, 1982, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the

Senate, together with such recommendations as the Secretary deems appropriate.".

STUDY OF RETROSPECTIVE ACCOUNTING AND PERIODIC REPORTING

SEC. 1226. Section 17 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall study the effects of retrospective accounting and periodic income reporting in the food stamp program, including the impact on benefit and administrative costs and on error rates, and the degree to which eligible households are denied food stamp benefits for failure to file periodic reports. The Secretary shall also conduct pilot projects in which periodic income reporting is conducted in conjunction with prospective income accounting. The Secretary shall issue an interim report to the Congress on the results of these studies by March 1, 1983, and a final report on March 1, 1985.".

PILOT PROJECTS TO SIMPLIFY THE PROCESSING OF APPLICATIONS FOR CERTAIN AFDC, SSI, AND MEDICAID RECIPIENTS

SEC. 1227. Section 17 of the Food Stamp Act of 1977 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may conduct pilot projects in which households that include one or more recipients of aid to families with dependent children under part A of title IV of the Social Security Act, of supplemental security income under title XVI of the Social Security Act, or of medical assistance under title XIX of the Social Security Act, and whose income does not exceed the applicable income standard of eligibility described in section 5(c) of this Act shall be deemed to satisfy the application requirements prescribed under section 5(a) of this Act and the income and resource requirements prescribed under subsections (d) through (g) of section 5 of this Act. For any pilot project carried out under this subsection, allotments provided pursuant to section 8(a) of this Act shall be based upon household size and (1) benefits paid to such household under Part A of Title IV or Title XVI of the Social Security Act, or (2) income as determined for eligibility under Title XIX of the Social Security Act, or at the option of the political subdivision or the State, the standard of need for such size household under such programs, except that the Secretary shall adjust the value of such allotments as may be necessary to ensure that the average allotment by household size for households participating in such pilot project and receiving such aid to families with dependent children, such supplemental security income, or such medical assistance, as the case may be, is not less than the average allotment which would have been provided under this Act but for the operation of this subsection, for each category of households, respectively, in such pilot project area, for any period during which such pilot project is in operation. The Secretary may conduct such pilot projects in any political subdivision of a State, upon the request of such political subdivision, or throughout a State, upon the request of such State. The Secretary shall evaluate the impact of such pilot projects on recipient households, administrative costs, and error rates. The administrative costs of such projects shall be shared in accordance with the provisions of section 16. In implementing this section, the Secretary shall consult with the Secretary of Health and Human Services to ensure that to the extent practicable, in the case of households participating in such pilot projects, the processing of applications for, and determinations of eligibility to receive, food stamp benefits are simplified and are unified with the processing of applications for, and determinations of eligibility to receive, benefits under such titles of the Social Security Act.".

FOOD STAMP FUNDING AND PROGRAM EXTENSION

SEC. 1228. Section 18(a) of the Food Stamp Act of 1977 is amended in the first sentence thereof by—

(1) striking out "and" after "September 30, 1980"; and

(2) inserting before the period at the end thereof the following: "; not in excess of $11,300,000,000 for the fiscal year ending September 30, 1982; not in excess of $11,170,000,000 for the fiscal year ending September 30, 1983; not in excess of $11,115,000,000 for the fiscal year ending September 30, 1984; and not in excess of $11,305,000,000 for the fiscal year ending September 30, 1985".

INCENTIVES, SANCTIONS, AND CLAIMS

SEC. 1229. Section 18 of the Food Stamp Act of 1977 is amended by adding a new subsection (e) to read as follows:

"(e) Funds collected from claims against households or State agencies, including claims collected pursuant to sections 7(f), 11(g), and 16(g) of this Act, claims resulting from resolution of audit findings, and claims collected from households receiving overissuances, shall be credited to the food stamp program appropriation account for the fiscal year in which the collection occurs. Funds provided to State agencies under section 16(c) of this Act shall be paid from the appropriation account for the fiscal year in which the funds are provided.".

WORKFARE

SEC. 1230. The Food Stamp Act of 1977 is amended by adding at the end thereof the following new section:

"WORKFARE

"SEC. 19. The Secretary shall permit any political subdivision in any State that applies and submits a plan to the Secretary in compliance with guidelines promulgated by the Secretary to operate and administer a workfare program pursuant to which every person who is a member of a household participating in the food stamp program who is not exempt by virtue of the provisions of this subsection shall accept an offer from such subdivision to perform work on its behalf, or may seek an offer to perform work, in return for compensation consisting of the allotment to which the household is entitled pursuant to section 8(a) of this Act, with each hour of such work entitling the household to which the person belongs to a portion of its allotment equal in value to 100 per centum of the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)). Such work shall not be required to the extent that it exceeds in value the allotment to which the household is otherwise entitled or that it either exceeds twenty hours a week or would, together with any other hours worked in any other compensated capacity by such person on a regular or predictable part-time basis, exceed thirty hours a week. A political subdivision operating a workfare program may allow a job search period, prior to making workfare assignments, of up to thirty days following a determination of eligibility. Such work shall not include any that has the effect of replacing or preventing the employment of an individual not participating in the workfare program or that does not provide the same benefits and working conditions that are provided by the political subdivision to employees performing comparable work for comparable hours. In the event that any person fails to comply with the requirements of this section, neither that person nor the household to which that person belongs shall be eligible to participate in the food stamp program for two months, unless that person or another person in the household satisfies all outstanding workfare obligations prior to the end of the two month disqualification period. The Secretary shall pay each political subdivision operating a workfare program 50 per centum of all administrative costs including reimbursements to participants for work-related expenses involved in such operation. The Secretary may suspend or cancel some or all of these payments, or may withdraw approval from a political subdivision to operate a workfare program, upon a finding that the subdivision has failed to comply with the workfare requirements. The persons who shall be exempt from workfare requirements are persons who are either (A) mentally or physically unfit; (B) under eighteen years of age; (C) sixty years of age or over; (D) subject to and currently involved for at least twenty hours a week in a work training program under a work registration requirement pursuant to title IV of the Social Security Act as amended (32 U.S.C. 602); (E) a parent or other member of a household with responsibility for the care of a child under age six or of an incapacitated person; (F) a parent or other caretaker of a child in a household where there is another person who is subject to the requirements of this subsection or is employed full-time; (G) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program, or (H) an individual described in sections 6(d)(2)(D) or (F) of this Act. Political subdivisions operating workfare programs shall reimburse participants for actual costs of transportation, and other actual costs reasonably necessary and directly related to participation in the program not to exceed $25 in the aggregate per month."

REPORTING OF ABUSES BY THE PUBLIC; NOTICE OF VERIFICATION; DISCLOSURE OF INFORMATION TO LAW ENFORCEMENT OFFICIALS; MINIMUM MANDATORY COURT SENTENCE FOR CRIMINAL OFFENSES; WORK RESTITUTION PROGRAM

SEC. 1231. (1) Section 9 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (e) to read:

"(e) Approved retail food stores shall display a sign providing information on how persons may report abuses they have observed in the operation of the food stamp program.".

(2) Section 11(e)(2) of the Food Stamp Act of 1977 is amended by inserting after the second period the following new sentence: "Each application shall also contain in understandable terms and in prominent and boldface lettering a statement that the information provided by the applicant in connection with the application for a coupon allotment will be subject to verification by Federal, State, and local officials to determine if such information is factual and that if any material part of such information is incorrect, food stamps may be denied to the applicant, and that the applicant may be subjected to criminal prosecution for knowingly providing incorrect information.".

(3) Section 11(e)(8) of the Food Stamp Act of 1977 is amended by striking the semicolon at the end and inserting in lieu thereof a comma and the following: "except that, notwithstanding any other provision of law, all information obtained under this Act from an applicant household shall be made available, upon request, to local, State or Federal law enforcement officials for the purpose of investigating an alleged violation of this Act or any regulation issued under this Act;".

(4) Subsections (b) and (c) of section 15 of the Food Stamp Act of 1977 are amended to read:

"(b)(1) Subject to the provisions of paragraph (2) of this subsection, whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of a value of $100 or more, be guilty of a felony and shall, upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than $10,000 or, if such coupons or authorization cards are of a value of less than $100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

"(2) In the case of any individual convicted of an offense under paragraph (1) of this subsection, the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the agency as a result of the offense for which such individual was convicted. If the court permits such individual to perform such work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual perform the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

"(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than $10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than five years and may also be fined not more than $10,000, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.".

EXTENSION OF AUTHORITIES, PENALTIES FOR FRAUD, AND MISCELLANEOUS PROVISIONS

SEC. 1232. (a) Effective October 1, 1981, section 4 of the Agriculture Consumer and Protection Act of 1973 is amended by—

(1) striking out "1978, 1979, 1980, and 1981", in the first sentence of subsection (a) and inserting in lieu thereof: "1982, 1983, 1984, and 1985"; and

(2) adding a new subsection (c) to read as follows:

"(c) Whoever embezzles, willfully misapplies, steals or obtains by fraud any agricultural commodity or its products (or any funds, assets, or property deriving from donation of such commodities) provided under this section, or under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals, or retains such commodities, products, funds, assets, or property for personal use or gain, knowing such commodities, products, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such commodities, products, funds, assets, or property are of a value of $100 or more, be fined not more than $10,000 or imprisoned not more than five years, or both, or if such commodities, products, funds, assets, or property are of value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

COMMODITY SUPPLEMENTAL FOOD PROGRAM—PILOT PROJECTS FOR THE ELDERLY AND ADMINISTRATIVE COSTS

SEC. 1233. Effective October 1, 1981, section 5(a) of the Agriculture and Consumer Protection Act of 1973 is amended to read as follows:

"(a) In carrying out the supplemental feeding program (hereinafter referred to as the 'commodity supplemental food program') under section 4 of this Act, the Secretary shall (1) institute two pilot projects directed at low-income elderly persons, including, where feasible, distribution of commodities to such persons in their homes, and (2) provide to the State agencies administering such program, for each of the fiscal years 1982 through 1985, funds appropriated from the general fund of the Treasury in amounts equal to the administrative costs of State and local agencies in operating the program, except that the funds provided to State agencies each fiscal year may not exceed 15 per centum of the amount appropriated for the provision of commodities to State agencies.".

RETAIL REDEMPTION

SEC. 1234. Section 10 of the Food Stamp Act of 1977 is amended by striking out the term "bank(s)" whenever it appears throughout this section and substituting in lieu thereof the following: "Financial institutions which are insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).".

EFFECTIVE DATE

SEC. 1235. Except as otherwise specifically provided, these amendments shall be effective upon such dates as the Secretary may prescribe, taking into account the need for orderly implementation of these provisions.

AUTHORITY OF OFFICE OF INSPECTOR GENERAL

SEC. 1236. Any person who is employed in the Office of the Inspector General Department of Agriculture, who conducts investigations of alleged or suspected felony criminal violations of statutes, including but not limited to the food stamp program, administered by the Secretary of Agriculture or any agency of the Department of Agriculture and who is jointly designated by the Attorney General of the United States, and by the Inspector General of the Department of Agriculture may—

(1) make an arrest without a warrant for any such criminal felony violation if such violation is committed, or if such employee has probable cause to believe that such violation is being committed, in the presence of such employee;

(2) execute a warrant for an arrest, for the search of premises, or the seizure of evidence of such warrant is under authority of the United States issued upon probable cause to believe that such violation has been committed; and

(3) carry a firearm. In accordance with rules issued by the Secretary of Agriculture, while such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978. (5 U.S.C. app. 6, 9).

HOUSEHOLD DEFINITION

SEC. 1237. Section 3(i) of the Food Stamp Act of 1977 is amended by inserting before the period at the end of the first sentence the following: ", or receive supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act".

REIMBURSEMENT EXCLUSION

SEC. 1238. Section 5(d)(5) of the Food Stamp Act is amended by adding before the comma the following: ": *Provided*, that no portion of benefits provided under Title IV-A of the Social Security Act, to the extent it is attributable to an adjustment for work-related or child care expenses, shall be considered such reimbursement."

TITLE XIII—NATIONAL AGRICULTURAL RESEARCH, EXTENSIONS, AND TEACHING POLICY ACT AMENDMENTS OF 1981

SHORT TITLE

SEC. 1301. This title may be cited as the "National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981".

FINDINGS

SEC. 1302. Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended by—

(1) beginning the first word of each numbered paragraph with a capital letter;

(2) striking out the semicolon at the end of each numbered paragraph and inserting in lieu thereof a period;

(3) striking out the word "and" at the end of paragraph numbered (8); and

(4) adding new paragraphs (10) and (11) at the end thereof to read as follows:

"(10) It is and has been the policy of the United States to support food and agricultural research, extension, and teaching in the broadest sense of these terms. The partnership between the Federal Government and the States, as consummated in legislation and cooperative agreements, and the cooperative nature of efforts to implement this policy in cooperation with the food and agricultural industry has been eminently successful. Cooperative research, extension, and teaching programs have provided the United States with the most productive and efficient food and agricultural system in the world. This system is the basis of our national affluence and it provides vast amounts of food and fiber to other people around the world. However, the food and agricultural system is dynamic and constantly changing. The research, extension, and teaching programs that support the food and agricultural system must be maintained and constantly adjusted to meet ever changing challenges. National support of cooperative research, extension, and teaching efforts must be reaffirmed and expanded at this time to meet major needs and challenges in the following areas:

"(A) FOOD AND AGRICULTURAL SYSTEM PRODUCTIVITY.—Increases in agricultural productivity have been outstanding, however, productivity growth in the past decade has slowed. It is imperative that improved technologies and management systems be developed to maintain and enhance agricultural productivity in order for agricultural production in the United States to meet the demand of a rising world population, rising costs of production, and limitations on energy consumption. Improved productivity in food and agricultural processing and marketing sectors is a critical need in the national effort to achieve a strong economy.

"(B) DEVELOPMENT OF NEW FOOD, FIBER, AND ENERGY SOURCES.—Programs to identify and develop new crop and animal sources of food, fiber, and energy must be undertaken to meet future needs.

"(C) AGRICULTURAL ENERGY USE AND PRODUCTION.—Much of the current agricultural technology is relatively energy intensive. It is critical that alternative technologies be developed to increase agricultural energy efficiency and to reduce dependence on petroleum based products. Furthermore, agriculture provides the United States with alternative potential sources of energy that must be assessed and developed.

"(D) NATURAL RESOURCES.—Improved management and conservation of soil, water, forest, and range resources is vital to maintain the resource base for food and fiber production. An expanded program in the area of soil and water conservation research is needed to develop more economical and effective conservation systems. Five key objectives of this research are:

"(i) sustaining soil productivity;

"(ii) developing more cost-effective and practical conservation technologies;

"(iii) managing water in stressed environments;

"(iv) protecting the quality of the nation's surface water and groundwater resources; and

"(v) establishing integrated multidisciplinary organic farming research projects designed to foster the implementation of the major recommendations of the United States Department of Agriculture Report and Recommendations on Organic Farming, July 1980.

"(E) PROMOTION OF THE HEALTH AND WELFARE OF PEOPLE.—The basic objectives of food and agricultural research, extension, and teaching programs are to make the maximum contribution to the health and welfare of people and to the economy of the United States through the enhancement of owner-operated family farms, to improve community services and institutions, to increase the quality of life in rural America, and to improve the well-being of consumers. The rapid rate of social change, economic instability, and current energy problems increase the need for expanded programs of research and extension in family financial management, housing and home energy consumption, food preparation and consumption, human development (including youth programs), and development of community services and institutions.

"(F) HUMAN NUTRITION.—The challenge to meet the food needs of the world continues, but there is an increasing need to address nutrition research and educational issues associated with diet resulting from changing life styles and with respect to special groups such as the elderly, teenagers, infants, and pregnant women.

"(G) INTERNATIONAL FOOD AND AGRICULTURE.—The greatest challenge facing mankind through the next two decades will be to produce adequate food for an expanding world population. This challenge demands a dedicated effort by the Federal Government and the State cooperative institutions, and other colleges and universities to expand international food and agricultural research, extension, and teaching programs. Improved cooperation and communications by the Department of Agriculture and the cooperators with international agricultural research centers, counterpart agencies and universities in other countries, is necessary to improve food and agricultural progress throughout the world.

"(11) Long-range planning for research, extension, and teaching is a key element in meeting the objectives of this title, and all of the elements in the food and agricultural science and education system are encouraged to expand their planning and coordination efforts.".

PURPOSES

SEC. 1303. Section 1403 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3102) is amended by—

(1) in paragraph (4), striking out the comma after the word "programs" the first time it appears and striking out the words "including the initiatives specified in section 1402(8) of this title";

(2) in paragraph (6), striking out "and" immediately after the semicolon;

(3) in paragraph (7), striking out the words "training and research" and inserting in lieu thereof the words "research, extension, and teaching"; and striking out the period at the end thereof and inserting "; and" in lieu thereof; and

(4) adding a new paragraph (8) to read as follows:

"(8) ensure that the food and agricultural system of the United States can meet the challenges described in section 1402(10) of this title and future challenges by providing adequate support for research, extension, and teaching, by—

"(A) improving and strengthening the Federal-State partnership;

"(B) reducing unnecessary and pernicious regulations; and

"(C) improving the cooperation among all who are involved in the food and agricultural sciences.".

REVISED DEFINITIONS

SEC. 1304. Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended by—

(1) revising paragraph (8) to read as follows:

"(8) the term 'food and agricultural sciences' means basic, applied, and developmental research, and extension and teaching activities, in the food, agricultural, renewable natural resources, forestry, and physical and social sciences, in the broadest sense of these terms, including but not limited to, activities relating to:

"(A) agriculture, including soil and water conservation and use, the use of organic waste materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

"(B) the processing, distributing, marketing, and utilization of food and agricultural products;

"(C) forestry, including range management, production of forest and range products, multiple use of forest and rangelands, and urban forestry;

"(D) aquaculture;

"(E) home economics, including consumer affairs, food and nutrition, clothing and textiles, housing, and family well-being and financial management;

"(F) rural community welfare and development;

"(G) youth development, including 4-H clubs;

"(H) domestic and export market expansion for United States agricultural products; and

"(I) production inputs, such as energy, to improve productivity.";

(2) revising paragraph (12) to read as follows:

"(12) the term 'State' means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia;"; and

(3) in paragraph (13), striking out "and" immediately after the semicolon;

(4) at the end of paragraph (14), striking out the period and inserting a semicolon in lieu thereof; and

(5) adding at the end thereof new paragraphs (15) and (16) as follows:

"(15) the term 'cooperating forestry schools' means those institutions eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(16) the term 'State cooperative institutions' or 'State cooperative agents' means institutions or agents designated by—

"(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

"(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act, including the Tuskegee Institute;

"(C) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

"(D) the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act;

"(E) the Act of October 10, 1962 (16 U.S.C. 582 et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(F) subtitles E, L, and M of this title;".

RESPONSIBILITIES OF THE SECRETARY AND COORDINATING ROLE OF THE DEPARTMENT OF AGRICULTURE

SEC. 1305. Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by—

(1) In subsection (1), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services";

(2) In subsection (5), striking out the word "other";

(3) In subsection (6), inserting the words "or proposed" after the words "actions taken";

(4) In subsection (8), striking out the word "and" at the end thereof;

(5) In subsection (9), striking out the period and inserting in lieu thereof a semicolon; and

(6) Adding at the end thereof the following new paragraphs:

"(10) coordinate all agricultural research, extension, and teaching activities conducted or financed by the Department of Agriculture with the periodic Renewable Resource Assessment and Program provided for in sections 3 and 4 of the Forest and Rangeland Resources Planning Act of 1974 and the appraisal and program provided for in sections 5 and 6 of the Soil and Water Resources Conservation Act of 1977; and

"(11) take the initiative in overcoming barriers to long-range planning by developing, in conjunction with the States, State cooperative institutions, the Joint Council, the Advisory Board, and other appropriate institutions, a long term needs assessment for food, fiber and forest products, and by determining the research required to meet the identified needs.".

SUBCOMMITTEE ON FOOD, AGRICULTURAL, AND FORESTRY RESEARCH

SEC. 1306. (a) Section 1406 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by striking out the title and inserting in lieu thereof "Subcommittee on Food, Agricultural, and Forestry Research".

(b) Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6551(h)) is amended by—

(1) striking out "Subcommittee on Food and Renewable Resources" and inserting in lieu thereof "Subcommittee on Food, Agricultural, and Forestry Research";

(2) striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services"; and

(3) striking out "Energy Research and Development Administration" and inserting in lieu thereof "Department of Energy".

JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES

SEC. 1307. (a) Section 1407(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(a)) is amended by striking out "five" and inserting in lieu thereof "eight".

(b) Section 1407(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(b)) is amended to read as follows:

"(b) The Joint Council shall be composed of not fewer than twenty-five representatives of organizations or agencies which conduct or assist in conducting programs of research, extension, or teaching in the food and agricultural and forestry sciences, including State cooperative institutions; other colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching; agencies within the Department of Agriculture which have significant research, extension, or teaching responsibilities; the Office of Science and Technology Policy; other Federal agencies determined by the Secretary to be appropriate, and other public and private institutions, producers, and representatives of the public who are interested in and have a potential to contribute, as determined by the Secretary, to the foundation of national policy in the food and agricultural sciences. Members shall be appointed for a term of up to three years by the Secretary from nominations made by the organizations and agencies described in the preceding sentence. The terms of members shall be staggered. To ensure that regional differences are properly considered, at least one-half of the members of the Joint Council shall be appointed by the Secretary from among distinguished persons engaged in agricultural research, extension, and teaching programs at land-grant colleges and universities and State agricultural experiment stations. To ensure that other agricultural institutional views are considered by the Joint Council, two of the members of the Joint Council shall be appointed by the Secretary from among persons who are distinguished representatives of other colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching. The Joint Council shall be jointly chaired by the Assistant Secretary of Agriculture responsible for research, extension, and teaching, and a person to be elected from among the non-Federal membership of the Joint Council.".

(c) Section 1407(d)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(1)) is amended to read as follows:

"(1) The primary purpose of the Joint Council is to bring about more effective research, extension, and teaching in the food and agricultural sciences in the United States by improving planning and coordination of publicly and privately supported food and agricultural science activities and by relating Federal budget development and program management to these processes.".

(d) Section 1407(d)(2)(E) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(2)(E)) is amended by striking out "efforts" and all that follows through "planning," and inserting in lieu thereof "in the food and agricultural sciences, by using, wherever possible, the existing regional research, extension, and teaching organizations of State cooperative institutions to provide regional planning and coordination,".

(e) Section 1407(d)(2)(G) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(d)(2)(G)) is amended to read as follows:

"(G) submit a report—

"(i) not later than June 30 of each year, specifying the Joint Council's recommendations on priorities for food and agricultural research, extension, and teaching programs; delineating suggested areas of responsibility among Federal, State, and private organizations in carrying out such programs; and specifying the levels of financial and other support needed to carry out such programs;

"(ii) not later than November 30 of each year, specifying ongoing research, extension, and teaching programs; accomplishments of such programs; and future expectations of these programs; and

"(iii) not later than June 30, 1983, outlining a five-year plan for food and agricultural sciences that reflects the coordinated views of the research, extension, and teaching community; and updating this plan every two years thereafter.

Each such report shall be submitted to the Congress, the President, the Secretary of Agriculture, and the constituent organizations of the Joint Council. Minority views, if timely submitted, shall be included in such report.".

(f) Section 1407 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Federal Advisory Committee Act (5 U.S.C. app.), and title XVIII of the Food and Agriculture Act of 1977, shall not apply to the Joint Council.

"(2) The meetings of the Joint Council shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Joint Council shall be kept and made available to the public on request.".

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD

SEC. 1308. (a) Section 1408(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(a)) is amended by striking out "five" and inserting in lieu thereof "eight".

(b) Section 1408(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)) is amended by—

(1) striking out "twenty-one" and inserting in lieu thereof "twenty-five", and

(2) amending paragraph (1) to read as follows:

"(1) eight members representing producers of agricultural, forestry and aquacultural products, from the various geographical regions,"

(3) adding at the end thereof the following: "Such members shall be appointed to serve staggered terms.".

(c) Section 1408(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(f)(2)) is amended by—

(1) in subparagraph (E), striking out "October 31" and inserting in lieu thereof "July 1", and

(2) in subparagraph (F), striking out "March 1 of" and inserting in lieu thereof "February 20 of".

EXISTING RESEARCH PROGRAMS

SEC. 1309. Section 1409 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124) is amended by striking out "Health, Education, and Welfare" each time it appears and inserting in lieu thereof "Health and Human Services".

FEDERAL-STATE PARTNERSHIP

SEC. 1310. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124) is amended to add a new section 1409A to read as follows:

"FEDERAL-STATE PARTNERSHIP AND COORDINATION

"SEC. 1409A. (a) A unique partnership arrangement exists in food and agricultural

research, extension, and teaching between the Federal Government and the governments of the several States whereby the States have accepted and have supported, through legislation and appropriations—

"(1) research programs under—

"(A) the Act of March 2, 1887 (7 U.S.C. 361a et seq.), commonly known as the Hatch Act of 1887;

"(B) the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962;

"(C) subtitle E of this title; and

"(D) subtitle G of this title;

"(2) extension programs under subtitle G of this title and the Act of May 8, 1914 (7 U.S.C. 341 et seq.), commonly known as the Smith-Lever Act; and

"(3) teaching programs under—

"(A) the Act of July 2, 1862 (7 U.S.C. 301 et seq.), commonly known as the First Morrill Act;

"(B) the Act of August 30, 1890 (7 U.S.C. 321 et seq.), commonly known as the Second Morrill Act;

"(C) the Act of June 29, 1935 (7 U.S.C. 427 et seq.), commonly known as the Bankhead-Jones Act.

This partnership in publicly supported agricultural research, extension, and teaching involving the programs of Federal agencies and the programs of the States has played a major role in the outstanding successes achieved in meeting the varied, dispersed, and in many cases, site-specific needs of American agriculture. This partnership must be preserved and enhanced.

"(b)(1) The purpose of this subsection is to confer upon the Secretary of Agriculture general authority to award contracts, grants, or cooperative agreements to further the research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture. This authority supplements all other laws relating to the Department of Agriculture and is not to be construed as limiting or repealing any existing authorities.

"(2) The Secretary of Agriculture may make contracts, grants, or cooperative agreements for periods not to exceed five years, to State agricultural experiment stations, State cooperative extension services, all colleges and universities, other research or education institutions and organizations, Federal and private agencies and organizations and individuals, and any other contractor or recipient either foreign or domestic, to further research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture.

"(3) The Secretary of Agriculture may vest title to expendable and nonexpendable equipment and supplies and other tangible personal property in the contractor or recipient when the contractor or recipient purchases such equipment, supplies, and property with contract, grant, or cooperative agreement funds and the Secretary deems such vesting of title a furtherance of the agricultural research, extension, or teaching objectives of the Department of Agriculture.

"(4) Unless otherwise provided in this title, the Secretary of Agriculture may enter into contracts, grants, or cooperative agreements, as authorized by this subsection, without regard to any requirements for competition, the provisions of section 5 of title 41 of the United States Code, and the provisions of section 529 of title 31 of the United States Code.

"(c) In order to promote research and education in food and human nutrition, the Secretary may establish cooperative human nutrition centers to focus resources, facilities, and scientific expertise on particular high priority nutrition problems identified by the Department. Such centers shall be established at State cooperative institutions, and at other colleges and universities, having a demonstrable capacity to carry out human nutrition research and education.

"(d) In order to meet the increasing needs of consumers and families and to promote the health and welfare of people, the Secretary shall ensure that the cooperative research, extension, and teaching programs of the various States adequately address the challenges described in paragraph (10) of section 1402 of this title. The Secretary may implement new cooperative initiatives in home economics and related disciplines to address such challenges.".

SECRETARY'S REPORT

SEC. 1311. Section 1410 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125) is amended by—

(1) striking out "February 1" and inserting in lieu thereof "January 1"; and

(2) striking out "and" at the end of paragraph (2);

(3) striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and"; and

(4) adding at the end of section 1410 the following new paragraph:

"(4) in the report of January 1, 1983, the Secretary's needs assessment developed pursuant to the provisions of section 1405(11) of this title.".

LIBRARIES AND INFORMATION NETWORK

SEC. 1312. Section 1411 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3126) is amended by—

(1) in subsection (a)(5), striking out the period and inserting in lieu thereof a semicolon and the word "and";

(2) adding a new subsection (a)(6) to read as follows:

"(6) the Department of Agriculture establish mutually valuable working relationships with international and foreign information and data programs.".

(3) amending subsection (b)(3) to read as follows:

"(3) providing notification about these collections on a regular basis to the State cooperative extension services, State educational agencies and other interested persons.".

STAFF SUPPORT FOR THE JOINT COUNCIL AND THE ADVISORY BOARD

SEC. 1313. Section 1412(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127(a)) is amended to read as follows:

"(a) To assist the Joint Council and the Advisory Board in the performance of their duties, the Secretary may appoint, after consultation with the cochairperson of the Joint Council and the chairperson of the Advisory Board—

"(1) a full-time executive director who shall perform such duties as the cochairperson of the Joint Council and the chairperson of the Advisory Board may direct and who shall receive compensation at a rate not to exceed the rate payable for GS-18 of the General Schedule established in section 5332 of title 5, United States Code; and

"(2) a professional staff of not more than five full-time employees qualified in the food and agricultural sciences, of which one shall serve as the executive secretary to the Joint Council and one shall serve as the executive secretary to the Advisory Board.".

ADDITIONAL ASSISTANT SECRETARY OF AGRICULTURE

SEC. 1314. (a) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by adding at the end thereof the following new subsections:

"(c) The President shall appoint, by and with the advice and consent of the Senate, an Assistant Secretary of Agriculture who shall perform such duties as are necessary to carry out this title and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.

"(d) The Subcommittee on Food, Agricultural and Forestry Research, the Joint Council, the Advisory Board, and others in the agricultural science and education system shall improve communication and interaction among themselves through such mechanisms as the exchange of reports, joint meetings, and the use of liaison representatives.".

(b) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Agriculture by striking out "(5)" and inserting in lieu thereof "(6)".

GRANTS FOR AGRICULTURAL RESEARCH

SEC. 1315. (a) Section 2(b) of the Act of August 4, 1965 (7 U.S.C. 450i), is amended by—

(1) inserting after the second sentence the following:

"For purposes of the preceding sentence, high priority research shall include—

"(1) basic research aimed at the discovery of new scientific principles and techniques that may be applicable in agriculture and forestry;

"(2) research aimed at the development of new and innovative products, methods, and technologies relating to biological nitrogen fixation, photosynthesis, and other processes which will improve and increase the production of agricultural and forestry resources;

"(3) basis and applied research in the fields of animal productivity and health;

"(4) basic and applied research in the fields of soil and water;

"(5) basic and applied research in the field of human nutrition; and

"(6) research to develop new strains of crops, new promising crops, including guayule, jojoba, and others.", and

(2) by striking out "and $50,000,000 for the fiscal year ending September 30, 1982," and by inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1982, $35,000,000 for the fiscal year ending September 30, 1983, $40,000,000 for the fiscal year ending September 30, 1984, $45,000,000 for the fiscal year ending September 30, 1985,".

(b) Section 2(c) of the Act of August 4, 1965 (7 U.S.C. 450i(c)) is amended by—

(1) in paragraph (1), inserting "research foundations established by land-grant colleges and universities," after "land-grant colleges and universities,", and

(2) amending paragraph (2) to read as follows:

"(2) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a, 582a-1 through 582a-7), and accredited colleges and veterinary medicine, to facilitate or expand ongoing State-Federal food and agricultural research programs that (A) pro-

mote excellence in research, (B) promote the development of regional research centers, (C) promote the research partnership between the Department of Agriculture and such colleges and universities, such research foundations or State agricultural experiment stations, or (D) facilitate coordination and cooperation of research across State lines.".

(c) Section 2(d) of the Act of August 4, 1965 (7 U.S.C. 450i(d)) is amended by—

(1) striking out "the purchase of equipment" and all that follows through the dash and inserting in lieu thereof "the renovation and refurbishment (including energy retrofitting) of research spaces in buildings or spaces to be used for research, and the purchase and installation of fixed equipment in such spaces. Such grants may be used for new construction only for auxiliary facilities and fixed equipment used for research in such facilities, such as greenhouses, insectaries, and research farm structures and installations. Such grants shall be made to—",

(2) in paragraph (1), striking out "available; and" and inserting in lieu thereof "available;",

(3) in paragraph (2), striking out the period and inserting in lieu thereof a semicolon, and

(4) inserting after paragraph (2) the following new paragraphs:

"(3) each cooperating forestry school not described in paragraph (1), in an amount which is equal to 10 per centum of the funds received by such school under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

"(4) each college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee Institute, in an amount which is equal to 10 per centum of the funds received by such college under section 1445 of this title.".

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH FACILITIES ACT OF 1963

SEC. 1316. Section 4(a) of the Act of July 22, 1963 (7 U.S.C. 390c(a)), is amended by striking out "and $31,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$15,000,000 for the fiscal year ending September 30, 1982, $19,000,000 for the fiscal year ending September 30, 1983, $23,000,000 for the fiscal year ending September 30, 1984, $27,000,000 for the fiscal year ending September 30, 1985,".

FEDERAL SUPPORT OF HIGHER EDUCATION IN THE FOOD AND AGRICULTURAL SCIENCES

SEC. 1317. (a) Section 1417(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(aa)) is amended to read as follows:

"(a)(1) The Secretary of Agriculture shall promote and develop higher education in the food and agricultural sciences by formulating and administering higher education programs.

"(2) The Secretary may make grants to land-grant colleges and universities, and to other colleges and universities having a demonstrable capacity to carry out food and agricultural teaching, for a period not to exceed five years—

"(A) to strengthen institutional capacities to respond to State, national, or international educational needs in the food and agricultural sciences;

"(B) to attract students and to educate them as needed in the food and agricultural sciences, and to attract needed professionals to provide for their professional improvement in the food and agricultural sciences;

"(C) to design and implement innovative food and agricultural educational programs; and

"(D) to facilitate cooperative agreements between two or more eligible institutions to maximize the use of faculty and facilities to improve their food and agricultural teaching programs.

Such grants shall be made without regard to matching funds, but each recipient institution shall have a significant ongoing commitment to the food and agricultural sciences generally and to the specific subject area for which such grant is to be used.

"(3) The Secretary may make competitive grants to colleges and universities for a period not to exceed five years—

"(A) to develop or administer programs to meet unique food and agricultural educational problems; and

"(B) to administer and conduct specialized programs to attract individuals for undergraduate and graduate programs and to administer and conduct graduate fellowship programs to meet regional and national objectives in the food and agricultural sciences.

Such grants shall be made without regard to matching funds provided by recipients.".

(b) Section 1417(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(c)) is amended to add at the end thereof the following: "There are hereby transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act of June 29, 1935 (7 U.S.C. 329 et seq.) applicable to activities and programs for which funds are made available under section 22 of such Act.".

(c) Section 1417(d) of the National Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3152(d)) is amended by striking out "and $50,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$25,000,000 for the fiscal year ending September 30, 1982, $30,000,000 for the fiscal year ending September 30, 1983, $35,000,000 for the fiscal year ending September 30, 1984, $40,000,000 for the fiscal year ending September 30, 1985,".

TRANSFER OF FUNCTIONS UNDER THE MORRILL ACT

SEC. 1318. There are hereby transferred to the Secretary of Agriculture all the functions and duties of the Secretary of Education under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

REDESIGNATION OF INSTRUCTION FUNDING

SEC. 1319. (a) The first section of the Act of August 30, 1890 (7 U.S.C. 322) is amended by striking out "agriculture, the mechanic arts," and all that follows through "industries of life" and inserting in lieu thereof "food and agricultural sciences".

(b) The tenth undesignated paragraph under the heading "DEPARTMENT OF AGRICULTURE" of the Act of March 4, 1907 (34 Stat. 1282) is amended by striking out "agriculture and the mechanic arts" the second place it appears and inserting in lieu thereof "food and agricultural sciences".

RESEARCH GRANTS ON PRODUCTION AND MARKETING OF ALCOHOL FUELS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL PRODUCTS

SEC. 1320. Section 1419(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(a)) is amended by—

(1) striking out "four," and

(2) striking out "and September 30, 1982" and all that follows through the period at the end of that sentence and inserting in lieu thereof the following: ", September 30, 1982, September 30, 1983, September 30, 1984, September 30, 1985: *Provided*, That the total amount of such appropriations shall not exceed $40,000,000 during the eight-year period beginning October 1, 1977, and shall not exceed such sums as may be authorized by law for any fiscal year subsequent to such period: *Provided further*, That not more than a total of $5,000,000 may be awarded to the colleges and universities of any one State.".

SEC. 1321. Section 1424 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174) is amended to read as follows:

"ASSESSMENT OF FOOD AND HUMAN NUTRITION RESEARCH CENTERS

"SEC. 1424. The Secretary shall make a study assessing the accomplishments, costs, and benefits of existing regional food and human nutrition research centers as established by the United States Department of Agriculture, recommendations relating to funding levels, the status of grants to build or supply the regional research centers, and progress toward achieving cooperation with States and others in the use of Federal facilities in research carried out to achieve the policy set forth in section 1421 of this title. The Secretary shall complete this study and submit a report setting forth the findings of the study and recommendations for the implementation of these findings, as a part of the report the Secretary is required to submit to Congress pursuant to section 1405(6) of this title, not later than the second annual budget submission following the effective date of this title.".

SEC. 1322. Section 1427 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3177) is amended to read as follows:

"HUMAN NUTRITION RESEARCH AND INFORMATION MANAGEMENT SYSTEM

"SEC. 1427. The Secretary and the Secretary of Health and Human Services shall formulate and submit to Congress, within one hundred and twenty days after the date of enactment of this title, a plan for a human nutrition research management system. This system shall be based on online data support capability allowing for fiscal accounting, management, and control of cross-agency human nutrition research activities. The plan shall provide for management activities of all agencies managing funds for human nutrition research activities under existing authorities and contain recommendations for any additional authorities necessary to achieve a human nutrition research management system.".

CONFORMING AMENDMENT

SEC. 1323. Section 1429 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191) is amended by revising the last sentence thereof to read as follows: "It is recognized that the total animal health and disease research and extension efforts of the several State colleges and universities and of the Federal Government would be more effective if there were close coordination between such programs, and it is further recognized that colleges and universities having accredited colleges of veterinary medicine and State agricultural experiment stations which conduct animal health and disease research are

especially vital in training research workers in animal health.".

ELIGIBLE INSTITUTIONS FOR ANIMAL HEALTH AND DISEASE RESEARCH FUNDS

SEC. 1324. Section 1430 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3192) is amended by amending paragraph (1) to read as follows:

"(1) the term 'eligible institution' means an accredited school or college of veterinary medicine or a State agricultural experiment station which conducts animal health and disease research.".

APPROPRIATIONS FOR ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS AT ELIGIBLE INSTITUTIONS

SEC. 1325. Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is hereby amended by striking out the first sentence and inserting in lieu thereof: "There are hereby authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed $25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

APPROPRIATIONS FOR RESEARCH ON SPECIFIC NATIONAL OR REGIONAL ANIMAL HEALTH OR DISEASE PROBLEMS

SEC. 1326. (a) Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is hereby amended by striking out the first sentence and inserting in lieu thereof: "There are hereby authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed $35,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

(b) Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended to read as follows:

"(b) Funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions.".

(c) Section 1434 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is amended by adding at the end thereof the following new subsections:

"(c) In order to establish a rational allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease problems of national or regional significance. Such lists shall be prepared after consultation with the Joint Council, the Advisory Board, and the Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary, the Joint Council, the Advisory Board, and the Board shall consider the following factors:

"(1) any health or disease problem which causes or may cause significant economic losses to any part of the livestock production industry;

"(2) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and

"(3) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

"(d) Without regard to any consultation under subsection (c), the Secretary shall, to the extent feasible, award grants to eligible institutions on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

"(e) In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.".

EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE INSTITUTE

SEC. 1327. Section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3211(a)) is amended by—

(1) in subsection (a),

(a) inserting "and ending with the fiscal year ending September 30, 1982," after "Beginning with the fiscal year ending September 30, 1979,", and

(b) inserting after the second sentence thereof the following: "Beginning with the fiscal year ending September 30, 1983 there shall be appropriated under this section for each fiscal year an amount not less than 7 per centum of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341-349).";

(2) in subsection (b)(2)(B), inserting "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" both times it appears;

(3) in subsection (c), striking out "administrative head for extension" and inserting in lieu thereof "extension administrator"; and

(4) in subsection (d), striking out "submitted by the proper officials of each institution" and inserting in lieu thereof "submitted, as part of the State plan of work.".

AGRICULTURE RESEARCH IN 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE INSTITUTE

SEC. 1328. (a) Section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222) is amended by—

(1) in subsection (b)(1), adding at the end thereof a new sentence to read as follows: "These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.";

(2) in subsection (b)(2)(B), inserting "current at the time each such additional sum is first appropriated" after "the last preceding decennial census" both times it appears; and

(3) in subsections (c) and (d), striking out "chief administrative officer" each time it appears and inserting in lieu thereof "research director".

(b)(1) The Secretary of Agriculture shall make a grant of funds appropriated under paragraph (5) to the one college of all the colleges eligible to receive funds under the Act of August 30, 1980 (7 U.S.C. 321), including Tuskegee Institute which, on the date of the enactment of this title—

(A) has initiated a dairy goat research program, and

(B) has the best demonstrable capacity to carry out dairy goat research.

(2) Any grant received under paragraph (1) by such college may be expended to—

(A) pay expenses incurred in conducting dairy goat research,

(B) print and disseminate the results of such research,

(C) contribute to the retirement of employees engaged in such research,

(D) plan, administer, and direct such research, and

(E) construct, acquire, alter, and repair buildings necessary to conduct such research.

(3)(A) Under the terms of such grant, funds appropriated under paragraph (5) of this subsection for a fiscal year shall be paid to such college in equal quarterly installments beginning on or about the first day of October of such year upon vouchers approved by the Secretary of Agriculture.

(B) Not later than sixty days after the end of each fiscal year for which funds are paid under subsection (a) to such college, the chief administrative officer of such college shall submit to the Secretary of Agriculture a detailed statement of the disbursements in such fiscal year of funds received by such college under such subsection.

(C) If any of the funds so received by such college are by any action or contingency misapplied, lost, or diminished, then—

(i) such college shall replace such funds, and

(ii) the Secretary shall not distribute to such college any other funds under subsection (a) until such replacement is made.

(4) For purposes of section 1445(e) of the Food and Agriculture Act of 1977 (7 U.S.C. 3222(e)), research and experiments funded under this subsection shall be deemed to be research and experiments funded under section 1445 of such Act.

(5) There is authorized to be appropriated for each of the fiscal years 1982, 1983, 1984, and 1985 an amount equal to one percent of the aggregate amount of funds appropriated to carry out section 1445 of the Food and Agriculture Act of 1977 (7 U.S.C. 3222) in the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under this paragraph.

SOLAR ENERGY DEFINITION

SEC. 1439. Section 1457 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3282) is amended to read as follows:

"SEC. 1457. For purposes of this subtitle, the term 'solar energy' means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Research and Development Act of 1974, as amended.".

INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION

SEC. 1330. Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended by—

(1) in subsection (3), striking out "work with developed countries on agricultural" and inserting in lieu thereof "work with developed and transitional countries on food, agricultural and related";

(2) in subsection (5), striking out the period and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding a new paragraph to read as follows:

"(6) provide specialized or technical services on an advance of funds or a reimbursable basis to United States colleges and universities carrying out international food, agricultural, and related research and development projects and activities. All funds received in payment for furnishing specialized or technical services authorized under this subsection shall be deposited to the credit of the appropriation from which the cost of providing such services has been paid or is to be charged.".

AUTHORIZATION FOR APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL PROGRAMS

SEC. 1431. (a) Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking out "and $780,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$780,000,000 for the fiscal year ending September 30, 1982, $800,000,000 for the fiscal year ending September 30, 1983, $820,000,000 for the fiscal year ending September 30, 1984, $840,000,000 for the fiscal year ending September 30, 1985,".

(b) Section 1463(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(b)) is amended by striking out "and $220,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$220,000,000 for the fiscal year ending September 30, 1982, $245,000,000 for the fiscal year ending September 30, 1983, $270,000,000 for the fiscal year ending September 30, 1984, $295,000,000 for the fiscal year ending September 30, 1985,".

(c) Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by adding at the end thereof a new subsection to read as follows:

"(c) Notwithstanding any other provision of law, effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the Secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a, et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a, et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 (7 U.S.C. 405i); the animal health research program provided for under sections 1433 and 1434 of this title; the native latex research program provided for in the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178, et seq.); and the research provided for under various statutes for which funds are appropriated under the Agricultural Research heading or a successor heading, shall be appropriated for research at State agricultural experiment stations pursuant to the provision of the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a, et seq.).".

AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION

SEC. 1332. Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking out "and $350,000,000 for the fiscal year ending September 30, 1982," and inserting in lieu thereof "$350,000,000 for the fiscal year ending September 30, 1982, $370,000,000 for the fiscal year ending September 30, 1983, $390,000,000 for the fiscal year ending September 30, 1984, $410,000,000 for the fiscal year ending September 30, 1985,".

INDIRECT COSTS AND TUITION REMISSION

SEC. 1333. Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311-3316) is amended by adding at the end thereof the following new section:

"RESTRICTION ON TREATMENT OF INDIRECT COSTS AND TUITION REMISSION

"SEC. 1471. Funds made available by the Secretary of Agriculture under established Federal-State partnership arrangements to State cooperative institutions under the Acts referred to in section 1404(16) of this Act and funds made available under subsection (c)(2) and subsection (d) of section 2 of the Act of August 4, 1965 (7 U.S.C. 450i); shall not be subject to reduction for indirect costs or for tuition remission. No indirect costs or tuition remission shall be charged against funds in connection with cooperative agreements between the Department of Agriculture and State cooperative institutions if the cooperative program or project involved is of mutual interest to all the parties and if all the parties contribute to the cooperative agreement involved.".

AQUACULTURE AND RANGELAND RESEARCH

SEC. 1334. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3301-3304) is amended by adding at the end thereof the following new subtitles L and M:

"Subtitle L—Aquaculture

"PURPOSE

"SEC. 1475. It is the purpose of this subtitle to promote research and extension activities of the institutions hereinafter cited in section 1476(b) of this Act, and to coordinate their efforts as an integral part and in implementation of the 'National Aquacultural Act of 1980' (Public Law 96-362; 16 U.S.C. 2801) by encouraging landowners, individuals, and commercial institutions to develop aquaculture production and facilities and sound aquacultural practices that will, through research and technology transfer programs, provide for the increased production and marketing of aquacultural food products.

"AQUACULTURE ASSISTANCE PROGRAMS

"SEC. 1476. (a) The Secretary may develop and implement a cooperative research and extension program to encourage the development, management, and production of important aquatic food species within the several States and territories of the United States; in accordance with the National Aquacultural Plan and revisions thereto developed under the National Aquacultural Act of 1980.

"(b) The Secretary may make grants to—

"(1) land-grant colleges and universities;

"(2) State agricultural experiment stations; and

"(3) colleges, universities, and Federal laboratories having a demonstrable capacity to conduct aquacultural research, as determined by the Secretary;

for research and extension to facilitate or expand promising advances in the production and marketing of aquacultural food species and products. No grant may be made under this subsection unless the State in which the grant recipient is located makes a matching grant to such recipient equal to the amount of the grant to be made under this subsection, and unless the grant is in implementation of the National Aquacultural Plan and revision thereto developed under the National Aquacultural Act of 1980.

"(c) The Secretary may assist States to formulate aquaculture development plans for the enhancement of the production and marketing of aquacultural species and products from such States and may make grants to States on a matching basis, as determined by the Secretary. The aggregate amount of the grants made to any one State under this subsection may not exceed $50,000. The plans shall be consistent with the National Aquaculture Plan, and revisions thereto, developed under the National Aquaculture Act of 1980.

"(d) To provide for aquacultural research, development, and demonstration projects having a national or regional application, the Secretary may establish in existing Federal facilities or in cooperation with State agencies (including State departments of agriculture), and land-grant colleges and universities, up to four aquacultural research, development, and demonstration centers in the United States for the performance of aquacultural research, extension work, and demonstration projects. Funds made available for the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings or facilities.

"(e) Not later than one year after the effective date of this subtitle and not later than March 1 of each year, the Secretary shall submit a report to the President, the Committee on Agriculture of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Appropriations of the Senate, a summary outlining progress of the Department of Agriculture in meeting the purposes of the programs established under this subtitle.

"AQUACULTURE ADVISORY BOARD

"SEC. 1477. (a) The Secretary shall establish within the Department of Agriculture a board to be known as the Aquaculture Advisory Board (hereinafter in this subtitle referred to as the "Board") which shall have a term of five years and which shall be composed of the following twelve members appointed by the Secretary—

"(1) four representatives of the Science and Education Administration, Department of Agriculture; and

"(2) eight members appointed by the Secretary comprised of—

"(A) two members representing cooperative extension services;

"(B) two members representing State agricultural experiment stations; and

"(C) four members representing national aquaculture organizations.

Members of the Board shall serve without compensation for such service. While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

"(b) The Board shall meet at the call of the Secretary, but at least annually, to consult with and advise the Secretary with respect to the implementation of this subtitle

and to recommend priorities for the conduct of research and extension programs authorized in this subtitle, under such rules and procedures for conducting business as the Secretary may, in the Secretary's discretion, prescribe.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1478. (a) There is authorized to be appropriated $7,500,000 for each fiscal year beginning after the effective date of this subtitle, and ending with the fiscal year ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

"(b) Funds appropriated under subsection (a) shall be allocated by the Secretary for work to be done as mutually agreed upon between the Secretary and the institutions described in section 1476(b). The Secretary shall, whenever possible, consult with the Board in developing plans for the use of these funds.".

"Subtitle M—Rangeland Research

"PURPOSE

"SEC. 1479. It is the purpose of this subtitle to promote the general welfare through improved productivity of the Nation's rangelands, which comprise 60 per centum of United States land area. Most of these rangelands are unsuited for cultivation, but produce a great volume of forage inedible by humans, but readily converted to high quality food protein by grazing animals in the most energy efficient form of agriculture. These native grazing lands occur throughout the United States and provide the source for major segments of the Nation's livestock industry. In addition to the many directly dependent on range, other segments of agriculture are indirectly dependent on range-fed livestock the harvest crop aftermath and to stabilize grain prices by substituting forage for grain in times of grain scarcity or being fed more grain in times of surplus. Recent resource assessments indicate that forage production of rangeland can be increased at least 100 per centum through development and application of improved range management practices while simultaneously enhancing wildlife, watershed, recreational, and aesthetic values and reducing hazards of erosion and flooding.

"RANGELAND RESEARCH PROGRAM

"SEC. 1480. The Secretary may develop and implement a cooperative rangeland research program in coordination with the program carried out under the Renewable Resources Extension Act of 1978 to improve the production and quality of desirable native forages or introduced forages which are managed in a similar manner to native forages for livestock and wildlife. The program shall include studies of: (1) management of rangelands and agricultural land as integrated systems for more efficient utilization of crops and waste products in the production of food and fiber; (2) management of rangeland watersheds to improve the condition of water utilization, water yield, water quality, and water conservation, and to protect against onsite and offsite damage of resources from floods, erosion, and other detrimental influences and to remedy unsatisfactory and unstable rangeland conditions; (3) revegetation and rehabilitation of rangelands including the control of undesirable species of plants; and (4) such other matters as the Secretary considers appropriate.

"RANGELAND RESEARCH GRANTS

"SEC. 1481. The Secretary may make grants to land-grant colleges and universities, State agricultural experiment stations, and to colleges and universities and Federal laboratories having a demonstrable capacity in rangeland research, as determined by the Secretary, to carry out rangeland research. This grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum non-Federal funding.

"REPORTS

"SEC. 1482. Not later than one year after the date of the enactment of this subtitle, and not later than March 1 of each successive year the Secretary shall submit a report to the President, the House Committee on Agriculture, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations, outlining progress of the Department in meeting the program requirements set forth in section 1480 of this subtitle.

"RANGELAND RESEARCH ADVISORY BOARD

"SEC. 1483. (a) The Secretary shall establish a board to be known as the Rangeland Research Advisory Board which shall have a term of four years, and which shall be composed of the following twelve members appointed by the Secretary:

"(1) Four representatives of the Department of Agriculture's Science and Education Administration,

"(2) Four representatives of the State Agricultural experiment stations, and

"(3) Four representatives of national rangeland and range livestock organizations.

The members shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the Board, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5 of the United States Code.

"(b) The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of this subtitle and to recommend priorities for the conduct of programs authorized under this subtitle, under such rules and procedures for conducting business as the Secretary shall prescribe.

"APPROPRIATIONS

"SEC. 1484. (a) There are hereby authorized to be appropriated, to implement the provisions of this subtitle, such sums not to exceed $10,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and thereafter such sums as may after the date of enactment of this subtitle be authorized by law for any subsequent fiscal year.

"(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institution or institutions. The Secretary shall, whenever possible, consult the Board in developing plans for the use of these funds.".

TABLE OF CONTENTS

SEC. 1335. The table of contents of the Food and Agriculture Act of 1977 is amended by—

(1) inserting immediately after the item referring to section 1409 the following new item:

"Sec. 1409A. Federal-State partnership and coordination."; and

(2) adding at the end of title XIV the following new items:

"Subtitle L—Agriculture

"Sec. 1475. Purpose.
"Sec. 1476. Agriculture assistance programs.
"Sec. 1477. Aquaculture Advisory Board.
"Sec. 1478. Authorization of appropriations.".

"Subtitle M—Rangeland Research

"Sec. 1479. Purpose.
"Sec. 1480. Rangeland research program.
"Sec. 1481. Rangeland research grants.
"Sec. 1482. Reports.
"Sec. 1483. Rangeland Research Advisory Board.
"Sec. 1484. Appropriations.".

M'INTIRE-STENNIS ACT AMENDMENTS

SEC. 1336. (a) Section 1 of the Act of October 10, 1962 (16 U.S.C. 582a), commonly known as the McIntire-Stennis Act of 1962, is amended by adding at the end thereof the following: "It is also recognized that the provisions of this Act are essential to assist in providing the research background which undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974, the Renewable Resources Extension Act of 1978, and the Soil and Water Conservation Act of 1978.".

(b) Section 2 of the Act of October 10, 1962 (16 U.S.C. 582a-1), commonly known as the McIntire-Stennis Act of 1962, is amended by adding at the end thereof the following: "If more than one institution within a State is certified as qualifying for assistance, then it shall be the responsibility of such institutions in agreement with the Secretary of Agriculture, to develop complementary programs of forestry research for the State.".

(c) Section 5 and section 6 of the Act of August 10, 1962 (16 U.S.C. 582a-4, 582a-5), commonly known as the McIntire-Stennis Act of 1962, are amended to read as follows:

"SEC. 5. (a) The Secretary shall prescribe such rules as may be necessary to carry out this Act and to furnish such advice and assistance through a cooperative State forestry research unit in the Department of Agriculture as will best promote the purposes of this Act.

"(b) The Secretary shall appoint a council of not fewer than 16 members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified eligible institutions, and volunteer public groups concerned with forests and related natural resources. The council shall meet at least annually and shall submit a report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds. The Secretary shall seek, at least once each year, the advice of the council to accomplish efficiently the purposes of this Act.

"SEC. 6. Apportionments among participating States shall be determined by the Secretary after consultation with the council appointed under section 5. In making such apportionments, consideration shall be given to pertinent factors including non-

Federal expenditures for forestry research by State-certified eligible institutions, areas of non-Federal commercial forest land, and the volume of timber cut annually. Three per centum of such funds as may be appropriated shall be made available to the Secretary for administration of this Act.".

PROHIBITION AGAINST REDUCTION OF STATE FUNDS UPON INCREASE IN FEDERAL ALLOTMENT

SEC. 1337. (a) Section 3 of the Act of March 2, 1887 (7 U.S.C. 361c), commonly known as the Hatch Act of 1887, is amended by adding at the end thereof a new subsection (g) as follows:

"(g) If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State agricultural experiment station is reduced because of an increase in the allotment made available under this Act, the allotment to the State agricultural experiment station from the appropriation in the next succeeding fiscal year shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other States for use by their agricultural experiment stations.".

(b) Section 4 of the Act of October 10, 1962 (16 U.S.C. 582a-3), commonly known as the McIntire-Stennis Act of 1962, is amended by adding at the end thereof the following: "If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance under this Act is reduced because of an increase in the allotment made available under this Act, the allotment of such State-certified institution from the next succeeding appropriation shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary shall reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.".

EXCESS FEDERAL PROPERTY

SEC. 1338. Section 202(d)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) is amended by—

(1) striking out the word "or" at the end of subparagraph (C);

(2) striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and the word "or"; and

(3) adding the following new subparagraph immediately after subparagraph (D):

"(E) property furnished by the Secretary of Agriculture to any State or county extension service engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, commonly known as the Smith-Lever Act (7 U.S.C. 341 et seq.); any State experiment station engaged in cooperative agricultural research work pursuant to the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); and any institution engaged in cooperative agricultural research and extension work pursuant to sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221-22), where title is retained in the United States. For the purpose of this provision, the term 'State' means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia.".

APPORTIONMENT OF FUNDS APPROPRIATED FOR SCHOOLS OF VETERINARY MEDICINE

SEC. 1339. Section 1415(c)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151(c)(2)) is amended by striking out the colon and the proviso.

EFFECTIVE DATE

SEC. 1340. This title and the amendments made by this title shall take effect on October 1, 1981.

AUTHORITY TO AWARD GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE RESEARCH FACILITIES

SEC. 1341. (a) It is hereby declared to be the intent of the Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter referred to in this section as "eligible institutions"), in the acquisition and improvement of research facilities and equipment so that eligible institutions may participate fully with the State agricultural experiment stations in a balanced attack on the research needs of the people of their States.

(b) There are hereby authorized to be appropriated to the Secretary of Agriculture for the purpose of carrying out the provisions of this section $100,000,000 for each of the fiscal years 1982 through 1986, such sums to remain available until expended.

(c) Four per centum of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to the eligible institutions for the purpose of assisting them in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity to conduct research in the food and agricultural sciences.

(d) Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

(e) Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

(f) The Secretary may promulgate such rules and regulations as the Secretary may deem necessary to carry out the provisions of this section.

TITLE XIV—CREDIT, RURAL DEVELOPMENT, AND FAMILY FARMS

FARMERS HOME ADMINISTRATION REAL ESTATE AND OPERATING LOANS TO COOPERATIVES

SEC. 1401. (a) The last sentence of section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by striking out "cooperatives, corporations, and partnerships", and inserting in lieu thereof "corporations and partnerships", and by inserting immediately before the period at the end thereof the following: "in the case of cooperatives, corporations, and partnerships".

(b) The last sentence of section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)) is amended by striking out "cooperatives, corporations and partnerships", and inserting in lieu thereof "corporations, and partnerships", and by inserting immediately before the period at the end thereof the following: "in the case of cooperatives, corporations, and partnerships".

BORROWER'S NET WORTH; ANNUAL REPORT

SEC. 1402. The Consolidated Farm and Rural Development Act is amended by—

(1) in section 333(a), inserting the designation "(1)" immediately after "the applicant" and inserting before the semicolon at the end thereof the following: ", and (2) to furnish a written statement showing the applicant's net worth"; and

(2) adding at the end thereof a new section 349 as follows:

"SEC. 349. Not later than December 31 of each calendar year, beginning with calendar year 1981, the Secretary shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry a report describing the characteristics of borrowers initially receiving, during the fiscal year ending in that calendar year, loans made or insured under sections 303 and 312(a) and separately for loans guaranteed under such sections. The report shall be made on a State by State basis, and shall include, but need not be limited to, each borrower's age, education, farming experience, net worth, amount of farm ownership and operating loans outstanding, amount of other loans outstanding, gross farm income, and other income. This information shall be provided separately for borrowers receiving low-income loans and those receiving regular loans.".

EXTENSION OF THE EMERGENCY AGRICULTURAL CREDIT ADJUSTMENT ACT OF 1978

SEC. 1403. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1982".

FARM STORAGE FACILITY LOAN PROGRAM

SEC. 1404. Section 4(h) of the Commodity Credit Corporation Charter Act, as amended by section 151 of the Omnibus Budget Reconciliation Act of 1981, is amended by inserting after the word "growers" at the end of the fourth proviso of the second sentence the following: ", except that the Secretary shall make such loans in areas in which the Secretary determines that there is a deficiency of such storage".

EXTENSION OF FEDERAL CONTRIBUTIONS TO THE RURAL TELEPHONE BANK

SEC. 1405. The Rural Electrification Act of 1936 is amended as follows:

(a) the second sentence of section 406(a) is amended by inserting after "thereafter" the words "but not later than fiscal year 1991", and by striking out "$300,000,000" and inserting in lieu thereof "$600,000,000".

(b) The first sentence of section 406(c) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1995" and by striking out "and after the amount of class A and class B stock issued totals $400,000,000,".

FAMILY FARMS

SEC. 1406. Section 102 of the Food and Agriculture Act of 1977 is amended as follows:

"SEC. 102. (a) Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. Congress firmly believes that the maintenance of the family farm system of agriculture is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is neither

the policy nor the intent of Congress that agricultural and agriculture-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

"(b) In order that Congress may be better informed regarding the status of the family farm system of agriculture in the United States, the Secretary of Agriculture shall submit to Congress, not later than July 1 of each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm operations in the United States. The Secretary shall also include in each such report (1) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how tax, credit, and other Federal laws may encourage the growth of nonfamily farm operations and investment in agriculture by nonfamily farm interests, both foreign and domestic, (3) an assessment of how reductions in commodity price support programs have affected family farmers and the family farm structure, and (4) such other information as the Secretary deems appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.".

ADMINISTRATIVE PROVISION

SEC. 1407. Section 331 (i) of the Consolidated Farm and Rural Development Act is amended by inserting after "(i)" the following sentence: "Consent to long term leases of facilities financed under this title notwithstanding the failure of lessee to meet any of the requirements of this title, provided that such long term leases are necessary to insure the continuation of services of which financing was extended to the lessor:".

TITLE XV—CONSERVATION

Subtitle A—Special Areas Conservation Program

TECHNICAL AND FINANCIAL ASSISTANCE; CONTRACTS

SEC. 1501. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall establish a program for the conservation of soil, water, and related resources in special areas designated under section 1502 and approved under section 1504 (referred to in this subtitle as "designated special areas") by providing technical and financial assistance to owners and operators or groups of owners and operators of farm, ranch, and certain other lands at their request. Such assistance with respect to State, county, and other public land shall be limited to those lands that are an integral part of a private farm operating unit and under the control of the private landowner or operator.

(b) To carry out the program established under this subtitle, the Secretary may enter into contracts with owners and operators of farm, ranch, or other land in a designated special area who have such control over the land as the Secretary deems necessary. Any such contract may be entered into with respect to land in a designated special area which is not farm or ranch land only if the erosion-related problems of such land are so severe as to make such contracts with respect to such land necessary for the effective protection of farm or ranch land in that designated special area. Contracts under this subtitle shall be designed to provide assistance to the owners or operators of such farm, ranch, or other land to make voluntary changes in their cropping systems or uses of land or water which are needed to conserve or protect the soil, water, and related resources of such lands, and to carry out the soil and water conservation measures needed under such changed systems and uses.

(c) The landowner or operator shall furnish to the Secretary a plan—

(1) which incorporates such soil and other conservation practices and measures as may be determined to be practicable to protect such land from erosion-related damage;

(2) which outlines a schedule for the implementation of changes in cropping systems or use of land or of water and of conservation measures proposed to be carried out on the farm, ranch, or other land during the contract period;

(3) which is designed to take into account the local social, economic, and environmental conditions which will help solve the particular erosion or water-related problems of the designated special area;

(4) which may allow for such varying levels of conservation application as are appropriate to address the problems and may be developed to cover all or part of a farm, ranch, or other land as determined to be necessary to solve the conservation problems;

(5) which may include practices and measures for enhancing fish and wildlife and recreation resources and for reducing or controlling agricultural-related pollution; and

(6) which identifies those measures, including planned grazing systems, needed to improve vegetative conditions, reduce erosion, and conserve water on rangeland. Conservation plans of landowners and operators developed in cooperation with, and approved by, the soil and water conservation district board for the district in which the lands are situated shall form the basis for contracts under this subtitle.

(d) Under any contract entered into under this subtitle, the landowner or operator shall agree—

(1) to effectuate the plan for the farm, ranch, or other land of the owner or operator substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to subsection (f);

(2) to forfeit further payments under the contract and refund to the United States all payments received thereunder, plus interest, upon violation by the owner or operator of the contract at any stage during the time the owner or operator has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board for the district in which the lands are located, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds, plus interest, or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the contract; and

(3) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract.

(e) In return for such agreement by the landowner or operator, the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest. The portion of the costs to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the implementation, and, if applicable, the maintenance of the conservation practices and measures under the contract, including the cost of labor. In determining the share of costs to be borne by the Federal Government, the Secretary shall take into consideration the particular social, economic, and environmental conditions of the geographic area involved and the degree of conservation to be achieved. The Secretary shall determine the maximum amount of financial assistance that may be provided to any single recipient. If adjustments from cultivated crops to permanent vegetative cover or changes in crop varieties are undertaken as a conservation practice or measure under the contract, financial assistance may be provided under such contract with regard to the income lost as a result of such adjustments.

(f) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as the Secretary may determine to—

(1) carry out the purposes of the program or facilitate the practical administration thereof;

(2) accommodate adjustments in crop production; or

(3) accomplish equitable treatment with repect to other similar conservation or commodity programs administered by the Secretary.

(g) In addition, the Secretary may enter into contracts with landowners or operators for the purpose of maintaining a conservation practice or measure which was established under the program authorized by this subtitle or otherwise established, and to provide necessary assistance. Subsections (b) through (f) shall apply to contracts made under this subsection.

DESIGNATION OF SPECIAL AREAS

SEC. 1502. (a) The program established under this subtitle shall be directed toward identifying and correcting such erosion-related or irrigation water managment problems as may exist within each designated special area. Assistance under this subtitle may be provided to any geographic area of the United States if such an area is first designated by the Secretary as having severe and chronic erosion-related or irrigation water management problems and such designation is approved under section 1504.

(b) In identifying a geographic area as one appropriate for designation as a designated special area under this subtitle, the Secretary shall prepare a report setting forth an assessment of the problems, objectives, priorities, and a schedule for the implementation of the program under this subtitle in such area. As part of such report, the Secretary shall indicate how the program, as developed with respect to the area discussed in such report, takes into consideration programs of Federal, State, and local agencies—including soil and water conservation district boards and State Agricultural Stabilization and Conservation Committees—relating to soil and water conservation, pollution abatement, or the improvement or protec-

tion of forest land. In designating special areas, the Secretary shall review national resources inventory data, river basin plans, special studies, and other resource information. The Secretary shall consider tons of soil loss prevented, acres protected, and volume of water conserved. The Secretary shall evaluate the degree and type of interagency cooperation, the degree of local acceptance of the planned target activity, and the significant favorable and adverse impacts of the targeted activity.

PERIOD OF PROGRAM

SEC. 1503. Special geographic areas may be designated pursuant to section 1602 during the period of ten years following the effective date of this subtitle. Contracts authorized by subsections (b) and (g) of section 1501 may be entered into during a period of ten years following the designation of the special area to which they relate. Such contracts may not exceed ten years in duration, and may not exceed the amounts of such appropriations as may be provided therefor.

APPROVAL OF DESIGNATIONS

SEC. 1504. The Secretary shall submit each report prepared pursuant to section 1502(b) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. The Secretary may not enter into contracts under section 1501 with respect to land in a particular area unless the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives pass resolutions approving the report prepared under section 1502(b) with respect to such area.

SERVICES OF AGENCIES

SEC. 1505. In carrying out the provisions of this subtitle, the Secretary may utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) and the technical services of the Department of Agriculture, soil and water conservation district boards, and other State or local agencies. The Secretary may utilize the services and facilities of the Commodity Credit Corporation in discharging the functions and responsibilities of the Secretary under this subtitle.

RESEARCH

SEC. 1506. The Secretary may expend funds directly or through grants for such research as is needed to assist in developing new technologies for controlling erosion-related or irrigation water management problems in a designated special area.

GRANTS

SEC. 1507. The Secretary may provide grants to any State containing lands within a designated special area to conduct evaluation and analysis of the local and State tax structures, rules, and regulations and their impact on the acceptance, implementation, and maintenance of conservation practices or measures, or other pertinent items that may be needed for an effective program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1508. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

REPORTS

SEC. 1509. The Secretary shall submit an evaluation report to the Congress by January 1, 1986, and at each five-year interval thereafter, concerning activities and results under the program authorized by this subtitle. Recommendations for additional legislative action necessary to apply related research findings or more effectively solve erosion-related or irrigation water management problems of the designated special areas shall be included along with any other pertinent matters.

PROTECTION OF PARTICIPANTS

SEC. 1510. The Secretary shall, to the extent feasible, provide for protection of program participants from indirect or direct disqualifications, discrimination, forfeiture, or reduction of eligibility, or penalty under other agricultural programs for participating in the program authorized by this subtitle.

Subtitle B—Matching Grants for Conservation Activities

GRANTS PROGRAM

SEC. 1511. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall formulate and implement a program for furthering the conservation of soil, water, and related resources through annual grants to local units of government through State soil conservation agencies. Such grants shall be for noncapital expenditures in furtherance of local and State conservation objectives specified in section 1613.

(b) Such grants shall be made to augment rather than to replace other technical and financial assistance programs of the United States Department of Agriculture.

(c) A local unit of government may be eligible for a grant under subsection (a) if it—

(1) has in effect a current long-range program which the State soil conservation agency determines is adequate to meet local and State laws and objectives;

(2) has in effect a current annual work plan which is consistent with the long-range program in paragraph (1); and

(3) certifies to the Secretary or his designee at the State level that it has arranged for equal matching funds or in-kind services to the local unit from regional, State, local, or private sources.

(d) Whenever the Secretary determines that a component of the long-range program or annual work plan involves primarily a national rather than a local or State objective, the State or local matching funds required for the national component of the long-range program or annual plan need not exceeed 25 per centum of the total funds required to accomplish the national objective. The Secretary, by regulation, shall define those objectives which are national in scope.

PROGRAM IMPLEMENTATION AND REVIEW

SEC. 1512. (a) For purposes of implementing the program and plan under section 1511(c), the local unit of government is encouraged to seek the input and cooperation of—

(1) local agencies, organizations, and citizens; and

(2) agencies of the United States Department of Agriculture or other Federal agencies, cooperative Extension services, and others that may be designated by the Secretary or the Governor to serve as advisers.

(b) In reviewing programs and work plans, the State soil conservation agency, the State Agricultural Stabilization and Conservation Committee, and the Secretary or his designee at the State level may recommend additions or changes in order to meet urgent State, multistate, and national conservation needs or priorities as developed through the Soil and Water Resources Conservation Act of 1977 or similar process.

PLANS

SEC. 1513. (a) Long-range programs and annual work plans may include any of the following soil, water, and related resource conservation objectives: (1) soil erosion prevention and control; (2) cropland, forest, woodland, pasture or rangeland improvement; (3) water conservation, development, and management, and water quality improvement; (4) agricultural land retention or preservation; (5) demonstration projects to test and publicize the effectiveness of natural resource management systems adapted to local conditions; (6) fish and wildlife habitat improvement; (7) animal waste management; (8) watershed protection and flood prevention; (9) sediment control and stormwater management in urbanizing areas; (10) environmentally sound energy conservation and production; (11) leadership in natural resources aspects of rural community planning and development; or (12) any other purpose authorized or required by local or State conservation laws.

(b) Where an objective has been identified which will require more than one year to complete or reach, the Secretary or his designee may enter into a long-term agreement of not more than ten years with the local unit of government or State agency to provide funding assistance for the term of the agreement. Such assistance shall be contingent upon the amount of funds appropriated under section 1516 of this subtitle.

MATCHING FUNDS

SEC. 1514. (a) Federal matching grant funds, as mutually agreed upon by the State soil conservation agency and the Secretary, may be used to provide technical assistance to land owners and operators for planning and application of soil and water conservation practices and resource management systems.

(b) Such technical assistance shall be administered by the State soil conservation agency through local soil and water conservation districts.

(c) Such technical assistance shall be fully coordinated with technical assistance provided through ongoing Federal, State and local resource conservation programs, and shall be in accord with established technical standards or guidelines.

(d) The basis for the transfer of grant funds shall be a grant agreement entered into by the parties referred to in section 1512(b).

RECORDS

SEC. 1515. (a) Each local unit of government or State agency receiving assistance under this subtitle shall keep such records as the Secretary requires, including records which fully disclose the amount and disposition by such unit or agency of the proceeds of such grants, the total cost of the projects or undertakings in connection with which such funds are given or used, and the amount of that portion of the costs of the projects or undertakings supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the local units that are pertinent to the grants received under this subtitle.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1516. (a) There are authorized to be appropriated such sums as may be necessary

to carry out the provisions of this subtitle, such sums to remain available until expended.

(b) No funds shall be appropriated to carry out this subtitle for the fiscal year beginning October 1, 1992, and subsequent fiscal years, except as authorized by law enacted after the effective date of this subtitle.

(c) The Secretary shall report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on the progress of the program authorized by this subtitle. The first such report shall be submitted by January 1, 1986, and the succeeding report by January 1, 1991. Each such report shall include an evaluation of the program and the Secretary's recommendations for strengthening it.

Subtitle C—Conservation Loan Program

SEC. 1517. (a) Section 4(h) of the Commodity Credit Corporation Charter Act is amended by inserting immediately after the second sentence the following: "To encourage the alleviation of natural resource conservation problems that reduce the productive capacity of the Nation's land and water resources or that cause degradation of environmental quality, the Corporation may, beginning October 1, 1981, make loans to agricultural producers for those natural resource conservation and environmental enhancement measures that are recommended by the applicable county and State Agricultural Stabilization and Conservation Committees and are included in the producer's conservation plan approved by the local soil and water conservation district; such loans shall be for a period not to exceed ten years at a rate of interest based upon the rate of interest charged the Corporation by the United States Treasury; the Corporation may make loans to any one producer in any fiscal year in an amount not to exceed $25,000; loans up to $10,000 in amount may be unsecured and loans in excess of $10,000 shall be secured; and the total of such unsecured and secured loans made in each fiscal year shall not exceed $200,000,000: *Provided*, That the authority provided by this sentence to make loans shall be effective only to the extent and in such amounts as may be provided for in prior appropriation Acts.".

Subtitle D—Volunteers for Department of Agriculture Programs

ESTABLISHMENT OF PROGRAM

SEC. 1518. (a) The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall establish a program to use volunteers in carrying out the programs of the Department of Agriculture.

(b) The Secretary is authorized to accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Department of Agriculture for such purpose if the service:

(1) is to be without compensation; and

(2) will not be used to displace any employee of the Department of Agriculture including the local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act.

(c) Any individual who provides voluntary service under this subtitle shall not be considered a Federal employee except for purposes of chapter 81 of title 5 of the United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28 of the United States Code (relating to tort claims).

AUTHORIZATION OF APPROPRIATIONS

SEC. 1519. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

Subtitle E—Reservoir Sedimentation Reduction Program

FORMULATION OF PROGRAM

SEC. 1520. The Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized to formulate and implement a program for testing the feasibility of reducing excessive sedimentation in existing reservoirs. Such an assistance program shall be implemented on the watershed drainage areas of no more than five publicly owned reservoirs. The Secretary shall select for the program those reservoirs in which excessive amounts of sediment are being deposited because of critical soil erosion problems in the watershed drainage area.

PLANS

SEC. 1521. For each reservoir and drainage area selected under section 1520, a plan shall be prepared that includes an assessment of the problems, a listing of objectives and priorities, and an implementation plan for achieving the objectives. The Secretary shall enter into an agreement with the soil and water conservation district(s) containing land within the reservoir or drainage area, an agency of State government designated by the Governor, and any unit(s) of local government which has a recognized interest in the reservoir, for the purpose of preparing the plan. The plan shall be signed by the Secretary, or the Secretary's designee, and the other parties to the agreement.

APPROVAL OF PLANS

SEC. 1522. The Secretary shall submit each plan developed under section 1521 to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives. The Secretary may implement the plan only after each committee passes a resolution approving the plan.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1523. There are hereby authorized to be appropriated, for each of the fiscal years 1983 through 1987, such sums as may be necessary for carrying out the provisions of this subtitle, such sums to remain available until expended.

REPORT

SEC. 1524. The Secretary shall submit a report evaluating the program authorized by this subtitle to the Congress by January 1, 1987. The report shall include a recommendation as to whether the program should be extended and, if so, how it could be strengthened.

Subtitle F—Designation of Lands Set Aside or Diverted

SEC. 1525. Notwithstanding any other provision of law, if the Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized or directed by any Act of the Congress to establish a set-aside or diversion program for any agricultural commodity, and if the Secretary establishes such a program, the designation by a producer of lands to be set aside or diverted in an application to participate in such program shall be subject to disapproval under subsection (b).

(b) If there is a soil and water conservation district board for the district in which the designated lands are situated, the Secretary is authorized to empower such board—

(1) to disapprove the producer's designation of lands if the board finds that lands designated will make a less than average contribution to soil conservation compared to the contribution of other lands which the producer could have designated to set-aside or divert under such program, and

(2) if a designation is so disapproved, to specify which lands of the producer would be acceptable to such board for set-aside or diversion under such program.

(c) If a producer's designation is disapproved under subsection (b)(1), then such producer shall be permitted to submit an amended application to participate in the program, designating for set-aside or diversion lands specified by the board under subsection (b)(2).

Subtitle G—Land Removed From Production for Conservation Purposes

PAYMENTS

SEC. 1526. The Secretary of Agriculture (referred to in this subtitle as the "Secretary") is authorized to enter into contracts to provide financial assistance in the form of payments to owners and operators of cropland located in counties where the soil normally freezes to a depth of at least four inches annually who remove such land from agricultural production for a period not to exceed one year for the purpose of installing enduring conservation measures which involve excavation of the soil. The payments under such contracts shall be in such amounts as determined by the Secretary to be necessary to effectuate the purposes of this subtitle but shall not exceed an amount equal to the number of acres of cropland removed from agricultural production for such purpose multiplied by 50 per centum of the typical annual rent paid for similar land in the county. Financial assistance may not be provided under this subtitle with respect to any conservation measure without the approval of the soil and water conservation district board for the district in which the land is located, and may not, in the aggregate, be provided in any year with respect to more than one-half of 1 per centum of the cropland in any county.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1527. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, such sums to remain available until expended.

Subtitle H—Agricultural Land Resources

SHORT TITLE

SEC. 1528. This subtitle may be cited as the "Agricultural Land Resources Policy Act".

FINDINGS, PURPOSE, AND DEFINITIONS

SEC. 1529. (a) Congress finds that—

(1) the Nation's farmland is a unique natural resource and provides food and fiber necessary for the continued welfare of the people of the United States;

(2) each year, a large amount of the Nation's farmland is irrevocably converted from actual or potential agricultural use to nonagricultural use;

(3) continued decrease in the Nation's farmland base may threaten the ability of the United States to produce food and fiber in sufficient quantities to meet domestic needs and the demands of our export markets;

(4) the extensive use of farmland for nonagricultural purposes undermines the economic base of many rural areas;

(5) Federal actions, in many cases, result in the conversion of farmland to nonagricultural uses where alternative actions would be preferred;

(6) the Department of Agriculture is the agency primarily responsible for the implementation of Federal policy with respect to United States farmland, assuring the maintenance of the agricultural production capacity of the United States, and has the personnel and other resources needed to implement national farmland protection policy; and

(7) the Department of Agriculture and other Federal agencies should take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to nonagricultural uses in cases in which other national interests do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

(b) The purpose of this subtitle is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private programs and policies to protect farmland.

(c) As used in this subtitle—

(1) the term "farmland" includes all land defined as follows:

(i) prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and with out intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage;

(ii) unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary of Agriculture. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables; and

(iii) farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food, feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, and that the Secretary of Agriculture determines should be considered as farmland for the purposes of this subtitle;

(2) the term "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or any territory or possession of the United States;

(3) the term "unit of local government" means the government of a county, municipality, town, township, village, or other unit of general government below the State level, or a combination of units of local government acting through an areawide agency under State law or an agreement for the formulation of regional development policies and plans; and

(4) the term "Federal program" means those activities or responsibilities of a department, agency, independent commission, or other unit of the Federal Government that involve (i) undertaking, financing, or assisting construction or improvement projects; or (ii) acquiring, managing, or disposing of Federal lands and facilities. The term "Federal program" does not include construction or improvement projects that on the effective date of this subtitle are beyond the planning stage and are in either the active design or construction stage.

FARMLAND PROTECTION POLICY

SEC. 1530. (a) The Department of Agriculture, in cooperation with other departments, agencies, independent commissions, and other units of the Federal Government, shall develop criteria for identifying the effects of Federal programs on the conversion of farmland to nonagricultural uses.

(b) Departments, agencies, independent commissions, and other units of the Federal Government shall use the criteria established under subsection (a) of this section, to identify and take into account the adverse effects of Federal programs on the preservation of farmland; consider alternative actions, as appropriate, that could lessen such adverse effects; and assure that such Federal programs, to the extent practicable, are compatible with State, unit of local government, and private programs and policies to protect farmland.

(c) The Department of Agriculture may make available to States, units of local government, individuals, organizations, and other units of the Federal Government information useful in restoring, maintaining, and improving the quantity and quality of farmland.

CONFORMATION OF EXISTING POLICIES AND PROCEDURES

SEC. 1531. (a) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall review current provisions of law, administrative rules and regulations, and policies and procedures applicable to it to determine whether any provision thereof will prevent such unit of the Federal Government from taking appropriate action to comply fully with the provisions of this subtitle.

(b) Each department, agency, independent commission, or other unit of the Federal Government, with the assistance of the Department of Agriculture, shall, as appropriate, develop proposals for action to bring its programs, authorities, and administrative activities into conformity with the purpose and policy of this subtitle.

TECHNICAL ASSISTANCE TO STATES AND LOCALITIES

SEC. 1532. The Secretary is encouraged to provide technical assistance to any State or locality or qualifying nonprofit organization which desires to develop programs or policies to limit the conversion of productive agricultural land to nonagricultural uses.

AGRICULTURAL LAND RESOURCE INFORMATION

SEC. 1533. (a) The Secretary, through existing agencies or interagency groups, and in cooperation with the cooperative extension services of the States, shall design and implement educational programs and materials emphasizing the importance of productive agricultural land to the Nation's well-being and distribute educational materials through communications media, schools, groups, and other Federal agencies.

(b) The Secretary shall designate one or more agricultural land information centers to serve as central depositories and distribution points for information on agricultural land issues, policies, programs, technical principles, and innovative actions or proposals by local and State governments.

GRANTS; CONTRACTS

SEC. 1534. The Secretary may carry out the purposes of this subtitle, with existing facilities and funds otherwise available, through the use of grants, contracts, or such other means as the Secretary deems appropriate.

REPORT

SEC. 1535. Within one year after the effective date of this subtitle, the Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on the progress made in implementing the provisions of this subtitle. Such report shall include information on—

(1) the effects, if any, of Federal programs, authorities, and administrative activities with respect to the protection of United States farmland; and

(2) results of the reviews of existing policies and procedures required under section 1531(a) of this subtitle.

STATEMENT OF LIMITATION

SEC. 1536. (a) This subtitle does not authorize the Federal Government in any way to regulate the use of private or non-Federal land or to affect the property rights of owners of such land.

(b) None of the provisions or other requirements of this subtitle shall apply to the acquisition or use of farmland for national defense purposes.

PROHIBITION

SEC. 1537. This subtitle shall not be deemed to provide a basis for any action, either legal or equitable, by any State, local unit of government, or any person or class of persons challenging a Federal project, program, or other activity that may affect farmland.

EFFECTIVE DATE

SEC. 1538. The provisions of this subtitle shall become effective six months after the date of enactment of this Act.

Subtitle I—Resource Conservation and Development

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 1539. (a) The Congress finds and declares—

(1) that the rural areas of the Nation are confronted by crittical resource utilization, economic, and environmental problems;

(2) that such problems are the result of—

(A) continually increasing pressures on such rural areas to meet domestic and foreign demand for food, fiber, and wood;

(B) inadequate public and private investment to help formulate and carry out acceptable courses of action necessary to meet the accelerating demands being made on the land and natural resources of the Nation; and

(C) social, economic, and environmental conditions of such complexity that they cannot be effectively dealt with by individual communities in rural areas acting independently of each other; and

(3) that such problems have resulted in and unless changed, will continue to result in the decline of the family farm system, small business enterprise, and job opportunities, as well as a decrease in the amenities and environmental qualities of rural areas throughout the United States.

(b) It is, therefore, the purpose of this subtitle to encourage and assist State and local units of government and local nonprofit organizations in rural areas to plan, develop, and carry out a program for resource conservation and development.

DEFINITIONS

SEC. 1540. As used in this subtitle—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "planning process" means the continuing effort by any State, local unit of government, or local nonprofit organization to develop and carry out effective resource conservation and utilization plans for a designated rural area, including development of an area plan (as defined in paragraph (3)), goals, objectives, policies, implementation activities, and evaluations and reviews, and the opportunity for public participation in such effort.

(3) The term "area plan" means a resource conservation and utilization plan for a designated rural area of a State or States which has been developed through a planning process and which includes one or more of the following basic elements:

(A) a land conservation and utilization element the purpose of which will be to correct maladjustments in land use, to protect agricultural land from imprudent conversion to other uses, to control erosion and sedimentation, and to protect fish and wildlife habitats;

(B) a water management element the purpose of which will be to provide for the conservation and utilization of water, including irrigation and rural water supplies; the mitigation of floods and high water tables; construction, repair, and improvement of dams and reservoirs; improvement of agricultural water management; and improvement of water quality through control of nonpoint sources of pollution;

(C) a community development element the purpose of which will be the development of natural resource based industry, the protection of rural area industries from natural resource hazards, the development of aquaculture and adequate rural area water and waste disposal systems, improvements in recreation facilities, rural housing, adequate health and education facilities, and essential transportation and communication needs; and

(D) other elements such as energy conservation, environmental protection, preservation of unique natural and cultural resources that are appropriate to achieving the goals of the citizens in the designated rural areas.

(4) The term "State" means the several States, the Commonwealth of Puerto Rico, and the Virgin Islands.

(5) The term "local unit of government" means any city, town, township, parish, village, or other general-purpose subdivision of a State, any local or regional special district or other limited political subdivision of a State, including any soil and water conservation district, irrigation, watershed, or drainage district, school district, park authority, and water or sanitary district.

(6) The term "nonprofit organization" means any community association, wildlife group, or resource conservation organization that is incorporated and approved by the Secretary for the purpose of providing to any rural area those public facilities or services included in the area plan for such rural area.

(7) The term "technical assistance" means any service provided by the staff members of any agency of the Department of Agriculture, including advising, inventory evaluating, planning, designing, supervising, laying out, and inspecting, and the providing of maps, reports, and other documents associated with the services provided.

(8) The term "financial assistance" means the assistance made available under this subtitle by means of Federal grants and loans.

(9) The term "works of improvement" means the facilities installed or being installed in compliance with the area plan.

RESOURCES CONSERVATION AND DEVELOPMENT PROGRAM

SEC. 1541. The Secretary shall establish a resource conservation and development program under which the Secretary shall make available to States, local units of government, and local nonprofit organizations the technical and financial assistance necessary to permit such States, local units of government, and organizations to operate and maintain a planning process for the development of plans and actions needed to conserve and better utilize land, develop natural resources, and improve and enhance the economic and environmental conditions of rural areas of the United States.

AUTHROITY OF THE SECRETARY OF AGRICULTURE

SEC. 1542. In carrying out the provisions of this subtitle the Secretary may—

(1) provide technical assistance and advice, upon request, to any State, local unit of government, or local nonprofit organization within a designated rural area to assist in developing an area plan for such area;

(2) cooperate with other departments and agencies of the Federal Government, with State and local governments, and with local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans;

(3) assist in carrying out an area plan approved by the Secretary for any rural area by providing technical and financial assistance, including grants and loans, to local public agencies and nonprofit organizations designated to receive such assistance by the Governor or legislature of the State concerned; and

(4) enter into agreements with State agencies, local units of government, and local nonprofit organizations, as provided in section 1543.

AGREEMENTS; TERMS AND CONDITIONS

SEC. 1543. (a) Technical and financial assistance may be provided by the Secretary to any State agency, local unit of government, or local nonprofit organization to assist such agency, unit of government, or organization in carrying out works of improvement specified in an area plan approved by the Secretary only if—

(1) such State agency, unit of government, or organization agrees in writing to carry out such works of improvement and to finance or arrange for financing of any portion of the cost of carrying out such works of improvement not paid by the Secretary under this subtitle;

(2) the works of improvement for which assistance is to be provided under this subtitle are included in an area plan and have been approved by the local units of government to be assisted;

(3) the Secretary determines that assistance to finance the type of works of improvement concerned is not reasonably available to such agency, unit of government, or organization under some other Federal program;

(4) the works of improvement provided for in the area plan for any area are consistent with any existing comprehensive plan for such area;

(5) the cost of land or interest in land acquired or to be acquired under such plan by any State, local unit of government, or local nonprofit organization is borne by such State, unit of government, or organization, except in the case of land or interest in land acquired or to be acquired for the purpose of conserving or protecting fish or wildlife, acquired or to be acquired for public recreational purposes, or acquired or to be acquired to protect the public from a threat to its health and welfare; and

(6) the State, local unit of government, or local nonprofit organization participating in an area plan agrees to maintain and operate any work of improvement carried out under such plan.

(b) Loans made under this subtitle shall be made on such terms and conditions as the Secretary may prescribe, except that such loans shall have a repayment period of not more than thirty years from the date of completion of the works of improvement for which the loan is made and shall bear interest at the average rate of interest paid by the United States on its obligations of a comparable term, as determined by the Secretary of the Treasury.

(c) Assistance may not be made available to any State, local unit of government, or local nonprofit organization to carry out any area plan unless such plan has been submitted to and approved by the Secretary.

IDENTIFICATION OF GROUPS OR PROBLEMS FOR SPECIAL CONSIDERATION IN AREA PLANS

SEC. 1544. Any area plan may identify for special emphasis or assistance under such plan any particular group (including small farm operators, rural poor, or minority groups living in the area covered by such plan), or any particular natural resource or water utilization problem.

SUPPLEMENTAL AUTHORITY OF THE SECRETARY

SEC. 1545. The authority of the Secretary under this subtitle to assist States, local units of government, and local nonprofit organizations in the development and implementation of area plans shall be supplemental to and not in lieu of any authority of the Secretary under any provision of law.

RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD

SEC. 1546. (a) The Secretary shall establish within the Department of Agriculture a Resource Conservation and Development Policy Board (hereinafter in this section referred to as the "Board").

(b) The Board shall be composed of seven members appointed by the Secretary. One member of the Board shall be designated by the Secretary to serve as chairperson.

(c) It shall be the function of the Board to advise the Secretary regarding the administration of this subtitle, including the formulation of policies for carrying out the program provided for by this subtitle.

EVALUATION OF PROGRAM

SEC. 1547. The Secretary shall evaluate the program provided for in this subtitle with a view to determining whether such program is effectively meeting the needs of, and the objectives identified by, the States, local units of government, and local non-

profit organizations participating in such program. The Secretary shall submit a report to the Congress containing the results of the evaluation not later than December 31, 1986, together with the Secretary's recommendations for continuing, terminating, redirecting, or modifying such program.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1548. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle, except that not more than $60,000,000 may be appropriated for technical and financial assistance for any fiscal year and not more than $15,000,000 may be appropriated for loans for any fiscal year.

SEPARABILITY PROVISION

SEC. 1549. If a part of this subtitle is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this subtitle is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid part.

Subtitle J—Effective Date; Regulations

SEC. 1550. Except as otherwise provided herein, the provisions of this title shall become effective October 1, 1981.

SEC. 1551. The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out the provisions of this title.

TITLE XVI—CONTINUATION OF FEDERAL CROP INSURANCE PILOT PROGRAMS

SEC. 1601. Section 107(b) of the Federal Crop Insurance Act of 1980 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section; for the purpose of providing data on the comparative costs of selling and servicing crop insurance by various delivery systems, the Corporation shall for the crop years 1982, 1983, 1984, and 1985 continue its pilot program of making crop insurance available at selected county offices of the Agricultural Stabilization and Conservation Service. The Secretary of Agriculture shall by February 1, 1985, report to Congress on the comparative costs of all delivery systems used in crop years 1981 through 1984.".

TITLE XVII—CONFERENCE

WHITE HOUSE CONFERENCE ON AGRICULTURE

SEC. 1701. (a) The President is requested to call a White House Conference on Agriculture to be held not later than one year after the date of the enactment of this Act.

(b) The purposes of the White House Conference on Agriculture shall be to study current problems in the agricultural sector of the economy and to develop recommendations regarding short-term and long-term solutions to such problems.

(c) Members of the White House Conference on Agriculture shall be appointed by the President from among—

(1) heads of organizations comprised of producers of agricultural commodities,

(2) representatives of the banking industry,

(3) representatives of businesses which provide services, or produce goods, used by producers of agricultural commodities,

(4) heads of organizations representing the interests of consumers, and

(5) producers of agricultural commodities.

(d) A report of the White House Conference on Agriculture shall be submitted to the President and to the Congress not later than one year after the members of such Conference are first appointed.

TITLE XVIII—IMPORTED MEAT

SEC. 1801. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, all carcasses, parts of carcasses, meat and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food offered for importation into the United States shall be subject to the inspection, sanitary, species verification and residue standards applied to such articles produced in the United States. Neither shall any meat or meat food products be imported which have been produced using agricultural chemicals or animal drugs, the use of which, in the direct production of such meat products, (1) has been prohibited in the United States for reasons of health or safety by final judicial action or by administrative action that is final, subject to judicial review, and that has become effective, or (2) has been determined by the Secretary to render such articles adulterated within the meaning of this Act. Provided, that the President may set aside the application of clause (1) of this provision to the importation of any meat or meat food products if the President finds that it will have the specific effect of causing serious damage to the exportation of agricultural products from the United States, and reports such factors, facts, concerns and findings that led him to such a determination to the Congress at least 10 days before such action becomes effective. The Secretary shall inspect such articles through the use of random sampling for such residues and species verification. The provisions of this subsection shall not be deemed to permit the imposition of standards with respect to such imported articles that are less stringent than standards imposed under the other subsections of this section. The Secretary shall issue such regulations as are necessary to carry out the provisions of this subsection. The provisions of this subsection shall become effective 30 days after the date of enactment of this subsection, except that the provisions of clause (1) of the third sentence shall become effective one year after such date of enactment and, thereafter, on the same date that a prohibition becomes effective with respect to the use of an agricultural chemical or animal drug in the domestic production of such meat products: *Provided*, That if the prohibition becomes effective with respect to such domestic production less than six months after the issuance of the administrative or court order, as applicable, the provisions of clause (1) of the third sentence shall become effective with respect to imported meat products six months after such order."

TITLE XIX—USER FEES FOR REPORTS AND PUBLICATIONS

SEC. 1901. The Secretary of Agriculture is authorized to furnish upon request copies of pamphlets, reports or other publications prepared in the Department in carrying out agricultural economic research and statistical reporting functions authorized by law; and to charge such fees therefor as he may determine to be reasonable: *Provided*, That the imposition of such charges shall be consistent with the provision of title V of the Act of August 31, 1951, as amended, (31 U.S.C. 483(a)), except that all monies received in payment for work or services performed or for documents, reports, or other publications provided shall be deposited in a separate account or accounts to be available until expended and may be used to pay directly the costs of such work, services, documents, reports or publications, and to repay or make advances to appropriations of funds which do or will initially bear all or part of such costs.

The SPEAKER. Without objection, the motion is agreed to.

Mr. FRENZEL. Mr. Speaker, on that I demand a recorded vote.

The SPEAKER. The Chair will inquire, is the gentleman demanding a recorded vote on the motion or on the passage of the Senate bill?

Mr. FRENZEL. On the passage of the Senate bill, Mr. Speaker.

The SPEAKER. Without objection, the motion is agreed to.

There was no objection.

The SPEAKER. The question is on the amendment to the Senate bill.

The amendment to the Senate bill was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate bill, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. The Chair will inquire, for what purpose does the gentleman from Minnesota (Mr. FRENZEL) rise?

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRENZEL. Mr. Speaker, I understand that the House bill, H.R. 3603, was passed by voice vote. We have now substituted the Senate bill, and that is before the House for passage; is that correct?

The SPEAKER. The gentleman is correct.

Mr. FRENZEL. I thank the Speaker.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote on the passage of the Senate bill, as amended.

The SPEAKER. The gentleman's demand is in order.

All Members in favor of taking this by a recorded vote will rise.

Mr. VOLKMER. Mr. Speaker, a parliamentary inquiry. I want to know what we are voting on.

The SPEAKER. More than the required number have risen.

A recorded vote is ordered.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, if the Chair pleases, before the vote is taken I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I heard the gentleman from Minnesota (Mr. FRENZEL) inquire as to whether

this was a vote on the Senate bill. It is my understanding that it is a vote on the Senate bill, as amended by the House bill?

The SPEAKER. The gentleman is correct.

Mr. VOLKMER. So actually we are voting on the House bill?

The SPEAKER. The gentleman is correct. The vote is on the Senate bill, as amended by the House bill.

Those Members in favor will vote "aye," those opposed will vote "no."

Voting will be by electronic device.

The vote was taken by electronic device, and there were—ayes 192, noes 160, not voting 81, as follows:

[Roll No. 278]

AYES—192

Addabbo	Fountain	Nichols
Akaka	Fuqua	Nowak
Albosta	Gaydos	Oakar
Andrews	Gejdenson	Oberstar
Annunzio	Gephardt	Ottinger
Anthony	Ginn	Oxley
Applegate	Glickman	Panetta
Atkinson	Gonzalez	Patterson
AuCoin	Goodling	Pease
Bailey (PA)	Gore	Perkins
Barnes	Gramm	Peyser
Bedell	Gray	Pickle
Bellenson	Hagedorn	Price
Benedict	Hall, Ralph	Rahall
Benjamin	Hammerschmidt	Railsback
Bereuter	Harkin	Rangel
Bevill	Hatcher	Reuss
Bingham	Hawkins	Richmond
Blanchard	Heftel	Roberts (KS)
Boggs	Hendon	Roemer
Boland	Hillis	Rogers
Boner	Holt	Rose
Bonior	Hopkins	Rostenkowski
Bonker	Hoyer	Roybal
Bouquard	Hubbard	Sabo
Bowen	Huckaby	Shannon
Breaux	Hutto	Sharp
Brown (CA)	Jeffords	Shelby
Brown (OH)	Jones (TN)	Shuster
Burton, Phillip	Kazen	Simon
Byron	Kildee	Skeen
Chisholm	Kindness	Skelton
Coelho	LaFalce	Smith (IA)
Collins (IL)	Lantos	Smith (NE)
Coyne, William	Leach	Smith (NJ)
Crockett	Leath	Smith (PA)
D'Amours	Lehman	Snyder
Danielson	Leland	Spence
Daub	Levitas	St Germain
Davis	Long (LA)	Stangeland
de la Garza	Lowry (WA)	Stokes
Derrick	Luken	Stratton
Dicks	Markey	Swift
Dingell	Marlenee	Synar
Dixon	Martin (IL)	Tauke
Donnelly	Matsui	Tauzin
Dowdy	Mattox	Taylor
Duncan	Mavroules	Traxler
Dunn	McCurdy	Volkmer
Dyson	McEwen	Wampler
Edgar	McHugh	Washington
Edwards (OK)	Mica	Watkins
Emerson	Mikulski	Weber (MN)
English	Miller (OH)	Weiss
Erdahl	Moakley	Whitley
Evans (GA)	Mollohan	Whittaker
Evans (IA)	Montgomery	Wilson
Evans (IN)	Moore	Winn
Fary	Myers	Wirth
Fazio	Napier	Wolpe
Fithian	Natcher	Yatron
Foley	Neal	Young (MO)
Ford (MI)	Nelligan	Zablocki
Ford (TN)	Nelson	Zeferetti

NOES—160

Anderson	Bennett	Brodhead
Archer	Bethune	Broomfield
Badham	Bliley	Brown (CO)
Bailey (MO)	Brinkley	Burgener
Butler	Grisham	Obey
Carman	Gunderson	Parris
Carney	Hall (OH)	Pashayan
Chappell	Hall, Sam	Patman
Chappie	Hance	Paul
Cheney	Hansen (ID)	Petri
Clausen	Hansen (UT)	Porter
Clinger	Hartnett	Pritchard
Coats	Heckler	Ratchford
Coleman	Hightower	Regula
Conable	Hiler	Rinaldo
Conte	Hollenbeck	Ritter
Coughlin	Horton	Roberts (SD)
Courter	Howard	Robinson
Coyne, James	Hughes	Rodino
Craig	Hunter	Roth
Crane, Daniel	Hyde	Roukema
Crane, Philip	Jacobs	Rudd
Daniel, Dan	Jeffries	Santini
Daniel, R. W.	Kastenmeier	Sawyer
Dannemeyer	Kemp	Schneider
Daschle	Kogovsek	Seiberling
Deckard	Kramer	Sensenbrenner
DeNardis	Lagomarsino	Shaw
Derwinski	Latta	Shumway
Dickinson	LeBoutillier	Siljander
Dorgan	Lee	Smith (AL)
Dornan	Lent	Smith (OR)
Dougherty	Lewis	Snowe
Downey	Loeffler	Stanton
Dreier	Long (MD)	Stark
Dwyer	Lott	Staton
Eckart	Lowery (CA)	Stenholm
Edwards (AL)	Lujan	Studds
Edwards (CA)	Madigan	Stump
Emery	Marriott	Thomas
Erlenborn	Martin (NY)	Trible
Evans (DE)	McClory	Walgren
Fascell	McDade	Walker
Fenwick	McDonald	Weaver
Fiedler	McGrath	Weber (OH)
Fields	Michel	Whitehurst
Findley	Miller (CA)	Williams (MT)
Fish	Mineta	Wolf
Frank	Minish	Wortley
Frenzel	Mitchell (MD)	Wylie
Gibbons	Moffett	Yates
Goldwater	Molinari	Young (FL)
Gradison	Morrison	
Gregg	Mottl	

NOT VOTING—81

Alexander	Garcia	O'Brien
Ashbrook	Gilman	Pepper
Aspin	Gingrich	Pursell
Bafalis	Green	Quillen
Barnard	Guarini	Rhodes
Beard	Hamilton	Roe
Biaggi	Hefner	Rosenthal
Bolling	Hertel	Rousselot
Brooks	Holland	Russo
Broyhill	Ireland	Savage
Burton, John	Jenkins	Scheuer
Campbell	Johnston	Schroeder
Clay	Jones (NC)	Schulze
Collins (TX)	Jones (OK)	Schumer
Conyers	Livingston	Shamansky
Corcoran	Lundine	Solarz
Dellums	Lungren	Solomon
Dymally	Marks	Udall
Early	Martin (NC)	Vander Jagt
Ertel	Mazzoli	Vento
Ferraro	McCloskey	Waxman
Flippo	McCollum	White
Florio	McKinney	Whitten
Foglietta	Mitchell (NY)	Williams (OH)
Forsythe	Moorhead	Wright
Fowler	Murphy	Wyden
Frost	Murtha	Young (AK)

□ 1850

The Clerk announced the following pairs:

On this vote:

Mr. White for, with Mr. Hertel against.

Mr. Waxman for, with Mr. Florio against.

Mr. Biaggi for, with Mr. Bafalis against.

Mr. Pepper for, with Mr. Campbell against.

Mr. Garcia for, with Mr. Collins of Texas against.

Mr. Guarini for, with Mr. Corcoran against.

Mr. Dellums for, with Mr. Forsythe against.

Mr. Dymally for, with Mr. Gilman against.

Mr. Green for, with Mr. Young of Alaska against.

Mr. Johnston for, with Mr. Williams of Ohio against.

Mr. Marks for, with Mr. Van der Jagt against.

Mr. Pursell for, with Mr. Rousselot against.

Mr. Quillen for, with Mr. Rhodes against.

Until further notice:

Mr. Udall with Mr. Solomon.

Mrs. Schroeder with Mr. O'Brien.

Mr. Barnard with Mr. Schulze.

Mr. Whitten with Mr. Gingrich.

Mr. Rosenthal with Mr. McCloskey.

Mr. Roe with Mr. Broyhill.

Mr. Wright with Mr. McKinney.

Mr. Alexander with Mr. Ashbrook.

Mr. Brooks with Mr. Beard.

Mr. Early with Mr. McCollum.

Mr. Foglietta with Mr. Martin of North Carolina.

Mr. Mazzoli with Mr. Livingston.

Mr. Shamansky with Mr. Lungren.

Mr. Vento with Mr. Mitchell of New York.

Mr. Solarz with Mr. Moorhead.

Mr. Russo with Mr. Frost.

Mr. Jones of North Carolina with Ms. Ferraro.

Mr. Fowler with Mr. Lundine.

Mr. Jones of Oklahoma with Mr. Flippo.

Mr. Murphy with Mr. Ertel.

Mr. John L. Burton with Mr. Clay.

Mr. Conyers with Mr. Aspin.

Mr. Hamilton with Mr. Ireland.

Mr. Holland with Mr. Hefner.

Mr. Jenkins with Mr. Scheuer.

Mr. Schumer with Mr. Wyden.

Mr. BROWN of Ohio changed his vote from "no" to "aye."

So the Senate bill was passed.

The title of the Senate bill was amended so as to read: "A bill to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3603) was laid on the table.

□ 1900

AUTHORIZING CLERK TO MAKE CHANGES IN SECTION NUMBERS, CROSS REFERENCES, AND PUNCTUATION MARKS IN ENGROSSMENT OF S. 884

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendment to the Senate bill S. 884, the Clerk be authorized to correct section numbers, cross references, and punctuation marks.

The SPEAKER pro tempore (Mr. ROSE). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3364

Mr. FORD of Tennessee. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 3364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 26, 1981

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4603, DEPOSIT INSURANCE FLEXIBILITY ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-292) on the resolution (H. Res. 253) on the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal supervisory agencies to deal with financially distressed depository institutions, which was referred to the House Calendar and ordered to be printed.

TO CONTROL ACID RAIN

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, today I am introducing the Acid Deposition Control Act of 1981 with a bipartisan coalition of Members including JUDD GREGG, SAM GIBBONS, GEORGE MILLER, DON MITCHELL, and several others. This legislation, to amend the Clean Air Act, is designed to contain sulfur dioxide emissions, pollutants which are linked to the acid rain tragedy which is threatening our environment.

Abundant scientific evidence speaks to the dangers posed to our Nation's environment by the phenomenon called acid rain. In February of this year, researchers reported that acid rain was threatening a disaster in the Sierra Nevadas. Acid levels comparable to vinegar were detected in the precipitation detected this summer in Colorado. Our relations with our Canadian neighbors have slipped considerably because of acid rain damage to their lakes which is linked to our sulfur dioxide emissions. The New England River Basin Commission has reported that we suffer $100 million to $400 million in annual damage to acquatic ecosystems, forests, and materials due to acid rain.

Most recently, the respected National Academy of Sciences has weighed in with its report on acid rain: "Atmosphere-Biosphere Interactions: Toward a Better Understanding of the Ecological Consequences of Fossil Fuel Combustion." The NAS report adds substantial, additional evidence that acid rain is a serious threat to environmental quality. Among their findings:

Acid rain is destroying soft-water ecosystems;

There is clear evidence, which the report calls "overwhelming," that powerplant emissions are linked to the production of acid rain; and

Continued emissions of pollutants like sulfur dioxide at current or accelerated rates will be extremely risky from a long-term economic standpoint.

At this point, it seems clear that acid rain is an issue which has been studied with great care by the scientific community. Now is the time for Congress to act aggressively, particularly when the Clean Air Act authorization must be renewed.

Despite the evidence; despite the overwhelming 86 percent environmental consensus for continuing a strong Clean Air Act, most current legislative proposals appear aimed at hamstringing our enforcement efforts. Proposals that we have seen coming out of the administration—such as the Clean Air Act draft dated August 20 which I released last month—ignore the substantial economic damage, the damage to human health, and the ecological damage which will be incurred if we weaken the Clean Air Act now. So, despite the attractive arguments that further economic progress can only be purchased at the expense of a clean environment, we feel that action is necessary to curb the obvious damage we see from acid rain.

Our bill, similar to that introduced in the Senate by GEORGE MITCHELL, of Maine, is designed to contain those harmful emissions which contribute to the acid rain problem in the Northeast.

Let me summarize the approach taken by our bill:

First, the bill identifies a 31-State area in the Eastern United States as an "acid deposition region."

Second, in this region, States will be directed to develop plans for reducing sulfur dioxide emissions.

Third, over 10 years, these States will reduce sulfur dioxide emissions by 10 million tons below 1980 levels.

Fourth, each State will reduce emissions by its share of excess pollution.

Fifth, the reduction will be accomplished by strategies which include:

Least emissions dispatching, where permitted by law, as practiced by electric utilities;

Investments in energy conservation where emission reductions can be identified;

Coal washing or fuel switching;

Addition of new technology; and

Interstate bubbling.

Sixth, plans will be submitted to EPA for approval. If States fail to submit such plans, EPA will be required to prescribe sulfur dioxide emission reduction strategies.

This legislation represents a new phase in the Clean Air Act battle. Americans across the country are tired of hearing that the trumpet must sound "retreat" when it comes to pollution controls. The petition drive directed against the Secretary of the Interior is only example of the strong conviction held by a majority in this country that our land, water, and material resources are too precious to be threatened by a "supply side" environmental strategy. It's time for environmentalists within Congress to stand up for a strong Clean Air Act and on behalf of a thoughtful approach for the control of acid rain.

Environmentally conscious Americans are waiting and watching what the Congress does. Our Canadian neighbors are waiting for us to make the same kind of commitment which they have made, which the Scandanavians have made. Let us not disappoint them. I urge my colleagues to support our legislation to respond to this preeminent environmental crisis; acid rain.

DANGEROUS EROSION OF TOP-LEVEL MANAGEMENT IN FEDERAL CIVIL SERVICE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his

remarks and include extraneous matter.)

Mr. HOYER. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Karlyn Barker of the Washington Post entitled, "SES Executives Find Many Thorns, Few Roses." The article, similar to ones appearing in the Wall Street Journal, the New York Times, and Newsweek magazine, focuses on the dangerous erosion of top level management in the Federal civil service.

More than 45,000 Federal employees in the GS-14 through 18 levels currently lack any incentive to remain in the Federal Government because of the cap on their pay. In an era when this country's leadership is strongly advocating incentives to increase production and rebuild our economy, the Federal Government—which is the largest employer in the world—is denying its best employees the salary necessary to keep them in the Government.

As the Washington Post article points out, 52 percent of our Federal executives are considering leaving Government this year. Of these, 85 percent cite inadequate pay as the major reason for their departure.

Now that 48,000 Federal employees have hit the $50,000 pay cap, morale in the mid- to high-level grades is suffering, as employees see the avenues to future pay advancement close.

If we fail to deal with the pay cap issue, this country is headed toward management by the mediocre. We will have to be content with a horde of second-besters, uninspired, inactive, and unimaginative bureaucrats. And when our constituents come asking why Government does not respond, why it wastes, and why it is lethargic, we can tell them that the Congress defied all the rules of the American spirit and decided not to offer any incentives to the people who make this Government run.

Mr. Speaker, I contend that if an American corporation would treat its executives the way this Government treats theirs, that same corporation would not be in business very long.

I hope my colleagues will review Ms. Barker's article with an eye to the upcoming discussions on the next continuing resolution. I look forward to discussing this issue in depth with my friends on both sides of the aisle.

SES Executives Find Many Thorns, Few Roses

(By Karlyn Barker)

When Jimmy Carter set up the Senior Executive Service nearly three years ago, it was touted as the ideal place for the government's top managers, an elite niche where Uncle Sam's best and brightest would toil at greater risk but with the promise of greater rewards.

It hasn't worked out that way, according to numerous senior executives. In a recently released survey of 1,000 randomly selected SES members, more than 80 percent said that, although they like their jobs, they believe there are insufficient incentives to retain top quality government executives. Further, 46 percent of the current executives said they are thinking of leaving government service within the next two years.

The written survey, mailed out to senior executives by the Office of Merit Systems and Studies, found a growing dissatisfaction with the SES, which replaced the so-called "supergrade" system and was part of the Civil Service Reform Act passed in late 1978. The 6,700-member SES includes most managerial, supervisory and policy-making positions equivalent to GS 16 through Executive Level V in the Executive branch.

The survey detailed several SES shortcomings:

The current pay cap of $50,112 has resulted in "pay compression," so that all SES members—and many of their subordinates—earn the same salary, preventing distinctions based on differing responsibilities and authority.

The pay ceiling has meant that some executives have accepted "promotions" with no increase in pay; conversely, some have been less willing to accept promotions.

The pay cap has hastened the retirement of senior executives, whose pensions are based on the top salary earned. Though they can't improve their base pensions at this point by staying on longer, they can look forward to having their pensions boosted by regular cost-of-living increases once they do retire.

The SES bonus system, a type of merit pay intended to motivate and reward executives for exceptional performance, has been so severely curtailed by Congress and the OPM that at least half the members of the excutive work force feel they have no real chance of getting a bonus in the coming year.

Despite the theory that the SES would mean greater risks for greater rewards, most top performing executives feel they have not been adequately compensated for their work and, as of July 1981, only one career executive has been removed from SES for poor performance. Part of the idea behind the reorganized system was that it would attract and keep the best government executives by increasing their pay and perquisites while eliminating many of the protections against dismissal for poor performance.

The survey reported that 78 percent of the executives questioned are dissatisfied with their pay compared to that of private sector executives. Ninety-one percent said they enjoy the job itself and the kind of work they do, and 80 percent said they believe they get results and have a positive impact on government performance.

On the negative side, 63 percent said they are disatisfied with the bonuses and rank awards systems.

The vast majority of eligible career executives chose to join the SES when it was set up, particularly since it was understood at the time that failure to do so could scuttle their career advancement.

"People are really down," said E. Jerry Shaw, president of the Senior Executive Association. "There's this tremendous feeling of betrayal, and executives just cannot see a future in government if they are going to keep getting kicked in the head."

Shaw said the treatment of career executives should be all the more troubling to officials because "these are the successes in government, not the failures."

Archie Grimmett, one of those successes, has worked for the federal government for 22 years. He loves his job, regards his career as a higher calling and until recently had never once thought of looking elsewhere for employment.

But now the 46-year-old chief of the Department of Army's staffing and career management division for civilian personnel says he is becoming "very disillusioned about the whole thing." For the first time, he and his wife have begun discussing the possibility that he might want to leave government service unless, as promised, government pay and benefits improve.

The continuing failed promise of the SES has made it "alarmingly unattractive" to mid-level federal employes, the pool from which a large number of future SES members will likely be drawn, according to the survey. And even Donald J. Devine, director of the Office of Personnel Management, has told congressional officials that the government is losing its best, most seasoned executives at a time when it needs them more than ever.

Senior executives, to be sure, are not the only government employes feeling abused these days. Studies of mid- to high-level civil servants indicate that morale in general is suffering, particularly now that more than 48,000 federal employes have hit the $50,000 pay cap.

"The brain-drain problem is a much broader problem than the SES," said Rep. William Ford (D-Mich.), chairman of the House Post Office and Civil Service Committee. He said officials in the Reagan administration have come in "thinking that bureaucrats are to be purged at all costs, and this makes them incapable of making any judgment on the impact of that policy on the government."

Still, the problems of the SES—where the last substantial pay raise was in March 1977, followed by a 5½ percent cost-of-living increase in October 1979—are being felt in every agency.

"We've lost a number of top people," reports Ed Nicholas, director of personnel at the National Institutes of Health and a charter member of the SES. He has been in government service for 35 years.

Nicholas noted that while other government workers just received a 4.8-percent pay increase, SES salaries have been frozen. NIH recently lost one of its top directors, who left to head up a medical school, reportedly at double his salary, and Nicholas said about 30 vacancies have remained unfilled at the agency because it can't find qualified people to take them.

While few are being attracted to government service, others are seizing every chance to leave it. OPM's statistics show that between July 1979 and June 1981 1,100 career executives elected to take optional retirement. Another 363 resigned outright, according to OPM.

NATIONAL HOMEOWNERSHIP BONDS

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, I am introducing today a revised bill for my bill H.R. 4704, which will make homeownership once again a real possibility for millions of Americans. At the same time, it will put hundreds of thou-

sands of construction workers back to work without costing the U.S. Treasury a penny in lost revenue. In fact, because of the new economic activity which will be created by this proposal, new tax dollars will flow into the Treasury.

My bill would authorize the issuance of partially tax-exempt national homeownership bonds paying a face yield of 10 percent. The money raised by these bonds would go to finance 12-percent mortgages.

The Reagan administration's plan will work and interest rates will come down. But my bill will provide a way of helping the depressed housing industry.

This bill will do the following:

EXPLANATION OF H.R. 4833

1. Answer the pent up demand for residential housing.
2. Put hundreds of thousands of construction workers now laid off back to work.
3. Provide a new source of mortgage funds to banks, savings and loans, and other traditional residential mortgage lending institutions.
4. Increase income tax yield to the Federal Treasury.
5. Increase the demand for building materials.
6. Create new demand for household appliances and household furnishings.

If implemented promptly this program will:

1. Provide new employment for at least one million people in the first year. These reemployed individuals and their collaterals probably represent at least two million voters.
2. Satisfy the needs and desires of at least 500,000, perhaps 600,000, families with new housing. This constituency with collaterals will exceed one million.
3. Help restore the savings and loan industry and the banks to a more healthy economic condition. This program will generate approximately 200 million in service fees and profits for the lending institutions.
4. Provide an opportunity for perhaps as many as five million small investors to earn a 14-percent net return on their savings guaranteed for five years.
5. Generate new revenue for the Treasury; or, under the best conditions, assuming a dramatic and desired drop in mortgage interest rates, create no net loss for the Treasury.
6. The benefits from the program will be felt in every corner of the Nation, every segment of society.
7. This program will satisfy the aspirations of from four to eight million voters.

STEP 1

Passage of H.R. 4833, as amended to permit banks, savings and loans, and other institutions, which have traditionally provided financing for residential construction or purchase of newly constructed residences, to issue National Home Ownership Bonds in denominations of $1,000 or any multiple of $1,000.

Term of authority—3 years (ending January 1, 1985). Term of bonds—5 years. Rate of interest to be paid investor by issuing authority—10 percent.

All funds from the sale of NHO Bonds must be loaned on mortgages to finance the construction of a new residence or the purchase of a hitherto unoccupied new residence.

Mortgages funded by this program are to carry an interest rate of 12 percent. Monthly mortgage payments are to be based on a 30-year amortization period of 12 percent (or for a shorter period, if preferred by the borrower). Initial term of the mortgage—5 years. At the end of the initial 5 year term, interest rate is to be renegotiated with no penalty to the borrower.

TAX FOREGOENCE

Tax exemption allowable to rate payer on interest received from NHO Bonds:

Percentage tax foregoence [1]

Marginal tax rate:	
29 percent or less	99.4
30 percent	98.0
31 percent	96.6
32 percent	95.2
33 percent	93.8
34 percent	92.4
35 percent	91.0
36 percent	89.6
37 percent	88.2
38 percent	86.8
39 percent	85.4
40 percent	84.0
41 percent	82.6
42 percent	81.2
43 percent	79.8
44 percent	78.4
45 percent	77.0
46 percent	75.6
47 percent	74.2
48 percent	72.8
49 percent	71.4
50 percent	70.0

[1] Average tax foregoence per year will be $2,424.50, or total of $12,122.50 on $100,000 NHO Bonds.

The purpose of the income tax foregoence is to provide the investor in NHO Bonds (no matter what his marginal tax rate) with an after tax return the equivalent of what would have been earned had the funds been placed at an annual return of 14 percent.

RATIONALE

Nationwide residential home construction is off more than 50 percent. Current mortgage interest rates in the neighborhood of 17 percent have effectively prevented hundreds of thousands of would-be home purchasers from qualifying for the requisite mortgage and being able to pay the interest rate demanded.

Hundreds of thousands of skilled construction workers have no jobs. An alarming number of residential construction contractors are being forced out of business; others into bankruptcy.

The suppliers of building materials of every description report sales off 40 to 50 percent.

Plants manufacturing home appliances—ranges, refrigerators, water heaters, dishwashers, etc.—are being closed or operating at greatly reduced capacity. The demand for domestic copper for wiring and plumbing has been dangerously diminished.

It is believed the availability of 12 percent mortgage money will bring about an immediate upturn in residential construction, with all the incalculable benefits such an upturn will produce.

A revival in home construction will mean jobs for construction workers at the job site; employment for labor producing building materials; new cargoes for freight carriers; reemployment for those factory workers in the appliance field who have been laid off. Paint and hardware manufacturers will benefit. The furniture and carpet industry will benefit. State and local taxing authorities will derive new revenue from the new values added to the tax rolls.

NO TAX LOSS TO THE FEDERAL TREASURY

The tax loss resulting from the foregoence of a portion of the tax on the interest returns from the 10 percent bonds is only an apparent loss.

On $100,000 of National Home Ownership Bonds

Average tax foregoence per year	$2,424.50
Total apparent loss over 5 years;	12,122.50

(Twenty-two classes of rate payers from the 29 percent to the 50 percent bracket will receive some measure of tax foregoence. The average tax foregoence, if an equal number of rate payers in every bracket were to participate, would be $2,424.50 per year for each $100,000 worth of bonds. Averages can be misleading. The minimum tax foregoence available to the rate payer in the 29 percent bracket is $2,840.00 per year. The minimum bracket is $2,000.00 per year.)

PREDICTABLE TAX GAINS

At least one-half of the cost of residential construction results in taxable income:

Wages paid to on-site and off-site labor;

Wages paid to workers in the materials field;

Commissions earned by real estate people;

New taxable income for title companies, insurance providers, and transporters of building materials.

All this income becomes taxable in the year of construction. Assuming a tax rate of 20 percent applied to this new revenue, and this figure is probably a minimum, the Treasury will collect immediately in taxes an additional $10,000.

Predictable maximum tax loss	$14,200.00
Predictable minimum tax loss	10,000.00
Average tax loss	12,122.50
Immediate tax gain	10,000.00
Remaining apparent tax loss	2,122.50

ADDITIONAL TAX BENEFITS TO THE TREASURY THE RESULT OF THE LOWER MORTGAGE INTEREST RATE

The borrower of $100,000 on a mortgage at 17.5 percent interest is permitted to deduct the total amount of interest paid from his gross income to arrive at his adjusted gross income or taxable income.

In the first five years of a $100,000 mortgage to be amortized over 30 years, the deductible interest component will be about $17,000 per year.

A similar borrower with a 12 percent interest rate will have a deductible interest component of about $12,000 per year for 5 years.

To qualify for a $100,000 mortgage at a 17.5 percent interest rate, applicants must have a gross disposable income of at least $60,000.

To qualify for the same $100,000 mortgage with a 12 percent interest rate, applicants must have a gross disposable income of approximately $46,000.

Both borrowers would be in a marginal tax rate well above 30 percent. Additional tax revenues resulting from this lower deductible interest taxed at 30 percent will result in an increase of tax collections by the Federal Treasury in the first 5 years of the mortgage of at least $7,500.

While the average cost of new homes in the U.S. might be close to $100,000, a great amount of new housing is available for less than $100,000.

The borrower who qualifies for a $60,000 mortgage at 12 percent interest must have at least $29,000 in disposable gross income.

NOTE.—Loan qualification requirements are included to support the assumption that home buyers under the act would be in at least a 30 percent marginal tax rate bracket.

Assuming that at least a 30 percent tax rate will be applied to the interest saving factor is conservative.

Lowering the interest rate from 17.5 to 12 percent will make qualification for mortgage loans much easier for a substantial segment of the population.

Average tax gain to the Treasury after the deduction of predictable tax losses from the foregoence	$5,377.50
Minimum predictable tax gain if all investors in NHO bonds were to receive the highest amount of tax foregoence	3,300.00
Maximum tax gain by Treasury if all investors in NHO bonds receive the minimum amount of tax foregoence	7,500.00

SIGNIFICANT BENEFITS ON RESALE HOME MARKET

Providing new funds from NHO Bonds for new construction will increase presently available funds for financing of resale homes.

MORE IMPORTANTLY

Present home owners, who must sell their present homes before moving into a new one, will be able to offer a purchaser of the old home a 12 percent interest rate on a portion or all of the financing necessary. If the new home can be financed at 12 percent, the owner of a present home (which he must sell before moving to a new one) will very probably be happy to accept 12 percent on a second mortgage since the interest he will receive will equal the interest he will have to pay.

THE MARKET FOR NEW HOUSING

In 1978, there were 2.1 million new housing starts. In 1981, there will be only 900,000—a deficit of more than 1.2 million units.

Each billion dollars of National Home Ownership Bonds sold will result in the construction of at least 10,000 new residences. (This is on the assumption that each new home mortgage will be issued for the maximum amount of $100,000, resulting in a total investment, including the owner's capital contribution, of $120,000.)

Since many of the purchasers of these new residences will buy units considerably under $120,000 in total value, 50 billion dollars worth of National Home Ownership Bonds could result in the construction of substantially more than 500,000 new homes.

Each 1,000 new residences under construction provided one full year of employment for:

Onsite workers	800
Offsite workers	900
Total new employment	1,700

Fifty billion dollars in NHO Bonds will provide financing for 500,000 new residences. Since many of these will sell for less than $100,000, it can be conservatively estimated the program will provide one million new jobs annually.

THE RIPPLE EFFECT

No attempt is made in this analysis to arrive at the ultimate economic stimulation resulting from the ripple effect: the increased market for home appliances, furnishings, carpets, drapes, landscaping; the benefits to the depressed copper industry.

A major benefit, only briefly mentioned, will be the increase in taxable valuations paying real property taxes to the city, county, state, and special districts.

SOME QUESTIONS

What happens to the lending institution, which has financed a 30-year mortgage at 12 percent from the proceeds of National Home Ownership Bonds, at the end of the five year life of the bond?

There is general agreement among the Nation's economists that interest rates must be brought down if we are to maintain anything comparable to our present life style. The goal of the Reagan Administration is to bring interest rates back down.

What if the interest rates come down dramatically before the end of the five year bond-supported period?

The borrower may be in a position of paying higher than normal interest rates for some portion of the time he has the money. The interest savings on the first 30 months of $12,500 will more than offset the excess interest he will be paying during the final 30 months even if interest rates come down to 8 percent.

The National Home Ownership Bond program will not result in a net loss to the Treasury. The program will produce an immediate (in the construction year) increase in revenue to the Treasury.

NOTE.—The prime interest rate has fallen 2 points since September 1, 1981. As the Administration's economic program commences to take effect, it is anticipated the prime rate will drop even further. Mortgage lenders who were caught with low interest fixed rate mortgages, and faced with a cost of money about double the interest rate, will be slow and cautious about reducing mortgage interest rates. However, even if the cost of mortgage money comes down dramatically and swiftly, an average differential over the five year life of the bond of 1½ percent; i.e., open market money mortgage rates over the five year period only 1½ percent higher than the 12 percent offered under NHO Bonds, the Treasury would still not suffer a tax loss from the tax foregoence.

$100,000 loan times 1.5 percent interest differential equals $1,500 more taxable income per year, or $450.00 in additional tax revenue per each of the five years	$2,250.00
Predictable apparent tax loss to Treasury	2,122.50
Net gain to Treasury over 5 year period if open market mortgage money drops dramatically in rate	127.50

The program will dramatically relieve unemployment in the construction trades and related fields. The program will satisfy the aspirations of more than half a million families needing and desiring new housing. The benefits from the program through the ripple effect will benefit the economy nationwide.

The administration costs will be minimal. Banks, savings and loans, and other lending institutions are regularly examined by Federal and state authorities. These examinations will automatically enforce the requirement that all funds generated from the sale of National Home Ownership Bonds be allocated to mortgage loans on new construction. The purchaser of National Home Ownership Bonds will claim his tax foregoence if filing a short form on a simple additional 1040 form as determined by his highest marginal tax bracket. This is not a problem in filing a long form.

WE NEED A COMPLETE OVERHAUL OF THE HAITI PROGRAM

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, I take this opportunity to urge the Congress and the Reagan administration to take prompt, forceful, adequate measures to relieve the desperate plight of our neighbors in the Republic of Haiti.

It is not enough to call, as the administration has called, for the prevention of illegal immigration into the United States. Haiti is the poorest country in the Western Hemisphere, the only Latin American country that is listed by the United Nations as 1 of the 30 least developed countries in the world. With a population of 5.5 million, it has a per capita GNP of $260. According to a 1978 World Bank report 75 percent of the people in Haiti live under conditions of absolute poverty; this means that the overwhelming majority cannot afford what is considered the minimum standard of consumption of food and nonfood items. People living under those conditions will make any effort, break any rule, overcome any barrier to seek escape on even a faint hope of a better life.

Nor is it enough to threaten no further increases in assistance to Haiti in the absence of satisfactory cooperation by the Haitian Government on human rights and other measures. The Government in Haiti may well be unmoved by such threats. The Haitian Government's cooperation in aid programs has at times resulted in slanting those programs to favor the country's elite or in siphoning AID funds into its own projects. The political obstacles to development in Haiti must be confronted; the economic plight of the refugees "is a political condition," as the U.S. district court in Florida noted last year in the case of *Haitian Refugee Center* v. *Civiletti*, 501 F. Supp. 442 (S.D. Fla. 1980); but it would be shortsighted and cruel to attack those political conditions by denying assistance to the 75 percent of the people whose pitiful poverty is at the root of their massive migration to our shores.

Nor, finally, is it enough merely to call on other countries to do more. Other countries are helping—Germany, Canada, France, Belgium, and the Netherlands. So are the International Development Association, the Inter-American Development Bank, and dozens of nongovernmental private organizations. Unfortunately, these many would-be benefactors not only fail to coordinate with each other but also compete with each other to hire away the few trained government officials available to follow through on projects.

What is required, as Congressman LONG of Maryland has long insisted, is a complete overhaul of the USAID program in Haiti. Although the Reagan administration's reduction of more than 30 percent in the proposed AID budget for Haiti runs counter to its own interests in reducing illegal immigration, it is difficult to argue for more when the funds previously appropriated have been spent—or misspent—with so little effect. We need a comprehensive and detailed development plan for the Haitian economy as a whole, emphasizing the direct delivery of assistance to the people of Haiti, avoiding transfers of funds to the Haitian Government, avoiding the traditional AID bias toward unnecessary capital expenditures when there are countless Haitians desperate to do the work for which AID purchases American machinery, and encouraging the more efficient and farsighted use of Haiti's scarce agricultural resources. The program needs more detail in the planning stages and less delay in execution.

The principal focus of this country's efforts must be the agricultural sector. That is the main weakness of the Haitian economy, and that is where 70 to 80 percent of the population attempts to eke out a living. Using the most rudimentary technology, productivity has steadily declined as the rapidly growing population divides and redivides ever more difficult, less fertile land, destroys the trees in search of the firewood and charcoal on which 97 percent of the people depend for cooking, and accelerates the process of deforestation and soil erosion.

Among the steps to be considered for action by the administration are the following:

First, reduce or remove barriers now restricting the export of Haitian agricultural products to this country, specifically the U.S. duty on imports of Haitian mangoes and the Haitian export duty on coffee.

Among all the less-developed countries entitled to the general system of preferences, only Haiti and Mexico are subject to U.S. duties on mangoes. The cultivation of fruit trees is ideally suited to Haitian ecology, available to the poorest farmer in most parts of the country and a major contribution to reforestation and the conservation of steep slopes. Removal of the duty would be an important step toward a more stable and self-sufficient agricultural sector in Haiti and for all those dependent upon it.

The Haitian Government's export duty on coffee is passed on to the nearly 400,000 farmers, most of them small landowners or sharecroppers, who produce Haiti's principal export. The combined effect of the export duty and high marketing fees leaves these producers with less than one-half the f.o.b. sales price. The export duty's removal as part of a new U.S. trade/aid package would increase their incentive to produce and their willingness to stay on the land.

Second, reduce the demand for firewood and charcoal by providing kerosene and other substitutes or subsidizing its price. This is the only way to reverse the disastrous trend toward deforestation which AID has tried in vain to stem. It has been estimated that, despite AID projects, the rate of deforestation now exceeds reforestation by a factor of 25. In 1976, AID was given $8 million for an integrated agricultural development loan project, designed in part to encourage reforestation; but by the end of 1980, only $1 million had been put to use, the program was scaled back to $3 million and the reforestation effort was cut back accordingly. Increases in the price of kerosene halted a trend toward its use among the poorer of Haiti, as a substitute for charcoal; and extended assistance to stabilize its price will be necessary to save Haiti's forests and soil and to help make its agricultural economy capable of supporting the rural population instead of exporting it.

Third, channel aid directly to the rural poor by employing them in infrastructure projects—roads, irrigation, and storage facilities—needed to improve farm productivity and income.

There is a great need in Haiti for roads, irrigation facilities, and other types of public works. This need presents a good opportunity for the development of a progam that channels aid directly and for the explicit purpose of the construction of these types of public works and for the employment of the rural poor. In this manner, not only would the infrastructure be put in place that would aid in the economic development of the country, but, at the same time, we would be providing desperately needed jobs that would allow Haitians to obtain useful skills and knowledge with which they can continue to improve their lives.

Conditions would need to be imposed to insure that the aid is being administered and channeled properly and that the assistance is being received by the intended beneficiaries.

Fourth, increase the U.S. Government's delivery of Public Law 480 food directly to Haiti's poorest families. In 1974, of 129 developing countries, Haiti was 127th in per capita daily caloric consumption, and 129th in protein consumption. A 1978 nutrition survey of children (age 3-5) revealed that nearly one out of six was acutely malnourished; nearly one out of five showed signs of stunted growth; and an even higher proportion was found to be anemic. A 1978 World Bank report compared findings with a 1958 study and found malnutrition getting worse, leading irreversibly to mental retardation. Yet U.S. Public Law 480 aid to Haiti on a per capita basis lags behind that given to such countries as Bolivia, Guyana, Jamaica, Nicaragua, and the Dominican Republic. Increasing the amount of aid, however, is not enough, in view of substantial evidence that much of it in the past has been channeled into the private market for the benefit of government officials or else pilfered by these officials for their own consumption. Less aid should go in the form of government-to-government loans under title I and more aid should go in the form of title II relief, with stricter controls on distribution as well as a higher protein content. In addition, recipients—particularly mothers of the very young—should be instructed by relief workers and pamphlets on the importance and methods of nutrition, in order to discourage the recipients from selling their food parcels on the open market or bartering them away for other goods they cannot afford. That only discourages the local farm production that must be increased. Food assistance has its drawbacks and cannot be a long-term solution. But in the short run we cannot turn our backs on stunted and wasting children.

Along with these efforts must come technical assistance—advice on land use, marketing and modern production methods. There must be more coordination and more followthrough. But, above all, there must be a determined effort by the Government and people of the United States that we will not turn our backs on the hunger, hopelessness and inhuman economic conditions now driving the people of Haiti toward desperate measures, of which the recent immigration wave may be only the beginning.

U.N. HIGH COMMISSIONER FOR REFUGEES AWARDED NOBEL PRIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 60 minutes.

Mr. OBERSTAR. Mr. Speaker, refugees by the very fact of being refugees become people without a country: men, women, and children without the protection of citizenship or nationality.

They become citizens of the world, dependent on the protection of the world community. Unfortunately, the world has not always responded to the claims of humanity in offering protection or in dealing with the enormous logistical and political problems of people who have been forced to flee their homelands.

The governments of the world have entrusted a great responsibility to the Office of the United Nations High Commissioner for Refugees—to a certain degree, giving that office a job that the governments themselves did

not want and one which no government alone could handle.

On October 14, the Nobel Peace Prize Committee announced that, for the second time in history, the Office of the Commissioner has been awarded the prize, according to the terms of Alfred Nobel's will, for "the best work for fraternity between nations."

The Nobel Prize is perhaps the only appropriate recognition for a group that bears monumental humanitarian responsibility for feeding, clothing, housing, and resettling the world's refugees who number between 14 million and 18 million men, women, and children.

The High Commissioner has a staff of 1,700 and an annual budget of $500 million. The United States contributes $123.5 million of that amount; ours is the largest single contribution, an indication more of the modesty of worldwide support for refugee needs than of the generosity of our contribution.

The United Nations General Assembly established the Refugee Office 30 years ago to provide assistance to the victims of war. In the subsequent three decades, the office undertook to provide for the basic needs of the million Bengalis who fled what is now Bangladesh during the war between Pakistan and India.

The High Commissioner has assisted refugees who fled from Zimbabwe during the civil war, refugees from Cambodia, Ethiopia, and now the approximately 1.4 million Afghans who fled following the Soviet invasion of Afghanistan.

The UNHCR has two major responsibilities—international protection of the refugees and the promotion of solutions to the plight of the refugees.

UNHCR goal is to empty refugee camps—to enable refugees either to return to their homeland, or to establish themselves in a new land.

The world's refugees live in conditions that make peace for them impossible. Moreover, their status as homeless citizens and their poverty are conditions which have an additional effect of destabilizing the countries and regions to which they have fled. To alleviate their problems, to stabilize their lives is to increase the climate for peace in the world.

As a Member of this House, I join with a grateful world in commending the UNHCR and in congratulating the Nobel Prize Committee on its excellent selection.

I ask unanimous consent that an article from the New York Times of October 15, 1981, reporting on the work of the UNHCR be included at this point in the RECORD:

[From the New York Times, Thursday, Oct. 15, 1981]

WORLDWIDE WORK OF U.N. AGENCY SEEMS ENDLESS

(By Bernard D. Nossiter)

UNITED NATIONS, N.Y., October 14.—Each day dozens of weary women, children and men file across the Ethiopian border, walking 40 miles to a southeast corner of the Sudan in search of food, water, medicine and tents at a camp run by the United Nations High Commissioner for Refugees.

In northwest Tanzania, 25,000 Hutus, who years ago fled from their Tutsi rivals in Burundi, have settled down in sturdy, mud-baked homes. They grow enough tobacco, corn and peas to feed themselves, finance a cooperative bus and discothèque and enjoy transistor radios. They are on their way to citizenship in underpopulated Tanzania, thanks to aid they no longer need from the United Nations agency.

For 30 years the Office of the High Commissioner, which was awarded the 1981 Nobel Peace Prize today, has been providing for the victims of war. The organization operates from Geneva with a staff of 1,000, which is small by United Nations standards. About two thirds of them work in the dismal corners of the globe where refugees huddle.

Unlike most bureaucracies, the High Commissioner, which is both the name of the agency and the title of its chief, tries to shrink its constituency. Success is measured by the number of those returned home or permanently resettled in a new land. Its goal is precisely opposite from that of the United Nations Relief and Works Agency for Palestine Refugees, the body responsible for Palestinian Arabs that is directed to keep its camps filled.

ITS MOST AWESOME TASK

The High Commissioner's most awesome task was providing for the nine million Bengalis who in 1971 fled what is now Bangladesh to escape the clash between Pakistan and India. With India's victory and the independence of Bangladesh, the Bengalis went back home a year later.

Last year the agency celebrated the arrival of a train carrying 1,200 school-girls to Bulwayo, Zimbabwe. They were the last of 250,000 returning Zimbabweans who had fled to Mozambique, Botswana and Zaire until black guerrillas could wrest independence from the white minority rulers of what had been Rhodesia.

But the agency, which first won the Peace Prize in 1954, never runs out of fresh clients. The turmoil in Africa in Africa and Asia in particular has currently created about 10 million refugees.

The Commissioner is not supposed to look after victims of natural disaster, flood, earthquake or famine. In fact, the distinction is often difficult to make and many of the hundreds of thousands of Ethiopian refugees, for example, have left their country because they cannot find a living. Indeed, the chief criticism of the agency is that it has been drawn into providing machines, roads, tools and other items that enable the homeless to settle down into a new life.

A SHREWD, PATERNAL DANE

Since 1978 the agency has been run by a shrewd, paternal Danish politician, Poul Hartling. A former teacher in a Congregatinal seminary, Mr. Hartling for years led Denmark's middle-of-the-road Liberal Party. He was Prime Minister from 1973 to 1975.

His political talents are useful. To care for refugees from Cambodia, he must stay on equable terms with both Thailand and the Communist regime installed in Phnom Penh by Vietnam. Mr. Hartling has been successful enough so that 310,000 Cambodians could return home last year.

The High Commissioner is equally astute at rallying other agencies to share his burden. The World Food Program is enlisted everywhere, and notably in Somalia, to supply cereals, dried milk and other necessities to the 1.2 million refugees, mostly from Ethiopia, who swamp that arid and impoverished nation. The United Nations Children's Fund insures safe water in Cameroon for those fleeing Chad's civil war.

No fewer than 200 private agencies also help out, supplying doctors, blankets, stoves and more. Among the more pervasive are Oxfam, Care, Caritas, Catholic Relief Services and Medicin Sans Frontières of France.

1.4 MILLION AFGHANS EMBROILED

The latest and largest disaster has caught up 1.4 million Afghans escaping Soviet troops attempting to suppress insurgents fighting a Moscow-backed regime. The refugees are camped in Pakistan, another poor nation that cannot afford the burden but nevertheless makes cash grants to each newcomer. The High Commissioner finds tents and tarpaulins, tea and sugar, blankets and clothing to make life bearable for the refugees.

Like so much at the United Nations, the High Commissioner owes its origins to an agency created by the League of Nations after World War I. Fridtjof Nansen, the Norwegian explorer, was in charge, largely caring for 1.5 million Russians fleeing from the revolution and civil war.

After World War II, international efforts concentrated on settling the millions driven across Europe's borders. The millions forced out of newly independent Pakistan and India were largely ignored. But 125,000 European refugees remained to attract attention and they were the reason that the United Nations agency was established.

Europe soon provided a new group of clients, 170,000 Hungarians who fled in 1956 after Soviet tanks crushed an uprising.

ADDITIONS TO THE CASELOAD

Today, nearly every political disturbance adds to the High Commissioner's caseload. Violence between left and right in El Salvador has created another 80,000 refugees in Latin America.

And since the end of the war in Vietnam, hundreds of thousands have been driven from or have fled Indochina, presenting the agency with a new problem. Thai and Malay pirates regularly prey on the boatloads of hapless refugees, raping, robbing and murdering. Last year it was estimated that 2,000 a month were subjected to the ordeal, sometimes twice on the same trip.

The agency regards itself as responsible for refugees' safety, but neither the Thai nor Malaysian Governments responded to its appeals for protection.

With considerable delicacy and a touch of irony, the High Commissioner donated a patrol boat to the Thai Navy, a strong hint that it might do better.

The High Commissioner does not enjoy a large budget. Last year he spent $500 million and expects the total to fall in 1981. The United States made the biggest contribution, $123.5 million, followed by Japan at $64.5 million, West Germany at $19.8 million, Sweden at $19.2 million and Britain at $17.8 million.

The Soviet Union contributes nothing, and neither do its East European allies. Moscow believes that refugees are a "colonialist" legacy and, by definition, the Soviet Union is not colonialist.

● Mr. BONKER. Mr. Speaker, I wish to commend my distinguished colleague, Representative OBERSTAR, for sponsoring a special order to pay tribute to the Office of the United Nations High Commissioner for Refugees on being awarded the 1981 Nobel Peace Prize.

This great honor comes as the UNHCR celebrates its 30th anniversary—three decades of providing humanitarian assistance to refugees and persons displaced by armed conflict around the world. All of us appreciate the important work UNHCR has done and continues to perform on behalf of the Indochinese refugees, refugees throughout Africa, particularly in the Horn, in Central America, and those fleeing Afghanistan. With one of the smallest staffs of any U.N. organization, UNHCR has been extremely effective in responding swiftly to refugee crises wherever they occur.

As a member of the Foreign Affairs Committee and chairman of one of the subcommittees that oversees our participation in UNHCR, I have seen its operations firsthand and continue to be impressed by the competence of the staff and effectiveness of UNHCR's work.

I am pleased to join with my colleagues in adding my tribute to the 1981 recipient of the Nobel Peace Prize.●

● Mr. LEACH of Iowa. Mr. Speaker, I am pleased to join my colleagues in the House in paying a special, well-deserved tribute to the United Nations High Commissioner for Refugees (UNHCR), the recipient of this year's Nobel Peace Prize.

As the ranking minority member of the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee, which shares in the jurisdiction the committee exercises over U.S. participation in the UNHCR programs, I have had the recent privilege to meet with the U.N. High Commissioner for Refugees, the Honorable Poul Hartling, former Prime Minister of Denmark.

The Office which he heads has been charged by the United Nations, over the past three decades, with providing international protection for refugees and for assisting their repatriation or resettlement. While seeking initially to provide immediate, emergency care for refugees, the agency has also sought to find more permanent solutions. Over the past several years, we have seen heavy refugee flows in the Indochina region, into Pakistan from Afghanistan, in Africa, and, within this hemisphere, in Central America. The United States has always shared the humanitarian objectives and concerns of the UNHCR and is pleased to be in partnership with it in seeking to provide emergency relief to the boat people of Indochina, the destitute refugees in the Horn of Africa, the Afghan refugees fleeing from Soviet aggression into Pakistan, and refugees in many other parts of the world.

In March of this year, a committee staff study mission to refugee areas reported back that the increasingly frequent refugee exoduses since 1977, amounting to three or four new exoduses a year in some cases, have transformed the UNHCR from a small-scale to a monumental enterprise. Because of the tremendous volume of refugees, the capacity of the UNHCR to address the humanitarian problems of these vulnerable people has been taxed to its limits. As problems have arisen in connection with these large and unpredictable refugee flows, UNHCR has attempted to find new ways of coordinating prompt and adequate international responses to immediate refugee needs.

The UNHCR has also contributed significantly to the development of international refugee law by assisting governments with the preparation of a variety of international legal instruments dealing with the status and treatment of refugees. It has promoted amnesty policies to assure the safe repatriation of certain refugees to their home countries, particularly in Africa. In Asia the UNHCR has also encouraged governments to grant refugees asylum, prevent piracy, rape and murder on the high seas and promote family reunification.

The United States has generally contributed over one-fourth of UNHCR's annual budget, far more than any other single U.N. donor contributes. This important contribution by the United States to the ongoing, vital humanitarian function which this international agency serves is a sound investment in the welfare of all mankind and in a future of peace and freedom from suffering and persecution.

Mr. Speaker, I want to join the many tributes being raised today to the UNHCR and to urge the Members of this body to add substance to those tributes by continuing to offer strong support to the programs that Office implements in the pursuit of its important mission of compassion.

Thank you.●

● Mr. BINGHAM. Mr. Speaker, I am pleased to take part in this special order recognizing the award of the 1981 Nobel Peace Prize to the Office of the United Nations High Commissioner for Refugees. The work of this United Nations organization in situations fraught with political and diplomatic problems all over the world deserves this tribute.

This is the second time the UNHCR has been so honored. In 1954, following its ground-breaking work in resettling European refugees from the horrors of the Second World War, it received its first Nobel Prize. Since then, it has widened its scope to include the whole world and the growing emergency situations which have regrettably created thousands of new refugees, helpless men, women and children who have been forced to flee their homes through no fault of their own. Their work in Southeast Asia, in Africa, in Bangladesh and in the unfortunately many other areas where political conflict and natural disaster have created new victims, has been quiet but valiant.

They have often worked behind the scenes, without headlines and without fanfare—because this has been the only way they can achieve their goals. They have had to deal with Government officials, with political dissidents, with guerrillas—at great peril sometimes to their personnel in the field. They have operated without regard to the politics, race, religion, or nationality of those they have sought to help.

The UNHCR deserves our appreciation and this award. It is one of too few examples these days of international programs that succeed in alleviating human suffering. With a small professional staff and great devotion, the work of the High Commissioner's Office is carried out month after month. Mr. Poul Hartling, the High Commissioner, and his staff are to be congratulated for their accomplishments.

I would like to place in the RECORD at this point, an article that appeared in the New York Times on the occasion of the award:

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● Mr. DERWINSKI. Mr. Speaker, I join my distinguished colleagues in saluting the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its having been awarded the Nobel Peace Prize. It is an award richly deserved; the Commissioner's work on refugees has established an outstanding record in dealing with the massive problems of huge numbers of refugees in diverse parts of the world.

Somalia, Sudan, Zaire, Indochina, Pakistan, Central America. In all of these areas, the UNHCR provides relief, protection and resettlement for hundreds of thousands. Its objectives are to reduce immediate short-term suffering, to restore self-sufficiency and to provide vital protection, especially to those seeking asylum. It works with governments and private voluntary agencies to accomplish its goals.

It must be noted that in too many instances UNHCR must attempt to cope with populations victimized by atrocities—Communist wars and aggressions—promoted by the Soviets, such as those in Somalia, El Salvador, Afghanistan, and Indochina.

By its commendable results against terrible odds, UNHCR has earned the respect and gratitude of the world. I join in recognizing and aclaiming its accomplishments.●

● Mr. FISH. Mr. Speaker, it is a great privilege for me to pay tribute to the office of the United Nations High Commissioner for Refugees (UNHCR), the recipient of the 1981 Nobel Peace Prize laureate, an honor awarded the office for an unprecedented second time. This deserved recognition is an inspiration to all involved in refugee work.

Founded 30 years ago, the UNHCR is the chief source of reassurance and assistance to over 13 million refugees throughout the world. Its two main functions are international protection of refugees and the promotion of durable solutions to their plight, with material assistance available for such activities.

It has been my privilege as ranking member of the Immigration, Refugee, and International Law Subcommittee to know the High Commissioner and to have met the able and dedicated members of his staff working with refugees throughout the world.

Amid global economic uncertainties, the UNHCR continues to extend unlimited humanitarian assistance to the mounting numbers of homeless men, women, and children. Serving his third year of a 5-year term, High Commissioner Poul Hartling put it quite nicely:

> The hospitality offered by one human being to another, by one family to another, is the vital foundation of the fragile edifice of international solidarity with the uprooted. The ultimate goal of this solidarity is to give refugees a new hope, a new existence, and above all, a new dignity. When human dignity is violated, refugees are created; when refugees are helped, human dignity is restored.

As long as this world continues to produce wars, social strife, or persecution for reasons of race, religion, nationality, membership of a particular social group, or particular social group, or political opinion, it is indeed certain that the UNHCR will be needed in the assistance of uprooted persons for many, many years to come.●

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1910

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, yesterday, October 21, 1981, I addressed the Special Political Committee of the United Nations on the so-called New World Information Order on behalf of the U.S. delegation to the U.N. General Assembly and was therefore unable to be present for three rollcalls.

On rollcall No. 270, the question of whether the House would resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 3602, the 1981 farm bill, I would have voted "yea." That question passed by a vote of 386 to 2.

On rollcall No. 271, the Shamansky amendment to repeal the tobacco price-support program, I would have voted "aye." This amendment was rejected by a vote of 184 to 231.

On rollcall No. 272, the Findley amendment, as amended by the Foley substitute, to express the intent of Congress that the tobacco price-support program should be run without cost to the taxpayer, I would have voted "aye." This amendment passed by a vote of 412 to 0.●

H.R. 4255—NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS FOR FISCAL 1982 AND 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 15 minutes.

Mr. BROYHILL. Mr. Speaker, I am pleased to join with my chairman, Mr. DINGELL, and my colleagues, Mr. UDALL, Mr. LUJAN, Mr. OTTINGER, and Mr. MOORHEAD, in bringing this important bill to the floor.

NRC BILL IS PROCONSUMER AND ANTI-INFLATION

The nuclear licensing reforms adopted in this bill are decidedly proconsumer and anti-inflation. These regulatory reforms would speed the licensing of nuclear powerplants over the next 2 years, while maintaining full safety and environmental protection.

At a time when consumers face soaring electric bills across the land, these reforms will help avoid over $1 billion in higher electric rates and consumer costs due to Nuclear Regulatory Commission delays in licensing nuclear plants. In addition, the Department of Energy estimates these reforms will help reduce U.S. oil consumption by over 20,000 barrels per day equivalent.

This bill provides the Nuclear Regulatory Commission with temporary authority to reduce its backlog of licensing cases over the next 2 years. This backlog, if not addressed, could delay up to 11 plants scheduled to be completed in 1982 and 1983. However, this bill explicity maintains all existing safety and environmental requirements, and NRC's temporary authority would expire at the end of fiscal 1983.

Although I would have liked to have seen stronger and more comprehensive reforms of the NRC licensing logjam, I believe the bipartisan, moderate compromise adopted by the committees represents a long-overdue, commonsense step toward solving the short-term licensing problems at the NRC. According to the already financially strapped utility industry, if these problems are not solved, 11 powerplants will sit idle a collective total of 63 months over the next 2 years at a cost to consumers of tens of millions of dollars per day in higher costs of replacement power and carrying charges. In addition, 57 other plants scheduled to be completed by 1985 may also be caught in "pancaking" regulatory delays that make the current costs of delay look like spare change.

NRC BILL CONTAINS BIPARTISAN COMPROMISE LICENSING REFORMS

This important bill represents a broad, bipartisan compromise reached by the leadership of both authorizing committees. This compromise embodies much of the substance of the bipartisan amendments sponsored by Mr. DINGELL, Mr. OTTINGER, Mr. MOORHEAD, and myself in the Commerce Committee, and adopted by nearly two-thirds majority in that committee last June.

It is important to note, after our committee completed action on the bill, Mr. UDALL and Mr. LUJAN, representing the Interior Committee, suggested, and we included, further compromise language very similar to amendments which had been defeated in our committee. For example, we include in this bill language on State consultation similar to that offered by Mr. MOFFETT. We also include language on two-step interim licensing similar to that supported by Mr. SYNAR and Mr. MARKEY.

In short, our bill is really a "compromise on top of a compromise." It is a tribute to the leadership of Mr. DINGELL, Mr. UDALL, and Mr. LUJAN as well as Mr. OTTINGER and Mr. MOORHEAD, as chairmen and ranking member, respectively, of the relevant subcommittee, that the moderate reforms in this bill enjoy such broad, bipartisan support.

I also commend Mr. BEVILL and Mr. MYERS of the Energy and Water Development Appropriations Subcommittee for focusing attention on the desperate need for licensing reforms at the NRC.

NEED FOR LICENSING REFORMS

Anyone who examines the current extreme financial distress of our Nation's electric utilities knows the need for both long-term and short-term utility regulatory reforms. In the early 1970's, with construction inflation running at 3 percent annually and electricity demand increasing at over 6 percent a year, a 6- to 8-year leadtime to build a new nuclear or coal-fired powerplant seemed manageable and prudent. Utility planners ordered nuclear plants because their operating costs are low and they do not pollute the air.

But today the climate for electric utilities is radically different. It now takes 12 to 14 years to license a nuclear powerplant, and not much faster to build a coal-fired unit. With construction costs escalating over 20 percent annually and regulatory lag making it impossible to compete for scarce capital, electric utilities are being pushed to the brink of bankruptcy—not only to keep up with projected growth, but also to merely replace old oil- or gas-fired units with new nuclear or coal-fired plants.

When the French and Japanese can license a nuclear powerplant in less than 7 years, and it takes us 12 to 14 years, something is terribly wrong with our regulatory process. The problem is not technological, it is political. This is why we need long-term licensing reforms.

But we also need short-term licensing reforms. For nearly 18 months prior to August 1980, the NRC imposed a "pause" on issuing operating licenses while it upgraded its safety requirements for existing and new reactors. In extensive hearings before both the Commerce Committee and the Energy and Water Development Appropriations Subcommittee, chaired by Mr. BEVILL, the NRC has reported since resuming licensing that it is experiencing a serious backlog in issuing operating licenses to powerplants when construction has been completed and the plants are needed to furnish electricity to consumers.

Although the NRC has reassigned some staff to licensing proceedings and has improved the licensing process somewhat, the magnitude of the backlog cannot be reduced without legislative action. For example, during 1982 alone, 17 powerplants will be ready to begin operation. To date, in 1981, NRC has issued only four operating licenses, and never in its existence has it issued more than six operating licenses a year. Industry currently estimates at least 11 plants will be delayed a collective total of 63 months by the

end of 1983, unless temporary licensing reforms are adopted.

For these reasons, last March, the NRC requested legislative authority to issue temporary operating licenses to powerplants where all environmental and safety reviews have been completed except for the final discretionary public hearing.

The temporary licensing reforms contained in this bill are the response to the NRC's request. I should point out that NRC's temporary authority is strictly limited under this bill, need not be used unless necessary, and expires September 30, 1983.

These reforms are only an interim step and I expect this Congress, the new administration, industry, and the public to address the need for comprehensive nuclear licensing reforms.

There is broad support for the compromise reforms contained in this legislation, ranging from the administration, the Edison Electric Institute and the American Nuclear Energy Council to the U.S. Chamber of Commerce and even several environmental groups, such as the Environmental Policy Center, who prefer this compromise to the amendments first adopted in the Commerce Committee.

If the American economy is going to turn around and expand once again, we are going to have to expand our energy mix with every domestic source available to fuel that economy—production as well as conservation. And if nuclear is to remain an option in that energy mix, as the American people in national opinion polls tell us it should, then we must incorporate balance into the regulatory process.

When the full House votes on this compromise bill, we know of two groups who will be watching us very carefully—the American consumers who pay high electric bills, and the OPEC suppliers who count their profits from those bills in the billions of dollars.

I urge adoption of the bipartisan compromise Nuclear Regulatory Commission bill, and I include a factsheet on the licensing reforms contained in the bill in the RECORD at this point as if read:

FACTSHEET: NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS FOR FISCAL YEAR 1982, 1983—H.R. 4255

SPONSORS

Mr. Udall, Mr. Lujan, Mr. Dingell, Mr. Broyhill.

ENDORSEMENTS

Administration, Edison Electric Institute, American Nuclear Energy Council, and U.S. Chamber of Commerce.

AUTHORIZATION LEVELS (SECTION 1)

Fiscal year 1982: $485.9 million; fiscal year 1983: $513 million (3 percent below Administration request).

TEMPORARY OPERATION AUTHORITY FOR NEW POWERPLANTS (SECTION 12)

The NRC is authorized (but not required) to issue temporary operating licenses to delayed plants only where environmental and safety reviews have been completed, such as the Staff Safety Evaluation Report, Environmental Impact Statement, and Advisory Committee on Reactor Safeguards Report.

The temporary operating license may be issued in advance of the final operating license hearing, but not prior to completion of public participation on the Environmental Impact Statement. Under the Atomic Energy Act, the final operating license hearing is discretionary in uncontested cases and public hearings are held at the construction permit stage.

The temporary operating license must initially limit operation to fuel loading or 5 percent power levels, but may authorize step-by-step progression to higher power levels upon request to the Commission on a case-by-case basis, as under current procedures for final operating licenses.

Temporary operating licenses would be subject to such limits, durations, and conditions as NRC may impose.

NRC's temporary authority to issue such licenses expires September 30, 1983.

Eleven plants may request temporary operating licenses in order to avoid 63 months of delay and over $1 billion in higher replacement power costs to consumers by the end of 1983, according to utility estimates. Another 57 plants scheduled to be completed by the mid-1980's may be caught in NRC's "pancaked" licensing logjam unless the temporary licensing authority is granted.

ROUTINE NON-SAFETY-RELATED LICENSE AMENDMENTS FOR EXISTING POWERPLANTS (SECTION 11)

NRC is authorized to issue routine, non-safety-related license amendments to existing powerplants without public hearings, if States are notified and consulted with prior to the license amendments and if the amendments are periodically published in the Federal Register.

As unanimously recommended by the Commission, this would modify a court-ordered requirement that NRC hold public hearings on every non-safety-related license amendment, even though NRC issues over 500 such routine, technical amendments a year and even though the court requirment could require the costly shutdowns of powerplants every time a routine license amendment were proposed.

Without Section 11 in this bill, 78 existing powerplants in 36 States could be forced to shut down every time a non-safety-related license amendment is requested, and power system reliability nationwide would be seriously jeopardized.

FUTURE LICENSING REFORM STUDY (SECTION 13)

NRC is required to perform a comprehensive study on improvements to the licensing process. In addition, an independent advisory panel, representing the public, industry, and the States, is established to study the licensing process and recommend reforms. Both NRC and the independent advisory panel would be required to report to Congress six months after enactment of the bill.

EMERGENCY PLANNING (SECTION 8)

NRC is authorized to review and approve emergency evaluation plans developed by States, local governments and utilities for powerplants, where the Federal Emergency Management Agency cannot review them in a timely fashion. This section simply confirms and repeats existing law.

THREE MILE ISLAND CLEAN-UP (SECTION 10)

NRC and DOE are required to promptly enter into an interagency agreement on overseeing the TMI clean-up. No funds are authorized to be appropriated to finance the clean-up.

NATIONAL SAFETY GOAL

NRC is required to establish and hold hearings by December 31, 1981, on a national safety goal by which to measure the safety and cost-effectiveness of its regulations.●

ALEXANDER PARITSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

● Mr. CONTE. Mr. Speaker, many of my colleagues are aware of my personal involvement with Alexander and Paulina Paritsky and their two daughters, Dorina and Anna, who are one of the two Jewish families in Kharkov, the Soviet Union. Since the Paritsky family applied for exit visas in 1976, Alexander has been fired from his job at the Kharkov Institute of Metrology, and in August of this year was arrested for "anti-Soviet agitation and propaganda." He currently is awaiting trial.

Today, I learned that last week Soviet authorities threatened to take the two daughters from Mrs. Paritsky and approached 14-year-old Dorina at school demanding that she denounce her father.

Mr. Speaker, these are despicable acts. I wish to submit for the record a copy of a letter I sent today to Ambassador Dobrynin expressing my sense of outrage at this new low in Soviet harassment activities and making a personal appeal on behalf of the Paritsky family.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 22, 1981.

Ambassador ANATOLY DOBRYNIN,
Embassy of the U.S.S.R.,
Washington, D.C.

DEAR MR. AMBASSADOR: I wrote to you on September 22, 1981 requesting an investigation of the case of Alexander Paritsky of Kharkov, who has long sought an exit visa to emigrate and was arrested on August 28. I look forward to your reply.

However, I now learn that Soviet authorities have threatened to remove the two Paritsky daughters from the family. If true, I view these threats as cruel and unconscionable.

I am becoming increasingly distressed by the continual harassment of Alexander Paritsky and his family. Mr. Paritsky is a friend of mine with whom I have communicated for several years. I am making a personal appeal to you, as the Soviet Union's Ambassador to the United States, to urge your authorities to release Alexander Paritsky from prison, to provide the Paritsky family with exit visas as they have requested and to

cease further harsh punishment of the Paritsky family.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

CHRISTIAN ETHICS AND PUBLIC POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 20 minutes.

Mr. DANNEMEYER. Mr. Speaker, in the recent months there has been some serious discussion and much shrill and sadly misinformed rhetoric on the question of the application of Christian ethics to public policy. The moral majority has been the most readily available target. For some, it has been shocking to be confronted with large, organized groups of Christians who lobby for or against certain political positions. In a sense, there is good reason for this reaction because for nearly a century, large groups within the Orthodox Christian Church have been virtually trapped in a type of pietism that often excluded public involvement. Our society has traditionally reveled in democratic action. Why are we not rejoicing now that these people have finally come out of their cultural cloister? Frankly, I believe the debate is healthy for our Nation. I must say, I have seen the resurgence of a viewpoint calling for strong foundations in ethics as a sign of hope in a culture that seems to have forgotten its roots.

The framers of the Constitution were very interested in keeping the Federal Government out of the business of the church, but they expected the church and its members to have influence in the development of this Nation's policies. The Founding Fathers did not write into the Constitution the concept of absolute separation of the church from the state. Although not all of the men who participated in the Continental Congress or who wrote the Constitution were practicing Christians, they lived under the framework of Christian principles and revered Christianity as a necessary undergirding for social structure. Benjamin Franklin, a reknowned religious skeptic of his time, could make the following comment during the Constitutional Convention of 1787:

> We have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understanding. In the beginning of the contest with Great Britain, when we were sensible to danger, we had daily prayers in this room for divine protection.
>
> Our prayers, sir, were heard, and they were graciously answered * * * do we imagine that we no longer need his assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs the affairs of men.
>
> And if a sparrow cannot fall to the ground without his notice, is it probable an empire can rise without his aid? We have been assured, sir, in the sacred writings that except the Lord build a house, they labor in vain that build it * * *. I firmly believe this.

And John Adams made the following comment:

> Statesmen may plan and speculate liberty, but it is religion and morality alone upon which freedom can securely stand. A patriot must be a religious man.

The very concept of our representative form of government, the checks and balances system, and the doctrine of enumerated powers, was founded upon the Christian belief that man is fallible and prone to wrong doing. So, in order to insure that no one man or group could attain and misuse excessive power, the Federal Government was limited.

The Constitution is not, nor was it intended to be, a religious creed, but Christian theism so permeated the minds of those who wrote it, that the principles within it are "indubitably Christian," as English historian and renowned skeptic, H. G. Wells put it.

The first amendment states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It appears that it was not the intention of the framers to keep Christian influence out of the state, but it was rather their intention to prohibit the Federal Government from setting up a national church.

Thomas Jefferson, no lover of the church, said in his second inaugural address that, "Religion is independent of the powers of the General Government * * * and that religious exercises should be left as the Constitution found them, under the direction and discipline of the church or State authorities." In his book, "American Constitutional History," Edward S. Corwin interpreted Jefferson's statement in the following way; "In short, the principal importance of the amendment lay in the separation which it effected between the respective jurisdictions of state and nation regarding religion, rather than in its bearing on the question of separation of church and state." Thus, the purpose of the first amendment was to keep the Federal Government out of religion. It provides freedom for religion rather than the modern interpretation of absolute freedom from religion, which I believe is logically impossible. The Founding Fathers lived in a time when the intellectuals readily admitted that the Christian religion, with its roots deeply entrenched in Judaism, served as the source for many aspects of 18th century criminal law, tort liability, the role of voluntary agencies and charities, the concepts of just defense of nations, and the definitions of basic human dignity and human rights. At the time of the ratification of the first amendment in 1791, many of the States presumed that members of the churches, with Christianity's wealth of ethics and tradition of involvement in policy formation, would work intimately with governing bodies both local and State.

As Alexis de Tocqueville noted, "America is still the place where the Christian religion has kept the greatest real power over men's souls; and nothing better demonstrates how useful and natural it is to man, since the country where it now has the widest sway is both enlightened and the freest." He further commented on those attacking Christian influence in America—

> Unbelievers in Europe attack Christians more as political than as religious enemies; they hate the faith as the opinion of a party much more than as a mistaken belief, and they reject the clergy less because they are the representatives of God than because they are the friends of authority.

Modern America has, in many ways, taken up that banner that de Tocqueville found not only inappropriate but lacking in credibility. It has concluded that the state must be neutral, and so Christianity has become a political threat to a state that has put itself in the place of God.

The battle cry of those opposed to the moral majority and groups like it is, "How dare they dictate their moral convictions to all Americans!" But, my question is, If we do not base our legal and political decisions upon Christian morals, then upon what morals do we base them?

Man is ultimately religious in nature which simply means that every man, whether he recognizes it or not, lives by a code of ethics in his personal life and that code must necessarily affect society in general. The belief in man's adequacy to rule his own affairs, which is secular humanism in a nutshell, is a pervasive world view today and has vast influence on public policy formation in the United States and abroad. The ultimate question in all codes of ethics, both personal and social, involves the issue of authority. If the codes by which nations live are not drawn from transcendent truths, then they are created arbitrarily, with their basis being pure power. If human power is the foundation for solving all social problems, then consolidation and centralization of power is the presumed means to the solution.

There are elite groups of people in this world who would press the mold of their power philosophies upon the United States and the entire world. Those elitist philosophies have grown so pervasively because much of the opposition to them has lacked a solid core of transcendent truth. Those elitists, those Humanists, have created their own view of the world and reality. I believe they are misguided and therefore dangerous.

A summary of beliefs of the Secular Humanist religion as described in its

published manifestos demonstrates the extensiveness of its religious/ethical beliefs.

Humanism denies and rejects God, theism, deism, faith, prayer, all divine purpose or providence, all religions which place God above human needs, the existence of life after death, traditional religious morality, national sovereignty, and a profit-motivated society.

To replace the tenets of traditional religion, humanism proclaims its own set of self-serving, unproved dogmas. Humanism asserts that the universe is self-existing and not created, that man is the product of evolution, that the joy of living and satisfactions of life are the supreme goal of man, and that ethics come from human experience, not from God.

Humanism recognizes and accepts abortion, euthanasia, suicide, and all varieties of sexual exploration and immoral lifestyles. Humanism works for the establishment of a secular society, a socialized economic order, world government, military disarmament, and population control by government.

Those who support Secular Humanism are attempting, whether consciously or unconsciously, to make it the religion of the Government of America. And the conflict between two philosophical beliefs evidences itself in certain specific issues on which those, like myself, in elective public life are being asked to take a stand.

Creation/evolution, Do we teach one or both theories in public schools?

Homosexuality, Should the laws of the country recognize and encourage a tolerance of it?

Permissiveness, Should we discipline children in public school and as a last resort, use corporal punishment?

Prayer in public schools, Should a school district have the authority to permit an opening prayer?

Pornography, Are there any circumstances where society can deal with the dehumanizing of sex and the downgrading of it to the level of animals?

Capital punishment, Are there any circumstances where society can impose it?

Deficits, Does the continued practice of deficits—money supply expansion—debasement of the currency—reach the point of theft prohibited by the Seventh Commandment?

Abortion, When does life begin, and after it has begun, is there any point at which the taking of it should be prohibited?

The Jewish-Christian Scriptures set forth certain moral principles which are referred to as the Judeo-Christian ethic. I submit that where Scripture speaks on the aforementioned issues, the use of political power and influence to give them life is not the promotion of a religion but rather a recognition of the heritage which has permitted our civilization to reach this point. The political systems of our Nation have legislated laws based on Judeo-Christian ethics since its inception. It has legislated laws for parental control of children, against murder, against adultery, against theft, and perjury. No one can seriously suggest that the existence of these laws in the political system is the establishment of a state religion. These principles are basic to Western civilization. The Scriptures, the source of these moral ethical principles, contain other principles which, in the opinion of some, provide direction for those in civil authority in the resolution of the foregoing issues currently being discussed in the political forum. The first three Commandments deal with the relationship between God and man. For the civil state to attempt in the secular world to legislate compliance with any one of these first three Commandments crosses over the line established and prohibited by our first amendment to the Federal Constitution. But to suggest that those in political authority may not use the other Commandments dealing with man's social relationships in orienting the compass of the secular state is to abandon the direction of our political system to whatever wind may come along, including the major contestant on the current scene, secular humanism, itself a religion.

In the final analysis, whether a private citizen or an elected official, no man or woman can escape the choice God gave every human, do we follow God or man?●

REAGAN ADMINISTRATION IMMIGRATION REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I am today introducing, at the request of the Reagan administration, the immigration reform proposal that has been submitted by the Department of Justice.

This legislative package is the product of a several month interagency task force review of the recommendations made by the Select Commission on Immigration and Refugee Policy. I had the privilege of serving on the Select Commission and I am pleased that many of the positive recommendations, that were contained in the final report of our panel, are included in some form in this legislation.

I am particularly pleased that the administration saw the wisdom of presenting its legislative response to the many difficult and controversal issues relating to our immigration policy in the form of a comprehensive legislative package. Most of the commissioners who served on the Select Commission clearly recognized that these subjects are not easily divisible. They must be considered and debated in concert to produce meaningful and acceptable legislation.

The proposals on employer sanctions are similar to those which have been recommended by both Republican and Democratic administrations over the past decade and which have been approved by this body on two separate occasions.

On the other hand, I have serious reservations with regard to some aspects of the more recent additions to the proposal that I am introducing today. These include:

Title I which establishes a limited legalization program for undocumented aliens;

Title IV which substantially revises the procedures for review of asylum requests and exclusion orders;

Title VI which establishes a special temporary worker program for Mexico;

Title VII which allows the President to declare an immigration emergency in certain circumstances; and

Title X which authorizes the President to intercept vessels and to make arrangements with other countries to prevent illegal immigration to the United States.

I do not question the need for remedial legislation to respond to immigration emergencies such as the Cuban boatlift which took place last year. However, I do believe that any legislation providing the President with unprecedented emergency powers must be carefully studied by the Congress.

In this regard, I can assure my colleagues that this entire legislative package will be closely scrutinized by the Judiciary Committee to insure that it is constitutional and incorporates a proper governmental response to the uncontrolled immigration that we are experiencing along the Southwest border and more recently from countries of the Caribbean.

I am gratified that the Reagan administration has presented its legislative program to deal with these vexing issues which has continously occupied the attention of my colleagues in the House and on the committee for a long period of time.

I am hopeful that the committee will give both cautious and careful consideration to the provisions contained in this bill so that Congress can develop a reasonable, realistic, and humane immigration policy during the 97th Congress.●

"CALL TO CONSCIENCE" ON BEHALF OF YITZCHAK TSITVERBLIT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. MATSUI) is recognized for 15 minutes.

● Mr. MATSUI. Mr. Speaker, I am honored to participate in this session's "Call to Conscience" Congressional Vigil for Soviet Jewry. As members of this freely elected democratic body, I believe it is our duty to speak out for human rights throughout the world, particularly for those who have been imprisoned or harassed strictly on the basis of their religious beliefs and desire to emigrate.

I would like to call your attention to the plight of Yitzchak Tsitverblit, a 61-year-old electronics engineer in the city of Kiev. Mr Tsitverblit first applied for permission to emigrate with his family to Israel in June 1973. The Soviet Government denied him permission to leave for reasons of "secrecy." This was despite the fact that Mr. Tsitverblit had quit his job as an electronics engineer in 1971, and had been working for 2 years as a manual laborer.

Today, 8 years since his application, Mr. Tsitverblit and his family have still been denied permission to emigrate. Their life gets worse. He and his wife suffer from incurable diseases, and Mr. Tsitverblit goes from one low-paying, unskilled job to another. Their son, Naftali, has been beaten openly by schoolmates and ridiculed and harassed by his schoolteachers. Even so, the family continues in their faith. Mr. Tsitverblit participates in seminars on Judaism and each year attends a memorial service for Ukrainian Jews killed at Babi Yar.

It is my hope that our efforts in Congress to speak out on behalf of religious victims like Yitzchak Tsitverblit will induce the Soviet Government to permit their emigration. We must not allow this inhumane treatment to go unchallenged.●

MR. STOCKMAN'S MATHEMATICAL ABILITY HAS SOME MAJOR WEAKNESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

● Mr. MURPHY. Mr. Speaker, I have just received information that is further indication that we should be extremely cautious in accepting administration rationale for further budget cuts in fiscal year 1982. It appears that Mr. Stockman's much-vaunted mathematical ability has some major weaknesses.

According to information from the Department of Education, the Office of Management and Budget (OMB), has managed to overlook two crucial factors in determining their revised budget. First, OMB neglected to consider the fact that in order to reduce outlays in fiscal year 1983, the authority for most education programs, because they are forward funded, would need to be reduced in fiscal year 1982. In order to stay beneath the OMB ceilings for fiscal year 1983 outlays, the Department of Education would need to reduce spending in fiscal year 1982 by 27 percent below the March budget rather than 12 percent as the President had requested. This reduction would bring the fiscal year 1982 operating level for the Department of Education 33 percent below that of fiscal year 1981.

The second OMB error is in the matter of about $900 million which was removed from Department of Education spending authority and given to the Department of Health and Human Services in the March budget because of the block grant proposal for the rehabilitation services program. The block grant was rejected by Congress and the rehabilitation program is still in the Department of Education. But OMB has never returned the $900 million in spending authority to the Education Department. Having been informed of the error, OMB's response reportedly is that the Education Department will have to eat the difference.

It has long been clear to many of us that the OMB numbers game has no relationship to rational decisionmaking. This latest information confirms that not only are decisions being made without regard to their effect on millions of lives, they are being made without regard for even mathematical accuracy. They are irresponsible as well as illogical, and we ought to reject these latest budget proposals just as rapidly as they were conceived.●

DR. PHILIP SPESER: A FRIEND TO SMALL, INNOVATIVE FIRMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, I wish to call the attention of the House to the important work Dr. Philip Speser is doing to expand the role of small, innovative firms in federally funded research and development projects. Dr. Speser's work will go a long way toward helping America maintain her technological superiority and regain her stature of preeminence in the world market.

Dr. Speser's "baby" has been the Small Business Innovation Research Act of 1981. The House Small Business Committee earlier today voted 40 to 0 to send the act to the House floor. The Senate Small Business Committee, led by Senator RUDMAN of New Hampshire, unanimously approved its version of the act earlier this month.

The rapid progress of this important legislation is due in large part to the tireless efforts of Dr. Speser. He has made his able assistance available at any time to the staffs of both Houses. His advice, counsel, and tenacity on behalf of the small business research community represents his unbending desire to see this well-reasoned and sorely needed legislation become law.

Dr. Speser has recently left the staff of the Federation of American Scientists to form Speser Associates, a practice of law, consulting, and research in the area of science and technology. I wish him well as he brings his unique talents to the private sector.●

SINGLE AUDIT ACT CUTS PAPERWORK, SAVES MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 5 minutes.

● Mr. WYDEN. Mr. Speaker, I am introducing today the Single Audit Act of 1981, a bill whose time is long overdue.

This is a measure for our times because it reduces paperwork and cuts costs, both at the Federal level and at the State and local level.

My bill reduces the ineffectiveness and inefficiencies of multiple grant audit requirements by standardizing Federal audits and requiring fewer of them. There is no less accountability; in fact there is more. There is more commonsense, and less cost.

Here is how my bill works. The Director of the Office of Management and Budget, in consultation with the Comptroller General, will develop uniform accounting, auditing, and financial management policies, procedures and requirements for recipients of Federal grants. These procedures, incidentally, will incorporate the audit standards of the American Institute of Certified Public Accountants.

Then each major recipient local jurisdiction is assigned a single Federal agency, called a cognizant agency. That Federal agency oversees the completion by an independent auditor at least once every 2 years of a single multipurpose audit. Recipients of grants less than $100,000 would be subject to an audit a minimum of every 3 years.

Independent auditors are defined as a certified public accountant or a properly constituted State or local government agency with audit responsibilities.

The time to act is now. The cost savings can be tremendous. Federal aid to State and local governments has risen from $3 billion just two decades ago to $90 billion today. There are 90,000 Federal grant recipient jurisdictions in the United States. Some 90 percent of all Federal aid flows through 60 agencies. Administrative burdens associated with auditing this Federal assistance soaks up far too much of the grants.

Presently, different agencies ask for different things in audits. Most have separate guidelines for how to conduct an audit. For example, the audit guide, with applicable Federal regulations, for CETA is 3½ inches thick and weighs 9 pounds, 4 ounces.

EDA grants require the use of three separate audit guides.

The city of Portland, Oreg., which I represent, has devoted 361 man days and 2,888 hours since last January 1 working on audits for Federal grants.

For fiscal year 1981-82, the city of Portland is preparing for 25 separate audits, which it estimates will cost it more than $120,000. To put that in perspective, Portland pays an auditor $85,000 to review its entire $400 million audit. Or put another way, 3 percent of every Federal grant dollar goes to pay for an audit to make sure it was spent correctly. Only a bureaucrat could understand the logic of that fact.

Then there are the individual horror stories.

Between August 24 and August 28, an auditor from a private CPA firm in Oakland, Calif., was dispatched to Portland to look over figures relating to a $30,000 minority business grant from the Department of Commerce. The grant, incidentally, went to one consultant to compile a study of economic opportunities for minority-owned businesses in Portland. There was no match requirement, and there were no indirect costs.

This audit cost $2,900 to complete. The city of Portland invested 112 man hours. No problems were discovered.

During April and May of this year, seven EDA nonconstruction grants were audited by a Portland auditor. To perform the audits, two separate audit guides were used. On July 13, the Secretary of Commerce issued a final administrative order, retroactive to January that rendered the two audit guides invalid. Thus the audits went into the trashbin, too. Audit costs so far total $11,260. City staff time consumed so far totals 1,240 hours.

With such duplication and blizzards of paper, is it any wonder that taxpayers are irate over the antics of their Government?

Single audits are a reality today, as a result of attachment P to OMB Circular A-102. But I believe we should go that extra step and make single audits the law of the land.

The Single Audit Act of 1981 will go a long way toward coordinating Federal financial and compliance auditing. It will simplify the way audits are now conducted, shorten the time it takes to get them done and it will fill gaps where grants are awarded and are not audited at all.

This coordination will produce improved relations between the Federal and local governments, at the same time it cuts paperwork and costs. As an added plus, it will give an organizationwide look at just how much Federal assistance is going to a local government, and how well it is being used.

It is a new approach we should pursue, and a bargain we cannot afford to pass up.●

LIBERALIZING BANKERS ACCEPTANCES WILL BENEFIT THE AMERICAN BALANCE OF PAYMENTS AND INCREASE FOREIGN TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BARNARD) is recognized for 5 minutes.

● Mr. BARNARD. Mr. Speaker, I have been concerned with the problems of increasing American participation in international markets for some time. As part of this effort, I introduced H.R. 2438, which would liberalize current restrictions on bankers acceptances, last March.

During the testimony on S. 1720 this week, the American Bankers Association strongly endorsed this liberalization. Section 209 of S. 1720 is identical of H.R. 2438.

I am pleased that the organization representing the issuers of this form of trade finance have endorsed my approach, which will especially help small- and medium-sized companies interested in selling overseas. Bankers acceptances are an old and safe method of financing trade, and only a 65-year-old restriction has prevented their wider use. Much has changed since the 1915 law on bankers acceptances was approved, and it is high time that this high grade financing source is deregulated. The benefits to both individual employers and our national policy are undeniable, and I hope to see my bill pass in the near future.

PUBLIC BENEFITS OF LIBERALIZATION OF THE ACCEPTANCE LIMITATION

The proposed liberalization of the 1915 acceptance limitations would have five principal benefits. The first benefit would be the enhanced ability of a regulated sector of our economy to compete with unregulated credit sources. Many customers who would like to, but for various reasons do not, obtain bankers acceptances will usually obtain funds through sources of credit that are presently unregulated, such as commercial paper. In addition, acceptances are available from foreign banks which generally do not have any limitations on the acceptances that they generate abroad in their own markets. Relief from the present limitations would permit member banks to compete more effectively with these unregulated credit sources.

Second, acceptance financing for smaller U.S. exporters and agricultural concerns would be increased. Because demand for acceptance financing exceeds the present limitation, banks must allocate acceptance credit among customers. Other customers are either unable to obtain acceptance financing or must pay a premium for such financing. Again, relaxed limitations would increase the number of customers for whom acceptance financing is available.

Third, eligible acceptances are considered to be one of the highest quality forms of obligation, from the perspective of both the bank that provides the financing and the purchaser of the acceptance from the bank. This high quality reflects the very nature of the acceptance. An acceptance created under section 13 of the Federal Reserve Act is short term; in no case may its maturity exceed 180 days from the time of acceptance and is self-liquidating from the proceeds of the underlying transaction. We believe banks should be encouraged to make this type of nonspeculative, productive credit extension. A relaxation of these limitations would provide such encouragement.

Fourth, the availability of additional bankers acceptance financing would make a significant contribution to the U.S. position as a center of international trade and finance. As previously indicated, the current acceptance limitations are no longer reasonable in light of the growth in international trade and finance over the past 65 years and the competition arising from unregulated foreign banks.

Finally, an increase in this low-cost form of financing may help to reduce the trade deficit which the United States has been experiencing. The favorable impact should be felt on both the export and import sides of the equation. Any relaxation in the acceptance limitations would facilitate the ability of U.S. exporters to obtain this low cost form of financing and, accordingly, to enhance their competitive position vis-a-vis foreign exporters which are able to obtain acceptances from banks not subject to limitations. Sec. 209 of S. 1720 and H.R. 2438 would also enable more U.S. importers to avail themselves of low cost acceptance financing and, thus, reduce the total cost of U.S. imports.●

BLOCK ANNOUNCES STEPS TO PREVENT IMPORT OF ADULTERATED MEAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker. I include the following:

BLOCK ANNOUNCES STEPS TO PREVENT IMPORT OF ADULTERATED MEAT

WASHINGTON, August 25.—Secretary of Agriculture John R. Block today announced a series of "tough, new" steps designed to prevent mislabeled, uninspected or otherwise

adulterated meat from coming into the United States.

The action follows confirmation by U.S. Department of Agriculture scientists over the weekend that some cartons of beef imported since January from a single Australian plant included horse meat.

Block said USDA will take the following steps to protect American consumers and business interests:

Australian meat labeled as boneless beef presently in the United States is being tested to assure its species. The meat will also be tested to determine whether the adulteration is confined to the Profreeze plant, Richmond, Victoria—Establishment No. 140–C.

Boneless meat leaving Australia must be tested for species identification by the Australian government; and be maintained under government security until it reaches the United States. U.S. authorities will then assume responsibility.

Boneless meat now enroute from Australia to the United States will be held at the point of entry and tested for species determination by USDA's Food Safety and Inspection Service before it is allowed to enter the United States.

Countries shipping boneless meat to the United States will be notified that they must initiate a species determination program. All fresh and frozen boneless meat entering the United States, regardless of country of origin, will be spot-checked for species by U.S. authorities.

USDA will initiate a review of compliance activities within major exporting countries to assure controls are in place during all stages of distribution to maintain the integrity of meat exports destined for the United States.

"These steps are necessary because mislabeled and adulterated imports apparently have been coming into the United States for several months," Block said. USDA and Australian authorities are continuing to investigate the problem.

Since Jan. 1, about 815,000 pounds of boneless beef have been imported into the United States from the Profreeze facility, Block said. Of that, USDA has thus far located and embargoed 270,000 pounds of boxed unprocessed boneless beef and 275,000 pounds of patties and ground meat. All of this meat is unacceptable as human food, Block said.

"The discovery last week by Australian authorities that some product on the docks there destined for the United States was actually kangaroo meat has raised the possibility that kangaroo meat, as well as horse meat, may have been illicitly imported in the past," Block said. "Embargoed meat in the United States will be further tested for kangaroo after we get testing material from the Australian government."

Federal authorities first found in early August that horse meat was being imported in boxes labeled beef when a USDA processing plant inspector in San Diego, Calif., became suspicious of meat that did not appear to be beef.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. IRELAND (at the request of Mr. WRIGHT), after 3 p.m., today, on account of serving as a delegate to the United Nations.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for an indefinite period, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DENARDIS) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.
Mr. BROYHILL, for 5 minutes, today.
Mr. CONTE, for 5 minutes, today.
Mrs. HECKLER, for 5 minutes, today.
Mr. DANNEMEYER, for 20 minutes, today.
Mr. BLILEY, for 60 minutes, October 27.
Mr. EDWARDS of Oklahoma, for 1 hour, October 29.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.
Mr. MATSUI, for 15 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MURPHY, for 5 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Mr. WYDEN, for 5 minutes, today.
Mr. BARNARD, for 5 minutes, today.
Mr. MAVROULES, for 30 minutes, October 29.
Mr. DONNELLY, for 60 minutes, November 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AUCOIN, immediately prior to the vote on the Roukema amendment, in the Committee of the Whole today.

Mr. BROWN of California, and to include extraneous matter on title XIV, in the Committee of the Whole today.

(The following Members (at the request of Mr. DENARDIS) and to include extraneous matter:)

Mr. SHUMWAY in two instances.
Mr. MCCOLLUM in two instances.
Mr. FRENZEL in three instances.
Mr. BROYHILL in two instances.
Mr. MARKS.
Mr. MARLENEE in two instances.
Mr. DERWINSKI.
Mr. EVANS of Delaware.
Mr. LEE.
Mr. O'BRIEN.
Mr. CARMAN.
Mr. SHAW.
Mr. BURGENER.
Mr. EVANS of Iowa.
Mr. DORNAN of California.
Mr. CHENEY.
Mr. DENARDIS.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous matter:)

Mr. MAZZOLI in two instances.
Mr. GAYDOS.
Mr. WEISS.
Mr. FORD of Michigan.
Mr. LAFALCE.
Mr. MAVROULES.
Mr. APPLEGATE.
Mr. SANTINI.
Mrs. BOUQUARD.
Mr. HEFNER.
Mr. LANTOS in three instances.
Mr. IRELAND in two instances.
Mr. LELAND in two instances.
Mr. MCDONALD.
Mr. OBERSTAR.
Mr. CHAPPELL.
Mr. HUTTO.
Mr. BAILEY of Pennsylvania.
Mr. SCHEUER.
Mr. AUCOIN in two instances.
Mr. WALGREN.
Mr. EVANS of Georgia.
Mr. WYDEN.
Mr. MINETA.
Mr. SKELTON.
Mr. MATTOX.
Mr. HUBBARD.
Mr. BONKER.
Ms. FERRARO.
Mr. FAUNTROY.
Mr. GEPHARDT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 146. An act to authorize the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 188. An act to authorize the Secretary of Agriculture to convey certain lands in the Gallatin National Forest, and for other purposes; to the committee on Interior and Insular Affairs.

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; to the committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1000. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, October 26, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2384. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the proposed transfer of various funds appropriated to the Defense Department, pursuant to section 734 of the Department of Defense Appropriation Act, 1981; to the Committee on Appropriations.

2385. A letter from the Secretary of Energy, transmitting the annual report on financing, supply, and installation activities of public utilities in connection with the residential conservation service, pursuant to section 216(g) of the National Energy Conservation Policy Act, as amended; to the Committee on Energy and Commerce.

2386. A letter from the Director, National Oceanic and Atmospheric Administration Corps, Department of Commerce, transmitting the annual report of the NOAA Corps pension plan, covering the year ended September 30, 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2387. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a draft of proposed legislation to provide for the use and disposition of the Miami Indians judgment funds in Dockets 124-B and 254, before the U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

2388. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a report on historic preservation effects of terminating the U.S. trusteeship of Micronesia, pursuant to section 202(a)(1) of the National Historic Preservation Act of 1966; to the Committee on Interior and Insular Affairs.

2389. A letter from the Acting Comptroller General of the United States, transmitting a report on the review of the Disabled American Veterans' financial statements for the year ended December 31, 1980 (AFMD-82-8, October 15, 1981), pursuant to section 9(b)(1) of the act of June 17, 1932; to the Committee on the Judiciary.

2390. A letter from the Attorney General, transmitting a draft of proposed legislation to revise and reform the Immigration and Nationality Act, and for other purposes; jointly, to the Committees on the Judiciary, Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Interior and Insular Affairs, Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 4766. A bill to recognize the organization known as the U.S. Submarine Veterans of World War II (Rept. No. 97-284). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 4769. A bill to recognize the organization known as the American Council of Learned Societies (Rept. No. 97-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 4755. A bill to recognize the organization known as Former Members of Congress. (Rept. No. 97-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 4734. A bill to recognize the organization known as the Italian American War Veterans of the United States. (Rept. No. 97-287). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 253. Resolution providing for the consideration H.R. 4603, a bill to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal supervisory agencies to deal with financially distressed depository institutions. (Rept. No. 97-292). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LUNGREN: Committee on the Judiciary. H.R. 825. A bill for the relief of Yick Bong Au Yeung; with amendments (Rept. No. 97-288). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 1783. A bill for the relief of Felipe B. Manalo and Maria Monita A. Manalo; with an amendment (Rept. No. 97-289). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1841. A bill for the relief of Isabelita Clima Portilla. (Rept. No. 97-290). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2342. A bill for the relief of Maria Cecilia Gabella-Ossa (Rept. No. 97-291). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. ZABLOCKI, and Mr. BROOMFIELD):

H.R. 4814. A bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BAILEY of Pennsylvania (for himself and Mr. MURPHY):

H.R. 4815. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves; to the Committee on Ways and Means.

By Mr. D'AMOURS:

H.R. 4816. A bill to amend the Clean Air Act to control acid precipitation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAUNTROY:

H.R. 4817. A bill to require the compilation of lists of individuals involuntarily separated from service in the Federal agencies, and to disallow the heads of Federal agencies from appointing certain individuals to positions in Federal agencies if individuals included on the lists are qualified and available for the positions; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan (for himself and Mr. DERWINSKI) (by request):

H.R. 4818. A bill to amend chapter 34 of title 39, United States Code, to provide for better management of transportation for certain mail of members of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRANK:

H.R. 4819. A bill to amend title XIX of the Social Security Act to require that income levels for the SSI-related medically needy are the same as those for the SSI-related categorically needy; to the Committee on Energy and Commerce.

By Mr. FRENZEL (by request):

H.R. 4820. A bill to amend certain provisions applicable to compensation for the overtime inspectional service of employees of the U.S. Customs Service, and for other purposes; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. HANSEN of Idaho:

H.R. 4821. A bill to amend the Internal Revenue Code of 1954 to provide taxpayer relief and simplification of the individual income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. IRELAND (for himself, Mr. EVANS of Georgia, Mr. SHAW, and Mr. HUTTO):

H.R. 4822. A bill to amend the Foreign Assistance Act of 1961 to repeal the prohibition against the use of international narcotics control assistance funds for spraying certain herbicides to eradicate marihuana; to the Committee on Foreign Affairs.

By Mr. JENKINS:

H.R. 4823. A bill to permit subchapter S corporations to hold business rental real estate property; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 4824. A bill requiring that trade readjustment allowances for weeks of unemployment after September 30, 1981, be determined on the basis of "old law" in the case of workers entitled to such allowances for weeks of unemployment beginning before October 1, 1981; to the Committee on Ways and Means.

By Mr. LELAND:

H.R. 4825. A bill to designate the main post office in Houston, Tex., as the "Barbara Jordan Post Office"; to the Committee on Public Works and Transportation.

By Mr. McCOLLUM:

H.R. 4826. A bill to reduce interest rates by limiting the rate of interest which the U.S. Government may pay on debt obligations issued by the United States and by establishing a national indexed usury ceiling; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. MICA:

H.R. 4827. A bill to amend the Social Security Act to facilitate enforcement of provisions requiring suspension of benefits to inmates of prisons and other public institu-

tions by insuring the availability of necessary information from Federal instrumentalities; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland (for himself and Mr. VANDER JAGT):

H.R. 4828. A bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries; to the Committee on Merchant Marine and Fisheries.

By Mr. MOFFETT (for himself, Mr. GREGG, Mr. SMITH of Pennsylvania, Mr. BEILENSON, Mr. MITCHELL of New York, Mr. MILLER of California, Mr. FOGLIETTA, Mr. GIBBONS, Mr. EDWARDS of California, Mr. BROWN of California, Mr. STARK, and Mr. FRANK):

H.R. 4829. A bill to amend the Clean Air Act to better protect against interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREGG (for himself, Mr. SCHEUER, Mr. WALGREN, Mrs. SCHNEIDER, and Mr. CARNEY):

H.R. 4830. A bill to strengthen research and development programs aimed at understanding the causes and effects of acid precipitation, and to establish a process for cooperative decisionmaking on strategies to control this environmental problem; jointly, to the Committees on Science and Technology and Energy and Commerce.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 4831. A bill to repeal section 5(b) of the Subversive Activities Control Act of 1950; to the Committee on Armed Services.

By Mr. RODINO (by request):

H.R. 4832. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. RUDD:

H.R. 4833. A bill to amend the Internal Revenue Code of 1954 to permit banks, savings and loan institutions, and similar financial institutions to issue tax-exempt certificates for housing purposes; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 4834. A bill to authorize any bank holding company to acquire control of banks and any national bank to establish branches throughout the Federal judicial circuit in which such bank holding company or national bank is located; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN:

H.R. 4835. A bill to provide for uniform financial management and audit standards, and for other purposes; to the Committee on Government Operations.

By Mr. LELAND:

H.J. Res. 346. Joint resolution to provide for the designation of the week beginning March 15, 1982, as "National Student Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. YATES:

H.J. Res. 347. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Franklin Delano Roosevelt; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

215. The SPEAKER presented a memorial of the Legislature of the Territory of the Virgin Islands, relative to honoring the courageous Americans who served their country in Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. McDADE introduced a bill (H.R. 4836) for the relief of William Kubrick, and for other purposes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 316: Mr. RALPH M. HALL, Mr. MCDONALD, Mr. STANTON of Ohio, Mr. MCCURDY, Mr. HANSEN of Utah, Mr. DANIEL B. CRANE, Mr. LEACH of Iowa, Mr. MORRISON, Mr. HUTTO, Mr. FOGLIETTA, Mr. WOLF, and Mr. NAPIER.

H.R. 1506: Mr. DIXON, Mr. OTTINGER, and Mr. FITHIAN.

H.R. 1509: Mr. JACOBS.

H.R. 2205: Mr. BINGHAM.

H.R. 2251: Mr. LELAND.

H.R. 2333: Mr. DYSON.

H.R. 2389: Mr. EVANS of Iowa, Mr. SILJANDER, Mr. CHAPPIE, and Mr. SPENCE.

H.R. 2832: Mr. HAGEDORN.

H.R. 2981: Mr. WYDEN, Mr. PEPPER, Mr. BENEDICT, Mrs. HOLT, Mr. ZEFERETTI, and Mr. HORTON.

H.R. 3274: Mr. HAGEDORN.

H.R. 3824: Mr. ROUSSELOT.

H.R. 4057: Mr. BROWN of California and Mr. MINETA.

H.R. 4247: Mr. LEBOUTILLIER, Mr. CAMPBELL, Mr. FORSYTHE, Mr. BEILENSON, Mr. GEJDENSON, Mr. NEAL, Mr. BURGENER, Mr. RAHALL, and Mr. MURPHY.

H.R. 4248: Mr. HOWARD, Mr. FORSYTHE, Mr. MURPHY, Mr. HUTTO, Mr. ROE, Mr. NEAL, Mr. BURGENER, Mr. RAHALL, Mr. LEBOUTILLIER, and Mr. CAMPBELL.

H.R. 4358: Mr. MOTTL.

H.R. 4410: Mr. BEDELL.

H.R. 4449: Mr. BEDELL, Mrs. BOGGS, Mr. CHAPPELL, Mr. DREIER, Mr. ERDAHL, and Mr. SIMON.

H.R. 4467: Mr. HORTON.

H.R. 4518: Mr. BURGENER, Mr. CHAPPELL, Mr. CORCORAN, Mr. CRAIG, Mr. ROBERT W. DANIEL, JR., Mr. DANNEMEYER, Mr. FORSYTHE, Mrs. HOLT, Mr. KEMP, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LIVINGSTON, Mr. LUNGREN, Mr. MCCLORY, Mr. MCCOLLUM, Mr. ROBINSON, Mr. SENSENBRENNER, Mr. SOLOMON, and Mr. WOLF.

H.R. 4519: Mr. DOUGHERTY, Mr. LENT, Mr. YOUNG of Alaska, and Mr. FORSYTHE.

H.R. 4544: Mr. LEWIS.

H.R. 4562: Mr. SMITH of Iowa, Mr. BONKER, Mr. KOGOVSEK, Mr. SMITH of Pennsylvania, Mr. MURPHY, and Mr. HARKIN.

H.R. 4576: Mr. NEAL, Mr. RICHMOND, Mr. MITCHELL of Maryland, Mr. DUNCAN, Mr. DYSON, Mr. JENKINS, Mr. YOUNG of Alaska, Mr. DOWDY, Mr. FLIPPO, Mr. ROEMER, Mr. HUTTO, Mr. HATCHER, Mr. TRAXLER, Mr. WON PAT, Mr. FAZIO, and Mr. DASCHLE.

H.R. 4587: Mr. MCHUGH and Mr. MOTTL.

H.R. 4673: Mr. MCCLORY, Mr. GINGRICH, and Mr. RINALDO.

H.R. 4775: Mr. SAM B. HALL, JR., Mr. FUQUA, Mr. SCHUMER, Mr. HYDE, Mr. RAHALL, Mr. FORSYTHE, Mr. SMITH of Pennsylvania, Mr. LONG of Maryland, Mr. FORD of Michigan, Mr. ROE, Mr. MAVROULES, and Mr. RICHMOND.

H.J. Res. 151: Mrs. BOUQUARD, Mr. MCCLOSKEY, Mr. HUTTO, Mr. GORE, Mr. SMITH of New Jersey, Mr. GUARINI, Mr. MINISH, Mr. KEMP, Mr. LAFALCE, Mr. MARKS, Mr. COELHO, and Mr. JONES of Tennessee.

H.J. Res. 332: Mr. PEPPER, Mr. BREAUX, Mr. BOWEN, Mr. WIRTH, Mr. BONER of Tennessee, Mr. HIGHTOWER, Mr. SIMON, Mr. WASHINGTON, Mrs. CHISHOLM, Mr. SAVAGE, Mr. WHITEHURST, and Ms. FERRARO.

H.J. Res. 335: Mr. FAUNTROY, Mr. CLAY, Mr. TAUKE, Mr. CORRADA, and Mrs. SCHNEIDER.

H. Con. Res. 68: Mr. EDGAR, Mr. LEHMAN, Mr. KILDEE, Mr. EDWARDS of California, Mr. GUARINI, Mr. MITCHELL of Maryland, Mr. PANETTA, Mr. DERWINSKI, Mr. JEFFORDS, Mr. HARKIN, Mr. ROE, Mr. WHITEHURST, Mr. OBERSTAR, Mr. SEIBERLING, Mr. WEBER of Minnesota, Mr. STRATTON, Mr. HUGHES, Mr. WEISS, Mr. WON PAT, Mr. VENTO, Mr. LAFALCE, Mr. LANTOS, Mr. BEDELL, Mr. DE LUGO, Mr. PHILLIP BURTON, Mr. FITHIAN, Ms. MIKULSKI, Mr. STUDDS, Mr. WASHINGTON, Mr. WILSON, Mr. GRAY, Mr. CONYERS, Mr. OTTINGER, Mr. DORNAN of California, Mr. FISH, Ms. FERRARO, and Mr. GREEN.

H. Con. Res. 151: Mr. LOWRY of Washington.

H. Res. 218: Mr. BEARD, Mr. BEDELL, Mr. SILJANDER, Mr. GEPHARDT, and Mr. KOGOVSEK.

H. Res. 239: Mr. YATRON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3364: Mr. FORD of Tennessee.

PETITIONS, ETC.

Under clause 1, of rule XXII,

247. The SPEAKER presented a petition of the City Council of the City of Santee, Calif., relative to the Voting Rights Act; which was referred to the Committee on the Judiciary.

SENATE—*Thursday, October 22, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Reverend Donald R. Turkelson, Chaplain (Major), USA, 97th General Hospital, Frankfurt, Germany, offered the following prayer:

Let us pray.

Our Father and our God, we praise Thee this day for the opportunity to be a part of the democratic process, which

May we realize the necessity of being we believe came about by Thy divine providence. We are thankful for the way in which our country was established by the sacrifices of people who wanted to be free. We praise Thee for allowing this great country to be an example to the nations of the world, how diverse people and beliefs can be united in a common pursuit of freedom.

Grant each one Thy wisdom to discern issues which will shape the course of our lives and the future generations according to our Constitution.

Open our minds and hearts to the realistic concerns. May we have compassion on the oppressed, give a hand to the unemployed, provide medical care to the aged and infirmed, and assistance to the handicapped. Help us to be faithful to the needs of our people.

honest with ourselves, in being ethically responsible to our leadership vocations, in order that we do not betray the trust given us. Forgive us where we have erred and lacked a sense of vision.

Help us to differentiate between responsibility and privilege, between people's rights and people's exploitation of others' rights. Help us to recognize the power of the American spirit. A strength of people willing to negotiate a peaceful solution to all our differences foreign and domestic, and a spirit which will rise to the defense of our principles even to one's being willing to sacrifice his life for the preservation of liberty and justice for all our people now and forever. In His holy name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE APPROPRIATIONS PROCESS

Mr. BAKER. Mr. President, it is no surprise, I am sure, when I inform the Senate that I have received many statements of concern regarding my prediction that the Senate will be in session until Thanksgiving or perhaps beyond. But, Mr. President, I am sure the prospect of being in this Chamber much longer than that, and perhaps right up to the eve of Christmas, will produce an even more unpleasant response. I do not now predict that, Mr. President, but I wish to make a remark on the situation as it now exists.

What we do and what prediction I must make about the time for sine die adjournment of this session of Congress depends largely on our ability to marshal the difficult appropriations process which lies ahead of us and upon which we will embark tomorrow.

In anticipation of this, I respectfully urge consideration of the fact that if the appropriations process is besieged by matters extraneous to specific authorizations, our chances of completing all 13 bills will diminish almost to the point of disappearing.

As paragraph 4 of rule XVI states in respect to appropriation bills:

> Nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

I have stated on numerous occasions that it is not the intention of the leadership to prevent any Members from addressing those issues that he or she considers imperative. My single suggestion is that these issues be dealt with on their own, later in the session. I previously have made a commitment to a freestanding debate on these issues, where we can deal efficiently and responsibly with them and thus leave the Senate free to deal with the necessary appropriations process unhindered by such considerations.

In a word, Mr. President, I reiterate the promise I have made on previous occasions: It is the intention of the leadership to provide an opportunity for the Senate to debate such issues as busing, abortion, and prayer in public schools. But that place is not the appropriations process.

I urge Members to consider that it does not serve a good purpose, a good legislative purpose, nor, I believe, the purpose of any Member, to offer these volcanic and emotional issues at every opportunity, and most especially not to every appropriations bill.

There will be a chance, Mr. President, and there will be ample opportunity for every Member to express his or her views on every side and facet of these issues. But I urge once more, please do not offer them as amendments to the appropriation bills.

There are few responsibilities that we have in this Chamber that are greater than our responsibility to provide the funds for the operation of the Federal Government, and that process will begin in the Senate on tomorrow.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order today, there are special orders in favor of the following Senators: the Senator from Mississippi (Mr. COCHRAN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Texas (Mr. BENTSEN), and the Senator from New Hampshire (Mr. RUDMAN), each for 15 minutes.

At the conclusion of the time allocated for the recognition of Senators on special orders, there will be a period for the transaction of routine morning business, as previously provided for, but not to extend past the hour of 10:30 a.m.

At 10:30 a.m., the Senate will resume consideration of S. 1196, at which time the Hatch amendment No. 556 will be the pending amendment by a previous order.

Mr. President, I urge the managers of this bill and all Senators who have a contribution of debate or amendment to come to the floor as soon as possible after we reach this measure at 10:30 and to proceed. I believe that it is important that we try to finish this bill today.

While Thursday is the regular late day for the Senate, if a late session is required, because of other requirements that I am aware of by Senators on both sides of the aisle that will keep them away from the Chamber after a certain hour this afternoon or early this evening, I would hope that this will not be a very late evening. It is possible for us to finish this bill by 5 or 6 o'clock, or shortly thereafter, if we put our shoulders to the wheel and if we do not hang back until 1 or 2 or 3 in the afternoon before we come to the floor and offer amendments or contribute to the debate.

So, Mr. President, I hope all Members within the hearing of my voice, in their offices on our intercommunication system and in this Chamber, will take account of the fact that the hour to which we must proceed this evening will depend directly on the willingness of Members to come early and offer their amendments. We can finish by 5 or 6 o'clock if we try to do that, but if we do not we may be here very late, because

I intend to try to finish, if the Senate will agree with the undertaking.

Mr. President, I have no further need for my time under the standing order and I am prepared to yield it to any Senator or to the distinguished acting minority leader.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. CRANSTON. Mr. President, will the Senator yield whatever time he has remaining, and I will reserve our time for Senator HOLLINGS, who wants some time.

Mr. BAKER. Yes. Mr. President, there are no requests on this side for additional time. I am pleased to yield the remainder of my time under the standing order to the control of the distinguished acting minority leader.

Mr. CRANSTON. I appreciate that very much. I reserve the time on this side for Senator HOLLINGS, who will come to the floor later.

Mr. BAKER. Mr. President, in view of the request just made by the acting minority leader, let me put this unanimous-consent request.

Mr. President, I ask unanimous consent that at this time we may proceed with the special orders, as previously ordered and in sequence, and that the time allocated to the distinguished minority leader under the standing order, plus the time just yielded by me be reserved under the control of the distinguished minority leader and may occur at such time as the minority leader may request and assuming that it is constant with the requirements of those who had previous special orders.

RECOGNITION OF SENATOR COCHRAN

The PRESIDING OFFICER (Mrs. HAWKINS). Under the previous order, the Senator from Mississippi (Mr. COCHRAN) is recognized for not to exceed 15 minutes.

S. 1761—VOTING RIGHTS AMENDMENTS OF 1981

Mr. COCHRAN. Madam President, today, I am introducing a bill to amend the Voting Rights Act of 1965. The purpose of this amendment is to assure the nationwide protection of voters' rights by making available a preclearance procedure in every State.

I am aware that an immediate reaction to an amendment offered by a white, Republican Senator from Mississippi to the Voting Rights Act may be that this is obviously an effort to dilute the effect of current law or to make it unenforceable or to somehow sabotage the Federal Government's role in protecting minority participation in elections. If that is the reaction of any of my colleagues, I want to assure them that they are wrong.

I am urging adoption of this change so the Government can act, when it needs to, to protect the right to vote of every citizen in this country, not just those who live primarily in the South. Rather than weakening enforceability, my amendment would enlarge upon the Government's ability to protect the voting rights of citizens wherever they may live.

My amendment relates only to section 5 of the act. It creates, in effect, a new preclearance procedure. I should point out that this is not an idea that has originated with me, but one that has been carefully developed by William C. Keady, a Federal district judge for the northern district of Mississippi, and George C. Cochran, not a relative, who is on the faculty of the School of Law at the University of Mississippi. This suggestion of theirs is discussed in an article entitled "Section 5 of the Voting Rights Act: A Time for Revision," which will be published soon in the Kentucky Law Journal, volume 69, No. 4, 1980–81.

The essence of the proposal would be to require political units to apply for a declaratory judgment in local Federal district court for the preclearance of any change in election or voting laws. The complaint would name the United States as the defendant, and process would be served upon the Attorney General. The relief sought would be identical to that now provided in section 5, and the burden of proof would remain on the submitting political unit.

Appropriate notice would be given to all interested parties in two forms: Publication in local newspapers for 3 consecutive weeks and actual service of the complaint upon interested persons or organizations who have placed their names in a registry with the court. Any person or group would be permitted to intervene as a matter of right within 60 days after notice of the action. The United States would also have 60 days to answer, the time period now permitted the Justice Department under the current administrative procedures for preclearance.

These declaratory judgment actions would be given a priority setting by the court, and decisions adverse to the United States or intervening parties would be automatically stayed upon notice of appeal. A provision for an expedited appeal has been included.

I am convinced that a majority in the Senate would not protest the nationwide application of a preclearance procedure to protect the voting rights of all citizens so long as there is in place a workable procedure for processing submissions. Plenary jurisdiction over voting rights cases is now vested only in the U.S. District Court for the District of Columbia. Historically, the justification for the investment of jurisdiction in this court was to insure the uniformity of interpretation.

Experience under current law, however, does not support this rationale. During the past 15 years, only 23 suits have been filed in that court, and only 10 opinions have been published, hardly a basis for the uniformity argument. Some may worry that the burden of submissions will be too great upon the court system. While statistics reveal a steady rate of increase in submissions, there has also been a steady decrease over the years in the number of objections made by the Department. Therefore, it is reasonable to assume most of the submissions can be disposed of summarily by the court, with only a few cases requiring actual litigation.

The 1980 statistics from the Justice Department indicate that of a total 7,340 submissions, only 51 objections were filed. If this is indicative of the changes that would be in dispute in the future, there would be only a minimal increase in caseload for the district courts. And assuming that voting law changes in the States not now covered by the preclearance requirements do not have as great a potential for discrimination, then one need not fear burdensome caseloads on that account either.

This new procedure, applying with equal force in every State, would make possible increased oversight by anyone interested in full minority participation in the political process. Also, the provisions for expedited appeal and automatic stay of the electoral change until approved by the appellate court would mean full protection against any adverse decision by what some may fear to be a "biased forum."

Finally, since there is no provision under the current administrative procedures to insure compliance with the preclearance requirement, it can be argued that the increased opportunity of minority voters to participate in the review of changes in the law, coupled with the familiarity of the court as the forum for resolving litigation with due process, would contribute to voluntary compliance by local political units.

I am submitting a workable, expeditious alternative to the outdated administrative procedures now available under the act that will maintain the Government's role in the protection of voting rights. This plan will insure that all States meet their responsibility to protect the right to vote which is one of our most fundamental rights.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1761

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting Rights Amendments of 1981".

SEC. 2. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting after "November 1, 1972," the following: "or whenever a State with respect to which no prohibition set forth in section 4(a) based upon a determination made under section 4(b) is in effect shall enact or seek to administer any voting qualifications or prerequisites to voting, or standard, practice, or procedure with respect to voting different from that in force or effect

on the date of the enactment of the Voting Rights Amendments of 1981";

(3) by inserting "against the United States" after "institute an action;"

(4) by striking out "the United States District Court for the District of Columbia" and inserting in lieu thereof "the appropriate district court of the United States";

(5) by striking out the colon and all that follows through the end of the first sentence of such section and by inserting in lieu thereof a comma and the following: "except that any such qualification, prerequisite, standard, practice, or procedure may be enforced after 60 days after such State or political subdivision has submitted the necessary information to the appropriate district court of the United States and no objection has been raised by the United States or by any interested person during such 60 day period.";

(6) by striking out the second, third, and fourth sentences of such section and inserting in lieu thereof the following: "The procedures specified in subsection (b) shall apply to any action brought under this section. The failure of the Attorney General or any interested party to object during the 60-day period specified in the first sentence of this subsection, or a declaratory judgment entered into under this section shall not bar a subsequent action to enjoin an enforcement of such qualification, prerequisite, standard, practice, or procedure."; and

(7) by adding at the end thereof the following new subsection:

"(b)(1) Upon the filing of a complaint in an action brought under subsection (a) of this section, notice of the action shall be published in newspapers of general circulation in the jurisdiction of the appropriate district court for 3 consecutive weeks, and the complaint shall, to the extent practicable, be served on all interested persons. Persons interested in the enforcement or administration of any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting required to be tested under subsection (a) of this section by a State or political subdivision may, in accordance with rules made by each district court, submit their names and addresses to the appropriate district court to be kept in a registry for the purposes of this paragraph.

"(2) Any—

"(A) person who resides within the State or political subdivision seeking to enforce or to administer any such qualification, prerequisite, standard, practice, or procedure, subject to the provisions of subsection (a) of this section; or

"(B) organization which carries on activities in such State or political subdivision,

desiring to object to such enforcement or administration shall be permitted to intervene as a matter of right in the action brought under subsection (a) of this section within 60 days after the last publication required by paragraph (1) of this subsection or upon receipt of the complaint, as the case may be.

"(3) If there is a request for additional information in any action brought under subsection (a) of this section, the 60-day period during which no such qualification, prerequisite, standard, practice, or procedure may be enforced or administered shall commence when the information is received.

"(4)(A) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the action brought under this section is pending immediately to designate a judge in such district to hear and determine the action. In the event that no judge in the district is available to hear and determine the action, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the action.

"(B) It shall be the duty of the judge designated pursuant to this subsection to assign the action for hearing at the earliest practicable date and to cause the action to be in every way expedited.

"(5) Notwithstanding any other provision of law, the appeal from any declaratory judgment entered into in any action brought under subsection (a) of this section, or any interlocutory order involving the resolution of any issue relating to the enforcement or administration of any such qualification, prerequisite, standard, practice, or procedure under section 5, shall be expedited to the greatest possible extent.

"(6) Notwithstanding any other provision of law, any declaratory judgment in any action brought under subsection (a) of this section shall be stayed until all appeals in connection with such a judgment have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.".

SEC. 3. (a) Section 14(b) of the Voting Rights Act of 1965 is amended by striking out "or section 5".

(b) Section 14(d) of such Act is amended by striking out "or section 5".

Mr. COCHRAN. Madam President, I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR BENTSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Texas (Mr. BENTSEN) is recognized for 15 minutes.

A SKILLED LABOR CRISIS—OCCUPATIONAL AND TRAINING OUTLOOK FOR THE 1980'S

Mr. BENTSEN. Madam President, this speech is the third in a series I am devoting to a review of the prospects for a labor, especially a skilled labor, shortage this decade.

My second speech explored this Nation's poor employment record during the seventies. I noted then that, despite a record 19 million new jobs created in the 1970's, a surge of 22 million new job entrants swamped our Nation's ability to create new jobs and to provide new workers with even the same quantity of capital at the work bench that we provided in the 1960's. The results were rising unemployment—an average number of jobless throughout the entire decade that far exceeded even the worst years of the 1950's and 1960's—and only slim productivity growth.

In my speech today, I turn away from a decade of labor surplus to a review of those occupations requiring skilled training which are expected to grow the fastest in the years ahead. In addition, I will explore what training capability exists presently to meet the demand for skilled labor in these occupations during the 1980's.

OCCUPATIONAL OUTLOOK: 1980–90

Employment in white-collar service sector occupations will increase the most through 1990. This growth will be a combination of job openings created by economic growth and by the retirement or death of persons active in those occupations. Typically, the latter factor is responsible for from 60 to 70 percent of job openings although that proportion is lower for newer occupations.

Those occupations which are expected by the Department of Labor to have the most job openings through 1990 are noted in table I. Secretaries, retail sales workers, janitors, and cashiers lead the list. I ask unanimous consent, Madam President, that a table, entitled "Table I: Annual Occupational Openings, 1978–90," be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—*Annual occupational openings, 1978–90*

Occupation	Projected annual openings
Secretary/stenographer	305,000
Retail sales worker	226,000
Janitor	180,000
Cashier	119,000
Bookkeeping worker	96,000
Nursing aide, orderly, etc	94,000
Cook, chief	86,000
K–6 teacher	86,000
Registered nurse	85,000
Assembler	77,000

Source: "The Job Outlook in Brief," Occupational Outlook Quarterly, Department of Labor, spring 1980.

Mr. BENTSEN. The dominance of large and established occupations in table I reflects the reality that most job openings in our economy will occur in existing, already large occupations. It is very difficult for even rapidly growing occupations, such as computer operators, to make such a list until the number of existing employees and employee retirements become large.

The fastest growing occupations are generally not those with the largest absolute employment growth prospects. The 10 largest growth occupations based on Labor Department data for the 1980's, for example, include only one occupation listed on table I. Table II lists these 10 growth occupations, and I ask unanimous consent, Madam President, that a table, entitled "Table II: Largest Growth Occupations, 1978–90," be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*Largest growth occupations, 1978–90*

Occupation	Projected annual openings
Nurses aide, orderly, etc	94,000
Guard	70,000
Licensed practical nurse	60,000
Industrial machine repair	58,000
Computer operator	46,200
Bank clerk	45,000
Diningroom attendant, dishwasher	37,000
Homemaker/home health aide	36,000
Bank officer and financial manager	28,000
Teachers' aide	26,000

Source: "The Job Outlook in Brief," Occupational Outlook Quarterly, Department of Labor, Spring, 1980.

Mr. BENTSEN. Each of the employment categories in table II are projected to grow at least 50 percent from 1978 to 1990. A number of these are occupations which require some prior on-the-job or formal training. Similarly, a number of the occupations likely to experience the largest absolute growth during the 1980's noted in table I require previous training.

TRAINING

The type and length of training and education acquired for a specific job is typically related to employment security and stability, if not always to income. For example, new 4-year college graduates have an unemployment rate about one-half that of new high school graduates.

The increased job security, employment mobility, and income opportunities perceived to be available to men and women who received formal educational training beyond high school has made such training the most popular step to job advancement. In recent years, over 7 million Americans annually have enrolled in public or private vocational education courses and over 8 million men and women annually have enrolled in community or junior colleges, 4-year colleges or universities, or graduate schools.

The gamut of this vocational and college educational training varied from M.D. degree to courses in apparel design, auto repair, or accounting. Vocational education and formal college training dwarf that obtained from other non-on-the-job sources, including Government programs, the armed services, and apprentice programs registered with the Labor Department's Bureau of Apprenticeship and Training.

The Department of Labor collects fairly comprehensive data on the number of individuals participating in all of these educational, government, and apprenticeship occupational training programs. When matched with occupational growth data covering 1978–90, this Department of Labor training data can be used to assess employment prospects for many occupations.

SKILLED LABOR SHORTAGES

This comparison reveals that some occupations face a surplus of trained applicants now and on through the 1980's due either to lagging prospective employment growth or overly abundant training capabilities. A much larger number of occupations, however, were found to face a serious current or prospective shortage of trained workers in the 1980's.

In some cases, for example, computer specialists, prospective or present shortages exist because of rapid growth in job openings. But in other cases, especially for many of the blue collar occupations, it reflects a paucity of training programs for new workers sizable enough to permit the replacement of those experienced ones expected to retire during this decade.

A majority of the occupations appearing to face labor shortages fell into two groups. Either they require relatively little training, or they are white collar occupations, such as public relations, for which a variety of potential job claimants exist from among the 1.3 million annual graduates of American colleges and universities. A number of other occupations, however, were identified where apparent training capabilities are projected by the Department of Labor to fall significantly short of prospective employment levels in the 1980's, and where a substantial training period is typically required, as well. It is in these occupations that our Nation faces a skilled labor crisis.

The largest of these skilled labor occupations facing shortages in the 1980's are listed in table III. And, I ask unanimous consent, Madam President, that a table, entitled "Table III: Prospective Skilled Labor Shortages in Selected Occupations, 1978–90," be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE III.—PROSPECTIVE SKILLED LABOR SHORTAGES IN SELECTED OCCUPATIONS, 1978–90

Occupation	Projected annual job openings	Annual training shortfall
Industrial machinery repair	58,000	57,500
Blue-collar worker supervisor	69,000	50,000
Computer operator	46,200	28,000
Machinist	22,500	21,300
Computer system analyst	21,200	21,200
Machine tool operator and setup worker	22,600	19,000
Licensed practical nurse	60,000	19,000
Maintenance electrician	15,500	14,400
Computer technician	8,800	8,500
Forge shop worker and millwright	6,700	6,200
Television and radio repair	6,100	5,500
Tool and die maker	8,600	4,900
Stationary machine engineer	7,700	3,700

Source: U.S. Department of Labor, "Occupational Projections and Training Data," September 1980; U.S. Department of Labor, "Occupational Outlook Quarterly: Computers," Summer 1981.

Mr. BENTSEN. The Department of Labor data in table III include both the projected annual job openings and the number of these openings for which training has not been available in recent years from private or public vocational schools, apprenticeship programs, 2- or 4-year colleges or universities, graduate schools, or Government training programs.

The statistics in this table are striking: Our Nation confronts a shortage, for example, of 28,000 computer operators or 21,300 machinists each year of this decade. And, an accumulative skilled labor shortage will exist in excess of 250,000 persons annually or 2.5 million over the full decade in just the 13 cited occupations. Let me stress, Madam President, these are minimum estimates of the skilled labor shortage confronting our Nation. The actual total for all skilled occupation is substantially higher.

I will discuss some implications of this skilled labor shortage in a moment. First, let me stress that these Department of Labor data are most useful to indicate the scope rather than specific size of our skilled labor shortage. These data are constantly being updated and revised. For example, the Labor Department projected in 1980 that only 12,500 new computer operators and 7,900 new systems analysts would be required annually through 1990. Just this past summer, those numbers were revised sharply upward by the Department of Labor to the 46,200 and 21,200 respectively reproduced in table III. Data on training capabilities are similarly subject to revisions. Department of Labor data do not necessarily agree with other sources, either. For example, the U.S. Chamber of Commerce recently suggested that the number of tool and die workers needed annually may be 20-percent larger than cited in table III.

In addition, table III only reviews a handful of occupations. Marinas along the gulf coast seeking qualified diesel engine mechanics, brokerage houses on Wall Street trying to find capable business machine repairers, or airlines searching for qualified mechanics have their own valid opinions regarding skilled labor occupations where shortages exist.

In future weeks and months, I will be searching for data to supplement this Labor Department material. The first step in this effort is a hearing I will chair by the Joint Economic Committee's Subcommittee on Economic Growth and Intergovernmental Relations on November 3, in room 6226 at 10 a.m. Witnesses will include Dr. Karl Willenbrock of Southern Methodist University on behalf of the American Electronics Association, Mr. John Mandl, director of Training with the National Machine Tool Builders and Dr. Sheldon, president of Materials Research Corporation, a major fabricator of silicon products for our electronics industry.

The reasons for our shortage of skilled labor are varied. In some instances, such as computer personnel and practical nurses, it is simply burgeoning demand—demand that is far outstripping training capabilities. In other instances, it is the lure of white collar work, office work, or work in urban areas. Other factors include the attraction of jobs with short training periods over longer ones. Regardless of the causes, our skilled labor shortage has several significant implications for our economy.

IMPLICATIONS OF THE SKILLED LABOR SHORTAGE EFFECT ON PRODUCTIVITY

Efforts to boost our Nation's productivity will be less than fully effective until we address and reduce or eliminate our skilled labor shortage. The production and the productivity of our mines, factories, and service industries is directly affected by the quantity and quality of labor they use. In addition, valuable resources must be diverted to train men and women for these empty skilled labor slots—resources badly needed elsewhere for capital formation to boost the efficiency of plant and equipment.

Our skilled labor crisis is forcing American firms to spend tens of billions of dollars annually for stop-gap, in-house, on-the-job training. This shadow educational system is a patchwork quilt conceivably rivaling our entire higher education system in size. A study of the metalwork industry suggests, for example, that as much as two-thirds of all structured job training there now occurs on the job. Not all on-the-job training

is designed to address the shortage of skilled labor. But, with a bare minimum of 250,000 skilled labor jobs going begging annually since 1978—some requiring as long as 4 years of training to fill—a large share of on-the-job training today is ad hoc catch-up training by firms for jobs they cannot fill in any other fashion: the skilled labor they want to hire simply does not exist.

Madam President, I am a strong defender of on-the-job training. It is both appropriate and efficient for business firms to conduct essential on-the-job training of workers. My concern is that our Government may be forcing employers to bear an inordinate burden of the cost of providing the American worker with scarce and critical job skills—to the detriment of efforts to boost output and productivity. We spend tens of billions of taxpayers dollars to fund enormous higher education and training programs. These programs have worked well in many cases and I certainly believe they should continue, although with a greater focus on meeting our skilled labor shortage.

ECONOMIC GROWTH AND INFLATION

Our skilled labor shortage and its adverse impact on productivity is crippling efforts to attain robust economic growth without inflation. In fact, our Nation's soggy productivity performance is a major reason that we have had such a difficult time since the 1970's freeing ourselves from the morass of stagflation.

The shortage of skilled labor could loom as an even larger barrier in the future to the attainment of robust growth without inflation. Production bottlenecks arising from critically short skilled labor could be a noose limiting economic expansion just as it now threatens our ability to rapidly boost the national defense sector.

DEALING WITH THE SKILLED LABOR SHORTAGE

What alternatives do we have to deal with the skilled labor shortage? The answer has two complementary components. We can deal with it by adding more capital to the workplace in the form of labor saving equipment to stretch out the existing pool of skilled labor. That solution, incidentally, is open much more to large companies than to intermediate or small ones needing just one or two skilled craftsmen or engineers.

The other option is to redirect a portion of our Nation's education and training system to deal with the need for more skilled craftsmen, computer personnel, and so on.

Whichever course we choose—and we may well choose to pursue both options—we must realize that this skilled labor shortage is a crisis, it is an immediate problem, not a hypothetical one we may encounter in the future.

A skilled labor crisis is upon us today. The data in table III, for example, go back to 1978 as well as forward to 1990. It is a crisis that reaches deep into the heart of our factories, insurance companies, banks, and powerplants. The cadre of skilled, dedicated working men and women that forge our machines, keep our computers running, supervise plant assembly operations, and keep our industrial machinery oiled and rolling are not being replaced as they retire or the economy grows. It is a problem we face now and one requiring solutions now.

I do not intend, Madam President, to review today in detail what these solutions should be. I will in the near future. But let me offer one word of caution to those who suggest that the answer to our skilled labor problems rests entirely with technology. There is no doubt in my mind that adopting the Japanese approach of sharply increasing capital formation would help ease our shortage of skilled labor. But, turning even faster than we are now to labor saving machines, computers, and industrial robots may well aggravate rather than relieve our current skilled labor shortage. It is not the complete answer.

Let me conclude, Madam President, by noting that my next speech in this series will address the total labor supply outlook for the 1980's. It will review whether we may be facing a shortage of all types of labor this decade, rather than just labor for a number of especially skilled occupations.

I thank the distinguished Presiding Officer.

RECOGNITION OF SENATOR RUDMAN

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

SAUDI ARABIAN ARMS TRANSFER PROPOSAL

Mr. RUDMAN. Madam President, few proposals in recent memory have generated more intense controversy than the pending sale of F–15 fighter enhancements and AWACS surveillance aircraft to Saudi Arabia. At issue are whether, and how effectively, this arms package can serve our security interests in the Middle East, as well as the consequences for future U.S. policy options if it is rejected by the Senate.

Unfortunately, the brewing controversy is largely a product of contrasting perceptions fed by misguided rhetoric. Efforts to address the central strategic considerations upon which reasoned debate must pass judgment have been obscured by excessive claims, and undue emotional posturing.

In the absence of a more enlightened dialog, can it be said that the Senate will have faithfully discharged its constitutional responsibility to "advise and consent" on a major policy decision? I submit that it cannot.

There are, I believe, two fundamental questions which must precede a coherent approach to this matter. First, does the proposed arms transfer have a valid strategic rationale? And second, are there inordinate potential risks which might compromise the sale's presumed strategic value?

In this imperfect world, the fulfillment of varied, often seemingly contradictory, security objectives necessarily requires innovative statesmanship. The changing dynamics of international power no longer permit us the luxury of excluding from our policies nations with whom we lack universal political agreement.

Indeed, the essence of farsighted statecraft is precisely to cultivate those relationships and select those options which offer the greatest promise of satisfying multiple strategic purposes. As no less a visionary figure than the late Anwar Sadat once observed:

> He who cannot change the very fabric of his thought will never be able to change reality and will never, therefore, make any progress.

The challenges facing U.S. diplomacy in efforts to balance diverse interests in the Middle East are clearly enormous. In an area seething with turmoil, there are numerous opportunities for foreign penetration and exploitation of local grievances for larger policy objectives. Accordingly, Madam President, one must ask whether, and to what degree, this arms package can be a useful diplomatic instrument in promoting both an enduring Arab-Israeli peace settlement and regional stability.

It is beyond dispute that achievement of these goals, desired by all responsible parties, requires the active assistance of certain key Arab States. Contrary to the shrill pronouncements of some observers, however, it does not necessarily follow that the provision of advanced systems to one such state implies a repudiation of Israel's security concerns, or an irreversible "tilt" to the Arab position in a long-standing dispute.

Nor does this sale alter the fact that Israel is our most important regional ally, and that our commitment to her security must remain steadfast under all circumstances. Any compromise of that commitment would nullify, with dire implications, whatever temporary strategic benefits this sale might confer.

Guarantees of Israel's security cannot logically be divorced from consideration of the legitimate defense requirements of those Arab States capable of playing a constructive role in the quest for regional stability. The spectrum of potential threats to Saudi Arabia's security has unmistakably increased.

Given that nation's vast geographic expanses and critical location astride the Persian Gulf, few prudent strategists would deny that a sustained modernization of its tactical early warning and air defense systems is warranted. A Saudi Arabia unable to assure the minimum protection of its vital oil assets against external encroachments serves only the interests of those dedicated to continued unrest and regional fragmentation.

Furthermore, few experts would disagree with the proposition that lasting peace in the Middle East can only be accomplished by cooperation and mutual respect between Israel and moderate Arab nations such as Jordan, Oman, Sudan, Egypt, and Saudi Arabia. We must recognize that participation in the peace process necessarily entails risk on the part of both sides.

We must also recognize that it is human nature to reject creative risks, with the attendant probability of compromise, unless one feels a certain strength and

security. Thus, to the extent the proposed sale fosters such feelings within the Arab community, it enhances the possibility that the peace process will bear fruit.

Indeed, the ultimate measure of the Camp David framework, as the vehicle of a durable settlement, will be the extent to which it embodies the legitimate requirements and expectations of all parties sincerely aspiring to a just and peaceful order. Real security guarantees derive their basic value from the belief of all affected parties that the compromise made in the process have not substantially diminished national strength.

It will unquestionably be the supreme challenge of U.S. diplomacy to persuade those Arab nations genuinely fearful of Soviet incursions or domestic insurrection of the advantages offered by an expanded Camp David peace framework. Having identified Saudi Arabia as a necessary participant, I find it ironic that critics of the pending sale argue that Riyadh's opposition to the present Camp David structure disqualifies it as a prospective recipient of U.S. arms.

The distinction is somewhat spurious, since a similar charge could be leveled against other U.S. arms clients whose security is deemed essential to our strategic policies. Moreover, it is hardly the sum of astute diplomacy to deny an arms transfer for punitive reasons when that transfer may further our pursuit of regional equilibrium.

Having addressed and found compelling what I consider to be the strategic rationale for the sale, I turn now to the question of potential risks. Beyond serving as a convenient catch word for an arms package of several distinct components, the term AWACS has erroneously been construed by critics to signify a system with almost mystical operational capabilities.

The hyperbole that has surrounded the issue has been substantial, especially on the part of those arguing against the sale. We have all heard the following statements, neither of which is supported by empirical evidence:

First. Because some believe that Saudi Arabia is an unstable country, the risk is high that sophisticated technology delivered to the Saudis might fall into Russian hands.

Second. The delivery of AWACS to the Saudi Government will jeopardize the security of Israel.

Certainly, if these statements were supported by fact, they might well argue for the defeat of the proposed sale. However, the research that I have done has convinced me that the statements are emotional in nature, and, though well intended, might serve only to frustrate legitimate U.S. foreign policy needs and objectives while being substantially invalid in and of themselves.

The actual facts concerning the presumed technical capabilities of AWACS aircraft are as follows:

First. AWACS radar is essentially similar to radar available from several sources, including the British, the French, and the Russians. The computers used with the radar are commercially available. Indeed, only 10 of the more than 1,000 technical manuals required to operate AWACS are classified secret.

Second. The technology is 11 years old, and it is likely that by the time the AWACS are delivered in 1985, 4 years from now, the Soviets will have already deployed their new AWACS variant, the IL–76 Candid, currently under development. The AWACS radar system is not endowed with those mystical technical capabilities of which I spoke earlier. The radar cannot see vehicles on the ground, cannot collect electronic intelligence or transmit electronic countermeasures, and cannot take photographs.

Third. The hardware delivered to the Saudis in 1985 will be stripped of its U.S. encipherment gear, antijamming devices, encrypted air-to-air data links, computer data related to U.S. battle tactics, and other sensitive technologies which might present either a threat to Israel or a compromise of U.S. security should they fall into Soviet hands.

Fourth. In finalizing transfer arrangements, the Reagan administration has taken extreme care to insure that the combination of weapons systems does not provide the Saudis with battle management capabilities sufficient to jeopardize Israeli security or military options.

Among the principal safeguards designed to limit the AWACS' capabilities to their intended defensive function are requirements for timely data sharing with the United States, the nontransferral of information to third parties without explicit Presidential consent and the institution of effective security procedures for AWACS aircraft on the ground.

Fifth. A critical but curiously overlooked aspect of the sale is that delivery of the AWACS aircraft to Saudi Arabia would not commence until 1985. Thus, the United States has sufficient time to assess regional developments and determine whether the transfer of these systems still serves our security interests. Should Saudi Arabia's internal stability or foreign behavior become increasingly suspect, we clearly reserve, and would assuredly exercise, the right to rescind this commitment. A precedent exists in the case of Iran.

I believe the accuracy of these facts concerning the equipment that is the subject of the administration's proposal is unquestioned. The criticism relating to Israel's security is more subjective in nature. However, there can be little doubt but that President Reagan underscored the importance of the present United States-Israeli relationship when Mr. Begin visited this country in September.

Few can seriously doubt the depth of our commitment. And while the Israelis have stated that they believe the sale will jeopardize their security, I believe that this is a risk that both the United States and Israel should be willing to take under the circumstances. Due to the topography of the Israeli-Jordanian border, where mountains would "mask" the AWACS radar coverage of parts of Israel, existing Syrian and Jordanian radar stations in the hills east of Israel already monitor Israeli air activity almost as closely and much more efficiently than could Saudi AWACS.

Further, it is important to remember that the planes will not contain the command and control system which would allow the Saudis to coordinate an attack against Israel.

Finally, Madam President, although Saudi Arabia has never acknowledged the right of Israel to exist as a nation, that is not to say that such a position will continue in perpetuity. Few would have thought that the people of Egypt would respond so favorably to the Sadat initiative. It is precisely for this reason that the sale is merited.

Failure of the United States to sell the Saudis the AWACS package will only serve to underscore the alienation that already exists between Israel and Saudi Arabia inasmuch as the Saudis will perceive little in the way of community of interest between the three countries.

Should this sale be rejected, the Saudis would undoubtedly feel compelled to fill their military needs elsewhere, dealing with countries less concerned with Israel's welfare and less inclined to negotiate stringent controls on the use of such systems. Can anyone assert with confidence that such an alternative would not result in greater potential risks to Israel's security and prospects for a viable security structure? I, for one, cannot.

I reject the thought of Israel existing in a continuously hostile environment, isolated from the very community whose international aspirations it should share. I reject the probability of Soviet dominance in the Middle East much as Sadat rejected the probability of Soviet dominance in Egypt.

I accept the capacity for change in man, and I am willing to risk the present unstable and dangerous status quo in order to address the possibility of compromise and stability in the Middle East. And, most importantly, I accept the possibility that the Saudi leaders can find within themselves, given this impetus, the capacity for change which might lead them to participate in the peace process initiated by Anwar Sadat and Menachem Begin.

Failure to seize this initiative can only result in a tacit acceptance of continued turmoil and an unwillingness to act to bring about change. I, for one, am willing to trust in Israel's strength and understanding in order to take a step which may have more far-reaching consequences than the simple physical placement of five radar planes within a single country's boundaries. To do less would be to reject the notion that man can indeed control the circumstances which surround him.

Thus, Madam President, I stand before my colleagues today to announce my support for the administration's proposal.

Mr. BAKER. Mr. President, for the freshman Senator, conscientiously trying to adapt to the demands of life in the U.S. Senate, nothing could possibly be more trying, more difficult, and indeed more stressful, than the question of selling AWACS aircraft to Saudi Arabia.

The distinguished Senator from New Hampshire, Senator RUDMAN, in his first year as Senator, has dealt with this issue like a veteran. His actions have been thorough and responsible, and his final

determination which he announced today, was the result of exhaustive study and endless meetings with his constituents.

I am pleased, to say the least, that Senator RUDMAN is supporting the President, and supporting the sale to Saudi Arabia, and it is my expectation that his vote will be regarded as pivotal.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, there is one more special order. I see the Senator from South Carolina in the Chamber, and I believe he wishes recognition as well.

I ask unanimous consent that the time to begin consideration of the pending business be extended from 10:30 until 11:15 a.m. and that the time after the expiration of the special orders be allocated to morning business, under the terms and conditions heretofore described.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

RECOGNITION OF SENATOR HUMPHREY

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

THE ACID RAIN DEPOSITION CONTROL ACT

Mr. HUMPHREY. Madam President, I wish to add my support, together with a number of my colleagues, for a measure introduced by the Senator from Maine (Mr. MITCHELL), S. 1706. This measure addresses the very real and complex environmental problem commonly known as acid rain.

The problem of acid rain is one which has many far-reaching implications. It is recognized that certain substances, primarily sulfur and nitrogen compounds emitted by powerplants and smelters, can combine with moisture to form droplets with a high acid content sometimes as acidic as vinegar. Acid precipitation includes not only rain, but also acidified snow, fog, hail, and frost, as well as sulfur and nitrogen dust. When sufficiently concentrated, these acids kill fish, damage material structures, and reduce crop and forest yields.

Acid rain is the indirect result of the burning of fossil fuels. This combustion produces sulfur dioxide (SO) and nitrogen oxide (NO) which are carried great distances, perhaps hundreds or thousands of miles, ignoring city, State, and national boundaries. During transit, these gases undergo transformations which produce sulfuric acid and nitric acid. These acids are washed out of the air by precipitation and settle on lands hundreds of miles away from their points of origin, causing a wide variety of environmental problems.

As a Senator from New Hampshire, I am particularly aware and concerned about acid rain. New Hampshire's streams, mountain lakes, and forests are showing the effects of acid rain. Several lakes in our State have been found to be so acidic that fish stocking is useless, and the waters are clear but lifeless. The high acidity of the soil is now threatening our already limited crop yields, and there is growing concern for the effect of acid rain on ground water. Acid rain is by no means a phenomenon which effects only Canada and the Northeast, but is a far-reaching problem, the effects of which are evident throughout the United States.

The problem of acid rain must be acted upon now. We can no longer afford the luxury of waiting for the completion of further studies while taking no action to alleviate the problem. A comprehensive study by the National Commission on Air Quality recommends additional controls on sulfur dioxide emissions to curtail acid rain. The commission also recommends that there be a significant reduction in the current level of sulfur dioxide emissions in the eastern United States by 1990 and that Congress should require such a reduction.

The Acid Deposition Control Act would implement this recommendation by requiring a reduction of annual emissions of sulfur dioxide in States bordering the Mississippi River, eastward, by 10 million tons from 1980 annual emissions. This overall reduction in sulfur dioxide emissions of 40 percent would have to be accomplished within a 10-year period. Each of these States shall determine its own plans for reducing sulfur dioxide emissions within its own borders which will contribute to an adequate share of the overall reduction. This legislation allows the States a great deal of flexibility. Furthermore, it is consistent with the recommendation of the National Governors' Association to allow States a reasonable period of time to reach agreement on reducing long-range transport of air pollutants.

Madam President, I am pleased to cosponsor Senator MITCHELL's bill, and I am confident that this bill will lay a solid foundation for Congress to address the problem of acid rain, a problem we can no longer ignore.

RECOGNITION OF SENATOR HOLLINGS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

AWACS

Mr. HOLLINGS. Madam President, confronting a Soviet adversary vastly superior in manpower and numbers of weapons, the United States has one advantage—technology. When that advantage is compromised by the technology falling into the hands of the enemy, America courts serious trouble. When the Shah of Iran fell from power, F–14s and Harpoon missiles were left behind, seriously compromising the effectiveness of our weapons.

As a matter of fact, our Navy still lacks an effective countermeasure for a Harpoon attack on U.S. aircraft carriers and other ships, even while the Ayatollah has these lethal weapons. There is no education in the second kick of a mule. Experience has taught the wisdom of keeping American gear under American command and control.

In the closing days of Jimmy Carter's administration, a tentative decision was reached to sell five Boeing E–3A Airborne Warning and Control Systems (AWACS) to Saudi Arabia. Other elements were included in the package, but it has been AWACS that has generated so much controversy. The Saudis understood how tentative the decision was and knew that it would be up to the Reagan administration to set the final terms and conditions.

The opportunity existed to work out all sorts of agreements, such as a leasing agreement insuring Saudi participation but ultimate American control, or some other form of joint command. Similarly, we could have provided the E–2C Hawkeye—a similar but less sophisticated system which we have provided to the Israelis. But during the interregnum between administrations, our Air Force persuaded the Saudis of the need for AWACS.

The Air Force was anxious to sell the AWACS which it previously wanted to sell to the Shah. Luckily we did not leave AWACS behind when the Shah fell. The Reagan administration came in focusing on the country's economic mess, and devoting all its energies to the President's domestic program. A decision was hastily made to go ahead with the AWACS sale. So what was bad diplomacy at the outset was reconfirmed, and a decision was made without the homework having been done and with no sense of history.

The case for having an AWACS in Saudi Arabia is strong. The strategic importance of the Persian Gulf area cannot be denied. It is critical to our allies, critical to us. The threat from the Soviet Union is real, as are threats from Libya and the other radical regimes of the area. The United States has four AWACS operating in Saudi Arabia right now. They are American-owned and under American control. They have the most up-to-date equipment and they are flown by America's finest. If indeed there is a Soviet threat—and there is—we need our best there.

At the moment, we have a base, we have one AWACS flying defense missions 24 hours around the clock and a crew of 400 American technicians keeping the gear in shape and aloft. Now the agreement that the President wants approved is for the Saudis to take over the command and control of this weaponry and for us to lose our base. And the way the administration tries to persuade you that the technology is not such great technology is to tell you that the box aboard the AWACS that handles the scramble of the pilots to be vectored off to make their intercepts of enemy planes has been removed and the box giving off counterwarning electronic measures to confuse the enemy has been removed.

Certain it is that we do not want our F–14 pilots coming off the aircraft carrier decks and flying down the Persian Gulf to be vectored off by stripped-down AWACS and Saudi crews.

Losing our base and reducing us to this ridiculous situation is bad diplomacy. It is impossible to operate effectively in the Persian Gulf just from aircraft carriers.

The opposition is based and our defense requires a base too. The best solution, one which could have been accomplished before this became a cause celebre, would be to paint the Saudi flag on the side of the AWACS, but maintain American command and control. If ever the Soviets decide to go after the oil, it is only the United States that can keep them out.

With an Air Force of only a couple of hundred trained pilots, the Saudis would not last an hour. If it is America that will be fighting, I want our best AWACS out there and flown by Americans to detect the Soviet preparation and advance.

Just as Saudi Arabia faces an external threat, it also lives with internal problems. Certainly we should understand and heed them after our experience with Iran. There they tried to congeal a century of civilization into 30 years. Now Saudi Arabia tries to do it in 10 years. The Saudis have already experienced conspiracies and unrest and, of course, there last king was assassinated by a member of the family in 1975. In the past 8 years, Saudi Arabia has been subject to tremendous change. A 5-year, $391 billion modernization has been launched in an attempt to build up the infrastructure of a civilization.

A society with feudal remnants and tribal factionalism existing alongside fantastic wealth and modern cities is bound to suffer a certain trauma. The fundamental religious and tribal differences are historic and cannot be reconciled with money. In fact, money as in Iran makes the differences more acute. Since Mecca and Medina were taken from the Hashemite family (the family of King Hussein of Jordan), much of the Moslem world still considers them not a part of Saudi Arabia.

Many Hejazis are still not reconciled to the Saudi takeover of Mecca, and resentment by the more fanatical tribes in the country led to the 1979 seizure of the mosque at Mecca. In the oil area, there are 300,000 Shiite sympathizers of Iran's ayatollah. And with the division of those living in the Jabal Shammar area of the north who have barely received electricity, it is difficult to call the area a country.

There are as many foreign adult males as there are natives in the country, and many of those within the armed forces come from without. We know that in the last several years there have been at least two defections of Saudi pilots, with their planes, to Egypt and Iraq.

To an outside observer, the army and national guard appear stable. But we thought Anwar Sadat's army was completely loyal, too. Women are still chattels, Madam President. They are not allowed to drive a car. And stealing is still punishable by a cutting off of the hand. Whether a feudal royal family can navigate through the perilous currents of change and retain its rule is an open question.

Certainly there is no intention to offend the Saudis over this issue. But an enduring friendship must inevitably be based on realism. There are a number of instances in which the Saudis have been helpful to us. But let us not go overboard—they have not kept oil prices down to benefit the United States. As a matter of fact, when we provided the first F–15's back in 1978, which I supported, a barrel of oil was selling for $12.70.

Today that barrel of Saudi Arabian oil is $32. We cannot blame the Saudis for acting like cartelists, but neither should we ascribe unrealistic motives. The dominant member of a cartel almost always undersells the other members, and the Saudis are trying to figure a way to maximize profits over the long haul of decades, without driving the United States into a Manhattan-type project to develop alternative energy sources.

And recent developments are beginning to show that even the Saudis may have raised oil prices too high for their own good. None of this is to say we cannot be friends. Saudis live in a different part of the world and inevitably, they are going to have different relations with the Syrians, the Iraqis, and the Palestinians than we do.

But if Anwar Sadat could go to Jerusalem and make peace, the Saudis at least could have approved the Camp David accords. Instead they joined in statements in the U.N. less than a month ago that the United States perpetrated "aggression" against Libya last August and that the United States is "a threat to international peace and security."

Anyone wishing Saudi Arabia well should not want to see that country dragged into any subsequent war with Israel. But by providing Saudi Arabia with AWACS equipment, it immediately becomes a target in any flareup in the Middle East. For example, if Israel and Syria go at it again the first requirement of Israel would be to take out the surveillance capability of a Saudi AWACS. And Saudi Arabia, which has been indirectly involved in past wars against Israel, would now be directly involved. In this sense, AWACS is very destabilizing.

The bottom line is insuring ultimate American control. We must be able to insure that this plane is not in the position to conduct surveillance of other countries like Israel. And we must be able to insure either the evacuation or the destruction of the planes in the face of external attack or internal collapse. None of the Senate resolutions or administration assurances that I have seen thus far provides that kind of clear and enforceable agreement.

If an AWACS conducts surveillance of Israel and coordinates any attack on that country, the damage will be done long before our diplomats show up to complain. With less dramatic but still damaging misuse of AWACS, it would be even more difficult for the United States to enforce any penalties—without invading the sovereignty of another country. These are the kind of contingencies that must be dealt with, but they are not the kind of issues that can be handled with certainty and enforceability in a written agreement between the nations.

Some argue that the President must be given the leeway to do as he sees fit in security matters such as this. Of course many people arguing this now took a very different tack when Jimmy Carter presented his Panama Canal treaties. But even more to the point, if concerned citizens and Senators had not made their opposition to President Carter's disastrous SALT II Treaty known, and fought hard against it, we would have gone ahead and given every strategic weapons advantage to the Soviets.

In the last analysis, the AWACS sale is someone's attempt to solve a problem on the cheap. It smacks of the quick-fix—a cure-all which will provide for America's defense without ruffling anyone's feathers. It has been our unwillingness, over a decade and more since the British left, to build an adequate national security presence in the gulf area that led to the AWACS concept. But we are involved in serious business here—deadly serious to our security and that of our allies. Just as there is no painless way out of our domestic economic troubles, so there is no easy way to provide our national security. I want an American policy first and then a decision as to what planes and weapons go where. But with AWACS, we have let the airplane sale dictate the national security policy.

I shall oppose the sale because it is not in the national interest.

I thank the distinguished Presiding Officer.

Mr. CRANSTON. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield to the distinguished Senator from California.

Mr. CRANSTON. I congratulate the Senator from South Carolina for his carefully thought-out statement in opposition to the AWACS sale to Saudi Arabia.

This new statement of opposition comes from a man who is recognized as a great expert on national defense. It comes from a Senator who is recognized as a staunch advocate of whatever is needed for national defense in terms both of our own structure, and whatever we need to invest in it, and in terms of our relationship with other nations, and what we do to bolster their strength so that they are reliable allies of the United States.

With that background and that record, the statement by the distinguished Senator from South Carolina is of the utmost significance in terms of the developing opposition to the sale in the Senate and in the country. The Senator's statement will strengthen the momentum against the AWACS transaction that began to develop in the Senate yesterday with the minority leader's announcement of his opposition.

I think we should be particularly impressed by the stress the Senator lays on the loss of a base in Saudi Arabia, a

sorely needed base for our national security purposes, which the transaction of the sale of planes to Saudi Arabia would entail. That would be a very significant setback in view of our need for bases in the Middle East and the search we have been carrying on, fruitlessly for the most part, for such bases.

We also need to be concerned about the downgrading of the capacities of the AWACS if we transfer them to Saudi Arabian control, a downgrading that will not occur if we maintain that control; and that downgrading of their capacities poses new risks to national security and, quite possibly, new risks to the lives of Americans who might become involved in military activities under unfortunate circumstances in the Middle East.

I would like to say that it appears to me that opposition to the sale is becoming so firm, as Senators think the matters through, that I no longer believe, as I did yesterday, that the sale would necessarily be saved now by a Saudi compromise allowing us to share in control and crewing of the AWACS planes.

There are other issues involved in this matter apart from the AWACS. There is the matter of the Sidewinder missiles, which many Senators and many people in the country, who are expert on military matters, do not feel should be transmitted to the Saudis for a variety of national security reasons.

There is the matter of the augmentation of the F–15 planes which many of us feel should not occur, particularly in light of the commitments made to this body, the Senate, by the previous administration when those planes were transmitted, sold, to Saudi Arabia.

There are the points beyond this made by Senator ROBERT C. BYRD in his remarkable speech of yesterday; among them the question about the advisability of simply piling up arms on both sides in the Middle East when there is reason to question whether that increases security in that volatile part of the world.

There is the question of the effect, as the minority leader pointed out yesterday, of the transaction on Israel's ability to be forthcoming and positive in seeking to resolve her differences with her Arab neighbors over the West Bank and the problems of the Palestinians.

Strengthening Saudi Arabia's military capacities is not a move designed to strengthen Israel's willingness to be forthcoming on that very sensitive issue.

The minority leader also made a very important point about what the effect of the transaction would be on Saudi Arabia's ability to be forthcoming in cooperating with America as we seek to lead the way toward a more stable peace in the Middle East based upon the Camp David process. The decision by the United States to proceed with the transaction with Saudi Arabia might very well cause the Saudi Arabians to have to be even more independent than they have been already, and they have been very, very independent of American leadership, and they would have to be more independent quite possibly in order to demonstrate that they are not an American satellite and are not controlled by the United States.

It now appears to me with the leadership of such significant people as the minority leader and the distinguished Senator from South Carolina joining the battle against the AWACS, that it will be defeated not by the narrow margin that many have been predicting but by a margin that looks quite possibly to be an increasingly strong and very significant one. I believe that that outcome would be beneficial to our country, send a clear message to all of our dedication to our own national security interests, first of all, and if that is the outcome, the distinguished Senator from South Carolina will deserve a great deal of credit for that result.

Mr. HOLLINGS. Madam President, the distinguished Senator from California has been entirely too flattering, but let me state that credit would be the last thing I would look for. These decisions really try men's souls, as they say. It is not an easy one. I have close friends in Saudi Arabia, I have a South Carolina entity doing business in that country, and a distinguished former Ambassador to Saudi Arabia who is a South Carolinian. There is no one for whom I have a higher regard than Ambassador John West, and he knows that. And it was really on account of our personal friendship that I have withheld. I have not wanted to get into an out-front position, and I certainly do not want any credit. I would like not to even be heard from again on this subject.

Let me just state that the distinguished Senator from California has handled the opposition to this particular sale in a most deliberate and considered fashion. I think that should be said in a sense of both sides. There really has not been any strong pressure. It has been a frustrating situation wherein every Senator connected with the particular problem has wished that perhaps we could save face for the administration, save face for the Saudis, continue our present situation there, and work out something whereby we could certainly respond to the military needs of Saudi Arabia as a country.

AWACS for their particular air force is going to have to be a responsibility of the United States of America for some years to come.

Much is said about the technology, like the Sidewinder. As the distinguished Senator from California pointed out, the technology has been on board now for 10 years and the Soviets would like to have it. They talk like technology is extinguished overnight. They would like to have the technology and the computerization software of our own AWACS. It cannot and it should not be compromised.

Of course, that is the bottom line in our national security position, because we do not hope to match the Soviets and our adversaries tank for tank, soldier for soldier. The little bit of superiority that we have in technology has kept us free in the free world.

I thank the distinguished Senator and I thank the distinguished Chair.

Mr. CRANSTON. Madam President, if the Senator will yield for one more moment, the Senator from South Carolina may not want credit, he may not seek credit, but credit he will get, because he is a man whose record in this field of national defense is well known and widely respected. The fact that he came down on this side of the issue will have a profound impact on the thinking of others.

There may be some blame associated with this, also. I know the Senator recognizes that when you take a position you get both credit and blame.

But he has taken a statesmanlike and very important position today that cannot help but have effect on the thinking of many others.

I think there will be greater understanding of the opposition to the AWACS sale by those who have been uncertain about why it is being opposed because of the very direct and effective way in which the Senator made plain his reasons for his opposition. I thank him once again.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business that will last until 11:15 a.m.

Mr. CRANSTON. Madam President, as soon as Senator HATCH arrives we could end morning business and proceed to the consideration of his amendment by unanimous consent.

Pending his arrival, I suggest the absence of a quorum, unless some other Senator wishes recognition.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATCH WHAT THEY DO, NOT WHAT THEY SAY: INFLATION TALK VERSUS INFLATION ACTION IN THE ADMINISTRATION

Mr. ROBERT C. BYRD. Mr. President, Prof. Milton Friedman, an economic guru of the administration, recently wrote of the mixed signals sent by the administration about its commitment to winning the battle against inflation.

On the one hand, Professor Friedman points out, the administration "has taken the elimination of inflation as one of its major objectives." The administration "has repeatedly warned the financial community that it will make a mistake if it counts on continued high inflation." That is what the public hears.

However, if the public watches the administration act, the story is vastly different. While administration spokesmen warn against inflationary expectations, Professor Friedman points out that—

The U.S. Treasury Department is telling the financial community the precise opposite—not in words, but in actions.

What Professor Friedman had in mind are the astonishingly high interest rates the Treasury is willing to make taxpayers pay for 20 and 30 years. Interest rate records have been set four times this year in Treasury bonds which we will all be paying off for 20 to 30 years. Just a few weeks ago, on September 30, the Treasury commited taxpayers to shell out a record 15.7 percent interest a year for the next 20 years.

What kind of message is this sending to the financial markets and small businessmen of this country? While the administration issues soothing words to millions of small businessmen and workers that lower inflation is around the corner, it is doling out hard cash to the handful of investors who can afford to invest $10,000 for 20 years. Can we blame workers or small businessmen for asking why the Treasury Department agrees to pay out almost 16 percent interest for 20 years, if it believes inflation will drop shortly.

Soon, the Federal Government will be paying more than $100 billion a year in interest on the national debt. Interest payments will be the third largest category of expenditures made by the Federal Government, yet the administration continues to lock the taxpayers into interest rates it contends will be unnecessarily high in a short time. If inflation drops into the 4.8-percent range predicted by the administration for 1984, taxpayers will be giving well-heeled investors real payments of nearly 11 percent a year, compared to the 2 or 3 percent real interest considered appropriate by historic standards.

The Congress and citizens of this country deserve to know just which message the administration really believes—the words it issues about low inflation and interest rates, or the actions it takes by agreeing to pay astronomical interest rates for 20 and 30 years into the future. Should we watch what they say, or should we watch what they do, as my good friend, Senator HOLLINGS, admonished us to do a few weeks ago?

I believe we have little choice but to watch what they do, and that is what concerns me here. If the administration believes we are destined to live with 16 percent interest rates for the rest of this century, it should tell the American people the truth. If, on the other hand, the administration believes that interest rates and inflation will drop soon, as it says, the Treasury Department should explain why it continues to waste the taxpayers' money by issuing long-term bonds at current high rates.

I ask unanimous consent to include in the RECORD a list of the 15 interest rate records set by Treasury Department obligations this year.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

RECORD HIGH INTEREST RATES

Listed below are the all-time record high interest rates paid on various Treasury offerings which have been established since January 20, 1981.

Treasury offering	Auction date	Rate (percent)
13-week bills	May 22, 1981	16.750
26-week bills	Aug. 24, 1981	15.854
52-week bills	May 14, 1981	14.623
	Sept. 3, 1981	15.056
2-yr notes	May 20, 1981	15.72
	July 22, 1981	15.88
	Aug. 20, 1981	16.26
7-yr notes	June 30, 1981	14.07
	Oct. 7, 1981	15.40
10-yr notes	May 6, 1981	14.56
	Aug. 5, 1981	14.98
20-yr, 1-month bonds	Mar. 26, 1981	13.21
	June 25, 1981	13.45
	Sept. 30, 1981	15.78
30-yr bonds	May 7, 1981	13.99

A TRILLION DOLLAR DEBT DAY

Mr. HARRY F. BYRD, JR. Mr. President, today is a red-letter day—or perhaps I should say it is a deep red, red-ink figure day.

On October 19—this past Monday—the national debt subject to limit was $993.3 billion.

The debt is increasing at the rate of several hundred million dollars each day. It is estimated that today—the 22d day of October, 1981—the national debt crosses the trillion dollar mark.

Thus, the national debt has more than doubled during the past 7 years. The interest cost to service the debt during the current fiscal year will exceed $100 billion—approximately one-half of the total defense expenditures.

Today, October 22, 1981, is indeed a red-letter day and a red-ink day.

HIGHWAY TRUST FUND EXTENSION

Mr. SYMMS. Mr. President, I would like to take this opportunity to thank my many colleagues who supported the Senate passage of the highway trust fund extension. I would particularly like to thank the Senator from Kansas, Senator DOLE, whose help was invaluable in bringing this matter to a vote on the floor. I also thank my kind colleagues, Senator STAFFORD, chairman of the Environment and Public Works Committee and Senators BENTSEN, RANDOLPH, and MOYNIHAN whose support and work on the Transportation Subcommittee is much appreciated.

As has been pointed out previously, the amendment allows for a simple extension of the highway trust fund for a period of 5 years.

It extends the tax collecting authority through October 1, 1989, the trust fund mechanism through September 30, 1990, and residual activity through 1991.

This extension is necessary to establish a multiyear highway program. In the course of extensive hearings, here and throughout the country, it became apparent that a major problem faced by the States in their highway programs was the uncertainty caused by short-term Federal highway policy. By establishing a multiyear Federal program, we will take a major step in ending this uncertainty and aid the States in developing long-term, long-range planning. Such planning is necessary to maximize the benefit from each dollar spent on our Nation's highways.

The trust fund extension is a major factor in maintaining and continuing our highway programs. The programs obligated now in fiscal year 1982 will be paid for with money coming from the trust fund as it is currently established. Programs developed during the mid-1980's will be funded from trust fund moneys taken into the fund in the late 1980's. Without a trust fund extension we cannot authorize a multiyear program which is essential for the building, maintenance, and repair of our Nation's vitally important highway system. The Senate's passage of the trust fund extension was an important and responsible step in furthering sound Federal highway policy.

AUTHORITY FOR ANNUAL RATES OF COMPENSATION OF EMPLOYEES OF THE SENATE UNDER AUTHORITY OF THE FEDERAL PAY COMPARABILITY ACT OF 1970

Mr. THURMOND. Mr. President, for the record, I am submitting the order of the President pro tempore of the Senate, signed by me on October 5, 1981, effecting the authority for annual rates of compensation of employees of the Senate.

The order follows:

ORDER OF U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it hereby—

Ordered,

DEFINITIONS

SECTION 1. For purposes of this Order—

(1) "employee" includes an officer (other than a United States Senator); and

(2) "annual rate of compensation" does not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended, merit compensation authorized by section 109 of the Legislative Branch Appropriation Act, 1979, or any other additional compensation that may hereafter be authorized by law.

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the annual rate of compensation of Senators.

(b) The annual rates of compensation of the Secretary for the Majority and the Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.8 percent and, as so increased, adjusted to the

next higher multiple of $1.00. Notwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section.

(c) The annual rates of compensation of the five Senior Counsels in the Office of the Legislative Counsel and the maximum annual rates of compensation of the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, the Assistant to the Majority Leader for Floor Operations, and the Assistant to the Minority Leader for Floor Operations (as such rates were increased by prior orders of the President pro tempore) are further increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this subsection, an individual occupying a position the annual rate of compensation for which is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $1,000 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section.

(d) The maximum annual rate of compensation of the Director of the Office of Classified National Security Information in the Office of the Secretary of the Senate (as such rate was increased by the prior order of the President pro tempore) is further increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the provisions of this paragraph, an individual occupying the position the annual rate of compensation for which is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $2,000 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in subsection (a) of this section.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain are increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00. Notwithstanding the preceding provisions of this section, the Chaplain shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of the annual rate in effect for positions in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

OFFICES OF THE SENATE

SEC. 4. (a) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction;

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under their respective jurisdictions;

(4) the Majority Leader and the Minority Leader, for the Assistant to the Majority Leader for Floor Operations and the Assistant to the Minority Leader for Floor Operations, respectively (subject to the provisions of section 2(c) of this Order);

(5) the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, for any employee under their respective jurisdictions;

(6) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2 (c) and (d) of this Order);

(7) the Sergeant at Arms and Doorkeeper, for any employee under his jurisdiction;

(8) the Chaplain, for his secretary;

(9) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee under his jurisdiction (other than the five Senior Counsels);

(10) the Senate Legal Counsel, for any employee under his jurisdiction (subject to the provisions of section 701(b) of the Ethics in Government Act of 1978);

(11) the Secretary for the Majority and the Secretary for the Minority, for any employee under their respective jurisdictions; and

(12) the Capitol Guide Board, for the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(b) The limitation on the rate per hour per person provided by appplicable law immediately prior to October 1, 1981, with respect to the folding of speeches and pamphlets for the Senate, is increased by 4.8 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(c) The limitations on the gross compensation which may be paid during a fiscal year to employees in the Offices of the President pro tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, the Secretary of the Conference of the Majority, the Secretary of the Conference of the Minority, the Secretary for the Majority, and the Secretary for the Minority are each increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(d) Except for those officers and employees referred to in section 2 of this Order, no officer or employee within the Office of the Secretary of the Senate and no officer or employee within the Office of the Sergeant at Arms and Doorkeeper shall, for any period of time, be paid gross compensation at an annual rate which is in excess of either of the following: (1) the maximum rate prescribed in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as such rate is adjusted in section 7(b)(1) of this Order and prior orders of the President pro tempore), or (2) an annual rate of compensation which is $2,500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and the conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate, are each authorized to increase the annual rate of compensation of any employee of the committee, or any subcommittee thereof, of which he is chairman, by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(b)(1) The maximum annual rates of "$65,234", "$67,878", and "$71,625" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b)(2) of the Order of the President pro tempore of October 1, 1980) are each further increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00, and shall be deemed to refer to the figures "$68,366", "$71,137", and "$75,063", respectively.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,600, and $2,000, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of any special or select committee of the Senate or the conference majority or conference minority of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00.

(b) The table contained in section 105(d)(1) of such Act shall be deemed to read as follows:

"$621,054 if the population of his State is less than 2,000,000;

"$639,068 if such population is 2,000,000 but less than 3,000,000;

"$682,488 if such population is 3,000,000 but less than 4,000,000;

"$738,381 if such population is 4,000,000 but less than 5,000,000;

"$784,111 if such population is 5,000,000 but less than 7,000,000;

"$832,151 if such population is 7,000,000 but less than 8,000,000;

"$857,557 if such population is 8,000,000 but less than 9,000,000;

"$884,348 if such population is 9,000,000 but less than 10,000,000;

"$924,536 if such population is 10,000,000 but less than 11,000,000;

"$977,194 if such population is 11,000,000 but less than 12,000,000;

"$1,017,381 if such population is 12,000,000 but less than 13,000,000;

"$1,068,654 if such population is 13,000,000 but less than 15,000,000;

"$1,119,928 if such population is 15,000,000 but less than 17,000,000;

"$1,171,201 if such population is 17,000,000 but less than 19,000,000;

"$1,209,540 if such population is 19,000,000 but less than 21,000,000;

"$1,247,879 if such population is 21,000,000 or more.".

(c)(1) The second sentence of section 105(d)(2) of such Act (as modified by prior orders of the President pro tempore) is further modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,155 per annum or in excess of $37,648 per annum except that (i) the salaries of three employees may be fixed at rates of not more than $68,366 per annum, (ii) the salaries of five employees may be fixed at rates of not more than $66,286 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $69,289 per annum".

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i), (ii), or (iii) of such modification applies shall not be paid at any time at an annual rate in excess of $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(d) The figures "$183,801" and "$61,267" appearing in subsections (a), (b)(1), and (b)(2) of section 111 of the Legislative Branch Appropriation Act, 1978, as amended (as provided in section 6(d) of the Order of the President pro tempore of October 1, 1980), shall be deemed to refer to the figures "$192,624" and "$64,208", respectively.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,102" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of October 1, 1980), shall be deemed to refer to the figure "$1,155".

(b)(1) The maximum annual rate of compensation of "$71,625" appearing in such section (as provided in section 7(b)(1) of such Order of October 1, 1980) is further increased by 4.8 percent and, as so increased, adjusted to the next higher multiple of $1.00, and shall be deemed to refer to the figure "$75,063".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate in excess of $2,500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to receive the increase in his annual rate of compensation pursuant to section 4, 5, or 6, the individual designated to authorize such increase for that employee shall notify the Disbursing Office of the Senate in writing that he authorizes such increase for that employee and the date on which such increase is to be effective. Such increase shall become effective as provided in section 105(a)(2) of the Legislative Branch Appropriation Act, 1968, except that if the notice required by the preceding sentence is given within five days (not counting Saturdays, Sundays, or holidays) after the date on which this Order is issued, such increase may become effective on or after October 1, 1981.

LONGEVITY COMPENSATION

SEC. 9. The figure "$441" contained in section 106(b)(1) of the Legislative Appropriations Act, 1963, as amended (2 U.S.C. 60j(b)(1)), shall be deemed to refer to the figure "$463".

OFFICE OF THE SENATE LEGAL COUNSEL

SEC. 10. (a) Notwithstanding any other provision of law—

(1) the Senate Legal Counsel shall not be paid at any time at an annual rate of compensation which is in excess of the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order, and

(2) the Deputy Senate Legal Counsel shall not be paid at any time at an annual rate of compensation which is in excess of $2,500 less than the annual rate of compensation which is now or may hereafter be in effect for those positions referred to in section 2(a) of this Order.

(b) The foregoing provisions of this Order, other than subsection (a) of this section, shall not be applicable to the annual rate of compensation of the Senate Legal Counsel or the Deputy Senate Legal Counsel.

EFFECTIVE DATE

SEC. 11. Sections 1 through 10 of this Order are effective October 1, 1981.

STROM THURMOND,
President pro tempore.

OCTOBER 5, 1981.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. QUAYLE). The Chair, on behalf of the Vice President, appoints the Senator from South Dakota (Mr. PRESSLER) as a congressional adviser to the second session of the Regional Administrative MF (AM) Broadcasting Conference of the International Telecommunications Union, to be held in Rio de Janeiro, Brazil, November 9 to December 18, 1981.

DEATH OF BYRD WALL SAWYER

Mr. CANNON. Mr. President, it is with deep regret that I announce that my State of Nevada has this week lost one of its most noted and illustrious citizens through the passing of Byrd Wall Sawyer.

Mrs. Sawyer was well known to the Nevada historical scene through her coauthored books, "Our State Nevada" and "Here Is Nevada." She received her A.B. at the University of Idaho and her M.A. in American history at the University of California, Berkeley.

Upon her marriage to Dr. Harry W. Sawyer in 1923, the couple moved to Fallon, Nev., where she immediately began a long and active career in many phases of Nevada life, including education, politics, writing, public speaking, and public service activities in many volunteer fields. She was the stepmother of three sons: Dr. Harry W. Sawyer, Jr., of San Francisco; Grant Sawyer, former Governor of Nevada; and the late Milo Sawyer, Baptist minister.

In recognition of her outstanding work, the Nevada State Education Association gave her its Educator of the Year Award in 1961. The University of Nevada made her the recipient of its Distinguished Nevadan Award in 1971.

Her last book, "Nevada Nomads," resulting from an extended period of research, is the first comprehensive study of the Nevada sheep industry in print. The illustrations are from private collections, while the bibliography makes a significant contribution to the history of the sheep industry in Nevada.

CANCUN: REDISTRIBUTION OR REJUVENATION?

Mr. HELMS. Mr. President, today the President of the United States is meeting at Cancun with the leaders of the so-called Third World. The meeting is billed as part of the North-South dialog based upon the report of the Brandt Commission. There has been plenty of commentary in the press about the basic assumptions of the Brandt Commission, and its call for the developed nations to provide more assistance to the underdeveloped nations as a matter of right. Without such a redistribution of wealth, the theory goes, there will be a worldwide explosion of the havenots against the haves.

In such highly emotional rhetoric, it is difficult to find any constructive criticism of the process. The essential element in the North-South dialog is ultimately not economic, but social. It is an argument about how society should be organized, and what kinds of freedoms people should have. Too often, not even the United States has been articulate about the charges made in the North-South dialog, and although we have rejected some of the more obviously extremist calls for redistribution, our rebuttal has been made within the terms of the dialog—that is to say, we argue over tactics, or the amount of concessions that we should make, rather than over principle.

But there are indeed two different world views at issue. The premise of the North-South dialog is openly socialist, that is, that the state should be the instrument of social distribution. And the corollary is that the successful and competent should support the unsuccessful and incompetent at levels equal to their own.

This notion is not only incompatible with our own ideas of freedom and property rights, but we know from experience that it is a way to degrade economic development and to stifle freedom and initiative. Such proposals can be made only by those who are without compassion for the poor people of the world, and are more interested in advancing programs of state control and power than in advancing the freedom and dignity of all men. Many of the advocates of North-South redistributionism may be sincere, but they seem to be blind to the consequences of their program.

Mr. President, one of the great experts of the world in the question of underdevelopment in countries is Dr. Karl Brunner, of the Universities of Rochester, N.Y., and Bern, Switzerland. Dr. Brunner is reknowned for his incisive criticisms of the economics of world development, and his accurate analyses of the social factors which are overlooked by many economists.

Last September, Dr. Brunner presented a paper to the Trade Policy Center in London, in which he examined the pretenses of the Cancun conference, and offered some concrete alternatives.

Dr. Brunner calls for a reversal of the strategy which we have followed up to now. He says that this reversal should be characterized by a greater reliance on markets and lowered levels of political

controls and regulations. Within this concept, he calls for a stable financial framework, geared to a fixed exchange rate system, which would offer substantial advantages for trade and investment.

Second, Dr. Brunner says that we should encourage open and well functioning capital markets all around the world. This goes against the trend in Europe and elsewhere. But open capital markets would make proper resources available to underdeveloped nations for projects of economic merit.

The third point is that the functions of such international agencies such as the IMF, the World Bank, and OEDC should be reevaluated. These institutions should be oriented away from social redistribution and soft loans, toward sound banking practices. Too often, soft loans result in a redistribution only toward the elite oligarchies that are prominent in many Third World countries, and never end up benefitting the poor.

Finally, we should address the domestic policies of the Third World nations. If such nations do not adopt domestic policies that provide economic discipline and market freedom, we cannot expect them to benefit from a rejuvenated world economic order.

Mr. President, I ask unanimous consent that Dr. Brunner's paper be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INTERNATIONAL ECONOMIC ORDER AND THE UNITED STATES*

(By Karl Brunner)

I. A CHALLENGE TO U.S. POLICY

Conferences rarely settle the fate of nations. The social and political evolution is shaped by more pervasive currents influencing events over a longer horizon. But conferences frequently yield informative signs bearing on the nature of the underlying social trends. They provide moreover significant links in the ongoing political process. They offer tactical opportunities to influence future approaches to a range of problems with the admissible formulation of the issues. More or less organized processes of negotiations and "political exchanges of views" are neither neutral or irrelevant events. They often contribute to focus a political trend more clearly and condition a legacy of political and social problems in the future.

The conference to be held within a few weeks in Cancun (Mexico) should be viewed in this context. It confronts the United States and the western democracies generally with a set of social and political issues inherited from past decades. This inheritance resulted from a trend substantially influenced by policies of the United States pursued over recent years. This legacy partly shaped by conceptions and actions of our policymakers requires at this stage our careful attention. The issues may appear on a first glance to involve hardly much substance beyond some financial or diplomatic technicalities. But this view seriously misconceives the fundamental importance of the issues to be addressed at the meeting. It fails to penetrate to the substance of the problem confronting western democracies. The President of the United States will face questions bearing on the nature of our international economic order with serious implications for the future of our society.

These questions are closely associated with a basic issue about the social organization of western nations. The nature of the issues may be more clearly perceived against the background of the Reagan Administration's determined effort to reverse the socio-political trend in the United States. The President faces in Cancun the heritage of a political trend radically opposed to his conception about the social and political organization of a free society. This trend was effectively represented under the banner of a "new international economic order" (NIEO). The political forces advicating a new order increasingly exploited over the past decades the institutional opportunities offered by the United Nations Organization. The strategic conception of a "Marsch durch die Institutionen" articulated by Marxian groups during the 1960's in West Germany was successfully accomplished by advocates of a NIEO at the UNO.

A series of conferences, including the United Nations Conferences on the Law of the Seas, and UN assembly meetings provided the political focus for the NIEO. The recently published Brandt Report initiated by the World Bank under Mr. McNamara renewed the momentum of this idea in the world's political market. An understanding of the problem facing U.S. policymakers in this range requires thus that we examine the nature of the ideas advanced by the advocates of a NIEO and the groups supporting the Brandt Report. A clarification of the problems inherent in this set of ideas should ultimately determine the direction and content of U.S. policy. Section II outlines the general thrust of the NIEO and the Brandt Report. The following section explores the conception inherent in these programs and critically evaluates their proposals. Section IV examines the issues associated with a new international economic order in the context of the recent conferences on the law of the seas. The last section advances a proposal for an alternative policy consistent with the Reagan Administration's fundamental socio-political views and also consistent with the survival of free societies.

II. THE NEW INTERNATIONAL ECONOMIC ORDER

1. The United Nations and the New International Economic Order: [1]

A review of events at the United Nations highlights essential aspects of the political program and the nature of the issues facing President Reagan. Two important resolutions were adopted during the 1970's by the general assembly of the United Nations. It adopted first the "Declaration on the Establishment of a New International Economic Order" designed "to eliminate the widening gap between developed and developing countries." "The declaration recognizes that 'remaining vestiges of . . . colonial domination . . . and neocolonialism in all its forms' are among the 'greatest obstacles to the full emancipation and progress of the developing countries.' It also asserts that an 'even and balanced development' is impossible to achieve 'under the existing international economic order' and emphasizes that the inherited economic order 'is in direct conflict with current developments in political relations.' It is then proposed that developing countries participate actively, fully, and equally 'in the formulation and application of all decisions that concern the international community.' And so we read that 'international cooperation for development is the shared goal and common duty of all countries.' The 'broadest cooperation of all States, . . . whereby the prevailing disparities in the world may be banished,' should be forthcoming, and the 'full permanent sovereignty of every State over its natural resources and all economic activities' should be respected.

"Secondly, the General Assembly launched itself on a supplementary resolution introduced as a 'Programme of Action on the Establishment of a New International Economic Order.' Colonialism and neocolonialism are again properly exorcised and condemned. The actions proposed are subdivided categories covering trade and raw materials, transportation, the international monetary system, regulation of multinational corporations, and an array of means strengthening the UN system in the field of international economic cooperation. The provisions under the first item are intended to assure larger real revenues from exports and more aid and financial contributions in one form or another. Transportation costs are to be lowered (somehow), at least for the developing countries. In the range of international monetary problems, developing countries are to be 'fully involved as equal partners' in all decision making. Return to a system of fixed exchange rates is mentioned with some emphasis. This proposal requires supplementary attention to the provision of international liquidity, with a link to financial grants for developing countries. The 'link' is thus naturally tied to the restoration of fixed exchange rates. The last section of the action program lists an extensive schedule for utilizing or expanding UN institutions and in this manner rasing the leverage to be exercised by Third World countries."

A long line of conferences sponsored by the United Nations Organization somewhat separated from the rhetorical centers of a NIEO also deserve our attention. The United Nations Conference on the Law of the Sea (UNCLOS) attended to settle various levels of territorial jurisdictions bearing on the control over surfaces and bottoms of the seas. The increasing value of fishing resources and of resources embeded in continental shelves induced unilateral actions imposing differential and extended jurisdictions pertaining to fishing rights, extraction of resources and political sovereignty. New technologies promise future access to the mineral deposits in the deep seas for vast investments with corresponding returns. The wealth of the deep seas made potentially accessible by the evolution of technology and business organization unavoidably stirs many interests These temptations became visible in the proposals discussed over many years. The crucial proposal, supported by Secretary of State Kissinger, would have instituted an international authority controlled by member nations of the UNO. This authority could have licensed private operators for a limited period. Most importantly however, the authority would have its own organization (the Enterprise) extracting deep sea minerals. The international agency would have enjoyed remarkable powers of implicit taxation over the citizens of the First World. It would have been authorized to impose charges and fees on private operators. Most particularly, it would have enjoyed the power to force private operators to provide their technology to the authority's Enterprise. The voting arrangement and the institutional structuring of the new agency, designed to exploit the "common heritage of mankind in the inest of mankind", clearly implied that the Third World nations would dominate policies, procedures and the wealth of the new agency at a severe social cost to the First

*I gratefully acknowledge useful discussions bearing on matters covered in this paper with Michele Fratianni, Jerry Jordan, William Meckling and Allan H. Meltzer. I also benefitted from Mark Lilla's work on the Law of the Sea Conference.

Footnotes at end of article.

World. This aspect of UNCLOS corresponded thus fully to the ideas launched by the advocates of a NIEO. It forms an integral part of the institutional structuring aspired by the Brandt Commission.

2. The Brandt Report:

In 1980 a report was published on the "North-South: A Programme for Survival." The report was prepared by a prestigious international group chaired by Willy Brandt. It renewed the basic theme of the new international economic order with appropriate diplomatic vagueness in important details supported in contrast by a rather dramatic broad vision. The Brandt Commission views the restructuring of the international economic order as a crucial condition assuring peace, fostering the economic development of the Third World with prosperity for all. Peace, development and prosperity are moreover achieved by means satisfying the requirements of justice. The economic development of the Third World forms actually the key to everything else in the Brandt Commission's vision of the world. War seems dominantly caused by poverty and the corresponding political frustrations. Economic development produces thus prosperity and lowers the level and range of potential conflict. The North-South relations offer under the circumstances the decisive political instrument affecting our chances of survival. The suitable institutionalization of these relations in accordance with the program for a "new international economic order' appears moreover to satisfy the "common interests" of both North and South.

The NIEO substantially modifies the two basic conditions allegedly maintaining the poverty of the Third World. Persistent poverty is attributed by the vision guiding the Brandt Report to insufficient natural resources and the imbalance of political power between the nations of the First and of the Third World. The NIEO would remove the first obstacle by a massive transfer of wealth from North to South channeled via a wide array of old and new international agencies. The second obstruction to rapid economic development would be corrected with the aid of a new set of socio-political arrangements. These arrangements are designed to provide the nations of the Third World with some political control over the planned redistribution of wealth. The Report thus visualizes an enlarged range and power of international policy institutions and agencies.[2]

III. A CRITIQUE OF SOCIAL ANALYSIS AND GLOBAL APPROACH INHERENT IN THE NIEO AND THE BRANDT REPORT

1. Morality, Ideology and the Need for Analysis:

The underlying vision and the social message influencing proposals for a NIEO and most particularly the Brandt Report immediately address a powerful trend in western thinking. They fit naturally into a pervasive socialist conception of the world with the corresponding socio-political and normative aspirations. The usual appraisals of this influential intellectual tradition suffer unfortunately under a prevalent disposition to ignore their implicit cognitive basis. The intellingentsia market seems dominated by a sense that these issues essentially express "ideological commitments" to be judged in terms of their normative appeal. This is regrettable and hardly serves a rational approach to the assessment of alternative social organizations. "Ideology" may enter our discourse and intellectual endeavors in many ways, but beyond the operation of ideological attitudes remains a substantive core among the problems envisaged. This core challenges our cognitive aspirations and also challenges a commitment to rational and effective action. The moral or normative appeal of the message advanced with proposals of a NIEO or with the Brandt Report yields no rational basis for the policies advocated. It offers in particular no assurance that the global approach to restructure the world economy will ever produce consequences approximating the hopefully advanced promises of peace, development and general prosperity. We need to penetrate beyond the layers of moral feelings to the substantive core of the vision producing Brandt Report and supporting the claims for a NIEO.

2. An Underlying Vision of the World:

The vision of the world, i.e. the underlying theory about the world, guiding these policy documents is ultimately controlled by two basic strands of thought. One strand advances a specific view of man living in a social context. The other strand involves a notion of justice probably influenced by ancient biological conditioning from the earliest phases of human evolution.[3] The two strands jointly determine an approach to political issues and social organization outlined by the views summarized in section II.

The first strand, bearing on our intellectual perception of man, is well represented among the social sciences by a sociological model of man. This model envisions man as an essentially passive agent controlled by social norms and forces beyond his interacting reach and imposed on him as alien events. Man's general disposition to behave, beyond specific actions and responses, is seen to emerge from cultural conditioning determined in the context of prevailing social environments. Profit seeking, usually identified with self-interested behavior, is interpreted to result from a social context organized by markets based on private property. Self-interested behavior is expected to wane in the context of non-market institutions with little, if any, relation to private property.

The second strand supplements the perception of man in society with an endstate conception of justice. This conception defines justice in terms of a specific outcome pattern of the social process. The inequity of a society is measured under the circumstances by the deviation of its characteristic operation from the outcome pattern deemed to represent the standards of justice. The argument associated with this notion of justice advances the claim that a political organization of society must be designed to assure outcomes closely approximating the standards of justice.

The two notions, while logically separate, jointly imply that nonmarket institutions (i.e. a political structure) should control the economic and social coordination of society. The perception of man assures us moreover that the institutional requirement imposed by an endstate notion of justice poses really no problem. This model determines the essential malleability of men necessary for this purpose. The same perception also implies that replacing coordination by markets with political mechanisms lessens the attraction of "commercial values" and raises the quality of human attention. This implication of the sociological model reenforces a commitment to an endstate view of justice.[4]

3. An Alternative View of the World:

The two basic strands of thought influencing much of contemporary social thinking were not unchallenged by the development of the social sciences. They need to be juxtaposed to two alternative views which shaped our professional thinking in these matters for a substantial period. Economic analysis, influenced by the remarkable insights of the Scottish philosophers of the 18th century, emphasized the resourceful, evaluating and maximizing behavior of man. A searching behavior copes with the environment and gropes for improvements in accordance with the agents' interest and own understanding. This mode of man yields radically different implications about the operation of market processes and political mechanisms than the sociological model. It acknowledges that general dispositions to behave essentially form an evolutionary heritage independent of the social environment. Self-interested behavior is recognized under the circumstances to express a pervasive disposition built into man's nature. It follows that profit seeking is only one particularly form of self-interested behavior. Other forms will dominate in the context of non-market institutions. The variability of specific actions and behavior patterns thus emerges in the context of general dispositions in response to the pecularities of the social environment.

The alternative vision implies in particular that the consequences of complex political institutions and agencies usually differ substantially from their motivating intentions. It also implies that all attempts to institutionalize endstate views of justice are doomed to a dismal failure. They produce ultimately economic stagnation with a serious loss of freedom. Most importantly, the endstate pattern of justice will never be realized and remains forever a futile hope. The alternative perception of man is thus typically linked with a process conception of justice defining justice in terms of the characteristics of the process, or the rules of the social game, irrespective of its detailed outcome.

The choice between the two perceptions of man essentially involves a selection between two alternative empirical hypotheses about the world. We may specify observations accessible to all persons which offer discriminating evidence bearing on the two hypotheses. This evidence ranges from crime to marriage, divorce and many other events and patterns beyond the usual market place. This evidence, covering many different cultures, political organizations and historical periods, substantially confirms the intellectual legacy of the Scottish philosophers. But the non-cognitive and normative appeal of the sociological model with its prospects of social salvation maintains its political thrust in the public arena. This thrust is well protected by the linkage with the endstate notion of justice thoroughly threatened by the alternative view of man.

4. The Brandt Report: Central Message and Diagnosis:

The alternative views of man and concepts of justice provide us with a framework for our critique of the social messages and political proposals advanced by the Brandt Report. Major strands of this Report are conditioned by the underlying model of man and conception of justice.

Several commentators noted for example the Report's pronounced attention to distribution (or re-distribution) in contrast to a minor attention to production. This emphasis is supplemented with a systematic preference for political "solutions" over a social coordination based on market processes. This pattern favoring an increasing use of political regulation and controls is reenforced by a remarkable disregard for their unintended and often dominant consequences. The redistributionist message naturally conforms under the circumstances to the "common interest of mankind." We are told in a similar vein that the mineral deposits at the bottom of the seas form the "common heritage of mankind." We also note the pervasive disposition to define categories of "needs" requiring specific political actions directed to each "need". The explanation of poverty in terms of inadequate natural resources and "political imbalance" and the explanation of wars or political conflicts in terms of poverty offer further examples for our purposes. We find thus a wide range of arguments and detailed judgments ultimately determined by the

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basic vision guiding the Brandt Report and justifying the NIEO.

An examination of the argument developed by the Brandt Commission demonstrates however the crucial role assigned to the explanation of poverty in this whole structure of thought. This specific explanation, anchored by the underlying vision, determines the host of detailed views and proposals. Our critique thus addresses this central arch of the intellectual building presented to us by the Brandt Commission.

5. The Brandt Report: It's Explanation of Poverty and Associated Issues:

The more or less deliberate and conscious commitment to an endstate principle of justice yields immediately the emphasis on redistribution. The sociological model of man justifies in this context the required shift from market processes to political institutions and non-market arrangements. It also assures us that we need not worry about any negative effects on production and resource allocation produced by the operation of the institutions transferring wealth from "North to South." This result follows from the model's neglect of the role of specific incentive structures associated wtih various institutional arrangements. It disregards therefore the most crucial conditions fostering economic growth and raising the welfare of broad social groups. The "vacuous, aimless, reactive man" visualized by the sociological model cannot rise by resourceful groping and coping in the context of prevalent opportunities. Changes in opportunities due to lessened political constraints and regulations yield no systematic change in behavior. Wealth acquisition seems predetermined under the circumstances by the bounty of nature or the relative power of the nation. This theme, permeating the views developed at the UNO over the last decade, dominates the vision of the Brandt Commission.

The role assigned to political relations and the "imbalance of political power" determines the emphasis attributed to "colonialism and neocolonialism." A colonial relation produced in this view a redistribution of wealth from the colony to the "controlling country." The colonial powers enriched themselves at the cost of their colonies. The thesis of neocolonialism asserts that formal independence of the former colonies does not change, by itself, the basic reality of "exploitation". With the persistence of political imbalance favoring the western nations the pattern of wealth redistribution from the "South" to the "North" persists in many subtle ways. Thus emerges the contention that the massive transfer of wealth from the "North to the South" proposed under the NIEO should be understood as the compensation required by standards of justice for inequities imposed by colonial and neocolonial patterns.

This explanation of poverty with its further ramifications essentially rejects the insights due to Adam Smith. These insights developed into the core of modern economic analysis and were successfully applied over the past centuries to the social organization of western societies. The pervasive influence of entrenched and accustomed ideas is revealed, however, with a remarkable force by the Brandt Commission. The statements are advanced by a group of intelligent and sincerely concerned persons in spite of the serious inadequacy of the underlying vision. They are made moreover in spite of the falsehood of the claims advanced. An array of nations with bountiful or meager resources visibly demonstrates that possession of natural resources is poorly related to economic development and relative affluence. We find a similar absence of any significant correlation between political status and affluence. The facts thoroughly reject the Brandt Commission's central allegations. Relative poverty or wealth of nations cannot be reduced to the comparative state of natural resources and political power.

The alternative hypothesis combined with the rejection of an endstate principle of justice directs our attention to a very different set of policies more effectively designed to combat poverty and hunger. Little virtue is attributed to massive redistribution. It has no moral claim and only obstructs processes of economic improvement in both North and South. The political arrangements required for purposes of persistent and large redistribution lower the incentives to use current resources efficiently or to develop future resources. They raise on the other hand incentives to invest resources in the political process. The large flow of resources made available to nations of the Third World will moveover be used in accordance with political interests of the ruling oligarchies. The whole structure of thought guided by the underlying perceptions fails to understand that poverty can only be alleviated ultimately by raising the productivity of man's effort and by encouraging man's incentives and opportunities to apply such efforts. Apart from vague references to the importance of domestic policies pursued by nations of the Third World, the basic thrust of the vision associated with the NIEO and the Brandt Report denies the relevance or importance of domestic institutions and policies. The sociological model of man hardly alerts us, as the alternative view does, to the entrenched obstruction and obstacles to economic improvement built into the institutional structures and fostered by the economic policies of many nations in the Third World. A transfer of wealth will not remove these impediments and contributes therefore little to economic development. It will impoverish on the other hand the First World, lower its rate of growth and retard the increase in welfare of the mass of its citizens.

The Brandt Commission and the official line of the United Nations Organization thus misdirects our attention. We need to recognize, beyond political power and the rich possessions of non-human resources within specific national locations, the role of institutions and their consequences bearing on man's opportunities. A social coordination organized by political mechanisms and agencies stifles opportunities and obstructs imaginative and probing initiatives. An open society coordinated by market processes unleashes in contrast the energies of human resources. A pattern of political control hardly ever produced the lofty promise of rising welfare for widely dispersed segments of the population. The political control structure yields in general a police state, economic stagnation, permanent poverty and highly unequal distribution of affluence. The experience of the postwar period demonstrates the remarkable differences within the Third World between market-oriented and socialist nations. The operation of markets assures in general a substantially closer association between costs and returns of individual projects and activities. Individuals can also expect to capture the potential rewards from activities within the range of their opportunities.

The empirical irrelevance of the political explanation of poverty effectively destroys two central pillars supporting the claim for a new international economic order. The contention of systematic exploitation by the "North" of the "South" cannot be further maintained. Neither does there exist any empirical support for a more explicit Marxian reinterpretation of the "colonial relation". An economic analysis of colonial history tentatively suggests that "colonialism" was characterized by a wealth redistribution within the "mother country" benefitting the groups associated with the colonial venture at the expense of all other groups. This internal redistribution was accompanied by an external redistribution favoring the colonies quite directly. We can assert with more certainty that colonialism raised in general the economic welfare of the people in the colonies.[5] The moral claim for compensation vanishes under the circumstances with the contention of past (colonialism) and current (neo-colonialism) exploitation. The support for redistribution must rely solely on the endstate principle of justice. Such reliance cannot be reconciled with any relevant empirical analysis of social and political institutions without forfeiting all hope for a society offering some chances at human achievement.

The Brandt Commission's explanation of wars and conflicts is closely associated with its theory of poverty. Once we accept the underlying vision we will argue that levels of conflict rise with large differences in wealth. We would also argue that a complex set of institutional arrangements transferring wealth to the poorer nations lowers the level of conflict. But this position cannot be justified by economic analysis, nor is it compatible with the facts. The patterns of political conflict are not dominated by relative wealth positions. We do not possess at this point a positive theory of conflict yielding a full range of adequate explanations. We have sufficient knowledge, however, to establish the inadequacy of some explanations. We also do know sufficiently about the operation of political institutions to conclude that the arrangements proposed under the NIEO and incorporated into the Brandt Report would actually raise the level of political conflict. The existence of political institutions controlling the redistribution of wealth offers strong incentives to all participants associated with the institution to invest efforts and resources for purposes of political conflict designed to modify the total volume and the shares of the transfer.

IV. THE APPROACH TO THE DEEP SEA RESOURCES AS AN EXAMPLE OF THE NIEO AND A RATIONAL U.S. POLICY ALTERNATIVE

Our critique of the proposals for a NIEO advocated by international organizations and the Brandt Commission need not be confined to its general characteristics and consequences. We have been offered a specific and important example of the political thrust inherent in the NIEO. An examination of this representative case provided by advocates of a globally negotiated international order reveals the fundamental problem confronting the U.S. Government.

The occurrence of vast resources at the bottom of the deep seas is well known for many decades. Improving technologies and the expectations of rising real prices of major resources changed the economic significance of the deep sea mineral deposits. The world became aware of the potential wealth in the seas beyond the resources embedded in continental shelves and the potential for fishing. Access to these resources attracted political attention on various levels bearing on different dimensions of potential control. The resulting reexamination led to some differentiation in jurisdictional claims. The range covering fishing and access to continental shelves was substantially widened relative to the line marking territorial sovereignty. The geographically more extensive rights are weaker in the sense that they are limited to specific resources without constraint on innocent use of the surface. These changes were set in motion over the past decades and seem to converge to an international consensus without the benefit of an international treaty.

The negotiations for such a treaty proceeded however over many years. They attempted to impose beyond the settlement of jurisdictional changes a pattern of international control and regulation under the auspices of the UNO on the economic exploitation of the deep sea mineral beds.

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These negotiations were suspended by the Reagan Administration just before the U.S. delegation prepared for a final agreement. The issue is still pending and the U.S. Government needs to formulate a policy in this matter. I already emphasized in section II the close connection between the treaty proposal under negotiation over the past decade and the conceptions governing the NIEO. An execution of the treaty would have provided an important victory for the advocates of a NIEO. The arrangement specified in the proposal would have imposed substantial transfers of wealth on Western nations. An impressive political slogan seemed to obscure the prospects to be expected under the proposal. It was claimed that the sea bed resources are the "common heritage of mankind." This formulation appeared to justify without further argument the institutional arrangement addressed by the global negotiations. The U.S. delegation was moreover controlled by a coalition formed by the State and Defense Departments unable or unwilling to assess the consequences of the treaty in terms of relevant socio-political criteria. The U.S. representatives hardly contested moreover the political phraseology enshrined in many documents. They seemed either unaware of its political significance or found it irrelevant in terms of their own tactical purposes. But this means that the U.S. Government will have to articulate very explicitly and determinedly the new course of policy.

What should this course be? There is a clear lesson so far. There is really neither use nor need for any further global negotiation. We should effectively cancel the heritage of suspended negotiations. I may quote at this stage from an interesting study attending to the issues: "The seabed provisions would indeed be massively inefficient from the perspective of the world as a whole and quite hostile to the economic interests of the United States. Unfortunately these defects are not cancelled out by so-called advantages elsewhere in the treaty as the conventional wisdom appears to hold. Almost every other group of treaty articles at best conveys advantages for the United States that we can not realistically expect the treaty or the parties to it to enforce and at worst conveys real disadvantages for the United States relative to the state of the world without the treaty. The navigational protections for which we have traded away so much of our economic interests are either unnecessary or redundant; the coastal articles are inferior for us to the coastal-state resource rights that would exist without a treaty; and the seabeds provisions are beyond reason.

"The treaty would be so unsatisfactory to the United States that the Senate would probably reject it. In view of this the wiser course of action would be for the Reagan administration to reject it straightforwardly at the conclusion of its own interagency review. Setting aside this huge but flawed experiment in multilateral negotiations will make the world as a whole wealthier, have more fish and less pollution, and have greater supplies of increasingly scarce minerals. But these objectives can be realized only if the United States reverses the course of its present ocean policy and thereby ends a decade-long bipartisan mistake."[8]

And what else should the U.S. Government do? Congress already passed legislation enabling U.S. business firms to operate in the deep seas. Such operations would proceed in the tradition of enclosure applied to unowned resources. A detailed assessment of this state of affairs indicates that the absence of formalized and internationally codified property rights would not seriously affect incentives to invest. The cost of search and detailed explorations of the sea bottoms even for locations close to already operating enclosures prevents the occurrence of a free rider problem with its resulting underinvestment. Neither will there occur a common pool problem, typically appearing in oil extraction, leading to overinvestment. The enclosure procedure would seem to approximate an efficient use of resources ultimately beneficial to everybody in the context of an open competitive system. Lastly, the U.S. Government should invite other nations to pass similar legislation. The mutual recognition of such legislation involves the corresponding mutual recognition of the respective enclosures. Thus would emerge some international arrangement better geared to raise general welfare than the redistributional scheme with the delegation of implicit taxing powers of the original treaty proposal. Whatever risks may still face private operators under the circumstances would remain small compared to the uncertainty produced by the regulatory miasma to be expected under the treaty provisions administered by a body essentially hostile to the United States.

V. A RATIONAL POLICY FOR THE UNITED STATES

A critique of past trends and associated propcsals is not sufficient. We need a positive program for an international economic order offering a better promise for human aspirations and welfare. This program follows immediately from the underlying analysis guiding our critique of the Brandt Commission's Report.

1. General Aspects of the Program and the Need for Articulation:

A reversal similar to the redirection of our domestic policies need be initiated over a broad range. It involves a shift from an essentially political conception of social coordination controlled by public agencies and institutions to a market oriented approach. The international trend depicted in earlier sections, while not fully accepted in detail by the U.S. government, was neither opposed nor really understood by our foreign policy establishment. More or less subtle concessions by U.S. representatives in important aspects frequently characterized a tactical behavior of the U.S. Government. This behavior reflected little strategic sense about the nature of the problem confronting us and its implications for our future welfare. The signs of strategic failure in U.S. international economic policymaking can be noted over a wide range of events. We observe them in pretentious reports to the State Department about the results and achievements of conferences. Such reports managed to translate strategic failure and incomprehension of basic issues into positive achievements of U.S. policy.[9] The long series of conferences on the law of the seas, reveals from its inception that crucial aspects of the negotiations bearing on the exploitation of sea bed resources were hardly ever systematically analysed. There is no clue for instance that Secretary of State Kissinger or other important officials of the State Department understood the serious consequences associated with their proposals supporting an international Authority controlling the extraction of mineral deposits. We also observe meetings and conferences covering a wide range of issues where the position and view of the western nations, most particularly of the United States, was not articulated. Immediate tactical concerns addressed to the state of the conference overshadowed strategic considerations pertaining to the longer-range course of international economic policy.

We also need to consider, however, that past decades confronted our policymakers within the range of our interest with radically new situations and problems. The application of an "institutional weapon" and the extensive use of "ideological warfare" are comparatively new developments for which our foreign policy establishment is not really prepared. Their traditional training and reflexes offer no guidance on how to develop a rational strategy to meet this new type of assault on our position.

The "institutional weapon" involves a systematic infiltration of existing institutions and agencies. This infiltration is designed to exploit the available apparatus for specific interests and purposes in a long-range strategy of political control. The "ideological warfare" supplements this "institutional" infiltration. It uses an integrated and global set of ideas systematically exploited to advance a particular political interest. This set of ideas offers a comprehensive and alluring interpretation of the world.

This interpretation is designed to "explain" all actions pursued by one side to the protracted conflict as expressions of a desire for peace and justice, and to reveal all actions of the other side as expressions of evil designs hostile to peace and justice. Some major patterns of such "ideological warfare" with a corresponding erosion of the western position in the political arena may be recognized in the effective propagation of key words and their meaning in the public vocabulary.

We are frequently inclined to dismiss questions of language and the use of specific words as matters of minor significance. But words and formulations often develop a momentum in the political market. They impose constraints on future negotiations, affect the questions to be examined and how they will be considered. They subtly influence the nature of agendas and the expectations or meaning associated with a program. Words and formulations are not neutral, their consequences condition future behavior. A party to the conflict can be effectively weakened by subtly imposing on it a defensive attitude via an implicit acceptance of linguistic regulations determined by the opponent. This pattern emerges with remarkable clarity in the series of UN conferences on the NIEO, or on other issues as for instance crime, at UNESCO conferences or at UNCLOS.

We note in the latter case the effective use made by interested parties of the slogan that the deep sea mineral beds are "the common heritage of mankind." This characterization was hardly a neutral description of the relevant facts. It was advanced to justify a specific political program, a program which would have yielded little benefit for mankind however. The U.S. representatives at UNCLOS or the UNO seemed in general not inclined to counter this political slogan with an alternative articulation. It would appear that they considered it a minor exercise in verbalism with little substantive import.

The Brandt Commission's use of "common interests" joining "North" and "South" works in a similar vein. One might be easily inclined to accept the existence of "common interests" in some sense. But the Brandt Report identifies such interests with a specific interpretation and a particular program. An alluring term is thus used with a very definite meaning determined by an interpretation and a proposal hardly consistent with the relevant facts and mankind's long term interests.

We may also note the use of the terms "global negotiations" or "internationalism" in order to prod the U.S. government into a specific pattern determined by the program for a NIEO. The word "peace" has been similarly exploited by Soviet propaganda in Western Europe to produce an increasingly prevailing attitude equating "peace" with Soviet Russia's foreign policy.

Several strands may explain the observed failure in U.S. international economic policy. One strand involves the incentives built into the foreign policy establishment and the stock of inherited views pertaining to its

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performance characteristics. The tradition fostered by the establishment's institutional incentives conditions the bureaucracy to concentrate their attention on tactical issues and procedures. The prevalent incentives encourage a pattern evaluating performance essentially in terms of immediate tactical moves. The interaction of the foreign policy establishment with media and parliament seems to reenforce such incentives. The immediate task of negotiation dominates under the circumstances the foreign policy officials' attention. Negotiations often evolve in the context of a weak strategic conception of their own momentum. This became visible in the U.S. Government's approach to the NIEO and at UNCLOS over the past years. Even western diplomats, fully aware of the serious inadequacy of the treaty proposal emerging from UNCLOS, were offended by the Reagan Administration's suspension after many years of persistent labors.

Another strand involves the interaction between different branches of the government. The course ultimately emerging typically appears as a compromise between conceptions, strategies and tactical considerations governing different departments or different groups within departments. Shifting coalitions between and within departments produce correspondingly shifting "policies" with no sense of a coherent overall strategy. Representatives and negotiators may under the circumstances concentrate their attention and evaluation of procedures to the level of tactical considerations.

The patterns mentioned in the previous paragraphs may not exhaust the reason for our failure to cope more effectively with the assault on western positions institutionalized via international agencies. The failure seems to have been reenforced by a subtle influence within our own policy establishments of some ideas underlying the Brandt Report and proposals for a NIEO. The absence of a clear conception about the role and importance of our social organization and its contribution to human welfare weakened our ability to cope with the ideological warfare launched against the United States. The confusion within the United States about the meaning of "human rights" and associated political conceptions offers a good example in this respect.[8]

The new scenario in the international economic policy field suggests some changes in our attitude and procedure. First, we should develop a strategic conception compatible with our long-run interests and compatible with our long-run interests and consistent with a social organization appropriate for a free society. And secondly, we need to articulate explicitly and in detail our position and views. Our foreign policy establishment usually avoided such articulation for tactical reasons or in order "to prevent a confrontation". I submit however that this articulation acquired some major importance in our world with new forms of conflict and political tension. It is important that our representatives learn to cope with this world and learn most particularly to explain our case. This involves much more than a matter of just disdainful ideology. It really involves matters bearing on the core of our society, the way of life of a free society and the institutional arrangements fostering economic welfare and freedom in human society. Our policy establishment needs to understand that a rational and eloquent case can be made beyond shallow ideological attitudes.

2. Major Strands of a Strategy:

President Reagan repeatedly formulated the basic thrust of his domestic economic policy. He explicitly presented in some detail the reasons for the reversal in policy, a reversal characterized by greater reliance on markets and lowered levels of political controls and regulations. The same basic thrust should be extended to international economic policy. There is hardly any doubt that the President and at least some appointees in the Treasury understand the problem. There still remains some doubt whether other branches of the government understand our situation. An outline of major components in the strategy may be useful under the circumstances.

a. A Stable Financial Framework:

The postwar monetary system was constructed by a process of international negotiations. The agreement concluded at Bretton Woods constituted an international agency operating under a set of general rules. The arrangements were inherently inadequate for their purposes however. The necessary condition for a fixed exchange rate system remained submerged under a complex set of provisions. The treaty and its institutional execution could not assure a pattern of domestic monetary policies geared to maintain a fixed exchange rate system. The necessity to have the balance of payments dominate the movements of the monetary base seemed politically difficult to accept by participating nations. This fault in the system was reenforced by the failure of the U.S. policymakers to recognize the importance of a central economy within a fixed exchange rate system.

The world gradually moved under the Bretton Woods' arrangement to a "dollar standard." The United States, as the centerpiece of the system, was faced with a special obligation. Maintenance of a functioning system required that the U.S. reliably pursue a non-inflationary financial policy within a stable framework of policymaking. The U.S. refused to acknowledge this obligation and this settled eventually the fate of the international monetary system.

An international system anchored by fixed exchange rates offers substantial advantages for trade and investment. A well functioning international monetary system should thus be considered as a major goal of U.S. policymaking. This goal should not be approached with the aid of international negotiations, agreements, treaties and new or renewed international agencies. This approach, so appealing to professional negotiators, will not yield any useful results. An alternative strategy fully under the control of the U.S. promises more relevant results. The U.S. should develop a stable and predictable framework for its monetary and fiscal policy involving a definite pre-commitment for a specific course over a longer horizon. Implementation of a constant monetary growth at a non-inflationary level, or a similar institutional precommitment lowering the uncertainty about future monetary evolution, forms one component of the required strategy. A corresponding framework for fiscal policy need also be developed. This framework yields some assurance for a controlled budget growing at a comparatively small pace and with small variations in the deficit averaging at a low level. This framework for a stable and reliable financial policy fosters the attractiveness of the dollar as an international means of payment.

It also offers a strong inducement to other nations to peg their currency to the dollar. A fixed exchange rate area would thus emerge quite spontaneously without a complex of negotiations and treaties. All nations interested in non-inflationary policies would participate voluntarily and spontaneously. Other nations would only endanger any negotiated system and render it essentially inoperative. But the U.S. could organize in this way a central core of nations forming a system of stable financial relations. This system would moreover determine an implicit but clearly determined division of responsibilities. The U.S. is responsible for a non-inflationary policy and the remaining participants are responsible for setting their respective exchange rates relative to the dollar.

b. Capital Markets, Trade and Aid:

The U.S. Government should encourage open and well functioning capital markets all around the world. It needs to eliminate existing institutions or prevent the emergence of new policy arrangements which impair or distort the operation of capital markets. Against the context of overcontrolled and overregulated European domestic capital markets the U.S. should view all attempts to control the Euro-Currency markets with some critical hesitation. It should be recognized that an open Euro-Currency market satisfies an important function for the social coordination of resources over a worldwide range. Well functioning capital markets are particularly important as a constructive and ultimately more useful alternative to the Brandt Commission's obsession with redistribution. Nations of the Third World will have access to resources for investments in accordance with their prospects crucially determined by their own domestic policies.

A worldwide open trade forms another important strand in U.S. policy conception for an international economic order. An international institution (GATT) focussing on a framework of agreements and procedures operated for many years in this field. We cannot expect this institution to offer by itself the focus of a political force pushing for open international markets. This political force need be mobilized by the government of a central nation. The U.S. must assume the political leadership in this field. It will have to control with some determination its own protectionist impulses and exert a corresponding influence on other nations. The GATT offers a potentially useful institutional framework for this purpose. We need to add however that the opening of trade be extended beyond a traditional range of goods appearing in a "trade-balance" to all potentially tradable services.

A thorough and credible commitment to free trade forms a crucial component in the U.S. strategy. The suspension of economic aid from government to government, directly or via international agencies, would be more difficult to maintain without a determined approach to free trade, particularly in the range of U.S. trade policy. The record of economic aid extended between governments, as an instrument of raising welfare, does not justify its continuation. The U.S. Government should terminate such programs. It should not obstruct however the organization of aid by private organizations. Neither should termination be extended to aid, in one form or another, as one of our instruments of foreign policy.

c. The Range of International Agencies:

Whatever the initial intentions associated with many international agencies and institutions may have been, they frequently evolve into political conduits for the redistribution of resources. The resulting pattern of redistribution usually benefits some groups, but these seem typically concentrated around the ruling obligarchies. The distortions in the use of resources lower consequently the achievable economic development around the world. The Reagan Administration need systematically reexamine under the circumstances the role of various international agencies. Selected aspects of this reexamination are sketched in the following passages.

(1) The International Monetary Fund:

The breakdown of the Bretton Woods system substantially eroded the function of the IMF. In order to maintain a political role the agency moved over time to expand the range of "soft loans". It also advocated an extension of SDR's along the lines proposed by the Brandt Commission. A variety of new facilities are supposed to transform the IMF into a major transfer agency on behalf of Third World nations.

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The U.S. position should be quite simple in this matter. The IMF should return to its relevant function of short term advances intended to cover transitory balance of payments deficits. All traces of redistributional transfers in whatever form and however indirect need be terminated. It would also mean no further expansion in SDR's issued by the IMF. There is really no monetary role for such issues in the context of the international monetary system described under point (a) above. The amount of international liquidity requires no regulation by an international agency. It can more satisfactorily be determined via the exchange rate setting policies of nations participating in the fixed exchange rate area. An increased demand for international liquidity would appear in the context of the approach described under point (a) as an increased international demand for dollars. This trend could also be incorporated into the benchmark level of non-inflationary monetary growth in the USA. Such adjustment of monetary growth would lower the frequency of resetting exchange rates.

There still remain some useful functions for the IMF. It integrates a worldwide financial information system. This information bears on the interaction between balance of payments, fiscal and monetary policies of all nations. It offers a meeting ground beyond the BIS for Central Bank or Treasury officials and government functionaries in general. This meeting ground serves to exchange views and to explain policies. The IMF offers moreover an appraisal and monitoring service for the international capital market. This service suffered somewhat in recent years and the IMF could usefully provide this service again. The IMF enjoys a singular advantage which allows it to couple lending activities with the appropriate monitoring and appraisal in a mode not achievable to private commercial institutions. The successful development of this monitoring and appraisal service in the nature of an international Moody's would contribute to the operation of capital markets in the field of international private lending. Lastly, the IMF can provide the expertise required to develop commercial banking, Central Banking and to organize creditmarkets in lesser developed countries.

(ii) The World Bank:

This institution will have to eliminate all redistributionist schemes and political loans so persistently cultivated under McNamara's presidency. It should operate in the future in the mode of a private commercial bank. It would specialize on international investments around the world. Its effectiveness and business need depend on the comparative advantages most probably available in this specialization of information and procedures bearing on a wide complex of international situations. It probably also enjoys a comparative advantage in packaging major projects with the complex expertise required. Its operations offer also an opportunity to dissociate long term investments from occassionally difficult bilateral arrangements between directly involved governments. In the absence of such comparative advantage the World Bank should be driven out of business by the competition from private lenders. In contrast to the IMF the World Bank should concentrate moreover on longer term loans to private firms around the world. It should most particularly not continue as a conduit of U.S. funds to foreign governments or nationalized industries.

(iii) Some Other Organizations:

Three more agencies may still be considered: The OECD, the FAO and other suborganizations of the United Nations.

The OECD has really no relevant function at this stage. Its operations can be effectively subsumed by the IMF. It is difficult to justify under the circumstances an investment of resources in the OECD. The U.S. Government should at least seriously question the relevance of this agency.

The FAO attracted, so it appears, little attention on the part of the U.S. Government. Its conception and procedures deserve however some careful attention. The exercise of bureaucratic direction over the budget with apparently little accountability offers substantial opportunities to allocate funds on essentially political grounds, with little regard to the intended official purpose. The governing conception and procedures are barely designed moreover to foster the evolution of agriculture as a centerpiece of economic development in Third World Nations. It is noteworthy in this context that the FAO hardly, if ever, addresses the crucial institutional conditions and domestic policies obstructing the expansion of agricultural production in nations of the Third World.

There remains a host of economic organizations within the structure of the UNO (UNCTAD, ECE, ECLA, etc.). These organizations cultivate conceptions irreconcilable with the long-run interest of the United States and the development of policies attuned to the welfare of broad population groups. They are moreover centers of propaganda for an approach to economic policy which assigns to political institutions a central importance for purposes of social coordination. They have become in particular centers for the marketing of political views and socio-economic programs adjusted to the interests of Third World oligarchies. Both in the case of the FAO and these organizations a firmer assertion of our interests with an explicit articulation of our case need be prepared by the U.S. Government.

d. Domestic Policies of Third World Nations:

The Brandt Report did include a short paragraph referring to domestic economic policies of "developing nations". But this recognition remains somewhat incidental with a marginal emphasis. It hardly fits the basic vision and the resulting diagnosis of the problem. But we possess ample evidence bearing on the crucial role of domestic economic policies. This is revealed by major differences in economic evolutions among the nations of the Third World.

A variety of policies and institutions maintained in many nations obstruct the development of agriculture, the most important component of many "developing economies". The usufruct system of landholding prevalent in many countries discourages investment and soil improvements. With the political base of ruling oligarchies usually centered in the cities the resulting policies typically impose low prices on agricultural products. The ensuing wealth transfer from agriculture to city dwellers discourages productive effort and lowers agricultural output. Potentially productive land remains unused under the circumstances.

The U.S. position should be very clear in this context. We need indeed be concerned about the fate and welfare of less developed nations. This concern rationally determines our interest in effective long-range measures raising the general standards of nations in the Third World. The problems posed for economic development by the domestic policies of diverse nations should thus be fully understood and recognized by our government. This recognition need be articulated and argued in the international forum, at the FAO and appropriate other organizations. It need be argued at summits and meetings of the kind to be held in Cancun.[9]

The domestic policies to be considered among the less developed nations need include a range of legal and contractual aspects. Direct investments raising a nation's productive capacity will be encouraged with the reliability of contractual arrangements. Uncertain property rights and unreliable contractual conditions curtail direct investments and concentrate their occurrence to short payoff periods.

VI. A FINAL STATEMENT

"Peace and prosperity" are welcomed by most of the people. The incantation of the words does not assure the corresponding facts to prevail. A "global program" for "peace and prosperity" still requires a critical examination even when it is launched by a prestigious Commission or an international peace organization. The United States should indeed raise its voice in a "global context" advocating peace and rising welfare for broad groups. It should also express its concern about the fate and welfare of Third World Nations.

Peace is however better achieved by avoiding arrangements which arise the prize of domestic and international conflict. Rising welfare is moreover fostered by suspending policies and removing institutions which emasculate opportunities of millions of workers and farmers. The U.S. Government needs to recognize, as President Reagan has, that the inheritance of the "global approach" defined by an international bureaucracy advances neither peace nor prosperity. Fortunately, the U.S. Government can develop an alternative program. There is really no reason to continue on our part an international negative sum game.

FOOTNOTES

[1] This section quotes extensively from my essay, "The New International Economic Order; A Chapter in a Protracted Confrontation", *The First World & The Third World*, Karl Brunner, editor (Rochester: University of Rochester Policy Center Publications, 1978).

[2] We note in passing that the emphasis on wealth redistribution developed by the Brandt Report finds strong support in a report on a worldwide full employment policy prepared by a Dutch group including Jan Tinbergen and Joop den Uyl. The report was distributed by the Federation of Socialist Parties of European Common Market Nations.

[3] Hayek offered an interesting analysis of this issue, "New Studies in Philosophy, Politics, Economics and the History of Ideas". Chicago, 1978.

[4] A more detailed discussion of these strands of thought may be found in "The Perception of Man and the Conception of Government" by Karl Brunner and William Meckling, *Journal of Money, Credit and Banking* Vol. 9, Part 1, Feb. 1977; and "The Perception of Justice and the Conception of Government", by Karl Brunner, forthcoming.

[5] Peter Bauer, "Western Guilt and Third World Poverty", *The First World & The Third World*, Karl Brunner, Editor, (Rochester: University of Rochester Policy Center Publications, 1978).

[6] Ross D. Eckert, "United States Interests and the Law of the Sea Treaty: Myths Versus Realities", 1981.

[7] Daniel Patrick Moynihan, "The United States in Opposition", *The First World & The Third World*, Karl Brunner editor, (Rochester, University of Rochester Policy Center Publications, 1978).

[8] The reader may find some material bearing on this issue in my contribution to *The First World & The Third World*.

[9] President Reagan's speech at the occasion of the recent meetings of the IMF in early October sets an excellent example for the future to be emulated by the foreign policy establishment.

PANAMA CANAL: A POST-TREATY VIEW

Mr. CANNON. Mr. President, in my recent travels among constituents in Nevada, I have on occasion had questions put to me concerning the current view of the once highly controversial Panama Canal Treaties.

Nevada residents are concerned as I am with how the agreement has been working out and undoubtedly there are some who still think that the treaties of 1977 were a mistake.

Suggestions were even made that perhaps the treaties ought to be abrogated since President Reagan, during his campaign of 1980, made many adverse comments and said that despite the support of all of the last five former Presidents and the Joint Chiefs of Staff, he would not have proposed the treaties and would, in fact, have withheld his support.

Acting to secure information concerning the question of the present view toward the treaties, I wrote earlier this year to Secretary of State Alexander Haig and the President inquiring into the current situation in Panama and asking the question of whether the administration still views the treaties as a negative or destructive instrument and other arrangements vis-a-vis Central and Latin America.

I further asked whether there were plans now to abrogate or alter in any way the conditions of the treaties or whether the benefits seemed to outweigh previous doubts and concerns. I held open the question of whether I might even join such abrogation if, indeed, hindsight proved that a mistake had been made, since I believe most of us are not so wise as never to have made a mistake from among thousands of the important votes affecting our country which we are called upon to make over the years.

The replies from the administration representing the views of both Mr. Reagan and Mr. Haig have made it clear to me that the administration's position is that the treaties are working out well and the situation in Panama is of no alarm or concern to the executive department which is busy putting out fires and attempting to create stability elsewhere in Central and Latin America.

Because I feel this information needs to be laid out clearly to our colleagues and to the people generally I ask unanimous consent that the correspondence be printed at this point in the RECORD together with my own position paper on the subject compiled at the time the vote was taken.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 23, 1981.

Mr. PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Owing to a continuing interest which I have in the stability of the political and security situation in Central and Latin America, I wonder if you could furnish me with some information on current Administration thinking in certain specific areas.

I would like to know whether the situation in Panama is working out as forecasted by Treaty supporters or whether the Administration still views the Treaty as a negative or destructive instrument leading to the weakening of our security and other arrangements vis-a-vis Central and Latin America.

Are there plans to abrogate or alter in any way the conditions of the Treaty or do these benefits seem to outweigh previous doubts and concerns relative to the Treaty?

These questions will be most important in shaping my own viewpoint regarding the turmoil which periodically strikes in the countries south of Mexico, and I would appreciate your expeditious response.

Sincerely,

HOWARD W. CANNON.

APRIL 23, 1981.

Hon. ALEXANDER HAIG,
Secretary of State,
U.S. Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Owing to a continuing interest which I have in the stability of the political and security situation in Central and Latin America, I wonder if you could furnish me with some information on current Administration thinking in certain specific areas.

I would like to know whether the situation in Panama is working out as forecasted by Treaty supporters or whether the Administration still views the Treaty as a negative or destructive instrument leading to the weakening of our security and other arrangements vis-a-vis Central and Latin America.

Are there plans to abrogate or alter in any way the conditions of the Treaty or do these benefits seem to outweigh previous doubts and concerns relative to the Treaty?

These questions will be most important in shaping my own viewpoint regarding the turmoil which periodically strikes in the countries south of Mexico, and I would appreciate your expeditious response.

Sincerely,

HOWARD W. CANNON.

DEPARTMENT OF STATE,
Washington, D.C., May 18, 1981.

Hon. HOWARD CANNON,
U.S. Senate.

DEAR SENATOR CANNON: Thank you for your letter of April 23 which was addressed to Secretary Haig and which concerned the Panama Canal Treaties of 1977. The Secretary has asked that I reply in his behalf.

President Reagan, during the campaign, categorically stated that the Treaties are now the law of the land and that he intends to abide by their provisions. The United States has, of course, an obligation to honor international agreements which our government has negotiated and ratified. At the same time, this Administration intends to insist that Panama also abide by its obligations under the Treaties. The Treaties will be implemented in a manner which takes into account fully our national interest concerns.

The first year and a half of implementation of the Treaties have proceeded without serious problems. The two governments are moving to institutionalize the new relationship between our countries in the operation of the Canal; the waterway itself has continued to function safely and efficiently, even at the record traffic levels which have been handled in recent months. We see a situation in which Panama has an economic interest in the effective operation of the Canal and in its security.

The Canal is not today the issue of contention and confrontation between the United States and Panama that it once was. Problems and different points of view remain, of course, but they are being approached through normal diplomatic channels and through the institutional mechanisms established by the Treaties to handle such problems. In seeking their resolution, the Administration is firmly committed to protecting American interests in the isthmian region. It might be worthwhile to note that Panama, today, is not among the countries of greatest security concern in the Central American area and that our military forces in Panama are exercising their full Treaty rights.

Regarding your inquiry about abrogating the Treaties, the Administration has no plan for such action. It is important to note that the 1977 Treaties contain no procedure for termination at the option of either party. The Panama Canal Treaty, which provides for United States control of the canal operation and for the presence of United States military forces in Panama, specifies that it will terminate on December 31, 1999. The related Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, which provides for non-discriminatory passage of vessels of all nations, priority passage of United States warships in an emergency, and a basis for the United States to take necessary and appropriate action to maintain the security of the Canal, includes no termination date or procedure for termination inasmuch as it was designed to remain in force permanently. Thus, neither Treaty may be terminated by the action of a single party; the agreement of both the United States and the Republic of Panama would be required.

It should also be noted that on October 1, 1979, the date of the entry into force of the new Treaties, the 1903 Treaty, and subsequent earlier Treaties, terminated irrevocably. An abrogation of the 1977 Treaties would not result in the restoration of the earlier Treaties on which our presence in Panama had been passed. Thus, termination of the 1977 Treaties would, absent a totally new agreement with Panama, leave the United States without rights to operate the canal or to maintain military forces in Panama.

This Administration views the fundamental interest of the United States in Panama as the secure availability of an efficiently operating canal to our commercial and military vessels. Its policies will be based on compliance with our Treaty obligations, insistence on our full Treaty rights, and the most business-like and efficient management of the Canal enterprise.

I hope that the foregoing information will be helpful in your further consideration of these important issues.

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., July 30, 1981.

Hon. HOWARD CANNON,
U.S. Senate.

DEAR SENATOR CANNON: Thank you for your letter of April 23 to President Reagan on the Panama Canal Treaties of 1977. As indicated in Mr. Friedersdorf's interim reply of June 22, the Department of State has been asked to prepare a response on behalf of the President.

The Panama Canal Treaties of 1977 entered into force on October 1, 1979. Since then the Canal has continued to serve world commerce and handle record volumes of cargo. Today the Canal is not the issue of conflict and confrontation between the United States and Panama that it once was. Problems remain, but they are being approached through normal diplomatic

channels and through the institutional mechanisms established by the Treaties to handle such problems. All the clarifications to the Treaties made by the Senate when it gave its consent to their ratification have been accepted by the Government of Panama which has affirmed its assent in the Instruments of Ratification.

The Canal has been and will continue to be the unique element affecting our bilateral relationship with Panama. Prior to October 1, 1979 the United States operated the Canal and exercised jurisdiction over a Zone which bisected Panama; since the entry into force of the new Treaties, the United States has continued to operate the Canal in accordance with United States laws, but with Panamanian participation in anticipation that Panama will assume responsibility for operation of the waterway in the year 1999.

For a more detailed response to your inquiry about the Canal, may I refer to my letter to you of May 18 which was in reply to essentially the same question, but which you had directed to the Secretary of State. I have enclosed a copy of my letter for your convenience.

I hope that this information will be of assistance to you.

Sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.

THE PANAMA CANAL TREATIES POSITION PAPER

(By Senator HOWARD W. CANNON)

One of the most thoroughly investigated and debated issues ever addressed by the American Congress was ratification of the Panama Canal Treaties in 1978.

In addition to normal consideration of the treaties by the Senate Foreign Relations Committee, the Armed Services Committee, on which I serve, also held extensive hearings. This was proper because of their importance to our nation's defense.

Although there were many complicated aspects of the treaties, the question really boiled down to the following: Did the United States have a better chance of using and defending the Canal with the treaties or without them?

It was the unanimous belief of our Joint Chiefs of Staff that defense of the Canal would be enhanced by ratification of the treaties. Each of these men, Chairman General George S. Brown, Chief of Naval Operations, Admiral James Holloway, Air Force Chief of Staff, General David Jones, Army Chief of Staff, General Bernard Rogers and Marine Corps Commandant General Louis B. Wilson, strongly recommended approval.

Their attitude was best summed up in a statement by the Chairman, General Brown: "Our capability to defend the Panama Canal will be enhanced through cooperation with the Government of Panama. I have personally worked very diligently for four years to achieve these treaties. We have worked hard for these treaties because we feel they are right."

I was impressed by these words, as well as the fact that four American Presidents—Lyndon Johnson, Richard Nixon, Gerald Ford and Jimmy Carter—recognized the need for a new agreement with Panama and were involved in negotiations for the treaties.

The logic of these military experts and our Presidents was simple. They reasoned that the difficulty of defending the Canal against internal attack by guerrillas or insurgents was lessened if we had the cooperation of the Panamanian people. Cooperation gained by ratification of the treaties would also elimnate the most likely source of a terrorist attack—a hostile population.

As for defending the Canal against an external attack, the key is control of both entries to it. We had this capability before the treaties were ratified and they will not affect it in any way. Under the treaties, the United States will continue to operate and defend the canal until the year 2000. After that, we will still retain the right to defend the Canal against any threat from any source.

The alternative to cooperating with the Panamanian people was a strong-arm approach that would have gained us nothing but the hatred of all of Latin America. Americans should not underestimate the price of maintaining an armed guard over the Canal; one of our military experts predicted a force of 100,000 men would be necessary to protect the Canal from a terrorist attack.

It should be remembered that the Canal is extremely vulnerable to terrorist action. A handful of men and a few well-placed explosive charges could render it useless for normal commercial traffic.

Because of the intense public interest in the Canal treaties, I have been keenly interested in how the Canal has fared since ratification in 1978. I am glad to say the experience has been almost totally positive, giving the United States one of its rare foreign policy successes in recent years.

Let me cite a few examples:

In the first year of joint U.S.-Panamanian operation, the Canal handled more ships on average and received more revenues than at any other point in history;

Since ratification, Panamanian Strongman Omar Torrijos—portrayed by treaty opponents as a communist sympathizer—has openly opposed initiatives of Cuban President Fidel Castro among the nonaligned nations;

Gen. Torrijos denounced the Soviet invasion of Afghanistan and influenced Panama to boycott the Moscow Olympics last summer; and

Panama has offered a place for United States advisors to train anti-insurgent troops for combat in the El Salvadoran civil war.

In a nutshell, we have significantly improved our relations with Central America while operations of the Canal have continued without a hitch. Those were the goals of the Canal treaties and we must note they have been achieved so dramatically.

I have received a great deal of mail during consideration of the treaties. Here are the answers to the questions asked most frequently.

Q. We had sovereignty over the canal. Why did we give it away?

A. In fact, we did not have sovereignty over the Canal although the 1903 Treaty gave us extensive rights and privileges "as if we were sovereign." To try to keep the Canal under the terms of that treaty, however, would probably have meant that we could no longer use it. It could easily be rendered useless by a very small number of hostile guerrillas. The new treaties did not give the Canal away; rather they guaranteed that we will be able to keep it open for our use.

Q. Why did we pay Panama to take the canal back?

A. We did not. The treaties call for increased payments to Panama, but they will be paid entirely from Canal revenues. Under the treaties, it is clearly specified that the increased payments are to come only from the tolls all nations pay and not from the United States Treasury.

There was some transitional cost to the United States government, but charges that turning the Canal over to Panama will cost taxpayers billions of dollars were highly exaggerated. The required appropriations for relocation of some defense installations and early retirement benefits for American employees of the Canal Zone are estimated to be a total of $350 million over 21 years.

The implementing costs of these treaties are far less than what it could cost us to try to hold onto the Canal under adverse and hostile circumstances.

Q. Doesn't Panama have a military dictatorship?

A. Yes, it does, unfortunately. Proponents of the ratification do not deny that Torrijos is a dictator, nor argue that the Panamanian record on human rights is what it should be. However, negotiations with the Panamanians began before Torrijos came to power, and, on this issue, he does represent the legitimate interests and wishes of a majority of the Panamanian people.

Q. Is there a danger that we played into the hands of the Communists by ratifying these treaties?

A. In fact, nothing could have played into the Communists' hands more than our failure to ratify the treaties. Those close to the Latin American political situation believed that treaty ratification robbed the Communists of their one potent issue—nationalism. Panama is not pro-Communist now; out of a population of 1.7 million, there are only an estimated 600 Communist party members, but it is the Communists who opposed U.S. ratification of the treaties.

Q. What is the primary U.S. interest in the Panama Canal?

A. To use. it. Our primary interest in the canal is to have routine access to it and priority access in time of war. The new treaties guarantee this.

Q. What guarantees and rights does the U.S. have under the new treaties?

A. The Panama Canal Treaties provide that:

A United States-controlled commission will continue to operate, manage, and regulate the Panama Canal until the year 2000;

The United States has the primary responsibility to protect and defend the Canal and may act unilaterally against any threat to the Canal from any source.

In the year 2000 Panama will become responsible for the operation of the Canal but the Neutrality Treaty provides that:

The United States will continue to have the right to defend the Canal and ensure that it remains open;

U.S. military vessels will have the right to go to the head of the line whenever we consider it necessary;

No foreign power will be allowed to maintain troops or bases in Panama; and

Our right to take unilateral action to defend the Canal and keep it open continues indefinitely.

Q. Isn't our ability to defend the canal diminished by the new treaties?

A. No. The Joint Chiefs of Staff, who unanimously supported the treaties, have stated that they would rather defend the Canal under the provisions of the new treaties than under the provisions of the old.

Q. Isn't a Senator who votes for the treaties being unresponsive to his constituents?

A. Only in the most narrow sense of our form of representative government. Many people seem to believe that the weight and volume of expressed opposition to the treaties should have shaped the Senate's action. That sentiment also holds that our role in this, and presumably any other issue where emotions run high and opinions are strongly held and expressed, is simply to convert these emotions and opinions into a vote. But representation is not so simple. Not only are those who might be in the majority on this issue often in the minority on other issues, but they in fact then expect

their representatives to buck trends and adopt unpopular causes in those cases.

I have received a great amount of mail concerning the Canal treaties, and I studied and weighed it carefully. I share the concern of my constituents that these treaties be in our national interest. Not only did I study the testimony presented in the Armed Services and Foreign Relations Committees, but I raised my constituents' questions and questions of my own with the military and political leaders of this country. I concluded that ratification of the treaties would be in our national interest and that it would make the Canal a new symbol of America's vision for a peaceful world.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTERNATIONAL SECURITY AND DEVELOPMENT ACT OF 1981

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1196) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 556

(Purpose: To strike out language providing for the autonomy of the Peace Corps, to ensure maximum efficiency of ACTION and Peace Corps)

Mr. HATCH. Madam President, I ask unanimous consent that the Senator from Alabama (Mr. DENTON) and the Senator from Oklahoma (Mr. NICKLES) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, in July, Senator CRANSTON correctly perceived that it was going to be impossible to move his bill to separate the Peace Corps from ACTION, because of widespread opposition to this proposal. This opposition was completely uniform throughout the administration. The White House, OMB, the ACTION agency and the Peace Corps itself all rejected the proposal that Peace Corps should be separated.

In order to push this measure through, rather than having a full and thorough debate on the issue, Senator CRANSTON made a rush move to attach his bill as an amendment to the State Department reauthorization. It did pass the Senate by a narrow margin at that time. But I feel that the reason it passed was precisely that the debate was not thorough and the issues were not well discussed.

I feel confident that as we look at those issues today, in more careful detail, we will come to see that separating the Peace Corps from ACTION would be a serious mistake, a mistake which would be harmful to the Peace Corps.

Madam President, instead of helping the Peace Corps, as I am sure the distinguished Senator from California wants to do, separation would only harm the Peace Corps. I know there is widespread opposition to this proposal not only from the administration, but from many of my colleagues here in the Senate. A major reorganization within the executive branch is something for which we have proper channels to consider. Instead of bypassing those channels, and a proper examination of the issues, I urge that we examine those issues very carefully, not just here on the floor, but by the committees who have appropriate jurisdiction.

COST

One of the major reasons not to separate the Peace Corps from ACTION is cost. Such an action would cost the taxpayers more money. Additional funds would be needed for administration recruitment, communications, computer services, accounting, payroll, rent for new office space and so on. OMB estimated added cost at up to $3 million in a preliminary review earlier this year. In 1979 the Senate Governmental Affairs Committee estimated the additional costs for separation at $15 million.

My distinguished colleague from California has made a point of the CBO remarks earlier this year that separation would not incur additional expense. However, the CBO has not done an in-depth study, and in the face of such widespread disagreement about the exact amount of increased costs I feel a more thorough study should be done before we rush into a premature decision.

Madam President, I would remind my colleagues that no one who has looked at this issue has said that separation would save the taxpayers money. Separation is not a budget trimming operation. There is general agreement that separation will cost more money, though there is disagreement about exactly how much. These are times when we are looking to save taxpayers dollars; when we are looking for ways to cut back on the Federal bureaucracy—not expand it. The fact that there are different opinions about additional costs only argues that we should have a thorough study of this issue, not rush to a premature decision.

Senator CRANSTON has made a good deal of the CBO report. He has claimed that the CBO analysis should be the authoritative opinion on this cost issue. My staff has talked to the analyst in CBO who prepared that report. According to CBO their report was based on a casual and very hurried look at the cost of separation. They said there was no detailed backup, more than a few scratched up work sheets and a marked up bill.

There were other issues concerning spending issues which had higher priority last spring, and the Peace Corps separation did not receive careful attention or a thorough analysis. The basis of the CBO estimate was primarily at a look for additional authorizations, not at a detailed cost analysis of running the Peace Corps programs. Finally, Madam President, CBO said that, "The OMB estimate is probably as good as anything you will get, and that they would have to defer to OMB."

I would hasten to point out, Madam President, that OMB did not do a thorough and searching cost analysis either, but their estimate is more of a preliminary analysis also.

So to argue that there will be no additional costs, and to base that argument on a CBO report which contradicts every other analysis which has been done, would not be wise. We all know that new agencies require additional funds. It is clear that we do not have an accurate and thorough analysis to estimate just how much separation would cost. We need such an analysis. Any additional costs would be a strong argument against separation in these times of extreme fiscal restraint.

MILITARY INTELLIGENCE

The current Director of ACTION, Tom Pauken, had some connection with Army intelligence during his voluntary service in the Vietnam war. But that was years ago, and would not effect his relationship with Peace Corps today. The Senate decided there was no real substance to the opposition to Pauken's nomination on these grounds and confirmed his appointment by voice vote.

We do not want to have any appearance of soldier baiting. We should honor those who served their country during those difficult years—while some of their peers chose to violate the law and attack the Government policies.

This intelligence connection argument has absolutely no substance. Tom Houser, the Deputy Director of the Peace Corps from 1969–71 served in military counter intelligence before his service in the Peace Corps itself. No one complained about his nomination. No harm came to any Peace Corps volunteers.

ACTION is completely separated from Peace Corps in terms of day-to-day policy. When there is clear precedent for Peace Corps leaders themselves having military background with no resulting negative impact on Peace Corps, it is ridiculous to argue that Mr. Pauken's military background will have any effect on Peace Corps volunteers' safety.

ADMINISTRATION POSITION

As I have said before, Madam President, the administration is completely opposed to the idea of separation. I submitted for the RECORD yesterday copies of letters from the White House and from the Peace Corps itself saying they were strongly opposed to separation. I cannot imagine why we would not listen to the Director of the Peace Corps itself when she states her complete support for the administration position.

The Peace Corps is thriving under the new administration. Rather than being in chains, as Senator CRANSTON said yesterday, "The Peace Corps is prospering". Separation would only make the Peace Corps more vulnerable to attack. The administration feels, and I am in complete agreement here, that the Peace Corps should be linked with the administrations increasing emphasis on volunteerism in the ACTION Agency.

We have the Peace Corps Director's assurance that they are working

smoothly with the ACTION people, and that their joint relationship is mutually supportive. Why would we want to take the radical move of separation when things are going so well?

GOVERNMENTAL AFFAIRS HAS JURISDICTION

Madam President, the rules of the Senate clearly state that the Governmental Affairs Committee has jurisdiction for any reorganization of the executive branch. Senator ROTH of the Governmental Affairs Committee has joined in support of my amendment today, because they have not had the opportunity to hold hearings and examine this issue closely.

I would note, Madam President, that when the Governmental Affairs Committee held hearings on this issue in 1979 they voted overwhelmingly to keep the Peace Corps and ACTION together. The distinguished Senator from California, Senator CRANSTON, was one of the strongest supporters of keeping the Peace Corps and ACTION together at that time.

It is very difficult for me to understand why the sudden change of heart at this time.

REQUIREMENT

Proponents of separation have cited a decline in the number of Peace Corps volunteers as a reason for separation, saying that the Peace Corps recruitment process is hindered by its connection with ACTION.

However, an individual becomes a Peace Corps volunteer and is sent overseas only after passing through various stages of preparation for such duty. Inevitably, numerous applicants are rejected for a variety of reasons during the weeding out process. This is done by the Peace Corps itself and not by ACTION, so it is the Peace Corps which determines how many of the initial applicants actually go on to serve.

The real gage of whether Peace Corps has been hindered by its association with ACTION is to look at the application and inquiry figures. And this data clearly indicates a rise in interest in serving as a Peace Corps volunteer since the placement of Peace Corps within ACTION in 1979.

Madam President, I ask unanimous consent that a table showing the inquiry figures be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Peace Corps

	Fiscal year 1978	Fiscal year 1981
Applications	13,661	[1] 15,622
Nominations	7,987	8,382
WATS Line inquiries	37,902	[2] 53,917

[1] The applications received are as of September 30, 1981.

[2] The WATS Line inquiries data is as of September 30, 1981.

(Mr. QUAYLE assumed the chair.)

Mr. HATCH. Mr. President, second, the October 1980 issue of Government Executive cited the international situation and not any connection with ACTION as a factor in the decline in the number of volunteers serving overseas.

Mr. President, I ask unanimous consent that that information from the October 1980 issue of Government Executive be printed in the RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

In fact, the elements governing the size of the Corps are outside of the U.S. and totally independent of anything the U.S. can do. It is a matter of record that all foreign volunteer programs—including the Peace Corps—have suffered a world-wide decline. This in the face of a enormous increase in domestic volunteer programs in all other foreign countries.

The principal factors controlling the size of the Peace Corps operations are largely exogenous. They are a product of the changing international environment and it is now apparent that neither the Corps itself nor the U.S. Government can do much to influence them. The world is a far different place than it was back in 1961.

Mr. HATCH. Proponents of separation have consistently stated that the current situation is unfair because Peace Corps contributes 60 percent of the cost of joint services. Inferring, presumably, that anything over 50 percent is unfair. In response, several points:

First. The figure is incorrect. In fiscal year 1981 the contribution figure was 53.3 percent and the projected contribution level for fiscal year 1982 is 51.5 percent.

Second. During the Peace Corps authorization hearing in April of this year, Acting Peace Corps Director William Sykes was asked by Senator CRANSTON if he thought the current arrangement wherein the Peace Corps pays 60 percent of the costs of the shared costs is equitable? Sykes replied:

I think in some offices it is and in some offices it is not. For example, in health services, we pay about 60 percent of the costs and we get over 90 percent of the services out of that office.

I ask unanimous consent to have printed in the RECORD a list of the shared services and the actual share of Peace Corps' contribution.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

JOINTLY SUPPORTED SERVICES (JSS)

Administrative and technical support services provided to Peace Corps by ACTION are termed "jointly supported" because they are funded from both the Domestic Programs and Peace Corps appropriations. These services include:

Recruitment of qualified and well-motivated applicants for volunteer assignments;

National and local communications campaigns promoting Peace Corps' programs and recruitment efforts;

Audits and investigations;

Legal services;

Delivery of health care and benefits to applicants as well as current and former Peace Corps volunteers;

Negotiation, award, administration, and close-out of contracts, interagency agreements, and grants;

Data processing services;

Such administrative services as volunteer and staff travel arrangements (including passports and visas); cable, mail, and pouch services; headquarters space and property management; WATS switchboard, FTS, and local telephone services; office supplies; copy machines; library services;

Management analysis studies;

Personnel security investigations; and

Financial reporting and accounting systems; volunteer and staff payroll; processing of financial transactions.

In FY 1981, Peace Corps contributed $15,117,000 to ACTION for its share of the funding for JSS; this amount is 14.3 percent of the Peace Corps appropriation and 53.3 percent of the total JSS budget. In FY 1982, Peace Corps contribution of $13,543,000 is 14.2 percent of its appropriation request and 51.5 percent as of October 20, 1981 of the amount requested for JSS. The remainder of the JSS funding comes from the Domestic Programs appropriation.

Mr. HATCH. Mr. President, at this time, I yield to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. PERCY. Mr. President, may I inquire of my distinguished colleague about how long he will be speaking?

Mr. MATTINGLY. About 5 minutes.

Mr. PERCY. Mr. President, I must return to continue chairing a hearing and I have recessed for just a moment so I would be able to respond to Senator HATCH. Five minutes will be fine.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, I support the amendment offered by the distinguished Senator from Utah, which would delete language in S. 1196 separating the Peace Corps from the ACTION Agency and creating a new, independent agency.

I favor the amendment, Mr. President, because I believe that now is not the time for us to be creating any new Federal agencies, or departments, or bureaus, or any other similar new layers of bureaucracy. Cost estimates vary, but it appears that a minimum of $3 million would be needed in order to create this new agency. A 1979 Governmental Affairs Committee report put the figure at $15 million and those of us who are familiar with the general accuracy of Federal cost estimates will understand my belief that the actual cost of realining the Peace Corps would, in all probability, be several times higher than any of the estimates.

I say frankly, Mr. President, that about the last thing that our constituents in Georgia or any place else in this country need or want to hear from us is that we have legislated into existence a new Federal agency. At a time when we are closely examining every expenditure in an effort to reduce a swollen Federal budget, how can we justify the creation of yet another Federal agency with all the costs and bureaucracy associated with such a move? I do not believe that that is what the elections of last November 4 were all about.

Consideration of such an action seems particularly unnecessary and inappropriate as far as the Peace Corps is concerned because the Corps already enjoys virtual autonomy within the ACTION agency, sharing only some administrative and technical services with ACTION. ACTION, of course, was established in 1971

as the parent body of all Federal volunteer programs.

My understanding of the Corps' current situation is that, under an Executive order issued by President Carter in 1979, the Peace Corps Director reports directly to the President on policy matters and deals directly with the Secretary of Treasury and with the Director of the Office of Management and Budget on budget items. Several individuals with broad knowledge of Peace Corps affairs stated at the time of the issuance of the Executive order that under its provisions, the Peace Corps would have and still has more independence than at any time in its history, including its first years in the early sixties.

The Governmental Affairs Committee examined the Peace Corps' relationship with ACTION in 1979 and concluded that there was no need to separate the two agencies. In fact, the committee report noted the importance of retaining the Peace Corps within ACTION as a means of emphasizing the "special volunteer nature of the program."

I have not seen any data, Mr. President, or other evidence which demonstrates that the committee findings in 1979 are no longer valid. In fact, I am told by a member of the Governmental Affairs Committee, which has jurisdiction over matters involving executive branch reorganizations, that we have held no recent hearings on the proposal and have not examined the question in any detail whatsoever since the 1979 hearings. So one question ought to be asked: Why are we bypassing our established committee process?

The biggest problem confronting the Peace Corps, from what I have gathered, is not its affiliation with ACTION but, in fact, is the same one confronting every other Federal organization—a lack of money. I do not understand how that particular problem will be resolved during these times of economic distress by a reshuffling maneuver costing the taxpayers millions of dollars. I have heard it mentioned that the cost estimates on the proposed Peace Corps separation are minimal and not worth worrying about, certainly not worth considering as a major factor during deliberations on the proposal. Well, how many of us could name one hard-working, hard-pressed, taxpaying constituent who would agree that $3 million, or $15 million or $30 million is not worth worrying about?

Some proponents of separation have cited a subordination of Peace Corps interests by ACTION as a reason for separation but again, Mr. President, I have not seen any documentation to back these assertions.

Peace Corps volunteer application requests remain high; telephone inquiries expressing interest in obtaining more information about Peace Corps activities are way above what they were several years ago; and public service announcements on the Peace Corps continue to be placed in television and radio markets across the country.

The administration is united in its opposition to the proposal. Max Friedersdorf, Dave Stockman, ACTION Director Tom Pauken, and Peace Corps Director Loret Ruppe are all on record as opposing the separation.

Finally, Mr. President, during the hearings on Mr. Pauken's nomination to serve as Director of ACTION, concern was expressed by some proponents of separation that his military intelligence background disqualified him from serving as head of ACTION. In fact, this military service was cited as the "impetus" behind the latest effort to separate Peace Corps from ACTION.

Concern was expressed by some that his Army intelligence duties in Vietnam would breach the traditional separation of U.S. intelligence matters and Peace Corps activities. Further, it was said, Pauken's particular military service could possibly endanger Peace Corps field volunteers.

Such assertions, in my view, have been effectively rebutted by my colleague, the distinguished Senator from Utah, in his opening remarks. I would just add several comments:

First, I do not believe that honorable service in our Nation's military should be a disqualifying factor during consideration for Government service;

Second, no matter how honorably motivated, such insinuations tend to reflect poorly on all those who served honorably during the difficult period of the Vietnam war; and

Third, the Vietnam war and our Nation's gallant effort to save freedom for a struggling people is not the issue here and should not become the issue.

The matter should be considered, and rejected, on its own merits or lack of same.

I urge a yes vote on the amendment, Mr. President.

Mr. PERCY. Mr. President, I would very much appreciate the close attention of my distinguished colleagues. I deeply regret being on the opposite side to them in this issue, but I strongly support the committee position. I do so having been on the Governmental Affairs Committee for 15 out of my 15 years in the Senate. I was the ranking Republican on that committee when ACTION was set up at the request of President Nixon a decade ago. At that time, I went through all the theoretical arguments and I just gave the administration the benefit of the doubt and decided that ACTION was a worthy and a noble attempt. We approved it, and now we have had a decade of experience with it.

I find myself, as a member of the Governmental Affairs Committee and the Committee on Foreign Relations, now in a somewhat different position. When Senator GLENN, who is the only other Senator who was a member of the Governmental Affairs when we set ACTION up and a member of the Committee on Foreign Relations, has come to the identical conclusion, that this is a bad idea, that we ought to end it and we ought to end it right now, and for sound, logical reasons.

Mr. President, the resources of the Committee on Foreign Relations have not been totally adequate to give me all the cost accounting that I need. I think the Senator from Georgia and the Senator from Utah have raised some very good questions. We do have answers to those questions now and I should like to give these answers as carefully as I can. I think they conclusively support the position already made by the Committee on Foreign Relations in one vote and already made in the Senate of the United States by another. I hope they will be supported today and I hope those facts will provide some of the reasoning for either withdrawing this amendment or, at least for the Senate, overwhelmingly supporting it.

The Senator from Georgia has said that he has seen no evidence that would change the Governmental Affairs Committee's judgment from the decisions made 10 years ago and the decision made just a few years ago not to merge it into ACTION. Let me give that evidence in the course of my comments. Let me simply state that the purpose of the proposal to separate the Peace Corps fully from ACTION, really the underlying purpose, is to strengthen the Peace Corps recruiting and to restore its identity in the United States and abroad. I have yet to see or know of any Senator who has challenged my statement, or a House Member, that I have visited with more Peace Corps members throughout the world since the inception of that program than any other Member of Congress. I began doing this as a businessman traveling abroad. I found it the best way to understand and learn about the concerns and interests of the normal citizen.

Sure, I could go to the State Department and the Embassies in the countries, and of course, for political and economic briefings, I often did so. But I also traveled with the Peace Corps volunteers to learn more about the human dimension of the country. I would go into the villages with them. I have traveled all over countries of Latin America and Afghanistan. Of the 210 Peace Corps members in Afghanistan, I met with 200 of them. Some places, I had to walk 5 days to get to a landing strip and meet with them there. I met with virtually every one of them. From that, I got a picture of the human side of Afghanistan that I never could have gotten sitting in the Embassy or from any other source of information.

Mr. President, I feel that the Peace Corps, one of the great successes we have had, has been losing its identity. It does still exist. It is alive and well. Autonomy, however, I think will help the Peace Corps build a great esprit de corps as it begins its third decade of service in the developing countries.

Let us listen to the cost of separation. I am delighted that the distinguished Senator from Delaware (Mr. ROTH) is here, because he is a member of the Governmental Affairs Committee. He looks at figures; he understands the impact of these figures.

Some of the estimates I have seen thrown around as to the savings are just a lot of baloney. They do not exist. They cannot be proved by anyone, and they can be disproved by the Comptroller General of the United States. The cost of separating the Peace Corps from ACTION should not be anywhere near

the $15 million estimated by the sponsor of this amendment.

OMB's estimate, made after the administration had gone on record as opposed to autonomy, was that joint services by ACTION and the Peace Corps save no more than $3 million per year. That is only one-fifth of what the estimate has been. The OMB analysis, which is printed in the Foreign Relations Committee report, states that "the $3 million figure should be viewed as an outside estimate for additional operating costs" for Peace Corps autonomy. The OMB analysis says explicitly that the 3 million figure "is likely to be too large." So we are not even near 15 million.

In fact, it may well be negative that is, it may save money.

The Peace Corps itself prepared an analysis of the cost of separation. That analysis, prepared before the issue became politicized, concluded that separation from ACTION would cost the Peace Corps no more than $1 million and might even lead to budgetary savings.

Finally, the Congressional Budget Office reviewed this proposal, as it does all bills, and their conclusion was that the measure "is expected to have no budget impact."

This measure does not violate the President's budget or the congressional budget in any way.

The Senate will have to make its own decision on this issue, and the Senate will. When the issue came up last June 17, the Senate voted—without all these new facts—52 to 45 to separate the Peace Corps from ACTION. The facts have not changed in the past 3 months, except for the new information I will give today.

The Peace Corps functioned well as an autonomous agency for the first 10 years of its existence. This year is the 20th anniversary of the Peace Corps, and it is a good time to return to the formula which worked so well at the outset; the Peace Corps as a fully separate agency.

With respect to the new information I have been able to discern, the purpose of the proposal to separate the Peace Corps fully from ACTION is purportedly to strengthen Peace Corps recruiting and restore its identity in the United States and abroad. The Peace Corps has been submerged under ACTION, and many Americans do not even know that the Peace Corps still exists. Autonomy will help the Peace Corps build greater esprit de corps as it begins its third decade of service in developing countries, as I have mentioned.

Peace Corps overhead for administrative requirements is 3 percent of the budget. Peace Corps payment to ACTION is 14 percent of budget. Less than half the payment to ACTION is for direct Peace Corps support—that is, recruitment and health services. More than 7 percent of the Peace Corps budget is expended on overhead items controlled by ACTION.

The Peace Corps bill from ACTION is for $13 million at the President's March request. It includes large shares of all the costs of ACTION staff offices, many of which conduct little, if any, activities for the Peace Corps.

The Peace Corps to date has had no control over which offices are included in the bill, the staffing of these offices, or their work plans.

In other words, we have an agency here which is being cut and slashed and reduced, as other agencies are; yet, they have an overhead charge thrown on their backs over which they literally have no control. That is a gross distortion. It is a gross disincentive for the management of the Peace Corps, an operation that has been known for its frugality, many of whose employees volunteer, receiving far less than their counterparts in AID, living in the villages, living off the land. They have a big overhead upstairs, over which their management simply has frustration and no real budget control.

Budget reductions in ACTION have called into question the real need for a joint support program. The VISTA program, the only stipended volunteer program in ACTION, is being dismantled. With the dismantling of that volunteer program, the rationale for joining the remaining programs is very weak. None of the remaining ACTION programs has terms of service and logistical requirements like those of Peace Corps. The necessity ACTION faces of establishing management systems for both domestic and international operations is no longer justified.

The present arrangement creates inefficiencies in operation. The most critical example is in the recruiting and placement function. Some activities are duplicated. For example, ACTION must prepare and transfer materials on applicants to Peace Corps. Peace Corps then reviews the same materials in order to provide for final placement.

RIF's are being conducted in ACTION which affect large numbers of employees in the joint support offices. The Peace Corps has no knowledge of the numbers of employees, the functions affected, or the ultimate cost of these reductions. Peace Corps appears not to have been included in the decision process

The recruiting staff has been substantially reduced at the height of the recruiting season—this despite the fact that 90 percent of the recruiting is Peace Corps volunteers. Here we are at the height of the season, 90 percent of the recruiting is Peace Corps, and the staff is being slashed.

They should slash it at the time of low recruiting, not at the peak of recruiting, which is a disincentive and creates chaos and confusion, in effect. Fiscal year 1982 recruiting will be 2,000 for Peace Corps, less than 100 for ACTION.

Offices of Former Peace Corps Volunteer Services and Peace Corps Partnership have been abolished, over the objection of Peace Corps.

There is no assurance that cuts in logistical support, computer operations, or fiscal services have taken into account Peace Corps requirements.

Let me cite one concrete example of what separation might mean in practice. The Chicago ACTION office has a small unit on a separate floor of the building which does Peace Corps recruiting. If Peace Corps is separated from ACTION, this is the dramatic effect it will have: The Peace Corps recruiters will change their letterhead and doorplate and receive their instructions from Peace Corps headquarters in Washington, without routing paper through ACTION.

I urge every Senator who has any kind of ACTION office in this or her State to take a look and see. Go in that office, talk to the people, find out what we are doing, and find out why this particular amendment at this particular time is really ill advised.

The argument has been raised that we are creating a new Federal agency. This is misleading. In fact, the Peace Corps is already an autonomous agency. All we are talking about is shared administrative expenses.

Peace Corps should be free to decide what kind of support it requires and whether it should determine its own needs in the areas of personnel, recruiting, and computer support.

I certainly feel that the facts now warrant and justify support for the amendment being offered by our distinguished colleague from California, supported by the ranking member of the committee, supported by other members of the committee, and certainly supported by the chairman of the committee.

The position of the committee in this area is very clear indeed.

Mr. President, I am happy to yield the floor at this time.

Mr. ROTH and Mr. BRADLEY addressed the chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BRADLEY. Mr. President, will the Senator yield briefly to me?

Mr. ROTH. I am happy to yield briefly to the Senator from New Jersey.

ESTABLISH THE PEACE CORPS AS AN AUTONOMOUS AGENCY

Mr. BRADLEY. Mr. President, last June the Senate wisely approved legislation introduced by the distinguished Senator from California to establish the Peace Corps as an independent agency. I am proud that I was a cosponsor of that legislation. Mr. President, nothing has changed since that time, and there is no good reason for the Senate to reverse its position today. A strong Peace Corps is a vital ingredient in U.S. policy toward the developing world. It would be particularly appropriate to renew our vote for a more effective Peace Corps as the President meets with leaders of the developing and industrialized world in Cancun, Mexico to revive a discussion on North-South cooperation. To do this, we must reject the Hatch amendment.

Mr. President, the time has come to establish the autonomy of the Peace Corps and thereby restore to it the strong identity that motivated its volunteers during its formative years. Nothing less will do. Separation of the Peace Corps from the ACTION umbrella has been gaining support among legislators, members of the executive branch, and the Peace Corps family over the past few years. Those closest to the organization have long recognized that autonomy for the Peace Corps will increase its visibil-

ity, enhance recruitment, and thus lift up the morale of its personnel. It will renew the sense of purpose and vitality that distinguished this special organization during its early years and I believe it could launch the Peace Corps into a new era of commitment and effectiveness.

In 1961, the Peace Corps was born of a compelling idea: Dedication to bettering the conditions of the world's poor by sharing America's resources of human talent, skills, and idealism. To establish its special identity, it was made a separate agency within the Department of State. The dynamism and exuberance of the first Director of the Peace Corps, Sargent Shriver, a man whose name has become almost synonymous with the Peace Corps, turned the idea into an institution.

For 10 years, the Peace Corps remained a vibrant agency in the State Department. In 1971, it was transferred to the ACTION Agency, whose umbrella also extended over VISTA and other domestic volunteer programs. Then in 1979, the House approved legislation which would have removed the Peace Corps from the ACTION Agency and placed it within the newly created International Development Cooperation Agency (IDCA). However, this proposal disturbed many supporters of the Peace Corps including Members of this body, who feared that placing the Corps within IDCA, the proposed umbrella aid agency, would cast it as another foreign aid program.

This image would rob it of its unique people-to-people character, which emphasizes the mutual benefit of interaction between Peace Corps volunteers and the people of their host countries. Responding to these concerns, and recognizing the value of Peace Corps independence, President Carter offered a compromise. He issued an Executive order which made the Peace Corps "semiautonomous" within the ACTION Agency.

Mr. President, the 1979 Executive order apparently has resolved some of the administrative, personnel, and budgetary problems that concerned Members of Congress. However, being subsumed within ACTION continues to hinder the ability of the Peace Corps to project a strong independent identity, and this, no doubt, has affected the recruitment of Peace Corps volunteers. Remaining under the ACTION umbrella obscures Peace Corps' visibility both at home and abroad. Peace Corps is a unique institution with a special global purpose, and should not be grouped with domestic programs which have a noble, but different purpose. It can best accomplish its mission by standing on its own.

A report entitled the "Future of the Peace Corps," prepared under a contract for the ACTION Agency by the Aspen Institute for Humanistic Studies, concluded, in 1977, that "as the 'holding company' for the Peace Corps," ACTION drastically reduced the Peace Corps' visibility, subordinated its recruitment function to several different domestic volunteer groups, kept the number of volunteers low, allowed the unit cost of a volunteer to rise, and "in general, made the Peace Corps a somewhat more routine, less exciting adjunct to the foreign aid function, rather than a uniquely vibrant expression of 'the best that is in us'." Revitalizing what can become our best means for broadening international understanding is sufficient reason to authorize the separation of the Peace Corps.

Mr. President, confirmation of Thomas Pauken, as head of ACTION, presented a forceful argument for separating the Peace Corps last June, and it still is one today. Like a number of my colleagues, I opposed Mr. Pauken's nomination not because I questioned his character, ability, or qualifications, but because I feared that his previous service as a military intelligence adviser in Vietnam would be construed abroad as evidence of a connection between the Peace Corps and the U.S. intelligence community. Such suspicions can compromise irreparably the effectiveness of the Peace Corps. For this reason, the Corps has maintained a policy of complete separation from the intelligence community and its activities. Merely raising such suspicions would seriously rob the Peace Corps of its effectiveness and such could endanger the security of its overseas staff and volunteers.

The confirmation of Mr. Pauken as Director of ACTION makes it imperative that we enact autonomy of the Peace Corps into law not next year, or the next year, but now. I hope my colleagues will join with me in reinforcing the credibility of this important institution and reinvigorating its activities. I urge them to once and for all resolve the decade-old problem of submersion that has plagued the Peace Corps. I urge them to reject the Hatch amendment.

I thank the Senator from Delaware for yielding to me.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I support on both substantive and procedural grounds the Hatch amendment to remove the provision in S. 1196 establishing the Peace Corps as an independent agency.

Procedurally, I note for the record that this proposal was included in the foreign assistance bill without any reference to the oversight responsibilities of the Governmental Affairs Committee for matters relating to reorganizing the executive branch of Government. Yet the mandate of the committee in this area is clear. The legislative history traces back to 1921, 60 years ago, when the Senate charged the Committee on Expenditures in executive departments with the responsibility to evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government. Since 1949 alone, some 103 reorganization proposals have been submitted to the Governmental Affairs or its predecessor committees for approval.

This procedure has proven over the course of 60 years to be an effective way to balance the need for executive branch flexibility in reorganizing itself with the constitutional requirement for congressional oversight of effectiveness in Government. In fact, the Senate recently reauthorized for another 4 years the Reorganization Act, under which these procedures were established.

Mr. President, in noting this procedural irregularity, I hasten to assure my good friend, the chairman of the Foreign Relations Committee, that I recognize that there may be in this case some overlapping jurisdiction. Certainly there are foreign policy implications to an independent Peace Corps that his committee should rightly address.

But at the same time, I think that it is fair to say that this proposal is a perfect example of why the Senate, in its wisdom, established separate review procedures for reorganization proposals. In 1971 the Government Operations Committee, predecessor to the Governmental Affairs Committee, held 4 days of hearings on then-President Nixon's proposals to merge into a new ACTION Agency all Federal volunteer citizens programs. A number of justifications for this proposal were advanced, including very persuasive arguments concerning budgetary savings and the pooling of human resources. The record of committee hearings ran to 400 pages.

In other words, Mr. President, the creation of ACTION as an agency that included the Peace Corps was not a step that was taken lightly by the Government Operations Committee. Nor, might I add, was it taken lightly by the Senate.

Furthermore, in May 1979, the Government Operations Committee again held extensive hearings on the subject. In a 15 to 1 vote, the committee recommended overwhelmingly to keep the Peace Corps in ACTION.

Yet for reasons that are unclear to me, the Foreign Relations Committee has decided that the Peace Corps should be separated from ACTION and made an independent agency. So far as I know, the Foreign Relations Committee did not even hold a hearing on the subject. The Foreign Relations Committee may have good and sufficient reasons for its recommendation to the Senate. All I am saying is that this subject has not been thoroughly vented by the committee charged with the responsibility for determining whether a reorganization of the U.S. Government makes sense in terms of the best allocation of budgetary resources and effective Government.

Furthermore, it seems to me that there are strong substantive grounds for keeping ACTION intact.

Mr. MATHIAS. Mr. President, will the Senator from Delaware yield for a comment?

Mr. ROTH. I yield.

Mr. MATHIAS. Mr. President, the Senator from Delaware says that the committee has not vented this subject. I feel the committee really has very carefully looked into this question. We held hearings on the authorization. We have had hearings on the assistance program from which funds are derived. The subject of the efficiency of the joint venture has been looked into. The fact is that the VISTA program is being dismantled and the VISTA program was the only real excuse for keeping the two programs administratively together, and when that one dries up there is not much point in keeping the other.

But in any event, just so the Senator from Delaware can have his mind put at

ease on the question of whether or not the Foreign Relations Committee has looked into this subject, I direct his attention to the record of hearings on the Peace Corps and AID that were held in April.

Mr. ROTH. Mr. President, I say to my distinguished colleague who is a member of both the Foreign Relations Committee and the Governmental Affairs Committee that what I said was that this had not been reviewed by the committee charged with the responsibility for reorganizing. This is a matter of grave concern to me. It seemed to me that those who are advocates of such modification certainly are entitled to promote that idea, but in keeping with the procedures of the Senate, it should be brought to the Governmental Affairs Committee which has that responsibility.

As I already mentioned, the creation of ACTION was taken after long and extensive hearings, and I shall put the Foreign Relations Committee as well as other committees on notice that when it comes to reorganizations we in the Governmental Affairs Committee have a special responsibility and we intend to insure that that responsibility is maintained and will object to any efforts like trying to avoid that jurisdiction and promoting reorganization through other authorizing committees.

It may very well be that had those who feel this change should have come about come to our committee that would have been the will of the majority there.

But what I am saying is that the Governmental Affairs Committee has that special responsibility and we intend to maintain it.

But in any event, as I said earlier, it seems to me that there are some very good reasons for keeping ACTION intact. From budgetary and administrative efficiency points of view alone, the present structure is certainly logical. At a time when we are cutting not only Federal programs but it is proposed to cut whole departments, it makes no sense to me to recreate an independent agency which has been functioning perfectly well in an existing organizational structure.

OMB has estimated that the added costs of just setting up a newly independent Peace Corps would be at least $3 million. Reference has already been made that based on the results of the 1979 hearings, the cost could be as much as $15 million. There does seem to be some disagreement as to what the actual costs today would be. I would say that this disagreement itself should be sufficient reason to subject this proposal to regular Senate procedures. I would also note that whatever the comparable cost was in 1979, it would surely be considerably higher today.

Finally, I understand that one of the motives for separating the Peace Corps from ACTION may be unhappiness on the part of some Senators with the background of the present ACTION Director, Mr. Pauken. All I would say about that line of reasoning is that, if every time someone does not like the head of an agency who has been confirmed by the Senate, all we need do is dismember that agency, we might as well forget about keeping any kind of organizational order in Government.

For these reasons, Mr. President, I strongly support the Hatch amendment. I would urge and suggest to those who are advocates of revision, or reorganization, to propose it through the regular procedures of the Senate.

I yield back the floor.

Mr. PELL. Mr. President, I think if this amendment is accepted we will be sending exactly the wrong signal all around the world, especially to those Third World nations where so many of our Peace Corps volunteers are located: a signal to the effect that we are taking the wraps off and that we will perhaps consider using the Peace Corps for intelligence-gathering purposes.

I think one of the reasons why the Peace Corps has been so well accepted for the past 20 years is the fact the developing countries know that Peace Corps volunteers are not being used for intelligence purposes, and for that reason they have been able to go into sensitive regions of the recipient country and carry out their assigned development missions.

This amendment would wave a flag of warning. Even though we know ourselves that we would not use them for this purpose, it would still wave a flag, and I think it would do harm to the acceptability of the Peace Corps. It could even put in jeopardy the lives of 5,400 volunteers currently stationed overseas.

We should also recognize that this very issue was thoroughly discussed in the committee and we voted 10 to 2 to separate Peace Corps from the ACTION Agency.

In addition, we all know, and it has been referred to here, that the full Senate decided this past June that there should be this separation.

I would agree with the previous speakers that an intelligence background or military background should not only not disqualify the present Director of ACTION from being the Director of ACTION, but it should enhance his performance in that job, because I am one of those who believes that military service rounds out a man, and there is no reason in the world why it should be considered a disqualifying factor. I would like to think it should be thought of as an added factor, one more facet of experience. I say this in recognition of the fact that Mr. Pauken should be well suited to be the head of ACTION, but that because of the intelligence part of his background I do not think he should have supervision over the Peace Corps, not because of the fact, but because of the appearance, which could be misunderstood overseas. It is this that is so important.

More important than whether it is Mr. Pauken who is the head of ACTION or not is the long-term symbolism of the Peace Corps as being a group of American volunteers interested in helping the recipient countries and promoting the cause of peace around the world. I firmly support the bipartisan committee position on this issue.

Mr. CRANSTON. Mr. President, I have a few remarks to add to my statement of yesterday.

First, the distinguished Senator from Utah (Mr. HATCH) yesterday submitted for the RECORD a letter to the editor written by Joseph H. Blatchford, director of the ACTION Agency under President Nixon, which appeared in the Washington Post on May 26, 1981. I would simply like to insert a letter which takes a contrary position—published in the Washington Star on May 1, 1980—from John R. Dellenback, Director of the Peace Corps under President Ford. Mr. Dellenback, who is also a former Republican Congressman from Oregon, stated, referring to the current inclusion of the Peace Corps in the ACTION Agency:

> However much those programs look alike on the surface, below the surface they are very considerably different and I think that experience has demonstrated that the attempt to combine all these programs in a single agency was a legislative error.

I ask unanimous consent that Mr. Dellenback's letter to the Washington Star be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO THE EDITOR

For the sake of our present and potential future Peace Corps volunteers all over the world and their families, as well as for the Peace Corps itself, I deeply regretted your April 22 editorial on the ACTION nominee.

As a former member of the Congress from Oregon I must share the blame for the present unfortunate situation. It was the Congress that, at the time of Mr. Nixon's presidency, saw fit to take some domestic volunteer programs and couple them with the Peace Corps in the new agency called ACTION. However much those programs look alike on the surface, below the surface they are very considerably different and I think that experience has demonstrated that the attempt to combine all these programs in a single agency was a legislative error.

During my two years as director of the Peace Corps during Mr. Ford's presidency we gave high priority to making as absolutely certain as we could that there existed neither fact nor impression of any connection between the Peace Corps and any intelligence service of the government. Our first reason was to keep our volunteers safe from any counter-intelligence operations in any foreign country. Our second reason was to maximize their effectiveness as communicators between our country and the land in which they were serving and to make their road there as smooth as possible in that regard. Our third reason was to assist the fulfilling of the Peace Corps mandate of promoting world peace and friendship, assisting by eliminating as effectively as possible any suspicion that our volunteers were intelligence agents.

Periodically the charge would be raised that our people were really intelligence agents, most particularly CIA. We would immediately jump on the accusation and challenge the spreader of any such charge or rumor to cite specifics. During my full two-year tenure in the Peace Corps there was no successful challenge to our claim that no such links existed.

Mr. Pauken is very possibly and even probably an extremely fine and competent person. So far as the domestic side of ACTION is concerned, he might well make an excellent administrator. While, under a combination of statute and executive order, the Peace Corps is operationally predominantly autonomous, there remains enough structural

linkage between Peace Corps and ACTION, however, that, if Mr. Pauken is confirmed as ACTION director, there can no longer be a successful refutation in the field of a charge that a linkage of some sort exists between Peace Corps and U.S. intelligence agencies. There are certainly equally responsible positions in our government where his military and intelligence background would be a positive asset. That would not be so as director of ACTION.

I spent four years as an officer in the U.S. Navy during World War II and am proud of that service and of our nation's military. I am strongly supportive of our nation's properly conducted intelligence services. But the record of the Peace Corps and its 80,000-plus volunteers in service to our country and to some of the neediest parts of the world is extraordinary. The appointment of Mr. Pauken as ACTION director may well entail the paying of a fearsome price by the nation, by the Peace Corps, and most importantly of all by our volunteers in the field.

Some of those volunteers could well become sitting ducks, and that would be tragic.

JOHN R. DELLENBACK.

Mr. CRANSTON. Mr. President, second. I want to speak briefly to the point made that the Governmental Affairs Committee examined this issue in 1979. I want to reiterate that the 1979 review was of the entire ACTION Agency and whether all of its programs should be dispersed throughout various Federal agencies. The Senator from Utah is correct that the committee did consider the impact that removal of the Peace Corps would have upon the other programs in the ACTION Agency. However, the committee's recommendation assumed continuation of the VISTA program—an assumption that we can no longer make given the administration's efforts to terminate VISTA. I do not believe we can in any way assume that the Governmental Affairs Committee would make the same recommendation today in light of this considerable change.

Moreover, both the Senate Foreign Relations Committee and the House Foreign Relations Committee and the House Foreign Affairs Committee—the two committees with jurisdiction over the Peace Corps—made it abundantly clear in the 1979 joint statement accompanying the conference report on H.R. 3324, the 1979 Peace Corps and foreign assistance authorization legislation, that the authorizing committees were deeply concerned about continuation of the Peace Corps within the ACTION Agency and specifically stated that "If implementation of the Executive order does not provide sufficient autonomy and alleviate the problems which the Peace Corps has been facing in recent years" the committees intend to reconsider the issue of separation. That conference report was filed in July of 1979—2 months after the Governmental Affairs Committee report—and was approved by both Houses.

This year, both the House and Senate authorizing committees approved legislation separating the Peace Corps from the ACTION Agency. Considerable deference is owed, I believe, to the judgment of these two committees with responsibility for the Peace Corps and longstanding awareness of the problems the Peace Corps has experienced within the ACTION Agency. Their judgments are made on the basis of the situation today.

I also wish to stress that much of the sentiment to keep the Peace Corps within the ACTION Agency in 1979 was based upon a desire to give the 1979 Executive order a chance and see if it alleviated the problems experienced by the Peace Corps within ACTION.

In my view, that experiment has not succeeded. My colleague from Utah argued yesterday that there is considerable harmony within the ACTION Agency. That is not the picture I have been given. Yesterday, I inserted in the RECORD an article which recently appeared in the Washington Post describing the degree to which relationships between the Peace Corps and the ACTION Agency had deteriorated. I have also been contacted by a number of Peace Corps volunteers and staff expressing the same concerns discussed in the Post article. The unilateral termination by the ACTION Agency of Peace Corps recruiters this very week has exacerbated the discord described in the Post article.

It is clear to me that the 1979 Executive order has not resolved these longstanding problems.

Mr. President, we can continue to debate the cost issue for some time. I have obtained—although not from any official Peace Corps source and certainly not with the knowledge of Mrs. Ruppe—a copy of an internal Peace Corps budget analysis which estimates that after separation the Peace Corps will save $1 million per year. This analysis is a detailed, program-by-program analysis. It is the estimate to which the distinguished committee chairman (Mr. PERCY) just made reference.

Mr. President, this internal Peace Corps budget workup estimates a one-time cost for separation of $920,000. However, this one-time cost is more than made up by the subsequent yearly savings of $1 million.

According to this document, the projected savings is the result of two factors. First, the analysis states that several functions performed by ACTION as a part of the joint support services duplicate largely or entirely existing Peace Corps functions, therefore, according to the Peace Corps budget projection, little or no additional costs would be incurred by the Peace Corps due to autonomy.

Second, the remaining functions to be transferred will be exclusively tailored to meet Peace Corps needs rather than having to meet the needs of two agencies. According to this analysis, this will result not only in reduced cost but also more effective services—not because ACTION provides the services inefficiently or badly, but simply because the Peace Corps will be designing the functions to serve itself.

Mr. President, I ask unanimous consent that this document be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS

The following analysis provides an estimate of the cost to the Peace Corps of acquiring for itself those services now performed for it by ACTION as Joint Support Services. The analysis is based on the level of services required to support the Peace Corps in FY 1982 at the $95 million level and presumes that the transferred functions would be integrated into the Peace Corps organizational structure now being established in response to the FY 1982 budget restrictions rather than maintaining the current ACTION organization structure.

The analysis is in two parts. The first part deals with the continuing costs of providing the services to be transferred. The second part deals with the one-time cost of implementing the transfer.

PART I—CONTINUING COSTS

SUMMARY OF PEACE CORPS COST OF JSS FUNCTIONS

Function [1]	Positions	Amount (thousands)
Recruiting	161	$5,057.5
Administration and finance	99	5,669.0
Miscellaneous functions	31	1,489.0
Contingencies		200.0
Total	291	12,415.5
Budgeted Peace Corps payment for JSS		13,543.0
Potential savings		1,127.5

[1] See following tables.

MISCELLANEOUS FUNCTIONS

Function	Positions	Amount (thousands)
Compliance and auditing	8	$275
Legal	2	81
Congressional relations	2	60
Public affairs and communications	10	820
Personnel	4	110
PCPP	2	65
Former volunteer services	3	78
Total	31	1,489

CURRENT ADMINISTRATION AND FINANCE FUNCTIONS

Function	Positions	Amount (thousands)
Heath services	25	$845
Computer services	10	1,145
Contracting/procurement	5	151
Space management	5	80
Library	3	69
Communications	6	89
Supplies and stationery		185
Printing	3	70
Accounting	30	600
Travel office	6	110
Director's office	4	150
Management analysis	2	75
Accounting system operations cost [1]		50
SLUC, WATS, FTS, penalty mail, etc.		2,050
Total	99	5,669

[1] The assumption is that we would use on a reimbursable basis the accounting system developed by Interior or State. Most P.C. accounting is already provided by State as part of FAAS.

Note: In the current A. & F. budget in ACTION supplies and materials for all components funded centrally. This display reflects that structure.

PART II.—*One-time costs*

	Amount
Relocation costs (recruiting)	$200.0
Cost of specialists detailed from other agencies to assist in reorganization and transfer	120.0
Office moves within Washington, D.C.	400.0
Equipment	100.0
Cost of carrying unassigned personnel pending final assignment or termination	100.0
	920.0

The projected savings shown by the analysis are the result of two factors.

Several functions performed by ACTION

as a part of the Joint Support Services duplicate largely or entirely existing Peace Corps functions (e.g. planning, budgeting, personnel) therefore, little or no additional costs are incurred by Peace Corps due to autonomy.

The remaining functions to be transferred will be exclusively tailored to meet Peace Corps needs rather than having to meet the needs of two agencies. This results not only in reduced cost but also more effective services—not because ACTION provides the services inefficiently or badly, but simply because Peace Corps will be designing the function to serve itself.

This is a preliminary analysis and is, of course, almost certain to be revised and corrected as circumstances dictate. The general conclusion, however, is believed to be accurate.

Mr. CRANSTON. Mr. President, I think this analysis is very significant. Whatever one-time costs arise out of separation will be more than compensated for by the annual savings to the Peace Corps once it has control of its entire budget and expenditures. In sum, this separation will end up saving the taxpayers' money, not requiring more spending.

Mr. President, with respect to the discussion by the Senator from Utah about the background of the former Peace Corps Deputy Director—from 1969 to 1971—Thomas Houser, let me simply say that I have reviewed the transcript of the hearings before the Committee on Foreign Relations concerning Mr. Houser's confirmation in 1969. There is no mention of Mr. Houser's intelligence background in the hearing. The biographical statement submitted by Mr. Houser, which is included in the transcript, explicitly mentions his military service without any reference to service in military intelligence. His biographical statement simply says "U.S. Army, August 1954–56, honorable discharge."

There is no indication that there was any public or congressional knowledge of his military intelligence experience. That contrasts, I might point out, to the circumstances with regard to Mr. Pauken where his military intelligence background was specified in his official biography and administration announcements and was reported in the press well before the committee began its review of his nomination. Indeed, Mr. Pauken himself highlighted this aspect of his background during his congressional campaigns.

In any event, what difference does any of that make in 1981 in terms of whether the Peace Corps should be part of the ACTION Agency today.

With respect to Mr. Pauken's military intelligence background, let me say that Mr. Pauken is not the issue here—the issue is what's best for the Peace Corps and for the Nation.

Any suggestion that a vote on this amendment is a vote for or against Mr. Pauken is just not true. Our Committee on Foreign Relations voted 10 to 2 for the separation. Four of those 10 Senators voted in committee for the confirmation of Mr. Pauken, yet voted for Peace Corps autonomy in committee and on the floor on June 17, when the Senate approved this provision as part of S. 1193, the State Department authorization bill now pending in the other body.

Moreover, a fifth Senator on our committee, the principal cosponsor of the separation legislation, the distinguished Senator from Maryland (Mr. MATHIAS), also voted for Mr. Pauken's confirmation in committee and for Peace Corps automomy on the floor last June.

So, this is not in any way a vote on whether or not Tom Pauken should head that ACTION Agency.

Moreover, to the suggestion that our vote to separate the Peace Corps could somehow "cast any kind of cloud over our veterans who served honorably and well in Vietnam," I say: Nonsense. The Deputy Director of the Peace Corps, Everett Alvarez is one of our most distinguished Vietnam veterans.

He was held as a prisoner of war in Vietnam longer than any other POW there. He certainly served there honorably and well—as Mr. Pauken did—and, under the autonomy legislation, he would become the No. 2 person, with heightened visibility and responsibility, in an independent agency.

Mr. President, in the event that an argument is made by the proponents of the amendment that the ACTION Agency has plans to develop new programs to replace the VISTA program once it has been terminated and that therefore continuing the Peace Corps in the ACTION Agency still makes sense, let me make a few anticipatory responses.

First, Mr. President, I think we ought to clarify for the record what the other programs are which are operated by the ACTION Agency and how these programs differ dramatically from the Peace Corps.

Aside from VISTA, the ACTION Agency has no full time, stipended volunteer programs.

The Older American programs consist of RSVP, a part-time unstipended volunteer program, and the Foster Grandparent and Senior Companion programs, which are also part time, but do involve a stipend for the low-income volunteers.

Volunteers for all the Older American programs must be over 60 years of age. I truly doubt, Mr. President, that, if VISTA is terminated and separation does not occur, the ACTION Agency will be undertaking any joint recruiting efforts between the Peace Corps and the Older American volunteer programs.

Second, I note, that the Director of the ACTION Agency in a recent interview in Prime Times, an ACTION Agency publication, and in various public discussions, has indicated that the emphasis of any new volunteer programs will be on recruiting more part-time unstipended volunteers. These programs, Mr. Pauken, indicates would be modeled upon the Older American volunteer programs, which are part time, nonstipended.

The Peace Corps is a full-time, stipened volunteer program. The support services—health services, transportation, training—are very, very different from those necessary for the Older American program.

Third, I will be watching with a great deal of interest efforts to develop congressional support for such new initiatives by the ACTION Agency at a time when they have terminated a time-tested, excellent volunteer program such as VISTA. I will be very interested in seeing whether there is congressional support for expensive experimenting with new initiatives when proven programs in every agency are being terminated with what I believe is little or no justification.

Mr. President, in the event that point is raised during this debate that I have somehow changed my position from that which I took during the 1979 debates on the proposed transfer of the Peace Corps from the ACTION Agency.

I think it is extremely critical to note that much of the recommendation of the Governmental Affairs Committee opposing a transfer in 1979 and the position of many Senators at that time was based upon the issuance of Executive Order 12137 giving the Peace Corps a new status within the ACTION Agency. We felt at that time that we ought to give the Executive order an opportunity to work. I specifically said in my remarks on June 14, 1979, that I felt we "should give that new structure a chance to work."

It is now 2 years later. The Peace Corps does not enjoy the substantial autonomy we had hoped would follow the Executive order. The ACTION Agency controls the most visible and critical services, such as recruitment and communications. The Peace Corps continues to be subjected to the bureaucratic layers and conflicts which sap it of its visibility and vitality.

The new Director of the ACTION Agency in his confirmation hearing emphatically refused to consider allowing the Peace Corps to control its own recruitment or otherwise changing the status quo. The Executive order has not alleviated the problems facing the Peace Corps within the ACTION Agency. My position today is in no way inconsistent with what it was 2 years ago. I urged then giving the new structure an opportunity to alleviate the problems. We have done that. It has not worked to my satisfaction.

I would also note for the record that the debate on June 14, 1979, took place in connection with a proposal to transfer the Peace Corps into IDCA—the International Development Cooperation Agency. I felt, as did many others, that the Peace Corps should not be transferred into an international development agency, a transfer that would undermine the essential people-to-people essence of the Peace Corps.

It should also be noted for the record that the Senator from Utah on June 20, 1979, voted for an amendment to transfer the Peace Corps out of the ACTION Agency and to establish it as an independent agency—a position exactly opposed to his position today.

Perhaps the Senator from Utah will be explaining the basis for his change of position during the debate today, but unlike those of us who in 1979 expressly stated our desire to give the Executive

order a chance to alleviate the problems faced by the Peace Corps within the ACTION Agency and who have become convinced today that the Executive order has not worked, it is somewhat difficult to imagine the basis for the Senator from Utah's change of heart in this matter. Perhaps he will enlighten us.

Finally, with regard to the issue of the cost allocation of the joint services, I note that the Senator from Utah quoted from the testimony of the Acting Director of the Peace Corps at the April 29 hearing of the Senate Foreign Relations Committee. In a response to my question as to whether he felt the current allocation was equitable, he responded at page 12 of the unprinted transcript:

I think in some offices it is and in some offices it is not. For example, in health services, we pay about 60 percent of the costs and we get over 90 percent of the service out of that office. In some of the other offices, we don't get 60 percent of the service, but we do pay 60 percent of the cost. So it varies.

Regrettably, I must note, the Senator seems to have omitted the last two sentences.

Mr. President, I strongly urge that the amendment be rejected by the Senate.

I would like to ask the distinguished Senator from Maryland does he wish to speak before we reach the hour of 12 noon?

Mr. MATHIAS. Yes, I would like to say a few words.

Mr. CRANSTON. How do we divide this time?

Mr. MATHIAS. Mr. President, first of all, let me respond to the concerns of the distinguished Senator from Delaware, the chairman of the Committee on Governmental Affairs, because I share with him the kind of desire or the sense of propriety about committee jurisdiction, and the fact that we should act in accordance with our established procedures.

I do not share with him a sense of concern that this is a reorganization of the kind that demands the attention of the Committee on Governmental Affairs because what we are doing here is just severing a few shared services, recruiting and computering, in order to give the Peace Corps better management of its program, and to give it a clearer identity and to give it in the eyes of the world an integrity and a perception of independence.

That really is what it is all about.

I would say that nothing could be more important than these latter points, integrity and a perception of independence.

We are in a very dangerous period in history. We are in a period in which the United States should be able to reach out in the world and reach out with the best that we have got and to be able to communicate accurately and effectively around the world.

It seems to me that without this concept of integrity and a perception of independence we will not be able to do as well as we should. For that reason I strongly support the concept of separation.

Mr. CRANSTON. I thank the distinguished Senator from Maryland for his very significant and important leadership in this matter.

I will just take one further moment to say, Mr. President, that under the current arrangement, the Peace Corps is submerged under unnecessary layers of bureaucracy—a bureaucracy that saps its strength and vitality and has now adopted an adversarial and hostile attitude toward the Peace Corps.

Mr. President, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of a government bureaucracy. Yet, buried within the ACTION Agency, the Peace Corps has lost much of the visibility and strength which it enjoyed in its early days. Separation will restore the Peace Corps to the autonomy it had during its first 10 years and permit it to emerge again as a shining example of the willingness of the American people to give of themselves for the betterment of mankind.

I can think of no greater tribute to the Peace Corps, in this its 20th year, than to free it to regain its strength and vitality. Today, more than ever, we need a strong Peace Corps working overseas as a living, daily manifestation of the best that is in us and our way of life.

Let us do what is best for this fine program. I urge rejection of this amendment

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I would just like to respond to the comments of the distinguished Senator from Maryland who, I know, has great respect for Senate procedures. But I have to take strong exception when he says that this is not a matter of great importance because all we are doing is cutting off a few shared services.

Let me underscore very clearly what is being proposed here, and that is the creation of a new independent agency. Make no mistake about it an independent agency is a status that the Peace Corps did not even enjoy prior to ACTION because in those days it was required to report to the State Department.

Perhaps what the advocates of this independent agency are saying is sound but they should come to the Committee on Governmental Affairs to make their case. To claim that it is not important because it is small is a little bit like making the old argument that a person, a girl, is just a little bit pregnant. The fact is that this is a reorganization of great significance, and I urge again that we use the regular procedures of the Senate.

Mr. HATCH. Mr. President, I am prepared to vote. Let me, however, make a further statement at this point.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Senators CRANSTON and PERCY are concerned that VISTA is being phased out and there will not be enough critical mass in ACTION to keep it alive.

The ACTION Agency is very much alive and planning new initiatives. Let me cite a few.

OTHER PROGRAMS

There are other major programs at ACTION, other than the VISTA program. The Foster Grandparent program which was created in 1965 to link older Americans with children in need is well known. Through the Foster Grandparent program, low-income people who are 60 years of age or older can volunteer their time to help children with physical, mental, emotional, or social disabilities. The volunteers serve 20 hours a week and are provided a daily meal, transportation assistance, accident insurance, and an annual physical examination. In 1980, some 17,370 foster grandparents assisted more than 43,000 children.

Another important ACTION program is the retired senior volunteer program, "RSVP." RSVP was authorized in 1969 to give people at least 60 years of age or older a chance to use their talents, skills, and experience while performing community services. RSVP volunteers serve part time in their own communities on projects sponsored by nonprofit groups including community ACTION agencies, local governments, and senior service organizations.

The senior companion program is another major volunteer program at ACTION. The program provides volunteer opportunities for low-income Americans 60 years of age and older. Authorized in 1975, SCP enables older people to play a critical role in moderating some of the disadvantages of growing old alone, afraid, and frail.

The program coordinates and places volunteers through direct-service health care providers, social service agencies, and Federal and State long-term care networks. SCP volunteers assist older people who are chronically homebound and at the risk of being institutionalized. SCP volunteers throughout the country have helped strenghten the capacity of vulnerable older people, enabling them to live independently in their homes and avoid inappropriate institutionalization.

Millions of Americans on fixed incomes are particularly vulnerable to inflation and rising energy costs. ACTION has a program to meet the needs of these Americans. The fixed income consumer counseling (FICC) program offers people on fixed incomes information about consumer issues such as health care, energy, food shopping, and food preparation. This program has helped millions of Americans who are on fixed incomes.

Problems of urban crime are being addressed with volunteers in various programs, particularly those in ACTION's older American volunteer programs. This is an important aspect of our overall program to stimulate voluntarism.

Furthermore, ACTION is now in the process of establishing a number of brandnew initiatives promoting voluntarism. These new programs include the following:

1981 ACTION PROGRAM INITIATIVES

Literary Initiative Program—perhaps the most significant form of anti-poverty effort devised—will be conducted in cooperation with teachers and will supplement classroom work with outside and after hours efforts—will complement and no duplicate other literary programs by focusing on key target groups.

Target Groups—ACTION volunteers assigned to existing programs for refugee children. English as a second language children, migrant workers' children, American Indian

children, poor and minority children, and troubled children (those in institutions, juvenile offenders, etc.).

Peer Tutoring—encourage development of peer tutoring program.

Parent Involvement—involve the parents in activities designed to provide an environment conducive to literacy.

Industry and School—help identify needs and arrange grants from industry to schools to provide locally-available in-school tutors for the learning-disabled.

Drug Abuse Program—will comprise three components and emphasize prevention—three components will be organized separately as volunteers but will work together in each locale.

Youth—created and disseminate a drug prevention model based on anti-smoking campaigns for use in peer education—also identify and disseminate information on other successful programs.

Parents—support efforts of local parents groups and aid the National Federation of Parents for Drug-free Youth.

Community—work to coordinate community wide efforts and improve especially valuable groups such as county medical societies or cable television companies (increase drug abuse programming).

Young Volunteers in ACTION—create a corps of part time, non-stipened young volunteers for service in their communities.

Demonstration Phase—now in targeted areas.

ACTION may seek a specific legislative mandate depending on success of demonstrations.

Projects to offer opportunity for sustained or short term service by youth between the ages of 14 and 22. Volunteers will serve 10 hours a month under the direction of a Project Director with an informal contract.

Runaway Program—seeks a comprehensive approach to this problem with a reliance on voluntary action—it is designed to be economical with a minimum of government funds and to enhance rather than compete with existing programs—ACTION will supplement private efforts rather than run actual operations.

National Runaway Hotline—encourage and publicize.

Maintaining Current Information about Social Services for Runaways—enhance effectiveness of the Hotline by adding this capacity.

Insuring that Services are Effectively Provided.

Providing Temporary Shelter.

Providing for the Transition to Adulthood.

Preventing Running Away.

Vietnam Veterans Leadership Program—will encourage Vietnam Veterans to serve as volunteers to help their fellow veterans who have needs—assure help for the veterans who still have significant lingering problems such as unemployment or under employment—demonstrate the leadership of the Vietnam veteran.

Demonstration Phase underway now—will have 50 projects designed for local needs underway by the end of FY 1982.

Hearing October 22, 1981, before House Veterans Subcommittee on Program by Director Pauken.

Mr. HATCH. Mr. President, I ask unanimous consent that there be printed in the RECORD the excellent arguments made by the distinguished Senator from California against doing precisely what he is requesting to be done here in a statement of June 14, 1979, in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR CRANSTON

Mr. CRANSTON. Mr. President, I oppose the amendment.

I have given a great deal of thought to this matter, and have concluded that the legitimate concerns of proponents of a Peace Corps transfer can be met within the existing administrative structure of the ACTION Agency, given the President's May 16, 1979 Executive Order (No. 12137) to grant the Peace Corps a large measure of independence within the agency. I think we should give that new structure a chance to work.

Keeping the Peace Corps within the ACTION Agency under the terms of the Executive order is preferable, I am convinced, to any of the available options.

I cannot support the alternative of placing the Peace Corps in the proposed new International Development Agency.

The fundamental purpose of the Peace Corps is to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people. It is a people-to-people program, not a material assistance program. I believe that its essential spirit and integrity would be very seriously compromised by any suggestion that it is an international development program.

For different reasons, I cannot support the proposal that the Peace Corps should be transferred back to the State Department. Such a transfer now could be construed as being for the purpose of subjecting the program to political and foreign policy dictates. The reality of restoring the pre-1971 independence of the Peace Corps within the State Department would not, in my estimation, resolve this serious perception or misperception question.

Nor do I believe it would be feasible at this time to abolish one agency and then establish a new, independent Peace Corps Agency—whether that new agency were styled as a foundation, a nonprofit private corporation, or, as I might prefer under other circumstances, a new Federal agency.

It is for these reasons that I support retaining the Peace Corps within the ACTION Agency.

Mr. President, Richard Celeste, Director of the Peace Corps, has provided me with an analysis of the effects of Executive Order 12137 prepared by a former general counsel of the Peace Corps, Bill Josephson. Mr. Josephson concludes that under the arrangements of the Executive order, the Peace Corps will have even more independence than it had during the 1960's.

This analysis, prepared by an individual who was closely involved with the Peace Corps during the program's early history is most significant in light of the current debate.

Mr. President, I ask unanimous consent that Dick Celeste's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PEACE CORPS,
Washington, D.C., June 6, 1979.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: President Carter recently issued an Executive Order which re-established the autonomy of the Peace Corps. Since then I have had a number of inquiries regarding the scope of the Executive Order.

At my request, Bill Josephson, a distinguished New York attorney and early General Counsel of the Peace Corps, analyzed the Executive Order in the context of the original Peace Corps mandate. I believe you may find some of his observations of particular interest. Josephson observes:

"While for technical reasons Executive Order No. 12137 establishes the Peace Corps as an agency within ACTION, actually the Peace Corps and its new Director, Richard F. Celeste, have more independence than the Peace Corps had in 1961 and 1966."

". . . *Independence of Peace Corps Director.* Executive Order No. 12137 delegates the principal program and administrative functions conferred on the President by the Peace Corps Act *directly* to the Director of the Peace Corps. In 1961 to 1966 those functions were delegated by the President first to the Secretary of State and then by him to the Director of the Peace Corps. Thus, the Peace Corps Director, in 1961 to 1966, was technically subject to the direct authority of the Secretary of State. Under Executive Order No. 12137, the Peace Corps Director in effect reports directly to the President. Any other United States Government officials (including the Director of ACTION but possibly not the Secretary of State) who disagrees with the Director of the Peace Corps with respect to the carrying out of a Peace Corps Act function must take his case to the President."

". . . the Order provides that all funds appropriated or otherwise made available to the President for carrying out the provisions of the Peace Corps Act are allocated directly to the Director of the Peace Corps. Thus, the Peace Corps Director will deal directly with the Office of Management and Budget and the Treasury Department with respect to the apportionment, obligation and expenditure of Peace Corps funds. Previously, those funds were allocated to the Director of ACTION. (In 1961 to 1965, they were allocated to the Secretary of State.)"

". . . *Relationship to ACTION.* Executive Order No. 12137 establishes the Peace Corps as an agency within ACTION. None of the functions under the Peace Corps Act are delegated to ACTION or its Director. As we have seen, all the principal Peace Corps Act program and administration functions are delegated directly to the Director of the Peace Corps. The sole authority delegated to the Director of ACTION with respect to the Peace Corps is, under section 1–605 of the Order, the 'general direction of *those ACTION functions which jointly serve* ACTION domestic volunteer components and the Peace Corps.' (Emphasis added.) The Peace Corps Director under section 1–112 of the Order is to *consult and coordinate* with the Director of ACTION so that they carry out *their respective functions* consistently. Likewise, under section 1–605 of the Order the Director of ACTION is responsible for '*advising* the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.' "

I hope these excerpts will clarify for you the President's mandate that the Peace Corps is to be autonomous and that the responsibility for, and control of, its program, policies, and budget rest solely with the Peace Corps Director.

If you have any questions, please do not hesitate to contact me at 254–7970.

Sincerely,

RICHARD F. CELESTE,
Director.

Mr. CRANSTON. Mr. President, throughout the debate on what should be the future administrative arrangement for the Peace Corps, I have been concerned that many who call for a transfer of the Peace Corps are basing their decisions on unwarranted, unfair, uniformed attacks on the ACTION Agency Director, Sam Brown.

When Sam Brown took over the leadership of the ACTION Agency in 1977, he inherited a multitude of problems. He has done much to improve the situation. In fact, a recent GAO report examining prob-

lems in the Peace Corps concluded by acknowledging that Sam Brown has contributed significantly to resolving the problems studied by the GAO.

Mr. President, decisions on the future of the ACTION Agency programs, including the Peace Corps, should not be based on personality politics. They should be based on what is best for the optimum development of the programs and how the volunteer participants can best continue their work in human development endeavors.

Mr. President, I chair the Senate Subcommittee on Child and Human Development which has legislative and oversight responsibilities for the domestic volunteer programs of the ACTION Agency, and am the author of S. 239, the Domestic Volunteer Service Act Amendments of 1979, which reauthorizes certain of the Agency's domestic programs, including VISTA, the Peace Corps' counterpart program.

When S. 239 was considered by the Committee on Labor and Human Resources, there was much discussion as to what would be the most responsible course of action to take with respect to the future administrative arrangements for the agency's domestic programs. It was the sense of the committee that the future of the Peace Corps would weigh heavily on what would be the future of the domestic programs.

Mr. President, to address these concerns, the Senator from Wisconsin (Mr. NELSON) proposed during full committee consideration of S. 239 that the committee agree to a resolution requesting the Governmental Affairs Committee to look into the question of where the ACTION programs should be housed, and report to the full Senate by June 4.

Mr. President, the Governmental Affairs Committee was most responsive to the resolution submitted to it by our committee. The Governmental Affairs Committee held a day of hearings, receiving testimony from a range of witnesses concerned about the future of both the Peace Corps and the domestic programs, and submitted a detailed report (No. 96-199) to the full Senate on the day it was requested—June 4. It was the conclusion of the Governmental Affairs Committee—which voted 15 to 2—that none of the programs now in the ACTION Agency should be transferred to other agencies. It is that committee's position that no compelling reasons have been identified to justify reorganization of the ACTION Agency, and to the contrary, that retaining the current organization structure, particularly in light of the President's Executive order giving more autonomy to the Peace Corps within the ACTION Agency, would provide the best opportunity for all the volunteer programs to achieve the mission established for them by Congress.

Mr. President, let me highlight the conclusions of the Governmental Affairs Committee's recommendations with respect to the Peace Corps:

First. Association of Peace Corps with ACTION helps insure continued emphasis on the small humanitarian nature of the volunteer program.

Second. The Peace Corps programs benefit from coordination with domestic programs.

Third. The new Executive order protects Peace Corps autonomy.

Fourth. Reorganization linking the Peace Corps with AID could lead to undue domination by other foreign policy agencies.

Fifth. The alternative of establishing the Peace Corps as a completely separate agency is unjustified at this time.

Sixth. The alternative of establishing the Peace Corps as a quasi-Government foundation involved too great a separation from U.S. interests.

Mr. President, the legitimate concerns of proponents of a Peace Corps transfer can be met within the existing administrative structure of the ACTION Agency through the Executive order that the President has promulgated to give the Peace Corps a large measure of independence within the agency. I think we should give that new structure a chance to work.

Mr. DODD. Mr. President, I oppose the amendment of the distinguished Senator from Utah.

As one of only two former Peace Corps volunteers currently serving in the U.S. Senate, I believe it is important to the continued viability of the Peace Corps that it be an independent agency.

At the outset, Mr. President, it is important to note that the Senate has already dealt with the separation of the Peace Corps from ACTION this year. On June 17 of this year, the Senate by a bipartisan vote of 52-to-45, expressed its support for an amendment to the State Department authorization bill separating the Peace Corps from Action. Reestablishing the Peace Corps as an independent agency has already been fully debated and acted on by the Senate.

In 1961, the Peace Corps was first created as an independent agency. However, in 1971, it was incorporated into the ACTION Agency. Since that time, I believe the Peace Corps has lost much of its visability and its effectiveness in recruiting motivated volunteers. As part of ACTION, the unique international mission of the Peace Corps has been blurred by its association with all the other domestic volunteer programs. Separation from ACTION will help restore the public image and identity of the Peace Corps and enhance its recruiting efforts, I believe.

The Peace Corps is a remarkable Government program. It enjoys strong public support and a positive public image, which alone makes it unique among Government efforts. In order to maintain that strong support, the Peace Corps' image must not be diluted by its association with the larger ACTION Agency.

One of the arguments used by opponents of an independent Peace Corps is that it would cost more. I should point out, however, that the Congressional Budget Office has already determined that there will be no new costs arising from the separation of the Peace Corps from ACTION. If there are disputes about the cost impact of reestablishing the Peace Corps as an autonomous agency, we should listen to the Congressional Budget Office which we created, in part, to provide such estimates, rather than to an interested party like the ACTION agency.

Finally, we come to the issue of the Peace Corps' historic policy of complete and total separation from intelligence activities. Some have interpreted the move to reestablish the Peace Corps as an independent agency as a reaction to the nomination of Thomas Pauken to head ACTION. Mr. Pauken's previous experience in military intelligence has caused concern that his oversight of the Peace Corps could blur the strict separation of the Peace Corps from intelligence gathering activities. As a former Peace Corps volunteer in Central America, I am keenly aware of the importance of insuring both the reality and the perception of complete and total separation of the Peace Corps and intelligence functions.

Separating the Peace Corps from ACTION will help insure that perception remains intact. However, it is not the primary reason, or even one of the more important reasons, to give the Peace Corps its independence back. The primary reason is that an independent Peace Corps will be a stronger, more vital, and more effective Peace Corps. I urge my colleagues to oppose this amendment.

A NEW BUREAUCRACY?

Mr. DOLE. Mr. President, it seems to me that at a time when we are abolishing two newly created Federal agencies—the Departments of Energy and Education—it would be both costly and hypocritical to turn right around and establish a new bureaucracy—a separate Peace Corps.

The total cost of separation is debatable, but it is generally agreed that it would range from OMB's $3 million estimate to a 1979 Senate Governmental Affairs Committee report estimate of $15 billion. This high estimate was broken down to $5.5 million for recruitment and communications, $7.1 million for administrative services, $2.5 million for planning and evaluation and $744,000 for other start-up costs. For an organization which effectively is already an autonomous agency following the Peace Corps Autonomy Act of 1979, the cost associated with separation would be an inexcusable example of the squandering of taxpayers' money at a time which we are seeking ways to cut the Federal budget.

Separation of the Peace Corps from ACTION would actually grant it no more autonomy than it already has. With its budget and policy already separate from ACTION, the Peace Corps' Director reports directly to the President—not to the Director of ACTION. In fact, only administrative, computer, and personnel services are shared, saving America's taxpayers millions of dollars.

Mr. President, the Senator from Kansas thinks it is significant that the only hearings held on this subject—more than 2 years ago, by the Senate Governmental Affairs Committee—resulted in a 15 to 2 vote opposing separation. Cost was a determining factor in that vote. The committee did agree that the Peace Corps should be granted autonomy within ACTION, and not long afterward, the Peace Corp Autonomy Act was enacted. I should think that this solution would have effectively put to rest the question of an independent Peace Corps. The organization now has the best of two worlds—autonomy within ACTION, with a direct line to the President, and low costs. This is more than can be claimed for most agencies in the bureaucratic jungle we have created over the years.

Mr. President, we have set out to reduce a mammoth Federal budget. We have begun to dismantle two agencies in that pursuit. Let us not throw a monkey wrench into the operation by turning right around and burdening taxpayers with one more expensive agency. The

time for restraint in Government has arrived.

Mr. GLENN. Mr. President I rise today in support of the action taken in the Senate Foreign Relations Committee to separate the Peace Corps from the ACTION Agency. Over its life the Peace Corps has sponsored the volunteer efforts of some 80,000 Americans serving the people of almost 100 countries around the world.

Even though today the number of volunteers is significantly lower than at its peak, still the Peace Corps represents a unique American contribution to international person-to-person understanding. Its concept is still appealing after 20 years.

American volunteers teaching the less advantaged of the developing world by working and living with them. One wonders who benefits the most from the relationship, the farmer who learns new agricultural methods, the village which obtains a new water system, or the American volunteer whose life is enriched by this unique experience of giving. We must preserve its unique character.

Mr. President, I have come to the conclusion that this can best be done outside, and independent of, the ACTION Agency. While ACTION and the Peace Corps do share the characterization of volunteer agencies, their missions and clients are vastly different.

Problems have existed in the ACTION-Peace Corps marriage since its inception in 1971. Although pushing for Peace Corps autonomy, I acceded to the wishes of former President Carter that the Peace Corps remain in ACTION but with increased independence. In May of 1979, in an effort to forestall a move to separate the Peace Corps from ACTION, President Carter issued Executive Order 12137 which established a new semi-autonomous status for the Peace Corps within ACTION.

I followed with interest the efforts of former Peace Corps Director, and Ohioan, Dick Celeste to make this arrangement work. The Senate may be interested in knowing that after striving to implement Executive Order 12137, former Director Celeste is now of the opinion that the Peace Corps should be independent of ACTION in order to "renew its sense of mission and strengthen its program."

I hope the Senate will act to relieve the Peace Corps of the administrative burdens and bureaucratic loss of identity which its association with ACTION has imposed. I see no benefit to the Peace Corps from its connection with ACTION; the joint administration arrangement should now be set aside and the Peace Corps returned to the status it enjoyed during its first 10 years—a small but independent people-oriented international volunteer program.

THE PEACE CORPS AND ACTION

● Mr. TSONGAS. Mr. President, the Senate today is being asked to consider an issue on which it has already rendered its judgment earlier this year. The issue is the separation of the Peace Corps from the ACTION Agency and the judgment was affirmative. Today's amendment would have us reverse that judgment.

Mr. President, the sound reasons for separating the Peace Corps from ACTION are as convincing as they were on June 17. The Peace Corps began as an independent agency and thrived under that status for 10 years. The very special and very sensitive mission of the Peace Corps abroad distinguishes it from our foreign aid program, from our diplomatic representation, and most emphatically from our intelligence operations overseas.

The effectiveness of the Peace Corps has directly depended on the motivation, morale, and unique sense of purpose which an independent Peace Corps once and could again confer on the volunteers working at the local level in developing countries.

It is crucial that the administration of the Peace Crops reflect and serve its unique mission. If such key functions as volunteer recruitment and communications activities are performed by a parent agency such as ACTION, the Peace Corps suffers a loss in effectiveness. That is not to blame ACTION for purposely undermining the Peace Corps.

No, the issue is essentially bureaucratic. Can a large bureaucracy designed to serve disparate domestic volunteer activities deal effectively with the highly specialized recruitment and promotional activities required for an overseas Third World developmental program? In my view, the answer is no. As a former volunteer, I think I can speak with some authority on the effectiveness of various approaches to Peace Corps recruitment and promotion.

Those duties are best performed by Peace Corps personnel who know intimately the appeal and the challenge of working overseas with the Peace Corps.

The proponents of the pending amendment are basing their argument on the question of cost. They maintain that separation of the Peace Corps from ACTION would add an additional $3 to $15 million to annual Peace Corps costs. My colleague from California has spoken eloquently on that question and has correctly pointed out the true range of additional costs which would fall below $3 million.

I do not believe that the cost issue is irrelevant. The Reagan administration has asked the Peace Corps to absorb substantial cuts in funding for fiscal year 1982. Any additional costs which the Peace Corps would have to absorb would be burdensome. But I think it is important to view this question in perspective. At stake is the long term future of the Peace Corps and its ability to thrive under its own direction. The relatively minor costs associated with separation are worth absorbing given the significant improvements in the overall administration of the Peace Corps to be gained from separation.●

Mr. HATCH. I am prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CANNON (when his name was called). Mr. President, on this vote I have a pair with the Senator from Massachusetts (Mr. TSONGAS). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. ZORINSKY (when his name was called). Mr. President, on this vote I have a pair with the Senator from Connecticut (Mr. DODD). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BAKER. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Mr. COHEN), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 39, nays 48, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—39

Abdnor	Goldwater	Packwood
Andrews	Grassley	Quayle
Armstrong	Hatch	Roth
Baker	Hawkins	Rudman
Boren	Hayakawa	Schmitt
Byrd, Harry F., Jr.	Heinz	Simpson
	Helms	Stafford
D'Amato	Jepsen	Symms
Denton	Laxalt	Thurmond
Dole	Long	Tower
Domenici	Lugar	Wallop
Durenberger	Mattingly	Warner
East	Murkowski	
Garn	Nickles	

NAYS—48

Baucus	Gorton	Melcher
Bentsen	Hart	Metzenbaum
Biden	Hatfield	Mitchell
Boschwitz	Hollings	Moynihan
Bradley	Huddleston	Nunn
Bumpers	Humphrey	Pell
Burdick	Inouye	Percy
Byrd, Robert C.	Jackson	Proxmire
Chiles	Johnston	Pryor
Cochran	Kassebaum	Randolph
Cranston	Kasten	Riegle
Danforth	Kennedy	Sarbanes
Dixon	Leahy	Sasser
Eagleton	Levin	Specter
Ford	Mathias	Stennis
Glenn	McClure	Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Cannon, for.
Zorinsky, for.

NOT VOTING—11

Chafee	Exon	Stevens
Cohen	Heflin	Tsongas
DeConcini	Matsunaga	Weicker
Dodd	Pressler	

So Mr. HATCH's amendment (No. 556) was rejected.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 496

(Purpose: To postpone the establishment of the Peace Corps as an independent agency until October 1, 1982)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration. It postpones the establishment of the Peace Corps as an independent agency until October 1, 1982.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an unprinted amendment numbered 496.

Mr. MATHIAS. I ask unanimous consent that the further reading of the amendment be dispensed with, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, lines 12 and 13, strike out "the date of enactment of this Act" and insert in lieu thereof "October 1, 1982".

On page 45, line 18, strike out "are" and insert in lieu thereof "shall be".

On page 45, line 21, strike out "the day before the date of enactment of this Act" and insert in lieu thereof "September 30, 1982".

On page 46, line 5, strike out "before the date of the enactment of this Act are" and insert in lieu thereof "on September 30, 1982 shall be".

On page 47, lines 1 and 2, strike out "immediately before the date of enactment of this Act" and insert in lieu thereof "September 30, 1982".

On page 47, lines 3 and 4, strike out "the date of enactment of this Act" and insert in lieu thereof "October 1, 1982".

On page 47, line 14, strike out "the date of enactment of this Act" and insert in lieu thereof "October 1, 1982".

On page 49, between lines 1 and 2, insert the following:

(b) The amendments and repeals made by subsection (a) shall take effect on October 1, 1982.

On page 49, line 2, strike out "(b)" and insert in lieu thereof "(c)".

On page 49, lines 4 and 5, strike out "the date of the enactment of this Act" and insert in lieu thereof "October 1, 1982".

On page 49, lines 8 and 9, strike out "the thirtieth day after the date of enactment of this Act" and insert in lieu thereof "October 31, 1982".

On page 49, lines 20 and 21, strike out "the forty-fifth day after the date of the enactment of this Act" and insert in lieu thereof "November 15, 1982".

Mr. MATTINGLY. Mr. President, the Senate amendment just passed makes Peace Corps separation from ACTION effective immediately. My amendment will place the effective date of separation on October 1, 1982.

If we are going to separate Peace Corps from ACTION, I think we should proceed in an orderly, efficient, and responsible manner. Immediate separation would play havoc with the day to day operations of ACTION and the Peace Corps.

I can give one small example—the area of recruitment. Currently, recruitment is a shared service of ACTION and the Peace Corps. The Peace Corps recruits volunteers 6 to 9 months in advance. In other words, at the present time, the ACTION-Peace Corps Office of Communications and Recruitment (OCR) is recruiting Peace Corps volunteers for the summer 1982 period. To disrupt this recruitment process in midstream and create two new recruitment offices immediately—one for the Peace Corps and one for ACTION—would be chaotic. My amendment would allow for a reasonable transition period in which to effect separation.

The PRESIDING OFFICER (Mrs. HAWKINS). Who seeks recognition?

Mr. MATHIAS. Madam President, I appreciate the interest of the Senator in trying to work out the most economical means of operating Government in this regard.

The Committee on Foreign Relations is advised, however, that the cost of separation would be nothing like that which concerns him. The Peace Corps itself has prepared an analysis of the cost of separation, and that analysis—which, incidentally, was prepared before this became a political issue and therefore is likely to have been the most objective analysis one can get—indicated that the cost of separation would be no more than $1 million and that that might be offset in large measure by budgetary savings which would result from the separation.

OMB made an estimate after the issue had become politicized, after the administration had gone on record as opposed to autonomy, and that was that the joint services utilized by ACTION and the Peace Corps at the outset save no more than $3 million a year. In other words, that would be the cost of separation. The OMB analysis—which, incidentally, appears in the committee report—states that the $3 million figure should be viewed as an outside estimate for additional operating costs. I would think that those figures would be of some comfort.

Mr. MATTINGLY. The Government has never been known for a proper accounting. I should think it would be pleased to be placed on a fiscal year basis. That is the reason for putting it to October 1982, just for an orderly movement.

Mr. MATHIAS. No. 1, I do not view the Government's accounting system with the same sense of despair that the Senator seems to. But if we were talking about, let us say, terminating the existence of the Department of Education or terminating the existence of the Department of Energy, then we might need a period of time in which to make the separation. But here we are not really talking about an enormous reorganization of Government. We are talking here about severing a few shared services—specifically, the recruiting service and the computer service, which are used jointly by ACTION and the Peace Corps.

The purpose of this, of course, is to give the Peace Corps better management of its programs and a clearer identity in the world.

It may very well be that there will not only be savings that result which offset the additional costs of separation, but also, in my judgment, the Peace Corps will become a very much more valuable agency in which to project American thoughts, American ideals, and American policies in the world, and to project to the people of the world the concept that Americans are citizens of the world and are concerned about what is happening in all the countries in which the Peace Corps operates. That is really the bottom line.

Mr. RANDOLPH. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Madam President, the able Senator from Maryland (Mr. MATHIAS) has correctly assessed this situation.

I can understand that the amendment was offered by my able colleague from Georgia (Mr. MATTINGLY) in the best of intent to make the transition of Peace Corps autonomy in a period of time, which would be perhaps, more economical. But, really, that is not a problem in this situation. We feel with the figures available that the transfer will not be as costly as some believe.

I only wish to add, with respect to the autonomy of the Peace Corps, that the action taken today in returning it to its original operational plan is more important than most people who will read the action of the Senate will realize. What we have done is very practical in connection with the effectiveness of the Peace Corps.

As my colleagues know, I seldom vote for foreign aid, but I am a strong believer in the Peace Corps. I was a Member of Congress in 1961 when it came into being. I worked in those early weeks when we attempted to bring an understanding of why this sort of effort should come into being; where not only the hands but also the hearts of people could come together; where not only would we say that we were tolerant but also that we were understanding; not only would we say that we wanted to work with other people; but also that we were doing just that.

It was my privilege to work with the first Director of the Peace Corp, Sargent Shriver, and others, as the program began to grow. It was my privilege to address the first Peace Corps group that left the United States to go overseas.

I am proud of my association with the Peace Corps during its 20-year history. Through the Peace Corps we are hopefully building a better world.

So this action today, the favorite vote for the autonomy of the agency is indicative of the best judgment of the Senate and, it is hoped, the approval of the American people.

I hope the effort does not prevail to postpone to a year hence the change over to the autonomy of the Peace Corps. The Peace Corps conceived as it was with the best of desires and carried on with a minimum of mistakes, is a monument to what I call the very best in America.

Mr. MATHIAS. I thank the Senator from West Virginia.

Mr. CRANSTON. Madam President, will the Senator yield?

Mr. MATTINGLY. Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MATHIAS. I yield to the Senator from California.

Mr. CRANSTON. Madam President, I should like to have the attention of the Senator from Georgia for a moment with respect to the cost factor. Various figures have been bandied about with which I would like to deal.

Earlier I made reference to an internal Peace Corps budget analysis, which was also cited by the chairman of the committee in debate on the Hatch amendment. That Peace Corps analysis estimates that after separation, the Peace Corps will actually save $1 million per year. This analysis is a detailed program-by-program analysis.

This internal Peace Corps budget workup estimates a one-time cost for separation of $920,000. However, this one-time cost is more than made up for by the subsequent yearly savings of $1 million. So, the longer we delay, the longer it will take to get to the $1 million saving.

According to this Peace Corps estimate, the budgetary savings will be a result of two factors. First, the analysis states that several functions performed by the ACTION Agency as a part of the joint support services are duplicated in the existing Peace Corps functions. Therefore, according to the Peace Corps budget projection, little or no additional costs would be incurred by the Peace Corps as a result of autonomy.

Second, the remaining functions to be transferred will be exclusively tailored to meet Peace Corps needs rather than having to meet the needs of two agencies.

According to this analysis, that will result not only in reduced cost but also more effective services, not because the ACTION Agency provides the services inefficiently or badly but simply because the Peace Corps will be designing the functions to serve itself.

This analysis is very significant. Whatever one-time cost arises out of separation will be more than compensated for by the annual savings to the Peace Corps once it has control of its entire budget and expenditures.

Let me also say, in closing, that we have delayed too long already. We have waited too long for this separation voted for overwhelmingly by both authorizing committees over 5 months ago and by the full Senate in June. The situation right now is critical. A year's delay would be devastating to the activities of the Peace Corps and to its effectiveness.

This week alone the ACTION Agency unilaterally laid off 70 Peace Corps recruiters. As Senator PERCY has noted, this reduction is taken at the height of the recruiting season, a devastating blow to the work of the Peace Corps. We cannot let this demoralizing, very negative situation continue.

There may not be much remaining of the Peace Corps if we continue to wait.

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I yield.

Mr. MATTINGLY. Madam President, does the Senator wish to have the amendment revised to where it would be of no cost, separate the cost from it, but we write into the amendment that we guarantee no cost?

Mr. CRANSTON. The amendment is already serving that purpose. There is no ultimate cost. It is a net saving.

Mr. MATTINGLY. We could write in on page 48 between lines 2 and 3 and make the comment that prohibits use of funds to separate the Peace Corps. None of the funds authorized to be appropriated by this act or by any other provision of the law shall be made available for the purpose of separation of the Peace Corps from ACTION, and then one other small technical thing and then we could modify it also to agree with the distinguished Senator from Maryland and change that date to March 31, 1982, at no cost.

Mr. CRANSTON. That would serve no constructive purpose. The delay proposed by the pending amendment will cost money rather than save it. Separation will save money. There will be $920,000—we recognize that—start-up cost, the one-time cost of separation; but thereafter we will save $1 million a year according to the detailed Peace Corps analysis I have entered into the RECORD.

So, the longer we wait, the more we are wasting the taxpayers' money.

Mr. MATTINGLY. I withdraw the modification then.

Mr. MATHIAS. Mr. President, if there be no other Member of the Senate who wishes to speak on this subject, I move to table the amendment.

The PRESIDING OFFICER (Mr. MATTINGLY). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Georgia.

(Putting the question.)

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The Chair has not announced its decision.

Mr. CRANSTON. Will the Chair please announce the vote?

Will the Presiding Officer please announce the vote? Regular order.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from Georgia.

On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BOREN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Connecticut (Mr. DODD), who is not able to be present today. If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. PACKWOOD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Massachusetts (Mr. TSONGAS). If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BAKER. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 37, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—49

Andrews	Glenn	Metzenbaum
Baucus	Gorton	Mitchell
Bentsen	Hart	Moynihan
Biden	Hatfield	Pell
Boschwitz	Hollings	Percy
Bradley	Huddleston	Proxmire
Bumpers	Inouye	Pryor
Burdick	Jackson	Randolph
Byrd, Robert C.	Johnston	Riegle
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cranston	Kennedy	Specter
Danforth	Leahy	Stafford
Dixon	Levin	Williams
Eagleton	Mathias	Zorinsky
Exon	Matsunaga	
Ford	Melcher	

NAYS—37

Abdnor	Grassley	Murkowski
Armstrong	Hatch	Nickles
Baker	Hawkins	Nunn
Byrd, Harry F., Jr.	Hayakawa	Quayle
	Heflin	Roth
Cohen	Heinz	Rudman
D'Amato	Helms	Schmitt
Denton	Humphrey	Simpson
Dole	Jepsen	Stennis
Domenici	Laxalt	Thurmond
Durenberger	Long	Wallop
East	Lugar	Warner
Garn	Mattingly	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Boren, against.
Packwood, against.

NOT VOTING—12

Cannon	Goldwater	Symms
Chafee	McClure	Tower
DeConcini	Pressler	Tsongas
Dodd	Stevens	Weicker

So the motion to lay on the table was agreed to.

Mr. KASTEN. I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

UP AMENDMENT NO. 497

(Purpose: To prohibit the transfer of economic and military assistance to countries represented at the meeting of Foreign Ministers and Heads of Delegations of Non-Aligned Countries which fail to dissociate themselves from the Communique of September 28, 1981)

Mr. MOYNIHAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. BRADLEY, and Mr. CHILES, proposes an unprinted amendment numbered 497.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

NONALINED COUNTRIES

Section 716(a). None of the funds authorized to be appropriated by the Foreign Assistance Act of 1961, as amended, may be furnished, and no sales may be made, no credits extended, and no loans guaranteed under the Arms Export Control Act, with respect to any country represented at the Meeting in New York, on September 25 and 28, 1981, of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Alined Countries to the 36th General Session of the General Assembly of the United Nations which does not dissociate itself from the statements concerning the United States of America contained in the Communique issued from that meeting.

(b) With respect to the nations concerned, the Secretary of State shall determine whether this condition has been met, and from time to time will report his determination to the Congress.

(c) This section shall not apply to any assistance to other countries authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, or to medical supplies, disaster relief, or other humanitarian assistance, as the Secretary of State may determine.

(d) The President may waive the prohibition contained in this section if he determines, and so reports to the Congress, that furnishing such assistance would further the foreign policy interests of the United States.

(Mr. MATTINGLY assumed the chair).

Mr. MOYNIHAN. Mr. President, the subject which I raise now is one to which I have addressed each of the Members of the Senate in a letter.

It concerns the courageous and deeply responsible act of this Nation's Permanent Representative at the United Nations, Jeane J. Kirkpatrick.

On October 6, Ambassador Kirkpatrick wrote to representatives of 40 nonalined countries who had been associated with a communique, issued at the conclusion of a meeting of Foreign Minister and U.N. ambassadors of the Movement of Non-Aligned Countries.

She quite rightly described this document as consisting of "base lies and malicious attacks upon the good name of the United States." She said the communique was replied with "vicious lies" and asked these other ambassadors whether they really did subscribe to these views and, indeed, asked if they would dissociate themselves from them.

It is in order to support the Ambassador, for the communique was every bit as hostile toward the United States as Mrs. Kirkpatrick indicated, that I have submitted this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 498

(Purpose: To discourage the transfer of economic and military assistance to countries represented at the meeting of Foreign Ministers and Heads of Delegations of Non-Aligned Countries which fail to dissociate themselves from the Communique of September 28, 1981)

Mr. MOYNIHAN. Mr. President, in order that the action which we take today in support of our Ambassador at the United Nations, should be as nearly as possible to unanimous, I have lately discussed this matter with the ever generous and always open-minded chairman of the Committee on Foreign Relations.

The distinguished Senator from Illinois has told us that he would have felt compelled to oppose the particular form of the amendment I had intended to offer at this point. That amendment would have established a prohibition on the transfer of economic or military assistance to any nonalined country which failed to dissociate itself from the September communique.

The chairman is, however, prepared to accept a variation which accomplishes as well the purpose I had in mind. My purpose is to provide an opportunity for this body to express its firmest support for the action of Ambassador Kirkpatrick. This is also an occasion for the Senate to say to the world that there are things which a nation says about the United States at some risk to the bilateral relationship. I mean that it should be made clear that it is not possible any longer for officials of other governments to say anything at all about this country and assume there will be no consequence of any kind.

With that in mind, and with an expression of my gratitude to the chairman and his colleagues on the Foreign Relations Committee for their contributions, I send to the desk a substitute for the amendment now pending and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will report.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. BRADLEY, and Mr. CHILES, proposes an unprinted amendment numbered 498 to unprinted amendment numbered 497.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

In lieu of the pending amendment, substitute the following:

NONALINED COUNTRIES

SEC. 716. (a) In considering whether to provide assistance, make sales, extend credits, or guarantee loans under the provisions of the Foreign Assistance Act of 1961, as amended, or the Arms Export Control Act, to any country represented at the Meeting of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th Session of the General Assembly of the United Nations on September 25 and 28, 1981, the President shall take into account whether such country has dissociated itself from the Communique issued following the meeting.

(b) Within 30 days of enactment of this section, the President shall send a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the countries which have dissociated themselves from the Communique together with a full description of the method of dissociation and the forum in which the dissociation has been made. The President shall transmit with the report a copy of each statement of dissociation.

(c) Within 30 days after the receipt of a statement of dissociation from any country the President shall transmit a copy of the statement of dissociation together with a full description of the method of dissociation and the forum in which the dissociation is made to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(d) On page 84, line 4, strike out "Sec. 716." and write in lieu thereof "Sec. 717."

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I will be brief in this matter. There are others who will undoubtedly wish to speak. Senators BRADLEY and CHILES join in cosponsoring my original amendment and, if possible, will surely want to be heard.

It is sufficient to lay out the purpose of this action. In order to do that, a moment of background is necessary.

As is their practice, the Ministers of Foreign Affairs and the heads of U.N. delegations of the 97 nonalined nations, as they call themselves, convened at the time of the opening of the current session of the General Assembly. They met this year in New York, on the 25th and 28th of September, under the chairmanship of the Cuban foreign minister. There was subsequently issued from that meeting a communique of unparalleled viciousness toward the purposes, the character, the credibility, and the good name of the United States of America.

It was not a break with the past, I am sorry to say. It was in many ways simply an extension of what has been going on for a very long time, as the totalitarian states, together with other unfree coun-

tries, have come to dominate the United Nations. As they have become more numerous than the countries which have elected governments, they have increasingly turned the institutions of the U.N. against the very democracies which created the U.N. They have with even greater frequency, and viciousness, used the forums of the U.N. to attack and discredit the Western societies and most especially the United States.

Too long we have been reluctant to say to these countries that there are limits to what can be said about our country without any consequences in the relations between ourselves and them.

In that mood, and with a marvelous sense of appropriateness, Ambassador Kirkpatrick wrote on October 6, to some 40 nations that had associated themselves with the September Communique, the most recent, and perhaps the most vituperative, slander of the United States at the United Nations.

There were 40 with which we had assumed our relationship to be relatively good. I do not mean necessarily that our relations had been friendly, but that they were not hostile. She said she was stunned. I read from her letter:

Quite frankly, I was startled to find your government associated with the Communique . . . I am startled that you or your government would or could associate yourselves with a document composed of such base lies and malicious attacks upon the good name of the United States.

I would also note that she said:

I can assure you, Your Excellency, that I would never allow the United States to be associated with any document from any group—no matter how large or diverse—that contained such vicious and erroneous language against your country.

Ambassador Kirkpatrick then asked could she not hear from the nation to whom she addressed her letter whether it wished to disassociate itself from that communique. To read one last time from her letter, she said:

Convinced that this communique does not represent your views, I would very much appreciate hearing from you about it.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the communique of the nonalined, the October 6 letter from our distinguished Ambassador, of whom we are all so proud, Ambassador Kirkpatrick, and a list of the names of the countries and ambassadors to whom the letter was sent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNEX

(Meeting of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th Session of the General Assembly of the United Nations 25 and 28 September 1981)

COMMUNIQUE

I

1. The Ministers of Foreign Affairs and Heads of Delegation of the Non-Aligned Countries to the 36th Session of the United Nations General Assembly held their meeting at the Headquarters of the Organization on 25 and 28 September 1981, with a view to considering their actions in connection with the items to be considered during the current session which are of special concern to the non-aligned countries.

2. The Meeting welcomed the independence of Belize, greeted its entry into the United Nations and admitted it as a full member of the Movement of Non-Aligned Countries. The Meeting also considered and approved the admission of Ecuador as a full member of the Movement. The steady growth in the number of non-aligned countries is a testimony to the growing relevance and importance of the policy of non-alignment and the Movement of Non-Aligned Countries.

3. The Meeting took note of the Chairman's Report on the activities of the non-aligned countries since the Ministerial Conference held in New Delhi, and urged all non-aligned countries to continue their efforts towards the fulfillment of the decisions taken by the VI Summit Conference as well as those of the above-mentioned Ministerial Conference and the Extraordinary Ministerial Meeting of the Coordinating Bureau on Namibia held in Algeria.

4. The Meeting expressed satisfaction that the Eighth Emergency Special Session of the United Nations General Assembly called upon all States, in view of the threat to international peace and security posed by the apartheid regime of South Africa, to impose against that country the comprehensive mandatory sanctions in accordance with the provisions of the Charter and to cease all dealings with the apartheid regime of South Africa in order to totally isolate that country. The Ministers and Heads of Delegations committed themselves fully to the implementation of the resolution adopted by the Eighth Emergency Special Session of the General Assembly.

5. The Meeting took note of the report by the Foreign Ministers of Cuba, India and Zambia and the Head of the Political Department of the Palestine Liberation Organization to bring about a peaceful solution to the conflict between Iran and Iraq. The Meeting commended these endeavors and requested them to continue their important efforts in accordance with the mandate given to them by the Conference of Ministers of Foreign Affairs of Non-Aligned Countries, held in New Delhi.

The Ministers of Foreign Affairs and Heads of Delegations took note with great satisfaction of the decision unanimously adopted by the 18th Summit Conference of the Heads of State and Government of the Organization of African Unity regarding the candidature of H. E. Mr. Salim Ahmed Salim, Minister of Foreign Affairs of the United Republic of Tanzania to the post of Secretary-General of the United Nations and decided to fully support this candidature.

II

6. The Ministers and Heads of Delegations noted with great concern that the 36th Session of the General Assembly of the United Nations is being held in an atmosphere of continuing deterioration of international peace and security. As assessed by the VI Conference of Heads of State or Government of Non-Aligned Countries held in Havana in September 1979 and reiterated by the Ministerial Conference of Non-Aligned Countries held in New Delhi in February 1981, the crisis in the process of détente, the policy of bloc rivalry and spheres of influence, manifested in the senseless and very dangerous escalation of the arms race, particularly in its nuclear aspect, and the total suspension of meaningful negotiations on the halting and reversal of the arms race and the obsession to negotiate from positions of strength, the use or threat of use of force, aggression, military intervention, foreign occupation, involving the introduction and presence of foreign troops, mercenaries or irregulars under any pretext whatsoever against the sovereignty, independence and territorial integrity of States, and interference in their internal affairs, and in the obstruction of the struggle of the peoples under colonial or alien domination for self-determination and national independence; the continued existence and aggravation of focal points of tension and aggression, particularly in the Middle East, Southern Africa, South-West Asia, South-East Asia, North-East Asia, the Caribbean and Central America, have brought the world closer to the brink of a worldwide conflict. Such a policy is leading to the resurgence of the cold war to new and alarming proportions thus increasing the danger of war and the total annihilation of mankind.

The Ministers and Heads of Delegation reiterated their concern over the acceleration of the arms race, particularly in the nuclear armaments race, the stockpiling of all kinds of weapons of mass destruction, the development of newer and more destructive and lethal weapons systems such as the neutron bomb, as well as attempts to promote new and dangerous concepts of "limited nuclear war" aimed at blurring the distinction between nuclear and conventional warfare. They emphasized the special role and responsibility of the Great Powers in halting and reversing the arms race, in particular the nuclear arms race, and called upon them to immediately and resolutely start with the serious negotiations aiming at the elimination of the threat of a global nuclear war and the implementation of disarmament measures with a view to achieving general and complete disarmament. In this connection, the Ministers and Heads of Delegation urged all member States to exert their maximum efforts for the success of the Second Special Session of the General Assembly of the United Nations devoted to disarmament, to be held in 1982.

The Ministers and Heads of Delegation recalled the very important appeal made at their Conference in New Delhi, in which they called upon all nations and peoples and their leaders to earnestly work for the avoidance of war and the consolidation of international peace and security through the implementation of the principle of active peaceful coexistence in relations among all States, the avoidance of measures leading to confrontation, the elimination of foreign intervention and interference in the internal affairs of States; for strict adherence to the principles of the non-use or threat of use of force; for non-acquisition of territories by force; for the peaceful settlement of disputes; for the halting and reversal of the arms race, particularly the nuclear arms race; for the exercise of the right to self-determination and independence of peoples under colonial, alien and racist domination as well as under foreign occupation; for full respect for the sovereignty and national independence of all countries; for consistent adherence to the objectives, principles and provisions of the Charter of the United Nations, and for urgent practical measures aimed at the establishment of a New International Economic Order. The Ministers and Heads of Delegations urged the Great Powers to work for a relaxation of international tensions. They stated that the process of detente should be universal in scope and in geographic application. They stressed that security for all States must be ensured and that all States, particularly non-aligned countries, must actively participate on an equal footing in the peace-preserving process.

The Meeting recalled the conclusion of the Ministerial Conference held in New Delhi to encourage efforts for the general reduction of tensions and to oppose foreign interference and intervention from whatever quarter in Africa, Asia, Latin America and Europe. To that end, the Meeting decided to intensify efforts by the non-aligned countries for the early adoption by the General Assembly of the United Nations of the Declaration of Inadmissibility of Intervention and Interference in Internal Affairs of States.

The Ministers and Heads of Delegations recalled that the holding of the meeting of the Security Council, in accordance with the decision of the Extraordinary Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries in Algiers was intended to impel and promote the just cause of the people of Namibia.

The Ministers and Heads of Delegation noted with regret and concern that the Security Council had fallen short of its fundamental responsibility for the maintenance of international peace and security when the Resolutions proposing comprehensive and mandatory sanctions against South Africa under Chapter 7 of the Charter of the United Nations met with the veto of the three Western Permanent Members of the Council, on 30 April 1981.

They reaffirmed that Namibia is the legal responsibility of the United Nations until it reaches true self-determination and national independence, in accordance with Resolution 435 (1978) of the Security Council and with the relevant Resolutions of the United Nations General Assembly, inter alia, Resolution 2145 (XXI) of 27 October 1966 and 2248 (S–V) of 19 May 1977.

They firmly rejected certain maneuvers aimed at undermining the international consensus as expressed in Resolution 435 (1978) of the Security Council and to despoil the oppressed people of Namibia of its hard-won victories in its national liberation struggle.

The Ministers and Heads of Delegation expressed their grave concern about the threat to international peace and security posed by racist South Africa's continued illegal occupation of Namibia, its repeated wanton and unprovoked acts of aggression against neighboring States, its reprehensible policy of apartheid, and its acquisition in collaboration with certain western countries of nuclear weapons.

The Meeting expressed its deep concern over the rapidly deteriorating situation in South Africa itself as characterized by the stepped-up brutal oppression, militarization of the entire country, as well as the murder of ANC leaders and activists. In reaffirming the nonaligned position that there would be no peace, stability and security in southern Africa until the apartheid system is destroyed and replaced by a democratic society, the Meeting renewed its unswerving support for the national liberation movements recognized by the Organization of African Unity. The Meeting commended the National Liberation Movements of South Africa, particularly the African National Congress, for the intensified mass political mobilization and armed action against strategic installations. It also commended the people of New Zealand and the United States of America for their resolute opposition to the Springboks rugby tour to these two countries undertaken in violation of the United Nations position calling for the severance or sports ties with South Africa. The Meeting called for the strengthening of the world campaign for the unconditional release of Nelson Mandela and all political prisoners, for the securing of Prisoner-of-War status to all captured freedom fighters, and for the comprehensive and mandatory sanctions against the apartheid regime of South Africa.

They further forcefully condemned the fact that the apartheid regime of South Africa has persistently refused to comply with the decisions and Resolutions of the United Nations providing for Namibia's transition to independence. In this regard, they deplored the recent vetos in the Security Council by three Western Permanent Members of the Council of proposals for the imposition on racist South Africa of comprehensive and mandatory sanctions under Chapter VII of the United Nations Charter.

The Ministers and Heads of Delegation reaffirmed that Security Council Resolution 435 (1978) endorsing the United Nations Plan for the Independence of Namibia is the only basis for a negotiated settlement of the Question of Namibia and demanded the immediate commencement of the unconditional implementation of that resolution without prevarication, qualification or modification and not later than 31 December 1981.

The Meeting reaffirmed its support for the South West Africa People's Organization as the sole and authentic representative of the Namibian people and called upon member States to render increased and sustained support, and material, financial military and other assistance to the South West Africa People's Organization to enable it to intensify its struggle for the liberation of Namibia.

The Meeting further expressed its satisfaction that, pursuant to the VI Summit Conference decision, a Non-Aligned Solidarity Fund for Namibia has been established. The Ministers and Heads of Delegation decided that a Pledging Conference for the Fund should be held in New York in November 1981, and they called upon all members, observers and guests of the Movement of Non-Aligned Countries to contribute generously to the Fund.

The Meeting strongly condemned the apartheid regime of South Africa for using its armed forces, mercenaries and its puppets for its massive aggression against Angola. It deplored the action of the United States in preventing the Security Council, by the exercise of the veto, from discharging its responsibilities in the face of unprovoked aggression by South Africa against Angola. This action has encouraged the racist authorities of Pretoria into new acts of military aggression and adventures. The Meeting demanded that the apartheid regime of South Africa pay reparations to the Government of Angola for the damage inflicted resulting from that aggression. The Meeting called upon member States to extend all support and assistance, including military assistance, to the Front Line States in order to assist them in defending their sovereignty and territorial integrity.

The Ministers and Heads of Delegation noted with satisfaction the decisions adopted by the Eighth Conference of Heads of State and Government of the Organization of African Unity and its committee of implementation, regarding the organization of a general and free referendum of self-determination in the territory of Western Sahara.

The Ministers and Heads of Delegation were convinced that the immediate implementation of these decisions would ensure the full exercise by the people of Western Sahara of their inalienable right of self-determination in accordance with the United Nations General Assembly Resolution 1514 (XV), the principles of the Movement of Non-Aligned Countries and the United Nations Charter and would also fulfill the aspirations of the peoples of the region for peace, stability and cooperation.

IV

The Ministers and Heads of Delegations recalled the declaration of the VI Summit Conference in Havana in September 1979 and the Ministerial Conference that was held in February 1981 in New Delhi and reaffirmed that the Question of Palestine is at the core of the problem of the Middle East, and that any solution to this conflict demands, on the one hand, the exercise by the Palestinian people of their inalienable rights, including the right of return, the right to self-determination, and the right to establish their sovereign and independent State in Palestine and, on the other hand, the complete and unconditional withdrawal by Israel from all Palestinian and Arab territories occupied since 1967, including Jerusalem.

The Meeting called upon all States to assist and facilitate actions and movements by the Palestinian people, under the leadership of the Palestine Liberation Organization, to pursue its efforts and legitimate struggle to achieve its inalienable rights, including the right of return, right of self-determination and right to establish its own independent sovereign State in Palestine, in the context of a comprehensive and just settlement that would ensure peace and stability in the region.

The Meeting condemned all initiatives to impose those provisions of the Camp David Accords purporting to determine the future of the Palestinian people and Palestinian territories occupied by Israel in spite of the fact that the United Nations General Assembly resolution declared that those provisions had no validity. They also condemned any partial or separate solution and any agreement that would harm the rights of the Arab countries and the Palestinian people; violate the principles and resolutions of the Movement of Non-Aligned Countries and the United Nations General Assembly or prevent the liberation of Jerusalem and the occupied Palestinian and Arab territories and the attainment and full exercise by the Palestinian people of their inalienable national rights.

The Ministers and Heads of Delegation condemned Israeli policies of aggression and expansionism intensified recently against the Palestinian people, in particular in the territories occupied since 1967, the expropriation of land, the establishment of settlements and the usurpation of water and other natural resources which are considered essential for the livelihood of the Palestinian people.

They recalled Security Council Resolutions 465 (1980) and 478 (1980) and condemned the promulgation of the "fundamental law on Jerusalem" as well as all other measures tending to alter the demographic composition, the geographic character and the institutional structure of the occupied Arab territories.

The Ministers and Heads of Delegation strongly condemned Israeli measures aiming at the Judaization of the Holy City of Jerusalem including the ongoing excavations under and around the Moslem holy places of worship.

Furthermore, they expressed their most profound concern over the continuing deep diggings and excavations beneath the Al-Agsa Mosque and the Dome of the Rock within the Haram al-Shareef holy sanctuary in Jerusalem which threaten the collapse of these millenia-old structures. They endorsed the UNESCO resolution of 11 September 1981 to place East Jerusalem on UNESCO's World Heritage Committee list, in order to safeguard the cultural and historical sites in the City.

The Ministers and Heads of Delegation denounced the project for the digging of a canal joining the Mediterranean and Dead Seas and declared that its opening would constitute an act of aggression that would threaten international peace and security. They called on all countries not to provide Israel with human or moral support, or political and economic assistance, including the necessary equipment for the construction of this canal.

The Meeting condemned Israeli policies and practices aimed at imposing the Israeli nationality on Syrian citizens under Israeli occupation in the Golan Heights.

The Ministers and Heads of Delegation recalled Resolution ES–7/2, adopted by the General Assembly at its Emergency Special Session (July 1980) and noted with grave concern that since that date the recommendations of the General Assembly and of the Committee on the Exercise of the Inalienable Rights of the Palestinian People have not yet been implemented. They invited the Security Council to consider the situation and adopt measures without further delay

with a view to enabling the Palestinian people to exercise their inalienable rights. They condemned the hostile position of the Government of the United States of America toward the inalienable national rights of the Palestinian people and its sole legitimate representative, the Palestine Liberation Organization.

The Ministers and Heads of Delegation decided that an extraordinary meeting of the Coordinating Bureau at the Ministerial level should be held at the appropriate time to undertake an evaluation of the situation and take practical measures to strengthen comprehensive assistance to the struggle of the Palestinian people and to attain and freely exercise its inalienable rights under the leadership of the Palestine Liberation Organization.

The Ministers and Heads of Delegation expressed grave concern at the continued escalation of the barbaric attacks by Israel on southern Lebanon and Palestinian refugee camps in Lebanon. They recalled that the Sixth Summit Conference considered that aggression, carried out by land, sea and air, as tantamount to genocide of the Lebanese people and the Palestinian refugees, with Israel using the most sophisticated weapons supplied by the United States of America.

The Ministers and Heads of Delegation noted with concern that the Government of the United States is currently engaged in the conclusion of a "strategic alliance" in the Middle East instead of participating in the endeavors to achieve a comprehensive and just solution based on Israel's total and unconditional withdrawal from all the occupied Palestinian and Arab territories and the restoration of the inalienable rights of the Palestinian people. They declared their grave concern over the development of the "strategic cooperation" between the Governments of the United States of America and Israel, which confirms the role of the latter as a true bridgehead of imperialism, as an element threatening the stability of the countries in the Middle East region as well as international peace and security.

The Ministers and Heads of Delegations strongly condemned the naked Israeli aggression on the Iraqi nuclear installations devoted exclusively to peaceful purposes as an act of state terrorism and a blatant violation of the sovereignty of a non-aligned country. The Meeting reaffirmed the inalienable right of non-aligned countries to develop nuclear energy for peaceful purposes in conformity with their priorities, interests and needs. The Ministers and Heads of Delegation reaffirmed the General Assembly resolutions concerning Israeli nuclear armaments, the Security Council Resolution 487 of 18 June 1981, and demanded that Israel comply with said Resolutions. In particular, the Meeting called upon the Security Council to take effective measures against Israel in accordance with Chapter VII of the United Nations Charter, and they pledged themselves to work at the 36th Session of the General Assembly to adopt decisions that will prevent Israel from committing further acts of aggression and force it to comply with the norms of international law, the principles of the Charter and the provisions of the relevant resolutions of the United Nations.

The Non-Aligned Countries called upon all States, and especially the United States of America, to refrain from giving Israel any human, military, political or economic assistance that might encourage it to pursue its aggressive policies against the Arab countries and the Palestinian people.

The Ministers and Heads of Delegation reiterated their support for Lebanon's sovereignty, territorial integrity, unity and political independence, and called for the full implementation of Security Council Resolution 425 (1981). They condemned continued Israeli aggression and acts of violence against Lebanon and interference in Lebanon's national affairs. They condemned, in particular, the recent Israeli raids on South Lebanon and Beirut, which caused heavy casualties among the Lebanese civilian population and extensive damage to property. In that context, they recalled Security Council Resolution 490 (1981), which reads as follows:

"The Security Council,

"Reaffirming the urgent appeal made by the President and the members of the Security Council on 17 July 1981 (S/14599) which reads as follows:

" 'The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

" 'They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole.'

"Taking note of the report of the Secretary-General in this respect,

"1. Calls for an immediate cessation of all armed attacks;

"2. Reaffirms its commitment to the sovereignty, territorial integrity and independence of Lebanon, within its internationally recognized boundaries;

"3. Requests the Secretary-General to report back to the Council on the implementation of this resolution as soon as possible and not later than 48 hours from its adoption."

and supported its contents. They called further for the restoration of Lebanese Government authority over all its territory within its internationally recognized borders. They welcomed the decisions of the Arab Summit Conferences to solve the Lebanese crisis.

The Ministers and Heads of Delegation endorsed the Report of the Mission of the tries that visited Lebanon in August 1981 Coordinating Bureau of Non-Aligned Coun- at the request of Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization.

VI

The Meeting considered the situation in Cyprus and reaffirmed its support for the independence, sovereignty, territorial integrity, unity and non-alignment of the Republic of Cyprus and reiterated its solidarity with the Government and people of Cyprus. The Ministers and Heads of Delegation expressed the hope that the intercommunal talks currently held under the auspices of the Secretary-General will be conducted in a more substantive, constructive and result-oriented manner in order to bring about, without further delay, a just solution of the problem in accordance with the relevant United Nations resolutions, the Non-Aligned decisions and Declarations, and the High Level Agreements. The Ministers and Heads of Delegation requested the Contact Group of the non-aligned countries to have the situation under constant review and take action as appropriate.

The Meeting expressed deep concern over the dangerous and increasing concentration of weapons in Europe and other parts of the world and a heightened tension in the continent that deepens block confrontation and threatens the peace and security of European States. It commended positive cooperation among the non-aligned and neutral States at the Conference on Security and Cooperation in Europe and called upon all participating States to cooperate in the efforts to implement the Helsinki Final Act in all its parts, including that on the Mediterranean. It supported the request of the non-participating Mediterranean States and other interested parties to participate fully in deliberations of the Conference on Security and Cooperation in Europe on all matters concerning the situation in the Mediterranean with the view to eliminating hotbeds of crisis and areas of tension in the region and convert it into a zone of peace and cooperation.

The Ministers and Heads of Delegations expressed deep concern over the aggression by the United States of America against the Libyan Arab Jamahiriya on 19 August 1981. They considered that that aggression constitutes a threat as well as flagrant violence against the sovereignty, independence and territorial integrity of non-aligned countries in the region, which advocate the creation of a zone of peace and cooperation in the Mediterranean, and a threat to international peace and security.

VII

The Ministers and Heads of Delegation recalled that the New Delhi Conference of Ministers of Foreign Affairs of Non-Aligned Countries in February 1981 had expressed grave concern over the growing buildup of Great Power military presence in the Indian Ocean area and that despite the expressed wishes of the Littoral and Hinterland States of the Indian Ocean, military activity in all forms and manifestations of the Great Powers in the Indian Ocean areas had intensified and that there had been a marked deterioration in the climate of peace and security in the area. The Meeting, seriously concerned at the dangerous tension caused by the expansion of the existing foreign bases, military installations, logistical supply facilities, the disposition of nuclear weapons and weapons of mass destruction, as well as the search for new base facilities in the Indian Ocean area, recalled that the Ministers in New Delhi had warned of the dangers of any actions that would provide pretexts for the intervention or the presence of the Great Powers in the area. In this connection, it also noted with regret that the Ad Hoc Committee on the Indian Ocean had been prevented by some Great Powers and major maritime users from finalizing a date for the convening of the Conference on the Indian Ocean scheduled to be held in Sri Lanka to achieve the objectives of the Declaration of the Indian Ocean as a Zone of Peace. The failure of the Committee to take a decision on the date of the Conference had frustrated the desire of all Non-Aligned Littoral and Hinterland States of the Indian Ocean who, supported by all other Non-Aligned Countries, have been working persistently for nearly ten years in pursuit of their goal of realizing the objectives contained in the non-aligned initiatives for the declaration of the Indian Ocean as a Zone of Peace, first adopted by the General Assembly in 1971.

The Ministers and Heads of Delegations reaffirmed their determination to work for the convening not later than the first half of 1983, of the Conference on the Indian Ocean in Sri Lanka and reiterated their hope and expectation that all the Great Powers and other major maritime users would participate in this Conference in a constructive spirit while at the same time initiating the process of reducing their military presence in the Indian Ocean area.

In this context, the Ministers and Heads of Delegation also welcomed, as in the New Delhi Conference, the initiative of the President of the Democratic Republic of Madagascar to convene a summit conference on the Indian Ocean, to be held in Tananarive.

VIII

The Ministers and Heads of Delegation were gravely concerned over the continuing tensions and conflicts in the South East Asian region that have affected State members of the Movement of Non-Aligned Coun-

tries and expressed that the tension in and around Kampuchea should not escalate over a wider area and that efforts should be directed towards a comprehensive peaceful political solution based on the principles of non-interference in the affairs of sovereign States and on the inadmissibility of the use of force against sovereign States. Such a political solution, as expressed in the Declaration of the New Delhi Conference of Ministers of Foreign Affairs of Non-Aligned Countries held in February 1981, would provide for the withdrawal of all foreign forces, thus ensuring full respect for the sovereignty, independence and territorial integrity of all States in the region including Kampuchea. Noting the various efforts made in this direction, they hoped that constructive efforts would be made towards dialogue that will lead to the resolution of differences among all States in the region and to the establishment of durable peace and stability in the area as well as the elimination of the involvement of and threats of intervention by outside powers.

The Minister and Heads of Delegation reaffirmed the right of the people of Kampuchea to determine their own destiny free from foreign interference, subversion and coercion and expressed the hope that through a process of negotiations and mutual understanding a climate conducive to the exercise of that right would be created.

The Ministers and Heads of Delegation also noted with approval the efforts being made for the early establishment of a zone of peace, freedom and neutrality in the region and called upon all States to extend their fullest support to these efforts.

IX

The Ministers and Heads of Delegation noted with grave concern that the situation in South West Asia carries dangerous consequences for the peace and stability of the region and that its continuation poses serious implications for international peace and security. In this context, they viewed the situation in Afghanistan with particular concern. They recalled in this regard the urgent call made by the Ministers of Foreign Affairs of the Non-Aligned Countries for a political settlement on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity, and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference. While reaffirming the rights of the Afghan refugees to return to their homes in safety and honor, the Ministers and Heads of Delegation urged all concerned to work toward a settlement that would ensure that the Afghan people would determine their own destiny free from outside interference and enable the Afghan refugees to return to their homes. They expressed their appreciation for the sincere efforts made in the search for a political settlement of the situation in Afghanistan. They also called on all States to exercise restraint to avoid further endangering the peace and security of the region and to work for the creation of conditions conducive to stability and harmonious relations among all States of the region based on the non-aligned principles of peaceful coexistence, respect of sovereignty, national independence, territorial integrity and non-intervention and non-interference in the internal affairs of States.

X

The Ministers and Heads of Delegation noted with deep concern that in the Western Hemisphere also increased tension has been building up in the Caribbean and Central America. The Ministers and Heads of Delegation stressed that the policies of aggression, interference and intervention, pressures and economic or military blockades can only worsen the situation and endanger international peace and security even more. In this context, they expressed concern about the carrying out of military naval maneuvers in the region and about the attempts at destabilizing the Government of Grenada, the exertion of economic and other pressures, destabilizing maneuvers against Nicaragua and the pursuit of hostile policies and actions against Cuba by the United States of America. The Meeting reiterated its full support for Cuba's just demand that the United States return the naval base and territory it illegally occupies in Guantanamo and cease its blockade against that country.

The Ministers and Heads of Delegation, in relation to El Salvador, firmly reiterated the application of the principles of non-alignment, self-determination, non-intervention and non-interference in the internal affairs of States, so that the current situation in that country would be settled in a peaceful, just, democratic and dignified manner.

In this context, the Meeting welcomed with satisfaction all the expressions and effort of the international community, that, reaffirming these principles, promote a genuine and democratic political solution that takes into account all political forces in El Salvador and its genuine political representatives, which would lead to a process of ample democratic participation that would put a stop to bloodshed in that country.

The Meeting expressed concern over the increased flow of Israeli war material, particularly aircraft, into some Caribbean and Latin American countries.

The Meeting further renewed its support for the inalienable rights of the people of Puerto Rico to self-determination and independence and supported the decision of the Special Committee on Decolonization to include the question of Puerto Rico in the agenda of the 37th Session of the General Assembly.

The Ministers and Heads of Delegation reiterated their hope that the United States would implement and strictly respect the Panama Canal treaties to give effect to the full sovereignty and jurisdiction of Panama over all its national territory, as well as to the regime on neutrality of the interocean waterway.

The Meeting firmly reiterated its support for the right of the Republic of Argentina to the restitution of the Malvinas Islands and territorial sovereignty over them and requested that the negotiations with the United Kingdom in this regard be speeded up.

The Meeting reaffirmed once again the Republic of Bolivia's just and legitimate claim to recover its outlet to the Pacific Ocean with full sovereignty.

XI

In accordance with the decision of the Ministerial Conference of the Non-Aligned Countries held in February 1981 in New Delhi and contained in paragraph 109 of the New Delhi Declaration on the peaceful settlement of disputes, the Meeting decided to set up an open-ended working group for the purpose of studying the proposals submitted to the New Delhi Conference and of drafting proposals for the next Seventh Summit Conference of Heads of State or Government to take place in Baghdad.

XII

The Ministers and Heads of Delegation expressed their concern over the increasingly deteriorating situation in the international economic relations and to the extremely difficult position of developing countries. This was not only a result of structural problems of the world economy but also a consequence of the serious aggravation of the international situation unleashed by the arms race. The lack of will to help in the solution of serious problems affecting the world economy, in particular the economies of developing countries, itself contributes to the further exacerbation of the international situation.

The Meeting noted that the continuing deterioration of economic conditions in the world has assumed unparalleled dimensions affecting most of the developing countries in a most serious way, as demonstrated inter alia by their growing imbalances in international payments, the sharp deterioration in the terms of trade, the growing burdens of external indebtedness and the insecurity and insufficiency of food supply.

In the light of this grave situation and its underlying causes, the response of the major developed countries has been most disappointing. The Meeting deplored the fact that the launching of global negotiations continues to be jeopardized through prolonged delays caused mainly by one country, thus blocking a major nonaligned initiative for an integrated and global review of the totality of crucial items on international cooperation for development.

It is evident that some developed countries also lack the positive political will to proceed without delay with concerted efforts designed to achieve effective and equitable solutions to the present world economic crisis.

The Ministers and Heads of Delegation reaffirmed their conviction that the present unjust international economic system, already in crisis, demands a structural reform which could only result from a global and integrated approach to the present world economic problems with the participation of all countries and resulting in agreed solutions and the establishment of the New International Economic Order that will be lasting and beneficial to all. They were more than ever convinced of the urgency of the launching of global negotiations, and urged the developed countries to display real political will to that purpose.

The Ministers and Heads of Delegation of Non-Aligned Countries welcomed the encouraging decisions taken during the Caracas conference on cooperation among developing countries and called upon all the nonaligned and other developing countries to spare no effort in rapidly implementing the important decisions contained therein.

The Meeting viewed the outcome of the recent United Nations Conference on Least Developed Countries held in Paris in September 1981 as significant and encouraging. It called for a speedy implementation of the substantial new Programme of Action as adopted at the Conference as an essential step towards the establishment of the New International Economic Order.

XIII

7. The Ministers and Heads of Delegations further decided to renew the mandate of the working, contact and drafting groups of the nonaligned countries.

XIV

8. The Ministers and Heads of Delegations underlined the importance of the forthcoming Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Countries to be held in Havana, Cuba, for enhancing the role and effectiveness of non-alignment in the solution of outstanding international problems and the preparation of the VII Summit Conference of Heads of State and Government to be held in Baghdad. They noted with satisfaction that the Coordinating Bureau at the level of Permanent Representatives to the United Nations will meet soon in order to start the preparatory work of this important ministerial meeting of the Coordinating Bureau to be held in Havana from 31 May to 4 June 1982, in close coordination with the host country.

9. The Ministers and Heads of Delegation expressed their deep satisfaction that the 20th Anniversary of the First Summit Conference of the Non-Aligned Countries held in 1961 in Belgrade was solemnly commemorated during the Ministerial Conference in

New Delhi. They noted with appreciation that this year, for the first time, in accordance with the decision adopted at the Ministerial Conference in New Delhi, the Day of Non-Alignment was observed in the United Nations and on the national level in non-aligned countries, which contributed to a wider perception of the relevance, in the current international situation, of the policy of non-alignment and of the Movement of Non-Aligned Countries and its irreplaceable role in the efforts towards the establishment of new political and economic relations in the world. The Ministers and Heads of Delegation expressed their satisfaction that the Twentieth Anniversary of the First Conference of Heads of State or Government of Non-Aligned Countries will be solemnly observed during the 36th Session of the General Assembly. They invited all member countries to contribute to the observance of this historic event.

10. The Meeting resolved that non-aligned countries will act in close cooperation with each other in respect to all items of special concern to the non-aligned countries on the agenda of the 36th Session of the United Nations General Assembly, in accordance with the principles and objectives of non-alignment.

The attached letter was sent to the following members:

Meguid—Arab Republic of Egypt.
Zentar—Kingdom of Morocco.
Maitama-sule—Nigeria.
NAIK—Pakistan.
Calle y Calle—Peru.
Allagany—Saudi Arabia.
Mashingaidze—Zimbabwe.
Mavrommatis—Cyprus.
Dirir—Djibouti.
Legawaila—Botswana.
Sanz—Bolivia.
Albornoz—Ecuador.
Adan—Somalia.
Sallah—Gambia.
Gbeho—Ghana.
Kamil—Indonesia.
Essy—Ivory Coast.
Kaiser—Bangladesh.
Pradhan—Bhutan.
Nuseibeh—Jordan.
Richardson—Jamaica.
Maina—Kenya.
Tueni—Lebanon.
Ntlhoki—Lesotho.
Beltramino—Argentina.
Fonseka—Sri Lanka.
Koh—Singapore.
Al Qusimi—United Arab Emirates.
Adjoyi—Togo.
Koroma—Sierra Leone.
Sarri—Sengal.
Oumarou—Niger.
Bhatt—Nepal.
Zaki—Maldives.
Salong—Malaysia.
Jones—Liberia.
Alaini—Yemen Arab Republic.
Kamanda—Zaire.
Lusaka—Zambia.
Davin—Gabon.
Kibanda—Central African Republic.
Oyono—Cameroon.
Bivakvia—Burundi.
Krishnan—India.
Traore—Mala.
Renzaho—Rwanda.
Auguste—Saint Lucia.
Malinga—Swaziland.
Abdalla—Sudan.
Slim—Tunisia.
Kafando—Upper Volta.
Otunnu—Uganda.
Al-Saffar—Bahrain.
Hamody—Mauritania.
Gauci—Malta.
Rupia—Tanzania.
Jamal—Qatar.
Aboul-Nasr—Oman.

THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,

October 6, 1981.

YOUR EXCELLENCY: Since coming to New York as the United States Permanent Representative to the United Nations some ten months ago, I have come to appreciate more warmly the positive role of the United Nations, and to greatly value relations between the United States Mission and that of many other Missions here at Turtle Bay.

Because I sincerely value the good relations between our Missions and the strong bilateral ties between our nations, I wish to share with you now my thoughts on a matter of some importance.

Quite frankly, I was startled to find your government associated with the Communique of the Ministers of Foreign Affairs and Heads of Delegation of the Non-Aligned Countries which was issued on September 28, 1981 in New York.

I well realize, Your Excellency, that your country is but one of some one hundred members of the Non-Aligned Movement, and that the Movement itself is a body of divergent nations. Nonetheless, I am startled that you or your government would or could associate yourselves with a document composed of such base lies and malicious attacks upon the good name of the United States.

I can assure you, Your Excellency, that I would never allow the United States to be associated with any document from any group—no matter how large or diverse—that contained such vicious and erroneous language against your country.

The communique has no more claims to being truly non-aligned than does the Permanent Mission of Cuba which issued it. In a year which sees a continuing military occupation of Afghanistan, Kampuchea and Chad—all with the support of the USSR, the non-aligned communique contains no mention of the Soviet Union. Yet it negatively mentions my country—which invades and occupies no one, and undermines no one's independence—nine times by name and dozens of times by implication, making the most absurd and erroneous charges such as:

That the U.S. perpetrated "aggression" against Libya last August, an "aggression" which "constitutes a threat as well as flagrant violence against the sovereignty, independence and territorial integrity on non-aligned countries" and "a threat to international peace and security" (page 13); and

That the U.S. participates in "attempts at destabilizing the Government of Grenada, the exertion of economic and other pressures, destabilizing maneuvers against Nicaragua" (page 17).

These, Your Excellency, are only two of the fabrications and vile attacks against the United States, which fill this 21-page document.

I need not elaborate all the falsehoods, nor need I explain to you the truth on these and other issues. For I believe, Your Excellency, that you know the truth about these matters and that, by and large, our countries share values and principles of basic human decency, national independence, self-determination, and non-aggression.

In fact, Your Excellency, I think that you no more believe these vicious lies than do I and I do not believe they are an accurate reflection of your government's outlook. And yet, what are we to think when your government joins in such charges, for that is what you have done in failing to disassociate yourself from them.

I think you will understand how disturbed I feel about this communique and your government's association with it, if only you imagine how you would react to having friendly nations level such charges against your government.

The fact that the United States is a large and powerful nation does not make us less concerned about our good name or the reliability of our friends.

Convinced that this communique does not represent your views, I would very much appreciate hearing from you about it.

With all good wishes, I am

Sincerely yours,

JEANE J. KIRKPATRICK.

Mr. MOYNIHAN. I thank the Chair.

I also ask unanimous consent to include in the RECORD an excellent editorial in the Wall Street Journal commending Ambassador Kirkpatrick, and two reports on this subject by the well-known and highly regarded United Nations correspondent for the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 14, 1981]

MRS. KIRKPATRICK ASKS 40 NATIONS TO EXPLAIN THEIR ANTI-U.S. STAND

(By Bernard D. Nossiter)

UNITED NATIONS, N.Y., October 13.—Jeane J. Kirkpatrick, the American delegate, has privately asked 40 nations to explain their support for a document of "base lies and malicious attacks upon the good name of the United States."

The letter, addressed to third-world nations that identify themselves as non-aligned, was sent on Oct. 6, Mrs. Kirkpatrick said. It complained that the "vicious and erroneous language" in a communique issued after a meeting Sept. 28 of foreign ministers and delegation heads from 93 other third-world nations.

Mrs. Kirkpatrick also says that many of those to whom she wrote have responded favorably. She would not name them, on the ground that it "would be inappropriate."

WHAT ARE WE TO THINK?

Diplomats here could not recall a letter to match the tone of Mrs. Kirkpatrick's. "Your Excellency, I think you no more believe these vicious lies than I do," she wrote, "and I do not believe they are an accurate reflection of your Government's outlook. And yet what are we to think when your Government joins in such charges, for that is what you have done in failing to disassociate yourself from them."

Mrs. Kirkpatrick concluded by telling the mission chiefs, "I would very much appreciate hearing from you about it."

Several delegates to the meeting have commented in private that the communiqué, a 21-page summary of the state of the world, was one-sidedly anti-American. Some attributed this to the chairmanship of Cuba's Foreign Minister, Isidoro Malmierca. Egypt and Pakistan succeeded in changing language they considered too harsh on the United States.

Other delegates said because of third-world opposition to the Reagan Administration's growing ties to South Africa and its proposed "strategic alliance" with Israel, there had been no disposition to challenge passages assailing the United States.

The third-world bloc does not vote on such documents. It approves them by consensus, which means that any passage can be stricken on the objection of one member.

Members of the third-world group range from close allies of the Soviet Union, like Ethiopia, Afghanistan and Vietnam, to staunch friends of the United States, like Singapore, Somalia and Egypt. Most of the 93 nations, however, swing between the United States and the Soviet Union, depending on the issue being discussed.

Mrs. Kirkpatrick said she chose the 40 recipients of her letter on the basis of personal contact that she or a senior American official had had with the foreign missions.

In effect, she chose missions regarded as friendly to the United States.

Mrs. Kirkpatrick said today that she had received 15 replies and all of them accepted her thesis. Delegates from nine nations, she said, told her, "We don't believe it," meaning that they do not accept the attacks on the United States. Three others said they were not present at the meeting, and three showed her letters they had sent, disassociating themselves from the document. She added that she expected further favorable replies.

A random check of some missions turned up a cooler response. Yusufu Maitima Sule of Nigeria said that his Government was studying the letter and that "there will be no rush to reply." Ghassan Tueni of Lebanon said he had spoken with Mrs. Kirkpatrick personally and told her he did not agree with her letter.

"I told her," he said, "that if she wanted more than polemics, she should abandon the epistolary style and meet with some of us"

This was an allusion to Mrs. Kirkpatrick's recent absences from the United Nations.

In her letter, Mrs. Kirkpatrick contended that the communiqué "has no more claims to being truly nonaligned than does the Permament Mission of Cuba, which issued it."

She singled out two examples of what she called "absurd and erroneous charges" and "fabrications and vile attacks." One was the document's assertion that the United States had committed aggression when the Navy in August shot down over the Gulf of Sidra off the Libyan coast two Libyan planes that Washington had said fired first. The other instance was the communiqué's claim that the United States was trying to "destabilize" Grenada and Nicaragua.

NO CRITICISM OF RUSSIANS

Mrs. Kirkpatrick was indignant over the absence of criticism of the Soviet Union in the communiqué "in a year which sees a continuing military occupation of Afghanistan, Cambodia and Chad."

About 85,000 Soviet troops remain in Afghanistan. Cambodia is governed by a regime installed by Vietnam, a country closely tied to the Soviet Union. Libya, also pro-Soviet, has stationed troops in Chad since last December.

[From the New York Times, Oct. 5, 1981]

U.S. AS WHIPPING BOY

(By Bernard D. Nossiter)

UNITED NATIONS, N.Y., Oct. 3, 1981.—If the 93 nations professing nonalignment are to be taken literally, the United States is the only threat to world peace and prosperity.

This is the thrust of a 21-page document that the group adopted this week after two days of private discussion. "It has been a strongly anti-American formulation," said a senior Arab diplomat who was unhappy with the proceedings.

In the document, the United States is accused of "aggression" for downing two Libyan planes that Washington said had fired first over international waters. The United States is also "condemned" in the document for its "hostility" toward the "inalienable rights" of Palestinian Arabs, for planning to build new strategic links with Israel, for attempting to "destabilize" Nicaragua, Grenada and Cuba, and for refusing to grant Puerto Rico independence, although the island's voters have repeatedly rejected this option at the polls.

AMERICAN VETO IS DEPLORED

The 93 nations also "deplored" the American veto of a resolution condemning South Africa for its raid into Angola in August. The communiqué implies that Washington will breach its treaty to Panama at the end of the century. The document voices alarm over the accelerating arms race but singles out only one weapon, the American neutron bomb. It has nothing to say about Soviet deployment of medium-range missiles in Europe.

In fact, the Soviet Union and its allies are never mentioned, save as victims, anywhere in the survey. It says that "foreign forces" should pull out of Afghanistan but fails to describe them as Moscow's. Similarly, it says unidentified "foreign forces" should also withdraw from Cambodia; it discreetly does not name them as Vietnamese.

The nonaligned group, celebrating its 20th anniversary, organized in the name of independence from the camps led by Washington and Moscow. Several delegates to the conference acknowledge that the latest communiqué is more strongly tilted toward the Soviet Union than any produced since the group's meeting in Havana two years ago. These diplomats, however, contend there is both less and more here than meets the eye.

Cuba is still chairman of the group and its foreign minister, Isidoro Malmierca, ran the latest meeting here with an iron hand. According to those present, when a delegate demurred at some language, Mr. Malmierca would reply: "Don't waste time. Send your reservation in writing." This way he could preserve an artificial appearance of consensus or unanimity, required at nonaligned gatherings.

"The moderates never organized," said an Asian envoy. "The extremists did." The meeting was presented with a relatively mild working paper. But Syria, Libya, Algeria, Nicaragua and the Palestine Liberation Organization—a 94th "nation" in nonaligned circles—introduced carefully timed amendments to stiffen the document's anti-American tone.

Several dozen members of the group, including Bangladesh, Nepal, Bhutan, Zaire, Senegal and Gabon, say they will file objections to one section or another. But for the record, the paper stands as the group's unanimous view. "It was just not important enough to fight over," said an Asian diplomat.

Some nations did, however, fight for their own cause. Egypt succeeded in erasing words that would have condemned Cairo for signing a peace treaty with Israel. Pakistan got rid of language diluting the section dealing with those anonymous "foreign forces" in Afghanistan.

The moderates concede that their unwillingness to insist on a less one-sided document reflects a widespread undercurrent of dismay with the policies of the Reagan Administration.

"You're sending out the wrong signals," said an African diplomat. In the African view, the Administration's proclaimed neutrality between South Africa's ruling whites and its black population is immoral. Washington's repeated actions to support Pretoria or spare it from rebuke have aroused deep suspicion over American intentions toward the South African-administered territory of South-West Africa, also known as Namibia.

[From the Wall Street Journal, Oct. 19, 1981]

EXPLAIN YOURSELF

Something that shouldn't pass without comment happened at the United Nations the other day. Delegates from the nonaligned nations met and issued a consensus statement that excoriated the United States for all kinds of sins while remaining silent on the subject of the Soviet Union. This, of course, was nothing new. But this time Ambassador Jeane Kirkpatrick wrote individual letters to many of the envoys involved, asking them explicitly whether they really believed the lies they had attached their counties' names to. It is a healthy precedent.

The document in question was the communique of ministers of foreign affairs and heads of delegation of the nonaligned countries, put out after a meeting of these notables in New York on Sept. 28. Chairing the meeting was the Cuban Foreign Minister, and this fact showed in the final product. The "nonaligned" nations accused the U.S. of "aggression" against the hapless nation of Libya and against the nonaligned world in general; they excoriated us for trying to "destabilize" Grenada and Nicaragua, two new Soviet bases in the Caribbean region. There was no mention of current events such as the Soviet role in Afghanistan.

The U.S. letter asked the less antagonistic among the nonaligned to explain for themselves what they meant by all this. These are "vicious lies," the letter said, "and I do not believe they are an accurate reflection of your government's outlook. And yet what are we to think when your government joins in such charges." Such actions, the letter suggested, are hardly compatible with a general posture of friendly relations.

We are told that some of the nonaligned have sent back written or oral word that they have in fact dissociated themselves from the Cuban communique. Others, it seems, are rather miffed that they have been called on the carpet. Some are saying that they let the unfriendly language go through because they are mad at the U.S. for being increasingly soft on South Africa and for actually contemplating an expanded strategic alliance with the pariah Israel. The ambassador from Lebanon, who should know something about the Soviet role in world affairs, is reported to have met the issue with a courageous demand for fewer letters from the U.S. and more personal meetings.

We hope the U.S. delegation stirs up this species of ferment again and again. One of the most persistent features of UN life has been the habit of its delegations to speak one way in private and another in public. They express perfect understanding of U.S. interests in personal conversation and can be counted on to vote the opposite, professing their problems, their difficulties, their delicate situation. They know we will understand. Unfortunately, we usually do.

The habit is not going to change until we become a little less understanding and a little more respectful—until, that is, we develop a consistent pattern of treating our nonaligned colleagues as adult nations responsible for the words they utter. This letter was a step toward that new pattern, and it will be refreshing if it proves to be the first of many.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, it remains to me only to explain the purposes of the substitute amendment.

My original amendment would have simply required that no grants of funds or equipment, no arms sales, and no credit or loans could be extended to nations that had subscribed to this vile communique and then not disscciated themselves.

As I said earlier, the chairman and the distinguished ranking member have found that too strong an assertion by the Senate as to how the President should conduct his foreign affairs. So we have agreed on a substitute which says that there will be no aid, assistance, sales, credits, or loans under the Foreign Assistance Act or the Arms Export Control Act to any country that has been involved in this communique—there are 97 in total—until the President shall have taken into account whether that country has dissociated itself from the communique. Within 30 days of the enactment of this section the President shall

report to the Congress, to the Speaker of the House, and to the Committee on Foreign Relations, which countries have dissociated themselves and the form in which the dissociation was made. Thereafter, when any country chooses to do this to assert that it does not subscribe to the communique, Congress will be informed by the President.

Mr. President, in order to ascertain whether there has not been a small typographical mistake in the document at the desk, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. The text is now correct.

With that, Mr. President, I conclude my remarks with special thanks to the distinguished chairman and his colleagues for their cooperation in this matter.

Mr. KASTEN. Mr. President, I fully understand the frustrations felt by the Senator from New York with the kind of irresponsible rhetoric which sometimes emanates from international organizations, all too frequently aimed at the United States, and I commend the Senator for his amendment and for his interest.

This amendment makes clear that the Congress believes that the comportment of countries in international forums should be considered as a part of our overall relationship with that country and requires the President to consider such conduct in constructing his foreign assistance programs.

This clearly puts countries on notice that we will look at their attitudes in international forums and the cheap shots at the United States will have a cost in the future.

Along with the chairman of the Foreign Relations Committee, Mr. President, and the majority manager of the bill, I support this amendment. We actively support this amendment.

Mr. MOYNIHAN. Mr. President, may I express appreciation to the Senator from Wisconsin for what he has said and call attention to just one further point in this communique?

The 97 nations were in flagrant violation of article 7 of the United Nations Charter which states that—

> Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.

Yet the movement of nonalined countries called for the United Nations General Assembly to take up the issue of Puerto Rico as if this were not, in fact, wholly an internal matter of the United States.

May I say to the distinguished Senator from Wisconsin that while I was this Nation's permanent representative at the United Nations, I set out to do a simple survey of members of the Assembly.

There were then, I believe, 143; there are now 155. I endeavored to determine which among this collection of nations, by a very loose set of criteria, very easily met criteria, were with respect to the United States bilateral, as opposed to multilateral, nations.

The multilateral were those with whom we did not have significant relations, except in the multilateral forums.

To qualify as a bilateral country, a country had to meet some very minimal standards. It had to sell us a few things, we had to sell it a few things. There were about five categories such as this.

Even with that very loose set of standards, we found with more than half of the nations in the world that our relationship with them was conducted principally in the United Nations or the World Health Organization or the ILO, or other international bodies. Otherwise, we generally did not have anything much at all to do with each other.

This remains true today of scores of countries. Therefore, it matters to us only how they conduct themselves at the United Nations.

We do not ask any country to subject itself to our judgment, much less to abase itself. But the relationship between nations ought to be attended by a certain comity. Certainly, when the one is a donor, it is not unreasonable to expect not to be vilified by the receiver, not to have vicious lies stated by the country that one is wishing to assist.

I conclude on the simple point that Mrs. Kirkpatrick meant it when she said she would never allow the United States to be associated with such statements made to the countries that she addressed. Such statements should not be allowed to be a normal part of international relations, and we in the U.S. Senate should be alarmed that malicious lies about this Nation are told, and subscribed to, by two-thirds of the nations of the world.

This Nation will no longer say, "Well, it is only words." Because these are more than words.

We are fighting, Mr. President, for the language of international politics. If we let that Orwellian perversion of meanings and distortions of truth become a norm, we shall lose far more than we understand. Ambassador Kirkpatrick sees this point. This is an opportunity to support her.

Mr. President, I again want to thank the distinguished Senator from Wisconsin for his insightful and very important remarks.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—88

Abdnor	Glenn	Metzenbaum
Andrews	Gorton	Mitchell
Baker	Grassley	Moynihan
Baucus	Hart	Murkowski
Bentsen	Hatch	Nickles
Biden	Hatfield	Nunn
Boren	Hawkins	Packwood
Boschwitz	Hayakawa	Pell
Bradley	Heflin	Percy
Bumpers	Heinz	Proxmire
Burdick	Helms	Pryor
Byrd, Harry F., Jr.	Hollings	Quayle
Byrd, Robert C.	Huddleston	Randolph
Cannon	Humphrey	Riegle
Chiles	Inouye	Roth
Cochran	Jackson	Rudman
Cohen	Jepsen	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kassebaum	Schmitt
Danforth	Kasten	Simpson
Dixon	Kennedy	Specter
Dole	Laxalt	Stafford
Domenici	Leahy	Stennis
Durenberger	Levin	Symms
Eagleton	Long	Thurmond
East	Lugar	Wallop
Exon	Mathias	Warner
Ford	Matsunaga	Williams
Garn	Mattingly	Zorinsky
	Melcher	

NOT VOTING—12

Armstrong	Dodd	Stevens
Chafee	Goldwater	Tower
DeConcini	McClure	Tsongas
Denton	Pressler	Weicker

So the amendment (UP No. 498) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment now pending be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as amended.

The amendment (UP No. 497), as amended, was agreed to.

Mr. MOYNIHAN. I thank the Chair.

UP AMENDMENT NO. 499

(Purpose: To eliminate provisions earmarking funds)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) for himself and Mr. HATFIELD, proposes unprinted amendment No. 499.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 22, strike out line 20 through line 23 on page 23 and insert in lieu thereof the following:

"(b) Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1982 shall be provided on a grant basis.

"(c) Up to $50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1982 may be made available for emergency use under this chapter when the national interests of the United States urgently require economic support to promote economic or political stability.

"(d) None of the funds appropriated to carry out this chapter for the fiscal year 1982 may be made available to Syria.".

(c) Section 533 of such Act is repealed.

On page 26, line 8, strike out the comma and all that follows through "Activities" on line 14.

Beginning on page 26, line 24, strike out through page 27, line 13.

On page 30, strike out lines 13 through 20.

On page 30, line 22, strike out "Sec. 307." and insert in lieu thereof "Sec. 306.".

On page 31, line 2, strike out "Sec. 308." and insert in lieu thereof "Sec. 307.".

On page 32, line 20, strike out "Sec. 309." and insert in lieu thereof "Sec. 308.".

On page 33, strike out lines 3 through 17.

On page 33, line 19, strike out "Sec. 311." and insert in lieu thereof "Sec. 309.".

On page 34, beginning on line 4, strike out the first comma and all that follows through "Program" on line 9.

On page 34, line 11, strike out "Sec. 312." and insert in lieu thereof "Sec. 310.".

On page 35, line 4, strike out "Sec. 313." and insert in lieu thereof "Sec. 311.".

Beginning on page 36, strike out line 23 through line 2 on page 37.

On page 37, line 3, strike out "(4)" and insert in lieu thereof "(3)".

On page 84, between lines 2 and 3, insert the following:

AVAILABILITY OF ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON

SEC. 716. Notwithstanding the amendment relating to Lebanon made by section 715(b) of this Act, which added subsection (h) to section 532 of the Foreign Assistance Act of 1961, the dollar amount of funds specified in such subsection may be available for any of the purposes authorized under chapter 4 of part II of the Foreign Assistance Act of 1961.

On page 84, line 4, strike out "SEC. 716." and insert in lieu thereof "SEC. 717.".

Mr. KASTEN. Mr. President, I am offering this amendment on behalf of myself and the senior Senator from Oregon, Senator HATFIELD.

The rationale behind this amendment is a simple one. Expressed in general terms, it addresses the problems caused by earmarking funds at this early stage of the congressional process only to find out at the end of this process, when the appropriations legislation is passed, that the well-intentioned earmark has the effect of severely limiting programs, or, in some cases, actually eliminating programs.

Mr. President, the problem can be expressed in this fashion: The Foreign Relations Committee authorizes an activity at $100, earmarking $20 of the $100 for a specific program. As is almost always the case, the appropriations for the activity is reduced, say in this case to $60, and the situation thus changes dramatically—where first the committee mandates earmarking one-fifth of the activity, now it becomes one-third. Not only would not the committee's original intent be enacted, but there is an adverse effect of squeezing other programs in order to make room for a larger proportionate earmarking. As I will show in a moment, with the current stringent budgetary situation, this adverse effect is greatly exaggerated.

Mr. President, to demonstrate my point, I would like to cite a few actual examples found in the legislation before us under the international organizations and programs account—voluntary contributions to the United Nations and the Organization of American States—the committee has authorized for this purpose $229,500,000, earmarking funds for 3 of the 14 programs for which funding is requested under the activity. The three earmarkings total $189,500,000.

The administration's revised budget request received on September 30 seeks a total of $189,200,000 for the entire account, or $300,000 less than the total earmarking for the three programs. As chairman of the Foreign Operations Appropriations Subcommittee, and as a member of the Senate Budget Committee, I am as certain as possible that the total funding available for international organizations and programs in fiscal year 1982 will be very close to the administration's request—in fact, unfortunately, it is likely that we will once again be on a continuing resolution for the entire fiscal year, a continuing resolution, as in the case right now, where the rate of operation for this activity is set at $189,200,000. So, Mr. President, what are the effects of these earmarkings?

Instead of $13.250 million for the International Atomic Energy Agency there will be zero;

Instead of $14.5 million for the Organization of American States there will be zero;

Instead of $2 million for the United Nations capital development program there will be zero;

Instead of $2 million for the world food program there will be zero;

Instead of $500,000 for the United Nations Decade for Women/Voluntary Fund there will be zero;

Instead of $1 million for the United Nations education and training program for southern Africa there will be zero;

Instead of $500,000 for the Institute for Namibia there will be zero;

Instead of $2.3 million for the World Meteorological Organization there will be zero; and

Instead of $150,000 for operation of the Conference on International Trade in Endangered Species there will be zero.

The Foreign Relations Committee has also earmarked a total of $2,017,000,000 of the economic support fund. Most of this earmarking—$1,577,000,000—is for Israel and Egypt. I know as well as anyone that one way or another Congress is going to earmark the funding for these two countries. I suspect this is the one case in this legislation where the earmarking will stay the same no matter the size of the pot. That is not true, however, of the rest of the earmarkings. Under the continuing resolution, funding for the economic support fund totals $2,104,500,000; and, therefore—again it is likely that this will end up as the total funding for fiscal year 1982—the effects of these earmarkings is to squeeze all of the other ESF country programs.

There would be only $87,500,000 for $564 million worth of requests for the Philippines, Thailand, Jordan, Lebanon, Oman, Portugal, Spain, all of the African countries including Kenya, Liberia, and Zimbabwe and the Sudan, the eastern Caribbean program, El Salvador and Jamaica. Recognizing that the earmarks for Egypt and Israel are cerain to be enacted one way or another, at least there would be some flexibility were those the only earmarkings.

Mr. President, let me cite one more example to further illustrate my point. There has been an enormous amount of pressure up here to earmark $5.7 million of the funds in AID's education and human resources account for a scholarship program for black South Africans. I realize that the Foreign Relations Committee has provided for a ceiling and not an earmarking, but the House Foreign Affairs Committee has earmarked these funds. Since the particular item is an especially good example of the problem I would like to use it.

The administration's revised request for education and human resources is $96 million. Of this amount approximately $17.6 million will be available for all of the education and human resources programs in all of the countries in Africa. The earmarking would thus account for nearly one-third of the entire African program—not one-third of the scholarship program—one-third of the entire program that simply does not make sense.

Mr. President, we have no hidden motive or agenda behind offering this amendment. It is offered out of concern that we be able to have the flexibility necessary to maximize the shortage of foreign assistance dollars. Gone are the days when high appropriation levels were assured, thus greatly lessening the adverse effect of earmarkings. More than anything we must recognize that fact. These are new times, and while I know earmarking has been a practice in the past, not only are these new times a chance to break these practices, but as I believe I have illustrated, we must break it.

The ideal way to operate, and I think the chairman of the Foreign Relations Committee would agree with this, is for the Foreign Relations and Appropriations Committees to avoid earmarkings and where we disagree in the differing policy suggested in our reports—negotiate those differences. But let us not be inflexible—and most of all, let us not harm our foreign assistance programs and policies because of presumed com-

mittee prerogatives—whether the committee is Appropriations or Foreign Relations.

The original version of the amendment I am offering today eliminated all of the earmarkings in the legislation before the Senate. A number of my colleagues have expressed general support of this amendment, but have raised concerns with respect to the earmarkings for Israel and Egypt. In the Dear Colleague letter that I sent each Senator last Friday, I pointed out that the appropriations legislation, under the jurisdiction of the subcommittee I chair, would be providing for those two earmarkings and that, therefore, any concern with respect to Israel and Egypt was unfounded. However, some uneasiness still exists with respect to this particular issue and, therefore, in the version of the amendment before us, the earmarkings for Israel and Egypt remain intact—I repeat, the earmarkings for Israel and Egypt remain intact.

Mr. President, two more points:

I am not totally against earmarkings—sometimes it is necessary when Congress feels strongly on an issue—but let us do it at the end of the process so that we have no unintended and unnecessary adverse effects.

Second, I want to assure the chairman of the Foreign Relations Committee that it is my desire to work with him as closely as I can in our common efforts to secure a strong and sensible foreign assistance policy and program.

(By request of Mr. KASTEN the following statement was ordered to be printed in the RECORD:)

● Mr. HATFIELD. Mr. President, the Senator from Wisconsin (Mr. KASTEN) has made an overwhelming case for acceptance of our amendment. I want to associate myself with his remarks, and underscore some of his arguments.

One of the results of the various budget-related matters that passed this year is that authorization and appropriation levels will be much closer than they have been in the past. As recently as fiscal year 1980, appropriations were only 57 percent of authorized levels. But reconciliation lowered authorizations in numerous cases to under the previously appropriated level. So we will not see many situations where the authorization legislation provides the Appropriations Committee with a great deal of room with which to set funding priorities—the Appropriations Committee's main responsibility. Under these conditions, earmarkings in authorization legislation are simply not practical. They will result in situations such as described by the Senator from Wisconsin where programs are actually eliminated because of the earmarkings and the total amount earmarked will exceed the total appropriation.

Mr. President, I would also like to join with the Senator from Wisconsin by indicating that I will work closely with the chairman of the Foreign Relations Committee in the furtherance of a sound and sensible foreign assistance program and policy. I do not think that this matter which is highlighted by our amendment should be considered as a disagreement of committee prerogatives or jurisdiction, but rather as a recognition of the budgetary limitation which faces us in this period of time. I hope the Foreign Relations Committee will accept this amendment, and I again congratulate the Senator from Wisconsin for bringing this matter to the Senate's attention.●

Mr. PERCY. Mr. President, before replying to my distinguished colleague, I would just like to say to him that last night, in giving the keynote address at the annual meeting of the Council for the Johns Hopkins School of Advanced Studies, about 140 of the most powerful and influential people in the international community in Washington and across the country, during the question-and-answer period I was asked for an evaluation of the new Senators, the freshman class, and how sophisticated I felt they were in international affairs, and did they really understand the nature of the world, the complexity of it, and so forth.

I commended highly the quality of the Members on both sides of the aisle of the new class, and then took occasion to particularly point out the very close working relationship that we had established with the chairman and the ranking member and the members of the Committee on Foreign Relations in dealing with authorization bills, and that we had extended invitations to the distinguished chairman of the Appropriations Subcommittee for International Operations, and his deep interest in the policy-making aspects of foreign policy which has been a tremendous encouragement to us, and that we had worked in tandem, arm in arm, in many areas.

The pending amendment is just a good example of the cross-fertilization of ideas and the responsible position taken by my distinguished colleague. I hope my friends from Wisconsin as well as Illinois hear these words of praise which have been so well deserved.

UP AMENDMENT NO. 500

I do recognize that the President's revised request creates problems in the I.O. & P. account if modifications are not made in earmarks for those accounts. Therefore, I send to the desk a substitute amendment for the one offered by Senator KASTEN which makes the earmarks in the I.O. & P. account proportional for the total amount appropriated for the entire account.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 500 to the Kasten amendment numbered 499.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language to be inserted, insert the following:

On page 34, strike lines 4 through 9 and insert the following: "the fiscal year 1982. Of the funds appropriated pursuant to the authorities of this section in fiscal year 1982, not less than 19.6 percent of the total appropriated or up to $45,000,000 shall be available only for the United Nation's Children's Fund, not less than 58.7 percent of the total appropriated or up to $134,500,000 shall be available only for the United Nations Development Fund, and not less than 4.4 percent of the total appropriated or up to $10,000,000 shall be available only for the United Nations Environmental Program."

Mr. KASTEN. Mr. President, first of all, I would like to thank the distinguished Senator from Illinois, the chairman of the committee, for his kind words, and to just say it has been a privilege and a pleasure to work with the Senator and to learn from him. I look forward to the working and the learning as we work together in the future.

Mr. President, if I understand the compromise which is now being proposed by the chairman of the Foreign Relations Committee, he would change the earmarkings for the international organizations and programs account from fixed dollar amounts to percentages. Frankly, I am not too fond of that method either, though it is a step in the direction of recognizing the problems which have been created by the earmarking of funds on this legislation. I appreciate the chairman's recognition of this and his spirit of compromise.

I had hoped that his compromise would cover the rest of the legislation, but I now believe we have reached an understanding which will help solve problems which might arise later because of the other earmarkings. I know the chairman and members of the Foreign Relations Committee feel strongly about their right to earmark on this legislation, and, of course, they have that right. What I have been trying to do by offering this amendment, however, is to demonstrate that that practice should probably not be continued in the future if we are going to continue to have very scarce foreign assistance dollars. Earmarking on authorizing legislation in the past presented no problem because there was always enough room to maneuver—with decreased funding that room greatly diminishes.

Mr. President, it is my understanding that the leadership of the committee would be willing to support legislation on an appropriation measure, should such legislation be required, in order to overcome any severe problems created by earmarkings in this legislation. With that understanding I am perfectly willing to accept his modification to my amendment. I want to say once more that I greatly appreciate the attitude the chairman has taken throughout our discussions on this matter, and I look forward to working with the distinguished Senator from Illinois, the chairman of the committee, in the future on this and other issues.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (UP No. 500) was agreed to.

Mr. PERCY. Mr. President, I want to thank the Senator from Wisconsin for his statement and for his understanding of our concerns. I also believe the Senate owes him a debt for bringing this matter

to the attention of the Senate. The case he has made for his position has been very effective, and I can assure him we will be looking into this problem. Just as he has cooperated with the Foreign Relations Committee on a number of items, I want to assure him that I will likewise offer my support and counsel when the Senate considers the foreign assistance appropriations legislation which he will be managing. I also want to thank the chairman of the Appropriations Committee, the cosponsor of Senator KASTEN's amendment, for his understanding.

I know that the ranking member of the Foreign Relations Committee joins me in saying that we will support legislation on an appropriations measure if it becomes necessary to alleviate any severe problems caused by earmarkings in this legislation.

I move the adoption of the Kasten amendment as modified by the Percy substitute.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin, as modified by the amendment of the Senator from Illinois.

The amendment (UP No. 499), as modified, was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may I have just a brief moment, if the Senator from California will permit me? It is now 2 o'clock, and after consulting with officials on both sides of the aisle it would appear that there are eight amendments left to be dealt with yet this afternoon.

I urge Senators once again to come to the floor and offer their amendments. I especially urge if there are any Members who have amendments on the list of eight, which is at the desk, that they do not intend to offer that they let us know as soon as possible so that we can proceed with planning for the remainder of this day.

As I announced earlier, I am prepared to ask the Senate to remain late tonight in order to finish this bill. I want us to try to finish it if the Senate is agreeable, and we can finish, but not, Mr. President, if Senators hang back and do not offer their amendments.

So the answer to the question that is being put to me with increasing frequency now about how late we will be in depends entirely on how fast Members will come to the floor and offer and dispose of their amendments. I believe we can finish by 7 or 8 o'clock. I am prepared to stay later than that to finish. But we can improve on that time if Members will help us in trying to accelerate the consideration and disposition of this measure.

Mr. PERCY. Mr. President, I would like to address a question to the majority leader on this. I join in his urging Senators to come to the floor. This bill has been hanging around for a long time. We are bound and determined to finish it. But there are commitments that Senators have made. We thought we could finish this late this afternoon, and I would really like to aim toward a time certain of 7 or 7:30 this evening so that we would be on notice and Senators would recognize that we do not intend to stay around until midnight. If they have amendments they want to offer let them come to the floor and we are prepared to take them and to debate them right now.

But we really do urge once again that we move on this.

I have asked the minority to consider whether we could enter into a unanimous-consent agreement to have a time certain this evening to vote. With the eight amendments, I see no reason that we cannot finish those by 7 or 7:30.

Mr. BAKER. Mr. President, if the Senator will permit me, I would be perfectly happy to clear that through our system. I am sure the minority would wish to do the same. We can address the question later.

I am advised now that the Senator from Ohio (Mr. GLENN) has two amendments that will not require a great length of time, but that will make 10 in all.

Mr. President, I even hope that we could finish this bill by 5 or 6 o'clock. It is possible to do that if we will just settle down and get busy with the amendments at hand.

Mr. PERCY. Mr. President, I thank the majority leader. I assure him that the floor managers of the bill for the majority and minority will cooperate in every way possible. With the cooperation of staff members and other Senators, however, we could finish this by the targeted time of 5 or 6 o'clock.

Mr. BAKER. I thank the Senator.

UP AMENDMENT NO. 501

(Purpose: To increase the amount of ammunition that may be stored in fiscal year 1982 in Korea by the U.S. Government for possible Korean use)

Mr. HAYAKAWA. Mr. President, I send an amendment to the desk to increase the amount of ammunition that may be stored in fiscal year 1982 in Korea by the U.S. Government for possible Korean use and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mr. HAYAKAWA) proposes an unprinted amendment numbered 501.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 9, strike out "$100,000,000" and insert in lieu thereof "$160,000,000".

Mr. HAYAKAWA. Mr. President, I submit this amendment to raise the authorized ceiling for the fiscal year 1982 war reserve stock for allies program for Korea from $100 million to $160 million. This change to the program will significantly enhance the readiness posture of the Korean forces by adding an additional 2 days of ammunition to the stockpile which is held in Korea for use in contingencies under U.S. accountability. It should be kept in mind that these assets will not be procured from production but will be obtained from excess U.S. needs. There are several reasons which make this amendment advantageous to the United States. First, as I mentioned, the assets are available and excess to our needs. Second, transportation funds are available in the budget of the U.S. Army to move the assets in fiscal year 1982. Third, the United States will realize substantial savings in ammunition storage costs if the move is accomplished in this fiscal year. Finally, the Korean Government, as part of our combined defense improvement program, is constructing storage facilities at no cost to the United States. We will be fortifying its credibility with, and support the Korean Government.

In summary, this initiative will, at minimum cost, strengthen both our material defense readiness with our longtime ally, Korea, and will visibly enhance U.S. regional credibility among member nations in the Northeast Asian community.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am glad to rise in support of the amendment of the distinguished Senator from California. I compliment him for bringing this before us. I think it is a very worthwhile amendment.

He is chairman of our Far East Subcommittee and I am the ranking minority member. At one time, I was chairman of it, of course. But I have been following this Korean situation, the ammo supplies, for a long period of time.

In fact, when President Carter was proposing to pull the troops out of Korea, we had several meetings with him at that time and, whether for that or for other reasons, that order to pull the troops out of Korea was reversed. I think it was fortunate that that was the case, because they do remain there as a trip wire.

But, in my several trips to Korea, one of the things that I had looked into at one time was this ammo supply business, because there were rumors afoot that much of the ammunition there was outdated, far overaged, and was left over from the Korean war and was having to go through a reprocessing, a rehabilitation, a refurbishing to make it usable. So those ammo supplies were down. We were very concerned about it.

We were even talking here about whether we would put in special legislation to get separate contracting for new ammo supplies.

I am very glad to say that situation has now been reversed. The situation does appear to be in good shape. It is clear that the United States, the Korean Government, and, indeed, the stability we provide for everyone in that part of the world, will all gain by approving this amendment of the distinguished Senator from California, for it will bring the level of ammunition stored in Korea for

use in emergencies to a more acceptable level. As we all know, that has been our goal for the last several years.

It has been frequently requested, I might add, by both our Ambassador and by military commanders there. The ammunition we are talking about is that which is no longer used by U.S. forces and can be stored in Korea at no expense to the U.S. Government. In fact, the Koreans are now building extensive storage facilities for this ammunition at their own volition and they are paying all the construction and storage costs. So there is no cost to us for that.

The ammunition, once it is in place, will help to provide a very real deterrent and, I might add, also, by knowing it is there, a psychological deterrent to the forces in the region which might be tempted to aggression in the face of a less positive U.S. posture.

Therefore, for minimal expense, the United States will have reinforced a longstanding relationship, a longstanding commitment, and will once more have given credence to our position of a continuing interest in Northeast Asia and our continuing support for the South Korean Government, which stands under a state of duress all the time from the alinement of military forces on their border to the north across the DMZ.

So I am glad to be able to support this. I urge my colleagues to support it.

I have not moved for a record vote. I do not believe the Senator from California wishes a record vote. I would be happy to pass it on a voice vote.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 22, 1981, from R. D. Webster, Deputy Assistant Secretary of Defense.

There being no objection, the letter was ordered to be printed in the RECORD, as follows.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 22, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to request a change in the authorized ceilng for the FY 82 War Reserve Stock for Allies Program for Korea from $100M to $160M. The reason for this request is to enhance the readiness posture of the Korean forces by adding an additional two days of ammunition to the stockpile which is held in Korea under U.S. accountability. The additional $60M above the original requested ceiling has resulted from a late request from the U.S. Army stemming from a determination that there are excesses in Army stockpiles to their needs. Additionally, transportation funds are now available to move these assets in FY 82.

There are three basic advantages to increasing the ceiling: first, the U.S. will accrue substantial savings in ammunition storage and transportation costs provided the transfers are accomplished in FY 82; second, the Korean Government is constructing storage facilities at no cost to the U.S.; third, by the transfer, the U.S. will strengthen its credibility with the Korean Government.

Sincerely,

R. D. WEBSTER,
Deputy Assistant Secretary of Defense (Logistic and Materiel Management).

Mr. PERCY. Mr. President, in this letter, the Secretary points out three basic advantages to increasing the ceiling:

First, the U.S. will accrue substantial savings in ammunition storage and transportation costs provided the transfers are accomplished in FY 82; second, the Korean Government is constructing storage facilities at no cost to the U.S.; third, by the transfer, the U.S. will strengthen its credibility with the Korean Government.

Mr. President, I commend my distinguished colleague once again for being creative and ahead of everyone else in introducing this amendment, which I think is an extremely important amendment. It helps strengthen the combined United States-South Korean forces by adding to the ammunition placed in South Korea in reserve.

This is done without affecting the budget totals in this bill.

The majority floor manager accepts this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from California (Mr. HAYAKAWA).

The amendment (UP No. 501) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HAYAKAWA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 502

(Purpose: To repeal a prohibition on furnishing certain assistance for Chile)

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment, and I ask that it be stated.

The PRESIDING OFFICER (Mr. GRASSLEY). The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) for himself and the Senator from South Carolina (Mr. THURMOND), proposes an unprinted amendment numbered 502.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

REPEAL OF LIMITATIONS ON ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

SEC. 716. Section 406 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2370 note) is repealed.

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 717.".

Mr. HELMS. Mr. President, section 406, International Security Assistance and Arms Export Control Act of 1976, prohibits military assistance, security supporting assistance, military education and training, credits, guaranties, cash sales, or the provision of export licenses to Chile. This is an absolute, stringent prohibition. There are no exceptions, no provision for a Presidential waiver in the interest of U.S. national security, as is the case with Communist countries (section 620(F)). It is a totally restrictive, punitive law. In fact, the restriction on Chile is even more severe than those imposed upon those paragons of human rights, Cambodia, Vietnam, Angola, and South Africa.

This provision—the so-called Kennedy amendment—was adopted in 1976 on the floor of the Senate. The House agreed to it in conference. Thus, this provision of law has never been discussed by a congressional committee nor has it been brought up and debated on the floor of the House.

Stringent and specific legislative restrictions based on human rights considerations, especially with regard to Chile, should be modified because those restrictions are inappropriate, ineffective, inflexible, and are counterproductive.

There are at least six reasons why section 406 should be repealed:

First. These restrictions are an inappropriate way to pursue the legislative dictate (section 502B(a)(3), Foreign Assistance Act of 1961) which requires the President to conduct international security assistance programs "in a manner which will promote and advance human rights."

We do not help the cause of human rights by withholding economic help to the victims of human rights violations. Nor do we help the cause of human rights by branding certain governments as pariahs and eliminating our trade with those countries, sacrificing American jobs and diplomatic influence as well. It would be more effective to maintain our trade relations and our influence and to work with quiet diplomacy to achieve our commendable objectives.

Second. These legislative restrictions represent a clear double standard of morality in implementing U.S. trade policies.

The United States has little or no leverage over some of the world's most repressive regimes—China, North Korea, Cambodia, and the Soviet Union. In cases where we do have significant influence, such as South Korea, Saudi Arabia, or the Philippines, our human rights concerns bump against other, perhaps more important, considerations such as national security or economic necessity. So the brunt of our human rights policy has fallen on those nations that are poor enough and friendly enough to need and be eligible for U.S. aid.

But they are not strategically or economically important to this country. Neither are they in the forefront of human rights violation. Thus, Chile has been singled out in legislation as a human rights violator and has had penalties imposed on it through legislation far more severe than those imposed upon North Korea, and China, for example. Indeed, the United States has recently approved the sale of certain defense articles to China and is encouraging military sales to China by France and the United Kingdom.

Third. These restrictions do not help the victims of human rights violation.

In March 1978, a delegation from the House Committee on Banking, Finance and Urban Affairs, in a letter to the President reporting on their visit to Latin America, stated:

The people of the countries we visited seem to believe that moral suasion and the power of world opinion were more effective in

achieving progress toward human rights than economic sanctions imposed indirectly by the United States through its participation in multilateral lending institutions and directly by the United States through its bilateral aid and/or military sales and credit programs . . .

We think the Congress may have overreacted in attempting to put these statements of principle into legislative form . . . in a way that is not only detrimental to the United States but also the people about whose human rights we are concerned.

Fourth. This legislation has penalized the U.S. economy and bolstered the economies of other nations.

Traditional trading patterns between the United States and Chile have been permanently altered. Other nations have eagerly stepped in to supply the items which we have denied.

Other nations do not attempt to export their morality, and the products we deny Chile have been easily obtained from other nations. The United States is perceived as an unreliable supplier and so our commercial sales have also been affected.

Fifth. This restriction is counterproductive.

This embargo—and that is what it is—calls into question the reliability of the United States as a supplier, particularly if we deny spare parts for U.S. origin equipment previously furnished. By denying this equipment, we encourage countries to turn to other suppliers for replacement equipment. In the process, the new equipment being provided by other suppliers is inevitably more sophisticated, working in opposition to our efforts at conventional arms restraint.

The new equipment is also more costly, impacting adversely on the economy of Chile. In addition, we encourage the development of indigenous arms industries, further reducing opportunities for restraint.

Sixth. This restriction has diluted the longstanding mutual security relationship embodied in the Rio Pact. And. probably most important, we sacrificed U.S. influence as a stabilizing factor in an increasingly important area of the world.

Mr. President, who will be affected by repeal of this restriction? Let me suggest a few:

First. All industries and unions in the United States that are involved in the production and export of medium and high technology products—particularly the electronics, general aviation, commercial aviation, heavy electrical, and specialized computer industries will be affected.

Second. The U.S. balance of trade will benefit, thus reducing inflation at home and strengthening the dollar in the international marketplace.

Third. U.S. diplomatic relations and influence will be restored in an important area of the world and with a country that is obviously demonstrably inclined to be friendly to the United States.

Mr. President, I believe the time has come to rescind the prohibition on military sales and assistance to Chile. Chile has been working hard to restore stability and prosperity. Although Chile has not restored the same level of political freedoms that we enjoy in the United States, it has restored the framework of law and order to make it possible to depoliticize the highly charged atmosphere of a country torn apart.

Chileans are making good progress, and they have endorsed that progress recently by overwhelmingly approving a referendum for the new Chilean constitution, which brings us to the pending amendment cosponsored by the Senator from North Carolina and the able Senator from South Carolina (Mr. THURMOND.)

This amendment, would repeal section 406 of the Foreign Assistance Act. There is no need to have a special section of the law aimed at one particular country. We already have statutory provisions that take care of human rights concerns and arms exports concerns, so in fact section 406 is redundant.

Mr. President, Chile has made progress in the human rights field in recent years. According to the country report on human rights practices filed with the U.S. State Department this past February, "there has been improvement since 1977 in the treatment of prisoners and general police procedures." The report also notes that there have been no confirmed disappearances since 1977. The report notes that Chile "respects freedom of religion" and that the "Jewish community reports full freedom and toleration." In addition, the report notes a 1979 annual report by the Inter-American Press Association which stated that improvements in press freedom had been registered in Chile.

Mr. President, since 1973, Chile has registered such great accomplishments in economic recovery and growth that the Chilean economic miracle has earned its place in the annals of economic progress in the New World.

On her recent tour of South America, Jeane Kirkpatrick, our Ambassador to the United Nations, remarked that the great accomplishments borne of Chile's free enterprise approach to economic development have not received adequate international attention.

Mr. President, it is certainly time that we in these United States take note of the great changes which have occurred in Chile since the dark and turbulent days of the Allende regime. It is time that we take note of the great strides in economic progress that have resulted from prudent governmental policy in Chile. Further, it is certainly time that the international community recognizes the Chilean case as a demonstration of the success of the free enterprise approach in releasing the productive powers of a nation in order to build a prosperous and stable economy for the benefit of all citizens.

Now there are those in this world, Mr. President, who would prefer that the Chilean economic miracle never happened. They would prefer that the Chilean economic miracle never happened because it poses a serious challenge to their own orientation and preference for Marxism. This would include, of course, Marxism in any of its variations. That is to say Fabian Socialist Marxism, so-called Humanist Marxism, and Marxist-Leninism of the Soviet or Red Chinese varieties, for example.

The Chilean economic miracle is a demonstration of the fact that the free enterprise system, based on freedom of economic initiative and private property, is the greatest means that man has ever devised to raise his standard of living and quality of life on this Earth.

Mr. President, a brief review of a few facts about the Chilean economy will illustrate the progress made in recent years.

The inflation rate in Chile was 580 percent during the last days of the Marxist-influenced Allende regime. Since then, under a prudent and determined governmental policy, the inflation rate was reduced to 30 percent by the end of last year. By the middle of this year, the cumulative rate of increase in the Consumer Price Index (CPI) was 6 percent. According to a number of analysts, the yearend rate may be in the range of 10 to 15 percent. The Chilean Minister of Finance, Mr. Sergio de Castro, has himself stated that the 1981 inflation rate might even be under 10 percent. The Chilean achievement in the reduction of inflation is certainly one of epic proportions Mr. President. I might add that our own inflation rate, though historically much lower than that of Chile, has in recent years caused great hardship to our own citizens. One can imagine the hardship endured by the Chilean people under astronomical rates of inflation and the relief that they must now feel as inflation has been brought under control by their government's policies.

Not only has Chile been able to drastically lower her rates of inflation, Mr. President, but Chile has been able to improve her balance-of-payments position as well as achieve an annual average rate of economic growth of some 7 percent. Real wages have constantly increased, employment levels have conconstantly increased, and extreme poverty is being progressively eliminated.

Industrial production in Chile has also registered substantial gains. During the first 5 months of 1981, industrial production grew by 2.7 percent compared to the same period last year. Sales grew in 20 of the 30 major areas of activity which comprise the industrial index. In 13 of these areas, sales grew by more than 6 percent.

Chilean achievements in the field of energy exploration and development are significant. In 1978, Chile imported 80 percent of her needs while this year imports are estimated to be about 50 percent. The National Petroleum Co., of Chile has increased its production by 25 percent over 1980 levels. Diligent exploration has paved the way for a number of new wells in very promising fields.

In the field of agriculture, the Government is systematically transferring formerly governmental functions to the private sector. By the end of this year, all 10 agricultural institutes in Chile will have their administrative functions taken over by an entity tied to the private sector. The purpose of the transfers is to more effectively link agricultural

education to farmers and to the farming organizations which will later employ institute graduates. Curriculum and educational practices are to keep pace with changes in agricultural development. These institutes will serve as meeting places for farmers and will serve as centers of activity for farmers and residents of the regions involved.

The most dynamic area of Chilean economic progress has been the construction sector for the last 2 years. Total new construction in 1980 rose 36.9 percent above 1979. In 1979, total area constructed rose 34.7 percent over 1978 and raised construction's contribution to the gross domestic product by 26 percent.

Housing starts in the greater Santiago area between January and May of this year rose by 97.3 percent over 1980. The 1980 increase was itself 58.6 percent over 1979. The Government's policy to ease the current housing shortage is to encourage private enterprise to construct some 900,000 units by 1990.

Mr. President, these are but a few of the many examples which illustrate the economic progress made in Chile in recent years. Time prevents me from entering into a more detailed survey of the facts. But I must state again, Mr. President, that the Chilean economic miracle has certainly earned its place in the annals of economic progress in the New World.

Through the free enterprise system, the productive powers of the nation have been released to advance the standard of living and the quality of life in Chile.

I must add, Mr. President, that every day of every year the wrongness and failure of the Soviet system is revealed to the world. The Polish case is but a symptom of the failure of communism and a demonstration of the human misery engendered by Communist tyranny.

In our own hemisphere, Mr. President, we have the Chilean example of what people can accomplish after throwing off the chains of Marxism and then fostering productive capitalism. Every day in this New World, Mr. President, the people of Chile are showing what economic progress can be made under the free enterprise system.

The people of the free world, Mr. President, owe a debt of gratitude to the Chilean people for their courageous and determined efforts to build a better life and for demonstrating to the peoples of the entire world the advantages of the free enterprise system and productive capitalism.

Mr. President, I have been told that the distinguished Senator from Massachusetts needs to catch a plane, at least that is my understanding. I yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just to start by correcting the record, the Senator from Massachusetts is not intending to catch any plane. He did catch a plane earlier this morning and made a scheduled stop.

But the Senator from Massachusetts welcomes the opportunity to spend whatever time is necessary to debate and discuss this extremely important issue.

I wish first of all to inquire of the Senator from North Carolina if he would like to read section 706. Does he have section 706 in front of him? The 1976 Kennedy amendment on Chile is section 406, and the description given by the Senator from North Carolina of the Kennedy amendment has little resemblance to that amendment. The Senator has misstated the title and the section, as well as the amendment itself.

Mr. President, first of all I think it is important for us to realize that no country in the world is automatically entitled, as a right, to American military assistance.

I wonder why we hear from the Senator from North Carolina, time in and time out, how we are violating the rights of the Argentine people or Argentine Government or the Chilean people or Chilean Government because we are not guaranteeing them military assistance.

Why is it, if we provide military assistance, we are not interfering in their internal affairs and yet, if we deny them military assistance, we are interfering in their affairs? What is possibly the logic of that particular argument?

The amendment that was adopted in 1976, applied to security assistance and military sales. And it is included in section 406 in the Foreign Assistance Act.

For the benefit of the Senate, I shall review the recent history of our relations with Chile. The Senator from North Carolina talks about the progress in human rights in Chile during the past year. The Senator could not have read the Department of State's report on the human rights practices of Chile during the last year or he never could have made the statement or given the assurances, which he just did, to the Members of the Senate on that particular item. I will refer to those in just a few moments. But there are some other factors that I wish to mention first.

Has it been so long since assassins were working here in the United States for the Chilean Government? That is not just a finding of the Senator from Massachusetts, that is documented in the Department of State's human rights report. On page 379 the report says:

The Chilean Government has failed to investigate fully and prosecute three former security officers indicted in the U.S. for complicity in the 1976 assassination of ex-Ambassador to the United States Orlando Letelier and U.S. citizen Ronni Moffitt.

Can people forget so quickly and through their silence condone such a brutal act of terrorism? I would emphasize to my colleagues that there is absolutely no question of the responsibility of the Chilean regime for the planning and financing of this act of terrorism. I would include at this point in the RECORD, and I ask unanimous consent to do so, a detailed chronology of the events related to the assassinations of Orlando Letelier and Ronnie Moffitt.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LETELIER CASE: A PRE- AND POST-ASSASSINATION CHRONOLOGY 1976

Late June, 1976—Gen. Vernon Walters visits Paraguay; meets with Stroessner aide, Pappalardo on CIA related matters.

July (first week) 1976—Chilean secret police chief, Manuel Contreras, orders DINA agents Michael Townley and Armando Fernandez to go to Paraguay and obtain false Paraguayan passports for a mission to Washintgon, D.C. to kill Orlando Letelier. Telegram from "Condor One" (Contreras) sent to Chief of Paraguayan Intelligence Guanes to notify of their impending arrival.

July 20–24, 1976—Townley and Fernandez, alias Andres Wilson and Alejandro Rivadeneira arrive in Asuncion, Paraguay, and meet with Paraguayan officials and explain mission to U.S. in various ways, among them they are going to be in contact with the CIA in Washington.

July 21–24, 1976—Colonel Benito Guanes, head of Paraguayan military intelligence, told two Chilean officers need passports to purchase weapons in U.S. and that the CIA will help them there; he calls Conrado Pappalardo, Paraguayan Chief of Protocol and high advisor to President Stroessner, to request assistance in obtaining U.S. visas for Townley and Fernandez. Pappalardo tells Guanes they will have to wait until Ambassador George Landau returns to Asuncion on July 26.

July 26, 1976—Townley and Fernandez meet with Pappalardo at the Government Palace. Papalardo assures them that he will obtain U.S. visas for them and he gives them the phone number of CIA Deputy Director Gen. Vernon Walters to call while they are in Washington. Townley and Fernandez sign their passports, Juan Williams and Alejandro Romeral.

July 26, 1976—Pappalardo tells Landau that President Stroessner had received a request from Gen. Pinochet personally to facilitate the trip of two Chilean agents to the U.S. for surveillance of several private commercial firms. Pappalardo asks for visas and tells Landau the two agents will be in touch with Walters in Washington, which Landau understands as CIA awareness of the Chileans' operation.

July 27, 1976—Landau personally authorizes visas a Alejandro Romeral, and a Juan Williams, but as a precaution photographs the passports, unbeknownst to Townley and Fernandez. Townley and Fernandez pick up B–2 (special) visas signed by U.S. consular officer, William F. Finnigan. The usual requirements for interviews and photos are waived. After contacting DINA in Chile, Townley and Fernandez are ordered to return to Santiago, instead of going to Washington.

July 27, 1976—Ambassador Landau sends photocopies of the passports to CIA deputy director, Vernon Walters by courier pouch.

July 28, 1976—Landau sends a cable to Walters "outlining the whole matter and suggesting that I presumed that this matter fell within the scope of his agency and that he was aware of all this." (Landau's deposition)

July 28 or 29—Landau receives a "service message" from CIA acknowledging receipt of his cable and stating that it had been "delivered to George Bush, the Director of the Central Intelligence Agency, because General Walters was no longer with the Agency." (Landau testimony)

August 4, 1976—Landau receives a reply from General Walters stating that "he considered this an odd way to do business . . . that he was unaware of the visit and that his agency did not desire to have any contact with the Chileans." (Landau deposition)

August 4, 1976—Landau calls Pappalardo and tells him that the visas are revoked and that a "visa look out had already been issued and the people would be denied entry upon arrival in the U.S. if they attempted entry." Landau asks Pappalardo to retrieve the passports and return them to him.

August 6, 1976—Chile desk officer at the State Department, Robert Driscoll receives a memo from CIA along with copies of the passports sent by Ambassador Landau.

The memo reads: Memo to Harry Schlaudeman from CIA. Subject: Transmittal of photos and negatives of Paraguayan passports. We are forwarding photographs and negatives of two Paraguayan passports which were recently sent to Washington from Asuncion.

August 17, 1976—The U.S. consulate in Santiago, Chile, processes four official Chilean visa requests for: Armando Faundez Lyon; Liliana Walker Martinez; Juan Williams Rose and Alejandro Romeral Jara. A few days later a fifth passport in the name Hans Petersen Silva is issued and an official U.S. visa is stamped in it.

August 22, 1976—DINA agents Rene Riveros and Rolando Mosqueira, using the aliases Romeral and Williams (the names used by Townley and Fernandez earlier in Paraguay), arrive in Miami. They are not stopped by immigration officials, although their arrival is detected. They show a high profile at the Chilean embassy in Washington, D.C. for several days, including telephone contact with the CIA in an attempt to reach Gen. Walters. State Dept. Chile desk officer Robert Driscoll also learns of their presence in Washington.

August 26, 1976—Fernandez, posing as Armando Faundez, and the DINA agent using the alias Liliana Walker arrive in the U.S. "to conduct surveillance on Letelier" according to the FBI.

September 9, 1976—Townley, alias Hans Peterson Silva, arrives in the U.S. on the mission to make contact with Cuban exile terrorists to aid him in assassinating Letelier.

September 19, 1976—Townley places the bomb under Letelier's car.

September 21, 1976—Letelier and Moffitt are assassinated.

THE INVESTIGATION

September 28, 1976—FBI headquarters receives a cable from special agent Robert Scherrer in Buenos Aires outlining the existence of a Latin American intelligence network code named "Operation Condor". The cable states: "It is not beyond the realm of possibility that the recent assassination of Orlando Letelier in Washington, D.C. may have been carried out as a third phase action of "Operation Condor."

October 4, 1976—Special prosecutor Eugene Propper meets with CIA Director, George Bush and CIA general council, Anthony Lapham. Bush pledges CIA cooperation but does not reveal his knowledge of the covert mission of Romeral and Williams from Paraguay nor CIA awareness that two men using those names had entered the U.S. on August 22nd.

October 11, 1976—Newsweek, using CIA sources, states that "The CIA has concluded that the Chilean secret police were not involved in the death of Orlando Letelier." (Newsweek: "Periscope" Oct. 11, 1976). Nearly identical information appeared in the Washington Post, Washington Star and the NY Times at about the same time.

October 21, 1976—A memo is sent from the State Department to the FBI informing them of the Paraguayan incident. The memo was accompanied by secret attachments, probably copies of the passports. It read:

Attached are several documents for two individuals who obtained Paraguayan passports and who solicited and obtained visas to enter the U.S. under false pretenses.

The visas were issued at Asuncion, Paraguay but the two individuals subsequently entered the U.S. at Miami on August 22, bearing A-2 diplomatic passports and visas issued at Santiago, Chile to Chilean passports.

(Enclosures as stated.)

Signed: Bill

This memo fails to inform the FBI that the "two individuals" were Chilean army officers on an intelligence mission, information conveyed to the State Department and the CIA Ambassador Landau.

November 11, 1976—Chile desk officer, Robert Driscoll sends a memo telling his superior, Harry Schlaudeman about his information on Romeral and William's presence in Washington around the time of the assassination. Schlaudeman orders him to turn over his information to the FBI. But Driscoll does not.

July, 1977—Cuban exile Rolando Otero identified "Williams" picture as that of a DINA agent who interviewed him in early 1976 in Santiago. New Chile desk officer, Robert Stevens, turns over original Landau cable (July 28, 1976) to Eugene Propper, allowing Propper to learn for the first time the full extent of what transpired in Paraguay.

November 29, 1977—The pictures of Romeral and Williams are sent by the FBI to special agent Robert Scherrer in Buenos Aires.

December 11, 1977—Scherrer receives Romeral and Williams pictures.

February 17, 1978—Assistant Secretary of State, Warren Christopher meets with Chilean ambassador, Jorge Cauas, and asks Chile to produce Romeral and Williams for questioning.

March, 1978—FBI agent Scherrer discovers that Townley's picture has been ripped off of U.S. citizens registration card at the U.S. consulate in Santiago.

March 3, 1978—The Washington Star publishes the passport pictures of Romeral and William:. Michael Townley is recognized and identified by a Santiago journalist.

March 20, 1978—Ambassador Landau (now ambassador to Chile) turns over the original Paraguayan passports of Romeral and Williams to Scherrer.

April 8, 1978—Michael Townley is turned over to FBI agents in Chile.

April 14, 1978—Cuban exile accomplices Alvin Ross and Guillermo Novo are arrested in the United States.

January, 1979—The U.S. requests the extradition of DINA chief Manuel Contreras, and DINA agents, Pedro Espinosa and Armando Fernandez to stand trial in the assassination of Letelier and Moffitt.

February 14, 1979—Guillermo and Ignacio Novo, and Alvin Ross are convicted. Townley plea-bargains with the U.S. government a maximum 10-year sentence with the possibility of parole after 36 months.

May 16, 1979—Chilean Supreme Court Justice Borquez rules that the U.S. claim for extradition is groundless and denies extradition of the three DINA officials.

October 1, 1979—Borquez ruling is upheld by the Chilean Supreme Court.

November 30, 1979—The Carter Administration announces a set of minimal sanctions against the Pinochet regime for refusing to extradite Contreras, Fernandez and Espinoza.

September 16, 1980—Conviction of Cubans found guilty of conspiracy in Letelier-Moffitt assassination overturned by a panel of the U.S. Court of Appeals.

November 5, 1980—Federal Judge Joyce Hens Green found the Chilean government responsible for the assassination of Orlando Letelier and Ronni Moffitt and ordered the Chilean government to pay $4.9 million in damages to the Letelier and Moffitt families. In her opinion, Judge Green wrote, "Whatever policy options may exist for a foreign country, it has no 'discretion' to perpetrate conduct designed to result in the assassination of individual or individuals, action that is clearly contrary to the precepts of humanity as recognized in both national and international law."

To this day, the Chilean government has failed to comply with the orders of U.S. District Court to pay damages for their responsibility in the Letelier-Moffitt assassination.

February 20, 1981—The Reagan administration announces its decision to lift sanctions imposed on Chile for their refusal to extradite Chilean officials implicated in Letelier-Moffitt assassination.

May 5, 1981—New trial of Cubans commences.

May 31, 1981—Cubans are acquitted of charges in conspiracy to murder Letelier and Moffitt.

A Federal grand jury indicted the former head of the Chilean secret police and other Chilean officers. Every knowledgeable agency of the U.S. Government has concurred in the direct responsibility of the Government of Chile for this assassination.

What has been the response of the regime in Chile? Steadfast refusal to extradite those accused of the assassination. And what actions has the administration taken? It has reversed the earlier U.S. Government stance and now extends export-import credits to Chile, ignoring the anti-terrorist provision of the law. It no longer casts votes against Chile in international financial institutions. And now we have a proposal to remove the final restrictions and provide military support as well.

This represents a mockery of U.S. policy in opposition to state-supported terrorism. I do not believe that we in the U.S. Senate want to be a part of this mockery. Our message must be loud and clear—that we stand against the human rights violations and against acts of terrorism as practised by the regime in Chile.

A change in U.S. policy toward the military regime in Chile will hearten and encourage those nations and leaders who condone and use terrorism—a change in direct contradiction to this administration's stated policy to stand against international terrorism. Such leaders will see that if they engage in terrorism even in the United States—resulting in the death of Americans—there will be no penalty in relations with the United States after a brief passage of time.

This is too important an issue for the Senate to consider without careful study and recommendations by the committee. Unlike Argentina which was considered first by the committee, the situation in Chile was not, and it involves a military junta which has sponsored acts of terrorism including the assassination of an American citizen and an American resident on the streets of Washington.

I therefore believe the Senate should table this amendment pending a full review and recommendations from the committee on U.S. security assistance to Chile.

I ask my colleagues to recall with me the history of this provision of law and, more importantly, the record of this regime and its standing in the international community. These show indisputably that there are many strong reasons for not removing the prohibition against sending weapons or other security assistance to this nation. They include the Chilian junta's disregard of international legal obligations, its violation of fundamental human rights, its denial of labor union freedoms, its restrictions on the press, its continued authoritarian rejection of any free political process, and its proven responsibility for planning, funding and carrying out an assassination by its own henchmen of a foreign diplomat and an American citizen here in Washington, D.C.

Mr. President, the committee has neither discussed nor held hearings on

this issue. The committee has not reviewed the current situation in Chile, developments since the legislation first passed, or the implications of any change.

These are reasons far in excess of the necessary justification to reject the amendment offered today.

Simply stated, sending military arms, equipment, and other assistance to the regime of General Pinochet is fundamentally contrary to the foreign policy interests of the United States.

First, a change in U.S. policy will be a clear and unmistakeable message to governments and political leaders throughout the world—that the United States no longer places major importance on protecting basic human rights. Our friends in Western Europe, Asia, Africa, and Latin America will conclude that the U.S. Government is no longer concerned with human rights in its foreign policy.

As a result, the next time we seek to press the Soviet, the Cuban or other governments to release political prisoners, our task will be more difficult. Every time we seek to encourage other countries to move toward greater freedom, both for the sake of their own people and to avoid dangerous and destabilizing polarization, our argument will carry less force.

Second, the military junta of Chile continues to engage in harassment of Chilean refugees in the United States and to disregard the basic rights of American residents and foreign travelers.

On February 23, 1967, an American resident, Edgardo Onate Parra, married to an American citizen, went to Chile to visit his elderly parents. Originally a Chilean refugee, he had waited these 6 years, hoping that the situation in Chile might have changed. When the Government of Chile extended him a visa, he assumed that he could finally visit his parents without fear. Instead, on arrival, he was arrested and tortured. For 5 days he was held by Chilean secret police, beaten and tortured with electric shocks. Only strong international pressure and the personal intervention of Ambassador George Landau succeeded in securing his release

What was it that the secret police wanted of this man who had been away from Chile for so long? Under torture, they showed him pictures of other Chilean exiles in the United States, pressing him to identify the faces and give the names of refugees and of American citizens who have protested human rights violations by the Chilean Government here in the United States.

This event did not happen 6 years ago. It happened 6 months ago. I do not believe that we want to lift the restrictions on military aid, so soon after the Government of Chile has flagrantly violated the rights of an American resident.

Third, the Chilean junta is an enemy of free discussion and dissent—principles at the root of our tradition of freedom here in America as they were previously in a democratic Chile. Private citizens are fair game for imprisonment and torture. And it is these innocent victims who suffer the most.

According to the Chilean Committee for Human Rights, on January 24 of this year plainclothes policemen apprehended a couple, Arturo García and Carmen Escolór, and their 16-month-old daughter. Apparently taken to intimidate her parents, the baby was returned to her grandmother 12 days later with blisters on her body and in a state of terror.

There is systematic repression of the church and its offices in Chile. The strongest voice of moderation within the country—the Vicaria de la Solidaridad of the Catholic Church—is under extreme pressure to stop speaking out for otherwise helpless victims of torture in Chile. Three distinguished Chilean physicians working with the Vicaría to treat those subjected to torture and their families—Dr. Manuel Almeyda Medina, Dr. Patricio Arroyo Pinochet, and Dr. Pedro Castillo—were detained by secret police between May 19 and 27, and held incommunicado in secret detention centers until they appeared on June 7 in a public jail. During this time their eyes were taped shut and they were held in solitary confinement in tiny cells. They were allowed 3 minutes a day for personal hygiene.

These physicians have since been released due to domestic and international pressure. The Catholic Church in Chile, the Chilean Committee on Human Rights, and five North American health and professional associations, who sent a team of two American physicians to investigate, have said that these brave men were prosecuted for their concern and treatment of victims of torture.

In all of these cases I have cited and hundreds more in this year alone, victims are held without charge under the Chilean constitution. This is the same constitution designed to perpetuate General Pinochet's strong arm rule until 1988, and the military junta in Chile into the 1990's.

Not only does the new constitution fail to provide for basic human rights, but the Chilean junta itself acts in disregard of even these laws in its persecution of those who stand for human rights.

I had the opportunity recently to meet with Jaime Castillo Velasco, the former Chilean minister of justice and Chilean attorney for the family of Orlando Letelier. Mr. Castillo explained to me his cruel expulsion from Chile just 2 days after U.N. Ambassador Jeane Kirkpatrick's July visit with General Pinochet and members of the junta. He told me that even by junta standards this was an illegal act: Under the junta's constitution they cannot expel an attorney working on a case which is pending in court, and the Letelier case on which Mr. Castillo was working was on appeal to the highest military court. Since Jaime Castillo's sudden exile, the appeal has been rejected, and Mr. Castillo was unable to appeal the case to the Chilean supreme court because the Chilean junta denied an extension of the normal 5-day appeal time and also refused to permit Mr. Castillo to return. This flagrant intervention into judicial proceedings has severely damaged both human rights and the rule of law in Chile.

Finally, our action to change U.S. policy toward Chile would undermine the efforts of respected international institutions, voluntary organizations, and other groups which are actively working to improve the human rights situation not only in Chile but throughout the world. Chile has been the subject of investigations and condemnations by many of these institutions. Their reports of abuses and violations are extensive and well-documented.

Only a few months ago, the International Labor Organization condemned violations of human rights in the Soviet Union. That action represented a thoroughly appropriate denunciation of Soviet disregard for the right of workers. The ILO also has condemned the Government of Chile for its violations of labor freedoms—ranging from the torture and killing of labor leaders to the disbanding of labor unions. There have been similar reports by the Inter-American Human Rights Commission, the United Nations Human Rights Commission, and others.

The same concerns have been expressed by many nongovernmental groups, including Amnesty International, the International League for Human Rights, Freedom House, and the International Human Rights law group. All have issued documented statements of human rights violations by the Government of Chile.

These respected international institutions, voluntary agencies, and private organizations work in the fact of almost insurmountable obstacles to try to improve the human rights situation throughout the world. They face relentless opposition by such regimes as the one in Chile which refuses to cooperate with the U.N. Human Rights Commission. While these regimes may take a hardline position in public, we know they are often, in private, alert to international criticism and often take actions which they would not otherwise do to lessen international pressure. U.S. action to change our policy toward Chile without question would encourage these regimes and other such governments to ignore international pressure and, in effect, continue their repressive human rights policies. A change in the U.S. position will undermine the efforts of all these international institutions and organizations at the very time we should be taking action to bolster their position.

In conclusion, I would note for my colleagues that the general human rights situation in Chile over the past year has deteriorated. There have been more detentions, more people held incommunicado, more people sent to internal and external exile, more torture, and more restrictions of basic civil rights this year than last. The 1980 human rights report on Chile published by the U.S. State Department documents this tragic human rights situation.

Mr. President, I will only read a few of the pertinent parts, but I ask unanimous consent to have full text of the Country Report on Human Rights Practices in Chile printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

79-059 O-85-14 (Pt. 19)

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

CHILE

Chilean democracy came under increasing strains from the 1950s onwards as the result of rapid growth in political participation, slow economic growth and endemic inflation. In September 1973, as the result of severe economic dislocation and increasing violence broad opposition developed to the elected Allende government. The armed forces broke with their tradition of non-interference in politics and overthrew the government. The trauma of the Allende period (1970–73) and the view that his policies were leading to a Marxist state continue to influence the attitudes of many Chileans.

Rather than returning power to civilians after the coup, the military, led by General Augusto Pinochet, embarked on a wide-ranging effort to change the Chilean political and economic systems. In the period 1973–77, the regime undertook to curb dissent through a series of repressive measures, unprecedented in contemporary Chilean history. These included mass arrests, torture, exile and the disappearance of hundreds of persons. This period also saw the banning of political parties, the suspension of labor rights, the closing of many newspapers and radio stations, and the purging of the educational system.

There have been no confirmed "disappearances" since October 1977. Arbitrary detention and cases of torture continued to occur in 1980 although there has been improvement since 1977 in the treatment of prisoners and general police procedures. Political parties remain formally dissolved, and basic freedoms of speech and assembly are restricted, although some political activity, criticism and limited press discussion is tolerated. Labor union activity continues to be under some restraints, but collective bargaining and the right to strike were restored, subject to new limitations by the 1979 labor law. The continuing "state of emergency," extended regularly every six months, gives the government extraordinary authority similar to that under a state of siege. The right to due process was weakened further in 1980. By means of decree laws, the government reinstituted executive-ordered internal exile for periods of up to three months; further, the authorized period of detention without formal charges was extended from five to twenty days in internal security law violations involving death, injury or kidnapping. In several instances, however, the courts and press have taken positions defending human rights.

Following two years of relative calm, Chile suffered a moderate increase in extremist violence during 1980, including armed robberies, attacks and bombings in which three carabineros, an army officer and several innocent bystanders were killed. While increasingly active Movement of the Revolutionary Left (MIR) groups have claimed credit for some of these incidents, their involvement in others, particularly the assassination of an army officer in July, has not been established. A few MIR members have died in gun battles with police. Suspicions that rightist extremists are also active continue in the absence of any breakthroughs in solving these major cases. In July the government detained approximately 20 civilian police detectives, reportedly associated with a right-wing organization, in connection with a series of kidnappings in which some of the victims were tortured and a university student was beaten to death; the matter is now in the hands of the civilian courts, but no charges have yet been brought for the death. Two have been charged for one of the kidnappings.

With respect to socio-economic policy, the administration decided in 1975 to reduce the role of government, open the economy to world market competition and reform taxation. GNP growth has since averaged more than 7 percent per year in real terms, inflation has declined from over 300 percent to about 30 percent, unemployment has declined gradually from just under 20 percent to about 10 percent and real wages have increased more than 80 percent. High growth rates and better tax collection have enabled the government to increase social spending both in real terms and by comparison with previous periods in Chilean history. Social spending is now targeted primarily at the poorest 20 to 25 percent of the population. An important effort in health and nutrition programs has cut the infant mortality rate in half from 1973 to 1979. The government has increased real spending at all levels of education, including university education, but has increased the percentage allocated to pre-primary, primary and intermediate levels in order to eliminate illiteracy.

In September 1980, the government held a plebiscite seeking approval (by means of a simple yes or no vote) of a new constitution and political transition plan. The plan restores congressional elections in 1990 and regular presidential elections in 1997. In 1989 there will be another plebiscite on a junta-proposed candidate for president until 1997. The alternative to approval was continuance of the status quo. Approximately 93 percent of eligible voters cast ballots; 66 percent voted "yes", 30 percent voted "no", 1 percent cast blank ballots and 3 percent cast void ballots. Opposition leaders criticized the content and procedures of the plebiscite, arguing that it did not permit free debate or a meaningful choice, and that opponents did not have equitable access to the communications media. The new constitution is to take limited effect beginning in March 1981.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture.—The 1925 constitution forbids torture. Constitutional Act No. 3, issued in September 1976 to strengthen and perfect the rights recognized in the 1925 document, recognizes the right to life and integrity of the person and forbids the application of all illegal constraints. High-level government officials publicly and privately deny that the use of torture by government agents is authorized. Reports of torture declined from 1976 through early 1980. Since then, paralleling an increase in extremist violence, reported incidents of torture increased. At least 100 incidents of torture were reported to human rights organizations in 1980—with most individuals alleging psychological duress, beatings and the use of electric shock during interrogation by members of the National Information Center (CNI) or civilian police. While in some cases questions can be raised about the validity of the allegations, in other cases there is no apparent reason for the individuals to make false claims. According to such accounts torture was applied on the first and second day of detention to allow sufficient time for full recovery before release.

Local human rights organizations have expressed concern that the lengthening of the period of executive detention from five to 20 days in internal security law violations involving murder or kidnapping could facilitate more sustained physical abuse.

b. Cruel, Inhuman or Degrading Treatment or Punishment.—Human rights sources report that during the first ten months of 1980 the courts received 96 complaints of serious mistreatment including torture. Three men have died since November 1979 while in the custody of civilian police. Accounts by relatives suggest that physical abuse by police was the cause; the cases are under investigation but no persons have been indicted. While a large percentage of detainees report correct treatment, some persons detained during peaceful demonstrations or otherwise picked up on suspicion of proscribed political activities, have complained of beatings and being forced to remain unclothed for extended periods of time. The living conditions of the various locations to which the government has ordered individuals into internal exile vary considerably.

In prison, persons detained for political or terrorist activities are normally separated by cell blocks from common criminals. They are able to receive visits from, and communicate with, family, friends, legal counsel and representatives of the International Committee of the Red Cross (ICRC).

c. Disappearances.—The last reported "disappearances" occurred in 1977. About 635 cases from the period 1973–1977 remain unresolved. Although the Chilean supreme court appointed special judges in 1979 to investigate many of these disappearances, no one has been formally indicted. This year, the supreme court confirmed that the general amnesty declared in 1978 applied to the policemen identified as having executed sixteen persons and deposited the bodies in a lime kiln at Lonquen in 1973. The special judges are continuing investigations into some cases, have suspended action in numerous others, and have referred still others to military justice when the military or police are believed to have been involved. Some families of the disappeared have appealed the suspension or referral to the military courts. To date, the appeals have had little effect in resolving the whereabouts of their relatives.

d. Arbitrary Arrest and Imprisonment.—Although the government has denied holding political prisoners, there are more than 100 persons formally sentenced or in trial process for seditious activity. Most are accused of violating either the Internal Security Law or the Arms Control Law, or both. Some cases date from before the military takeover. In 1980 a few of those who had been sentenced were allowed to exchange prison for exile.

People detained for participating in banned public demonstrations or illegal meetings are often held for the full five days permitted under executive discretion and then may be released (the large majority of cases), sent into internal exile, or charged with internal security violations. In those cases reaching the courts, the investigating judges may take up to five more days to deliberate but, in practice, have rarely issued indictments.

When people are detained, friends or relatives normally report the detentions, the press publicizes them and the government eventually acknowledges them. According to studies compiled by church human rights reports, a total of 729 persons were detained in Chile during the first six months of 1980. For the subsequent period of mid-July through mid-September, which included activities related to the September 11 plebiscite, about 350 detentions occurred—including those individuals picked up and subsequently released within a matter of hours.

In theory, the right of habeas corpus (writ of amparo) exists; however, in internal security cases the courts often do not act on such petitions in either a rigorous or timely manner. Based upon a recommendation by the church in May 1980, the supreme court in June 1980 instructed lower and military courts to issue more expeditious and rigorous rulings on these writs. State of emergency provisions authorize the president, or minister of interior acting in his behalf, to order the executive detention of persons without charge for up to five days. Under a new decree law, this period can be prolonged to twenty days in internal security investigations involving murder, kidnapping or other injury. A few arrests not falling into this category have also resulted in detentions longer than five days. Civilian and military

courts have another five days, from the time of arraignment, to decide whether to indict.

Court investigations into the kidnappings and torture carried out in mid-1980 by civilian detectives, reportedly acting without authorization, have resulted in the indictments of two senior detectives, but only so far in relation to one of the women who was held. No one as yet has been charged in the kidnapping of the other persons, including the student who died from blows he received.

The intelligence service (CNI) has only limited legal authority to arrest people on its own initiative; in practice, it has been able to obtain vaguely-worded warrants which provide considerable latitude in making searches or arrests. The public concern aroused by the unauthorized kidnappings by civilian police has led to greater care by security agents to identify themselves and to show warrants when detaining people.

e. Denial of Fair Public Trial.—Chile's civilian judges are career officials and most have served in the judiciary since before the present military government took power in 1973. Since 1978, most violations of the ban on political activity and most cases relating to alleged human rights abuses have been handled in the civilian court system. A decree law of February 1980 shifted first instance jurisdiction for the prosecution of proscribed political activities from the appellate courts to the regular lower level proceedings of the criminal courts.

Civil court proceedings are conducted in accordance with Chile's civil code tradition. There is no trial by jury; reliance is placed on the written record. In the criminal courts of first instance, a judge serves multiple functions: as investigator, with the aid of the police or others; as prosecutor; as defense attorney, at times; and, ultimately, as the one who decides the innocence or guilt of the accused. Criminal proceedings begin when the court of the accused receives a report of a crime, or a complaint by interested parties, or when the judge begins an investigation. In the investigatory stage, the judge accumulates evidence in closed proceedings. The judge can either suspend the proceedings, in case of innocence, or name the presumptively guilty party. When the latter occurs, the proceedings move to a second, more open, stage which allows for defense rebuttal. Once these activities have been completed, the judge issues a finding of innocence or guilt with appropriate punishment. These decisions may be appealed up to the supreme court.

Criticisms of the functioning of civilian courts focus not on the procedures, but rather on the general unwillingness of judges to assert a vigorously independent role or, with rare exceptions, to effectively challenge the legality of actions by the executive under emergency powers. In cases involving alleged human rights abuses by uniformed personnel, civilian judges have frequently reached a determination that they lacked jurisdiction to proceed further. The Inter-American Human Rights Commission (IAHRC) reported in October 1980 that the rights to fair trial and of due process were subject to major significant restrictions—principally because of the active role of the military courts in judicial proceedings and the failure of the civil courts to exercise their responsibilities on behalf of detained persons.

Arms control violations go before a military prosecutor; he carries out the investigation and then makes recommendations to a military judge, who issues the decision. Appeals may be made to a military court of two civilian judges and three professional military judges and, in the last resort, to the supreme court. Defendants have the rights of any Chilean citizen before the law, including the right to legal counsel. An April 1979 anti-terrorist decree law makes all members of an organization responsible for the acts of each member and establishes legal presumption of guilt in cases covered by the decree; it has not been invoked, however.

f. Invasion of the Home.—The 1925 constitution and Constitutional Act. No. 3 prohibit searches of the home and interception of private communications and documents except as determined by law. Provisions in the penal code require search warrants issued by either a judge or military prosecutor for specific locations. In practice, however, such searches are carried out under a general order issued by the judge or prosecutor. Human rights organizations report that legal formalities, such as the display of a warrant, have not been observed by the authorities in a number of searches.

2. Government Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

Government policy aims at a rapidly growing free enterprise oriented economy in which most workers have increased real income, and public welfare spending is focused primarily on the poorest quarter of the population. In response to the foreign exchange crisis and a continuing high level of inflation, the government introduced a drastic austerity program in 1975. Also, copper prices declined by half between 1974 and 1975. The Chilean economy underwent its worst depression since the 1930's, hurting Chileans in every economic stratum. According to most analyses, the greatest hardships were borne by the lowest income groups although in relative terms middle and upper income groups suffered a greater fall in net income. The depression bottomed out in early 1976. Since then the economy has expanded at historically unprecedented rates.

Major policy changes which have been introduced in the last five years include reducing tariffs in stages to their present basic level of 10 percent, establishing a realistic exchange rate, returning many small and medium-sized nationalized companies to the private sector, reducing or eliminating various price controls, special interest subsidies and regulatory mechanisms, reducing and then eliminating deficit spending and radically altering taxation by indexing corporate and individual taxation, eliminating capital gains tax, double taxation of dividends, and various loopholes and substituting the previous cascading sales tax with a value added tax. From 1976 to 1979 real GDP growth averaged 8.3 percent per year—more than twice the historical average. By 1977, GDP in real terms had begun to surpass previous peak levels. Real GDP growth is estimated at 6.0 percent in 1980, and per capita GDP should surpass $1800. At the same time inflation has been brought down to 30 percent. Real wages increased 83 percent from 1976 through mid-1980. International reserves have accumulated to a net $2.4 billion.

The unemployment rate, however, remains high at 10.2 percent. It is down considerably from 19.6 percent reached in March 1976, at the bottom of the depression. The unemployment rate would be higher if it were not for the 5.1 percent of the labor force participating in the government s minimum employment program. This figure has more than doubled in the past year because of an eligibility liberalization which permits more than one member of a family to be enrolled in the program. The persistently high unemployment rate is attributable in part to the structural adjustments in the economy; there are also increased numbers of people, particularly women, in the labor force. A 1979 University of Chile study suggests that the poor have benefited proportionately more from the successes of Chilean economic policy. On either a personal or family income basis in the greater Santiago area, income of the most affluent 20 percent of the population has grown more slowly since 1976 than any other category while that of the poorest 20 percent has grown most rapidly. As a result, the degree of income concentration has declined since 1976 and is now approximately the same as at the start of the decade in 1970. Critics of the government's economic policies have argued that the income of the poor fell disproportionately between 1974 and 1976 and that wealth remains highly concentrated.

The government is attempting to make its social programs more effective by focusing its efforts on the poorest quarter of the population, considered to be in "extreme poverty." In late 1979, it established a social council of ministers to oversee a social coordination plan for fiscal expenditures on social welfare programs. The amount to be invested in 1980 is $2.64 billion, representing more than 50 percent of the total central government spending. This figure includes normal ministry budgeting in the social field and also a new $161 million emergency social fund intended for high-impact, high-visibility anti-poverty projects. These government expenditures will amount to $238 per capita, the highest (in constant dollars) in Chilean history. As part of its administrative reform effort, the government issued in June legal guidelines for transferring administrative responsibility for social services, including schools and health care facilities, to municipalities, while maintaining financial oversight.

In education, the government has given increasingly greater funding support to preprimary and intermediate levels, relative to the university level in order to increase the country's 90 percent literacy rate (77 percent in rural areas). During 1980, the government also instituted a new literacy campaign.

Government health and nutrition programs have led to a reduction in the incidence of malnutrition in the officially reported infantile population (less than six years of age) from 15.5 percent in 1975 to 12 percent in 1979 and in the incidence of advanced malnutrition from .7 to .2 percent. There were similar declines in infant mortality (from 65.2 to 36.3 per thousand live births) and maternal mortality at childbirth (from 1.32 to .73 thousand live births) from 1973 to 1979. Over the same period, the overall death rate per thousand fell from 8.4 to 6.8, increasing average life expectancy from 64.2 to 65.6 years.

Social security expenditures in real terms have continued to increase. Regulations have been changed to eliminate discrimination against blue collar workers, and benefits have been extended to a wider segment of the population, including 110,000 indigent elderly and handicapped, not previously eligible. In addition, in late 1980 a new social security plan was begun under which employees would pay 17 percent of their salary toward their pensions and life and health insurance, firms would increase salaries of these employees by 18 percent, and the funds collected would be invested by private companies in a limited range of triple-A type securities and investments. The employees pension and insurance money is protected by the requirement that the investment companies must contribute from their capital if their earnings fall 7 percent below the industry average and, failing this, the absorption of the company by other companies and a government contribution to make up the shortfall. The plan decreases the overall cost to the employee by 9.7 percent and strengthens the social security system by investing the funds in earning assets. Critics of the social security reforms argue that this will reduce some benefits. It should be noted that workers may choose voluntarily between moving to the new system and remaining under their current plan.

Public housing expenditures are small in comparison with evident needs. Although funding levels have risen since 1978, they still amount to little more than half of peak levels in 1973. At the same time, programs

have been overhauled to benefit the most needy rather than the middle class. In addition to expenditure policy, the government has also been revising the tax structure in favor of lower income categories; in a recent change, it raised the percentage of taxpayers totally exempt from income tax liability from 38 to 66 percent. The main thrust of the economic policy in housing is to encourage the private sector to fill this need. In 1980 construction of a record 50,000 residential units were started.

The impact of government economic policies on lower income portions of the population remains a controversial issue in Chile. On the one hand, it is argued that the present economic policies have not brought down the high level of unemployment fast enough, and the unemployed are mostly low skilled and low income. On the other hand, it is argued that Chile's historically endemic inflation and hyperinflation of the early 1970's had the most severe impact on low income people so that the present reduction of inflation has helped the poor. While the present regime is making a determined effort to channel more resources to poorer sectors, there remains a tremendous breach between resources and needs. A recent World Bank report noted, moreover, that the government's policies were directed primarily to the urban poor and barely addressed the problem of rural poverty.

According to statistics gathered by the University of Chile for the Santiago area (surveys have not been made for other regions), the proportion of income earning females over 14 years of age has been recovering from a sharp drop caused by the high unemployment of the mid-1970's. Although still slightly below the level reached in the early 1970's, the employment figure for women has recovered more rapidly than that for male wage earners. Women currently constitute 28.5 percent of the work force.

The education level of females appears to be improving more rapidly as well. The survey results for the Santiago area indicated that the proportion of females over 14 years of age with better than primary education rose from 41 percent in 1970 to 51 percent in 1978. At the same time, the corresponding figures for males, though still higher, increased from 48 percent to 57 percent.

Middle and upper class women generally have good access to education and entry-level professional jobs. Women do not occupy a proportional share of upper level decision making positions in the major institutions of government, business and academia. There are marked differences in the distribution of incomes for females in comparison with males. Among women, 29.8 percent (again, according to the Santiago survey) fell within the lowest income category and only 11.5 percent within the highest, whereas almost the reverse pertains to men. In the current government, there is one woman of cabinet rank and several just below the ministerial level. This past September, President Pinochet announced plans to establish a new ministry of the family, which will also address the concerns of women.

Women wishing to travel abroad with minor children must have the father's written permission, even in the event that the courts have granted custody to the mother. On the other hand, a mother must obtain a court order to prevent the father from taking the children abroad. This disparate treatment is common in Latin America.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Speech, Press, Religion and Assembly—A basic constitutional act decreed by the government in 1976 states that "any individual or group action is illegal and against the institutional order of the republic if such action is aimed at spreading doctrines which oppose the family, propose violence or a society based on class struggle; or which are against the constituted regime or the integrity or function of the state of law." In curbing dissent, the government usually cites other more specific legal provisions and decrees outlawing Marxism and the advocacy of violent revolution.

Virtually all public meetings require prior approval of the local military zone commander. In practice, permission is regularly denied when the subject is politically sensitive. Among exceptions, the government permitted a pre-plebiscite opposition rally attended by about 40,000 in Santiago in August 1980, and ignored various smaller opposition meetings. Except during the pre-plebiscite period most demonstrators who met without authorization in 1980 were arrested and held for brief periods. The government charged some with violations of the internal security code but the courts did not find adequate basis for judicial action.

A decree law of February 1980 gave the government authority to internally banish persons for up to three months without charges, court review or the right of appeal. Previously, such action had been possible only under state of siege authority. Since the decree took effect, over 100 individuals have been internally exiled, some to remote towns far from their homes and families.

The media are technically free from official prior censorship, but, in practice, the government informally tells publications and broadcasters when they are considered out of line. Thus, self-censorship is widely practiced, with most editors careful about the content of material prior to its release, although articles which are critical of the government appear regularly in several leading publications. Under state of emergency authority, local military zone commanders can close down media, restrict coverage of internal security cases, forbit publicity of non-official activities of government officials, and prevent the sale or distribution of new publications. In one case this year, the Santiago zone commander prevented the distribution of a new book on the 1973 Longuen killings, although dozens of articles and reports have been published in media on this subject. In another case, the zone commander prevented the start of a new magazine. The latter decision was reversed by an appeals court and then appealed by the government to the supreme court which upheld the zone commander.

The government owns the only national television network. Other local or regional stations are operated by the universities, whose rectors are appointed by the government. While the directors of these TV stations have autonomy, they use considerable discretion. There are several periodicals and at least two radio stations critical of the regime; these give major voice to the opposition viewpoint and were very active in the period leading up to the plebiscite. "Non-Marxist" books and pamphlets critical of the government are permitted free circulation.

In its 1979 annual report, the Inter-American Press Association noted improvements in press freedom in Chile, but concluded that restrictive laws, particularly controlling new publications, resulted in a lack of full press freedom.

Chile, predominantly a Catholic country, respects freedom of religion. A number of Protestant and other sects are active. The Jewish community reports full freedom and tolerance.

In 1979 the right to elect student government was restored at the universities. Rectors of the universities are military men. Vice Rectors are university professionals.

Labor unions

Most trade union rights, suspended after the military takeover in 1973, were legalized again in July 1979 by the "Labor Plan" (a series of decree laws forming a labor code), or its subsequent technical additions and revisions although in a number of respects these rights are limited. The trade union movement had no practical input into the formulation of the labor plan.

In general, even labor leaders favorable to the government and with access to high ranking officials have minimal influence on important labor matters. Opposition labor leaders have neither access nor influence and are occasionally subject to public attacks by government officials.

Trade union organizations can normally elect their leaders instead of having them appointed by the government. In individual unions, however, elections are not obligatory, and there are some instances where appointed leaders have managed to hold off having elections despite rank and file sentiment to the contrary. As elections continue to be held, the number of appointed leaders are gradually decreasing.

On some occasions the government has facilitated the formation and the smooth functioning of labor organizations favorable to it, while opposition labor organizations at times suffer bureaucratic and other forms of harassment.

Collective bargaining has resumed for the large majority of workers—albeit in a somewhat restricted fashion. Workers are guaranteed their existing wage and benefit package, plus any increase in consumer price index. Since the last adjustment (for the year up to July 1980), the average real increase was 7–8 percent. On the other hand, the scope of what can be bargained has been narrowed considerably to include only wages, benefits paid in cash or in kind, and certain common conditions of employment, such as safety.

Specifically excluded from collective bargaining are the civil service and the maritime sector; in the latter case, special presidential legislation is to be promulgated in the future to regulate that sector.

Each year, the government publishes a list of those entities which can bargain collectively but are classified as "strategic." As such, they are prohibited from striking. Approximately thirty were listed in 1980. Most are public utilities and state-owned firms. For these companies, failure to reach agreement during negotiations leads to binding arbitration.

For workers who can bargain collectively and can strike, the right to strike is limited in the sense that, after the 60th day of a strike, all striking workers are considered to have resigned their jobs, and they can be permanently replaced by the employer. Also legal for the first time in Chile is management's ability to hire strikebreakers, an effective strike deterrent given the presently high unemployment rate.

There is no grievance procedure system in Chile. The only recourse available to an aggrieved party is to appeal to the labor tribunals, a procedure which usually takes several months. Strikes cannot result from an individual grievance; they are only permitted in the case of a failed collective negotiation.

b. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation—Chileans are free to leave their country. Some one million Chileans live abroad, principally for economic reasons. Over half this number have resided for many years in Argentina (mainly Patagonia) where they provide the basic labor pool. In the judgment of international organizations dealing with refugees, the volume of skilled and unskilled workers returning to Chile now slightly exceeds the number leaving—a reflection of the improvement in the Chilean economy.

Many thousands fled Chile when the current government took power; hundreds sought asylum in foreign embassies, thousands were convicted of internal security violations and had jail sentences commuted

to exile. The government was eventually willing to grant safe conduct passes to people who obtained asylum and wanted to leave Chile. Expulsions are no longer a regular practice by the government in dealing with opponents, although there was at least one instance in 1980 involving a prominent politician.

Government decrees require those who are considered to have left Chile illegally to file a petition with a Chilean consul if they seek to return. The interior ministry reviews all petitions and rejects those from people who are considered to have engaged in anti-government activities abroad. The government has released no current figures on petitions received, rejected, approved or pending. In most cases the courts have upheld interior ministry decisions barring individuals from returning. In a small number of cases, the government has permitted some barred individuals to return, generally for short periods and on humanitarian grounds.

Chile has accepted a few refugees in recent years and makes regular modest financial contributions to international organizations aiding refugees.

c. Freedom to Participate in the Political Process—*Political party activity is banned.* In 1973, the government dissolved the Marxist parties and other parties forming the Unidod Popular Political Front. A 1977 decree law dissolved all remaining parties. There have been no elections for local or national political office since 1973. There was universal suffrage in the September 1980 constitutional plebiscite (voting is required by law), but without electoral registers or other safeguards acceptable to the opposition. Following the 1973 coup, the government assumed authority to amend the constitution. With congress dissolved, the junta exercises legislative powers, delegating executive authority to President Pinochet.

Notwithstanding the formal ban on political activity, the non-Marxist parties, notably the Christian Democrats and some of the Radical Party offshoots, are able to continue to operate on a limited basis. Even some socialists and splinter leftist groups maneuver among themselves with tacit government acquiescence. Communists who are found engaging in political activities are generally detained for violating the internal security code or the 1973 law prohibiting Marxist activity.

4. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights:

The government set a precedent when in July 1978 it allowed members of the special ad hoc working group of the United Nations Commission on Human Rights (UNHRC) to conduct a long-delayed visit to Chile. Although the groups subsequently disbanded, a special rapporteur was tasked to submit Chile human rights reports to the commission and the U.N. General Assembly (UNGA). The Chilean government communicated officially to UN authorities in March and May of 1979 its objection to, and refusal to cooperate with, continuing special consideration of Chile by ad hoc procedures, such as the use of a rapporteur, contending that these measures had no legal or moral force.

A Chile item appears each year on the agenda of the UNGA and the UNHRC. The 1980 UNGA resolution expressed "particular concern that the Chilean authorities have failed to take and urge effective measures, as requested in its resolution and urge effective measures, as requested in its resolution 33/15, to investigate and clarify the fate of persons reported to have disappeared for political reasons", and urging the authorities of Chile to respect and promote human rights in accordance with the responsibilities it has undertaken under various international instruments.

The Inter-American Human Rights Commission also maintains a watching brief on the Chilean situation. In its October 1980 report on human rights in Latin America it stated that "There have been violations of the right to life and personal security in Chile" and that severe restrictions on the exercise of other rights embodied in the American Declaration of the Rights and Duties of Man continue. In late 1978, the ICRC reduced its Chilean presence to one local employee primarily because of the substantial decline in the number of political prisoners. Earlier it had played an active role in prison visits in attempts to locate missing persons. The Intergovernmental Committee for European Migration (ICEM) also has been active in Chile, conducting a program permitting convicted political prisoners an opportunity to serve out their sentences in exile. The government cooperated in making this program possible. Counting all categories of refugees, ICEM has moved some 20,000 people out of Chile since the coup.

Amnesty International, the International Commission of Jurists and other non-governmental organizations have expressed concern over Chile. During 1980, the first two organizations issued reports alleging a relative increase in human rights violations in Chile and criticizing the courts for their ineffectiveness in protecting the rights of detainees or people who have disappeared. Although the government believes that the reports produced by these organizations exaggerate the scope and volume of abuses, it has permitted visits by their representatives.

The Catholic Church, along with the representatives of several other religious communities, has taken the lead in defending human rights and implementing social action programs. This has resulted in visible tensions between the government and the church, and disagreement over the church position by more conservative Catholics.

In a number of instances, church property has been the target of attacks carried out by assailants who have not been identified or apprehended.

The Chilean Commission for Human Rights, now two years old, has also publicized abuses and spoken out strongly against them. It and the other human rights groups operate openly, albeit cautiously, in Chile; some of their members have experienced harassment in the form of arrests and searches.

The Chilean government has failed to investigate fully and prosecute three former security officers indicted in the U.S. for complicity in the 1976 assassinations of ex-Chilean Ambassador to the U.S. Orlando Letelier and a U.S. citizen Ronni Moffitt. In October 1979 the Chilean supreme court denied a U.S. government extradition request for the three officers.

Mr. KENNEDY. Mr. President, I wish to emphasize some of the more pertinent parts of this report, as submitted to the Committee on Foreign Relations by the Department of State in February 1981:

High-level government officials publicly and privately deny that the use of torture by government agents is authorized. Reports of torture declined from 1976 through early 1980. Since then, paralleling an increase in extremist violence reported incidents of torture increased. At least 100 incidents of torture were reported to human rights organizations in 1980—with most individuals alleging psychological duress, beatings and the use of electric shock during interrogation by members of the National Information Center (CNI) or civilian police. While in some cases questions can be raised about the validity of the allegations, in other cases there is no apparent reason for the individuals to make false claims. According to such accounts torture was applied on the first or second day of detention to allow sufficient time for full recovery before release.

And now, with the lengthening of the executive detention in Chile from 5 to 20 days, there is very deep concern that the practices of torture will increase. The report says:

Human rights sources report that during the first ten months of 1980 the courts received 96 complaints of serious mistreatment including torture. Three men have died since November 1979 while in the custody of civilian police. Accounts by relatives suggest that physical abuse by police was the cause; the cases are under investigation but no persons have been indicted.

On the disappearances, Mr. President, the report says:

The last reported "disappearances" occurred in 1977. About 635 cases from the period 1973–1977 remain unresolved. Although the Chilean supreme court appointed special judges in 1979 to investigate many of these disappearances, no one has been formally indicated. This year, the supreme court confirmed that the general amnesty declared in 1978 applied to the policemen identified as having executed sixteen persons and deposited the bodies in a lime kiln at Lonquen in 1973. The special judges are continuing investigations into some cases, have suspended action in numerous others, and have referred still others to military justice when the military or police are believed to have been involved. Some families of the disappeared have appealed the suspension or referral to the military courts. To date, the appeals have had little effect in resolving the whereabouts of their relatives.

Still there continues to be a significant number of arbitrary arrests and detentions. The State Department report says:

According to studies compiled by church human rights groups, a total of 720 persons were detained in Chile during the first 6 months of 1980.

Further:

The Inter-American Human Rights Commission (IAHRC) reported in October 1980 that the rights to fair trial and of due process were subject to major significant restrictions—principally because of the active role of the military courts in judicial proceedings and the failure of the civil courts to exercise their responsibilities on behalf of detained persons.

Amnesty International, the International Commission of Jurists and other non-governmental organizations have expressed special concern over Chile. During 1980, the first two organizations issued reports alleging a relative increase in human rights violations in Chile and criticizing the courts for their ineffectiveness in protecting the rights of detainees or people who have disappeared.

And then the final quote:

The Chilean government has failed to investigate fully and prosecute three former security officers indicted in the U.S. for complicity in the 1976 assassinations of ex-Chilean Ambassador to the U.S. Orlando Letelier and a U.S. citizen, Ronni Moffitt. In October 1979 the Chilean supreme court denied a U.S. government extradition request for the three officers.

At this point in the RECORD, I would note that on November 5, 1980, Federal Judge Joyce Hens Green found the Chilean Government responsible for the assassination of Orlando Letelier and Ronni Moffitt. Now, we know that the

Chilean Government refused to extradite those who were directly responsible and named by the grand jury. Still, the Federal court ordered the Chilean Government to pay $4.9 million in damages to the Letelier and Moffitt families.

In her opinion, Judge Green wrote:

> Whatever policy options may exist for a foreign country, it has no discretion to perpetuate conduct designed to result in the assassination of an individual or individuals, action that is clearly contrary to the precepts of humanity as recognized in both national and international law.

To this day, Mr. President, the Chilean Government has failed to comply with the order of the U.S. district court to pay the damages for their responsibility in the Letelier-Moffitt assassinations.

For the many reasons mentioned above, Mr. President, I intend to move to table the amendment offered by the Senator from North Carolina. Senator HELMS' amendment would alter the current prohibition in law against providing the Chilean military junta of General Augusto Pinochet with weapons and military support.

Mr. President, I strongly urge that this amendment be tabled. No evidence has been brought forward to justify a change in this law. To the contrary, to alter the law and to permit military aid to flow to Chile would be directly contrary to the interest of the United States.

Mr. HELMS. I thank the Chair.

Mr. President, let me assure the Senator and the Chair that my remarks will not be extensive.

Mr. President, this Senator has not argued that aid should be guaranteed to Chile or anybody else. That is not what the amendment proposes. The amendment proposes only that the President be given flexibility in dealing with Chile, as with other countries. It removes a prohibition, it does not grant assistance, nor is any proposed.

As I listened to my friend from Massachusetts, I thought, "Gee whiz, the Senator seems to be arguing in favor of my amendment, because he maintains that the human rights climate, assuming that his facts are correct, in Chile has not been successful; if so, then, his amendment has done great harm to the people of Chile—again assuming that his facts are correct"—and I know that he stated them with all sincerity. So assuming that all of the activities which he described with his customary eloquence are correct, then he is saying to the Senate what I did when I offered the amendment without any hearing before any committee has been a tragic mistake for the cause of human rights in Chile.

The Senator from North Carolina has not said that the situation in Chile is perfect. What he is saying is that it could be improved if the law permitted us to offer an inducement. But the law is rigid. There is no inducement, and there can be none, as long as the Kennedy amendment remains law.

I am a little bit surprised therefore that the Senator would move to table the amendment. I would imagine that he would be anxious for the President to have some flexibility in working with the Government of Chile, which the Senator so ardently opposes.

Mr. President, the able Senator from Massachusetts introduced the name of Orlando Letelier into this discussion.

Of course the death of this man was an act of murder, and this Senator from North Carolina does not condone murder under any circumstances. I have no difference whatsoever with the Senator from Massachusetts on that point.

Where I do perhaps differ with him is that I infer that he regards the late Mr. Letelier as some sort of martyr, as though he were an innocent citizen struck down by terrorists.

What does the word "martyr" mean, Mr. President? Certainly it suggests that a person is an innocent victim for a worthy cause.

Let me say that I regret the murder of Mr. Letelier just as much as the Senator from Massachusetts, but let the record also show that Mr. Letelier was neither an innocent victim nor was he working for a worthy cause. He was himself an agent of terrorists. He was an agent of the Cuban Government working within the United States with a terrorist network for the overthrow of a government friendly toward the United States.

That is not my interpretation. These are facts, facts which have been well established by papers which Mr. Letelier was carrying in his briefcase at the time of his death. I saw the papers, Mr. President. Those papers showed that he went from his contact with prominent American leaders to contacts with Marxists, Communists, agents of the KGB, the Cuban DGI, and various terrorist organizations. Just as terrorists are sometimes blown up by their own bombs, so too Letelier was entrapped in a web of plots and counterplots of his own making. Nor was Ronnie Moffit an innocent either; knowingly or unknowingly, she was his accomplice.

What was Letelier's job in the United States? It was to manipulate public opinion in this country and to lobby for Cuban interests in the Chile matter. His strategy was to present himself as an objective critic of human rights while he was really trying to bring down the Chilean Government that had thrown out the Marxist Salvador Allende.

While we are at it, Mr. President, I think it is about time that we stop this business of trying to canonize Salvador Allende. He was a Marxist, and he drove that country, with his socialist policies, into the ground.

At the time Allende was deposed, the inflation rate in Chile was 1,000 percent, and the ouster of Mr. Allende was demanded by the housewives of Chile. The army in Chile was not even interested in a coup. They were forced into it by public opinion and growing national chaos.

The housewives of Chile despaired of what had been done to their churches and their schools, and it was the housewives of Chile who got out on the street every afternoon at 4 o'clock beating on pans demanding that the army do something to remove this dictator, this Marxist, whom some now would declare to be some sort of saint.

The letters found in his briefcase show that Letelier was in a conspiracy with Allende's daughter, Beatrice, who was living in Cuba as the wife of the second ranking official of the Cuban secret police, the DGI. On May 8, 1975, Beatrice Allende sent him $5,000 from Cuba with the promise of $1,000 a month "for your work."

In a letter which Mr. Letelier wrote to Allende's daughter on March 26, 1976, he said that his strategy was to present "an apolitical character, oriented exclusively to the problems of human rights."

He wrote, and again I quote from Mr. Letelier's own letter:

> The object is to mobilize the liberals and other persons who, if they don't identify with us from an ideological point of view, are in it for what human rights reflects.

He was worried that his connections with the Communists might become known. He wrote:

> You know how these liberals are. It's possible that one of the sponsoring Congressmen might fear that they might be connected with Cuba, et cetera, and eventually stop giving his support to the committee.

Let me say again for the purpose of emphasis that I regret and I abhor the murder of Letelier as much as anybody, including the Senator from Massachusetts, but a bit of perspective is needed before we go too far in assessing what the real situation was at that time.

In January of 1976 Letelier traveled to San Juan, Puerto Rico, to consult with the Castro-oriented founder of the Communist Party of Puerto Rico, the so-called Puerto Rican Socialist Party, which has long supported the bombings and terrorist attacks in the United States by the Puerto Rican independence movements.

According to other documents found in Mr. Letelier's briefcase on the day that he was killed, he had also been in contact with officials of the Soviet Union, the East German, and the Cuban Governments, including some with known intelligence duties.

They included Yuly M. Vorontsov, Minister Counsellor of the Soviet Embassy in Washington, Rolf Sieber, the East German Ambassador; Oleg Ignatsiev of Pravda; Stephen Shalaev, president of the Moscow Soviet; Calos Altamirano and Clodomiro Almeyda, two top leaders of Allende's Socialist Party living in East Berlin, and Raul Roa, the Cuban Foreign Minister.

A word should also be said about the Institute for Policy Studies, and the Transnational Institute, an IPS spin-off which Letelier headed. IPS has been notorious for its support of international terrorist groups, including Latin Americans, Africans, and the PLO. Last year the journal, Midstream, reported:

> Upon Letelier's death, IPS made Tariq Ali head of the Transnational Institute. Ali is a leader of the British section of the Trotskyite Fourth International, which maintains contact with terrorist groups world-wide. A long-time promoter of the PLO, Ali has been barred from entering the United States, France, India, Japan, Turkey, Thailand, Hong Kong, and Bolivia. Ali is quoted by Newsweek (Jan. 14, 1974) as saying: "We are dedicated to achieving socialism all over the world and not through peaceful revolution."

That quotation, Mr. President, is from

a very interesting article by Rael Jean Isaac, which went into complete detail on the IPS and Letelier. Midstream describes itself as "A Monthly Jewish Review," published by the Theodor Herzl Foundation. Its liberal, intellectual, and anti-Communist reputation is not in question.

Another article appeared on Letelier by John Rees, in the Review of the News, entitled "A KGB Agent in Washington." That Journal is a publication of Robert Welch, Inc., founder of the John Birch Society. The conclusions of the two magazines are similar, despite the totally different intellectual framework within which they are working.

Mr. President, I ask unanimous consent that both these articles may be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE INSTITUTE FOR POLICY STUDIES: EMPIRE ON THE LEFT

(By Rael Jean Isaac)

An unusual organization has been edging into prominence for some years. Its members—"Fellows"—have published many articles in The New York Times, and have appeared on television: The Times identifies the organization only as "a research organization based in Washington, D.C.," while Jim Lehrer, on Channel 13, the "educational channel" of New York City, refers to it as a "liberal research outfit."

Moreover a new novel, "The Spike" has just appeared, written by two well-known commentators on world affairs. Arnaud de Borchgrave and Robert Moss, which is widely assumed to be based on this same organization. In the novel it is the channel through which the Soviet Union hopes to take over the United States.

Plainly, this "liberal research outfit" would seem to deserve some attention. What, in fact, is the Institute for Policy Studies?

Though the subject of a 1971 article in Esquire, a two-part series in Barron's in 1976, and a 1978 article in The New York Post, the Institute has received remarkably little attention in the major media, which, however, frequently publish the writings of its Fellows.[1] Yet the Institute represents an unprecedented success story: the achievement of the New Left, after its supposed demise, in shaping United States policy.

The Institute for Policy Studies was founded almost 20 years ago by Marcus Raskin and Richard Barnet, who were to remain its directors for 15 years. The two men had met while attending a White House/State Department disarmament conference on April 14, 1961. Raskin was on the staff of the National Security Council as an aide to McGeorge Bundy, and Barnet was Deputy Director for Political Research of the U.S. Arms Control and Disarmament Agency. Barnet noticed Raskin's alienation—his contempt for and hositility toward "the whole military-industrial establishment sitting there at one table." As Barnet later told an interviewer: "Marc and I both grimaced at the same moment—and knew we didn't belong here." Within two years Barnet and Raskin had put together the necessary funding, personnel, and programming: the Institute began work in 1963.

But the roots of IPS go back earlier. While Barnet's prior activities gave no hint of the path he was to take (Harvard Law School, graduate studies at Harvard and Princeton, a stint at a respected Boston law firm before entering government), on coming to Washington in 1959 as a legislative assistant to the then freshman Wisconsin Democratic Congressman Robert Kastenmeier, Raskin had organized the "Liberal Project."

These were the Eisenhower years, when the major criticism of the Presidency was that its incumbent spent too much time on the golf course. While in retrospect they seem golden years, scarcely rich soil for the appearance of a Congressional protest movement, a small group of Congressmen, most of them first elected in 1958, felt that American policy was coasting on the outworn ideas of the New Deal and did not take into account a radically changed post-war world. James Roosevelt, one of the leaders of the group, spoke of a breakdown in "the transmission belt of ideas between intellectuals and politicians." The model the Congressmen had in mind for the "Liberal Project" was the English Fabian Society, which provided the ideas (and to a considerable extent the personnel) for the Labor Party in England in the first decades of the century.

The Liberal Project died when five of the dozen Congressmen who made it up lost their seats in 1960. Its chief legacy was a volume called The Liberal Papers, edited by James Roosevelt, presenting the new perspective it was hoped would provide a foundation for policy.

Though the tone of the Liberal Papers is calm, civilized, and rational, and—in sharp contrast to what was to become the Institute for Policy Studies—the good faith of United States policy-makers is not impugned, an analysis of it points to themes that were to be fundamental for IPS: the need for total disarmament; the abandonment of existing alliances; the need to encourage revolutionary change in the underdeveloped world. Several contributors to the Liberal Papers were to play a part in IPS. David Riesman (with Barnet and Raskin) was one of the three trustees listed in the certificate of incorporation in November, 1962; Michael Maccoby and Arthur Waskow were to become Fellows of the Institute.

The distinguished marks of IPS have been its choice of audience, its methods, and its ideas. To begin with the least imaginative of these—the ideas—they have been endlessly restated in the voluminous writings of the IPS founders and Fellows, some of them published directly by the Institute, some by mainstream publishing houses. Perhaps the best source is the writings of Marcus Raskin, described by IPS colleagues as "one of this country's most able political thinkers and theorists" and "one of America's leading political scientists and political philosophers."

Raskin describes the United States as an imperialist country ("The American imperium . . . is now viewed as the world's primary enemy by the poor and the young") whose inhabitants themselves are colonized.[2] Within our Colonized Society (these as well as all subsequent capital letters are Raskin's) there are "four overlapping Colonies" each of which "hollows out man and objectifies him for the purpose of running the Colony." The most important Colony, the one that maintains the others, is the Violence Colony, whose rulers, specialists in the techniques of violence, use "the rest of society as their hostage." A primary tool of the Violence Colony is the university, which is "the fundamental shield and terrorizing instrument of the state."

Cowed by the Violence Colony, people in the Plantation Colony "work at meaningless and unreal jobs to obtain things that they are led to want" but which do not satisfy "human needs." In the Channeling Colony (known by less profound minds as the educational system) people are "broken" into "accepting authority structures. Its inmates learn to become bored, user-used and hollowed out." People are lulled into passive acceptance of the other colonies by the Dream Colony, which "provides a surrogate of action and passion for the colonized, replacing their own actions and passions which could stem from human feeling."

Raskin explains how the small elite that colonizes the mass of American citizens enforces the external empire. The turning point, says Raskin, came in 1940, when the United States gave up its status as one of several great powers "to reach for the brass ring: world hegemony." While war with "great powers" would be avoided after 1945, "fighting continuous war in the lands of the poor and wretched was acceptable, and to some extent was the way the ruling elite thought American dominance would be maintained." Eventually, a President's day would be "spent in activities that were more criminal than political, from plotting wars to buying foreign government officials." As the elite saw it, war for the public "would be a sport, a diversion at most. . . . The droning of everyday life would be relieved with the purpose and determination of the leaders."[3]

In Raskin's books the political leadership of the United States becomes a cabal of evildoers, a replica of the Nazi leadership—to be dealt with in a similar way. "Decolonization" can only be accomplished if the "national-security state is dismantled." The only incentive for leaders to avoid imperial adventures is to know they will be held personally responsible. Citing the Nuremberg Laws, Raskin provides his own model law "for demilitarizing American society." Crimes include "threatening and provoking other nations and lands with U.S. or third-party military and paramilitary forces," and even "developing a militarist economy." Those found guilty would be liable to discharge from the Civil Service or, if their offense was severe, confiscation of property and custodial imprisonment for seven years "at socially useful work."

Once the Violence Colony is eliminated, decolonization of other social sectors will become possible. The Plantation Colony will be replaced by workers operating their own industries established with government taxes. One presumes that those, like Raskin, who know what human needs really are will decide what is produced by them. The Channeling Colony will be overcome when records are destroyed, grades and tests abolished, and "free inquiry" put in its place. The Dream Colony will be replaced by a television that is used "to build continuous new relationships between people in an associative, democratic way."

There is not much danger that a dismantled Violence Colony will be resurrected because in the "Reconstructed Society" all decisions will be made in face to face local meetings. These meetings will choose whether, for example, a MIRV missile is desired over a new community center. Workers will control their own taxes until the end of the year and then decide to what authority they wish to give them. National budgets will be voted in local assemblies. In short, the "Reconstructed Society" is an anarchist-syndicalist federation of autonomous cooperatives. Since present human imperfection is wholly attributable to the colonizing agents, in Raskin's utopia there will be no hierarchy, no coercion, no real organization beyond the local level.

The flood of writings by IPS Fellows neither add to nor contradict Raskin's outpourings. The United States is evil. IPS Fellows Paul Jacobs and Saul Landau explain[4] how Americans have celebrated a terrible past. "Racism" against every minority group is the real history of the United States. The democratic institutions of the United States are worthless. Elections, says IPS Fellow Michael Parenti,[5] are only a symbol and voting "less an exercise than a surrender of sovereignty." A favorite IPS theme, it is echoed

Footnotes at end of article.

by, among others, Arthur Waskow, who calls elections "an elaborate way of collecting power from the people and handing it over to someone else." IPS Fellows are enthusiastic about Third World terrorist and revolutionary movements and the states that embody them; many of these of course, have dispensed with elections altogether.

While the Soviet Union is not always defended as flawless, the United States is consistently portrayed as the aggressor in U.S.-Soviet relations. Parenti puts "totalitarian" in quotes, suggesting this is a false label applied to the Soviet Union. Richard Barnet contrasts "substantive" and "procedural" freedoms. We have the "procedural" freedoms (speech, the press, assembly) while the Soviet Union has the more solid-sounding "substantive" freedoms (medical care, jobs, housing). Barnet asserts on his own authority that he is sure that Soviet citizens, if given the choice between the two, would select their "substantive" freedom. What IPS Fellows never concede is that the Soviet Union poses any threat to the United States. Soviet behavior is invariably defined as "defensive" in nature.[6]

Although IPS is normally classified as a movement of the radical Left, it works readily with individuals and movements of the radical Right, and could easily move wholly in that direction. Karl Hess, a founding editor of National Review and a one-time speechwriter for Barry Goldwater, found that IPS corresponded to his own "right wing anarchist libertarian" philosophy. IPS staffers fill the pages of Inquiry, the chief journal of the Libertarian movement, and IPS and the Libertarian Cato Institute have undertaken a joint project to "study the military, financial and political implications of a strictly non-interventionist United States foreign policy."

What IPS is really concerned about is assuring United States withdrawal of support from "reactionary" regimes world-wide. Once that is done, IPS is quite confident in the ability of "progressive" forces (backed presumably by the "progressive" arms of Cuba, the Soviet Union, etc.) to achieve victory. Although IPS, with its goal of some sort of decentralized communal socialism is more strictly in the anarchist tradition than the Libertarians with their belief in the free market, the two make common cause in calling for an end to U.S. intelligence services and for unilateral U.S. disarmament.

The radical Right orientation in IPS thought is visible in a book by IPS Fellow Earl Ravenal,[7] who argues for "nonintervention." He contrasts this with appeasement, which he accurately observes, is a form of intervention. United States policy toward Israel, says Ravenal, is a policy of appeasement. Israel is pressured to make concessions to the Arab states—at present to relinquish the West Bank to some form of Arab rule. American aid and promises of future support are predicated on these concessions. Yet ironically, Ravenal notes, appeasement produces a more dependent ally in a position of less strength, more dependent than ever on a less reliable guarantor. Ravenal's solution is withdrawal. Countries to which the United States has made commitments will have to seek the best deal they can with their adversaries.

What of powers that might seek to advance as the United States withdraws? Ravenal says airily that we will have "to let our adversaries have their season of mischief in the world." The process of disengagement will not end until the United States has found "a new, obviously defensible security frontier." Europe? Canada? Mexico? The borders of the U.S.? Ravenal does not define what an "obviously defensible" frontier would be.

The strength of IPS has, indeed, been much less in its ideas than in its methods. IPS combined theory and action in what Raskin called "the project" and the "social invention." As Arthur Waskow, a founding Fellow who remained at the Institute until a wage dispute led him and a number of other long-time Fellows to begin a rival Policy Resource Center in 1977, described this approach:

"The Institute is not just an ordinary research center because it's committed to the idea that to develop social theory one must be involved in social action and in social experiment. And therefore, the Institute stands on the bare edge of custom in the United States as to what an educational research institution is, as against what a political institution is."[8]

In IPS the distinction between research and political action virtually disappears. We shall show that the genius of IPS has been the use of all the political techniques whose legitimacy it denied and sought to eliminate from the arsenal of government. Major targets of IPS have been government intelligence agencies for their spying, covert actions, and subversion; the corporation, especially the multinational corporation; and U.S. "imperialism."

IPS can fairly be described as an enormous intelligence operation practicing both covert action and subversion. It is itself an adaptation of the multinational corporation, and serves as an "imperial" nerve center, with endless subsidiary operations that in turn influence and shape a whole series of ostensibly independent groups.

The most imaginative of the IPS intelligence operations is the so-called Government Accountability Project (GAP). The Government Accountability Project encourages government employees to expose wrongdoing in their agencies. It calls this "whistleblowing" and provides a whistleblower's hot line directly to IPS. A threeday Conference on Whistleblowing held in Washington in June, 1977, featured a number of participants whose remarks centered on such areas as pilferage, bribery, discrimination, and conflict of interest, but IPS staffers at the conference made it clear that their primary area of interest was intelligence operations and Defense Department activities.[9] To underscore the point they planned a special conference on whistleblowing in the national security agencies. IPS urges federal employees to push (through their unions) for the establishment of a written, guaranteed, and legislated right "to blow the whistle." IPS has provided model legislation to encourage and protect whistleblowers by, among other provisions, forcing the government to pay a whistleblower's legal fees, give him paid leaves of absence during litigation, and punish supervisors for harassment.

Another major information-gathering operation of IPS is directed against the large corporation. And while monitoring the large corporation for abuses has an appealing ring, it must be remembered that the purpose of IPS is not to force the corporation to live up to a high standard of behavior but, as IPS freely admits, to abolish it. One of the early projects was a 1970 study of "industrial security" in 500 corporations, most of them with government defense contracts. The corporations were asked, "as a starting point," to give information about the "person or persons in charge of your security program." According to Raskin, some 200 corporations cooperated in the study.[10]

Another project is the Counter-Information Services of the Transnational Institute (the international arm of IPS). Information that IPS describes as "closely guarded behind boardroom doors or barred in secret files" is unveiled in a series of "anti-Reports" focussing upon, for example, the Rio Tinto Zinc Corporation, General Electric, British Leyland, Unilever, etc.[11] The Corporate Data Exchange is a more ambitious project. Started in 1975, it is designed to investigate corporate control and economic concentration in all the major industries. Revealing the principal stockholders and investments of companies, the Exchange is useful in economic warfare campaigns in the name of "human rights" against countries targeted for "progressive" revolution.[12]

The Transnational Institute also has a Multinational Monitoring Project that is "developing an international network of researchers who investigate the operations of different multinational corporations * * * analyzing their impact upon development abroad and economic dislocation at home." Similarly, the Institute for Southern Studies, an IPS subsidiary established in 1970, is directed against the "explosion" of regional workers by major corporations and according to its own literature "is systematically collecting, evaluating and disseminating data on the operations of over 400 corporations in the South."[13] As part of its Militarism and Disarmament Project, IPS "monitors" U.S. arms sales and transfers.

Spying on the spies, or more elegantly, the exposure and nullification of Western intelligence operations is an important part of IPS concerns. In 1971, IPS began its own Internal Security Project to study the intelligence agencies. When, around the same time, disenchanted military intelligence officers from Vietnam Veterans Against the War joined together to provide the basis for what was to become *Counterspy*, IPS made its facilities available to them. The key figure in *Counterspy* was to be CIA defector Philip Agee. *Counterspy's* revelations of the identity of CIA agents around the world was followed by the murder of one of them, Richard Welch, in Athens. IPS co-director Marcus Raskin was on the advisory board of the Organizing Committee for the Fifth Estate which published *Counterspy*.

Agee, in the British edition of his book, *Inside the Company: CIA Diary*, wrote of the debt he owed to the Cuban government and to three people who had provided him with information. One of the three was Michael Locker,[14] who became the director of IPS/Transnational Institute's Corporate Data Exchange and a member of the IPS Ad Hoc Working Group on Latin America. (Agee now lives in Cuba, having been deported from both England and Holland for contacts with Soviet intelligence.)

IPS has also sought to discredit the intelligence agencies. It has made two films on defectors, one on former CIA officer John Stockwell revealing, in the words of IPS, "heretofore unknown information about CIA practices and policies,"[15] and another on former FBI agent Robert Wall, which has the additional merit of describing an FBI investigation of the Institute. A number of IPS Fellows took part in "A teach-in on Techno-Tyranny" in 1975 at the University of Michigan focusing on alleged "political assassination" and "police repression" in the United States.[13]

The projects described above involve covert action by IPS as well as simple intelligence gathering. Government employees were not informed that the Government Accountability Project (GAP) was an IPS project operating from the ground floor of the IPS building at 1901 Q Street. The brochure distributed by IPS to government employees states that the Government Accountability Project is the work of a "public interest group to help restore confidence in the federal system." A typical IPS handout for the project has a red, white, and blue cover with an American flag. Government employees are made to believe that they engage in patriotic acts, preventing abuses in their agencies, not that they contribute toward bringing down what IPS likes to call the "national-security state." And while the Project's literature states that GAP "works directly with jour-

Footnotes at end of article.

nalists" it does not mention that this builds up the influence of IPS Fellows with newsmen—making them a source of valuable "leaks"—to whom favors are due in return.

The Corporate Data Exchange also involves IPS in "covert action." The Corporate Data Exchange, in the literature it sends out describes itself as "an independent tax-exempt research organization." [17] Actually it is a project of IPS's Transnational Institute and is listed as such in Transnational Institute material.

IPS activity on behalf of the PLO deserves to be characterized as yet another "covert operation." Since blatant identification with the PLO might be embarrassing to some IPS funders, support is given indirectly. MERIP, the Middle East Research and Information Project, founded in 1971, supports the major Middle East terror groups.[18] IPS Fellows Joe Stork and Fred Halliday are editors of MERIP Reports and MERIP has repeatedly used IPS facilities for its meetings. IPS Fellow Eqbal Ahmad has engaged in fund-raising efforts for MERIP.[19] The Institute for Policy Studies' Cambridge offshoot offered courses on the Middle East taught by MERIP staffers: the catalogue description stated that "research will be oriented towards eventual publication in MERIP Reports."

A number of IPS Fellows have been featured speakers at the conventions of the Association of Arab-American University Graduates and suggested speakers of the Organization of Arab Students in the U.S. and Canada.[20] IPS Fellows attend PLO conferences: in November, 1976, IPS Fellow Joe Stork spoke at the "International Symposium on Zionism as a Racist Phenomenon" in Baghdad. Eqbal Ahmad is listed as a sponsor of the PLO support group, the Palestine Human Rights Campaign. An internal IPS memo sent on February 11, 1976 by IPS Fellow Saul Landau proposed a series of discussions among "friendly" members of Congress, such as James Abourezk and Anthony Moffett, members of the PLO, Jewish "doves," IPS people, and Arab-Americans not in Congress.[21]

The advantages of covert operations are obvious. On the one hand, potentially embarrassing affiliations can be concealed, and on the other, supposedly independent groups, publications, news services, etc. can echo the IPS line while it appears to the public that they are being exposed to information, issues, and opinions developed by independent organizations.

Mother Jones, a glossy West Coast magazine which fills the gap left by the passing of Ramparts, poses as an independent journal. In the February–March, 1977 issue the magazine raises the question, "Who's Behind Mother Jones?" The reply is lengthy and virtuous, "no banks, no corporations," but there is no mention of the Institute for Policy Studies. Mother Jones asserts that it is published by a nonprofit foundation, the Foundation for National Progress. The magazine's readers have no way of knowing that the Foundation for National Progress is a project of IPS. This can be ascertained from the Foundation's financial statements, but these are not, of course, distributed to readers of Mother Jones. In an April, 1977 article Mother Jones endorsed its own candidates for high position in the Carter administration. It offered IPS co-director Richard Barnet as the ideal Secretary of State and Gar Alperovitz of the IPS offshoot, the Cambridge Institute, as the ideal director of the Office of Management and the Budget. Again, readers did not realize this was simple self-aggrandizement by the Institute.

The Internal Revenue Service prohibits a substantial part of the activities of a publicly supported organization from going for "propaganda." To help circumvent possible problems, Mother Jones, which relies on IPS writers and echoes all IPS themes, is defined as a journal of the Foundation for National Progress. One does not subscribe to Mother Jones but becomes a member of the Foundation, entitling one to the Foundation's publication.

The subversion of IRS requirements is also apparent in IPS transferring of foundation funds. The Stern Fund, a long-time IPS supporter, gave IPS $30,000 in 1976 earmarked for the IPS project, the National Committee for Alternative State and Local Public Policies. One of the most successful of IPS projects, it brings together elected city and state officials to consider "alternative" legislation at the local level (government control of utilities, government ownership of banks, "community control" of business, etc.). According to the Internal Revenue Code of the Stern Foundation must certify that it did not pay any monies to "attempt to influence legislation" or "communicate with any other government official or employee who may participate in formulation of legislation." [22]

Again, the Pacific Alliance of the Foundation for National Progress produces anti-nuclear energy materials and wrote and coordinated an anti-nuclear ballot initiative for California. This activity, too, would appear to be prohibited by the IRS code, which says that no publicly supported charity can "attempt to influence any national, state or local legislation" or "participate or intervene in any political campaign." [23]

The combination of "covert action" with "subversion" is also apparent in the operations of the Pacific News Service. This masquerades as an "independent, nonprofit source of news and analysis." Brochures do mention that the Service is a project of the Bay Area Institute—but not that the Bay Area Institute is a subsidiary of the Institute for Policy Studies. Although the Service is a propaganda vehicle, and should not be eligible for foundation funds, it is able to offer lower rates than rival news services that pay taxes. It has become attractive to editors of major papers, especially now that it has become more sophisticated, dropping repetitive tell-tale phrases like "fascist regimes," "U.S. imperialism," etc. that marred earlier writing.

But perhaps the most impressive project for what certainly can be described as "subversion" has been David Cortright's study for IPS of insurgent movements in the armed forces. Active in the so-called GI Movement of protest against the Vietnam War, Cortright was brought to IPS where he engaged in a study of the army for several years. In a report on his IPS-sponsored trip to an anti-NATO Congress in Holland, Cortright professed to be encouraged by a rank and file opposition to military service in all the "highly capitalized nations." Cortright asserts that "democratization and resistance inside the army represent our best hope for preventing war and restraining aggressive State power." Although the specific grievances of soldiers (more money, long hair, better conditions) might seem "reformist" demands. Cortright points out that "to gain mass support" they must be addressed. Furthermore, Cortright notes, even such marginal issues can produce radical change for they have implications for the relations of power within the ranks and thus can undermine military discipline. Cortright concludes that the effort to achieve a mass soldier organization within the American armed forces should be considered, for it could have the effect of "crippling military effectiveness." [24]

The Institute for Policy Studies has in fact, created its own empire—its own version of the "multinational corporation." Just as multinationals developed because they found that rational economic organization required operation across national lines, so IPS established the Transnational Institute because it recognized, in its own words, "that the social and political problems of the United States . . . are in fact part of larger global problems." [25] More prosaically, IPS found a foreign-based operation a more convenient way to establish working contacts with a host of international "liberation" groups, among them the PLO.

In Race and Class, the Transnational Institute's journal "for Black and Third World Liberation," Eqbal Ahmad, in a memorial tribute, describes his close relationship with PLO leader Rashed Hussein who, writes Ahmad, "was clearer than many of us on the dangers Israel represented for the future." One of Rashed Hussein's plans that Ahmad praises was to embark on a massive funeral march from Amman to Jerusalem to bring the body of the ex-Mufti Hajj Amin al-Husseini "home" for burial.[26] (The ex-Mufti was the notorious fomentor of terror who spent World War II in Germany urging Hitler to murder the Jews faster.)

Although only a fraction of IPS projects have been mentioned here, the empire is much broader than even a complete listing would suggest. Other groups that seem independent of IPS are in fact linked with it through a network of interlocking directorates of a complexity and multiplicity most multinationals would envy.[27] Even more important, IPS serves as the nerve center of what is known as "the Movement," the coalition of groups advocating radical change in American society that developed out of the civil rights movement, the New and Old Left, and the anti-war movement; it now finds itself coalescing in the anti-nuclear energy campaign.

Were it not for the rise of the New Left, which emerged almost simultaneously with IPS, IPS might have had little more impact than the Liberal Project. Although Barnet, Raskin, Maccoby, Waskow, and Alperovitz, the key early IPS figures, were ten years older than the new student radicals, they had anticipated many of their concerns. Others they quickly adopted as their own. IPS, partly through its student intern programs, partly through the leadership role its Fellows took in the anti-war movement, partly through being an ongoing presence for a movement that was amorphous and prone to split when it organized, played a major role for the New Left.

At first IPS involvement with the New Left and the anti-war movement seemed to have derailed the Institute. Most of its original audience of policy-makers was lost as IPS became increasingly militant and its leading Fellows were arrested. But once the war was over, IPS was greatly strengthened. IPS now had a new credibility among policy-makers for, with the war lost, those who had opposed it early appeared vindicated. The "extreme" nature of IPS Fellows' opposition (a trip to North Vietnam, disruptive demonstrations) was forgotten. And IPS had a wider audience now. While the New Left disappeared from public consciousness after the war, its adherents did not disappear. Many became government officials at various levels and were responsive to IPS efforts to bring down the system through the system. They flocked to the annual National Conferences on Alternative State and Local Public Policies. "Graduates" of the New Left constitute much of the broader IPS public and subscribe to the various IPS journals.

The rise of new protest movements, many of them deriving inspiration from the old, has also enhanced the importance of IPS. Many of the new groups are primarily concerned with a single issue—peace groups, consumer groups, anti-nuclear groups, groups of dissatisfied minorities from gays to American Indians, groups seeking the "liberation" of one of a number of foreign lands from "Palestine" to El Salvador. IPS is able to supply what Fellow Gar Alperovitz

Footnotes at end of article.

calls the "conscious political vision" essential to set the "partial" goals in an overall ideological context.

For IPS, the nuclear energy issue is now crucial, an equivalent of the Vietnam War in its ability to mobilize masses. From the standpoint of IPS, nuclear energy is a "reformist" issue, like long hair and higher pay in the army, but like those issues it has the potential for creating structural changes (e.g., retarding growth) that do concern IPS.

It has been part of the "conscious political vision" of IPS that, in Raskin's words, "this country and modern nations run on ideas to a large extent" and "on the political level, you have to develop a sense that there are groups within the organized political structure—Congress or the Executive—who are interested in such ideas. Otherwise no real political transformation can occur."[28]

IPS's experiences in its years on the "outside" had strengthened this view among its Fellows. The demonstration at the Democratic National Convention in 1968 strengthened the IPS conviction that its original course had been correct. After the demonstrations at the convention, which he helped to plan, Waskow wrote: "The lesson of Chicago is guerrilla politics—not guerrilla war . . . Our armies of the night need new recruits—to get them we must invent a political course of action, not street tactics."[29]

Initial access to policy-makers was, of course, not difficult because IPS founders had all played a role in government. Shortly after its founding, IPS, in the fall of 1963, held a "Seminar on National Security and Disarmament" to which White House and State Department officials, Congressmen, and their leading staff members were invited. It exemplified the pattern of "information gathering" that was the IPS hallmark. The seminar studied the structure and operations of the U.S. defense system; its Congressional, Defense Department, and defense industry interactions; and how and by whom policies were formulated and decisions implemented down the chain of command. In the words of the IPS prospectus, the seminar was designed to find "the loci and levers of change in the present system," i.e., the pressure points to bring it down. The information was provided by the government aides and officials who participated as well as by other officials with whom they established contacts for IPS.

Seminars held by IPS for Congressmen in 1965 on "The New Era of American Policy and Statecraft," according to John Rees, were seminal in the formation of Members of Congress for Peace through Law (MCPL).[30] During the period of IPS disfavor on Capitol Hill, MCPL in many respects carried forward the kinds of policies IPS would have favored. MCPL coordinated votes against appropriations for the Vietnamese War and against aid to the South Vietnamese government. From small beginnings, the MCPL has developed into a body of 188 members of the House and Senate that acts as a lobby to limit defense spending; it has opposed all the major new weapons development proposals. Individual members of the MCPL have been in the forefront of the effort to hobble the intelligence agences.[31] The MCPL also serves as a "human rights" lobby. The human rights problems examined are primarily those of countries allied with or friendly to the U.S.

Perhaps the most dramatic instance of renewed IPS influence on Capitol Hill is the "alternative budget." In 1975, John Conyers (Dem.-Mich.), one of the most stalwart IPS supporters on the Hill, in the name of 47 members of Congress, almost all of them members of the MCPL, invited IPS to prepare a study of the (Ford) budget. IPS produced a 120-page study. The following year, 55 members of Congress asked IPS "to extend its excellent analysis of the Budget to include concrete proposals on how federal spending should be redirected."[32] The Alternative Budget, now called the Basic Needs Budget, has become an IPS institution. IPS's National Priorities Project is now active in developing strategy for the Transfer Amendment that would mandate the spending of billions of dollars to be cut from the defense budget for programs that "meet human needs." The Amendment has wide support among the Members of Congress for Peace through Law.

The human rights campaign of the Carter administration has proved an enormous boon to IPS. In its campaigns on Capital Hill, IPS has concentrated upon Chile and South Korea, the first because a "progressive" regime (that of Salvador Allende) was toppled by a "reactionary" regime (that of Augusto Pinochet); the second because it represents the most direct United States commitment remaining outside Europe. IPS has successfully mobilized support from its Congressional admirers. Representative Tom Harkin (Dem.-Iowa) called a Capitol Hill news conference in April, 1978, at which IPS's Howard Wachtel and Isabel Letelier presented a "new" report (it had already been given seven months earlier at a U.N. hearing) on loans from private banks to the Chilean government. In response to these revelations, Representative Henry Reuss (Dem.-Wis.), chairman of the House Banking Committee, sent telegrams to six of the major banks cited in the report urging them to "give the American people a full public explanation of why they are keeping a pariah nation afloat."[33]

IPS held a "Conference of Japanese and U.S. Parliamentarians on Korean Problems" in September, 1977, under Congressional sponsorship in the Cannon Office Building. In his keynote speech, George McGovern called for a "new" policy in Korea based on detachment of the United States from South Korea because of its human rights violations. The United States and North Korea together, said McGovern, could effect a "peaceful resolution" of the conflict. Subsequent speakers dwelt at length on South Korean human rights violations and "corruption" in the relations between both Korea and the United States, and Korea and Japan. Since IPS had structured the conference, there was little opportunity to examine what the human rights situation was in North Korea.

IPS also was one of the sponsors of a Capitol Hill conference on Chile, Argentina, Bolivia, and Uruguay entitled "U.S. Latin American Policy and Human Rights" in September, 1977. That the Institute for Policy Studies should have become a moral arbiter on human rights for Congressmen must surely rank as a macabre joke, for it excuses the most repressive states on the Left and the most vicious terror organizations.

IPS has had a major impact in the weakening of U.S. intelligence capabilities. The Church committee hearings on intelligence abuses in 1975–76 were influenced by the long-standing campaign of IPS and related groups against the intelligence agencies. At present, the Center for National Security Studies, to which IPS is closely related (its previous head, Robert Borosage, a former Fellow and long-time trustee of IPS, is now IPS director), has assumed a leading role in the battle for further restricting the powers of both the FBI and CIA, already severely restricted in the current proposed charters being considered by Congress. At a January, 1980, hearing on an Intelligence Identities Protection Act that would make it a criminal offense to disclose the names of U.S. intelligence agents operating abroad, Morton Halperin of the Center testified that this would be an unconscionable violation of "freedom of speech." The director of the CIA testified that unless disclosure was penalized, the agency would find it impossible to operate.[34]

Another indication of the extent of IPS influence on policy-making is that the Institute's "policy experts" have become Establishment experts. IPS-Transnational Institute established in 1976 an Ad Hoc Working Committee on Latin America headed by Roberta Salper, who in 1973 had served as a member of the Central Committee of the Puerto Rican Socialist Party, a Castroite group calling for immediate liberation of Puerto Rico from U.S. "imperialism."[35] Of the other six members of the group, four were also staff or consultants to the privately funded (Ford and Rockefeller Brothers) Commission on United States-Latin American Relations, better known as the Linowitz Commission. Not surprisingly, the two groups came up with similar policy recommendations. The IPS study was released after the Linowitz one and was designed to increase support for it. Since many of the recommendations were adopted by the administration, one assumes that the IPS document, known among IPS staff as "Son of Linowitz," did not hurt the parent.

In a remarkable irony, IPS has become mentor to Congress on the American democratic process it despises. "The Program of Political Transition" of IPS in 1978 directed an ongoing seminar on the Democratic Party, "its composition, direction, and the role of progressives within it" for Congressmen and their staff.[36]

In Congress then, IPS has concentrated its efforts on undermining support for the defense budget (in the name of "human needs"), making it impossible for the intelligence agencies to function (in the name of "freedom of speech") and denying the legitimacy of governments allied with or friendly to the United States (in the name of "human rights"). Since the ability of the United States to maintain itself as a great power rests on its defense forces, its intelligence services, and its allies, IPS has concentrated upon the crucial areas in its campaign to destroy the United States as what IPS calls "the Violence Colony."

IPS has won financial support to match its increased influence. Beginning with a budget of under $200,000 contributed by a variety of liberal foundations, IPS now has a budget of over $1 million. This does not include many of its projects which bring in an additional million a year.

By far the most important donor in the last decade has been the Samuel Rubin Foundation. The President of the Rubin Foundation is radical lawyer Peter Weiss, married to Rubin's daughter Cora Weiss, also an officer of the Foundation and a radical activist. Peter Weiss is chairman of the board of the Institute for Policy Studies. In 1974, the Rubin Foundation gave $1,200,000 to the Transnational Institute and, while that was the high point of funding, it has since given between $400,000 to $500,000 a year to IPS. Since substantial funds have gone separately to IPS projects, the Rubin Foundation's contribution is even larger than it appears to be. (For example, in 1974 the Rubin Foundation also gave $62,500 to IPS's Health Policy Advisory Center, $20,000 to the Exploratory Project for Economic Alternatives, etc.[37]) Since large sums have also gone to the Fund for Tomorrow, another Peter and Cora Weiss-controlled foundation, which in turn siphons more money to IPS, the Rubin Foundation contribution indeed mounts up. Over $2 million went to IPS from the now defunct DJB Foundation, whose founder, Daniel J. Bernstein, said the chief enemy of mankind was "the injustice of governments and of the United States government in particular."

IPS Fellows are encouraged to find their own sources of support for specific projects to supplement monies raised by the Institute. A consistent source of this kind of support has been the Louis Rabinowitz Foundation.

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The Rabinowitz Foundation, like IPS, has displayed interest in the armed forces, and financed the National Lawyers Guild South East Asia Military Project, which according to a Congressional study "Organized Subversion in the Armed Forces" was engaged in efforts to foster disobedience within the army in the Pacific area.[38]

An internal Transnational Institute memo dated September 9, 1976, discovered by police in the briefcase of its then director Orlando Letelier following his murder (of which, more shortly), suggests another source for IPS funds. The memo mentioned the difficulties the Institute would face if it accepted money from foreign governments while continuing to maintain financial independence from the U.S. government. The memo suggested that a way around the problem could be found if such funds were used indirectly to fund jointly sponsored conferences or by funding facilities, travel, etc. by direct purchase so that they did not enter the books. To what extent such practices have been employed by IPS must be unknown—if used, they do not appear on the books.

We have already noted that many of the leading figures of IPS were originally government officials in responsible positions who left the government because of disillusionment with prevailing policy assumptions. Under the Carter administration, there has been a reverse movement as individuals linked to IPS, its subsidiaries, and closely related groups, have moved into government, especially into the National Security Council, the Department of State (not surprisingly they are attracted to the "human rights" sector), and ACTION, which controls various social action programs. It was presumably to this new cadre that Senator Moynihan referred when he urged President Carter to demonstrate his seriousness about adopting a more realistic policy toward Soviet expansion by dismissing those of his appointees who held the reverse perspective and now implemented policy.

The return of IPS to government is a symptom of the Institute's greatest triumph: winning a broadly accepted legitimacy. The Institute has established cooperative programs with leading universities, including Johns Hopkins School of Advanced International Studies and Antioch College among others. IPS has offered a Ph.D. program in conjunction with Union Graduate School of Yellow Springs, Ohio. IPS now runs its own "Washington School" offering courses by present and former Congressmen, Institute Fellows, and government bureaucrats. Courses are also offered by such luminaries as James Zogby, director of the PLO support group, the Palestine Human Rights Campaign. (It is yet another indication of IPS influence on Capitol Hill that John Conyers sent out a letter on March 20, 1980 to his Congressional colleagues enclosing the IPS catalogue and asking that they share it with their staff.)

IPS Fellows have produced a veritable avalanche of publications. While "progressive" journals are of course open to them, mainstream publications like Harpers and Atlantic and reputable daily papers have published the essays of IPS Fellows. The New Yorker magazine ran a three-part series on "The World's Resources" by Richard Barnet in March and April, 1980.

The most disturbing indication of IPS's increased legitimacy among opinion-makers as well as policy-makers is that IPS has practically become an institutional columnist for The New York Times. While the frequency of its use of IPS varies, in the three-month period between March 1 and June 1, 1979, (The New York Times published an article by the Soviet KGB), revealed that Letelier had received a lump sum followed by monthly payments from Cuba and that his strategy Peter Weiss (March 2), five articles by Eqbal Ahmad (March 28, April 15, April 25, May 13, May 23), an article by Fred Halliday (May 18), and an article co-authored by Marcus Raskin (June 1). A major article by Richard Barnet appeared in The Times Magazine on April 1.

IPS Fellows use their Times space to undermine support for every U.S. ally in the Third World and to glorify terrorist groups and countries that have gone over to the Soviet bloc, while blaming untoward Soviet actions on American provocation. Peter Weiss casts the blame for the Vietnamese invasion of Cambodia, the Chinese invasion of Vietnam, and the genocidal mania of the Pol Pot regime on the United States. Eqbal Ahmad portrays the United States as the villain heading the "pusher's list" of arms suppliers, "hooking" Third World countries on arms partly through training programs for foreign students. In another column Ahmad praises the Polisario, the West Saharan "liberation" movement backed by "democratic" Algeria.

Fred Halliday in an essay on Afghanistan, then in the Soviet orbit but not yet invaded by the Soviet Union, praised the Soviet-backed regime. Those waging a guerilla war against it he accused of being feudal remnants whose income from smuggling had been cut or who opposed the emancipation of women. After the Soviet invasion, in the IPS journal In These Times (January 16–22, 1980) Halliday blamed the invasion on Pakistan and Saudi Arabia. In The New York Times (March 4, 1980), he confined himself to warning against U.S. aid to those fighting the Soviet takeover. He concluded his article by asserting that U.S. interests did not lie in turning the clock back in Afghanistan; instead, the U.S. should "exert its influence upon Israel to bring about an acceptable solution of the Arab-Israel dispute," since the Muslims did not really care what happened to Afghanistan but were concerned about "Palestine."

Since The Times identifies the Institute simply as "a research organization in Washington, D.C." (when it identifies it at all), the reader is in no position to know that he is the object of a sophisticated propaganda barrage with the complicity of a newspaper whose integrity he trusts.[39]

The activities of the Institute inevitably raise serious questions of motivation. IPS has consistently advocated policies that accord with the Soviet line, whether the issue is disarmament (for the West), abolition of nuclear power (for the West), support for Soviet-linked revolutionary groups, apologetics for Soviet expansion, etc. Brian Crozier, director of the London Institute for the Study of Conflict, says bluntly that IPS is the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the KGB."[40]

The personnel of the Institute do little to ease suspicion. While IPS may not have known that Orlando Letelier was using his position as Director of the Transnational Institute as a "cover" for his activities as an (unregistered) agent receiving payments from Cuba, the Institute's reaction on learning of Letelier's "Cuban connection" was not to dissociate itself from him but to make him a hero and a martyr.[41]

Letelier had been ambassador to Washington under the Allende regime and, later, Foreign Minister. Arrested by the new regime, he was eventually released and worked for IPS until he was killed in September, 1976 (along with IPS staff member Roni Moffitt) by a bomb detonated under the seat of his car. Agents of Chilean intelligence have been convicted of the crime. Correspondence found in Letelier's briefcase between Letelier and Beatrice Allende, wife of the second in command of the Cuban secret police (in turn wholly controlled by) was to present "an apolitical character, character, oriented exclusively to the problems of human rights."

What is perhaps most interesting about the Letelier case is the "news management" of the incident. The long-cultivated IPS relationship with the media paid off. While the Washington Post published an initial column by Evans and Novak detailing the story, it suppressed their second column and substituted an IPS coverup story. Reed Irvine, director of Accuracy in Media, summarized the contents of the documents and described the Post coverup in a full page ad which he sought to place in the Post. When the Post refused to print it, Irvine took the ad first to the Washington Star and then to the New York Times, which refused to print the ad without deletions Irvine would not make. It refused to print the story of the Letelier documents on the grounds it did not find them of "news interest."[42] The Washington Post, a voracious consumer of "leaks," had the effrontery to publish an editorial on April 14, 1977, denouncing the leak of the Letelier documents.

To this date, although the Times continues to print stories on the Letelier murder, it has refused to breathe a word about the contents of the briefcase. Yet the killing of the agent of one foreign country by the agents of another is a rather different story from the wanton murder of a liberal exiled diplomat dedicated to human rights.[43]

Upon Letelier's death, IPS made Tariq Ali head of the Transnational Institute. Ali is a leader of the British section of the Trotskyite Fourth International, which maintains contract with terrorist groups worldwide. A long-time promoter of the PLO, Ali has been barred from entering the United States, France, India, Japan, Turkey, Thailand, Hong Kong, and Bolivia. Ali is quoted by Newsweek (Jan. 14, 1974) as saying: "We are dedicated to achieving socialism all over the world and not through peaceful revolution." IPS appointed as head of the Holland office of the Transnational Institute another revolutionary, Basker Vashee, who doubled as representative of the Zimbabwean African People's Union and as director of WISE, World Information Service on Energy, which dispenses advice to opponents of atomic energy. WISE praised the March, 1979, bombing of a reactor in Spain by Basque terrorists.

Most of those trained as lawyers at IPS are members of the National Lawyers Guild. Since it was established with the aid of the Comintern in 1936,[44] the Guild has expanded to include radicals of various stripes. It remains, however, affiliated with the Soviet-controlled International Association of Democratic Lawyers.[45]

And yet, intent to promote the interests of foreign powers does not have to be assumed to explain what IPS does. If we take seriously Raskin's assumptions, the Soviet Union, scarcely an anarchist's paradise, is no better than the United States. (It may have a slight edge in its failure to produce as much of the things people do not "really need.") The problem is that for IPS to have any hope of moving forward toward building the "reconstructed" society, it must allay fears about the Soviet Union, since if the Soviet Union were building up its own national-security system, we would need intelligence agencies, an army, advanced technology, etc.

IPS is forced, accordingly, to explain aggressive Soviet behavior by the Soviets' perception of threat from the United States. In the IPS analysis, unilateral U.S. disarmament and acceptance of Soviet actions in Africa, Asia, Europe, or Latin America actually enhance United States security. By easing Soviet fears, such acceptance reduces the likelihood of further seemingly aggressive Soviet moves. Dismantling the national-security state thus becomes the best security option, ensuring the possibility of peaceful utopian collectivism in the land mass now organized as the United States.

But there may be another explanation for the carelessness of IPS concerning the background—and present actions—of its Fellows.

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In the perspective of IPS Fellows, they are oppressed by a brutal, criminal, and senseless empire, the United States of America. A colonized people has the right to rebel against imperial power. All laws are the laws of empire, hence unworthy of respect. Once alienation has reached that point, treason becomes meaningless. The colonized will cooperate with those who can help to free them, even if the colonized may recognize that the aid is given to achieve goals that may not be their own.

The success of IPS is frightening. In a free society fringe groups of all sorts can and do appear. If a group receives Kropotkin and argues, to use the words of IPS Fellow Karl Hess, that "there should be only the villages and then the world as units of political and social organization—nothing in between, such as nations," [40] a free society can listen and—one would expect at this stage of human experience—smile tolerantly. What is frightening is the way in which the political elite of this country has confronted the challenge laid down by IPS, which has made no secret that its target is dismantling all American institutions, economic, political, social, and cultural.

Surely in retrospect one of the most remarkable features of the 1970s will be that an organization with such a target could convince a significant number of American legislators to pursue legislation designed to advance it; that supporters of the IPS perspective could move into key positions in the government bureaucracy; that IPS could become the source of trusted "experts" whose input into policy was seen as serving the public interest; and that "Establishment" media could regard IPS as a source of a significant perspective on public policy.

The success of the Institute for Policy Studies reveals far less about the Institute than it does about United States leadership in the political realm, in the universities, and in the powerful fourth estate of journalism. There is a lack of trained intelligence within this leadership—or the puerile fantasies of IPS would never have been accorded serious attention. There is a lack of faith—one suspects even elementary knowledge of—traditional American values and their intellectual underpinnings.

IPS is supremely self-confident in the nostrums that it offers. It confronts a leadership without faith in itself or in its traditions. The real lesson of IPS is the extent to which that faith has been lost—and thus how intensely vulnerable this society has become to what a speaker at an IPS conference on March 18, 1980 proudly called "our own political wreckers groups."

FOOTNOTES

[1] By far the best coverage is to be found in the *Information Digest*, a newsletter put out since 1968 by John Rees, to whom I acknowledge my indebtedness.

[2] *Being and Doing*, Random House, 1971.

[3] *Washington Plans an Aggressive War*, Random House, 1971: also, *Notes on the Old System: To Transform American Politics*, David McKay, 1974.

[4] *To Serve the Devil*, Random House, 1971: two vols.

[5] *Democracy for the Few*, St. Martin's Press, 1977.

[6] *The Giants*, Simon & Schuster, 1977.

[7] *Never Again: Learning from America's Foreign Policy Failures*, Temple University Press, 1978.

[8] Quoted from an article by Arthur Waskow in *New University Thought*, Spring, 1968 in Institution Analysis No. 2. "The Institute for Policy Studies," Heritage Foundation, May, 1977, p. 4.

[9] *Information Digest*, July 1, 1977.

[10] *Ibid.*, Oct. 9, 1970.

[11] IPS-Transnational Institute *The Link*, Jan./Feb., 1976, p. 6.

[12] IPS is also closely associated with the North American Congress on Latin America. Established by the Students for a Democratic Society (SDS) and described by SDS leader Carl Davidson as the "intelligence gathering arm" of the New Left, it collects and disseminates information on corporate targets doing business in Latin America. The incorporators of the Corporate Data Exchange include three people associated with the North American Congress on Latin America.

[13] Quoted in Institution Analysis No. 9, "The New Left in Government: From Protest to Policy Making," Heritage Foundation, p. 17.

[14] Philip Agee, *Inside the Company: CIA Diary*, Penguin Books, 1975.

[15] Institute for Policy Studies Catalog, Fall, 1979.

[16] *Congressional Record*, Oct. 6, 1975, E 5251.

[17] Corporate Data Exchange promotional letter dated August 17, 1977.

[18] MERIP's main problem has been whether it should identify with any particular one of the warring groups within the Arab terrorist movement, and it resolved this by identifying with the revolution as a whole, but not any faction within it. Thus an issue of *MERIP Reports* that carried an interview with George Hawatmeh, a leader of the Democratic Popular Front for the Liberation of Palestine, noted: "While MERIP is not aligned with any particular Palestinian organization, we think it is important to provide information about the positions espoused by the different groups."

[19] In a "Dear Friends" letter dated October 4, 1972, Ahmad appealed for funds to further MERIP's "struggle for progress and justice in the Middle East," and praised MERIP's "honest reporting and "even-handed judgment."

[20] These include Joe Stork, Paul Jacobs, Eqbal Ahmad, Marcus Raskin, and Tariq Ali (prior to his being barred from the U.S.).

[21] Joseph Shattan, "Why Breira?" *Commentary*, April, 1977.

[22] IRS Form 990-PF, Part V, 14(a) (1).

[23] IRS Form 990, Part IV, 1.

[24] IPS-Transnational Institute, *The Link*, Feb. 1975.

[25] Institution Analysis No. 2, "The Institute for Policy Studies," P. 29.

[26] Eqbal Ahmad, "Memorial for an Exile: Rashed Hussein," *Race and Class*, Vol. XX, No. 3, Winter, 1979, pp. 289-93.

[27] Enumeration would severely tax the reader but a single example can be offered to give an idea of the web's complexity. The California Public Policy Center, which is closely related to Tom Hayden's Campaign for Economic Democracy, is apparently independent of IPS. However, Fred Branfman, director of the California Public Policy Center, is also a paid Fellow of IPS's Foundation for National Progress and Derek Shearer, another Fellow of the Foundation for National Progress and a member of the steering committee of IPS's National Committee for Alternative State and Local Public Policies is a staff economist for the California Public Policy Center and an organizer for the conferences of the Campaign for Economic Democracy.

[28] David Kelley, "For Socialist Alternatives," *Barron's*, August 23, 1976, p. 5.

[29] *Information Digest*, Oct. 9, 1970.

[30] *Information Digest*, Supplement to issue dated Dec. 30, 1977.

[31] Currently no less than eight committees of Congress—the armed services, foreign relations, appropriations, and intelligence committees of both Houses—must be informed of every major CIA operation. That comprises around 400 people, including the staffs of these committees. Given the probability of leaks, this means there can be no such operations.

[32] Letter from John Conyers, Jr. to Marcus Raskin dated February 26, 1976.

[33] *Information Digest*, April 21, 1978.

[34] *Ibid.*, February 8, 1980.

[35] Institution Analysis No. 2, "The Institute for Policy Studies," op. cit. p. 21.

[36] *Information Digest*, April 21, 1978.

[37] Rubin Foundation Financial Report, Foundation Center, 888 Seventh Avenue, New York City.

[38] Hearings before the Subcommittee to Investigate the Administration of the Internal Security Laws of the Committee on the Judiciary, United States Senate, 94th Congress, First session, Part I, The U.S. Navy, Sept. 25, 1975, U.S. Govt. Printing Office, 1976, pp. 12-17. See also Financial Report of the Louis Rabinowitz Foundation for 1971, Foundation Center.

[39] For a fuller account of *The Times* Op Ed page and IPS see Rael Jean Isaac, "The Times Op-Ed Page: mouthpiece for Institute of leftist 'liberalism'," *The Jewish Week*, June 24, 1979, p. 44.

[40] Brian Crozier, "Power and National Sovereignty," *National Review*, February 2, 1979.

[41] The Institute established memorial "human rights" awards given annually in honor of Letelier and Moffitt.

[42] On the Letelier documents see Accuracy in Media's *AIM Report*. January, 1977, Part I; March, 1977, Part I; April, 1977, Part I; April, 1977, Part II; May, 1977, Part I; May, 1977, Part II; July, 1977, Part II. See also *Information Digest*, April 22, 1977 and the *Congressional Record*, December 20, 1979, E6287.

[43] This writer, following a long article in *The New York Times* in October, 1979, on Letelier and the effort to extradite from Chile individuals wanted in connection with his murder, sent a letter to the editor mentioning the contents of the briefcase as a factor that might help to explain why he had been murdered. The letter was not published. An answer came from George Palmer, Assistant to the Executive Editor of *The Times*, saying that *The Times* had kept readers fully informed of the "significant elements of the Orlando Letelier case." The letter went on to acknowledge the existence of the documents and said that while "they might have" indicated that Mr. Letelier "had some contact with Cuban authorities" *The Times* did not believe they "established that he had been a paid agent of Cuban intelligence." But what is interesting about this is that while *The Times* could have summarized the documents for its readers allowing them to form their own conclusions, instead it has simply refused to mention them, providing an excellent example of what Reed Irvine calls "The Pinsky Principle": if the facts in a story conflict with a reporter's political predilections, he doesn't bend or twist the facts, he just doesn't write the story.

[44] Staff Study for House Internal Security Committee on Revolutionary Activity Directed toward the Administration of Penal or Correctional Systems, Part III, Government Printing Office, 1973, p. 130.

[45] Institution Analysis #12, "The Anti-Defense Lobby: Part III," The Heritage Foundation, p. 13.

[46] *Bulletin* of Alliance for Neighborhood Government.

A K.G.B. AGENT IN WASHINGTON

(By John Rees)

Orlando Letelier refuses to stay put among the gray ranks of "Liberal" martyrs. Dismembered by a car bomb on September 21, 1976, as he drove along Washington's embassy row, and memorialized five days later at St. Matthew's Cathedral, the former Cabinet Minister and Ambassador to the U.S. from the Communist Allende Government of Chile is now buried in Caracas, Venezuela. Dead, memorialized and buried, Letelier's legacy of international Communist intrigue, conspir-

acy, subversion, and armed insurrection—all suspected in his lifetime—has nonetheless exploded into a major scandal. Hard proof of his activities fell into the hands of law-enforcement agencies with the contents of the attaché case full of documents that Letelier had with him at the time of his murder. These included his contact book and appointments calendar.

From the contents of his attaché case it has been established that Letelier was disbursing money provided to him from Soviet and Cuban intelligence services; that he was working to overthrow the present anti-Communist Government of Chile and replace it with a Castro-style totalitarian regime; and, that he had numerous contacts on Capitol Hill and in Executive branch agencies—some of whom he provided with Soviet funds.

The contents of Communist agent Letelier's brief case have caused his memory to haunt those with whom he was in contact—Senators Abourezk, Humphrey, Kennedy, and McGovern; Representatives Abzug, Conyers, Fraser, Harkin, Helstoski, G. Miller, and Moffett; together with high-ranking Executive branch officials including William D. Rogers, Assistant Secretary of State for Inter-American Affairs, with whom Letelier lunched "from time to time"; and, such "Liberal" Establishment figures as Sol Linowitz, then head of the Commission on United States-Latin American Relations, which is financed by the Ford Foundation and the Rockefeller Brothers Fund.

Linowitz was a registered foreign agent for the Marxist Allende Government of Chile during the period Letelier was Allende's U.S. Ambassador. During 1976, as the private Linowitz Commission was preparing its second report urging U.S. withdrawal from Latin America and abandonment of the Panama Canal, the leading Commission staffers were meeting with Castroite Communists at the Institute for Policy Studies under the general supervision of Communist agent Letelier. The Comrades supplied ample input to the Linowitz Commission's second report.

Evidence thus far developed indicates that, in February 1975, agent Letelier passed "expense money" to Representative Michael Harrington (D.-Massachusetts) to ensure his participation in the Third Session of the so-called International Commission of Inquiry into the Crimes of the Chilean Military Junta. This was a Helsinki-based offshoot of the U.S.S.R.-controlled World Peace Council, which coordinates international campaigns for Western disarmament while providing logistical support for Soviet-sponsored terrorist movements.

Letelier used his "special political funds" not only to underwrite Congressman Harrington's attendance at the Commission's Mexico City meetings, but also to assist Senator James Abourezk's travel to the same meetings, along with representatives of the U.S. academic Left.[1] While they did not personally attend the Commission's anti-anti-Communist propaganda sessions, Senator Edward Kennedy of Massachusetts and Representative Ronald V. Dellums of California sent messages of support to the Red-financed Commission. Certainly Letelier's success in obtaining congressional support for an international Communist Front operation only weeks after being expelled from Chile as a Communist revolutionary indicates the skill with which he was able to manipulate his Capitol Hill contacts.

Letelier boasted of his manipulative skill in mobilizing "Liberal" Congressmen against Chile and other friendly countries in a March 29, 1976, letter to Beatrice Allende, daughter of the deposed President and wife of Luis Fernandez Ona, the second-ranking official of the Cuban secret police (D.G.I.). Beatrice Allende is herself an official of her late father's Unidad Popular in exile, and of the Havana-based Chilean Anti-Fascist Resistance. When Salvador Allende was President, Luis Fernandez was attached to the Cuban Embassy in Santiago. The press in Chile reports that Fernandez murdered political opponents for his father-in-law.

In the above-cited letter, contained in the brief case, Letelier told "Tati" Allende that for the present his strategy was to present "an apolitical character, oriented exclusively to the problems of human rights." He wrote: "The object is to mobilize the 'liberals' and other persons, who if they don't identify with us from an ideological point of view, are in it for what human rights reflects." Letelier was worried that the connections between his "human rights" movement and the Communists might become known. "You know how these 'liberals' are," he wrote. "It's possible that one of the sponsoring congressmen might fear they might be connected with Cuba, etc. and eventually stop giving his support to the committee." Comrade Letelier was referring to the National Coordinating Committee in Solidarity with Chile, operated by the Castroites and the Communist Party, U.S.A.

And, when manipulation falters, there is always the chance that bribery may succeed. Letelier clearly had the resources for bribery. In the brief case was a letter dated May 8, 1975, from "Tati" Allende in Havana. It referred to an accompanying $5,000 in cash, which it said was to be followed each month by $1,000 "for your work."

In Letelier's address book were the telephone numbers for former Congressman Henry Helstoski's office on Capitol Hill. The former Congressman is currently under indictment for allegedly taking payoffs from Latin American aliens to introduce private bills on their behalf enabling them to avoid deportation. Helstoski denies any knowledge of why his name was in agent Letelier's address book.

Letelier's "week-at-a-glance" appointment book has an entry for September 16, 1976, which reads "Carter-Brzezinski" and apparently indicates that the Chilean Marxist expected to see the Presidential candidate and his national security advisor that evening. Later, after their names, Communist agent Letelier found it necessary or convenient to write in Spanish, "I sent regrets." One finds it difficult to believe that a Communist agent of influence would pass up such an opportunity. On September 16th, Carter campaigned in Detroit; in the evening both Carter and President Ford attended an Italian-American dinner in Washington. The Carter White House has to date been unwilling to comment on this matter.

We are not, after all, talking about an innocent. In January 1976, Letelier traveled to San Juan, Puerto Rico, to consult with Juan Mari Bras, founder and secretary-general of the Castroite Communist Puerto Rican Socialist Party (P.S.P.). Mari Bras and other P.S.P. leaders have repeatedly stated that an armed revolution must be developed in Puerto Rico, and expressed their support of bombings by such pro-Castro terrorist groups as the Armed Commandos of Liberation (C.A.L.) and the notorious F.A.L.N. (Armed Forces of National Liberation) which killed four and seriously wounded over fifty in the January 1975 Fraunces Tavern bombings in New York.

The documents in Letelier's brief case show that from the time of his arrival in Washington in January 1975, Orlando Letelier had been in contact with officials of the Soviet, East German, and Cuban governments, including some with known intelligence duties. They included Yuly M. Vorontsov, Minister Counsellor of the Soviet Embassy in Washington; Rolf Sieber, the East German Ambassador; Oleg Ignatsiev of *Pravda*, the official Soviet Communist Party newspaper; Stephen Shalaev, president of the Moscow Soviet; Carlos Altamirano and Clodomiro Almeyda, two top leaders of his Chilean Socialist Party who live in East Berlin; and, Raul Roa, the Cuban Foreign Minister.

Letelier was planning to leave Washington for a trip to Havana on the day he was murdered, possibly explaining why he was carrying such damning documents. Among those he was to meet in Cuba was Roa. On September 27th, after his return to Washington, his appointment book shows Letelier was to have had luncheon with Valeriy D. Nikolayenko, First Secretary of the Soviet Embassy in Washington and an expert on Latin American affairs. In the Soviet diplomatic world, the First Secretary of an Embassy is traditionally an espionage kingpin.

The bomb which tore off Letelier's legs also slashed the throat of his assistant, Ronnie Moffit, who was riding in the front passenger's seat. Mrs. Moffit drowned in her own blood within minutes of the blast while her husband, Michael, also an employee of the Institute for Policy Studies, escaped virtually uninjured but was unable to retrieve the incriminating Letelier documents. Investigation of the murder of Letelier, a former diplomat, is being conducted by the FBI. The murder of Mrs. Moffit is being investigated by Washington's Metropolitan Police Department.

These investigations are to determine who planted the bomb. But murder requires a motive, and the investigations of Letelier's activities prior to his murder have opened up for examination the Chilean's web of contacts with Soviet officials and KGB agents, Cuban espionage chiefs, Chilean Marxist-Leninist terrorists, American academics, Senators and Congressmen, and congressional and Administration staffers with access to U.S. intelligence secrets.

The question of Letelier's activities as a top-level "agent of influence" and conduit for information and funds responsive to the requirements of the Soviet Union may or may not be answered by solving his murder. But the questions raised as to how he operated, who were his contacts, and whom he may have compromised, certainly demand answers. Let us start with a brief review of Letelier's public career.

THE BACKGROUND

Orlando Letelier was born in Chile in 1932. He was for many years a member of the Chilean Socialist Party (P.S.C.), which is not of the social democratic or Fabian variety but openly militant and avowedly Marxist-Leninist. The leaders of the Chilean Socialist Party took their cues from Moscow

[1] In the fall of 1976, Senator Abourezk and Joe Stork of I.P.S. both participated in an Iraqi-sponsored Palestine Liberation Organization conference in Baghdad. In the fall of 1973, shortly after the overthrow of Allende and the subsequent jailing of Letelier, I.P.S.'s Joe Collins, then on Representative Harrington's staff, flew to Santiago; upon his return Collins spoke at various anti-Chile rallies. In late 1975, Congressmen Toby Moffett, Tom Harkin, and George E. Brown Jr. went to Chile on a National Council of Churches junket. Congressman Harkin had earlier accompanied Congressman Augustus Hawkins and anti-Vietnam activists on a special "guided tour" of South Vietnam complete with secret maps and messages doubtless provided by the Vietcong which led to the "tigercage" exposé. Former Congresswoman Bella Abzug, another Letelier contact, has been a member and officer of the National Lawyers Guild, a cited Communist Party Front, since the 1940s; and, prior to her election, was legislative director of Women Strike for Peace, a group described by the House Committee on Un-American Activities as thoroughly penetrated by the Communist Party and which works with the Soviet's World Peace Council.

†Largely composed of members of the terrorist M.I.R. group led by her cousin, Andres Pascal Allende.

through Havana, while the large and well-organized Chilean Communist Party took orders directly from its mentors in Moscow. The leaders of the two groups have worked in close cooperation since 1958, their differences being those of style and not of purpose.

A trained economist, Letelier moved to Washington, D.C., in 1960 and worked for the Inter-American Development Bank (I.A.D.B.) until 1970, becoming I.A.D.B.'s Chief of the Economic Division, Director of Loans, in charge of all loans for developmental projects in Latin America.

During the next decade the tall, redheaded Chilean Marxist cultivated the political and academic contacts which were to serve him well as Allende's Ambassador and as leader of the Chilean Marxists in North America. At the I.A.D.B., Letelier had access to important economic and financial intelligence information, and security sources report that even in the mid-1960s he was considered a probable Soviet agent.

Upon the election late in 1970 of the Marxist minority Unidad Popular Government, Letelier returned to Santiago to aid his Comrade and party leader, President Salvador Allende. By March 1971, Letelier was back in Washington as Ambassador to the United States, a position he held until May 1973, when he was recalled by Allende to help shore up the collapsing Marxist Government. Letelier returned to Santiago to become Foreign Minister, then Interior Minister (with responsibility for internal security and the secret police). Just 12 days before the coup, he was made Minister of Defense, apparently preparing to make full personal use of the two Ingram 9 mm. submachine guns—fitted with silencers—he had brought with him from the United States.

Documents released by the anti-Communist Chilean Government since the fall of Allende indicate that Letelier, while serving as Chile's Ambassador, was linked with a cocaine smuggling ring through which money was raised for the illegal importation of arms to Chile. The weapons were used to equip Allende's private army—a "popular militia" with which the revolutionaries of Unidad Popular intended to stage an "auto-coup" later in 1973. The cocaine smuggling ring was led by Oscar Squella Avendano, arrested in the U.S. in possession of 203 pounds of cocaine with a street-sale value of millions of dollars. Squella Avendano was at the time heavily involved in Allende's Presidential campaign, and was scheduled for a Cabinet post which his U.S. arrest aborted. Letelier was involved in the negotiations with U.S. authorities in obtaining Squella Avendano's release. Among the proposals reported at the time was that he be exchanged for U.S. Black Panther and Republic of New Africa members then in Cuba.

Minister of Defense Letelier was arrested in Chile on September 11, 1973, the day of the preemptive anti-Communist coup, and held until September 9, 1974. Letelier's release was aggressively sought by the world Communist movement, U.S. groups such as Women's International League for Peace and Freedom, the pro-Castro "Chile solidarity" movement, Amnesty International, and various Leftist and "Liberal" academics. Later, U.S. Secretary of State Henry Kissinger stated that he was "not uninvolved" in pressuring the Chilean authorities for release of Letelier.

Letelier's friend, General Diego Arias of Caracas, flew to Santiago to escort him to Venezuela upon his release. Letelier's wife and four sons followed. In January 1975, agent Orlando Letelier came to the United States on a Venezuelan passport. He was provided with a visiting professorship in political science at American University and joined the staff of the Marxist Institute for Policy Studies, where the following year he became director of I.P.S.'s foreign affairs project, the Transnational Institute (T.N.I.).

INSTITUTE FOR POLICY STUDIES

For a top-level "agent of influence," Washington's Institute for Policy Studies provided a near ideal location. Founded in 1963, I.P.S. is a consortium of New Left Marxists (with a sprinkling of old Stalinists) pushing for a socialist America by a variety of tactics. One tactic involves a sort of lobbying or subversion from the top by which the Institute attempts to gain influence in Congress through seminars for staff aides and direct contacts with legislators. Another tactic involves attempting to break down the political and economic fabric of society into community-based collectives which would own and operate all property and resources in an area. Yet another tactic involves setting up a resource center and clearinghouse for New Left elected and appointed officials and sending them to observe the tactics of the Italian "Eurocommunists," Eastern European Soviet satellites, and Communist Cuba.

Like Letelier, the Institute for Policy Studies has never discounted the role of violence and terrorism in what it terms "social change." In the 1960s and 1970s, I.P.S. numbered among its staff—the I.P.S. calls them fellows—such known contacts of the terrorist Weather Underground Organization as Andrew Kopkind and Robert "Bo" Burlingham; the Algerian terrorist Cheriff Guellal; assorted Castroites including Saul Landau; and, other revolutionaries such as Eqbal Ahmad.

The I.P.S. devised and circulated the scenario for the 1971 Mayday disruptions which attempted to blockade the streets of Washington and, as the demonstrators then said, "shut down the government." The Institute for Policy Studies and its Transnational Institute boast among their leading fellows Paul Jacobs, an admitted member of the Communist Party, U.S.A.; Roberta Salper, a 1973 member of the Central Committee of the Castroite Communist Puerto Rican Socialist Party (P.S.P.) who worked with Letelier; Baskir Vashee, a member of the Marxist terrorist Zimbabwe African People's Union of Rhodesia; and, Tariq Ali, head of International Marxist Group (I.M.G.), the British section of the Trotskyite terrorist Fourth International which is now doing its ugly work in Ireland. Also the I.P.S. has run several operations in support of the terrorist Palestine Liberation Organization: One directly in contact with the P.L.O. is the Middle East Research and Information Project, with which Michael Moffitt is involved; another, called Breira ("Alternative" in Hebrew), works to develop radical Jewish support for the P.L.O.

What could be more natural than for I.P.S. to make the dynamic Letelier director of T.N.I., its fledgling international operation?

LETELIER IN ACTION

When Orlando Letelier first returned to the United States he lived "furtively" for a time in a friend's house in suburban Bethesda, Maryland, "receiving only trusted visitors." Among those visitors were several staffers of the Senate Select Committee on Intelligence, the so-called Church Committee.

Following leads from the Letelier papers, it has been established that Church Committee staffers preparing the Hearings on C.I.A. covert operations against Allende in Chile received information from Letelier during at least three meetings. Two of those staffers, Rick Inderfurth and Greg Trevita, are now on the staff of the National Security Council.

Others involved have told investigative reporters that they were unaware of Letelier's long connections with hostile Communist governments, did not know of his arms imports into Chile, and had seen no reason to question his credibility. As I write the National Security Council has refused comment.

Letelier's interest in learning about the intelligence-gathering capability of the U.S. was not confined to contacts with Senate staffers. Material in his brief case shows that he was in contact with the Center for National Security Studies (C.N.S.S.), a Washington group heavily interlocked with I.P.S. that has as its prime stated object the abolition of the C.I.A. and a drastic curtailment of F.B.I. activities. At C.N.S.S., Letelier would have been able to meet all levels of those working to destroy our intelligence capability, from Morton Halperin, a former National Security Council staffer, through members of the National Lawyers Guild and the American Civil Liberties Union, to staffers of the Organizing Committee for a Fifth Estate (OC5).[1]

In addition to serving as an active member of the board of governors of the (Fund for peace's) Center for International Policy (C.I.P.), Letelier also developed close ties with the North American Congress on Latin America (N.A.C.L.A.). The N.A.C.L.A. was formed early in 1967 by the S.D.S. Radical Education Project in response to Castro's establishment of the Tricontinental apparatus for the export of Communist subversion and terrorism throughout the "Third World." The North American Congress on Latin America was described at its birth by S.D.S. national leaders as the "intelligence-gathering arm" of the New Left. Its researchers concentrate on obtaining economic intelligence, publicly and by trick, on important U.S. businesses (particularly defense contractors) as well as the U.S. Government. Michael Klare of Princeton, the N.A.C.L.A. founder and also an I.P.S./T.N.I. fellow, provided information on U.S. arms export policies in 1975 to the Soviets' World Peace Council, to Cuban experts in Havana, and at the Fund for Peace offices in Washington. Philip Agee, the C.I.A. defector, credited N.A.C.L.A. staffers, the Cuban government, and the Cuban Communist Party with providing him with material for his anti-C.I.A. exposé. The Cuban government reprints N.A.C.L.A. materials and uses N.A.C.L.A. studies to "document" its anti-American attacks Many of the N.A.C.L.A. staffers are veterans of the Venceremos Brigade.

During the late summer of 1976, a N.A.C.L.A. task force led by Steve Volk and Elizabeth Farnsworth was working with Letelier in the production of pro-Allende economic propaganda. A letter from Ms. Farnsworth to Letelier dated August 25, 1976, read in part:

"I have a strong feeling that you could help us a great deal with certain parts of the December report. In about three weeks, Richard Feinberg (who is coauthoring our report with me) will contact you basically for an interview. Do not tell anyone else that he is working on the project, please. It would not help his work at Treasury (obviously)."

The Richard Feinberg to whom Ms. Farnsworth's letter refers is a former Peace Corps volunteer who now works as an economist in the Treasury Department's Office of Development Policy. The article which Ms. Farnsworth said Feinberg would coauthor was published by N.A.C.L.A. three months

[1] It is interesting to recall that members of OC5 are active supporters of the German terrorist group known as the Baader-Meinhof gang. Ramsey Clark, perhaps our least distinguished Attorney General, has sought to represent these Communist thugs in West Germany's courts; he was unsuccessful. However, he had more success in negotiating "guidelines" for the F.B.I. to observe at I.P.S. while investigating Letelier's death. The I.P.S. staffers, obviously with something to conceal, would not be interviewed by the Bureau until aided by legal talent working to Clark's guidelines.

after Letelier's death and was entitled "Time of Reckoning: The U.S. and Chile."

Feinberg now claims that he was "too busy" to cooperate with N.A.C.L.A.; however, the article indicates that considerable help was received from a government official who, according to the footnotes, "must remain anonymous."

In a telephone interview, Mr. Feinberg stressed that he had never met Orlando Letelier, had not coauthored the article, and was a "junior economist" without access to the higher levels of the U.S. Treasury. He refused to talk about his ties to N.A.C.L.A. or to explain why a N.A.C.L.A. functionary, Ms. Farnsworth, would put him in contact with Communist intelligence agent Letelier.

What should be done?

The F.B.I. should conduct a thorough investigation of the employees of Federal agencies who collaborated with or received money from Orlando Letelier. The Congress of the United States, however, has the responsibility to determine whether any of its Members or staff have been used by this man, whether they have received any money or other thing of value from him, provided any information to him, or acted in any way at the initiative of agent Letelier or any Communist power or entity. The matter is obviously very serious and deserves immediate official attention.

Mr. HELMS. Mr. President, yesterday, on this floor, I heard the distinguished and able Senator from Massachusetts criticize the terrorist operations of the Government of Libya, and their worldwide terrorist network. Yet Letelier and the IPS are very closely associated with that network. It is a matter of record that Mr. Letelier consulted with terrorist leaders, and the IPS has provided the arguments supporting terrorism and revolutionary movements of every kind, including those supported by Libya. With all due respect to the distinguished Senator, I find an inconsistency. If Letelier was a victim of terrorism, he was also an agent of terrorism.

I say that murder is murder; but let us keep it in perspective. Letelier was a man using the facade of the human rights movement to dupe the supporters of that movement. He was using the human rights movement to conceal the goals of terrorism, and he boasted of it to his Cuban connections.

He who lives by the sword shall die by the sword. Letelier was the knowing agent and participant in the plots and plans of international terrorism and international communism. It is not surprising that a man who lives by the deeds of terrorism should call down upon himself a terrorist's death.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I hope the Senator from Rhode Island will permit me to make a brief response, since my name was used in the course of this brief debate.

Mr. PELL. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from North Carolina has been around the Senate long enough to know good, if somewhat questionable, debating techniques. One of the debating techniques familiar to him and many others is to say something that another Senator has not said and then dissociate himself with that. That is just what the Senator from North Carolina has done here.

All I mentioned was that there was an assassination of two individuals here in Washington, D.C. The name of one was Mr. Letelier. The name of the other was Ronni Moffett. Ronni Moffett, an American citizen—and Orlando Letelier, a former Foreign Minister of Chile and Ambassador to the United States. If he had violated the laws here in the United States, we should have taken the necessary actions against him. If he were an evil man or a bad man, that is something that can be said; but it has absolutely nothing to do with this particular amendment.

Why does the Senator from North Carolina not defame Ronni Moffett, an American citizen? She was entitled to the protection of American law. She was entitled to walk around Washington, D.C., without fear of assassination. Why does the Senator from North Carolina not defame her if that is what we are attempting to do? But the fact of the matter is that she had recently been married, and was living here in Washington. Her parents are a middle-class family from New Jersey; she worked as a research assistant.

Mr. President, what we are talking about here is a government that has been found by American courts to be involved in international terrorism and paid funds to assassinate individuals here, in Washington, D.C. If the Senator from North Carolina wants to lift the restrictions on military aid and sales, that is what his amendment would do. It would say that their record had so much improved that we are now going to permit sales and credits—credits in American taxpayers' money—to Chile.

I find it somewhat difficult to understand the rationale and the reasoning of the Senator from North Carolina in another sense as well. What possible sense does it make for the United States to arm Argentina to the teeth and arm Chile to the teeth so they can go out and kill themselves, with American weapons? Mr. President, if Mr. Pinochet or the Chilean Government want to buy military equipment, let it not be done with American military aid.

A final point, Mr. President, is that this amendment does not affect humanitarian aid and assistance. Despite my strong differences with the Chilean Government and the junta, if there are hungry children in Chile, they certainly should not be implicated for the outrageous, inexcusable actions of the Chilean Government. I would not, certainly, interfere with what has been the food assistance program to those individuals.

Mr. President, we have heard a lot of pious statements about trying to deal with international terrorism and the Hart amendment yesterday, I think, offered the opportunity for the Senate to go on record in one way, to say "No" on the issue of international terrorism. The tabling motion that I will soon offer on the amendment of the Senator from North Carolina will give Senators an opportunity to say "No" again.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I think the point that the Senator from Massachusetts made was very correct in that it is not in the American national interest to give weapons to conflicting parties around the world as we do. We have seen wars fought, as happened in the India-Pakistan War some years back, with American-furnished weapons on both sides. The same argument would apply here. The only country against which Chile would want to apply these weapons is with Argentina or vice versa. I think the question of what military assistance to these countries would be used for could well be asked.

We come to the case at hand and I find myself in a difficult position, because I do believe that the vicious government that was Chile's, and the autocratic government that it still is, has improved its treatment of people in the last few months and that fact should be recognized. There is no excusing, no condoning the hideous treatment of the past—the torture, the abuse. I have read some of the records of Amnesty International and I have heard reports directly of what human beings have suffered in the past. There is no excuse whatsoever. But the condition has improved a certain amount.

Nevertheless, I do not believe that a few months of improved behavior on the part of Chile is sufficient to warrant a change in the current policy prohibiting military assistance to that country. I believe that we should wait and see if recently improved conditions continue. Then when we consider next year's foreign assistance bill we will be in a better position to judge whether military aid to Chile should be resumed.

I think it would have been good, perhaps, if we had more time to consider this amendment of the Senator from North Carolina and have a hearing on the state of affairs in Chile. On balance, while I had hoped to be able to vote first on a compromise amendment, my understanding is that will not come up until after the vote on the tabling motion. Therefore, I shall support the motion of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I commend my distinguished colleague from Massachusetts for raising this issue, but I urge my colleagues to vote against the tabling amendment of the Senator from Massachusetts.

If the tabling amendment fails, I shall offer a perfecting amendment to the Helms amendment. The perfecting amendment will repeal the prohibitions on Chile. It will require that no assistance be furnished, no sales of defense articles or services may be made, no credits extended, no export licenses may be issued unless there is a certification from the President of the United States that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights and that the provision of such assistance, articles, or services is in the national interest of the United States.

Mr. President, though there is much to be desired in the human rights policy of the Chilean Government, progress has

been made. Specifically, there have been no disappearances since October 1977, no indefinite detentions without charges since 1976, and amnesty in 1978 that freed most persons serving sentences for political reasons.

Therefore, I ask unanimous consent that following the tabling motion of the Senator from Massachusetts, and in the event that tabling motion fails—and I urge my colleagues to vote aaginst it—that I may offer at this time, for immediate consideration and without further debate, a perfecting amendment, and I would ask for the yeas and nays on that perfecting amendment at that time; that there be no debate; that it be voted on immediately, following the vote on the tabling motion of the Senator from Massachusetts, in the event that the tabling motion fails.

The PRESIDING OFFICER. Is the Senator from Illinois now putting the unanimous-consent request?

Mr. PERCY. The Senator from Illinois is.

Mr. KENNEDY. Mr. President, reserving the right to object, I express to the chairman and the ranking minority member of the Foreign Relations Committee my appreciation for the openness of the negotiations and discussions we have had over the period of several weeks on this subject.

This debate comes as no surprise to either of them. They have been frank and open in what they intended to do on this subject, and they made that clear to other Members of the Senate. As a legislator, I express appreciation for the way that has been handled.

I have no objection. At an appropriate time, when there is no further discussion, I will make my other motion.

Mr. HART. Mr. President, reserving the right to object, I wonder if it might be in order for there to be 5 or 10 minutes of explanation of the so-called compromise. I believe it is extraordinary to order a situation in which an amendment is offered and there is no debate on it. I do not believe that every Senator is in the Chamber to hear the chairman's 30-second explanation of his amendment. I think it might be in order for Senators to know what the subsequent vote will be.

Mr. PERCY. Mr. President, I respect such a request. I did summarize it. It is a short perfecting amendment. I will read the entire perfecting amendment that will be offered.

On page 1, line 4, of the amendment proposed by the Senator from North Carolina, after "Sec. 716.", insert "(a)".

On page 1, line 6, after the words "is repealed.", add the following words:

"(b) Notwithstanding any other provision of law—

"(1) No assistance may be furnished under chapters 2, 4, 5 or 6 of part II of the Foreign Assistance Act of 1961 to Chile;

"(2) no sale of defense articles or services may be made under the Arms Export Control Act to Chile;

"(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile; and

"(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile, unless and until the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

"(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

"(B) that the provision of such assistance, articles or services is in the national interest of the United States, and

"(C) that the Government of Chile is not aiding or abetting international terrorism.

"(5) It is the sense of the Congress that the Government of Chile should take steps to bring to justice by all legal means available in the United States or Chile those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt."

Mr. HART. Mr. President, reserving the right to object, I am afraid that the Senator from Illinois did not quite understand what I was saying.

The point is that we are going to vote on a tabling motion. If that motion fails, under the unanimous-consent request, immediately after Senators coming to the floor and voting up or down on the tabling motion, they will vote on the substitute.

I think we can take judicial notice of the fact that six Senators are in the Chamber, and I doubt that many of them are listening to the Senator's reading of the amendment.

Could we have 10 minutes of discussion? I say that because yesterday we had some confusion about votes that were stacked up, and Senators came to the floor thinking there was general compromise and agreement on things, and there was not. I do not understand why we have to have one vote right after the other.

Mr. PERCY. The Senator from Illinois was smiply attempting to cooperate with the leadership and a number of Senators who are preparing to leave and who wish to be here for final passage. I thought it was a reasonable request.

Mr. President, I withdraw my unanimous-consent request.

I ask unanimous consent that in the event the Kennedy tabling motion fails, there be a period of 10 minutes, equally divided, to debate a perfecting amendment I shall send to the desk, and I shall ask for its immediate consideration. At the end of that 10 minutes, 5 minutes on a side, we would vote immediately, on a rollcall vote, on the so-called Percy perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today I rise in support of the amendment by Senator HELMS from North Carolina. This amendment would repeal the statutory provision which prohibits U.S. military assistance, training, and commercial sale of arms to Chile.

Chile is a longtime ally of the United States and has supported major U.S. policies in this hemisphere. A continued good relationship with this South American country is a definite asset to our Nation at this time.

Mr. President, because of the export of communism by the Soviets and by Castro, this area of the globe has become increasingly unstable in recent years. Marxist factions have attempted to take advantage of problems in the economically depressed nations of South America.

It is my firm belief that we should do what we can to help Chile resist Communist aggression. Chile controls a strategically important position at the tip of the South American continent adjacent to key shipping lanes. For this and other reasons, Mr. President, it is important to the United States and other countries in the free world that Chile not come under Communist domination.

We should not unnecessarily restrict the President if he decides it is in the best interest of the United States to supply assistance to friendly countries such as Chile, who may desperately need it to maintain their freedom. It is time for the United States to uphold the Monroe Doctrine, and protect our interest in this hemisphere. Mr. President, for these reasons I fully support the amendment, and I hope my colleagues will do likewise.

UNANIMOUS CONSENT AGREEMENT ON S. 1503, CALENDAR NO. 290—THE STANDBY PETROLEUM ALLOCATION ACT

Mr. HELMS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the consideration of S. 1503 following disposition of S. 1196, the Foreign Assistance Authorization Act.

I further ask unanimous consent that S. 1503 be temporarily laid aside by 12 noon on Friday, October 23.

Provided, further, that consideration of S. 1503 resume on Thursday, October 29.

Provided further, that when consideration is resumed on Thursday, October 29, there be the following time agreement:

Two hours on the bill to be equally divided between Senator MCCLURE and Senator JACKSON;

One hour equally divided on amendments in the first degree;

Thirty minutes equally divided on amendments in the second degree;

Twenty minutes equally divided on any debatable motions, appeals or points of order, if so submitted to the Senate and that the agreement be in the usual form, with the following exceptions:

A Bradley amendment as a substitute for the bill.

A Bradley amendment dealing with revenue recycling.

A Robert Byrd amendment dealing with energy budgets with 2 hours equally divided.

Provided, further, that Senator BRADLEY have 3 hours under his control, during which time he be permitted to offer the two Bradley specified nongermane amendments already identified and one germane amendment, and that Senator MCCLURE have 2 hours under his control in opposition to the Bradley amendments.

Mr. KENNEDY. Mr. President, reserving the right to object, if there is no objection from the minority leader on this, I will not object.

Mr. ROBERT C. BYRD. Mr. President, I will reserve the right to object, and I

thank the distinguished Senator from Massachusetts for protecting the leadership and the Members on our side of the aisle.

Mr. President, would it be the intention to lay this bill, S. 1503, before the Senate tonight and then lay it aside until Friday?

Mr. HELMS. That is correct.

Mr. ROBERT C. BYRD. I have no objection.

Mr. PERCY. That is, as soon as we have final passage tonight. Is that correct?

Mr. PELL. Is that assuming final passage of the foreign aid bill, first?

Mr. PERCY. That is correct. We are aiming for final passage tonight.

Mr. PELL. And if we do not achieve final passage tonight, then what happens?

Mr. PERCY. It would be the desire of the managers of the bill that the pending business tomorrow morning be the foreign aid bill, so that we do finish it. We are struggling very hard today. It now appears that it will be a timeframe of 9 o'clock tonight, unless Senators can cut down their time.

Mr. ROBERT C. BYRD. The request read by Mr. HELMS provides for temporarily laying before the Senate S. 1503, the Standby Petroleum Allocation Act, following the disposition of the pending business, and that then S. 1503 be temporarily laid aside by noon tomorrow until Thursday, the 29th. So there is no objection on this side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. HELMS. I thank the Chair.

The text of the agreement follows:

Ordered, That following the disposition of S. 1196, the Senate proceed to the consideration of S. 1503 (Order No. 290), a bill to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage: *Provided,* That on Friday, October 23, 1981, at no later than 12:00 noon, the Senate temporarily lay aside S. 1503.

Ordered further, That on Thursday, October 29, 1981, the Senate resume consideration of S. 1503 and that thereafter debate on any amendment in the first degree be limited to 1 hour (except for a Bradley substitute amendment for the bill, a Bradley amendment dealing with revenue recycling, and a further Bradley amendment which is germane, on which the Senator from New Jersey (Mr. Bradley) shall have a total of 3 hours, and the Senator from Idaho (Mr. McClure) shall have 2 hours in opposition to the 3 Bradley amendments; and a Robert C. Byrd amendment dealing with energy budgets, on which there shall be 2 hours), to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Idaho (Mr. McClure) and the Senator from Washington (Mr. Jackson): Provided further, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

The Senate resumed consideration of S. 1196.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I understand the Senator from Massachusetts (Mr. KENNEDY) will offer a motion to table the pending matter proposed by the Senator from North Carolina. I wish to speak to that matter. I urge my colleagues to support the motion to table when it is offered by the Senator from Massachusetts. I believe it extremely unwise for the United States to lift the ban on military sales to Chile at this time.

The Reagan administration has issued some strong rhetoric pledging an international campaign against terrorism. It is consistent with this to maintain our opposition to military sales to the Government of Chile, a government which has plotted and carried out an act of terrorism here in the streets of Washington.

The Reagan administration has also issued strong rhetoric pledging not to diminish our commitment to human rights. It is consistent with this to oppose lifting restrictions on sales to Chile, since the human rights situation in that country has deteriorated in the past year. Particularly outrageous was the summary expulsion of Jaime Castillo Velasco of the Chilean Committee on Human Rights, the former Chilean Minister of Justice, and the Chilean attorney for the family of Orlando Letelier.

As the Senator from Massachusetts has noted, such actions by the Chilean junta and summary detention of Chilean citizens by the secret police are taking place without authority under the Chilean Constitution, the same Constitution which has been put in place to insure General Pinochet's maintenance of dictatorial power until nearly the end of this decade.

I do not see how it would advance American interests or American ideals to funnel arms to such a dictatorship. We see daily press reports about the Reagan administration policy of shipping arms to every trouble spot around the world. I do not believe selling arms to Chile would advance our stature in the international community or advance our national security.

Thus, I will support and urge others to support the tabling motion to be offered by Senator KENNEDY.

Mr. KENNEDY. Mr. President, I make a motion to table the amendment of the Senator from North Carolina, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from North Carolina. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER (Mr. DANFORTH). Is there any other Senator who wishes to vote?

The result was announced—yeas 30, nays 57, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—30

Baucus	Glenn	Metzenbaum
Biden	Hart	Mitchell
Bradley	Huddleston	Moynihan
Burdick	Inouye	Pell
Byrd, Robert C.	Jackson	Proxmire
Cannon	Kennedy	Pryor
Cranston	Leahy	Randolph
Eagleton	Levin	Riegle
Exon	Matsunaga	Sarbanes
Ford	Melcher	Williams

NAYS—57

Abdnor	Hatch	Nunn
Andrews	Hatfield	Packwood
Armstrong	Hawkins	Percy
Baker	Heflin	Quayle
Bentsen	Heinz	Roth
Boren	Helms	Rudman
Boschwitz	Hollings	Sasser
Byrd, Harry F., Jr.	Humphrey	Schmitt
	Jepsen	Simpson
Chiles	Johnston	Specter
Cochran	Kassebaum	Stafford
Cohen	Kasten	Stennis
Danforth	Laxalt	Symms
Dixon	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Wallop
East	Mattingly	Warner
Garn	McClure	Zorinsky
Gorton	Murkowski	
Grassley	Nickles	

NOT VOTING—13

Bumpers	Dodd	Stevens
Chafee	Durenberger	Tsongas
D'Amato	Goldwater	Weicker
DeConcini	Hayakawa	
Denton	Pressler	

So the motion to lay on the table Mr. HELMS's amendment (UP No. 502) was rejected.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Sen-

ator is correct. The Senate is not in order.

Mr. KENNEDY. Mr. President, will the Chair state the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. PERCY) is to be recognized to offer an amendment to the amendment of the Senator from North Carolina, with debate limited to 10 minutes, equally divided.

UP AMENDMENT NO. 503

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 503 to amendment No. 502.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 4, of the amendment proposed by the Senator from North Carolina, after "Sec. 716.", insert "(a)".

On page 1, line 6, after the words "is repealed.", add the following words:

"(b) Notwithstanding any other provision of law—

(1) No assistance may be furnished under chapters 2, 4, 5 or 6 of part II of the Foreign Assistance Act of 1961 to Chile;

(2) no sale of defense articles or services may be made under the Arms Export Control Act to Chile;

(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile, unless and until the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights,

(B) that the provision of such assistance, articles or services is in the national interest of the United States, and

(C) that the Government of Chile is not aiding or abetting international terrorism.

(D) It is the sense of the Congress that the Government of Chile should take steps to bring to justice by all legal means available in the United States or Chile those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt."

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that this be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection to the rollcall being a 10-minute rollcall?

Mr. BAKER. Mr. President, reserving the right to object, I will be pleased to try to get consent to go to 10-minute rollcalls, but at this moment I would be constrained to object.

Mr. PERCY. Mr. President, I withdraw my request and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. PERCY. Mr. President, it is my understanding that there is 10 minutes on this discussion, equally divided. The Senator from Illinois does not intend to take the full 5 minutes.

I would be happy to yield to the ranking minority Member at this time.

The PRESIDING OFFICER. Will the Senator suspend for a moment? The Senate is not in order.

The Senator from Rhode Island.

Mr. PELL. Mr. President, while, personally, I am disappointed that the Kennedy motion went down, I do believe that the amendment before us is an excellent one, carefully drafted and wisely drafted, the product of the chairman of our committee seeking to achieve the objective of the Kennedy amendment without the elements in it that may have caused it not to pass in the Senate.

If the administration is really intent on repealing the restrictions on military assistance to Chile, we should at least do what we did in the case of Argentina. We should receive a Presidential certification that Chile is making progress in the human rights area and we should be sure that Chile is doing all it can to extradite and bring to justice those indicted by the U.S. grand jury in connection with the assassination of Ambassador Letelier and Ronni Moffitt. And they are specifically mentioned in this amendment.

I congratulate my chairman for the amendment and look forward to its passage.

Mr. PERCY. Mr. President, I congratulate my distinguished colleague and also Senator KENNEDY and Senator HELMS for the discussion which has been extremely important, I think, on a vital issue.

Mr. President, these restrictions on arms sales and deliveries to Chile were adopted in fiscal year 1976 to demonstrate the Congress' sharp disapproval of the excesses of the Pinochet regime in Chile. The situation is not perfect in Chile. While I recognize that, I think there are several reasons why it is appropriate to remove restrictions now.

Since 1976, there have been significant improvements in the human rights situation in Chile. Specifically, there have been—No disappearances since October 1977; no indefinite detentions without charges since 1976; and amnesty in 1978 that freed most persons still serving sentences for political reasons.

The human rights performance record is not perfect. It is unfortunate that the Chilean Government will not restore elections until 1990—congressional elections, and 1997, Presidential elections. Nevertheless, the human rights performance, according to the criteria set down by the Congress in section 502B of the FAA, is substantially better than it was in 1976 and has been so for a number of years.

We have recently removed restrictions on sales of defense items to Argentina. Chile's human rights record has recently been better than Argentina's by the criteria of section 502B. It is therefore appropriate that this be recognized if restrictions on assistance to Argentina are lifted.

On another dimension, Chile and Argentina have been close to armed conflict over territorial questions in the Beagle Channel. It is not in the U.S. interest to appear to favor one party over the other in this region.

My perfecting amendment to Senator HELMS' amendment would repeal section 406 of the International Security Assistance and Arms Export Control Act of 1976 in its entirety and requires a Presidential report certifying that—

First, the Government of Chile has made progress in observance of internationally recognized human rights;

Second, the provision of such materiel is in the U.S. national interest; and

Third, the Government of Chile is not aiding international terrorism.

I believe the President will be able to review the facts of the situation in Chile and make a determination on these questions.

With respect to section (c) of my amendment, the sense of Congress language with respect to the Letelier case, let me say that there continue to be serious concerns in this country about the Letelier case. My understanding of that case is that in accordance with the terms of our bilateral treaty with Chile, the United States requested extradition of three Chilean nationals indicted by the U.S. district court in August 1978. The President of the Chilean Supreme Court turned down the extradition request because under Chilean law, evidence obtained under plea bargain is not acceptable.

A review of the decision was conducted and again the extradition request was turned down. The U.S. Government role in the case ended in October 1979, when the review panel upheld the Supreme Court President's ruling.

The case has continued in the Chilean military judicial system, but no new evidence—other than that provided by Michael Townley—has been introduced, and on September 17, 1981, a Chilean Appeals Court confirmed earlier court decisions to close the case against the three Chilean nationals. The Letelier family had 5 to 15 days to appeal the closing of the case, but was not expected to be successful as no new evidence has thus far been found with respect to the assassination charges.

I must say that we in this country have been disappointed that the Chilean Government has not been more cooperative in seeking justice in this case. The assassination of Orlando Letelier was a heinous act, and one that leaves an indelible mark on relations with Chile.

But there are limits to the effectiveness of clubs. Our concerns are well known to Chile. There are other issues we would like to pursue with Chile. It is perhaps time to step back and consider new ways to deal with the questions of human rights with Chile. Our concerns are not changed. They are stated in the certification language and in a strong

sense-of-Congress language of section (c). But we open the door for new initiatives. I hope we can accomplish all our purposes with this compromise.

I offer this perfecting amendment to Senator HELMS' proposal to repeal restrictions on sales to Chile as a compromise that will permit bipartisan action in this case.

Mr. President, I am happy to yield to my distinguished colleague from North Carolina.

Mr. HELMS. Mr. President, I really do not see the necessity of having a rollcall vote on this, but I know there are some who want it.

I wish to commend the Senator and I appreciate being able to work with him in this connection. I fully support the perfecting amendment.

I ask if the Senator would honor me by listing me as a cosponsor of the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina (Mr. HELMS) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take just 2 minutes.

I regret, Mr. President, that we were not successful in being able to table the Helms amendment. The language now being offered resembles the language which the Senate accepted in the case of Argentina. It also expresses the sense of the Congress that the Government of Chile should take the step by all means available to bring to justice all those indicted by the grand jury on the murders of Orlando Letelier and Ronni Moffitt.

I think this is a very powerful expression by the Members of this body. I will support the substitute.

The Senate has now decided to consider our assistance relationship with Chile. As I have previously stated, I strongly believe that the United States should not have such a relationship. The Government of Chile continues to violate the human rights of its citizens; it has failed to take clear and convincing actions to bring to justice its secret police who conspired to assassinate an American resident in Washington; and it has aided and abetted such terrorist acts not only in the United States but in other countries as well.

I welcome the extensive consultations which the chairman and ranking member of the committee, Senator PERCY and Senator PELL, have conducted with me on this issue. As a result of these consultations they have introduced language setting out clear conditions which must be met before assistance is provided. To clarify the intent and the effect of this proposed amendment, I request unanimous consent that a colloquy agreed with the chairman and the ranking member of the committee appear at this point in the RECORD, and that our remarks follow as they would be delivered on the floor.

I would like to pose several questions to my colleagues.

Mr. PERCY. I would be glad to respond to the questions from my friend the senior Senator from Massachusetts. As he has pointed out, we have consulted extensively on this issue, and the compromise language we have developed is the result of consultations with Senator KENNEDY and other members of the committee.

Mr. PELL. I have also discussed the issue of Chile extensively with Senator KENNEDY. I share his deep concerns about human rights violations in Chile and terrorist actions by its Government, and particularly the tragic assassinations of Orlando Letelier and Ronni Moffitt. I believe that the compromise language we now offer goes to a considerable extent to satisfy the legitimate concerns expressed by Senator KENNEDY.

Mr. KENNEDY. I thank Senator PERCY and Senator PELL. May I ask the Senators whether they share my view that when we talk about "significant progress in complying with internationally recognized principles of human rights," we are talking about significant progress on important matters such as protection against internal and external exile, freedom of speech, freedom of press, and the right to organize and operate political parties and free labor unions.

Mr. PERCY. Yes, I share your view that complying with "internationally recognized principles of human rights" should include these very important matters.

Mr. PELL. I share the views of both Senator KENNEDY and Senator PERCY that "significant progress" in these areas is of particular importance and should be carefully considered before there is any change in our present policy toward Chile.

Mr. KENNEDY. Do you share my judgment that the Government of Chile is not presently fulfilling these conditions and the United States should be working to obtain these conditions in Chile?

Mr. PERCY. I believe that the executive branch, as provided in this amendment, should make any determination on actual conditions in Chile. The Congress should then carefully review any finding received from the executive branch, and I can assure Senator KENNEDY that the committee will take into account in our review each of the matters he has suggested.

Mr. PELL. Senator KENNEDY makes a very good point and it seems to me that these conditions are not presently fulfilled in Chile and our Government should be making every effort to achieve these conditions. Clearly these conditions should be fulfilled if there is to be consideration of a security assistance relationship with Chile, and I strongly support the chairman's commitments to this effect.

Mr. KENNEDY. The Senators will understand that I do not believe that there is an acceptable basis for Presidential certification permitting any form of security assistance to Chile at this time. If there is a Presidential certification, will the Foreign Relations Committee hold hearings since there have been none before and since these are conditions taken extremely seriously by the Congress?

Mr. PERCY. Yes, I can assure the Senator that the Foreign Relations Committee will hold full hearings on any certification received from the President regarding Chile.

Mr. PELL. I agree that the committee should hold hearings to see if there is any basis for Presidential certification, and it seems to me that there is no present basis for such a certification.

Mr. KENNEDY. I believe it is very important for the United States to be clearly on the record against international terrorism and for the rule of law. In the case of Chile, the Pinochet government must clearly understand that it cannot repeat terrorist acts such as the murders of Orlando Letelier and Ronni Moffitt. The Government of Chile has failed to cooperate in bringing to justice all those responsible for these murders, and we expect new steps designed to bring them to justice. Do you agree that that is the clear intent and effect of this amendment?

Mr. PERCY. I do agree that our Government should press the Government of Chile to insure that justice is done.

Mr. PELL. There can be no question on this point. Over the years the U.S. Government and, in the past several months, this administration has reiterated in no uncertain terms our opposition to terrorism. The murders of Orlando Letelier and Ronnie Moffit here in the streets of Washington fall clearly into this category and we must not diminish our efforts to get the Government of Chile to bring to justice those persons responsible for those assassinations. Without progress on this issue, I do not see how any assistance could be justified for Chile.

Mr. KENNEDY. In fact, it is my understanding that there are no present plans for any security assistance or arms sales to Chile. Do the chairman and the ranking member share my view that any moves toward such assistance or sales should be only on the basis of the most careful and detailed advance consultations with the committee? Do they further share my view that no funds should be reprogramed under this legislation for these purposes?

Mr. PERCY. I am aware of no such plans, and I am prepared to assure the Senator that the committee will consult with him on any steps that may be contemplated, in addition to our earlier undertaking to hold full committee hearings on any Presidential certification on Chile.

Mr. PELL. I welcome these further assurances by the chairman. They are entirely appropriate in the case of Chile. For all the reasons indicated by Senator KENNEDY, Chile should be considered as a case separate from others covered by this bill. Senator KENNEDY has had a deep personal interest on this issue since authoring the original prohibitions on security assistance to Chile in 1976, and I am pleased that we are able to offer him these assurances which we take extremely seriously.

Mr. PERCY. I believe that our Government should approach with the utmost care and seriousness any proposed changes in our assistance relationship

with Chile, to insure that these are in our national interest.

Mr. President, I thank the senior Senator from Massachusetts for his thoughtful comments. Again, I commend him for the deep feeling with which he has expressed his strongly felt convictions in this area.

Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island (Mr. PELL) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I yield back the remainder of my time. I think we are ready for the vote.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—86

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hart	Murkowski
Baker	Hatch	Nickles
Baucus	Hatfield	Nunn
Bentsen	Hawkins	Packwood
Biden	Heflin	Pell
Boren	Heinz	Percy
Boschwitz	Helms	Proxmire
Bradley	Hollings	Pryor
Burdick	Huddleston	Quayle
Byrd, Harry F., Jr.	Humphrey	Randolph
	Inouye	Riegle
Byrd, Robert C.	Jackson	Roth
Cannon	Jepsen	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Schmitt
Cranston	Kennedy	Simpson
Danforth	Laxalt	Specter
Dixon	Leahy	Stafford
Dole	Levin	Stennis
Domenici	Long	Symms
Eagleton	Lugar	Thurmond
East	Mathias	Tower
Exon	Matsunaga	Wallop
Ford	Mattingly	Warner
Garn	McClure	Williams
Glenn	Melcher	Zorinsky

NOT VOTING—14

Bumpers	Dodd	Pressler
Chafee	Durenberger	Stevens
D'Amato	Goldwater	Tsongas
DeConcini	Hayakawa	Weicker
Denton	Metzenbaum	

So Mr. PERCY's amendment (UP No. 503) was agreed to.

Mr. BAKER. Mr. President, what I am about to say is in no way critical of any Senator, and certainly not the sponsor of the amendment which has just been agreed to by a vote of 86 to 0. It seems to me that it might have been done by voice vote.

I hope that Senators not only will come to the floor soon and offer their amendments, or relinquish their opportunity to do so, but as well would forego the opportunity to have rollcall votes. They inevitably consume at least 15 minutes, and usually longer than that.

Mr. President, according to the list I have, amendments remaining are as follows: Two amendments that may be offered by the Senator from North Carolina. I hope he will be his usual soul of brevity.

Mr. HELMS. I guarantee it.

Mr. BAKER. There are three amendments to be offered by the Senator from Texas (Mr. TOWER). He is in the Chamber at this moment, and I urge him, as well, to use restraint.

The Senator from Oregon (Mr. HATFIELD) has an amendment. The Senator from Ohio (Mr. GLENN) has an amendment. The Senator from Wisconsin (Mr. KASTEN) has an amendment. Senator ZORINSKY wishes to engage in a colloquy.

Mr. President, what I am about to say is in no wise meant to be anything other than inducement. It certainly should not be thought of as legislative coercion.

If we can finish this bill tonight—and we can, if we really put our shoulder to the wheel—I think it will vastly decrease the chances that we will have any rollcall votes tomorrow. If anybody feels coerced by that, I apologize. If we finish this bill tonight and do not have to carry it over until tomorrow, it is unlikely that we will require rollcall votes on either the Emergency Petroleum Allocation Act or the Interior appropriation bill on tomorrow. We will be on both those measures. After opening statements and initial debate on both of them, I doubt that we would have to have rollcall votes.

So, with this incentive, I hope we will try to complete this bill as soon as possible. If we do have final passage tonight, I pledge that I will do my best to see that we do not have rollcall votes tomorrow.

Mr. PERCY. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. PERCY. I would not call that legislative coercion. That is the good old American incentive system. We get the message.

We had no idea we were going to have such a lopsided vote as we had, or we would not have had a rollcall vote.

We will try to avoid future rollcall votes. We will ask Senators, as much as possible, to insert their comments in the RECORD and move along with the greatest possible dispatch.

I am delighted to see my distinguished colleague from North Carolina in the Chamber, prepared to offer his amendments with dispatch, taking into account the incentive system that has been mentioned.

Without further ado, I yield the floor.

The PRESIDING OFFICER. The question now occurs on the amendment of the Senator from North Carolina, as amended by the amendment of the Senator from Illinois.

The amendment (UP No. 502), as amended, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 504

(Purpose: To retain authority for leases of defense articles to foreign countries or international organizations in title 10, section 2667 and to eliminate the requirement for legislative review of these leases.)

Mr. TOWER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 504.

Mr TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, beginning with line 1, strike out all down through line 17 on page 18 and insert in lieu thereof the following:

SEC. 110. (a) Section 2667 of title 10, United States Code, relating to leases of non-excess property, is amended by adding at the end thereof the following new subsections:

"(g) Not less than thirty days before entering into or renewing any agreement with a foreign country or international organization to lease under this section any major defense equipment (as defined in Section 47(6) of the Arms Export Control Act) valued at $14,000,000 or more and any other property valued at $50,000,000 or more for a period of more than one year, the Secretary of Defense shall transmit to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Armed Services of the Senate, a written notification which specifies—

"(1) the country or international organization to which the defense article is to be leased;

"(2) the type, quantity, and value (in terms of replacement cost) of the defense article to be leased;

"(3) the terms and duration of the lease; and

"(4) a justification for the lease, including an explanation of why the defense article is being leased rather than sold under the Arms Export Control Act.

The Secretary of Defense may waive the requirements of this section if he determines, and immediately reports to the Congress, that an emergency exists which requires that the lease be entered into immediately in the national security interests of the United States.

"(h) The Secretary of Defense shall transmit to the Sepaker of the House of Representatives and to the Chairman of the Committee on Armed Services of the Senate not more than sixty days after the end of each quarter a listing (classified if necessary) of all property valued at $1,000,000 or

more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than one year under this section.

"(1) Any reference to sales of defense articles under the Arms Export Control Act in any provision of law restricting the countries or organizations to which such sales may be made shall be deemed to include a reference to leases of defense articles under this section.".

(b) Section 109 of the International Security and Development Cooperation Act of 1980 is repealed.

(c) Section 36(a) of the Arms Export Control Act is amended by deleting paragraph (10).

Mr. TOWER. Mr. President, I am offering this amendment on behalf of the Armed Services Committee. This can be regarded as a committee amendment from the Armed Services Committee.

Section 110 deals with leases of defense articles, a legislative authority currently embodied in title 10, section 2667 under the jurisdiction of the Armed Services Committee.

Section 110, as currently written, would change the jurisdiction over this authority from the Armed Services Committee to the Foreign Relations Committee.

This would be done by eliminating the authority of the Department of Defense to enter into leases of defense articles to foreign countries or international organizations from title 10 under the Armed Services Committee's jurisdiction and establishing it in the Arms Export Control Act under the jurisdiction of the Foreign Relations Committee.

This jurisdictional change, in my view, makes no sense, and that is why the Armed Services Committee has proposed this amendment to section 110. The defense articles that can be leased under current authority must be temporarily in excess of the needs of U.S. military forces. Only the Armed Services Committee can evaluate what is in excess of current U.S. military needs.

The leases that have been entered into with foreign countries and international organizations are largely for the following purposes:

Cooperative defense research and development programs;

Short-term military training;

Allied use of sensitive U.S. equipment in joint exercises;

Allied use of an item on a temporary basis for test and evaluation prior to a purchase decision; and

Allied use of equipment not required in peacetime by the U.S. forces, but required for war.

These cooperative defense programs and efforts with foreign countries are clearly the day-to-day business of the Armed Services Committee. The committee has been extensively involved in cooperative defense programs with allies and friends, an increasingly important effort in today's world. In my view, it is ludicrous to even consider the removal of the Armed Services Committee from review of defense leases for these purposes.

The amendment that the Armed Services Committee has offered retains the defense leasing authority in title 10 where it currently resides.

The committee is also distressed by another portion of section 110 which calls for a legislative review and congressional veto of defense leases, identical to that required for foreign military sales. While certain dollar and lease period thresholds have been established for this legislative review, this requirement is an excessive burden on Congress which is overtaxed by its current workload.

I simply remind our colleagues of how much time, effort, energy, intellect, and emotion have been spent on the AWACS deal to Saudi Arabia.

In fact, what this does is to establish congressional veto over all military leasing, and we will be bogged down forever in that kind of thing and be imposing an unnecessary proscription in terms of activity in the field of international relations and formulation and implementation of foreign policy on the President, whoever he might be. The committee's amendment removes the requirement for this legislative review.

There are two portions of section 110 which are retained in the Armed Services Committee's amendment. The first requires a report by the Secretary of Defense 30 days prior to entering into a major lease. This requirement will substantially assist congressional oversight of the leasing authority.

The second portion of section 110 retained in the committee's amendment is the application of other provisions of law to defense leases. This would provide that restrictions on countries or organizations for defense sales would also apply for defense leases.

Mr. President, the proposed amendment includes the major policy objectives of the current section 110. It eliminates the unacceptable removal of the expertise of the Armed Services Committee from review of defense leasing. It also eliminates the unnecessary burden of a time-consuming legislative review of defense leasing.

The Armed Services Committee's amendment meets the needs of Congress without overburdening Congress. I urge our colleagues to adopt this amendment.

Mr. PERCY. Mr. President, this amendment involves one member of the Foreign Relations Committee who is unfortunately not in the Chamber yet. We have sent an urgent message to Senator ZORINSKY to come to the Chamber and I hope that he will be here shortly.

On April 27, 1981, the General Accounting Office prepared a study at Senator ZORINSKY's request concerning defense leasing. The GAO study concluded that this legislation was "originally intended to permit the lease of military equipment within the United States." Increasingly, however, this authority has been misused to provide leases for defense equipment to foreign countries without review by the Foreign Relations Committee.

GAO's final conclusion is that—

Transfer of military equipments on this (leasing) basis is tantamount to grant aid which should be authorized only under the Foreign Assistance Act.

Section 110, introduced by Senator ZORINSKY and adopted unanimously by the committee, simply implements the GAO recommendation.

The amendment does not prohibit defense leasing to foreign countries, it simply provides explicit authority for the President to do this in the act that authorizes similar arms transfers.

This amendment seeks to place the growing practice of defense leasing under congressional controls similar to those now in place on other forms of arms transfers.

Under successive administrations, the Defense Department has employed a provision of law, originally intended for domestic leases of defense stocks, to implement controversial arms transfers. For instance, jets were leased to Pakistan in 1979 and helicopters to El Salvador in 1981 outside the reporting and approval restrictions of the Arms Export Control Act.

There just is not anyone who can say, when we go into a very delicate situation such as we are in El Salvador, that putting equipment down there does not involve foreign relations.

This caused an uproar not only in the United States and virtually every major city, but my own office was stormed by the loveliest people wearing the cloaks of the church and they absolutely refused to leave that office at closing time and had to be evicted by U.S. marshals in accordance with the ordinances of the Federal building, but the emotion was very deep on this foreign policy issue.

The question they had was "Were we or were we not going to give in to the business of providing one way or another—in this case by lease—military equipment with attack capability to El Salvador?"

Many people in this country felt we were getting into another Vietnam. Lest we think it was confined to just the United States, and protest groups all over the country in the United States, President Reagan very early in his term of office developed intelligence and study committees and sent these committees out after a study was made to countries all over Europe and Latin America, special missions from the President in order to explain to these countries what we were doing.

What arms were coming in, wherever they were coming from, the fact that American-made weapons captured by the Vietcong in Vietnam were being sent into El Salvador, we have the obligation, the duty, to interdict, cut off the supply of arms. But there is not anyone who can say that we were not deeply embroiled in a foreign relations matter that falls clearly within the jurisdiction of the Committee on Foreign Relations.

For that reason leasing equipment, sending equipment around the world, whether it is to El Salvador, as I mentioned, in 1981 or whether it is sent to Pakistan in 1979, an area that is a highly volatile area, with which we are dealing intensively day after day, working closely with the administration, these are matters that are clearly within the jurisdiction of the Committee on Foreign Relations.

The International Security and Development Cooperation Act of 1980 now

requires a reporting of all defense leases to Congress. The provision in the current aid bill builds upon previous legislation and gives Congress a review power similar to that available over all other forms of arms transfers.

Defense leasing practices are the proper concern of this bill under the jurisdiction of the Committee on Foreign Relations. This legislation seeks to establish congressional control over practices which often amount to major foreign policy commitments. As such, these leases fall under the national security oversight concerns delegated by the rules of the Senate to the Senate Committee on Foreign Relations.

The Committee on Armed Services certainly has an interest in those leases which could draw down defense stocks. However, nothing in this provision would prevent additional legislation being referred to the Committee on Armed Services to place an annual ceiling on the amount of property to be leased.

The Senator from Illinois would be the first to say that the cooperation between the Committee on Armed Services, its chairman, its membership, and the Committee on Foreign Relations has been unusually close in this session of Congress. We have reached out to each other where we each have areas of expertise. We have readily recognized there is a close correlation between foreign policy and defense. In fact, I have long felt and thought that there is no possibility of having a credible foreign policy without having a strong national defense.

It is for this reason that I voted time and time again against any effort to undercut our budget. I have supported the requests and the buildup of our defense establishment, and have applauded the work of the Committee on Armed Services in this area.

I would be the first to say that as the leader of the free world, our defense is of paramount and highest priority. But no leases should be made, no grants of equipment, no cut should be made in our own national defense in order to provide for the defense of others unless it is determined by our own Joint Chiefs, by our Department of Defense, by our Committee on Armed Services that the equipment is so necessary that it ought to have priority because it is put in the hands of people who can act out in the first line, and the first line of defense for us many times is a strong ally abroad that is right in the frontline.

But I think we certainly can work out these kinds of decisions cooperatively. Certainly the committee would have no objection whatsoever to having ceilings placed on drawdowns, to make absolutely certain that we never undercut, never endanger, never shortchange the requirements of our own armed services. Throughout the free world we have a dual role: We must provide not only for the national security of the United States, but having accepted the responsibility of being a leader of the free world, our defense responsibilities have foreign policy implications too. We feel jurisdiction lines are clear, and the report of the GAO is a report that must be respected.

Since this amendment was introduced by Senator ZORINSKY I should like to yield to him at this time or at any proper time so that he may expand on the point of view. I am very pleased that he has arrived now and can explain his amendment and the way in which, hopefully, he would like to reach out and work with the Committee on Armed Services so that we have a comity of interests, that we have a cooperative interest with the Committee on Armed Services, and not working at odds in any way, but strongly feeling that we do have a jurisdictional right here that we as committee members must and should protect because this has been the jurisdiction of the Committee on Foreign Relations for many years.

I yield the floor to my distinguished colleague, the ranking minority member, Senator PELL.

Mr. PELL. Mr. President, as passed by the Foreign Relations Committee, the defense leasing amendment seeks to place foreign leases of defense articles under congressional controls, similar to those now in place for all other types of arms transfers.

Such a provision is particularly necessary since defense leases, with increasing frequency, have come to represent major foreign policy commitments.

For instance, helicopters were leased to El Salvador in early 1981 as a showing of U.S. support for President Duarte—all outside the reporting and approval restrictions of the Arms Export Control Act.

As a growing and significant form of military assistance, leases of defense articles fall directly under the established jurisdiction of the Foreign Relations Committee.

Further, it is not the case that only the Armed Services Committee can assess the impact of military transfers on defense cooperation. Such concerns also come under the national security oversight responsibilities assigned, by the Senate rules, to the Foreign Relations Committee.

The defense leasing amendment of the bill is not unfairly burdensome to the President. Over the years, successive administrations have decided to employ leasing as a significant arms transfer device. This provision only recognizes what has become fact, and subjects defense leases to exactly the same controls as on all other forms of arms transfers.

It is true that the Armed Services Committee has a special interest in maintaining adequate procurement and inventories of defense stocks. However, the committee provision already includes a reporting requirement to the Armed Services Committee. At the same time, there is nothing in the committee provision to prevent additionl legislation to place an annual ceiling on the amount of defense property that can be leased.

Mr. President, the chairman and ranking member of the Senate Appropriations Committee have recently written to Senator ZORINSKY and expressed enthusiastic support for the defense leasing amendment.

I ask unanimous consent that this letter from Senators HATFIELD and PROXMIRE be printed in the RECORD immediately following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., October 20, 1981.

Hon. EDWARD ZORINSKY,
Russell Senate Office Building,
Washington, D.C.

DEAR ED: We have reviewed S. 1196, the FY 82 foreign aid authorization, and wish to commend you for offering an amendment, during the Senate Foreign Relations Committee's consideration of the bill, to bring the practice of defense leasing to foreign governments under adequate Congressional review and control. It is our understanding that your amendment was based on the finding of the General Accounting Office that Section 2667 of title 10, United States Code, intended to provide for domestic leases only, has been consistently and inappropriately used to lease military equipment to foreign governments. The GAO concluded that this practice was a circumvention of the Arms Export Control Act and the Foreign Assistance Act. From our perspective, we would add that it is a circumvention of the appropriations process as well.

We believe that the Senate Foreign Relations Committee acted wisely when it decided to adopt your amendment, and we wish to add our names in support of this important proposal. In our view, the Senate owes you a debt of gratitude for spotting this loophole and for working in such a prudent and effective way to close it.

Sincerely,

MARK O. HATFIELD,
Chairman.
WILLIAM PROXMIRE,
U.S. Senator.

Mr. PELL. I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. I thank the Chair.

Mr. President, seven U.S. ships worth $14 million are out on the seas somewhere, but the U.S. Government, and that includes the Congress, lost track of them 8 years ago when the lease for the ships expired.

Three million dollars worth of U.S. radar equipment leased rent-free in 1974 was not returned at the expiration date of the lease in 1979, and we still do not have the equipment.

A rent of more than $40,000 was supposed to have been received on a lease of military equipment. The case was closed in 1976, and it was not discovered until this year that the rent still remained unpaid.

Twenty-two jet fighters were leased to one foreign country by the United States after the U.S. Government had cut off all military assistance to that country.

Managers for leases of military equipment to foreign countries are uncertain how payments for rent, maintenance, and spare parts are collected. They cannot provide evidence that rent payments have been deposited in the U.S. Treasury account as required by law. They use an accounting system which makes it difficult, if not impossible, to compare billings with receipts, and the U.S. General Accounting Office has reported to Congress that the authority under which these leases were made should never have been used for the purpose of leasing military equipment to a foreign

country. The authority was designed for domestic purposes only.

Mr. President, does it sound like a scandal? It is. The purpose of the Committee on Foreign Relations' amendment regarding these leases is only to put a stop to this slipshod arrangement and to bring the practice of defense leasing under congressional controls the same as those required for other forms of arms transfers to foreign countries.

Administration after administration, Democrat and Republican alike, have misused a provision of law clearly intended only for domestic leases of defense stocks to carry out the transfer of military equipment to foreign countries with complete disregard for all other laws controlling such transfers and with no congressional oversight.

The misused authority is so broadly written that under the executive branch interpretation the Secretary of the Air Force—not the Secretary of Defense or the President but the Secretary of the Air Force—would be empowered to lease AWACS to Saudi Arabia or jet airplanes to the People's Republic of China.

In dozens of cases military equipment paid for by the American taxpayers has been leased free of charge to foreign countries while our own military suffers shortages.

In a recent study requested by the Senate Foreign Relations Committee, the General Accounting Office concluded that the practice of defense leasing was "tantamount to grant aid which should be authorized only under the Foreign Assistance Act." It is the GAO's recommendation that such leasing of military equipment to foreign countries be discontinued entirely.

Mr. President, the committee's amendment does not do that. It is not designed to be punitive. Rather, it establishes a Presidential authority to lease under the Arms Export Control Act. The committee's amendment simply seeks to rationalize the process, and to bring defense leases to foreign governments under the same controls, no more—no less, as those for other types of transfers of military equipment to foreign governments. The committee's amendment builds on the work accomplished last year when the Congress required, for the first time, a reporting of leases of military equipment to foreign governments.

It also builds on the careful and important study by the GAO which went into its report to the Congress on the practice of defense leasing. The committee's amendment provides a tool with which the Congress can fulfill its obligations to oversee programs of military assistance to foreign nations and to protect the national security interests of the United States.

Finally, Mr. President, my colleagues should know that the language of the committee's amendment is compromise language, hammered out by a bipartisan consensus in the House Foreign Affairs Committee, where the amendment was initially adopted some months ago. The language takes into account—and makes adjustment for—the views of the administration and of Members on both sides of the aisle. Although a compromise, I recognize it as a fair, bipartisan and good faith effort to address the issues raised by the GAO report, and as such, I recommend the Senate's enthusiastic endorsement of the committee's amendment.

JURISDICTION

Section 2667 of title 10, United States Code, was intended as an authority for domestic leasing only. GAO reported to the Congress that the Department of Defense has improperly and increasingly used this leasing authority for military assistance to foreign governments, thereby circumventing the Foreign Assistance Act and the Arms Export Control Act. Both of these laws are under the sole jurisdiction of the Senate Foreign Relations Committee. The amendment adopted by the committee deals only with leases to foreign governments and does not touch the area of domestic leasing, which was the original intent of this particular law.

The committee amendment seeks only to place the leasing of military equipment under the same requirements as the transfer of military equipment by sale or loan.

If military assistance, whether by a sale, loan, or lease, to a foreign government is not under the jurisdiction of the Foreign Relations Committee, then what is? The Standing Rules of the U.S. Senate give the Foreign Relations Committee specific jurisdiction over foreign military assistance and national security policy. All other transfers of military equipment to foreign countries is under the jurisdiction of the Foreign Relations Committee.

The Armed Services Committee certainly has an interest in avoiding the depletion of U.S. defense stocks, but the committee provision only allows leasing of articles "not for the time needed for public use."

Other legislative authority relating to U.S. defense stocks is already under the sole jurisdiction of the Foreign Relations Committee, such as the drawdown authority, under which the President can provide military assistance to foreign countries from U.S. defense stocks in emergency situations, and the authority under which the President can loan defense articles to foreign countries.

Nothing in this committee provision would prevent additional legislation by the Armed Services Committee placing an annual ceiling on the amount of property to be leased. Moreover, under the leasing provision adopted by the Foreign Relations Committee, prenotification of leases will be made to the Armed Services Committee for the first time. Presently there is no reporting on such leases to the Armed Services Committee, and leasing from defense stocks has been on the increase.

The Foreign Relations Committee has already exercised jurisdiction over defense leasing practices by placing a reporting requirement in last year's International Security and Development Cooperation Act. The Armed Services Committee did not object to either the jurisdiction or the substance of that amendment last year.

The House Foreign Affairs Committee adopted this identical amendment some months ago. It is my understanding that the House Armed Services Committee has not objected to the amendment on the grounds of jurisdiction or substance. Although the Senate operates under its own rules, the parallel is very interesting.

If the Armed Services Committee claims jurisdiction over leases to foreign governments then perhaps they can explain what they were doing in 1976 when Security Assistance officials closed the case of a $40,836 lease to Saudi Arabia without having ever received the first nickel in payment. And where were they in 1979 when the lease for $3 million worth of Army radar equipment to Argentina expired. The radar equipment still has not been returned. And where was the Armed Services Committee during the last 8 years while seven U.S. ships, valued at $14 million and leased to Chile, were not returned as provided in the lease, and perhaps only God knows where these ships currently are. It is incomprehensible that any member on the Armed Services Committee would want to claim responsibility for such oversight. The only answer is that administration after administration, Democrat and Republican alike, sought to avoid congressional oversight by misusing a domestic authority—and they have succeeded.

Thank you, Mr. President.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, the Senator from Nebraska has just accused the Armed Services Committee of dereliction of its responsibility and, therefore, proposes to relieve us of jurisdiction over a matter in which we currently exercise jurisdiction.

In my view, Mr. President, the Armed Services Committee has exercised adequate oversight. If it has failed to act in some instances, it felt no action was necessary.

But, the Senator from Nebraska says we have been derelict, we have been neglectful, and, in fact, sugested that we have been incompetent.

I really would have to defend my predecessors—Senator Russell of Georgia, a great towering figure in this Senate; and Senator STENNIS, currently the ranking minority Member—because I believe they were always very diligent in exercising the oversight responsibility of the Armed Services Committee.

And I think that this attempt to take jurisdiction away from that committee because of what somebody might perceive of as neglect on the part of the Armed Services Committee should be rejected by this body.

Now, it is sugested that all of a sudden we find ourselves, greatly to our surprise, confronted by the fact that the organizational act was designed to authorize domestic leases and not foreign leases and, therefore, we must rush to do something about it.

Well, Mr. President, as far back as 10 years ago, in the State Department circular 175, in May, 1971, the authority to lease property under the act to foreign governments was acknowledged and there has been no legal challenge to that.

Now let me just review what most leasing goes for. It is always good to pull out

a scare case like El Salvador—it is terrible that we permitted the sending of helicopters to El Salvador.

I think we should not get into a debate on the administration's actions in that respect. The fact that Soviet proxies have been active in that country would not be too hard to understand.

Let us note that most of the leasing we do is not giveaway stuff. In fact, it is for cooperative research, defense, and development programs. It is for short-term military training. It is to provide some of our allies the use of sensitive equipment for joint exercises, allied use of an item on a temporary basis for test and evaluation which is usually helpful to us prior to purchasing, and allied use for use in wartime but not required for use in peace.

In other words, it will be available, after testing, if we want to acquire that kind of equipment.

Let me note that of 58 leases from 1975 through 1980, some 22 have gone to NATO, some 6 to other European countries, some 9 have gone to allies in East Asia and 1 to one other country, and some 13 have gone to the Near East and Southeast.

What is proposed here, too, is that we have a congressional veto over every military lease. This is symptomatic of what is wrong right now. This is symptomatic of why it is difficult for any President, Democrat or Republican, to formulate foreign policy and to implement that policy on a day-to-day basis.

We just simply must get involved in the day-to-day business of the conduct of foreign policy.

Let me point out, Mr. President, that in the Senate we pass domestic legislation, formulate domestic policy, shifting coalitions, which reflect various domestic policies. The application of that kind of technique in the implementation of foreign policy in this world of today is hazardous in the extreme.

Let us impose more inhibitions, more restrictions on the President, make him powerless to move.

He would have less flexibility to move than the Prime Minister of Great Britain, the President of France, the Chancellor of Germany and, of course, far, far less flexibility than Mr. Brezhnev does.

We are trying to move toward peace and stability in this world. It is the concern of our leadership to achieve those objectives. How can they do it with one hand tied behind them because of the way we hamstring our Presidents? We propose to hamstring him still more by this piece of legislation.

Mr. President, needless to say, it is my belief that the Armed Services Committee should retain jurisdiction over military leasing.

I apologize for any dereliction in the past to my friend from Nebraska, saying we will try to do better. But, quite frankly, I would have to say that I do not see any such dereliction. I have only been chairman of this committee for a few months. But, I think, again, that other chairmen I have served with, Russell from Georgia and JOHN STENNIS from Mississippi, have done a splendid job in exercising oversight for all for which my committee is responsible.

Mr. President, I am prepared to bring this matter to a vote.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent to place in the RECORD at this point a 7-page legal document which clearly shows the jurisdiction of the Foreign Relations Committee over all military aid and arms sales in accordance with rule 25 of the Standing Rules of the Senate. I ask unanimous consent that that be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

COMMITTEE JURISDICTION OVER MILITARY ASSISTANCE AND ARMS SALES

Rule XXV of the Standing Rules of the Senate confers on the Foreign Relations Committee jurisdiction over "foreign economic, military, technical, and humanitarian assistance," and charges the Committee to study and review, on a comprehensive basis, "matters relating to the national security policy of the United States." The Armed Services Committee, on the other hand, is generally responsible for matters relating to "the common defense policy of the United States" and U.S. military forces.

The basis for this allocation of responsibilities was the comprehensive review of Committee operations carried out by the Temporary Select Committee to Study the Senate Committee System and the Committee on Rules and Administration which resulted in S. Res. 4 in 1977. The main recommendations of those committees which were overwhelmingly endorsed by the full Senate, drew upon years of experience in the handling of political-military issues by Senate committees. A brief review of this experience and of the legislative history of S. Res. 4 on these questions provides instructive insight into the rationale for the present distribution of legislative and oversight responsibilities.

MUTUAL SECURITY AND DEFENSE ASSISTANCE ACTS: 1949–59

The original authorizations for foreign aid under the Marshall Plan were referred to the Committee on Foreign Relations. However, as military components were added to reconstruction assistance, the Armed Services Committee became involved. After a floor debate on jurisdiction, the Mutual Defense Assistance Act of 1949—providing military assistance arrangements under the NATO Treaty—was referred jointly to the Foreign Relations and Armed Services Committees. Amendments to this act in 1950 received similar joint referral and reporting. However, when Senator Russell became chairman of the Armed Services Committee in 1952, joint referral of military assistance legislation was rejected as unwiedly. Instead, such legislation was referred from 1952 through 1954 first to Foreign Relations and then to Armed Services. During this period, Armed Services consideration and reporting of these measures became progressively more perfunctory. The 1954 Mutual Security Act, consolidating all foreign economic and military assistance legislation, was referred to the Foreign Relations Committee and then sequentially referred to Armed Services, which took only three days and reported the bill without amendment. In 1955 the Armed Services Committee itself voted not to request referral of the assistance bill and an effort to require such referral was defeated on the Senate floor by a vote of 62 to 18.

FOREIGN ASSISTANCE AND ARMS EXPORT CONTROL ACTS: 1961–76

The next omnibus aid measure—the Foreign Assistance Act of 1961—was referred exclusively to the Committee on Foreign Relations. Security assistance programs authorized under that Act and amending legislation—including the Military Assistance Program, International Military Education and Training Program, Foreign Military Sales, Economic Support Fund, and Peacekeeping Operations—were similarly authorized only by the Foreign Relations Committee and subject to Foreign Relations oversight. Location of these programs within the Committee's jurisdiction tracked a corresponding development within the Executive Branch to assign the lead role in security assistance policy and review to the Department of State (itself within the oversight responsibilities of the Foreign Relations Committee).

As for jurisdiction over arms sales, the Congress did not assert jurisdiction over such sales until the provisions on "foreign military sales" were added to the Foreign Assistance bill by the Foreign Relations Committee in the late 1960's. Review of such sales continued to be in the exclusive jurisdiction of Foreign Relations even after the provision for Congressional resolutions of disapproval for particular sales was added in 1974.

Instead of formal referrals to both Committees, other arrangements have been used to facilitate coordination and cooperation between the two committees. Thus, in 1963, members of the Armed Services and Joint Committee on Atomic Energy were invited to sit with the Foreign Relations Committee in considering the nuclear test ban treaty. In 1974, the Chairman of the Armed Services Committee was invited to testify before the Foreign Relations Committee in a hearing reviewing the role of the U.S. in international affairs. In 1977, Members of the Armed Services Committee were invited to participate in the Foreign Relations Committee consideration of the nomination of Paul Warnke to head ACDA. In 1980, the chairmen of both Committees agreed to a careful division of jurisdiction in reviewing the unsuccessful hostage rescue attempt in Iran.

More recently, during debate on the nomination of Caspar Weinberger as Secretary of Defense, Senator Percy acknowledged the "close intertwining" of concerns between the Foreign Relations and Armed Services Committees. However, in a subsequent letter to Senator Biden, the Chairman stated that, while he endorsed informal cooperation on issues of mutual interest, there could be no "erosion or fuzzing" of jurisdictional rules and lines of authority. Those jurisdictional rules were scrutinized and set during consideration of S. Res. 4 of 1977.

SENATE COMMITTEE REORGANIZATION, 1976–77

The reorganization of Senate Committees which took place in 1976–77 was intended to consolidate and rationalize the subject matter of Committee jurisdictions. The Temporary Select Committee to study the Senate Committee System, chaired by Adlai Stevenson, held extensive hearings and made the initial recommendations, embodied in Senate Resolution 4. These recommendations were then followed by hearings and revised recommendations by the Rules Committee. They were further debated by the full Senate and approved on February 4, 1977.

The issues of jurisdiction over military assistance and arms sales were confronted directly during those deliberations. Senator Stennis, chairman of the Armed Services Committee (and a member of that committee since 1951) testified on September 15, 1976 before the Select Committee. On the question of military assistance, he made the following point:

The question of foreign military aid has always been handled by the Foreign Relations Committee. For a while it was referred to both the Foreign Relations and Armed Services Committees, but after several years of hearings it became very clear that our committee was not making much of a contribution in this field. It was primarily a foreign relations policy matter, and by common consent we dropped the idea of holding further hearings until there was a special request.

I can't give you the year, but I remember it all, and it was by common consent.

Similarly, he noted his disagreement with Senator Barry Goldwater on the question of who should have jurisdiction over arms sales:

Let me answer on the sales of arms and equipment. I have been in and out in my thinking. I have gone into it several times, but I always come up with the idea that that it more a Foreign Relations matter than it is an Armed Services matter.

Senator GOLDWATER. But we have interest in it.

Senator STENNIS. We do. We are related to it.

Senator GOLDWATER. That is right.

Senator STENNIS. You are exactly right. We are related to it, but predominantly in my thinking, it is for the Foreign Relations Committee. That is the way I see it.

While agreeing with Stennis on military assistance, the Select Committee did recommend joint jurisdiction between Foreign Relations and Armed Services over foreign military sales. However, it did so apparently under the mistaken assumption that, to quote the Committee's report,

"Jurisdiction over foreign military sales, which Armed Services and Foreign Relations currently held jointly, would continue as at present."

In fact, such joint jurisdiction was not the case, as Senator Church noted in his testimony before the Rules Committee on January 13. Even Senator Stennis, who said he would not object to such joint jurisdiction, noted before Rules on January 11 that it would be a departure from past practice and would be "unnecessary" since "over the years" the two Committees "have cooperated on the subject of arms sales without the necessity of an explicit jurisdictional basis in the Senate rules."

During the Rules Committee mark-up, Senator Clark offered an amendment to delete the reference to joint jurisdiction. Senator Tower objected:

Senator TOWER. Wait a minute.

Now, your original amendment was to strike both. Is it your suggestion that military sales be deleted entirely from Armed Services jurisdiction?

Senator STEVENSON. That is my understanding. It was so long as it was understood that oversight jurisdiction was in Armed Services and continues the present practice.

Senator TOWER. I could not agree to that.

Senator CLARK. I will withdraw that amendment then pending further study of it. I do not want to go into conflict on the amendments here.

Senator TOWER. No; for example, the Armed Services Committee ought to be in on any decision on sales that would be a draw down on American resources, for equipment in Western Europe or something of that sort that would affect our combat readiness.

Senator STEVENSON. The Senator is right and the understanding is that the interest of Armed Services would be continued by preserving oversight jurisdiction with respect to arms sales.

I believe, Senator, it has that jurisdiction now, the fact that it would just, under this, remain.

Senator CLARK. I think the point that I intended is that the understanding would be—so that there is no misunderstanding on this—that the report emphasize that the present practice of the Armed Services Committee oversight on effect of these sales on military preparedness and sales would be continued. That would be the report language to accompany it.

Senator STEVENSON. If the Senator would yield I would point out also that under the jurisdiction of the Armed Services Committee that is the general legislative jurisdiction with respect to the Department of Defense which gives that committee a large handle.

Senator TOWER. I have no objection to policy matters relating to military sales being exclusive jurisdiction of Foreign Relations. But once the determination is made that it is policy to allow such sales or even order such sales I think that the Armed Services really has to sign off on it. But it could seriously impact on our combat readiness which it did some years ago on our Western European capability which we have not built up yet.

Senator CLARK. That is clearly the intent of the amendment. In other words, what happened in the bill that was reported, as you can see, it was described here as foreign military sales, jointly. So that under that circumstance, as I understand it, every bill on military sales would have to be referred to both committees and it was the intent of both committees and the select committee, rather, to maintain the present jurisdiction where not every bill would be referred jointly but rather to maintain the present jurisdiction, those involving oversight and the effect of these sales on our inventory and military preparedness would continue to go to the Armed Services and those dealing with foreign policy to go to the Foreign Relations Committee.

Senator TOWER. That would include any legislative measure that provided for the sale of systems that are currently in use or currently in our inventory even if you take out of our inventory and divert our production lines, for example, and in some way disturb our schedule for delivery of inventory. All of these things would have to come under our jurisdiction.

Senator CLARK. That is why I suggested that the record would say the effect of these sales on our inventory and military preparedness so that any impact on our military preparedness in any way would clearly be with Armed Services.

Senator TOWER. I think I can buy that.

The CHAIRMAN. Let me give you Senator Stennis' views on this; it was discussed at some length.

He feels that the present Senate rules are written adequately to cover the subject and has written that they do not precisely specify with respect to military sales.

Now the jurisdiction would remain at the present time as it is, in which case Foreign Relations has jurisdiction over the military sales. Armed Services has jurisdiction insofar as it relates to our defense posture, to the draw down on equipment, the sale of our equipment and so on. And if we were to get in a crisis type situation the Armed Services Committee obviously would have to step in on jurisdiction over all military sales in that type of situation.

But there has been no problem with it in the past and Senator Stennis has suggested so here. He says: "I feel the Senate rules as presently written satisfactorily cover the matter of military sales, and is covered in that respect." He is perfectly satisfied.

Senator TOWER. Why chance it? It gives the Foreign Relations Committee policy over such matters.

Senator CLARK. That is what this amendment does. The select committee had added foreign military sales to the jurisdiction of the Armed Services and placed it jointly and we are simply bringing it back to where it was before by this amendment.

Senator TOWER. Mr. Chairman, let us insist on report language that makes this adequately clear.

The report of the Rules Committee in fact contained a specific reference to the foreign military sales issue in a section which began with the following introduction:

CLARIFICATION OF CERTAIN JURISDICTIONAL REFERENCES IN SENATE RESOLUTION 4, AND OTHER MATTERS

In many cases, the definition for specific references as to the jurisdictional boundaries of the various committees of the Senate cannot be found in Rule XXV, as reported by the Rules Committee. Such references were deleted in order to make Rule XXV as concise and workable as possible. During the proceedings of the markup on this resolution, Members of the Rules Committee specifically requested that language be included in the Rules Committee Report to clarify such references when they were not set forth in Rule XXV. The narrative which follows reflects the various requests of the Rules Committee Members, and it is intended to clear up any questions which might arise in the future as to the scope of jurisdiction of the various committees of the Senate.

Since Senator Tower was a member of the Rules Committee, he therefore endorsed the narrative which followed:

FOREIGN MILITARY SALES

The intention of the reorganization, though no explicit mention is made in Rule XXV, is to retain the existing jurisdictional arrangement involving foreign military sales. Under existing practice, the Foreign Relations Committee maintains authorizing jurisdiction over foreign military sales, including foreign military sales policy. The Armed Services Committee retains an oversight power on the effect such sales have on military preparedness, combat readiness, and on existing inventories.

The reference to "oversight power" is of course distinct from legislative jurisdiction.

With respect to military assistance, there do not seem to have been any proposals during the consideration of S. Res. 4 that it should be dealt with in the Armed Service Committee.

The Select Committee described the broader responsibilities of the two Committees as follows:

NATIONAL SECURITY AND COMMON DEFENSE

The Committee recommends that the Committees on Foreign Relations and Armed Services remain separate entities, but would assign to the Committee on Foreign Relations comprehensive policy oversight for national security, and to the Armed Services Committee the same responsibility for the common defense. In this fashion, for these areas, the Select Committee hopes to provide the overview necessary for the formulation of integrated policy while still preserving manageable workloads, jurisdictional competition, and efficient division of labor in subjects which are interrelated but not unitary.

The Foreign Relations Committee's broader mandate for oversight jurisdiction over national security policy was the subject of some discussion. The Select Committee's report described its rationale as follows:

COMPREHENSIVE POLICY RESPONSIBILITIES

To augment its jurisdiction over the full range of policies, programs and activities related to the foreign relations of the United States, the report assigns to the Committee on Foreign Relations responsibility to study and review, on a comprehensive basis, the national security policy of the United States. The oversight responsibility for national security policy would extend to the study of military strategy and policy. This assignment, which serves some purposes advanced by advocates of a combined foreign relations-armed services committee, would encourage integrated policymaking that takes account of the direct relationships among

diplomatic, political, economic, and military policies.

During the hearings in the Rules Committee, Senator Stennis expressed vague misgivings about this arrangement. In the mark-up, Senator Tower also expressed concerns about the implications.

Senator TOWER. Page 12, line 18, relating to national security policy of the United States and report thereon time to time.

My question is, now, how does that impact on the jurisdiction of the Armed Services Committee and Intelligence?

Senator STEVENSON. It is similar to the jurisdiction the Armed Services Committee has with respect to national defense. It is largely an oversight jurisdiction to indicate that Foreign Relations can do what it already does anyway, consider foreign relations, foreign aspects with some military assistance programs. It is a general oversight jurisdiction. It is just intended to make it clear that the Foreign Relations Committee has a broader aspect of responsibility in foreign policy just as the Armed Services Committee does with respect to national defense.

As I say, it is purely oversight; it does not append legislative jurisdiction.

Senator TOWER. It says national security policy and requires report from time to time, what does that mean? Getting into the nature of the Soviet threat and that sort of thing which is generally the purview of the military and intelligence community?

Senator STEVENSON. That would be in the Foreign Relations Committee.

Senator TOWER. Yes; but I am talking about a military threat to the security of the country.

Senator PELL. If the Senator would yield on that point. We spent all morning on the Foreign Relations, getting the military capability between the Soviet Union and the United States.

Senator TOWER. What does "report" mean?

Senator PELL. To fill us in.

Senator TOWER. As I say, the requirement that the Foreign Relations Committee report from time to time.

Senator STEVENSON. This comes out of the Senate boiler plate, that is used almost always in describing an oversight jurisdiction.

Senator TOWER. That still gives me some concern, Mr. Chairman, and I would like to talk to Senator Stennis on that.

However, while other jurisdictional determinations were debated on the floor, there was no further discussion of the appropriate spheres of responsibility for the Foreign Relations and Armed Services Committees. Floor debate on S. Res. 4 stressed the exhaustive series of hearings and consultations going into the formulation of the measure and resulting in a "delicate balance." Senators also stressed the need to avoid perpetuation of a "fragmented committee system, with its propensity to slice broad questions into tiny pieces," and to insure appropriate consolidation and realignment of Committee responsibilities for the good of the institution and of the nation.

Mr. PERCY. As far as I am concerned, I am ready to vote.

Mr. ZORINSKY. I would like to say to my distinguished colleague from Texas, whom I respect and whom I acknowledge has been a good leader of the Armed Services Committee, as were all those who preceded him, I do not believe I used the word "dereliction." In order to be derelict, one must avoid responsibility in an area of assigned responsibility. I have never said the Armed Services has jurisdiction in this area. Obviously, that is the whole key to this amendment, to obtain that jurisdiction.

Certainly, it was not my intent to impugn the integrity or any individual or associate any Senator with dereliction of duty inasmuch as it was not their duty or assigned task to make that supervision but was, in our estimation, that of the Foreign Relations Committee. The Armed Services Committee has no jurisdiction in this area.

In response to the charge that a minimal amount of military assistance is being given to countries through this leasing arrangement, I might point out that I have here a list of leases from 1960 to 1974: to Brazil, Bolivia, Chile, Paraguay, Dominican Republic, on and on. And they are all listed as military assistance items. And also from the year 1975 through January of 1981 there is an additional list wherein 40 out of 58 leases are for military assistance, according to the General Accounting Office.

So I think the record bears out that this leasing arrangement has not been principally used for defense cooperation or test and evaluation, but actually for military assistance.

With that, I do apologize if I have misrepresented in any way any dereliction on the part of anybody. However, I feel that one must have authority in an area and then not exercise that authority in order to be derelict. I do not feel the Armed Services Committee ever had such authority with respect to leasing military equipment to foreign governments.

Mr. TOWER. Mr. President, I would say that the Armed Services Committee has specific authority to disapprove the transfer of ships. We have acted on that from time to time.

I want to make this point, and I have no more to say but I am prepared to vote after I make the point. That is, first, defense needs are not a grant military authority. We believe that the Defense Department should have this authority. Very often they are for our benefit, not for the benefit of some other country. They are for our own benefit or the mutual benefit of allies.

Second, without judging whether restrictions have been circumvented in the past, and I will not try to make that judgment, the amendment offered by the Armed Services Committee would apply, to defense leasing, all restrictions on countries that are not eligible for defense sales.

So it does apply those restrictions and is restrictive.

On that point, Mr. President, I am prepared to let the case rest.

Mr. PERCY. Mr. President, I am prepared to vote, but I would like to make this point for the record. This is not, in the judgment of the Senator from Illinois, a question of dereliction of duty. By no stretch of the imagination has there been any impugning of that.

I have felt that the chairmen of the committee, Senator TOWER and Senator STENNIS before him, have done an outstanding job.

This is not a question of Presidential policy, either. It is simply a question of jurisdiction. The legal document that I have just submitted clearly shows that the Foreign Relations Committee has jurisdiction.

If we are ready to vote, at this time I move to table the amendment of the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. RANDOLPH (after having voted in the negative). On this vote I have a live pair with the Senator from North Dakota (Mr. BURDICK). If he were present and voting, he would vote "yea." I have voted "nay." I therefore withdraw my vote.

Mr. TOWER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. METZENBAUM), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Jersey (Mr. BRADLEY), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 33, nays 43, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—33

Baucus	Helms	Packwood
Biden	Huddleston	Pell
Boschwitz	Inouye	Percy
Cranston	Kassebaum	Proxmire
Danforth	Kennedy	Pryor
Dixon	Leahy	Riegle
Eagleton	Lugar	Sarbanes
Glenn	Mathias	Specter
Hatfield	Matsunaga	Stafford
Heflin	Mitchell	Williams
Heinz	Moynihan	Zorinsky

NAYS—43

Abdnor	Gorton	McClure
Armstrong	Grassley	Melcher
Bentsen	Hart	Murkowski
Boren	Hatch	Nickles
Byrd, Harry F., Jr.	Hawkins	Nunn
	Hollings	Quayle
Cannon	Humphrey	Roth
Chiles	Jackson	Rudman
Cochran	Jepsen	Schmitt
Cohen	Johnston	Stennis
Dole	Kasten	Thurmond
Domenici	Laxalt	Tower
East	Levin	Wallop
Exon	Long	Warner
Ford	Mattingly	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Randolph, against.

NOT VOTING—23

Andrews	DeConcini	Pressler
Baker	Denton	Sasser
Bradley	Dodd	Simpson
Bumpers	Durenberger	Stevens
Burdick	Garn	Symms
Byrd, Robert C.	Goldwater	Tsongas
Chafee	Hayakawa	Weicker
D'Amato	Metzenbaum	

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the vote that just occurred I think is an extremely significant vote and it has implications that may be more far-reaching than has fully been contemplated by Members of the Senate as we made that vote.

It is a subject which may well have an impact on the formulation of foreign policy and on the execution of foreign policy.

After all, foreign policy is not so much made in speeches. Foreign policy is not necessarily made because a memorandum issues from the State Department or the National Security Council.

Foreign policy results from what we do and, if we deploy military equipment by way of lease instead of by way of sale, that can have a profound impact on at least the world's perception of what our foreign policy is, whether or not we consciously do it as an act of foreign policy ourselves.

So, I am wondering if the author of the amendment could tell us whether the debate on the AWACS sale might have been avoided if instead of proposing to sell AWACS planes to Saudi Arabia the administration was just going to lease them. Would we then not be voting on AWACS? What would be the situation with the enhancement package? Could we just lease that equipment and then not have the debate on it?

I am wondering if the author of the amendment could tell us whether or not that would be the effect of the amendment.

Mr. PERCY. Mr. President, if the Senator will yield, I do believe that Senators are really not aware of the fact, as there were so few of us in the Chamber of the Senate, that Senator ZORINSKY asked the GAO to make a study of what has happened with the lease of military equipment.

The report, addressed to me by the Comptroller General of the United States, dated April 27, 1981, is entitled "Appropriateness of Procedures for Leasing Defense Property to Foreign Governments." Let me quote the summary on the face of that report:

> The Department of Defense and the military departments have used the authority of Title 10, United States Code, Section 2667 to lease property to foreign governments. This legislation was originally intended to permit the lease of military equipment within the United States.
>
> In 1980, military equipment valued at $48.4 million was leased rent free to Turkey, Honduras, and the Dominican Republic. In January 1981, six helicopers valued at $5.9 million were leased rent free to El Salvador. GAO believes that transfer of military equipments on this basis is tantamount to grant aid which should be authorized only under the Foreign Assistance Act.
>
> The use, care, and maintenance of leased property has not been routinely verified during the time it is leased and because there is no standard policy for billing and collecting lease payments, their status cannot always be determined.

The point that some of us made in the Committee on Foreign Relations is that we do not doubt at all the responsibility of the Committee on Armed Services, which we said has been carried out in an exemplary manner by the present chairman, Senator TOWER, and by the previous chairman and current ranking member, Senator STENNIS.

At no time would we want to lease equipment to other governments when it would endanger in any way the security of the United States.

But there is no one to dispute the fact that if we were leasing AWACS, as in the illustration raised by the distinguished Senator from Maryland, to any country, be it Saudi Arabia, Israel, or any other country, this would have profound implications for the foreign policy of the United States as regards that country.

Mr. TOWER. Mr. President, will the Senator yield? Let me respond to this AWACS bugaboo.

Mr. PERCY. Will the Senator respond to the question of the Senator from Maryland?

Mr. TOWER. Let me respond to that. You know, here we are, you want to intrude us more and more in the foreign policymaking process. This is the syndrome of the 1970's, and every time we have done it it has been with disastrous results.

Vietnam was lost right here under this dome not in Vietnam. The Turkish arms embargo precluded a settlement of the Greek-Turkish dispute, and the Clark amendment cost us Angola. Now we want to keep on. Let us have more Senate intrusion into the foreign policymaking process.

Let us talk about AWACS for a minute. I do not believe the Defense Department is going to declare an AWACS aircraft or an F–15 that is currently in our inventory is in excess of our requirements. If they should decide that they are in excess of our requirements they will be required to report to the Committee on Armed Services, and we can prevent the lease if we chose to do so. It certainly could be done by appropriate legislation here.

Here is what you are doing. Let me point out something else in the Zorinsky amendment. You are going to have to pass on every lease, that is what it says here. We have got a veto power. So all somebody has to do if we want to lease a radar set to the British or something like that, somebody could bring up a resolution of disapproval here.

Now, how much do we really want to involve ourselves in that process? We have got an adequate check. We could by positive action prevent a sale if we chose to do so and if it were that serious.

So let us be somewhat conscious of the myths that we are raising in this amendment here that is in the bill reported from the Committee on Foreign Relations.

Mr. MATHIAS. The answer to the question though really is that in the AWACS sale, which I have favored, and which I voted to report favorably from the Committee on Foreign Relations, so it is not an issue with me, but that kind of a transaction, if the equipment were to be excess, would be leased under the Tower amendment.

Mr. TOWER. Well, what we mean is it could be under current law to the extent that it can be at all. But now let us not kid each other here. To begin with, the AWACS that is being sold to Saudi Arabia, if indeed it is approved, is not one in excess to our requirements; it is not one out of our own inventory, but one that they will buy from the manufacturer.

Do not tell me that absent some restriction or legislative veto on a lease arrangement that the Congress is going to sit around and let them lease an aircraft carrier to somebody, a CVN or AWACS or any other system of that magnitude.

It just is not going to happen. Nobody has ever proposed that an AWACS be leased. There is certainly no surplus of AWACS in our own inventory. As a matter of fact, we need more of them. So there has been no declaration that an AWACS is in excess of our requirements.

If that time comes then I will say to the Senator from Maryland he should get word about it and see whether we cannot devise some legislation to deal with it.

Mr. MATHIAS. Until this year the Senator from Texas and I were on the same side on the AWACS, but until this year nobody had proposed that we would sell an AWACS. So the fact that nobody has yet proposed we are going to lease an AWACS does not mean that somebody may not someday. I think it is our job to anticipate problems.

Mr. TOWER. I might say as a practical matter to the Senator from Maryland that on the day there is an AWACS in our inventory that is in excess of our requirements it will be obsolete by that time and it probably will not make much difference.

Mr. MATHIAS. One of the questions I would like to ask the distinguished chairman of the Committee on Armed Services is with respect to the language of the amendment. It refers to section 110 or in section 110 it refers to section 2667 of title 10, United States Code, relating to leases of nonexcess property.

Most of our discussion is centered around the excess property. What about the nonexcess property to which the language of the amendment refers?

Mr. TOWER. Temporary excess is equipment we do not require in peacetime but may require in wartime. It is a good arrangement we have where we can transfer some of this equipment to allies, and particularly NATO Allies, and it remains in operation without having to pay the operating cost of it. It is that simple.

Mr. MATHIAS. So we could send them the AWACS—say we had an extra, we could send them the AWACS, and say, "But if we really need it you have to send it back to us."

Mr. TOWER. Well, the AWACS that currently NATO has is one that NATO is purchasing. It is not a lease arrangement.

Mr. MATHIAS. But I am talking about what might be done under this arrangement. It would not have to be——

Mr. TOWER. Senator, this AWACS thing is really probably the most intellectually dishonest argument I have heard here today.

Mr. MATHIAS. I am trying to get to the bottom of it.

Mr. TOWER. No, you are trying to get all the opponents of AWACS to vote with you on this particular measure. That is the whole example of that. In fact, there is no AWACS——

Mr. MATHIAS. Well, they ought to, as a matter of fact they ought to, because that is exactly where their interests lie. They ought to vote with me.

Mr. TOWER. No AWACS is going to be surplus.

SEVERAL SENATORS. Vote! Vote!

UP AMENDMENT NO. 505

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I have discussed this very informally and briefly with the distinguished Senator from Texas, the chairman of the Committee on Armed Services, and the amendment I would offer would provide that the Foreign Relations Committee shall have concurrent jurisdiction over the lease to foreign governments of defense equipment, and that the Foreign Relations Committee shall receive all reports required by this section of the law.

I send this amendment, this perfecting amendment, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 505.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment introduced by the Senator from Texas, add the following:

(d) The Foreign Relations Committee shall have concurrent jurisdiction over the lease to foreign governments of defense equipment. The Foreign Relations Committee shall receive all reports required by this section of law.

Mr. PERCY. The purpose of the amendment is clear indeed. The members of the Committee on Foreign Relations feel very strongly, and I believe the American public would feel very strongly, that the increasing practice of the Department of Defense to enter into military equipment leases with foreign governments does have implications for the foreign policy of this country.

We are having a heated debate on AWACS. Whichever side one may be on, we must agree that it has become an emotional issue for a number of countries and millions of Americans.

As I said before, the leasing of equipment, armed helicopters, to El Salvador has touched a nerve in this country. People are determined that we shall not get back into another Vietnam. We know that we are not getting into another Vietnam with our El Salvador policy, but we must proceed with due caution. It has taken a tremendous amount of time and effort to think this through. The Committee on Foreign Relations has had to work on this legislation for a long period to be certain that we do this in such a way that we do not end up backing a government that is simply not supported by the people of El Salvador.

The leasing of that equipment to El Salvador and to its government does deeply involve foreign policy issues. I would feel that the best way to handle this matter would be to have joint jurisdiction. We can both study it and share information back and forth so we do not duplicate one another's work. Wherever we can assist one another, we should.

The 7-page legal opinion is clear. I did not take the time to read the entire report, but the report is available. You can read the entire report.

It clearly states that:

Rule XXV of the Standing Rules of the Senate confers on the Foreign Relations Committee jurisdiction over "foreign economic, military, technical, and humanitarian assistance," and charges the Committee to study and review, on a comprehensive basis, "matters relating to the national security policy of the United States." The Armed Services Committee, on the other hand, is generally responsible for matters relating to "the common defense policy of the United States" and U.S. military forces.

The leasing of equipment does have an effect upon U.S. Forces. We are the first to say we do not want to see, in any way, such equipment taken away from U.S. Forces if it is vitally needed to protect our security interests.

But we have never asked that equipment be diverted, other than the Commander in Chief himself occasionally diverting equipment to a friendly nation for their own defense, which is for the common defense. We have not had that problem.

But we sometimes do have a very delicate problem involving our relations with nations who may wish to lease equipment.

For that reason, we do feel that copies of the reports made on leasing arrangements should be sent concurrently to the Armed Services Committee and the Foreign Relations Committee for our joint review.

I am offering, in the spirit of comity, this amendment on behalf of the members of our committee as a way of resolving this particular problem.

(Mr. JEPSEN assumed the chair.)

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Illinois or the Senator from Maryland might answer a question.

My understanding is that this amendment would preserve existing law in the area of lease and waiver. Will the Senator comment on that? What is the existing law, in the absence of this amendment, on the lease issue and on the waiver issue?

My understanding is that this amendment of the Senator from Texas—and I voted against tabling because I wanted further explanation on this. What is the existing law on the question of leasing and the question of waiver?

Mr. PERCY. Mr. President, I would ask my distinguished colleague, Senator ZORINSKY, who submitted the original amendment in committee to respond to that question.

Mr. LEVIN. That would be fine.

Mr. ZORINSKY. It is my opinion that this broadens the jurisdiction of the Armed Services Committee and certainly authority of the Secretary of Defense, since he would be able to waive the requirements of the section if he determines and immediately reports to the Congress that an emergency exists that requires a lease to be entered into immediately in the national security interest of the United States.

I have been informed that that is not existing law.

Mr. MATHIAS. Mr. President, if the Senator would like me to reply further, I did not hear all of the colloquy which took place on that side of the Chamber. But I am advised that section 2667 was enacted in 1947 to enable the military services to lease real and personal property to domestic corporations. It was domestic leasing that was contemplated. And that in 1971 the State Department, by Circular No. 175, a memorandum of that year, approved the use of this authority to lease defense property to foreign governments.

As the distinguished chairman of the Armed Services Committee has accurately said, this is a process that has existed for some time. But when it was originally enacted into the statutes, it was a domestic transaction that was contemplated.

Mr. LEVIN. Would the Senator agree with the following summary: Since 1971, by Defense Department interpretation, this power to lease has existed and this waiver provision would have gone along with it in the way that it is presently phrased in the Tower amendment?

Mr. MATHIAS. I suspect—and this is just my surmise, and I am subject to correction by the chairman of the Armed Services Committee—but I suspect that what has happened in this area is very much like what has happened in the rest of our economy; that probably back in 1947, and even through 1971, there was

not a great deal of leasing, just as there was not among people at large. But today there is a lot of leasing going on. People lease cars, they lease office equipment, and they lease almost everything.

Probably this leasing business has slowly developed into a pretty substantial volume.

Now, I say again, I am not speaking on the basis of any expert knowledge on this. If I am wrong, I would be happy to have the chairman of the Armed Services Committee correct me.

Mr. LEVIN. Would my friend from Maryland, then, agree that since 1971 this amendment reflects the practice that has existed?

Mr. MATHIAS. I think this reflects a slowly enlarging practice which may have been of little consequence at its outset but which could, as we have described in our conversation here this afternoon, have enormous consequences as it is carried into the future.

Mr. LEVIN. One further question of the Senator from Maryland. Has there been any legal opinion that he knows of written by the Justice Department or by other counsel relative to that 1971 practice as to whether or not, in fact, that practice of the Defense Department is authorized under the 1947 law?

Mr. MATHIAS. I do not know, but I think it is an excellent question.

Mr. ZORINSKY. If the Senator from Maryland would yield, this GAO report indicates that their attorneys are of the opinion that the intent of the original law was not for foreign assistance, only for domestic leasing.

Mr. MATHIAS. So that, in fact, the Tower amendment would alter the existing law as it is viewed by the Comptroller General.

Mr. ZORINSKY. That is correct, according to the attorneys for the Comptroller General.

Mr. LEVIN. I wonder if my friend from Texas would agree with that description of the issue; that the attorneys for GAO have said the 1971 analysis of DOD upon which they based their practice is not authorized by the earlier statute and that, therefore, this amendment would be needed in order to proceed in the way the Department of Defense has proceeded since 1971?

Mr. TOWER. I disagree with that. I might add further that what is included also in our amendment is the reporting requirement that is not in the law now. So we are providing for better capability for oversight by requiring this reporting procedure.

The amendment states:

Not less than thirty days before entering into or renewing any agreement with a foreign country or international organization to lease under this section any major defense equipment (as defined in section 47(6) of the Arms Export Control Act) valued at $14,000,000 or more and any other property valued at $50,000,000 or more for a period of more than one year, the Secretary of Defense shall transmit to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Armed Services of the Senate.

So it is required to go to both committees, both the Foreign Relations and Armed Services.

Mr. LEVIN. Mr. President, I wonder if the Senator from Texas could answer this question: How important to his amendment is that waiver provision?

Mr. TOWER. Would the Senator from Michigan clarify his question? What waiver provision?

Mr. LEVIN. The provision at the top of page 1 of the amendment. There is a paragraph——

Mr. TOWER. Yes. I see it. What was the question?

Mr. LEVIN. How important is that waiver provision? I was wondering if the Senate might consider just that part of the amendment. That might satisfy part of the opposition. I am not sure.

Mr. TOWER. This is part of the original legislation of the Senator from Nebraska, so he has that in his legislation.

Mr. ZORINSKY. That is not in it at all.

Mr. TOWER. The Senator's amendment has no waiver requirement?

Mr. ZORINSKY. No, not for the Secretary of Defense.

Mr. TOWER. I am sorry. I thought it did.

The difference is the Secretary of Defense may waiver in this instance and the rest requires a Presidential waiver. There is a provision for the Presidential waiver. This requires agreement of the Congress in case an emergency exists. I think that is appropriate. If someone is trying to help us out, we ought to be able to find some equipment that they need.

I would like to ask a question of the distinguished chairman of the Foreign Relations Committee.

If, indeed, in offering his amendment, he wants the Foreign Relations Committee to have concurrent jurisdiction with the Armed Services Committee on the foreign leases, let me ask him, would he be willing then to also have concurrent jurisdiction between Armed Services and Foreign Relations on the special defense acquisition fund? That is our money that is being used.

Mr. PERCY. As the distinguished Senator knows——

Mr. TOWER. Maybe we can make a swap. Give us concurrent jurisdiction over the special defense acquisition fund.

Mr. PERCY. As the distinguished chairman of the Armed Services Committee knows, there are some members of the Foreign Relations Committee who feel very strongly about that particular fund. We will attempt to contact them immediately and see if we can get a consensus in the committee on this. I would imagine it would take 5 or 10 minutes, probably, to do that. Possibly we can set this aside. I do not know if we are ready to take up anything else.

Does the distinguished Senator from Ohio have an amendment that could be proposed and take up the time interval while we are contacting other members of the Foreign Relations Committee?

Mr. GLENN. I have an amendment, which I believe the floor manager would be willing to accept, which would take 10 or 15 minutes.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside for the purpose of the Senator from Ohio offering an amendment, with the understanding that we will return to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 506

Mr. GLENN. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an unprinted amendment numbered 506.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following new section:

SEC. 715B. (a) It is the sense of the Congress that the spread of international terrorism poses a grave and growing danger for world peace and for the national security of the United States. As a part of its vigorous opposition to the activities of international terrorist leaders and the increase of international terrorism, the United States should take all steps necessary to ensure that no U.S. citizen is acting in the service of terrorism or of the proponents of terrorism.

(b) Within six months after the enactment of the International Security and Development Cooperation Act of 1981, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report including the following:

(1) a description of all legislation, currently in force, and of all administrative remedies, presently available, which can be employed to prevent the involvement, service, or participation by U.S. citizens in activities in support of international terrorism or terrorist leaders;

(2) an assessment of the adequacy of such legislation and remedies, and of the enforcement resources available to carry out such measures, to prevent the involvement, service, or participation by U.S. citizens in activities in support of international terrorism or terrorist leaders; and

(3) a descrption of available legislative and administrative alternatives, together with an assessment of their potential impact and effectiveness, which could be enacted or employed to put an end to the participation by U.S. citizens in activities in support of international terrorism or terrorist leaders.

Mr. GLENN. With increasing frequency over the last few months and the last few years, in fact, we have all become aware of the grave danger to world peace posed by international terrorism. This administration in particular has articulated its firm and active opposition to the spread of international terrorism. The administration has given special attention to the escalating and destabilizing activities of particularly Libya's Colonel Qadhafi throughout Africa and the Middle East. Yet even as the United States is advancing policy, it seems that some U.S. citizens are literally fighting against it—literally fighting.

There are news reports today of American mercenaries fighting for Qadhafi in Chad as part of his grand destabilizing scheme for the Middle East.

I am sure most Members of the Senate and the staff read the New York Times this morning and saw the front

page article entitled "American Pilots Reported Flying in Libyan Forces."

I will read probably not more than 10 percent of it. It is a lengthy article, based on reporting by Jeff Gerth and Bill Taubman, but was written by Mr. Gerth. I want to compliment them on the job they did.

American pilots and aircraft mechanics, including military veterans, are flying and maintaining Libyan air force planes.

On down:

Dozens of pilots and mechanics have participated in operation for Libya, a militant Arab nation in North Africa, although the precise number could not be determined.

Listen to this:

Their role apparently violates no United States law.

On down further:

Recent administration have regarded Libya, a supporter of international terrorism, as an increasingly disruptive force in the Middle East.

Further down:

American officials said the presence of American pilots and mechanics in Libya helped explain what until now had been a mystery to them: who was maintaining the American planes that were sold to Libya years ago, when that country's relationship with the United States was not belligerent. Past speculation had centered on North Koreans and others from Communist countries.

Further down:

The involvement of the Americans in Libya does not appear to violate American law, according to Justice Department officials.

I will read that again:

The involvement of the Americans in Libya does not appear to violate American law, according to Justice Department officials.

E. Lawrence Barcella, Jr., Assistant United States Attorney for the District of Columbia, is overseeing the federal investigation of Mr. Wilson.

A man who has been recruiting these pilots and crew members.

He said the neutrality laws, which prohibit Americans from enlisting in the military service of a foreign nation, apparently do not cover the recruitment scheme organized by Mr. Wilson.

Further down in the article:

The recruitment of former military aircraft personnel illustrates for American law enforcement officials some of the same issues posed by Mr. Wilson's earlier activities, especially the lack of laws governing the private business activities of former American servicemen and intelligence agents.

There is more to the article.

Mr. President, I think it is time that we put a stop to this, one way or another.

We sought this morning a way that we could put into legislation on this bill a means of giving the President of the United States more power, which he apparently does not have, according to this article, so that this type of thing can be prevented. I cannot imagine there would be many Americans who would support Americans being hired by the likes of Qadhafi for his military operations wherever they might occur in Africa.

Other recent press reports have chronicled the deep, unchecked involvement of former U.S. Government officials in the destructive activities of not only Qadhafi but of Idi Amin earlier.

The violence of terrorism is often widespread, deliberately disorganized, and thus difficult to anticipate and to oppose. However, terrorist activities of our own citizens should be much easier to seek out and to stop.

There may be laws to do this—laws of which I am not aware; we could not find any this morning. Certainly, there ought to be laws to do this. But no one in the executive branch has given us a definite reading. In a recent hearing before the Foreign Relations Committee, the State Department's Acting Director of the Office for Combating Terrorism proposed that the FBI should review the adequacy of existing legislation and the need for new laws to prevent U.S. citizen support of terrorism abroad.

My amendment seeks to put this sound proposed for the study of what law is needed into law and leaves the particulars of control where they belong, with the executive branch. This amendment mandates that, within 6 months, the President, as a part of his antiterrorism policy, report to the Congress on what we are doing and what we can do to put an end to the disturbing incidents of involvement by U.S. citizens in support of international terrorism or terrorist leaders.

Mr. President, this amendment states that it is the sense of the Congress that the spread of international terrorism poses a grave and growing danger for world peace and for the national security of the United States. It says that, as a part of its vigorous opposition to the activities of international terrorist leaders and the increase of international terrorism, the United States should take all steps necessary to insure that no U.S. citizen is acting in the service of terrorism or of the proponents of terrorism.

Within 6 months after the enactment of the International Security and Development Cooperation Act of 1981, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report including the following:

First, a description of all legislation, currently in force, and of all administrative remedies presently available, which can be employed to prevent the involvement, service, or participation by U.S. citizens in activities in support of international terrorism or terrorist leaders;

Second, an assessment of the adequacy of such legislation and remedies and of the enforcement resources available to carry out such measures, to prevent the involvement, service, or participation by U.S. citizens in activities in support of international terrorism or terrorist leaders; and

Third, a description of available legislative and administrative alternatives, together with an assessment of their potential impact and effectiveness, which could be enacted or employed to put an end to the participation by U.S. citizens in activities in support of international terrorism or terrorist leaders.

Mr. President, we are not trying in this amendment to detail what those remedies might be. What I am doing is hoping that we can get the administration to come forward with what legislative proposals their 6-month study will indicate is necessary. So there can be no misunderstanding, the wording of this was deliberately left to define those activities in support of international terrorist leaders with the idea that it is a difficult area to define. We know that there has not been a really sufficient definition of terrorism, but I will state, as part of the legislative history, that I would want to help guide the administration in their deliberations; that I am specifically referring to Colonel Qadhafi and his activities as being terrorist activities. I do not think anyone has any doubt about that; in fact, I think our Government has specifically pointed him out as a terrorist leader before.

Whatever legislation comes up, I hope, would enable the Government of the United States to have a policy and legislative remedies and control over Americans acting in support of Libyan forces which have been judged to be terrorists as well as any other terrorist activities around the world.

Mr. President, the distinguished floor manager of the bill (Mr. PERCY) asked to be included as a cosponsor. I ask unanimous consent that he be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I do not think something like this would need to be brought to a record vote. I shall be happy to have a voice vote on this.

I yield for whatever comments anyone wishes to make.

Before I yield the floor, Mr. President, I ask unanimous consent that the complete New York Times article be printed in the RECORD as part of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN PILOTS REPORTED FLYING IN LIBYAN FORCES—EX-C.I.A. AGENT RECRUITING

LONDON, October 21, 1981.—American pilots and aircraft mechanics, including military veterans, are flying and maintaining Libyan Air Force planes in an operation organized by Edwin P. Wilson, a former American intelligence agent, according to associates of Mr. Wilson.

The American flight personnel, as well as pilots from Canada and Britain, have been recruited and paid by companies controlled by Mr. Wilson and, at least since last year, have flown a Libyan fleet of American-made cargo and transport aircraft and helicopters, the associates said.

One Western pilot recruited by Mr. Wilson said that American pilots flew helicopters in support of the Libyan invasion of Chad this year, but the extent to which Western recruits are involved directly in Libyan combat missions could not be determined. The pilot said he was paid about $3,000 a month.

COORDINATION IN LONDON

Some of the American pilots and mechanics have been recruited in the United States by other Americans. Most of the operation is coordinated through a London office that represents several African and European companies controlled by Mr. Wilson, according to his associates.

Dozens of pilots and mechanics have participated in the operation for Libya, a mili-

tant Arab nation in North Africa, although the precise number could not be determined. Their role apparently violates no United States law.

Earlier this week, an American aircraft mechanic, Richard L. Love, visited the London office, waiting for a visa and airplane connections to Libya. Mr. Love told a former Wilson associate that he had been recruited in Alabama and had signed a one-year contract to service Libyan military aircraft, according to the former associate.

RECRUITS HELD WELL PAID

Mr. Love said he and the other recruits were well paid for their services but was not specific, the associate added.

Mr. Wilson, a former covert agent for the Central Intelligence Agency, now lives in Libya, where he is a fugitive from a Federal indictment last year that charged him with illegally shipping explosives to Libya to help train terrorists.

Mr. Wilson did not return a telephone call placed today to his office in Tripoli. A reporter left a message with an associate of Mr. Wilson seeking a reply to questions about the pilot recruitment program.

The unofficial involvement of Americans in Libyan military activity contrasts sharply with United States foreign policy toward the Arab nation, led by Col. Muammar el-Qadhafi. Recent Administrations have regarded Libya, a supporter of international terrorism, as an increasingly disruptive force in the Middle East.

Last summer, the United States reported that two Navy jets had shot down two Libyan fighter planes after being fired on by one of them.

After the assassination of President Anwar el-Sadat of Egypt this month and amid reports of hostile Libyan activity against the Sudan, the Reagan Administration sent two AWACS radar surveillance planes to Egypt to monitor Libyan aircraft activity in the area.

American officials said the presence of American pilots and mechanics in Libya helped explain what until now had been a mystery to them: who was maintaining the American planes that were sold to Libya years ago, when that country's relationship with the United States was not belligerent. Past speculation had centered on North Koreans and other Communist countries.

A White House spokesman had no immediate comment today on whether high-level Reagan Administration officials were aware that Americans were flying and maintaining planes for the Libyan Air Force, although law enforcement officials knew of the recruitment operation.

The involvement of the Americans in Libya does not appear to violate American law, according to Justice Department officials.

E. Lawrence Barcella Jr., Assisstant United States Attorney for the District of Columbia, is overseeing the Federal investigation of Mr. Wilson. He said the neutrality laws, which prohibit Americans from enlisting in the military service of a foreign nation, apparently do not cover the recruitment scheme organized by Mr. Wilson.

F.B.I. INQUIRY ON RECRUITING

Federal law enforcement officials say that, nevertheless, earlier this month the Federal Bureau of Investigation began a full investigation of the recruitment operation.

The recruitment of Western pilots and mechanics is the first current operation of Mr. Wilson to emerge publicly. In last year's indictment and other reports, details were disclosed about Mr. Wilson's private business activities in 1976 and 1977, his help in training terrorists in Libya by shipping explosives and his hiring of former Army Special Forces troops for the training operation.

The recruitment of former military aircaft personnel illustrates for American law enforcement officials some of the same issues posed by Mr. Wilson's earlier activities, especially the lack of laws governing the private business activities of former American servicemen and intelligence agents. It also demonstrates Mr. Wilson's capacity to continue to operate within the United States even though he has been out of the country for several years.

HOUSE PANEL SEEKS REMEDIES

The House Select Committee on Intelligence is considering possible legislative remedies as part of its investigation into Mr. Wilson's activities.

In 1976, shortly after ending his employment with the Office of Naval Intelligence, which he had joined after leaving the C.I.A., Mr. Wilson closed a business deal with Colonel Qadhafi to sell his expertise in intelligence, arms and explosives to Libya for the training of terrorists.

A few years later, after Federal investigators began examining his activities in the United States, Mr. Wilson shifted his base of business operations from Washington to Europe and Libya. About the same time, several companies controlled by Mr. Wilson began using the London office of Brilhurst Ltd., a British company, according to associates of Mr. Wilson and company documents.

SCOPE OF RECRUITING PROGRAM

The recruitment program, which started about two years, ago includes dozens of pilots, flight engineers and aircraft mechanics from the United States, Britain and Canada with both civilian and military backgrounds, according to associates of Mr. Wilson familiar with the plan. Among those recruited were British paratroopers.

According to spokesmen for American aircraft companies, the Libyan Air Force has eight C-130's, 20 CH-47 helicopters, known as Chinooks, 10 727's, nine C-47's and one 707.

Western diplomatic sources have said that many of the Libyan pilots flying military aircraft are inexperienced, and a report of the London-based International Institute for Strategic Studies notes that Soviet, Pakistani and Palestinian pilots also fly Libyan military aircraft.

Federal law enforcement officials said that the F.B.I. and Scotland Yard had been aware for some time of Mr. Wilson's recruitment operations in London but that an active investigation was not undertaken until recently because officials placed a greater priority on apprehending Mr. Wilson on the 1980 charges.

CHECK BY SCOTLAND YARD

Earlier this year, for example, Scotland Yard checked a report that Mr. Wilson, a fugitive since April 1980, was staying at a fashionable London hotel, according to a former Wilson associate. That inquiry turned up nothing, but two former London associates of Mr. Wilson, David and Anne Shortt, said they saw him last spring in the departure lounge of London's Heathrow Airport bound for Geneva.

Because most of the actual work done by the American recruits takes place in Libya and their finances and travel plans are arranged in London, American authorities originally concluded that they had little legal jurisdiction to investigate the scheme. They said they were aware that Mr. Wilson had been recruiting former military personnel in the United States for "mercenary type" work in Libya and that this would be the focus of the recently begun investigation of Mr. Wilson's current activities.

Diana Byrne, who met Mr. Wilson in Libya several years ago and who says she controls Brilhurst, declined to talk about her activities on behalf of Mr. Wilson. In a brief interview outside Brilhurst's current office, at 28 Knox Street, Mrs. Byrne, a native of Wales, described Brilhurst as a "service company" that represents several European companies, many of which operate in Libya. When asked specifically about her work on behalf of Mr. Wilson and his companies, Mrs. Byrne terminated the conversation.

COORDINATION IN LONDON

But several businessmen in London who have worked with Mrs. Byrne and Mr. Wilson's companies said that Brilhurst appeared to operate as the London branch of Mr. Wilson's businesses. Among the specific activities cited by those sources and documented in company papers are: payment of travel expenses and salaries of pilots working in Libya, obtaining Libyan visas for persons doing business with Mr. Wilson and his companies, managing his investments and handling his telephone, mail, telex and telegram messages.

In the last three years, Brilhurst has operated out of four separate London locations, often moving abruptly and functioning in a secretive fashion, the business associates added.

J. Steffan, an exporter who rented office space to Brilhurst at 18 Hans Road, in a fashionable section of London near Hyde Park and across from Harrods department store, said the company departed abruptly one weekend in July 1980 and still owed him several thousand dollars in back rent.

MYSTERIOUS OPERATIONS

Angela O'Toole, who rented office space in the Halkin Arcade to Brilhurst until December 1980 said Brilhurst personnel had operated mysteriously, sending coded telex messages and removing typewriter ribbons before leaving the office.

Both former landlords said they often saw Western pilots who had just arrived in London waiting at Brilhurst's offices for Libyan visas or for flights to Libya.

Further details on the pilot program were provided by other associates of Mr. Wilson. They said that two of the companies used by Mr. Wilson to pay and recruit the aircraft personnel were OSI S.A., a Swiss corporation that serves as a Tripoli office for Mr. Wilson, and Western Recruitment Inc., which has a Swiss post office box number. Both of these companies currently operate in London out of Brilhurst's office on Knox Street, according to a travel agent who booked flights to Libya for OSI S.A. and Mrs. Bryne, who acknowledged handling banking affairs for Western Recruitment.

Mr. Love, the aircraft mechanic from Alabama who was in London earlier this week on his way to Libya, spoke of being recruited in the United States, according to a former Wilson associate. Mr. Love answered the door at Brilhurst's Knox Street offices but declined to speak to a reporter. Shortly thereafter, an Arab driver pulled up to Brilhurst's offices and handed Mrs. Byrne what looked like an American passport and a Libyan visa.

Mr. PERCY. Mr. President, I support this amendment and I thank Senator GLENN for permitting me to be a cosponsor of it. I thoroughly endorse the principles which he has espoused. We should in every way possible indicate our abhorrence of international terrorism. Gangsterism in one form or another, whether it is domestic or international, should be abhorred and must be fought in every way possible. Certainly, if we have evidence of the involvement of our own citizens, we should act with the strongest and firmest hands.

Mr. President, I feel this resolution is very much in the national interest. I am ready for a vote on it.

Mr. GLENN. Mr. President, I ask unanimous consent that Senator JEPSEN also be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I move the adoption of the amendment.

Mr. PERCY. Mr. President, I am ready for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 506) was agreed to.

Mr. GLENN. I move to reconsider the vote.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PERCY UP AMENDMENT 505 TO TOWER UP AMENDMENT 504

Mr. TOWER. Mr. President, a parliamentary inquiry. There is an amendment pending to my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Therefore, another amendment would not be in order at this time. However, does the fact that this amendment is pending to my amendment preclude my modifying my original amendment?

The PRESIDING OFFICER. It does not.

Mr. TOWER. Then, Mr. President, I modify my amendment at the bottom of the page, where is reads, "The Secretary of Defense may waive the requirements of this section." In other words, I delete "The Secretary of Defense" and substitute therefor "The President." The modification would read, "The President may waive the requirements of this section if he determines," and so forth.

The PRESIDING OFFICER. The amendment is so modified.

Will the Senator from Texas please send the modification to the desk?

The modified amendment is as follows:

On page 13, beginning with line 1, strike out all down through line 17 on page 18 and insert in lieu thereof the following:

SEC. 110. (a) Section 2667 of title 10, United States Code, relating to leases of non-excess property, is amended by adding at the end thereof the following new subsections:

"(g) Not less than thirty days before entering into or renewing any agreement with a foreign country or international organization to lease under this section any major defense equipment (as defined in Section 47(6) of the Arms Export Control Act) valued at $14,000,000 or more and any other property valued at $50,000,000 or more for a period of more than one year, the Secretary of Defense shall transmit to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Armed Services of the Senate, a written notification which specifies—

"(1) the country or international organization to which the defense article is to be leased;

"(2) the type, quantity, and value (in terms of replacement cost) of the defense article to be leased;

"(3) the terms and duration of the lease; and

"(4) a justification for the lease, including an explanation of why the defense article is being leased rather than sold under the Arms Export Control Act.

The President may waive the requirements of this section if he determines, and immediately reports to the Congress, that an emergency exists which requires that the lease be entered into immediately in the national security interests of the United States.

"(h) The Secretary of Defense shall transmit to the Speaker of the House of Representatives and to the Chairman of the Committee on Armed Services of the Senate not more than sixty days after the end of each quarter a listing (classified if necessary) of all property valued at $1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than one year under this section.

"(i) Any reference to sales of defense articles under the Arms Export Control Act in any provision of law restricting the countries or organizations to which such sales may be made shall be deemed to include a reference to leases of defense articles under this section.".

(b) Section 109 of the International Security and Development Cooperation Act of 1980 is repealed.

(c) Section 36(a) of the Arms Export Control Act is amended by deleting paragraph (10).

Mr. TOWER. Mr. President, I inquire of the distinguished chairman of the Foreign Relations Committee if he has anything to report on the question I raised earlier about shared jurisdiction on the Special Defense Acquisition Fund.

Mr. PERCY. Mr. President, I appreciate very much the offer that has been made by the chairman of the Armed Services Committee, Senator TOWER.

Members of the Foreign Relations Committee have had a deep interest in the Special Defense Acquisition Fund. On May 8, 1981, Senator TOWER wrote a letter to me, as chairman of the Foreign Relations Committee, fully supporting the position that we have taken and preparing to offer his assistance in securing Senate approval of this very important program. It is a program that I have felt is absolutely in the vital interests of the country.

I have never hesitated to agree that some items be put in an inventory so that ultimate delivery of some important equipment would not be held up simply because a long leadtime is required. We do not want to have to be in a position unable to offer equipment to our allies simply because we are not prepared and do not have an inventory.

So I believe that the question that has been raised is one which legitimately involves both the responsibility of the Armed Services Committee and the Foreign Relations Committee.

However, at this time, I should like to recognize Senator BIDEN, who I believe is the only member of the committee who has not yet given his concurrence on having joint jurisdiction provided for the Special Defense Acquisition Fund to the Armed Services Committee and to the Foreign Relations Committee, to see if he has any questions he would like to put to either me or the distinguished chairman of the Armed Services Committee, and to see if he concurs in this arrangement.

Mr. BIDEN. Mr. President, I should like to ask a question to make sure I understand what we are compromising to and from.

As I understand it, under the leasing arrangements that exist, for example, the case where we leased four Huey helicopters to El Salvador—the way the law now reads, as I understand it, or as it is interpreted, is that a report needs to be made to the Foreign Relations Committee, but merely a report. There is no action the Foreign Relations Committee is required to take or allowed to take. It is just to inform us. Is that correct?

Mr. TOWER. That is correct, so far as my amendment is concerned.

As the Senator from Delaware knows, Senator PERCY has offered an amendment to my amendment which would give the Foreign Relations Committee concurrent jurisdiction over leasing. I am prepared to look somewhat favorably on that, if there could be perhaps a suggestion that would be endorsed by members of the Foreign Relations Committee that the Armed Services Committee exercise concurrent jurisdiction over the Special Defense Acquisition Fund, which I must say comes out of our hide moneywise.

Mr. BIDEN. I would be prepared to go back to my hamburger in the dining room and not talk all night on this.

I am not sure I understand what "concurrent jurisdiction" means. I understand that the Senator from Nebraska recognizes, as I believe is that case, that this is an exception we never really contemplated, whereby we would transfer military equipment abroad under the leasing provisions of the law that were designed for domestic leases. He has found a way in which to transfer to foreign governments, through the lease process, items such as helicopters.

I understand that the Senator from Nebraska intends to close that loophole, if you will, so that it would require more than merely a statement to Congress that this is what we are doing. It would require some concurrence from Congress if a certain threshold were reached.

If the Senator from Texas means by "jurisdiction" that he would like to have the Foreign Relations Committee and the Armed Services Committee be required to concur in such a transfer, to give it jurisdiction over that transfer, then I think that is an amiable compromise and one to which I have no objection. But if we merely mean that it is going to be business as usual, which is that you need only report—only in this case, you make an additional report to the Armed Services Committee—then it seems to me that there is a compromise in jurisdiction of the Foreign Relations Committee without any commensurate benefit gained to control this leasing process.

Maybe the Senator can explain to me what we are talking about, because I do not have a copy of the amendment.

Mr. TOWER. The Armed Services Committee concurrently has jurisdiction

on leasing. It is a jurisdiction that I have some disposition to share with the Foreign Relations Committee.

Mr. BIDEN. I appreciate that generosity.

Mr. TOWER. In exchange for a similar disposition on the part of the Foreign Relations Committee to share jurisdiction over the Special Defense Acquisition Fund. Then we will all be one, big, happy family.

Mr. PERCY. Perhaps Senator BIDEN will allow me to give my interpretation of how this would work, and then we will see if it concurs with the feeling of the Armed Services Committee.

At this particular time, the Foreign Relations Committee does not have jurisdiction over leasing. This is something that we—particularly Senator ZORINSKY and Senator BIDEN—have felt strongly about, because it does clearly have foreign policy implications. This amendment—the perfecting amendment I have developed and sent to the desk and is the pending business—clearly gives new jurisdiction to the Foreign Relations Committee.

Mr. BIDEN. What does that mean—"jurisdiction"?

Mr. PERCY. In other words, that clear jurisdiction is that the Foreign Relations Committee would receive, concurrently with the Armed Services Committee, a notification from the Secretary of Defense that a leasing arrangement is being proposed. Hearings could be held on it, and a report could be made.

And the committee could either concur or disagree with such action, and it could be sent to the Chamber in that way. We could either concur together and jointly agree or jointly disagree or we could come up with differing opinions which then would have to be argued out in the Chamber.

In the case of the special defense acquisition fund, here the Foreign Relations Committee has clear jurisdiction. The Defense Department asked for a special defense acquisition fund of $350 million. The chairman of the Armed Services Committee, recognizing the importance of this to our own national security defense, wrote a letter to me urging that we adopt this provision and indicated that he would support it.

We would then by this action clearly give jurisdiction to the Armed Services Committee to have joint jurisdiction. They would then receive joint notification of such fund increases, decreases, and modifications. They could have hearings on it. They could come up with a report. They could send their report and we would hope we would cooperate, combine if possible in hearings, not duplicate constantly as we seem to do or proliferate, but if we come up with differing opinions, then we simply have to bring these differing opinions and report to the Chamber.

But both committees would be involved in something that has implications for Armed Services and has implications for Foreign Relations.

Mr. BIDEN. The generosity of the Senator from Texas is well known to us and his willingness to compromise is well known to us all.

Mr. TOWER. I thank the Senator so much. He makes me feel very humble.

Mr. BIDEN. And his humility is well known to us all.

But I wish to suggest that if the Senator is willing or if our colleagues are willing, I do not believe I would object to this. But could I have 15 minutes to review it with my staff and we could move on to another subject in the meantime? And if it is as I believe it to be, I do not see why I would object to it.

Is that reasonable? Is there something else that could come up? Or allow me 5 minutes, a few minutes, or otherwise keep talking for an hour.

We can resolve it. I wish to make sure the generosity of the Senator is as deep as I understand it to be.

Mr. TOWER. It is an even swap.

Mr. BIDEN. Yes. I think we have the text.

Mr. TOWER. I accept Senator PERCY's amendment to my amendment. We will voice vote that. Then we will go to another amendment that will give concurrent jurisdiction to the Armed Services Committee, and Foreign Relations Committee.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I might propose another amendment to the pending bill with the understanding that we return immediately to the pending business once the amendment I intend to propose has been disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 507

(Purpose: To restore administration's budget request for international military education and training)

Mr. TOWER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas (Mr. TOWER), for himself and Mr. MOYNIHAN, proposes an unprinted amendment numbered 507.

Mr. TOWER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 13, strike out "$41,700,000" and insert in lieu thereof "$47,700,000."

Mr. TOWER. Mr. President, I propose this amendment on behalf of Senator MOYNIHAN and myself. It would restore the international military education and training (IMET) program to the $47.7 million level requested by the administration. IMET is a critical security assistance program, one which warrants the wholehearted support of the Senate.

If there is any one security assistance program which, dollar for dollar, pays for itself many times over, it is the training of military personnel of our allies and friends. For a relatively small investment in this program, the United States makes a major contribution to American security. Further, the IMET program helps to reduce the likelihood that American soldiers will be required to protect the political and territorial integrity of U.S. friends and allies. This program is a prudent investment in our future.

If the $6 million reduction in the administration's request were restored, the United States would be able to train an additional 2,300 foreign military students—many of whom will some day occupy important positions of leadership in their respective armed forces or governments. The IMET program helps the United States to establish military-to-military contacts which are so important to effective cooperation and communication with friendly and allied nations. Even through domestic political upheavals in the host country, these contacts provide continued influence with the most durable institutions in many countries—the military.

The IMET program also enables foreign military personnel to acquire the skills and knowledge necessary to more effectively utilize and absorb the military equipment, services, and support that the United States sells under other security assistance and cash sales programs. Without a fully funded military education and training program, the United States will be handicapped when it comes to introducing U.S. military doctrine and tactics to the foreign military personnel upon whom we may need to rely in times of crisis. Moreover, the United States would be unable to engender the kind of commonality in military thinking with foreign military officials that is crucial to the implementation of our own force planning and strategy abroad.

U.S. worldwide requirements, in recent years, have been expanding, particularly in the Persian Gulf region, in Central America and the Caribbean, and in Southeast Asia. The elimination of $6 million in IMET funding will not only jeopardize our ability to respond positively and effectively to these new requirements, but will also inhibit our ability to keep pace with the burgeoning Soviet military training effort. In 1980, the Soviets trained more than three times the number of foreign military students in the U.S.S.R. than we did in the United States. Moreover, the trends are highly unfavorable for the United States. In the past 5 years, the number of foreign military students trained in the United States has decreased by 48 percent while the Soviet numbers have increased by 38 percent. Failure to restore the $6 million in the IMET program will sustain, and possibly widen, the Soviet lead in international military training.

I should like to make one additional comment in this regard. While the Sovi-

ets have been expanding their training programs markedly, the United States has been underfunding this important program. In fiscal year 1975, 8,449 foreign students were trained in the United States under the IMET program. In fiscal year 1981, only 4,448 students were in the United States receiving training. The fiscal year 1982 budget request contains sufficient funding to restore the number of students to the fiscal year 1975 level.

If we are going to compete successfully with the Soviets in peacetime, we need the opportunity to train and influence those 2,300 students. Coming to America for a course of instruction may be their only chance to see America, to see democracy in action.

Mr. President, I think it is absolutely essential that this amendment be adopted and that we restore the IMET program to the level requested by the administration.

Mr. President, I believe that Senator MOYNIHAN, the cosponsor of this amendment, would like to speak on behalf of the amendment.

I have discussed this amendment with the managers of the bill. It is my understanding that they have some favorable disposition toward it.

Mr. PERCY. Mr. President, the Foreign Relations Committee has strongly supported the growth of the international military education and training program.

Last year the committee changed the basic casting of the IMET programs, so that only the incremental costs of the program and not all the costs were charged to this program. Administration officials estimated that this will increase the number of students in the program by about 50 percent, without requiring any additional appropriations in this program.

This year the committee authorized $41.7 million for the IMET program, nearly a 50-percent increase over the $28.4 million authorized last year.

Thus, the Foreign Relations Committee not only increased the effectiveness of each dollar spent on this program, but it also increased significantly the level authorized for these programs.

The increased authorization suggested by Senator TOWER would most likely be a wasted authorization. After confirming with the Appropriations Committee staff, our staff has concluded that it is unlikely that more than $41.7 million will be appropriated for IMET in 1982.

Therefore, because of the generally austere budget situation, the committee decided to reduce this program by about $6 million. It was not a reduction that we wanted to make but we had to spread the burden evenly.

I understand that the ranking minority member and the minority side has no objection at all. I, therefore, suggest the acceptance of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (UP No. 507) was agreed to.

Mr. PERCY. Mr. President, I believe the distinguished Senator from Oregon (Mr. HATFIELD) has an amendment that we can dispose of.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside to permit the Senator from Oregon to propose an amendment and that immediately following disposition of his amendment the Senate return to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 508

(Purpose: To require the President to prepare and transmit to the Congress a report regarding the Salvadoran conflict)

Mr. HATFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), on his behalf and Mr. CHAFEE, Mr. MITCHELL, Mr. EAGLETON, Mr. SPECTER, Mr. KENNEDY, Mr. PELL, Mr. ZORINSKY, Mr. RIEGLE, and Mr. DURENBERGER, proposes an unprinted amendment numbered 508.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

REPORTING REQUIREMENT RELATING TO EL SALVADOR

SEC. 716. (a) Not later than 90 days after the date of enactment of this section, the President shall prepare and transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report and a briefing in closed session setting forth—

The viewpoints of all major parties to the conflict in El Salvador and of the influential actors in the Salvadoran political system regarding the potential for and interest in, negotiations, elections, and to a settlement of the conflict.

The views of democratic Latin American nations, Canada, the Organization of American States, and European allies of the United States regarding a negotiated settlement to such conflict.

It is the sense of the Senate that the President shall, as soon as possible, send a special envoy to consult with and gather information from appropriate representatives of the parties to the Salvadoran conflict, the democratic governments of Latin America, Canada, and European allies of the United States regarding the attainment of a negotiated settlement in El Salvador.

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 717.".

Mr. HATFIELD. Mr. President, along with my good friends and colleagues Senator CHAFEE, Senator MITCHELL, Senator EAGLETON, Senator SPECTER, Senator KENNEDY, Senator PELL, Senator ZORINSKY, Senator RIEGLE, and Senator DURENBERGER, I send to the desk an amendment. Our amendment, Mr. President, is designed to actively explore prospects for a political settlement to the violent conflict which continues to rage in El Salvador. The amendment urges the President to appoint a special information-gathering envoy. This individual will be directed to meet with our European allies, Canada, the Organization of American States, our democratic friends in the Southern Hemisphere, and all major parties to the conflict to seek their views on how to best achieve a political resolution to the conflict. The President is further asked to convey this information in a report to Congress.

There are two points that I wish to stress at the outset. First, this amendment does not prejudge, endorse or condemn present American policy toward El Salvador. In fact, there are significant differences of opinion among the cosponsors of this bill. It simply reflects Congress intention to be fully aware of the views held by various nations and parties whose ideas may be critical to the attainment of a peaceful and stable solution to the El Salvador conflict. Second, Mr. President, this amendment does not direct the President to appoint an envoy; it urges him to do so as the most appropriate means of gathering information for a report.

The tiny and beleaguered country of El Salvador stands at a crossroads. Depending, to a very large extent, on the path which President Reagan and this Congress choose in the months ahead, either severe tragedy or democratic evolution will take place. The central objective, Mr. President, must be long-term stability for El Salvador. The question this amendment poses is "How serious is our willingness to seek it?"

Assistant Secretary for Latin American Affairs Thomas Enders recently outlined the administration's policy toward El Salvador. His speech is notable for its mention of several points of departure from previous policy.

First, there was a hint of acknowledgement that the Salvadorean security forces are not exempt from responsibility for the senseless violence which endures in El Salvador. Formerly, blame was focused exclusively on the insurgents and groups that supposedly act independently of the military.

Second, the administration now appears to recognize that certain factions within the opposition might be worthy of participation in a democratic process.

Third, and perhaps most importantly, the administration has admitted that the United States is capable of facilitating a peace process. In the past we have operated on the hollow pretense that the United States has no political role to play, while at the same time conducting unilateral military operations. We now have a posture which yields itself to new incentives for political communication between the warring factions.

But El Salvador's economic foundation is deteriorating at an incredible rate. According to U.S. Ambassador to El Salvador Hinton's conservative figures,

over the last 3 years El Salvador's GNP declined by more than 16 percent. Capital flight since 1978 will soon reach $625 million. Imports have declined dramatically. This leaves critical questions dangling. Will the course we now pursue ultimately result in a level of Western economic support sufficient to sustain a viable democratic state? Or will we be left with a ghost nation; a sea of hate and suffering with little reason to exist?

The administration and the Duarte government have responded by offering elections in the spring of 1982. This process is moving along rapidly. Some of us had the privilege of visiting Mr. Duarte on his last trip to the United States and received additional reassurances of that election commitment. It stems from the best of intentions, and I do not believe anyone questions that and I believe no one, Mr. President, can question President Duarte's credentials or his sincere desire for real democracy in El Salvador. A serious legitimate electoral process, and one that is internationally recognized, is critically important for President Duarte and those who are honestly seeking peace and stability.

Factions within the administration and the State Department hope that the prospect of fair elections will entice the moderates in the opposition from to join. This would leave only portions of the military arm, and the extreme ideological element at odds with the democratic process. If this were to occur, the government's ability to control violence and insurgency would be enhanced and legitimated. Clearly, Congress ability to justify actions necessary to control insurgency would also be enhanced.

Though this approach holds great promise, it could also present a dangerous gamble if the necessary prerequisites for free and fair elections do not exist. For if the proponents of this course are grossly miscalculating the realities, this could be a tragic lost opportunity for a nation which has experienced fraudulent elections for decades. To recover from this experience and attempt to start over will entail further cost to human life, the economy, and the national psyche. In Latin America, El Salvador is already approaching what Uganda is to Africa: A nation so racked by fear and terror that it is unable to even function as a society.

President Duarte has signaled his willingness to communicate with the opposition forces only to find his efforts undermined by the Salvadorean military. He recently indicated that the offices of the Mexican Government could be used as a conduit for communication with the opposition forces.

The hope of splintering the opposition represents a healthy departure from myopic East-West confrontationalism. But the approach is unlikely to achieve the desired result. The election carrot may work, Mr. President, but it must have greater reach and substance if it is to entice the opposition into the process. There is reason to believe that many nations will not endorse this effort if serious attempts at dialog are not forthcoming. To date, there is not one ally capable of helping to reconstruct El Salvador which believes that these elections are sufficient. Ambassador Hinton himself has verified this to my office.

Despite the foreboding and seemingly endless nature of the conflict, there is a curious optimism which can be detected among respected observers of the situation. Indeed, there is a consistency of positive thought among those who are close to the conflict. Regardless of their choice of victor, they believe that a solution is possible, and that, given the will, the United States could be the key to such a solution.

A death list has been issued which includes the names of probable negotiators for the opposition. It also may be unrealistic to assume that the moderate element of the opposition will embrace an election process designed exclusively by its opponents and with no guarantee of security or the means with which to organize a political effort effectively. It does now appear that violence will cease if it is held up as a precondition to negotiation, but it could cease as a result of political communication. I suggest that my colleagues ask themselves how secure they would feel while campaigning in El Salvador. I do not believe that I would feel secure, regardless of my respect for President Duarte.

So what can be done? Congress must have the information it needs to make sound decisions, and it must have the information quickly. A number of Latin American countries have been intensely involved in the El Salvador conflict. Mexico and Venezuela stand as the two most predominant countries in this respect. Each takes a different side, but both favor negotiation. It is no secret that the United States cannot afford to estrange these nations because they are increasingly vital to our security for energy related and other reasons.

A number of our West European allies have demonstrated a deep concern for events in El Salvador. The British can provide invaluable advice from their successful orchestration of a political solution to Rhodesia's seemingly hopeless conflict. The Zimbabwe model, while not fully applicable, provides both hope and concrete instruction on how to conduct an internationally recognized election process. The Organization of American States is also in a pivotal position to lend assistance.

The President must send an envoy to Latin America and to Europe to solicit recommendations and determine what willingness exists for nurturing a meaningful political process in El Salvador. All parties to the conflict, including the Catholic church and the opposition, must be included. This information should be made available to the public and to Congress in an open fashion. The envoy should be an individual who is known for his objectivity and is respected by governments everywhere.

Mr. President, I am not aware of an instance where more information was detrimental or where better communication was unhelpful. We cannot afford to do otherwise.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Embassy of Mexico in Washington, D.C., signed by Ambassador Hugo B. Margáin in which the discusses this amendment in the form of a procedure.

I also ask unanimous consent that a letter from the Canadian Embassy in Washington, D.C., signed by Mr. Peter M. Towe, Ambassador, also be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EMBAJADA DE MÉXICO,
Washington, D.C., April 6, 1981.

Hon. MARK HATFIELD,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I am very grateful for the interview you granted me on March 26, and during which you had the kindness to inform me about your bill to amend the Foreign Assistance Act of 1961 pertaining particularly to El Salvador.

I would like to reiterate that since the beginning of the conflict, my Government has been in favor of a political solution to the problem: one that would embrace all the opposing forces now in search of an answer which would be approved by the people.

Mexico is concerned about the involvement of the United States by its support to the Junta. This is the reason why we consider that the idea of your project is a good one: To find a political solution of the conflict in order to put an end to the terrible bloodshed in that country. Instead of violence, the country needs social progress through projects backed by international funds from the I.M.F. and the I.D.B.

The approach of your legislative initiative is constructive and one which I would like to see adopted.

My congratulations and best regards,

HUGO B. MARGÁIN,
Ambassador.

AMBASSADE DU CANADA,
Washington, D.C., April 14, 1981.

MARK O. HATFIELD,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I greatly appreciated the opportunity to discuss with you on April 1 the situation pertaining in El Salvador. I was especially sensitive to your offer to provide me with an advance copy and a thorough explanation of your proposed legislation to bring about a negotiated settlement in that troubled country.

Canada's position has been clearly stated for the record, as I indicated to you during our discussion. The problems of El Salvador can be resolved in the final analysis only through political discussion and negotiation by the Salvadoran parties directly concerned. As the Canadian Secretary of State for External Affairs, Mr. MacGuigan, pointed out in the House of Commons on March 9, "We believe there is an urgent need for a political settlement which will enable the moderate democratic elements in the Government of El Salvador and in the revolutionary forces to coalesce".

As I pointed out, however, Canada has no special expertise or capability in Central American affairs and we rely therefore on the views of those countries who have a closer understanding of the situation. For this reason, I believe that consultations among representatives of neighbouring countries are constructive. Your endeavours to assist in these consultations are laudable, as are the hearings you have been chairing on this issue.

Yours sincerely,

PETER M. TOWE,
Ambassador.

Mr. HATFIELD. I would like at this time to yield to the chairman of the Committee on Foreign Relations for a response, because I believe this has been worked out with the leadership of the committee and the staff of the committee for acceptance.

Mr. PERCY. Mr. President, I concur with the basic purpose of Senator HATFIELD's amendment.

The report and briefing it requests will provide a useful review of the political situation in El Salvador, of the prospects for solution to the ongoing crisis there and of the views of U.S. allies on these critical issues.

The situation in El Salvador is complex and changing, and the political environment is especially highly charged today, with all factions seeming to be jockeying and testing the prospects for elections or other political solution.

Certainly, as the distinguished Senator well knows, a member of the committee, Senator CHRIS DODD of Connecticut, was authorized to just recently go to El Salvador and specifically supported his intention to stop off in Mexico and to talk with the dissident groups there to get the total comprehensive picture up to date of the situation. He came back and announced that there was an agreement by all parties that they get together and, in a sense, in a face-to-face period of negotiation try to resolve the problems that are just wracking their country, costing hundreds of lives, and expending tremendous treasure at this time.

But in our desire to lead the parties to a political solution, we must be very cautious that we not make it more, rather than less, difficult to achieve. In the past administration there was an effort to use a special ambassador to coordinate relations with Mexico. The effort failed miserably and seemed really only to have confused the role of our own Ambassador.

I have discussed this at great length with the distinguished chairman of the Appropriations Committee. We went through the agony that we had on it. I questioned the wisdom of it originally. The administration just insisted it would work, and it just fell flat on its face. Everyone was confused, particularly the Government. They just did not know with whom they were dealing. Given the already difficult situation in El Salvador, we would not want to do anything that would confuse or appear to undercut the negotiating and other diplomatic efforts of Ambassador Deane Hinton.

In El Salvador, too, one of the principal impediments to political dialog among the parties seems to be that they do not talk to each other. A special envoy meeting and talking with all the parties that claim a role and stake in this situation might further delay dialog between the parties themselves or preempt efforts, perhaps already underway, to bring the parties together. He would seem to be a go-between, a negotiator, even if that were not our intent.

A political solution in El Salvador must be worked out by Salvadorans. We can encourage that, and our friends and allies in Latin America and Europe can encourage that, and I think we are. Deputy Assistant Secretary of State Ted Briggs has said that his door is always open to any Salvadorans who are interested in a political solution to the conflict there.

At the same time, I believe we in the Congress must also keep well informed on this issue. Therefore, I welcome Senator HATFIELD's language requesting that the executive report to us on this issue. I would add that they have been responsive with consultations with us, and we recently met with Deputy Assistant Secretary Briggs, who reported on his own trip to El Salvador to explore the prospects for political solution and elections there.

Furthermore, I would certainly pledge on the floor of the Senate, as I have privately, to my distinguished colleague, my classmate, my friend and the esteemed chairman of the Appropriations Committee, that because of his deep interest in this issue, because it is a moral issue, because he fought so valiantly and won on the Vietnam issue, and because he does not want to see us dragged back into that—nor do the 230 million Americans want to see us dragged back into Vietnam—I would cordially invite him every single time we meet in a group or individually with the Department of State on El Salvador to have him join us, to have his input, to have his question, and to have his audit of that particular program which is so important. Because, certainly, as chairman of the Appropriations Committee, every penny we spend down there is a responsibility of his in the appropriations process. We would welcome having his consultation, his advice, and his expertise and his deep concern on what is a very grave moral issue.

I think it would be reassuring to the American public if we do have that sense of cooperation and comity.

Mr. HATFIELD. Mr. President, I thank the chairman of the Foreign Relations Committee. It has been a pleasure always to work with him on these mutual concerns that we share.

I would like to underscore some of the comments that the Senator made as a clarification of the intent of this amendment, what it does and what it does not do.

Mr. President, I would like to underscore some of the comments made by the Senator in his explicitly stating that this role is not a mediating role that we are suggesting at all. It is a factfinding and information-gathering role.

The Senator suggested that we not make this exclusively a role for an "envoy" but that the phrase "or by other appropriate means" be added to the amendment, we have acceded to that wish on the part of the Senator from Illinois.

I assume, though, that when we inject the words "or other appropriate means," it does not indicate that the President is merely free to ignore the envoy idea but, rather, that he should consult or at least ascertain with the Senate that we are demonstrating that other means are preferable to that of an envoy.

That is all I am suggesting here in accepting the Senator's words; that we are not deleting the word "envoy" as a possibility, but if the President chooses some other means, he must indicate the reasons why it is more preferable to use other means.

Mr. PERCY. I think the Senator's amendment is very clear. It says, "a special envoy or other appropriate means." If the special envoy is used, I would think that the administration would, just as a matter of course, report to the Foreign Relations Committee on the results of that special envoy's work. If, in the event other means are used, I would expect the Department of State to come in and talk with the Foreign Relations Committee and justify what other means are more appropriate and the reason they have not selected a special envoy.

If such a discussion is necessary, I would cordially invite the distinguished Senator from Oregon to be with us at that time. And I would alert the State Department that they will be subject to questioning as to their reasoning if they choose other means and that they will be asked why.

Mr. HATFIELD. I appreciate the Senator's response. Those are precisely the ideas that are embodied in the purpose of this amendment.

I would also like to underscore what the Senator from Illinois indicated, that such a person, if it is an envoy or if there are other means the State Department should utilize, that the perception of the amendment is that there would be eyeball to eyeball contact, including contact with the opposition forces, to gather information.

What I am getting at here is that I do not feel that we need a further assessment from a distance or that an assessment may be transmitted purely through existing forces. What we are really looking at here is an attempt to get direct information. And that would include the possibility of information directly from opposition forces or parties to the conflict, which include those representatives stationed outside of the Nation altogether.

As we know, there are such forces outside of El Salvador, as well as within El Salvador.

I just wanted to clarify that particular point.

Mr. PERCY. Mr. President, when the Senator from Illinois was in the field of marketing, we used to call it "belly to belly selling." Whether you call it eyeball to eyeball or whether you call it across the table, there is no substitute for personal contact.

Certainly, President Reagan has found that, as he sat down with different chiefs of state, some of whom he was not sure he would relate to as closely as others, he has found that that intimate contact was essential. You can send all the cables and make all the telephone calls in the world, but there is no substitute for personal contact.

Parenthetically, I do hope, by the way, that at the appropriate time the leaders of the two superpowers, Chairman Brezhnev and President Reagan, will have talks. I think that the world is waiting for this. It is appropriate that they at some time sit down and not use the

foreign ministers or other representatives, but meet together as chief executive officers. Only they make the most serious commitments for their countries.

But, in this case, we would do everything to encourage the contacts Senator HATFIELD suggests. Certainly Senator DODD has made a significant effort in this direction.

(Mr. COCHRAN assumed the chair.)

Mr. HATFIELD. Mr. President, I wish to thank the chairman again for his very eloquent response. Also, I would like at this time to take notice of the excellent support and assistance we have received from the staff members of the Senate Foreign Relations Committee in working out this amendment. I really appreciate the support we have received.

Mr. PERCY. Mr. President, speaking on behalf of the majority side, we find the amendment acceptable. I will defer to my distinguished colleague from Rhode Island.

Mr. CHAFEE. Mr. President, will the distinguished chairman of the Foreign Relations Committee yield to me for a few minutes?

Mr. PERCY. Of course.

Mr. CHAFEE. Mr. President, the need to end the violence in El Salvador and the urgency of seeking a settlement to the political conflicts in that country are, I believe, widely recognized by my colleagues. The Senate has, in its previous actions concerning El Salvador during consideration of the foreign assistance bill, expressed its desire that El Salvador move as rapidly as possible toward meaningful economic and political reforms and representative government. My purpose in cosponsoring the present amendment and in requesting my colleagues to support its adoption is to reemphasize the sense of the Senate that progress toward a political settlement in El Salvador must remain the overriding goal of U.S. policy.

Mr. President, the events of the past few months convince me that a military solution is not the answer to the problems facing El Salvador. Violence, whether instigated from the extreme left or the extreme right, can only increase the suffering of the Salvadoran people and make less likely the achievement of democracy in El Salvador. Therefore, I believe that it is now more important than ever that the U.S. Government declare itself strongly in favor of a political settlement and that we take active measures to demonstrate our position.

This particular amendment requires that the President provide the Congress with a comprehensive report concerning the efforts being made to achieve a political settlement in El Salvador. The report would take into account the views of all interested parties, including the views of our allies in Latin America. The amendment expresses the sense of the Senate that an envoy should be appointed to conduct a factfinding mission and to gather information to be used in preparing the report. The appointment of an envoy would provide the extra measure of visibility and effort which, I believe, would be likely to produce a comprehensive and useful report.

I would like to stress that this amendment is independent of our other actions with regard to El Salvador. It is intended neither to diminish their importance nor to dilute their effects. I view this amendment as supportive of the Duarte government and its efforts and as supportive of the administration's announced policy goals regarding El Salvador. The report which is called for by the amendment is designed to insure that the Senate is fully apprised of the political situation in El Salvador and of the views and opinions of our allies and of the other interested parties. This information should aid us in our consideration of any further measures regarding El Salvador which may come before the Senate. It will also enable us to evaluate the success of our other aid efforts in promoting a resolution of the conflicts in El Salvador.

Mr. President, I wish to pay tribute to Senator HATFIELD for the amendment that he has proposed. I support it completely. The suggestions that have been made to revise it, I believe, are wise, as the senior Senator from Oregon has pointed out.

I would like to express my enthusiastic support for the efforts that are underway here. I think what is happening in El Salvador is a terrible tragedy and somehow we have to use our influence to find a true settlement to the problems there.

I thank the Chair, my colleague from Rhode Island, and the Senator from Illinois for his graciousness in yielding to me.

Mr. HATFIELD. Mr. President, I would like to express my gratitude to my good friend Senator CHAFEE, the distinguished Senator from Rhode Island, for his collaboration on behalf of this amendment. He and I have been on this matter for a number of months and have worked very closely. Really, it is as much a product of his thinking as it is of mine. I am very happy that he is a major cosponsor of this amendment.

Mr. PELL. Mr. President, I think this is an excellent amendment. I am very glad to be part of it. From this side of the aisle it should enjoy the support of all of my colleagues and we recommend its passage.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Oregon is agreed to.

The amendment (UP No. 508) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois to the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending business be temporarily set aside to permit the Senator from North Carolina to offer an amendment, and that immediately following the disposition of the amendment of the Senator from North Carolina, we return to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

UP AMENDMENT NO. 509

(Purpose: To impose a restriction on the furnishing of assistance for Zimbabwe)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 509.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

RESTRICTION ON THE FURNISHING OF ASSISTANCE FOR ZIMBABWE

SEC. 716. None of the funds authorized to be appropriated under this Act may be made available for the purpose of furnishing assistance for Zimbabwe unless the President prepares and transmits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report certifying that no military adviser or technician or other military personnel of the Democratic People's Republic of Korea has been present in Zimbabwe during any period after January 1, 1982.

On Page 84, line 4, strike out "SEC. 716." and insert in lieu thereof "SEC. 717.".

Mr. HELMS. Mr. President, in early July the first contingent of North Korean military advisers arrived in Zimbabwe to give their support and their encouragement to the government of Robert Mugabe. That first contingent approximated 200. Then it moved up to 500. It is now expected to grow as large as 900. As a matter of fact, nobody knows what the total number ultimately will be.

It scarcely needs saying, Mr. President, that this is a significant event, an alarming event. It is the first time that North Korean military personnel have gone to Africa. They have gone to Zimbabwe to train Zimbabwe's forces to put down internal dissent, and we all know what that means.

They have also come to set up training camps to train guerrillas for the invasion of South Africa. Each of us can speculate as to Mr. Mugabe's intentions and his motivations. Perhaps Mr. Mugabe called on the North Koreans because he particularly admires their uniquely harsh brand of Asiatic communism, or perhaps it is also because the North Koreans are allied to the Soviet Union. The Soviet Union has found that the Cubans do not make good surrogates when it comes to fighting. The East Germans, meanwhile, are already spread thin. It is reasonable to speculate that the Soviets may need the East Germans in Central Europe for whatever desires the Soviet Union may have on Poland.

The North Koreans, therefore, are the new serfs.

Now, Mr. President, the U.S. Government has promised to send $75 million of the taxpayers' money in aid to Zimbabwe, to this government of Robert Mugabe. I will be candid with the Senate. This Senator from North Carolina does not believe that the taxpayers' money should be sent to a country that calls in North Korean Communists to maintain its regime in power.

I noticed an article or two in the Washington Post, recently, stating that the North Koreans are supposed to stay only 6 months in Zimbabwe. That is 6 months too long.

The United States should not send one penny in aid as long as the North Koreans are in Zimbabwe, in my judgment. That is why, Mr. President, I have sent forward the pending amendment. This amendment is as forthright as it can be.

It would require that the President certify before any aid is sent to Zimbabwe that the North Koreans were no longer in Zimbabwe after January 1, 1982.

Why did I select January 1, 1982, Mr. President? It is simple. I chose it because that is the end of the approximately 6-month period which is supposed to be the duration of the North Koreans' stay in Zimbabwe.

So the amendment is very simple. We will have given the North Koreans their 6 months in Zimbabwe, which is more than I think we ought to give them in terms of committing or sending the U.S. taxpayers' money to Zimbabwe.

Through this amendment we are giving Zimbabwe the benefit of the doubt. But, Mr. President, if the North Koreans are not out of Zimbabwe by January 1, 1982, then Zimbabwe gets no aid from the taxpayers of the United States.

Mr. President, I ask unanimous consent that at this point in the RECORD an article from the August 10, 1981, edition of the Washington Post entitled "North Korean Advisers Arrive To Train Force in Zimbabwe" be printed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH KOREAN ADVISERS ARRIVE TO TRAIN FORCE IN ZIMBABWE

(By Jay Ross)

SALISBURY, ZIMBABWE, August 10.—More than 100 North Korean military advisers have arrived here to train a brigade of about 5,000 Zimbabwean troops in a program that could touch off political repercussions in the United States and South Africa.

Salisbury airport personnel witnessed 102 North Korean troops disembark in the predawn hours Saturday. The government has made no announcement and declined comment on the troops' arrival.

Western diplomats, so far adopting a low-key approach, said the North Koreans will train the brigade to use military equipment that the Pyongyang government is giving to Zimbabwe.

The materiel, which has not yet arrived, is said to include tanks, armored vehicles and light weapons. It is believed that the training program, to be carried out at Inyanga about 100 miles southeast of Salisbury near the border with Mozambique, will last about six months.

Diplomats dismissed as speculation reports that the Korean troops will be involved in combating South African-backed rebels in neighboring Mozambique or would act as a political security force. They said they had been informed that the program will be limited to training with the North Korean-provided weapons.

Another diplomat said, "The critical matters are the numbers, the length of their stay and the purpose for being here." So far, he added, the situation "is not all that grave."

The United States, among Zimbabwe's major aid donors, may not regard the North Korean presence, which is believed to be Pyongyang's largest overseas military training program, with such equanimity. To the United States, North Korea is a hard-line Communist enemy it once fought in a war.

Zimbabwe Prime Minister Robert Mugabe sees North Korea as a non-aligned country that was one of his key suppliers of armaments during the seven-year guerrilla war for black majority rule.

Mugabe has never hidden his high regard for North Korea. He made his first official visit as prime minister to Pyongyang last October, where he signed treaties of friendship and cooperation. After his visit the media here lavished praise on North Korea and its publications began to appear in government offices.

Mugabe has criticized the presence of American troops in South Korea, and his government barred a South Korean exhibit at the country's major trade fair last year while giving prominence to the North Korean exhibit.

For Mugabe, an analyst said, North Korea is just as nonaligned as Yugoslavia, a communist country with which the United States enjoys good relations. Pyongyang has criticized the Soviet invasion of Afghanistan and the Vietnamese occupation of Cambodia, but it also maintains some diplomatic distance from neighboring China.

Such distinctions are certainly lost on neighboring South Africa, which fears being surrounded by communist nations and is likely to regard the North Korean move as a step in that direction. The presence of the communist troops could lead to economic retaliation by South Africa, which controls most of Zimbabwe's trade.

Mugabe is likely to feel that bringing in North Korean advisers balances out the military training program being carried out here by Britain, whose advisers are helping integrate Zimbabwe's three wartime forces into a national Army.

Sources said the British have been kept informed for months about Zimbabwe's plans. At first the British were apprehensive about the impending arrival of advisers uesd to a different system and tradition. But Sir Edwin Brammall, British Army chief of staff, said during a visit to Zimbabwe last month that if other countries become involved in the training it will not have any effect on the British program.

North Korea trained troops in U.S.-supported Zaire in the 1970s. The program was abandoned when Katangese rebels invaded the area, and the half-trained troops are reputed to be among the worst in the country.

The Mediterranean island of Malta currently has six Pyongyang military advisers.

[In Washington, a State Department official said North Korea has been active in recent years in providing military equipment and training, including "a substantial military presence until recently in Libya." Current clients include Madagascar and Iran, where sales of relatively unsophisticated equipment are not believed to have been accompanied by military advisers, he said.

["The list of countries that at one time or another had some North Korean military advisers would extend to at least a dozen," he said, adding that Pyongyang seems to be motivated by a desire to bolster its non-aligned status and to earn much-needed hard currency.]

Mr. HELMS. Mr. President, those North Korean military advisers went to Zimbabwe at the invitation of Robert Mugabe. They did not just happen to go there on a vacation. They went there at his invitation and for a specific purpose.

According to intelligence sources, the North Koreans joined a significant number of Cuban advisers who are already manning a very important communications and training center in Zimbabwe, and otherwise making themselves useful to Zimbabwe's new Marxist Prime Minister, Mr. Mugabe.

The British military advisers, still several hundred strong, are reported in the media to be in a state of acute demoralization. Tours of duty have been necessarily reduced to 6 months per man, and only volunteers are deployed.

They have been given the least effective members of the Zimbabwe Army to train and it is widely believed that the British advisers will gradually be phased out of the marginal role to which they have been relegated by Mr. Mugabe as the East Bloc forces assume an even larger role in the training and advising of the army of Prime Minister Mugabe.

Mr. President, look at what is happenign in Africa. Recently, the Government of North Korea donated $21 million worth of weapons to Mr. Mugabe's forces, supplementing other East Bloc military and police contributions. And more and more frequently, Mr. President, Prime Minister Mugabe is speaking out about the importance of imposing a one-party state upon the people of Zimbabwe. That, Mr. President, is the whirlwind that the United States, in its ill-advised policy, will reap.

Meanwhile, the exodus of the most skilled white Zimbabweans and their families is taking place at an ever-accelerating rate despite efforts by the government to prevent such departures by forbidding those leaving from taking even their household goods and furniture. Yet there are some who would say, "Well, we shall go ahead and send the U.S. taxpayers' dollars to Mr. Mugabe in Zimbabwe."

This Senator says no.

Why is that exodus taking place, Mr. President? For several reasons. It is not because white citizens do not love their country. Zimbabwe is a magnificent country, with striking mountains and high waterfalls and rich plains. And, of course, leaving their homeland is an extremely painful decision for the citizens of Zimbabwe. These citizens are leaving not because they cannot stand to have blacks in government. That was settled long ago. Those who could not abide blacks in government were the ones who departed immediately after the arrival of Mr. Mugabe.

No, Mr. President, the people who are leaving now in ever-increasing numbers are those who decided to give Mugabe's government a fair chance to show what it could do, and now they are leaving in utter despair.

The whites are not leaving Zimbabwe because the country lacks economic potential. To the contrary. Zimbabwe's economic potential is visible to all. The whites are leaving because they, like

the international investment community, clearly see the future, and know that the economic potential of Zimbabwe is not likely to be achieved. Not now, and not in the foreseeable future.

The educated people of Zimbabwe know that Marxism and North Korean soldiers are a recipe for economic and political disaster, not development. These educated people see a locomotive coming down the railroad tracks upon which they are standing, and they lack the power to stop the train. So they are getting off the tracks, and out of the country, at an ever increasing rate.

The educated people of Zimbabwe know the meaning of the fact that Prime Minister Mugabe has closed off a vast region of Zimbabwe, and permitted the establishment of four training camps for ANC guerrillas poised against South Africa.

Today, inflation is running at an unprecedented rate as the printing press runs to finance Mr. Mugabe's vision of socialism, and his enoromus 60,000 man army. Instead of creating the conditions that would attract investment, and producing jobs and wealth, Mr. Mugabe has announced that every fit male leaving school will be henceforth given military training.

Vast increases in public spending have sapped the strength from the Zimbabwe economy. Only enormous foreign aid infusions from the United States and Europe have prevented utter chaos. But while disaster has been averted, living conditions are falling, for both blacks and whites. And while the whites have increasingly decided to leave, black Zimbabweans have no place to go. Discontent with Mr. Mugabe's rule and prospects is rising.

To contain this dissatisfaction, and to end speculation on the role of the North Korean advisors, Mr. Mugabe has publicly stated that the North Korean forces would be used to control internal dissent. All this was discussed at length in a recent article from the Economist, entitled "Shots From the Hip." Mr. President, I ask unanimous consent that this article from the September 19 issue of the Economist be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I also ask unanimous consent that an article by Dr. Hans Germani which appeared in Die Welt on July 30, entitled: "Mugabe's Way to Socialism, Economic Disaster, and Disintegration," be included in the RECORD at the conclusion of my remarks. This article discusses in detail the conditions inside of Zimbabwe that have produced the unprecedented white flight from Zimbabwe.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

I am, of course, not surprised by any of these developments. They were predicted by this Senator from North Carolina and by others many times during the debates in the Senate on Rhodesian policy. My purpose today, however, is not to talk about the past, or about what might have been in Rhodesia if another policy had prevailed.

But distressing things are happening inside Zimbabwe today. If the trends are not somehow reversed, tragedy lies ahead, not only for the people of Zimbabwe, but for people throughout the region.

The question we need to ask ourselves is this: is there anything that we can do to influence developments in that country in a positive way? Or must we simply stand by while our millions of dollars of aid money helps a Marxist regime consolidate itself, and prepares to join in a race war against South Africa as soon as it feels strong enough to do so.

I think it would be important for us to determine the answer to these questions sooner rather than later. And I believe that I have found a clear way of determining at least a partial answer.

Through my amendment the Congress would make it clear to Mr. Mugabe that if the North Korean military advisors are not out of Zimbabwe permanently by January 1, 1982, American economic aid to Zimbabwe will be immediately terminated.

I would personally recommend that such aid funds be transferred to the Government of Sudan, which is struggling against Mr. Qadhafi's intrigues and forces. Such congressional action would have many advantages, to the people of Zimbabwe, and to the free world as a whole.

First, this amendment will make Mr. Mugabe realize that there is an important price to be paid for bringing North Korean forces into Southern Africa. This price tag might cause him to step back from the abyss.

The British are likely to continue their aid for some time to come, regardless of the real situation inside of Zimbabwe. The British Government has an important stake in preserving appearances for as long as possible in Zimbabwe. But the loss of American aid would be painful to Mr. Mugabe. And it should be.

There is no overriding reason why American tax dollars should be thrown away merely to help a Marxist regime consolidate itself with the assistance of North Korean military personnel. Possibly if the American Senate speaks out clearly, in a way which is meaningful to Mr. Mugabe, he will reconsider his policies before it is too late for him to turn back.

A second reason for an amendment of this nature is the fact that the United States has limited aid dollars. My feeling is that these scarce dollars ought to be used in as cost effective way as possible. And I can think of a lot more cost effective places for these dollars than subsidizing the Marxist consolidation of Zimbabwe.

Finally, this amendment will focus attention on the broader problem, the presence of tens of thousands of East Bloc military personnel in various parts of Africa. Again, the Economist magazine describes this process as "The New Scramble for Africa" a reference to a similar process in the late 19th century. Let us examine the numbers of East Bloc military forces on a country by country basis in Africa:

Angola—18,000 Cubans, 850 Russians, 1,000 East Germans;

Ethiopia—11,000 Cubans, 2,000 Russians, 180 East Germans;

Mozambique—500 Russians and other East Europeans;

Madagascar—300 East Europeans;

Benin—1,200 Russians and East Europeans;

Congo—220 Russians and East Germans;

Equatorial Guinea—100 Russian military advisers; and there are thousands more nonmilitary personnel from the East Bloc in Africa carrying out various roles. I do not mention in this list the 11,000 Libyan troops in Chad and their East Bloc advisers.

The point is that the Soviets and their friends are very actively involved in Africa in a military sense, as well as in a political sense. And, sooner or later, we are going to have to face up to the implications of this activism, destabilization, and aggression.

The time has come for the U.S. Senate to take a modest step in the direction of recognizing the seriousness of this problem. Possibly if we act now, we can prevent yet another country in Africa from becoming the permanent host to a new contingent of Communist bloc military personnel.

Let us send a clear signal to Mr. Mugabe that unless his Korean contingent departs from Zimbabwe by the first of January, the price will be the suspension of all American military assistance.

(EXHIBIT 1)

[From the Economist, Sept. 19, 1981]

SHOTS FROM THE HIP

In his first year in office Zimbabwe's prime minister, Mr. Robert Mugabe, earned a reputation as a sensible and practical leader. He was conciliatory at the right time and with the right people, and tough with those who strayed too far out of line. In the past few months he seems to have lost his touch—Zimbabwe has been plunged into greater uncertainty than at any time since independence.

First there was the strange affair of up to 200 North Korean advisers, which Mr. Mugabe said were needed to train a new 5,000-man army brigade in the use of military equipment supplied from North Korea. Mr. Mugabe now adds that the North Koreans are training the brigade to handle internal dissent. This has upset his old rival, Mr. Joshua Nkomo, especially since the brigade is to be made up almost exclusively of former guerrillas from the prime minister's own party. The rest of Zimbabwe's army is a mixture of the old Rhodesian army and the two former guerrilla forces.

Mr. Mugabe's repeated references to the desirability of a one-party state have alarmed the opposition. Mr. Nkomo seems to have concluded that the new brigade may be used to help usher this in. Mr. Mugabe also recently announced that unemployed school leavers will be given military training to help defend the country against South African efforts to destabilise it. Yet the government is supposedly trying to demobilise 20,000 members of the country's 60,000-strong army.

Mr. Mugabe's ministers have been saying some discomfiting things. Whites have been told they can no longer take their furniture with them when they emigrate. White farmers in the south have been accused of smuggling cattle into South Africa. With the euphoria of independence fading the prime minister may think that taking an

occasional slug at the whites will help him to remain popular with the rest.

Squatters impatient at the pace of land resettlement have in several areas moved on to government-owned or white-owned property. Workers in towns are beginning to feel the effects of inflation, and are pressing for wage increases well above the levels fixed by the government. Mr. Mugabe, unable to keep the promises he made during his election campaign, sees his support dwindling. The danger is that he could come to believe that force is a substitute for popularity.

(EXHIBIT 2)

[From Die Welt, July 30, 1981]

MUGABE'S WAY TO SOCIALISM, ECONOMIC DISASTER, AND DISINTEGRATION

(By Hans Germani)

In Zimbabwe, even the blacks are asking: When will former white Prime Minister Smith return?

I was having tea with Germans in Salisbury, the capital of Zimbabwe. Beside the growing political and economic difficulties, the talk also turned to the topic of public order. I heard that one of my best friends, the 68-year-old Bavarian missionary Edmar Sommerreisser, was murdered on April 25, 1981, almost exactly a year after the country gained independence. This murder can serve as a symbol for what is happening here.

For 30 years, this priest of the Order of Mariannhill, who was born in the Bavarian part of Swabia, had dedicated his life to the blacks of Rhodesia, which is now Zimbabwe. The Mariannhill priests and the "Sisters of the Precious Blood of Jesus Christ" had created a network of Christian testimony and medical and social care in Western Rhodesia. The patres did not lack priestly courage before the thrones of modern tyrants.

When in the beginning of 1977, about 500 students of a Lutheran school in Western Rhodesia were abducted by guerrillas to Botswana to be pressed into military service there, two Catholic priests, the Bavarian Sommerreisser, and Kowalski from Upper Silesia, went to Botswana with hundreds of black Lutheran parents to try to have the children released.

They courageously protested to the world press. It was probably then that the guerrillas decided to kill Sommerreisser. He brought back 100 children. Parents of the other 400 children who did not return, like Mr. and Mrs. Dube from Bulawayo, asked me in desperation: "Why won't the West help us?" In Sommerreisser's mission, Gwanda, I often met desperate parents of newly abducted children. A bishop of the mission and two priests, a doctor, and some nuns were murdered by guerrillas.

When the war was over, Sommerreisser and some nuns set about to restore the mission "Regina Mundi", which had been abandoned during the upheavals. It was there that his fate overtook him, even though it was now peacetime. His provincial superior, Odilo Weger from Nuremberg, reconstructed his death from eyewitness reports and other evidence:

THE COUNTRY HAS NOT FOUND PEACE

Three former guerrillas came to the mission and demanded money from the old, poverty-stricken missionary and beat him with iron bars. But the old man was still as strong as a bear and chased them away with a slap in the face: "What, you want to steal, you scoundrels?" Then he got on the telephone and warned the nuns not to leave their house and to call the police. As a precaution, he got his old blunderbuss out of the cupboard, but he forgot to draw the curtains. The deadly salvo of a Kalashnikov hit him through the window.

Zimbabwe has not found peace. "It is true that public safety has improved somewhat during the last six months", Western diplomats and white farmers admit, but the latter do have some reservations. Traffic is unhindered on the country's main roads, even in the formerly dangerous North. But at a tea party on a farm in the North, I also heard the other side: farmers are often ambushed, beaten, and robbed on the roads by the now unified Zimbabwe army (a combination of Nkomo's Zipra guerillas and Mugabe's Zanla warriors commanded by Soviet puppet Masuku, a former Zipra general).

And there are worse things still: Near Fort Victoria in Southern Zimbabwe, a female witch doctor who claims to be the reincarnation of the famous witch doctor "Mbuya Nchanda" (who led the 1896 uprising against the whites), is ordering the killing of white farmers in the area. It is rumored that the police investigation has turned up evidence of complicity on the part of the health minister and friend of witch doctors, Dr. Ushewokunze. This evidence is held under lock and key by Mugabe, who is using it to keep his rival Ushewokunze in line.

At a tea party on the farm in the North, I met two of the last farmers of the area: in Mount Darwin, all 22 farmers, who were still there at the time the country gained independence, have sold out, one of them to the state cooperative, whose paid "socialist" manager he has become. With the help of Mugabe's party organization, he is now forcing his former hired help to fulfill their prescribed work quota.

In Centenary East, the farmers are disappearing. My hosts are among the last ones. One of them wants to leave. The reason: no spare parts for machines, drastically increased prices for gasoline and machines, and no chances for further credits. Like he, many are abandoning the land, leaving it to the mortgage institutions. Both farmers say: "What bothers us is the desperation of our black help. We hear nothing more of wage demands, work stoppages, or references to Mugabe's party as in 1980. Now they ask that we give them work on weekends, so they don't have to go to the party meetings."

A black foreman, who came in to discuss a job, told us: "Formerly, when the Smith government called us together, we got money. Now, when Mugabe's party calls us together, it wants money. They have doubled our wages but abolished payment in food because they said it was against human dignity. But the prices are three or four times what they used to be. How can we get enough to eat? He cautiously asked: "Isn't Smith coming back?"

The second white farmer said: "I am trying to stay on. So far, my workers are on my side. If need be, we'll turn into guerrillas and fight against Mugabe and his domestic and international supporters."

Whether to stay or to leave is being debated in every white household. Emigration has been made more difficult. Any family that leaves may take only DM 3,700, a used car, if it has owned it for at least three years, and (for the time being) its furniture. The rich find ways to circumvent these restrictions. An industrialist told me of a trick that allows you to get half of what you own out of the country, and an ambassador knew still another trick, but I had to promise not to publish them.

The people who emigrate nowadays are different from their predecessors: the first wave consisted of skilled workers, technicians, employees, civil servants, small farmers weighed down by large mortgages. Now, there are also rich farmers and industrialists. Some of the farmers have already bought new farms in South Africa. The reason: there are no more skilled workers and no more honest civilian servants left.

The official number of whites who have emigrated since April 1980 is almost 30,000, but the unofficial number is much higher. Many left in the guise of tourists, taking along a new car, their boat, and DM 7.500 per family. It can be seen from the numbers of people who voted in runoff elections: even if we assume that only 50 percent of the voters went to the polls, it becomes clear that in urban upper-class districts, where emigration has been lightest, more than one third of the whites has left since the last voter registration in 1975. In middle and lower-middle-class districts and in the country it is still worse. At least half out of ten of my personal acquaintances have left since 1980. At best, there are now only 140,000 to 150,000 whites left in Zimbabwe and by the end of the year, this figure will have dropped to less than 100,000.

The catastrophic situation in the field of medical care is contributing to the exodus. The chief doctor of the hospital of Umtali, the third largest city in the country, Dr. von Fürstenberg, a German who has been working in this country for 30 years as a doctor, will be replaced in September by a totally inexperienced young black doctor with a low membership number in the party. Health minister Ushewonkunze employs only party members and witch doctors.

The following incident is typical: in the pediatric department of Andrew Felming Hospital, which used to be one of the best-integrated hospitals in Africa, experienced Scottish nurse Sue McIntyre was passed over in the appointment to head nurse by an inexperienced black nurse who is a party member. Under the latter's aegis, another black nurse beat a black child (it could just as well have been a white one) to death. Proceedings were instituted against nurse McIntyre, who had nothing to do with the whole thing, "for not having prevented it, being a (powerless) white woman". The next day, the proceedings were dropped: Sue's best friend is a black nurse who, in private life, is the minister's girlfriend. But nurse McIntyre, one of 40 white nurses left of the 240 in 1980, has had enough; she is going back to Scotland.

Even those Western diplomats who still preserve a measure of goodwill towards Mugabe admit that the state is incompetent and corrupt. They say that he has done everything in his power to discourage foreign investors. They are allowed to take home only 50 percent of their profits, and they are "encouraged" to leave half of that in the country. A state sales organization for minerals, chromium, asbestos, coal, and gold has been set up. This is as much as nationalizing the entire mining industry. Waste and corruption are rampant: scores of party functionaries come along free of charge on all official trips.

The two new governing cliques, former guerrillas and mostly Western-educated Marxist intellectuals, are dividing the spoils of the state. The state budget is drastically increased: alone for the creation of a state youth organization, the "Mugabe Youth", it projects DM 8 million. Formerly, only DM 200,000 were spent on youth sports programs.

The last attempts at foreign investment were cut off by Mugabe at the beginning of June, when he propagated state ownership of land, minerals, and the means of production. It is a strange product of two European intellectual movements, which have influenced the fanatically racist African Mugabe (his racism is apparent even though he skillfully hides it): Marxism, which he taught himself and fanatically adheres to, and left-wing Catholicism. According to his own testimony, the first to teach him "purely social Gospel" were revolutionary Irish priests.

TWO CLIQUES ARE DIVIDING THE STATE BETWEEN THEM

In spite of this, Western diplomats continue to stick to Mugabe because "he has forced the Soviet Union and the GDR to sign long treaties of submission, in which they renounce all interference in Zimbabwe's af-

fairs". According to information received from the Zimbabwean foreign ministry, this is nothing but a pious tale. In reality, these were routine treaties of three paragraphs. The economy seems much clearer: Mugabe is steering a socialist course.

During the OAU Nairobi Conference, he said "unfortunately" he could not abolish the free-trade structure of the country, which he had inherited, over night. But he wanted to create a one-party state and liquidate the white "Republican Front" of former Prime Minister Ian Smith through his supporters in the "Democratic Party" of former MP Holland. The latter part of this plan did not succeed. In two by-elections, the whites, hard-nosed Anglo-Saxons, stuck by the "Republican Front".

The economic situation is that of a state in the process of socialization: shortages are spreading. The surplus harvest of 900,000t corn cannot be exported because of chaotic transportation and is beginning to rot. The supplies of diesel fuel, which Smith and Muzorewa had carefully assembled, have been thoughtlessly used up. Now, even the domestic food supply is breaking down. Butchers are closing down, meat is a luxury item, and there is not enough milk for the children.

In this atmosphere of decay, only the wheat of the Soviet Union is flourishing. It has assured the chief KGB agent in the country, former Nkomo general Dimissa Dibengue, of a place close to Mugabe. He is promising Mugabe to make attractive offers to his former companions to bring them into the Party. It will not be the Chinese, as originally planned, who will train the army, but the North Koreans, who are much more acceptable to the Soviets (the British advisors have been completely pushed aside).

In Southeastern Zimbabwe, across from Pafuri, the main stronghold of the anti-South African communist terror organization ANC in Mozambique, and close to the South African border, there are once again "forbidden zones". I was told by the colleagues of one of the last white officers of the army that he once ran into a group of armed men there and killed one of them. In his pocket he found ANC documents. The white officer had to flee the country.

An industrialist told me: "I know from a reliable [communist] party source that the first East German secret police experts have arrived. That's how it started in Mozambique, too."

Mr. HELMS. Mr. President, I do not desire to detain the Senate long on this amendment. I hope that the managers of the bill will accept this amendment. Certainly, this is the least the Senate can do, if we are interested in trying to preserve and protect freedom in Africa. If we do not perceive what is happening, then surely, we are blind.

I yield the floor, Mr. President.

Mrs. KASSEBAUM. Mr. President, as chairman of the African Affairs Subcommittee, I oppose this amendment. I greatly respect the observations of the Senator from North Carolina on African matters. We share, both of us, a concern for the stability and success of the developing nations in Africa. Our relations with the newly independent nation Zimbabwe have been a matter of special interest to me. In addition to my official responsibilities, my interest in Zimbabwe was heightened when my daughter spent this past summer working there to help reestablish Zimbabwe's livestock industry as a veterinary student. The country she described to me on her return was a nation that was making great strides to overcome the damage, both physical and psychological, of a very long civil war.

The U.S. relationship with Zimbabwe is based on this administration's understanding of the strategic importance of southern Africa to American security and prosperity. There is a consistent, and well thought out, policy that has been approved by the President and which applies to the entire region. One of the principal goals of that policy is to halt the spread of Soviet influence in the region. For the Senate to suggest, as this amendment clearly suggests, that the present administration's policy toward meeting the security interests of the United States in Southern Africa is flawed will be construed, both in Africa and in other regions, as a vote of no confidence in the President's policies.

Mr. President, I have followed the evolution of American policy in the region closely, and I have found not one shred of evidence to suggest that such a vote of no confidence is warranted.

I share with the Senator from North Carolina his concern about North Korean troops if, indeed, they were escalated as his projections tend to show. But the Department of State has said that approximately 100 North Korean soldiers have arrived in Zimbabwe to train Zimbabwe troops in the operation and maintenance of North Korean equipment which is being supplied. This is clearly a matter of concern to the President, but it must be seen in perspective. By far the largest military aid program in Zimbabwe is that of the United Kingdom. Our allies and I have been assured by reliable sources that the British are likely to remain the largest military aid provider in Zimbabwe.

I think it is misleading to assume that there is going to be a withdrawal of those support troops and advisers from the United Kingdom. The number of British advisers is double, and perhaps triple, the number of North Koreans. Zimbabwe, as a nonalined nation, is trying to balance its military assistance in order to maintain its nonalined stance.

Prime Minister Mugabe will have to play an important role in our search for a Namibian settlement and an end to foreign military presence in southern Africa. In order to gain his cooperation in achieving our foreign policy goals, a careful diplomacy must be practiced. Foreign policy by legislation in sensitive political negotiations is dangerous, as it clearly undermines the President's credibility in dealing with foreign leaders.

Mr. President, last month the Senate voted overwhelmingly to free the President's hand in another country in southern Africa. Our action had an impact in his ability to negotiate with the parties in the region because it demonstrated to the world that he had the full confidence of the Senate in his regional strategy. To vote now no confidence in those policies would be, I believe, a tragic mistake.

Mr. President, again, I certainly share with the distinguished Senator from North Carolina his concern about tax dollars going to a country where he would question the policies of that country. But there are a number of nations where our tax dollars go on which we all would have some reservation, but believe that the overriding risk that might be inherent is important in the long run for the stabilization of policy in that particular region. For these reasons, I certainly hope this amendment will not be successful.

Mr. HARRY F. BYRD, JR. Mr. President, I commend the able Senator from North Carolina for the amendment which he has presented to the Senate this evening. The Senator from North Carolina, I feel, has made a very strong case for his amendment.

I think we need to remember, Mr. President, that for 30 years now, the United States has kept thousands of troops in South Korea to help bolster the South Korean defenses against aggression from the North Koreans.

Now we find that North Korea is exporting military advisers into the Continent of Africa. The Senator from North Carolina brought out earlier that the North Korean military advisers came to Zimbabwe at the request of the Marxist Prime Minister.

I know of no logical reason why American tax dollars should be sent to a nation such as Zimbabwe so long as it is having its military forces trained by the North Koreans, when we all know that North Korea has been an aggressor nation and that as the result of its aggression, the United States has been required to send American troops into South Korea to help keep the aggressiveness of the North Koreans to a minimum.

So I support the amendment offered by the able Senator from North Carolina. It makes good sense. It is something Congress should do.

Mr. Mugabe, the Prime Minister of Zimbabwe, is a self-proclaimed Marxist. He is proud of it. That is all right, if that is what his convictions are. But I know of no reason why the United States should help finance, by tax funds, that country, so long as its military troops are being trained by the North Koreans. That is what the amendment provides, as I understand it—that no U.S. tax funds should be transferred to Zimbabwe so long as the North Korean military advisers are there, training the Zimbabweans, presumably training them in the Communist way of doing things.

Mr. HELMS. Mr. President, I am grateful to my friend, the able senior Senator from Virginia, who has been in the forefront of trying to alert the Senate and this Nation for years about what was happening in Rhodesia, which is now named Zimbabwe.

I recall the Senator's valiant fights—one that he won, all of which he should have won. I thank him for his comments, and I appreciate his support for this amendment.

Mr. President, the distinguished Senator from Kansas raised the question of British advisers. I am glad she did, because I say to her, and for the record, that in terms of the numbers of the North Korean personnel versus British personnel, my information is that there are now 450 British personnel, soon to be reduced to 350. The North Koreans now number somewhere between 200 to 400; and, as I said earlier, at least 900 are expected shortly.

Mr. President, Mr. Mugabe is already providing a base area for the training

of ANC guerrillas. He has already invited Cuban advisers, and he has already invited North Korean advisers. He has announced his intention to form a one-party state, Marxist style. He is, as the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) has just said, a self-proclaimed, proud Marxist. He has said that he intends to use Korean troops to help control what he calls internal dissent, and I say again that we all know what that means. If we do not know, ask the Poles. He has announced that he intends to turn his nation into a socialist country on a Marxist model, step by step.

So it is almost irrelevant to even discuss what influence we may have with Mr. Mugabe one way or another. He is a Marxist and proud of it, as the Senator from Virginia has said.

Mr. Mugabe is merely using the tax dollars of the American people as a means to consolidate the Marxist system in Africa. As long as we continue to hand out money to him and his regime with no strings attached, he will continue to lead his nation down the garden path toward Marxism.

I reiterate that the purpose of this amendment is to see if we can send a message to Mr. Mugabe. If we send this message, with a little luck the North Koreans will go. If the North Koreans do not go, certainly the Senate should cut our losses now and save those millions of dollars of the taxpayers' money.

Mr. President, a recent issue of the foreign policy newsletter, American Relations, published by the Institute of American Relations, contains a very perceptive article on the deteriorating situation in Zimbabwe, with particular emphasis on the fundamental contributions to the welfare of all Zimbabweans made by the British and other European settlers. As usual, American Relations continues to enhance its reputation as one of the foremost foreign policy newsletters published in Washington.

Mr. President, I ask unanimous consent that the article, "Is Zimbabwe the Model We Want?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS ZIMBABWE THE MODEL WE WANT?

In the short post-World War II period of seven years between 1946 and 1953, when the Federation of Rhodesia was proclaimed, some 112,000 British citizens migrated to Rhodesia, including men, women and children. Each family was required to bring with them 2,000 pounds sterling; each single individual, 1,000 pounds sterling. The total brought by these emigrants in that period was 31.2 million pounds sterling, worth today about 250 million pounds sterling, or 450 million Zimbabwean dollars, or about 700 million U.S. dollars.

The effect of this great infusion of private capital was enormous. In Northern Rhodesia (now Zambia) the growth rate was about 40 percent in that period; in Rhodesia proper, it was about 30 percent. Most of those who were coming were the brightest and the most venturesome, those most anxious to escape the socialism of Britain, and to make a better life. Significantly, they were not colonialists expecting to make a quick killing and retire "home" to the hills of Devon; nor were they investors directing the manipulation of huge sums of capital from their club rooms on St. James Street in London. They intended to stay.

They found a country that was still primitive, as only Africa can be primitive. As late as 1947, water supply even in the city of Salisbury was inadequate, medical facilities were at a minimum, and a disastrous crop failure required the importation of thousands of tons of grain to feed the black population. Roads had to be built, dams surveyed and constructed, airports developed, and an educational system built up from scratch. To all of this, Great Britain contributed no aid; it did not even provide a Colonial Service for administration. The Civil Service was paid for entirely by the immigrants, and perhaps for that reason, became universally recognized as the most efficient and most competent in all of Africa.

These were primarily the people who, grown to 200,000, supported Ian Smith in his Unilateral Declaration of Independence in 1965. They were reluctant to hand over their capital, their economy, and their country to the black nationalists and Marxists, on the one hand, and the financial moguls of Britain, in alliance with the Foreign Office, on the other. Their farms, for example, had been purchased at prices equivalent to $100,000 or $300,000 today. For the most part, they were situated in the arid highlands, tillable only with the irrigation systems which they developed. Their factories and businesses had been built up by skillful management and administration under their day-to-day supervision.

By 1979/80, there were 87,000 taxpayers in Zimbabwe, of whom nearly 34,000 were women (hardly fulfilling the image of indolent matrons lolling on the edge of the swimming pool). Less than 1 percent of these were black. Indeed, 94 percent of the gross domestic product was earned by the white population. Of the eight million total population, about 900,000 worked in a wage economy. The rest were engaged in subsistence agriculture, mostly on tribal lands, and engaged in no productive activities from a modern standpoint.

It is fashionable, since Zimbabwe became independent, to regard these statistics as evidence of inequity. But inequity to whom? A mere 87,000 people were supporting the basic needs of seven million. Although the disparity in incomes was great, so too was the investment of capital, the level of education, and the level of understanding of a modern economy. In short, the disparity of responsibilities was greater than the disparity of rewards.

The Tribal Trust Territories were the homelands of the black nations that originally lived in the region. The Shona peoples were the majority (about 80 percent), but they were subdued by the fierce Matabele. Long before the white man came, they chose the lowlands and the river valleys where they had water and vegetation to hide them from their enemies. They stayed away from the arid plateaus where there was no cover, little water, and where the soil was too hard to be broken by their stick plows.

In the lowlands, the Shona followed the tribal custom of communal tribal ownership, with a small plot of six or eight acres assigned to every male at the age of 18. In the past 30 or 40 years, an explosion in the birth rate has tripled the number of persons living in these areas, with each male expecting his small plot at 18. With great efforts, the former Rhodesian government sought to provide sheep-dips, education, agricultural extension, and cooperative services; but the backward farming techniques and the depredations of Robert Mugabe's terrorists resulted in exhaustion and erosion of the soil, and the production of crops too inferior to market even if there were a surplus.

That is why today a mere 3,500 white farmers, with their own capital, modern seeds, steel plows, and tractors, and advanced irrigation techniques produce Zimbabwe's only marketable surpluses on the highland.

ZIMCORD AND THE U.S. TAXPAYER

On March 23, 1981, representatives of some 40 nations and international banks met in Salisbury for ZIMCORD, the Zimbabwe Conference on Reconstruction and Development. This conference was held in response to what Prime Minister Mugabe conceived to be commitments from the western world to support his Marxist program. In October 1979, the Patriotic Front proclaimed:

"We have now obtained assurances that depending on a successful outcome of the Lancaster House Conference, Britain, the United States of America and other countries will participate in a multinational financial donor effort to assist in land, agricultural and economic development programs.

'Those assurances go a long way in allaying the great concern we have over the whole land question arising from the great need our people have for land and our commitment to satisfy that need when in government."

In the document produced for the ZIMCORD conferees, the Mugabee government immediately proceeded to implement its Marxist program. The ZIMCORD document opened with declarations that the standard of living of the white minority "before independence relied on the supply of cheap black labour and resources appropriated from the indigenous population." It announced that "Government's policies are based on socialist, egalitarian and democratic principles. . . . In particular Government intends to re-establish justice and equity in the ownership of land. . . ."

Moreover, Mugabe announced that its claim upon the world community was not the claim of charity or good will, but the claim of right. The document states:

"There is indeed a strong and just claim on the resources of friends in the international community in the light of the urgent problems the country faces. Central to Government's objectives and strategy is the question of land distribution, ownership and development. It was recognized at the time of the Lancaster House talks that land was and would remain at the heart of Zimbabwe's political future and that the cost of its reform and development, pivotal elements in the strategy to attain an egalitarian society, would be far beyond the new nation's means. Failure to win international support for land reform would not only undermine the confidence of the citizens of Zimbabwe, but also possible reactions to such failure would have disastrous consequences for the serious ramifications in the region as a whole."

The Reagan administration at this conference pledged $75 million for FY '83, with the promise of $225 million over three years. The aid was pledged on the basis of a document prepared by the Carter administration, the "Country Development Strategy Statement" of the Agency for International Development. The only alteration made in the Carter program for Zimbabwe was a reduction of the total three-year program from $275 million to $225 million. Despite the fact that the United States was not a participant at the Lancaster House talks, the U.S. AID document says:

"We believe that the proposed U.S. assistance program of $275 million over three years should be the minimal U.S. contribution to meeting that shortfall. The Mugabe government and the people of Zimbabwe believe that the West (especially the U.S. and U.K.) entered certain commitments at Lancaster House, and there will likely be a very strong sense of reneging on promises

and betrayal if fairly large levels of assistance are not promised and provided."

The document does not rebut this expectation, and, indeed, by implication, seems to support this concept of a "commitment." In point of fact, the document was prepared by the same AID team that performed bureaucratic miracles to move emergency aid to Mugabe immediately after independence in 1980. Moving with unaccustomed speed and flexibility, AID—

Drastically abbreviated the documentation process, authorizing $22 million in grants in a few weeks, instead of the normal 6 to 18 months;

Eliminated most of the "strings" such as required conditions and tied procurement;

Telescoped the formal negotiation-signing steps into a matter of days, instead of weeks, signing the grant on Independence Day (April 18, 1980);

Accelerated dollar disbursements, made available to Mugabe as free foreign exchange; and

Facilitated rapid implementation by relying on the internal procedures of Mugabe's government for procurement and monitoring.

This zeal to support the program described as "socialist" by Mugabe's own government is often clothed in rhetoric which suggests that Mugabe's Marxism is "pragmatic" and content to allow the "capitalist sector" to flourish. It also is based upon rosy projections of growth in the Zimbabwean economy, and hopes to boost Zimbabwe as a model for the rest of Africa.

Yet the AID document itself is plainly socialist in its tone and implications. The document repeats the propaganda statements of the Patriotic Front during the Lancaster House negotiations when Mugabe and Joshua Nkomo were rejecting democratic elections, and continuing their campaign of terrorism. It speaks of redressing "the inequities of the past," noting that "the Mugabe government is dedicated to a restructuring of the economy, to a redistribution of land, to an increase in the opportunities and government services available to the black majority."

It pays some lip service to Mugabe's rhetoric about preserving the capitalist sector, but in reality it lays out a program devoted exclusively to the socialist sector and to Mugabe's redistribution plans.

At the March session in Salisbury appealing to international donors, the Mugabe government states that redistribution and welfare plans will consume 50 percent of Zimbabwe's GNP. The information presented to the Congress by the Reagan Administration officials estimates that Mugabe's Marxist programs will result in a deficit approaching $900 million, or 37 percent of total expenditures. Inflation in Zimbabwe is currently 15 percent and, according to recent estimates, will hit 30 percent by the end of the year.

In spite of this, AID optimistically prognosticates that the rate of economic growth in Zimbabwe will reach 8 percent per year. The future of the skilled and professional classes in Zimbabwe is in serious jeopardy.

The claims of some officials that emigration is not increasing is based on net emigration figures with skilled and professional emigrants balanced off against the reentry of untrained and unskilled remnants of the former guerrilla units. But the actual emigration of 17,240 for 1980 should be compared with 12,951 for 1979, or an increase of nearly 50 percent—the highest growth ever. The figures for January and February of 1981 show new records, almost twice as high as for the same period of 1980.

Observers from Salisbury report that the majority of whites are either over 50 or under 20—either too old to start a new life or too young to have acquired any skills or assets. Assets control laws limit the emigrant family to a $1,400 emigration fund. Thus, the emigrants to Rhodesia of the forties and fifties who were required to bring in an equivalent of $32,000 in today's dollars can take out only $1,400 now. They are literally trapped in a Marxist country.

But those with marketable skills not requiring assets are not staying. The U.S. Embassy in Salisbury, in an official cable, tells the story:

"Figures produced by the central statistical office show that vital skills are being lost through emigration. For the year 1980, Zimbabwe lost 6,445 skilled people and gained 3,017. Administrative, clerical, teaching and engineering staff are leaving the country . . . Zimbabwe had a net loss of 69 engineers in 1980. Departures of accountants and auditors left a deficit of 70, while production supervisors and general foremen left a gap of 35 in industry. More than 1,500 clerical workers and 431 adminstrative and managerial staff left the country while 480 new clerks and 279 managers arrived."

The people who can get an easy start with a salaried position elsewhere move fast, which explains why 15,000 have gone to South Africa alone. Many of these do not show up in the statistics, since they simply left "on vacation," leaving their assets behind or in the hands of friends.

The ZIMCORD session fulfilled the wildest dreams of Mugabe's managers. Against the hoped for pledges of $1.7 billion, they got over $2 billion, including the $225 million from the United States and $442 million from the World Bank, and $61.3 million from the African Development Bank, to both of which the United States is a major contributor. The Soviet Union was invited, but did not attend or make any pledges.

The official view is that Mugabe was supported by the Chinese Communists and Nkomo by the Soviets, leading to a disinclination of the Soviets to now become involved.

But the Soviets have already been allowed to open an embassy in Salisbury. Some sources report that Mugabe's secret chief adviser is Dimiss Dibengue, who was formerly the KGB's liaison with Nkomo. Dibengue spent four years in the KGB academy in Moscow and knows how to be flexible. Now he has dropped Nkomo and has already arranged for the delivery of Soviet equipment to Zimbabwe.

Moreover, Mugabe has invited the Cubans and North Koreans to come to train his forces, and he in turn has opened bases to the Moscow-supported ANC (African National Congress) in southeast Zimbabwe to train for guerrilla warfare in South Africa. He has also sent Zimbabwean troops to Mozambique to join with Cubans and East Germans in training the ANC troops for future operations in South Africa.

In the first extensive operation in South Africa the ANC terrorists fired rocket rounds into a major South African Army base near Pretoria. The Soviet-made rocket launcher and cartridges from AK-47 Soviet machine guns intensified the origin of this attack. President of the ANC, Oliver Tambo, announced from his headquarters in Zimbabwe that this attack marks the beginning of a new intensified military campaign against the targets in South Africa.

Zimbabwe may be turning into a good Marxist model for Africa but with the financial assistance of the West.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I have the greatest respect for the author of the amendment, but I must oppose it, on behalf of at least myself and I believe a good many of my colleagues.

As we know, aid to Zimbabwe was among the first major assistance commitments of the new administration, the Reagan administration. I believe they accorded $75 million for fiscal year 1982. The administration, too, is being very vigilant with regard to the activities of Soviet proxies around the world. The administration supports—not only proposes but also supports—the $75 million in aid to Zimbabwe at this time.

In the past, while Prime Minister Mugabe has obvious socialist leanings, he has been cool to dealing with the Soviet bloc. It is important to recall that when Zimbabwe became independent, our Nation, the United States, was the very first nation to establish an embassy there, and the Soviet Union, I believe, was the very last to establish an embassy.

In the past, Zimbabwe has approached the West, not the East, for all forms of support, economic and military. I believe that the way to continue to influence events in Zimbabwe, to be sure the Soviets do not gain a foothold there, is for us to be on the ground floor of Zimbabwe's development.

These North Koreans who have come there, presumably to train pilots, or whatever their purpose, will come and be gone before long, I imagine; but we do not want to see the American influence and the Western influence withdrawn or lessened in any way.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. SYMMS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. METZENBAUM), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Maryland (Mr. SAR-

BANES), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 14, nays 61, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—14

Armstrong	Grassley	Nickles
Byrd, Harry F., Jr.	Hawkins	Pro'mire
East	Helms	Randolph
Ford	Humphrey	Thurmond
	McClure	Warner

NAYS—61

Abdnor	Hart	Mitchell
Baker	Hatch	Moynihan
Baucus	Hatfield	Murkowski
Bentsen	Heflin	Nunn
Biden	Heinz	Packwood
Boren	Hollings	Pell
Boschwitz	Huddleston	Percy
Cannon	Inouye	Pryor
Chafee	Jackson	Quayle
Chiles	Jepsen	Riegle
Cochran	Kassebaum	Roth
Cohen	Kasten	Rudman
Cranston	Lavalt	Schmitt
Danforth	Leahy	Specter
Dixon	Levin	Stafford
Dole	Long	Stennis
Domenici	Lugar	Tower
Eagleton	Mathias	Wallop
Exon	Matsunaga	Zorinsky
Glenn	Mattingly	
Gorton	Melcher	

NOT VOTING—25

Andrews	Durenberger	Sasser
Bradley	Garn	Simpson
Bumpers	Goldwater	Stevens
Burdick	Hayakawa	Symms
Byrd, Robert C.	Johnston	Tsongas
D'Amato	Kennedy	Weicker
DeConcini	Metzenbaum	Williams
Denton	Pressler	
Dodd	Sarbanes	

So Mr. HELMS' amendment (UP No. 509) was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Illinois (Mr. PERCY) to the amendment of the Senator from Texas (Mr. TOWER). The Senator from Illinois is recognized.

ORDER OF PROCEDURE ON AMENDMENTS

Mr. PERCY. Mr. President, with the concurrence of my distinguished colleague, the ranking minority member, and for the advice of the Senate so that we know just where we stand, I would appreciate very much any Senators who have other amendments than those I am about to list with time agreements to advise me.

Mr. President, I ask unanimous consent that the following amendments be taken up in this order: The Tower amendment, which is the pending business, which can be disposed of in——

Mr. TOWER. I think, considering the fact that we have had quite a caucus among the members of the Armed Services Committee and the members of the Foreign Relations Committee, that we can actually dispose of the pending amendment very quickly and then move to the amendment pertaining to special defense acquisition funds, and whatever time—I need only 2 or 3 minutes.

Mr. PERCY. So that we would take 2 minutes for the original pending Tower amendment, which will be voice-voted and accepted by both sides; then 5 minutes equally divided for the contingency fund amendment of Senator TOWER, and Senator HELMS has a——

Mr. TOWER. Mr. President, will the Senator yield at that point? I do not anticipate, since we have arrived at an agreement on this, that there will be a record vote on the defense acquisition. If the Senator from Delaware has any objection he can voice it.

Mr. PERCY. I would not require a record vote on it. A voice vote would be adequate.

Then we have Senator HELMS with an amendment on the Japan treaty for 5 minutes; Senator HELMS with an amendment on funding for a maximum of 10 minutes and an amendment on El Salvador for 5 minutes.

Following that, Senator KASTEN has an amendment for 5 minutes on a contingency fund; a technical amendment by myself, 1 minute; Poland, 1 minute; and then final passage.

I ask unanimous consent that the amendments be taken in that sequence.

Mr. FORD. Mr. President, reserving the right to object, and I will not object, is the chairman anticipating all of these amendments to be handled by voice vote?

Mr. PERCY. To the best of the knowledge of the managers of the bill, they will all be done by voice vote and final passage will be by——

Mr. BAKER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I congratulate the distinguished chairman of the committee for attempting to expedite this bill. May I suggest that we proceed with the next amendment while we go through the clearance process and try to get the rather extensive unanimous-consent request that the chairman has now put. I urge Senators to give him this consent, but I understand the necessity for Members to consider it.

So I would urge that the managers of the bill proceed to the next amendment while we set in motion the clearance process on both sides.

Mr. PERCY. We would also ask unanimous consent that no further amendments be in order as a part of the unanimous-consent request.

Mr. President, I, therefore, withdraw the unanimous-consent request at this time and will reframe it as soon as we dispose of the Tower amendment.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Texas.

Mr. TOWER. Mr. President, it is my understanding that the Senator from Illinois is prepared to withdraw his amendment to the Tower amendment.

Mr. PERCY. That is correct. I do withdraw the perfecting amendment to the Tower amendment.

The PRESIDING OFFICER. The amendment (UP No. 505) is withdrawn.

Mr. TOWER. Mr. President, I believe we can act on my amendment now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas (Mr. TOWER).

The amendment (UP No. 504) was agreed to.

Mr. TOWER. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 510

(Purpose: To amend the Special Defense Acquisition Fund to make technical changes, to establish a ceiling for the Special Defense Acquisition Fund (SDAF) in title 10 section 138 and to recognize the interest of the Armed Services Committee in the SDAF)

Mr. TOWER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 510.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 20, insert "(a)" after "Sec. 109.".

On page 10, line 1, strike out "may" and insert in lieu thereof "shall".

On page 10, lines 10 and 11, strike out "in short supply within the Department of Defense".

On page 10, line 12, insert "have not been fulfilled and" after "Forces".

On page 11, line 19, strike out "$350,000,000" and insert in lieu thereof "such dollar amount as is prescribed in title 10, United States Code, section 138(g)".

On page 11, line 21, insert "on security assistance" after "material".

On page 11, line 21, insert "and as part of the annual written report to the Congress required by section 139(a) of title 10, United States Code, regarding procurement schedules for each weapon system for which funding authorization is required" after "Congress".

On page 12, after line 22, add the following new subsections (b) and (c):

(b) Section 138, title 10, United States Code is amended by adding immediately following subsection (f) the following new subsection:

"(g) the size of the Special Defense Acquisition Fund established pursuant to Chapter 5 of the Arms Export Control Act may not exceed $350,000,000 in fiscal year 1982 and $700,000,000 in fiscal year 1983."

Mr. TOWER. Mr. President, this amendment is to that section that establishes the special defense acquisition fund, which is a special revolving fund for the procurement of materiel and services in advance of foreign orders for military sales and to enhance the President's ability to fulfill urgent requirements of allied and friendly forces while minimizing adverse impacts on the readiness of U.S. forces.

I think both of our committees—the Foreign Relations Committee and the Armed Services Committee—strongly recognize the need and the importance of establishing the special defense acquisition fund.

I would offer my commendation and

my congratulations to the Senator from Illinois, the distinguished chairman of the Foreign Relations Committee, and to the ranking minority member, the distinguished Senator from Rhode Island (Mr. PELL) for having crafted this legislation to establish this fund. It is enormously important.

The amendment that I propose makes some minor technical changes. The thrust of it is simply this, Mr. President—and I want to select my words carefully here because we are establishing legislative history and I want to make sure that what I say is not inconsonant with the understanding that Senator BIDEN has, who has been particularly active in this.

The chairman of the Foreign Relations Committee and I have agreed, along with other members of the committee—a number of us have been involved—that, in terms of jurisdiction over the special defense acquisition fund, the Foreign Relations Committee will continue to have its present review of transfers to foreign countries of defense equipment and articles procured by the special defense acquisition fund. The Armed Services Committee would have legislative jurisdiction over the special defense acquisition fund, including the ceiling of the fund and procurements to be made with the fund.

Now, let me further clarify that. What this simply means is that the Armed Services Committee will have jurisdiction over the funds themselves, will establish the ceiling for the fund, will decide what will be procured under the fund, but the Foreign Relations Committee will retain its traditional jurisdiction over the transfer of any equipment or materiel that is purchased by that fund. That would remain the legislative jurisdiction of the Foreign Relations Committee.

Mr. BIDEN. Will the Senator yield?

Mr. TOWER. I yield.

Mr. BIDEN. Mr. President, I think that the statement by the Senator from Texas, is a very succinct manner, explains what we have agreed to. I think that is how we all agree that it should be.

I do not believe that we in the Foreign Relations Committee should be in the business of determining whether or not, with those funds, we should be buying a tank or a bazooka or an airplane. That is within the province and expertise of the Armed Services Committee.

This is new legislative territory. It is a brand new fund. It is a new idea and, I think, a necessary idea to help give the Chief Executive Officer of the United States of America the flexibility to deal with emergencies.

The second half of this agreement in this new legislation that we are setting out here today is that the foreign policy aspect of that fund comes into play once one decides where that tank, bazooka, or airplane is to go, to whom it will be transferred or sold. And that is within the traditional province and jurisdiction of the Foreign Relations Committee.

This agreement, as we all understand it, would keep it where it is.

I emphasize, again, I do not think the special defense acquisition fund ceiling should be set by us in the Foreign Relations Committee, what procurement will take place under it, nor how it will be housed and the accounting for it, because, and I emphasize again, that expertise lies within the Armed Services Committee.

One last point to my colleagues who may not be familiar with the way in which the fund would work. Essentially, what happens is a foreign military sale takes place, and the receipts, those dollars that we make on the sale, are what make up this fund that we are establishing. So, instead of that money being under the jurisdiction of the Foreign Relations Committee, which has jurisdiction over foreign military sales, that money is going to go into this fund which will be totally under the jurisdiction of the Armed Services Committee.

I would like to—and I mean this sincerely—thank the chairman of the Armed Services Committee for being so amenable and cooperative. I think we have reached a reasonable understanding that keeps the traditional jurisdiction, but, more importantly, facilitates the interest of this country by the establishment of the fund.

I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I should also like to indicate to all members of the Armed Services Committee and the Foreign Relations Committee that this has been a very harmonious working out of the situation, which I think facilitates greatly our ability to be prepared to help our allies and our friends and be in a position where we can deliver it. We will have the jurisdiction over where it goes.

But I can assure the chairman of the Armed Services Committee that I feel strongly about the necessity for this special defense acquisition fund. We have hurt ourselves in the past and looked bad to our allies and our friends, in comparison with the Soviet Union.

So the necessity for this fund is very great. The members of the Foreign Relations will not have jurisdiction over the amount. That is entirely the jurisdiction of the Armed Services Committee. We will certainly support the creation of that fund and we will benefit as a result of it by not drawing out of inventory the equipment which is needed for our own forces. We will have this special fund and we will make it much more readily available, then, when it is needed by our friends and allies and those nations that we wish to support abroad. I support the amendment and suggest that we are ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 510) was agreed to.

Mr. TOWER. I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

TIME LIMITATION AGREEMENT

Mr. BAKER. Mr. President, if I could have the attention of Senators, I wonder—could I have the attention of Members? Would the Chair ask for order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I will advise the distinguished managers of the bill that our clearance process is complete on this side. Let me restate the request as I understand it to have been put by the distinguished chairman of the committee.

That the following amendments would be in order and no other amendments would be in order: A Helms amendment dealing with the Japanese treaty; a Helms amendment dealing with the funding cut; a Helms amendment dealing with El Salvador; a Kasten amendment dealing with contingency; a Percy technical amendment; and a Percy Poland amendment.

Mr. PERCY. And amendments in the second degree to those amendments.

Mr. BAKER. All right.

Mr. President, no other amendments would be in order except the second-degree amendments to the amendments stated.

Mr. President, I do not have with me time limitations.

Mr. PERCY. We have reached time agreements. Japan, 5 minutes; El Salvador, 5 minutes; cut in aid dollars, 10 minutes; Percy technical, 1 minute; Percy Poland, 1 minute; Kasten, 5 minutes; and final passage can be at the leader's discretion, either by a rollcall vote or a voice vote.

Mr. BAKER. Mr. President, I include in my unanimous consent request the time limitations just described to be equally divided and controlled in the usual form. In the case of second degree amendments, I provide for the same amount of time as the first degree amendments.

Mr. PERCY. Does the leader wish a rollcall vote on final passage?

Mr. BAKER. I do not, but I believe another Member may request it.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right to object in connection with the Kasten amendment, we may want to have a rollcall vote on that.

Mr. BAKER. The request does not touch the question of rollcall votes. I suggest that we proceed to consider that item by item.

Mr. PERCY. Mr. President, would the distinguished majority leader add to his unanimous consent request that all rollcall votes, if held, would be limited to 10 minutes, except that if there is a rollcall vote on final passage it would be 15 minutes?

Mr. BAKER. Mr. President, I genuinely regret I cannot. I have an objection and Members are some distance from the floor in some cases. Five minutes will not make a lot of difference. I would like to accommodate that request. That would be my personal preference. But I cannot include it.

Mr. PERCY. At least I can try.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, I wish to inquire if the El Salvador amendment was included.

Mr. BAKER. It is included.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. BAKER. I thank the Chair and all Senators.

The PRESIDING OFFICER. The Senator from North Carolina.

UP AMENDMENT NO. 511

(Purpose: To limit the total amount of funds authorized to be appropriated by this Act which may be obligated or expended)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 511.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

LIMITATION ON THE OBLIGATION OR EXPENDITURE OF FUNDS

SEC. 716. (a) Notwithstanding any other provision of this Act, not more than 94 per centum of the funds authorized to be appropriated by this Act shall be obligated or expended.

(b) In order to comply with the limitation contained in subsection (a), the head of each agency to which funds are appropriated pursuant to this Act shall determine the extent to which funds available to such agency for any activity, program, project, type of materiel assistance, or country will not be obligated or expended.

(c) Nothing in this section authorizes an increase in the amount available for any activity, program, project, type of materiel assistance, or country.

On page 84, line 4, strike out "SEC. 716." and insert in lieu thereof "SEC. 717.".

Mr. HELMS. Mr. President, this amendment would simply go half as far with respect to spending in the foreign aid bill as the President has asked us to do on other programs. It proposes a 6-percent reduction. If the truth be known, and if a poll could be taken of the American people, the vast majority of them, I believe, would prefer that the $5,770,000,000 authorized by this legislation would remain at home and would be returned to the taxpayers so they could spend the money or save it as they see fit.

All this amendment does, Mr. President, is to suggest that the Congress reduce foreign aid by 6 percent. At least we can give America some relief from the economic burden with which they are faced. I think we can dip into the foreign aid account to give that much relief to our citizens.

I commend Bill Fulbright's book, "The New Myths and Old Realities," in connection with this amendment.

Mr. President, one of the former Members of this body, J. William Fulbright, who served as chairman of the Committee on Foreign Relations, once wrote a book entitled "New Myths and Old Realities." In that book, of course, he identified his point of view with reality, and that of his opponents' with myth. And while reality often has a number of interpretations, the myths of our society tend to be cast as great, unassailable principles that politicians attack only at great risk.

One of the most sacred myths of our age is foreign aid. To disparage the massive transfer of wealth from the so-called developed nations to the undeveloped ones is to risk at least the sarcastic wit of the New York Times staff.

The ideologs of the foreign aid establishment have developed their own set of arguments in an effort to explain away the failures of more than three decades of foreign aid. The first response to failure is their favorite: It failed because it was too meager. If only a few billion more dollars had been pumped in project "A", "B", or "C", it would have been a grand success.

The second favorite argument is that there were too many strings attached to the foreign aid which prevented local initiative, and thus success. Frankly, I can sympathize more with that argument, for I have seen closeup examples of massive Federal bureaucracy stifling the success of seemingly worthwhile projects. The incompetence of bureaucratic hierarchy to deal with simple problems is not confined to boondoggles funded here at home.

There are other arguments which have varying degrees of truth to them. For example, some apologists for foreign aid claim that the United States was dispensing money for foreign policy purposes and not to promote development. That certainly seems to ring true, though I do not know if our policy-oriented giveaways have proven any more successful than our so-called development-oriented giveaways.

An interesting aspect of the debate over the validity of foreign aid today is that it is being joined not only by those who have received largess from various foreign aid organizations and lobbying groups, but also by such eminent scholars as Prof. Peter T. Bauer of the London School of Economics and Dr. Robert Nairn, presently in Thailand working on a development project.

Their concerns are not too different from ones I have heard expressed by a wide number of individuals who worry that foreign aid is simply not an effective foreign policy tool. Drs. Bauer and Nairn contend that if capital should be provided to the so-called less developed nations, there should be good reason to believe that such capital will be put to productive use—and not simply to provide a fillip of consumption. In other words, in order to justify taking resources from the United States and putting them in another nation, there should be a rational economic reason: that is, there must be a decent return on investment.

Perhaps a simple analogy might be instructive. If I have a thousand dollars and I seek to invest it, it makes good sense that I will place it where it makes the best return on that investment, with certain allowances for safety and liquidity.

If, instead, I were to put my thousand dollars elsewhere in a less secure investment, the future becomes poorer for me and my family. In addition, poorly investing my thousand dollars has another important economic impact. If I do not put my resources where they provide the best return, what happens to those enterprising and productive businessmen who need the money I might have lent? What happens to those who would have most efficiently used my money and because of their efficiency could have paid me the best return on it? Economic activity that otherwise would have taken place does not because of my decision to allocate my resources in a less sound investment.

Well, what happens with foreign aid? The Congress of the United States and the State Department make the grandiose asertion that they can make decisions concerning foreign investment better than the marketplace. In effect, Congress and the administration say "We will use the taxing power of the Federal Government to usurp the market's decision over the use of more than $5 billion worth of American resources and we will send them to various places as we see fit."

The impact is clear: Resources are not only being put to uses which are less productive for ourselves and our Nation; those resources therefore are not available for use in efficient economic operations that might have claimed that capital had it been allowed to stay in the private sector.

Now, it is a fair guess that somewhere in the hundreds of schemes that will be funded by this legislation before us today, there are a few projects that will provide a good return on the American taxpayers' investment. Chances are, too, that those projects could be financed through the private sector. Chances are that somebody else, perhaps in the private sector in each country now receiving U.S. aid, would pick up the tab for those high return projects that exist if Uncle Sam were not so ready with the checkbook.

There are other side effects involved with the misallocating of capital. It is not only the misallocation of capital which will leave our Nation poorer in the long run—who can deny that American enterprise could more productively make use of the billions in this bill?

It is not only the fact that down the road the lack of production that results from the misallocation of these resources will mean a smaller tax base in the future and smaller Federal revenues in the future. It is also that the world as a whole will be poorer.

With ever-increasing misallocation of resources, we sacrifice the future of the poor worldwide.

Dr. Bauer, to whom I referred earlier, contends that the foreign aid establishment has made recipient nations poorer for their experience. Foreign aid has encouraged and in effect subsidized practices in various nations which has driven capital from their shores.

Is it surprising that there is investment in certain countries, with an accompanying economic growth and a rising standard of living, while in others, there is stagnation and starvation? To perhaps oversimplify the problem faced,

there is generally little or no encouragement for investment in the poorest nations. There is no encouragement for local investment, no incentives for the nation's populace to do anything except subsist on the dole.

Mr. President, if the truth be known, the American people—the vast majority of them—would prefer that the $5.77 billion authorized by this legislation remain at home, to be returned to the taxpayers so that they can spend the money or save it as they see fit.

Perhaps they will invest that money so that it will increase the ability of American companies to do business abroad. This would benefit the private sector in foreign countries, and give more long lasting benefits than any dole that the United States may decide to hand out at its whim.

We could give Americans a much welcomed "tax cut," if you will, by not authorizing any foreign aid at all. I am not so naive as to believe that the Senate will go that far—yet. But it may be that some day the Senate will authorize no money for foreign aid, when the public becomes sufficiently fed up with such giveaways and demands that Congress stop them.

No, today, all I suggest is that the Congress cut foreign aid by 6 percent. At least we can give Americans some relief from the economic burdens they are faced with. Can we not dip into the foreign aid account to give relief to our citizens? Surely, we can do that. Surely, we in the Senate can see fit to cut this authorization by 6 percent. I urge my colleagues to support this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

The Senator from Rhode Island.

Mr. PELL. How much time remains to the opposition?

The PRESIDING OFFICER. Five minutes.

Mr. PELL. Mr. President, I think this across-the-board 6-percent cut is a substantial cut from the President's own request.

I believe strongly that we have to reduce Federal expenditures but we ought to do it not in a slashing way but in a highly selective way. The foreign policy interests of the United States are at stake. I would hope that we would offer a substitute amendment which would be more selective in its approach.

Mr. PERCY. Mr. President, I send to the desk a substitute amendment on behalf of myself and cosponsored by Senator PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that until such time as all time has expired, a second-degree amendment would not be in order.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The Chair is informed that it is a perfecting amendment and is not in proper form.

Mr. BAKER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so the Chair may recognize another Senator to call up another amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina is recognized.

UP AMENDMENT NO. 512

(Purpose: To restrict the provision of assistance to land reform in El Salvador)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 512.

Mr. HELMS. I ask unanimous consent that further reading be dispended with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

RESTRICTION ON AID TO EL SALVADOR

SEC. 716. None of the funds authorized to be appropriated in this Act or any other provision of law may be made available, directly or indirectly, for the provision of assistance to El Salvador for the purpose of providing technical assistance or credit assistance to any stage of planning and implementation of the program for land expropriation and/or reform, or assistance for any programs for publicity, promotion, legal assistance and services, education, or any technical assistance for land reform programs, or for the purpose of planning or executing the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto.

Mr. HELMS. Mr. President, this amendment would get the United States out of supporting land reform in El Salvador in any way, shape, or form. As most Senators are aware, present law prohibits U.S. aid funds from supporting planning for compensation or compensation for land reform in El Salvador. However, that prohibition would be deleted by the committee amendments. In the opinion of the Senator from North Carolina, that deletion is a grave error; in fact, we should be going in the other direction and make the prohibition broader. That is exactly what my present proposal would do, Mr. President; it would reinstate present law in the bill and make it stronger.

I know that there are many Senators in this Chamber who are sympathetic to the idea of land reform—that is, if the land reform is taking place in some other country. Somehow, we seem to think that the rules of justice and personal rights are suspended when we are dealing with countries where we do not have to run for reelection. We seem ready to believe that every other country in the world is somehow benighted and that its people are oppressed if the standard of living is not exactly on a par with the United States. We also seem to think that fundamental economic laws can be suspended, abrogated, or ignored in the desire to apply instant social justice.

Mr. President, El Salvador is a country which has been the victim of land reform. I use the word "victim" advisedly, even though land reform may have been applied in all good faith. But the unhappy reality of land reform's failure now stares us in the face. Why does the Reagan administration continue to cling to the romantic promises of land reform in the face of such evidence, Mr. President? Perhaps it would help to look at the reasoning used by its supporters.

The arguments in favor of land reform in El Salvador may be divided into two kinds: The arguments proposed by the Carter administration in making land reform the cornerstone of U.S. policy in that beleaguered country, and the arguments proposed by the Reagan administration after land reform had wrecked the economy, undermined the social system, instituted widespread instability and thoroughly polarized the social classes. The arguments of the Carter administration were inspirational; they were visionary; and they depended on a unique understanding of three basic concepts which justified a policy which, when approached in the light of commonsense, was totally unjustifiable. History, they argued, demanded land reform; justice demanded it; and politics demanded it.

History demanded land reform, according to the Carter administration, because the winds of change were blowing, always to the left. No longer did we have to harbor an inordinate fear of communism: communism was now the wave of the future. In fact, according to James Cheek, who served as Chargé in El Salvador in 1979 and 1980, just prior to the arrival of Ambassador Robert White, Central America needs a system of moderate Marxism to achieve stability and avoid violence.

I am gratified, Mr. President, that someone was willing to call this system of so-called reforms by its proper name. With the support which the Carter administration gave the Marxist Sandinistas and in the light of the many initiatives of then-U.N. Ambassador Andrew Young in Africa, this sense of the his-

torical necessity of Marxism in lesser-developed countries was broadly and consistently espoused by the Carter administration.

But justice, too, demanded land reform, according to the Carter logic. When Robert White testified before the Foreign Relations Committee last year, he said that:

> Capitalism in El Salvador is an alliance between large landholders, business interests and the Army, designed to reap maximum profits, give minimum benefits and minimum salaries, prevent any kind of organization of the peasantry or the workers, and pay as little as possible in taxes into the public treasury, and to permit corruption that was rampant in the government of El Salvador.

The Marxist interpretation of capitalism levels such charges against capitalism whenever Marxist parties cannot exercise total control over the society. Furthermore, advocates of the Carter policy pointed to a mythical 14 families who ruled Salvador with an iron hand. State Department spokesman Hodding Carter boasted—boasted—that the U.S. policy in El Salvador was well known, and that it consisted of supporting basic reforms that will give all of the people a more adequate share in the wealth of the country. So, in the view of the Carter administration, past injustices demanded radical reforms to bring about future justice.

I want to address the questionable assumptions of the Carter logic, Mr. President, but first, let me mention the third pillar of the reform ideology. It is based on a political judgment; namely, that the peasants would support the guerrillas if the Government of El Salvador did not deliver the radical land reform that the guerrillas were promising them. As they say in El Salvador, we had to "steal the banners" of the leftist guerrillas, so they would no longer attract the peasants to their ranks. Ambassador White stated the political argument in terms of stability:

"No Salvadoran government can stay in power," he told our Committee, "unless it embarks on a broad program of reform."

Mr. President, I am sorry to be the bearer of the bad news to this Chamber. But the situation in El Salvador must be understood clearly in this country in order for us to focus our policy as much as possible on the remedies which will most effectively deal with the problems there. The bad news, Mr. President, is that the assumptions of the Carter administration were sadly misinformed, even deformed.

Mr. Cheek thought that the wave of history was moving inexorably to the left; when he was replaced by Robert White in El Salvador, Mr. Cheek returned to the State Department to guide U.S. policy in Central America, and that benign, even benevolent view of Marxism which he and others have sown has now reaped a harvest of what the present administration correctly perceives as a Marxist threat to Central America which the United States cannot ignore.

History is not on the side of the Marxists, Mr. President, although Marxists think it is; and it ill serves the policy of the United States for our policymakers to steal that banner from the Marxist lexicon. History is on no one's side, Mr. President, except those humble enough to learn from it.

What about the allegation that El Salvador's system of land tenure was unjust? To substantiate that charge, Mr. White pointed to figures which showed that the top 10 percent of Salvadoran landowners owned 78 percent of the land. Is that unjust, Mr. President? Perhaps Americans will not find it so. The Library of Congress tells me, for example, that in Illinois, only 5 percent of the landowners own 57 percent of all the land; in North Carolina, the top 5 percent of the landowners own 69 percent of the land. Indeed, if we compare the total for the U.S. figures to those of El Salvador, Mr. President, we find that they actually exceed the concentration of land ownership in that country.

Mr. President, I have the official statistics from the Natural Resources Economics Division, Economic Research Service, U.S. Department of Agriculture. The pattern of land ownership varies, as we might expect. In almost every State, less than 5 percent of the landowners own more than 50 percent of the land. In fact, the national average for the United States is that 75.1 percent of the land is owned by only 5 percent of the landowners. In fact, 48 percent of the land is owned by less than 1 percent of the landowners. That means that nearly one-half of the United States is owned by 1 percent of the landowners.

I want to emphasize that this is 5 percent and 1 percent of the landowners, not the population as a whole. If the statistics were worked up on ownership as a percentage of the population, the results would be even more dramatic.

But what if you consider only farm and ranch land? The statistics show that over half of all U.S. farm and ranch land is owned by only 5 percent of the landowners—in fact, 52 percent. Finally, 30 percent of the farm and ranch land is owned by 1 percent of the landowners.

The bottom line, Mr. President, is that 75.1 percent of the land in the United States is owned by 5 percent of the landowners, while in El Salvador, the figures cited are 78 percent of the land owned by 10 percent of the landowners. So I think it is fair to assume that the situation is worse in the United States—providing we agree that such statistical analyses tell us anything about social justice. Perhaps we should have land reform in the United States before we impose it on hapless smaller nations.

Mr. President, I ask unanimous consent that the two tables showing the concentration of landownership and farmland ownership in the United States be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 2.—*Concentration of landownership in the United States for farm and ranch land by region and State*

State and region	Proportion of acreage held by: Largest 5 percent of landowners	Largest 1 percent of landowners
	[In percent]	
Northeast		
Connecticut	36	14
Maine	46	25
Massachusetts	42	19
New Hampshire	33	11
New Jersey	40	18
New York	30	12
Pennsylvania	32	12
Rhode Island	39	18
Vermont	18	6
Northeast	35	14
North Central		
Michigan	29	11
Minnesota	22	7
Wisconsin	20	7
Lake	24	8
Illinois	25	8
Indiana	27	9
Iowa	24	6
Missouri	28	10
Ohio	25	9
Corn Belt	25	8
Kansas	31	14
Nebraska	39	19
North Dakota	21	8
South Dakota	38	16
North Plains	33	15
North Central	34	14
Southern		
Alabama	46	23
Arkansas	43	21
Delaware	31	11
Florida	67	47
Georgia	42	18
Kentucky	35	15
Louisiana	51	29
Maryland	27	9
Mississippi	45	20
North Carolina	43	19
Oklahoma	38	18
South Carolina	35	17
Tennessee	34	15
Texas	57	36
Virginia	46	18
West Virginia	37	16
South	52	31
Western		
Arizona	67	46
California	72	45
Colorado	51	26
Hawaii	99	89
Idaho	62	33
Montana	47	22
Nevada	89	73
New Mexico	78	50
Oregon	67	47
Utah	66	41
Washington	62	31
Wyoming	67	31
West	72	43
U.S. Total [1]	52	30

[1] Revised, excluding Alaska.

Source: Natural Resources Economics Division, Economic Research Service, U.S. Department of Agriculture.

Mr. HELMS. Mr. President, I am not about to suggest that we send a proconsul to Illinois to initiate radical reforms there. I would also beg of the Senators in this Chamber that they refrain from doing so with the land in the great State of North Carolina. What I am saying,

Mr. President, is that we should not support these policies anywhere—in North Carolina, in Illinois, or in El Salvador. Indeed, there were no "14 families" affected by the land reform in El Salvador; there were hundreds of families, expropriated and allowed to leave with only the clothes on their backs.

Thousands more are threatened by the impending phase two. They are afraid to plant their crops because of the very real danger that, should they be expropriated, they will be left responsible for paying off the loans they took out. They secured these loans with crops which they can no longer harvest; but they would have to keep on paying interest and paying property taxes, all on the land which was taken from them by decree.

Mr. President, what sense of justice does this portray to a nation in search of rule by laws and not by men—guerrillas or otherwise? Right now, the United States has committed tens of millions of dollars to private sector aid in El Salvador, while with the same breath we embrace a set of programs which defies every fundamental principle which a private sector needs for its very survival.

Last, Mr. President, the Carter doctrine embraced land reform as a political necessity; without it, we were told, no government could withstand the guerrilla pressure from the left. In fact, Mr. President, these reforms have played into the guerrillas' hands. Listen to what Peter Bauer, reknowned economist at the London School of Economics and authority on foreign aid, has to say about the matter: Mr. Bauer cannot believe that:

> Large-scale aid still goes to governments whose policies directly impoverish their subjects, for instance by forced collectivization of farming, expulsion of the most productive groups, suppression of private trade and industry and restriction of the inflow of capital.

Mr. President, the land expropriations and the nationalization of the banking, export and agricultural processing industries in El Salvador have combined to impoverish the economy of El Salvador. We are now at the point where the guerrillas have realized that their best opportunity lies in terrorism which exacerbates that economic collapse. Just last week the guerrillas, aided, we are told, by Cuban experts, destroyed the key bridge that connects western El Salvador, including the capital, with the eastern third of the country closest to Marxist Nicaragua.

The economy of El Salvador cannot long function without that vital link, and the leftists know it, and they know that land reform has already destabilized the economy of that country. The guerrillas realize that the promised benefits of land reform evaporate in the harsh light of the reality of its failure to produce. And they know that such failure will cause the peasants to turn in their hunger to the left in unprecedented numbers. In short, Mr. President, land reform in El Salvador has been a made-to-order prescription for the guerrilla victory there.

It is not only the former landowners who consider this program a failure, Mr. President. The guerrillas, of course, think they could do the job better. Both radical and traditional church spokesmen point to the many shortcomings of the programs.

Representatives of the private sector—not on the right, Mr. President, but at the very center of El Salvador's potential for productivity—recently demanded that the agrarian reform laws be thoroughly revised to correct the injustice, insecurity, and disruption they had caused. And the list goes on, Mr. President. In the Cayetano cooperative, unemployment and poverty have set in, and the new peasant "owners" of the land are renting it out to small farmers as pasture. At the nearby San Francisco Guajoyo cooperative, which was formed some 6 years ago, peasants complain that the nationalized banks are favoring the government-run co-ops with the credit which is so necessary—but so scarce—for planting.

The irony of the situation, Mr. President, is that U.S. aid funds go to both private- and government-run co-ops, and our aid to the private sector goes by necessity through nationalized banks. In a touch of humor, perhaps, the Government of El Salvador tells us that the newly formed government cooperatives are really private sector entities, since they are owned by the peasants.

Mr. President, to consider these once-productive farms that have been expropriated by national decree, which are guided by government technicians and political directors, which depend on the nationalized banks for their credit, and which must sell their product through nationalized export companies—to consider these collectives as "private sector"—and thus technically eligible for the U.S. aid loans which are targeted to the private sector in El Salvador—is ludicrous.

Thus, Mr. President, the Carter administration argued: "bring on land reform. History, justice, and politics demand it." Let the record show, Mr. President, that the so-called reforms have been historical failures; that they have made impossible any sense of justice for workers, producers, property owners, and investors; and that they have driven a political wedge into the productive heart of the Salvadoran society.

Mr. President, we have discussed thus far the assumptions which informed the Carter policies whose consequences we know all too well: in Central America alone, we have Marxist Sandinistas firmly established in Nicaragua, continually consolidating their power and sending aid to revolutionaries throughout Latin America. Those countries who are friends of the United States are isolated, cut off from American aid, and threatened by insurgents, backed by Cuba and Moscow, who perceived in the Carter doctrine a green light for the red tide. These guerrillas agree that Marxism is necessary for Central America—indeed, for all the Americas.

Mr. President, it is puzzling that the Reagan administration has accepted at face value the policy of land reform which the Carter administration peddled in Central America. Certainly, the new administration does not agree with the peculiar sense of history, justice, and political judgment that motivated the Carter policy. Then, what could have caused the Reagan State Department to embrace and subsidize socialism? Unfortunately, it seems that this administration is motivated by a single principle in supporting, in the words of Assistant Secretary Enders, land reform "now and in the future" in El Salvador. The Reagan policy aspires to only one goal: pragmatism.

Mr. Enders is an articulate and persuasive spokesman, Mr. President. He has represented us firmly and clearly in the challenging combination of circumstances which face our hemisphere. It thus causes a twinge of curious unfamiliarity to hear the rather hollow ring of his justification for this administration's seal of approval for the land reform program. Listen to how he addressed the problem in his highly touted speech on El Salvador of July 16, 1981:

> How can a country beset by so many troubles get from here to there? The first thing to say is that promises must be kept. One can debate endlessly about El Salvador's land reform—whether the takeover of the big farms might have a high penalty in lost production for export, whether one can give clear title to over 200,000 individual peasant workers, and so forth. But the changes that have already taken place are real. The issue is no longer whether land reform is advisable or not. The issue now is how to consolidate and perfect what has been done.

Mr. President, I am afraid Mr. Enders has missed the point—a critical point—in coming to this conclusion. Oh, it would be so welcome if it were possible merely to sweep all the past under the rug and, as he puts it, "consolidate and perfect what has been done." Unfortunately, Mr. President, such an approach would obliterate not only the past, but the future. Had our Founding Fathers rejected the notion of independence, trying instead to "consolidate and perfect" what had been done under George III, things would have been quite different in our part of the world.

Instead, they had the courage to address certain fundamental self-evident truths, on the basis of which they made some fundamental but far-reaching conclusions. In the opinion of the Senator from North Carolina, the time has come to consider some fundamental realities of our policy toward El Salvador. We should not shirk such a responsibility merely because it is another country, not our own, which is being ravaged by programs of ruinous nationalization and expropriation. We should not avoid the hard questions only because we find it more convenient to overlook the painful realities which they reveal.

Mr. President, I am afraid that Mr. Enders has chosen the path that seems to spell an easy way out for the United States. If he were right, if we could accept even the faintest promise of an eventual happy ending to the scandal of land reform in El Salvador, then I would find it very hard indeed to differ with his judgment. But I cannot accept a conclusion which every principle of history, social justice, and economics shows to be invalid. And, Mr. President, the verdict has been rendered on land reform and

socialism throughout the world and in El Salvador. They do not work. They are failures. It is impossible to follow the suggestion of Mr. Enders that we ignore the arguments pro and con and, as he says, "consolidate and perfect what has been done." It would be no more responsible than a physician discovering cancer in a patient, noting the damage that had been wrought by that dread disease, and then sewing him back up without treating it. The only result of consolidation and perfection of socialism, is the ever-wider, ever more efficient, distribution of misery and poverty. The facts in El Salvador are plain to see.

The first stage of the land reform in El Salvador, the expropriation of all farms over 1,236 acres in size, was consummated in March 1980. Although our State Department pushed to have the second phase, which would have confiscated all farms larger than 250 acres, completed by November 1980, according to Salvadoran officials, that phase has not yet been initiated because of the total chaos resulting from phase I.

Phase III, which makes all rented land the property of the tenant, involving thousands of expropriations, is inching along 16 months after its implementation by decree in April of 1980. And the ruinous results can be seen in the agricultural sector. Since the onset of the reforms, overall agricultural production in El Salvador has decreased, although the planting of corn, a subsistence crop, has increased, since those who can no longer expect to plant cotton for export and cash plant corn to eat. The area planted in beans, rice, sorghum and cotton in 1981 is lower than 1980 levels.

President Duarte told us during his visit here that sugar production had increased, but he neglected to add the sad fact that much of it will go unprocessed because the newly nationalized sugar mills are too incompetent to handle the load; consequently, exports this year are expected to reach only 30,000 tons, 58 percent below the levels of 1978–79. Of course, that export function has been nationalized as well, and sugar is not the only export crop to have suffered.

The Coffee Producers' Association has complained strenuously that the redtape and mismanagement of the Government-run export markets have aggravated the problems brought on by the low world price for coffee. Even the government's very production figures are disputed by the independent associations of growers of various crops. For instance, the official government figures for estimated cotton production for 1981–82 are 40 percent higher than those of the Cotton Growers' Association of El Salvador, which has attacked the depressed conditions which the reforms have brought to that dimension of agricultural production.

Mr. President, I am sorry to nudge aside a very romantic, very appealing concept of "reforms," with all the good and wholesome things that word connotes, and put before you the unhappy, unlovely reality of the Salvadoran experiment in expropriation and redistribution, which Mr. Duarte himself acclaims as the most radical, the most thorough ever to have been attempted in Latin America. The point is, and I think Mr. Enders understands this now, it would not take "endless debate" to determine the failure of the Salvadoran reforms. His comments acknowledge the woeful situation, but, he says, "stiff upper lip. We have to muddle through, make the best go of it we can."

Mr. President, I think that might be very useful, even valid advice—for the Government of El Salvador. Indeed, they must play the pragmatist—they consider the reforms to be the basis of their policy, and feel wedded to them, warts and all. I do not think that applies to the Government of the United States, however, with the same force. In fact, it would be false pragmatism for us to pursue such logic, and it would be a grave mistake.

Frankly, Mr. President, there is a lot of money at stake here. Two years ago, in fiscal year 1980, the United States sank $22.5 million into the land reform program in El Salvador; in fiscal year 1981, that figure fell to about $10.5 million; and next year the projected amount is almost $22 million. At the same time, the United States intends to give a total of about $30 million to the private sector in El Salvador. We plan to try to stimulate the sagging economy of the country by giving them a shot in the arm, in the form of credit with which to purchase needed goods of U.S. origin.

Mr. President, no one disputes El Salvador's need for economic vitality. Indeed, it is clear that the economy there is on the brink of collapse. Is this the time for the United States to devote $30 million to private sector development, while it contributes $22 million to programs which are designed to expropriate, intimidate, and debilitate the private sector?

Let us put aside, for the moment, the unique difficulty which the land reform program presents to the accountability function; the inability to audit the cooperatives adequately; the invitation to corruption which accompanied the creation of a vast new government bureaucracy to oversee production, organization, export sales, and banking; forget the worm-infested cotton at La Carrera, once the showcase of the private sector; forget the unemployed owners of the San Caetano cooperative; forget the cattle at the Santa Clara cooperative that have disappeared.

Let us focus on the fundamental contradiction in a policy which dedicates $30 million to helping the private sector in El Salvador and $22 million to destroying it. Is there any logic in such a policy, Mr. President? Is there any justification, other than that of the sheer zealotry of devotion to socialism as a goal of development economics?

Mr. President, our constituents do not always understand foreign aid. They know that development cannot be exported to another country; it must come from within. How can we go to them and explain the contradictions of the economic policy of the present administration in El Salvador? I think Ronald Reagan spelled out his position quite clearly in his recent speech at the World Bank, where he said:

> Only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in deciding economic policies and benefiting from their success—only then can societies remain economically alive, dynamic, prosperous, progressive and free.
>
> Trust the people. This is the one irrefutable lesson of the entire postwar period contradicting the notion that rigid government controls are essential to economic development.
>
> The societies which have achieved the most spectacular, broad-based economic progress in the shortest period of time are not the most tightly controlled, nor necessarily the biggest in size, or the wealthiest in natural resources. No, what unites them all is their willingness to believe in the magic of the market place.
>
> Everyday life confirms the fundamentally human and democratic ideal that individual effort deserves economic reward. Nothing is more crushing to the spirit of working people and to the vision of development itself than the absence of reward for honest toil and legitimate risk. So let me speak plainly: We cannot have prosperity and successful development without economic freedom. Nor can we preserve our personal and political freedoms without economic freedom.
>
> Governments that set out to regiment their people with the stated objective of providing security and liberty have ended up losing both. Those which put freedom as the first priority also find they have also provided security and economic progress.
>
> The domestic policies of developing countries are likewise the most critical contribution they can make to development. Unless a nation puts its own financial and economic house in order, no amount of aid will produce progress. Many countries are recognizing this fact and taking dramatic steps to get their economies back on a sound footing. I know it's not easy—but it must be done.
>
> Only with a foundation of sound domestic policies can the international economic system continue to expand and improve. My own Government is committed to policies of free trade, unrestricted investment and open capital markets. The financial flows generated by trade investment and growth capital flows far exceed official development assistance funds provided to developing countries.

Mr. President, if there is one thing that Ronald Reagan's election symbolizes, it is a return to sound economic principles. In recent months we have seen this primarily in terms of domestic policy, but it lies at the foundation of our approach to foreign policy and development economics as well. Consider the words of Secretary of State Alexander Haig, taken from the address which he recently delivered to the General Assembly of the United Nations:

> Growth for development is best achieved through reliance on incentives for individual economic performance. The individual is the beginning, the key element, and the ultimate beneficiary of the development process.
>
> Suppression of economic incentives ultimately suppresses enthusiasm and invention. And the denial of personal freedom can be as great an obstacle to productivity as the denial of reward for achievement.
>
> History cautions against regimes that regiment their people in the name of ideals yet fail to achieve either economic or social progress. Those governments that have been more solicitous of the liberties of their people have also been more successful in securing both freedom and prosperity.
>
> The United States can offer what it knows best from its own experience. We have seen the policies which encourage private initiatives will promote better resource allocation and more rapid economic growth.

Mr. President, I agree with President Reagan and Secretary Haig. And I do not understand why, when they embrace such sound economic and social principles, their policies in El Salvador reject those very principles in favor of Socialist structures, where signs are posted to read, like the one at the Santo Tomas cooperative, "We do not want any individualism here." Is it logical, Mr. President, that the team of technicians that posted such signs is financed by U.S. taxpayers' dollars?

Mr. President, when the representatives of AID testified before our committee last May 4, I asked for an explanation of the ways in which they spent American funds on the land reform. I ask unanimous consent that the reply be printed in the RECORD, along with other AID documents on El Salvador's land reform programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EL SALVADOR: THE AGRARIAN REFORM PROGRAM

In March 1980, the Salvadoran Revolutionary Government issued Decree Number 153 or the Basic Law of Agrarian Reform. The following month Decree 207 was issued. The latter has come to be known as the "Land to the Tillers" law. Those two Decrees provide the legal basis for a three-phased transfer of the ownership of large estates to those individuals who had previously been associated with the estates as hired laborers or sharecroppers. What follows is a brief decription of those three phases and some of the progress and problems that have been associated with their implementation.

I. PHASE I:

The first phase of the agrarian reform began on March 6, 1980 when the Basic Law of Agrarian Reform was proclaimed. That same day, the Salvadoran Land Transformation Institute (ISTA) began intervening properties. ISTA is the principal implementing entity of the agrarian reform and is specifically charged with land expropriation, purchase, and indemnification. The large farms are being transferred to beneficiaries in the form of cooperatives at present jointly managed with ISTA.

Under Phase I, 282 farms have been transferred to 38,000 cooperative members and their families. The amount of land involved in these transfers totals 214,033.9 hectares or 528,877.77 acres. (See Table I). The cooperatives have been formed by offering to those individuals living on or near the affected farms, who were regular or seasonal employees of the operation, the opportunity to join in the cooperative ownership and management of the farm. In each case of cooperative formation, the members have selected a president and board of directors who are responsible for establishing operating policies and the provision of general guidance to farm management, technicians, and fellow cooperative members.

Reserve rights of previous owners (See table 2)

Decree 153 established reserve rights for prior owners of affected lands. The reserve rights determines and protects the legal maximum amount of land any individual or legal entity may own. The ceiling is between 247 and 370 acres depending upon the quality of the land and may be increased by 20% if the owner maintained or increased productivity or otherwise improved his land between the effective date of Decree 153 and the date of intervention and also complied with labor and social security laws.

Affected land owners were given one year from the date their property was intervened to claim their reserve rights.

Determination of reserve rights are established in the following manner:

a. The land owner initially files a claim indicating the lands and assets he would like to retain;

b. The cooperative indicates its concurrence with the ex-landowner or whether it has an alternate proposal;

c. ISTA's Board of Directors acts as final arbitrator, reconciling differences between landlord and cooperative and approving a final binding definition of the reserve rights;

d. Appeals by previous owners are referred to ISTA's Board of Directors;

e. All final definitions of reserve rights require on-site inspections to determine the quality of land (which determines the size of the reserve right); equitable division of farm lands and assets required to create two independent, viable farm units with access to roads, water utilities, etc.; and delimit the physical boundaries of the reserve right.

Indemnification of former landowners (See table 3)

The indemnification process commences once the extent of the owner's reserve rights have been determined and the net land and assets to be surrendered to the cooperative have been identified.

The law specifies that compensation shall be based on:

The 1976/77 property tax value as declared by the owner;

Where no declared tax value exists, owners may estimate the value, which ISTA may accept or reject. ISTA Board's arbitration of the assigned value is final.

The form of compensation (cash and/or bonds) depends on the size of the holding and the type of asset. The following compensation schedule has been established:

Land, 100 percent of the value to be cancelled with agrarian reform bonds for properties over 1235 acres.

Livestock and machinery, 25 percent in cash and 75 percent in five-year bonds bearing 7 percent interest.

Agro-industry and processing plants, 20 year agrarian reform bonds bearing 6 percent interest.

There are 3 classes of agrarian reform bonds; the class awarded in a given instance depends on land use and tenurial patterns.

II. PHASE II:

Phase II of the reform (the application of Decree 153 to land holdings between 247 and 1235 acres) has not been implemented.

III. PHASE III: DECREE 207 (LAND-TO-THE-TILLER)

A. Background: As was mentioned earlier, Decree 207 was proclaimed by the Government of El Salvador on April 28, 1980. Its purpose was to broaden the reform, to include tenants, sharecroppers, and other small farmers who had worker parcels of land without the benefit of title. These campesinos have been given preferential right to acquire up to a limit of 17 acres of land that they had previously worked. The effect of Decree 207 is to legally establish secure ownership rights for an estimated 125,000 small farmers who cultivate approximately 444,600 acres and are the potential beneficiaries of this program.

B. Implementation: Implementation began in December, 1980, with the establishment of FINATA (National Financial Institute for Agricultural Lands). FINATA now has approximately 300 employees in 81 field offices throughout the country.

Democratic farmer organizations, who were influential in establishing the Land-To-The-Tiller reform, now play an active role in its promotion and implementation.

The actual preparation of application documents are carried out in the FINATA field offices.

Once completed, a beneficiary receives a receipt that confirms user rights and access to production credit.

To verify the information contained in the application FINATA must:

1. Identify "tillers" who have the legal right to claim a particular parcel of land;
2. Identify that parcel and prepare a legal description;
3. Identify the current owner;
4. Determine the land's value;
5. Negotiate agreements or administratively resolve any disputes;
6. Record the action into the cadastral system;
7. Register this transaction in the land registry records;
8. Issue a provisional title;
9. Publicize these provisional transactions to assure that the rights of others who believe they have rights to the affected lands have an opportunity to contest;
10. Establish financial records to permit the beneficiary to make amortization payments and pay applicable taxes;
11. Establish records to compensate former land owners;
12. Issue bonds and make cash payments.

Upon verification of the application (8 above), the beneficiary receives his provisional title. Definitive titles will be issued when valuations are determined for compensating former owners and scheduling land payments by beneficiaries.

In the period between February 16 and June 19, 1981, FINATA received from potential beneficiaries 14,007 applications for land titles. Over the next year, conditions permitting, FINATA estimates it will process 60,000 to 70,000 additional applications. The applications received to date represent 10,981 new beneficiaries (an applicant can file on more than one plot, up to the 17 acres limit) and 40,478 acres.

These beneficiaries represent a portion of El Salvador small tenant farmers, sharecroppers and renters. To date, due to legal property identifications procedures which require site visits, only 380 provisional titles have been issued. Extensive work with cadaster maps will shortly resolve some of the property identification problems. The granting of an additional 3,000 provisional titles is planned by the end of July 1981. Work on property registration publication and valuation (not AID assisted) which will permit the conversion of these provisional titles to permanent land titles continues.

PROBLEMS AND PROSPECTS

During 1980 and 1981, the agrarian reform process in El Salvador has had to contend with the violence and economic problems that have afflicted the country. Crops and farm machinery have been burned. Cooperative leaders and members have been killed or have disappeared. As a result of the intense violence or insecurity in some parts of the country, 22 cooperatives have been abandoned. Other cooperatives have encountered operating and social-political problems. In a recent report prepared by ISTA, it was reported that 55 cooperatives have encountered operating problems and another 22 have had to contend with socio-economic problems that have affected their operations in one form or another. Few of those cooperatives, however, have been abandoned. Other cooperatives have encountered operating and social-political problems. In a recent report prepared by I.S.T.A., it was reported that 55 cooperatives have encountered operating problems and another 22 have had to contend with socio-economic problems that have affected their operations in one form or another. Few of those cooperatives, however, have been abandoned and all managed despite those problems, to harvest crops during the 1980–1981 crop year and to initiate preparations for 1981–1982.

The Salvadoran agrarian reform has had the misfortune of coming into existence at the same time that the country has had to contend with serious and continuing declines in the prices earned by its principal agricultural export commodities. This has been especially true of coffee, sesame, and basic grains. While this has placed a burden on the entirety of the national economy, it has been especially difficult for the newly organized and largely inexperienced agrarian reform cooperatives. In the final analysis, commodity prices could prove the most critical factor in the success or failure of the Salvadoran agrarian reform effort.

The timely delivery of production inputs, particularly credit, to the reformed sector has been problematic, but there the record is marked with some important achievements. During 1980 the national financial system extended in the form of production credit an estimated $95,000,000 to the reformed sector.

Over half that amount was repaid through the earnings made on the sale of last year's crops. Of the other half approximately $20,000,000 will need to be refinanced because of low commodity prices or because short term loans were acquired for purposes that would have been better served with medium or long term credit. In the I.S.T.A. report that was mentioned above, the agrarian reform cooperatives earned high marks for their management of the production credit that was lent to them. Had market conditions been more favorable for producers, their performance might have been more impressive.

TABLE 1.—EL SALVADOR: IMPACT OF THE LAND REFORM PHASE I

[June 29, 1981]

Department	Number of farms	Area (acres)
Ahuachapan	26	39,773.22
Santa Ana	23	46,205.97
Sonsonate	31	59,297.33
Chalatenango	5	16,600.18
La Libertad	45	89,307.87
San Salvador	11	25,995.91
Cuscatlán	3	8,507.65
La Paz	38	63,498.20
Cabañas	1	1,598.24
San Vincente	21	21,601.06
Usulután	43	66,699.95
San Miguel	16	46,987.55
La Unión	17	39,597.28
Morazán	2	3,207.36
Total	282	528,877.77

Note.—(1) The estimated total number of Phase I beneficiaries is 480,000; (2) Area affected represents 14.9 percent of total farm area in El Salvador; (3) Average size of intervened haciendas is 1,875.45 acres.

Source: ISTA.

TABLE 2.—EL SALVADOR: STATUS OF RESOLUTION OF PHASE I—RESERVE RIGHTS

[June 29, 1981]

Reserve rights	Number of cases	As percent of phase I intervened farms
A. Claimed reserve rights	166	58.86
In process	54	19.15
Approved	83	29.43
Forfeited (1)	29	10.28
Denied	0	0.00
B. Reserve rights not claimed	116	41.14
Total	282	100.0

Note.—(1) After claiming the reserve right, landowners decided not to make use of it.

Source: ISTA (Department of Planning).

TABLE 3.—COMPENSATION STATUS OF THE LAND REFORM—PHASE I

[U.S. dollars (June 29, 1981)]

	Cases already approved	Compensation (actually paid)	Cases pending compensation
Number or farms	59	23	36
A. Bonds	$25,981,720.00	[1] $14,806,920.00	$11,174,800.00
A.1 Preferential "A" bonds	1,949,080.00	905,200.00	1,043,880.00
A.2 "A" bonds	18,527,720.00	11,674,880.00	6,852,840.00
A.3 "B" bonds	896,520.00	145,600.00	750,920.00
A.4 "C" bonds	4,608,400.00	2,081,240.00	2,527,160.00
B. Cash payment	2,287,450.00	1,113,366.00	1,174,084.00
C. Total compensation	28,269,170.00	15,920,286.00	12,348,884.00
D. Deduction from the cash payment	18,641.20	9,326.80	9,314.40
E. Net cash payment	2,268,808.80	1,104,039.20	1,164,769.90

[1] This amount of compensation to be paid in bonds is actually done with "Certificados Provisionales" (provisional bonds).
Source: ISTA.

TABLE 4.—EL SALVADOR: ESTIMATED AREA AND FARMS AFFECTED BY THE LAND REFORM PROCESS

[(June 29, 1981) (acres)]

	Phase I	Phase II	Land to the tiller
Size of ownership holding subject by law to intervention (acres)	1,235.50 and over	247.10 to 1,235.50	[1]
Area affected by the land reform:			
Total (acres)	528,877.77	[2] 847,249.07	444,780.00
As percent of total farm area	14.9	23.6	12.4
Farms affected by the land reform:			
Number	282	1,739	[3] 125,000
Average size (acres)	1,868.08	N.A	3.46
As percent of all operational units	0.1	0.6	46.1

[1] Properties of any size which are indirectly exploited: The maximum area by law which an individual farmer beneficiary may acquire is 17.29 acres. However, this limit is not applicable to agricultural cooperatives, community campesino associations, or other agricultural workers' association registered in the Ministry of Agriculture. The average size of parcel to which beneficiaries will receive title to is estimated to be 3.46 acres.
[2] This total will be reduced because of the former land owner's reserve right to retain 247.10 to 370.65 acres, depending on the quality of land retained.
[3] This is the number of beneficiaries; as they may rent more than one plot, the total number of parcels farmed may considerably exceed the number of beneficiaries.

Source: FINATA, ISTA and MINPLAN.

El Salvador Agrarian Reform Monthly Report, August 26, 1981

1. BACKGROUND

The following is the second of a continuing series of monthly reports detailing the Salvadoran Agrarian Reform's implementation progress. These reports are being prepared in an effort to inform AID/W in a timely and systematic fashion regarding the Reform's progress. Data cited here have been supplied by GOES officials responsible for the implementation of the Reform's component activities. Additional information and appropriate definitions may be obtained through the previous monthly report and two Mission briefing documents dated 5/27/81 and 6/25/81. Those documents are on file with LAC/CEN and LAC/DR/RD.

2. PHASE I (DECREE 153)

a. Total number of properties intervened under the authority of Decree 153: 315.

Cooperative members: 32,116.

Estimated total beneficiaries, including family members: 224,812.

Land area affected: 547,556 acres.

b. Property owners compensated as of last reporting period (i.e., as of 7/24/81): 47.

Total compensation paid as of 7/24/81 for 47 properties: $27,866,810.

c. Property owners compensated during this reporting period (7/24/81 to 8/25/81): 5.

Amount paid: $6,530,683.

Form of payment: Cash, $75,923; bonds, $6,454,760.

d. A total of 52 properties have been purchased as of 8/25/81, costing $34,397,493: Cash, $2,866,733; bonds, $31,530,760.

e. An additional 73 properties have been approved for compensation settlement, which are expected to total $46,403,038 of which $4,356,355 will be in the form of cash payment and $42,046,683 in agrarian reform bonds.

f. Number of properties presently pending compensation approval: 190.

g. Property titles issued to cooperatives: 1.

As of last period (7/24/81): 0.

During this period: 1.

Cumulative as of 8/25/81: 1.

Note: Additional property title transfers to co-ops are being processed. Issues which have to be resolved prior to the issuance of titles and their transfers to co-ops include the scheduling of final mortgage payments, determining the size and nature of outstanding bank loans against affected properties, and the drawing up of state co-op participatory management contracts. The issuance and transfer of Phase I titles is a priority item in the GOES Agrarian Reform agenda.

3. PHASE II

As stated in previous report, Phase II implementation has been postponed indefinitely.

4. PHASE III (DECREE 207)

a. Number of direct beneficiaries: 17,862.

Direct beneficiaries are defined as those individuals who have submitted petitions under the terms of Decree 207 for title to the lands they have worked under some sort of sharecrop, rental, or service arrangement.

Total beneficiaries: 107,172.

The number representing total beneficiaries is derived by multiplying the number of direct beneficiaries by six (6), a procedure intended to account for the direct beneficiaries and their family members.

b. Land area affected under Decree 207: 68,212 acres.

c. Title petitions filed: As of last period (7/24/81): 19,015.

During this period (7/25/81 to 8/25/81): 4,286.

Cumulative to date (8/25/81): 23,301.

Under the provisions of Decree 207, an individual may submit petitions for title to more than one parcel of land so long as the total intended transfer does not exceed the seven (7) hectares (17.3 acres) limit established under Decree 207.

d. Provisional titles granted: As of previous reporting period (7/24/81): 1,440.

During this period (7/24/81 to 8/25/81): 3,442.

Cumulative as of 8/25/81: 4,882.

e. Definitive titles granted:

As of 7/24/81: 0.

As of 8/25/81: 0.

Cumulative: 0.

f. Property owners compensated as of 8/25/81: 0.

Explanatory Note: The administrative and legal conditions that must be satisfied prior to the issuance of a definitive title are complex and lengthy. Among other things, the value of the land to be transferred must be assessed in a manner consistent with terms set forth in Decree 207 and the value of any mortgage associated with the affected property must be determined.

EL SALVADOR AGRARIAN REFORM MONTHLY REPORT, JULY 30, 1981

A. BACKGROUND

The following is the first of monthly progress reports for AID/W information. Data cited are official GOES figures. The purpose is to provide a mechanism for responding to inquiries regarding progress of El Salvador's agrarian reform program. Background definitions and data can be found in two reports hand carried to AID/W dated 5/27/81 and 6/25/81. Both should be available through LAC/CEN of LAC/DR/RD backstops.

B. PHASE I (DECREE 153)

1. Total number of Phase I properties: 282.

Cooperative members: 31,800.

Total beneficiaries: 217,784 (includes family members).

Land area affected: 528,878 acres.

2. Property owners compensated as of last period: 33 (6/24/81). Compensation paid: Cash: $1,518,497; Bonds: $16,091,560.

3. Property owners compensated this period: 14 (7/24/81). Compensation paid: Cash: $1,272,313; Bonds: $8,984,440.

4. Total compensation paid to date, 47 properties: $27,866,810.

5. Additional properties approved for compensation settlement: 64 (7/24/81)—Cash: $3,790,368; Bonds: $35,642,044.

6. Properties pending compensation approval: 171.

7. Property titles issued to cooperatives:

As of last period: 0 (6/24/81).

This period: 0 (6/24/81 to 7/24/81).

Cumulative to date: 0 (7/24/81).

Note: Initial issuance of property titles to co-ops is still pending. Issues to be resolved include final mortgage arrangements, outstanding bank loans against properties and co-op/state participatory management contract. GOES continues to plan for earliest possible issuance of Phase I titles.

C. PHASE II

Indefinitely postponed.

D. PHASE III (DECREE 207)

1. Number of direct beneficiaries: 14,735.

Total beneficiaries: 88,410 (includes family members).

2. Land area affected: 54,961 acres.

3. Applications for titles filed: As of last period: 12,815 (6/12/81). This period: 6,200 (6/12/81 to 7/24/81). Cumulative to date: 19,015 (7/24/81).

4. Provisional titles granted: As of last period: 52 (6/12/81). This period: 1,388 (6/12/81 to 7/24/81). Cumulative to date: 1,440 (7/24/81).

5. Definitive titles granted: As of last period: 0 (6/12/81). This period: 0 (6/12/81 to 7/24/81). Cumulative to date: 0 (7/24/81).

Note: Definitive titling pending determination of values for compensation and mortgage values of affected properties.

Mr. HELMS. Mr. President, the restrictions of section 721 are deleted in the present bill as it emerged from committee. My amendment would restore the restrictions of section 721 and would clarify the intent of the legislation to restrict any U.S. funds from going to the land reform process at any stage of planning, implementation, direct or indirect technical assistance, and support services, as well as restricting credits and other financial mechanisms which are meant for the private sector from being diverted to the nationalized land reform properties.

There is one dimension of the situation in El Salvador which must be understood here: Within the ruling junta, there are many tendencies; some members are inclined to pursue "dialogue," as they choose to call it, with the left, with whom they feel much more at home than with the center forces who constitute the majority of Salvador's population. It is at their insistence, spurred on at critical points by zealous in the American Embassy in San Salvador during the last administration, that the radical nature of these so-called reforms was driven home; and I assure you, Mr. President, that there are more moderate forces within the forces of opinion in that country who recognize the need for a voice of reason during this time of crisis. We can give those forces of moderation critical and much-needed support at this decisive moment in Salvadoran history, Mr. President, if we only reach to the foundation of principles which have nurtured the search for freedom and peace in our own history.

It is sad to note that many cynics in Latin America think that if they but utter the sacred phrase "private sector," they can take the taxpayers of the United States for all they can get. I am sorry that we sometimes encourage such behavior; for instance, in Nicaragua, those firms eligible for aid which we have earmarked for the "private sector" are defined by our own AID officials as any firms of which the Government does not own a controlling interest. So, to be on the safe side, and to encourage even those Socialists who affect public policy decisions in El Salvador which will be paid for with U.S. funds, this amendment requires that no nationalized or redistributed properties can qualify for the U.S. aid which is intended to help the private sector.

Mr. President, it is bad enough that much of our aid to the private sector in El Salvador must be channeled through nationalized banks; but this amendment makes clear the understanding that nationalized properties redistributed in the land reform program are not to be considered "private sector" entities for the purposes of determining eligibility for U.S. private sector loans, which are also contained in our overall program for El Salvador.

Mr. President, it is clear that many of these grave concerns have not been adequately addressed, as I have already illustrated. It is time that we stopped sending ambiguous and confusing signals to the international community: My amendment is in harmony with the principles ennunciated by President Reagan and responsible economists worldwide and in the major policy speeches of the President and the Secretary of State quoted above.

It is time that we stopped asking the American taxpayer to foot the bill for socialist experiments in foreign countries which need to liberate their markets, not nationalize them. It is time that we stop financing the breakdown of the Salvadoran economy and concentrated our efforts instead on the rebuilding of the foundation of a growth-oriented productive sector based on private ownership, the defense of human rights, including property rights, and the protection of law-abiding citizens from the terrorist guerrillas who have vowed to bring El Salvador to its knees.

Throughout Latin America, throughout the world, the world should know where we stand, Mr. President. Do we stand for growth or stagnation? State control or individual initiative? Freedom or socialism? A strong, vibrant economy or a collapse which can only aid the guerrillas? Mr. President, I believe the choice is clear.

Mr. President, I think this was an amendment on which the distinguished chairman of the committee will have a substitute amendment—meaning the land reform amendment—and I would be willing to yield back my time so it may expedite matters and so that he can be in order in sending his substitute to the desk.

UP AMENDMENT 513

Mr. PERCY. Mr. President, I send to the desk an amendment in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Chair wishes to inquire, has all time been yielded back on both sides so that we may proceed with the consideration of the substitute amendment? It is the Chair's understanding that the proponents have yielded back, but they are not clear as to the position of the other side.

Mr. PERCY. Mr. President, I have just one explanation. The substitute amendment is now current law. Let us make that clear.

Mr. President, I yield back my time on the original Helms amendment No. 512.

The PRESIDING OFFICER. All time having been yielded back, the clerk will state the substitute amendment.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 513 as a substitute to the unprinted amendment numbered 512.

In lieu of the language proposed to be inserted, insert the following:

"Sec. . None of the funds authorized to be appropriated by this Act may be made

available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto."

Mr. PERCY. Mr. President, I believe we have had an explanation of the amendment and the reading of the amendment. We are ready for a vote, and I yield back the remainder of my time.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the substitute amendment.

The substitute amendment (UP No. 513) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first degree amendment, as amended.

The amendment (UP No. 512), as amended, was agreed to.

UP AMENDMENT NO. 514

(Purpose: To express the sense of the Congress with respect to Japan and security in Asia)

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Chair inquires if the Senator from North Carolina wishes to have his first amendment continued to be set aside temporarily.

Mr. HELMS. Mr. President, I believe that the distinguished chairman and his staff are still working on their modification of that amendment.

The PRESIDING OFFICER. The Chair needs such a request before we can proceed with this amendment.

Mr. HELMS. I make such a request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 514.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

JAPAN AND SECURITY IN ASIA

SEC. 716. (a) The Congress finds that—

(1) current trends in the course of international relations require greater efforts on the part of the United States and its allies in defending democratic values and ideals;

(2) Japan is a vital member of the democratic family of nations and has the economic means to devote a greater share of its government expenditures to defense;

(3) efforts to enhance international peace and security, particularly in the northeast Asian region, will require credible defense efforts by the United States and Japan; and

(4) in the joint communique signed by Japan's Prime Minister and the President of the United States in Washington on May 8, 1981, the Government of Japan and the Government of the United States agreed on the necessity of increasing defense efforts.

(b) It is the sense of the Congress that—

(1) consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960, both Japan and the United States should redouble their efforts to resist the challenges of the Soviet Union to security in Asia;

(2) as a tangible sign of commitment to international peace and security, the Government of Japan should increase its defense expenditures; and

(3) the President should as soon as practicable announce plans to enter into negotiations with the Government of Japan to update the terms of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, with the objective of establishing a full partnership and closer cooperation in sharing the burden of the common defense.

Mr. HELMS. Mr. President, I am concerned about the lack of responsiveness of the Government of Japan to the repeated requests made of Japan to increase their share of the collective defense burden of the West.

Today, the Japanese economy and the Japanese people enjoy a degree of security that is bought and paid for in large measure by the American taxpayers. I believe that the Japanese spend something in the order of $11 billion annually for defense, while the United States pays $160 billion.

This was appropriate at a time when the Japanese economy was a small fraction of the American counterpart. But thanks, in part, to a generous sharing of American technology and the American market for Japanese products, and the willingness of the American people to carry the overwhelming burden of collective defense, Japan was able to make maximum benefit of her own industrious and inventive work force to construct one of the world's most powerful economies.

Events in Afghanistan and other signs of growing Soviet adventuresomeness around the globe have convinced many people that a greater collective defense effort is required by the West. The feeling was that a few more dollars spent today might discourage the Soviets from engaging in even more dangerous activities that could spiral out of control into war.

The Carter administration requested of the Government of Japan that they too make a significantly greater contribution to the collective Western defense effort, particularly in view of the very low base from which Japan is starting.

The Reagan administration has made similar requests. And to date, the response has been most disappointing. Delays, evasiveness, vague hints at future possible efforts in the defense area have characterized much of the official Japanese response.

And in the meantime, the Japanese trade deficit with the United States has grown to staggering levels—most recently in the order of 15 billions of dollars.

Thus, the Japanese continue to have the benefit of the best of both possible worlds: Expanded access to the American market and continued shifting of the defense burden to the American taxpayer. Clearly this cannot continue in this light.

I think the time has come to go right to the heart of the matter of United States–Japanese security arrangements, and renegotiate the Japanese-American Security Treaty. The purpose of this would be to get formal Japanese concurrence to provide the manpower and hardware to carry out specific functions. I have in mind an expansion of the Japanese Navy to protect the sea lines from the Persian Gulf to the Japanese Islands. And I have in mind an expansion of Japanese air power to provide protection of a specific area around Japan.

The United States presently has a need to concentrate more of our military power to theaters other than East Asia. Yet, a power vacuum would invite the Soviets to fill it, which would not be in either American or Japanese interests.

For this reason, it is important for our Japanese friends to face up to their own responsibilities, and make a modest sacrifice on behalf of defense. It will, in any case be a small sacrifice compared to that which the American people make year in and year out.

But, the stalling and evasiveness by the Japanese Government on this critical matter of mutual interest must end. We need to see some significant and tangible results, and we need to see them soon.

This amendment would call upon Japan to increase its defense expenditures as a tangible sign of commitment to international peace and security, and calls upon the President to enter into negotiations with Japan to update the mutual security treaty with the objective of establishing a full partnership for the common defense.

Mr. President, the distinguished chairman and I have discussed this amendment, and it is my purpose to withdraw the amendment, provided he will be willing to give me assurance that hearings will be held on this subject at the appropriate time.

Mr. PERCY. Mr. President, I commend the distinguished Senator for raising this issue. He joined me when we sent a joint letter, signed by 37 other Senators, to Prime Minister Ohira, simply indicating that Japan should and must do more for its self-defense, for the common defense, and in the area of humanitarian assistance. The Japanese have responded in a very forthright way. At that time, they sent 50,000 tons of rice to Kampuchea, and they started to talk earnestly about the modernization of their self-defense force.

I believe that the question of U.S. security interests in Asia should be the topic of hearings and that such hearings can be held in an expeditious manner. The issue of U.S. security interests in the Far East will be considered as one of the primary topics in our upcoming hearings on East-West relations. I hope Senator HELMS will participate actively in those hearings.

I oppose this amendment because I believe it will be counterproductive.

We would all like Japan to increase its defense capability. But we should not overlook some of the significant advances Japan is now making in strengthening its security posture:

An ambitious program for modernizing Japan's self-defense force includes acquisition of such major U.S. equipment as the F–15, P–3C, and E–2C. The Japan Defense Agency's proposed 1982 budget will accelerate procurement of these systems.

Japan has steadily increased its host nation support for U.S. forces in Japan. Such support comes to about $1 billion, with increasing amounts being spent each year for U.S. facilities and costs of our labor force in Japan. We are discussing further expansion of Japan's cost-sharing programs.

Under the guidelines for United States-Japan defense cooperation adopted in 1978, United States and Japanese military staffs meet regularly to work out joint contingency plans and cooperation in fields such as logistics, communications and intelligence. They have made substantial progress.

Japan has also made some progress in security-related areas. In the wake of the brutal Soviet invasion of Afghanistan, Japan made generous aid offers to Turkey and Pakistan to bolster their ability to stem internal economic disintegration as well as external aggression. Japan has increased its aid to Thailand and has taken on a large portion of the financial burden generated by the refugee crisis in Southeast Asia. Japan did not send a team to the Moscow Olympics and increased its purchase of U.S. grain to help offset American losses during our grain embargo of the Soviet Union. Japan has also decided to purchase U.S. grain for distribution overseas as food aid—an important undertaking I have suggested for years—opening up the possibility of larger sales for this purpose in the future.

But we would like Japan to do more. Japan's spending on defense as a percentage of gross national product is extraordinarily low. There is no question Japan could do more to improve its defense capability. I have personally made these points to former Prime Minister Ohira—now deceased—and Prime Minister Suzuki.

The Reagan administration has also urged Japan to do more. At a meeting in Hawaii last summer of the security consultative committee, administration officials spoke quite frankly about U.S. hopes for improvement in Japan's defense readiness and overall capability. There is no question that the U.S. position is clear on this point.

This amendment, however, would be counterproductive in our efforts to convince Japan to improve its defense capability. It calls for an "updating" of the mutual security treaty and would focus debate in Japan on the wrong issue. It implies that, if Japan does not increase its defense spending, the United States will withdraw its security commitment.

First, the threat is not credible. The treaty is as much in our interest as it is in Japan's. And, second it would convince the Japanese that they were being urged to increase defense because it is in the U.S. interest. We must persuade the Japanese that it is in Japan's self-interest to react to changing circumstances such as the Soviet military buildup in the Far East.

Mr. President, I am confident that this administration, with the combined persuasive talents of Secretaries Haig and Weinberger, will prove successful in eliciting increased commitments from our allies to the common defense. I also believe that the Japanese, as well as the Europeans, are well aware of U.S. sentiment on the issue of allied contributions to the common defense. For these reasons, I would respectfully request the Senator from North Carolina to withdraw his amendment.

Mr. HELMS. I thank the able chairman of the Foreign Relations Committee.

I will withdraw the amendment, in light of his assurances. But I say to him and other Senators that sentiment on this matter is growing among our colleagues, and I doubt that they are going to be all that patient for a very long period.

So I welcome his assurance that hearings will be held in an expeditious manner. I expect that next year we will see a lively debate on this issue, and I hope the Japanese will take note.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair understands that it is the request of the Senator to withdraw his amendment (UP No. 514).

Mr. HELMS. I do withdraw it.

Mr. PERCY. I thank my distinguished colleague for withdrawing his amendment.

The PRESIDING OFFICER. The question now recurs on UP amendment No. 511.

Mr. BAKER. Mr. President, can we vacate the order for the yeas and nays on this amendment?

Mr. HELMS. Not quite yet, I say to the distinguished majority leader, but he can anticipate that sort of action.

Mr. BAKER. I thank the Senator.

Mr. HELMS. Mr. President, I think it is essential that I see the amendment before I proceed. I suggest the absence of a quorum, with the time to be charged to neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that the Chair may recognize the chairman of the committee to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

UP AMENDMENT NO. 515

(Purpose: To provide for the use of certain Polish currencies)

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 515.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, insert the following new section between lines 2 and 3:

"USE OF CERTAIN POLISH CURRENCIES

"SEC. 716. (a) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, or any other provision of law, the currencies or credits received by the United States from the April 1981 sale of United States Government-held surplus dairy products to Poland shall, to such extent as may be provided in advance in an appropriation Act, be used by the President in Poland to serve United States interests, including use for activities of common benefit to the people of the United States and the people of Poland, such as joint programs in energy, agriculture, education, science, health, and culture, or for humanitarian activities.".

Mr. PERCY. Mr. President, the Commodity Credit Corporation recently sold Poland $70 million worth of U.S. surplus dairy products as part of a program to help Poland during its current difficulties. In order not to further erode that country's delicate balance-of-payments situation, the United States agreed to take payment in Polish zlotys. Given the current inflation rate in Poland, if these funds are not put to some productive use quickly, they will rapidly erode in value.

I am, therefore, offering an amendment which would authorize the use of such funds for purposes of mutual benefit to the American and Polish people in such fields as energy, agriculture, education, science, health, and culture. I believe there are a variety of undertakings in which American and Polish citizens, working together, could bring about advances in knowledge in such areas as energy and medicine, and in mutual understanding through work in culture and education. Such funds might also be used to help with local costs of U.S. sponsored humanitarian activities.

I should note that the House Committee on Foreign Affairs has included a similar provision in its foreign assistance bill, and that according to my amendment funds would only be made available if also provided for in an appropriations act. I believe this amendment makes sense financially, and will allow activities to get underway which will bring our two people even closer together.

Mr. President, I believe we are ready for a vote on the amendment. I yield back the remainder of my time.

Mr. PELL. Mr. President, this is an excellent amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (UP No. 515) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum, without the time being charged against the time allocated under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand that the Percy substitute to the Helms amendment dealing with the cut in funding levels is now ready to be represented to the Senate. Could I inquire of the author of the substitute and of the original amendment if that is indeed the case?

Mr. PERCY. That is the case.

Mr. BAKER. Will both Senators be willing to agree to vitiate the yeas and nays?

Mr. PERCY. This Senator will.

Mr. HELMS. Yes.

Mr. BAKER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 516

Mr. PERCY. Mr. President, at this time I send to the desk a substitute for the Helms amendment and I believe my distinguished colleague will join me as a cosponsor of this substitute.

The PRESIDING OFFICER. All time having been yielded back, the amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself and Mr. HELMS, proposes an unprinted amendment numbered 516 to UP No. 511.

Mr. HELMS. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted insert the following:

"LIMITATION ON THE OBLIGATION OR EXPENDITURE OF FUNDS

"SEC. 716. (a) Notwithstanding any other provision of this Act, the funds authorized to be appropriated by this Act shall be reduced by $67.6 million.

"(b) In order to comply with the limitation contained in subsection (a), the head of each agency to which funds are appropriated pursuant to this Act shall determine the extent to which funds available to such agency for any activity, program, project, type of materiel assistance, or country will not be obligated or expanded.

"(c) Nothing in this section authorizes an increase in the amount available for any activity, program, project, type of materiel assistance, or country.".

Mr. HELMS. May I ask the distinguished chairman one question?

Mr. PERCY. Yes.

Mr. HELMS. What we are talking about is saving the taxpayers another $67.6 million; is that correct?

Mr. PERCY. That is exactly right and that is also in conformity with the wishes of the administration. The administration supports this amendment, the substitute amendment.

Mr. HELMS. I am delighted to join in the cosponsorship of it and ready to vote, Mr. President, and yield back the remainder of my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (UP No. 516) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina as amended by the amendment of the Senator from Illinois.

The amendment (UP No. 511), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

UP AMENDMENT NO. 517

(Purpose: To provide for up to $75,000,000 to be made available as a special requirements fund)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN), for himself and Mr. INOUYE, proposes an unprinted amendment numbered 517.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 23, insert "(1)" immediately after "(a)".

On page 22, line 2, strike out "$2,473,500,000" and insert in lieu thereof "$2,548,500,000".

On page 22, between lines 2 and 3, insert the following:

"(2) Section 531(b) of such Act is amended by adding at the end thereof the following:

"'(3) Of the funds appropriated pursuant to paragraph (1), up to $75,000,000 may be made available as a special requirements fund, except that none of such funds may be obligated unless the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation.'".

Mr. KASTEN. Mr. President, this amendment, which is cosponsored by Senator INOUYE, would authorize a special requirements fund as part of the economic support fund as sought by the administration. The need for such a fund, which is simply a contingency fund similar to previous contingency funds, stems from the simple fact that it is impossible in January of any year to predict all needs that may arise during a fiscal year beginning 9 months in the future. In the past, supplementals or reprogramings have been the only means of responding to unanticipated needs where small amounts of ESF assistance would promote U.S. foreign policy and security objectives. As chairman of the Foreign Operations Appropriations Subcommittee, and I know that the senior Senator from Illinois as chairman of the Foreign Relations Committee has had the same experience, these procedures have shown themselves to be entirely unsatisfactory.

Supplementals are time consuming and because of delay, lessen the political and economic impact of our assistance. Likewise, reprograming is cumbersome since it requires the administration to take funds intended to serve one clearly identified foreign policy objective and shift them to another. This has resulted in situations where the administration has been forced to determine whether it can risk damaging important relationships with one country or group of countries in order to respond to bring foreign policy and security needs vis-a-vis another country. An example of this occurred just a few months ago when in order to provide emergency assistance to El Salvador and Liberia, the administration was forced to "borrow" funds from the programs of Israel, Egypt, and Cyprus.

Mr. President, it is ludicrous for the United States to have to in effect beg one set of countries for our own money in order to give it to another. The fund authorized by my amendment would eliminate this situation.

Mr. President, we have been assured by administration officials that the dollars authorized for the special requirements fund would be used only in situations of high priority. Even so, I am mindful of the concern by some of my colleagues that Congress must retain a meaningful voice over the use of these funds. Therefore, I have included language in my amendment which requires the administration to notify the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the Committees on Appropriations of both Houses 15 days in advance of obligation of any of these funds—the same requirement for reprogramings which now exists. This provision, together with our ability to review this yearly, I believe, gives Congress adequate control and input.

A no better example for the need for such a fund exists than in the current situation we face in the Middle East. The major threat to stability in the Sudan is that country's precarious economic situation where a lack of foreign exchange has resulted in shortages of basic commodities and long lines for them. Obviously this situation provides furtile territory for Libyan trained and financed agents to stir up unrest against the government. Presently we have no means of reacting quickly to this situation. If this

special requirements fund were in place, we would have.

Mr. President, this proposal is a nonpartisan one, not only here in Congress, but is nonpartisan as reflected by the policies of the past several administrations, all of whom have suggested similar special requirement funds.

Mr. President, I strongly urge adoption of this amendment.

Mr. PELL. Mr. President, I understand the reasons that the Senator from Wisconsin and the Senator from Hawaii have sponsored this amendment. However, we should not lose sight of the fact that the last amendment we voted on reduced $67.6 million across the board from this bill.

What this measure does is to put back into it almost exactly the same amount. We go up the hill, take out $67.6 million, and then we go down the hill and put $75 million back in.

We also ought to recognize, when we go to conference with the House, that the money will be in the House bill. That would seem to me to be the time when we can see if it seems advisable to do it, if necessary.

In view of the current tight budgetary restrictions, in view of the fact we have got the foreign assistance budget now at exactly the level requested by the President in his September budget revisions, now is not the time to add $75 million in foreign aid while we are reducing spending levels for important domestic programs. I hope my colleagues will reject this amendment. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I would like to join the distinguished Senator from Rhode Island in opposing the amendment. We have cut school lunches, we have cut aid to senior citizens in various ways. We have cut all sorts of programs, and I see no reason to add $67 million for unspecified foreigners in various unspecified countries.

I suggest particularly in view of the fact that we have deep concerns about so much money that is allocated to various countries being wasted, I see no reason to give a blank check to the administration, and I urge the amendment be rejected in the interest of economy and in the interest of knowing what we are doing with our money.

Mr. PELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. PELL. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER. There has not yet been a response.

Mr. CRANSTON. I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER. Is there objection to the request that the order for the yeas and nays be withdrawn? There being no objection——

Mr. KASTEN. Mr. President, has the Chair ruled as to whether or not the yeas and nays have been——

The PRESIDING OFFICER. The parliamentary situation is as follows: The yeas and nays were ordered, and the clerk commenced to call the roll. There had not been a response and, therefore, the Chair could entertain a request for recognition of a Senator from the floor. This has been done. The question has been to ask unanimous consent to vacate the yeas and nays, and there has been no objection, and the Chair has ruled——

Mr. KASTEN. I do not object to a voice vote if that is what is about to occur.

The PRESIDING OFFICER. The yeas and nays have now been vacated.

The question now recurs on a voice vote on agreeing to the amendment of the Senator from Wisconsin. (Putting the question.)

The PRESIDING OFFICER. The "Noes" have it.

Mr. KASTEN. Mr. President, I ask for the yeas and nays.

Mr. LONG. The Chair has announced the result.

Mr. BAKER. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Colorado (Mr. HART) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. SASSER) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 24, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—49

Abdnor	Hawkins	Nickles
Armstrong	Heinz	Nunn
Baker	Hollings	Packwood
Boren	Huddleston	Percy
Boschwitz	Humphrey	Quayle
Chafee	Inouye	Roth
Chiles	Jackson	Rudman
Cochran	Jepsen	Schmitt
Cohen	Kassebaum	Specter
Danforth	Kasten	Stafford
Do.e	Leahy	Thurmond
Domenici	Lugar	Tower
East	Mathias	Wallop
Gorton	Mattingly	Warner
Grassley	McClure	Zorinsky
Hatch	Moynihan	
Hatfield	Murkowski	

NAYS—24

Baucus	Exon	Mitchell
Bentsen	Ford	Pell
Biden	Glenn	Proxmire
Byrd, Harry F., Jr.	Heflin	Pryor
	Helms	Randolph
Cannon	Levin	Riegle
Cranston	Long	Stennis
Dixon	Matsunaga	
Eagleton	Melcher	

NOT VOTING—27

Andrews	Durenberger	Pressler
Bradley	Garn	Sarbanes
Bumpers	Goldwater	Sasser
Burdick	Hart	Simpson
Byrd, Robert C.	Hayakawa	Stevens
D'Amato	Johnston	Symms
DeConcini	Kennedy	Tsongas
Denton	Laxalt	Weicker
Dodd	Metzenbaum	Williams

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Wisconsin (Mr. KASTEN).

The amendment (UP No. 517) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if I may have the attention of the Senate for one moment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there are no other amendments with the exception of one I am about to speak of and then I expect final passage.

Mr. President, when the list of amendments that we knew of was being filed, and when the Senate agreed to an order which provided against any other amendments except second-degree

amendments enumerated, through inadvertence an amendment to be offered by the Senator from Oregon was omitted. It deals with Pakistan. Mr. President, I ask unanimous consent that it be in order for the Senator from Oregon to offer the amendment with a time limitation of 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Reserving the right to object, is it the understanding of the manager of the bill that it is 5 minutes on a side?

Mr. BAKER. That is correct.

Mr. PERCY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 518

(Purpose: To strike $100 million in U.S. assistance to Pakistan)

Mr. HATFIELD. Mr. President, I wish to thank the leadership for providing for this opportunity to present an amendment.

Mr. WALLOP. Mr. President, I ask for order in the Senate.

The PRESIDING OFFICER. There will be order in the Senate.

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 518.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, line 2, of the bill strike "$2,548,500,000" and insert in lieu thereof "$2,448,500,000".

On page 23 strike lines 20 through 22.

Mr. HATFIELD. Mr. President, this cuts $100 million out of this bill which is a downpayment on a $3 billion package of economic and military aid to Pakistan. There remains over $50 million which passed the Agriculture Committee under Public Law 480 assistance.

To provide a nation with credentials as questionable as Pakistan's with the first installment of a $3.2 billion aid package without the benefit of a single hearing would be the height of fiscal irresponsibility. Less than 2 years ago the Government of Pakistan stood by in passive indifference while two American personnel were killed, the U.S. Embassy was burned to the ground, and other U.S. Government facilities were destroyed.

The administration's goal of strengthening U.S. security objectives in the region is commendable, but the viability of attaining this goal through the bestowal of allied status to Pakistan is, at a minimum, deserving of congressional input and examination prior to the implementation of long-range commitments. Indeed, not only does Congress not know the details of this aid package, but it has absolutely no assurance on a number of key policy matters of longstanding concern.

Key areas which must be examined before precipitous action is taken include:

What is the nature of Pakistan's effort to work out a political accommodation with the Soviet Union and the Karmal regime in Afghanistan? As recently as 3 months ago, Pakistan's Foreign Minister announced that the Soviet Union was not a central threat to Pakistan.

If Soviet expansionism is the key impetus behind the aid package, why has there been no redeployment of Pakistani forces since the invasion of Afghanistan? Why is some two-thirds of the Pakistan military deployed, not along the Afghanistan border, but rather on the Indian border?

Furthermore, what assurances does the administration have that Pakistan's new-found capability will be used not to further United States-Pakistan efforts against the Soviet Union, but rather against its historic enemy, India?

Few experts believe that the $3 billion aid package will be sufficient to bolster Pakistan's defenses to the point where they are sufficient to deter a Soviet advance. How much funding is necessary?

What is the nature of the Pakistan-Libya nuclear relationship? Respected sources report that Libya has supplied Pakistan with uranium ore. It is also believed that Colonel Qadhafi looks to Pakistan to satisfy his keen interest in obtaining an Islamic bomb. Even State Department cables report that Pakistan is moving toward the development of an offensive nuclear capability.

The American people have yet to be provided with an apology, let alone an explanation or full reimbursement for the damage to the American Embassy in Islamabad less than 2 years ago. The Pakistani Government can never replace the lives of the personnel who were killed in that incident while serving as officials of the U.S. Government. Why was the Government of Pakistan not moved to punish those who conducted the attack? Finally, serious questions remain unanswered regarding the possible involvement of the Pakistani Government in this act of terrorism.

In light of our recent experience in Iran, Congress deserves hard analyses on the question of the stability of the Zia regime, with or without the proposed security package. General Zia has refused to hold elections in Pakistan. The top leaders of the PPP—the party it is generally agreed would win free elections—has warned that if we support Zia now, the PPP government would terminate the relationship when, and if, it comes to power.

What is the basis of accusations by the rebels in Afghanistan that Pakistan has been hindering efforts to supply arms and other goods to them?

The list of questions regarding the Pakistan security package is a long one. At a time when we are stressing the importance of commitment and rewards for friendship, we will be signaling the opposite by failing to thoroughly examine whether Pakistan deserves such preferential treatment. To proceed with the creation of a new relationship with the Zia government before the terms of that relationship are clear could necessitate a backpeddling from our commitments in the future, as well as gross waste of the taxpayers' money.

I would remind the Senate once again tonight that it has been less than 2 years that the Government of Pakistan stood idly by and watched the American Embassy burn to the ground.

I also remind the Senate once again that Pakistan has been reported to be engaging in building an Islamic bomb with Libya.

There are all kinds of implications and innuendos here that I think deserve a hearing.

I also would like to indicate that this is going to create further problems between India and Pakistan, and that will create political problems for us not only for the present but for the future.

Mr. President, I only have 5 minutes. I would like to distribute a letter to my colleagues that outlines this in detail, and also indicate that I have here for the RECORD, and I ask unanimous consent to insert in the RECORD at this point, a letter from the Ripon Society to all the Members urging support of this amendment; one from the "Religious Action Center of the Commission on Social Action of Reform Judaism" in support of the amendment, and one from the "Americans For Democratic Action" in support of the amendment. I ask unanimous consent that they be printed in the RECORD at this point and I reserve the remainder of my time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE RIPON SOCIETY,
Washington, D.C., October 22, 1981.

DEAR SENATOR: On behalf of the Ripon Society, I am writing to encourage your support of Senator Hatfield's amendment to the FY 1982 Foreign Aid Authorization Bill. Designed to delete $100 million in Economic Support Funds to Pakistan for FY 1982, this measure would provide an opportunity to hold public discussion about our relationship with Pakistan.

There is not much doubt that Pakistan needs some form of aid from the United States. However, the critical question comes in determining the nature and amount of such aid. It is our belief that before such decisions can be made, ample opportunity must be given to hold public hearings. In addition, we must be concerned about the potential spread of nuclear weapons. As we all know, this presents a grave peril to the future of our civilization. This most unfortunate issue must be a part of this debate as well. I would therefore urge you to consider the merits of Senator Hatfield's amendment and support the deletion in Economic Support Funds for FY 1982. It is in the spirit of participatory democracy and common sense that we do so.

Sincerely,

D. BARTON DOYLE,
President.

RELIGIOUS ACTION CENTER,
Washington, D.C., October 21, 1981.

DEAR SENATOR: I am deeply dismayed that the vote on the aid package to Pakistan may

well take place without adequate examination of the complex considerations regarding such aid. The Pakistani government has repeatedly failed to explain alleged violations of internationally accepted human rights standards. There has yet to be an accounting of the actions of the Pakistani government prior to, during and after the unforgiveable attack on our embassy. The failure of the Pakistani government to reimburse the United States for monetary damages (it is impossible to replace the tragic loss of human life) and the overall lack of cooperation with our government in investigating that series of events should not now go rewarded.

Most importantly, the Senate should be gravely concerned about the willingness of the Pakistani government to work in conjunction with the Libyan regime of Col. Qadhafi in developing an Islamic nuclear bomb. This connection has now been attested to by our own diplomatic sources as well as international news sources. Nothing could be more destabilizing to this region, nothing could be more harmful to the interests of the United States than the realization of Qadhafi's dream to possess nuclear weapons. A stipulation which provides an aid cutoff should Pakistan explode a nuclear device is not sufficient. There must be a thorough exploration of this situation.

That decisions affecting the Pakistani aid package may be made without a thorough examination of these troubling trends—at least by the Foreign Relations Committee which has yet to deal with these matters—is most distressing. I would hope that a full review of these considerations will take place before a final decision is made in the Senate.

Cordially,

Rabbi DAVID SAPERSTEIN.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C., October 22, 1981.

DEAR SENATOR: ADA strongly urges you to support Senator Hatfield's amendment to the FY 1982 Foreign Aid Bill which would delete $100 million from the economic support funds intended for Pakistan. As there are many unanswered questions about our relationship with Pakistan, we believe that Congress should give close scrutiny to the military and economic assistance package that the United States will provide Pakistan over the next six years.

Among the important issues which must be examined is the suitability of the proposed aid package to Pakistan. Certain key Pakistani officials do not perceive the Soviet Union as the major threat to their country. As evidence of this, there has been no redeployment of Pakistani forces in the past two years, despite the presence of Soviet troops in Afghanistan. Two-thirds of the troops already deployed are stationed along the Indian, not the Afghan border.

Another important issue is that of human rights. President Zia has imprisoned and tortured hundreds of his political opponents. He had his predecessor, Zulfikar Ali Bhutto, hanged in 1980. We should thoroughly examine Pakistan's human rights violations.

In addition, the narcotics traffic from Pakistan should be a major concern. Pakistan produces about 125 metric tons of heroin annually; a significant amount of this goes to the United States. Pakistan has made little effort to curb its drug flow.

Still another concern that has to be raised is the question of a possible nuclear connection between Pakistan and Libya. We should substantiate or disapprove the allegations that Pakistan and Libya are working together in this field, before aid is committed.

We are now engaged in a period of fiscal restraint. I hope you will give full consideration to these important questions before we commit scarce resources to a country whose policies may not completely be in our nation's interests.

Sincerely,

LEON SHULL,
National Director.

Mr. HATFIELD. I ask unanimous consent to include Senator RANDOLPH as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair is informed that the amended figure was just amended by the amendment offered by the Senator from Wisconsin. Accordingly, it will require unanimous consent to amend that figure.

Mr. HATFIELD. I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, with all due respect to my beloved and distinguished colleague, I would simply have to, on behalf of the administration, on behalf of myself and I believe many members of the Foreign Relations Committee, object strenuously to this amendment. In the eyes of the President, the Secretary of State, and the Secretary of Defense, they would look upon this amendment as an utter disaster.

Of course we do not have a Pakistan created in our image. It is an entirely different type of country. But what we do know is this: Pakistan, when the chips were down and the Soviet Union invaded Afghanistan and brutalized that country, opened its doors and it has taken in 2 million refugees. Those are the refugees that the International Commission on Refugees have said are the most noble looking refugees they have ever seen. And the conditions under which they live—they prepare whatever they do, the wives are there, the children are there, the men go out and the men come back. They are never going to give up this fight in Afghanistan because they know alongside of them they have a friend standing with them.

It is true that we have a difference of opinion with Pakistan on a nuclear development. We are working intimately on that with Pakistan, hoping to give them the reassurance that, surrounded by enemies, they are not going to stand alone. We must remember that Pakistan was a close ally of ours for many years. We then cut off all aid and assistance to them. Alone, besieged on several sides, with an invading army in the neighboring country, sure, the pressure was tremendous on the military, and we disagreed with certain other things they did, in the assassination of Prime Minister Bhutto.

But this administration is working closely to establish a relationship with Pakistan. We have had briefing after briefing with our former colleague, now under Secretary Buckley, who has been out to Pakistan, has met with Zia, who feels that we can begin a new relationship now.

Certainly, we have many things in common. We have to remember that it was, after all, Pakistan that was the conduit for Secretary Kissinger to be able to go through Pakistan on a secret mission to the People's Republic of China and open up a whole new relationship there, which has served and has been in our interests, and I think in the interest of peace in the world.

Therefore, I would have to, on behalf of the administration, strongly oppose this amendment. I would, myself, vigorously oppose it as contrary to our own national security interest.

There is no leeway in this budget. If we cut out this $100 million, it cannot come from anyplace else.

We have cut, in the Pell-Percy original amendment, $900 million from the Reagan administration budget request and we have held to that and cut another $67 million.

We have only added back a portion of the contingency fund the administration has requested.

I urge my colleagues to vote against this amendment. I hope we can have a voice vote on the amendment but, of course, we will accede to whatever request the distinguished chairman of the Appropriations Committee wishes to have in this regard.

Mr. HATFIELD. Mr. President, how much time have I left?

The PRESIDING OFFICER. Two minutes 34 seconds.

Mr. HATFIELD. I yield 1 minute to the Senator from Rhode Island.

Mr. PELL. I thank the Senator from Oregon.

The $100,000,000 is the first installment of a $3.2 billion 6-year aid package to Pakistan. At a time of severe budget cutbacks, I believe we should consider carefully any new program. Yet, so far, the Senate Foreign Relations Committee has not held a single hearing on the Pakistan aid package. Indeed, we do not yet know the details of this enormous aid package.

The present military dictatorship in Pakistan appears to be an extraordinarily risky investment. It is unpopular with virtually all the political parties, as well as other important forces in Pakistan such as labor, students, and a good part of the clergy. Continued military rule is especially unpopular in the provinces of Sind and Baluchistan and there are disturbing signs of separatism there.

The aid package is generally seen in Pakistan as U.S. support for the military dictatorship. Because the assistance is seen as helping Zia, much of the opposition opposes the assistance. The top leaders of the PPP—the party it is generally agreed would win free elections—has warned that if we support Zia now, the PPP government would terminate the relationship when, and if, it comes to power. Surely it is unwise to pour great sums of the taxpayers dollars into a country where the regime has such a narrow base and where there is no consensus in the country in favor of the assistance.

Human rights violations in Pakistan have escalated in the last year. Prominent politicians continue to be held in

prison without charge and under difficult circumstances. There have been credible reports of beatings and torture of political prisoners. As the most recent State Department human rights report grimly notes, "Restriction on dissent and individual freedom have grown during the past year, while citizens rights have diminished."

Military assistance to Pakistan, including the sale of sophisticated F-16 aircraft, raises the specter of a new arms race between India and Pakistan, countries which have fought three wars in the last 34 years. It would be obscene if this aid package caused two of the world's poorest countries—India and Pakistan—to divert billions desperately needed for development to weapons.

Mr. President, the $100,000,000 in the bill is the downpayment on a $3.2-billion package. Before we spend this much money, especially in these times, we ought to be very sure that the money will indeed promote our national interest and security. In the case of Pakistan, this is highly questionable. But at a minimum, we should have the full Pakistan aid package and the benefit of a full set of hearings on Pakistan before we act.

I would consider this as a sensible amendment and urge my colleagues to support it.

Mr. KENNEDY. Mr. President, some in the Senate are urging that we should earmark $100 million for Pakistan because of strategic concerns vital to U.S. interests. It is precisely because I believe that there are important strategic concerns vital to our national interest that I support this amendment to delete $100 million.

This $100 million is the first installment of a $3.2 billion, 6-year aid package to Pakistan. The package is supposed to address Pakistan's increased security needs as a result of the Soviet invasion of Afghanistan. It is supposed to provide economic assistance to the people of Pakistan to assist them in their efforts to improve their lives. And certainly, it is supposed to form a basis for a new relationship between our two countries and our two peoples.

I strongly support each of these objectives. But the administration has failed to describe what its 6-year package is to contain. The administration talks of a $3.2 billion program over 6 years; but it has not told the Senate what the $3.2 billion will be used for.

Mr. President, the administration's vague proposal for a new assistance program to Pakistan raises a number of key questions.

Does our assistance program with Pakistan meet United States as well as Pakistani security objectives?

What is the best way to address Pakistan's economic and development needs?

Will the Government of Pakistan abandon its dangerous and destabilizing pursuit of a nuclear weapons capability, and accept international safeguards on all its nuclear facilities?

Will the aid package facilitate or impede a return to democratic government and full respect for human rights in Pakistan?

Will our assistance program promote dialog and an improvement in relations between India and Pakistan or will it fuel the traditional suspicions and animosities which have led to three wars?

Will the aid package promote better relations and become the foundation for a long-term friendship between the people of Pakistan and the United States, or will it represent ever-increasing U.S. support for a narrowly based military regime?

These are only some of the questions that require the most careful consideration—consideration that will come once the administration presents its proposal. Until the Senate reviews the proposal, we should not take action which could be considered congressional endorsement. Therefore, we should delete from the bill any reference to $100 million or the first installment of this assistance package.

There is an added and important reason to strike this $100 million earmark of funds at this time. This is a lean year for budgets and Americans themselves are being asked to sacrifice. It is even more incumbent on us in these times that we closely scrutinize all requests for funds. For this Senator, it is unacceptable to approve $100 million even before the administration has presented its program to Congress and the Senate Foreign Relations Committee has held its customary review. We are being asked, after all, to authorize $100 million—not just on a onetime basis—but as a first installment on $3.2 billion. Certainly we owe it to the taxpayers of this country to take such an action only after due and serious consideration.

Mr. HATFIELD. Mr. President, I will tarry only a few seconds longer to indicate that I see no evidence of pro-American feeling, attitude, or allegiance from Pakistan. We heard about the so-called aid to Afghanistan refugees. Let me remind you that two-thirds of Pakistan's Army is not on the Afghanistan border but it is on the Indian border. I think it indicates pretty clearly what their particular military interests are.

I can show you here a piece of the American Embassy that was put to rubble by the Pakistanis without much effort being shown on their part to restrain the mobs that attacked our Embassy.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Consequently, it seems to me—

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATFIELD. Instead of saying that we have here a newfound ally with any form of allegiance to the United States, I think we ought to indicate pretty clearly by this vote we would like to have further hearings and understand exactly what kind of weapons are in the pipeline in this whole $3.2 billion package that is being started here tonight.

SEVERAL SENATORS. Vote!

Mr. HATFIELD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. SYMMS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 28, nays 45, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—28

Baucus	Ford	Moynihan
Biden	Hatfield	Murkowski
Byrd, Harry F., Jr.	Hawkins	Pell
Cannon	Heflin	Proxmire
Chiles	Huddleston	Pryor
Cranston	Levin	Randolph
Dixon	Long	Riegle
Eagleton	Matsunaga	Stennis
Exon	Melcher	Zorinsky
	Mitchell	

NAYS—45

Abdnor	Grassley	McClure
Armstrong	Hart	Nickles
Baker	Heinz	Nunn
Bentsen	Helms	Packwood
Boren	Hollings	Percy
Boschwitz	Humphrey	Quayle
Chafee	Inouye	Roth
Cochran	Jackson	Rudman
Cohen	Jepsen	Schmitt
Danforth	Kassebaum	Specter
Dole	Kasten	Stafford
Domenici	Leahy	Thurmond
East	Lugar	Tower
Glenn	Mathias	Wallop
Gorton	Mattingly	Warner

NOT VOTING—27

Andrews	Durenberger	Pressler
Bradley	Garn	Sarbanes
Bumpers	Goldwater	Sasser
Burdick	Hatch	Simpson
Byrd, Robert C.	Hayakawa	Stevens
D'Amato	Johnston	Symms
DeConcini	Kennedy	Tsongas
Denton	Laxalt	Weicker
Dodd	Metzenbaum	Williams

So the amendment (UP No. 518) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESERVATIONS ON MILITARY ASSISTANCE TO GUATEMALA

Mr. PERCY. I want to take this opportunity to acknowledge and identify myself with the concerns Senator ZORINSKY has on Guatemala. Senator ZORINSKY is perfectly correct in his desire to carefully monitor the U.S. military relationship with the Guatemalan Government. I know that Senator ZORINSKY has been deeply concerned about the serious human rights situation in that Central American nation and is especially concerned by the Amnesty International charge that the Guatemalan Presidency is involved in the activities of rightwing death squads.

For these reasons, I want to give Senator ZORINSKY my own personal assurances as chairman of the Foreign Relations Committee that I will request that the State Department consult with the committee prior to any and every increment of military assistance, including private sales, to Guatemala. The administration has not requested military assistance to Guatemala and certainly I would insist that the very poor and serious human rights situation in that country be taken into account before any such request were made.

I offer Senator ZORINSKY my personal commitment that I will oppose any military assistance, including export licenses for private sales, to Guatemala until the committee has had the opportunity to thoughtfully review the individual proposals.

I understand that this morning, the administration made available to Senator ZORINSKY the information which it has available on the specific issue raised by Amnesty International. I felt Senator ZORINSKY was very justified, as ranking member of the Subcommittee on Western Hemisphere Affairs, in wanting to be fully informed about the situation in Guatemala. I hope that the senior Senator from Nebraska is now fully satisfied that the administration has made a good faith effort in complying with his request. If any time in the future, Senator ZORINSKY feels that there is justification for further inquiries on the matter, I will strongly support his request for information and will take the administration's response into account in deciding whether to support or oppose any future military sales or assistance to Guatemala.

I can assure the Senator that the administration has told me that it wants to do all possible to fully inform the committee with regard to the question of military assistance to Guatemala. Assistant Secretary of State Tom Enders himself has told me that the State Department will keep us fully informed.

Mr. PELL. I want to echo Senator PERCY in his support of the concerns about Guatemala expressed by the senior Senator from Nebraska. Senator ZORINSKY is reflecting the concerns of many Americans who look with much trepidation at the prospect of military assistance to the Guatemalan military at this particular time. I am grateful that the administration agrees that the committee should be fully informed through prior consultation by the Department of State. Like the chairman, I will also support Senator ZORINSKY's request for further information should the need arise, and I, too, will take the administration's responsiveness into account with regard to any further military assistance or sales for Guatemala.

Mr. ZORINSKY. I appreciate the comments of the floor managers of the bill. It is gratifying to be supported by the leadership of the committee on this subject. I appreciate the assurances of the State Department made to the committee chairman that there will definitely be prior consultation before increments of military assistance, including private sales, are sent to Guatemala. This would include assistance under chapters 2, 5, or 6 of part II of the FAA, sales of defense articles or services under the Arms Export Control Act, credits and loans under the Arms Export Control Act and export licenses under section 38 of the Arms Export Control Act.

I also appreciate the administration's good-faith effort, made this morning, to provide me with the information I requested on the Amnesty International charge that the Guatemalan presidency is involved in the activities of the rightwing death squads. I have been assured by administration officials that I have all the information it has on the subject. I am pleased that the committee leadership will stand in support of my efforts to obtain further information on the matter should the need arise.

With this as our mutual understanding, I therefore will not propose an amendment which would have placed conditions on military assistance to Guatemala.

Mr. PERCY. I concur with the Senator's exposition of the understanding. I assure him of my utmost cooperation on both the issue of further inquiries on the Amnesty International charge and military assistance to Guatamala. I thank the Senator for his cooperation in seeking a means to resolve his concerns without pressing for an amendment.

Mr. KENNEDY. Mr. President, since 1977, the United States has wisely refused to supply military assistance to the military government of Guatemala, a government which since the military coup of 1954 has practiced widespread human rights violations against its own people. Regrettably, last spring the administration gave the first sign that it was going to change U.S. policy toward Guatemala when it allowed the sale of $3.2 million of military trucks and jeeps to that country.

The situation in Guatemala is dismal. Democratic institutions and constitutional rights, while still officially in force, are a sham. Since 1954, the military has made all important political decisions. In the last two elections, election fraud and the threat of military intervention has decided the outcome of the voting that has taken place.

Furthermore, the present regime has institutionalized violence as a means of oppressing political parties, government officials, labor leaders, and peasants who express dissatisfaction with the present regime. To carry out this oppression the government has at its call both its official security forces and paramilitary "death squads."

Responsibility for assassinations, massacres, and other acts of violence against opposition figures can be traced directly to the Presidential palace. Under these conditions, those favoring moderate reforms have been the hardest hit since they are the most visible and accessible, and the least protected targets. As a result the political situation in Guatemala has become dangerously polarized. If there is no change soon, only the extreme right and the extreme left will remain to vie for political control.

This situation is described very well by Flora Lewis in commentary in the October 2 issue of the New York Times when she states:

> The cynical atmosphere seems worse than the passions of conflict, but it is bound to burst aflame one day. People are killed by the hundreds each week, sometimes decapitated. Nobody really knows how many. Often, nobody knows why.
>
> Lawyers, teachers, moderate politicians are becoming in short supply. Those who remain live in a numb, almost thoughtless fear. Officials boast chillingly that there are no political prisoners in Guatemala. It seems to be too true. When there is an arrest, a trial, people are sure it's a common criminal because politicians are simply "disappeared" without further ado.
>
> Nonetheless, the U.S. silence and a fair amount of American-supplied military equipment—trucks and jeeps—are seen by others here and by most in the rest of the world as a sign of support for the regime. Inevitably, the U.S. is coming to appear as an accomplice.

Mr. President, we do not want to be an accomplice. With this in mind, I agree with the point made by the Senator from Nebraska, Mr. ZORINSKY, and I would hope that no future U.S. military assistance to Guatemala would be offered until the government of Guatemala acts in accordance with important human rights provisions, including controlling human rights abuses by the armed forces, upholding constitutional guarantees of due process, freedom of speech, press and religion, and dedicating themselves to holding free and democratic elections.

KEEPING LEVERAGE IN GUATEMALA

Mr. HELMS. Mr. President, I fear for the future of stability in Guatemala. The major terrorist guerrilla groups there have stepped up their activities, murdering hundreds of innocent citizens a month.

Now Belize has received its independence. Guatemalans, Mr. President, consider Belize historically to be an integral part of their own country and would like to have it back. Great Britain, the colonial power there, had other ideas; and now has granted Belize its independence.

Belize is Guatemala's neighbor to the east. Many Guatemalans believe that

Belize has served as a springboard for some of the terrorists infiltrating into Guatemala. They feel that Belize also has served as a conduit for weapons and supplies for terrorists operating in Guatemala. They note that there has been a substantial Cuban presence in Belize, and point out that Fidel Castro was the guest of honor at the independence ceremony for Belize, as was a delegation of high ranking Sandinistas from Nicaragua.

Mr. President, the United States is committed to maintaining stability in Central America. It is our goal to promote peaceful solutions to disputes among friends. Both Belize and Guatemala wish to be friends of the United States. It is in our national interest to insure that no war breaks out between Belize and Guatemala.

In this regard, I have urged the State Department to send a fully accredited U.S. Ambassador to Belize, to show that country that the United States wishes to be its friend; to let the Cubans know that the United States has a substantial interest there: and to send a signal to our friends in Guatemala that the United States considers Belize a friend as well.

But the United States must do more. We must not encourage the anti-U.S. sentiment—based on nationalism—in Guatemala. We must not allow Guatemala's military leaders the expedience of blaming all their woes on the United States. We must not lose our leverage there.

The Senate also must understand that Guatemala is engaged in a war to the death with an increasingly vicious terrorist element.

Mr. President, Guatemala is a key country in Central America. A pro-Communist group tried to take it over back in 1954. That effort failed, but since the fall of Nicaragua to a pro-Marxist Sandinista regime, Cuba and its Soviet bloc allies have again been working to take over Guatemala by promoting guerrilla warfare there.

With the Central American region in ferment in large part due to Cuban-Soviet expansionism, Guatemala must remain a stable bastion for freedom in the area. El Salvador is in danger of falling to a terrorist guerrilla army backed by Cuba and its Soviet bloc allies. Guatemala is under attack. Honduras and Costa Rica will be next, I fear, unless the United States gives moral and material support to those in the region who are struggling against Communist expansion.

Mr. President, who can say with certainty that Mexico will not experience guerrilla warfare should Central America fall to communism? The wave of guerrilla terrorism not only can head north into Mexico from Central America, but it very well may spread southward to Venezuela and Colombia, too. Both Venezuela and Colombia, Mr. President, have experienced stepped up guerrilla activity in recent years.

The terrorist onslaught against Guatemala has been unrelenting over the last 2 years. Today, innocent Guatemalans—men, women, and children—are being slaughtered by Cuban-backed terrorist guerrillas. It is estimated that some 60 percent of the deaths in Guatemala have been caused by the terrorist guerrilla forces, contrary to the disinformation spread by groups sympathetic with the goals of the antigovernment groups there.

Terrorist guerrillas operating out of Mexico have stepped up attacks on farmworkers and peasants on the Guatemalan side of the Mexican border. Terrorist revolutionaries have begun exploding bombs in popular tourist areas—in hotels and restaurants, along the roads leading to them, and have even gone so far as to round up tourists to give them propaganda lectures.

I cite just one recent example of this type of terrorist activity, Mr. President—an incident that occurred on September 18 of this year at the world famous Tikal National Park. Tikal National Park is one of the major sites of ancient Mayan ruins in Central America, and has a large display of cultural items in its museum.

On September 18, two truckloads of guerrillas, men and women, arrived in the national park at Tikal. The guerrilla group numbered about 60. According to press reports in Guatemala the guerrillas proceded to round up the tourists, local airline employees, guards, hotel employees, and park employees. They were all herded into the town plaza for a propaganda speech by the terrorists, who were dressed in olive green uniforms and heavily armed with automatic weapons. The terrorist guerrillas then destroyed park buildings and park offices and in the process they burned and looted one building which contained plans for the restoration of Mayan temples in the area.

Priceless jade treasures were stolen by the guerrillas; artifacts of Mayan culture which can never be replaced were either stolen or destroyed.

After the guerrillas left the area, a tour guide rushed to place 20 of the tourists in his charge aboard a tour bus in order to flee to safety. But, Mr. President, the bus was stopped by the guerrillas and gunfire commenced. The bus driver was killed, a tour guide was wounded, and the mother of several children who was driving a truck following the bus was killed.

Mr. President, it is time that we recognize the hard facts of the situation in Central America. It is time that we recognize the fact that Cuba and its allies in the Soviet bloc are spreading terrorism into the very heart of this hemisphere. It is time that the United States support those in this hemisphere, and in Central America particularly, who are fighting to preserve their freedoms against Communist tyranny.

Mr. President, I fear that American public opinion is being misled about the extent and nature of the terrorist atrocities conducted by the Cuban-backed guerrilla forces in Central America. Unfortunately, there are those who have been making every effort to cover up the direct responsibility of the leftist guerrilla forces for these acts of violence.

I fear that this effort to mislead American public opinion has had its effects in Congress as well.

Just 2 days ago, Mr. President, during the evening of October 19 leftist guerrillas in Guatemala launched a number of terrorist attacks and massive bombings in the capital city. Yesterday, I received a telephone call from a friend in Guatemala who described several of the evening's incidents to me.

I was told that the home of Mr. Mario Sandoval, the leader of the MLN Party—the largest political party in Guatemala—was sprayed by automatic rifle fire by leftist terrorists. The terrorists strafed Mr. Sandoval's home from two vehicles and used FAL and Galil automatic weapons. A security guard was gravely injured but Mr. Sandoval was unharmed.

That same evening leftist guerrilla attacked a number of police patrols and shot up several government buildings.

Even more tragic, however, were several massive bomb explosions that the leftist guerrillas set off. Let me just mention two which my friend had personally seen after the fact.

The leftist guerrillas exploded a very powerful bomb which severely damaged the Industrial Bank located in zone 4 of Guatemala City. Many innocent citizens were injured and a number were killed as a result of this guerrilla attack. I was told that 5 private homes near the bank were completely destroyed and 15 other homes in the neighborhood were severely damaged. This was a very powerful bomb, Mr. President; so powerful that it blew the windows out of the buildings in a three-block radius from the bank.

The second bomb blast which my friend described was even more tragic. The Red Cross building in Guatemala City was also severely destroyed by a leftist guerrilla bomb blast that same evening. Let me describe what I heard about this incident.

A group of leftist terrorists commandeered a bus and at gunpoint forced off those riding on the bus. The guerrillas weighted the accelerator pedal, and tied the steering wheel to head it directly toward the Red Cross building. A local detective noted the approaching bus without a driver and, suspecting trouble, shot out one of its tires. The bus swerved a bit and came to a stop not far from the Red Cross building.

The high explosive charges went off as planned and the Red Cross building was devastated.

I was told, Mr. President, that there were patients on the operating table when that blast went off. The Red Cross radio communications system was destroyed. The telephone system was destroyed. The medical facilities, medical equipment, and stockpiles of medicine were destroyed. Sixteen ambulances were damaged, many beyond repair.

A number of injuries have been reported and it is a miracle that apparently no one was killed.

Mr. President, so that Senators can better understand the strategic significance of Guatemala, I ask unanimous consent that the article entitled "Strategic Guatemala," published in National Defense: The Journal of the American Defense Preparedness Association, in its October issue, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRATEGIC GUATEMALA

(By Edward J. Walsh)

Guatemala is a small, mountainous nation at the neck of the Central American Isthmus. Like its neighbors in Central America, it was for many years ignored by the United States government, although American agricultural companies have long been present in the country. Nonetheless, few regions of the world are currently receiving more attention from the U.S. than Central America. The signing of the Panama Canal treaties, and the fall of the Somoza regime in Nicaragua to the Marxist-led Sandinista Front for the Liberation of Nicaragua (FSLN) in July 1979, were undoubtedly the catalysts in the process of rethinking the strategic significance of the Isthmus, a process that is continuing today. Such rethinking must necessarily begin with Guatemala, which, although still underdeveloped, is yet the richest and most populous country in the region.

Much debate has already taken place on the subject of the Marxist threat to Central America, especially since the Nicaraguan revolution and the coup d'état in El Salvador of October 1979. It has already been suggested many times that terrorism in the region is the result of a combination of "local conditions" and Soviet-guided, Cuban-assisted agitation. I will not continue that discussion here. Instead, I will focus on the strategic importance of Guatemala to the United States as the cornerstone of opposition to the continuing growth of Soviet influence in Central America.

A glance at the map of the Central American-Caribbean region reveals Guatemala's position as the link between Mexico and the rest of the Isthmus. Guatemala shares with its neighbors (except El Salvador) access to both oceans. There are few good harbors in Central America, however, and the coastlines are thinly peopled. The sea has therefore been the obvious route for subversives into the Isthmus, mainly from Cuba, dating from early in Castro's tenure. In 1972, a gun battle took place in a remote forest area on Guatemala's Caribbean coast near Belize; the dead were identified as Czechs. Since then, Marxist agents and arms have been funneled into Central America. In March 1980, the Carter administration accused Cuba of moving arms from the Honduran coast into El Salvador and in February 1981, the State Department revealed documents captured from Salvadoran guerrillas that verified the weapons traffic from Soviet bloc nations into El Salvador through Cuba.

ANTAGONISMS OVER BELIZE

The Pacific littoral of Guatemala is similarly isolated, from the more developed south-central highlands, by rugged volcanic peaks as high as 14,000 feet above sea level. On the Caribbean side, Puerto Barrios is the sole population center. To the north of this city lies the perennial problem of Belize, the British colony long claimed by Guatemala. In late March, an agreement was reached in London by the British and Guatemalan governments that provides for independence for Belize, but gives Guatemala the right to a corridor through Belize's territorial waters, and the right to build two oil pipelines through to Belize's harbors. Belize's opposition party, the United Democrats, is adamantly against the plan and has withdrawn from further discussions. Hostility towards Guatemala in Belize is deepset, in the fear that Guatemala's long-standing claim may prompt it to invade Belize. The antagonism between these two neighbors will not end soon.

Guatemala's view of its own history provides the principal basis for its claim on Belize; however, a more immediate reason is the recent discovery of oil. Getty, Texaco-Amoco, Basic Resources Ltd., and Spanish, French and Brazilian firms are exploring a narrow belt that extends from the Mexican border to the Caribbean coast at the center of Guatemala and additional tracts in the extreme northwestern quadrant. In 1978, when Guatemala's President Romeo Lucas Garcia invited foreign oil companies to bid on leases, oil production was 220,000 barrels. By 1980, total production reached 1.4 million barrels.

A 125-mile long pipeline links Rubelsanto in the west with a shipping terminal at Santo Thomas on the Caribbean. On April 13, 1980, the tanker NEFELI left Santo Thomas with 120,000 barrels of crude, bound for New Orleans, Guatemala's first petroleum export. Today, reserves in the Rubelsanto tract alone are conservatively estimated at 33 million barrels. Needless to say, the Belize right-of-way will increase greatly the capacity to transport and load oil.

It hardly needs to be pointed out that Guatemala's oil reserves are in the same petroleum basin as those of Mexico; the rich oil fields of Campeche, Chiapas, and Tabasco, with estimated reserves of more than 60 billion barrels of recoverable crude oil and natural gas equivalent, lie hard on the Guatemalan border.

The proximity of Guatemala's oil fields to Mexico's is a geological phenomenon that is widely, and I think mistakenly, considered the key to a grand Communist strategy that aims at Mexico in a kind of "soft underbelly" threat to the United States. This theory assumes that the Central American dominoes will fall inexorably northward. It glosses over the significant political differences between Guatemala and Mexico on one hand, and the broad cultural contrasts between Mexico and the five Central American nations on the other. Both Mexico and Guatemala are resource-rich but underdeveloped countries with semi-authoritarian governments, large Indian populations, and the same official language. But politically, they are at opposite ends of the spectrum, with a leftist, one-party government in Mexico oriented strongly to the "Third World," and a conservative, staunchly anti-Communist regime in Guatemala. Mexican presidents come from the educated elite, while in Guatemala the head of state has usually been a career military man who has risen through the ranks in the Latin American tradition. Political relations between the two countries are distant, and friction is the rule. Relations with the United States are a good barometer of the political perspective of the two governments: Mexico is wary of "domination" by the U.S., and there is a residue of distrust of the United States that dates from the Mexican-American war. Guatemala, in contrast, recognizes and welcomes a special role for American interests.

Much conventional wisdom assumes that Mexico could simply enter the Communist camp if Guatemala and the rest of Central America fell to Marxist-Leninist "peoples' movements." But it is more likely that Mexico's long tradition of supporting popular revolution makes it less vulnerable to Communist subversion. Although Marxism is entrenched in Mexico's political and intellectual circles, the reality of closeness to the United States has conditioned Mexico's culture profoundly, and generally mutes the anti-Americanism in official contacts. Mexico's leftism is a peculiarly Mexican kind, a complacent, corrupt socialism that seems immune to change, either by capitalists or communists. It may be that Mexico's habit of echoing the slogans of revolutionaries has created among leftists in Mexico and elsewhere a sort of tolerance of the stagnant Mexican political atmosphere.

CENTRAL AMERICAN TARGETS

Recent history indicates that targets of Communist agitation lie south of Mexico rather than north of Guatemala. The political climate of the Central American nations, after all, has been anything but stagnant. As in nearly all Latin countries, instability has been chronic. Today, generals rule in Guatemala and Honduras, and El Salvador is governed by a fragile civilian-military junta. Nicaragua, after 46 years of rule by the Somozas, is already a Marxist puppet state. Only Costa Rica has enjoyed a measure of calm in the past years, but that is now threatened by a declining economy and a growing Communist presence. Nevertheless, the Central American countries share a legacy of closeness to the United States through military and economic ties—one might even say economic domination—that Mexico has not experienced.

On this score, it is important to note that U.S. involvement in Central America has been a two-sided coin. American agribusinesses and military assistance have contributed the lion's share of progress in the region. U.S. companies provided investment that built factories, roads, hospitals, and schools, and today provides jobs for thousands of Central Americans. American military aid and training has buttressed the armed forces of Central America, the traditional source of trained administrators and bureaucrats in the Latin American government infrastructure. The reverse side of the coin has been that the U.S. presence has provided a target of opportunity for leftist organizations that have been infiltrated and coopted by Communists.

At the same time, it is by no means true that Central American governments have been no more than puppets of the United States. It is reasonable to surmise that the Somoza regime could have survived with less American aid than it received over the years, by virtue of Anastasio Somoza's political abilities and the intense loyalty of his National Guard, which he had cultivated. Before he fell, Somoza had arranged to purchase weapons from Israel, which were never received because of pressure on the Israeli government by the Carter Administration, as U.S. Ambassador to the United Nations Jean Kirkpatrick has pointed out. Had he obtained them, or weapons from another source, the outcome of the Sandinista revolution might well have been different—without American aid.

Guatemala today is a good example of the hypothesis that American economic aid and investment have been major factors in the nation's development and growth. U.S. military assistance and training over the years have produced a highly competent, seasoned cadre of officers well-versed in guerrilla warfare and counterinsurgency techniques. They command an army of 18,000 men. The political consciousness of the government and the business elite is enthusiastically, some would say definitely, conservative and pro-Western. Consequently, the economic and political institutions, developed on the U.S. model, are the target of Communist subversion and terrorist attack.

Today, however, Guatemala purchases weapons from Israel, since American aid was discontinued by the Carter Administration. The lack of American assistance has not weakened the Lucas government's determination to continue the fight, however, and the battle against the Marxist-led guerrillas continues. Currently, the guerrillas are limited to assassinations and kidnappings in the urban areas, and ambushes of army patrols in the countryside. Government officials and supporters are murdered, and leftists assaults on individuals and property are answered by private rightist groups which attack leftist students, intellectuals, union leaders, and clergymen who criticize the government.

Consequently, Guatemala has become a "pariah" state, a member of a club of internationally disliked countries that includes two other major Latin nations, Argentina and Chile, as well as South Africa, South Korea, and Taiwan.

STRATEGIC GUATEMALA

Like those countries, Guatemala is of strategic value to the United States because it is of strategic value to the Soviet proxies who threaten it. Guatemala shares with nearly all the above-mentioned nations certain characteristics which make them attractive to the Soviets: it commands a privileged geopolitical position adjacent to a vital waterway (the Caribbean straits); it is close to one or more countries controlled by an aggressive pro-Soviet regime (Cuba, Nicaragua); it possesses valuable natural resources (oil, nickel), and a robust free-market oriented economy. In addition, Guatemala is governed by an authoritarian regime that has been attacked from within by "indigenous forces" that include pro-Soviet elements. Furthermore, these countries have in common economic and political elites that are fiercely anti-communist, though not unqualifiedly pro-American, and have been the subject of repeated condemnations by international human rights organizations.

Of these states, Guatemala is unique in its proximity both to the United States and to weak non-communist countries with strong leftist factions. No other Central American or Caribbean nation has the same combination of assets and liabilities in terms of strategic importance, and no other nation in the region reflects the same embattled attitude toward Marxist subversion.

Today, despite the closeness of the United States and Mexico, no country in the region evidences noticeably strong political ties to either. A power vacuum of sorts exists in terms of regional leadership, in which two local centers of political and military power, Cuba and Guatemala, are contending through indirect, ideological warfare. Cuba has established valuable footholds in Nicaragua, Guyana, and in Grenada, where it is assisting the leftist government in building a modern airport with a runway capable of accommodating wide-bodied jets. Marxist elements also have made significant inroads in El Salvador, Costa Rica, and Panama. Until the election of Edward Seaga as prime minister of Jamaica last October, that country, with its rich bauxite reserves, had teetered in the Cuban orbit.

Conversely, Guatemala has no important friends in the region. Its isolation is in part due to criticism by human rights organizations that have often bypassed human rights abuses in Marxist states. Mexico, Costa Rica, and Venezuela have added their voices to those of the rights advocates, while steering clear of, for example, the issue of political prisoners in Cuba. The principal reason for Guatemala's beleaguered international position, though, is that in no other Central American or Caribbean country has the war against Marxist subversion been drawn so starkly. In El Salvador, the United States has most recently borne the brunt of criticism for supplying arms and advisers to the junta. In Guatemala, the shadow of the United States no longer falls over decisionmaking in the National Palace. Guatemalans see themselves in a battle for their nation that only they can win. Mexico and Venezuela, the two major economic powers in the region, have asserted their role by agreeing to convert the oil debts of nine small Caribbean countries into long term loans: both powers have confined themselves to speechmaking in the ideological war.

Despite claims by numerous diplomats and journalists that the United States no longer occupies the central political role in the Caribbean-Central American region, the U.S. will inevitably be a major player in the region's affairs. Our economic ties are too extensive, and our historical interest too deep to detach ourselves from political events there, especially when so many governments in Central America and the Caribbean hope for a stronger American hand. In seeking to reassert opposition to continually expanding Soviet influence, the U.S. must identify its logical allies and assist them as much as possible in fending off Communist agitation that originates in Cuba or other Soviet puppets. This task, of course, is separate and distinct from cooperating with authoritarian governments in repressing any domestic group it perceives to be in opposition to its policies. The first target of such U.S. attention is Guatemala. If we are to defend our interests in the region, the way to do it is to buttress the strong links in order to protect the weaker ones. Guatemala is the only stalwartly anti-communist country in the Central American-Caribbean theater with a relatively healthy economy, a capable army, and a key geopolitical position.

STRONG U.S. TIES

For these reasons, Guatemala is enduring a bloody terrorist campaign conducted by pro-Soviet guerrilla tacticians. At the same time, Guatemala has a tradition of closeness to the United States: children of wealthy Guatemalans are educated in the U.S., and senior Guatemalan officers were trained in American military colleges. This longtime affection for the U.S. suffered when the country was put on trial for human rights violations in recent years, but it is as deep-rooted as America's interest in Central America. Guatemalans hope their admiration for the United States will be reciprocated. But if it is not, they are prepared to forge closer ties with the other "pariah" nations (and, in fact, have received weapons and military advice from Argentina).

It is important to note that closer cooperation between the United States and Guatemala should be based on mutual recognition and understanding of the strategic priorities in the Central American-Caribbean region. It does not mean that human rights abuses should be ignored or condoned. Still, the United States has few reliable allies in this critically important region. We cannot help Guatemala build a more prosperous economy or refine its practice of democracy while the nation is fighting an internal war. The war should be won, and then the social problems given prompt attention, both with American assistance.

Mr. HELMS. Mr. President, I ask unanimous consent that an article by Dr. Clifford A. Kiracofe, Jr. entitled "The Soviet Network in Central America," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOVIET NETWORK IN CENTRAL AMERICA

(By Clifford A. Kiracofe)

International concern about the atrocities committed by the Palestine Liberation Organization, its Arab affiliates, and its non-Arab "brothers in arms" has generally focussed on the Middle East and Western Europe during the last two decades. In recent months, however, evidence of PLO penetration of the Western Hemisphere and southern Africa has come to light.

Both President Reagan and Secretary of State Haig went on record during the first weeks of the new administration pledging their determination to overcome the challenge posed by the Soviet-backed Terrorist International.

Orthodox Soviet doctrine holds that the "world revolutionary process" is composed of "three revolutionary streams" which flow into each other. They are: 1) the World Socialist System, which is composed of states ruled by Communist Parties (sometimes including The People's Republic of China); 2) the International Workers' Movement, led by the non-ruling Communist Parties (such as the Spanish, Mexican, Argentine, and South African Parties); and 3) the National Liberation Movement, led by Marxist-Leninist "vanguard" elements operating throughout the so-called Third World.

The National Liberation Movements (NLMS) work in conjunction with the local "non-ruling" Communist Party as well as with the ruling Communist Parties to seize power in the target country. Their strategy follows the classic Leninist two-stage revolution. The first stage, that of the "bourgeois-democratic revolution," is effected by the NLM, which for tactical reasons includes non-orthodox Communist elements such as the "progressive bourgeoisie," workers, students, farmworkers, intellectuals, and peasants. The orthodox Marxist-Leninist core element of the NLM, however, is required to take and maintain the leading (or "vanguard") role during the revolutionary process.

The second stage, the "Socialist revolution," is effected once power has been seized. In this stage, non-orthodox elements are systematically eliminated and the NLM undergoes a transformation (under Moscow's guidance) into an orthodox Communist Party. Unreliable elements are continually purged and power is "consolidated" in the hands of the pro-Soviet "vanguard" party. The society itself then undergoes a process of Sovietization in terms of its socio-economic structure. Recent examples of successful takeovers by NLMs would include Angola, Zimbabwe, and Nicaragua.

It is important to bear in mind that in the early phases of a "War of National Liberation" (i.e., in stage one), terrorist acts are undertaken by both urban and rural terrorist/guerrilla cadres of the NLM. In the initial phase, terrorist acts appear in a somewhat random and scattered pattern but as the assault on society intensifies these patterns become more systematic and frequent. The level of violence escalates to undermine civilian morale and to destabilize the target government. In the latter phases, full-scale guerrilla warfare may ensue, and the target government may fall unless it can mobilize sufficient internal and external support.

The Al-Fatah movement surfaced during the latter 1950s. Read backwards, "Al-Fatah" is an abbreviation for the "Movement for the Liberation of Palestine"; read forward it means "Conquest." Yasir Arafat has been the chief of Al-Fatah and since 1969 also Chief of the Executive Committee of the PLO. The Popular Front for the Liberation of Palestine (PFLP) surfaced in 1967 as an offshoot of the Nasserist Arab Nationalist Movement. The founder of the PFLP, George Habash, was from a Greek Orthodox family from Lydda. Two offshoots of the PFLP are the PFLP-General Commando (PFLP–GC), which surfaced in 1968, and the (Popular) Democratic Front for the Liberation of Palestine (DFLP), which surfaced in 1969. The PFLP–GC has been under the command of Ahmed Jibril, and the DFLP has been under the commander of Nayef Hawatmeh, also of Greek Orthodox origins.

The PLO itself was formed during a 1964 Arab summit conference meeting in Cairo. At the same time a Palestine Liberation Army was also formed. After the stunning Israeli victories in 1967, Al-Fatah gained the dominant position within the umbrella PLO due to the sharp defeat of the PLA during the war.

It must be recalled that the PLO has had close official ties to Moscow for over a decade. Arafat reportedly paid private visits to Moscow during 1968 and 1969; in 1970 Arafat was welcomed in Moscow on his first

"official" visit and he has since paid almost annual visits. "Scores and hundreds of Palestinian officers eligible to command major sectors, such as brigades, have graduated from Soviet military academies (The New York Times, February 18, 1981, quoting Brig. Mohammed Ibrahim al-Shaier, head of the PLO's Moscow office).

Since 1966, the PLO has played the role of catalytic agent for the Moscow-backed Terrorist International. This interlocking global network was formally constituted in Havana at the Tri-Continental Conference in January, 1966. The meeting was attended by delegates from over 82 countries and by 100 observers. From it emerged the Afro-Asian-Latin American Solidarity Organization and the Latin American Solidarity Organization (OLAS—based in Havana). The objective of these organizations was declared to be "to unite, coordinate, and develop the struggle of the peoples of Africa, Asia, and Latin America" and "to organize the flow of aid to National Liberation Movements." The results in the Asian sector ended in Western defeat in Vietnam, Laos, and Cambodia. The results in the African sector have ended, though not irreversibly, in Western defeat in Angola, Mozambique, and Ethiopia. The results, again not irreversibly (as Chile proved), in the Western Hemisphere ended in Western defeat in Nicaragua.

During 1972, the early links established by the Terrorist International were significantly developed in a series of meetings in Lebanon, Algeria, Japan, and Dublin. The meeting in Lebanon was hosted by PFLP and Black September and attended by members of the Baader-Meinhof gang, the Japanese Red Army, the Turkish People's Liberation Army, the IRA, and the Uruguayan Tupamaros. In 1974, the Junta de Coordinacion Revolucionaria (JCR) was established in Paris to coordinate Latin American terrorist organizations. Included in the JCR apparatus were Uruguayan Tupamaros, Argentine People's Revolutionary Army (ERP), and Bolivia's National Liberation Army (ELN). The JCR formed links with European terrorist organizations, the Cubans, and Middle Eastern groups. Though disbanded in 1977, it was reformed once again after the Sandinista victory in the summer of 1979. Other interlocking South American terrorist organizations that have surfaced in recent years are the Chilean MIR, the Colombian M–19, the Argentine Montoneros, and the Nicaraguan Sandinista National Liberation Front (FSLN).

Guerrilla organizations operating in El Salvador today include the Popular Forces for Liberation (FPL, founded in 1970), the Armed Forces of the National Resistance (FARN, founded in 1975), the People's Revolutionary Army (ERP, founded in 1971), and the armed cadres of the Salvadoran Communist Party (PCS). These four organizations are under the military command of the Farabundo Marti National Liberation Front, which is itself under the political command of the United Revolutionary Directorate (DRU).

Aside from Moscow, Colonel Qadhafi of Libya has become perhaps the most significant backer of the PLO, its affiliates, and the Terrorist International. The Libyans cooperate with the PLO and its affiliates as well as the Cubans in training terrorists in the Middle East, principally in Lebanon, Syria, South Yemen, Libya, and Algeria. Two main organs coordinate international terrorist operations in Libya: the Bureau of Foreign Relations, and the Arab Liaison Bureau. Both are located in the People's Palace in Tripoli. The former handles recruitment of revolutionaries on an international basis; the latter organizes terrorist-training programs and arranges financial and logistical support for the Terrorist International. Libya's Secret Service, the Mukhabarat, is interfaced with these bureaus and is under the control of the Soviet KGB via the East German Secret Service.

Though some analysts in the United States pointed to PLO involvement in the "hostage crisis" in Iran, a non-Arab but Islamic state, their views were generally disregarded. It is a fact that the largest single group of terrorist cadres trained at the PLO Hummuriyah camp in Syria in 1979 were Iranians. The internationally-recognized authority Robert Moss reported that, "Some 170 Iranians attended courses at the camp, under a program agreed between Abbas Zamani, the chief of Ayatollah Khomeini's Revolutionary Guards, and the head of the PLO bureau in Tehran, Hani al-Hassan who figures as a highly influential advisor to the Iranian regime." (London, *Daily Telegraph*, June 23, 1980.) Moss, in the same article, pointed out that, "Abbas Zamani has actually trained at a Fatah guerrilla base in Lebanon."

PLO involvement in the "revolutionary process" in Iran extends back at least a decade. A "Palestinian Group" of 45 Iranians were fighting alongside Palestinian terrorists in 1971; some later returned to Iran after receiving combat experience and advanced training.[1] An official statement released in Iran pointed out that "the rebels responsible for the recent killings and clashes with Iranian police [May, 1976] received arms and funds from Libya and the PFLP."[2]

The scale of PLO involvement in Iran today has been touched upon by Professor Houchang Nahavandi, an exceptionally well-informed former Iranian government Minister now living in Europe. He writes that at the end of 1980 some 15,000 PLO-affiliated cadres were scattered throughout Iran actively defending Khomeini's "Red and Black" revolution. He also reports that Khomeini has granted the PLO a stipend of $2 per barrel for every Iranian barrel of oil in the world market.[3]

If this startling revelation is accurate, the PLO war chest would be substantially increased by Khomeini over and above the significant amounts already provided not only by radical Arab states such as Libya and Algeria, but also by "conservative" feudal houses in the Arabian Peninsula.

Western efforts to stabilize the flow of oil from the Arabian Peninsula and Gulf areas must not overlook the fact that the same feudal houses seeking Western protection actively finance the PLO and its affiliates. While some may argue that these funds are given to "pay off" the PLO to refrain from subversive efforts against these houses, this short-term policy is leading to a revolutionary process that in the end may well consume the royal patrons. Furthermore, "conservative" Arab recycling of petrodollars to PLO activities poses a direct threat to Western Europe, the Western Hemisphere, South Africa, and such Pacific states as Japan and the Philippines, not to mention Israel itself.

Nicaragua, under the rule of the Sandinista National Liberation Front (FSLN), has become the main safe haven and training center in the Western Hemisphere for the Terrorist International, while Cuba remains the Command Center and base. The cadres of the FSLN, founded in 1963, have been trained not only in Cuba and Eastern Europe but also in the subterranean networks of the PLO and its affiliates in the Middle East. The late President Somoza himself recorded in his memoir, *Nicaragua Betrayed*, that "all of the [Sandinista] leaders had been trained in Cuba, Czechoslovakia, the PLO, Libya, and Panama; and they were tough. They knew tactics and their knowledge of weaponry was first rate."[4] He also noted that "Some of the Sandinistas had been active with the PLO in Israel ten years previously [in late 1969]."[5]

The Constitutional President of Nicaragua following Somoza (for just 43 hours), Francisco Urcuyo Maliano, specifically records in his memoir, *Solos*, that relations between the FSLN and the PLO were sealed in Mexico City some 10 years ago by FSLN representative Benito Escobar and a high-ranking PLO emissary. He further draws attention to the fact that during the same period, FSLN terrorist Patricio Arguello Ryan was killed by counter-terrorist forces during an incident in which a Black September unit attempted to highjack an El Al jetliner in Europe.[6] Arguello was an integral part of the Black September cadre-system which included non-Arab elements. FSLN cadres are known to have been trained in Lebanon, Libya, and in Algeria under PLO auspices. Arafat himself publicly boasted in Managua, Nicaragua, during July, 1980, that the FSLN had received training and indeed had fought with the PLO in the Middle East.

Thousands of armed terrorist/guerrillas joined with the FSLN during its assault on the Somoza government and formed "International Brigades" on the model of those in the Spanish Civil War. Among these cadres were Argentine ERP and Montoneros, Uruguayan Tupamaros, Chilean MIR, Colombian M–19, as well as Panamanian, Honduran, Mexican, and Venezuelan nationals. A network of terrorist training bases exists today in Nicaragua. Among the locations cited by specialists are: Esteli, Montelimar (the former Somoza estate), Somotillo, Ocotal, Tamarindo, Puerto Cabezas, the Island of Soletiname (in Lake Nicaragua), and several in the Punta Coseguina area (right across from El Salvador). In addition to Cuban and PLO instructors there are veteran cadres from the Argentine, Chilean, and Uruguayan groups mentioned above. These training camps have been and are preparing terrorists for the assault on El Salvador, Guatemala, and Honduras as well as for activity in South America. Not only have PLO cadres been active in training camps in Nicaragua but they have also been reported active in El Salvador and Guatemala. In fact, it has been established that the PLO, Algeria, Libya, and Iraq, as well as Cuba, Nicaragua, Mexico, and Panama, have been supplying weapons and financing to the Salvadoran revolutionary forces.

It should also be noted that it is not only the FSLN who have had long-standing close working relations with the PLO; the Argentine Montoneros, for example, have had such relations. Horacio Mendizabal, a Montonero killed by Argentine counter-terrorist forces on September 17, 1979, was a key liaison cadre between the Montonero executive directorate and the PLO. He had lived in France, Spain, and Lebanon, and in April, 1979 formed links with the Palestinian group operating in Tehran.

There is another aspect to the use of Nicaragua as a safe haven for the Terrorist International. It is known that Nicaragua is issuing false passports to terrorist cadres. Several Cubans using these passports were apprehended in the United States recently. That PLO cadres, as well as other terrorists, could infiltrate the United States, or other countries, using these passports is raising grave concern in a number of capitals.

The U.S. State Department released on February 19, 1981 extensive intelligence documentation of Soviet bloc support for the Salvadoran insurgents. In addition, Lawrence Eagleburger was sent to Western Europe and General Vernon Walters to South

[1] *Al-Sha'ab* (Algeria) October 22, 1971.

[2] *Al-Anwar* (Lebanon) May 22, 1976.

[3] Nahavandi, *L'IRAN, 1940–80: Crise, Révolution, et Tragédie*, Paris: IREP, 1981, pp. 134–5.

[4] Somoza, *Nicaragua Betrayed*, Boston, Western Islands, p. 84.

[5] *Ibid.*, p. 92.

[6] Urcuyo, *Solos*, Gautemala City, EDITA, 1979, p. 81.

America in order to present the administration's case to allies and friends. The Eagleburger mission was blunted somewhat by the opposition of the Socialist International to the new administration's approach and its well-orchestrated support in Europe for the Salvadoran insurgents. The official position of the Socialist International was expressed by Pierre Schori, foreign-policy spokesman for Sweden's Social Democratic Party and the party's liaison with the Socialist International, in an article appearing in *The New York Times* on February 28, 1981. The El Salvador issue is being manipulated by the European Left in a manner reminiscent of its opposition to U.S. involvement in Vietnam.

While the administration's release of intelligence documentation was a useful addition to the policy debate, it failed to release similar documentation on the Nicaraguan revolution spearheaded by the Marxist-Leninist FSLN which resulted in its 1979 seizure of political power in Nicaragua. Washington has, therefore, failed to place the El Salvador case within the overall context of the Moscow-backed "revolutionary process" in Central America, in which Guatemala, Honduras, and Mexico are further Soviet targets. Contrary to State Department claims, the Nicaraguan case, and *not* the Salvadoran, is the first "text-book example" of a Marxist-Leninist takeover in Central America. If this point is not recognized, and the extreme gravity of the entire Central American situation taken into account, a piece-meal approach involving only El Salvador will in the end prove ineffective in stabilizing the region.

The new U.S. administration, by focussing on the issue of international terrorism and Moscow's deep involvement in it, offers the hope that a coordinated international effort will meet this grave threat. Under no circumstances, however, should it be forgotten that the activities of the Terrorist International and the National Liberation Movements related to it are part of the Soviet order of battle for the current era, as expressed in its doctrine of the Three Revolutionary Streams. The case of El Salvador, or any case of Soviet-backed revolution, cannot be separated from the overall challenge posed by Soviet global strategy.

With respect to the PLO it is obvious that any defense of its activities as some sort of positive factor in Middle Eastern politics is peculiarly astigmatic. Those who, taking what they think to be a "hardheaded" attitude on oil supplies, defend the "conservative" Arab regimes around the Persian Gulf that are financing global revolutionary movements, must expand their horizons.

The PLO has long since expanded far beyond its original Middle Eastern context not only into the Western Hemisphere, but also into southern Africa, where it is comprehensively integrated with Soviet bloc activity in Angola, Mozambique, Tanzania, Zimbabwe, and Namibia. The PLO plays a pivotal role in the Soviet network that also allocates roles to Argentine Montoneros, Uruguayan Tupamaros, Chilean MIR, the El Salvadoran Farabundo Marti Liberation Front, and Italian Red Brigade cadres.

In Central America the vital interests of the United States are directly threatened by the Terrorist International spearheaded by the PLO. The entire Western industrial base is threatened by the activities of the Terrorist International in conjunction with the National Liberation Movements waging the "resource war" for Moscow in southern Africa. While Islamic states have been accused of playing the "oil weapon" in the past, the "PLO weapon" may pose even greater long-term threats to Western stability. In this context, there are clearly broader issues to be taken into consideration by Western capitals when forming policies towards the Middle East. An intensive reappraisal is certainly in order today.

PARAQUAT

Mr. HUMPHREY. Mr. President, I rise today in support of the provision in S. 1196 repealing the ban on paraquat. We are at a crucial point in this country's fight against drug abuse. When the level of illicit drug use among young Americans of high school age is probably higher than that in any other industrialized nation in the world, it is time for decisive action. With the potency of the marihuana available on our streets having increased dramatically since 1975, the dangers of this drug are becoming painfully clear to this Nation's youth.

I have seen, as we all have, the tragic results of such drug abuse in wasted potential, isolation, and unhappiness. Studies have shown that marihuana use interferes with memory, intellectual functioning, motivation, and driving ability. In addtiion, we are now beginning to accumulate scientific data on the health effects of long-term exposure to marihuana, which shows deleterious effects on the lungs and the reproductive system and suggests adverse effects on the cardiovascular system and brain cellular structure.

We must act now to change this trend and to fight drug abuse in any way possible with all of our resources. We must warn young people of the dangers of marihuana and assist families, educators, and communities in developing programs to combat drug abuse. We must attack the drug supply at all points—its source, the point of importation, and at the level of the distributors and pushers.

The paraquat provision of S. 1196 addresses the marihuana problem at its source, the most effective point to combat drug use. Paraquat is the most powerful herbicide we have because it is fast acting, which means the marihuana is destroyed before the farmer can harvest it. The Mexican Government's success in eradicating its marihuana crop proved paraquat's effectiveness and reduced Mexico to a secondary supplier of our illicit drugs.

The last Congress banned paraquat in response to political pressure after reports of possible health hazards of marihuana contaminated with paraquat entering this country were widely publicized. A careful analysis of further data on paraquat's effects when inhaled and the chances of exposure shows that the dangers were greatly exaggerated.

Concentrated paraquat will damage the lungs, but the amount of paraquat actually reaching the lungs through marihuana smoking is extremely small and varies considerably based on factors which include the concentration of paraquat in the contaminated marihuana, the amount of paraquat that passes unchanged in the smoke, and the smoking habits of the marihuana user. In addition, initial estimates of the percentage of contaminated marihuana on the U.S. market were high, and the data now shows less than 1 percent nationwide and only 2.2 percent in the Southwest part of the country. Those few smokers at risk could be warned of paraquat contamination by a chemical marker, which should be developed in the next few years.

I believe it is even more important that in banning paraquat there was no balancing of the possible risks of paraquat inhalation against the known health hazards of smoking marihuana. Because of a highly speculative risk to a potentially small number of smokers, we are losing an opportunity to wipe out the source of a drug that we know causes harm to the health and well-being of our young people.

As chairman of the Subcommittee on Alcoholism and Drug Abuse, I believe it is imperative that we act now to allow funding of paraquat eradication programs.

LEBANON

Mr. HATCH. Mr. President, would my distinguished colleague from Illinois, the chairman of the Foreign Relations Committee, have a moment to discuss how this bill will affect the crisis situation now in Lebanon? What is the level of military aid and what will go to Lebanon in this legislation?

Mr. PERCY. I welcome the concern of my colleague from Utah about the situation in Lebanon. This bill provides funds to strengthen the Lebanese armed forces as follows: $15 million for FMS financing; $5 million in economic support funds; and $1 million in military training. It is designed to aid the efforts of President Sarkis, Defense Minister Skaff, and Chief of Staff Khouri to rebuild the Lebanese Armed Forces.

Mr. HATCH. It is my understanding, Mr. President, that the Secretary of State sent a letter of appreciation to the President of Lebanon for his personal assistance in the successful cease-fire negotiations this summer carried on by Ambassador Habib. Certainly, we have a national interest in seeing a strong, authoritative central government in Lebanon if the cease-fire is to continue. Yet it seems to me that the Lebanese Armed Forces are only just beginning to rebuild after the destructive civil war of the last 6 years. Mr. Chairman, I am not satisfied that the pace with which we are delivering military equipment to Lebanon is going to be adequate to permit the Lebanese Armed Forces to maintain the authority of the central government in the years ahead.

A weak central government not only is dangerous for the people of Lebanon, but also threatens the security of Israel whose military planners are very aware of the operational bases of the PLO in southern Lebanon which stretch all the way north to the capital in Beirut. I just do not see how the Lebanese Armed Forces can maintain order when the PLO has been receiving dozens of tanks this year. Some estimates go as high as 100 tanks of Soviet origin that are now in the hands of the PLO. I understand our Embassy in Beirut and the State Department support Lebanon's request for 30 or 40 American-made M–48 tanks to be delivered as soon as possible. Do you support this request, Mr. Chairman? Can it be expedited and accelerated under this proposed legislation?

Mr. PERCY. My distinguished colleague makes a very persuasive case.

This bill would provide funds for M–48 tanks and other weapons requested by the Government of Lebanon, and I believe that the situation there you have described would justify an acceleration of the pace of delivery of the M–48 tanks. It would be difficult to conceive of any reason this equipment should not be expedited. We will monitor this carefully, I can reassure my colleagues, and I thank Senator HATCH for bringing this matter to the attention of the Senate.

Mr. HATCH. With these reassurances about the high priority that we in the Senate believe should be given to accelerating the delivery of M–48 tanks to Lebanon, many will support your approach. I hope we can insure that the cease-fire in Lebanon can be maintained and that Israeli security as well can be enhanced by this action.

Mr. HELMS. Mr. President, I concur in the remarks of the distinguished Senator from Utah, and the distinguished chairman. The land of Lebanon has suffered long from the predatory attacks of its neighbors and the PLO. The least we can do is to expedite the shipments of heavy materiel that we have promised, and I am delighted at the assurances of our capable chairman.

Mr. GLENN. Mr. President, I agree with these concerns about Lebanon and hope some way can be found to expedite the tank shipments.

The PRESIDING OFFICER. Does the senior Senator from Virginia seek recognition?

Mr. HARRY F. BYRD, JR. May we have third reading first?

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, if I may have the indulgence of the Senator from Virginia, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I wish to express my deep appreciation to the members of the staff of the minority: Jerry Christianson, Gerry Connolly, David Lawther Johnson, Barry Sklar, Peter Galbraith. William Ashworth, and Janice O'Connell.

I also express deep appreciation to the members of the staff of the majority: Ed Sanders, Hans Binnendijk, Joel Johnson, Margaret Hayes, Mary Locke, Bob Russell, Alison Rosenberg, Graeme Bannerman, and Alan Sofrin.

To my distinguished colleague, the ranking minority member and all the members of the committee, I extend deep appreciation for their work and assistance, particularly the chairman of the Armed Services Committee, who has been so cooperative.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to page 1 of the committee report. The figures show this: That for the fiscal year 1981, the foreign aid authorizations incorporated into this proposal for 1981 are $4 9 billion. For 1932, the authorization in the piece of legislation we will vote on in a moment is $5.8 billion. That is a 17-percent increase in spending for foreign aid in this 1 fiscal year, 1982, vis-a-vis 1981.

This is a time of huge budget deficits. It is a time when our country is faced with tremendous inflation. It is a time when none of us knows precisely how we are going to balance the budget. To come in with a piece of legislation, as we are tonight, with a 17-percent increase in foreign aid spending seems to me to be totally unjustified. I will vote against this proposal.

I point out that the 17-percent increase in foreign aid spending which will be voted on tonight comes on the precise day that our national debt went over the $1 trillion mark. Today. October 22, the national debt, for the first time, exceeded $1 trillion; and we are following that up now with a foreign aid proposal which has been increased by 15 percent over the previous year. It is totally unjustified.

Mr. PERCY. I do remind my colleague with great respect that the Foreign Relations Committee reduced President Reagan's budget by $900 million.

Mr. HARRY F. BYRD, JR. I remind my dear colleague from Illinois that it still represents an increase of 17 percent. That is what his own figures show.

Mr. BAKER. Mr. President, after several days of debate, the time has now come to vote on this year's foreign assistance bill. I recognize that at a time when our domestic economy is not as healthy as we would like, and when we are cutting back on domestic programs, it is difficult to register a vote in favor of foreign assistance. But I believe there are several reasons we should do so.

First, I would note that the foreign assistance bill is not a major item in our Federal budget—this bill is only around 1.6 percent of our Federal expenditures. This program has shrunk steadily relative to our budget and to our GNP over the past 25 years. It is $900 million less than President Reagan's original request and almost identical to his current total request.

Second, the bill provides a variety of new policy requirements and terminates or modifies a number of old ones. The bill thus provides a current statement of the policies and conditions which the Congress desires in conducting a foreign assistance program. Without new legislation, the executive branch would be forced to conduct a foreign assistance program under requirements put in place for a different time and different circumstances.

Finally, this bill provides the President with a critical means of conducting our foreign policy. Our country now faces many challenges in the world. President Reagan, in a letter to Chairman PERCY, noted that—

> This bill would provide vital tools to assist us in meeting these challenges and promote and protect America's interests abroad. The reduction of these assistance programs would have serious repercussions on our foreign policy and would endanger our national security objectives.

Mr. President, before we vote, I would like to warmly commend the floor managers, the distinguished Senators from Illinois and Rhode Island, for their work on this bill. They have managed to deal with a variety of amendments, several involving issues on which many Senators had very strong feelings, with tact and understanding.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BAKER. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from Idaho (Mr. SYMMS) would each vote "nay."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

On this vote, the Senator from North Dakota (Mr. BURDICK) is paired with the Senator from Massachusetts (Mr. KENNEDY).

If present and voting, the Senator from North Dakota would vote "nay" and the Senator from Massachusetts would vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 40, nays 33, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—40

Baker	Gorton	Mitchell
Baucus	Hart	Moynihan
Biden	Hawkins	Murkowski
Boschwitz	Heinz	Packwood
Chafee	Huddleston	Pell
Chiles	Inouye	Percy
Cochran	Jackson	Riegle
Cohen	Kassebaum	Rudman
Cranston	Kasten	Specter
Danforth	Leahy	Stafford
Dixon	Levin	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	
Glenn	Matsunaga	

NAYS—33

Abdnor	Hatfield	Proxmire
Armstrong	Heflin	Pryor
Bentsen	Helms	Quayle
Boren	Hollings	Randolph
Byrd,	Humphrey	Roth
Harry F., Jr.	Jepsen	Schmitt
Cannon	Long	Stennis
Eagleton	Mattingly	Wallop
East	McClure	Warner
Exon	Melcher	Zorinsky
Ford	Nickles	
Grassley	Nunn	

NOT VOTING—27

Andrews	Durenberger	Pressler
Bradley	Garn	Sarbanes
Bumpers	Goldwater	Sasser
Burdick	Hatch	Simpson
Byrd, Robert C.	Hayakawa	Stevens
D'Amato	Johnston	Symms
DeConcini	Kennedy	Tsongas
Denton	Lavalt	Weicker
Dodd	Metzenbaum	Williams

So the bill (S. 1196), as amended, was passed, as follows:

S. 1196

An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security and Development Cooperation Act of 1981".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

REPORTS TO THE CONGRESS

SEC. 101. (a) Section 3(d) of the Arms Export Control Act is amended—

(1) in paragraph (1), by striking out all that follows "The President may not give his consent" through "Act of 1961" and inserting in lieu thereof "under paragraph (2) of subsection (a) of this section or under the third sentence of such subsection, or under sections 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961, to the transfer of any major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more, or of any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $50,000,000 or more,";

(2) in paragraph (3), by striking out all that follows "The President may not give his consent" through "section 38 of this Act," and inserting in lieu thereof "to the transfer of any major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more, or of any defense article or defense service valued (in terms of its original acquisition cost) at $50,000,000 or more, the export of which has been licensed or approved under section 38 of this Act,".

(b) The first sentence of section 36(b)(1) of such Act is amended—

(1) by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000"; and

(2) by striking out "$7,000,000" and inserting in lieu thereof "$14,000,000".

(c) Section 36(c) of such Act is amended in the first sentence of paragraph (1)—

(1) by striking out "$7,000,000" and inserting in lieu thereof "$14,000,000"; and

(2) by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

(d) Section 36(d) of such Act is amended by striking out "such subsection" and inserting in lieu thereof "subsection (c)(1) of this section".

(e) Section 109(e) of the International Security and Development Cooperation Act of 1980 is amended—

(1) by striking out "$7,000,000" and inserting in lieu thereof "$14,000,000"; and

(2) by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

PROPOSED TRANSFERS OR SALES TO THE NORTH ATLANTIC TREATY ORGANIZATION, JAPAN, AUSTRALIA, OR NEW ZEALAND

SEC. 102. (a) Section 3(d)(2) of the Arms Export Control Act is amended—

(1) by striking out "(2) Unless" and inserting in lieu thereof "(2)(A) Except as provided in subparagraph (B), unless"; and

(2) by adding at the end thereof the following:

"(B) Unless the President states in the certification submitted pursuant to paragraph (1) of this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, in the case of a proposed transfer to the North Atlantic Treaty Organization, or any member country of such Organization, Japan, Australia, or New Zealand, such consent shall not become effective until fifteen calendar days after the date of such submission and such consent shall become effective then only if the Congress does not adopt, within such fifteen-day period, a concurrent resolution disapproving the proposed transfer.".

(b)(1) Section 36(b)(1) of such Act is amended in the fifth sentence by striking out "if the Congress, within thirty calendar days after receiving such certification," and inserting in lieu thereof the following: ", with respect to a proposed sale to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, if the Congress, within fifteen calendar days after receiving such certification, or with respect to a proposed sale to any other country, if the Congress within thirty calendar days after receiving such certification,".

(2) Section 36(b)(2) of such Act is amended by inserting before the period at the end thereof a comma and the following: "except that for purposes of consideration of any resolution with respect to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, it shall be in order in the Senate to move to discharge a committee to which such resolution was referred if such committee has not reported such resolution at the end of five calendar days after its introduction".

PERSONNEL PERFORMING DEFENSE SERVICES

SEC. 103. Section 21(c)(2) of the Arms Export Control Act is amended to read as follows:

"(2) Within forty-eight hours of the existence of, or a change in status of hostilities or terrorist acts, which may endanger American lives or property, involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, classified if necessary, setting forth—

"(A) the identity of such country;

"(B) a description of such hostilities or terrorist acts; and

"(C) the number of members of the United States Armed Forces and the number of United States civilian personnel that may be endangered by such hostilities or terrorist acts.".

NONRECURRING RESEARCH AND DEVELOPMENT COSTS

SEC. 104. Section 21(e)(2) of the Arms Export Control Act is amended by inserting after "standardization" the following: ", in standardization with the armed forces of Japan, Australia, or New Zealand (in furtherance of the mutual defense treaties between the United States and those countries)".

AUTHORIZATION AND AGGREGATE CEILINGS

SEC. 105 (a) Section 31(a) of the Arms Export Control Act is amended by striking out "$500,000,000 for the fiscal year 1981" and inserting in lieu thereof "$990,900,000 for the fiscal year 1982".

(b) Section 31(b) of such Act is amended—

(1) in paragraph (1)—

(A) by striking out "fiscal year 1981 shall not exceed $500,000,000" and inserting in lieu thereof "fiscal year 1982 shall not exceed $990,9000,000"; and

(B) by adding at the end thereof the following: "The borrowers of such credits shall be released from their contractual liability to repay the United States Government with respect to such credits and participation in credits.";

(2 in paragraph (2), by striking out "fiscal year 1981 shall not exceed $2,616,000,000" and inserting in lieu thereof "fiscal year 1982 shall not exceed $3,085,500,000"; and

(3) in paragraph (3), by striking out "fiscal year 1981" and inserting in lieu thereof "fiscal year 1982", and by striking out ", of which $200,000,000 shall be available only for costs associated with the relocation of Israeli forces from the Sinai".

(c) The first sentence of section 31(c) of such Act is amended by striking out "fiscal year 1981" and inserting in lieu thereof "fiscal year 1982".

(d) The principal amount of loans guaranteed under section 24(a) of such Act for the fiscal year 1982 with respect to Egypt, Greece, Sudan, Somalia, and Turkey shall (if and to the extent each such country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

REPEAL

SEC. 106. Section 38(b)(3) of the Arms Export Control Act is repealed.

AGENTS FEES AND OTHER PAYMENTS

SEC. 107. (a) Section 39 of the Arms Export Control Act is amended—

(1) by striking out subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsecitons (a), (b), and (c), respectively;

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The President may, as he determines will be in furtherance of the purposes of this Act, by regulation prohibit, limit, or prescribe conditions with respect to contributions, gifts, commissions, and fees paid, or offered or agreed to be paid, by any person in connection with—

"(1) sales of defense articles or defense services under section 22, or of design and construction services under section 29 of this Act; or

"(2) commercial sales of defense articles or defense services licensed or approved under section 38 of this Act;

to or for the armed forces of a foreign country or international organization in order to solicit, promote, or otherwise to secure the conclusion of such sales.".

(b) All delegations, rules, regulations, orders, or other forms of administrative action made, issued, or taken under such section 39 of such Act and which are in effect at the time this section takes effect shall continue in effect in accordance with their terms until modified, superseded, set aside, or revoked by appropriate authority.

SPECIAL DEFENSE ACQUISITION FUND

SEC. 108. (a) The Arms Export Control Act is amended by adding at the end thereof the following new chapter:

"Chapter 5—SPECIAL DEFENSE ACQUISITION FUND

"SEC. 51. SPECIAL DEFENSE ACQUISITION FUND.—(a) Under the direction of the President and in consultation with the Secretary of State, the Secretary of Defense shall establish a Special Defense Acquisition Fund, to be used as a revolving fund separate from other accounts, under the control of the Department of Defense, to finance the acquisition of defense articles and defense service in anticipation of their transfer pursuant to this Act, the Foreign Assistance Act, or as otherwise authorized by law, to eligible foreign countries and international organizations, and may acquire such articles and services with the funds in such account as he may determine. Acquisition under this chapter of items for which the initial issue quantity requirements for United States Armed Forces have not been fulfilled and are not under current procurement contract shall be emphasized when compatible with security assistance requirements for the transfer of such items. Nothing in this chapter may be construed to limit or impair any responsibilities conferred upon the Secretary of State or the Secretary of Defense under this Act or the Foreign Assistance Act of 1961.

"(b) The Special Defense Acquisition Fund established pursuant to subsection (a) of this section shall consist of—

"(1) collections from sales made under letters of offer issued pursuant to section 21(a)(1) of this Act representing the actual value of defense articles not intended to be replaced in stock,

"(2) collections from sales representing the value of asset use charges (including contractor rental payments for United States Government-owned plant and production equipment) and charges for the proportionate recoupment of nonrecurring research, development, and production costs, and

"(3) collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961) of defense articles and defense services acquired under this chapter, representing the value of such items calculated in accordance with paragraph (2) or (3) of section 21(a) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate, together with such funds as may be authorized and appropriated or otherwise made available for the purposes of this account.

"(c) The size of the Special Defense Acquisition Fund may not exceed such dollar amount as is prescribed in section 138(g) of title 10, United States Code, except that in any fiscal year such funds shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(d) As part of its annual congressional presentation material on security assistance provided to the Congress and as part of the annual written report to the Congress required by section 139(a) of title 10, United States Code, regarding procurement schedules for each weapon system for which funding authorization is required, the President shall provide a report estimating the likely procurements to be made through the Special Defense Acquisition Fund.

"SEC. 52. USE AND TRANSFER OF ITEMS PROCURED BY THE FUND.—(a) No defense article or defense service acquired by the Secretary of Defense under this chapter may be transferred to any foreign country or international organization unless such transfer is authorized by this Act, the Foreign Assistance Act of 1961, or other law.

"(b) The President may authorize the temporary use by the United States Armed Forces of defense articles and defense services acquired under this chapter prior to their transfer to a foreign country or international organization, if such is necessary to meet national defense requirements and the United States Armed Forces bear the costs of operation and maintenance of such articles or services while in their use and the costs of restoration or replacement upon the termination of such use.

"(c) Except as provided in subsection (b) of this section, the account established pursuant to section 51(a) of this Act may be used to pay for storage, maintenance, and other costs related to the preservation and preparation for transfer of defense articles and defense services acquired under this chapter prior to their transfer, as well as the administrative costs of the Department of Defense incurred in the acquisition of such items to the extent not reimbursed pursuant to section 43(b) of this Act.".

(b) Section 138 of title 10, United States Code, is amended adding immediately following subsection (f) the following new section:

"(g) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act may not exceed $350,000,000 in fiscal year 1982 and $700,000,000 in fiscal year 1983.".

LEASES OF DEFENSE ARTICLES

SEC. 109. (a) Section 2667 of title 10, United States Code, relating to leases of nonexcess property, is amended by adding at the end thereof the following new subsections:

"(g) Not less than thirty days before entering into or renewing any agreement with a foreign country or international organization to lease under this section any major defense equipment (as defined in section 47(6) of the Arms Export Control Act) valued at $14,000,000 or more and any other property valued at $50,000,000 or more for a period of more than one year, the Secretary of Defense shall transmit to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Armed Services of the Senate, a written notification which specifies—

"(1) the country or international organization to which the defense article is to be leased;

"(2) the type, quantity, and value (in terms of replacement cost) of the defense article to be leased;

"(3) the terms and duration of the lease; and

"(4) a justification for the lease, including an explanation of why the defense article is being leased rather than sold under the Arms Export Control Act.

The President may waive the requirements of this section if he determines, and immediately reports to the Congress, that an emergency exists which requires that the lease be entered into immediately in the national security interests of the United States.

"(h) The Secretary of Defense shall transmit to the Speaker of the House of Representatives and to the Chairman of the Committee on Armed Services of the Senate not more than sixty days after the end of each quarter a listing (classified if necessary) of all property valued at $1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than one year under this section.

"(i) Any reference to sales of defense articles under the Arms Export Control Act in any provision of law restricting the countries or organizations to which such sales may be made shall be deemed to include a reference to leases of defense articles under this section.".

(b) Section 109 of the International Security and Development Cooperation Act of 1980 is repealed.

(c) Section 36(a) of the Arms Export Control Act is amended by deleting paragraph (10).

MILITARY ASSISTANCE

SEC. 110. (a) Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $31,400,000 for the fiscal year 1982.

"(2) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 506(a) of such Act is amended by striking out "$50,000,000" and inserting in lieu thereof "$100,000,000".

(c) Section 503(a)(3) of such Act is amended by striking out "specified in section 504(a)(1) of this Act, within the dollar limitations of that section," and inserting in lieu thereof "country,".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 111. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$85,000,000 for the fiscal year 1981" and inserting in lieu thereof "$160,000,000 for the fiscal year 1982".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 112. Section 515 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 515. OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS.—(a) In order to carry out his responsibilities for the management of international security assistance programs conducted under this chapter, chapter 5 of this part, and under the Arms Export Control Act, the President may assign members of the Armed Forces of the United States to foreign countries to perform necessary management and other functions related to such programs. The total number of members of the Armed Forces assigned under this section in each foreign country may not exceed the number justified to the Congress in the congressional presentation materials for such foreign country, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are so notified.

"(b) Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

"(c) The numerical limitations contained in subsection (a) of this section shall not apply to members of the Armed Forces of the United States performing services for specific purposes and for fixed periods of time on a fully reimbursable basis under section 21(a) of the Arms Export Control Act. It is the sense of the Congress that training assistance in countries to which military personnel are assigned under this section shall primarily be provided by other personnel who are not assigned under this section and who are detailed for limited periods to perform specific tasks.

"(d) Effective October 1, 1982, the entire

costs (including salaries of United States military personnel) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, other than such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act or are reimbursed from charges for services collected from foreign governments pursuant to section 21(e) and section 43(b) of the Arms Export Control Act.

"(e) The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 113. Section 512 of the Foreign Assistance Act of 1961 is amended by striking out "$34,000,000 for the fiscal year 1981" and inserting in lieu thereof "$47,700,000 for the fiscal year 1982".

PEACEKEEPING OPERATIONS

SEC. 114. Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1981" and inserting in lieu thereof "$19,000,000 for the fiscal year 1982".

TITLE II—ECONOMIC SUPPORT FUND AND OTHER PROGRAMS

ECONOMIC SUPPORT FUND

SEC. 201. (a)(1) Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1981, $2,065,300,000" and inserting in lieu thereof "fiscal year 1982, $2,548,500,000".

(2) Section 531 of such Act is amended by adding at the end thereof the following:

"(d) Not less than 15 percent of the funds authorized to be appropriated for each fiscal year pursuant to this chapter, which are allocated under the Commodity Import Program to finance the purchase of commodities produced in the United States, shall be available only for the purpose of financing the purchase of agricultural commodities produced in the United States.".

(3) Section 531(b) of such Act is amended by adding at the end thereof the following:

"(3) Of the funds appropriated pursuant to paragraph (1), up to $75,000,000 may be made available as a special requirements fund, except that none of such funds may be obligated unless the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation.".

(b) Section 532 of such Act is amended to read as follows:

"SEC. 532. USE OF FISCAL YEAR 1982 FUNDS.—(a)(1) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, not less than $806,000,000 shall be available only for Israel and not less than $771,000,000 shall be available only for Egypt.

"(2) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1982 shall be provided on a grant basis.

"(3) The total amount of funds allocated for Israel under this chapter for the fiscal year 1982 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(b) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $300,000,000 shall be available only for Turkey. Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1982 shall be provided on a grant basis.

"(c) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $10,000,000 shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

"(d) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $15,000,000 shall be available only for Costa Rica for the purposes of economic assistance.

"(e)(1) Up to $50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1982 may be made available for emergency use under this chapter when the national interests of the United States urgently require economic support to promote economic or political stability.

"(2) Notwithstanding subsections (a)(1), (b), and (c) of this section, up to 5 per centum of the funds available for any country or region pursuant to such subsections may be used under paragraph (1) of this subsection.

"(f) None of the funds appropriated to carry out this chapter for the fiscal year 1982 may be made available to Syria.

"(g) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, not less than $5,000,000 shall be available for Tunisia.

"(h) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $100,000,000 shall be available only for Pakistan.

"(i) Notwithstanding any other provision of the law, of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $5,000,000 shall be available only for Poland for the purchase, transportation and distribution of food and medical supplies through private voluntary agencies where appropriate.".

(c) Section 533 of such Act is repealed.

TITLE III—DEVELOPMENT ASSISTANCE

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 301. (a) The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$713,500,000 for the fiscal year 1981" and inserting in lieu thereof "$689,000,000 for the fiscal year 1982".

(b)(1) It is the sense of the Congress that the United States should strongly support the efforts of developing countries to improve infant feeding practices, in particular, through the promotion of breast feeding. As a demonstration of that support, the President is authorized to spend up to $5,000,000 from funds made available for fiscal year 1982 to carry out the purposes of sections 103 and 101(c) of the Foreign Assistance Act of 1961, to assist developing countries establish or improve programs to encourage improved infant feeding practices. As part of such a program, the Agency for International Development should fund necessary research to obtain better information on the precise nature and magnitude of problems relating to infant feeding practices, including the use of infant formula, in developing countries.

(2) The President shall, as part of the Congressional Presentation Documentation for fiscal years 1983 and 1984, include information relevant to the implementation of this section, including—

(A) a description of actions taken by the Agency for International Development to promote breast feeding and to improve supplemental infant feeding practices in developing countries through funds made available in this section and through its regular programs in the fields of health, nutrition, and population activities;

(B) summary information on results of studies authorized by this section on the nature and magnitude of problems in the developing countries related to infant feeding practices; and

(C) summary of reports by member countries of the World Health Organization on their actions to implement the International Code of Marketing of Breast Milk Substitutes.

(c) Section 103 of such Act is amended by adding at the end thereof the following new subsection:

"(g)(1) The President is authorized to participate in and provide, on such terms and conditions as he may determine, not to exceed $180,000,000 to the International Fund for Agricultural Development. There are authorized to be appropriated to the President for the purposes of this subsection, in addition to funds otherwise available for such purposes, $180,000,000, of which amount not more than $45,000,000 may be appropriated for such purposes for the fiscal year 1982. Amounts appropriated under this subsection are authorized to remain available until expended.

"(2)(A) In order to further the purposes of United States participation in the International Fund for Agricultural Development, it is the sense of the Congress that the President should—

"(i) instruct United States representatives on the Governing Council of the Fund to actively seek to limit to seventy-five the number of professional staff (professional category and above, according to the United Nations Common System) of the Fund;

"(ii) instruct United States representatives to seek equity between the contributions of member states of the Organization for Economic Cooperation and Development and all other donors in any negotiations for future replenishments of resources for the Fund;

"(iii) through his representatives on the Governing Council of the Fund, encourage the development of procedures to expedite disbursement of resources for projects and activities supported by the Fund; and

"(iv) seek to assure that the United States contribution to the Fund is disbursed in a manner which is related to the Fund's actual rate of disbursal of loans and grants.

"(B) The Congress looks with favor on the general approach of the Fund in obtaining major support from a wider variety of donors than has normally been the case in international organizations.

"(C) The Congress finds that the President should pursue other efforts to increase the amount of assistance provided to developing countries by European allies of the United States, Japan, and members of the Organization of Petroleum Exporting Countries (OPEC).".

POPULATION AND HEALTH

SEC. 302. (a) The first sentence of section 104(g) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $216,000,000 for the fiscal year 1982 to carry out subsection (b) of this section, of which not less than $3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction, and not less than $38,000,000 shall be available for the program of the United Nations Fund for Population Activities; and

"(2) $127,905,000 for the fiscal year 1982 to carry out subsection (c) of this section.".

(b) Section 104(f) of such Act is amended by adding at the end thereof the following:

"(3) None of the funds made available to carry out this part may be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.".

(c) Section 104 of such Act is amended by adding at the end thereof the following:

"(h) Of the amount authorized to be appropriated under subsection (g)(2), not less than $15,000,000 shall be made available to private voluntary organizations to carry out public health activities. For purposes of this subsection, the term 'public health activities' means activities carried out for the purpose of addressing major health problems in the poorer countries through—

"(1) disease control, including projects to promote safe water supplies, sanitary waste disposal, and preventive medicine;

"(2) projects and programs to promote general health, including health education; and

"(3) health services delivery and management.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 303. Section 105(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out in the second sentence "$101,000,000 for the fiscal year 1981" and inserting in lieu thereof "$109,574,000 for the fiscal year 1982"; and

(2) by adding at the end thereof the following: "The President shall use up to $5,700,000 of the funds made available for the purposes of this section for the fiscal year 1982 to finance scholarships for undergraduate or professional education in the United States for South African students who are disadvantaged by virtue of legal restrictions on their ability to secure an adequate undergraduate or professional education, except that up to $1,000,000 of the funds made available for the fiscal year 1982 under chapter 4 of part II of this Act for a Southern Africa Regional Program may be used to finance such scholarships in lieu of an equal amount under this section.".

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 304. (a) Section 106(d)(3) of the Foreign Assistance Act of 1961 is amended by inserting before the semicolon at the end thereof the following: "and programs of disaster preparedness including the prediction of, and contingency planning for, natural disasters abroad".

(b) Section 106(e)(1) of such Act is amended by striking out "$140,000,000 for the fiscal year 1981" and inserting in lieu thereof "$140,889,000 for the fiscal year 1982".

PROGRAMS OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION

SEC. 305. The Foreign Assistance Act of 1961 is amended by inserting after section 106 the following new section:

"SEC. 106A. PROGRAMS OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for programs of scientific and technological cooperation, which include—

"(1) assistance to developing countries to strengthen their own scientific and technological capacity in order for such countries to undertake the research and experimentation necessary for development;

"(2) support for research, in the United States and in developing countries, on critical development problems, with emphasis on research relating to technologies which are labor-intensive or which do not generate additional unemployment or underemployment and with emphasis on those problems which are the greatest impediment to improvement in the lives of the majority of the poor;

"(3) fostering the exchange of scientists and other technological experts with developing countries, and other forms of exchange and communication, to promote the joint solution of problems of mutual concern to the United States and developing countries;

"(4) advice and assistance to other agencies of the United States Government in planning and executing policies and programs of scientific and technological cooperation with developing countries;

"(5) facilitation of the participation of institutions, businesses, and individuals from the United States private sector in scientific and technological cooperation with developing countries; and

"(6) gathering, analyzing, and disseminating information relevant to the scientific and technological needs of developing countries.

"(b) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $10,000,000 for the fiscal year 1982, which are authorized to remain available until expended.".

UNITED NATIONS DECADE FOR WOMEN

SEC. 306. Section 113 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) For the fiscal year 1982, not less than $500,000 of the funds appropriated for this chapter shall be expended on international programs which support the original goals of the United Nations Decade for Women.".

HUMAN RIGHTS

SEC. 307. The first sentence of section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "not less than $1,500,000 of the" and "for the fiscal year 1981".

TROPICAL FOREST DESTRUCTION AND LOSS

SEC. 308. Section 118 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c)(1) In enacting section 103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries. Tropical forests constitute a major world resource. Their destruction and loss pose a serious threat to development and the environment in developing countries. Tropical forest destruction and loss result in shortages of wood, especially wood for fuel; siltation of lakes, reservoirs and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and can result in desertification and in destabilization of the Earth's climate. Properly managed tropical forests provide a sustained source of fiber and other commodities essential to the economic growth of developing countries.

"(2) The concerns expressed in paragraph (1) and the recommendations of the United States Interagency Task Force on Tropical Forests shall be considered by the President—

"(A) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities, and

"(B) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

"(3) It is the sense of the Congress that the President should instruct the representatives of the United States to the United Nations and to other appropriate international organizations to urge—

"(A) that higher priority be given in the programs of these organizations to the problems of tropical forest alteration and loss, and

"(B) that there be improved cooperation and coordination among these organizations with respect to tropical forest activities.".

SAHEL DEVELOPMENT PROGRAM—IMPLEMENTATION

SEC. 309. (a) Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting after the third sentence the following new sentence: "In addition to the amounts authorized to be appropriated in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $102,000,000 for the fiscal year 1982.".

(b) Section 121 of such Act is amended by adding at the end thereof the following new subsection:

"(d) Funds available to carry out this section (including foreign currencies acquired with funds appropriated to carry out this section) may not be made available to any foreign government for disbursement unless the Administrator of the Agency for International Development determines that the foreign government will maintain a system of accounts with respect to those funds which will provide adequate identification of and control over the receipt and expenditure of those funds.".

PRIVATE VOLUNTARY ORGANIZATIONS

SEC. 310. Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by adding at the end of subsection (a)(1), as redesignated by paragraph (1), the following:

"(2) Of the total amounts authorized to be appropriated to the President under sections 103(a)(2), 104(g)(1) and (2), 105(a), 106(e)(1), 121(c), and 492, not less than 16 per centum shall be made available for the activities of private voluntary organizations. The President shall prepare an annual report concerning implementation of this paragraph, which shall be submitted as part of the report required by section 634 of this Act.".

INTERNATIONAL ORGANIZATIONS AND PROGRAM

SEC. 311. (a) Section 301(f) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "and the International Food Policy Research Institute" after "International Fertilizer Development Center"; and

(2) by inserting "and the Institute" after "the Center".

(b) Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$233,350,000 for the fiscal year 1981" and inserting in lieu thereof "$229,050,000 for the fiscal year 1982. Of the funds appropriated pursuant to the authorities of this section in fiscal year 1982, not less than 19.6 per centum of the total appropriated or up to $45,000,000 shall be available only for the United Nation's Children's Fund, not less than 58.7 per centum of the total appropriated or up to $134,500,000 shall be available only for the United Nations Development Fund, and not less than 4.4 per centum of the total appropriated or up to $10,000,000 shall be available only for the United Nations Environmental Program.".

TRADE AND DEVELOPMENT PROGRAMS

SEC. 312. (a) The section caption of section 661 of the Foreign Assistance Act of 1961 is amended by striking out "REIMBURSABLE DEVELOPMENT PROGRAMS" and inserting in lieu thereof "TRADE AND DEVELOPMENT PROGRAMS".

(b) Section 661 of such Act is amended—

(1) by inserting "(a)" immediately before "The President";

(2) in the first sentence by striking out "to use $4,000,000 of the funds made available for the fiscal year 1981 for purposes of this Act"; and

(3) by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $6,907,000 for the fiscal year 1982.".

HOUSING GUARANTY PROGRAMS

SEC. 313. (a) The third sentence of section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(b) Section 223(b) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "There shall be established in the Treasury of the United States a revolving fund account into which all of the fees referred to in this section, together with any accrued earnings thereon, and any other income arising from guaranty operations under this title shall be deposited. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments will be credited to such account and may be used for the purposes cited in this section.".

TITLE IV—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 401. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "$30,000,000 for the fiscal year 1981" and inserting in lieu thereof "$12,000,000 for the fiscal year 1982".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 402. Section 492(a) the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1981" and inserting in lieu thereof "$27,000,000 for the fiscal year 1982".

INTERNATIONAL NARCOTICS CONTROL

SEC. 403. (a) Section 481(d) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(d)(1) The Secretary of State shall inform the Secretary of Health and Human Services of the use or intended use by any country or international organization of any herbicide to eradicate marihuana in a program receiving assistance under this chapter.

"(2) The Secretary of Health and Human Services shall monitor the impact on the health of persons who may use or consume marihuana of the spraying of a herbicide to eradicate such marihuana in a program receiving assistance under this chapter, and if he determines that such persons are exposed to amounts of such herbicide which are harmful to their health, he shall prepare and transmit a report to the Congress setting forth such determination together with any recommendations he may make.

"(3) Of the funds authorized to be appropriated for the fiscal year 1982 under section 482, not less than $100,000 shall be used to develop a substance that clearly and readily warns potential users and consumers of marihuana that it has been sprayed with the herbicide paraquat.

"(4) If the Secretary of Agriculture determines that a substance has been developed that clearly and readily warns potential users and consumers of marihuana that it has been sprayed with the herbicide paraquat, such substance shall be used in conjunction with the spraying of paraquat in any program receiving assistance under this chapter.".

(b) Section 482(a) of such Act is amended to read as follows:

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $37,700,000 for the fiscal year 1982.

"(2) Amounts appropriated under this subsection are authorized to remain available until expended.".

TITLE V—PEACE CORPS

PART A—PEACE CORPS AUTONOMY

SEC. 501. This part may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

SEC. 502. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

SEC. 503. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b)(1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2)(A) The transfer pursuant to this section of full-time personnel (except special Government employees) and parttime personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(ii) the effective date of the transfer of such employee,

whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

SEC. 504. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

SEC. 505. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect (1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

SEC. 506. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions of this part, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 503(b)(1) were equitable.

REFERENCES IN LAW

SEC. 507. References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

PART B—PEACE CORPS ACT AMENDMENTS

AUTHORIZATION OF APPROPRIATIONS

SEC. 511. Section 3 of the Peace Corps Act, as amended by section 505 of this title, is further amended—

(1) by striking out in subsection (b) "fiscal year 1981 not to exceed $118,000,000" and inserting in lieu thereof "the fiscal year 1982, not to exceed $105,000,000"; and

(2) by inserting in subsection (c) "and fiscal year 1982" after "fiscal year 1981".

INTEGRATION OF DISABLED PEOPLE

SEC. 512. Section 3 of the Peace Corps Act, as amended by sections 505 and 511 of this title, is further amended by adding at the end thereof the following new subsection:

"(e) In recognition of the more than four hundred million disabled people in the world, 95 per centum of whom are among the poorest of the poor, the Peace Corps shall be administered so as to give particular attention to programs, projects, and activities which tend to integrate disabled people into the national economies of developing countries, thus improving their status and assisting the total development effort.".

MALPRACTICE LIABILITY INSURANCE

SEC. 513. (a) Section 5(h) of the Peace Corps Act is amended by striking out the last two sentences.

(b) Section 10 of such Act is amended by adding at the end thereof the following new subsection:

"(1) The provisions of section 30 of the State Department Basic Authorities Act of 1956 shall apply to volunteers and persons employed, appointed, or assigned under this Act. For purposes of this subsection, references to the Secretary in subsection (b) of such section shall be deemed to be references to the Director of the Peace Corps and references to the Secretary in subsection (f) of such section shall be deemed to be references to the President. For purposes of subsection (g) of such section, a Peace Corps representative shall be deemed to be a principal representative of the United States.".

TECHNICAL AMENDMENTS

SEC. 514. (a) Section 9 of the Peace Corps Act is amended by striking out "section 10(a)(4)" and by inserting in lieu thereof "section 10(a)(5)".

(b) Section 18 of such Act (22 U.S.C. 2517) is repealed.

READJUSTMENT ALLOWANCE

SEC. 515. The first sentence of section 5(c) of the Peace Corps Act is amended by striking out "at a rate not to exceed $125".

TITLE VI—FOOD FOR PEACE PROGRAMS

REPEAL OF OBSOLETE FOREIGN CURRENCY PROVISIONS

SEC. 601. The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 101, by striking out "for foreign currencies" and inserting in lieu thereof ", to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms which permit conversion to dollars at the exchange rate applicable to the sales agreement";

(2) by amending section 103(b) to read as follows:

"(b) except there the President determines that it would be inconsistent with the objectives of this Act, determine the amount of foreign currencies needed for the uses specified in subsections (a), (b), (e), and (h) of section 104 and in title III, and the agreements for credit sales shall provide for payment of such amounts in dollars or in foreign currencies upon delivery of the agricultural commodities; and such payment may be considered as an advance payment of the earliest installments;";

(3) in section 103(d), by striking out "(1)" and by striking out ", or (2) for the purpose only of sales of agricultural commodities for foreign currencies under title I of this Act, any country or area dominated by a Communist government";

(4) in section 103(1), by striking out "obtain commitments from friendly" and all that follows through "United States of America, and";

(5) in section 104—

(A) in the text preceding subsection (a), by striking out "this title" and inserting in lieu thereof "agreements for such sales entered into prior to January 1, 1972,"; and

(B) in paragraph (3) of the proviso following subsection (k), by striking out "(except as provided in subsection (c) of this section),";

(6) in section 106(a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end thereof the following:

"(2) Payment by any friendly country for commodities purchased for foreign currencies on credit terms and on terms which permit conversion to dollars shall be upon terms no less favorable to the United States than those for development loans made under section 122 of the Foreign Assistance Act of 1961.";

(7) by repealing section 108; and

(8) by repealing section 109(b).

EMERGENCY OR EXTRAORDINARY RELIEF REQUIREMENTS

SEC. 602. Section 104(d) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION

SEC. 603. Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (3), by inserting immediately before the semicolon ", and reducing illiteracy among the rural poor";

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by inserting the following new paragraph immediately after paragraph (10):

"(11) carrying out programs to improve the health of the rural poor.".

ASSESSMENT OF SELF-HELP PROVISIONS

SEC. 604. Section 109 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d)(1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum feasible extent, in specific and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

"(2) The President shall, to the maximum extent feasible, take appropriate steps to assure that, in each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake are additional to the measures which the recipient country otherwise is undertaking irrespective of that agreement or amendment.

"(3) The President shall take all appropriate steps to detemine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out.".

TITLE VII—MISCELLANEOUS PROVISIONS

OPERATING EXPENSES

SEC. 701. Section 667(a) of the Foreign Assistance Act of 1961 is amended—

(1) in the text above paragraph (1), by striking out "fiscal year 1981" and inserting in lieu thereof "fiscal year 1982"; and

(2) in paragraph (1), by striking out "$293,800,000" and inserting in lieu thereof "$330,972,000".

CONSTRUCTION OF PRODUCTIVE ENTERPRISES IN EGYPT

SEC. 702. The first sentence of section 602(k) of the Foreign Assistance Act of 1961 is amended by striking out "for fiscal year 1977, fiscal year 1980, or fiscal year 1981".

COMPENSATION FOR PARTICIPATING AGENCY EMPLOYEES

SEC. 703. The first sentence of section 625(d) of the Foreign Assistance Act of 1961 is amended by striking out "together with allowances and benefits under that Act" and inserting in lieu thereof "or under chapter 53 of title 5, United States Code, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980".

MISSIONS AND STAFFS ABROAD

SEC. 704. Section 631(b) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "Such deputy shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a member of the Senior Foreign Service, as the President shall determine to be appropriate.".

NOTIFICATION OF PROGRAM CHANGES

SEC. 705. Section 634A of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "Such notification shall specify—

"(1) the nature and purpose of such proposed obligation;

"(2) the nature and current use of the appropriated funds for such proposed obligation;

"(3) the reasons that such proposed obligation could not be made out of funds which might be appropriated pursuant to a request for supplemental appropriations during the remainder of the respective fiscal year; and

"(4) the national interest of the United States in such proposed obligation.".

ABOLISHMENT OF THE UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SEC. 706. (a)(1) There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency under section 407 of the Agricultural Trade Development and Assistance Act of 1954, section 602 of the International Security Assistance and Arms Export Control Act of 1976, and sections 233(b), 296(e), 297(d), 298(c)(6), 299(d), 601(c), and 624(f)(2)(C) of the Foreign Assistance Act of 1961.

(2) There are transferred to the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 all functions of the Director of the United States International Development Cooperation Agency under sections 125, 601(e)(2), and 640B of the Foreign Assistance Act of 1961.

(3) There are transferred to the Agency for International Development the functions of the Director of the United States International Development Cooperation Agency under section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979, and sections 239(i) and 601(d) of the Foreign Assistance Act of 1961.

(4) There are transferred to the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 all functions of the Director under sections 101(b) (other than policy guidance), 119, and 531(a)(2) of the Foreign Assistance Act of 1961.

(5) There are transferred to the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 all other functions of the Director of the United States International Development Cooperation Agency which were vested in him by Reorganization Plan No. 2 of 1979 and which are not transferred under paragraph (1), (2), (3), or (4) of this subsection or under subsection (b).

(6) In addition to the officers in the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, appointed by the President under section 624(a) of such Act, the President may appoint, by and with the advice and consent of the Senate, one additional officer in such agency.

(b) There are transferred to the Secretary of State all functions of the Director of the United States International Development Cooperation Agency under section 901 of the Act of October 3, 1977 (Public Law 95–118), under section 101(b) of the Foreign Assistance Act of 1961 (insofar as such function relates to policy guidance other than foreign policy guidance), and under section 622(c) of such Act (insofar as such function relates to development assistance).

(c) (1) Any function of the President delegated by any order, determination, rule, regulation, or other directive issued by the President under the authority of Reorganization Plan No. 2 of 1979, or issued by the President under the authority of any other provision of law, which relates to the Director of the United States International Development Cooperation Agency, to his functions, or to such Agency, is transferred to the President, except that all functions of the President delegated to the Director under section 1–102(d) of Executive Order 12163, dated September 29, 1979, are transferred to the Bureau of International Organization Affairs of the Department of State.

(2) The Agency referred to in paragraph (1) is abolished.

(d) (1) Subject to the provisions of section 202 of the Budget and Accounting Procedures Act of 1950, there are transferred to the Agency for International Development so much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds determined by the Director of the Office of Management and Budget to be employed, used, held, available, or to be made available in connection with a function of the Director of the United States International Development Cooperation Agency transferred under this Act.

(2) The transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in grade or compensation for one year after the effective date of this Act.

(3) For purposes of this subsection, the term "personnel" does not include an individual appointed by the President, by and with the advice and consent of the Senate, to a position established by Reorganization Plan No. 2 of 1979.

(e) (1) No action or other proceeding lawfully commenced by or against the United States International Development Cooperation Agency or by the Director, acting in his official capacity, shall abate by reason of any transfer under this Act.

(2) Except as provided in paragraph (3)—

(A) the provision of this section shall not affect actions begun before the date of enactment of this section; and

(B) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) If, before the date of enactment of this section, the United States International Development Cooperation Agency, or any officer thereof in the official capacity of such officer, is a party to an action, such action shall be continued with the Agency for International Development or an appropriate official of such Agency substituted or added as a party.

(4) Except as provided in subsection (c), any order, determination, rule, regulation, grant, contract, or agreement which is issued, granted, made, undertaken, or entered into in the preformance of any function transferred under this section and which is in effect on the date of enactment of this section shall continue in effect according to its terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(f) (1) (A) The International Security and Development Cooperation Act of 1980 is amended—

(i) in section 316(a)—

(I) by striking out in the first sentence "Director of the United States International Development Cooperation Agency" and inserting in lieu thereof "Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961"; and

(II) by striking out in the second sentence "Director" and inserting in lieu thereof "Administrator"; and

(ii) in section 316(b), by striking out "Director" and inserting in lieu thereof "Administrator".

(B) Section 624(g) of the Foreign Assistance Act of 1961 is amended—

(i) in paragraph (3), by striking out the second sentence;

(ii) in paragraph (4), by striking out "and the Director"; and

(iii) in paragraph (9)(A), by striking out "or under the United States International Development Cooperation Agency" and inserting in lieu thereof "the Agency for International Development or the Overseas Private Investment Corporation".

(2) Any reference not amended by paragraph (1) in any other law to the Director of the United States International Development Cooperation Agency or to such Agency shall be deemed to be a reference to the Administrator of the Agency for International Development or to the Agency for International Development, as the case may be.

EL SALVADOR

SEC. 707. (a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the Community of American States generally, that the recent civil strife in El Salvador has caused great human sufferings and disruption to the economy of that country, and that substantial external assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. In fiscal year 1982 and 1983 funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guaranties may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if every one hundred and eighty days after enactment of this Act, the President makes a certification in accordance with subsection (c).

(b) If the President does not make such a certification, then the President shall immediately—

(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

(2) withhold all approvals for use of credits and guaranties for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 until such time as the President makes a certification in accordance with subsection (c).

(c) The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador, to the extent not precluded by forces outside its control—

(1) is making a concerted and significant effort to control gross violations of internationally recognized human rights;

(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(d) On making the first certification under subsection (a) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

ARGENTINA

SEC. 708. (a) Section 620B of the Foreign Assistance Act of 1961, relating to Argentina, is repealed.

(b) Notwithstanding any other provision of law—

(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 to Argentina;

(2) no sales of defense articles or services may be made under the Arms Export Control Act to Argentina;

(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Argentina,

unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on For-

eign Relations of the Senate a detailed report certifying—

(A) that the Government of Argentina has made significant progress in complying with internationally recognized principles of human rights; and

(B) that the provision of such assistance, articles, or services is in the national interest of the United States.

ANGOLA

SEC. 709. (a) Section 118 of the International Security and Development Cooperation Act of 1980, relating to Angola, is repealed.

(b) Nothing in this section shall be construed to be an endorsement by Congress of the provision of assistance for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola.

CONSOLIDATED REPORTS: ARMS EXPORT CONTROL ACT

SEC. 710. Section 25 of the Arms Export Control Act is amended to read as follows:

"SEC. 25. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—(a) No later than February 1 of each year, the President shall transmit to the Congress, as a part of the annual presentation materials for security assistance programs proposed for the next fiscal year, a report which sets forth—

"(1) an Arms Sales Proposal covering all sales and licensed commercial exports under this Act of major weapons or weapons-related defense equipment for $7,000,000 or more, or of any other weapons or weapons-related defense equipment for $25,000,000 or more, which are considered eligible for approval during the current calendar year, together with an indication of which sales and licensed commercial exports are deemed most likely actually to result in the issuance of a letter of offer or of an export license during such year;

"(2) an estimate of the total amount of sales and licensed commercial exports expected to be made to each foreign nation from the United States;

"(3) the United States national security considerations involved in expected sales or licensed commercial exports to each country, an analysis of the relationship between anticipated sales to each country and arms control efforts concerning such country and an analysis of the impact of such anticipated sales on the stability of the region that includes such country;

"(4) an estimate with regard to the international volume of arms traffic to and from nations purchasing arms in (1) and (2) above together with best estimates of the sale and delivery of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries during the preceding fiscal year;

"(5) the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 of the Arms Export Control Act, by commercial sale licensed under section 38 of that Act, or by other authority;

"(6) a list of all letters of offer, and licenses to export, issued under this Act during the previous calendar year for major defense equipment valued at $7,000,000 or more or any defense articles or defense services valued at $25,000,000 or more, indicating which of such letters of offer and licenses to export were not the subject of a listing under paragraph (1) of this subsection and, with respect to letters of offer, which of them either had not been accepted or had been canceled;

"(7) (A) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel present in each such country at the end of the preceding fiscal year for assignments in implementation of sales and commercial exports under this Act;

"(B) an analysis and description of the services performed during the preceding fiscal year by officers and employees of the United States Government carrying out functions on a full-time basis under this Act for which reimbursement is provided under section 43(b) or section 21(a) of this Act, including the number of personnel involved in performing such services;

"(8) a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 39, including—

"(A) the name of the person who made such payment, contribution, gift, commission, or fee;

"(B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid;

"(C) the date and amount of such payment, contribution, gift, commission, or fee;

"(D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and

"(E) the identification of any business information considered confidential by the person submitting it which is included in the report, for the preceding fiscal year;

(9) a listing of each sale under section 29 during the past fiscal year, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale;

"(10) a listing of all property valued at $1,000,000 or more which was leased to a foreign government for a period of more than six months under chapter 6 of this Act;

"(11) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;

"(12) a list of all countries with respect to which findings made by the President pursuant to section 3(a)(1) of this Act are in effect on the date of such transmission;

"(13) the progress made under the program of the Republic of Korea to modernize its armed forces, the role of the United States in mutual security efforts in the Republic of Korea and the military balance between the People's Republic of Korea and the Republic of Korea;

"(14) the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding fiscal year and the military capabilities of those armed forces;

"(15) the status of each loan and each contract of guaranty or insurance theretofore made under the Foreign Assistance Act of 1961, as amended, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guarantee in connection with any such procurement, theretofore made under the Arms Export Control Act with respect to which there remains outstanding any unpaid obligations or potential liability;

"(16) a list of all defense requirement surveys authorized during the preceding calendar year, specifying the country with respect to which the survey was or will be conducted, the purpose of the survey, and the number of United States Government personnel who participate or will participate in the survey; and

"(17) such other information as the President may deem necessary.

"(b) Not later than thirty days following the receipt of a request made by the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives for additional information with respect to any information submitted pursuant to subsection (a), the President shall submit such information to such committee.

"(c) The President shall make every effort to submit all of the information required by subsection (a) or (b) wholly in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form of such classified information.".

CONSOLIDATED REPORTS: FOREIGN ASSISTANCE ACT OF 1961

SEC. 711. (a) Section 634 of the Foreign Assistance Act of 1961 is amended—

(1) by amending the first sentence to read as follows: "In order that the Congress and the American people may be better and more currently informed regarding American foreign policy, and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the President shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—";

(2) in paragraph (1)(B), by striking out the progress developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to";

(3) in paragraph (2)—

(A) by striking out "and" at the end of clause (D);

(B) by adding "and" at the end of clause (E); and

(C) by adding at the end thereof the following:

"(F) of any contract in excess of $100,000 administered by the Agency for International Development which was entered into in the preceding fiscal year without competitive selection procedures, and the reasons for doing so;";

(4) by amending paragraph (4) to read as follows:

"(4) the status of each sale of agricultural commodities on credit terms, theretofore made under the Agricultural Trade Development and Assistance Act of 1954 with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transactions listed in this paragraph which is in excess of $1,000,000;"; and

(5) by amending paragraph (8) to read as follows:

"(8) the allocation of the United States contribution to the Sahel Development Program, the extent of the contributions from other donor countries, the effectiveness of the integrated effort through the Club des Amis du Sahel, and the progress made in achieving the objectives of the Program;

"(9) the activities carried out pursuant to sections 296 through 299 of this Act including activities during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. This information shall contain a summary of the activities of the Board for International Food and Agricultural Development established pursuant to section 298 of this Act and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under sections 296 through 299;

"(10) all voluntary contributions by the United States Government to international organizations in the preceding fiscal year. This information shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. It shall include actions taken by the international financial institutions and the United Nations Development Program to improve the evaluations of projects and programs conducted by these institutions. It shall also include evaluations by the President and the Comptroller General of reports received by United States representatives to international organizations and actions taken as a result of recommendations contained therein. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis. 'Contribution' shall be understood to include the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel), commodities, equipment, supplies, or other material;

"(11) the programing and obligation of funds under chapter 8 of part I of this Act, as well as the activities and operations carried out under such chapter in the preceding fiscal year. Information shall include, but not be limited to—

"(A) the status of each agreement concluded with other countries to carry out the purposes of such chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided—

"(i) to carry out the purposes of such chapter with respect to each country and each international organization receiving assistance under such chapter including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(ii) to carry out each program conducted under such chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(iii) for administrative support services within the United States to carry out the purposes of such chapter, including cost of United States personnel engaged in carrying out such purposes in the United States;

"(C) the status of the United States policy to establish and encourage an international strategy to prevent the illicit production of and to interdict and intercept trafficking in narcotics;

"(12)(A) a full and complete description of the practices regarding the observance of and respect for internationally recognized human rights (within the meaning of sections 116(a) and 502B of this Act) in each country proposed as a recipient of foreign assistance and in all other countries which are members of the United Nations, with consideration being given to (i) relevant findings of appropriate international organizations, including nongovernmental organizations such as the International Committee of the Red Cross, and (ii) the extent of cooperation by the government of the country in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights; and

"(B) a description of the steps the Administrator of the agency primarily responsible for administering part I of this Act has taken to alter United States programs under such part in any country because of human rights considerations;

"(13) the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

"(14) the Development Coordination Committee's operations pursuant to section 640B(f) of this Act;

"(15) the aggregate dollar value and quantity of grant military assistance, military education and training, and any of other defense articles and services furnished under this Act by the United States to each foreign country and international organization for the preceding fiscal year;

"(16) appropriate information regarding any country, including Egypt, Israel, and Turkey, whose economic conditions may jeopardize its ability to meet its international debt obligations and stabilize its economy;

"(17) information concerning the activities of the Minority Resource Center during the preceding fiscal year;

"(18) a complete and detailed report of the operations of the Overseas Private Investment Corporation during the preceding fiscal year, including:

"(A) an assessment, based upon the development impact profiles required by section 239(i), of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of the Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

"(B) a description of any project for which the Corporation—

"(i) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 239(l); or

"(ii) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (I) that the project will directly benefit the needy people in the country in which the project is located, or (II) that the national security interest so requires;

"(C) the development of private and multilateral programs for investment insurance and any reinsurance arrangements the Corporation has made with private insurance companies, multilateral organizations and institutions, or other entities; and

(19) other information appropriate to the conduct of the foreign assistance program of the United States Government.".

(b) Section 624(f)(2)(B) of the Foreign Assistance Act of 1961 is amended by inserting "and section 634(a)(12)" immediately after "section 502B".

REPEALS

SEC. 712. (a) The following provisions of the following Acts are repealed:

(1) The Foreign Assistance Act of 1961: Sections 116(d), 121(b), 125(b), 240A, 300, 301(b), 301(e)(3), 302(a)(3), 306, 451(b), 481(b)(1), 481(b)(2), 481(c)(2), 495D(e), 495(c)(2), 513(b), 513(c), 601(e)(2), 613(c), 620(b), 620(l), 620(s)(2), 620(u), 620(m), 640B(g), 657, 659, 668, the first sentence and the words "report or" in the second sentence of section 502(b), and the second sentence of section 542.

(2) The International Security and Development Cooperation Act of 1980: Sections 108(a), 108(b), 313(b), 603, 713, 714(a), 714(b), 720, and 721.

(3) The International Development Cooperation Act of 1979: Sections 124, 407(b)(2), 411, 504(b), 506, 507(b), 508(b), and 509(c).

(4) The Special International Security Assistance Act of 1979: Sections 4(e)(2), 7(b), 8(c), and 9.

(5) The International Development and Food Assistance Act of 1978: Sections 117(b)(2), 122(b), 201, 303, and 603(a)(1).

(6) The International Development and Food Assistance Act of 1977: Sections 132(a), 133(c)(6), and 214.

(7) Section 213 of the International Development and Food Assistance Act of 1975.

(8) The Foreign Assistance Act of 1974: Sections 3, 25, 26, 27, 43, 49, 50(c), 51(c), 55(a)(4), 55(a)(5), and 55(a)(6).

(9) The Foreign Assistance Act of 1973: Sections 36(e), 37, 38, and 39(a)(4).

(10) The Arms Export Control Act: Sections 25, 26(b), 28, 36(a), 43(c), and the fifth paragraph of section 1.

(11) The International Security Assistance Act of 1979: Sections 6(b), 20(a), 25, and 28.

(12) The International Security Assistance Act of 1978: Sections 15(b), 23(d), 23(e)(2), 24(c), and 27.

(13) The International Security Assistance Act of 1977: Sections 14, 22, 24(c), 25, and 28(a)(2).

(14) Section 507(b) of the International Security Assistance and Arms Export Control Act of 1976.

(15) Section 7 of the Foreign Military Sales Act Amendments.

(b) The repeal of the provisions listed in subsection (a) shall take effect on October 1, 1981, or upon the date of enactment of this Act, whichever is later.

(c) Except as otherwise explicitly provided by their terms, amendments to the Foreign Assistance Act of 1961 and the Arms Export Control Act which are applicable only to a single fiscal or calendar year or which require reports or other actions on a nonrecurring basis shall be deemed to have expired and shall be removed from law upon the expiration of the applicable time periods for the fulfillment of the required actions.

TECHNICAL AMENDMENT

SEC. 713. The last sentence of section 620(f) of the Foreign Assistance Act of 1961 is amended to read as follows: "For the purposes of this subsection, the phrase 'Communist country' includes specifically, but is not limited to, the following countries:

"Czechoslovak Socialist Republic,
"Democratic People's Republic of Korea,
"Estonia,
"German Democratic Republic,
"Hungarian People's Republic,
"Lao People's Democratic Republic,
"Latvia,
"Lithuania,
"Mongolian People's Republic,
"People's Republic of Albania,
"People's Republic of Bulgaria,
"People's Republic of China,
"Polish People's Republic,
"Republic of Cuba,
"Socialist Federal Republic of Yugoslavia,
"Socialist Republic of Romania,
"Socialist Republic of Vietnam,
"Tibet, and
"Union of Soviet Socialist Republics (including its captive constituent republics).".

ASSISTANCE TO PAKISTAN

SEC. 714. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"SEC. 620E. ASSISTANCE TO PAKISTAN.—(a) The Congress recognizes that Soviet forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intend-

ed to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representaitve government in Pakistan.

"(b) Accordingly, the President may waive the prohibitions of section 669 of this Act at any time during the period beginning on the date of enactment of this section and ending on September 30, 1987, to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.

"(c) On or before October 1, 1981, the President shall provide a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate which would include—

"(1) a comprehensive and detailed proposal for assistance to Pakistan in future years; and

"(2) a full explanation of the President's current nonproliferation policy.

"(d) Beginning with the fiscal year 1983 and during each fiscal year thereafter during which the waiver contained in subsection (b) is in effect, the President shall prepare and transmit to the Congress, as part of the presentation materials for foreign assistance programs proposed for each fiscal year, a classified report describing the nuclear program and related activities of Pakistan, including an assessment of (i) the extent and effectiveness of International Atomic Energy Agency safeguards at Pakistan's nuclear facilities; and (ii) the capability, actions, and intentions of the Government of Pakistan with respect to the manufacture or acquisition of a nuclear explosive device. Nothing in this Act relieves the executive branch from the reporting requirements of applicable law.

"(e) The Senate finds that a nuclear detonation by any nonnucelar weapons country would cause grave damage to bilateral relations between the United States and such country. The President shall not use the waiver provided in section 670 of this Act if such country detonates a nuclear device.".

LEBANON

SEC. 715. (a) It is the sense of the Congress that the Government of the United States should continue to support diplomatic efforts to resolve the current crisis in Lebanon, and to pursue a comprehensive and coordinated policy in Lebanon guided by the following principles—

(1) maintenance of an effective cease-fire through Lebanon;

(2) resolution of the issue of the Syrian missiles deployed in Lebanon;

(3) freedom, security and opportunity for the Christian and all other Lebanese communities, including the Moslem, Druze, and Jewish communities in Lebanon;

(4) reaffirmation of the historic United States-Lebanon relationship and strengthening the longstanding commitment of the United States to the independence, sovereignty, and territorial integrity of Lebanon, without partition, free from terrorism and violence, and free to determine its future without Soviet or other outside interference;

(5) generous international support for relief, rehabilitation, and humanitarian assistance for Lebanon, particularly for those Lebanese citizens who have suffered from the terrorism and violence of recent events; and

(6) respect for and strengthening of the authority of a Lebanese Government, based on open national elections free from external interference which will be able to preserve security through its national army and its security forces without outside military presence.

(b) Section 532 of the Foreign Assistance Act of 1961, as amended by section 201(b) of this Act, is further amended by adding at the end thereof the following:

"(j) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, $5,000,000 shall be available only for Lebanon for relief and rehabilitation programs of international and private voluntary agencies.".

SEC. 716. (a) (1) It is the sense of the Congress that funds made available under chapter 1 of part I or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 should be used for programs in Haiti which would ameliorate the conditions of poverty and underdevelopment which contribute to the emigration of Haitian citizens and which would assist Haiti to deal with the problem of illegal emigration.

(2) To the maximum extent practicable, assistance for Haiti for the fiscal year 1982 under chapter 1 of part I of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for the fiscal year 1982 to carry out chapter 1 of part I or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 may be expended for Haiti, and credits and guarantees extended for the fiscal year 1982 under the Arms Export Control Act may be approved for use for Haiti only if the President determines that the Government of Haiti—

(1) is cooperating with the United States in halting illegal emigration from Haiti;

(2) is not aiding, abetting, or otherwise supporting illegal emigration from Haiti;

(3) has provided assurances that it will cooperate fully in implementing United States development assistance programs in Haiti (including programs for prior fiscal years); and

(4) is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

(c) Six months after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report on the extent to which the actions of the Government of Haiti are consistent with paragraphs (1), (2), (3), and (4) of subsection (b) of this section.

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal year 1982 may be used for programs with Haiti if such funds are used to assist in halting significant illegal emigration from Haiti to the United States.

NOMINATION FOR THE POSITION OF ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

SEC. 717. (a) The Congress finds that—

(1) the United States has long been a leading defender of the basic rights of persecuted, oppressed, and endangered people around the world, and should continue in this role; and

(2) effective foreign policy formulation requires that the President and the Secretary of State posses current and accurate information derived from continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action).

(b) It is the sense of the Congress that—

(1) a strong commitment to the defense of human rights should continue to be a central feature of American foreign policy; and

(2) the President should submit to the Senate the name of a nominee for the position of Assistant Secretary of State for Human Rights and Humanitarian Affairs, as established by section 624(f) of the Foreign Assistance Act of 1961.

COMPREHENSIVE ANALYSIS OF FOREIGN ASSISTANCE

SEC. 718. It is the sense of Congress that at a time when major retrenchments and reappraisals are being made in domestic programs, it is also logical that, while maintaining past international commitments, the magnitude and direction of future foreign assistance programs should also be reviewed. As part of such a review process, the President is requested to provide no later than February 15, 1982, a comprehensive report to the Congress on his approach to foreign assistance. Such report shall include an analysis and recommendations on the following issues—

(1) the relationship between foreign assistance and defense expenditures as means of conducting foreign policy;

(2) the appropriate mix between military and economic assistance;

(3) the strengths and weaknesses, and appropriate mix, of bilateral and multilateral assistance programs;

(4) the relevance of the basic human needs approach to current aid policy;

(5) the performance of other aid donors, and the benefits they derive from their programs;

(6) criteria for determining the appropriate size and composition of country programs;

(7) the appropriateness of the current mix of grants and loans, and the possibility of combining them with new or existing guarantee, insurance, and export credit programs;

(8) specific means to more actively engage the private sector in assistance programs; and

(9) the usefulness of current functional categories in constructing the development assistance budget.

PROCEDURES FOR THE DEOBLIGATION OF FUNDS

SEC. 719. Funds appropriated to carry out any provision of the Foreign Assistance Act of 1961 or the Arms Export Control Act and obligated to carry out such provision may be deobligated, during the period for which such funds are obligated, by an Act of Congress only to the extent or in the amounts provided in an appropriation Act enacted on or after the date of enactment of this Act.

SENSE OF THE CONGRESS RELATIVE TO THE NATIONAL EXECUTIVE POWER OF THE ARGENTINE GOVERNMENT

SEC. 720. It is the sense of the Congress that it welcomes the actions of the Government of Argentina to adjudicate numerous cases of those detained under the National Executive Power of the Argentine Government. The Congress expresses the hope that further such progress will continue, especially with regard to (a) providing information, insofar as the Government of Argentina has information, on those citizens in Argentina listed as "disappeared" who have died, and (b) those prisoners who have not yet been either released or brought to justice and who are being held at the disposition of the National Executive Power

FINANCIAL OBLIGATIONS OF THE SOVIET UNION TO THE UNITED NATIONS

SEC. 721. (a) The Congress finds and declares that—

(1) the financing of the United Nations is the collective responsibility of all member nations;

(2) the International Court of Justice has determined that the expenses of the United Nations incurred in its peacekeeping operations are properly included as a part of the regular expenses of the United Nations;

(3) peacekeeping operations are vital to the mission of the United Nations and must be adequately financed if such operations are to continue; and

(4) the Government of the Union of Soviet Socialist Republics is currently $180,000,000 in arrears on its payments to the United Nations, primarily as a result of its refusal to pay for the peacekeeping operations of the United Nations.

(b) It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should undertake a diplomatic initiative to obtain payment by the Government of the Union of Soviet Socialist Republics of all its outstanding financial obligations to the United Nations, including its assessments with respect to the peacekeeping operations of the United Nations.

USE OF TOXINS OR BIOLOGICAL OR CHEMICAL AGENTS

SEC. 722. (a) The Congress hereby condemns the use of, or the provision for use of, toxins or biological or chemical agents against the peoples of Laos, Kampuchea (Cambodia), and Afghanistan.

(b) It is the sense of the Congress that the President should, acting through the Permanent Representative of the United States to the United Nations or other appropriate diplomatic agents, seek definite measures to bring to an end actions by any party or government in using, or providing for use, toxins or biological or chemical agents against the peoples of Laos, Kampuchea (Cambodia), and Afghanistan, in violation of the spirit or the provisions of—

(1) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, done at Washington, London, and Moscow on April 10, 1972;

(2) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925; or

(3) customary international law.

(c) It is further the sense of the Congress that the President should vigorously seek a satisfactory explanation from the Government of the Soviet Union regarding the strong circumstantial and presumptive evidence of the use of, or the provision for use of, toxins or biological or chemical agents by the Government of the Soviet Union against the peoples of Laos, Cambodia (Kampuchea), and Afghanistan.

NICARAGUA

SEC. 723. Of the funds authorized to be appropriated to carry out the Foreign Assistance Act of 1961 for the fiscal year 1982, $13,275,000 under part I and $20,000,000 under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for Nicaragua under the following conditions—

(a) all of the funds made available to Nicaragua shall be furnished solely for assistance to the private sector in Nicaragua;

(b) the provisions of subsection (a) shall not apply when the President determines, and reports to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, that Nicaragua is making substantial progress toward free and fair elections;

(c) for each 6-month period in which any funds are expended under this Act for Nicaragua, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report accounting fully and in itemized detail for the amounts obligated and actually expended in Nicaragua.

CONDEMNATION OF LIBYA FOR ITS SUPPORT OF INTERNATIONAL TERRORIST MOVEMENTS

SEC. 724. The Congress of the United States condemns the Libyan Government for its support of international terrorist movements, its efforts to obstruct positive movement toward the peaceful resolution of problems in the Middle East region, and its actions to destabilize and control governments of neighboring states in Africa. The Congress believes that the President should conduct an immediate review of concrete steps the United States could take, individually and in concert with its allies, to bring economic and political pressure on Libya to cease such activities, and submit such a report to the Congress within one hundred eighty days of enactment. Such a review should include the possibility of tariffs on or prohibitions against the import of crude oil from Libya.

NONALINED COUNTRIES

SEC. 725. (a) In considering whether to provide assistance, make sales, extend credits, or guarantee loans under the provisions of the Foreign Assistance Act of 1961, as amended, or the Arms Export Control Act, to any country represented at the Meeting of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Alined Countries to the 36th General Session of the General Assembly of the United Nations on September 25 and 28, 1981, the President shall take into account whether such country has dissociated itself from the communique issued following the meeting.

(b) Within thirty days of enactment of this section, the President shall send a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the countries which have dissociated themselves from the nonalined countries communique together with a full description of the method of dissociation and the forum in which the dissociation has been made. The President shall transmit with the report a copy of each statement of dissociation.

(c) Within thirty days after the receipt of a statement of dissociation from any country the President shall transmit a copy of the statement of dissociation together with a full description of the method of dissociation and the forum in which the dissociation is made to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

REPEAL OF LIMITATIONS ON ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

SEC. 726. (a) Section 406 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2370 note) is repealed.

(b) Notwithstanding any other provision of law—

(1) no assistance may be furnished under chapter 2, 4, 5 or 6 of part II of the Foreign Assistance Act of 1961 to Chile;

(2) no sale of defense articles or services may be made under the Arms Export Control Act to Chile;

(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile; and

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile, unless and until the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

(B) that the provision of such assistance, articles or services is in the national interest of the United States;

(C) that the Government of Chile is not aiding or abetting international terrorism.

(5) It is the sense of the Congress that the Government of Chile should take steps to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

UNITED STATES CITIZENS ACTING IN THE SERVICE OF INTERNATIONAL TERRORISM

SEC. 727. (a) It is the sense of the Congress that the spread of international terrorism poses a grave and growing danger for world peace and for the national security of the United States. As a part of its vigorous opposition to the activities of international terrorist leaders and the increase of international terrorism, the United States should take all steps necessary to ensure that no United States citizen is acting in the service of terrorism or of the proponents of terrorism.

(b) Within six months after the enactment of the International Security and Development Cooperation Act of 1981, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report including the following:

(1) a description of all legislation, currently in force, and of all administrative remedies, presently available, which can be employed to prevent the involvement, service, or participation by United States citizens in activities in support of international terrorism or terrorist leaders;

(2) an assessment of the adequacy of such legislation and remedies, and of the enforcement resources available to carry out such measures, to prevent the involvement, service, or participation by United States citizens in activities in support of international terrorism or terrorist leaders; and

(3) a description of available legislative and administrative alternatives, together with an assessment of their potential impact and effectiveness, which could be enacted or employed to put an end to the participation by United States citizens in activities in support of international terrorism or terrorist leaders.

REPORTING REQUIREMENT RELATING TO EL SALVADOR

SEC. 728. Not later than ninety days after the date of enactment of this section, the President shall prepare and transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report and a briefing in closed session setting forth—

(a) The viewpoints of all major parties to the conflict in El Salvador and of the influential actors in the Salvadoran political system regarding the potential for and interest in, negotiations, elections, and a settlement of the conflict.

(b) The views of democratic Latin American nations, Canada, the Organization of American States, and European allies of the United States regarding a negotiated settlement to such conflict.

(c) It is the sense of the Senate that the President shall, as soon as possible, send a special envoy or other appropriate means to consult with and gather information from appropriate representatives of the parties to the Salvadoran conflict, democratic governments of Latin America, Canada and European allies of the United States regarding the attainment of a negotiated settlement in El Salvador.

RESTRICTIONS ON AID TO EL SALVADOR

SEC. 729. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

USE OF CERTAIN POLISH CURRENCIES

SEC. 730. Notwithstanding section 1415 of the Supplemental Appropriation Act. 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, or any other provision of law, the currencies or credits received by the United States from the April 1981 sale of United States Government-held surplus dairy products to Poland shall, to such extent as may be provided in advance in an appropriation Act, be used by the President in Poland to serve United States interests, including use for activities of common benefit to the people of the United States and the people of Poland, such as joint programs in energy, agriculture, education, science, health, and culture, or for humanitarian activities.

LIMITATION ON THE OBLIGATION OR EXPENDITURE OF FUNDS

SEC. 731. (a) Notwithstanding any other provision of this Act, the funds authorized to be appropriated by this Act shall be reduced by $67,600,000.

(b) In order to comply with the limitation contained in subsection (a), the head of each agency to which funds are appropriated pursuant to this Act shall determine the extent to which funds available to such agency for any activity, program, project, type of materiel assistance, or country will not be obligated or expanded.

(c) Nothing in this section authorizes an increase in the amount available for any activity, program, project, type of materiel assistance, or country.

EFFECTIVE DATE

SEC. 732. This Act shall be effective upon the date of its enactment, except as provided otherwise in section 712 and except that authorizations of appropriations and limitations of authority applicable to the fiscal year 1982 as contained in this Act and in provisions of law amended by this Act shall take effect on October 1, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982; and for other purposes.

Mr. BAKER. Mr. President, I would point out that on this bill the Senate considered S. 1196 for a total of 6 days, and as of 10 o'clock tonight we had consumed approximately 36½ hours of debate. Twenty-one rollcalls were conducted, 65 amendments were considered, of which 51 were agreed to, 5 were rejected, 2 were tabled, 4 withdrawn, and 3 not acted upon. It was indeed an active piece of legislation.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask now that the Chair proceed with the next order of business.

STANDBY PETROLEUM ALLOCATION ACT OF 1981

The Senate proceeded to consider the bill (S. 1503) to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Standby Petroleum Allocation Act of 1981".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a)(1) Shortages of crude oil, residual fuel oil, and refined petroleum products caused by reductions in imports of petroleum may occur at any time.

(2) Such shortages could be sufficiently large to cause severe dislocations and hardships within various segments of the economy, both regional and national, and constitute a threat to the public health, safety, and welfare.

(3) The national security and economic well-being of the United States require that the President have authority, during a severe petroleum supply shortage, to allocate crude oil, residual fuel oil, and refined petroleum products so as to minimize adverse effects on the public health, safety, and welfare.

(b) The purpose of this Act is to grant to the President limited and temporary authority to allocate crude oil, residual fuel oil, and refined petroleum products in the event of a severe petroleum supply shortage. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such a shortage on the American people and the domestic economy.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "severe petroleum supply shortage" means a national or regional petroleum supply shortage which the President determines—

(A) is, or is likely to be, of significant scope and duration;

(B) may cause major adverse impact on national security, the national economy, or the economy of any of the several States or regions of the United States,

(C) results, or is likely to result, from an interruption in the imported petroleum supplies of the United States, including supplies of imported crude oil, residual fuel oil, and refined petroleum products, or from sabotage, accidents, or an act of God, and

(D) may not be reasonably manageable—

(i) by reliance on free market pricing and allocation, or

(ii) under other authorities available to the President.

(2) "international energy program" has the same meaning as in section 3(7) of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(3) "United States" means the several States, the Commonwealth of Puerto Rico, the District of Columbia, and the territories and possessions of the United States, including the Trust Territory of the Pacific Islands.

PRESIDENTIAL AUTHORITY

SEC. 4. (a)(1) The President may implement a standby regulation providing for the mandatory allocation of crude oil, residual fuel oil, and any refined petroleum product throughout the United States or in any seriously affected State or region of the United States, if—

(A) subject to subsection (d), the President finds that a severe petroleum supply shortage exists or is imminent; or

(B) notwithstanding subsection (d), the President finds that such implementation is required to meet obligations of the United States under the international energy program.

(2) Administration of such regulation shall, to the maximum extent practicable, provide for—

(A) protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipalities, cooperatives, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and service directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers and among all users;

(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

(i) fuels, and

(ii) mineral essential to the requirement of the United States,

and for required transportation related thereto;

(H) economic efficiency; and

(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(3) If the President, pursuant to subsection (a), implements a program for mandatory allocation of residual fuel oil or any refined petroleum product throughout the United States, or in any State or region of the United States, such program shall provide for a State set-aside of residual fuel oil or any refined petroleum product allocated in each State to which the Federal program applies.

(b)(1) The standby regulation pursuant to subsection (a) may include limitations on the price of crude oil, residual fuel oil, and any refined petroleum product only if the President finds that such limitations are necessary to achieve the objectives of such regulation. Such limitations may include provisions restricting discriminatory pricing.

(2) Except as provided by the Constitution of the United States, any finding by the President under paragraph (1) is not subject to judicial review.

(c) The President, not later than ninety days after the date of enactment of this Act, shall promulgate a general standby regulation for administration of the allocation authority pursuant to this section, to be implemented, with such additional provisions as may be determined to be necessary at the time, in the event the President institutes mandatory allocation pursuant to this section.

(d) The President shall not implement any mandatory allocation pursuant to this section unless he has transmitted notice to the Congress as an energy action pursuant to

section 551 of the Energy Policy and Conservation Act (42 U.S.C. 6421), as amended, and neither House of Congress has passed a resolution of disapproval (or both Houses have passed a resolution of approval) within fifteen calendar days of continuous session of Congress in accordance with the procedures specified in section 551.

(e) The standby regulation under section 4 may continue in effect for no more than ninety days after implementation except that the period of effectiveness of such regulation may be extended for an additional sixty days upon a finding by the President that—

(1) (A) the severe petroleum supply shortage continues in effect, or

(B) such action is required to meet the obligations of the United States under the international energy program; and

(2) mandatory allocation must be continued to meet the objectives of subsection (a).

Thereafter, the effectiveness of the regulation implemented pursuant to this section shall terminate, unless he has submitted a new notice and neither House of the Congress has disapproved (or both Houses have approved) pursuant to subsection (d).

(f) The authority of this Act shall not be used to impose or implement any tax, tariff, user fee, or a program for the assignment of rights for end-user purchases of gasoline or diesel fuel, as described in section 203(a)(1)(A) and (B) of the Energy Policy and Conservation Act (42 U.S.C. 6263).

CRUDE OIL SHARING

SEC. 5. (a)(1) The standby regulation under section 4 shall include an optional standby program designed in accordance with this section to achieve the purposes of this Act with minimum interference with market mechanisms. Such program shall specify the manner in which the President will require limited sales of crude oil among refiners, should he decide to implement such a program.

(2) The program under paragraph (1) shall be designed to minimize the rate of increase in the price of crude oil during the implementation of the program by providing reasonable access to crude oil by specified refiners.

(b) The program under subsection (a) shall—

(1) provide a mechanism based upon relative crude oil availability, and such other factors as the President deems appropriate, for designating refiner-buyers and refiner-sellers for the period during which the program is implemented;

(2) be designed to offset partially the disproportionate impact of reduced supplies of crude oil on the ability of any refiner-buyer to provide needed refined petroleum products;

(3) contain a formula for distributing sales obligations among refiner-sellers;

(4) provide for a reduction in the sales obligation of any refiner-seller to the extent the President determines that an obligation established under paragraph (3) would constitute an unreasonable burden on such refiner-seller or otherwise would be inconsistent with the purposes of this Act;

(5) prescribe the manner of determining the terms and conditions and an equitable price of crude oil for any sale under this section; and

(6) provide for certification by each refiner-seller and refiner-buyer that, to the maximum extent practicable, the predisruption distribution of residual fuel oil and refined petroleum products produced by such refiner-seller or refiner-buyer will be maintained on a nondiscriminatory basis.

(c) The program under this section shall, to the maximum extent practicable, encourage the maintenance of high levels of inventories and secure sources of supply of crude oil, residual oil, and refined petroleum products by refiners, distributors and users.

EFFECT ON OTHER LAW

SEC. 6. (a) The regulations issued (whether implemented or not) under section 4, including the standby regulation, and any order issued thereunder shall preempt any provisions of any program for the allocation or pricing of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(b) Unless explicitly provided otherwise, nothing in this Act affects any authority under any other provision of Federal law (including section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241)) to provide for the allocation or pricing of crude oil, residual fuel oil, or any refined petroleum product.

ENFORCEMENT AND ADMINISTRATION

SEC. 7. (a) Whoever violates the requirements of the standby regulation or any order issued pursuant to this Act shall be subject to a civil penalty not to exceed $40,000 for each violation.

(b)(1) Except as provided in paragraph (2), (A) sections 205 through 207 and sections 209 through 211 of the Economic Stabilization Act of 1970 (12 U.S.C. 1904, note) shall apply to the regulation promulgated under section 4(a), to any order under this Act, and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; and (B) section 212 (other than 212 (b)) and 213 of such Act shall apply to functions under this Act to the same extent such sections would apply to functions under the Economic Stabilization Act of 1970.

(2) The expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act, and shall not affect any authority under sections 212 and 213 insofar as such authority is made applicable to functions under this Act.

(c) Any penalty under subsection (a) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(d) There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under this Act.

DELEGATION OF AUTHORITY

SEC. 8. (a) The President may delegate all or any portion of his authority to implement the standby regulation under section 4 to any State (or officer thereof), as he deems appropriate.

(b) The only Federal officers or agencies of the United States to whom the President may delegate authority under this Act are officers or agencies of the Department of Energy or of any successor thereof.

CONFORMING AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT

SEC. 9. DOMESTIC ALLOCATION.—Section 251 of the Energy Policy and Conservation Act (42 U.S.C. 6271) is amended by adding at the end thereof the following new subsection:

"(e) Nothing in this section authorizes the President to require the allocation or specification of prices (or the manner of determination of prices) of petroleum products within domestic commerce.".

EXPIRATION DATE

SEC. 10. The provisions of this Act shall cease to have effect on January 1, 1985, but such expiration shall not affect any action or pending proceeding, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based on any act committed or liability incurred prior to such expiration date.

IMPACT STUDY

SEC. 11. (a) The President shall analyze the impact on the domestic economy and on consumers in the United States of reliance on market allocation and pricing during a severe oil supply interruption. Such analysis shall (1) examine the equity and efficiency of such reliance and (2) distinguish between the impacts of such reliance on various categories of business (including small business) and on households of different income levels.

(b) Within one year of enactment the President shall submit a report to the Congress containing the analysis required by subsection (a) along with such recommendations as the President deems appropriate.

OIL STORAGE TAX INCENTIVES

SEC. 12. Within six months after the date of the enactment of this Act, the President shall submit a full and detailed report on the advisability and alternative means of (1) reducing the tax liability of persons who draw down oil reserves during oil supply disruptions, and (2) providing tax or other incentives for the construction of private-sector oil storage facilities and the maintenance of increased private-sector oil reserves.

INTERNATIONAL COOPERATION

SEC. 13. Within six months after the date of the enactment of this Act, the President shall submit a full and detailed report on the manner in which oil stockpile and demand restraint measures have been and may be coordinated among some or all allies and trading partners of the United States.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend no longer than 5 minutes in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AWACS SALE

Mr. GLENN. Mr. President, I have a very short statement relating to Saudi Arabia's proposal to purchase AWACS planes from the United States.

It appears, at least on the present vote count in the Senate, that the AWACS sale may well be disapproved by the Senate next week. I would not want to pre-

dict what will happen between now and then, but that may occur. Unfortunately, some may perceive this action as some sort of litmus test or some sort of action which will doom our relationship with Saudi Arabia.

I do not agree with that, Mr. President. I think yesterday, Senator ROBERT C. BYRD addressed this point very eloquently in his AWACS speech, which I certainly commend to be read and reread by my colleagues.

Nevertheless, I think it is important that in the event the sale is disapproved, the Senate immediately make its views on the United States-Saudi relationship crystal clear. Accordingly, I wish to let my colleagues know that in the event that that AWACS sale is disapproved, I am prepared to introduce a resolution when and if necessary that would indicate, and not necessarily in these same words, the following:

That a Saudi Arabia, secure from external threat, is a vital U.S. interest and that the United States accordingly should reaffirm its commitment to assist the kingdom in meeting its air surveillance and combat air direction and control needs by stationing the standard U.S. Air Force E3–A AWACS aircraft in Saudi Arabia for at least a 5-year period or until requested by the Saudi Arabian Government to remove the aircraft; and that the U.S. encourage an expanded Saudi Arabian participation in all phases of the operation of such an AWACS aircraft, including mission planning and night operations.

Mr. President, it will be my intent, if the sale is turned down, to offer language that will do that in a resolution of the Senate so that it will indicate our continuing support and concern for that Persian Gulf area and for Saudi Arabia and the vital role that they play there. I hope that the Saudis, in the form of Crown Prince Fahd at Cancun, can agree, perhaps, with the President, who is there now, to joint manning of the aircraft. I think that would solve all of our problems, including those of Israel and other nations in the area.

In the event that that sale is turned down, it would be my intention to offer the proposal, hoping that we can continue the existing relationship there, at least, and that the Saudis will, in turn, see that it is in their interest and in our interest for the security of that Persian Gulf area; and that we would be prepared, in that case, as far as I am concerned, to see increased and expanded Saudi Arabian participation in all phases of the operation of the AWACS aircraft, including mission planning and flight operations along with American crews.

GENOCIDE CONVENTION WOULD STRENGTHEN AMERICA'S EFFORTS TO PROTEST SOVIET ABUSES

Mr. PROXMIRE. Mr. President, the "Liberty Lobby's White Paper" on the Genocide Convention makes the following assertion and I quote:

> It is clear that the ratification of the Genocide Convention will in no way serve the interests of the United States nor those of the citizens, voters and taxpayers. The only argument for it reduces to infinitely repeated assertions that it will somehow aid our "foreign policy"—an elusive thing which itself has never been defined.

Mr. President, statements such as this one could not be further from the truth. The only thing that is clear from reading this white paper is that the Liberty Lobby needs only to read the hearing record of the Foreign Relations Committee to determine how this treaty will serve the interests of the United States, its citizens, voters and taxpayers.

The benefits to our foreign policy are more than elusive, undefined ideas.

First, ratification of the Genocide Convention would strengthen our hand in attacking the gross violation of human rights by the Soviet Union and its allies. While the Genocide Convention itself is a narrowly drafted human rights treaty, the testimony of Nixon administration officials during the 1970 hearings make it clear that ratification of this convention would strengthen our foreign policy.

Rita Hauser, a Republican respected on both sides of the aisle, and, at the time, our delegate to the Human Rights Commission, testified:

> We have frequently invoked the terms of this convention (the Genocide Convention) as well as the provisions of the Universal Declaration of Human Rights . . . in our continued aggressive attack against the Soviet Union for its practices, particularly as to its large Jewish communities but also as to its Ukrainians, Tartars, Baptists and others. It is this anomaly . . . that while we have felt free to invoke the Genocide Convention against others, we have not yet ourselves ratified it. This often leads to the retort in debates plainly put, simply put, "Who are you to to invoke a treaty that you are not party to?"

Who indeed, Mr. President? In that same hearing, Ambassador Charles Yost, a career foreign service officer, and President Nixon's choice to represent the United States at the United Nations, noted:

> I can assure the subcommittee that in my diplomatic life, at the United Nations and elsewhere, no question has ever been asked me about the policy of my country which has been more difficult to answer than questions about American inaction on this convention.

But that was 1970, Mr. President. Does our failure to ratify this convention impair our ability to conduct our foreign policy? Does it impair our ability to speak out against abuses by the Soviet Union and its allies today? Absolutely.

Former Associate Supreme Court Justice Arthur Goldberg, who represented the United States at the United Nations for 3 years, pleaded with the Foreign Relations Committee in the 1977 hearings not to send our people to Belgrade, for the "Helsinki Accord Conference" the fall of that year, and talk about human rights when our country still has not ratified the most basic human rights convention—the Genocide Convention.

That Belgrade conference, Mr. President, included a major effort by the Western powers to hold the feet of the Soviet Union and the Eastern European nations to the fire on the basic human rights issues. Our representatives to this and subsequent conferences have repeatedly stated that our hand would have been strengthened in protesting Communist transgressions on basic human rights if the Senate had acted on the Genocide Convention.

Does the Liberty Lobby believe that we should continue to have our diplomats fight the Soviets—and other human rights transgressors—with one arm tied behind their back? I would hope not.

Second, the ratification of this convention eliminates a point of attack for our enemies. As a self-proclaimed leader in the area of human rights—and Mr. President, our record is clearly unequalled in the world—the United States has been haunted by its failure to take action on basic human rights treaties, which parallel our ideals and our practice here at home. It is time to end, for once and for all, these taunts of hypocrisy from nations who wish us ill. It's time to eliminate the puzzlement of our allies, who have ratified this Convention, and are amazed at our procrastination.

Third, ratification of the Genocide Convention would help to accelerate the development of a firm principle of international law that life is sacred. That the world cherishes and will solemnly pledge to safeguard the right of every national, ethnic, racial or religious group to exist. Perhaps this is what Liberty Lobby finds elusive. Perhaps they oppose all international law.

But this Senator is one American, who is proud of our country, proud of the freedoms enumerated in our Declaration of Independence and guaranteed by our Bill of Rights and Constitution, and I do not fear seeing the most basic right that these documents protect—the right to live—protected on an international scale.

Mr. President, we have led the way in the protection of every citizen's liberties here at home. I have enough faith in those principles to see them extended abroad. I would have thought that any organization named Liberty Lobby would have that same faith in the principles we pioneered to see them extended abroad. But I remain hopeful that they will—some day.

CAREER OF LT. GEN. ERNEST GRAVES

Mr. TOWER. Mr. President, on July 31, 1981, Lt. Gen. Ernest Graves, Jr. of the U.S. Army concluded a brilliant military career as a soldier-scientist-diplomat. General Graves served as the Director of the Defense Security Assistance Agency for the 3½ years prior to his retirement. His achievements in this important and demanding position will have a lasting effect upon the national security and foreign policy of the United States. It is

appropriate that during consideration of the international security and development cooperation bill that the Senate recognize the individual who contributed so heavily to the formulation of the security assistance portions of this bill.

General Graves' strong educational background served him well in his varied assignments. A 1944 graduate of the U.S. Military Academy at West Point, General Graves holds a Ph. D. in physics from the Massachusetts Institute of Technology and attended the Harvard Business School.

As a military leader, he saw service in three conflicts, commanding a combat engineer platoon in Europe during World War II, an engineer battalion in Korea, and an engineer group in Vietnam.

A substantial portion of General Graves" military career was devoted to the development and application of nuclear energy. An early educator in this field, he was responsible for establishing training programs for nuclear power technicians in colleges across the United States. His efforts in the "Plow Share" program from its inception significantly advanced the peaceful application of nuclear energy, as did his work on the study to create a sea level canal in Panama.

As Director of Military Application for the Energy Research and Development Administration (ERDA), he was responsible for the direction of the entire nuclear weapons program. He supervised the development of nuclear weapons to fulfill the strategy of flexible response. He also contributed to the U.S. negotiating positions for the nuclear test ban treaty. His personal supervision of ERDA's laser programs led to major contributions to the Nation's long-term energy needs and independence.

His skillful management of resources enabled ERDA to meet its requirements during periods of shrinking budgets. In addition, General Graves' presentations to the Congress in support of ERDA programs marked the beginning of a long and close relationship with the legislative branch.

As the division engineer for the Army Corps of Engineers on the Great Lakes and the Mississippi River—a 12-State region—he made invaluable contributions to water resource development, management, and conservation. Subsequently, as a Director of Civil Works for the Corps of Engineers, he directed the formulation and presentation to the Congress of the nationwide civil works program for water resources and development with an annual budget of $2.5 billion.

Other high-level assignments during General Graves' 7-year career include executive to the Secretary of the Army, Deputy Director of Military Construction in the Office of the Chief of Engineers, and president of the Air Defense Evaluation Board. These assignments, which are illustrative of General Graves' many important positions, show the wide scope of his service, expertise, and accomplishments.

General Graves' last assignment as Director of the Defense Security Assistance Agency further demonstrated his superb management and administrative skills. He directed the planning and execution of the complex, politically sensitive, multibillion-dollar U.S. security assistance program.

General Graves' retirement is deeply regretted for the loss of his guiding hand in the management of major defense programs; however, I am certain that he will remain ready to serve if called upon. I and the entire membership of the Armed Services Committee salute him as a great patriot and congratulate him on a brilliant career.

Mr. President, I request unanimous consent that the testimonials on behalf of General Graves by myself and Senators PERCY, STENNIS, and GLENN be collected and printed as a Senate document for presentation to General Graves.

THE FEDERAL RESERVE NEEDS A VOICE FROM SMALL BUSINESS

Mr. EAGLETON. Mr. President, today's sky-high interest rates are causing enormous damage to vital sectors of our national economy: housing, automobiles, farming, and all kinds of small businesses.

In recent days, we have witnessed a public admission by President Reagan that the Nation is indeed in a recession. This statement by the President confirms what many private economists have been saying for months.

In addition, the Commerce Department has reported that the gross national product declined at an annual rate of 0.6 percent in the third quarter and should continue falling in the final quarter of the year. This drop in GNP comes after a 1.6-percent decline in the second quarter of 1981.

Perhaps the single greatest cause of today's recession is high interest rates. High interest rates place an awesome squeeze on credit, which is the very lifeblood of the American economy.

Witness the dramatic rise in the number of bankruptcies in America. In 1979, there were 29,500 bankruptcies nationwide; by June 30, 1981, the number had soared to 47,738 nationwide. My home State of Missouri was particularly hard hit by this phenomenon. In 1979, there were 549 bankruptcies in the State; that number more than doubled to 1,294 by end of June 1981. Although double-digit inflation and more lenient bankruptcy laws are a factor in these statistics, the dominant reason behind such increases is sustained high interest rates.

The auto industry has been severely harmed by the cost of borrowing money. During the first 10 days of October, auto sales were at the lowest rate in 23 years, with the introduction of the 1982 models having little impact on the car market.

The housing industry finds itself in as bad, if not worse, shape. Since interest costs are such a large proportion of monthly mortgage payments, interest rate increases cause many would-be homebuyers to be priced out of the market. The plight of the savings and loan industry bears this out. Fifteen S. & L.'s in St. Louis lost more than $22 million in net income in 1980.

We can see that high interest rates have a ripple effect throughout the American economy. For that reason, I am cosponsoring the bill proposed by the Senator from West Virginia (Mr. BYRD) which would require the President to nominate an individual whose background is in small business to fill the first vacancy occurring on the Board of Governors of the Federal Reserve.

Such an individual would know from firsthand experience what a member of the Board of Governors from a large business or a large financial institution would not: that stratospheric interest rates are devastating Main Street America.

The followers of Milton Friedman, whose pure monetarism as a cure for inflation is personified in Federal Reserve Board Chairman Paul Volcker, must hear another voice in the inner sanctum of the Federal Reserve. The message the monetarists must hear is that you cannot destroy Main Street in order to save it.

A member of the Board of Governors of the Federal Reserve from small business, which by its very nature is extremely credit sensitive, would provide an important and much-needed voice in the making of our monetary policy.

ANTI-SEMITISM IN THE SOVIET UNION

Mr. PELL. Mr. President, on October 6, I joined my distinguished colleague, Senator HEINZ, in cochairing a hearing on anti-Semitism in the Soviet Union. The purpose of this hearing, which commemorated the 40th anniversary of the Babi Yar massacre, was to demonstrate to the Soviet leadership the depth of American concern about Soviet anti-Semitism and to illustrate, once again, the importance which the United States places upon human rights.

We had the privilege of receiving testimony from six witnesses, each of whom has a special expertise, derived from governmental service, scholarly study, or personal experience, on the problems of Soviet Jewry. Collectively, these witnesses offered conclusive evidence that the Soviet Government has intensified its campaign against Soviet Jews through harassment, propaganda, and new forms of discrimination. In addition, the Soviet leadership has sought

to undermine the Jewish emigration movement by cutting the monthly emigration rate and imprisoning Jewish activists. One of our witnesses, the distinguished Soviet physicist and former refusnik, Dr. Mark Azbel, reminded us that the result of this campaign could be the silencing of the Soviet Jewish community.

As concerned Americans, we cannot and will not allow these violations of international law and fundamental human rights to go unnoticed or unchallenged. The hearing which we held was not an isolated event but rather part of a crusade to force the Soviet Union to end this despicable campaign against the Jewish citizens and to live up to its obligations under international law. It is my fondest hope that 1 day our goal will be achieved.

I would like to thank the National Conference on Soviet Jewry and the Jewish Community Council of Greater Washington for their sponsorship of this hearing. In particular, I would like to extend my appreciation to Mark Levin of the National Conference and Buddy Sislen of the Jewish Community Council for the generous time and efforts that they gave in making this hearing a success.

At this time, I would like to ask unanimous consent that the text of my statement of October 6 on Soviet antisemitism be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CLAIBORNE PELL

HEARING ON SOVIET ANTISEMITISM, TUESDAY, OCTOBER 6

I am pleased to be here today and to join my distinguished colleague, Senator Heinz, in chairing this hearing on anti-semitism in the Soviet Union. This hearing, as you know, commemorates the 40th anniversary of the Babi Yar massacre.

The world stood by and watched in silence in September, 1941 as the Nazis murdered over 33,000 Ukrainian Jews at Babi Yar, near Kiev. The Babi Yar massacre serves not only as a symbol of anti-semitism but also as a reminder to those of us who believe in human rights and fundamental freedoms that we must not remain silent or indifferent to violations of any of these rights.

As a party to many international conventions such as the United Nations Charter and the International Covenants on Human Rights and as a signatory of the Helsinki Accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and accepted obligations in these areas under international law. Nevertheless, the Soviet Union has consistently and flagrantly violated these obligations in its treatment of Soviet Jews.

Through its policies and practices, the Soviet government institutes and fosters the growth of anti-semitism. There are many indications that in recent years discrimination against Jews, particularly in the areas of education and employment, has increased. In addition, the Soviet government has placed further obstacles in the pathway of Jews who desire to emigrate to the West and has increased harassment of those who have been refused exit permits. As a member and former co-chairman of the Helsinki Commission, I am especially disturbed by these developments. I hope that this hearing will focus public attention on these violations and show the Soviet Union that discrimination against Soviet Jews is a matter of concern to all Americans.

DEDICATION OF SOLON ELEMENTARY SCHOOL

Mr. MITCHELL. Mr. President, one of the most serious problems we confront as a Nation is our dependence on foreign oil. It is critical that we devise a national policy to eliminate that dependence. It is also important that in towns and cities across the Nation, Americans act on their own to do the same. No State is more dependent on foreign oil than Maine, and no State has made greater efforts to reduce that dependence. As one small but important example of that effort, I want to share with my colleagues the experience I had in attending the dedication of a new school in the town of Solon, Maine, last week.

When the elementary school in Solon burned down some time ago, local officials faced a challenge. They wanted to design a facility that would be functional and pleasing to the eye, and yet would also serve national goals by fostering energy conservation and achievement of energy self-sufficiency. So they consulted with their architect, who summarized for them the advantages and disadvantages of alternate energy sources.

The result of their deliberations was impressive. Classrooms were of different sizes and shapes, and there was one small corridor and the latest in alternate energy systems. Basic heat for the building is provided by wood and coal, and the water is heated by means of a solar-powered unit.

Mr. President, local officials in rural Somerset County have distinguished themselves by planning an innovative and pragmatic facility to house their school. They, as most other Mainers, are conscious of the need to reduce our country's dependence on imported oil, and are doing their share to conserve energy.

I applaud them for their efforts and commend their creativity to others in America who need to replace old or outmoded school buildings and equipment.

We in Washington can learn much from what is happening in communities across the country.

At this point, I ask unanimous consent that two items be printed in the RECORD. The first is a summary of the architect's recommendations on alternate sources of fuel; and the second is an article, appearing in a recent edition of the Bangor Daily News, which gives further detail on the new Solon elementary school.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALTERNATE FUELS—A GREAT BENEFIT WITH SOME EXTRA WORK

With increasing interest in and adoption of alternate fuels in many of our buildings, we feel a realistic view is needed to avoid undue disillusionment after the excitement of a new venture wears off.

THE SITUATION

Two primary alternate fuels seem reasonably viable in most of Maine at this time. Stick wood is available almost anywhere and, with the advent of high efficiency wood boilers, appears to offer a reliable high capacity renewable alternate heat fuel. Coal, with a less universal source of supply, is still widely available in Maine. As a fossil fuel of abundant American supply and reserve, it offers an alternate to oil heat that is somewhat more automatic than wood. Waste wood or wood chips have a high capacity for industrial uses but have not been shown to be a dependable trouble-free heat source. Solar heat can be considered at least a partial alternate fuel. It does not at this stage, however, seem to offer complete heat without extreme effort.

IMPORTANCE

Use of alternate fuels that allows reduction in our dependence on foreign oil and on electricity derived from oil is mandatory wherever possible:

1. to avoid exponential cost increases for fuel;

2. to help balance US payments;

3. to help maintain our national independent security; and

4. to preserve an important world-wide natural resource.

STICK WOOD

Stick wood is a lovely fuel. It is also rough, hard, splintery, wet, dirty, and sometimes frozen. Every piece must be handled: to split and cut to length; to stockpile for drying; to stack once or twice for easy access and to stoke. This stoking must occur for every batch which may be early in the morning or late at night. Buying wood, receiving deliveries of wood and protecting it will be new experiences to those who are only used to oil. Wood costs will, of course, rise by the laws of supply and demand, hopefully not as sharply as oil prices. Care must be taken to avoid fire danger. Every week or two some ash must be cleaned out and removed. (About a 5 qt. pail full)

The high efficiency wood stove allows complete burning of the wood. A heat storage water tank should hold the heat until needed for use. It can also be compatible with heating your domestic hot water. Wood smoke in faint quantities can be very appealing. Finally, oil back-up can take the worry out of awkward stoking needs.

COAL

Coal furnaces are available with almost any capacity. Nearly complete automation is possible. But coal has its problems: There is delivery. Can it be placed automatically where you wish to store it? To the basement by gravity? To the main floor by shute or conveyor? It is messy and black and comes in big heavy trucks. Worms and stokers usually deliver the coal to the furnace from the coal bin, but will all the coal reach the worm without coaxing? There is also ash, 170 to 190 lbs. per ton. This is not very easily automated. Where will it go? How will it get

there? There are cotter pins that can break—at most inconvenient times and places. What about coal dust? If accumulations are not properly handled, certain concentrations of dust can explode.

Coal heat used with a heat storage water tank to even it out can provide steady dependable heat of great comfort that you may like better than any you have had. It also can provide domestic hot water.

CONCLUSION

Alternate fuels as noted have been enthusiastically endorsed by a wide range of committees, boards, and people. It must be understood, however, that this is a new way of life. There is work scheduling and personnel costs to be taken care of. There are considerable storage space needs that must be protected and controlled. Delivery trucks must have access, often at difficult locations. The easy automation of oil must be gone, hopefully replaced by a sense of pride.

[From the Bangor (Maine) Daily News, Aug. 29-30, 1981]

THE SOMERSET PAGE

(by Bruce Hertz)

Next topic: the new elementary schools of Somerset County.

I have absolutely no training or background in architecture. But like the loudmouthed, red-faced Texan viewing a Jackson Pollock said, I know what I like.

The Skowhegan school, now known as Bloomfield Elementary, and the St. Albans School are functional and will probably conserve fuel. They might even save money over the older schools they are replacing. Aesthetically they are dull.

The rectangular class rooms off long corridors are like almost every other school. They are safe, unimaginative buildings which will enable the teachers and students to proceed through their day and school year. Several Skowhegan teachers said they will miss their large rooms with many floor-to-ceiling windows. The Bloomfield classrooms are about one-third smaller than the old rooms and there is but one window per room.

In both St. Albans and Skowhegan, there will be a doubling of electrical cost because of the fewer windows.

A contrast to these schools is the Solon Elementary School which is as innovative and spirit lifting as the other schools are pedestrian. There is only one small corridor in the Solon school. Each classroom has a different shape. Some are triangular, some trapezoidal; there is one rectangular. The rooms are grouped around the core of the multi-purpose room. Each space relates to the next space so there is a feeling of unity of purpose.

The use of state of the art alternative heating systems reinforces the effort to present something different for an educational environment. Unlike the Skowhegan and St. Albans schools, each room in the Solon school has no fewer than four windows. Each window has a screen, a thermopane insert and blinds. Every view was studied for the effect on the classroom.

In the kindergarten room, the window was placed low enough so the students can see out when they are sitting on the floor.

The children at all the schools will no doubt enjoy the newness of their surroundings, but it will be the students of Solon who will find new ways to use their school every day.

BANK HOLDING ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I am especially pleased that Senator GARN has included the provisions of S. 207, which deals with the insurance activities of bank holding companies, in the banking legislation he recently introduced. Legislation similar to S. 207 was reported by the Senate Banking Committee during the 96th Congress, but unfortunately was not considered by the Senate before the adjournment. I introduced the bill earlier this year as S. 207.

My legislation would amend the Bank Holding Company Act of 1956 to limit the property and casualty and life insurance activities of bank holding companies and their subsidiaries. One of the fundamental purposes of the National Bank Act of 1864 is to prevent an undue concentration of economic power. The nonbanking activities of national bank are, therefore, extremely limited. In addition, most of the States generally preclude insurance activities by State-chartered banks.

As our national economy has grown, many commercial banks have moved to a bank holding company organization in which the banks become subsidiaries of parent holding companies. One result of the restructuring was to allow bank holding companies to engage in nonbanking activities through separate subsidiaries. As a result, Congress limited the permissible activities of bank holding companies in 1956 and again in 1970.

The current Bank Holding Company Act permits bank holding companies to conduct nonbanking activities if certain conditions delineated by the Federal Reserve Board are met. The Independent Insurance Agents of America challenged the Federal Reserve's authorization of certain insurance activities in a Federal court action in 1977. As a result of this litigation and subsequent Federal Reserve actions, bank holding companies have been allowed to move into an insurance market that has traditionally been served by independent insurance agents—credit related property and casualty insurance.

S. 207 would generally prohibit a bank holding company from providing insurance as a principal, agent, or broker. There are six exceptions to this general prohibition, resulting in the prohibition being principally applicable to the underwriting or sale of property and casualty insurance. The exemptions establish, for example, a grandfather date for the continuation of previously authorized insurance activities, and permit bank holding companies to engage in, among other things, credit life, disability, and involuntary unemployment insurance activities.

This legislation will provide a much needed reform in the Bank Holding Company Act and will protect consumers and small businesses by insuring that bank holding companies do not gain an unfair economic advantage in the marketplace.

I look forward to a thorough consideration of S. 207 in light of the other proposals contained in Senator GARN's legislation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

At an executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3403. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1982 and 1983, to provide for the establishment of regional training centers to assist in improving the emergency response and enforcement capabilities of State and local personnel, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1000. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes;

S. 1209. An act to authorize appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 3499. An act to amend title 38, United States Code, to extend the period for Vietnam-era veterans to request counseling under the veterans' readjustment counseling program, to provide medical care eligibility for veterans exposed to herbicides or defoliants (including Agent Orange), or to nuclear radiation, to establish a minimum total number of operating beds in Veterans' Administration hospital and nursing home facilities, to extend for certain Vietnam-era veterans the period of time in which GI Bill educational assistance benefits may be used for the pursuit of certain training, to provide a small business loan program for Vietnam era and disabled veterans, and to extend the authority for veterans readjustment appointments in the civil service, and for other purposes;

S.J. Res. 4. Joint resolution to authorize the President to issue a proclamation designating the week beginning November 22, 1981, as "National Family Week"; and

H.J. Res. 268. Joint resolution to designate October 23, 1981, as "Hungarian Freedom Fighters Day".

The bill H.R. 3499 was subsequently signed by the President pro tempore (Mr. THURMOND).

The remaining enrolled bills and joint resolutions were subsequently signed by the Vice President.

HOUSE BILL PLACED ON CALENDAR

The following bill was read twice by unanimous consent, and placed on the calendar:

H.R. 3403. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1982 and 1983, to provide for the establishment of regional training centers to assist in improving the emergency response and enforcement capabilities of State and local personnel, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, October 22, 1981, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 1000. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1981, 1982, and 1983, and for other purposes;

S. 1209. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; and

S.J. Res. 4. Joint resolution to authorize the President to issue a proclamation designating the week beginning November 22, 1981, as "'National Family Week".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2104. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting pursuant to law, the revised test section for the TOMAHAWK missile; to the Committee on Armed Services.

EC-2105. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Budgetary Pressures Created by the Army's Plans to Procure New Major Weapon Systems are Just Beginning"; to the Committee on Armed Services.

EC-2106. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on fiscal year 1981 civilian end strength employment in the Department of Defense; to the Committee on Armed Services.

EC-2107. A communication from the Director of the Federal Emergency Management Agency, transmitting pursuant to law, a report on acquisition of real or personal property during the quarter ending September 30, 1981; to the Committee on Armed Services.

EC-2108. A communication from the Assistant Secretary of the Navy for Shipbuildand Logistics transmitting, pursuant to law, a report on a decision to contract out certain military maintenance functions at the Naval Air Station, North Island, San Diego, California, without undergoing a cost comparison study; to the Committee on Armed Services.

EC-2109. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of a decision to convert the keypunch function at the Fleet Accounting and Disbursing Center, U.S. Atlantic Fleet Norfolk, Va. to performance under contract; to the Committee on Armed Services.

EC-2110. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the financing, supply, and installation activities of public utilities in connection with residential energy conservaton measures; to the Committee on Energy and Natural Resources.

EC-2111. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "The Congress Should Control Federal Credit Programs to Promote Economic Stabilization"; to the Committee on Governmental Affairs.

EC-2112. A communication from the Director of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, a report on the 1980 NOAA Corps pension plan; to the Committee on Governmental Affairs.

EC-2113. A communication from the Attorney General of the United States transmitting a draft of proposed legislation entitled "Omnibus Immigration Control Act"; to the Committee on the Judiciary.

EC-2114. A communication from the Associate Commissioner of the Immigration and Naturalization Service for Examinations transmitting, pursuant to law, 516 orders entered under the authority of section 212(d)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, favorably with amendments:

H.R. 4119: A bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1982, and for other purposes.

By Mr. TOWER, from the Committee on Armed Services:

Special report entitled "Military and Technical Implications of the Proposed Sale of Air Defense Enhancements to Saudi Arabia (Rept. No. 97-242).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, favorably without amendment:

S. 1605: A bill to provide for the reinstatement and validation of United States oil and gas lease numbered E. S. 20644 (Rept. No. 97-243).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, favorably with an amendment:

S. 383: A bill to provide for the reinstatement and validation of United States oil and gas lease numbered M-16402 (ND) Acq (Rept. No. 97-244).

S. 466: A bill to provide for the reinstatement and validation of United States oil and gas lease numbered M-15450 (ND) (Rept. No. 97-245).

S. 1457: A bill to reinstate United States oil and gas lease number OR-13713 (Rept. No. 97-246).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, favorably with amendments:

S. 651: A bill to provide for the reinstatement and validation of United States oil and gas lease numbered W-46102 (Rept. No. 97-247).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Jean Tufts, of New Hampshire, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

(The above nomination was reported from the Committee on Labor and Human Resources, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR THE PERIOD FROM APR. 1 TO JUNE 30, 1981

Name and country	Name or currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Germany	Mark	782	$340.00					782	$340.00
Scotland	Pound	156-93	329.01					156-93	329.01
France	Franc	1,749	318.00					1,749	318.00
Harold A. Hayes:									
Costa Rica	Colon								
Nicaragua	Cordoba		150.00				$219.60		369.60
Guatemala	Quetzal		75.00		$29.31		66.60		170.91
Mexico	Peso								
Senator Thomas F. Eagleton:									
Costa Rica	Colon								
Nicaragua	Cordoba		150.00				219.60		369.60
Guatemala	Quetzal		75.00		29.31		66.60		170.91
Mexico	Peso								
Total			1,437.01		58.62		572.40		2,068.03

June 30, 1981.

MARK O. HATFIELD,
Chairman, Committee on Appropriations.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, FUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR THE PERIOD FROM APR. 1 TO JUNE 30, 1981

Name and country	Name or currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Strom Thurmond:									
United States	Dollar				$1,188.00		$22.87		$1,210.87
England	Pound	58.1	$128.98	8.5	18.87			66.6	147.85
Germany	Deutsche mark	368.9	170.00					368.9	170.00
James Smith:									
United States	Dollar				1,188.00		22.87		1,210.87
England	Pound	58.1	128.98	8.5	18.87			66.6	147.85
Germany	Deutsche mark	462.2	213.00					462.2	213.00
Ed Kenney:									
United States	Dollar				1,188.00		22.87		1,210.87
England	Pound	58.1	128.98	8.5	18.87			66.6	147.85
Germany	Deutsche mark	338.5	156.00					338.5	156.00
France	Franc	2,057	374.00	99	[1] 18.00			2,156	392.00
William Ball:									
Italy	Lira	804,096	768.00		([1])			804,096	768.00
Rhett Dawson:									
France	Franc	2,915	530.00		([1])			2,915	530.00
Al Keel:									
France	Franc	2,332	424.00		([1])			2,332	424.00
Senator John Tower:									
France	Franc	1,356	246.50		([1])			1,356	246.50
United Kingdom	Pound	57.68	108.50					57.68	108.50
Total			3,376.94		3,638.61		68.61		7,084.16

[1] Transportation provided by Department of Air Force.

Transportation provided by Department of Navy.

July 9, 1981.

JOHN TOWER,
Chairman, Committee on Armed Services.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES (AMENDED REPORT[1]), FOR THE PERIOD FROM JAN. 1 TO MAR. 31, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn					[2] $3,951.95				$3,951.95
Arnold Punaro					[2] 3,951.95				3,951.95
Total					7,903.90				7,903.9

[1] Original report published in the Congressional Record, May 19, 1981, page S5204.

[2] Total cost of ticket per person, $4,074.95. Portion returned per person (approximately) $123.00. (New Zealand travel provided by Government of New Zealand.) Total expended per person, $3,951.95.

June 30, 1981.

JOHN TOWER,
Committee on Armed Services.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR THE PERIOD FROM JUNE 4 TO JUNE 9, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles M. Barclay:									
France	Franc	2,332	$424.00	(1)				2,332.00	$424.00
David W. Bushong:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Senator Ernest F. Hollings:									
France	Franc	3,498	636.00	(1)				3,498.00	636.00
Mary E. McAuliffe:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Michael C. Moffet:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
William K. Ris, Jr.:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Senator Ted Stevens:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Peyton L. Wynns:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Rebecca Gernhardt:									
France	Franc	2,332	424.00	(1)				2,332.00	424.00
Total			4,028.00						4,028.00

[1] Transportation provided by Department of the Air Force.

July 27, 1981.

BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR THE PERIOD FROM APR. 11 TO 15, 1981

Name and country	Name or currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Bradley:									
Saudi Arabia	Riyal	382	$115.06					382	$115.06
					$1,547.79				1,547.79
Total			115.06		1,547.79				1,662.85

July 29, 1981.

JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR THE PERIOD FROM APR. 26 TO MAY 17, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary C. Barbour:									
Bermuda	Dollar	748.15	$751.37		$274.00			748.15	$1,025.37
Robert L. Terrell:									
France	Franc	1,123.60	212.00		2,117.80			1,123.60	2,329.80
South Africa	Rand	373-77	456.00				$600.00	373-77	1,056.00
Total			1,419.37		2,391.80		600.00		4,411.17

July 29, 1981.

JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U. S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR THE PERIOD APR. 13 TO 17, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
senato r James A. McClure:									
Saudi Arabia	Riyal		None		$108.11				$108.11
Oman	Riyal	1,314.72	$396.00					1,314.72	396.00
Senator Mark O. Hatfield:									
Saudi Arabia	Riyal	75.76	22.82		108.11			75.76	130.93
Oman	Riyal	1,314.72	396.00					1,314.72	396.00
Michael D. Hathaway:									
Saudi Arabia	Riyal	75.76	22.82		108.11			75.76	130.93
Oman	Riyal	1,264.92	381.00					1,264.93	381.00
Delegation expenses:									
Saudi Arabia	Riyal						$456.06		456.06
Oman	Riyal						,442.31		1,442.31
Total			1,218.64		324.33		1,898.37		3,441.34

Notes: Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of Public Law 95-384, and Senate Resolution 179, agreed to May 25, 1977.

Senator Bill Bradley accompanied Committee Delegate McClure in Saudi Arabia only under the authority of the Committee on Energy and Natural Resources, and Joanna Novins of the staff of the Committee on Foreign Relations accompanied the Committee delegation under the authority of the Majority Leader.

July 29, 1981.

JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM APR. 1 TO JUNE 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden:									
France	Franc	194.80	$38.57					194.80	$38.57
United States	Dollar				$2,806.00				2,806.00
Senator John Glenn:									
Germany	Mark	164	75.93					164	75.93
Robert Andrews:									
Germany	Mark	596.16	276.00					596.16	276.00
Patrick Balestrieri:									
Germany	Mark	628.32	264.00					628.32	264.00
England	Pound	229.97	450.74					229.97	450.74
France	Franc	1,089	198.00					1,089	198.00
United States	Dollar				1,524.00				1,524.00
Authur H. House:									
Costa Rica	Colon	3,144.45	172.30					3,144.45	172.30
Nicaragua	Cordoba	1,202.90	120.29					1,202.90	120.29
United States	Dollar		53.49		8.00				61.49
David Johnson:									
Zimbabwe	Dollar	244.01	375.00		1,930.00			244.01	2,305.00
Douglas L. Miller:									
Germany	Mark	628.32	264.00					628.32	264.00
Britain	Pound	171.28	335.71					171.28	335.71
United States	Dollar				1,167.00				1,167.00
John B. Ritch:									
Germany	Mark	838	320.00		32.00			838	352.00
England	Pound	235	427.00		36.00			235	463.00
United States	Dollar				599.00				599.00
France	Franc	1,788	354.00	192	38.00			1,980	392.00
United States	Dollar				2,878.00				2,878.00
Barry Sklar:									
Costa Rica	Colon	4,106.25	225.00					4,106.25	225.00
Nicaragua	Cordoba	1,456	145.60					1,456	145.60
Guatemala	Quetzale	75	75.00					75	75.00
Mexico	Peso	1,788.80	75.00					1,788.80	75.00
Total			4,245.63		11,018.00				15,263.63

July 1, 1981.

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR PERIOD MAR. 31, TO JUNE 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Donna M. Alvarado:									
Switzerland	Swiss Franc		$510.00						$510.00
	Deutsche mark				$1,189.00				1,189.00
Senator Paul Laxalt:									
France	Franc	3,498	636.00						636.00
Total			1,146		1,189.00				2,335.00

June 30, 1981.

STROM THURMOND,
Chairman, Committee on the Judiciary.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR THE PERIOD FROM MAR. 1 TO JUNE 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan									$2,341.14
Senator Patrick Leahy									2,253.05
Theodore Ralston									2,618.22
Sanford G. Kinzer									2,051.89
Senator William Roth									310.00
Michael Mattingly									1,714.00
Total									11,288.30

June 30, 1981

BARRY GOLDWATER
Chairman, Select Committee on Intelligence.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR THE PERIOD FROM JUNE 19 TO JULY 1, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Renn M. Patch:									
Switzerland	Franc	825.10	$400.00			0	0	825.10	$400.00
Spain	Peseta	7,144	76.00			0	0	7,144	76.00
Airfare, PAA, Washington-Geneva-Madrid-Geneva-Washington.					$1,689.80				1,689.80
				1,555	17.20			1,555	17.20
Michael Pillsbury:									
Switzerland	Franc	825.10	400.00			0	0	825.10	400.00
Spain	Peseta	7,144	76.00			0	0	7,144	76.00
France	Franc	2,178	396.00			0	0	2,178	396.00
Airfare, PAA, Washington-Geneva-Madrid-Geneva-Paris-Geneva-Washington.					1,689.80				1,689.80
				1,555	17.20			1,555	17.20
				1,410	247.10			1,410	247.10
Total			1,348.00		3,661.10		0		5,009.10

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources.

July 23, 1981.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY AN EMPLOYEE OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR THE PERIOD FROM JUNE 10 TO 20, 1981

Name and country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
George F. Murphy, Jr.:									
Belgium	Franc	7,277	$184.00					7,277	$184.00
Turkey	Lira	48,442.50	450.00					48,442.50	450.00
France	Franc	544.50	99.00					544.50	99.00
					[1] 1,525.00				1,525.00
Total			733.00		$1,525.00				2,258.00

[1] Roundtrip airfare.

GEORGE F. MURPHY, JR.

July 9, 1981.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), CODEL COCHRAN, FOR TRAVEL AUTHORIZED BY MAJORITY AND MINORITY LEADERS AND COMMITTEE CHAIRMEN AS NOTED, FOR THE PERIOD FROM FEB. 7 TO 15, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thad Cochran:									
Brazil	Cruzeiro	21,172.14	$306.00					21,172.14	$306.00
Argentina	Peso	493,996	215.85					493,996	215.85
Peru	Sole	80,550	225.00	42,960	$120.00			108,509.8	345.00
Senator Quentin Burdick:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	65,549.8	183.10	42,960	120.00			108,509.8	303.10
Senator Larry Pressler:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00
Senator Claiborne Pell:									
Brazil	Cruzeiro	20,285.04	293.18					20,285.04	293.18
Argentina	Peso	525,596	229.91					525,596	229.91
Peru	Sole	74,464	208.00	42,960	120.00			117,424	328.00
Senator Harrison A. Williams, Jr.:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00
Walter J. Stewart:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	486,196	216.50					486,196	216.50
Peru	Sole	64,550	180.31	42,960	120.00			107,510	300.31
Claiborne Barksdale:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00
Vivian Dubreuil:									
Brazil	Cruzeiro	20,000.14	289.06					20,000.14	289.06
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00
Jeanine Drysdale-Lowe:									
Brazil	Cruzeiro	20,331.94	293.86					20,331.94	293.86
Argentina	Peso	434,196	193.23					434,196	193.23
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U S.C. 1754(b), CODEL COCHRAN, FOR TRAVEL AUTHORIZED BY MAJORITY MINORITY LEADERS AND COMMITTEE CHAIRMEN AS NOTED FOR THE PERIOD FROM FEB. 7, TO 15, 1981—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joanna Novins:									
Brazil	Cruzeiro	21,172.14	$306.00					21,172.14	$306.00
Argentina	Peso	522,596	228.57					522,596	228.57
Peru	Sole	80,550	225.00	42,960	$120.00			123,510	345.00
Eleanor F. Rhodes:									
Brazil	Cruzeiro	21,172.14	306.00					21,172.14	306.00
Argentina	Peso	602,196	264.00					602,196	264.00
Peru	Sole	80,550	225.00	42,960	120.00			123,510	345.00
Barry Sklar:									
Brazil	Cruzeiro	16,752	242.12					16,752	242.12
Argentina	Peso	533,196	228.00					533,196	228.00
Peru	Sole	80,550	225.00					80,550	225.00
Delegation expenses:									
Venezuela							$550.00		550.00
Brazil							4,513.31		4,513.31
Argentina							4,987.47		4,987.47
Peru							1,751.51		1,751.53
Total			9,058.69		1,320.00		11,802.29		22,180.98

Notes: Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) or the Mutual Security Act of 1954, as amended by sec. 22 of Public Law 95-384, and Senate Resolution 179, agreed to May 25, 1977. The individual authorizations were as follows: by the majority leader: Senator Cochran, Mr. Barksdale, Ms. Dubreuil; by the minority leader: Mr. Stewart, Mrs. Drysdale-Lowe; by the Committee on Foreign Relations: Senator Pell, Senator Pressler, Ms. Novins, Ms. Rhodes, Mr. Sklar; by the Committee on Environment and Public Works: Senator Burdick; by the Committee on Banking, Housing and Urban Affairs: Senator Williams.

July 20, 1981.

THAD COCHRAN,
Chairman, Delegation Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William Cohen:									
England	Pound	459.34	$238.00		(1)			459.34	$238.00
Senator Gary Hart:									
Oman	U.S. dollar		138.00		(1)		$47.50		185.50
Italy	Lira	99.440	80.00					99.440	80.00
England	U.S. dollar		114.00						114.00
Carl Smith:									
Oman	U.S. dollar		138.00		(1)		47.50		185.50
Italy	Lira	99.440	80.00					99.440	80.00
England	U.S. dollar		114.00						114.00
Senator Sam Nunn:									
Japan	No expense to the U.S. Government.								
Arnold Punaro:									
Japan	No expense to the U.S. Government.								
Senator John Warner:									
Germany	U.S. dollar		401.47		[2] $154.00				555.47
Andrew Wahlquist:									
Germany	U.S. dollar		380.50		[2] 143.95				524.45
Belgium	U.S. dollar		35.77						35.77
Total			1,719.74		297.95		95.00		2,112.69

[1] Transportation provided by the Department of the Navy.
[2] Transportation to and from Europe paid for by Senator Warner.
[3] Transportation to and from Europe provided by the Department of the Army.

Sept. 30, 1981.

JOHN TOWER,
Chairman, Committee on Armed Services.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR THE PERIOD FROM JUNE 20 TO 23, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Malashock:									
Canada		269.44	$225.00		$228.82	329.31	$275.00	598.75	$500.00
Returned to U.S. Treasury								44.05	35.68
Total									

Sept. 30, 1981.

PETE V. DOMENICI,
Chairman, Committee on the Budget.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR THE PERIOD FROM AUG. 11 TO 29, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roger A. Sindelar:									
Denmark	Kroner	1,600	$198.00		$11.86				$209.86
Netherlands	Guilder	843.70	300.00		614.24				914.24
France	Franc	1,152	192.00						192.00
Belgium									
Spain	Pesetas	22,725	225.00						225.00
Italy	Lire	92,250	75.00		16.66				91.66
Germany	Deutsche mark	630	252.00						252.00
Switzerland	Franc	174.45	80.00		15.00				95.00
					2,273.00				2,273.00
Charles A. Trabandt:									
Switzerland	Franc	1,551.85	720.00		1,296.00				2,016.00
Marilyn G. Burkhardt:									
Canada	Dollar				224.55		$9.00		233.55
Terri L. Sneider:									
Canada	Dollar				224.55		26.00		250.00
Total			2,042.00		4,675.86		35.00		6,752.86

Sept. 29, 1981.

JAMES A. McCLURE,
Chairman, Committee on Energy and Natural Resources.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan Cranston:									
Austria	Schilling			458	$26.50			458	$26.50
Hungary	U.S. dollar		$117.44						117.44
France	Franc	1,249.28	211.00					1,249.28	211.00
U.S.S.R.	U.S. dollar		81.00						81.00
Poland	Zloty	5,080	152.40					5,080	152.40
West Germany	U.S. dollar		158.00						158.00
United States	Dollar				2,456.55				2,456.55
Senator Christopher J. Dodd:									
United States	Dollar				2,362.00				2,362.00
Ireland	Pound	279.59	476.00					279.59	476.00
North Ireland	Sterling	6	14.60					6	14.60
United States	Dollar				153.75				153.75
Costa Rica	Colon	2,737.50	150.00					2,737.50	150.00
Nicaragua	Cord	1,500.00	150.00					1,500	150.00
Guatemala	Quetzales	75.00	75.00					75	75.00
Mexico	Peso	1,788.80	75.00					1,788.80	75.00
Senator Charles McC Mathias, Jr.:									
United States	Dollar				2,282.00				2,282.00
U.S.S.R.			169.00						169.00
Federal Republic of Germany	Dollar		121.00						121.00
Senator Claiborne Pell:									
United States	Dollar				1,276.00				1,276.00
Switzerland	Franc	349.44	160.00					349.44	160.00
Senator Larry Pressler:									
Israel			630.00						630.00
France	Franc	1,644.06	282.00			822	$141.00		423.00
United States	Dollar				1,922.69				1,922.69
Federal Republic of Germany	Deutsche mark	1,326.45	555.00						555.00
United States	Dollar				2,747.00				2,747.00
Senator S. I. Hayakawa:									
Hong Kong	Dollar	616.20	104.00					616.20	104.00
Thailand	Baht	6,471	177.00					6,471	177.00
Indonesia	Rupiah	22,870	39.00					22,870	39.00
Malaysia	Dollar	46.70	20.00					46.70	20.00
Singapore	Dollar	456.22	212.00					456.22	212.00
Philippines	Dollar	150	150.00					150	150.00
United States	Dollar				3,486.60				3,486.60
Senator John Glenn:									
Japan	Yen	23,793	103.45	34,333	151.04			58,126	254.49
People's Republic of China	Yuan	1,772.85	974.00					1,772.85	974.00
Hong Kong	Dollar	1,235.50	208.00					1,235.50	208.00
Republic of China	Dollar	10,474	276.00					10,474	276.00
Japan	Yen	165,109	721.00					165,109	721.00
Japan	Yen	91,080	396.00					91,080	396.00
United States	Dollar				3,482.00				3,482.00
United States	Dollar				35.00				35.00
George W. Ashworth:									
Saudi Arabia	Riyal	2,222	650.75					2,222	650.75
Israel	Dollar		378.00						378.00
United States	Dollar				2,430.00				2,430.00
Broadus Bailey, Jr.:									
Thailand	Baht	1,765	77.07					1,765	77.07
Hong Kong	Dollar	616.20	104.00					616.20	104.00
Indonesia	Rupiah	33,036	52.27					33,036	52.27
Malaysia	Dollar	428.70	182.00					428.70	182.00
Singapore	Dollar	456.22	212.00					456.22	212.00
Philippines	U.S. dollar		150.00						150.00
United States	Dollar				4,298.70				4,298.70
Patrick Balestrieri:									
Italy, Rome	Lira	317.124	276.00	127.88	120.49			445.004	396.49
United States	Dollar				1,057.00				1,057.00

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1981—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
M. Graeme Bannerman:									
Karachi	Rupee	1,029.60	$104.00					1,029.60	$104.00
Islamabad	Rupee	3,009.60	304.00					3,009.60	304.00
Kuwait	Dinar	74.75	315.00					74.75	315.00
Baghdad	Dinar	66.50	225.00					66.50	225.00
Amman	Dinar	56.615	168.00					56.615	168.00
Jerusalem	Shekel		270.00						270.00
United States	Dollar				$2,491.00				2,491.00
Robert G. Bell:									
Saudi Arabia	Riyal	2,162	639.00					2,162	639.00
Israel	Dollar		186.00						186.00
United States	Dollar				2,430.00				2,430.00
Hans Binnendijk:									
Saudi Arabia	Riyal	2,171	642.00					2,171	642.00
Israel	Dollar		388.00						388.00
United States	Dollar				2,430.00				2,430.00
Philip L. Christenson:									
South Africa	Rand		76.00						76.00
Zimbabwe	Dollar		450.00		273.88				723.88
United States	Dollar				1,930.00				1,930.00
Gerald E. Connolly:									
South Africa	Rand	390.75	420.00					390.75	420.00
Lesotho	Rand	200.37	214.40					200.37	214.40
Zimbabwe	Dollar	438.05	282.59					438.05	282.59
Kenya	Shilling	5,242.30	581.00	1,120.00	120.13			5,242.30	701.13
United States	Dollar				2,565.00				2,565.00
Peter W. Galbraith:									
India	Rupee	7,317.30	802.33	350.00	38.38			7,667.30	840.71
Pakistan	Rupee	5,623.20	568.00					5,623.20	568.00
Sri Lanka	Rupee	2,697.50	136.79					2,697.50	136.79
Bangladesh	Taka	527.22	28.43					527.22	28.43
United States	Dollar				2,865.50				2,865.50
Margaret Daly Hayes:									
Bahamas	Dollar		26.50		354.00				380.50
Mexico	Peso	10,640	437.00					10,640	437.00
United States	Dollar				258.60				258.60
David L. Johnson:									
France	Franc	713.60	123.00					713.60	123.00
Senegal	Franc	99,500	342.00					99,500	342.00
Liberia	Dollar	274	274.00					274	274.00
Ghana									
Ivory Coast	Franc	22,500	75.00					22,500	75.00
Zaire	Zaire	380.61	68.58					380.61	68.58
South Africa	Rand	356.59	378.00					356.59	378.00
United States	Dollar				2,294.00				2,294.00
Joel L. Johnson:									
South Africa	Rand	390.75	420.00					390.75	420.00
Lesotho	Rand	200.37	214.40					200.37	214.40
Zimbabwe	Dollar	292.09	397.85					292.09	397.85
Kenya	Shilling	5,242.30	581.00					5,242.30	581.00
United States	Dollar				2,565.00				2,565.00
Michael B Kraft:									
Saudi Arabia	Riyal	2,171	642.00					2,171	642.00
Tel Aviv	Shekel		456.00						456.00
Switzerland	Franc	170.90	80.00					170.90	80.00
United States	Dollar				2,430.00				2,430.00
Christopher Manion:									
El Salvador	Colon	77.40	30.96						30.96
Guatemala	Quetzal	202.85	202.85						202.85
United States	Dollar				658.00				658.00
Argentina	Peso	1,609,276.92	378.18			17,021.28	$4.00	1,626,298.20	382.18
Chile	Peso	794.21	20.25			78.44	2.00	872.65	22.25
Panama	Balboa	68.60	68.60					68.60	68.60
Costa Rica	Colon	1,450	72.50					1,450	72.50
Nicaragua	Cordoba	2,599.20	259.92					2,599.20	259.92
Honduras	Lempira	106.72	53.36					106.72	53.36
Guatemala	Quetzal	106	106.00					106	106.00
United States	Dollar				1,985.20				1,985.20
Janice O'Connell:									
Switzerland	Franc	1,391.35	640.00					1,391.35	640.00
United States	Dollar				1,276.00				1,276.00
John B. Ritch:									
United Kingdom	Pound	233	466.00					233	466.00
Belgium	Franc	13,854	348.00					13,854	348.00
United States	Dollar				1,364.00				1,364.00
Alison Rosenberg:									
France	Franc	713.60	123.03					713.60	123.03
Senegal	Franc	99,505	342.00					99,505	342.00
Liberia	Dollar	276	276.00					276	276.00
Ivory Coast	Franc	16,500	55.00					16,500	55.00
Zaire	Zaire	430.60	77.59					430.60	77.59
South Africa	Rand	356.59	378.00					356.59	378.00
United States	Dollar				2,294.00				2,294.00
Diana Smith:									
Poland	Zloty	10.944	318.04	1,815	52.74			12,759	370.78
United States	Dollar				1,365.00				1,365.00
United States	Dollar				1,419.00				1,419.00
Great Britain	Pound	88.04	172.56					88.04	172.56
Spain	Peseta	21,500	228.00					21,500	228.00
Belgium	Franc	14,629	368.00					14,529	368.00
Netherlands	Guilder	318.10	118.66					318.10	118.66
Frederick S. Tipson:									
Switzerland	Franc	1,051.70	480.00					1,051.70	480.00
United States	Dollar				1,250.00				1,250.00
Gerald F. Warburg:									
United States	Dollar				2,237.00				2,237.00
France	Franc	2,850	478.00					2,850	478.00
Federal Republic of Germany	Deutsche mark		158.00						158.00
U.S.S.R.			257.00						257.00
Poland	Zloty	6,500						6,500	

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1981—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Casimir A. Yost:									
United States	Dollar				$1,940.00				$1,940.00
France	Franc	576	$96.00						96.00
U.S.S.R.	Dollar		257.00						257.00
Federal Republic of Germany	Dollar		316.00						316.00
Carl W. Ford, Jr.:									
Japan	Yen	23,793	103.45	34,333	151.04				254.49
People's Republic of China	Yuan	1,772.85	974.09						974.09
Hong Kong	Dollar	1,235.50	208.00						208.00
Republic of China	Dollar	10,474	276.00						276.00
Japan	Yen	165,109	721.00						721.00
Japan	Yen	91.080	396.00						396.00
United States	Dollar				[1] 3,482.00				3,482.00
United States	Dollar				35.00				35.00
Kathy Prosser Belle:									
Japan	Yen	23,793	103.45	34,333	151.04				254.49
People's Republic of China	Yuan	1,772.85	974.09						974.09
Hong Kong	Dollar	1,235.50	208.00						208.00
Republic of China	Dollar	10,474	276.00						276.00
Japan	Yen	164,109	721.00						721.00
Japan	Yen	91,080	396.00						396.00
United States	Dollar				3,482.00				3,482.00
United States	Dollar				35.00				35.00
Patricia F. White:									
Hong Kong	Dollar	616.20	104.00						104.00
Thailand	Baht	4,471	200.00						200.00
Indonesia	Rupiah	107,250	170.00						170.00
Malaysia	Dollar	428.70	182.00						182.00
Singapore	Dollar	456.22	212.00						212.00
Philippines	Dollar	150	150					150	150.00
United States	Dollar				3,486.60				3,486.60
Total			33,876.43		77,996.43		$147.00		112,019.86

[1] Air fare.

Sept. 30, 1981.

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR THE PERIOD FROM JUNE 28 TO SEPT. 30, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard W. Day:									
Mexico	Peso		$370.00		$502.00				$872.00
BCC	Dollar		208.00						208.00
Thailand	Bhat		500.25						500.25
Austria	Schilling		264.00						264.00
Geneva	Franc		160.00		4,196.00				4,356.00
Jerry M. Tinker:									
Hong Kong	Do'lar	1,233.40	208.00						208.00
Thailand	Bhat	11,456	500.25						500.25
Cyprus	Pound		325.00		4,196.00				4,521.00
Jan H. Kalicki:									
Taiwan	Dollar	6,659.00	184.00						184.00
Philippines	Peso	2,983.13	375.00		169.75				544.75
Korea	Won	305,715	445.00						445.00
Japan	Yen	94,760	412.00						412.00
Total			3,951.50		9,063.75				13,015.25

Sept. 30, 1981.

STROM THURMOND,
Chairman, Committee on the Judiciary.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY AN EMPLOYEE OF THE U.S. SENATE, FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, "UNDER AUTHORITY OF SEC. 22, PUBLIC LAW 95-384—22 U.S.C. 1754(b)," FOR THE PERIOD FROM AUG. 27 TO SEPT. 4, 1981

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
G. Cranwell Montgomery:									
Kuwait	Dinar	44.390	$157.00					44.390	$157.00
Iraq	Dinar	66.50	225.00					66.50	225.00
Jordan	Dinar	56.615	168.00					56.615	168.00
Israel	Shekel		270.00						270.00
Pan Am ticket			2,214.00						2,214.00
Total			3,034.00						3,034.00

September 25, 1981

G. CRANWELL MONTGOMERY.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN:

S. 1761. A bill to amend the Voting Rights Act of 1965 to provide for the application of preclearance provisions to all States and political subdivisions and to provide for submission of any changes under the preclearance provisions to the appropriate district court of the United States; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 1762. A bill to amend part A of title IV of the Social Security Act with respect to the earned income disregard; to the Committee on Finance.

S. 1763. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

S. 1764. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

By Mr. THURMOND (by request):

S. 1765. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 1766. A bill to amend the Federal Election Campaign Act of 1971 to provide that the limitations on contributions to candidates shall be waived for elections in which any candidate spends more than $35,000 from his personal funds; to the Committee on Rules and Administration.

By Mr. CANNON:

S. 1767. A bill to transfer certain lands in Clark County, Nevada, from the Department of Agriculture to the Frontier Girl Scout Council; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 1761. A bill to amend the Voting Rights Act of 1965 to provide for the application of preclearance provisions to all States and political subdivisions and to provide for submission of any changes under the preclearance provisions to the appropriate district court of the United States; to the Committee on the Judiciary.

(The remarks of Mr. COCHRAN on this legislation appear earlier in today's RECORD.)

By Mr. MOYNIHAN:

S. 1762. A bill to amend part A of title IV of the Social Security Act with respect to the earned income disregard; to the Committee on Finance.

EARNED INCOME DISREGARD

● Mr. MOYNIHAN. Mr. President, for 14 years the program we know as "aid to families with dependent children"—AFDC, more commonly known as welfare—embodied the principle that welfare recipients who are able to work should have an incentive to work. The Social Security Amendments of 1967 established what is known as the $30 and one-third earned income disregard. This meant that a welfare recipient could keep the first $30 of each month's earnings, plus one-third of all additional earnings, plus whatever was required to pay for work-related expenses and children's day care. The welfare check was then reduced by the amount of earnings in excess of those disregarded under the formula.

The result was that a significant number of AFDC recipients did work. In 1977, some 21.8 percent of all AFDC families had income other than their welfare benefit. That represented a population of 763,000 families, 65,000 of them in New York, who were both economically better off as a consequence of working and in which the children were growing up with an awareness that one who works is better off than one who does not.

The Reconciliation Act eliminated this incentive. A less generous version of the disregard will apply only to the first 4 months of work. After working for 4 months, a welfare recipient would be able to disregard $75 toward work expenses and up to $160 of child care, but could keep nothing else of his earnings. Should his income exceed 150 percent of the State's standard of need—a range from $268 per month in Tennessee to $1,101 in Vermont, averaging $526 in the 50 States and the District of Columbia—the recipient will cease to qualify for welfare, and cannot return to the rolls for 12 months, even if he loses his job the next day.

One assumes this policy is designed to reduce dependence. Taking away the economic incentive to work will not do so. It will result in fewer welfare recipients working. If there is no economic gain from working, there is no economic reason—although there may be other reason—to work.

That is why I rise today to introduce a bill to restore the earned income disregard. Not to return to the 1967 law, which has been attacked with some justification as overly generous, but to retain a less substantial disregard that will apply to earnings throughout a welfare recipient's employment.

The bill's provisions are simple. For the first 4 months at work, a welfare recipient would be treated as the Reconciliation Act mandates. In each month that a recipient works, he will be able to deduct the first $75 of earned income—instead of itemized work expenses—up to $160 of child care expenses, $30 and one-third of the remainder of earned income. The law would remain in effect after the fourth month of employment, except that the recipient could keep, after deductions for child care and work expenses, only $30 and one-fifth of the rest of his earnings.

This bill is an attempt to reintroduce a work incentive into the AFDC program. That this must be done is somewhat ironic, as another change made by the Reconciliation Act allows States to require community service in exchange for a monthly welfare check. This will not have the salutary effects of paid employment; commonsense tells both worker and employer that jobs worth doing are jobs that pay. Community work will provide neither the economic nor the psychological benefits that come from earning a wage, will in no way encourage welfare recipients to believe that working can be financially or personally rewarding.

Since 1967 we have been committed to the proposition that welfare recipients who can work should be encouraged to work. In the words of a Washington Post editorial of October 7, eliminating the earned income disregard gives welfare recipients the grotesque choice of either quitting their jobs or, by keeping them, losing both income and medical care. Given such a choice, what reasonable person will continue to work? I fear that we risk consigning the temporarily needy to permanent dependency unless we restore some earnings disregard. My bill would be a sensible, moderate way to do so.

I ask unanimous consent to place the Washington Post editorial "Keep Working Mothers Working" in the RECORD.●

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEP WORKING MOTHERS WORKING

In case you missed the first, or second, or third time around, let us say it again: there is something fundamentally wrongheaded and outrageously unfair about the recent changes in welfare law that punish poor people for working. We are not talking about some abstruse concern of theoretical economics. We are talking about real people who now face the grotesque choice of either quitting their jobs or, by keeping them, losing both income and medical care.

Why would the administration propose, and Congress enact, a law with so perverse a result? OMB Director David Stockman defends the changes on two grounds: they are that (1) previous welfare law was so generous to the working poor that families with incomes of $20,000 or more could still receive aid, and (2) there is no way to provide work incentives for the poor by income "disregards and offsets" without "putting half the population" on welfare.

The first of these arguments rests on a wild generalization from a handful of cases. It is true that, before Oct. 1, states were allowed to reimburse working welfare mothers for the full cost of child care and work-related expenses. If these costs were very high, families could have substantial earnings and still receive welfare. As a result, now and then some horror case would emerge—the recent divorcee with a good salary, three children in private school and payments due on a late model Cadillac. There weren't many such cases—three-quarters of working welfare mothers earn less than $500 a month—and the remedy, proposed by the last three administrations, was simple. You can put a reasonable cap on work-related expense deductions while still retaining the important feature of welfare law that, by reducing benefits by less than the full amount of earnings, provided at least a small reward for work effort.

It is this so-called "earnings disregard" that Mr. Stockman fears will put half the citizenry on welfare. This fear might be better grounded if the country had a very generous welfare system—one, say, that guaranteed a poverty-level income to all the poor and reduced benefits by no more than 33 cents for every dollar of earnings. But welfare in the United States isn't like that. Aid to Families with Dependent Children—what most people think of as welfare—is received almost exclusively by husbandless women with children to support. No state has a basic benefit level close to the poverty line,

and some states have benefits less than half that amount even counting food stamps.

A modest work incentive was provided—before the recent changes—by reducing benefits by 67 cents for each dollar earned, but since food stamps were cut by another 10 cents the recipient netted only about 20 cents on the dollar for her labor. What all this added up to was that even with the full set of "disregards and offsets" in place, less than 9 percent—not one-half—of the population received AFDC benefits.

The elimination of work incentives is not claimed to be a big money saver even by its advocates. In fact, welfare costs are more likely to rise as recipients choose the higher income—plus Medicaid—now offered by welfare instead of persisting in their generally low-paid dead-end jobs. Before that happens—before one more working welfare mother gets processed off the rolls or driven from the labor force—Congress should restore at least the minimal incentive for work that AFDC law used to provide.

By Mr. MOYNIHAN:

S. 1763. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

S. 1764. A bill to amend the provisions of the Internal Revenue Code related to cooperative housing corporations; to the Committee on Finance.

COOPERATIVE HOUSING CORPORATIONS

● Mr. MOYNIHAN. Mr. President, the legislation I am introducing today amends section 216 of the Internal Revenue Code. Section 216 authorizes any individual who owns a cooperative apartment to deduct his proportionate share of the mortgage interest and property taxes paid on the cooperative building.

The provision was enacted in 1942. The aim was to treat owners of cooperative apartments the same as owners of condominiums and single-family houses, who already were able to deduct mortgage interest and property taxes. Owners of cooperative apartments could not, because their interest and taxes are legally an obligation of the cooperative housing corporation that owns the building, even though the tenants are responsible for them in practice.

Before an apartment owner can qualify for deductions under section 216, he must satisfy two tests. He must be a tenant-stockholder. That is to say, he must be an individual, rather than a corporation or a partnership. And the cooperative housing corporation that owns the building must earn at least 80 percent of its income from tenant-stockholders.

In 1978, the law was changed so that owners of apartments in a building that has just gone cooperative would not be disqualified while the sponsor—a corporation or a partnership—still holds a large number of apartments waiting to be sold. An investor who plans to convert a building into cooperatives generally starts by forming a corporation or a partnership with other investors to raise capital. He then purchases the building and transfers the deed to a cooperative housing corporation. In exchange, he receives cash paid by people who want to purchase apartments in the building and proprietary leases to the remaining apartments. The sponsor continues to sell the remaining apartments as he can. Because the sponsor is not an individual, the co-op could fail to earn at least 80 percent of its income from tenant-stockholders during the start-up period.

Section 216(b)(6) of the Tax Code says the "original seller," or sponsor, will be considered a tenant-stockholder, even though the sponsor is a corporation or a partnership. However, the grace period lasts only 3 years. It applies to apartments that he acquires direct from the cooperative housing corporation within 1 year after the deed to the building is originally transferred.

My bill is easy to describe. It would extend the grace period. In future, a sponsor would continue to be a tenant-stockholder for as long as he holds apartments in his capacity as the original seller.

I was the author of the amendment in 1978; 3 years was an arbitrary figure. It serves no policy purpose.

In fact, there are good reasons to have no limit at all. A temporary grace period gives sponsors an incentive to convert buildings into condominiums rather than cooperatives. That is because a sponsor can hold unsold condominiums for as long as he likes. This has no effect on whether owners of the other condominiums can deduct their interest and taxes.

But a cooperative is different. Three years after a building goes cooperative, the sponsor usually has to distribute the unsold units to his investors, or risk jeopardizing the tax deductions of people who bought cooperative apartments. This is a burden because no investor wants to find himself suddenly having to manage individual units.

Hence, the tax laws favor condominium conversion. I submit that the laws should be neutral between condominiums and cooperatives.

Also, a temporary grace period encourages sponsors in New York to evict renters from buildings that have gone cooperative. New York law distinguishes between eviction and noneviction plans. An eviction plan gives the sponsor the right to evict tenants who refuse to buy their apartments. However, an eviction plan cannot be implemented unless the sponsor is able within 18 months to persuade at least 35 percent of the tenants who are protected by local rent control laws to purchase their units.

Under a noneviction plan, the sponsor has no right to evict tenants. He simply has a right to the tenants' apartments when the apartments are vacated. The law requires at least 15 percent of the units to be sold to rent-stabilized tenants before a noneviction plan can be implemented. A sponsor chooses either an eviction or a noneviction plan when he files registration materials with the State attorney general.

A sponsor who uses a noneviction plan can be left holding proprietary leases to apartments for decades. This would not matter much if it were not for Federal tax law. But as I have already said, any apartment that a corporate sponsor still has 3 years after a building went cooperative must be distributed to the investors. This is a burden. Hence, there is an incentive for sponsors to use eviction plans and to throw out elderly tenants. I do not think that is a practice we should encourage.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Paragraph (6) of subsection (b) of section 216 of the Internal Revenue Code (relating to deductions for tenant-stockholders in cooperative housing corporations) is amended by placing a period after the term "tenant-stockholder" in subparagraph (A) and by deleting the phrase "for a period not to exceed three years from the date of the acquisition of such stock.".

(b) This amendment shall apply in tax years beginning after the date of enactment.

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code (defining cooperative housing corporation) is amended by deleting "80 percent" and inserting in lieu thereof "50 percent".

(b) Subparagraph (A) of section 216(b)(6) of such Code (relating to the definition of tenant-stockholder) is amended by placing a period after the term "tenant-stockholder" and by deleting the phrase "for a period not to exceed three years from the date of the acquisition of such stock.".

(c) These amendments shall apply in tax years beginning after the date of enactment.●

By Mr. THURMOND (by request):

S. 1765. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

OMNIBUS IMMIGRATION CONTROL ACT

Mr. THURMOND. Mr. President, today, at the request of the administration, I am introducing legislation entitled the Omnibus Immigration Control Act.

The Reagan administration should be commended for its initiative in sending forward such comprehensive legislation in an area that certainly needs congressional action. Mr. President, almost every day our citizens read in a newspaper or see on television a story about immigration and refugee problems either worldwide or here in America. In fiscal year 1981, during the previous administration approximately 217,000 refugees were authorized to enter the United States. It is estimated that more than 160,000 of that number have already reached our shores.

In addition to refugee admissions, the United States admitted 650,000 immigrants lawfully under provisions of the Immigration and Nationality Act during fiscal year 1981. The estimate of the number of illegal aliens presently in this country ranges from 3 to 6 million. As the Attorney General of the United States has stated "we have lost control of our borders."

The social and economic impact of the presence of these high numbers of both legal and illegal immigrants and thousands of refugees is growing each day.

Areas of south Florida, for example, are being required to absorb and care for thousands of Cubans who came during the Mariel boat lift, as well as thousands of Hatians who have been coming in a steady stream for the past few years. It is now beyond the ability of State and local governments to deal with this situation. Something must be done.

Mr. President, it is indeed with a sense of urgency that we must respond to this growing problem. At the same time, however, we must take into account the impact new legislation will have on the flow of refugees to America, as well as the impact on our society. We should allow foreign nationals into our Nation, but on terms that are consistent both with a global humanitarian interest and the best interests of the American people.

Mr. President, as chairman of the Committee on the Judiciary, I can assure the Senate that the committee is prepared to act on immigration and refugee legislation in this Congress. Under the leadership of Senator SIMPSON, chairman of the Subcommittee on Immigration and Refugee Policy, this legislation will undergo careful scrutiny. Senator SIMPSON has already done yeoman work in this area and I want to commend him for his continued leadership in pressing for a sound legislative response to immigration and refugee problems.

There are proposals in the package submitted by the administration that have my full support. There are others, however, on which I intend to reserve judgment until the committee has had the opportunity to study them closely, as well as consider other alternatives. But I believe the proposal I am introducing today can serve as a vehicle for achieving legislative reforms in this Congress.

Mr. President, I ask unanimous consent that the Executive communication to the Vice President from the Attorney General of the United States and the bill with the accompanying materials on the Omnibus Immigration Control Act be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Immigration Control Act."

TITLE I—TEMPORARY RESIDENT STATUS FOR ILLEGAL ALIENS

SEC. 101. (a) Notwithstanding any other provision of law, the Attorney General in his discretion and under such regulations as he may prescribe, may accord temporary resident status to any alien who:

(1) entered the United States prior to January 1, 1980, and has continuously resided in the United States since that time;

(2) is admissible to the United States except for the grounds of exclusion specified in paragraphs (14), (20), (21), and (23). If excludability thereunder is based solely on a single conviction for possession without intent to distribute narcotics drugs or marihuana, (25), and (32) of section 212(a) of the Immigration and Nationality Act;

(3) has not assisted in the persecution of any person or persons on account of race religion, nationality, membership in a particular social group, or political opinion;

(4) if the alien, entered the United States as a nonimmigrant, has not maintained a lawful nonimmigrant status since January 1, 1980; and

(5) if the alien was at any time a nonimmigrant exchange alien as defined in section 101(a)(15)(J) of the Immigration and Nationality Act, was not subject to the two-year foreign residence requirement of section 212(e) of the Act, or has fulfilled that requirement, or has received a waiver thereof.

(b)(1) To be eligible for benefits under subsection (a) of this section, an alien must register with the Immigration and Naturalization Service within 12 months of the date established by the Attorneey General as the beginning of registration under this section.

(2) An alien under temporary resident status under this section must register with the Immigration and Naturalization Service every three years thereafter, under such regulations as the Attorney General may prescribe, as long as the alien remains under temporary resident status.

(c) If at any time after the alien is granted temporary resident status under this section, it shall appear to the Attorney General that the alien was in fact not eligible for that status, or that the alien is deportable under section 241 of the Immigration and Nationality Act (8 U.S.C. 1251), the Attorney General may rescind such temporary resident status, under such regulations as he may prescribe, and the person shall be subject to all provisions of this Act to the same extent as if the status had not been granted.

(d) The spouse and children of an alien granted temporary resident status under this section shall not receive any status or preferred treatment under the Immigration and Nationality Act by reason of the family relationship with the temporary resident alien. However, this subsection shall not prevent a spouse or child who independently meets the qualifications of subsections (a) and (b) of this section from obtaining temporary resident status.

(e) An alien who is granted temporary resident status under this section shall not be eligible for refugee assistance under the Immigration and Nationality Act, except as specifically set forth in subsection (f) of this title.

(f) An alien who is granted temporary resident status under this section shall not be eligible for any benefits under any of the following provisions of law:

(1) Food Stamp Act of 1964, as amended (7 U.S.C. 2011 et seq.);

(2) Financial assistance made available pursuant to the United States Housing Act of 1937, section 235 or 236 or National Housing Act or section 101 of the Housing and Urban Development Act;

(3) Aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (5) of this subsection);

(4) Medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a State plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (5) of this subsection; and

(5)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted temporary resident status."

(2) Section 1614(a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted temporary resident status."

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provided that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provided that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and

(C) by adding at the end of that subsection the following new paragraph:

"(13) provided that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provided that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

(44) provided that in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted temporary resident status.

SEC. 102. (a) Notwithstanding any other provision of law, the Attorney General in his discretion and under such regulations as he may prescribe, may adjust the status of any alien accorded temporary resident status under section (a) of this Title to that of an alien lawfully admitted for permanent residence, if the alien:

(1) has completed 10 years of continuous residence in the United States from time of entry;

(2) can demonstrate an understanding of the English language, including an ability to read, write, speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise eligible for adjustment; *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and

(3) remains eligible to receive an immigrant visa and otherwise admissible a specified in section (a) of this Title.

SEC. 103. The requirement of continuous residence shall be defined by regulations to be issued by the Attorney General.

SEC. 104. The numerical limitations of section 201 of the Immigration and Nationality Act shall be inapplicable to grants of lawful permanent residence under section 102 of this Title.

TITLE II—THE UNLAWFUL EMPLOYMENT OF ALIENS ACT OF 1981

SEC. 201. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

(d)(1) It shall be unlawful for an employer knowingly to hire an alien for employment in the United States, unless at the time of employment the alien has been lawfully admitted for permanent residence or is an alien who has been authorized to be employed by the Attorney General: *Provided*, That this provision shall not apply to an employer who establishes that he or she did not employ four or more persons, at the time of violation.

(2) If an alien has been employed in violation of this subsection, the employer shall be subject to a civil penalty of $500 per alien employed without authorization upon determination of a first violation. Upon determination of a subsequent violation, the employer shall pay the sum of $1,000 per alien employed without authorization. Payment shall be made to the district director of the Immigration and Naturalization Service in the district where the violation occurred. In the discretion of the Attorney General, payment may be recovered by civil suit in a United States district court in the name of the United States from any employer made liable under this subsection. The Attorney General shall establish by regulation a procedure for implementing this subsection.

(3) Whenever the Attorney General has reasonable cause to believe that an employer has engaged in a pattern or practice of employment in violation of this subsection, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint setting forth facts pertaining to such pattern or practice and requesting such relief, including an application for a permanent or temporary injunction, restraining order, or other order against the employer as the Attorney General deems necessary. For purposes of this paragraph the term "district court" shall include a United States magistrate.

(4) For the purposes of this section, an employer shall be presumed to have knowingly employed an alien who is not authorized for employment in the United States if the employer does not request and obtain evidence that the individual is authorized for employment as set forth in (d)(5) below: *Provided*, That the foregoing shall not prevent the Government from establishing knowing employment by any other means.

(5) The Attorney General shall establish by regulation a form by which every employer as described in subsection (d)(1) above, and every prospective employee of such employer, shall attest that the prospective employee is a United States citizen, a national of the United States, or has the status of an alien lawfully admitted for permanent residence, or has been authorized for employment by the Attorney General, and that the employer has examined such documents as may, by regulation, be prescribed by the Attorney General relating to such citizenship, permanent resident status, or employment authorization. Such forms shall be retained by the employer and shall be available for inspection by officers of the Immigration and Naturalization Service, for the duration of the employee's employment, and for one year following the termination of the employment.

(6)(1) Section 6(f) of the Farm Labor Contractor Registration Act of 1963, as amended, is hereby repealed.

(2) Section 5(b)(6) of the Farm Labor Contractor Registration Act of 1963, as amended, is revised to read as follows:

(6) has been found to have knowingly employed an alien not lawfully admitted for permanent residence or not authorized for permanent residence or not authorized by the Attorney General to accept employment in violation of section 274 of the Immigration and Nationality Act.

(2) by inserting after new subsection (d) the following new subsection:

(e) The provisions of this section are intended to preempt any state or local laws imposing civil or criminal sanctions upon those who employ aliens not authorized to work in the United States.

(3) the title of section 274 of such Act is amended to read as follows: "BRINGING IN, HARBORING, AND EMPLOYING CERTAIN ALIENS."

(4) the designation of section 274 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows: "Section 274. Bringing in, harboring, and employing certain aliens."

SEC. 202. Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows: "275 ENTRY OF ALIEN AT IMPROPER TIME OR PLACE: MISREPRESENTATION AND CONCEALMENT OF FACTS: MISREPRESENTATION OF EMPLOYMENT STATUS."

(a) Any alien who (1) enters the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than $500, or both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or both.

(b) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of any document presented to establish United States citizenship, lawful permanent resident status or employment authorization granted by the Attorney General, as required by subsection 274(d)(5) of the Act or regulations issued thereunder; or any person who with unlawful intent presents or uses such documents, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(c) Any alien who does not have the status of an alien lawfully admitted for permanent residence, or who has not been authorized to be employed by the Attorney General, who willfully and knowingly possesses and presents any document relating to another person for the purpose of obtaining employment in the United States, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(b) the designation of section 275 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows:

SEC. 275. Entry of alien at improper time or place; misrepresentation and concealment of facts; misrepresentation of employment status.

SEC. 203. The provisions of this Title shall become effective upon the date of enactment.

SEC. 204. This Title shall be known as the Unlawful Employment of Aliens Act of 1981.

TITLE I'I—CUBAN/HAITIAN TEMPORARY RESIDENT STATUS ACT OF 1981

SEC. 301. (a) Except as provided in subsection (c) of this section, the following aliens shall be granted Cuban/Haitian temporary resident status beginning 60 days after enactment of this Act and may remain in the United States under such conditions as the Attorney General may deem appropriate:

(1) Nationals of Cuba who arrived in the United States and presented themselves for inspection after April 20, 1980, and before January 1, 1981; and who are still physically present in the United States;

(2) Nationals of Haiti who on December 31, 1980, were the subjects of exclusion proceedings under section 236 of the Immigration and Nationality Act, including those who on that date were under orders of exclusion and deportation which had not yet been executed;

(3) Nationals of Haiti who on December 31, 1980, were the subjects of deportation proceedings under section 242 of the Immigra-

tion and Nationality Act, including those who on that date were under orders of deportation which had not yet been executed;

(4) Nationals of Haiti who were paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act or were granted voluntary departure before December 31, 1980, and were physically present in the United States on that date; and

(5) Nationals of Cuba or Haiti who on December 31, 1980, had applications for asylum pending with the Immigration and Naturalization Service.

(b) The Attorney General may in his discretion grant an alien described in subsection (a) of this section authorization to engage in employment in the United States and provide to that alien an "employment authorized" endorsement or other appropriate work permit.

(c) Cuban/Haitian temporary resident status for any alien may be denied or terminated by the Attorney General, in his discretion, pursuant to such regulations as the Attorney General may prescribe, if the Attorney General determines, with or without a hearing, that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) (except paragraph (14), (15), (20), (21), (23), if the alien's inclusion in paragraph (23) is the result of only one conviction for possession without intent to distribute narcotic drugs or marihuana, (25) or (32) of subsection (a)), or if the Attorney General determines that:

(1) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(2) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

(3) the alien is in detention at the time this Title is enacted.

(d) An alien granted Cuban/Haitian temporary resident status under this section shall register with the Immigration and Naturalization Service every three years, under such regulations as the Attorney General may prescribe, for so long as the alien remains in temporary resident status.

(e)(1) An alien under Cuban/Haitian temporary resident status shall not be eligible for benefits under section 501 of the Refugee Education Assistance Act of 1980 (P.L. 96–122).

(2) The spouse and children of an alien granted temporary resident status under this section shall not receive any status or preferred treatment under the Immigration and Nationality Act by reason of the family relationship with the temporary resident alien. However, this subsection shall not prevent a spouse or child who independently meets the qualifications of subsections (a) and (b) of this section from obtaining temporary resident status.

(3) An alien granted Cuban/Haitian temporary resident status shall not be eligible for any benefits under any of the following provisions of law:

(A) Aid to families with dependent children under Title IV, Part A, of the Social Security Act (42 U.S.C. 601 et seq.);

(B) Supplemental security income for the aged, blind, and disabled under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) unless such disability was incurred directly from employment after registration under the provisions of the Act;

(C) Food Stamp Act of 1964, as amended (7 U.S.C. 2011 et seq.);

(D) Financial assistance made available pursuant to the United States Housing Act of 1937, Section 235 or 236 or National Housing Act or section 101 of the Housing and Urban Development Act of 1965; and

(E) Aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (G) of this subsection);

(F) Redesignating paragraph (5) as paragraph (6) and amending it to read: "(6) medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a State plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (G) of this subsection.)";

(G)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted Cuban/Haitian temporary resident status."

(2) Section 1614(a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than an alien granted Cuban/Haitian temporary resident status."

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and

(C) by adding at the end of that subsection the following new paragraph:

"(13) provide that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provide that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

"(44) provide that, in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than an alien granted Cuban/Haitian temporary resident status."

SEC. 302. (a) Any alien (except an alien specified in section 301(a)(3), or an alien specified in section 301(a)(5) who has entered the United States) who is denied Cuban/Haitian temporary resident status for any of the reasons set forth in section 301(c), or whose status is terminated pursuant to the provisions of section 301 shall be detained pending a final determination of admissibility, or pending release on parole, or pending deportation if the alien is found excludable, unless an examining officer finds that the alien is clearly and beyond a doubt entitled to be admitted to the United States. Such detention shall be in any prison or other detention facility or elsewhere, whether maintained by the Federal Government or otherwise, as the Attorney General may direct. The Attorney General may at any time transfer an alien from one place of detention to another. No alien shall be released from detention pending a final determination of admissibility, or pending exclusion or deportation if the alien is found excludable, except in the discretion of the Attorney

General, and under such conditions as the Attorney General may prescribe, including release on bond. No court shall review any decision of the Attorney General made pursuant to this paragraph to detain, to transfer or to release an alien, except that any person so detained may obtain review, in habeas corpus proceedings, on the question of whether that person falls within the category of aliens subject to detention. A determination of admissibility is exempt from the provisions of the Administrative Procedures Act 15 U.S.C. 701(a).

(b) An alien specified in section 301(a)(3), or an alien specified in section 301(a)(5) who has entered the United States, who is denied Cuban/Haitian temporary resident status for any of the reasons set forth in section 301(c), or whose status is terminated pursuant to the provisions of section 301 shall be dealt with in accordance with section 242 of the Immigration and Nationality Act.

SEC. 303. (a) Notwithstanding any numerical limitations in the Immigration and Nationality Act, the Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of a Cuban/Haitian temporary resident to that of an alien lawfully admitted for permanent residence if the alien:

(1) applies for such adjustment,

(2) is not firmly resettled in any foreign country,

(3) has been physically present in the United States for at least five years after the earliest date upon which he came within any category specified in section 2(a)(1)–(5),

(4) can demonstrate an understanding of the English language, *Provided*, that this requirement shall not apply to any person physically unable to comply therewith, if otherwise eligible for adjustment; *Provided further*, that the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases and that no extraordinary or unreasonable conditions shall be imposed upon the applicant; and

(5) is admissible (except as otherwise provided in subsection (b)) as an immigrant under the Immigration and Nationality Act at the time of examination for adjustment of such alien.

(b) The provisions of paragraphs (14), (20), (21), and (32) of section 212(a) of the Immigration and Nationality Act shall not be applicable to an alien seeking adjustment of status under this section, and the Attorney General may waive any other provision of such section (other than paragraph (27), (29), or (33) and other than so much of paragraph (23), except if the alien's inclusion in paragraph (23) is the result of only one conviction for possession without intent to distribute narcotic drugs or marihuana) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

SEC. 304. (a) An alien granted Cuban/Haitian temporary resident status may not apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), and any application for asylum under section 208 or under any other provision of law filed by the alien but not approved before the alien was granted Cuban/Haitian temporary resident status shall be denied.

(b) Subsection (c) of section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) and subsection (b) of section 209 (8 U.S.C. 1159) of that Act shall not be applicable to an alien granted Cuban/Haitian temporary resident status or to the spouse or child of such alien.

SEC. 305. Public Law 89–732 is repealed.

SEC. 306. There are hereby authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 307. This Act may be cited as the Cuban/Haitian Temporary Resident Status Act of 1981.

TITLE IV—THE FAIR AND EXPEDITIOUS APPEAL, ASYLUM AND EXCLUSION ACT OF 1981

SEC. 401. Section 106(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended to read as follows: "A petition for review may be filed not later than 30 days from the date of the final deportation order or from the effective date of this section, whichever is the later."

SEC. 402(a). Section 279 of the Immigration and Nationality Act (8 U.S.C. 1329) is designated as section 279(a).

(b) Section 279 of the Act is hereby amended by adding after subsection (a) the following new subsection (b) to read as follows:

"(b) An action for judicial review of any administrative action arising under this Act, or regulations issued pursuant to this Act, other than a final order of deportation as provided in section 106(a) of the Act, may not be filed later than 30 days from the date of the final administrative actions or from the effective date of this section, whichever is the later."

SEC. 403. Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended to read as follows:

"SEC. 208(a)(1). An application for asylum may be made by any alien physically present in the United States or at a land border or port of entry. An alien may be granted asylum by an asylum officer under paragraph (2) of this subsection, if (A) the asylum officer determines that the alien is a refugee within the meaning of section 101(a)(42)(A); (B) the alien is not firmly resettled in any foreign country; (C) the alien is not inadmissible under the provisions of paragraphs (27), (29), or (33) of section 212(a), or so much of paragraph 23 of section 212(a) as relates to trafficking; (D) the alien has not been convicted by final judgment of a particularly serious crime and does not constitute a danger to the community; and (E) there are no serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States.

(2) Eligibility for asylum shall be determined by an asylum officer, who shall serve at the direction of the Commissioner, and shall perform such other duties as the Commissioner may prescribe, except for the investigation or prosecution of any case under sections 235 or 242 of this Act. An alien seeking asylum shall appear before the asylum officer in an informal, nonadversary interview, and may be accompanied by counsel at no expense and no delay to the government. Counsel may advise the alien during the interview but shall not otherwise participate in the interview. The asylum officer may administer oaths and call witnesses, and request information on an application from any government agency, including information classified under Executive Order No. 12065 (50 U.S.C. nt. 401). A record of the proceedings shall be made in accordance with this section, and under such regulations as the Attorney General shall prescribe. The procedures set forth in this section shall be the sole and exclusive procedures for determining asylum. The determination of the asylum officer shall be final and shall not be subject to further administrative appeal or review, except that either the Commissioner or the Attorney General may require that the decision of an asylum officer be certified to him for review.

(3) The burden of proof shall be on the alien to establish that he qualifies for asylum under this section.

(4) No alien who meets the refugee definition set forth in section 101(a)(42)(A), and who meets the requirements of subsections (1) (C), (D), and (E) of this section shall be returned to the country or place where he would face persecution, as determined by the asylum officer.

(5) An alien against whom proceedings are instituted under section 236 or 242 of this Act, who has not previously made a claim for asylum, must make any application for asylum to the asylum officer under this section within 14 days of the service of the notice instituting such proceedings. An alien who does not make such a timely claim shall not be allowed to initiate an asylum claim absent a clear showing of changed circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(6) An asylum officer may not reopen a proceeding under this section except upon a clear showing of changed circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is (A) no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or in the case of an alien having no nationality, in the country in which the alien last habitually resided; or (B) the alien was not a refugee within the meaning of section 101(a)(42)(A) at the time he was granted asylum; or (C) the alien is no longer eligible for asylum on any of the grounds set forth in (a)(1) above.

(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

(d) Notwithstanding any other provision of law, a denial of an application for asylum and the procedures established to adjudicate asylum claims under this section shall be subject to judicial review only in a proceeding challenging the validity of an exclusion or deportation order as provided for in section 106(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1105a, and shall not be subject to review under 5 U.S.C. 702. The denial of an application for asylum may be set aside, or the cause remanded for further proceedings, only upon a showing that such denial was arbitrary and capricious, or as otherwise not in accordance with law.

SEC. 404. Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

"Sec. 235(b) Provided that an 'Immigration Emergency' has not been declared an immigration officer shall inspect each alien who is required to have documentation seeking entry to the United States and shall make a determination on each alien's admissibility. (1) The decision of the immigration officer on admissibility of an alien shall be final, and not subject to further agency review or to judicial review, if the immigration officer determines an alien to be an alien crewman, a stoaway under section 273(d) of this Act, or an alien who does not present documentary evidence of U.S. citizenship, or lawful admission for permanent residence, or a visa or other entry document, or a certificate of identity issued under section 360 (b) to support a claim of admissibility. (2) Any alien not excluded under paragraph one of this subsection who does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to admission shall be detained for further inquiry by a special inquiry officer under section 236."

SEC. 405. Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended to read as follows:

"SEC. 237(a)(1) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be im-

mediately deported, in accommodations of the same class in which he arrived, unless the Attorney General, in an individual case in his discretion, concludes that immediate deportation is not practicable or proper. Deportation shall be to the country in which the alien boarded the vessel or aircraft in foreign territory. If such boarding occurred in territory contiguous to the United States or in any island adjacent thereto or adjacent to the United States and the alien is not a native, citizen, or subject or national of, or does not have residence in, such foreign contiguous territory or adjacent island, the deportation shall instead be to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island. The cost of the maintenance, including detention expenses incident to detention of any such alien while he is being detained, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (A) the alien was in possession of a valid, unexpired immigrant visa, or (B) the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States, or an unexpired reentry permit issued to him, and (i) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, examined and admitted by the Service, or (ii) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessels or aircraft establishes to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (C) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

(2) If the government of the country designated in subsection (a)(1) will not accept the alien into its territory, the alien's deportation shall be directed by the Attorney General, in his discretion and without necessarily giving any priority or preference because of their order as herein set forth, to—

(A) the country of which the alien is a subject, citizen, or national;

(B) the country in which he was born;

(C) the country in which he has a residence; or

(D) any country which is willing to accept the alien into its territory, if deportation to any of the foregoing countries is impracticable, inadvisable or impossible.

(b) It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (1) to refuse to receive any alien (other than an alien crewman) ordered deported under this section back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests; (2) to fail to detain any alien (other than an alien crewman) on board any such vessel or at the airport of arrival of the aircraft when required by this Act or if so ordered by an immigration officer, or to fail or refuse to deliver him for medical or other inspection, or for further medical or other inspection, as and when so ordered by such officer; (3) to refuse or fail to remove him from the United States to the country to which his exclusion and deportation has been directed; (4) to fail to pay the cost of his maintenance while being detained as required by this section or section 233 of this title; (5) to take any fee, deposit, or consideration on a contingent basis to be kept or returned in case the alien is landed or excluded; or (6) knowingly to bring to the United States any alien (other than an alien crewman) excluded or arrested and deported under any provision of law until such alien may be lawfully entitled to reapply for admission to the United States. If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft has violated any of the provisions of this section or of section 233 of this title, such master, commanding officer, purser, person in charge, agent, owner, or consignee shall pay to the district director of customs of the district in which the port of arrival is situated or in which any vessel or aircraft of the line may be found, the sum of $500 for each violation. No such vessel or aircraft shall have clearance from any port of the United States while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded; except that clearance may be granted prior to the determination of such question upon the deposit with the district director of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

(c) An alien shall be deported on a vessel or an aircraft owned by the same person who owns the vessel or aircraft on which such alien arrived in the United States, unless it is impracticable to so deport the alien within a reasonable time. The transportation expenses of the alien's deportation shall be borne by the owner or owners of the vessel or aircraft on which the alien arrived. If the deportation is effected on a vessel or aircraft not owned by such owner or owners, the transportation expenses of the alien's deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignees of the vessel or aircraft on which the alien arrived.

(d) The Attorney General, under such conditions as are by regulations prescribed, may stay the deportation of any alien deportable under this section, if in his judgment the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against any provision of this Act or other laws of the United States. The cost of maintenance of any person so detained resulting from a stay of deportation under this subsection and a witness fee in the sum of $1 per day for each day such person is so detained may be paid from the appropriation for the enforcement of this title. Such alien may be released under bond in the penalty of not less than $500 with security approved by the Attorney General on condition that such alien shall be produced when required as a witness and for deportation, and on such other conditions as the Attorney General may prescribe.

(e) Upon the certificate of an examining medical officer to the effect that an alien ordered to be excluded and deported under this section is helpless from sickness or mental and physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by the alien ordered excluded and deported, such accompanying alien may also be excluded and deported, and the master, commanding officer, agent owner, or consignee of the vessel or aircraft in which such alien and accompanying alien arrived in the United States shall be required to return the accompanying alien in the same manner as other aliens denied admission and ordered deported under this section."

SEC. 406. Section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)) is hereby repealed.

TITLE V—THE IMMIGRANT VISAS FOR CANADA AND MEXICO

SEC. 501. (a) Section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)) is amended to read as follows:

"(a)(1) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, aliens who are admitted or granted asylum under section 207 or 208, and aliens described in paragraph (2) of this subsection, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of sixty-one thousand and shall not in any fiscal year exceed two hundred thirty thousand.

"(2) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in section 201(b), and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens chargeable (as provided in section 202(b)) to any single foreign state contiguous to the United States who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence shall not in any of the first three quarters of any fiscal year exceed a total of eleven thousand and shall not in any fiscal year exceed a total of forty thousand: Provided, however, that, if in any fiscal year, the number of aliens chargeable to either contiguous foreign state who are issued immigrant visas and otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than forty thousand, in the next following fiscal year the number of aliens from the other contiguous foreign state who may be issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States shall be increased by an amount equal to the difference between forty thousand and such number. In such a case, the limitation prescribed for such foreign state for each of the first three quarters of such fiscal year shall be increased by an appropriate proportional amount."

(b) Section 202(a) (8 U.S.C. 1152(a)) is amended to read as follows:

"(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), 201(b), and section 203: Provided, that the total number of immigrant visas made available to natives of any single foreign state (other than a foreign state contiguous to the United States) under paragraphs (1) through (7) of section 203(a) shall not exceed 20,000 in any fiscal year."

TITLE VI—THE TEMPORARY MEXICAN WORKERS ACT

SEC. 601(a) During each of two consecutive twelve month periods beginning on the first day of the seventh month following enactment of this section, there are authorized to be admitted to the United States as nonimmigrants not more than fifty thousand aliens who—

(1) are nationals of Mexico;

(2) have a residence in Mexico which they have no intention of abandoning;

(3) are seeking to enter the United States temporarily to perform services or labor as specified in subsection (b) of this section;

(4) are in possession of a nonimmigrant visa issued by a consular officer as provided in subsection (c) of this section; and

(5) are otherwise admissible under the Immigration and Nationality Act, as amended, to the United States as nonimmigrants.

(b)(1) Prior to the beginning of each twelve-month period specified in subsection (a) of this section, the Governor of each of the states of the United States wishing to participate in the program established in this section, shall, (A) using a format which may be prescribed by the Secretary of Labor, establish a list of industries, following the Standard Industrial Classification Code, and/or a list of occupations, following the Dictionary of Occupational Titles, containing the industries and/or occupations having an adequate supply of qualified workers within such State; and (B) estimate how many aliens described in subsection (a) of this section might be admitted to the United States for employment in other occupations in such state without adversely affecting labor conditions therein.

(2) Upon receipt of the determinations made by states pursuant to subsection (b)(1)(B) of this section, the Secretary of Labor shall consider any request above 50,000 to be equal to 50,000, and shall allocate to each state the amount of its request, up 925 (1/54 of 50,000). If there is an unallocated remainder of the 50,000, and if there are states with requests in excess of 925, the remainder will be allocated among those states as follows: Each such state will be allocated a share of the remainder in the same proportion that its unfilled request bears to the total of such unfilled requests. The Secretary shall there upon promptly inform the Secretary of State and the Commissioner of Immigration and Naturalization of such estimates or of the total assigned to each state

(2) Any person in the United States intending to employ an alien described in subsection (a) of this section may apply to the Governor of the state, or his designee, in which the alien will be employed, in such form as the Secretary of Labor may prescribe, and submit a statement identifying the occupation in which employment is to be offered to the alien, using the Dictionary of Occupational Titles, and certifying that the employer will comply with all Federal, State and local laws regarding such employment. Upon receipt of such application, the Governor, or his designee, shall approve such application and endorse it appropriately, if (1) the occupation in which the alien is to be employed is not included on the list prepared pursuant to subsection (b)(1)(A) for such state; and (2) if the number of such applications approved for such state in the same twelve-month period has not reached the number established for such state pursuant to subsection (b)(2).

(4) Upon approval and endorsement of an application, the Governor, or his designee, shall transmit the endorsed application to the consular office, designated by the employer as the office at which the alien will apply for a visa.

(5) Nothing in this section shall be construed to authorize or require the Secretary of Labor or the Governor of any state to paticipate in the recruitment of workers.

(c) After receipt of the application as provided in subsection (b)(4) of this section, the consular officer may, upon application therefor by an alien designated by the employer, issue a nonimmigrant visa to the alien, provided the alien is otherwise eligible therefor as provided in subsection (a) of this section. Such visa shall be in the form prescribed by the Secretary of State for nonimmigrant visas generally, shall bear the visa symbol "M" and shall be valid for no more than one year from the date of issuance of such visa, and for multiple applications for admission.

(d) When an alien in possession of a visa issued pursuant to subsection (c) applies for admission to the United States, the Attorney General shall, if he finds that the alien is admissible to the United States, admit the alien for a period of no more than 365 days.

(e) An alien admitted pursuant to subsection (d) of this section may be granted permission to change employment, upon application by the employer for whom the alien desires to work, provided that (1) such employment is in a state participating in the program established by this section; and (2) such employment is not in an occupation listed pursuant to subsection (b)(1)(A) for such state. An employer desiring and intending to employ such an alien may apply to the Governor of the State, or his designee on the form prescribed pursuant to subsection (b)(1) of this section. If the Governor, or his designee determines that such employment is not in an occupation listed pursuant to subsection (b)(1)(A) of this section for the State, he may approve such application and return it to the employer. Actual employment of the alien by the new employer prior to such approval shall constitute employment in violation of the provisions of 5(f). The employer shall thereupon furnish the approved application to the alien who shall apply to the District Office of the Immigration and Naturalization Service having jurisdiction over the place of proposed employment, for annotation of the alien's entry record to reflect the change of employment and for extension of his authorized period of admission, if necessary.

(f) An alien admitted pursuant to the provisions of this section who thereafter is employed in violation of the provisions of this section, who remains longer than authorized under this section, or otherwise violates the terms and conditions of his admission shall not thereafter be eligible for admission pursuant to this section.

(g) an alien who is the spouse or child of an alien admitted pursuant to this section shall not be admissible to the United States on the basis of such relationship.

(h) No alien admitted pursuant to this section shall be eligible to receive any of the following benefits—

(1) food stamps under the Food Stamp Act of 1964, as amended (7 U.S.C. 2011, et seq.); or

(2) benefits under any State or Federal unemployment compensation program based on any services performed or any wages earned while present in the United States after such admission; *Provided*, That no employer of such an alien shall be exempt from taxation on the wages paid to such alien under any state unemployment compensation law or under chapter 23 of the Internal Revenue Code of 1954 because of such alien's status as an alien, the admission of such alien pursuant to this section, or the temporary nature of such admission.

(3) Financial assistance made available pursuant to the United States Housing Act of 1937, Section 235 or 236 or National Housing Act or Section 101 of the Housing and Urban Development Act of 1965; and

(4) aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (other than on the basis of a disability described in paragraph (6) of this subsection); and

(5) medical assistance under title XIX of the Social Security Act (other than in the case of an individual receiving aid under a state plan approved under title XIV or XVI of the Social Security Act, or supplemental security income benefits under title XVI of that Act, on the basis of a disability described in paragraph (6) of this subsection;

(6)(1) Section 402(a)(33) of the Social Security Act is amended by striking out the period at the end thereof and inserting instead "other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(2) Section 1614 (a)(1)(B) of such Act is amended by striking out the period at the end thereof and inserting instead "other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(3) Section (2)(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (12),

(B) by striking out the period at the end of paragraph (13) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of old-age assistance, or an individual whose needs are taken into account in making the determination under paragraph (10)(A), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203 (a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(4) Section 1002(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (13),

(B) by striking out the period at the end of paragraph (14) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(14) provide that, in order for any individual to be a recipient of aid to the blind, or an individual whose needs are taken into account in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203 (a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(5) Section 1402(a) of such Act is amended—

(A) by striking out "and" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12) and inserting instead "; and", and

(C) by adding at the end of that subsection the following new paragraph:

(13) provide that, in order for any individual to be a recipient of aid to the permanently and totally disabled, or an individual whose needs are taken into acocunt in making the determination under paragraph (8), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a

result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(6) Section 1602(a) of such Act (as in effect in Puerto Rico, Guam, and the Virgin Islands) is amended—

(A) by striking out "and" at the end of paragraph (16),

(B) by striking out the period at the end of paragraph (17) and inserting instead "; and", and

(C) by adding at the end of such subsection the following new paragraph:

"(18) provide that, in order for any individual to be a recipient of aid to the aged, blind, or disabled, or an individual whose needs are taken into account in making the determination under paragraph (14), such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program."

(7) Section 1902(a) of such Act is amended—

(A) by striking out the period at the end of paragraph (43) and inserting "; and", and

(B) by adding at the end thereof the following new paragraph:

(44) provide that, in order for any individual to be eligible for medical assistance, such individual must be either (A) a citizen, or (B) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 207(c) of the Immigration and Nationality Act (or of section 203(a)(7) of such Act prior to April 1, 1980), or as a result of the application of the provisions of section 208 or 212(d)(5) of such Act), other than a nonimmigrant admitted for a period of no more than 365 days in order to participate in an experimental work program.

(i)(1) Notwithstanding the provisions of the Immigration and Nationality Act, as amended, no alien admitted as a nonimmigrant pursuant to the provisions of this section shall be granted adjustment of status pursuant to section 245 thereof to that of an alien lawfully admitted for permanent residence, change of nonimmigrant classification pursuant to section 248 thereof, or suspension of deportation pursuant to section 244 thereof.

(2) Except as otherwise provided in this section, the provisions of the Immigration and Nationality Act, as amended, shall apply in the administration and enforcement of the provisions of this section.

(j) Not later than ninety days following the end of each twelve-month period specified in subsection (a) of this section, the Governor of each state, or his designee, which has participated in the program established by this section during such twelve-month period shall submit to the Secretary of Labor a detailed report of the operation of the program in such state. The report shall contain such information as the Secretary of Labor may prescribe, including, but not limited to, the number of workers employed under this program in the state, the occupations and industries in which such workers were employed, the locations within the state at which such workers were employed, and the wages and working conditions of such employment.

TITLE VII—THE IMMIGRATION EMERGENCY ACT

SEC. 701. Chapter 4 of Title II of the Immigration and Nationality Act is amended by inserting at the end thereof the following new sections (8 U.S.C. 1230A through 1230E):

SEC. 240A. Declaration of Immigration Emergency.

(a) The President may declare an immigration emergency with respect to any specifically designated foreign country or countries or geographical area or areas, if the President, in his judgment, determines that:

(1) a substantial number of aliens who lack documents authorizing entry to the United States appear to be ready to embark or have already embarked for the United States, and the aliens will travel from, or are likely to travel in transit through, the foreign country or countries or the foreign geographical area or areas; and

(2) the normal procedures of the Immigration and Nationality Act or the current resources of the Immigration and Naturalization Service would be inadequate to respond effectively to the influx of these aliens.

(b) Within 48 hours of the declaration of any immigration emergency, the President shall inform the Speaker of the House and the President pro-tempore of the Senate for the reasons prompting the declaration. The President shall cause the declaration to be published in the Federal Register as soon as practicable. The declaration shall expire automatically 120 days after its proclamation, unless ended sooner by the President. The President may extend the declaration for additional periods of 120 days by following the procedures set forth in this subsection, if, in his judgment, the conditions listed in subsection (a) continue to exist.

Sec. 240B. Emergency Powers and Procedures.

(a) Upon the declaration of an immigration emergency under Section 240A, the President may invoke the following emergency powers and procedures:

(1) Any or all United States vessels, vehicles and aircraft, and any other vessel, vehicle or aircraft which is owned or operated by, chartered to, or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, bound directly or indirectly for a designated foreign country or foreign geographical area may be precluded from departing from the United States or may be intercepted while en route and required to return to the United States if feasible, or to any other reasonable location until such time as it is feasible to return to the United States, or, if appropriate, allowed to proceed to any other reasonable location.

(2) The arrival in the United States of any aliens or class of aliens who lack documents authorizing entry to the United States or who are otherwise inadmissible and who are traveling directly or indirectly from or in transit through a designated foreign country or foreign geographical area may be prevented by returning or requiring the return of such alien or any vessel, vehicle, or aircraft carrying any such alien to the designated country or area, or to some other reasonable location.

(3)(i) The exclusion or admission to the United States of any alien, regardless of nationality, who is traveling or has traveled to the United States directly or indirectly from or through the designated foreign country or foreign geographical area and who is not in possession of a visa or other entry document required for admission to the United States by statute or regulation may be determined under procedures established by the Attorney General (whether by regulation or otherwise), and no such alien shall be presented for inquiry before a special inquiry officer unless such presentation is authorized by the Attorney General pursuant to regulation.

(ii) Notwithstanding section 208, or any other provision of law, the Attorney General may establish by regulation or otherwise a separate procedure to consider an asylum claim advanced by an alien whose admissibility is to be determined in accordance with this paragraph.

(iii) Any alien found inadmissible to the United States pursuant to the procedures established by the Attorney General under this paragraph shall be deported to the country from whence he came. If the Attorney General determines that the alien should not or cannot practicably be removed to the country from whence the alien came, the Attorney General may deport the alien to any country described in section 243(a), without regard to the designation of the alien or the order of countries set forth in section 243(a).

(iv) Any alien admitted to the United States under this paragraph shall be admitted for such time and under such conditions as may be prescribed by the Attorney General, including the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe to insure compliance with the terms and conditions of the alien's admission.

(v) No court shall have jurisdiction to review the determination of admissibility or nonadmissibility, or the determination of any asylum claim with respect to any alien who is subject to this paragraph.

(4) Every alien who is subject to the provisions of this section shall be detained pending release on parole, or pending deportation if the alien is found excludable, unless an examining officer finds that the alien is clearly and beyond a doubt entitled to be admitted to the United States. Such detention shall be in any prison or other detention facility or elsewhere, whether maintained by the Federal Government or otherwise, as the Attorney General may direct. The Attorney General may at any time transfer an alien from one place of detention to another. No alien shall be released from detention pending a final determination of admissibility, or pending deportation if the alien is found excludable, except in the discretion of the Attorney General, and under such conditions as the Attorney General may prescribe, including release on bond. Any alien applying for admission for foreign contiguous territory may, in the discretion of the Attorney General, be required to remain outside of the United States pending a final determination of admissibility. No court shall review any decision of the Attorney General made pursuant to this paragraph to detain, to transfer or to release an alien, except that any person so detained may obtain review, in habeas corpus proceedings, on the question of whether that person falls within the category of aliens subject to detention. Nothing in this paragraph shall relieve a carrier or any other person of any liability, duty or consequence pertaining to the detention of aliens which may arise under any other provision of the Act or other law.

(5)(i) The President may exempt any source of any department, agency, or instrumentality in the executive branch from applicable environmental requirements pursuant to section 1323(a) of title 33 and sections 300j-6(b), 4903, 6961, and 7418(b) of title 42 of the United States Code.

(ii) Upon a Presidential finding, trans-

mitted to Congress, that an exemption is necessary to respond to an immigration emergency, the President may exempt any source or action of any department, agency, or instrumentality in the executive branch which is directly and substantially related to an immigration emergency from applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4331 et seq., the Coastal Zone Management Act, 46 U.S.C. 1451 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., The Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., the Historic Preservation Act, 16 U.S.C. 470 et seq., and from the applicable requirements of any other Federal, state or local law which is intended principally to protect or preserve the environment, wildlife, or aspects of the history or heritage of the United States.

(iii) Except with respect to matters concerning the detention of aliens, an exemption under this paragraph shall lapse upon termination of an immigration emergency. In no event shall any exemption under this paragraph last more than one year. An exemption with respect to matters concerning the detention of aliens shall last until terminated by the President, or the expiration of one year, whichever occurs first. During the time period in which an exemption applies the President may, in his discretion, require that a source nonetheless meet certain environmental standards without thereby creating a private right of action to enforce that requirement.

(b)(1) During the existence of the immigration emergency, the President may order the closing or sealing of any harbor, port, airport, road or any other place, structure or location which may be used as a point of departure from the United States to a designated foreign country or foreign geographical area, if, in the President's judgment, such action is necessary to prevent the arrival in the United States of aliens who are inadmissible and who are traveling from or in transit through a designated country or area.

(2) No person shall cause any vessel, or aircraft to depart from or beyond or enter into a closed or sealed harbor, port, airport, road, place, structure or location during an immigration emergency, unless written permission has been obtained for such departure prior to the actual departure of the vessel, or aircraft.

(3) Permission for departure from or beyond or entry into a closed or sealed harbor, port, airport, road, or any other place, structure or location shall be given only for those vessels, vehicles, aircraft which are clearly shown not to be destined for a designated foreign country or foreign geographical area. The agency designated by the President under subsection (c) of this section shall prescribe the procedures to be followed in requesting departure permission. In the absence of such procedures, permission may be sought from any agency directly involved in the closing or sealing of the harbor, port, airport, road, or other place, structure or location. A final decision shall be made on any request for departure permission within 72 hours of the request, unless the person seeking such permission consents to a longer period. If no action is taken on the request within the requisite period, the request for departure permission shall be deemed denied.

(4) The district courts of the United States shall have jurisdiction to review any final decision denying permission to depart under paragraph (3) of this subsection, except that review may be obtained prior to a final administrative decision with respect to any vessel, vehicle or aircraft if irreparable injury would occur before a final administrative decision could be obtained.

(c) Although the President may not delegate the authority to initiate those emergency powers of this section which expressly require Presidential invocation, the President may designate one or more agencies of the Federal Government to administer the provisions of sections 240B through 240D. In the course of enforcement of these provisions, the designated agency may promulgate regulations and may request assistance from any state or local agency or from any civilian Federal agency. The President may direct that any component of the Department of Defense, including the Army, Navy, and Air Force, provide assistance, any statute, rule or regulation to the contrary notwithstanding. Any such agency or military component may assist in the actual detention, removal and transportation of an alien to the country to which he is being deported.

(d) Notwithstanding any other provision of law, any agency or military component requested or directed to render assistance or services during an immigration emergency is authorized to stop, board, make arrest of persons, inspect and seize any vessel, vehicle or aircraft which is subject to the provisions of sections 240B through 240D.

(e) In providing assistance under sections 240B through 240D, agencies shall have the same authority as for disaster relief under 42 U.S.C. 5149.

(f) The provisions of paragraphs (3) and (4) of subsection (a) of this section shall continue to govern any aliens subject to those provisions, regardless of the termination of the immigration emergency.

(g) The President may direct the enforcement of subsection (a) of this section beyond the territorial limits of the United States including on the high seas.

(h) Nothing in this section shall relieve any carrier or any other person of any civil or criminal liability, duty, or consequence that may arise from the transportation or the bringing of any alien to the United States.

Sec. 240C. Travel Restrictions and Licensing.

(a) Upon the declaration of an immigration emergency under section 240A, it shall be unlawful for any person to cause any United States vessel, vehicle or aircraft, or any other vessel, vehicle or aircraft which is owned by, chartered to or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, to travel or be transported to a designated foreign country or foreign geographical area or to within such distance therefrom as the President may specify, unless prior approval has been obtained from an agency designated by the President.

(b) The designated agency may, for authorized purposes, grant prior approval for travel to or around a designated foreign country or geographical area by regulation for certain classes or categories of vessels, vehicles and aircraft. The owner or operator of any vessel, vehicle, or aircraft not authorized by regulation to travel to or around a designated country or area may apply to the designated agency for a license granting permission for one or more trips to that country or area. The designated agency shall establish by regulation the proceedures governing the application for and the approval and revocation of such licenses. The designated agency may authorize officials of any other United States agency to accept and transmit applications for licenses to the designated agency or to grant or deny such licenses under standards established by the designated agency.

(c) No travel to or within such distance as the President may specify from a designated foreign country or area shall be approved if it appears that such travel may result in or contribute to a violation of any statute or regulation relating to the immigration of aliens to the United States.

(d) Nothing in this section shall be construed to require the agency designated by the President to approve the travel of any vessel, vehicle or aircraft to a designated country or area or within the specified distance therefrom.

Sec. 240D. Penalties.

(a)(1) Any vessel, vehicle or aircraft involved in a violation of section 240B(b)(2) or section 240C(a) shall be forfeited and the owner, operator, and any person causing such vessel, vehicle or aircraft to be involved in the violation shall be subject to a civil fine of $10,000 for each separate act in violation of those sections. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(2) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect to such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(3) Whenever a conveyance is forfeited under this section the Attorney General may:

(i) retain the conveyance for official use;

(ii) sell the conveyance, in which case proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs, with the remaining proceeds, if any, turned over to the United States Treasury;

(iii) require that the General Services Administraton, or the Federal Maritime Commission if appropriate under 40 U.S.C. 484(1), take custody of the conveyance and remove it for disposition in accordance with law; or

(iv) dispose of the conveyance in accordance with the terms and conditions of any petition or remission or mitigation of forfeiture granted by the Attorney General.

(4) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: Provided, that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court.

(b) Any person who knowingly engages or attempts to engage in any conduct prohibited by the terms of section 240B(b)(2) or section 240C(a) shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $50,000 or by imprisonment for a term not exceeding five years, or both, for each separate prohibited act. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(c) Any alien who willfully violates a condition of his admission under section 240B shall be guilty of a misdemeanor and upon

conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(d) The requirements and sanctions imposed by this section shall be in addition to those set forth by other provisions of law.

(e) Violations of any provisions of the Immigration and Nationality Act committed during the immigration emergency may be investigated by the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Coast Guard, or any component of the Department of Treasury. Assistance in investigating or enforcing this section may be provided by any Federal, with the approval of the Attorney General, state or local agency including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

Sec. 240E. Definitions.

As used in chapters 240A through 240D:

(1) The term "vessel" means any ship, boat, barge, submarine, raft, or other craft or structure capable of being used as a means of transportation on, under or immediately above the water.

(2) The term "vehicle" means any automobile, motorcycle, bus, truck, cart, train, or other device or structure capable of being used as a means of transportation on land.

(3) The term "aircraft" means any airplane, helicopter, glide, balloon, blimp, or other craft or structure capable of being used as a means of transportation in the air.

(4) The term "United States vessel, vehicle or aircraft" include any vessel, vehicle, or aircraft documented, registered, licensed, or numbered under the laws of the United States or any political subdivision thereof.

(5) The term "agency" includes any executive department and component thereof, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency."

SEC. 702. Subsection (b) of section 273 of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by substituting the figure "$3,000" for the figure of "$1,000" in the first sentence thereof, by deleting the last sentence of that subsection, and by adding the following at the end thereof: "Such sums shall be a lien upon the vessel or aircraft involved in a violation of the provisions of subsection (a) of this section, and such vessel or aircraft may be "libeled therefore in the appropriate United States court. In addition, pending the determination of liability to the payment of such sums or while such sums remain unpaid, said vessel or aircraft may be denied clearance, or summarily seized, or both, unless a deposit is made of an amount sufficient to cover such sums or of a bond with sufficient surety to secure the payment thereof satisfactory to the Attorney General."

SEC. 703. Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended to read as follows:

"SEC. 235(b). Provided that an "immigration emergency" has not been declared, an immigration officer shall inspect each alien, who is required to have documentation seeking entry to the United States and shall make a determination on each alien's admissibility. (1) The decision of the immigration officer on admissibility of an alien shall be final, and not subject to further agency review or to judicial review, if the immigration officer determines an alien to be an alien crewman, a stowaway under section 273(d) of this Act, or an alien who does not present documentary evidence of United States citizenship, or lawful admission for permanent residence, or a visa or other entry document, or a certificate of identity issued under section 360(b) to support a claim of admissibility. (2) Any alien not excluded under paragraph 1 of this subsection who does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to admission shall be detained for further inquiry by a special inquiry officer under section 236."

SEC. 704. There are authorized to be appropriated to the President specifically to fund expenses incurred in carrying out the purposes of sections 240A through 240E of the Immigration and Nationality Act an amount not to exceed $35 million. Amounts appropriated under this section are authorized to remain available until expended.

TITLE VIII—THE UNAUTHORIZED ENTRY AND TRANSPORTATION ACT

SEC. 801. Section 274 of the Immigration and Nationality Act is amended to read as follows:

BRINGING IN AND HARBORING CERTAIN ALIENS

(a) Any person who—knowing or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, any alien, regardless of any official action which may later be taken with respect to such alien,

(1) shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved, be guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of $2,500, the imposition of which shall not be suspended by the court, and, in the court's discretion, may be punished by an additional fine of not more than an amount equal to $2,500 for each such alien in respect to whom any violation of this paragraph occurs, or by imprisonment for a term not exceeding one year, or both; or

(2)(A) for a second offense under this section;

(B) for an offense done for the purpose of commercial advantage or private financial gain;

(C) for an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration official; or

(D) for an offense during which either the offender or the alien with the knowledge of the offender, makes any false or misleading statement, or engages in any act or conduct intended to mislead any officer, agent, or employee of the United States, shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this paragraph occurs.

(b) Any person who—(1) knowing or having reason to know that the person is an alien, brings to or attempts to bring to the United States in any manner whatsoever, any such person at a place other than a designated port of entry or place other than as designated by the Commissioner of the Immigration and Naturalization Service regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(2) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move any such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(3) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, any such alien in any place, including any building or any means of transportation; or

(4) knowing or having reason to know that a person is an alien, willfully encourages or induces or attempts to encourage or induce, either directly or indirectly, the entry without prior official authorization, into the United States of any such alien—

shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: *Provided*, however, that for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

(c)(1) any conveyance, including any vessel, vehicle, or aircraft, which has been, is being, or is intended to be used, in the commission of a violation of subsections (a) or (b) shall be seized and subject to forfeiture except that—

(A) no conveyance used by any person as a common carrier shall be forfeited under the provisions of this section if the offense occurs when the conveyance is being used in the business as a common carrier unless the owner, operator, or other person in charge of the conveyance at the time of the offense was a consenting party or privy to the illegal act; and

(B) no conveyance shall be forfeited under the provisions of this section if the offense occurred while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

(2) Any conveyance subject to seizure under this section may be seized without a warrant if there is probable cause to believe the conveyance has been, is being, or is intended to be used in a violation of subsection (a) or (b) and circumstances exist where a warrant is not constitutionally required.

(3) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(4) Whenever a conveyance is forfeited under this section the Attorney General may—

(A) retain the conveyance for official use;

(B) sell the conveyance, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs;

(C) require that the General Services Administration, or the Federal Maritime Commission if appropriate under 40 U.S.C. 484 (i), take custody of the conveyance and remove it for disposition in accordance with law; or

(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.

(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause shall be first shown for the institution

of such suit or action, to be judged of by the court. In determining whether probable cause exists, any of the following shall be prima facie evidence, of the presumption that an alien involved in the alleged violation had not received prior official authorization to come to, enter or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law;

(B) Official records of the Immigration and Naturalization Service or State Department showing that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law; and

(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law.

(6) Any officer or employee of the Service designated by the Attorney General, either individually or as a member of a class, and all other Federal officers and officers of a state or political subdivision thereof whose duty it is to enforce criminal laws shall have authority to make any arrest for a violation of any provision of this section.

TITLE IX—THE LABOR CERTIFICATION ACT

SEC. 901. Notwithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is hereby amended to read as follows:

"(a)(34) Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that at the time of application (A) there are not sufficient workers available in the United States in the occupations in which the aliens will be employed and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations, the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States, except that the Secretary of Labor may waive this requirement in the case of an alien of exceptional ability. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(7). Notwithstanding any other provision of law, decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by the appropriate United States district court, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner;".

TITLE X—THE EMERGENCY INTERDICTION ACT

SEC. 1001. Subsection (f) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182(f)) is amended to read as follows:

(f)(1) In order to prevent the illegal migration of aliens to the United States, the President is authorized to conclude arrangements with other countries for the purpose of preventing such illegal migration. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country, on such terms and conditions as he may determine, for the control of the immigration of persons from such country to the United States.

(f)(2) Notwithstanding any provision of law, the President may direct the Coast Guard or any other federal agency including the Army, Navy and Air Force, to stop and examine, on the high seas, vessels of the United States, vessels subject to United States jurisdiction, or foreign flag vessels for which the United States Government has an arrangement authorizing such action. Upon boarding, the Coast Guard or other federal agency may make inquiries of those on board, examine documents, and take such actions as are necessary to establish the registry, condition, and destination of the vessel and the status of those on board the vessel. When these measures indicate that an offense against United States immigration laws, or an offense under the laws of a foreign country with which the United States has an agreement to assist is being committed, the Coast Guard or other federal agency may return the vessel and passengers to the country from whence they came or to some other location. An alien who qualifies as a refugee under the terms of the United Nations Convention and Protocol Relating to the Status of Refugees may not be returned to a country where such person's life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.

(f)(3) Notwithstanding any other provision of law, the Attorney General is authorized to establish by regulation, procedures to determine the admissibility of those aliens who have not landed in the United States.

(f)(4) Nothing contained in this section shall be construed as limiting the President in any way from exercising his Constitutional powers.

(f)(5) For purposes of this section the terms "vessel of the United States" and "vessel subject to the jurisdiction of the United States" shall have the same meaning as set forth in 21 U.S.C. 955b.

SECTION-BY-SECTION ANALYSIS

TITLE I: TEMPORARY RESIDENT STATUS FOR ILLEGAL ALIENS

Title I permits immediate legalization of illegal aliens who entered the United States prior to January 1, 1980, and have had a continuous residence in the United States since that time, by providing a "temporary resident status" for such aliens. The proposal provides for adjustment to status to that of a lawful permanent resident for these aliens after they have completed ten years of continuous residence.

Section 101 of the proposal authorizes the Attorney General, in his discretion, to grant "temporary resident status" to any alien who entered the U.S. prior to January 1, 1980, and has continuously resided in the U.S. since that time, if the alien is otherwise admissible to the U.S., with certain exclusion provisions waived. To be eligible for adjustment under this section, the alien must register with the INS within 12 months after the Attorney General announces that registration has begun. An alien granted temporary resident status must register with the Immigration and Naturalization Service every three years. The Attorney General is authorized to set additional registration requirements in his discretion. An alien granted temporary resident status may not bring his spouse or children to the U.S. and is ineligible for benefits under Aid to Families with Dependent Children, Supplemental Security Income, the National Housing Act, Medicaid, and food stamps programs, but may be authorized to work by the Attorney General.

Section 102 provides that an alien who is granted temporary resident status may have his status adjusted to that of lawful permanent resident, once he completes 10 years of continuous residence in the U.S., if he remains otherwise admissible and has a minimal English language ability.

Section 103 The Attorney General shall define the requirement of continuous residence.

Section 104 makes the numerical provisions of the INA inapplicable to adjustments under this title.

TITLE II: UNLAWFUL EMPLOYMENT OF ALIENS ACT OF 1981

General purpose. The purpose of Title II is to restrict employment opportunities for aliens not entitled to employment in the United States, thereby significantly reducing the major cause of illegal immigration into the United States. The bill would impose penalties on employers who hire aliens who are not lawful permanent residents, or who are not authorized employment by the Attorney General. An employer who hires an alien in violation of this bill would be subject to a $500 fine for each alien so hired, for the first violation, and a $1,000 fine per violation for each subsequent violation. If an employer engages in a pattern or practice of violation, an injunction may be obtained. Coverage of this bill is limited to employers employing four or more persons. The bill additionally provides substantial penalties for persons who counterfeit documents used to establish employment authorization, and for persons who use documents relating to another person.

I. Section 201(1). This subsection includes a provision exempting certain employers from coverage by this bill. An employer who can establish that he did not employ four or more persons, at the time the unauthorized alien was hired is not subject to the penalties and fines incorporated in this bill. This procedure requires an employer to come forward with evidence that he is not a "four-or-more-person employer" once it is established by the government that he has employed an alien who does not have employment authorization, or who is not a lawful permanent resident. This approach is considered necessary to establish that the employer meets the numerical limitations of the bill's coverage. Employers should be easily able to establish the employment history of their business from business records such as tax returns, FICA statements, and other means, which will show the employment level at the time of and prior to the violation. The evidence will be provided from ordinary business records, which will not impose additional record-keeping burdens on employers.

II. Section 201(2). This subsection provides for a $500 fine for the first violation, and a $1,000 fine for each subsequent violation, for each alien employed in violation of this section. It is anticipated that a district director of the Service would issue a notice

of intent to fine, similar to that issued presently in fine cases under section 273 of the Act. The employer would be allowed to respond in writing if the fine was not contested, or to request a hearing before an immigration judge if the fine was contested. In the latter case, an evidentiary hearing would be conducted as prescribed by regulations issued by the Attorney General, with the employer represented by counsel if he so chooses. Any fine levied would be payable to the district director of the Service district where the violation occurred. Payment could be enforced by civil suit brought in a United States district court. While the employment of illegal aliens is not a crime, the fine that will be imposed upon employers who violate this provision is designed to defray the cost to the Government of detecting violators

III. Section 201(3). This provision is aimed at the employer who is a persistent employer of illegal aliens, who engages in a "pattern or practice" of such employment. The term "pattern or practice" has been used in other federal statutes such as the Civil Rights Act of 1964 (42 U.S.C. 2000e-6) and the Fair Housing Act of 1968 (42 U.S.C. 3613). Hiring practices prior to the effective date will be considered in establishing whether a "pattern or practice" exists. The Government will be required to show more than accidental, isolated or sporadic hirings of aliens not authorized employment. Upon determination by the district court that a "pattern or practice" exists, the employer may be enjoined from this activity.

IV. Section 201(4). This provision establishes a presumption of "knowing" employment where the employer does not request and obtain documentation that the alien is authorized employment in the United States. This provision will place on an employer a duty to inquire into the employment status of all persons who apply for employment.

V. Section 201(5). This subsection directs the Attorney General to establish regulations implementing a standard employment form used to determine a job applicant's employment status. This form will list the documents to be presented to establish the applicant's status, such as an alien registration receipt card, birth certificates or passports. The employer and the applicant will sign the form. An employer would be obligated to retain the forms for inspection by an immigration officer for the duration of the person's employment, and for one year following the termination of employment.

VI. Section 201(6). Under section 5(b)(6) of the Farm Labor Contractor Registration Act (FLCRA), the Secretary of Labor could refuse to issue a certificate of registration to any farm labor contractor who has employed an illegal alien. Section 6F of FLCRA provides that a farm labor contractor is subject to civil and criminal penalties if the contractor employs an illegal alien.

VII. Section 201(2)e. This provision preempts any state or local laws which may be enacted to penalize employers who employ aliens without employment authorization.

VIII. Section 202. A new section 275(b) of the Act is added to provide for criminal penalties for persons who fraudulently duplicate or copy documents used to establish citizenship, permanent resident status or employment authorization granted by the Attorney General. Persons who present or use such fraudulent documents are subject to the same penalties, which consist of a fine up to $5,000 or five years imprisonment, or both.

IX. Section 202(c). This new subsection penalizes aliens who are not authorized employment in the United States who present documents of another person who is authorized employment or who is a citizen of the United States. This penalty should deter the fraudulent use of valid documents. A $5,000 fine or five years imprisonment, or both, may be imposed upon conviction.

X. Section 203. Date of enactment of this Title.

XI. Section 204. The title of this Title will be the Unlawful Employment of Aliens Act of 1981.

TITLE III: CUBAN/HAITIAN TEMPORARY RESIDENT STATUS ACT OF 1981

Section 301 of the bill grants "Cuban/Haitian Temporary Resident" status to Cubans who were paroled into the United States between April 20, 1980, and January 1, 1981, or who had applications for asylum pending with the Immigration and Naturalization Service on December 31, 1980, and to Haitians who were (1) subjects of exclusion or deportation proceedings on December 31, 1980, or (2) were paroled into the United States before December 31, 1980, or (3) who had applications for asylum pending on December 31, 1980. Cuban/Haitian temporary resident status would be granted beginning 60 days after enactment of this Act. The Attorney General would be authorized to deny Cuban/Haitian temporary resident status to, or terminate the status of, any alien who is excludable under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182), with certain exceptions. It allows the Attorney General to deny temporary resident status to detainees. This section would also permit the Attorney General to authorize Cuban/Haitian temporary resident to engage in employment in the United States. Subsection (d) provides that, notwithstanding that this section gives legal status to these aliens, the penalty provisions of section 273 and section 274 of the Immigration and Nationality Act would still apply to the boat captains who brought them in.

The section provides that aliens granted Cuban/Haitian temporary resident status must register with the Attorney General every three years and makes them ineligible for any government benefits including benefits under the Refugee Assistance Act of 1980.

Section 302 provides for detention of aliens denied Cuban/Haitian temporary resident status until a final determination of admissibility is made, or pending determination, so that an alien may be detained for an indeterminate period. The section limits judicial review of such detention to habeas corpus proceedings on the question of whether that person falls within the category of aliens subject to exclusion. Persons eligible for deportation proceedings would be processed under section 242, as presently. The provisions of the Administrative Procedures Act will not apply to determinations of admissibility.

Section 303 authorizes the Attorney General to adjust the status of a Cuban/Haitian temporary resident to that of an alien lawfully admitted for permanent residence after the alien has maintained temporary resident status for five years. The Cuban/Haitian temporary resident may be denied adjustment if he is firmly resettled in another country or inadmissible under the Immigration and Nationality Act (8 U.S.C. 1182). The Attorney General is authorized to waive grounds for exclusion (with the exception of the provisions regarding national security, association with the Nazi government or trafficking in narcotics) for humanitarian purposes, to assure family unity, or when it otherwise would be in the public interest. These adjustments would not count against the numerical limitations of the Immigration and Nationality Act.

Section 304 terminates asylum proceedings for all temporary residents who have not been granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) as of the date they are granted Cuban/Haitian temporary resident status. Those aliens granted asylum prior to the enactment of this Act will retain their status and will also be granted Cuban/Haitian temporary resident status if eligible under this Act. For purposes of adjustment of status and family reunification, such aliens will be treated as Cuban/Haitian temporary residents.

Section 305 repeals the Cuban Refugee Adjustment Act, P.L. 89-732. Under P.L. 89-732, the Cubans would otherwise be eligible for adjustment once they complete a year of physical presence.

Section 306 authorizes appropriations to carry out the provisions of this Act.

Section 307. The title of the Act.

TITLE IV: THE FAIR AND EXPEDITIOUS APPEAL, ASYLUM, AND EXCLUSION ACT OF 1981

This title addresses three major aspects of the immigration law: exclusion, appeals, and asylum. The changes made in exsting laws, plus additional provisions should provide for a speedier and more efficient resolution of admissibility, appeals, and asylum claims. The appeal provisions shorten the time period allowed for appeal from orders of deportation, and for the first time establish a 30-day appeal period for other administrative decisions. The exclusion provisions limit the categories of aliens who may request an exclusion hearing before an immigration judge. For example, persons who attempt to enter the United States without any valid documentation, or alien crewmen or stowaways will have their admissibility determined by an immigration inspector. An excluded alien may be returned to the country where he boarded the aircraft or vessel or to any other country or place designated in the amended section 237. Under the present provisions, the government is often unable to exclude and deport an alien, as deportation may only be to the country "whence the alien came". The asylum provisions establish an "asylum officer" who will adjudicate all such claims in a nonadversarial setting. Limits are imposed on the time during which an application may be made, and the conditions for reopening the application. The asylum provisions are made consistent with the refugee provisions of section 207 in regard to eligibility. Finally, review of asylum applications is limited: there is no administrative review except through certification, and judicial review is provided for only in the context of the review of a final order of deportation or exclusion.

Section 106a of the Immigration and Nationality Act, 8 U.S.C. 1105a is amended to shorten the time period within which a deportation order may be appealed from six months, to 30 days. Under the current provision, many deportable aliens postpone their appeal for five months or more, and then submit a frivolous appeal. The filing of the appeal serves as an automatic stay. With the present backlog in the courts of appeal, the net result is to award a deportable alien extra time in the United States. Shortening the appeal period to 30 days will speed up the deportation process, and will not adversely affect an alien's legitimate defense of a deportation order.

Section 279 of the Act, 8 U.S.C. 1329, is amended to provide for a 30 day appeal period to contest an administrative action arising under the immigration statutes or regulations. Under the present provision, which specifies no appeal limit, deportable aliens have been able to frustrate the deportation process by filing suit contesting administrative actions, such as denial of student reinstatement, after the deportation process has been completed, and after they

have received final orders of deportation. The proposed 30 day appeal period will be consistent with the proposed section 106a.

Section 208(a)(1) incorporates the present provision that any alien physically present in the United States may apply for asylum, regardless of his means of entry, or the legality of his status. This subsection additionally specifics that an asylum officer will determine eligibility for asylum, and bars certain categories of aliens from receiving a grant of asylum. Persons firmly resettled in a foreign country will not be eligible for asylum. Aliens inadmissible under paragraphs (27), (29), or (33), and so much of paragraph (23) as relates to trafficking in narcotics, of section 212(a) will not be eligible for asylum. The addition of these two bars to eligibility will result in an asylum provision which is consistent with the refugee provisions of section 207 of the Act, 8 U.S.C. 1157. It should also do away with the present somewhat anomalous situation where aliens may be granted asylum, without regard to these provisions, but then are rendered ineligible for adjustment of status to permanent residence under section 209(b) of the Act. This subsection also bars a grant of asylum to an alien who has been convicted of a particularly serious crime and constitutes a danger to the community, as well as an alien for whom there is serious reason to believe that he has committed a serious nonpolitical crime outside the United States prior to arrival. These bars are consistent with the UN Convention Relating to the Status of Refugees, and are presently incorporated in section 243(h) of the Act, which is repealed. The United States is not obligated to grant refugee status to persons committing acts of this type.

Subsection 208(a)(2) provides for an "asylum officer" to adjudicate asylum claims. This officer would serve at the direction of the Commissioner of the Service, and would be specifically trained to adjudicate asylum claims in a nonadversarial setting. The present system allows an alien to make successive applications to the district director and to an immigration judge, leading to a time-consuming process. The asylum officer would preside as a hearing officer, and would interview witnesses and consider evidence submitted by the applicant, as well as information provided at the asylum officer's request by other agencies, such as the Department of State. Counsel's participation would be limited to advising the applicant, and not otherwise presenting evidence, or acting as an advocate. The asylum officer's determination would be administratively final, except in instances where the Attorney General or Commissioner determined that certification of the application was appropriate. In such cases, the asylum officer's determination to either grant or deny asylum could be reversed.

Subsection 208(a)(3) places the burden of proof on the applicant. No such provision exists in the present asylum statute. This provision codifies the administrative interpretations of the Board of Immigration Appeals, and is consistent with the UN Convention Relating to the Status of Refugees.

Subsection 208(a)(4) bars the deportation of an alien to a country or place where he will suffer persecution, thus incorporating the major provision of the present section 243(h) of the Act. This section satisfies the standards of Article 33 of the UN Convention Relating to the Status of Refugees, by preventing the "refoulement" of refugees to a country or place of persecution.

Subsection 208(a)(5) provides that an alien brought into asylum or deportation proceedings, who has not previously made a claim to asylum, must apply for asylum within 14 days of the notice instituting the proceedings. If a timely claim is not made, the applicant must make a clear showing of changed circumstances in the country of alleged persecution.

Subsection 208(a)(6) prohibits reopening of asylum or deportation proceedings before the asylum officer except upon a clear showing of changed circumstances in the country of alleged persecution. This provision enables flexibility in cases where the alien originally lacked sufficient evidence of persecution, but where conditions in the country may have since changed.

Subsection 208(b) provides for termination of asylum status if circumstances change in the country of persecution to such an extent that the applicant need no longer fear persecution upon return. This subsection also adds a provision allowing termination of asylum status if the alien was not a refugee at the time he was granted asylum. This is a parallel provision to section 207 of the Act. Additionally, it allows for termination if it is determined that the alien is no longer eligible for asylum for any of the reasons which initially bar a grant of asylum. These provisions are presently incorporated in the asylum regulations, but have no statutory basis, except by analogy to section 243(h).

Subsection 208(c) incorporates the present provisions of section 108(c) of the Act, which accord derivative asylum status to the spouses or child of the person granted asylum.

Subsection 208(d) provides that judicial review of an asylum claim is reviewable in the context of judicial review of an order of exclusion or deportation as provided in section 106(a) of the Act, 8 U.S.C. 1105a, and that a claim is not reviewable under the Administrative Procedure Act. The standard for review is that the denial of the asylum application was arbitrary or capricious, or otherwise not in accordance with law. This provision will allow review of the great majority of asylum claims made by aliens who are placed in deportation or exclusion proceedings, but will not provide for judicial review of asylum claims by persons who maintain a lawful status in the United States. This provision does not address the use of petitions for writs of habeas corpus which will probably continue to provide an additional means of review for all aliens taken into custody following a finding of excludability or deportability.

Section 304 amends section 235(b) to provide that any alien who presents himself for inspection by an immigration officer may be summarily excluded from admission by that immigration officer if the alien does not present any documentation to support a claim that he is admissible to the United States.

An alien seeking entry has only those rights which Congress determines should be extended to him. *Knauff* v. *Shaughnessy*, 338 U.S. 537 (1950). Currently, exclusion proceedings are prescribed by section 236 of the Act. That section provides for a hearing before an immigration judge and requires that a complete record of the testimony and evidence be kept. Section 292 of the Act provides right of counsel (at no expense to the Government) for any alien in an exclusion proceeding. Under 8 C.F.R. 236.2, the immigration judge must advise the alien of his right to counsel of his choice and of the availability of free legal services. A decision by the immigration judge that the alien is excludable is appealable to the Attorney General under section 236(b).

The Board of Immigration Appeals was created by the Attorney General administratively to hear such appeals (8 C.F.R. Part 3). Under 8 C.F.R. 236.7, the alien has 13 days after a written decision of exclusion is mailed to file an appeal with the BIA. An appeal from an oral decision of exclusion must be taken immediately after the decision is rendered. On request, the BIA must schedule oral hearings on the appeal. BIA decisions must be issued in writing. Under section 106 (b) of the Act, an alien under a final order of exclusion by the BIA may obtain judicial review only by habeas corpus proceedings.

These procedures are available to any alien, regardless of his claim. This proposal will streamline those proceedings when an alien cannot present any documentation to support a claim of admissibility. Under currently available procedures, those aliens denied entry under this provision who have a claim to admission but who have lost their documents may go to the U.S. consular officer and apply for a special immigrant visa.

Section 405 amends section 237 to eliminate the problems caused by the current law which specifies that an alien orderd *excluded* from the United States may be returned only to the "country whence he came." Decisional law has defined "the country whence he came" as the country where the alien last had a place of abode. When, however, that country does not recognize the alien's right to return, the United States Government has no discretion under the Immigration and Nationality Act to apply to a second country which may be willing to accept the alien as a deportee. In contrast, when an alien illegally in the United States is ordered arrested and deported following an *expulsion* hearing, section 243(a) of the Act (8 U.S.C. 1253(a)) provides that if the country first designated will not accept the alien, application may be made to other countries. This amendment would provide similar options with respect to aliens who have been ordered excluded and deported. It will also eliminate the confusing term "whence he came" and make it clear to which country deportation initially would be sought.

Section 406 repeals section 243(h) in its entirety. As long as this withholding provision exists, each alien will have two means of applying for asylum in the United States. With the incorporation of the new subsection 208(a)(4), which bars deportation to a country or place of persecution, there is no need for withholding of deportation. In practice, the existence of both applications has led to confusion, as immigration judges apparently have the option of granting either asylum or withholding. The reality of the situation is that few if any aliens granted withholding ever leave the United States. It is also incongruous to have a mandatory withholding provision and a discretionary asylum provision.

TITLE V: THE IMMIGRANT VISAS FOR CANADA AND MEXICO ACT

Section 501(a) would amend section 201 (a) of the Act to create separate numerical limitations of 40,000 each on immigration from Canada and Mexico, our two contiguous neighbors. The overall limitation on immigration from the rest of the world would be reduced from 270,000 to 230,000.

Under this proposal qualified immigrants from each of the two countries would compete for immigration only among themselves. The substantive rules for qualification to immigrate would remain unchanged, as would the apportionment of the respective limitations among the various classes of qualified immigrants (preference and nonpreference) set forth in section 203(a) of the Act.

This proposal also contains provisions for increasing the limitation for either Canada or Mexico by an amount equal to the amount, if any, unused by the other country.

If, in a given fiscal year, immigration under the 40,000 limitation from either country fell below the 40,000 maximum, in the next fiscal year the limitation for the other country could be increased by an amount equal to the previous year's shortfall. In no case, however, would the basic 40,000 limitation for either country be reduced.

As a example, in the first year of operation of this proposed system the limitation for each country would be 40,000. If, at the end of the year, immigration from Canada had reached only 25,000, then in the second year the limitation for Canada would again be 40,000, but the limitation for Mexico would be 55,000—the basic 40,000 plus 15,000 (the difference between 40,000 and Canada's previous year usage of 25,000).

This calculation of the limitation would be made each year on the basis of the previous year's level of immigration. In theory, if immigration from both countries fell below 40,000 in any fiscal year, both countries would be entitled to an increase in the next year. It is unlikely, however, that such a situation would occur.

Section 501(b) would make a conforming technical amendment in section 202(a).

TITLE VI: THE TEMPORARY MEXICAN WORKERS ACT

Section 601 would establish a two-year program for the admission of nationals of Mexico for employment in jobs for which there is a shortage of domestic workers. The jobs could be in any field, skilled or unskilled, provided that there was a lack of available labor. Because the program is a pilot project and is intended as a test, it would not only be limited in time to a two-year period, but also be limited in size to 50,000 workers per year.

Under the proposal, the participating states of the United States would determine for each fiscal year the occupations in each state for which there is an adequate supply of workers. Also, each participating state would estimate the number of alien workers for whom employment might be available in other occupations within the state without adverse effect on the labor market in the state. These estimates would be submitted to the Secretary of Labor who would total them. If they amounted to a grand total of 50,000 or less, the Secretary would simply assign as each state's share the number estimated by the state. If the grand total exceeded 50,000, the Secretary would assign as each state's share a proportionate share of the 50,000 total, taking into account the size of the state's total request.

An employer desiring to hire a Mexican worker under this program would apply to the Governor of the state. The Governor would verify that the proposed job is not in an occupation included on the "adequate supply of labor list" for the state in which the job is located and that the number of approvals for that year for that state had not reached the number assigned for that state. After verifying these two items, he would then send the application to the consulate in Mexico at which a worker designated by the employer will apply for an entry visa.

The consul will verify that the worker is generally admissible under the immigration law and, if so, issue a visa. When the worker applies to enter this country he will be admitted for a period of up to twelve months. During the period of employment, the worker would be allowed to travel back to Mexico for short visits and return to his job.

If the worker desired to change jobs after admission, his new employer would apply to the Governor of the state in which the new job is located for permission to do so. The Governor would grant the permission if the new job was not included on the "adequate supply of labor list" for the state in which the job was located (either the same state or another and either the same type of job or a different type). The numerical limit on the number per state would not apply to requests to change employment.

Mexican workers admitted under this program would not be allowed to bring their families with them and would be ineligible to receive a number of social benefits which citizen and permanent resident workers can receive. On the other hand, these Mexican workers would find themselves significantly better off than they now are as workers here without lawful status or a legal right to be employed. First, they would have the legal right to be employed in the jobs they have and would have obtained those jobs through a formal, open procedure. Also, and perhaps even more important, they would be allowed to change jobs legally under a simple procedure. This second feature will do much to eliminate the exploitation which now often takes place.

At the same time, however, the interests of citizen and permanent resident workers are protected by the requirement that the Mexican worker not be employed in jobs for which there is an adequate supply of American workers.

Mexican workers admitted under this program who violate the terms of their admission (for example, by taking a job in a listed occupation or by staying longer than permitted) would not only be subject to the general provisions of the immigration law regarding deportation, but would also be prohibited from future participation in this program. Also, participants in this program would be barred from certain general benefits under the immigration law such as adjustment of status to permanent resident, suspension of deportation and change to another nonimmigrant classification.

TITLE VII: THE IMMIGRATION EMERGENCY ACT

Declaration of the emergency

Section 240A(a) allows the President to declare an immigration emergency if, in his judgment, a substantial number of undocumented aliens are about to embark or have embarked for the United States, and the procedures of the Immigration and Nationality Act or the resources of the Immigration and Naturalization Service would be inadequate to respond to the expected influx. The triggering criteria have been broadly worded to allow the President reasonable flexibility. Clearly, the Secretary of State and the Attorney General would play key roles in advising the President concerning the need for and the consequences of declaring an emergency.

The language pertaining to a "substantial number" of aliens is necessarily inexact. The President could not have expected to have precise estimates of the number of undocumented aliens who may be about to travel to the United States. The phrase "substantial number" would clearly permit the declaration of an immigration emergency in response to a situation such as existed before the 1980 Cuban flotilla, in which well over 100,000 aliens came to the United States. It is not, however, intended that declarations of emergencies be limited to situations involving the exceptionally large numbers associated with the 1980 Cuban flotilla. Rather, it is anticipated that an immigration emergency could be declared even if only a few thousand aliens were expected to arrive over the course of several weeks. Consequently, a key factor in assessing the need for invoking these emergency powers is the adequacy of the response that would be made using the normal exclusion and asylum procedures of the Immigration and Nationality Act and the available resources of the Immigration and Naturalization Service. On the other hand, while serious problems exist with respect to daily illegal border crossings, it is not expected that such activity would lead to the declaration of an emergency absent other exceptional circumstances.

Subsection (b) of section 240A provides that within forty-eight hours of the declaration of an immigration emergency the President must inform the President pro tempore of the Senate and the Speaker of the House of his reasons for invoking the emergency provisions. The emergency would end automatically after 120 days, or earlier if ordered by the President, unless extended for an additional 120-day period or periods by the President.

Emergency powers

Section 240B of the bill sets forth the emergency powers and procedures which could be invoked pursuant to a declaration of an emergency. Under subsection (a)(1), the President could restrict or ban the travel of vessels, vehicles, and aircraft to a designated country or area. This would deter such vessels, vehicles, and aircraft from picking up undocumented aliens seeking to enter the United States. This subsection would also authorize the interception of vessels, vehicles, and aircraft traveling to the prohibited country or area and force them to return to the United States, or to other reasonable locations. Intercepted conveyances not likely to violate the travel restrictions could be allowed to proceed freely to other places.

Subsection (a)(1) would have a clear impact on the constitutionally protected right to international travel. In the recent decision of *Haig* v. *Agee*, — U.S. — (June 29, 1981), the Supreme Court noted, however, that "the freedom to travel outside the United States must be distinguished from the right to travel within the United States." Slip op. p. 25. Quoting from *Califano* v. *Aznovorian*, 439 U.S. 170, 176 (1978), the Court stated:

"Aznovorian urges that the freedom of international travel is basically equivalent to the constitutional right to interstate travel, recognized by this Court for over 100 years. But this Court has often pointed out the crucial difference between the freedom to travel internationally and the right of interstate travel.

"The constitutional right of interstate travel is virtually unqualified. By contrast the "right" of international travel has been considered to be no more than an aspect of the "liberty" protected by the Due Process Clause of the Fifth Amendment. As such this "right" the Court has held, can be regulated within the bounds of due process." [Citations omitted.] Slip op. pp. 25–26.

It is clear from the *Agee* decision, that the right to travel outside the United States can be restricted subject to due process limitations.

This emergency legislation provides the requisite due process by establishing a licensing process in section 240C which would allow the Government to approve such travel where adequate safeguards exist to insure that the Government's interests are protected. The provision is tailored to address the perceived harm, namely, the influx into the United States of a large number of visa-less aliens. Furthermore, the restriction does not unnecessarily infringe on the right of travel, because individuals are free to travel to a designated foreign country or geographical area, by foreign common carriers for ex-

ample, as long as no United States owned or controlled conveyances are transported to the designated country or area. *Compare Zemel* v. *Rusk*, 381 U.S. 1 (1969), *with Kent* v. *Dulles*, 357 U.S. 116 (1958).

Subsection (a)(2) of section 240B is intended to permit the interception of vessels on the high seas and to permit the return of any aliens or vessels, or aircraft carrying such aliens to the designated country or to any other suitable country or area. The power to return aliens to the designated country or to any other suitable country or area should be administered with due regard for this nation's international obligations related to refugees and the granting of asylum.

Subsection (a)(3)(i) and (ii) would permit the utilization of procedures designed to expedite the adjudication of exclusion and asylum proceedings. It would not, however, absolve the Government from the responsibility to make admission and asylum determinations, and thus should not amount to an abrogation of our treaty obligations in this area. One of the primary means of expediting exclusion procedures is the elimination of the requirement that an immigration judge conduct hearings.

Since the Attorney General is authorized to set up procedures for making exclusion and asylum determinations, he can set up different procedures for different types of cases. Thus, those undocumented aliens who claim to be United States citizens or to be lawfully admitted aliens may receive different review than that afforded aliens who have no colorable claims for admission into the United States.

Subsection (a)(3)(iii) would authorize returning an alien to a country, other than the country from whence he came, if the Attorney General determines that it would not be practicable or appropriate to return the alien to the country from which he came. Under section 237 of the Act (8 U.S.C. 1227), an excluded alien must be returned to the country from "whence he came." This limitation of the current law does not provide the flexibility needed in times of crisis. Subsection (a)(3)(iii) will provide flexibility by permitting the Attorney General to deport the alien to his native land even if that is not the country "from whence he came," or to any country which is willing to accept the excluded alien. As stated above, in the discussion of section 240B(a)(2), the deportation of aliens should be administered with due regard for this nation's international obligations related to refugees and the granting of asylum.

Subsection (a)(3)(iv) authorizes the Attorney General to prescribe the terms and conditions under which an alien would be admitted to the United States. The posting of a bond with sufficient surety to ensure compliance with the conditions of admission is specifically authorized.

Subsection (a)(3)(v) would eliminate judicial review of exclusion and asylum determinations. For years, aliens who are clearly not entitled to enter the United States have come here and been able to remain indefinitely while their cases proceed through the labyrinth of administrative and judicial proceedings. The aliens have been able to take advantage of court ordered or automatic stays of deportation. It is obviously in the interest of such aliens to take advantage of every procedural and judicial avenue available to them regardless of merits of their cases. By expediting the administrative procedure and eliminating judicial review of the administrative decision, it will be possible to dispose of these cases much more quickly than is possible under current law.

The elimination of judicial review is a significant step and has been taken only after serious consideration. The law is clear, however, that those aliens seeking admission to the United States have only the due process rights which Congress decides to give them. *Knauff* v. *Shaughnessy*, 338 U.S. 537 (1950). Moreover, our treaty obligations with respect to refugee claimants do not mandate any particular procedures which must be followed in resolving claims of persecution.

Subsection (a)(4) of section 240B provides for the detention of every alien, except those who are beyond a doubt entitled to be admitted to the United States, pending a final determination of admissibility, or pending release on parole, or pending deportation if the alien is found excludable. This paragraph makes clear that the Attorney General has complete discretion as to where such aliens will be detained, including federal prisons where appropriate. This paragraph is not intended to grant the Attorney General power to direct other governmental agencies to house detained aliens. The power of the Attorney General to request assistance from such agencies is addressed in subsection (c) of section 240B.

If an alien is found excludable he can be detained until such time as he can be deported. The language of this paragraph is also intended to permit the indefinite detention of the alien if no country is willing to accept him, such as occurred in the Cuban flotilla situation. The Attorney General's decision as to where an alien should be detained is not subject to judicial review; however, an alien can obtain habeas corpus review on the issue of whether he falls within the category of aliens subject to detention.

Subsection (a)(5) of section 240B would exempt actions taken during an immigration emergency from the restraints of the nation's environmental laws. The first paragraph merely references existing Presidential exemption authority under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act and the Noise Control Act. The second paragraph provides the President with additional exemption authority with respect to other major Federal environmental requirements, as well as state and local requirements, but limits that authority in that it must be closely tied to the demands of an immigration emergency. The third paragraph places limits on the time the exemptions can remain in effect but in no event can they last longer than one year.

The Federal Government should be able to comply after a year with environmental requirements such as sewage discharge from a detention facility. If this will not be possible, legislation granting further exemptions can be obtained from Congress.

These environmental exemptions will allow the Government to deal quickly with an emergency without litigants impeding those efforts through court stays and injunctions such as occurred during the 1980 Cuban flotilla when efforts to transfer aliens to Fort Allen, Puerto Rico were blocked by a court injunction. See *Commonwealth of Puerto Rico* v. *Muskie*, 507 F. Supp. 1035 (D.P.R. 1981).

Subsection 240B(b) creates special emergency powers which would allow the President to order the sealing or closing of roads or harbors if necessary to prevent the arrival of the aliens in the United States. The purpose of this provision is to permit authorities to close a harbor or airport before ships or planes can depart for the purpose of picking up aliens and bringing them to the United States. In addition, roads leading to harbors, for example, may be closed in order to prevent people from launching their boats. It is obviously easier for authorities to quarantine harbors and airports and to prevent boats and planes or other conveyances from leaving, than it is to try and intercept such conveyances once they have dispersed or have entered foreign territory.

During the time a harbor, port or road is sealed, it will be left to the designated agency or the agency which is closing the harbor, port or road to determine whether a vessel, vehicle or aircraft will be allowed to depart or to travel on such road. If the facts indicate that the vessel, or aircraft is not bound for the designated foreign country, then permission will be given to proceed. The burden, however, will be on the party seeking permission to depart to show that he in fact is not intending to go to the designated foreign country. A party who is denied permission to depart may seek judicial review of the agency's decision in a United States District Court. Judicial review prior to the exhaustion of administrative remedies can be obtained if a party can show he would suffer irreparable injury should his departure be delayed. Thus, a captain of a ship with perishable cargo will be able to seek immediate judicial review if it appears that awaiting a final administrative decision would by itself result in loss or spoilage of the cargo.

Subsection (b)(3) provides that the agency designated by the President shall set up procedures to be followed in requesting departure permission. The provision recognizes, however, that there may be no procedures established for granting permission to depart. In this situation, the agency which is responsible for the closing of the harbor, airport, or road will make such determinations. However once the designated agency establishes procedures for obtaining departure permission these procedures will have to be followed.

The sealing of harbors, ports or roads, will interfere with the right to travel. As discussed previously, however, the right to travel outside the United States is not absolute and can be restricted where the limitation is tailored to a perceived harm and does not unnecessarily infringe on the right to travel, and where the necessary due process safeguards are provided. *Haig* v. *Agee*, — U.S. — (June 29, 1981), Slip op. pp. 25–26.

Some constraints on domestic travel may also result from the sealing of harbors or airports or the closing of roads. Individuals would, of course, remain free to travel within the United States. However, it is recognized that restricting the movement of conveyances may also at least temporarily restrict the movement of the persons owning or using those conveyances.

The requirement that an administrative decision on departure permission be made within 72 hours recognizes the need not to unduly restrain domestic travel, as well as legitimate international travel. Compelling justifications for some limitations on domestic travel, moreover, exist because of the practical enforcement problems associated with the interdiction of widely dispersed vessels, aircraft in flight, and vehicles that have entered foreign territory, and because of the injury to the United States which would occur if a mass migration of undocumented aliens were to take place.

Subsection (c) of section 240B authorizes the President to designate an agency or agencies which are to be responsible for carrying out the emergency provisions once they have been invoked by the President. In addition, state or local agencies or any civilian Federal agency may be called on for assistance. The President may direct that any component of the Department of Defense provide assist-

ance. By specifically permitting the Army, Navy, and Air Force to enforce these provisions, any problems with the Posse Comitatus Act are eliminated. State and local agencies would be called upon to render aid within the limits of their general competence and would not be asked to make asylum and admissibility determinations.

Subsection (d) grants search and seizure powers to agencies enforcing the provisions of this emergency legislation. The body of law governing the search and seizure powers of the INS and Coast Guard has seen some changes in recent years, and no attempt has been made to define the permissible limits of law enforcement in this respect. The actual exercise of these search and seizure powers would, however, be consistent with prevailing interpretations of the Fourth Amendment.

Under current law, the Coast Guard has broad authority to stop and inspect ships for possible violations of various laws. See 19 U.S.C. 1581(a); 14 U.S.C. 89(a). The courts have upheld against Fourth Amendment challenges the right of the Coast Guard under 14 U.S.C. 89(a) to stop and board United States vessels for administrative documentation and safety checks without a warrant and in the absence of suspicion of criminal activity. *United States* v. *Arra*, 630 F.2d 836 (1st Cir. 1980); *United States* v. *Demanett*, 629 F.2d 862 (3d Cir. 1980) (approving documentation checks); *United States* v. *Hilton*, 619 F.2d 127 (1st Cir. 1980); *United States* v. *Harper*, 617 F.2d 35 (4th Cir. 1980); *United States* v. *Warren*, 578 F.2d 1058, 1064–1065 (5th Cir. 1978) (en banc).

The intrusion justified by such an administrative inspection is limited. The scope of permissible Coast Guard inspection is restricted to those matters reasonably relating to checking documentation and safety. *United States* v. *Arra*, *supra*, at 841 n. 6; *United States* v. *Demanett*, *supra*; *United States* v. *Robbins*, 623 F.2d 418, 420 (5th Cir. 1980). However, where probable cause or reasonable suspicion of criminal activity arises during such an inspection, the inquiry and search may be appropriately expanded. See *United States* v. *Demanett*, *supra*; *United States* v. *Ricardo*, 619 F.2d 1124, 1129 (5th Cir. 1980); *United States* v. *Hilton*, *supra*, 619 F.2d at 131; *United States* v. *Warren*, *supra*, 578 F.2d at 1065. Aside from administrative inspections, brief investigatory interceptions of vessels may be permissible if there is a reasonable suspicion of a criminal violation. See *United States* v. *Williams*, 617 F.2d 1063 at 1078 (5th Cir. 1980).

In *United States* v. *Martinez-Fuerte*, 428 U.S. 543 (1976), the Court upheld the INS procedure of setting up fixed checkpoints away from the border at which cars could be stopped and the occupants questioned as to their citizenship and immigration status. The court held that such stops could occur even if there was no reason to believe the particular automobile contained illegal aliens. While *Martinez-Fuerte* concerned a different type of problem, it indicates that interior vehicle checkpoints could lawfully be established to aid in identifying persons who intend to transport a conveyance from the United States to a designated foreign country or geographical area.

Subsection (e) of 240B provides that agencies will have the same authority as they now have for disaster relief under 42 U.S.C. 5149. Under 42 U.S.C. 5149, a Federal agency in a disaster type situation can, with the consent of a state or local government, utilize the services or facilities of such government. In addition, 42 U.S.C. 5149 authorizes a Federal agency to hire temporary personnel and to purchase, rent, or hire equipment, materials and supplies for such things as shipping, travel and communications and for the administration and supervision of such activities.

Subsection (f) of 240B provides that paragraphs 3 and 4 of subsection (a), which authorize expedited exclusion and asylum proceedings and the detention of aliens, will remain in effect for those aliens who were subject to those provisions, even after the immigration emergency has ended. It is important to note that during an immigration emergency, not every alien attempting to enter the United States will be subjected to expedited proceedings and detention, only those undocumented aliens who are traveling directly or indirectly from the designated foreign country or area will be subject to such proceedings.

Subsection (g) would permit the President to direct enforcement of subsection (a) beyond the territorial limits of the United States. As in the initial decision to declare an immigration emergency, the Attorney General and Secretary of State would have major roles in advising the President concerning the need for and appropriate procedures for handling such enforcement.

There are customary international law limitations which restrict the ability of the United States to interdict foreign flag vessels absent the consent of the foreign flag state. Despite these limitations, the Fifth Circuit has held that 14 U.S.C. 89(a) authorizes the Coast Guard to board foreign flag vessels in international waters when there is reasonable suspicion that the vessel's occupants are engaged in conduct which violates a United States statute having extraterritorial application. *United States* v. *Williams*, 617 F.2d 1063 (5th Cir. 1980). As a matter of our domestic law, this emergency legislation would thus permit the halting of a foreign flag vessel, in the absence of foreign state approval, if there was reasonable suspicion that the vessel was transporting visaless aliens to the United States in violation of our civil or criminal immigration laws. Such action would, however, be inconsistent with international law, and it is not anticipated that the United States would violate those customary rules of international law which restrict the boarding of foreign flag vessels, except in the most compelling of circumstances. The statute, though, is broadly worded to permit the necessary lawful actions to be taken in response to a situation such as the 1980 Cuban flotilla.

Subsection (g) also authorizes, *inter alia*, the making of admissibility and asylum determinations outside the territorial limits of the United States, including on the high seas. Aliens intercepted at sea could receive these determinations on ships and if they are found excludable, they would not be allowed to proceed to the United States.

Subsection (h) makes clear that the fact that an immigration emergency has been declared does not relieve any carrier or other persons from any of the other civil or criminal liabilities, duties or consequences which arise elsewhere from the transportation or the bringing of any alien to the United States.

Travel restrictions and licensing

Section 240C provides for travel restrictions on vessels, vehicles, and aircraft and for licensing procedures. The travel restrictions would apply to all United States vessels, vehicles and aircraft and such other vessels, vehicles, and aircraft which are owned by, leased by or controlled by United States citizens or residents or by United States corporations. This latter phrase prevents a United States citizen from hiring a foreign registered vessel and using that vessel to bring undocumented aliens to the United States. As a result, if an emergency were declared with respect to Cuba, the statute would also require prior approval for a Mexican tour ship to go to Cuba if that ship was owned by a United States corporation, even if the ship could never reasonably be expected to travel to the United States. It is expected, however, that regulations promulgated by the designated agency would provide almost blanket approval for foreign registered vessels and aircraft to travel to designated countries or areas as long as they are not also involved in any travel to the United States. Such blanket approval could help eliminate some of the problems associated with the purported regulation of foreign flag vessels, a problem which occurs repeatedly in the statute. Broad language, however, has been consistently employed in order to reach conduct that must be regulated in order to deal effectively with a flotilla-like situation.

Penalties

Section 240D provides for both civil and criminal penalties for violations of either section 240B(b)(2) or section 240C, and a misdemeanor penalty for aliens violating the terms of admission under section 240B. Subsection (a) provides for a civil fine of up to $10,000 and the forfeiture of any vessel, vehicle or aircraft which is used to violate the travel restrictions imposed in section 240C, or the limitations on departing from a sealed harbor or closed road under section 240B(b). The same forfeiture procedures that are used under the customs laws are adopted for purposes of this provision. A person who knowingly engages in conduct prohibited with respect to travel restrictions or the sealing and closing of harbors and roads is guilty of a criminal offense and is subject to a fine of up to $50,000 and imprisonment for up to five years.

Subsection (e) of section 240D provides that violations of the immigration laws committed during an immigration emergency may be investigated by various Federal agencies. Once one of these agencies commences an investigation of a violation, it may conclude the investigation even though the immigration emergency has ended. This provision also specifies that assistance in investigating or enforcing section 240D may be provided by other Federal agencies including the Army, Navy and Air Force and also from state and local agencies. By specifically including the Army, Navy and Air Force, any problems with the Posse Comitatus Act are eliminated.

Definitions

Section 240E contains definitions which apply to the terms used in sections 240A through 240D.

The section 273(b) amendment

While not an emergency provision, an amendment to section 273(b) of the Act, 8 U.S.C. 1323(b), has been included. It is intended to increase the deterrent effect of that statute by increasing the monetary penalty for unlawfully bringing to the United States aliens without visas, and to provide greater authority for imposing sanctions directly on the vessel. With regard to sanctions on the vessel, the statute at present provides only for denial of clearance. Although denial of clearance is in some circumstances a valuable coercive tool in obtaining collection of the monetary penalty, it is fundamentally inadequate for that purpose in dealing with vessels not requiring clearance, such as non-commercial vessels and commercial vessels not bound for foreign ports. The Cuban flotilla in 1980 was comprised primarily of such vessels. In order to provide adequate flexibility to ensure fine

collection, the proposed amendment thus also makes the penalty a lien on the vessel, in the manner presently provided for similar violations of the immigration laws under 8 U.S.C. 1287 and 1321(a).

The power to seize a vessel involved in a violation of 8 U.S.C. 1323 may already exist under 19 U.S.C. 1581(e). However, the proposed amendment eliminates any doubt on that issue by explicitly authorizing seizure. The existence of clear authority to summarily seize vessels is important for three reasons. First, seizure secures the vessel as an aid to fine collection. Second, seizure may be necessary to prevent multiple trips bringing undocumented aliens by vessel owners or masters who, because of a lack of assets reachable in judicial collection actions, or for other reasons, are undeterred by the monetary penalties provided by the statute. Third, this seizure power will exist regardless of the declaration of an immigration emergency.

It is intended that seizures made under this provision be based on probable cause to believe the vessel or aircraft has been, or is being, used in violation of the section, but such seizures are to be without a warrant unless a warrant is constitutionally required. See 8 U.S.C. 1324(c). This amendment does not, however, affect the government's due process obligation to provide prompt post-seizure hearings to the aggrieved owners. See *Pollgreen* v. *Morris*, 496 F. Supp. 1042 (S.D. Fla. 1980).

The sanctions against the vessel are not available under this amendment if a sufficient deposit or bond is provided to otherwise secure payment of any penalty. The current law is identical in this respect.

Miscellaneous

Finally, the legislation contains a conforming amendment to section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)), and an appropriations provision.

TITLE VIII: THE UNAUTHORIZED ENTRY AND TRANSPORTATION ACT

Subsections (a) and (b) are designed to fill the gap in Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) caused by the December 19, 1980, opinion of the United States District Court for the Southern District of Florida in *United States* v. *Anaya, et al.*, No. 80-231-CR-EPS. In *Anaya* the court held that section 1324(a)(1) does not prohibit the mere bringing of undocumented aliens to this country's borders. In the court's view, this statute is aimed only at preventing surreptitious entries. An alien does not make an entry by arriving at a port so long as he is detained or paroled. The court held that "[t]o accomplish an entry an alien must be present in the United States and be free of official restraint." Slip op. p. 8. Since there were neither actual nor attempted surreptitious entries in the Cuban flotilla cases, the court dismissed the indictments. Consequently, 1324(a) is redrafted in two new subsections, one a misdemeanor and the other a felony, to make it clear that it is the bringing to the United States of an alien who does not have prior authorization to come, as well as the transporting or harboring of an alien who has come here without prior authorization, that is proscribed.

Paragraph (a)(1) makes it a misdemeanor punishable by a mandatory fine of $2,500 and imprisonment for up to one year, or both, for a person to bring to the United States an alien who does not have prior official authorization to come to this country, regardless of whether the alien does or does not make an entry, and regardless of any future action that might be taken with respect to the alien such as the granting of parole. The fine may, in the court's discretion, be increased by any amount up to $2,500 per alien involved in the offense. It is of no consequence under this paragraph that the alien later presents himself to an Immigration and Naturalization Service officer or other authority. Persons who bring to the United States aliens who do not have visas or have not otherwise been previously given official permission to come to, enter, or reside in the United States would be in violation. Attempts to bring such aliens to the United States are also proscribed.

Paragraph (a)(2) provides that bringing an alien who does not have prior authorization to come to, enter, or reside in this country for purposes of financial gain or commercial advantage is a felony. It also provides that bringing such an alien without taking him directly to an INS official, bringing of such an alien by means of fraud, and any second offense under section 1324 are felonies. The punishment is imprisonment for up to five years and a fine of up to $10,000 for each alien involved in the offense.

Paragraph (b)(1) has no counterpart in present section 1324. It prohibits the bringing of an alien to the United States at a place other than a designated port of entry or other place designated by the INS. The provision is meant to preclude such a bringing of an alien to the United States in any manner whatsoever. The intent requirement is that at the time of the bringing or attempted bringing to the United States, the subject know or have reason to believe the person is an alien. The alien's possession of a visa or other entitlement to come to or reside in the United States is irrelevant under this paragraph.

Paragraph (b)(2) proscribes the transporting within the United States of an alien who has come to, entered, or remains illegally in the United States. It closely follows the existing subsection 1324(a)(2), except there is no requirement that the subject know that the alien first came to the United States less than three years prior to the illegal transportation. The transportation must be in furtherance of the violation of law. Thus it would not be a violation of the paragraph to transport an alien who first came to the United States illegally but was subsequently granted asylum or parole. If, however, the subject knows or is in reckless disregard of the fact that the alien has come to or remains in the United States in violation of law and the transportation is for the purpose of furthering the violation, the subject's knowledge of the date of entry should be irrelevant.

Paragraph (b)(3) is simply a restatement of existing section 1324(a)(3). It is rephrased to make clear that the harboring or concealing of an alien who has come to, entered, or remains in the United States in violation of law is prohibited.

Paragraph (b)(4) is simply a restatement of existing section 1324(a)(4) with no substantive change intended.

All violations of subsection (b) are felonies and the punishment extends to a fine of up to $10,000 and imprisonment for up to five years, or both, for each alien in respect to whom any violation of the subsection occurs. The provision that it is a separate felony as to each alien involved, which also applies to violations of paragraph (a)(2), is carried forward from the present section 1324. The courts have specifically upheld indictments charging multiple counts of transportation of aliens and consecutive sentences even though all were transported at the same time and place. See *Vega-Murrillo* v. *United States*, 264 F.2d 240 (9th Cir. 1959); *Jones* v. *United States*, 260 F.2d 89 (9th Cir. 1958).

Subsection (c) narrows the exceptions that exist in present section 1324(b), providing for forfeiture of vehicles, vessels, and aircraft used in the transportation of illegal aliens. The subsection closely follows the provisions of H.R. 8115 (96th Cong.) which was reported favorably by the Judiciary Committee. See Report No. 96-1395.

Present INS forfeiture authority, enacted in 1978, and codified in 8 U.S.C. 1324(b)(1)(A) is too restrictive. For example, this section precludes the forfeiture of any vessel unless the Government can show that the owner, master or person in charge consented to or knew of the illegal use of the vessel. In many situations such knowledge or consent is impossible to demonstrate and is a burden of proof not borne by other Federal law enforcement agencies such as the Customs Service and the Drug Enforcement Administration where proving such knowledge or consent is limited to seizures involving common carriers. 21 U.S.C. 881(a)(4)(A). Additionally, section 1324(b) presently requires INS to bear administrative and incidental expenses when it turns out that an innocent owner is involved even though the seizure was made in a good faith belief that it was warranted based on facts known to the INS at the time. No other enforcement agency with vehicle seizure authority is subjected to this type of liability. Compare Department of Justice Regulations for the Remission or Mitigation of Civil Forfeitures, 28 C.F.R. 9.7. Finally, present law provides that INS is required to satisfy any valid lien or third party interest in the conveyance "without expense to the interest holder." This creates little incentive for mortgage lenders to exercise caution in making loans for the purchase of conveyances that could be used to transport illegal aliens. Compare 28 C.F.R. 9.7, providing that a lienholder's interest in the vehicle should be satisfied only after the Government's costs associated with the seizure and forfeiture have been deducted. The new subsection (c) has the effect of leaving on the lienholder the normal burden of showing good faith, innocence, and lack of knowledge in order to obtain a remission or mitigation of the forfeiture. This is the procedure currently followed pursuant to the customs and drug laws. Compare 28 C.F.R. 9.5 (b) and (c).

Section 1324(c)(1) provides that any conveyance used in or intended to be used in a violation of subsection (a) or (b) shall be seized and subject to forfeiture. This is a slight expansion on the authority provided in present section 1324(b)(1) in that it allows for seizure of a conveyance clearly intended to be used in the substantive offense as well as where it is used in committing a substantive violation. Paragraph (c)(1)(A) exempts common carriers from forfeiture if the offense occurs while the conveyance is being used as a common carrier unless the owner, operator or other person in charge was a consenting party or privy to the illegal act. It is similar to a provision in the law providing for forfeiture of conveyances used to transport controlled substances, 21 U.S.C. 881(a)(4)(A), and to a provision in 49 U.S.C. 782 providing for seizure and forfeiture of conveyances used in transporting certain articles of contraband. Paragraph (c)(1)(B) carries forward existing 8 U.S.C. 1324(b)(1)(B) providing that it is a defense to a forfeiture if the offense occurred while the conveyance was unlawfully in the possession of a person other than the owner in violation of law.

Section 1324(c)(2) carries forward 8 U.S.C. 1324(b)(3) providing that a conveyance subject to seizure may be seized without a warrant in circumstances where a warrant is not constitutionally required. Together with section 1324(c)(3), which makes provisions of the customs laws applicable by reference to seizures and forfeitures under this sec-

tion, section (c)(2) will allow the INS to seize vessels or other conveyances if an INS officer has probable cause to believe the vessel is being used in violation of section 1324. There is no need to determine whether the owner was involved before making the seizure. Once a vessel is seized, it is normally held by the government pending the actual judicial proceeding to perfect the forfeiture.

Section 1324(c)(5) deals with the burden of proof in the forfeiture action and is similar to 19 U.S.C. 1615 relating to customs forfeitures. It provides that initially the government must show the probable cause that justified the seizure and the institution of the forfeiture action. In showing probable cause the government must produce evidence that the aliens involved with the conveyance did not produce evidence that the aliens involved with the conveyance did not have prior authorization to come to or remain in the United States. In order to forestall any possible claim that the government must detain all undocumented aliens involved in a particular incident, the proposed bill lists three types of evidence that are *prima facie* evidence that the aliens involved did not have such authorization. They are records of any administrative or judicial proceeding concerning the alien's status in which it was determined he had not received authorization to come to or enter this country, official records of the INS or State Department showing that the alien had not received such authorization, and testimony by an immigration officer having knowledge of the alien's status that the alien had not received such authorization. (An example of the last type of evidence might come from an INS officer who, by referring to notes or INS records, can testify that a certain boat landed on a particular day with a particular illegal alien on it). Once the government shows probable cause for the seizure and the initiation of the forfeiture action, the burden of proof shifts to the claimant to show either that the conveyance was not used in a violation of the section or that the common carrier exception or the exception for conveyances unlawfully in the hands of someone other than the owner applies.

Section 1324(c)(4) provides for disposition of the conveyance and the payment of costs and expenses. It is similar to provisions contained in the Controlled Substances Act, 21 U.S.C. 881(e).

Section 1324(d) concerns arrest authority for violations of sections 1324(a) and (b). It expands on the present provisions to allow not only INS officers but also other Federal and state law enforcement officers to make arrests. Occasionally, alien smugglers are first spotted in the act by state law enforcement officers and this provision allows them to make an arrest.

TITLE IX: THE LABOR CERTIFICATION ACT

This title amends section 212(a)(14) of the Immigration and Nationality Act, the labor certification provision. The bill provides for the exclusion of aliens under the third (exceptional) and sixth (skilled or unskilled labor) preference categories or the nonpreference category unless the Department of Labor certifies that there are not sufficient workers available in the alien's occupation and that the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States similarly employed. In making such determinations, the Secretary of Labor may use labor market information without reference to the specific job opportunity for which the certification is sought. Decisions of the Secretary of Labor made pursuant to this section would be subject to only limited review by the courts. The Secretary may waive the requirement of an offer of employment for an alien of exceptional ability.

TITLE X: THE EMERGENCY INSTRUCTION ACT

The proposed amendment to subsection (f) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182(f)), would add five new paragraphs. The first new paragraph (f)(2) would authorize the President to enter into arrangements with foreign countries for the purpose of preventing illegal migration to the United States. Such arrangements could, for example, authorize the Coast Guard to stop foreign flag vessels on the high seas to determine whether such vessels are destined for the United States and are carrying undocumented aliens who are not entitled to enter the United States. Under existing international law, the regulation of a vessel in international waters is normally the sole responsibility of the nation whose flag the vessel flies. See *United States* v. *Postal*, 589 F.2d 862, 869 (5th Cir. 1979). A corollary is that foreign flag vessels are generally accorded the right to undisturbed navigation on international waters. This rule of non-interference is given formal recognition by the Convention on the High Seas, 13 U.S.T. 2312, T.I.A.S. No. 5200 (entered into force September 30, 1962). Thus, except in a few limited situations, before a foreign flag vessel can be stopped on the high seas, the authorization of the foreign government must be obtained. This paragraph would authorize the President to enter into arrangements with foreign countries whereby they will agree to consent to the stopping of their flag vessels in order to determine whether such vessel is destined for the United States and is carrying undocumented aliens or aliens who are otherwise not entitled to enter the United States.

This paragraph also authorizes the President to direct the Coast Guard or other federal agency to stop foreign flag vessels where the foreign country has entered into an arrangement with the United States Government authorizing such action. The word "arrangement" was used instead of "agreement" to indicate that a formal agreement with a foreign country is not necessary but that it could be done on an *ad hoc* basis.

This paragraph also provides that after stopping a vessel, the Coast Guard or other federal agency may make inquiries of those on board, examine documents, and take other actions to establish the registry, condition and destination of the vessel and the status of those on board the vessel. If the circumstances indicate that an offense against United States immigration laws, or an offense against the laws of a foreign country with which the United States has an agreement to assist is being committed, the vessel and the passengers may be returned to the country from whence they came or to some other reasonable location. However, if a person qualifies as a refugee under the United Nations Convention and Protocol Relating to Refugees, 19 U.S.T. 6223, T.I.A.S. 6577, he cannot be returned to a country where his life or freedom is threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.

The third new paragraph (f)(4), authorizes the Attorney General to establish procedures for determining the admissibility of those aliens who have not landed in the United States. This will permit the Attorney General to set up expedited procedures in determining the admissibility of such aliens. It is expected that such determinations will take place on the detained vessels or on the Coast Guard vessels.

In addition, this paragraph would authorize the President to furnish assistance to a foreign country for the purpose of controlling the immigration of persons from such country to the United States.

The second new paragraph (f)(3), would authorize the President to direct the Coast Guard or any other appropriate federal agency, including components of the Department of Defense to stop on the high seas vessels of the United States, vessels subject to United States jurisdiction, or foreign flag vessels if the United States Government has an arrangement with such country authorizing such action. Of course, once a foreign flag vessel enters the territorial waters of the United States it can be stopped without obtaining the consent of the foreign country. The statute does not require the President to direct the stopping of each vessel but he may direct the stopping of a particular class of vessels.

Presently, the courts have upheld against Fourth Amendment challenges, the right of the Coast Guard under 14 U.S.C. 89(a) to stop and board American flag vessels for administrative documentation and safety checks without a warrant and in the absence of suspicion of criminal activity. *United States* v. *Arra*, 630 F.2d 836 (1st Cir. 1980); *United States* v. *Demanett*, 629 F.2d 862 (3d Cir. 1980) (approving documentation checks); *United States* v. *Hilton*, 619 F.2d 127 (1st Cir. 1980); *United States* v. *Harper*, 617 F.2d 35 (4th Cir. 1980); *United States* v. *Warren*, 578 F.2d 1058, 1064–1065 (5th Cir. 1978) (*en banc*). Likewise, the courts have upheld the authority of the Coast Guard under 14 U.S.C. 89(a) to board stateless vessels. *United States* v. *Rubies*, 612 F.2d 397, 403 (9th Cir. 1979) (boarding allowed at least for the limited purpose of determining the identity of the vessel); *United States* v. *Dominguez*, 604 F.2d 304 (4th Cir. 1979) (boarding allowed because a stateless vessel is subject to the jurisdiction of the United States for the purpose of enforcing its law); *United States* v. *Postal*, *supra*.

It is well established that aliens not at our borders who seek to come here have no enforceable procedural protections. The courts can neither review the denial of a visa nor compel a consular officer to adjudicate such an application. *Wan Shih Hsieh* v. *Kiley*, 569 F.2d 1179 (2d Cir. 19178); *Gomez* v. *Kissinger*, 534 F.2d 518 (2nd Cir. 1976), *cert. denied*, 429 U.S. 897 (1976); *Burrafato* v. *United States Department of State*, 523 F.2d 554 (2d Cir. 1976), *cert. denied*, 424 U.S. 910 (1976); *Loza-Bedoya* v. *INS*, 410 F.2d 343 (9th Cir. 1969); *U.S. ex rel. Ulrich* v. *Kellogg*, 30 F.2d 984 (D.C. Cir. 1929), *cert. denied*, 279 U.S. 868 (1929); *U.S. ex rel. London* v. *Phelps*, 22 F.2d 288 (2d Cir. 1927), *cert denied*, 276 U.S. 630 (1928); *Licea-Gomez* v. *Pilliod*, 193 F. Supp. 577 (N.D. Ill. 1960); see *Kleindienst* v. *Mandell*, 408 U.S. 753, 762 (1972). Thus by making the admissibility determination before the aliens have landed in the United States, the aliens will not be entitled to such protections as judicial review of the admissibility determination or a hearing before an immigration judge.

While paragraph (f)(4) would permit the utilization of procedures designed to expedite the adjudication of exclusion and refugee claims, it would not absolve the Government from the responsibility to make admission and refugee determinations and thus will not amount to an abrogation of our treaty obligations in this area. Also, since the Attorney General is authorized to set up procedures for making exclusion and refugee determinations, he can set up different procedures for different types of cases. Thus those undocumented aliens who claim to be United States citizens or to be lawfully admitted aliens may receive different review than that afforded aliens who have no colorable claims for admission into the United States.

The fourth new paragraph (f)(5), makes clear that nothing contained in this section shall be interpreted as limiting in any way the President from exercising his Constitutional powers.

Finally, new paragraph (f)(6) sets forth the definitions for the terms "vessel of the United States" and "vessel subject to the jurisdiction of the United States" by cross referencing to title 21, United States Code, section 955b which defines these terms.

AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT*

(As Amended September 1, 1980)

(Act of June 27, 1952; 66 Stat. 163; 8 U.S.C. 1101 et seq.)

JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION

SEC. 106. [8 U.S.C. 1105a] (a) The procedure prescribed by, and all the provisions of the Act of December 29, 1950, as amended [10] (64 Stat. 1129; 68 Stat. 961; 5 U.S.C. 1031 et seq.), shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of deportation heretofore or hereafter made against aliens within the United States pursuant to administrative proceedings under section 242(b) of this Act or comparable provisions of any prior Act, except that—

[(1) a petition for review may be filed not later than six months from the date of the final deportation order or from the effective date of this section, whichever is the later] [;]

(1) *"A petition for review may be filed not later than 30 days from the date of the final deportation order or from the effective date of this section, whichever is the later."*

(2) the venue of any petition for review under this section shall be in the judicial circuit in which the administrative proceedings before a special inquiry officer were conducted in whole or in part, for in the judicial circuit wherein is the residence, as defined in this Act, of the petitioner, but not in more than one circuit;

(3) the action shall be brought against the Immigration and Naturalization Service, as respondent. Service of the petition to review shall be made upon the Attorney General of the United States and upon the official of the Immigration and Naturalization Service in charge of the Service district in which the office of the clerk of the court is located. The service of the petition for review upon such official of the Service shall stay the deportation of the alien pending determination of the petition by the court, unless the court otherwise directs;

(4) except as provided in clause (B) of paragraph (5) of this subsection, the petition shall be determined solely upon the administrative record upon which the deportation order is based and the Attorney General's findings of fact, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive;

(5) whenever any petitioner, who seeks review of an order under this section, claims to be a national of the United States and makes a showing that his claim is not frivolous, the court shall (A) pass upon the issues presented when it appears from the pleadings and affidavits filed by the parties that no genuine issue of material fact is presented; or (B) where a genuine issue of material fact as to the petitioner's nationality is presented, transfer the proceedings to a United States district court for the district where the petitioner has his residence for hearing de novo of the nationality claim and determination as if such proceedings were originally initiated in the district court under the provisions of section 2201 of title 28, United States Code. Any such petitioner shall not be entitled to have such issue determined under section 360(a) of this Act or otherwise;

(6) if the validity of a deportation order has not been judicially determined, its validity may be challenged in a criminal proceeding against the alien for violation of subsection (d) or (e) of section 242 of this Act only by separate motion for judicial review before trial. Such motion shall be determined by the court without a jury and before the trial of the general issue. Whenever a claim to United States nationality is made in such motion, and in the opinion of the court, a genuine issue of material fact as to the alien's nationality is presented, the court shall accord him a hearing de novo on the nationality claim and determine that issue as if proceedings had been initiated under the provisions of section 2201 of title 28, United States Code. Any such alien shall not be entitled to have such issue determined under section 360(a) of this Act or otherwise. If no such hearing de novo as to nationality is conducted, the determination shall be made solely upon the administrative record upon which the deportation order is based and the Attorney General's findings of fact, if supported by reasonable, substantial and probative evidence on the record considered as a whole, shall be conclusive. If the deportation order is held invalid, the court shall dismiss the indictment and the United States shall have the right to appeal to the court of appeals within thirty days. The procedure on such appeals shall be as provided in the Federal rules of criminal procedure. No petition for review under this section may be filed by any alien during the pendency of a criminal proceeding against such alien for violation of subsection (d) or (e) of section 242 of this Act;

(7) nothing in this section shall be construed to require the Attorney General to defer deportation of an alien after the issuance of a deportation order because of the right of judicial review of the order granted by this section, or to relieve any alien from compliance with subsections (d) and (e) of section 242 of this Act. Nothing contained in this section shall be construed to preclude the Attorney General from detaining or continuing to detain an alien or from taking him into custody pursuant to subsection (c) of section 242 of this Act at any time after the issuance of a deportation order.

(8) it shall not be necessary to print the record or any part thereof, or the briefs, and the court shall review the proceedings on a typewritten record and on typewritten briefs; and

(9) any alien held in custody pursuant to an order of deportation may obtain judicial review thereof by habeas corpus proceedings.

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

NUMERIAL LIMITATIONS

SEC. 201. [8 U.S.C. 1151] [(a) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, and aliens who are admitted or granted asylum under section 207 or 208, the number of aliens born in any foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of seventy-two thousand and shall not in any fiscal year exceed two hundred and seventy thousand.]

(a)(1) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in subsection (b) of this section, aliens who are admitted or granted asylum under section 207 or 208, and aliens described in paragraph (2) of this subsection, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, shall not in any of the first three quarters of any fiscal year exceed a total of sixty-one thousand and shall not in any fiscal year exceed two hundred thirty thousand.

(2) Exclusive of special immigrants defined in section 101(a)(27), immediate relatives specified in section 201(b), and aliens who are admitted or granted asylum under section 270 or 208, the number of aliens chargeable (as provided in section 202(b)) to any single foreign state contiguous to the United States who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence shall not in any of the first three quarters of any fiscal year exceed a total of eleven thousand and shall not in any fiscal year exceed a total of forty thousand: Provided, however, that, if in any fiscal year, the number of aliens chargeable to either contiguous foreign state who are issued immigrant visas and otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than forty thousand, in the next following fiscal year the number of aliens from the other contiguous foreign state who may be issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States shall be increased by an amount equal to the difference between forty thousand and such number. In such a case, the limitation prescribed for such foreign state for each of the first three quarters of such fiscal year shall be increased by an appropriate proportional amount.

(b) The "immediate relatives" referred to in subsection (a) of this section shall mean the children, spouses, and parents of a citizen of the United States: *Provided*, That in the case of parents, such citizen must be at least twenty-one years of age. The immediate relatives specified in this subsection who are otherwise qualified for admission an immigrant shall be admitted as such, without regard to the numerical limitations in this Act.

NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE

SEC. 202. [8 U.S.C. 1152] [(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: *Provided*, That the total number of immigrant visas made available to natives of any single foreign state under paragraphs (1) through (7) of section 203(a) shall not exceed 20,000 in any fiscal year.]

(a) No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27), section 201(b), and section 203: Provided, that the total number of immigrant visas made available to natives of any single foreign state (other than a foreign state contiguous to the United States) under paragraphs (1) through (7) of section 203 (a) shall not exceed 20,000 in any fiscal year,

*Material to be deleted is enclosed with brackets; new language is italicized.

(b) Each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than the United States and its outlying possessions shall be treated as a separate foreign state for the purposes of the numerical limitation set forth in the proviso to subsection (a) of this section when approved by the Secretary of State. All other inhabited lands shall be attributed to a foreign state specified by the Secretary of State. For the purposes of this Act the foreign state to which an immigrant is chargeable shall be determined by birth within such foreign state except that (1) an alien child, when accompanied by his alien parent or parents, may be charged to the same foreign state as the accompanying parent or of either accompanying parent if such parent has received or would be qualified for an immigrant visa, if necessary to prevent the separation of the child from the accompanying parent or parents, and if the foreign state to which such parent has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (2) if an alien is chargeable to a different foreign state from that of his accompanying spouse, the foreign state to which such alien is chargeable may, if necessary to prevent the separation of husband and wife, be determined by the foreign state of the accompanying spouse, if such spouse has received or would be qualified for an immigrant visa and if the foreign state to which such spouse has been or would be chargeable has not exceeded the numerical limitation set forth in the proviso to subsection (a) of this section for that fiscal year; (3) an alien born in the United States shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country then in the last foreign country in which he had his residence as determined by the consular officer; [and] (4) an alien born within any foreign state in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the foreign state of either parent.

(c) Any immigrant born in a colony or other component or dependent area of a foreign state overseas from the foreign state, other than a special immigrant, as defined in section 101(a)(27), or an immediate relative of a United States citizen, as defined in section 201(b), shall be chargeable for the purpose of the limitation set forth in section 202(a), to the foreign state, and the number of immigrant visas available to each such colony or other component or dependent area shall not exceed six hundred in any one fiscal year.

(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices.

(e) Whenever the maximum number of visas have been made available under section 202 to natives of any single foreign state as defined in subsection (b) of this section or any dependent area as defined in subsection (c) of this section in any fiscal year, in the next following fiscal year a number of visas, not to exceed 20,000, in the case of a foreign state or 600 in the case of a dependent area, shall be made available and allocated as follows:

(1) Visas shall first be made available, in a number not to exceed 20 per centum of the number specified in this subsection, to qualified immigrants who are the unmarried sons or daughters of citizens of the United States.

(2) Visas shall next be made available, in a number not to exceed 26 per centum of the number specified in this subsection, plus any visas not required for the classes specified in paragraph (1), to qualified immigrants who are the spouses, unmarried sons, or unmarried daughters of an alien lawfully admitted for permanent residence.

(3) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in this subsection, to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States, and whose services in the professions, sciences, or arts are sought by an employer in the United States.

(4) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in this subsection, plus any visas not required for the classes specified in paragraphs (1) through (3), to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

(5) Visas shall next be made available, in a number not to exceed 24 per centum of the number specified in this subsection, plus any visas not required for the classes specified in paragraphs (1) through (4), to qualified immigrants, who are the brothers or sisters of citizens of the United States, provided such citizens are at least twenty-one years of age.

(6) Visas shall next be made available, in a number not to exceed 10 per centum of the number specified in this subsection, to qualified immigrants capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

(7) Visas so allocated but not required for the classes specified in paragraphs (1) through (6) shall be made available to other qualified immigrants strictly in the chronological order in which they qualify.

ASYLUM PROCEDURE

SEC. 208. [8 U.S.C. 1158] [(a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or, in the case of an alien having no nationality, in the country in which the alien last habitually resided.

(c) A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.]

(a)(1). An application for asylum may be made by any alien physically present in the United States or at a land border or port of entry. An alien may be granted asylum by an asylum officer under paragraph (2) of this subsection, if (A) the asylum officer determines that the alien is a refugee within the meaning of section 101(a)(42)(A); (B) the alien is not firmly resettled in any foreign country; (C) the alien is not inadmissible under the provisions of paragraphs (27), (29), or (33) of section 212(a), or so much of paragraph 23 of section 212(a) as relates to trafficking; (D) the alien has not been convicted by final judgment of a particularly serious crime and does not constitute a danger to the community; and (E) there are no serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States.

(2) Eligibility for asylum shall be determined by an asylum officer, who shall serve at the direction of the Commissioner, and who shall perform such other duties as the Commissioner may prescribe, except for the investigation or prosecution of any case under section 235 or 242 of this Act. An alien seeking asylum shall appear before the asylum officer in an informal, nonadversary interview, and may be accompanied by counsel at no expense and no delay to the government. Counsel may advise the alien during the interview but shall not otherwise participate in the interview. The asylum officer may administer oaths and call witnesses, and request information on an application from any government agency, including information classified under Executive Order No. 12065 (50 U.S.C. nt. 401). A record of the proceedings shall be made in accordance with this section, and under such regulations as the Attorney General shall prescribe. The procedures set forth in this section shall be the sole and exclusive procedures for determining asylum. The determination of the asylum officer shall be final and shall not be subject to further administrative appeal or review, except that either the Commissioner or the Attorney General may require that the decision of an asylum officer be certified to him for review.

(3) The burden of proof shall be on the alien to establish that he qualifies for asylum under this section.

(4) No alien who meets the refugee definition set forth in section 101(a)(42)(A), and who meets the requirements of subsections (1)(C), (D), and (E) of this section shall be returned to the country or place where he would face persecution, as determined by the asylum officer.

(5) An alien against whom proceedings are instituted under section 236 or 242 of this Act, who has not previously made a claim for asylum, must make any application for asylum to the asylum officer under this section within 14 days of the service of the notice instituting such proceedings. An alien who does not make such a timely claim shall not be allowed to initiate an asylum claim absent a clear showing of charged circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(6) An asylum officer may not reopen a proceeding under this section except upon a clear showing of changed circumstances in the country of the alien's nationality, or in the case of an alien having no nationality, the country of the alien's last habitual residence.

(b) Asylum granted under subsection (a) may be terminated if the Attorney General, pursuant to such regulations as the Attorney General may prescribe, determines that the alien is (A) no longer a refugee within the meaning of section 101(a)(42)(A) owing to a change in circumstances in the alien's country of nationality or in the case of an alien having no nationality, in the country in which the alien last habitually resided; or (B) the alien was not a refugee within

the meaning of section 101(a)(42)(A) at the time he was granted asylum; or (C) the alien is no longer eligible for asylum on any of the grounds set forth in (a)(1) above.

(c) A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E)) of an alien who is granted asylum under subsection (a) may, if not otherwise eligible for asylum under such subsection, be granted the same status as the alien if accompanying, or following to join, such alien.

(d) Notwithstanding any other provision of law, a denial of an application for asylum and the procedures established to adjudicate asylum claims under this section shall be subject to judicial review only in a proceeding challenging the validity of an exclusion or deportation order as provided for in section 106(a)(1) of the Immigration and Nationality Act, 8 U.S.C. 1105a, and shall not be subject to review under 5 U.S.C. 702. The denial of an application for asylum may be set aside, or the cause remanded for further proceedings, only upon a showing that such denial was arbitrary and capricious, or was otherwise not in accordance with law.

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION; WAIVERS OF INADMISSIBILITY

SEC. 212. [8 U.S.C. 1182] (a) Except as otherwise provided in this Act,[27] the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

(1) Aliens who are mentally retarded;

(2) Aliens who are insane;

(3) Aliens who have had one or more attacks of insanity;

(4) Aliens afflicted with psychopathic personality, or sexual deviation, or a mental defect;

(5) Aliens who are narcotic drug addicts or chronic alcoholics;

(6) Aliens who are afflicted with any dangerous contagious disease;

(7) Aliens not comprehended within any of the foregoing classes who are certified by the examining surgeon as having a physical defect, disease, or disability, when determined by the consular or immigration officer to be of such a nature that it may affect, the ability of the alien to earn a living, unless the alien affirmatively establishes that he will not have to earn a living;

(8) Aliens who are paupers, professional beggars, or vagrants;

(9) Aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime; except that aliens who have committed only one such crime while under the age of eighteen years may be granted a visa and admitted if the crime was committed more than five years prior to the date of the application for a visa or other documentation, and more than five years prior to date of application for a visa or other documentation, and more than five years prior to date of application for admission to the United States, unless the crime resulted in confinement in a prison or correctional institution, in which case such alien must have been released from such confinement more than five years prior to the date of the application for a visa or other documentation, and for admission, to the United States. Any alien who would be excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1(3) of title 18, United States Code, by reason of the punishment actually imposed, or who would be excludable as one who admits the commission of an offense that is classifiable as a misdemeanor under the provisions of section 1(2) of title 18, United States Code, by reason of the punishment which might have been imposed upon him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense.

(10) Aliens who have been convicted of two or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement actually imposed were five years or more;

(11) Aliens who are polygamists or who practice polygamy or advocate the practice of polygamy;

(12) Aliens who are prostitutes or who have engaged in prostitution, or aliens coming to the United States solely, principally, or incidentally to engage in prostitution; aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; and aliens who are or have been supported by, or receive or have received, in whole or in part, the proceeds of prostitution or aliens coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution;

(13) Aliens coming to the United States to engage in any immoral sexual act;

(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(7);

(15) Aliens who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission, are likely at any time to become public charges;

(16) Aliens who have been excluded from admission and deported and who again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their reapplying for admission;

(17) Aliens who have been arrested and deported, or who have fallen into distress and have been removed pursuant to this or any prior act, or who have been removed as alien enemies, or who have been removed at Government expense in lieu of deportation pursuant to section 242(b), unless prior to their embarkation or reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory the Attorney General has consented to their applying or reapplying for admission;

(18) Aliens who are stowaways;

(19) Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud or by willfully misrepresenting a material fact;

(20) Except as otherwise specifically provided in this Act, any immigrant who at the time of application for admission is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General pursuant to section 211(a);

(21) Except as otherwise specifically provided in this Act, any immigrant at the time of application for admission whose visa has been issued without compliance with the provisions of section 203;

(22) Aliens who are ineligible to citizenship, except aliens seeking to enter as nonimmigrants; or persons who have departed from or who have remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency, except aliens who were at the time of such departure nonimmigrant aliens and who seek to reenter the United States as nonimmigrants;

(23) Any alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, or who has been convicted of a violation of, or a conspiracy to violate, any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, or any salt derivative or preparation of opium or coca leaves, or isonipecaine or any addiction-forming or addiction-sustaining opiate; or any alien who the consular officer or immigration officers know or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs;

(24) Aliens (other than aliens described in 101(a)(27)(A) and aliens born in the Western Hemisphere) who seek admission from foreign contiguous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 238(a) and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

(25) Aliens (other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad) over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect;

(26) Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period; and (B) at the time of application

for admission a valid nonimmigrant visa or border crossing identification card;

(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States;

(28) Aliens who are, or at any time have been, members of any of the following classes:

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided*, That nothing in this paragraph, or in any other provision of this Act, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in paragraph (G);

(I) Any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes, or (ii)(a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii)(a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall be admitted into the United States under (ii) of this subparagraph;

(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950;

(30) Any alien accompanying another alien ordered to be excluded and deported and certified to be helpless from sickness or mental or physical disability or infancy pursuant to section 237(e), whose protection or guardianship is required by the alien ordered excluded and deported;

(31) Any alien who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law;

(32) Aliens who are graduates of a medical school not accredited by a body or bodies approved for the purpose by the Commissioner of Education (regardless of whether such school of medicine is in the United States [)] and are coming to the United States principally to perform services as members of the medical profession, except such aliens who have passed [35] parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health, Education, and Welfare) and who are competent in oral and written English. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a) (3) and (6) and to nonpreference immigrant aliens described in section 203(a) (7);

(33) Any alien who during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(A) the Nazi government in Germany.

(B) any government in any area occupied by the military forces of the Nazi government of Germany,

(C) any government established with the assistance or cooperation of the Nazi government of Germany, or

(D) any government which was an ally of the Nazi government of Germany,

* * * * *

ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.

(b) The provisions of paragraph (25) of subsection (a) shall not be applicable to any alien who (1) is the parent, grandparent, spouse, daughter, or son of an admissible alien, or any alien lawfully admitted for permanent residence, or any citizen of the United States, if accompanying such admissible alien, or coming to join such citizen or alien lawfully admitted, and if otherwise admissible, or (2) proves that he is seeking admission to the United States to avoid religious persecution in the country of his last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against such alien or any group to which he belongs because of his religious faith. For the purpose of ascertaining whether an alien can read under paragraph (25)

of subsection (a), the consular officers and immigration officers shall be furnished with slips of uniform size, prepared under direction of the Attorney General, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type, in one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made and shall be required to read and understand the words printed on the slip in such language or dialect.

(c) Aliens lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation, and who are returning to a lawful unrelinquished domicile of seven consecutive years, may be admitted in the discretion of the Attorney General without regard to the provisions of paragraph (1) through (25) and paragraphs (30) and (31) of subsection (a). Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion vested in him under section 211(b).

(d)(1) The provisions of paragraphs (11) and (25) of subsection (a) shall not be applicable to any alien who in good faith is seeking to enter the United States as a nonimmigrant.

(2) The provisions of paragraph (28) of subsection (a) of this section shall not be applicable to any alien who is seeking to enter the United States temporarily as a nonimmigrant under paragraph (15)(A)(iii) or (15)(G)(v) of section 101(a).

(3) Except as provided in this subsection, an alien (A) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under one or more of the paragraphs enumerated in subsection (a) (other than paragraphs (27), (29), and (33)), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or (B) who is inadmissible under one or more of the paragraphs, enumerated in subsection (a) (other than paragraphs (27), (29), and (33)), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General.

(4) Either or both of the requirements of paragraph (26) of subsection (a) may be waived by the Attorney General and the Secretary of State acting jointly (A) on the basis of unforeseen emergency in individual cases, or (B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, or (C) in the case of aliens proceeding in immediate and continuous transit through the United States under contracts authorized in section 238(d).

(5)(A) The Attorney General may, except as provided in subparagraph (B), in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.

(6) The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of excludable aliens applying for temporary admission under this subsection. The Attorney General shall make a detailed report to the Congress in any case in which he exercises his authority under paragraph (3) of this subsection on behalf of any alien excludable under paragraphs (9), (10), and (28) of subsection (a).

(7) The provisions of subsection (a) of this section, except paragraphs (20), (21), and (26), shall be applicable to any alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. Any alien described in this paragraph, who is excluded from admission to the United States, shall be immediately deported in the manner provided by section 237(a) of this Act.

(8) Upon a basis of reciprocity accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees may be admitted in immediate and continuous transit through the United States without regard to the provisions of this section except paragraphs (26), (27), and (29) of subsection (a) of this section.

(9) The provisions of paragraph (7) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 101(a)(27).

(10) The provisions of paragraph (15) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraph (E), (F), or (G) of section 101(a)(27) and who applies for admission as such a special immigrant not later than March 31, 1982.

(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien.

[(f) Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.]

(f)(1) In order to prevent the illegal migration of aliens to the United States, the President is authorized to conclude arrangements with other countries for the purpose of preventing such illegal migration. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country, on such terms and conditions as he may determine, for the control of the immigration of persons from such country to the United States.

(f)(2) Notwithstanding any provision of law, the President may direct the Coast Guard or any other federal agency including the Army, Navy and Air Force, to stop and examine, on the high seas, vessels of the United States, vessels subject to United States jurisdiction, or foreign flag vessels for which the United States Government has an arrangement authorizing such action. Upon boarding, the Coast Guard or other federal agency may make inquiries of those on board, examine documents, and take such actions as are necessary to establish the registry, condition, and destination of the vessel and the status of those on board the vessel. When these measures indicate that an offense against United States immigration laws, or an offense under the laws of a foreign country with which the United States has an agreement to assist is being committed, the Coast Guard or other federal agency may return the vessel and passengers to the country from whence they came or to some other location. An alien who qualifies as a refugee under the terms of the United Nations Convention and Protocol Relating to the Status of Refugees may not be returned to a country where such person's life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.

(f)(3) Notwithstanding any other provision of law, the Attorney General is authorized to establish by regulation, procedures to determine the admissibility of those aliens who have not landed in the United States.

(f)(4) Nothing contained in this section shall be construed as limiting the President in any way from exercising his Constitutional powers.

(f)(5) For purposes of this section the terms "vessel of the United States" and "vessel subject to the jurisdiction of the United States" shall have the same meaning as set forth in 21 U.S.C. 955b.

(g) Any alien who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien afflicted with tuberculosis in any form who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, if any, including the giving of a bond, as the Attorney General, in his discretion after consultation with the Surgeon General of the United States Public Health Service,[41] may by regulations prescribe. Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection.

(h) Any alien, who is excludable from the United States under paragraphs [paragraph] (9), (10), or (12) of this section, who (A) is the spouse or child, including a minor unmarried adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or (B) has a son or daughter who is a United States citizen or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in extreme hardship to the United States citizen or lawfully resident spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States.

(i) Any alien who is the spouse, parent, or child of a United States citizen or of an alien lawfully admitted for permanent residence and who is excludable because (1) he seeks, has sought to procure, or has procured, a visa or other documentation, or entry into the United States, by fraud or misrepresentation, or (2) he admits the commission of perjury in connection therewith, may be granted a visa and admitted to the United States for permanent residence, if otherwise admissible, if the Attorney General in his discretion has consented to the alien's applying or reapplying for a visa and for admission to the United States.

(j)(1) The additional requirements referred to in section 101(a)(15)(J) for an alien who is coming to the United States under a program under which he will receive graduate medical education or training are:

(A) A school of medicine or of one of the other health professions, which is accredited by a body or bodies approved for the purpose by the Commissioner of Education, has agreed in writing to provide the graduate medical education or training under the program for which the alien is coming to the United States or to assume responsibility for arranging for the provision thereof by an appropriate public or nonprofit private institution or agency, except that, in the case of such an agreement by a school of medicine, any one or more of its affiliated hospitals which are to participate in the provision of the graduate medical education or training must join in the agreement;

(B) Before making such agreement, the accredited school has been satisfied that the alien (i) is a graduate of a school of medicine which is accredited by a body or bodies approved for the purpose by the Commissioner of Education (regardless of whether such school of medicine is in the United States); or (ii) has passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health, Education, and Welfare [Secretary of Health and Human Services]), has competency in oral and written English, will be able to adapt to the educational and cultural environment in which he will be receiving his education or training, and has adequate prior education and training to participate satisfactorily in the program for which he is coming to the United States;

(C) The alien has made a commitment to return to the country of his nationality or last residence upon completion of the education or training for which he is coming to the United States (including any extension of the duration thereof under subparagraph (D)), and the government of the country of his nationality or last residence has provided a written assurance, satisfactory to the Secretary of Health, Education, and Welfare [Secretary of Health and Human Services], that there is a need in that country for persons with the skills the alien will acquire in such education or training; and

(D) The duration of the alien's participation in the program for which he is coming to the United States is limited to not more than 2 years, except that such duration may be extended for one year at the written request of the government of his nationality or last residence, if (i) the accredited school providing or arranging for the provision of his education or training agrees in writing to such extension, and (ii) such extension is for the purpose of continuing the alien's education or training under the program for which he came to the United States.

(2)(A) Except as provided in subparagraph (B), the requirements of subparagraphs (A) and (B) of paragraph (1) shall not apply between the effective date of this subsection and December 31, 1980, to any alien who seeks to come to the United States to participate in an accredited program of graduate medical education or training if there would be a substantial disruption in the health services provided in such program because such alien was not permitted, because of his failure to meet the requirements, to enter the United States to participate in such program.

(B) In the administration of this subsection, the Attorney General shall take such action as may be necessary to ensure that the total number of aliens participating (at any time) in programs described in subparagraph (A) does not, because of the exemption provided by such subparagraph, exceed the total number of aliens participating in such programs on the effective date of this subsection.

Notwithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1282(a)) is hereby amended to read as follows:

(a)(34) "Aliens seeking to enter the United States purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that at the time of application (A) there are not sufficient workers available in the United States in the occupations in which the aliens will be employed and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations, the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States, except that the Secretary of Labor may waive this requirement in the case of an alien of exceptional ability. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(7). Notwithstanding any other provision of law, decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by the appropriate United States district court, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner;".

INSPECTION BY IMMIGRATION OFFICERS

SEC. 235. [8 U.S.C. 1225] (a) The inspection, other than the physical and mental examination, of aliens (including alien crewmen) seeking admission or readmission to, or the privilege of passing through the United States shall be conducted by immigration officers, except as otherwise provided in regard to special inquiry officers. All aliens arriving at ports of the United States shall be examined by one or more immigration officers at the discretion of the Attorney General and under such regulations as he may prescribe. Immigration officers are hereby authorized and empowered to board and search any vessel, aircraft, railway car, or other conveyance, or vehicle in which they believe aliens are being brought into the United States. The Attorney General and any immigration officer, including special inquiry officers, shall have power to administer oaths and to take and consider evidence of or from any person touching the privilege of any alien or person he believes or suspects to be an alien to enter, reenter, pass through, or reside in the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and, where such action may be necessary, to make a written record of such evidence. Any person coming into the United States may be required to state under oath the purpose or purposes for which he comes, the length of time he intends to remain in the United States, whether or not he intends to remain in the United States permanently and, if an alien, whether he intends to become a citizen thereof, and such other items of information as will aid the immigration officer in determining whether he is a national of the United States or an alien and, if the latter, whether he belongs to any of the excluded classes enumerated in

section 212. The Attorney General and any immigration officer, including special inquiry officers, shall have power to require by subpena the attendance and testimony of witnesses before immigration officers and special inquiry officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of this Act and the administration of the Service, and to that end may invoke the aid of any court of the United States. Any United States district court within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer or special inquiry officer may, in the event of neglect or refusal to respond to a subpena issued under this subsection or refusal to testify before an immigration officer or special inquiry officer, issue an order requiring such persons to appear before an immigration officer or special inquiry officer, produce books, papers, and documents if demanded, and testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

[(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining immigration officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer for further inquiry.]

(b) Provided that an "Immigration Emergency" has not been declared an immigration officer shall insvect each alien who is required to have documentation seeking entry to the United States and shall make a determination on each alien's admissibility. (1) The decision of the immigration officer on admissibility of an alien shall be final, and not subject to further agency review or to judicial review, if the immigration officer determines an alien to be an alien crewman, a stowaway under section 273(d) of this Act, or an alien who does not present documentary evidence of U.S. citizenship, or lawful admission for permanent rsidence, or a visa or other entry document, or a certificate of identity issued under section 360(b) to support a claim of admissibility. (2) Any alien not excluded under paragraph one of this subsection who does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to admission shall be detained for further inquiry by a special inquiry officer under section 236.

(c) Any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under paragraph (27), (28), or (29) of section 212(a) shall be temporarily excluded, and no further inquiry by a special inquiry officer shall be conducted until after the case is reported to the Attorney General together with any such written statement and accompanying information, if any, as the alien or his representative may desire to submit in connection therewith and such an inquiry or further inquiry is directed by the Attorney General. If the Attorney General is satisfied that the alien is excludable under any of such paragraphs on the basis of information of a confidential nature, the disclosure of which the Attorney General, in the exercise of his discretion, and after consultation with the appropriate security agencies of the Government, concludes would be prejudicial to the public interest, safety, or security, he may in his discretion order such alien to be excluded and deported without any inquiry or further inquiry by a special inquiry officer. Nothing in this subsection shall be regarded as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

IMMEDIATE DEPORTATION OF ALIENS EXCLUDED FROM ADMISSION OR ENTERING IN VIOLATION OF LAW

SEC. 237. [8 U.S.C. 1227] [(a) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be immediately deported to the country whence he came, in accommodations of the same class in which he arrived, on the vessel or aircraft bringing him, unless the Attorney General, in an individual case, in his discretion, concludes that immediate deportation is not practicable or proper. The cost of the maintenance including detention expenses and expenses incident to detention of any such alien while he is being detained, as well as the transportation expense of his deportation from the United States, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (1) the alien was in possession of a valid, unexpired immigrant visa, or (2) if the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States, or an unexpired reentry permit issued to him, and (A) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty days of the date on which the alien was last examined and admitted by the Service, or (B) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessel or aircraft established to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (3) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.]

Sec. 273 (a)(1) Any alien (other than an alien crewman) arriving in the United States who is excluded under this Act, shall be immediately deported, in accommodations of the same class in which he arrived, unless the Attorney General, in an individual case in his discretion, concludes that immediate deportation is not practicable or proper. Deportation shall be to the country in which the alien boarded the vessel or aircraft in foreign territory. If such boarding occurred in territory contiguous to the United States or in any island adjacent thereto or adjacent to the United States and the alien is not a native, citizen, or subject or national of, or does not have residence in, such foreign contiguous territory or adjacent island, the deportation shall instead be to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island. The cost of the maintenance, including detention expenses incident to detention of any such alien while he is being detained, shall be borne by the owner or owners of the vessel or aircraft on which he arrived, except that the cost of maintenance (including detention expenses and expenses incident to detention while the alien is being detained prior to the time he is offered for deportation to the transportation line which brought him to the United States) shall not be assessed against the owner or owners of such vessel or aircraft if (A) the alien was in possession of a valid, unexpired immigrant visa, or (B) the alien (other than an alien crewman) was in possession of a valid, unexpired nonimmigrant visa or other document authorizing such alien to apply for temporary admission to the United States, or an unexpired reentry permit issued to him, and (i) such application was made within one hundred and twenty days of the date of issuance of the visa or other document, or in the case of an alien in possession of a reentry permit, examined and admitted by the Service, or (ii) in the event the application was made later than one hundred and twenty days of the date of issuance of the visa or other document or such examination and admission, if the owner or owners of such vessels or aircraft establishes to the satisfaction of the Attorney General that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation, or (C) the person claimed United States nationality or citizenship and was in possession of an unexpired United States passport issued to him by competent authority.

(2) If the government of the country designated in subsection (a)(1) will not accept the alien into its territory, the alien's deportation shall be directed by the Attorney General, in his discretion and without necessarily giving any priority or preference because of their order as herein set forth, to—

(A) the country of which the alien is a subject, citizen, or national;

(B) the country in which he was born;

(C) the country in which he has a residence; or

(D) any country which is willing to accept the alien into its territory, if deportation to any of the foregoing countries is impracticable, inadvisable or impossible.

(b) It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (1) to refuse to receive any alien (other than an alien crewman) ordered deported under this section back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests; (2) to fail to detain any alien (other than an alien crewman) on board any such vessel or at the airport of arrival of the aircraft when required by this Act or if so ordered by an immigration officer, or to fail or refuse to deliver him for medical or other inspection, or for further medical or other inspection, as and when so ordered by such officer; (3) to refuse or fail to remove him from the United States to the country to which his exclusion and deportation has been directed; (4) to fail to pay the cost of his maintenance while being detained as required by this section or section 233 of this title; (5) to take any fee, deposit, or consideration on a contingent basis to be kept or returned in case the alien is landed or excluded; or (6) knowingly to bring to the United States any alien (other than an alien crewman) excluded or arrested and deported under any provision of

law until such alien may be lawfully entitled to reapply for admission to the United States. If it shall appear to the satisfaction of the Attorney General that any such master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft has violated any of the provisions of this section or of section 233 of this title, such master, commanding officer, purser, person in charge, agent, owner, or consignee shall pay to the district director of customs of the district in which the port of arrival is situated or in which any vessel or aircraft of the line may be found, the sum of $500 for each violation. No such vessel or aircraft shall have clearance from any port of the United States while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded; except that clearance may be granted prior to the determination of such question upon the deposit with the district director of customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

(c) An alien shall be deported on a vessel or an aircraft owned by the same person who owns the vessel or aircraft on which such alien arrived in the United States, unless it is impracticable to so deport the alien within a reasonable time. The transportation expenses of the alien's deportation shall be borne by the owner or owners of the vessel or aircraft on which the alien arrived. If the deportation is effected on a vessel or aircraft not owned by such owner or owners, the transportation expenses of the alien's deportation may be paid from the appropriation for the enforcement of this Act and recovered by civil suit from any owner, agent, or consignee of the vessel or aircraft on which the alien arrived.

(d) The Attorney General, under such conditions as are by regulations prescribed, may stay the deportation of any alien deportable under this section, if in his judgment the testimony of such alien is necessary on behalf of the United States in the prosecution of offenders against any provision of this Act or other laws of the United States. The cost of maintenance of any person so detained resulting from a stay of deportation under this subsection and a witness fee in the sum of $1 per day for each day such person is so detained may be paid from the appropriation for the enforcement of this title. Such alien may be released under bond in the penalty of not less than $500 with security approved by the Attorney General on condition that such alien shall be produced when required as a witness and for deportation, and on such other conditions as the Attorney General may prescribe.

(e) Upon the certificate of an examining medical officer to the effect that an alien ordered to be excluded and deported under this section is helpless from sickness or mental and physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by the alien ordered excluded and deported, such accompanying alien may also be excluded and deported, and the master, commanding officer, agent owner, or consignee of the vessel or aircraft in which such alien and accompanying alien arrived in the United States shall be required to return the accompanying alien in the same manner as other aliens denied admission and ordered deported under this section.

RECORDS OF ADMISSION

SEC. 240. [8 U.S.C. 1230] (a) The Attorney General shall cause to be filed, as a record of admission of each immigrant, the immigrant visa required by section 221(e) to be surrendered at the port of entry by the arriving alien to an immigration officer.

(b) The Attorney General shall cause to be filed such record of the entry into the United States of each immigrant admitted under section 211(b) and of each nonimmigrant as the Attorney General deems necessary for the enforcement of the immigration laws.

240A. Declaration of Immigration Emergency

(a) The President may declare an immigration emergency with respect to any specifically designated foreign country or countries or geographical area or areas, if the President, in his judgment, determines that:

A substantial number of aliens who lack documents authorizing entry to the United States appear to be ready to embark or have already embarked for the United States, and the aliens will travel from, or are likely to travel in transit through, the foreign country or countries or the foreign geographical area or areas; and

The normal procedures of the Immigration and Nationality Act or the current resources of the Immigration and Naturalization Service would be inadequate to respond effectively to the influx of these aliens.

(b) Within 48 hours of the declaration of any immigration emergency, the President shall inform the Speaker of the House and the President pro-tempore of the Senate of the reasons prompting the declaration. The President shall cause the declaration to be published in the Federal Register as soon as practicable. The declaration shall expire automatically 120 days after its proclamation, unless ended sooner by the President. The President may extend the declaration for additional periods of 120 days by following the procedures set forth in this subsection, if, in his judgment, the conditions listed in subsection (a) continue to exist.

Chapter 240B. Emergency Powers and Procedures.

(a) Upon the declaration of an immigration emergency under Section 240A, the President may invoke the following emergency powers and procedures:

(1) Any or all United States vessels, vehicles and aircraft, and any other vessel, vehicle or aircraft which is owned or operated by, chartered to, or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, bound directly or indirectly for a designated foreign country or foreign geographical area may be precluded from departing from the United States or may be intercepted while en route and required to return to the United States if feasible, or to any other reasonable location until such time as it is feasible to return to the United States, or, if appropriate, allowed to proceed to any other reasonable location.

The arrival in the United States of any aliens or class of aliens who lack documents authorizing entry to the United States or who are otherwise inadmissible and who are traveling directly or indirectly from or in transit through a designated foreign country or foreign geographical area may be prevented by returning or requiring the return of such alien or any vessel, vehicle, or aircraft carrying any such alien to the designated country or area, or to some other reasonable location.

The exclusion or admission to the United States of any alien, regardless of nationality, who is traveling or has traveled to the United States directly or indirectly from or through the designated foreign country or foreign geographical area and who is not in possession of a visa or other entry document required for admission to the United States by statute or regulation may be determined under procedures established by the Attorney General (whether by regulation or otherwise), and no such alien shall be presented for inquiry before a special inquiry officer unless such presentation is authorized by the Attorney General pursuant to regulation.

(ii) Notwithstanding section 208, or any other provision of law, the Attorney General may establish by regulation or otherwise a separate procedure to consider an asylum claim advanced by an alien whose admissibility is to be determined in accordance with this paragraph.

(iii) Any alien found inadmissible to the United States pursuant to the procedures established by the Attorney General under this paragraph shall be deported to the country from whence he came. If the Attorney General determines that the alien should not or cannot practicably be removed to the country from whence the alien came, the Attorney General may deport the alien to any country described in section 243(a), without regard to the designation of the alien or the order of countries set forth in section 243(a).

(iv) Any alien admitted to the United States under this paragraph shall be admitted for such time and under such conditions as may be prescribed by the Attorney General, including the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe to insure compliance with the terms and conditions of the alien's admission.

(v) No court shall have jurisdiction to review the determination of admissibility or nonadmissibility, or the determination of any asylum claim with respect to any alien who is subject to this paragraph.

(4) Every alien who is subject to the provisions of this section shall be detained pending a final determination of admissibility, or pending release on parole, or pending deportation if the alien is found excludable, unless an examining officer finds that the alien is clearly and beyond a doubt entitled to be admitted to the United States. Such detention shall be in any prison or other detention facility or elsewhere, whether maintained by the Federal Government or otherwise, as the Attorney General may direct. The Attorney General may at any time transfer an alien from one place of detention to another. No alien shall be released from detention pending a final determination of admissibility, or pending deportation if the alien is found excludable, except in the discretion of the Attorney General, and under such conditions as the Attorney General may prescribe, including release on bond. Any alien applying for admission from foreign contiguous territory may, in the discretion of the Attorney General, be required to remain outside of the United States pending a final determination of admissibility. No court shall review any decision of the Attorney General made pursuant to this paragraph to detain, to transfer or to release an alien, except that any person so detained may obtain review, in habeas corpus proceedings, on the question of whether that person falls within the category of aliens subject to detention. Nothing in this paragraph shall relieve a carrier or any other person of any liability, duty or consequence pertaining to the detention of aliens which may arise under any other provision of the Act or other law.

(5)(i) The President may exempt any source of any department, agency, or instrumentality in the executive branch from applicable environmental requirements pursuant to section 1323(a) of title 33 and sec-

tions 300j-6(b), 4903, 6961, and 7418(b) of title 42 of the United States Code.

(ii) Upon a Presidential finding, transmitted to Congress, that an exemption is necessary to respond to an immigration emergency, the President may exempt any source or action of any department, agency, or instrumentality in the executive branch which is directly and substantially related to an immigration emergency from applicable requirements of the National Environmental Policy Act, 42 U.S.C. 4331 et seq., the Costal Zone Management Act, 46 U.S.C. 1451 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., The Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., the Historic Preservation Act, 16 U.S.C. 470 et seq., and from the applicable requirements of any other Federal, state or local law which is intended principally to protect or preserve the environment, wildlife, or aspects of the history or heritage of the United States.

(iii) Except with respect to matters concerning the detention of aliens, an exemption under this paragraph shall lapse upon termination of an immigration emergency. In no event shall any exemption under this paragraph last more than one year. An exemption with respect to matters concerning the detention of aliens shall last until terminated by the President, or the expiration of one year, whichever occurs first. During the time period in which an exemption applies the President may, in his discretion, require that a source nonetheless meet certain environmental standards without thereby creating a private right of action to enforce that requirement.

(b)(1) During the existence of the immigration emergency, the President may order the closing or sealing of any harbor, port, airport, road or any other place, structure or location which may be used as a point of departure from the United States to a designated foreign country or foreign geographical area, if, in the President's judgment, such action is necessary to prevent the arrival in the United States of aliens who are inadmissible and who are traveling from or in transit through a designated country or area.

(2) No person shall cause any vessel, or aircraft to depart from or beyond or enter into a closed or sealed harbor, port, airport, road, place, structure or location during an immigration emergency, unless written permission has been obtained for such departure prior to the actual departure of the vessel, or aircraft.

(3) Permission for departure from or beyond or entry into a closed or sealed harbor, port, airport, road, or any other place, structure or location shall be given only for those vessels, vehicles, aircraft which are clearly shown not to be destined for a designated foreign country or foreign geographical area. The agency designated by the President under subsection (c) of this section shall prescribe the procedures to be followed in requesting departure permission. In the absence of such procedures, permission may be sought from any agency directly involved in the closing or sealing of the harbor, port, airport, road, or other place, structure or location. A final decision shall be made on any request for departure permission within 72 hours of the request, unless the person seeking such permission consents to a longer period. If no action is taken on the request within the requisite period, the request for departure permission shall be deemed denied.

(4) The district courts of the United States shall have jurisdiction to review any final decision denying permission to depart under paragraph (3) of this subsection, except that review may be obtained prior to a final administrative decision with respect to any vessel, vehicle or aircraft if irrevardble injury would occur before a final administrative decision could be obtained.

(c) Although the President may not delegate the authority to initiate those emergency powers of this section which expressly require Presidential invocation, the President may designate one or more agencies of the Federal Government to administer the provisions of chapters 240B through 240D. In the course of enforcement of these provisions, the designated agency may promulgate regulations and may request assistance from any state or local agency or from any civilian Federal agency. The President may direct that any component of the Department of Defense, including the Army, Navy, and Air Force, provide assistance, any statute, rule or regulation to the contrary notwithstanding. Any such agency or military component may assist in the actual detention, removal and transportation of an alien to the country to which he is being deported.

(d) Notwithstanding any other provision of law, any agency or military component requested or directed to render assistance or services during an immigration emergency is authorized to stop, board, make arrest of persons, inspect and seize any vessel, vehicle or aircraft which is subject to the provisions of chapters 240B through 240D.

(e) In providing assistance under chapters 240B through 240D, agencies shall have the same authority as for disaster relief under 42 U.S.C. 5149.

(f) The provisions of paragraphs (3) and (4) of subsection (a) of this section shall continue to govern any aliens subject to those provisions, regardless of the termination of the immigration emergency.

(g) The President may direct the enforcement of subsection (a) of this section beyond the territorial limits of the United States including on the high seas.

(h) Nothing in this section shall relieve any carrier or any other person of any civil or criminal liability, duty, or consequence that may arise from the transportation or the bringing of any alien to the United States.

Chapter 240C. Travel Restrictions and Licensing.

(a) Upon the declaration of an immigration emergency under Chapter 240A, it shall be unlawful for any person to cause any United States vessel, vehicle or aircraft, or any other vessel, vehicle or aircraft which is owned by, chartered to or otherwise controlled by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any political subdivision thereof, to travel or be transported to a designated foreign country or foreign geographical area or to within such distance therefrom as the President may specify, unless prior approval has been obtained from an agency designated by the President.

(b) The designated agency may, for authorized purposes, grant prior approval for travel to or around a designated foreign country or geographical area by regulation for certain classes or categories of vessels, vehicles and aircraft. The owner or operator of any vessel, vehicle, or aircraft not authorized by regulation to travel to or around a designated country or area may apply to the designated agency for a license granting permission for one or more trips to that country or area. The designated agency shall establish by regulation the procedures governing the application for and the approval and revocation of such licenses. The designated agency may authorize officials of any other United States agency to accept and transmit applications for licenses to the designated agency or to grant or deny such licenses under standards established by the designated agency.

(c) No travel to or within such distance as the President may specify from a designated foreign country or area shall be approved if it appears that such travel may result in or contribute to a violation of any statute or regulation relating to the immigration of aliens to the United States.

(d) Nothing in this section shall be construed to require the agency designated by the President to approve the travel of any vessel, vehicle or aircraft to a designated country or area or within the specified distance therefrom.

Chapter 240D. Penalties.

(a)(1) Any vessel, vehicle or aircraft involved in a violation of chapter 240B(b)(2) or chapter 240C(a) shall be forfeited and the owner, operator, and any person causing such vessel, vehicle or aircraft to be involved in the violation shall be subject to a civil fine of $10,000 for each separate act in violation of those sections. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(2) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(3) Whenever a conveyance is forfeited under this section the Attorney General may:

(i) retain the conveyance for official use;

(ii) sell the conveyance, in which case proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs, with the remaining proceeds, if any turned over to the United States Treasury;

(iii) require that the General Services Administration, or the Federal Maritime Commission, if appropriate under 40 U.S.C. 484(i), take custody of the conveyance and remove it for disposition in accordance with law; or

(iv) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.

(4) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: Provided, that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court.

(b) Any person who knowingly engages or attempts to engage in any conduct prohibited by the terms of chapter 240(b)(2) or chapter 240C(a) shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $50,000 or by imprisonment for a term not exceeding five years, or both, for each separate prohibited act. This subsection shall become effective on the day following the day of publication of the declaration of the immigration emergency in the Federal Register, except that this subsection shall be immediately effective as to any person who has learned or been informed of the existence of the declaration.

(c) Any alien who willfully violates a condition of his admission under chapter 240B

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(d) The requirements and sanctions imposed by this section shall be in addition to those set forth by other provisions of law.

(e) Violations of any provisions of the Immigration and Nationality Act committed during the immigration emergency may be investigated by the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Coast Guard, or any component of the Department of Treasury. Assistance in investigating or enforcing this section may be provided by any Federal, with the approval of the Attorney General, state or local agency including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

Chapter 240E. Definitions

As used in chapters 240A through 240D:

(1) The term "vessel" means any ship, boat, barge, submarine, raft, or other craft or structure capable of being used as a means of transportation on, under or immediately above the water.

(2) The term "vehicle" means any automobile, motorcycle, bus, truck, cart, train, or other device or structure capable of being used as a means of transportation on land.

(3) The term "aircraft" means any airplane, helicopter, glider, balloon, blimp, or other craft or structure capable of being used as a means of transportation in the air.

(4) The terms "United States vessel, vehicle or aircraft" include any vessel, vehicle, or aircraft documented, registered, licensed, or numbered under the laws of the United States or any political subdivision thereof.

(5) The term "agency" includes any executive department and components thereof, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

COUNTRIES TO WHICH ALIENS SHALL BE DEPORTED; COST OF DEPORTATION

SEC. 243. [8 U.S.C. 1253] (a) The deportation of an alien in the United States provided for in this Act, or any other Act or treaty shall be directed by the Attorney General to a country promptly designated by the alien if that country is willing to accept him into its territory, unless the Attorney General, in his discretion, concludes that deportation to such country would be prejudicial to the interests of the United States. No alien shall be permitted to make more than one such designation, nor shall any alien designate, as the place to which he wishes to be deported, any foreign territory contiguous to the United States or any island adjacent thereto or adjacent to the United States unless such alien is a native, citizen, subject, or national of, or had a residence in such designated foreign contiguous territory or adjacent island. If the government of the country designated by the alien fails finally to advise the Attorney General within three months following original inquiry whether that government will or will not accept such alien into its territory, such designation may thereafter be disregarded. Thereupon deportation of such alien shall be directed to any country of which such alien is a subject[,] national, or citizen if such country is willing to accept him into its territory. If the government of such country fails finally to advise the Attorney General or the alien within three months following the date of original inquiry, or within such other period as the Attorney General shall deem reasonable under the circumstances in a particular case, whether that government will or will not accept such alien into its territory, then such deportation shall be directed by the Attorney General within his discretion and without necessarily giving any priority or preference because of their order as herein set forth either—

(1) to the country from which such alien last entered the United States;

(2) to the country in which is located the foreign port at which such alien embarked for the United States or for foreign contiguous territory;

(3) to the country in which he was born;

(4) to the country in which the place of his birth is situated at the time he is ordered deported;

(5) to any country in which he resided prior to entering the country from which he entered the United States;

(6) to the country which had sovereignty over the birthplace of the alien at the time of his birth; or

(7) if deportation to any of the foregoing places or countries is impracticable, inadvisable, or impossible, then to any country which is willing to accept such alien into its territory.

(b) If the United States is at war and the deportation, in accordance with the provisions of subsection (a), of any alien who is deportable under any law of the United States shall be found by the Attorney General to be impracticable, inadvisable, inconvenient, or impossible because of enemy occupation of the country from which such alien came or wherein is located the foreign port at which he embarked for the United States or because of reasons connected with the war, such alien may, in the discretion of the Attorney General, be deported as follows:

(1) If such alien is a citizen or subject of a country whose recognized government is in exile, to the country in which is located that government in exile if that country will permit him to enter its territory; or

(2) if such alien is a citizen or subject of a country whose recognized government is not in exile, then to a country or any political or territorial subdivision thereof which is proximate to the country of which the alien is a citizen or subject, or, with the consent of the country of which the alien is a citizen or subject, to any other country.

(c) If deportation proceedings are instituted at any time within five years after the entry of the alien for causes existing prior to or at the time of entry, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this Act, and the deportation from such port shall be at the expense of the owner or owners of the vessels, aircraft, or other transportation lines by which such alien came to the United States, or if in the opinion of the Attorney General that is not practicable, at the expense of the appropriation for the enforcement of this Act: *Provided*, That the costs of the deportation of any such alien from such port shall not be assessed against the owner or owners of the vessels, aircraft, or other transportation lines in the case of any alien who arrived in possession of a valid unexpired immigrant visa and who was inspected and admitted to the United States for permanent residence. In the case of an alien crewman, if deportation proceedings are instituted at any time within five years after the granting of the last conditional permit to land temporarily under the provisions of section 252, the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this Act and the deportation from such port shall be at the expense of the owner or owners of the vessels or aircraft by which such alien came to the United States, or if in the opinion of the Attorney General that is not practicable, at the expense of the appropriation for the enforcement of this Act.

(d) If deportation proceedings are instituted later than five years after the entry of the alien, or in the case of an alien crewman later than five years after the granting of the last conditional permit to land temporarily, the cost thereof shall be payable from the appropriation for the enforcement of this Act.

(e) A failure or refusal on the part of the master, commanding officer, agent, owner, charterer, or consignee of a vessel, aircraft, or other transportation line to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this Act, or a failure or refusal by any such person to comply with an order of the Attorney General to pay deportation expenses in accordance with the requirements of this section, shall be punished by the imposition of a penalty in the sum and manner prescribed in section 237(b).

(f) When in the opinion of the Attorney General the mental or physical condition of an alien being deported is such as to require personal care and attendance, the Attorney General shall, when necessary, employ a suitable person for that purpose who shall accompany such alien to his final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed, and any failure or refusal to defray such expenses shall be punished in the manner prescribed by subsection (e) of this section.

(g) Upon the notification by the Attorney General that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Secretary of State shall instruct consular officers performing their duties in the territory of such country to discontinue the issuance of immigrant visas to nationals, citizens, subjects, or residents of such country, until such time as the Attorney General shall inform the Secretary of State that such country has accepted such alien.

[(h)(1) The Attorney General shall not deport or return any alien (other than an alien described in section 241(a)(19)) to a country if the Attorney General determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion.

(2) Paragraph (1) shall not apply to any alien if the Attorney General determines that—

(A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

(C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States; or

(D) there are reasonable grounds for regarding the alien as a danger to the security of the United States.]

Section 234(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)) is hereby repealed.

UNLAWFUL BRINGING OF ALIENS INTO UNITED STATES

SEC. 273. [8 U.S.C. 1323] (a) It shall be unlawful for any person, including any transportation company, or the owner, master, commanding officer, agent, charterer, or consignee of any vessel or aircraft, to bring to the United States from any place outside thereof (other than from foreign contiguous territory) any alien who does not have an unexpired visa, if a visa was required under this Act or regulations issued thereunder.

(b) If it appears to the satisfaction of the Attorney General that any alien has been so brought, such person, or transportation company, or the master, commanding officer, agent, owner, charterer, or consignee of any such vessel or aircraft, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of [$1,000] *$3000* for each alien so brought and, except in the case of any such alien who is admitted, or permitted to land temporarily, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account the assessment is made. No vessel or aircraft shall be granted clearance pending the determination of the liability to the payment of such sums or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"Such sums shall be a lien upon the vessel or aircraft involved in a violation of the provisions of subsection (a) of this section, and such vessel or aircraft may be libeled therefore in the appropriate United States Court. In addition, pending the determination of liability to the payment of such sums or while such sums remain unpaid, said vessel or aircraft may be denied clearance, or summarily seized, or both, unless a deposit is made of an amount sufficient to cover such sums or of a bond with sufficient surety to secure the payment thereof satisfactory to the Attorney General."

BRINGING IN AND HARBORING CERTAIN ALIENS

SEC. 274. [8 U.S.C. 1324] [(a) Any person, including the owner, operator, pilot, master, commanding officer, agent or consignee of any means of transportation who—

(1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, by himself or through another, to bring into or land in the United States, by any means of transportation or otherwise;

(2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than three years prior thereto, transports, or moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(3) willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, in any place, including any building or any means of transportation; or

(4) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of—

any alien, including an alien crewman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this Act or any other law relating to the immigration or expulsion of aliens, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $2.000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: *Provided, however,* That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

(b)(1) Any vessel, vehicle, or aircraft which is used in the commission of a violation of subsection (a) shall be subject to seizure and forfeiture, except when—

(A) the owner, master, or other person in charge of such vessel, vehicle, or aircraft, was not, at the time of the alleged illegal act, a consenting party or privy thereto; or

(B) the alleged illegal act occurred while such vessel, vehicle, or aircraft was in the illegal possession of any person other than the owner, as established by the criminal laws of the United States, or of any States.

(2) The Attorney General shall, within one hundred and eighty days from the date of enactment of this Act, promulgate regulations setting forth procedures for the expeditious return to the owner, master, or other person in charge of any vessel, vehicle, or aircraft seized in violation of paragraph (1). In any such case, the owner, master, or other person in charge of such vessel, vehicle, or aircraft shall not incur any expenses, including costs of transportation, storage, damage, and attorney fees, associated with such seizure and forfeiture. In the case of a vehicle seized and forfeited pursuant to paragraph (1) subject to a valid lien or other third-party interest, the regulations shall provide for satisfaction of the third party interest without expense to the interestholder.

(3) Any conveyance subject to seizure under this section may be seized without a warrant if there is probable cause to believe the conveyance has been used in violation of subsection (a) and circumstances exist where a warrant is not constitutionally required.

(4) All provisions of law relating to the seizure, forfeiture, and disposition of vessels, vehicles, and aircraft for violations of customs law shall apply to violations of the provisions of this chapter. *Provided,* That—

(A) duties imposed on customs officers or other persons regarding the seizure of such conveyances under customs law shall apply to seizures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General; and

(B) proceedings instituted under this subsection respecting vessels shall be subject to the Supplemental Rules of Certain Admiralty and Maritime Claims.

(c) No officer or person shall have authority to make any arrest for a violation of any provision of this section except officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.]

(a) Any person who—knowing or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, any alien, regardless of any official action which may later be taken with respect to such alien,

(1) shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved, be guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of $2500, the imposition of which shall not be suspended by the court, and, in the court's discretion, may be punished by an additional fine of not more than an amount equal to $2500 for each such alien in respect to whom any violation of this paragraph occurs, or by imprisonment for a term not exceeding one year, or both; or

(2)(A) for a second offense under this section;

(B) for an offense done for the purpose of commercial advantage or private financial gain;

(C) for an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration official; or

(D) for an offense during which either the offender or the alien with the knowledge of the offender, makes any false or misleading statement, or engages in any act or conduct intended to mislead any officer, agent, or employee of the United States, shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this paragraph occurs.

(b) Any person who—

(1) knowing or having reason to know that the person is an alien, brings to or attempts to bring to the United States in any manner whatsoever, any such person at a place other than a designated port of entry or place other than as designated by the Commissioner of the Immigration and Naturalization Service regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(2) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move any such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(3) knowing or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, any such alien in any place, including any building or any means of transportation; or

(4) knowing or having reason to know that a person is an alien, willfully encourages or induces or attempts to encourage or induce, either directly or indirectly, the entry without prior official authorization, into the United States of any such alien—

shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: Provided, however, that for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

(c)(1) any conveyance, including any vessel, vehicle, or aircraft, which has been, is being, or is intended to be used, in the commission of a violation of subsections (a) or (b) shall be seized and subject to forfeiture except that—

(A) no conveyance used by any person as a common carrier shall be forfeited under the provisions of this section if the offense occurs when the conveyance is being used in the business as a common carrier unless the owner, operator, or other person in charge of the conveyance at the time of the offense was a consenting party or privy to the illegal act; and

(B) no conveyance shall be forfeited under the provisions of this section if the offense occurred while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

(2) Any conveyance subject to seizure under this section may be seized without warrant if there is probable cause to believe the conveyance has been, is being, or is intended to be used in a violation of subsection (a) or (b) and circumstances exist where a warrant is not constitutionally required.

(3) All provisions of the customs laws relating to the seizure, summary and judicial forfeiture, and condemnation of property; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeiture; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and for-

feitures incurred or alleged to have been incurred, under the provisions of this section insofar as applicable and not inconsistent with the provisions hereof, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons authorized for that purpose by the Attorney General.

(4) Whenever a conveyance is forfeited under this section the Attorney General may—

(A) retain the conveyance for official use;

(B) sell the conveyance, in which case the proceeds, from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs;

(C) require that the General Services Administration, or the Federal Maritime Commission if appropriate under 40 U.S.C. 484 (i), take custody of the conveyance and remove it for dispositon in accordance with law; or

(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation or forfeiture granted by the Attorney General.

(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant: Provided, that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court. In determining whether probable cause exists, any of the following shall be prima facie *evidence, of the presumption that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of laws.*

(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law;

(B) Official records of the Immigration and Naturalization Service of State Department showing that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law; and

(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that the alien had not received prior authorization to come to, entered, or remained in the United States in violation of law.

(6) Any officer or employee of the Service designated by the Attorney General, either individually or as a member of a class, and all other Federal officers and officers of a state or political subdivision thereof whose duty it is to enforce criminal laws shall have authority to make any arrest for a violation of any provision of this section.

(d) (1) It shall be unlawful for an employer knowingly to hire an alien for employment in the United States, unless at the time of employment the alien has been lawfully admitted for permanent residence or is an alien who has been authorized to be employed by the Attorney General. Provided, that this provision shall not apply to an employer who establishes that he or she did not employ four or more persons, at the time of violation.

(2) If an alien has been employed in violation of this subsection, the employer shall be subject to a civil penalty of $500 per alien employed without authorization upon determination of a first violation. Upon determination of a subsequent violation, the employer shall pay the sum of $1000 per alien employed without authorization. Payment shall be made to the district director of the Immigration and Naturalization Service in the district where the violation occurred. In the discretion of the Attorney General, payment may be recovered by civil suit in a United States district court in the name of the United States from any employer made liable under this subsection. The Attorney General shall establish by regulation a procedure for implementing this subsection.

(3) Whenever the Attorney General has reasonable cause to believe that an employer has engaged in a pattern or practice of employment in violation of this subsection, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint setting forth facts pertaining to such pattern or practice and requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the employer as the Attorney General deems necessary. For purposes of this paragraph the term "district court" shall include a United States magistrate."

(4) For the purposes of this section, an employer shall be presumed to have knowingly employed an alien who is not authorized for employment in the United States if the employer does not request and obtain evidence that the individual is authorized for employment as set forth in (d)(5) below; Provided, that the foregoing shall not prevent the Government from establishing knowing employment by any other means.

(5) The Attorney General shall establish by regulation a form by which every employer as described in subsection (d)(1) above, and every prospective employee of such employer, shall attest that the prospective employee is a United States citizen, a national of the United States, or has the status of an alien lawfully admitted for permanent residence, or has been authorized for employment by the Attorney General, and that the employer has examined such documents as may, by regulation, be prescribed by the Attorney General relating to such citizenship, permanent resident status, or employment authorization. Such forms shall be retained by the employer and shall be available for inspection by officers of the Immigration and Naturalization Service, for the duration of the employee's employment, and for one year following the termination of the employment.

(6) (1) Section 6(f) of the Farm Labor Contractor Registration Act of 1963, as amended, is hereby repealed.

(2) Section 5(b)(6) of the Farm Labor Contractor Registration Act of 1963, as amended, is revised to read as follows:

(6) has been found to have knowingly employed an alien not lawfully admitted for permanent residence or not authorized for permanent residence or not authorized by the Attorney General to accept employment in violation of section 274 of the Immigration and Nationality Act.

(2) by inserting after new subsection (d) the following new subsection:

(e) The provisions of this section are intended to preempt any state or local laws imposing civil or criminal sanctions upon those who employ aliens not authorized to work in the United States;

(3) the title of section 274 of such Act is amended to read as follows: "BRINGING IN, HARBORING, AND EMPLOYING CERTAIN ALIENS."

(4) the designation of section 274 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows: "Section 274. Bringing in, harboring, and employing certain aliens."

ENTRY OF ALIEN AT IMPROPER TIME OR PLACE; MISREPRESENTATION AND CONCEALMENT OF FACTS

SEC. 275. [8 U.S.C. 1325] [Any alien who (1) enters the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than $500, or by both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or both.]

"275. Entry of Alien At Improper Time or Place; Misrepresentation and Concealment of Facts; Misrepresentation of Employment Status."

(a) Any alien who (1) enters the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offenses, be guilty of a misdemeanor and upon conviction thereof be punished by imprisonment for not more than six months, or by a fine of not more than $500, or both, and for a subsequent commission of any such offenses shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years, or by a fine of not more than $1,000, or both.

(b) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of any document presented to establish United States citizenship, lawful permanent resident status or employment authorization granted by the Attorney General, as required by subsection 274(d)(5) of the Act or regulations issued thereunder; or any person who with unlawful intent presents or uses such documents, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(c) Any alien who does not have the status of an alien lawfully admitted for permanent residence, or who has not been authorized to be employed by the Attorney General, who willfully and knowingly possesses and presents any document relating to another person for the purpose of obtaining employment in the United States, shall upon conviction be fined not to exceed $5,000 or be imprisoned not more than five years, or both.

(b) the designation of section 275 in the table of contents (Title II—Immigration, Chapter 8) of such Act is amended to read as follows:

Sec. 275. Entry of alien at improper time or place; misrepresentation and concealment of facts; misrepresentation of employment status.

JURISDICTION OF DISTRICT COURTS

SEC. 279. *a* [8 U.S.C. 1329] The district courts of the United States shall have jurisdiction of all causes, civil and criminal, arising under any of the provisions of this title. It shall be the duty of the United States attorney of the proper district to prosecute every such suit when brought by the United States. Notwithstanding any other law, such prosecutions or suits may be instituted at any place in the United States at which the violation may occur or at which the person charged with a violation under section 275

or 276 may be apprehended. No suit or proceeding for a violation of any of the provisions of this title shall be settled, compromised, or discontinued without the consent of the court in which it is pending and any such settlement, compromise, or discontinuance shall be entered of record with the reasons therefor.

(b) *An action for judicial review of any administrative action arising under this Act, or regulations issued pursuant to this Act, other than a final order of deportation as provided in section 106(a) of the Act, may not be filed later than 30 days from the date of the final administrative action or from the effective date of this section, whichever is the later.*

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is transmitted herewith the proposed Omnibus Immigration Control Act. This omnibus legislation includes the following titles:

TITLE I. Temporary Resident Status for Illegal Aliens.

TITLE II. The Unlawful Employment of Aliens Act of 1981.

TITLE III. Cuban/Haitian Temporary Resident Status Act of 1981.

TITLE IV. The Fair and Expeditious Appeal, Asylum and Exclusion Act of 1981.

TITLE V. The Immigrant Visas for Canada and Mexico Act.

TITLE VI. The Temporary Mexican Workers Act.

TITLE VII. The Immigration Emergency Act.

TITLE VIII. The Unauthorized Entry and Transportation Act.

TITLE IX. The Labor Certification Act.

TITLE X. The Emergency Interdiction Act.

The history of America has been in large part the history of immigrants. Our nation has been overwhelmingly enriched by the fifty million immigrants who have come here since the first colonists. For nearly our first century and one-half as a nation, the Congress recognized our need for new arrivals by imposing no quantitative restrictions on immigration. Since 1921, however, the government and our people have recognized the need to control the numbers of immigrants and the process by which they enter our country.

In recent years our policies, intended to effect that necessary control of our borders, have failed. Last year, the number of immigrants legally and illegally entering the United States reached a total greater than any year in our history, including the era of unrestricted immigration.

This bill represents a comprehensive and integrated approach to immigration. This legislation is premised upon the fact that there are between three and six million illegal aliens in this country and their numbers are continuing to grow from one-quarter to one-half million each year. Something must be done.

The following titles of this bill are designed to curtail illegal immigration:

TITLE I. Temporary Resident Status for Illegal Aliens.

TITLE II. Unlawful Employment of Aliens Act of 1981.

TITLE VI. The Temporary Mexican Workers Act.

TITLE IX. The Labor Certification Act.

Together, these four proposals should substantially reduce illegal immigration by expanding opportunities to work lawfully in the United States and by prohibiting the employment of illegal aliens outside of these programs.

The "Temporary Resident Status for Illegal Aliens" bill would permit illegal aliens, who were present in the United States prior to January 1, 1980, and who are not otherwise excludable, to apply for the new status of "temporary resident." This status would be renewable every three years, and after a total of ten years of continuous residence, those residents would be eligible to apply for permanent resident status if there were not other reasons to exclude them and they could demonstrate English language ability.

The United States has neither the resources, the capability, nor the motivation to uproot and deport millions of illegal aliens, many of whom have become integral members of the community. By granting limited legal status to the productive and lawabiding members of these communities, this nation will acknowledge the reality of the situation.

"The Unlawful Employment of Aliens Act" would prohibit employers of four or more employees from knowingly hiring illegal aliens. Civil fines would be assessed for each illegal alien hired and injunctions who follow a pattern or practice of hiring illegal aliens.

"The Temporary Mexican Workers Act" establishes a two-year program for the admission of nationals of Mexico for employment in jobs for which there is a shortage of domestic workers. The jobs could be in any field, skilled or unskilled, provided that there is a lack of available labor. Since the program is a pilot project and is intended as a test, it would be limited in time to a two-year period, and limited in size to 50,000 workers per year.

Under the provisions of "The Labor Certification Act", the temporary Mexican workers who will come to the United States, would be excluded from jobs in states where it was certified that there was an adequate supply of American workers. The existing H–2 temporary worker program would continue to operate.

During the trial period, this experimental program would be evaluated for its impact on American workers, the feasibility of enforcing the program's restrictions, and the overall benefit to the United States.

Mass migrations of undocumented aliens to the United States are a recent phenomenon. They are also a phenomenon for which the nation is woefully ill prepared, and the consequences of our unreadiness have been disastrous.

The 1980 Mariel boatlift brought a wave of 125,000 Cubans to the beaches of south Florida. Among those persons were criminals and mentally ill, some of whom were forcibly expelled by Fidel Castro. Notwithstanding its obligations to do so under international law, the Cuban Government has refused to allow these individuals to return to Cuba. Most of the Cubans have been resettled through the efforts of private and public agencies.

There is also a continuing migration to Florida of undocumented aliens from Haiti and elsewhere. Although the government of Haiti is willing to accept the return of Haitians deported by the United States, exclusion proceedings have been blocked by time-consuming judicial challenges to Immigration and Naturalization Service proceedings. While the foreign policy character of the Cuban and Haitian migrations differs, the domestic impact on our local communities and on the administration of our immigration laws is the same.

We must prevent another Mariel. In addition, we must act to curtail the ongoing arrivals of undocumented aliens to our shores in violation of our laws. Finally, we must deal with the recent legacy of those Cubans and Haitians who are already here.

The following titles of this bill were developed to provide adequate legal authority to deal with future migrations of undocumented aliens:

Title III. Cuban/Haitian Temporary Resident Act of 1981.

Title IV. The Fair and Expeditious Appeal, Asylum and Exclusion Act of 1981.

Title VII. The Immigration Emergency Act.

Title VIII. Unauthorized Entry and Transportation Act.

Title X. The Emergency Interdiction Act.

"The Cuban/Haitian Temporary Resident Act of 1981" would repeal the Cuban Refugee Adjustment Act of 1966 so that undocumented Cubans will not be eligible for adjustment of status upon completion of one year of physical presence in the United States.

This proposal would allow most of the undocumented Cuban and Haitian entrants to regularize their status by applying for a new "temporary resident" status. After five years of continuous residence in this country, such Cubans and Haitians could apply for permanent residence, providing they were self-sufficient, had minimal English language ability, and they were not otherwise excludable.

"The Fair and Expeditious Appeal, Asylum and Exclusion Act of 1981" grants the United States the authority to conduct expedited proceedings with respect to undocumented aliens encountered at our borders and ports of entry, and at points outside the territorial limits of the United States. Presently, an alien who enters the United States without inspection can submit his asylum request and remain in the United States while his asylum request winds its way through the labyrinth of administrative and judicial channels. Thus, there is an incentive for him to enter the United States without inspection.

Current exclusion proceedings are prescribed by section 236 of the Immigration and Nationality Act (INA). That section provides for a hearing before an immigration judge and requires that a complete record of the testimony and evidence be kept. Section 292 of the Act provides right of counsel (at no expense to the government) for any alien in an exclusion proceeding. Under 8 C.F.R. 236.2, the immigration judge must advise the alien of his right to counsel of his choice and of the availability of free legal services. A decision by the immigration judge that the alien is excludable is appealable to the Attorney General under section 236(b). The Board of Immigration Appeals (BIA) was created by the Attorney General administratively to hear such appeals (8 C.F.R., Part 3). Under 8 C.F.R. 236.7, the alien has 13 days after a written decision of exclusion is mailed to file an appeal with the BIA. An appeal from an oral decision of exclusion must be taken immediately after the decision is rendered. On request, the BIA must schedule oral hearings on the appeal. BIA decisions must be issued in writing. Under section 106 (b) of the Act, an alien under a final order of exclusion by the BIA may obtain judicial review only by habeas corpus proceedings.

"The Fair and Expeditious Appeal, Asylum and Exclusion Act" will streamline those proceedings when an alien cannot present any documentation to support a claim of admissibility. Under this proposal the initial questioning of a particular individual would be conducted by a trained Immigration and Naturalization Service asylum officer. The examination would be oral and no transcript would be made of it. In most cases involving undocumented aliens, the examining officer would make an immediate decision to exclude the alien. There would be no right to an administrative appeal. The removal or return of the alien to his home country would be accomplished as soon as possible.

"The Unauthorized Entry and Transportation Act" is based on the December 19, 1980 decision of the United States District Court for the Southern District of Florida. In the case of *United States* v. *Anaya, et al.*, No. 80–231–CR–EPS, the court dismissed the indictment of persons who were charged with unlawfully bringing undocumented Cuban

aliens into the United States in violation of section 274 of INA. The court held that section 274 does not apply to instances in which persons immediately present undocumented aliens to Immigration and Naturalization Service officials. This decision has prevented any criminal prosecutions of persons involved in bringing in undocumented aliens during the Mariel boatlift.

The result of the holding is that the United States does not have an effective criminal sanction against such conduct.

The Anaya case is in the process of appeal. Nevertheless, there is a threat of immediate harm that might arise from the lack of an effective criminal penalty for bringing undocumented aliens to our country and taking them directly to the Immigration and Naturalization Service. Therefore, this proposal would amend the seizure and forfeiture provisions for conveyances involved in violations of section 274.

"The Immigration Emergency Act" would permit the President to declare an "immigration emergency" to enable the United States to respond to the actual or threatened mass migration of visaless aliens to the United States. This proposal would amend the Immigration and Nationality Act by adding new sections 240a through 240e (8 U.S.C. 1230a through 8 U.S.C. 1230e). This legislation would enable the federal government to respond more effectively to future mass migrations. One of the ways the legislation seeks to do this is by prohibiting residents of the United States from aiding aliens in their efforts to enter the United States. The Mariel boatlift also demonstrated that in certain circumstances United States residents may be willing to lend their assistance even though the aliens may not be entitled to admission to the United States.

Several of the provisions in this Act are designed to give law enforcement authorities the power to prevent United States residents from transporting visaless aliens to the United States. Section 240B(a) authorizes the President to impose travel restrictions to a designated foreign country or area. Any conveyance under the care, custody or control of a United States resident would be prohibited from going within a specified distance of the designated foreign country or area unless prior permission has been obtained. Furthermore, section 240B(b)(1) authorizes the President to close harbors, airports, or roads which may be used by persons seeking to bring aliens to the United States. The purpose of this provision is to enable law enforcement authorities to prevent, for example, the departure of vessels from a harbor. It is obviously easier to restrict boats in a harbor than it is to try and intercept them once they are on the high seas. Effective enforcement may thus require that vessels be prevented from reaching open waters where they would be able to scatter and avoid detection. Persons removing vessels from the harbor without permission would be subject to arrest and criminal penalties.

There are also important reasons for not attempting to rely on existing emergency legislation. While the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1701 *et seq.*, gives the President broad powers and could conceivably be invoked in a situation where there is an actual or threatened mass migration of visaless aliens to the United States, to exclusively rely on IEEPA would be unsatisfactory.

Under IEEPA, an emergency can be declared only when there is "any unusual and extraordinary threat . . . to the national security, foreign policy, or economy of the United States." It is conceivable that some situations which would merit the declaration of an immigration emergency, would also meet the criteria of IEEPA. However, there are other situations which would justify the declaration of an immigration emergency but which would not clearly be a threat to the national security, foreign policy or economy of the United States, and thus the provisions of IEEPA could not be invoked.

While IEEPA would authorize some of the actions which could be pursued under this immigration emergency legislation, such as the travel restrictions, it probably would not authorize such procedures as those designed to expedite exclusion and asylum claims, the detention of aliens pending deportation proceedings, and the interdiction of aliens coming to the United States. IEEPA was primarily designed to regulate international economic transactions and not to control noneconomic aspects of international intercourse.

IEEPA gives the President greater powers than would be needed to take care of an immigration emergency. IEEPA was drafted broadly so as to encompass a wide range of situations which would threaten the national security, foreign policy or economy of the United States. An immigration emergency, on the other hand, is a limited type of emergency for which specific powers can be delineated to respond to the situation. The public and the judiciary would more readily understand and uphold actions taken in the course of an immigration emergency if there is a specific statute authorizing such actions, rather than if supports for those actions must be sought from the statutory provisions of legislation such as IEEPA, which is not tailored to the precise problems that would arise during an immigration emergency.

The "Emergency Interdiction Act" states that the President can enter into agreements with foreign countries for the purpose of preventing illegal migration to the United States. Under such an agreement, the Coast Guard could stop a foreign flag vessel on the high seas if there is reason to believe that the vessel is destined for the United States and carrying undocumented aliens who are not entitled to enter the United States.

The basic legal framework governing immigrant admissions to the United States was established by the 1965 amendments to the Immigration and Nationality Act. These amendments retained the policy of numerically restricting certain preference categories of immigration. For the first time in our history, immigration from Western Hemisphere countries was limited, to 120,000 annually. Annual per country ceilings of 20,000 were extended to the Western Hemisphere in 1976.

With regard to refugee admissions, the Congress first dealt comprehensively with the question only recently. In the Refugee Act of 1980, Congress prescribed a uniform definition of "refugee" without geographic or ideological limitation, and established a process for the annual determination of refugee admissions by the President, after consultations with Congress.

Imposition of country ceilings of 20,000 annually, in conjunction with the new preference system and labor certification requirements added by the 1965 amendments, resulted in a drastic reduction in immigration from Canada and Mexico. The ceiling on immigration from the United States' closest neighbors should be increased. "The Immigrant Visas for Canada and Mexico Act" would create separate annual ceilings for numerically restricted immigration from Mexico and Canada raising the totals from the present 20,000 to 40,000 for each country. The unused portion of either country's allotment would be available to citizens of the other nation. The numerically restricted immigration from other countries of the world would be adjusted so as not to be affected by this change.

Under "The Immigrant Visas for Canada and Mexico Act", any unused visas in Mexico or Canada in a fiscal year would be allotted to the other country during the next fiscal year. The overall limitation on immigration from the rest of the world would be reduced from 270,000 to 230,000. Historically, the demand for immigrant visas by nationals of Mexico has exceeded the demand by nationals of Canada. For example, in fiscal year 1978 there were 17,000 immigrants from Canada as opposed to 92,000 from Mexico. These figures include both numerically and non-numerically limited immigrants. Based on this, we would assume that Mexico would use all of their 40,000 visas in the first year and Canada would use no more than 15,000 to 20,000 visas. In subsequent years the unused visas for Canada would be allocated to Mexico and would probably result in 60,000 to 65,000 visas being available each year to Mexico. Essentially there would be no increase in immigration from Canada and there would be a substantial increase in immigration from Mexico.

"The Omnibus Immigration Control Act" will allow the United States to continue as a nation that is open to immigration and that does its share to assist and resettle the refugee. This bill is necessary if this nation is to continue to provide for our people, while welcoming others who desire to contribute to this nation's continuing experiment in liberty.

I look forward to the prompt attention of Congress to this legislation.

The Office of Management and Budget has advised that the enactment of these legislative proposals is in accord with the program of the President.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

By Mr. CRANSTON:

S. 1766. A bill to amend the Federal Election Campaign Act of 1971 to provide that the limitations on contributions to candidates shall be waived for elections in which any candidate spends more that $35,000 from his personal funds; to the Committee on Rules and Administration.

WAIVER OF LIMITATIONS ON CAMPAIGN CONTRIBUTIONS IN CERTAIN CASES

Mr. CRANSTON. Mr. President, when the Federal Election Campaign Act became law in 1974, it was a fair and balanced package of limitations on political contributions and campaign spending.

This balance of equities was set awry by the Supreme Court in 1976 when it declared spending limits, including the $35,000 spending limit on the candidate's personal funds, to be unconstitutional. Thus a candidate for the Senate or House must abide by the $1,000 individual and the $5,000 PAC contribution limits but can make unlimited contributions to his or her own campaign.

As a result the personally wealthy candidate gained an enormous advantage. Today millions of dollars legally can be, and are, poured into the campaigns of rich candidates by the candidates themselves. Anyone can easily document this fact. Their opponents, on the other hand, must concentrate on the hard necessities of fundraisers, phone calls, and private meetings, devoting much of their limited time to the slow, laborious building of their campaign treasuries while the lucky wealthy few can luxuriate in spending their time winning votes.

Moreover, because of limits on political contributions, the candidate of average means seldom if ever raises as much money as his rich opponent spends. The whole psychology of the campaign thus favors the rich candidate. He or she can always spend more during the final

weeks and days if necessary. The money is there. The average candidate does not have the wherewithal to make that extra effort and both he and his opponent know it.

We all know this situation is unfair—it violates the basic American creed that every citizen should have an equal chance at election to Congress based on merit, character, and the ability to legislate in the people's best interest.

There is probably no way to correct completely the advantage the wealthy have in campaign spending. But we could remedy some of the inequity by a partial return to the system that existed before the 1974 law was adopted, when there were no limits on either contributions or spending.

Specifically, I am proposing that if a candidate spends more than a specified amount of his personal funds on his campaign, that act will trigger the lifting of contribution limits on his opponent or opponents. This would remove the advantage that the 1974 law as revised by the Supreme Court gives to the wealthy candidate.

Here is how my bill would work:

A candidate would be required to advise the Federal Election Commission of his plans to use his personal funds or the funds of his immediate family under the following circumstances:

First, on the date a candidate qualifies for an election or 90 days before an election—whichever is earlier—he must file with the FEC a declaration that he intends to spend no more than $35,000 of his personal funds or his immediate family's on his campaign;

Second, if he subsequently changes his mind, he must so notify the FEC at least 60 days prior to the election; and

Third, a candidate must notify the FEC and each opposing candidate within 48 hours after he actually spends more than $35,000 of his own or his immediate family's funds.

If a candidate gives notice at any of these times that he will exceed the $35,000, the limits on individual and multicandidate political committee contributions to his opponent would be waived by the FEC. Moreover, should a candidate fail to file any of the above declarations, the Commission would also waive the limits.

Under my proposal, the Commission could initiate its own investigation to determine whether any candidate has spent more than $35,000. If that investigation showed that expenditures have exceeded $35,000, the Commission would again waive the contribution limits.

If a waiver has been granted to a candidate, an individual's contributions to that particular candidate would not be counted against the individual's yearly $25,000 contribution limit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraphs:

"(9)(A) The limitations provided in paragraphs (1)(A) and (2)(A) of this subsection shall not apply with respect to contributions made with respect to any election in which any candidate makes expenditures from his personal funds or the personal funds of his immediate family which aggregate more than $35,000.

"(B) In determining whether an individual has exceeded the limitation provided in paragraph (3) of this subsection, any amount contributed to a candidate (or his authorized political committees) in an election, with respect to which the provisions of subparagraph (A) of this paragraph are applicable shall not be counted.

"(C) In determining whether a candidate has made expenditures in excess of $35,000 under subparagraph (A), an expenditure shall be deemed to have been made by a candidate if it is made by the candidate, an authorized committee of the candidate, an agent of the candidate for the purpose of making the expenditure, or any other person authorized by the candidate, his authorized political committee, or his agent to make such expenditure.

"(D) For purposes of this paragraph the term 'immediate family' means a candidate's spouse, children, parent, grandparent, brother, half-brother, sister, or half-sister, and the spouse of any such person.

"(10) (A) Not later than the date on which a candidate qualifies for election to Federal office under the law of the appropriate State, or 90 days before the date of any such election, whichever is earlier, each candidate for election to Federal office shall file with the Commission a declaration of whether he intends to make expenditures from his personal funds of his immediate family which aggregate more than $35,000.

"(B) (i) Not later than 60 days before the date of such election, each candidate who has reason to believe that he may make expenditures from his personal funds or from the personal funds of his immediate family aggregating more than $35,000 shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such amount as provided in subparagraph (A).

"(C) Each candidate for election to Federal office shall notify the Commission and each other candidate for the same election within 48 hours after he, or any of his authorized committees make any expenditure, or incur any obligation to make an expenditure, from his personal funds or the personal funds of his immediate family which aggregate more than $35,000.

"(D) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election to Federal office, whether any candidate has made expenditures or incurred obligations to make expenditures from his personal funds or the personal funds of his immediate family which aggregate more than $35,000.

"(E) If a candidate fails to file a timely declaration pursuant to this paragraph, any opposing candidate in such election shall automatically be granted a waiver of such expenditure limitations.".

SEC. 2. Section 309 (d) (1) of such Act (2 U.S.C. 437g) is amended by adding at the end thereof the following:

"(D) Any knowing and willful violations of section 315 (a) (10) shall be punishable by a fine of not more than $10,000 or imprisonment for not more than 5 years or both.".

SEC. 3. The amendments made by this Act shall be effective with respect to elections for Federal office held more than 90 days after the date of the enactment of this Act.

By Mr. CANNON:

S. 1767. A bill to transfer certain lands in Clark County, Nev., from the Department of Agriculture to the Frontier Girl Scout Council; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN LANDS IN CLARK COUNTY, NEV.

● Mr. CANNON. Mr. President, I introduce a bill today designed to provide for the transfer of a parcel of Forest Service land to the Frontier Girl Scout Council of Nevada. This parcel includes some 15 acres in the Mount Charleston area and has been used by the Girl Scouts as a campground for many years.

The council must make a decision shortly on whether to begin an extensive and expensive repair and building program of permanent structures necessary to the camping experience. The council does not feel it can justify the project unless it has control of the property. I believe the transfer of title makes sense both for relieving the Forest Service of its management expense and for providing camping experience for Girl Scouts in Council can proceed to upgrade the camping experience for Girl Scouts in the Las Vegas area.●

ADDITIONAL COSPONSORS

S. 569

At the request of Mr. JEPSEN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 1034

At the request of Mr. GRASSLEY, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1034, a bill to amend title 38, United States Code, to provide a more equitable formula for payments by the Administrator of Veterans' Affairs to States for the cost of care provided in State nursing homes to veterans eligible for such care in Veterans' Administration facilities.

S. 1131

At the request of Mr. DANFORTH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1131, a bill to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1607

At the request of Mr. D'AMATO, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1607, a bill to amend the Internal Revenue Code of 1954 to provide a minimum interest and dividend exclusion of $200 for each individual.

S. 1645

At the request of Mr. MOYNIHAN, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 1645, a bill to let funds in individual retirement accounts be used to purchase collectibles.

S. 1648

At the request of Mr. HATFIELD, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 1648, a bill entitled the "Military Spouse Retirement Equity Act."

S. 1656

At the request of Mr. DURENBERGER, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1656, a bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, and for other purposes.

S. 1696

At the request of Mr. WALLOP, the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1696, a bill to amend the Social Security Act to facilitate enforcement of provisions requiring suspension of benefits to inmates of prisons and other public institutions by insuring the availability of necessary information from Federal instrumentalities.

S. 1706

At the request of Mr. MITCHELL, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 1706, a bill to amend the Clean Air Act to better protect against interstate deposition, and for other purposes.

SENATE RESOLUTION 230

At the request of Mr. HART, the Senator from Nebraska (Mr. EXON), the Senator from Vermont (Mr. LEAHY), the Senator from California (Mr. CRANSTON), the Senator from Arkansas, (Mr. BUMPERS), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Resolution 230, a resolution to express the sense of the Senate on cuts in combat readiness.

AMENDMENT NO. 556

At the request of Mr. HATCH, the Senator from Alabama (Mr. DENTON), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 556 proposed to S. 1196, an original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

AMENDMENT NO. 591

At the request of Mr. D'AMATO, the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mrs. HAWKINS), the Senator from North Dakota (Mr. ANDREWS), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of amendment No. 591 intended to be proposed to H.R. 4121, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1982, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Governmental Affairs will hold a hearing on the Financial Integrity Act of 1981, S. 864, on Wednesday, October 28, 1981 at 10 a.m. in room 357 of the Russell Senate Office Building. For further information please contact Link Hoewing at 224–4751.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GARN. Mr. President, today the Banking Committee finished the first half of its hearings on comprehensive legislation—S. 1703, S. 1720, S. 1721—to upgrade the structure and operations of depository institutions and to promote a competitive and stable financial system.

To complete the hearing process, the committee will conduct 4 days of hearings next week, with witnesses from Federal and State bank regulatory agencies, consumer groups, credit union associations and a panel of chief executive officers of different types of financial intermediaries.

In light of increasing competition among different types of financial intermediaries, I am particularly pleased that the chief executives of Citicorp, American Express, Beneficial Corp., Prudential, and Merrill Lynch will appear on a panel next Thursday to present their views on the legislation and to discuss the present and future outlook for the financial system. We have received much testimony this week about the changing competitive environment, as well as concerns about possible over-concentration of financial resources, and this panel of representatives of some of the most innovative and aggressive financial intermediaries will provide the committee with valuable insights into the financial markets' perspectives of the pending legislation.

The following is an updated schedule for next week's hearings:

SCHEDULE FOR HEARINGS

TUESDAY, OCTOBER 27, 1981

Panel

John J. Hutchinson, President, National Association of Federal Credit Unions.

Joseph N. Cugini, Chairman, Credit Union National Association.

Panel

Frederick S. Hammer, Member, Government Relations Committee, Consumer Bankers Association.

Robert B. Evans, Senior Vice President, National Consumer Finance Association.

Milton Schober, Credit Counsel, American Retail Federation.

Nicholas St. George, Task Force on Creative Finance for Manufactured Housing.

WEDNESDAY, OCTOBER 28, 1981

Panel

Angelo R. Bianchi, President, Conference of State Bank Supervisors.

National Association of State Savings and Loan Supervisors.

Muriel Siebert, Superintendent of Banks, State of New York.

Linda Tsao Yang, Savings and Loan Commissioner, State of California.

Gerald T. Mulligan, Commissioner of Banks, State of Massachusetts.

Panel

Barbara Alexander, Superintendent, Bureau of Consumer Credit, Augusta, Maine, and The American Conference of Uniform Consumer Credit Code States.

Jim Boyle, Director of Governmental Relations, Consumer Federation of America.

Ellen Broadman, Counsel, Governmental Affairs, Consumers Union.

THURSDAY, OCTOBER 29, 1981

The Honorable Paul A. Volcker, Chairman, Board of Governors of the Fedcral Reserve System.

Panel

Walter Wriston, Chairman, Citicorp, New York City, New York.

James D. Robinson III, Chairman of the Board, American Express Company, New York City, New York.

Finn M. W. Caspersen, Chairman, Beneficial Corporation, Morristown, New Jersey.

Robert A. Beck, Chairman and Chief Executive Officer, the Prudential Insurance Company of America, Newark, New Jersey.

Roger E. Birk, President and Chief Executive Officer, Merrill Lynch and Company.

FRIDAY, OCTOBER 30, 1981

Panel

The Honorable Charles E. Lord, Acting Comptroller of the Currency.

The Honorable Richard T. Pratt, Chairman, Federal Home Loan Bank Board.

The Honorable William M. Isaac, Chairman, Federal Deposit Insurance Corporation.

The Honorable Edgar F. Callahan, Chairman-designate, National Credit Union Administration.

The Honorable John S. R. Shad, Chairman, Securities and Exchange Commission.

William J. Anderson, Director, General Government Division, General Accounting Office.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that S. 669, a bill to amend the existing geothermal leasing and permitting laws, has been added to the agenda of the subcommittee on energy and mineral resources hearing scheduled for Tuesday, October 27 at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224–4236.

ADDITIONAL STATEMENTS

THE NATIONAL SCHOOL LUNCH PROGRAM

Mr. HART. Mr. President, I am increasingly concerned about the condition of the national school lunch program. Last week, in a letter to Members of the Senate, I released statistics indicating about 350 schools had pulled out of the program this year. According to this morning's New York Times, however, that was a conservative estimate. At this point, more than 400 schools have dropped their lunch programs and more

than 3 million children no longer purchase full, nutritionally-balanced lunches.

Earlier this year, the administration assured us participation in this important nutrition program would not drop from reduced Federal support. Clearly, that has not been the case and the school lunch program is in trouble. I have proposed restoring full funding by reducing the tax deduction for business meals and entertainment by 30 percent, and earmarking the savings for school lunches. Although this proposal was defeated as an amendment to the debt limit bill, I intend to bring it before the Senate again in the near future. We must reorder our priorities with respect to federally subsidized meals.

The national school lunch program is not a welfare program and was never intended as an income security program. It is a nutrition program that is vital to our children's education and health and important to the country as a whole. I commend this morning's New York Times article by Robert Pear to my colleagues and urge them to consider carefully my proposal to restore full funding to this important program.

I ask the article be printed in the RECORD.

The article follows:

MANY STUDENTS DECIDE NOT TO BUY MORE COSTLY SCHOOL LUNCHES

(By Robert Pear)

WASHINGTON, Oct. 20.—Students in many states are choosing not to buy school lunches at the increased prices made necessary by a reduction in Federal subsidies.

State officials estimated today that participation in the national school lunch program had dropped by 15 to 30 percent, meaning that more than three million out of 26 million children were no longer buying full, nutritionally balanced meals.

In addition, more than 400 of the 94,000 schools that participated in the program have withdrawn. Federal officials predicted last March that few, if any, schools would withdraw.

School lunches were in the "social safety net of programs" that President Reagan said would be "exempt from any cuts" affecting needy families. The budget director, David A. Stockman, and Agriculture Department officials later said that the school lunch program was wasteful because it provided subsidies to many children from middle- and upper-income families.

Reduction of those subsidies has made it difficult or impossible for some school cafeterias to meet their operating costs, local officials said. The number of students buying school lunches is down by 15 to 20 percent in Connecticut, by 20 to 30 percent in New Jersey, by 30 to 35 percent in California, by 20 percent in Wisconsin, by 22 percent in Idaho and by 15 percent in Florida, according to food service officials in each of those states.

DECLINE REPORTED IN NEW YORK

Richard O. Reed, the school food director for New York State, said in a telephone interview that the number of students buying school lunches was down from last year, but he did not know by how much.

New York City participation is unchanged because lunch prices were not increased and the strict new income-eligibility standards established by Federal law and regulation will not be enforced until Nov. 16. However, Anne B. Gennings, the food service director for a school district in Oneida County, N.Y., said that participation there was off by 20 or 30 percent.

In some places, students were already avoiding school lunches because they disliked the food. Richard E. Lyng, Deputy Secretary of Agriculture, said yesterday in an interview that any drop in participation probably occurred because "students did not like the taste of the lunch."

Congress, which sets the charge for a reduced price lunch, raised the fee this year to 40 cents, or double the amount charged in the last school year. The local school authorities establish the charge for a "full price" lunch, but are required to operate on a nonprofit basis. Congress this year established a more restrictive formula for determining whether schoolchildren qualify for free or reduced-price meals. Any child may buy the "full price" lunch.

RISING COST IN CONNECTICUT

Ann R. Tolman, director of child nutrition programs in Connecticut, said that the average charge for an elementary school lunch had risen to 75 cents from 60 cents, while the average for secondary schools, formerly 70 cents, was now 85 to 90 cents.

Gene White, child nutrition director in California, said that the average charge for a full-price high school lunch had risen by 26 cents, to $1.08.

In New York State, the average charge for full price lunches has risen 10 or 20 cents and now averages 75 to 80 cents, state officials said.

In the past, as a rule, participation in the school lunch program dropped by 1 percent for each penny added to the price of a meal. Reports from school lunch directors this year indicate that that relationship still holds.

But G. William Hoagland, head of the Food and Nutrition Service in the Agriculture Department, said that local authorities were raising the charge for a full-price lunch much more than the 11 cents they had lost in Federal subsidy for the meal.

"We expected the price to go up by 10 or 15 cents," Mr. Hoagland said. "In some places, it has gone up 50 cents a meal."

The poorest children are still eligible for free lunches. State and local officials said that the decline in participation had been most noticeable among youngsters who must pay for their schools meals—that is, children from middle- and upper-income families.

When children drop out of the school lunch program, they have several alternatives. They can bring lunches from home. They can go off outside of school to buy food. They can skip lunch. Or they can buy a few items separately, such as soup and a sandwich, with no guarantee that they will receive the recommended allowance of various nutrients included in a full school lunch.

The decrease in participation was not anticipated in the public statements of Administration officials.

TESTIMONY BY STOCKMAN

For example, Mr. Stockman, testifying before the House Committee on Education and Labor on April 29, said:

"All of these dire predictions are based on an assumption. I don't believe those assumptions have been verified. It seems to me middle- and upper-income students will stay in the program and that their families will be willing to put in 30 cents more a meal because it is still a good deal.

"If there is a major retention of participation, which we believe there will be, there will be no changes in the unit costs for running these programs, and the kind of dropout, the kind of attrition that has been predicted, in my judgment, won't happen."

The Administration sought unsuccessfully to eliminate the subsidy on meals served to "non-needy" youngsters. However, Congress did agree to reduce the subsidy, and Administration officials said they would probably seek further reductions later this year.

The American School Food Service Association, an organization of school lunch directors and child nutritionists, found in a survey of its members that more than 400 schools had withdrawn from the lunch program. In each state checked independently this week, the actual number of schools pulling out of the program was higher than reported last month to the association.

Marshall L. Matz, an attorney for the association, said that in the vast majority of school districts, less than one-third of the students were eligible for free or reduced-price lunches.

"School districts cannot afford to provide those lunches," he said, "unless the Federal Government provides some degree of general assistance in addition to the special subsidy for poor children."

HIGH INTEREST RATES + INFLATION = RECESSION

● Mr. BOREN. Mr. President, this Nation is in a recession, a recession caused by high interest rates.

After months and months of optimistic economic projections by the economic spokesmen of the administration—after months and months of refusing to heed the warnings that have been coming from many quarters, including those on the floor of this Senate, it fell to the President himself to acknowledge that the Nation is in a recession.

Indeed, Mr. President, he could have done nothing else. The signs are everywhere—the gross national product fell at an annual rate of 0.6 percent in the third quarter of this year, and at the same time the Commerce Department was reporting a sharp rise in the inflation rate during the quarter. Moreover, we are told that Commerce Department economists are saying that later revisions of these preliminary estimates will include more information from September that will probably show an even larger drop in the GNP, perhaps as much as 3 percent.

Net exports have worsened during the third quarter. Business investments in plant and equipment have declined. Investment in housing is down. Spending for housing construction during the third quarter was at a level 20-percent below that of the first quarter.

New housing starts are as low as 900,000, by far one of the lowest numbers ever recorded for that industry. The automobile industry is also in trouble. After some euphoria earlier in the year, it has become painfully evident that even the introduction of the new 1982 models has had virtually no impact on the financial health of the industry and the third quarter earnings of the major auto companies due to be released soon will publicly revive the fears of a major collapse of that industry.

Are better days coming, Mr. President? As usual, the answer of economists to that question is that they can only agree to disagree. Based on past performance, I am afraid I have to heed seriously the warnings of George L. Perry of the Brookings Institute who warned the Joint Economic Committee yesterday that the Nation's economy is entering a serious recession.

Perry predicted unemployment rising to 8½ percent and corporate profits becoming depressed.

Why has all this happened? As I said in my opening statement, the culprit is high interest rates. The same high interest rates which I have been talking about on this floor day after day after day, month after month after month. The same high interest rates that have driven personal bankruptcies in this country to record heights. The same high interest rates, Mr. President, that prevent farmers from borrowing the money they need to plant next year's crop. The same high interest that have made it impossible for young couples, or anyone else for that matter, to buy a home; the same high interest rates that have prevented business expansion—that have inhibited productivity—that have littered the economic landscape of this country with the chaotic evidence of ill-conceived, misguided and mismanaged economic policy.

What is the administration's response, Mr. President? Incredibly, more of the same. In the face of this publicly declared recession, the Chairman of the Council of Economic Advisers, Murray L. Wiedenbaum, told a group of business leaders Tuesday that the administration has no intention of proposing new policies to combat this recession. We will not push the panic button, says Mr. Wiedenbaum.

The housing industry is pushing the panic button, Mr. President. The auto industry is pushing the panic button. Farmers, businessmen, and the citizens of this country, who can't buy even home appliances on credit because of high interest rates, are pushing the panic button.

Maybe someone should tell Mr. Wiedenbaum that if he thinks he is keeping his head while all about him others are losing theirs—he probably does not understand the situation.

Steps can be and must be taken to alleviate these crushing interest rates. Most forecasters are pinning their hopes for a recovery from this recession on a decline in interest rates—a decline, Mr. President, that has been predicted by the administration for months, that has failed to materialize for months, and that has absolutely no chance of occurring, in any consistent form, until coordinated efforts are made to make interest rates come down.

We in Congress can do our part. We can move resolutely for reducing the Federal deficit and balancing the budget. We can extend Presidential authority in this area through the Credit Control Act, and we can continue to apply pressure on the administration and Federal Reserve Board to assist in this effort by a prudent loosening of the money supply. We must stop the flow of scarce credit into multibillion-dollar mergers and acquisitions which are nonproductive.

Mr. President, the facts are clear. Interest rates are remaining high; even inflation, according to the latest figures, is increasing again. Action must be taken, and it must be taken now, and it must be taken by the administration. The only alternative is a worsening of an already unacceptable economic condition.●

EXPOSING SOVIET ANTISEMITISM

● Mr. HEINZ. Mr. President, amidst reports of an increase in anti-Semitic activity in the Soviet Union, Senator CLAIBORNE PELL and I chaired a hearing on October 6 to make the public aware of continuing human rights violations and growing anti-Semitic activity in the Soviet Union. It is appropriate that we commemorate the 40th anniversary of the massacre at Babi Yar in this way by expressing our strong opposition to what has become a semiofficial policy of the Soviet authorities.

Through the testimony of experts and recent visitors to the Soviet Union, our hearings have revealed evidence of a revitalized effort by the Soviet Government to crack down on human rights leaders and other innocent people of the Jewish faith. It is imperative that we show our support for the fight against Soviet anti-Semitism as we did through this hearing, by declaring that this discrimination is a matter of great concern to all Americans.

As my colleagues well understand, it is only through constant and sincere involvement with the problems of our friends and families abroad that we may one day bring to them the realization of fundamental human rights. Through this hearing and others like it, we shall continue to fight the gross injustices committed by the Soviet Union until we are satisfied that our goals have been achieved. The Jews of the Soviet Union are fighting for the same freedoms which form the basic principles of this Nation, and it is our moral obligation to aid them in their cause.

Over the next several days, I plan to bring to Senators' attention the statements made at this hearing, I begin today with the opening statements by the distinguished Senator from Rhode Island and myself, to be followed on successive days by the testimony presented by the witnesses at the hearing.

I particularly want to express my appreciation to the National Conference on Soviet Jewry and the Jewish Community Council of Greater Washington, whose staff members, Mark Levin and Buddy Sislen, respectively, did so much to set up the hearings and make arrangements for the witnesses. Without their commitment and wide knowledge of the subject, the hearing would not have been the success it was.

I submit the statements of Senator PELL and myself for printing in the RECORD.

The statements follow:

STATEMENT OF SENATOR PELL

I am pleased to be here today and to join my distinguished colleague, Senator Heinz, in chairing this hearing on anti-semitism in the Soviet Union. This hearing, as you know, commemorates the 40th anniversary of the Babi Yar massacre.

The world stood by and watched in silence in September 1941 as the Nazis murdered over 33,000 Ukranian Jews at Babi Yar, near Kiev. The Babi Yar massacre serves not only as a symbol of anti-semitism but also as a reminder to those of us who believe in human rights and fundamental freedoms that we must not remain silent or indifferent to violations of any of these rights.

As a party to many international conventions such as the United Nations Charter and the International Covenants on Human Rights and as a signatory of the Helsinki Accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and accepted obligations in these areas under international law. Nevertheless, the Soviet Union has consistently and flagrantly violated these obligations in its treatment of Soviet Jews.

Through its policies and practices, the Soviet government institutes and fosters the growth of anti-semitism. There are many indications that in recent years, discrimination against Jews, particularly in the areas of education and employment, has increased. In addition, the Soviet government has placed further obstacles in the pathway of Jews who desire to emigrate to the West and has increased harassment of those who have been refused exit permits. As a member and former co-chairman of the Helsinki Commission, I am especially disturbed by these developments. I hope that this hearing will focus public attention on these violations and show the Soviet Union that discrimination against Soviet Jews is a matter of concern to all Americans.●

STATEMENT BY SENATOR JOHN HEINZ

Forty years ago, the Nazis rounded up more than 100,000 residents of Kiev, largely Jews, stripped them naked, lined them up along a ravine called Babi Yar on the outskirts of the city, and machine gunned them into a mass grave.

Today, forty years later, a bronze monuments stands at Babi Yar. But that statue, erected only after international attention was focused on its absence, omits any mention whatever of the fact that Babi Yar is the resting place of an estimated 100,000 Soviet Jews.

Today, forty years after the Nazi attempt to physically eradicate Jews, the government of the USSR persists in its attempt to eradicate all awarness of Jewish history, culture and peoplehood in the U.S.S.R.

Today, as we gather here in freedom, the Kremlin has restricted emigration to a trickle. In August, 430 Jews were permitted to leave the Soviet Union, the lowest number in 11 years. Anticipated emigration this year will total no more than 12,000, more than 40 percent below 1980, which in turn was 60 percent below 1979.

Today, as we gather here, there is no question that the repression of Soviet Jews is the harshest of any time in the last decade.

As one who has long been deeply concerned about the Soviets' abuse of the human rights of all their minorities and their treatment of Soviet Jews in particular, one thing emerges as more disturbing than anything else. It is not the oppression of Jews who apply for visas for Israel. It is not the rejection of most of the applications, the waiting in fear and anguish for years, which is the fate of most Jews who want to leave the country which does not accept them as Jews. The ugliest part of the cruel anti-Semitism which today is part of Soviet policy is its unrelenting effort to eradicate every vestige of Jewish culture and their contribution to history in the Soviet Union. All of us—Jews and non-Jews, Americans and others throughout the free world—know this is the most evil and dangerous epidemic. Those who suffer most from anti-Semitism today are the Jews in the Soviet Union.

Just as the people of the free world did not permit the lesson of Babi Yar to be lost in history, so we will not permit Soviet anti-Semitism to escape our thorough and critical examination.

That is why we are having this hearing: To lay out for all to see the harsh reality of Soviet anti-Semitism and to expose the hypocrisy of a system which claims to be free but in reality is the most repressive on earth. We will be privileged to hear testimony today from scholars and first-hand witnesses of Soviet policy. They will place on the public record the grim reality of what is happening in the U.S.S.R.

THE BOSTON SYMPHONY ORCHESTRA

● Mr. KENNEDY. Mr. President, Boston is a city that has sustained with deep affection and pride its unique character and enduring spirit throughout its colorful history. It is a progressive city, embracing new ideas and preserving cherished traditions. It is appropriate than that America's second oldest orchestra has made its home in Boston. The Boston Symphony Orchestra has brought to Massachusetts a first rate orchestra with an exciting repertory which consistently includes innovative new compositions in addition to the time honored music of the past.

The history of the Boston Symphony Orchestra is as glorious as that of the Hub itself. Many of the world's finest musicians and conductors have been welcomed to Symphony Hall to share in the joyful experience of music. And many of the world's most beloved works have been introduced to American audiences in Boston.

On October 22, the Boston Symphony Orchestra begins its second hundred years. As the symphony readies the stage for its understandably expectant audiences, it is with fondness and pride that we recall previous performances and triumphs of the Symphony's first centennial.

Yet the success of the Symphony is not measured by curtain calls and bravos at Symphony Hall alone. The many outgrowths of the symphony, including the Berkshire Music Festival at Tanglewood, the Berkshire Music Center and the beloved Boston Pops, have added new dimensions of access and acclaim.

I think each of us in Massachusetts remembers the warm reception that the Boston Symphony received in 1979 in the People's Republic of China. This extraordinary trip by the Symphony provided an unparalleled opportunity for exchange of cultural technique and accomplishment between our countries and the initiation of new and enduring international friendships.

A leading national symphony, the Boston orchestra maintains standards and commitment to musical expression by which any symphony would be proud to measure.

It is the hard work of countless individuals that makes the Symphony such an overwhelming success. As we celebrate this milestone for the Symphony it is important to remember the people who are the Symphony—the conductor, the esteemed Seiji Ozawa, the artists, the staff, and the volunteers—each of whose contribution is essential for the successful performances presented each evening.

I join the many other patrons and supporters of the Boston Symphony in extending my birthday greetings. I appreciate this opportunity to share this exciting celebration of the Boston Symphony with my colleagues in the Senate.●

REMARKS OF R. A. WARD AT AASHTO ANNUAL MEETING

● Mr. BOREN. Mr. President, recently, Mr. R. A. Ward, director of the Oklahoma Department of Transportation, ended his presidency of the American Association of State Highway Transportation Officials by delivering a speech at that organization's annual meeting in Chicago.

Dick Ward has been with the Oklahoma Department of Transportation for 36 years and has served as director of the department for the last 9 years. He was my State highway director during my 4 years as Governor of Oklahoma, and I can say that no Governor has been better or more loyally served, nor any State's citizens, than by Dick Ward.

In reading his speech to his colleagues in Chicago, I was greatly impressed by its contents, and I want to share Dick's thoughts with my colleagues. Therefore, Mr. President, I ask that the speech be printed in the RECORD.

The speech follows:

STATEMENT OF R. A. WARD

The monthly pages fall from the calendar as the leaves fall from the autumn trees. The pages of the calendar go to enrich the annals of history, as the fallen leaves enrich the earth, the mother of us all.

Autumn means the end of summer enrichment, but it heralds the summer harvest, and a time of feasting and thanksgiving for us all.

As the old song goes, "The days grow short as we approach September," but we swing with the circle of the seasons, and the fall is not a time of sadness, but a time of rejoicing.

It has been a busy year for AASHTO, and like the harvest in the fields, it has been a fruitful year for our Association, and for Transportation.

We have experienced a change, and have been faced with a challenge.

A new climate is with us, and we have faced the challenging winds of change. As we adjust to the change, and accept the challenge, we are able to assure ourselves that the change will be for the better.

At the beginning of our AASHTO year, we posed a promise, and gave ourselves a promise . . . we could, through our own efforts, assure that the America we know and love could have a renaissance—a rebirth—or not.

We promised ourselves that this rebirth would occur.

And we can see its beginning, now.

As the leaves of autumn fall from the trees, and as the ripened fruit falls to earth, and the seed it contains germinates and takes root . . . as the root spreads and establishes its territory, and then sends out leaves and limbs, so the seeds of our determination have fallen into fertile soil.

We have seen the determination sprout into ideas. We have seen the tendrils of new concepts begin to sprout and spread.

We don't have a full-grown plant, but we have healthy beginnings.

We have discovered that in the midst of change, the precepts of the American ideal is unchanging. This is still the greatest nation the world has ever known—and Transportation is its lifeline.

We have reeled under the impact of blows from several directions these past few years. We have faced energy shortages, and struggled with the problems of inflation.

We have shuddered to the point of losing our balance—but we have noticed a counterbalance. As the Irish have a fondness for saying . . . "What we lose in the swings, we gain in the roundabouts." The loss in manpower is made up in the gains in efficiency. We can't replace men with computers, but we can assign the computers some of the manual labor.

We've had a headache—and have found a few effective antidotes. We can't say that for every pain, there is a pill. But there are countermeasures, and we are adapting to the newness every day.

Our roads and our bridges are growing obsolete, day by day. So are our rail lines, our ports and our access to airports.

Our need for new alignments is taking second-best to our need to regenerate our existing facilities. We must keep transportation moving, and keep travelers safe.

To counteract our deteriorating roadways, the load is shifting. Our citizens are in this, too, and they in their own way are taking countermeasures that will help us with our own problems.

We live in a shrinking world. During this past few months, I have been privileged to walk on territory vastly removed from the prairies I call home. Everywhere, I have noted the increased need, and interest in transportation. This is especially true in the emerging nations. They look to us. And we shall not fail to provide guidance and expertise, wherever it is needed. Yes, we live in a shrinking world, with an ever swelling need.

As the world seemingly shrinks, we discover that we have been blessed with a larger vision. We can see the needs, and at the same time we can see the interaction that the future may bring, as our shrinking world merges with the future. We can visualize more clearly the benefits of shared thoughts and visions; we have always known the benefits of shared inventions and common aspirations.

As we see with our increased vision, we notice a sharpened awareness, and a retreating apathy.

No longer do the great mass of people adopt the attitude that "the government will do it". They are becoming increasingly aware that some jobs are too big for the government—that only the people can do it.

Although the schism seems large—perhaps unsurmountable—we can see signs that the majority of the world's people are reasonable, responsible, intelligent human beings. It is the contrast between the two extremes that gives us pause.

But with our sharpened awareness, we can see the beginnings of the future * * * we can see the first faint tendrils of new green growth, as this country once again braces itself for a struggle.

These last two decades of the twentieth century will lay the groundwork for the twenty-first century. May it shine on those of us who will reach that dazzling point in time, and may it continue to shine for our children and grandchildren—the citizens of a world undreamed of today.

We look toward that future with an acceptance of change.

We embrace the challenges it will bring to us now and for the years to come.

I have not said anything about the details of the work accomplished by this dedicated group of professionals during these past months.

As we meet together, we will discuss where we have been, and consider where we are going.

It is a foregone conclusion that our direction will be forward and upward.

This past year we made ourselves some promises. Now we can build on the framework of the year just passing, and begin to practice what we promise.

America will remain the bulwark of the free world—the mainspring of the future.

When we look back, we can see the evolution of acceptance through these past few years. At one time, in the not too distant past, we were impressed when money conversations resulted in the free and easy use of the words "millions of dollars".

In a short time, we were using a casual conversation the term "billions of dollars".

As a result of Congressional action last week, we are now speaking in terms of "trillions".

It's frightening, isn't it?

To bring these words into perspective, here is a comparison that I found impressive.

"One billion seconds ago, the first atomic bomb had not been exploded.

"One billion minutes ago, Jesus, whom they called Christ still walked the dusty paths in Nazareth and fished the quiet waters of Galilee.

"One billion hours ago, men were still living in caves, and traveling paths made for them by the animals in the forests and jungles.

"But, in terms of government funding, one billion dollars ago—was just yesterday."

What of tomorrow?

We have our change, and our challenge. We will gain a counter-balance for each problem that throws us off balance, and for every headache, we will discover an antidote.

The load will shift to accommodate the changing surface. We will view the shrinking world with a longer look and a larger vision to recognize the growth of our needs.

With a sharpened awareness, we will see the retreat of apathy, the acceptance of change, and we will embrace the challenge of the future.

We have made our promises. Now we will practice what we promise.●

ENERGY

● Mr. EAST. Mr. President, I call the assembly's attention to a recent article printed by the Daily Press, the basis of which was prepared by Mr. Robert D. Hershey, Jr., of the New York Times News Service.

This article poignantly reveals how many liberal economists have severely, but honestly, erred in projecting the current price and supply of oil. These analytical doomsayers have bewailed what they judged to be scarce petroleum supplies. Therefore, they claimed, if the country was to mitigate the damage wrought by an inevitable energy shortage, the Government must perpetually intervene in the market to allocate meager supplies and subsidize alternate energy forms.

Their prescription for ameliorating an energy deficient economy, I am pleased to say, has proven to be unwarranted. The time has passed for their pessimistic prophesies of escalating prices and decreasing supplies to be fulfilled. Instead, there is a world surplus of oil with stabilized and even declining prices. For this we can thank deregulation and the efficiency and efficacy of the free market; not arbitrary Government mandates and the inefficient use of tax dollars to subsidize nonconventional energy alternatives.

Much of this surplus is the result of relatively small incremental fuel costs. This proves that a fair, representative price for the ability to purchase and use energy is the best stimulant to encourage conservation. It is reprehensibly illogical for the Government to keep a lid on energy prices below the free market level while simultaneously financially encouraging conservation and alternative fuels and incurring greater Federal deficits and inflation in the process.

There is much more that must be done, however. Hans H. Landsberg of Resources for the Future, a Washington think tank, has noted that little progress has been made in industry switching to coal as a fuel. Nuclear power is not fulfilling earlier expectations. And the politics of natural gas—the only item still under Federal price control—makes full pricing of it uncertain.

Having made these points, Mr. President, I ask that the full text of the Daily Press article be printed in the RECORD.

The article follows:

OIL SURPLUS MAY LAST FOR DECADE

WASHINGTON.—The United States appears to be on the brink of winning the war it began in the 1970s for control of its energy destiny.

The evidence is everywhere: Supplies are abundant, prices have flattened, a sharp decline in oil imports has helped put OPEC in disarray, the crisis-conceived Department of Energy is to be dismantled and analysts of every stripe are busy trying to figure out why their pessimistic projections of the past eight years were so off.

America, Energy Secretary James B. Edwards observed recently, has made major progress toward "ending the siege mentality that we have all lived with since the 1973 oil crisis."

To be sure, the United States has never lacked for energy resources. Its immense coal supplies alone are sufficient to fuel the world's biggest economy for hundreds of years. Yet, the country's recent ability to match its resources with its requirements, particularly with respect to petroleum, have been remarkable indeed.

The issue now is not when the United States will run out of oil, or how to restrict consumption. Rather concern centers on how long the current "glut" of oil will last—only to the mid-1980s or into the last decade of this century.

Despite the considerable gains in energy conservation, vulnerability has not been eliminated. The economy is still very dependent on some 6 million barrels of imported oil a day. And the biggest question facing strategists is whether there will be further major supply interruptions such as arose from the 1973 Arab-Israeli war and the 1979 Iran-Iraq conflict and what to do in such an event. These concerns were highlighted again last week with the renewed Middle East tension caused by assassination of President Anwar Sadat of Egypt.

This and other factors, such as the possibility that Saudi Arabia is likely to cut production if and when it wins price uniformity within OPEC, raises questions in the minds of some about the durability of today's comfortable situation.

As to future conservation efforts, the government's basic strategy appears to be to let energy prices continue to rise, thus inducing continued conservation. At the same time, sharp penciled corporate strategists will continue to use less energy in their plants and factories and build them to use it more efficiently.

For the consumer, analysts are expecting substantial improvement in energy use. They say the limits have been nearly reached in homeowners turning down their thermostats and putting on sweaters. But new efficiency is needed in furnaces, air conditioners and other home appliances, and in automobiles.

"It is no longer a supply-limited world we're looking at," Donald A. Gunness, an economist for the Standard Oil Co. of California, said. "We're now looking at a demand-limited environment where (oil) is being pushed back into the ground, so to speak, by consumers."

Such a forecast, not unlike those of some other major oil companies, would have been nearly unthinkable as recently as 1979 when prices doubled in the wake of the Iranian revolution. As recently as last year, the spector of gasoline lines loomed once again as fighting flared up between Iran and Iraq, once leading producers within the Organization of Petroleum Exporting Countries.

Rising prices, it is becoming increasingly evident, are doing a job that exhortation, production controls, appeals to patriotism and plain gloommongering failed to do in curbing consumption.

The reversal, in fact, is so great that at a conference last week sponsored by the Americans for Energy Independence, Philip K. Verleger Jr. of Booz, Allen & Hamilton, a panelist, predicted that the Senate Energy Committee room in which the conference was held would be used in coming years to discuss ways to protect investments being made in alternate fuels.

"The current oil surplus could last five, 10 years, and perhaps longer," Verleger said.

Economists now generally concede that they woefully underestimated the effect that the sharp price increases of the 1970s would have on the nation's demand for oil.

In November 1974, the Federal Energy Administration's "Project Independence" report contained a table with five projections of total U.S. energy demand for 1985. They ranged from 102.9 quadrillion BTU's, or quads in energy parlance, to 124.9 quads, compared with the 72.8 quads the United States actually consumed in 1974. By 1980, the nation's consumption had climbed to only 76.2 quads.

At the time, it was assumed that there was a lock-step relationship between energy use and the gross national product, a belief that now looks pathetically naive, for the number of BTU's per dollar of GNP fell last year to 51,500 from 58,300 in 1974.

What's more, according to Roger W. Sant, president of Applied Energy Services Inc., of Arlington, Va., a new company that is going into the business of installing energy-efficient equipment for its clients, this decline in the energy-GNP ratio now "seems to be picking up, not slowing down" at all.

"Most of the doomsayers just underestimated the individual response to prices," Sant said. "I would not be surprised by a further halving (of the ratio) over the next 20 to 30 years."

What helped fool economists was that after the first surge in oil prices in 1973–74, energy habits in the United States changed very little. Oil was still so cheap that after the initial shock of the Arab embargo wore off, big cars made a strong comeback and the first generation of more fuel-efficient cars was virtually unsaleable.

Then followed nearly five years in which world oil prices, though rising nominally, actually declined slightly after adjusting for inflation. But in 1979, panic buying in the spot market allowed OPEC to raise prices far more than the disappearance of Iran as a major exporter would have otherwise caused. This time consumers got the message.

"Prices doubled again and they really began to bite," William W. Lewis, then an assistant secretary of energy, noted. "Everybody began to try to make adjustments."

Only this year, however, have the effects of price-induced conservation combined with world economic sluggishness and such legislative measures as automobile gas-mileage standards have caused an almost complete turnaround in the way many specialists are thinking about the energy future.

Conservation, meeting a more efficient use of energy and not just doing without, is now seen to pay big dividends. Economies can grow even as they reduce energy use. The world now seems to have plenty of natural gas as well as coal and probably more oil than had previously been recognized.

In addition, OPEC, which the U.S. government in 1974 said might have difficulty maintaining a price of $7 a barrel, may have

finally overshot the limit with current prices of $32 to $40.

"The OPEC price is now so far out of the competitive range," Sant said, that "if I were in OPEC's shoes, I'd think I'd pretty well blown it."

U.S. imports, for example, averaged only about 5.7 million barrels a day last month, down from 8 million in September 1979, and imports so far this year are running 21 percent below 1980 levels if purchases for the Strategic Petroleum Reserve are excluded.

Such reductions, emulated to a lesser extent by other Western countries and Japan, has major implications. Between the third quarter of 1978, when the price of oil was around $12 a barrel, and the end of this century, world demand for OPEC oil is now estimated by Standard of California to be 137 billion barrels less than if prices had not risen.

This means that 30 percent of OPEC's current reserves of 434 billion barrels, an amount equal to 14 Prudhoe Bays, would remain in the ground for use in the 21st century.

Much of today's brighter energy picture, however, reflects relatively stagnant business conditions and the fact that very high interest rates—not normally an accompaniment of recession—has prompted oil companies to reduce their swollen inventories.●

CHICANO EDUCATION PROJECT

● Mr. HART. Mr. President, the Chicano Education Project was started 8 years ago in Denver, Colo. Today, it is the largest, privately funded, nonprofit Hispanic organization in America working exclusively in the area of education.

I am proud of the Chicano Education Project and the work of these Coloradans in helping Chicano children get an education.

Some of the accomplishments of the project are outlined in an October 5, 1981 Newsweek article. I request it be printed in the RECORD.

The article follows:

CHICANOS IN FERMENT

Like many Chicano women in Colorado's rural San Luis Valley, Sadie Roybal, a shy young housewife, was once "afraid to do anything." But four years ago she vowed that her own two children would not drop out of school as she had, and there was no holding her back. She organized a group of chicano parents who seized control of school committees in the heavily Hispanic district, preached accountability to teachers and superintendents and eventually managed to elect a sympathetic majority on the school board. Even though the parents have suffered reverses in the last year—notably the repeal of the state's bilingual-education law—Roybal is determined to carry on. "I was feeling really frustrated for a while," she says. "But I'm not going to let this system get the best of me."

Roybal's progress parallels that of the group that provided much of her information and inspiration. The Denver-based Chicano Education Project, founded eight years ago, achieved an early success with the passage of Colorado's 1975 Bilingual and Bicultural Act, one of the country's most comprehensive bilingual-education laws. Last June triumph turned to defeat as the controversial act was repealed. But the CEP has worked to reconsolidate its support from the ground up, educating chicano parents about the school system. That, in fact, was the idea from the beginning, when Denver native Gilbert Cisneros, now 38, met Alabama-born civil-rights organizer Bill Rosser, 36, and they set out to change the circumstances that even today make the chicanos, who are 15 percent of the Colorado school population, twice as likely as Anglos to drop out and three and one-half times as likely to be put into special-education classes. With funds drawn almost entirely from private foundations, the CEP now has a fifteen-member staff whose primary concern is getting parents involved. "Unless you wake up and find out that you must participate, nothing's going to happen," says Carmen Kelly, a chicano parent who attended a recent CEP workshop.

That community-level approach was crucial to the development of the bilingual law. The legislation required school districts with non-English-speaking students to offer full-time bilingual instruction from kindergarten through third grade for students who wanted it. CEP staffers helped draft the bill after seeking recommendations from teachers, administrators and parents—many of whom helped lobby for the bill's passage. "Hispanic parents have traditionally never been involved in the legislative process," says Cisneros, "and all of a sudden they were coming to the capitol in carloads." Friends in high places didn't hurt. Ruben Valdez, then state House Speaker, and state Sen. Paul Sandoval led the fight in the legislature; they both serve on the CEP board of directors.

Eventually, however, the sweeping scope of that victory led to a backlash from those who favored a more limited program. "It alienated a lot of people," says state Education Commissioner Calvin M. Frazier. One point of contention was that the act was designed to give bilingual lessons even to English-speaking students who were "influenced" by Spanish culture. Frazier says that a majority of children in the program spoke mostly English; according to CEP, 40 percent were Anglos whose parents wanted them to learn Spanish. A state-requested outside evaluation last year found the program effective for both Anglos and chicanos, but the legislature repealed the act and replaced it with one that provides only short-term help for students whose first language is not English.

BITTER DIVISIONS

Despite the repeal, the bilingual act has a continuing legacy. One of its key provisions called for parents to monitor bilingual programs in each district, an activity that soon led to their involvement in other issues, such as testing and budgets—and in school-board politics. The effect is nowhere more obvious than in Center, Colo., a town of 1,600 in the San Luis Valley. "There's a tradition here of not educating the Spanish community because they are cheap labor," says Steve Bobst, the superintendent who arrived three years ago, when some chicano kids were still punished for speaking Spanish. Adeline Sanchez, who worked for a year as a bilingual aide in the Center schools, tried to do something about the treatment of chicano children. She joined the bilingual committee and helped wage a battle to redraw school-board district lines, which had made it difficult for a chicano to be elected. She now sits on the board. But such changes only added to the bitter divisions in Center, for which many Anglos blame CEP. "They have taken welfare people and put them in these committees and used them," says Robert Felmlee, former school-board chairman. "I think it's a revolutionary movement."

The project's other major initiative may prove just as unpopular. CEP is the force behind a 1977 lawsuit charging that Colorado's school-finance law is unconstitutional because it allows significant discrepancies in educational expenditures between wealthy and poor districts. A district-court ruling supported the plaintiffs, but the state appealed, arguing that such differences have been narrowed in good faith. Earlier this month the state Supreme Court heard final arguments on the case, and a ruling is expected by next spring.

In the meantime CEP has plenty of other causes to champion. It has prepared a model "Educational Quality Act," which seeks to hold teachers and administrators as well as students accountable to minimum-competency standards. And some staffers have moved on to develop a Center for Hispanic School Board Members, an attempt to build a national network to address educational issues. All the while, field organizers like Jennie Sanchez in Center continue to till the grass roots. "We're trying to get better education for our kids," she says. "Once people take a stand, they never go back to the way they were. That's where the hope lies."●

REVIEWING IMPLEMENTATION AS THE MADRID FOLLOW-UP MEETING RECONVENES

● Mr. DOLE. Mr. President, on October 27, the Madrid meeting of the Conference on Security and Cooperation in Europe will reconvene after a recess of 3 months. Work will resume on those problems still dividing the participants—primarily military security and human rights issues—which nearly a year of negotiations have been unable to resolve. This review conference, like the one that preceded it in Belgrade 3 years earlier, was called to monitor the progress made since the signing of the Helsinki Final Act in 1975. It was also the hope of the signatory nations that further progress could be made in the areas of security and reduction in tension in Europe, human contacts and rights, and in the free flow of ideas and information among all the countries pledged to the principles of the final act.

The U.S. delegation, ably headed by Ambassador Max Kampelman, is returning, together with its NATO allies, determined to seek adoption of a substantive and balanced concluding document by mid-December. The continuation of the already protracted negotiations beyond that time, it is widely believed, would have a very negative impact on the future of the CSCE process by raising legitimate questions as to the efficacy of the entire enterprise. A continued stalemate might indicate that East and West are unable to reach any substantive agreement of benefit to both sides, or that either side has a real interest in continuing the process begun 6 years ago.

While the attainment of substantive results, balanced in progress between both security and human rights concerns, is a goal all signatories are striving for, the United States in particular should not lose sight of the fact that the review of implementation is still one of the primary functions of the Madrid meeting. In recent months as negotiations on the concluding document have continued, there has been the danger that this all-important aspect of Madrid would be neglected or at least reduced in significance. Without a review of compliance with and progress from the original document, future statements of intent lose their forcefulness.

As the negotiations enter what is hoped will be their final stage, it is time to redress this imbalance. When the deliberations in Madrid are renewed this

week, the West should reopen the review of implementation by addressing forcefully and in detail the long list of continuing Soviet and Eastern bloc violations of final act provisions.

EASTERN BLOC CONTINUES TO VIOLATE FINAL ACT

Casting a pall on the entire proceedings at Madrid have been blatant violations of Helsinki principles, marked by the continued arrest and imprisonment of Helsinki monitors and other individuals in the Soviet Union and Czechoslovakia, in particular, and by the continued occupation of Afghanistan by the Soviet Union. The situation is all the more unacceptable when one considers that these violations continue while negotiations on provisions designed to improve human rights implementation and to advance the cause of security and cooperation in Europe take place in the conference halls at Madrid.

We cannot permit Madrid to be a forum for the negotiation of empty promises, which can be ignored with impunity. The Madrid meeting must result in the negotiation of meaningful, substantive provisions in the human rights area which can truly encourage the improvement of human rights implementation. Only such measures can honestly be said to be an effective balance for agreement to measures in other areas of the final act, notably in the security field. While a post-Madrid security forum dealing with militarily significant, verifiable and politically binding confidence-building measures (CBM's) applicable to the entire continent of Europe, to the Urals, would be a great advance for Western interests in this field, its utility in advancing security and confidence in Europe would be significantly diminished without counter-balancing and effective new human rights provisions.

As Vice Chairman of the U.S. Delegation to the Madrid meeting, I would like to wish those members of the delegation who are returning the best of success in the intensive, difficult negotiations ahead. I am sure that the delegation will continue to acquit itself in the effective, decisive manner which has marked its participation in this meeting from the very beginning.●

A REPORTER'S TALENT AND THE NATIONAL DEBATE ON ACID RAIN

● Mr. MOYNIHAN. Mr. President, one of our Nation's fortunes is our vigorous and dedicated free press. So often it is the best of our country's journalists who shape our debates here in Congress by providing us essential information for reasoned and informed decisions on matters of public policy.

One of these journalists, Mr. President, is Alan Emory, the Washington correspondent of the Watertown (N.Y.) Daily Times. Mr. Emory is in every sense the reporters' reporter—a talented and insightful writer who is able to frame the large issues of national concern with relevant accounts for those who will encounter the consequences at the local level.

Alan Emory has offered us all a series of articles on a most vital issue of national—indeed, international—concern. For some time, we have been learning more about the devastation of our pristine lakes and groundwater through a phenomenon known as "acid rain." Though we have documented the effects, and traced the sources, there have been few accounts as thorough as those written by Mr. Emory recently in the Daily Times. Mr. President, I have now introduced legislation, S. 1709, to establish a national program for controlling acid rain and I have held hearings on this matter, so I feel I can state with reasonable confidence that Mr. Emory's fine articles are a valuable contribution to our work here in the Senate.

This is, I should note, not surprising. Alan is dean of the New York press corps here in Washington, and as I read in the New York Times last Friday, the first sponsor of informal interview sessions between reporters and Washington officials—a practice Alan started in 1959 and which has since been imitated by others.

Mr. President, I ask that the series of articles written by Alan S. Emory for the Watertown Daily Times, September 19–24, 1981, on acid rain be printed at this point in the RECORD.

The articles follow:

ACID RAIN: PART I—CANADA BITTER AT U.S. "APATHY"

(By Alan Emory)

MUSKOKA LAKE, ONT.—The Convair 640 made its way up the Georgian Bay shoreline, moving over many of the 30,000 islands and on to Killarney Park, about 160 miles northwest of Toronto.

The waters of the lakes in the park were sparkling in the sunlight, but their apparent beauty was deceptive.

The lakes of Killarney are dying.

They are dying, and more than 20,000 Ontario lakes are in grave danger, while another 28,000 are threatened.

More than 200 lakes in the Adirondacks are dying or dead, with another 2,000 threatened by the same villain—acid rain.

"A real and present danger," Canadian Environment Minister John Roberts calls acid rain.

Canada and the United States "are in this mess together," says James Bruce, the deputy minister.

"How much can the system take?" asks Garth Bangay, a Canadian scientist.

Marguerite Stimpson of Port Sandfield has found only "one or two" bees on her apple trees instead of the usual dozens. She blames acid rain.

Rolf Uhde sees rainbow trout dying on his Milford Bay fish farm within hours after a big rain, and a bluish tint colors the water.

"I'm terrified," says David Gronfors, the 39-year-old proprietor of Billie Bear Lodge near Huntsville, just seven miles from Algonquin Park.

"No matter who is doing it," says Bill Ellerington, a veteran of the Ontario Natural Resources Department, "we shouldn't let them spoil the country."

Canada argues that it is acting to combat the specter of acid rain, while the United States is dragging its feet. The unhappiness surfaces readily in the rhetoric of public officials like Mr. Roberts and Ontario Environment Minister Keith Norton, but it is reflected also in the observations of the scientists, sportsmen, resort operators and outfitters.

Their concern with the environment is economic as well as ecological. Billions of dollars are at stake, in both sport fishing and forestry. The waters already have been seriously affected. Buildings are showing signs of deterioration, and vegetation may be next.

To stir up public opinion. Canadian officials are traveling around the United States making speeches, and the governments—both federal and provincial—are sponsoring seminars and trips to the affected areas for congressional aides, lawmakers and representatives of the news media.

The timing, however, may be somewhat less than ideal.

U.S.-Canadian relations are as touchy as they have been in at least a decade, and Canadian hopes for action on the environment have been confronted with American irritation over Canada's plan to reduce American ownership of energy resources north of the border from more than 78 per cent to 50 per cent.

There is talk of retaliation on both sides, and the White House has been floating stories of hostility between President Reagan and Prime Minister Trudeau.

"We are not asking the U.S. to do us a favor," Mr. Roberts told a dinner for visiting journalists in Toronto Tuesday. "U.S. interests are as much, if not more, concerned than ours. It is clear we have a joint, common problem springing from activities in both countries."

Canada says most of its acid rain comes from the industrial Ohio valley, and that some of that then turns around and floats back over the Northeastern United States, including the Adirondacks. Canada also concedes that some of the U.S. acid rain problem stems from Canadian industry, such as the Inco and Falconbridge nickel smelters at Sudbury, Ont.

An aerial survey of a major threatened area of Ontario invariably includes flying right into the thick plume of sulphurous emission from the giant stack at Inco's Sudbury plant.

Mr. Roberts characterizes acid rain as "the most important and outstanding difficulty between our two countries." He said there will be "tremendous disappointment" if the Reagan Administration and Congress fail to heed pleas for action, and he warns that an "extremely deep and extremely bitter" Canadian view of the United States could lead to "consequences" he declines to predict.

Some Canadian officials shudder privately at such rhetoric because they view it as constituting a threat on which Canada cannot make good.

ACID RAIN: PART II—TOURISM, FISHING THREATENED

(By Alan Emory)

HUNTSVILLE, ONT.—"I feel totally helpless," says David Gronfors.

The 39-year-old Gronfors operates Billie Bear Lodge here and a series of camps in Ontario and Quebec, flying fishermen to remote lakes to try their luck.

It is a $700,000 investment, including a new $150,000 helicopter and two pontooned monoplanes, and the owner, who wanted to establish a business his family could take over, is "getting a little frightened by what I see now."

What he sees—or, rather, what he does not see—is fish.

Mr. Gronfors engages in his own fish stocking program in headwater lakes, flying the rainbow trout—4,000 of them eight inches long this year—into the lakes in the spring, but "I don't think they're making it through the winter."

The reason, he suspects, is acid rain.

"I see it on the paint on my airplane," he says, "and there is scum on the windshield of my car. The vehicles are rusting up faster, and the trend seems to be worse." White powder appears on aluminum surfaces.

There was a big rain a few days ago, and

Mr. Gronfors doesn't think there has been a single bite since.

"I don't know what to do," says the fisherman-pilot, who has had his place eight years.

He is thinking of putting lime in the lakes, but adding anything could upset the environmental balance and no one knows what would happen to fish in the long run.

Mr. Gronfors sampled 20 lakes for the Province of Ontario recently and not one had a pH (acidity) rating of more than five. (Anything less than 5.5 means big trouble for fish.)

Business was good this year, he concedes, but "I can't believe the number (of fishermen) who didn't catch fish."

Jack Hurley, the 31-year-old co-owner of Algonquin Outfitters on Blue Spruce Lake, says "everyone is talking about" acid rain, and he is on the receiving end of questions when he visits sportsmen's shows in the United States. Many of the questions involve the threat to fish in the Adirondacks, where more than 200 lakes are dead or dying because of acidity.

"Next to nuclear war this could be the most depressing man-made disaster of all time," Mr. Hurley says.

He is depressed already about the prospect of losing loons and great blue heron, which feed on fish, and if the acid rain situation continues, he says, "it will definitely affect our business, especially in the spring."

Mr. Hurley says he no longer is interested in going to Killarney Park "because they say everything is dead. I wouldn't want to travel in an area where everything is dead underneath. It's a shame. These are unique lakes."

Mr. Hurley and Mr. Gronfors resent what they see as American indifference to the problem and feel that President Reagan "doesn't care enough."

Mr. Hurley doubts anything meaningful will be done and adds, "By the time they do something the lakes will be gone."

Not everyone is so gloomy.

Jack Hayden, who owns Blue Spruce Inn only about three miles from Algonquin Park, says the fishing is the best it has ever been over the last three years. He concedes that if things get really bad that could "wipe our business out."

Margurite Stimpson came to nearby Muskoka Lake the other night with leaves from bushes and trees that looked as if some one had burned cigaret holes in them, but the holes had appeared after recent rains.

The bees aren't building any nests on the Stimpson property any more, and bats are flying around in the daylight looking for mosquitoes that apparently are being killed in breeding pools.

Acid rain, says Mrs. Stimpson, and it has been getting worse this year. She adds, "I never saw anything like this before."

Her husband, Jack, says the crayfish he used to see in nearby streams have disappeared and he hasn't seen any perch recently. "I don't know what happened to them."

"Summer visitors are asking, 'What happened to our bullfrogs?' " he adds. "I wonder what's going to happen to our grandchildren."

Owners of Ontario swimming pools put in chemicals to neutralize acidity, but find after a rain they must do the work all over again.

Hugh MacKenzie, chairman of the Muskoka Lake District, fears it will be difficult to get people to invest in the region and it will be "faced with an impossible situation."

Then there is Rolf Uhde, a bearded native of Germany, who has a trout farm at Milford Bay, about 140 miles from Toronto, and who sees his fish dying, especially in the wintertime, of high-impact acidity.

The summer soil acts as a buffer, he says, but when there is a severe rain the fish die within a few hours after swimming around sideways trying to "escape."

Mr. Uhde never worries about a slow rain because the ground absorbs enough of the acidity, and he didn't bother about the acid rain problem until a couple of years ago when he went into big production.

Then he found acid rain—"no question about it"—killing hundreds of fish that died at the bottom of a pond and stayed there for days or weeks before they floated to the surface.

ACID RAIN: PART III—ACID SNOW POISONS LAKES

(By Alan Emory)

DORSET, Ont.—The black waters of Plastic Lake lap at the shore with no sign of their lethal potential.

Scientists have brought cages of fish to the lake and put them in the water, only to have the fish die within hours.

Even the algae has changed form.

The culprit appears to be acid rain.

Canada is spending about $11 million to fight acid rain this fiscal year, and Ontario another $9 million. This is close to what the United States has budgeted to meet the problem.

Although "rain" has been the focus of attention, the more serious problem is snow, especially when it melts in the spring.

The ground is then frozen hard, and its effectiveness in absorbing the moisture and acting as a buffer for the lakes is limited. The melting snow releases the acid waters in large amounts, increasing the impact on the lakes into which they flow.

The scientists measure the acidity regularly, through weirs fitted into streams as they enter lakes; through fields of collecting stations, which look like an odd assortment of pipes and screens; through laboratories, many of which are now housed in trailers but will be moved into more permanent structures.

In the 11 days between Aug. 28 and Sept. 7, experts measured an extraordinary rainfall at 10 percent of the annual depth of precipitation here, and it was so acid—the mean pH factor was about 3.7—that it accounted for about 20 percent of the normal annual load of acid.

Garth Bangay, regional director for lands of Environment Canada, the national agency dealing with acid rain, says key areas of Ontario have four times the ideal sensitivity to polluting acids and twice the sensitivity that would provide adequate protection.

In addition to the pollution carried north from the United States, he says, there are the Friday afternoon highway "parking lots" of cars moving north from Toronto and other heavily populated areas, and emissions from industrial plants like Inco, the former International Nickel Co., and Falconbridge Nickel at Sudbury, Ont.

The problem now has stretched beyond Ontario, however, and is being felt even in the Maritime Provinces. Rivers that were filled with salmon 20 years ago have none today.

Ontario water resources specialist Tom Brydges says that for every 100 pounds of sulphur dioxide that rises into the air, two-thirds comes back on land, the rest going over the ocean. Even if the emissions headed for the ocean were eliminated, the land would still be in trouble, he says.

Some of the acidity is neutralized by alkaline dust in the atmosphere and falls to earth harmlessly. The atmosphere, however, changes periodically: its content is beyond control.

Inco, under heavy government pressure, is reducing its sulphur emissions sharply, from 7,000 tons a day in 1969 to 2,500 now, and the figure will reach 1,950 by next year. Inco and Falconbridge are trying to sell off the sulphur in the form of sulphuric acid, but the market is limited.

Inco officials point out that even when their plant went on strike recently, there were still high readings of acidity in area lakes.

The Sudbury area presents a grim sight from the air. Where trees were cut down, the pollution has blocked regrowth and the soil has become too acid for much rehabilitation. There has been considerable erosion, and in places the rock is black. Trees look as if they were growing out of slag heaps.

Inco has added lime to a few sections, and they are beginning to turn green.

Liming can neutralize acidity, but it can also upset nature's balance, and adding large amounts of lime to streams and lakes can affect the fish populations in the long run.

Scandinavia, hard hit by acid rain, is spending $50 million a year on liming. A small liming program is under way in Quebec.

Dr. Bangay says a two-thirds reduction in the acid rain fallout is essential.

Alex Manson, a national air pollution expert for the Canadian government, says it would be practical to reduce sulphur emissions by 7 million tons over the next decade in the United States. That might cost $2.5 billion a year, he concedes, but it would mean only a small increase in utility rates, and very little of that would be in East Coast states.

The U.S. now accounts for about 20 million tons a year.

Dr. Brydges, a cautious man, declines to describe the situation as a "crisis," but, he adds "There is no time to waste."

ACID RAIN: PART IV—HEALTH WARNINGS SPREADING

(By Alan Emory)

WASHINGTON.—Acid rain now may be threatening human health.

Sweden has warned citizens to avoid consumption of moose and elk, which have eaten vegetation high in metal content absorbed from water.

Ground water, as well as surface water, is being affected.

Keith Norton, Ontario's environment minister, just back from a visit to Scandinavia, says that concentrations of cadmium, mercury, copper and lead had reached toxic levels for infants at a Swedish hospital that relied on an acidified body of water for its needs.

"In at least three documented cases," he said, "three kidney patients died from a high aluminum content in their bodies, which they received from the water used in the hospital's dialysis machines."

For areas of Canada and the United States sensitive to acid rain, he says, the implications "could be staggering." He notes that scientists have documented heavy metal intake by fish from lakes with high acidity.

So far the "jury is still out" on the impact on human health in Canada and the U.S. according to Canadian government scientist Garth E. Bangay. However, he warns, the level of some metals in drinking water supplies has exceeded acceptable standards, and metal concentrations in fish are also high.

Water resource specialist Tom Brydges notes that fish in some Adirondack lakes "are gone." The U.S. is committed to a 10-year study of acid rain, but Ontario's Dr. Brydges warns that it will be another 10 to 15 years after that before any abatement programs can be in place, and "considering what we have now," key parts of the environment "will be gone."

The Adirondacks are worse off than Canada, he observes, although "for sheer potential economic loss, Eastern Canada holds the record."

He says that, considering the 2,000 high-elevation Adirondack lakes, 200 of which are now "dead," the threat to the lower lakes and the existing and potential damage to buildings, "New York may have a lot more to lose."

At an Environmental Protection Agency hearing on interstate pollution here in June, Ontario experts testified that sulphur in rain

had exceeded predictions in St. Lawrence, Oneida and Onondaga Counties and matched the prediction in Essex County.

They attributed between 4 and 6 percent of the Adirondack acid rain to emissions from nickel plants in Sudbury, Ont., in 1979, 6 to 14 percent to other Canadian sources and the rest to U.S. sources, mainly industrial and power plants in the Middle West, Kentucky and West Virginia.

Canada concedes that it is impossible just to turn off the power plants, but it maintains some positive steps must be taken.

Experts cite potential losses to Canada's billion-dollars-a-year sport fishing industry and its $22 billion forest industry and says damages to U.S. buildings from acid rain could reach $2 billion a year.

Sixty percent of Canada's forest industry is in the East, where the impact of acid rain is the greatest.

Canada concedes it is probably responsible for 15 percent of the acid rain in the Northeastern U.S. but says the U.S. is responsible for at least half the acid rain in Canada.

Overall, it appears that U.S. emissions have leveled off. In Canada they seem to have declined.

What rankles Canadians is the insistence of the U.S. on further study of the problem.

"A nice copout," comments John Cooley, a Canadian fisheries and ocean expert. "The cost of a study is an absolute pittance when compared with doing something about it."

"We are not prepared to wait and lose on the scale of Scandinavia," says Dr. Bangay.

The problem has intensified with the switch of American plants from coal to oil, a process started in the Carter Administration.

However, Mr. Norton says American groups have been cooperative, and Ontario views New York State "as an ally." He says the feedback on Canadian testimony before an Albany hearing conducted by Sen. Daniel P. Moynihan, D-N.Y., last summer was very positive.

The fact that 90 percent of the acid that falls in rain and snow is neutralized does not help the situation much.

"Once a lake is dead," says Dr. Brydges solemnly, "the game is over. The biological system is beginning to give way."

He points to odd balls of algae forming in dying lakes and says. "It is a forerunner of a biological disaster to follow."

ACID RAIN-V—POWER PLANT EMISSIONS LINK TO ACID RAIN "OVERWHELMING"

(By Alan Emory)

WASHINGTON.—The circumstantial evidence linking power plant emissions to production of acid rain is "overwhelming," according to a research arm of the National Academy of Sciences.

It finds "clear evidence of serious hazard to human health and to the biosphere," and if industrial plants continue pouring sulphur and nitrogen oxide into the air the situation will become "extremely risky."

"We can't wait for 10 years of research," says a top Canadian environmental official. "We have to take some action and take it now. We can reach an international agreement on intelligent action just as we did on the Great Lakes, but the agreement must be underpinned by domestic legislation and action."

Among the moves that can be made are putting better "scrubbers" in the plants that throw the toxic emissions into the air out of huge stacks, washing coal to get rid of more sulphur, which would add about $15 a ton to fuel costs; changing to low-sulphur coal or blending high and low-sulphur coal, using limestone burners, though this may not be commercially feasible before 1990, and a type of combustion using finely ground-up coal, but that is not likely before 1995.

In the meantime, Canada has been demanding "action now," in addition to long-range research, and Canadian officials have expressed increasing unhappiness about the failure of the Reagan administration to show a sense of urgency.

The steps that Canada would like Washington to take quickly are:

Progress on last year's U.S.-Canadian memorandum of intent that serves as a preliminary to an air pollution control treaty. This would involve strict enforcement of existing U.S. laws and regulations, rather than the relaxation of restrictions that the Reagan administration has been indicating will take place.

So far the Reagan moves have run contrary to the spirit of the memorandum and earlier U.S.-Canadian talks, Canada maintains. It feels the action it is seeking in Washington is not "enormous, precipitous or costly."

Revival of working group action on drafting the clean air treaty, Canada recognizes the change of administrations in Washington slowed things down, but it wants negotiations started again, "seriously and soon," as one official put it. Washington has shown no signs of responding.

Congressional approval of a strong clean air law. Administration explanations of "streamlining" pollution curbs sound suspiciously like weakening existing safeguards to Canada, which says the science of controlling dirty air is more developed and can be used to bring the law up to date.

"It is cheaper to export pollution than to control it," one Canadian official observed wryly.

A summary of a report of a National Research Council committee on fossil fuels rejects utility industry arguments that it is not responsible for acid rain.

It cites acidified lakes where geological factors "cannot be implicated" and warns that the number of affected lakes will more than double by 1990 and that they will be larger and deeper.

"There is little probability that some factor other than emissions of sulphur and nitrogen oxides is responsible for acid rain," the report says.

It cites the widespread dispersal of toxic metals by burning coal and crude oil, smelting, municipal incineration and cement manufacture. The metals include mercury, lead, zinc and cadmium.

In addition, acid rain releases metals already in the soil so that they flow more easily into nearby lakes and streams, where they are consumed by fish.

The report warns that "there is no satisfactory technology for controlling large-scale emissions of mercury to the atmosphere."

It finds "a much more complete knowledge of the causes and consequences of acid rain" than for other pollutants, but even with acid rain, it says, the information is inadequate.

"Pollution of the atmosphere, even with trace amounts of toxicants, could have serious consequences," the report says.

Experts are calling for a National Center for Ecology and Environmental Science comparable to the center for atmospheric research and the Geological Survey.

Meanwhile, however, the report says the "picture is disturbing enough to merit prompt tightening of restrictions on atmospheric emissions from fossil fuels and other large sources, such as metal smelters and cement manufacture. Strong measures are necessary . . . to prevent further degradation of natural ecosystems."

It warns of "slow, nearly undetectable increases in a multitude of extremely toxic substances" and calls for long-term monitoring and forecasting.

As an example of what can be done, Canadians point to plans for the Ontario Hydro-electric Power Commission to reduce its plant emissions by 43 percent by 1990 regardless of electrical demand.

"The only solution," says Ontario Environment Minister Keith Norton, "is international abatement."

He criticizes Reagan administration officials for dismissing Canadian concerns "as unfounded and our request for action as extremist," and he cities drafts of a new clean air law that would lead to more pollution in the U.S.-Canadian airshed.

The Reagan position, he says, is "bloody close to an act of hostility on a friendly neighbor."

Experts say engineering technology can now control the major components of acid rain, but they also argue that in the long run only decreased reliance on coal or oil or improved control of pollutants can reduce the risk of food shortages, impaired health and a damaged environment.●

COMMEMORATING HUNGARIAN FREEDOM FIGHTER'S DAY

● Mr. DOLE. Mr. President, tomorrow, on October 23, we in the United States commemorate the valiant fight for freedom in Hungary by those who, exactly 25 years ago in 1956, close to cast off the yoke of Soviet repression in exchange for an opportunity to freely choose the conditions under which they would live.

In a gradual process, presaging the similar Prague spring of 1968 and so different from the present electric events in Poland, Imre Nagy became Prime Minister of Hungary in July 1953, and initiated a policy of liberalization away from the closed, repressive Soviet model thrust upon Hungary after World War II. He chose to end forced collectivization, end forced development of heavy industry in exchange for consumer goods production, and promised to release those citizens who had been imprisoned for their political views.

His Soviet bosses could not support this program of increased freedom and removed him from office in the spring of 1955, to be replaced by the puppet Rakosi, who was intensely disliked by the people.

After a short rule under Rakosi which lasted only until July 1956, Erno Gero, Rakosi's second in charge, took over the reign of repression and carried out the tasks of his Soviet master with even more diligence. But that short period of relaxation under Nagy had created a burning desire among the Hungarian people to be free of political repression, free to determine the destiny of their lives and their nation.

A COALITION FROM ALL WALKS OF LIFE

A few months later, on October 23, what started as a simple procession of students determined to lodge a petition of redress from the grievances inflicted upon them and their country, ended with a bloodbath when the regime ordered the police to fire into the crowd. That crowd, which had grown to a significant size, was composed of citizens from all walks of life.

The Hungarian Army joined the new revolutionary movement, distributing arms to the people. Peasants reoccupied their confiscated lands, political prisoners were freed from prisons, and Imre

Nagy was called on by the people to form a new government. In short order, Nagy formed a coalition composed of the three major parties, the social democrats, the shareholders, and the National Peasant Party and supported by the Catholic Association led by the late Cardinal Mindszenty.

On November 1, 1956, the new Hungarian Government renounced its prior commitment to the Warsaw Pact. Three days later, the Soviet tanks rolled into Budapest and other cities of Hungary and quickly ended any organized military opposition to the new Soviet agent, the self-proclaimed Communist leader, Janos Kadar. Kadar announced the formation of a Revolutionary Peasant-Worker Government composed solely of Communists and, with the help of Soviet troops, soon controlled the country.

Mr. President, 25 years later, we still find the Soviet Army maintaining a force of many thousands in Hungary. And, also, just as strong, the people of Hungary continue to crave what is due them as a people: self-determination, freedom to live where they choose, and how they choose.

We commemorate today those who died fighting for a cause and ideal so close to the hearts of all Americans: freedom. We honor those who continue that fight both from within and outside of Hungary.

This week the Congress has passed a joint resolution which the Senator from Kansas had the honor of sponsoring, in recognition of this historical event. It proclaims October 23 as Hungarian Freedom Fighter's Day, setting aside 1 day in the course of a year as a memorial to those who died in 1956—a small, but significant gesture from the American people to those in Hungary who maintain a constant vigil for that day when Hungary will be able to proclaim its independence and liberty.●

SOCIAL SECURITY

● Mr. DOLE. Mr. President, on October 15 this body agreed to a number of social security amendments designed to help insure that the old-age and survivors retirement fund could meet benefit payments next year. In addition to providing this measure of security the amendments also allowed for a nearly complete restoration of the minimum benefit for those currently on the rolls. These changes were necessary and important, but at the time we considered them, and again today, the Senator from Kansas would like to remind his colleagues that they should be under no illusion that we have taken care of the long-term social security problem or even insured the solvency of the system through the 1980's. This concern is heightened by the very recent release this week of revised estimates on the Health Insurance trust fund outgo.

As you will recall the social security amendments included a tax reallocation provision which, while keeping the overall social security tax rate the same, increased the OASI tax, decreased the disability insurance tax, and decreased the hospital insurance tax through 1985. We used the most current program data available on the trust funds status at the time this proposal was agreed to. Under those estimates the health insurance trust fund was secure to 1990.

Under the new estimates the actuaries show the reserve ratio in the health insurance trust fund to be at 4 percent on January 1, 1984. This would be substantially under the minimum amount needed to meet the cash flow demands of the medicare program. When viewed in terms of the combined reserves of the three trust funds, we would be at the dangerously low reserve ratio of 12 percent on January 1, 1985, rather than during 1988 as the actuaries had projected earlier.

Mr. President, as noted during the consideration of the social security amendments, we presume a good deal about the forecasting abilities of our actuaries. We ask them to predict with precision anticipated economic behavior and its effect on the social security trust funds as far in the future as 2040. We have to trust this information each time we make a decision in these programs.

So it is with concern we reviewed these most recent medicare estimates. Clearly whatever adjustments necessary, in the context of our recent amendments, to protect the medicare trust fund will be considered during our conference with the House on these same amendments. In viewing the long run, however, the Senator from Kansas again cautions his colleagues as to the necessity of proceeding carefully. Quick, easy solutions can get us into serious, unanticipated problems.

This Senator had been hesitant to agreeing to such proposals in the past. Interfund borrowing and reallocation are short-term measures, and were designed to do no damage. Yet we see problems already reflected in these new estimates. Problems that are not a result of, but are exacerbated by our actions. This Senator still believes these changes were necessary and correct based on the best information we had available at the time. But again, this recent problem highlights our need to undertake more substantial action for the short-term and proceed toward finding long-term solutions.●

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS PERCY AND STENNIS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, the following Senators be recognized for not more than 15 minutes each on special order, the Senator from Illinois (Mr. PERCY) and the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent after the time allocated to the two Senators under special orders, there be a period for the transaction of routine morning business to extend not past the hour of 11 o'clock and in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. WARNER). The Chair, on behalf of the Vice President, appoints the Senator from Kansas (Mr. DOLE) as a congressional adviser to the United Nations Conference of the Food and Agriculture Organization, to be held in Rome, Italy, November 7–26, 1981.

APPROPRIATIONS SCHEDULE TO DETERMINE LENGTH OF THIS SESSION

Mr. BAKER. Mr. President, as I stated this morning, the Senate will begin consideration of the first in a series of appropriation bills tomorrow, and I cannot overstate the importance of dealing expeditiously with these measures.

The first item, the Interior appropriation bill, is indeed complex, yet it is my hope that when we begin consideration of it tomorrow afternoon, we will be able to progress to the point where we can finish it on Monday. I am presently aware of 10 amendments on this side, and I am sure that there are several from the other side of the aisle as well. We must act swiftly on these amendments; they must be filed as soon as possible, and they must be void of any superfluous and extraneous matters which should be and will be dealt with by themselves later on in the session.

The Senate is in a position to chart its own course. We will determine how we proceed with the demanding appropriations schedule, and that, my friends, will play perhaps the largest role in determining when we conclude our business this session.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 o'clock. After the recognition of the two leaders under the standing order, recognition of two Senators for not more than 15 minutes each on special orders has been provided for.

After the expiration of time for special orders, there will be a brief period for the transaction of routine morning business to extend not past the hour of 11 a.m.

At the expiration of time for the transaction of routine morning business, the Senate will turn to the consideration

of the Standby Petroleum Allocation Act, S. 1503. It is the intention of the leadership to ask the Senate to turn the consideration of the Interior appropriation bill shortly after the hour of 12 noon on tomorrow.

Mr. President, it is not anticipated that there will be any rollcall votes on tomorrow. It is expected, however, that extensive statements and perhaps some business will be transacted in connection with both measures.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of no further business to come before the Senate and I now move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to; and, at 10:02 p.m., the Senate recessed until Friday, October 23, 1981, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 22, 1981:

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Abing, Amrit S., xxx-xx-x...
Adams, Charles A., Jr., xxx-xx-x...
Adams, Daniel J., xxx-xx-...
Adkins, Lonnie D., xxx-xx-x...
Airmet, Wayne S., xxx-...
Aksomitas, Steven, xxx-x...
Albert, Allan R., xxx-...
Alexander, Edward T., Jr., xxx-...
Alford, Linda J., xxx-...
Alford, Thomas M., xxx-...
Allee, Marc C., xxx-xx-xxxx
Allers, John D., xxx-xx-xxxx
Allred, Daniel B., xxx...
Alvis, John S., xxx-x...
Ament, William J., xxx-xx-xxxx
Amico, Ross L., xxx-xx-xxxx
Amos, William S., xxx-xx-x...
Anderson, Barry J., xxx-xx-xxxx
Anderson, Gary M., xxx-x...
Anderson, Mark A., xxx-...
Anderson, Phillip A., xxx-x...
Andreoli, Albert J., xxx-x...
Ankesheiln, Pamela J., xxx-x...
Annen, Dennis M., xxx-xx-xxxx
Applewhaite, Jane W., xxx-x...
Archer, George M., xxx-x...
Archie, Robert L., xxx-x...
Arnold, Stephen W., xxx-xx-x...
Artese, Michael J., xxx-xx-x...
Askue, Cecilia A., xxx-xx-x...
Atkins, Dana T., xxx-xx...
Auten, George R., Jr., xxx-...
Avella, Paul J., xxx-xx-x...
Avery, Roy E., Jr., xxx-xx-xxxx
Bacon, Richard I., Jr., xxx-xx-xxxx
Badley, Richie M., xxx-xx-xxxx
Bailey, Keith D., xxx-...
Bair, Sandy R., xxx-...
Baldwin, Stephen, xxx-x...
Ballantine, Robert B., xxx-...
Balombini, Cheryl S., xxx-xx-xxxx
Banks, Reginald A., x...
Barbour, Timothy E., xxx-xx-xxxx
Bare, Gary A., xxx...
Bariseau, Eric C., xxx-x...
Barnas, Thaddeus J., xxx-xx-xxxx
Barner, Yolanda K., xxx-xx-xxxx
Barr, Ronald L., xx...
Barrows, Raymond M., xxx-x...
Basner, Richard W., xxx-xx-x...
Bassett, Glen A., xxx-x...
Battermann, Robert W., xxx-xx-xxxx
Bauer, Lynn A., xx...
Bayne, James J., xxx-x...
Bazant, Allen P., xxx-xx-xxxx
Benson, Charles W., xxx-x...
Beatty, Charles W., Jr., xxx-...
Beaugh, Michael C., xxx-...
Beberwyck, Mark A., xx...
Beecher, Blake R., xxx-xx-x...
Beecroft, David R., xxx-xx-xxxx
Bell, John E., xxx-xx-x...
Bell, Roger H., xxx-xx...
Belorusky, Erwin A., Jr., xxx-xx-x...
Bennington, Robert W., xxx-xx-x...
Benson, Richard E., xxx-xx-x...
Berdine, Richard W., xxx-xx-x...
Berger, Steven C., xxx-xx-xxxx
Bergstrom, Alan J., xxx-xx-xxxx
Berry, Susan V., xxx-x...
Betts, Myra J., xxx-xx-x...
Bevars, Barry J., xxx-xx-xxxx
Beyer, Jeffery T., xxx-x...
Bigler, Thomas A., xxx-xx-xxxx
Bingham, Sherman M., xxx-x...
Bitler, Bennett M., xxx-xx-x...
Blagg, Debra A., xxx-xx-x...
Blanchard, Kevin W., xxx-xx-xxxx
Bland, Robert L., xxx-xx-x...
Boatwright, Frank B., III, xxx-xx-xxxx
Boggs, Charles W., III, xxx-...
Bogner, Rosanna, xxx-xx-xxxx
Bohn, Courtlandt L., xxx-xx-x...
Bolan, Jay D., xxx-xx-xxxx
Bonam, Patrick A., xxx-x...
Bond, Gary N., xxx-...
Boudot, James R., xxx-xx-x...
Bower, Suzanne D., xxx-xx-...
Bowley, Albert J., Jr., xxx-xx-x...
Bradley, Joseph L., xxx-xx...
Bradley, Kenneth R., xxx-xx-...
Braun, Barbara A., xxx-xx-xxxx
Breaux, Paul J., xxx-...
Breckenridge, Neil, xxx-x...
Brennan, Douglas F., xxx-x...
Brennan, James P., Jr., xxx-...
Brenton, Lynn M., xxx-x...
Bridge, Timothy C., xxx-xx-xxxx
Broadwater, Wayne R., xxx-xx-x...
Brody, Bruce A., xxx-xx-xxxx
Brown, Julie V. K., xxx-...
Brown, Larry, xxx...
Brown, Wayne W., xxx-...
Brown, William E., Jr., xxx-xx-x...
Browne, Joseph S., Jr., xxx-xx-x...
Brownell, Julie B., xxx-...
Buchanan, John W., xxx-xx-x...
Bulik, Richard T., xxx-...
Bull, Susan L., xxx-x...
Burke, Michael P., xxx-xx...
Burleson, Robert E., xxx-x...
Burnett, David G., xxx-xx-xxxx
Burns, Paul J., xxx-x...
Butcher, James M., xxx-xx...
Byrd, Roy S., xxx-xx-xxxx
Cafarella, Joseph R., Jr., xxx-...
Callins, David G., xxx-xx-xxxx
Cameron, Catherine E., xxx-xx-xxxx
Campbell, Edgar A., xxx-x...
Canfield, Robert C., xxx-xx-xxxx
Caplan, Van L., xxx-xx-xxxx
Carlson, Richard S., Jr., xxx-xx-x...
Carlton, Marcus S., xxx-...
Carney, Carolyn S., xxx-xx-xxxx
Carney, Charles G., xxx-xx-xxxx
Carpenter, Patrick A., xxx-...
Carroll, Donald P., xxx-x...
Carter, Michael G., xxx-xx-xxxx
Carter, William L., xxx-xx-xxxx
Caruso, Pia L., xxx-x...
Catrantzos, Nick, xxx-xx-xxxx
Cermak, Charles C., xxx-xx-x...
Chamberlain, Gary B., xxx-xx...
Chambliss, James, Jr., xxx-xx-x...
Chandler, Cynthia D., xxx-xx-x...
Chappelear, Charles E., xxx-xx-x...
Charles, Margaret J., xxx-xx-x...
Chavis, Sullivan C., xxx-xx-xxxx
Chelf, Max C., xxx-x...
Chen, Peter W., xxx-...
Chernak, Frank A., xxx-...
Chesley, Fred T., xxx-...
Chilton, Steven K., xxx-...
Chretien, Lucien H., Jr., xxx-xx-xxxx
Christie, Rani P., xxx-xx-x...
Cieslik, John A., xxx-xx-xxxx
Clapp, Douglas M., xxx-xx-x...
Clark, Thomas G. D., xxx-x...
Clark, William H., Jr., xxx-xx...
Clary, Milton R., xxx-xx-...
Class, Mark J., x...
Claunch, Richard D., xxx-x...
Clausen, Lawrence J., xxx-...
Claybrook, Raymond P., xx...
Cleveland, Jannine L. A., xxx-x...
Cline, Michael A., xxx...
Closner, Wally M., xxx-...
Coffer, Marybeth H., xxx-xx-x...
Cohen, Michael H., xxx-xx-x...
Cohoon, Janet I., xx...
Colbert, Ronald A., xxx-x...
Cole, Gary H., xxx-x...
Coleman, Keith A., xxx-x...
Coleman, Linda C., xxx-...
Collins, Kathy R., xxx-...
Condron, Robert E., Jr., xxx-xx-x...
Conway, Carolyn C., xxx-xx-x...
Cooley, Michael D., xxx-x...
Cooper, Davis S., xxx-x...
Cooper, Stephen R., xxx-xx-xxxx
Coover, David M., Jr., xxx-x...
Cortez, David F., xxx-xx-xxxx
Cosgrove, Catherine R., xxx-xx-xxxx
Cozort, Michael G., xxx-...
Crafton, Jerry W., xxx-xx-xxxx
Craigen, Barry W., xxx-xx-xxxx
Crawford, Charles G., xxx-xx-x...
Crickenberger, James A., xxx-xx-xxxx
Crockett, Bruce Alan, xxx-...
Crowden, David F., xxx-x...
Crusan, Daniel A., xxx-xx-xxxx
Cunningham, David B., xxx-xx-xxxx
Curell, Jene E., xxx-xx-xxxx
Curell, Kenneth E., xxx-x...
Cutchin, Charlie E., xxx-xx-x...
Daigle, Bernie J., xxx-xx-xxxx
Daniel, Brian M., xxx-xx-xxxx
Davidovich, Steven M., xxx-xx-xxxx
Davis, Billy G., xxx-x...
Davis, Jeffrey A., xxx-xx...
Davis, Robert W., xx...
Davy, Joel R., xxx-...
Dearinger, Christopher A., xxx-xx...
Dearmond, Frank M., xxx-x...
Deback, John P., xxx-x...
Decarlo, Suzanne, xxx-x...
Delpino, Stephen R., xxx-xx-xxxx
Deluca, Frank J., Jr., xxx-xx-x...
Denard, Leland D., xxx-...
Denny, Thomas C., xxx-x...
Dettman, Gary L., xxx-xx-xxxx
Diamond, Jan A., xxx-x...
DiBartolomeo, Frank, Jr., xxx...
Dibble, Russell E., xxx-xx-xxxx
Dickens, Eugene G., Jr., xxx-xx-xxxx
Dickinson, Lansing E., x...
Dietvorst, Virginia R., xxx-xx...
Dillon, Virginia A., xxx-xx-x...
Dittman, Charles M., xxx-xx-x...
Doland, Jerry T., xxx...
Domian, Brian C., xx...
Donovan, Gary L., xxx-xx-xxxx
Donovan, Robert J., II, xxx-x...
Dorough, Donald G., xxx...
Doster, Lonnie M., xxx-x...
Downs, Dennis W., xxx-x...
Doyle, Catherine C., xxx-x...
Draper, Daniel Lee, xxx-x...
Drayer, Dennis L., xxx-xx-...
Dremstedt, Albert C., xxx-...
Duffy, William, xxx-xx-xxxx
Dunleavy, Kevin W., xxx-xx-xxxx
Durham, Daniel E., xxx-x...
Eagle, Daniel R., xxx-...
Eakins, Dennis W., xxx-...
Earley, Thomas R., xxx-xx-x...

Eckert, William H., Jr., xxx-xx-xxxx
Eddie, Charles R., xxx-xx-xxxx
Edmonds, Arthur R., xxx-xx-xxxx
Edmondson, Paul R., xxx-xx-xxxx
Eilenberger, Richard H., xxx-xx-xxxx
Eisley, Gerald E., Jr., xxx-xx-xxxx
Ellis, Marland K., xxx-xx-xxxx
Emery, Richard L., xxx-xx-xxxx
Ennis, Michael S., xxx-xx-xxxx
Epley, James P., Jr., xxx-xx-xxxx
Erickson, Paul L., Jr., xxx-xx-xxxx
Evans, Carl D., xxx-xx-xxxx
Farr, Thomas L., xxx-xx-xxxx
Farren, William F., xxx-xx-xxxx
Farris, Larry J., xxx-xx-xxxx
Farson, Kathleen A., xxx-xx-xxxx
Faulkner, James R., xxx-xx-xxxx
Fay, Anne M., xxx-xx-xxxx
Feldman, Nathan S., xxx-xx-xxxx
Ferbezar, Steven A., xxx-xx-xxxx
Ferguson, Larry T., xxx-xx-xxxx
Ferrante, John V., xxx-xx-xxxx
Ferrante, Michele C., xxx-xx-xxxx
Ferree, Deborah K., xxx-xx-xxxx
Ferrell, Sharon K., xxx-xx-xxxx
Fisher, Michael A., xxx-xx-xxxx
Flaig, Bruce D., xxx-xx-xxxx
Foley, Lester C., Jr., xxx-xx-xxxx
Ford, Gary N., xxx-xx-xxxx
Forest, George E., xxx-xx-xxxx
Foss, David W., xxx-xx-xxxx
Foughty, Michael A., xxx-xx-xxxx
Frack, Jeffrey L., xxx-xx-xxxx
Franklin, Robert C., xxx-xx-xxxx
Frantom, Gordon L., xxx-xx-xxxx
Franz, Mark R., xxx-xx-xxxx
Frazier, James A., Jr., xxx-xx-xxxx
Frederick, Janice C., xxx-xx-xxxx
Friedman, Michael D., xxx-xx-xxxx
Frye, Russell M., Jr., xxx-xx-xxxx
Fuller, Michael J., xxx-xx-xxxx
Furs, Francis E., xxx-xx-xxxx
Gabric, Larry J., xxx-xx-xxxx
Gabriel, Steven N., xxx-xx-xxxx
Gabrielsen, Ronald R., xxx-xx-xxxx
Gaither, Henry B., Jr., xxx-xx-xxxx
Galloway, Billy J., xxx-xx-xxxx
Ganzemuller, Albert C., xxx-xx-xxxx
Garcia, Robert, xxx-xx-xxxx
Gardner, Danny K., xxx-xx-xxxx
Gardner, Jon A., xxx-xx-xxxx
Garling, Jerry L., xxx-xx-xxxx
Gattinger, David L., xxx-xx-xxxx
Gearing, Richard E., xxx-xx-xxxx
George, Douglas E., xxx-xx-xxxx
Gerald, Jeffrey P., xxx-xx-xxxx
Gerardi, Joseph P., Jr., xxx-xx-xxxx
Gibbons, John M., xxx-xx-xxxx
Gilbert, Steven R., xxx-xx-xxxx
Gillies, Deirdre S., xxx-xx-xxxx
Glass, Carl L., xxx-xx-xxxx
Glenn, Phillip, Jr., xxx-xx-xxxx
Goebel, James W., xxx-xx-xxxx
Gonske, Mark A., xxx-xx-xxxx
Goodman, Michael J., xxx-xx-xxxx
Goslin, Mark L., xxx-xx-xxxx
Gourdine, Jerome W., xxx-xx-xxxx
Graber, Karen K., xxx-xx-xxxx
Grady, Christopher C., xxx-xx-xxxx
Graham, John L., xxx-xx-xxxx
Grant, Gloria J., xxx-xx-xxxx
Grater, James E., xxx-xx-xxxx
Greenway, Charles R., xxx-xx-xxxx
Greenwood, James F., xxx-xx-xxxx
Greer, Robert J., xxx-xx-xxxx
Gregory, Paul C., Jr., xxx-xx-xxxx
Gretlein, Raymond C., Jr., xxx-xx-xxxx
Griffith, Deborah K., xxx-xx-xxxx
Griffith, James W., xxx-xx-xxxx
Grivich, Martin H., xxx-xx-xxxx
Grooten, William A., III, xxx-xx-xxxx
Guevara, Edna G., xxx-xx-xxxx
Guiffrida, Anthony A., xxx-xx-xxxx
Gustafson, Richard P., xxx-xx-xxxx
Gutshall, Robert B., xxx-xx-xxxx
Haberecht, Alan H., xxx-xx-xxxx
Habina, Joyce F., xxx-xx-xxxx
Hadyka, Joseph P., xxx-xx-xxxx
Hagen, Jeffrey A., xxx-xx-xxxx
Hales, Jack R., xxx-xx-xxxx
Haley, Deborah A., xxx-xx-xxxx
Hall, William G., Jr., xxx-xx-xxxx
Hamilton, Paul D., xxx-xx-xxxx
Hammes, John J., xxx-xx-xxxx
Hancock, Clara C., xxx-xx-xxxx
Hand, Richard A., xxx-xx-xxxx
Handle, David A., xxx-xx-xxxx
Hanson, Bruce E., xxx-xx-xxxx
Hanson, Reed F., xxx-xx-x...
Hardersen, Steven L., xxx-xx-xxxx
Hare, Jeffrey B., xxx-xx-xxxx
Harper, Thomas L., xxx-xx-xxxx
Harrell, Rebecca L., xxx-xx-xxxx
Hart, Janet L., xxx-xx-xxxx
Hart, Mary A., xxx-xx-xxxx
Haskell, John M., xxx-xx-xxxx
Hatch, Richard A., xxx-xx-xxxx
Hauenstein, Hugh E., xxx-xx-xxxx
Hauser, Anthony A., xxx-xx-xxxx
Hawkins, Carl G., xxx-xx-xxxx
Hawkins, Joseph F., Jr., xxx-xx-xxxx
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The following officer for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with the date of rank to be determined by the Secretary of the Air Force:

NURSE CORPS

To be captain

Ellis, Wayne E., xxx-xx-xxxx

EXTENSIONS OF REMARKS

NOBEL LAUREATE JAMES TOBIN ON REAGANOMICS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LaFALCE. Mr. Speaker, as the Nobel awards are announced, the citizens of the United States may again this year be proud of the great number of these prestigious awards being given to our fellow countrymen. While we take understandable great pride in Yale Prof. James Tobin's Nobel Prize for Economic Theory, our joy must necessarily be somewhat muted by the realization that this distinguished economist and scholar has been saying for quite some time that the economic program of this administration is seriously flawed. The President's economic advisers would do well to listen to Professor Tobin's insights on the inconsistencies of their fiscal and monetary policies—and to heed some of his advice.

Last May, at an economic seminar on the Reagan economic program, Professor Tobin astutely analogized Reaganomics to an economic train with Conductor Reagan hitching a tight monetary policy engine at one end of the train and a supply-side fiscal locomotive to the other end and telling us that the economic train will carry us to full employment and disinflation at the same time. Tobin called this inconsistency devastating to the credibility of the President's program.

Of the administration's endorsement of the Federal Reserve Board's tight money policy, Professor Tobin has observed, "With all of the slack in the economy, a reasonably expansive monetary policy would produce growth without any significant increase in inflation." This is something serious for us to ponder as we watch high interest rates stifle our economic growth.

A month before receiving his award, Professor Tobin appeared before the Progressive House Staff Group for a discussion of the President's economic program. Columnist Hobart Rowen attended that meeting and excerpts from Professor Tobin's remarks appeared in the October 18, Washington Post. I commend that article to my colleagues:

TOBIN ATTACKS PRESIDENT, VOLCKER, WALL STREET

MONETARY POLICY AND HIGH INTEREST RATES

As you can see, the president got his way on both the tax cuts and budget cuts, [but following the euphoria], sober second thoughts have arisen, or maybe sober first thoughts that weren't expressed widely enough beforehand, surfaced and things are sort of in a panic both in New York and Washington. . . . The Federal Reserve monetary policy is precisely what the administration wanted the Federal Reserve to do, in fact ordered them to do, and it's not any surprise what has happened. . . .

It was apparent last winter, when the program was first set forth, that the monetary targets that the Federal Reserve was committed to—with the strong urging endorsement of the administration—were very stingy targets, and they involved a schedule of reduction in the growth of money for the next five years. . . .

[It was also apparent] that . . . the stingy monetary targets were bound to produce extraordinarily high interest rates, and those high interest rates would turn out to be an almost insurmountable hurdle to the achievement of the recovery in output and employment, which the administration was [at the same time] projecting.

And that was true even if you accepted their rather optimistic views on how fast the inflation rate would subside, and even more true if you took the more realistic view of that. Well, they went ahead with the tax and budget program. . . .

Now I must say that if you took the budget cuts and the tax cuts at the face value, as they were proposed in the economic recovery program document presented by the administration last spring, the tax cuts did not appear to be really excessive in a macroeconomic sense. . . .

BUDGET DEFICIT FEARS

Since then what has happened to change that outlook? . . . [There are] legitimate reasons for worrying about the budgetary outlook, as Wall Street is doing and as the president and his advisers are doing. . . . If you thought that the administration and the Congress would be unable to come up with subsequent budget cuts as were included in the program but not specified, then the tax cuts involved would be bigger than the budget cuts, and that would be a legitimate cause for concern. . . .

On the other hand, some of the concern seems to be triggered by the realization that the economy will not be as strong as the administration forecast. Therefore, the revenues collected from the economy will not be as large. And therefore, it will be harder to realize the administration's [hope], which involves—as it does in every administration—a balanced budget in the final year of the term of the president.

That, I don't think, is a legitimate reason either for financial markets to get upset in the way they have or for the Congress to tighten the budget. If that happens, it leaves the economy weaker than it was thought to be by the administration that made the forecast. And it's a perverse response to that kind of information to make budget policy tighter as well. That's a chasing-your-tail strategy such as Mr. Hoover tried in the 1930's. . . .

IMPACT OF INTEREST RATES ON FEDERAL DEBT

[There is] another major reason for which the budget outlook has deteriorated relative to the administration's initial forecasts. High interest rates mean, among other things, that the public debt interest is going to be higher in the budget. But the high interest rates are a deflationary factor in themselves, and so it's sort of kicking the economy twice—you kick it once with the high interest rates and you kick it again because the high interest rates [show up] in the budget [as] more expenditures. . . .

What the markets are worrying about is crowding out, whether the markets will swallow the large issues of government securities, which they foresee because of the deficits. But the fact is that if you look at the size of the debt as it would be at the end of 1984 under the Congressional Budget Office forecasts of the budget, the size of the debt will be no bigger relative to GNP than it has been—namely about 22 to 23 percent—and it was a lot higher than that in the 1960s and the 1950s. . . .

So I think that some of the concern about this is overblown and exaggerated. There is a legitimate concern. It certainly is reasonable to be concerned about the high interest rates, not simply because of inflation but because current interest rates after you subtract the rate of inflation, that real interest rates are higher than they've been in this country since the Great Depression of the 1930s. And it's very hard to foresee that the economy can stand up under those kinds of real interest rates. When you're paying prime rates for 20 percent for business borrowing and the inflation rate may be 8 or 9 percent—that's 11 percent, 12 percent real interest rate, you don't make money that way. . . .

So that's something on which everybody agrees, that the interest rates are terribly high and they ought to come down. The question is how.

VOLCKER'S THATCHER-LIKE POLICY

There are several ways that they could come down. One way in which they can come down is that we will have a recession, or we'll have at best a stagnant economy on the edge of a recession with intermittent dips in the economy, but with unemployment 7½ or 8 or more percent for a number of years. . . .

I think, in a sense, that people do not sufficiently appreciate that this is the aim of Federal Reserve policy. . . .

If you read or heard what [Paul Volcker] has said during the time he's been chairman of the board, before the Reagan administration came in and after it came in, you would know that he's embarked upon a kind of single-minded and single-institution campaign to bring the rate of inflation in this country down. And the only way he can do it, the only way the Federal Reseve can do it, is to be stingy about money stock and accept whatever high interest rates come about, and accept whatever kind of damage this does to the real economy in terms of unemployment, low production, recession, low investment, and so on in the hope that in time, enough people will be unemployed, enough union leaders will be desperate to protect the jobs of their members, enough businessmen will be like Chrysler—desperate for selling something—that they will begin to slow down the rates of wage increase and price increase in the industrial

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

sector of the economy, which are the core of our inflation.

. . . . Then you can break the inflation—eventually—but painfully and with considerable economic damage.

. . . That's basically the strategy. Now, that's the strategy of Mrs. Thatcher in England. You can observe what's going on there and see how much damage it does and see also that it does slowly work and you do bring down the inflation. There is a big difference between Mrs. Thatcher's policy in England and the similar policy in the United States because in England it's Mrs. Thatcher that headed the government and in the United States it's only Paul Volcker who expresses this policy.

It's one thing for Mrs. Thatcher to get up on national television and say, "we don't care what happens to the unemployed. We don't care what happens to the real economy in this country. We're going to stick by our guns. If you choose to waste the money we give you in inflation, too bad. There just won't be jobs for you, and that's not our fault. We told you that's the way it was going to be." If Paul Volcker tells you that in his dignified and low-key way, who hears it? I hear it because I read what Paul Volcker has to say because I have a professional interest in it. Maybe a few of you do that and all the people in the bond market and the money market [also hear it]. But that's not getting the message to the heads of unions in Des Moines, St. Louis and San Diego. And that you'd only get it, if at all, by the president saying: "That's our strategy". The president had not said that. [Instead], he said: "We'll [end] this inflation because the Federal Reserve will take care of that. But meanwhile we'll have more jobs and a lovely growth in the economy." So we're following a Thatcher policy without any of these damages, which a powerful political endorsement of the policy and explanation of the policy might give us in terms of speeding up the response.

WHAT THE FINANCIAL MARKETS WANT

Another way which interest rates could go down—and this is the way the financial markets would like it to happen—is for fiscal policy to be made a lot tighter, more budget cuts . . . achievement of the balanced budget in 1934. Then there won't be all those government securities coming into the market and crowding out private borrowers.

And they don't really care very much about what happens to the economy in the meanwhile. If the result of that [policy] is merely to add restrictive [fiscal measures] to Paul Volcker's restrictive monetary policy, then that adds to the pressure for low interest rates, but it also adds to the pressure for a recession. . . . So what they [financial markets] want to do is to put the blame for high interest rates onto the budget.

And that's what the administration is going to do now. . . . For nine months of the year, or eight months of the year, you put on your supply-side hat and you go for these tax cuts and forget or underplay the budgetary consequences and all the stuff I've just been talking about. So you don't have to worry about that. And I must say the business and financial community seeing those goodies in their tax bill also mute their criticisms of the financial policy, because they want to get the tax bill. It's not true of everybody, but it's true of a lot [of them].

Then you get the tax bill, and it's signed, sealed and delivered and now you put on your budget-balancing hat and you say, "God, this is awful. Congress has got to shape up and give us the budget cuts to make our inconsistent forecasts of last spring come true." And that's a recipe for getting further cuts in civilian, social programs in the budget on the ground that they are necessitated by financial policy, and for avoiding the possibility that this will be done by giving up the tax cuts that are so pleasant for everybody both politically and personally.

THE BETTER ROUTE: ADJUST THE POLICY MIX

Now, there's another way to go, I think. I personally agree that the mixture of monetary and fiscal policy is not a good one. That is, we have too tight a monetary policy and too easy fiscal policy. So I would like to see, I would have liked to have seen, a mixture that involved an easier monetary policy at the same time as having a smaller tax cut than we did have in the bill that was passed. And I would still like to see a shift toward that kind of mixture of policy. It would result in lower interest rates than we have now and than we are about to have over the next few years. . . .

The question is whether the Congress should do the only "giving" in getting to that mix of policy. The difference between what I said and what the guys in Wall Street are saying and what the administration is saying now, is that they want a tighter fiscal policy, but they don't want an easier monetary policy. . . . If I were a member of Congress, I wouldn't give the tighter fiscal policy without getting an assurance that it would be coordinated with an easier monetary policy. So we'd get the benefit of it in lower interest rates without sacrificing the overall progress of the economy in Paul Volcker's Thatcher-like austerity. Even then, I would still like to combine the policy with [a] wage-price policy, because I don't think we'd get tolerable progress on inflation without doing that.●

JOHANN ZABKA

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contributions of one of my constituents, Mr. Johann Zabka, to Tuscarawas County, Ohio.

Mr. Zabka, who emigrated from Eastern Europe, settled in my congressional district many years ago and has since been an active civic and community leader.

Although it would be impossible to adequately laud all of Mr. Zabka's achievements, I would like to mention some of the particularly special ones. During this Nation's Bicentennial celebration, his "Epic Poem of Tuscarawas County, Ohio" was published and received national recognition and has since been inducted into the American Poets Hall of Fame.

He founded the Zeisberger-Heckewelder Society in Tuscarawas County, Ohio, which is administered by the Historical Society and recognizes, through the awarding of the Zeisberger-Heckewelder Medal, outstanding contributions to Tuscarawas County by individuals as well as institutions.

Mr. Zabka designed 22 commemorative medals from which 10 medals were minted to commemorate the history of Tuscarawas County and Ohio. He also designed and created a trumpet trophy which was presented to Paul Green, author of the play, "Trumpet in the Land," about Ohio history.

Mr. Zabka has also gained recognition as an artist and craftsman in the areas of design-painting, poetry, and medal design. The Ohio Association of Historical Societies and Museums recently honored him by presenting him with an "Outstanding Individual Award."

Johann Zabka's list of historical accomplishments is indeed very long. He is an outstanding citizen and we are very proud to call him our own.●

PRIME MINISTER BEGIN: A CHANCE TO BE PEACEMAKER IN THE MIDDLE EAST

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MAZZOLI. Mr. Speaker, I believe an article in the New York Times on October 17, 1981, by Mr. Edgar M. Bronfman, the chief executive officer of the Seagram Co. and president of the World Jewish Congress, is a brilliant analysis of the current situation in the Middle East.

I thank Mr. Bronfman for having added much to the quality of the thinking on this subject. I agree with his thesis that Prime Minister Menachem Begin has an opportunity—which the world earnestly hopes he accepts—to be the chief peacemaker for a region which desperately needs and is entitled to peace.

Following is Mr. Bronfman's important statement:

[From the New York Times, Oct. 17, 1981]

BE BOLD, MR. BEGIN

(By Edgar M. Bronfman)

There is only one man who, with some help from the United States, could lead the Middle East to peace: Prime Minister Menachem Begin. He stands alone as the only recognizable leader in the Middle East who has been visibly and centrally involved in the start-and-stop quest for a settlement in Sinai, Gaza, and on the West Bank.

Until now, Mr. Begin has taken no initiative but has merely responded to Anwar el-Sadat's bold visit to Jerusalem, in 1977, and its aftermath. But both Mr. Begin and Mr. Sadat failed to overcome the Israeli-Egyptian peace treaty's real stumbling block, the fate of the Palestinians.

Unless Prime Minister Begin now accepts the challenge of being the director of the

peace process, and no longer simply one of its principal actors, there will be no solution.

That will not be a simple task. Menachem Begin has been nurtured more by embattlement and war than by peace. Even as Anwar el-Sadat rose from a crucible of violence and military rule, so Menachem Begin helped establish a Jewish state by arms and the rugged message to a hostile Arab world that anyone who attacked Israel would suffer the pain of its strength.

One possible reaction to Mr. Sadat's death could be for Mr. Begin to decide that only by preparing for an inevitable war can Israel survive. Since Israel is the only stable, strong military power in the Middle East, Mr. Begin could fold his arms, stand tough as his country becomes increasingly an armed camp, and pronounce again: Don't tread on me!

What is his alternative?

While it would be foolish for Israel not to remain strong, it would be equally wrong for Prime Minister Begin, a man of many nuances and parts, not to recognize both the opportunity and responsibility that he alone now has. (It also would be equally foolish, after the latest act of terrorism in the unstable Middle East, the assassination of President Sadat, for the United States not to be even more aware of Israel's reliability.)

To speak bluntly, Mr. Begin is one of the strongest heads of government in the world, and certainly the most indomitable. Although he was narrowly re-elected, his hold on his own country is firm and unchallenged. His Government knows the Arab world and should be able to tell the difference between Palestine Liberation Organization rhetoric and the reality of genuine Palestinian needs. His Government also knows how to make distinctions between negotiating positions and outcomes—in other words, what it wants and what it can get, and what the other side expects and what it will give.

Territory and occupation have never been Israel's security. In the long run, strength and secure borders will come only from real autonomy talks and an acceptable solution for the Palestinians. Mr. Begin, for instance, must be prepared to go further than endorsing the idea of Palestinian autonomy. He must be creative, even bold.

As for the settlements, he has already given up some in Sinai, and is committed to giving up the rest in April, albeit with some difficulty. On the much tougher question of the West Bank, the Israelis are more than deeply enough entrenched to satisfy their anxieties about the risk of a surprise attack. Mr. Begin's first responsibility there is to provoke no more Arab hostilities; the next is to work to complete, rather than upset by word or deed, the autonomy phase of the Camp David agreements.

In the negotiations so far, it became increasingly obvious that President Sadat did not and could not represent the Palestinians on the West Bank, in Gaza, or scattered throughout the whole region. Somehow Prime Minister Begin must find a way to include Palestinians in the peace process, because if there is no solution to the Palestinian problem there will be no real peace. He will have to take the initiative skillfully. He will have to take chances, going even beyond where he and Mr. Sadat painfully arrived together. For while peace with Egypt is evolving, the harder problem of creating conditions of peace with the Arab world has barely begun.

Mr. Begin alone, by reason of where he has come from and where he and his country are now, can lead the Middle East to peace rather than permanent embattlement. Nothing about this will be easy. He will, in fact, now have to become, as a man of peace, even bigger than Anwar el-Sadat. An unlikely role for him? Not necessarily.

Menachem Begin surprised everyone by being so forthcoming in agreeing to return to Egypt all of the Sinai, including desperately needed oil supplies. He was severely criticized by some in his own country for doing so. It is not beyond him to surprise everyone again as he faces these even more difficult challenges.

David Ben-Gurion, who valued compromise and toughness, will always be remembered as the man who made the state of Israel possible. Menachem Begin now has a chance to make it possible for Israel to live in peace. It is infinitely harder without Anwar el-Sadat, with whom he shared the Nobel Peace Prize. But he has lived a life of challenges, and this is surely his biggest.●

A TRIBUTE TO DENVER DICKERSON

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. SANTINI. Mr. Speaker, the State of Nevada mourns the loss of one of its prominent figures. Denver Dickerson, Jr., retired last year after serving laudably in many elected offices and appointed positions in both State and Federal Government.

A native of Carson City, Mr. Dickerson was born to a family actively engaged in Nevada politics. Denver's career began in 1934 as a political columnist for the Reno Evening Gazette. He later moved to Carson City to assume control of the Carson Chronicle and he will long be remembered for his Salmagundi column.

In 1941, at the age of 28, Denver was elected as the youngest speaker in the history of the Nevada State Assembly. After serving in World War II, Denver returned to politics as director of the Nevada State Employment Security Department from 1947 to 1951. Denver's career was highlighted by his service overseas. He served as press officer to the U.S. Embassy in Burma from 1952 to 1955. After serving as Senator Alan Bible's press secretary from 1957 to 1963, he was appointed by President Kennedy to serve as Lieutenant Governor of Guam. He remained in that post for 6 years.

Mr. Dickerson returned to Washington, D.C. as a staff member of the Senate Rules Committee until 1973 when he became staff director of the Joint Congressional Committee on Printing. He retained that post until his retirement in 1980.

After such a long and distinguished career in both media and the political arena, few men have retained such tremendous respect and admiration from friends, colleagues, and political opponents alike. We offer our sympathy and love to his widow, Maxine, his two children and three grandchildren, his brothers George, Harvey, Belford, and sister Norinne Buck.●

JUNE 30 DEADLINE FOR ERA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. OBERSTAR. Mr. Speaker, to those of us who support ratification of the Equal Rights Amendment, ERA, are all too aware of the June 30 deadline for equality.

In a few, well-chosen words in a recent editorial, the Duluth News-Tribune described the situation confronting supporters of the Equal Rights Amendment.

I urge my colleagues to consider the excellent point made by Helen Milliken of Michigan whom the News-Tribune quotes:

We cannot wait to achieve equality in the United States on a State-by-State basis.

The editorial follows:

[From the Duluth News-Tribune, Oct. 14, 1981]

WANTED: ONE MIRACLE

We, too, are hoping for a "miracle" on the Equal Rights Amendment.

With less than nine months to go before the statutory time limit for its ratification expires, the ERA is still three state legislatures short of the 38 necessary to make the amendment part of our nation's Constitution. ERA activists rallied in Washington on Monday to promote the amendment and to denounce President Reagan's state-by-state, law-by-law approach to sexual equality.

Standing on the steps of the Lincoln Memorial, Helen Milliken, wife of the Republican governor of Michigan, compared Reagan's piecemeal policies toward the sexes with Abraham Lincoln's sweeping racial policies: "The Great Emancipator did not free the slaves plantation by plantation. We cannot achieve equality for women one state at a time."

All speakers admitted ERA proponents face a stiff struggle in convincing three more states to ratify the amendment. Several conceded that it might require a "miracle" to win such approval.

Yes, we could use a miracle, if that is what it would take to convince a few more state legislators that to oppose the ERA truly is to sanction, albeit benignly, sexual inequalities under the law. And that in our minds, is unconscionable.●

PROPOSAL TO RENAME THE MAIN POST OFFICE IN HOUSTON AFTER BARBARA JORDAN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LELAND. Mr. Speaker, today I am introducing legislation which would rename the main post office fa-

cility in my home city of Houston after one of its most outstanding citizens Ms. Barbara Charline Jordan, a lady with whom many of you have had the honor and pleasure to work when she was a Member of the U.S. House of Representatives.

Although she is no longer in the Congress, she is still very active in her home State of Texas. While she has already made far more than enough contributions to this Nation to deserve this recognition, her work is not finished and I know that we can look forward to many more contributions from her. She has proven time and again that she thrives on new challenges and excels at each new opportunity.

Even though her accomplishments and capabilities are larger than any one city, I find it very appropriate that we honor her in this modest way in the city where she was born and reared. Her accomplishments are usually listed as "firsts," something which rarely pleases her. These firsts are always described as her being the "first black woman to * * *". She prefers to be recognized for her conquests of unfair and irrational obstacles such as racism. While this factor motivates her to strive and to help others, she does not seem willing to allow herself to be praised for raising herself above it.

Despite her unwillingness to be cast as "the first black woman," I find it hard to refrain from mentioning several of these firsts: The first black woman to be elected to the Texas Senate, in 1966; the first black woman to represent a Southern State in Congress since Reconstruction; the first black keynote speaker at a Democratic National Convention. These achievements are impressive enough at face value, but, when one looks beyond them to see what philosophical approach made this woman accomplish them, there is an even more impressive array of beliefs and ideals.

She is the same woman who was truthful enough to point out that as a black American, "When that document—the U.S. Constitution—was completed on the 17th of September in 1787, I was not included in that 'We the people,' " but then later declare in the desperate hours of the Nixon impeachment proceedings, "My faith in the Constitution is whole, it is complete, it is total." Here is a woman who is capable of mixing this highly emotional awareness with intellectual idealism and not giving in to others' lack of comprehension of the situation. She never asked for special treatment, "I am neither a black politician nor a female politician. Just a politician. A professional politician;" nor does she encourage others to so do.

In her new profession, as a professor at the University of Texas' Lyndon B. Johnson School of Public Affairs, she has given the message:

There is no obstacle in the path of young people who are poor or members of minority groups that hard work and thorough preparation cannot cure. Do not call for black power, or green power, call for brain power.

As William Broyles wrote of her in 1976:

A Southern woman from the race of slaves, she dramatically affirmed, in spite of slavery, civil war, and segregation, her faith in our original ideals. She inspires the belief that one day the burden of race may be set aside.

She was fighting for her people and her country at the same time, realizing that to help one was to help the other.

The Reverend Bill Lawson, who in 1965 led almost 10,000 blacks in a protest march in Houston calling for school desegregation, said of Barbara Jordan:

She had a vision back in the sixties. Most of us couldn't see it. She saw beyond conflict to the enduring institutions, and she saw that most people, even black people, wanted to believe in them, if only they could be made to work. Within those institutions she saw that people like Sam Rayburn and Lyndon Johnson got more done. So she wed her philosophy and purpose to their practical skills. But she kept her purpose. The rest of the civil rights movement is far behind her in making that transition.

I hope that I have been successful in presenting even in a small part the greatness of this lady, Barbara Jordan, and the greatness of her philosophical blend of realism and idealism. She never insinuated that the truth should be overlooked, but that an unwarranted emphasis on problems that persist can lead a person to lose track of goals that can be accomplished. She is living proof that you can be what you really want to be, and she is a worthy role model for women and men of all races.

Barbara Jordan is one of the most noble, capable, gifted, and inspirational leaders this country has had. It is a very modest honor that I am proposing we bestow on her with this bill, but I think it can do a great deal to remind all Houstonians of what can be accomplished through application of the qualities that Barbara Jordan so abundantly possesses.●

THE TOBACCO PROGRAM

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. HEFNER. Mr. Speaker, much has been written and said about the so-called safety net provided in the President's program of budget and tax cuts which most people believe is essential to economic recovery. This body has supported cuts in numerous social programs, education programs, aid to the handicapped programs, and health programs which will bring about significant reductions in Federal spending. Notwithstanding the safety net which the administration assured was built into this platform, a number of individuals in the needy category are going to feel the impact of these cuts in very real terms. Do we really want to go further by removing the very livelihood of individuals who are on the borderline of being needy?

Tobacco is produced principally by small farmers, many of whom totally depend on tobacco to feed, clothe, and house their families. These are farmers who have no other source of income and often find it difficult to make ends meet on the incomes they receive from tobacco production. Many others find it necessary to supplement their incomes by working at additional jobs.

Tobacco farming is not an easy job. It takes long hours of hard work, but it has provided a living for small farmers for decades. If we eliminate the price support program and thus the stability of limited production and a fair rate of return, many of them will have to cease operations with massive foreclosures on their farms.

Do we want to further tear the safety net by eliminating a program which has worked well since its inception? We should take a lesson from history on the tobacco program. When it was first proposed by Congress in 1933 in response to flooded markets and farm income losses, the farmers were given a chance to accept or reject the program of price support for limited production. In 1939, they rejected the program and within a year the market was flooded again with heavy losses to farmers. Farmers have voted for the program ever since.

We must reject this amendment or see thousands of small farmers without a crop and without incomes, in other words, unemployed. The minimal cost—representing one-tenth of 1 percent of all losses for all commodity price support programs—over the history of the program pales in comparison to the impact that elimination of the program will have on the small farmer and the economies in those producing States which depend on tobacco production.

I urge my colleagues to vote against the amendment.●

FATHER THEODORE HESBURGH OF NOTRE DAME: A MODERN MAN FOR ALL SEASONS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MAZZOLI. Mr. Speaker, recently it was my great good fortune and pleasure to have traveled back to my alma mater, the University of Notre

Dame, with Rev. Theodore M. Hesburgh, C.S.C., its longtime and distinguished president.

During our journey from Washington, Father Ted and I talked about a wide range of national and international issues, but particularly about the issue of immigration and refugee policy.

Father Hesburgh—who has headed many distinguished national panels and has participated in numerous international bodies—believes that no global problem outweighs the social, political, economic, and military effect of the migration of millions of people displaced by war, famine, and persecution.

How the world's community of nations responds to this human travail will determine whether peace or discord will mark our planet for the next score of years.

Father Hesburgh's distinguished service as chairman of the Commission on Immigration and Refugee Policy has contributed to a better understanding of this vexing and challenging subject.

Father—who has consistently appeared at the top of listings of persons influential in education and religion—has announced his retirement from the presidency of Notre Dame after 30 years at its helm. Both the length and the quality of his tenure have set standards for excellence which will be virtually impossible to match.

The announcement of his imminent departure from the office he has held since 1952 has triggered a spate of testimonials and ceremonies in his honor. The most recent of these—but certainly not the last—is the Award for Academic Leadership of the American Council on Education.

For the benefit of my colleagues in the House, Mr. Speaker, I insert in the RECORD an article about this remarkable man which appeared in the New York Times on October 13, 1981.

ABOUT EDUCATION—HESBURGH EARNED RESPECT THE HARD WAY

(By Fred M. Hechinger)

Among the actions that get college presidents into trouble are: locking horns with powerful politicians; speaking out on controversial issues; risking students' wrath by setting limits to campus protests; frequently leaving the campus on national and international missions; upsetting the traditional management of the university; serving an unpopular President and then publicly attacking that President's policies.

In his 29 years as president of the University of Notre Dame in South Bend, Ind., the Rev. Theodore M. Hesburgh has engaged in all those activities, and while people occasionally got mad at him, he has earned a measure of respect that quite possibly no current university president can match.

The 64-year-old educator-priest will leave his post at the end of the academic year. On Thursday, the American Council on Education, at its annual meeting, will honor him with its award for academic leadership.

"If a college president means anything, he has to stand up for the integrity of the institution," he said in an interview. "The university is a kind of sacred place. Nobody can be allowed to interfere, not the state, not the benefactors, not the church."

In the turbulent 1960's, he stood up to disruptive students.

"At a certain point we have to draw the line and say, 'This far and no farther. Protest, yes; but do it with civility, without violence.'" He ruled that violent protesters would be given 15 minutes for meditation and, if they then failed to stop their actions, would be expelled.

Initially angry, many students reconsidered when Father Ted, as he is generally known, wrote a tough letter to Spiro Agnew, then a Vice President with a considerable popular following, warning him and the Government to keep hands off the campuses. Later, the invasion of Cambodia and the tragedy of Kent State, where four student protesters were killed by National Guardsmen, impelled Father Hesburgh, who had never favored the Vietnam War, to speak out publicly against it.

President Nixon, who had been impressed by what he thought was Father Hesburgh's hard line against students, appointed him chairman of the Civil Rights Commission, never suspecting that the educator would lead the commission to issue an uncompromising condemnation of what is called a "major breakdown" in the enforcement of civil rights laws. Later, Father Hesburgh publicly attacked the President's antibusing policy and eventually Mr. Nixon asked for his resignation.

Last week, reminiscing late at night in his study, Father Hesburgh looked back on some of the changes he brought about.

In 1967, Notre Dame was one of the first Catholic universities to remove itself from church control, to be governed instead by a lay board which includes non-Catholics. Vatican Council II, he said, made it clear to him that a great university could not be largely clerical and that there was "a need to open up." Yet he emphasized that Notre Dame always remained a Catholic university.

Ten years ago, he added, the campus went coeducational and "we are a better university for it."

Although he stood in the front lines of the battle against discrimination and for equality, Father Hesburgh does not think students should be the only judges of their educational requirements. He deplored the decline of competition for good work. He regrets the able students "who were lost when equality slipped into egalitarianism." A university without moral and intellectual values is no university at all, he said.

"The name of the game in the 1980's is quality," he added. "We must get back out of the wild growth of the curriculum and get back into some core of knowledge—history, philosophy, theology, language, literature, mathematics, science, art and music. Otherwise we are just graduating trained seals."

The international dimension, Father Hesburgh says, is "shamefully neglected" by most universities. "With 80 percent of the world colored, we act as if it were a white world. We pretend that everything is like Main Street America. Higher education still largely ignores that dimension."

Latin America has long been one of the areas of his personal concern. "I worry about it," he said. "It has terrible needs that we could respond to. I would like a common market for the hemisphere, and a common education satellite program that would wipe out illiteracy, and a common strategy that could deal with agriculture, housing, good government and human dignity."

He firmly believes that the United States could help "put an end to torture" in Latin America. "It's an abomination and we ought to get rid of it," he said.

Father Hesburgh deplores the present reluctance among university presidents to speak out on major national and international issues. "If you are a president," he says, "you are not just responsible to your students and faculty. Anyone who isn't heard outside the campus isn't worth being heard inside."

He said he was glad when A. Bartlett Giamatti. Yale's president, recently spoke out against Moral Majority. "I wrote him a letter to tell him," he said. "His speaking out almost seemed an anomaly. Look at the attention he got."

What about the future of higher education? After the explosive growth, Father Hesburgh says, "It's not as much fun to preside over shrinkage. If you grow too fast, you get fat, but there's no easy way to shrink gracefully, and people will get hurt."

"Now," he continues, "we must ask: What is the Federal Government's responsibility? What is it that won't be done if the Federal Government doesn't do it?"

He rejects the popular notion that today's students are interested only in their own futures. "We have over 1,000 kids who give up their Wednesday lunch to help deal with hunger in the world," he says. "I suspect that a lot of pressure toward vocationalism comes from the parents, not the students." Students will be running conferences on nuclear armament on some 30 or 40 campuses in November, he said, and he is helping them.

"But you need leadership," he adds. "Higher education and every other enterprise moves forward when there is good leadership, otherwise it stagnates. We need people with vision, élan, geist, people who have standards and a certain toughness. How to get leadership gets down to every single college president who is chosen, people who do more than raise money. Of course, you need money, but if you have money and no vision, you just squander it."

Some people, he recalls, warned him against getting involved in such controversies as civil rights, lest he hurt the university. "I got very little static," he says. "You have to be yourself and people accept you as you are. Young people have to see their leaders involved."

Despite all his activism, Father Hesburgh said:

"I never felt that I wasn't very much a priest, which means a mediator and a seeker of justice and decency. Every day of my life I've offered my mass, sometimes in odd places, such as at the South Pole and in Faculty House at the University of Moscow, in the cause of peace and decency and a better world."●

INTERSTATE BRANCHING OF FINANCIAL INSTITUTIONS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. SHUMWAY. Mr. Speaker, there has been a great deal of discussion of late about the need for major structural changes within the financial industry. Of immediate concern is the difficult situation in which the thrift industry finds itself. A number of specific proposals to provide the thrifts with additional asset powers and to remove unnecessary regulations are pending in both the House and Senate Banking Committees.

Among the broader structural issues to be debated in the coming months will be the matter of interstate branching of financial institutions. In this context, I am today introducing a bill—primarily for discussion purposes—to allow interstate branching within the confines of Federal judicial circuits. It has been suggested, Mr. Speaker, that if we are to modify the current prohibitions on interstate branching, we should move first to a regional or contiguous area system. My Banking Committee colleague, Mr. LAFALCE, has proposed that branching be initially allowed in standard metropolitan statistical areas. I am suggesting that, if we do implement a system of regional banking, the judicial circuit approach might well be the most equitable and consistent for the Nation as a whole.

Mr. Speaker, I have not yet reached a final position with regard to whether, at what rate, and in which fashion we should proceed to interstate branching. As the debate on this complex and important issue continues, however, it is essential that all options be fully considered. My legislation is intended to be a contribution to this effort.●

McKEESPORT TUBE MILL ANSWERS THE CHALLENGE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. GAYDOS. Mr. Speaker, at a time when the production of the domestic steel industry is slipping and under a fresh assault by foreign producers, I take great pleasure informing my colleagues of the opening of a new steel facility in the 20th District of Pennsylvania that sends out a strong signal our American steel industry is not about to roll over and play dead.

United States Steel Corporation's National-Duquesne Works in McKeesport, Pa., recently unveiled a multimillion dollar quench and temper line for high-strength tubular products that is second to none. It will enable the firm to stay competitive in world markets and protect American jobs in the process.

According to Mr. Albert L. Voss, general superintendent of National-Duquesne Works, the new facility more than doubles the plant's capacity for heat-treating products used by the oil and gas industries. The importance of that accomplishment cannot be underestimated. The present boom in oil and natural gas exploration has created a need for deeper drilling which causes great pressure on pipe sunk far below the surface of the Earth. One way to overcome this pressure, Mr. Voss pointed out, is to increase the wall thickness of the pipe, a costly process. A better way is the lighter, stronger pipe his plant now produces, saving in both weight and cost.

There is every reason to believe the oil and gas exploration boom will continue, thereby keeping the demand for piping at high levels. A total of 62,462 wells were sunk in 1980, it was noted, and it is predicted another 77,000 wells will be drilled this year.

"There is no doubt the new quench and temper line at the National-Duquesne Works will greatly enhance our ability to meet the continued demand for these oil country goods," Mr. Voss declared. The new line, he continued, is capable of processing all high-strength grades of pipe in lengths up through 48 feet with wall thicknesses up to 1¼ inches and sizes ranging from 7 inches through 24 inches outside diameter.

The plant gives United States Steel Corp., the single source capability of supplying the largest quench and temper size ranges in the industry for line pipe and casing with either the seamless or electric resistance weld process.

I had the privilege of attending the unveiling of the new plant and came away greatly impressed. It was obvious United States Steel, Mr. Voss and the men and women who work at the plant were very proud of the new facility, as they should be. As the congressional representative of that district, I share that pride.

It serves as a commitment of United States Steel to the McKeesport area and sends a message to foreign competitors that if they are planning to assault America's pipe producing industry, come tough because it is going to be tough.●

TRIBUTE TO THE UNITED WAY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MAVROULES. Mr. Speaker, the following is a tribute to the United Way written by a constitutent of mine from Swampscott, Mass., Mr. Maurice Goldsmith. This poem is dedicated to the thousands of loyal volunteers taking part in the 1981 United Way Campaign.

Be glad you can give to the United Way
Because life is worth giving
Caring, Sharing and giving
Makes life worth living
It is strange but very true
Giving just enriches you
If you give a kindly deed
If you plant a friendship seed
If you share a laugh or song
If your giving rights a wrong
Then the joy you feel and share
Makes more goodness everywhere
Be glad you can give to the United Way
Thanks to you it works for all of us every day

—MAURICE GOLDSMITH.●

REESTABLISHING A MODERATE CONSENSUS ON DEFENSE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. UDALL. Mr. Speaker, at a time when a rapidly expanding defense budget promises to conflict with other budget and economic priorities, I want to stress the need for reason and judgment in our defense policy.

Since the Vietnam war, we have found it difficult to talk about military issues. That war shattered our moderate consensus on defense, polarizing us into "hawks," who wanted to spend any amount on defense and "doves," who wanted to cut any amount from defense. I fear those distinctions still exist and hinder reasonable and informative debate.

A former colleague of mine, the first Secretary of the Air Force and a great advocate of arms control in the U.S. Senate for many years, Stuart Symington, said that a strong national defense comprised three things: a capable military, a strong dollar, and the faith and confidence of the people in their government. We have to balance complex and conflicting demands in the years ahead, not just in terms of budget but in terms of overall direction. I hope the President and the Congress can restore consensus and reason in our approach to defense matters.

First, we have to spend our defense dollars better, more selectively, with an eye toward innovation, and by re-

thinking old military doctrines. Too often we commit substantial sums to advanced weapons systems that work in theory but not in practice, and which do not make us more secure. We also must explore the kinds of wars we might have to fight in the future, and question whether the strategies for which we are now buying weapons are relevant to those kinds of conflicts.

Second, we must improve our conventional forces. I have supported innovative programs emphasizing agility and flexibility, including larger numbers of smaller, less vulnerable, and less expensive aircraft carriers with the vertical/short-take-off-and-landing Harrier "jump jet." I have also supported procuring large numbers of the less expensive diesel-electric submarines, in place of fewer nuclear submarines, to increase the quantity as well as quality of our Forces. Other programs I continue to support include the light-weight, wheeled tank for distant and isolated theaters, the A-10 "tank killer" aircraft, the surface effect ship (hovercraft) capable of 90-knot speeds, and the rapid deployment force.

Third, we need to attract and retain talented personnel. I have supported increased pay and a bonus system to make the services more financially competitive with civilian employers. Equally important, however, are neglected nonbudgetary elements of the service life that have a great effect on readiness and effectiveness. We need to reexamine our policies and traditions on officer education and career opportunities, career paths and the nature of assignments, unit cohesion, force structure, and so forth.

Fourth, the United States needs a treaty limiting strategic nuclear weapons. The nuclear arms race between the United States and the U.S.S.R. is one of the costliest elements of our defense budget. A Strategic Arms Limitation Treaty (SALT) can increase our national security while freeing us from an escalating arms race which drains billions from the national Treasury.●

LOSS OF TOPSOIL SEEN STINTING FOOD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. JONES of Tennessee. Mr. Speaker, as we are currently considering the Food and Agriculture Act of 1981, I think it is a good time to recommend to my colleagues a new book by Mr. Lester R. Brown entitled, "Building a Sustainable Society."

Mr. Brown, formerly an official at the U.S. Department of Agriculture, heads Worldwatch Institute, a Washington-based research group established in early 1975 to analyze global problems. He is the author of "World Without Borders", "By Bread Alone," and "The Twenty-Ninth Day," books that have been published in more than a dozen languages. He has written for scores of periodicals, including Saturday Review, Foreign Affairs, Scientific American, Science, the New York Times, the Washington Post, and the Wall Street Journal.

Lester Brown has been described by the Washington Post as "one of the world's most influential thinkers." On October 11, 1981, the Washington Post published the following article regarding the publication of his newest work:

LOSS OF TOPSOIL SEEN STINTING FOOD

The loss of topsoil in the United States and other countries is so severe that it could trigger food shortages in the 1980s surpassing the impact of oil shortages during the 1970s, a new study concluded yesterday.

The study, done by Lester Brown, head of the World Watch Institute, said a doubling in world food output since 1950 was achieved at the expense of severe land abuse.

"Perhaps the most serious single threat humanity now faces is the widespread loss of topsoil," Brown, an agricultural specialist, said in the study, which is being published as a book titled "Building a Sustainable Society."

"Civilization cannot survive this continuing loss of topsoil," Brown said. "If not arrested, this loss of soil could cause the food problem to unfold during the '80s as the energy problem did during the '70s."

The productivity of 34 percent of American cropland is declining because of an excessive loss of topsoil each year, Brown said.

A detailed survey by the Agriculture Department last year discovered "alarmingly high" erosion in several states. It estimated soil losses of 14.1 tons an acre in Tennessee, 11.4 tons an acre in Missouri and 10.9 tons in Mississippi.

One hundred countries now depend on the United States and Canada for grain shipments. This increased world demand has accelerated erosion problems. Brown said government in the United States and other countries must step in to promote solutions such as terracing, contour farming and minimum tillage.

In his book, I believe Lester Brown has done a superb job of graphically depicting the problems that we are facing in agriculture, especially the terrible degradation of our soil resource in producing the food and fiber necessary for our survival. For all of us interested in soil and water conservation, this is an excellent book in that it provides the necessary background to assist us in making the important decisions that lie ahead in the field of natural resources conservation.

The facts in this book are presented in such a professional manner that individuals reading the material will gain a much better understanding of just how important soil conservation is to the entire world. In order for you to obtain a "feel" for how valuable "Building a Sustainable Society" is to be soil conservation effort, I have selected some key passages which I believe are indicative of Lester Brown's dedication to this topic.

Indeed, there are signs that the food problem may unfold during the eighties as dramatically as the energy problem did during the seventies. The parallels are disturbing. Just as countries everywhere had become addicted to imported oil by the early seventies, so they have become dependent on imported grain by the early eighties. Just as the world had come to depend heavily on the Middle East for oil, so it now depends overwhelmingly on North America for grain. The final parallel is perhaps the most disturbing. Just as Middle Eastern oil is being depleted, so too are North American soils. At the existing intensity of cultivation, every ton of grain exported leads to the loss of several tons of topsoil.

Croplands are the foundation not only of agriculture but of civilization itself. When soils are eroded and crops are poorly nourished, people are often undernourished as well. Thus, the loss of soil is in some ways the most serious of the threats civilization faces. Degraded biological systems can usually recover if given the opportunity, but an inch of topsoil lost through erosion may take nature centuries to replace. Similarly, alternatives to oil can be developed, but there are no widely usable substitutes for soil in food production. Civilization can survive the exhaustion of oil reserves, but not the continuing wholesale loss of topsoil.

Since mid-century, pressures on the earth's croplands have mounted. Growing populations demand more land not only for food production but for other purposes as well. Even as the need for cropland expands, more and more farmland is being put to nonagricultural uses. Worse, the most productive croplands are the most likely to be converted to nonfarm uses.

As the eighties unfold, humanity faces a worldwide shortage of productive cropland, acute land hunger in many countries, and escalating prices for farmland almost everywhere. In a world with no excess agricultural capacity, the continuing loss of prime farmland anywhere can drive food prices upward everywhere. For most people rising food prices are the most immediate, most disastrous face of inflation, fueling political instability with desperation.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. McDONALD. Mr. Speaker, due to a prior commitment I was unavoidably absent yesterday afternoon for two recorded votes. Although I was paired on each vote missed, I would like to state at this time how I would have voted had I been present.

"Yes" on roll No. 271, the amendment to H.R. 3603 to repeal the tobacco price support and marketing programs.

"Yes" on roll No. 272, the amendment to H.R. 3603 stating it is the intent of Congress that the tobacco price support and production control program be carried out at no cost to

the taxpayers other than incidental administrative expenses and directs the Secretary to promulgate regulations within his existing authority by January 1, 1982, to accomplish this objective.●

NATIONAL STUDENT SAFETY WEEK

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LELAND. Mr. Speaker, today I am introducing a resolution to designate the week beginning March 15, 1982, as "National Student Safety Week." This resolution seeks to recognize the important contributions made by student safety programs which involve youth in safety activities designed to prevent the needless loss of lives and injuries to our Nation's youth.

Needless injuries have occurred to thousands of school students and young adults as the evidence continues to show. In my State, each year approximately 150 Texas public school students die as a result of accidents alone. Another 84,000 are injured in accidents. During 1979, the National Safety Council released alarming national statistics: 14 million or 9.8 percent of all accidents involved the young, inexperienced driver under the age of 20. Of those 14 million, 10,700 or 16.4 percent were fatal. Accidents involving schoolbuses, pedestrians, and bicyclists were devastating as well. Schoolbus transportation accidents killed 180 persons in 1979, including 95 pupils, 5 bus drivers and 800 other persons. Injuries in schoolbus related accidents totaled about 7,500 of which 4,410 were students. Since 1935, the number of pedacycle-motor vehicle deaths has more than doubled. The number of pedacycles in use has increased 28-fold so that the death rate per 100,000 pedacycles in use is 12 times the rate of 1935. In 1979, 36 out of every 100,000 persons between the ages of 15–24 were involved in fatal accidents and accounted for 22,000 injuries. If only caution had been used, I am sure that a proportional percentage of these accidents could have been decreased.

The energy and leadership potential of young people can be channeled to help reduce the number of accidental deaths and injuries to themselves and their classmates. The number of safety projects and activities being carried out in schools and communities across this country and perhaps in your congressional district, is proof of students' desire to contribute to their own safety and the safety of others. The youth safety programs will encourage participation by and provide opportunity for elementary and high school youth to become involved in and to accept responsibility for promoting safe living for all. The national student safety program has 202 school members representing 28 States and more than 300 delegates attended its 22d annual convention last year. It is my hope that this resolution will prompt the addition of more States and schools initiating this program which engages its members in activities which promote safe living for all.

The world is not perfect and young people know it. They are alert to social shortcomings and anxious to have a hand in correcting them. They want a part in the action. They have a strong desire to use their energies and resourcefulness on current problems—to do something that counts. Working for the safety and well-being of others and themselves is an ideal proving ground.

The national student safety program, sponsored by the American Driver and Traffic Safety Education Association, has indicated that their most important goal for the year is to have a "National Student Safety Week" proclaimed in the United States. I ask that you join with me and cosponsor the resolution to help the members of this organization achieve their worthwhile goal, while encouraging youth to become involved in promoting safety in our Nation's schools and communities.●

FOOD BANK DEMONSTRATION PROJECTS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MINETA. Mr. Speaker, I rise today in support of this amendment requiring the Secretary of Agriculture to distribute surplus dairy commodities to food banks. Section 211 of the Agriculture Act of 1980 calls for a pilot program for distribution of surplus dairy products through food banks, but as of yet, the Department of Agriculture has not implemented this program.

Having visited the food bank in Santa Clara County, I believe it is imperative that every effort is made to expedite the implementation of the food bank demonstration projects. Food banks serve as excellent supplements to programs aimed at providing food for those in need. Food banks are able to serve millions of people annually through their network of donations to agencies and food box programs. These agencies range from orphanages and runaway shelters to halfway houses and shelters for battered women. The availability of surplus dairy products will be an important addition to the food banks' ability to more adequately meet the nutritional needs of low-income people.

Recent budget cuts increase the need for the distribution of surplus dairy products through food banks. Major changes in food stamp eligibility rules and benefit reductions will adversely affect many poor and needy people. Food banks will be able to provide some relief through the distribution of surplus dairy products to those affected.

In addition, the Government's cost to store dairy products has risen sharply, totaling over $24 million for the first 9 months of fiscal year 1981. The Commodity Credit corporation spent $69.9 million during the last 5 years on storage and handling costs applicable to dairy products. Another $94 million was spent for the transportation of these dairy products during the same 5-year period. Additional losses are entailed through the deterioration and quality loss of dairy products while in storage.

Therefore, the implementation of the food bank demonstration projects will serve two important purposes: The distribution of food to those in need and the reduction of costly stockpiles of perishable dairy products.

I strongly urge you to support this amendment.●

MINING RECLAMATION RESERVE ACT OF 1981

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BAILEY. Mr. Speaker, today I have introduced, with Representatives MURPHY, GAYDOS, and MURTHA, the Mining Reclamation Reserve Act of 1981.

The intent of our measure is to clarify existing law and to eliminate any question that an accrual-basis taxpayer is entitled to take current deductions for estimated future reclamation expenses incurred when complying with the surface mining reclamation requirements of Federal and State law. Current case law under the Internal Revenue Code and technical IRS regulations are unclear as to the right of surface mining operators on this point.

Under the accrual method of accounting, an expense deduction generally cannot be taken until a liability exists and the amount of the expense can be determined with reasonable accuracy. For surface mining operators, the liability exists immediately as a consequence of the reclamation requirements imposed by the Surface Mining Reclamation and Control Act (SMCRA) and many State-enacted reclamation laws. When an application

for a surface mining permit is made, a reclamation plan is included and reviewed by the State regulatory body or the Office of Surface Mining. This reclamation plan must be approved before an operator permit is issued. This plan incurs a future liability as an operator complies with the reclamation requirements of both Federal and State law.

Under our bill, the accrual method of accounting for reclamation expenses is made available to cash-basis taxpayers and is clarified for all taxpayers who elect to use the new provision. However, once elected, the consent of the Secretary of the Treasury is required for an operator to revoke this method. Consistent with present rules relating to percentage depletion allowance and development expenditures, the election is available to mining operators on a property-by-property basis. We recognize that the Internal Revenue Service may raise a strong objection to this provision, but we believe surface mining operators should be allowed maximum flexibility in their business operations.

Eligibility for the accrual method under our bill is extended to all surface mineral mining operations, not just surface coal mining. We believe that since all surface mining operations are subject to Federal and State reclamation laws and incur the associated expense liability of compliance, they should all be eligible to elect accrual accounting and take the tax deduction.

One particular concern that the IRS has and which we feel we have more than adequately addressed is the question of what constitutes a qualified reclamation plan and a reasonably accurate estimate of expense. We have provided that the minimum standard for what qualifies as a qualified reclamation plan be the requirements of the Surface Mining Reclamation and Control Act or State requirements that are substantially similar. In many States, more stringent reclamation requirements are made of operators. Our bill provides that no qualified plan may be any less stringent than Federal reclamation requirements. With respect to the reasonable accuracy of estimated expenses, we believe that the requirements of the reclamation plan itself includes factors that bear on the reasonableness of the estimated expense. In particular, plans included geological and engineering reports that delineate the extent of future reclamation and thus the extent of the liability incurred. The Secretary of the Treasury is not precluded from challenging the accuracy of estimated expenses, nor does our bill require mining operators to obtain the advanced approval of the Secretary of their expense estimates of the reclamation plan.

I have also included a technical explanation of our bill with my statement.

The above mentioned follows:

TECHNICAL EXPLANATION OF H.R.—: THE MINERAL MINING RECLAMATION RESERVE ACT OF 1981

The bill would allow a taxpayer engaged in surface mining to elect (on a property-by-property basis) to deduct in computing its taxable income a reasonable addition to reserves established for the estimated expenses of surface mining land reclamation. Estimated expenses of surface mining land reclamation are amounts deductible by the taxpayer under the income tax that (1) are attributable to qualified reclamation activities (as defined in the bill) to be conducted in future taxable years, (2) are subject to estimation with reasonable accuracy, and (3) are allocable to minerals extracted before the end of the taxable year. Qualified reclamation activities are defined as land reclamation activities conducted under a reclamation plan submitted as part of a surface coal mining permit application under the Surface Mining Control and Reclamation Act of 1977 or under a plan submitted pursuant to a Federal or State law imposing substantially similar surface mining land reclamation requirements. Thus, a qualifying plan would have to have been submitted in order to obtain a surface mining permit and would include the items specified in section 508 of the Surface Mining Control and Reclamation Act of 1977. If the reclamation plan is revised, only the activities described in the revised plan are subject to the reserve provision.

Nonqualified land reclamation expenses (i.e., expenses for reclamation activities other than those described in the plan) would be deductible in the manner prescribed by regulations.

Estimated expenses of surface mining and reclamation that are attributable to mining activities occurring before the first taxable year for which reserve accounting is elected and which have not been previously deducted are treated as deferred expenses and may be deducted ratably over a 60-month period beginning the first month of the first taxable year for which reserve accounting is elected. If mining of a property with respect to which there are deferred expenses will be completed in less than 60 months, then the expenses can be deducted ratably over that shorter period.

The bill also provides that if a taxpayer elects reserve accounting for the first taxable year ending after enactment and has used a method of accounting reasonably similar to the new reserve method for a continuous period of one or more taxable years ending before enactment, then the taxpayer may elect to have that method treated as a valid method of accounting for that period. A prior method would be considered reasonable, if the deductions allowed using that method did not exceed those that would have been allowed using the new reserve accounting system. This election can be made with respect to only one continuous period.

The bill also provides that if the amount in any reserve for estimated expenses of surface mining land reclamation is determined to be excessive at the close of any taxable year, then the excess shall be taken into account in computing taxable income for that year. Thus, if at the conclusion of reclamation activities the reserves were not entirely expended, the excess would be included in the taxpayer's income for that year unless the excess resulted from an unreasonable addition to the reserve in a prior year in which case the prior year's income would be increased.

The provisions of the bill are elective on a property-by-property basis. A taxpayer may elect reserve accounting, without the consent of the Secretary, if the election is made not later than the time for filing the income tax return of the first taxable year ending after enactment in which the taxpayer is engaged in surface mining on the property and for which there are estimated expenses of surface mining land reclamation. Consent of the Secretary is required to elect reserve accounting beginning in any taxable year after the first post-enactment taxable year in which the taxpayer is engaged in mining on a property and has estimated reclamation expenses. The consent of the Secretary is also required to terminate the reserve accounting election.

The bill does not affect the tax treatment of expenditures for the extraction of oil or gas or for the extraction of minerals from brines or sea-water.●

THREAT OF POLAR ICE MELT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BINGHAM. Mr. Speaker, according to an inconspicuous article in the Washington Post for October 21, the Antarctic ice pack has been reduced by melting nearly 1 million square miles in the last decade. This raises once again the frightening prospect that, because of the buildup of carbon dioxide in the upper atmosphere and the resultant greenhouse effect, the oceans may well rise and flood out the world's shorelines and port cities.

In the light of this, the Reagan administration's apparent lack of interest in pressing ahead with the development of solar power, as a substitute for fossil fuels, seems incredibly shortsighted.

The article follows:

ANTARCTIC ICE PACK SHRINKS DRAMATICALLY

Increased melting of sea ice has reduced the Antarctic ice pack nearly one million square miles since the early 1970s, two Columbia University scientists report.

The dramatic change, which has seen the edge of the summer ice pack retreat approximately 140 miles since 1973, could be the first physical evidence of the global warming trend that scientists have been predicting for years. They attribute the warming trend to the buildup of carbon dioxide and call it the "greenhouse effect."

If the shrinking ice pack signals a long-term change in climate, it could also cause a rise in sea level that could flood low-lying coastal areas of the world.●

LASER WEAPONS, PRO AND CON

HON. THOMAS J. DOWNEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. DOWNEY. Mr. Speaker, one of the major controversies in national defense today centers around laser weapons. According to some, laser weapons of revolutionary effectiveness are just around the corner if we will supply the necessary funding. According to others, laser weapons are Buck Rogers fantasy devices beset by insoluble problems in the real world.

To anyone interested in sorting his way through the thicket of claims and counterclaims, I recommend a very fine article by Edgar Ulsamer which ran in the August issue of Air Force magazine. Mr. Ulsamer systematically and objectively explains the basic technology of laser weapons and reviews their assets and liabilities. So that my colleagues may share his insights, I now insert the article in the RECORD.

[From Air Force Magazine, August 1981]

THE LONG LEAP TOWARD SPACE LASER WEAPONS

(By Edgar Ulsamer)

A modified NKC-135, or ALL (for Airborne Laser Laboratory) is about to demonstrate that an airborne high-energy laser device can engage an air-to-air missile over a distance of about one kilometer. Even though ALL failed to bring down the target in its first two tries, the eventual success of this experiment—which has been more than ten years in the making—will be of historical importance.

THE COHERENT LIGHT BEAM

The term laser stands for Light Amplification by Stimulated Emission of Radiation and actually is a misnomer since technically the system functions as an oscillator rather than an amplifier. The correct acronym would obviously have an unfortunate connotation, however.

Oversimplified, the laser capitalizes on and links fundamental qualities of light and matter through a fortuitous marriage of optics and electronics. Light, according to Planck's theory, consists of small units, or "bullets" of radiation.

Building on this theory, Einstein and other scientists reasoned that matter has individual and distinct energy levels that can change, up or down, only in increments equal to a quantum, or, as Einstein called it, a "photon." In that sense, laser action begins when a photon is induced to strike a molecule that—by chemical or electrical means, usually referred to as "pumping"—has been "excited" into a high-energy level. When this happens, the photon that strikes the excited molecule knocks off another (and identical) photon. Both photons leave the molecule at the same time and travel in the same direction. (The molecule, robbed of one photon, drops down to a low-energy, or stable, level.) Each photon travels on until it strikes another excited molecule and the process thus creates still more photons in the manner of a chain reaction.

The result is an avalanche of photons, all of the same size and traveling in the same direction. The final product is a light beam consisting of light waves of the same wavelength and in step with each other or "coherent," that can transmit vast amounts of thermal energy over vast distances with relatively little loss of energy. The techniques and hardware for pumping vast amounts of energy into high-energy laser test-beds and for extracting sufficient laser energy to be of military interest are as complex as the theoretical principles behind these futuristic technologies.

THE HIGH-ENERGY LASER

Low and moderate energy lasers have become commonplace in a host of applications, including medicine, science, cartography, communications, rangefinding, and target designation. The Pentagon defines a high-energy laser as a system that has an average power output of at least twenty kilowatts (equivalent to twenty-seven horsepower) or a single pulse energy of at least thirty kilojoules.

To date, the Defense Department has invested close to $2 billion in high-energy laser work. The reason for this largesse is that laser weapons appear to offer unique advantages, primarily by transmission of focused energy at the speed of light. This eliminates the requirement to "lead" the target. It takes 1/186,282 of a second for laser energy to travel one mile; in that time a supersonic target, be it either a missile or an airplane, flying at twice the speed of sound, will cover only a little more than one-eighth of an inch.

Further, future laser weapons probably will be able to handle large numbers of targets even if the targets are coming from all directions. For each "shot" the laser fires, relatively small amounts of fuel are used to generate the beam. Hence, there is the potential for getting off a large number of "shots" rapidly. Lastly, since mirrors are used to steer the laser beam, a laser weapon should be able to move rapidly from target to target over a wide field of view. But as the snail's pace and frequent setbacks encountered in the development of laser weapons amply prove, a host of factors conspires to undo much of their promise. ALL, for instance, was scheduled to shoot down its first target in 1974; now, seven years later, it may be on the verge of actually doing so.

For a laser weapon to get off a telling "shot," its beam must burn through the target's surface and destroy a vital component such as the guidance system, detonate its warhead, or ignite its fuel. The laser weapon delivers its energy instantaneously. Nevertheless, the weapon must dwell on the target long enough to destroy or damage it. Any jitter of the beam—which is difficult to suppress while vast amounts of energy are being generated—will smear its energy over a wide area and thus increase the time required to damage the target. A highly accurate beam control system in needed, therefore, to hold the beam steady on one spot on the target.

Fire control for laser weapons is especially crucial. Since lasers must be pointed with great accuracy, the fire control subsystem must be extremely accurate in telling the beam control subsystem where to point. In addition, to realize the firepower potential of a laser weapon the fire control must be quick to recognize that the target being engaged can no longer perform its mission so that the laser spends as little time dwelling on the target as possible.

The atmosphere also affects laser weapons. Depending on the wavelength of the laser energy, the atmosphere absorbs varying amounts of the laser's energy, and causes the beam to "bloom" or defocus. The atmosphere also adds jitter to the beam. Interactions between the high-power beam and the atmosphere increase the spot size on the target—thus lowering the peak intensity and increasing the required dwell-time.

The net effect of atmospheric absorption is that, for a given range, there is a critical power level beyond which the amount of energy focused on the target decreases as laser power increases. This effect is most pronounced when the line of sight to the target is fixed (as in the case where the attacker is headed directly at the laser) and the wind velocity is low. In bad weather or in the presence of clouds or aerosols such as smoke, more of the energy in the laser beam is absorbed, to limit further the range of the laser weapon.

A number of new types of lasers—beyond the current crop of laboratory devices—are beginning to take shape, including the so-called excimer and free-electron systems. The latter represents a marriage of laser and nuclear accelerator technology. Although potentially attractive because the system—if feasible—might be tuneable, meaning its wavelength can be adjusted to ease the problem of beam propagation in the atmosphere, its bulkiness would confine the free-electron laser to use on the ground.

The excimer laser concept, which also is a candidate for the bluegreen laser communications system meant to reach down to deeply submerged submarines, is thought to offer significant increases in laser efficiencies. The current generation of high-energy lasers suffers from a fundamental drawback: they deliver on the target only a fraction of the energy that is needed to drive the systems, typically about two or three percent. The excimer laser can probably cram about fifteen percent of the energy feeding it into its beam. Other advanced concepts—although somewhat further along—are the Alpha and Sigma cylindrical chemical lasers, which show promise for both space-borne and airborne applications. The Sigma device might be developed for test on a follow-on to ALL, the ALL-2, a large, wide-body aircraft that could accommodate a larger and heavier laser system.

PAST LASER WEAPONS TEST

In the course of development efforts to date, test-beds using technology developed in the HEL (high-energy laser) program have scored "firsts" for the US in engaging flying objects. The first such success was in 1973 when the Air Force used a high-energy gas dynamic laser and an Air Force-developed field test telescope to shoot down a winged drone on the Sandia Optical Range at Kirtland AFB, N.M. In 1976, the Army, using a high-energy electric laser in its Mobile Test Unit destroyed winged and helicopter drones at Redstone Arsenal, Ala. Except for ALL, the most recent tests were in March 1978 when the Navy, using a chemical laser it developed jointly with the Defense Advanced Research Projects Agency (DARPA) and using a Navy-developed pointer/tracker, engaged and destroyed, in flight, a TOW antitank missile. These tests were part of the Unified Navy Field Test Program conducted at San Juan Capistrano, Calif., at a site near Camp Pendleton, Calif.

The major objective of these experiments was to obtain experience and insight into the problems of integrating a laser of relatively high power with a pointing and tracking device and maintaining the laser beam

on the selected aimpoint. While dramatic proof of successful attainment of these technology goals, the actual shootdowns were a secondary objective.

SPACE-BASED LASER WEAPONS CONCEPTS

In May of this year, the Senate passed an amendment (at this writing there has been no corresponding action on the part of the House) to the fiscal year 1982 authorization bill that allocates $30 million to the Air Force and $20 million to DARPA for research on space-based lasers. The amendment instructs the Secretary of the Air Force to set up a special Program Management Office for weapons of this type and to conduct a "detailed system definition of the space-based laser weapons program, which shall include costs, schedule, and identification of risks. "The Air Force was instructed to report to the Armed Services Committees of the Senate and the House on the results of this study.

In the course of the hearings by the Senate Armed Services Committee that preceded passage of the amendment, Sen. John W. Warner (R-Va.) presented an assessment by Dr. John Foster, a former Director of Defense Research and Engineering—on behalf of the Defense Science Board—about the feasibility of using space-based lasers for ballistic missile defense (BMD) that concluded that "in the twenty-first century directed energy weapons such as space-based lasers are almost inevitable, but achievement of an effective space-based ballistic missile defense system is far more expensive and difficult than the most extreme enthusiasts admit.

Citing a host of as yet "unresolved" difficulties and many scientific and engineering "uncertainties," the Defense Science Board (DSB) concluded unanimously that "it is too soon to attempt to accelerate space-based laser development toward integrated space demonstration for any mission, particularly for ballistic missile defense." The DSB did recommend, however, that the potential utility of space-based laser weapons warranted an average annual increase of $50 million over the current level of effort.

The Board questioned the merits of assigning such missions as ASAT (satellite interceptor) and air defense to space-based laser weapons because these tasks "can be performed more cheaply by other technologies such as miniature homing devices and ground-based lasers."

The DSB found further that commitment to Manhattan-type projects or maximum acceleration requires commitment to chemical lasers when shorter wavelength lasers such as excimer lasers may offer far more cost-effective approaches only a few years later.

"Once technical problems for space-based BMD lasers are resolved, tremendous systems and operational considerations remain. For example, space laser sensors and weapons are vulnerable to the measure/countermeasure syndrome.

"Some advocates have suggested that space lasers will make offensive weapons obsolete, thus providing a new arms-control regime. In fact, offensive and defensive weapons always work together and in this case adversaries, unwilling to live without an offensive capabililty, would undoubtedly plan to attack space lasers with ASAT systems, including other space lasers so as to free their offensive forces.

First space laser deployments will have a powerful psychological effect, but are likely to have less revolutionary military effect for some years to come. However, it should be recognized that the other technologies for space warfare will arrive long before space lasers are deployed."

UNANSWERED QUESTIONS

The convergence of several political and "public-relations" considerations—rather than the realities of science and engineering—seems to have led to the current popularity of space-based laser BMD and fostered the illusion that the associated technologies are in hand. The media appeal of an orbiting weapon system that "zaps" an enemy's ballistic missiles with lethal rays and thus confines strategic war to the voids of the universe is, of course, obvious. Also obvious is the political attractiveness of banishing the horrors of nuclear war from US territory and the airspace above.

Unfortunately, as the Defense Science Board and the majority of all scientific and military experts point out, the laws of physics and the historical verity of measure begetting countermeasures militate against the near-term feasibility of such a system.

Those who shrug off the vast technological and engineering problems associated with an SBL-BMD (space-based laser/ballistic missile defense) system still confront a monumental obstacle: The excessive vulnerability of such a space battle station combines with the excessive incentive for the other side to attack it preemptively. The make or break element of laser weapons is variously known as the brightness factor or radiant intensity, meaning the light energy that is being focused on the target. While there are other variables, three factors are the principal determinants of radiant intensity: the power that is being generated by the laser weapon, the distance between the weapon and the target, and the size of the spot that is being "illuminated" by the beam.

For the time being, there is no evidence that major breakthroughs in power source effectiveness are around the corner. The same is true for laser systems that might be significantly more "lethal" than the family of high-energy prototype devices in existence or on the drawing boards.

(Over the long term, it is possible to hypothesize that X-ray lasers whose beam can penetrate matter would exceed the lethality of lasers operating in the visible light and infrared region. X-rays can be generated in vast quantities by nuclear detonations where they represent the major component of the so-called EMP, for electromagnetic pulse. Again, engineering reality turns out to be the spoilsport: To date, nobody has figured out how to set off a powerful nuclear blast without obliterating the X-ray laser that is to focus the blast's energy on a distant target.)

The only two variables, then, that system designers can influence are beam divergence and distance. The latter is crucial and controlled by a law of physics expressed as r^2, meaning that laser power has to go up at a "squared rate" to keep up with linear distance increases. Applied to present realities the consequence of r^2 is sobering.

The best performance to date involved the destruction of a specially prepared TOW missile by a ground-based laser developed by the Navy and DARPA, using a Hughes point/tracker system, over a distance of one kilometer. The stark realities of SBL-BMD are that these systems probably will have to function over distances of up to 10,000 kilometers, requiring a 100,000,000-fold increase in laser power delivered on the target. Even if lasers of such enormous capacity can be built, there still remains the problem of delivering that energy in a precisely focused manner on the target. The first step here is a large mirror to focus the energy. The second is to prevent jitter of the system while vast amounts of energy are being generated. ALL failed to destroy its first two targets because of unanticipated jitter, even though the distance from the laser device to the target was relatively short.

There are unresolved questions about the size of the mirror required for an SBL-BMD. Some of them involve basic uncertainties about what a constellation of laser battle stations should look like. Others hinge on the amount of radiant intensity that needs to be "fired" on the target. It is probably unrealistic to assume that the Soviets would not harden their ICBMs once the US signaled its intention to develop space-based laser battle stations. The current generation of liquid-fueled Soviet ICBMs, once caught by a high-powered laser beam, could be destroyed relatively easily. In order to save weight and boost performance, these missiles rely on thin-walled construction in their fuel section. Once that wall is breached, the laser's thermal energy, of course, would ignite the fuel, thus destroying the missile.

There is little room to doubt that the Soviet Union, as well as the US, knows how to provide relatively low-weight thermal protection, ranging from a multitude of materials and techniques used on reentry vehicles of ballistic missiles to the special tiles on the Space Shuttle. The difference in power and dwell-time required to destroy an "easy mark," such as an unshielded liquid missile, compared to what it takes to evaporate a target that incorporates passive countermeasures, is vast. Military planners in this country, of course, believe that any US SBL-BMD system must be based on the presumption that its targets, the Soviet ballistic missile forces, eventually will incorporate laser countermeasures. The size of the mirror of the weapon, its orbital altitude (and thus the approximate distance from the target), and the number of space battle stations required to provide around-the-clock coverage of the Soviet launch sites are all affected by whether or not the system has the ability to destroy thermally protected targets.

This factor, along with other, equally weighty considerations, would seem to preclude deployment of SBL-BMD systems at geostationary altitude (about 36,000 kilometers). At such an altitude, the system would be overhead at a specific point of the globe at all times and have an extremely wide range of view. In turn, this condition would reduce the number of systems required to provide constant coverage of Soviet ICBM fields.

Conversely, deployment of such a system at low orbital altitude requires a constellation of laser battle stations—probably eighteen as a minimum but possibly a far greater number—to provide around-the-clock coverage of the Soviet ICBM launch sites. Further, since the battle stations circle the globe approximately once very ninety minutes, only two or three, depending on their altitude, can provide coverage of Soviet territory at a given time. A Soviet preemptive attack, therefore, can be confined to the few SBL-BMD systems providing coverage of the launch sites during the period of a planned Soviet ICBM launch.

The rotational factor introduces a welter of other complications. Assuming that about 1,400 Soviet ICBM silos—the current inventory—must be covered at all times, each one of the two or three battle stations

positioned above them at a given moment has to be able to destroy several hundred individual missiles within a period of less than twenty minutes. The length of this "window" is determined by the need to destroy the ICBMs before they can release their MIRVed warheads and, of course, before the individual laser weapons have moved too far away from their targets.

The command and control problem that results is colossal. Presumably, the individual battle stations will have to be preprogrammed to monitor several hundred known Soviet ICBM silos, and, upon detection of launches, to attack the missiles in flight. Almost certainly, the target list stored in the battle station's computer will have to be updated several times over the lifespan of a particular weapon. Also, targets will have to be "handed over" from one SBL-BMD system to another as these weapons move in and out of the "battle zone."

Whether or not future administrations will be willing to entrust such life-and-death decisions as attacking Soviet ballistic missiles to "robots" in space remains to be seen. The requirement for a manned command post in space, on the other hand, would stress further the technological and engineering challenges associated with SBL-BMD and vastly increase costs. Further, mobile ICBMs and IRBMs (intermediate-range ballistic missiles, such as the Soviet SS-20s) almost certainly are beyond the ken of SBL-BMD, even though by the year 2000 and beyond when laser weapons of this type might become feasible, mobility of one kind or another almost certainly will have been added to all ballistic missiles.

THE DECK IS STACKED IN FAVOR OF THE OFFENSE

The small segment of a constellation of SBL-BMD satellites that matters during the decisive phase of a laser vs. ICBM battle is subject to a wide range of antisatellite measures. They run the gamut from nuclear and conventional interceptor attacks, "space mines," and decoy missiles, to countermeasures that disable the command and control or pointing elements of the laser weapons as well as attack by ground-based lasers.

Most HEL experts believe that SBL-BMD satellites can be put out of commission without need to resort to exotic technologies; current ASAT approaches—especially the US combination of high-flying aircraft and solid-propellant boosters that strew shrapnel-like matter into the path of targets—seems more than adequate.

The US ASAT that is being developed by the Air Force will use F-15 Eagle aircraft to release modified SRAMs (short-range attack missiles) at high altitude. The SRAM booster, in turn, uses a miniature homing device to release a cloud of "buckshot" into a counterorbit that causes collision with the target at extremely high velocities.

There are many advantages that accrue to this approach to the ASAT mission, not the least of which are relatively low cost, operational flexibility, and easy proliferation. SBL-BMD satellites are considered to be ideal targets for this type of ASAT. Not only are the laser battle stations bulky and in a fixed orbit but they include an extremely fragile and large mirror. The diameter of the latter probably will be in the thirty-meter range, thus making it an easy prey for the ASAT's buckshot. At the same time, the SBL-BMD weapon probably will be ineffective against the shrapnel cloud—which radiates no energy and thus is hard to detect—in terms of self-defense, assuming that the system can be provided with such an ancillary capability in the first place.

The system's vulnerability to ASAT attacks, incidentally, would not be ameliorated even if one resorts to such "far-out concepts" as using huge ground-based lasers that beam their energy at space-based mirror systems that in turn focus the energy on the target.

It can be argued also that an SBL-BMD satellite overflying the Soviet Union eventually will be extremely vulnerable to attack by ground-based Soviet lasers. While the space laser has only a second or so to disable a given Soviet ICBM, the Soviet ground-based laser has several minutes to find, track, and attack the US SBL-BMD.

Lastly, detonation of a high-yield nuclear device even at considerable distance from a laser battle station is likely to put the latter out of commission.

POLITICAL AND ECONOMIC RAMIFICATIONS

A US commitment at this time to a massive SBL-BMD development program might provide an emotional "high" for the national psyche and cause discomfiture for the Soviet Union. But, in the view of many Air Force and other Pentagon analysts, its transient, mainly propagandistic advantages would not compensate for the ensuing disadvantages. Primary here is the fact that it would take about $10 billion in R & D money to develop and "fly" a single prototype. Premature investments of this magnitude in a technology that most experts consider not yet ready for full-scale exploitation might sound the death knell for the development of such weapon systems at a later time when their underlying technologies have reached maturity.

In addition, siphoning off funds from research and development in the strategic sector obviously would slow down work on unrelated weapon programs that are ready for full-scale development.

On the other hand, there can't be any doubt about public reaction in this country if the Soviets were to give evidence of moving toward SBL-BMD. While such an eventuality is not very likely as long as the Soviets don't have an operational Space Shuttle, even a Soviet gesture in this direction would build strong political pressures for the US to start developing such a system at once.

Some defense scientists with a cynical bent suggest that the proper response would be to provide Shuttle astronauts with a small laser and have them "zap" a nearby token target to propitiate public opinion without having to launch a program that isn't ready for launching.●

LAUNCHING REAGANOMICS

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BURGENER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

LAUNCHING REAGANOMICS—KNX NEWSRAD EDITORIAL

As of today, President Reagan's program for economic recovery takes legal effect. But KNX wonders if opponents of the Reagan plan would rather be right than recover.

If one word describes the Reagan program of budget slashes and tax cuts, it's controversial. Its success is anything but guaranteed. But the stakes are so high, and the nation's economic future so worrisome, that it's hard to imagine anyone actually hoping for the program's failure.

That is, until you hear from someone like Democratic House Speaker Tip O'Neill, who's reportedly enjoying the prospect of an economic bellyflop. O'Neill recently was quoted as saying, while beaming, "I think I'll sit on the sidelines for a while." What kind of loyal opposition does this country have, that hopes to profit politically from the collapse of a plan for easing economic pain?

This is no argument that the Reagan plan is flawless. Reaction across the nation may send the administration back to the drawing boards on a number of features, like military spending. But short of wars and the 1930's great depression, the current crisis of confidence is one of the most serious challenges America has ever faced. And to paraphrase the late Lyndon Johnson, President Reagan is the only President this country's got. So why not a kind of wartime bipartisan commitment to restore America's economic health? Why not efforts by both parties' leadership to make a possibly-modified Reagan plan work? Do the Democrats really believe they'll be richly rewarded in the 1982 elections for standing on the sidelines and booing?

KNX reminds the critics there's folly and danger in yelling, "Your side of the boat is sinking."●

PEPPER ACHIEVEMENTS ARE ACKNOWLEDGED

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. CHAPPELL. Mr. Speaker, the following editorial concerning the monumental achievements of our dear friend and mentor, CLAUDE PEPPER, appeared in one of the largest newspapers in my Congressional District, the Daytona Beach Morning Journal. The editorial was written on September 11, 1981, in observance of CLAUDE'S 81st birthday.

As we all know, CLAUDE is universally recognized for his crusade on behalf of the elderly. What is sometimes overlooked is the fact that CLAUDE PEPPER has championed the rights of the young, the poor, and civil rights for all since the days of F.D.R. His great sensitivity to the needs of the people has indeed made him a valuable and effective Member of Congress, a true patriot and statesman as well as a loyal, dedicated and productive servant of his constituency.

Mr. Speaker, we all know what an honor it is to be recognized by our local newspaper for our hard work. However, when a highly respected newspaper far removed from your Congressional District devotes an entire editorial to expound on your virtues and accomplishments, then you know that your efforts have not gone unnoticed.

The Daytona Beach Morning Journal editorial which follows truly captures the essence of CLAUDE PEPPER'S greatness as a leader and warmth as a human being. It represents a token of the great esteem his colleagues, his Nation and his State, hold for the dynamic, young octogenarian who continues to "Pepper" the national scene with his compassion, honor, intergrity and forceful leadership. He is the epitome of a true national leader and a giant among the great who have passed our way:

[From the Daytona Beach Morning Journal, Sept. 11, 1981]

MORE PEPPERS NEEDED IN WASHINGTON

Congressman Claude Pepper is known as "Mr. Aging" by his fellow senior citizens these days. But Claude Pepper was fighting for the elderly long before he thought about becoming a member of the over 65 club.

"Senator" Pepper is 81 today. And there is some irony in that Labor Day, which has been observed in this country since 1923, falls each year on or near the birth date of a man who has labored over a 52 year span as a public servant dedicated to addressing the needs of low and middle income workers.

Long before he became a senior citizen, Claude Pepper was fighting in Congress for laws which would give at least minimum health care and retirement benefits to retirees who had worked a lifetime barely earning enough to feed and house their families.

It has been said of Pepper that he was a "liberal" ahead of his time, and that he was a "liberal" in an era when people weren't suspicious of liberalism.

Pepper never has been concerned about labels. He has been concerned only about principles and convictions, which motivated him to enter public service as a state legislator in 1929, and prompted him to seek election and serve in Congress for 33 years—14 in the U.S. Senate from 1937 to 1951 and the last 19 years in the House.

Americans of all ages, not just senior citizens, owe a lot to Claude Dansen Pepper. When he went to Washington he started an immediate push for some kind of national health insurance and a minimum wage. He won on both counts, despite formidable opposition from the American Medical Association, which succeeded in delaying Medicare for many years, and opposition from most Southern congressmen who feared that a minimum wage law would lead to legislation outlawing racial segregation.

Pepper prevailed over the years because he fought for what he knew was right.

He's still winning, even though the mood in Washington seems to be turning away from the progress which has been made over the years.

As chairman of the House Select Committee on Aging, he has been challenging proposals by the Reagan administration to cut senior citizens' benefits. He has introduced legislation which would help senior citizens without destroying the integrity of the Social Security system. His proposals are supported by staff studies and have been endorsed even by some economists aligned with the Reagan administration.

When Pepper takes a position on an issue it doesn't matter to him whether a Democrat or a Republican is in the White House. He lost his seat in the Florida House after only one term because he voted against a resolution which condemned Mrs. Herbert Hoover for inviting a black man to the White House for tea.

A few years later as a freshman U.S. Senator, he was urging a New Deal president, Franklin D. Roosevelt, to use his office to push for legislation which would establish a minimum wage, old age pensions, national health insurance, and equal rights. He also pushed for legislation to abolish the poll tax which was levied in Southern states to discourage blacks from registering to vote.

A vicious smear campaign by George Smathers in 1950 temporarily removed Claude Pepper from the congressional scene. But he bounced back. And, although most of his former allies and adversaries are gone, this man of principle and integrity labors on.

Retire? He said recently he "just wouldn't have the zest for it."

It's a shame there aren't more like Claude Pepper in Washington, willing to fight for those segments of society which don't have a powerful lobbying voice in Congress.●

MARKS SUPPORTS THE FOOD AND AGRICULTURE ACT OF 1981 (H.R. 3603)

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MARKS. Mr. Speaker, I will be necessarily absent when the vote on final passage of H.R. 3603 takes place. Were it possible for me to be present, I would have voted "aye."●

NATIONAL FOREST PRODUCTS WEEK

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MARLENEE. Mr. Speaker, it is my privilege to call attention to the observance of National Forest Products Week, October 18–24.

In a proclamation noting congressional designation of National Forest Products Week, President Reagan called attention to the vital role that forests play in maintaining a healthy economy in the United States.

The President noted that more than 3 million Americans are employed in wood-dependent occupations, and that their combined production is valued at about $100 million each year.

The proclamation continued:

The contribution forests must make to our nation's welfare will remain just as great in the years ahead as in the past. To meet the needs of the future, our forests must benefit from effective timber management and from continuing research to find better ways to utilize forest products. Improved wood growth and usage will make more wood products available at affordable prices while helping to stimulate our entire economy.

With wise forest management, the demands of aesthetics and economics will remain compatible, the President said.

For myself, I would add that not only does the wood and fiber industry provide employment for millions of Americans, it also is one of the largest—perhaps the largest—user of our railroad transportation system, and a large user of the trucking system also.

It is unfortunate that, as we mark Forest Products Industry Week this year, the forest industry is in the midst of a severe slump. This is due to the disastrous drop in homebuilding across the country—due in turn to high interest rates.

The forest products industry believes that current tight money and high interest rates will only postpone, not stop, the demand for housing—which is wood's principal market. The longer the slump in homebuilding continues, the greater will be the backlog for new housing by the public. Housing prices will become even more inflationary unless the supply of new homes is increased.

Further cuts in Federal spending and balancing of the budget will bring down interest rates. Housing then will revive, and perhaps even boom, bringing with it renewed prosperity not only for the homebuilding industry but for wood products and all other suppliers of building materials.

These reflections should be emphasized as we mark 1981 National Forest Products Week in appropriate observances across the country.●

U.N. PRINCIPLE (SO-CALLED)

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. DANIEL B. CRANE. Mr. Speaker, I recently came across an article that points to the blatant hypocrisy that all too often is evident in U.N. actions. Because of the extensive commitment of American funds to this international organization, I wanted to share this informative and interesting article with my colleagues.

The articles follows:

[From the New York Times, Oct. 9, 1981]

U.N. PRINCIPLE (SO-CALLED)

(By C. D. Rawicz)

When the United Nations General Assembly met recently to consider South Africa's refusal to grant Namibia (South-West Africa) independence, it voted overwhelmingly to eject from the session the one country without whose cooperation a peaceful settlement in Namibia is improbable. Not only was South Africa not allowed to speak, but also the credentials of its delegates were rejected on the grounds that the delegates did not represent the people of that country. Then, a few weeks later, the credentials of the Pol Pot "regime" of Cambodia were accepted by the same credentials committee. Many countries that denied South Africa

the right to speak vote routinely to seat the Palestine Liberation Organization on the grounds that a Middle East settlement is impossible without its participation. Why doesn't the same logic apply to Southern Africa?

There is little chance of the United Nations' destroying either South Africa or Israel. There is a real danger, however, that the issues of the Palestinians and apartheid may destroy the United Nations.

The Charter lays out a series of neutral principles intended as a yardstick for national and international conduct. All member states agree to act in accordance with them. Abuse of political prisoners; suppression of dissent; economic and social inequality on grounds of race, sex, language or religion; the use of armed force against another state all violate Charter principles. But to apply the principles to some and not to others is discriminatory, just as it is discriminatory to endow some with rights and deny them to others.

The Assembly, in singling out Israel and South Africa, is pursuing not principles but scapegoats. Without a coherent statement of reasons for action, a scapegoat may be eliminated without advancing principle. The removal of the Shah did not stop the taking of political prisoners, free the press, or enhance the civil liberties of the people of Iran. The disappearance of Israel will not necessarily house or employ the Palestinians or solve the region's intricate problems. The collapse of the white-minority Government in South Africa will not necessarily put an end to racism or guarantee regular elections.

More than 10 million refugees, half of them in Africa, are deprived of a homeland. Two resolutions of the last regular General Assembly took note of this, and urged "durable and speedy solutions." At least 13 resolutions were devoted to one group of refugees, the Palestinians. One contained an annex listing their Inalienable Rights: Palestinians have the Right to Return, and to Self-Determination, National Independence, and Sovereignty. If the Rwandan, Cambodian, Ugandan, Eritrean, Vietnamese and all refugees enjoy similar inalienable rights, these were not invoked. Palestinians have special rights not because they are displaced but because they are displaced by Israel.

Many member states violate provisions of the Universal Declaration of Human Rights. A number practice torture, deny habeas corpus, and summarily execute their citizens. Several governments are at war with sections of their populations who feel inadequately represented by the regime. Others send military forces into neighboring countries.

The last General Assembly devoted mildly worded resolutions each to Cambodia, Afghanistan, El Salvador, Lebanon, Uganda, Chad and other embattled countries. "Grave violations of human rights and fundamental freedoms" in some Latin American countries were deplored. But more than 25 resolutions denounced in detail South Africa's policies, trading partners, economics, and investors. By an overwhelming majority, the Assembly reaffirmed "the legitimacy of the struggle of the oppressed people of South Africa and their national liberation movement by all available means, including armed struggle." No other country came in for such scrutiny. Armed struggle is sanctioned not because human rights are denied but because they are denied by South Africa.

The Palestinians enjoy, in the Secretariat, a Special Unit on Palestinian Rights. But other refugees are generally treated as "humanitarian affairs." A Special Unit on Apartheid promotes the cause of South African national-liberation movements. United Nations radio broadcasts daily into South Africa in six local languages. A Convention on the Suppression and Punishment of the Crime of Apartheid endorses compilation of a blacklist of collaborators. By definition there can be only one criminal, since only one country practices apartheid, whereas many countries, legally or illegally, practice many kinds of discrimination.

It is convenient to define racism as something that happens in South Africa and self-determination as something that Israel denies. Neutral principles are not necessarily convenient, or even expedient. The extravagance of the rhetoric, the disproportionate amount of time and resources spent on these two issues, may damage the United Nations more than the evils attacked.●

ANWAR SADAT

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LEE. Mr. Speaker, I would like today to share with you the brief work of one of my constituents, a multitalented man named James Stafford who resides in the community of Auburn, N.Y.

Mr. Stafford is a highly respected lawyer and community figure. He is also, as the following will demonstrate, an accomplished poet and a man who reflects the kind of sensitivity toward the course of human events that we would like to encourage in all Americans.

I know that every Member of this Congress and virtually every peace-loving person in the world felt the loss of a friend on the recent tragic death of Egypt's President Anwar Sadat. Mr. Stafford penned the following brief epitaph which I today commend to your reading:

SADAT

Not with swords flashing
Nor tumult now that he is gone,
But with the aim to do one thing well.

To live that his light might shine on;
To bear his cross to Calvary,
Like the Christ that went before,
To be the pilot at the helm,
When the great ship sinks within the storm.

He was ready for the summons,
Without a murmer he obeyed.
He's fought the great fight,
And darkness found him unafraid!●

VOTE NO AGAINST THE MOFFETT-MARKEY AMENDMENT TO DELETE BIPARTISAN LICENSING REFORMS IN THE NRC BILL, H.R. 2330

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BROYHILL. Mr. Speaker, when the Nuclear Regulatory Commission authorization bill, H.R. 2330, reaches the House floor, I urge my colleagues to vote "Yes" for the bipartisan licensing reforms it contains, and to vote "No" against the amendment my colleague from Connecticut (Mr. MOFFETT) intends to offer to delete those reforms.

These important licensing reforms are decidedly proconsumer and anti-inflation. The bipartisan reforms would assist the NRC in reducing its backlog of licensing cases over the next 2 years, while at the same time maintaining full safety and environmental protection. For the benefit of my colleagues, the following is a point-by-point critique of the Moffett-Markey amendment:

First, the bipartisan compromise licensing reforms are needed to reduce the temporary licensing backlog at the NRC and will save electric consumers over $1 billion in replacement power costs and 63 months of licensing delays at 11 completed powerplants by the end of 1983, according to the September 1981 report of the Utility Data Institute.

Second, the licensing reforms are endorsed by Mr. DINGELL, Mr. UDALL, Mr. BEVILL, Mrs. BOUQUARD, Mr. LUJAN, Mr. OTTINGER, and Mr. BROYHILL and supported by over 10 days of hearings and consideration in both the Energy and Commerce Committee and the Appropriations Committee.

Third, NRC has requested temporary authority to issue temporary operating licenses in order to reduce the licensing backlog.

Fourth, NRC is facing an extraordinary operating license workload. During 1982 alone, 17 plants will be ready to begin operation. To date this year, NRC has issued only four operating licenses, and it never in its entire existence has issued more than six operating licenses in any 1 year. Experience, commonsense and the documentation before the committees of jurisdiction make clear that without the temporary operating authority some of these 17 plants will stand idle with the costs of delay to the utilities and their ratepayers running to billions of dollars.

Fifth, the bill authorizes NRC to issue temporary operating licenses only where environmental and safety reviews have been completed, such as

EIS, Staff Safety Evaluation Report, and Advisory Committee on Reactor Safeguards Report.

Sixth, under the bill, if licensing delays do not occur, NRC does not have to issue temporary operating licenses—no right to a temporary operating license is created.

Seventh, under the bill, temporary operating licenses are initially limited to fuel loading and low-power testing, and NRC may limit the licenses to such conditions, duration and terms as it deems necessary.

Eighth, under the till, temporary operating licenses may not be issued before public participation on the EIS is completed. In addition, public hearings are held on the construction permit, which is issued prior to final operating license.

Ninth, this compromise bill already includes language on State consultation on license amendments similar to an amendment offered by Mr. MOFFETT in committee.

Tenth, according to the bipartisan Nuclear Safety Oversight Committee, chaired by Gov. Bruce Babbitt of Arizona and appointed by President Carter, nuclear licensing reform is needed because "we believe the operating license hearing has proliferated into a process dominated by issues not related to safety and by redundant issues * * *. There is general agreement that operating license hearings have become protracted proceedings in which non-safety related * * * issues are extensively considered and in which many issues are litigated that should have been raised and decided at the construction permit hearing."

Eleventh, a new Nuclear Regulatory Commission staff report says that proliferating, uncoordinated agency edicts may be having a "negative impact" on reactor safety. The report, based on a survey of managers and operators at 12 utilities says, "the pace and nature of regulatory actions have created a potential safety problem of unknown dimensions." Utility employees surveyed said the agency staff seemed unaware of the strain that the agency's constant stream of directives places on a utility's manpower and financial resources.●

DISTRIBUTION OF SURPLUS DAIRY PRODUCTS TO FOOD BANKS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. AUCOIN. Mr. Speaker, I want to add my support for the amendment passed by the House this week which provides for the distribution of surplus dairy products to food banks. It was introduced by my colleagues Mr. PEASE and Mr. JEFFORDS, and allows food banks to distribute milk, butter, and cheese to many needy individuals around the Nation.

The Government has a tremendous amount of dairy products in storage and there is no reason why we cannot share this wealth of milk, butter, and cheese with the hungry. A study by the General Accounting Office in September found that the Commodity Credit Corporation has inventories of 518 pounds of butter, approximately 486 million pounds of cheese, and about 871 million pounds of nonfat dry milk.

The cost of storage has skyrocketed over the past few years. The Government could save some money by distributing surplus products to those who can benefit from them. GAO also found that the Government's cost to store dairy products has risen sharply, totaling over $24 million for the first 9 months of fiscal year 1981. By comparison, storage costs for fiscal years 1977-80, when inventories were at lower levels, averaged about $11 million annually.

Thirty-eight congressional districts around the country have a major food bank in operation. In my district—the First Congressional District in Oregon—the Tri-County Community Council Food Bank in Portland works actively to serve as many individuals as possible and to meet their nutritional needs. It distributes 70,000 pounds of food per month to 15,000 individuals.

This amendment will not only save the Federal Government money but it will be helping millions whose health and well-being are affected by the budget cuts in nutrition programs.●

ST. MARY OF THE ANGELS

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. CARMAN. Mr. Speaker, as this week is the 88th anniversary of St. Mary of the Angels Home on Convent Road, Syosset, Long Island, N.Y., I would like to take this opportunity to salute this fine institution dedicated to the rehabilitation of youths in need of structure and supervision.

St. Mary of the Angels today provides a home for 72 troubled youths, ranging in age from 10 to 21. St. Mary's accepts youths of all races and religions and operates on a nonprofit status. Perhaps the one word that most clearly summarizes the work accomplished by the Sisters of Mercy and the lay staff of St. Mary's is "rehabilitation"—a rehabilitation that works because it is administered with skill, care, love, and understanding. St. Mary's believes that every youngster deserves a second chance to grow up well and its programs reflect that credo.

The extensive treatment program includes diagnostic evaluation at intake, psychological and psychiatric care, academic, occupational and religious training, social work family intervention, medical and health care, and recreational experiences. All these are provided in group living situations, and coordinated by the child's treatment team. Children graduate from the campus elementary school, PS 77K, or local high schools. St. Mary's stood proud this year as one of its alumni, who recently embarked on a college education, addressed the campus graduates. He was a young man who had spent 6 years as a resident of St. Mary's. He is currently a member of the police force in Connecticut, grateful for the concern that helped him reshape his life and eager to share his reminiscences and success with today's alumni.

Dovetailing with St. Mary's educational/vocational program is its foster family program. Approximately 20 families now care for children in their homes. This program offers youngsters who no longer need the structure of St. Mary's on-campus residence and who cannot return home, the opportunity to live in a family unit. It also enables brothers and sisters to be reunited.

An active social service department, which provides supervised experience to interns from Adelphi University School of Social Work channels its efforts into providing permanency wherever possible to the lives of the children referred to St. Mary of the Angels.

Expanding its vital clinical services, St. Mary's recently launched an internship program with Hofstra University in Hempstead and Adelphi University in Garden City. With this additional staff of doctoral candidates in psychology, the staff is able to increase individual clinical care and to offer staff more consultation hours. Participation in team treatment recommendations continue as part of St. Mary's clinical service delivery to children in the home's care.

A family living program functions as a guide to both student and staff in the sensitive areas of group living, sex education, and mental and physical health. This program is a key component to St. Mary's regular medical services.

This year was highlighted by a complete renovation of the residence living quarters, one unit of which was severely damaged when a fire, causing over $100,000 in damages and the loss of nearly $3,000 a week in Government aid, roared through the complex. Students aided in the repairs, thus

making them feel a keen responsibility in restoring their homes.

Mr. Speaker, as St. Mary of the Angels looks toward the future, ever present is the need for funds to continue this vital work. The public should also be aware that St. Mary's is seeking foster homes and adoptive homes, and couples to care for young boys as surrogate parents in group homes. There is an ever-present need for dedicated, committed people to add their own stone in the building of a good foundation for these young people.●

TRIBUTE TO AL JORDAN

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. EVANS of Iowa. Mr. Speaker, tomorrow night I will be paying tribute to Mr. Al Jordan, president of the Iowa Credit Union League, on the occasion of his retirement. Several of his friends will be joining him to salute his many accomplishment.

A. W. (Al) Jordan joined the staff of the Iowa Credit Union League February 1, 1953, as a field representative. In March 1954, he was named managing director and in a restructuring of the league, the title was changed to president.

This first involvement in credit unions was as a member of Western Union Employees Credit Union, Des Moines, where he served as volunteer treasurer when the credit union was organized in 1938.

Prior to joining the league staff, Mr. Jordon served on the league's board of directors for the period 1948-53 and his service on the board included two terms as first vice president.

At the Iowa League Mr. Jordan has been responsible for implementing a number of programs and services. He was among the first credit union leaders in the Nation to recognize the benefits of electronic data processing of member accounts. Through its league data services, the Iowa League now handles data processing for 210 Iowa credit unions and for a number of Midwestern and Western State leagues.

Mr. Jordan has served as spokesman for credit unions before the Iowa legislature. During his tenure, the league has instituted such services as data processing, a corporation providing collection services, a marketing service, a statewide advertising program, and chartering of the Iowa League Corporate Central Credit Union, Iowa's interface with the financial system.

He serves on the board of the National Association of Retired Credit Union People and has served on several committees of the credit union movement's national trade association, the Credit Union National Association. He is a member of the Association of Credit Union League Executives (ACULE) and in 1978 participated in an ACULE-sponsored trip to Europe to study the European banking system.

Mr. Jordan is a charter member of the Iowa Society of Association Executives, presently serving on its board of directors, a trustee of Windsor Presbyterian Church, and a 25-year member of the Lions Club. He is an active member of the Greater Des Moines Chamber of Commerce and was recently appointed to the board of directors of Iowa Business Growth Co., a corporation organized to promote and assist the growth of small business. He serving along with executives of the banking and finance industry as well as associations, law, insurance, and the Iowa Development Commission. Mr. Jordan is the credit union representative on the board of directors of the Iowa Automated Clearing House Association.

When Mr. Jordan joined the Iowa Credit Union League in March 1953, there were 249 credit unions in the State with total assets of $22.1 million. Iowa credit unions ended 1980, the 50th year of league operations, with 373 credit unions serving 485,000 members and total assets of $678 million.

Without Al Jordan, the Iowa Credit Union League surely would not be the strong organization it is today. He will be missed, but I know we all wish him the best in his future endeavors.●

PARAQUAT BAN MUST BE LIFTED TO COMBAT CRIME IN UNITED STATES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. IRELAND. Mr. Speaker, today, I am proud to join with my colleagues, Mr. EVANS, Mr. SHAW, and Mr. HUTTO, in introducing revised legislation which would lift the present ban of U.S. funding of the most effective antimarihuana smuggling measure yet devised—the spraying of paraquat on overseas marihuana fields before they are harvested.

It is obvious that once marihuana is harvested, the ability of our hard-pressed law enforcement agencies to intercept this multi-million-dollar crop diminishes with every mile the crop gets from Colombia, Jamaica, and the other overseas sources our bill is designed to affect.

Our bill has already, in effect, been the subject of extensive hearings and attention by the Foreign Affairs Committee this year, and is part of the provisions of the foreign aid bill not awaiting House action.

Because of the importance of lifting the ban on U.S. funding of overseas paraquat spraying, particularly in Colombia, and because of the possibility that the foreign aid authorization—H.R. 3566—may not reach the floor this year, we have determined to offer the language already approved by the committee as a separate bill, and to urge prompt congressional action.

In August, following on the work of the committee in approving the paraquat legislation, and the Congress in approving participation by the military in tracking and apprehending narcotics smugglers before they reach our shores, the Attorney General's task force on violent crime issued specific recommendations for narcotics control.

Because the need for herbicide spraying was prominently mentioned in the antinarcotics section, I would like to quote Recommendation No. 16, at this point, because it places in perspective what my colleagues and I are attempting with our legislation:

(Excerpt from Attorney General's tax force on violent crime report concerning narcotics, Recommendation No. 16)

The Attorney General should support the implementation of a clear, coherent and consistent enforcement policy with regard to narcotics and dangerous drugs, reflecting an unequivocal commitment to combatting international and domestic drug trafficking and including:

(a) a foreign policy to accomplish the interdiction and eradication of illicit drugs wherever cultivated, processed, or transported; *including the use of responsible herbicides domestically and internationally.* (emphasis added)

(b) a border policy designed to effectively detect and intercept the illegal importation of narcotics, including the use of military assistance.

(c) a legislative program fashioned to support the enforcement policy and to improve the criminal justice system . . .

Mr. Speaker, the Congress has already taken a giant step toward implementing these excellent and far-reaching recommendations, and has already moved toward the specific recommendation on herbicide spraying. It is my feeling that disputes over the foreign aid bill in general should not be allowed to hamstring the antinarcotics efforts we all agree must be at the top of our anticrime agenda.

It is no accident that three of the Members introducing this bill today are from Florida. Our State is being literally buried under drug money—an estimated $7 billion every year.

Honest businesses and honest businessmen are being driven out. Banks are being flooded with so much drug money they must take 3 days to count cash from honest businesses, thus entailing further losses for people already hard pressed in today's economy.

And, frankly, political corruption remains a major potential problem

whenever you have so much money concentrated in an area, and so many smugglers willing to use whatever means necessary—including murder—to protect their business.

The Foreign Affairs Committee and subcommittee hearings examined the issue of the possible health effects of use of paraquat as an antimarihuana measure, a frequent issue raised by those who would, with the best of motives, hamstring our antimarihuana efforts.

Some key points need to be made about the so-called health issue regarding paraquat:

First, the House Select Committee on Narcotics Abuse and Control held extensive hearings on this issue in 1980, and concluded that the health effects had been exaggerated, and legislated upon without proper investigation.

Second, the National Institute on Drug Abuse has been steadily reducing its concern regarding potential paraquat problems, particularly as NIDA increases its concern, due to thorough studies, of the health effects of smoking marihuana in general.

Third, the specific herbicide in question, paraquat, is already in common use in the United States, particularly in areas where protecting fruit and vegetable crops from weeds is a major concern.

Fourth, a 1978 United Nations Narcotics Laboratory study found that the health hazards of smoking marihuana sprayed with paraquat were remote, and the U.N. Fund for Drug Abuse and Control went on to recommend paraquat to all nations as the safest, most effective agent for marihuana control.

Fifth, responsible U.S. private studies have backed up the U.N. findings, such as research by the University of Mississippi—where paraquat is used to protect crops—indicating that 98.9 percent of any paraquat sprayed on the leaf is burned during the smoking process, before it reaches the user's lungs.

While the above should relieve any existing anxieties over the so-called health issue, other red herrings often raised in the paraquat matter include the effectiveness of the herbicide, and the cost of a paraquat program.

Mr. Speaker, effectiveness is a foregone conclusion in the wake of the 10 years of paraquat use in Mexico. Acting on the U.N. recommendations, Mexico embarked on the world's most extensive paraquat spraying operations.

Before the spraying operation became widespread in Mexico, our neighbor supplied some 85 percent of all the marihuana smuggled into the United States. Now, Mexico supplies 11 percent.

Because of the effectiveness of paraquat, the smugglers were forced to move their operations from nearby Mexico to Colombia and some other sources more difficult to reach, and Colombia now supplies roughly the same percentage of our imported marihuana once supplied by Mexico.

However, unless we lift the ban on U.S. funding of overseas paraquat spraying, Colombia and other nations will continue to claim they cannot afford such operations, and the smugglers can operate with a free hand.

Having said that, is paraquat spraying prohibitively costly, as the marihuana smuggling lobby has attempted to claim? No, not at all, particularly when measured against the cost to the U.S. taxpayer, and to the American people, of marihuana and drug-related crime.

The Mexican program, which was vast in both scope and ambition, cost only $10 million over 10 years. Colombia, a far smaller program in terms of territory to be covered, could hardly be expected to cost more than Mexico. Claims that a Colombian paraquat-spraying operation would cost U.S. taxpayers some $250 million, as some press accounts have indicated from the promarihuana lobby, are simply absurd.

Mr. Speaker, our legislation, which has already been approved by the Foreign Affairs Committee as part of the foreign aid authorization, has, we feel, become essentially noncontroversial because of the studies we have listed above, and because of the clear consensus that herbicide spraying is the best—the only—way to go in combatting marihuana growth and smuggling.

We urge prompt consideration of this legislation, in the spirit of the Attorney General's task force on violent crime antinarcotics recommendations, which Congress has already advanced in such a timely and responsible way.

A copy of our legislation is presented for the RECORD:

H.R. 4822

A bill to amend the Foreign Assistance Act of 1961 to repeal the prohibition against the use of international narcotics control assistance funds for spraying certain herbicides to eradicate marihuana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 481 of the Foreign Assistance Act of 1961 is repealed.

(b)(1) Assistance provided from funds appropriated, before the enactment of this Act, to carry out section 481 of the Foreign Assitance Act of 1961 may be made available for purposes prohibited by subsection (d) of such section as in effect immediately before the enactment of this Act.

(2) Funds appropriated for the fiscal year 1980 to carry out section 481 of the Foreign Assistance Act of 1961 which were obligated for assistance for the Republic of Columbia may be used for purposes other than those set forth in section 482(a)(2) of that Act as in effect immediately before the enactment of the International Security and Development Cooperation Act of 1980.

(3) Paragraphs (1) and (2) of this subsection shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs.●

JEWS OF ETHIOPIA FACING A NEW GENOCIDE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LANTOS. Mr. Speaker, the tragic situation now facing the Jews of Ethiopia is just beginning to receive public attention. The Ethiopian Jews are suffering under conditions which some have called a new genocide.

I would like to bring to my colleagues' attention excerpts from a recent article in the New York Times:

[From the New York Times, Oct. 4, 1981]

ETHIOPIA'S BLACK JEWS, A PERILED COMMUNITY

(By Simcha Jacobovici)

TORONTO.—Once again, Jews are victims. This time, the Falashas, the black Jews of Ethiopia, face possible extinction. What is more, few Jews, in Israel and elsewhere, seem to care or will take action.

In Israel, international and other domestic matters on the political agenda have overshadowed the Falashas' plight. As a result, their fate has been tied to bureaucratism that apparently is being covered up, to a lack of lobbyists for their cause, to diplomatic concerns, and to seeming indifference.

The Falashas' latest troubles began in 1974 with the Marxist revolution, which deposed Emperor Haile Selassie and led to armed conflict—between Ethiopia and Somalia, Government forces and Eritrean secessionists. In 1975, the year Israel's Chief Rabbis reaffirmed the Falashas' Jewishness, the new regime, led by Lieut. Col. Mengistu Haile Mariam, promised land reform for feudal, agrarian Ethiopia, hoping to win the support of serfs and of Jews, who had been the only minority denied the right to own land. The landed aristocracy, fearing the loss of its holdings to the landless Jews, decided to destroy them. Ethiopian refugees report that Falashas are being murdered, raped and sold into slavery. Through forced conversion, dispersal, hunger, disease and violence, the number of Falashas has been reduced to fewer than 10,000, from some 28,000 in 1975.

About two million Ethipians have fled to refugee camps in Djibouti, Somalia, and the Sudan, where many die from malnutrition and hunger-related diseases. According to refugees I have interviewed, and a report by the Canadian Association for Ethiopian Jews, amid all this suffering, landowners who resist the regime have resurrected superstitions: It is the Falashas' "evil eye" that is causing all the calamities. Refugees, seeking scapegoats for their misery, have turned against the Falashas. Jewish and non-Jewish refugees arriving in the West in recent months report that while Ethiopian forces have gained increasing control over the rebellious provinces and have begun to prevent rampant killing, they have stepped up anti-ethnic, especially "anti-Zionist,"

policies. Jews have been arrested for practicing religious rituals, security forces intimidate villagers by searching for "Zionist agents," and 40 Jewish communal workers and teachers are in prison.

A British doctor, Isaac Gottlieb, who has visited the Falashas numerous times, told me that in Ethiopia "it seems that everyone belongs to one side or another. The Jews are supported by no one. They are caught in a deadly crossfire and are the targets of vicious attacks." Secrecy continues to shroud the Falashas' fate. In September 1979, Yigael Yadin, then Deputy Prime Minister, told me that secrecy was necessary to ensure success for rescue efforts. Earlier, in January, the few Falashas in Israel had demonstrated against the secrecy policy and what they said was Government inaction. From March to May 1979, the North American Jewish Students' Network sponsored a speaking tour for Zacharius Yona, an Ethiopian Jew. These two events, and the publicity they generated, forced the first public Knesset debate on the Falashas, on Nov. 14, 1979. Critics of the rescue program argued that secrecy had yielded almost no results, that time was running out. Advocates of publicity won the day. The Knesset unanimously adopted a resolution that "the Government . . . should not keep silent but should . . . [help] our Jewish brothers from Ethiopia." The Jerusalem Post, on Oct. 30, 1979, said in an editorial: "The Falashas . . . have been neglected. And that neglect must be considered mortal." Finally, in November 1979, Mr. Begin established an interministerial committee to study rescue options. In 1980, 665 Falashas were rescued, compared with only five in the two preceding years. Overall, there are about 1,300 in Israel.

Graenum Berger of Pelham, N.Y., past president of the American Association for Ethiopian Jews, argues that present rescue efforts are "meager" and that "the whole program of saving this politically helpless community has been attended by too much secrecy."

This year, 3,000 to 4,000 African refugees could go to America; it seems this quota will not be met and that visas will go unused.

As a relief worker who had been in Ethiopia told me: "Incredible as it seems, Ethiopian Jewry is vanishing while the rest of the world pays little attention.●

IN SUPPORT OF GREGG RESEARCH BILL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. SCHEUER. Mr. Speaker, I am pleased to be introducing legislation with my colleague from New Hampshire which addresses one of our most pressing and potentially devastating envoronmental problems—the phenomenon of acid precipitation. It is a problem that does not respect national or international borders. It has placed severe stains on relations between States and between nations.

I am all too familiar with the problems of acid rain. I represent the State of New York, which is a downwind receptor of acid rain. I serve on the Health and Environment Subcommittee, which will consider all regulatory legislation pertaining to acid rain. I also chair the Subcommittee on Natural Resources, Agriculture Research and Environment of the Committee on Science and Technology. Our subcommittee has held six hearings this year on the impact of air pollution on the environment and much of the testimony received was directed toward the acid rain phenomenon.

On September 18 and 19, the Natural Resources Subcommittee held 2 days of hearings on this subject in Lake Placid, New York. During the course of those hearings, it became clear to me that there is pronounced divisiveness between regions of the country thought to be sources of the problem and regions who view themselves as victims. We also conducted a technical briefing with Canadian Members of Parliament and Government officials which brought into sharp focus the manner in which acid rain has adversely affected our relations with that nation.

Because of the transnational and multistate nature of the problem, Federal action is necessary if we are to control acid rain.

The cost of delaying congressional action may be enormous in terms of cleanup and potential injury to the environment. Lakes and streams may take years, perhaps decades, to acidify. However, the effects of acid rain are believed to be cumulative and, as the National Academy of Sciences noted in its recent report ("Atmosphere-Biosphere Interactions"), the longer action is delayed, the greater will be the damage. That report stated that at the current rate of emissions, the number of acidified lakes can be expected to double by 1990.

The Ontario Ministry of Environment has observed that an acid lake will eventually recover if the acid loadings are eliminated or greatly reduced; but a return to normal conditions will certainly take years or even decades, while absorbing everyone's expenditures. Other effects, such as damage to buildings and statues, are irreversible.

On the other hand, regulation without an adequate data base may result in unwarranted costs. A regulatory requirement mandating scrubbers for powerplants, for example, would require large capital and operating expenses which will be borne by industry and ultimately by the public for years to come. The economic risk of requiring pollution control technology that may not have a measurable impact on the problem of acid rain is enormous. It is estimated to amount to billions of dollars annually.

Accordingly, it is crucial that we examine the existing data to determine the degree of certainty in this area and to determine the appropriate level of control technology required to limit future damage.

Mr. Speaker, this legislation, by enhancing acid rain research and monitoring, will help to reduce the uncertainties involved in estimating both the costs and the benefits of regulating acid rain. It also will reduce any time lag which might occur between the accumulation of hard scientific evidence and the adoption of effective acid rain control program.●

UTILITY DATA INSTITUTE STUDY OF NUCLEAR LICENSING DATA

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BROYHILL. Mr. Speaker, the House is expected to continue consideration of H.R. 2330, the Nuclear Regulatory Commission authorization bill next week. I would like to include in the RECORD for my colleagues the following information from the American Nuclear Energy Council with regard to the Moffett-Markey amendment to H.R. 2330.

[From the American Nuclear Energy Council, Oct. 21, 1981]

NRC FISCAL YEAR 1982-83 AUTHORIZATION BILL FLOOR ACTION

The Nuclear Regulatory Commission fiscal year 1982-83 Authorization bill is scheduled for floor action this week.

Congressman Moffett intends to offer an amendment to strike the provision granting NRC authority to issue temporary operating licenses for nuclear power plants. This amendment should be defeated.

The NRC Authorization bill, including the temporary operating provision, is a joint product of the two committees of jurisdiction. It enjoys the bipartisan support of the chairmen of both committees (Udall and Dingell) and the ranking minority members (Lujan and Broyhill). The temporary operating provision is based on extensive hearing records before both committees.

Mr. Moffett's support for his motion to strike is a report just issued by his Government Operations subcommittee which attempts to explain away the extensive delays being projected in issuance by NRC of nuclear plant operating licenses.

In evaluating the Moffett report, you should be aware that it is based on a one-half day hearing at which only NRC was invited to testify. The views of industry and others were neither sought nor welcomed. The "exhaustive investigation" to which Mr. Moffett refers relates to a separate investigation by his subcommittee of the NRC inspection program—a subject totally unrelated to licensing delays.

This one-half day hearing is in contrast to the numerous days of hearings and markup before the Interior and Insular Affairs Committee, the Energy and Commerce Committee and the Appropriations Committee which specifically document the licensing delays and the need for the temporary operating authority.

You should also be aware that, contrary to Mr. Moffett's allegation, the estimates of delay are based on NRC's own monthly re-

ports to the Congress—not on industry estimates. It is true that the industry's delay estimates are somewhat higher, but even the NRC numbers document a serious delay problem.

The fact is that NRC is facing an extraordinary operating license workload. During 1982 alone, 17 plants will be ready to begin operation. To date this year, NRC has issued only four operating licenses, and never in its entire existence has it issued more than six operating licenses in any one year. Experience, common sense and the documentation before the committees of jurisdiction make clear that without the temporary operating authority some of these 17 plants will stand idle with the cost of delay to the utilities and their ratepayers running to billions of dollars.

On the other hand, if there are no delays, the existence of the temporary operating authority should be of no concern to Mr. Moffett; since its use by NRC is discretionary, if there are no delays it is clear that the authority would not be invoked. An analysis of the Moffett report is attached.

Action: Reject the Moffett amendment to strike the temporary operating license authority.

MOFFETT REPORT: "LICENSING SPEEDUP, SAFETY DELAY: NRC OVERSIGHT; FAULTY PREMISES EQUALS FAULTY CONCLUSIONS

The Moffett report concludes that the substantial delays in the issuance of operating licenses which NRC has been projecting in monthly reports to Congress beginning last January are either a figment of the imagination, or, alternatively, are the exclusive responsibility of the industry and not the NRC. Also, in a non sequitur, the report concludes that NRC efforts to reduce these "imaginary" licensing delays has detracted from its on-going safety programs. While the sparse record compiled by the subcommittee in a one-half day hearing is intended to give some support to these conclusions, it does not comport with the facts as determined independently by the NRC, DOE, other congressional committees of jurisdiction, and as confirmed by the industry.

As required by the House Appropriations Subcommittee on Energy and Water Development the NRC last January began filing reports with the Congress on the status of nuclear reactor licensing proceedings. The January report estimated that during 1981-82 NRC would not be ready to issue operating licenses for 11 plants for a total of 79 months after the dates construction would be completed and the plants would be ready to begin producing electricity. Including two plants which then held only zero power licenses, the estimate would be 13 plants delayed for a total of 90 months.

As noted above, these figures were originally reported to Congress by the NRC last January and monthly since then. Beginning in April, DOE began independently to report licensing delay figures, which have been consistently comparable with the NRC numbers. In addition, the American Nuclear Energy Council has been reporting its own estimates since January. While the industry estimates of delay generally range higher than NRC or DOE, the differences are not significant. Even the lower NRC and DOE numbers underscore the seriousness of the delay problem.

The Moffett report points to the fact that NRC's estimates of delay have been reduced since originally reported last January as evidence of the fact that the delay problem has been overestimated or, in fact, never existed. This ignores the fact that, in the interim, on its own initiative and at the urging of the Congress, NRC has taken a number of steps to get licensing back on schedule. For example, in April alone NRC was able to report to Congress that due to revisions which it was implementing in its licensing procedures and a better utilization of its manpower, expected delays were reduced by a total of 29 months. Thus, the Moffett report attempts to convert successful efforts by NRC to reduce estimated delays into evidence that they never existed.

In spite of improvements in licensing schedules which NRC has been able to report, the delay problem still remains serious. NRC's most recent report to Congress (September 30) still estimates that during 1981-1982 operation of several reactors will be delayed for a total of 21 months. NRC does not estimate any delays for plants due to come on line in 1983; however, the industry's own estimates project that through the end of 1983 that 11 plants will be delayed by a total of 63 months.

It is significant that the Moffett report completely fails to address the projections for delays in the 1983 plants.

It is also significant that the Moffett report ignores the delays being experienced in the issuance of new construction permits. The fact is that NRC has not issued a construction permit since before the Three Mile Island incident. It has failed to date even to issue the new regulations which it says must precede issuance of any construction permits. The fact is that there are pending before NRC Applications for eight construction permits for an average of more than 80 months since they were filed—with an average additional 17 months to go before such permits are issued. This is almost five times as long as it took NRC to process these applications as late as 1977.

Because Chairman Moffett chooses to ignore the fact of continuing licensing delays, the report concludes that there is no need to enact the temporary operating authority now pending before the Congress in the NRC fiscal year 1982-83 authorization bill. In reaching this conclusion, the report stands alone in opposition to the NRC and all of the committees of the House and Senate which have legislative jurisdiction over NRC. A majority of the NRC commissioners have requested and continue to favor some form of temporary licensing authority. Such authority has been included in H.R. 4255, jointly sponsored by the House Interior and Insular Affairs Committee and the Energy and Commerce Committee. A similar provision, reported unanimously by the Senate Environment and Public Works Committee, is pending before the Senate for floor action. Extensive records on the need for such authority have been compiled by each of these committees, as well as the Appropriations Committee. One will search the records of the Moffett subcommittee in vain for more than a cursory treatment of the subject. In view of the overwhelming support for such temporary operating authority, the paucity of the Moffett subcommittee record on the subject speaks for itself.

The Moffett report also attempts to suggest that NRC efforts to reduce licensing delays have "delayed, deferred or neglected" other programs "directly related to safeguarding the public health and safety from harm from nuclear accidents." The connection simply has not been substantiated. It is true that NRC has reallocated to licensing work certain personnel which had been diverted from such work in the immediate aftermath of the Three Mile Island incident. This reallocation was made possible either because that work had been completed or was considered to be of relatively lower priority and nonsafety related. Specifically, Moffett alleges that the reallocation of manpower "has been and may continue to be detrimental to that already weak inspection program." The record makes clear, however, that the reallocation involved no Office of Inspection and Enforcement personnel. It may be that certain NRC programs are behind schedule, as the report alleges. If so, it may be due in part to Three Mile Island related activity, and in part to lack of form management in NRC which was evidenced over the last several years. With the new management now in place at NRC there is good reason to believe that this situation is being addressed. However, the report does not support any conclusion that this situation is due to the attention appropriately being given to the licensing delay problem.

The Moffett report discounts the substantial cost of licensing delays to utilities and their ratepayers. On average, a completed nuclear power plant standing idle costs about $1 million for every day of delay, taking into account purchased power and capital charges. Thus, according to the industry estimates, the 63 months of delay expected to be encountered through the end of 1983 will produce unnecessary regulatory costs of between $1.5 and $2 billion. Some who apparently believe that idle capital has no costs, contend that it is not appropriate to allocate capital charges against the cost of delay. Even if this were true, the costs to utilities and their ratepayers due to licensing delays would be in the billion dollar range. Although Moffett dismisses these costs as "the comparatively minor costs of administrative delay," it does not appear that they should or would be so readily dismissed by a majority of his colleagues who are currently wrestling with painful billion dollar federal budget cuts—or by the ratepayers who eventually will end up paying them.●

DIATRIBES OF A DEMAGOG

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. WYDEN. Mr. Speaker, I have introduced legislation to isolate Libyan leader Muammar Qadhafi. My bill H.R. 4797 would impose a $10 per barrel fee on Libyan crude through the end of 1982. The revenues from this fee would go toward purchases for the strategic petroleum reserve. Beginning in 1983, my legislation would then impose a ban on further imports of crude from Libya.

If there is any doubt in the minds of my colleagues about the danger Muammar Qadhafi poses for northern Africa and the Middle East, I would like to share transcripts of his radio broadcasts to the Egyptian people when President Anwar Sadat was assassinated.

These diatribes by demagog Qadhafi reinforce my belief that the United

States must end our cozy relationship with Libya in which we condemn him, yet simultaneously buy his oil—thus bankrolling the bloodshed he exports throughout the world.

LIBYA—AL-QADHAFI'S STATEMENT TO EGYPTIAN PEOPLE, OCTOBER 6, 1981

Oh great Egyptian people, oh Egyptian Arab people, oh fraternal Egyptian people: I allow myself to address you from the historic town of Sabhah because I see it as my duty to our fraternal Egyptian people to congratulate them on this day, to congratulate them on the daring action carried out by a group of their devoted sons in the armed forces. This action was an execution of the sentence passed on 19 November 1979 by the Arab People's Court of death by shooting for high treason against the Arab nation.

This sentence was ridiculed by As-Sadat and was regarded as not being backed by the will of the Arab people to carry it out. But here it is confirmed now to the world and to As-Sadat in the final moments of his ominous and predestined end. The sentence was passed by the Arab People's Court—a court not controlled by As-Sadat or any government. It was set up by the Arab people at the Arab people's general congress, the will of the Arab nation.

As-Sadat used to laugh about that day and ridicule the prosecution, the lawyers and the judges who passed sentence on him, and he used to laugh loudly. This is the fate of one who scorned the will of the nation and its ability to punish those who rebel against it. This daring action has taken Egypt out of the dock in which the Arab nation placed the people of Egypt after they were accused of cowardice, submissiveness, capitulation to As-Sadat, to the Israeli enemy, to America. This daring action this morning took Egypt out of the dock of cowardice and submissiveness. This action has brought honor to the Arab nation and has honored above all the Egyptian people. It has erased the shame, submissiveness and capitulation from the brow of every Egyptian. It has honored every Egyptian.

We feel in these hours that the souls of the thousands of martyrs who fell against the Israelis for the liberation of Palestine are hovering today in salute to the Egyptian people and their courageous sons.

This is the punishment for humiliating the great man, the man who made the contemporary history of the Arab nation—Jamal 'Abd an-Nasir. The sound of the gunfire was saying: This is the punishment for the one who attacked Jamal 'Abd an-Nasir's base in Iobrule and a revenge for Jamal Abd an-Nasir. This is the punishment of the one who made blood run among the brothers, the loved ones, the Egyptians and the Libyans.

TRIPOLI INCITES EGYPTIANS TO REVOLUTION—CALL TO MARCH

Free and honorable people of Egypt; sons of Egypt in the armed forces, in factories and in the fields; sons of the peasants; toiling workers, students in schools, secondary schools, institutes and colleges; men and women, who rose with 'Abd an-Nasir, and who built the High Dam and nationalized the Suez Canal; makers of the socialist laws; you who led the march of the struggle of your nation: As-Sadat's face has disappeared. The ugly face has disappeared with all its shame, capitulation and defeat. As-Sadat has died. Some of his ministers have died. Shame and treason have died with him.

Close your ranks and march on the premises of the radio and announce to the world that Arab Egypt is alive and will stay alive, marching along the path of revolution—the path of 'Abd an-Nasir. With your free men you have now paved the way for your march. Proceed with the revolution and announce that it is a popular revolution.

CALL TO PREVENT FUNERAL

Arab people of Egypt: Who killed tyrant As-Sadat? They are your sons who killed him. Thus, you Arab people of Egypt have opened the road to freedom. You have killed tyrant As-Sadat.

For this reason, you great Arab people of Egypt should not allow yourselves to be taken as fools. You must now join in a popular revolutionary march from all over Egypt, from the rural and urban areas as well as from the desert areas, toward Cairo so that you may seize the radio station and issue your revolutionary statements. You great Egyptian people must take over the radio and declare the birth of new Egypt, free Egypt, Egypt that has been cleansed of all agents and traitors.

Great Arab people of Egypt: You must besiege the hospital in which the corpse of As-Sadat was placed. You must, great people, frustrate the designs of the traitors, the aides of As-Sadat, who might try to depict the traitor as a martyr and who might prepare a large funeral for him. You heroic people who have killed the tyrant should beseige the hospital to prevent the dogs from entering it, because the dogs will try to turn the dead tyrant into a martyr, if they manage to have a funeral march for him. You people must burn the corpse of the traitor As-Sadat.

Great Arab people: It still remains for you to liquidate the remaining traitors. It still remains for you to march now so that the sun of tomorrow may rise with Egypt becoming a jamahiriyah, becoming a people's jamahiriyah and ruled by the people.●

CANCUN, THE ADMINISTRATION AND THE MULTILATERAL DEVELOPMENT BANKS

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. EVANS of Delaware. Mr. Speaker, this week in Cancun, President Reagan will get his first taste of the north-south debate. In similar attempts in the past, little has emerged beyond highly emotional rhetoric in which most of the world's ills are laid at the feet of the developed countries. The Soviet Bloc and the OPEC countries—and the developing countries themselves—have largely avoided criticism. Nonetheless, we must return to the negotiating table with a constructive attitude and an open mind.

There are those in this country and some in Congress who argue that the United States can go it alone, paying little heed to the developing nations of the Third World. But advocates of this position are closing a blind eye to the growing importance of developing countries. With each passing day, our vital interests become increasingly intertwined with the Third World.

Traditionally our foreign aid programs have been based largely on achieving humanitarian goals. Today, there are many pragmatic reasons to continue these programs. All of them stem from our interdependence with the Third World.

The United States is critically dependent on developing countries for a whole range of strategic raw materials that are vital to our economy. One of the world's poorest and least stable countries—Zaire—supplies us with over 90 percent of our cobalt needs. Without Jamaican bauxite supplies, our aluminum industry would grind to a halt. We now import over 50 percent of our needs for 20 of the 35 minerals designated as "strategic or critical."

Developing countries as a group are our single largest export market, accounting for nearly 40 percent of all U.S. exports. They continue to be our fastest growing market, but demand will grow only as economic development in these countries takes place.

Many are also important to us for foreign policy reasons. From a strategic standpoint, they occupy critical points on the globe: Thailand, Pakistan, Sudan, Turkey, and Jamaica are but a few examples.

We simply cannot neglect the Third World if we are to serve our own interests. The explosive population growth in developing countries means that the world population will increase by 2 billion before the end of the century. Without cooperative attempts to greatly expand food production, widespread starvation will result in many parts of the world. This specter is something from which no developed country can insulate itself.

From a foreign policy perspective, we are locked in a battle for the hearts and minds of developing countries. Make no mistake about it. The Soviets—and their Cuban and Libyan proxies—are hard at work creating discontent, taking advantage of the economic instability, and seeking to extend their influence. In Sudan, it is terrorists trained in Libya; in El Salvador, it is Cuban weapons and advisors. By contrast, the United States has traditionally relied on humanitarian and economic assistance rather than military intervention. It is a comparison that should not be lost on developing countries. It should be noted for the record that the Soviets declined an invitation to participate in the Cancun Conference.

When the President arrives in Cancun, he may be surprised to find a more constructive attitude—less sterile rhetoric—than has characterized early north-south sessions. Whether in deference to a new U.S. administration or whether in recognition of the economic and budgetary problems faced by

donor countries, one notices a cooling of the temperature of the rhetoric from all but the most strident developing countries. Five years ago, Mahbub ul Haq, an influential spokesman for Third World interests, called for international taxation for foreign aid and for changes in the voting structures at the institutions now dominated by the industrial countries—the World Bank and the International Monetary Fund. Today he is calling for directing the bulk of existing foreign aid to the poorest countries—instead of middle-income countries—and for modest increases in food and energy development assistance.

Carlos Fuentes, former Mexican Ambassador to France and head of his country's delegation to the last north-south conference, claims the Third World will no longer pursue massive resource transfer schemes but will work for cooperative solutions to decrease trade barriers, to increase food production, and energy development.

Our European and Japanese friends are ready to begin serious discussions with the developing world. Without mineral and energy resources of their own and facing the dwindling markets for their products in the industrial world, the economic and social prosperity of the Third World becomes vital to their own well-being.

One of the central themes of the Cancun Conference will be United States participation in the multilateral development banks. As a recent Department of the Treasury draft report reaffirmed, the World Bank and the regional development banks are the most effective form of development assistance yet designed. With some fine tuning to reflect more closely U.S. policy preferences, the Reagan administration could and should give the multilateral development banks the full weight of its support.

That these multilateral development institutions are the most effective vehicle for promoting economic development should now be quite clear. While this administration began its term with a healthy degree of skepticism regarding these institutions, a recently completed study by the Department of Treasury demonstrates once again that the multilateral development banks serve the interests of both north and south. This fact was further underscored by a recent article in a Soviet journal which condemned the multilateral development banks as a "tool for spreading capitalism in developing countries." To this we must answer: "Guilty as charged." One of the conclusions in the Treasury Department's assessment deserves particular emphasis. The World Bank and the regional development banks are extremely cost-effective means of supporting development, when compared to bilateral foreign assistance. As we strive to balance the budget by 1984, we should keep in mind that every U.S. contribution to the multilateral development banks is compounded by a multiple of five due to the contributions of other donor countries.

President Reagan gave the World Bank and its sister institutions a rhetorical pat on the back at last month's World Bank-IMF meeting, but it was clear from his statement that the central thrust of this administration's strategy for development is reliance on the private sector. I agree with President Reagan on the importance of private sector development on the need for free and open markets. But, practically speaking, that will not occur in most Third World countries without public sector involvement. The missing ingredient is the existence of a sound economic and physical infrastructure. Without water and sewers, a country like Haiti cannot hope to develop a tourist industry. Without a functioning railway from Port Sudan to Khartoum, Sudan cannot effectively develop its vast agricultural potential or even move basic imports in or exports out of the country. The private sector has traditionally left the construction of roads, dams, sewers, port facilities, and the like to the public sector. Similarly, investments in human capital such as disease eradication, vocational education and training have typically been accomplished at least in partnership with the public sector. Government participation in these efforts in the Third World is even more critical. In most poverty stricken Third World countries there is little hope of either private capital formation or government revenues sufficient to permit the developing country to finance its own infrastructure development.

As the Treasury report concludes, the multilateral development banks are ideally designed to finance and oversee the construction of those infrastructure-type projects which provide the foundation on which developing countries can build. Commercial lenders also stress the importance of the multilateral lending institutions in performing a catalytic role by encouraging more foreign investment in developing countries.

The President has reminded developing countries that the United States developed, from a barren frontier to the world's foremost economic power with only the occasional infusion of foreign capital. While true, it must be remembered that there are many differences between the world of today and that faced by the emerging United States. We were blessed by a favorable combination of bountiful resources, cheap energy, a hospitable climate, virtually unlimited markets, and two wide oceans to afford us decades of safety from foreign influences. No developing country today faces such happy circumstances. Most have only a few products to export with declining terms of trade, scarce energy, stiff competition for markets, and so forth.

Even if conditions were perfect for economic growth in developing countries, we could not afford to wait for the long-term, incremental development to catch hold in the Third World the way it did in the United States. Pressures from growing populations, social unrest, rising expectations, and increasing economic deprivation have combined to give developing countries and their beleaguered leaders little time to find solutions. Progress must continue at a steady pace, or friendly governments will be unable to contain those forces which are attempting to capitalize on economic and social unrest.

The United States created considerable anxiety at the recent World Bank-IMF meeting when the administration unveiled its tougher stand on multilateral lending. Whether intended or not, the message received by most foreign delegates was that America was beginning its withdrawal from the same institutions created decades ago at American insistence. There was general amazement that the United States could be seriously contemplating something so counterproductive to its own interests.

The message we should be sending is that we understand the value of the World Bank and the regional development banks to the countries of both the south and the north. With the administration's assessment of the banks in hand, the time and setting are right for a reaffirmation of support for these institutions. Just as only a Republican President could have dramatically broken with tradition and established a bridge of communication with China and its 1 billion inhabitants, so only a Republican President can begin to forge a coalition of political support for the multilateral development banks.

In today's political atmosphere, there is less support for this type of assistance than at any time since World War II. And yet, there have been a few times in our history when it has been more important. President Reagan has a marvelous opportunity for leadership on this issue. We should all hope he takes that opportunity.●

LIFTING BAN ON PARAQUAT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. SHAW. Mr. Speaker, I support the bill introduced by my Florida colleague, Representative ANDY IRELAND. As elected Representatives from the State in the Union hardest hit by illegal narcotic activity, which affects every Floridian, we are working to-

gether to relieve our State of this ugly burden of fear, corruption, and lawlessness.

My years as mayor of the city of Fort Lauderdale left me convinced that local authorities are no match for the organization, resources, and cunning of Florida's drug dealers. Those underground tycoons deal in more Florida dollars than in any other field in State business except tourism. These executive criminals have transformed south Florida from a tropical paradise into a jungle of fear, and have corrupted once-honest establishments and formerly pleasant communities.

How can we put them out of business? In addition to enlisting the support of military personnel and resources, we must strive to dry up their sources—attack the problem at its primary source. Prevent the production of drugs at their inception, stop the harvests.

The most effective herbicide ever used to destroy marihuana in the fields is known as paraquat. The initial scare over paraquat, provoked by the Secretary of Health and Human Services (HEW) Joseph Califano in 1978, has proved to be overblown, practically nonexistent. Legislation motivated by that fear—namely, the Percy amendment, which prevents foreign nations from using U.S. aid money to finance paraquat operations, has survived. It is a piece of legislation that hampers our efforts to fight the war on drugs; it is senseless to prohibit foreign countries receiving U.S. aid from using the most effective means at their disposal to destroy marihuana in the fields.

How can we convince our countries that we are serious about controlling drug trafficking if we prohibit them from using paraquat? Large-scale destruction of marihuana crops must be our goal; we must pass this legislation.●

ADMINISTRATION DOUBLETALK: CUTTING THE BUDGET BUT ADDING SIX $50,000 DEFENSE EXECUTIVES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. WALGREN. Mr. Speaker, we all should be dismayed to learn that Secretary of Defense Caspar Weinberger and the Office of Management and Budget are asking the Congress to create five new top-salaried assistant secretaries in the Department of Defense while the administration has and is proposing unprecedented cuts in virtually every Federal agency and program. Regrettably, today the House Armed Services approved a bill approving the five and adding a sixth.

During a time of severe budget austerity at all levels of Government, it is difficult to understand how the administration can ask for new executive level positions, especially in a Department that already has 19 assistant secretaries. It is sadly inconsistent, in my view, to be adding these top-salaried slots at the same time the President is asking Congress to reduce programs that benefit so many citizens and local governments. Adding six new slots, at $52,750 each, is an unfair request to the American taxpayer, who will foot the bill.

It is also hard to understand why Defense needs these new slots when DOD is compared with other Cabinet departments. With 19 positions currently in existence, it already has more assistant secretaries than any other department. The Department of Health and Human Services, an agency with a larger budget, has only seven. The Department of Transportation has only four. The average number of assistant secretaries in all other departments is seven.

Furthermore, there has been little justification given by the administration for creating these positions, which were abolished in 1978 to save money. The Department stated in a July 30 hearing that planning for the utilization of the additional secretary positions in the services is still tentative. The Department also indicated that there have been changes in the world situation since 1978, when the positions were abolished. However, Department officials failed to specify what changes require these new top spots. The country is not at war.

What will this cost us? The Department has not fully clarified the price of this proposal. While the Department's letter to the Speaker says that enactment will "result in no increase to the budgetary requirements of the Department," the fact is that these positions now carry with them a salary of $52,750, which multiplied times six totals $316,500; $316,500 is only a small drop in the defense bucket of $181 billion; but $300,000 is a staggering amount of money to most Americans. Most people have never seen $300,000. Furthermore, throughout the bureaucracy, the creation of new assistant secretary positions has inevitably resulted in the creation of new schedule C positions available for political appointment. Assistant secretaries always need special assistants for this and that. Though the Department may be able to aborb the cost of supporting positions at this time, I would not be surprised to see increases in the future. That is simply a measure of the fact that excess funds were approved for the Defense Department in the first place.

It should also be noted that under section 5317 of title 5 of the United States Code, the Civil Service Reform Act, the President has available a pool of 34 executive level positions that he can use to establish assistant secretary slots in any department. Thus, rather than ask Congress to add new ones, why does not the President use the pool, a pool designed to give the President flexibility to meet his needs? This was not answered by the administration either.

Finally, and probably most important, building a strong defense and insuring national security do not depend on the number of high-level, highly paid executives running the Department. A strong defense requires motivated, dedicated servicemen and women. It requires the cultivation of sensitive diplomacy and cooperative efforts with all nations across the globe. In my view, our country would make a better investment by pursuing these goals than hiring more assistant secretaries.

In short, the Department has not made a compelling case for this request. When everyone else is asked to restrain spending and cut out waste, the Department of Defense should bear its fair share as well. Adding six new $52,000 executives is not the way.

I have expressed my concerns to Secretary Weinberger and OMB Director David Stockman. I hope my colleagues will join me in opposing this bill when it comes before the House.●

LIFTING THE BAN ON PARAQUAT SPRAYING

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. HUTTO. Mr. Speaker, I join with my fellow colleagues in expressing my support for swift action in regards to lifting the present ban on herbicide spraying of marihuana crops.

I could reiterate the effects drug smuggling is having on our Nation's businesses, specifically in Florida, and further quote numerous reports and investigation results that stress the remote health hazards attributed to smoking paraquat treated marihuana. I would, rather, emphasize the urgency with which we need to successfully control this ever-increasing supply of marihuana from our South American neighbors.

It is my belief we in the Congress have the responsibility to utilize every available resource to put a stop to this apparently limitless influx of marihuana into the United States. In my home State of Florida, money generated from drug sales has been estimated to be $7 billion yearly. To put this in

perspective, the State of Florida appropriated $9.3 billion in 1981 to accommodate the needs of 10 million residents. At the same time, a small group of individuals were able to generate over two-thirds of this amount in illegal drug sales.

I am sure we all agree that our Nation's drug problems has continued to escalate despite our many efforts to force it to do otherwise. And while I commend our many dedicated police and drug enforcement officials who face this impossible and seemingly never ending battle against drug smugglers, I sincerely believe that tax dollars used to combat drug smuggling could not be wiser spent than funding programs that spray marihuana destroying herbicides.

I urge the Congress to take prompt action to lift this present ban on paraquat spraying as an effective step toward reducing the influx of marihuana into the United States.●

MOBIL OIL DAY IN JOLIET

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. O'BRIEN. Mr. Speaker, I have the distinct privilege of representing Joliet, Ill., and its fine citizens in this body. For that reason, and with a good deal of hometown pride, I would like to bring an advertisement that appeared on the op-ed page of today's New York Times to the attention of my colleagues. This advertisement, entitled "Fair, warm, and not at all sticky," describes the relationship between Joliet and one of its businesses, the Mobil Oil Co. As all who read the article will see, Joliet is a city with a constructive attitude toward business. This attitude is grounded in the knowledge that productive and meaningful jobs are the greatest asset that a city can have, along with the workers to fill them. Such jobs are only created when businesses start up, or maintain their operations. And Joliet is set on keeping the jobs that it has and attracting new ones. I commend Joliet for this approach. And I commend Mobil Oil Co., for having merited the "Mobil Oil Day" that Joliet bestowed upon it.

[From the New York Times, Oct. 22, 1981]

FAIR, WARM, AND NOT AT ALL STICKY

Every specialty has its jargon, and sometimes this makes the simple and commonplace sound complicated and exotic. TV weather persons, for example, hardly ever say that "tomorrow is going to be wet, raw, and generally nasty." No indeed. Instead they talk of highs and lows and temperature-humidity indices, and if you pay close attention, and catch the words "anticipated precipitation," you may even remember to carry an umbrella.

Perhaps because the weather is so pervasive in general conversation, individuals, governments and businessmen too have adopted some of the meteorologists' pet phrases. We hear talk of a "business climate," or even of many "business climates," as in the "business climate in the Sun Belt," or the "Snow Belt," or whatever other belt has become the fashion of the day. And Washington, of course, is perceived as the center of either storms of sunshine, businesswise, although nobody really knows why the stock market often forgets to say "gesundheit" when a president sneezes.

And so, to strike a blow for precision and clarity in defining the business climate, we'd like to offer a case history, as well as a definition. The case history involves Joliet, Illinois. And the definition is this: a good business climate is simply people working together, in their best interest, which often coincides with the general good.

Joliet is a city of almost 80,000, located 40 miles southwest of Chicago. (Its surrounding area has a population almost three times as large.) Some 350 manufacturers call Joliet home, including Mobil, which operates a refinery there. Our plant employs 630 people, and the Joliet Region Chamber of Commerce & Industry tells us that because these 630 are gainfully employed, about 1,000 others work to meet their needs, in places like schools, banks, stores, restaurants, and other establishments. There's nothing remarkable in the numbers; economists call it the ripple effect, and it happens all the time.

Nor is it remarkable that Mobil pays its share of taxes to support schools and municipal services, and contributes to at least 29 local organizations, charities, colleges, libraries, and cultural groups. We're sure the other 349 manufacturers in Joliet do no less.

Because all these things are the norm for businesses today, we were surprised, flattered, and honored when the chamber recently saw fit to salute us at an event they called "Mobil Oil Day." The chamber noted that the Joliet area has grown by a third in the last decade, and decided that honoring a different business each year was one way to help this growth continue.

We're proud to have had our turn in the Joliet spotlight. And we're obviously delighted that the business climate, in Joliet, remains so salubrious. But we also recognize that many companies all across America have equally good relationships with their home communities. Business, generally, is a good neighbor, and most communities recognize this fact.

From time to time, out of political motivations or for reasons of radical chic, individuals may try to chill the business climate. On such occasions we try to set the record straight, or point out the consequences of a contemplated action. And the American system, of which business is an integral part, usually adapts.

So when it comes to the business climate, we're glad that most people recognize there's little need to tinker with the American system. And we're glad that, in countless communities like Joliet, people are working to keep the climate fair, warm, and not at all sticky.●

ECONOMIC ALTERNATIVES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. FORD of Michigan. Mr. Speaker, the column in today's Washington Post by Hobart Rowen which I am inserting in the CONGRESSIONAL RECORD states clearly the concerns I share with writers and serious observers of our economy on the Washington level.

The economic situation across the Nation is going from bad to worse, and in my State of Michigan, it is a disaster. We need a change and we need one fast. That is why I have cosponsored H.R. 4504—the Udall-Obey Emergency Tax Cut Act of 1981. It is a sound measure that would reduce Government borrowing by $40 million next year by phasing in tax cuts for individuals and providing small tax reductions for the richest—25 percent of all taxpayers. It also strips the new Tax Code of numerous provisions which are close to corporate welfare. The plan offers significant new incentives to American industry, gives the majority of Americans a larger tax cut next year than can be expected under the administration's tax program, and balances the budget in 1983-84.

The time has come: We must do more than just talk about high interest rates and massive deficits. The House must adopt a prudent tax policy that will promote a balanced budget and reduce the Government's involvement in the credit markets.

Hobart Rowen has adeptly stated the problems with the tax bill. The Udall-Obey substitute is a good start at a solution.

[From the Washington Post, Oct. 22, 1981]

THE REAGAN RECESSION

(By Hobart Rowen)

Surprise, surprise, the economy is in a recession! For weeks analysts outside the Reagan administration have been warning that nothing else could develop from the inherent conflicts in Reaganomics, which pits a highly restrictive policy of monetarism against an excessively stimulative fiscal policy.

But last weekend, for the first time, after receiving a memorandum from Economic Council Chairman Murray L. Weidenbaum outlining the pervasive decline in the economy (every industrial sector except defense showed a fall-off in September), President Reagan was willing to label the current situation a recession, albeit a slight one. Weidenbaum followed up with a public statement saying that "we have anticipated for some time that this situation could arise."

Back in March, Weidenbaum was beginning to admit that 1981 would be a disappointing year. But at the beginning, the Reagan program, as announced and defined, pretended there would be no recession. The economic assumptions published at the beginning of the year—relying on supply-side magic—called for an increase of 1.1 percent in real economic activity in the current cal-

endar year, soaring to a 4.2 percent gain in 1982, followed by a 5 percent gain in 1983.

Such rose-colored expectations have not yet officially been discarded, but they can be junked. Yet Weidenbaum is still insisting that "the forces are already in motion to reverse current downward tendencies, even though several more months of poor economic statistics are a likely probability." Those "forces" are the first stage of the individual and business tax cuts, and a decline (from high peaks) in short- and long-term interest rates.

But don't make any bets that this prediction is any better than others the administration has made so far. The individual tax cut on Oct. 1 is of piddling dimension, and the business cuts—even though retroactive to Jan. 1, 1981—won't help the economy until next year. More significant, perhaps, is the new uncertainty over next year's tax cuts.

And as for interest rates, the administration originally far underestimated how high they would go and hence the dampening of real economic growth as well as the drain on the budget to service the national debt. Now, there has been a modest reduction from the peaks, but nothing yet to reduce the crunch on business expansion, or to ease the real depression in housing and cars.

Treasury Secretary Donald T. Regan, in a moment of candor last Friday, admitted that in the case of the administration's efforts to prevent disaster in the savings and loan industry "we actually don't know what's going on."

One wonders whether that can't be said of the administration's approach to other problems in the nation's economy. For example, President Reagan did not oppose the "All Savers" Certificate proposed by the savings industry as a bail-out for their sickness—although he had plenty of warning that it was bad legislation of dubious value to the S&Ls, and a positive additional bonanza for upper-bracket earners.

Now the administration is discovering that the Treasury will take a terrible bath through the tax-free status of the All Savers. Moreover, according to some private analysts, so much money has been shoveled into the All Savers that the economy has suffered directly: economists report that money that might have gone into down payments for cars was tucked instead into All-Savers.

It would be hard to exaggerate the extent to which the crucial error of Reagan's approach to economic problems lies in the horrible 1981 tax legislation. Nobel economics laureate James Tobin put it exactly the right way the other day when he said that the "disgraceful" bill "really made a shambles of the American tax system."

Congress and the president together, yielding to almost every greedy pressure, "gave up all pretense that this country [should] make any attempt to check the accumulation of dynastic wealth, or try to render things more equal in the next generation," Tobin said.

There is a certain immorality to the tax bill, as Tobin suggests. But let's put that question aside and deal for the moment only with the macro-economic effect: with a recession a certainty, the economic growth prospects that might have generated extra tax revenue are not in view. Therefore, it is time for reality to replace the supplysiders' mumbo-jumbo (call it voodoo economics, if you will), and aim policy toward a partial withdrawal of the tax cut. This in turn can encourage the Federal Reserve to ease up on its drastic monetary policy.●

PARAQUAT BAN

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. EVANS of Georgia. Mr. Speaker, today I am pleased to join with my colleagues from the neighboring State of Florida, Mr. IRELAND, Mr. SHAW, and Mr. HUTTO, to introduce legislation which has already received overwhelming support from all members of the House Foreign Affairs Committee. This bill will allow the use of the herbicide, paraquat, in overseas marihuana eradication programs.

I look at this bill as the single most important legislation that we could enact this year to help stem the tide of drugs flowing into this country.

The controversy over paraquat stems from an amendment to the 1961 Foreign Assistance Act which prohibited U.S. financial assistance to any foreign country that was using a herbicide on marihuana that might be found harmful by the Secretary of Health and Human Services (HHS) to smokers. Former Secretary Joseph Califano then determined that there was a possibility of harm which required the State Department to withdraw any support to Mexico in their marihuana eradication program.

As a member of the Select Committee on Narcotics Abuse and Control, I chaired hearings in the 96th Congress on the health consequences of paraquat-contaminated marihuana on possible smokers of the drug in this country. My conclusion and the conclusion of the other members of the committee at the termination of those hearings was that HHS had overextrapolated its figures in its determination that paraquat was harmful to humans, considering the level of contamination found.

We determined that given the amount of contaminated marihuana on the U.S. market, and the persistence and amounts of exposure, it is extremely unlikely if not impossible that any serious health consequence would result to smokers in the United States from a foreign, national paraquat eradication program. In my opinion it is clear that HHS was passing judgment given worse-case assumptions, far beyond reality, and determined possible harm rather than probable harm.

To sum up the importance of the paraquat program and the potential impact it has on the flow of marihuana, allow me to point out some basic facts about the Mexican program—a proven effective program. According to a Drug Enforcement Administration study, the Mexicans eradicated approximately 7.2 million kilos of marihuana in 1976. The Mexicans, however, were only able to confiscate through law enforcement means, 403,930 kilos. My research further indicates that the combined effort of United States seizures and Mexican seizures only totals 501,183 kilos of marihuana. Therefore, one can easily see that this program has proven to be cost-effective. Between the Mexican seizures and the Mexican eradication program, my estimation shows that eradication is responsible for 94 percent of the marihuana taken off the market. One cannot emphasize enough the potential impact that such a program can have if other source countries launch the same attack on marihuana. Mexico has gone from the No. 1 source country for 85 percent of the marihuana coming into the United States to less than 10 percent.

As with Florida, my home State of Georgia, because of its proximity to the South American source countries, is inundated with marihuana. The readily available amounts are so great that it is forcing the distributors of the drug into a younger and younger market every year. According to NIDA studies some 16 million Americans are now regular users; and among high school seniors, about 1 in 10 are daily smokers averaging 3½ joints a day. I have calls coming into my office daily from concerned parents and teachers about the harmful effect this drug is having on our young people. I know this is a matter of national concern, and no doubt similar feelings have been expressed from parents in every State.

I will not sit on the sidelines and continue to see this massive influx of drugs coming into our country affecting more and more children every year and destroying more and more families. We know we have an effective program that can destroy this menace. This eradication program is the best thing we have got going, and I intend to fight to the finish to see that this bill passes the House of Representatives and is signed by the President. I urge all Members to join in the battle against drug use and offer their support for this vital legislation.●

THE INTEREST RATE REFORM ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. McCOLLUM. Mr. Speaker, today I have introduced the Interest Rate Reform Act of 1981. The purpose of this bill is to bring down the intolerable rates of interest existing in this country; provide a fixed and logical relationship between the rate of inflation, the interest rate paid by the U.S. Government on debt issues, and interest charged on loans in the market-

place; assure that the public is protected in the future from unreasonable profitmaking through interest rates by those who might be tempted to take advantage of changing economic climates and attending uncertainties; and provide a uniformity of interest rate ceilings thoughout the Nation.

High interest rates have placed loans of any sort out of reach for all but the wealthiest of Americans and the largest of businesses. No longer can young American families afford to buy single-family dwellings. Small businesses cannot borrow money and are having difficulty paying back loans they already have with many facing the possibility of bankruptcy in the coming months if high interest rates persist. The entire economic recovery plan of President Reagan is in jeopardy without it having the time necessary to work. It is an understatement to say that high interest rates must come down, and since the free market forces, which I much prefer, are not working, Congress must act to assure that these interest rates do come down.

Why do we have continued high interest rates when the rate of inflation is considerably below where it was a few months ago and the prospects of keeping it down are brighter than they have been in years? The answer lies in the law of supply and demand in the marketplace, since interest rates are nothing more than the price of money. The forces at play have been difficult to analyze and are even more elusive of control, even in our highly regulated banking system. In order to control inflation it has been and continues to be necessary for the Federal Reserve to maintain a tight monetary policy and avoid the creation of dollars while laws which will reduce budget deficits and stimulate savings and investment take effect. At the same time, the huge borrowing by the Treasury necessitated by the runaway deficits created by the follies of past Congresses and administrations reduces the supply of available money to consumers and businesses even more. On the other hand, the demand for money at any rate of interest by those few who can afford the high rate remains substantially greater than the supply and will for the forseeable future unless there is a major recession or economic collapse, which none of us want. With these conditions, market forces alone are not going to bring interest rates down.

On a more specific level there are a number of forces at work in keeping the interest rates high. One of these is the greed of the money market center banks and other huge financial interests which are simply making a big profit and appear unwilling to sacrifice these profits at the moment even though they should know that their greed will cost them in the long run. Another significant factor is simply the high rate of interest the Department of the Treasury is willing to pay on bills and notes it sells to finance the debt presumably under the assumption that it must make all of these sales planned each week no matter what the market rate of interest in order to meet the Government's cash flow obligations. Under the present conditions the Treasury debt obligation rates are the central force most directly influencing the interest rates of the underlying financial markets of the country, both the interest rate paid to depositors and investors and interest rates charged to borrowers, since in the money business one is a direct function of the other. Consequently, any realistic control over interest rates charged the public must be accompanied by related controls on the interest rate paid by the Federal Government when it sells Federal debt obligations. Hence comes the rationale behind the Interest Rate Reform Act of 1981.

The bill I have introduced calls for a gradual week-by-week reduction in the amount of interest or yield which the Treasury is allowed to pay on bills or notes—or any other debt obligation issued by any agency or instrumentality—until such point as the rate of interest or yield is equal to an amount 4 percent greater than the percentage increase in the consumer price index over the preceding 12 months—the most widely accepted measure of the rate of inflation. At this point the Treasury is locked into maintaining a ceiling on the amount of interest it is able to pay on the sale of any such obligations at the constant level of 4 percent above the current 12 month CPI increase, using the latest figures available from the Department of Labor at the time of each auction or sale of debt. This differential provides a reasonable profit rate for those who deal in Government obligations and who must take into account inflation.

Now the Treasury may not like this proposal at first blush, but I suspect upon study and reflection the first-thought arguments against it will fade. Assuming the phasein factor, the weekly reduction of one-fourth of 1 percent, is appropriate, and data unavailable to me may show some other factor more appropriate the Treasury should be able to sustain a week or two where all of the bills and notes it would like to have sold are not completely sold because the buyers want a greater return of their money. With the appropriate reduction factor, the demand forces of the marketplace should level off any initial distortion and result in the sale of virtually all obligations offered the following week at the next reduced level and allow for any lost sales to be made up in a relatively short period of time. Once the constant relationship factor between the Federal debt obligation rate ceiling and the rate of inflation is established, there should be no difficulty whatsoever making market.

The rest of this bill provides for a national usury law tied to the Federal debt obligation rate ceiling. It provides that the maximum legal rate of interest which may be charged cannot be greater than 6 percent more than the current Federal debt obligation rate. This provides for high enough real interest above the rate of inflation for lenders to be able to make higher risk loans to the less creditworthy, who are most often the general public who have the greatest suffering when the amount of available money is choked off. The market forces would compel the prime rate to be considerably lower. Further, there is an exemption provided from the usury ceiling for loans which do not exceed a total of $2,500 and those which do exceed $500,000 made to any person or business entity within a 180-day period. This exemption should allow the availability of money to the consumer and the small loan, high-risk person where it might not otherwise be available under an interest ceiling, as well as facilitate the making of very large loans.

The Interest Rate Reform Act of 1981 is designed to be a workable piece of legislation that fits together with the other portions of the President's economic recovery plan. It provides a missing link, the need for which was obscured by historic economic assumptions about the relationship of interest rates and inflation in the marketplace. I believe that it is innovative and will work. I urge my colleagues, the administration, and those in the business, financial, and academic community to analyze it carefully and critically. I have high hopes that the reasoning I have presented is sufficiently clear that many of my fellow Members in Congress will join in cosponsoring this critical piece of legislation and that it will move swiftly through the Halls of both bodies and onto the President's desk so that we may have relief from those exorbitant interest rates before things get completely out of hand.

The Interest Rate Reform Act of 1981 which I have proposed today may make it sound to some as though I am abandoning the principles of free enterprise which I have long advocated. This is not so. In my judgment there are very few areas where Federal intervention and regulation are justified and wherever possible they should be eliminated. However, there will always be some areas where the Government must step in and restrict those who would obstruct the benefits of the free enterprise system to the vast majority of Americans for their own personal greed and benefit. Such has historically been the case with banks and money markets.

We have always had State usury laws in this country and usury laws have been a deep part of the entire Western culture. Historically, they have been necessary for a healthy economy and, although some have argued strongly against them, it is my judgment that the public interest is best served by correcting the defects pointed out by the critics, but maintaining the basic concept. So it is, I believe, with the bill I have introduced. It supersedes many diverse State laws which over the years in many cases have become archaic anyway and in light of the current economic upheaval might as well not be on the books. With the interstate nature of the flow of money and commerce, a uniform national usury law is essential and certainly this is the appropriate time to enact it.

The text of the bill is as follows:

H.R. 4826

A bill to reduce interest rates by limiting the rate of interest which the United States Government may pay on debt obligations issued by the United States and by establishing a national indexed usury ceiling.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interest Rate Reform Act of 1981".

SEC. 2. (a)(1) No officer or employee of the United States may sell any debt obligation of the United States, or of any agency or instrumentality of the United States, bearing interest at a rate, or at a discount from face value, yielding a rate of return greater than fifteen percent or one-fourth of one percent less than the average auction price for Treasury bills at the auction held the week prior to the date of the enactment of this Act, whichever is greater.

(2) After such date, such maximum interest rate or yield shall be reduced by one-fourth of one percent per week until such maximum interest rate or yield is four percent greater than the increase, expressed as a percentage, in the Consumer Price Index during the most recent twelve month period preceding the sale of the debt obligation involved for which figures are available.

(b) After reaching the point where such maximum rate or yield is four percent greater than the increase in the Consumer Price Index during the period described in subsection (a)(2), all such officers and employees shall maintain such maximum interest rate or yield at such level.

SEC. 3. (a) Notwithstanding any other provision of law, the maximum legal rate of interest shall be not greater than six percent above the currently effective rate provided in section 2.

(b)(1) All contracts and assurances for the loan or forbearance in money or other thing of value at more than the legal rate of interest are void as to the excess of interest over the legal rate of interest.

(2) The principal, with legal rate of interest, may be recovered on any such contract or assurance, but not the excess of interest. Such excess of interest, if already paid, may be recovered from the lender or forbearer even though payment was made to an assignee. If the lender or forbearer refuses, before suit is brought, a tender of the principal with legal rate of interest or refuses a demand by the borrower for the refund of any excess interest already collected, such lender or forbearer shall pay the costs and attorneys fees incurred by the debtor in the prosecution or defense of any suit brought with regard to the contract or assurance.

(3) A court having jurisdiction may grant equitable or declaratory relief for any such excess of interest and to that end may compel the necessary discovery from the lender or forbearer.

(c) Subsections (a) and (b) shall not apply with respect to any one or more contracts or assurances which do not exceed a total of $2,500 or which do exceed a total of $500,000 made to any person or business entity, including related or affiliated persons or business entities, within any 180 day period.

(d)(1) No person may hereafter plead or set up the taking of more than the legal rate of interest as a defense to any action brought against such person to recover damages on, or to enforce payment of or other remedy on any mortgage, bond, note, or other obligation executed or assumed by such person, except that this section shall not apply to any action which is now pending or to any suit or action instituted subsequent to the date of the enactment of this Act upon any mortgage, bond, note, or other obligation executed or assumed by such person prior to the date of the enactment of this Act.

(2) This Act shall not prevent any State or territory of the United States from allowing such defenses or imposing criminal sanctions with regard to contracts or assurances bearing interest or yielding a rate of return greater than twice the legal rate of interest calculated under section 2 as of the effective date of such contract or assurance.

SEC. 4. All references to interest rates and yields in sections 2 and 3 mean simple interest annualized over a one-year period.

SEC. 5. A reasonable charge for origination fees, finder's fees, delinquency fees and commissions, and actual costs of recording and filing fees and of documentary and intangible taxes shall not be considered interest under this Act.●

WPPSS TO CLOSE TWO NUCLEAR PROJECTS THIS WEEK

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BONKER. Mr. Speaker, the Washington Public Power Supply System is deciding this week how best to shut down two of its five partially built nuclear power plants in Washington State.

The Supply System will either mothball the projects to permit, it will be said, studies of their future to proceed in an orderly manner, or the projects will be canceled. There are many who feel that they will never be completed in either case.

Northeast utilities, major electric consumers, and WPPSS turned to these options after the latest estimates of the costs of completing the two plants—a staggering $11.8 billion—showed that they had outstripped the financing capacity of the region and the patience of Wall Street analysts. The region's ratepayers now face truly enormous construction bills.

Ironically, the two plants were big factors in their own demise. During their 4-year construction history, costs skyrocketed, rising more than 500 percent since they were first announced and 300 percent after construction commenced. Retail electricity price projections rose, too, and energy forecasters knew that higher prices would make energy conservation more attractive. They gradually lowered their projections of the Northwest's power needs, and much of the justification for building the two plants, which have a combined capacity of nearly 2,500 megawatts, simply evaporated.

Now the Northwest is stuck with two large nuclear plants that are 22 and 13 percent, respectively, complete. They represent investments of $2.25 billion and would require hundreds of millions of additional dollars for complete cancellation.

The outlook for finishing them is quite bleak. WPPSS and the region's electric utility industry ignored critics of the plants for too long. In February 1979 I seriously questioned the wisdom of pressing ahead with the entire five-plant program. Had my advice been heeded then, termination of these two plants would have saved the region most of a $3 billion debt—savings to the ratepayers or money which could be supporting energy conservation programs, renewable energy resource development and other cost-effective actions to address the region's energy needs. Instead, that investment is sitting idle.

The Northwest must now be on guard to avoid a repeat of this tragic fiasco. The entities and individuals who decide to build big powerplants and who oversee their construction must be held more accountable to the ratepayers who must foot the bills.

Initiative 394, which will be on the Washington State ballot on November 3, is one option. It would require voter approval of public utility bonds for major power projects; it would not create the electric power doomsday in the State that some of its opponents are fond of predicting.

Although the initiative is not likely to make big powerplant construction any easier, it should make it better by enhancing accountability. If Washington voters give themselves this task, they undoubtedly will not have much patience with construction mismanagement and needless cost overruns, but I think they can be trusted to recognize legitimate power needs and to authorize expenditures to meet those needs.

The Northwest has entered an era of unprecedented power cost increases. Electric utility accountability has never been more important; it deserves

thoughtful debate and reasoned analysis. Everyone would be better served if critics of the initiative would take that approach and drop the misleading rhetoric that has been all too prevalent in their campaign thus far.

The painful sessions at WPPSS this week show that the issues at stake are much too important to do otherwise.●

REDUCTION IN FORCE

HON. WALTER E. FAUNTROY

OF WASHINGTON, D.C.

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. FAUNTROY. Mr. Speaker, during his budget announcement in March of this year, President Reagan stated that $1.3 billion would be saved as a result of reductions in Federal personnel, including $400 million in savings for fiscal year 1981. More recently, the White House has indicated that it expects to reduce the Federal Government's payroll by some 75,000 employees.

These statements have caused alarm to rush through the ranks of Federal employees. While many of these employees have already felt the blow of the President's reduction in force program and many more can expect a similar fate, the full impact is still uncertain.

In recent weeks, my office has been besieged with complaints from victims and potential victims of the RIF. Long-term career Government servants, employees with families and other obligations, and even war veterans have felt the pinch of the RIF.

Lives are being disrupted, unemployment is increasing, and still, the White House has been unclear as to how far and how deep these cuts will go.

Various figures, ranging from 4,000 to 10,000 have been used to describe the number of job losses to date in the Washington metropolitan area. Our Federal Government Service Task Force is expected to produce reasonably firm figures in short order. The losses however are growing.

Just yesterday, a Vietnam veteran with 10 years service to our Government came to my office. He has been RIF'd by the Drug Enforcement Agency. Three employees of the Department of Health and Human Services also came, uncertain of their future. Two of them have been employed with the Federal Government for 26 years each, and the other had been employed for 15 years. They have received a general RIF notice effective October 31, and may be forced to suddenly compete in the private sector for jobs after a career of Government service.

To confront this mounting problem, I have today introduced a bill to provide possible relief to individuals whose lives, livelihoods, and families are threatened by this unclear, apparently arbitrary RIF program now underway.

This bill has three major provisions:

1. It requires that the Office of Management and Budget establish, maintain, and distribute a National Register of RIF'd employees.

2. It disallows the heads of Federal agencies or departments from appointing persons to positions in those agencies or departments if qualified RIF'd individuals are available for the positions. This feature in effect provides a right of first refusal to affected employees, and

3. It provides for appeal to the courts in the event a RIF'd individual is not satisfied that a determination by an agency or department head is in compliance with the provisions of the bill.

This bill goes further than current laws and regulations in that it virtually guarantees a RIF'd individual a job if an agency or department decides to hire someone.

Under the current system: re-employment priority lists are kept, employee displacement programs operate, bumping and preference procedures are available such as veteran's preference, but there is no re-employment as a matter of right. Under my bill, if anyone is hired, it will have to be a qualified RIF'd individual.

Other legislation designed to complement this bill is now under serious consideration. For example, I am aware that entry level and low-level service jobs are perhaps hardest hit by the RIF. Security guards, food-service employees, and others have little or no recourse.

The work that these types of Federal employees have performed is now contracted out in large measure to large corporations. The savings to the Government is highly questionable. I am considering legislation to either freeze this approach or to allow it only where there is a clear and demonstrable savings to the Government.

Hopefully this bill and others which may be introduced will help to reduce the doubt, remove the uncertainty, and ease the pain of a seemingly out-of-control Federal personnel reduction program.

Thank you.●

PETITION TO OUST SECRETARY OF THE INTERIOR

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. CHENEY. Mr. Speaker, members of the Sierra Club recently visited Washington to deliver a petition calling for the removal of James Watt as Secretary of the Interior. I personally think James Watt is doing a fine job and would like to insert into the RECORD a resolution recently adopted by Outdoors Unlimited, Inc., in support of the Secretary.

RESOLUTION OF OUTDOORS UNLIMITED, INC., KAYSVILLE, UTAH

Whereas our nation has enunciated a policy of energy self-sufficiency, but until recent months has pursued policies that killed the ability to accomplish this goal; and

Whereas extreme national policies of unrealistic regulation and control have created unneeded, unnecessary cost for the consumers of food, fiber, and mineral products; and

Whereas the environmental societies have personalized and emotionalized a nationwide aggression against Secretary of Interior, James Watt; and

Whereas these same organizations have used this personal attack against a man, his philosophies, and his religion to gain membership for their groups; and

Whereas Outdoors Unlimited, Inc., a multiple use organization representing over 5,000 members and affiliates, firmly believes that issues and decisions of national policy should be determined one at a time, based upon facts and accomplished results; and

Whereas the aggressive actions of the preservationist societies are tending to make a symbol of Jim Watt which makes it difficult to debate issues on their merit, each in turn;

Now therefore by it resolved by Outdoors Unlimited, Inc. assembled at its annual meeting that we compliment President Reagan on his program of wise and common sense useage of natural resources in the West and for his public support of Secretary Watt; and

Be it further resolved that we support the administration by the Secretary of Interior in all of those policies which are designed to accomplish responsible sustained multiple use management of western public lands and the water and natural resources found thereon; and

Be it further resolved that we support Secretary Watt in his administration of this policy, but encourage the Secretary to give greater attention to the public presentation of the administration goals and policies for public land management; and

Be it further resolved that copies of this resolution be sent to President Ronald Reagan, to Secretary of Interior James Watt, and to the Governors and members of Congress in the public land states.

Dated this 10th day of October, 1981.●

EXPLORING NEW APPROACHES TO ECONOMIC DEVELOPMENT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. GEPHARDT. Mr. Speaker, this past weekend, Democratic officials from every level of government and all parts of the country came together in Baltimore to discuss the crucial issues confronting not only our party, but the Nation as a whole.

As the first meeting of the Democratic Strategy Council, the sessions represented the inauguration of a unique effort to seek policies to solve our many complex problems. The weekend was no love-in, but did foster constructive debate on the directions the country should take to meet the challenges of the 1980's.

A major topic of discussion, of course, was the future of our economy. Along with the distinguished gentleman from Colorado, Mr. WIRTH, I offered to the council a draft economic policy statement to provide a framework for debate on this fundamental issue. It is our hope that it will encourage discussion and help create a clear Democratic economic strategy. I want to call it to the attention of my colleagues, and insert it in the RECORD at this point.

EXPLORING NEW APPROACHES TO ECONOMIC DEVELOPMENT

America cannot solve the complex problems of the 1980's with the simplistic economic nostrums of the 1920's.

In the post-war period, America's economy, and the world's, have undergone changes as profound as those that transformed our nation from an agrarian economy in the 19th century to a manufacturing power in the 20th.

New centers of resources and power have emerged around the world: trading nations of Japan and southeast Asia; OPEC with its petrodollars and stranglehold over world energy supplies; a re-vitalized western European economic community and Euro-currency market; strategically important mineral-rich, developing nations and new industrial giants like Brazil.

Increasingly, America's economic future is tied to others in a global economy of multinational corporations, new forms of money, and electronic transfers of funds that cross national boundaries. Our level of imports and exports increased ten-fold in the last decade. Today one American job in seven depends directly on our exports.

Changes bring new challenges. Once the undisputed master of world trade, America is under challenge in developing markets around the world by technologically advanced, aggressive trading nations from Asia to Latin America. Yet our productivity, personal savings, and capital investment are lagging behind our principal competitors.

At home, we have witnessed changes equally profound. Nearly 90 percent of the new jobs created in the last 10 years were in the service industry. Two-thirds of the American workforce today is engaged in offering services of some kind rather than producing manufactured goods. That percentage is growing. More than 50 percent of our gross national product is now derived from the development, storage, processing, and dissemination of information.

We also face demographic changes, with profound implications for future economic growth. The Baby Boom and the massive influx of women into our workforce is slowing down. In the future, we will see fewer new workers entering our economy and more workers staying longer, thus bringing new challenges of training and re-training to the fore.

At the same time, unemployment among minorities is at a record high, betraying the promise of equal opportunity. Hundreds of thousands of unemployed minority youths are threatening to become a permament underclass.

Underlying all of these changes in our economy is a condition traditional economic theory said could not occur—persistent stagflation the combination of both high inflation and unemployment that has sapped our economic vitality for more than a decade, robbing millions of Americans of the opportunity for productive work, security, and hope in the future.

The only genuinely new approach offered by the Republican party today is the fundamental contradiction between its fiscal and monetary policy. This Administration coupled deep, across-the-board tax cuts, aimed at generating high levels of growth, with tight monetary targets and high interest rates which reduce the capacity of our economy to grow. What is gained by fiscal stimulus is denied by monetary restraint and thoroughly confused by defense and energy policy. But, as if in an economic shell game, the Reagan Administration proclaims with a straight face targets of 13 percent nominal economic growth side-by-side with monetary targets of 3½ to 6 percent—seemingly oblivious to this fundamental contradiction.

We can expect that the Administration will increasingly substitute exhortations of faith for economic policy, and in the coming months will step up the rhetoric of blame, pointing the finger at scapegoats—the Congress and even Wall Street—when its economic policies were to fail. But even if all its policies were to work, the Administration is heading us toward an economic era whose time has passed.

The Democratic Party cannot shrink from the responsiblity to lead. A dynamic, expanding American economy, with stable prices, remains the surest engine of social progress and increased opportunity for all our people and the fundamental guarantor of American national security and strength.

In the 1930's, the Democratic Party led our nation in meeting the challenge of world-wide economic depression and collapse. Franklin Roosevelt's leadership ushered in a generation of growth, prosperity, and increased security in America unmatched in world history. The Deomcratic Party must meet the new challenges of our economic age today with equal boldness, innovation, creativity, and leadership.

Our challenge is not just to relieve the symptoms of our current economic difficulties—double-digit interest rates, high inflation, and widespread joblessness—as important as those goals are. We must rebuild and re-invigorate America's productive capacity. We must foster a technological revolution in every sector of our economy, from the new high-tech growth industries to our aging industrial base. We must restore America's competitive edge around the world and reassert American economic leadership.

CONSENSUS POLITICS: BUSINESS, LABOR, AND GOVERNMENT

Nearly every industrialized democracy, including our principal trading partners and competitors, has inaugurated new patterns of cooperation among business, labor, and government to marshal the national resources and investment behind increased productivity, economic development, and growth. This Administration's policies are setting such an effort back by a generation, poisoning labor-business relations, and for the first time in 50 years, barring organized labor from a meaningful role in our national dialogue.

Clearly, America must move beyond old antagonism to a new era of cooperation among business, labor, and government—from the shop floor to national development projects—in the interest of national growth. We must learn from, encourage, and build upon successful developments in new labor-management cooperation. And we must confirm that, in the coming decades, there is a significant public role in the development of all of our economic resources. The government has a major role to play—this role must be carefully thought through, defined and constructed.

A consensus-based approach can harness the resources and unique contributions of all sectors in our society: the capital investment of business; the enormous resources of pension funds; the role of government; a commitment by business and labor to restrain inflationary costs and contract settlements; and a balanced commitment to maintain environmental health and safety standards.

FOSTERING A TECHNOLOGICAL REVOLUTION TO INCREASE PRODUCTIVITY

A technological revolution will take place in the next two decades as certainly as the industrial revolution occurred during the 18th and 19th centuries. We want to speed its arrival and harness its potential.

We must assure that resources flow into the new, rapidly expanding industries of the future in which America retains an international competitive lead—computers, telecommunications, agriculture, photovoltaics, health research, and bio-technology. And we must encourage the application of new technology to America's aging industrial base.

We will only achieve those goals by careful targeting of our tax and economic policies. A Democratic alternative must reward research and development, risk-taking by small business, industrial productivity and investment, and discourage non-productive speculation.

The new information and idea-intensive high-tech and service industries provide increasing numbers of new jobs for American workers and must continue to outdistance their competitors, who are posing an increasing challenge especially in the burgeoning international marketplace. To a large extent our future economic growth depends upon our attention to this sector.

To accelerate the pace of innovation in these growth industries the tax code should encourage greater investment in high technology and information industries. We must address the special difficulties these industries face in forming capital investment because of enormous risks and the lack of compensating incentives.

At a minimum, perverse tax incentives that steer capital into less productive investments must be neutralized. Real capital formation, rather than incentives for mergers, will better reflect the present trends toward innovation, decentralization, productivity and job creation.

Because small business plays such a critical role in promoting innovation, high technology, and new ideas and jobs, we must develop special incentives to assist small business to acquire necessary capital.

The remainder of this century brings the challenges of modernizing our industrial capacity in an information age, and competing with increasingly aggressive foreign businesses. We must respond with a concerted national effort to retool our industrial base, and transfer the fruits of the technological revolution to our basic manufacturing in-

dustries. We must encourage the strong trend toward the export of our national "thoughtware" to the world, just as we have encouraged the export of manufactured products in the past.

Today, most of American industry operates on a base of capital stock designed for a period of cheap energy that will never return. This reality dictates that we cannot ignore the advances made in alternative energy strategies. A balanced national energy program, including solar, conservation, and other alternatives is imperative for our national economy as well as for our international security.

PROMOTING BASIC RESEARCH AND DEVELOPMENT

To restore America's competitive edge and to promote the productivity gains essential for economic growth and lower inflation, we must support sharply increased research and development. American ingenuity and innovation have always spearheaded American economic leadership; in the future world economy, this leadership will be even more important.

Managers of industry must look beyond their quarterly balance sheets; labor leaders must embrace technological change in return for a more productive, full-employment economy; government must expand its leading role as a catalyst for basic research and development.

Our government's past investments in science, in the space program, and in basic physical and bio-medical research have helped propel America's high technology industry to world leadership. To reduce this commitment now, as the Republican Administration has done, when these investments hold the key to our future economic growth, is simply irresponsible.

THE WORK FORCE IN A CHANGING NATIONAL ECONOMY

The Department of Labor reports that the United States dropped from second to seventh in the measured "skill endowment" of our workers. At a time when other nations maintain continuing commitments to train and develop their work force, this Administration's answer to job displacement is to reduce incentives for the working poor, slash programs for training, and starve national institutions of higher education.

An economy changing as radically and as rapidly as ours must pioneer new ways to train and retrain American workers. Tax credits and other incentives should be used to encourage management, labor and communities to train existing work forces to master new employment opportunities. The evidence is clear that there is no dearth of new business starts in the United States. What is needed is a concerted effort to combine these with retrained work forces and existing infrastructures of schools, hospitals, transportation, and other expensive public services.

ATTACKING STRUCTURAL UNEMPLOYMENT

While we dedicate our energies and efforts towards workers in transition, we must also reaffirm our commitment to remove the barriers which have set apart far too many Americans—particularly minority youths—from any role in a productive work force. Hundreds of thousands of young people in our nation have never held a job. Many of these young people cannot read and write at all. Unless this pattern is reversed, we can anticipate increasing public disillusionment with our education system, and increased costs to the economy. Reform now, harnessing the resources and commitment of business, labor, and government, must be part of a national commitment to basic skill training. The imperatives of the future will not tolerate neglect of our nation's young.

INVESTING IN PHYSICAL CAPITAL

The physical infrastructure of our nation is rapidly deteriorating. For example, one in five bridges needs to be replaced, more than one-half the nation's roads are in disrepair; America is losing billions of dollars in coal exports because of massive bottlenecks in our harbors and ports. In these times of austerity, difficult decisions have to be made as to what investments are made at what levels of government and what should be made privately.

PROMOTING FISCAL DISCIPLINE

Clearly, no strategy for restoring America's competitive edge abroad and revitalizing productivity at home can be successful unless it controls the inflationary spiral that has crippled our economy. The most important immediate signal government can send to financial markets about its seriousness to control inflation is fiscal discipline. A helpful set of guidelines was outlined by the House Democratic Caucus in its statement of April 8, 1981.

Fiscal and tax policy should be coordinated with a clear understanding of the implications for the deficit. The Administration's Kemp-Roth tax bill threatens massive deficits, record interest rates, and continuing inflationary pressures.

Tax policy must be fair. Tax reduction should be targetted to those most injured by inflation and coming payroll tax increases, and toward our broader national economic goals: greater savings, greater equity, and economic growth.

ATTACKING INFLATION AT ITS ROOTS

Restrictive monetary policy cannot be tolerated as the country's only anti-inflation program. We cannot assume that fortunate weather and depressed world oil prices will continue to discourage price hikes. And we cannot depend on sharply increased defense expenditures to order a rapidly changing world economy.

A serious assault on inflation must attack the inflationary spiral at its roots: our declining productivity, the escalating wage-price spiral, and our massive dependence on foreign oil.

In today's discussion, we have augmented the dialogue concerning the inevitable trends driving our economy. As outlined above, it is imperative that we explore a variety of new strategies to re-invigorate American productivity and restore our nation's competitive edge abroad.

The wage-price spiral, spurred by fears of continuing inflation, feeds on itself and feeds the fires of inflation. It becomes a self-fulfilling prophecy as wages chase rising prices and prices rise to reflect the increased labor costs. Increased productivity is the long-range answer to keeping inflation under control, but we must address as well the incentives in our system that encourage prices and wages to escalate out of control. As the House Democratic Caucus said in its statement of Economic Principles, "Our nation needs an incomes policy: a flexible set of methods for combatting inflationary wage and price trends." Here again we can apply the needed template of consensus government.

Such a policy can only be devised with the cooperation of business, labor, and government. This Administration has so poisoned relations with organized labor that its leaders resigned from the Council on Productivity and called for a protest on Solidarity Day. We need to again explore the potential of equitable and effective incomes policies. And obviously such exploration will occur only under Democratic leadership.

Finally, only a resident of another planet could fail to see the effects of foreign oil pricing decisions on America's inflation rate this past decade. This nation cannot remain dangerously dependent on foreign oil for decades to come without risking all of its prospects for economic recovery on the future of an unstable, volatile part of the world.

This Administration seems bent on systematically dismantling all of the incentives for energy conservation and production of alternative fuels that a Democratic President and Congress enacted over the last four years. A serious program to reduce inflation must include a serious program to reduce dependence on OPEC oil. The Democratic Party must continue to support a balanced energy program to help achieve these goals.

UPHOLDING AMERICA'S VALUES

No American economic program—any more than a foreign policy—can long endure without the support and trust of the American people. And no program will win that trust that betrays the values on which America is based.

In every period of national challenge in our history, the American people have been willing to sacrifice—so long as they understood that sacrifice would be fairly shared. This Administration has drawn a safety net for the most privileged and powerful in American society, while middle-income families, the needy, older citizens, minorities, children from poorer homes, have all fallen through. We must continue to defend those most in need and insist that sacrifices be shared equitably.

This nation can meet the challenge of national recovery without losing its values. We can, and we must, maintain the momentum of increased opportunity for minorities and women. Equal rights is no threat to economic growth; its a 200-year-old promise of the American Constitution. We can, and we must, maintain the standards of a decent society to those who need our assistance and our aid. We need not turn away from the noblest impulses in our national character. We need not be hard-hearted to be hard-nosed.

Finally, we must not permit America to become divided into separate and unequal societies. Our enduring strength has been our unity, and only as one people, united in common cause, can we restore America's economic strength.●

SOCIAL SECURITY PROBLEMS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. HUBBARD. Mr. Speaker, one of the major challenges that Congress faces is how to come to grips with the problems of the social security system. Mr. George H. Keller, Jr., of 636 Country Club Lane, Hopkinsville, Ky., a city that I represent, has written me concerning a number of ideas that he has on how to preserve the integrity of the system. I believe that Mr.

Keller's letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR CONGRESSMAN HUBBARD: The problems of the Social Security System are of concern to all of us who depend on its benefits or who will depend on them. I know you are concerned with preserving the integrity of the System. Changes must be made—that much is clear. In seeking ways to guarantee that integrity, I suggest you give consideration to the following:

(1) Benefits now being received, regardless of what they may be, represent the moral obligation of the government and should be continued for those presently receiving those benefits. Cuts should be phased in and apply only to future recipients. The President in his recent address used very clever language that could be interpreted as a pledge to either retain cuts in minimum benefits as approved by the Congress or restore them. This is an issue about which there should be no ambiguity. Anyone who received benefits of any kind a month ago should continue to receive them. Congress can act to guarantee that—just as it has acted to deny the minimum payments. That action must be reversed. I trust you will support such action. The ending of future minimum payments to future beneficiaries, the educational benefits, etc. should be phased in with significant lead time so as to be as non-disruptive as possible.

(2) There should be a reappraisal of the basis upon which the inflation rate used as a base for determining cost of living increments is determined. The new guide should be one that more accurately reflects the actual inflation rate experienced by retired persons. This would result in savings at essentially no penalty to the recipients.

(3) If the retirement age is raised, and it probably should be, then care should be taken to provide for early retirement based upon legitimate disability with no penalty.

(4) A modest increase in the tax rate coupled with reasonable savings measures would be entirely acceptable to me, and the polls indicate it would be to the majority of Americans. I have read that a 1.5% increase in the tax now would offset all projected deficits. With some netted savings, the increase could probably be on the order of .5-.75% and would be preferable to large reductions in benefits and breaking faith with present recipients.

Sincerely,

GEORGE H. KELLER, JR.●

GEORGE WILL: WHO IS OUR MIDEAST "PILLAR"?

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LANTOS. Mr. Speaker, one of our most respected commentators—and as I understand it one of the President's favorite political writers—analyzed the question of the Saudi arms sale with exceptional clarity and insight. I commend Mr. Will for his penetrating piece and commend the following article to my colleagues:

WHO IS OUR MIDEAST "PILLAR"?

As a bass fisherman casting with light line and a high wind, I have produced some dreadful snarls. But I have rarely seen anything as snarled as the AWACS argument. The argument is less about hardware than about the suspicion that there is afoot a radical reorientation of U.S. policy. It is about how much weight the Saudi regime can bear. And it is about adopting the Saudi approach to peace, which means accommodating the group the Saudis sponsor, the PLO.

Regarding AWACS, the Administration has entangled a sensible question (how can we protect Saudi Arabia?) with a nutty question (how can we make Saudi Arabia the center of American policy in the Middle East?). The Administration downgraded Sadat by elevating the Saudis to a "pillar" of U.S. policy. The Shah was a pillar. So was Sadat. Now Saudi Arabia is called a pillar. That reminds me of Lincoln's lesson: if you call a tail a leg, how many legs has a dog got? Five? No, four, because calling a tail a leg does not make it a leg. In any debate about which nation can be counted as a pillar, it cannot hurt to notice the obvious: Israel is the only nation in the region where we know we can land a plane tomorrow.

A Partner? Grasping for ground for praising the Saudis, the Administration cites the Saudi role in the most recent "settlement" in southern Lebanon. But that was a defeat for Israel. The Syrian missiles which precipitated the crisis remain.

The Administration says Saudi Arabia's moderation makes it a plausible partner in a "strategic consensus." But the Administration says Saudi friendship is so tenuous it must be bought with AWACS. Perhaps Saudi Arabia's policy is ambiguous, and it is so because Saudi Arabia's position is ambiguous: for cultural reasons it cannot be pro-Soviet, but for political reasons it dare not be pro-American. However, the premise of the AWACS sale is that the Saudis want to be helpful. The sale needs a new premise unless the Saudis endorse the Camp David process and especially the multinational force for the Sinai.

As Carter did with SALT II, Reagan chose to get into a game of "chicken" with Congress, thereby risking paralysis in government, discord in the country and disrespect in the world. He assumed that Congress, afraid of being blamed for that, would flinch. Reagan's men must not have noted that, regarding SALT II, Congress did not flinch and was not blamed for the damage Carter caused.

The Administration has chosen to poison our politics by impugning the motives of opponents, implying that they are craven about "the Israeli lobby." This libel comes from people inexhaustibly obsequious toward a Saudi regime that molests U.S. interests while refusing even slight compromise to help the President out of the AWACS crisis his men have caused.

At first, a reason for gritting one's teeth and supporting the sale was to prevent the President's Middle East policy from becoming a shambles. But a policy of treating Saudi Arabia as a pillar is inherently a shambles. A remaining reason for approving the sale is that if it is disapproved the Administration may spend three years offering abject apologies to the Saudis.

Speaking of abjection, consider the musings of ex-presidents Ford and Carter in favor of accommodating a terrorist organization, the PLO. The musings are a reminder of why Ford's Presidency made Carter's Presidency possible, and why the country refused to renew either. In their airborne press conference, Carter was in character, laying down the law about abstract "rights" and sermonizing about how Israel is violating "the heritage of the Jews." But Carter is consistent. The logic of his Administration's initial policy of pushing for a "comprehensive" settlement, which would have maximized the leverage of the most extreme party at the table, pointed to an embrace of the PLO. Indeed, Sadat went to Jerusalem to derail Carter's policy. But now Carter and Ford have retreated from solemn commitments. As presidents, Ford and Carter pledged that the United States would not deal with the PLO until the PLO acknowledges Israel's right to exist. But now they have prepared the ground for the burial of those pledges. They have done so while they and the Reagan Administration (which should ponder the fates of Ford and Carter) urge Israel to trust U.S. reliability while the United States arms Israel's enemy.

Keystone: Sadat's death suggested that being America's friend can be fatal. The Administration's solicitousness toward Saudi Arabia suggests that a nation need not be friendly to garner the benefits of U.S. friendship. But if the Administration is determined to treat Saudi Arabia as the keystone of U.S. policy, it must try to sanitize the PLO, which Saudi Arabia finances. Candidate Reagan said: "Unlike President Carter, I have no hesitation branding the PLO as a terrorist organization." President-elect Reagan said: "I think the PLO has proven that it is a terrorist organization." Yet President Reagan allows the PLO to maintain an office in Washington.

Regarding the PLO, Ford and Carter spoke the language of inevitability. An approach to the PLO "has to happen," it "has to take place." (Ford), the dealings "have to be done" (Carter). But if accommodation of the PLO is, as Ford and Carter say, inevitable, the PLO has no need to abandon the terrorism and intransigence that have won it the status of an inevitability. Heaven preserve us from small minds bandying large notions of what history says "has to take place," and playing fast and loose with the nation's honor. Leaving honor aside, where it frequently has been left, let this be said: our ex-presidents are pushing Egypt toward radicalism and Israel toward South Vietnam's fate.

Bruno Kreisky, Austria's Chancellor, holds the Olympic record for fawning over the PLO, but even he was momentarily sobered by the PLO statement about shaking the hand that pulled the trigger to kill Sadat. When Ford and Carter urged appeasing the PLO, they were flying home from the funeral of a man who opposed the PLO and paid with his life. They could have found a more tasteful time to advocate rewarding those who execrated Sadat while he lived and rejoiced at his death.●

HUMAN RIGHTS—THE PHILIPPINES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. BONKER. Mr. Speaker, while the House was in recess during the Columbus Day district work period, the Reagan administration sent another message to the repressors of the world.

At the Asian Development Bank the administration's representative voted in favor of a $27 million loan to the Philippines. Before this action, the United States had been opposing by abstention nonbasic human needs multilateral development bank loans to the Philippines because of that country's poor human rights record.

For 8 years Marcos has relied on martial law, military force, imprisonment of opponents, torture, corruption, incomprehensible plebiscites, rigged elections, attacks on the church, total control of the mass media, and the massive spending of borrowed funds to remain in power. The administration claims there have been improvements in the human rights record and Vice President Bush told Marcos at his inauguration, "We love your adherence to democratic principles and to the democratic process."

No reputable group following events in that troubled land would agree with the administration's assessment and change of vote. All the laws and decrees that institutionalize repression remain in force; and last June Cardinal Sin told members of the Catholic Bishop Conference of the Philippines that "the state is making a mockery of the constitutional provision regarding freedom of religion."

Once again by its actions and its policies, the Reagan administration has alined the United States with a regime that is at war with its own people. When will our policymakers learn that dictators come and go but the people will remain.

Three administrations—Nixon, Ford, and Carter—took great care not to endorse Marcos and maintained correct but distant relations with him. Only the future will tell whether the Philippines will go the way of other dictators we have embraced. In the meantime, the people continue to suffer.●

STRATEGIC DEFENSE PROGRAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. SKELTON. Mr. Speaker, a constituent of mine, Jerry Lovejoy, a retired Air Force captain with 21 years of service, recently wrote me concerning several elements of President Reagan's strategic program. I feel that his opinions, which are those of a person with expertise concerning strategic weapons systems and national defense, should be shared with the entire membership of the House. I include excerpts from a recent letter from Captain Lovejoy:

First, let me give you a little of my background. I recently retired as a Captain from the United States Air Force after 21 years of service. My last four years were spent as a Missile Combat Crew Commander and a Wing Command Post Controller at Whiteman AFB, Missouri. I am not suggesting that I am an expert on national defense, however, I do believe I have a much better understanding of President Reagan's decision than the average American citizen. My opinions, therefore, are based on my recent air force assignment at Whiteman AFB, my personal feelings, and last, but not least, as a taxpayer.

The underlying factor or bottom line regarding our national defense is deterrence. Deterrence can be achieved many ways as we have seen and heard. I am saying President Reagan's plan is the most logical, common sense approach looking at it from a military, budgetary, and environmental standpoint while still achieving a very high level of deterrence.

The part of his plan which deals with upgrading and improving Command, Control and Communication is vital to the success of the plan and is the key to it all. The basic fact is this; upgrade and improve Command, Control and Communication and you have decreased vulnerability. By decreasing vulnerability you have increased deterrence. Even though potential adversaries know where our missiles are located they can be assured that most will launch on time and on target. It is not necessary to implement an entirely new, astronomically costly system when using part of the existing system will accomplish exactly the same result, deterrence.

Although I do not have a flying background while in the air force I have been in Strategic Air Command for the past four years and do have an opinion on the portion of President Reagan's plan concerning the B-1 Bomber which I would like to also convey to you. It is very simple. The B-52 has outlasted her time and to continue to have a strong Nuclear Triad Force we have got to get the ball rolling for a replacement bomber. It is my understanding that the Stealth Bomber is still too far from production to be of help anytime soon. Yes, it will be costly perfecting and building essentially two bombers at the same time. The B-1 should have been in our inventory today, but that's water under the bridge. The B-52 will not (cannot) last waiting for the Stealth Bomber. The B-1 is the answer to fill the gap.●

OIL MAN WANTS DEPARTMENT OF ENERGY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. LELAND. Mr. Speaker, I find and I think my colleagues will agree, that the administration has an avowed philosophy that deregulation policies are an important step toward meeting certain national goals. The deregulation of oil and the pending deregulation of gas are steps toward lessening our dependence on foreign oil sources. This national priority, as the administration refers to it, is in glaring contrast to the administration's advocation of the elimination of the Department of Energy.

The Department of Energy, through centralized government planning, is necessary to lessen our dependence on foreign oil sources. In order to coordinate research, disperse information, and implement effective long-range programs, the DOE must stay intact. We must remember the national priority to lessen our dependence on foreign oil sources when we are faced with legislation which contemplates the dismantling of the DOE.

I have in my own State of Texas an excellent example of the DOE's effectiveness in reaching our national priority of lessening our oil dependence. Mr. George Mitchell is chairman and president of Mitchell Energy and Development Corp., the largest independent oil operator participating in a DOE program that provides incentives to recover additional hydrocarbons from old reservoirs by injecting fluids or gases into them, otherwise called enhanced recovery—an invaluable resource.

These Federal incentive programs which the DOE effectively implements, mean the difference between corporate profits and losses. We need centralized planning and long-range thinking in order to maintain these domestic profits.

I do not doubt that there are serious problems with the DOE, nonetheless, we must not take the position of throwing the baby out with the bath water.

Houston enjoys the reputation of having a flourishing economy where jobs are plentiful and economic opportunity is on the upswing. Houston's stable economy assures it of an even brighter future. The resources which promise these opportunities for Houston are the oil, gas, and petrochemical industries.

Mr. Mitchell must be accredited for an appreciable contribution to this affluence. Therefore, I offer this article as an illustration for my distinguished colleagues to consider:

LOCAL OIL MAN MITCHELL FEELS ENERGY DEPARTMENT SHOULD NOT BE SCRAPPED

(By James R. Pierobon)

Not every Texas oil man is rejoicing over the proposed elimination of the Department of Energy.

George P. Mitchell, chariman and president of Mitchell Energy & Development Corp., heeaquartered at the Woodlands north of Houston, strongly opposes President Reagan's campaign promise to do away with the $11 billion agency because he says the country and the industry need a way to coordinate national energy policy.

"We still need a focal point, some long-range thinking and some agency with the president's ear," Mitchell said.

"Congress needs someone to supply energy scenarios during the next 10 years. We still have to have centralized government planning and unified concepts to make the whole thing fit together."

Regan promised to surrender many of the DOE's responsibilities to the free market and appointed former South Carolina Gov. James B. Edwards as energy secretary to

assist in the first eradication of a Cabinet agency.

Abolishing the DOE, a pain in the neck for many Texas energy companies since its creation four years ago, would translate into federal budget savings of approximately $1.7 billion in fiscal 1982 which began Oct. 1. It is part of Reagan's bold effort to slash roughly $75 billion in federal spending and balance the budget by 1984.

Already, Edwards has terminated about 5,300 of the 20,000 DOE jobs.

Many Energy Department employees and programs will not be eliminated but simply transferred to other agencies and units of the federal government.

For instance, the building of atomic weapons, the strategic petroleum reserve and the DOE's sizable research function all will continue elsewhere, according to a spokeman for David Stockman, director of the Office of Management and Budget.

Connie Stuart, a press aide to Edwards, said the petroleum reserve probably is headed for the Interior Department; research may be routed to the National Science Foundation; and atomic weapons will end up probably in the hands of the Defense Department.

Mitchell, who has testified before congressional committees and served in an advisory capacity to governmental agencies, said if these responsibilities "filter through layers of another agency, we won't see the kinds of actions we need. They're not going to save that much money because they're going to scatter so many people and responsibilities to other departments. I think it's a mistake."

One of those "actions" would be a planned reaction to a cutoff of crude oil from the Middle East. That ever-present threat could become a reality if drastic acts, such as the assassination of Egypt's President Anwar Sadat Tuesday, were to spread to neighboring countries.

In the wake of the Sadat slaying, oil analysts said a new realignment of power in the Middle East would bode ill for the U.S. energy interests.

"We've still got 10 years to break OPEC's back," Mitchell said. "There's a good chance Saudi Arabia and the whole Mideast will go that way before 10 years are up.

"I think Reagan should use DOE simply to coordinate certain functions with as little constraint on the private sector. Yet we have to make it fit into the total economy. Energy is a very important cornerstone. It's one of the greatest causes of inflation worldwide the last seven years. This world oil glut is only temporary, too," Mitchell added.

In no uncertain terms, Mitchell considered a leading spokesman for independent oil and gas producers, feels that the Energy Department should be retained as is. He thinks 10,000 of the remaining 14,700 jobs can be eliminated, leaving the rest up to the private sector.

Unlike many Texas oil and gas companies, Mitchell has worked closely with DOE in the past and might have something to lose if the DOE is scrapped.

Mitchell Energy is the largest independent oil operator participating in a DOE program that provides incentives to recover additional hydrocarbons from old reservoirs by injecting fluids or gases into them, otherwise enhanced recovery.

In the past, Mitchell has said federal incentive programs can mean the difference between corporate profit and loss. He's gone to the federal well for funding on a smattering of other development efforts, including a $553,000 contribution in 1978 for a hydraulic fracture treatment for a gas well in Limestone County, Texas, and a $5.5 million grant for two projects tapping natural gas reserves in the Appalachians.

The DOE's Stuart said there is talk of reinstating the Energy Research and Development Administration as part of the reorganization. But it would be set up as a "less than Cabinet-level" agency.

ERDA was created by former President Nixon in 1974 and abolished in 1976 by former President Ford.

The legislation to formally abolish DOE won't go to Congress until late November or early December, Stuart said. Congress then is expected to take about five months to debate the issue and vote.●

FOOD STAMP BLOCK GRANT PROGRAM FOR PUERTO RICO

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MATTOX. Mr. Speaker, Tuesday I presented a statement of opposition to the proposal to make a block grant to the government of the Commonwealth of Puerto Rico in lieu of food stamp program participation by island residents. At that time I suggested the local government, instead of issuing stamps redeemable for foodstuffs, as the program is intended to do, might simply send checks to recipients.

A number of Members have since commented to me on that possibility, none favorably. While ignoring the basic intent of such a block grant and the primary purpose of the entire program so blatantly might seem hypothetical and even farfetched, I have been informed that that is precisely what is being considered by commonwealth officials.

I do not oppose the block grant approach, per se. A good argument could be made that local government should be allowed to formulate a local food stamp program to assist its needy individuals according to local economic standards. However, turning what is basically a program to enhance nutrition into one that is merely a money welfare handout is quite another matter. I believe there are very few Members who would not strongly oppose such an idea.

It is my understanding that the block-grant proposal includes requirements that any locally devised program for Puerto Rico be approved by the Secretary of Agriculture. I think it only prudent that Congress be clearly on record as advising the Secretary that it is the intent of Congress that those grant funds be expended only in accordance with the basic principles of the food stamp program. Anything less would be a travesty and leave Congress and the administration open to justified criticism. Thank you.●

PACIFIC HOSPITAL OF LONG BEACH—THE FIRST 25 YEARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. ANDERSON. Mr. Speaker, this year the Pacific Hospital of Long Beach marks 25 years of providing quality health care, community service, and civic involvement to the city and people of Long Beach, Calif.

The hospital recently celebrated this auspicious occasion with a silver jamboree, and many of those in attendance were present 25 years ago when the hospital opened. They were joined by physicians, staff, volunteers, board members, and friends of the hospital to commemorate the years of special caring and compassion that is embodied in the people who work at Pacific Hospital of Long Beach.

To further highlight the importance of this 25th anniversary, the hospital's foundation is sponsoring a "Halloween happening," which will take place this Saturday, October 24.

Because this event is such an exceptional experience for the many who both work and receive care at Pacific Hospital, I would like to take just a few minutes of my colleagues' time, Mr. Speaker, in order to chronicle the history and nature of Pacific Hospital of Long Beach.

The Pacific Hospital of Long Beach is a modern, 208 bed community nonprofit hospital, providing medical, surgical, and ancillary services for both inpatients and outpatients. The hospital's specialties include opthalmology, geriatric care, and rehabilitation therapy. Their history of care to the community stretches back to 1932, when a group of civic minded citizens and dedicated doctors banded together for the creation of the Pacific Clinic Hospital, the present hospital's forerunner. The next addition came soon after, when Magnolia Hospital entered the fold in 1934. In 1944, Los Cerritos Maternity Hospital was acquired, and care to future mothers was expanded. Because of the growing need for additional facilities, a formal, nonprofit corporation was formed the following year, and its duties were to provide for the planning and expansion of what is today called the Pacific Hospital of Long Beach. That dream was realized in 1956, when the present hospital opened. At that time it had a 92 bed capacity, but the city of Long Beach, recognizing the need for an ever larger hospital to cope with the huge population increase in the post World War II era, funded construction of a 96 bed addition which became operational in 1961.

Pacific Hospital's pride in its accomplishment is evidenced by the com-

ments of Dr. Maurice Ikenberry, president of the hospital's board of directors.

Pacific Hospital has always demonstrated a quest for excellence in patient care. No effort has been spared to provide the most modern equipment required by physicians and employees for the diagnosis and treatment of illness.

Such words ring true—the hospital added its west wing as recently as June of 1978. While no beds were added, Pacific Hospital's Intensive Care Unit has three eight-bed modules providing the most up-to-date equipment available, as well as one of the finest laboratories in the city. Chief of staff, Dr. Fred Seligman has pointed out—

Our progress will not stop with the completion of the West Wing * * * we will continue to strive for the finest personnel and equipment to meet the needs of the community.

Other members of the hospital's administrative staff echo his sentiments. William G. Hayter, chairman of the hospital's foundation said:

Pacific Hospital of Long Beach has taken an active role in holistic health, community service, and education. The quarterly eye forums, which are sponsored by the foundation are presented free of charge to the general public. These forums feature prominent opthalmologists speaking on diseases of the eye and their treatment.

In addition to the eye forums, Mr. Speaker, Pacific Hospital conducts periodic diabetes workshops at which the causes and treatment of diabetes are discussed and suggestions for everyday life as a diabetic are reviewed. Free glaucoma screening is offered on alternate Wednesdays of each month, with physicians donating their time and skills, and guild members staffing the clinic. All other costs are met as a community service by the Pacific Hospital of Long Beach.

Rehabilitation therapy also plays a large role at the hospital. The physical medicine and occupational therapy departments were recently expanded, emphasizing the hospital's awareness of this therapy as an important facet of health care. The united stroke program, whose purpose is to aid in the resocialization of stroke victims and their families, meets weekly at the hospital. Trained volunteers lead these groups and encourage participants to share mutual concerns with each other. The support of others who have experienced a stroke aids greatly in the recovery process.

So, Mr. Speaker, all that the Pacific Hospital has been, and is, will be honored at the Halloween happening. According to Ron J. Huddleston, executive director of the foundation—

The funds generated through this event will assist the foundation in their continuing efforts to provide needed medical equipment for the hospital. The interest and dedication of the members of the foundation's board of trustees is an integral factor and a necessary part of the future. The foundation is fortunate to have this caliber of trustees involved and actively serving the needs of the organization.

In conclusion Mr. Speaker, let me say that my wife, Lee, and I agree with these comments wholeheartedly. We congratulate all associated with the Pacific Hospital of Long Beach on this most joyous occasion, and endorse most strongly the words of Pacific Hospital's administrator, Charles E. Johnston, when he says:

The hospital's accomplishments and achievements continue to grow. I am looking forward with enthusiasm to being a part of the next 25 years.

We look forward to sharing the next decades with them as well.●

A TRIBUTE TO FATHER JOHN G. BERRIS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today on behalf of Congressman DON EDWARDS and myself to salute Father John G. Berris, who is retiring as the pastor of St. Nicholas Greek Orthodox Church after serving in our community for the past 14 years. On November 7, 1981, his congregation will be honoring him with a testimonial dinner to demonstrate their deep esteem and love.

We have known Father Berris for many years and have always appreciated his friendship, care, and concern for all people. He was born in Connecticut in 1918 and was ordained as a deacon on September 27, 1944, and as a priest on October 8, 1944. His first parish was in Vandergrift, Pa., and he distinguished himself with his involvement in the war relief fund and other civic affairs.

In 1946, Father Berris was assigned to a pastorate in Steubenville, Ohio, where he served for 12 years. He was the first pastor of the Holy Cross Parish, and under his leadership and guidance the church building and community center were purchased and developed. During his years in Ohio he became very active at the district level of the church. He was a founder of the Tri-State Greek Orthodox Clergy and served as its president for three consecutive terms. He was also a founder of the Tri-State Choir Federation and of the Tri-State Philoptochos Federation in 1947.

Under the direction of his archbishop, Father Berris helped to establish parishes in West Virginia and Ohio and was instrumental in establishing a new diocese for the area with headquarters in Pittsburgh, Pa. He was also instrumental in organizing the first pan-orthodox fellowship and the first Anglican Episcopal and Orthodox fellowship.

During this period, he was selected to be one of the original nine delegates of the Greek Orthodox Church to the American Council of Churches.

In 1959, Father Berris moved to St. John the Divine Parish in Jacksonville, Fla., where he worked to establish mission parishes in Georgia and Florida. He also organized the Greek Orthodox chaplaincees at both Florida State University and the University of Florida. He developed radio and television broadcasts to communicate with his parishioners and involved himself and his congregation in community, interfaith and cultural activities.

In August of 1962, Father Berris moved to Salt Lake City, Utah, and served most of the State of Utah and parts of Nevada, Idaho, and Wyoming for 5 years. He was a founder and a regular participant in the interfaith forum and held memberships on the Governor's advisory committee, the State mental health and geriatrics committees, and on the State juvenile council.

His last congregation has been at St. Nicholas in San Jose, where he has been since 1967. During his pastorate, the parish educational building was constructed, the church administrative offices were relocated, and numerous improvements were made to the church facilities. His achievements here have included the establishment of a mission parish in Santa Cruz, creation of the annual Greek Letters Day ceremonies at the San Jose City Hall, sponsorship of the annual Greek Independence Day activities to include civic leaders, and service as a chaplain to the Veterans' Administration hospital. In addition, Father Berris was the motivating force behind the establishment and operation of the annual St. Nicholas religious, cultural, and food festival.

While in San Jose, he was elected by the priests of the diocese as their representative to the archdiocese prysbeters council where he served two terms. He has also served as a director of the St. Nicholas Boys Home since its formation 10 years ago. The home has expanded and now has three halfway house facilities to tend to the needs of troubled boys and girls.

Father Berris has been recognized on the national level for his knowledge of and interest in Greek American affairs. For example, he was one of 160 Greek Americans who were invited to the White House to meet with former President Jimmy Carter to discuss the Turkish arms embargo and the invasion of Cyprus.

Mr. Speaker, Mr. EDWARDS and I ask you to join us and all our colleagues in the House of Representatives to join St. Nicholas Greek Orthodox Church in paying tribute to an outstanding member of the clergy and our community.●

OVERTIME PAY FOR INSPECTORS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. FRENZEL. Mr. Speaker, today I am introducing, for discussion purposes, H.R. 4820, a bill that incorporates certain changes recommended by the administration with respect to rates of overtime pay for inspectors and other U.S. Customs Service personnel and the reimbursement of overtime expenses by commercial users.

I commend the administration for its efforts to begin the restructure of the overtime system for the Customs Service in order to eliminate abuses and to conform the current system to normal Government practice. The administration's proposal also provides for reimbursement of overtime costs by commercial users who require custom's services during holidays, Sundays, or overtime periods. This reimbursement would not apply, as is the case under current law, to overtime services provided at land border crossings.

Basically, the bill would reduce from double time to time-and-a-half the basic rate of compensation for overtime with a minimum 2-hour callout rather than a block payment of 4 hours for each 2-hour period or fraction thereof lasting at least 1 hour. On Sundays the rate also would be time-and-a-half unless Sunday was part of a regular work shift in which case a 25-percent premium would apply instead. Double time would be paid for holidays. No person could have total overtime earnings in excess of the maximum GS-15 salary, rather than the current maximum hourly rate of GS-10, step 1.

The extensive use of overtime by the U.S. Customs Service has been a subject of concern to the Congress for a number of years. The Ways and Means Committee continuously reviews overtime expenditures and reimbursement, and has encouraged Customs to further reduce overtime and provide more efficient delivery of services. In addition, for the past 3 years, Congress has imposed a cap on yearly overtime payments for individual customs officers; the cap for fiscal year 1982 will be $25,000.

However, in my view, overtime costs remain excessive and a continuing high level of overtime hours contributes to abnormal working conditions where customs officers have little time for personal lives and where their salaries can far exceed the GS level for which they are hired. In addition, excessive overtime has in the past led to outright abuse resulting, through less-than-responsible scheduling, in maximum overtime payments for minimum hours worked. Other abuses include overcharges to users who otherwise would divide the cost of overtime services.

I believe Customs Service personnel ought to be paid overtime premiums for extra, disruptive assignments. Until we have complete hearings, I do not know exactly what is appropriate, but it is obvious that the current system needs overhaul.

The unique mandate of the Customs Service requires a greater use of overtime than most other Government agencies. Inspectional services and other clearance procedures are controlled to some degree by carrier requests and by transportation timetables set independently of the Customs Service. However, a number of steps can be taken to reduce the amount of overtime such as improved scheduling, the use of part-time employees, and the elimination of abuses in the assignment and authorization of overtime.

The bill I am introducing today will, I hope, serve as a discussion draft of the needed legislated changes on overtime rates and reimbursement requirements that should go hand in hand with continued management efforts to improve the overtime structure. I hope the administration, the Congress, and the Customs Service can work together to obtain a legislative package that will assure the most efficient operation of this important agency.●

REAGAN SHOULD ACT ON ULSTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Mr. DERWINSKI. Mr. Speaker, a tragedy which has long frustrated many Americans is the ongoing strife in Northern Ireland. Does this merely represent an internal British problem or does it have obvious international implications? I believe the latter is the case.

Therefore, I was especially interested in a recent article in the Chicago Tribune's editorial section on Monday, October 5, by the resident Washington correspondent, Mike Kilian. The article follows:

REAGAN SHOULD ACT ON ULSTER

(By Mike Kilian)

WASHINGTON.—If Ronald Reagan would only act, the United States could accomplish a great deal just now toward ending the strife in Northern Ireland.

Margaret Thatcher's smug intransigence on the problem has paralyzed only her own government. Events are now moving despite her, and—for the first time in months—in a positive direction.

The Irish Republican Army hunger strike, which embroiled Belfast and other Ulster cities in successive rounds of violence all this summer, is over. James Boswell once jotted in a notebook: "Saw three men hanged. Effect diminished as each went." The same has happened with Long Kesh H Block men.

When hunger striker Bobby Sand died, Northern Ireland seemed ready to tear itself apart. The Catholic community, bitterly frustrated by near catastrophic unemployment and Mrs. Thatcher's refusal to do anything about Ulster but fly the British flag, exploded.

Murder and mayhem ran through the streets, and attracted the world's press. At one point, ABC News had seven television camera crews in Northern Ireland. Sympathy for the hunger strikers reached record levels, in Ulster, in the Irish Republic, and in the United States. Though imprisoned, hunger strikers were elected to both the British and Irish parliaments. Contributions to IRA front groups in America doubled.

Yet, with each succeeding death, the violent response was a little less, the news coverage less, and sympathy less. Ten men died, but seven took themselves off the strike or were taken off by their families. Another six were still on the strike, in relatively early stages, but even if they had stuck it out until the end, it would not be the same. Too many people have come to see the IRA as criminals and as intransigent and thickheaded as Mrs. Thatcher.

The British Prime Minister will of course hail the end of the hunger strike as a great victory, and now will do nothing, as has been her policy. But it won't be the same for her this time, either.

The British Labor Party made history last week by breaking ranks with the country's long-standing united front on Northern Ireland. By an overwhelming vote, Labor come out in support of British withdrawal from Ulster and reunification of the Irish island.

Mrs. Thatcher may face strong opposition on her Ulster policy from within her own party. Senior British foreign service officers have for some time felt that Britain's goal in Northern Ireland should be extrication, not a permanently flying flag. Many in Britain's business community feel the same.

In a cabinet reshuffle, Mrs. Thatcher dumped her useless Northern Ireland secretary, Humphrey Atkins, and replaced him with her employment minister, James Prior. The apparent motive was to get Prior, who opposed her failing fiscal policies, out of her economic way.

But the result may be a movement toward a new initiative in Ireland. Prior is a strong politician with a powerful base of his own in Mrs. Thatcher's Conservative Party. On a recent visit to Washington, Prior made it clear that he views Northern Ireland as separate and distinct from the rest of the United Kingdom.

In the Irish Republic, Dr. Garret FitzGerald, the new prime minister, made some history himself in a Dublin radio interview in which he took his Catholic countrymen to task for making Ireland so inhospitable to the million Protestants in the North whose acquiescence is needed for unification to succeed. He suggested major changes in Irish custom and law in what amounted to a call for separation of church and state.

All of this is plowing fertile ground. If Reagan would act, if he would pick up his telephone and call his friend and ideological partner Maggie, if he would tell her that the United States insists that London-Dublin talks on Northern Ireland resume and that Britain declare its goal one of

being out of Ulster, greater events could be set in motion.

If he would set about an American aid program to relieve the joblessness that is so much at the heart of the Irish troubles, he would accomplish a great deal of good as well.

Unemployment in Northern Ireland is now 20 per cent. In its Catholic community, it's now 50 per cent. Good grief, we've resumed aid to Argentina. Why can't Reagan help this poor little province with 1.5 million people? Some 40 per cent of our population has roots there.

Reagan may be brave at taking an assassin's bullet, but is he that afraid of "the Iron Lady?" Does he fear offending that woman so much that he's willing to let the misery over there go on and on?

Or is it something else? Is it that, like Mrs. Thatcher, he just doesn't care about human misery or suffering?●

NATIONAL BUSINESS WOMEN'S WEEK

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 1981

● Ms. FERRARO. Mr. Speaker, business and professional women have made tremendous strides in their respective fields during the past 15 years in improving the status of women in the work force. It is fitting that these achievements are highlighted during this third week in October which the President has declared as National Business Women's Week. But it is also important to reflect on the task that remains ahead to insure greater opportunities for women to become more visible in positions of leadership.

The time is past for us to just expend our energies in getting women hired primarily to satisfy the advocates of tokenism. In the wake of picking up the gauntlet to attack the budget cutbacks and the unemployed status of millions of our fellow Americans, our survival will depend largely upon the coordinated effort of talented individuals whose gender will be little or no consequence in view of the quality of commitment and level of competence they will bring to address the complex social, economic, and political problems that hang like albatrosses around our necks.

Time does not allow us the luxury of engaging in moot arguments which focus on the traditional status and role of women accompanied by a yearning to return to that halcyon period. We have a cadre of professional women waiting in the wings, bursting with energy and creativity, asking to be given an opportunity to assume their share of the responsibility in making the system work for all. We cannot afford to defer their dreams. Let us as a body affirm the contributions that have been made by women in the economic, civic, legislative, and cultural advancement of our Nation and renew our determination to increase our efforts toward eliminating the disparities in salaries, career opportunities, and advancement that will accord them the full equality they so richly deserve.●

SENATE—*Friday, October 23, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

PRAYER

The Reverend Robert S. Strain, associate in the Prayer Breakfast Fellowship, Washington, D.C., offered the following prayer:

Good morning. Let us be silent for just a moment to acknowledge God's presence and to sense His spirit here.

Lord—Almighty God—hear our prayers as we meet today. So many matters are pressing, and demands made on all sides. Our request is that Your spirit will be a sanctuary to us now, with love, joy, and peace calming us through the day. Let our minds know true knowledge, and on every issue before us give someone among us a word of instruction that will keep our hearts on the right path.

Your providence has made us one Nation, under God, with liberty and justice for all. We are grateful, and again today we thank You for preserving us. You have kept us a free people, and through this Republic have fostered the hope of freedom in many lands. With patriots everywhere we remember those who denied themselves in their day to win the liberty we defend in ours. May all see that God is the strong defender who takes the case of those who won His cause.

With fearful regard for Jesus Christ, who said that *Whoever exalts himself will be humbled, and whoever humbles himself will be exalted* (Matthew 13:12), we ask in His name that Your grace, mercy, and peace prevail in this place. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 23, 1981.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE IMPORTANT AWACS VOTE

Mr. BAKER. Mr. President, with the important AWACS vote less than a week away, I call to my colleagues' attention to an article which appeared in the October 18, 1981 edition of the New York Times.

The story consolidates valuable facts in a most useful manner, as evidenced by this paragraph:

Unlike the Shah, the ruling family in Saudi Arabia was not installed by a foreign power. There is little poverty, no all-pervasive secret police, no traditional political opposition, no Moslem clergy bent on meddling in politics. And Saudi Arabia has already had its Islamic revolution—it happened in the 18th century.

Mr. President, I ask unanimous consent that this article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAUDIS UNDER PRESSURE: A SPECTER OF INSTABILITY?

(By Thomas L. Friedman)

CAIRO, Oct. 17.—At his news conference on Oct. 1, President Reagan vowed that the United States would never permit Saudi Arabia "to be an Iran."

The warning was a graphic one, conjuring up the specter of virulent anti-Americanism, religious fanaticism and political strife. The President seemed to be saying that the United States would be able to control such turmoil in Saudi Arabia.

The question of the desert kingdom's stability is central to the debate over whether the United States should sell the Saudis AWACS surveillance planes. If the Saudi royal family was forced from power as happened to the Shah in Iran, the AWACS might fall into hostile hands.

Arab affairs specialists interviewed in the United States, London and the Middle East contend that there is no reason to doubt that the Saudi royal family can deal effectively with internal and external challenges for the immediate future.

LONG-TERM DANGERS SEEN

In the long term, however, they argue that a variety of changes are at work that could produce either severe domestic unrest or a fundamental change in the political outlook of the regime.

Most important, they feel the United States has no real way of intervening effectively if Saudi Arabia is threatened internally. The Rapid Deployment Force, they say, is geared almost entirely to protecting Saudi Arabia from the threat of invasion by the Soviet Union or one of its allies. The force would probably prove useless against domestic subversion, according to the specialists.

Unlike the Shah, the ruling family in Saudi Arabia was not installed by a foreign power. There is little poverty, no all-pervasive secret police, no traditional political opposition, no Moslem clergy bent on meddling in politics. And Saudi Arabia has already had its Islamic revolution—it happened in the 18th century.

Yet the experts contend that Saudi Arabia, though not an Iran, could be swept by instability capable of fostering violent change and a prolonged cutoff in oil production.

A MASSIVE SOCIAL TRANSFORMATION

"The potential sources for destabilization in Saudi Arabia grow out of the fact that Saudi society is undergoing a massive social transformation in a very short time," said Nadav Safran, a professor of government at Harvard University.

Professor Safran, who is completing a major study on the desert kingdom, said the Saudi Government assumed that such a transformation was possible without undermining the country's stability.

"That assumption flies in the face of all the evidence of history," Mr. Safran said. "No society has gone through that kind of transformation without an upheaval. But the historical record also shows that such an upheaval can take generations to materialize. Saudi Arabia can go on for 10 to 15 years without problems and it can blow up tomorrow."

The roots of Saudi Arabia's political system lie in a delicate alliance formed in 1730 between a Moslem fundamentalist preacher, Mohammed ibn Abdul Wahab, and a charismatic Bedouin tribesman, Emir Mohammed ibn Saud. Ibn Saud provided the sword and Abdul Wahab the ideology as the two attempted to subdue the warring tribes of the Arabian desert.

Ibn Saud's direct descendant—Abdul Aziz ibn Saud—completed this task nearly 50 years ago "by the will of Allah and the strength of his right hand." After consolidating his tribe's grip over the entire Arabian Peninsula, he forged a modern nation named after his family and guided by the austere Islamic principles of Abdul Wahab.

STRAINS OF RAPID MODERNIZATION

Since then, the alliance between the various tribes, the Saud family and the Islamic leadership has formed the foundation of the Saudi nation. But that foundation is now sagging under the strains of rapid modernization, oil wealth and a flood of imported values and ideas. The rapid pace of development has given birth to new social groups—administrators, skilled laborers, army officers and professionals—that are not part of either the religious hierarchy, the ruling family or the tribal order.

"Modernization has lured young Bedouins from the desert to the city, weakening the tribal structure," said Gary Samore, a research associate at the Harvard University Center for Science and International Affairs. "The ruling family is being challenged from two sides: the new classes calling for the creation of political parties and participatory government and the old classes calling for the regime to slow down and tighten the grip of Islamic and tribal institutions."

The royal family is made up of 4,000 to 5,000 princes who are interspersed throughout the bureaucracy. Abdul Aziz alone had more than 40 wives and 36 surviving sons, who make up the current inner circle of the Saudi royal family. They are divided into cliques that reflect not only bloodlines—sons of the same mother tend to form political units—but also political outlook.

King Khaled, the ailing, 69-year-old monarch, nominally rules the country while

Crown Prince Fahd, 60, the heir apparent, acts as chief executive.

"MODERNISTS" AND "TRADITIONALISTS"

Crown Prince Fahd leads the "modernist" wing of the royal family while Prince Abdullah, commander of the National Guard and the number three man in the hierarchy, heads the more "traditionalist" branch.

With the family leadership so large, it is widely believed that a random assassination would not change the immediate course of Saudi history.

But what the system cannot take, experts on Saudi Arabia say, is an irreconcilable division in the family, brought on by the stresses.

The kinds of pressure that can arise were reflected in the takeover of the Great Mosque of Mecca in November 1979 by orthodox Moslem tribesmen intent on curbing Westernization in the Saudi regime. Crown Prince Fahd responded by promising a greater say for all groups in the country's affairs, through the creation of a constitution and a popular assembly. But traditional elements in the ruling family blocked their formation, according to specialists on Saudi Arabia.

The prospect of an interfamily feud becomes all the more frightening, added Mr. Samore, because of the new tools available to opposing groups. Princes now have ministries, and in some cases army units, that they exploit as power bases. Prince Abdullah, for instance, controls the tribal-supported National Guard, while Prince Sultan, his half-brother and rival for the throne, controls the regular army.

"It is easily possible to imagine either a failed palace coup leading to a civil war or disaffected princes and commoners joining together in search of change," Mr. Samore said.

But Herman F. Eilts, former United States Ambassador to Saudi Arabia, disagrees. "If there is one thing I learned during my stay in Saudi Arabia it's that there is a tremendous amount of resilience in the royal family," said Mr. Eilts.

Although the family has a major interest in sticking together, this has not prevented damaging internecine conflicts in the past.

In August 1962, for instance, three discontented senior princes defected to Egypt, from where they launched a propaganda campaign against their brothers. They complained of the Saudi regime's close ties to the United States and called for the establishment of constitutional monarchy.

FEW SUPPORT "FREE PRINCES"

Few Saudis rushed to support the "free princes," as they called themselves, and they eventually returned to the fold. That might not be the case in the future. Saudis who studied in the West and returned to find themselves running a system over which they had no say might provide a powerful base of support for an antimonarchist Arab nationalist coalition.

"They are not seething with discontent, nor are they deeply alienated," a Saudi affairs specialist said. "But they don't appear to be deeply loyal either."

There is, however, one group that could force change on its own—the army.

The Saudi armed forces, with 67,000 members, are divided up into four very distinct units—the regular army, the national guard, the air force and the navy. As a fighting unit, the Saudi Army is currently on the level of the Egyptian Army before the 1967 war with Israel, according to military experts familiar with Arab forces.

USUAL GRUMBLING IN SAUDI ARMY

There is the usual amount of grumbling in the Saudi Army about the political leadership, but no more than in the force of any other third world country, said Anthony Cordesman, a fellow of the Wilson Center, who spent several years working for the Defense Department in the Persian Gulf.

"Saudi soldiers are recruited in their teens and their whole life is oriented to becoming professional soldiers," Mr. Cordesman said. "If they get the impression that the United States would give preference to Israel's security needs to the point of denying Saudi Arabia the weapons required for its defense, or if it perceives that mounting corruption and waste would prevent them from becoming a truly professional force, they could become very dangerous."

Having watched Arab kings in Iraq, Libya, Egypt and Yemen fall victim to military coups, the Saudi ruling family has built many safeguards into its military system.

For example, the only force stationed in the capital is the Royal Guard—a 1,000-man unit distinguished by its loyalty to the monarchy. The regular army is based in four military cities—all of them outside major urban areas: Kharj, 60 miles south of Riyadh, Tobuk near the border with Israel, Batin near Iraq and Khamis Mushait close to North Yemen. Thus, if an army unit were to move against civilian centers, there would be plenty of warning time.

SAFEGUARDS IN THE ARMED FORCES

The training and recruitment of soldiers is structured to mix age, ethnic and regional groups, making it difficult for like-minded leaders to coalesce as they did in the Egyptian and Syrian Armies.

In addition, each unit is able to counter a threat from the other: the air force has the jets, but the army has the ground-to-air missiles. The army has the tanks, but the national guard, the main internal security force, is equiped with antitank weapons.

Some analysts argue that the most devastating threat to American interests in the Middle East could come not from a change in the Saudi regime—either by internal or external means—but from a change in policy by the present ruling family.

"In the Arab world, considerations of political survival swamp all other considerations of policy," said a Middle Eastern specialist in the United States. "We have a signal with the assassination in Egypt: those who are associated with the United States get killed. Sadat is dead. Qadhafi is alive. It is entirely possible the Saudis could see their own political survival wrapped up in distancing themselves from the United States."

Some might argue that the Saudis are too tied to the West to change directions. But even slight policy shifts by such an important country could have a global impact. A reduction of just 2 million barrels a day in Saudi Arabia's oil production could at times spell the difference between worldwide glut and shortage.

"Sometimes," an Arab affairs specialist said, "it's the marginal decisions that make all the difference."

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the previous order, at 11 o'clock the Senate will proceed to the consideration of S. 1503, the Standby Petroleum Allocation Act, for 1 hour under a time agreement. It is the intention of the leadership that at the expiration of that hour, at approximately 12 noon, to ask the Senate to turn to the consideration of H.R. 4035, the Interior appropriations bill.

I expect that opening statements, beginning debate, perhaps the disposition of amendments that may be done without rollcall votes, will be dealt with today.

Mr. President, I do not anticipate asking the Senate to remain in session late today in view of the very late hour of the session yesterday in order that the Senate could complete action on the foreign assistance bill.

ORDER FOR RECESS UNTIL MONDAY, OCTOBER 26, 1981, AT 10 A.M.

Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further requirement for my time under the standing order. I am prepared to yield to any Senator or yield the remainder of my time to the control of the distinguished minority leader.

Mr ROBERT C. BYRD. Mr. President, I thank the majority leader. I accept his offer. If he should have need for some of the time back, I will yield it back.

Mr. BAKER. Mr. President, I yield the remainder of my time under the standing order to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wisconsin.

THE GENOCIDE CONVENTION AND THE WORLD COURT

Mr. PROXMIRE. Mr. President, the Liberty Lobby's White Paper on the Genocide Convention alleges that:

> Ratification of the Genocide Convention would have the unfortunate but certain side-effect of repealing the Connally Reservation, six key words inserted into the resolution accepting the jurisdiction of the World Court in 1946. . . . Without them, the World Court would make its own determination of what is to be deemed domestic and foreign matters, subjecting American citizens to the jurisdiction of aliens.

Mr. President, I can well understand how any American who is not an expert in international law would find such an allegation frightening. Unfortunately, the allegation represents a lack of understanding of the treaty, a lack of understanding of the "Connally Reservation" and an abysmal lack of knowledge of existing United States treaty practice.

WHAT DOES THE GENOCIDE CONVENTION SAY?

Mr. President, first, let me turn to the actual wording of the Genocide Convention.

Article IX of the Genocide Convention provides that:

> Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other

acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Does this mean that another nation can haul Americans before the World Court or any foreign court? Absolutely not.

The language refers to disputes "between the Contracting Parties". In plain English that means disputes between nations which have signed and ratified the Genocide Convention. Not foreign nations and U.S. citizens.

In addition, the understanding recommended by the Foreign Relations Committee makes it clear that the United States reserves the right to see that all Americans—all Americans—charged with genocide are tried before American courts with every constitutional guarantee, and the proposed implementing legislation directs the Secretary of State to see that any extradition treaties that we consider in the future say just that.

THE UNITED STATES AND THE WORLD COURT

But that is just the beginning, Mr. President. You may ask "C'mon, PROXMIRE, that article may not result in Americans going before foreign Courts but it certainly violates our sovereignty by letting the World Court meddle in our affairs."

That is a fair question, Mr. President, but let us look at the record.

During the Foreign Relations Committee hearings on the Genocide Convention in 1970, the committee examined this question very carefully. And what did they find?

They found that language providing for the referral of disputes to the World Court—the language of article IX to which the Liberty Lobby objects—was already contained in 27 multilateral treaties, 2 bilateral treaties and 19 commercial treaties.

That is 48 treaties, Mr. President, which are on the books in which the United States has agreed to referral of disputes to the World Court.

Has this diminished our sovereignty in any way? Of course not.

Has the Liberty Lobby or any other group been able to cite one case, just one, in which this language has hurt U.S. sovereignty in any way? Absolutely not.

This record is important, Mr. President, because it clearly demonstrates that this language providing for referrals of treaty disputes to the World Court is accepted American practice, ratified time and again, by the Senate and it has never hurt American interests.

For that reason, Mr. President, I ask unanimous consent that a list of these treaties be reprinted in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

"RECIPROCITY"—A SAFEGUARD AGAINST COMMUNIST TREACHERY

Mr. PROXMIRE. But perhaps genocide is different, Mr. President. Even though the record is clear that the language providing for the referral of disputes to the World Court has never harmed American interests, it is fair to ask whether unfounded allegations of American genocide might permit the Soviet Union and its allies an attempt to embarrass the United States.

The answer is loud and clear: No way.

No Communist state can ever haul the United States before the World Court on charges of genocide. Why? Because of the principle of "reciprocity."

What the Liberty Lobby's white paper conveniently omits is the principle of reciprocity. This is a solid principle of international law which states that if any nation—in this case, the Soviet Union and its allies—ratifies any convention with a reservation, we have the right to use that reservation against them in any dispute we have with them.

The Soviet Union and its allies have all ratified the Genocide Convention with a reservation stating that they will decide for themselves what cases they will permit to go to the World Court. While the Liberty Lobby is all too quick to praise the willingness of Soviet diplomats and degrade our own American diplomats, they have missed the significance of this Communist action. By establishing that reservation, the Communist nations have automatically provided us with the right to invoke the Communist reservation in any attempt they might make to bring the United States before the World Court under this treaty. The Communist diplomats have outsmarted themselves and have tied their own hands in any attempt to embarrass America.

Mr. President, it is time for groups such as Liberty Lobby to stop giving Communist diplomats credit where it is not deserved.

THE CONNALLY RESERVATION

Mr. President, I have attempted to show that first, the language of this Convention is language which the U.S. Senate has approved in at least 48 treaties; second, that there has never been a case cited in which this language has harmed U.S. sovereignty or security in any way; and third, that the reservations invoked by the Soviet Union and its allies have given us the very weapon, through the doctrine of reciprocity, to prevent Communist nations from attempting political grandstanding against us.

Finally, I would like to turn to the Connally reservation, which was my starting point for this discussion.

When the statute for the World Court was drafted, it contained two ways in which cases could come before the Court.

The first is contained in article 36(1) of the Court's statute and it provides for the World Court to decide "all cases which the Parties refer to it and all matters specifically provided for in the Charter of the United Nations or in treaties and conventions in force".

That is precisely the case which applies to the Genocide Convention.

The second way that cases can come to the Court is under article 36(2) of its statute—the so-called compulsory jurisdiction statute. In effect, this article provides that a nation may accept the jurisdiction of the court as compulsory "in relation to any other state accepting the same obligation" in all legal disputes concerning interpretation of a treaty, a question of international law, breaches of international obligations and reparations for a breach of international obligations.

In giving its advice and consent to that second paragraph of article 36, the Senate provided that compulsory jurisdiction of the Court—the four cases I have just cited—would not apply to matters within the United States' domestic jurisdiction—and here are the six words of the amendment offered by Senator Tom Connally—"as determined by the United States."

There are two points that I want to emphasize here, Mr. President.

First, the reason that the Genocide Convention falls under article 36(1) is that the Genocide Convention specifically provides for referral of international disputes to the World Court and that is exactly the case we have here. Article 36(2) to which the Connally reservation applies refers to interpretation of international treaties for which no mechanism of interpretation is provided.

Therefore, the mere mention of the Connally reservation is entirely misleading and that is a conclusion shared by the State Department in their testimony as well as our own Foreign Relations Committee in their reports on the Genocide Convention.

It is their considered opinion, shared by the overwhelming majority of international law scholars, that allegations such as the one Liberty Lobby is making is mixing apples and oranges.

Second, as I have demonstrated earlier, this language providing for the referral of disputes to the World Court has been used time and again without undermining our sovereignty one iota.

IN CONCLUSION

Mr. President, the Genocide Convention is a treaty which seeks to extend to other nations a fundamental principle which is as American as apple pie: the right to live. The dignity of man is the guiding inspiration of all of our great American documents—the Declaration of Independence, the Constitution, the Bill of Rights—and it is a principle I am not afraid to share with the world.

For far too long, organizations such as Liberty Lobby have misled Americans by telling them of the great wisdom of the Soviet diplomats and their supporters, but, as I have clearly shown with the principle of reciprocity, here is one case where the Communists have hoisted themselves on their own petard. Why is there not one word about that in the Liberty Lobby White Paper? Not one word. All we read is how Americans are fools easily duped. I have greater faith than that in the American people and know that they will not long be misled by sophistry when the facts are made available to them on how this treaty is in their interest.

Mr. President, I yield the floor.

EXHIBIT 1

TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES CONTAINING PROVISIONS FOR SUBMISSION OF DISPUTES TO THE INTERNATIONAL COURT OF JUSTICE, AS OF MAY 22, 1970

I. MULTILATERAL

Protocol on military obligations in certain cases of double nationality, concluded at The Hague, April 12, 1930: 50 Stat. 1317; TS 913.[1]

Convention for limiting the manufacture and regulation of narcotic drugs, concluded at Geneva, July 13, 1931: 48 Stat. 1543; TS 863.[1]

Convention on international civil aviation (ICAO), opened for signature at Chicago December 7, 1944: 61 Stat. 1180; TIAS 1591.[2]

Constitution of the Food and Agriculture Organization of the United Nations (FAO), signed at Quebec October 16, 1945 as amended (1950): 60 Stat. 1886; TIAS 1554, 12 UST 980; TIAS 4803.

Constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), concluded at London November 16, 1945: 61 Stat. 2495; TIAS 1580.

Convention on the Privileges and Immunities of the United Nations, dated February 13, 1946: 1 UNTS 16.

Constitution of the World Health Organization (WHO), opened for signature at New York July 22, 1946: 62 Stat. (3) 2679; TIAS 1868.

Instrument for the amendment of the constitution of the International Labor Organization (ILO), dated at Montreal October 9, 1946: 62 Stat. 3485; TIAS 1868.

Convention on Road Traffic, dated at Geneva September 19, 1949: 3 UST 3008; TIAS 2487.

International Sanitary Regulations (WHO Regulations No. 2), adopted by the Fourth World Assembly at Geneva May 25, 1951: 7 UST 2255; TIAS 3625.

Treaty of Peace with Japan, signed at San Francisco September 8, 1951: 3 UST 3169; TIAS 2490.

Universal copyright convention, dated at Geneva September 6, 1952: 6 UST 2731; TIAS 3324.

Constitution of the Intergovernmental Committee for European Migration (ICEM): 6 UST 603; TIAS 3197.

Protocol amending the slavery convention of September 25, 1926 (46 Stat. 2183; TS 778), opened for signature at New York December 7, 1953: UST 479; TIAS 3532.

Protocol limiting and regulating the cultivation of the poppy plant and the production of, and international and wholesale trade in, and use of opium, open for signature at New York from June 23 to December 31, 1953: 14 UST 10; TIAS 5273.

International convention for the prevention of pollution of the sea by oil, signed at London May 12, 1954: 12 UST 2989; TIAS 4900.

Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery. Done at Geneva September 7, 1956: 18 UST 3201; TIAS 6418.

Statute of the International Atomic Energy Agency, done at New York October 26, 1956: 8 UST 1093; TIAS 3873.

The Antarctic Treaty, signed at Washington December 1, 1969:[3] 12 UST 794; TIAS

Constitution of the International Rice Commission as amended at Saigon November 19, 1960: 13 UST 2403; TIAS 5204.

Agreement for establishment of the Indo-Pacific Fisheries Council as amended at Karachi January 6–23, 1961: 13 UST 2511; TIAS 5218.

Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character, done at Lake Success July 15, 1949: TIAS 6116; 17 UST 1578.

Convention on the settlement of investment disputes between states and nationals of other states, done at Washington March 18, 1965: 17 UST 1270; TIAS 6090.

Single convention on narcotic drugs, 1961, done at New York March 30, 1961: TIAS 6298; 18 UST 1407.

Protocol relating to the status of refugees. Done at New York January 31, 1967: TIAS 6577; 19 UST 6223.

Optional protocol to the Vienna convention on consular relations concerning the compulsory settlement of disputes. Done at Vienna April 24, 1963: TIAS 6820; 21 UST.

Convention on offenses and certain other acts committed on board aircraft. Done at Tokyo September 14, 1963: 20 UST 2941; TIAS 6768.

APPENDIX I.—A

The agreement of Paris, on reparation from Germany, on the establishment of an inter-Allied reparation agency and on restitution of monetary gold, opened for signature at Paris January 14, 1946 (61 Stat. (3) 3157; TIAS 1655), was signed on behalf of the United States on that date. It is followed by a *Resolution No. 8 on recourse to the International Court of Justice:* "The Delegates of Albania, Australia, Belgium, Denmark, France, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia recommend that: 'Subject to the provisions of Article 3 of Part I of the foregoing Agreement, the Signatory Governments agree to have recourse to the International Court of Justice for the solution of every conflict of law or competence arising out of the provisions of the foregoing Agreement which has not been submitted to the Parties concerned to amicable solution or arbitration'." (*Department of State Bulletin*, January 27, 1946, p. 124.)

All the other signatories to the Paris agreement had advised of their accession to this Resolution, as of July 22, 1948.

APPENDIX I.—B

With respect to the four Geneva conventions of August 12, 1949, for the protection of war victims, relating to: Condition of wounded and sick of the armed forces in the field (6 UST 3114; TIAS 3362); condition of wounded, sick or shipwrecked members of the armed forces at sea (6 UST 3217; TIAS 3363); treatment of prisoners of war (6 UST 3316; TIAS 3364); and protection of civilian persons in time of war (6 UST 3516; TIAS 3365). The following resolution was adopted on August 12, 1949, by the Conference of Geneva:

Resolution I.—The Conference recommends that, in the case of a dispute relating to the interpretation or application of the present Conventions which cannot be settled by other means, the High Contracting Parties concerned endeavor to agree between themselves to refer such dispute to the International Court of Justice.

II. BILATERAL

A. Commercial treaties with:

Country and date, Treaty

Belgium, Feb. 21, 1961, 14 UST 1284; TIAS 5432.

China, Nov. 4, 1946, 63 Stat. (2) 1299; TIAS 1871.

Denmark, Oct. 1, 1951, 12 UST 908; TIAS 4797.

Ethiopia, Sept. 7, 1951, 4 UST 2134; TIAS 2864.

France, Nov. 25, 1959, 11 UST 2398; TIAS 4625.

Germany, F.R., Oct. 29, 1954, 7 UST 1839; TIAS 3593.

Greece, Aug. 3, 1951, 5 UST (2) 1829; TIAS 3057.

Iran, Aug. 15, 1955, 8 UST 899; TIAS 3853.

Ireland, Jan. 21 1950, 1 UST 785; TIAS 2155.

Israel, Aug. 23, 1951, 5 UST 550; TIAS 2948.

Italy, Feb. 2, 1948, 63 Stat. (2) 2255; TIAS 1965.

Japan, Apr. 2, 1953, 4 UST 2063; TIAS 2863.

Korea, Nov. 28, 1956, 8 UST 2217; TIAS 3947.

Luxembourg, Feb. 23, 1962, 14 UST 261; TIAS 5306.

Netherlands, Mar. 27, 1956, 8 UST 2043; TIAS 3942.

Nicaragua, Jan. 21, 1956, 9 UST 449; TIAS 4024.

Pakistan, Nov. 12, 1959, 12 UST 110; TIAS 4683.

Togo, Feb. 8, 1966, TIAS 6193; 18 UST 1.

Viet-Nam, Apr. 3, 1961, 12 UST 1703, TIAS 4890.

B. Other bilateral agreements:[4]

Treaty with Canada relating to cooperative development of water resources of the Columbia River Basin, Jan. 17, 1961, 15 UST 1555; TIAS 5638.

Consular Convention with Korea, Jan. 8, 1963, 14 UST 1637; TIAS 5469.

Source: Stat.—United States Statutes at Large. UST—United States Treaties and Other International Agreements (volumes published on a basis beginning January 1, 1950). TIAS—Treaties and Other International Acts Series, issued singly in pamphlets by the Department of State.

RECOGNITION OF SENATOR PERCY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

THE 25TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. PERCY. Mr. President, today we commemorate a very special anniversary among all those which it is the privilege of the U.S. Congress to note.

Twenty-five years ago today, Hungarian citizens decided that their freedom was more important than their safety. Thousands of them stood up and were counted. They were counted for basic human rights and the dignity of the in-

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[1] By reference to the PCIJ. (References to the ICJ in place of the PCIJ in these cases is provided for by Article 37 of the Statute of the ICJ.)

[2] Appeals procedure from decision of the Council permits reference to the PCIJ (ICJ) if parties to dispute have accepted the Statute of the PCIJ (ICJ).

[3] Reference to the ICJ is subject to consent, in each case, of all parties to the dispute. 4780.

[4] In addition the United States concluded economic cooperation and aid agreements with 17 countries in 1948 which contain provisions for referral of disputes to the International Court of Justice subject, however, to the self-judging domestic jurisdiction reservation of the United States.

dividual. They were counted for the rights of peoples to political self-expression and national identity. They were counted for the right to require that a nation's rulers be responsive to the peoples' needs and welfare.

There Hungarian freedom fighters paid dearly for their courage. Many of them paid with their lives, as the bright hopes of October 1956 were extinguished by Soviet tanks.

Some of the more fortunate were able to escape. Some found their way to our shores to start a new life in America and, in time, to become American citizens. I know that all Americans join with me today in reaffirming our welcome to these Hungarian-Americans, and our gratitude and respect for their contributions to our commerce, industry, arts, and professions.

None of the sacrifices of the Hungarian freedom fighters of 1956 was in vain. Their very name has taken an historic place as an international symbol of the irrepressible human spirit. The Hungarian freedom fighter stands forever for man's willingness to struggle against all odds for those rights and values he holds dear, and for the sacred traditions and identity of his native land. The American heritage has taken renewed hope and determination from the Hungarian freedom fighter's example. So too have free men everywhere. So too have men and women who, for now, can only wish they were free.

Force, repression, and violations of individual and national rights seemed to win in November 1956. But all of us know how hollow and illusory this temporary victory was. It is the oppressor who is condemned to live in fear and by instruments of fear.

Ironically, the sacrifices of the freedom fighters of 1956 have had their lasting, beneficial impact even within Communist Hungary itself. A government somewhat more responsive to the Hungarian people's spiritual as well as material needs has gradually evolved. That government would have its own logical explanation of the forces that have made for these incremental changes. But you and I know that the real source is the soul of the Hungarian nation, the same source, and the same soul, of the Hungarian freedom fighters to whom we pay honor and tribute here today.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PERCY. I am pleased to yield to the distinguished Senator from Rhode Island.

Mr. PELL. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

THE 25TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. PELL. Mr. President, I wish to join my colleague, Senator PERCY, in marking October 23 as the 25th anniversary of the Hungarian revolution. On that date in 1956 the world was electrified by the spontaneous uprising of those brave Hungarians who sought freedom and independence for their nation. The term "freedom fighter" took on new meaning and will always be indelibly linked with the Hungarians of 1956.

The event has particular poignancy for me personally, and particular relevance to the situation in Europe today. My father was the last prewar American Minister to Hungary and, after the war, I established the American Consulate General in Bratislava, Czechoslovakia, formerly called Pozony when capital of Hungary.

Then at the time of the Hungarian revolution, I was at the bridge at Andau and spent a year in Austria as Vice President of the International Rescue Committee charged with helping Hungarian refugees. Throughout this time I saw both high hope and deep despair. The end of World War II lifted the yoke of Nazi occupation from Central Europe. But before long a new yoke, that of Stalinist Russia, fell over most of the region. Efforts to break away grew almost everywhere—East Germany, Poland, Czechoslovakia—but succeeded only in Yugoslavia and later in Albania.

Then in 1956 the Hungarian people rebelled against the ruling clique of former party boss Matyas Rakosi and called for the popular Imre Nagy to take over. On October 23 the growing discontent boiled over, partly in echo of developments in Poland, where new leadership more responsive to the people's wishes had come to power, and partly in reaction against an incident where security forces had opened fire on a crowd at the radio station in Budapest. The Hungarians also called for an end to Soviet military occupation of their land, and after Nagy was swept into authority on October 24, he sought to negotiate Soviet withdrawal. The Soviets seemed to tolerate Nagy at first, perhaps hoping that small changes could prevent the further spread of the revolution.

But the clamor grew for fundamental changes in domestic and foreign policy—including a call for Hungary to withdraw from the Warsaw Pact—which Nagy endorsed. Then on November 2, some Soviet forces which had moved out of Hungary during the previous week began to return, and on the night of November 3–4, they struck with massive force against ill-equipped and poorly organized Hungarian resistance forces. Nagy took refuge in the Yugoslav Embassy, but was later seized by the Soviets. He was replaced on November 4 by Janos Kadar, who remains party chief to this day.

It is a testimony to the resilience of the Hungarian people and to the practicality of their leaders that Hungary in recent years has become a minor economic miracle—the result of an economic policy which places major emphasis on individual incentives and quality control. Not surprisingly, the domestic political situation has also relaxed, although there is no serious challenge to Communist Party control.

Perhaps most importantly, Hungarians are permitted to travel abroad almost without restriction, and millions do so each year. The United States and Hungary have developed a positive relationship, despite obvious differences, and I believe that this relationship contributes to the improved economic and social conditions in Hungary. It also underscores the deep concern which millions of Americans feel for the Hungarian people.

I had the good fortune to come to know personally many brave Hungarians who had been involved in the revolution. Much of our effort was directed at saving lives and assisting many thousands of victims of the invasion and the Soviet-inspired crackdown which followed. I am proud to have been a part of this effort, and to have shared in its many successes. I am only disappointed that we could not do more for those who fought so bravely.

The situation in Central Europe today has many of the same elements of uncertainty, hope and challenge which were so evident 25 years ago. Poland today is engaged in perhaps the most dramatic internal social and political ferment ever to affect the Soviet Empire, certainly the most dramatic since Hungary in 1956 and Czechoslovakia in 1968. But the stakes are higher now. The concrete benefits in trade and human contacts for the peoples of the region, which have grown across the artificial barriers of Central Europe, would be seriously jeopardized by a return to cold war confrontation. There is more to lose now. Furthermore, the dangers of armed confrontation have multiplied in this most heavily armed and strategically essential corner of the globe.

Poland has suffered before from the tragic accident of her geography. The present experiment carries both the hope for lasting improvements and the continuing threat of Soviet military action. It is all the more essential, therefore, that the Polish people and their well-wishers everywhere avoid giving Moscow any reason to invade, whether to prevent public disorder, the disruption of the Warsaw Pact or the removal of the Communist Party from its leadership role. The Catholic Church has played a crucial role both in championing the efforts of the Polish people for greater personal and political freedom, and in cautioning against excesses which threaten the gains already achieved.

Americans should also lower their voices. Clearly, statements by high U.S. officials on the possible use of nuclear weapons in Europe, on alleged U.S. vulnerability in strategic systems and on the supposed inevitability of a Soviet invasion of Poland, poison the climate and heighten the dangers.

It seems almost that some people would prefer that Moscow act to confirm our worst fears, in order to justify a tighter

alliance structure and massive increases in defense spending. Such a course is both unwise and dangerous. And one of the direct consequences is that the peoples of Central Europe, particularly the Poles, but also the Hungarians, Czechs, Slovaks, Germans, and others, come under increasing pressure and increasing threat, and the fragile gains of the past decade are jeopardized.

It is fitting that we note this 25th anniversary of one of the major events in post-World War II history. But it is even more important that we learn the appropriate lessons from that event and from the sequence of events since then. The peoples of Central Europe want peace and a better life. They need lower tensions between East and West. Those who truly support them and their aspirations for improved living conditions should commit themselves anew to work for a climate of international calm under which the creative diversity of the peoples of the region can grow and thrive.

HUNGARIAN FREEDOM FIGHTERS DAY

● Mr. WEICKER. Mr. President, today we celebrate Hungarian Freedom Fighters Day. Twenty-five years ago, on October 23, 1956, Hungarian students demonstrated in the streets of Budapest to protest Russian domination of their government and wealth and the brutal intimidating methods of the Russian-backed state security police. A great feeling ran through Hungarians that day. They were tired of keeping their anger to themselves. Their repressed emotions burst forth with fury. People poured into the streets to join the students. Together, they marched chanting slogans against the oppressors and singing old Hungarian hymns long banished by Communist fiat. Then suddenly, the crowd was fired upon. Several workers fell bloodied to the ground. The people shouted in rage. At that moment the soul of a nation rebelled.

Hungarian soldiers, forced to choose between communism and patriotism passed out arms to their countrymen and joined in the revolution. In the following days as Russian tanks moved in to beat down the uprising, the new freedom fighters banded together and fought back with the fierceness of a people with liberty in their grasp. For 6 days, they drove back the tanks, fighting them with old guns, bottles of gasoline, and stones, On October 29, the tanks departed; the city appeared won.

Hungarians reveled in their freedom. The one party system was immediately abolished; free elections were promised; local councils sprung up everywhere. The prisons were opened; the secret police fled. A joyous throng accompanied the freed Cardinal Mindszenty through the square to the palace, above which the hammer and sickle had been torn down. Once again, the old Hungarian flag furled in the breeze, if only briefly.

On November 4, the tanks returned. With a brutality that enraged the world, they rolled over the heart of a city and a people whose only crime was wanting freedom without having the rifles to win and keep it. The Hungarians fought bravely, stretching the inevitable for days, until finally, they were crushed. Thousands were killed in the fighting. In the weeks that followed, some were executed; more were shipped off like cattle to concentration camps. Over 190,000 Hungarians fled the land that had been their ancestral homeland for a thousand years; others were unable to escape.

Mr. President, freedom and liberty are so much a part of our lives here in the United States that we can go a whole year without giving them a thought. Then along comes the Fourth of July and we get our dose of fireworks, parades, and star spangled banners. We eat cake and ice cream and hear speeches about Washington and Jefferson. Feeling good about our country, we sleep soundly at night, and in the morning we go on with the business of our lives. Not all the people in the world are so fortunate.

There will be no fireworks in Hungary this year; no brilliant flares to brighten the night with celebration. Nor will there be displays of joy in East Germany, in Czechoslovakia, in Lithuania, in Bulgaria, in Poland, in Afghanistan, and in all the other countries under the dark shadow of the Soviet empire. Freedom for these people is not a parade or a red, white, and blue hat or a baseball game. Freedom is a burning coal buried deep in their souls, a small warmth that gives hope to the spirit.

Mr. President, in the darkened lands where tanks and rifles rule, the flame of freedom in the human spirits must never be allowed to die. We must continue to send the message to the people of Hungary—that we have not forgotten them. We care about their plight and pray for their future. The flame must be kept burning until the hopeful day when it explodes across the night like Roman candles in a blazing light of freedom.

I would like to quote a poem now from the collection entitled "From the Hungarian Revolution," edited by David Ray. The title is "October Twenty-Third."

The earth is in pain and the walls lie down
And the earth is a blue trumpet of victory,
Because from the stone of the deep moist prison
Man is born again under the sun's glory.

Our wrinkled bodies grow supple with new sense,
Our drained faces burn in the sunlight,
Our fainting steps march every way at once,
Our freedom grins in our hands like a birthright.

Our hearts rise out of darkness, opening,
The purple flower clambers out of the earth,
Out of dark slavery our light is ripening,
Weaponless, the conquerors come forth.

Today, we honor the Hungarian freedom fighters. We remember their courage and their cause. We remember October 23, 1956, and we will never lose hope of such moments triumphing again.●

THE 25TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

● Mr. LUGAR. Mr. President, two things have always stood out among those qualities that impress American people.

One is the embodiment in the individual lives of those high ideals of freedom and self-expression on which our country was founded and for which it stands.

The other is substantial individual contribution to the life, welfare, and prosperity of our communities across America.

On both scores the Hungarian freedom fighters impressed all of us 25 years ago. Even more remarkably, they continue to impress us.

Their individual struggles and sacrifices for the freedom and identity of their country a quarter century ago continues to symbolize for Americans the highest embodiment of our own national ideals.

Many of the Hungarian freedom fighters found refuge here in America, earned American citizenship, and have made significant contributions to American communities through their skilled work and their cohesive family life. My own State of Indiana is enriched by the contributions of many such Hungarian Americans.

Mr. President, I am proud to join here today in this fitting tribute to the living anniversary of the Hungarian revolution of 1956 and its freedom fighters.●

NATIONAL BUSINESS WOMEN'S WEEK

Mr. PERCY. Mr. President, it is a great pleasure for me to join the Illinois Federation of Business and Professional Women's Clubs' 10,000 members in their celebration of October 18–24 as National Business Women's Week.

The Illinois Federation is an important part of a national organization founded in 1919 and dedicated to the economic interest and growth of business and professional women. Today, the National Federation of Business and Professional Women's Clubs is composed of over 3,700 clubs in all 50 States, the District of Columbia, the Virgin Islands and Puerto Rico, with over 162,000 members. The goals of its membership are to elevate the standards of women in business and the professions and to extend opportunities to business and professional women through education along lines of industrial, scientific, and vocational activities.

Key to BPW's education activities is the Business and Professional Women's Club Foundation in Washington, D.C. It functions as a resource center and library and is a unique source of data on

matters relating to business and professional women. The BPW Foundation offers management and training seminars and gives more than $300,000 annually in career advancement scholarships for working women over the age of 25. Corporations and private foundations make 35 percent of the contributions to the foundation; the remainder comes from BPW members across the United States through their respective federations. The BPW Foundation is celebrating its 25th anniversary this year, and special recognition will be given this week to its quarter century of achievement on behalf of business and professional women in this country.

Mr. President, National Business Women's Week was first celebrated in 1928 to dramatize the contributions of women to the business and professional life of the country. As more and more women enter the work force and as they attain the ranks of senior management in increasing numbers, it is more fitting and timely than ever that we set aside this week every year to honor the achievements of the organization that has worked so dilligently in their behalf for more than 60 years.

I salute the Illinois Federation of Business and Professional Women's Clubs, and its parent organization, for their efforts on behalf of working women, for their energy and steadfastness in the pursuit of equal opportunity for women, and for their outstanding contribution to the discussion and implementation of public policy during the last half century. I value my friendship with BPW members all over the State of Illinois and I am delighted to have joined in this way in the celebration of National Business Women's Week.

NOMINATION OF JOHN R. VAN DE WATER TO THE NATIONAL LABOR RELATIONS BOARD

Mr. PERCY. Mr. President, I recently had the pleasure of endorsing the nomination of John R. Van de Water to be a member and the Chairman of the National Labor Relations Board.

Mr. Van de Water, who is currently serving as Board Chairman by virtue of a recess appointment, and I have known each other since our student days at the University of Chicago. He would appear to be eminently qualified for this post and I look forward to positive Senate action in the near future.

Mr. President, I ask unanimous consent that the statement I submitted to the Senate Labor and Human Resources Committee, on the occasion of Chairman Van de Water's confirmation hearing, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES H. PERCY ON THE NOMINATION OF JOHN R. VAN DE WATER TO THE NATIONAL LABOR RELATIONS BOARD

Mr. Chairman, it is my privilege this afternoon to introduce to this Committee Mr. John Van de Water, President Reagan's nominee for a full term as a member of the National Labor Relations Board and the person who, if confirmed by the Senate will continue to serve as NLRB Chairman, as he has during his recent, interim appointment.

Although John Van de Water is not at present a resident of the State of Illinois, we nonetheless are proud to claim him as one of our own by virtue of his graduation in 1939 from my own alma mater, the University of Chicago, and in 1941 from its law school. John and I were at the University together in those days although I would point out that he did much better than I in his post-graduate education. He finished law school and I dropped out.

In the intervening years, he has combined a career in teaching with one in industrial relations. Since 1949, he has been President of Van de Water Associates, Inc., consultants to management. He created and served as the first Director of the California State Bar program for the Continuing Education of the Legal Profession. He has served as Director of the Executive Program for UCLA's Graduate School of Management, and has served as a member of that school's faculty for 20 years.

He also served as Adjunct Professor of Industrial Relations and Management at the Graduate School of Business Administration, University of Southern California. At the time of his nomination, he was establishing an Executive Education program for San Diego, California, while serving as Director of Executive Education and Professor of Industrial Relations and Management at San Diego University. He has taught labor law to both labor and management and has stressed the absolute necessity of obedience to this country's labor laws.

Mr. Chairman, a little over a year ago, I announced my opposition on the Senate floor to the pattern that former President Carter was establishing in his appointments to the National Labor Relations Board. I felt that the Board, in order to meet its statutory obligations to labor and management in this country, needed balance among its membership and, in particular, more appointees who had had experience in industrial relations outside of the federal government. I reaffirmed my long held belief that continuing respect for the NLRB, its decisions, and for our labor law in general depends on the perception of both business and labor that they can get a fair deal when their cases come before the Board.

At that time, I expressed concern also over the decline in the rate of federal court affirmance of Board decisions during the previous few years. The 1-out-of-3 chance for a court reversal of a Board decision, which existed at the time, was a serious problem, not only because it created a greater workload for the courts and the Board itself, and increased costs to both labor and management, but also because it called into question the fundamental ability of the Board to make judgments that will stick and of its ability to interpret the law.

The nomination of John Van de Water, and of Board Member Bob Hunter, just recently confirmed by the Senate, represent what I consider to be a good faith effort by President Reagan to reverse the decline of the affirmance of Board decisions and bring more credibility to those decisions.

His honesty is absolute. I have always found him to be objective. His ability can be judged by his distinguished record as both a teacher and a doer in the field of industrial relations. In short, Mr. Chairman, I feel we have here a candidate who, if confirmed, will bring balance, prudence, and the respect of labor and management to his service as Board Chairman. To confirm that last point, Mr. Chairman, let me close with a quote from Communications Workers of America District 11 Vice President, William C. Demers of California, which appeared in a recent issue of *CWA Pride:*

"I know only that my relationship with him has indicated to me that he is a gentleman of honesty and integrity. A man who believes in people. A compassionate man. A man who espouses the philosophy that 'It is not who is right but what is right.'

"I believe, based on my knowledge of Mr. Van de Water, that . . . he will endeavor to be evenhanded and to bring labor and management closer together."

Mr. Chairman, there is no better testimony than that. This concludes my formal remarks.

HELP FOR THE HOUSING INDUSTRY

Mr. PERCY. Mr. President, I recently had the opportunity to meet with homebuilders and realtors from several regions within the State of Illinois. It was, as always, a great pleasure to meet with these concerned and hardworking people who are a vital part of the economy of our State.

Our meetings were several of a series I have had during the last 2 years with homebuilders and realtors from all over the State, in which we have sat down together and attempted to work out some practical and reasonable solutions to the problems that have devastated the homebuilding industry in Illinois.

The news they brought me last month was not unexpected, and it was very grim indeed. I was deeply moved by one particular group of homebuilders as they, one by one, told me of once successful homebuilders—their personal friends and associates—who are now facing bankruptcy because of the damage done by uncontrolled inflation and high interest rates.

The condition of the housing industry is no surprise to my colleagues who, I am certain, have heard from realtors, homebuilders, and suppliers in their own States. But few, if any, States in the country have suffered as severe a setback as Illinois. According to the figures provided to me by Advance Mortgage Corp. for housing permits in major metropolitan areas, private housing permits in the Chicago area for the first half of 1981 represented an almost unbelievable 95-percent decrease from 1978, the last good year for the industry. The rest of the State is suffering as well from a major decrease in activity, and sales are depressed everywhere in Illinois.

I have pledged my continued efforts to every homebuilder and realtor in Illinois to do all I can to restore our economy to health and to preserve the housing industry as one of the major components of our economic system and as a provider of a profoundly important service to the people of this country.

First and foremost among my efforts has been my unqualified support for President Reagan's budget and tax proposals, both of which were enacted into law in August and which I believe will

make a fundamental change in the economy—for the better. For the first time, the future looks a bit brighter than in previous years. Washington has heeded the call for change and has enacted an economic recovery program that promises growth, jobs, and a stable business climate. I am pleased to say that the President's economic recovery program enjoys wide support in Illinois, including the housing industry. Once this program begins to take effect, I believe the Federal Reserve will ease up on interest rates. In the meantime, I have taken other action which I hope will improve conditions for the housing industry in my State.

Among the many provisions incorporated into the President's tax reduction legislation, I was particularly pleased to vote for the creation of the all savers certificate, supported by the National Association of Homebuilders, the National Association of Realtors and others, as a means of directly assisting the industry. Financial institutions will be able to issue special, tax-free certificates for the next 15 months, of which 75 percent of the proceeds must be used for residential and agricultural financing. I supported this measure, offered by Senator BENTSEN, because I know so well of the serious condition of the housing industry in Illinois. Additional savings should be generated by changes in IRA and Keogh retirement plans, which will increase the tax benefits available to individuals who are saving for their own retirements. As a principal cosponsor of the small savers interest income tax exclusion provision of current law, I continue to believe that the encouragement of greater individual savings is a key to our economic recovery.

Of special interest to me in the last few years has been the possibility of expanding the sources of home mortgage financing. Major changes have occurred in the last few years in our traditional financial institutions and additional proposals are currently pending in Congress which, if enacted, will mean an even more dramatic alteration in the structure and function of financial institutions as we have known them.

I do not know how or when action on new financial institutions legislation will be completed, nor how I will vote on the final package when it is sent to the Senate from the Banking Committee for consideration. What I do know is that the housing industry should not be made to suffer while our banking system undergoes what perhaps can be characterized as the most radical transformation in its history. We must not wait for action to be completed on new bills before we ask the question of how homeownership will be financed in the future. The fact of the matter is that countless individuals and young couples all over the country with steady sources of income and good credit ratings are precluded from homeownership right now.

To expand the sources of home financing both now and in the future, I supported the passage of legislation that protected the ability of local governments to issue mortgage revenue bonds and urged the Secretary of the Treasury earlier this year to expedite the issuance of regulations to implement that law. I expect to support legislation, currently pending, which will make technical corrections to the mortgage revenue bond statute and simplify the procedures under which this type of home financing can take place.

For several years, I have been working with homebuilder organizations and a few of my Senate colleagues to make available for housing investment the huge resources of the private pension funds of this country. On September 29, I enthusiastically joined the distinguished Senator from Utah (Mr. HATCH) in introducing S. 1678, a bill to amend the Employee Retirement Income Security Act (ERISA) to provide that an investment by a private pension plan in a residential mortgage is neither a prohibited transaction nor a violation of the "prudent man" rule. After almost a year of correspondence and negotiation with the Federal agencies concerned with housing and ERISA, I have come to the conclusion that legislation is the only answer to eliminating the artificial barriers in ERISA that unreasonably restrict the ability of pension fund trustees to invest in home mortgages.

I will be delighted to work with Chairman HATCH and the other cosponsors on behalf of this worthy legislation and I can assure him of the solid support of all the people in the housing industry in Illinois with whom I have consulted, particularly the homebuilders. We are all anxious to see this industry restored to a condition of vigor and dynamic growth that will be so important to the economic recovery of this country. In the long and short term, it will benefit industry and consumer alike.

Mr. President, it has been my privilege for many years to work with the outstanding homebuilder and realtor organizations in Illinois. Their friendship, advice, and counsel have been of immeasurable help to me in many respects, but especially as we have worked together in the last 2 years on what the Federal response should be to the problems of the housing industry. I wish to express my appreciation today to all of them. Their energy and creativity never cease to amaze me, and their courage in the face of economic adversity unprecedented in recent years is an inspiration to us all.

FEEDING THE WORLD, LEADING THE WORLD

Mr. PERCY. Mr. President, it is well known that the United States exports a huge part of its agricultural product. According to the U.S. Agriculture Department, 38 percent of our farm acreage is devoted to exporting and one of every two jobs in farming hinges on exports. The USDA projects the value of the 1981 farm crop that will be exported at nearly $44 billion, an increase over what we exported last year. Even when our agricultural imports are taken into account—mostly items like coffee and sugar—we still recorded a $26 billion agricultural trade surplus last year. USDA expects the 1981 surplus to be even larger.

Without these surpluses, our trade ledger would stand in the red by a very large amount. Agricultural exports are simply essential to our international balance-of-trade position.

I am proud that my own State of Illinois leads the Nation in the export of agricultural products. Corn and soybeans are the two commodities that dominate Illinois' export sector, but we are strong in a wide variety of other agricultural exports, too.

On the manufacturing side, Illinois is the Nation's No. 2 exporter. One of the reasons for the State's top ranking is the preeminence of the Caterpillar Tractor Co., which exports nearly 50 percent of its U.S. production.

No one knows exporting as well as Lee Morgan, chairman of Caterpillar, and when he speaks, there is good reason to listen.

Earlier this month, on October 5, Lee Morgan spoke on the vitality of exporting before the Rotary of Davenport, Iowa. In his address, Mr. Morgan said:

> Further expansion of U.S. exports is necessary if we are to reverse the trade deficits of recent years. We must increase exports of both agricultural products and manufactured goods . . . and for many reasons in addition to the need for an improved trade balance.

I commend this speech to my colleagues for Mr. Morgan's discussion of the several reasons why expanded exporting is crucial to our economy.

Mr. President, I ask unanimous consent that Lee Morgan's address be included in the RECORD in full at the close of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

At the close of his remarks, Lee Morgan makes a valuable economic observation. I should like to quote that passage because it is important to remember:

> I started out talking about the agricultural richness, of Iowa and Illinois . . . the importance of agricultural exports to the U.S. economy . . . and the need for America to increase its export volume of both manufactured and agricultural goods. For that to happen, we must restore America's competitiveness . . . both through private sector and governmental action . . . and the world's governments must move away from policies of protectionism and economic nationalism.
>
> Just as Illinois and Iowa help feed the world, our country can help lead the world to more prosperity . . . and, ultimately—we fervently hope—to a more peaceful, fulfilling life for all people.

EXHIBIT 1

ILLINOIS AND IOWA: THE ONE-TWO PUNCH IN EXPORTS

(By Lee L. Morgan)

I always welcome the chance to come to the Quad Cities. The short trip up here is refreshing, and it's a pleasure to see the

cornfields in early fall. This is an area of beauty . . . and an area of agricultural richness that few places in the world can equal.

Our two states, in fact—Illinois and Iowa—lead the nation in export of agricultural produce. Illinois ships more ag products abroad than any other state, and Iowa is a close second. We literally help feed much of the world . . . and the abundance of our land generates export income that dramatically helps the economic well-being of the rest of America.

Last year the United States—led by Illinois and Iowa—exported almost $43 billion in agricultural produce . . . while imports were only $17 billion. That gave the country a positive agricultural trade balance of $26 billion.

But in total trade . . . including manufactured goods and petroleum products . . . the United States had a deficit last year of more than $36 billion.

A positive balance in agriculture . . . a negative balance overall.

In fact, without the $26 billion positive contribution from agriculture, our national trade deficit would have soared to $62 billion—and that would have been a heavy blow to our already shaky economy.

The people of Illinois and Iowa have a right to be proud. Their stewardship of the land contributes enormously to the country's economy, and ultimately benefits all Americans.

But further expansion of U.S. exports is necessary if we are to reverse the trade deficits of recent years. We must increase exports of both agricultural products and manufactured goods . . . and for many reasons in addition to the need for an improved trade balance.

One reason, of course, is that exports create jobs. Last year for example, about 47 percent of Caterpillar's U.S. production was exported. Those exports thus provided jobs for nearly half of our U.S. employees . . . including many employees here in the Quad Cities area . . . a total of 31,000 employees at Caterpillar facilities across the United States.

That's only part of the story. Caterpillar exports also result in jobs for suppliers and others whose livelihood depends on Caterpillar's presence; and we have a lot of suppliers in the Quad Cities area.

Consider two congressional districts: the First District of Iowa and the Nineteenth District of Illinois. Our 1980 purchases in these two districts totaled just over $100 million . . . from 537 suppliers. Almost half those purchases were made possible by Caterpillar exports. That translates into roughly 1,700 supplier jobs in Jim Leach's and Tom Railsback's districts . . . made possible by Caterpillar exports.

Increased export volume also enables companies to benefit from economies of scale, to spread the costs of research development, production, and marketing over a broader customer base. And export sales provide an extra source of capital for investment, as additional cash enters the U.S. capital stream.

The list of benefits goes on. Export sales generate more taxable income as a source of governmental revenues. Expanded export volume helps us pay for oil imports and essential raw materials. Exports help fight inflation and raise productivity.

And the President's Export Council contends that export expansion would help restore U.S. economic, military, and diplomatic credibility . . . thus assisting the pursuit of a more peaceful and prosperous world.

We need the benefits of export business . . . and, equally so, we need the benefits of imports. Trade is a two-way street.

In fact, the only way in the long run to increase our exports is to also increase our imports.

Our exports need to find foreign buyers with the dollars necessary to buy our goods and services. In general, these dollars are obtained when Americans import and pay for foreign goods and services.

Thus, imports put dollars in the hands of foreigners—which can then be used to buy our exports. It follows that restrictions on imports will result in fewer dollars in the hands of those in other countries who might want to buy our corn, soybeans, tractors, machinery, chemicals, and other products—unless we wish to make up the difference by loans or transfer payments, that in turn increase U.S. budget deficits. The better alternative is free and open trade.

We have an administration in Washington that strongly supports expanded trade. Business leaders are almost unanimous in their endorsement of more trade. And I recently saw a survey that showed the vast majority of Americans support governmental programs that would encourage businesses to engage in more international trade.

Why, then—with all these benefits to be derived from international trade, and with support for expanded trade from so many sectors of our society—why, then, has America lost its leadership position in trade?

And we have lost it. West Germany now exports more manufactured goods than we do and Japan is not far behind us. Both maintain a better trade balance than we do.

The total volume of world trade last year increased only 1 percent, and this year trade volume may show a decline. If that should happen, it would mark only the second such interruption in the long postwar pattern of growth.

The core of the problem within the United States is that many American industries have lost their competitiveness. And a major problem throughout the world—including our own country—is the growing economic nationalism that hampers open flow of goods and services.

To restore America's international competitiveness, we must do several things. First, of course, we must strengthen the domestic economy. The ball is rolling to get that done.

The Reagan administration, with bipartisan support from Congress, is attacking the overriding problem of inflation. Tax reform, reduced government spending, a more stable and predictable monetary policy, suspension of counter-productive and excessive regulations—all these things are starting to happen.

We're seeing some growth-stimulating actions at the state level, too. In Illinois, for example, recent passage of an Investment Tax Credit and steps toward reform of our costly state unemployment compensation system will help Illinois companies be more competitive in world markets * * * as lower costs help improve price-value ratios of Illinois products.

The Administration in Washington has placed high priority on removal of trade disincentives that hamstring efforts to boost exports. And managers of American companies increasingly are taking steps needed to improve productivity: capital investment, expanded research and engineering programs, overhaul of operations . . . in particular, better use of human resources. At Caterpillar—as just one example—we recently completed an intensive, year-long, worldwide study of human resources and human resources strategies.

A major conclusion: people want to get more involved in their work. They want to contribute more. Our conference teams came up with dozens of specific proposals about better utilization of the work force; we are already actively pursuing many of them.

The days of treating people as extensions of tools are long gone. The concept of labor as a "commodity" never had any validity, in my opinion. Also gone is the absurd notion that "managers think but workers work"—implying that people in the factories lack brainpower or willingness to employ it.

I believe that the combination of private sector and government action will revitalize the U.S. economy. And a healthy, dynamic, domestic economy will let us become more competitive in the world marketplace. Some of the recovery medicine is bitter, and causing short-term hardship . . . especially to those selling capital goods when interest rates are near 20 percent . . . but it's medicine we must take for long-term well-being.

Along with improvements in our U.S. competitiveness, there has to be a change in the competitive atmosphere around the world—a lessening of economic nationalism.

Competition is the life of business—hobbling restrictions the death of it. That's true internationally . . . as well as here in America. We need fewer restrictions on free competition in world trade. We need a freer flow of goods and services across national borders . . . and laws or codes that enhance competition, not destroy it.

Governments around the world—including our own—too often are responding to sluggish economies by initiating new forms of trade protectionism, new rules to isolate national economies.

In the early postwar years, governments used import duties—tariffs—as the primary means of isolating their economies. Tariffs still exist, of course—but they're relatively less prevalent, less of a problem. A series of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade—known as GATT—has successfully reduced the use of tariffs around the world. Today, non-tariff barriers are the bigger problem.

GATT has identified 800 forms of non-tariff barriers that circumvent its rules against traditional formal tariffs. From 1974 to 1979, the proportion of the world's manufactured exports covered by import restrictions jumped from 13 percent to about 21 percent. One British economist concludes that we are moving into an area of "managed trade."

U.S. Trade Representative Bill Brock has said, "People are just finding ingenious ways to reduce the opportunity for international trade" . . . and that's true.

One of the simplest forms of non-tariff barrier is the "voluntary" import quota. Country A voluntarily agrees to limit shipments of a product to Country B. The unspoken understanding is that if Country A doesn't cut back, Country B will simply impose some sort of "nonvoluntary" quota.

More complex non-tariff barriers involve methods of setting standards on imports . . . customs evaluations . . . export subsidies . . . government procurement rules . . . and a host of others.

The service sector is another area where protectionism is spreading. A current example—transborder data flow.

This expression refers to the increasing flow of information across national borders, such as airline reservations, financial data, market information, and countless other forms of information.

Countries, understandably, want to ensure that national security and the privacy of individual citizens aren't jeopardized when

such information is sent to other countries. But it's easy for government regulation of data transmissions to turn into serious obstacles to international trade.

The Organization for Economic Cooperation and Development (OECD—an international association of free-world, industrialized countries) has been working on this issue. OECD has developed a set of guidelines that strike a balance between concerns about protection of individual privacy and the need to maintain the free international flow of information. The guidelines are voluntary, but include a set of basic principles which companies are urged to observe in gathering, using, and handling personal data.

Caterpillar supports these guidelines. We hope that if other corporations in OECD member countries voluntarily observe the guidelines, burdensome new government regulations on transborder data flows can be avoided.

Some of the most dangerous forms of economic nationalism are in the field of international investment.

Attempts by governments to manipulate foreign investment to support their national economic goals can do real harm to the free flow of goods and services. Such manipulations can ultimately lead to trade wars with grave political consequences.

One method of manipulation is through performance requirements. A company may have to guarantee minimum employment and export levels, for example, before it can invest in a host country. Just recently, an industrialized country placed these requirements on some potential U.S. investors:

A requirement that the investor bank only with that country's banks and use only their advertising agencies and public accountants;

A requirement that the investor company purchase a specific percentage of its input requirements from local supplier; and

Pressure to move certain manufacturing operations from the United States to the host country.

Such performance requirements generate effects similar to import quotas. The flow of goods and services is artificially restricted. Quotas would be prohibited under the GATT trading rules, but there are no applicable international rules when countries use their investment policies to achieve the same purposes.

We believe it's time to strengthen multilateral discipline and restraint over government actions which distort international investment and trade. In the long run, it is clearly in the interest of all concerned to improve the global efficiency of the international investment system, especially as it affects international trade.

The world's a highly interdependent place . . . and getting more so. All countries need the benefits of export business, just as all countries need the benefits of imports.

Increased trade, for example, is the best way of helping most less developed countries, as Secretary of State Haig said just two weeks ago before the United Nations. He laid out two choices for the world's nations:

"A future of sustainable growth . . . expansion of world trade . . . and reduction of poverty (on the one hand . . . or, the alternative), a future of economic stagnation . . . rising protectionism . . . and the spread of poverty."

Protectionism and stagnation—or expanded trade and economic growth. . . .

Third World diplomats stood in line to congratulate him on that message.

I started out talking about the agricultural richness of Iowa and Illinois . . . the importance of agricultural exports to the U.S. economy . . . and the need for America to increase its export volume of both manufactured and agricultural goods. For that to happen, we must restore America's competitiveness . . . both through private sector and governmental action . . . and the world's governments must move away from policies of protectionism and economic nationalism.

Benefits will accrue to all nations, not to the United States alone. Those benefits can be reckoned in economic terms . . . yes, and also in terms of international understanding and peace among the nations.

Just as Illinois and Iowa help feed the world, our country can help lead the world to more prosperity . . . and, ultimately—we fervently hope—to a more peaceful, fulfilling life for all people.

RECOGNITION OF SENATOR STENNIS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi is recognized for a period not to exceed 15 minutes.

Mr. STENNIS. I thank the Chair.

S. 1768—INVESTMENT OF SOCIAL SECURITY TRUST FUNDS

Mr. STENNIS. Mr. President, the matter to which I will discuss is important both moneywise and in principle. It is a part of an effort to secure and increase the yield on the social security system trust funds. We also want to assure that social security collections are in fact treated and handled as trust funds. This is not money owned by the Government. It is owned by and held in trust for the people who have paid the money in. The measure that I will propose refers to the manner in which the trust funds are invested and the interest earned on them.

I am proposing changing the custom of investing these trust funds in Government obligations that pay less than the current going interest rate. This results in a lesser yield to the trust fund and, therefore, less money in the trust fund at the end of the year. That is favoring the other departments of Government and saving money so far as the interest on the national debt is concerned but this is at the expense of a fund that is not owned by the Government. As I say, it belongs in trust to the people who paid that money in.

The social security payroll taxes are required by law to be placed in three separate trust funds, these being the old age and survivors insurance trust fund, the disability insurance trust fund, and the hospital insurance trust fund. Those who manage these trust funds act in a fiduciary capacity and have a high degree of responsibility to insure that the trust funds receive the highest possible yield consistent with the safety of the investment. Good business practices demand this and present and future retirees are entitled to nothing less.

I was, therefore, surprised if not shocked, Mr. President, to learn that, in fiscal year 1981, the social security trust funds earned only 8.3 percent on a portfolio which, on June 3, 1980, had assets of almost $47 billion. During the same period, money market funds, which were invested exclusively in Government securities, earned 13.5 percent or more.

That difference, Mr. President, was at the expense of the social security trust funds. It benefited the general fund of the Treasury, but the fact remains that those funds were not general funds and did not belong to the Treasury. They belonged to the people who paid them in.

We are not talking about insignificant amounts, Mr. President. If the social security trust funds had paid a return of as much as money market funds earned, then they would have earned about $2 billion more than they did in calendar year 1980. This would have erased about 60 percent of the deficit which the trust funds incurred in calendar year 1980.

This was no accident, Mr. President. It was deliberately done. I know there was no moral wrongdoing, no violation of law, and I impute only integrity to the Board—nothing less than that. It is a discretionary matter that the existing law permits and addresses to their judgment. It is the responsibility of Congress to remedy that chuckhole, close it, and provide, as I have already outlined, that the funds must be invested in Government securities which will pay the highest level of return consistent with the safety of the investment. The trust funds should certainly earn what the market will safely bring.

I emphasize again that I am not imputing any bad motives to the trustees charged with the investment of these funds.

At present social security trust funds can by law be invested in any Government or Government-guaranteed securities. Despite this, and with securities having a substantially higher yield available, over 90 percent of the money was invested in so-called Treasury Department special issues. In fiscal year 1980, most of these special issues carried an interest rate of 7 percent. Only $6.3 billion of these special issues carried an interest rate in the range of 9 percent.

These funds, as I said on October 15, are managed by the Treasury, and it appears that, instead of making every effort to maximize the return on the social security trust funds, those managing the funds acted in the interest of the Treasury and deliberately minimized the return on the trust funds, thereby favoring a reduction of the interest on the national debt.

This is a situation that cannot be countenanced, Mr. President. I hope some day to see a surplus in social security funds, plus a margin of safety. Present and future retirees are entitled to the assurance that their trust funds are safe and secure. If we are to ever get to that point, several actions must be taken including absolute assurance that every dollar in the trust funds earns the maximum amount available consistent with the safety of the investment. I want to see a social security system which is solid and secure and which is financially able to stand on its own bottom.

I sincerely believe that it is a mistake to prefer general fund obligations and interest payments over the best interests of the social security fund assets. The trustees of the social security fund must recognize the fiduciary nature of their actions and make every effort, as prudent businessmen, to increase the return to the social security trust funds.

As I have said, Mr. President, if this bill had been law, it would have benefited the trust funds by $2 billion in 1980. I

have confidence that the Committee on Finance will look into this matter and report out legislation which will correct what to me is an intolerable situation. It is for this reason that I introduce this bill.

I would certainly like to see a hearing on these matters, to make sure we have all the facts and to see what the alternatives there are. The money belongs to those people who paid it in. It is held by the Government in trust, and the Government is supposed to get the highest rate of interest Government securities are paying, and then put that money, earned by way of interest, back into the fund, for the benefit of those people who paid it in and for the benefit of present and future retirees.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD and that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 201(d) of the Social Security Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "It shall be the duty of the Board of Trustees to invest such portion of the Trust Funds as is not, in its judgment, required to meet current withdrawals, and such investments shall be made so as to secure the maximum possible inerest yield, commensurate with the safety of the Trust Funds."; and

(2) by striking out "which are not due or callable until after the expiration of four years from the end of such calendar month" and inserting in lieu thereof the following: ", all marketable interest-bearing obligations which are not obligations of the United States but which are guaranteed as to both principal and interest by the United States, and all marketable federally sponsored agency interest-bearing obligations that are designated in the laws authorizing their issuance as lawful investments for fiduciary and trust funds under the control and authority of the United States or any officer of the United States".

(b) Section 1817(c) of such Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "It shall be the duty of the Board of Trustees to invest such portion of the Trust Fund as is not, in its judgment, required to meet current withdrawals, and such investments shall be made so as to secure the maximum possible interest yield, commensurate with the safety of the Trust Fund."; and

(2) by striking out "which are not due or callable until after the expiration of 4 years from the end of such calendar month" and inserting in lieu thereof the following: ", all marketable interest-bearing obligations which are not obligations of the United States but which are guaranteed as to both principal and interest by the United States, and all marketable federally sponsored agency interest-bearing obligations that are designated in the laws authorizing their issuance as lawful investments for fiduciary and trust funds under the control and authority of the United States or any officer of the United States".

(c) Section 1841(c) of such Act is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "It shall be the duty of the Board of Trustees to invest such portion of the Trust Fund as is not, in its judgment, required to meet current withdrawals, and such investments shall be made so as to secure the maximum possible interest yields, commensurate with the safety of the Trust Fund."; and

(2) by striking out "which are not due or callable until after the expiration of 4 years from the end of such calendar month" and inserting in lieu thereof the following: ", all marketable interest-bearing obligations which are not obligations of the United States but which are guaranteed as to both principal and interest by the United States, and all marketable federally sponsored agency interest-bearing obligations that are designated in the laws authorizing their issuance as lawful investments for fiduciary and trust funds under the control and authority of the United States or any officer of the United States".

CRIMINAL LAW ENFORCEMENT BILLS

Mr. STENNIS. Mr. President, under our system of government the role of the Federal Government in combating crime is somewhat limited. However, in proper cases, especially those involving interstate transactions and activities, the Federal authorities can and do play important and vital roles. Many crimes do in fact involve interstate activities and transactions. This is particularly true of traditional organized crime syndicates and other criminal groups, such as narcotic and smuggling rings and prison gangs.

Mr. President, I was a district prosecuting attorney for several years, and later I was a circuit judge, a trial judge of unlimited criminal and civil jurisdiction. So I have spent years in the courtroom, dealing part of the time with the matter of crime. I know by experience something about the practical side, but it has been a good while since I was a judge; and things have developed that are far worse in this field than anything I encountered, especially in connection with the drug traffic.

Crimes of all types are on the increase. This is particularly true of organized crime and other crimes which make use of interstate facilities or cross State lines. This is a very serious and important matter and, as a Federal legislator, I am very anxious that the hand of the Federal Government in fighting this type of crime be strengthened to the greatest extent possible. It is, therefore, very important that we act promptly to give the Federal authorities the tools and authority they need, including new statutes to deal with and support those aspects of criminal activities which are proper and legitimate concerns and targets of the Federal Government.

Therefore, I was very pleased to join with the distinguished Senator from Georgia, Senator NUNN, and others in cosponsoring three bills which, in my opinion, would give Federal law enforcement agencies and Federal courts important new powers and tools to use in the never-ending war against crime and other criminal activities. These bills would be particularly effective against organized crime and its use of violence and extortion. Violence and extortion—that, unfortunately, is the tune of the times.

The first of these bills is S. 814, Organized Crime Act of 1981. It is specifically designed to assist the Federal Government in combating the violent aspects of organized criminal activity. However, it would be of general application and therefore would also serve to bolster the Government's efforts to fight all violent crimes. Such crimes have become one of our most serious and alarming domestic problems, and we must do everything we can to suppress them and punish the criminals.

The second bill is S. 1163, Labor Racketeering Act of 1981. There is a great deal of evidence which suggests that, through a system of payoffs, blackmail, and other criminal activities, the Nation's waterfronts are increasingly being dominated by organized criminal activities. S. 1163 is designed to help ease the problems of corruption on the Nation's waterfronts. It increases criminal penalties for violation of the Taft-Hartley Act and provides for the immediate suspension of convicted persons from union offices. It is designed not only to suppress and punish crime but to rid labor organizations and employee pension plans of the influence of persons convicted of criminal offenses.

The third bill is S. 732, legislation to strengthen the fight against organized crime and illegal narcotics. The purpose of this bill is to make financial and tax records an effective tool in piercing the veil of secrecy that protects those at the top of any organized crime ring, whether it be drug smuggling operations or traditional criminal activities carried on by organized crime. This bill passed the Senate as an amendment to the Economic Recovery Tax Act of 1981, but, unfortunately, was eliminated in the House-Senate conference.

I referred to my experience in the courtroom as part of the background that makes me realize the difficulties in connection with effective law enforcement and the difficulties that go with the problem.

I am not satisfied just to hear somebody talk about it or just to read about it. I went out and contacted law enforcement officers in my State, men I personally knew, and knew to be responsible, reliable, and experienced. I talked to the policemen, to the sheriffs, to their chief deputies. I talked to the prosecuting attorneys, not in one place but in several.

These matters are the hard realities; they are problems that permeate almost every segment of other criminal activities.

I will not describe the matters in detail, but there is a ring of runners of narcotics that has been cut off from one area of entrance into the United States, through very effective Federal and State cooperation, and the drug runners have started bringing it in at another place. Part of that route to the marketplace, and the big money, comes through my State.

So, experience with these things makes us realize what it is and makes us more inclined to try to do something about it.

The evidence indicates that the one law enforcement agency that organized crime fears most is the Internal Revenue Service. For a number of reasons, one being the antidisclosure provisions of the Tax Reform Act of 1978, the IRS has almost withdrawn from the battle against organized crime.

I believe that the IRS should once again become the force in crime fighting that it was in the days of bootlegging and rumrunners. If S. 732 is passed, it can do just that. I feel that this is very well reasoned legislation and will retain the very important privacy safeguards and prohibitions against disclosure which will prevent the repetition of past abuses. At the same time, it will enable the IRS to cooperate once again with the fight against ever-increasing organized criminal activities and narcotics problems facing the Nation.

Mr. President, stamping out criminal activities, and particularly organized crime and the violent crimes arising therefrom, is one of the most vital and important functions of our Government. As I stated at the outset, these bills will give Federal law enforcement agencies and Federal courts important new tools to strengthen them in the fight against the wave of organized and violent crime which is sweeping this country. The activities against which these bills are directed fall squarely within Federal jurisdiction and will enable Federal law enforcement agencies to play important roles, in cooperation with the police authorities of the States, in fighting and punishing those who perpetrate crimes of an interstate nature or which are otherwise within the jurisdiction of Federal authorities.

I highly commend the Senator from Georgia and the other cosponsors of these bills on the fine work they did in developing the facts and drafting this important legislation. I was glad to join in cosponsoring these bills. I hope that they will ultimately be passed by both Houses and be signed into law. If that occurs, we will have taken a significant step forward in providing new weapons for use against organized crime syndicates, narcotic and smuggling rings, and other criminal activities.

That is the background of my knowledge of the problem, and I have pride in the work that has been done on these bills by the Senator from Georgia (Mr. NUNN), who held the hearings, and others who contributed to the drafting of these measures.

I will support these proposals in every way I can, so that they can help solve the problems. I do not want to get our Armed Forces into primary activities of enforcing the law, but some modification of the law in order to make more possible the enforcement of a law such as this would be justified. I would be willing to do what I could to help bring about a reasonable and limited modification of our law with reference to the activities of our armed forces, particularly those that pertain to covering matters beyond our shoreline.

Mr. President, I appreciate the Senate having allocated this time to me, and giving me an opportunity to get into the record and out into the public domain the knowledge I have of this problem, and an outline of what I believe is the beginning of a necessary step in the field of law enforcement. I pledge to follow up on this matter and to follow it through with reference to obtaining the necessary legislation.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has a minute-and-a-half remaining.

Mr. STENNIS. I thank the Chair. I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m. with statements therein limited to 3 minutes each.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOVIET ELITE PERCEPTIONS OF THE UNITED STATES

Mr. MATHIAS. Mr. President, during the Labor Day recess, Senator CRANSTON and I spent a week in Moscow talking with various Soviet officials trying to assess first-hand the prospects for a constructive dialog between the superpowers. I shall be reporting on that trip in full to the Committee on Foreign Relations and will not anticipate myself here.

I would like, however, to mention one strong impression that those talks left with me. It was of the vast discrepancies between how we, in the United States, and how they, in the Soviet Union, often view the same event. Our interpretation of identical empirical data, of specific events—such as what happened in Afghanistan, or what did not happen on SALT II—diverge dramatically and dangerously.

Soviet Foreign Minister Andrei Gromyko, for example, appeared to be genuinely convinced that SALT II was still alive, if not kicking. We may have disabused him of that idea, but only with the greatest difficulty, so tenaciously did he cling to it.

The danger of allowing such misperceptions to exist outside the framework of a continuing dialog are obvious. Left to itself, the Soviet Union will only become more introverted and regressive and difficult to deal with. So, without relaxing our own standards—without, for example, ratifying the situation in Afghanistan, or accepting a SALT agreement that is inadequate to our needs—we must keep some sort of continuing dialog going. The negotiations scheduled to begin on November 30 in Geneva on theater nuclear forces are a welcome beginning.

As if to underscore my own impressions of the misperceptions rampant in the Soviet Union, the U.S. International Communication Agency has just released a research report entitled "Soviet Elites: World View and Perceptions of the U.S." This is an update of a 1980 USICA study, prepared by Gregory Guroff and Steven Grant of the Office of Research, which broke new ground in revealing to us the distorted prism through which Soviet citizens view us and the rest of the world.

Centuries ago Robert Burns wrote:

Oh, wad some power the giftie gie us
To see oursels as others see us!
It wad frae monie a blunder free us,
An' foolish notion.

No power has yet given us that priceless gift. But every now and then we get some insight into how others see us. The USICA study provides insights in abundance. It merits serious attention because, no matter how convinced we are of the correctness of our own world view, in any relationship there are two sides and we cannot lightly dismiss the views of the opposing side, no matter how benighted they seem, except at grave peril to ourselves.

If it were not upwards of 40 pages long, I would introduce the entire ICA report into the RECORD because it deserves wide circulation. In the interests of economy, however, I would like to call my colleagues' attention to the longer study and ask unanimous consent that a brief summary of the report be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SOVIET ELITE PERCEPTIONS OF THE U.S.

This report—updating a 1980 USICA study—describes the views of members of the middle to upper-middle levels of the Soviet official world, who are primarily of Slavic nationality and mainly resident in Moscow. The data come from in-depth interviewing of 160 West Europeans and Americans who have long-time and recent contact with members of the Soviet elite. These interviews—with diplomats, journalists, businessmen, and academics—provide surrogate information about the world view of Soviet elites.

Soviet elites mix fear and optimism in their world outlook. Fear arises from a continuing sense of encirclement, from a view that the USSR is the only great power that faces every other major power as an adversary, and from an awareness of mounting domestic problems. These fears are in part balanced by a perception of their increased military strength, some Third World successes, and a sense, until recently, that the U.S. had retreated from its world role.

Foreign policy attitudes of Soviet elites are conditioned by their historical view of the Soviet Union as "acted upon"—that the USSR acts defensively and would not be the aggressor in any war.

They do not accept the way in which the U.S. applies the concept of "linkage" to the Soviet Union.

They place detente in the narrow context of Europe alone, seeing it as a way to gain stability and establish Soviet legitimacy there.

With rising concern over the faltering domestic economy, Soviet elites openly discuss and complain about the perceived costs of

Soviet foreign policy—economic and military assistance.

THE SOVIET-AMERICAN RELATIONSHIP

The superpower relationship remains the single most important international concern for these Soviets. The downturn in relations has created doubt about ultimate U.S. intentions toward the Soviet Union and there is a sense of increased American hostility toward the USSR. However, there remains a feeling that the chaotic and frightening outside world can best be regulated through the cooperative efforts of the two superpowers—although this is seen as less feasible than it was a few years ago.

Soviet elites perceive the American threat as follows:

The U.S. is the only power that can severely damage the USSR.

Direct confrontation is most likely to arise unintendedly from third-country issues in which each superpower has a major stake.

The U.S. is the omnipresent obstacle to Soviet objectives and expansion—though these Soviets would use the term "security," arguing that the Soviet Union is not an expansionist power.

The U.S. is technologically more sophisticated and economically stronger. With a determined effort, it could upset the current parity in arms.

The American arms buildup is less an immediate military threat than it is economic warfare designed to bankrupt the Soviet economy.

American embargoes on grain and technology have adversely affected the Soviet economy—a further indication of the U.S. desire to wage economic warfare.

These Soviets believe that recent U.S. policy has been basically anti-Soviet, albeit inconsistent and unpredictable in its implementation.

Soviet elite attitudes toward the Reagan administration are in flux. Some hope remains that this administration will be like Nixon's. But the earlier wait-and-see attitude is waning. Currently, there is a serious debate over whether or not they can do business with this administration.

The administration has established high credibility for its determination to expand American military capabilities. The main Soviet question is whether this is a prelude to arms negotiations or a drive for military superiority. Most elites suspect the latter, but hope for the former.

SOVIET GLOBAL CONCERNS

There is a striking discrepancy in Soviet elite attitudes toward China. China is viewed as the enemy and the primary long-term threat to the USSR. But even those who recognize that China is not currently a military threat still exhibit a visceral fear of the Chinese arising from deep racial, ethnic, ideological, and historical animosities.

Afghanistan has receded as an issue, replaced largely by concern over Poland. Soviet elites assert their inherent right to deal with instability on their own borders, although they increasingly admit that they miscalculated both Western reaction and the difficulties they would encounter in Afghanistan.

Most elites deny that the USSR had broader aims of expansion beyond Afghanistan. They seem confused about U.S. interest in such a remote area, and why it should affect the superpower relationship. However, while seeing Western reactions as inappropriate, they have accepted the persistent fact of Western concern.

Whether or not Soviet elites understand the linkage between Afghanistan and Western reactions, they understand instinctively the importance of Poland to East-West relations. Soviets are distinctly unsympathetic to the Poles, seeing them as ungrateful for Soviet rescue of the Polish nation in World War II and for Soviet protection and aid since. Few elites believe that intervention is imminent. Yet, they seem to accept unquestioningly that if activities in Poland were defined as anti-Soviet (or anti-Russian) they would have a natural right to act.

Few, if any, Soviet elites see Western Europe as a military threat. NATO is seen largely as an extension of American power into Europe—the mirror image of the USSR's Warsaw Pact, and thus unsettling.

Soviet elites prefer to see and deal with Western European countries in bilateral terms. They downplay or avoid discussing European institutions, such as the EC, which suggest movement toward greater integration. Their attitudes toward individual countries vary, but they are most ambivalent about the Germans. West Germany is admired, disliked, even feared.

UNDERSTANDING U.S. SOCIAL/POLITICAL PROGRESS

Soviet elites greatly value personal relationships as underpinning international relations. They see the continuity in their system as a great strength, while viewing the changing cast of American political personalities as both a systemic weakeness and an obstacle to their understanding of the U.S.

Soviet elites' understanding of U.S. policy and society varies greatly in breadth and depth. The most sophisticated students of American life have a basic grasp of the mechanics of American government, often with an amazing command of factual detail about individuals and institutions. There may even be a small handful of specialists who have developed a real "feel" for the U.S. foreign policy process, but they have great difficulty communicating their understanding to other elements within the Soviet elite.

The very openness of Western societies most confuses Soviet elites. They find it virtually impossible to understand the role of such diverse elements as the media, a loyal opposition, or public opinion—which are controlled or nonexistent in their own society.

Soviet elites' ambivalence is most pronounced in their attitudes toward American society. The concept of freedom is both admired and dreaded. To them it means the ability to travel freely, at home and abroad, to be socially, geographically, and occupationally mobile. This kind of freedom is treasured by Soviet elites, prized mostly for its absence in their own society. But American freedom is also perceived as license, lack of control verging on anarchy, and loss of security.

Finally, while condemning the U.S. for being too materialistic, Soviet elites are unself-consciously materialistic themselves. Nonetheless, they assert that they have retained many of the traditional, even spiritual, values of family, friendship, and nature which provide life with security and meaning, and view the U.S. as a place where these values have all but disappeared.

THE DETERIORATING ECONOMY

Mr. EAGLETON. Mr. President, by any fair evaluation, the economy is deteriorating very, very rapidly. The figures and statistics are very ominous on a number of fronts: Inflation, unemployment, long-term interest rates, auto sales, housing starts, business bankruptcies and closings, et cetera. Pick whatever statistic you like and the prospect is the same—grim.

Mr. President, I ask unanimous consent to have printed in the RECORD three items which I urge my colleagues to read.

First, the now famous speech by Henry Kaufman, vice president and chief economist of Salomon Bros., delivered before the National Press Club on April 22, 1981. Kaufman predicted the economic dilemma we are now in. He was right and he was early.

Second, Mr. Kaufman's more recent speech, which he delivered before the Financial Executives Institute 50th International Conference in New York City on October 12, 1981.

Third, an article by former Secretary of the Treasury and former chief executive officer of the Bendix Corp., Mr. W. Michael Blumenthal. Mr. Blumenthal who is currently chairman of the Burroughs Corp., points out to President Reagan some very valuable lessons he might learn from mistakes made during the Carter administration when President Carter "lost the opportunity to show decisive leadership by adjusting his program to fit new conditions."

President Reagan must now realize that he has a major economic dilemma on his hands. The tax cut signed into law in August was so bloated as to make nightmarish Federal deficits inevitable for years and years to come. Even the President's closest economic advisers recognize this and whisper it in private. President Reagan must act and act now to rectify those excesses. If he does not, he will remain the captive of monetarist economics. He will be traveling the road of Milton Friedman and Margaret Thatcher. It is a catch-22 road of grave economic consequences.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE POTENTIAL FOR CONFLICT IN NATIONAL POLICIES AND IN FINANCIAL MARKETS

(By Henry Kaufman)

When I was asked to address the National Press Club, I readily accepted the invitation because I believe it is more important now than ever before that there be an ongoing exchange of views between our political and financial centers. Many members of this distinguished Club contribute to the assessment of the critical issues facing our nation. More than any other group of journalists, you are responsible for monitoring the links between politics and economics, and for discerning the differences between the political ideal of what should be and the reality of what is and what will be. This task, especially where it involves economics and finance, has become formidable in recent years. No longer can we rest assured that our economy and financial markets will behave in the classical cyclical pattern, with all the predictability which that implies. This assurance has been shattered by structural changes, by many inept national stabilization strategies, and by some external shocks.

The economic recovery that began last summer can also be distinguished from earlier business expansions in a variety of ways. These unusual elements include the following: (1) The economy is incorrectly perceived as brittle, when it actually has good momentum; incidentally, similar misconceptions were held at some earlier comparable periods. (2) Inflation is not about to be resolved. (3) Fiscal policy will continue to be expansionary. (4) Therefore, a great burden will be placed on monetary policy and on the financial markets. The net result is likely to be conflicts in national policies and in financial markets.

UNDERESTIMATING THE ECONOMY

Underestimating the underlying momentum of the economy is reflected in prelimi-

nary economic statistics and in many forecasts. This shortcoming in the preliminary data was vividly illustrated a few months ago by the large upward revisions in Gross National Product data for the past decade. For example, for the economic expansion in the years 1976 through 1979, real GNP was revised upward by $148 billion total, or 5.7 percent, business outlays for plant and equipment by $71 billion, or 8.5 percent, and personal savings as a percentage of disposable income averaged 0.7 percentage point higher. The errors contained in many of the preliminary statistics serve notice on us all to recognize the inadequacies of a lot of current information.

The inadequate recognition in many forecasts of the underlying strengths of the economy can be ascribed to the failure to realize the economic impact of a more liberated financial system. What years ago would have been regarded as large, punishing increases in interest rates no longer brings to a quick end an overheated business boom, or rapidly restores the economy to stability. The adaptation of finance to inflation has changed all that.

Consider these differences between two periods 14 years apart. In 1966, when the economy experienced the first full-fledged credit crunch, markets were tight and extremely apprehensive, as interest rates reached the then lofty highs of 6 percent for the prime loan rate and 5.56 percent for three-month Treasury bills. Indeed, the mortgage and housing markets virtually ceased to function when corporate bond rates broke out of a 100-year trading range and exceeded 6 percent. By contrast in the past six months when the prime touched a record of 21.50 percent and three-month Treasury bills 17.05 percent, financial markets were not even as taut or as apprehensive as they had been back in 1966. I find no comfort in this change. Yet, it does suggest two things. One is the extent to which climbing interest rates have lost their restrictive influence on the economy. The other is the rocket trajectory that interest rates may follow if we continue to rely upon them as the main force for stabilizing the economy. Indeed, in contrast to the past, it seems that any given increase in interest rates is less inhibiting, and any decline is more stimulating.

The misreading of the implications of interest rate increases in the second half of 1980 was partly responsible for many of the "double dip" economic projections for 1981—projections that seem to me to be highly unlikely to hit the mark. The 5 percent annual rate of real growth estimated on a preliminary basis for the first quarter shows remarkable economic resiliency, reflecting the strength of a more service-oriented—and consequently less cyclically vulnerable—economy, the support from a very expansionary fiscal policy, continued high levels of consumer spending, and evidence of a new surge in business expenditures.

In fact, the heady interest rates thus far in this business recovery have been a fundamental element of support to the business picture, because high financing costs have forced business to maintain low inventories. All this transpired without a full cyclical rebound in new housing activity and in domestic auto production. A cyclical participation by these two laggard sectors would have caused anxieties about economic overheating instead of "double dip." While the auto market may continue to show moderate improvement for the balance of the year, there are no such prospects for new housing. Construction activity is the victim of spiraling costs, diminishing incentives to provide financing, and limited credit. The pressure on deposit-type institutions specializing in housing financing cannot be lifted quickly. Their capital has been impaired by their inability to join the ranks of those institutions that have adjusted to a new world of finance by means of more or less fixed spreads against floating costs. This is the new key to financial viability.

AN EXPANSIONARY FISCAL POLICY

While some slowing in the pace of economic activity is probable this quarter, another acceleration is in prospect for the second half. The powerful stimulative combination of large tax cuts and sizable increases in defense spending is likely to more than offset the restraining influence of a slowing in Federal expenditures, even with some presumed revenue feedback from the tax cut. Think of it in these terms for fiscal 1982, according to the Administration's proposals, stimulants from tax cuts will amount to $54 billion and increases in defense spending with total $27 billion. But, constraints resulting from the sharply slower growth of non-defense outlays of the Government will total $46 billion. The stimulants are bound to have a greater demand multiplier impact than the negative impact coming from a slower growth in non-defense outlays.

The influence on our economy caused by the rise in defense expenditures—expenditures that I believe are vital to our nation—is probably not fully appreciated. We have not had a flourishing defense sector for well over a decade. The last giant step-up in defense outlays was during the height of the Vietnam War from 1966 to 1968, when real defense spending ballooned by an average annual rate of 13.7 percent. During that period, the rate of inflation was low. The GNP deflator averaged only 3.5 percent, the U.S. budget deficit averaged only $12.6 billion a year. From 1969 through 1978, defense outlays contracted in real terms by 3.9 percent yearly. Now, the average annual increase in real defense outlays, as proposed by the Administration, will be roughly 9 percent a year from fiscal 1981 through 1984. And this time around, the increase is coming when inflation is high and budget deficits are large (see Table 1).

Early signs of the potential impact of increased military expenditures are beginning to be seen. For example, the monthly military prime contract awards of the Defense Department averaged 30 percent higher in 1980 than in 1978—twice as large as average awards during the 1966–68 era (see Chart 1). Unfilled defense orders at manufacturers totaled $63 billion early this year, compared with $48 billion a year ago, and $35 billion at the start of 1978 (see Chart 2).

I do not question the goals of the new Administration. Lowering the profile of our Government's role in economic life is laudable and deserves support. The new fiscal policy, however, is exceedingly expansionary, does not pursue a course that fights inflation vigorously along the way, and will place nearly all the anti-inflation efforts squarely on monetary policy.

I am not convinced that there is real historical evidence to suggest that across-the-board tax cuts will quickly encourage Americans to work harder or to save more. Can it really be assumed during the next year or two that this fiscal strategy will reduce wage settlement increases to single digits, or will remove the rigidities in our wage and price structure? Calling attention to the beneficial impacts of earlier tax cuts is misleading. There is no precedent for taxes being lowered against a backdrop of rising defense expenditures and high inflation. I suspect that inflationary expectations will not be curbed by the slowing in the growth of Federal expenditures; expectations will remain high because the financing requirements of the Government will remain high.

At this time, it is also important to recognize that beating inflation becomes more difficult as an economic expansion ages. I am not talking here about the next quarter or two. When a business recovery is young, inflation is slowed temporarily by a variety of transitory forces. Productivity, benefiting from low utilization of resources, jumps sharply. Demands are held to moderate proportions by business through conservative inventory policies and modest increases in capital outlays. If inflation is to be blunted as the economy continues to grow, fiscal expansion should then quickly move to neutrality. Unfortunately, this is not the direction that fiscal policy is heading during the next few years. There is one aspect of inflation from which we should learn at least one lesson from the past—namely, that once an economic expansion moves beyond its infancy both wage and price pressure persist. By next year, this current business recovery will be well out of its infancy. This may well present an unusual problem because the inflation rate has remained disquietingly high, even in the infancy of the business recovery. Furthermore, a much desired acceleration in investments in business capital can exert substantial upward pressure on wages and prices because such investments vie for resources that become scarce in the mature phases of expansion.

As I follow the debate concerning the new economic policy proposals, I find that such labels as "economic liberal" or "economic conservative" have lost all their meaning. Many of my economist friends, who were, I thought, conservative tell me that the economy is brittle. This was once the buzzword of my friends with liberal identities. They are now fearful of too large a fiscal stimulus. On the other hand, my conservative friends, who always advocated a balanced budget, now say a budget deficit to finance tax cuts is part of the essential transition for rebalancing the role of our Government. When many of my liberal friends were in power, the Federal Reserve was implicitly saddled with the burden of limiting excesses in the economy. Now, my conservative friends have made this an explicit assignment, while continuing with an expansionary fiscal policy.

THE UNUSUAL FEATURES OF THE FINANCIAL SETTING

Heavy reliance upon monetary policy to arrest a wage and price spiral and to temporarily halt other excesses is not new. What today is different from the past is the precarious state of our credit markets even before the current economic recovery moves out of its infancy. Let me illustrate how precarious the financial footings of the private sector are at this early stage of the business recovery.

In the household sector, the financial progress is deceiving. While mortgage and installment debt payment relative to personal income was reduced significantly, this ratio still stood at 21 percent in the fourth quarter of 1980—higher than at any time prior to 1977.

In the business sector, hardly any improvement is visible in corporate balance sheets or in the quality of corporate earnings. Typically, business corporations fund short-term liabilities by financing long, both at the tail end of recession and in the first year or so of business recovery. In the past 20 to 30 years, each of these temporary measures has done little more than interrupt, briefly, an otherwise constant deterioration in the structure of corporate balance sheets. A corporate funding effort was only briefly undertaken last year from about May through July, when an unrivaled volume of new corporate bonds reached the market. Thereafter, because interest rates rose sharply and were very volatile, business coporations adopted an atypical financing strategy for this phase of the business cycle, by resorting primarily to short-term credit facilities.

As a consequence, business corporations are moving through the first year of the current business expansion having done little, if anything, to redress their drastically

weakened financial positions. The ratio of liquid assets to short-term liabilities for all nonfinancal business corporations was only marginally above 1979's record low of 0.65 by year-end 1980. The ratio of corporate long-term debt to short-term debt continued to decline, reaching a record low of 2.6 to 1. The interest expense of corporations in 1980 equalled a record high 45 percent of net profits before taxes, as compared with only 14 percent for the 1960s. All these facts take on added meaning if we consider that, as an economic recovery matures, the financial position of corporations becomes more strained.

FINANCIAL IMPLICATIONS

With this backdrop in mind, what can be said about financial prospects for the U.S. during the next year or so, given the heavy influences on fiscal expansion and monetary restraint? As noted earlier, the U.S. Government will continue to be a large demander of credit. According to the Administration's own estimates, the U.S. Treasury's net new cash needs will total an estimated $62 billion in fiscal 1982 (consisting of the unified budget deficit and the borrowings of the budget agencies, which obtain funds directly from the Treasury). These demands crowd out many business and household borrowers. Hardly a week goes by in which the Treasury is not a net borrower short term. Every month, there is a short-dated coupon issue. Two out of every three months, a mammoth long bond issue is sold.

As corporate borrowing continues to increase, corporate liquidity will erode further. Short-term liabilities will mount. The availability of long-term funds will shrink due to the preferences of investors for short-term high-yielding investments, and the preempting of long-term funds by the U.S. Government.

The availability of funds for housing will continue to be constrained. The savings deposit institutions specializing in housing will try to escape from their specialized functions, and, during this transition most of them will behave more like convalescents than vibrant institutions.

In the credit markets, shorter maturity financing through commercial paper and shorter-dated bonds will accelerate. This will penalize not only business corporations but also state and local Governments, which, in particular, have pressing requirements to finance long term due to the nature of their underlying projects.

In the direct lending market, the importance of commercial banks will increase, but the increasing demands on them will strain their rather slim capital structure.

When the burden of restraining a headstrong economy falls heavily on monetary policy, then higher interest rates are bound to result. Under the monetarist approach, it is difficult to say how high interest rates will go but it is safe to say they will go very much higher than the levels prevailing currently in all maturity sectors. The reasons are found in several features contained in monetarism. For example, a central element of monetarism is to raise, or lower interest rates to whatever level is required to maintain the growth of the money supply within a predetermined targeted range. This, by itself, suggests the continuation of both interest rate volatility and volatility in the yield curve with the likelihood, however, that a negative yield curve will tend to dominate the financial markets for the next year. A negative yield curve will direct more funds away from long markets and will, therefore, further destabilize our debt structure.

Let me also call your attention to two other aspects of major importance concerning monetary policy that will continue to come into play in the period ahead. They involve the perception of risk and the role of financial institutions in thwarting the intentions of the new monetarism to stabilize the economy.

The abandonment of interest rate management a year and a half ago carried with it the underlying argument that greater interest rate volatility would heighten the perception of risk in financial decisionmaking that was previously lacking. Despite the experience of sharp swings in interest rates and the persistence of an inverted yield curve, credit seems to be readily available at some price. Consequently, a perceived interest rate risk is still lacking under monetarism in our new evolving credit system. The interest rate risk is being taken out of both investing and lending decisions through the creation of new floating rate instruments and the sharp increase in short-term financing. As a result, adaptive institutions push hard to create more debt; the supply of credit is controlled by interest rate spreads rather than by interest rate levels. This, in turn, fosters the perception that there is little risk of credit denial under any set of monetary policy rules. Indeed, this perception may be reinforced by monetarism. The mechanics of monetarism imply that interest rates will be allowed to act as self-correcting force in restoring the rise of money growth to its targeted path. This has been clearly evident in the past nine months, when a sharp surge in money supply was accompanied by rising interest rates, and a slowing in recent months was followed by a fall in rates.

Thus, it appears, the inherent promise of monetarism is made, that once a rapid rise in money growth is halted, interest rates will be allowed to sink rapidly. This creates the ongoing expectation that the market will not be disciplined by credit denial or lastingly high interest rates. Risks will be perceived as high only when interest rates rise to unexpected heights in a brief period, or when non-monetarist tactics are employed to limit the ability of financial institutions to expand liabilities.

In other words, I would expect financial institutions to continue to push hard to create new debt as interest rates rise, and that we in the securities industry will use all our ingenuity to develop many new credit instruments to drive the credit creation mechanism forward. As a result, the gap between classically defined money and debt and nominal GNP will widen until an excruciating high interest rate level crunches the operating decisions of some in the real world.

SOME PREREQUISITES

In forging an effective national seabilization policy, we should recognize that the American economy is as yet far from brittle, but rather is resilient and that the most urgent need is to strike hard against inflation. In this effort, we face formidable obstacles. Inflation is deeply embedded in our expectations and patterns of behavior, and knocking down the inflation rate as we move to a higher utilization of real resources would be an exceptional feat. Massive tax cuts, large leaps in defense spending, and a slowdown in other Government outlays will not, in my opinion, be enough. These measures will place an extraordinary strain on monetary policy, leading to further distortions in financial markets, much higher interst rates, and additional fragility of our financial system.

No one can design a full set of policy prescriptions that will alleviate our problems easily. I applaud the Administration's proposals to strengthen our national defense, to deregulate a variety of business activities, and to find new ways to improve productivity. At best, I can only suggest a few priorities as I see them from my vantage point in the business and financial community.

To fight inflation head on, the need is for the Government to achieve a balanced budget in fiscal 1982. This would chop inflationary expectations and, of equal importance, would reduce the role of the Government as a powerful demander of credit, thereby freeing savings to finance the private sector. An across-the-board tax cut is inappropriate. A balanced budget achieved through selective tax cuts and tough controls on expenditures would reduce the chances of a credit clash. What we are faced with now is the need for investment incentives more broadly-based than accelerated depreciation. The capital gains tax and double taxation of dividends should be eliminated. This would enhance the capacity for new equity financing and reduce the reliance on debt. The need is for our Government to enforce competitive wage and price practices and not leave adjustments in some sectors to the vagaries of markets where competition is imperfect. The need is also to recognize that mechanical monetarism should not be the main bulwark against inflation. Financial intermediaries should experience the penalties of monetary restraint and not just pass them along to others. Otherwise, the real world will become the hostage of financial institutions.

I believe we have an opportunity to steer the economy back to stability. This opportunity lies in our willingess to do the most difficult thing first—such as balancing the budget next year and enforcing vigorous price competition in economic markets. Such initiatives would strike the hardest blow against inflation and in favor of the credibility of Government to manage effectively.

CATCH 22 IN THE AMERICAN ECONOMY AND CREDIT MARKETS

(By Henry Kaufman)

There is an increasing uneasiness about our business and financial prospects, not just on Wall Street but throughout the nation. Conditions in our economy and financial markets are far from ideal at this stage of the current business recovery, which is only one year old and is already showing signs of faltering. In no way has the present expansion had the consistency and vitality of past comparable periods. Financial markets have been under tremendous pressure. These market manifestations historically occur at the end of an economic boom rather than at the start of a recovery.

Extricating ourselves from this unusual setting of a premature weakening in the business cycle and taut financial markets will be arduous. We are encumbered by years of misbehavior as a nation and as individual participants in the social, business and financial process. In addition, despite the Administration's best intentions to do the right thing, its program is creating conflicts in the economy and the markets. The root of this problem is the butting of heads between a stimulative fiscal policy and a Fed policy of monetarism. This combination is continuing to foster the "sputter and spurt economy" we have come to know so well. The underlying risk in this policy conflict is that our credit system will weaken further and, in turn, our economy will experience a greater deterioration.

We are now caught up in a world of Catch 22 situations, a sort of paradox wherein one set of events is contradicted by another set of events through the very nature of the situation. Escapes, if any, are few and hold real problems. The chances of going wrong in anything we do are many. In today's predicament, as in all Catch 22 traps, the best-intended decisions may produce wrong results; measures of relief for some may produce unanticipated pain for others. Under these circumstances, we must regard it as an achievement if our economy continues to sputter and spurt. To expect more, would be downright unrealistic.

There is no parallel in the postwar period for the current business expansion, which began only four quarters ago in the third quarter of 1980. These four quarters have in-

cluded two consecutive quarters of growth, a subsequent quarter of contraction, and another that was either down a little or at best flat. In contrast, in each of the business recoveries in the post World War II period, economic growth was generated in every quarter of the first year. These first-year economic recoveries produced real gains of about 7 percent on average compared with only an estimated 2 percent–2½ percent for the past 12 months. The most glaring weaknesses in the current cyclical upswing have been in the housing and auto sectors. Typically, these are very strong in the initial phases of a business recovery, together with cyclical support from consumption, Federal spending and, to a lesser extent than in the past, from renewed capital outlays by business.

The roots of the present-day sputter and spurt economy go back before 1981—perhaps as early as 1978, when many lenders and borrowers were misled by the resiliency in the economy when interest rates, rising to new highs, failed to precipitate a recession. The experience in the first half of 1980 should also be viewed as part of this sputter and spurt. The so-called business recession in 1980, brief but dramatic to be sure, was induced by the imposition of credit controls and ended with their removal, only to be followed by more sputter and spurt.

The Reagan Administration, upon assuming office early this year, was faced with this tricky economic pattern. It was confronted with many structural changes and embedded problems, long in the making, that needed solutions. For the moment, it is sufficient to say that in the past few decades, our consumption and life style have overwhelmed our industrial and innovative zeal. Our living standards have been threatened by runaway oil prices and inflation. The role of the dollar as the key reserve currency and our position as the effective leader of the Free World have been undermined by the loss of our international competitive strength and by the relative weakening of our military power.

FISCAL POLICY: INTENTIONS VERSUS RESULTS

The new Administration has endeavored to resolve these problems by a combination of tax reductions, reduced civilian governmental expenditures, increased military outlays, deregulation of business activity and monetary discipline which depends on the monetarist approach. Unfortunately, the Administration launched its fiscal program without factoring in the potential for conflict between a stimulative fiscal policy and a Federal Reserve policy of monetarism.

As matters now stand, it will be difficult to avoid a very large budget deficit in fiscal 1982, that is, the fiscal year which began this October 1. At the outset, the budgetary choices may have been difficult, but they were clear-cut given our obvious problems of curbing inflation and with achieving sustainable real growth. If most of the step-up in defense spending is essential for national security reasons (which I agree with), then the tax cut should have been viewed as a discretionary decision and would have been prudent only if the resultant budget were in reasonable balance.

The actual interaction of these programs is likely to result in a very large U.S. Treasury financing deficit of $80–85 billion in fiscal 1982. The magnitude and scope of the U.S. Treasury cash needs alone are awesome for a sputter and spurt economy. There is not even the promised relief of a profile of declining budgetary requirements, since my fiscal 1982 estimates compare roughly with $81 billion in fiscal 1980. For the next six months alone, the U.S. Treasury will borrow about $60–65 billion net—a record takedown for this period.

These huge cash needs will require the Treasury to enlarge offerings in nearly all maturity sectors. For example, the weekly bill offerings will rise to $10 billion in the current year compared with $9 billion at the end of fiscal 1981 and $5.7 billion five years ago. The monthly two-year note, which averaged $4.1 billion just two years ago, will increase to an estimated $5.25 billion next year.

Because of the current policy of reducing taxes over the next two and a half years, flexibility in fiscal policy has been clipped. Eliminating part of the tax cut in the later years would do little to relieve the immediate deficit, and further cutting of budgetary expenditures poses difficult trade-offs. Of the estimated increase of $60 billion in Federal expenditures in fiscal 1982, roughly $30 billion is for defense, $10 billion is for debt servicing, and $20 billion is for everything else combined. Less spending for defense may help alleviate current problems for the domestic economy, but only at the possible cost of difficult-to-ascertain political and economic risks later on.

On the other hand, if reduced civilian expenditures are to be emphasized, then they will have to be much larger than officially requested in order that the present difficulties in the credit markets be ameliorated. Even here, however, a Catch 22 situation could arise. A monetarist credit policy might not be able to react quickly enough, following the introduction of a tough fiscal stance, to avoid an economic contraction. In addition, large cutbacks in Federal spending may, to some extent, increase the budgetary needs of state and local governments, thus transferring the cash needs from a strong borrower to weaker ones.

Conceptually, it is, of course, true that budget deficits need not be inflationary as long as the central bank does not monetize the debt through the creation of an excessive volume of new reserves or as long as the country is in a real recession when non-Federal credit demands are weak. However, it would be folly to asume that state and local governments, corporations and consumers will readily forego some of their credits demands simply because the U.S. Treasury has large cash needs. These sectors will fight for the limited funds available by bidding up the price of money as, in fact, they have been doing for some time. The onset of a recession would eventually reduce these private sector demands. But an economy which continues to sputter and spurt will maintain the high volume of private sector credit demands.

THE CREDIT OPTIONS

Our current problems are intensified by the continued decline of liquidity in our credit system, which neither the policies of fiscal stimulus nor monetarism is about to reverse. Indeed, a noose is now tightening around the credit markets, painful in some sectors, but not yet too uncomfortable in others.

Housing: Housing and housing financing institutions are among the sectors bound up most tightly. Housing activity, again at a new low, is once more a victim of high interest rates. Earlier, many had claimed that housing would be on a more equal footing with other credit demanders because of the invention of variable interest rate mortgages, the transformation of the mortgage from a local to a national securities obligation, and an array of governmental support programs. Quite understandably, these changes have not sustained housing because the other two key demanders—the Federal Government and business—will always win. The reasons are clear-cut. The cash needs of the U.S. Government are never restrained by interest rates.

Business corporations also have access to a wide range of financing alternatives, often financing long-term projects through short-term borrowings. In addition, they at least try to pass along interest payments to their price structure. Unless housing recovers soon—something which I believe is unlikely—the structure of the housing market will undergo further change. There will be some shift toward renting, thus firming this market. New home construction will continue to be caught up in the cross fire of high interest rates and high building costs.

The convalescence for housing financing institutions, however, is far from complete. Their revitalization hinges largely on a very substantial fall in interest rates and a prolonged period of a sharply sloped positive yield curve. A sputter and spurt economy will not facilitate the creation of such an interest rate structure; a prolonged recession, of course, would. In the meantime, a number of new measures have been introduced to alleviate the pressure on these institutions.

One is an extended borrowing facility at the Federal Reserve discount window. These borrowings have risen to around $400 million, but the restrictions accompanying them do not re-establish these institutions as vibrant organizations. Rather, they help them to go on convalescing.

Another measure—the All Savers certificate—will probably be of some marginal help to the savings deposit institutions but here, too, some Catch 22 aspects are evident. Commercial banks as well as savings banks and savings and loan associations are authorized to issue these certificates. As a result, the most deposit-starved institutions are not the only issuers. In addition, the cost of doing business will increase for the deposit institutions to the extent to which passbook savers transfer into All Savers. The advent of the All Savers is also unlikely to increase the overall new flow of savings in the United States.

Consequently, the channeling of savings flows away from money market mutual funds and into deposit institutions will have adverse market repercussions. Money market mutual funds finance the U.S. Treasury, business corporations and commercial banks through their purchases of Treasury bills, commercial paper, bankers' acceptances and negotiable CDs. These borrowers are powerful bidders for funds and their financing decisions are relatively insensitive to interest rate levels.

The third measure that has been designed to benefit housing financing institutions—namely, the regulation allowing these institutions to write off the loss on securities investments over the life of the investment—also has broad market implications. On the one hand, the sale from portfolio of discount U.S. Government, municipal and corporate and mortgages improves the liquidity of the thrift institutions. On the other, the markets for these obligations will come under greater pressure because of these sales, particularly at a time when both corporate and municipal secondary markets are losing their resiliency.

All three measures are interesting departures from recent trends toward deregulation and from letting the market-determined price of money allocate credit. Indeed, these are new forms of credit allocation schemes. They raise the question of how other sectors would be accommodated if they become incapacitated in the credit markets.

Municipals: The municipal bond market is also hanging on tenterhooks and its vitality will continue to be sapped by a sputter and spurt economy that is being manipulated by fiscal stimulus and monetarism. Because I have written in detail about this market recently,[1] let me merely summarize the dilemma. The market in tax-exempt securities has been placed at a disadvantage by the recent tax cuts, by the issuance of the All Savers certificates and by the slowing of Federal grants and aids which may swell state and local budgetary requirements.

State and local governments are finding it

[1] "The Crowding of the Municipal Bond Market," Salomon Brothers Inc. August 1981.

difficult to adapt their financing to the new world of spread banking—an institutional technique that attempts to establish rates of return on assets at a fixed differential against the floating cost of liabilities. The municipal market is further handicapped by only a small volume of purchases by commercial banks. In the old days, banks were the largest institutional investor.

Pressed by strong loan demand, commercial banks are taking down only about 16 percent of state and municipal net new issuance this year. In the 1960s and 1970s, there were several years when these banks bought anywhere from 60 percent to 100 percent of the net new supply. Moreover, the high level of short-term interest rates in the taxable fixed-income sector is drawing the savings into money market funds that otherwise would have moved at least partly into tax-exempts. Another handicap that municipals face is the lack of support from the kind of futures market which has been very helpful in the distribution of U.S. Governments and, to a lesser extent, to corporates and mortgages.

Business Corporations: The Catch 22 in business finance is gradually surfacing. Corporate dependence on short-term financing continues to rise at an alarming pace. Financing alternatives in the bond market have been drastically reduced. Many corporate managements, in their financing strategies, have decided to tough it out in the short-term borrowing sector for the duration, which means until there is a large decline in long-term interest rates, of the order of 200–300 points in corporate bond yields.

The persistence of short-term corporate financing, at a time when liquidity and capitalization ratios were already historically low, has been unprecedented. The ratio of net new bond and stock issues to total corporate external financing will be an estimated 27 percent this year. It was 44 percent in 1980. The last time corporations made a meaningful effort to fund liabilities back in 1975 and 1976, this ratio was 94 percent and 53 percent, respectively. Because corporations failed to fund short-term debt to any significant extent, the ratio of long-term to short-term market debt hit a record low of 2.4 to 1 at midyear and the ratio of liquid assets to short market debt fell to an unprecedented low of 0.60 to 1.

The challenges facing corporate financial officers are not only awesome but treacherous. Financing long today at 17 percent to 19 percent interest costs, depending on the credit rating, must be based either on strong convictions about a continued high level of long-term interest rates and/or the need to preserve financing alternatives by a business which has ongoing financing needs and/or a direct arbitraging opportunity.

The decision to remain short should reflect the capacity to tap short-term funds under all market conditions or, alternatively, limited borrowing requirements, and the ability to maintain a good credit rating despite the growth of short-term debt.

Regardless of where business has been financing, the high level of interest rates, combined with the rapid growth of the variable interest rate cost structure, is taking its toll on corporate profits. The spotty recovery in profits during the past year is due not only to the equally spotty economic recovery but also to the rising volume of interest payments—payments which are increasingly uncontrollable in cases where short-term financing is dominant.

For example, the interest expense of nonfinancial corporations accounted for 30 percent of profits before taxes during the first half of 1981. This ratio averaged 25 percent in the 1970s and only 19 percent in the 1960s. In the past, the development of only spotty strength in profits has been one of the harbingers of a flight to conservative business financing practices.

Another precursor has been the tightening of short-term credit availability. The first harbinger is here. The second is still to show itself. I would strongly suspect that the boom in commercial paper issuance is unlikely to be a sustaining phenomenon.

The Catch 22 for business finance revolves around the following. Meaningful funding of liabilities can only be facilitated in business recessions and in the early part of a business recessions and in the early part of a business recovery. This has not happened in the past few years. An economy moving ahead vigorously—or even sputtering and spurting—will keep corporate external financing needs high. Against such a backdrop, corporations could at best only curtail the deterioration in their liability structure. More likely, corporations will risk increasing their dependence for funds on overloaded volatile sectors of the credit market—commercial paper and bank loans.

Under nearly all circumstances, except in a deep and prolonged recession, the pressing need to fund corporate liabilities places a high floor under corporate bond yields. A fall of just 200–300 basis points in long-term interest rates will bring out a long line of new corporate bond issuers. To avoid mishaps over the near term, corporations may attempt to gain some breathing space for a few years by resorting to the issuance of notes in the two to four-year maturity range.

In a macro sense, the deterioration of liquidity in our credit structure reveals broader and more disturbing implications. Loans and investments are generating less cash flow than was true some years ago. As a result, fictions have been created in market terminology. Investors and lenders hold many assets that are classified as either liquid or short term, and borrowers denote these claims as current liabilities.

But, in fact, their liquidity under our more liberal credit practices often hinges on the availability of new funds and the functioning of a secondary market. The secondary market is highly active in the money market but has shrunk in some sectors of the long market. When money supply growth slows down, as is expected with monetarism, then the self-generating cash capabilities of these instruments are vital if they are to be fully liquid assets.

Banks: Now, at first blush, it would seem that the commercial banks have fared well in the financial turmoil of recent years. They have moved into spread banking, generated higher profits, and in some areas have even enlarged their market share. We should recognize, however, the changing role of commercial banks and their underlying liquidity problems.

Banks hold a small volume of liquid assets for this stage of the business cycle. Their net increase in holdings of U.S. Governments and municipals will total an estimated $35 billion for 1980 and 1981 combined. In 1975 and 1976, these investments increased by $51 billion (on a much smaller base).

Concurrently, bank capital continues to be a shrinking proportion of bank assets. The new structure of our credit system places banks more akin to a lender of last resort, rather than as just another financing source. At one time, the open securities market were an important source of liquidity to the banks. Corporations issued short-term securities and bonds to pay off bank loans. Today, commercial paper issuance is booming, to be sure; bank lending is strong, but corporate bond issuance is at a low ebb; banks are financing corporate permanent working capital and capital outlays with short-dated liabilities. They are also the contingent source of liquidity for the commercial paper market with back-up lines of credit.

Indeed, a new off-balance sheet banking accommodation—the credit line—is flourishing. These credit lines encourage corporations to finance short because they are assured of access to funds—regardless of market conditions. As of the end of July, these unused credit lines totaled $340 billion as compared with only $175 billion in 1977.

Bank assets in the same period have grown from $880 billion to $1,225 billion. By assuring access to credit, these lines are a form of credit allocation, encouraging shorter-dated financing for corporations, and complicating the task of monetary policy which, when it moves to restraint, wants the private sector to adopt prudent practices and to perceive uncertainty ahead.

MONETARISM

Now, let me turn to monetarism and explain why, combined with fiscal stimulus, it is contributing to sputter and spurt economic activity and to potential credit problems that may have adverse economic consequences. From a financial perspective, these distinguishing features of monetarism are worth noting.

Monetarism means a steady and moderate injection of money. This approach contributes importantly to wide swings in interest rates and, in turn, encourages risk aversion by both demanders and suppliers of funds. These wide swings in interest rates occur in both short and long maturities, with the greater volatility at the short end because monetarism must take short rates to whatever level is required to slow the growth of money.

As a result, the yield curve, which is heavily influenced over short-term intervals by the Federal Reserve's need to hit its monetary target, swings widely. Consequently, the markets do not benefit from prolonged periods of a positively sloped yield curve as was evident for long periods in previous business expansions. Under monetarism, financial markets benefit from such a curve only during recessions.

This nondiscretionary procedure does not encourage the reliquefication of the credit system in the early part of a business recovery. The wide fluctuations in interest rates induce issuers to stay short and encourage investors to buy bonds only when they can anticipate a sharp rise in bond prices. Instead of becoming long-term buyers, bond investors become traders, reinforcing price volatility. Additionally, when fiscal stimulus is combined with monetarism, crowding out is inevitable as long as the economy has momentum to sputter and spurt. This is clearly attested by the recent events in the credit market.

The other phenomenon to which monetarism and fiscal stimulus have contributed are very high real rates of return in the fixed-income markets. One reason is that monetarism encourages financial deregulation and innovation, both of which intensify interest rate combat. Another reason is that monetarism never holds forth the threat of permanently high interest rates, which would quickly force participants to adjust their economic action.

Instead, monetarism promises lower interest rates quickly once the growth of money is under control and, therefore, in turn, creates the expectation that the real cost of funds will not be punishing. Moreover, by borrowing short or resorting to floating rate financing, demanders of credit do not bear the real rate of return risk inherent in a long bond issue, particularly if they can pass interest costs into product pricing over the short term.

The decision to borrow by a corporation will be negatively influenced only if there is a conviction by its financial managers that both short and long-term interest rates will stay indefinitely above the inflation rate.

Today, we have high nominal and real interest rates. No one can really claim that

this interest rate structure is more efficient than the lower levels prevailing during the credit crunch of 1966, or those in the financial crises of 1970 and 1974. What benefits have come from all of this? Are we really in an improved position? I believe not. Housing has not achieved the viability it sought. Corporate balance sheets are weaker. State and local governments are under terrible pressure not only in the services they provide but in the markets where they finance some of these services. The economy is reduced to sputtering and spurting, sputtering and spurting.

We are now again in the sputtering phase of this economic pattern. Whether or not the economy will next spurt or stall out completely depends very much on the path of monetary policy. Much depends on how the Federal Reserve interprets its monetarist responsibilities. M1–B shift adjusted, for example, is well below the officially targeted growth for the year, creating the leeway for a further liberal infusion of bank reserves.

Concurrently, the broader monetary aggregates, such as M2 and M3, are above their targeted ranges, suggesting caution in reserve infusion. The monetary targeting is also muddied at present by the inception of the All Savers certificates. Assuming that the Fed chooses to go on emphasizing M1–B, the large infusion of reserves coupled with fiscal stimulation should induce another economic spurt.

For the financial markets, such a posture may induce somewhat lower short-term interest rates for the very near term, but no lasting relief simply because monetary growth above the targeted ranges for all aggregates is bound to reassert itself. At the same time, commitments of funds in bonds would have to be made in the strong belief that a substantial business contraction is starting because bond market strength cannot be sustained by fiscal stimulation and monetarism. At the first sign of another economic spurt, led perhaps by vigorous monetary growth, bond investors will shed their enthusiasm and scramble back to the money market; corporate issuers will feel a greater need for long-term funds; and long-term bond yields will surge to new highs on very little volume.

Unfortunately, some pain will continue to be inflicted on the economy and credit markets. We have backed ourselves into a difficult corner. Looking back, the preferred policy approach, as I stated last April in Washington, should have been the following: a sharp thrust to a balanced budget in fiscal 1982; tax reductions limited to spurring investment incentives; and a monetary policy based on broader credit measures and regulations that will foster a greater perception of risk by financial intermediaries. Such an approach would have contributed to reducing inflationary expectations, reliquefying the credit system and thus providing the base for meaningful economic growth. Looking forward, policies of fiscal stimulus and monetarism encourage clashes in the markets, resulting in economic sputter and spurt and even running the risk of more dangerous economic and financial consequences.

[From Business Week, Oct. 26, 1981]

What Ronald Reagan Can Learn From Jimmy Carter

(By Michael Blumenthal)

No one can blame Ronald Reagan for being more than a little puzzled these days. Only two months ago he scored stunning victories on taxes and the budget. Reaganomics was off to a flying start, and the President was being hailed as another Roosevelt, resolutely leading the country to the high ground of prosperity without inflation.

Yet today, a few short weeks later, little is going according to plan. Instead of basking in the warm glow of the electorate's gratitude for promises delivered and a job well done, President Reagan finds himself with more economic problems than ever. With the ink on his tax and budget bills hardly dry, he is back asking for more spending cuts from an increasingly fractious Congress. His trial balloons on a Social Security stretchout, on the school lunch program, or on the defense budget are getting nowhere, and even going on TV—always a strong move for him in the past—does not seem to help. The stock and bond markets hit new lows before they finally rallied, while interest rates stay stubbornly high. The budget deficit is rising, and business confidence remains decidedly mixed. The gross national product is stalled, there is talk of serious recession, and grumbling can be heard even among the President's most dedicated supporters.

Confronting this sudden and cruel change in the economic climate, President Reagan, in fact, is facing the first real and possibly decisive crisis in economic decision-making of his young Administration. He wil hardly be lacking for advice. While much of it is bound to be contradictory, one suspects that a strong, underlying theme of the counsel will be to dig in and "hang tough," to stick to his supply-side economic programs, and to wait until Wall Street and the rest of the doubters here and abroad see the light and fall into line. The evidence thus far suggests that the President is determined to follow that line.

It is a mistake, and it is not going to work. The events of recent weeks show that sooner or later—and the sooner the better—President Reagan will have to think of something new or different to arrest the erosion of confidence in his programs. The question is: What?

The Carter Example

It may be a novel and unattractive thought for him, but my own strong advice to the President is that he take a deep breath, swallow his pride, and heed how the Carter Administration missed opportunities under similar circumstances. Failing that, there is every chance that, irony of ironies, he will founder on the same economic shoals that contributed to his predecessor's undoing and prove once again that history does tend to repeat itself.

A good place for President Reagan to look for the answers might be to contemplate seriously the three basic, often unpalatable, rules of macroeconomic management that I tried—with limited success—to urge on President Carter.

First, in economics things are rarely what they seem.

Second, beware of simple solutions to complex problems such as inflation and economic growth, however politically attractive they sound.

Third, and above all, there really is no free lunch—not for the voters, and unfortunately not for politicians or even for dedicated and deserving Presidents.

These are hard lessons for any President to learn, and my own former boss, Jimmy Carter, never quite managed to do it. He often seemed to accept the rules "in principle." But somehow he never quite acted on them consistently and pragmatically, however sincerely he might have been determined to do so.

The results, of course, is history. President Carter, at least, can now contemplate with leisure and a measure of philosophical detachment the pitfalls of economic decision-making that played him so many dirty tricks.

Ronald Reagan has a much tougher job. It is difficult to make the right moves, with the day-to-day pressures of the office on him, the memory still fresh of big successes only a few weeks old, but with even the most recent economic predictions suddenly and frustratingly suspect. Yet it is urgent that President Reagan review his assumptions and his policies and act to correct them without delay. In doing so, he should look at the Carter experience, which in many ways resembles the situation he now faces.

The ideology and assumptions underlying old-fashioned liberalism and Keynesianism led President Carter into trouble. The longer he stuck to his earlier program, the worse things got. The theories of "supply-side economics" and monetarism—Reaganomics—threaten to give President Reagan the same kind of trouble. The longer he holds on to his cherished ideas, the tougher it will be for him as well. Retreating reluctantly, step by step, cost Jimmy Carter his credibility. Ronald Reagan, following the same approach, runs the risk of suffering a similar fate.

A Formula for Reform

As a candidate, Jimmy Carter stood for budget balance and responsible economic management, having pledged to lower unemployment and lick inflation all at the same time. His campaign advisers had presented him with a set of seemingly simple and effective ideas of how to make it all happen.

First, stimulate the economy with tax cuts and rebates, aimed mainly at the poor. Second, step up programs to train workers and reduce urban blight. And, third, reform the income tax system fundamentally to eliminate its myriad inequities and perversities favoring taxpayers and businesses in the upper brackets over those lower on the economic ladder.

There were other strings to President Carter's bow—an energy program to lessen dependence on OPEC and strict rules to keep the environment healthy and clean, to name only two. But the tax and spending programs were the heart of his economics. His campaign advisers had projected the computer runs to show that it would all come together. The economy would grow, while urban and youth unemployment declined—without inflation. Tax reform would yield some of the revenue to fund the changes and help bring the budget into balance—in four years or less.

Candidate Carter based his campaign on this program, and the polls showed that the voters shared his faith. Tax reform, in particular, proved quite popular. So it all seemed to make a good deal of sense—the economics and the politics of it—and in office Mr. Carter lost no time proposing ways to translate his program into reality.

Yet almost from the start events evolved differently from what was expected. The economy was moving up, not down—even before the tax cuts and spending programs had become law. Where the slack was expected to moderate inflation, price rises accelerated. Productivity fell, and so did business confidence and the dollar.

As for the idea of tax reform, that suddenly seemed to have far fewer supporters than his fiscal-reform theorists had assumed. It was other people's loopholes, not their own, the voters wanted plugged, thereby canceling out congressional backing for tax reforms in the most frustrating way. Things were not helped when Senator Russell B. Long (D-La.), chairman of the Senate Finance Committee, with the smile of a cherub, pronounced the idea a goner by explaining that he had long ago learned the basic tax lesson from his late Uncle Earl: "Don't tax you, don't tax me, tax the fellow behind that tree!"

As the economic clouds darkened for him in 1977, President Carter's fundamental mistake was to keep trying to apply the ideas he had started out with and that quite evidently had not worked the first time around. Moreover, economic conditions had been fundamentally altered by a new oil crisis, an uncertain economy, a growing inflation psychology, and a dangerous erosion of the dollar's value in the international arena.

So there was ample reason for a basic change in approach. Yet for too long Jimmy Carter just kept plugging along, convinced

that he would ultimately be right, that Wall Street would see the light, and that his program would work in the end. Whenever he made changes in his economic programs, it was always with reluctance, always too little, and always too late.

Why? Well, for one thing, he ignored the three basic rules of economic management:

THINGS WERE NOT WHAT THEY HAD SEEMED

The economy was supposed to weaken, but it did not. The jobs programs were supposed to make a big dent in youth unemployment, but that did not happen either. The predictions about spending, saving, and investment turned out wrong because the new inflation psychology had not been taken into account when the numbers were being crunched. As for the tax bill, all the talk of reform was turning people off rather than on.

THE SOLUTIONS WERE TOO SIMPLE

An economy as complex as ours is affected by many often contradictory forces and moods. Change comes slowly, uncertainly, painfully. Inflation, unemployment, growth, and business confidence—all of these are part of a complex equation, and each is the product of many diverse influences and factors. To suggest that a single theory or set of ideas—tax reforms, job programs, budget-pruning—will alter the course decisively and surely is to misunderstand profoundly how tough and contradictory macroeconomic management is bound to be.

THERE IS NO FREE LUNCH

When inflation is rising, productivity is low, economic growth stalled, and the international economy in disarray, there is no solution that is not slow and painful. No politician can for long escape this harsh truth.

But the final and probably most significant reason why change came so hard was that Carter and his closest advisers believed for too long, even when the statistics were telling a different tale, that their original economic policies had been right. And they clung tenaciously to the mistaken notion that to change course was politically the kiss of death—that it was better to ignore the new numbers and hang tough.

The critical error here was not just the failure to appreciate the chronic unreliability of the economic prognostications and to count on their flawed predictions well past the point of no return. While this was serious, the worst mistake was to act on the false premise that the President did, in fact, have a choice between "standing firm" or changing course. Against the background of changing conditions, such a choice never existed. To stand firm really meant to opt for a policy of constant small retreats and compromises, for a gradual though reluctant step-by-step withdrawal from stated positions. And in the public perception, with one big change, the President is a leader, with lots of little changes, he is vacillating.

It was for this process of small retreats that President Carter in fact opted when he thought he was choosing to stand firm, and it was this process that caused him to be perceived, rightly or wrongly, as an uncertain economic leader and ultimately cost him his credibility.

So Jimmy Carter, by not understanding the realities of Washington macroeconomic decisionmaking, made a fateful error both on critical political and on economic grounds—an error he would repeat several times until it was too late.

I still recall the agonizing efforts to persuade him to back off from the push for tax reforms, long after their irrelevance to the country's economic condition had become abundantly clear. Taxpayers were worried about inflation, and business concern over low productivity and deficit spending was undermining confidence. Yet the President judged the political risks of making a decisive shift too great. "Jimmy simply can't abandon his proposals and go forward with another plan," Rosalynn Carter passionately insisted to me one night over drinks on the Truman balcony. "It's wrong, and politically disastrous besides."

The battle over the fiscal 1980 budget was no different. With inflation the big concern for all Americans, even staunch Democrats and long-time supporters of social programs now worried first and foremost about the threat of the trend of price escalation that was seemingly running out of control.

AGAIN, AVOIDING THE RISKS

It was probably President Carter's last chance to get back on top. A decisively different budget, one designed to deal unequivocally with the inflation threat, might have turned expectations in his favor and restored faith in his capacity to make the economy work. But to seize the issue meant turning away from a prior course, from the programs on energy and from spending initiatives that he had championed. Once again the President opted for avoiding the risks of substantial change—and again that course gained him nothing in the end.

Returning from the Tokyo Summit in the summer of 1979, I recall sitting alone with him in his private quarters aboard Air Force One. It was my last effort to convince him to "hit the ground running" on inflation and on energy by announcing major budget cuts and a bold new approach to stimulate energy production. As was his habit, he listened politely and impassively. But he never followed through, because others thought that to change was to admit defeat and even court political disaster.

So the sterile battles over the budget within his Administration continued to be fought, essentially, over public-relations issues—such as whether to show a deficit for 1980 just below or just above $30 billion.

The story was repeated over and over again—on minimum wages, on the energy bill, on the decontrol of gasoline. Whatever the issue, even when the merits of the situation cried out for a new approach, there was always the fatal hesitation to act, born of the conviction that to change was politically wrong.

THE HARD LESSONS

Thus Jimmy Carter retreated inch by inch, cutting his losses one thin slice at a time, and lost the opportunity to show decisive leadership by adjusting his programs to fit new conditions.

Reform taxes or lower them for business? Job programs or really severe budget cuts? Higher interest rates or a dangerously weaker dollar? Much less regulation or less productivity? Most Presidents come into office promising to make these hard choices, and most seek to avoid them whenever they can. This is because the free lunch, the simple solution that promises results without pain, appears so much more appealing and lower in risk. And that is why the simple ideology, the promise of an easy way out, has so much allure. And then, when things do not work out, Presidents cling for too long to the notion that to change courses is politically bad, and they retain the forlorn hope that the real pain can yet be avoided.

It really cannot. The sooner a President learns this lesson and acts on it, the better off he will be. To take the plunge and accept the downside of adjusting course decisively when the first game plan comes apart surely carries with it its own set of risks, but it is the only way to survive.

Is Jimmy Carter's successor listening? Ronald Reagan also had a set of simple and politically attractive ideas to solve our economics ills—supply-side economics. Cut taxes predictably and massively, his advisers said, and the revenue loss to the Treasury will be more than made up by a buoyant economy. As the old story goes, cut the price and make it up on the quantity.

Better-motivated taxpayers will work harder and save more. Cut nondefense spending, eliminate government waste and business will regain the confidence to invest. Presto: Expectations will perk up, productivity will rise, the economy will expand, budget balance will be restored, and inflation will be licked.

A BEGUILING FORMULA

As a prescription for economic management, it is a formula as beguiling as it is simple. To eradicate the nation's twin economic woes of inflation and slow growth and also make everyone happy with lower taxes has the irresistible appeal that would warm any politician's heart. No wonder President Reagan quickly became a true believer. He promised it to us in his campaign—and fundamentally he delivered what he promised on taxes and the budget.

In one important way, President Reagan's situation is different from that of Jimmy Carter. He succeeded where Carter failed: He got his program passed by Congress. But beyond that he faces a roughly analogous situation.

The original Reagan budget and tax cuts—the latter substantially subverted by a late bidding contest for a political victory with the Democrats in Congress—are being questioned much as the Carter proposals were, and the evidence is piling up that the economy is not acting the way it was supposed to. Supply-side economics, the country and the markets are saying, is not, after all, the simple solution to our economic problems it was expected to be. The free lunch counter is closed.

It's not really surprising. Reagonomics is new and untried—an article of faith without track record or historical precedent. There never were any data to support the supply-side ideas.

TOO GOOD TO BE TRUE

The theory that you can lick inflation by running a loose fiscal policy, cutting taxes heavily for individual taxpayers rather than skewing the reductions to stimulate investment, had a lot of political appeal, but it was always too good to be true. The tax bill pushed through Congress by President Reagan will cost the Treasury $760 billion in lost revenue over the next five years. The hope that most of this can be offset by budget reductions without hurting Social Security recipients, farmers, veterans, and others with clout in Congress, while funding a 7% real increase in defense spending, year after year, was always just that—a hope. The idea that somehow economic growth will fill the gap between lost revenue and expenditures was always more than a little farfetched. And the notion that somehow monetary policy can take up the slack without interest rates rising—and staying—unacceptably high was always no more than a dream.

The numbers just do not add up. The spending cuts enacted by Congress are so much smaller than the Treasury's loss in revenue from the tax bill that the gap is bound to remain large. That is why the budget deficit, which was to have been near $40 billion in fiscal 1982, now turns out to be much larger—$60 billion to $80 billion, perhaps. And that is why there is now the widespread expectation that the deficits will not shrink and that the pressure on interest rates will remain high in the years thereafter.

In a very real sense, the President thus finds himself the victim of his own most dramatic successes on taxes and the budget. It is these programs as now enacted, together with his commitment to large and

growing defense expenditures, that have created the prospect of multiyear deficits and super-tight money—a formula that raises the threat of a super-recession as well.

To deal with this situation, President Reagan would be well advised to do two things Jimmy Carter never quite brought off: to adjust his program quickly to new conditions, and to move decisively and unmistakably, rather than "hanging tough" and retreating step by step.

FACING THE BITTER MEDICINE

Specifically, the President has to find credible ways to close the budget gap, and that gap is large—as much as $150 billion or more over the next three years. Worse for him, since congressional support for a second round of major cuts in social and other nondefense programs is now much in question, he must focus his attention on the two areas where he has taken his strongest stand—defense and taxes.

This is bitter medicine, and for the moment it looks as if the President is not yet ready to take it. The proposed reduction of $2 billion to $3 billion in the Pentagon budget for fiscal 1982, with total cuts of $10 billion to $12 billion for the three years through 1984, will not contribute much. At least twice as much in contemplated defense cutbacks will be required, and even then Mr. Reagan's problems will not nearly be solved.

But this, perhaps, is President Reagan's easier choice. It is doubtful in any case that the big stepup in defense spending can be efficiently absorbed quickly. Throwing money at defense will probably not work any better to build our military strength than throwing money at our social problems did to eradicate poverty. For a strong defense posture, better manpower may be more important than a great deal more hardware.

The fundamental problem the President faces is simply that his multiyear tax-cutting has created such massive gaps between the Treasury's income and outflow streams that any kind of defense and nondefense budget-cutting sufficient to close this gap is politically and practically wellnigh impossible. To solve this problem, the President thus has no choice but to take another look at the income, or tax, side of the equation. Somehow, by one means or another, he must find ways to raise more revenue in coming years.

A VAT COULD BE TRIED

Jimmy Carter's experience shows that the sooner President Reagan swallows his bitter pill, the better off he will be. He has a number of choices. One is to stretch out the tax cuts already written into law. Another is to move toward some new sources of revenue for the Treasury's coffers. A value-added tax, or some other type of consumption tax, merits serious study. Also, the President might look harder at the many loopholes in the Christmas-tree tax legislation he has signed and consider closing or narrowing the most egregious ones.

In summary, then, President Reagan must, first, act on defense spending and on taxes, and, second, do so decisively, clearly, and in one big move rather than one small step at a time. The question is whether he will be any more inclined to act decisively than his predecessor was. To effect a convincing change in direction soon will take courage. But either the promise of an easing of the Treasury's revenue losses from the massive tax cuts already enacted becomes apparent fairly quickly, or the monetary crunch will continue and the impact of excessively high interest rates will do increasing damage. In that situation, housing, autos, small business, and many other sectors in the economy will not be able to get back on their feet any time soon.

Underneath it all is the fundamental problem with Reaganomics. For beyond all the rhetoric surrounding supply-side economics, there has always been the unspoken probability that such a program, if it succeeded at all, can in the end do so only if the country is put through a severe recession—one that would have an uneven impact on those sectors and geographical areas most heavily affected by high interest rates. That is the issue the Chief Executive must face.

Ronald Reagan is the kind of President who could pull it off. He has managed to focus the attention of the American people on the nation's economic problems in a way Jimmy Carter was never able to do. And he has, until recently, managed to project the image of a winner in economic decision-making—a man who knows what to do and has the courage to do it. He has a chance to capitalize on this image. In another year or so it will be too late, for the impact of new policies and programs comes slowly.

The President has been lucky, as well as successful, in his economic leadership until recently, but the real test is at hand. If he learns from the Carter record, he can succeed. If he fails to do so, he may share this predecessor's fate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

PROPOSED NEW BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred, pursuant to the order of January 30, 1975, jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Finance, the Committee on Environment and Public Works, the Committee on Veterans' Affairs, the Committee on Labor and Human Resources, the Committee on Governmental Affairs, the Committee on Small Business, and the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 72 deferrals of fiscal year 1982 funds totaling $482.9 million. I am also reporting two new proposals to rescind $88.2 million in budget authority previously provided by the Congress.

Seventy-one of the deferrals totaling $391.6 million represent the second in a series of messages that I am transmitting deferring fiscal year 1982 funds made available by the Continuing Resolution, P.L. 97–51.

These actions are being taken in accord with the stated intent of the Congress to provide minimal and temporary funding for the duration of the Continuing Resolution which expires November 20, 1981. As indicated in my last special message of October 20, I plan to restrain spending to insure that the Congress has the opportunity to enact regular appropriations for the entire fiscal year at levels that are consistent with my revised budget request.

Deferrals under the Continuing Resolution are included in this special message for the Executive Office of the President and 20 departments and agencies.

I am also reporting in this message a deferral of $91.3 million for Veterans' Administration construction pending completion of a project review and two rescission proposals for programs in the Department of Defense that are consistent with amendments to the Defense budget sent to the Congress on October 15.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *October 23, 1981.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, were referred as indicated:

EC–2115. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, notice of certain transfers of funds within the Department of Defense; to the Committee on Appropriations.

EC–2116. A communication from the Acting Vice President of Government Affairs of Amtrak, transmitting, pursuant to law, a report on the revenues and total expenses attributed to each railroad for the month of July, 1981; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, a report on the historic preservation effects of terminating the United States Trusteeship of the Islands of Micronesia, adopted by the Council at its August 25, 1981 meeting; to the Committee on Energy and Natural Resources.

EC–2118. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, two reports on Petroleum Market Shares on Sales of Refined Petroleum Products and Retail Gasoline; to the Committee on Energy and Natural Resources.

EC–2119. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reforming Interest Provisions In Federal Water Laws Could Save Millions"; to the Committee on Environment and Public Works.

EC–2120. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, the annual report on the Foreign Service Retirement and Disability System for fiscal year 1980; to the Committee on Governmental Affairs.

EC–2121. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC–2122. A communication from the Chief Judge of the United States Tax Court, transmitting, pursuant to law, the actuarial reports required for the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for calendar year 1980; to the Committee on Governmental Affairs.

EC–2123. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports transmitted to the Congress by the General Accounting Office during September 1981; to the Committee on Governmental Affairs.

EC–2124. A communication from the Chief of Staff for Installations and Logistics, Department of the Navy, transmitting, pursuant to law, the annual report of the Retirement Plan for Civilian Employees of the United States Marine Corps Exchanges, Recreation Funds, Clubs, Messes, and the Marine Corps Exchange Service for calendar year 1980; to the Committee on Governmental Affairs.

EC–2125. A communication from the Deputy Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to provide for the use and disposition of the Miami Indians judgment funds in Dockets 124–B and 254 before the United States Court of Claims, and for other purposes; to the Select Committee on Indian Affairs.

EC–2126. A communication from the Chairman of the Board of Directors of the Future Farmers of America, transmitting, pursuant to law, a report of the audit of the accounts of the Future Farmers of America for the period ending August 31, 1981; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–532. A petition from a citizen of Oakland, Oregon, favoring congressional cooperation with the Naval Recovery Program; to the Committee on Armed Services.

POM–533. A resolution adopted by the House of Representatives of the State of Michigan to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 266

"Whereas, The Voting Rights Act of 1965 is widely recognized as one of the most effective tools to guarantee minority voter participation. In spite of this fact, there is widespread belief that upon its expiration in 1982 it may not be extended; and

"Whereas, This milestone in civil rights legislation has doubled the number of blacks in the South who are registered to vote, which, in turn, has made public officials more accountable to minority constituents. Moreover, Section 5 of the Voting Rights Act is particularly effective in fighting discrimination by requiring that state and local governments show that changes in voting or election procedures do not discriminate against minorities; and

"Whereas, Another important factor is the reapportionment and redistricting changes that will take place because of the 1980 census. The existence of the Voting Rights Act of 1965 would help prevent discriminatory reapportionment and gerrymandering of districts and not dilute the impact of minority voting; and

"Whereas, It is vital, therefore, that the bill currently before the Congress to extend the Voting Rights Act of 1965 be adopted. With such legislation in force, the hard won rights of minority citizens to equality before the law will continue unabated, as must be the case if we are to remain a truly democratic nation where each citizen is ensured his or her right to representation in every level of government; now, therefore, be it

"*Resolved by the House of Representatives,* That this legislative body urge the Congress of the United States to extend the Voting Rights Act of 1965; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan Congressional Delegation."

POM–534. A resolution adopted by the City Council of Santee, Calif., favoring an extension of the Voting Rights Act of 1965; to the Committee on the Judiciary.

POM–535. A petition from a citizen of Gladstone, Oreg., relative to monopoly bargaining in the Federal service; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Report to accompany the bill (H.R. 4119) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1982, and for other purposes (Rept. No. 97–248).

By Mr. PERCY, from the Committee on Foreign Relations:

Report to accompany the concurrent resolution (S. Con. Res. 37) disapproving the proposed sales to Saudi Arabia of E–#A airborne warning system (AWACS) aircraft, conformal fuel tanks for F–15 aircraft, AIM–9L Sidewinder missiles, and Boeing 707 aerial refueling aircraft (Rept. No. 97–249).

By Mr. DOMENICI, from the Committee on the Budget without amendment:

S. Res. 226. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1716.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3975. An act to facilitate and encourage the production of oil from tar sand and other hydrocarbon deposits (Rept. 97–250).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a committee was submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Clinton Dan McKinnon, of California, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1985.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to request to appear and testify before any duly constituted committee of the Senate.)

JOINT REFERRAL OF S. 1626

Mr. McCLURE. Mr. President, I ask unanimous consent that a bill to amend the Department of Energy Organization Act to clarify the jurisdiction of the Federal Energy Regulatory Commission, to reform and improve the regulation of oil pipelines, and for other purposes, be referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF S. 1676

Mr. McCLURE. Mr. President, I ask unanimous consent that S. 1676, a bill to enhance the detection of moter vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue standards relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen vehicles and self-propelled mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purpose of trafficking in stolen parts, and for other purposes, be jointly referred to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STENNIS:

S. 1768. A bill to amend the Social Security Act to provide that the social security trust funds shall be invested in securities which provide a maximum return, consistent with safety; to the Committee on Finance.

By Mr. INOUYE:

S. 1769. A bill for the relief of Mr. Donald Shrope and Mrs. Guadalupe L. Shrope; to the Committee on the Judiciary.

S. 1770. A bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STENNIS:

S. 1768. A bill to amend the Social Security Act to provide that the social security trust funds shall be invested in securities which provide a maximum return, consistent with safety; to the Committee on Finance.

(The remarks of Mr. STENNIS on this legislation appear earlier in today's RECORD.)

By Mr. INOUYE:

S. 1770. A bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADEQUACY OF CERTAIN INDUSTRY PRACTICES AND FEDERAL AVIATION ADMINISTRATION RULES AND REGULATIONS

● Mr. INOUYE. Mr. President, today I am introducing a bill that directs the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of industry practices and certain Federal

Aviation Administration rules and regulations.

The FAA is charged with, among its other obligations, to promote air travel, aviation safety and encourage development of aviation technology, all very heavy burdens.

As a result of several serious accidents in the last few years an increasing amount of attention is being focused on aviation safety, raising some doubt about whether the safest possible environment is being provided to our Nation's aviation public. In addition recent articles have questioned industry practices in an attempt to lower fuel consumption. Obviously some tradeoffs are necessary in today's high cost energy/fuel environment. However, any tradeoffs must be the result of rational decisionmaking, taking into consideration not only the cost of aviation fuel but any possible discomfort or adverse health and safety effects to passengers and crew resulting from such tradeoffs.

The bill I am introducing today attempts to focus on several issues that relate to the public's right to a safe and healthy environment while captivated within an aircraft. It is my understanding that several of these issues have been the subject of rulemaking, studies and research by the FAA, segments of the aviation industry and other interested groups. In addition I am advised that the House has held numerous hearings addressing a few of these issues.

Yet nothing exists, in the form of a comprehensive document that identifies the issues and concerns, and specifies the FAA's intentions to address and perhaps remedy any of these issues. This bill attempts to make use of past research, and bring all segments of the industry into a forum to discuss these issues. In this respect the bill requires that the study take into account all available previous studies, data, recommendations, current technology, and state of the art which are relevant to the issue identified by this bill.

Let me assure my colleagues that the purpose of this bill is to begin a discussion on aviation health and safety. I will of course remain open to reasonable suggestions.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD followed by an article that appeared in the April 12, 1981, issue of the Buffalo News.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 1770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Department of Transportation shall, in the interest of health and safety, and in the interest of promoting and maintaining a superior U.S. aviation industry, direct the Administrator of the Federal Aviation Administration to conduct an independent study to determine whether industry practices and standards, Federal Aviation Administration rules, regulations and minimum standards are nondiscriminatory and at least in conformance and parity with non aviation standards, practices and regulations (including de facto circumstances) concerning the following, for all passengers and crew aboard civil aircraft. (Special and objective considerations to be given to both positive and negative aspects of the uniqueness of the aviation environment.)

(1) quantity of fresh air per occupant and overall quality of air on board.

(2) quantity and quality of humidification.

(3) air contamination limits.

(4) emergency breathing equipment, including toxic fume protective breathing equipment.

(5) measures, procedures and capabilities for extinguishing fires and the removal of smoke and toxic fumes within safe pressurization limits.

(6) (a) safe pressurization, considering the broad range of cardiopulmonary health of the traveling public; dissemination of information to the medical profession and the general public of current pressurization limits and practices to assure valid medical advice concerning the health effects of air travel.

(b) collection and dissemination by the aviation industry, the FAA, and/or any other private or governmental organization of a data base of medical statistics relating to air travel, in an effort to assess the adequacy of aircraft systems, design, regulations, standards and practices from a health and safety standpoint and for the purpose of issuing FAA administrative advisory circulars and airworthiness directive to correct any deficiencies disclosed.

(b) The Administrator of the Federal Aviation Administration shall complete the study required by subsection (a) and submit a report of the results thereof to Congress not later than 6 months after the date of enactment of this Act.

(c) In conducting the study required by subsection (a) 1 through 6b the Administrator shall utilize all available studies, recommendations, data, current technology, and state of the art which are relevant to such study.

(d) There are authorized to be appropriated $500,000 for the fiscal year commencing October 1, 1981 to carry out the study authorized by this Act.

TODAY'S SKIES NOT SO FRIENDLY

(By Philip J. Hilts)

If you thought the cabin air was a bit stale the last time you took a jet flight, it was.

If it was a coastal flight, you may have wondered, a little nervously, if the life rafts weren't missing. They were.

And if the descent toward the landing strip seemed a lot like a roller-coaster dive, that's because it was.

The nation's airlines are in the throes of a ferocious campaign to save ever-more-expensive jet fuel. One way to do that is to lighten the load—so everything that weighs anything has been studied with a cold eye. Every maneuver or flight plan has been reviewed.

On the big jets, ventilation has been cut by a third. This means that more than half the humidity you feel is actually the sweat, breath and other body moisture from fellow passengers. If you have ever wondered why pilots keep the cockpit door closed during flight, this is one important reason: pilots get 10 to 20 times more fresh air than passengers, and none of it is mixed with sweat or smoke from the passengers.

The amount of food served has been cut. The drinking fountains are not full anymore. Where there once were three seat-pocket magazines, there is now only one. Metal seats are being replaced by lighter plastic ones. Carpeting may soon be thinner and the floorboards are scheduled to be shaved.

Computers now calculate for pilots the most gas-saving fuel burn for each stage of maneuvers. One airline has even taken to pressing out the tiny nicks and dings in the skin of the aircraft, in an effort to reduce the friction of air passing over its surface.

The most recent rumor is that wine will come out of its heavy little bottles and be put into light little cans.

The fuel-saving solutions range from the humorous to the serious, but for the airlines the cutbacks have brought spectacular results. Airlines are using one-third less fuel to carry one passenger one mile than they did in 1973.

The two most controversial, as well as most profitable, changes are dispensing with life rafts and reducing cabin ventilation.

According to the FAA, 15 airlines have asked for and received permission to remove life rafts from coastal flights—planes that fly up to 162 miles from shore between cities. The life rafts weigh a thousand pounds, and removing them can save an airline $1.5 million dollars a year or more in fuel costs.

"We think this is a pretty shortsighted thing to do," said Rick Clarke, health and safety officer of the Air Lines Pilots Association. "The life rafts may be heavy, but there is a reason for them. We sympathize with the airlines' desires to save weight, but this doesn't look like the way to do it."

Airline and Federal Aviation Administration spokesmen said that modern jet aircraft can easily make it to shore on a single engine from as far as 200 miles out, but airlines and the FAA both acknowledge this does not take into account a situation in which the plane crashes into the sea, regardless of the number of engines working.

Several planes have gone down in coastal waters in recent years. In two cases—one in Los Angeles and one in San Francisco—life rafts were used to keep passengers afloat until rescuers reached them. In a third case, a National Airlines flight that had removed its life rafts days earlier crashed into the sea near Pensacola, Fla. Three died.

Fresh air in airplane cabins has been a subject of perennial complaint. Since the fuel crisis began, airlines have instructed their pilots on the bigger jets—such as the DC-10, 747, and L-1011—to shut down one of three ventilator packs. That could save each airline $2 million a year.

Airlines maintain that they have few complaints about cabin air, and so long as the cabin air is relatively safe and passengers are apparently comfortable, there is no reason not to conserve on "excess air" pumped into the cabin.

The flight attendants' associations, however, have reported far more complaints from their membership about the irritation and sickness caused by cabin air, and have negotiated with the airlines to assure that ventilation packs can all be turned on when flight attendants request it.

There are no specific federal regulations on how much fresh air passengers must be given. But there are specific FAA regulations for pilots, because two decades ago pilots who had experienced eye, nose and throat irritation demanded a minimum level of fresh air. The FAA says pilots must get 10 cubic feet per minute; airlines actually supply between 70 and 150 cubic feet per minute of fresh air to the crew.

Although airlines and jet manufacturers differ on the amount of fresh air passengers get, the average is probably between 6 and 10 cubic feet per minute. One airline has said it is attempting to reduce fresh air per passenger to 5 cubic feet per minute.

At 4 cubic feet per minute, passengers and flight attendants could begin to experience the first symptoms of suffocation, according to Boeing and Lockheed spokesmen. At least four cases of apparent "oxygen deficiency" among flight attendants have been reported to a flight attendant's union and the FAA. The cause of the incidents, however, is not clear.

About half the air in the passenger cabin, as well as the moisture in it, is simpy stale.

smoky cabin air recirculated and blown by fans back into the cabin. The reason for recirculating air, according to one jet manufacturer, is to make passengers feel more comfortable by raising the humidity—purely from their own body water. Otherwise, humidity can get uncomfortably low, especially on long flights.

"I find it just amazing," said one FAA worker, "that the way airlines cut down on weight is by taking off life rafts and cutting down fresh air. Think of the things they don't take off—the 250-pound liquor carts, for example. You can serve drinks without the carts. And most of the partitions in the cabin, like between first class and coach—those are purely decorative. They must weigh quite a lot, but they stay. And the thick, colored carpeting on the walls.

"Someone ought to take another look at the priorities operating here."●

ADDITIONAL COSPONSORS

S. 150

At the request of Mr. INOUYE, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 150, a bill to amend title 5 of the United States Code to provide payments under Government health plans for services of qualified mental health specialists.

S. 688

At the request of Mr. INOUYE, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 688, a bill to amend titles XVIII and XIX of the Social Security Act to provide that community mental health center services shall be covered under part B of medicare and shall be a required service under medicaid.

S. 1503

At the request of Mr. JOHNSTON, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1503, a bill to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage.

S. 1698

At the request of Mr. DENTON, the Senator from Nevada (Mr. LAXALT), and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

AMENDMENTS SUBMITTED FOR PRINTING

STANDBY PETROLEUM ALLOCATION ACT OF 1981

AMENDMENT NOS. 592 AND 593

(Ordered to be printed and to lie on the table.)

Mr. BRADLEY submitted two amendments intended to be proposed by him to the bill (S. 1503) to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum shortage.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

AMENDMENT NOS. 594 THROUGH 616

(Ordered to be printed and to lie on the table.)

Mr. McCLURE submited 23 amendments intended to be proposed by him to the bill (H.R. 4035) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1982.

(The text of the amendments and remarks of Mr. McCLURE appear elsewhere in today's RECORD.).

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GARN. Mr. President, on Tuesday, November 3, the Committee on Banking, Housing, and Urban Affairs will conduct hearings on the proposed pipeline that would transport natural gas from the Soviet Union's Yamul gasfields to Western Europe. The project poses significant dangers for the NATO alliance and raises serious questions for U.S. foreign policy. The hearings will focus on what would be an appropriate and effective U.S. response to this danger, including the role for U.S. export controls.

Witnesses will include representatives from the relevant Government agencies, as well as experts on energy and security matters and Soviet affairs. Currently just one morning of hearings is planned, with the possibility of holding further hearings at a later date, should circumstances warrant it.

Mr. President, this is a very serious matter, one in which several of my colleagues and I have taken a great interest. The notion of diversifying energy supply by going from the Persian Gulf to the Soviet Union is like embracing Mu' ammar Qadhafi in order to reduce reliance on the ayatollah. I just do not feel that the Europeans realize the danger, at least not sufficiently. At the same time, any effort to prevent the project from going through, if that effort is to be successful, must come from a strong, high level, consistent, sustained, and coordinated policy by this Government that includes the offer of alternative sources of energy to the Europeans. The Western Europeans must have reliable sources of energy, and that means that they cannot become dependent upon their enemies to get it. The Banking Committee hearings should go a long way to further the progress in conducting such an effective U.S. policy.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider Senate Joint Resolution 111, consenting to an extension and renewal of the interstate compact to conserve oil and gas. The hearing will be held on Thursday, November 12, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224–7146.

ADDITIONAL STATEMENTS

FOREIGN ASSISTANCE ACT OF 1981

● Mr. WEICKER. Mr. President, I was necessarily absent from the Senate yesterday during consideration of S. 1196, the foreign assistance bill. Meetings with several groups of constituents in Connecticut prevented me from casting my vote on final passage and several amendments which were offered. I would like to announce for the record that had I been able to vote, I would have voted aye on final passage of the bill, because I believe on balance it represents an important step to meet the international obligations and pursue the foreign policy of the United States.

On the matter of assistance to Chile, I oppose the outright repeal of restriction on assistance to the Chilean Government and thus would have supported the motion to table the Helms unprinted amendment No. 502 and the Percy substitute, No. 503.

Senator HATFIELD's amendment No. 518 expresses a legitimate concern for the stability of that region and the human rights record of the Zia Government; consequently I would have voted to approve the $100,000,000 deletion.

Finally, I would have opposed Senator HELMS' amendment No. 509 dealing with Zimbabwe as it would be disruptive of our efforts to assist and establish good relations with that young nation.●

HARRIS POLL ON CLEAN AIR

● Mr. MITCHELL. Mr. President, the Clean Air Act is one of the landmark environmental statutes enacted during the last decade. The 1970 law marks the commitment of this country to the achievement of healthy air. Our national commitment was reaffirmed in 1977, when Congress enacted clean air amendments to fine tune the law.

The Senate Committee on Environment and Public Works will soon begin to consider amendments to the Clean Air Act. Before this process begins, I would like to call to the attention of my colleagues a recent Lou Harris poll.

This poll should be given serious attention as we debate clean air issues in this body. It indicates that an overwhelming majority, 80 percent, do not favor any relaxation in existing Federal regulation of air pollution. An equally significant aspect of the poll is the fact that not a single major segment of the public wants environmental laws relaxed, whether you look at large city residents, young people, women, groups categorized by income, professionals, white-collar workers, union members, Democrats, Republicans, those over 65, or those who voted for Ronald Reagan.

Mr. President, this is a powerful message. As Mr. Harris states, the results speak for themselves. He summarized the message of his poll results in the following way:

By any measure, they add up to a powerful message to Democrats and Republicans alike here in Congress: renew the Clean Air Act and don't do anything to it that would in any way make the air dirtier than it is now. While the public thinks that some regulation in other areas ought to be relaxed or even abolished, they will oppose vehe-

mently any measure that might have the effect of reversing some of the environmental gains that have been made in the last ten years.

The American people are willing to make sacrifices in many areas to stop the miseries and ravages of inflation and an economy that is out of joint. But they will not tolerate any reductions in environmental clean-up efforts—and will regard such cuts as threatening the very quality of life in this last quarter of the twentieth century.

I am not an expert on this legislation nor on the subject of environmental regulation, but I can tell you this: this message on the deep desire on the part of the American people to battle pollution is one of the most overwhelming and clearest we have ever recorded in our twenty-five years of surveying public opinion.

I ask that Mr. Harris' testimony be printed in the RECORD following my statement.

Mr. President, I urge all Senators to read the results of this poll. They can be a valuable guide to us in the coming months.

The testimony follows:

TESTIMONY OF LOUIS HARRIS

Mr. Chairman, it is a privilege to be here today. I wish to note that I am here not as a partisan for or against the Clean Air Act or specific amendments that have been or may be proposed to it. Instead, I appear here at your invitation to relate to you and the Committee the results of a poll our firm has just conducted on this issue. This survey was not conducted for any private or public interest, but instead is part of the Harris Survey, which appears in over 200 newspapers across the country. Indeed, portions of this survey appeared this morning in those newspapers.

Before I discuss our latest findings, however, I'd like to review briefly the history of American public opinion on environmental issues. As late as 1967, people were by no means very concerned about pollution or committed to cleaning up the environment. By 46 to 44 percent, the public opposed paying $15 more per year in federal taxes in order to finance air and water pollution control. Concern about the environment was then centered largely among the younger, more affluent, college-educated, and suburban sectors of the population. But public concern over air and water pollution took hold in earnest as the country entered the 1970s.

In 1971 Americans listed pollution control as a national problem second only to the state of the economy—ahead of the war in Vietnam, crime, and social unrest. Seventy-three percent reported significant levels of air pollution in their communities, and in a sharp turnaround from four years earlier, a 59–34 percent majority said they were willing to endure higher taxes of $15 per year to curb air and water pollution, even as public willingness to pay higher taxes for other federal programs was declining. Clearly, concern over pollution had become a national issue—no longer just a cause for a select few.

As the 1970s progressed, and the nation was beset simultaneously by a deep recession and serious shortages of energy, the public recognized that efforts to solve the energy crisis and reduce unemployment might conflict with attempts to clean up the environment. Yet, as we found in 1975, an overwhelming 3 to 1 majority opposed cutting back on anti-pollution standards and controls in order to obtain more jobs or more energy.

Instead, with typical American confidence in our ability to solve our problems in a pluralistic way, the public said that they thought we could continue efforts to clean up air and water pollution and at the same time find both more energy and a way to turn the economy around to ease unemployment. I should note here that an increasing number of Americans say they would favor going slow on the imposition of new environmental controls—but not the relaxation of existing standards—if they were convinced that this would help our energy problems.

So today, after a decade of the Clean Air Act and 9 years of the Clean Water Act, public concern for both aspects of environmental pollution remains high. As has almost always been the case, water pollution is considered a slightly more serious problem, in light of reports of toxic spills and the possible presence of carcinogens in drinking water. However, efforts to control air pollution also enjoy strong support.

Our latest results, which are attached to my testimony, show clearly just how committed the American people are in their resolve not to cut back or relax existing federal standards on air pollution. We gave people we interviewed across the country three overall choices on what should be done by this Congress about the Clean Air Act: should it be made stricter than it is now, should it be made less strict, or should it be kept the same as it is now?

The largest single group, a majority of 51 percent, want to keep the Act without change. But another 29 percent opt for making the act even stricter, while no more than 17 percent want it made less strict. This means that by 80 to 17 percent, a sizable majority of the public nationwide does not want to see any relaxation in existing federal regulation of air pollution.

Perhaps as impressive as this overall division is the fact that not a single major segment of the public wants the environmental laws made less strict. Let me go through a list of key groups. Most in favor of not relaxing the clean air regulations are big-city residents (by 83–14 percent), young people under 30 (90–10 percent), women (82–13 perecnt), those with incomes between $15,000 and $25,000 (85–13 percent), professionals (83–15 percent), white collar workers (82–16 percent), union members (82–16 percent), Democrats (84–13 percent), political moderates (83–16 percent), and liberals (82–15 percent).

Now let me tick off another list of key groups: residents of the South (by 79–17 percent), residents of the West (80–17 percent), rural residents (77–19 percent), those 65 and over (73–22 percent), those with incomes $35,000 and over (75–24 percent), those who voted for Ronald Reagan in 1980 (76–22 percent), Republicans (75–22 percent), and conservatives (76–21 percent). Mr. Chairman, let there be no doubt about it: when you obtain such lopsided majorities on any issue, it is evident that there is a broad and deep consensus across the land.

In addition, we tested public attitudes toward six specific possible amendments to the Clean Air Act that we understand are being or may be considered by the Congress. Here are those results:

By 66–29 percent, a majority is opposed to relaxing "pollution standards to allow power plants to burn higher sulfur content oil and coal."

By 57–37 percent, a clear majority is also opposed to the federal government postponing "current deadlines for electric companies meeting power plant pollution standards." These results make evident that those electric utilities which are seeking any kind of relaxation of existing pollution standards are bucking public opinion. There is somewhat less opposition, although still a sizable majority, to postponing the imposition of new standards not yet in place.

By 61–34 percent, another big majority rejects the notion of relaxing "national air quality standards."

By a similar 61–36 percent, a majority would also oppose relaxing "regulations that protect national park and wilderness areas from air pollution."

By 58–38 perecnt, a majority is opposed to relaxing "current auto pollution standards."

Finally, by a closer 54–42 percent, a majority would oppose postponing "current deadlines for auto companies meeting auto pollution standards." Let me say that this last result indicates some sympathy by the American people with the plight of the American automobile industry. They are well aware that competition, especially from the Japanese, has caused severe hardship in that industry. But, as much as they would like to help the auto industry, people do not want to see delays in the industry meeting current deadlines on air pollution standards. Such relief, a majority feel, will have to come elsewhere.

The last piece of evidence from our surveys I would like to introduce here deals with an issue that has been much debated in connection with the Clean Air Act: the matter of putting cost considerations on EPA clean air standards. Here is the question we asked:

"The Clean Air Act does not permit the consideration of costs when setting standards for the protection of human health. The Reagan Administration is considering asking Congress to require that pollution standards designed to protect human health be relaxed if the costs are too high. Do you favor or oppose relaxing pollution standards affecting human health, if the costs are too high?

By a resounding 65–32 percent, a substantial majority says they are opposed to any constraint on human health standards on cost grounds. It should be noted that Westerners are most strongly opposed (by 72–26 percent). Other groups strongly opposed are young people under 30 (by 72–27 percent), women (70–26 percent), those with incomes between $15,000 and $25,000 (70–28 percent), and white collar workers (69–31 percent).

But it should also be noted that over 60 percent of the residents of the Midwest, the South, and the East, as well as union members, independents, and political moderates all share this view. The closest divisions are among Republicans, who oppose cost constraints by 56–42 percent; conservatives, who feel the same by 56–41 percent; those who voted for President Reagan (by 56–41 percent); and those with incomes over $35,000 (by 55–41 percent). These are relatively close divisions, but the key fact is that majorities of every group oppose any effort to put cost constraints on environmental regulations that protect human health.

In many ways, Mr. Chairman, these results speak for themselves. By any measure, they add up to a powerful message to Democrats and Republicans alike here in Congress: renew the Clean Air Act and don't do anything to it that would in any way make the air dirtier than it is now. While the public thinks that some regulation in other areas ought to be relaxed or even abolished, they will oppose vehemently any measure that might have the effect of reversing some of the environmental gains that have been made in the last ten years.

The American people are willing to make sacrifices in many areas to stop the miseries and ravages of inflation and an economy that is out of joint. But they will not tolerate any reductions in environmental clean-up efforts—and will regard such cuts as threatening the very quality of life in this last quarter of the twentieth century. I am not an expert on this legislation nor on the subject of environmental regulation, but I can tell you this: this message on the deep de-

sire on the part of the American people to battle pollution is one of the most overwhelming and clearest we have ever recorded in our twenty-five years of surveying public opinion.

TABLES

Between September 19th and 24th, the Harris Survey asked a cross section of 1,249 adults nationwide by telephone:

"Congress will soon reconsider the Clean Air Act, which is now ten years old. Given the costs involved in cleaning up the environment, do you think Congress should make the Clean Air Act stricter than it is now, keep it about the same, or make it less strict?"

STRICTNESS OF CLEAN AIR ACT

[In percent]

	Make it stricter	Keep about the same	Make it less strict	Not sure
September 1981	29	51	17	3
May	38	48	12	2
February	36	46	12	6
September Demographics				
East	35	45	18	2
Midwest	25	55	16	4
South	25	54	17	4
West	33	47	17	3
Cities	34	49	14	3
Suburbs	32	48	19	1
Towns	31	49	16	4
Rural	21	56	19	4
Age:				
18 to 29	40	50	10	--
30 to 49	26	52	19	3
50 to 64	25	48	22	5
65 and over	21	52	19	8
8th grade	20	48	20	12
High school	30	50	17	3
College	30	51	17	2
Men	24	53	22	1
Women	34	48	13	5
White	27	53	17	3
Black	36	40	17	7
$7,500 or less	35	45	17	3
$7,501 to $15,000	31	50	16	3
$15,001 to $25,000	33	52	13	2
$25,001 to $35,000	22	53	24	1
$35,001 and over	21	56	21	2
Professional	28	55	15	2
Executive	36	44	20	--
Proprietor	35	46	18	1
Skilled labor	25	54	21	--
White collar	30	52	16	2
White Protestant	24	54	19	3
White Catholic	32	51	15	2
Jewish	29	67	4	--
Union member	32	50	16	2
Voted Reagan 1980	24	52	22	2
Voted Carter 1980	29	50	17	4
Republican	23	52	22	3
Democrat	33	51	13	3
Independent	28	49	21	2
Conservative	25	51	21	3
Middle of road	29	54	16	1
Liberal	37	45	15	3

"Now I'm going to ask you about some specific changes that are being considered in the Clean Air Act. For each, tell me whether you favor or oppose the change."

CHANGES IN CLEAN AIR ACT

[In percent]

	Favor	Oppose	Not sure
Postpone the current deadlines for auto companies meeting auto pollution standards	42	54	4
Relax current auto pollution standards	38	58	4
Postpone current deadlines for electric companies meeting power plant pollution standards	37	57	6
Relax regulations that protect national park and wilderness areas from air pollution	36	61	3
Relax national air quality standards	34	61	5
Relax pollution standards to allow power plants to burn higher sulphur content oil and coal	29	66	5

"The Clean Air Act does not permit the consideration of costs when setting standards for the protection of human health. The Reagan Administration is considering asking Congress to require that pollution standards designed to protect human health be relaxed if the costs are too high. Do you favor or oppose relaxing pollution standards affecting human health if the costs are too high?"

RELAX POLLUTION STANDARDS PROTECTING HUMAN HEALTH IF COSTS TOO HIGH?

[In percent]

	Favor relaxing standards	Oppose relaxing standards	Not sure
Total nationwide	32	65	3
East	33	66	1
Midwest	35	61	4
South	33	63	4
West	26	72	2
Cities	29	68	3
Suburbs	31	66	3
Towns	33	65	2
Rural	37	58	5
Age:			
18 to 29	27	72	1
30 to 49	35	62	3
50 to 64	36	62	3
65 and over	34	59	7
8th grade education	30	64	6
High school	31	65	4
College	34	64	2
Men	39	58	3
Women	26	70	4
White	33	64	3
Black	31	67	2
$7,500 or less	28	69	3
$7,501 to $15,000	30	68	2
$15,001 to $25,000	28	70	2
$25,001 to $35,000	37	61	2
$35,001 and over	41	55	4
Professional	32	64	4
Executive	43	55	2
Proprietor	43	52	5
Skilled labor	30	69	1
White collar	31	69	(1)
White Protestant	37	59	4
White Catholic	26	72	2
Jewish	23	75	2
Union member	31	67	2
Voted Regan in 1980	41	56	3
Voted Carter in 1980	25	72	3
Republican	42	56	2
Democrat	26	71	3
Independent	33	65	2
Conservative	41	56	3
Middle of the road	31	67	2
Liberal	22	76	2

[1] No response.

METHODOLOGY

This Harris Survey was conducted by telephone with a representative cross section of adults 18 and over at 1,249 different sampling points within the United States between September 19th and 24th. Figures for age, sex and race were weighted where necessary to bring them into line with their actual proportions in the population.

In a sample of this size, one can say with 95 percent certainty that the results are within plus or minus three percentage points of what they would be if the entire adult population had been polled.

This statement conforms to the principles of disclosure of the National Council on Public Polls.●

RUINOUS HIGH INTEREST RATES

● Mr. BOREN. Mr. President, recent news reports have suggested that the latest economic reports from the automobile industry will show a continuing decline in our Nation's economic health. Unfortunately, these reports are proving to be worse than we had anticipated.

I have been notified today that General Motors, early next month, will indefinitely suspend its second shift at its Oklahoma City plant. No time has been designated for when this shift might be restored. This suspension will affect approximately 2,500 people. This layoff is in the most modern of General Motors plants which has been producing its best selling models.

The layoff at the General Motors plant in Oklahoma City is just another indication of the urgent need to bring down interest rates to reasonable levels. While high interest rates alone are not the complete cause of problems in the auto industry, they are a significant part of the problem.

I met this morning along with a group of members of the Senate Finance Committee with Federal Reserve Board Chairman Paul Volcker and expressed my feelings to him that he, the President, and the Secretary of the Treasury should immediately go to work to develop a policy to bring down the rates. This situation demonstrates that no States or area of the country is immune from the effects of a failure to deal with high interest rates. I hope this layoff will be only temporary and will continue to do all that I can to improve the economic environment.

Mr. President, we are faced every day with increasing reports of recession and continued high interest rates. We have waited too long to take remedial action. Something must be done immediately to prevent irreparable harm to our economy. Coordinated action to bring monetary and fiscal policy into harmony is urgently needed. I will continue to address this issue on a daily basis because it is imperative that these ruinous high interest rates remain the focus of our attention in bringing our economy back under control.●

ESTABLISHMENT OF A PRESIDENTIAL COMMISSION FOR THE 200TH ANNIVERSARY OF THE CONSTITUTION

● Mr. SPECTER. Mr. President, on September 17, the 194 anniversary of the framing of the U.S. Constitution, I introduced S. 1631 to establish a Presidential Commission for the 200th Anniversary in 1987. A letter dated October 5, 1981, from the dean of University of Pittsburgh School of Law so well states what we are attempting here that I ask to have it printed in the RECORD.

The letter follows:

UNIVERSITY OF PITTSBURGH,
October 5, 1981.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPECTER: I have your letter of September 25, 1981 and the attached copy of S. 1631 which I read with great interest. I was delighted to learn of your sponsorship of this important piece of legislation. It evidences your understanding of the need for further education of all members of our society regarding the majesty of the Constitution of the United States. In my view, there is a need for a great deal of remedial education and a particular understanding of the American legal process from a constitutional perspective. For many years, it has been my view that one of the great educational deficiencies

of our society is the almost abysmal lack of understanding of the legal process by the overwhelming majority of those affected by that process. While there have been some interesting efforts to begin the education of Americans in legal process at various educational levels, those efforts have been relatively unsuccessful to the present time. Therefore, I am more than pleased to support S. 1631 with great enthusiasm at this most appropriate time. While I focus upon the educational opportunity this bill provides, I am also aware of the great influence it can have in providing all Americans with a heightened sense of their origins and a sense of cohesion in a better understanding of how our governmental process is designed to react more effectively to the legitimate felt needs and desires of the people. It will be highly beneficial if it simply provides some better understanding that the whole design of the constitutional process in this country is to provide those conditions which will maximize the opportunities for individual development.

I am more than pleased to lend my total support to your important bill. If I can be of further service, please feel free to call upon me.

Sincerely,

JOHN E. MURRAY,
Dean.●

WHO CREATES JOBS?

● Mr. WEICKER. Mr. President, I would like to bring to the attention of my colleagues a most important article in the fall issue of the Public Interest. Written by Prof. David L. Birch of MIT, the article is entitled "Who Creates Jobs?" Among the principal findings reported by Professor Birch are:

First. Over 80 percent of the net new jobs during the period 1969–76 were created in small business, that is, firms with 100 or fewer employees. And in the northeast, an incredible 177 percent of the new jobs were created by firms with 20 or fewer employees;

Second. Eighty percent of the new jobs are created by young firms;

Third. The small firms which are the job creators are volatile; they do not experience a steady growth pattern. Rather their growth is very dynamic and appears to oscillate constantly; and

Fourth. The major source of replacement jobs has shifted away from industries that provide goods. Industries which provide services are now the greatest creators of new jobs.

Mr. Birch points out that our economy is in a period of transition as—

We are moving from manufacturing to services, from hardware to "thoughtware", from large-scale capital intensive companies to smaller scale labor-intensive companies, and from a dependence on physical capital a dependence on human capital.

I believe this article has far-reaching implications for Government policies and for our economy. Clearly, our human capital policies and our economic development programs will need to take better account of these primary engines of job creation in our country—the young, small business, service-oriented sector. And, Mr. President, this will be even more vital for the older cities, particularly in the Northeast. I urge my colleagues to read and to consider this important article.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

WHO CREATES JOBS?

(By David L. Birch)

As a nation, we must create about 15 million new jobs in the 1980's to employ all of our expanding adult population. This is less than the 19 million we created in the 1970's to absorb "war babies" into the labor force, but it is still quite a large number. Assuming that present attitudes toward government extend at least a few years into the decade, the government sector as a whole will produce no more than one-quarter of the needed 15 million. The private sector will have to produce the rest. All of this will have to take place during a period in which the structure in the U.S. economy is undergoing very basic changes.

As a group of us at the M.I.T. Program on Neighborhood and Regional Change began to think about how the nation will meet this challenge, we came to appreciate how little we knew about the processes by which job creation takes place. Most students of the economy have tended to focus on the aggregate measures of economic change flowing out of the GNP accounts, and have not probed the activities of the individual companies that make it all happen. These analysts may guess about what kinds of corporate behavior are causing shift, but they never really know for sure.

On the other end of the spectrum, those who have studied the behavior of individual corporations rarely have added up the firms to see how they come together to create the whole. "Input-output analysis" is one of the major exceptions to this, focusing as it does on transactions between businesses in the economy. Welcome as this innovation has been, it has suffered (as have other attempts to aggregate parts to form economic wholes) from the enormous costs of collecting the necessary data. As a result, it tends to be out of date, and its results are expressed in terms of transactions between whole industries, not between firms.

Our inability to understand the gap between the "micro" economy and "macro" economy is now seriously hampering efforts to develop policies that will generate jobs for the people and the places that need them, without causing inflation at the same time. We know very little about who the major job creators are, where they are active, who controls those jobs, and who is most likely to respond to changes in economic policy. In the absence of such knowledge, national policy has been to stimulate the entire economy as though it acted as a single unit, using instruments like broad tax incentives, easier access to money, and public works programs of various sorts. This can be a very expensive and inflationary approach if, in fact, most of the recipients do not use the incentives to increase employment and productivity. What we need, and have lacked, is the ability to focus our incentives on those who will make good use of them without wasting taxpayers' monies on those who will not.

Frustrated by the inability to relate micro to macro, and thereby to discover how change takes place, our group at M.I.T. began casting about for a new data source that would permit us to analyze inexpensively a large sample of the entire corporate population, one establishment at a time. Our search uncovered the so-called DMI file created by the Dun and Bradstreet corporation. The file contains records for about four million establishments, about 80 percent of the total recognized establishments in the country. We devised a way to combine the data for each establishment for four different years (1969, 1972, 1974, 1976) to obtain a history of the development of each establishment during this period. In the process we added in new firms that were formed along the way, yielding a total of about 5.6 million establishments over the seven-year period. We also edited the records extensively to eliminate establishments for which the data seemed at all questionable. When we were done, we were able to trace what happened to the employment, sales industry, corporate affiliation, age, and location of each establishment over this time. By aggregating establishments, we could see who was contributing to job growth in different periods and places.

TABLE I.—PERCENTAGE OF JOB LOSSES AND GAINS BY GROWTH RATE FOR STATES [1]

State growth rate [2]	Fast	Moderate	Slow	Decline	U.S. average
1969–72:					
Gains	13.8	10.9	8.5	7.5	10.4
Losses	8.3	8.0	7.7	8.4	8.1
Net	5.5	2.9	.8	−.9	2.3
1972–74:					
Gains	12.4	10.1	9.0	.....	10.9
Losses	7.2	7.2	7.6	.....	7.2
Net	5.2	2.9	1.4	.....	3.7
1974–76:					
Gains	15.1	11.4	10.7	8.3	11.2
Losses	8.9	8.7	9.7	9.3	9.2
Net	6.2	2.7	1.0	−1.0	2.0

[1] Source: M.I.T. program on neighborhood and regional change.

[2] The 4 classes of employment change are: Fast (over 4 percent per year), moderate (2 to 4 percent per year), slow (0 to 2 percent per year), and decline (less than 0 percent per year). On the average this breakdown divides States into roughly 4 equal groups although the size of the groups in any particular year is sensitive to the business cycle.

JOB CREATION IS WHAT REALLY MATTERS

For any particular place, it turns out that there are six quite different ways that an establishment can affect an area's job base. On the plus side, jobs are added to the pool each year whenever a new firm starts up, an existing firm expands, or a firm located elsewhere moves in. Jobs are lost whenever an establishment closes its doors, lays off people, or moves out. We have come to call these six "job flows": births (a new firm starting), expansions, in-migrants, deaths (an existing firm closing its doors), contractions, and out-migrants. The extent to which an area's job pool expands or contracts in total over the year depends on the relative balance between these flows during the year.

We discovered a number of interesting things about the job flows. First, virtually none of the employment change in an area is due to firms moving, in the sense of hiring a moving van and relocating. Many firms move short distances each year, but virtually none move from one metropolitan or rural area to another. When a move does occur, it is widely publicized in the press, and it is easy (without evidence to the contrary) to begin to pin all of an area's economic woes on the fleeing firm. Any hard look at the numbers, however, will show that fleeing firms take only a small number of jobs with them, and that for every firm that flees there tends to be another firm with a similar number of jobs moving in. The net effect of firm "migration" is thus negligible relative to the job base (and the other job flows) for most places.

The second striking phenomenon observed in the analysis of employment change is the constancy of job losses. Every area in the United States seems to lose jobs at about the same rate, regardless of how rapidly the net job pool is expanding or contracting.

Table I sorts states into different groups by growth-rate and displays the gains and the losses for each group in each of the three periods studied. As can be seen, virtually all the differences in the net change are due to differences in the gain rates, the sum of the loss rates being remarkably similar across states. There is a variation in average loss rates over time with the business cycle in the expected directions, but all states seem to float up and down together on the loss side, varying between seven and nine percent.

The same phenomenon appears to hold across cities, and even within them. Table II summarizes the loss and gain rates for ten metropolitan areas for which the neighborhood location of each business has been located. The differences in loss rates are relatively small, and if anything the more rapidly growing areas also experience the highest losses. Houston and Charlotte show somewhat higher loss rates than Worcester and New Haven, for example. Again, it is the variation in the gain rates that is so large, the rapidly growing areas replacing lost jobs at two or three times the rate of the declining ones. The same general phenomenon is observed for the central cities and suburbs within these metropolitan areas.

TABLE II.—PERCENTAGE OF FIRMS GAINED AND LOST IN 10 METROPOLITAN AREAS, 1972–76 [1]

Area [2]	Percent gain	Percent loss	Percent net
Houston	62.7	35.7	27.0
Charlotte	48.0	40.4	7.5
Dayton	36.4	31.4	5.1
Rochester	33.7	29.3	4.5
Boston	37.4	33.7	3.8
Baltimore	36.5	32.9	3.5
Hartford	36.6	35.5	1.1
Worcester	24.6	25.1	—.5
New Haven	27.0	29.5	—2.6
Greenville	26.9	35.1	—8.4
U.S. average	37.0	33.7	4.1

[1] Source: M.I.T. program on neighborhood and regional change.
[2] Standard metropolitan statistical areas.

The average loss rate is also quite high. An eight percent loss every year means that half of an area's jobs and establishments must be replaced every five years for the area simply to break even. We seem to have developed an economic system in which experimentation and risk-taking are very common. As a consequence, we experience and tolerate very high failure rates. The more dynamic the local economy (e.g., Houston) the greater the risk-taking and the greater the proportion of firms that fail. It could easily be argued (without being facetious) that one of our greatest strengths as a nation is our capacity for failure—the grace and even enthusiasm with which we accept those who try and fail and come back to try again. To our counterparts in the industrial world, this churning in our system seems extraordinary. We take it for granted, and at times even try to stifle it under the misguided banner labeled "job retention." The reality is that our most successful areas are those with the highest rates of innovation and failure, not the lowest. Areas that are declining are not declining because their rates of loss are higher. They are declining because they are not competing effectively for new jobs.

THOSE SMALL, VOLATILE JOB REPLACERS

Since we turn over such a large proportion of our job base every year—in all industries and all areas—the overall character of our economy is affected quite quickly by the nature of the job replacers. It no longer takes generations to transform our economy—only a decade or two. We must thus focus our attention on the job replacers. Who are they? In what sectors of the economy are they found? How big are they? How old are they? Where are they located?

TABLE III.—PERCENTAGE OF JOBS CREATED BY SIZE OF FIRM AND REGION [1]

Number of employees in firm	Percent of jobs created				
	Northeast	North Central	South	West	U.S. average
0 to 20	177.1	67.2	53.5	59.5	66.0
21 to 50	6.5	12.0	11.2	11.6	11.2
51 to 100	−17.4	5.2	5.5	6.3	4.3
101 to 500	−33.3	3.1	9.4	9.3	5.2
501 plus	−32.9	12.4	20.4	13.3	13.3
Total	100.0	100.0	100.0	100.0	100.0

[1] Source: M.I.T. program on neighborhood and regional change.

For one thing, job replacers tend to be small. Of all the net new jobs created in our sample of 5.6 million businesses between 1969 and 1976, two-thirds were created by firms with twenty or fewer employees, and about 80 percent were created by firms with 100 or fewer employees (see Table III). Smaller businesses more than offset their higher failure rates with their capacity to start up and expand dramatically. Larger businesses, in contrast, appear rather stagnant. They may be expanding output with more capital equipment (although those who study productivity suggest that this has not been the case recently) or they may expand by opening operations abroad. Whatever they are doing, however, large firms are no longer the major providers of new jobs for Americans.

Another distinguishing characteristic of job replacers is their youth. About 80 percent of the replacement jobs are created by establishments four years old or younger (see Table IV). Not all small businesses are job creators. The job creators are the relatively few younger ones that start up and expand rapidly in their youth, outgrowing the "small" designation in the process.

Job creators are also quite volatile. The road to future growth is a tortuous one indeed. We had thought that a firm grows and develops much like a human being: It starts small, grows smoothly and rapidly during a "growth phase," matures and stabilizes for some period, and eventually becomes outdated and falls off. Our research now suggests quite a different process. Dynamic, job creating establishments appear to oscillate, or pulsate, constantly. Periods of expansion are the best predictors of future decline, and declining periods are the foundation upon which future business growth is based.

Stable firms, those that have somehow isolated themselves from the ups and downs in the world around them, are the most likely to fail in the end. A sample of 1.4 million establishments that existed throughout the 1969–76 period shows that establishments that grew sharply in the past are the most likely to decline in the future, that recently declining establishments are the ones most likely to grow in the future, and that stable firms are far and away the most likely to go under (Table V). These oscillations from one year to the next are much greater than the average growth or decline that one would expect from a "life-cycle" model of corporate change. Those firms that insulate themselves from fluctuation appear to have cut off the very vitality that keeps their counterparts going. Just as failure appears essential to our system, so does instability.

Recent job replacers overwhelmingly tend to be providers of services—broadly defined to include all those private activities outside of the so-called "goods-producing" sector (manufacturing, agriculture, mining, and construction). During the period we studied, manufacturing firms in our sample actually lost jobs on balance, this small loss being offset by substantial gains elsewhere. The older, more northern, and more urban the area, the more this was true. Manufacturing picked up slightly nationwide during the latter part of the decade, but by the time the 1970–1980 U.S. figures were in, manufacturers as a group had created only 5 percent of the net new jobs in the 1970's and the goods producers as a whole accounted for only 11 percent. The other 89 percent were in services of one kind or another. Just as we moved in the 1820's and 1830's from being a basically agricultural society to being an industrial one, so now are we rapidly abandoning our heavy industrial base in favor of jobs that demand greater use of our minds and less use of our muscles and dexterity.[1]

TABLE IV.—PERCENTAGE OF REPLACEMENT JOBS CREATED BETWEEN 1974 AND 1976 BY AGE OF ESTABLISHMENT AND REGION [1]

	Percent of replacement jobs created			
	Northeast	North Central	South	West
Age of business:				
0 to 4	75.5	80.8	80.4	80.9
5 to 8	10.4	8.4	9.9	8.8
9 to 12	7.5	6.0	5.1	5.5
13 plus	6.6	4.8	4.6	4.8
Total	100.0	100.0	100.0	100.0

[1] Source: M.I.T. program on neighborhood and Regional change.

TABLE V.—PERFORMANCE OF ESTABLISHMENTS BASED ON THEIR HISTORY OF GROWTH [1]

[In percent]

	Percent in 1974–76 with—		
	Rapid growth	Rapid loss	Death
1969–72 history:			
Rapid growth [2]	11.1	16.5	4.3
Small change	9.4	7.6	24.6
Rapid loss [2]	21.9	8.0	12.6

[1] Source: M.I.T. program on neighborhood and regional change.
[2] Greater than 50 percent change.

These basic shifts in the nature of job replacement are not unique to the U.S., although we tend to be further advanced along this path than other nations. Nor are the findings unique to our data set or approach. Others, here and abroad, using different ways of measuring the behavior of individual firms, are finding much the same thing.

The transformation is thus a fundamental and far reaching one. We are moving from manufacturing to services, from hardware to "thoughtware," from large-scale capital-intensive companies to smaller-scale labor-intensive companies, and from a dependence on phyical capital to a dependence on human capital. These shifts have been facilitated by the increasingly international nature of our economy. We no longer have to make what we consume. Instead, we increasingly create and market products that we let others assemble for us. As a result, our exports and imports have risen from 7 percent of GNP in 1950 to 15 percent in 1979, and our private assets abroad have increased from $19 billion to $377 billion over roughly the same interval.

INTERVENE ON IMPROVE THE CLIMATE?

Those who would try to influence our economic system during this sometimes difficult period of transition are faced with some very thorny problems. At the heart of the matter is the age-old problem of choosing between a direct interventionist policy or an indirect improve-the-climate policy.

[1] There are bright spots within the sluggish manufacturing sector including very small manufacturers and high-technology, high "thought-content" firms. The bright spots are not bright enough, however, to significantly offset the general malaise elsewhere.

Those advocating a direct policy would have us provide assistance to individual companies or industries through government actions of some sort—loans, loan guarantees, contracts, grants, import restrictions, etc. Going the climate-improvement route involves changing the general tax and regulating environments in ways that entrepreneurial business people find attractive, thus letting the market determine who flourishes and who does not.

A direct policy is, and always has been, a "natural" for governments. It gives them a feeling of accomplishment—a series of deals (and jobs created) that they can point to with pride. Thus, it is not surprising to find that we have a broad array of such programs spanning several administrative branches of government, from the federal to the state and local levels.

In view of our findings on job creation and shifts in the economy generally, it appears that a direct intervention will become increasingly difficult (and frustrating) to administer. How, for instance, is an official at any level of government going to decide whom to aid? In the past, the most natural choice has been the large, stable, well-known companies because they could easily be identified (their well-financed lobbyists made sure of that) and because their risk of failing in the short-term was minimal.

But these are the companies that are the least likely to create jobs. And assisting them has a long history of not working. The Dutch and British, who have gone much farther down this road than we, have had many failures and very few successes. Our own experience, while far less extensive, is not too encouraging either. Propping up large-scale, noncompetitive private bureaucracies seems to subsidize incompetence rather than cure it.

If these same interventionists choose to redirect their efforts toward the smaller end of the scale, their problems are no less severe. How will they pick the one out of 100 or 300 small firms that will become a major job creator? How will they absorb the enormously high transactions cost associated with making thousands (or hundreds of thousands) of small-scale interventions? How will they endure the embarrassment and threat of scandal associated with a project failure rate of 30, 40, or 50 percent? These problems are not unique to government agencies. They explain in great measure why banks, insurance companies, pension funds, and university endowments are equally hesitant to become involved in small-business affairs, and why some very high percentage (in the range of 80 to 90 percent) of all startup and expansion capital for smaller businesses comes from immediate, personal sources: personal savings, friends, and relatives.

Furthermore, smaller businesses apparently do not want direct assistance. Not a single recommendation coming out of the recent White House Conference on Small Business asks that government programs or regulations be increased. The practically universal cry of owners of small businesses is that governments establish a more favorable climate and let entrepreneurs run their businesses as only they know how.

This cry, and others like it, have led many in Washington to consider seriously the value of a predominantly "climate" policy. Its purpose would be to create an environment in which innovative job-creating firms flourish. Since smaller businesses appear to be playing an increasingly important role in the economy, special attention is being paid to their concept of a good economic environment. Following their recommendations to the White House Commission on Small Business, the list of improvements would include (1) lower personal taxes on capital gains, (2) lower estate taxes (so companies may be kept within a family), (3) a slower rise to the full corporate tax rate (to compensate for the unintended progression into higher brackets caused by inflation, (4) fewer and simpler regulations, (5) simpler depreciation rules, and (6) equal opportunity for smaller business in government procurements.

We should not infer from the recent interest in climate policies that they are universally embraced by governors and mayors. For one thing, there would be a relatively small role for these elected and appointed officials to play in the management of our economy. There are also definite problems associated with depending entirely on smaller businesses to create jobs. They have little capacity for example, for conceiving, developing, and marketing the kinds of products and services that can only be provided on a large scale—jet aircraft, large-scale integrated circuits, space shuttles, communications satellites, telephone service, etc. Smaller businesses seem to function much better as subcontractors to larger companies in these situations, relying on the larger company for the design and international marketing aspects of the job.

THE REINDUSTRIALIST ILLUSION

The choice between direct intervention and climate policies will ultimately depend on what we wish to accomplish. An increased emphasis on business climate will more than likely accelerate the trend toward the dominance of smaller service-sector firms as the sources of new jobs in our economy, an increasing dependence on foreign countries for manufactured goods, and an increasing dependence on investments in human capital rather than physical capital, with all the attendant declines in measured productivity that would entail.

There are some who find that natural trend threatening. Pointing frequently to the Japanese and their increasing dominance of what used to be many of our markets, they advocate that we "reindustrialize"—that is, go back to investing more in plants that will make things more efficiently so we can meet foreign competition in markets we are now losing. Since our private sector companies do not seem to be doing this on their own, the argument goes, some form of intervention is called for.

There are several problems associated with this attempt to roll back the clock. First, it is not clear what "universal solvent" we dip our noncompetitive industries into so that they suddenly become creative again, invest in new technologies, and work harder. Protective tariffs and import restrictions will certainly not accomplish it. Forced savings by households and businesses to finance needed physical capital (a common practice in Japan) is certainly not part of our culture.

Secondly, it is not clear that we should devote a tremendous effort to find a universal solvent. In our almost compulsive fascination with the Japanese and the effectiveness with which they have competed in certain markets (automobiles, electronics, watches, etc.) we lose sight of our competence in producing the "thoughtware" upon which so much of the Japanese hardware is based. It is not an accident that of the 176 Nobel science prizes awarded since 1950, the United States has received 93, the European community another 68, and Japan only two. We dominate the thoughtware field just as others are coming to dominate hardware production. And the emphasis in many fields is shifting from hardware to thoughtware. It was not uncommon five years ago for 90 percent of the cost of a computer installation to be in hardware, and only 10 percent in thoughware (software, as the computer industry calls it). Five or ten years from now, it will not be unusual for those percentages to be reversed—80 or 90 percent software and only 10 or 20 percent hardware. For many of the same reasons, Robotics Age (one of the journals of the blossoming robot industry) recently changed its name to Robotics Age: The Journal of Intelligent Machines, saying: ". . . the character of the industrial robot market is rapidly moving towards increased intelligence in the controller. As this happens, the nature of the problems, both in design and application, is quickly changing from hardware to software."

What it comes down to, then, is this: Do we want to try to beat the Japanese (and others like them) at their game or play our own game instead? The evidence we have collected suggests that: (1) the odds of our beating them at their game are slim, and (2) that we are doing quite well at our own game if we can recognize it for what it is. We have spawned an extraordinary number of idea factories—in universities, businesses, and government—that generate a high percentage of the world's original ideas and that now provide employment for a greater percentage of our work force than ever before in history. In the absence of a major international conflict, this division of labor between ourselves and those who choose to make things is not necessarily bad and could well, given present trends, turn out very much in our favor.

We pay a price during a transformation of this sort. The relatively few workers who still make things in factories[2] must adjust to different kinds of employment. Our enormous mobility gives us an advantage over other nations whose people are less mobile. But we are still left with older, skilled craftsmen for whom moving and retraining does not come easily.

Also, in the unfortunate circumstances that we enter another world war, our dependence upon others for manufactured goods could turn out to be a major liability. It already is. Every time imports rise as a percent of our GNP, our dependence increases. Furthermore, to the extent that our dependence is concentrated in selected areas (transportation equipment, electronics, computers, steel, petroleum) the effect could be even more crippling. We have experienced it recently in oil; the Russians are now feeling it in food.

National security is a major, compelling argument for stemming the present tide. It is a strong argument, and is not easily dealt with. Patriotism alone will not make our automobile plants or our steel plants or our computer plants more competitive. Nor are trade barriers and protection likely to lead to the superior technology we would need to succeed in the very conflict we are hedging against. In short, we still seem to lack the "solvent" to transform our noncompetitive industries in peacetime even if we decided, as a national policy, that it was important to do so.

Thus develops a more interdependent collection of nations in which we play a specialized role. Luckily ours is one of the more interesting and promising parts in the play. And we seem, without strong supporting policies, to be developing a mix of larger and aggressive smaller businesses to play our role well. Perhaps we should spend less time

[2] About 13 percent of the workforce is still engaged in actual manufacturing operations, as distinguished from those who manage or sell or account for the goods made by the others in firms labeled "manufacturing."

worrying about what the Japanese do better, and worry instead about how to do better what we do best.●

DEATH OF WILLIAM NORWOOD

● Mr. INOUYE. Mr. President, I have been privileged to serve as a Member of this body since 1962. I suppose each of us can trace his presence in Congress to a person or persons who exhibited dedication and faith in the early days of our careers, when such confidence was lacking among others—perhaps even ourselves. Just such a person in my career was William Norwood, to whom I owe a deep debt of gratitude. His passing a few days ago is mourned by his many friends and admirers in Hawaii and the Pacific.

William Norwood served with honor and distinction throughout his public career, as a newspaper reporter, close aide to Gov. John A. Burns, and High Commissioner of the Trust Territory of the Pacific Islands. He contributed generously of his time and efforts to the welfare of his fellow citizens, in a variety of community organizations.

There have not been many words published about the work of William Norwood, because he preferred to be out of the public limelight. But his achievements rate a place in history as among the most important in Hawaii and the Pacific.

More than that, my beloved friend will forever hold a special place in my heart, for his role in my journey to Washington. I only pray that I may demonstrate a bit of his courage and resolve, in my public service career.

Mr. President, I ask that the following articles be printed in the RECORD.

The articles follow:

[From the Honolulu Advertiser, Sept. 24, 1981]

WILLIAM NORWOOD DEAD—ACTIVE IN POLITICS FOR 30 YEARS

William R. Norwood, who played an active role in Hawaii's politics for three decades, died Tuesday night in St. Francis Hospital's hospice center. He was 72.

Norwood's death is a loss to many, for he combined intelligence with compassion in his work that covered a range of professions, including newspaper reporter, public relations executive, political campaigner, government administrator, high commissioner of the Trust Territory of the Pacific Islands and businessman.

He was born in Seattle, where he received a B.A. in journalism from the University of Washington in 1932. Two years later, he came to Kauai to visit a friend and soon got a job as reporter for the Honolulu Star-Bulletin.

He covered the police beat, labor and politics, and helped form the local unit of the American Newspaper Guild, serving as its first president in 1937.

As a labor reporter, Norwood covered the interisland shipping strike in the 1930s and friends remember that he would go offport to ships, while working as a reporter, and collect money from crewmen for their striking associates on shore. Norwood recalled later, "It was not the action of an objective reporter, but at the time, it was the only humane thing to do."

In 1941, he started public relations work with Castle & Cooke, becoming the department's director in 1949.

During World War II, he also worked as a censor for the U.S. Army, overseeing the Star-Bulletin and two Japanese-language newspapers (Hawaii Hochi and Nippu Jiji) and at night broadcast news for the Matson Navigation Co. At this time, he met John A. Burns, then head of the Honolulu Police Department vice squad.

Their friendship continued after the war, when Norwood got involved with the formation of the Democratic Party in Hawaii. In the 1950s, Norwood planned Burns' campaigns for delegate to the U.S. Congress and the state governorship and Daniel Inouye's successful bid for the U.S. Senate.

When Burns was finally elected governor in 1962, Norwood became his state administrative director, or "right-hand man." He worked out of Iolani Palace until 1966, when he was named high commissioner of the Trust Territory of the Pacific Islands—a position he held until 1969, resigning when Richard Nixon became president.

He then became senior vice president of the Pacific division of Honolulu's Black Construction Co. on Guam, later retiring with his wife to his Mokuleia beach house on Oahu's North Shore.

During the 1950s and early '60s, he also served as a member of the city Planning Commission and as chairman of the Territorial Labor and Industrial Relations Appeal Board. He was a director of Friends of the East-West Center, the Hawaii Historical Society and the Better Business Bureau and chairman of the board for central branch, YMCA, and most recently was on the board of the Hawaii Community Development Authority.

Norwood's service as high commissioner of the Trust Territory was praised by the Oahu Micronesian Student Club, which called him an "American with a Micronesian heart." Stewart Udall, then secretary of the interior, said Norwood was "outstanding" as commissioner.

"Norwood without a doubt did more for the Micronesians than all the military brass and past high commissioners did since we assumed the U.N. trusteeship in 1947," Wayne A. Butterbaugh, advertising executive, wrote to The Advertiser in 1969.

"From the moment he stepped in the door (as commissioner), Norwood . . . tried to substitute Hawaiian informality for pompousness and efficiency for paper shuffling," wrote Bob Krauss, Advertiser columnist.

When Norwood was selected as commissioner, Ed Sheehan, an Advertiser columnist, wrote, "When you start talking about Bill, you discover that everyone who knows him likes and respects him very much, from pineapple pickers to Pacific Clubbers."

Perhaps the best words about Norwood are his own, when he spoke to Sheehan about his political experience.

"You can't be afraid of change, or taking chances. Years back I used to resent the fact that so many newcomers to Hawaii would arrive and sniff the political air to find out where it was safest to be. Even now, too many people in both business and government suffer from a Security Complex. There's a reluctance to move—a fear that it will be lost or taken away."

Mr. Norwood is survived by his wife, Katharine F.; son, William F. of Kailua-Kona; daughter, Mrs. Robert (Elizabeth) Hemings; sister, Mrs. Arthur (Virginia) Barnett of Washington state; and six grandchildren.

Services are pending. Arrangements by Williams Mortuary.

The family asks that flowers be omitted. Contributions may be made to the local chapter of the American Cancer Society.

[Editorial from the Honolulu Advertiser, Sept. 24, 1981]

BILL NORWOOD

William R. Norwood, who died Tuesday at age 72, was an important yet notably gentle figure in Hawaii journalism, public relations, and in public service here and in the Trust Territory.

He was a man who combined quiet accomplishment, a compassionate liberalism and integrity to unusual degree in a career that spanned four decades of often-dramatic history in the islands.

In the 1930s, Seattle-born Bill Norwood was best known as labor reporter for the Honolulu Star-Bulletin. It was a time when labor was struggling to gain a foothold here in battles with the then-dominant Big Five.

Although he helped form the first newspaper guild unit here, Norwood was respected by both sides.

In fact, in 1941 he switched to public relations work for one of those leading firms, Castle & Cooke. There he was a notable exception, a Democrat at a time when the Big Five was almost synonymous with Republican domination of elective offices.

In wartime years, Norwood became a close friend and political associate of Police Captain John A. Burns, who emerged as the central figure in the 1950s Democratic revolution and Hawaii's Delegate to Congress at the time of Statehood.

When Burns became Governor in 1962, Norwood went to Iolani Palace as his administrative director, again working behind the scenes in what was a period of major change.

President Johnson named Norwood High Commissioner of the Trust Territory in 1966, thereby strengthening Hawaii's ties with those islands.

Bill Norwood brought his own brand of aloha and empathy to that difficult job, and over the next three years he became perhaps the most popular American with the Micronesians to serve in the commissioner's position.

Over the years before and since, Bill Norwood served Hawaii in a variety of other ways, from positions on several planning bodies to work with such organizations as the YMCA.

In the process of his long career, then, he was quiet, unassuming and effective, moderate yet liberal when liberalism was needed to make Hawaii and Micronesia better places for people to live.●

THE ST. LOUIS-BUILT F/A–18 HORNET

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. DANFORTH. Mr. President, I was very pleased to see that for the second time in 18 months, the St. Louis-built F/A–18 Hornet has emerged victorious in international competition.

The Australian Government's recent decision to modernize its fighting forces with 75 Hornets speaks highly not only of the aircraft but also of the thousands of people in the St. Louis metropolitan area who build it.

I ask that an article appearing in the October 21, 1981, issue of the Wall Street Journal and an editorial in the October 22, 1981, issue of the St. Louis Globe-Democrat be printed in the RECORD.

The material follows:

[From the Wall Street Journal, Oct. 21, 1981]

AUSTRALIAN PURCHASE OF MCDONNELL JETS SOLIDIFIES THE F18 PROGRAM, ANALYSTS SAY

(By David P. Garino)

For the second time in 18 months, McDonnell Douglas Corp.'s F/A18 Hornet has outmaneuvered General Dynamics Corp.'s F16 Falcon fighter plane in international competition.

The Australian government picked the Hornet over the Falcon, agreeing to buy 75 planes at a price tag, in August 1981 dollars, equivalent to $2.79 billion.

Last April, the Canadian government also chose the F18 over the F16, ordering 138 fighters.

General Electric Co. will supply 175 engines, including spares, for Australian's twin-jet fighters. It placed the value of its contract at $285 million. Other subcontractors are Hughes Aircraft Co., which will make the radar system, and Northrop Corp.

In announcing the decision, Australian Defense Minister D. J. Killen cited the versatility and advanced technology of the F18, which replaces an aging fleet of French Mirage fighters.

Following the pattern of recent fighter awards, McDonnell Douglas and its subcontractors will provide some work for Australian industry. Mr. Killen said, "the added value of the offset work is to be 30% of the imported cost of the program and there will be compensation provisions if the U.S. contractors fail to honor their commitments."

The victory's import goes far beyond the dollars-and-cents of the Australian order, analysts agreed. Alan Benasuli, a vice president at Drexel Burnham Lambert, Inc., observed that the order "obviously helps the company, but it should solidify the F18 program itself."

The F18 has come under heavy fire from several congressional quarters for increased costs and performance problems. Last week, for instance, Sen. Mark Hatfield (R., Ore.) proposed that the program be canceled. The Navy has indicated it wants to buy 1,377 McDonnell Douglas F18s.

Wolfgang Demisch, an analyst at Morgan Stanley & Co., said, "the good news for the company is that two outsiders have decided that the F18 is more cost effective for their needs, warts and all."

Mr. Killen, the Australian defense minister, said "the aerodynamic problems evidenced in the F/A18 have been satisfactorily resolved." He added that "modifications . . . aren't expected to be costly."

Commented Donald Spindel, an analyst at A. G. Edwards & Sons, Inc., "with both Canada and Australia dependent on the F18, it'd be very difficult, if not impossible, for Congress to scrap the program." Mr. Benasuli predicted, "the F18 is here to stay."

Analysts also observed that the win was a bigger must for McDonnell Douglas than for General Dynamics. Both aerospace concerns are headquartered in St. Louis. Mr. Demisch observed, "while I'm sure there isn't any champagne being poured in GD's executive suite, I don't think anyone is slashing his wrists." The analyst added that the F16 has won orders from several foreign countries.

A General Dynamics spokesman issued a brief statement: "We are disappointed. It is apparent the Australian Air Force believes the F18 better meets its unique requirements. In any event we hope the Australian F18 program is successful."

Not surprisingly, a McDonnell Douglas spokesman said, "we are, of course, pleased. . . ." He reported that the order would result in 1,100 jobs at the St. Louis plant. McDonnell Douglas employs more than 30,000 at its corporate headquarters.

The Australian planes, which will be delivered between 1984 and 1990, "won't have a near-term impact on earnings," Mr. Demisch emphasized.

While the order is "a nice piece of change," the company said that the St. Louis plant, which makes military aircraft, "makes money," while the Long Beach, Calif., facility, which generally manufactures commercial planes, continues to be a drain on earnings, he said.

A proposed cutback in the defense budget threatens to intensify Long Beach's problems. The Reagan administration is eliminating funding for eight KC10s, the military adaptation of the McDonnell Douglas commercial jet, the DC10.

Even the St. Louis plant hasn't been spared the ax in the proposed fiscal 1982 budget. The Defense Department wants to trim the number of McDonnell Douglas F15s to 30 from 42.

Yesterday McDonnell Douglas shares rose $1.625 a share to $30.25, on the New York Stock Exchange composite tape. General Electric was $55.125, unchanged, and Northrop shares declined 12½ cents, to $45.25 a share.

[From the St. Louis Globe-Democrat, Oct. 22, 1981]

HORNETS FLYING HIGH DOWN UNDER

Do the Australians know something that certain Americans don't? It would appear that way in view of Australia's decision to buy 75 F–18 Hornet fighter-bombers to modernize its air force. Although the Hornets are flying high down under, their reception hasn't been altogether favorable at home. The McDonnell Douglas aircraft has received, on some occasions, unwarranted criticism instead of the unstinting praise it so clearly deserves.

The Hornets, scheduled to be delivered over a 10-year period, beginning in late 1984, will replace the Australian Air Force's aging French-made Mirage fighters. The F–18s were chosen ever the General Dynamics F–16 Fighting Falcon, the only other aircraft under consideration by the Australian Defense Department.

The purchase marks the F–18's second straight foreign-sales victory in flyoffs against the F–16. Last year, Canada ordered 137 Hornets for delivery between 1982 and 1989. Both governments said the F–18 was better suited to their needs than its closest competitor.

These solid votes of confidence should shoot down arguments by House and Senate liberals who have questioned the worth of the F–18 and its place in the American defense arsenal. The Hornet's place is undeniable.

The F–18 is truly the plane of the future and there's no time like the present to acknowledge that. In the words of Missouri Republican Sen. John C. Danforth, "The Hornet happens to be the only plane in the world with a fully integrated, all-weather air-to-air and air-to-ground system."

Danforth predicts that a proposal to kill the F–18 program will fizzle because it's based on false premises. The U.S. Navy and the Marine Corps have expressed intentions to buy 1,377 Hornets.

The senator appears to be on solid ground. The Hornet has passed its tests with flying colors and continues to impress those who work with it—on the ground and in the air. The arguments against the F–18 pale in comparison to those for it.

St. Louisans have good reason to be proud of McDonnell Douglas Corp. for the excellent quality of aircraft that it has produced and continues to produce, and for the role this plays in helping to upgrade America's national defense. It is important that every effort be made to keep the high-flying Hornet flying high.●

INTERNATIONAL YEAR OF DISABLED PERSONS

● Mr. WEICKER. Mr. President, although these have been a challenging, even a trying, first 10 months of this session for those of us on the Subcommittee on the Handicapped, I consider myself most fortunate to have become its chairman during this, the International Year of Disabled Persons (IYDP) at a time when Congress, the Nation, and the world community at large are being called upon to become more aware of the needs, aspirations, and abilities of the estimated 500 million disabled people throughout the globe today.

During this year of budget slashing, when so many programs for disabled Americans were scheduled to be drastically cut back or completely eliminated, the U.N.'s declaration and observance of 1981 as the Year of the Disabled helped serve to remind many of us in the Senate of the vital role the disabled have to play in our society, and to further strengthen our resolve to work to preserve those programs and services which are, in turn, so vital to their development.

Margaret Mead once observed that one of the best ways to judge a society is to see how it cares for its disabled members. While this was certainly true up to very recently, I think that Dr. Mead would have agreed with me that, in the 1980's and beyond, the correct criteria to judge a society by in this regard is not in the way that it cares for individuals with disabilities, but in the way it assists such individuals to become independent and productive members of that society.

This, then, is the significance of International Year of Disabled Persons. IYDP should not be viewed merely as a 12-month observance period. Rather, it should be more properly viewed as the opening of a new era in terms of the way we perceive disabled people. And, I am pleased to be able to report that this is the exact tack which the U.S. Council for the International Year of Disabled Persons has taken. By adopting as its basic modus operandi the theme "Meeting the challenges through partnerships" the U.S. Council is insuring that the work which is initiated this year will continue on well into the future. The problems faced by America's estimated 36 million disabled citizens are particularly complex ones and so, too, are their eventual solutions. If they are to be adequately addressed at all, then, they must be dealt with in the type of comprehensive approach which the U.S. Council has initiated here.

I am especially pleased and heartened by the Council's work with the private

sector in the country. Business and industry need to be made full fledged partners in the effort to assist disabled Americans into the mainstream of our society. As President Reagan observed last February in his proclamation declaring 1981 as the International Year of Disabled Persons, the "disabled represent one of our most underutilized national resources." They will likely continue to remain so until the business community recognizes, in the words of a recent IBM public service advertisement, that the disabled worker is "as capable as other workers, as reliable, as ambitious, and just as likely to succeed."

Considerable progress has already been made in this regard. Corporations such as IBM have taken the initiative and are finding innovative and cost effective ways of eliminating architectural, transportation and employment barriers, which have for far too long stood in the way of disabled Americans, keeping them from taking their rightful place in our Nation's work force. Such firms are finding out for themselves just how true the IBM P.S.A. rings; and I am wholly confident that once other firms learn of the many benefits that come from employing physically and mentally disabled workers that they too, will be recruiting more and more such workers as time goes on.

The private sector cannot be expected to do the whole job itself, however. The problems of the disabled are just too complex to expect one sector of our society to solve alone. As the resolution of the distinguished Senator from Kansas recognizes, the Federal Government also has a special role to play in promoting the integration of the disabled into the mainstream. Just as it is wrong to assume that any one sector of society can solve all of the problems facing the disabled, it is wrong to assume that any one branch of the Federal Government has all of the answers to these problems.

In adopting this resolution directing the President to implement the goals and objectives of the International Year of the Disabled Person, we should not allow ourselves to believe for a single second that our responsibility to strive toward those same goals and objectives has in any way been reduced. In declaring 1981 as the International Year of the Disabled Person, the United Nations set forth the following goals and objectives to be achieved throughout the world:

UNITED STATES MISSION

The mission is to promote the full participation in the life of our society of America's citizens with physical or mental disabilities. Building on the progress of the past decade, we will work together with private and governmental organizations to strengthen public understanding of the still unmet needs and potential contribution of these 35 million people. We will foster the partnership of Americans from all walks of life in furthering the following long-term national goals of and for citizens with disabilities.

Expanded Educational Opportunity;

Improved Access to Housing, Buildings and Transportation;

Greater Opportunity for Employment;

Greater Participation in Recreational, Social and Cultural Activities;

Expanded and Strengthened Rehabilitation Programs and Facilities;

Purposeful Application of Biomedical Research Aimed at Conquering Major Disabling Conditions;

Reduction in the Incidence of Disability Through Accident and Disease Prevention;

Increased Application of Technology to Ameliorate the Effects of Disability; and

Expanded International Exchange of Information and Experience to Benefit All Disabled Persons.

(Adopted by the U.S. Council for IYDP and the United States Government's Federal Interagency Committee for IYDP.)

Congress, as that body which establishes national policy, has a role to play to insure that each of these nine goals and objectives are achieved both here in the United States and, to the maximum extent feasible, in the world community at large. The Congress, in fact, has a very special role in expanding educational opportunities, increasing access and strengthening rehabilitation programs and services.

Congress has after all been the one which has taken the initiative in each of these areas and passed such landmark legislation as the Education for All Handicapped Children Act, the Rehabilitation, Comprehensive Services and Developmental Disabilities Act of 1978, and the Architectural Barriers Act of 1968. In adopting Senator DOLE's resolution, it is imperative that we each take this opportunity to recommit ourselves to the goal of enabling the estimated 36 million disabled Americans to enter the mainstream and live happy, productive lives, for as the President observed in his February proclamation:

All of us stand to gain when those who are disabled share in America's opportunities.●

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business having expired, morning business is closed.

STANDBY PETROLEUM ALLOCATION ACT OF 1981

Mr. McCLURE. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1503, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1503) to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage.

Mr. McCLURE. I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I am strongly in support of S. 1503, the Standby Petroleum Allocation Act of 1981. Senator MCCLURE, the chairman of the Committee on Energy and Natural Resources, is to be congratulated for his leadership in the shaping of this bill. It is a good bill, one that has broad, bipartisan support in the committee. It should receive the overwhelming support of the Senate.

It is absolutely essential that the President have the authority to act in the public interest during a severe disruption in petroleum markets. Such disruptions are virtually certain to occur during the 1980's. This was the conclusion of the Geopolitics of Oil study prepared for the Committee on Energy and Natural Resources when I was its chairman. On the eve of the expiration of the Emergency Petroleum Allocation Act the General Accounting Office published a two-volume report which reaches the same conclusion. The recent tragic events in Egypt only underline the insecurity which plagues the regions of the world where so much of our imported oil is produced.

The economic impact of severe oil supply disruptions creates major international problems which should be addressed through coordinated efforts of all energy-consuming nations. This kind of coordination cannot be achieved if the Government of the world's largest oil importer, the United States, is unable to manage its own petroleum use during a disruption.

The United States must be prepared to implement a national response to disruptions in world oil markets. Only the Federal Government can organize such a response. To leave this job to the major oil companies, to the States or to that great abstraction known as the market would be nothing less than a total negation of the role of government. This is precisely the signal we would send to our own citizens, to other oil-consuming nations and to OPEC if we fail to provide the U.S. Government with the authority necessary to implement an effective and aggressive response to oil supply disruptions.

The bill before the Senate today provides the President with the authority he would need to fashion such a response. The potential reach of this authority is every bit as broad as the law we are replacing, the Emergency Petroleum Allocation Act of 1973. However, the structure is quite different:

Where the EPAA mandated the imposition of a comprehensive regulatory scheme, S. 1503 would authorize the President, in his discretion, to deal with petroleum shortages in a sequential manner, tailoring the Federal response to the severity of the disruption.

Where the EPAA required the establishment of a regulatory scheme that could only be removed with congressional acquiesence, S. 1503 provides for automatic termination of the effectiveness of any regulatory scheme after 90 days.

Where EPAA contained significant detail with respect to the pricing of petroleum, S. 1503 authorizes the President to include provisions addressing pricing in his allocation program only to the extent the President finds that such provisions are necessary to achieve the objectives of the program. The committee fully expects that any price limita-

tions established would provide firms engaged in the sale of petroleum with fair margins.

Mr. President, S. 1503 reflects our experience with petroleum supply disruptions and the regulation of the petroleum industry since 1973. It provides an appropriately flexible authority that the President genuinely needs. If he does not now welcome or appreciate this authority, I can guarantee that he will be glad he has it when the next upheaval in world oil markets occurs. I urge the Senate to adopt S. 1503 so that the gap in the President's authority to deal with these matters which has existed since the EPAA expired can be closed.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Idaho.

Mr. McCLURE. Mr. President, S. 1503, the Standby Petroleum Allocation Act of 1981, would grant the President limited and temporary authority to allocate domestic supplies of crude oil, residual fuel oil, and refined petroleum products under certain specified circumstances in order to minimize the adverse impacts of a petroleum supply shortage on the American people and the domestic economy.

Given the current instability in the Middle East, it is imperative that we empower the President with sufficient authority to deal with any energy emergency that may confront him in the future. If we do not act, we would send the wrong signal to our allies as well as our adversaries.

We must give the President basic, general authority to deal with this problem if the crisis comes. Events are too uncertain in this unstable world for us to devise a precise statutory scheme, in advance of a crisis, which would deal with all the equities and inequities that would accompany a shortage. Therefore, it is essential that we now give the President the broad authority that will be necessary for him to deal with that unknown energy supply scenario that will undoubtedly occur in the future if another oil supply cutoff should occur.

Addressing the question of whether the United States is prepared to deal with oil import disruptions, the General Accounting Office recently concluded in its report dated September 29, 1981, that "with the exception of the recent buildup of the Strategic Petroleum Reserve, the United States is no better prepared to deal with significant disruptions in oil imports than it was during the 1973 oil embargo." The GAO added that "oil import disruptions—such as the 1973 oil embargo and the 1979 Iranian shortfall—pose a significant threat to national security, and the lack of effective contingency planning and program development to date is serious and requires immediate attention." (Rept. EMD–81–117.)

With the expiration of the Emergency Petroleum Allocation Act (EPAA) on September 30, 1981, the Federal Government no longer has basic authority to deal with severe domestic shortages of crude oil, residual fuel oil, and refined petroleum products. Furthermore, the adequacy of the President's authority to implement a standby emergency petroleum allocation and pricing program in the event of a severe petroleum supply shortage has been called into question.

In my judgment, that remaining authority is inadequate to the task. My conclusion is consistent with the results of several legal analyses that were submitted to the Committee on Energy and Natural Resources during its consideration of S. 1503. Those analyses included reviews of the relevant provisions in the various Federal laws, other than the EPAA, that grant to the President limited authority to allocate petroleum supplies under certain defined circumstances.

Among the statutes reviewed were the Energy Policy and Conservation Act of 1975 (EPCA), the Defense Production Act (DPA), the International Emergency Economic Powers Act (IEEPA), the Emergency Energy Conservation Act of 1979 (EECA), the National Emergencies Act, and the Trade Expansion Act of 1962, as amended (TEA). None of these Federal statutes provides the President with sufficiently broad authority to implement an oil allocation program on a national or regional basis after the EPAA expires.

A legal memorandum prepared by the Department of Energy and reviewed by the Department of Justice (which appears in the committee's report on S. 1503) concludes that section 251 of the Energy Policy and Conservation Act (EPCA) authorizes the President to allocate crude oil among domestic oil companies if he deems such action necessary to enable the United States to meet its international allocation obligations under the Agreement on an International Energy Program (IEP). However, the Department of Energy found that such authority does not encompass comprehensive petroleum price and allocation controls of the type initiated under the Emergency Petroleum Allocation Act (EPAA).

In July of this year, W. Kenneth Davis, Deputy Secretary of the Department of Energy, testified before the Committee on Energy and Natural Resources on behalf of the administration. He stated that the administration opposed enactment of new emergency petroleum allocation legislation. Nevertheless, he also acknowledged that after the EPAA expired, the President would not have any comprehensive petroleum price and allocation authority similar to that provided by S. 1503.

Mr. President, the President's ability to act under existing law is sufficiently ambiguous to constrain his possible actions and render them inadequate to the task. The choice is between the current situation, which consists of ambiguous and possibly inadequate existing authorities, and the clear, definitive congressional delegation of authority provided by S. 1503, which consists of specific standby authority to deal with petroleum supply interruptions.

Central to the committee's decision to support S. 1503 was our determination that it is better for us to legislate now, at a time when we are not involved in a crisis and can act somewhat dispassionately, than to wait and find ourselves legislating in the midst of a crisis, as was the case when the EPAA was enacted.

If a serious shortage should occur, it is a virtual certainty that the Congress and the executive branch will be besieged with demands for relief. In such a crisis atmosphere it would be far more difficult for the Congress to make sound decisions. A much more preferable approach would be for the Congress to enact S. 1503, which provides the necessary standby authority to deal with periods of inadequate oil supplies. S. 1503 would provide a clear, predictable, and unambiguous standby authority in terms of allocation and necessarily related margin or nondiscriminatory pricing.

Simply stated, in the event of a serious disruption in available imported energy supplies, primary reliance should be on market mechanisms, but this must be backed up by broad, clear Presidential authority to intervene in the market on either a regional or national basis when the marketplace mechanism cannot function adequately or allocates essential supplies too slowly.

This position is supported by testimony before the Committee on Energy and Natural Resources from major oil companies, independent refiners, independent marketers, labor unions, consumers, and energy analysts. But more importantly, the consensus was that first, the EPAA should be replaced with broad standby authority that would enable the President to tailor any price and allocation controls to deal with the specific shortage when it occurs; and second, such authority should be accompanied by an automatic sunset provision designed to limit market intervention to the period during which the crisis is in effect. These two conditions are satisfied by S. 1503. Primarily for these reasons, Mr. President, enactment of S. 1503 is supported by the following organizations:

ORGANIZATIONS THAT HAVE INDICATED THEIR SUPPORT FOR S. 1503

AGRICULTURE AND FOOD

American Bakers Association.
American Feed Manufacturers Association, Inc.
American Frozen Food Institute.
American Meat Institute.
American Soybean Association.
Chocolate Manufacturers Assn.
Corn Refiners Association.
Food Marketing Institute.
Grain Terminal Association.
International Apple Institute.
International Association of Ice Cream Manufacturers.
Milk Industry Foundation.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Cattlemen's Association.
National Cotton Council.

National Council of Farmer Cooperatives.
National Farmers Organization.
National Farmers Union.
National Food Brokers Association.
National Food Processors Association.
National Frozen Food Association.
National Grain and Feed Association.
National Grange.
National Milk Producers Federation.
The Fertilizer Institute.
United Fresh Fruit and Vegetable Association.
U.S. Cane Sugar Refiners Association.

INDEPENDENT REFINERS

American Petroleum Refiners Association.
Committee for Equitable Access to Crude Oil.
Independent Refiners Assoc. of America.

OIL MARKETERS AND DISTRIBUTORS

Empire State Petroleum Association, Inc.
Independent Fuel Terminal Operators Association.
Independent Gasoline Marketers Council.
National Oil Jobbers Council.
New England Fuel Institute.
Society of Independent Gasoline Marketers of America.

Mr. President, with the expiration of the Emergency Petroleum Allocation Act, we cannot responsibly be dependent on anything less than full preparation.

That preparation must be based upon five principles that are reflected in S. 1503. First, maximum reliance should be placed on marketplace mechanisms to handle petroleum supply emergencies. Use of the authority in S. 1503 is limited to a severe petroleum supply shortage, which is defined as a national or regional shortage of significant scope and duration as a result of an interruption of imported petroleum that is not reasonably manageable by reliance on free market pricing and allocation. Should Federal action become necessary to supplement the market mechanisms, S. 1503 would insure that the administration is fully prepared to take the necessary actions.

Second, a major disruption in imported petroleum supplies is a national problem that demands a coordinated national response. If the Federal Government were to fail to provide that coordination, State and local governments would soon feel compelled to address any shortage themselves. This possibility already exists.

The States have reacted to the possibility of an energy emergency with a wide range of responses: 39 States have granted some form of specific authority to the Governor, ranging from a reference to energy within the definition of "disaster" by 10 States to specific energy emergency powers by 19 States. Moreover, about 20 State legislatures are currently examining proposals to extend, amend or broaden the powers of their Governors in the event of an "energy emergency." These combined State activities will vest in the Governors substantial power to intervene in the marketplace during an energy crisis.

When the EPAA was in force, State programs in conflict with the Federal program were preempted. However, with the expiration of EPAA, the individual State laws can now be utilized during an energy emergency without regard for regional or national interests. This uncoordinated hodgepodge of often conflicting State and local laws, if activated in response to a national oil supply shortage, could significantly disrupt commerce and exacerbate the adverse effects of the shortage. This is not just a remote possibility. It is a virtual certainty if a serious shortage should occur.

Thus, S. 1503 provides for preemption of any State or local program regarding allocation or pricing of petroleum which is in conflict with the standby Federal regulation or any order issued under S. 1503. However, if the Federal allocation program is activated, it must provide for a State set-aside program in each State to which the Federal program applies.

Moreover, the President would be authorized to delegate to any State any of his authority to implement the Federal program.

The third major principle reflected in S. 1503 is that in order to maintain public confidence, there must be a clear Federal commitment supported by the necessary legal authority and administrative capability to take decisive Federal action if a severe oil supply interruption requires action beyond responsible reliance on the marketplace.

If U.S. oil imports were seriously disrupted and no Federal allocation program were available for implementation, the public's lack of confidence in the marketplace might well be displayed by the hoarding of supplies. For example, during previous disruptions, large numbers of motorists routinely topped off their tanks, and many corporations installed and filled new storage capacity. Since such actions aggravate supply shortages and produce accelerated price increases, they are extremely detrimental and should be discouraged to the maximum possible extent during a period of severe shortage.

Fourth, if a very severe disruption should occur, the marketplace may not respond quickly enough in maintaining adequate supplies for certain critical needs. In particular circumstances, Government intervention may be essential as the only means for preventing or limiting severe economic hardship or damage.

For example, if such a severe shortage occurred during the peak of planting or harvesting, in the absence of S. 1503, agricultural operations might simply have to be reduced or deferred until adequate supplies again become available. A severe shortage thus could cause a reduction in—or outright termination of—essential farming operations.

Both this concern and concern for the needs of other potential priority users are reflected in S. 1503, which would require administration of the standby regulation, if implemented, to reflect the needs of specified users depending on the nature of the shortage. The bill would permit the President to tailor the Federal response to the scope, impact, and duration of the shortage.

Finally, S. 1503 would insure that the International Energy Agency is continued as the principal international mechanism to deal with oil supply emergencies, as well as other critical energy issues. S. 1503 would assure that the United States have in place a sound and effective domestic program for allocating petroleum supplies to meet our obligations under the international energy program.

Mr. President, as a final point, I emphasize that S. 1503 reflects a compromise. The importance of the bill is derived from the absolute necessity for some type of compromise on the issue of how best to deal with an oil shortage. The compromise can be described in this way.

A number of Senators have concluded that the history of Federal intervention in the petroleum marketplace since 1973 strongly suggests that such intervention should never be permitted to recur. Other Senators, including this Senator, have concluded that if a severe petroleum supply shortage should occur, the free market would not function adequately in allocating supplies in certain circumstances, and the Congress eventually would be compelled to authorize Government intervention.

S. 1503 represents an attempt to reconcile these totally divergent assessments of the proper Government role. Accordingly, the bill would place primary reliance on the free market as the allocation mechanism during a shortage; however, the bill would also authorize Federal intervention, but only to the extent necessary and only for a limited period of time.

Another example of the balancing process in S. 1503 involved the Federal oil sharing—buy-sell—program. If Federal intervention occurred, such a program would be optional, but if it were implemented, it would be required to meet specified criteria.

In short, S. 1503 would establish a middle ground between no Federal intervention in the marketplace and a comprehensive Federal allocation program. The compelling need for such a reconciliation is also the measure of the need for the legislation.

Mr. President, I ask unanimous consent that a summary of S. 1503, the Standby Petroleum Allocation Act of 1981, appear at this point in my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 1503, THE STANDBY PETROLEUM ALLOCATION ACT OF 1981

The purpose of S. 1503, as reported by the Committee on Energy and Natural Resources, is to grant the President limited and temporary authority to allocate supplies of crude oil, residual fuel oil and refined petroleum products under certain specified circumstances. Such authority would be exercised for the purpose of minimizing the adverse impacts of a petroleum supply shortage on the American people and the domestic economy. The major provisions of S. 1503 are:

(1) Within 90 days of enactment, the President could be required to promulgate a general standby regulation for the mandatory allocation of crude oil, residual fuel oil, and any refined petroleum product. The regulation may include limitations on the price of allocated supplies only if the President finds that such limitations are necessary to achieve the objectives of the allocation program. The limitations may include provisions restricting discriminatory pricing. The standby regulation also would include an optional standby program for limited sales of crude oil among domestic refiners. If the President chooses to implement a crude oil sharing program, the program must be designed in accordance with the provisions of S. 1503.

(2) The President would be authorized to implement the standby regulation only if he finds that (a) a "severe petroleum supply shortage" exists or is imminent or (b) action is required to meet obligations under the International Energy Program.

In the event of a "severe petroleum shortage" the President must determine (a) that a national or regional shortage of significant scope and duration exists or is likely to occur as a result of an interruption of imported petroleum and (b) that the shortage is not reasonably manageable by reliance on free market pricing and allocation, or under other authorities available to the President. The regulation could be implemented for up to 90 days after the President transmits to the Congress an "energy action", and neither House of the Congress has disapproved, or both Houses have approved, the message within 15 calendar days of continuous session. The President's message to the Congress would be accompanied by an analysis of the circumstances which require him to take action, a description of the actions he intends to take, and any additional amendments to the standby regulation necessary to meet the immediate emergency. One extension for up to 60 days would be authorized without resubmission to the Congress.

If the President finds that implementation of the standby regulation is required to meet obligations of the United States under the International Energy Program, he could initiate a domestic allocation program without prior Congressional approval.

(3) It is intended that implementation of the standby regulation would, depending on the scope, duration, and extent of the impact of the shortage, be tailored to the specific statewide, regional, or national shortage. In other words the President may choose to implement only certain selected provisions of the standby regulation, or the full regulation. Administration of the standby regulation must, to the maximum extent practicable, provide for certain objectives drawn from section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973. Should implementation of the standby regulation provide for the allocation of residual fuel oil or any refined petroleum product, the Federal program also must provide for a State set-aside program for that product in any state in which the Federal program is activated.

(4) Provision is made for preemption of any State or local program regarding allocation or pricing of petroleum which is in conflict with the standby Federal regulation or any order issued under S. 1503. However, the President would be authorized to delegate to any State any of his authority to implement the Federal program.

(5) The authorities of S. 1503 would expire on January 1, 1985.

Mr. McCLURE. Mr. President, the argument has been made by several Senators that S. 1503, as reported by the committee, comes too close to mandating a complex Federal program such as the one imposed by the EPAA. Certain industry groups have concurred in that assessment, and they point out that S. 1503 incorporates verbatim the list of objectives contained in section 4(b)(1) of the EPAA, and that S. 1503 also contains a crude-oil-sharing, or a "buy-sell" program.

Mr. President, the contention that S. 1503 is virtually a "clone of EPAA" is totally erroneous, however. That becomes evident from a careful comparison of the actual language of the reported bill with the provisions of the EPAA. Furthermore, S. 1503 reflects certain fundamental concepts that are totally different from those that produced the EPAA.

During the hearings on standby oil controls that were held earlier this year, the committee was told by most of the witnesses that the EPAA should not be extended beyond its expiration date of September 30, 1981. The committee members agreed, and I can assure my colleagues that S. 1503 is not a mere extension of the EPAA as alleged.

Let us first examine what S. 1503 would actually do, and compare that to what occurred under the EPAA. The most significant feature of S. 1503 is illustrated by its title, the "Standby Petroleum Allocation Act of 1981." The bill would create a standby program, one that would not be activated unless a severe emergency occurred. Prior to such an event, there would be no Federal intervention in the marketplace. There would be no allocation, no price controls, nor any effect on the market whatsoever.

The EPAA, on the other hand, required the President within 15 days of enactment to establish mandatory allocation and pricing rules. In essence, under the EPAA a massive and complex Federal program was implemented, and it remained with us for 7 years, during periods when we had shortages, and when we did not.

Under S. 1503, the standby Federal program would not be activated unless an actual shortage existed or was imminent, and unless the shortage was severe. If the shortage could be managed by reliance on the free market, then the Federal program would not be implemented. In short, S. 1503 is based on a concept of Federal intervention only as a last resort. The bill proposes what could be called a high trigger for Federal action. The EPAA had no trigger at all.

S. 1503 envisions a program of limited Federal allocation controls. Mandatory allocation of crude oil or petroleum products would occur only to the extent necessary. The standby regulation would reflect that policy. If the program were implemented, any subsequent regulations and orders would also reflect that policy. Thus, under S. 1503 partial controls could be implemented initially. In contrast, EPAA initially adopted the broad, comprehensive program that was already in existence for another purpose.

During the committee's consideration of S. 1503, a number of proposals and amendments were discussed and considered which would have identified new public and private interests, or sectors of industrial and economic activity, to the set of purposes and objectives of the standby allocation regulation. After careful consideration of these proposals, the committee instead adopted language taken from section 4(b)(1) of the Emergency Petroleum Allocation Act, as amended.

The committee's inclusion of certain EPAA language in S. 1503 must be considered in the context of the type of regulatory program proposed by S. 1503. The allocation objectives contained in section (4)(a)(2) of S. 1503 are just that—they are objectives. They would be implemented only to the maximum extent practicable. Although the objectives are the same as those that were contained in the EPAA, they would not necessarily be implemented in the same way.

Rather, the language represents a workable set of objectives which the President should seek to satisfy insofar as available supplies of petroleum will permit, recognizing that many of the objectives are inherently contradictory. The President would have the flexibility to determine the most practical approach, after considering the particular circumstances surrounding the shortage, and recognizing his responsibility to minimize Federal intervention in the marketplace.

In adopting this language from EPAA, the committee did not intend to imply or indicate that the new standby regulation under S. 1503 be patterned after the regulatory program that evolved under EPAA. Quite the contrary. The fact that the administration opposed extending EPAA, and that the committee did not consider extending the act, speaks for itself. Further, the conditions today and the conditions under which EPAA was adopted in 1973 are vastly different.

An important difference between the EPAA and S. 1503 is the shift of the burden of proof required for changes in the scope of their regulatory coverage. When the EPAA was enacted, it automatically covered crude oil, residual fuel oil, and almost every refined petroleum product. Decontrol of certain products could be accomplished only by demonstrating to the Congress that such decontrol was appropriate. The concept reflected by S. 1503 is exactly the opposite. Controls under S. 1503 can be imposed only by demonstrating to Congress that such an action is necessary. The burden of proof would be on the proponent of Federal intervention in the market.

Another important difference between S. 1503 and the EPAA is the so-called sunset provision of S. 1503. Under that provision, the Federal allocation program could be operated only for 90 days, unless the President found that the program should be extended for an addi-

tional 60 days. At the end of the 150-day period, the program would terminate, unless the Congress approved a new finding by the President that the shortage continued to require Federal action. There was no comparable sunset provision in the EPAA.

As a final example of the major differences between the EPAA and the proposal before us, I point out that S. 1503 provides that price limitations may be imposed only if they are found by the President to be necessary for effective implementation of the allocation program. In other words, as a condition for imposing price controls, there would have to be a showing of a necessary linkage between the allocation mechanism and price controls. This contrasts sharply with the EPAA, which, in effect, ratified an existing price control system that had already been imposed under phase IV of the economic stabilization program. That price control system was not designed to correspond to a program for allocating crude oil and petroleum products; rather, it was designed to control inflation. Thus, the price control program under EPAA was not designed to work in tandem with the program for allocating petroleum. The pricing system was not conceptually linked to the allocation system. That fundamental flaw in the EPAA would not recur if S. 1503 were enacted into law.

Mr. President, the fundamental need for S. 1503, the Standby Petroleum Allocation Act of 1981, is derived from the fact that the United States has experienced several petroleum supply disruptions during the past decade and runs the substantial risk of future disruptions in international energy supplies.

BUDGET IMPACT OF S. 1503

Mr. President, the Committee on Energy and Natural Resources does not anticipate any significant budgetary impact from the enactment of S. 1503, the Standby Petroleum Allocation Act of 1981. I understand that this position is concurred in by the Budget Committee.

Therefore a budget waiver is not required.

S. 1503 would require the promulgation within 90 days of enactment of a general standby regulation. The regulation would be prepared by the Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness; and it is the committee's judgment that the related analyses and planning activities could be funded within available appropriations for fiscal year 1982.

In the event that the President invokes the authority of S. 1503 and implements part or all of the standby regulation, there could be a modest budgetary impact at that time. Most, if not all, of the Federal activities to support a limited allocation program would be conducted by existing civil service personnel on temporary assignment to supplement the Department of Energy emergency preparedness staff.

Mr. McCLURE. Mr. President, I also ask unanimous consent to have printed in the RECORD letters of support from the organizations I mentioned earlier.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AG ENERGY USERS CONFERENCE

OCTOBER 16, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR CHAIRMAN MCCLURE: This letter is in support of S. 1503, the Standby Petroleum Allocation Act of 1981. The signatories represent virtually every sector of our nations's food system, including producers, processors, manufacturers, food brokers and distributors of food and fiber. As Americans realize, the health and economic prosperity of our country can, in large measure, be attributed to our strong food and fiber industry.

It must be pointed out that the U.S. food system is unlike other industries. The interrelated chain of events that begin with farm inputs and end at the table of the American consumer is dictated by nature's biological clock. The food system is one that is crucially time-sensitive, the point being that a disruption of any of the vital inputs, such as petroleum products, can and does threaten the entire process.

Adequate and timely supplies of petroleum products are essential to this system. Recent history has shown that crude oil disruptions have had a detrimental effect on the petroleum product supplies to the various sectors of the food chain.

We believe it is the proper role of the Federal Government to manage severe energy disruptions through the implementation of standby emergency regulations. We feel that S. 1503 will provide the President with the flexibility and discretionary authority he needs to offset the detrimental effects of severe petroleum shortages on the American public.

Further, we support the inclusion of responsible and proven priority classifications under S. 1503. The retention of the maintenance of agricultural operations as a statutory objective in any petroleum product allocation plan is certainly in our Nation's vital interest. To this end we urge that recognition be given to the need to include distribution and transportation of farm inputs and food to points of final purchase prior to consumption under the agricultural priority regulatory definition.

Thank you for your consideration.

For further information contact:

Gary D. Myers, Chairman, Agricultural Energy Users Conference, 861-4900.

American Bakers Association.

American Feed Manufacturers Association, Inc.

American Frozen Food Institute.

American Meat Institute.

American Soybean Association.

Chocolate Manufacturers Association.

Corn Refiners Association.

Food Marketing Institute.

International Apple Institute.

International Association of Ice Cream Manufacturers.

Milk Industry Foundation.

National Association of State Departments of Agriculture.

National Association of Wheat Growers.

National Cattlemen's Association.

National Cotton Council.

National Council of Farmers Cooperatives.

National Farmers Organization.

National Farmers Union.

National Food Brokers Association.

National Food Processors.

National Frozen Food Association.

National Grain and Feed Association.

National Grange.

National Milk Producers Federation.

The Fertilizer Institute.

United Fresh Fruit and Vegetable Association.

U.S. Cane Sugar Refiners Association.

AMERICAN BAKERS ASSOCIATION,
Washington, D.C., October 16, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLURE: The American Bakers Association has distributed copies of the attached letter to all Members of the United States Senate in the hope that they will join with you in support of S. 1503.

As the attached letter states, we believe that the passage of S. 1503 is essential for the continued prosperity of our industry and the entire American economy.

We commend you and Members of your Committee for drafting and reporting this important legislation, and hope that it is favorably acted upon by the full Senate.

If we can be of any further help to you in this regard, please let us know.

Sincerely,

ROBERT J. WAGER,
President.

AMERICAN BAKERS ASSOCIATION,
Washington, D.C., October 19, 1981.

DEAR SENATOR: This week the Senate will consider S. 1503, a bill providing the President with discretionary powers to respond to a severe petroleum disruption, which was introduced by Senator McClure and overwhelmingly approved by the Senate Energy and Natural Resources Committee. As the tragic events in Egypt have underscored, we live in an uncertain world in which we can never afford to assume that an uninterrupted supply of imported oil will continue.

While the members of the American Bakers Association are appreciative of the Administration and Congressional efforts to reduce the burdens of regulation on business, we also recognize that some regulatory programs have served both the business community and general public well and deserve your continued support. In our view, one such exemplary program has been the emergency petroleum allocation authority. While critics have justifiably attacked some provisions of the recently-expired act, we believe that some of the concepts contained in EPAA deserve keeping. The McClure bill successfully sorts out these good provisions. The result is a fresh approach that provides for the continuation of some Presidential emergency authority without tying the President's hands or burdening the business community with regulation. S. 1503 deserves your strong support.

The American Bakers Association would like to believe that the "free market" can equitably distribute petroleum products to the marketplace. The fact of the matter is, however, that even without Federal intervention, it is unlikely that the marketplace will be permitted to operate freely during an energy emergency. As a recent American Petroleum Institute study illustrated, forty-nine states have their own emergency plans in some form of development of which twenty-one contain fuel distribution schemes. The states will undoubtedly exercise this authority in the absence of a Federal response to an emergency situation. The President's own Cabinet Council on Natural Resources and Environment has warned of this possibility in a memo to the President in which they suggest that without Federal authority, "states would be free to pass control laws of their own."

The Administration's response to these arguments has been that the President has other available authorities to deal with such developments. Yet in this same Cabinet memo, the Justice Department concluded that the President does not presently have

the ability within existing law to duplicate the comprehensive authorities available to the President when the Emergency Petroleum Allocation Act was still in effect.

This situation concerns our members, who as operators of the fourth largest trucking fleet in the nation and as producers and distributors of 80 percent of the commercially-baked bread and other baked foods, require a continued predictable and sufficient supply of fuel in order to survive. A sudden and severe energy shortage can only bring economic devastation to the baking industry and with it a critical national food shortage. Furthermore, the same consequences could occur in the absence of a Federal response if uncoordinated state programs are permitted to be implemented in response to a national or regional shortage of energy and interstate commerce is severely disrupted.

For these reasons, we urge your support of S. 1503, as amended. First, the bill neither unduly ties the President's hands nor does it encourage his intervention—the triggering mechanism is high enough to discourage its unnecessary use, yet within reach if it is required. Second, the bill does not restrict the President's use of other authorities but does clarify the authorities that are available for his use in an emergency. Third, the bill comes to grips with the state/Federal problem by clearly preempting state action that might conflict with a possible Federal response. Finally, the bill, by including broad guidelines for the distribution of available supplies of energy by category, takes the monkey off the President's back of having to decide the difficult priority issue in the midst of a national crisis.

We hope that the President will never have to exercise these emergency authorities. However, we will rest easier knowing that the country is capable of responding to a severe emergency shortage should it develop. The passage of S. 1503 will provide that needed guarantee.

Sincerely,

ROBERT J. WAGER,
President.

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., October 15, 1981.

Hon. JAMES A. MCCLURE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MCCLURE: The National Council of Farmer Cooperatives strongly supports S. 1503, the "Standby Petroleum Allocation Act of 1981." We understood that the full Senate is expected to consider this bill the week of October 19.

This legislation is critical to the welfare and security of our national economy, as we are now without a responsible and effective emergency energy preparedness policy to respond to future crude oil supply disruptions. Agriculture, rural America, and the Nation as a whole can ill afford this vulnerability.

The tragic assassination of Egyptian President Sadat serves as a grim reminder that it is only a matter of time before world instabilities lead to another disruption. Now is the time to make careful decisions on this critical matter—not in the middle of our next fuel crisis.

The U.S. petroleum industry should be allowed to operate unfettered by government controls during normal market periods. However, another crude oil disruption could result in severe regional shortages and result in oil prices doubling again—absent appropriate action—with the OPEC cartel making these economic injuries permanent. This single event can destroy all progress in our tough economic recovery battle.

In reporting out S. 1503, you and your colleagues on the Senate Energy Committee have developed a balanced approach to disruption management which will provide the President with the necessary options to respond effectively. S. 1503 embraces many of the concepts contained in the Durenberger/Andrews bill (S. 1476), an approach which the National Council has been endorsing.

The National Council is actively contacting members of the Senate, encouraging them to support and vote for S. 1503, and thereby issuing a strong mandate for responsible emergency energy preparedness policies. We applaud you for your strong leadership, and stand ready to work with you in every way possible.

Sincerely,

KENNETH D. NADEN,
President.

AMERICAN PETROLEUM
REFINERS ASSOCIATION,
Washington, D.C., October 16, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the members of the American Petroleum Refiners Association let me express their gratitude for your continued support of emergency preparedness legislation.

S. 1503 is the result of a bipartisan commitment to help insure fair and equitable distribution of petroleum products to all the nation's citizens in the event of a crude oil supply disruption. Your efforts and S. 1503 are fully supported by the members of this Association.

As you may know, APRA is the largest trade association representing exclusively small and independent refining companies. These companies are located in more than twenty states and have worked diligently for almost three years in an effort to educate the Congress to the need of an alternative should a crude supply disruption eliminate any free market within the refining industry.

We look forward to continuing to work with you as this measure progresses through the Senate.

Sincerely,

RAY F. BRAGG, Jr.,
Executive Director.

COMMITTEE FOR EQUITABLE
ACCESS TO CRUDE OIL,
Washington, D.C., October 6, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As an organization which supports your bill, S. 1503, to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage, we wish to express our deep appreciation for your efforts in this regard.

We strongly commend you for holding the recent hearings. You did a masterful job of chairing the mark-up sessions on this proposal, allowing all views to be heard equitably. Also, your staff on the Committee has been most gracious.

With kind regards, I remain

Sincerely yours,

ROBERT G. REED, III,
Chairman.

EMPIRE STATE PETROLEUM
ASSOCIATION, INC.,
New York, N.Y., October 19, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLURE: The Empire State Petroleum Association, on behalf of the independent gasoline and home heating oil marketers of New York State, hereby expresses its strong support for S. 1503, the Standby Petroleum Allocation Act now being considered by the full Senate. Standby authority is critical to protect the consumers served by independent marketers as well as to preserve competition if a supply disruption occurs. New York consumers rely on the independent sector for most of their petroleum product needs; obviously these consumers cannot rely solely on the market for adequate supplies in time of crisis.

S. 1503 is far superior to the Emergency Petroleum Allocation Act (EPAA) which it replaces. No regulations will be implemented unless the President and Congress agree on the need; any control program will expire automatically in 90 days; and no state or local regulatory activity will be lawful that conflicts with the federal standby scheme. It is critical that federal law preempt individual states from enacting regulatory programs, which will increase prices, create supply disruptions, and prevent the marketplace from functioning effectively in time of ample supply.

Thank you for your consideration of ESPA's views on this critical legislation.

Sincerely,

ROBERT D. LYNCH,
Executive Vice President.

INDEPENDENT FUEL TERMINAL
OPERATORS ASSOCIATION,
Washington, D.C., October 19, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Independent Fuel Terminal Operators Association ("IFTOA") is writing to express its strong support for S. 1503, the "Standby Petroleum Allocation Act of 1981." As stated in our testimony before your Committee on July 30, 1981, we believe that in all but the most severe supply disruption, the market can correct most distribution and pricing problems. During a severe shortage, price and allocation controls may be necessary as last resort measures; such controls can preserve a competitive petroleum industry and ensure service to all consumers, particularly those served by the independents in urban and rural areas.

In late 1973 and early 1974, the Emergency Petroleum Allocation Act ("EPAA") assured survival of the petroleum distribution system and ensured equitable distribution of products at equitable prices throughout the nation. During the emergency, the EPAA worked. We recognize that the Committee has received much testimony criticizing the EPAA; however, Congress should recognize that the distortions and inefficiencies caused by that statute resulted from the maintenance of regulations long after the emergency had passed. S. 1503 is far superior to the EPAA. Perhaps most important, it has an automatic sunset provision; thus, regulations would be imposed only during an emergency and then only for the duration of the crisis.

Your Committee has recognized that (1) during periods of ample supply the free market alone should determine the allocation and pricing of petroleum products, and (2) during a crisis the Federal Government should implement a single, uniform system of controls. To ensure that individual states do not adopt their own allocation and pricing programs which would result in inefficiency, confusion and artificial shortages, Congress should adopt a strong preemption provision. That provision should explicitly state that upon promulgation of the standby regulations, State and local laws governing allocation and pricing of products are superseded.

With the addition of this one amendment, the Independent Fuel Terminal Operators Association strongly supports passage of S. 1503. Our Association believes that it is essential legislation which will ensure that

the United States will be prepared to deal effectively with any future energy emergency.

Respectfully submitted.

LEONARD P. STEUART II,
President.

INDEPENDENT GASOLINE MARKETERS COUNCIL,
Washington, D.C., October 19, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Independent Gasoline Marketers Council, a trade association of nonbranded independent retailers of motor gasoline, supports you in your efforts to persuade the Senate of the merits of S. 1503, the Standby Petroleum Allocation Act of 1981.

We were especially impressed with your leadership as Chairman of the Senate Energy Committee in achieving a committee consensus. You successfully avoided the efforts of some to make the bill excessively burdensome and at the same time you were flexible enough to permit the inclusion of protective language that independent marketers can feel comfortable with.

There is no question that in a severe petroleum shortage, Congress would legislate petroleum regulations. We believe that legislation passed during an emergency would not be as good as S. 1503, the bill the Energy Committee has reported.

If there is anything we can do to support your efforts on the floor, please do not hesitate to write.

Sincerely,

JACK A. BLUM,
General Counsel.

INDEPENDENT REFINERS ASSOCIATION OF AMERICA,
Washington, D.C., October 16, 1981.

Hon. JAMES A. MCCLURE,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLURE: On behalf of the Independent Refiners Association of America, I urge you to support S. 1503, Senator McClure's standby petroleum allocation bill. Th bill was approved by the Senate Energy Committee by a vote of 13–4 and is currently scheduled for consideration on the Senate floor on Monday, October 19. We think the Committee has done an outstanding job in shaping a bill that meets our national needs for a standby program to deal with severe petroleum supply disruptions, and we urge your support for this effort.

Our support for S. 1503 is based on several factors. First, and most important, this country can simply not afford to be without a standby emergency program to deal with future petroleum supply disruptions. Failure to develop such a standby program would not be responsible national policy. The recent tragic events in the Mideast have underscored just how fragile is the stability of the region that supplies by far the greatest share of our peroleum imports. Our analysis of existing legislative authority suggest that, at the very least, any attempt to respond to an emergency by using what is now on the books would be tied up in the courts, which is the last thing we would need at such a time.

Second, S. 1503 prescribes an approach that is carefully limited both in terms of how standby authorities can be invoked and in terms of how long the program could remain in place. The President is required to oversee the development of a standby regulation. That regulation may be implemented by the President only in case of a severe supply disruption. Even when implemented, it can only remain in place for 90 days and is subject to disapproval by either House of Congress, and it can only be extended once, for a maximum of 60 days, by the Administration. Any attempt to keep the program in force for a longer period of time would require that the President resubmit the program to Congress, a procedure which we believe ensures that no standby allocation would remain on the books past the time when it is needed. And the entire bill expires in 1985.

Third, Senator McClure and the Senate Energy Committee are wisely relying on the President's informed discretion in terms of deciding when the standby allocation program should be utilized. Many people have talked about a more mechanized triggering procedure, but we strongly believe that it is not the most feasible approach in the present circumstances.

In view of these considerations and in view of the substantial risk that we will face a crude oil supply disruption at some point over the next decade, we strongly urge you to vote in favor of S. 1503.

Very truly yours,

JACK C. PESTER,
President, Pester Refining Co.,
President, IRAA.

NATIONAL FOOD PROCESSORS ASSOCIATION,
Washington, D.C. October 16, 1981.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: The National Food Processors Association (NFPA) filed a statement for the record of the hearings held by the Committee on Energy and Natural Resources in favor of legislation giving the President new authority to allocate petroleum products. Although the NFPA shares President Reagan's preference for a free market, it is our contention that when supplies are disrupted by outside sources a "free market" no longer exists, and the normal supply and demand mechanisms will not suffice. The President should plan in advance and should have authority to act when necessary to assure distribution of fuels to argicultural end users and other priority end users.

We urge you to vote for S. 1503 as reported. This would create new standby authority for the President to allocate petroluem products during a severe supply disruption. Of all the industry activities in the United States, none are more vulnerable to energy supply disruption than are the growing, harvesting, and processing of perishable foods. For this reason, there should be a high priority on energy for agricultural end users.

Sincerely,

RICHARD W. MURPHY,
Vice President.

NATIONAL OIL JOBBERS COUNCIL,
Washington, D.C., October 15, 1981.

Hon. JAMES MCCLURE,
Chairman, Senate Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The National Oil Jobbers Council would like to commend you and the members of your Committee for your leadership in insuring that this nation will be adequately prepared to react to any future petroleum supply disruptions. NOJC feels that without legislation such as S. 1503, the 22,000 small business independent marketers of petroleum products and the millions of consumers they serve would face unnecessary hardship during a severe emergency.

This legislation fills a critical void in the President's powers to act in a severe crisis and gives this nation time to prepare programs that can help us avoid the problems created by past regulations that were hurriedly formulated and unnecessarily perpetuated.

Sincerely,

PHILLIP R. CHISHOLM,
Executive Vice President.

NEW ENGLAND FUEL INSTITUTE,
Watertown, Mass., October 19, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MCCLURE: The New England Fuel Institute ("NEFI"), an association of 1,264 independent retail and wholesale home heating oil distributors throughout the six New England states, wishes to express its strong support for adoption of the "Standby Petroleum Allocation Act of 1981," S. 1503. As active competitors in the petroleum market, we believe that the market is the best allocator of product in all but the most extreme circumstances. However, as we explained in our testimony before the Committee of May 19 and our statement of August 10, NEFI recognizes the importance of price and allocation controls on refined petroleum products in the event of a severe supply disruption.

In the winter of 1973–74, the Emergency Petroleum Allocation Act ("EPAA") prevented home owners in New England from suffering severe hardship due to the cold. That Act ensured equitable allocation of home heating oil at equitable prices to our region. Without that legislation, major integrated oil companies would have retained whatever available supply existed within their own distribution systems, primarily outside of New England. The EPAA preserved a viable independent marketing segment. The difficulties occurred when those controls were kept in force long after the crisis had passed. Commendably, S. 1503 avoids this problem by providing an automatic termination of regulations no more than 90 days after their implementation.

NEFI also urges the enactment of a strong preemption provision. The distribution of crude oil and petroleum products involves interstate commerce; that system cannot be subject to piecemeal state-by-state allocation and pricing regulation. It is clear that it is the intention of Congress to permit the market to govern petroleum price and allocation matters at all times except during an emergency. However, if Congress does not explicitly state that intent, it may in effect encourage States to adopt legislation which it not only does not endorse but which it wishes specifically to avoid. Therefore, NEFI supports a preemption provision which states that the Federal program, regardless of whether it is implemented, supersedes all State and local price and allocation programs. Such a provision is essential to achieving the objectives of the Federal legislation.

With this amendment, S. 1503 will ensure that our nation is prepared to deal with any future energy supply emeregncy in an equitable and efficient manner.

Respectfully submitted,

CHARLES H. BURKHARDT,
President.

COLLIER, SHANNON, RILL & SCOTT,
Washington, D.C., October 15, 1981.

Sen. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
Dirksen Senate Office Building,
Washington, D.C.

DEAR MR CHAIRMAN: On behalf of our client, the Society of Independent Gasoline Marketers of America (SIGMA), we wish to express the association's appreciation for your and the Committee's efforts with respect to S. 1503. As you are aware, SIGMA believes that it is essential that the President of the United States be provided with clear, unambiguous authority to respond to any potential severe petroleum supply disruption. SIGMA views S. 1503 as an appropriate grant of such authority. Therefore, SIGMA strongly supports the Senate's passage of S. 1503.

Sincerely,

R. TIMOTHY COLUMBUS,
Counsel.

UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION,
Alexandria, Va., October 16, 1981.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: On behalf of the United Fresh Fruit and Vegetable Association, I wish to commend you for your work on the "Standby Petroleum Allocation Act of 1981," which recognizes the priority energy needs of the agricultural industry. United fully supports the passage of this bill (S. 1503) and urges the Senate to consider the legislation in the near future.

Briefly, United is the national trade association for the fresh fruit and vegetable industry. Its membership numbers over 2,700 companies located throughout the country. They are engaged in all facets of the fresh produce industry and include growers, shippers, receivers, wholesalers, retailers, truck and produce brokers, as well as motor, rail, air and water carriers. Collectively, the members of United handle more than eighty per cent of the fresh fruit and vegetables which are commercially marketed in the United States, a thirty-five billion dollar a year industry.

United does not believe that the economic forces of the market place, without this standby petroleum allocation legislation which you introduced, are sufficient to allocate equitable and efficiently limited fuel supplies during an energy emergency. If an oil crisis should occur without a standby allocation plan ensuring energy supplies for food production and transportation, it would seriously threaten the welfare of the agricultural community and the nation's consumers who depend upon American agriculture.

American agricultural production consumes just three per cent of the nation's energy resources, and agricultural transportation uses only one percent of the national supply. Although this large industry requires relatively small amounts of fuel and energy, these supplies must be available to agricultural users without disruption. Due to the highly perishable nature of fresh fruits and vegetables, even a few days delay can result in costly crop losses or severe deterioration of crop quality. Consequently, a disruption of oil supplies without a standby allocation plan for agriculture would impair the ability of the members of United to produce, harvest and transport their commodities to market.

Accordingly, United appreciates your work on S. 1503 and will urge the members of the Senate to pass it forthwith.

Sincerely,

BERNARD J. IMMING,
President.

Mr. McCLURE. Mr. President, I thank the members of the committee, those who have agreed with this action, in particular. I also thank those who have disagreed with this action for their constructive comments and their willingness to participate in the process, even though they disagreed with the outcome. I am sure that this cooperation will continue on the floor.

I also wish to particularly commend the ranking minority member, the former chairman of the committee, Senator JACKSON, for his continued support and participation throughout this markup. I also thank Senator JOHNSTON and Senator FORD and others on the other side of the aisle who have been faithful in their attendance at the hearings and at the markup. No member of the committee has been more prompt in coming to or more willing to stay at the committee's proceedings than has the Senator from Kentucky. A close second would be the Senator from Louisiana. I appreciate that because it makes the work of the chairman much easier.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I shall be rather brief. I wish to say, first, that I share the bias of the Senator from Idaho against regulation, and this bill is not intended to be EPAA, junior. Rather it is intended to be a very carefully crafted, greatly restricted, discretionary power with the President to be used by him in an emergency and then for only a limited period of time.

We hope it will never have to be used, but we must look at the situation in the Middle East and consider the instability there. We must consider the fact that wars and rumors of wars are transpiring even today, the fact that just days ago one of our very best friends in the Arab world. President Sadat, was assassinated, and the fact that the King of Saudi Arabia was assassinated a short period of time before that. Also, we must consider the fact that Iran and Iraq continue to be in war, the Yemenese continue to make menacing sounds and gestures at Saudi Arabia, the Lebanese situation continues to boil and threatens again to erupt into what seems to be an almost constant state of war, and the Libyans and the Sudanese continue to have raids and fight across the border. In sum, Mr. President, the Middle East is an unstable area that supplies the world with most of its imported oil.

And a cutoff of supplies from the Middle East is not only possible or conceivable but it is thinkable, and it is in that spirit that this bill intends to have a framework built on which emergency action can be taken.

Without this framework, without all of these issues having been thought through and the framework built, then the emergency would be indeed much worse as the country frittered away its time trying to build this structure in the midst of that emergency.

Second, I wish to say that the bill is defective in my judgment in that it does not deal with the question of gasoline rationing. Gasoline rationing is a step removed from the kind of emergency that would trigger this bill and the provisions of this bill.

Gasoline rationing, in my view, should be invoked only in a really severe emergency or in terms of percentages, a cutoff of something like 20 percent of our supplies. But if we ever reach that point, Mr. President, it would be perfectly clear that the free market acting alone could not solve the problem because what we would have would be prices of gasoline that some have estimated to be as high as $6 or $8 a gallon. That kind of free market price simply would be unacceptable to the American people. To allow marketers of gasoline, whether they be the corner filling station or the biggest international oil company in the world, to raise prices 200 or 300 percent in the midst of such a crisis and have that provide the "free market mechanism" by which a scarce and precious resource is rationed among the people of this country would be totally unacceptable.

And that is the situation we would face. We have no standby rationing plan. I quite agree that the rationing plan that we perfected beginning with President Ford's administration and then culminating in President Carter's administration was a flawed plan. Indeed, it is impossible to have a rationing plan that is not flawed because there is no equitable way or no reasonable way to measure and calculate the needs and equities pertaining to millions of different Americans and millions of different situations economic, social, moral, et cetera. There is no way to do that adequately, completely, and fairly.

So any program that attempts to do it is, therefore, necessarily flawed. But we should have some standby plan that the President can invoke in the midst of an emergency and as we often said in these matters if the oil companies cannot trust Ronald Reagan whom can they trust? Ronald Reagan as President of the United States should have some kind of standby authority for gasoline rationing which I hope he would never have to use. I would hope that the most liberal Democrat would not even be tempted to use it. But it should be there, and this bill is flawed in that it does not deal with that question.

Other than that, the bill is a good one. The crude sharing provisions I think are reasonable. They have been fought for as standby authority by a number of us over a long period of time. The reason we want crude sharing is that the independent refining sector is vital to competition. It is vital to the supply of many regions of our country. And without some kind of protection in the event of a crude oil cutoff, a crude oil shortage, we would be likely to lose our entire independent refining sector, which comprises about 25 percent of refinery capacity in this country.

The crude oil sharing provisions, Mr. President, lest anyone be confused, is not a return to the old days of the small refiner bias. No one, certainly not I, wants to return to what was a bravely conceived but poorly executed plan that gave the small refiners what I think the Washington Post called a bubble bath of subsidy which they neither deserved nor which happened to be economically efficient. The subsidy was too much. It even created small topping plants or distillation plants that really added nothing to the refinery capacity needed by this country.

We are not authorizing that with the crude oil sharing program. We are requiring that the President come up with a set of rules which he can invoke in the midst of such an emergency. He can invoke crude oil sharing before, after, independently of or part of a price and allocation proposal.

So in my view the most sensible thing would be that the President would in the midst of an emergency first invoke crude oil sharing before he goes into price and allocation because crude oil sharing would be a less burdensome, a less dislocating thing for petroleum markets than price and allocation would be. That would be a judgment which the President would be free to make under this bill.

Finally, let me say just a word about

Federal preemption of State and local laws. We will deal with preemptions here in an amendment to be offered next week. I understand it is next Thursday that we will resume consideration of this bill. I have a proposed preemption provision which I have circulated.

There are various other versions of a preemption amendment which are also being circulated. The distinguished chairman of the committee and I, and indeed the whole committee, dealt with this matter in the markup. The record of the markup reflects an intention of the committee to offer a preemption amendment on behalf of the committee which in effect would provide that Federal law in this area, pricing and allocation, would preempt any State laws except to the extent that the President chose either through a rulemaking or some other procedure to exempt from preemption either generic or generalized types of State laws or indeed perhaps even to exempt State laws by name if they fit the category.

We have not succeeded at this point in reducing that concept mentioned at the markup to an agreeable set of words, but I hope and trust that we will be able to do so.

Price and allocation control are something we all want to avoid, but one thing is clear, at least to this Senator, and that is if it is invoked it ought to be done on a uniform basis with the national good in mind. That is clear, I think, to all of us who have dealt in this area over the period of years since the first oil shock that oil is not only an interstate matter of concern, it is an international matter, and no State should be permitted to set up regulations on pricing and allocation that would get for that State some kind of advantage over its neighbor or would set up a system which might be inconsistent with the national good and the national interest as far as oil and oil pricing and allocation are concerned.

If it is a sufficiently strong problem that a State should want to invoke a program, then that same kind of circumstance should cause the President to invoke the program on the national level, and I hope and trust we can work that out.

Mr. President, the Standby Petroleum Allocation Act of 1981 is a bill I consider to be one of the most important pieces of substantive legislation we will debate in this Congress.

This has been a year of tax and budget cuts. Congressional preoccupation with the economy has been and will continue to be needed and appropriate, given the dismaying statistics we see everyday on the rates of unemployment, of inflation and of interest on borrowed money.

Much of the difficulty in which we now find ourselves can be traced to the sudden petroleum price increases of the 1970's. The law which defined our petroleum policy during that period, the Emergency Petroleum Allocation Act of 1973, expired on October 1, 1981. It is therefore also appropriate that the Senate at this time consider legislation establishing a new petroleum policy for the 1980's. That new policy is embodied in S. 1503.

It is, first of all, a bipartisan policy. Sponsored originally by the chairman of the Committee on Energy and Natural Resources, Senator McCLURE, this bill has become under his leadership a bill which reflects the consensus of the views of both Republicans and Democrats on the committee. Senator McCLURE is to be congratulated for his work in building this consensus.

Second, this bill is a free-market bill. Its bias is clear. The free market is the primary mechanism to be used to address shortages of petroleum. Allocation may only be used in truly extraordinary circumstances, and then only subject to rigorous limitations established in the bill.

Thus, any allocation rule may only be implemented after detailed findings are presented to Congress by the President and only after Congress has been given an opportunity to veto such implementation.

Moreover, any allocation rule imposed will automatically self-destruct unless the President again demonstrates that circumstances are still so precarious as to justify continuation of the effectiveness of the rule.

It is the committee's intent that a heavy burden be placed on the President in making the findings referred to in these provisions of S. 1503. Clear and compelling justification for the actions the President would take under this authority are required.

Finally, this is a responsible bill. Experts on the forces affecting the world oil market are virtually unanimous on the subject of the inherent instability of that market. The 1980's are expected to include turbulent, and potentially disastrous periods for oil-consuming economies. The President must have adequate discretionary authority to manage domestic petroleum supplies in the event that the severe disruption we hope will never happen does in fact occur. The President and Congress should arrive at an agreement on the nature of that authority now, before such a disruption occurs.

Mr. President. I ask unanimous consent that a summary of a study underlining the need for this kind of authority by one of the world's foremost petroleum consultants, Walter J. Levy, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. JOHNSTON. I urge the Senate to act in an expeditious manner to provide the President the clear legislative authority he needs to exercise effective leadership during a petroleum supply crisis. S. 1503 represents a basic approach to this problem. S. 1503 provides for a free market supplemented by allocation where necessary. This approach is perhaps the most familiar and easily managed methodology we have to deal with petroleum shortages. For this reason, if for no other, such authority should be unambiguously available to the President.

S. 1503 also includes specific authority for an optional program which may offer special help to the President in smoothing out disruptions in petroleum supplies with a minimum of regulatory instrusion. Section 5 of the bill provides for a program of crude oil sharing among refiners which could be implemented by the President to reduce disparities in crude oil availability during a severe supply disruption.

I believe the approach offered by section 5 of S. 1503 contains a number of advantages. First, such a program can be implemented in a manner which involves regulatory interaction with refiners only, and perhaps with only a few of them—the most disadvantaged and the most fortunate relative to the average. At the same time it should be possible to avoid complex and burdensome controls on domestic producers of crude oil and on distributors and marketers of refined petroleum products.

Second, such a program can alleviate the kind of panic-buying which drove world crude oil prices from $15 per barrel to over $40 per barrel during the shortfall resulting from the Iranian revolution. If refiners know that everyone will be treated fairly with respect to crude oil access during a severe supply disruption, the impact of that disruption on crude oil prices should be mitigated.

Finally, such a program should provide the kind of certainty necessary to permit a broad range of refinery upgrading investments. With the knowledge that refiners will be able to get some crude oil during a disruption—to be sure, not as much as they might want—financing for refinery retrofit should become available at far more reasonable rates. Refinery upgrading offers real promise for the reduction of overall U.S. crude oil requirements as well as requirements for expensive, foreign, light, sweet crude oils.

The more flexible our domestic refining capacity is in converting readily available crude oils and unwanted residual fuel into transportation and home heating fuel, the more domestic priority users of petroleum will be insulated from any sudden reduction in the availability of the most-sought-after foreign refinery feedstocks.

The free market supplemented by allocation, crude oil sharing and the use of refined product set-asides are authorities contained in S. 1503. Other approaches to the problem have been suggested. These include detailed rules for the use of strategic petroleum reserve oil and reliance on the recycling of incremental Federal tax revenues, resulting from high domestic oil prices, as ways to mitigate the effects of a severe petroleum supply disruption. These options merit the study and consideration of Congress. In my opinion more study is necessary before either option is ready for enactment.

The Energy Policy and Conservation Act (EPCA) governs the use of oil stored in the strategic petroleum reserve, and S. 1503 would not change that. The committee intends that the allocation of crude oil from the SPR be governed by the applicable provisions of EPCA, not by S. 1503. With nearly 250 million barrels

in the SPR by January 1, 1982, Congress may soon decide to review the matter of SPR drawdown. The committee decided not to attempt such review in the context of S. 1503.

I have a special interest in the matter of windfall petroleum revenue recycling as a method of addressing severe petroleum supply interruptions. I have a bill, S. 824, before the Finance Committee which contains a version of this approach. I introduced S. 824 to stimulate substantive discussion of the recycling option. I think the concept has great promise. In any event, it is the preferable approach if the alternative is coupon rationing of petroleum.

The Committee on Energy and Natural Resources was urged to adopt another version of revenue recycling as the sole response permitted to the President during a severe petroleum supply disruption. I understand that a similar amendment will be offered during floor debate on S. 1503. I will oppose this amendment, and I urge my colleagues to do the same.

Revenue recycling may turn out to be the preferred approach to the management of petroleum supply disruptions, but we have not yet had the benefit of the kind of detailed analysis which might tell us that conclusively. Such analysis simply must be available before we consider adopting recycling as a discretionary policy. Certainly we do not know nearly enough about how revenue recycling would work to make it our only policy.

I hope that we will be able to make clear that a negative Senate vote on revenue recycling does not preclude future approval of the concept, when and if the appropriate detail and justification can be provided to the committees of jurisdiction.

Mr. President, the bill before us is a worthy product of the Committee on Energy and Natural Resources and deserves the support of the Senate. I urge my colleagues to act favorably on the bill so its enactment by Congress can be accomplished as soon as possible.

EXHIBIT I

CRUDE PRICE DECONTROL—WHAT IT WILL MEAN FOR COMPETITIVE CAPABILITIES IN THE U.S. REFINING INDUSTRY

SUMMARY

1. The time and circumstances under which domestic crude oil is scheduled to be decontrolled are critical to the potential impact of decontrol on competitive capabilities in the U.S. refining industry. For the foreseeable future, U.S. refineries will be dependent upon substantial volumes of foreign crude to meet their total feedstock requirements. Furthermore, U.S. refineries will be importing crude in a world oil environment characterized by tight supply/demand balances, a range of uncertain events that could disrupt supplies at any time, and prices that are volatile and subject to wide disparities.

2. The Report begins with a look at the likely circumstances under which foreign crude oil will be available to the U.S. refining industry in the 1980's. We then consider how markets for domestic crude oil may look after decontrol. The final part of the Report deals with the implications for government policy of problems of competitive access of U.S. refiners to crude oil supplies in periods of shortage.

FOREIGN OIL AVAILABILITY

Requirements vs. potential supply

3. The general outlook for the decade of the 1980's and beyond is for world-wide oil balances to be tight at best. Demand for oil will increase very slowly by historical standards, reflecting a very marked slowdown in growth of total energy requirements and major contributions to energy supplies from sources other than oil. Nonetheless, the demand for oil will still increase substantially in absolute terms (close to +10 million barrels per day between 1980 and 1990) and the non-Communist world will be consuming on average about 20 billion barrels of oil annually over the decade.

4. Even with a substantial increase in non-OPEC oil production, demand for OPEC oil output could average close to 30 million barrels daily in the 1980's. This level of demand for OPEC oil looks to press up against the ability and willingness of OPEC nations to produce over the years ahead.

5. The decade of the 1980's and beyond should see a rising long-term trend in the real price of crude oil, reflecting generally tight oil balances, a dwindling resource base, and higher replacement costs. However, the upward trend in foreign crude oil prices is not likely to be smooth.

6. With little in the way of available surplus productive capacity to turn to, it will not take much in the way of lost production somewhere around the world to disrupt international oil supplies in the 1980's. Cutbacks in oil availability could result from a wide range of possible developments—e.g., withholding of supplies by one or more exporting countries for political reasons, physical mishaps, and military conflicts such as the past Arab-Israeli wars and the current war between Iran and Iraq. With little slack and many potential shocks, it is reasonable to anticipate a greater frequency of disruptions to world oil supplies in the future than in the past.

Furthermore, the disruptions that occur are likely to have a far greater impact than those of only a few years ago—e.g., contrast the minimal effect on oil supplies and prices of the Arab oil embargo arising out of the Israeli-Arab war of 1967, when substantial surplus productive capacity was available, and the devastating impact of the embargo/production cutbacks that followed the Arab-Israeli war in 1973, when there was relatively little in the way of unutilized capacity that could be drawn upon.

The impact of supply disruptions

7. When various random events trigger temporary cutoffs in the flow of oil, companies and countries who are left short of supplies—or even fear they will be left short—will inevitably seek out whatever oil is still made available in order to shore up their positions. The urgency to make up supplies can be expected to lead to hectic price competition in "spot markets"—i.e., anytime and anywhere uncommitted oil can be acquired by bidding up the price of such supplies.

8. However, with supplies being tight and shortages feared, companies with continuing access to foreign crude—e.g., through producing positions or supply contracts—are unlikely to make much in the way of supply available to others. In these circumstances, all companies have a strong interest in holding very closely whatever supplies they may have available. Higher-than-market price offers by crude-short companies may elicit little if any additional supply. Hence, dramatic runups in price offers in the effort to get potential sellers to let go of barrels. Even then, the volumes actually transferred tend to be relatively limited compared with the quantum increases in crude oil prices.

9. Withal, sharp increases in spot prices will be followed in course by upward adjustment in contract and OPEC official prices, although not necessarily to the levels reached in spot markets.

10. In this kind of environment, disparities among prices at which various crude oils are moving are likely to be fairly wide. By way of illustration, in mid-1979 when buyers were still scrambling for crude in the wake of Iranian cutbacks, official government selling prices were in a considerable range—e.g., Saudi Arabia at $18 per barrel, Kuwait at $19.50, and the OPEC African producers at $23.50. Term resales of OPEC crudes were reported at official prices plus 35–50 cent premia in the Arabian Gulf and up to $2 for African crudes. Spot prices were approximately $32 for Arabian Gulf and $36 for African crudes. By end-1979, Saudi Arabia had increased its official price by a steep $6 per barrel to $24, but didn't even come close to narrowing the gap on other escalating OPEC official and contract prices.

11. Companies will inevitably have differing crude costs even absent emergency supply conditions, reflecting relative resource positions and the commercial options they have chosen. The effect of shortages is to sharply widen the divergencies. However, the most critical aspect of price behavior during disruptions is that if there are no governmental policies in place assuring equitable access—among countries and among companies—competitive bidding for scarce supplies will lead to repeated price explosions. These can have dire consequences for the world's economies, for comity among oil-importing nations, and not-so-incidentally for incentives for essential investments to adopt U.S. refining capabilities to the country's changing product requirements (of which more later).

Temporary surpluses

12. The 1980's are likely to witness periods of temporary surpluses from time to time. These could emerge, for example, when production is restored after a supply disruption and/or demand is reduced substantially by sharp price increases and depressed economic activity. During temporary surpluses, there is the potential for price weakness and a narrowing of price differentials among crudes. However, there are several major factors that serve to vitiate downward price pressures and the narrowing of price disparities when crude balances become easier.

13. Most important, OPEC provides support to prices through the ability and willingness of its resource-rich members, notably Saudi Arabia, to live with substantial shut-in capacity when surpluses emerge. This underpinning serves to limit competitive selling pressures among OPEC nations and prevent a general downward price spiral.

14. Actions of oil-importing countries and companies also tend to help OPEC along in supporting prices in times of temporary surplus. After a shortage and in anticipation of the next one, there tends to be a compulsion to build up inventories as supplies become more plentiful. This adds to the total demand for oil and keeps balances tighter than they would be otherwise. Furthermore, offtaking companies often continue to accept high asking prices from producing countries even when oil balances ease up. To refuse high prices in the short term could prejudice long-term offtake rights which would be of precious value later on when balances tighten once again.

15. It is possible that discounts off OPEC official prices could emerge during temporary periods of surplus, despite the support provided directly by key OPEC members and indirectly by the actions of oil importers. However, these discounts are likely to be modest as compared with premia during shortage periods. Price behavior thus is likely to be asymmetrical during periods of shortage and surplus.

Implications of uncertain supplies and exploding crude prices

16. The world would be able to adapt to a reasonably continuous upward trend in real oil prices that reflected the increasing scarcity of oil resources and rising cost of replacement. It is the explosive price increases during periods of shortage—coupled with rigidities on the downside when temporary surpluses emerge—that lead to serious

economic difficulties for countries and commercial difficulties for companies.

17. Explosive increases in oil prices have a serious negative effect on international financial flows—adding to already high trade deficits of most oil-importing countries and adding still further to the huge financial surpluses of a few exporting countries—and world economic activity. Bidding among oil-importing countries for limited volumes of scarce supplies—which can only benefit one at the expense of another—is bound to undermine efforts for international economic cooperation. Companies whose only recourse in the event of supply disruption is frenetic bidding in what may be a futile effort to obtain needed crude supplies clearly do not have a sound basis for making future investments in refining operations.

18. These problems can only be dealt with by concerted policy efforts on the part of the governments of oil-importing countries. What is essential is that during periods of shortage, scant oil supplies are shared equitably among countries and there are assurances that companies also will share on some reasonable basis in whatever supplies are available (to which we return).

U.S. crude oil markets after decontrol

19. U.S. crude oil price controls are currently scheduled to be phased out by October, 1981. Decontrol sooner is being mentioned as a possibility under the incoming Reagan Administration. Whenever controls are lifted, prices for domestic crude oils will be oriented in general to the delivered costs of foreign crude.

20. In 1979, when limited volumes of domestic crude were free of controls and world oil supplies were scarce, prices for decontrolled domestic crudes tended to move up to—and at times even above—the delivered cost of foreign crude purchased at spot prices. In effect, a spot market developed in the United States—comparable to the so-called "Rotterdam" market abroad—for the volumes of domestic crude that were free of controls and could be obtained by bidding on price. Price premia paid for domestic crude over and above spot foreign crude presumably reflected the value attached by purchasers to the added supply security of domestic crude oil.

21. However, when all domestic crude is decontrolled, it is unlikely that some 8 million barrels daily of domestic crude will sell at prices tied inexorably to a very narrow foreign spot market. Prices posted by U.S. refiners for domestic crude after full decontrol are likely to reflect a combination of commercial, institutional, and political considerations. Such factors as the invoiced price of foreign supplies, assessments as to what level of prices may be necessary to acquire or hold supplies in competition with other refiners, and tax considerations (e.g., the incidence of excess profits tax on higher price realizations for an integrated producer) could enter into pricing decisions of individual refiners. All of these factors are likely to militate against very close or very quick adjustment in domestic postings to short-term changes in foreign spot markets.

22. In an environment of tight oil balances and supply uncertainties, substantial volumes of domestic—as also of foreign crudes—are likely to be tightly held. Refiners with access to their own domestic crude production and/or some form of control over purchased crude via gathering and other pipeline connections will have a strong interest in keeping such crude within their integrated systems.

23. As with the foreign oil market, the ability of crude-short refiners to dislodge domestic crude from others via price offers is likely to be relatively limited in times of severe supply stringency. To the extent necessary, refiners threatened with loss of domestic crude to which they have access via pipeline connections would tend to raise their own postings to the level at least necessary in order to assure their continuity of supply. Whatever domestic crude might be acquired through competitive bidding in such circumstances would almost inevitably be not only at the high end of the spread of prices that refiners pay, but would probably exceed that in net cost by virtue of collateral arrangements entered upon in order to complete the transaction.

Access to crude and Government policy

24. The future foreign and domestic crude oil environments described above suggest serious problems for various U.S. refiners in obtaining crude oil supplies in periods of shortage. It is very difficult to predict in advance which refiners are likely to feel the immediate or major brunt of shortfalls. In general, independent refiners are likely to be relatively exposed, owing to their more tenuous crude oil resource positions. Integrated refiners may have better security of supply when interruptions occur through their preferred access to large volumes of foreign oil as operators or under contract arrangements and to domestic oil either owned or controlled.

However, major oil companies can also be very hard hit, especially because of their dependence on vulnerable foreign sources. Witness the experience of British Petroleum, which within a relatively short period of time lost its 40-percent interest in Iran, had contract purchase volumes sharply cut back in Kuwait, and was thrown out of producing positions in both Libya and Nigeria for political reasons that the respective host governments presumed to invoke whilst tight world oil balances made their actions less risky than would have been the case in an earlier period. U.S. majors may not be politically impervious.

25. Absent a cushion of spare productive capacity, refiners who suffer cutoffs in traditional oil supplies find themselves with limited let alone commercially unattractive options for making up the deficiency. It is unlikely that alternative offtake arrangements can be negotiated when supplies are generally short. The only real alternative then is competitive bidding in spot markets, foreign and/or domestic. And as discussed, the consequences tend to be disruptive, not only from the standpoint of the companies affected but also of the countries exposed to the shortfall.

26. From the standpoint of the individual refiner, if he is successful in obtaining spot supplies, it would only be at very high prices. But even at very high prices, an individual refiner is unlikely to obtain the volume of crude supplies in the spot market that he needs to sustain operations—not when a crisis significantly cuts into aggregate crude oil availability on world markets.

27. Competitive bidding for spot supplies in shortage situations is also an unsatisfactory alternative from the standpoint of oil-importing countries, individually and as a group. Since total volumes available are limited, what one refiner or country acquires by bidding is at the expense of another. Further, as experience has only too convincingly shown, the resulting explosive price increases can lead to serious economic problems of world-wide dimensions—as following the 1973–74 and 1979–80 episodes.

28. There is a parallel, then, between the concern of U.S. refiners for crude access during supply emergencies and the concern of the U.S. Government on an international level for both equitable access among nations and fending off economically disruptive price runups. The United States has joined with most other industrial nations, under the auspices of the International Energy Agency, in developing a plan for oil sharing among its members in emergencies. A key objective is to keep countries from competing among themselves for limited supplies by providing each country with reasonably assured access to whatever limited supplies are available.

29. U.S. policy toward its oil-refining companies could be as essential during supply crises as U.S. policy with its oil-importing-country allies. It is in the U.S. interest to see that neither countries nor companies are left unprovided for when an emergency arises. Having the mechanisms in place that assure equitable access during periods of shortage would clearly help also to preclude the disastrous price explosions of recent years and that otherwise would have to be anticipated with perhaps increasing frequency over the years ahead.

30. The United States has an obvious national interest in a viable domestic refining industry. The industry will have to provide adequate overall capacity to meet future demand. More important, the U.S. refining industry will have to adapt over the years ahead to a changing pattern of product requirements, more stringent product specifications (e.g., lower-sulphur content), and shifting mixes of available crude oils (particularly, heavier and higher in sulphur). This adaptation will inevitably require continuing investment in high-cost, complex processing facilities.

31. When it comes to a supply crunch, it may be reasonably assumed that some form of ad hoc allocation of available crude would be invoked, particularly if circumstances get bad enough. However, this is hardly the same kind of assurance of supplies as would be provided by a program-in-place that spells out in advance how refiners would share available oil in the event of emergencies.

32. To ensure incentive for continuing essential investment by the U.S. refining industry—particularly with the lapse of extant authority as from October 1981 decontrol—legislative and administrative foundations would have to be reestablished to provide refiners with reasonable confidence of equitable access to crude in supply emergencies and at prices that are not disastrously out of line with competitive crude costs. The latter is not meant to imply that crude costs among refiners should be equalized on a continuing basis, or even in shortage situations. However, incentive to investment in new facilities requires some assurance that refiners will not be exposed subsequently to such extremely out-of-line crude prices that the continuity of viable operations would be seriously threatened.

33. In sum, during periods of supply crisis, a program for equitable access to crude oils by U.S. refiners would serve the national interest by paralleling international efforts to share available supplies among oil-importing countries and to fend off explosive price increases associated with the crisis or even in anticipation.

Mr. JOHNSTON. Does the fact that the objectives listed in section 4(a)(2) of S. 1503 are identical to those in the Emergency Petroleum Allocation Act of 1973 (EPAA) mean that the administration must implement the same regulatory programs as those which were developed under the EPAA?

Mr. McCLURE. No. The Committee on Energy and Natural Resources did not intend to reincarnate EPAA through S. 1503. If the committee had wished to reenact the EPAA along with all of the regulatory programs that implemented it, the committee could have simply extended the EPAA.

However, the committee consciously chose a different route. After careful consideration, the committee concluded that it is essential to the national inter-

est to provide the President with broad allocation authority in the event of a severe petroleum supply shortage. However, in order to prevent S. 1503 from expanding into another EPAA, the committee adopted certain safeguards.

For example, the authority in S. 1503 is discretionary, not mandatory as was the EPAA. Unlike EPAA, the authority under S. 1503 cannot be implemented without a finding by the President, which is subject to congressional review, that a severe petroleum supply shortage exists or that it is required by the international energy program.

Furthermore, in sharp contrast to the EPAA, price controls can be imposed under S. 1503 only after the President makes a specific finding that they are necessary. Moreover, S. 1503, unlike the EPAA, contains a strict sunset provision.

In the report which accompanied S. 1503, the committee explained as follows its decision to incorporate into S. 1503 the section 4(b)(1) objectives of the EPAA:

> The Committee's decision to incorporate the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, into S. 1503 was based on the consensus formed in the course of the mark-up sessions that the interests reflected in that provision have historically been and continue to be of national concern and should therefore be preserved.

It is not surprising that S. 1503 reflects some of the same concerns as did the EPAA since S. 1503 and the EPAA address the same general subject matter. However, section 4(a)(2) must be interpreted in the context of the purpose of S. 1503 and the bill as a whole. It would be a mistake to interpret that particular provision in a manner which counteracts all of the committee's efforts to avoid duplicating the EPAA.

A basic motivation for S. 1503 was the committee's recognition that the nature and scope of a petroleum supply crisis is inherently unpredictable and, therefore, the President's ability to tailor his response to particular circumstances should not be circumscribed.

Given the broad flexibility granted to the President under S. 1503, it is the committee's expectation that the President would take the most limited measures necessary to address a particular crisis. As we noted in the committee report:

> For example, the President could decide to implement only a crude oil sharing program or only a production allocation program. The President could implement a given program only in a certain State or region and the program could affect only one product.

If the President decided to implement only a crude oil sharing program, for example, during a severe petroleum supply shortage, it is obvious that the implementation of such a program would not meet all of the objectives of section 4(a)(2). Thus, the basic philosophy of S. 1503 of broad flexibility and minimum Government intervention in the market is inconsistent with interpreting section 4(a)(2) to mandate the adoption of any particular regulatory program, much less the comprehensive regulatory scheme developed under the EPAA.

Mr. JOHNSTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I speak today on behalf of S. 1503, the Standby Petroleum Allocation Act of 1981. I support this legislation and commend it to my colleagues as well-reasoned, prudent and necessary action to provide the Government of the United States with the clear, unambiguous authority required to protect the Nation from the consequences of a severe petroleum supply disruption.

We continue to be too dependent upon foreign oil. Recent tragic events renew our concerns regarding the stability of our sources for such oil. Yet, we have not prepared adequately for a supply emergency. The Comptroller General recognized this fact in his report of September 29, 1981, entitled "The United States Remains Unprepared for Oil Import Disruptions." In that report, GAO specifically recommended that Congress "replace the expiring EPAA authorities with a standby system to help assure oil availability during disruptions. Whatever system is chosen * * * should be fully developed, tested, and maintained in readiness for future disruptions."

GAO was not alone in recognizing the need for clear authorities such as those which would be provided by S. 1503. Even the Department of Justice has recommended that such clear authorities be enacted. Thus, I believe that the need for this legislation has been established. If we fail to respond to that need, we must all bear the responsibility for the injuries which will be inflicted on the agricultural community and other essential industries, as well as homeowners and small businesses, when, as a result of a supply disruption, they are unable to obtain the fuels essential to their functioning.

As Governor of Kentucky, and as a Member of this body, I have witnessed the effects of a severe petroleum supply disruption. From those experiences, I have concluded that certainty regarding the powers of the Government to act in such a crisis is essential. With the expiration of the Emergency Petroleum Allocation Act of 1973, no such certainty exists. The vacuum created by the expiration of EPAA raises serious questions regarding the ability of the President to respond to a petroleum supply emergency and to avoid the economic dislocations and severe hardships which such an event could generate.

Under the leadership of our chairman, we on the Energy Committee have produced legislation which fills that vacuum and, while providing the President with the authorities he requires, will avoid the difficulties encountered in previous programs. By requiring the President to prepare a standby program of regulations prior to the advent of a crisis, S. 1503 assures that the confusion associated with the implementation of a program is minimized.

Moreover, it assures that any such regulation will have been constructed in a rational context rather than in the context of market chaos. By restricting the President's pricing authority to that necessary for the effective operation of an allocation program, S. 1503 will avoid the impediments to market adjustment which existed in prior programs. Finally, by expressly limiting the duration of any such program's implementation, S. 1503 assures that a necessary and appropriate response to a severe petroleum supply disruption will not spawn another great bureaucracy which takes on a life of its own.

In summary, S. 1503 is a well-reasoned and prudent exercise in emergency preparedness. While providing essential authority to the President, it requires no more than that he be prepared to respond to a serious supply disruption. It does not tell the President when to use his authority, it only assures that if emergency action is required, then the necessary authority to act exists and that such emergency action cannot be impeded to the detriment of the Nation's interest.

I urge my colleagues to join me in supporting this essential piece of legislation.

I thank the distinguished Senator from New Jersey for allowing me to present my views.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I send two amendments to the desk and ask that they be printed and held at the desk.

The PRESIDING OFFICER. The amendments will be printed.

Mr. BRADLEY. Mr. President, preparation for the next oil emergency is a serious issue. Disruption in our supply of oil has grave implications for our economy, our standard of living, our military capabilities, our foreign policy, indeed our very survival. It is a serious issue and, frankly, Mr. President, the U.S. Senate is not treating it seriously.

The bill we have before us today is not the result of deep and careful thinking about how to deal with supply disruptions. It is merely an extension of the authorities that were used in the past and that have been proven to be failures. That is right. We have before us a bill that will extend the very authorities that have twice in this country caused gasoline lines. Have we all forgotten that? Have we forgotten the turmoil, the physical violence, the political panic, the economic costs of gasoline lines?

S. 1503 is guaranteed to cause gasoline lines once again. Since 1971 we have seen the problems caused by price controls and allocations, and yet what does the Senate Energy Committee bill bring to you to deal with the next disruption? Price controls and allocations.

Mr. President, is this the best we can do? Do we have to repeat the mistakes of the past? Did not the Energy Committee examine alternatives? Again, Mr. President, not very well.

I suggested an alternative in the committee that would have relied on market forces supplemented by financial protection for essential public services and the poor. Has this alternative been treated seriously by the U.S. Senate? No. One of my colleagues on the Energy Committee thought it was a good idea, but he said there were jurisdictional problems.

The guts of my alternative would have the President use an emergency tax cut and an emergency block grant to deal with the higher free market price of oil. Has the Finance Committee scheduled even 1 hour of hearings on this issue? No, it is too busy, too busy scheduling hearings on tax breaks for independent refiners.

That is why, Mr. President, I think the U.S. Senate is not treating this crucial issue of emergency preparedness seriously. We are about to consider and vote on a bill that would reauthorize the mistakes of the past without even holding hearings in the relevant committee on the principal alternative. This is unworthy of the U.S. Senate.

Some people have indeed thought about this issue carefully. Granted, those special interests which receive priority treatment under the earlier regulations now strongly advocate price controls so they can again get their allocations. However, no credible study that I am aware of has concluded that price controls helped the country as a whole. To the contrary, study after study has concluded that price controls make matters worse.

Let me read to you from the conclusions of just a few of the serious studies that have treated this subject. First, the GAO report dated September 29, 1981:

Price controls are a counterproductive strategy and GAO recommends that they not be used. Gasoline rationing also should be avoided because it is clumsy and would need a price control program to work.

That is the GAO study, dead set against price control authority.

Second. An MIT study by Robert Hall and Robert Pindycle:

The most important component of energy policy, particularly for the United States and Canada, is a commitment to the permanent elimination of price controls on energy markets.

Third. A Harvard analysis by Stephen Erfle, John Pound, and Joseph Kalt:

It is vital to the proper functioning of the U.S. economy over the next turbulent decade that any formal EPAA replacement which comes out of the new Congress shed the delusions about market functions that were at the core of EPAA. Congress should recognize the economics of oil market crises and, if it sees fit, should make a major effort during 1981 to design programs based upon tax and transfer systems that will directly address the equity issues of rising oil prices. Programs must be designed that are based on the reality of the distributional issues raised by oil crises, not upon the misperceptions of the public, the media and the policy-makers. To do otherwise, to repeat the mistakes of EPAA, will only serve to create future market difficulties in the U.S. when such difficulties demonstrably need not exist. Such misdirected regulation holds the promise of ultimately harming those whom its past champions have intended to help.

Fourth. From a forthcoming book by Jim Plummer of the Electric Power Research Institute:

Price controls and allocations, done in the name of fairness, add enormously to the social costs of oil supply disruptions. They also create many other forms of unfairness—e.g., gas lines.

Fifth. The U.S. Department of Energy in a July 1981 study of emergency preparedness:

The Administration is convinced that the welfare and interests of the American people will be best served if the government follows a policy of making sure that the nation has adequate insurance in advance to ameliorate the effects of major oil supply disruptions and, in the event of a disruption, of allowing the market to do the job it does best—allocating scarce resources efficiently and effectively among competing demands. For this reason the Administration is opposed to enactment of any petroleum allocation or price control authority, including extension of the Emergency Petroleum Allocation Act.

Sixth. The Heritage Foundation:

Among the most important (lessons of the past) is the realization that in virtually all cases, the market mechanism provides the most efficient means of allocating supplies, and should therefore be relied upon during periods of curtailed imports.

Seventh. Prof. Henry Rowen of Stanford, now with the CIA:

It is especially important in an emergency for Washington officials not to be burdened with administrative controls . . . This argues strongly for a decentralized system which relies on the price system.

I could go on, Mr. President. But the point is that disinterested studies by analysts and scholars conclude that price controls are counterproductive. Most of those who now support price controls represent not the interests of the American consumer but the interests of those special interests that have received preferential treatment in the legislation.

If we approve this Energy Committee bill next Thursday, we will have failed in our responsibilities. We will be telling the President to control prices and allocate oil in the next oil emergency. Yes, we will all feel good—we will go home and tell our constituents and our special interests—especially small refineries—that we took care of them. We will tell them that we protected them from higher prices, we insured that priority activities will get the oil they need at low prices. And our constituents will be very grateful.

But come the next supply disruption, pity the man who occupies the White House. The American people will have been told by their Senators that the President has the power to hold down prices and allocate oil. They will have, as a result of that assurance, made few preparations for the emergency, because they know the President is going to take care of them: their Senators said so. Then picture the gasolines lines, the misallocations, the phone calls from irate constituents that will happen, just like they happened last time the Government tried to control prices and allocate oil.

President Reagan is no fool. He is an astute President and an astute politician. He has said himself that he does not want this authority. In a letter to Congressman BUD BROWN on September 14 of this year, President Reagan wrote:

As the expiration date of the Emergency Petroleum Allocation Act approaches, I want you to know that I fully share your opposition to any extension of allocation and price control authority.

S. 1503 tries to give the President the allocation and price control authority he says he does not want. Administration witnesses told the Energy Committee the same thing. No wonder the President does not want it; in the letter to Congressman BROWN, President Reagan goes on to say:

Experience under the existing law has taught us that rather than ensuring equity, allocation and price controls have turned minor shortages into major gas lines twice in the past seven years.

The President does not want the impossible task of trying to regulate the oil market in a major disruption. And it is an impossible task.

In an editorial last week entitled "Senate Self-Embarrassment," the Wall Street Journal found it incredible that the Senate Energy Committee would want to repeat the energy policy mistakes of the 1970's. The editors could not believe that U.S. Senators had forgotten the dismal days of gasoline lines caused by the price controls. The Journal says:

We read that the Senate Energy Committee . . . has been wasting its time approving a bill thrusting powers on the President he doesn't want. The bill would give the President authority to allocate fuel supplies and impose price controls during a "severe" oil shortage.

It is incredible after the experiences of the 1970s that there can still be people in the Senate, many of them Republicans yet, who want to repeat the energy policy mistakes made back then. It is equally unbelievable that none of these lawmakers remembers those dismal days when motorists sat in long lines, fussing and fuming, waiting to buy fuel.

Those lines were caused by the policies the committee wants to preserve as standbys. Just to go through the lesson once more, we will recall what happened back then: Price ceilings made it impossible for prices to do their supply-demand balancing job; they discouraged domestic oil production and encouraged consumption, making a temporary world market imbalance progressively worse; supply allocations aggravated the problem by freezing oil product distribution patterns at a fixed time in the past, thus providing surpluses to areas of declining demand and shortages to areas of rising demand.

Mr. President, I ask unanimous consent that the remainder of that editorial be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

In short, the authority the Senate committee wants to preserve is a recipe for making any bad situation much worse. Under the leadership of Senator James McClure, Idaho Republican, this got through the committee by a vote of 14–2. (Actually, it was 13–4.) And the Senator, putting words in the President's mouth, insisted that the President would use the authority in any future energy "emergency."

We doubt it. Mr. Reagan is working hammer and tongs to get rid of this kind of regulatory nonsense. It would seem to us more useful for Republican Senators to help him with that job, rather than trying to perpetuate discredited ideas.

Mr. BRADLEY. Mr. President, we badly need a plan to deal with the next oil emergency. We cannot permit this

Nation to go unprepared into the coming decade of energy vulnerability.

Every Senator standing on the floor will talk about how vulnerable we are to oil supply disruption. But there is not adequate consideration of an alternative.

Disruptions in our oil supply are likely. Clearly, we see the signs of turmoil every day in the Middle East.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, S. 1503 will be temporarily laid aside.

Mr. BRADLEY. I ask unanimous consent that I be given an additional 15 minutes, Mr. President.

Mr. McCLURE. Mr. President, I am prepared and will offer a unanimous-consent request. I wonder if the Senator from New Jersey might limit his remarks to some period a little less than 15 additional minutes.

Mr. BRADLEY. I would say to the chairman I would like to finish this statement. I do not know how long it will take, but I certainly think it will be less than 15 minutes, probably more like 10. I will do my best. But I feel as the sole Senator on the floor in opposition, I ought to be able to present my statement.

Mr. McCLURE. Mr. President, I understand the Senator's desire and I am trying to accommodate him. At the same time, I am trying to accommodate the unanimous-consent agreement of this Senate that we move to the next piece of legislation. There are a couple of other items of business to be conducted on this bill before moving to the other bill.

Mr. President, I ask unanimous consent that the time for the consideration of S. 1503 be extended not to exceed 20 minutes, and that the first 10 minutes of that time be allocated to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. I thank the Chair. But I do not think I will need 10 minutes.

Mr. President, getting back to the issue, which is that we badly need a plan to deal with the next oil emergency, everyone who stands on the floor talks about what a crisis there is in the Mideast and what happens if we lose oil. Yet, we put in place a plan that commits us to making all the mistakes we made in the 1970's. The major point is, we must be prepared. The administration says it needs no new legislation.

I disagree with the distinguished chairman of the Energy Committee on the form of the new authorities. I agree with the Senator from Idaho that the Senate, the House, and the President ought to be on record so that the American people will know how the Federal Government intends to handle the inevitable supply disruptions.

The Energy Committee once again relies on the old EPAA price controls and allocations. The substitute which I will offer next Thursday will rely on the market to allocate oil, with financial protection for essential public services and low-income individuals.

The Senators from Idaho and Louisiana and the Senator from New Jersey agree that the administration's position of no bill is inadequate. We must do something, but we have to have the good sense to do the right thing and to learn from the mistakes of the past.

Mr. President, what plan should we pass? I hope the Senate will recognize the seriousness of this issue and will debate the issue fully. I have grave reservations about the ability of price controls and allocations to help in an oil emergency. History shows they have made things worse, not better.

I know that some of my colleagues will want to know why I believe that the market will work during a disruption and how increased Federal revenues can be quickly recycled to help protect the economy in general and individuals in particular.

Indeed, Mr. President, I wish the Finance Committee had held hearings on this important issue. But, nonetheless, I will try to answer my colleagues' questions using the many studies that have been performed.

At the appropriate time, as I said, I will offer an amendment in the nature of a substitute that would allow market forces to work. If the only argument against that approach is that no hearings have been held, I would hope that we can have the hearings and then come back to the Senate floor.

Before we decide to go to a vote on the Energy Committee bill, I hope someone will have provided the answers to the following three questions:

Why does anyone think that the price control and allocation program of S. 1503 will work any better than they have in the past?

The burden of proof must rest on the proponents of S. 1503. That question was not answered during the committee debate.

Second, since price controls cause gasoline lines, how do the sponsors of this bill intend for the President to deal with gasoline lines?

Again, the burden of proof is on those who advocate S. 1503.

Third, since price controls on domestic oil make it cheaper to import foreign oil, do we really want to subsidize our use of oil at the expense of our allies and trading partners?

In conclusion, Mr. President, this is a serious issue and we should treat it that way. The Senate has before it a bad bill, a bill that repeats past mistakes. The President does not want this bill and has said so publicly. Alternatives exist that have not been fully examined by the relevant committees because there has not been time to allocate a hearing to this approach that I have offered.

The debate on this issue should be full, in my view, and detailed.

As the chairman of the committee knows, I contemplated making sure that we were able to debate this issue fully by refraining from making a time agreement. But, indeed, we have reached a time agreement of sorts, and the vote will occur next Thursday, unless the 3 hours which have been allocated to my amendments have not been used up, at which point it could be postponed.

I hope we will find by next Thursday that some of my colleagues have looked at the debate today and have focused on the issue of whether we are going to repeat the mistakes of the past. After all, we are in a new beginning. The question is whether we are going to repeat the mistakes of the past or whether we are indeed going to strike out on a new beginning and say that we do think that the market allocates oil most efficiently, and that Government's proper role is to protect those who would be hardest hit by the higher prices of the market. The Government can protect those poor individuals, the middle-income individuals, through tax cuts and social security payments, and can assure Governors that their fishermen or farmers will be taken care of by block grants.

Mr. President, that is the issue. There is an alternative. I hope the Senate next week will face up to the fact that there is a choice.

UP AMENDMENT NO. 519

(Purpose: Committee technical amendment)

Mr. McCLURE. Mr President, I send to the desk a technical amendment on behalf of the committee and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. KASTEN). The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 519.

Mr. McCLURE. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 24, insert before the period, "or (2) to meet obligations of the United States under the international energy program" and, on line 23, insert "(1)" before "in".

On page 8, line 9, delete the semicolon and insert in lieu thereof a comma.

On page 9, line 10, delete "a" and insert in lieu thereof "the" and, on line 11, after "regulation" insert ", promulgated pursuant to this section,".

On page 10, line 12, delete "service" and insert in lieu thereof "services".

On page 11, line 4, insert a comma before "and" and, on line 11, strike "mineral" and insert in lieu thereof "minerals".

On page 12, line 1, delete "pursuant to subsection (a)" and insert ", or any regulation or order issued under this Act,".

On page 13, line 14, delete from "he" through line 17 and insert in lieu thereof "the President again complies with the requirements of subsection (a)(1).".

On page 15, line 15, insert "fuel" before "oil".

On page 16, line 9, insert "regulation or" before "order" and, on line 12, paragraph before "(A)" and, on line 20, paragraph before "(B)".

On page 17, line 17, strike "the" wherever it appears and insert in lieu thereof "any" and, on line 18, strike "any".

Mr. McCLURE. Mr. President, this is a technical amendment which has been agreed to on both sides. It merely modifies the first committee amendment of S. 1503, the Standby Petroleum Allocation Act.

Mr. JOHNSTON. Mr. President, the distinguished Senator is correct. We have no objections.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP 519) was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the first committee amendment as amended by the technical amendment on behalf of the Committee on Energy and Natural Resources be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 520

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 520.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, after line 24, add a new section as follows:

SEC. 14. Nothing in this Act shall be construed to require that any action taken under the authority of this Act, including allocation of, or the imposition of price controls on, crude oil, residual fuel oil or any refined petroleum product, be taken in a manner which would have been required under the Emergency Petroleum Allocation Act of 1973, as amended, had that Act not expired.

Mr. McCLURE. Mr. President, in my opening statement on S. 1503, I explained in detail the meaning of the authority granted to the President under section 4. Furthermore, in a colloquy with Senator JOHNSTON, I elaborated on the intended meaning of section 4(a)(2). While I do not believe there should be any confusion or misunderstanding regarding the meaning of section 4(a)(2), concern has been expressed that section 4(a)(2), read in conjunction with certain portions of the committee report, could conceivably be interpreted to require the President to implement the very same regulatory programs that had been implemented under the Emergency Petroleum Allocation Act of 1973 (EPAA).

Mr. President, as I discussed earlier as floor manager, it was not the intention of the Committee on Energy and Natural Resources to reincarnate the EPAA and its regulatory programs through S. 1503. I do not believe that the similarity between section 4(a)(2) of the bill and section 4(b)(1) of the EPAA would have that effect as a matter of law.

However, in order to avoid any uncertainty regarding interpretations to the contrary, I wish to offer a perfecting amendment to the bill. This amendment would negate any argument that section 4(a)(2) or any other section of the bill could be interpreted to compel the President to recreate the same regulatory programs that existed under the EPAA.

Mr. President, section 4(a)(2) requires merely that, in implementing the standby regulation, the President should, to the maximum extent practicable, provide for the specified considerations. Section 4(a)(2) does not require the President to design the standby regulation in a particular manner nor does it require the President to implement any particular regulatory program. Adoption of this amendment would insure that the language of the bill plainly reflects the committee's intent that the President have the flexibility to tailor any implementation of the standby regulation to the scope, duration, and nature of a shortage.

The amendment, in plain fact, is a legislative restatement of the committee's consensus intent as expressed by myself and my colleagues throughout the course of our business meetings on this bill. Consequently, the amendment only technically conforms the bill to that oft-stated and well-known committee intent. I have discussed this amendment with Senator JACKSON, Senator JOHNSTON, Senator FORD, and other Members, and I believe we all agree on the thrust of my remarks on the committee's intent. I urge the adoption of the amendment.

Mr. McCLURE. Mr. President, I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this amendment is in line with the conversations and the statement of the distinguished chairman and myself earlier in speaking on this bill. It simply means we do not necessarily pick up all the baggage of EPAA by adopting this bill. It is very consistent with the intent of the minority and the majority. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 520) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate temporarily lay aside S. 1503, the pending measure, and resume consideration of that measure at 9:30 a.m., Thursday, October 29.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object. Would the distinguished majority leader include in his request that my amendment, which has a limitation of 2 hours, be pending at that point? I should be willing to cut the time to 40 minutes equally divided. That makes sure that we get off to a running start that day.

Mr. BAKER. If ever I heard a good deal, that is a good deal.

Mr. President, I include in my request that at 9:30 a.m., when the Senate resumes the consideration of the standby petroleum allocation bill, the amendment of the distinguished minority leader be the pending amendment and that there be a time limitation on that of 40 minutes equally divided and controlled.

Mr. McCLURE. Reserving my right to object, and I shall not, it is my understanding that that amendment is the amendment that was identified in the previous unanimous-consent request.

Mr. ROBERT C. BYRD. Yes, it is, Mr. President.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader? Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

Mr. BAKER. Mr. President, I ask that the Senate proceed to consider the Interior appropriations bill, H.R. 4035.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated.

The bill clerk read as follows:

A bill (H.R. 4035) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, a parliamentary inquiry. There is no time limit on this bill, is there?

The PRESIDING OFFICER. The Senator is correct. There is no time limit on this bill.

Mr. McCLURE. Mr. President, given the unique budget situation we have all dealt with this year, it should come as no surprise that the Interior and Related Agencies Subcommittee—as well as the full Appropriations Committee—faced extremely difficult decisions in marking up the fiscal 1982 appropriations bill. It took the cooperation of all committee members to help us comply not only with the letter but also the spirit of the Omnibus Budget Reconciliation Act of 1981, as well as the spending controls we are attempting to impose on the entire Federal budget.

As reported by the Appropriations Committee, the fiscal year 1982 Interior and related agencies appropriations bill has trimmed nearly $300 million off the Department of the Interior's fiscal 1981 budget. Excluding the strategic petroleum reserve, we have finally halted the overwhelming growth of the Department

of Energy while maintaining those programs which have been and should continue to be most beneficial to the people of this country. Overall, this bill is below the section 302 allocation in budget authority as established in the recently passed Omnibus Budget Reconciliation Act. Further, when outlays relating to the SPRO are adjusted in compliance with congressional direction in the reconciliation bill, the appropriations bill is $3.469 billion below the President's budget.

Despite the fact that we have made tremendous strides in achieving some fiscal restraint in this bill, and are technically in compliance with the budget, it would be wrong to suggest we are also without problems. In fact, we face the possibility of a Presidential veto.

As indicated by the Republican Policy Committee's legislative notice, the administration is opposed to this bill because it is $200 million above the President's request for budget authority and some $76 million over the President for outlays. These numbers include the off-budget appropriation for the strategic petroleum reserve which, although not technically included in the budget, nevertheless reflects Government spending and therefore affects the Federal deficit, the credit markets, and the economy generally.

In addition, this committee will, as always, be faced with a pay and fire-fighting supplemental next spring totaling about $500 million. While such an increase can barely be accommodated by the budget outlays allocated to the subcommittee, it will clearly push the subcommittee far in excess of its allocation of budget authority.

Since originally proposed to the subcommittee in June, this bill has sustained add-ons of nearly $300 million. Let me emphatically state that we are at our ceiling—there is simply no more room for add-ons without corresponding decreases. This is just the third of 13 annual appropriation bills which this body will be considering during the next few weeks. Mr. President, the true test of fiscal responsibility will come with the passage of these bills, and that test begins today. Each and every one of you can assist us by showing restraint so we can meet the fiscal goals we have set for ourselves. If not, everything we have done so far in this Congress will be for naught and we may as well abandon the congressional budget process. I think that would be a drastic mistake.

Mr. President, I ask unanimous consent to have printed in the RECORD a table comparing appropriations recommended in the bill with those of the preceding fiscal year and with the House allowances and budget estimates.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1981 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1982

[Amounts in dollars]

Item	1981 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with—		
					1981 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF THE INTERIOR							
LAND AND WATER RESOURCES							
Bureau of Land Management							
Management of lands and resources	406,730,000	374,631,000	295,789,000	377,531,000	−29,199,000	+2,900,000	+(81,742,000
Acquisition, construction, and maintenance	14,768,000	13,626,000	12,720,000	12,845,000	−9,123,000	−781,000	+125,000
Land acquisition		307,000	1,137,000	2,300,000	+2,300,000	+1,933,000	+1,163,000
General administration			82,638,000				−82,638,000
Payments in lieu of taxes	103,000,000	45,000,000		105,000,000	+2,000,000	+60,000,000	+105,000,000
Oregon and California grant lands (indefinite, appropriation of receipts)	57,500,000	60,105,000	54,988,000	54,988,000	−2,512,000	−5,117,000	
Range improvements (indefinite, appropriation of receipts)	13,500,000	13,500,000	13,500,000	13,500,000			
Service charges, deposits, and forfeitures (indefinite, special fund)	9,600,000	10,000,000	10,000,000	10,000,000	+400,000		
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	100,000			
Total, Bureau of Land Management	605,198,000	517,269,000	470,872,000	576,264,000	−28,934,000	+58,995,000	+105,392,000
Office of Water Research and Technology							
Salaries and expenses	24,585,000		9,755,000		−24,585,000		−9,755,000
Office of Water Policy							
Salaries and expenses				10,118,000	+10,118,000	+10,118,000	+10,118,000
Total, Land and Water Resources	629,783,000	517,269,000	480,627,000	586,382,000	−43,401,000	+69,113,000	+105,755,000
FISH AND WILDLIFE AND PARKS							
U.S. Fish and Wildlife Service							
Resource management	233,430,000	221,600,000	207,235,000	221,628,000	−11,802,000	+28,000	+14,393,000
Construction and anadromous fish	35,397,000	7,240,000	9,475,000	6,611,000	−28,786,000	−629,000	−2,864,000
National Wildlife Refuge Fund	8,500,000				+8,500,000		
Migratory bird conservation account (definite, repayable advance)	1,250,000		1,250,000	1,250,000		+1,250,000	
Land acquisition		1,139,000	18,039,000	8,000,000	+8,000,000	+6,861,000	−10,039,000
General administration			29,208,000				−29,208,000
Total, U.S. Fish and Wildlife Service	278,577,000	229,979,000	265,207,000	237,489,000	−41,088,000	+7,510,000	−27,718,000
National Park Service							
Operation of the national park system	459,041,000	485,487,000	527,606,000	541,382,000	+82,341,000	+55,895,000	+13,776,000
National recreation and preservation	15,980,000	13,088,000	13,088,000	12,688,000	−3,292,000	−400,000	−400,000
Urban park and recreation fund	1,000,000		10,000,000		−1,000,000		−10,000,000
Land and Water Conservation Fund (indefinite)	288,593,000				−288,593,000		
(Increase in limitation)	(413,000)				(−413,000)		
Historic preservation fund	26,000,000	4,700,000	26,500,000	26,500,000	+500,000	+21,800,000	
Construction	43,367,000	60,721,000	108,771,000	108,721,000	+65,354,000	+48,000,000	−50,000
Construction (trust fund) (rescission)	−12,000,000				+12,000,000		
Land acquisition and State assistance		34,954,000	100,468,000	176,108,000	+176,108,000	+141,154,000	+75,640,000
John F. Kennedy Center for the Performing Arts	4,541,000	4,315,000	4,315,000	4,315,000	−226,000		
Park restoration and improvement		105,000,000				−105,000,000	
General administration			31,465,000				−31,465,000
Total, National Park Service	826,522,000	708,265,000	822,213,000	869,714,000	+43,192,000	+161,449,000	+47,501,000
Total, Fish and Wildlife and Parks	1,105,099,000	938,244,000	1,087,420,000	1,107,203,000	+2,104,000	+168,959,000	+19,783,000

Item	1981 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1981 appropriation	Budget estimate	House allowance
ENERGY AND MINERALS							
Geological Survey							
Surveys, investigations, and research	516,201,000	529,527,000	535,561,000	529,869,000	+13,668,000	+342,000	−5,692,000
Exploration of national petroleum reserve in Alaska	107,001,000	2,600,000	2,600,000	2,600,000	−104,401,000		
Digital cartography		6,034,000				−6,034,000	
Total, Geological Survey	623,202,000	538,161,000	538,161,000	532,469,000	−90,733,000	−5,692,000	−5,692,000
Bureau of Mines							
Mines and minerals	142,319,000	141,910,000	143,460,000	151,539,000	+9,220,000	+9,629,000	+8,079,000
Office of Surface Mining Reclamation and Enforcement							
Regulation and technology	89,679,000	64,568,000	66,033,000	64,418,000	−25,261,000	−150,000	−1,615,000
Abandoned mine reclamation fund (definite, trust fund)	82,485,000	115,227,000	115,227,000	114,227,000	+31,742,000	−1,000,000	−1,000,000
Total, Office of Surface Mining Reclamation and Enforcement	172,164,000	179,795,000	181,260,000	178,645,000	+6,481,000	−1,150,000	−2,615,000
Total, Energy and Minerals	937,685,000	859,866,000	862,881,000	862,653,000	−75,032,000	+2,787,000	−228,000
INDIAN AFFAIRS							
Bureau of Indian Affairs							
Operation of Indian Programs	838,140,000	822,997,000	797,395,000	830,972,581	−7,167,419	+7,975,581	+33,577,581
Construction	100,182,000	105,942,000	112,619,000	77,717,000	−22,465,000	−28,225,000	−34,902,000
Road construction	48,625,000	50,492,000	48,800,000	50,816,810	+2,191,810	+324,810	+2,016,810
General administration			63,512,000				−63,512,000
Alaska native fund	30,000,000				−30,000,000		
Trust funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000			
Trust funds (indefinite)	25,000,000	25,000,000	25,000,000	25,000,000			
Eastern Indians Land Claims Settlement	81,500,000				−81,500,000		
Revolving fund for loans (limitation on direct loans)		(14,770,000)	(14,770,000)	(14,770,000)	(+14,770,000)		
Indian loan guaranty and insurance fund (limitation on guaranteed loans)		(27,630,000)	(27,630,000)	(27,630,000)	(+27,630,000)		
Total, Bureau of Indian Affairs	1,126,447,000	1,007,431,000	1,050,326,000	987,506,391	−138,940,609	−19,924,609	−62,819,609
Rangeland improvements (special fund, indefinite)	6,800,000	6,500,000	6,500,000	7,500,000	+700,000	+1,000,000	+1,000,000
Miscellaneous trust funds		90,000	90,000	90,000	+90,000		
Total, Forest Service	1,698,396,000	1,652,447,000	1,701,395,000	1,645,437,000	−52,959,000	−7,010,000	−55,958,000
DEPARTMENT OF ENERGY							
Alternative fuels production (rescission)	−1,175,000,000				+1,175,000,000		
Fossil energy research and development	659,917,000	417,340,000	463,750,000	431,990,000	−227,927,000	+14,650,000	−31,760,000
Fossil energy construction	333,900,000	18,000,000		4,000,000	−329,900,000	−14,000,000	+4,000,000
Naval petroleum and oil shale reserves	216,313,000	230,963,000	222,023,000	222,463,000	+6,150,000	−8,500,000	+440,000
Energy conservation	711,675,000	195,000,000	203,890,000	130,340,000	−581,335,000	−64,660,000	−73,550,000
(Limitation on guaranteed loans)		(6,000,000)				(−6,000,000)	
Economic regulation	165,712,000	28,500,000	32,000,000	17,100,000	−148,612,000	−11,400,000	−14,900,000
Strategic petroleum reserve	2,790,507,000	3,883,408,000	3,383,408,000	199,408,000	−2,591,099,000	−3,684,000,000	−3,184,000,000
Energy Information Administration	90,417,000	80,000,000	84,986,000	79,851,000	−10,566,000	−149,000	−5,135,000
Biomass Energy Development:							
(Limitation on direct loans)		(80,000,000)				(−80,000,000)	
(Limitation on guaranteed loans)		(35,000,000)				(−35,000,000)	
Total, Department of Energy	3,793,441,000	4,853,211,000	4,390,057,000	1,085,152,000	−2,708,289,000	−3,768,059,000	−3,304,905,000
DEPARTMENT OF THE TREASURY							
Energy security reserve (rescission)	−469,500,000				+469,500,000		
DEPARTMENT OF HEALTH AND HUMAN RESOURCES							
Health Services Administration							
Indian health services	606,795,000	626,819,000	629,484,000	623,069,000	+16,274,000	−3,750,000	−6,415,000
Indian health facilities	83,053,000	8,100,000	46,739,000	46,617,000	−36,436,000	+38,517,000	−122,000
Total, Indian health	689,848,000	634,919,000	676,223,000	669,686,000	−20,162,000	+34,767,000	−6,537,000
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Indian education	81,680,000	81,096,000	82,096,000	81,096,000	−584,000		−1,000,000
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION							
Salaries and expenses	2,737,000	15,061,000	15,051,000	4,981,000	+2,244,000	−10,080,000	−10,070,000
SMITHSONIAN INSTITUTION							
Salaries and expenses	122,478,000	135,086,000	136,374,000	132,106,000	+9,628,000	−2,980,000	−4,268,000
Museum programs and related research (special foreign currency program)	3,650,000	5,500,000	4,500,000	5,250,000	+1,600,000	−250,000	+750,000
Construction and improvements, National Zoological Park	3,290,000	7,150,000	1,150,000	1,650,000	−1,640,000	−5,500,000	+500,000
Restoration and renovation of buildings	7,539,000	7,500,000	8,500,000	7,500,000	−39,000		−1,000,000
Construction	5,000,000	1,000,000	1,000,000	1,000,000	−4,000,000		
Subtotal	141,957,000	156,236,000	151,524,000	147,506,000	+5,549,000	−8,730,000	−4,018,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1981 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1982—Continued

[Amounts in dollars]

Item	1981 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1981 appropriation	Budget estimate	House allowance
Salaries and expenses, National Gallery of Art	24,651,000	32,777,000	31,777,000	30,067,000	+5,416,000	−2,710,000	−1,710,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	1,830,000	2,260,000	2,260,000	1,903,000	+73,000	−357,000	−357,000
Total, Smithsonian Institution	168,438,000	191,273,000	185,561,000	179,476,000	+11,038,000	−11,797,000	−6,085,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES							
National Endowment for the Arts							
Salaries and expenses	114,195,000	57,835,000	113,635,000	79,035,000	−35,160,000	+21,200,000	−34,600,000
Administrative expenses	11,900,000	12,665,000	11,365,000	10,265,000	−1,635,000	−2,400,000	−1,100,000
Subtotal	126,095,000	70,500,000	125,000,000	89,300,000	−36,795,000	+18,800,000	−35,700,000
Matching grants (indefinite)	32,700,000	17,500,000	32,500,000	30,000,000	−2,700,000	+12,500,000	−2,500,000
Total, National Endowment for the Arts	158,795,000	88,000,000	157,500,000	119,300,000	−39,495,000	+32,300,000	−38,200,000
National Endowment for the Humanities							
Salaries and expenses	106,522,000	59,000,000	100,087,000	77,000,000	−29,522,000	+18,000,000	−23,087,000
Administrative expenses	11,277,000	11,000,000	12,000,000	11,000,000	−277,000	----------	−1,000,000
Subtotal	117,799,000	70,000,000	112,087,000	88,000,000	−29,799,000	+18,000,000	−24,087,000
Matching grants (indefinite)	33,500,000	15,000,000	31,974,000	25,700,000	−7,800,000	+10,700,000	−6,274,000
Total, National Endowment for the Humanities	151,299,000	85,000,000	144,061,000	113,700,000	−37,599,000	+28,700,000	−30,361,000
Institute of Museum Services	12,857,000	220,000	14,420,000	8,400,000	−4,457,000	+8,180,000	−6,020,000
Total, National Foundation on the Arts and the Humanities	322,951,000	173,220,000	315,981,000	241,400,000	−81,551,000	+68,180,000	−74,581,000
COMMISSION OF FINE ARTS							
Salaries and expenses	298,000	173,000	303,000	303,000	+5,000	+130,000	----------
ADVISORY COUNCIL ON HISTORIC PRESERVATION							
Salaries and expenses	1,590,000	1,865,000	1,632,000	1,632,000	+42,000	−233,000	----------
NATIONAL CAPITAL PLANNING COMMISSION							
Salaries and expenses	2,400,000	2,381,000	2,371,000	2,361,000	−39,000	−20,000	−10,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION							
Salaries and expenses	30,000	40,000	30,000	30,000	----------	−10,000	----------
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION							
Salaries and expenses	2,443,000	2,340,000	2,340,000	2,340,000	−103,000	----------	----------
Land acquisition and development fund (borrowing authority)	15,000,000	2,500,000	2,500,000	2,500,000	−12,500,000	----------	----------
Public development	14,169,000	14,200,000	14,200,000	14,200,000	+31,000	----------	----------
Total, Pennsylvania Avenue Development Corporation	31,612,000	19,040,000	19,040,000	19,040,000	−12,572,000	----------	----------
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE							
Permitting and enforcement	21,038,000	36,568,000	28,568,000	28,568,000	+7,530,000	−8,000,000	----------
HOLOCAUST MEMORIAL COUNCIL							
Salaries and expenses	722,000	800,000	800,000	770,000	+48,000	−30,000	−30,000
Total, title II, new budget (obligational) authority, related agencies	6,345,681,000	7,662,094,000	7,419,108,000	3,959,932,000	−2,385,749,000	−3,702,162,000	−3,459,176,000
Consisting of:							
Appropriations	6,330,681,000	7,659,594,000	7,416,608,000	3,969,932,000	−2,360,749,000	−3,689,662,000	−3,446,676,000
Definite appropriations	6,256,481,000	7,619,513,000	7,344,553,000	3,886,151,000	−2,370,330,000	−3,733,362,000	−3,458,402,000
Indefinite appropriations	74,200,000	40,081,000	72,055,000	76,781,000	+2,581,000	+36,700,000	+4,726,000
Borrowing authority	15,000,000	2,500,000	2,500,000	2,500,000	−12,500,000	----------	----------
RECAPITULATION							
Total, new budget (obligational) authority, all titles	10,419,555,000	11,216,620,000	11,139,727,000	7,747,174,391	−2,672,380,609	−3,469,445,609	−3,392,552,609
Consisting of:							
Appropriations	10,404,555,000	11,214,120,000	11,137,227,000	7,757,174,391	−2,647,380,609	−3,456,945,609	−3,380,052,609
Definite appropriations	(9,924,526,000)	(11,062,334,000)	(10,958,584,000)	(7,556,687,391)	(−2,367,874,609)	(−3,505,646,609)	(−3,401,896,609)
Indefinite appropriations	(380,893,000)	(50,081,000)	(82,055,000)	(74,281,000)	(−306,612,000)	(+24,200,000)	(−8,774,000)
Borrowing authority	15,000,000	2,500,000	2,500,000	2,500,000	−12,500,000	----------	----------
(Limitation on direct loans)	----------	(94,770,000)	(14,770,000)	(14,770,000)	(+14,770,000)	(−80,000,000)	----------
(Limitation on guaranteed loans)	----------	(99,630,000)	(27,630,000)	(27,630,000)	(+27,630,000)	(−72,000,000)	----------

Item	1981 appropriation	Budget estimate	House allowance	Committee recommendation	Increase (+) or decrease (−) compared with— 1981 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF THE INTERIOR							
Bureau of Land Management	605, 198, 000	517, 269, 000	470, 872, 000	576, 264, 000	−28, 934, 000	+58, 995, 000	+105, 392, 000
Office of Water Research and Technology	24, 585, 000		9, 755, 000		−24, 585, 000		−9, 755, 000
Office of Water Policy				10, 118, 000	+10, 118, 000	+10, 118, 000	+10, 118, 000
United States Fish and Wildlife Service	278, 577, 000	229, 979, 000	265, 207, 000	237, 489, 000	−41, 088, 000	+7, 510, 000	−27, 718, 000
National Park Service	826, 522, 000	708, 265, 000	822, 213, 000	869, 714, 000	+43, 192, 000	+161, 449, 000	+47, 501, 000
Geological Survey	623, 202, 000	538, 161, 000	538, 161, 000	532, 469, 000	−90, 733, 000	−5, 692, 000	−5, 692, 000
Bureau of Mines	142, 319, 000	141, 910, 000	143, 460, 000	151, 539, 000	+9, 200, 000	+9, 629, 000	+8, 079, 000
Office of Surface Mining Reclamation and Enforcement	172, 164, 000	179, 795, 000	181, 260, 000	178, 645, 000	+6, 481, 000	−1, 150, 000	−2, 615, 000
Bureau of Indian Affairs	1, 126, 447, 000	1, 007, 431, 000	1, 050, 326, 000	987, 506, 391	−138, 940, 609	−19, 924, 609	−62, 819, 609
Territorial Affairs	172, 437, 000	153, 354, 000	171, 401, 000	167, 430, 000	−5, 007, 000	+14, 076, 000	−3, 971, 000
Office of the Solicitor	17, 407, 000	19, 667, 000	17, 000, 000	19, 667, 000	+2, 260, 000		+2, 667, 000
Office of the Secretary	85, 016, 000	58, 695, 000	50, 964, 000	56, 401, 000	−28, 615, 000	−2, 294, 000	+5, 437, 000
Total, Title I—Department of the Interior	4, 073, 874, 000	3, 554, 526, 000	3, 720, 619, 000	3, 787, 242, 391	−386, 631, 609	+232, 716, 391	+66, 623, 391
TITLE II—RELATED AGENCIES							
Forest Service	1, 698, 396, 000	1, 652, 447, 000	1, 701, 395, 000	1, 645, 437, 000	−52, 959, 000	−7, 010, 000	−55, 958, 000
Department of Energy	3, 793, 441, 000	4, 853, 211, 000	4, 390, 057, 000	1, 085, 152, 000	−2, 708, 289, 000	−3, 768, 059, 000	−3, 304, 905, 000
Energy Security Reserve	−469, 500, 000				+469, 500, 000		
Indian Health	689, 848, 000	634, 919, 000	676, 223, 000	669, 686, 000	−20, 162, 000	+34, 767, 000	−6, 537, 000
Indian Education	81, 680, 000	81, 096, 000	82, 096, 000	81, 096, 000	−584, 000		−1, 000, 000
Navajo and Hopi Indian Relocation Commission	2, 737, 000	15, 061, 000	15, 051, 000	4, 981, 000	+2, 244, 000	−10, 080, 000	−10, 070, 000
Smithsonian	141, 957, 000	156, 236, 000	151, 524, 000	147, 506, 000	+5, 549, 000	−8, 730, 000	−4, 018, 000
National Gallery of Art	24, 651, 000	32, 777, 000	31, 777, 000	30, 067, 000	+5, 416, 000	−2, 710, 000	−1, 710, 000
Woodrow Wilson International Center for Scholars	1, 830, 000	2, 260, 000	2, 260, 000	1, 903, 000	+73, 000	−357, 000	−357, 000
National Endowment for the Arts	158, 795, 000	88, 000, 000	157, 500, 000	119, 300, 000	−39, 495, 000	+31, 300, 000	−38, 200, 000
National Endowment for the Humanities	151, 299, 000	85, 000, 000	144, 061, 000	113, 700, 000	−37, 599, 000	+28, 700, 000	−30, 361, 000
Institute of Museum Services	12, 857, 000	220, 000	14, 420, 000	8, 400, 000	−4, 457, 000	+8, 180, 000	−6, 020, 000
Commission of Fine Arts	298, 000	173, 000	303, 000	303, 000	+5, 000	+130, 000	
Advisory Council on Historic Preservation	1, 590, 000	1, 865, 000	1, 632, 000	1, 632, 000	+42, 000	−233, 000	
National Capital Planning Commission	2, 400, 000	2, 381, 000	2, 371, 000	2, 361, 000	−39, 000	−20, 000	−10, 000
Franklin Delano Roosevelt Memorial Commission	30, 000	40, 000	30, 000	30, 000		−10, 000	
Pennsylvania Avenue Development Corporation	31, 612, 000	19, 040, 000	19, 040, 000	19, 040, 000	−12, 572, 000		
Federal Inspector for the Alaska Gas Pipeline	21, 038, 000	36, 568, 000	28, 568, 000	28, 568, 000	+7, 530, 000	−8, 000, 000	
Holocaust Memorial Council	722, 000	800, 000	800, 000	770, 000	+48, 000	−30, 000	−30, 000
Total, Title II—Related Agencies	6, 345, 681, 000	7, 662, 094, 000	7, 419, 108, 000	3, 959, 932, 000	−2, 385. 749, 000	−3, 702, 162, 000	−3, 459, 176, 000
Grand total	10, 419, 555, 000	11, 216, 620, 000	11, 139, 727, 000	7, 747, 174, 391	−2, 672, 380, 609	−3, 469, 445, 609	−3, 392, 552, 609
Total mandatory and discretionary	10, 419, 555, 000	11, 216, 620, 000	11, 139, 727, 000	7, 759, 674, 391	−2, 659, 880, 609	−3, 456, 945, 609	−3, 380, 052, 609
Mandatory	(99, 100, 000)	(101, 705, 000)	(96, 588, 000)	(96, 588, 000)	(−2, 512, 000)	(−5, 117, 000)	
Discretionary	(10, 320, 455, 000)	(11, 114, 915, 000)	(11, 043, 139, 000)	(7, 650, 586, 391)	(−2, 657, 368, 609)	(−3, 464, 328, 609)	(−3, 392, 552, 609)

Mr. McCLURE. Mr. President, let me at this time also take the opportunity to suggest one other problem that this committee has faced:

We were prepared to report the bill and did so prior to the August recess. The schedule at that time did not permit us to come to the floor with the bill for floor consideration before the August recess.

It is now history with which everyone is familiar, but during the period following our recess in early August the economic assumptions have been questioned, the economic predictions have been discussed, and the concern for the future movement of budgetary balances has increased. The financial markets have not responded as quickly and readily as many had hoped. Interest rates remain abnormally high. The spread between the rate of inflation and the rate of prime interest rates has increased rather than diminished, and has led to what has become widely discussed as the second round of budget cutting that followed in September. We have had the requests for these cuts submitted to Congress and to the Appropriations Committee.

The full Appropriations Committee has requested that this subcommittee and this appropriations bill accommodate about $100 million in further budget outlay reductions.

We have tried to accommodate those requests and have been working for the last several weeks trying to get the data from the administration, both from the administrative agencies and from the Office of Management and Budget to sustain and support the cut requests.

Yesterday the Appropriations Committee met to deal with some further budget cuts that were entailed in matters still pending before that committee, but this bill had already been reported and was not pending before the committee. Further, we had not had an opportunity for a subcommittee meeting prior to that time and did not feel it appropriate or wise to attempt to take further cuts to the committee for the ratification by the Appropriations Committee so that they might be adopted on the floor as committee modifications.

This morning we had a meeting of the subcommittee and went through the list of recommendations which have been made by the staff and approved by myself which total approximately $165 million in budget authority and $116 million in budget outlay reductions.

There was sparse attendance at this subcommittee meeting, and I did not think it was appropriate to ask that those recommendations as presented to the subcommittee and acquiesced to by the subcommittee members should be brought to the floor as subcommittee recommendations. And there was, of course, no opportunity to run those recommendations from subcommittee through the full committee to be ready for consideration here today as Appropriations Committee recommendations.

It would be my hope, however, that either today or on Monday those recommendations thus cleared through the subcommittee in response to the full committee's request would be treated en bloc, included in the bill, and then treated as original text for the purpose of further amendment just as they would have been in the ordinary procedures followed by the subcommittee and the full committee in presenting a bill to the floor.

I am advised that not all Members have had the opportunity, of course, to see what that list is. Certainly, not every member of the Appropriations Committee has, let alone every Member of the full Senate. There may be an objection to that process. It will be my intention at the very least to include those proposals in the RECORD today even if they are not adopted, so that all Members of the Senate may have notice of what is pending before the Senate so that on Monday no one is taken by surprise as to what is suggested by the subcommittee in order to meet the new budgetary goals which have been established and adopted by the Appropriations Committee.

At the appropriate time, I will send those to the desk so that they may be printed, if indeed we have not by that time arrived at the point of a unanimous consent to accept these en bloc so that they may be treated in the nature of original text for the purpose of further amendment.

Mr. President, it is my hope that all Members and their staffs will analyze carefully this latest group of further budgetary reductions occasioned by the budgetary strictures that face all of us so that they may consider the wisdom or lack of wisdom in the suggestion, and also whether or not they think there are other alternatives. If they desire to substitute a different cut for something that has occurred here, please be prepared to do so.

But I wish to again reiterate what I said in my opening statement with re-

spect to the bill, that it is extremely tight. It is already against ceilings, ceilings that have been adopted by vote of the entire Congress and imposed upon us by the Appropriations Committee in dealing with the further budgetary cuts proposed in September. We have in some instances accepted administration requests, and in other instances we have rejected them. In many we have modified them. But at least all members of the committee should be aware that this is the process which we hope to be able to follow. These are the cuts we have identified as being the proper budgetary adjustments to make to meet the targets that have been established for us for this particular piece of legislation.

Mr. President, I would be happy to yield to the Senator from Louisiana for whatever statement he wishes to make at this time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the subcommittee dealt at some length with this bill, and I support H.R. 4035 as reported from the Senate Appropriations Committee.

I particularly want to mention my strong support for several recommendations the committee made. The first has to do with the land and water conservation fund which will provide money for both the States under the Bureau of Outdoor Recreation program, providing 50–50 matching fund money for the State, and also provide Federal park money which is so vital at a time when potential park areas are escalating in price more rapidly than inflation, and when Federal park visits were at an alltime high—as I recall there were 300 million park visits last year—and at a time when there remain large amounts of unpurchased property which have been designated as part of national parks. That amendment will do a great deal toward helping provide an answer to that problem.

Under the leadership of our distinguished subcommittee and committee chairmen, the senior Senator from Idaho and the senior Senator from Oregon, the committee made a number of very tough choices. Not only did we stay within the subcommittee's budget authority 302(a) allocation, but we are under our outlay allocation by over $700 million.

The programs funded under this bill are some of the most popular programs with some of the most persuasive and articulate supporters around. Nonetheless, the hard choices we had to make were made and I commend the subcommittee chairman for the vigorous leadership he exercised in the process.

I particularly want to mention my strong support for several recommendations the committee made.

First, I am especially pleased that the committee recommended some modest funding for Federal and State land acquisition programs under the LWCF, consistent with the authorized ceiling adopted for these programs in Public Law 97–35, the Omnibus Reconciliation Act of 1981. By a bipartisan vote, the committee wisely decided to provide a steady, albeit reduced, flow of money for these programs which will enable us to protect the most threatened tracts and exercise purchase options in which we have already made substantial Federal commitments.

Postponing these purchases would have increased future costs since land escalation rates average 15 percent per year. For example, delaying purchases along the Appalachian Trail this year would result in at least $1 million in additional costs for the same acreage next year. Moreover, if no funds were provided this year, some tracts would be lost altogether.

The committee amendment will also severely cut back, but not terminate, the State-local grant program which is one of the most successful examples of creative federalism we have around. Federal grant dollars are matched 1 to 1 by the States and act as "seed money" since State and local governments assume all O. & M. costs for areas acquired with these funds.

I am concerned, however, about the ominous signals I hear about potential impoundments, rescissions and deferrals, possibly including the land and water program and many others. In fiscal years 1980 and 1981, the land and water conservation fund was subject to lengthy midyear delays while the administration and the Congress debated rescission proposals. In both instances the Congress disagreed, in whole or part, with the administration's recommendations.

Thus, I hope that we can today agree that those funds ultimately appropriated by the Congress from the land and water conservation fund, for both State and Federal purposes, will be made available to the States and the Federal agencies within a reasonable period of time. I expect, for instance, that not more than 30 days will elapse between the time the bill is signed into law and the certification memorandum to the respective Governors apportioning State funds is approved.

Second, I believe the committee made a prudent decision in providing badly needed funds for needed repairs and rehabilitation projects in our national parks, many of which are needed to protect the health and safety of visitors. Park visits have increased sharply this summer—up almost 10 percent nationwide over last year—throughout all regions of the country. Wear and tear on these fragile resources has increased proportionately and these funds are critical to preventing serious further and in some cases permanent deterioration.

We also cut deeply into funding for historic preservation, Mr. President, but provided sufficient funds for federally required functions to be performed by the States. Within the small amount provided, which is about 50 percent less than the fiscal year 1980 appropriation, funds will be available to the States to continue to process nominations to the National Register and to certify properties as eligible for tax incentives, the cornerstone of this administration's preservation policy.

If we failed to provide this funding, these responsibilities, which we have delegated to the States, would likely fall by the wayside. I believe the committee's recommendation is responsible, Mr. President, and will prevent a severe and perhaps irreparable blow to this program and the tax basis on which current policy is relying.

I particularly want to compliment the chairman for the fine tuning he applied to the budget needs of the territories of the United States. The distinguished Senator and I have worked closely over the last 8½ years on the Energy Committee in developing a bipartisan and in my view fair policy toward these areas. I am especially pleased that funds were provided to repair the unsafe, seriously deteriorated hospital on Truk, the most populous area in the Trust Territory, and to begin A. & E. work for a new hospital in Palau, whose residents currently must use a 30-year-old facility which the Navy believes is a serious fire hazard. We have a special responsibility to these people dating from 1947 and certainly adequate health care facilities are key to exercising this duty fully.

The committee also made a number of judicious recommendations for many programs which have been instrumental in helping us to reduce our dependence—by almost 20 percent last year—on foreign oil, a dependence which resulted in payments of $60 billion to other countries in 1979. Included among these recommendations are continuation of the solvent refined coal (SRC) I demonstration facility with funds deferred from fiscal year 1981, continuing the residential conservation service programs, EPCA grants and ECPA grants.

In addition, sufficient funds were provided to the Department of Energy to weatherize approximately 125,000 of the estimated 14 million potentially eligible homes in fiscal year 1982. This program, which is targeted to the most needy, has been critical to our efforts to reduce energy consumption. Moreover, CBO recently calculated that with constant energy costs the payback period for these investments is less than 6 years.

I am pleased to note that within the tight parameters established by Public Law 97–35 the committee recommended sufficient funding to avoid serious and perhaps irreversible setbacks to the cultural programs sponsored by the National Foundation on the Arts and Humanities. These programs have enjoyed broad bipartisan support for the past 15 years and I believe the action we took continues this spirit of support for our Nation's cultural heritage and development.

If our economy were in better shape, Mr. President, and if our budget situation were in better control, I personally would prefer to fund many of these programs at higher levels. However, these are austere times and I believe the committee's action is responsive to this need while remaining responsible to the national needs these programs represent.

In sum, Mr. President, with bipartisan support and cooperation the committee has reported a responsible and responsive bill. Our outlay recommendations were over $700 million below the subcommittee's allocation in fiscal year 1982. We made some tough decisions, but I

believe that the Senate will find, after a close review, that this is a good bill and I urge the Senate to approve it.

Mr. President, since the committee has dealt with this issue, the chairman, as he just described, has come up with a detailed and rather extensive set of proposed cuts. We fully recognize that in the spirit of budget stringency and the need to attempt to get the size of the budget down, recognizing, of course, that we cannot balance this year due to the extraordinarily large size of the tax cut, but at least in order to chip away at the size of the increase in the deficit we have all got to do our part in our various budgets, to give blood, as it were, in the national good and, speaking for the minority, Mr. President, we are willing to do our part.

We, of course, cannot say at this point, having just been given this rather extensive set of cuts, how we will respond to those, as I am sure the distinguished chairman understands.

I would suggest that the materials be printed in the RECORD, as they will be, and we will very carefully go over those over the weekend. Other Senators will have an opportunity to take a look at those over the weekend, and I hope that in the strong spirit of bipartisanship, which this committee has always shown, that we can come up with a mutually agreed upon set of cuts and mutually agreed upon approach on this bill.

I will pledge to the distinguished chairman that I will do that and we will attempt to expedite that just as quickly as possible.

Mr. McCLURE. Mr. President, I thank the Senator from Louisiana for his statement and the cooperation that has indeed been evidenced throughout the difficult task of dealing with literally hundreds of items with which we have to deal in this particular appropriation. It is an exceedingly onerous task to go through them point by point, piece by piece, as we have to do, and it has been a joint effort, and I appreciate that.

Mr. President, in view of the statement which has been made on the record by the Senator from Louisiana with respect to these individual further reductions or adjustments in the budget, I will submit those for printing in the RECORD, and I send a block of amendments to the desk and ask that they be printed in the RECORD and held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUREAU OF LAND MANAGEMENT

Mr. McCLURE. Mr. President, I am submitting two amendments to the appropriation accounts for the Bureau of Land Management. The first would reduce the funds available for the management of lands and resources by $9.9 million to be derived from coal leasing (minus $5 million); oil and gas leasing (minus $400,000); planning and data management (minus $1.5 million); and general administration (minus $3 million).

We have been assured by BLM that these reductions can be accommodated without reducing outputs scheduled for fiscal year 1982 and beyond. Part of the savings will be achieved through more efficient operations and the remainder by reducing the amount of data collected by the Bureau prior to initiation of leasing activities.

The other amendment would reduce the acquisition, construction, and maintenance account by $475,000. This would bring personnel and related costs for the survey and design staff into line with the level of operations proposed for the construction program. As this reduction has been included in the House bill, adoption of this amendment will delete one item from the conference consideration.

The amendments follow:

AMENDMENT NO. 594

On page 2, line 18, delete "$12,845,000" and insert in lieu thereof "$12,370,000".

AMENDMENT NO. 595

On page 2, line 13, delete "$377,531,000" and insert in lieu thereof "$367,631,000".

OFFICE OF WATER POLICY

Mr. McCLURE. Mr. President, this amendment would reduce budget authority for the Office of Water Policy by $3,245,000 and budget outlays by approximately $748,000. The effect of this amendment is to provide no fiscal 1982 funding for specific research through the Office of Water Policy for water reuse, conservation, and the special project categories. These three accounts had been funded by earlier committee action at $1,953,000, $550,000, and $500,000, respectively, although no funding for these activities had been requested in the President's March budget.

Through application of the fiscal year 1981 deferral of $2,745,000 to the State water R. & D. institute program—providing that account with some $6,210,000—the Department of the Interior informs us that much of the work being conducted under the three zeroed accounts will be maintained. This is particularly true of work in the conservation and special project categories, the latter of which emphasizes work in the brackish water field.

The amendment follows:

AMENDMENT NO. 596

On page 8, line 21, delete "$10,118,000" and insert in lieu thereof "$6,873,000".

FISH AND WILDLIFE SERVICE

Mr. McCLURE. Mr. President, this amendment reduces funds available for the Fish and Wildlife Service by $2,700,000. It has four components:

Biological Services	−$400,000
Migratory Bird Research	−1,000,000
Mammals and Non-Migratory Bird Research	−300,000
Interpretation and Recreation	−1,000,000
	−2,700,000

These activities were selected from the administration's proposals, except that none of these reductions will result in field station or research station closures.

The biological services reduction is targeted at technical assistance activities relating to instream flow issues.

The two proposed research reductions will mean that lower priority research work will be deferred or canceled. The mammal and nonmigratory bird research program will still have a small increase over 1981 appropriations.

The recreation reduction proposed will mean that some refuge recreation and interpretive activities will be deferred into future years.

These are the only reductions proposed for the Fish and Wildlife Service.

The amendment follows:

AMENDMENT NO. 597

On page 9, line 13, delete "$221,628,000" and insert in lieu thereof "$219,328,000".

FISH AND WILDLIFE SERVICE

Mr. McCLURE. Mr. President, this amendment provides an additional $25,000 within funds otherwise available to the Fish and Wildlife Service to use for emergency and routine enforcement activities. This does not increase the total of the appropriation.

The Fish and Wildlife Service has been conducting several very successful undercover operations focusing on illegal trading in endangered species. This amendment will help insure that this work can be continued in fiscal year 1982.

The amendment follows:

AMENDMENT NO. 598

On page 11, line 13, linetype "$75,000" and insert "$100,000" immediately after.

NATIONAL PARK SERVICE

Mr. McCLURE. Mr. President, I am submitting two amendments affecting the National Park Service appropriation. The first would reduce funding for the operation of the national park system by $10.4 million, $400,000 of which is from general administration and the balance from park maintenance.

The general administration reduction is in line with the House allowance and is part of a servicewide reduction in travel.

The park maintenance reduction merely slows the rate of increase in this activity. The fiscal 1981 funding level was $188.7 million. Even with this $10 million reduction, the fiscal year 1982 level would be $230.9 million. This proposal will not adversely affect the health and safety components of the planned program, but rather will be taken from rehabilitation projects and increases requested for cyclic maintenance.

The second amendment would reduce the committee allowance for construction by $20,000,000, leaving an increase over the fiscal year 1981 level of $44,178,000. The revised funding level would permit projects directly related to health and safety to continue. The reduction is targeted at major rehabilitation and repair projects.

The amendments follow:

AMENDMENT NO. 599

On page 12, line 14, delete "$541,382,000" and insert in lieu thereof "$530,982,000".

AMENDMENT NO. 600

On page 14, line 7, delete "$108,721,000" and insert in lieu thereof "$88,721,000".

U.S. GEOLOGICAL SURVEY

Mr. McCLURE. Mr. President, this amendment will reduce budget authority for the U.S. Geological Survey by some $26,166,000 and outlays by some $2,336,048. This reduction in budget authority represents just a 5-percent trimming from the account as originally passed by

the full Appropriations Committee and, for the most part, will only delay activities at USGS rather than phase them out altogether. The ground water recharge program is the only account that will be zeroed, but the Department assures us that much of the information provided under this program will be provided by other USGS programs.

Specifically, this amendment provides for reductions in the following accounts: Data collection and analysis (—$1,000,000); regional aquifer system, analysis (—$2,300,000); improved instrumentation (—$1,000,000); ground water recharge (—$1,430,000); coal hydrology (—$1,951,000); oil shale hydrology (—$1,500,000); volcano hazards (—$5,000,000); coal resource evaluation (—$250,000); other energy—conservation of lands and resources (—$252,000); royalty management (—$5,000,000); Federal and Indian lands nonenergy minerals (—$296,000) environmental affairs (—$2,553,000); land resources data applications (—$1,733,000); general administration (—$470,000); and facilities (—$1,431,000).

The amendment follows:

AMENDMENT No. 601

On page 17, line 2, delete "$529,869,000" and insert in lieu thereof "$503,703,000".

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

Mr. McCLURE. Mr. President, this amendment simply reduces budget authority for exploration of national petroleum reserve in Alaska by some $312,000 and outlays by $264,000. This reduction, however, will not reduce the ongoing Barrow area gas operation, as the Department intends to use unexpected carryover funds to make up the shortfall. As my colleagues may recall, the Congress recently made the decision to get the Government out of the drilling business on the petroleum reserve, thus reducing the budget for that activity from $175 million in fiscal year 1980 to just $2.6 million in fiscal year 1982.

The amendment follows:

AMENDMENT No. 602

On page 17, line 12, delete "$2,600,000" and insert in lieu thereof "$2,288,000".

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mr. McCLURE. Mr. President, this amendment reduces budget authority for the Office of Surface Mining by $3,580,000 and reduces outlays by some $1,127,000. Just as in the case of the abandoned mine reclamation fund reductions which will be proposed, this reduction is made possible because the major coal producing States will not receive primacy as early in fiscal year 1982 as was first projected. As a result, this amendment reduces State regulatory grants by $6,450,000 and State primacy programs by $230,000.

However, because the Federal Government will still be responsible for enforcement of the Surface Mining Act, this amendment also increases the inspection and enforcement account by $3,100,000.

The amendment follows:

AMENDMENT No. 603

On page 19, line 17, delete "$64,418,000" and insert in lieu thereof "$60,838,000".

ABANDONED MINE RECLAMATION FUND

Mr. McCLURE. Mr. President, this amendment will reduce budget authority for the abandoned mine reclamation fund by some $8,892,000, while reducing outlays by some $1,538,316. Very simply, this reduction is found in State reclamation program grants (—$8,400,000) and executive direction and administration (—$492,000), and reflects the fact that most of those States that were expected to receive primacy in early fiscal year 1982 will not receive primacy until much later in the fiscal year. Until primacy is gained, a State reclamation program cannot be adopted. The reduction of $8,400,000 still leaves some $61,600,000 in the program, which represents an increase of some $32,600,000 over fiscal year 1981.

The amendment follows:

AMENDMENT No. 604

On page 20, line 5, delete "$114,227,000" and insert in lieu thereof "$105,335,000".

BUREAU OF INDIAN AFFAIRS

Mr. McCLURE. Mr. President, this amendment would reduce budget authority for the Bureau of Indian Affairs by $16,230,000 from that approved by the committee. The corresponding outlay savings total $10,558,000. Five activities are covered by this amendment, two of which are administrative accounts. Program management for education would be reduced by $1,650,000 and the General Management and Facilities Administration would be reduced by $10 million. These two reductions are in line with the September budget revisions.

Further, the amendment would reduce the Johnson-O'Malley program by $2,900,000, or a 10-percent reduction from the January budget; $26.3 million, which is $6.4 million above the September level.

A slight reduction of $380,000 would be assessed to the postsecondary schools operated by the Bureau of Indian Affairs. This leaves $8.1 million, which is the same as the fiscal 1981 level.

Last, a reduction of $1.3 million would be applied to the school equalization formula. The BIA has consistently overestimated enrollment in Federal schools. In fiscal year 1981, the overestimate amounted to 3,800 students. A reduction of $8.1 million is contained in the committee reported bill. That reduction, however, did not consider the various weighting factors that the BIA applies to the formula which are based on the instructional level, residential programs and programs for the learning impaired. This additional reduction is the Bureau's estimate of the weighting factor applied to the existing committee reduction.

The amendment follows:

AMENDMENT No. 605

On page 21, line 8, delete "$830,972,581" and insert in lieu thereof "$814,742,581".

On page 21, line 9, linetype the numeral and insert after the numeral "$57,349,000".

OFFICE OF THE SECRETARY

Mr. McCLURE. Mr. President, this amendment would reduce the budget authority and outlays for the Office of the Secretary of the Department of the Interior by $797,000. There are two components to this reduction; $500,000 would be taken from the committee allocation for the grant to the State of Alaska which is being made to carry out the provisions of the Alaska National Interest Lands Conservation Act. With the adoption of this amendment, $1,000,000 would be left for the grant which the Department assures us will be sufficient as the agreement with the State will not be completed until sometime in December.

Second, I would reduce the amount for the minerals policy and research analysis office by $297,000. This revision was contained in the September budget revisions. A total of $671,000 would be left in this function. The justification indicates that the additional funds are not required as the Secretary will place greater reliance on the Bureau of Mines to supplement the work of this office.

The amendment follows:

AMENDMENT No. 606

On page 29, line 16, delete "$41,631,000" and insert in lieu thereof "$40,834,000".

FOREST SERVICE RESEARCH

Mr. McCLURE. Mr. President, this amendment reduces funds available for Forest Service research by $2,400,000. It has two components: Insect and disease research will be continued at the 1981 level (saving $1,000,000), as will trees and timber management research (savings $1,400,000). The amendment will not cut into the base program funding but will maintain 1981 levels.

The amendment follows:

AMENDMENT No. 607

On page 34, line 10, delete "$105,568,000" and insert in lieu thereof "$103,168,000".

FOREST SERVICE

Mr. McCLURE. Mr. President, these amendments proposed will reduce funds available to the Forest Service for State and private forestry activities by $600,000, thereby maintaining the assistance in management, planning, and technology implementation at the 1981 level. It will not reduce that activity below base levels.

An additional amendment reduces accordingly the funds that will remain available for obligation until September 30, 1983.

The amendments follow:

AMENDMENT No. 608

On page 34, line 15, delete "$64,535,000" and insert in lieu thereof "$63,935,000".

AMENDMENT No. 609

On page 34, line 16, delete $59,660,000" and insert in lieu thereof "$59,060,000".

FOREST SERVICE—NATIONAL FOREST SYSTEM

Mr. McCLURE. Mr. President, this amendment reduces funds available to the Forest Service to manage the National Forest System by $17,090,000. The amendment has four components: First, minerals management (—$1,500,000); second, lands management (—$1,000,000); third, fire protection (—$4,000,000); fourth, general administration (—$10,590,000).

None of these changes reduces the size of the base program, but instead trim back on some of the increases proposed.

AMENDMENT No. 610

On page 35, line 6, delete "$1,013,500,000" and insert in lieu thereof "$996,410,000".

FOREST SERVICE—FACILITY CONSTRUCTION

Mr. McCLURE. Mr. President, the amendments reduce funds available for Forest Service facility construction by $2,100,000. This will be achieved by deferring energy retrofit projects in existing research facilities (−$1,100,000) and by deferring lower priority recreation construction.

The amendments follow:

AMENDMENT No. 611

On page 35, line 6, delete '$509,743,000" and insert in lieu thereof "$507,643,000".

AMENDMENT No. 612

On page 35, line 14, delete "$22,793,000" and insert in lieu thereof "$20,693,000".

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Mr. McCLURE. Mr. President, this amendment reduces budget authority for the Department of Energy's fossil energy's fossil energy research and development by $23,000,000 while reducing outlays by some $27,845,000. This reduction is made in just three areas of the fossil energy R. & D. account, the first of which is a cut of $2,000,000 from technical support, surface coal gasification. Specifically, this reduction would decrease DOE's output of engineering analyses and studies of environmental concerns as they relate to surface coal gasification.

Second, is a $2,000,000 reduction from the enhanced oil recovery program, which is made possible because of increased industrial involvement on enhanced recovery activities.

Finally, this amendment will reduce $19,500,000 from the pressurized fluidized bed account, which is in turn offset by $10,500,000 in unobligated funds transferred from the atmospheric fluidized bed account. Specifically, the amendment concurs with the President's request to terminate U.S. participation in the cooperative International Energy Agency PFB test facility at Grimethorpe, England, thus saving $9,000,000. The transfer of unobligated funds comes from the CTIU project, which is not in need of the $10,500,000 balance until at least fiscal year 1983.

The amendment follows:

AMENDMENT No. 613

On page 40, line 21, delete "$431,990,000" and insert in lieu thereof "$408,490,000".

INDIAN HEALTH SERVICE

Mr. McCLURE. Mr. President, this amendment would reduce budget authority for the Indian Health Service by $16,164,000 and outlays by $14,043,000. Three activities are affected by this amendment. First, program management would be reduced by $1,164,000 which would maintain the fiscal year 1981 level of spending. Also, of the estimated $30 million that IHS will bill for third party payments, the first $5 million would be used to fund regular IHS programs. The House bill earmarked $15 million of the third party payments for this purpose, however IHS expressed concern that such a level might be beyond their means as collections are often far below billings.

The final change in the bill would be to reduce the committee allocation for the community health representatives by $10 million. This would achieve a savings of $8.1 million in outlays. The September budget revisions would have terminated this program; the level proposed through this amendment is $24.5 million which is a 33-percent reduction below the fiscal 1981 level.

While I realize that this reduction may be difficult for some to support, it should be pointed out that this is just one of many programs which has been allowed to grow unchecked for a number of years. The CHR program was initiated in 1969 at an annual level of $95,000. At a 12-percent annual inflation rate over the past 12 years, that original program would cost $370,000 for fiscal year 1982. Even with the further reduction envisioned by this amendment, $24.5 million would be left which means a real program growth since 1969 of over 6,500 percent.

The amendment follows:

AMENDMENT No. 614

On page 46, line 18, delete "$623,069,000" and insert in lieu thereof "$606,905,000".

On page 47, line 2, delete the linetype from the words "the first".

On page 47, line 2, after "$15,000,000" insert "$5,000,000".

On page 47, line 2, delete the words "not to exceed $30,000,000".

On page 47, lines 5, 6 and 7, delete the linetype.

SMITHSONIAN INSTITUTION

Mr. McCLURE. Mr. President, this amendment would delete the $340,000 which was added by the committee for the multiple mirror telescope at the Mount Hopkins Observatory. We understand that this item will be included in the Smithsonian's regular budget request for fiscal year 1983 and that the additional work can be delayed until that time.

The amendment follows:

AMENDMENT No. 615

On page 50, line 25, delete "$132,106,000" and insert in lieu thereof "$131,766,000".

SMITHSONIAN INSTITUTION

Mr. McCLURE. Mr. President, this amendment would delete the $500,000 which the committee has provided for design of the quatic habitat at the National Zoo. The Smithsonian informs us that construction has been delayed until fiscal year 1985, so the design funds will not be required until fiscal 1984.

The amendment follows:

AMENDMENT No. 616

On page 52, line 9, delete "$7,500,000" and insert in lieu thereof "$7,000,000".

Mr. McCLURE. Mr. President, there are also amendments adopted by the committee in the committee deliberation of the House-passed bill. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text provided that no point of order shall be considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 9, after "Management.", insert the following: "including administrative expenses associated with the management of funds provided under the heads "Oregon and California Grant Lands" and "Acquisition, Construction, and Maintenance".

On page 2, line 13, strike "$295,789,000", and insert "$377,531,000";

On page 2, line 17, strike "$12,720,000", and insert "$12,845,000";

On page 2, after line 18, insert the following:

PAYMENTS IN LIEU OF TAXES

"For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients."

On page 3, beginning on line 3, strike "administrative expenses and";

On page 3, line 5, strike "$1,137,000", and insert "$2,300,000";

On page 3, strike line 8, through and including line 16;

On page 7, line 23, after "filed", insert the following: ": *Provided further*, That, none of the funds provided in this Act to the Bureau of Land Management may be expended to determine suitability or nonsuitability for wilderness or for any wilderness study area designation as directed in 43 U.S.C. 1782 of the Federal Land Policy and Management Act of the lands withdrawn by the Executive Order numbered 3767 of December 19, 1922, to be used by the United States Department of Agriculture for a sheep experiment station.".

On page 8, strike line 7 through and including line 14, and insert the following:

OFFICE OF WATER POLICY

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Research and Development Act of 1978 (Public Law 95-467), as amended, and for water policy and program development for programs conducted by the Department of the Interior, $10,118,000: *Provided*, That the unexpended balances in the account "Office of Water Research and Technology, Salaries and Expenses," shall be merged with this account.

On page 9, line 10, after "Refuge,", insert the following: "including administrative expenses associated with the management of funds provided under the head "Construction and Anadromous Fish" ".

On page 9, line 12, strike "$207,235,000", and insert "$221,628,000";

On page 9, line 17, beginning with "Provided", strike through and including line 21;

On page 10, line 4, strike "$9,475,000", and insert "$6,611,000";

On page 10, beginning on line 13, strike "administrative expenses, and for";

On page 10, line 16, strike "$18,039,000" and insert "$8,000,000";

On page 10, strike line 19, through and including line 25";

On page 12, line 10, after "Commission,", insert the following: "including administrative expenses associated with the management of funds provided under the heads "Construction" and "John F. Kennedy Center for the Performing Arts" ".

On page 12, line 13, strike "$527,606,000", and insert "$541,382,000";

On page 13, line 3, after "United States", insert the following: ": *Provided further*, That $85,000 shall be available for the National Park Service to assist the Town of Harpers Ferry, West Virginia, for police force use.".

On page 13, line 10, strike "$13,088,000", and insert "$12,688,000";

On page 13, strike line 16, through and including line 20;

On page 14, line 6, strike "$108,771,000", and insert "$108,721,000";

On page 14, beginning on line 11, strike "administrative expenses, and for";

On page 14, line 14, strike "$100,468,000", and insert "$176,108,000";

On page 14, line 16, after "expended,", insert the following: "of which $100,000,000 shall be available for payments to the States in accordance with section 6(c) of said Act, and of which not to exceed $2,282,000 shall be available for administrative expenses related to payments to States.".

On page 15, strike line 1, through and including line 6;

On page 16, line 6, after "owner", insert the following: "*Provided further*, That none of the funds appropriated to the National Park Service shall be used to carry out the provisions of section 3 of Public Law 92–207 (85 Stat. 739).".

On page 17, line 1, strike "$535,561,000", and insert "$529,869,000";

On page 17, line 2, strike "$45,596,000", and insert "$46,946,000";

On page 18, line 17, strike "$143,460,000", and insert the following: "$151,539,000, of which $9,629,000 shall be available to carry out the provisions of sections 301 and 302 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1221), and of which $850,000 shall be available for determining the limits of the Centralia, Pennsylvania fire, and".

On page 18, line 22, strike "$109,361,000", and insert "$107,661,000";

On page 19, line 17, strike "$66,033,000", and insert "$64,418,000";

On page 19, line 25, beginning with "$115,227,000", strike through and including line 4 on page 20, and insert "$114,227,000";

On page 19, strike line 6, through and including line 11;

On page 21, line 8, strike "$797,395,000" and insert "$830,972,581";

On page 21, line 10, after "1934", insert the following: "(48 Stat. 596), as amended (25 U.S.C. 452 et seq.)"

On page 21, line 16, after "450", insert "et seq.";

On page 21, line 24, after "amended", insert the following: "(20 U.S.C. 2303(a)(1)(B)(iii))";

On page 22, line 2, strike "the";

On page 22, beginning on line 2, strike "(48 Stat. 596)";

On page 22, line 24, strike "and", and insert the following: "the Act of November 2, 1921 (42 Stat. 208;";

On page 22, line 25, after "13", insert ")";

On page 22, line 25, after "13),", insert the following: "and the Act of May 26, 1928 (455 Stat. 750; 25 U.S.C.";

On page 23, line 1, after "318a", insert ")";

On page 23, line 1, strike "$48,800,000", and insert "$50,816,810";

On page 23, strike line 3, through and including line 8;

On page 24, line 8, after "Secretary", insert the following: ": *Provided further*, That (except in the case of funds held in trust for Indian tribes or individuals) the funds available for expenditure under the "Indian moneys, proceeds of labor" accounts authorized by the Act of May 17, 1926 (Chap. 309, 44 Stat. 560; 25 U.S.C. 155); the Act of March 3, 1883 (22 Stat. 582) in the fifth paragraph under the heading "INDIAN AFFAIRS" (22 Stat. at 590; 25 U.S.C. 155); and the Act of March 2, 1887 (24 Stat. 449) in the first paragraph under the heading "MISCELLANEOUS" (24 Stat. at 463; 25 U.S.C. 155) may be expended until September 30, 1982 for any purpose for which funds are appropriated under the subheading "Operation of Indian Programs". On September 30, 1982, the balance of such accounts (except for the funds held in trust for Indian tribes or individuals) shall be miscellaneous receipts of the Treasury to offset outlays of the Bureau of Indian Affairs, and thereafter no funds shall be deposited in such accounts other than funds held in trust for Indian tribes or individuals.

On page 26, line 11, strike "$92,571,000", and insert "$87,869,999";

On page 26, line 12, strike "$87,444,000" and insert "$82,542,000";

On page 27, line 1, strike "$5,127,000", and insert "$5,327,000";

On page 28, line 13, strike "$78,830,000" and insert "$79,561,000";

On page 29, line 10, strike "$17,000,000", and insert "$19,667,000";

On page 29, line 15, strike "$36,194,000", and insert "$41,631,000";

On page 29, line 16, strike "$2,500", and insert "$5,000";

On page 33, strike line 4, through and including line 19;

On page 33, line 20, strike "112." and insert "109.";

On page 34, strike line 1, through and including line 4;

On page 34, line 10, strike "$109,722,000", and insert "$105,568,000";

On page 34, line 15, strike "$68,715,000", and insert "$64,535,000";

On page 34, line 15, strike "$63,260,000", and insert "$59,660,000";

On page 35, line 1, after "rehabilitation,", insert the following: "including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", and "Construction and Land Acquisition" ".

On page 35, line 5, strike "$769,093,000", and insert "$1,013,500,000";

On page 35, line 6, strike "$226,278,000", and insert "$221,278,000";

On page 35, line 21, after "United States", insert the following: "; *Provided further*, That $1,485,000 shall be available for construction of the Bald Mountain Road in the Siskiyou National Forest.".

On page 36, beginning on line 4, strike "administrative expenses, and for";

On page 36, line 7, strike "$36,989,000", and insert "$15,120,000";

On page 36, strike line 10, through and including line 23;

On page 36, after line 23, insert the following:

"LAKE TAHOE ACQUISITION

"For acquisition of environmentally sensitive lands, as defined in Public Law 96–586, in the Lake Tahoe Basin, Nevada-California, $7,000,000, to remain available until expended."

On page 37, line 24, after "year,", insert the following: "and not less than $1,000,000 of unexpended balances from prior year receipts";

On page 40, after line 6, insert the following:

"ALTERNATIVE FUELS PRODUCTION

"The provisions in the next to last paragraph under this head in the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304) regarding transfer of projects to the Synthetic Fuel Corporation from the Department of Energy shall not apply to any demonstration projects authorized pursuant to the Federal Nonnuclear Energy Research and Development Act, as amended (Public Law 93–577)."

On page 40, strike line 17;

On page 40, line 21, strike "$463,750,000", and insert "$431,990,000";

On page 40, begining on line 21, strike "and", through and including "Energy," on line 23;

On page 41, after line 2, insert the following:

"FOSSIL ENERGY CONSTRUCTION

"For necessary expenses in connection with the purchase and construction of fossil energy plans, including the acquisition of interests, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $4,000,000, to remain until expended."

On page 41, line 12, strike "$222,023,000", and insert "$222,463,000";

On page 41, line 17, strike "$203,890,000", and insert "$130,340,000";

On page 41, line 18, strike "$168,608,000", and insert "$172,608,000;

On page 41, line 19, after "Energy,", insert the following: "and $400,000 to be derived from "Energy production, demonstration, and distribution," Department of Energy,".

On page 42, line 1, strike "$21,500,000", and insert "$16,000,000";

On page 42, line 6, strike "$32,000,000", and insert "$17,100,000";

On page 42, after line 9, insert the following: "*Provided further*, That of the funds deferred under this head in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97–12), $5,000,000 shall be available for the Federal coal conversion program, of which $4,500,000 shall be available only for expenses in issuing prohibition orders under the Powerplant and Industrial Fuel Use Act and other related laws, to remain available until expended.".

On page 42, line 21, strike "$3,383,408,000", and insert "$199,408,000";

On page 42, after line 22, insert the following:

"PETROLEUM ACQUISITION AND TRANSPORTATION

"The limitation on the aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94–163), as amended by H.R. 3982, Ninety-seventh Congress, or similar legislation, for the acquisition and transportation of petroleum, and for other necessary expenses, is hereby established at $3,684,000,000, to remain available until expended."

On page 43, line 8, strike "$84,986,000", and insert "$79,851,000";

On page 46, line 18, strike "$629,484,000", and insert "$623,069,000";

On page 47, line 2, strike "the first $15,000,000", and insert "not to exceed $30,000,000";

On page 47, beginning on line 5, strike "shall", through and including "collections" on line 7;

On page 47, line 12, after "facilities)", insert the following: ": *Provided further*, That funding herein shall be available for the lease of 200 units of housing to be constructed at Chinle, Arizona and for the lease of 28 units of housing to be constructed at Inscription House, Arizona.".

On page 48, line 1, strike "$46,739,000", and insert "$46,617,000";

On page 48, line 18, strike "may", and insert "shall";

On page 49, line 7, after "transportation", insert the following: ": *Provided further*, That employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment.".

On page 49, line 15, strike "(58,250,000)", and insert "(57,250,000)";

On page 49, line 17, strike "$82,096,000", and insert the following: "$81,096,000: *Provided*, That none of such funds shall be obligated until the Secretary of Education has certified to the Congress that he has implemented effective procedures and requirements to verify and assure that the individuals benefiting from such funds on the basis of their Indian status actually are Indians within the meaning of section 453 of the Indian Education Act (86 Stat. 345), as amended (20 U.S.C. 1221h): *Provided further*, That none of such funds shall be obligated until the Secretary of Education has submitted to the Congress his report on the study and analysis of such definition of the term "Indian" which said section 453

required be submitted to the Congress by January 1, 1980.".

On page 50, line 9, strike "$15,051,000", and insert "$4,981,000";

On page 50, line 24, strike "$136,374,000", and insert "$132,106,000";

On page 51, line 13, strike "$4,500,000", and insert "$5,250,000";

On page 52, line 1, strike "$1,150,000", and insert "$1,650,000";

On page 52, line 9, strike "$8,500,000", and insert "$7,500,000";

On page 53, line 15, strike "$31,777,000", and insert "$30,067,000";

On page 53, line 16, strike "$4,100,000", and insert "$3,100,000";

On page 53, line 24, strike "$2,260,000", and insert "$1,903,000";

On page 54, line 7, strike "$125,000,000", and insert "$89,300,000";

On page 54, line 8, strike "$113,635,000", and insert "$79,035,000";

On page 54, line 19, strike "$32,500,000", and insert "$30,000,000";

On page 54, line 21, strike '$15,000,000" and insert "$15,000,000";

On page 55, line 9, strike "$112,087,000", and insert "$88,000,000";

On page 55, line 10, strike "$100,087,000", and insert "$77,000,000";

On page 55 line 14, strike "$12,000,000", and insert "$11,000,000";

On page 55, line 16, after "Act", insert the following: "and for administering title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended.";

On page 55, line 21, strike "$31,974,000", and insert "$25,700,000";

On page 55, line 22, strike "$22,950,000", and insert "$15,600,000";

On page 56, beginning on line 10, strike "That", through and including "further," on line 12;

On page 57, line 14, strike "$2,371,000", and insert "$2,361,000";

On page 58, line 20, strike "$1,500", and insert "$3,000";

On page 58, line 21, after "expenses,", insert the following: "and of which $1,000,000 shall remain available until September 30, 1983.";

On page 59, line 4, strike "$800,000", and insert "$770,000";

On page 59, line 19, strike "first"; and

On page 61, after line 11, insert the following:

SEC. 310. Funds derived from the Land and Water Conservation Fund appropriated by this Act shall be made available only to the extent that they do not exceed the budget authority and outlay limitations as set forth pursuant to the adoption of the conference agreement on H.R. 3982, Ninety-seventh Congress.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the Senator for yielding.

Mr. President, H.R. 4035 will provide additional funding for a very important project in the Southeast. This bill appropriates $12,039,000 for the Natchez Trace Parkway in fiscal year 1982. These funds will insure the continued development of this historic parkway which was first authorized by Congress in 1934.

When completed the Natchez Trace Parkway will be a 449-mile scenic highway stretching from Nashville, Tenn., to Natchez, Miss. At the end of fiscal year 1982, only 71 miles will remain to be constructed. I am especially pleased, Mr. President, that the committee has recommended in its report that the construction of the parkway continue in fiscal year 1982 and thereafter in an orderly manner to completion. I appreciate the committee's support and the support of the administration for this worthwhile project.

There are many interested citizens who are anxiously awaiting the final completion of the parkway.

Mr. McCLURE. Mr. President, I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, on September 25, 1981, a small tribe in Avoyelles Parish, La., received Federal recognition, the Tunica-Biloxi tribe. This group has serious and critical health care needs, needs which cannot be addressed this year absent congressional action making funds available for this purpose even though there are sufficient funds in the equity fund to initiate contract health care services for this tribe.

To assure that adequate authority exists for the Department to initiate such services within available funds, Mr. President, I have risen to enter into a colloquy with the distinguished chairman of the subcommittee, the senior Senator from Idaho, and seek his assurance that it is his intent for such authority to exist within the funds provided in this bill.

Federal recognition confirms to the Tunica-Biloxis those Federal services and benefits furnished to American Indian tribes by reason of the Federal trust relationship, and for other purposes. Health care is one of the Federal services furnished to American Indian tribes and can be provided in two ways: By direct care (through Indian Health Service and tribal delivery systems) and through contract health care (provided by private physicians and health facilities in areas where no IHS or tribal delivery system is available.

For the Tunica-Biloxis, I understand that no primary care system is accessible and that contract care is necessary to provide for the tribe's health needs. As I understand it, there are sufficient funds provided in the equity fund established in H.R. 4035 to help establish adequate health care for all eligible Indians, and funds are available to initiate contract care for the Tunica-Biloxis. Is this also the chairman's understanding?

Mr. McCLURE. Yes; it is my understanding that sufficient funds are available for this purpose and we certainly intend that sufficient funds should be available to the newly eligible Tunica-Biloxi Tribe in Louisiana once IHS has completed its assessment. If this assessment indicates that the tribe falls into level V, the lowest level, they would have first call on the equity fund which totals $14 million, an increase of $6 million over the current level.

Mr. JOHNSTON. I thank the Senator for this clarification that the health care responsibilities of our trust relationship with the Tunica-Biloxis can be fully met within the funds provided in H.R. 4035 and assurance that this is the Senate's intent in this bill.

Mr. LONG. I share my colleague's concern about the critical health care needs of the Tunica-Biloxi, a tribe in our State. Now that the Tunica-Biloxi have been recognized, I understand that these Indians are eligible for health care services, and I appreciate the able subcommittee chairman's clarification that funds will be made available to meet this tribe's health care needs.

UP AMENDMENT NO. 521

Mr. McCLURE. Mr. President, there are seven technical amendments which I send to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 521.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 17, change "$8,000,009" to "8,000,000".

On page 61, strike lines 12 through 17, inclusive.

On page 43, strike all of line 2 and insert the following in lieu thereof: "the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-235),".

On page 2, line 13, insert close quotation marks after the word "Maintenance" and before the comma.

On page 18, lines 18 and 19, strike ". . . sections 301 and 302" and insert "Title III".

On page 48, line 25, insert a comma after the word "prescribe" and before the word "the".

On page 21, line 8, strike "$830,972,581" and insert in lieu thereof: "$820,023,581".

On page 21, line 9, linetype "$60,249,000" and insert "$57,311,000" immediately prior to the word "for".

Mr. McCLURE. Mr. President, these matters have all been cleared with both sides of the aisle. I ask unanimous consent that they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (UP No. 521) was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 522

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 522.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 22, strike the words "the continued"

On page 33, lines 23 and 24 strike the words "as presented to and approved by the Congress for fiscal year 1981"

Mr. McCLURE. Mr. President, the Department of the Interior had sought the authority to abolish the Office of Aircraft Services. A review of this program by the House and Senate Interior Appropriations Subcommittee, as well as the General Accounting Office, indicates that such a reorganization cannot be supported on the basis of cost-effectiveness or safety. The Appropriations Committee has not changed the language inserted by the House with regard to the continuance of the Office of Aircraft Services.

Upon closer examination, however, it appears this language may be too restrictive as it mandates the continuance of OAS as presented and justified to the Congress in fiscal year 1981.

The amendment I am proposing would continue the requirement for the operation of the Office of Aircraft Services but would provide some latitude to the Department in the transfer of personnel and their attendant responsibilities from the field to Washington.

Mr. President, it is my understanding that this amendment has been cleared with the other side of the aisle. If so, and if they so indicate, I would move its adoption.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the distinguished floor manager has correctly stated the importance of this amendment and we have no objections.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 522) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

AMENDMENT NO. 573

Mr. KASTEN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 573.

On page 22, line 18, strike "$77,717,000" and insert in lieu thereof "$79,282,000".

Mr. KASTEN. Mr. President, this amendment would restore funding for the Menominee Courthouse complex to the $2.265 million level requested by the President and approved by the House.

Currently, there are no usable detention or court buildings on the Menominee Reservation and the facilities actually being used are in serious violation of building and safety codes. Inmates are being housed in the basement of the existing structure, and there are no separate juvenile and adult detention sections as required by law. The Bureau of Indian Affairs, in reviewing the Menominee situation, concluded that:

There are no options available * * * the structure is too expensive to renovate and additions would not alter the unsatisfactory existing space.

The Subcommittee on Interior and Related Agencies recommended $700,000 for the construction of the Menominee complex which will consist of a courtroom and jailhouse facility to replace the present inadequate, makeshift facilities. However, the subcommittee's recommendation to reduce the funding for the Menominee Courthouse complex was based upon inadequate information which resulted in an inappropriate comparison of the Menominee project with that of a proposed facility for the Rosebud Sioux Reservation. The Rosebud project is budgeted at $1.7 million and would house 70 prisoners; the Menominee project would accommodate 19 prisoners and cost $2.265 million.

However, the initial data submitted to the subcommittee failed to reveal essential differences between the Rosebud and Menominee projects; the Department of the Interior has since provided more accurate and complete information. A comparison by Mr. William Sunrise, BIA Architect and project manager for these projects, shows clearly the differences between the two facilities that account for the greater cost of the Menominee complex.

Most important is the fact that the Rosebud project is an expansion and modernization of an existing facility, with an almost completed courthouse being integrated into the complex. The Menominee Courthouse complex, on the other hand, requires the construction of a totally new facility. Furthermore, the Menominee project is more extensive and complex than was indicated in the data available to the subcommittee. The new information provided by the Department of the Interior on both projects justifies the greater appropriation for the Menominee facility.

Restoration of the $2.265 million requested by the administration is urgently needed for the construction of adequate law enforcement facilities on the Menominee Reservation. The new complex will provide needed space for more efficient operation of police and court activities; bring the detention facilities up to required standards; and insure separate facilities for juveniles as mandated by law. The new courthouse complex will greatly upgrade law enforcement activities and services for the Menominee Reservation and surrounding communities.

Mr. President, it is my understanding that this amendment has been cleared by both sides and I would hope it could be agreed to.

Mr. McCLURE. Mr. President, the Senator is correct. Some of the information that has been given to us by the BIA earlier was incomplete or inaccurate. We took that action in committee based upon that information.

We have since checked with them and asked them to check with the field and we find that the information that was given to us was incorrect. They agree that that is the case. We are in agreement with the amendment.

Mr. JOHNSTON. Mr. President, the amendment is agreeable to the minority.

Mr. KASTEN. Mr. President, I deeply appreciate the work and the cooperation of the subcommittee, both the majority and the minority, particularly our chairman, Senator McCLURE, in helping to solve a problem that is very important to the Menominee Indian Reservation and the surrounding area.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 573) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

UP AMENDMENT NO. 523

(Purpose: To amend that section of the bill dealing with Indian Health Services, Department of Health and Human Services)

Mr. ANDREWS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Dakota (Mr. ANDREWS) proposes an unprinted amendment numbered 523.

Insert at page 47, line 16:

Provided further, That funding herein, and in any earlier Appropriations Act, for scholarship programs under section 103 of the Indian Health Care Improvement Act

and section 757 of the Public Health Service Act shall remain available until expended."

Mr. ANDREWS. Mr. President, this amendment is self-explanatory. There are moneys available for these very important programs in the field of Indian affairs. It is necessary that this money be listed as available until expended in order to continue these services to the Indian people of our Nation.

I understand this has been cleared by both the majority and minority sides of the committee and that they find the amendment in order.

Mr. McCLURE. Mr. President, we have reviewed this language and we have no objection.

Mr. JOHNSTON. The amendment is agreeable, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (UP No. 523) was agreed to.

Mr. ANDREWS. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, I would like, if I may, to draw to the attention of the chairman the language of the committee under the cooperative resource protection subdivision of the Forest Service budget, specifically regarding forest pest management. The language to which I refer reads:

The Forest Service has recently estimated that as much as $7,000,000 may be needed in fiscal year 1982 for the Federal share of insect suppression projects related to the gypsy moth, although needs are extremely hard to estimate a year in advance. About $2,300,000 has been programmed for gypsy moth suppression activities in fiscal year 1981. The Committee is confident that the Forest Service can provide the necessary funding for insect infestation control activities out of the funds appropriated in fiscal year 1982, plus insect and disease carryover funds from fiscal year 1981. Insect and disease carryover funds from 1979 to 1980 were $9,100,000 and $4,400,000 was carried over from fiscal year 1980 to 1981. The Committee would anticipate some carryover of funds into fiscal year 1982 that could be used for insect infestation control activities. The Committee would also expect the Forest Service to shift funds from the technical assistance and survey line item to the insect suppression line item, or through other reprogramming or supplemental appropriations actions, if necessay, to meet insect infestation needs in fiscal year 1982.

I applaud the wisdom of the committee and its chairman for including this language in the committee report, as we in New Hampshire alone have suffered the defoliation of several thousand acres of prime forestland this year, primarily due to infestation by gypsy moths. However, there is growing concern in our region over another destructive insect pest, the saddled prominent, which is estimated to have defoliated 189,000 acres in New Hampshire last year, and affected 37,000 acres in Vermont during the same period. The insect attacks the trees late in the year and is particularly destructive to maple trees, which may die if unable to form new buds before the first frost. Is it the intention of the chairman that the language regarding gypsy moth suppression to which I have previously referred shall also apply to control and suppression of the saddled prominent, as is necessary by the determination of the Forest Service?

Mr. McCLURE. The Senator is correct. At the time we considered the bill, the information relating to the saddled prominent had not yet been received. Had the committee had that information, this would have been included in the report itself.

Mr. RUDMAN. Will the chairman further agree to give every consideration to increasing funding for insect suppression by the Forest Service in a supplemental appropriation if this becomes necessary to control the problem?

Mr. McCLURE. Mr. President. I shall be happy to give such a proposal every consideration at the time the committee commences deliberations on a supplemental appropriations bill for fiscal year 1982.

Mr. RUDMAN. I thank the chairman.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 26, 1981

ORDER FOR RECOGNITION OF SENATOR LEAHY AND SENATOR ROBERT C. BYRD

Mr. McCLURE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on Monday, October 26, the following Senators be recognized for not to exceed 15 minutes each, on special orders: Senator LEAHY and Senator ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that following the two special orders on Monday, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 4035, THE INTERIOR APPROPRIATIONS BILL

Mr. McCLURE. Mr. President, I ask unanimous consent that at 11 a.m. on Monday, the Senate resume consideration of H.R. 4035, the Department of the Interior and related agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. McCLURE. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m. for the introduction of bills, resolutions, and statements and for the filing of reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, will the distinguished acting Republican leader state, for the benefit of our colleagues, what the outlook for rollcall votes will be on Monday?

Mr. McCLURE. I thank the distinguished minority leader for the question.

Mr. President, I believe it is important for the Members to know that we will be back on the Interior appropriations bill at 11 a.m. and that votes could ensue in sequence after that. So they should be prepared for that. There are a number of colloquies that can be entered into, and there will be discussion of the bill. We will be asking Members to come to the floor with amendments, if they have amendments.

I reiterate what I have just said: Those who have general comments with respect to the appropriations bill, which will be pending at 11 o'clock on Monday, under the unanimous-consent agreement, should be prepared to debate and make the record as they see fit. Those who have amendments should be prepared to come to the floor and offer those amendments. I hope that those who seek to make legislative history by way of colloquy or remarks will attempt to do that earlier in the day, so that we can accommodate their desire without inconveniencing other Members who have amendments to offer.

It is our intention to complete the bill on Monday, if possible, and we will work toward that end.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I do not ask the distinguished acting Republican leader to respond or comment, but I express the hope at this time that there will be no rollcall votes before, say, 3 p.m., so as to accommodate our Members who might be coming from distances. That has become a kind of normal practice around here; and I say that realizing, of course, that nothing is in concrete and that if there must be votes, there will be votes. I simply want to express that for the RECORD.

Mr. McCLURE. I thank the Senator.

RECESS UNTIL 10 A.M. ON MONDAY, OCTOBER 26, 1981

Mr. McCLURE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. on Monday.

The motion was agreed to; and at 1:27 p.m., the Senate recessed until Monday, October 26, 1981, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 26, 1981*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, Creator of our world, Author of righteousness and Giver of every good gift, bless all those who turn to You in prayer. Give to those oppressed or anxious, freedom from fear and the fullness of Your divine love. Give to the needy who are hungry or forgotten the faith to continue aware that they are surrounded by others who support and care. Give to all of us the willingness to use our abilities in service to others, that we may be faithful stewards of Your grace through daily acts of faith, hope and love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

FOR A RESPONSIBLE ARMS POLICY

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHUGH. Mr. Speaker, this weekend hundreds of thousands of Europeans demonstrated peacefully to express their concern about the nuclear arms race and about the threat that race poses to peace and survival in this world. At the same time, citizens in our country are gathering petitions which call for a freeze in nuclear arms production.

It is wrong to dismiss these efforts as "misguided," the term Secretary Weinberger used to describe the European demonstrations. They are not misguided. Indeed, they reflect the aspirations of rational people for a sane arms policy, a policy which offers some promise of achieving real security. They reflect a growing recognition that the headlong rush of the nuclear powers to produce and deploy more arms offers no such promise.

Mr. Speaker, it is time for governments to heed these reasonable and responsible voices. It is time to engage in meaningful negotiations which can lead to a balanced and verifiable arms limitation agreement. Since America is still looked to for leadership in the Western world, we have a special responsibility to take the initiative. We must do so not because we endorse the Soviet system or admire the Soviet Government, but because we share with the Russian people and all mankind a common interest in preserving our civilization, and a common interest as well in diverting our resources to more constructive goals.

WORDS WILL NOT STOP QADHAFI

(Mr. KOGOVSEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOGOVSEK. Mr. Speaker, a recent vote in the other body indicates that a majority of Senators feel words, not action, are enough to stop Qadhafi of Libya. An amendment offered by my Colorado colleague, Senator GARY HART, proposed that the United States stop purchasing oil from Libya. Libya—the nation whose leader took joy in the assassination of one of the world leaders of peace, Anwar Sadat. The nation which, lead by Qadhafi, is a prime example of terrorism. And yet the Senate comfortably defeated Senator HART's amendment. In effect, the proposal asked the United States to stop underwriting Qadhafi's terrorism and thus stop this Libyan leader, who some in this country have pointed to as the one international figure who could start World War III. If the argument against the Hart amendment was that we cannot afford to lose the Libyan oil, then my argument is we can better afford to put the billions of dollars we are spending in Libya to work at home on domestic energy resources. But instead of doing so, the Senate has said we will continue to pump billions of dollars into the terrorist-led Libya and cut to the bone energy programs at home.

THE VREDELING PROPOSAL

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, over the past several days, I have described certain policies of Canada which might give rise to relief under section 301 of the Trade Act. But it is not only Canada which proposes to adopt such radical, burdensome, and wholly unnecessary programs.

Mr. Speaker, it is of great concern to this country that the European Community now plans to hand over the management of businesses—including American businesses—to trade unions, many of them leftist or Communist dominated.

The so-called Vredeling proposal, now under active consideration in the European Parliament, would do exactly that. It would require U.S. companies to negotiate with European trade union representatives before making any major corporate decisions. It is so broadly drafted that its requirements could be taken to cover decisions entirely remote from any arguably European concern.

LEGISLATION TO ESTABLISH EXPENSE DEDUCTIONS AT $5,000

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, as we all recall with bittersweet familiarity, this House recently removed any limitation upon our expense deductions claimed for tax purposes. This action was wrong.

The $3,000 limit upon expense deductions has been the rule since 1954. However, in times of fiscal constraint, can we justify a virtually unlimited deduction?

Each day I receive letters saying, "if the people of this country are asked to absorb budget reductions, we demand these reductions occur at the top as well as at the bottom." And now, I have to answer, "I'm sorry, it can't be done, the House has just voted itself a large increase in compensation benefits."

This answer is not good enough. If an example can be set, we should set it here in the House.

I have introduced H.R. 4676 which will establish expense deductions at $5,000. If the 1954 statute is no longer feasible—this $2,000 increase should serve our needs. If some Members believe they deserve this unlimited option—let us get it on the record, with a recorded vote, so that I may vote against it, again, and level with the people of Idaho.

Please join me in cosponsoring H.R. 4676.

CHUTZPAH OF THE YEAR AWARD

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, with the Chair's forbearance, I would like to

start a "Chutzpah of the Year Award."

Question. Who could compete favorably with the designer of the *Titanic*, today proposing another "world's first unsinkable ship" for the "Chutzpah of the Year Award?"

Answer. Former Vice President Walter Mondale, when he stated yesterday on "Meet the Press" that current interest rates with the prime at 18 percent are the result of President Reagan's program.

Fact. When the economic wizardry of Carter-Mondale and their unhinging of the American economy ended in December 1980, the prime interest rate was at 21.5 percent. And for those who have not studied arithmetic at Princeton, That is 3½ percentage points higher than the present rate. Only the good Lord and perhaps the tooth fairy know whether more of the Federal budget hemorrhage that was the hallmark of Carter-Mondale, would have given us rates today of 25 percent or 30 percent.

Perhaps a "Chutzpah of the Year Award" is not enough. Perhaps we need a new award, the "Fool All of the American People All of the Time Award." Again, the winner would be that co-catalyst of economic decline, Walter Mondale.

The American people, however, are not so stupid as it seems Mr. Mondale believes. And, they will see through his external utterances to the internal bankruptcy of his alternatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 26, 1981.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 12:40 p.m. on Friday, October 23, 1981, and said to contain the third special message for fiscal year 1982 from the President under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

DEFERRALS OF FISCAL YEAR 1982 FUNDS AND PROPOSALS TO RESCIND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-103)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 72 deferrals of fiscal year 1982 funds totaling $482.9 million. I am also reporting two new proposals to rescind $88.2 million in budget authority previously provided by the Congress.

Seventy-one of the deferrals totaling $391.6 million represent the second in a series of messages that I am transmitting deferring fiscal year 1982 funds made available by the Continuing Resolution, P.L. 97-51.

These actions are being taken in accord with the stated intent of the Congress to provide minimal and temporary funding for the duration of the Continuing Resolution which expires November 20, 1981. As indicated in my last special message of October 20, I plan to restrain spending to insure that the Congress has the opportunity to enact regular appropriations for the entire fiscal year at levels that are consistent with my revised budget request.

Deferrals under the Continuing Resolution are included in this special message for the Executive Office of the President and 20 departments and agencies.

I am also reporting in this message a deferral of $91.3 million for Veterans Administration construction pending completion of a project review and two rescission proposals for programs in the Department of Defense that are consistent with amendments to the Defense budget sent to the Congress on October 15.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *October 23, 1981.*

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 27, 1981.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I am about to call up four bills under the suspension of the rules procedures and I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on these four bills.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4734) to recognize the organization known as the Italian American War Veterans of the United States.

The Clerk read as follows:

H.R. 4734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Italian American War Veterans of the United States, organized and incorporated under the Nonprofit Corporation Acts of the States of California, Connecticut, Florida, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Italian American War Veterans of the United States (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the giving of patriotic allegiance to the United States of America, fidelity to its Constitution and laws, and support to the security of civil liberty and permanence of free institutions; the stimulation of patriotism in the minds of all Americans by encouraging the study of the history of the United States; to assure the preservation and defense of the United States of America from all enemies without any reservation whatsoever; the preservation of the memories and records of patriotic service performed by men and women who served in the Armed Forces of the United States by gathering, collating, editing, publishing, and exhibiting the memorabilia, data, records, military awards, decorations, citations of those who served in the Armed Forces of the United States, and the promotion of peace, prosperity, and good will between the peoples of the United States of America and the Republic of Italy. The corporation shall function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Any American citizen shall be eligible for membership in the corporation who was honorably discharged from the Armed Forces of the United States of America, and eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be

as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OR FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(54) Italian American War Veterans of the United States.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore (Mr. KOGOVSEK). Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MCCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 4734, would recognize and grant a charter to the organization known as the Italian American War Veterans of the United States.

The Italian American War Veterans of the United States is a nonprofit organization for honorably discharged veterans of World War I, World War II, the Korean conflicts and the Vietnam war and for recipients of congressional medals for other U.S. expeditions or campaigns. Though any veteran may join, most members are of Italian descent. The association was founded in Hartford, Conn., on February 20, 1932, and was incorporated in Connecticut that year. Since then it has been incorporated in New York, New Jersey, California, Pennsylvania, Massachusetts, Ohio, Rhode Island, Florida, and Illinois.

The Italian American War Veterans of the United States is primarily a patriotic, nonprofit organization devoted to the preservation and enhancement of the honor, integrity, and defense of the United States. The organization also promotes the welfare and interests of veterans and their dependents at the community level and is involved in projects for historical education, fundraising for special relief, and various scholarships.

The Italian American War Veterans of the United States is a national organization of service to the Nation. Last year, its more than 8,000 members—including auxiliaries—contributed an estimated 5,400 hours of assistance to patients in Veterans' Administration hospitals in a nationally organized Veterans' Administration volunteer service program. The association maintains tax-exempt status as a veterans' organization.

Testimony and documentation demonstrates that the Italian American War Veterans of the United States maintains a State charter, operates in a nondiscriminatory manner, operates only as a charitable and patriotic association, maintains tax-exempt status, and is national in scope.

The purpose of this bill is merely to recognize an existing State-chartered organization. It does not grant or expand any corporate rights or relieve any corporate responsibilities established by State charter. Moreover, this bill specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

The bill prohibits certain corporate acts and establishes certain requirements for the corporation. The bill prohibits the loan or transfer of corporate assets to officers, members, or other persons—except for expenses—lobbying or other political activity by the corporation or the issuance of stock or the payment of dividends. The bill further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The bill requires the corporation to keep certain records, to perform an annual audit and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this bill, or if the corporation fails to maintain its tax-exempt status, the Federal charter granted by this bill will expire automatically as a matter of law.

The committee favorably recommends H.R. 4734 to the House for its consideration.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I rise in wholehearted support of H.R. 4734 which would grant a Federal charter to the Italian American War Veterans of the United States.

I take this opportunity to commend the distinguished chairman of the Judiciary Committee, Hon. PETER RODINO, for the patience and support and great efforts that he made in bringing this legislation to the floor of the House.

I also want to express my gratitude and appreciation to the distinguished chairman of the Subcommittee on Administrative Law and Governmental

Relations, GEORGE DANIELSON, who held hearings and who worked so long and hard in order to bring this legislation to the floor. My special thanks to Congressman ROBERT MCCLORY, the ranking minority member for his outstanding contribution.

Each and every member of the Judiciary Committee has the heartfelt thanks of the Italian American War Veterans who waited for so many years for this legislation to come to the floor of the House of Representatives for consideration.

Passage of this legislation has been delayed too long, especially in view of the fact that the Italian American War Veterans of the United States, Inc., meets the standards for granting Federal charters established by the House and Senate Judiciary Committees.

I also wish to point out that in addition to overwhelming committee approval of this bill, 43 Members of the House, including many committee members, have joined me in sponsoring this worthy legislation. They include: Mr. RODINO, Mr. DANIELSON, Mr. MOORHEAD, Mr. KINDNESS, Mr. MCCLORY, Mr. GLICKMAN, Mr. EVANS of Georgia, Mr. CONTE, Mr. HYDE, Mrs. ROUKEMA, Mr. ADDABBO, Mr. BIAGGI, Mr. CHAPPIE, Mr. DENARDIS, Mr. DOWNEY, Mr. FASCELL, Mr. FAZIO, Ms. FERRARO, Mr. FLORIO, Mr. FOGLIETTA, Mr. GUARINI, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. MICA, Mr. MILLER of California, Mr. MINISH, Mr. MOAKLEY, Mr. MOLINARI, Mr. PANETTA, Mr. RINALDO, Mr. RUSSO, Mr. SANTINI, Mr. VENTO, Mr. ZEFERETTI, Mr. OBERSTAR, Mr. MITCHELL of New York, Mr. SOLOMON, Mr. WORTLEY, Mr. SMITH of Pennsylvania, Mrs. HECKLER, Mr. MARKS, and Mr. DAUB.

I also thank Senator JOHN H. CHAFEE of Rhode Island, who testified in support of this bill in House subcommittee hearings. The Senator took the lead in the Senate during the 96th Congress in introducing legislation to grant the Italian American War Veterans a Federal charter and he was successful in securing Senate passage of the bill. Unfortunately, the 96th Congress adjourned before the House of Representatives had the opportunity to act on the bill, and Senator CHAFEE has introduced the bill once again in the Senate.

Mr. Speaker, the Italian American War Veterans of the United States, Inc., meets the Federal charter requirement of operating under a State charter, having been chartered in 11 States with over 8,000 members nationwide.

Also, it meets the requirement of organization and operation in the public interest without discrimination on the basis of race, color, religion, or national origin. Although the majority membership of this outstanding organization is comprised of Americans of Italian descent, membership is not restricted and a review of the membership rolls reveals scores of individuals of various ethnic and religious backgrounds.

The Italian American War Veterans organized in 1932 and achieved tax-exempt status in 1947. Thus, it meets the requirement for operation as a charitable organization. In addition, for almost 50 years it has conducted activities national in scope and responsible to a national need.

I have been privileged to have been an honorary member of the Italian American War Veterans of the United States for more than 10 years, and I can tell you firsthand, as I have personally participated in many of their charitable endeavors in my own State of Illinois, that this organization has a long and proud tradition of service to our Nation's hospitalized and disabled veterans, and to the widows, orphans, and families of veterans who have given their lives for our Nation's freedom.

The members of this organization have also compiled a splendid record of achievement in civic work in their home communities, and in strengthening the greatness of our Nation by strongly resisting threats to our precious freedoms.

Volunteer work in VA hospitals has become the major mission of the Italian American War Veterans, and long experience has proven that personal visits, compassionate, human warmth and understanding, are just as essential to successful recovery as use of scientific methods of treatment.

I know of no organization which has been more worthy of congressional recognition than the Italian American War Veterans of the United States, Inc. The unselfish dedication with which the members of this fine organization have joined together to help their fellow veterans is without parallel. The year 1982 will mark the 50th anniversary of this outstanding organization, and during this span of time, the IAWV has received recognition for its exemplary service through the accolades of those who have benefited from its work as well as through the passage of commendatory resolutions in various State legislatures in our country.

I want to point out to my colleagues that Italian Americans have fought heroically in all of America's wars for freedom beginning with the American Revolution and continuing to the present time. It is interesting to note that during World War I, Italian Americans comprised an astounding 12 percent of the U.S. Army, far more than their small percentage of the American population at that time, and during World War II, some 500,000 Italian Americans fought in the Armed Forces of our Nation.

The heroism demonstrated by Italo-Americans is reflected in the names of the Congressional Medal of Honor winners. Although the Medal of Honor roster is not long, there are more than 50 Italo-Americans listed who have merited this medal—the highest military award for bravery that can be given by the United States of America to any individual serving in the Armed Forces. I know many of you will recall John Basilone's name, the marine sergeant who fought as a "one-man army" on Guadalcanal, and more recently, Anthony Casamento, who was awarded this medal last year.

Mr. Speaker, I have been the sponsor of Federal charter legislation for the Italian American War Veterans during my entire period of service in Congress, and I was heartened by the decision in the 96th Congress to lift the suspension on the granting of charters.

Lack of a charter, and of its official sanction, has hindered the work of the Italian American War Veterans of the United States in meeting the needs of our veterans and their survivors.

Passage of H.R. 4734 would give long overdue recognition to the major contributions being made by the IAWV to the well-being of our Nation and to the promotion of better understanding between the United States and Italy, which is such a vital part of our NATO alliance and the defense of our freedom.

Encouragement of charitable organizations such as the IAWV is also vital to the continued well-being of all of our country's citizens, especially in a time of limited public financing, and would strengthen America's tradition of volunteer action which has been so beneficial in assisting our country's handicapped and elderly citizens.

A Federal charter would help the IAWV to expand their volunteer services and these services would be provided without charge to the American taxpayers. It is imperative in this time of fiscal austerity that we in the Congress do everything possible to encourage organizations like the IAWV to meet the needs of our veterans through private resources.

Mr. Speaker, as the Italian American War Veterans of the United States approaches its 50th anniversary, I urge my colleagues to fully support H.R. 4734, both to recognize the outstanding work of these fine veterans who have sacrificed so much for our country and to promote the goals of this compassionate, hardworking, and patriotic organization.

Mr. DANIELSON. Mr. Speaker, I reserve the balance of my time.

□ 1215

Mr. MCCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to support this legislation I think it is only natural that I, as the principal sponsor of the Monday holiday bill, which established Columbus Day as a national legal holiday, should be here supporting this legislation, which will grant a Federal charter to the Italian American War Veterans.

I want to say, Mr. Speaker, that I am very proud to have cooperated with my distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO) in helping to promote this legislation. This organization is well deserving of a Federal charter. They have a record of fine service to the community and to veterans. They have a wonderful record which I think merits this kind of recognition on the part of the Congress. We should grant them a Federal charter.

I was very impressed by the testimony which we heard and by the delineation of the services which they have performed for the widowed, the handicapped, and many deserving others in our society.

I want to commend the chairman of the subcommittee, the gentleman from California (Mr. DANIELSON); the chairman of the committee, my colleague, the gentleman from New Jersey (Mr. RODINO), and the distinguished ranking member of the subcommittee, the gentleman from California (Mr. MOORHEAD).

For almost a half century the Italian American War Veterans have served our country. In both peace and war they have given generously of their time, their cultural heritage, and their talents in betterment of the United States. They have perpetuated in peace what they have fought for on the battlefields. Volunteer work in the hospitals, youth programs, community service, help for the widowed, and aid to the handicapped are but a few of the services rendered. True patriotism rests not so much in words as in these deeds, and the only true reward is the personal satisfaction that they have helped their fellow man. Contributions such as these deserve special recognition.

In closing I would note that Federal charters are bestowed sparingly. If we gave them out too freely, the honor, the prestige, and the national service associated with the charter would quickly fade.

Under the standards of eligibility adopted by our committee for a Federal charter, the Italian American War Veterans met every qualification, and impressed me and other members of the committee that this great veterans' organization merits the national recognition which a Federal charter provides. I urge my colleagues to support this measure.

Mr. Speaker, I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I rise in support of this legislation. We have had testimony in our subcommittee strongly supporting the legislation. I think the Italian American War Veterans deserve to have a charter and I am happy to support it fully.

Senator JOHN CHAFEE and Congressman FRANK ANNUNZIO were the primary witnesses at our subcommittee hearing, which would grant a Federal charter to Italian American War Veterans.

Their testimony demonstrated the selfless commitment of this veterans organization. Thousands upon thousands of volunteer hours in veterans hospitals alone evidences this tremendous commitment. In addition, they are involved in projects for historical education, scholarships, and fundraising for special relief.

When social services are cutback it is the volunteer effort that steps in to fill the gap.

The Congress has set down high standards for national charter eligibility. Our committee has reviewed the application with great care, finding that the Italian American War Veterans are most deserving of this honor.

I urge by colleagues to support H.R. 4734.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, before I yield back my time, I want to comment that the gentleman from Illinois (Mr. MCCLORY) had a leading role in the passage of this bill, being the only member of our subcommittee who speaks Italian. The gentleman from Illinois (Mr. MCCLORY) speaks Italian like a native of Illinois.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I rise in support of H.R. 4734 to grant a Federal charter to the organization known as the Italian American War Veterans of the United States. This nonprofit organization of approximately 8,000 members was founded on February 20, 1932, for honorably discharged veterans of World War I, World War II, the Korean conflict, and the Vietnam war. Though any veteran may join, most members are of Italian descent.

This organization has demonstrated an active and abiding interest in the welfare of veterans and their dependents at the community level and is involved in projects for historical education, fund raising for special relief and various scholarships. Last year, its members rendered an estimated 5,400 hours of assistance to patients in VA hospitals in a nationally organized Veterans' Administration volunteer service program.

Mr. Speaker, I applaud the efforts and intentions of this patriotic organization, and I urge the House to support this bill as an expression of continuing support and interest for all veterans of our wars. I want to commend the very distinguished gentleman from Illinois (Mr. ANNUNZIO) for introducing this bill and for his efforts to bring the bill to the House. The gentleman works closely with the Committee on Veterans' Affairs in support of legislation to enhance the lives of all veterans. Italian American War Veterans are fortunate to have a man so dedicated to work with them in their efforts to seek a Federal charter from the Congress. He is a great American.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, it is with a great sense of patriotic duty, along with my deep concern for veterans everwhere, that I rise today to urge my distinguished colleagues in the House of Representatives to vote in favor of H.R. 4734, a bill to grant a Federal charter to one of the most public spirited organizations in the Nation, Italian American War Veterans of the United States, Inc.

Before I continue however, I would like to take this opportunity to commend my dear friends Mr. ANNUNZIO and Mr. RODINO who, along with so many others in this body, have worked diligently to bring this matter before us today, and I am confident that their efforts have not been in vain.

For almost 50 years Italian American Veterans, Inc. has done outstanding work on behalf of honorably discharged veterans, their wives, widows, and dependents. One of the reasons why both the House and Senate Judiciary committees found it eligible to vote in favor of granting the Federal charter is because its membership has always remained open to all honorably discharged veterans, regardless of sex, race, religion or national origin who bravely served their country the world over.

In its nearly half-century of national existence IAWV has touched the lives of countless Americans whether it has been through financial assistance in hospitals and homes of veterans, or by decorating the graves of men who lost their lives in battle. Its members, all of whom are dedicated to helping others less fortunate, have been involved in patriotic observances, the awarding of scholarships, and among other interests, working hand-in-hand with other organizations concerned with the needs of the veteran. It is an organization which has reached out across the

globe, as shown when devastating earthquakes ravaged Italy.

Mr. Speaker, much has been said, and rather correctly, that the granting of a Federal charter to IAWV would enable its members to expand their activities by giving it instant credibility in the eyes of many organizations on the State and local level interested in helping the veteran. This charter is vital if it is to continue to meet the ever changing needs of veterans. But equally important, the charter would be a psychological shot in the arm to all veterans in this country, veterans who need to know they have not been forgotten and will always be appreciated.

The IAWV has proven itself to be worthy of a Federal charter. It has met all the stringent requirements of both Judiciary Committees, and I again urge my colleagues to support the measure when the vote is taken.

● Mr. RODINO. Mr. Speaker, it is a pleasure to offer my support for this legislation to grant a Federal charter to the Italian American War Veterans of the United States. Passage of this measure, of which I am a cosponsor, by the House and Senate will be a fitting culmination of long and hard efforts by many in and out of the Congress to bestow this recognition on a worthy organization.

A Federal charter is not granted lightly. They are awarded on a very selective basis and only to organizations that clearly deserve such a privilege. The IAWV has clearly established itself as such an association. It more than meets the standards that govern the conferring of a charter. Its activities are national in scope and responsive to a national need. Its members give unsparingly of their time and resources to help not only veterans and their families but all Americans. Membership is open to all, regardless of race, color, creed, or national origin.

The IAWV has a membership of 8,000 in its posts and auxiliaries in hundreds of communities throughout the land. In serving their communities, these units promote a variety of civic and educational activities, conduct fund drives for charitable causes, sponsor scholarships, and engage in many other types of volunteer work. For instance, the Veterans' Administration reports the IAWV and its auxiliaries donate more than 5,400 hours annually to patients in the veterans' medical program alone.

The IAWV is now 50 years old. There could be no better way to honor this dedicated group on the occasion of its golden anniversary, than to award it a Federal charter.

This legislation received broad support in the Committee on the Judiciary. I heartily urge this body to approve a charter for the IAWV—as it has in the past for other qualified veterans groups—and for the other three fine organizations that also are seeking this honor: the U.S. Submarine Veterans of World War II, the American Council of Learned Societies, and the organization known as the Former Members of Congress.●

● Mr. MOFFETT. Mr. Speaker, I rise in support of H.R. 4734, which would grant a Federal charter to the organization known as the Italian American War Veterans of the United States.

The Italian American War Veterans of the United States is a nonprofit organization for honorably discharged veterans of World War I, World War II, the Korean conflict, the Vietnam war, and for recipients of congressional medals for other U.S. expeditions or campaigns. Though any veteran may join, most members are of Italian descent. The association was founded in Hartford, Conn., on February 20, 1932, and was incorporated in Connecticut that year. Since then it has been incorporated in New York, New Jersey, California, Pennsylvania, Massachusetts, Ohio, Rhode Island, Florida, and Illinois.

Testimony and documentation presented to a House Judiciary Subcommittee demonstrates that the Italian American War Veterans of the United States maintains a State charter, operates in a nondiscriminatory manner, operates only as a charitable and patriotic association, maintains tax exempt status, and is national in scope. It is not often that the Congress grants Federal charters, but because of the exemplary qualifications of this organization, I believe H.R. 4734 is a suitable and appropriate honor for the Italian American War Veterans of the United States.

I am glad to vote in favor of this bill.●

● Mr. PEASE. Mr. Speaker, I want to join my colleagues in supporting the motion to suspend the rules and pass H.R. 4734, to grant a charter to and recognize the Italian American War Veterans of the United States. While granting a Federal charter such as this is largely a symbolic measure, I think it is very important that we take steps to recognize the important contributions that the IAWV has made and continues to make today.

While organizations such as the IAWV serve an important purpose in allowing fraternal camaraderie, the IAWV, like similar federally chartered organizations, has been particularly valuable because of the time its members have given to others—specifically to other veterans who are patients in VA hospitals. It is easy for organizations to elect officers and hold conventions; it takes much more selflessness and community compassion to give time and money to persons less fortunate than oneself.

Mr. Speaker, I urge my colleagues to support this long-sought charter recognition. We have the opportunity to reward and encourage an organization whose members have devoted their lives and spirit to our country. We should act so the Italian American War Veterans might have the incentive to continue that devotion these many years after the wars they have fought in.●

● Ms. FERRARO. Mr. Speaker, I want to express my support for H.R. 4734, a bill to grant a Federal charter to the organization known as the Italian American War Veterans. As a cosponsor of this worthwhile legislation, I was extremely pleased by the action of the House in passing the bill on Monday, October 26.

The Italian American War Veterans of the United States is a nonprofit organization for honorably discharged veterans of World War I, World War II, the Korean conflict, and the Vietnam war, and for recipients of congressional medals for other U.S. expeditions or campaigns. Though any veteran may join, most members are of Italian descent.

The organization was founded in Hartford, Conn. in 1932 and was first incorporated in Connecticut that year. Since then it has been incorporated in nine additional States, including New York.

As an Italian American myself, I am extremely proud of the contributions the members of the Italian American War Veterans of the United States have made to our country both in war overseas and in peace at home. Especially, during World War II, many of these men fought bravely in the land of their fathers to help gain the Allied victory in Europe. Here in the United States, the association promotes patriotic values and provides important community services.

Last year, the 8,000 members contributed an estimated 5,400 hours of assistance to patients in Veterans' Administration hospitals, in addition to being involved in projects for historical education, fundraising for special relief and various scholarship programs, including an annual essay contest on patriotism. The association recently made a contribution from its treasury to the Italian Government for the benefit of the victims of last year's earthquake.

Mr. Speaker, let me again state my support for H.R. 4734, the bill granting a Federal charter to this admirable organization, and I wish them continued success in their good works.●

● Mr. BIAGGI. Mr. Speaker, as a cosponsor of H.R. 4734, I wish to lend my full support to the passage of this legislation which will grant a Federal charter to the Italian American War Veterans.

The Italian American War Veterans of the United States is a nonprofit organization for honorably discharged veterans of World War I, II, as well as

the Korean and Vietnam wars. In addition, it is an organization made up of Congressional Medal of Honor winners. It is open to any veteran although its membership is primarily of Italian descent.

The organization was founded some 49 years ago in Hartford, Conn., where it is incorporated—as it is in another nine States. It consists of some 8,000 members who have provided thousands of hours of service to the less fortunate of this Nation.

As an Italian American, I am proud we have reached this point today. The Italian American war veterans deserve the recognition and prestige which a Federal charter provides. Our support of this legislation will be a reflection of our appreciation for all that Italian American war veterans have made to our Nation.

I urge swift and affirmative action by the House today on this bill and I also implore the Senate to join in this action.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 4734.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FORMER MEMBERS OF CONGRESS

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4755) to recognize the organization known as Former Members of Congress.

The Clerk read as follows:

H.R. 4755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. Former Members of Congress, organized and incorporated under the Nonprofit Corporation Act of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Former Members of Congress (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the promotion of the cause of good government at the national level by improving the public understanding of the United States Congress as an institution and strengthening its support by the public. The corporation shall function as an educational, patriotic, civic, historical, and research organization as authorized by the laws of the State or States wherein it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the States or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(53) Former Members of Congress.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to recognize and grant a Federal charter to the organization known as the Former Members of Congress.

The Former Members of Congress was founded in 1970 with 10 members and was incorporated as a nonprofit corporation in the District of Columbia on June 18, 1970. The organization now has 580 members representing both the House of Representatives and the Senate. All former Members of the U.S. Congress are eligible to join regardless of race, sex, creed, or color. Of former Members, only candidates for, or Members of, Congress are excluded from membership.

This organization has members all across America. Its stated purpose is to "promote the cause of good Government at the national level by strengthening and improving the U.S. Congress as an institution." Toward this end, members of the association have organized parliamentary seminars involving legislators from other countries,

engaged in an oral history project to preserve the history of the modern Congress, and have lectured at many colleges throughout the Nation on the workings of Congress.

Testimony before the subcommittee in the 96th Congress and on June 11, 1981 indicates that the Former Members of Congress is a national nonprofit, educational, civic, historical, and research corporation. It does not engage in partisan politics and has tax exempt status.

The purpose of this legislation is merely to recognize an existing State-chartered organization. It does not grant or expand any corporate rights or relieve any corporate responsibilities established by State charter. Moreover, this bill specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the bill prohibits certain corporate acts and establishes certain requirements for the corporation. The bill prohibits the the loan or transfer of corporate assets of officers, members, or other persons (except for expenses), lobbying or other political activity by the corporation or the issuance of stock or the payment of dividends. The bill further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The bill requires the corporation to keep certain records, to perform an annual audit and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this bill, or if the corporation fails to maintain its tax exempt status, the Federal charter granted by this bill will expire automatically as a matter of law.

The committee favorably recommends H.R. 4755 to the House for its consideration.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the name suggests, this organization membership is limited to former Representatives and Senators of the U.S. Congress. It started about 11 years ago through the effort of Brooks Hays and Walter Judd. Their membership has grown to 580. I am sure their membership will grow even more at the end of this Congress.

But the critical item that merits a national charter springs from their educational, patriotic, civic, and historical endeavors. One outstanding example of accomplishment is their campus fellowship program. Under this program former members have visited colleges and universities in every State of the Union. They do not go there just to make a speech, but stay for several days to develop a rapport with faculty and students through seminars.

In closing, I would like to say that one of the stated goals of the "Former Members" is to enhance the prestige of Congress through service. That alone would be enough to support a Federal charter.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding.

My experience has been that organization of Former Members of Congress has made major contributions to dramatize the importance of the Congress as a legislative body, and to provide the prestige to this body, which it deserves and which it needs. They provide valuable extracurricular service on the college campuses and in many other ways to bring to the American people messages which they would not otherwise receive about the Congress of the United States and its lawmaking capability. Similarly, their contacts with members of the legislative bodies and parliaments of other countries increase the prestige of this body.

For these reasons, I am very pleased myself to join in support of this legislation. On particular, I want to commend Mr. Jed Johnson, a former Member of this body and my former colleague on the Judiciary Committee, who sat beside me during many years of his service here. I would also like to commend a distinguished former Member from New York, Henry Smith.

As required by the rules of the Judiciary Committee, the Former Members of Congress have served an apprenticeship or more than 10 years. They are a not-for-profit, exempt organization oriented toward national service. A Federal charter will give Former Members of Congress recognition as a valuable educational resource.

Perhaps the most important activity run by this organization is its campus fellowship program. It is designed so that college students—the leaders of tomorrow—can better understand how Congress works. There is a long waiting list of colleges asking for Former Member visits. Their campus trips are not token speechmaking trips. Former Members stay for a week or more and associate with the students on a day-to-day basis.

The oral history program is another important activity. Former Members are interviewed professionally so that the benefit of their wisdom, experience and understanding will not be lost to future generations.

Historically, the Former Members is patterned after the Former Members of Parliament. In addition, they have been active internationally, sharing their knowledge, friendship and good will with former legislators of Mexico, Canada, Germany, Great Britain, and Italy.

Finally, the Former Members of Congress, by their charter, are absolutely prohibited from taking a stand or influencing any current legislation. They lose their charter if they do. Their service is away from Washington, not in Washington. I support this bill and I urge my colleagues to vote for it.

Mr. DANIELSON. Mr. Speaker, in closing, I did hear with some sorrow the comments of the gentleman from California (Mr. MOORHEAD) that after the next election the size of the Former Members will be increased. I hope the gentleman will not be too gloomy, because I am sure there will be some Members of the minority party who are returned.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 4755.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES SUBMARINE VETERANS OF WORLD WAR II

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4766) to recognize the organization known as United States Submarine Veterans of World War II.

The Clerk read as follows:

H.R. 4766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The United States Submarine Veterans of World War II, incorporated under the Non-profit Corporation Act of the State of New Jersey, and the State of Colorado, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. United States Submarine Veterans of World War II (hereinafter referred to as the "corporation" shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include patriotism and loyalty to the United States of America; the perpetuation and establish-

ment of memorials to the memory of those shipmates who served aboard United States submarines and gave their lives in submarine warfare during World War II; promotion of the spirit and unity that existed among the United States Navy submarine crewmen during World War II; fostering general public awareness of life aboard submarines during World War II, through securing, restoring, and displaying the submarines that were in service at that time; sponsoring annual college scholarships; and performance of such acts of charity as provided for by the constitution and bylaws.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(55) United States Submarine Veterans of World War II.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as in the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. DANIELSON. Mr. Speaker, the bill, H.R. 4766, would recognize and grant a Federal charter to the organization known as the United States Submarine Veterans of World War II.

The United States Submarine Veterans of World War II was founded in August 1955 as a patriotic association of veterans of the submarine service during the Second World War. It has operated under a charter granted by the State of New Jersey since 1956. According to the organization's historian, approximately 20,000 men served in submarines during World War II, and approximately 15,000 submarine veterans survive today. The Submarine Veterans of World War II is nationally organized and has chapters in every State. There are currently 5,000 active and associate members of the organization with additional integrated organizations for wives, sons, and daughters.

The subcommittee heard testimony on H.R. 894 at a hearing on June 11, 1981. Testimony and supporting documents furnished to the subcommittee revealed that the organization is primarily a patriotic association dedicated to memoralizing submarines and submarines lost in World War II. The organization also performs other valuable functions for veterans in general, and submarine veterans in particular. The association awards 52 scholarships annually in honor of the 52 submarines lost in World War II. Many State chapters provide monthly recreational activities for patients at Veterans' Administration hospitals and contribute in various ways to the relief of disabled submarine veterans and their families. For example, a Chicago chapter participates in the annual Purple Heart cruise to raise money for veterans relief. In addition, volunteers from the organization assist veterans with Veterans' Administration disability claims on a regular basis.

In keeping with the subcommittee's standards for chartered organizations, testimony and documentation demonstrates that the Submarine Veterans of World War II maintains a State charter, operates in a nondiscriminatory manner, operates only as a charitable and patriotic association, maintains tax exempt status, and is national in scope.

The purpose of this bill is merely to recognize an existing State-chartered organization. It does not grant or expand any corporate rights or relieve any corporate responsibilities established by State charter. Moreover, this bill specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the bill prohibits certain corporate acts and establishes certain requirements for the corporation. The bill prohibits the loan or transfer of corporate assets to officers, members, or other persons—except for expenses—lobbying or other political activity by the corporation or the issuance of stock or the payment of dividends. The bill further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The bill requires the corporation

to keep certain records, to perform an annual audit and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this bill, or if the corporation fails to maintain its tax-exempt status, the Federal charter granted by this bill will expire automatically as a matter of law.

The committee favorably recommends H.R. 4766 to the House for its consideration.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I would be pleased to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I commend the chairman for bringing forth this legislation. I agree with the gentleman that the submariners are some of our most dedicated people. I have been out in some of those submarines. You get claustrophobia just walking through them. That is a volunteer service and anyone who volunteers for that service has to be commended.

This charter, really, comes late, but I am happy that Congress has finally recognized the great dedicated service of the men of the submarines.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I am honored to yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I thank my good friend from California. I especially commend him, as chairman of this committee, for bringing this bill to the floor of the House.

I agree thoroughly with my good friend, the gentleman from New York (Mr. ADDABBO) as to the merits of the organization. I have known about this organization for a long time, and although as the title indicates, it deals with maritime matters, strangely enough there are an awful lot of them who live in the desert State of Arizona and are good friends and constituents. They have wanted this Federal charter for a long time.

The organization is extremely worthy as to its purposes, its background, and the individuals involved.

If I may, Mr. Speaker, at this point in the RECORD I include the names of the charter members of the United States Submarine Veterans of World War II:

CHARTER MEMBERS: THE UNITED STATES SUBMARINE VETERANS OF WORLD WAR II

Wilbur L. Meyer, Indianapolis, Indiana; Henry T. Vande Kerkhoff, Elmhurst, Illinois; Edmond Kay, Garden Gove, California, James A. Woodall, Galveston, Texas; Reverend John F. Marshall, O.F.M., Allegany, New York; John Kreis, San Diego, California; Harry D. Freeburn, Boerne, Texas; Ernst T. Rosing, La Grange Park, Illinois; Fred A. Judd, Baltimore, Maryland; Arthur F. Rawson, Bethesda, Maryland; E. J. Newbould, Alexandria, Virginia; Richard C. Cooper, Phoenix, Arizona; Charles A. Hennessey, Sacramento, California; Donald L. Smith, Middletown, Ohio; J, Daniel Lopp, New Albany, Indiana; Edward H. Bland, Cincinnati, Ohio; James H. Piper, Clifton Springs, New York; Rex W. Chenoweth, Brighton, Michigan; Cornelius R. Bartholemew, Miles City, Montana; James L. Kornegay, Centerville, Alabama; J. Allen Mactier, Omaha, Nebraska.

Reverend Jerome Kircher, O.F.M., Carrville, Louisiana; Grover S. McLeod, Birmingham, Alabama; Harold A. Ballenger, Los Angeles, California; Frank W. Giehart, Cincinnati, Ohio; William O. Herring, Medford, Oregon; James A. Brillowski, San Diego, California; Donald E. Chauvin, Birmingham, Alabama; Joseph M. Ferrell, Sun City, Arizona; George H. McMinn, Marion, Arkansas.

Raymond A. Tiraschi, San Francisco, California; Edwin Klaver, Denver, Colorado; Clarence A. May, Midway, Texas; William F. Hughes, Honolulu, Hawaii; LaVerne A. Nordenberg, Rockford, Illinois; Charles F. Crothers, Greenfield, Indiana; David B. Wright, Des Moines, Iowa; Harry E. Howell, Louisville, Kentucky; Ovila J. LaPlante, Waterville, Maine; John K. Mayer, Eufaula, Alabama.

Warren Stien, Ionia, Michigan; Ernest E. Van Deventer, Saint Paul, Minnesota; Harvey G. Joeckle, Overland, Missouri; Joseph E. Federle, Omaha, Nebraska; William D. Beal, Junior, Jackson, New Hampshire; Herbert J. Georgius, Junior, Paramus, New Jersey; Gordon E. Lucht, Hobbs, New Mexico; William P. Bosch, Massapequa, New York; Charlie E. White, Pennsacola, Florida.

Vern R. Atha, Portland, Oregon; Arthur B. Clarke, Perkiomenville, Pennsylvania; Wayne I. Miller, Houston, Texas; Lewis H. Barkdoll, Mount Vernon, Washington; Stephen N. Petreshock, Manitowoc, Wisconsin; Charlie R. Ray, Birmingham, Alabama; and John O. Bolin, Omaha, Nebraska.

Mr. Speaker, I wholeheartedly support H.R. 4766, which would grant a Federal charter to a gallant group of men who served our country during World War II in the submarine service. Of the 20,000 men who made up that service, approximately 15,000 survive. In August of 1955, 5,000 of these survivors founded an organization to be known as the United States Submarine Veterans of World War II. In the 26 years that have passed, this patriotic organization has dedicated itself to memorializing the submariners and the 52 submarines they served on that were lost during the war. And so it is in honor of these companions that the members of this fine organization have gone on to award scholarships, to provide recreational activities at many of our State Veterans' Administration hospitals, and to offer assistance to disabled submarine veterans and their families. In addition to having chapters in each of the 50 States, the Submarine Veterans of World War II have also organized auxiliaries for wives, sons, and daughters.

The purpose of this legislation is to give recognition that I believe is long past due to a worthy organization. It does not grant any special privileges, and in fact requires certain responsibilities for the purpose of maintaining such a Federal charter. As I am sure you are aware, no additional cost to the Government will be incurred by the enactment of this legislation.

Mr. Speaker, I believe the time has come to recognize the United States Submarine Veterans of World War II, and urge my colleagues to support this legislation.

Thank you.

Mr. DANIELSON. Mr. Speaker, I thank the gentleman from Arizona for his comments.

I might point out, I can understand why there are so many submarine veterans and other Navy veterans in the desert of Arizona. I, too, was in the Navy. I was a sailor. I remember one time in a typhoon when we were rolling in every direction at the same time, somebody came up with that old Navy saw about, "When I get out of this man's Navy, I am going to put an anchor over my shoulder and I am going to walk straight inland until somebody asks me, 'What is that you are carrying?' And then I am going to settle down."

I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4766.

The record of our submarine forces in World War II speaks for itself. Their efforts were indispensable to victory in the Atlantic and Pacific theaters of the war. These victories were not without great sacrifice—25 percent of our undersea forces perished.

But a Federal charter is not only contingent on past glories, we also look to present accomplishment, and in this respect they have also distinguished themselves. They give out 52 financial scholarships a year to deserving youths. They also have been active in VA hospitals by providing monthly recreational programs as well as other events to make the life of a disabled veteran a little happier.

In closing I would like to note that we have a tendency to forget veterans, and we must let the public know that we have not forgotten, that we do care. What incentive is there to join the Armed Forces if one knows that after personal sacrificies the Government forgets.

I think that this bill demonstrates our continuing commitment to veterans. I urge my colleagues to vote for H.R. 4766.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I would be happy to yield to the distinguished gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to commend the gentleman and the distinguished chairman of the subcommittee for favorably considering and recommending this legislation.

As a Representative in this body for a great Naval Training Center, the

Great Lakes Naval Training Center at Great Lakes, Ill., where a great deal of the advanced training is provided in electronics and other advanced technologies relating to submarine warfare, I am particularly interested in seeing that these submarine veterans of World War II are given appropriate recognition and the appropriate vehicle of a Federal charter for carrying on the extremely important work which they do. This bill gives deserving national recognition to representatives of World War II submarine veterans. During that era, the submarine forces never failed us in our days of great peril. A national charter is commensurate with their service and their sacrifice.

At present, they operate wholly as a charitable, educational, and patriotic organization, as evidenced by their record since 1955. The national camaraderie of submariners, sharing the risks and conditions of service, has service as a springboard to community service. Their spirit has been kept alive in a time of peace. They have erected memorials to their shipmates who gave their lives. They have established a scholarship program for deserving youths as well as provided recreation for disabled veterans. They are entirely nonprofit and nonpartisan and conduct no politically oriented activities. Submarine veterans membership extends to every State in the Union.

A Federal charter is the least that we can give them. I urge swift passage of this bill.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I want to commend the distinguished gentleman from California, an outstanding member of the Judiciary Committee, and one of the ranking members of the Committee on Veterans' Affairs, for his leadership in bringing this bill, as well as the bill to grant a charter to the Italian American War Veterans of the United States, to the House. The gentleman from California is known for his strong support of veterans who served their country during World War II, as well as all other wars.

This bill would grant a Federal charter to the organization known as the United States Submarine Veterans of World War II. As stated in the report on the bill, the organization was founded in 1955 as a patriotic association of veterans of the submarine service during the Second World War. It is nationally organized and has 5,000 active and associate members.

Mr. Speaker, I support the granting of a Federal charter to this patriotic organization. The passage of this bill will demonstrate our continuing commitment to those who served our country in time in war. In this case, we honor those gallant submariners who lost their lives in World War II.

I am pleased to also note from the report that the organization awards 52 scholarships annually in honor of the 52 submarines lost in the war, and that many State chapters provide monthly recreational activities for patients at Veterans' Administration hospitals.

Finally, Mr. Speaker, in order to assure responsible and appropriate conduct on the part of the organization, the reported bill prohibits certain corporate acts and establishes certain requirements for the corporation. The bill requires the corporation to keep certain records, to perform an annual audit and to report to Congress annually. These are proper safeguards for the granting of such charters.

I am pleased to support the bill, and urge that it be adopted.

● Mr. PICKLE. Mr. Speaker, today we have acted in concert to honor the submarine veterans of World War II, who glorified themselves in service to our country. H.R. 4766 recognizes an existing State-chartered organization of submarine veterans. This group has chapters in every State in the Union.

Of special significance is the Texas chapter and its courageous and persistent finance officer, my friend Douglass Nichols. Mr. Nichols had a great deal to do with the passage of this act, and has perhaps written everyone in the country who had some interest in giving the submarine veterans a Federal charter. His statements as to why such a bill is needed best reflects what is in all of our hearts, especially those of us who fought a war for these United States. Mr. Nichols notes that his interest—

Stems from something I did when I was 18 years old. I am now 56 years old, and look back with great satisfaction that all of us on the boats actually defended the ramparts of this country. Our Veterans organization pays tribute to those men and boats that did not return.

Special recognition of the submarine veterans is due not only because of past service, but also in appreciation of the continued support and assistance to other veterans and their families. The submarine veterans organizations give 52 scholarships annually, in honor of the 52 submarines lost in World War II. Many chapters are actively involved with patient rehabilitation efforts at Veterans' Administration hospitals around the country. Now numbering 5,000 out of the original 20,000 who served on submarines during World War II, the members of this organization continue to contribute in various ways to provide relief to the families of disabled submarine veterans. What better gesture of brotherhood to fallen comrades?

The U.S. submarine fleet reached its peak in June of 1945, totaling 237 boats. When final casualty figures were in, not only 52 boats, but 3,505 personnel were included. I shared the anxieties of my friend Mr. Nichols, as this bill made its way through the legislative process, that—

Our U.S. Submarine Veterans of World War II be granted its federal charter while the majority of us that sailed on those boats are still alive.

I thank the distinguished gentleman from California (Mr. DANIELSON) for advancing this bill of such great national interest, and extend most sincere congratulations to our submarine veterans—our "War Fish"—for a job well done.●

● Mr. CLINGER. Mr. Speaker, I rise in support of H.R. 4766, to provide a national charter for the United States Submarine Veterans of World War II. I am honored to be able to speak in behalf of the Submarine Veterans of World War II. It is with reverence and gratitude to all veterans that I join in cosponsoring a bill to establish an organization that acknowledges the memory of those who served our Nation at sea and who in many instances gave their lives in submarine warfare during World War II.

The values and goals of this organization, as provided in its articles of incorporation, embody the very qualities that have made heroes of the men whom we are honoring—loyalty and patriotism to the United States of America.

It is to be hoped that this selective group of outstanding Americans will continue to promote, through their organization, the spirit and unity that existed amongst its members throughout the Second World War. I am confident that this will serve the public, as its members have done, through promoting charity and good will and unity amongst fellow Americans.●

●Mr. OBERSTAR. Mr. Speaker, today, with passage of the U.S. Submarine Veterans of World War II Charter, the House will honor the heroism of the 20,000 men who served their country aboard submarines during World War II.

This bill grants a long-awaited Federal charter to the submarine veterans of World War II and gives national recognition to their organization as a nonprofit corporation.

The submarine veterans have dedicated themnselves to serve as an organization of veterans in the pursuit of partriotic endeavors, to promote public awareness of the contributions of submarine crewmen during World War II, to stimulate a spirit of unity among the surviving veterans and to honor and perpetuate the memory of the deceased submariners.

Passage of this legislation is particular satsifying to me because during the past three Congresses I have joined with my good firend and coleague, the

gentleman from Arizona (Mr. RHODES), in sponsoring H.R. 52, the charter legislation on which H.R. 4766 is based. The gentleman from Arizona and I have spent considerable time advocating the merits of this legislation, not only with the chairman of this subcommittee, the gentleman from California (Mr. DANIELSON), and the ranking member, the gentleman from California (Mr. MOOREHEAD), but also with other colleagues, to persuade them that submarine veterans deserve at least the same consideration Congress has extended through its chartering authority to other veterans organizations.

It has been very satisfying to note that 99 of our colleagues have joined us in cosponsorship of this bill and the unanimous action of the Subcommittee on Administrative Law and Government Relations indicates the very high regard in which submarine veterans are held by Members of Congress and the very generous commitment of the veterans themselves to the formal recognition of their organization.

Mr. Speaker, the number "52" has special significance: I chose that bill number because it represents the 52 U.S. submarines sunk during World War II and the 3,000 crewmen whose lives were lost aboard those ships.

Although each of the uniformed services rightfully boasts a special characteristic and a unique contribution to our national defense effort, there is something very special, something quite extraordinary about those men who go under the sea in ships.

Submariners seem to be marked with an indelible bond of unity, of commitment to each other, and to their county. They have maintained that bond in peacetime through regular meetings of their organization.

Today, the House takes the first step toward the goal submariners have worked for years to achieve: National recognition through the granting of a congressional charter to the U.S. Submarine Veterans of World War II.

All submariners deserve credit for their efforts and dedication to their country and their organization, but I would like to mention a few who merit special consideration for their persistence, their patience, for their perseverance in petitioning Congress for the charter status which the House will approve today: Mr. Bernard Hautala of Minnesota, Mr. E. J. "Jack" Newbould of Virginia, and Mr. Art Rawson of Maryland. I appreciate their efforts, their constructive suggestions for improving the bill, and their unflagging encouragement to press forward with this bill. Their efforts have been rewarded.●

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 4766.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1230

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 195) to incorporate the United States Submarine Veterans of World War II, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Wilbur L. Meyer, Indianapolis, Indiana; Henry T. Vande Kerkhoff, Elmhurst, Illinois; Edmond Kay, Garden Grove, California; James A. Woodall, Galveston, Texas; Reverend John F. Marshall, O.F.M., Allegany, New York; John Kreis, San Diego, California; Ernst T. Rosing, La Grange Park, Illinois; Fred A. Judd, Baltimore, Maryland; Arthur F. Rawson, Bethesda, Maryland; E. J. Newbould, Alexandria, Virginia; Richard C. Cooper, Phoenix, Arizona; Charles A. Hennessey, Sacramento, California; Donald L. Smith, Middletown, Ohio; J. Daniel Lopp, New Albany, Indiana; Edward H. Bland, Cincinnati, Ohio; Rex W. Chenoweth, Brighton, Michigan; Cornelius R. Bartholemew, Miles City, Montana; James L. Kornegay, Centerville, Alabama; J. Allen Mactier, Omaha, Nebraska.

Reverend Jerome Kircher, O.F.M., Carville, Louisiana; Grover S. McLeod, Birmingham, Alabama; Harold A. Ballenger, Los Angeles, California; Frank W. Giehart, Cincinnati, Ohio; William O. Herring, Medford, Oregon; James A. Brillowski, San Diego, California; Donald E. Chauvin, Birmingham, Alabama; Joseph M. Ferrell, Sun City, Arizona; George H. McMinn, Marion, Arkansas.

Raymond A. Tiraschi, San Francisco, California; Edwin Klaver, Denver, Colorado; Clarence A. May, Midway, Texas; William F. Hughes, Camp Nelson, California; LaVerne A. Nordenberg, Rockford, Illinois; Charles F. Crothers, Greenfield, Indiana; David B. Wright, Hardy, Arkansas; Harry E. Howell, Louisville, Kentucky; Ovila J. LaPlante, Waterville, Maine; John K. Mayer, Eufaula, Alabama.

Warren Stien, Ionia, Michigan; Ernest E. Van Deventer, Saint Paul, Minnesota; Harvey G. Joeckle, Overland, Missouri; Joseph E. Federle, Omaha, Nebraska; William D. Beal, Junior, Jackson, New Hampshire; Herbert J. Georgius, Junior, Paramus, New Jersey; Gordon E. Lucht, Hobbs, New Mexico; William P. Bosch, Massapequa, New York.

Vern R. Atha, Portland, Oregon; Wayne I. Miller, Houston, Texas; Lewis H. Barkdoll, Mount Vernon, Washington; Stephen N. Petreshock, Manitowoc, Wisconsin; Charlie R. Ray, Birmingham, Alabama; John O. Bolin, Omaha, Nebraska, and any other person who, on the date of enactment of this Act, is a member in good standing of the United States Submarine Veterans of World War II, a corporation organized and existing under the laws of the State of New Jersey, and their successors, are created, in the District of Columbia, a body corporate by the name of United States Submarine Veterans of World War II (hereinafter in this Act referred to as the "corporation") and by such name shall be known and have perpetual succession of the powers, limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act may complete the organization of the corporation by the selection of officers and employees, the adoption, amendment, and revision of a constitution and bylaws not inconsistent with the provisions of this charter, and the doing of such other acts as many be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. the objects and purposes of the corporation shall be—

(a) to perpetuate and establish memorials to the memory of those shipmates who served aboard United States submarines and gave their lives in submarine warfare during World War II,

(b) to further promote and keep alive the spirit and unity that existed among the United States Navy submarine crewmen during World War II,

(c) to promote sociability, general welfare, and good fellowship among its members,

(d) to pledge loyalty and patriotism to the United States Government,

(e) to sponsor and award annual college scholarships,

(f) to make the general public aware of life aboard submarines during World War II, by obtaining, restoring, and displaying the submarines that were in service at that time,

(g) to perform such acts of charity as provided for by the constitution and bylaws, and

(h) to promote and support the membership in "Wives of United States Submarine Veterans of World War II" and "The Sons and Daughters of United States Submarine Veterans of World War II".

POWERS OF THE CORPORATION

SEC. 4. Subject to all applicable laws of the United States, and of any State in which the corporation operates, the corporation shall have the power—

(a) to sue, be sued, complain, or defend in any court of competent jurisdiction;

(b) to adopt, alter, and use a corporate seal for the sole and exclusive use of the corporation;

(c) to choose such officers, managers, and agents as may be necessary to carry out the purposes of the corporation;

(d) to charge and collect membership dues;

(e) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(f) to contract and be contracted with as may be necessary to carry out the purposes of the corporation;

(g) to take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership of real and personal property which may be held by, or (3) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(h) to transfer, lease, or convey real or personal property;

(i) to borrow money for the purposes of the corporation and to issue bonds or other evidences of indebtedness therefor and to secure the same by mortgage or pledge subject to applicable Federal or State laws; and

(j) to do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The prinicpal office of the corporation shall be located in the District of Columbia, or in such other place as may be determined by the board of directors in accordance with the bylaws of the corporation, but the activities of the corporation shall not be confined to that place and may be conducted throughout the United States and in all other locations as may be necessary to carry out the purposes of the corporation.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service or notice upon the corporation.

MEMBERSHIP RIGHTS

SEC. 6. (a) Membership shall be restricted to those members of the United States submarine crews and the United States submarine relief crews who were on active duty between December 1, 1941, and December 31, 1946.

In addition to the general membership, there shall be special classes of honorary membership, qualification or eligibility for which, and rights and obligations of which, shall be as provided from time to time by the bylaws of the corporation.

(c) All persons who are members of any class of the United States Submarine Veterans of World War II, an association, on the date of enactment of this Act shall retain their membership in such class as members of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the present officers of the United States Submarine Veterans of World War II, including the immediate past president of said organization, or such of them as may then be living and are qualified officers of that association, to wit: James L. O'Conner, Baltimore, Maryland; Joseph McGrievy, La Mesa, California; Elroy F. Wilke, Denver, Colorado; Henry T. Vande Kerkhoff, Elmhurst, Illinois; Andrew M. Gasper, North Huntingdon, Pennsylvania.

(b) Thereafter the board of directors of the corporation shall consist of such number (not less than five) as shall be selected in such manner (including the filling of vacancies), and shall serve for such terms as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall during the intervals between corporation meetings be responsible for the general policies and program of the corporation. The board of directors shall be responsible for all finances of the corporation.

OFFICERS

SEC. 8. (a) The corporation shall have such officers as may be provided for in the bylaws.

(b) The officers shall have such powers consistent with this charter, as may be determined by the bylaws.

(c) The officers of the corporation shall be elected in such manner and have such terms and duties as may be prescribed in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director as such, or be distributed to any of them during the life of the corporation, or upon its dissolution or final liquidation, nor shall any member or private individual be liable for the obligations of the corporation. Nothing in this section, however, shall be construed to prevent—

(1) the payment of bona fide expenses of officers of the corporation in amounts approved by the board of directors; or

(2) the support of scholarships to descendants of submarine veterans or other scholarships and works of charity as may be deemed appropriate by the directors and controlled by the constitution and bylaws of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any officer or director who votes for or assents to the making of a loan to any officer, director, or employee of the corporation and any officer who participates in the making of such loan shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (78 Stat. 635; 36 U.S.C. 1101 et seq.) is amended by adding at the end thereof:

"(50) United States Submarine Veterans of World War II."

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of any outstanding obligation or liability the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the constitution, the bylaws of the corporation, and all other applicable Federal and State laws.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the United States Submarine Veterans of World War II, a corporation, organized under the laws of the State of New Jersey, upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation and upon complying with any applicable Federal or State law.

EXCLUSIVE RIGHT TO NAME, CORPORATE SALES, EMBLEMS, AND BADGES

SEC. 17. The corporation and its duly authorized State groups and other local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name "United States Submarine Veterans of World War II", and to have and use such seals, emblems, and badges as the corporation may lawfully adopt.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right of the Congress to alter, amend, or repeal this Act is expressly reserved.

MOTION OFFERED BY MR. DANIELSON

Mr. DANIELSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DANIELSON moves to strike out all after the enacting clause of the Senate bill, S. 195, and insert in lieu thereof the provisions of H.R. 4766, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to recognize the organization known as the United States Submarine Veterans of World War II."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4766) was laid on the table.

AMERICAN COUNCIL OF LEARNED SOCIETIES

Mr. DANIELSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4769) to recognize the organization known as the American Council of Learned Societies.

The Clerk read as follows:

H.R. 4769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The American Council of Learned Societies, organized and incorporated under the Nonprofit Corporation Act of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Council of Learned Societies (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the advancement of the humanistic studies in all fields of learning and the maintenance and strengthening of relations among the national societies devoted to such studies, and the corporation shall function as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this chapter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(56) American Council of Learned Societies.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as in the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. DANIELSON) will be recognized for 20 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 4769 would recognize and grant a Federal charter to the organization known as the American Council of Learned Societies.

The American Council of Learned Societies (ACLS), founded in 1919, was incorporated in the District of Columbia in 1924, and has its headquarters in New York, N.Y.

The ACLS was established originally in response to the need of the United States for a spokesman within the International Union of Academies, and it has represented the Nation in that body for 60 years. The ACLS is a federation of professional and honorary associations with a constituency of 43 learned societies having an aggregate membership of approximately 250,000 scholars. A list of constituent societies is reprinted in the committee report. The stated purpose of this organization is the advancement of humanistic studies in all fields of learning, and the maintenance and strengthening of relations among all national societies devoted to such studies.

The council and its activities are supported by income from endowment, dues of constituent societies, subscriptions of universities, colleges, research libraries, and corporations that are associates of the ACLS, grants from philanthropic foundations, Government grants and contracts, and private gifts. Its activities include the provision of fellowships and grants for studies of the humanities, programs for the improvement of American studies abroad, special projects for the improvement of American research into and promotion of area studies, the administration of international exchange programs, the promotion of international communication among scholars of the humanities, and cooperation with agencies of the U.S. Government on projects involving the humanities.

The subcommittee has held hearings on this proposal in the 96th Congress and most recently on June 11, 1981. Testimony and documentation indicate that the American Council of Learned Societies maintains a State charter, operates in a nondiscriminatory manner, and operates nationally and internationally only as a nonprofit corporation toward the improvement of our American society.

While the international role of the ACLS in the area of the humanities is unique, there is ample precedent for extending a Federal charter to this organization. Congress granted a charter to the National Academy of Sciences of March 3, 1863, see, 36 U.S.C. 251 (1976). Like the ACLS, the National Academy of Sciences is a federation of organizations dedicated to a particular field of study. Like the ACLS, the national academy is a private organization which represents the United States in international negotiations in its field. It is especially appropriate in the light of this precedent that Congress recognize the ACLS for its many

years of service to the United States by granting it a Federal charter.

In response to inquiry from the committee, the chairman of the National Endowment for the Humanities, Mr. Joseph Duffey, has indicated the support of that agency for this bill in a letter to the chairman of the committee. A copy of the letter is reprinted in the committee report.

The purpose of this bill is to recognize an existing State-chartered organization. It does not grant or expand any corporate rights or relieve any corporate responsibilities established by State charter. Moreover, this bill specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

The bill prohibits certain corporate acts and establishes certain requirements for the corporation. The bill prohibits the loan or transfer of corporate assets to officers, members, or other person, except for expenses, lobbying or other political activity by the corporation or the issuance of stock or the payment of dividends. The bill further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The bill requires the corporation to keep certain records, to perform an annual audit, and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this bill, or if the corporation fails to maintain its tax-exempt, status, the Federal charter granted by this bill will expire automatically as a matter of law.

The committee favorably recommends H.R. 4679 to the House for its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the American Council of Learned Societies (ACLS) numbers 250,000 scholar members and has been in existence for more than 60 years. ACLS is to the humanities what the National Academy of Sciences is to sciences.

ACLS has the support and has received grants from the Ford Foundation, the Carnegie Corp., the Mellon Foundation, the Rockefeller Foundation, the National Endowment for the Humanities, and the State Department.

The principle endeavor of ACLS has been advancement of learning in the humanities through scholarship. They stimulate research by fellowships, grants in aid of research, and the publishing of that research in such broadly ranging fields as economics, languages, and music.

As a matter of fact, ACLS has pioneered modern language training for our troops during World War II. They also contributed in area cultural studies for the Armed Forces in the far-flung theaters of that war.

Since 1919 the American Council of Learned Societies has contributed to the betterment of American civilization both here and abroad. they deserve a Federal charter.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding. I want to commend the committee for reporting this legislation.

Mr. Speaker, in a material society scholarship tends to go unrewarded. It is unfortunate because scholars are the true custodians of civilization. Society that measures itself solely in terms of technological progress loses its creativity and its culture.

The Congress should not pass up this opportunity to give national recognition to the chief spokesmen for the humanities—the American Council of Learned Societies. It is a federation of 43 national scholarly associations such as the Association of American Law Schools, the American Economic Association, the American Musicological Association, and the American Philosophical Society which Benjamin Franklin was instrumental in forming.

But the contribution of the American Council of Learned Societies has not been wholly academic or cultural. During World War II it was the ACLS that took the initiative in modernizing methods of language training for the U.S. Army desperately needed by our troops. ACLS also helped the Armed Forces in area cultural studies. Today the ACLS establishes libraries on American culture in foreign countries.

The record of accomplishment goes on and on. I strongly support a Federal charter as the least we can do for the American Council of Learned Societies.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

Mr. DANIELSON. Mr. Speaker, I just want to thank the gentlemen on that side of the aisle for their help in this field. I think it is very worthwhile.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIELSON) that the House suspend the rules and pass the bill, H.R. 4769.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONTRACT SERVICES FOR DRUG DEPENDENT FEDERAL OFFENDERS ACT AMENDMENT OF 1981

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated, as amended.

The Clerk read as follows:

H.R. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Services for Drug Dependent Federal Offenders Act Amendment of 1981".

SEC. 2. Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 (18 U.S.C. 4255 note) is amended—

(1) by striking out "1981; and" and inserting in lieu thereof "1981;", and

(2) by inserting before the period at the end thereof the following: "; $4,500,000 for the fiscal year ending September 30, 1983; $5,500,000 for the fiscal year ending September 30, 1984; and $6,500,000 for the fiscal year ending September 30, 1985".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. McCLORY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3963 is legislation to amend the contract services for drug-dependent Federal Offenders Act of 1978 and to extend the periods for which funds are authorized to be appropriated.

H.R. 3963 has been reported by the Committee on the Judiciary to reauthorize for a period of 3 years, the provision of drug-abuse treatment, and drug-abuse monitoring, for drug-abusing Federal offenders.

This reauthorization bill makes no changes in the program as it now exists. The bill, as reported, reauthorizes the program for $4.5 million for fiscal year 1983, $5.5 million for fiscal year 1984, and $6.5 million for fiscal year 1985.

This program is administered by the probation division of the administrative office of the U.S. courts. It provides first, for a mechanism to examine all convicted Federal offenders who are released on parole, or sentenced to probation, to determine if they are drug users. Then it provides for the drug-abuse treatment that is appropriate for their problem. Finally, it provides that all persons in treatment are monitored to guarantee that they stay off drugs during the drug

treatment. If someone goes back to using drugs, the court is notified and the person is either charged as a parole or probation violator and returned to prison, or the judge or parole commission mighty modify the terms and conditions of the release and treatment.

About one-third of the cost of the program is for the urinalysis monitoring. Each person in the program, which usually lasts a year, is tested about 54 times during the year they are in treatment.

The other two-thirds of the program pays for the counseling that is the essence of the drug treatment.

Currently, there are about 4,300 persons under the supervision of the division of probation who are being treated for drug abuse.

This program has a very positive effect in reducing crime. Dr. John Ball of Temple University Medical School testified before the Crime Subcommittee about the tremendous amount of crime committed by drug addicts. Most significant was his conclusion that the addict, when treated, commits 84 percent fewer crimes.

The urinalysis program was enthusiastically endorsed by Dr. Robert DuPont, former head of the National Institute on Drug Abuse. Dr. Eric Wish, an expert in the area of drug abuse and crime at Inslaw, also testified that the urinalysis testing program and drug treatment are very important in combating crime.

Drug treatment should be seen as a method of deterring crime. The addict who is no longer dependent on drugs is much less likely to prey on society. This is one program of the Federal Government that is directly reducing the amount of crime committed.

The proposed authorization is based on an estimate, by the Administrative Office of the U.S. Courts, of the impact of the projected, revised prosecutorial policies of the Department of Justice. The new administration is focusing on violent crime and the offenses that are more frequently committed by drug-dependent offenders. The Administrative Office estimates that they will be treating 5,300 persons in 1983, 5,600 in 1984, and 6,100 in 1985.

This is a modest and noncontroversial program. It has a direct, positive impact on one of the major causes of crime in the streets, that of drug abuse. I urge my colleagues to vote for this bill to continue this valuable anticrime program.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLORY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want first of all to commend the gentleman from New Jersey (Mr. HUGHES) for his leadership in the area of anticrime legislation. As the chairman of the Subcommittee on Crime, I know that he has expended a great deal of time and effort, together with my colleague from Michigan (Mr. SAWYER) and the other members of that subcommittee, in providing the necessary mechanisms at the Federal level to help combat the growing threat of crime in America.

Street crime is something that plagues nearly everyone in this Nation. In particular, our senior citizens are becoming increasingly the victims of those who commit crime in the streets. Many of these crimes are being committed by persons who suffer from drug addiction and need funds in order to sustain their habits.

Unfortunately, we have not dealt with the drug problem adequately to either reduce drug traffic or drug addiction, which seem to be mounting. It is therefore extremely important that we consider this legislation favorably in order to address the problem of drug-dependent offenders in our society. If we can handle this problem, it seems to me, we may prevent a great many of the offenses that are going to be committed against law-abiding members of our society.

I commend the subcommittee for bringing this legislation to the floor. I want likewise to commend the President of the United States, who announced recently that he would target drug-related crime in order to meet this extremely serious challenge of crime in America.

Mr. Speaker, as ranking minority member of the full Judiciary Committee, I am pleased to join the gentleman from New Jersey in urging this body to approve H.R. 3963, a bill to provide contract services for drug-dependent offenders.

As the President recently pointed out in his speech before the International Association of Chiefs of Police convention, drugs greatly exacerbate the crime problem in this country. This is particularly true with respect to crimes against property, which are committed in order for the addict to finance his habit. Recent studies clearly demonstrate that addicts who are unsupervised and untreated commit far more crimes. Thus, it is clearly in the interests of the taxpayers to provide the screening and counseling services authorized under this bill.

The Administrative Office has compiled a record of frugal administration of this program, and I believe that they should be permitted to continue their services under the provisions of this bill. Specifically, it would provide modest amounts for 3 fiscal years to permit us to continue our oversight responsibility and reevaluate the program again at the end of that period.

Mr. Speaker, I commend the members of the subcommittee for bringing this bill before us in its present form and I urge the overwhelming support of the measure by this body.

Mr. Speaker, I would be happy to yield to my distinguished colleague, the ranking minority member on the Subcommittee on Crime, whom I commended a few minutes ago, the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding, and I join in urging support of this bill.

Since 1978, the Administrative Office of the U.S. Courts has done, in my judgment, a very effective job. They have been cost conscious in contracting out this authority. There is no question that we really need this sort of followup with respect to drug-addicted people.

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Studies brought to the attention of our subcommittee have shown that people who suffer from drug addiction when they are out on parole, probation, bail, or otherwise commit about six times the number of crimes committed by nonaddicted persons. With monitoring by the use of urinalysis and other checks, we are going to be able to either control the tendency of those who might otherwise tend to engage in the use of drugs or to spot those who are using drugs. In such a case, we can restrict their liberty and ability to commit this great multiplicity of crimes which are shown by the studies.

So, Mr. Speaker, I join with the chairman of our subcommittee, the gentleman from New Jersey (Mr. HUGHES), in urging support of this legislation.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I just want to thank my colleague, the gentleman from Illinois (Mr. McCLORY), for his very kind remarks. My relationship with the gentleman from Illinois goes back to when I first came to the Congress in 1974.

It was my pleasure to work at that time with the gentleman as he served on the Subcommittee on Crime, and even though I left that subcommittee after my first term, I have returned and I am delighted to be back on the subcommittee.

I also want to say to my colleague that we have developed a very good bipartisan relationship in the Subcommittee on Crime, and we are lucky to have a member with the credentials of the gentleman from Michigan, Mr. HAL SAWYER, on the committee.

I also want to thank the ranking minority member of the full committee, the gentleman from Illinois (Mr. McCLORY), for his splendid cooperation in trying to develop and fashion an anticrime bill that is doable and that will be effective. I look forward to working with him in that effort.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, on a very closely related subject, I note in the recent task force report with regard to its recommendations to meet the challenge of crime that the Governor of Illinois, Governor Thompson, and the former Attorney General of the United States, Griffin Bell, who are the cochairmen of this task force, are going to be invited, together with the current Attorney General, Attorney General Smith, to appear before the gentleman's Subcommittee on Crime and testify with regard to the recommendations of the task force, and it is my understanding that hearing will take place on November 4.

Mr. HUGHES. Mr. Speaker, the gentleman is correct, that hearing will be held on November 4, and we do expect to have both Griffin Bell and Governor Thompson, as well as the Attorney General, testify on that subject.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield further, I want to commend the gentleman on setting that subject for hearing, and I hope that there will be appropriate attention given to the service of the subcommittee in directing attention to these task force recommendations, which I think are extremely constructive as setting forth national policy and delineating an appropriate national or Federal role with regard to the overall subject of crime.

We do know that crime is basically a problem that we have to deal with at the State and local levels, but at the same time it seems to me—and I know that the gentleman agrees with me—that there must be Federal direction, there must be Federal guidance, there must be Federal support, and there must be Federal cooperation with the local and State law enforcement agencies. This legislation that we are considering today is consistent with that principle, and I know that the hearing that the subcommittee is going to have on November 4 will provide a broad format or a broad pattern of how the Federal Government can involve itself more actively and more constructively in trying to meet the challenges of crime in America.

Mr. Speaker, I want to commend the gentleman for setting that subject for hearing.

Mr. HUGHES. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. McCLORY), for that statement and for his words of encouragement. I think that there is no more important subject to the American people than the question of crime in America. Crime is a national problem that requires national leadership.

The people of our Nation are willing to spend more money, not less, in combating crime, and the Federal Government has an important role to play in working with State and local and county law enforcement agencies in trying to combat crime. Of course, this legislation fits right in with that particular overall crime package because H.R. 3963 is indeed an anticrime bill.

Mr. Speaker, anything we can do to identify those who are committing crime and to try to encourage them to move into programs that will reduce crime has to be an important initiative.

Mr. McCLORY. Mr. Speaker, I have no further requests for time, and I yield myself the balance of my time.

(By unanimous consent, Mr. McCLORY was allowed to speak out of order.)

CONGRATULATIONS TO MADELYN REISS ON BIRTH OF A DAUGHTER

Mr. McCLORY. Mr. Speaker, I have noticed here in the House Chamber today that several of the Congressional Record clerks are wearing white boutonnieres. I understand that that is in recognition of the fact that one of our distinguished employees of the House, Madelyn Reiss, a Congressional Record clerk, gave birth on Saturday to a baby girl, Teresa Jane.

I just wanted to call attention to the fact that that is the happy reason for the boutonnieres. I know we all extend our very best wishes for good health and congratulations to Madelyn, and I am sure that all the Members would wish me to extend those sentiments to her.

The SPEAKER pro tempore. The Chair thanks the gentleman from Illinois (Mr. McCLORY) for those remarks, and the gentleman's remarks on behalf of Madelyn Reiss will be included in the RECORD.

Mr. HUGHES. Mr. Speaker, if the gentleman will yield, I just want to add that I also noticed all the flowers this morning, and I learned that Madelyn Reiss has in fact delivered a baby girl. I thought at first an employee at the front desk got married, which would have been a singular event also.

I, too, would like to join in offering my sincerest congratulations to Madelyn Reiss.

● Mr. RODINO. Mr. Speaker, I support H.R. 3963, the Contract Services for Drug Dependent Federal Offenders Act Amendment of 1981. This bill reauthorizes for 3 years a small program that has powerful effects. That program has one primary purpose: To break the drug addiction and crime connection. The evidence is clear that heroin addicts commit thousands, indeed, tens of thousands, of crimes. Of course on the streets of Newark, and every large city, the police have been aware of the drug addiction and crime connection for many years.

What we have learned is that drug abuse can be treated. Persons who are addicted to heroin can be cured of the habit. A recent study has shown that a heroin addict after treatment on the average commits 84 percent less crime. That is a tremendously important improvement.

This program has the strong support of judges. They are able to have much better control of persons sentenced to probation and parole through the urinalysis screening. The bill has been recommended by the Judicial Conference of the United States.

I urge my colleagues to vote for this bill to continue a relatively inexpensive program that helps fight crime in our Nation's cities.●

Mr. McCLORY. Mr. Speaker, I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE REGULATORY CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 15 minutes.

● Mr. LOTT. Mr. Speaker, today I am introducing a revised version of the Regulatory Control Act of 1981 which I first introduced as H.R. 3740 on June 1, 1981. This legislation was offered then, and is reoffered now, as a good faith effort to find some middle ground between the popular Levitas legislative veto bill for Federal regulations and the administration's opposition to such legislation on constitutional grounds.

As my colleagues are aware, the Levitas bill, H.R. 1776, would permit one or both Houses to disapprove proposed or existing Federal regulations. The administration has testified that it would accept nothing less than a joint resolution of disapproval, requiring Presidential signature, for execu-

tive agency regulations, but could accept a concurrent resolution of disapproval for regulations of selected independent regulatory agencies. The House Judiciary subcommittee, on the other hand, has reported a regulatory reform bill which includes a provision for disapproval of all major regulations by joint resolution only.

Mr. Speaker, H.R. 3740, as originally introduced, provides for disapproval of independent agency regulations by concurrent resolution, and the same disapproval approach would apply to those executive agency regulations which a committee finds to be contrary to law or congressional intent. Executive agency regulations which a committee finds objectionable for other reasons would be subject to enactment of a joint resolution of disapproval, as would any existing regulation which either House forces an agency to reconsider and repromulgate.

H.R. 3740 would also permit executive agencies to appeal a disapproval action taken by concurrent resolution to the courts, and permit the court to allow the rule to take effect anyway on a finding that it is consistent with the statute, and that the agency has no alternative means of implementing or enforcing the statute.

These central features of H.R. 3740 are retained in the revised bill which I am introducing today. However, I have made several procedural changes in the original bill. First, I have eliminated section 2 of H.R. 3740 which would have made certain changes in section 553 of the Administrative Procedure Act. Second, I have extended coverage of the legislative veto provisions to nearly all regulations of general applicability, as opposed to just "major" and "significant" regulations as defined in H.R. 3740. Third, I have extended the initial congressional review period for regulations from 30 days to 60 days. If either House adopts a disapproval resolution within that period, the review period would be extended to 90 days from the date of submission of the regulation. A rule could take effect sooner if either House rejects a resolution of disapproval or if a committee fails to undertake a review of a rule within 30 days after its submission.

Fourth, and perhaps most important, I have added what I call a front-end discharge procedure for disapproval resolutions in the first House to act. Under my original bill, no special discharge procedure was provided if a committee did not report a disapproval resolution within a specified period, as the Levitas bill would provide. However, a discharge motion would be in order in the second House to act, if a committee has not reported the resolution within 15 days after its referral from the first House, and if that motion is supported by one-fifth of the membership of the House involved.

Under my new discharge proposal, if one-fifth of the Members of the House involved sponsor or cosponsor an appropriate disapproval resolution within 25 days after submission of the regulation, a committee would be required to announce and undertake a review of the rule, and report a disapproval resolution with its recomendations not later than 45 days after submission of the rule. If it does not report within 45 days, the committee would automatically be discharged of the first such resolution referred to it. This special discharge procedure, however, would not apply to concurrent resolutions for executive agency regulations, since such resolutions must be accompanied by a committee finding that the rule is contrary to law or congressional intent. In the second House to act, discharge would be automatic 15 days after referral of the resolution if a committee has not reported.

It seems to me this discharge mechanism is best designed to both permit a committee time to review and report on a regulation about which there is substantial interest, while at the same time insuring that a disapproval resolution cannot be bottled up in a committee when there is substantial objection to it. But the important thing, it seems to me, is that the House involved have the benefit of a committee report on any regulation proposed to be disapproved so that we can act in an informed manner.

A committee could also obviously undertake a review of a rule on its own initiative, but, if it formally announces such a review to the Speaker and in the CONGRESSIONAL RECORD within 28 days after submission of the rule, it would again be required to report a resolution of disapproval, and it would be automatically discharged of such a resolution if it did not report within 45 days after submission of the rule.

Finally, I have eliminated the provision of H.R. 3740 which would have tied agency review of major existing rules every 10 years with the ability of either House to adopt a resolution for reconsideration of any other existing rule—both of which would have forced an agency to repromulgate the existing rule and thus subject it to possible disapproval by joint resolution. Under my revised bill, the joint resolution disapproval mechanism would only apply to those existing rules which Congress forces an agency to repromulgate. Any existing rule which an agency decides to modify or repeal on its own initiative would be treated as a new rule under the disapproval mechanisms which apply to new rules.

Mr. Speaker, I think this revised bill does meet the administration halfway while doing the same with respect to the Levitas bill. I expect this issue will come to the House in the form of an amendment to whatever regulatory reform bill is finally reported from the House Judiciary Committee. It is important that this be viewed as one component in an overall regulatory reform strategy, and not as a panacea for our regulatory problems. But I do think it is important that Congress reclaim its prerogatives over the legislative powers we have delegated to agencies through the rulemaking process. As elected representatives of the people, we should be held ultimately accountable for the laws we pass, including the regulations issued to carry them out.

At this point in the RECORD, Mr. Speaker, I include a brief summary of my revised Regulatory Control Act.

H.R. 4838—BRIEF SUMMARY OF REVISED REGULATORY CONTROL ACT BY HON. TRENT LOTT

(1) *Coverage.*—The congressional review procedures would apply to all proposed and existing rules of general applicability (with exceptions specified);

(2) *Submission and referral.*—Proposed final rules would be submitted to Congress on the same day as publication in the Federal Register, and would be referred to one committee in each House having jurisdiction over the statute or agency under which the rule is promulgated.

(3) *Time limits.*—No rule could become effective for 60-days of continuous session of Congress after submitted, and the review period would be extended to 90-days if either House adopts an appropriate resolution of disapproval within the 60-days period. A rule could become effective sooner if no committee announces its intention to review the rule within 30-days after its submission, or if either House rejects an appropriate resolution of disapproval.

(4) *Forms of disapproval.*—An appropriate resolution of disapproval would be: (a) a concurrent resolution for any proposed Executive agency rule which a committee determines is contrary to law or congressional intent; (b) a joint resolution for any Executive agency rule which a committee determines should be disapproved for any other reason; (c) a concurrent resolution for any proposed independent regulatory agency rule which a committee determines should be disapproved; and (d) a joint resolution for any existing rule which is repromulgated pursuant to the adoption by either House of a resolution for reconsideration. A rule could not become effective if an appropriate resolution is adopted by both Houses, or enacted, as the case may be, within the specified time period.

(5) *Special discharge procedures.*—If one-fifth of the membership of the House involved sponsors or cosponsors an appropriate resolution with respect to a proposed rule within 25-days after its submission, a committee would be required to review the rule and report the resolution within 45-days after the rule's submission (except this special discharge procedure would not apply to concurrent resolutions disapproving Executive agency rules). Discharge would be automatic if a committee has not reported after 45-days. In the second House to act, discharge would be automatic if a committee has not reported the resolution adopted by the first House within 15-days after its referral.

If a committee determines to review a rule on its own initiative, and so announces to the Speaker and in the Congressional Record within 28-days after submission of the rule, it would be required to report an appropriate resolution within 45-days after the rule's submission, and would be discharged if it does not.

(6) *Floor consideration.*—Once an appropriate resolution is reported or discharged, it would be highly privileged, subject to two-hours of debate divided between proponents and opponents, and not subject to amendment or a motion to recommit.

(7) *Reconsideration of existing rules.*—Either House may adopt a simple resolution for reconsideration of any existing rule in effect for at least two years if such resolution is properly reported from committee. With respect to any rule for which a resolution for reconsideration has been adopted, an agency would be required to review the rule and either renew, modify or repeal it. Any such action would be subject to the congressional review process of the Act and possible disapproval by enactment of a joint resolution.

(8) *Court appeal.*—All proposed Executive (as opposed to independent) agency rules which are disapproved by adoption of a concurrent resolution can be put into effect if an agency appeals the action in the Federal District Court for the District of Columbia and the court finds the rule is consistent with the statute and the agency has no alternative means of implementing or enforcing the statute.

(9) *Miscellaneous.*—

An agency may not promulgate a new rule substantially the same as a rule which has been disapproved, but may incorporate the relevant portions of the rulemaking record for the disapproved rule into that for the new rule;

Disapproval of a rule shall not relieve agencies from responsibility to adopt a rule, but time limits would begin again from date of disapproval;

Congressional inaction or rejection of a disapproval resolution shall not be deemed approval for judicial review purposes;

Invalidation of any portion of the Act shall not invalidate the remainder of the Act;

The new rulemaking review procedures shall supersede existing ones;

The Act shall take effect at the beginning of the 98th Congress and expire at the end of the 100th Congress;

Any rulemaking review procedures shall resume their effectiveness if the provisions of this Act cease to be effective.●

HOW THE REAGAN PROGRAM SHIFTS INCOME DISTRIBUTION TOWARD THE RICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, here follows my article in the current September-October issue of Challenge:

INEQUALITY, HERE WE COME

(By Representative HENRY S. REUSS)

We all seem to be mesmerized by the big macroeconomic spectacular now on stage. Yet there is an issue at stake vastly more important than current budget or tax or monetary differences. That issue is the American ideal of equality, as old as Thomas Jefferson and the Declaration of Independence.

The goal of equality is something we Americans have been groping for these two hundred years, with most of our progress in the last fifty. Greater political equality came as we removed property qualifications for voting in the first half of the nineteenth century, and as more recently we enacted voting rights laws, extended the vote to women and eighteen-year-olds, and adopted the principle of one-person-one-vote in our legislative apportionments.

Social equality was enhanced with the diminution of discrimination on the grounds of race and sex in employment, public accommodation, education, housing. Our society, for all its faults, is vastly more tolerant today than it was fifty years ago.

But it is economic equality—not absolute equality of income and wealth, but the avoidance of extremes—that is most endangered today.

1929–67: FOUR OUT OF FIVE IMPROVE THEIR SHARE

The Great Depression fifty years ago was a turning point in American economic life. Since then there has been a steady upward surge in the gross national product—a larger pie to slice. And, just as important, from 1929 to 1967, income distribution grew more equitable (Table 1). Income shares of the lower four-fifths of American households went up during that period: the first two-fifths from 12.5 percent of total income to 14.2 percent; the third from 13.9 percent to 17.5 percent; the fourth from 19.3 percent to 24.8 percent. The top one-fifth declined, from 54.4 percent to 43.4 percent.

TABLE 1.—INCOME DISTRIBUTION BY HOUSEHOLDS, 1929–78

[Percent distribution of aggregate income]

Year	Lowest 5th	Second 5th	Third 5th	Fourth 5th	Highest 5th
1929	12.5		13.8	19.3	54.4
1935–36	4.1	9.2	14.1	20.9	51.7
1941	4.1	9.5	15.3	22.3	48.8
1947	5.0	11.0	16.0	22.0	46.0
1947	3.5	10.6	16.8	23.6	45.5
1952	3.5	10.9	17.3	24.1	44.3
1957	3.4	10.9	18.0	24.7	42.9
1962	3.4	10.4	17.5	24.8	43.9
1967	3.6	10.6	17.5	24.8	43.4
1972	3.7	10.0	16.9	24.7	44.8
1977	3.8	9.7	16.5	24.9	45.2
1978	3.8	9.7	16.4	24.8	45.2

Note.—1929–47 data, based on "Historical Statistics of the U.S.," part 1, Series G319–G324, p. 301, not easily comparable with 1947–78 data, (based on "Current Population Report" Bureau of Census, series P–60, No. 123, June 1980, table 13, p. 62) due to different methodology.

Today, the income brackets of these five groups are:

Lowest: $0—7,000;
Second: $7,000—13,500;
Third: $13,500—21,500;
Fourth: $21,500—32,000;
Fifth: over $32,000.

Why did the size of the pie, and the shares of the bottom 80 percent, both improve so markedly between 1929 and 1967? Certainly the expansionist policies of John Maynard Keynes, the progressive income tax, and low interest rates had something to do with it. In addition, an enlarged middle class provided the savings and investment needed for growth more effectively than a "bloated plutocracy" would have done.

As a result of steady growth and improved distribution, the United States managed to hold together during depression and war. Progress toward economic equality went hand in hand with progress toward political and social equality.

SINCE 1967: BACK TOWARD INEQUALITY

Then, along about 1967, something happened. That something was the Vietnam War, and the guns-plus-butter economic policy which led to the dozen years of stagflation—unacceptable unemployment and inflation—that have been with us ever since. Though the economy continued to grow, the distribution of income went into reverse from its egalitarian trend of almost forty years, and headed back toward greater inequality.

From 1967 to 1978, the most recent year for which we have statistics, the share in the national income earned by the poorest 20 percent of American households remained about even—3.6 percent to 3.8 percent. This static share is improved slightly by non-cash transfer payments (such as food stamps and Medicaid) which are not counted by the Census Bureau in its income distribution statistics.

But the second and third fifths found the going really tough, and their income shares declined from 28.1 percent to 26.1 percent. The fourth one-fifth stayed even at 24.8 percent. And the top fifth, recouping some of its earlier losses, rose from 43.4 percent to 45.2 percent. If the Census Bureau had included such upper-bracket sources of income as capital gains and executive "perks," the top 20 percent's share would have been even larger.

A shift of 2 percentage points from the lower middle class to the top brackets isn't peanuts. In a $3 trillion economy, it amounts to scores of billions of dollars a year. For example, if the second and middle fifths had received their historic peak income shares in 1978, their average household income would have been around $1,300 more.

What caused this shift during the 1970s? For one thing, wages of below-$20,000 workers lagged behind inflation. And the institutions were rigged against the lower middle class. They benefited neither from the transfer payments of the poor nor the tax loopholes of the rich. Because by and large they were not able to take advantage of itemized income tax deductions, they did not share such privileges of the affluent as the deduction for interest payments on the mortgage or for contributions to charity. Interest on savings accounts or U.S. Savings Bonds was fixed by law at a miserable 5 percent, while large savers got the market rate.

While Census statistics end in 1978, the relative position of the second and third fifths has probably become even worse in the last three years. Since 1978, consumer prices have increased by over 26 percent, average weekly earnings by only 15 percent. For the affluent, "unearned income" provided a much better buffer. Dividend income increased by 26.2 percent between 1978 and 1980, interest income by 48 percent. These two items, nearly 14 percent of personal income, are significantly more concentrated in the upper income brackets than is wage income. Executive compensation in profit-making corporations increased by 17.5 percent in 1978, 16.8 percent in 1979, and 17.3 percent in 1980. To this must be added increased "perks" in the form of entertainment allowances, club dues, company cars, legal and financial counseling, stock options, insurance, and so on.

TODAY AND TOMORROW

Our backsliding since 1967 is particularly unwelcome when you compare income distribution in the United States with income distribution in the other industrialized de-

mocracies. A study made by the Organization for Economic Cooperation and Development (OECD) in 1976 found that, both before and after taxes, the United States had the second greatest degree of inequality of the seven leading industrialized democracies (Table 2). By and large, the United States was exceeded in its inequality only by France. West Germany, Canada, Sweden, the United Kingdom, and Japan were all more nearly equal than we. More, the United States had the dubious distinction of having its poorest 20 percent with a lower share of total before-tax income than any other country, including France.

Incidently, it will be noted that France is endeavoring to get out of its cellar position in the international league, as evidenced by the recent election of the more egalitarian Mitterrand government.

It is we, the United States, who are now heading for the cellar position in the league.

We shall shortly be shaken by the volcanic disturbances in income distribution which the Reagan Economic Recovery Program seems destined to bring about. Every aspect of that program—its cuts in social spending, its increases in military spending, its hail-to-the-rich tax policy, its high-interest-rate monetary policy—will have the effect of further transferring income shares from the bottom three-fifths of Americans to the wealthiest 10 percent.

TABLE 2.—INCOME DISTRIBUTION IN 7 MAJOR COUNTRIES

Country	Year	Ranking by degree of overall inequality of income distribution				Income shares			
		Before taxes		After taxes		Top 20 percent		Bottom 20 percent	
		Measure I [1]	Measure II [1]	Measure I [1]	Measure I [1]	Before taxes	After taxes	Before taxes	After taxes
France	1970	1	3	1	1	47.0	46.9	4.3	4.3
United States	1972	2	1	3	2	44.8	42.9	3.8	4.5
West Germany	1973	3	4	2	4	46.8	46.1	5.9	6.5
Canada	1969	4	2	4	3	43.3	41.0	4.3	5.0
Sweden	1972	5	6	7	5	40.5	37.0	6.0	6.6
United Kingdom	1973	6	5	5	5	40.3	38.7	5.4	6.3
Japan	1969	7	7	6	7	42.5	41.0	7.6	7.9

[1] The measures are summary statistics indicating the extent to which the distributions of income differ from a state of complete equality: Measure I is the Gini coefficient; measure II is the variance of logarithms.
Source: Malcolm Sawyer, Income Distribution in OECD Countries, July 1976, OECD, Paris. Compiled from tables 3, 4, 5, 6, pp. 14, 16, 17

Reaganomics works this way not just in practice. That's its purpose. In the words of its chief theologian, George Gilder: "Forget the idea of overcoming inequality by redistribution. . . . A successful economy depends on the proliferation of the rich. . . . It will be said that their earnings are 'unearned' and 'undeserved'. But in fact . . . they are the heroes of economic life, and those who begrudge them their rewards demonstrate a failure to understand their role and their promise."

Here's how the four pillars of Reaganomics will worsen income distribution:

1. *Social spending cuts.* Sharply cut under the Reagan budget are all the traditional programs for the poor, the lowest one-fifth of income receivers—Medicaid, food stamps, school lunches, housing, energy assistance, legal services, pneumonia immunization, neighborhood programs, compensatory education, day care, public service jobs.

"I made strenuous efforts to comb through the budget to find rich oxen to gore, but I didn't find many," Budget Director David Stockman told the Joint Economic Committee in February. He did, however, find a number of "middle-class oxen" to gore. Among slashes of particular interest to middle-income groups are passenger rail service, mass transit, energy conservation, student loans, economic aid, public television and radio, the arts and humanities, unemployment compensation, clean air, and clean water.

2. *Military spending increases.* The Reagan program includes the fastest increase in military spending in our peacetime history. This will worsen the position of modest-income groups in three ways—in its effects on regions, on the composition of employment, and by increasing inflation.

Regionally, military activity is concentrated in a few areas, particularly the South and West. Residents of other regions will be disadvantaged. Defense industries tend to be capital-intensive, and to employ relatively larger proportions of high-skilled white-collar workers. Thus a larger share of expenditures goes to upper-income groups in the case of the military than for other kinds of government spending.

Finally, military spending is particularly inflationary. For one thing, it has its greatest impact on just those areas of the economy where skilled manpower and materials are scarcest. For another, military spending, unlike the production of civilian goods, creates no purchasable commodity to satisfy the money demand of the workers and entrepreneurs who make the military goods.

3. *Tax policy.* Tax policy resulting from the Reagan program will work against the lower 60 percent of families in at least three ways.

First, the August, 1981 tax cut, a variant of Kemp-Roth festooned with new preferences for the already affluent, is of great help to the rich, in George Gilder's phrase the "heroes of economic life." Under Kemp-Roth, a family with income of $150,000 in 1980 will find that its marginal rate drops from 64 to 49 percent by 1984 The cut in the top rate on unearned income from 70 to 50 percent will also help, as among other things it brings the maximum tax rate on capital gains down to 20 percent. That's a lower rate than a family earning $15,000 a year pays on wages.

But for moderate-income taxpayers, no appreciable tax cut is in sight. The administration proposes no change in the levels of the standard deduction, personal exemptions, and earned income credit. The effect of inflation-induced bracket creep and the scheduled increases in social security payroll taxes will largely cancel out the benefits of Kemp-Roth rate reduction.

For example, families with taxable incomes of $15,000–$35,000 in 1980 will face about the same marginal tax rates in 1984, after three years of Kemp-Roth, as they do now. Let us use the administration's projections for inflation: the effects of that inflation will be to push these families into higher tax brackets, which will just be offset by the proposed cuts in rates. At the same time, however, the Social Security tax rate will have jumped from 6.13 to 6.7 percent between 1980 and 1984, while the taxable wage base, now $29,700, will have risen at about the same pace as these families' earnings.

The rich, on the other hand, don't have to worry about bracket creep. The top brackets are wide, and above taxable incomes of $45,000 (joint returns), there is simply no higher bracket to creep into. Earnings at these levels are also well above the Social Security wage base.

A second tax effect of Reaganomics involves the shift of former federal social programs to state and local governments. Such shifting of the burden from the progressive federal income tax to regressive state and local property and sales taxes will worsen the position of lower- and middle-income families.

Finally, the administration has set its face against reducing any of the $175 billion of tax expenditures now in the federal tax code, and was willing to create a few new loopholes to get its tax bill through the Congress. Most of the benefits of these loopholes and preferences go to high-income taxpayers. Perpetuating the loopholes thus ensures that income distribution will continue to deteriorate in the years ahead.

4. *Monetary policy.* Super-tight money, the fourth pillar of the Reagan economic program, fosters income inequality as surely as the spending and tax proposals. By slowing growth, tight money and high interest rates bring unemployment, and this falls with particular severity on low- and moderate-income families.

High interest rates transfer income even more directly. Poor people lack creditworthiness, but middle-income people borrow heavily for home mortgages, consumer goods, health, and education. Because it does not pay for most moderate-income taxpayers to itemize their deductions, they lack the ability of high-bracket borrowers to make the Treasury pick up half of their interest burden.

Just as the middle-income groups do most of the borrowing, so upper-income groups, having it to lend, do most of the lending. The higher the interest rate, therefore, the greater the transfer from middle-income groups to the upper-income groups. And if there is one thing the money markets are projecting with awful clarity, it is that high interest rates are going to be a permanent distinctive feature of Reaganomics.

AMERICANS WON'T LIKE IT

So there is the past, the present, and the future, (except to the extent that we do something about it) of income distribution. In the golden age of FDR and Harry Truman, of IKE and JFK, we moved forward in the direction of greater equality.

But since 1967, we've been moving backward. As Reaganomics has its way, we shall shortly be moving backward faster.

Americans, when they find out what is happening, won't like it. From an economic standpoint, Reaganomics will shift income away from the average citizen and toward those at the top so massively as to choke off the demand necessary to buy from the market what our economy can produce. The result is bound to be increased unemployment.

Growth by itself—the advertised goal of Reaganomics—doesn't necessarily make for a good distribution of income. But more nearly equal distribution can help to strengthen growth, as the sparkling performance of Japan demonstrates.

From a social standpoint, when whole classes feel themselves endangered, bloodshed and revolution have been the outcome, as in France in the 1790s and Germany in the 1930s.

Were the American people last November really voting to abandon the dream of making America a more egalitarian society? Perhaps we need a new referendum. ●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCLORY) to revise and extend their remarks and include extraneous material:)

Mr. LOTT, for 15 minutes, today.

Mrs. HECKLER, for 10 minutes, today.

(The following Members (at the request of Mr. HUGHES) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCLORY) and to include extraneous matter:)

Mr. LEBOUTILLIER.

Mr. DANNEMEYER.

Mr. MICHEL in two instances.

Mr. RUDD in two instances.

Mr. PRITCHARD in two instances.

Mr. WOLF.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. MOFFETT.

Mr. GAYDOS.

Mr. KOGOVSEK.

Mr. FLORIO.

Mr. BEDELL.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. FUQUA.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. SOLARZ.

Mr. DE LUGO.

Mr. HUGHES.

BILL AND RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on October 22, 1981, present to the President, for his approval, a bill and a joint resolution of the House of the following title:

H.R. 3499. An act to amend title 38, United States Code, to extend the period for Vietnam-era veterans to request counseling under the veterans' readjustment counseling program, to provide medical care eligibility for veterans exposed to herbicides or defoliants (including agent orange), or to nuclear radiation, to establish a minimum total number of operating beds in Veterans' Administration hospital and nursing home facilities, to extend for certain Vietnam-era veterans the period of time in which GI bill educational assistance benefits may be used for the pursuit of certain training, to provide a small business loan program for Vietnam-era and disabled veterans, and to extend the authority for veterans readjustment appointments in the civil service; and for other purposes.

H.J. Res. 268. Joint resolution to designate October 23, 1981, as "Hungarian Freedom Fighters Day."

ADJOURNMENT

Mr. HUGHES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 27, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2391. A letter from the Deputy Secretary of Defense, transmitting notice that he has exercised his authority to increase the authorized number of civilian personnel for the Defense Department for fiscal year 1981, pursuant to section 501(d) of Public Law 96-342; to the Committee on Armed Services.

2392. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of two construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2393. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the custodial services activity at Madigan Army Medical Center, Tacoma, Wash., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2394. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment and services to Pakistan (Transmittal No. 81-108), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2395. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment and services to Sudan (Transmittal No. 81-110), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

2396. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the agency made no property acquisitions of emergency supplies and equipment during the quarter ended September 30, 1981, pursuant to section 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

2397. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-94, "To conform, on a temporary basis, District of Columbia laws and regulations to certain federal laws and regulations governing the Aid to Families with Dependent Children program," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2398. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-95, "To order the closing of a public alley abutting lots 55, 840, and 841 in Square 516, bounded by 4th Street, NW., K Street, NW., 5th Street, NW., and I Street, NW. (S.O. 81-107) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2399. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-96, "To amend the ceiling on life insurance on the lives of members of credit unions," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2400. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-97, "To designate the name of the recreational area in lot 810, in Square 2547, which is located at the intersection of Adams Mill Road, NW., and Ontario Place, NW., as Community Park West (Ward 1)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2401. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-98, "To create a criminal offense for certain activities done for the purpose of encouraging prostitution or encouraging the sale of controlled substances in a public place," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2402. A letter from the Acting Director, Federal Mediation and Conciliation Service, transmitting the 33d annual report of the Service, covering fiscal year 1980, pursuant to section 202(c) of the act of June 27, 1947; to the Committee on Education and Labor.

2403. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting reports on changes in market shares of refined petroleum products and retail gasoline covering the month of July 1981, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Al-

location Act of 1973; to the Committee on Energy and Commerce.

2404. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the commission's inability to render a final decision in Docket No. 38676, "Changes in Routing Provisions—Conrail—July 1981," within the initially specified 5-month period, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Energy and Commerce.

2405. A letter from the Administrator, Agency for International Development, transmitting the annual report on military expenditures by recipients of U.S. economic assistance, pursuant to section 620(s) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2406. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to Japan (Transmittal No. 81-107), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2407. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Pakistan (Transmittal No. 81-108), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2408. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Sudan (Transmittal No. 81-110), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2409. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the Annual Report of the Foreign Service Retirement and Disability System, covering the year ended September 30, 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2410. A letter from the Deputy Chief of Staff for Installations and Logistics, Department of the Navy, transmitting the Annual Report of the Retirement Plan for Civilian Employees of the U.S. Marine Corps Exchanges, Recreation Funds, Clubs, Messes, and the Marine Corps Exchange Service, covering calendar year 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2411. A letter from the Chairman, Retirement Trust, Navy Resale and Services Support Office, transmitting the Annual Report of the Trust, covering calendar year 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2412. A letter from the Chief, Insurance and Debt Management, Executive Secretariat, Air Force Welfare Board, transmitting the Annual Report of the Air Force Nonappropriated Fund Retirement Plan for Civilian Employees, covering the year ended December 31, 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2413. A letter from the Chief Judge, U.S. Tax Court, transmitting the Annual Report of the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans, covering the year ending December 31, 1980, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

2414. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded in Docket No. 22-G before the U.S. Court of Claims to the Mescalero Apache Tribe of the Mescalero Reservation, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2415. A letter from the National Adjutant, Disabled American Veterans, transmitting the proceedings of their 1981 national convention and an independent audit report as of December 31, 1980, pursuant to section 9(a) of the act of June 17, 1932, and section 3 of Public Law 88-504; to the Committee on Veterans' Affairs and ordered to be printed.

2416. A letter from the Secretary of Energy, transmitting a report that the administration does not consider it advisable to develop a plan for energy self-sufficiency initiatives, required by section 406(d) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

2417. A letter from the Acting Comptroller General of the United States, transmitting a report on medicaid's quality control system (HRD-82-6, October 23, 1981); jointly, to the Committees on Government Operations and Energy and Commerce.

2418. A letter from the Comptroller General of the United States, transmitting a report on repayment requirements for water resources projects (CED-82-3, October 22, 1981); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Public Works and Transportation.

2419. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report covering the second quarter of calendar year 1981 on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUGHES: Committee on the Judiciary. H.R. 4481. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; with an amendment (Rept. No. 97-293). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEATH of Texas:

H.R. 4837. A bill to rescind the requirement that the superintendent of a cemetery under the jurisdiction of the Secretary of the Army be a disabled veteran; to the Committee on Veterans' Affairs.

By Mr. LOTT:

H.R. 4838. A bill to amend title 5, United States Code, relating to rulemaking proceedings, and to provide for congressional review of agency rulemaking; jointly, to the Committees on the Judiciary and Rules.

By Mr. VANDER JAGT:

H.J. Res. 348. Joint resolution to provide for the awarding of a special gold medal to Her Majesty Queen Beatrix in recognition of the 1982 Bicentennial anniversary of diplomatic and trade relations between the Netherlands and the United States; to the Committee on Banking, Finance and Urban Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3091: Mr. LOWERY of California.

H.R. 4146: Mr. SMITH of Pennsylvania, Mr. WEAVER, Ms. MIKULSKI, Mr. WIRTH, Mr. JEFFORDS, Mr. FAZIO, and Mr. BEDELL.

H.R. 4481: Mr. GUARINI, Mr. VENTO, Mr. BOLAND, Mr. PRITCHARD, Mr. MATSUI, Mr. AUCOIN, Mr. DANIELSON, Mr. ZEFERETTI, Mr. DYSON, Mr. PATTERSON, Mr. FORSYTHE, Mr. MADIGAN, Mr. DUNCAN, Mr. MICA, Mr. MOTTL, Mr. LONG of Maryland, Mr. HEFNER, Mr. DWYER, Mr. DICKS, Mr. FAUNTROY, and Mr. RANGEL.

H.R. 4775: Mr. DIXON, Mr. MITCHELL of Maryland, Mr. SUNIA, Mr. WORTLEY, and Mr. YATES.

PETITIONS, ETC.

Under clause 1 of rule XXII,

248. The SPEAKER presented a petition of Jerry M. Ault, Wabash, Ind., relative to interest rates and the Federal deficit; which was referred to the Committee on Banking, Finance and Urban Affairs.

SENATE—*Monday, October 26, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MACK MATTINGLY, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

O Praise the Lord, all ye nations;
Praise Him, all ye people.
For His mercy is great toward us;
And the truth of the Lord endureth forever.
Praise ye, the Lord.—Psalms 117.

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High;
To declare Thy loving kindness in the morning, and Thy faithfulness every night.—Psalms 92: 1, 2.

We thank Thee, Lord for the refreshing of the weekend, for the privilege of worship, for the opportunity to be with our families, for rest, recreation, and renewal.

We thank Thee for health and strength to do the work to which we have been called and we pray we may do it according to Thy will and for Thy glory. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 26, 1981.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MACK MATTINGLY, a Senator from the State of Georgia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. MATTINGLY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, this morning, after the expiration of the time allocated to the two leaders under the standing order, there are special orders for the recognition of the distinguished Senator from Vermont (Mr. LEAHY) and the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes each.

After that time, there will be a period for the transaction of routine morning business to extend not past 11 a.m.

I inquire of the Chair: Is there a limitation on the time individual Senators may speak?

The ACTING PRESIDENT pro tempore. There is a 5-minute limitation.

Mr. BAKER. I thank the Chair.

At 11 a.m., as previously ordered, the Senate will resume consideration of H.R. 4035, the Interior appropriations bill.

There are a number of amendments to that bill, and I urge Senators to come to the Chamber and offer their amendments as soon as possible.

The Senate will not be in late today. However, I must point out that we are now in the midst of the appropriations sequence and all Members are put on notice that as of the beginning of next week the regular recess or adjournment hour of 6 p.m., except on Thursday, will no longer be possible to observe. It is essential that we complete the appropriations process as soon as possible and get these bills to conference.

Therefore, the question of whether we have late sessions on nights other than Thursday next week will depend largely on whether or not we can move with some expedition and efficiency on the bills from the Appropriations Committee as they reach the calendar and are available for Senate consideration.

THE LONELY HOUSE

Mr. BAKER. Mr. President, another week comes before the Senate, and I thought that before the onslaught of appropriation bills and other issues that will make the next 5 days more than hectic, we pause in the throes of Emily Dickinson, and her gifted work:

THE LONELY HOUSE

I know some lonely houses off the road
A robber'd like the look of,—
Wooden barred,
And windows hanging low,
Inviting to
A portico,

Where two could creep:
One hand the tools,
The other peep
To make sure all's asleep.
Old-fashioned eyes,
Not easy to surprise!

How orderly the kitchen'd look by night,
With just a clock,—
But they could gag the tick,
And mice won't bark;
And so the walls don't tell,
None will.

A pair of spectacles ajar just stir—
An almanac's aware.
Was it the mat winked,
Or a nervous star?
The moon slides down the stair
To see who's there.

There's plunder,—where?
Tankard, or spoon,
Earring, or stone,
A watch, some ancient brooch
To match the grandmamma,
Staid sleeping there.

Day rattles, too,
Stealth's slow;
The sun has got as far
As the third sycamore.
Screams chanticleer,

'Who's there?'

And echoes, trains away,
Sneer—'where?'
While the old couple, just astir,
Think that the sunrise left the door ajar!

Mr. President, I have no further need for my time under the standing order. I am prepared to yield it to any Senator or to the distinguished acting minority leader.

Mr. LEAHY. I thank the majority leader.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting minority leader is recognized.

Mr. LEAHY. Mr. President, I ask if it might be possible to take the time of 15 minutes reserved for the minority leader under the standing order, plus mine, and I certainly appreciate the time of the distinguished majority leader, although I do not expect to have to use all of that, and naturally I will be happy to yield back any of it to the distinguished majority leader.

Mr. BAKER. Mr. President, if the Senator thinks that 25 minutes will accommodate his purposes, I shall reserve mine for the time being.

I now ask unanimous consent that I may reserve the time remaining to me under the standing order and I ask unanimous consent that the time allocated to the minority leader may be aggregated with the time provided for the Senator from Vermont on special orders so that he may have a total of 25 minutes for his presentation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, may I ask that I may have about 6 minutes to speak following the statement by the Senator from Vermont?

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BAKER. Yes.

Mr. President, I yield 6 minutes of my remaining time to the distinguished assistant minority leader.

Mr. CRANSTON. I thank the majority leader very much.

Mr. LEAHY. Mr. President, I understand from Senator ROBERT C. BYRD that he has no objection if I were to use his special order time if need be.

Mr. BAKER. Mr. President, I ask unanimous consent that the control of the time allocated to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) on special order be assigned to the control of the Senator from Vermont (Mr. LEAHY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

Mr. LEAHY. I thank the distinguished majority leader.

RECOGNITION OF SENATOR LEAHY

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I understand that the Senator from Wisconsin wishes a minute or two.

Mr. PROXMIRE. Two minutes will be fine.

Mr. LEAHY. Fine. I am willing to yield that back.

Mr. BAKER. Mr. President, if the Senator will yield, I yield 2 minutes to the distinguished Senator from Wisconsin out of the time remaining to me under the standing order.

Mr. PROXMIRE. I thank the distinguished majority leader.

TREATIES CAN NEVER OVERRIDE THE CONSTITUTION

Mr. PROXMIRE. Mr. President, one of the cornerstones of the fear campaign generated by the Liberty Lobby against the Genocide Convention, and repeated in their so-called White Paper, is the proposition that treaties automatically override the Constitution.

As evidence, they cite the "supremacy clause" of the Constitution and a statement by John Foster Dulles, whom they identify as Secretary of State under President Eisenhower. They then conclude that although the treaty is not self-implementing and requires future legislation to implement its provisions, that the courts "would be obliged to sanction."

Mr. President, the Liberty Lobby could not be more wrong. First, they are misreading the supremacy clause of the Constitution. Second, they cite John Foster Dulles' interpretation as authoritative, which it is not. He is not a constitutional expert, his opinions do not have the force of law and, if you bother to read the footnotes, he was not even Secretary of State when he made that remark.

Finally, the courts are not obliged to sanction any legislation, which, in any way, is inconsistent with the Constitution.

Mr. President, the Liberty Lobby well knows that the Supreme Court resolved years ago that any treaty can never override the Constitution or constitutional guarantees in any way.

Mr. President, the Liberty Lobby does quote the "supremacy clause" of the Constitution accurately. Article VI, section 2 states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

There are several points that deserve to be made here:

First, this clause has been recognized by constitutional law experts as assuring the supremacy of treaties to State law and State constitutions, not the Federal Constitution. The language is clear: Treaties are superior to "any Thing in the Constitution or Laws of any State."

Second, as noted constitutional expert, Louis Henkin, points out in his book, "Foreign Affairs and the Constitution":

> The status of a treaty as law of the land derives from and depends on its status as a valid, living treaty of the United States. It is not law of the land for either the President or the courts to enforce if it is not made in accordance with constitutional requirements, or is beyond the power of the President and Senate to make, or violates constitutional prohibitions.

His point is well taken: A treaty cannot be valid unless it is made pursuant to constitutional limitations and it cannot override the Constitution.

Third, the Supreme Court has repeatedly held that treaties cannot override the Constitution in any way. Unfortunately, the Liberty Lobby could not cite any Supreme Court cases that support their position. Why? Because there are none.

The Supreme Court has been clear and consistent: No treaty can ever override the Constitution.

Let me cite just two notable cases.

In Geofroy against Riggs in 1890, Mr. Justice Field wrote:

> The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States.

Let me repeat the key line:

> It would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of government.

The most recent case was decided by the Court in 1957 in the case Reid against Covert. Mr. Justice Black, speaking for the Warren Court, laid the issue to rest conclusively:

> No agreement with a foreign nation can confer power on the Congress, or any other branch of government, which is free from the restraints of the Constitution.
>
> The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or the Executive and the Senate combined.

That opinion also further substantiates my reading, and that of most constitutional experts, of the meaning of the "supremacy clause" of the Constitution.

The opinion states:

> It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe Article VI (the Supremacy Clause) as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions.

Later in that opinion, Mr. Justice Black noted:

> This Court has repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on a full parity with a treaty, and that when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null. It would be completely anomalous to say that a treaty need not comply with the Constitution when such an agreement can be overridden by a statute that must conform to that instrument.

Mr. President, what Mr. Justice Black just said is very important and summarizes my case perfectly:

First, the courts have consistently held that treaties must be consistent with the Constitution and cannot in any way change our form of government.

Second, treaties and laws enacted by the Congress are given equal weight before the courts but equal weight below the Constitution, a fact the Liberty Lobby conveniently omits.

And, finally, that when there is ever a conflict between a treaty and a law enacted by the Congress at a later time the treaty is declared null and an act of Congress prevails.

Mr. President, it is time to end the myth that treaties can ever supersede the Constitution. They cannot and it is time to set the record straight that the Genocide Convention can never override any freedoms in our Constitution. In fact, it is completely consistent with them.

I thank the distinguished majority leader and yield the floor.

THE PROPOSED SALE OF AWACS AND OTHER MILITARY EQUIPMENT TO SAUDI ARABIA

Mr. LEAHY. Mr. President, on Wednesday, the Senate will vote on the sale of AWACS and other military equipment to Saudi Arabia. The vote, when it occurs, will be very close. It was always assumed that this issue would be decided in the U.S. Senate, and no real attempt was made to present the argument regarding the sale in the House of Representatives.

Because it will be so close, and because each of the 100 Members of this body could cast the deciding vote, it is particularly important that we each of us exhaustively explore all the issues before reaching our decision.

Arguments have been made that this should be a partisan issue. I reject suggestions from both Republicans and Democrats to that effect. It is an issue of significant foreign policy ramifications and far-reaching consequences for our country. Its resolution greatly transcends the partisan considerations of national political parties.

Therefore, I determined, very early, that I would not in any way consider my decision as a party or partisan issue. It is regrettable that some, in both parties, have tried to make it a partisan issue. Good foreign policy can only be nonpartisan and must transcend both political parties.

Several groups, outside the U.S. Government, have tried to lobby me either for or against this sale. It quickly became apparent that none of these groups and individuals possessed any information to offer not already available to any Senator making the effort to review all Government sources. In many instances these groups represented only their own ideological or commercial interest. They did not speak in the best interest of the United States, and therefore their recommendations bear no weight in my decision.

During the past few weeks, I have traveled many times to Vermont and listened to literally hundreds of Vermonters about this issue. Their concerns, advice, questions, and sincere expressions—both for and against the sale—are appreciated and have had a significant bearing on my decision.

My colleagues in the Senate have been particularly helpful, and I wish to extend my appreciation and gratitude to a number of my distinguished colleagues who rendered valued assistance to me. The assistance offered by Senators, including the distinguished majority leader Senator BAKER, Senator CRANSTON, Senator CHAFEE, Senator LEVIN, Senator GLENN, and others, testifies to the reassuring fact that even in this debate, characterized in this country by some passion and much impatience, it is possible to pursue the discussion in terms which state the issues, identify the central questions, and preserve productive dialog.

I hope, also, that whichever way this issue turns out the administration will realize that they serve neither their interest nor the country's interest by being partisan in foreign policy. An initial bipartisan effort in designing this sale would have assured its acceptance by the Senate. The administration launched the debate on terms which suggested to many that a Republican consensus to support the President would substitute nicely for a bipartisan effort.

Certainly the AWACS issue should have been framed in the beginning as a shared responsibility, regardless of party affiliation. The administration belatedly realized this when some of their strongest opposition came from Republican Senators. It is to be hoped that they do not make the mistake of failing to realize that many Senators—of both parties—who will oppose them on this vote stand ready to help develop a consensus and extend their support on future issues, especially if asked in the planning stages.

Despite the challenges posed in the attempt to match the subtleties of the foreign policy process with our political system, the United States usually is guided in the long run by policies which are at once visionary and pragmatic, durable and flexible, and acceptable to the vast majority of the American people.

We are now embarked upon another far-reaching effort to define our priorities and objectives in the Middle East.

The debate on AWACS has survived all these distractions. The arguments for and against the sale are numerous, and among them some strike me as more central to the AWACS question than others. In shaping my decision, I concluded that three arguments advanced with vigor and even vehemence are not relevant. The first, which has featured in numerous letters, speeches, and personal visits, is that AWACS posed a serious threat to the existence of Israel. I cannot accept this argument, and to base a decision on this premise tends to deflect attention from other more important considerations. It also ignores the fact that Saudi Arabia today is using American AWACS and has used them—under American command—since last year.

Nor is it proper to conclude that the proposal stands as an assault on longstanding American ties to Israel. For more than 30 years the United States has demonstrated a special and protective affection for Israel, from President Harry Truman's ready recognition of the fledgling Israeli State in 1949, to massive U.S. military and economic assistance in every year since then, and to timely and extensive special assistance in time of war.

Israel is the only democracy in the Middle East, and the shared American-Israeli commitment to human liberty and democracy is proof positive of these enduring ties.

Last, it is wrong to suggest that President Reagan or his administration is any less committed to the security of Israel than Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, or Carter. I am personally convinced of President Reagan's total sincerity and continued commitment to Israel as I was of both of the other Presidents who have held office since I have been in the Senate.

Israel should not consider it to be a reflection on their own ability and achievements when I say that they can exist in a hostile environment because of the continued support of the United States. At the same time, it should be a matter of comfort to the State of Israel to know that the United States will never abandon that commitment and support.

In the same way, arguments have been advanced to the effect that we have no choice but to sell AWACS to Saudi Arabia. Because Saudi Arabia commands so great a role in the production and exportation of oil, the perception persists that failure to supply AWACS will soon result in a fundamental reorientation of Saudi Arabia toward radical Arab regimes and even the Soviet Union if the United States denies the Saudi request.

Saudi Arabia's own best interests, which desire to combine enormous progress in material prosperity for its people with a deep and abiding commitment to a conservative interpretation of Islam, would be undermined by such a shift. I do not foresee any nation, much less one as secure in its identity as Saudi Arabia, endangering or betraying its traditions to spite the United States.

Nor do I see a decision on AWACS adverse to Saudi Arabia as an invitation to a radical change in oil market conditions. A more disciplined American energy situation and the growing diversity of American oil imports, combined with an acute Saudi conception of its paramount economic interests, make this unlikely.

This leaves five factors upon which, in my estimation, the merits of the AWACS sale should be judged:

First, the Saudi Arabian track record in promoting a durable and equitable Middle Eastern peace settlement;

Second, the possibility that sophisticated reconnaissance facilities incorporated into the AWACS package might fall into enemy hands;

Third, the arguments advanced to justify the administration's assessment of the AWACS sale as fundamental to American foreign policy in the region;

Fourth, the potential inherent in the AWACS sale for the escalation of the arms race in so volatile a region; and

Fifth, the long-term strategic military advantage to the United States in the sale.

On none of these issues has the debate supplied compelling answers for or against the sale. Even as I make my own decision, I would wish that the great debate had shaped itself into a more intelligent, more dispassionate, and perhaps better focused treatment of these issues.

Saudi Arabia has openly branded Israel its principal enemy and has placed considerable financial resources at the disposal of the Palestine Liberation Organization. It has shunned the Camp David process, and has labored to isolate Egypt. It has resisted the deployment of American military forces in and near the Persian Gulf and has played a central role in the escalation of the market price of oil during the last decade. In every case, the opposite course of action would have reinforced a closer relationship with the United States.

On the other side of the ledger, Saudi Arabia has spurned even normal diplomatic relations with the Soviet Union and has supported anti-Marxist movements in the Yemens, in North Africa, and elsewhere. It has supplied discreet and effective assistance in reconciling the PLO to a Lebanon ceasefire, put modest restraints on even higher oil prices, and has quietly encouraged informal ties between Egypt and the rest of the Arab world. It has reinforced conservative Islam as a bulwark against leftist movements inside Saudi Arabia and without.

The record is complex but not necessarily contradictory. Saudi Arabians have been deeply, even viscerally, of-

fended by Israel's claims to exclusive jurisdiction over Jerusalem, by their premise that Israel's independence cannot admit of independence for a Palestinian State on the West Bank, and by a close U.S. identification with Israel. Saudi Arabia seeks rapid economic development and wants the highest oil revenues obtainable consistent with uninterrupted large-scale production and stable overseas markets. Saudi Arabia has sought to challenge the Camp David peace plan as well as Egypt's role in it, but has done so within certain restraints which have allowed the peace process to continue. Ties to Arafat have promoted moderation in the PLO while sustaining what most Palestinians perceive to be their rights to the West Bank.

From this perspective, Saudi policies show a commitment to vigorous self-interest, but pursued with circumspection. Any particular Saudi policy cannot be interpreted as proof of hostility to the United States. The larger picture, however, is not so clearcut. Those most eager to indict Saudi Arabia for supporting the PLO, for instance, should not forget that at an earlier date some in the Israeli leadership adopted tactics which were roundly condemned by most of the world.

Saudi Arabia's record in foreign policy does not guarantee a pro-American stance in the future. Only a leap of faith allows anyone to believe this, and I am not prepared to make such a leap. Saudi Arabia views the world from a perspective not all facets of which Americans can support. It remains to be seen whether or not Saudi Arabia's newfound prosperity will reinforce ties and create common interests with the United States.

We should not condemn Saudi Arabia to implacable opposition to U.S. interests simply because of what has happened in the past. Nor, of course, should we accept too confidently assurances that our fundamental interests will converge in the future. The past record should not constitute an indelible obstacle to selling AWACS, nor should hope for a fundamental and permanent reorientation of Saudi policy justify such a sale. The record and prospects are too ambiguous to favor either side of the AWACS debate, but it is equally true that each Senator should consult the question of Saudi Arabian objectives in reaching his decision on the AWACS issue.

The second important concern is the fate of AWACS technology. What is the likelihood that it could fall into enemy hands? The administration's inconsistent responses offer little comfort that such a calamity is remote. It is not easy, to be sure, to declare on one hand that AWACS is central to our military viability in the Middle East and then to dismiss the system as a modest addition to the arsenal of sophisticated weaponry deployed in that region.

I gather, and I hope that I am correct in this, that the system as modified for sale to the Saudis represents a less dramatic leap forward in the state of the art than once was thought. I take little comfort, however, in the cavalier commentary that in 5 years or so the Soviets will possess something similar to AWACS or that the Saudis can now buy a comparable system from the United Kingdom. If all this is true, we seem to have traumatized ourselves into selling a weapons system not worth all the anguish, something the principal merit of which is the enormous cost to a country able to foot the bill.

It is perhaps more realistic to assume that if AWACS fell into enemy hands, the setback to U.S. security interests would be considerable. We must then assess prospects for Saudi stability and opportunities available to the United States to prevent AWACS from falling into hostile hands. On the first point, comparisons between Iran and Saudi Arabia come to mind. Enormous tensions can be detected in both societies, but the comparison should not be pressed too far. In Iran modernization was tied to secularism and thus assaulted a vigorous and growing commitment to conservative Islam. In Saudi Arabia traditional religious institutions and practices are not being challenged and potential for instability comes from rapid modernization of the economy.

To date, the Saudi royal family has demonstrated considerable skill in reconciling these forces. The military establishment is loyal, and the materialist philosophy of the extremists does not yet enjoy widespread popular appeal. To spurn an opportunity to develop closer and mutually beneficial ties with Saudi Arabia, because of fear of the regime's long-term viability, would in effect amount to a self-fulfilling prophecy designed to encourage forces opposed to the present Saudi regime.

I assume that when the dust settles on the debate, the United States and Saudi Arabia could refine procedures which will provide reasonable guarantees that the AWACS will be secured from our opponents. It is unfortunate, however, that the administration did not make more progress on this "command and control" question before proceeding with the proposed sale.

The third crucial question is where the AWACS system fits into larger U.S. foreign policy interests. The administration failed to consult its own best interests and those of the Nation in developing a context to complement the AWACS sale. The very debate on AWACS has metamorphasized the issue by creating a symbol of our relationship to Saudi Arabia. If this symbol is now destroyed it may make impossible the construction, however belated, of a viable Middle Eastern policy which effectively addresses the central problems of the gulf.

I share the conviction of many others that a foreign policy narrowly focused on Israel serves neither our interests nor those of Israel. I therefore deeply regret that the administration has launched AWACS on an uncharted sea, searching as it were for a port or two to serve as harbors for a foreign policy adequate to our growing interests and involvement in the gulf region.

Expectations have been raised. The administration invites the Senate to accept those expectations and to wait confidently for a policy within which Saudi Arabia's objectives will vindicate and complement our own national interests. What would that policy be? Should we proceed with the sale without knowing what are the characteristics of our revised foreign policy for the Middle East?

Fourth, how do we square the sale of AWACS, fuel enhancement packages for the F–18's, and Sidewinder missiles with concern for the introduction of increasingly sophisticated military equipment in the region? We have already supplied potent equipment to Israel on the premise that such weapons are necessary for its survival. Fortunately, in terms of Israel's needs in several wars with its neighbors, such equipment was in place and replenishments from the United States were available when needed. The rationale for supplying Saudi Arabia advanced equipment may be the same, inasmuch as our interests in the region have expanded, and that we now see the survival and safety of Saudi Arabia and protection of its oilfields as vital to to the United States.

More troubling, however, is the proposed sale of fuel-enhancement packages for the advanced fighter aircraft we supplied earlier. Will fuel enhancement packages play a significant role in enabling Saudi Arabia to defend its oilfields more effectively? Probably not, inasmuch as any attack would likely be sudden and of short duration. There is the danger that some states in the Persian Gulf region and bordering Saudi Arabia to the south might cite this sale as sufficient reason for shopping for similar weapons. The tempo of armaments purchases in the region might well be accelerated. This constitutes a serious drawback to the sale to Saudi Arabia, and only enormous countervailing benefits to U.S. interests in that part of the world should be cited to justify the sale.

The final point addresses the relationship between the proposed sale of AWACS and U.S. military objectives and requirements in the Persian Gulf. The question is vital, for the fragile nature of the smaller regimes in the region is to a large extent reduced only by the presence of Saudi Arabia. Many of the very small states are in fact principalities which escaped the annexationist policies practiced by Saudi Arabia prior to World War II only because of their poverty and remote location. Now many are wealthy minor states sitting astride the world's busiest oil transhipment route, anxious about their survival in the face of the revolution in Iran and steadily strengthening Saudi Arabian military power. Where does the United States fit in militarily?

I am assured that Saudi Arabian AWACS will complement those already operating in the region, but I also hear repeatedly that the Saudi system will remain distinct and independent. The sale of AWACS makes a great deal of sense if Saudi Arabia and the United States are in agreement as to who are our adversaries. In this case common attention would certainly be directed toward the Soviet Union and any gulf states which might fall under its influence. The confluence of interests, however, does not yet seem to have occurred.

Saudi Arabia continues to resist suggestions that pro-Western powers enjoy access to its military facilities. Our own forces, barring considerable expansion in the region and redeployment within the gulf itself, would seem least likely to benefit from AWACS ability to offer approximately 15 minutes' warning for an air attack. Much as in the case of U.S. foreign policy priorities in the region, we are asked to visualize the role of AWACS in some sort of an integrated game plan for the gulf, a plan yet to be spelled out by the administration.

I am happy to note that the administration sees no serious obstacles in coordinating Saudi AWACS with our own systems. But in the absence of a military relationship even remotely approximating an alliance, we are asked to look upon the sale as the seed-time of a United States-Saudi military and diplomatic juncture, to bloom, it is hoped, before the AWACS themselves are planted in Saudi soil.

My view of the five criteria upon which I believe the sale of AWACS and other military hardware to Saudi Arabia should be based leaves several key questions unanswered. Saudi foreign policy objectives remain unclear. There is a danger that AWACS technology might fall into enemy hands in the absence of a clearer idea of what will be the long term American operational relationship to AWACS. The administration has not yet defined clearly U.S. foreign policy priorities in the Middle East, nor demonstrated how the proposed sale complements those objectives. The sale may escalate the pace at which sophisticated arms are introduced into the region. The military relationship between the United States and Saudi Arabia, however, has not been defined clearly.

In effect, the Senate must anchor its momentous decision to the persuasive and sincere assurances of the President that such a sale will permit the United States to establish a new basis for securing its vital interests in the region. In any context, I would be reluctant to question such assurances, for they not only promise to remove the impediments which have long hobbled our relations with influential countries in the Arab world, but they offer us a chance to support the President in a task in which the law calls for shared responsibility and present circumstances demand consensus.

As do all my distinguished colleagues in the Senate, I want to believe that the President has unlocked the door to the protection of U.S. vital interests and the promotion of peace in the Middle East. The burden of proof that the President's policies will do this rests on the administration, and it is clear that many doubts remain.

Therefore, Mr. President, I believe that we have an unfortunate proposal before us. Unfortunate because a package could have been designed that would have been acceptable to the President, the U.S. Senate, Saudi Arabia, and the other major countries in the Middle East. The package could have been designed to enhance the Camp David accords and build on the Israeli-Egyptian peace treaty. At the same time, it could have addressed many of the U.S. strategic needs in the Middle East.

Because it does not, I would urge President Reagan to withdraw this proposal before Wednesday's vote. If he does, I will pledge to join with other Senators and the President in a bipartisan effort to design a plan acceptable to all parties. Contrary to the views of many, it is not too late to do this and to avoid a vote on a package which claims total support by only a handful of Senators.

What I have outlined, Mr. President, is a responsible position. I must tell my colleagues, however, that if the package is not withdrawn, I will vote against it. I take no pleasure in such a vote. In fact, I regret that this vote signifies my belief that the administration has not taken an opportunity to begin a Middle East policy.

Notwithstanding this vote, I will stand ready to join any bipartisan effort the administration is willing to make to go forward with a comprehensive Middle East policy. The U.S. interest in such a policy—and the lasting peace it can bring—transcends the interests of either political party. Instead it addresses the interests of all Americans. The sooner we do this, the better.

Mr. CRANSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. CRANSTON. Will the Senator yield?

Mr. LEAHY. I yield.

Mr. CRANSTON. Mr. President, first of all, I congratulate the Senator for the deep and serious thought he has given to this issue. I know how seriously the Senator from Vermont has taken his responsibility to make a wise decision on a very momentous matter. I know how widely he has consulted on the matter. Frankly, I did not know until a moment before the Senator began to speak what decision he had come to, although I was very hopeful that he would come to the decision that he did reach.

He has given a very, very thoughtful analysis to the arguments pro and con and of the crisis that exists in the Middle East, which is, therefore, a crisis for us because of our deep interest, our important friendships, and our hopes for stronger friendships in the Middle East.

The Senator wound up suggesting that the President should withdraw the package from the Senate. I strongly concur in that recommendation, although I would not expect, and I do not urge, the President to make that decision at this precise moment. He is going to see more Members of the Senate, talk with more Members of the Senate, in an effort to turn the rising sentiment against the sale around so that he would have support for the sale from those who presently do not believe it is in the national interest.

The President should make a decision to withdraw the package only when he finally is driven to the conclusion that the Senate will oppose it if we go down to a vote at 5 o'clock on Wednesday afternoon.

I have once again had to revise my own tally of where the votes stand based upon the decision of the Senator from Vermont. I know that they will now have to do the same thing in the White House. Our responsibility, in effect, is to advise and consent on this matter. I do not consent on the matter. The Senator from Vermont does not consent on the matter. I think presently a rising majority of Senators on both sides of the aisle do not give their consent on the matter.

So I would offer this advice for consideration by the President and his advisers: I believe, with the addition of Senator LEAHY, there are 54 Senators presently planning to vote against the package. Two more, I believe, lean that way, for a total of 56.

I recognize that some of those may yield to the arguments of the President and decide to change, but I do not believe that enough will to make it possible for the President to win.

I do not presently believe that the White House even has the support of all the Senators who are not included in that 56 count. The momentum, plainly, is going against the President's position. One Senator a day since Wednesday has come out in opposition to it. All of these were Senators not previously committed on the matter.

Mr. President, somehow the impression has been given that opposition to the F–15 enhancement-AWACS package has been instigated and orchestrated outside of this body. I want to set the record straight. Many Senators were on record in opposition to the proposed enhancement package several weeks before lobbying efforts from outside groups were initiated, and several weeks before Israel Government officials publicly expressed opposition to this proposal.

I want to be very frank about this point.

Two Senators, JOE BIDEN, of Delaware, and I, authored the first public letter to President Reagan against the enhancement package. The letter was signed by a number of our colleagues on the Foreign Relations Committee. It was dated February 19, 1981.

Again, on February 26, in a closed hearing of the Senate Foreign Relations Committee with Under Secretary of State James Buckley, opposition to the proposed F–15 enhancement, which at this point did not even include AWACS—AWACS was not even in the picture then—was expressed by a bipartisan cross section of the committee.

Deep reservations were expressed by member after member of the committee about the proposed F–15 enhancement package. At this point, Israeli officials and concerned American groups in the United States, though concerned about the apparent fact that the administration was prepared to reverse previous assurances and enhance the Saudi F–15's were not on record in opposition to the sale.

Let me interpolate a relevant point: There were those in this body who were concerned that, Saudi Arabia having achieved that package, the original F–15 package, with the understanding that it would not be enhanced, Senators are now concerned that they are seeking enhancement in violation of that agreement.

The Reagan administration has not changed its position on any commitment it made, if the commitment not to enhance was made by the Carter administration. But the Saudis have gone back on the terms of that deal.

Observers noted, going back to what was happening in February, the reluctance of individuals to do battle with the Reagan administration in which many friends of Israel had placed considerable hopes, owing to Candidate Reagan's repeated public pro-Israel campaign statements over a 2-year period. These friends of Israel were particularly reluctant to take on the Reagan administration so soon after the inauguration. The inauguration had only occurred on January 20, and here we were in late February.

When the administration announced on March 6, 1981, its intention to enhance the Saudi's F–15's and to continue study of the AWACS question, no decision yet on AWACS, I went forward with Senator BIDEN to circulate a resolution disapproving this sale. Again, it was by no means clear at that time what the position of others would be on the sale, but we began the process of soliciting cosponsors for a resolution of disapproval because of our deep concerns about F–15 enhancement. The fact is that it was not until some weeks later, after the unwise administration decision to propose enhancement of the Saudi F–15's had been compounded by the addition of AWACS to the package, that opposition swelled from concerned groups throughout the country.

Let me add this on this point, Mr. President: Historically, every nation tries to influence those foreign policy decisions of other nations which may affect them. That is especially true of the United States, whose foreign policy decisions affect so many nations in so many vital ways.

It is only natural and normal that Israel would try to dissuade the United States from making a move that it sees as inimical to its national security—just as it is natural and normal for Saudi Arabia to seek to further its national aims; for our NATO allies, in their self-interest, to spur us into arms negotiations with the Soviet Union; for Mexico to try to change our position on El Salvador; for African nations to attempt to shape our policy toward South Africa, and so on—endlessly and understandably.

In fact, just 2 weeks before President Reagan, in effect, told Israel to mind its own business—as though Israel's security were not its business—Secretary of State Alexander Haig said:

> The Israelis have a perfect right, in fact they have an obligation, to express their concerns and to do it at home and to do it here.

In committing itself to the AWACS package, the Reagan administration made an unwise decision with unwise conditions that is potentially harmful both to Israel and to the United States. Facing the threat of a defeat in Congress, the administration, which has a penchant for seeking scapegoats, is apparently seeking to make a scapegoat of Israel and Israel's friends in the United States.

The administration has no one to blame but itself for its problems with the Saudis arms package. The administration, for reasons still difficult to fathom, insisted on trying to bull the package through Congress. It made no effort to consult Congress on a bipartisan basis on whether to sell AWACS to the Saudis. It did not seek the advice of congressional leaders even on the terms of the sale.

If the administration wants to shift blame elsewhere, Mr. President, I suggest that President Reagan look to the Saudis. If President Reagan wants to reprimand a foreign government for seeking "to make American foreign policy," let him castigate the Saudis for using their control over oil supplies in an effort to pressure the West into hostility toward Israel and support of the terrorist PLO.

Why do the Saudis insist on putting President Reagan and the United States on the spot? Why do the Saudis insist on the most advanced U.S. military equipment, which they do not need, do not know how to use, and cannot adequately safeguard? Why do the Saudis exaggerate the AWACS issue to make it a test of America's dependability as an ally?

President Reagan on Friday, charged that Senators opposing this sale "are not doing their country a service." That view was supported on Sunday and just now on the floor by the majority leader.

Mr. President, I think it is not a service to the country to vote for the package; it is certainly no service to the country to support the President when he is wrong.

The President and his supporters on this issue are patriots. So are their opponents. The President and his supporters simply are wrong.

It is the Reagan administration's scare tactics that are not doing this country a service.

By accusing the Israeli Government of interfering in American politics, by raising the specter of domestic anti-Semitism, by impugning the motives and the patriotism of Members of the U.S. Senate, the Reagan administration is doing a gross disservice to our democratic institutions, to the freedom of speech and debate, to our constitutional process—and to our country.

By acting so overwrought, this administration, which seeks to project a strong international image, ironically is sending the worst possible message to our friends and adversaries abroad.

An administration so panic stricken at the prospect of a fair defeat on the floor of the Senate is not likely to inspire international confidence in its equanimity or maturity—or to inspire domestic confidence, for that matter.

The administration, as well as Jimmy Carter and the Saudis, have referred to this vote as a litmus test for the United States.

They have tried to "put a guilt trip" on the public and the Senate—to use the popular venacular—in the course of the current debate. We are made to feel that America's dependability, America's reliability as a friend and purveyor of weapons is at stake.

I think the emphasis has been wrongly placed, very wrongly placed. We should be concerned less with our reliability and our dependability and more concerned about the dubious governments on whom we showed our military arms and technology.

It is their reliability, their dependability that is at issue. Resolute, steadfast Israel—the only democracy in the Middle East and our only certain friend should be the standard by which they are measured.

This is an instance in which I would reverse the familiar Latin admonishment, caveat emptor—let the buyer beware. I say: "Caveat venditor—let the seller beware."

A litmus test, we remember from our high school chemistry class, determines the existence of acid in a chemical formula.

The so-called AWACS litmus test is revealing a distressing amount of political acidity in the administration.

The White House could use a massive dose of Rolaids.

We have heard the argument floated by some administration officials in recent days that opposition to the Saudi arms package is somehow partisan. I think that charge should be resented. That charge is a further disservice to the Nation. To be sure, certain White House pressure tactics have fallen more heavily on members of the President's party than upon the minority. But how is opposition partisan when more than 60 percent of the House Republicans vote to reject the President's position? How is it partisan when the principal sponsor of the Senate resolution, the Senator from Oregon, is a Republican? How is it partisan when 54 Senators write the President in June saying, "Don't send the Saudi arms package to the Hill * * * it's not in our interests"—and 20 of the signers are Republicans?

Mr. President, I think it is unfortunate that this controversy has become known as the AWACS fight in the press. There are many, many reasons why Senators believe this sale is contrary to our national interests which go far beyond the control of AWACS. There is the Sidewinder missile, which contains such very sophisticated technology. There are the assurances given to Congress and to Israel in 1978 that we would not enhance the offensive capabilities of the Saudi F–15's.

There is the point made by the minority leader, Senator ROBERT C. BYRD, that further erosion of Israel's technological edge will make it more difficult for Israel to be forthcoming and positive in fulfilling the hope and the promise of the Camp David peace process.

There is the point made by Senator BYRD that the consummation of the biggest U.S. arms sale in history could force the Saudis to take actions contrary to U.S. interests so as to demonstrate that they are not an American satellite; so as to demonstrate to radical Arab States Saudi independence of the United States.

There is the fact that spewing more arms into the Persian Gulf will not solve our security concerns there which revolve more around internal instability than about the Soviet threat. And, fi-

nally, there is the basic fact that we should not be selling more sophisticated arms to the Saudis so long as they reject the Camp David peace process. They continue to fund PLO terrorism. And they continue to lead the OPEC price gougers who have raised oil prices from $3 a barrel to more than $34 in the past two decades.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COST-OF-LIVING INCREASES FOR FEDERAL EMPLOYEES

Mr. GORTON. Mr. President, I recently received a letter from a constituent, Mr. Earl N. Legge, of Lynnwood, Wash., which illustrates some of the frustrations felt by many retired persons throughout the United States with federally funded retirement benefits.

While he labors under a number of misapprehensions, these are misapprehensions which are widely shared throughout the United States.

I will read the letter, as an illustration of some of the problems with which Congress and the administration must deal during the course of the next year or so:

I am writing to you to protest the taking away of the cost of living increases for federal employees. The main reason is that we pay our hard earned money into the retirement fund for years, pay income tax on it, receive no interest on it and for the first two or three years of retirement we are paid our own money. The government uses that money, or is borrowing it without interest, and when we retire we don't get a living from retirement pay. I was forced to take a disability retirement because of a stroke. The same thing with social security. I paid into it for years and when I tried to draw it, I was turned down because I didn't have enough quarters paid in after a certain date. To me that is stealing from the people—fraud. If all retired federal employees had put the same amount of money in a savings account and left it there, with compounded interest, the money would have doubled.

So, between social security and federal retirement, I figure that the U.S. Government owes me several thousand dollars. I have been thinking of getting a big bunch of federal retirees together and have a class action suit to recover the money owed us. Because of the low retirement pay I receive, I have had to sell the home that I had when I retired, give up my activities in organizations, live in poverty, as compared to when I was working for the stinking Post Office, and deny myself a lot of pleasures. I feel that working for the Post Office is hazardous to your health because a lot of my friends and fellow Post Office employees have suffered heart attacks, strokes and nervous breakdowns because of pressure while working there. Working conditions should be investigated. The government can find the money to waste $222,000 on a study, but can't take care of its retired federal employees who have become disabled and also the veterans too. I challenge you to spend a day with me and see what I went from, to what and where I am now.

I just went through bankruptcy a short time ago because I couldn't pay my bills. There are enough of us, veterans, retired federal employees that if we banded together, we could put most of Congress, the President and Vice President in the unemployment lines. In other words, fire you. I know one way to cut the cost of government, but you wouldn't go for it because it would hurt you and that is to cut out wages and benefits of the President, Vice President, Cabinet Officers, Congressmen, and Senators in half or the same amount of inflation. I would like to have what I have paid into social security plus compounded interest at today's interest rates paid to me in one lump sum. If you have the guts to, I would like to see you read this into the Congressional Record and send me the copy of the Congressional Record that it appears in because I can't afford to buy a Congressional Record.

Sincerely,

EARL N. LEGGE.

LYNNWOOD, WASH.

P.S. I am neither Republican or Democrat, but independent. I vote for the man not political party, as they all stink and every time I have tried to get help from organizations and agencies, that are supposed to help us retired and disabled, I am turned down because I am not old enough or my income is too large. There are thousands of us hurting like this, that is why I am mad. My federal employment totaled 18 years with military plus National Guard time after World War II. I am a member of the American Legion, 41st Inf. Div. Assoc., also a union organization. Frankly, I don't think you are man enough to accept my challenge.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there be no further morning business, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 4035, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 4035) making appropriations for the Department of the Interior and related agencies for the fiscal year ending september 30, 1982, and for other purposes.

The Senate resumed consideration of the bill.

UP AMENDMENT NO. 521

Mr. McCLURE. Mr. President, on Friday the committee submitted a technical amendment (unprinted number 521) which was agreed to en bloc.

In order to agree to all of the committee amendments en bloc, so that the bill thus amended will be considered as original text for the purpose of further amendment, I ask unanimous consent that these amendments agreed to on Friday be agreed to as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 594–616

Mr. McCLURE. Mr. President, let me advise Members as to what our procedure will be. On Friday I indicated the intention of the Senator from Idaho to offer on behalf of the committee a group of amendments en bloc, which were then printed in the RECORD. It is my intention this morning to ask for unanimous consent that they be considered en bloc in the nature of a committee amendment.

It is not my intention to ask that at this particular time, but I want those Members who may be concerned about procedure to be aware that I hope to do that before noon. If they have any concern about those printed amendments or any concern about that procedure, I hope they will let us know so that we will be in position to make that request in the next half hour or so.

Mr. President, I think the Senator from Washington has a colloquy with respect to one of the provisions of the legislation, and I would yield to him for that purpose at this time.

Mr. GORTON. I thank the Senator from Idaho. The chairman of the subcommittee and I do have such a colloquy.

Mr. President, I have a question for the distinguished subcommittee chairman. The House has included $1 million to continue funding the Washington State Department of Game's steelhead data and management program. Funding for this program, which is necessary to manage the steelhead trout resources of Puget Sound, the coastal rivers, and the Columbia, as directed by Federal court decisions, has come from the Fish and Wildlife Service budget both in 1980 and 1981. Management of the steelhead fishery and implementation of court-ordered allocations will be impossible without this program.

I understand that the committee did not include this item because it had been informed that such funding would be premature under the terms of the Salmon and Steelhead Enhancement Act of 1980—Public Law 96–561.

This information was unfortunately incorrect. This steelhead management program is the ongoing effort by the department of game to manage the steelhead fishery in compliance with the Federal court-ordered allocation of the resource between sportsmen and treaty tribal fishermen. This program is unrelated to those programs authorized during the last Congress in the enhancement legislation. This program is in fact essential for continued management of the steelhead fishery and continued implementation of court-ordered allocations.

I hope I have clarified any misunderstanding over this issue.

Mr. McCLURE. I thank the Senator for the clarification.

Mr. GORTON. When the conferees consider resolving the differences on the Interior appropriations bill, will the Senate conferees take this clarification into account?

Mr. McCLURE. The Senator can be assured of that.

Mr. GORTON. And will the Senate conferees give favorable consideration to receding to the House on this matter if receding does not involve exceeding the budget?

Mr. McCLURE. That would be my intention.

Mr. GORTON. I thank the Senator for his consideration and cooperation on this matter.

Mr. McCLURE. I thank the Senator from Washington.

Mr. JOHNSTON. Mr. President, I would like to engage in a brief colloquy with the distinguished manager of the bill. It is my understanding that the House had included $250,000 under interpretation and visitor services in the National Park Service for concerts on the Capitol Grounds. It is also my understanding that no funds were included in the Senate reported bill for this purpose on the assumption that such concerts would be exclusively for the enjoyment of the residents of the Nation's Capitol. Is this the understanding of the Senator from Idaho?

Mr. McCLURE. That is correct. There is funding in the House bill for these concerts, but none is included in the bill we are considering here in the Senate.

Mr. JOHNSTON. I have been informed that a similar concert conducted this past July 4 was televised to approximately 10 million people across the country in addition to the 150,000 who attended the event. If such concerts were to be televised in fiscal year 1982, I believe we would again truly have a national audience for each event. Would the distinguished manager of the bill support these concerts if they were televised?

Mr. McCLURE. I would be sympathetic to such a national approach to these concerts; but, of course, we could not afford four concerts, as contemplated by the House when they earmarked $250,000. It is possible, that two concerts could be conducted and televised with a sum of $250,000 in Federal funding.

Mr. JOHNSTON. Can I have the assurances of the distinguished manager of the bill that he will, then, accept a program of two televised concerts if the House makes such an offer in conference?

Mr. McCLURE. Yes, I would be sympathetic to such a proposal, if it can be justified in the conference.

Mr. JOHNSTON. Mr. President, the distinguished floor manager of the bill correctly stated that on Friday he proposed amendments which he requested be accepted en bloc. It is my purpose to do so and, frankly, in just a few moments, with the one exception of an amendment to which, a part of that amendment to which, the distinguished Senator from New Jersey (Mr. BRADLEY) objected, and which we propose to exercise from the amendment to hold for later disposition, according to the wishes of the distinguished Senator from New Jersey. So I am hereby asking for any of my colleagues on this side of the aisle who have any reservations or objections to these amendments which were offered on Friday, printed in the RECORD, if they have any objections to speak now, in fact speak within the next few minutes, or thereafter forever hold their peace because we propose to accept them unless we get those objections soon.

Mr. McCLURE. Mr. President, I might just identify those Senators' amendments which will be offered en bloc. They are amendments numbered 594 through 616, with the exception of No. 613.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I would also, in the same vein as the discussion we just had concerning the printed amendments that may be considered en bloc, mention that amendment No. 611 and amendment No. 612 are printed correctly in the printed copy of the amendments, but errors were made in the RECORD and people who are concerned about the figures in those particular amendments should consult the printed amendments rather than the RECORD in the verbatim transcript of the proceedings on Friday.

UP AMENDMENT NO. 524

Mr. McCLURE. Mr. President, I send to the desk two amendments and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment en bloc?

Mr. McCLURE. Mr. President, before putting that request, let me just state that these two amendments simply take language from one place in the bill and insert it in another place in the bill. One amendment takes it out and the other amendment puts it back in. We have consulted with the other side of the aisle and I understand there is no objection. I did want to offer that explanation before putting the request that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes unprinted amendments en bloc No. 524.

On page 26, line 20, after the semi-colon strike the following: "expenses of the Northern Mariana Islands Federal Laws Commission as authorized by law (Public Law 94-241, 90 stat. 268);"

On page 27, line 9, after the word "Affairs" insert the following: ", and for expenses of the Northern Mariana Islands Federal Laws Commission as authorized by law (Public Law 94-241, 90 stat. 268)"

Mr. McCLURE. Mr. President, these two amendments deal with the expenses of the Northern Mariana Islands Federal Laws Commission. As I indicated earlier, the language was simply put in the bill at the wrong place. These amendments rectify that error. There is no change in substance.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 524) was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that this amendment also be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 525

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 525.

Mr. McCLURE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 8, strike all after the word "to" and insert in lieu thereof "phase-out livestock grazing as provided for in section 3 of Public Law 92-207 (85 Stat. 739)."

Mr. McCLURE. Mr. President, I have another amendment which has been cleared on the other side of the aisle. It is simply an amendment in the text which makes very clear what the subcommittee intended to do with respect to the phaseout of grazing within the National Park Service in the State of Utah. There is no change in the substance. It is simply to make certain that what we intended to do will be done. It was thought by some after we completed action in the subcommittee that the language we used was not sufficiently clear. This clarifies that question.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 525) was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that this amendment also be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that it be in order to move reconsideration of the votes by which the two amendments just considered were agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I so move.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I understand that these amendments to which we have made reference have now been cleared by both sides of the aisle, with the exception of amendment No. 601, which the Senator from Montana (Mr. MELCHER) and I think the Senator from Wyoming (Mr. WALLOP) have expressed some concern. The one I mentioned earlier, No. 613, has now been cleared, as I understand. If that understanding is correct, I would propound the following unanimous-consent request:

Mr. President, I ask unanimous consent that printed amendments numbered 594 through 616, with the exception of 601, be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text provided that no point of order shall be considered to have been waived by agreeing to this request.

Mr. JOHNSTON. Mr. President, the Senator from Idaho is correct. This has been cleared and we have no objection.

The PRESIDING OFFICER. Is there any other objection? Without objection, the amendments are considered and agreed to.

Amendments numbered 594 through 600 and 602 through 616 were agreed to, as follows:

AMENDMENT No. 594

On page 2, line 18, delete "$12,845,000" and insert in lieu thereof "$12,370,000".

AMENDMENT No. 595

On page 2, line 13, delete "$377,531,000" and insert in lieu thereof "$367,631,000".

AMENDMENT No. 596

On page 8, line 21, delete "$10,118,000" and insert in lieu thereof "$6,873,000".

AMENDMENT No. 597

On page 9, line 13, delete "$221,628,000" and insert in lieu thereof "$219,328,000".

AMENDMENT No. 598

On page 11, line 3, linetype "$75,000" and insert "$100,000" immediately after.

AMENDMENT No. 599

On page 12, line 14, delete "$541,382,000" and insert in lieu thereof $530,982,000".

AMENDMENT No. 600

On page 14, line 7, delete "$108,721,000" and insert in lieu thereof "$88,721,000".

AMENDMENT No. 602

On page 17, line 12, delete "$2,600,000" and insert in lieu thereof "$2,288,000".

AMENDMENT No. 603

On page 19, line 17, delete "$64,418,000" and insert in lieu thereof "$60,838,000".

AMENDMENT No. 604

On page 20, line 5, delete "$114,227,000" and insert in lieu thereof "$105,335,000".

AMENDMENT No. 605

On page 21, line 8, delete "$830,972,581" and insert in lieu thereof "$814,742,581".

On page 21, line 9, linetype the numeral and insert after the numeral "$57,349,000".

AMENDMENT No. 606

On page 29, line 16, delete "$41,631,000" and insert in lieu thereof "$40,834,000".

AMENDMENT No. 607

On page 34, line 10, delete "$105,568,000" and insert in lieu thereof "$103,168,000".

AMENDMENT No. 608

On page 34, line 15, delete "$64,535,000" and insert in lieu thereof "$63,935,000".

AMENDMENT No. 609

On page 34, line 16, delete $59,660,000" and insert in lieu thereof "$59,060,000".

AMENDMENT No. 610

On page 35, line 6, delete "$1,013,500,000" and insert in lieu thereof "$996,410,000".

AMENDMENT No. 611

(1) On page 35, line 14, delete "$507,643,000" and insert in lieu thereof "$265,101,000".

(2) On page 35, line 16, strike "$486,950,000" and insert in lieu thereof "$244,408,000".

(3) On page 35, lines 17 and 18, delete the phrase ". . . and construction and maintenance of forest roads by timber purchasers"

AMENDMENT No. 612

On page 35, line 15, delete "$22,793,000" and insert in lieu thereof "$20,693,000".

AMENDMENT No. 613

On page 40, line 21, delete "$431,990,000" and insert in lieu thereof "$408,490,000".

AMENDMENT No. 614

On page 46, line 18, delete "$623,069,000" and insert in lieu thereof "$606,905,000".

On page 47, line 2, delete the linetype from the words "the first".

On page 47, line 2, after "$15,000,000" insert "$5,000,000".

On page 47, line 2, delete the words "not to exceed $30,000,000".

On page 47, lines 5, 6, and 7, delete the linetype.

AMENDMENT No. 615

On page 50, line 25, delete "$132,106,000" and insert in lieu thereof "$131,766,000".

AMENDMENT No. 616

On page 52, line 9, delete "$7,500,000" and insert in lieu thereof "$7,000,000".

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Those amendments are now part of the bill and will be considered as original text for the purpose of further amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I thank the Chair and I thank my colleague.

Mr. President, I want to call attention to an error which appears in the explanation of one of the amendments introduced on Friday and one of those adopted en bloc. It has to do not with the content of the amendment but the explanation of it, which I placed in the RECORD on Friday. It appears on page 25258, and it deals with amendment No. 597.

The figure used in amendment No. 597, as printed, is correct, but the explanation that was inserted into the RECORD at that time erroneously included a reduction of $400,000 for biological services of the Fish and Wildlife Service. That figure and that line are incorrect. That reduction is not included within the amendment. I wanted people looking at the RECORD or looking at the amendment to understand as well as to have the legislative history correctly reflect both the figure is correct in the amendment but the explanation was not completely accurate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, there are a limited number of amendments of which we are aware—maybe a total of a half dozen that various Senators have indicated to us they might wish to offer during the consideration of this bill. I am also aware of some concern on the part of some Members that they want to make sure that the legislative history is correctly understood so they have some colloquies they wish to undertake with respect to the history of the bill as well as the direction of the bill in certain respects.

Mr. President, I urge every Senator who has such an interest and concern in this bill who wants to take either of those actions to come to the floor and allow us to get that work taken care of. It is not my disposition to move to third reading of the bill without giving them some opportunity to be heard.

The other side of that is that we will, indeed, proceed to third reading of the bill if they do not have enough interest to come and present their amendments or to undertake that colloquy. Mr. President, I hope Senators may be advised that we will be moving in that manner if they do not come.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I call the attention of Senators to the fact that it is now almost noon, and, once again, we do not have any great outpouring of Members wishing to offer their amendments.

What is going to happen is that we are going to end up with these amendments all stacking up late in the day, maybe having to go over until tomorrow, and telescoping the time we have available for the consideration of this bill and other appropriation bills. That would be unfortunate.

This morning, during leader time, I announced that beginning next week, on Monday, Senators are on notice that the regular recess-adjournment hour of 6

p.m., except for Thursday, would no longer apply, unless we can keep these appropriation bills on schedule. We have no other choice.

I do not want to see us in late every night next week and the week after, in an effort to pass appropriation bills. If we do not dispose of these bills as they are scheduled, that is exactly what we will end up with.

This is the time, this is the moment, when Senators should realize that their decisions today will affect their schedules next week. I urge Members to come to the floor now and to offer their amendments, so that we can finish this bill today.

Mr. McCLURE. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. McCLURE. Mr. President, I was just looking at my calendar and trying to determine which day in December I should obtain reservations on the airline to return to my home in Idaho for Christmas. I know that it is perhaps a little presumptuous to extend this forecast into the adjournment date; but, if I recall correctly, December 20 is on a Monday. As I understand, we have a number of items of some urgency that will be dealt with in the remainder of this session—not only the appropriation matters. We have another matter, a very tough and unfortunate matter, that will take at least a week of our time in the middle of that schedule.

I understand that we will have a couple of days' recess for Thanksgiving—1 day to eat and another day to recover. [Laughter.] Then we will be at the 1st of December. We have a continuing resolution that expires on November 20, and we must deal either with the appropriation bills between now and then and/or wrestle with that continuing resolution.

Am I safe in getting reservations on the airplane for, say, the 22d or 23d of December?

Mr. BAKER. Mr. President, I devoutly wish for a better result than that, but I have to agree with the Senator from Idaho, the manager of this bill, that that is exactly where we are headed.

Last week, the leadership published a schedule of appropriation bills. If we stick with that schedule, we can be out of here sometime in December. The Speaker and I discussed the possibility of December 8. That date is not fixed for sine die adjournment, but it is a realistic objective. Every day that goes by when we have jumped the track on the schedule of appropriation bills will come out of that period between the 18th of December and Christmas. That is harsh, but it is true.

Mr. President, the Senate should realize that we are no longer in a routine and regular legislative situation. We are racing the clock, and we are trying to finish these appropriation bills in time to get home at some decent period before Christmas.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. JOHNSTON. Do I correctly gather that anything prior to December 18 is rather much out of the question now?

Mr. BAKER. I hope not. I should like to improve on the 18th; but, frankly, that is the date that the Speaker and I have discussed, and I rather expect that it is the most realistic appraisal.

The Senator from Louisiana knows as well as I do that not only must we finish these bills, but also we have to finish the conferences on these bills; and after the adoption of the conference reports by both Houses, the bills must be submitted to the President for his signature, to become statute law.

The period from, say, the last week in November to the end of the first 2 weeks in December will be consumed by those efforts, plus the efforts to pass other measures, including perhaps the Department of Justice authorization bill, plus other matters the Senator from Louisiana mercilessly reminds me of from time to time.

So I think it is a realistic estimate. I regret to say so, but I am afraid so.

Mr. JOHNSTON. I thank the Senator.

Mr. BAKER. Mr. President, I do not relish the role I am playing now—that is, to urge Senators to come to the floor—but that is what it comes down to.

I yield the floor.

UP AMENDMENT NO. 526

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. COHEN). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment No. 526.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 1 insert:

SEC. 110. Notwithstanding any other law, the Secretaries of Interior and Agriculture may manage wild free-roaming horses and burros on lands administered by them without regard to the provisions of the Act of December 15, 1971 (85 Stat. 649; 16 U.S.C. 1331) or section 47 of title 18 United States Code. In the management of such horses and burros, the Secretary may provide for capture and disposition of such horses and burros under such humane conditions as the Secretary may prescribe, giving preference where practicable to disposition by adoption and private maintenance.

Mr. STEVENS. Mr. President, I am introducing this amendment to provide the Secretaries of the Interior and Agriculture the same management authority on free-roaming horses and burros on the public lands that they have on lands under jurisdiction of the Fish and Wildlife Service or the National Park Service. The Secretaries must be able to dispose of those animals efficiently through sale or other humane disposition.

In providing this authority to the Secretaries, a restriction is added that they must give preference where practicable to disposition by adoption and private maintenance.

The origin of the amendment is a discussion that I have had with people in the Department of the Interior. It is strange that it is actually not possible under existing law for a person to capture a wild horse, maintain it, and then train it, that is, break it for use as a saddle horse.

Under existing regulations, one must participate in a lengthy adopt-a-horse process. There is no authority for the Secretary to fashion a flexible disposal program.

It is possible for the Secretaries under existing law to just destroy them. Not only do they destroy them, they must do so without being able to commercially dispose of the remains.

But there is no incentive in the existing regulations for people who have farms and ranches nearby to do what their grandparents did, that is to round up some of these wild horses, keep them, and train them for use in the businesses on lands adjoining the public lands in the West.

Existing law requires that where the animals have no adoption demand, they are destroyed. Unlike the Fish and Wildlife Service or the Park Service, however, there is no ability of the Secretaries to deal with commercial organizations in rounding up the horses and burros on public lands and selling them. Horses and burros could, under this amendment, be sold for purposes of breaking them so they will be available as saddle horses, packhorses, or for recreational use.

I do not see why we should have a more humane system on lands under the jurisdiction of the Fish and Wildlife Service within the Department as compared to those animals that are on public lands managed by the Forest Service or Bureau of Land Management.

As I have stated, the purpose of this amendment is to give the Secretary the same authority and the same discretion on the public lands as he has on lands under the jurisdiction of the Fish and Wildlife Service.

I emphasize that there is a budgetary aspect to this. It currently costs about $300 to put one of these animals through the process of adoption. Moreover, $27 million has been expended by the BLM since this act was adopted. My amendment would permit the Government to generate rather than expend funds through more efficient land management.

I think that there should be a system whereby those people in the area who know the animals may acquire them for domestic use. I seek to give that type of disposition preference in this amendment.

I submit to the managers of this bill it is my understanding the amendment has been discussed among Members on the other side of Congress, and I believe the matter could be worked out in conference with sufficient explanation of the meaning of the amendment. This amendment is not creating new legal concepts. Existing law would merely be extended or expanded by our action in adopting this amendment.

Mr. JOHNSTON. Mr. President, the effect of this amendment is to invest the Secretary with the power and the mandate to round up wild horses and burros, notwithstanding the provisions of the act. It would be, I think, legislation on an appropriation bill.

I am advised that Senator JACKSON on our side has some objection to this particular legislation. It is not an overwhelming problem in my State. So I am

not speaking for myself, but we are sending out word to Senator JACKSON at this point and I wish to reserve a little time for him when we can find him.

So if we could perhaps put this over for a few additional minutes, we can get him.

Mr. STEVENS. I certainly have no objection. It is not an overwhelming problem in my State either. We do not happen to have free roaming horses and burros in Alaska any longer. There was a time prior to the deluge I imagine when they were there, but they are not there now.

It was called to my attention in connection with other duties that this is a dichotomy under the existing law, that there actually is a more humane approach to handling free roaming horses and burros on lands under the jurisdiction of the Fish and Wildlife Service than there is with regard to those on the BLM lands. This amendment would create uniformity in the approach of all land management agencies.

Mr. McCLURE. Mr. President, in view of the request by the Senator from Louisiana that we not act on this until at least that opportunity has been afforded to Senator JACKSON to come to the Chamber and discuss it, I will support the request and will request that the Senator from Alaska not press the amendment at this time.

Let me say, however, that while it may not be a matter of pressing importance to the Senators from Alaska or Louisiana in their home States, it is a matter of a great deal of importance to those of us in Idaho. Nothing has been more troublesome than the effort to protect the bands of free roaming horses that do exist on public land and at the same time to give us the opportunity to manage and control their numbers.

We have had any number of well-meaning and well-intentioned people who are very much concerned about the protection of the horses, who do not understand that we can have a moratorium or Federal policy and that we can freeze the status quo, but somehow that word does not get through to the stallions and the mares out there. They keep right on doing what they do in a rather natural way in spite of Government policy or in spite of the absence of Government policy and suddenly we have wild horse bands doubling and quadrupling in size over the period of time the Federal Administrators and Congress wrangle over whether or not the horse wranglers can wrangle horses.

We have more than one area in my State where the number of horses on the public lands has destroyed the range and led to the demands that all domestic livestock be excluded from the range. They are destroying the habitat for wildlife. They are making what is almost irrevocable damage in some of those fragile watersheds with respect to the ground cover that there is that will protect that watershed against erosion and against the siltation of the streams. They are just wreaking havoc because there are no natural predators that control those wild horses.

They are an introduced species, in spite of what we know to be historically the case, that they were there in prehistorical times. The major fossil finds for horses, the ones that provide the skeletal structures for all the museums around the world, happen to come from a fossil dig in southern Idaho. We had horses there a long time ago, and I am sure that the Senator from Alaska is correct that they were perhaps in Alaska also.

But the fact is they are an introduced species in modern times, introduced into an area where they did not have natural predators and, therefore, there are no natural predator controls. So the only thing that controls their numbers is starvation or man. They will breed beyond the level of capacity of the range to hold their numbers and to feed them sufficiently, and absent some action by man they will drive everything else out.

It is a difficult question because there is not just the ordinary conflict between species that are not domesticated, but they also do compete with those that are domestic animals and, therefore, in recent years there has been a tremendous difficulty in arriving at a sane national policy to deal with them.

Those who want to eradicate them, as is the case in some areas, have perhaps been excessive in their zeal. Congress a number of years ago to meet that problem did provide for the maintenance of the bands of wild horses and burros where they then roaming so we would not eliminate what is a rather romantic part of the West in the past but, nevertheless, a very disturbing and difficult part of the present.

In spite of that action by Congress to protect the wild horses and burros, the administration of that law has been almost impossible because of the reaction of those who are still suspicious of the motive of those who wish to restrict the numbers.

I could detail exactly the way in which they have grown over the years, how much the numbers are in one area where everybody admits that the appropriate level for that particular wild horse band should be about 150 and which grew to be over 600, and they then had a removal policy that was so limited that it did not reduce the numbers from 600. It only barely kept even with the annual increase in the herd, and the results, of course, was continued degradation of the range.

Then people coming in looking at a range want to blame the domestic livestock operators for destroying the range when, as a matter of fact, the primary impact in that particular range comes from not the domestic livestock but from the wild horse herd. Those are facts with which we must deal.

I am very sympathetic to the amendment of the Senator from Alaska because it does give the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture authority to deal with the wild horse bands and burro bands on Forest Service lands and on the BLM lands, the same latitude that has been given to the Fish and Wildlife Service on their refuges.

But to indicate that this is something easily accomplished flies in the face of all of our recent experience in this body and in the other body. Those who would protect the wild horses are zealous to a fault in their protection, and that certainly the effort to invest in the administration a greater and broader latitude of discretion is going to inflame their passions and there will be reactions, I am sure, to what is done here.

With respect to the question of the other body, I do not know what the feelings may be in the other body. There is only one way I know to find out and that is if we take this amendment and go to conference we will find out what the other body's attitude is and whether or not they can accept this.

I know Senator HATFIELD, the chairman of the Appropriations Committee, has generally resisted the effort to put legislation on an appropriation bill, and he, too, may have some strong feelings concerning this matter on this particular piece of legislation. Of course, we have not heard from him in that regard.

But I do expect that as the Senator from Washington has expressed his interest, and the Senator from Louisiana has expressed the desire to protect his interests, that we cannot act upon this amendment immediately. I would hope we will have the opportunity to discuss it with those gentlemen in the next few minutes.

Mr. STEVENS. I certainly recognize the importance of the issue and the law allowing the Fish and Wildlife Service, with its delegated authority, to manage wild horses and burros on lands under their jurisdiction in a more humane and appropriate manner.

I was appalled to discover that young colts on public lands, on BLM lands, could not be taken by the children or the people living nearby. If the animals are processed through the adoption program after long administrative delay, it might be possible to obtain the horse. Bear in mind that it costs the taxpayer $300 per horse to administer the program.

On the other hand, there is no apparent difficulty under current authority of the Secretaries or their designated representatives to make the determination that there is no demand for adoption of the animals. In that case they just dig a big trench out in the public lands, shoot the animals, and push them into the trench. There are other equally grisly and wasteful ends for those animals.

There ought to be an interplay between the people who are seeking animals of this type with the land managers. People ought to be free to literally adopt them with little or no bureaucratic constraint.

Unfortunately, when there is demand from communities or ranches adjacent to public lands to take animals and to have them become useful, there is no authority in management of these wild horses and burros on public rangelands to use commercial methods for disposal.

Although, as I have stated, it is perfectly all right to round them up, shoot them, and put them in a trench if there is no demand for adoption.

It seems to me there is a patchwork quilt of management authority for wild horses and burros on lands that belong to the United States. I think there ought to be one comprehensive system govern-

ing disposal of these animals for all Federal lands.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. McCLURE. Mr. President, the Senator, of course, is correct that the managers of the Fish and Wildlife refuge system do have a program that does work and that they are able to use. The difficulty has been the passions and emotions that have surrounded this issue that have prevented us from using what I think are better management techniques. We have had an adopt-a-horse program.

That adopt-a-horse program, in which we impound excess animals on the public lands and then hold them for adoption by people who might be interested in adopting the animals, has cost the taxpayers of this country hundreds of thousands, yes, millions, of dollars over the past several years just in order that we do not apply other control measures.

The truth of the matter is that there is an excess number of horses, just as there are excess numbers of dogs and cats in the cities, and that somehow those numbers have to be controlled. It is not the desire on the part of people simply to eliminate wild horses and burros. It is the need to manage their numbers, and the present system is not working.

The fact is we must find a system that will work. We have tried to reduce the costs to the taxpayers by increasing the fee that is necessary for someone who would take a horse under the adopt a horse program. We do not know whether that is going to work.

We do not know whether people will pay $250 for one of these horses. Some of them are good animals and some of them are not. Some of them may well be worth $250. A good many of them are not. We simply do not know what the results will be of these new efforts. We will say to the people who wish to save the horses that we do have a program to limit the numbers on the public range, and at the same time give other people the opportunity to take horses that they want. But we need to have a realistic program for the disposal of the excess horses that people simply do not want, that we cannot place, and that have to be removed from the public lands.

Mr. President, I was interested a few years ago in the situation of one of the men who happens to own some land that is surrounded by BLM lands. He had grazing permits on the public lands and he ran his cattle on not only his own land but on the public lands.

The horses became such a problem to him that he surrendered his permits, brought all of his cattle back to his private land, and then notified the Government, "Keep your horses off my land."

The BLM did not want to keep their horses off his lands. They were free roaming. He had to go to court to get a court order to order BLM to control the horses that some people in this country do not want to control at all, in order to keep them off his own private lands. He was successful in that effort. The BLM has spent a lot of money trying to comply with that court order and at the same time comply with the restrictions we have imposed upon them in their attempts to manage the numbers.

I might just indicate that in the adopt a horse program so far the taxpayers of this country have spent $27 million. That $27 million does not come from the people who have a particular interest. It comes from all of the taxpayers of this country; $6.8 million for fiscal year 1982 alone, is the estimate of the cost of this program. So far the average cost is over $550 per horse removed.

Those are pretty good horses if they are worth $550. So far nobody has been willing to pay that kind of a price. We have to start wondering at some point what is the cost of the program, what is the value of the program, how do we balance those rights and interests of the various people who are concerned.

As I said at the outset, I am sympathetic to the thrust of the amendment proposed by the Senator from Alaska, but I am not certain that this is the correct vehicle in view of the compassions that surround the issue, the legislative background and history that does permeate the discussion, and I am certain the interest that will be discussed by others on the floor of the Senate and in the other body.

Again I want to underscore the fact that I am sympathetic to the thrust of what the Senator from Alaska is saying, that we ought to be able to manage this very difficult question and have the BLM be freed up to manage this problem.

Mr. STEVENS. Mr. President, I understand the interest of the distinguished Senator from Washington in this problem. There is no reason for me to persist if there is not an agreement. I thought there would be a general agreement on the need for this type of amendment, although, as the Senator points out, this amendment could easily be misunderstood.

I understand the Senator from Washington would like to have hearings. I ask the Senator from Idaho to be a participant and I will participate where appropriate. I understand the Senator from Washington's interest in holding hearings on this matter. Hearings would be instrumental in determining an effective management approach for wild horses and burros. The current system is clearly deficient. If hearings meet with the approval of the chairman and the ranking minority member of the committee having jurisdiction, it is all right with me.

Mr. JACKSON. Will the Senator yield?

Mr. STEVENS. I yield.

Mr. JACKSON. Mr. President, I appreciate the comments of the distinguished senior Senator from Alaska. We do have some problems, obviously, with this matter.

These are problems that have continued over a period of time. I do believe that hearings could be helpful to determine what changes, if any, should be made in the law.

We do have a number of studies underway by the National Academy of Science, which relate directly to the unresolved issues that the distinguished chairman of the Energy and Natural Resources Committee mentioned in his comments.

I would hope that we could address the subject more effectively through the hearing process. As the ranking minority member on the committee, I will work very closely with the chairman if that is his wish, to have hearings, and with the senior Senator from Alaska.

Mr. STEVENS. I would be delighted to work with the distinguished Senators to resolve this problem. Again, my main interest is I would hope to start a dialog on the handling of these animals. I think we ought to encourage the 4–H Clubs and the young people in the communities near these rangelands to go out and capture these animals when they are young and make them productive animals. Leaving disposal of the animals to an adoption program requiring complicated forms and paperwork in order to acquire the animal has proven burdensome and somewhat ineffective. We must provide for a system allowing productive use of what is in fact a renewable resource.

The alternative is a system where a few horses are adopted. The remainder end up being destroyed without any benefit derived by the public.

There should be a policy where people of the area can use these wild horses and burros, taking them and making them useful. I think this would be a better way to handle the problem of wild horses and burros on the rangelands.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. McCLURE. As I said earlier, I am sympathetic with the amendment. This is a problem that must be dealt with. We have been dancing around with it but we have been afraid to come to grips with it. I think the Congress does have a responsibility. Congress has not been willing to discharge that responsibility in a way which I think addresses the problem sufficiently.

I certainly agree with the Senator from Alaska and the Senator from Washington that we ought to continue the oversight we have tried to give to it in recent years, continue to move toward a rational policy for management and support and direct the administration in the areas where it is necessary and where it will be fruitful in that management effort.

I commend the Senator from Alaska for having raised this issue, and I will say on the record that we will continue to try to work in that direction.

Mr. STEVENS. I thank the Senator.

● Mr. CANNON. Mr. President, Senator STEVENS has offered an amendment to conform BLM wild horse management authority to the authority exercised by the Fish and Wildlife Service. In effect, the amendment would permit local individuals to adopt horses in the traditional method, by rounding them up and taming them, rather than going through the lengthy and frustrating adopt-a-horse process. He withdrew the amendment because it would have been subject to the point of order that it was legislation on an appropriations bill.

I want to commend the Senator for raising the issue and I hope to work with him on devising a more realistic process for controlling the horses in the future.

My State of Nevada is home to almost half of the wild horses in the Nation. It is estimated that some 32,300 wild horses and 1,700 wild burros roam the ranges of Nevada. This is about three times the number which existed in 1971 when the Wild Horse and Burro Protection Act was passed. That act has succeeded too well. Where there once were appropriate and manageable levels, there are now unsupportable herd levels. We have adopted, in effect, no policy of control except a hands-off policy in which the herds, with no natural predators have breeded explosively.

There are areas of my State which have been stripped of all vegetation, where the landscape now resembles the moon, and where starvation and trampling are the only restraints on herd size. I believe we must move to a more responsible and humane management system. I hope a thorough review will be possible in an appropriate legislative setting.●

Mr. STEVENS. Mr. President, I wish to clarify for the record my position regarding certain funding for the Bureau of Land Management and Fish and Wildlife Service funding in Alaska. At the time we dealt with funding for these agencies in committee and subcommittee, I felt that the justification for programs managed by those agencies was not adequate. Therefore, I worked to cut the budgets of these agencies in appropriate places.

It appears now that we may have cut more than is healthy, especially for the Fish and Wildlife Service. The Department of Interior has requested that I reexamine their earlier request in light of more detailed information offered in justification of the budget requests. They have asked that I increase the budget to those levels permitted by the President's budget for Interior.

In particular, the Fish and Wildlife Service has made a compelling case for increasing their planning budget. With 51 million acres of new refuges established by the Alaska lands bill, it is the Department's feeling that more planners will be needed to formulate land management plans and establish compatibility criteria for refuge usage. Hunting, fishing, recreation and other commercial activities including oil and gas, are all dependent upon refuge management.

Interior has also identified Bureau of Land Management programs not currently receiving adequate funding. These programs include acceleration of the White Mountain/Steese Minerals study and expedited review of Alaska Native Claims Settlement Act D–1 withdrawals that impede land conveyancing to the State.

I had intended to offer an amendment supporting needed budget changes to remedy these problems. However, I understand that the House budget levels are considerably higher than ours in these areas. If the distinguished chairman of the Interior Appropriations Subcommittee is agreeable, I would suggest that we seek the needed changes in conference.

Mr. McCLURE. I understand the problems the Senator is raising and will do everything I can to work with him in conference.

Mr. STEVENS. I thank the chairman and will withhold my amendment in lieu of working the problem out in conference.

Mr. JOHNSTON. Mr. President, I would ask the distinguished floor manager of this bill, Senator McCLURE, who is also chairman of the Committee on Energy and Natural Resources, to clarify a point regarding the committee's report on H.R. 4035. The report recommended that no funding be provided for the appliance efficiency standards program. Would he agree that this report language is not intended to have the effect of amending or repealing sections 421–427 of the National Energy Conservation Policy Act, which addresses appliance efficiency standards?

Mr. McCLURE. Yes. I would agree.

Mr. JOHNSTON. Second, the Department of Energy has, since 1978, conducted studies as to what, if any appliance standards would be economically justified, technologically feasible, and result in a significant energy savings. DOE, we understand, is close to completion of this study. There is no intent in this appropriations language to prejudge the technical, economic, or legal findings of this study, is there?

Mr. McCLURE. Yes, there is no such intent.

Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I rise today to discuss a matter that my colleagues have heard me address on this floor many times in recent years—the Youth Conservation Corps.

The Reagan administration, led by Secretary Watt, has urged that this program be eliminated. Few actions taken by the President and Secretary Watt have troubled me more than this one. The program is cost effective; the taxpayers have consistently received more in terms of the value of services performed than it costs to provide the service; the program is popular both with the youthful participants and the Federal land managers who hire them; the program accomplishes useful and important conservation-related work on our Nation's parks and public lands; and it helps, in admittedly a small way, alleviate the devastating high level of youth unemployment.

What is the fate of a program such as this under the present administration? The answer from Mr. Stockman on down is clear—eliminate it. As puzzling as it may seem, that is the response of this administration to one of the most popular and cost-effective youth programs ever authorized by the Congress.

Mr. President, I have made these arguments before and my colleagues know where I stand on this issue. The House version of this bill includes $20 million for this program. This represents a 67 percent reduction from fiscal year 1981. But evidently a 67-percent reduction was not sufficient, as the bill before us today as reported from the Senate Appropriations Committee contains no money for the Youth Conservation Corps—a 100-percent reduction. I can only hope that the House prevails in conference and that some funding can be made available for this program in fiscal year 1982. I certainly urge my colleagues to view the House action favorably.

Now, Mr. President, I am aware of the action taken by the Congress earlier this year in the Reconciliation Act. I am also aware of the fact that there is nothing magical or mystical about the reconciliation process. Adjustments to what we did during those frantic days with respect to a number of programs are being discussed on both sides of the Hill as well as within the administration. If the Congress decides now to do something different than it did last August, there is no reason why we cannot make those changes. It may be that for substantive reasons we do not want to fund this program next year—that is our prerogative. But let us try not to fool ourselves or the American people into thinking that reconciliation somehow prevents us from taking a favorable action with regard to funding for YCC. That is simply not the case.

Finally, Mr. President, I ask unanimous consent that a letter from Under Secretary of the Interior Hodel to me regarding the YCC and the YACC be included in the RECORD at this point. It is important to note that the Department of the Interior estimates that some $168.6 million of conservation work will go wanting a a result of our failure to provide funding for the YCC. The lost opportunities are even greater for the year-round YACC program. To forgo these investments in our Nation's youth and our Nation's natural resources is very shortsighted indeed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 15, 1981.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Thank you for your inquiry of July 24, 1981, concerning the impact of the termination of the Youth Conservation Corps (YCC) and Young Adult Conservation Corps (YACC) programs on our efforts to maintain existing National Parks, National Wildlife Refuges and other public lands.

In view of the current severe fiscal constraints, it is our opinion that work accomplished by the YCC and YACC programs is of low budgetary priority. Much of the maintenance and rehabilitation work needed in our National Parks and Refuges is beyond the capabilities of YCC and YACC. Upgrading the electrical wiring of park buildings, installing water and sewer systems, and repaving roads are examples of the kinds of work that are needed. We believe the most effective and efficient way to meet our goal of improving maintenance in existing parks is to use our regular maintenance staff supplemented, where appropriate, by local contractors possessing required skills.

The high priority work presently done by these youth programs will be undertaken by regular agency staff or by contract. The low priority work will not be undertaken immediately, but will be placed in the work schedule for completion at some future date.

We estimate that 10,500 YCC slots and 22,700 YACC slots will not be terminated within the Department due to the closure of these two programs at an appropriation level of $54 million and $200 million respectively.

Based on the fiscal year 1980 benefit/cost ratio for YCC of $1.04, we estimate the value of work that would have been accomplished in each of fiscal years 1982, 1983 and 1984 to be $56.2 million, given a $54 million annual appropriation. For this Department's share (35 percent) of the program, the estimated value of work to be accomplished in each fiscal year is $19.7 million. The fiscal year 1980 benefit/cost ratio for YACC was $1.28. We estimate the value of work that YACC could accomplish in each of fiscal years 1982, 1983 and 1984 to be $256 million, given a $200 million annual appropriation. This Department's share would amount to $89.6 million each year.

Please let me know if I can be of any further assistance.

Sincerely,

DONALD PAUL HODEL,
Acting Secretary.

Mr. JACKSON. Mr. President, I had planned to introduce an amendment to provide funds for the Youth Conservation Corps, which has been zeroed in the administration's budget.

I would point out, Mr. President, that the House has approved $20 million for this program. I realize that we are in a period of obvious budget stringency, but I would also point out, Mr. President, that this program has been a most effective one, not only in terms of preserving our Nation's resources, but in terms of the youth of this country, the most important resource of all.

The program has been successful through the years. I think it would be a tragedy if this program should be terminated at this time, as indicated by the Secretary of the Interior and the OMB in the projection of their policies in connection with our resource program.

I would hope that the distinguished chairman of the committee would make every effort in conference to see that this program is kept alive so that when the budgetary situation has improved, this particular program, being an integral part of our resource and conservation effort, will be able to continue to play the role it has played so effectively in the past.

I think it is one of the finest things which has happened for our Nation's resources and for the resources of the youth of this country. I would like to have the comments of the distinguished chairman of the committee in this regard.

Mr. McCLURE. Mr. President, I understand the concern that the Senator from Washington is expressing. The distinguished senior Senator, of course, is the father of the YCC. He saw the value of it and nourished and protected it. I understand his distress when during a period of budgetary stringency we have found it necessary to eliminate or reduce funding for this program.

The other body, of course, has money in their bill for this program. It is my hope that in the deliberations between the Senate and the other body, the conference on this appropriation, we will be able to resolve this, along with a number of other questions.

Mr. President, I do not mean to unduly alarm the distinguished senior Senator from Washington when I make the following statements, but I want to put this into the context which is appropriate.

While I am sympathetic with this particular request and hope to be able to be sympathetic with the conference, we have a very, very tough conference ahead of us with respect to the rather wide differences that we have between this body and the other body. This bill, as reported, is $7.7 billion in BA and $9.2 billion in BO. Our allocation from the committee for this purpose, the Appropriations Committee, was one-tenth of $1 billion, $100 million, above that in budget authority, and $700 million higher than that in outlays.

That obscures the fact that we took the strategic petroleum reserve off budget in actions that were taken; therefore, those figures are a little misleading in regard to the allocation from the full Appropriations Committee.

The President's only request had been for $7.5 billion in budget authority and $10.4 billion in outlays, so that we are $200 billion above the President's original request and some $1.2 billion below in outlays. However, the September revisions, adjusted for the actions taken with respect to the strategic petroleum reserve, indicate the President's request of a level of $6.6 billion in authority and $8.5 billion in outlays. The bill, as we stand now, is just exactly $1 billion higher than the President's September request in budget authority and is $600 million higher than the President's revised requests in budget outlays.

I say that, Mr. President, because I am going to be very constrained in the conference, but I hope to be able to be responsive to the Senator's request in the conference and perhaps we can take care of it in that context.

Mr. JACKSON. I appreciate the statement by the distinguished chairman of the committee.

INTERAGENCY ARCHEOLOGICAL SERVICES PROGRAM

Mr. President, I am pleased that the chairman and his committee have provided over $2 million in this bill to the National Park Service for its Interagency Archeological Services program. Specifically, I strongly support the outstanding archeological research concentrated on artifacts recovered from the Ozette site adjacent to the Makah Indian Reservation in northwest Washington State. I want to be sure that there is sufficient funding to continue the ongoing task of preserving and documenting the artifacts retrieved from the Ozette site.

I understand that the House report to its appropriation bill contains language that would require $225,000 of available funds be devoted to the work on the Ozette project. I believe that the Senate would be acting responsibly in establishing a similar spending priority for analysis of the Ozette artifacts.

The Ozette site is recognized as one of the top six archeological resources ever discovered in our country. Although in 11 years, only 1 percent of the deposits at Ozette have been excavated, funding constraints currently do not allow for continuation of the research at the site. Nevertheless, I believe it is our responsibility to be sure that the artifacts already recovered are properly preserved, analyzed and documented.

I say to the Chairman, this is not a request for additional appropriations. It is not a request to devote funds to an unworthy project. It is a request that the Senate join with the work already done by the House to insure that we continue the documentation of the Ozette artifacts. I urge that the Senate conferees on this bill consider favorably the language supported by the House that would provide $225,000 of available funds for the Ozette archeological resources.

Mr. McCLURE. Mr. President, I appreciate the continuing support of the Senator from Washington for the Interior Appropriations bill. I understand that the House has earmarked $225,000 within available funds to continue the analysis and documentation of the artifacts already recovered. I recognize the value of the archeological find at Ozette Village and assure the Senator that we shall give every consideration to his request.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 527

Mr. NICKLES. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma (Mr. NICKLES) proposes an unprinted amendment numbered 527.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 25, strike the words "continue academic and"

On page 26 strike lines 1 and 2, insert in lieu thereof the following: "resume elementary or secondary academic and residential education programs for Indian children at the Chilocco, Seneca, or Fort Sill boarding schools, Oklahoma, or the Stewart boarding school,"

Mr. NICKLES. Mr. President, last year, Congress closed four off-reservation boarding schools operated by the Bureau of Indian Affairs. Three of these schools were in Oklahoma. Consolidation was necessary to attempt to reduce the extremely high operating costs of these schools, much of which was caused by shrinking pupil enrollments.

The language in Public Law 96–126 states that no moneys may be spent by the Bureau of Indian Affairs for "academic and residential programs." It is my belief that the intent of Congress was to discontinue only the elementary and secondary education system at these schools.

Mr. President, the amendment I offer today simply states that no portion of any appropriation to the Bureau of Indian Affairs shall be available to resume elementary or secondary academic and

residential education programs for Indian children at the Chilocco, Seneca, or Fort Sill boarding schools, Okla., or the Stewart boarding school, Nev.

By adopting this amendment, Congress will not preclude these institutions from being utilized in some type of constructive training or educational programs to aid the Native Americans in achieving their goal of self-determination.

I would appreciate the support of my fellow colleagues.

Mr. McCLURE. Mr. President, so far as I know, the Department has no objection. This is a clarifying amendment and one which will permit the use of these facilities for purposes other than as elementary and secondary education facilities.

The Senator from Louisiana has been called from the floor temporarily. He has an interest in this amendment, and I ask that we not act on the amendment until he has had an opportunity to return to the floor. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDREWS. Mr. President, I do not object to the reduction in the appropriations for the Bureau of Indian Affairs General Management and Facilities Administration of $10,000,000; however, I should like a few things clarified.

It appears to me that may be a budgetary slight of hand involved here which is not readily apparent. Of the $10,000,000 reduction for the General Management and Facilities Administration, $3,450,000 of this savings is achieved by reducing the amount for the acquisition and modernization of the automated data processing systems requested in the January 1981 budget submission by the BIA. This reduction is approximately 85 percent of the $4,190,000 requested in the January budget submission.

The justification for this reduction is not that acquisition or procurement of this equipment is unnecessary or will be deferred, but, rather, that "user charges for new equipment procurement" will be established, according to the BIA's September 1981 budget submission. Mr. President, this is not an elimination or deferral of purchase of this ADP equipment. It is a simple shift of the burden of these costs from the line item providing for General Management and Facilities Operation to the programs delivering services to Indians or providing for protection of trust resources. There is no commensurate increase in the budget authority for the operation of these programs.

Mr. President, this proposal to shift to the program operations the major cost for the procurement of this AKP equipment is a significant departure from past departmental practice. The January budget submission was premised on the past accounting practices of the BIA. As explained in that January justification, "The cost of operating existing ADP systems are borne directly by each user. To cover these costs, funds are included within each user's regular operating program. The user pays only for ADP services actually received * * *." (Department of the Interior budget justifications, fiscal year 1982, page BIA–113). The addition to the costs of the operation of the various programs.

This reduction in the budget authority of the General Management and Facilities Administration should be seen for what it really is—a general reduction in the budgetary authority of the various Indian programs by imposing upon those programs a hitherto unborne burden. When viewed in this light, we find a proportionate reduction in the BIA budget authority for Indian program operations and general management and facilities administration almost the reverse of that which first meets the eye—general management and facilities budget authority is reduced by $6,550,000, or about one-third of the total BIA reduction, and Indian programs are reduced by $9,750,000, or about two-thirds of the total reduction. This turnaround does not reflect the sensitivity and concern which we have expressed for the continued operation of vital Indian programs.

Mr. President, I do not object to the reduction in the budget if it has the effect of deleting the acquisition of the ADP equipment. I would like to be assured, however, that the Bureau will not administratively alter its procurement process by charging programs which had no part in the decision to purchase the equipment and which have no budget to pay for such purchases.

Mr. McCLURE. I say to the Senator that I am willing to make this condition clear when the conferees act on this bill. If the reduction is sustained by the conferees, the expenses of the ADP purchases may not be transferred to the program activities. Rather, the BIA will again have to request funds for procurement through the normal budget process.

Mr. ANDREWS. Mr. President, I am very concerned about the proposal to reduce the funding for the community health representatives (CHR) program of the Indian Health Services by $10 million, a cut of 29 percent of the committee's original figure of $34,583,000 and a cut of 36 percent of last year's appropriation level.

The CHR program, initiated in 1968, has proven itself to be a cost-effective and successful method of delivering critical health care services on Indian reservations. In the last 13 years, the program has expanded from community liaison outreach and now encompasses a broad range of health related services, including direct health care. Emphasis shifted, as the program grew, from outreach services to the development of skilled professional and paraprofessional staff. Today, the CHR program includes: registered and licensed practical nurses, emergency medical technicians, environmental health technicians, dental assistants, and audiological and optometric technicians.

These CHR's provide a wide range of services to the local Indian communities: services which include alcohol and drug abuse counseling; assistance in immunization programs; emergency services and treatment; maternal and prenatal counseling and assistance; mental health counseling and conducting of rabies clinics—to name just a few of the services provided.

Following the national trend in health care, a trend toward the use of paraprofessionals, the CHR program has been able to deliver a variety of medical services in a more cost-effective manner. Reaching a person who is in the first stages of illness and treating him at that stage is, as we all know, much less costly than treatment of advanced illness, to say nothing of the success of the treatment. The CHR staff also enables the few and overworked Indian Health Service doctors to handle the more serious medical needs of the community.

The CHR program is managed and carried out by tribal organizations, contracting with the Indian Health Services. In fiscal year 1980, CHR personnel provided an estimated 1,600,000 services through contractual arrangements with 234 American Indian and Alaska Native groups in 25 States. The local input and management of the program has allowed it to address the specific and most critical needs of each group.

On the North Dakota reservations, the CHR program has been the major contributor to the growing health awareness and improving health conditions of the Indian people. Of the 91 CHR's at the Fort Berthold, Turtle Mountain, Standing Rock, and Devils Lake Reservations over 75 percent are trained as emergency medical first responders and 50 percent are certified emergency medical technicians. These first responders are on the scene of a medical emergency within minutes providing life-saving care until the ambulance arrives.

Emergency medical service is a particularly critical need because of the large isolated areas, severe climatic conditions, and high accident and trauma rates on the Indian reservations in North Dakota. Each tribe requires that all CHR's receive first responder training and that one CHR plus one backup CHR remain on call 24 hours, 7 days per week. The tribes in North Dakota, in addition to providing various in-service training maintain ongoing emergency medical training at each reservation.

Many other essential health services are provided by CHR's. The Turtle Mountain Indian Reservation employs 29 CHR's to provide services to an Indian population of 7,500. Emergency medical service is an established high priority, however, their CHR program is successfully meeting and exceeding objectives in raising immunization levels of the children on the reservation; extending home and health services to the elderly; working with the school to monitor the general health and well-being of school age children; and providing physical therapy and environmental health services. Because approximately 30 percent of the homes on the reservation do not have

water, three CHR's are assigned to a water delivery program.

This program provides a vital service to those affected. In response to another priority need established by the Turtle Mountain Reservation community, the tribe established Safe House. Safe House is a 24-hour crisis center which shelters battered women and children. The shelter has been in operation for 1 year with five CHR's assigned to maintain the shelter and provide counseling services.

The CHR program has brought medical care to persons isolated in rural areas, persons who may not otherwise have received medical attention until, as it too often has happened, it was too late. The rural and isolated nature of the reservations and the cultural differences of the people have been addressed by the program—addressed in perhaps the only way—by the management of a health program on the local level.

Given our need to curtail the Federal spending and our desire to provide adequate health care services to all Americans, it seems to me to be a very serious and costly mistake to cut the community health representative program by $10,000,000.

UP AMENDMENT NO. 527

Mr. BOREN. Mr. President, I am pleased to join my colleague from Oklahoma in support of the amendment to allow continued use of the Chilocco Indian School for specified post-secondary purposes. The intent of Congress in adopting the original prohibition against use of the Chilocco facility was to prevent further operation of the off-reservation boarding school. This clarifying amendment simply states that educational programs, other than elementary and secondary boarding school programs, may be considered for location at the Chilocco facility.

Mr. McCLURE. I believe that the discussion with respect to the amendment offered by the distinguished junior Senator from Oklahoma, together with the remarks of the distinguished senior Senator from Oklahoma (Mr. BOREN), completes the action on the pending amendment, and I ask for its adoption.

Mr. JOHNSTON. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 527) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 528

Mr. COHEN. Mr. President, I send to the desk an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN) proposes an unprinted amendment numbered 528.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, strike lines 2, 3, 4, 5, 6, and 7, and insert in lieu thereof the following: "not to exceed $30,000,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1983, for".

On page 46, line 18, delete "$6[illegible],905,000" and insert in lieu thereof "$611,905,000".

Mr. COHEN. Mr. President, last Friday, a printed amendment, No. 614, was adopted as though it had been reported by the Appropriations Committee. I oppose the provision in the Interior appropriations bill for fiscal year 1982 which would mandate the use of funds collected from medicare and medicaid to be used to offset the cost of providing Indian health services. Title IV of the Indian Health Care Improvement Act (P.L. 94-437) authorized the Indian Health Service and Indian tribes or tribal organizations to collect medicare and medicaid payments and reimbursements for medical assistance provided in certain types of facilities covered by the Social Security Act medicare and medicaid provisions.

The reimbursements collected under the authority of title IV are to be used to enable IHS and tribal health facilities to attain and maintain national certification standards required of all medicare and medicaid providers. The title assures that the regular IHS appropriation will not be reduced by the amount of such third party reimbursements collected, that there will be equal services for persons served, and that there will be accountability for the use of funds collected.

The bill, as originally reported by the Senate Appropriations Committee, did not contain any provision for use of medicare/medicaid collections. However, the House Committee report indicated concern by that committee over the lack of control and accountability as to the use of the funds collected. The House committee indicated that it believes that a portion of the funds so collected should be used to offset the cost of providing Indian health services in addition to correcting deficiencies leading toward hospital accreditation. Therefore, the House committee included bill language providing that the first $15 million in medicare/medicaid collections be used to offset health services program costs. The Senate Appropriations Committee has now followed suit in providing that the first $5 million of these collections be used to offset health services program costs.

Mr. President, as chairman of the Select Committee on Indian Affairs, the authorizing committee with jurisdiction over the Indian Health Care Improvement Act, I have some serious problems with the Appropriations Committee nullifying language in that act through the appropriations process this year. Section 401(b) of the act amends title XVIII of the Social Security Act to add a new section 1880. Section 1880 provides the authority for medicare collections, and in subsection (c), requires the Secretary to place payments in a special fund to be used by him exclusively for the purpose of making any improvements in the hospitals and skilled nursing facilities of the Indian Health Service which may be necessary to achieve compliance with the applicable conditions and requirements of title XVIII.

Subsection (c) further provides that the exclusive use provision will cease to apply only when the Secretary determines and certifies that substantially all of the hospitals and skilled nursing facilities of the Indian Health Service in the United States are in compliance. In addition, section 401(c) of the Indian Health Care Improvement Act requires that any payments received for services provided to beneficiaries not be considered in determining appropriations for health care and services to Indians.

So what has been done by this body last Friday is in direct violation of existing law, and we have done it through the appropriations process. No hearings were held before my committee. No record was built. Yet the Senate has gone ahead and done something which I submit is in direct contravention and violation of existing law.

Section 402(a) of the Indian Health Care Improvement Act amends title XIX of the Social Security Act by adding a new section 1911. This new section provides that a facility of the Indian Health Service operated by the Service or by an Indian tribe or tribal organization shall be eligible for medicaid reimbursement for medical assistance provided medicaid recipients.

The Secretary is required by section 402(c) of the Indian Health Care Improvement Act to place collections in a special fund to be used by him exclusively for the purpose of making any improvements in facilities which may be necessary to achieve compliance with applicable conditions and requirements of title XIX. The exclusive use of such funds for this purpose is required until the Secretary determines and certifies that substantially all of the health facilities of the Service in the United States are in compliance with such conditions and requirements.

Section 402(d) requires that any payments received for services provided medicaid recipients under this provision not be considered in determining appropriations for the provision of health care and services to Indians. The Senate committee is doing just that in violation of the law.

The Indian Health Service has used medicare/medicaid collections to make improvements necessary to achieve and/or maintain accreditation of the facility collecting such funds and to achieve and/

or maintain certification as a provider to allow the facility to bill and collect reimbursements from medicare and medicaid. The improvements include correction of deficiencies cited by the Joint Commission on Accreditation of Hospitals (JCAH) and medicare surveys. If these funds are not used to achieve and maintain the certified and accredited status, IHS facilities will be in jeopardy of losing their accreditation and provider status which will cause the facilities to lose their ability to bill and collect from medicare and medicaid. This would mean that the collections by IHS would decline as facilities lost their accredited and certified status. The use of medicare/medicaid collections to offset IHS appropriations will have the net result of reducing the direct health services to Indians residing on reservations.

Mr. President, the Indian Health Service has used medicare/medicaid collections to meet personnel requirements to correct deficiencies cited by JCAH and medicare surveys. Currently, 675 staff people are needed to correct deficiencies. IHS has been able to hire 411 of these people by using medicare/medicaid collections.

The Indian Health Service had approximately $5 million in unobligated fiscal year 1981 medicare/medicaid collections. The Indian Health Service has indicated that the current collection rate averages approximately $1 to $1.5 million per month which would generate approximately $16 million in fiscal year 1982 rather than the $30 million anticipated by the Appropriations Committee. However, only $12 million of fiscal year 1982 collections would be usable in such year because collections from fourth quarter billings are not received in time for use in the same fiscal year.

The billing and collection methods have a built in lag time from the time the patient is seen and billing prepared and forwarded to the appropriate agency for payment and payment received by the IHS accounting point. After receipt by the IHS accounting point, the money is deposited with the Treasury and after processing through the Treasury channels, IHS receives an apportionment. When IHS receives the apportionment, an allowance is issued to the accounting point that collected the funds and the money is available for use by IHS. This time period normally takes 8 to 12 weeks.

The fact is that if the first $5 million of medicare/medicaid collections are used as appropriated funds, these 411 people will be eliminated. Part of the $5 million in carry-over collections has already been spent and would not be available to be used as appropriated moneys. These 411 people are nurses, nursing assistants, laboratory technicians, X-ray technicians, medical record technicians, pharmacy assistants, housekeeping staff, biomedical engineering technicians, maintenance staff, diet cooks, and other staff required to correct deficiencies cited.

In addition, contract for the medical records function in certain locations, for the radiology function in another location, and for pathologist and radiologist services would have to be terminated as they are paid out of medicare/medicaid collections. Also, many maintenance and repair projects for the correction of life and safety and other cited deficiencies and equipment deficiencies would have to be postponed.

Mr. President, in addition to the violation of the provisions of the Indian Health Care Improvement Act, I do not believe the Senate wants to jeopardize the health care of Indians residing on reservations and jeopardize the ability of the Indian Health Service to collect medicare/medicaid payments and reimbursements.

Mr. President, I urge my colleagues to oppose the provision in the bill to require the Indian Health Service to use medicare/medicaid collections as appropriated funds to pay for Indian health services in violation of the Indian Health Care Improvement Act. Mr. President, the elimination of this provision would not increase the appropriated funds for the Indian Health Service but would simply eliminate a stated reduction.

If the provision is eliminated, I will be happy to schedule hearings on this point to survey the deficiencies remaining to be corrected and ascertain when it will be feasible to require IHS to use medicare/medicaid collections to offset the costs of the Indian Health Service programs. I believe that the authorizing committee should take the lead in this matter and pledge to you that we will do so if the provision is eliminated from the bill.

So, Mr. President, specifically what my complaint is here today is that the fees collected by the Indian Health Service and by the Indian tribes for medicare and medicaid services be placed by the Secretary of Health and Human Services in a special fund. That is the existing law. Yet the moneys placed in this fund should be used exclusively to upgrade the Indian health facilities. That is part of the existing law. That is the exclusive use of these fees operate until the Secretary of Health and Human Services certifies that the health care facilities meet the certification standards for medicare and medicaid and provide services and finally existing law provides the fees collected for medicaid and medicare patients shall not be considered in determining the level of appropriations to provide health services to Indians.

Both the Senate and the House appropriations bills now violate these provisions of the Indian Health Care Improvement Act. The House bill directs that $15 million of fees be provided for health care services. The Senate bill provides that $5 million of the fees be so used.

There are several problems in addition to the one that I have raised, namely, we are acting in direct violation of existing law through the appropriations process. That is the initial concern. But beyond that if either position is adopted the ability of the Indian health facilities to provide services is going to be placed in serious jeopardy. The funds are currently used to employ some 411 people who are essential to the certification of hospitals and in fact an additional 264 people are still necessary. The maintenance and repair projects that are needed to bring the health facilities in conformity with national standards are likewise going to be placed in doubt.

Consequently, if Indian Health Service is denied the capacity to use the medicare funds many facilities are going to use current certifications which are contingent on continued improvements, and the burden is going to be shifted to whatever alternative facilities exist and in many instances there are no alternatives.

So I submit to this body that we have, No. 1, acted in contravention of existing law; No. 2, we have acted without any hearings being held before the authorizing committee which I chair; and, No. 3, it seems to me what we are doing is jeopardizing the very goal of the Indian Improvement Act, and that is to bring these hospitals which are currently substandard up to certified standard so that we can provide equal medical attention and service to the Indian people of this country.

Mr. President, I submit that there is a serious dispute which currently exists about the amount of money that is being collected. For example, the Interior Appropriations Subcommittee believes that some $22 million is available. The acting Director of Indian Health Service expects to collect only $16 million and only $12 million of that will be usable for fiscal year 1982 because of the time lag between the filling and actual collection. So we have a situation of $5 million in carryovers, bringing fiscal 1982 to $16 million at the outside.

Mr. President, I submit that the way in which we have gone about this is not only detrimental to the Indian Health Service Improvement Act itself and the goals, but it is going to bring about a contrary result because we have engaged, in my judgment, in a catch 22 process whereby we want the money to be used to bring up the standards of the hospitals and now we are using the money to be reimbursed for different purposes.

We will bring about the very result that this Congress in the past has deemed it inadvisable to pursue.

Mr. President, I urge my colleagues to support this amendment by striking the language that was adopted last Friday and restoring $5 million.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Idaho.

Mr. McCLURE. Mr. President, I rise in opposition to the amendment.

We are familiar with the questions which have been raised concerning the diversion of a portion of third-party collections received by the Indian Health Service in offset of some of the regular program costs.

It is important to note, however, that these collections have far exceeded those projections which were available when the authorizing legislation was enacted.

The actual collections have grown from just over $2 million in fiscal year 1978 to an estimated $22 million in fiscal 1982.

The $5 million recommended to offset program costs through this amendment merely takes the increase collections between fiscal 1981 and 1982 and applies that difference to the program.

Therefore, the Indian Health Service will be able to maintain its current level of accreditation work at a level of approximately eight times greater than that conducted in fiscal 1978.

I also point out that, in addition, we added $7.5 million for additional Indian Health Service staff for hospitals and clinics. The Indian Health Service is currently funding 400 positions from the medicaid fund. The increased direct appropriations will, therefore, lessen the demands for personnel costs to be supported from collections.

The distinguished Senator from Maine, who is chairman of the authorizing committee, says to make this direction is in contravention of existing law. Let me suggest to the Senator that is the tension that always exists between an authorizing committee and an appropriating committee. The authorizing committee sets its level, exercises its judgment, and makes recommendations which Congress oftentimes adopts.

When we get into the appropriations process, we have to balance what is available and when we do that balancing, we sometimes come to the judgment that there are things that need to be done that may not be optimum. We have to do less than we might like to do and, therefore, we have to make some recommendations that are not the statement of the authorizing committee.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. COHEN. Let me say I have enormous respect for the Senator from Idaho, but it is my understanding that the purpose of the authorization proceedings and deliberations is to try and appropriate dollars and not pass upon legislative matters; in other words, to reverse something that is rooted in law passed by this body. It seems to me, that what we have done through the appropriations process is tantamount to legislation upon appropriations, and that seems to me to be inconsistent with both the authorization process and appropriations process by changing a fundamental rule of law through not just cutting out money but specifying that we will take money from a fund which has previously been designated as inviolable, that there is the Secretary's decision as to how to spend that to bring hospitals up to certification.

I appreciate the pressures on the Appropriations Committee. It seems to me this is inconsistent with the process.

Mr. McCLURE. Mr. President, I understand what the Senator is saying.

Let me indicate, further, that when the Indian Health Care Improvement Act was passed the estimated flow of money through this fund from this source was $2 million. As a matter of fact, in 1978 this fund actually collected $2,109,000. That grew in 1979 to $6,599,000. It grew in 1980 to $11,852,000. It is estimated for 1981 receipts will be $16 million and the 1982 receipts will be $22 million.

That is an elevenfold increase over that which was contemplated at the time the authorizing committee presented the legislation and Congress acted on it.

I think it is worth noting, also, that the Appropriations Committee is no less concerned than is the committee that the distinguished Senator from Maine chairs with respect to seeing that these facilities are accredited.

It is my understanding that the hospitals are now accredited. The only ones that are not now accredited are those that are due for replacement in the near future.

So we are not backing away from the commitment that these facilities be accredited. We are meeting that commitment.

If this is a totally unreasonable idea on our part to say that the first $5 million be offset, how much more unreasonable is the other body who suggests that three times that amount be offset?

Mr. COHEN. Three times more unreasonable.

Mr. McCLURE. Unreasoning is in the eye of the beholder apparently, but at least there are two bodies that have made this suggestion, not just the Subcommittee of the Appropriations Committee or indeed the full committee of the Appropriations Committee.

Mr. COHEN. Mr. President, will the Senator yield for one more question?

Mr. McCLURE. I yield.

Mr. COHEN. I am concerned about the figures which have been supplied to the Senator and those which my committee has been operating under.

As the Senator has just stated, the Interior Appropriations Committee believes there is $22 million available and the figures that I look at show that their estimate of collections is $16 million, only $12 million of that amount usable during fiscal 1982.

So I am not sure we are operating from the same figures or where the Senator's committee got its figures.

Mr. McCLURE. Mr. President, I might say to the Senator I think we are operating from the same figures. The question that the Senator from Maine raises is a slightly different one, not different figures, but the question of timing and availability of the amount of money collected in 1981. There will be $5 million carried over to 1982 out of that sum. There would be similarly a lapse in the availability for the use of funds that might be collected in 1982 that would carryover into 1983, and that might reduce the $22 million that it is estimated to be collected. In terms of whether or not it can actually be used. I think is a valid criticism, but the same thing that is true with respect to the 1981 funds is also true of the 1980 funds.

So there is a constant carryover in these funds. I do not think we are talking about totally different things but just focusing on a different way in which we look at those figures.

Mr. JOHNSTON. Mr. President, we have not received any objections on this side of the aisle. I would ask of my colleagues if they do have any objection to this amendment to communicate it. So we have no objection to proceeding at this point.

Mr. COHEN. There is another point I would like to make before calling for a vote, Mr. President, which is that what has been done here is in direct violation of the law which says you shall not use these funds for any other purpose, and I think that is the point I was trying to make.

I understand the pressures on the Appropriations Committee. I understand what it is trying to achieve. But it seems to me that when you have an express law which says you cannot and shall not use these funds for any other purpose, and then we come into the appropriations process a year later and say we are going to use it for some other purpose, that we are acting in contravention and inconsistently with the objective expressed by Congress.

So while I never want to object to what has been achieved through this debate on the bill starting last Friday, I recognize there does not seem to be any sentiment on the Appropriations Committee for reversing what I consider to be an error in its judgment and in its action. I move the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I am not seeking recognition. I am ready to proceed with a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine (putting the question).

The amendment (UP No. 528) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, debate on the bill now pending before the Senate—H.R. 4035, Interior Department Appropriations, fiscal year 1982—affords me an opportunity to bring to the Senate's attention a matter which has been troubling me for some time. I make reference to the Department of the Interior, specifically the Bureau of Indian Affairs, providing, without statutory authority, funds to Indian tribes to defray attorney fees and litigation expenses of independent counsel.

I have prepared an amendment that seeks to prohibit the use of Federal funds in such instances except where such litigation or the expenditure of funds is specifically authorized by law. I do not intend to offer the amendment at this time. My reason is not that my resolve to set things straight has weakened; rather, I am giving the Interior Department and the appropriate congressional committees a chance to do the things they are supposed to do and to demonstrate that ours is a nation ruled by law and not by men.

The Department of the Interior has, since the mid-1970's, made Federal money available to Indian tribes to commence actions and initiate litigation against other parties, including other tribes, in a variety of situations. These funds are

paid to private attorneys retained by the tribe. This practice conflicts with the normal procedure of having the Department of Justice represent the tribe if the Federal Government has an interest in the matter pending or requiring the Indian tribe to pay for its legal representation out of its own funds, just as other citizens must do.

Disbursing Federal funds to Indian tribes to pay over to private attorneys is, with only one exception that has been brought to my attention, not authorized by law. Instead, the Bureau of Indian Affairs has justified its actions by giving an extremely expansive and creative interpretation to the general organic law for the BIA, the Snyder Act of 1921. The BIA has also given an extremely expansive, permissive and incorrect interpretation of two opinions of the Comptroller General, said opinions dated 1975 and 1976.

Mr. President, I should like, at this point, to detail the way in which I became interested in this matter. My office was approached earlier this year by a group of landowners residing along the Missouri River in western Iowa whose land, totaling approximately 9,000 acres, is being claimed by the Omaha Indian Tribe. An action brought by the tribe, seeking title to the land in question as well as $50 million in damages, is currently pending in the Federal district court for northern Iowa. My initial reaction was to decline to become involved in this controversy until I learned of the extent to which the Federal Government was, and is, involved in fomenting and furthering the litigation.

My current feeling is that the third branch of the Federal Government, the judiciary, should continue to operate and render a decision on the merits free of any outside influence. The court's decisions should be made on the basis of the evidence produced in court and the law which can be applied to that. However, it does seem an appropriate matter for senatorial inquiry to examine the role of the executive branch of the Federal Government in this dispute.

In that context, it is relevant to note that the Department of the Interior, specifically the Bureau of Indian Affairs, has, since 1975, been picking up the tab for all of the tribe's attorney fees and litigation expenses. While I may have reservations with respect to that fact, what strikes me as especially wrong is the way in which this has been accomplished.

Mr. President, since 1979, the Omaha Tribe has received thousands of dollars—the information at my disposal indicates that the correct figure runs up into the hundreds of thousands of dollars—to pursue this matter. This money has been spent in spite of the fact that neither the Interior Department nor the Justice Department has, to date, found a Federal role sufficient or a good enough reason to justify bringing this action or otherwise significantly involving the Federal Government.

In other words, the Omaha Tribe has decided that it wants the 9,000 acres of Iowa land in question. The Omaha Tribe has been unable to make a case for the direct involvement of the Department of Interior, nor to demonstrate that attorneys employed by the Department of Justice would be unable to sufficiently protect its interests as provided by law, and has, instead, gone ahead and engaged the services of a private attorney. However, the tribe has been unwilling or unable, I do not know which, to commit its own funds or assets to this challenge, and, instead, has requested and sought Federal money to pursue its claim.

Suffice it to say that the landowners, the defendants in the pending litigation, have had to pay for their attorneys out of their own pocket. They have had, as the saying goes, to paddle their own canoe. The Iowa landowners have found themselves in the understandably uncomfortable situation of having to pay their own attorney fees and litigation expenses, as well as those of the plaintiffs seeking to take their land.

Mr. President, I am not, at this point, going to argue that the current landowners ought to receive funds to pursue their legal interests. It may come to that some day, but not right now. What I am questioning is the propriety of continued funding of the tribe's independent counsel. It is my understanding that similar situations are taking place across the United States today.

During the spring, I attempted to begin a dialog with the Department of the Interior, specifically the BIA, to determine whether or not: First, this kind of activity is allowed by Federal law; and second, whether this funding of independent counsel is mandated by law and the sort of thing that ought to be continued.

Let me say to my colleagues that I hope that they do not have to go through what my staff and I have gone through and are even now experiencing in dealing with the Bureau of Indian Affairs. My efforts to simply secure information have been stymied, resisted, and stonewalled by lower and mid-level BIA bureaucrats. The Federal employees have their own notions of what the law provides and have frustrated my every effort to get to the heart of this matter.

It was necessary for me to personally contact the Secretary of the Interior, Mr. Watt, in order to secure even a measure of information, much less cooperation, from the Department of the Interior. The Secretary of the Interior has indicated that he understands the problem and is now doing something to resolve the matter. But my impression is that, even as we speak, there are those at the Interior Department whose first loyalty is not to the laws and the people of the United States, the people who pay their salaries and in return set out specific tasks to be performed, but rather to their own special interests, pet projects, preconceived notions about the way things ought to be, and former associates.

On this last point, I should like to set forth the following illustration. On June 19, 1981, I questioned whether it was appropriate for the attorney now representing the Omaha Tribe to continue in that capacity in light of the fact that this gentleman was an attorney, employed by the BIA, who worked on this very matter as a Federal employee. I brought to the attention of the Interior Department the provisions of ABA Ethical Consideration 9–3 and Disciplinary Rule 9–101(B) which read as follows:

Ethical Consideration 9–3: "After a lawyer leaves judicial office or other public employment, he should not accept employment in connection with any matter in which he had substantial responsibility prior to his leaving, since to accept employment would give the appearance of impropriety even if none exists."

Disciplinary Rule 9–101(B): "A lawyer shall not accept private employment in a matter in which he had substantial responsibility while he was a public employee."

The response which I received from the Interior Department on October 22, 1981—I was promised an answer by mid-August—contains the following enlightening language:

We do not think, however, that Ethical Consideration 9–3 and Disciplinary Rule 9–101(B) bar Mr. Veeder from representing the Omaha Tribe in the present instance since in his present capacity as a private attorney he is simply continuing the representation of the tribe which before his retirement he was undertaking as a federal employee. Whether, in general, Ethical Consideration 9–3 and Disciplinary Rule 9–101 (B) constitute barriers to former federal employees' representations of Indian tribes notwithstanding the provisions of 25 U.S.C. Section 4501(f) is a matter which we have not as yet considered.

Mr. President, I do not mean to cast aspersions on first-year law students, but I must confess that the foregoing analysis has all of the brilliance of a legal analysis prepared by a first-year law student in danger of flunking out of law school. The Interior Department answer confirms the point which I sought to make, namely, that the attorney in question, Mr. Veeder, is continuing to do the same things as a private attorney paid with Federal funds that he did as a Federal employee paid with Federal funds. This may work out just fine for the Omaha Indiana Tribe and its advocates in the BIA, but it certainly appears improper to the Iowa landowners and this Senator.

Moreover, it appears that the Interior Department is unwilling to even consider whether the conduct it is sanctioning and funding is unethical according to the American Bar Association and commonly accepted notions of how our judicial system should operate.

The amendment which I had drafted was extremely moderate and narrowly drawn. It would not have prevented Indian tribes from securing the advice, counsel and representation of BIA or Justice Department lawyers. They could have still done that under the terms of my amendment; the Indian tribes can still look to the Federal Government to defray the expenses of legal counsel.

The amendment was so limited that it did not even deny Federal funding to independent counsel where a tribe is sued directly or the U.S. Government is sued and a tribe's rights and interests are challenged. These two situations, as identified in the BIA's fiscal year 1982 budget justifications, could still give rise to the Federal payment of independent counsel attorney fees and litigation expenses. All that I seek to do is halt funding where a tribe brings an action not specifically authorized, as in the case I have previously described. Even the BIA, in its fiscal year 1982 budget justi-

fications, has assigned this kind of potential funding situation its lowest priority.

I have been in close communication with the Secretary of the Interior and other Senators concerned with this problem. It is, I think, generally agreed that what I am suggesting is not a massive restructuring of the special relationship which exists between the Federal Government and Indian tribes; rather, it is a first, small step toward putting an end to a practice not specifically authorized by law or the Congress. It would end current abuses such as I have described.

To summarize, Mr. President, it is my expectation that a thorough review of the question of funding private attorneys to represent Indian tribes will take place in the Congress and the executive branch. It is my further expectation that the final result will be the cessation of such spending. The Secretary of the Interior has assured me that such a review is taking place in his office; I will do what I can to assist in this undertaking. I have spoken with the Senator from Idaho (Mr. McCLURE), who chairs the Subcommittee on Interior and Related Agencies, so that moneys will no longer routinely be made available for the purposes I have described without an examination of authority and procedures for such expenditures.

I have spoken with the Senator from Maine (Mr. COHEN) who chairs the Select Committee on Indian Affairs; it is my understanding that he is considering holding hearings to review the questions which I have raised. I am trying to give the legislative process a chance to work. If, at some future date, it appears that my concerns and those of the landowners of Iowa are being ignored, as they have been in the past, then I will avail myself of every opportunity to make corrective changes. At the same time, it is my plan to continue my investigation of the Bureau of Indian Affairs through the Judiciary Committee's Subcommittee on Agency Administration, which I chair.

Mr. RUDMAN. Mr. President, I say to the Senator from Iowa that his points are well taken. As the Senator has stated, the chairman of this subcommittee has been assured by the Senator from Maine (Mr. COHEN) that his Committee on Indian Affairs will be looking into this situation very thoroughly.

We are glad that the Senator from Iowa agrees that, although it is an excellent idea, it probably is not germane or relevant to what we are trying to do today.

I thank the Senator for not offering the amendment at this time.

Mr. GRASSLEY. I thank the Senator from New Hampshire for his kind comments.

I disagree with the point that the person made with respect to the germaneness of the amendment, but that is not really the question.

Frankly, I am persuaded that that is not necessarily a good way to legislate. I have been assured of cooperation by the Senator from Idaho, and I believe that is the appropriate way to deal with this—through the legislative process. I have deferred for that reason.

As I have pointed out in my remarks, the amendment was narrowly drawn, so as not to raise the question of germaneness, because it only affected the appropriations in this bill and did not affect existing law.

As I tried to point out, I do not have any intention, through my amendment or through this process we are pursuing, to see if this specific instance and others like it are right. The only question is whether or not they will be carried out under existing law, and I say that they are not. But I do not intend to affect, nor would my amendment affect, places where the Justice Department can make that determination, that there is an interest for the Government to be involved with or where the Department of the Interior has made that determination.

All I am saying is that in this specific instance—and there are even more throughout the country to which I have referred—there has been no such determination made. I believe we are a government of law and not a government of men where some people in the bowels of government in this country can make a determination to pursue a goal on their own, contrary to statute.

That is the only thing we have in question, and that is what I want the appropriate committees of Congress to pursue, and only that point.

I believe that existing law is what it should be, and it should be maintained. I do not try to change existing law. I want only to put a stop to the procedures that are being pursued that do not have the force and effect of law behind them, where even the question has not been decided and there has been every effort to avoid making a decision as to whether the law is applicable.

I believe that every penny appropriated by Congress and expended by the bureaucracy should be spent in the performance of the mandate dictated by Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IS A PHOENIX BIA AREA OFFICE REALLY NECESSARY?

Mr. GOLDWATER. Mr. President, I would like to just say a few words about the Bureau of Indian Affairs budget as it relates to administrative costs, and how the reduction in funding levels affects the Phoenix area office.

This year, more than any other year, I have received more complaints about the operations and personnel of the Phoenix area office and more support for its elimination. Now, I have apprcached Secretary Jim Watt about the contracting out of services through an intermediary for the tribes of Arizona; however, Assistant Secretary Ken Smith wants to fully maintain the Phoenix area office and contract out certain services through the agency offices. This sounds all right; but, the agency offices rarely do anything without having it okayed through the Phoenix area office and more often than not, it is the resources obtained through the area offices that the tribes need and want. I have not given up on this yet and I will continue to work on Secretary Watt to get the BIA off the dime and do what it is supposed to do, serve the Indian people.

Be that as it may, I have now tried to go through the back door. If we cannot contract out the services from the area offices, we can at least cut down on the personnel which are not needed in the area offices and protect direct services from further cuts. The full appropriations committee has recommended that $9.8 million be cut from administrative costs, along with $881,000 in travel funds. I was very pleased to see this and I would hope that the Bureau of Indian Affairs follows through and reduces the Phoenix area office personnel and related administrative costs by $776,000. This reduction should be coming out of personnel and not necessary tribal related programs.

Senator McCLURE's subcommittee attempted to get a capability statement on such a reduction and it took four or five attempts to get the information; I would hope that this does not indicate an unwillingness on the part of the BIA to decrease greatly the size of the Phoenix area office; after all, in Phoenix, we have our own BIA public relations office, our own plumber, and a couple of architects to boot, just to mention a few positions that we do not need. In addition, we have a social welfare office in the Phoenix BIA area office that our Arizona tribes do not need and do not want. The tribes also do not want any shifting of positions from the agency to the Phoenix area.

Along these same budget lines, it is our understanding that the Papago early childhood education program is up for refunding to the tune of $272,000. This has been a very successful preschool program which has allowed Papago children to improve their basic skills so that they can meet or at least approach Arizona's State testing standards. I would hope that the Phoenix area office would fund this program separately and not penalize the tribe by taking the money out of tribal educational administrative funds as this is not what we have intended.

BIA: PAPAGO EARLY CHILDHOOD

Mr. DeCONCINI. Mr. President, I would like some additional clarification on the language included in the committee report concerning the Bureau of Indian Affairs.

The committee has directed the Bureau of Indian Affairs to provide sufficient funds to continue the Papago early childhood program in fiscal year 1982 and expects the funds to be made available from the moneys allocated to the Phoenix area office for administrative purposes.

The sum of money we discussed in committee is $272,000 and I would like to emphasize, with the chairman's concurrence, that these moneys are not to be transferred from other educational funds, or education administration funds.

Mr. McCLURE. It is the committee's

intent to transfer these funds from General Administration moneys and not from the education accounts. I would point out, however, that the report is silent as to the amount of additional funds which are required for the project. We trust that can be negotiated between the affected parties.

MULTIPLE MIRROR TELESCOPE

Mr. DECONCINI. Mr. President, the amendment by the distinguished floor manager, the subcommittee chairman, eliminates the moneys which were added, at my request, to accelerate the completion of the multiple mirror telescope. The MMT, located in Arizona, is partially funded through the astrophysical observatory of the Smithsonian Institution. I support the chairman's amendment—as we are forced to make a lot of sacrifices to cut spending as much as possible.

However, I would ask the committee to accommodate this very small amount of money, which will go a long way to enhance the scientific performance of the telescope, in fiscal year 1983.

The multiple mirror telescope is perhaps the most exciting development in astronomy in recent years. It is a great scientific achievement and its unqualified success makes possible very large future telescopes of similar design.

Mr. MCCLURE. I can assure the Senator that the reduction proposed by the committee does not prejudice any future action, and the committee will certainly take a close look at providing funding for the telescope in fiscal year 1983.

Mr. MOYNIHAN. Mr. President, my distinguished colleague, the Senator from Arizona, and I wish to comment on the provisions of this bill that would delete from the Smithsonian Institution's fiscal year 1982 appropriation all funds for collections acquisition. As chairman of the Board of Trustees of the Hirshhorn Museum I am particularly struck by the consequences of this proposed reduction. In fiscal year 1981 the Smithsonian's appropriation for acquisitions was $889,000, divided among the National Museum of American History ($80,000), the National Museum of American Art ($215,000), the National Portrait Gallery ($315,000), the Hirshhorn Museum and Sculpture Garden ($249,000), and the Museum of African Art ($30,000). Federal acquisition funds have proven essential to the task of maintaining for the public a first-rate collection of historic and artistic treasures worthy of the national museums of the United States.

Mr. GOLDWATER. I wholeheartedly concur with my distinguished colleague, the Senator from New York. As chairman of the National Portrait Gallery Commission, I too, am acutely aware of the important role that Federal acquisition funds have had in helping the Smithsonian fill gaps in its existing collections and keep current with contemporary developments in the areas of its responsibility.

Mr. MOYNIHAN. We are talking about relatively modest sums, especially when compared with the funds provided to similar national museums. For example, appropriated acquisition funds for the British National Museums in fiscal year 1981 totaled $22,938,000. While modest in amount, the Federal acquisition funds can only be described as providing basic subsistence for the Smithsonian. Every museum strives to obtain the grand gift, the extraordinary acquisition but equally important are the smaller, less glamorous purchases, the ones that provide a collection with range and coverage. The pieces that make a whole, the settings for the great diamonds come not from the generosity of but a few major benefactors but rather from careful and diligent acquisition efforts. With the loss of its Federal funds, the Smithsonian faces a devastating cut in its acquisitions budget.

Mr. GOLDWATER. I strongly suggest that when this bill reaches conference an appropriate adjustment be made to allow the Smithsonian to continue to use a reasonable level of Federal funds for its acquisitions program.

Mr. MOYNIHAN. My distinguished colleague's point is extremely well taken and I urge the Senators who will conference on this bill to give this issue all due consideration.

ENERGY CONSERVATION

Mr. DECONCINI. Mr. President, my colleagues Senator GOLDWATER, Senator CRANSTON, Senator HAYAKAWA, and I share a concern about the energy conservation appropriation and we would like to address a question to the distinguished floor manager:

Is it the floor manager's understanding that of the amount available for industrial waste energy reduction in the energy conservation appropriation, at least $900,000 is included for continued research and initial engineering for test quantities of liquid hydrocarbon fuels from 10 tons per day of cellulostic waste?

Mr. MCCLURE. That is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, since 1974, a land policy group (LPG) has operated in the Department of the Interior to manage the land and water conservation fund and coordinate actions by the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service in the Department of Agriculture. In recent years, the land policy group has initiated cooperative efforts by the directors of these four agencies to identify the highest priority land worthy of Federal attention, and find cost-effective alternatives to fee simple acquisition to save the taxpayer money. The LPG also has been responsible for coordinating Federal land acquisition and protection policies, assuring prompt responses to congressional inquiries, carrying out committee directives, and responding to recommendations by the General Accounting Office.

For fiscal year 1982, money from the land and water conservation fund is being appropriated directly to the four land managing agencies rather than through a central coordinating group. Consequently, it appears that the funding needed to support a small professional staff for the LPG may not be available.

I ask the chairman of the committee to comment on the possibility that within the $99,246,000 being provided for the Federal portion of the land and water conservation fund, approximately $350,000 could be allocated to support a small staff for the land policy group.

Mr. MCCLURE. Mr. President, the committee certainly recognizes the contributions made by the land policy group, which is now in the office of the Assistant Secretary for Fish and Wildlife and Parks. Our report on fiscal year 1981 commended the Department's efforts to develop alternatives to fee acquisition, efforts led primarily by the LPG. The House Appropriations Committee also commended the LPG in their report on fiscal year 1980 rescissions. Based on its work in the past, we agree that this group can be the key to eliminating unnecessary spending for land acquisition and assuring that consistent policies are developed and implemented by the four agencies using the land and water conservation fund. The bill, as amended in the full committee by Senator JOHNSTON, does not provide for Federal administrative expenses, including funds for the land policy group and one of their major programs of encouraging nonfee acquisition and protection of nationally significant land areas. The House bill does provide for Federal administrative expenses, but none for the land policy group.

I recognize the value of the land policy group and will work in conference to see if there is a way to earmark some of the Federal administrative expenses to continue the land policy group.

Mr. WALLOP. Mr. President, I thank the chairman. I look forward to working with the land policy group as we continue our efforts to find new, cost-effective approaches to meeting Federal land management responsibilities and working cooperatively with States, local governments, and the private sector.

Mr. President, in keeping with the general tenor of the times, there are substantial cutbacks in the budget for several Department of the Interior natural resource planning and recreation grants programs for which we historically have had strong support. I refer specifically to those programs formerly administered by the Heritage Conservation and Recreation Service and recently transferred to the National Park Service. Among the programs transferred are the land and water conservation fund and the urban park recreation recovery program. Congress has also agreed to budget reductions for salaries and expenses for nongrant programs including planning and technical assistance. The rationale for these cuts was, and is, sound. There is a general need to reduce budgets and we understand that significant cost savings are being made through the elimination of overhead.

However, we supported funding for the purpose of continuing certain programs specifically authorized by Public Law 88–29, the Federal Outdoor Recreation Co-

ordination Act of 1963, as it has become known. For those of you who are not familiar with this act, which, by the way is one of the most clear and concise ever approved by the Congress, the functions to which I refer are:

Recreation resources inventory and classification nationwide recreation planning;

Recreation technical assistance;

Research and education; and

Interagency coordination and cooperation.

In addition, the National Park Service is responsible for resource area designation studies and Federal real property transfers.

Mr. President, I am extremely concerned that funds appropriated for these purposes be used for these purposes. I believe the Federal Government should continue to play a leadership role, and should continue to provide to State, local, and private recreation suppliers technical services, planning assistance, and other forms of recreation support. It is imperative that the capacity to perform those authorized functions be retained. This calls for the allocation, within the National Park Service, of adequate resources in the form of people and dollars to carry out these legitimate responsibilities.

I am more than a little dismayed and chagrined by staff reports that bookkeeping procedures in the NPS may further reduce the resources for these programs over and above the cuts we have agreed to make. These administration cuts in appropriated funds preclude the recreation arm of the service, essentially former HCRS functions and people from effectively carrying out these functions.

It is my understanding, Mr. President, that the purpose of authorizing and appropriating the $3,815,000 for the recreation and natural programs salaries and expenses item of the National Park Service was, indeed, to insure the continuation of the programs cited, and that the Service will be so instructed. Am I correct in this interpretation of the bill?

Mr. McCLURE. Mr. President, the Senator is correct that it is the committee's intent to continue these programs. These programs were transferred from HCRS and were reduced significantly from earlier funding levels. The funds provided by this bill will be available for program operations and for necessary administrative costs. We understand that these necessary administrative costs were not identified in the administration's March budget revisions, but that they will be charged against this amount as necessary.

TITLE II OF THE DEPARTMENT OF INTERIOR, AND RELATED AGENCIES APPROPRIATIONS BILL, 1982

Mr. TSONGAS. Mr. President, I wish to engage the chairman in a colloquy about one of the provisions of title II, if I might.

As I understand it, the committee has recommended an appropriation of $23 million for MHD in fiscal year 1982 and expects the Department of Energy to provide a further $6 million which was deferred in fiscal year 1981.

Mr. McCLURE. Yes, that is correct, Mr. President.

Mr. TSONGAS. In the committee report, No. 97–166, accompanying the bill, the committee has directed that the program concentrate on engineering testing at the two existing DOE test facilities. However, we all recognize that research and development are inseparable. Research answers fundamental questions—and these answers provide direction to the entire engineering development process. Attempting engineering development without the direction that research provides becomes a time-consuming and expensive exercise in trial and error.

Am I correct, then, that it was not the intent of the committee to exclude ongoing support of research at other facilities?

Mr. McCLURE. Yes, that is correct, Mr. President.

Mr. TSONGAS. Thus, am I correct in stating that, within the constraints of this budget, there is funding available for continued MHD research at other facilities as well as engineering development?

Mr. McCLURE. Yes, that is correct.

Mr. TSONGAS. Mr. President, I appreciate the chairman's statement. At the Massachusetts Institute of Technology, there are high-quality facilities and ongoing MHD research that is recognized as one of the premier programs in the Nation. They have a unique superconducting magnet facility which allows them to study MHD electrodes and channel components under the conditions that would prevail in a large commercial plant, yet do so at a fraction of the cost that such work can be done at other existing facilities. Also, Aerodyne Research, Inc., a small business engaged in advanced research, has developed unique coal burner facilities, combustion diagnostics, and mathematical models for the MHD program. These facilities are being used to assess component reliability and formulate operating parameters for both pilot scale and large commercial MHD power generators. Such research to understand and improve electrode and generator channel reliability and lifetime as being carried out at both MIT and Aerodyne Research, Inc., is essential before any cost-effective commercialization of MHD can be effected by industry.

Am I correct, then, in stating that the research in MHD done at the Massachusetts Institute of Technology and Aerodyne Research, Inc., is representative of that being done at facilities other than in Montana and Tennessee which could receive continued support?

Mr. McCLURE. Yes, that is correct, Mr. President.

Mr. TSONGAS. Once again, I thank the distinguished chairman of the Interior Appropriations Subcommittee for this opportunity.

FUNDS FOR METROPOLITAN RIVER CORRIDOR STUDY

Mr. DURENBERGER. Mr. President, may I inquire of Senator McCLURE, is it acceptable to the committee to earmark funds in existing accounts by floor amendment?

Mr. McCLURE. No, Mr. President, the committee's position is that no money can be earmarked here. This is not a decision based on the merits of the project. There are projects not specified in the bill which have committee support, but, rather, the committee is opposed to the action.

Mr. DURENBERGER. I understand, Mr. President. I am particularly concerned about section IX of Public Law 96–607 which authorized the creation of the Metro River Corridor Study Committee in Minnesota. The study is intended to actively involve Interior and other Federal agencies who have interest in the rivers, along with State and local representatives in focusing on the recreational opportunities and systematic management of the rivers consistent with multiple use designations.

Does the fact that the project is not in the bill preclude funding by the Department of the Interior from the National Park Service, rivers and trail account, the Fish and Wildlife Service, or other appropriate accounts?

Mr. McCLURE. No; it does not preclude funding. The metropolitan river corridor study is eligible for funding. I understand the 15-member study has been appointed and has started to meet. The committee hopes that the National Park Service will give careful consideration to funding this study.

Mr. DURENBERGER. Mr. President, I thank the chairman for consideration and support for the metropolitan river corridor study funding.

Mr. CANNON. Mr. President, it has become a matter of some concern that the milling and smelting capacity of this Nation has declined and that this decline will continue. The recent closure of the Homestead Mine in the Senator's neighboring State of Oregon is a case in point. The small miner, in particular, has had his options narrowed greatly by the continued closing of mills and smelters providing custom service. The small miner is a very important segment of the mining community. It is he who often finds and first develops the new ore bodies. The small miner should not be frozen out of his or her vital role in this process. Thus, I feel it is important that an effort be made to reverse the trend of custom mill and smelter closings and to develop new technologies which will encourage the continued efforts of the small miner.

I recently invited the Director of the Bureau of Mines to my office to discuss this problem, a concern the Bureau shares, and to develop a strategy for reviewing and hopefully reversing the present poor situation. With the Bureau's encouragement, I have requested that the Bureau prepare a preliminary analysis of the major factors at work in the decline of our smelting capacity. This study addresses the state of the art technology for processing ores of gold, silver, copper, lead, zinc, or other nonfuel commodities of major importance to the mineral economy of the Western States; that identifies areas in which technological improvements could make a significant contribution toward improving process economics, thereby encouraging private sector investment; and that discusses alternative technologies that may be of utility to the individual prospector or miner.

This study will also include an assessment of the significance of mining to the Western States' overall economy, present milling and smelting capacities—

whether toll, captive, or a combination of the two—future prospects of milling and smelting operations within individual States, an economic assessment of current operations where known, the impact of environmental rules and regulations upon the continued operation of these plants, and any other pertinent information or data which would aid individual miners and small operations to survive.

Mr. President I ask unanimous consent that my letter to the Bureau and the Bureau's response be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 15, 1981.

Mr. ROBERT C. HORTON,
Director, Bureau of Mines, Department of the Interior, Washington, D.C.

DEAR BOB: As you are aware, there is concern among many in the minerals sector over the continued decrease of milling and smelting facilities in the United States. Because of this decline it is becoming more difficult for individual prospectors and miners to have their ores and concentrates milled or processed.

I am particularly concerned because of the potential impact that this trend is having in Nevada and other western states where mining is an important part of our economic structure.

As a specific case study of national significance, could you please prepare for me a preliminary analysis of the major factors relative to this issue that addresses the state-of-the-art of technology for processing ores of gold, silver, copper, lead, zinc, or other nonfuel commodities of major importance to the minerals economy of Nevada; and other western states; that identifies areas in which technological improvements could make a significant contribution toward improving process economics, thereby encouraging private sector investment; and that discusses alternative technologies that may be of utility to the individual prospector or miner.

I would appreciate an assessment of the significance of mining to the State's overall economy, present milling and smelting capacities (whether toll, captive, or a combination of the two), future prospects of milling and smelting operations within individual states, an economic assessment of current operations where known, the impact of environmental rules and regulations upon the continued operation of these plants, and any other pertinent information or data you think would aid individual miners and small operations and continue to contribute to the growth of the minerals industry in this region.

I want to thank you for agreeing to have this important evaluation done by the Bureau of Mines. Your staff has indicated it may be possible to have this analysis completed in three months, in time for the Congress to make recommendations for Fiscal Year 1983. Your cooperation and assistance with this important matter is greatly appreciated.

With best wishes, I am
Sincerely,

HOWARD W. CANNON.

BUREAU OF MINES,
Washington, D.C., October 26, 1981.

Hon. HOWARD W. CANNON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CANNON: Thank you for your letter of October 15, 1981, requesting the Bureau to look into the disturbing trend of diminishing milling and smelting capacity within the United States. I share your concern regarding this development in terms of both its adverse economic impact as well as its negative effect on our overall national security.

The Bureau will be pleased to carry out the study and will bring together its experts in both mineral problem analysis and mineral technology development to provide a thorough review of this matter within the time frame you have suggested.

If we can be of further assistance, please let us know.

Sincerely,

ROBERT C. HORTON,
Director.

Mr. CANNON. Mr. President, my question of the Senator is with regard to funding within the Bureau of Mines budget for this initial assessment work. I have amendments prepared which will either provide additional funds or will earmark money for the study. I feel very strongly that this study should be one of high priority for the Bureau. Can the Senator advise me about the availability and adequacy of research funds within the appropriation level in this bill to fully provide for this study?

Mr. McCLURE. There are adequate funds within the Bureau of Mines budget to conduct the study the Senator from Nevada has referred to.

Mr. CANNON. Mr. President, I thank the Senator for his response. The Bureau has made clear to me that it does, indeed, have funding sufficient to undertake this initial assessment of milling and smelting technology and that a report will be possible within 3 months. I am convinced that sufficient congressional direction exists to continue the study beyond the initial assessment. If the assessment shows that a more involved and systematic technological study program will yield positive results, it may be appropriate to focus more direction and commit specific funding for such a study in the future. I shall be pleased to work with the Senator and with the committee in the future. This is an important first step, one I am pleased can be handled through the funding provided in this bill. The problems of the small miner must be addressed and additional efforts will be necessary.

Mr. MOYNIHAN. Mr. President, I wish to ask my distinguished colleague and chairman of the Appropriations Subcommittee on Interior and Related Agencies, the Senator from Idaho (Mr. McCLURE), to clarify a point for me concerning the provisions in this bill for the National Park Service's operations budget.

On December 28, 1980, President Carter signed into law a bill establishing the Women's Rights Historic Park in Seneca Falls, N.Y. The park commemorates the historic events in Seneca Falls that marked the beginning of the American women's suffrage movement. Because this legislation was passed so late in the last congressional session, no funds have been specifically earmarked for operation and maintenance of the park in fiscal year 1982 in the appropriations bill we are now considering.

I ask the chairman, the Seneca Falls park will need a budget of approximately $200,000 in fiscal year 1982. This money will be used for a limited staff and for direct and indirect support services. It will not be used for land acquisition. Am I correct in understanding that this money could be made available from the National Park Service's operations budget?

Mr. McCLURE. That is correct Mr. President. There is nothing in this bill that would prohibit the National Park Service from allocating funds from its operations budget for the activities that you have described at the Seneca Falls Park. The committee's bill provides over $500,000,000 for the National Park Service's park management and planning budget for fiscal year 1982.

Mr. MOYNIHAN. I thank my distinguished colleague for clarifying this point for me. It is my fervent hope that the National Park Service will provide the needed operations and maintenance assistance for this historically significant park for fiscal year 1982. What is required is but a small amount to launch such an important commemorative effort. Let us not forget the significant role that Seneca Falls played in the early years of the suffrage movement in this country.

In 1848, the first Women's Rights Convention, organized by Elizabeth Cady Stanton and Lucretia Mott, was held in Seneca Falls. It was at this convention, in Wesleyan Chapel, that a declaration of sentiments was signed. This historic document called for a broad range of societal changes aimed at eliminating discrimination against women. Among the changes demanded were the enforcement of equitable divorce laws, equal education opportunities, the right of women to own property, and, most importantly, the right of women to vote. This landmark declaration was crucial to the efforts of women to achieve equality and is often considered the Magna Carta of the women's suffrage movement.

Two years later in Seneca Falls, Susan B. Anthony and Elizabeth Cady Stanton met and formed a coalition that was later to become the National Women's Suffrage Association of 1869. When the 19th amendment was passed in 1919, women finally gained the right to vote, due in large part to the efforts of those remarkable women in Seneca Falls.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

AMENDMENT OF MR. PROXMIRE

Mr. PROXMIRE. Mr. President, I am working on an amendment I intend to offer in a few minutes. It will take a few minutes for us to check out the amendment and make sure it is in order and it is the amendment we want to offer. Meanwhile, however, the managers of this appropriations bill have asked me to go ahead with the debate.

Mr. President, this amendment would cut almost all of the fiscal year 1982 money provided by deferral of fiscal year 1981 funds for the Solvent Refined Coal Synthetic Fuels Plant in Newman, Ky.

I do not take this action lightly. However, the Solvent Refined Coal–I Plant is

an example of some of the worst aspects of our past synthetic fuel policy.

In fact, it is the kind of project that could discredit an entire industry.

First, what is Solvent Refined Coal–I? It is a demonstration plant which will take 6,000 tons per day of coal and convert that into three products: A solid boiler fuel, metallurgical coke, and a liquid boiler fuel.

According to the SRC–I environmental impact statement, the plant will produce these end products in roughly three equal parts.

This size plant, unlike other demonstrations, is about the largest that can be built using commercially available parts.

According to one of the private companies undertaking the project, a plant processing 600 tons per day of coal—one-tenth the size of SRC—would have been big enough to test this technology.

What is wrong with this appropriation? Mr. President, almost everything. First, the project is one of the most expensive nondefense projects ever funded by the Federal Government, and it gets more expensive every day. The total cost has risen from $685 million in 1977 to $2.289 billion in December 1979, and then by another 100 percent to $4.574 billion in May 1981.

Design and construction costs alone have risen over 63 percent between December 1979 and April 1981.

Plant supporters have tried to mask this great cost increase by crediting the project with greatly increased revenues from the sale of its products. They claim potential revenues rose from $801 million in December 1979 to $2.546 billion in April 1981. However, the Department of Energy doubts the validity of crediting SRC–I with huge revenue gains. In testimony before the House Interior Appropriations Subcommittee on May 8 of this year Roger LeGassie of DOE said that since the estimate of the product revenue had jumped by almost 300 percent, the procedure used by the SRC–I project participants to cut revenues was, and I quote, "not valuable" in estimating the true net costs for SRC–I, and revenues from product sales are much more speculative than are costs.

One reason why this project is so expensive is that it is so big. Other synthetic fuel pilot projects such as the Exxon donor solvent plant—250 tons per day or about one-twenty-fifth this size—and the H-coal process—600 tons per day or about one-tenth this size—are much smaller. In fact, Mr. President, the largest currently operating solvent refined coal plant is only 50 tons per day. That is one one-hundred and twentieth the project size of SRC–I.

This large increase in size troubled the General Accounting Office which felt there was a great deal of risk involved in such a scaleup.

An independent study of coal liquefaction conducted by the National Academy of Sciences concluded that a plant of 150 to 600 tons per day would supply the information necessary for commercialization. This is 10 times that size, and obviously far, far more expensive than necessary.

We have the GAO, the National Academy of Sciences, both competent and objective judges, which indicate that that is the case.

Even if we go along with the rosy forecast of future production revenues given by the International Coal Refining Co., the project's industrial partner, the products would have to sell at an equivalent of $76 per barrel, if the plant could operate at 100-percent capacity for its 5-year "operation phase." With any lower rate of operating efficiency the product would have to sell at even higher prices. In addition, there are no guarantees that anyone would want the products at that price.

Will the project help us reduce our dependence on foreign sources of oil? Not with the current mix of products. The SRC–I boiler fuel is a substitute for another solid boiler fuel, the coal from which it was made. While the SRC–I solid fuel burns much more cleanly than coal, we should ask ourselves, Mr. President, whether we should spend money for an expensive synthetic fuel plant just to develop a more expensive alternative to scrubbers.

In addition, does the International Coal Refining Co., the project's industrial partner, want to make coke more than they want to make synthetic fuels? According to an interview in Forbes magazine of May 1980, the president of Air Products Corp., one of the two companies making up the International Coal Refining Co., said that if the process does not make synthetic fuel it will still be a success because, the company can get more money for coke than for synthetic fuel. They might go ahead and just make coke.

Well, that might be dandy for the International Coal & Refining Co. it might be great for the private investors, but it would be completely useless as far as the Federal Government is concerned. It would mean this $4.5 billion investment, which was to produce a substitute for oil, did not work. Still the investors could come out on top smelling like a rose even though the Federal Government would have wasted its money. Obviously, we are not looking for coke. We are looking for a substitute for oil.

Even worse, Mr. President, the Federal Government made a very bad deal, and I mean a very bad deal, with ICRC to finance the plant. Despite steadily rising costs, ICRC will not have to increase its contribution to the project of the $90 million required by its contracts with DOE. That is only 2 percent of the $4.5 billion it is costing now.

Keep in mind that ICRC, the private carrier, puts in 2 percent, and they will not have to pay two-thirds of even that money until construction is completed, which will not be before late 1985.

In other words, they might be putting in $15 million or $20 million, and that is it.

While ICRC was required to pay the Federal Government $5 million per year beginning with October 1979, as of May 1981 no, I repeat no, real cash payment has been paid. I discovered this when I sent the Department of Energy a series of questions on this company's finances. I would like to submit that for the RECORD. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY RESPONSES TO QUESTIONS SUBMITTED BY SENATOR PROXMIRE

Question 1: The original contract with ICRC established a payment schedule for ICRC to reach its payment contribution of $90 million by October 1984. Is this still accurate?

Answer: The ICRC contract required that the Industrial Partner's $90 million in contribution will be complete 30 days prior to the end of Phase II which was originally estimated to be October 31, 1984. ICRC's latest schedule estimate for completion of Phase II is December 1984.

In addition, the schedule of payments in the contract states that no "real" cash contributions shall begin until October 1 of the year subsequent to contribution of the site. Site acquisition depends on completion of NEPA process and congressional action on the Administration's proposal on the project.

Question 2: Please list by date and amount ICRC's cash payments to date.

Answer: ICRC has made no "real" cash payments to date. Such payments will not commence until October 1 of the year subsequent to contribution of the site to the U.S. Government. The plant site at Newman, Kentucky, has not been acquired although options to purchase the site have been obtained (see Question 3).

"In Kind" contributions to date are as follows:

Foregone fees	$7,000,000
Prior R&D (non-recoverable costs)	2,000,000
Land options	277,000
	9,277,000

In addition, $1 million has been spent by ICRC to date for operating and R&D expenses for which reimbursement is not being sought. The $1 million is not being sought from DOE and is outside the $90 million contribution.

Question 3: Have they purchased the land or options for proposed site and what is the price? What are these options to date? Has the Government acquired this land?

Answer: ICRC has purchased options for 277 acres of land at a cost of $277,000. These options expire May 1982.

The Commonwealth of Kentucky has obtained purchase option on 818 acres of land (two tracks). This option expires August-October 1981.

The total land under option is 1,095 acres.

Option offers have been made but not consummated for eight additional parcels of land comprising 390 acres.

The U.S. Government has not acquired the site. Site acquisition depends upon the completion of the NEPA process, congressional action on the President's budget request, rezoning, and (condemnation action) if the purchase options outstanding are not consummated. ICRC would then acquire the site after the completion of these activities followed by transfer of title to the U.S. Government thereafter.

Question 4: With respect to the project, how much Federal funding has been appropriated through FY 1981 for SRC–I in construction and operating expenses?

Answer: Total appropriations for the SRC–I project through FY 1981 are $262,500,000 of which $237,500,000 has been appropriated for construction and $25,000,000 has been appropriated as operating expenses. It should be noted that $157,500,000 of construction funds have been proposed for rescission.

Question 5: Of the total amount appropriated through FY 1981, how much has been obligated to date for construction and operating expense? How much has been costed to date?

Answer: The following table summarizes the obligations and costs for the operating and construction appropriations:

	Obligations	Costs
Construction	$49,120,000	$48,618,000
Operating	21,317,000	17,878,000
Total	70,437,000	66,496,000

Please be advised that the Department is currently conducting an internal reconciliation of the appropriations, obligations and costs of the SRC–I Demonstration Plant.

Mr. PROXMIRE. As if that were not enough, if Solvent Refined Coal–I managed to generate net revenues during the 5-year planned "operation phase," these revenues, up to $49.8 million, will be split between the Government and the private contractor, ICRC, on a 50–50 basis. So the private contractor puts in 2 percent and gets back 50 percent. That is why this has been called Ed Donley's sweet deal.

How sweet it is for Ed Donley. It is not very sweet for the taxpayer who has to put in 98 percent of the money and obviously gets the kind of a deal that Barnum would love. "Hello, Sucker" as far as the taxpayer is concerned.

In addition, the private contractor will receive generous treatment if it licenses the process to other companies, or if it buys the original plant from the Government. That is not bad for a company which has paid only 2 percent of the total project cost. No wonder the Forbes magazine describes the contract as "Ed Donley's Sweet Deal," which it is.

Mr. President, I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ED DONLEY'S SWEET DEAL

When Edward Donley, chairman and CEO of Air Products & Chemicals Inc., found that his research people had come up with a viable new synthetic-fuels process, he set about putting together a nifty deal. Not only could it give his company an entry into a business that could reach to the multibillions, but it does so at an initial cost of just $45 million plus the time of some of his executives and engineers.

That's why one spring day next year, the quiet Kentucky town of Newman will have its peace disturbed by a vast parade of bulldozers, cranes, steam shovels and other heavy construction equipment, when a small army of men will gather on a plain near the region's coalfields and begin building. For three years they will be there, amid the green hills, constructing over $1 billion worth of towers, tank farms, process vessels, banks of compressors and miles of connecting pipe.

When they are done, bituminous coal from the nearby mines will no longer be shipped out directly, but sent at the rate of 6,000 tons a day to the enormous new structure. There the coal will be pulverized and dissolved in a solvent resembling creosote. Hydrogen gas will be forced into the solution under high pressure. Heat in the process vessel will drive off most of the pollutant sulfur compounds that have clouded coal's future as a basic U.S. energy source. The rest of the sulfur and the unburnable ash content will be drawn off. (The ash, gasified separately with oxygen, will become the source of most or all the hydrogen.) Then the solvent and hydrogen will be extracted to repeat the cycle.

Left behind will be a shiny black slab and a residue of burnable liquids. The slab, when broken into small, uniform pieces, will be a near-perfect boiler fuel, nonpolluting, and delivering 45 percent more heat energy, pound for pound, than the coal from which it was made.

The processing will not stop there. Some of the slab will be cracked in refining towers, again in the presence of hydrogen, and transformed into synthetic crude oil particularly suited by its high naphthene content to make gasoline. Some will be converted into coke. The boiler fuel, coke and "syncrude," with the energy equivalent of 20,000 barrels of oil per day, will be shipped to feed refineries and power plants and steel and aluminum mills. If this enormous complex works as well as expected, within another six years the capacity of the installation will be increased 5 times and the output will grow to 100,000 barrels a day of crude oil equivalents.

That is what this branch of the synfuels industry can become. And if it all works, similar complexes will be built throughout the Appalachians, in Wyoming, Montana, Texas and wherever else coal is mined. There are no ifs about the complex near Newman, Ky. It will be built by Air Products, which until now has been best known as the second-largest supplier of industrial gases.

Ordinarily, a company of Air Products' size—assets of $1.4 billion, annual revenues $1.2 billion—could not hope to get into a new business, however promising, where the opening ante is $1 billion. But Donley got some partners into his act. He teamed his company in a joint venture with Wheelabrator-Frye, Inc., which knows its way around Washington, the law courts, construction sites and the fuels marketplace. Each company contributes about 5 percent of the total cost—$45 million in 1979 dollars. The Commonwealth of Kentucky contributes another $30 million. All the rest—$755 million, in 1979 dollars, remember—will come from the Department of Energy, which is financing four such demonstration projects around the country, each using a different process.

If the plant works out as Donley expects, it will transform Air Products into a major factor in the energy business. Given a 360-day year and $30 a barrel, the Newman, Ky. plant would ultimately produce annual revenues of just over $1 billion in current dollars. Air Products figures the probable cost at about $19 a barrel for boiler fuel and $24 to $28 for syncrude. Once the process is demonstrated at the pilot 20,000-barrel level, the joint venture will have the option of buying out the feds and expanding the plant to full size themselves. By then, the risks of proving out the profitability will have been borne by the government. Moreover, the operation will probably benefit from some other form of government support—loan guarantees, rate of return guarantees or both—depending upon which of several synfuels bills passes Congress.

And if the gamble doesn't prove out for one or another reason—such as if Gulf Oil's or Exxon's or somebody else's process proves superior—says Donley, smiling, "then we could use the plant to produce only boiler fuel and coke. We could sell the coke, actually for an even better price than we can get now for the synfuels." Steel-making coke is costly and in short supply because of the horrendous pollution problems of conventional coke ovens. And aluminum-making anode coke supplies, by-products of gasoline refining, seem sure to grow more slowly than the needs of the aluminum industry. So Donley will have markets. Meanwhile, Southern Co., which gets 85 percent of its electricity from coal now, is waiting in the wings, watching the project and eager to buy lots of nice, clean boiler fuel.

Of course, Donley doesn't want it to work out that way. But even if it does and he ends up with an also-ran process, Air Products is going to be a big winner from the synfuels business. Because whatever process or processes win, they are going to be using lots and lots of oxygen, one of Air Product's mainstays.

Donley picks up a sheet of paper from his desk and slowly counts the items on it. He looks up: "As of this morning, we have 14 inquiries from other companies' potential synfuels projects, totaling some 68,000 tons per day of oxygen capacity. Our total existing capacity is only 27,000 tons." Indeed, the entire country's existing oxygen capacity is only about 60,000 tons per day, and all the coal conversion technologies in view now use vast quantities of oxygen or hydrogen or both.

"If President Carter's proposal should come to pass for 2 million barrels per day of synthetic oil or equivalents by 1990—there is almost no chance now that the country could develop so much so soon, of course. But when we eventually do, the U.S. will have to triple its oxygen capacity by whatever process it employs." And he smiles, mentally playing with all the potential, new, noncyclical compound growth rates that could mean.

Donley, 58, who joined the Allentown, Pa.-based company in 1943, is obviously a very careful man. But then, so is his company. Air Products, from the first, has made most of its money cryogenically separating air, and selling off the component oxygen, nitrogen and argon. A lot of the rest of its profit is from producing hydrogen (from natural gas) and selling cryogenic equipment and services. A moderate-size chemicals business, about a third of revenues but just a sixth of operating income, lends some diversity.

A simple enough business, but making a stable, growing and above all noncyclical enterprise out of selling air took some thought. The big customer has always been the cyclical and mature steel industry, whose basic oxygen furnaces (BOF, now used in about 55 percent of steel production) take oxygen by the thousands of tons per day. The increasing share of the BOF process in the steel industry and of Air Products in the BOF segment carried the company a long way, but that market has long since been saturated.

The key to Air Products noncyclical profits, from the beginning, was doing things on a take-or-pay contract. "Suppose a steel mill normally uses 1,000 tons of oxygen per day," explains Donley. "We'd offer to build a captive plant next to it and supply it if the steel company will guarantee to pay for at least 800 tons per day. We give them a very low price, of course, but enough to guarantee a small profit at 800—and there is an inflation adjustment." Donley pauses. "Also, we take the contract to the bank and get very favorable financing, because the loan is effectively guaranteed not only by us, but also by the resources of a major steel company." He pauses again, and smiles. "Then we build the plant to produce 1,200 tons per day. Since the steel company covers most of the overhead with the first 800 tons, we can produce the rest at a very low incremental cost and sell it, mostly to metalworking firms, in the merchant gas market, which is a very lucrative business."

That's oxygen. Nitrogen, which is 3 times more abundant, goes largely to the frozen-foods industry: "Most of McDonald's hamburgers are frozen with our liquid nitrogen," notes Donley. (And the argon, a tiny atmospheric fraction, is used in metallurgical processes that can be performed only in an inert, oxygen-free atmosphere.)

The results have been heartwarming. Air Products has grown at an average compound rate of well over 20 percent annually for 20 years. The company netted $97.5 million last year, on revenues of $1.2 billion, and earned 20 percent on equity.

But steel is nobody's idea of a growth market; metalworking grows slower than

Air Products and is cyclical; and last year the fast-food business also had a slow year. Meanwhile two large and determined competitors—British Oxygen's Airco Inc. and the U.S. arm of France's L'Air Liquide—are engaged in price-cutting to build market share against Air Products and the somewhat larger Linde division of Union Carbide. So Bob Hardiman, an analyst at Merrill Lynch, estimates that Air Products will earn $4 a share in fiscal 1980, ending in September. That is up from $3.45 last year, but most of that gain would come from a nonrecurring writedown in 1979 (12 cents a share), a 1980 capital gain (13 cents) and an accounting change (20 cents).

Obviously the time is right to look at new ventures. Synfuels might be just the ticket; if their potential is ever realized 20-percent-a-year growth might be pretty small potatoes for Air Products.

Mr. PROXMIRE. Proponents of SRC–I have also charged that halting the project now would cause great harm both to the synfuels industry and to the companies involved.

Mr. President, that simply is not true. Over 60 projects have applied to the Synthetic Fuels Corporation under the first round of funding, including a commercial liquefaction process. In addition, the Corporation's Board has been confirmed and will begin issuing its loans and loan guarantees. Projects which receive Synthetic Fuels Corporation joint venture assistance will have to work for it. At a minimum they will have to put up 40 percent of their own money. What a contrast with this sweet 2-percent deal which Mr. Donley has put together.

In addition, ICRC, the industrial partner, had not put any cash into the deal as of June.

The president of Wheelabrator-Frye, the other company which makes up ICRC, when questioned by the New York Times in March said that if SRC–I were canceled, "it would not put his own company in the bind because engineers who would be used on the project would be transferred to other company business."

Mr. President, I think that these defects provide more than enough reason for us to stop this project now. Each additional dollar spent encourages proponents to raise the issue of "sunk costs."

What I am saying is once we go ahead and put in a few tens of millions of dollars, the same argument comes up. "Look what you have done. You have already put the money in. You cannot quit now. You have put the money in the pot. You cannot quit now."

We can count on the fingers of one hand the number of times the Government has cut out a project once it gets money invested in a substantial way.

At a time when Congress is forced to make severe cuts in many worthwhile programs there is no excuse to continue to fund a loser like SRC–I.

Mr. President, I would like to let my colleagues in the Senate know how widespread the opposition is to this appropriation. I have a letter here from the Office of Management and Budget, incidentally, which puts the administration squarely on record as opposing the funds and, therefore, supporting the amendment.

I would also like to point out that the National Taxpayers Union, the Oil, Chemical, and Atomic Workers Union, the Environmental Policy Center, the Friends of the Earth, the League of Conservation Voters, the National Audubon Society, the National Wildlife Federation, the Sierra Club, the League of Women Voters, and others, have all indicated their opposition to this expenditure and their support, therefore, for this amendment which would delete it.

Now, Mr. President, I would like to read into the RECORD a letter which I have received from the Office of Management and Budget which opposes this expenditure. The letter reads as follows:

DEAR SENATOR PROXMIRE: Thank you for your letter of September 9, 1981, requesting a statement of the Administration's position on continued funding for the SRC–I project.

As noted in the Director's recent letter to Chairman Hatfield setting forth the Administration position on the Interior and Related Agencies Appropriations bill, the Committee recommendation to continue support for the SRC–I synthetic fuels plant is inconsistent with the President's revised budget.

One of the first spending control actions taken by the President was to order termination of the Department of Energy's taxpayer-funded fossil energy demonstration plants, including the SRC–I plant. In order to implement this decision, on March 17, 1981, the President asked Congress to rescind all unobligated funds available for the SRC–I plant, leaving only an amount sufficient for termination costs. The Administration's opposition to continuing the SRC–I project was also demonstrated in the President's revised budget for Fiscal Year 1982, in which we requested no funds for the project.

We believe that termination of the SRC–I project will yield major budget savings in future years without jeopardizing in any way the nation's energy security. Even at its current early state of planning, the SRC–I project has been experiencing massive cost-overruns. When initially authorized by Congress in 1977, the SRC–I project had a total estimated cost of less than $500 million. The most recent official DOE estimates—now eighteen months old—show a total cost of $1.4 billion. Contractor estimates developed this spring now show estimated construction costs at $2 billion and operating costs of another $2 billion. New DOE estimates under development indicate that even this large increase may significantly understate the actual cost of the project.

The Administration believes that synthetic fuels development must proceed on a basis that will lead to commercial deployment of private production facilities. The only way to ensure attainment of this goal is to limit the government's role to protecting against the unique political risks associated with construction of synfuels plants. By demonstrating an unwavering commitment to market pricing of energy, by directing Federal regulatory agencies to develop comprehensive reforms that will lead to simplified and less costly permitting, and by making available carefully-directed financial incentives through the Synthetic Fuels Corporation, the Administration believes that we have provided a climate in which an economically sound synthetic fuels industry will grow and flourish.

The SRC-I project, which has virtually no private capital involvement and which is managed by the Federal bureaucracy, is inconsistent with the Administration's synthetic fuels policy. Continuation of this project will saddle the taxpayer with an enormous financial burden, yet will yield little returns to anyone other than the project sponsors.

On behalf of the Director, I wish to thank you for your support of this element of the President's proposed budget. If I may be of further assistance, please contact me.

That, Mr. President, is from the Office of Management and Budget, specifically from Mr. Frederick V. Khedouri, Associate Director for Natural Resources, Energy, and Science.

Mr. President, in the years which I have been in this body, which are more than 24, I do not know of any administration that has been more conscious and more aggressive in insisting on adequate funding for any element that will improve our national security. I think that I have been critical of the administration, and I will continue to be, but on that score I think nobody can fault them.

The administration has taken a clear position, an emphatic position, that this $4.5 billion expenditure would not be productive. The Reagan administration has indicated as clearly and emphatically as they could in this letter that I hold in my hand that they oppose this expenditure and, therefore, would, of course, support an amendment to delete the funds.

I am delighted to work with the distinguished Senator from Oklahoma on this matter. We will be offering the amendment to the Senate within a few minutes. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment the Senator from Wisconsin. I think he has brought to point a very much needed change in our Government's spending, particularly in the area of synfuels.

I rise to cosponsor this amendment and look forward to, hopefully, its adoption by the Senate.

Mr. President, I believe it is vital that we do eliminate most of the funding that has been deferred from 1981 for the SRC–I synthetic fuels project. I think it is very important, Mr. President, that we stop this project before actual construction begins. I think all Senators realize how difficult it might be to stop this project after even a greater and more substantial investment has been made.

I am also pleased to see that the Reagan administration is supportive of this amendment. They are being consistent in their overall philosophy of free enterprise, particularly in the energy area, with less Government reliance on subsidies.

Mr. President, my opposition to this project is manifold. SRC–I, by its latest cost estimate, is almost 70 percent higher now than the original cost estimate. The initial cost, I believe, in 1977 was to be $685 million. This tripled by the time in December 1979 it rose to $2.3 billion, and then doubled again 2 years later, by May 1, 1981, with the estimate now having risen to $4.5 billion.

Mr. President, a big question, I think, that all Senators should ask and be well aware of is, What will the estimate be 2 years from now? This project has not yet been built. It has not been started. I would not doubt that, if we come back and if we proceed, 2 years from now it might double again. It has every 2 years before.

On the cost question, I think it is very, very serious grounds, and then there is the other point, Who is picking up the cost?

Senator PROXMIRE brought out an excellent point and it is probably my other major opposition to this particular project. That is the fact that the private sector is putting in such a small percentage of the total investment. They figure they are going to put in $90 million on a $4.5 billion project. I think that is ample reason for all Senators to reject this. Their cost is such a small percentage, and not a fixed percentage of the overall cost, but a fixed $90 million out of a $4.5 billion project. That gives them very, very little incentive to try to control and contain the cost of this project.

Mr. President, we even have a record of their own vice president saying they should increase their contribution, the private contribution to this project, and it was turned down.

I also wish to repeat Senator PROXMIRE's statement as to the fact that this plant is as much as 10 times larger than is necessary to demonstrate commercially the solvent refined coal process, according to the National Academy of Sciences.

Also, the point needs to be made that SRC–I will not produce a product mix that will truly aid our goal of energy independence but will, instead, produce basically boiler fuel.

The administration has made the statement that cutting off funds for SRC will not jeopardize our energy security and I wholeheartedly agree with it.

I think another point that needs to be brought out is that what will jeopardize the energy security and also the financial security of this country is that we are mandating, we are spending so much of our Government funds to go into Government-sponsored, taxpayer-sponsored projects. We are also diverting these funds very much needed in other projects or possibly, as in the case of this project, we are borrowing those funds from future generations to pay for it.

Mr. President, the American people are being asked to make some very tough choices these days about projects and expenditures. I think it is unfair to ask them to support such obvious subsidies to private corporations when the money is needed elsewhere.

Again, I compliment Senator PROXMIRE, Mr. President, and I hope our colleagues will join us in cutting out this obvious Government expenditure that needs to be and can be eliminated.

Mr. PROXMIRE. Mr. President, will the distinguished chairman of the committee permit me to send the amendment to the desk?

Mr. McCLURE. I shall be happy to do that.

UP AMENDMENT NO. 529

(Subsequently numbered amendment No. 618.)

Mr. PROXMIRE. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes for himself and Mr. NICKLES an unprinted amendment numbered 529.

On page 40, line 21, strike the number "$408,490,000" and insert in lieu thereof the following:

"$273,490,000 and $135,000,000 to be derived from 'Fossil Energy Construction', Department of Energy,"

Mr. McCLURE. Mr. President, I understand what the distinguished Senator from Wisconsin and the distinguished Senator from Oklahoma are attempting to do. We have known all along that this issue would be fought out on the floor. The subcommittee looked at this matter with some care and determined that we would not remove the money which has already been appropriated in prior years. The administration has sent up a deferral and they intend to transfer this amount of money, $135 million, from this account to be used for other purposes within the budget. One can look at page 41 of the bill on line 18 and line 19. We already took $172 million out of the fossil energy construction account in the Department of Energy and transferred it to other uses. That represents SRC–II.

So the subcommittee, in looking at the fossil program, had made a decision to leave the money in for SRC–I and to take the money out for SRC–II. That deferral action is before the Congress. If indeed, that is the judgment of the Congress to terminate SRC–I, the deferral will be allowed to continue. If we decide that we want to continue the SRC–I, Congress will have to pass a resolution of disapproval of that deferral request.

But that action may or may not be taken independently of this legislation.

Mr. President, let me comment for a moment about the argument that has been advanced that SRC–I does nothing with respect to U.S. energy goals because it is a substitution for boiler fuel. Certainly this body does not need to be told again that we face a number of perplexing dilemmas in the energy field. How do we meet our needs of sufficient energy in the right form at the right place at a price that we can afford to pay? It is suggested that, since this is boiler fuel, all it does is substitute for other boiler fuel and therefore does not advance our cause at all. That is an appealing argument, Mr. President, but it does not stand up to analysis. It does not stand up for this reason: One of the great inhibitions we have today on the use of coal as an alternate to some other forms of energy is the pollution that is caused by the combustion of coal, the changes in the atmosphere as well as the particulates and the other emissions from the stack gases. One of the unresolved dilemmas is what effect we are having on the air quality and the water quality in the northeastern United States and southeastern Canada, with respect to the acid rain question and the changes in the character of the water courses and water bodies in that area of this continent.

I cannot tell this body that SRC–I is going to solve the acid rain question, but neither can anybody else in this body tell me it will have no impact on that question. We must resolve that question some way and we do not have all the answers.

One of the things we are attempting to do, Mr. President, in developing new solid fuels or new alternatives for coal as a fuel is to determine whether or not it is more efficient to remove the sulfur from the stack gases or to remove the sulfur from the fuel before it is combusted. Will SRC–I in the form of the fuel to be brought out solve that problem? I do not think any of us can really answer that question positively or negatively at this time. It is one of the things we need to know.

The Senator from Wisconsin has appropriately identified, as has the distinguished Senator from Oklahoma, that this is a large plant. It is not an experimental plant in that sense. So, perhaps we could determine whether or not this kind of fuel would have some effect upon the stack gas emissions as an alternative to combusting coal.

One of the things we have learned, however, is that theory in the laboratory changes as it is practiced and it changes both in economics and results as it is applied in the field. Things just do not always work the same when put into use as in theory.

One of the things we must determine is what is going to happen. There is a calculation in this particular project that it may, indeed, turn out to be a bad investment. It may, indeed, turn out to be one of the best investments this country ever made. I do not think anyone can answer that question yet. But if we are going to be able to marshal that one resource we have in great abundance in this country, and that is our coal resource, we are going to have to find these answers.

Mr. President, we could suggest, yes, indeed, let us put this back into the laboratory; let us continue small-scale expansions of the laboratory test on the order that the Senator from Wisconsin has outlined. But, at some point, we have to take that next step. At some point, we have to move beyond that small demonstration into one which is a commercial-sized demonstration. It is there we learn what it will actually do in a commercial-sized operation.

For those reasons, Mr. President, the judgment of the subcommittee was that we ought to leave the money for SRC–I in the budget without addressing it, and therefore the bill is silent on the question of SRC–I; but its silence is eloquent expression of the decision made by the subcommittee with respect to continued expenditure for this purpose.

Mr. JOHNSTON. Mr. President, I join with my distinguished chairman on this matter in opposing this amendment. The Senator from Wisconsin and the Senator from Oklahoma are correct in saying that this is an extraordinarily expensive undertaking. So it is. It is not $4.5 billion or $4.2 billion in scope as a cost to the Federal Government; rather, that cost to the Federal Government is $1.78 billion when you take away the revenues to be realized from the project, which are, in effect, contracted for. Nevertheless, $1.78 billion is an enormous sum.

How can we justify it? How do we on the committee, after studying this matter—frankly, not just for the few months of this Congress, but over a period of many years—justify spending these kinds of sums on this kind of process, which is only 6,000 tons of coal a day, which is the equivalent of about 20,000 barrels of oil?

First, Mr. President, this is, as my col-

league from Idaho said, the first module of a commercial demonstration. This is no pilot plant, but it is the first module of a commercial demonstration. The entire plant eventually will be five modules in size, or 100,000 barrels a day, which is one-fifth of the way toward the 1987 goal of 500,000 barrels a day of fuel equivalent in the whole synfuels program.

This first module is extraordinarily expensive. Why? First, because some 40 to 50 percent of the costs of the whole five modules, whole hundred-thousand-barrel-a-day plant, is borne by the first module, because the first module has all of the land cost sufficient to justify a 100,000-barrel-a-day plant; it has all of the coal-handling facilities so that the scaleup to a plant five times as large as the first module can be done for about a 50-percent additional cost. So we are talking about a building; for the first half of the dollars, in effect, we get only 20 percent of the product throughput.

Mr. President, it seems that the Senate, or at least some Members of the Senate, have very short memories. They forget how bad things were in our first two oil shocks and how helpless we seemed as a nation when we had the embargo of fuel and when we had the shortages of fuel.

So it was that Congress came together, in the last Congress, with a newfound resolve to build a synthetic fuels industry in this country which would provide not only price defense against the OPEC cartel but also a domestic source of energy—a domestic source particularly of liquid energy—a clean-burning fuel sufficient to at least put props under the economy of this country, which at that time was dependent solely upon imported fuel, with a declining domestic resource.

So it was that, with a great deal of fanfare, Congress—both Houses—overwhelmingly voted for the synthetic fuels bill and thought that we were ready to proceed in that direction.

What has happened in the meantime? Mr. President, it appears that the synthetic fuels effort, so bravely and so optimistically put into the law in the last session, is being dismantled piece by piece, by indirection—never by coming before Congress and asking to stop synthetic fuels, but by deferring money here, by putting in a board which is bound to determine not to go forward with synthetic fuels.

If this administration wants to stop synthetic fuels, wants to come out with this malarkey that the free market is going to solve this kind of problem, then let them come to Congress and ask for it. This is the first and only time I know of that the administration is firmly and directly meeting us on this question, and I say it is time for the Senate to stand up and say we at least want the first module.

Why is this important? Why is SRC important? It is a basic process that is similar to almost any other process, whether it be Exxon, donor solvent, or other kinds of processes that are necessary to prove up the liquefaction of coal.

It is a refining process, essentially, whereby the molecules are rearranged, the carbon and hydrogen are rearranged, in a different method; and to do that, you need enormous quantities of pressure and heat.

I do not mean to oversimplify the process, but it is basically pressure and heat in amounts and degrees and pounds per square inch that greatly exceed, for example, the old process where you go from coal to gas. It represents a quantum leap.

If we can demonstrate that this can be done on a commercial basis, which SRC–I is designed to do, then we can move a whole generation, a whole industry, of coal liquefaction, and a refined coal industry into place; and we cannot do it unless we take this first step of a commercial demonstration. Frankly, the risks are too great for private enterprise to do it.

Mr. President, I oppose substituting Government in energy for private enterprise. I have been a deregulator of energy for a long time, for many, many years, as has my distinguished colleague from Idaho. However, there are certain things the Government should do in energy, and one of those is that where you have a process which is extraordinarily valuable to this country, extraordinarily essential to its very strategic health, and where the risk is so great that private enterprise cannot do it, cannot demonstrate it, then that is a proper role for Government; and if we do not do it, nobody else will.

Not even Exxon is going to do this kind of thing, with this kind of cost. But if it pays off—and it is an "if"—then what we have is the ability to use hundreds of years' worth of coal, a resource base so vast that it dwarfs Saudi Arabian crude oil. We have a way to use it, first of all, under boilers in a clean way, so that you have no sulfur emissions, so that you have virtually no ash, so that you have no problem of acid rain, which is now threatening many of the lakes of the Adirondacks and other areas of this country which are so acid that they will support no fish population. Some areas have water so acid that it cannot be used for drinking purposes.

I will not detail the problems of acid rain, but SRC, with this solvent refined coal, solves that problem. You have a fuel so clean that it almost approaches natural gas in cleanliness. Then, it makes liquid fuels. Thus far, we have not only no process but also no hope of getting transportation fuels other than liquid fuels—certainly, no aeronautic fuels other than liquid fuels. If we want to have a domestic resource base to make up for that declining production of crude oil, this is the only source of which I know.

It is risk, yes. They said the same thing about the tar sands in Canada, when the Canadians came in, at a cost of hundreds of millions of dollars—I think it ran into the billions—and put in one of these huge plants that involves the same thing: Pressure vessels and types and a process so big that it almost dwarfs the imagination.

Yet, what do we have? The Canadians have proved-up their process and are now producing liquid fuels at a price that approaches $17 a barrel, which is a little more than half of what we are paying on international markets. Can we do that here? We hope so. If we can, it will be a much higher payoff than for the Canadians, because our resource base is much larger than theirs.

Mr. President, the crisis is not over. We have a temporary glut of crude oil. The Saudis have been holding down the price of crude oil to $32 a barrel and continue to produce about 9.5 million barrels a day, which some of us feel is a great favor to this country that the Saudis are doing, for whatever purpose, whatever their motives. Sheik Yamani says that one of his motives in holding up production and holding price down is that if he does not do that, this country and other countries are going to produce synthetic fuels, an industry that will make their enormous resource base worth much less.

Mr. President, that is exactly and precisely what I hoped we would do in SRC–I, come up with a substitute for crude oil. That, in turn, will hold that price down in international markets. But in order to hold it down and in order to be able to produce this fuel, we have to perfect the technology, and that is what SRC–I does.

The temporary glut will soon be gone. The Saudis will soon reduce their production by a million barrels a day, I predict, within the next 60 days. They will also raise the price about $2 a barrel, also within the next 60 days. Those are the first steps toward a return to the chronically short world supply of oil and chronically increasing price of crude oil.

This is not going to solve our whole problem, but it will go a long way toward doing it. I remind my colleagues that the history of synthetic fuels in this country has been a history of on again, off again—the Government involvement and then pulling back because private industry has been saying for more than 50 years that they were going to do it.

I am reminded that our first retort for shale oil was built in Rifle, Colo., in 1907, more than 70 years ago.

And guess what? After all of those years we still do not have a shale oil plant in this country.

We have been told ever since that private industry was just on the verge. We passed legislation here, I think it was in the 1940's or 1950's, to get the Government back in, and again the private oil companies came up and said, "We will do it," or, "It is not necessary."

Mr. President, that just is not good enough. We are far along here with over $100 million invested in this process. I believe it can prove out to be extraordinarily successful.

The experiment, and it is just that, is worth it to the country. I hope we will not be off again. I hope we will not scuttle the synthetic fuels initiative, the great and brave start that we started.

We know times are tight. But tight times do not mean that we should scuttle the very thing that can do more than virtually anything else to cure our economic ills, and that is to get a domestic energy resource base so that we can reduce that enormous hemorrhage of money going outside of this country to buy foreign oil.

Mr. President, I hope and trust that the Senate will follow this bipartisan

lead of this committee and resoundingly kill this amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. I yield.

Mr. PROXMIRE. Mr. President, why can't SRC–I apply to the Synthetic Fuel Corporation like everyone else? Why should they be singled out to be permitted to be funded by an act of Congress that overrules the President, the only one of the five demonstration plants originally funded by DOE? Memphis applied to the Synthetic Fuel Corporation. SRC–II was dropped when West Germany and Japan dropped out. Perry County and Noble City were canceled by industrial sponsors. Only this plant remains.

Mr. JOHNSTON. I think that is a very appropriate question. The means of funding this plant and building it have not been yet determined. What we are dealing with here is $135 million which, together with $100 million already spent, represents design cost of this plant. Should we fail to go forward with this now, we will simply slip the whole schedule by a period of probably 2 years. When we are dealing with one of these matters, assuming that we could hold our team together and assuming there are no other costs, 2 years in interest and inflation make an enormous amount of difference.

What I am saying, in effect, is that we should keep this money which guarantees its design in the fastest possible means. Then is the question of how best to proceed, whether to do so under the umbrella of the Synthetic Fuels Corporation which, frankly, I prefer. I prefer that that means be used, but that has not been decided, and then is how to go about the actual construction of the plant. Contracts have not been let. The corporate structure of this group has not been put together. I hope that they will apply to the Synthetic Fuels Corporation, but if not, in any event this Congress will have a chance to look at that before it is put together.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, it seems to me only fair they go ahead on that basis.

Go ahead. I have other questions for the distinguished Senator from Louisiana.

Mr. HUDDLESTON. Mr. President, I was just going to point out that under the law that the Synthetic Fuels Corporation is requiring very detailed information of applicants and they are going to have to complete this phase of the engineering in the critical areas before the Corporation considers them to be a viable project.

Mr. JOHNSTON. The Senator is correct. I think that is a very valid point.

Mr. FORD. Mr. President, will the Senator yield, then, for a further question?

Mr. JOHNSTON. I yield.

Mr. FORD. Is it not also true that the Synthetic Fuels Corporation can only fund commercial operations and not demonstration plants? Has not that line been drawn? And SRC-I is a demonstration plant and not a commercial operation.

Mr. JOHNSTON. Under the Synfuels Act, they can go into modules.

Mr. FORD. That is only for a joint venture.

Mr. JOHNSTON. That is a joint venture, and I suppose this would be appropriate for a joint venture but not as a commercial demonstration under the Synfuels Act. In any event, that has yet to be decided upon; and we could even go under the synfuels law, which I prefer; or we can go into some other method of financing and construction. And, if we go into another method, that would be approved by this Congress.

Mr. PROXMIRE. Of course, it is quite a demonstration project. As pointed out, it is 10 times as big as any other. It is bigger than the National Academy of Sciences or the GAO has said it has to be by far.

So it seems to me it is much more of a commercial operation than it is a demonstration plant.

Let me ask the Senator. The Senator made a very good point and he is always so reasonable and persuasive that I think we should nail this down.

He argued that the total project cost is not $4.5 billion, but it is $1.77 billion.

Mr. JOHNSTON. It is $1.78 billion.

Mr PROXMIRE. All right $1.78 billion. Let us point out the reason why I think we should be concerned about that $4.5 billion:

One point $7 billion or $8 billion is the net cost, not the total cost.

Mr. JOHNSTON. That is correct.

Mr. PROXMIRE. That is standard business procedure. Certainly business does not interchange gross and net revenues. The total net cost is critical for two reasons. First, the total costs continue to go up and rapidly. As the Senator knows, they skyrocketed in the last 2 years.

Second, the revenue projections by ICRC are very optimistic. Even DOE doubts the credibility of the revenue projections. In testimony before the House Interior Appropriations Subcommittee on May 8 the DOE Acting Assistant Secretary of Fossil Energy, Roger Le Gassie told the committee that since the ICRC estimates of project revenues had jumped almost 300 percent, the procedure of computing revenues was "not valuable" in estimating true net cost. He challenges whether revenue estimates have validity at all.

We know what the total costs are. But then to come up with a multibillion dollar revenue estimate which the experts in DOE say we cannot accept and to subtract that and say this is real cost $1.77 billion is really reaching out and is very speculative.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Louisiana has the floor.

Mr. JOHNSTON. Mr. President, I shall yield the floor in a moment.

Mr. President, if I may just make one point, that is to speak about this escalation of costs. It has been said that SRC–I costs escalated 700 percent. The fact of the matter is that actual project costs have decreased by 9 percent based on constant dollar comparisons for a 6,000-ton-per-day plant.

If we make a smaller plant as some have taken a different projection based upon, I think it was 2,000 tons per day, if we want to make that comparison of 2,000 tons per day and only solid fuel as opposed to 6,000 tons per day solid and liquid fuel, then we can indeed make a case for an escalation in costs.

That is not an escalation in costs. That is a change in specifications. There has actually been, as I say, a 9-percent decrease in constant dollar comparison of costs.

Mr. PROXMIRE. Mr. President, let me ask the Senator one additional question before the distinguished Senator from New Hampshire inquires.

The Senator made a big point of the fact that we are talking about a liquid product here and how valuable that is. The fact is that the papers presented by the ICRC officials project 49 percent liquid and 51 percent solid. Furthermore, the DOE is much less optimistic and says that SRC–I will produce its three products in about equal parts: SRC boiler fuel, anode coke, and hydronated boiler fuel. Only one-third would be liquid.

Mr. JOHNSTON. The Senator is correct.

Mr. PROXMIRE. We are not talking about a 100-percent liquid product.

Mr. JOHNSTON. The Senator is correct. We are talking about three different products. The product mix can be varied, but each of these products is enormously valuable. The solid product is a relatively sulfur-free boiler fuel that has virtually no particulates in it. It does not need a scrubber. It can be burned almost precisely as natural gas so that it avoids this enormous economic problem of having to put in scrubbers. But even more than that it avoids the problem of pollution and of acid rain.

That is why the solid fuel is so much more valuable than either the ordinary coal from which it comes or indeed even more so than crude oil or residual fuel oil.

Mr. PROXMIRE. May I say to my good friend from Louisiana that it is an interesting argument, but it is also interesting that virtually every conservation organization deeply concerned with pollution of the air and with acid rain, vigorously opposes this project, and has said so. The League of Conservation Voters, the Friends of the Earth, the National Wildlife Federation, the Sierra Club, the National Resources Defense Council—I cannot think of one conservation organization that does not oppose this project.

Mr. JOHNSTON. I do not know why they oppose it, but I can tell you this: There is no question about what I say respecting the clean fuel. Maybe they oppose it because they do not want to use coal, because you have strip mining, and because of all the other things attendant upon the mining of coal. But I can tell you that this fuel burns cleanly.

Mr. PROXMIRE. I admitted that. There is no question about the fact that it does burn cleanly. But the question is whether this is the most economical way

of having a clean fuel or far more expensive than using scrubbers.

Mr. JOHNSTON. Well, scrubbers do not clean up to the extent that this cleans up. Scrubbers will not take out much of the sulfur, and this does.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. NICKLES. I very much respect the advice of the Senator from Louisiana, but I am troubled with the dollar amount. The figures we have of the total cost of building the project, the figures from DOE, are $4.5 billion. The Senator came up with and said it is $1.78 billion.

Mr. JOHNSTON. For the cost of the construction of the project, together with 5 years operating cost, the estimate we have is $4.2 billion; but that includes the cost of operation of the project for a period of 5 years.

If you take out the products to be sold which, as I understand it, is not a fanciful sort of plan but rather firm commitments for the purchase of the product, then you have a net cost to the Government of $1.78 billion—no small sum to be sure; but, nevertheless, it is not a risk to the Government of $4.2 billion.

Mr. NICKLES. I appreciate the Senator's comments, but that makes a great deal of difference to me.

Looking at the $1.7 billion or the $4.5 billion, OK, the $4.5 billion includes 5 years of operating expense, and you say we need to subtract the revenues being received. Is that just revenues to be received during that 5-year period of time, or is that anticipated revenues throughout the years ahead?

Mr. JOHNSTON. I will get the Senator a definitive answer to that. I believe it is the 5 years.

Mr. FORD. Mr. President, will the Senator yield?

Mr. JOHNSTON. Yes.

Mr FORD. Inclusion of the operation of the plant over the 5-year period plus the contract for the sale of the product produced in that period shows a $400 million profit.

Now, you have to take into consideration beyond that at the end of that period that the private concerns will have to buy, under the contract signed, the plant at its present day value as of that day. Then beyond that, which will be estimated to be about $800 million, including research and development, as of that day they get 100 percent of the royalty in the contract which—and I do not have the figures—until it is paid for, and then beyond that they go 50–50 on that, and the Government will receive 2½ times its investment back from private enterprise. That is the financial arrangement as it relates to this one plant.

So in essence the Government will be returned every dime that it has been out, plus 2½ times what its investment is.

Mr. PROXMIRE. That is, of course, if it works.

Mr. FORD. Sure. Of course, if you do not squeeze the cow, she will not kick. [Laughter.]

Mr. NICKLES. Mr. President, will the Senator from Louisiana yield?

Mr. JOHNSTON. I will yield for a question.

Mr. NICKLES. On this assumption, looking at the value of a product—and I do not know, the Senator mentioned it might be more valuable than residual fuel—but the estimated production, if I am correct, is 20,000 barrels or the equivalent per day; is that correct?

Mr. JOHNSTON. That is approximately correct.

Mr. NICKLES. I do not know who is going to be able to say, and I think it will be overly optimistic, but if the cost of production was only $20 per barrel, let us say, and the sales price would be in the $30 range, we would have a $10 per barrel profit, and I think that would be generous on our side, the plant would only generate profits of about $72 million a year, and at a multibillion cost, where we are talking about $2 billion or $4 billion, you are still talking about a rate of return on investment on the higher amount of about 1.6 percent, if that is the profit they made from the sale of this material, it would be 1.6 percent rate of return on investment.

If we use your figure it would be closer to and be in the neighborhood of 4 or 5 percent, but still a ridiculously low rate of return where the Federal Government is putting up 90 percent and paying 14-percent interest on the money it is borrowing.

Mr. JOHNSTON. What the Senator has done is, in more graphic terms, portray why the Government must do this and private industry cannot, because it is an enormously large undertaking that will not yield a bottom line figure, at least in the early years, sufficient to make it worth while for one of these companies. Wheelabrator-Frye, for example, which is one of the industrial participants, is a very small—I mean it is a big company as I think of a company—but compared to these dollars there is no way it could handle or provide these dollars.

In fact, what it is putting into this project already represents 80 percent of its total earnings for 1 year.

The reason why Government must get into this is because in this first commercial demonstration, in order to prove whether it works or not on a commercial scale, only the Government really can take that risk. It is a big risk. The Senator from Wisconsin says if it works, all of these things that the Senator from Kentucky says would come true, that is true. If it works, it is going to be an enormously wonderful, marvelous thing for this Government that is going to pay off richly and handsomely, and if it does not, we will be out, perhaps, $1.78 billion if the thing fails miserably and totally. But actually——

Mr. PROXMIRE. If the Senator will yield, Mr. President, if it does not work you are out the $4.5 billion. You only have the revenues if this works well enough so that you get a product you can sell.

Mr. JOHNSTON. What we mean by not working is this. We know you can make liquids and you can make a solvent-refined coal from this process. What we mean when we say if it works is that it is an economic and viable project which can be duplicated, replicated, around the country. That is what we mean.

Mr. PROXMIRE. Mr. President, if the Senator will yield, there certainly is a very, very serious question as to whether or not you can get enough so that you can cut the Government's costs down to $1.78 billion. That is challenged very vigorously by the Department of Energy and others.

Mr. JOHNSTON. It is not challenged directly by the Department of Energy. There may be some people in the Department of Energy who would come up with some slightly different figures.

Mr. PROXMIRE. Certainly challenged by OMB.

Mr. JOHNSTON. Well, OMB, you understand, wants to stop this project along with milk for school children and virtually everything else.

Mr. PROXMIRE. Nobody is perfect. [Laughter.]

Mr. JOHNSTON. I would say to the Senator if the point is—and I think it is a very valid point—that there is a high risk of losing lots of dollars to the Federal Government, the point is correct. That is the very reason why the Federal Government has got to do it. The real question here is, Do you want to demonstrate that we can use coal for liquids and for clean-burning boiler fuel? If you want to demonstrate that, and get to the 2-million-barrels-a-day goal by 1992 in the synthetic fuels bill, this is the first and essential step toward doing it.

If you do not want to do that, then do not take this step. But if you do, you have got to take a big step an expensive step which does involve some risk.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I commend the distinguished floor leaders of this legislation on both sides of the aisle for the position they have taken and the logical approach that they have suggested to this problem.

The debate in the last few minutes has demonstrated, in my judgment, what the major problem is with the United States achieving energy self-sufficiency and trying to develop the infrastructure in this country to convert the energy resources that we have in great abundance to the kind of energy that we need to operate our powerplants, to operate our automobiles, and all of the other things for which we need energy. This debate has centered on the economic viability here in 1981 of a particular process. That is the problem with which we are confronted.

We are talking about projects that take years to bring into fruition through research and development, engineering and design, and construction. How can anybody say here today what the economic viability is of this kind of a project? If we are to depend in every project on whether we can say with some kind of certainty at this time that the product of those projects will be viable economically in the world or domestic markets at a given period of time, then we are not going to have any synthetic fuels pro-

gram or any other significant long-range energy development within our country.

Mr. PROXMIRE. Will the Senator yield?

Mr. HUDDLESTON. Yes, I yield to the Senator.

Mr. PROXMIRE. The Senator is making a very, very good point. But what bothers this Senator very much is that here we have a situation where Uncle Sugar—the taxpayer—puts up everything. How much does this private contractor put up? Very, very little until 1985.

Mr. HUDDLESTON. The sum of $90 million.

Mr. PROXMIRE. Very minimal, while the Federal Government puts all the money in and takes all the risk.

Mr. HUDDLESTON. The Senator has made his statement and I will respond to that in just a moment.

The question in the future is not necessarily going to be whether we can get oil at $20 a barrel or $30 a barrel or $50 a barrel or $100 a barrel. The question that has tied up the security of this country in the future is whether we are going to get any oil at all and from what source.

That is why we need the capability in this country to convert the energy resources that we have in abundant supply to meet the needs that could develop tonight, tomorrow morning, 5 years from now, 10 years from now, 20 years from now, or 50 years from now, when the oil supplies of our country are depleted and when oil supplies of other countries are not available to us.

That is why the security of the Nation is tied up in what we do now to develop alternatives to oil. It will not be available to us at any price and that is why we have to have a resource that we can use.

As to this particular project, the two private companies that make up the private partnership are committing, up to this point, $45 million apiece. For one of them, that is 50 percent of its 1980 earnings; for another, it is 80 percent of its 1980 earnings.

You cannot expect, as the distinguished Senator from Louisiana has eloquently and correctly said, private industry to take both the economic and the technological gambles in this kind of an expensive, long-term project. What we are trying to do here is to get the project past that initial phase so that a determination can be made as to which direction we shall go in its final financing.

The companies tell me they have explored the private financial markets about participation in this project. Some 12 companies are being checked out and 6 investment companies have been consulted. There is potential interest, once this first phase is accomplished, in getting additional partners and additional private capital in seeing this through.

A great deal has been made about the size of this particular plant. As the distinguished Senators from Louisiana and Idaho have indicated, this is not a pilot plant. This is not a plant to determine whether or not the technology works. We know this process will make from coal a clean-burning liquid fuel and a clean-burning solid fuel. No doubt about that.

What we do not know is whether or not everything will work, when you step up the size to one which will be large enough to be commercially viable. The plant is designed to use the largest components that are now available, to put them together in the proper chain in which they have not yet all functioned together, and see whether or not they will work under the pressure of day-to-day operations, converting 6,000 tons of coal into 20,000 barrels of energy. That is what this is all about.

Now, why did they go to 6,000 tons? In the first place, it was DOE who suggested it.

Mr. PROXMIRE. Mr. President, will the Senator answer one more question on the point I raised about the private contribution? Is it not true that to date these two private firms making up ICRC have made no real cash payment and that when they do make a cash payment it will be in the year subsequent to the contribution of the site to the U.S. Government? That will probably be 1985; and that when they do make the contribution, as the Senator says, it will be $45 million each, which is 2 percent of what the Federal Government has to risk and put in altogether?

Mr. HUDDLESTON. Of the total amount up to that point. As I understand it, the firms have already spent in the neighborhood of some $6 million. The State of Kentucky has committed some $30 million. The State of Kentucky is a partner in this.

Mr. PROXMIRE. Well, it has been committed. They have not expended it yet.

Mr. HUDDLESTON. You cannot spend it until it is time to spend it.

Mr. PROXMIRE. I understand that. But we are appropriating the money now.

Mr. HUDDLESTON. It will be spent as the project progresses and at the proper time to spend it. There is no sense in spending money before it is needed, is there?

Mr. PROXMIRE. Well, I am just trying to make a point here that the Federal Government—the taxpayers—is putting in the lion's share of the money and putting it in up front.

Mr. HUDDLESTON. And that is the only way for this kind of a project if we are going to have one. That is why the Federal Government is involved in the first place.

The additional volume of production was determined to be necessary and desirable in order, first of all, to demonstrate—and, again, we are demonstrating in that we are not having a pilot project—to demonstrate the technology, demonstrate the equipment, demonstrate the environmental feasibility, and to produce a sufficient amount for sufficient revenue.

A significant thing about this plant which has not been mentioned—the question brought up was whether we need solid fuel or liquid fuel—is the flexibility of it. It can produce 90-percent solid and 10-percent liquid, if that is what the market is asking for, or it can switch over and produce 85-percent liquid and 15-percent solid, if the market demands that. So, it has that capability.

This will facilitate the switching from oil, the elimination of using oil for producing electric power to that resource that we have in an abundant supply, coal, as no other thing that we can do will facilitate that.

Mr. President, it has been a while since we have had long gas lines.

Though we are left with painful economic adjustments to make, the shock is finally wearing off high oil prices, and some prices are actually starting to come down a little. In short, many of the more obvious and direct manifestations of the energy crisis have left us temporarily.

But, before we declare an end to the energy crisis—before we abandon our commitment to the development of alternate fuel sources—let us take a look at what has happened to us over the last 8 years.

The world price of oil rose from less than $3 per barrel to more than $12 per barrel in 1974, and to more than $30 per barrel in 1980.

The U.S. oil import bill increased from $8.2 billion in 1973 to $80 billion annually by 1980.

The Producer Price Index (PPI) for fuels and lubricants rose at an annual average rate of 23.1 percent—more than double the rate of all producer prices.

Twice in the last 8 years we suffered oil supply interruptions that coincided with substantial deterioration of our economy—inflation, unemployment, decline in economic growth.

Time and time again over the last 8 years we have seen just how vulnerable our economy and our national security are to arbitrary price increases and supply interruptions.

We are still vulnerable—to the tune of 5 million barrels of oil a day and $100 billion a year.

We would be living in a fool's paradise to believe that price increases and supply reductions are all behind us. They have happened before, and given the volatile conditions in the Middle East, we must be prepared to deal with them in the future.

A sustained supply interruption or oil price increase of any magnitude at all could have a devastating effect on this country, not to mention the world. All the efforts we have put into cutting the Federal budget and reducing taxes; all our efforts to beef up our national security—all could go for naught if we permit our dependence on foreign oil to continue.

This is why it is imperative that we do not abandon the development of a strong synthetic fuels program in this country. And the SRC–I project is a vital step in our attempts to establish this industry and to develop technologies that can use Eastern high sulfur coal in an environmentally acceptable manner.

The SRC–I project is a joint venture of the Department of Energy, the State of Kentucky, and the International Coal Refining Co., which is currently made up of Wheelabrator-Frye, Inc., and Air Products & Chemicals, Inc. Both private-sector companies have put up substantial sums of money for moderate-size corporations under their cost-sharing agreement with the Department of Energy—80 percent of 1980 earnings for Wheel-

abrator-Frye, Inc., and 50 percent of 1980 earnings for Air Products and Chemicals, Inc.

They have agreed to forgo fees for engineering services done by their subsidiaries under the contract, have agreed to buy out the plant at its full fair market value after the technology has been demonstrated, and have agreed to forgo 85 percent of the royalties from the construction of future SRC plants until the Government has received back its investment in the development of SRC technology and the construction of this demonstration plant. Following that, royalties will be split 50/50 until the Government receives back 2½ times its investment.

This project very clearly has the commitment of senior management of these companies. Their involvement greatly increases the chances of success of the project. Both companies consider the project to be their best chance to get into the synthetic fuels business and are doing what it takes to make the project a success.

Furthermore, the SRC–I technology is unique. Unlike ordinary liquefaction technologies that repeatedly recycle coal in a single stage with a high penalty in energy efficiency, SRC–I keeps the residence time in the solvent stage at a minimum. As soon as the processing of coal has proceeded to the point where the ash, heavy metals, and sulfur settle out, the product is removed. At this point it is suitable either as a clean boiler fuel or as a feedstock for the second stage of the SRC–I process. This stage functions as a coal refinery and can be operated to produce any of the products that can be produced from an oil refinery, ranging from coke, to boiler fuels, to refinery feedstocks.

Therefore, with SRC–I it will not be necessary to try to guess the market for boiler or transportation fuels several years ahead of time when the synthetic fuels plant is designed. Rather with SRC–I, it will be possible to make seasonal or marketplace product line adjustments just as is done in the refining industry of today.

It is pretty clear that this project will not be able to go forward under the Synthetic Fuels Corporation as currently constituted. Further legislative action will be necessary to effect the transfer that has been proposed by the administration. In light of this, I urge my colleagues to support the Senate committee and the House in providing $135 million for this project, which will allow the detailed design of this project to be completed.

Knowledge gained from such detailed design work and cost estimates can be applied to other projects, allowing for enhanced development of all synthetic fuels.

On the other hand, to kill this project now would be tantamount to tossing away 20 years of research and development.

It would signal a willingness to surrender yet another important technological area to foreign competition. At present, only the Germans and South Africans have commercial scale synthetic fuels technologies, but other countries, including the Soviet Union and Japan, have recently announced stepped-up synthetic fuels research programs.

And, to let this project die would cast serious doubt on our country's commitment to energy independence.

I do not pretend that this one demonstration project can solve this Nation's energy problems, but I do contend that it is an important part of the solution.

The products from SRC–I will be American products. The energy will come from America's most abundant resource—coal. We will be in control of the price of SRC–I. SRC–I products can help put a cap on foreign oil prices. And, by allowing the project to move forward, we can help put an end to the foreign domination of the energy marketplace.

The money we are talking about to fund this project is miniscule compared to the $100 billion a year we send overseas for oil and compared to the benefits we can expect from it.

Mr. President, I urge the Members of the Senate to take into account the study and the effort that has been made by the committee, by the chairman of the committee and the ranking minority member. They have considered this project and have made a determination that it is in the best interest of the country and that the expense to the Government is justified: If we are ever going to have self-sufficiency and meet our very elemental needs, our very basic needs, we have to get on with this problem of developing the necessary infrastructure for a synthetic fuels program. We cannot be too concerned about the economic viability at any one point in time, if the major problem is going to be supply, as I believe it is, rather than the cost of the energy in the future.

Mr. PROXMIRE. Mr. President, would my good friend from Kentucky yield?

Mr. HUDDLESTON. I yield.

Mr. PROXMIRE. The Senator from Kentucky, of course, is extremely knowledgeable on this matter, and has studied it for a long, long time. Senator FORD, as Governor, had a great deal to do with this project and has spent a great deal of time studying it. Senator HUDDLESTON is an expert on it.

I would like to ask the distinguished Senator, Senator HUDDLESTON, if he would enlighten me on one point. I thought he gave the impression that there was an option to provide more liquid fuel if that seemed to be the most promising and useful way to go rather than produce a product which is 51-percent solid or maybe even two-thirds solid. It that the Senator's point?

Mr. HUDDLESTON. That is correct.

Mr. PROXMIRE. As I understand the key to the product slate flexibility is what they call two-step liquefaction process. That involves the SRC process unit which yields mostly a molten solid and then an expanded bed catalytic hydrocracking unit which converts one-third to two-thirds of the molten solid into liquids and solids. The key to a higher percentage is the hydrocracker. However, as I understand it, the 60-ton-per-day pilot plant in operation at Wilsonville, Ala., only began break in runs on this type of unit in May. Therefore, we have no idea how that unit, the hydrocracker, will perform. It is critical to the assertion of the SRC–I, can the process yield a good percentage of liquids? It is still speculative whether or not we will be able to get greater than, say, 49-percent liquid in this process. Is that correct or not?

Mr. HUDDLESTON. It has been demonstrated at the pilot plant in Fort Lewis, Wash., for several years and is in limited use in commercial applications here and abroad. The SRC–I process builds on this experience to increase the product slate flexibility. It is a process that produces both liquid and solid.

Mr. PROXMIRE. Well, it has been demonstrated, but it only began break-in runs in May and we do not know how well that will work. It is still speculative as to whether the hydrocrocker will work as efficiently as the distinguished Senator indicated it might. We hope it will.

Mr. HUDDLESTON. We hope it will, and, as has been pointed out, it has in other applications, but not at this scale. All of this is speculative to some extent or we would not be here arguing about it now. We would be operating it.

Mr. PROXMIRE. Can I ask the Senator, how many years' money will be required to fund this project? Will ICRE keep coming back for more money? Is it something we can expect next year and the year after, for years to come?

Mr. HUDDLESTON. Our information is that the $135 million that is here will complete the engineering and design. At that point, the decision will have to be made as to whether we go to the Synfuels Corporation, which would take it out of the budget process, or whether or not there is sufficient private interest to carry in the private sector. I do not think we can say now what the future might hold.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I thank the Chair.

Mr. President, the distinguished Senator from New Hampshire, Senator RUDMAN, wanted to make some remarks in opposition to the amendment of Senator PROXMIRE and Senator NICKLES. I believe he had to leave the Chamber momentarily.

Mr. President, there have been very eloquent arguments both ways. I commend the chairman and the ranking minority member, Senator MCCLURE and Senator JOHNSTON, for their defense of the position of the committee and the information which both of them gave concerning entrance into this field. My colleague, Senator HUDDLESTON, is well versed and has long struggled in this field of work in an arena which will help to give this country energy independence.

My good friend, the distinguished Senator from Wisconsin, has called this a sweet deal or a loser.

Well, you cannot have both. There is no way to have both.

They say that one-tenth of the plant is all we need. Well, we have two pilot plants going now, and, yes, there are always experiments, there is always

moving on. That is why we have pilot plants and that is why we move to the demonstration to see that out in the real world, taking it out of the laboratory stage and going to the real world, we see if it works, and we hope that it does.

We are talking about the expense of the plant. There is not a private company in the country that can handle it alone. It is doubtful that there are several private companies that can go on their own on one plant and operate it; yes, perhaps three or four big oil companies.

This is the only solvent refined process left. We jerked the rug out from under Japan and Germany on SRC–II. We curtailed Baytown. We have done all these things to put down the ability of this country to have its own energy policy.

We are talking today about the problems in the Mideast. One of the problems with the Mideast is energy because we are so dependent on that area.

We talk about the $4.5 billion that this plant, roughly, will cost, but over a 5-year period. Those who are against it always raise the cost. It never fails when you try to defend that that you do the best you can with facts.

The facts are, as the distinguished Senator from Louisiana said, that the plant will cost $1.772 billion. The $4.574 billion that the opponents of this project talk about are grossly misrepresenting SBC–I's price tag for the Federal Government. The larger number considers the total gross cost of the project, including several years of operating expenses without giving any consideration to the billions of plant revenue, and I underscore billions.

The vast majority of the $4.5 billion will not come from Federal Government financing.

Let me repeat that: The vast majority of the financing of this plant will not come from Federal financing. That, I think, flies in the face of some of the criticism.

I think our estimates are just as good as CBO's, OMB's, or anybody else's, or Roger LeGassie's. Our estimates show that there will be a $400 million profit that the Government will make in this plant, if it works, and we certainly hope it works. You ought to want it to work.

The private partners are putting in large sums, given their size.

I want to say one other thing. This is a project that does not have a major oil company in it. It is trying to get along on its own. That may be one of the reasons this project is having a lot of trouble, because there is no major oil company involved. Sure, they are major companies compared to what? These are small companies compared to major oil companies.

Here is a State not asking for any Federal dollars but is putting up $66 million trying to find new sources of energy. The Commonwealth of Kentucky has committed $30 million in front money for this operation, and I believe the figure is over $5 million for the purchase of the land where this plant will be built.

When we look at the total contributions of the three partners, it will be, in my judgment, in excess of $150 million.

Then we have a contract that says at the end of the demonstration period, when the plant is up and operating, the Federal Government is not going to give it away. The Federal Government is not going to give it away. The private partners must pay the then—not today's, but the then—current economic value of the project to receive it from the Federal Government. There is a price tag on that of approximately $700 million.

And there are royalty payments. The SRC technology will go to the Federal Government until the Government has received its entire investment, including its research and development expenses, dating back to the early 1960's. It is going to be a retroactive payment.

Then, after all that is paid, royalties will be split 50–50 until the Federal Government has received 2½ times its investment. I can say to those who oppose this amendment, they will even have to agree that that is a better deal than most given—if it works. If it works. Therefore, Mr. President, the Government can make a profit on this project.

There is something else here that I think we ought to think about. I see everybody running upstairs and getting information and coming back down. I know whom they are getting it from. I know where the opponents are coming from. I am surprised at the support some of my conservative colleagues are giving them.

There are major defense implications to the failure—I am talking about major defense implications—to the failure to put an emphasis on developing synthetic fuels. In many ways, the SRC project is a defense project for this country. It can produce fuels to be used in our military equipment. Think about that: It can produce fuels to be used in our military equipment. Unlike other synthetic fuel plants, it can produce coke, which is getting into short supply and is used in production of aluminum used in our ships, our air weapons, and our land-based military equipment. So it can be used in defense and it can be said that it is a defense project.

Mr. President, we talk about going to the Synfuels Corporation. The way this administration is going, there will not be one left to go to. They have a little bit of money there now, with 64 applications for commercial operations. Some are still in the pilot stage with commercial implications. So where do we go? Send them to the Synfuels Corporation and you know they will not be funded.

Why do not taxpayers have a stake in the defense of this country? We pay for airplanes and ships, but if we do not have the fuel to run them, they are not going to be of much use to us. We are trying to store now in SPR, but how well are we doing? Not too well. I admit that this administration is doing better than we had anticipated and better than they had anticipated. But where are we going? We sent the synfuels bill to the House twice. How did it come back to us, finally? Defense Production Act. We are talking about the defense of this country.

We are slowly but surely closing every option we have in the synfuels for energy independence. We continue to cut it off and cut it off and cut it off.

Why, today, every time the OPEC countries raise the price of a barrel of oil $1, it costs this country $6 billion. They are getting ready to raise it $2, have already announced they are going to raise it $2. That is a $12 billion cost to the consumers of this country. So we are talking about $1.5 billion for this project while OPEC countries raise their price per barrel and cost us billions and billions more.

Mr. President, I sure would like to spend a little of that in this country to use our own resources, to develop our own energy for our needs instead of closing it off and saying, no, we do not want to take a chance. This country would not be here today if we had not taken a chance. We probably would not have won World War II if Roosevelt had not said, "We have to have synthetic rubber and do it in 12 months." He took private enterprise and Federal dollars and put them together and now we ride on synthetic rubber tires.

All we are saying now is, to be energy self-sufficient, we have private enterprise as the manager and a funder and the Federal Government as an overseer and a funder, and we want to start synthetic fuels.

Let me say, Mr. President, that big oil is not all foolish. They are not dumb. Conoco was not a fight over how much oil they had. Thirty billion dollars was developed by various interests in financing ability to buy Conoco. Think about what they had. Was it oil they had? No. It is the second largest owner of coal reserves in this country. So big oil is trying to push out little fellows who have a good idea, and have a good system, have been working on it for years, and, all of a sudden, it looks like it is going to be good and here comes big oil cutting them off at the knees. It is about time we said to the little fellows, "The Government will help you, also."

Now, Mr. President, we are talking about dollars, funding, and that is the only argument, the only argument that makes it better. The only argument is dollars and who is going to have to do it. We know the suggestion, go to the private market and do it. You and I know it is not going to happen.

So, Mr. President, I am disappointed in those who try to defeat a proposal that looks good and has been piloted to death in pilot projects, and keep closing all our options. One of these days we are going to look up and see, with 20–20 hindsight, that we should have done something about this.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. FORD. I am happy to yield to my colleague from West Virginia.

Mr. RANDOLPH. I hesitate to interrupt, but you speak of 20–20 hindsight; is that correct?

Mr. FORD. That is correct.

Mr. RANDOLPH. We in this country

are guilty, on the types of projects that are being considered, SRC–I today, of what I think is a tragedy in American life, Mr. President. That is, we act after the fact, not before the fact. We have always done this in matters which address sufficient supply of petroleum products or alternates to petroleum products in the United States of America. Does my colleague agree?

Mr. FORD. Yes, sir, Mr. President.

Mr. RANDOLPH. Mr. President, we act after the fact instead of before the fact, and we have had the opportunity over and over again to gird ourselves with the alternatives. Is that correct?

Mr. FORD. That is correct.

Mr. RANDOLPH. I speak of the alternatives with which to take care of the energy requirements of our economy. Although in a recessionary period at the present time, the economy of the United States, must continue to grow—in population, and in improving the mobility of people and products moving from factory, field, and mine.

To accomplish this the Congress must continue its work in developing legislation to produce alternative energy from coal. To achieve efficient development and production of synthetic fuels further improvements of coal-dependent technologies will be required: Government should participate in such efforts by assuring not only research, but development and demonstration funds are available for adequate comparison of expensive coal liquid and gas processes. Government should participate in such efforts by encouraging all competing energy market forces, not just a segment of the market, to pursue commercialization of new and improved technology. Recognizing these values, the solvent refined coal project should receive the Senate's full support.

These values were also incorporated in the Synthetic Liquid Fuels Act of 1944 signed by Franklin D. Roosevelt on April 5th of that year, authorizing the Secretary of the Interior, through the U.S. Bureau of Mines, to develop new technologies to produce methanol, ethanol, and other liquid fuels from coal, oil-shale and agricultural products.

In 1947, a memorandum circulated within the Interior Department which foresaw 5 years later a federally subsidized synthetic fuels industry able to produce 2 million barrels of oil—84 million gallons of gasoline—a day.

In 1949, the Bureau of Mines managed two synthetic fuel plants in Missouri which turned coal into an assortment of petroleum products including gasoline for vehicles and diesel fuel for railroad engines. The cost of such production, said the Government experts, was 3 to 4 cents higher per gallon than the same product made from crude oil. The New York Times reported that—

> The United States is on the threshold of a profound chemical revolution. The next ten years will see the rise of a massive new industry which will free us from dependence on foreign sources of oil.

So at that time the Federal Government conducted a substantial synfuel program which the Truman administration considered to be nearly commercially feasible.

In 1955, a decision was made by the administration to eliminate all Government involvement in development of coal gasification, oil shale, and other alternative energy projects. Then President Dwight Eisenhower ordered the program ended on the assumption that, if needed, private industry would anticipate and correctly respond to insure that the Nation had adequate fuel supplies. The events during the past decade show this was not to be the case. If we had continued the Government support for synthetic fuels initiated in the early forties, we would have domestic commercial production of the fuels today.

This realization led in 1979 to a Department of Energy budget of $600 million to develop synthetic fossil fuels and finally to the creation and passage of the Energy Security Act of 1980 (Public Law 96–294) under the Carter administration which authorized $20 billion in subsidies and loan guarantees during the next 4 years to companies producing synfuels. An additional $68 billion was to be available through 1992. Private industry indicated a willingness to invest billions more, expand their research and development programs, and plan scores of huge projects to liquefy and gasify coal.

The Reagan administration has now apparently retreated from that $88 billion program like their predecessors in the fifties, initiating major problems for the fledgling synfuels industry. The likely result will be a smaller synfuels industry with fewer companies and less Federal money involved.

If we do nothing to encourage alternative fuels production, and the threat of disruption of oil imports again becomes a reality, the administration should be held responsible for slowing development of alternate forms of energy.

Commitment to a vital synthetic fuels industry will be demonstrated only when the administration actively becomes involved in insuring that the Synthetic Fuels Corporation carries out its mandate. Commitment will be demonstrated when top White House energy advisers, the Chairman of the Synthetic Fuels Corporation, and the Secretaries of Defense and Energy publicly state and act to create a positive political, financial, and environmental climate for synthetic fuels development.

Commitment will be demonstrated when those involved with Federal budget activities surrounding alternative fuels admit that the funding provisions of the Energy Security Act of 1980 will for the most part take the form of Federal loan and price guarantees. In all likelihood this type of assistance will never result in actual Federal outlay, but will give the proper incentives for private development. We must not take a step backward again in our national commitment to synthetic fuels. The money spent on these efforts are investments in our future.

They are, in fact, of equal importance and must interlock with our defense spending for national security purposes. If synfuel development had been permitted to reach its commercial potential in the fifties, much of the international tension being experienced today in the Mideast would have been negated.

Alternative fuel sources must be developed because supply disruptions are always possible. Methanol as an automobile fuel should be encouraged to offset the enormous energy requirements for processing synthetic crude to the stage where it can be refined into gasoline or diesel fuel. Promotion of this fuel source would also significantly reduce the demand for conventional petroleum-based fuel.

Reserves of conventionally produced oil and natural gas will not last forever. Billions of dollars must be invested in developing tar sands, shale oil, coal, alcohol, and hydrogen.

The risk of successful synthetic fuels projects must be taken many times by government and private industry who will together, as a nation, reap the economic benefit of such a risk. The legislative and executive branches of our Government must set specific, mandatory long-range synthetic fuel objectives and then stick by them. To make the judgment not to continue with alternative fuels in this decade would be to see, once again, history adversely repeat itself.

It matters not what State is involved. I should like to speak for West Virginia always. I do not do that today. Senator FORD speaks for the Commonwealth of Kentucky, as he should and as does his colleague Senator HUDDLESTON. But they and others forget for the moment in this debate, the sectionalism of the country, the regionalism of the country. By and large, what we do for one specific spot, if what is being done there is done for America, will benefit every part of this country.

The Senators from Oklahoma, Wisconsin, and others say, "Let's go back to doing business as usual." You cannot go back to doing business as usual in the United States of America, from the standpoint of the alternatives to the fuel supplies from unstable and, in most instances, unfriendly countries.

Here, within America, once again we are challenged with a vote in the Senate to be realistic, to be practical—in a sense, if you want to call it that, to be visionary.

I thank the Senator for yielding.

Mr. FORD. Mr. President, I say to the distinguished Senator from West Virginia that he is correct; that we find that we are beginning to close our options, because at this particular time we are dependent on others and cannot do it for ourselves. That is not the way this country was built. We are dependent on others. We do not have a free oil market. Do Senators know why? We do not set the price. Therefore, we do not have a free market. Others are setting it.

Here we are debating something that those who are attempting to kill this legislation said they would provide since back in the 1940's. But have they? No.

So the extremes on both sides, right to left, are coming down now to say, "No, you can't do it and should not do it"—the extremes on both sides.

Mr. President, I hope that my colleagues, sincere as they are, can understand that this is a promising program that can lead us into the field of energy self-sufficiency, a field that can be used for the defense of this country, to be used in the machinery that we may need at some point. We hope and pray we do not.

Mr. PROXMIRE. Mr. President, will the Senator from Kentucky yield for a couple of questions?

Mr. FORD. A couple.

Mr. PROXMIRE. I ask the distinguished Senator about the possibility of future funding, and I am referring to the design completion. The reason I ask that is that the data I have here indicate that much of the design will not be finished until fiscal year 1983.

For example, Solvent Refined Coal unit, SRC, early fiscal year 1983.

Mr. FORD. Is that SRC–I or SRC–II?

Mr. PROXMIRE. SRC–I.

Gas systems, fiscal year 1982, early fiscal year 1983. Cryogenic systems, fiscal year 1983. Coke-liquids, fiscal year 1982, early fiscal year 1983. Utilities and offsite, fiscal year 1983.

Much of these processes, as the Senator can see, are not expected to be finished until the next fiscal year at the earliest. My question is, will the $135 million take care of all of that, or will it be necessary for the Senate to provide more next year?

Mr. FORD. The Senator should understand that it is up to the will of Congress if we go further and that funding that is necessary now will take us to the point, as I understand it, where if we are committed then, we will have a schedule; and the $135 million will give us the ability to make the designs, the necessary commitments, so that a schedule of construction can be formulated. We are talking about $135 million, and once that commitment is made, as the funds are needed, it will have to be spent.

Let me say this to the Senator: I agree that an effort should be made—and I believe there is an effort to be made—by these two private operators to get as many outside partners as they can. I think there has been testimony—and I am sure the Senator from Wisconsin is aware of it—that Lehman Bros. is attempting to put the package together, and they are doing the best they can to get the job done. As long as we keep them on a yo-yo here, as we have been for some time, it is very difficult for them to get anybody to say yes or no to them out there, because the funding is at the point that I doubt seriously if any group of companies in this country, unless they turn everything inward, into one project, can get anything done.

Mr. PROXMIRE. The reason I asked the question is that there is a very disturbing article from inside DOE dated August 7, after the House passed the appropriation, which says:

> With FY-82 funding of $135 million all but certain for the SRC-I pilot plant, project sponsors are now turning their attention toward FY–83—and they are not at all enamored with the prospects. What those officials who run the solvent-refined coal solids demonstration project (SRC–I) see is a funding battle as tough, and most likely tougher, than the one waged to secure FY–82 money. Said one official close to the project, "There is a realization that the odds are against us being funded [in FY–83] in the current environment. The chances are that we won't be funded."
>
> The official went on to emphasize, however, that just because project officials realize the huge odds against them does not mean they don't intend to push for FY-83 money. Commented the official, "The odds were against us this year, too. I hate like hell for people to think we are going to quit. We intend to push for more funds."
>
> The official added that the funding struggle could have a beneficial effect on the management of the project. The funding problems, said the project official, have "put the fear of God" in those who manage the project to manage it right and keep the costs on budget.

That is why I am concerned about that: I wonder whether we should consider that even if we go ahead with this project and defeat the amendment that the Senator from Oklahoma and I have offered, we would be faced with further appropriations next year, and we might lose the $135 million we put in.

Mr. FORD. Not necessarily. The Senator is aware that under Gramm-Latta, in the reconciliation, the funding is over, and you have to come back for new authorizations if it is not spent in 1982.

Mr. PROXMIRE. How does it apply?

Mr. FORD. Gramm-Latta sets the end of funding. SRC–I is authorized only through fiscal 1982, and that is under the Gramm-Latta reconciliation.

In fiscal 1982 it has to be reauthorized again, under Gramm-Latta, and it has to go through two committees.

Mr. PROXMIRE. The problem I have is that if it is not authorized further, would the dollars we had spent on SRC–I be worth anything, without going for more appropriations?

Mr. FORD. I think it is. There are no additional dollars. You are just asking to kill the project. The deferral did not kill the $135 million. If the Senator recalls, they are going to put it someplace else.

Mr. PROXMIRE. One of the reasons I am offering this amendment is my concern with the fact that the company itself is putting in a very modest amount compared to what the Federal Government is committing. No one has rebutted this argument.

I say especially because I have an article here from Newman, Ky., from the Evansville Courier Journal which quotes a Mr. Peacock, who is the vice president of ICRC as making the following statement:

> Peacock said he suggested increasing the private investment—from $90 million to $180 million—at a recent board meeting. "They laughed at me," he recalled.
>
> Undaunted, Peacock said even a more modest 50 percent hike probably would send a positive signal to the Reaganites.
>
> "It would do two things," he explained. "It would show the level of our commitment, and it would be the free market responding to changing conditions."

If that kind of action should be taken by the company I think it would produce a much better feeling on the part of Members of Congress that the company has faith in this project, that they are willing to put more up-front money into it.

Mr. FORD. I just told the Senator I thought that the two participants are in the process now of making every effort to find additional support and, of course, if we do not give them an opportunity it will not make any difference anyhow.

I can get the actual information as to who attempted to put the package together for them and who is trying to make this sale as it relates to the project.

Mr. PROXMIRE. The other point I wish to make, concerns a point the Senator from Kentucky made that these are not very large companies, not like Exxon. That is true. They are also not mom and pop industries.

Wheelabrator-Frye, a New Hampshire-based outfit, but operating also in Kentucky, is ranked 255th in the 1980 Fortune 500 list of companies with total assets of $1.9 billion. That would be very big in Wisconsin.

Air Products and Chemicals was ranked 242d with assets of $1.75 billion.

Each of those companies is reluctant to spend more than $45 million on SRC.

Wheelabrator-Frye spent $646 million to acquire Pullman-Kellogg in 1980. In fact, in commenting on the high acquisition cost the vice president of Wheelabrator-Frye was quoted as saying:

> When the stakes are that high you do not want to lose everything by trying to cheap it out. You have to let the meter run.

If the SRC–I is so important to ICRC, it is hard to understand why they have turned the meter off in this case.

Furthermore, the stated $90 million contribution of ICRC is a paper commitment. The partners comprising ICRC received $7 million cash credit for work contracted out to affiliates.

Air Products and Chemicals received $2 million cash for its data and information gained in the previous liquefaction research.

ICRC received cash credits acquiring land for the site.

ICRC was not required to make cash payments until it received full credit for costs.

So ICRC contributed no cash. These companies contributed no cash to SRC–I project to date.

That was documented in a letter that I wrote and submitted to the Department of Energy.

Mr. FORD. The Senator was asking me a question? I am sorry.

Mr. PROXMIRE. I was making a statement.

I say if the distinguished Senator from Kentucky wishes to make a comment, fine.

Mr. FORD. I do not know. I think the Senator might say that before the operation of the demonstration plant begins Wheelabrator-Frye will have contributed equivalent of 80 percent of its 1980 earnings and Air Products and Chemicals will have contributed 50 percent of its earnings. I think that is digging down pretty deep. I doubt seriously one would find any other company that would do that. Even though the Senator claims they are large, they are small in what is needed here.

But when they commit 80 percent of their profits and 50 percent of their profits, that is pretty good.

Mr. PROXMIRE. That is 80 percent and 50 percent of their profits for 1 year.

When we are talking about an acquisition and enormous venture of this kind that would involve billions of dollars and would certainly be worth as much as Pullman-Kellogg for which they spent $646 million, that $45 million is not quite as big.

Mr. FORD. In answer to the Senator's question—he talks about how big they are, how many dollars they have, why can they not do it themselves—the Senator from Wisconsin for one should know very well there is not enough money in those two companies to make it work and they are going to have to need help from the Federal Government.

Mr. PROXMIRE. I think the Senator is right, and I agree with that. I think they should do a little more.

Mr. FORD. Second, I might add that I hope they can. I hope they can find some more money.

We both agreed on one thing. It is beyond the ability of these two companies to make it work and the Senator agreed with me. I agree with him that they should try to find some additional money. But the thing that we are losing sight of is this is the last solvent refined project on the market, and we are losing our option and the Senator wants us to close our option. I wish he would not do that.

This country needs these in the worst kind of way. We talk about the ability to convert.

Mr. PROXMIRE. That is a very legitimate point. I think whether or not this kind of project will work is more convincing if the private firm that has the expertise and knowledge and is going to benefit from it is willing to take the risk.

Let me make one other point. The distinguished Senator from Kentucky indicated that this was a pretty good deal for the Federal Government because the ICRC will share royalties from the SRC–I process with the Government until the Government receives two and a half times its investment.

The answer to that is this sharing only occurs if ICRC decides to buy the plant from the Government. That decision is totally up to the private firm. If the process does not work, the Government is left with a $4.5 billion plant that does not work.

Mr. FORD. May I correct the Senator a moment?

Mr. PROXMIRE. Yes.

Mr. FORD. There is a difference between the Senator's statement of fact of money and my statement of fact. If they sold their product during the demonstration period, that will reduce it to $1.77 billion.

So I hope the Senator will quit referring to $4.5 billion plant when they will, in fact, have better than $2 billion in sales by contract now.

Mr. PROXMIRE. In other words, they will not have those sales unless they can develop a product that they can sell. That is highly questionable.

Mr. FORD. Wait a minute, though. The operation of the plant is included in the Senator's $4.5 billion over a 5-year period. So we have to deduct the operation of that plant off the figure the Senator is using. So will the Senator yield me that much?

Mr. PROXMIRE. The operation of the plant?

Mr. FORD. If it does not work then they do not operate it.

Mr. PROXMIRE. Yes. But we will not know how much it is going to work for sure until they have operated it and tried to sell it.

Mr. FORD. If it does work then we get the money back. If it does not work we cut it off and we cannot have the 5 years of operational cost of the plant. So yield just a little bit to me as to the cost of the plant.

Mr. PROXMIRE. The Senator may be correct. We may cut our losses some time before that 1985 period, but still the risk and the money the Federal Government has to put in is $4.5 billion. They may be able to sell it. As I pointed out the revenues are highly questionable and the economics are very suspect. That they would reduce it to $1.78 billion is in my judgment very unlikely. Perhaps it could be reduced only to $3 billion or some other lesser amount.

Mr. FORD. My judgment says they will do it. Someone is going to have to agree or disagree with us.

Mr. PROXMIRE. Let me say that if ICRC decides to buy out the plant, if the process works out, this pay back will only materialize if the process is highly successful and is used by other companies.

Furthermore, given that the Government will bear 97 percent of the total cost of this speculative venture it is incredible that it will share any royalties with ICRC at all, much less consider its share a pay back.

If the Senator from Kentucky or the Senator from Wisconsin were making an investment and putting in 97 percent and the other party putting in 3 percent and they say now we will share 50–50 with you, we would laugh at them. "If you share with us, we want 97 percent of it."

The taxpayers are putting in 97 percent. Why should they not get 97 percent of the royalties?

Mr. FORD. I would not invest in battleships or airplanes for myself either.

So the thing we need to look at here is this is a possibility and the ability of the people to have an opportunity to find out. If you are going to make an investment you are going to make an investment. Then that is one thing, and the Senator has the ability to make a judgment. I have an ability to make a judgment, and I think we are on the right track with 9 years of work on this.

Mr. NICKLES. Mr. President, will the Senator from Kentucky yield?

Mr. FORD. I yield the floor.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to clarify one point, but first I thank the Senator from Kentucky for pointing out a few things that I have been waiting to hear and I think other Senators have also.

He stated that the $4.5 billion is the gross revenue and the total amount of cost including the operational expense of the plant for over the 5 years in addition to the construction cost.

So if we subtract out the $1.78 billion of construction cost we come up with operating cost for the first 5 years of $2.8 billion, and I am trying to figure out, and I ask the Senator from Kentucky if we can figure out, that $2.8 billion in operational cost over the 5 years, given the production—100-percent production—of 20,000 barrels per day. So if we are able to multiply that out, that 20,000 barrels per day, given the 100-percent operational capacity, no down times, no shutdowns, no interruptions for any reason whatsoever, we come out that that plant would produce 36 million barrels of oil in that 5-year period of time.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. NICKLES. I yield.

Mr. JOHNSTON. I think perhaps the Senator misunderstood. The operational cost is not $2.5 billion. What we have here is that the net cost to the Government is $1.78 billion. That is not the construction cost. That is the net cost. There are built-in large percentages for contingencies, such as down time. As a matter of fact. I think there are 20-percent contingency costs in this $4.2 billion total cost.

The 5-year operating cost is built in here so that the point I am making is the $1.78 billion is the net cost to the Government and not the construction costs, and the rest being operation costs.

Mr. NICKLES. I appreciate the Senator's comments, but I think what we are going to do is to go to an even greater increase. I have calculated if they were successful in production in that 5-year period of time they would have to produce 36 million barrels equivalent of energy, and to do that if you separate—and I think everybody agrees—the total cost of all the expenses, which would be $4.5 billion in that period of time, and subtract out the $1.7 billion of plant costs, that then we are coming up with $2.8 billion, and if you divide that by the number of barrels of total production we are talking about a cost of $76 per barrel, and that is what we are talking about.

I seriously question whether or not the value of this product to be produced from this plant will be able to sell at $76 per barrel to break even during that 5-year period of time, and if we are going to start paying back the taxpayers for their investment mentioned earlier, it is going to have to be more valuable than $76 per barrel.

I really seriously doubt that any product that is going to be derived from this plant will be of a value over 2 and one-half times what the market value of crude oil is today.

It was originally mentioned that the purpose of this was to help break our dependency on OPEC. If OPEC sees that it costs us, using a synfuels process, if it costs the Federal Government to develop this fuel, $76 a barrel, it is going to give them a great incentive to increase their price up to that level, and so instead of helping to break the chains of OPEC, what we will be doing is showing them the ceiling to which they can raise their prices, and I submit

that, I think that, is exactly what a lot of OPEC people would love to see.

So I think this idea, if we develop this plant, and if my figures are correct—and if they are not correct I would very much appreciate the Senator from Louisiana or the Senator from Kentucky showing me figures that differ—but if this product is going to be produced in SRC–I, and has to be sold at or above $76 per barrel or more before it can break even, then I think that further substantiates that the project is a boondoggle and certainly not one that the Federal Government or the taxpayers of this country should subsidize and finance.

Mr. JOHNSTON. Mr. President, just very briefly, this is the first module, a 20,000 barrel a day, in effect, beginning of a 100,000-barrel-a-day plant. About 40 to 50 percent of the total cost of the 100,000 barrels per day is borne by this first module. So I do not frankly expect the first module to break even is my own expectation. Perhaps it could, but the chances are it will not.

But if it is proven up, however, then the leap forward to the 100,000 barrels will be much cheaper because all of the land, all the coal-handling facilities are already bought, all of your technology is then proved up, all of your demonstration-type gages and equipment to test the validity of the commercial demonstration on the first module will already have been paid for and will not need to be replicated in the second part. There is where the big payoff comes, not only in the total 100,000-barrel-a-day capacity eventually to be built on this site but, more importantly, in proving up the viability, the economic viability, and the technological viability of a process vital to the liquefaction and making of the solvent refined coal.

Mr. NICKLES. Senator, I appreciate the comment. If I might ask you an additional question: If we develop this one-fifth of the total grant project, and given all the plant expenses, given the land, given all the fixed expenses, yet they determine through the production capabilities of this plant that it still costs—given the plant is free, zero cost of the plant, that the additional cost of one barrel of refined solvent comes out to be $76, do you think that any company—I think this would doom the additional four units.

I do not see how it would be economically feasible, marketable, in any way, shape, or form, and I think it would just end the project right there at $76, given a zero cost for the plant and equipment, given no replacement cost, no depreciation or anything, not figuring any of those costs in, just the marginal production cost of an additional barrel of fuel if it comes out to $76 per barrel, and I seriously doubt that the marketplace or the Federal Government would want to duplicate that type of disaster.

Mr. JOHNSTON. I think the Senator is correct in saying that if all this process can do is to produce and demonstrate fuel at a price of $76 per barrel in today's dollars, there is no question that it is not economically viable. We do not believe that will be the case. We believe in 1981 dollars that we will be able to do much, much better than that.

As a matter of fact, we believe it will be economically viable, otherwise we would not be building the plant. But this is the first step. You have to take a first step that is not economically viable in order for the process to become viable.

Mr. McCLURE addressed the Chair.

Mr. FORD. Mr. President, will the Senator yield for just one point? The $76 cost is 1988. That is DOE's estimate of the cost in 1988, taking into consideration the inflationary track through, I say to the Senator from Oklahoma.

Mr. McCLURE. Mr. President, it is the hope of the managers of the bill that we will be able to move this to the point of being able to get to final passage around noon tomorrow.

We have identified three amendments that will be offered tomorrow morning upon which rollcalls will likely be required, and it is our hope to be able to complete the remainder of the amendments today and then enter into a unanimous-consent agreement that would allow us to consider those three amendments and vote on the pending amendment sometime tomorrow morning.

But, pending that time, it is my hope that we can dispose of a couple of other amendments of which we are aware, one by the Senator from Mississippi (Mr. COCHRAN) and the other by the Senator from Kansas (Mr. DOLE). For that reason I ask unanimous consent that we temporarily lay aside the pending amendment and move to the first amendment, the amendment of the Senator from Mississippi and, second, to the amendment of the Senator from Kansas, at which time we will revert to this or whatever other unanimous-consent request might then be agreed upon.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, will the Senator yield until I get the yeas and nays on my amendment? Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I renew my unanimous-consent request.

Mr. JOHNSTON. Mr. President, reserving the right to object—and I shall not object—I believe we have essentially wound up debate on this amendment. I ask the distinguished Senator from Wisconsin and the Senator from Oklahoma as well as the Senators from Kentucky so that if that is correct at the appropriate time we will be prepared to go along with simply setting a time for the vote tomorrow and not have any more debate in order on this amendment.

Mr. McCLURE. The Senator from Louisiana is correct. I think the principals who have been involved in the debate today on this amendment are all here and apparently are all in agreement. That would be our expectation.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. BENTSEN. Mr. President, it was only a few years ago that all the so-called energy experts were predicting two trend lines that would never change: increasing energy dependence for America at ever higher prices.

Well the experts were wrong. During the past 4 years we have cut our imports of foreign oil by about 40 percent—and OPEC is feeling the pinch. There is substantial downward pressure on prices.

There are two critical elements in our decreasing energy imports. A successful effort at conservation is obviously of paramount importance. We are driving more fuel efficient cars, turning down thermostats, insulating our homes. After decades of counterproductive energy policy, this Nation has also—at long last—realized the importance of incentives for domestic production. Along with a tide of deregulation has come record numbers of rigs drilling for oil and gas in this country; the rig count is up by more than 1,200 from last year.

Now that they can finally charge a fair market price for their product, America's energy producers are demonstrating a willingness to accept the increasingly expensive risks involved in energy exploration. And those risks are paying off in increased domestic production. People who maintained for years that America had been squeezed dry, that there was no more energy to be found domestically, are beginning to take another look at America's energy potential.

So I think we can all agree, Mr. President, that this country has made enormous and significant strides toward greater energy independence through conservation and new incentives for production.

There is, however, one area in which we have yet to live up to our potential, and that is the development of alternative sources of energy at competitive prices. We are still waiting for that dramatic technological breakthrough that will point America in the direction of new energy sources for the 21st century.

In looking to the future, it is important to understand that we are energy rich; our potential is virtually unlimited. America is the Saudi Arabia of the world when it comes to coal. We have enough coal to provide our energy requirements for hundreds of years.

In the period right after World War II we relied on coal for almost one half of our energy needs. Today, despite the fact that coal accounts for 90 percent of our fossil fuel reserves, we use it to meet less than one-fifth of our national requirements.

There are reasons for the declining use of coal, and many are well known. Coal is bulky and expensive to transport from mine to market. Its increased use raises important environmental questions. We have seen that strip mining can leave cruel scars on the landscape.

It seems to me Mr. President, that one of our most urgent national priorities should be an effort to determine how we can take an abundant resource—like coal—and find acceptable ways to use it for energy independence. The question, Mr. President, is: How can we make better use of our energy assets?

And one promising answer to that question is being pursued in Newman, Ky., where a solvent refined coal project will soon become the Nation's first demonstration of two-stage direct liquefaction technology.

The SRC–I project is a result of Federal research programs that began back in 1962; a process that has advanced from the laboratory to pilot plant testing facilities.

We are talking about a process that yields one-third again as much energy per ton of coal as other coal conversion technologies. We are looking at new technology with vast promise for greater energy independence. One of the more attractive aspects of the SRC–I process is that it converts high sulfur coal in an environmentally safe manner.

The SRC–I project in Kentucky is important not just for that State or that region, but for all America. It is an example of how the public and private sectors of our economy can work together to achieve important national objectives.

Congress first authorized the SRC–I 4 years ago in order to demonstrate the technology necessary to convert 6,000 tons per day of high sulfur bituminous coal into 20,000 barrels of energy products. The demonstration project alone could save the United States about $250 million a year in imported oil. But in the long run the technology represented at the Newman facility holds out the prospect of substantially greater energy independence.

Mr. President, I think this is an investment well worth pursuing. We have seen what appropriate incentives can do for energy production in America, and I am confident we will soon see similar results in the area of alternative energy sources.

The amendment before the Senate would virtually end Federal support for this important project, and I hope it will be defeated.●

UP AMENDMENT NO. 530

(Purpose: To add certain funds to the Fish and Wildlife Service for the National Wildlife Refuge Fund)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an unprinted amendment numbered 530.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, after line 18, add the following new category:

"NATIONAL WILDLIFE REFUGE FUND

"For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $7,000,000.".

Mr. COCHRAN. Mr. President, the amendment I have sent to the desk provides for adding $7 million to an account in the Fish and Wildlife Service for payments in lieu of taxes to local governments for tax-exempt land in wildlife refuges in their jurisdictions. In past years the Congress has provided a direct appropriation whenever national wildlife refuge revenues have not been sufficient to compensate local governments for the burden of tax-exempt Federal lands within their taxing area.

This year, all of the funds for payments in lieu of taxes were put in the BLM account in the Interior appropriations bill. There was an expectation that legislation which would have consolidated different payments in lieu of taxes accounts would be adopted by the Congress. But there has been no action on that legislation.

Moreover, it is clear that unless the Congress acts now in this legislation to provide this money there will be a shortfall in the Fish and Wildlife Service account that provides payment in lieu of taxes in the amount of $7 million. The total amount of money needed, based on current assessments of land values, is $11.1 million. But there will be revenues from these refuge lands of approximately $4.1 million, leaving the $7 million balance which this legislation seeks to provide.

It is my understanding that a balance of approximately $1.8 million left over from last year's appropriation has lapsed and is not available for expenditure.

If this amendment is not adopted, 700 counties, located in all 50 States, will be denied payments in lieu of taxes for wildlife lands in their jurisdictions.

While the overall amount of money in the amendment may not seem like a large amount compared to the total revenues of local governments, the amounts are very significant. Moreover, most fish and wildlife lands were formally on the tax rolls, making those counties heavily dependent upon these payments. In my judgment, Mr. President, it would be unfair, now, to stop making the payments to counties which have relied upon them in the past and which under the law have a right to expect payments.

There has been strong bipartisan support in the Senate for payments in lieu of taxes to local jurisdictions which have Federal lands in their jurisdictions. I urge my colleagues to support this amendment which is to important to many local governments.

Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas, Mr. PRYOR, and the distinguished Senator from Georgia, Mr. NUNN, be added as cosponsors to this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I think the Senator from Mississippi has pointed to a problem that was in danger of falling between the cracks, because there was indeed the expectation that the payment in lieu of taxes legislation would be modified and that the moneys that were being paid to the refuges would be merged into that legislation. With the failure to adopt that legislation, there was no funding because we assumed that the funding would all be in one sum.

With the failure to get that legislation passed and our failure to include money separately under this separate account, I think it is wise that the Senator has brought this to our attention.

It would be my intention to ask for a rollcall vote on the passage of this amendment so that the Senate support for this program may be amply demonstrated as we take this matter to conference. I do not have an objection to the amendment. However, it would be my intention to ask for the rollcall for that reason.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we have no objection to the amendment. If the distinguished chairman thinks a rollcall is necessary, we will go along with that.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I wish to thank the distinguished chairman of the subcommittee for his remarks and for his support of the amendment and likewise the distinguished Senator from Louisiana, Mr. JOHNSTON, for his support.

Mr. PRYOR. Mr. President, I wish to add my support to Senator COCHRAN'S amendment to the Interior Department appropriations bill, H.R. 4035, and to explain my reasons for this position.

The amendment would add $7 million to meet the entitlements due to counties under the revenue sharing programs of the Fish and Wildlife Service. These are, in effect, payments in lieu of taxes, affecting about 700 units of local government.

In the past, the Federal Government has made payments to counties for Federal lands not subject to real estate tax. These have been made through several different programs, under various acts, and related to lands under the jurisdiction of various bureaus in the Department of the Interior and the Department of Agriculture.

Legislation has been introduced to bring these programs together and make payments uniform, but until the bill has passed, lands administered by Fish and Wildlife Service lag behind those administered by the Bureau of Land Management and U.S. Forest Service. Since there has been no action on this legislation, counties in all States will lose funds unless we add to the land management funds into the National Wildlife Refuge Fund.

I urge passage of this amendment, Mr. President. Many of us—including the Fish and Wildlife Service—are gravely concerned about future implications for the land acquisition and wetlands preservation programs if we continue to underfund paybacks to counties for losses of tax revenues. Certainly no county or State will be willing to support preservation efforts if substantial losses of tax revenues are the results. This amendment, in my opinion, will go a long way toward righting an obvious wrong.

Mr. McCLURE. Mr. President, I think we are prepared to vote it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi (Mr. COCHRAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—89

Abdnor	Exon	McClure
Andrews	Ford	Melcher
Armstrong	Garn	Moynihan
Baker	Glenn	Murkowski
Baucus	Goldwater	Nickles
Boren	Gorton	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hart	Pell
Bumpers	Hatch	Percy
Burdick	Hatfield	Pressler
Byrd, Harry F., Jr.	Hawkins	Pryor
	Hayakawa	Quayle
Byrd, Robert C.	Heflin	Randolph
Cannon	Heinz	Riegle
Chafee	Helms	Roth
Chiles	Huddleston	Rudman
Cochran	Humphrey	Sarbanes
Cohen	Jackson	Sasser
Cranston	Jepsen	Schmitt
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stafford
Denton	Kennedy	Stevens
Dixon	Laxalt	Symms
Dodd	Leahy	Thurmond
Dole	Levin	Tower
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Williams

NAYS—1

Proxmire

NOT VOTING—10

Bentsen	Long	Tsongas
Biden	Metzenbaum	Zorinsky
Hollings	Mitchell	
Inouye	Stennis	

So Mr. COCHRAN's amendment (UP No. 530) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota (Mr. DURENBERGER) be added as a cosponsor of the amendment just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I am about to propose a unanimous-consent request, and I hope Members will listen.

Under the previous order, the Senator from Kansas is to be recognized to offer an amendment. I now ask unanimous consent that the time on that amendment be limited to 20 minutes, to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader indicate what the program is for the remainder of the day?

Mr. BAKER. I thank the minority leader.

Mr. President, I expect that there will be a rollcall vote on the next amendment. That will be the last rollcall vote I anticipate today.

It is the intention of the leadership to ask the Senate to convene in the morning prior to 10 o'clock.

It is my hope that a unanimous-consent agreement can be entered into this afternoon that will provide for the orderly disposition of the remaining amendments and final passage of this appropriation bill some time during the day tomorrow.

After the disposition of this bill, it is the intention of the leadership either to proceed to another appropriation bill, as yet not determined, or to other matters that are on the calendar and available.

Wednesday, of course, is the day set aside for debate on the resolution of disapproval in respect to the AWACS sale.

After that, it is anticipated that the Senate will return to other appropriation bills, and I expect to have a further announcement to make on that in the next day or so.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate continued with the consideration of H.R. 4035.

Mr. SARBANES. Mr. President, will the majority leader indicate what time tomorrow he might expect the rollcall votes to commence?

Mr BAKER. If I may yield to the distinguished manager of the bill, who has been attempting to enter into a unanimous-consent agreement on the several amendments proposed, he can answer more fully than I can.

Mr. McCLURE. It appears that when we get back on this bill at 10 o'clock tomorrow morning, as it is my hope, and if the amendments we have identified can be under the time limits which so far have been identified to us, we will expect to have the first rollcall vote about 10:40.

Mr. BAKER. I would not expect to ask the Senate to remain in session except for routine business after the disposition of the next pending amendment. So the next rollcall vote will be the last rollcall vote tonight.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Kansas is recognized.

UP AMENDMENT NO. 531

Mr. DOLE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 531.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 2, before the period insert the following:

"*Provided further*, That no funds appropriated by this or any other Act may be used to continue, administer, enforce or by adjudication to impose upon any State, instrumentality thereof, or person (including any public utility as defined by Section 210 of the National Energy Conservation Policy Act) any obligation or any requirement established under Part I of title II of the National Energy Conservation Policy Act, as amended by Subtitle B of title V of the Energy Security Act, and under title VII of the National Energy Conservation Policy Act, as added by Subtitle D of title V of the Energy Security Act. This limitation does not apply to any funds used to revoke any existing regulations under these acts. The $7,000,000 deferred from FY 81 to FY 82 for the Residential Conservation Service Program by the Supplemental Appropriations and Rescission Act, 1981, shall be used for the Energy Policy and Conservation Grants Program, under Part D of title III of the Energy Policy and Conservation Act relating to State Energy Conservation programs, or under Part B of title IV of the Energy Conservation and Production Act relating to State Energy Conservation plans in addition to any appropriations otherwise made available for that program.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I offer an amendment to transfer appropriations within the energy conservation function for the Department of Energy. My proposal would eliminate funding for the residential conservation service and transfer the $7 million recommended by the committee to the energy policy and conservation grants program.

Mr. President, I should like to say at the outset that I applaud the efforts of the distinguished Senator from Oregon, chairman of the Appropriations Committee, and the distinguished Senator from Idaho, chairman of the Interior Subcommittee, for their efforts in bringing to the floor legislation which generally does a superb job of allocating our scarce Federal resources.

However, the Senator from Kansas is concerned that this bill will continue an ill-advised and burdensome Federal regulatory program, a program we clearly do not need in an era of reduced Federal

regulation and spending. The residential conservation service program is a Federal program requiring all large utilities to notify and make available to customers, residential energy audits.

These energy audits are estimated to cost between $85 and $150, but utilities are prohibited by statute from charging more than $15 per audit. In fact, some reports indicate audit costs in excess of $200.

Mr. President, those expenses will not be borne by the utilities. Those costs will be added to the rate base and passed along to consumers. A 1979 Department of Energy estimate indicates total compliance with the Federal RCS regulations could cost consumers as much as $4.9 billion over the life of the program and there are many who argue that figure could easily be doubled.

In fact, recent figures released by the Department of Commerce estimate the cost of the program at $15 billion.

Moreover, DOE estimates that only 7 percent of eligible customers—primarily customers in the upper income brackets who can afford to implement audit recommendations—will participate in the RCS program, while all consumers will pay for it. Experience by utilities already involved in the program shows a response vote as low as 1 percent, in some cases. And, according to a recent Oak Ridge National Laboratories study, low and fixed-income people have proven less likely to participate in the RCS program. The Senator from Kansas cannot support a program which, in the name of conservation, results in nonparticipating low-income individuals subsidizing the audit costs of higher income participants. Not to mention the subsidy provided by renters and small businesses across the country who cannot participate in the program.

Second, Mr. President, high energy prices, tax incentives and State and local energy policies have created a flourishing market for energy management firms, house doctors, homebuilders, as well as utilities, and their regulators on their local level, are all responding enthusiastically to this new market demand.

However, the $15 statutory limit on what utilities may charge for each energy audit under RCS, sanctions an unfair competitive advantage by utilities against small energy conservation and solar businesses and entrepreneurs in the marketing of energy services. Over the long run, we will be proven shortsighted if we allow the RCS program to impede development of private sector conservation initiatives, by pricing them out of the market.

Mr. President, I point out to the Members of the Senate that the $7 million recommended for the RCS program will not go to fund a single conservation audit. That money will be spent in Washington by the Department of Energy for the promulgation and enforcement of needless regulations.

For any Senator that is interested, I have a list of Washington consulting firms that profited handsomely from RCS in fiscal year 1981. My proposal would transfer that money to the energy policy and conservation grants program where it will be used to help finance State energy offices and foster conservation efforts at the local level.

I also point out to the Senate that the administration is opposed to continuation of the Residential Conservation Service. In a recent letter to me, DOE General Counsel R. Tenney Johnson wrote that the RCS "poses an unnecessary and heavy burden on States, utilities, and the utility customer."

Mr. President, I ask unanimous consent that that letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., September 29, 1981.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: The Interior and Related Agencies Appropriation Act, H.R. 4035, is awaiting consideration on the Senate floor. I understand that you plan to offer an amendment that would: (1) transfer $7,000,000 in deferred monies from the Residential Conservation Service (RCS) to the schools and hospitals program; (2) permit use of appropriated funds to revoke the onerous existing RCS regulations; and (3) prohibit the use of appropriated funds to continue, administer, enforce, or by adjudication to impose any obligation or requirement under the RCS or Commercial and Apartment Conservation Service programs. I am writing to you to express support for your amendment.

The Administration, through its revised FY 1982 budget submission, requested no funds for the RCS. Existing tax credits and the complete decontrol of oil provide adequate incentive to the consumer to retrofit his home. The RCS program imposes a heavy consumer burden on States, utilities and the utility customer. The Administration is opposed to imposition of these regulatory burdens. A number of utilities have found that these types of conservation programs are in their own economic interest and have implemented them voluntarily. Therefore, a Federal program for the same purpose is an unnecessary imposition on the marketplace.

We support your efforts to eliminate funding for the RCS program.

The Office of Management and Budget has advised that, from the standpoint of the President's program, there is no objection to the submission of this letter for your consideration.

Sincerely,

R. TENNEY JOHNSON,
General Counsel.

Mr. DOLE. Mr. President, I agree with the Department of Energy that RCS is unnecessary and should be repealed or discontinued. Unfortunately, the statutes mandating RCS are so strict and complex that administrative changes in RCS regulations will not provide any significant regulatory relief. The RCS program is a burdensome, costly intrusion by the Federal Government into areas of public utility regulation traditionally reserved to States and local governments. The complex, statutory mandates of RCS duplicate existing energy conservation programs tailored by public utility commissions and utilities to their own local service areas. State and local governments and utility commissions are denied the flexibility to design and adopt conservation programs to their own needs, by the RCS statute.

My amendment does not prohibit States or utilities from implementing similar energy audit programs. Furthermore, nothing in my amendment would affect the power of DOE to extend technical assistance and voluntary guidelines to those States, local governments, and utilities which voluntarily sponsor their own residential conservation programs.

I know that in some States existing programs are popular and successful. I also know that in other States, like my home State, the Federal requirements are not appropriate and are not wanted. I would say to the distinguished chairman of the committee that I understand the State of Oregon has a good program and I would do nothing to prevent any State from voluntarily implementing a program. I would also not force any State to implement an unwanted, costly and inequitable program.

Finally, Mr. President, I question the actual energy savings that will result from continuing the RCS program. Affluent consumers who can afford to install conservation measures in their homes will still be able to secure energy audits from private concerns and will continue to do so as energy costs rise. I believe we will be substantially better off in both the short and long run by allowing those individuals to pay for their own audits and transfer our scarce Federal funds to the energy policy and conservation grants program.

Mr. President, I want to make it clear that the Senator from Kansas is not anticonservation. I oppose continuation of the RCS program because I do not believe it is an appropriate response to our need to conserve energy. I do not believe we should force the poor to subsidize the conservation efforts of the more affluent and I do not believe we should force independent small businessmen out of this growing market. That is why I am offering this amendment and encourage the Senate to support it.

Mr. President, it seems to me that this is an opportunity to end what I consider an ill-advised and burdensome Federal regulatory program, a program we do not need—a program, I might add, that is opposed by the Department of Energy.

I would also indicate that a number of utilities have their own program, and I think this is a way we can stop one regulatory effort.

It also has been estimated that most utilities are experiencing a participation rate of one-half of 1 percent. These audits cost between $100 and $150, but, by statute, the cost is limited to $15, and that cost is passed on to all consumers, while primarily only middle- and upper-income rate payers participate in the program.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senate is not in order. There is a time limit on this amendment, and the Senate is not in order.

Mr. McCLURE. Mr. President, I oppose the amendment, not because I think the Senator from Kansas has not made a valid point, but because this program is just getting started. I believe it deserves a chance before we render judg-

ment. That was the judgment of the subcommittee and of the full appropriations committee.

Mr. President, I ask unanimous consent that the Senator from Oregon be the manager of the time in opposition to the amendment and apportion the remainder of the time in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Does the Senator from Louisiana wish recognition?

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. HATFIELD. I yield.

Mr. JOHNSTON. Mr. President, I strongly oppose this amendment, and I will tell the Senate very briefly what the amendment does.

We have, according to the 1978 law, a plan ready to go into operation almost immediately; 41 States and 33 nonregulated utilities have plans ready to go. What those plans will do, at almost no Federal expense—only $21 million over 3 years for Federal expenses—will be to make available to individual homeowners the ability to have an energy audit at their homes. They do not have to take the audit, and they do not have to take the advice of the auditors if they do.

The Department of Energy estimates that this program can save $33 billion worth of energy. It is going to take a lot of voluntary expenditures to get that kind of savings. But we are right on the verge of being able to implement this program; and if we throw this out now, we are silly. All these utilities are ready to go, and we should go through with it.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. JACKSON. Mr. President, I associate myself with the remarks of the distinguished Senator from Louisiana and the chairman of the Appropriations Committee. I strongly support the continued funding for the Residential Conservation Service. I cannot think of a more cost-effective investment this country can make in terms of conservation.

The state of our economy is indeed a matter of deep concern now, given the level of interest rates, the poor performance of the stock market and the bond markets. However, we are fortunate that rising oil prices are not adding to our economic difficulties. The reason for our relative good fortune is that there is an oil glut in the world today due to decreasing demand for oil.

While domestic production of crude oil in the United States is down by 0.3 percent for the first 282 days of this year as compared to last year, we are still importing 20.9 percent less petroleum as compared to last year—exclusive of SPR. Energy conservation is a major factor here.

Mr. President, I would submit to my colleagues that the United States is in a better position to maintain an oil glut in the world than any other oil consuming nation, just because of the size of our oil imports and our great potential for energy conservation. Energy analysts have recently noted that U.S. oil savings between 1979 and 1980 are comparable in size to the total consumption of many industrialized nations in Western Europe and Asia. The United States, according to a recent report, accounted for over half of the "free world's" reduction in oil consumption between 1979 and 1980.

Conservation in the United States, Mr. President, is the key to maintaining that oil glut in the world. It is also the way that Americans can better cope with heating oil prices that are 23 percent above the prices at this time last year, to say nothing about the price increases that would accompany natural gas decontrol.

That is why I strongly support continued funding for the Residential Conservation Service.

Mr. President, energy costs for residential buildings are cutting deeply into household budgets across the United States. If we are to see the residential sector realize the potential energy savings that are not only feasible but entirely economical; if the free market of energy conservation ideas is to function in the residential sector then the homeowner must have low-cost, reliable, and unbiased information as to what measures his residence needs and what the costs and benefits are. The residential conservation program offers that information.

Under this program, local utilities will offer the homeowner a package service of an energy audit for which he is charged no more than $15, information on the costs and energy savings of various retrofit items, and lists of suppliers, installers, and lending institutions to finance the measures.

It is important to note that the RCS plants which govern nonregulated utilities are written by the utility itself. The State writes the plan for regulated utilities. The Federal Government only approves or disapproves the plans submitted by the States or utilities.

The RCS program is working now; 260 utilities covering 57 million households are now offering these on-site energy audits for their residential customers.

Before the creation of the RCS program only 40 utilities offered on-site residential audits that informed the customer of what conservation measures would cost and what would be his energy savings.

There are some critics of the program, particularly utilities who, like everyone else, do not want to be required to do anything, even if they are fully reimbursed for their costs. But what if the RCS program were abandoned? Utilities would generally go back to simply mailing pamphlets to customers. There would be no national infrastructure of energy auditing companies to step in and provide onsite energy audits for a cost of $15. Homeowners would have to rely on home improvement companies for onsite energy audits. Let us not kid ourselves—many homeowners distrust these firms because while most are reputable, there have been some bad apples.

That does not mean that we cannot improve the RCS program. The Department of Energy has prepared regulatory changes to the program that would cut in half the cost of the program to States and utilities. These amendments have, I understand, been cleared by OMB, yet the DOE is sitting on them. DOE should propose the amendments to the regulations and adopt them if they will improve the program.

My colleagues should note that elimination of the RCS funding will not repeal the legal requirement that utilities implement an RCS program. It will only eliminate the Federal funding for monitoring the program and revision and promulgation of the regulations. If this amendment prevails, DOE would not have funds to improve the program and States and utilities would be uncertain as to what they are really required to do.

Mr. HATFIELD. I yield 1 minute to the Senator from Maine (Mr. COHEN).

Mr. COHEN. Mr. President, I oppose the amendment offered by the distinguished Senator from Kansas, Senator DOLE, that would transfer all funds for the residential conservation service program to the schools and hospitals program.

The residential conservation service program was established by the Congress in 1978, in an effort to further reduce our nation's energy consumption and diminish our dependence on foreign oil. At this time, very few homeowners were sufficiently familiar with the rewards of energy conservation, or had access to reliable and objective information on what type of conservation improvements could be made, at what cost, and how long it would take to get your money back through energy savings. There was a general feeling that without this information, many homeowners would forego energy-saving investments.

Thus, the RCS program was established to provide the homeowner with this vital information. Under the program, large electric and gas utilities are required to offer on-site energy audits to their residential customers and arrange financial assistance, if necessary, for the purchase and installation of suggested conservation measures.

Contrary to arguments presented earlier by some of my colleagues, the RCS program does not burden the utility customer with regulations. The program offers the homeowner the opportunity to have an energy audit, but does not require one. Nor is a homeowner required to make energy saving investments after receiving the results of the audit. The program simply makes the information readily available for homeowners so that they may make intelligent choices about energy conservation in their homes.

Opponents of the RCS program have claimed that it is too expensive. I disagree. The Senate is being asked to provide $7 million for a program that has been projected to have $33 billion in reduced energy bills over the next 5 years. I am convinced that this $7 million will be money well spent.

I have also heard complaints that the RCS program places an unnecessary regulatory burden on State governments and utilities. The DOE has proposed many regulatory changes to the RCS program which have already been ap-

proved by OMB, but have not yet been issued. According to DOE, these changes will reduce the costs to State and utilities by 50 percent. If we fail to provide funds for the RCS program, these regulatory changes will never be implemented, and the current rules will be continued.

In the last few weeks, I have received several calls from Maine inquiring as to the effects of the Dole amendment on the RCS program. The program in Maine has just gotten underway and the consumer response has been impressive.

The Senate has already agreed to reauthorize the program for this fiscal year, and failure to provide funding would only prevent the DOE from revising the regulations and monitoring the State programs. States and utilities would still be required to implement the program, but would not receive any assistance from DOE. This will only serve to place a significant burden on State governments and utilities, and add further to the disenchantment they already feel toward the Federal Government.

I believe the RCS should be continued, and I urge my colleagues to oppose the amendment offered by the Senator from Kansas.

It seems to me that we have a chance to really conserve a lot of energy at a small amount of money. We are being asked to provide $7 million for a program projected to save $33 billion and reduce energy bills over the next 5 years. I am satisfied that this $7 million will be well spent.

Mr. HATFIELD. I thank the Senator from Maine.

I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I was scheduled to address a conference in Springfield on energy at noon today. I felt so strongly about this amendment that I canceled the trip to Springfield and addressed them by telephone from Washington, so that I could be on the floor to vigorously express my opposition to the amendment to delete the funding for the residential conservation service program.

The residential conservation service was created under the National Energy Act to facilitate the installation of energy conservation measures in existing homes by utilizing utilities as the primary delivery mechanism. Under the program, large electric and gas utilities inform their residential customers of potential energy-saving improvements within their homes, conduct home audits upon request, and arrange financial assistance, if necessary, to purchase and install suggested conservation measures.

Given the prospect of escalating fuel costs for some time to come, a program cushioning the impact on the consumer is needed—the residential conservation service responds to this need.

The percent of median disposable income spent by midwestern households on energy has increased dramatically in the past few years. The average family spent 12.5 percent of its disposable income on energy in 1978, while by 1980 they spent 16.8 percent. By 1985, 18 percent of household income is expected to be spent on energy costs in the Midwest.

The residential conservation program is expected to result in savings of $33 billion in reduced energy bills over the next 5 years and oil savings of 8.5 quads—the equivalent of a full year's oil imports. We cannot afford to let this opportunity pass.

Indeed, the program has been hindered in the past by overly burdensome regulations, but I am assured by the President's emphasis on regulatory reform that this problem will be addressed. In fact, the Department of Energy has already acted to streamline the existing regulations.

Some minimum funding must be made available at the Federal level to insure that these new, improved regulations are issued.

Given the magnitude of the potential benefits, this program deserves a chance.

I urge our colleagues to defeat this amendment as contrary to the intent of the program which has been developed over several administrations.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 5 minutes and 38 seconds on his side. The other side has 7 minutes and 43 seconds.

Mr. HATFIELD. Mr. President, I will outline briefly the fact that the amendment offered by the Senator from Kansas, I believe, attempts to abolish probably the most popular energy program we have ever enacted.

I oppose the amendment offered by the Senator from Kansas and strongly urge my colleagues to retain funding for the residential conservation service program which is projected to save nearly $30 billion over the next 5 years.

The arguments for retaining funding for this program are compelling.

First, the Dole amendment is contrary to two previously enacted bills in which the Senate agreed to retain money for home energy audits and reauthorize the program of fiscal year 1982.

Second, contrary to statements that the RCS program is expensive and onerous, the RCS program is projected to achieve enormous economic savings and has been revised by the Department of Energy to streamline Federal requirements and reduce regulatory costs.

For example, the 1979 regulatory analysis projected that while the program costs would be as high as $4.9 billion the economic benefits from reduced energy consumption would be $33 billion over the 5-year life of the program. More importantly, Mr. President, pursuant to President Reagan's February 17, 1981, Executive order, the Department of Energy has drafted revised regulations, which have been approved by OMB and which are ready to be implemented immediately. DOE estimates that these proposed revised regulations would cut program costs in half.

Mr. President, they are stalling because they hope to abolish the program. Senator from Kansas is correct. They do not like the program. But the point is that they have been instructed by the President to come up with these regulations, and I do not think we should permit the Department to further frustrate the President's directions as they are doing thus far.

To illustrate my point further, the actual cost of the RCS program to a utility customer averages just 15 cents a month or $1.80 for the year.

This idea that it only benefits the people in the upper-income bracket is just simply not true. If a homeowner invests even $10 in caulking or weatherstripping, their monthly bill could be permanently reduced by 10 percent.

Mr. President, this is a very important program, and I see no reason whatsoever to abolish it before it has a chance to get on track. I do not think that is cost effective either.

My third point is that the RCS program, contrary to reports by its critics, is one of the most popular energy programs ever enacted. It is projected that over 35 percent, 7 percent annually, of the 57 million eligible households will voluntarily request home energy audits and followthrough by installing conservation improvements in their homes. This amounts to nearly 20 million households in the next 5 years, and millions more who will request audits but must wait for more favorable economic conditions until they take action on their suggested conservation improvements.

It is difficult to predict what might happen in the marketplace if the RCS program is not funded. Forty-one States, as has been stated, are now offering home audits under the RCS program, but only 4 States have enacted laws which would continue RCS if the Federal program were terminated. It is important to point out as well that prior to the RCS act only a handful of utilities were offering their customers information about energy use in the home. Since enactment of the RCS program over 200 major utilities are now providing their customers this essential money-saving information.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. HAWKINS). The Senator from Kansas.

Mr. DOLE. Madam President, let me make just one or two points.

I know that I certainly have great respect for those who are voting against the amendment, but I point out to Members of the Senate that the $7 million recommended for the RCS program will not go to fund a single conservation audit. That money will be spent in Washington by the Department of Energy for promulgation and enforcement of needless regulation.

I have a list here of beltway bandits, the Washington lawyers and consulting firms, that profited handsomely from RCS in fiscal year 1981.

My proposal is to transfer that money to the energy policy and conservation grants program where it will be used to help State energy offices foster conservation efforts at the local level.

This amendment does not do one thing to stop States from having their own program; 41 States have the program; that is fine.

But what we are suggesting is we should not load the cost of this program on low- and middle-income utility users when there is some question about the energy savings offered by the program. It has been estimated this program could cost upward of $15 billion, an estimate based on recent Commerce Department figures. And the Department of Energy estimates only 7 percent of the eligible customers will participate in the program and only 1.5 percent will add conservation measures. In practice, most utilities are experiencing a participation rate of one-half of 1 percent to 2 percent.

The energy savings estimated by DOE is only seven-tenths of 1 percent of projected residential energy consumption or 0.1 million barrels per day of oil equivalent. Those savings will cost utilities $4.9 billion, according to DOE. Other sources indicate it could exceed $7 billion. This cost is going to be rolled into the utility rate base, raising the rates of everyone on the system.

It is my understanding, based on an Oak Ridge National Laboratory study, that the people most likely to participate in such a program are upper- and middle-income individuals, who can afford to make the recommended changes themselves. If the audit costs $85, they should pay $85. If it costs $150, they should pay $150, and not have a statutory limit of $15.

The position that I am proposing is supported by the Air Conditioning Contractors of America, the American Consulting Engineering Council, the American Gas Association, the American Institute of Architects, Edison Electric Institute, the Mechanical Contractors of America, the National Association of Home Builders, the National Plumbing, Heating, and Cooling Contractors, and the U.S. Chamber of Commerce.

In addition to that, it just seems to me that this is one regulation that we can do without.

I quoted from the letter of the general counsel of the DOE.

In my opinion the amendment should be adopted. This program is not in the House bill, and I hope that the amendment might be accepted.

Mr. COCHRAN. Madam President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Mississippi the remainder of my time.

Mr. COCHRAN. Madam President, I thank the Senator for yielding.

Earlier this year I introduced legislation to repeal the residential conservation service program and the commercial and apartment conservation service program.

After I found out that what we were going to have was low-income people subsidizing, in effect, the middle- and upper-income folks who could afford to buy and install these conservation measures that would be found to be needed by the audits.

This does not seem to be a program that the Federal Government needs $7 million to write regulations for.

In some States, like Oregon, Massachusetts, the District of Columbia, there are ongoing programs that are working fine, pointing out to those who want to pay for the services or who can utilize the suggestions how they conserve energy in their homes.

In my State we are finding out we have to cut off the light, we have to turn down this thermostat, we have to do without. We cannot afford to buy fancy installation and storm windows and all the rest of the things that the auditors tell us we need.

That is not the point and this bill does not provide a single dollar to help pay for those things.

I support the amendment being offered by the Senator from Kansas.

The statute requires that the States enforce the provisions of their State plans and requires that utilities notify their customers and offer to audit residential and commercial dwellings and provide supportive services to those customers whose homes are audited.

The real losers in this whole affair, are the American consumers. In the vast majority of the States, most if not all the costs of this program—which would run somewhere from $5 to $7 billion according to DOE—are going to be passed directly to consumers. They are the ones who will have to foot the bill for State regulations, training of auditors, customer notification and other requirements of these programs.

DOE estimates that only 7 percent of eligible customers will respond to the program. Even this presents problems, however, since the consumers most likely to benefit are the ones who can most afford to purchase and install the measures recommended by program auditors. However, the utility implementation costs and State implementation costs will, in most instances, be borne by all, including those who cannot afford to participate. Thus, it is likely that nonparticipating low-income people will subsidize the audit costs of higher-income individuals who do participate.

In many States, consumers already get audits and utility assistance if they so desire. Residential and consumer programs are present in Massachusetts, Oregon, the District of Columbia, and 170 different utilities currently participate in the Edison Electric Institute conservation program. TVA utilities have insulated around 200,000 homes under its voluntary program. The key here, though, is that only those who participate pay.

Madam President, I support the Dole amendment and urge my colleagues to do so.

The PRESIDING OFFICER. Who yields time?

● Mr. CRANSTON. Madam President, I oppose the amendment of the Senator from Kansas (Mr. DOLE), which would transfer to the schools and hospitals conservation grants program all funds provided in this bill to maintain the residential conservation service program. I agree with the Senate Appropriations Committee's determination that both these programs—which assist different groups of energy consumers—are valuable and cost effective and should be preserved.

Congress mandated in the 1978 National Energy Conservation Policy Act a residential conservation program operated by energy distribution utilities to accelerate investments in improved energy efficiency of the Nation's existing residential housing stock. Again, just last year in the Energy Security Act, Congress—with strong bipartisan support—significantly broadened the RCS program to cover multifamily and small commercial buildings and to authorize utilities to provide additional conservation-related services.

Neither the compelling reasons which motivated congressional action last year nor the world energy picture have changed so dramatically that this program has now suddenly become unnecessary, ill conceived and burdensome, as the amendment's sponsors contend.

A February 1981 GAO report on residential energy conservation outreach activities strongly supported the RCS program. GAO concluded that comprehensive, onsite energy audits—like those provided by the RCS—are the most effective means of encouraging individuals to implement voluntary energy conservation measures.

While the very detailed DOE specifications for compliance with the law have caused some complaints by 1 of the 19 California utilities required to establish an RCS program, I believe the complaints involved can be met by revised regulations easing the procedural requirements and giving utilities greater flexibility to design a program within the law's objectives. I certainly support such administrative changes. As the Senator from Oregon has pointed out, the Department has already drafted revised regulations which could reduce program costs by as much as 50 percent. These revised regulations are ready for publication pending a firm congressional decision to continue RCS.

The proponents of this amendment claim that only relatively few eligible customers—primarily those in the upper income brackets who can afford to implement the audit recommendations—will participate in the RCS program, while all customers will pay for it. They argue, we are wrong to continue a program that results in nonparticipating low-income individuals subsidizing the audit costs of higher income participants.

But this argument fails to understand that in the long run all consumers benefit from lower utility rates when the total demand for energy is reduced.

Despite wide variability in program design and energy savings, a 1980 independent review of existing RCS-type utility conservation programs reported that all programs studied were cost-effective—costing less to save energy than to meet existing demands.

There is—to be sure—a real problem of minimal participation of low-income individuals in the RCS program. But this problem can and should be addressed directly, not used as an excuse for eliminating RCS entirely.

Those truly concerned about the burdens of energy costs on low-income people should support an aggressive RCS program, properly tailored to reach lower income groups—including many

elderly, handicapped, and non-English-speaking individuals—who most need relief from rising energy prices and for whom the barriers to implementing cost-effective energy measures are greatest.

Lower income households occupy a disproportionate share of the Nation's older, less efficient housing with the highest potential energy savings payback, but such households are least able to finance the necessary efficiency improvements.

I believe the RCS program can be extremely helpful in achieving the weatherization of low-income homes if adequate attention is devoted to this objective.

California's recently approved RCS plan, for example, which covers the State's major investor-owned utilities and many municipal utilities, provides for major outreach efforts to insure equal access to RCS program services for all segments of the population.

It will provide both information on low- or no-cost conservation measures and also make available deferred payment loans at low or no interest for conservation investments. Also, the State RCS strongly encourages participating utilities to contract with local governments or community-based groups to assist in the implementation of conservation measures.

Often, local government and community workers have much easier access to residents to whom they are already providing services than utility representatives and, even without prior involvement in energy programs, may provide many conservation services effectively.

California will also establish a State advisory group with representatives from the California Office of Economic Opportunity, Energy Extension Service, Department of Consumer Affairs, local governments, small, energy-related businesses, community-based, energy-related organizations, labor unions, low-income organizations, and black, Hispanic, Asian, and Native American minorities, to coordinate and review the conduct and performance of the California RCS program. Participating utilities will establish similar groups to help them carry out conservation activities.

Clearly, energy price decontrol alone will not bring about conservation investments by those who do not have the capital to make those investments, especially with today's very high interest rates.

But the administration's energy policy—based largely on price decontrol—is self-defeating when the administration simultaneously attacks the residential conservation service—which helps to make conservation improvements affordable.

Moreover, the concern expressed for low-income people by the administration rings hollow in light of the severe burden on low-income people that would result from energy price decontrol.

Rather than eliminating the RCS program, I urge my colleagues to support the committee position and defeat this ill-conceived amendment.●

THE RESIDENTIAL ENERGY CONSERVATION SERVICE

Mr. PACKWOOD. Madam President, I support the Senate Appropriations Committee's decision to provide $7 million in fiscal year 1982 for the residential conservation service program (RCS).

The arguments presented in support of the termination of the RCS program center on two basic issues. One is that the program is costly, and the other is that the program is burdensome.

With regard to cost, I have never been a supporter of massive spending by DOE. However, in the most comprehensive cost-benefit analysis to date done on the RCS program, it was found that the program would be cost-effective, generating benefits of $33 billion from 1980 to 1985. Judging from this analysis, the RCS program seems to have substantial economic benefits.

Undoubtedly, the first regulations for the RCS program were burdensome. The Department of Energy has developed new draft regulations, however, which will cut this burden in half.

The State of Oregon, Madam President, has been a leader in the residential energy conservation field. Two of our private utilities, Pacific Power and Light, and Portland General Electric, have proven through excellent programs that investments in residential energy conservation improvements not only reduce individual energy bills, but they also reduce the need to construct costly additional power generation facilities.

To sum up, I think the Senate Appropriations Committee has acted wisely to provide funding for the RCS program. I do not favor transferring this money to some other DOE program, and running the risk of losing these important economic and energy conservation benefits.

Mr. HATFIELD. Madam President, I ask unanimous consent to have printed in the RECORD the letters that I have here relating to this subject matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONSUMERS UNION,
Washington, D.C., October 26, 1981.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Today Senator Dole will likely offer a floor amendment on H.R. 4035, the Interior and Related Agencies Appropriations bill, to eliminate funds for the Residential Conservation Service. Consumers Union urges you to oppose this amendment. This clearly is an inappropriate time to scrap the leading federal program that helps homeowners make economically sound decisions about which conservations measures will yield the greatest savings of energy and money.

The Residential Conservation Service is an information program. Among other things, it requires large electric and gas utilities to conduct, on request, a home energy audit by a trained auditor who provides estimates of the cost and savings of specific conservation measures for that home and that geographic area.

A totally hands-off federal approach to conservation would be grim news for consumers. The energy market is not like the market for beef. When beef becomes too expensive, consumers can always find cheaper sources of protein without great hardship. But consumers cannot easily switch from one source of energy to another. Nor can consumers stop heating their houses without hardship. Conservation is a wise response to crushing prices, but it requires an investment and sound choices.

The benefits of the RCS for energy users and the nation are great. The DOE's most comprehensive Regulatory Analysis for the RCS found the program had a cost-benefit ratio of 2 to 1, generating benefits of $33 billion in just five (5) years. The RCS deserves your support.

Sincerely,

ROGER DAVIS,
Attorney, Washington Office.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, Va., October 9, 1981.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: The American Association of School Administrators (AASA) supports the position you are taking in opposition to the amendment Senator Dole intends to offer when the Senate considers H.R. 4035, the Interior and Related Agencies Appropriations Bill. It is the Association's understanding that the amendment would transfer $7,000,000 recommended for the Residential Conservation Service Program to the Schools and Hospitals Program (National Energy Conservation Policy Act, Title III).

The Association has weighed this decision very carefully for the schools of this nation desperately need the technical and financial assistance provided under the Schools and Hospitals Program. AASA has long been regarded as the spokesman for the educational community regarding energy, particularly the Schools and Hospitals Program. The Association has conducted its own survey and found the program efficient and effective in reducing energy consumption and alleviating some of the fiscal burden on schools. Its energy and economical benefits to education and the nation are well documented. We are pleased that Senator Dole has acknowledged the energy conserving effectiveness of the program in his intended amendment.

It is not the Association's intention to discuss here the full merit of the Schools and Hospitals Programs nor its merits relative to the Residential Conservation Service (RCS). The benefits of both programs are well known to you. Rather to stress that AASA's support of your position should not be misconstrued to suggest to anyone that the schools do not need the assistance that $7,000,000 would provide. They do. Desperately. Nor does AASA wish anyone to take its position in this matter as a tool to justify future cuts in the Schools and Hospitals Program. The benefits in construction jobs, reduced energy consumption, preserving educational programs and ameliorating the local taxpayers' burden all point to the exceptional benefits in federal support of this program.

The Association views the move to eliminating the $7,000,000 in federal RCS administrative funds as an attempt to eradicate the program. Should the program lose its federal guidance, support, technical assistance and information sharing capabilities, it would generate local uncertainty and inconsistency as to what should be done and it would most likely flounder and die. Thus, AASA has weighed the educational grants funds to schools and hospitals against the value of the total RCS program.

RCS provides important information to homeowners so they might know the most cost effective ways to reduce energy consumption. It serves all homeowners, including the poor and elderly who can least afford the ever higher energy costs. It benefits not only the nation's energy and economic position, but cuts the local residents' fuel and utility bills. These residents are the school's parents, neighbors, friends and supporters. As desperate as the schools' energy plight is, education does not wish to gain at the ex-

pense of these individuals who clearly receive important help from the RCS program.

In times of dwindling resources, whether it be energy or federal assistance, the flames of adversarial relationships are easily fanned. Survival of our democracy might well rest on the ability of various groups to step back, view the broader picture and act compassionately toward others' needs. The assistance provided by the Schools and Hospitals Program has been cost-effective, energy-effective and extremely valuable to the schools; however, the American Association of School Administrators cannot support any move to transfer the much needed $7,000,000 to the Schools and Hospitals Program if it means stepping on, indeed obliterating, a program of such proven value to homeowners and the nation as the Residential Conservation Service.

Sincerely yours,

PAUL B. SALMON, Ed.D.,
Executive Director.

ENERGY CONSERVATION COALITION,
Washington, D.C., September 9, 1981.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In the FY 82 Interior appropriations bill, the Committee on Appropriations recommends funding of $7 million for the Residential Conservation Service (RCS) program. The Energy Conservation Coalition urges you to support the Committee's action, and to oppose any amendment to delete funds for this important cost-effective energy conservation program.

The RCS program requires large electric and gas utilities to provide home owners with the opportunity to receive on-site energy audits of their homes and estimates of the cost and savings of specific conservation and renewable energy measures.

The RCS program should be maintained for at least four reasons.

1. The cost-benefit ratio of this program is at least 2 to 1.

In the most comprehensive cost-benefit analysis to date of the RCS program (USDOE, Regulatory Analysis, October, 1979), DOE found that the program would cost $15 billion from 1980 to 1985, but would generate benefits of $33 billion. (Page 2–303)

2. Two-thirds of the "costs" are actually investments incurred voluntarily by home owners to save energy and money.

Of the $15 billion in estimated costs, $9.8 billion is productive investment undertaken by home owners in response to the RCS audits. The total costs per barrel of oil equivalent saved is only $10—less than one-third the current world market price of oil. (Reg. Analysis, page 2-20)

3. The program will save energy and free capital for productive use.

DOE estimates that the program will save 8.5 quads—the equivalent of one year's oil imports. Moreover, it will reduce the need for utilities to borrow new capital at high interest rates for new generating plants. (Reg. Analysis, page 2–19)

4. The program will create employment.

DOE estimates that the RCS program will create 30,000 new jobs throughout the economy. (Reg. Analysis, page 2–13)

Only four states currently have explicit authority to carry on a comprehensive RCS program if the federal program should die. The RCS program provides enormous national benefits. It deserves your support.

Sincerely,

DAVID H. MOULTON,
Policy Director.

Mr. HATFIELD. Madam President, I just make one further comment.

The Senator from Kansas indicated that only 7 percent, it is estimated by the Department of Energy, will take up this opportunity. That is quite correct. Only he has to remember that that is seven times five because that is what the actual report indicated, 7 percent annually for 5 years. That is 35 percent, not 7 percent in the cumulative aggregate form.

Madam President, the Senator from Kansas also indicated that because of this rolled into the rate structure, I think it should be pointed out also, that the new facilities are rolled into the rate structure and let us bear in mind that new facilities cost far more than what we are talking about in this instance and I think because low-income families get stuck anyway paying for the cost and construction of new facilities, it is in their interest that whatever we can do in the other income groups to reduce the energy use is to their advantage as well.

So I think that cuts both ways to recognize what is rolled into the rate base.

Therefore, I urge the defeat of this amendment because I think in the long term it is going to benefit the low-income families as much as it may immediately the middle-income families to have this program ongoing.

I am ready to yield back the remainder of my time.

I yield back the remaining part of my time.

Mr. DOLE. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from California (Mr. HAYAKAWA) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from Michigan (Mr. RIEGLE), the Senator from Mississippi (Mr. STENNIS), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Mr. RIEGLE) would each vote "nay."

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 17, nays 71, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—17

Boschwitz	East	Lugar
Byrd, Harry F., Jr.	Heflin	Mattingly
	Helms	Murkowski
Cochran	Humphrey	Nickles
Denton	Jepsen	Roth
Dole	Kassebaum	Tower

NAYS—71

Abdnor	Exon	Moynihan
Andrews	Ford	Nunn
Armstrong	Garn	Packwood
Baker	Glenn	Pell
Baucus	Goldwater	Percy
Bentsen	Gorton	Pressler
Boren	Grassley	Proxmire
Bradley	Hart	Pryor
Bumpers	Hatch	Quayle
Burdick	Hatfield	Randolph
Byrd, Robert C.	Hawkins	Rudman
Cannon	Heinz	Sarbanes
Chafee	Huddleston	Sasser
Chiles	Jackson	Schmitt
Cohen	Johnston	Simpson
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stevens
Danforth	Laxalt	Symms
DeConcini	Leahy	Thurmond
Dixon	Levin	Wallop
Dodd	Mathias	Warner
Domenici	Matsunaga	Weicker
Durenberger	McClure	Williams
Eagleton	Melcher	

NOT VOTING—12

Biden	Long	Specter
Hayakawa	Metzenbaum	Stennis
Hollings	Mitchell	Tsongas
Inouye	Riegle	Zorinsky

So Mr. DOLE's amendment (UP No. 531) was rejected.

Mr. McCLURE. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCLURE. Madam President, I ask unanimous consent that the Senate resume consideration of the Interior Appropriations bill, H.R. 4035, at 10 o'clock a.m. on Tuesday, October 27, 1981.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Further, I ask unanimous consent that Senator ROBERT C. BYRD be recognized to offer an amendment dealing with historic preservation with a 20-minute time limitation equally divided at the hour when we resume consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Further, I ask unanimous consent that following the disposition of the Robert C. Byrd amendment, Senator LEAHY be recognized to call up his amendment dealing with Economic Regulatory Administration with a time agreement of 40 minutes equally divided.

Further, I ask unanimous consent that following the disposition of the Leahy amendment, Senator MITCHELL be recognized to call up an amendment dealing with energy conservation with a time limitation of 1 hour equally divided. Following the disposition of the Mitchell amendment I ask unanimous consent that Senator BUMPERS be recognized to offer an amendment dealing with prime

farmland with a 40-minute time limitation equally divided. Following disposition of the Bumpers amendment, I ask unanimous consent that a rollcall vote occur immediately on the Proxmire amendment debated on Monday, October 26.

Following the disposition of the Proxmire amendment, I ask unanimous consent that Senator McCLURE be authorized to offer an SRC–I substitute amendment, to make SRC–I part of the legislative language of the bill rather than in the report as now stated; that following the disposition of the McClure amendment that there be a Cannon amendment with a time limit thereon of 40 minutes equally divided; that following the disposition of the Cannon amendment, Senator MATTINGLY be recognized to offer an amendment dealing with a percentage cut with a 30-minute time limitation equally divided.

Further, I ask unanimous consent that any amendments offered in the second degree be limited to 30 minutes equally divided, and that the agreement be in the usual form with respect to the division and control of time, and that the time on any debatable motion, appeal, or point of order be limited to 10 minutes equally divided.

Further, I ask unanimous consent that following the disposition of the Mattingly amendment and/or any amendments to it, the Senate proceed immediately to third reading and then final passage on the bill but not before 2 p.m., with no intervening motions, appeals, or points of order.

Mr. ROBERT C. BYRD. Reserving the right to object, regarding the reference to the rollcall vote on the Proxmire amendment, may I ask the distinguished Senator has that rollcall vote already been ordered?

Mr. McCLURE. I would say to the Senator that the yeas and nays have already been ordered on the Proxmire amendment.

Mr. ROBERT C. BYRD. I thank the distinguished Senator and I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Madam President, with one addition, I did not state a time limit on the amendment of the Senator from Idaho, Senator McCLURE. There will be a limitation of 10 minutes, 5 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That on Tuesday, October 27, 1981, at the hour of 10:00 a.m., the Senate resume consideration of H.R. 4035, an act making appropriations for the Department of Interior and related agencies for the fiscal year ending Sept. 30, 1982, and for other purposes, and proceed to the consideration of an amendment to be offered by the Senator from West Virginia (Mr. Robert C. Byrd), dealing with historic preservation, on which there shall be 20 minutes; to be followed by an amendment to be offered by the Senator from Vermont (Mr. Leahy), dealing with the Economic Regulatory Administration, on which there shall be 40 minutes; to be followed by an amendment to be offered by the Senator from Maine (Mr. Mitchell), dealing with energy conservation, on which there shall be 1 hour; to be followed by an amendment to be offered by the Senator from Arkansas (Mr. Bumpers), dealing with prime farm land, on which there shall be 40 minutes; to be followed by an amendment to be offered by the Senator from Wisconsin (Mr. Proxmire), which shall be voted on immediately; to be followed by an amendment to be offered by the Senator from Idaho (Mr. McClure), dealing with SRC No. 1, on which there shall be 10 minutes; to be followed by an amendment to be offered by the Senator from Nevada (Mr. Cannon), on which there shall be 40 minutes; to be followed by an amendment to be offered by the Senator from Georgia (Mr. Mattingly), dealing with a percentage cut, on which there shall be 30 minutes, with the time on these amendments to be equally divided and controlled by the mover of such and the manager of the bill; with time on any amendment to an amendment to be limited to ½ hour, to be equally divided and controlled by the mover of such and the manager of the bill; and with time on any debatable motion or appeal which is submitted or on which the Chair entertains debate to be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That when the Senate disposes of these amendments and any amendments thereto, it proceed to third reading of the bill and immediately vote on final passage without any intervening motions or appeal, but not before 2:00 p.m.

THE COAL PREPARATION PROGRAM

Mr. JEPSEN. Will the Senator yield for some questions on the coal preparation program?

Mr. McCLURE. I yield to the distinguished Senator from Iowa.

Mr. JEPSEN. Mr. President, is is my understanding that the House has approved the original $6 million figure for the coal preparation program. Is this accurate?

Mr. McCLURE. The Senator is correct.

Mr. JEPSEN. Then this a conferenceable item and it is possible that the $3 million could be restored in conference.

Mr. McCLURE. The Senator is correct.

Mr. JEPSEN. Mr. President, I fully appreciate the Senator's difficult job in trying to come up with additional savings in order to balance the Federal budget. The distinguished Senator from Idaho has my full support in this effort. However, I am concerned about the effect this cut could have, not only on the program directly, but on that aspect of the program being carried out by Iowa State University.

As the Senator knows, different aspects of the coal preparation program are being carried out by different research institutions. Iowa State University, for instance, is involved in testing processes and equipment as well as providing feedback for the various coal utilization projects. Each aspect of the research program plays an integral role in the overall success of the project.

Unfortunately, the Department of Energy has announced that if the $3 million reduction in the coal preparation program is approved, no funds will be sent to Iowa State University to continue its part of the project. My question to the Senator is: Was it the committee's intention that the Iowa State research project be eliminated if this cut is approved?

Mr. McCLURE. I assure the senior Senator from Iowa that this was not the intention of the committee.

Mr. JEPSEN. Would the Senator agree that if this money is not restored and cuts are necessary in the program, these cuts should be made proportionally so that no programs experience a disproportionate share of the cuts?

Mr. McCLURE. That seems to be the appropriate response by the Department of Energy.

Mr. JEPSEN. Mr. President, I appreciate the Senator's taking the time to answer my questions. I am sure the people at Iowa State will be relieved by his assurances. In closing, I say to the distinguished Senator from Idaho that I am very appreciative of his efforts to cut the Federal budget. His diligence and forthright approach to this issue are well known and he has earned my respect and the respect of his colleagues because of this.

Mr. DOMENICI. Madam President, I was planning to introduce an amendment to the appropriations bill regarding Federal aquisition of water rights, but in discussing this matter wtih the distinguished floor manager of this bill (Mr. McCLURE) and the distinguished Public Lands and Reserved Water Subcommittee chairman of the Energy and Natural Resources Committee (Mr. WALLOP), I have decided to withhold the amendment.

Mr. WALLOP. I thank the Senator from New Mexico for bringing his amendment to our attention and I assure him that I share his concern regarding the subject of appropriative water rights claims by the Federal Government. As the Senator from New Mexico knows, my committee is in the process of developing a policy in this area and it is my understanding that the Department of the Interior is hoping to have a new policy announcement on this area before the end of the year. I add that my subcommittee, of which the Senator from New Mexico is a member, and the staff will look closely at this policy once it is announced.

Mr. DOMENICI. I thank the Senator from Wyoming for his remarks, and I look forward to sitting with him when we look at this new policy. I, as the Senator from Wyoming, was extremely gratified earlier this year when Secretary of the Interior James Watt announced that his department would observe State water laws when it came to the question of nonreserved water rights.

As a matter of fact, I think officials throughout the Western States cheered that announcement. However, almost to the day of that announcement by the Secretary of the Interior, a letter surfaced in New Mexico from a district office of the Bureau of Land Management to livestock operators who hold grazing permits. This letter, which I shall ask to have printed in the RECORD, raised many questions in the minds of New Mexicans regarding appropriative water rights ap-

plications by the Bureau of Land Management. We have been in contact with both BLM officials in New Mexico and in Washington, D.C., regarding this letter.

We later found out there was $1.3 million in this Interior appropriations bill for filing fees for acquiring State water rights for their land resources program, but the program was still under departmental review. I sincerely felt that, for several reasons, this money should not be spent unless Congress knew what priorities would be carried out by the BLM in filing for water.

The Department of the Interior did everything possible to answer my questions and define a policy, but were unable to. I was afraid that without a firm policy, BLM would be filing applications on every water right they could get their hands on while observing and fulfilling the obligations of State water laws. Again, I have been assured by Senator WALLOP and the Department of the Interior that this is certainly not the case and that in just a few short months, the issues I raised should be resolved.

Again, I thank the Senator from Wyoming and his staff for their assistance and his help in this matter of great concern to all of the Western States.

Mr. McCLURE. I thank the Senators from New Mexico and Wyoming for their assistance in working out an agreement on this question of Interior Department policy toward the acquisition of appropriate State water rights. I assure both Senators that this is a great concern in my State of Idaho and I, too, am looking forward to the policy announcement by the Department of the Interior in this area, and I look forward to working with my fellow Senators on this important issue.

I recognize the difficulties faced by the Department of the Interior in reviewing past policies and coming up with an all-encompassing policy that deals effectively with State water laws that differ from State to State. I have the utmost confidence that officials at the Interior Department will be able to resolve the situation described by Senator DOMENICI and I know Senator WALLOP, through his subcommittee, will review any new policy with the utmost care.

Madam President, I ask unanimous consent that the letter referred by Senator DOMENICI be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Roswell, N. Mex., September 2, 1981.

DEAR RANGE USER: I am sure you are aware that the Bureau of Land Management is entering into a comprehensive program to inventory and quantify its uses of water (including those of permittees or licensees). This program was initiated recently to implement the President's June 6, 1978, Water Policy Message, the Department of the Interior Solicitor's Opinion of June 25, 1979, and the recommendations of the President's Task Force on Non-Indian Federal Water Rights. Such an inventory of all water uses and submission of water right claims has also been necessitated by several general water rights adjudications in the State, such as those in the Pecos River Basin (Civil Nos. 20294 and 22600 consolidated, Chaves County District Court) and San Juan River Basin (Case No. 75-184, District Court, San Juan County).

Recently, there have been several inquiries from livestock operators concerning the filing of water rights applications on the public lands. BLM, like any water used in Mexico, will file water right claims. The BLM will file claims on those water sources located on BLM administered lands that are now used or will be needed to implement BLM land and resource management programs. BLM will also pay the filing fees for water right claims on these sources. It is the Bureau's general policy that all water rights for the management of public land resource program will be held in the name of the United States or in the name of the permittee and the United States, except (1) in water base areas where the user currently has a valid State appropriative water right for his base property (Taylor Grazing Act), and (2) when the use of water is not needed for the management of public land resource programs. The filing and granting of water rights to the United States (BLM) will not, however, affect the authorized use of water by the public; i.e., all water sources on the public lands presently used by livestock will be claimed for livestock use. Let me emphasize that no grazing licensees or permittees will, therefore, be adversely affected by these filing or subsequent adjudications.

To prepare for present and future adjudications, we are presently conducting an inventory of all water sources and uses on BLM administered lands in New Mexico. This includes streams, springs, wells, reservoirs, lakes and catchments. We would appreciate receiving any information that you feel would be helpful to us (such as the location of water sources used for stockwatering, the number of cattle using each source, the time of year used, etc.). The inventory information will be permanently stored to assist in our land management operations.

If you have any specific questions concerning BLM's water use inventory or compliance with New Mexico's water law, please contact the Roswell District Office.

Sincerely yours,

PHILLIP D. NORELAND,
Area Manager.

Mr. MATHIAS. Madam President, last year, the Interior Appropriations Conference Committee instructed the National Park Service in its 1981 bill to use the U.S. park police training barn as a replacement facility for the national center for therapeutic riding program. The need arose because the National Park Service had condemned and razed the Rock Creek Horse Barn, where the program previously took place. Even though a year has passed since congressional action, the Park Service still has not provided a replacement.

In order to spur the Park Service, I requested that an amendment be included in the fiscal year 1982 bill, providing NPS $800,000 to relocate the U.S. mounted park police barn as a facility for the program. I withdrew this request because I was assured the Park Service plans to take the necessary steps to make the required facility available and has the money to rehabilitate it. I am told that NPS plans to make a reprograming request for the funds necessary to rehabilitate the Edgewater facility, where the park police training program will be relocated, and that the committee fully intends to give this request every consideration.

Mr. McCLURE. Madam President, the committee agrees that this is an important project and is concerned about the lack of responsiveness on the part of the Park Service, so much so that it had language included in the fiscal year 1982 bill, reinforcing the original directive. I am aware that funds are available to rehabilitate the park police facility for the center's use. Furthermore, since accommodating the national center is contingent upon the mounted police training program's relocation to the Edgewater facility, I hope to be able to approve this reprograming request when submitted.

Mr. HUDDLESTON. Madam President, there is a matter dealing with the Abandoned Mine Reclamation Fund which I would like to discuss with the distinguished floor manager of the bill. First, as the chairman of the subcommittee knows, during our original consideration of this bill, I had language inserted into the committee report dealing with the rural abandoned mine program (RAMP) that is administered by the Soil Conservation Service in the Department of Agriculture. That language can be found on pages 35 and 36 of the committee report. Basically, what we said was that RAMP is one of the reclamation programs presently in place that has worked well and deserves close attention from officials at the Department of the Interior who are responsible for providing funding to the soil conservation service. As the report indicates, RAMP has the capability of permitting up to $30 million worth of projects this fiscal year.

However, also in the report is a line on page 35 which indicates that the committee only intends the funding provided to maintain the RAMP program "at a maintenance level with no new project starts." Although I frankly believe that the $4.3 million provided for RAMP is wholly insufficient, if that is the dollar amount we must deal with, I believe it is important that we clarify our intentions with respect to no new project starts.

Is it the chairman's understanding that the overriding language in this situation is that which says that the administration should consider the transfer of additional funding to the Soil Conservation Service from available unobligated balances as the opportunity for additional work under the RAMP is clearly defined to OSM by the Soil Conservation Service? In other words, if RAMP can be proven to be as worthwhile as we believe it is, the SCS would have the opportunity to initiate new starts in the fiscal year within the bounds of the $4.3 million we have appropriated and whatever unobligated balances may be made available by the Department of the Interior?

Mr. McCLURE. That is my understanding, Madam President. The committee intends that the RAMP should continue and that as the Soil Conservation Service clearly defines the needs of the program to OSM, OSM will in turn closely examine the possibility of transferring funds from available unobligated balances in the Abandoned Mine Fund to RAMP. Such action, were it approved by OSM, would certainly mean that additional project starts would be necessary and that new project starts within

the $4.3 million appropriated in this bill would also be permitted.

BRYCE CANYON NATIONAL PARK, FISCAL YEAR 1982 FUNDING FOR SNOW REMOVAL

Mr. GARN. Madam President, I would like to bring to the floor manager's attention the matter of the Senate's earmarking of $267,000 within available funds to maintain the road to Rainbow Point at Bryce Canyon National Park during the months September to May. (See Senate Report 97-166, page 19.)

The earmarking of these funds will provide a much-needed stimulus to the local economy surrounding the Bryce Canyon National Park. This is an area heavily hit by the economic restrictions associated with limited-access Federal lands.

Garfield County, Utah, where Bryce is located, actually has three national parks in it, the other two being Zion and Capitol Reef National Parks. As you can well imagine, the opportunities for economic development in these areas are severely limited.

Therefore, it is essential to take advantage of every opportunity to promote those economic activities which are suitable to such an environment.

The proposed earmarking would provide an excellent stimulus to tourism by helping to make Bryce a year-round park. In a study done for my office, the Regional Office of the National Park Service calculated that the benefits arising from maintaining the Rainbow Point road during the winter months would outweigh the costs of that action by at least a factor of two.

It has been brought to my attention, however, Mr. President, that the Interior Department has appealed to have the requirement to maintain Rainbow Point road eliminated. In doing so, the Department ignored the severe economic conditions surrounding the park and the anticipated returns that would occur in Garfield and surrounding counties if this $267,000 were used to keep that road open.

I would therefore like to ask the floor manager to give his assurance that he will do his utmost to prevent any conference report language against this earmarking and to insure that the Park Service implements the action intended by this earmarking.

Mr. McCLURE. Madam President, I am happy to respond to the Senator from Utah. We have had occasion to discuss this matter several times before and I am in full agreement with the sentiments he expresses. I will be glad to preserve the effect of this earmarking in the conference with the House of Representatives and will encourage the Park Service to implement its provisions.

INTERIOR'S OFFICE OF WATER POLICY

Mr. ABDNOR. Madam President, if I may, I would like to engage the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy with regard to the Federal water policymaking structure.

I do not wish at this time to get into a protracted discussion of the merits of my bill, S. 1095, which has been reported unanimously out of the Committee on Environment and Public Works and which would establish a national board on water resources policy.

However, I do want to remind my colleagues of our agreement for prompt floor consideration of the bill, based upon the withdrawal of the House-Senate compromise language from the reconciliation conference report.

Let me say to the distinguished chairman that I strongly support the provision in the appropriations measure before us today of $1.842 million for an office of water policy within the Department of the Interior.

The Department must address many significant water policy issues, and I commend the Secretary for his initiative in attempting to address these issues forthrightly.

There are those who fear, however, that the Department of the Interior is attempting to dictate policy to other agencies, particularly the U.S. Army Corps of Engineers, which falls under the jurisdiction of the Water Resources Subcommittee, which I chair.

And, while I do not believe Interior is trying to usurp policy authority from the Corps, I do feel very strongly that there are important interdepartmental policy issues which should be addressed and that the current policy-making machinery, as well as the current climate of suspicion and mistrust, are less than conducive to sound decisionmaking and to effective action.

Whether my colleague agrees with my thesis that there is room for improvement and that enactment of legislation along the lines of S. 1095 will enhance the credibility of Federal water policy deliberations, he will recall our understanding that the bill would be aired on the floor of the Senate on a timely basis.

I recognize full well the demands upon the time of the Senator, but this matter has been pending for quite some time now. Might I inquire when he believes we can get together and agree on the time and terms for bringing S. 1095 to the floor?

Mr. McCLURE. Madam President, I am pleased to have the support of my colleague from South Dakota, the distinguished chairman of the Water Resources Subcommittee, for fiscal year 1982 funding for an office of water policy within the Department of the Interior. He is entirely correct in pointing out that the office will address only issues pertaining to the direct authorities of the Department itself.

With respect to S. 1095, to establish a national board on water resources policy, I recognize the need for sound and coordinated interdepartmental water policymaking. And, while I am not certain your bill is the best means to address that need, I do recall our agreement for floor consideration.

Mr. ABDNOR. Madam President, the Senator knows that, generally speaking, my views are very much in accord with his own, and most particularly with respect to water policy. When we get into the specifics of S. 1095, I believe he will find me most receptive to his viewpoint as well.

Mr. McCLURE. Madam President, I shall be pleased to work with the chairman of the Water Resources Subcommittee in working with the majority leader to bring S. 1095 to the floor. There are a number of other Senators who have a great interest in this legislation and who have expressed a desire to consider its effects carefully before it is scheduled for action on the floor. I do understand the Senator's concern, because time is growing short.

THE URBAN INDIAN HEALTH PROGRAM

● Mr. BOSCHWITZ. Madam President, back in 1972, Minneapolis embarked on a program which has since become a model project for other States.

This was the beginning of what is today known as the urban Indian health program. There are now 41 similar projects around the country with fiscal year 1981 funding of $8.9 million. And although great progress has been made with concern to Indian health, we still have a long way to go.

A 1979 HEW report concluded that:

> The health status of American Indians . . . still lags 15 to 20 years behind that of the general population.

The House has recognized this, and recommended a 1982 funding level of $9.790 million for urban Indian health.

For some reason, however, the Senate Appropriations Committee had decided to zero-out this line item.

Although I would like to see us adopt the House level of $9.79 million, I recognize that we do not live in an ideal world and that budget pressures necessitate that all of us be more cautious in what we request.

So I am not going to offer an amendment to put the money back in, but I am going to suggest a partial solution to this dilemma.

Since the House has $9.79 million for urban Indian health, and we have nothing, it is entirely reasonable to suggest to the conferees that they accept a level half-way between. This would amount to about $4.5 million, which also happens to be what the Reagan administration requested. So I do not think this is out of line.

I disagree with the administration, however, in how this money should be allocated among the projects. The $4.5 million request assumes a 50-percent reduction in funding across-the-board for all 41 projects. I believe it makes more sense to give first priority to those projects providing direct health care services.

Currently, five projects provide full-time direct health care services, including the Minneapolis project. These programs have been shown, by an outside audit, to be extremely cost effective and to provide the highest quality of health care.

Second priority should go to those 17 projects with limited health care services, and the third to those providing only information and referral.

I understand that the Indian Health Service may be amenable to this plan, but would prefer some direction from Congress.

I urge the chairman to consider my request, and I would be glad to offer whatever other assistance I can provide.●

FUNDING FOR GYPSY MOTH PROGRAM

● Mr. HUMPHREY. Madam President, I would like to take this opportunity to

express my sincere appreciation to the members of the Senate Subcommittee on Interior and Related Agencies, particularly my colleague, Senator McCLURE, who is the distinguished chairman of that subcommittee. Their cooperation led to a change in program funding which will help curb the problem of gypsy moth infestation.

Leaf-eating gypsy moth caterpillars defoliated more than 9 million acres of valuable forest and ornamental trees in the Northeast in 1981. This was the worst outbreak in history, and next year promises to be just as bad, if not worse.

Repeated defoliation by the gypsy moth kills some trees and weakens others, leaving them vulnerable to attacks from other insects and diseases.

Gypsy moth infestation for 1982 has been projected to be as high as 11 million acres in the Northeast, the effects of which would be devastating.

With this in mind, it became evident that the $2.3 million previously appropriated for the gypsy moth program for fiscal year 1982 would fall far short of the need. The U.S. Forest Service has estimated that as much as $7 million may be needed in fiscal year 1982 for the Federal share of insect suppression projects related to the gypsy moth.

At the request of the two Senators from the State of New Hampshire and through a cooperative effort with the Subcommittee on Interior and Related Agencies, a recommendation was made.

The Committee on Appropriations recommends in a Senate report accompanying H.R. 4034 that this necessary funding for infestation control activities be provided out of the funds appropriated in fiscal year 1982 along with insect and disease carryover funds from fiscal year 1981.

The committee also expects the Forest Service to shift funds from the technical assistance and survey line item to the insect suppression line item or through other reprograming or supplement appropriations actions, if necessary, to meet insect infestation needs in fiscal year 1982.

The committee recommendation is both judgmentally sound and necessary to achieve the goal of gypsy moth suppression and therefore should be implemented by the Forest Service.

States and localities must devise plans for gypsy moth control, and with the assurance that Federal moneys will be available, they may now begin this task. The increased funding level of $7 million will enable States to effectively combat the gypsy moth. I commend Senator McCLURE's subcommittee for recognizing the severity of the gypsy moth blight and for taking appropriate and timely action.●

AMENDMENT NO. 601

Mr. McCLURE. Madam President, I call up amendment No. 601 and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 601.

Mr. McCLURE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 2, delete "$529,869,000" and insert in lieu thereof "$503,703,000".

Mr. McCLURE. Madam President, I wish to modify the printed amendment by restoring $5 million of the proposed reduction. The new figure would then read $508,703,000.

Madam President, in line with the other committee amendments which were earlier accepted, I ask unanimous consent to modify the amendment as printed.

The PRESIDING OFFICER. The Senator has a right to modify that amendment and the amendment is so modified.

The amendment was modified, as follows:

On page 17, line 2, delete "$529,869,000" and insert in lieu thereof "$508,703,000".

Mr. McCLURE. Madam President, the new figure, now reading $508,703,000, conforms to an objection Senator WALLOP and Senator MELCHER raised earlier with respect to the availability of funds for the monitoring and accounting of the royalty payment in the budget of the U.S. Geological Survey. Senators WALLOP and MELCHER and I have consulted on this. I have talked with Secretary Watt today. He supports the request for that money.

Madam President, I think this modification of the amendment is now ready to be agreed to by both sides.

Mr. JOHNSTON. Madam President, I wonder if the Senator can tell me if the effect of this amendment is to have no decrease in the royalty management fund.

Mr. McCLURE. The Senator is correct.

Mr. JOHNSTON. Madam President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (No. 601), as modified, was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Madam President, in line with committee amendments which were earlier accepted, I ask unanimous consent that this amendment be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 532

Mr. McCLURE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 532.

On page 35, line 23, after the word "Forest" insert the following: ": *Provided further*, That Section 10(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, (16 USC 1608) is amended by deleting all of the sentence after the word "benefits": *Provided further*, That no more than $242,542,000 shall be obligated for the construction of forest roads by timber purchasers".

Mr. McCLURE. Madam President, this amendment changes the Forest Service accounting procedures for timber purchaser credit.

Under the 1974 Forest and Rangeland Renewable Resources Planning Act, timber purchaser credits are required to be treated both as budget authority and budget outlays. This means that the Forest Service budget each year must contain an amount for purchaser credits, and that the amounts of purchaser credits allowed by the Forest Service during the fiscal year are not to exceed the amount authorized and appropriated. This is so, even though no Federal dollars are expended from the Treasury. As a result, there is placed upon the Forest Service a ceiling for timber sales as the timber contracts must take into account the amount of timber purchaser credits. Once this ceiling is reached, no further timber sales can become available.

Attached is an amendment to move the funds for timber purchaser credit road construction off budget. In the fiscal year 1982, there is proposed a budget authority of $242,542,000 for timber purchaser credit, a budget outlay of $23,000,000.

If the amendment is adopted, funds expended by the timber purchaser to construct the roads needed to harvest the timber will not be counted as either budget authority or outlays. Further, the amendment requires the Forest Service to continue to track and control the rate of purchaser credit road construction.

Mr. JOHNSTON. Madam President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 532) was agreed to.

Mr. McCLURE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. McCLURE. Madam President, I wonder if the distinguished minority leader would indicate whether or not he is in a position to clear any nominations on the Executive Calendar.

Mr. ROBERT C. BYRD. Madam President, in response to the inquiry by the distinguished acting Republican leader, the following nominations are cleared on this side of the aisle: Beginning with the Department of Labor on the first page of the Executive Calendar and going through page 2 of that calendar.

Mr. McCLURE. I thank the distinguished Senator.

EXECUTIVE SESSION

Mr. McCLURE. Madam President, I ask unanimous consent that the Senate

go into executive session to consider all the nominations on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Madam President, I ask unanimous consent that the nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations confirmed en bloc are as follows:

DEPARTMENT OF LABOR

John F. Cogan, of California, to be an Assistant Secretary of Labor.

Lenora Cole-Alexander, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Rosemary M. Collyer, of Colorado, to be a member of the Federal Mine Safety and Health Review Commission.

DEPARTMENT OF LABOR

Ford Barney Ford, of California, to be Assistant Secretary of Labor for Mine Safety and Health.

DEPARTMENT OF EDUCATION

Jean Tufts, of New Hampshire, to be Assistant Secretary for Special Education and Rehabilitative Services.

CIVIL AERONAUTICS BOARD

Clinton Dan McKinnon, of California, to be a member of the Civil Aeronautics Board.

Mr. McCLURE. Madam President, I move to reconsider the vote by which the nominations were confirmed.

Mr. JOHNSTON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Madam President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. McCLURE. Madam President, I ask unanimous consent that the Senate now return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR ARMSTRONG COMMENDED FOR SUPPORTING AWACS SALE

Mr. BAKER. Madam President, this afternoon, Senator WILLIAM ARMSTRONG announced his support for the sale of AWACS aircraft to Saudi Arabia, and I want to take this opportunity to congratulate him. Senator ARMSTRONG'S statement was significant in its own right: It was a responsible, well researched, and I believe correct response to a critical question facing the Senate and the country.

But, Madam President, Senator ARMSTRONG'S announcement is also significant in one other respect. For days, I have listened to reports calling the proposal finished, and certain to face disapproval in the Senate. Senator ARMSTRONG'S endorsement is the latest indication that these reports are false.

PROPOSED ARMS SALES

Mr. PERCY. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of the proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to in the covering letter is available to the Senators in the office of the Foreign Relations Committee, room 4229 of the Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 23, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-108 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $1.1 billion. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

ERICH F. VON MARBOD,
Director.

TRANSMITTAL NO. 81-108

(Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act)

(i) Prospective Purchaser: Pakistan.

(ii) Total Estimated Value:

	(billion)
Major Defense Equipment*	$0.6
Other	0.5
Total	1.1

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Forty F-16 aircraft with related munitions, support equipment, spare parts, training, training equipment, and technical assistance.

(iv) Military Department: Air Force (SCA and SEA).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1981.

(viii) Date Report Delivered to Congress: October 23, 1981.

POLICY JUSTIFICATION

PAKISTAN—F-16 AIRCRAFT

The Government of Pakistan has requested the purchase of 40 F-16 aircraft with related munitions, support equipment, spare parts, training, training equipment, and technical assistance at an estimated cost of $1.1 billion.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet invasion of Afghanistan.

The Government of Pakistan requires modern fighter aircraft to replace a number of its Korean War vintage planes which have reached the end of their service life. The Government of Pakistan will use this equipment to enhance its air defense capability as part of an overall force modernization plan.

The sale of this equipment and support will not substantially alter the overall military balance in the region.

The prime contractor will be the General Dynamics Corporation of Fort Worth, Texas.

Implementation of this sale will require the assignment of U.S. contractor representatives to Pakistan (the exact number will be determined after completion of a site survey) until the Pakistan Air Force can achieve self-sufficiency.

No impact of substance on U.S. defense readiness is anticipated as a result of this sale. Full logistical support, however, will not be delivered with the first six aircraft and U.S. Air Force assets may be required for support and training during the initial part of the program.

PTA MEMBERSHIP MONTH

Mr. HAYAKAWA. Madam President, since 1897, the Parent-Teachers Association, the PTA, has initiated programs to improve the education and home life of elementary and secondary students and their families. The passage of House Joint Resolution 318 in the House of Representatives and Senate Joint Resolution 105 in the Senate established October 1981 as "National PTA Membership Month," to commend the PTA for its consistent advocacy of the interests of children and youth.

The key to the success of the PTA is cooperation. Together parents, teachers, industry, and community leaders are meeting students' needs by providing a wide range of services for children, families, and schools.

One of the National PTA's most important tasks is that of parent-educator. Seminars, publications, and other resources have been developed in parenting, health, and alcohol education. On the State level, the California State PTA publishes movie reviews in their official publication, the Bulletin. Films are PTA rated for violence, sex, profane or obscene language, cruelty to animals, drugs, and nudity. The California State PTA has also worked with the March of Dimes in sponsoring a series of seminars to assist parents in communicating with their children. All of these activities can help parents with the important task of rearing their children.

The PTA has been resourceful in its use of outside funds to develop useful programs for parents and children. Underwritten through a cooperative ar-

rangement with the Grolier Educational Cooperation, the California State PTA is producing a series to help parents turn television viewing into a positive experience. The PTA believes that the home and school can work together in teaching children to be discriminating in their program selection.

Five statewide viewing skills workshops for parents are planned for January 1982. The California PTA is also working with the Kellogg Co. in a program to guide young people in making wise decisions about health issues affecting their lives. Student health education forums allow students to reach their own consensus in identifying health education concerns. The publications used in this project were paid for by Kellogg, and put to use by PTA volunteers and students.

The PTA has greatly expanded its community involvement through preventive programs in drug abuse, health, early teenage pregnancy, school discipline and other community concerns "Learning vs. Violence and Vandalism: Can Students Make a Difference?" was the subject of a California State PTA-sponsored creative writing competition for secondary students. A total of 350 entries were received and prizes awarded in two divisions: grades 7–9 and 10–12. The students showed great insight into the causes of school violence and vandalism, and offered many creative solutions to the problem.

The California PTA is also training local volunteers in the use of "A Guide to School and Community Action" which was developed in cooperation with the California State Department of Education. This is a guide for communities interested in gathering facts and determining solutions about concerns such as early teenage pregnancy and drug abuse.

Throughout its 84-year history, the welfare of the students has been the major concern of the PTA. This year, student loans and grants totaling $190.000 will be awarded by the California PTA's honorary service award program. The PTA remains dedicated to building schools, families, and communities where young people can realize their full potential. As Mary Ann Leveridge, National PTA president recently told the 1981 PTA convention, their organization is "Parents and Teachers Working Together—Still the Best Aid to Education."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 223. Resolution to waive section 402(a) of the Congressional Budget Act with respect to the consideration of S. 1024, the Federal-Aid Highway Improvement Act of 1981 (Rept. No. 97–251); and

S. Res. 224. Resolution waiving section 303(a) of the Congressional Budget Act of S. 1024 (Rept. No. 97–252).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

Everett George Rank, Jr., of California, to be a Member of the Board of Directors of the Commodity Credit Corporation; and

Susan Meredith Phillips, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1985.

(The above nominations were reported from the Committee on Agriculture, Nutrition, and Forestry, with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself, Mr. CRANSTON, Mr. GORTON, Mr. MATHIAS, and Mr. MATSUNAGA):

S. 1771. A bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 1772. A bill to amend title 10, United States Code, to provide for the nonpreemption of State law in cases relating to the division of retired or retainer pay between members or former members of the Armed Forces and their spouses, and to provide an appropriate means of enforcing decrees and orders of State courts providing for the division of such law; to the Committee on Armed Services.

By Mr. DANFORTH:

S. 1773. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to require all car manufacturers to install automatic crash protection in new passenger cars on the same effective date; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 1774. A bill to exempt certain wilderness areas in Montana from mineral leasing; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. DOLE):

S. 1775. A bill to amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, to provide a remedy against the United States with respect to constitutional torts, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 1771. A bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national populations policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes; to the Committee on Government Affairs.

GLOBAL RESOURCES, ENVIRONMENT AND POPULATION ACT OF 1981

● Mr. HATFIELD. Mr. President, today I am introducing legislation designed to bring about institutional change and improve the global foresight capability of the U.S. Government. This bill requires that there be established an Interagency Council on Global Resources, Environment, and Population which would be mandated to develop a national population policy. This policy would include a declaration encouraging national population stabilization in the long term.

It is time that our country face the stark realities of geometric population growth, resource depletion, environmental degradation, and their direct link to our national security interests. It should come as no surprise that our current Government policies and capabilities to address such significant problems is grossly deficient and disjointed. This legislation provides crucial direction to our Government to begin focusing on the wide range of demographic trends and problems that affect us all. Population change has tremendous impacts on our Nation's problems involving energy conservation, hunger, education, housing, and employment. We can no longer ignore such tendencies. We must adopt the flexible policy called for in this bill to capably respond to the monumental demographic concerns that presently confront us.

Several unexpected and uncontrolled events in our history have led to resource shortages, scarcity of manufactured goods and heightened world tensions. The most prevalent illustration of such an occurrence is the post-World War II baby boom which clearly demonstrates our Government's weakness in collecting and wisely utilizing demographic data. The population bulge that ensued because of the large number of babies born between 1948 and 1968 first crowded the maternity wards of our hospitals, then further crowded our schools and universities.

The decade of the fifties saw school enrollments jump almost 50 percent. Following graduation, this generation has flooded the job and housing markets. Some demographers are predicting the children of the baby boom will produce another bulge in numbers and our country will again be unprepared. When the baby boom generation reaches retirement age, great demands will be put on health care and retirement systems.

Another demographic pattern which has impacted our Nation has been the internal migratory shifts in our population caused by economic, political, and cultural factors. A recent illustration of this trend can be noted in the industrial towns of the northern Midwest which have depended heavily on the auto and steel industries for their very existence. The fall in the auto and steel employment has resulted in a large internal migration to the more prosperous cities in the Sun Belt where better opportunity exists for the skilled unemployed of the North.

Mr. President, you may recall that earlier this month several Senators, including myself, engaged in a colloquy here on the Senate floor in recognition of

World Food Day. I raise this matter because of the direct relationship of food and hunger to the demography of our age. The hunger problem we are witnessing sharpens our understanding and defines the magnitude of geometric population expansion.

Today, 800 million people are suffering from starvation. Worldwide, 12 million people dies of starvation each year before they reach the age of 5. In Latin America, El Salvador has the highest rate of malnutrition of any nation in the hemisphere, and we have seen not only the suffering and instability which this creates, but the opening which it gives to extremist ideology. One does not have to utilize great intelligence to realize a spiraling world population has brought an exponential erosion of our finite resource base and substantial increase in human sacrifice.

As Americans, we can no longer afford to stand by and remain spectators of this calamity. We must take responsible actions and confront this dilemma head-on.

There have been several attempts on behalf of the U.S. Government to address pressing global issues during our two previous administrations. In 1975, President Ford recognized the significance of such global problems and originated and ad hoc group on population policy within the National Security Council. A more visible effort was carried out under President Carter's direction and completed in the summer of 1980. This multi-agency study was entitled: "The Global 2000 Report to the President." The follow-up document to the report, "Global Future: Time to Act," strongly recommends that a single government center is needed to insure availability of adequate demographic data to U.S. decisionmakers. Mr. President, there appeared in the February 1981 edition of Nation's Business a very eloquent article on the Global 2000 study. It was written by James J. Kilpatrick, a noted conservative journalist, and I think it accurately describes the report and corresponding issues. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

THE COMING CATASTROPHE

(By James J. Kilpatrick)

Five years ago, Scribner's published an English translation of Jean Raspail's The Camp of the Saints. The novel had been well received abroad, but here in the States the liberal reviewers killed it with ridicule or with silence. The plot was intolerable to them. Raspail was predicting that somewhere around 1990 or 2000 a horde of wretched, starving have-nots would swarm like locusts upon Southern France and ravage the food, the property and the lives of the haves. This was a nightmare novel, chillingly told.

Raspail's prophetic work came to mind the other day, when I finally got around to reading Global 2000. This was a report submitted to President Carter last summer by the Council on Environmental Quality and the Department of State. It is an immensely important study, staggering in its implications, and if you wonder why it has received so little attention, I can only surmise that in Washington we are inundated by reports, and at the time of publication this must have looked like merely one more report.

It is much more than that. The authors have pulled together the best projections of experts in a dozen fields—population, food production, natural resources and the like—and have compressed them into a single word: catastrophe. If we fail to heed the clear warnings of this study—if we fail to take sensible actions now—we will invite terrible consequences just two decades hence.

The population projections alone are enough to cause serious concern. By 2000, the world's population will have increased to about 6.35 billion, a gain of 55 percent over 1975. The more developed countries will increase slowly: The United States may have 248 million inhabitants, up 16 percent; Western Europe can anticipate a population of 378 million, up 10 percent. But the less developed countries will soar. By 2000, Mexico can expect a population of 131 million, up 119 percent. Mexico City will be the largest city in the world, with a population of perhaps 31.6 million—three times as large as New York is today. Africa's population will double; China will go to 1.3 billion and India to 1 billion.

How are these billions of human beings to be fed? In most of Asia, and in poor areas of North Africa and the Middle East, a calamitous drop in food per capita is projected. In these areas, "the quantity of food available to the poorest groups of people will simply be insufficient to permit children to reach normal body weight and intelligence and to permit normal activity and good health in adults." The number of seriously malnourished people will roughly double, from about 600 million today to 1.3 billion two decades hence.

What these projections suggest is that the great grain and rice producing nations must redouble their efforts. An answer cannot be found in putting more land in production, because most good land already is under cultivation. Increased reliance upon fisheries could help, but "unfortunately, the world harvest of fish is expected to rise little, if at all, by the year 2000."

Other concerns cry out for thoughtful attention. The world's forest resources are in deep trouble. By 2000, growing stock per capita is expected to decline 47 percent worldwide and 63 percent in less developed countries. Water supplies, already short in many areas, will get worse.

One thing leads to another: As urban sprawl continues, valuable cropland goes out of cultivation. As forested hills are denuded, erosion takes over. For want of fuel wood, millions will be forced to burn animal dung, thus robbing the soil of organic nutrients.

The authors emphasize that their projections are conservative. They do not allow for drought, or wars or agricultural pestilence. On the other hand, they do project technological developments that will enhance productivity. They do not assume breakthroughs in fusion energy or solar energy. They acknowledge the increased risk that goes with increased production of electrical energy in atomic plants, and grimly but matter-of-factly they point to the mounting problem of disposing of atomic wastes.

Yes, this is a gloom and doom report, made all the more disturbing by the constrained and dispassionate style in which the authors lay out the evidence. But it is not a report without hope. Their message, finally, is that the impending catastrophe can indeed be averted—or at least minimized—if sensible public policies are put in motion now. New methods of safe and reliable birth control must be developed. The world will need new varieties of fast-growing trees. New techniques of aquaculture and desalinization will have to be found.

Above all, a sense of urgency has to be aroused. Otherwise, our children and grandchildren may soon discover that Jean Raspail wrote not fiction, but fact.

Mr. HATFIELD. Mr. President, we should note that President Reagan has also indicated his interest in global issues and has instructed the Council on Environmental Quality to begin conferring with other Government agencies to develop a response to some of the most critical global problems. This past summer the President participated in the Ottawa Economic Summit Conference involving Canada, France, Germany, the United Kingdom, Italy, and the United States. The following statement on population was included in the official declaration of the Ottawa Summit:

Paragraph 20: We are deeply concerned about the implications of world population growth. Many developing countries are taking action to deal with that problem, in ways sensitive to human values and dignity; and to to develop human resources, including technical and managerial capabilities. We recognize the importance of these issues and will place greater emphasis on international efforts in these areas.

Several academic studies have been completed which point to the need to establish national population policy. Two such efforts have been issued by the Boston College Environmental Law Center and Stanford University respectively.

Mr. President, this legislation, as I mentioned previously, establishes an Interagency Council on Global Resources, Environment and Population.

The council shall be composed of one representative from each one of 19 agencies which formulate policy on these issues. The bill calls for staffing responsibilities to be carried out by the Office of Administration within the Executive Office of the President. This council will not cost the taxpayers any additional expense and will not add to the Federal work force. In this manner, we can prudently establish the institutional base necessary to address this vital task and not add to the Federal deficit.

Mr. President, for many years during my tenure here in the Senate I have tried to advance the notion that we are not the owners of the natural resources and treasures of this Earth, but rather its stewards, entrusted with its temporary use. We as a nation must live and act in ways that demonstrate this stewardship. The benefits to be realized—reduced human suffering and strife for future generations—will certainly be worth the cost.

I am honored to be joined in this effort by Senators CRANSTON, GORTON, MATHIAS, and MATSUNAGA as original cosponsors. I appreciate this support and look forward to working with many other colleagues on this legislation as well.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Global Resources, Environment, and Population Act of 1981".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "agency" shall have the same meaning provided in section 551(1) of title 5, United States Code;

(2) "Chairman" means the Chairman of the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(3) "Council" means the Council on Global Resources, the Environment, and Population established by section 7 of this Act;

(4) "global population stabilization" means the stage in the change in world population when the number of human births approximately equals the number of human deaths;

(5) "long term", when used with respect to trends or impacts means a period of twenty or more years;

(6) "national population stabilization" means the stage in the change in national population when the sum of the number of human births and the number of individuals immigrating approximately equals the sum of the number of human deaths and the number of individuals emigrating;

(7) "person" shall have the same meaning provided in section 551(2) of title 5, United States Code;

(8) "population characteristics" means the number of individuals in the population, and the fertility, mortality, immigration, emigration, internal migration, age structure, and geographic distribution of the population, and the health, education, employment, income, and natural resources needs of the population; and

(9) "short term", when used with respect to trends or impacts, means a period of less than twenty years.

FINDINGS AND POLICY

SEC. 3. (a) The Congress finds and declares that—

(1) population growth directly affects the availability of natural resources, the environment, economic development, and national security;

(2) continued unplanned changes in population characteristics affect the ability of the Nation—

(A) to fulfill the needs of the people for education, training, jobs, health care, housing, and transportation,

(B) to maintain adequate energy supplies;

(C) to conserve natural resources;

(D) to produce food and agricultural products;

(E) to protect the environment;

(F) to provide income maintenance for retired and disabled individuals, and

(G) to control Government expenditures;

(3) there are economic, social, governmental, and environmental advantages to the attainment of national population stabilization in the United States;

(4) the Federal Government has the responsibility for coordinating planning for changes in population characteristics;

(5) the Federal Government is presently unable effectively to derive internally consistent projections of long term national and global trends in population characteristics, the availability of natural resources, and environmental change, to analyze the effects of such trends on Federal policies and programs, and to consider such trends in planning and modifying Federal policies and programs appropriately; and

(6) the Federal Government must improve its capability—

(A) to coordinate research and analysis with respect to, and prepare projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change, and

(B) to assess the impact of such trends on the national security and the economic well-being of the people of the United States.

(b) It is the public policy of the United States that—

(1) the Federal Government use all practicable means, including financial and technical assistance, to establish and maintain conditions which (A) promote the achievement, at the earliest possible time, of national population stabilization in the United States at a level which is consistent with the maintenance of a high standard of living and conservation of natural resources and the environment, and (B) do not cause major social or economic dislocations in the national population;

(2) the Federal Government cooperate with State and local governments and other persons to promote national population stabilization in the United States;

(3) the Federal Government encourage the nations of the world to achieve national population stabilization and a balance between population characteristics, the use of natural resources, and environmental change; and

(4) the Federal Government develop and maintain the capability—

(A) to coordinate research and analysis with respect to, and to prepare projections of, national and global trends in population characteristics, the availability of natural resources, and environmental change,

(B) to assess the impact of such trends on the Nation, and

(C) to coordinate national planning and decisionmaking based on such projections.

PURPOSES

SEC. 4. The purposes of this Act are—

(1) to provide for coordinated national planning for changes in national population characteristics;

(2) to facilitate the attainment of a balance, both nationally and, through cooperation with other nations, globally, between population characteristics, the use of natural resources, and environmental change;

(3) to encourage national population stabilization in the United States;

(4) to assure that, in the interpretation and administration of Federal laws, regulations, and policies, and the planning and administration of the programs of the Federal Government, the goal of national population stabilization and projections on national and global trends in population characteristics will be considered;

(5) to establish an interagency council to improve the capability of the Federal Government to provide the President, the agencies, and the Congress with accurate, timely, and internally consistent projections of short term and long term national and global trends in population characteristics, the availability of natural resources, and environmental change; and

(6) to assure coordination of the activities of all agencies which assess the effects of the national and global trends referred to in clause (5) on the national security and the economic well-being of the people of the United States, and on Federal, State, and local policies and programs relating to education, employment, housing, agriculture, commerce, energy, the environment, transportation, communications, and services to senior citizens.

INTERPRETATION AND ADMINISTRATION OF POLICIES, REGULATIONS, AND PUBLIC LAWS; AGENCY ACTION

SEC. 5. The Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and

(2) all agencies of the Federal Government shall—

(A) use reliable demographic research in planning and decisionmaking which affect national and global population characteristics, the impact of national and global population characteristics on the availability of natural resources, the environment, the security of the United States, and the attainment of national and global population stabilization;

(B) identify and develop, in consultation with the Council on Global Resources, the Environment, and Population established by section 7 of this Act, methods and procedures which will insure that national and global population characteristics and the promotion of national and global population stabilization will be considered, along with environmental, economic, natural resource, and technical considerations, in planning and decisionmaking in such agencies; and

(C) make available to State and local governments and to other persons such advice and information as may be useful for planning for changes in population characteristics and national population stabilization in the United States.

POLICY REVIEW

SEC. 6. The head of each agency shall review the statutory authority, administrative regulations, and policies and procedures of the agency for the purpose of determining whether there are any deficiencies or inconsistencies which limit or prevent compliance with the purposes, policies, and provisions of this Act. The head of each agency shall, within one year after the enactment of this Act, take such action as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies and recommend to the President such administrative actions and to the Congress such legislative actions as the head of the agency considers necessary to eliminate any such deficiencies or inconsistencies.

COUNCIL ON GLOBAL RESOURCES, THE ENVIRONMENT AND POPULATION

SEC. 7. (a) There is established a Council on Global Resources, the Environment, and Population. The Council shall be composed of the Secretaries of Agriculture, Commerce, Defense, Energy, Health and Human Services, the Interior, State, and Transportation, the Attorney General, the Director of the Office of Management and Budget, the Director of Central Intelligence, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of the United States International Development Cooperation Agency, the Director of the National Science Foundation, the Assistant to the President for National Security Affairs, the Director of the Office of Policy Development of the Executive Office of the President, the Director of the Office of Science and Technology Policy of the Executive Office of the President, and the United States Trade Representative, or their designees.

(b) The Chairman of the Council on Environmental Quality shall be Chairman of the Council. The Council shall elect a Vice Chairman from among its members. In the absence or disability of the Chairman, the Vice Chairman shall act as Chairman.

(c) The Chairman shall preside at all meetings of the Council. At least seven members of the Council shall constitute a quorum. Each member of the Council, including the Chairman, shall have one vote. Decisions of the Council shall be determined by a majority vote of the members present.

FUNCTIONS OF THE COUNCIL

SEC. 8. (a) The Council shall—

(1) assist and advise the President in the preparation of the National Population Change and Planning Report required by section 10 of this Act;

(2)(A) coordinate population research by agencies and compile information on the current and foreseeable trends in United States

and global population characteristics and on the conditions causing such trends;

(B) analyze and interpret such information to determine the probability that such trends and conditions will limit the achievement of the policies set forth in this Act; and

(C) compile and submit to the President and Congress such studies as the Council considers appropriate to promote the achievement and implementation of the purposes of this Act and policies of this Act;

(3) review the laws, regulations, programs, and activities of the Federal Government to determine the extent to which such laws, regulations, programs, and activities limit or promote the achievement and implementation of the purposes and policies of this Act, and make recommendations to the President for such administrative actions and the Congress for such legislative actions as the Council considers necessary to eliminate any provisions of such laws or regulations or to modify any such programs or activities which limit the achievement or implementation of the purposes and policies of this Act;

(4) develop and recommend to the President and the Congress a national population policy, including a national policy on immigration, which will facilitate planning for changes in population characteristics and promote national population stabilization in the United States;

(5) conduct investigations, surveys, and research, and prepare studies and analyses relating to national population characteristics and the impact of the population characteristics on the availability of natural resources, the environment, and achievement of national population stabilization;

(6) prepare and revise projections and analyses of short term and long term global trends in population characteristics, availability of natural resources, and environmental change, including the impact of such trends on the Nation, and report such projections and analyses to the President at least every two years;

(7) develop and recommend to the President policies and programs which will encourage global population stabilization at a level which is consistent with the highest possible standard of living and does not deplete the natural resources of the world or degrade the global environment; and

(8) make such recommendations with respect to matters of policy and legislation as the President or the Congress may request.

(b) In carrying out its functions under this Act, the Council shall consult with appropriate officials and representatives of State and local governments, and other persons, including persons interested in population, science, industry, health, education, agriculture, labor, conservation, social welfare, and international affairs, to obtain information, opinions, and advice without compensation or reimbursement.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) The Chairman is responsible for the executive and administrative operation of the Council in carrying out the provisions of this Act. The Chairman is authorized—

(1) to use, pursuant to appropriate agreements, the services, equipment, personnel, and facilities of other agencies and of State, local, and private instrumentalities, without reimbursement therefor;

(2) to enter into agreements with the heads of such other agencies and the heads of any State, local, and private instrumentalities as may be appropriate; and

(3) to request such information, data, and reports from any agency or person as the Council may require to carry out the purposes and provisions of this Act.

(b) The head of each agency represented on the Council shall promptly furnish necessary services, equipment, personnel, and facilities to the Council.

(c) The head of each agency shall, to the extent permitted by law, provide the Council with information of the agency requested by the Council, including suggestions, estimates, and statistics.

(d) The expenses of the Council shall be paid out of appropriations available for the payment of the administrative expenses of the Executive Office of the President.

ANNUAL REPORT

SEC. 10. Within one year after the date of enactment of this Act, and annually thereafter, the President shall prepare and transmit to the Congress a National Population Change and Planning Report which shall include—

(1) the current and foreseeable trends in national and global population characteristics;

(2) an evaluation of the adequacy of available natural resources for fulfilling the human and economic requirements of the United States and the world based on such current and foreseeable trends;

(3) an evaluation of the short term and long term impact which national and global trends in population characteristics, availability of natural resources, and environmental change will have on the economy and national security of the United States;

(4) a review of the effects of the laws, regulations, programs, and activities of the Federal Government and State and local governments and of the activities of other persons on population characteristics, the attainment of national and global population stabilization, and planning for such change and stabilization; and

(5) such recommendations for legislative actions as the President considers necessary to carry out the purposes and policies of this Act.●

By Mr. DOMENICI:

S. 1772. A bill to amend title 10, United States Code, to provide for the nonpreemption of State law in cases relating to the division of retired or retainer pay between members or former members of the Armed Forces and their spouses, and to provide an appropriate means of enforcing decrees and orders of State courts providing for the division of such pay; to the Committee on Armed Services.

DIVISION OF CERTAIN MILITARY PAY

● Mr. DOMENICI. Mr. President, after the Supreme Court decision that State courts could not consider military pensions for settlement purposes in divorce proceedings, several bills were introduced in both Houses of Congress to give States the authority to do so. I commend my colleagues for taking immediate action to move legislation to correct this inequity. I support their efforts. However there is a further problem to be dealt with and that is the reason for the introduction of this bill.

Even if the States are allowed to divide military pension between litigants in a divorce proceeding, and issue a decree doing so, the decree may be unenforceable when the pensioner moves out of State. Therefore, the bill I introduce has a provision for filing divorce decrees with the Secretary of Defense who will then issue pension checks as per those valid divorce decrees. This bill insures not only the right to share in a military pension but also provides a practical enforcement mechanism.

Mr. President, I hope that the Congress moves quickly in passing legislation to allow the States jurisdiction over military pensions in divorce cases. There are several proposals before the proper committees. But I also hope that we include an enforcement mechanism which will allow a practical disbursement of the adjudicated shares of pension settlements.●

By Mr. DANFORTH:

S. 1773. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to require all car manufacturers to install automatic crash protection in new passenger cars on the same effective date; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE SAFETY AMENDMENTS ACT OF 1981

● Mr. DANFORTH. Mr. President, I am introducing today the Motor Vehicle Safety Amendments Act of 1981, legislation which would reduce substantially the individual and social costs of automobile accidents on our Nation's highways. Enactment of the legislation would reverse the decision of the National Highway Traffic Safety Administration, announced on October 23, to rescind Federal Motor Vehicle Safety Standard 208.

The costs of automobile accidents have reached appalling proportions, and yet they promise to grow far worse in the next few years. As chairman of the Surface Transportation Subcommittee, I feel a special obligation to call to my colleagues' attention the horrifying facts about automobile accidents and the adverse impact NHTSA's decision will have on automobile safety.

The impact of the NHTSA decision will fall most heavily on young Americans, since car accidents are the leading cause of death for Americans under age 35. A study released earlier this month showed that nearly one-half of all Americans who die between the ages of 16 and 19 are killed in automobile accidents. This year, more than 53,000 people will die in auto accidents, and 2 million others will suffer disabling injuries. In terms of death and disfigurement, the United States suffers a Vietnam war every single year.

The future is even more horrifying. The growing number of small, light, fuel-efficient cars on the highways will likely push the death toll over 70,000 lives per year by the end of this decade, according to NHTSA's own predictions. This is certainly not the time to abandon lifesaving technology, but NHTSA has decided to turn back the clock on automatic crash protection.

The legislation I am introducing today would insure that all 1984 model year and later model cars would be equipped with an automatic crash protection system, as required by the now defunct FMVSS 208. It has been estimated that implementation of the standard could save 9,000 to 12,000 lives each year and prevent perhaps hundreds of thousands of serious injuries.

I cannot overemphasize that this legislation is not a futile effort to protect people from themselves. It cannot be denied that enforcement of the automatic crash

protection standard would mean that several times more people would be protected than are protected today by manual safety belts. Nor can it be denied that the benefits of the additional protection would be shared not only by those whose lives are saved, but also by all who pay health and automobile insurance premiums and by the American taxpayer. At stake are nearly $19 billion per year in medical costs, lost wages, and welfare and social security payments. Experts have subjected the automatic crash protection standard to strict cost-analysis and have found that all of us would be better off if the standard were enforced.

Yale economist William Nordhaus estimates that half of the costs of auto accidents are external to the victims and are therefore borne by the taxpayers and others. The upward pressure on insurance premiums would be relieved somewhat by the enactment of this legislation. Without the standard, rising insurance costs can be expected to price some drivers out of the market, thus exposing more and more of us to the risk of being hit by uninsured motorists.

NHTSA's rescission of FMVSS 208 is a mistake. The administration has undone a decade of consideration, negotiation, and research. It is my intention to hold hearings on this decision at the earliest possible date and to likewise move forward with this legislation. This is the only course which is consistent with the policy underlying the National Highway Traffic and Motor Vehicle Safety Act of 1966—to reduce the bloodshed on our Nation's highways.

Mr. President, I ask unanimous consent that the Motor Vehicle Safety Amendments Act of 1981 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Safety Amendments Act of 1981".

SEC. 2. Congress hereby declares that the purpose of this legislation is to provide comfortable and convenient crash protection for occupants of passenger cars in a manner which avoids competitive and financial disadvantages to any manufacturer.

SEC. 3. Part A of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391–1410b) is amended by adding at the end thereof the following new section:

"SEC. 126. (a) Each automobile manufacturer shall install automatic crash protection in each passenger automobile manufactured on or after September 1, 1983.

"(b) The Secretary, in carrying out his responsibilities under section 201(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(c)), shall develop and disseminate information to inform the public about the performance and benefits of automatic crash protection.

"(c) For purposes of this section—

"(1) the term 'passenger car' means a motor vehicle with motive power, except a multipurpose passenger vehicle that is, a motor vehicle with motive power, except a trailer, designed to carry ten persons or less (which is constructed either on a truck chassis or with special features for occasional off-road operation), motorcycle, or trailer, designed for carrying ten persons or less, and

"(2) the term 'automatic crash protection' means Federal Motor Vehicle Safety Standard 208 (49 CFR 571.208) as in existence on January 1, 1981.".●

By Mr. BAUCUS:

S. 1774. A bill to exempt certain wilderness areas in Montana from mineral leasing; to the Committee on Energy and Natural Resources.

EXEMPTION OF CERTAIN WILDERNESS AREAS FROM MINERAL LEASING

Mr. BAUCUS. Mr. President, the Bob Marshall wilderness complex is 1.5 million extraordinary acres threatened by unprecedented pressure for development.

Located in Montana's Rocky Mountains, this region is actually composed of three congressionally designated wilderness areas: the Bob Marshall, Scapegoat, and Great Bear wildernesses. The "Bob", as it is known in Montana, is a unique resource. As one of the largest roadless areas in the continental United States, the area is a critical reserve for air, water, and wildlife resources. Furthermore, the Bob provides invaluable recreation opportunities for visitors from across the Nation.

Even a brief review of the region underscores its importance. The airshed of the Bob Marshall complex is designated class I, indicating that it is virtually free of all pollutants. The waters flowing from the area are pure with two rivers classified "wild" under the Wild and Scenic Rivers Act. The wildlife of the wilderness is abundant including the threatened grizzly bear, the endangered gray wolf, bald eagles, and peregrine falcon as well as plentiful big game and sport fish.

More important, however, the Bob is a human resource. Tens of thousands of visitors every year enter the Bob Marshall wilderness complex to hunt, fish, ride horses, hike and ski. Having toured part of this area just last August, I can assure my colleagues that no visitor leaves the wilderness unchanged.

The experience was perhaps best expressed by one of the pioneers of American forestry, Bob Marshall, himself. He remarked that "Enjoyment of solitude, complete independence, and the beauty of undefiled panoramas is absolutely essential to happiness."

Given this background, I am sure you can understand the concern which many in Montana felt when exploration for oil and gas resources was proposed for the Bob Marshall Wilderness complex. In fact, with more than 340 applications for leaseholds filed within the Bob Marshall, Great Bear, and Scapegoat Wildernesses, the future of the wilderness is in question.

Arguably, such exploration is allowed under the letter of the law today. The Wilderness Act of 1964 permits mineral exploration and leasing until December 31, 1983. As a matter of public policy, however, I believe that Congress must not allow this development to occur.

The first step in this direction was taken by the House Interior and Insular Affairs Committee on May 21, 1981, when it adopted a resolution directing an emergency withdrawal of these lands at the urging of Montana's Congressman PAT WILLIAMS. The objective of the committee's action was to allow sufficient time for review of the management of the three wilderness areas. While the Secretary of the Interior did comply with this directive, the withdrawal is now the subject of litigation brought by the Secretary's former law firm, the Mountain States Legal Foundation.

Interestingly enough, the administration has declined to defend the constitutionality of the House committee's action. Both the House committee and the Senate have, however, entered the litigation as "friends of the court" to uphold the validity of the provision within the Federal Land Policy and Management Act which grants Congress this important legislative tool.

I am hopeful that the court will be persuaded by the arguments which I and other participants in this case have made. Furthermore, I also hope that Secretary Watt would act independently to preserve the wilderness values of the Bob Marshall area. Nonetheless, I am convinced that Congress should clarify the management of the Bob Marshall complex. To that end, I am introducing legislation today.

The necessity of withdrawing this area is brought home by the report submitted by Secretary Watt to the House Committee on Interior and Insular Affairs concerning the committee's directive for emergency withdrawal of these lands pending congressional review of the situation. The message of the report is clear: A massive exploration and development program within the Bob would simply sacrifice all other natural resource values on an altar of theoretical energy production.

The development of oil and gas deposits would mean the transportation and operation of mammoth drilling rigs suitable for deep holes. Roads and pipelines cut through miles of virgin forest lands would spell the destruction of the wilderness character of the region.

The impact of such activity on traditional recreational uses of the Bob Marshall complex is dramatic. In the words of the Secretary's report, "Disturbance to the recreation user would extend a great deal beyond the physically disturbed areas. Entire drainages may become unsuitable for primitive recreation use for 50 to 100 years."

If our Nation is in fact so desperate for this last potential energy resource, then I believe that much more drastic steps than exploration within the Bob Marshall Wilderness is in order. On the contrary, vast amounts of public lands outside of the wilderness remain to be explored adequately. Alternative energy sources remain largely untested. The dramatic benefits of conservation have barely been examined.

Accordingly, the bill which I bring before the Senate today would, in a straightforward manner, withdraw the Bob Marshall, Scapegoat, and Great Bear Wilderness areas from mineral leasing. Such a policy directive is clearly

the prerogative of Congress. Even more, I believe it is our obligation.

I look forward to the support of my colleagues and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (d) (3) of the Wilderness Act (Public Law 88-577) is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting after "December 31, 1983," the following: "except as provided in subparagraph (B),"; and

(3) adding at the end thereof the following new subparagraph:

"(B) Notwithstanding subparagraph (A), effective May 21, 1981, the Bob Marshall, Scapegoat, and Great Bear Wilderness areas in Montana are withdrawn from all forms of appropriation under the mining laws and from disposition under all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.".

By Mr. GRASSLEY (for himself and Mr. DOLE):

S. 1775. A bill to amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, to provide a remedy against the United States with respect to constitutional torts, and for other purposes; to the Committee on the Judiciary.

FEDERAL EMPLOYEE TORT LIABILITY

● Mr. GRASSLEY. Mr. President, I am pleased to introduce a bill to amend title 28 of the United States Code with respect to tort actions filed against the United States and Federal employees.

This bill will represent a continuation of efforts made in the previous two Congresses to deal equitably with the serious problem of the increasing number of lawsuits filed against Federal employees in their individual or personal capacities.

Since the 1971 decision of *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics,* 403 U.S. 388 (1971), there has been an exponential increase in the number of lawsuits which attempt to seek redress directly from the individual defendant's personal resources rather than from the Government. Moreover, because of well-founded concepts of sovereign immunity, the United States is not amenable to Bivens suits, which are also known as "constitutional" tort actions. The primary characteristic of these actions is that they allege a personal cause of action in tort damages arising directly out of a provision of the Constitution such as the fourth or fifth amendment.

The Supreme Court has continued to adhere to the theory announced in Bivens and, indeed, has expanded it to permit a suit against a Congressman under the fifth amendment, *Davis* v. *Passman,* 442 U.S. 228 (1979), and a direct suit against prison officials, *Carlson* v. *Green,* 446 U.S. 14 (1980), even though an alternative remedy, the Federal Tort Claims Act, was available in that case. The lower Federal courts have extended the Bivens or constitutional tort action to claims arising out of virtually the entire Bill of Rights.

Although our figures are incomplete, we believe that there are presently in excess of 1,000 lawsuits pending against Federal officials in their individual capacities. Several of these lawsuits involve multiple defendants, some as many as 30 to 45. Initially, Bivens suits were primarily filed as a result of incidents involving law enforcement activities; however, in recent years such suits increasingly have arisen out of regulatory or personnel actions taken by Federal officials.

The current situation is an unsatisfactory one from the perspective of all parties concerned. From the point of view of the Federal employee, the specter of personal lawsuits is harmful to morale, serves to chill vigorous and effective public action and is inherently unfair to the individual attempting to fulfill his Federal mission. From the point of view of the plaintiff, the pursuit of a Federal official through a Bivens action is expensive, exhaustive, and unlikely to result in a collectible judgment.

From the point of view of the Government, the Bivens action entails expenditure of large resources, great complexity in the defense of individuals, and entangling complications such as the existence or assertion of conflicts of interest between multiple defendants or between the United States and one or more individual defendants. The latter difficulty frequently requires the hiring of outside private counsel at Government expense in order to properly defend individual defendants.

Mr. President, added to these difficulties is the fact that the Federal Tort Claims Act, as currently constituted, permits personal lawsuits against individual Federal employees even for common law or nonconstitutional torts except in the cases of Federal drivers of vehicles and most Federal medical personnel. There is, of course, no general provision for indemnification of sued Federal officials. Thus, the current state of the law leaves the conscientious Federal official woefully exposed to possible catastrophic personal loss for actions taken in the course of duty. The legislation will bridge the current gap in the law. It is my hope that my colleagues will wholeheartedly support this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 1346 of title 28, United States Code, is amended—

(1) by inserting "(1)" after "jurisdiction of"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", or (2) civil actions on claims against the United States, for money damages, sounding in tort arising under the Constitution of the United States for injury or loss of property, or personal injury or death, caused by an act or omission of any employee of the Government while acting within the scope of his office or employment, such liability to be determined in accordance with applicable Federal law.".

SEC. 2. Section 2672 of title 28, United States Code, is amended in the first paragraph—

(1) by inserting "(1)" after "United States" the first place it appears;

(2) by striking out the colon after "occurred" and inserting in lieu thereof ", or (2) for claims for money damages sounding in tort arising under the Constitution of the United States for injury or loss of property, or personal injury or death, caused by an act or omission of any employee of the Government while acting within the scope of his office or employment, such liability to be determined in accordance with applicable Federal law:"; and

(3) by inserting "or any award, compromise, or settlement based on a claim arising under the Constitution of the United States" after "25,000".

SEC. 3. Section 2674 of title 28, United States Code, is amended—

(1) by striking out the comma after "claims" in the first paragraph and inserting in lieu thereof "other than those arising under the Constitution of the United States,";

(2) by inserting "(a)(1)" at the beginning of the first paragraph;

(3) by inserting "(2)" at the beginning of the second paragraph; and

(4) by adding at the end thereof the following new subsection:

"(b)(1) The United States shall be liable, respecting the provisions of this title relating to tort claims arising under the Constitution of the United States, to the extent recognized or provided by applicable Federal law, and shall be entitled to all defenses heretofore available to an employee of the United States and to which the United States would otherwise be entitled. The United States shall not be liable for interest prior to judgment or for punitive damages.

"(2) Damages in any such case shall be the greater of (A) actual damages or (B) liquidated damages of $1,000 or, in the case of a continuing tort, $100 a day for each day of violation up to a maximum of $15,000.".

SEC. 4. Subsection (a) of section 2675 of title 28, United States Code, is amended by striking out the comma after "employment" and inserting in lieu thereof "or upon a claim against the United States for money damages for a tort arising under the Constitution of the United States caused by an act or omission of any employee of the Government while acting within the scope of his office or employment,".

SEC. 5. (a) Subsection (b) of section 2679 of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for claims for injury or loss of property or personal injury or death resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment and for claims arising under the Constitution of the United States for an act or omission of any employee of the Government while acting within the scope of his office or employment, is exclusive of any other civil action or proceeding arising out of or relating to the same subject matter against the employee whose act or omission gave rise to the claim, or against the estate of such employee, and shall also be deemed an equally effective substitute for any recovery against the employee in his individual capacity directly under the Constitution.".

(b) Subsection (d) of such section is amended to read as follows:

"(d)(1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office

or employment at the time of the incident out of which the action arose, any such civil action or proceeding commenced in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. After substitution, the United States shall have available all defenses available to the employee and all defenses to which it would have been entitled if the action had originally been commenced against the United States under this chapter and section 1346(b) of this title.

"(2) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the action arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending. Such action shall be deemed an action brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. After substitution, the United States shall have available all defenses available to the employee and all defenses to which it would have been entitled if the action had originally been commenced against the United States under this chapter and section 1346(b) of this title. The certification of the Attorney General shall conclusively establish scope of office or employment for purposes of removal.

"(3) The certification by the Attorney General under subsection (d)(1) or (2) that the defendant employee was acting within the scope of his office or employment shall be binding and conclusive, except that in the event that the Attorney General has not certified scope of office or employment, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment. A copy of the petition shall be served upon the United States in accordance with the provisions of Rule 4(d)(4), Federal Rules of Civil Procedure. In the event the petition is filed in a civil action or proceeding pending in a State court, the action or proceeding shall be removed without bond by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending. Should the district court determine that the employee was not acting within the scope of his office or employment, the action or proceeding shall be remanded to the State court.

"(4) Where a civil action or proceeding under this chapter is precluded because of the availability of a remedy, compensation, or other benefits from the United States as provided by any other law, the action or proceeding shall be dismissed but in that event, the running of any limitation of time for commencing or filing an application or claim in a proceeding for any other remedy, compensation, or benefits shall be suspended during the pendency of the civil action or administrative proceeding under this chapter.

"(5) Whenever an action brought against a defendant employee in which the United States is substituted as the party defendant under this subsection is dismissed for failure first to present a claim to the appropriate Federal agency pursuant to section 2675(a) of this title, the claim shall be deemed to be timely presented under section 2401(b) of this title, if (A) the claim would have been timely if filed on the date the action against the defendant employee was commenced, and (B) the claim is presented to the appropriate Federal agency within 60 days after dismissal of the action.".

(c) Such section is further amended by adding at the end thereof the following new subsection:

"(f) If a civil action or proceeding under section 1346(b) or 2672 of this title arising under the Constitution of the United States results in a judgment against the United States or an award, compromise, or settlement paid by the United States, the Attorney General shall forward the matter to the head of the department or agency which employed the employee at the time of the act or omission for such further administrative investigation or disciplinary action as may be appropriate.".

SEC. 6. (a) Section 2680 of title 28, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 2680. Exceptions; claims not arising under the Constitution of the United States";

(2) by inserting ", relating to tort claims other than those arising under the Constitution of the United States," in the first paragraph immediately after "title"; and

(3) by amending subsection (h) to read as follows:

"(h) Any claim arising out of libel, slander, misrepresentation, deceit, or interference with contract rights.".

(b) The item relating to section 2680 in the table of sections at the beginning of chapter 171 of title 28, United States Code, is amended to read as follows:

"2680. Exceptions; claims not arising under the Constitution of the United States.".

SEC. 7. (a) Chapter 171 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2681. Exceptions; claims arising under the Constitution of the United States

"The provisions of this chapter and of section 1346(b) of this title which relate to tort claims arising under the Constitution of the United States shall not apply to actions arising from the activities of the Tennessee Valley Authority, the Panama Canal Company, a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.".

(b) The table of sections at the beginning of chapter 171 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2681. Exceptions; claims arising under the Constitution of the United States.".

SEC. 8. (a)(1) Subsections (a) through (d) of section 4116 of title 38, United States Code, are repealed.

(2) Subsection (e) of such section is amended—

(A) by striking out "(e)";

(B) by striking out "person to whom the immunity provisions of this section apply (as described in subsection (a) of this section)," and inserting in lieu thereof "employee of the Veterans' Administration"; and

(C) by striking out "Department of Medicine and Surgery" and inserting in lieu thereof "Veterans' Administration".

(b)(1) Subsections (a) through (e) of section 224 of the Public Health Service Act (42 U.S.C. 233) are repealed.

(2) Subsection (f) of such section is amended by striking out "(f)".

(c)(1) Subsections (a) through (e) of section 1089 of title 10, United States Code, are repealed.

(2) Subsection (f) of such section is amended by striking out "person described in subsection (a)" and inserting in lieu thereof "employee of the armed forces, the Department of Defense, the United States Soldiers' and Airmen's Home, or the Central Intelligence Agency".

(3) Subsection (g) of such section is amended—

(A) by striking out "and" at the end of clause (2);

(B) by redesignating clause (3) as clause (4); and

(C) by inserting after clause (2) the following new clause:

"(3) the Governor of the United States Soldiers' and Airmen's Home, in the case of an employee of the United States Soldiers' and Airmen's Home; and".

(4) Subsections (f) and (g) of such section are redesignated as subsections (a) and (b), respectively.

(d)(1) Subsections (a) through (e) of section 307 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458a) are repealed.

(2) Subsection (f) of such section is amended—

(A) by striking out "(f)"; and

(B) by striking out "person described in subsection (a)" and inserting in lieu thereof "employee of the National Aeronautics and Space Administration".

(e)(1) Subsections (a) through (e) of section 1091 of the Foreign Service Act of 1946 (22 U.S.C. 817) are repealed.

(2) Subsection (f) of such section is amended by striking out "person to whom the immunity provisions of subsection (a) of this section apply," and inserting in lieu thereof "employee of the Department of State (including the Agency for International Development)".

(3) Subsections (f) and (g) of such section are redesignated as subsections (a) and (b), respectively.

SEC. 9. Section 2520 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "This section shall not apply to any civil cause of action against an officer or employee of the United States while acting within the scope of his office or employment.".

SEC. 10. (a) Except as provided in subsection (b), the amendments made by this Act shall apply to all claims, civil actions and proceedings pending on, or filed on or after, the date of enactment of this Act.

(b)(1) With respect to any civil action or proceeding pending on the date of enactment against a Federal employee in his individual capacity, the plaintiff may, upon timely demand, (A) retain his right to a trial by jury if the demand for trial by jury is made prior to or on the date of enactment, or (B) elect a trial by jury if the time for election of a trial by jury pursuant to applicable law has not expired as of the date of enactment, except that in any case in which a trial by jury is elected under this paragraph, the provisions of section 2674(c) of this title, as added by section 3 of this Act, which relate to liquidated damages, shall not apply.

(2) With respect to any civil action or proceeding pending against a Federal employee in his individual capacity on appeal, or pending against a Federal employee in his individual capacity in a State court in which the time for removal pursuant to section 2679(d) of this title has expired, the amendments made by this Act shall not apply, except that the United States shall be substituted for the defendant employee upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the action or proceeding arose.

(3) The provisions of section 2675(a) of this title shall not apply to a civil action or proceeding against a Federal employee in his individual capacity pending on the date of enactment of this Act, if the provisions of section 2675(a) were inapplicable to the action or proceeding when filed.●

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. PELL, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 329, a bill to amend the Internal Revenue Code of 1954 to provide a credit against tax for certain home heating costs.

S. 776

At the request of Mr. HUDDLESTON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 776, a bill to amend the Immigration and Nationality Act to more fully limit and control immigration to the United States, and for other purposes.

S. 1131

At the request of Mr. DANFORTH, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 1131, a bill to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

S. 1422

At the request of Mr. GRASSLEY, the Senator from Florida (Mrs. HAWKINS), and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of S. 1422, a bill to authorize the donation of surplus property to any State for the construction and modernization of criminal justice facilities.

S. 1448

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1448, a bill to provide for the issuance of a postage stamp to commemorate the 70th anniversary of the founding of the Girl Scouts of the United States of America.

S. 1550

At the request of Mr. HELMS, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 1550, to amend the Federal Election Campaign Act to prohibit the use of compulsory union dues for political purposes.

S. 1635

At the request of Mr. WEICKER, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 1635, a bill to delay the application of Revenue Ruling 81-216 until January 1, 1983.

S. 1641

At the request of Mr. GRASSLEY, the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 1641, a bill to extend the Reed Act and to authorize the designation of funds in State accounts as Reed Act funds in certain circumstances.

S. 1701

At the request of Mrs. HAWKINS, the Senator from North Dakota (Mr. ANDREWS), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BOREN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Washington (Mr. GORTON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Alabama (Mr. HEFLIN), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. KASTEN), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Indiana (Mr. LUGAR), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. MATTINGLY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oregon (Mr. PACKWOOD), the Senator from Indiana (Mr. QUAYLE), the Senator from Delaware (Mr. ROTH), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Texas (Mr. TOWER), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

SENATE JOINT RESOLUTION 33

At the request of Mr. HELMS, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 33, a joint resolution to establish a commission to plan for the 200th anniversary celebration of the birth of our Constitution.

AMENDMENT NO. 591

At the request of Mr. D'AMATO, the Senator from Alabama (Mr. HEFLIN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Mexico (Mr. SCHMITT), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of amendment No. 591 intended to be proposed to H.R. 4121, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1982

AMENDMENT NO. 617

(Ordered to be printed and to lie on the table).

Mrs. HAWKINS submitted an amendment intended to be proposed by her to the bill (H.R. 4035) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 618

(Ordered to be printed.)

Mr. PROXMIRE proposed an amendment to the bill H.R. 4035, supra.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, October 26, at 11 a.m., to hold a hearing on Senate Joint Resolution 115, a resolution to consider the President's recommendation for a waiver of law for the Alaskan natural gas pipeline pursuant to the Alaska Natural Gas Transportation Act of 1976.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 27, to hold a confirmation hearing on the nominations of:

Jean Gerard to be a representative to UNESCO;

Geoffrey Swaebe to be a representative to the European office of the United Nations;

Frank Shakespeare to be a member of the Board of International Broadcasters; and

Mark Goode to be a member of the Board of International Broadcasters; to be followed by a hearing on S. 1611, a bill to amend the International Center Act; Exec. X 96-2, Convention on Marine Living Resources in Antarctica; and Exec. L 96-2, Reciprocal Fishing Agreement With Great Britain.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 27, at 2 p.m. to hold an oversight hearing on the Department of Justice and the Federal Trade Commission merger policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCLURE. Mr. President, I ask unanimous consent that the Intelligence Committee be authorized to meet during the session of the Senate tomorrow, Tuesday, October 27, at 8:30 a.m., to discuss committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to hold a hearing during the session of the Senate on Tuesday, October 27, to discuss the acquisition process in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE VOTING RIGHTS ACT

● Mr. HELMS. Mr. President, when the Senate takes up legislation to extend the provisions of the Voting Rights Act, I hope all Senators will bear in mind the burdensome requirements faced by the States, counties, and other political jurisdictions covered by section 5 of the act.

Mr. President, I recently received a letter from Don Evans, a respected lawyer in Rocky Mount, N.C. Mr. Evans was chairman of the Nash County Board of Elections for 7 years, including the year that the Voting Rights Act took effect. His experience with the act is typical of that of many other elected officials in North Carolina counties covered by section 5 of the act.

In order that my colleagues might have the benefit of Mr. Evans' observations, I ask unanimous consent that his letter be printed in the RECORD.

The letter follows:

EVANS & ROUNTREE,
Rocky Mount, N.C., September 16, 1981.

Re extension of 1965 Voting Rights Act.

Hon. JESSE HELMS,
Dirksen Building, Washington, D.C.

DEAR JESSE: I was amazed to read in the Raleigh newspaper a week ago that many of the N.C. Congressional delegation plan to vote for an extension of the 1965 Voting Rights Act. I do not believe that any of them would support extension if they really understood what the Act has done to local government in North Carolina. For example, are they aware that the City of Rocky Mount cannot annex one acre of land without first getting the permission to do so from the U.S. Attorney General?

You may recall that the punitive provisions of the Act were triggered by the mere fact that less than 50% of the eligible voters voted in the 1964 Johnson-Goldwater Presidential Election. That fact alone made Nash County guilty of voter discrimination. We are "guilty" and must prove our innocence.

Senator Ervin managed to get a provision included in the Act, a kind of "escape hatch," which provided that a suit could be brought by Nash County in the U.S. District Court (District of Columbia, naturally) asking to be "let out." If the Court found that, for a period of five years there had been no voter discrimination, it could sign an order taking the county out from under the provisions of the Act. The U.S. Attorney General also could agree to a consent order taking the county out from under the Act.

I have rather strong feelings about this matter because of my experience as Chairman of the Nash County Board of Elections for 7 years. I was Chairman when the Act became effective.

The Nash County Commissioners authorized us to file such a suit in U.S. District Court (the Attorney General refused to consent to let us out). The FBI investigated Nash County and found no evidence of voter discrimination. While our case was pending, Gaston County filed a similar suit and pushed the case for trial. Nash County decided to await the outcome of the Gaston County case, which went to the U.S. Supreme Court. The Court emasculated the "escape-hatch clause" by ruling that, regardless of the facts, the mere existence of a segregated school system prior to 1954 rendered any literacy test ipso facto discriminatory. So now, Nash County is prevented from proving its innocence.

We can live without a literacy test. However, the worst aspect of the Act is the infamous "hat-in-hand" provision, so-called because Nash County was forbidden to change a precinct line without begging the U.S. Attorney General, with hat in hand, for permission to do so. Similarly, we discovered that we could not move a polling place from one building to another, and we could not combine precincts to effect economy without the Attorney General's permission. Likewise, the City of Rocky Mount cannot annex any area without begging the Attorney General for permission to do so. North Carolina must send every legislative act for Attorney General approval if it deals with election laws. The Justice Department argues that each of these purely local decisions somehow (by some stretch of the imagination) might have the effect of diluting the voting power of the minority race.

I believe this is one of the worst pieces of legislation imposed on the South by the Congress since Reconstruction. Someone said that if these provisions were made applicable to all states, there would be a revolution.

If the Act is to be extended, it should be amended to eliminate Nash County and other innocent counties and also the State of North Carolina. Let it still apply to those counties and states where the Justice Department has found voting problems to exist during the past 17 years.

I sincerely hope you will have your staff study the Act and that you will conclude that these "hat-in-hand provisions" must not be extended again to innocent state and local governments.

Sincerely,

DON EVANS.●

LIBYAN OIL

● Mr. HART. Mr. President, in recent days, a growing number of Americans, including many of my colleagues in the Senate, have called for a ban of American imports of Libyan oil. Their ranks now have been joined by a distinguished and knowledgeable observer of Middle East politics, Mr. G. Henry M. Schuler, a former U.S. Foreign Service officer and oil company executive who is currently a Washington-based energy consultant.

In an essay, published in the Denver Post on Sunday, October 25, 1981, Mr. Schuler called for the end of American "business as usual" with the militant Libyan regime of Colonel Qadhafi. Specifically, Mr. Schuler argued that the U.S. boycott Libyan oil and thereby end its atrocious support of Libya's international terrorism.

The United States is now the largest single importer of Libyan oil, importing about 40 percent of Libya's oil exports. Last year, we paid $7 billion for these supplies. As Mr. Schuler points out, this amount is "enough to purchase a lot of Soviet arms and fund plenty of subversion."

In 1980 according to the American Petroleum Institute, oil revenue represented about 63 percent of Libya's gross national product. While we send military arms to Egypt and Sudan and pledge military intervention to resist Qadhafi's adventurism, we have not taken the most logical and direct step to curtail Libyan war and terror—we have not closed the largest market for Libyan oil: the United States.

As an informed and experienced Middle East-North Africa observer, Mr. Schuler makes a compelling case for an American ban on imports of Libyan oil. I commend this essay to all my Senate colleagues and ask that it be printed in the RECORD.

The article follows:

U.S. SHOULD STOP SUPPORTING TERRORIST LIBYA

(By G. Henry M. Schuler)

WASHINGTON.—As barbaric as it may appear on our television news, Col. Moammar Khadafy has ample cause to gloat these days. The assassination of Egyptian President Anwar Sadat has removed a second target from his publicly proclaimed list of leaders accused of betraying the Arab and Islamic cause by cooperating too closely with the United States. The first was struck from the rolls almost two years ago with the overthrow of the shah of Iran.

Anwar Sadat and Mohammad Reza Pahlavi are gone, but must they be forgotten by the United States after the eulogizing and handwringing are over? Only if we are prepared to accept the demise or capitulation of additional targets on the list.

Can we risk the consequences for our strategic and oil interests of hostile regimes at the entrance to the Mediterranean, on the narrowest choke point at the Straits of Sicily, on the Red Sea across from Jeddah, on the coastal horn of Africa near the Straits of Hormuz and in the energy heartland itself?

If not, then we would do well to reassess the best way to assist King Hassan of Morocco, presidents Bourguiba of Tunisia, Numeri of Sudan and Barre of Somalia and the monarchs of the Arabian Peninsula who are all on Khadafy's list.

Some will contend that this apocalyptic forecast overstates the importance of Khadafy, but that has been offered as an excuse for ignoring him for over a decade. It is time to admit the truth which is so unpleasant to a myriad of Western interests. Full details about the assassination will not be available until after Sadat's successor, Homi Mubarak, has consolidated power. And we may not know the assassins' links with certainty even then. But there can be no doubt that they received some degree of support or encouragement from Libya.

Khadafy's guilt does not depend upon evidence tying the assassins to renegade Egyptian Gen. Saadeddin Shazli's headquarters in Tripoli or to the numerous cells of youthful Islamic fundamentalists which Libya has trained, armed and funded.

Khadafy is no less culpable if the assassination was executed by Egyptian zealots who had no Libyan contact other than the steady stream of religiously coached anti-Sadat invective from a clandestine radio station established in eastern Libya as long ago as 1973.

To be sure, Western sophistry can be employed to obscure these current facts and ample evidence of prior threats and attempts. But we fool only ourselves, not the countries of the Middle East where perceptions are as important as reality. Unfortunately, intimidation works except in those exceedingly rare individuals like Anwar Sadat. Therefore, Khadafy's gloating is more than offensive to our humanitarian instincts, it is threatening to our geopolitical interests.

Sadly, we can do nothing to prolong Sadat's life, but we can at least take steps to minimize the threat of intimidation presented by his death.

The Reagan administration made a start some months ago by condemning Libyan subversion, a stand long preached to deaf ears by the late Egyptian president and his colleagues. But condemnation may prove to be the easy part because the opportunities for damage control have been limited by years of drift.

Egypt's tragic experience serves to remind us that the United States can provide little

internal security assistance at the muzzle end of the weapon of international subversion. Yes, we can sell massive quantities of sophisticated military equipment to Sudan and other target countries, but this will never stop determined assassins, and may, in fact, encourage unrest by raising the American profile and presence.

Similarly, we can suggest a willingness to intervene with our own forces as President Reagan did last week. But such ill-defined pledges risk further alienation while possessing little credibility in the presence of American oil installations and employees who could be seized as hostages long before American forces could be deployed.

We can also hope that the social, religions and economic problems endemic to the region be resolved. But their solution is way outside American control.

Finally, some argue that we can enhance regional stability by abandoning the policy for which Sadat died, but that only serves to reward the intimidators without satisfying their non-negotiable demand for the abandonment of Israel.

If there is little we can do at the muzzle end of international subversion, then we must turn our attention to the breech end of that weapon. In other words, we must attempt to interdict the funding, arms and propaganda at their Libyan source.

The prospects for a direct Egyptian assault on the Soviet-armed Libyan fortress are not promising. The United States would gain little political mileage—let alone moral stature—by resorting to Khadafy's own methods of clandestine assassination. But even if we cannot achieve an immediate or decisive interdiction of Libyan subversion by removing Khadafy, we can at least curtail Western support for his terrorist regime.

This can be accomplished by renouncing business as usual, regardless of whether that business is pumping Libya's oil, liquefying her gas, clamoring for her construction contracts, investing her petrodollars, meeting her import and technology requirements, consuming her petroleum grasping for whatever other piece of that multi-billion-dollar pie we can get our hands on.

Admittedly, that policy will require unusual bureaucratic and corporate courage. But such a collective resolve would hardly rise to the level of Sadat's personal valor in journeying to Jerusalem and accepting the dying shah. If we are to instill courage in the moderates within the new Egyptian government, in other Arab states and even among the Libyan population, the United States and its allies must break the commercial links which finance Khadafy and create his aura of invincibility.

Much of this disengagement will proceed from events, but the administration can begin by putting some muscle behind its request to American companies to withdraw their several thousand American personnel from Libya.

The companies profess to want an unequivocal order before they risk the shutdown of Libya's petroleum industry, an embargo on its exports to the United States, the nationalization of their remaining assets and the possible putting in jeopardy of those personnel.

It is far from certain that they would be happy with such a clarification, but we should recognize that the State Department is equally reluctant to accept responsibility and perhaps government liability. So the companies ignore State's widely publicized request, and Khadafy and his erstwhile imitators are reinforced in the conviction that the capitalist world is more enticed by Libyan oil and profits than it is repelled by his support for terrorism and subversion.

The administration is far from helpless in this intolerable situation. With no diplomatic representation in Libya and a military encounter only just concluded, State has every justification—even responsibility—to declare American passports invalid for Libya. A similar step was taken during the hostage seizure in Iran, but surely State does not have to wait until hostages have already been seized.

There are, of course, risks. Perhaps a highly visible withdrawal would precipitate the hostage situation which it was designed to avoid. But will waiting make it any less likely, given the confrontation course upon which Khadafy is embarked?

It is far more probable that such an action would lead to nationalizations, but there are legal remedies—albeit weak ones—and, ultimately, the United States government may have to provide compensation for assets jeopardized for strategic interests, anyway.

Although withdrawal of personnel would be designed to protect American citizens and to give the administration greater freedom of action to deal with future provocations, it would also affect Libya's oil industry.

We don't have to attribute indispensability to American technicians in order to recognize that their absence would hurt Libya. Many of the ablest Libyans have fled the repressive regime. It will be difficult to replace either nationality with British, French or Italian technicians, for the oil industry is booming everywhere and Khadafy's outbursts have not been aimed solely at the United States over the past 18 months. Nor are Soviet technicians a real alternative, for they have their hands full with Russia's oil production problems and are unfamiliar with the American equipment and techniques generally employed in Libya.

Thus, Libya's oil production could wind down, and its extremely complex gas liquefaction would be likely to shut down completely.

But even if Libyan oil sales were not interrupted by production problems, the withdrawal of personnel would likely prompt an embargo of shipments to the United States, which ran at a level of 570,000 barrels per day during the first six months of this year.

But an oil embargo might not be all bad, for our third largest supplier is also our most expensive. At a landed cost of $40.53 per barrel, the United States paid Libya well over $2 billion for a half-year's imports—enough to purchase a lot of Soviet arms and fund plenty of subversion.

Although it has been argued that we cannot do without Libyan oil, that argument tends to disappear when, as now, the Libyans price it at an unrealistically high level. An embargo would certainly hit different refiners in different ways but that is an argument for arrangements to share sweet crude, not an argument for perpetuating disproportionate dependence upon Khadafy.

There is, however, another view of the oil supply relationship—Libya's. Libya sold 40 percent of its oil to the United States during the first half of 1981. In the currently slack oil market, it is far from certain that Libya could readily find alternative markets for its high-priced oil. Libya's crude is better suited to American than to European product slates. Moreover, market considerations which harm Libya might be reinforced by diplomatic representations to allies in the industrialized nations, and to the moderate Middle Eastern producers, all of whom have an even greater interest in regional stability than we do.

We must undertake urgent efforts to stop subversion at its Libyan source by abandoning 12 years of a business-as-usual relationship with the Khadafy regime. No one would argue that those efforts are costless or riskless, but the hardships pale by comparison to those incurred by a continued drift which encourages Khadafy to work his way down a list of target countries. We cannot bring back Anwar Sadat, but neither can we permit him to have died in vain.●

PRODUCTIVITY: INTERNATIONAL LESSONS

● Mr. GARN. Mr. President, productivity is golden. It is bred in an atmosphere of cooperation and enlightened self-interest. That means that increases are usually produced in the private sector. It comes from the attitude that one's efforts will be rewarded, that one will receive the fruits of one's labor. It comes from the awareness that one must earn his livelihood, from the awareness that something received must somehow or another be supplied and that one's own efforts are somehow intimately involved with that supply. I am pleased to see that this kind of thinking is getting to be more commonplace, but it was not always so.

It is increased productivity that results in the real increase of wealth in a country. When I say wealth I do not mean more dollars. For years the working man has been receiving more dollars in his pay check only to find that when he gets to the store with them they buy less than they did yesterday. It is productivity that allows us to receive more for a day's worth of work; it is productivity that really increases our income, our buying power. It was a tremendously increasing productivity that made the United States the most powerful economic entity the world has ever known. But for the last number of years the U.S. Government has been sapping the strength out of American productivity.

Two articles published recently highlight some interesting lessons to be learned internationally. They make productive reading. The first, published in the Journal of Commerce, reports the results of some recent studies comparing productivity levels among various industrialized countries. These studies show that since 1960 the United States has trailed all of the major Western powers in increased labor productivity, behind that of Japan, France, West Germany, Italy, and Great Britain. One study shows that since 1960 labor productivity in Japan has increased by nearly 500 percent, while over the same 20-year period U.S. productivity has risen by only 100 percent, or something less than 5-percent per year. In the last few years that rate has slowed even further, to a mere 2.3 percent.

What is the secret to the Japanese success? Allow me to refer to the second article, which points out both the problem and the potential. Entitled, "A Tale of Two Ford Plants," this article, published a few days ago in the New York Times, compares output in two identical Ford Motor Co. plants, one located in Halewood, England, and the other in Saarlouis, West Germany. I repeat, that these are two identical plants, producing ostensibly the same product. The difference is that it takes twice as many workers in the plant in England as it does in the West German one to produce the same car. Twice as many.

Does that mean that the Germans involved are somehow better than the British? I do not think so, but I do think that it suggests something about attitudes involved. I think that incentives are somehow involved. I would just bet that in the British case the workers have

somehow or another become separated from the vision of how their effort, their personal effort, is involved in their own well-being. To quote from the operations manager at the West German plant:

It has to do with the mental attitude of our people here. People are very interested right from the beginning in making a high-quality product.

Because of that attitude and the resultant improved productivity, wages are higher at the West German plant, an average of $13.50 per hour as compared to $8.25 an hour at the British plant. Nevertheless, the West German product can be shipped to England and sold at the doors of the British plant for about $1,000 less than the British-made identical model.

To quote further from the article:

Aside from statistics, subjective differences between the two factories become evident. Halewood seems to overflow with workers—some of them reading or eating, others kicking a soccer ball—while Saarlouis seems almost depopulated and nearly every worker is hard at his job.

Mr. President, much of what has gone wrong in the British case cited is what is wrong in America. We share similar problems. For too long we have been placing disincentives on the American worker to produce while eliminating other incentives that had existed. For too long the U.S. economy has been unnecessarily burdened by government, by excessive regulation, by administrative and legal strangulation, and by the attitude that the Government should solve all of our problems. For too long we have relied upon the Government, and government just cannot do it. With a quarter or more of the average American's salary taxed away, it has been difficult for anyone to see how his welfare is affected by what he does on the job. We have come to think that the only way to improve our welfare is by getting ourselves a bigger slice of the Federal pie.

Government taxed and regulated away our incentive to become more productive. Instead of increased output we had increased governmental paperwork and more and bigger Washington lobbying groups. Well that is starting to turn around, Mr. President. Let us keep the momentum going in the appropriate direction. There is much to do, and breaking old habits will not be easy.

That is why President Reagan's economic program is running into so much opposition. We have gotten ourselves into old habits, and they are hard to break, very hard. But we need to be persistent, and no administration has been persistent until now. I am encouraged to see that the President is holding on course, that he is not afraid of the criticism he hears almost daily from the media and from those who do not have the stomach for strong economic medicine. This Government has been put on an austerity diet, but you have got to keep at it, or you will be right back where you were before, or even worse off.

The President's program will reduce, in fact is reducing, inflation, and increasing the incentive to save. As savings increase, interest rates will come down and the productivity born of prudent investment will go up. All of this has begun already, and the President's program is less than a month old.

An essential ingredient of that program is the reduction, the real reduction, of taxes so that there is an incentive to be productive, so that the worker can keep the fruits of his improved productivity, so that he can see that working better can get him somewhere. The economic recovery program is providing incentives and eliminating the disincentives to productivity. That is what the President's program is doing. Productivity will increase the wealth and prosperity of America.

The lessons to be learned in the international example, the key to the success in the Ford plant in West Germany, to the astounding success in productivity growth in Japan, is also the key to economic recovery in the United States. A quote from the Journal of Commerce article sums it up well:

With each Japanese worker seemingly convinced that the welfare of his own particular firm is tied up with his own personal welfare—and made painfully aware that only through hard work can he help his nation provide for Japan's 117 million people—this top-grade productivity should not be surprising.

Mr. President, I ask that the article from the Journal of Commerce and the article from the New York Times be printed in the RECORD.

The articles follow:

JAPAN'S OUTPUT GETS TOP MARKS

(By A. E. Cullison)

TOKYO.—Japan's output per man-hour continues to advance apace. The gain for this year is running close to 10 percent on an annual basis, judging from preliminary data.

There seems to be no end in sight to Japan's exceptionally good productivity performance.

Labor productivity in Japan's manufacturing industries, based upon per-hour data with 1960 as the base year with the index at 100, is now about 475 and rising at a steady pace, according to Japanese government sources.

Although the Japanese are evidently reluctant to make forecasts, it was admitted by some authorities in Tokyo that the figure could approach 500 this year and possibly top that rate by 1982 or 1983.

Using the same scale, originally released by the Ministry of International Trade and Industry in 1980, Italy is now only slightly above 275, France at about 273, West Germany at 270, the United States at close to 200 and Britain, at only 180 or below.

However, United Nations' figures, based as well on 1960, show that in 1978 the Japanese were at 450, West Germany at 294, France at 266, Britain at 177 and the United States bringing up the rear at only 164.

Another comparison of sorts can be gained by examining a chart of international productivity growth released by the U.S. Department of Labor, giving the base year as 1967. But even this scale shows Japan above 250, France at about 190, West Germany close behind, Britain at around 130 and the United States at nearly the same level.

Japanese industrialists, who believe that their envious gains in productivity are largely due to fierce local competition, high quality control systems and automation efforts, boast that their growth in this area compared to other major industrialized countries allows their plants to lead in almost every manufacturing field except foodstuffs and clothing.

They admit that the definition of each manufacturing sector may differ from country to country and that direct comparisons might not prove entirely accurate. Also, they have excluded shipbuilding and aircraft manufacture because of what they claim would be "distortions."

Nevertheless, the Japanese report that their comparisons largely agree—in general—with statistics provided by the statistics yearbook of the German Institute for Economic Research, France's and Italy's National Institutes of Economic Review, and the U.S. Survey of Current Business.

It has been pointed out that statistics show that labor productivity—average yearly increases in manufacturing industries—between 1976 and 1979, for example, climbed by 7.2 percent for Japan, 5 percent for West Germany, and only 2.3 percent for the United States. The gain for Japan this year is running close to 10 percent on an annual basis, if incomplete statistics are to be believed.

The Japanese reluctantly concede that one of the key reasons their industrial plants have been able to enjoy such high labor productivity and to maintain a continued expansion each year to widen the gap with their Western counterparts is that the country's unions are mainly company-by-company type organizations and usually not industrywide.

With each Japanese worker seemingly convinced that the welfare of his own particular firm is tied up with his own personal welfare—and made painfully aware that only through hard work can he help his nation provide for Japan's 117 million people—this top-grade productivity should not be surprising.

The result is that Japanese unions command only modest power and are scarcely able (even if they wanted to do so) to oppose the more productive replacement of man with machinery. It must be granted, however, that when Japan's workers are replaced they are not laid off or fired, but merely retrained for employment elsewhere in the same company or one of its subsidiaries.

Only recently, workers at a Matoushita Electric Industrial Co. plant raised a sign above their shop floor with the slogan: "seven of us are now working on this production process. Let us try to cut down the work force to five next year and then to three the year after next."

A TALE OF TWO FORD PLANTS

(By Steven Rattner)

SAARLOUIS, WEST GERMANY.—To the casual visitor, the sleek gray Ford Motor Company plant here appears to be exactly like its cousin at Halewood, England, outside Liverpool. At each, shiny Escorts, Ford's hot new car, roll off bustling production lines dominated by robot welders and vast automated presses punching out steel as if it were aluminum foil.

But the resemblance ends at physical appearance. This plant produces some 1,200 cars a day, more than the 1,015 that Ford planners had anticipated, and requires 7,762 workers. Its counterpart at Halewood, with virtually identical equipment and production targets, has averaged only about 800 cars a day this year, and 10,040 workers have been needed to achieve even that production level.

"Our standards say it should take something like 20 man-hours of labor in both the body and assembly plants to make an Escort," said Bill Hayden, vice president of manufacturing for Ford Europe Inc., in an interview. "At Saarlouis, they do it with 21 hours. At Halewood it takes 40 hours."

The experience of Ford, with two plants

that are alike in every important respect, provides an unusually graphic example of the extent to which Britain has fallen behind in the effort to improve worker productivity and the extent of the challenge facing Prime Minister Margaret Thatcher in her effort to restore Britain's competitiveness.

SYMBOLIC OF BRITISH INDUSTRY

"All of the problems I have in Halewood, I have in Dagenham," Mr. Hayden said in his office in suburban London, referring to a Ford plant in another British city. "All of the problems I have are symbolic of the whole of British industry."

To Mr. Hayden, and Ford officials in Halewood, the difference between the two plants comes down to the attitudes of the workers. At Halewood, 20 strikes have occurred already this year; at Saarlouis, strikes are unknown. Under pressure, management at Halewood has organized the two daily shifts so that no one works on Friday night; at Saarlouis, there is no such pressure.

"It has to do with the mental attitude of our people here," said Paul Swoboda, the burly operations manager here. "People are very interested right from the beginning in making a high-quality product," he said in the plant's executive dining room.

Aside from statistics, subjective differences between the two factories become evident. Halewood seems to overflow with workers—some of them reading or eating, others kicking a soccer ball—while Saarlouis seems almost depopulated and nearly every worker in evidence is hard at his job. At Saarlouis, workers dash to open doors for visitors touring in electric carts, while at Halewood, one worker greeted a news photographer by exposing himself.

QUALITY ALSO BETTER

Despite the smaller work force, Saarlouis's quality record remains unmatched in the Ford system. Saarlouis Escorts, on average, earn half as many demerits as Halewood cars, which are about equal in quality to those produced in American plants. On one recent day at Halewood, 14 percent of the cars were rejected at the electrical system checkpoint. At Saarlouis a day later, the same computerized "Qualitätskontrolle" rejected fewer than 1 percent of the completed Escorts.

For their part, the workers at Halewood maintained in recent interviews that shop conditions at Saarlouis were unsafe.

"If that was in England, I'd stop the job immediately," said Stephen Broadhead, the "convenor" at the body plant, who has visited the German plant twice. "It was such a violation of our health and safety regulations we couldn't live with it." Nonetheless, the Saarlouis plant has the lowest injury record in Ford's entire Europe subsidiary.

In one example mentioned by Mr. Broadhead, the Halewood union summoned a company doctor to rule that two men were required to lift the car hood onto the body, a job performed by one man at Saarlouis. But the other day at Halewood, only one man was lifting the hoods; the second man watched.

"From the very beginning it was always one man who picked up the hood," said Lothar Kotalla, a German worker here, as the dull silver car bodies moved along behind him, 58 an hour. "It's heavy so we switch every hour."

Such differences are found to pervade the two plants. In May, the workers at Halewood went on strike for 11 days because they contended that four men could not produce 60.2 transaxle assemblies an hour, as the company and the German experience suggested they could. Five months later, the four men are still assembling about 55 an hour.

The economic consequences for Britain of the lower productivity are also evident. When the two plants were retooled in August 1980, a significant portion of the 1,015 cars a day scheduled to be produced at Halewood were to be exported—to Scandinavia, France, Italy and elsewhere. The failure to meet production goals meant, in effect, no exports and no help for Britain's balance of trade.

Moreover, Ford officials have argued that the low productivity threatens British jobs. The Halewood workers earn the equivalent of just $8.25 an hour, including fringe benefits, while their German counterparts make $13.50 and have been offered a Saturday shift at premium wages to meet the demand for their cars.

With British workers half as productive, even that disparity is not enough and Ford officials calculated a few months ago that it costs $1,000 more to produce a car in Britain than to make one in Germany and ship it to Britain. That disparity has been kept down by the regular devaluation of the British pound—from 8.75 marks per pound in 1971 to 4.15 now.

Half of the Ford cars sold in Britain are imports and the company is looking to its other European plants for an increasing supply of parts for British assembly plants. By comparison, at Saarlouis recently railroad freight cars backed deep into the cavernous plant were being loaded with trailer after trailer of freshly stamped panels for an assembly plant in Valencia, Spain.

At Halewood, Ford officials have been struggling to improve the plant's poor performance. To some extent, the current economic distress seems to have had the desired effect of not only bucking up management but also convincing workers to become more cooperative. Although 20 strikes have occurred so far this year, 300 took place in 1976. Quality may not be as high as desired, but the number of quality demerits has been cut in half over the past 12 months.

"A lot of the men got it through their brains that if stoppages occurred as regularly as before they could lose their jobs," said John Bohanna, a soft-spoken body plant employee.

The line managers at Halewood also see signs of progress. "They may say it takes two men on the engine dress," said Arthur Rothwell, the general production manager. "Six years ago, they would have said six and gotten six."

But industry analysts say there is still a long way to go. Management's efforts are now concentrated on raising productivity, a painstaking process of identifying a bottleneck—at the moment, the assignment of workers and work in the paint shop—and negotiating at length with the unions to remove it. With various shop rules, moving one worker, part of a process known as "rebalancing," often requires that five be shifted.

"To really understand what we're talking about, you have to be English," said Ted Rayment, operations manager at the plant. "We English are not good receivers of instruction. We like to know the basis of the instruction and why it's being given."

Indeed, the English managers appear to be making almost as great an effort at communicating as their German counterparts to instill "positive motivation." A concept on the continent known as "area management" has been adopted, creating miniplants that are easier to operate and that provide closer contact with workers.

Meetings with union leaders occur regularly, and every six months or so the workers are given time off to hear a presentation about productivity and jobs. But only a small percentage of workers attend, according to Ford officials.

"The problems were compounded with the new model," Mr. Rothwell said of the period since August 1980. "All our management resource was involved in trying to control disruptions."●

PHOSPHATE MINING IN THE OSCEOLA NATIONAL FOREST

● Mr. CHILES. Mr. President, on Thursday, October 22, I appeared before the House of Representatives Interior Subcommittee on Public Lands and National Parks to testify on behalf of legislation to prohibit phosphate mining in the Osceola National Forest in Florida. I have introduced legislation in the Senate, S. 1138, to accomplish this same goal. The legislation is presently pending in the Senate Energy and Natural Resources Subcommittee on Public Lands. I have requested hearings on this important issue and am hopeful a hearing date will be scheduled in the near future.

Mr. President, during last week's hearing before the House subcommittee, the Reagan administration announced a drastic departure from the Carter administration concerning its position on phosphate mining in the forest. The Assistant Secretary for Natural Resources and Environment of the Department of Agriculture reported that the administration now believes the Osceola National Forest can be adequately reclaimed if strip mined for phosphate. Even the Environmental Protection Agency, previously opposed to leasing because of the serious threats it would pose for forest wetlands, now appears to be moving in the same direction as the Department of Agriculture.

I am very much concerned about this significant and most alarming announcement by the administration. Phosphate strip mining is totally contrary to why these forest lands were originally acquired—to promote timber management and protect the swamplands. The Osceola National Forest is also an important source of fish and wildlife recreational activities for the State of Florida and the Nation as a whole. To irreversibly damage this forest resource by strip mining for phosphate at a time when these mineral deposits are not critically needed would be an unfortunate and unnecessary decision.

Congress has an important responsibility to protect the Osceola National Forest and I, for one, intend to press for legislation to achieve this protection. I ask that my testimony delivered in the House of Representatives appear in the RECORD.

The testimony follows:

STATEMENT BY SENATOR LAWTON CHILES

Mr. Chairman, I appreciate having this opportunity to comment on an important aspect of the legislation before the Committee today. Congressman Fuqua's bill, H.R. 9, along with designating certain wilderness areas in Florida also addresses a controversial and long-standing issue concerning possible phosphate mining in the Osceola National Forest. Congressman Fuqua's bill would prohibit phosphate mining in the Forest. I wholeheartedly support this effort to protect this Forest from being permanently changed by stripmining activity, and I have introduced legislation in the Senate to accomplish this same goal. It is to this important issue—the question of phosphate mining in the Osceola—that I would like to speak this morning.

Most of the Osceola National Forest is "acquired land", purchased with Federal funds rather than set aside from the public domain. These lands were approved for pur-

chase under the authority of the Weeks Law of 1911, as amended, which directed the Secretary of Agriculture to recommend for purchase "lands (which) . . . may be necessary to the regulation of the flow of navigable streams or for the production of timber." According to a Congressional Report on the Osceola acquisition, the purchase of these lands was designed to promote timber management as well as to protect the swamplands.

Since the Osceola National Forest was first set aside, the use of the Forest has grown to include such popular activities as hunting, fishing, camping and other recreational opportunities. In addition, the Forest has fostered a rich wildlife community. In all instances the opportunities afforded by the Osceola National Forest have been totally compatible with the Forest's primary purposes of timber management and wetland protection.

Now, Mr. Chairman, the Department of Interior is reviewing 41 preference right lease applications for phosphate mining covering 52,000 acres of the forest. If approved, mining could take place on almost one-third of the Forest's acreage. The possibility of strip mining in the Osceola National Forest is drastically inconsistent with the purposes for which these lands were originally acquired. Environmental studies have pointed to the adverse impact of strip mining on water resources, timber production, and swampland protection.

In addition, phosphate mining would significantly impact existing uses of the forest for recreation activities and would pose serious threats to wildlife habitats and populations found in the forest. Past studies, agency reports, and public testimony have provided a clear record of the adverse impact of strip mining on the forest and have, in my view, presented a convincing case that the exclusive use of these lands for intensive phosphate mining would be contrary to multiple-use management objectives of the Osceola National Forest.

I join with Congressman Fuqua, the State of Florida, local and regional agencies, and interested citizen groups in strongly opposing the issuance of phosphate mining leases in the Osceola. At the present time none of the Osceola National Forest lease applicants have yet demonstrated they are "entitled" to a lease. This is a significant point, Mr. Chairman, that no rights to leases yet exist. The Department of Agriculture will play a crucial role in the months ahead to determine what, if any, rights exist. For this reason I want to outline, for the benefit of the Committee, the administrative procedure taking place at the present time concerning these lease applications.

The Mineral Leasing Act does allow the Department of Interior to lease phosphate and other mineral deposits located on acquired Forest lands. However, important provisions in the law clearly grant the Secretary of Agriculture, as the head of the executive department having jurisdiction over those lands certain authorities, to "ensure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered."

Under existing regulations, after a company demonstrates that a discovery of a minable reserve has been made, then a final showing must be made to prove the current profitability of the mining operation. This final showing, the so-called "valuable deposit" test takes into account, among other things, the costs of operating the mining, of complying with existing governmental regulations, and of meeting reclamation requirements, Forest Service stipulations, and environmental standards. Meeting the valuable deposit test is a condition precedent to issuance of preference right leases.

The Department of Interior and the Department of Agriculture are presently in the process of completing the environmental and reclamation stipulations which will be used to determine if a valuable deposit has been discovered. It is important to point out that, because the Forest Service can impose surface resource protection and reclamation stipulations, and because the costs for complying with these stipulations must be accounted for in determining whether or not a valuable deposit discovery has been made, there is some possibility that, if all environmental costs are taken into account, the deposits covered by the 41 lease applicants cannot be profitably worked.

On this point I want to quote a portion of the letter sent to me by former Secretary of Agriculture Bob Bergland in December, 1978. He said, "There are serious doubts that the deposits can be profitably worked when all environmental costs are taken into account. If this proves to be the case, then the applicants will have failed to meet the valuable deposit test, and the Secretary of Interior will refuse to issue the leases."

Later in his tenure as Secretary of Agriculture, Secretary Bergland wrote to Interior Secretary Cecil Andrus requesting the Secretary to withhold leasing on the Osceola National Forest for the immediate future. In this May, 1980 letter he said that technology is presently unavailable or unproven to assure mining could be carried out under conditions that would insure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered.

Soon after the Reagan Administration entered office, I contacted the Secretary of Agriculture, Mr. Block, concerning the Department's position on the Osceola phosphate mining leasing question. In an April, 1981 response to me Secretary Block indicated that the Department position was the same as that expressed by Secretary Bergland to Secretary Andrus in the previous Administration. I was encouraged by this response.

Then, a few months later, I began hearing reports about intense industry pressure on Interior regarding the pending lease applications. I knew efforts were underway in the Department of Interior to move forward quickly with processing the applications, but I was clearly distressed to learn that in trying to "speed up" the process, the Department was also trying to remove so-called "obstacles" to leasing, meaning past objections and concerns about projected mining activity.

One such incident involved a letter to Anne Gorsuch, Administrator of the Environmental Protection Agency, from the Assistant Secretary of Interior for Land and Water Resources. This June, 1981 letter was an apparent effort on the part of the Department of Interior to secure EPA's approval for the issuance of mining leases in spite of the strong reservations voiced by EPA in the past.

A position previously expressed by the Environmental Protection Agency stated that the issuance of the leases would lead to irreparable destruction of some 28,000 acres of the Osceola. A January, 1980 report to the Bureau of Land Management from the Agency recommended that no leases for phosphate mining be issued for the Forest and that alternative approaches be explored to resolve the matter of the pending lease applications.

I hope the position of the Environmental Protection Agency with respect to opposing the leasing on the basis of water quality impact and wetland restoration has not suddenly changed, but I have had no official word as yet on this point. I hope we'll get some answers from the Agency today.

Another discouraging signal I have picked up about the administrative process concerns the stipulations to be imposed by the Forest Service for environmental protection and reclamation. I hear reports that the Department is looking favorably towards the possible use of existing reclamation technology for mining in the Osceola. If this is, in fact, the case, then the Department has obviously departed drastically from the position of the former Administration as well as from its own position as conveyed to me earlier this year by Secretary Block.

I am very much concerned about the Forest Service making important decisions on the lease stipulations on the basis of unproven technology. What looks promising now and what may, in fact, prove to work sometime down the road should not be used at this point in time as a license to signal a "go ahead" for allowing mining to take place in the Osceola.

Frankly, I'm concerned about the process underway to develop the stipulations to be imposed by the Forest Service for environmental protection and reclamation. I have reviewed the General Stipulations recommended to the Bureau of Land Management from the Forest Service earlier this year and was particularly encouraged by one of these. Let me read this to you:

"Mining activities shall not jeopardize the survival or quality of wetlands or floodplains; and shall preserve natural systems, long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber and food and fiber resources; and other uses of wetlands and floodplains in the public interest including recreational, scientific, and cultural uses."

This general stipulation, along with others, is the basis for the more detailed stipulations which will be imposed for the purpose of determining whether a "valuable deposit" exists. I, for one, would like to find out if there will be an opportunity for review of the final stipulations prior to the time they are forwarded to the companies.

In closing, let me just say, Mr. Chairman, that I intend to monitor carefully the administrative process of determining what, if any, rights exist to mine phosphate in the Osceola National Forest. In any event, I feel Congress has a responsibility to reject outright the notion of strip-mining this small, productive, and popular Forest resource. We need to ask, and then answer, several basic questions concerning phosphate mining in this Forest:

Can we today say for sure that if strip mining is allowed to take place, then eventually these lands will be restored back to the Forest we know and appreciate today? Osceola? The answer is No, We Can't.

Can we say that the projected mining will not pose possible threats to wildlife populations and habitats found in the Osceola? The answer is No, We Can't.

Can we say that this mining can take place without significantly impacting existing uses of the forest for hunting, camping, and other recreational activities? The answer is No, We Can't.

Can we say that the mining won't run any risk of damaging the valuable Suwanee River system located immediately downstream from the lease areas? The answer is No, We Can't.

And, Mr. Chairman, is there today a critical need to develop the particular phosphate reserve underlying the Osceola National Forest. The answer is No, There Is Not.

Therefore, Mr. Chairman, the final question should be do the short-run benefits associated with mining this phosphate outweigh the long-range costs in terms of loss of these forest land resources? Clearly, the answer is No, They Do Not.

For this reason legislation needs to be enacted to prohibit phosphate mining in the forest and set forth a procedure for dealing equitably with those lease applicants who may prove to have an entitlement to

a mining lease. I hope this Committee will set the stage for action on this matter. I intend to press for action in the Senate as well.

Let me just mention, too, the wilderness areas in the other Florida National Forests being considered by the Committee. These areas were studied and recommended by President Carter and the Forest Service in April, 1979 as a result of the RARE II process. These areas have been approved twice by the House of Representatives and are non-controversial. It was unfortunate the Senate was unable to pass this legislation last year, and I hope the Committee will act on these proposals.

Thank you again for letting me be here.●

WILBUR COHEN SPEAKS ON SOCIAL SECURITY

● Mr. RIEGLE. Mr. President, over the past several months, I have held a series of public policy forums in Michigan. The topic of these meetings has been the current status of social security, and the featured guest has been Wilbur Cohen, former Secretary of HEW and one of the founders of the social security system.

These meetings have been well received in Michigan, and have drawn hundreds of citizens who are either retired or approaching retirement age. A consistent apprehension among all of the participants has been a fear about the future of social security, especially in light of the proposals to reduce or eliminate certain benefits.

Former Secretary Cohen made some cogent remarks concerning the current state of the trust funds, and his views concerning the proposals to modify the system to achieve financial stability. It is especially interesting to note that Mr. Cohen feels that the administration proposals are extreme and far exceed the actual needs of social security.

Mr. President, we have been working for quite some time to solve the financing problems in the social security system and I urge all of my colleagues to carefully examine Mr. Cohen's remarks, which I ask to have printed in the RECORD.

The material follows:

WHY I OPPOSE THE REAGAN CUTS IN THE SOCIAL SECURITY PROGRAM

(By Wilbur J. Cohen)

Ronald Reagan and the New Right Republicans are training their sights on Social Security in an effort to mutilate one of this nation's best programs of social insurance.

This should come as no surprise.

Just a few years ago, Reagan teamed up with Barry Goldwater in a scheme to make Social Security "voluntary"—which all experts agree would have undermined the actuarial and financial stability of the system. They were soundly repudiated in the 1964 Democratic landslide.

This time, Reagan was more devious. During the campaign he insisted with a straight face that the integrity of the Social Security system would be preserved. Once safely in office, he cynically broke his promise, and is now hell-bent on weakening Social Security under the guise of "budget cutting."

Eight Presidents and 22 Congresses made solemn promises to the American people regarding future benefit rights. Now we have an Administration in the White House which wants to enact cruel benefit cuts for present recipients, and to reduce protection for future beneficiaries.

The first blow falls on the three million Social Security recipients receiving the $122-a-month minimum benefit enacted by Congress to put some floor under their economic misery. Who are these beneficiaries:

About 16,000 of them are over 96 years old.

About half a million of them are over 80.

Two-thirds of them are over 70.

More than 85 percent of them are women (most are widowed homemakers, the others worked for the lowest wages in society.)

When the Reagan Budget was rammed through Congress, it wiped out the minimum provision, threatening an average cut of 40 percent for those drawing benefits already far below the poverty line.

Thanks to strong Democratic leadership, H.R. 4331—sponsored by Congressman Richard Bolling, chairman of the Rules Committee—passed the House overwhelmingly. The Save-Our-Security Coalition is committed to strong support for its passage in the Republican-dominated Senate—but it's going to be an uphill battle.

There's a lot more mischief in the Reagan scheme to dismantle Social Security. He's proposing a one-fourth cut in overall protection, to be achieved in this fashion:

A one-third cut for the totally disabled more than 75 percent of whom are over 50 years of age.

A 40 percent cut to punish those forced to retire at age 62, even though seven out of every 10 who retire early do so either because of poor health or because their old jobs have been shot out from under them.

A permanent 20 percent cut for future retirees by tampering with the formula for calculating benefits.

Changes in the way the cost-of-living adjustment is calculated, so that present and future beneficiaries will be unable to keep up with inflation.

How does the Administration hope to foist its harsh and insensitive scheme on Congress and the public? Like Chicken Little, Secretary Schweiker and Budget Director Stockman are running around screaming that "the sky is falling." They want people to believe Social Security is teetering on the brink of bankruptcy. This is sheer demogoguery.

The Old Age and Survivors' Insurance Trust Fund is the only part of the system facing any difficulties at all. This is due to the bad performance of the economy in the recent past: double-digit inflation has pushed up outgo, and high unemployment has pushed down income.

Its short-run problem can be met by permitting the Old Age and Survivors' Insurance Trust Fund to borrow from the Medicare and Disability Insurance Trust Funds, repaying them with interest once the crunch is over.

If there is any other need for funds, the law should permit loans from the general treasury, repayable with interest, just like Congress has done for years to help the state unemployment insurance system. It probably won't be necessary to do such borrowing, but knowing that such a mechanism is in place will assure workers and retirees that Social Security will always be able to meet its obligations.

Once the present mini-crisis is behind us, Social Security will be healthy well on into the next century. To make sure that Social Security continues to serve the public need when the post-World War II "baby-boom" generation begins to retire in the year 2005, Congress should change Medicare financing so that up to one-half the cost comes from general revenues. This will free up needed funds to pay Old Age and Survivors' Insurance benefits without any reduction in the payments people have been promised.

There's one other thing Congress should do: get Social Security out of the unified budget. The Social Security Trust Funds used to be autonomous; they should be restored to that status, to protect them against the short-term policy swings of elected officials and political appointees.

Reagan wants to build up an unnecessary $100 billion surplus in Social Security over the next five years to give the illusion of a budget more nearly in balance. But the law requires that Social Security's assets be used only to benefit the retired, the disabled, and surviving families of deceased workers. Restoring Social Security's autonomy would prevent the kind of financial sleight-of-hand that the Administration has in mind.

Polls show that the American people are outraged over Reagan's attempt to slash this essential program. They have good reason for their concern. Social Security is the best value money can buy. There is no other system which provides for indexing the earnings on which contributions are paid and also indexing of benefits to keep up with the cost of living. Therefore, it can be authoritatively stated that the system as a whole will pay contributors back more than they put in.

Four former Commissioners of Social Security, under both Democratic and Republican Administrations, have joined with me in the Coalition to Protect Social Security, and together we are working to mobilize public support for Congressional efforts to oppose the Reagan cutbacks.

We believe the government is acting as trustee for those who have built up rights under Social Security. Our goal is to make sure that the government fully carries out its compact with contributing workers and beneficiaries—that the government, as insurer, will meet its obligations as they fall due.

Social Security is a solemn government promise which must be honored.

THE POSITION OF THE SAVE OUR SECURITY COALITION (SOS) ON SOCIAL SECURITY FINANCING AND PROPOSALS FOR BENEFIT CUTS

(Statement by Wilbur J. Cohen, Chairman of SOS and former Secretary of H.E.W. (1968), and Robert M. Ball, former Commissioner of Social Security (1962–73))

1. SOS represents over 90 organizations with 35 to 40 million members more or less evenly divided between contributing workers and social security beneficiaries. Those getting benefits now and those now contributing have the same stake in an adequate and dependable social security system.

SHORT-TERM FINANCING

The Administration is exaggerating the short-term social security financing problem:

a. The short-term problem is entirely in old-age and survivors' insurance (OASI) and is caused by the highly unusual economic conditions of the recent past—wage increases falling behind price increases accompanied by the higher levels of unemployment. Since benefits increase automatically with prices and since income is tied to payroll levels, the contingency funds in OASI are very low. This temporary situation tied to bad performance of the economy does not justify permanent reductions in social security protection as proposed by the Administration, nor talk of 1982 bankruptcy, nor invocation of possible shifts in worker-beneficiary ratios which will occur, if at all, in the next century.

b. The size of the short-term problem in OASI depends on the performance of the economy in the near term. Under Reagan economic assumptions and those used by Congress in the reconciliation and tax bills, there is no problem. Reallocation of the overall social security tax rate between OASI and DI (under present law, too much of the rate has been allocated to DI and too little

to OASI) and short-term borrowing by OASI from HI is enough. Taking into account the cuts in the reconciliation bill, the combined social security funds grow by $46 billion over the next five years under these assumptions; over $150 billion through 1990. (If the minimum benefit is restored, as it should be, the first five-year figure becomes $39 billion and there would still be over $150 billion more in the trust funds at the end of 1990.)

Under the much more pessimistic assumptions labelled II–B in the 1981 trustees' report, similar to those of the Congressional Budget Office alternative, the combined funds stay above the necessary begining-of-the-year level of 9 percent until 1990, and in that year the OASDI funds begin to develop large surpluses, $20 billion in 1990 alone.

3. We favor dealing with the short-term problem in OASI by reallocating rates between OASI and disability insurance (DI), borrowing from hospital insurance and by providing stand-by authority to borrow from general revenues. (Some have argued that since HI is estimated to be short of funds in the 1990's, it should not lend money to OASI now. But lending money at proper interest does not worsen the financial condition of the HI fund. HI has excess funds now and OASI has excess funds in the 1990's, both because growth of the aging population slows down substantially—birth rates in the 1930's were low—and because of a 1990 scheduled increase in social security taxes.)

MIDDLE-RANGE FINANCING—APPROXIMATELY 1985–2005

4. In general, conditions in 1985–2005 can be expected to be favorable to financing cash benefits under social security—the age group 20–64 will grow enough (the baby-boom generation will be of working age) to offset increases in the number of persons over 65. Even small increases in productivity will cause OASDI expenditures to drop somewhat as a percentage of GNP or covered payroll. Under the more pessimistic of the trustees' intermediate assumptions, expenditures as a percent of GNP drop from 4.98 percent next year to 4.38 percent in 2005 and as a percent of covered payroll from 11.44 to 11.09.

5. Any HI financing problem in the rest of this century (none under some assumptions but problems in the 1990's under others) is related to the possibility of continuing increases in hospital costs that considerably exceed increases in wages. Of course, if in the 1990's hospital costs rise as much in relation to wages as in the recent past, Medicare will need more money—so will Blue Cross and private commercial health insurance and none of these plans will be "bankrupt" in any usual sense of the term.

LONG-TERM FINANCING

6. There will be a big increase in the absolute number of people over 65 from about 2005 to 2035. This is certain. They have already been born and increasing longevity assures this result.

7. For social security financing, however, it is the ratio of those getting benefits to those at work that is important, and the size of the work force depends on many uncertain factors—fertility rates, labor force participation rates of older people and women, immigration rates, etc. Social security expenditures as a percent of covered payroll will probably increase somewhat in the next century (although this is not certain) but the size of the increase is unpredictable, to some extent susceptible to policy decisions, and may be small. Some increase in the cost of caring for the elderly in the next century, measured as a percent of GNP, say, is a low price to pay for the slowdown in population growth. A return to large-scale population growth would reduce the relative cost of caring for the aged but would have much larger long-range social costs in terms of pressure on the environment and the quality of life.

8. A long-term increase in social security costs is not likely to be a bigger economic burden because of at least some productivity increases and because under the same assumptions that produce an increase in the size of the older population relative to the work force, there will be fewer children to support.

THE ADMINISTRATION'S PROPOSED BENEFIT CUTS

9. SOS opposed the Administration's social security budget cuts. The cuts are particularly unfair to those already receiving benefits such as those who have been getting the minimum benefits. These cuts violate the compact between the contributing worker and his government and the beneficiary and his government. The minimum benefit should be fully restored.

10. SOS opposes the Administration's recommendations for a long-term reduction in the scope of social security—an overall reduction of 23 percent, with a reduction of over 40 percent for those applying for benefits at age 62 and a reduction of one-third in the protection provided against the risk of long-term total disability. We are particularly concerned about the fact that little attention has yet been paid to the huge slashes proposed in disability insurance.

11. These proposals go way beyond the long-run need described by the Administration (and the description of the need may be exaggerated). The 75-year deficit for OASDI is projected at 0.75 percent of payroll under one intermediate set of assumptions in the trustees' report and 1.65 percent under the other intermediate set (slightly more if the minimum benefit is restored). The pending Administration proposals save 2.86 percent of payroll.

12. The Administration proposals are designed not only to meet the short-run OASI deficit they have been talking about, but also to rapidly build up the contingency reserves to produce enough excess of income over outgo to cover the cost of liberalizing benefits for those at work, to reduce social security taxes, and to accomplish all this under such pessimistic economic assumptions that there would be almost no real wage growth over the next five years, an unemployment rate of nearly 10 percent in 1983, and double digit inflation through 1985. Although the Administration does not expect such economic conditions, it insists on benefit cuts now instead of a contingency plan for borrowing from general revenues should the need arise.

It is perhaps more than coincidental that two overriding goals of the Administration would be furthered by insisting on benefit cuts:

a. Because of the present method of accounting, any excess of income over outgo in social security helps balance the overall budget, even though, by law, social security funds can be spent only for social security benefits and administrative expenses. (SOS favors returning to the practice in effect prior to F.Y. '69 of keeping social security financing entirely separate from the general budget and thus removing the temptation to cut social security to help the appearance of the general budget.) According to the Reagan Administration economic assumptions, the social security cuts would contribute nearly $90 billion to budget balancing over the next five years.

b. The benefit cuts would produce a much smaller, less adequate social security program for the long run and further the Administration's goal of reducing the role and size of Federal programs.

OTHER PROPOSED BENEFIT CUTS

13. SOS opposes change in the COLA designed to give beneficiaries less than a full cost-of-living adjustment.

14. SOS opposes reducing benefits for people who apply for benefits before age 68—both the Administration proposal to cut benefits for those applying between 62 and 65 and the proposals that would raise the age of eligibility for full benefits from 65 to 68.

15. Social Security contributors would be treated more fairly if state and local employers were required to forward social security contributions on the same time schedule as private employers, if outstanding social security checks were recredited to the trust funds, and if each year the trust funds earned interest at the current market yields on outstanding long-term government debt. SOS favors these steps.

CONCLUSION

Cutting social security benefits is unnecessary and wrong. The Administration has been exaggerating the seriousness of a quite manageable shortfall in OASI financing in the near term, apparently in the hope of persuading Congress to make major and permanent cuts in the social security program. It is difficult to escape the conclusion that the Administration in proposing these cuts has more in mind than social security. Slashing social security benefits would make a major contribution to their goal of balancing the general budget and, for the long run, would make a major contribution to their goal of reducing the size and scope of Federal programs.●

THE NATIONAL SCHOOL LUNCH PROGRAM

● Mr. HART. Mr. President, during the past few months, the child nutrition director for the State of Colorado, Dan Wisotzkey, has carefully monitored the effects of the reconciliation cuts on the national school lunch program. Last week, Mr. Wisotzkey presented the results of a survey of State nutrition directors to the House Labor and Education Committee. His testimony confirms that, despite administration assurances to the contrary, budget cuts in child nutrition have forced hundreds of schools around the country to withdraw from the school lunch program.

Mr. Wisotzkey's testimony includes an important table listing, State-by-State, the number of schools and students that have terminated participation in NSLP so far this year. This is the first time such comprehensive data has been made available. It deserves our serious attention.

The effect of the budget cuts on the school lunch program has been tragic and unnecessary. Full funding for the program could be restored if the Senate enacted my legislation to reduce the tax deduction for business meals and entertainment from 100 to 70 percent and earmark the savings for the school lunch program.

This proposal represents a simple, reasonable way to reorder our priorities with respect to federally subsidized meals. It does not increase the Federal budget. Given the drastic escalation of schools withdrawing from the school lunch program, our choice should be clear.

I ask that the table, and Mr. Wisotzkey's testimony be printed in the RECORD.

The material follows:

PARTICIPATION IN THE NATIONAL SCHOOL LUNCH PROGRAM—WITHDRAWALS SINCE JAN. 1, 1981

State	School district	Public schools	Private	Private over 1,500	Children [1]
Alabama	0	0	0	0	0
Alaska	2	2			665
Arizona		7			24,976
Arkansas		15			14,076
California	9		17		3,072
Colorado	2	5			300
Connecticut		23		35	NA
Delaware	0	0	0	0	0
District of Columbia				3	1,300
Florida	0	0	0	0	0
Georgia				7	3,200
Idaho			1		128
Illinois	NA	NA	NA	NA	NA
Indiana	0	0	0	0	0
Iowa	0	0	0	0	0
Kansas			2		158
Kentucky	1	2			715
Louisiana			1		NA
Maine	0	0	0	0	0
Maryland			1		NA
Massachusetts	NA	NA	NA	NA	NA
Michigan		37			16,800
Minnesota		1			550
Mississippi			4		1,003
Missouri			3		966
Montana	3	4			400
Nebraska		7			1,095
Nevada	0	0	0	0	0
New Hampshire		6			1,000
New Jersey		100			26,000
New Mexico			3		NA
New York		2	30		12,900
North Carolina	0	0	0	0	0
North Dakota	0	0	0	0	0
Ohio			45		
Oklahoma	2				NA
Oregon	1	6			4,000
Pennsylvania	3		27		NA
Rhode Island	0	0	0	0	0
South Carolina	0	0	0	0	0
South Dakota	1				NA
Tennessee	4	6			4,839
Texas	0	0	0	0	0
Utah			1	1	95
Vermont	NA	NA	NA	NA	NA
Virginia		9			NA
Washington	13	50			20,738
West Virginia			3		
Wisconsin	5	38	16	5	14,083
Wyoming		1	1		222
Total	46	321	155	51	153,924

[1] Number of students affected is higher since this is a combination of the average daily participation and enrollment.

STATEMENT OF THE AMERICAN SCHOOL FOOD SERVICE ASSOCIATION, EDUCATION AND LABOR COMMITTEE

Mr. Chairman, Members of the Committee, I am pleased to be able to present the statement of the American School Food Service Association (ASFSA) on the impact of the school lunch budget cuts contained in the Omnibus Reconciliation Act of 1981. My name is Dan Wisotzkey; I am the Child Nutrition Director for the State of Colorado.

Mr. Chairman, during the last month in my capacity as Chairman of the State Directors Committee within ASFSA I have contacted every State Director in an attempt to discover whether or not schools have left the National School Lunch Program (NSLP). The results of my survey indicate that since enactment of the Omnibus Reconciliation Act of 1981 approximately 400 schools have terminated participation in the NSLP. The more than 100,000 students in those schools have no federal guarantee of a nutritionally adequate meal. The students that cannot afford to buy the a la carte, snack type lunch provided in place of the NSLP, by and large go without. In Arizona, for example, seven school districts have voted to terminate the NSLP, and in those seven districts over 3,200 children received a free or reduced-price lunch last year. Similar situations exist in many other states.

In addition to "school drop outs," student participation has dropped dramatically in some areas due to lunch price increases. Nationally the cost of a school lunch has increased approximately 30 percent. Lunches that cost 60 cents–75 cents last year cost 80 cents to 90 cents this year. This increase has forced several million children, conservatively, from the NSLP. Both the "school drop outs" as well as the lunch price increases are the direct result of the recent budget cuts.

Mr. Chairman, we recognize that 400 schools is not a large percentage of the total number of schools in the program, but earlier this year when the Administration first proposed drastic cuts in the school lunch budget it also listed school lunch as one of the seven "safety net" programs. This Committee was told by the Administration that if their proposals were enacted it would not result in schools being forced to terminate the Program. Various State child nutrition directors testified, however, that if the Administration proposals were enacted thousands of schools would be forced from the Program for financial reasons. This Committee greatly moderated the severity of the Administration's proposed cuts, but even with that lessening of the cuts schools are in fact leaving the Program and poor children are falling through the "net".

As this Committee knows, the National School Lunch Program was established in 1946 "as a measure of national security, to safeguard the health and well-being of the Nation's children . . . by assisting the States, through grants-in-aid and other means". No federal mandate was enacted. The idea was to use only the "carrot" of the federal aid to encourage local communities to operate a National School Lunch Program. And it worked. Over 90 percent of all the schools in the country participate in the National School Lunch Program.

As the federal "carrot" disappears, however, so does the incentive for local districts to participate in the National Program. This year schools will receive 21.5 cents in federal general assistance towards each lunch served (11 cents in USDA-donated commodities and 10.5 cents in cash). The 21.5 cents represents a 40 percent cut in federal assistance.

Nonetheless, budgetary pressure is again building for additional cuts in the National School Lunch Program. The question is asked by critics, "Why should the federal government contribute to a lunch consumed by non-poor children?"

The answer lies in the basic purpose and goal of the program. The National School Lunch Program is not a welfare program and was never intended as an income security program. The school lunch program is a nutrition program that is vital to children's education and health (as well as to the U.S. agricultural economy). Federal monies are spent to encourage local communities to operate a school lunch program for the same reason that federal funds are spent on the park system or on national defense: it is important to the country as a whole, rich and poor alike.

The 21.5 cents subsidy is not a subsidy to non-poor children or the "paying" child. It is a grant-in-aid to the schools to help defray costs based on total student participation. It is only by having a federal subsidy to local school lunch programs, without regard to the income of the people participating in the Program, that school lunchrooms can remain economically and politically viable at the local level. It is not reasonable to turn a nutrition program into a welfare program and expect local communities and governments to respond to the program in the same manner they have in the past.

In those school districts throughout the country where less than one-third (⅓) of the students are eligible for a free or reduced-price lunch, school districts simply cannot afford to participate in the NSLP unless the federal government provides some degree of general assistance for the program as a whole in addition to the "special" subsidy for poor children. If the federal government withdraws its small remaining general assistance, it will not be possible to maintain the National School Lunch Program as one of the President's "safety net" programs. It may not be possible to maintain the program at all.

Many schools that were at first tempted to drop the program this year did not do so in order to wait and see what would be the future direction of the program. Many districts are using up their financial reserves to stay in the NSLP "one more year." The 1983 budget to be released in January is the key in this regard. If the school lunch cuts have not "bottomed out", in the words of one director, and if the Administration continues to treat the school lunch program solely as an income security program, then I fear that that will become a self-fulfilling prophecy. The NSLP will become a welfare program and the 400 schools that have dropped the program this year will turn into an avalanche.●

THE 25TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

● Mr. GLENN. Mr. President, I rise today to join with freedom-loving people around the world who are commemorating the 25th anniversary of the 1956 Hungarian Revolution. Last Friday, October 23, marked two and a half decades since the Hungarian people rose to challenge their repressive Soviet overlords.

After driving the Russian occupation forces from Budapest, Imre Nagy and his courageous Freedom Fighters proclaimed Hungary an independent state and set about forming a coalition government.

But what might be described as the Budapest autumn fared no better than did the Prague spring of 1968. In each case, the cruel Soviet winter quickly extinguished the fragile blossoms of liberty.

On November 4, 1956, Russian tanks rumbled into Budapest and the spirited courage of the Freedom Fighters proved no match for the machine gun and the jackboot.

But although the Hungarian Revolution was brutally suppressed, the sacrifice and struggle of those who waged it was assuredly not in vain. The spirit of liberty was rekindled throughout the nation, and the Soviet Union was forced to loosen its brutal grip on almost every aspect of Hungarian society. Although the people of Hungary are not yet free, they have succeeded in easing their oppression and in frightening their tormentors.

Yesterday, it was Hungary. Today, it is Poland and Afghanistan. Who knows what tomorrow will bring? But there is one thing we do know, Mr. President. And that is that the yearning and the quest for freedom can never be completely crushed. And wherever that yearning expresses itself, there also will be inspiration to all who suffer tyranny's yoke. In 1848, another Hungarian revolutionary—Lajos Kossuth—clearly enunciated the universal significance of what happened in Budapest 25 years ago. He wrote:

> The cause of freedom is identified with the destinies of humanity. And in whatever part of the world it gains ground, it will be a common gain to all those who desire it.

So, today, let us remember, celebrate and rejoice in what happened 25 years ago in the city of Budapest. And until the Hungarian people have finally and fully received their independence, let us vow to keep their cause in our hearts, in our minds and before the court of world opinion. Someday, the Hungarian people will be free. Until then, let us raise our voices and loudly proclaim: Isten áldd a Magyart!●

A NATIONAL EFFORT TO END HANDGUN VIOLENCE

● Mr. PELL. Mr. President, today marks the beginning of National End Handgun Violence Week, which will be the largest grassroots effort ever made to raise awareness of the need for handgun control, and dramatize the tremendous support which already exists for new measures to curb handgun violence.

This effort was organized by the composer and singer, Harry Nilsson, after his friend John Lennon was killed in New York last December with a handgun. Hundreds of sponsors have volunteered their time to organize rallies, benefit concerts, and other public forums to promote the need for handgun control.

Since the passage of the 1968 Gun Control Act, a quarter of a million Americans have been killed in handgun shootings. The list of public officials and other well-known persons who have fallen victim to handgun violence is long and all too familiar to each of us. But the 250,000 Americans who have died from handgun bullets have not been the only victims.

In fact, we all have become victims of the fear of handguns, a fear that has become so pervasive that many of us have changed the way we live because of the odds of having a handgun pointed at me suddenly one night on the streets of almost any American city.

Many of our senior citizens have become virtual prisoners of their own homes, especially in the central cities, because of their fear of venturing out onto the streets.

Even more disturbing is the tide of new handguns that is threatening to engulf our society. Despite the 1968 Gun Control Act, foreign-made handguns of all types and sizes keep flowing in at an estimated rate of more than 600 new handguns a day. These, plus new American-made products, add up to almost 6,000 new handguns per day.

The number of handguns in circulation in the United States increased by more than 20 million during the seventies and at the current rate there will be over 100 million handguns in our country by the year 2000.

I believe it is possible to stem the frightening rise in the number of handguns on the streets of America. I see no reason why all handguns should not be registered, and all owners of handguns licensed, just as we require that all automobiles be registered and all drivers be licensed. Such a system would not infringe on legitimate use or ownership of firearms any more than our automobile laws infringe on the legitimate uses of cars.

I am extremely pleased to join Senators KENNEDY and MOYNIHAN and the other very distinguished members of the sponsoring committee in this national effort to end handgun violence. This is exactly the kind of grassroots initiative that will further increase public awareness of the problem, and translate the vast support that already exists into a strong public voice for stronger measures to curb handgun violence.

As we begin National End Handgun Violence Week, it is well to recall the words of Robert Kennedy, which are just as true today as when they were spoken in April 1968, following the assassination of Dr. Martin Luther King:

> The victims of violence are black and white, rich and poor, young and old, famous and unknown. They are, most important of all, human beings whom other human beings loved and needed. No one—no matter where he lives or what he does—can be certain who next will suffer from some senseless act of bloodshed. And yet it goes on and on and on, in this country of ours. Why?

Today, one reads those words with a twinge, but they are a compelling reminder of the need for a new national commitment to end the handgun violence which has made every one of us a victim of fear and the thought that a friend or loved one, or we ourselves, may be the next object of a senseless killing or serious injury inflicted by a handgun.●

TESTIMONY OF DR. MICHAEL NOVAK ON ANTI-SEMITISM IN THE SOVIET UNION

● Mr. HEINZ. Mr. President, as I mentioned in my statement last Thursday on the October 6 hearing on anti-Semitism in the Soviet Union, I would like to bring to my colleagues' attention the following testimony of Dr. Michael Novak and have his statement printed in the RECORD. Dr. Novak served as the U.S. representative to the United Nations Human Rights Commission in 1980 and is currently a resident scholar in religion and public policy at the American Enterprise Institute. He is the author of many philosophical works and two novels. His new book "The Spirit of Democratic Capitalism" will be published in February.

Dr. Novak's eloquent testimony addressed the human rights violations against all citizens of the Soviet Union but in particular the Soviet Jews. In discussing Soviet Jewry, Dr. Novak recalled the discrimination and harassment that constantly invades every Jewish home. He pointed to the uncertainties of emigration and the refusal of Soviet authorities to abide by the Helsinki accords. Most important, he pointed to the fact that the Jews of the Soviet Union are not free to learn of their history and heritages.

Dr. Novak's statement follows:

TESTIMONY OF MICHAEL NOVAK

Mr. Chairman, it is in my personal capacity that I speak before you today.

On the other hand, I should call to the attention of the Committee the fact that I served this past spring, and have recently been asked to serve again this coming year, as the United States Representative to the Human Rights Commission of the United Nations by the appointment of the President. I mention this for two reasons. First, I must point out that, except for my specific assignments, I'm a private citizen and independent scholar and, on this occasion in particular, am speaking in my private capacity. Secondly, as a Democrat who has accepted part-time service in this capacity under a Republican administration, I would like to emphasize the bipartisan nature of the concern about human rights by all American citizens. As debates in this country frequently show, there is a passion here about human rights.

The American people would like to send a message of hope to all citizens around the world who suffer from deprivation of their human rights. This is because most of us came to this land, or our families did, in pursuit of human rights. It is for its institutions of human rights that we are grateful to the land that has nourished us. It is through our roots in other lands that we remember what it was like to be able to look to America as a beacon of human rights. For these reasons, we would like this message of hope to continue going out to all the world, to Guatemala and Argentina, as well as to Cuba and Nicaragua, and to every continent and every nation where there are abuses of human rights. Our goal as Americans, a bipartisan goal, is to build a better world, in which institutions of human rights flourish, and in which individual human beings receive the respect and liberty which is their due through the inheritance which the Creator bequeathed them. This is our duty as fellow human beings and as Americans. It is also our deepest personal desire.

Mr. Chairman, it is, then, in my personal capacity that I speak. Among the many concerns to human rights activists around the world, one is especially difficult and painful to bring up. It concerns the Soviet Union, a nation with which in the interest of world peace we would desire to have the best and most cordial relations, but with which, in the interest of its own publicly acclaimed values, we must in the matter before us express dismay. For the Soviet Union is committed through many public documents to religious liberty and to rights of

free emigration. These are not values imposed from abroad. They are values to which the Soviet Union has publicly committed itself.

We recognize full well, of course, that it is difficult for a regime which desires total control over every aspect of the lives of its citizens to observe in practice the principles to which it commits itself on paper. This is the Soviet dilemma. The Soviet Union is committed to diametrically opposed principles, one set on paper, the other in practice. My hope as a private citizen (and I am sure that the hope is shared by all Americans and, indeed, by most citizens of the Soviet Union) is that the better angels of the Russian spirit will win out over the worse. In particular, and at the very least, we would hope for the free religious liberty and free right to emigration on the part of all Soviet citizens.

There are many groups of Soviet citizens who do not, in fact, enjoy complete religious tolerance and normal religious liberty. Bibles have been confiscated, religious meetings interrupted, religious leaders beaten, punished, and thrown in jail, and complicated schemes of penalties attached to those who insist upon religious belief and practice. Nonetheless, Mr. Chairman, witness after witness comes from the Soviet Union to tell us of the burgeoning of the spirit of religion just below the icy surface of everyday life. When I was a child, Mr. Chairman, as a Roman Catholic we used to pray at the end of mass everyday three Hail Marys "for the conversion of Russia." It appears now from the witness of Alexander Solzhenitsyn and others that these prayers have been among the most powerfully and plainly answered in all of history. Russia seems to be breaking out with religious desire and the appetite for freedom of conscience and movement.

Mr. Chairman, it has always seemed to me that in a pluralistic society like our own, one religious group ought to be especially active in speaking out on behalf of another. Thus, it gives me a sense of satisfying a religious obligation to speak, as a Roman Catholic, in defense in particular of the rights and liberties of Soviet Jews. In the Soviet Union, Jews are not the only ones who suffer the loss of religious liberties and rights. But they do seem to be particularly victimized. Evidence abounds concerning what they have suffered, and testimony after testimony has added to the weight of that evidence over the years.

In discussing Soviet Jewry I am forced to recall that we are speaking about individual persons with proper names and private hopes, men, women and children who are denied a most basic freedom of choice, the right of emigration. Each uncertain and fearful individual who endeavors to leave the Soviet Union must face the possibility of harassment and discrimination. No individual knows at the moment when he applies for a visa whether he will be permitted to leave without trouble or whether he will be dismissed from his employment and subjected to as much as a decade of uncertainty regarding his future. Each is frightened of his present circumstances and obliged to wait and wait.

For some reason, totalitarian societies seem to delight in the terrors of arbitrariness. A housewife may be told that she has state secrets while a physicist may be permitted to leave. One physician may be allowed to emigrate while another languishes without employment and without hope. All Soviet Jews must be prepared to confront the worst of fates before they exercise the most fundamental right of emigration. This right is guaranteed by the Helsinki accords, but the arbitrariness surrounding its use seems intended to spread terror. In a sense the refusenik is caught on the horns of a dilemma. He is unable to leave the Soviet Union freely, but he is also not permitted to live freely as a Jew within Russia.

Mr. Chairman, we could perhaps be less shocked by this denial of emigration if Soviet Jewry at least enjoyed religious liberty within the Soviet Union. Instead, Jews face a society which denies them vital institutions of culture, a regime which denies Hebrew teachers the right to teach and penalizes Yiddish, recognized by the law as one of the state languages of the Soviet Union. Basic expression of Jewish culture, theater and music, arts and poetry are severely limited and their performance so rare as to face almost total extinction. The words of Sholom Aleichem are not heard—cannot be heard—in the streets of Kiev, his native city.

The situation is especially bleak right now. Within the past four months an unprecedented number of Jews have been arrested in widely separate geographical areas as if to indicate that the Soviet Union wishes to attack every manifestation of Jewish identity everywhere within the country. We read almost weekly of harsh sentences, imprisonment and exile meted out to those who dare to speak of Jewish identity and Jewish community.

Even the harshness of the Soviet regime cannot destroy the freedom of the Jewish people, their desire to study their past and to remain faithful to their history. Since formal programs for the study of Judaism have been denied, informal seminars have flourished. Today even the latter are being closed down and their participants are now subjected to arrest, persecution and harassment. Many live in constant fear. Those Jewish scientists who had been dismissed from their positions within universities and research facilities or expelled from the prestigious Soviet Academy of Sciences used to form study sessions to stay current within their research and to keep in touch with the scientific publications of the world. They did this so that if they were granted a visa to leave, they could again obtain a professional appointment—and simply out of commitment to learning. Recently participants have been harassed, material confiscated and study sessions disbanded.

But the situation is even more serious when we consider the magnitude of the new Soviet persecution of the Jews. Caricatures of Jews and Judaism appear regularly in the Soviet press. Clichés of hatred and prejudice are routinely called forth to describe Jews. Words like "disloyal, deceitful, cruel, conspiring and enslaving" recall for the world the earlier era of Nazism. At the United Nations, an infamous Soviet-inspired resolution has equated Zionism with racism and thus unleashed a cancer on the body of the world community, distorting and disturbing every sane discussion regarding human rights and perverting processes designed to protect, and not attack, human dignity. Anti-Zionism in this pernicious form is the direct descendent of anti-Semitism in its most lethal expression. It is clear that the distortions which have been introduced into the world community because of this peculiarly pernicious form of anti-Semitism threaten not only to devour the Jew but to infect the world community of nations with murderous poison.

What is one to say when confronted with:

Growing arrests of Jews;

Increasing numbers of Jews imprisoned;

Denials of permission to study Hebrew language;

Disbanding of Jewish culture history and religion study groups;

Disbarring of Jewish scientists from private scholarly associations;

Television, radio and newspaper campaigns vilifying Jews;

Repeated official identification of Jews as the cause of all social and economic ills;

Repeated official efforts to deny Jews their national identity by a thinly-veiled program of anti-Semitism utilizing the rubric of "anti-Zionism."

Are we to consider these as isolated, unrelated events? Reasonable persons can only perceive this cumulative chain of actions taken by officials in the Soviet Union as being a sustained program of anti-Semitism.

Mr. Chairman, this day marks the fortieth anniversary of Babi Yar. During the week between the Jewish New Year and the Day of Atonement, just forty years ago, tens of thousands of Jews were killed at vast and bloody burial site. Today at Babi Yar there is no mention at the site of the identity of these victims. In totalitarian states, to mention or not to mention is an official act; history itself is subject to official will. Only in the free nations is history free and truth permitted voice. That is why we who are so far away must speak for those who cannot speak. And we ask nothing special—only ordinary decency, plain truth, civil respect obedience to official Soviet law and Soviet international commitments. We ask no more than that the Soviet Union be faithful in its institutions and daily life to the words it affirms on paper. If it cannot be trusted in its dealings with its own citizens, who can trust it elsewhere?

Mr. Chairman, what a better world it would be if the masters of Soviet officialdom respected their own peoples. We would like to be able to admire their moral practice, not simply their awesome military might. Hardware rusts; decency lives forever.

What Moses said to Pharoah is not at all old-fashioned: "Let my people go." If the people of the Soviet Union could speak to their rulers, would they not say the same?

Mr. Chairman, we in the United States desire a world of upright, free citizens, respected by their own governments, liberated for creative, constructive lives. It pains us to see others suffer unfairly during their brief lives. This suffering seems so unnecessary, and could so easily be ended.●

REQUEST FOR COAST GUARD HELICOPTER STATION IN LINCOLN COUNTY, OREG.

● Mr. PACKWOOD. Mr. President, for 191 years, the Coast Guard has played a vital national function in the form of its search and rescue mission. In recent years, the Coast Guard has been assigned numerous other duties including drug interdiction, illegal immigration patrol, fisheries enforcement, vessel documentation and inspection, pollution control, and on and on. But the basic mission of the Coast Guard, its first mission, is the search and rescue of commercial and recreational operators and vessels in our domestic waters.

In the State of Oregon, the Coast Guard has two stations along the coast: One in Astoria up north; and the other in North Bend along the southern part of the coast. What this leaves is a void in the central coastal area, an area which has seen rapidly increasing recreational, commercial, and educational use each year. The result is a critical need for deployment of a Coast Guard helicopter station in Lincoln County near Newport, Oreg.

The Oregon Legislature has recognized this need, and passed a resolution expressing its concern. Now it is up to us in Congress and the executive branch to

see that the Coast Guard in Oregon is equipped so that it can carry out its first and most important mission—search and rescue.

I request that Senate Joint Memorial No. 6 be included in the RECORD at this point.

The memorial follows:

SENATE JOINT MEMORIAL 6

Whereas the beaches of Lincoln County, Oregon, were used by at least 20,000 students for marine education programs in 1980; and

Whereas the number of visitors using Lincoln County beaches is expected to greatly increase within the next decade; and

Whereas Lincoln County has an increasing number of large commercial fishing vessels, operating in inclement weather and increasing the risk of accident; and

Whereas the North Lincoln Hospital has the nation's highest incidence of hypothermia caused by cold water exposure; and

Whereas the nearest existing United States Coast Guard helicopter stations are in North Bend and Astoria requiring one hour to respond to an emergency in Lincoln County; and

Whereas shorter response time could have saved at least three lives in Lincoln County in 1980 alone; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to establish a fleet of United States Coast Guard helicopters in Lincoln County.

(2) A copy of this memorial shall be sent to the President of the United States and to each member of the Oregon Congressional Delegation.●

PERSONAL EXPLANATION

Mr. DODD. Mr. President, during consideration of S. 1196, the Foreign Assistance bill on Thursday, October 22, 1981, I was unavoidably absent. I recorded by position by live pair on the two amendments dealing with the Peace Corps, and I announced my position on the Tower amendment concerning defense leasing authority. However, I would like to take this opportunity to state my position on the record votes I missed.

Had I been present, I would have voted in the following way: Yea on the Moynihan amendment No. 498; yea on the Kennedy motion to table amendment No. 502; yea on the Percy amendment No. 503, nay on amendment No. 509, offered by Senator HELMS; nay on the motion to reconsider the vote on the amendment by Senator KASTEN No. 517; nay on Hatfield amendment No. 518.

Finally, Mr. President, had I been present I would have voted yea on final passage of S. 1196.

AN OLIVE BRANCH FOR NORTHERN IRELAND

● Mr. PELL. Mr. President, approximately 2 weeks ago, Irish Prime Minister Garret FitzGerald offered a plan, or to use his words, an "olive branch," to the people of Northern Ireland. In a speech to Parliament, he proposed that the Republic of Ireland be transformed into a nonsectarian state by amending its laws to remove the Catholic bias. In addition, he proposed that the Republic's constitutional claim to Northern Ireland be dropped. These are progressive and statesmanlike steps toward the resolution of the Northern Ireland problem, and I would like to commend and congratulate Dr. FitzGerald for taking them.

The roots of the tragic situation in Northern Ireland are political and religious. When the Irish Free State, later to become the Republic of Ireland, was created in 1922, the six northern counties were separated from the South and integrated into the United Kingdom. The British Government granted Northern Ireland, which was predominantly Protestant, a considerable amount of self-government by allowing the people to form their own parliament in 1921.

The political division of Ireland was never accepted by either the Republic of Ireland or the Catholic minority in Northern Ireland, which sought to reunite the North with the South. The Protestant majority was just as determined to preserve the union with Britain and increasingly used its powers in parliament to dominate Catholics.

Thus, the majority rule in Northern Ireland came to mean Protestant rule and the exclusion of Catholics from power. Similarly, the Catholic yearning for union with Ireland was perceived by Ulster Protestants as being obviously harmful to them.

When reduced to its simplest terms the Northern Ireland problem has been and continues to be whether Catholics should be a minority in Northern Ireland or Protestants should be a minority in a united Ireland. The long history of violence and confrontation between Catholics and Protestants in Northern Ireland suggests that it will be difficult to convince either group to accept such a minority status. Nevertheless, if the Irish problem is to be resolved and peace is to be restored to Northern Ireland, the Irish people must be united.

The constitutional and legal changes proposed by Dr. FitzGerald are designed to remove some of the obstacles to unification. By dropping its constitutional claim to Northern Ireland, the Republic would remove a major irritant in its relations with Protestants in the North. The proposed changes in Ireland's laws should allay the fears held by Northern Protestants about being the minority in a united Ireland. Protestants would be able to retain their identity within the parameters of a legal system which would not discriminate against them in favor of Catholics.

Because many of the citizens of my home State of Rhode Island are of Irish ancestry and are deeply concerned about the situation in Northern Ireland, I visited Dublin and London in late May. After numerous discussions with governmental and political leaders, I concluded that a solution to the Irish problem was achievable and that it should be nonviolent.

I am encouraged by Dr. FitzGerald's initiatives because they reflect sensitivity to the concerns of Northern Protestants and a willingness to accommodate to them. I am also impressed by the extraordinary courage which he has demonstrated in taking this step. As we have seen for far too long, the Irish problem causes passion to run high among Catholics and Protestants in both the North and the South. Finding a solution is no easy task, and inevitably, there will be criticism and political risks associated with any proposal. Nevertheless, Prime Minister FitzGerald has accepted this challenge and these risks and offered a plan which, I believe, could be the foundation on which a united Ireland is built.

Reactions to the FitzGerald proposals have been mixed in both the North and the South. Rev. Ian Paisley, the volatile northern Protestant leader, emphasized that the plan would "in no way weaken our resolve never to come under Dublin rule." The Protestant majority party in the North endorsed the idea of revision with the caveat that the North retained the right to say "no."

Sean Farren, chairman of the predominantly Catholic Social Democratic and Labor Party in Ulster, commented that:

Many changes, both in attitudes and in law, are needed if a meaningful agreement is to be achieved between the people of Ireland.

Spokesmen for the Northern Alliance Party endorsed the need for constitutional change but criticized the obsessional goal of unity. In the Republic, Charles Haughey, leader of the opposition party, Fianna Fail, stated that his party was neither inherently opposed to change or to forward movement. The Catholic Church, thus far, has offered no official reaction.

Undoubtedly, these reactions are not overwhelmingly favorable. However, I derive a glimmer of hope from the fact that there was no outright rejection of the plan.

Moreover, there appears to be agreement among many Catholic and Protestant leaders in the North and the South that constitutional and legal changes are necessary and desirable. In September, when Dr. FitzGerald first raised the possibility of these changes, Mr. Haughey totally rejected the idea.

Therefore, I am pleased that he has tempered his rejection because the support of the opposition party would add considerably to Dr. FitzGerald's chances of success.

It is my fondest hope that the political and church leaders in both the North and the South will further consider the FitzGerald proposals and come to regard them as a significant step toward resolution of the situation in Northern Ireland.

In my view, the British Government should work with political and governmental officials in Dublin and Belfast to generate support for the FitzGerald plan. If there is to be peace in Ireland, the people of Ireland cannot afford to reject such an important initiative by a courageous man.●

CHINA

● Mr. GRASSLEY. Mr. President, the People's Republic of China recently has called for the reunification of the Republic of China—Taiwan. In that light, I feel it is proper for this body to be aware that this call for reunification is not something new, but rather a call which has been made several times before.

I would, at this time, ask to be printed

in the RECORD an article published in the New York Times on Thursday, October 8, 1981, and an article published in the Wall Street Journal on Thursday, October 15, 1981.

The articles follow:

[From the New York Times, October 8, 1981]

CHINA, TAIWAN'S SUITOR

(By Jeremiah Novak)

STATE COLLEGE, Pa.—Behind Peking's new offensive to reunify China is a desperate desire to co-opt Taiwan's economy, for there is a growing realization that without an injection of some economic force, the 10-year, $250-billion modernization program announced by Deng Xiaoping in 1979 is doomed. Bluntly put, China's political leaders need Taiwan's economic success.

Although China has repeatedly called for reunification in the last 18 months, there has been a recent crescendo of such proposals. Peking has upped the ante by offering to share leadership with the Kuomintang Party, as well as to permit Taiwan to keep its political, military, and economic structures. Left unstated is how Taiwan's successful economy would be integrated into the mainland's troubled one.

China's centrally planned economy is in shambles. World Bank and Defense Intelligence Agency reports indicate that its approach to development is failing. Indeed, Mr. Deng's call for modernization was an implicit admission of China's backwardness.

Despite huge oil reserves, oil production is declining. According to the D.I.A., bottlenecks are appearing in all phases of industrial production, unemployment now affects 10 to 20 percent of the urban workforce, and inflation is running at 10 to 15 percent. A mainland Government report says that up to 100 million people may be malnourished. Because of the rigidity of the planned economy, more than 20 percent of total plant orders placed from overseas since 1978 have been canceled because of a lack of technical and managerial skills and necessary capital. After 32 years of development, China's annual per capita income is less than $300—this places it among the world's poorest nations, in a class with India.

But Taiwan's economy goes from strength to strength. The island is wealthy, with a per capita income of nearly $3,000—10 times that of the mainland. Taiwan's approach to development has resulted in an economy with virtually no unemployment; an export surplus; self-sufficiency in food; and financial, technological, educational, and managerial bases that have permitted Taiwan to survive as a world-class competitor since its expulsion, in 1979, from the World Bank and International Monetary Fund. In fact, Taiwan has been able to budget up to $3 billion to buy modern weapons from the United States.

From the mainland's viewpoint, Taiwan's $8 billion in foreign exchange, and especially its managerial and technological talent, would be more valuable than a score of World Bank or Euromarket loans, for merger with Taiwan would give China the skilled personnel it lacks.

Politically, Taiwan's success has affected the mainland's intellectual and military climate, for that success is a constant reminder of the Communists' failures. Peking no longer can mask the huge economic difference between the mainland and Taiwan. Many overseas Chinese now visit China. They have spread information about Taiwan's success, especially among the intellectual elite. Moreover, many mainland diplomats, scientists, Government officials, and students have met their Taiwanese counterparts. To their dismay, they have learned that during periods of chaos, from the "Great Leap Forward" in 1959 through the episode of the "Gang of Four," Taiwan entered the modern scientific age.

Moreover, Taiwan's success has been a growing source of unrest among Peking's military leaders, who chafe at the party's inability to finance a military buildup. Whereas the mainland has de-empasized military modernization in order to stimulate its long-stagnant economy, Taiwan has continuously modernized both. According to the D.I.A. a conflict between the military and the party is possible unless Mr. Deng can get the economy moving. His diplomatic overtures can be viewed as a way of silencing military critics.

In a sense, Mr. Deng's argument with the military places in stark relief all the basic issues of China's civil war. If the Communist system cannot provide modernity, will China be forced to move toward Taiwan's? Put another way, can Taiwan's economy be integrated successfully without radically altering the mainland's economic structure? Further, can Mr. Deng compromise with Taiwan without alienating millions of radical party members?

To reunify and to force Taiwan's economy into the Communists' system would be a catastrophe for Taiwan and would not benefit China, for it would reduce a prosperous economy to the level of the mainland's.

Because of the economic issues involved, Washington must not be too hasty in taking sides in what are essentially unresolved issues of the Chinese civil war. Although that war is now being fought diplomatically and politically, it remains an internal Chinese conflict in which Peking holds the political cards and Taipei the economic cards.

[From the Wall Street Journal, Oct. 15, 1981]

CHINESE ILLUSIONS

The other day the Communist government at Peking published yet another invitation designed to lure the Nationalists on Taiwan into rejoining the mainland. This caused a bit of excitement because the Communists went so far as to offer formally that Taiwan could retain some political autonomy, its own "socioeconomic system" and even its own army, while its leaders could "participate in running" the national government. Taiwan, however, promptly rejected the offer, much to the consternation of one-China optimists who saw it as a generous gesture. The New York Times, for example, held that by failing to discuss the proposal Taipei "forfeits the propaganda struggle."

This would be a small price, if true, considering what Taiwan stands to lose by taking the Peking offer seriously. What you had in China's offer wasn't any waking up to reality of the sort that occurred, say, when Anwar El-Sadat of Egypt finally agreed to talk with the Israelis, who had three times defeated his country at war. What we've just heard from Peking is more analogous to an offer by a large corporation in the midst of bankruptcy proceedings to acquire its most successful competitor and set it up as some kind of subsidiary.

It's an offer, in short, that doesn't make sense. Consider, for example, that Taiwan's per capita income stands at nearly $3,000 a year, among the highest in the developing world, while China's, at below $300 a year, ranks among the lowest. The gap between the rich and the poor is narrower in capitalistic Taiwan than in supposedly egalitarian and Communist China. And the two-way external trade carried on by Taiwan's 17 million people rivals that of the mainland, with its population of nearly a billion. China, in short, doesn't have the sort of economy into which Taiwan wants to be absorbed.

This is particularly true when no one, inside or outside of China, seems to be taking seriously Taiwan's own statements on the subject. It argues that the only way to bring about reunification is for the mainland to "abandon the Communist system." This would be, after all, the first prescript of any Taiwanese official asked to give advice on economic development policy. And development policy surely must be a key area in which the mainland's rulers want Taiwan's leaders to "participate in running" the nation.

Now it is of course true that Deng Xiaoping and his allies have sharply modified Mao's communism, introducing certain capitalist elements, such as joint ventures with foreign firms. But when they began making their overtures to Taiwan, K. T. Li, for many years Taipei's finance minister and an architect of its "economic miracle," pointed out the fundamental contradiction that faces not only Peking but any Communist regime as it contemplates economic reform. "If it adopts the pragmatic measures that proved so successful in Taiwan," he argued, "they will lead to the emergence of certain capitalistic elements that will erode the communist ideology and eventually destabilize the existing political system."

If you don't believe Mr. Li, take a trip today to Poland and see what he's talking about. The Chinese Communists have come a long way since the death of Mao and it's comforting to know they're tilting in our direction rather than toward the Soviets. But they haven't yet shown signs that they really understand the economic problem they face. And until they do Taiwan deserves nothing but support in its refusal to get sucked into their schemes.

These two articles illustrate additional considerations that should be taken into account as we discuss the issue of reunification of China.

Two other pieces of information that I feel are of great importance in understanding this recent gesture are the rebuttals offered in the text of Premier Sun Yun-Suan's reply to Legislator Jao Ying-Chi's interpellation of the Chinese Communists' United Front Statement and President Chiang Ching-Kuo's remarks to the Central Standing Committee of the Kuomintang of China in his capacity as chairman of the party.

For the sake of conserving time, space and the cost of having it published in the RECORD, Members may contact my office and I will have a copy made and forwarded to their office immediately.

The question of what role, if any, the United States should play in any move to unify China is certain to engender considerable controversy in the legislative and executive branches of the government. My hope is that my colleagues will take the time to study this matter so that any decisions made in Congress will be based on the facts and evidence.

I intend to continue my study of the matter and hope to gain some first hand impressions of the situation by visiting Taiwan at a later date.●

ORDERS FOR TUESDAY

ORDER FOR RECESS TODAY UNTIL 9 A.M.

Mr. McCLURE. Madam President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, October 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. McCLURE. Madam President, I ask unanimous consent that, following the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized for special orders: Senator BOREN, Senator ROBERT C. BYRD, and Senator HUDDLESTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF 15 MINUTES ON SPECIAL ORDERS AND 3 MINUTES ON MORNING BUSINESS STATEMENTS

Mr. McCLURE. Madam President, I ask unanimous consent that the special orders for tomorrow be limited to 15 minutes each, and that there be a limitation on the time during which Senators may speak during morning business of not to exceed 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. McCLURE. Madam President, I ask unanimous consent that, following the special orders tomorrow, there be a period for the transaction of routine morning business not to extend beyond 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. McCLURE. Madam President, there being no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 6:47 p.m. the Senate recessed until tomorrow Tuesday, October 27, 1981, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 1981:

DEPARTMENT OF LABOR

John F. Cogan, of California, to be an Assistant Secretary of Labor.

Lenora Cole-Alexander, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

Ford Barney Ford, of California, to be Assistant Secretary of Labor for Mine Safety and Health.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Rosemary M. Collyer, of Colorado, to be a Member of the Federal Mine Safety and Health Review Commission for the term of 6 years expiring August 30, 1986.

DEPARTMENT OF EDUCATION

Jean Tufts, of New Hampshire, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

CIVIL AERONAUTICS BOARD

Clinton Dan McKinnon, of California, to be a Member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1985, vice Marvin S. Cohen, resigned.

The above nominations were approved subject to the nominees' commitment to repond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

USELESS U.S. METRIC BOARD NEAR EXTINCTION

HON. ELDON RUDD
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. RUDD. Mr. Speaker, after spending at least $8 million in tax dollars over its 3 years of existence to travel around our Nation and promote an unpopular and unreasonable international system of metric measurement, it appears that the U.S. Metric Board has finally neared its last mile.

If Congress acts wisely and approves a Senate subcommittee's recommendation to terminate this useless Metric Board, effective March 31, 1982, a major victory will have been scored by the vast majority of American people who are against Government-imposed metrication.

But the fight does not end here.

There are presently metric coordination offices or departments within most of our major Federal agencies. The Commerce Department has a senseless plan to convert all of its department activities to the Franch-devised metric system by 1985. The Defense Department has stated that it is continuing to follow a timetable conversion by 1990. Other Federal agencies have already instituted metric requirements in their contracts issued to the private sector. An ad hoc creation of the U.S. Metric Board, the Interagency Committee on Metric Policy (ICMP), composed of agency representatives, publishes regulations in the Federal Register for all participating Federal agencies to follow in SI metric conversion. All of these actions add up to quasi-mandatory conversion. To the private sector, the consumers and American citizens, these actions constitute nothing less than imperial decree, something you would expect in a totalitarian government.

Of course, Congress never approved a mandate for SI metrics. Nor did it request timetables, deadlines, or anything else that would even suggest that the Federal bureaucracy take it upon itself to force this system of weights and measures upon the American people. It explicitly stated that any conversion be voluntary and that it be initiated by the private sector. Unfortunately, the 1975 Metric Conversion Act contained loose and presumptuous language that failed to establish a definitive and plain national policy on weights and measures.

It should be made clear to the unresponsive bureaucrats in Washington that the U.S. policy is to continue a successful system of customary—inches, pounds, gallons, et cetera—and metric measurement only if metric is desired. We must pursue a vigorous effort to avoid wherever possible undue or harmful socioeconomic dislocations as a result of Federal programs or actions, such as mandated metric programs.

It should be clear that the American people and private sector can dictate their own needs or desires on the question of metric or customary measurement usage. The Federal Government should not promote costly, unnecessary concepts, like metric conversion, which can result in tremendous costs in convenience and expense to the American people, and in overwhelming opposition by the people.

For these reasons, I urge my colleagues to enlist as cosponsors on by bill, H.R. 1660, to repeal the Metric Conversion Act.

There are two items I am inserting in the RECORD for perusal: the Wall Street Journal article on the Metric Board of October 26, 1981, and an excellent letter written by Dean Krakel, executive vice president of the Cowboy Hall of Fame, to the Department of Defense on DOD's ill-advised 1990 target date for metric conversion.

[From the Wall Street Journal, Oct. 26, 1981]

METRIC BOARD IS INCHES FROM EXTINCTION, ALTHOUGH IT FINALLY HAS SOME WORK TO DO

(By Arlen J. Large)

WASHINGTON.—Just as it's finally getting some real work to do, the U.S. Metric Board has been told by the Reagan administration to walk the last kilometer.

The White House has asked Congress to abolish the Metric Board by next March 31. That death sentence has been approved by a nine-member Senate appropriations subcommittee. The full 29-member Appropriations Committee will consider the matter on Wednesday before sending it to the Senate floor.

Congress created the Metric Board in 1975, in a truncated law that originally started as an ambitious plan to convert the nation mainly to metric measurement over a decade. As finally passed, the 1975 act omitted any reference to a deadline, or even an eventual commitment to U.S. metric conversion. The act simply created the 17-member board and told it to "coordinate the voluntary conversion to the metric system."

Not until 1977 did President Carter appoint the board members, part-timers from big and small business, unions, consumer groups and state experts on weights and measures. The board established a small staff in an office building across the Potomac River from Washington, and waited for metric "conversion" proposals to come in for coordination.

Embarrassingly, nothing came in. The Transportation Department floated a plan for switching highway signs from miles to kilometers, but an outcry from Congress prevented it from reaching the board for official consideration. Ditto for a plan by the National Weather Service to figure temperatures exclusively in Celsius instead of Fahrenheit, and barometric pressure in kilopascals instead of inches of mercury. The metric weather plan never reached the board for "coordination" and is dormant.

A primary conduit for funneling private industry's metric-switching plans to the board was to have been the American National Metric Council. It is a private, Washington-based group that's officially neutral about the metric system's merits, but actually a hotbed of metric converters. The council draws up timetables for synchronizing the details of conversion on an industry-by-industry basis. As early as 1974, the council began working on a plan for metric measurement of bulk chemicals. As the private council worked out each industrial sector plan, it was to submit the proposal to the new government board for public comment and endorsement.

Again, no plans came. Last year, the private council designed a how-to-do-it plan for oil companies wanting to sell gasoline by the liter, after most gasoline pumps could not register gasoline prices above $1 a gallon. The council did not send this plan to the government board, fearing criticism from its minority factor of metric critics.

With nothing to coordinate, the Metric Board contented itself with holding public meetings around the country, listening to frends and foes of the metric system. Last May, the board's executive director, Malcolm O'Hagan, a leading advocate, quit to take a job with a private trade association. And just lately, President Reagan's budget-cutters put the board on its list of agencies the government should do without.

By coincidence, everyone swears, the American National Metric Council has completed its conversion plans for both industrial chemicals and instruments, and wants to submit them to the government board for its very first try at "coordination." The council has set a 1984 target date for the packaging and billing of bulk chemicals in kilograms instead of pounds. It has also drawn up guidelines coaching makers of industrial instruments on how to go metric. The council is formally submitting these plans to the government board in hopes that public hearings will be held and the proposals will get wider attention.

The government board probably will discuss what to do with these plans at its January meeting. David Gorin, the private metric council's president, said the plans aren't being slyly submitted at this time to make the threatened board look suddenly busy and irreplaceable. "All along we've intended to see whether the board can make a positive contribution," said Mr. Gorin. "I don't think it will have any direct effect on congressional action."

The Senate appropriations subcommittee attached the board's death notice to a House-passed bill providing money for the State and Justice Departments, plus such

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

smaller agencies as the Metric Board. Senate sources say this bill could die in the closing weeks of this year's session because of arguments about other matters, leaving the Metric Board legally alive, Then the administration would have to find another vehicle for abolishing the agency.

NATIONAL COWBOY HALL OF FAME
AND WESTERN HERITAGE CENTER,
Oklahoma City, Okla., October 1, 1981.

Mr. HOWARD B. ELLSWORTH,
Metric Coordinator, Office of the Deputy Secretary of Defense, Washington, D.C.

DEAR MR. ELLSWORTH: I have before me a copy of a letter you wrote outlining the "Department of Defense's Goal of 1990 for converting specifications and standards to the use of metric measurements." As you correctly state, Public Law 94-168 indicates that it is the declared policy of our country to "coordinate and plan the increasing use of the metric system on a voluntary basis" (Section Three of the Act).

Before I go further into the issue as you refer to the Department of Defense's relationship and our country's economy with the NATO forces, I dispute your reference to Public Law 94-168 in which—to repeat—you say it is the declared policy of our country to plan the increasing use of the metric system on a voluntary basis. We both know Doctor Louis F. Polk, Chairman, United States Metric Board, former Secretary of Commerce Maurice Stans, Doctor Ernest Ambler of the United States Bureau of Standards, and dozens of bureaucrats in Washington know—as we do—that the law passed by Congress, signed by President Gerald Ford in 1975, is not the declared policy of the American people! We know in a grass roots poll of America that 85% to 95% of our citizens are opposed to conversion. I know—and you must know—that the 1968 study titled "Report to the Congress, A Metric America," National Bureau of Standards Special Publication No. 345, was a biased, non-objective study conducted in a deceptive manner. The body of the text in this published study remains unsigned. Why is it unsigned? Because those who presented and distributed it to Congressmen and Senators know it was as big a misrepresentation as has ever been perpetrated in the name of high government administration.

Three years ago, I sent a trained historian to the Bureau of Standards to study those records created that reflected our country's attitude, to quote you again, "It is the declared policy of the country . . ." Those records, our researcher was told, had been destroyed. Why would such letters, surveys, and documents basic to a United States law be destroyed? There was obviously no way that Doctors Polk and Ambler could show that the majority of American people want metric!

Mr. Thomas A. Hannigan, a member of the United States National Metric Board, supported much of my criticism in a speech in Phoenix, Arizona. At a meeting held in Washington regarding conversion of gasoline pumps, I openly charged Doctor Polk of his attempts to mislead Congress and the American people. Not once has he answered my charges.

In expressing the policy of the Department of Defense in regard to weaponry, I see nothing "voluntary" about it. You are obviously there to tell the generals and admirals what to do about metric. You were picked to help carry out the Metric Conspiracy; "voluntary," when all Department of Defense contracts are required to be in metric. What, pray tell, has NATO really done for America? So the U.S. and NATO forces have interchangeable weapons and ammunition. America won two world wars using the English system. The fear that most citizens have is that metric weapons and ammunition, once converted, will play into the hands of the Russians. Our weapons systems and fighting equipment, when captured, could become the biggest and finest arsenal for the Communist world with no problems of conversion. Why is it that America must always submit to the foreigner's standard?

Sincerely,

DEAN KRAKEL,
Executive Vice President.

P.S.—I wonder if your plans for the Department of Defense include converting to metric the thousands of graves of United States soldiers who have died fighting to save European countries?●

CONGRESS OF RUSSIAN-AMERICANS, INC.

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. PRITCHARD. Mr. Speaker, I would like to bring the following statement by the Congress of Russian-Americans to the attention of my colleagues. This statement expresses briefly and clearly the troubles the Soviet Union has caused the world, both in denying its own citizens their basic human rights and in endangering the rest of us through its aggressive foreign adventures.

STATEMENT OF THE CONGRESS OF RUSSIAN-AMERICANS, INC.

On November 7th the rulers of the Soviet Union will celebrate the 64th anniversary of the "Great October Socialist Revolution". On this tragic anniversary of the Bolshevik takeover in Russia, the Congress of Russian Americans reiterates its continued concern for the condition and destiny of all people living under Communist rule. Sixty four years ago a tragedy occurred which scarred not only the Russian nation but also the entire free would: Lenin and his minority party overthrew the democratic Provisional Government of Russia. Two months later the Bolsheviks dissolved the freely elected Constituent Assembly, in which they had polled only 25% of the vote and renamed the nation the Union of Soviet Socialist Republics.

Despite the bitter struggle waged in the ensuing Civil War, which lasted more than three years and was followed by numerous peasant and worker uprisings against Communist domination, Lenin and his successors were able to consolidate their iron hold over the people that make up the USSR. More over, since World War II, Communists leaders have added to their empire most of Eastern Europe, This tyranny has caused millions of deaths and untold suffering in the prisons and concentration camps of the Gulag Archipelago, and has kept life at a subsistence level for most of the population.

The Soviet build-up of armaments in conjunction with foreign policy aimed at spreading the Communist system wherever possible has caused the threat of world war to hang over the United States and the free world for several decades. Further more, unsolicited Soviet meddling in the affairs of the developing nations continues to cause serious foreign policy problems faced by the United States and its allies.

For sixty four years Russian immigrants have repeatedly warned the world of the dangers of Communism. Too often they have been not only misunderstood, but even mistaken for Communists. As a result, the word "Russian" has ironically become synonymous with the words "Soviet" and "Communist". Moreover, despite being the first and foremost victim of Communism, the Russian nation is not even included on the list of captive nations.

Thus, in light of the ever-increasing threat of Communist domination we appeal to all people of good will to join us in condemning the inhuman and evil nature of Communism, reminding ourselves of all the people deprived of their basic human rights, defending those persecuted for their religious beliefs, and praying for the souls of the millions of victims of Communist terror in all captive nations.●

U.N. VOTE ON AFGHANISTAN PROVES MARXISM HAS NO APPEAL

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. LEBOUTILLIER. Mr. Speaker, Americans are beginning to feel that the Soviet invasion of Afghanistan is going the same way as the presence of Soviet combat troops in Cuba—moral outrage and rhetorical denunciation, followed by apathy and inaction by the U.S. Government.

Nonetheless, the Afghanistan issue remains highly volatile and is capable of dividing the Free World from the Communist bloc. In a recent vote in the United Nations, the United States and 110 other nations opposed 22 countries of the Communist bloc in condemning the Soviet invasion of Afghanistan.

In a recent essay, Dr. Juliana Pilon, a Heritage Foundation foreign policy analyst, notes that an upcoming United Nations session on Afghanistan is expected to end the same way.

Mr. Speaker, we should not view the outcome of these U.N. votes as but a hollow triumph. The invasion of Afghanistan has severely damaged the Soviet Union's international image and financial condition. Moreover, apart from such empirical effects, these U.N. resolutions are valuable insofar as they occasion Free Nations to defend what is right. As Dr. Pilon says:

* * * if the United Nations does nothing more than serve as a forum for righteous indignation against naked aggression—if we can speak from its platform on behalf of decency and the right of the people to decide their own destiny—we have one less reason for cynicism.

I commend the following essay to my colleagues as follows:

THE UNITED NATIONS AND AFGHANISTAN: A START, FOR HOPE

(By Juliana Pilon)

Small wonder the opening of the 36th session of the U.N. General Assembly on September 15 went largely unnoticed in the United States. Apathy bordering on cynicism is hardly an inappropriate reaction to the embarrassing atmosperics now legion at the United Nations. But a ray of hope is discernible even in the midst of the moral quagmire we have come to expect from that peculiar institution.

I have in mind the case of Afghanistan, which has occasioned a significant, if essentially rhetorical, victory for the cause of peace and decency. For it is surely not irrelevant that in January 1980 the United States was joined by 103 other countries, against a mere 18, in condemning the Soviet invasion of Afghanistan—an all too rare show of unity for our side, echoed by a resounding encore in November when 110 nations along with the United States opposed the 22 who supported the invader.

Nor is the performance yet over. An upcoming United Nations session of Afghanistan is expected to end the same way. To cite Fred Halliday of the Institute for Policy Studies, writing in the September 14 issue of the New York Times:

"The result (of that session), a condemnation of Soviet rule, is a foregone conclusion."

Halliday and other persistent critics of United States policy, however, feel obligated to temper any overly sanguine reaction to this state of affairs with the comment that—

"In practice, the vote will be hollow triumph. It is not going to alter the Soviet Union's policy or bring an Afghanistan solution one jot nearer."

"One cannot help but wonder why not? And even if Halliday and his sympathizers were right, what would they suggest we do? Abstain altogether from even recording our moral outrage?

No one, of course, imagines that another United Nations vote condemning the Afghan invasion will force a Soviet troop pull-out, complete with a letter of apology to the Afghan people signed "Sincerely, Leonid." But it would be equally—or perhaps more—naive to suppose that the Soviet Union is totally impervious to international criticism, particularly criticism of such spectacularly large proportions. As a recently released Special Report by the U.S. State Department notes:

"The Afghan adventure has been costly for the Soviet Union both in monetary terms and in terms of its relations with the rest of the world."

The report puts special emphasis on "the damage to the Soviet Union's international image," to say nothing of "the financial burden of maintaining its military presence and underwriting Afghanistan's rapidly deteriorating economy."

Categorically—and bluntly—Halliday and others disagree. The Russians, they tell us, are there to stay. The West would be foolish to demand the replacement of the current pro-Soviet regime: "The Russians will not let that happen." How, one must ask again, can we really know that? In fact, there is persuasive evidence that points very much in the opposite direction.

In fact, the same day Mr. Halliday's editorial appeared in The Times, Freedom House, a nonpartisan, nonpolitical organization based in New York, published the following:

"The Afghanistan Information Center of Freedom House today released excerpts from a letter recently smuggled out of Afghanistan. Dated July 22, the letter describes the growing frustration of Soviet occupation forces and the Kabul regime in the face of increasingly well-organized nationwide resistance. The letter, sent from Kabul to an Afghan refugee in the U.S., details the growing strength and boldness of the resistance in the capital city and the provinces. Its description of Russian efforts to recover rockets hijacked by the resistance in Kabul itself confirms press reports that the Soviets no longer trust government troops. It also confirms widespread reports that most of Afghanistan is free of any control by the Soviets and Kabul regime, and is in fact governed by independent resistance administrations; one of these, in northcentral Afghantistan, is described as being secure enough to embark on its own program of land reform."

Yet the amazing success of the Afghan freedom fighters (and that is surely an appropriate description of the men, women, and children trying to defend their homeland with astonishingly primitive weapons) is not, ultimately, decisive from a strictly moral point of view. For even if the cry of outrage were drowned by superior military hardware, it would not have been uttered in vain. For no protest is altogether hollow if it states a moral principle, if it defends what is right no matter how loud and deadly the opposition.

Ideally, of course, a protest also should be successful, for the moral universe to be set aright. Words, we all know, come cheap; besides, there is the danger than having made a rhetorical gesture one is left with the illusion that no more need be done—a situation far worse than no response at all. And surely much more is required at this point beyond words and empty gestures.

Immediately, the nearly two-and-a-half million Afghan refugees need food. But if the United Nations does nothing more than serve as a forum for righteous indignation against naked aggression—if we can speak from its platform on behalf of decency and the right of people to decide their own destiny—we have one less reason for cynicism.

THE DEATH OF PRESIDENT SADAT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. HUGHES. Mr. Speaker, Anwar el-Sadat liked to compare himself to an American hero, Abraham Lincoln, and in many respects this comparison holds true. Sadat rose from simple village origins to become a leader of a great land, a land faced with great troubles. He was a man who cherished peace, though his tenure as leader was a period of tension and war. And, he was a man who could look beyond the superficial differences of skin color or religion, to overcome long-standing hatreds, in order to pursue the transcendent values of peace and brotherly love.

One would not expect a man like Sadat to lead a land like Egypt. How could a man of small stature and simple origin, a man who was once thought to have no ambition or vision, lead a country so vast, so populous, so strife-torn and poverty-ridden as Egypt? Yet he quietly rose to be Vice President under Nasser and President upon Nasser's death. Without Nasser's grandiloquence, he managed to assert Egypt's independence from Soviet domination, make major strides toward assisting the poor and hungry, and, in his greatest achievement, smash the barrier of distrust and hostility which has frozen Egypt and Israel into a static pattern of intermittent warfare, wasting untold resources and taking thousands of human lives.

Sadat's boldness and courage captured the world's imagination. He accomplished what many thought was impossible when he traveled to Jerusalem, then to Camp David, and did what had to be done to bring peace. He gained the respect of Americans and Israelis, while maintaining the respect of his own people. In doing so he insured his place in history as a true "Prince of Peace."

That a small group of dissidents could rob Egyptians and the world of such a man is tragic and outrageous. That we should honor him in this body as few men are ever honored is appropriate and just. Let us all pay tribute to a man of visions, of peace, and of strength—Anwar el-Sadat.●

PROJECT TRUTH: USIA'S NEW PROGRAM, PART I

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. MICHEL. Mr. Speaker, the U.S. Information Agency, as it will soon be called again, after 4 years as the U.S. International Communications Agency, has been directed by President Reagan to begin a new program called project truth. This is how Charles Wick, Director of the Agency, describes the new program:

Through this project, we will seek to reveal Soviet disinformation efforts and to spread the truth about U.S. policy and objectives.

As part of project truth, USIA has initiated a new publication, "Soviet Propaganda Alert" which explains Soviet propaganda and techniques and themes.

I believe that "know your enemy" is the beginning of geopolitical wisdom. Learning the devices and techniques of Soviet propaganda is a good step in learning how to spread the truth. I would like to see USIA publish its own record of how it is combating the various Soviet propaganda strategies.

I insert in the RECORD at this time "Characteristics of Soviet External Propaganda" which is part 1 of the first issue of "Soviet Propaganda Alert," October 15, 1981, published by the Office of Research, International Communications Agency.

CHARACTERISTICS OF SOVIET EXTERNAL PROPAGANDA

In addition to the efforts underway of a complementary nature, this is the first in a monthly series of reports on Soviet external propaganda. The reports will be based on evaluations of cable reporting, primary source material, and secondary sources such as Foreign Broadcast Information Service (FBIS) publications. Because this report is the first, it contains more general and introductory material than will be included in updates.

Presented in this report are:

An overview of Soviet propaganda principles and techniques.

A list of major political-military propaganda themes and societal comparisons drawn between the U.S. and the USSR. Selected regional and country propaganda themes are also provided.

A case study of a Soviet propaganda campaign currently in progress; the anti-neutron weapon (ERW) campaign.

While the focus is on Soviet external propaganda, most of the themes are echoed in the domestic media. Thus, Soviet citizens do not in general get different messages than do foreign audiences.

I. CHARACTERISTICS OF SOVIET EXTERNAL PROPAGANDA

A. Soviet external propaganda[1]

Soviet external propaganda has two main purposes:

To represent the Soviet Union as dedicated to peace and detente, and

To show the Soviet Union as a just, fair, progressive society, worthy of admiration if not emulation.

For these purposes, Soviet propagandists follow several basic principles. The first of these is a systematic denigration of the U.S., its culture, political system, and belief structures. By showing that the U.S.—the acknowledged representative of all things Western—is a doomed, decadent, inherently evil society which opposes all progressive change, Soviet propagandists hope to persuade target audiences that it is not a fit model for their own countries.

The Soviet Union presents itself as the only alternative to the U.S. as a system of social organization. It portrays itself as the near-perfect society. Armed with an ideology that maintains that the Soviet form of society is the inevitable next step in human development, Soviet propagandists draw invidious comparisons between almost every aspect of American and Soviet life.

Another key feature of Soviet propaganda is the argument that while the U.S. and the West are doomed in historical terms, the U.S. is all the more dangerous because it will defend its way of life to the end, taking the rest of the world with it to destruction if need be.

By contrast, the Soviet Union arms only to defend itself and its allies. It does this reluctantly because its main goal is to perfect the social, cultural, and economic lives of its citizens; and armaments are a drain on that process.

From these basic principles flow the whole litany of Soviet propaganda and, for that matter, foreign policy:

Support for "national liberation" movements is justified in terms of putting them on the road to the higher plane of existence enjoyed by the Soviet Union.

The foreign and domestic policies of Western countries are criticized because they are dedicated to the preservation of the status quo and are opposed to progressive change.

Western military measures are portrayed as inherently aggressive because they are directed against the Soviet Union and progressive principles for which it stands.

Anti-imperialism (anti-Americanism) is claimed to be good because it represents a movement against the ancient regime and toward historical progress. The methods used in the anti-imperialist struggle are sometimes harsh but are justified by the ends.

The Soviet Union is the natural ally of Third World countries and all others who have freed themselves from imperialism (i.e., Eastern Europe).

B. Soviet propaganda techniques

Soviet propagandists employ a vast array of techniques, crude and sophisticated. As well as simply being very good at what they do, Soviet propagandists are not restrained by truth, honesty, and morality; rather, they are guided by a new morality, defined by Lenin as that which serves the good of the Party. Their ideology rationalizes the use of falsehood and deception by promising that the end—the perfect society—justifies all means and that shrinking from the use of all available means constitutes betrayal of the cause.

Soviet propagandists use selective information, half-truths, distortions, and innuendo, as well as outright lies. Many Soviet propagandists (such as Radio Moscow's Vladimir Pozner) have an excellent understanding of the American psyche and take advantage of American feelings about fair play to justify their own actions or call those of the West into question.

A favorite Soviet propaganda technique is indirection: an item from a Western or other non-Soviet source is cited in support of the Soviet position on an issue, the item sometimes having been planted by the Soviets. Ironically, the Soviets tend to think sources from the bourgeois West will have the greatest credibility, even among their own population. An alternative form of indirection is the inaccurate citation of a foreign source or the portrayal of the source as broadly representative of the larger society when it is not (i.e., frequent citations from the U.S. Communist Party newspaper, Daily Worker).

Disinformation is another technique. It is impossible to tell how widespread the practice is because good disinformation is usually not detected. One form of disinformation is the "revelation" of false information (such as a forged U.S. document), preferably in a foreign source that cannot be directly associated with the Soviet Union. Another disinformation technique is to draw attention to past covert actions by U.S. intelligence agencies and then to imply that the attempted assassination of the Pope or the bombings in Iran are similar types of activities. From here it is a short step to the suggestion that the U.S. could have been involved.

A most effective technique is imputing false motives to U.S. policy. The Soviets are quick to exploit any opening offered by a U.S. action by pointing out adverse consequences or offensive features to the countries affected. Thus, any U.S. action which can be interpreted to support Israel is portrayed as being anti-Arab in nature. U.S. attempts to achieve "balance" in situations such as the recent South African incursion into Angola are dismissed as hypocrisy.

Another technique is to debase the meaning of words. Soviet propaganda has succeeded in appropriating the word "socialist" as a synonym for the word "communist," and propagandists seldom refer to themselves or their East European allies as communist countries. In so doing, they acquire at least semantic legitimacy with groups and countries that consider themselves to be socialist but not communist. Perhaps the term most debased is "anti-Soviet": virtually every development in the world is seen as either pro- or anti-Soviet and whatever is not clearly "pro" is immediately labeled "anti." There is also the example of the application of "national liberation movement" to groups which seek the violent overthrow of governments unfriendly or neutral toward the Soviet Union.

Diversion is a technique used to blunt attacks on the USSR. When the USSR is criticized, Soviet propaganda responds with a barrage of countercharges, trying to turn the accusation made against the USSR against the accusers themselves. For example, Western charges of Soviet experimentation with biological warfare, arising in connection with the Sverdlovsk anthrax incident, were answered by a Soviet propaganda blitz on Western development of biological weapons. Soviet propagandists often concoct even the most absurd accusations in the belief that even these will help distract attention from the charges against the USSR.

This is not to say that everything that Soviet propagandists create is untrue or that Soviets necessarily disbelieve their own arguments even if they appear to be untrue in Western eyes. Because their ideology dictates the "correct" interpretation of most facts, Soviets may often read a vastly different meaning into a situation or action than would their Western counterparts. Over the years, Soviet ideologists have developed an array of philosophical rationalizations that make all Western actions appear to be threatening or malevolent regardless of their objective intent, while all Soviet actions are laudable, no matter how they might appear to the outside observer.●

[1] In the Soviet lexicon, the word "propaganda" does not carry the negative connotation that it does in the West.

EXPORT OF PROCESSED RATHER THAN RAW FARM COMMODITIES KEY TO ECONOMIC GROWTH

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. BEDELL. Mr. Speaker, I would like to call to the attention of the Members an excellent report released this month by the Department of Energy's Office of Alcohol Fuels. I think that the conclusions of this report give strong support to the arguments of those, such as myself, who for years have been urging this country to place more emphasis on exporting processed farm produce rather than raw agricultural commodities as a way of increas-

ing the value of our farm exports while at the same time increasing employment here at home.

This report, entitled "Economic Benefits of Producing Fuel Ethanol and Exporting Distillers Dried Grains," lists among its findings and conclusions the following:

Using mid-1981 prices, it was found that GNP would increase by $1.89 for each bushel of corn diverted from the export market to produce ethanol. To size the economic significance of DDG exports, if half the corn exports during the crop year 1979-80 had been diverted to fuel ethanol production (1.22 billion bushels, or about 16 percent of corn production), and the DDG exported as an animal feed supplement, GNP would have increased about $2.3 billion or 0.1 percent.

The net value of foreign trade would increase by $0.05 per bushel of corn processed.

I am certain, Mr. Speaker, that similar employment and income benefits could be demonstrated if we as a nation would begin to focus our agricultural export policy on the selling of processed goods abroad, whether those goods were produced from corn, wheat, soybeans, timber, or any other basic agricultural commodity.

I hope that other Members will request a copy of this report and recognize the significance of its findings as we look for ways to renew the economic vitality of this country.●

DECLINE IN EDUCATION—PART II

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. FUQUA. Mr. Speaker, last week I brought to my colleagues attention the first in a series of articles on the quality of American education in mathematics and sciences, written by Dr. Jessica Tuchman Mathews of the Washington Post.

As noted by Dr. Mathews:

The United States cannot compete in the world economy without a technically skilled work force, nor will any amount of money spent on weapons buy security without men and women capable of using them effectively.

I think the points made by Dr. Mathews are particularly important given the hard budgetary choices we will be making in the next several weeks.

I strongly recommend the full text for my colleagues to consider on this important issue:

DECLINE IN EDUCATION: (II) THE CAUSES

No one knows exactly what has caused the striking decline in the quality of American education, especially in science and mathematics. That a deterioration has been under way—perhaps for as long as two decades—is clear. That it has coincided with the opposite trend aboard is also beyond doubt. While American educators focus on the failure to learn "basic skills," the Soviet Union, Japan and many other countries are making great advances both in the proportion of students who complete secondary school and in the breadth, depth and rigor of what they are taught.

One factor in the United States dismal performance is unquestionably too much television. Seventy-five percent of last year's high school graduating class reported spending less than five hours per week on homework. Twenty-six percent of them reported four hours or more per day watching television. In a 1973 survey of science education in 19 European and Third World countries, the only measure on which American students scored above the mean was in hours spent watching television. The result is a pervasive intellectual passivity and a large number of students who never learn to read well enough to acquire the taste for it.

Another cause is the decline in the quality, and even availability, of teachers, especially in science and mathematics. Twenty-five years ago teaching was the only socially acceptable career for many bright, motivated women; today they have other options. Men and women with science training can earn far more than a teacher's pay working as computer programmers. Chronic vacancies for mathematics teachers—as high as 25 percent in some school districts—are filled by those without training in mathematics. There are 10,000 physics teachers in the nation's 16,000 school districts. Lack of public concern for the quality of education, lack of respect for teaching as a profession, lack of support systems to keep teachers up to date in their fields and appallingly low pay are all having the predictable result. Morale in the schools is spiraling downward, and college graduates going into teaching consistently come from the bottom of their classes.

Numerous studies have postulated other causes: too much violence and too little discipline in the schools, too much latitude in course selection, too much encouragement and opportunity for students to do things other than study, too much stress on basic skills that makes this minimal achievement the goal rather than the foundation for further learning, and so on.

But to a certain extent these phenomena must be symptoms rather than causes, for what happens in the schools is a reflection of the values and expectations of society at large. Alexander Astin, professor of education at UCLA, writes: "The schools are just less demanding then they use to be and [students] are lazy up and down the ability spectrum." What we seem to have suffered, in short, is a loss of appetite for the hard work of learning and an appreciation for the results.

This is not the first time American education has fallen behind. What is scary is that this time we as a nation don't seem to care—or care enough. When the launch of Sputnik in 1957 brought recognition that U.S. science education badly needed improvement, we responded with new courses, textbooks, teacher training and curricula. Though there were some problems, the effort did produce more an better-educated science and mathematics graduates. This time there has been no single jolting event, but evidence of a far worse slump is everywhere. And this year the federal budget cuts wiped out the agency responsible for the post-Sputnik science program—the only single focus for such an effort in the nation.

We ignore what is happening in the schools at our peril. The United States cannot compete in the world economy without a technically skilled work force, nor will any amount of money spent on weapons buy security without men and women capable of using them effectively. Far more important, we cannot hope to sustain a democracy, the most demanding form of government, without citizens capable of understanding the choices that have to be made.

Making up the lost ground, especially in science and mathematics, is going to require plenty of money, but without a well-educated populace what other investment is worth making? Most of all it will require a change in attitude—higher expectations of work and achievement. Years ago poor children on New York's Lower East Side were sent off to the first day of school with a gift of honey and nuts to symbolize the sweetness of learning. That attitude, and a school system that made knowledge available to everyone who wanted it, were what made this country great. It's not gone, it just needs to be recaptured.●

CAMDEN COUNTY OLD TIMERS SOFTBALL ASSOCIATION AWARDS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to congratulate two of my constituents who are receiving awards from the Camden County Old Timers Softball Association.

John P. Greeley, long active in union, civic, sports, and charitable causes, will receive the association's 1981 Humanitarian Award for his continuing efforts on behalf of his fellow man.

John has been a frontrunner in community affairs for many years. He has been a member of the Teamsters Local 676 for 38 years, John started as a driver and eventually worked his way up through the ranks and became a shop steward in 1956. He was later appointed organizer and in 1960 elected president. John is presently serving his eighth consecutive term. Under John's leadership, the local's membership has doubled.

Because of his dedication and sensitivity to their needs, John has become a champion among senior citizens. Thanks to John, the Teamsters Union was host for many a senior citizen recreational function, meeting or luncheon. In return, he was made a lifetime honorary member of the former Camden County Senior Citizen Center.

Some of John's notable achievements include: membership in the Camden County Economic Development Committee, past president of the Kiwanis Club, honorary trustee of Goodwill Industries, and chairman of the USO for Camden County. In addition, John has long been active in the Boy Scouts, YMCA, Cancer Founda-

tion, and the Martin Luther King Foundation.

He and his wife reside in Westville, N.J.

The Camden County Old Timers Softball Association has also unanimously selected Kathy McCahey to receive the 1981 Sportsman Award. Kathy is the first woman ever chosen to recieve this honor.

Kathy has just completed one of the finest athletic seasons in the history of LaSalle College. This year she became the first athlete, male or female, to be selected to two All-American teams in the same year.

The Blackwood, N.J. resident led LaSalle's field hockey team to the national championship. On the way there, Kathy established two all-time college records in scoring goals in one season and career goals.

Kathy's story does not stop here. Kathy also led the college's softball team to the college world series and was once again named All-American after leading her team in hitting and excelling in the center field.

Fittingly enough, last winter Kathy received an invitation to try out for the U.S. Olympic team. Not only did she make the team, but Kathy gained a first string position with our national team.

Kathy is the daughter of Mr. and Mrs. Charles McCahey of Blackwood, N.J.●

LEFTIST PRESS DISTORTS REALITY IN EL SALVADOR

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. RUDD. Mr. Speaker, one of the most enduring features of the Salvadoran Government of President Napoleon Duarte is its ability to withstand the continued barrage of slanted press coverage aimed at the realities in the Central American region.

The most successful and effective campaign by the left wing radicals has not been waged on the battlefield or in terrorist hits, but in the propaganda trenches. These same tactics, spurred on with the full support and assistance of Cuba and the Soviet Union, have already been successfully administered in the Communist takeover of Nicaragua. Other nations in the Central American region also are becoming victims of the same distortions as reported with venom in the leftist press of the revolutionary guerrillas.

A recent editorial in the Wall Street Journal makes this very point:

The propaganda is being orchestrated by something called the Democratic Revoutionary Front (FDR), which has been given the undivided attention lately of communist propaganda outposts throughout the world, including some of the groups in this country that once helped break down U.S. resistance to the Soviet conquest of Southeast Asia. The techniques—marches, demonstrations and blown-up photographs of maimed bodies (all of them naturally victims of the other side)—are the same ones propagandists have used for decades.

We must not allow ourselves to be enslaved by such distortions of the FDR. What is occurring in Central America, particularly El Salvador, involves more than the leftists' patented blame on a widespread peasant uprising. The people of El Salvador are faced with tremendous socioeconomic challenges. Brutalities being inflicted by both left and right extremists are claiming hundreds of innocent lives. Leftist insurgents organized and armed by Cuba and the Soviet Union are discrediting the moderate solutions of President Duarte through a broad political-military strategy. These so-called "popular armies" of revolutionaries have failed miserably in their attempts to attract popular support. Their failures have left them with the only weapons they know they can use: assassinations, bombings, burning buses, and of course, unfounded accusations and extensive propaganda.

The Duarte government has so far weathered these challenges from the extremes. A political solution is presently being given a trial. Elections are scheduled. Land reform has passed its initial stages, with the largest transfers underway. It should be understood that much more drastic changes could signal the end of the civilian government. But a political solution is in the works, and the United States and the rest of the Americans should offer the people of this tiny nation the opportunity for a peaceful transition.

But the facts are hard to read with propaganda being dispersed from all directions. Thus far, the United States has only sent a small team of advisers, along with supplies, to the Duarte government—the best chance the Salvadorans have in their quest for a stable transition government. As the Journal editorial concludes, the Reagan administration has an obligation to all Americans, North, Central, and South, to protect them from outside forces whose only objective is to repress individual liberty and install a Communist system.

I ask that that following editorial from the Wall Street Journal, October 19, 1981, be inserted in the RECORD.

[From the Wall Street Journal, Oct. 19, 1981]

FORGOTTEN TRABAJADORES

Thanks to a disturbingly effective left-wing propaganda campaign, the Reagan administration has been largely stalled in its efforts to gather public support for a U.S. counterattack against the Soviet-Cuban conquest of Central America. But it is far too early to give up the fight. The propaganda lies are by now so transparent that even the most liberal Congressmen, newspaper editors and churchmen surely cannot avoid recognizing them.

For example, can anyone still doubt that Nicaragua has been a victim of a Communist takeover? The Cuban-style "neighborhood committees" are in place, the secret police are being trained, La Prensa has been told it will be closed if it continues to speak up, Archbishop Obando y Bravo is being suppressed and a spectacular military buildup is under way. The Sandinistas are creating an army and militia of over 250,000, equivalent to a full one-tenth of the population, even though the country can't feed itself or pay its debts. Heavy equipment, including 30 T-55 tanks, has been pouring in from the Soviet bloc. The combined forces of Nicaragua and Cuba soon will dwarf any army south of the Rio Grande and drive a Soviet strategic wedge between North and South America.

Little Costa Rica, once a model democracy, has been destablilized and intimidated by the Nicaraguan buildup and internal subversion. The territory of Honduras is being used with impunity to funnel arms from Nicaragua to the Communist guerrilla army in El Salvador. An active terrorism campaign is under way in Guatemala, drawing the usual counter-terror from the right with its predictable additional contributions to destablilization.

In Panama, where domestic politics were thrown into disarray last summer by the air crash death of strongman Omar Torrijos, Castro's guerrillas are operating in the bush. The big prize, if they succeed, will be the Panama Canal.

The biggest current military and propaganda effort, of course, centers on El Salvador. The fighting is in the hands of the Cuban- and Soviet-supported Farabundo Marti Liberation Front (FMLN). The propaganda is being orchestrated by something called the Democratic Revoluntionary Front (FDR), which has been given the undivided attention lately of communist propaganda outposts throughout the world, including some of the groups in this country that once helped break down U.S. resistance to the Soviet conquest of Southeast Asia. The techniques—marches, demonstrations and blown-up photographs of maimed bodies (all of them naturally victims of the other side)—are the same ones propagandists have used for decades. Their effectiveness was demonstrated a few weeks ago when some brainwashed reporters and Congressmen came very close to publicly insulting the visiting Napoleon Duarte, Salvador's populist president, because of the sins the FDR has alleged against him.

But the Salvadoran government is proving harder to vanquish on the ground than in the North American press. We received a clue to why last week when four Salvadoran union leaders, including the secretary general of the equivalent to the AFL-CIO, and the head of the campesino or peasants union, visited New York. All are under daily threat of death and in fact have all succeeded men who were murdered. They were traveling under the auspices of the AFL-CIO but at the expense of their own unions.

Their message: The war in El Salvador did not result from an indigenous worker and peasant uprising, as Communist propaganda insists. "The war involves 10 percent of the people, with 90 percent in the middle," declared Jose Luis Grande Preza, the labor federation leader. It is true that the Salvadoran army has committed brutalities and the group would like U.S. military aid to be accompanied by greater U.S. efforts to train

Salvadoran troops in combating guerrillas, so as to avoid civilian casualties. But the five had no doubt that the origin of the killing was the campaign of destruction and terror conducted by the FMLN. The FMLN and FDR, so romantic sounding to the cocktail liberals of Washington are not loved by the trabajadores (workers) and campesinos of El Salvador who must brave their bombs and bullets each day. "They have the guns but they don't have the people," says the country director in El Salvador for the AFL-CIO's American Institute for Free Labor Development, which attempts to encourage formation of free labor unions.

There is a bitter irony in all this. the American government is not taking a more forceful role in Central America in part because so many Americans have been convinced that this would be making war on the common man. But representatives of the common man are pleading for help in driving out what they know full well is a foreign-backed army that will enslave them if it wins. As we said at the outset, the Reagan administration has an obligation to all Americans, North, Central and South, to not be so easily deflected. What's happening in Central America is by now so obvious that only knaves or fools can pretend not to understand it.●

DEMOCRACY AND ADULT SUFFRAGE IN SRI LANKA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. SOLARZ. Mr. Speaker, this year marks the 50th anniversary of the establishment of universal adult suffrage in Sri Lanka, an event that is being commemorated throughout that country today.

In their 50 years, the people of Sri Lanka have exercised their right of suffrage with energy, maturity, and a high level of public participation. Since its independence in 1948, Sri Lanka has adhered to democratic principles with a constancy and determination that is rare in Asia or in the developing world. Power has changed hands peacefully following several national elections, which attests to the breadth and depth of the conviction in Sri Lanka that sovereignty resides in the people as a whole.

Sri Lanka impressive record has earned the admiration and respect of the American people. With our history of democracy we have a special appreciation of the significance of this achievement, and we join the people of Sri Lanka in celebrating the commitment to the democratic process that this anniversary represents.●

EXHIBITION "ITALY: A COUNTRY SHAPED BY MAN"

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. DeNARDIS. Mr. Speaker, on Wednesday, October 21, 1981, the exhibition "Italy: A Country Shaped by Man" opened in the main lobby of the Hubert H. Humphrey Building, in Washington, D.C.

The program, sponsored by the Agnelli Foundation, aims to improve and nuture cultural relations with American countries * * * and, most especially, with Americans of Italian ancestry. It will also add immeasurably to the understanding of Italy and its culture of today and yesterday.

Contemporary Italy knows that Italo-Americans number in the millions * * * be they first, second, or third generation of Italian descent. It is important that we understand Italy of today * * * culturally, politically, and economically. The exhibition has been created with that goal.

I urge all Members to attend this program while it is in Washington so we all can learn more about Italy * * * and strengthen the important ties that bind our two countries.●

WORLD POPULATION EXPLOSION

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. PRITCHARD. Mr. Speaker, the world population explosion remains one of the most serious problems which confront us today. The President's request for a substantial budget increase in funding for world population control indicates his understanding of the problem, and his concern that population pressure is a major cause of international instability.

The Olympian newspaper recently published an excellent editorial on this subject, and I would like to insert this article in the CONGRESSIONAL RECORD for the benefit of my colleagues.

POPULATION BOMB STILL TICKING AWAY

One of the places where the Reagan administration has proposed increasing rather than decreasing spending is the commitment toward world population control. Reagan has called for a 33 percent increase in the budget from $190 million to $253.4 million.

This is in line with Secretary of State Alexander Haig's warning that overpopulation threatens to cancel out development gains in the impoverished nations of the world.

Population problems overseas, however, have few domestic constituencies, and as budget-cutting grows more intense, there will be a tendency to slash money for the program.

Numerous "developing" nations, including Mexico, Thailand, Indonesia, Colombia and Costa Rica, have begun to experience significant declines in their fertility rates as family planning services becomes more available.

The U.S. government's (our) concern about population growth is based on both our traditional respect for human dignity and our self-serving interest in the economic and social development and political stability of the undeveloped nations.

Rapid population growth is a major obstacle to social and economic progress in much of the world. Ninety percent of the population growth between now and the end of the century will occur in the nations least able to support it. Along with the population growth comes food scarcities, malnutrition, depletion of natural resources and degradation of the productive environment, unemployment and underemployment, urban crowding and severe housing shortages and the diversion of resources from capital formation to support the growing population.

The statement that "population growth is the time bomb that can destroy the world" is hardly an exaggeration.

There is great danger that the funds for world population control will get mixed up in the current debate over the abortion issue. While this is one aspect of family planning, it is only one aspect. During the past decade and a half, the U.S. government has committed more than $2 billion to domestic and international family planning. Both opponents and advocates of legal abortion have voted in Congress for these expenditures.

We should do all we can to avoid the prospect of vast numbers of people facing severe famine, misery and slow death.

The funds for population control have had strong bipartisan support. This should continue.●

FACTS ON EXECUTIVE PAY: THE SERIOUS CONSEQUENCES OF CONTINUING THE PAY FREEZE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. WOLF. Mr. Speaker, in an effort to elevate congressional thinking and concern with regard to the pay cap, I would like to include a fact-sheet at this point in the RECORD which highlights some of my many concerns over the implications of the pay cap on Federal executives.

EXECUTIVE PAY: THE SERIOUS CONSEQUENCES OF THE CONTINUING FREEZE

1. Since 1977, senior officials in the executive branch have received only a 5.5 percent salary increase. During that period, the CPI has risen over 54 percent, with the result that the purchasing power of the senior executives has declined approximately 32 percent.

2. During this same period, federal retirement annuities have increased 42 percent, private sector pay 36 percent, and private sector executive salaries 49 percent.

3. Largely for the above reasons, 67 percent of the career employees at the pay ceil-

ing who were eligible to retire in 1980 did so (more than three times the retirement rate for that group in 1978).

4. The likelihood of losing highly qualified personnel in technological fields such as engineering, science, and medicine is even greater. For example, last year NASA lost more than two-thirds of its executives eligible to retire.

5. A recent survey by the Merit Systems Protection Board revealed that 46 percent of the Senior Executive Service plan to leave government within the next 2 years. As syndicated columnist Haynes Johnson has written, "the glue that keeps the government together may be coming unstuck." The average length of executive experience in the SES has dropped at least by 50 percent.

6. For appointive and noncareer SES positions, it is difficult to recruit qualified persons from the private sector, and to retain those who come for meaningful periods of service.

7. Because there is a ceiling on executive pay and because the salaries of General Schedule employees increase each year, there are presently over 48,000 employees functioning at eight different levels of responsibility that receive the same salary ($50,112). This contravenes every concept of sensible pay administration.

8. Many middle-managers and executives are reluctant to accept "promotions" when there is no additional salary. This is especially true when geographic moves are involved, creating serious problems for agencies with large field organizations.

9. The complete removal of the pay cap, allowing for a 22.4 percent pay raise for senior executives, is actually pay effective because of the cost of supporting a retired government executive in addition to paying for his replacement cost, a person kept from retiring by giving him a pay raise will save the government money.

10. The cost of the pay raise for senior executives will come from present appropriations for fiscal year 1982. It will be absorbed by each department at no added cost to the government and taxpayer.

11. Because senior executives are in the highest tax bracket, the $280 million cost of lifting the pay cap entirely would, in actuality, amount to a fraction of this cost because of the money withheld in taxes.●

HOUSE PAGES VICTORIOUS

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. KOGOVSEK. Mr. Speaker, I would like to offer my congratulations to the House Pages on a job well done. Last Saturday in true bipartisan spirit, the House Pages engaged in a game of football with their Senate counterparts. This grudge match initiated by the Senate Pages started as a battle between the offensive and defensive lines. The House offensive attack was led by a crushing running attack and supported by an acrobatic aerial attack. The Senate was held to small gains on the ground and completely shutdown in the air by the House, which claimed 5 interceptions on the day. After a slow start, the House offense gained yardage and was able to score. In the final moments of the game, the House was able to score again and make the final score 14 to 0.●

IMPACT OF CUTS ON VIRGIN ISLANDS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. DE LUGO. Mr. Speaker, I would like to take this opportunity to commend Senator LOWELL WEICKER who recently chaired a hearing of the Senate Energy and Natural Resources Committee which focused attention on the severe impact of the Federal budget and tax cuts on the U.S. Virgin Islands. The specific purpose of the meeting was to consider S. 1674, the bill introduced by the Senator from Connecticut, that would amend the Revised Organic Act of the Virgin Islands to comply with the changes that will be made if the people of the Virgin Islands adopt our proposed Constitution. It would also authorize appropriations for budget and tax cut losses we have incurred and in so doing, will restore to the Congress the flexibility it must have to fulfill its constitutionally mandated responsibility for the territories.

Senator WEICKER emphasized this point very clearly in that hearing, and the testimony of the Department of Interior officials underscored his point on the urgency in securing to the Congress that critical flexibility. While the Department of the Interior was not able to define the impact of the recent budget and tax cuts on the territories, each territorial witness testifying before Senator WEICKER spelled out in dollars the severe economic damage that will ensue.

I would like to thank Senator WEICKER for focusing attention on the difficult economic situation in the Virgin Islands and the other territories of the United States. As he said to several representatives from the administration: "We're talking about human lives here."

Mr. Speaker, as that hearing brought out, while the territories are willing to accept their fair share of the burden entailed in the new national economic program, it is unfair to make a blanket extension of that program to the territories without assessing the potential and unique impact on the territories, and without correlating the program to any definable territorial policy.

Senator WEICKER echoed these sentiments when he said:

No consideration has been given to the effect of the budget and tax program on the territories . . . The federal government bears a special responsibility for the economic well-being of the territories (and) these responsibilities are not being met (nor) do I detect any recognition of them.

I would also like to express my appreciation at this time to Senator JAMES A. MCCLURE, the chairman of the Senate Energy and Natural Resources Committee, who has also voiced his concern on the floor of the Senate and in communications with the administration on the potential impact of the new national economic program on the territories.

I hope that their concern and the concern of many in both branches in Congress, on both sides of the aisles, will bring the administration to look into the plight of the territories—for they are valuable resources of the United States that must be protected.●

HOUSE SHOULD RETAIN CURRENT OUTSIDE EARNED INCOME LIMITATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. HAMILTON. Mr. Speaker, House rule 47 limits outside earned income for House Members to 15 percent of their congressional salary, and limits the amount from any single honorarium to $1,000 per speech, appearance, or article. The rule was added in 1977, along with several other ethical reforms, when we significantly tightened up the generally ineffective codes of conduct and financial disclosure rules adopted in 1968. The tightening up of congressional ethics followed a storm of public outcry in 1976 over congressional misconduct and scandals, such as the South Korean influence buying and the Wayne Hays affair. The reforms were the product of extensive work by the Obey Commission and three House committees, and the outside earned income limitations was accepted by an overwhelming vote of 344 to 79. House Resolution 251 would significantly liberalize House rule 47 by raising through 1983 the limit on outside earnings from 15 percent to 40 percent of the congressional salary. I oppose this change.

1. STRICT LIMITATIONS WERE ADOPTED FOR THREE MAIN REASONS

We adopted the outside earned income limitation for three very good reasons:

First, it minimizes the possibilities for conflicts of interest. Certainly the integrity of the legislative process is called into question when, for example, a committee chairman accepts thousands of dollars from groups with special interest in legislation before his committee, or when a Member

makes his services available for large legal or professional fees.

Second, it avoids time being taken away from congressional work. Being a Representative should be a full-time job. But that certainly was called into question when Members spent substantial time earning several times their congressional salary in outside work, as happened before House rule 47 went into effect.

Third, it avoids the appearance of cashing in on the congressional position. Receiving thousands of dollars in overpaid honoraria, in consulting fees for little work done, in salaries for adding one's name to a law firm—all strike the American citizen as someone trying to exploit his current status for financial gain.

On the basis of these arguments, we adopted the outside earned income limitations by a more than 4 to 1 margin. These reasons also, by the way, explain why we did not apply the rule also to unearned income. Two of these problems generally do not arise in typical cases of investment income: When a Member is simply receiving money from previous investments no exploitation of congressional stature is involved, nor is significant time taken away from congressional duties. So we applied the rule only to earned income where there is much more possibility for abuse.

2. PUBLIC DISCLOSURE IS NOT ENOUGH

We passed these rules to specifically limit certain outside earnings because we felt that mere public disclosure of the actions would not suffice. It will not do to tell a voter that if he thinks that a Congressman is engaged in improper outside earning activities, he should vote him out of office. In 434 of 435 possible cases, the voter simply cannot do that. Each American is affected by the actions of all Members of Congress, yet he can vote disapproval of only his own Representative's actions. It is little consolation to him to have only public disclosure that, for example, an influential committee chairman has accepted $25,000 in honoraria from groups with special interest in legislation before his committee. We need to assure each American that there are at least some minimal sorts of safeguards on the books trying to ensure that each committee chairman, each influential party leader, each Member of Congress making important decisions that affect him dearly, is not engaged in such abuses.

3. BASIC REASONS FOR LIMITATIONS HAVE NOT CHANGED

No one would maintain that this one rule is the cornerstone of all congressional ethics, the panacea for all congressional misconduct and impropriety. However, it is a significant and meaningful provision. As Speaker O'NEILL said during the 1977 floor debate, this limitation is "the heart and soul of the entire package." Moreover, the outside earnings limitations have been thought important enough to be applied to high-level officials of the executive and judicial branches.

House rule 47 is one step toward trying to insure that Members of Congress are in fact here working for the good of the American public, rather than for their own personal gain or for the good of high-paying special interests. I submit that whatever we can do to promote that ideal is worth pursuing.

House Resolution 251 would significantly weaken our ethical reforms of 1977. But as far as I can tell, the original reasons for adopting these limitations are just as valid today as they were 4 years ago:

I do not believe that in the past 4 years there has been any evidence showing a significant lessening of the possibility of abuse from outside earnings in terms of conflicts of interest, taking time away from congressional work, or cashing in on the congressional position.

I do not believe that in the past 4 years this rule has led numerous competent Members to leave Congress, only to have them replaced with less competent individuals. On the contrary, I can detect no recent deterioration in the caliber of Members of Congress.

I do not believe that in the past 4 years there has been a significant change in the number of Members who would be affected by House rule 47. Estimates were that roughly 1 Member in 6 exceeded the limits before they went into effect, and a similar proportion of Members is approaching our current 15 percent limit. Then, as now, this rule affects primarily only a handful of Members of Congress.

I do not believe that in the past 4 years the American public has changed its thinking to now believe that House Members have less need of ethical reform than before. If anything, I would imagine that incidents of misconduct, from ABSCAM to payroll kickbacks, would make the American public think that there should be tougher restrictions on congressional conduct.

4. THE LIMITATIONS ARE AN ETHICAL, NOT A FINANCIAL MATTER

One major change over the past 4 years that proponents of H.R. 251 point to—which I think is correct—is the change in the buying power of congressional salaries. Salaries of Members have not nearly kept up with inflation. However, that is a totally financial matter that should be addressed by reviewing the process of pay increases for Members. It is not an ethical matter affecting our ethical codes. What House rule 47 involves is an ethical standard, and the ethical reasons for its adoption are just as valid today as when it was first adopted, if not stronger. Congressional pay problems should be resolved by altering congressional pay practices as apparently they have by provisions in the recently passed continuing resolution. They should not be resolved by overturning ethical reforms.

5. HOUSE SHOULD NOT BACKTRACK ON ETHICAL REFORM

Despite the mixed record of conduct by individual House Members in recent years, by almost any standard the House as an institution has made significant progress in its handling of congressional ethics. We have enacted tough new codes of conduct, set up a permanent ethics committee, punished far more Members for misconduct than ever before, and have given out tougher and more meaningful sanctions by overwhelming margins. It is not an overstatement to say that the past 10 to 15 years have marked the most significant period of institutional reform in the entire history of House ethics.

Given our impressive record of improvement, I would not like to see us take this first major step backtracking on ethical reform. In the past, the clear overall direction of our revisions in the House standards of official conduct has been one of toughening them up. But House Resolution 251, which almost triples the amount of allowable outside earned income, would represent the largest step backward that the House has ever taken to overturn one of its previously enacted ethical reforms. All Members voting for it should be aware of the unprecedented nature of their actions.

6. HOUSE SHOULD NOT SHOW EXCESSIVE CONCERN FOR MEMBERS' PERSONAL INCOME

Most of our tough new ethical reforms enacted in recent years have been generally accepted by most Members. But House rule 47 has cut into Members' personal income the most, and it is the one that has been fought the hardest: Members tried in 1978 to repeal it in the House even before it went into effect; Members have challenged it in the courts; many Members have openly stated that they would try to find various ways to skirt its provisions; on the Senate side, Members first voted to postpone the 15-percent limitation and then recently repealed the only remaining annual earned income limitation; and today House Members are trying to change the rules in midsession, after having been elected to Congress last fall with the clear understanding that there was to be a 15-percent limitation on outside earnings or honoraria. Such actions make many Americans think that the feeling on Capitol Hill is that ethical reform is fine, as long as it does not hurt Members' pocketbooks. Moreover, we have recently cut back various Federal services and benefits for the average citizen to unprecedent-

ed degrees. Nonetheless, H.R. 251 represents yet another attempt to provide additional financial benefits for Members. At a time of great sacrifice for American people, we should not tell them that the only sacrifice Members of Congress are willing to make is one of sacrificing ethical reform for personal gain.

CONCLUSION

To sum up, we should start backtracking from our strong past tradition of institutional ethical reform only for extremely strong and convincing reasons. The desire of a small percentage of Members for more money is not one of them. The basic ethical reasons for the ethical standards embodied in House rule 47 are as strong as ever. I urge the defeat of H.R. 251. ●

THE DISINFORMATION PROGRAM DIRECTED AT MSHA

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 1981

● Mr. GAYDOS. Mr. Speaker, although the House is a jury in virtually all it does, we have no certain way of keeping the immaterial, irrelevant, or distorted from being put before us, as was the case in the debate on H.R. 4560, the fiscal 1982 appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies.

For this reason, I want now to set straight the record on what was done last October 6 when an amendment was adopted to prohibit the Mine Safety and Health Administration from exercising its jurisdiction over the surface mining of stone, clay, colloidal phosphate, sand or gravel, and over surface construction activities at coal and other mines for fiscal year 1982.

Several Members of the House spoke in support of this amendment. They made statements unsupported by fact, but they should not be held responsible, nor do I consider their misstatement intentional or willful.

The fault in the statements is at the source of the disinformation; that is, the organizations whose members would benefit from the amendment which was adopted.

These groups are recognizable as the source because for the past 2½ years we have been subjected to the same stream of misinformation and disinformation concerning the Federal Mine Safety and Health Act and the activities of the Mine Safety and Health Administration. The Subcommittee on Health and Safety heard their peculiar interpretation of the facts thoroughly, and on September 9 and 10, 1980, inserted in the RECORD articles addressing this misinformation.

Nevertheless, the stream continued to flow and the myths and misstatements spilled over into the debate of last October 6, which was curtailed due to limitations on time. This constraint meant I was unable to respond fully then. But now I have some comments to direct to the more flagrant misrepresentations and distortions.

DISTORTION NO. 1

The surface mining of stone, clay colloidal phosphate, sand, and gravel was made subject to the Mine Safety and Health Act only by the 1977 law.

This is correct, as far as it goes, but false in that it suggested this type of mining was subject to OSHA prior thereto. These activities were subject to the Federal Metal and Non-Metallic Mine Safety Act of 1966, which was under the jurisdiction of the Department of Interior; coal mining was under the Federal Coal Mine Health and Safety Act of 1969. The 1977 amendments transferred the jurisdiction to the Department of Labor and joined in one Federal act jurisdiction for all mine safety and health. The Federal Metal and Non-Metallic Mine Safety Act of 1966 was repealed. But at no time were the types of mining singled out by the amendment under OSHA jurisdiction.

DISTORTION NO. 2

Following passage of the 1977 law, "sophisticated regulations designed for large and highly technical operations" were imposed on small businesses.

This is not true, except for the rules with respect to the training of miners. The regulations which MSHA implemented with respect to metal and nonmetallic mining activities were promulgated pursuant to the 1966 law. But in view of the fact that the 1966 law was something of a toothless tiger, it was easy for the affected mine operators to disregard these regulations with impunity.

DISTORTION NO. 3

The specific industries; for example surface stone, sand and gravel, clay, and colloidal phosphate are "not hazardous industries."

The basic data clearly contradict this, for example, for 1979, of a total of 106 fatalities in surface coal, metal, stone, and sand and gravel mines, 38 occurred in stone mines and 25 in sand and gravel mines. For 1980, of 103 fatalities in these various categories, 42 occurred in stone mines and 15 in sand and gravel mines. These specific types of mining operations are clearly more hazardous than surface coal or surface metal mines, based on the fatality incident rate per 200,000 employee hours worked. The following is a list of fatalities in sand and gravel, surface stone, and clay mines from January 4, 1980, to September 22, 1981.

Date	*Place (city, state)*
1980	
Jan. 4	Boswell, Pa.
Jan. 9	Marquette, Kans.
Jan. 15	New London, Wisc.
Jan. 17	Tyrone Forge, Pa.
Jan. 30	Niles, Calif.
Feb. 13	Streetman, Tex.
Feb. 23	Morgan City, La.
Feb. 28	San Juan Capistrano, Calif.
Mar. 6	Sylacauga, Ala.
Mar. 13	Holly Hill, S.C.
Mar. 14 (died Mar. 16).	Kingston, N.Y.
Mar. 23	Latrobe, Pa.
Apr. 4	Azusa, Calif.
Apr. 7	Duchesne, Utah.
Apr. 8	Milford, N.H.
Apr. 18	Mojave, Calif.
Apr. 18	Lowell, Fla.
Apr. 25	San Angelo, Tex.
May 12	Rockville, Va.
May 22	Falls City, Tex.
June 4	Langely, S.C.
June 14	Granite Falls, Wash.
June 16	Oxford Junction, Iowa.
June 17	Hialeah, Fla.
June 25	York, Pa.
June 26	Wake Forest, N.C.
July 1	Norton, Ohio.
July 2	St. Catherine, Fla.
July 12	Morrow, Ohio.
July 22	Marble Falls, Tex.
July 24	Dallas City, Ill.
Aug. 4	Delle, Utah.
Aug. 7	Barstow, Ill.
Aug. 27	San Antonio, Tex.
Sept. 5	South Congree, S.C.
Sept. 12	Holly Hill, S.C.
Sept. 12 (died Oct. 10).	Holly Hill, S.C.
Sept. 15	Little Rock, Ark.
Sept. 17	Calera, Ala.
Sept. 22	Liberty, Tenn.
Sept. 30	Campti, La.
Oct. 1	Renton, Wash.
Oct. 1	Wells, Nev.
Oct. 1	Slatedale, Pa.
Oct. 3	Victorville, Calif.
Oct. 7	Jackson, Wisc.
Oct. 7	Bath, Pa.
Oct. 9	Victoria, Tex.
Oct. 9	Bridgman, Mich.
Oct. 10	Collierville, Tenn.
Oct. 21	West Winfield, Pa.
Oct. 24	Bedford, Ind.
Oct. 24	Lewisburg, Ohio.
Oct. 29	Ragland, Ala.
Nov. 5	Fairborn, Ohio.
Nov. 5	Butler, Ky.
Nov. 14	Charlotte, N.C.
Nov. 21	Nashville, Tenn.
Nov. 24	Mitchell, Va.
Nov. 28	Jeffersonville, Ga.
Dec. 5	Knightdale, N.C.
1981	
Jan. 7	Blue Ridge, Va.
Feb. 14	Lecanto, Fla.
Feb. 17	Nazareth, Pa.
Apr. 10	Gantts Quarry, Ala.
Apr. 27	Jamestown, S.C.
May 10	San Manuel, Ariz.
May 17	Mobile, Ala.
May 27	Billings, N.Y.
June 18	Ragland, Ala.
June 16 (died July 1).	Trona, Calif.
July 7	McIntyre, Ga.
July 7 (died July 17).	Wausau, Wisc.

Date	Place (city, state)
July 9	Bethel, Miss.
July 21	Aberdeen, Miss.
July 28	Lilesville, N.C.
July 31	Great Bend, Kans.
Aug. 24	Irwindale, Calif.
Aug. 31	Hooksett, N.H.
Sept. 3	Ray's Community, Ala.
Sept. 17	Waco, Tex.
Sept. 22	Morehead, Ky.

DISTORTION NO. 4

If a road contractor negotiates with a farmer or rancher for the purchase of stone, sand, or gravel from a "borrow pit" on the property, the farmer and the contractor both become subject to the Mine Safety and Health Administration. The interagency agreement "reclassifies as mining some operations which have traditionally been regarded as construction."

This is just not so. In fact, the interagency agreement of March 29, 1979, provides,

That borrow pits are subject to OSHA jurisdiction except those borrow pits located on mine property or related to mining.

The interagency agreement, which I will discuss later, was not for the purpose of extending MSHA's jurisdiction, but rather to clearly set out the appropriate jurisdiction of both OSHA and MSHA, which had overlapped.

DISTORTION NO. 5

Surface stone, sand and gravel, clay, and colloidal phosphate are subject to the dual jurisdiction of OSHA and MSHA.

If this implies duplicate jurisdiction, it is not so. Prior to the passage of the 1977 act, there was certain confusion as to who had jurisdiction over "milling operations." In view of the fact that the Bureau of Mines and its successor, the Mining Enforcement and Safety Administration, were in the Department of the Interior, and OSHA was in the Department of Labor, there was possible duplication of enforcement with respect to the milling operations. The 1977 Amendments to the Federal Mine Safety and Health Act transferred jurisdiction over mine safety and health to the Department of Labor. It also directed the Secretary of Labor to make a determination as to the appropriate agency to assert jurisdiction over "mineral milling". The interagency agreement of March 29, 1979, was entered into pursuant to the statutory provision for the purpose of eliminating any possible duplication by both MSHA and OSHA.

Accordingly, if a mine operator is currently subject to the jurisdiction of both OSHA and MSHA, it is because the interagency agreement has given OSHA jurisdiction over milling operations which prior to 1972 were subject to the jurisdiction of the Mining Enforcement and Safety Administration. Needless to say, such a transfer should be acceptable to any affected operator, since it did resolve the prior condition of an overlapping jurisdiction between two Federal agencies. Finally, this statutory provision on resolving the question of "milling" jurisdiction was strongly urged and supported by the various industries, who prior to 1977, were faced with possible overlapping jurisdiction with two Federal agencies.

DISTORTION NO. 6

The Federal Mine Safety and Health Act does not provide for "compliance assistance".

While there is no specific reference to "compliance assistance" in the statute, the fact is that the Mine Safety and Health Administration instituted a Compliance Assistance Visit (CAV) program in 1979. The following figures indicate its use to date:

COMPLIANCE ASSISTANCE VISITS

	Fiscal year	
	1980	1981 [1]
Stone	645	658
Sand and gravel	1,123	1,180
Total	2,124	2,394

[1] Through August.

DISTORTION NO. 7

A Xerox machine operator or keypunch operator must undergo 24 hours of training.

This is just not so. It seems that the myth of a similar required training program for soft drink vendors, which circulated in 1979, has died, to be born again as the myth of the training of a Xerox operator or keypunch operator. There are no requirements that such person must receive 24 hours of training.

It is rather ironic that this misstatement is now so freely disseminated in view of the fact that the specific mining operations, surface stone, clay, sand and gravel, and colloidal phosphate, have for the last two fiscal years not been subject to the training standard, because of riders attached to the annual appropriations bills.

DISTORTION NO. 8

The Subcommittee on Health and Safety, which has jurisdiction over the Federal Mine Safety and Health Act, has been nonresponsive to industry's complaints.

The subcommittee conducted 23 days of oversight hearings in the 96th Congress. Initially, the hearings were convened because of the concerns of the stone and sand and gravel mining industries with the MSHA training regulations. As the hearings progressed, witnesses representing various types of mining operations in addition to stone and sand and gravel, testified before the subcommittee. The Mine Safety and Health Administration responded to their criticisms and suggestions by: First, clarifying the intent of the training requirements; second, providing compliance assistance visits; third, initiating a review of the citation and assessment procedure; fourth, promulgating standards for independent contractors on July 1, 1980; and fifth, initiating a review of all standards applicable to noncoal operations.

Furthermore, on February 25, 1981, the National Sand and Gravel Association directed a letter to me requesting that the subcommittee favorably report H.R. 1603 or "some other bill that will rectify these problems." H.R. 1603 contained similar but not identical provisions to the amendment adopted to the Labor-HHS appropriation bill. It would have excluded,

Any surface sand or gravel mine, any stone mine, or any clay mine; or any structure, facility, private way, or road constructed on the surface of any area of land (during the period of such construction), if the employees carrying out such construction do not engage in any handling or processing of minerals extracted from such area of land.

On March 5, 1981, I responded to the National Sand and Gravel Association and stated,

In the 96th Congress, the subcommittee did conduct extensive oversight hearings on the Federal Mine Safety and Health Act of 1977. During the hearings there were certain criticisms and concerns expressed about the act. However, I do not believe a compelling case was made to exclude specific types of mining activities from the jurisdiction of the Federal Mine Safety and Health Act of 1977.

You refer to, "some other bill that will rectify these problems." The subcommittee is certainly interested in learning of your thoughts in this regard.

To date, I have heard nothing further from this organization with respect to its "other bill."

Furthermore, there are no bills which have been referred to the Subcommittee on Health and Safety with respect to stone, sand and gravel, clay and colloidal phosphate mining, other than H.R. 1603 and its companion bills, which would exclude such operations from the jurisdiction of MSHA.

Finally, as a matter of interest, the current MSHA administration opposes the exclusionary amendment that was adopted by the House. The administration's report to the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, provides in pertinent part:

MSHA also strongly recommends reconsideration of the amendment prohibiting MSHA from expending funds to enforce safety and health standards at surface sand and gravel and stone mines. First of all, serious legal questions are raised as to whether OSHA has the authority to inspect sand and gravel and surface stone mining operations. Section 4(B)(1) of the OSH Act provides that OSHA does not apply to operations over which other Federal agencies exercise statutory authority to prescribe or enforce safety and health standards. The pro-

visions of the Mine Act and MSHA's standards and regulations applicable to these operations are neither repealed nor amended by the Senate action. Only the expenditure of funds to enforce them is temporarily prohibited. Under these circumstances, it is unclear whether section 4(B)(1) would preclude OSHA from exercising its authority with regard to the affected operations. Because of this uncertainty, OSHA's authority to inspect these operations will likely be challenged in courts. This could leave the miners at the affected operations without any health and safety protection pending the outcome of litigation.

From a practical standpoint, exemption of these operations does not logically follow. Like surface coal and other surface metal and nonmetallic mining, sand and gravel and stone operations use traditional mining methods and equipment. The materials extracted at those operations have historically been considered minerals. They have been covered by Federal mine safety legislation since 1966 when the Federal Metal and Nonmetallic Mine Safety Act become law. Prior to 1966, a study was conducted by the Department of the Interior, at the request of Congress, to determine which industries should be covered by a Federal mine safety law. That study specifically indicated that sand and gravel and stone should be covered, along with other metal and nonmetal mining operations. Moreover, MSHA statistics show that sand and gravel and surface stone mining operations are more hazardous than surface bituminous coal mining operations. For example, in 1978, there were 17 fatals at surface bituminous coal mines, resulting in a rate of .3; 25 fatals at sand and gravel mines, with a rate of .08; and 46 fatals at surface stone and mills, with a rate of .06. In addition, in each year since 1974, the sand and gravel and stone mines have accounted for approximately one-half the fatals in the metal and nonmetal mining industry. The relevant statistics for 1979 and 1980 are as follows:

	No. of injuries [1]		Incidence rates per 200,000 employee-hours worked	
	Fatal	NFDL [2]	Fatal	NFDL [2]
1979				
Surface bituminous coal mines	15	2,333	.02	3.47
Surface metal mines	14	2,765	.02	4.53
Surface nonmetal mines	14	1,732	.04	4.88
Surface stone mines and mills	38	4,259	.05	5.06
Sand and gravel mines	25	1,196	.08	3.62
1980				
Surface coal mines	23	2,267	.03	3.40
Surface metal mines	11	2,352	.02	4.08
Surface nonmetal mines	12	1,452	.04	4.25
Surface stone mines	42	3,375	.05	4.24
Sand and gravel mines	15	924	.05	3.10

[1] Excludes office workers.
[2] NFDL—nonfatal days lost injuries and incidence rates.

Finally, the administration is deeply concerned about the precedent being set by attempting to formulate mine safety and health legislation through the appropriation process. Currently, there are legislative proposals before Congress to substantively amend the Mine Act. The administration has been closely monitoring these activities. This administration will continue to have as its paramount concern, the protection of the safety and health of the Nation's miners. However, we believe that any changes to the Mine Act should encompass the concerns expressed by all segments of the mining industry, rather than the "patchwork" attempt of prohibiting the expenditure of funds in an appropriation rider.

All of this is what would have gone to the jury in the interest of a good and true verdict on mine safety had time allowed.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 27, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 28

9:00 a.m.
Joint Economic
Monetary and Fiscal Policy Subcommittee
To hold hearings on Government competition with small business.
6226 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building
Foreign Relations
International Economic Policy Subcommittee
To hold hearings on international investment policy.
4221 Dirksen Building
*Labor and Human Resources
Business meeting, to consider the nomination of C. Everett Koop, of Pennsylvania, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service.
4232 Dirksen Building
Select on Intelligence
Collection and Foreign Operations Subcommittee
To hold a closed briefing on intelligence matters.
Room S-407, Capitol

10:00 a.m.
Appropriations
Business meeting, to mark up H.R. 4169, appropriating funds for fiscal year 1982 for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, and to continue markup of proposed legislation appropriating funds for fiscal year 1982 for foreign assistance programs.
1114 Dirksen Building
Energy and Natural Resources
Business meeting to consider pending calendar business.
3110 Dirksen Building
*Governmental Affairs
To hold hearings on S. 864, to require each Federal agency to submit an annual report to the President on the adequacy of its internal accounting and administrative control systems.
357 Russell Building
Governmental Affairs
*Permanent Subcommittee on Investigations
To resume hearings on alleged corruption in the International Longshoremen's Association's influence and control over the waterfront industry along the east and gulf coasts.
3302 Dirksen Building
Judiciary
*Juvenile Justice Subcommittee
To hold oversight hearings on activities of the Office of Justice Assistance, Research, and Statistics, Department of Justice, focusing on Federal assistance to State and local law enforcement.
2228 Dirksen Building
*Labor and Human Resources
Labor Subcommittee
Business meeting, to consider S. 1182, improving the administration of the Longshoremen's and Harbor Workers' Compensation Act by removing certain inequities, reducing incentives for fraud and abuse, and assuring immediate compensation benefits and competent medical treatment for injured employees.
4232 Dirksen Building

11:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on administration recommendations for a comprehensive soil and water resources conservation program to increase America's food production capability.
324 Russell Building

2:00 p.m.
Select on Ethics
To hold a closed business meeting on pending committee business.
6228 Dirksen Building

OCTOBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building
Commerce, Science, and Transportation
Business, Trade and Tourism Subcommittee
To hold hearings on S. 1256, to regulate interstate commerce by protecting the

rights of consumers, dealers, and end users.
235 Russell Building

Judiciary
Courts Subcommittee
To hold hearings on the future income of individuals claiming bankruptcy.
5110 Dirksen Building

Labor and Human Resources
Education Subcommittee
To hold oversight hearings on title III of the Higher Education Act (Public Law 96-374), relating to developing institutions.
4232 Dirksen Building

Special on Aging
To hold hearings on the Federal role in promoting greater opportunities for older workers
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 625, revising the boundary of Voyageurs National Park in the State of Minnesota.
3110 Dirksen Building

Environment and Public Works
To hold hearings on S. 1706, S. 1709, and S. 1718, bills strengthening environmental protection laws.
4200 Dirksen Building

Foreign Relations
To hold hearings on the foreign policy and arms control implications of the President's strategic weapons proposals.
4221 Dirksen Building

Governmental Affairs
To resume oversight hearings on the congressional budget process.
3302 Dirksen Building

*Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on alleged corruption in the International Longshoremen's Association's influence and control over the waterfront industry along the east and gulf coasts.
224 Russell Building

Judiciary
*Immigration and Refugee Policy Subcommittee
To hold hearings on granting amnesty to certain illegal aliens.
2228 Dirksen Building

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To resume hearings on the effects of the administration's defense spending program on the American economy.
2247 Rayburn Building

2:00 p.m.
Energy and Natural Resources
*Energy Regulation Subcommittee and Water and Power Subcommittee
To resume joint oversight hearings on hydroelectric development and related licensing procedures.
3110 Dirksen Building

2:30 p.m.
Labor and Human Resources
Education Subcommittee
To hold hearings on the proposed Pell grant family contribution schedule, providing assistance to college students from low-income families.
4232 Dirksen Building

OCTOBER 30

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on alleged corruption in the International Longshoreman's Association influence and control over the waterfront industry along the east and gulf coasts, and to review the Department of Labor's investigation into the Teamsters' Central States Pension Fund.
3302 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals.
2221 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to resume markup of S. 1692, providing for the operation, maintenance, and construction of deep-draft channels and national harbors.
4200 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
*Consumer Subcommittee
To hold hearings on Senate Concurrent Resolution 33, disapproving the Federal Trade Commission Trade Regulation Rule relating to the sale of used motor vehicles.
235 Russell Building

Foreign Relations
To hold hearings on the nomination of L. Ebersole Gaines, of Idaho, to be Executive Vice President of the Overseas Private Investment Corporation (OPIC).
4221 Dirksen Building

NOVEMBER 3

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the proposed pipeline transporting natural gas from the Soviet Union's Yamal gas fields to Western Europe, focusing on the role for U.S. export controls.
5302 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Environmental and Public Works
Business meeting, to consider proposed amendments to the Clean Air Act.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 4

9:00 a.m.
Governmental Affairs
Intergovernmental Affairs Subcommittee
To resume oversight hearings on fiscal disparities within the Federal budget system.
357 Russell Building

Labor and Human Resources
*Labor Subcommittee
To hold hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

9:30 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on S. 1695, repealing the generation-skipping transfer tax, S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions; S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions; and S. 1733, providing a procedure for determining the fair market value of certain assets for estate tax purposes, and providing for declaratory judgments relating to installment payment of estate tax.
2221 Dirksen Building

*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
6226 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 613, amending the Federal Criminal Code to revise the scope of, and penalties under the Hobbs Act, prohibiting interference by any group or person with commerce by threat or violence.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
3110 Dirksen Building

Small Business
Advocacy and the Future of Small Business Subcommittee
To resume hearings to examine effects of government competition on small business.
424 Russell Building

NOVEMBER 5

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 709, requiring a refund value for certain beverage containers, and prohibiting the sale of metal beverage containers with detachable openings.
235 Russell Building

Governmental Affairs
To resume hearings to examine the acquisition process of the Department of Defense.
3302 Dirksen Building

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the VA's Department of Medicine and Surgery's implementation of the Office of Management and Budget's circular A-76, providing for the contracting out of certain government services.
412 Russell Building

10:00 a.m.
*Energy and Natural Resources
To hold oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building

*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the State with respect to abortion.
2228 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the impact of media on juveniles.
6226 Dirksen Building

NOVEMBER 6

10:00 a.m.
*Energy and National Resources
To continue oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To resume oversight hearings on the activities of the Natural Cancer Institute.
4232 Dirksen Building

10:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings to examine the role of the State and Federal criminal justice system in controlling drunk driving.
2228 Dirksen Building

NOVEMBER 9

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on barriers to U.S. trade.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

NOVEMBER 10

8:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation and effects of the Staggers Rail Act of 1980 (Public Law 96-448), reducing ICC regulations of the railroad industries and providing opportunities for railroads to improve their financial viability.
1318 Dirksen Building

Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 1695, repealing the generation-skipping transfer tax, S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions; S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions; and S. 1733, providing a procedure for determining the fair market value of certain assets for estate tax purposes, and providing for declaratory judgments relating to installment payment of estate tax.
2221 Dirksen Building

Labor and Human Resources
To resume hearings on S. 234, to encourage the establishment of home health care programs and to provide expanded coverage of home health services under the medicare and medicaid programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

*Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold hearings on S. 1226, establishing the National Nuclear Property Insurance Corporation, and providing supplemental insurance coverage for certain cleanup costs following damage to nuclear powerplants.
Room to be announced

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 11

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

NOVEMBER 12

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on Senate Joint Resolution 111, consenting to an extension and renewal of the interstate compact to conserve oil and gas.
3110 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on S. 101 and S. 751, bills to eliminate or establish an alternative to the exclusionary rule in Federal Criminal proceedings.
5110 Dirksen Building

1:30 p.m.
Judiciary
Constitution Subcommittee
To resume oversight hearings on the implementation of the Freedom of Information Act, and to hold hearings on S. 1247, S. 1235, and S. 587, bills providing for the exception of certain confidential information from disclosure requirements of the Freedom of Information Act.
2228 Dirksen Building

NOVEMBER 13

9:30 a.m.
Judiciary
Agency Administration Subcommittee
To resume hearings on S. 267, making the Federal tort claims procedure the exclusive remedy in medical malpractice actions resulting from federally authorized National Guard training activities.
5110 Dirksen Building

Judiciary
Courts Subcommittee
To hold hearings on S. 653, proposed Habeas Corpus Procedures Amendments Act.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
*Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

NOVEMBER 16

9:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 1529, proposed National Court of Appeals Act.
2228 Dirksen Building

2:00 p.m.
*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearing with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

*Veterans' Affairs
To hold oversight hearings on the effects of the use of Agent Orange.
412 Russell Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To resume hearings to examine the impact of media on juveniles.
357 Russell Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to discuss the retention on destruction of certain Federal Government files.
2228 Dirksen Building

NOVEMBER 19

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

10:00 a.m.
Judiciary
Criminal Law Subcommittee
To resume hearings on S. 186, authorizing funds through fiscal year 1988 for the Department of Justice, to provide assistance to State and local governments for the improvement of the States criminal justice system.
2228 Dirksen Building

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 312, a private relief bill.
357 Russell Building

NOVEMBER 23

9:30 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on certain preference requirements of the Immigration and Nationality Act.
5110 Dirksen Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 24

9:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on State implementation of Federal regulations, focusing on standards of the Resource, Conservation and Recovery Act.
3302 Dirksen Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 25

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

DECEMBER 1

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

DECEMBER 2

9:30 a.m.
Labor and Human Resources
To continue oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

DECEMBER 4

9:30 a.m.
*Banking, Housing, and Urban Affairs
To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of titanium.
5302 Dirksen Building

JANUARY 13, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 14, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 20, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 28, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 4, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 11, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain

other provisions for an additional 7 years.

2228 Dirksen Building

FEBRUARY 18, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.

2228 Dirksen Building

FEBRUARY 25, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to dicuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.

2228 Dirksen Building

CANCELLATIONS

OCTOBER 28

9:30 a.m.
•Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on granting amnesty to certain illegal aliens.

2228 Dirksen Building

OCTOBER 30

10:00 a.m.
Judiciary
To resume oversight hearings on the implementation of the Copyright Act of 1976, focusing on section 101 relative to cable TV policy.

2228 Dirksen Building

NOVEMBER 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.

4232 Dirksen Building

NOVEMBER 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.

4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, October 27, 1981*

The House met at 12 o'clock noon.

Rabbi Jacob Sodden, Van Cortlandt Jewish Center, the Bronx, N.Y., offered the following prayer:

In these days of incredible challenge and change, may the eternal G-d light our path to the destiny He has inscribed for our beloved country.

May He ever remind us of the difference between the sacred and the profane—to cherish the good and oppose all that is evil.

May He put low the arrogant and raise up the humble.

May He make this America a beacon of hope and promise for all.

May He bless us with leadership that does not yield to doubt nor despair and is ever mindful of the inherent greatness and capacities of America.

May He ever renew in all our hearts and souls the special sense of mission and purpose that is our heritage from our inspired forefathers. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1196. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, and for other purposes.

RABBI JACOB SODDEN

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, it is my privilege and pleasure to welcome to the House today Rabbi Jacob Sodden of Bronx, N.Y., who has just opened our session with a beautiful opening prayer.

Rabbi Sodden is a distinguished New Yorker. He received a B.A. from Brooklyn College and an M.A. and a Ph. D. from New York University. Since 1947, he has been spiritual leader of Van Cortlandt Jewish Center.

In addition he has been extremely active in our community, particularly in the field of transportation, having been chairman of the Transportation Committee of the community planning board in our area for a number of years.

He has taught sociology at C. W. Post, Saint Johns, and New York University and currently at Touro College in Manhattan.

He is the representative of the Bronx Borough President on the Permanent Citizens Advisory Committee on the MTA, and is a member of the committee known as ORBIT, the Orange - Rockland - Bergen - Interstate Transportation Committee. He represents Orange County, N.Y., on that committee.

Among his many other activities, he is engaged in marriage counseling at Middletown, N.Y.

Apart from these distinguished achievements and his outstanding role in the community, I am proud to call Rabbi Sodden my friend and counselor of many years.

UNIDENTIFIED TAX INCREASES SHOULD BE EXPOSED

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, evidence continues to mount that the administration and the Republican leadership in the Senate are planning certain unidentified tax increases.

Budget Director Stockman elliptically refers to these mysterious increases, presumably planned to take effect in 1983 and 1984, as "revenue enhancement measures."

Apparently under consideration is an entire range of sales and excise taxes, the most regressive forms of taxation, including additional taxes on gasoline and beverages as well as other consumer commodities. It also reportedly is planned to do away with the tax deduction of the interest payments which average families must make upon their home mortgages.

The ostensible purpose of these tax increases would be to replace the revenue lost through the Kemp-Roth tax cut, 35 percent of which goes to the wealthiest 5 percent of America's families, and fully 10 percent of which goes to the two-tenths of 1 percent with incomes above $200,000 annually.

Thus the design seems clearly to put new taxes on the backs of middle-income and low-income Americans, those who can least afford higher taxes, in order to pay for the benefits Kemp-Roth lavished upon the wealthiest members of our society who need the tax cuts the least.

The American people are entitled to know just what surprises David Stockman and the Senate Finance Committee have in store for them. If this indeed is the plan, it deserves to be exposed and abandoned.

PRESIDENT SHOULD DEAL WITH THE ISSUES AT HOME

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, tomorrow the Senate will vote on the AWACS. The House of Representatives in its wisdom defeated it by nearly 3 to 1. The President is saying to the Senate that the prestige of the Presidency and the ability to handle foreign affairs are at stake. I do not happen to believe that.

But if it is really true, then the President ought to withdraw the AWACS motion from the Senate.

If the White House were as involved with us here in the Congress on the problems that are really important to the future of the United States, the problem of high interest rates and inflation, if they were working with us as they are now trying to work on the AWACS issue, a lot of these problems could be solved.

Mr. Speaker, I hope the President realizes today that the AWACS issue is lost and now maybe we can get on with the issues that are really important to the country today.

NEW MEDICARE NUMBERS AND SOCIAL SECURITY CRISES

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, recent stories which have appeared in the press are discomforting even to those of us who have steadily urged decisive action to handle the problems facing social security. Based on actual expenditures under the medicare program for fiscal 1981, the actuaries report that under the Senate-passed social security bill, the medicare fund

will be reduced from a 7-percent reserve to a 4-percent reserve in 1984, and to a negative reserve in 1985.

More importantly, this small and normally insignificant 3 percent change in the medicare cost figures pulls the overall combined social security reserve levels below that necessary to pay benefits 2 years earlier than before even under intermediate or "rosie" projections. There is no longer any question of whether we can make it through the decade with interfund borrowing or some other patchwork procedure. We cannot.

Mr. Speaker, we are playing with fire here and we are all going to be burned. The decisions will only get more difficult because adequate leadtime is all important in social security changes of any stripe. We all are hesitant to tackle this issue in the current climate. But we cannot escape it—and it is looking more and more like we cannot escape it before 1983.

I call once again on the leadership of this Congress to allow us to go forward now to try to address the problems we face in social security.

SOCIAL SECURITY RECIPIENTS MAY HAVE MISPLACED CONFIDENCE IN THE PRESIDENT

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, in 1980 many of the one-time "Youth for Roosevelt" became senior citizens for Ronald Reagan because they believed his promise not to cut social security.

But for all his harkening back to the words of F. D. R., Ronald Reagan is betraying precisely these people. His proposals to cut social security mark the first attempt ever made to break the sacred compact between the Government and the people that has characterized social security since its founding in 1935. For 46 years, workers have faithfully paid into the social security system because they believed in the Government's commitment to the program.

Time and again, throughout the history of the social security system, radical Republicans have tried to block bipartisan efforts to improve social security. But in 1980, then conservative Republican candidate Reagan promised he would be different.

People knew he had attacked social security in 1976, but in 1980 people believed his promise that he had changed.

But, sadly enough, as soon as Ronald Reagan had gotten the votes of senior citizens and was safely in the White House, he began his assault on the elderly's most important program. The President's favored terms, "safety net" and "truly needy" cannot mask his true motive of balancing the budget on the back of social security recipients.

Herbert Hoover, Alf Landon, Bob Taft, and BARRY GOLDWATER had the courage of their convictions and working people knew where they stood.

Franklin Roosevelt would turn over in his grave if he were to hear the words he spoke being used to justify social security cuts.

Well, sadly, some of the "Youth for Roosevelt" may have misplaced their confidence in Ronald Reagan in 1980, but few are so gullible as to ever again trust President Reagan and the Republican Party on social security.

WE ARE PAYING MORE THAN WE BARGAINED FOR

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, Congress and American taxpayers have been paying far more than the original, estimated price for new defense weapons. Some examples are the 200-percent cost growth for the M-1 tank and the 300-plus-percent cost growth for the Black Hawk helicopter.

Cost figures submitted last week by the Congressional Budget Office are even more startling and should alert this Congress to a problem that can no longer go unchecked.

In testimony before the Armed Services Committee's Special Panel on Defense Procurement, which I chair, the CBO said they found a unit cost growth of over $4.3 billion in 37 defense programs that were included in the 1982 fiscal budget submitted last March. That is unanticipated cost growth. In just 1 year, we are talking about a 24-percent cost increase after adjusting for inflation.

We on the Special Defense Procurement Panel will complete 4 months of hearings Wednesday with the testimony of Deputy Secretary of Defense Frank Carlucci. He will be asked to tell us what the administration is doing about these cost growth problems. I invite all interested Members to attend.

ADMINISTRATION OPPOSED TO ENERGY AFFILIATE AT WORLD BANK

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, last week DICK OTTINGER and I cochaired a joint hearing on the U.S. posture toward helping developing nations meet their energy needs.

The Reagan administration stands alone in the world in its opposition to establishing an energy affiliate at the World Bank. One of the explanations offered by our Government is that we are opposing the creation of any new international structures. They also cite the possible cost to the U.S. Treasury as a reason for resisting the proposal.

Fortunately, Robert McNamara, the former President of the World Bank, was present to set the record straight last week. He stated that creation of the energy affiliate at the World Bank would not involve the creation of any new organization or bureaucracy.

He stated further that the proposed energy affiliate would not necessarily require any additional U.S. contribution to the World Bank.

A witness from the State Department responded that the Reagan administration would oppose the energy affiliate even if its creation does not require a new bureaucracy and does not require any additional U.S. funding of the World Bank.

Thus, the administration has been telling the public that it opposes that idea because, they say, it would create a new international bureaucracy and would cost us money. Yet, in last week's hearing it became clear that these points may not be true and that they are not the real basis for our position anyway.

Mr. Speaker, it is bad enough that this administration has chosen to pursue a solitary course in world affairs that is so clearly contrary to our national interests. But to attempt to deceive the American public as to the facts of the matter just compounds the error.

PRESIDENT REAGAN ADMITS THERE IS A SLIGHT RECESSION

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, last Sunday President Reagan admitted that the U.S. economy was in what he termed "a slight recession."

In so doing, Mr. Reagan acknowledged what most economists have been saying for months.

While I commend the President for this keen insight into our Nation's economic situation, there are two very important points that ought to be made, and two points which he has ignored.

First. While he has finally admitted that we as a nation are suffering from recession, he seems oblivious to the fact that in the Pacific Northwest it is much deeper than a recession. It borders on a depression.

There are currently eight counties in my district which are suffering from unemployment levels over 20 percent.

Throughout the Northwest, more than 50 percent of the men and women in the lumber and wood-products industries were out of work or

forced to work drastically reduced shifts because of mill closures or slowdowns.

The woes of the wood-products industry have affected every other industry in our area, devastating entire communities and plunging the State of Washington into a fiscal crisis due to lost revenues.

Second. The President continues to ignore the root of the problem: Punishingly high interest rates. Until the President lays aside this counterproductive policy, we will not get people out of the unemployment lines in the Pacific Northwest, and we will not emerge from the President's slight recession.

NO DISSENTING OPINIONS IN WHITE HOUSE CONFERENCE ON AGING

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, it is indeed illuminating to watch the Republican National Committee working to insure the success of the White House Conference on Aging. It was nice of Secretary Schweiker to lend a helping hand so that the Republican National Committee had easy access to the delegates, complete with a list of all of their names and all their telephone numbers.

Certainly the Republican National Committee's inquiries pertaining to, oh, the delegates' views of the President and his proposals, their own party affiliation, their ties to other organizations, I think all of this will assist the Republican committee in assuring that the 1981 Conference proceeds smoothly.

I do not know about my colleagues, but I want to say that I think it is a comfort to know that the administration would go to such extraordinary lengths to further the free flow of ideas between delegates.

In fact, I think, thanks to the administration's painstaking efforts, there is almost no chance that the Conference will be marred by any dissenting opinions. Given the White House position on social security, and issues for the elderly, I think the White House can breathe a sigh of relief.

MR. TANK

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr, Speaker, in the annals of tank warfare probably the two greatest American commanders are Gen. George Patton and General Abrams. Though military history books will hail the achievements of these great military leaders little will be said of a civil servant in Anniston, Ala., who in his arena of tank development has made just as important a contribution.

Known as Mr. Tank throughout the world, Mr. Dave Stanley has worked on American tanks for nearly 30 years. Dave Stanley has advised military leaders in Europe, Asia, the Middle East, and other strategic locations on their armored needs and requirements. He is probably the greatest single authority on the evolution of tank development and the capabilities of our armored assets. For his outstanding leadership and work at the Anniston Army Depot he has been awarded the Decoration of Exceptional Civilian Service. But to fully appreciate the admiration for his work you need only ask a commander or serviceman in an armored division what Dave Stanley has done for them.

This month Dave Stanley will retire from civil service to his home just a few miles from Anniston Army Depot. His expertise and ability will be missed by the depot. He was a person unafraid to tell it like it is and who felt obligated to provide the serviceman with the best tank possible while saving the taxpayers money. The heritage of devoted civil service he leaves behind will long be remembered by our American serviceman and our allies around the world.

DOES ANYONE WANT U.S. BASES?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, one of the major arguments used by opponents of Presidents Carter's and Reagan's plan to sell AWACS to Saudi Arabia is that the Saudis do not want U.S. bases on their territory.

An Associated Press story, printed in the Friday, October 23, issue of the Los Angeles Times, reports that Israeli public opinion is almost evenly divided over whether the United States should set up military bases in Israel.

While 48.7 percent favored the idea, 45.5 percent opposed such basing.

If, after 30 years of friendship and aid by the United States, half of the Israeli population does not want U.S. bases on Israeli soil, how can we use Saudi reluctance to accept U.S. bases as a reason to refuse to sell AWACS?

Mr. Speaker, a nation's refusal to accept U.S. bases should not be used as an excuse to deny that nation aid.

The story referred to follows:

[From the Los Angeles Times, Oct. 23, 1981]

ISRAELI DIVIDED ON U.S. BASES, POLL SHOWS

TEL AVIV.—Israeli public opinion is almostly evenly divided over whether the United States should set up military bases here, according to a poll published Thursday in the Jerusalem Post.

The survey of 1,240 people by the independent Modiin Ezrachi Applied Research Center found that 48.7 percent favored the idea, 45.5 percent were opposed and 5.8 percent undecided.

The possible establishment of U.S. bases here was raised when President Reagan and Prime Minister Menachem Begin met last month.

PARRIS URGES THE CONGRESS TO SUPPORT FEDERAL RETIREES

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, 2 months ago, a vast majority in the House voted to restore the minimum social security benefit. I joined my colleagues at that time to correct an inequity which would have adversely affected 3 million senior citizens. Last week, the Senate approved legislation which would also restore the minimum benefit. The Senate added some language, however, which would be just as devastating as eliminating the minimum benefit.

Under the Senate proposal, Federal retirees would have their social security benefits reduced because they receive Government pensions. These Government retirees would be required to have their social security benefits offset, dollar for dollar, when their Government pension exceeds $300 a month.

This is an unjust proposal which unfairly penalizes about 350,000 senior citizens who have contributed greatly to their country. They should not be asked to bear the burden of the social security system's financial problems.

These individuals took their jobs and planned their retirements with their social security and Government pensions in mind. By changing the rules in the middle of the game, the Federal Government would be breaking a commitment to provide these earned benefits.

There is no need to discriminate against a particular group of elderly persons when there are more reasonable alternatives available. If a change in this area must be made, I feel it should be phased in over a period of years and not directed toward those individuals who are retired or about to retire.

When the House considers this legislation again, I urge my colleagues to reject the Senate language and to support the original intent of the House to restore the minimum social security benefit for all senior citizens.

CHUTZPAH OF THE YEAR AWARD

(Mr. RITTER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, for those who were not here yesterday, I took the well to advance the Chutzpah of the Year Award.

I asked the question: "Who could compete favorably with the designer of the *Titanic*, today proposing another world's first unsinkable ship for the Chutzpah of the Year Award?"

The answer is former Vice President Walter Mondale, when he stated Sunday on "Meet the Press" that current interest rates with the prime at 18 percent are the result of President Reagan's program.

The fact is that when the economic wizardry of Carter-Mondale and their unhinging of the American economy ended in December of 1980, the prime interest rate was at 21.5 percent; and, for those of us who have not studied arithmetic at Princeton, that is 3½ percentage points higher than the present rate. Only the Good Lord and perhaps the tooth fairy know whether the Carter-Mondale Federal budget hemorrhage, their unmistakable hallmark, would have given us rates today of 25 to 30 percent had they still been in power.

Perhaps Chutzpah of the Year Award is not enough. Perhaps we need a new award, the Fool All of the American People All of the Time Award. Again, the winner would be that cocatalyst of economic decline, Walter Mondale.

The American people, however, are not so stupid as it seems Mr. Mondale believes. They will see through his clouded utterances to the clear bankruptcy of his alternatives.

FEDERAL-STATE PARTNERSHIP NEEDED TO INSURE SUFFICIENT PRISON CAPACITY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, all across this land, convicted felons—inmates of State correctional facilities—are being released because Federal courts have found those facilities so overcrowded or substandard that incarceration in them amounts to cruel and unusual punishment.

The effect is not only to unleash those from whom society should be protected, but to discourage our trial judges from ordering prison terms for many who deserve them.

Today State officials find themselves bound to court-ordered reform decrees, but with little prospect of being able to comply.

For this reason, I recently introduced H.R. 4620, providing a Federal-State partnership to address this serious criminal justice problem.

Under this legislation, States will submit a 7-year plan for constructing new or modernizing old correctional facilities.

Approved plans will be considered for demonstration grants and a 5-percent interest subsidy on criminal justice facility construction bonds.

I urge my colleagues in the House to join me in this important measure to strengthen our criminal justice system, as well as to meet our constitutional responsibilities.

PERSONAL EXPLANATION

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, on last Thursday, October 22, after the passage by voice vote of H.R. 3603 the Agriculture and Food Act of 1981, I left the Chamber on the assurance that there would be no further votes. Shortly thereafter a recorded vote (roll call No. 278) was demanded on the passage of the Senate companion bill as amended by the House provisions. I opposed this legislation and would have voted "no." I ask unanimous consent that this statement appear in the permanent RECORD.

The SPEAKER pro tempore (Mr. VENTO). Is there objection to the request of the gentleman from Illinois (Mr. RUSSO)?

There was no objection.

CONGRESSMAN MURPHY PROPOSES ANWAR EL-SADAT PEACE MEDAL

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, on October 6, 1981, an assassin killed President Anwar el-Sadat of Egypt. Anwar Sadat was a man of vision, courage, determination, and faith. He was also a man of peace. In October 1978, along with Menahem Begin, Anwar Sadat was awarded the Nobel Peace Prize for inititating efforts toward a lasting peace in the Middle East. In so doing, he transcended the boundaries of enmity and pride that often limit the actions of ordinary men, and truly became a leader in the service of mankind.

The legislation that I offer here today is meant to honor his memory by honoring those who continue his work. I propose that we authorize the establishment of the "Anwar el-Sadat Peace Medal" to be awarded annually to the person who has made the most significant contribution to world peace during the preceding year. In this way, we reaffirm the values that we associate with President Sadat, and express our appreciation in a meaningful way to those whose contributions merit such recognition.

I urge support for the legislation.

HAITIANS ACCEPTED ONLY IN DEATH

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I have just this weekend visited several of the Haitian refugee camps located in Chrome, Fla., just outside of Miami. I find it sad that our famous slogan, "Give me your tired, your poor, your huddled masses yearning to breathe free." As we know, Mr. Speaker, these are the words on the Statue of Liberty which welcomed many of our parents, grandparents, and great-grandparents.

Within this past week, however, this administration effectively littered this inspirational message with the following graffiti: "except for Cubans, Haitians, Mexicans, and others who do not reflect our unique vision of what America is all about."

Now we have the tragedy of 32 Haitian refugees drowning while attempting to escape to the land of liberty. How ironic that the country that they escaped to in life accepted them only in death.

□ 1230

EXTENDING AUTHORITY PROVIDED UNDER JUSTICE DEPARTMENT AUTHORIZATION ACT OF 1980

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4608) to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period, and for other purposes, with a Senate amendment thereto, that the House recede from its disagreement to the Senate amendment, and concur therein with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 1, strike out "April 1, 1982" and insert "November 1, 1981".

The Clerk read the House amendment to the Senate amendment, as follows:

Strike out the matter proposed to be inserted by the Senate amendment and insert in lieu thereof "February 1, 1982".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. McCLORY. Mr. Speaker, reserving the right to object, I reserve the right to object in order that the gentleman from Wisconsin can explain what this action does, what this unanimous-consent request signifies.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman from Illinois yield under his reservation?

Mr. McCLORY. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, as the gentleman from Illinois knows, this is a continuing resolution for authorization for the Department of Justice to continue its normal operations for a period of 4 months, during which time we hope that the other body can resolve its difficulties in processing the Department of Justice authorization.

We finally were able to agree with the Senate that a period of 4 months would be appropriate for this continuing authorization. As the gentleman from Illinois will remember, 4 weeks ago, on September 29, the House passed a 6-month continuing authorization for the Department of Justice. The Department must have this authorization to continue certain aspects of its day-to-day operations. There is no doubt about that.

But the Senate did not originally agree with us. They sent us a mere 30-day extension. Eventually we were able to get a 4-month agreement with them, and that is what is contained in this request.

Mr. McCLORY. Further reserving the right to object, Mr. Speaker, I would like to point out that the Department of Justice authorization bill was passed by this body some months ago and is languishing over in the other body. What we are trying to do here today is to provide authority under which the Department of Justice and all of its multiple activities can be continued. It is vital to the operation of the FBI and the other worthy activities which come under the jurisdiction of the Department of Justice.

We would like to see the bill for fiscal year 1982 passed as soon as possible. But, in the meantime, this continuing resolution is the best we can do.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. McCLORY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the problem I am just having conceptually with what we are doing—I agree with him that the bill ought to be passed; the authorization ought to get on the books; but I do not understand if the other body is holding up the legislation, and they proposed a 1-month extension, why did we not go along with their 1-month extension, thereby putting extra pressure on them to go ahead and pass the bill? Why are we offering a 4- or a 6-month extension, which would seem to me to put a lot less pressure on them to get about the bill.

As I understand it, one of the hangups is the busing amendment that the House put in it. I think we ought to be putting some pressure on them to act on that busing amendment.

Mr. McCLORY. Mr. Speaker, the other body permits its Members to conduct what is known as a filibuster. The threat of a filibuster in the other body has delayed action on the authorization bill. Because of this situation, the best we can do right now is to get a 4-month extension.

I think those that have negotiated this compromise on the part of this body have done very, very well.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. McCLORY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I am still having this problem. Why is it we want to go 6 months and now compromise at 4 if the Senate says they can resolve their difficulties within 1 month and get a bill passed?

Mr. McCLORY. The other body cannot resolve its difficulties at this point because of the problem I mentioned. This continuing authorization will provide a little time to deal with that problem. We want this continuing authorization to see if we cannot resolve the problem during the next few months.

Mr. WALKER. I thank the gentleman.

Mr. McCLORY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE TWO PRIVILEGED REPORTS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file two privileged reports for printing under the rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4503, FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1981

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4503) to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the usual 30 minutes, for purposes of debate, to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 247 provides for the consideration of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981. The rule is an open one which provides for 1 hour of general debate and waives section 402(a) of the Budget Act. The waiver is necessary because the bill authorizes appropriations for fiscal year 1982 but was not reported out prior to May 15, 1981, as required by the Budget Act. In addition to this, the rule makes in order the committee amendment in the nature of a substitute which will be treated as an original bill for the purposes of amendment. The prohibition against appropriations in a legislative bill, contained in clause 5 of rule XXI, is also waived against the substitute. The rule further provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4503 represents a reasonable compromise achieved by the Committee on Public Works and Transportation which balances the need to continue improving the quality of water with the equally compelling need to impose reasonable limitations on the financial liability of the Federal Government for these programs. The goals established by the Federal Water Pollution Act amendments—namely fishable and swimma-

ble waters and reduction of polluted discharges into navigable waters—will be facilitated by enactment of this measure.

Mr. Speaker, H.R. 4503 serves the goals of the original landmark legislation by making necessary changes to the EPA's construction grants program. The bill takes a fiscally sound approach to the revisions in the grants program and authorizes the exact amount which the Omnibus Reconciliation Act allocated for this purpose.

Mr. Speaker, although there are some limitations imposed by the bill, the Committee on Public Works has retained many of the innovative provisions of the existing act. H.R. 4503 would mandate that at least 3 percent of the funds allocated to each State be used to explore novel approaches to water treatment and permits each Governor to expend up to 5 percent on such programs. While recognizing the need for creativity in the environmental area, this bill would permit up to 30 percent of each State's funds to be used for the rehabilitation of sewage systems and the correction of infiltration and inflow problems which plague our older cities.

Mr. Speaker, I strongly believe that H.R. 4503 will serve to make necessary savings of Federal dollars but without totally disrupting projects presently under design and construction in our cities. Without the continued support of the Federal Government, our communities, which had relied on Federal commitments when they undertook their programs, would be forced to enter the bond market to raise funding for projects already underway. Even with the grandfathering in of existing projects, the total Federal exposure under the grants program is reduced by over 50 percent.

Mr. Speaker, the bill, which will be considered if this rule is adopted, will permit funding for the construction of reserve treatment capacity which will meet community needs projected over a 10-year period. Moreover, rather than forcing communities to build costly secondary treatment facilities, the bill permits coastal localities to apply to the EPA Administrator for permission to dump partially treated wastes in ocean waters, provided environmental safeguards are met.

Mr. Speaker, H.R. 4503 is a responsible attempt on the part of the Committee on Public Works and Transportation to meet the Nation's environmental needs but within our current budgetary contraints. Mr. Speaker, I urge the adoption of this rule to permit consideration of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. MOAKLEY) has described the provisions of the rule very ably, and also the provisions of the bill.

The administration does not support the bill as it is drafted. They prefer the provisions of H.R. 3703. But under the rule, amendments can be offered to bring this bill into line.

We all know that when EPA was created, it was a bureaucratic nightmare. I would like to see its wings clipped. I would like to see more water pollution control, but with reasonableness. Also, Mr. Speaker, I would like to see EPA work with dedication for the cause for which it was created. It should work not only with private industry, with the different communities and cities and municipalities and counties throughout this country, but do the job that it was created to do without all the bureaucrats downtown coming out with regulations that no one can live with.

This is a good rule. I urge its adoption.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 4603, DEPOSIT INSURANCE FLEXIBILITY ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal supervisory agencies to deal with financially distressed depository institutions, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1245

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 253 is the rule providing for the consideration of H.R. 4603, the Deposit Insurance Flexibility Act. The rule is an open one, providing for 1 hour of general debate which is to be divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. In addition, the rule makes in order the committee amendment, in the nature of a substitute, as an original bill for purposes of amendment. The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, the legislation, which will be considered if this rule is adopted, will provide temporary, additional authority to a number of Federal regulatory agencies having jurisdiction over depository institutions. This authority would provide agencies such as the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation with additional options to choose from when assisting banks and other thrift institutions to mitigate their financial difficulties caused by soaring interest rates. H.R. 4603 is necessary in order to insure the fiscal soundness of these institutions so that the substantial risk to Federal depository insurance funds may be reduced.

Mr. Speaker, this legislation would expand the authority of the FDIC by permitting it to purchase the securities of troubled banks under its jurisdiction or to make contributions to prevent their failure. In addition, the FDIC would be permitted to approve mergers of larger savings banks, in FDIC receivership, with assets over $2 billion if a merger would ease the financial strain on the insured banks. The FDIC would also be authorized to intervene through capital infusion either to prevent a bank's insolvency, or to enable a bank to continue normal operations, or to reduce a risk or loss which is federally insured. At this time, the FDIC can only act in this manner if the bank is regarded as essential.

Mr. Speaker, our troubled savings and loans institutions are also assisted by this legislation. The emergency

powers of the FSLIC would substantially parallel those of the FDIC. Mergers and acquistions of S. & L.'s would be temporarily authorized. However, for both agencies, H.R. 4603 would set certain priorities to be followed when mergers and acquistions are being considered. Mergers of like institutions within individual States would be preferred over interstate combinations. Such a provision emphasizes the importance which the committee still places on intrastate banking and thrift institutions.

Mr. Speaker, H.R. 4603 would also empower the FSLIC to provide assistance at an earlier point in the financial crises of an institution. Rather than being forced to await the imminent default of an institution, the FSLIC could consider such factor as the financial stability of insured savings and loan institutions as well as risks to its own assets when it contemplates action.

Mr. Speaker, the Federal Home Bank Board and the National Credit Union Administration will also be assisted by this legislation. The Federal Home Loan Bank Board would be permitted to convert mutual institutions into Federal stock charter organizations. Stock charter organizations are traditionally easier to assist than mutual organizations. Furthermore, the Credit Union Administration's Insurance Fund will be allowed to borrow from the Central Liquidity Facility, under emergency conditions. H.R. 4603 attempts to preserve credit unions as distinct financial entities, although a purchase of such unions by other federally insured financial institutions would be allowed.

Mr. Speaker, this legislation is temporary in nature as underscored by its sunset provisions. It is designed to meet what all of us hope is a temporary strain on our financial institutions. The goal of the Committee on Banking, Finance and Urban Affairs is to provide maximum flexibility to the Federal Deposit insurance agencies. By increasing the number of options available to these agencies, such as capital infusion, mergers and acquisitions, a low-cost resolution of a particular problem is made more likely.

Mr. Speaker, the Federal Deposit Flexibility Act is a much needed piece of legislation which will enhance, temporarily, the powers of Federal agencies to deal with the current difficulties in the thrift industry. Mr. Speaker, I strongly urge adoption of this rule and support of this legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 253 is a 1-hour, open rule under which the House will consider H.R. 4603, a bill that grants temporary emergency powers to the Federal agencies that insure the deposits in the Nation's thrift institutions in order to assist financially troubled institutions.

As the gentleman from Massachusetts (Mr. MOAKLEY) has noted, this rule makes the committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the 5-minute rule, and provides one motion to recommit with or without instructions.

This is a simple, straightforward rule, and there was no controversy about it during our hearing in the Committee on Rules.

We did have considerable discussion about the necessity for this type of legislation in the committee, however, and we were led to believe there would be ample time for floor debate.

Mr. Speaker, H.R. 4603 permits the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Bank Board and the National Credit Union Administration to offer financial assistance to depository institutions adversely affected by severe economic conditions, if the assistance extended would reduce the potential cost to the deposit insurance funds.

This emergency authority would expire on September 30, 1982, and is designed to allow our Federal regulatory agencies to arrange charter conversions and mergers of troubled financial institutions.

As one Member who has previously expressed concern about rising interest rates and the high degree of concentration of assets in a few major banks and bank holding companies, I questioned the sponsors of this legislation at length during our committee hearing.

I was pleased to receive assurances from the gentlemen, Mr. ST GERMAIN, Mr. STANTON, and Mr. WYLIE, from the Banking Committee that any mergers across State lines and across industry lines will come only after every reasonable effort has been made by the Federal regulatory agencies to obtain an intrastate solution when faced with a problem institution.

We were assured that institutions of the same type in the same State have to be given the first opportunity to merge. After that, institutions of the same type but in different States; after that, institutions of a different type, but in the same State; and after that, institutions of a different type from different States.

Mr. Speaker, under the legislation we are about to consider, the Federal Deposit Insurance Corporation will be allowed to provide assistance to institutions that are in financial difficulty to lessen the FDIC's risk of loss. The point here is an attempt to avoid widespread failures of thrift institutions.

Mr. Speaker, there is no opposition to this rule, and there will be ample time for debate and amendments under the 5-minute rule, so I urge the House to adopt the rule and proceed to the consideration of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL WATER CONTROL POLLUTION ACT AMENDMENTS OF 1981

Mr. ROE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4503) to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ROE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 4, answered "present" 1, not voting 46, as follows:

[Roll No. 279]

YEAS—382

Addabbo	Boner	Coughlin
Akaka	Bonior	Courter
Albosta	Bonker	Coyne, James
Alexander	Bowen	Coyne, William
Anderson	Breaux	Craig
Andrews	Brinkley	Crane, Daniel
Annunzio	Brodhead	Crane, Philip
Anthony	Brooks	Crockett
Archer	Broomfield	D'Amours
Ashbrook	Brown (CA)	Daniel, Dan
Aspin	Brown (CO)	Daniel, R. W.
Atkinson	Brown (OH)	Dannemeyer
AuCoin	Broyhill	Daschle
Badham	Burgener	Daub
Bafalis	Burton, Phillip	Davis
Bailey (MO)	Butler	de la Garza
Bailey (PA)	Byron	Deckard
Barnard	Carney	Dellums
Barnes	Chappell	Derrick
Bedell	Chappie	Derwinski
Beilenson	Cheney	Dickinson
Benedict	Clausen	Dicks
Benjamin	Clinger	Dingell
Bennett	Coats	Dixon
Bereuter	Coelho	Donnelly
Bevill	Coleman	Dornan
Bingham	Collins (IL)	Dowdy
Blanchard	Collins (TX)	Downey
Bliley	Conable	Dreier
Boggs	Conte	Duncan
Boland	Conyers	Dunn
Bolling	Corcoran	Dwyer

Dymally	Kastenmeier	Regula
Dyson	Kazen	Reuss
Eckart	Kildee	Rinaldo
Edgar	Kindness	Ritter
Edwards (AL)	Kogovsek	Roberts (SD)
Edwards (CA)	Kramer	Robinson
Edwards (OK)	LaFalce	Rodino
Emerson	Lagomarsino	Roe
Emery	Lantos	Roemer
English	Latta	Rogers
Erdahl	Leach	Rose
Erlenborn	Leath	Rosenthal
Ertel	Lee	Rostenkowski
Evans (DE)	Lehman	Roth
Evans (GA)	Lent	Roukema
Evans (IA)	Levitas	Rousselot
Evans (IN)	Lewis	Roybal
Fary	Livingston	Rudd
Fascell	Loeffler	Russo
Fazio	Long (LA)	Sabo
Fenwick	Long (MD)	Sawyer
Ferraro	Lott	Scheuer
Fiedler	Lowry (WA)	Schneider
Fields	Lujan	Schroeder
Findley	Luken	Schumer
Fish	Lundine	Seiberling
Flippo	Lungren	Sensenbrenner
Foglietta	Madigan	Shamansky
Foley	Markey	Shannon
Ford (MI)	Marks	Sharp
Ford (TN)	Marriott	Shaw
Forsythe	Martin (IL)	Shelby
Fountain	Martin (NC)	Shumway
Fowler	Martin (NY)	Siljander
Frank	Matsui	Simon
Frenzel	Mattox	Skeen
Frost	Mavroules	Skelton
Garcia	Mazzoli	Smith (AL)
Gaydos	McClory	Smith (IA)
Gejdenson	McCloskey	Smith (NE)
Gephardt	McCollum	Smith (NJ)
Gibbons	McCurdy	Smith (OR)
Gilman	McDade	Snowe
Gingrich	McEwen	Snyder
Ginn	McGrath	Solarz
Glickman	McHugh	Solomon
Gonzalez	Mica	Spence
Goodling	Michel	St Germain
Gore	Mikulski	Stanton
Gradison	Miller (CA)	Staton
Gramm	Miller (OH)	Stenholm
Green	Mineta	Stokes
Gregg	Minish	Stratton
Grisham	Mitchell (NY)	Studds
Guarini	Moakley	Stump
Gunderson	Molinari	Synar
Hagedorn	Mollohan	Tauke
Hall (OH)	Montgomery	Tauzin
Hall, Ralph	Moore	Taylor
Hall, Sam	Moorhead	Thomas
Hamilton	Morrison	Traxler
Hammerschmidt	Mottl	Trible
Hance	Murphy	Vander Jagt
Hansen (ID)	Murtha	Vento
Harkin	Myers	Volkmer
Hartnett	Napier	Walgren
Hatcher	Natcher	Walker
Hawkins	Neal	Washington
Heckler	Nelligan	Watkins
Hefner	Nelson	Weaver
Heftel	Nichols	Weber (MN)
Hendon	Nowak	Weber (OH)
Hertel	O'Brien	Weiss
Hightower	Oakar	White
Hiler	Oberstar	Whitehurst
Hillis	Obey	Whitley
Hollenbeck	Oxley	Whittaker
Holt	Panetta	Whitten
Hopkins	Parris	Williams (OH)
Horton	Patman	Wilson
Howard	Patterson	Winn
Hoyer	Paul	Wirth
Hubbard	Pease	Wolf
Huckaby	Pepper	Wolpe
Hughes	Perkins	Wortley
Hunter	Petri	Wright
Hutto	Peyser	Wyden
Hyde	Pickle	Wylie
Ireland	Porter	Yates
Jacobs	Price	Yatron
Jeffords	Pritchard	Young (FL)
Jeffries	Pursell	Young (MO)
Jenkins	Quillen	Zablocki
Johnston	Railsback	Zeferetti
Jones (OK)	Rangel	
Jones (TN)	Ratchford	

NAYS—4

Dorgan	Mitchell (MD)
McDonald	Young (AK)

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—46

Applegate	Fuqua	Richmond
Beard	Goldwater	Roberts (KS)
Bethune	Gray	Santini
Biaggi	Hansen (UT)	Savage
Bouquard	Holland	Schulze
Burton, John	Jones (NC)	Shuster
Campbell	Kemp	Smith (PA)
Carman	LeBoutillier	Stangeland
Chisholm	Leland	Stark
Clay	Lowery (CA)	Swift
Danielson	Marlenee	Udall
DeNardis	McKinney	Wampler
Dougherty	Moffett	Waxman
Early	Pashayan	Williams (MT)
Fithian	Rahall	
Florio	Rhodes	

□ 1300

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4503, with Mr. STRATTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. ROE) will be recognized for 30 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981.

The present program to improve the quality of our waters derives from the Federal Water Pollution Control Act Amendments of 1972. That act is one of the great landmarks of environmental legislation. It established as goals the reduction, and ultimately the elimination, of discharges of pollutants from municipal sewage systems and industrial plants. An interim goal, set for July 1, 1983, was to achieve, wherever attainable, fishable and swimmable water quality.

Two primary mechanisms were established to accomplish these goals. First, industries and municipalities were required to treat their wastes to clearly definable minimum levels based on the application of treatment technologies. Second, for municipalities, a program of 75 percent Federal grant assistance was established for treatment works. Since 1972 significant progress has been made in the removal of pollutants. With regard to municipal waste treatment over 20,000 grants have been awarded in approximately 10,000 sewage jurisdictions. However, fewer than 3,000 projects have been completed. The majority of funds have gone to projects which are still under design and construction. For this reason we can expect substantial further improvements in water quality as all of these plants are completed.

The administration has proposed that the program be drastically changed in essentially three respects. Grants would be made only for secondary and more advanced treatment and new interceptor sewers. No grants would be made for reserve capacity in projects. And finally, States would be directed to give the highest priority to projects in urban-industrial areas.

The bill reported by our committee represents the culmination of the fine efforts of the chairman of our water resources subcommittee, the gentleman from New Jersey, Mr. ROBERT A. ROE; the ranking minority member of that subcommittee, the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT; and the other subcommittee members. I also want to express my appreciation to the ranking minority member of the full committee, the gentleman from California, Mr. DON H. CLAUSEN, for his usual fine efforts in enabling us to achieve a truly bipartisan bill in the great tradition of our committee.

H.R. 4503 represents a responsible approach to the need for changes in the grants program brought about by existing budgetary constraints. It provides for a reduced Federal role in the construction of new treatment projects. It authorizes the appropriation of only $2.4 billion in 1982, a figure consistent with the reconciliation act and the administration's position. It also recognizes the absolute necessity of avoiding total disruption in the case of projects under design and construction. It does this by grandfathering these projects with regard to grant eligibility. Without such a provision, communities would be forced to enter the bond market to raise funding for projects already under way in order to make up for a cutback in Federal funding. Our bill gives communities the necessary time to adjust.

Mr. Chairman, H.R. 4503 ia a good bill and a responsible bill which meets the needs both of the Federal Water Pollution Control Act and current budgetary consideration.

I urge passage of the bill.

□ 1315

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I wish to compliment the distinguished gentleman from New Jersey (Mr. HOWARD) as chairman of the committee, for bringing this bill to the floor. This legislation is needed and deserves the support of the entire membership of this committee.

I also would like to compliment the gentleman from New Jersey (Mr. ROE), the chairman of the subcommittee.

This is deserving legislation and should be passed.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the chairman of the full committee and the distinguished chairman of the subcommittee and the ranking members for an outstanding bill. I have been deeply concerned about the fact that we did not have anything in the budget for 1982 for the construction grants program. I think the gentleman's statement clearly indicates the concern of this committee, and the Members' interest in rectifying that omission. I hope the Appropriations Committee can move quickly after this bill is authorized to get an appropriation bill in place for 1982 or we are going to do substantial damage around the country.

Most of you have heard me speak before on the issue facing us today. I have long been concerned that we move quickly to reauthorize and fund the construction grants program.

We have the chance today to adopt the first step in that process. I hope you will join me in supporting the committee's bill.

This bill provides the administration's requested $2.4 billion funding level. It achieves this goal by making some timely and necessary reductions in the scope of the program. But it maintains our national commitment to clean water.

We began our efforts to clean up America's rivers, lakes, and streams with the Federal Water Pollution Control Act of 1972, and we have made real progress since that time.

The program has been modified and improved to give States more control and a greater number of options in meeting the federally mandated water quality standards since its adoption in 1972.

Unfortunately, the program has been subject to many stops and starts along the way. Many of the problems associated with the construction grants program can be traced to the uncertain nature of its funding and its changing eligibility requirements.

There is no question that we must provide wastewater treatment capacity to communities in order to allow them to grow. Though sewers are not an exciting topic, without them, there can be no local development. And wide fluctuations in the program severly hamper the planning efforts of those communities.

Towns and cities across the Nation are experiencing delays in building necessary treatment facilities because of a lack of action here in Congress in reauthorizing and refunding the construction grants program. As of September 30, more than 30 States had exhausted virtually all of their Federal construction allotment. Costly delays are occurring in many of our districts. We need to act soon to prevent further interruption at the State level.

Quick action is all the more necessary when you realize that this bill is just the first of three difficult and time-consuming steps which must be taken before localities will have money to spend. The step we take today will reauthorize the construction grants program. It restricts eligibility, and therefore cuts the total cost of the program.

Following this step, we must act on a supplemental appropriation of $2.4 billion, and must raise the budget ceiling to accommodate that funding.

Neither of these steps will be easy in the current budgetary climate.

But they are necessary if we are to provide important Federal assistance to local communities to construct the wastewater treatment systems which are vital to their futures.

I hope you will join me today in approving the committee's bill, so we can move on in the process of helping communities meet Federal water quality standards.

Mr. HOWARD. I thank the gentleman for his remarks. I would say the gentleman is absolutely correct. There were no funds included in the first budget resolution or Reconciliation Act for this program. We were told by the administration there could be $2.4 billion, which is a decrease from past years, provided that certain "reforms" were made. The committee members on both sides did an extremely commendable job in trying to balance the few dollars that we have, comparatively, for water pollution control in this country and to bring this bill to the floor. I thank the gentleman for his comments.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to give my strong support for H.R. 4503 as reported by the Committee on Public Works and Transportation. This legislation is the result of many days of hearings and extensive efforts by members of the Committee on Public Works and Transportation and its water resources subcommittee. The chairman of the subcommittee, the gentleman from New Jersey, has provided outstanding leadership during the development of H.R. 4503. I greatly appreciate the bipartisan cooperation at both the subcommittee and the full committee level and am confident that the same strong bipartisan support will be shown for the bill here in the House.

H.R. 4503 makes valuable changes in the construction grants program and authorizes the $2.4 billion that the President desires for this program in fiscal year 1982.

The incentive to develop this legislation comes directly from the administration, and for that, they are strongly to be commended. By requiring legislative action before continued funding and by submitting substantive proposals earlier this year, an excellent basis for review was provided. From these administration initiatives, the bill before us has been developed using input from agencies, States, municipalities, and many knowledgeable organizations and individuals, during numerous hearings.

The construction grants program is an important cornerstone of the Water Pollution Control Act. It provides Federal assistance to aid municipalities in meeting the rigorous and worthwhile goals of that act. Since 1972, $5 billion per year has been authorized for the construction grants program. About $3 billion per year has actually been appropriated. This funding has been used to provide 75 percent Federal grants for water pollution control projects throughout the Nation.

Many positive contributions have resulted from the expenditure of these funds. Since 1972 there has been a 65-percent improvement in the amount of pollutants removed from the Nation's wastewater. This has cut dramatically the pollution of our rivers and lakes. Many of the projects which have begun under this program have yet to be completed. When they are, the rivers and lakes of America will show even higher water quality.

I want to be clear, however, that there are problems which have plagued the program since its inception. Some of the problems date back prior to the Water Pollution Control Act Amendments of 1972, but others are a result of burdensome and often unneeded regulations and procedures which have created a bureaucratic quagmire that has bogged down progress. Some changes can be made administratively, and regulatory reform is underway at EPA to make these improvements. Even with better management of the program, other changes need to be made through legislation.

The construction grants program was originally meant as short-term aid to municipalities to help them reach the stringent goals of the Water Pollution Control Act. Because of funding and other program delays, the end of the program is not yet in sight. Changes which have been made since 1972 and changes which are contained in H.R. 4503 will enable States and municipalities eventually to take back their preeminent role in providing wastewater treatment.

H.R. 4503 represents the changes that the Committee on Public Works and Transportation recommends in order to make $2.4 billion available to the program as soon as possible during fiscal year 1982. I am especially pleased that the bill limits the authorization to only $2.4 billion for 1 year as the President has requested.

I must clarify one point which has, in some cases, been confused as a budget or program implication of H.R. 4503. It is not. I am afraid there has been some misunderstanding about the term "Federal exposure". It must be understood from the outset that this is not Federal cost, not Federal authorization, not Federal obligation, not even Federal commitment. It is an estimate, based on figures over which there is a good deal of disagreement, of the national needs for water pollution control works that could be eligible for Federal funding up to 20 years in the future. The figures are based on a needs survey conducted by EPA every 2 years.

States and localities estimate the amount of treatment works that they need now and in the near future. It is not directly related to water quality concerns and is, in fact, primarily an accounting procedure.

Nonetheless, it is important to avoid giving States and municipalities the impression that Federal funding will be available in perpetuity to meet all of these localities' described needs. Therefore, there has been a desire to reduce as much as possible the total exposure, as it has been called. This exposure has been reduced in H.R. 4503 by about half. There are several reasons that it is difficult to reduce the exposure much further, although we will continue to seek equitable ways to do so. The most important one is that States and municipalities need flexibility in determining which types of projects are most needed to meet their particular needs. By giving this kind of flexibility in how funds are used, it is inevitable that the potential exposure is larger. I think this is acceptable, and in fact desirable, so long as it is made clear to all concerned that there should be no false expectations of perpetual Federal appropriations for the program. The fact is that the Congressional Budget Office confirms that the total cost, the only cost, of H.R. 4503 is $2.4 billion, exactly what the President has requested and less than half the annual authorized amount of the past 10 years.

I believe that, on a somewhat lighter side, we may all learn a valuable lesson from the following, which is a most accurate yet amusing "exposure" of this issue. It is by an anonymous, but keenly thoughtful, poet:

ODE TO EXPOSURE

Just when we thought we'd mastered the terms
Of the budgeting process, a mean can of worms,
With budget authority, not to mention outlays,
And reconciliation to plague us these days,
Along comes a new word, a standard, a test,
For a bill to be held to along with the rest.
Exposure, it's called, and if that's imprecise,
It's a way of condemning a new form of vice.
If a program's to run for a number of years,
Exposure's the term to conjure up fears,
Though a measure will fit with the budget resolution,
As does our bill on water pollution.
If we don't pare the program and options foreclose,
Some day down the road we'll indecently expose
The national treasury to ruin, disaster,
To the drain of each dollar, sou, pfennig, piaster.
The scenario's awesome, that much I'll allow,
Though exposure exponents don't tell us just how,
The one-year bill our committee's just writ,
Will in profligate fashion the nation commit
To spend one thin dime more than we oughter,
To finish the job of assuring clean water.
Exposure is not a Federal cost.
You can do it for years, not a cent will be lost.
Not a cent does it authorize or appropriate,
Commit, reserve, expend, obligate.
"Exposure to what," one with reason might query.
The answer: "An estimate, an odds-maker's theory."
EPA asks the states what they need for what use,
And the numbers come in, as a dunce would deduce,
Somewhat inflated, in a single word "high,"
In hopes of a bigger piece of the pie.
In gross terms they're useful, I'll freely grant that,
But they don't make a peg where I'd hang my best hat.
We've tried in our bill the program to pare,
Though not in response to the exposure scare,
But instead recognition, sensible and sound,
That in future there'll be fewer Federal bucks going round.
So in casting your vote, weigh the merits, results,
Leaving games of exposure to consenting adults.

I would like to mention several provisions of H.R. 4503 that I believe are especially important.

In 1977 the formula by which States receive funds was developed after extensive compromise. There has been no substantive objection to the formula by any State, and I believe this formula has shown itself to be equitable and fair. H.R. 4503 maintains the existing formula for the distribution of funds.

The special needs of small communities, many of which cannot afford to maintain and operate conventional, centralized wastewater systems, are addressed by the continuation of the 4 percent set-aside by States with significant rural population. In addition, the innovative and alternative set-aside program is continued and expanded. This program allows new, less expensive, and more energy efficient systems to receive priority consideration.

The bill increases the percentage of funding to assist States which have been delegated responsibility for administering part of the program. As delegation of responsibility to States increases, State management programs will become increasingly important, especially in times of reduced program funding. With a reduced authorization level, the higher percentage is needed to maintain funding near the current level.

A provision of great importance provides project funding flexibility which is needed because of reduced funding levels. Under the provision, for new projects, up to 30 percent of a State's funds can be used for water pollution treatment needs that would be otherwise ineligible for Federal funding. For example, collector sewers and combined sewers would no longer be eligible for funding unless a grant has been previously received. The 30 percent flexibility can be used at the discretion of a Governor of a State to help meet needs such as these which many States have. This flexibility, combined with grandfathering provisions, provides, I believe, an appropriate transition for the program.

H.R. 4503 contains repeal of the industrial cost exclusion (ICE) provision of the Clean Water Act. The House passed this repeal as part of H.R. 2957 in May of this year. It is included again to insure that it is made part of the construction grants reforms. A report on the effects of the industrial cost exclusion was submitted in March 1981 by the Environmental Protection Agency. That report and hearings held this spring by the Water Resources Subcommittee of the Public Works and Transportation Committee provided a litany of terrible effects this provision would have if allowed to go into effect in November of this year.

The objectionable aspects of ICE and its farreaching negative impacts are clear. Up to 1985, some of the potential effects discussed in the report are:

Four hundred and two communities are affected, mostly older cities and small towns;

Food and kindred products is the major industry affected;

The potential non-Federal share increases by 60 percent on the average;

Instead of eliminating inequities, the ICE provision creates new or worsens existing inequities; and

Small communities will likely suffer the greatest ICE-induced financial burdens.

EPA concludes that ICE will delay construction of wastewater treatment facilities from 1 to 3 years to permit replanning and new financing and that any delay beyond 2 years will result in cost increases greater than the amount which might be saved through ICE. Comments received by EPA on ICE from industries, municipalities, and others have been almost totally (approximately 95 percent) against retaining ICE.

The longer we delay, the longer planning and construction of municipal plants will be delayed and the longer industries will delay decisions on treatment. It is clear that ICE will increase the cost of wastewater treatment facilities because of these delays. At least as important, ICE will probably further delay meeting water quality objectives.

During 2 days of hearings earlier this year, witnesses from municipalities, industries, and organizations provided further substantiation of negative effects of the provision. I am particularly concerned by the fact that it is smaller communities which are most severely harmed. These are communities least able to take on this burden.

I would like to provide a couple of examples from Arkansas, where the potential negative impacts are greater than the national average. The EPA report on ICE notes an $89-per-household cost average for taking over the industrial cost burden. In Arkansas the average is $137 per household. In some communities it is much higher. Fayetteville would have a $255-per-household burden. In Clinton the burden would be more than $2,000 per household, and this is in a community which has an unemployment rate higher than both the State and national rate. Clearly, this burden cannot be tolerated.

It must be emphasized that the great preponderance of evidence that we have received indicates that not repealing ICE will cost Federal, State, and local communities more than it would save. Not repealing ICE creates numerous inequities because municipalities and industries already having joint treatment facilities are not affected by ICE. Not repealing ICE will delay attaining water quality goals. Based on EPA's own report and the extensive testimony our subcommittee received, repeal of ICE is, therefore, in the best interest of the clean water program.

The legislation before us makes a significant addition which can help municipalities deal with their long-term wastewater treatment needs. The new provision provides necessary encouragement and assistance to applicants for development of capital financing plans. The construction grants program helps fund the building of sewage treatment facilities. However, the operation, maintenance, and replacement of these facilities have been and remain the responsibility of municipalities. The municipalities need help to forecast long-term capital needs and plan for future financing to meet the needs. Many local revenue systems only repay past obligations and cover current operating costs. Consideration of major system improvements and rehabilitation must be made, and only long-term financial planning can permit economic self-sufficiency for local sewage treatment programs. The provision directs EPA to cooperate and encourage this planning and to provide appropriate technical assistance. It is an excellent and forward-thinking provision.

H.R. 4503 creates a new set-aside which will improve water quality management planning capability in each State. One percent of each State's allotment, or $100,000, whichever is greater, will be used by each State to identify, plan, and help implement comprehensive facility and nonpoint source programs. The State would have basic control over the funding and will carry out water quality management planning through entities in the States as much as possible.

It is my understanding that EPA would be expected to provide support and assistance in the program, but would not be able to either withhold funds or dictate procedures. The funding is not discretionary with EPA, but is required to be set aside for water quality management planning. The funds set aside would remain available until expended.

States will develop a plan for the program in cooperation with local, regional and interstate entities and will give funding priority to local and regional comprehensive planning organizations. These organizations, nearest to the planning needs, are often most capable of effectively using these funds. In some States, effective programs exist at the State level that deserve consideration.

There are many water quality problems that cannot be solved by expanded wastewater treatment facilities alone. Coordination and areawide review of new facilities is needed, and nonpoint sources and groundwater problems must be addressed. H.R. 4503 provides support for water quality management planning which is needed to coordinate pollution control efforts and deal with water pollution problems beyond sewage treatment.

Section 15 of H.R. 4503 states a policy that projects should, in the estimation of the State, achieve optimum water quality management consistent with the public health and water quality goals and requirements of the act. This is, of course, most desirable.

It must be stressed that, as was agreed when this amendment was accepted, and as it clearly states, the States are the sole determiner of all aspects of the provision. In no way does this direct new priority list requirements on the State. In addition, EPA shall not use this provision to dictate to the States any requirements. The provision is directed to the States alone, and no regulations, rules, or directives are to be developed or implemented regarding the provision by EPA. The States will use the provision to meet their own public health and water quality needs as they see them.

A very important provision of H.R. 4503 has the potential for very great savings. In 1977, modifications of secondary treatment requirements were allowed in the case of certain coastal communities discharging treated wastewater through ocean outfalls into marine waters. Very stringent environmental safeguards had to be complied with before such modifications could be granted. The provision applied for a very short period of time. Based on hearings by the Committee on Public Works and Transportation, H.R. 4503 removes the limitations while maintaining the environmental safeguards to insure protection of marine ecosystems and public health. GAO in a report on this subject dated May 22, 1981, estimates that up to $10 billion could be saved through expanded use of ocean discharge. EPA itself, in the last week, has estimated up to $6.3 billion in savings from the provision in H.R. 4503.

It is clearly an important program and one which, with the environmental safeguards, will help meet the goals of the Water Pollution Control Act in an an economically rational way.

I again want to commend my colleagues on the Public Works Committee for the excellent job that has been done in developing H.R. 4503. I truly believe this legislation is vital to the districts of each and every Member of Congress and that each of us can and should vote for its passage.

Mr. Chairman, I yield such time as he may consume to the distinguished ranking minority member of the full Committee on Public Works and Transportation, the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, I rise in strong support of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981. This legislation reauthorizes and reforms one of the Nation's most important environmental programs, a program designed to protect and enhance the quality of the water on which so much of our collec-

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tive well-being depends. The bill is the product of a cooperative and in-depth effort on the part of virtually all of the Public Works Committee's members. It was thus no accident that H.R. 4503 was favorably reported by voice vote of the full committee with no voices raised in opposition.

The chairman of our Public Works Committee, the gentleman from New Jersey (Mr. HOWARD), is to be complimented on the encouragement and leadership that he has once again shown with respect to important legislation like H.R. 4503. Special recognition is warranted for the chairman of our Subcommittee on Water Resources, the gentleman from New Jersey (Mr. ROE), and his ranking Republican counterpart, the gentleman from Arkansas (Mr. HAMMERSCHMIDT). These two very conscientious and capable legislators have spent innumerable hours researching the issues, questioning witnesses, studying options, and crafting the specific provisions that make up H.R. 4503. They have done a remarkably creditable job.

And recognition should also be given to the chairman of our Investigations and Oversight Subcommittee, the gentleman from Georgia (Mr. LEVITAS), and his ranking Republican counterpart, my colleague from California (Mr. GOLDWATER), for the thorough and most productive oversight hearings that they recently completed on EPA's construction grants program.

Mr. Chairman, H.R. 4503 represents a major step forward in our efforts to fashion a reformed, more efficient, more cost-effective construction grants program. Before I discuss some of the specifics of the committee's bill, I would like to make a couple of general statements about why I believe the committee has taken some of the positions in H.R. 4503 that it has.

First, the administration sent up its construction grants program reform proposals in mid-April. It became apparent that many of the administration proposals were in need of refinement from the standpoint of achieving the program streamlining and reduction in Federal program involvement that were described as the proposals' goals. As the many days of hearings progressed and countless witnesses from all over the Nation testified on the legislation, it become apparent that, while there was general support for moving the program in the direction sought by the administration, there was also a strong consensus among the committee members, that many of the administration's proposals required a measure of modification before being enacted into law. Therefore, the committee worked to adopt the thrust of the administration's proposals while at the same time providing for an adequate level of transition and flexibility for the States and municipalities that are being expected to assume the additional program funding requirements.

The administration's initiative establishing zero fundings for the fiscal year 1982 construction grants program, until enactment of reform legislation, has greatly focused congressional attention on the need to bring our construction grants program more in line with current budget reality and the need to increase State and local roles in the implementation of this program.

The second general point I would like to make is that the committee approached its assignment to fashion construction grants program reforms in a spirit of bipartisanship and cooperation, seeking to develop meaningful program reforms that will strike the necessary balance between important economic and environmental goals. There is no doubt in my mind that we have made major progress in our efforts to achieve that objective.

Permit me now to comment on some of the specifics of H.R. 4503 and to relate those to the administration's proposals in each area.

The committee bill has the effect of substantially reducing the authorization level for fiscal year 1982 for the construction grants program. The administration requested that the $5 billion fiscal year 1982 authorization level for this program, first, be eliminated—which occurred in connection with the reconciliation process—and subsequently increased to $2.4 billion upon enactment of reform legislation. The committee bill authorizes for fiscal year 1982 the exact amount requested by the administration, $2.4 billion. The Senate counterpart bill, by comparison, authorizes $2.4 billion for fiscal year 1982 but $2.6 billion a year for each of fiscal years 1983 through 1985.

The administration asked for a 1-year construction grants program bill in order to be in a position next year to examine the entire Clean Water Act. The committee has responded to that request by authorizing continuation of this program at this time for only 1 year.

The administration proposed total elimination of Federal grant assistance for construction of reserve capacity beyond 1980 population levels. Currently, approximately 20 years reserve capacity is grant fundable for treatment plants and as much as 40 years of reserve capacity can be funded for interceptors. The committee bill strikes a compromise in this area. For projects which are currently in the pipeline and have received either a step II design or step II construction grant, current rules on reserve capacity will continue to apply. For other projects, only 10 years of reserve capacity will be eligible for Federal grant assistance under the construction grants program.

In a similar but different area, the administration proposed total elimination of grant eligibility for a number of currently eligible treatment works categories. These include infiltration/inflow correction, major sewer rehabilitation, collector sewer installation, and correction of combined sewer overflow problems. The committee bill takes a major step toward moving the program in the direction desired by the administration while still providing a level of flexibility and transition believed to be both appropriate and necessary. The committee compromise would permit projects currently receiving construction grants program assistance to continue to operate under current rules for eligible categories. For other projects, the committee accepts the administration's proposal to focus funding on treatment plant and interceptor construction. However, H.R. 4503 permits up to 30 percent of a State's allotment for any given year to be used to construct any category of currently eligible cost-effective treatment works. Under this provision, a State's Governor would retain a necessary measure of discretion to address all types of legitimate water quality problems.

The administration proposed that the act's innovative and alternative set-aside provision be made discretionary rather than mandatory as is currently required. Again, the committee attempted to strike a middle ground designed to continue the necessary emphasis on perfecting innovative and alternative technologies while at the same time providing for an increased level of State discretion. H.R. 4503 permits the Governor of a State to choose what level between 3 and 5 percent is desired to be set aside to encourage and fund innovative and alternative technologies.

With respect to project prioritization, the administration proposal would have put the Federal Government in the position of telling the States what their water quality problems are and how to address them. The committee instead opted to leave unchanged the current provision of the Clean Water Act which states that—

> Notwithstanding any other provision of this act, the determination of the priority to be given to each category for construction of publicly owned treatment works within each State shall be made solely by that State.

Another provision in the committee bill, an amendment adopted during the subcommittee markup, offers great promise of increasing construction grants program cost effectiveness. It provides that water efficiency measures and devices, that is, conservation devices, are to be considered along with other alternatives in determining what overall wastewater treatment

system is most cost effective. This provision is designed to encourage examination and optimum use of devices and technologies, like water-saving shower heads and toilets, which use up to 90 percent less water—in some cases—than conventional models. In this way we can better avoid building—and, therefore, paying for—wastewater treatment plants that are larger than they need be.

There are numerous other instances in this legislation in which the committee has attempted to recognize the legitimate concerns that have been raised by the administration with respect to reforming the construction grants program. I am hopeful and even confident that our efforts will be successful in making this important water quality program more cost effective and efficient and that we will be in a position shortly to present legislation to the President of which we will all be proud.

Before closing, allow me to leave you with two thoughts. First, as H.R. 4503 and its counterpart legislation in the Senate have proceeded to move down the legislative track, the two bills have become more similar, not less so. Amendments were offered by the Environment and Public Works Committee, a few by Senator PETE DOMENICI, chairman of the Senate Budget Committee, to perfect some of the administration's proposals dealing with reserve capacity and collector sewer eligibility. In the Public Works and Transportation Committee, amendments were similarly offered and adopted reducing the differences in the two bills. I am confident that this trend will continue as we move into and out of conference on this year's contruction grants program reform legislation.

Second, it must be remembered that, in addition to enactment of reform legislation, there is also the need to have the construction grants program appropriated for fiscal year 1982 and also to have room in the final budget resolution to accommodate the appropriation. The latter two steps await completion of our reform legislation and so it is extremely important that we expedite this effort as much as possible.

Mr. Chairman, H.R. 4503 is a good bill. It reforms the construction grants program while at the same time providing for the necessary transition and flexibility for purposes of phasing in these reforms. I am pleased to be able to urge all of our colleagues here today to join in passing this major environmental legislation.

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor today H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981.

This bill is the result of very extensive hearings and deliberation by our Subcommittee on the Construction Grants Program of the Environmental Protection Agency. It is truly a bipartisan effort and I wish to commend the ranking minority member of the subcommittee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) for his usual fine support. I also wish to express my deep appreciation to the gentleman from New Jersey, the chairman of the full committee (Mr. HOWARD) for his excellent leadership and the ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN) for his excellent contributions and support.

Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972 is one of the most important pieces of environmental legislation ever passed by the Congress. It provided for an intensive effort to reduce and ultimately eliminate the discharge of pollutants into our Nation's waters. To accomplish this, it set increasingly stringent standards for discharges of industrial and municipal wastes. For municipal wastes, it required secondary treatment by 1977 and the application of best practicable waste water treatment technology by 1983. The 1977 date for secondary treatment was later extended to 1983 for those communities which were unable to meet the date because of a lack of Federal funding. In connection with these new requirements for secondary and best practicable treatment, the act provided a 75-percent Federal grant share for construction of publicly owned treatment works. The grants were to be available for such categories as secondary treatment, more stringent treatment, infiltration/inflow correction, major sewer system rehabilitation, new collector sewers and appurtenances, and correction of combined sewer overflows.

Since 1972, significant progress has been made in the removal of pollutants from municipal discharges. In the next few years even more improvements will be seen since the majority of the construction grants funds to date have gone to projects which are still under design and construction. The continuation of our efforts to control the pollution of our waters is vital not only to the health and well-being of our citizens, but to our Nation's economy as well.

Earlier this year, the administration proposed drastic changes in the construction grants program. This was coupled with an announcement that fiscal year 1982 funding would not be supported unless the Congress passed legislation making changes in the program. Also, as part of this process, the Reconciliation Act reduced the fiscal year 1982 funding to zero with the provision that $2.4 billion would be authorized in the event that legislative changes are enacted into law.

The administration's bill would modify the program in three basic respects. First, it would limit Federal grant assistance to secondary and more advanced treatment and new interceptor sewers. Second, it would eliminate grant assistance for the inclusion of reserve capacity in a treatment system while leaving unchanged the requirement in the law for inclusion of such capacity. Finally, States would be directed to give the highest priority to projects in urban-industrial areas.

Mr. Chairman, we have prepared a chart which shows the reductions in the amount of Federal participation, expressed as a percentage of each State's total needs as shown in the 1980 EPA needs survey, under the administration's proposal. I ask unanimous consent that this table be inserted into the RECORD at this point in my remarks.

ADMINISTRATION PROPOSAL—EPA CONSTRUCTION GRANTS PROGRAM STATE NEEDS AND REAL FEDERAL SHARES

[Dollars in millions]

	1	2	3	4	5	6	7	8
	Total I–V	Total I, II, IV(B)	Total I, II, IV(B) backlog	Federal share I–V	Federal share I, II, IV(B)	Federal share I, II, IV(B) backlog	Col. 5 as percent of col. 1	Col. 6 as percent of col. 1
Alabama	$903	$533	$238	$677	$400	$178	44.3	19.7
Alaska	507	424	248	380	318	186	62.7	36.7
Arizona	606	477	151	454	356	113	58.7	18.6
Arkansas	496	339	146	372	154	110	51.2	22.2
California	6,773	4,742	2,300	5,080	3,556	1,725	52.5	25.5
Colorado	1,006	785	93	754	589	70	58.5	7.0
Connecticut	1,734	569	480	1,300	427	360	24.6	20.8
Delaware	499	227	75	374	170	56	34.1	11.2
District of Columbia	442	8	8	331	6	6	1.4	1.4
Florida	4,907	3,500	1,057	3,680	2,625	793	53.5	16.2
Georgia	1,679	1,010	354	1,259	758	266	45.1	15.8

ADMINISTRATION PROPOSAL—EPA CONSTRUCTION GRANTS PROGRAM STATE NEEDS AND REAL FEDERAL SHARES—Continued

[Dollars in millions]

	1	2	3	4	5	6	7	8
	Total I–V	Total I, II, IV(B)	Total I, II, IV(B) backlog	Federal share I–V	Federal share I, II, IV(B)	Federal share I, II, IV(B) backlog	Col. 5 as percent of col. 1	Col. 6 as percent of col. 1
Hawaii	818	557	272	614	418	204	51.1	24.9
Idaho	509	302	132	382	226	99	44.4	19.4
Illinois	4,529	1,926	1,378	3,397	1,444	1,034	31.9	22.8
Indiana	4,027	736	440	3,020	552	330	13.7	8.2
Iowa	1,259	753	506	944	565	380	44.9	30.2
Kansas	1,134	649	332	850	487	249	42.9	22.0
Kentucky	2,459	1,029	393	1,844	772	295	31.4	12.0
Louisiana	1,148	771	297	861	577	223	50.3	19.4
Maine	1,524	345	279	1,143	259	209	17.0	13.7
Maryland	3,031	1,093	658	2,273	820	494	27.1	16.3
Massachusetts	4,719	1,664	1,368	3,539	1,248	1,026	26.4	21.7
Michigan	4,953	2,223	1,601	3,715	1,667	1,201	33.7	24.2
Minnesota	1,563	1,013	650	1,172	760	488	48.6	31.2
Mississippi	844	629	302	633	472	226	55.9	26.8
Missouri	2,752	1,638	1,089	2,064	1,229	817	44.7	29.7
Montana	252	96	32	189	72	24	28.6	9.5
Nebraska	362	255	138	272	191	104	52.8	28.7
Nevada	242	197	76	182	148	57	61.2	23.6
New Hampshire	1,295	582	399	971	437	299	33.7	23.1
New Jersey	6,466	2,796	1,641	4,850	2,097	1,231	32.4	19.0
New Mexico	194	157	62	146	118	46	60.8	23.7
New York	18,331	5,076	4,145	13,748	3,807	3,109	20.8	17.0
North Carolina	1,740	1,235	589	1,305	926	442	53.2	25.4
North Dakota	86	52	13	64	39	10	45.3	11.6
Ohio	6,373	2,387	1,249	4,780	1,790	937	28.1	14.7
Oklahoma	624	421	138	468	316	104	50.6	16.7
Oregon	1,252	613	195	939	460	146	36.7	11.7
Pennsylvania	7,785	2,074	1,288	5,839	1,556	966	20.0	12.4
Rhode Island	979	301	284	734	226	213	23.1	21.8
South Carolina	871	560	179	653	420	315	48.2	36.2
South Dakota	252	176	71	189	132	53	52.4	21.0
Tennessee	1,854	1,087	490	1,391	815	368	44.0	19.8
Texas	4,392	3,426	708	3,699	2,570	531	58.6	12.1
Utah	400	309	198	300	232	174	58.0	44.0
Vermont	445	149	123	334	112	92	25.2	20.7
Virginia	1,969	1,163	764	1,477	872	573	44.3	29.1
Washington	3,125	1,607	614	2,344	1,205	460	38.6	19.7
West Virginia	1,866	546	450	1,399	410	338	22.0	18.1
Wisconsin	2,271	1,511	1,225	1,703	1,133	919	49.9	40.5
Wyoming	150	128	35	113	96	26	64.0	17.3
American Samoa	58	48	40	44	36	30	62.1	51.7
Guam	24	24	19	18	18	14	75.0	58.3
Marianas	62	42	24	47	32	18	51.6	29.0
Puerto Rico	1,185	750	495	889	562	371	47.4	31.3
Pacific Trust Territories	109	74	41	82	56	31	51.4	28.4
Virgin Islands	47	32	23	35	24	17	51.1	36.2
Total	119,898	55,813	30,593	89,924	41,860	22,945	34.9	19.1

Note.—I—secondary treatment, II—more advanced treatment, III—infiltration/inflow correction, replacement and rehabilitation, IVA—collector sewers, IVB—interceptor sewers, and V—combined sewer overflow correction.

Roman numerals in the table represent the various categories of treatment works presently eligible for grant assistance. Category I is secondary treatment; category II is advanced treatment; category III is infiltration/inflow correction and sewer replacement and rehabilitation; category IV(A) is new collector sewers; category IV(B) is new interceptor sewers; and category V is correction of combined sewer overflow problems. Column 1 indicates each State's total needs. Column 2 indicates the total needs for the categories which would be eligible for grant assistance under the administration bill. Column 3 indicates the backlog included in the figures in column 2. Backlog represents the needs for 1980 population levels, without reserve capacity. Column 4 shows the 75-percent Federal share for all categories under existing law. Column 5 shows the 75-percent Federal share for categories I, II and IV(B), including reserve capacity. Column 6 shows the Federal share of the backlog associated with categories I, II and IV(B)—excluding reserve capacity. Column 7 shows what the Federal share would be if only categories I, II and IV(B) were eligible for assistance, including reserve capacity. Finally, column 8, which is the most important column, shows what the actual Federal grant percentage of the State's needs would be under the administration proposal with only categories I, II and IV(B) eligible for assistance and with reserve capacity not eligible for assistance. This table demonstrates vividly the amount of the cost of this program which would be transferred to State and local governments.

Enactment of such a proposal would cause untold hardship in communities throughout the country. The reason for this is that EPA does not award a single grant for an entire project, rather grants are awarded for segments of projects. In addition, separate grants are given for step 1, planning; step 2, design; and step 3, construction. It is not at all unusual for a project to have a step 3 grant for construction of a particular element, such as an outlet works, and also have a step 2 grant for design of other parts of the system. A change in grant eligibilities without an appropriate transition period would place communities in a position of having immediately to raise additional revenues to make up for a cutback in Federal assistance in order to complete unfinished projects.

Our committee is not prepared to accept such a situation. We feel it is imperative that a reduction in Federal assistance be fashioned in such a manner as to avoid total disruption in the construction of vitally needed treatment works. For this reason, our bill grandfathers projects which are presently receiving assistance under the Federal Water Pollution Control Act. For new projects our bill limits the eligible reserve capacity to 10 years, as opposed to the minimum of 20 years now generally accepted. It also reduces grant assistance for categories other than treatment plants and interceptor sewers for new projects. It does, however, continue grant eligibility for correction of infiltration/inflow problems where this is shown to be the most cost-effective approach and allows a Governor, at his discretion, to use up to 30 percent of a State's total allotment on other categories of treatment works. This provides necessary flexibility to the States in meeting their particular sewer treatment problems.

Following is a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the act may be cited as the "Federal Water Pollution Control Act Amendments of 1981".

Section 2 amends Section 201(g)(5) of the Federal Water Pollution Control Act. This section provides that the Administrator of EPA, shall not make any grants for the construction of treatment works unless the grant applicant has demonstrated that innovative and alternative waste water treatment processes and techniques have been fully studied and evaluated by the applicant. The techniques which must be studied and evaluated include the reclaiming and reuse of water, recycling technologies, land treatment and the confined disposal of pollutants so that pollutants will not migrate to cause water or other environmental pollution.

Section 2 adds the requirement that grant applicants also study and evaluate the net cost of potable water and sewer service to the consumer which would result from innovative and alternative technologies which would provide potable drinking water as part of the wastewater treatment process.

Section 3 repeals Section 201(k) of the Federal Water Pollution Control Act. Section 201(k) is the Industrial Cost Exclusion provison which eliminates federal grant assistance for treatment plant capacity to treat the flow of any industrial user in excess of a flow per day equivalent to 50,000 gallons per day of sanitary waste. Repeal of Section 201(k) was included in H.R. 2957 which passed the House on May 28, 1981.

Section 4 directs the Administrator to encourage and assist applicants for grant assistance to develop and file with the Administrator capital financing plans which, at a minimum, will project the applicant's requirements for waste treatment for 10 years; project the nature, extent, timing and costs of necessary expansion and reconstruction of treatment works within the applicant's jurisdiction; and set forth the manner in which the applicant intends to finance such expansion and reconstruction.

Section 5 in subsection (a) provides that the Fiscal Year 1982 grant funds shall be allotted by the Administrator not later than the tenth day after the date of enactment of this act.

Subsection (b) extends the existing formula for allotment of construction grant funds among the States through Fiscal Year 1982.

Subsection (c) extends through fiscal year 1982 the provision that no State shall receive less than one-half of one percentum of the total allotment.

Section 6 provides that for fiscal year 1982 not to exceed 4 percent of the total amount authorized for construction grants ($2.4 billion) is authorized to be reserved for making grants to States for the costs of administering provisions of the Act relating to the grants program which have been delegated to the States. Existing law provided for a reservation of 2 percent of the total authorization ($5 billion) which came out to $100 million a year for administration. The percentage for Fiscal Year 1982 is changed to 4 percent to reflect the reduced funding level of $2.4 billion for that year and to assure that close to $100 million per year will still be available in order to allow continued management of the program by participating States at a stable level.

Section 7 extends the set-aside for increasing the federal grant share from 75 to 85 percent for innovative and alternative technology through fiscal year 1982. It also amends the existing 3 percent mandatory set-aside to provide that the set-aside shall be not less than 3 percent nor more than 5 percent. The amount of the increase between 3 and 5 percent will be at the determination of the Governor of the State.

Subsection (b) of Section 7 extends the authority for the increased federal share for innovative and alternative technology through fiscal year 1982. It also amends the innovative and alternative technology provision to provide that any component of a treatment project is eligible for the increased share if that component is innovative. The law presently requires that a significant portion of the treatment works utilize innovative and alternative technology. The purpose of the amendment is to encourage development of innovative and alternative components.

Subsection (c) of Section 7 removes the existing prohibition in the law against providing the higher federal grant share for innovative and alternative technology relating to collector and interceptor sewers, major sewer rehabilitation, and combined storm and sanitary sewers. This prohibition discourages the development of innovative and alternative technology in these areas and is, therefore, considered inappropriate.

Section 8 modifies the requirement that two brand names or equal be listed in a proprietary specification for bids by providing that when it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used.

Section 9 directs the Administrator to reserve, each fiscal year, not to exceed 1 percent of the amount authorized for construction grants, or $100,000, whichever amount is greater. These reserved sums are to be used by the Administrator to make grants to the States to carry out water quality management planning. This planning is to include, but not be limited to, the identification of cost effective and locally acceptable facility and nonpoint measures to meet and maintain water quality standards; the development of an implementation plan to obtain State and local financial commitments to implement these measures; and a determination of the nature, extent and causes of water quality problems in various areas of the State.

Section 10 directs the Administrator to allot to the State of New York from fiscal year 1982 funds an amount necessary to pay the cost of conveying sewage from the Convention Center of the City of New York to the Newtown Sewage Treatment Plant in Brooklyn. This provision was included in H.R. 2957 which passed the House May 28, 1981.

Section 11 provides an authorization of $2.4 billion for the construction grants program for Fiscal Year 1982.

Section 12 provides that field testing of innovative and alternative waste water treatment processes and techniques shall be eligible for grant assistance under the Act in order to encourage the development of such processes and techniques and to better insure that they will perform as planned.

Section 13 expresses the policy of Congress that a project for waste treatment and management undertaken with financial assistance under the Federal Water Pollution Control Act shall be considered as an overall waste treatment system for waste treatment and management and shall be that system which constitutes the most economical and cost effective combination of treatment works to meet the requirements of the Act. It also provides that water efficiency measures and devices (conservation measures) are to be considered along with all other alternatives in determining what overall system is most cost effective.

It provides that the Administrator, before approving any Step 3 construction grant for treatment works, must determine that the overall project of which the treatment works are a part is the most cost effective combination of treatment works to meet the requirements of the Act. This section applies to new projects which have not yet received any Federal assistance and to projects which are in the Step 1 planning phase. It does not apply in cases where a Step 2 engineering design or a Step 3 construction grant has been approved.

Section 14 is designed to expedite the consideration of grant applications and to eliminate duplication of effort by EPA and the States. It provides that where a State has been delegated sufficient authority to administer the construction grants program under Title II, the Governor may certify to the Administrator that a grant application meets applicable requirement of State and Federal law. In such a case the Administrator must approve or disapprove the grant application within 30 days. If it is disapproved, the reasons for disapproval must be set forth in writing. If no action at all is taken within 30 days, the grant application is deemed to be approved. This provision should also have the effect of encouraging States to seek increased delegation of administration of Title II of the Act in order to be eligible for the expedited grant approval process.

Section 15 states that it is the policy of Congress that projects for waste water treatment and management undertaken with Federal financial assistance under the Water Pollution Control Act shall be projects which, in the estimation of the State, are designed to achieve optimum water quality management consistent with the public health and water quality goals and requirements of the Act.

Section 16 amends Section 301(h) of the Federal Water Pollution Control Act which relates to ocean discharges of municipal wastes. Presently Section 301(h) allows the Administrator, with the concurrence of the State, to issue a discharge permit under Section 402 of the Act which allows the discharge into ocean waters of effluent which has received less than secondary treatment. A number of limitations are included in this section which have decreased its effectiveness. It is applicable only to ocean outfalls existing at the time the 1977 amendments were adopted and for which a permit was applied for within 270 days after the date of enactment of the 1977 amendments.

This section of the bill removes the limitation that the outfall must have existed as of the date of enactment of the 1977 amendments. It also, in connection with this, removes the requirement that application for a permit be made within 270 days after the enactment of the 1977 Act.

In addition, Section 16 removes as redundant a requirement in Section 301(h)(8) that grant funds be used consistent with requirements in Title II by a community receiving a variance. Finally, the bill restates the original Congressional intent that communities which have achieved secondary treatment are eligible to apply for and receive the variance.

Section 17 deals with reserve capacity. Under existing law, adequate reserve capacity, generally 20 years, is required to be included in publicly owned treatment works

and this reserve capacity is eligible for grant assistance. The Administration has recommended the elimination of grant assistance for reserve capacity. Its proposal would limit Federal assistance to treatment capacity required to meet 1980 population levels.

This section would retain existing grant assistance for reserve capacity in those projects which are presently receiving Step 2 design or Step 3 construction grant assistance. For projects which have not yet received any grant assistance, or are in Step 1 planning, it would limit such assistance to a reserve capacity representing 10 years of projected growth. The 10 years would be measured from the date of the first application for grant assistance.

Section 18 deals with categories of treatment works which are eligible for grant assistance. Present law provides assistance for treatment plants, interceptor and collector sewers, correction of inflow/infiltration problems, rehabilitation of sewers, and correction of combined sewer overflow problems. The Administration's proposal would limit grant assistance to treatment plants and interceptor sewers.

This section retains federal grant assistance for presently eligible categories for all projects currently receiving assistance under the Act. For new projects which have not yet received any Federal assistance, up to 30 percent of a State's yearly allotment under the Act, as determined by the Governor, could be used for categories such as correction of combined sewer overflow problems, and sewer rehabilitation. For all projects, correction of infiltration/inflow problems would remain grant eligible. This would provide increased discretion to the States in deciding how their money should be spent to meet their particular problems.

Section 19 states that it is the sense of Congress that judicial notice be taken of the amendments to the Federal Water Pollution Control Act and the other provisions contained in H.R. 4503, and that the parties to Federal consent decrees establishing a schedule for construction of publicly owned treatment works are encouraged to reexamine the provisions of such consent decrees and, where required by equity, to make appropriate adjustments in such provisions. This is designed to encourage consideration of the impact of reduced funding levels on the scheduled completion dates of projects under a consent decree.

Section 20 directs the Administrator of EPA to submit to Congress not later than June 30, 1982, a new report of the costs of meeting the requirements of the Federal Water Pollution Control Act for discharges of municipal waste as amended by our bill. This is the so-called "needs" survey which EPA is required to submit to Congress every two years. This section will provide Congress with a revised estimate of needs reflecting the changes in the program made by the bill. In preparing this report, the Administrator is to give emphasis to the provisions of Section 8 of the bill in addressing water quality needs adequately and appropriately.

Section 21 provides that the project for publicly owned treatment works for Bath Township, Michigan, shall be eligible for payments from sums allotted to the State of Michigan in an amount equal to the amount such works would be eligible for under the Act if the project had been constructed with Federal grant assistance. Bath Township was compelled to proceed with this project by court order with its own funds at a time when Federal funds were being impounded. Had it not been for these most unusual circumstances, the project would have been constructed with the usual 75-percent Federal share. This section is designed to correct this inequity.

Mr. Chairman, this bill is a 1-year bill so that we may examine the program in greater detail next year. It appropriates $2.4 billion for fiscal year 1982, an amount consistent with the Reconciliation Act and the administration's position. It recognizes the need to reduce Federal involvement in the program while maintaining stability and avoiding unnecessary disruption. It is a sound bill and a responsible one. I urge passage of the bill.

□ 1330

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. CLINGER), a member of the committee.

Mr. CLINGER. I rise in support of H.R. 4503, and I would like to also extend my congratulations to my chairman, the gentleman from New Jersey (Mr. ROE), the ranking minority member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), as well as the chairman of the full committee, the gentleman from New Jersey (Mr. HOWARD), and the ranking minority member, the gentleman from California (Mr. CLAUSEN), for what I think is a well-crafted and outstandingly good bill, which is going to continue the commitment of this country to cleaning up the Nation's waters.

Mr. Chairman, the Federal Water Pollution Control Act Amendments of 1981, H.R. 4503, restructures the program to aid the construction of sewage treatment projects.

Under current law, five categories of projects are eligible for construction grants providing a 75-percent Federal share. The legislation we are now considering continues this commitment for projects now in the planning, design, and construction stages.

In the future, however, under the administrative proposal several categories involving new projects would not be eligibile for the Federal share. In particular, projects involving collector systems would be constructed without benefit of construction grants program aid.

Mr. Chairman, in our deliberations on this bill in both the Subcommittee on Water Resources and the Committee on Public Works and Transportation, we discussed thoroughly the demands for sewage treatment facilities in the future. The point was made that rural areas rely heavily on collector systems, and that the construction grants to modernize these systems are just now showing results.

Under H.R. 4503, the mandatory 4-percent set-aside for States with significant rural populations will be continued to allow small and rural communities to develop less costly alternatives to conventional treatment works. In addition, the existing 3-percent set-aside that States must spend on innovative and alternative technologies could be increased up to 5 percent by the Governor of a State.

Nevertheless, I think attention must be drawn to the special needs of rural areas. We have heard a great deal about the intention to direct the reduced Federal aid toward urban areas. Indeed, those categories that remain eligibile for the 75-percent Federal share suggest that this trend is in the making.

Mr. Chairman, in this regard, it must be made clear that economic development ranks high on the agenda of rural areas. But according to a recent National Governors Association publication entitled "America in Ruins," a survey of 6,870 communities reveals that nearly half of the wastewater treatment plants are operating at 80-percent capacity or higher. As a rule of thumb, writes author Pat Choate:

> When a community wastewater treatment system is operating at 80-percent capacity, that community will not be able to add additional industrial load. This is particularly true for smaller communities where the 20 percent of excess capacity will, in quantitative terms, represent limited treatment abilities.

The point is this: If we are to rely on economic development to bolster growth and create jobs, underlying ability to expand must be provided. An adequate sewage treatment facility is integral to any such expansion.

H.R. 4503 would continue eligibility for a 75-percent share to construct collector systems, through its provision allowing up to 30 percent of a State's allotment to be used for any currently eligible categories. A high priority should be given to allocating the State allotment toward meeting rural needs.

The need for adequate sewage treatment facilities in rural areas is critical; an evenhanded approach in apportioning discretionary funds under the construction grant program is necessary to balance the trend of favoring urban areas.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I rise in strong support of this legislation, and I want to pay special tribute to the chairman of the subcommittee and the ranking minority member, who have done so much and brought so much knowledge and information to bear on this very vital subject of providing the necessary funds and improvements in a program which lies at the heart of maintaining our quality of life and the environmental protection which the people of his country need. I would also like to commend the leadership of the chairman of the full committee, the gentleman from New Jersey (Mr. HOWARD), and the

ranking minority member, the gentleman from California (Mr. CLAUSEN), who have demonstrated their commitment to the importance of this program.

Mr. Chairman, there are few things which we Americans take more for granted than the opportunity to drink clean water and the belief that our streams and rivers and lakes should be free from pollution, because it is fundamental to our quality of life. And yet we do take it for granted. But the American people know that it does not come automatically. It takes programs such as the one we are considering today to make it possible.

I think the committee, by formulating a 1-year bill, has made a move in the right direction. Most of the work that has been done in the past has been successful. Nevertheless, as our oversight investigations have shown, there is room for improvements, and those improvements and changes can be made. And when we come back next year to deal with this program, this committee will bring out a bill that will provide the long-term, long-range, predictable funding that is necessary. But in the meantime, we cannot bring a halt to those plants which are under construction and need to go forward to clean up our rivers and our streams and our lakes in order to enhance the environmental quality of this Nation.

Therefore, Mr. Chairman, we have got to recognize that, simply eliminating funding, or even dramatically reducing funding, does not make the pollution disappear. We certainly do not want to see additional property taxes and rates skyrocket, yet we might if we do not pass this legislation. This legislation is important for the people of America. It is not this committee's bill; it is not Mr. ROE's bill; it is not Mr. HAMMERSCHMIDT's bill. It is the bill that will provide the necessities of life for the people of America. No administration, whether it is this one or any former or future administration, can hold hostage legislation which is devoted to cleaning up the waters of this Nation.

Therefore, Mr. Chairman, I hope that the Members of this House will give not just support but overwhelming and resounding endorsement of this important piece of legislation and the excellently crafted bill which has been reported to the House.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California, Hon. GLENN ANDERSON.

Mr. ANDERSON. Mr. Chairman, I rise to join with my colleagues in expressing my strong support for this significant piece of legislation, H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981.

As you know, this important measure would authorize $2.4 billion for fiscal year 1982 for the Federal wastewater treatment plant construction program. I commend our Water Resources Subcommittee chairman, Hon. ROBERT A. ROE, and our ranking minority member of the subcommittee, Hon. JOHN PAUL HAMMERSCHMIDT, for their tireless efforts in producing such a fine bill. And, of course, commendations are in order for our full committee chairman, Hon. JIM HOWARD, and the ranking member of the full committee, Hon. DON CLAUSEN, for their many contributions to this legislation.

Of particular interest to me is language contained in sections 2 and 16 of the bill.

Section 2 amends section 201(g)(5) of the Federal Water Pollution Control Act. As stated in the committee report for H.R. 4503, section 201(g)(5) provides that—

The Administrator of EPA shall not make any grants for the construction of treatment works unless the grant applicant has demonstrated that innovative and alternative wastewater treatment processes and techniques have been fully studied and evaluated by the applicant. The techniques which must be studied and evaluated include the reclaiming and reuse of water, recycling technologies, land treatment and the confined disposal of pollutants so that pollutants will not mitigate to cause water or other environmental pollution. In studying and evaluating these technologies, the applicant is to take into account and provide for, to the extent practical, the more efficient use of energy and resources. Section 2 modifies this provision to require the applicant to study and evaluate these various innovative and alternative technologies taking into account and providing for, to the extent practical, the most efficient use of energy and resources which will result in the lowest net cost of water and sewer service to the consumer.

Mr. Chairman, this consumer-oriented language was submitted by the city of San Diego because of its need to import nearly 100 percent of its water. The cost, and as importantly, the diminishing supply of ground and river water in California, has led San Diego to plan for a wastewater-to-potable water recycle system. The city's research shows that traditional secondary treatment is less expensive than other more advanced techniques of effluent treatment. And, that the vascular plant, reverse osmosis technology that San Diego proposes for its recycle system will be more expensive. Yet, the product of the recycle system will be not only treated sewage, but also potable water. And this water will be much less expensive to the consumer than that currently imported. The point is that while the sewage treatment side of San Diego's recycle system will be more costly than conventional secondary treatment, the potable water side will be much cheaper, and the net result will be very economical for the consumer. This section of the bill requires that applicants from communities which rely on costly imported water conduct studies and evaluate wastewater treatment systems which not only are energy and resource efficient but will also give the consumer a financial break.

Section 16 clarifies original congressional intent that eligible applicants for ocean discharge waivers include communities which have achieved secondary treatment capability. Briefly, the Clean Water Act of 1977 allows the Environmental Protection Agency—EPA—to grant waivers to publicly owned wastewater treatment facilities so that they can discharge primary treated municipal waste into the marine environment when it can be shown that costly secondary treatment is not necessary. The EPA, however, misinterpreted congressional intent on this matter by excluding communities from obtaining a waiver if they were already meeting secondary treatment requirements—even in cases where primary treatment is both cost effective and environmentally sound.

The city of Avalon, which happens to be located within my congressional district, is one such community that was forbidden to apply for an EPA waiver because they were already achieving secondary treatment. A May 22 Government Accounting Office—GAO—report to the Congress entitled, "Billions Could Be Saved Through Waivers for Coastal Wastewater Treatment Plants," states that Avalon "appears to be ideally suited for a waiver and could sutstantially benefit from the resulting reduced O. & M. expenses." In its recommendations to Congress, the GAO believes that we should "indicate that the waiver provision is not intended to preclude communities already achieving secondary treatment from obtaining waivers in cases where primary treatment is both cost effective and environmentally sound."

It is important to note that on page 17 of the committee report (No. 97-270) it states that—

With respect to communities which have achieved secondary treatment, the legislative history of (sic) 1977 Act clearly demonstrates that such communities were to be eligible to apply for and receive variances under section 301(h). EPA's regulations denying eligibility to such communities were successfully challenged in one U.S. Court of Appeals. Section 16 of the bill affirms the original congressional intent with regard to this matter. This will remove any doubt as to the eligibility of communities such as Avalon, California, which, as noted by GAO, "appears to be ideally suited for a waiver and could substantially benefit from the resulting reduced O. & M. costs."

□ 1345

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, during markup of this bill, the com-

mittee approved an amendment I offered, section 9, to set aside 1 percent of the construction grant funds for State and areawide water quality management activities. The purpose and the specific language of section 9 is to build upon the over 200 water quality management plans now in existence, which EPA has approved over the past several years.

These plans were developed at considerable expense to Federal, State, and local governments, plans which have proven extremely useful in defining the extent and nature of water pollution problems, and in developing the intergovernmental cooperation necessary to begin solving them.

I offered the amendment for two reasons:

First, to underscore the need for continued planning. Planning is necessary not only when we have an abundance of Federal funds, as we have had in the past several years, but especially is it necessary in times of reduced Federal budgets and reduced availability of funding for pollution control activities. Then more than ever do we need to plan to use those funds wisely and the most effectively.

The 1-percent set-aside would be used by local planning agencies to help determine the most cost-effective, most efficient pollution control measures for both point and nonpoint sources.

It would help States and localities move more toward self-sufficiency in implementing such pollution abatement activities and help them identify the precise nature and causes of pollution in various areas and the solutions to those problems.

Second, I believe very strongly that we have to do this kind of planning at the local government level where the problems are, where the solutions must be devised and carried out, and where the planning expertise exists.

Section 9 recognizes that goal and provides local public comprehensive planning organizations the financial means of setting priorities in water quality management.

I want to emphasize that this area of wastewater management planning is not a new program. It is not something that we have invented. It is an activity that has been carried on intensively for the past 10 years, and more than that, going back to the initial program in 1956.

Area wastewater planning agencies have been doing this work and doing it effectively and successfully. I just feel that in the future we are going to need more work of this kind because more of the burden of pollution control is going to be shifted to the State and local government level.

If that is going to happen, then we must provide those agencies with the financial tools necessary to carry out that very considerable role.

With less than half the original construction grant funds authorization to be available in future years, now is not the time to zero out our support for planning; in fact, we need responsible planning and priority setting more than ever, and I am pleased that local planning authority and funding have been reestablished in this bill.

In conclusion, I want to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. ROE), a recognized national expert in the field of water pollution abatement for the splendid job he has done literally living with this legislation since the beginning of the year, skillfully guiding it to this point on the floor.

There were occasions when it looked as though perhaps we were not going to have a pollution control program for the future and I commend the gentleman for his relentless efforts and leadership to assure that the program will survive.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I would like to commend the ranking minority member and the ranking majority member of the Subcommittee on Water Resources for their excellent work on this piece of legislation.

Let me, in the limited time I have, make four observations about this bill, H.R. 4503, to amend the Water Pollution Control Act amendments.

I believe that the water issue is the next major crisis that our Nation will face, and with the limitation of Federal dollars and State dollars, I think it is important for us to recognize that we need to develop a national policy as it relates to not only water pollution control, but water supply, the infrastructure needs of our cities, and all of the future needs for water resources.

I think this bill today gives us our first opportunity in the construction grants area to deal with a very important issue that will lead us in future days to additional discussions on what the Nation's water policy needs are.

The second point that I would like to make is that in this legislation, through the efforts of the committee and an amendment which I offered, we provide a study of the need for flexibility. When we addressed the administration's proposal for arbitrary elimination of certain eligible categories, the subcommittee retained eligibility for all funded projects in currently eligible categories while providing up to 30 percent of the States' construction grant funds for certain categories in the future.

No one is sure whether the 30-percent figure of flexibility is the appropriate one, so I offered a further provision directing EPA to study the category needs question in compiling a new needs survey mandated by H.R. 4503.

Another major critical issue and my third point is the fact that this legislation, while it provides funding of $2.4 billion of authorization, will not be sufficient to meet all of our desires in a number of critical areas. We must target these funds to critical needs.

I was successful in placing language within the bill to provide that we target these limited funds to address the public health and water quality needs of our Nation. I think anytime when we have limited Federal dollars they must be used both flexibly in areas of need, in the Northeast and Midwest for reconstruction and rehabilitation, in the Sun Belt areas for new cities and new communities, and new basic infrastructure needs, but they must also be targeted to address current water quality needs and public health requirements.

Finally, just a word about the administration's proposal. President Reagan said he would not request any sewer construction grant funds unless there was basic reform. I think this legislation is reform. I think environmentalists, the committee, the construction industry can be proud that they have joined together in putting a piece of legislation together that I hope the administration can accept and to which it can commit the $2.4 billion of appropriations.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. COUGHLIN), a member of the Appropriations Committee and a member who has had a keen interest for a long time about cleaning up the waters of this Nation.

Mr. COUGHLIN. Mr. Chairman, I commend the Members of the House Public Works Committee for bringing H.R. 4503 to the House floor. The members of the committee have worked long and hard on these needed amendments.

As all of us in the Chamber realize, the wastewater treatment construction program is, for all practical purposes, out of money today. Several weeks into this new fiscal year, many States throughout the Nation are without any funds to continue the design or construction of wastewater treatment plants. Other States are left without sufficient funds to continue their wastewater treatment efforts.

The need for this legislation is, therefore, imperative. It must be expeditiously passed and a compromise formulated with the Senate to insure that a final bill is sent to the President for his signature.

As a member of the House Appropriations Subcommittee on HUD/Independent Agencies, I am very well acquainted with the problems associated with this program. At the same time, however, I am aware of the impact zero-funding in fiscal year 1982 will

have on our Nation's commitment to clean its waters. Our subcommittee has pledged to provide the administration's announced $2.4 billion in wastewater treatment funds once needed reforms are signed into law. In fact, as part of the fiscal year 1982 continuing appropriations resolution, the conferees inserted language in the report affirming their intention to use the first legislative vehicle available to provide adequate funding for this needed program.

I remain concerned that a disruptive and costly funding lapse might occur if appropriate authorizing legislation is not enacted promptly and followed immediately by appropriations. I reaffirm my commitment and offer my assistance in any way possible to insure that an authorization and an appropriation bill are enacted. The Congress must not abandon its historic support for our Nation's clean waters or for the program it formulated to clean up these waters.

Mr. HAMMERSCHMIDT. Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I rise today in strong support of the Public Work's efforts of behalf of the clean water program. Through the work of both the Oversight and Investigation and the Water Resources Subcommittees, we have, what I consider to be a very effective bill. I commend both our chairman, Mr. ROE and our ranking minority member, Mr. HAMMERSCHMIDT, for their able leadership in guiding this bill forward in such a timely manner. Given the challenge put to us by the administration, I feel confident that this bill reflects the President's fiscal concerns, while retaining the essential strength of the program. I join with my colleagues on the committee in asking for your support of this bill as reported out of the Public Works Committee.

This bill has a national focus, rather than a regional one. It addresses the concerns of both urban and rural communities in a host of ways. For example, this bill extends Federal grants for limited capacity to meet growing population needs. It also encourages the expansion of innovative and alternative technologies to meet out pollution problems. However, the primary focus of this legislation is cost effectiveness. If there was only one issue that our committee regarded as necessary, it was that whatever technology a community chose, it should be a cost-effective system, that will meet the requirements of the act. In these days of austerity, a more reasonable premise would be difficult to find.

It is my understanding that the Environmental Protection Agency is currently redefining the category of secondary treatment. I heartily encourage that activity. We must get back to a practical approach in the treatement of wastewater. I suggest that there is a correlation between our cost-effective focus and a redefinition of secondary treatment. Here, we have the opportunity to make water pollution control attainable by encouraging different technologies.

Probably the most important provision in this bill is the continuance of Federal grant assistance for presently eligible categories, for those projects currently receiving assistance under the act. This continuity, that is the backbone of our bill is desperately needed by all the States. Without this grandfathering provision, local communities and States simply could not absorb the costs of completing those projects in the works.

In the city of Chicago, the tunnel and reservoir project of the Metropolitan Sanitary District of Greater Chicago, which has an approved step 2 grant, has received $1.2 biilion. Yet the project still needs another million in Federal funds. This project will be a boon to the Chicago land area, capturing 80 percent of the raw sewage in underground tunnels, for treatment after a storm, rather than dumping these pollutants into the waterways. If the grandfathering section was not included in our legislation, the financial investment in this project would be lost. Alone, the city of Chicago could not afford this ambitious effort. Mr. Chairman, Chicago is not alone in this regard. There are literally hundreds of cities who have acted in reliance on our Federal commitment to water pollution control. If we change the rules now, the advances we have made will be lost.

I would strongly urge my colleagues to retain this grandfather provision and to support the bill in its entirety in order to maintain the integrity of our commitment and to continue the progress in cleaning up our waters.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I strongly support H.R. 4305 and urge my colleagues to vote in its favor. The construction grants program is a huge budget item rightly targeted for reform by President Reagan and further improvements beyond the scope of this bill could still be made. However, our committee has sweated over this reform package, we have come up with a good bill, and we are now down to the wire. For the sake of the hard-pressed managers of sewer systems in our districts, if no one else, we should get this bill to conference and into law.

H.R. 4305 offers us the flexibility of making further refinements next year, it minimizes disruption in construction now underway, and it emphasizes cost-effective treatment. Most important of all, this bill is based on a sensible appraisal of what effect our reforms will have on the actual real-world implementation of the program.

In this regard, I am pleased that H.R. 4305 preserves the grant-eligible status of infiltration/inflow correction (known as infiltration/inflow correction) for those projects not yet in the design stage. Unlike the Senate, the House Public Works Committee benefited from substantial testimony on this serious issue. Although the EPA recommended that infiltration/inflow correction be removed from the categories eligible for Federal funding, groups as diverse as the Association of Metropolitan Sewerage Agencies, the National Utility Contractors Association, and eighty environmental groups supported maintaining current law as it related to inflitration/inflow correction and appears in H.R. 4305.

Infiltration/inflow is basically a clean water problem. Infiltration is the seepage of groundwater into sewer collection systems through leaks, breaks, and faulty joints. Inflow refers to fresh water that enters the system through other routes, notably roof and storm drains connected to the system. Although infiltration/inflow problems are commonly thought of in connection with the older cities of the Northeast, substantial infiltration/inflow problems exist nationwide.

For systems with infiltration/inflow problems, the difference between normal and peak flows can be extreme. After sudden rains, 400-percent flow increases are not uncommon—but even during dry spells, about half the flow to treatment plants is estimated to be infiltration: clean water, not sewage.

Unfortunately, it is not just expensively wasteful to transport and treat infiltration/inflow. Excessive infiltration/inflow has been found to be one of the major causes of plant performance failures, either by the flushing out of the micro-organisms that activate secondary treatment or by the diluting of pollutant strength below effective levels. Worse, excessive infiltration/inflow can result in total bypass of the treatment plant and the dumping of raw sewage into our rivers and lakes.

Infiltration/inflow correction is possible and in fact offers the simplest and most cost effective solution to many of the financing and performance problems that bedevil the construction grants program. The technology is just now coming into its own.

The need for rehabilitation can be more precisely measured and diagnosed, repairs are less costly and require fewer excavations than in the past. And the cost/benefit ratios of infiltration/inflow correction can be five

to six times that of additional treatment plant construction.

Although the cost of infiltration/inflow diagnosis and correction is a fraction of the cost of constructing additional treatment facilities, I fear that without Federal funding eligibility it would be too easy for financially strapped municipalities to ignore their infiltration/inflow problem and instead look to the Federal Government for large, peak capacity plants. A strong incentive for infiltration/inflow correction insures that we will not be wasting vast sums of money to treat unpolluted water and risking repeated permit violations in the future.

One of the major goals of the administration's reform legislation was to minimize Federal exposure. As a fiscal conservative, I have actively supported the majority of President Reagan's inititives in holding down Government spending. However, in this case, I believed, and the majority of the committee agreed, that the administration was setting out on a path that would be pennywise and pound foolish.

In short, the committee bill is a reasonable approach to reform and to good public policy. It provides the incentives and the measure of stability needed to help local governments meet the vital goals of the Clean Water Act.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 5 minutes of the minority time to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. I thank the distinguished gentleman from Arkansas and Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I rise in support of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981. I want to congratulate Chairman ROE and the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking minority member of the Water Resources Subcommittee, for their outstanding work in bringing this bill to the floor so the House can act to get this vital program moving again.

Mr. Chairman, there is one provision of this bill that is of particular interest to me and to the city I represent. Section 19, which was added as a result of an amendment I offered in full committee, addresses the problem facing New York City and other municipalities which have entered into Federal consent decrees establishing construction schedules for wastewater treatment plants.

The section simply states that it is the sense of Congress that judicial notice be taken of the reduced funding levels in this bill for the purpose of reexamining the provisions of Federal consent decrees.

Many State and local governments have in the past few years entered into consent decrees with EPA dictating construction schedules for the completion of treatment works. In many cases, those construction schedules were based on an expected Federal funding level much higher than that authorized in this bill. If no adjustments are made in the construction schedules, States and local governments will be required to make up the lost Federal funds, in some cases hundreds of millions of dollars, with their own funds or stand in violation of the consent decrees.

Section 19 recognizes this reality and expresses the sense of Congress that courts take judicial notice of the reduced funding when considering changes in consent decrees.

It was never the intention of the Congress to heap enormous cost burdens on State and local governments in this program. This amendment is an attempt to maintain that important principle.

I believe the bill is a good bill and I urge its adoption.

□ 1400

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan, the Honorable BOB TRAXLER.

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for yielding these 3 minutes to me and to my distinguished minority member for allowing us to have that time.

Under the circumstances this is, indeed, a remarkable bill, the circumstances being the budget constraints and the reconciliation resolution and the position of the administration.

I wish to commend both the majority members of the subcommittee and the full committee and the minority members of the subcommittee and the full committee.

Certainly the pressures were great to do something other than what they have done.

In the limited time available to me, I would like to make some comparisons, if I may, between the 1972 act as amended, H.R. 4503, and the Senate bill, S. 1617. My recollection is that under the existing act, the one that is expiring or parts of it expire October 1, that there is an up to $5 billion per year authorization with up to 75 percent Federal and the rest being local and State funding of the individual projects at a runout cost of perhaps $90 billion in total. Compare that with S. 1617, which the Senate is scheduled to take up this afternoon. That is a $23 billion runout cost compared to the House bill, H.R. 4503, $50 billion.

The Senate has ultimately a 55-percent Federal contribution per project and the House version that we are now considering maintains the 75-percent Federal contribution.

As a general statement, I think it is fair to say that the recommendations that are contained in the Senate bill, S. 1617, do not represent reform, but represent a retreat, a retreat from this Nation's commitment to cleaning up our waters. Coming from a State that is surrounded by the largest fresh body of waters in the world, we have a keen and a valuable interest in maintaining the purity and restoring the purity of those waters and rivers.

The subcommittee and the full committee has done yeoman service in years gone by to achieve that goal. I want to commend them.

I hope at the appropriate time in conference that the gentleman's good views and the commonsense the gentleman has demonstrated here and the concern for the future of untold generations of Americans who are going to benefit so much from H.R. 4503 and the concepts and the principles that are there, I hope that every effort will be made in the conference to maintain our position.

I must say that I know for many of you, H.R. 4503 is not the closest thing to your hearts, but given the circumstances and the restraints under which you had to work, it is indeed a remarkable achievement. I do commend all of you.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, twice this summer, my district suffered through the experience of having their basements flooded with a combination of storm-water and raw sewage. I think you can imagine their anguish—as well as the number of letters and phone calls I have received asking for relief from this terrible problem.

Sewers in my district were built decades ago when it was common to combine storm water runoff and sewage into one combined sewer system. The system works fairly well in moderate rainfall but spells sure disaster when heavy rainfall occurs. Heavy rains produce runoffs beyond the capacity of the sewers, forcing the storm waters—now mixed with raw sewage—to back up into basements.

Basement flooding with storm water alone would be bad enough. But the mixture of the water with a huge volume of organic waste was more than a nuisance: It did property damage of an irreparable nature, it created a public health risk for the large urban and suburban populations exposed to the flooding, and it polluted Lake Michigan and a long stretch of our beaches.

In the debate on the Water Pollution Act amendments, there are those who would have us believe that flood control and pollution control are mu-

tually exclusive. Indeed, the very nature of funding under the act has placed a primacy upon so-called pollution control projects and ignored so-called flood control projects.

The distinction is one which cannot be supported by engineering realities for more than half of the sewer systems in this country. As in my district, most of the sewer systems in this country, particularly those which are more than a few decades old, are combined storm overflow and sanitary systems.

The committee has recognized this fact. It has included combined sewers for funding in the bill before us today; the other body has not seen fit to do so.

In supporting the House version before us, we are establishing our fundamental understanding of the problem. We are saying that we recognize the greatest needs of the entire Nation and not just those of newly developing portions—those who can most afford to bear the costs because of expanding tax bases and also most able to take advantage of the latest technologies. We are saying that we recognize the need to help communities overcome the effects of age in order to negate the effects of water pollution. We are also recognizing that the greatest risk of such pollution occurs just where it is potentially most injurious to the public health—in the densely populated older areas of the country.

We recognized these problems in the past. We recognized them when we initially authorized the program's growth. We also recognized the limitations of funding and resources for the Federal Government and of the problems created if the Federal Government were to get into the business of building sewers for each community in the Nation.

Accordingly, we developed incentives for regional cooperation. In the Chicago area, such incentives led many suburban municipalities to enter into a cooperative agreement with the Metropolitan Sanitary District to build the tunnel and reservoir project, also known as TARP or deep tunnel.

That project has created much controversy in the press, among budgeteers, and among engineers. Many years into construction, there still appears to be doubt about just how much pollution will be stopped if the project is completed. Perhaps it will dry out all of the afflicted basements in the Chicago area; perhaps it will dry out none of the basements. More likely, it will help some but not help others very much.

In any event, the effect of a failure to proceed, at least to the completion of phase I, is clear: The situation will worsen, Lake Michigan will be threatened and people's health will be threatened. And if we do not reauthorize that portion of the act which provides funding for CSO's, we will do something far worse. For those communities who have followed Congress incentives and entered into cooperative regional agreements under that portion of the act, we will be saying "you missed your chance; there is no money for you because you did not already have an approved project."

Mr. Chairman, I very strongly urge the Members' support of H.R. 4503 and particularly commend to their attention that portion which deals with combined sanitary and overflow systems. I further urge that when this bill goes to conference with the other body, that the Members from the House stand firm in continuing to authorize funding for CSO's and continuing to authorize the development of regional cooperative agreements.

If this is done, the Federal Government will have kept faith with those communities who have planned, over the last decade, to resolve their pollution problems, while at the same time reminding those communities that they, too, have a responsibility to provide their fair share of the cost.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the chairman of the full committee, the gentleman from New Jersey (Mr. HOWARD) and the ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN), for the contributions they have made to this legislation, but I particularly want to commend the gentleman from New Jersey who has provided outstanding leadership during the development of H.R. 4503. The bill has been pretty well explained and I think everyone fully understands what we are going to be voting on.

This legislation is the result of many days of hearing and extensive efforts by members of the Committee on Public Works and Transportation and its Water Resources Subcommittee. The chairman of the subcommittee, the gentleman from New Jersey, has provided outstanding leadership during the development of H.R. 4503. I greatly appreciate the bipartisan cooperation at both the subcommittee and the full committee level and am confident that the same strong bipartisan support will be shown for the bill here in the House.

H.R. 4503 makes valuable changes in the construction grants program and authorizes the $2.4 billion that the President desires for this program in fiscal year 1982.

The incentive to develop this legislation comes directly from the administration, and for that, they are strongly to be commended. By requiring legislative action before continued funding and by submitting substantive proposals earlier this year, an excellent basis for review was provided. From these administration initiatives, the bill before us has been developed using input from agencies, States, municipalities, and many knowledgeable organizations and individuals, during numerous hearings.

H.R. 4503 represents the changes that the Committee on Public Works and Transportation recommends in order to make $2.4 billion available to the program as soon as possible during fiscal year 1982. I am especially pleased that the bill limits the authorization to only $2.4 billion for 1 year as the President has requested.

I again want to commend my colleagues on the Public Works Committee for the excellent job that has been done in developing H.R. 4503. I truly believe this legislation is vital to the districts of each and every Member of Congress and that each of us can and should vote for its passage.

Mr. ROE. Mr. Chairman, will the gentleman from Arkansas yield?

Mr. HAMMERSCHMIDT. I am pleased to yield to my distinguished colleague.

Mr. ROE. Mr. Chairman, I know that I am out of time. The gentleman from California would like to be recognized.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Chairman, I thank the gentleman for yielding.

I would like to rise in support of H.R. 4503 and to commend the subcommittee chairman and the ranking minority member, the gentleman from Arkansas, for their great work on this.

I know that this bill has had the bipartisan support of the members of our committee.

I would again like to thank the chairman of the full committee, as well as my dear colleague, the gentleman from California (Mr. CLAUSEN) for their work on this bill and commend the passage of this bill to the Whole House.

Mr. Chairman, I too wish to rise in support of H.R. 4503, a bill to amend the Federal Water Pollution Control Act, and to provide critically needed grants program.

Last year, the House Public Works and Transportation Subcommittee on Investigations and Oversight, which I had the privilege of chairing during the last Congress, examined the grants program to determine why it has been so difficult to complete waste water treatment plant construction projects—that are needed to clean up the sewage that is being discharged from thousands of communities all across the country.

Probably the most important finding that came from that review was that the continuing uncertainty that many local officials have about Congress

willingness to fund this program, coupled with the frequent changes in the law made by the Congress itself, have most often been the root cause of these delays. And probably the most significant, and critically needed recommendation we made was that this program be given a period of stability and continuity.

Mr. Chairman, I believe that this bill, H.R. 4503, by reauthorizing funds for fiscal 1982, and by retaining certain eligibilities, and phasing out others, rather than abrubtly changing the rules in midstream as others would have us do, will provide an interim period of stability and continuity that is paramount, if we are to reassure local officials and the public that the Congress has not walked away from its commitment to cleaning up the Nation's waters.

Mr. Chairman, this bill will also allow us to carefully examine what must be done to meet this program's long-term needs.

Changes are needed, but as prior oversight has clearly established, they must be gradual changes, and I believe that the recent work of the Investigations and Oversight Subcommittee, now under the able leadership of the gentleman from Georgia (Mr. LEVITAS), and the hearings on this bill, held by the Water Resources Subcommittee, chaired by Congressman ROE of New Jersey, continue to underscore that need, and has provided us, as well, with a considerable and comprehensive body of knowledge that will allow us to address not only our water quality concerns, but our efforts to responsibly reduce Federal spending, and to live within the budget we establish.

Mr. Chairman, when the budget was developed earlier this year, It was done so with the knowledge that when revisions were made to the clean water law's construction grants program's requirements, room would be found to provide for a $2.4 billion authorization for this program. I have recently spoken with our colleague, Mr. JONES of Oklahoma, and he has pledged to work with me to provide for this funding.

Mr. Chairman, I want to urge all of my colleagues today, to rise with me in support of this bill, of this 1 year reauthorization, of this signal to the President, and to the American public that the House of Representatives of this 97th Congress still believes that clean water is important. We must not turn our back on that national mandate established almost a decade ago to clean up the Nation's waters.

The job is much too important to walk away from, and we have far to go before we can say we have achieved our goals.

Thank you.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 4503, a sorely needed authorization for our waste water treatment construction grants program. The Water Resources subcommittee, under the leadership of the gentleman from New Jersey (Mr. ROE). and the full committee, under another distinguished member from New Jersey (Mr. HOWARD), deserve the commendation of this House and every American concerned about eliminating pollution from our Nation's waters.

This authorization has been reported under fiscal restraints imposed by the administration, restraints that in themselves will severely hamper this program. This bill makes the best possible effort to maintain the program under these unreasonable restraints. Without directing or intending any criticism of the bill, let me briefly state how its terribly low funding level will affect waste water treatment efforts in just one congressional district, my own 20th Congressional District in New York City.

For 40 years now, a sewage treatment plant has been planned for the Upper West Side of Manhattan. After decades of debate and speculation, a site at 135th Street and the Hudson River was approved in the late 1950's. Construction finally began in the late 1960's on the interceptors, and in the early 1970's on the North River plant itself. Progress was slow, so the U.S. Environmental Protection Agency and the city and State of New York agreed in a Federal consent decree 4 years ago to a schedule for construction. Now the overly restrictive funding limits imposed by an often blindly cost-cutting administration will delay this plant still further.

No one knows yet exactly how much delay will result. But it is certain that the North River plant, a $1.29 billion undertaking, is critically needed. Near the site where it lies partially built, raw sewage continues to flow into the Hudson. In an age when gleaming buildings dot the Manhattan skyline, in the largest metropolis in the world, this backward and unhealthful situation must be corrected as soon as possible. Clearly it has been allowed to persist for far too long.

Again, I commend the subcommittee and the full committee for a fine bill, a bill which makes the best of a bad situation. Next year, I hope we will be able to vote on a bill that has the added benefit of the larger authorization that is needed. The administration must recognize the need for truly adequate funding for our efforts to combat water pollution, and to safeguard the public health.

Mrs. BOUQUARD. Mr. Chairman, I wish to commend the chairman of the full committee, the gentleman from New Jersey, and the subcommittee chairman, the other gentleman from New Jersey for their work in bringing a responsible and constructive bill before the House. There are in particular two provisions which I believe are important, and which pertain directly to a crucial project the Mocasin Bend facility in the city of Chattanooga, Tenn.

First, the grandfather clause for projects already underway is crucial for this particular facility. To alter the guidelines at this point could cost the city millions of dollars and offer no improvement in water quality.

Second, the direction to the Governors of those States certified by EPA to ward funding in accordance with the State water quality plan will help to avoid the unfortunate situation where some States might seek to use these funds to pay for smaller projects that could be completed within the fiscal year, and trust to the Federal Government to provide additional funds for ongoing projects.

I commend both the gentlemen from New Jersey, and I urge the passage of the Federal Water Pollution Control Act Amendments of 1981.

● Mr. DUNN. Mr. Chairman, I rise today in support of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981. I would like to thank the committee and subcommittee chairmen, the gentlemen from New Jersey, Mr. HOWARD and Mr. ROE, and the ranking members, Mr. CLAUSEN and Mr. HAMMERSCHMIDT, for their fine leadership in bringing this legislation to the floor. These gentlemen and their colleagues on the Committee on Public Works and Transportation were particularly helpful to me in resolving a longstanding problem in my home State of Michigan.

Bath Township, Mich., has been in the process of applying for an EPA construction grant since 1972. After receiving a State order to begin construction, Bath accepted a State grant and had every intention to begin construction by the fall of 1972. During this period, Bath would have received EPA funds for which it was fully eligible had not an executive impoundment shut off the money flow. Congress later recognized this problem and the inequity it created and provided retroactive funding within the 1977 Clean Water Act for those projects affected by the impoundment. Unfortunately, a unique set of circumstances, including conflicting State and Federal regulations, and delaying law suits, forced Bath out of the eligibility category under the 1977 correcting legislation.

In essence, Mr. Chairman, Bath Township was caught in a classic catch-22. In complying with lawful orders and requirements, it had lost the funding that it deserved and badly needed. Since that time, Bath Township has been having serious difficulties in making the bond payments to finance this project. Had the township

received EPA grant moneys, this financial problem would not exist today.

The Committee on Public Works and Transportation has demonstrated a keen sense of fairness and understanding by having included in this legislation a remedy for this township's unique problem. I believe this solution is a fair and reasonable approach in concluding this matter and urge my colleagues to join me in support of this bill and of the fine work of the committee.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 4503, legislation reported by the House Committee on Public Works and Transportation as the Federal Water Pollution Control Act Amendments of 1981.

The bill, as reported by the committee, is generally in line with the administration's proposed funding level of $2.4 billion to continue, in fiscal year 1982, the construction of water treatment plants and the programs authorized in the original Federal Water Pollution Control Act and the so-called Clean Water Act.

They are sound programs. They will continue to help the vital infrastructure development—in every State of the Union and in Puerto Rico—of projects so necessary to sustain the sound environmental quality to help improve the quality of our life.

I wish to commend the distinguished chairman of the House Public Works and Transportation Committee, Mr. HOWARD, and the chairman of the Water Resources Subcommittee, Mr. ROE, for their considerable diligence and perseverance in the task of reviewing any proposals to restrict the construction of municipal sewage treatment plants in the fiscal year which we are now in. They have reported an important and realistic bill.

The committee bill continues a larger Federal participation in these construction activities for State and local governments but it did, however, accept the cut in Federal grant authority for fiscal year 1982 from $5 billion to $2.4 billion.

The figures are still, I would like to note, considerably below official Environmental Protection Agency estimates of the needs required to achieve the goals of the water cleanup program.

The bill contains other provisions important to the future of clean water. States are granted more discretion and more authority in administering their cleanup programs and for new projects, Governors can use up to 30 percent of a State's allotment for cost-effective treatment works, other than treatment plants and interceptors.

In addition, one particular provision repeals the industrial cost exclusion (ICE) provision of the existing law. Previously, Federal grants for construction of municipal treatment plants with the capacity to treat industrial discharges of more than 50,000 gallons per day were prohibited.

This is very important to Puerto Rico since the ICE provision presented an undue burden on the ability of our municipalities to realistically address the problem of industrial discharges and water pollution.

It seems to me, Mr. Chairman, that there are some national standards, some uniform rules, that should be applied in many areas of legislative activity. The empty rhetoric of deregulation and laws to unleash the private sector which abounds in many quarters today flies in the face of reality of the need to provide all U.S. citizens—no matter where they reside—for a safe and sound living environment, one free from the horrors of polluted waters, toxic chemicals, or other hazardous substances.

The continuation of the existing EPA programs are vital in this regard. They are not—as both of my distinguished colleagues Mr. HOWARD and Mr. ROE well know—as visible or as politically damaging as cutbacks in social security, or other programs of individual benefits which so many of us oppose.

But cutbacks in the area of the environment are no less important. In providing for future wastewater treatment needs in a realistic manner, given today's fiscal restraints, this bill addresses problems that certainly benefit all U.S. citizens, in a manner not as visible or obvious as the other areas mentioned.

The vision of this legislation is one which, years from now, will be as important as it is today, and the continuance of EPA programs is another tool in our national cleanup campaign in which Puerto Rico is a proud partner.

I hope H.R. 4503 passes and is speedily implemented. I join with the committee in support of this bill.●

● Mr. FIELDS. Mr. Chairman, I am very glad to see us proceeding with consideration of this important environmental legislation. I believe our committee chairman, Mr. HOWARD, our able ranking minority member, Mr. CLAUSEN, and our subcommittee leaders, Mr. ROE and Mr. HAMMERSCHMIDT, should be commended for the very solid bill that is being brought before us here today.

While I have consistently supported President Reagan's efforts to control Federal spending, I believe it is incumbent upon this Congress to reduce Federal participation in this important program in a realistic manner. Our bill accomplishes that goal by significantly reducing the Federal Government's financial exposure, while providing assurances to those local communities which are now attempting to comply with the provisions of the Federal Water Pollution Control Act.

Additionally, our bill is superior to its Senate counterpart in several important ways. One of the most important, I believe, is the manner in which our bill treats the allocation of funds to the States. I am well aware that the administration would have had us throw out completely the allocation approach that has been followed in this program for years and substitute for it an approach based solely on a State's so-called backlog needs.

Mr. Chairman, I believe our bill is correct in rejecting this proposal by the administration and maintaining the existing formula for allocating funds to the States. Let me say that Texas' experience with the EPA regarding the calculation of these so-called backlog needs is sufficient evidence alone to reject the administration's total reliance on such figures as the basis for allocating funds.

Briefly, Mr. Chairman, our water resources department in Texas followed EPA's own methodology and concluded that Texas' backlog needs under the EPA definition were actually twice that attributed to the State by the EPA, a difference of some $650 million. Texas submitted a project-by-project recalculation that proved this $650 million in additional needs to the EPA and the EPA was unable to: First, prove any of Texas' figures to be wrong; or second, prove any of Texas' use of the EPA methodology to be wrong. Therefore, it is now clear and documented that Texas has been shortchanged by a factor of 100 percent in the backlog needs figures that EPA is asking us to use in the administration-backed formula. I wonder, Mr. Chairman, how many other States might vary in their real needs by plus or minus 100 percent. Since EPA's backlog estimates are clearly in question, I cannot imagine that we would want to allocate funds to States solely on the basis of these figures as it is asking us to do.

A second key difference concerns the issue of reserve capacity. While the Senate bill calls for the elimination of Federal grant money for this purpose, our bill provides for ongoing reserve capacity for both step 2 and step 3 wastewater treatment projects. In addition, it allows for 10 years reserve capacity for any new project receiving Federal assistance following the enactment of this legislation.

Mr. Chairman, as a representative of one of the fastest growing metropolitan areas in this Nation, I feel we must build wastewater treatment plants based on realistic population estimates. In my judgment, to build a new wastewater treatment plant in Houston, Tex., or any rapidly growing community based on 1980 population figures makes absolutely no sense, for such a project would soon be obsolete.

It is my firm belief that we must recognize the unique problems facing fast growing regions of our country and I believe that in the long run both local communities and the Federal Government would save substantial amounts of money by allowing projects to be built with reserve capacity.

I am confident that this body will work hard to see its approach on this and on other important points in our bill ultimately prevail in a House-Senate conference committee. Thank you, Mr. Chairman, and let me add that I am proud to have participated in the development of this bill and I look forward to lending my support to its passage.●

● Mr. MOFFETT. Mr. Chairman, I rise today to voice my concern over language in H.R. 4503, section 16(a). That language removes the current requirement that only marine outfalls in existence when the 1977 Clean Water Act amendments were enacted can qualify for a waiver of secondary treatment requirements. Mr. Chairman, I am concerned about this provision because it could lead to a major increase in the discharge of wastes into our coastal waters. This alleged cost saving action could, over the years, result in significant additional costs to the economy and the Federal Government through environmental and marine life damage to our coastal areas. The approach that the Committee on Public Works has adopted could significantly accelerate ocean pollution. I think that would be an unfortunate mistake.

I believe the better route would have been to defer action on this section and consider it when the committee marks up amendments to the Federal Water Pollution Control Act next session. I do not think that we should encourage municipalities to increase their ocean discharge without a more thorough review of the potential impact of such a step and without further consideration of whether this is in fact the best way to cut costs. I note, for example, that this provision goes beyond simply grandfathering-in municipalities which already discharge to our oceans. This new provision would allow other municipalities to switch to this form of wastewater disposal. The cumulative impact on the environment of hundreds of new ocean discharges into sensitive nearshore waters could be highly adverse.

In a very significant May General Accounting Office report on this topic, the GAO acknowledges that the present statutory framework is not "overly restrictive for large communities with industrial wastes" and that "secondary treatment it likely justified" for communities which "discharge wastes into bays and estuaries." Yet H.R. 4503, in its current form, holds open the possibility of a secondary treatment waiver for all present or possible marine discharges for the foreseeable future.

In addition. I am concerned that cuts proposed by the administration in the Environmental Protection Agency and other Federal and State water enforcement and monitoring funds and cuts in research will prevent us from recognizing or preventing environmental harm from these new discharges before they cause significant, perhaps irreversible damage. I heartily concur with the additional views expressed by my colleagues, Mr. OBERSTAR and Mr. EDGAR, in the committee report on this legislation. I think we should not move ahead with the proposed changes in section 16(a).

I urge my colleagues on the Public Works Committee to review this matter in a more thorough manner next session.●

● Mr. GOLDWATER. Mr. Chairman, I am pleased to rise in support of H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981, as a worthwhile bill in its own right, as a prerequisite for continued funding of the construction grants program, and as a forerunner of further reforms when the Clean Water Act undergoes further modification next year.

As to funding, its construction grants authorization of $2.4 billion for fiscal year 1982 is modest indeed in comparison with the $4 billion, $5 billion and even $6 billion in annual authorizations during the early years of the program under Public Law 92-500. The Committee on Public Works and Transportation has been responsive to legitimate budgetary concerns in this regard.

H.R. 4503 is not, however, a mere simple extension of existing law, much less a pared-down version of business as usual. In fact, it contains a number of provisions to improve the performance of the construction grants program and the wastewater treatment works which it produces.

I would cite in particular the provisions dealing with the following:

Innovative and alternative technology, strengthening the incentives for processes and equipment that are cheaper, simpler and more energy efficient; continued eligibility for projects to correct sewer system infiltration and inflow as a cost-effective alternative to construction of larger treatment works; procurement of treatment processes and equipment, by the removal of a statutory restriction which serves to discourage innovation on the part of equipment manufacturers and to undercut responsibility of municipalities and their engineering consultants for the performance of treatment works constructed under the program; strengthening of the role of the States in managing the construction grants program, achieved by providing greater stability in funding.

These provisions in particular are supported by the record of hearings of the Subcommittee on Investigations and Oversight, on which I serve as ranking minority member. Under the leadership of my friend from Georgia, Mr. LEVITAS, we have just concluded the most thorough investigation ever undertaken into the performance of wastewater treatment works constructed with Federal assistance. The record of those hearings, conducted in a completely bipartisan manner, strongly supports the provisions of H.R. 4503 which I have cited. Thus, from an oversight perspective, it supports the work of Chairman BOB ROE of the Water Resources Subcommittee and his minority counterpart, JOHN PAUL HAMMERSCHMIDT.

With particular respect to innovative and alternative technology, I appreciate the full committee's acceptance of a modest amendment which I offered to help overcome reluctance on the part of grantees and their design engineers to consider innovative and alternative processes and components. In recognition of the fact that many promising ideas have had the benefit of only laboratory simulation or limited pilot testing, this provision makes more extensive field testing grant eligible to provide the missing element of verification as to performance capability.

All these aside, however, the bill would be justified if only by its amendments dealing with the issue of waivers from secondary treatment requirements for communities discharging their treated wastewater into marine waters through ocean outfalls. If it makes sense from an environmental and economic standpoint for communities with existing ocean discharges to treat to a degree lesser than full secondary, there is absolutely no rationale for denying this option to others provided they meet the same stringent water quality requirements.

The provisions of H.R. 4503 dealing with ocean waivers in fact closely parallel those of my own bill, H.R. 4466, which I introduced following an oversight hearing focused principally on the ocean discharge issue, held at my request in Los Angeles on September 8.

Mr. Chairman, none of us would argue that H.R. 4503 is a comprehensive bill providing all needed changes in the Clean Water Act. It does not even purport to deal with all the problems we have identified in the construction grants program.

But the committee has chosen to move in a more limited manner at this time, responding to concerns expressed by the administration and the other body, while properly preserving the constructive policy positions which the House has asserted for the past decade and more.

I urge my colleagues to support H.R. 4503 in its present form at this time, so we can move into conference with the Senate and seek to fashion a bill that will provide a basis for funding of the construction grants program through fiscal year 1982. Then we can turn our efforts to the task of crafting longer term amendments to both the regulatory and the construction grants aspects of the law which ultimately will be necessary if it is to do the job we all intend.●

● Mr. WALGREN. Mr. Chairman, I earnestly hope the House today will approve, H.R. 4503, the Federal Water Pollution Control Act Amendments of 1981. This bill would continue for 1 year the program that provides funds to every State on a 75-percent Federal, 25-percent State and local matching basis to construct and upgrade sewer and wastewater treatment facilities.

It is simply not fair to keep putting local communities through so much uncertainty in this program. Fluctuations in funding levels, impoundments in the early years, proposed reforms, rescissions, and deferrals of funds—all have created too much uncertainty for local officials, many of whom have begun expensive planning studies in anticipation of future funding for construction. While this bill only continues the current program for 1 year, it will, I hope, be successful in triggering the 1982 appropriations that are needed by many towns and municipalities across the country.

The funding level of this bill also creates uncertainties for local officials, since Congress previously went along with the $2.4 billion funding level requested by the Reagan administration. The public is often under the impression that President Reagan is preventing growth in Government spending, but the administration's action in this case was a 50-percent cut, from $5 billion to $2.4, in a very essential program.

President Reagan proposed sweeping changes. Some changes can no doubt be made in light of the Nation's water needs, and I understand that our House Public Works Committee will look at those changes in a comprehensive fashion next year. The complicated needs of both municipal systems and industrial problems, should be addressed together, since they are so closely related. We certainly need to examine the appropriate State and Federal roles. I support an overall review of the program and the needs of our communities. In the meantime, we need this bill to keep funding going in the current year.

In addition to taking the steps necessary to guarantee funding for fiscal 1982, I have two other concerns. First, to meet the clean water requirements of current law, communities can receive grants to construct, upgrade, and enlarge sewage treatment plants. Additionally, funds are authorized for rehabilitating sewer lines or replacing old lines with new ones. The Northeast-Midwest coalition found that the allocation formula weighs new construction needs more heavily than replacement or rehabilitation needs. Many of our systems in western Pennsylvania were built in the 1940's and some even 50 to 80 years ago when the Federal clean water requirements were not in effect. We must make sure that the law is not biased against these older communities. I understand that the administration's proposal, which is not included in this bill, eliminates rehabilitation projects for funding.

My second concern is the issue of reserve capacity. Reserve capacity is used to accommodate future population growth. Current law requires new plants to build reserves of 20 years, and the administration has proposed to eliminate this requirement. The House bill before us would allow for 10 years population growth. The House provision heads us in the right direction and will give us time to look at this more closely.

The Nation's public health and water quality needs are complex. We must do all we can to make sure we have clean water. Today we must act to make sure this program is continued so that funds will continue to be available to communities that have critical water quality problems.●

● Mr. HUGHES. Mr. Chairman, I would like to add my support to the committee amendment offered by Congressman ROE to H.R. 4503 which would place a 1-year moratorium on the implementation of the section 301(h) ocean outfall waiver provisions which would otherwise have been greatly expanded by section 16(a) of this bill.

As you know, when Congress amended the Clean Water Act in 1977, we provided a mechanism by which communities with existing ocean outfalls could apply for a waiver of the secondary treatment requirements provided certain environmental safeguards enumerated in the act were complied with. Despite the fact that the 1977 amendments allowed 270 days for the filing of applications for ocean outfall waivers, a number of communities claimed to have been frustrated in their attempt to obtain waivers due to EPA's failure to issue suitable guidelines and regulations in a timely fashion.

That does not mean, however, that Congress should now go back and open up that waiver process which was envisioned to apply only to preexisting outfalls, nor does the fact that the GAO has estimated that billions could be saved by broadening the waiver provisions mean that we should now make substantive changes to the Nation's fundamental water pollution control law—changes that have the potential to encourage the further degradation of our coastal waters.

Although the drafters of H.R. 4503 believe that significant safeguards exist within the Clean Water Act to assure the qualty of coastal waters is maintained, I believe that the EPA, following the lead of the administration, has demonstrated its intentions to ease up on environmental protection initiatives—especially where cost savings can be achieved and where potential environmental harm can be downplayed.

I am also concerned that the 301(h) waiver provisions of H.R. 4503, as reported from committee, would open the door for hundreds of coastal communities to pursue the ocean outfall option rather than comply with the secondary treatment requirement mandated by the Clean Water Act. As you know, the GAO has estimated that approximately 800 additional communities could be eligible for the 301(h) treatment if the waiver provision was broadened. All of this at a time when EPA's budget and permit review staff is being significantly cutback.

It is clear to me that any expansion of the ocean outfall waiver provisions constitutes another in a series of actions which could result in the further degradation of our resource-rich coastal waters. EPA has already demonstrated its intent not to enforce the 1981 deadlines on the ocean dumping of sewage sludge despite Congress mandate to end the ocean disposal of harmful sewage sludge by the end of this year. Expanding the 301(h) waiver provisions to allow hundreds of additional coastal communities to avoid the secondary treatment requirement would be a definite step backwards, a step I urge Congress not to take.

I support the committee's amendment to place a 1-year moratorium on the expansion of the 301(h) waiver provision. The moratorium will give Congress additional time to study the consequences of such actions while providing an opportunity for additional public input on the matter.

A moratorium on the expansion of the waiver provisions will also go a long way in making it clear to the Nation that Congress does not intend to open up the oceans again as the final dumping ground of our country's wastes. I urge those of you who are concerned about the future of our coastal waters and the marine environment to oppose the expansion of the ocean outfall wavier provisions.

Thank you.●

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time.

Mr. ROE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 4503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1981".

SEC. 2. Section 201(g)(5) of the Federal Water Polution Control Act is amended by striking out "more efficient use of energy and resources." and inserting in lieu thereof "most efficient use of energy and resources which will result in the lowest net cost of water and sewer service to the consumer.".

SEC. 3. Section 201(k) of the Federal Water Pollution Control Act (33 U.S.C. 1281(k)) is hereby repealed.

SEC. 4. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following:

"(k) The Administrator shall encourage and assist applicants for grant assistance under this title to develop and file with the Administrator a capital financing plan which, at a minimum—

"(1) projects the future requirements for waste treatment services within the applicant's jurisdiction for a period of no less than ten years;

"(2) projects the nature, extent, timing, and costs of future expansion and reconstruction of treatment works which will be necessary to satisfy the applicant's projected future requirements for waste treatment services; and

"(3) sets forth with specificity the manner in which the applicant intends to finance such future expansion and reconstruction.".

SEC. 5. (a) Section 205(c) of the Federal Water Pollution Control Act is amended by inserting after the first sentence the following: "Sums authorized to be appropriated pursuant to section 207 for the fiscal year ending September 30, 1982, shall be allotted for such fiscal year by the Administrator not later than the tenth day which begins after the date of enactment of the Federal Water Pollution Control Act Amendments of 1981.".

(b) Section 205(c) of the Federal Water Pollution Control Act is amended by striking out "and September 30, 1981," and inserting in lieu thereof "September 30, 1981, and September 30, 1982,".

(c) Section 205(e) of the Federal Water Pollution Control Act is amended by striking out "and 1981" each of the two places it appears and inserting in lieu thereof at each such place "1981, and 1982".

SEC. 6. (a) The first sentence of section 205(g)(1) of the Federal Water Pollution Control Act is amended by inserting immediately after "October 1, 1977," the following: "except in the case of the fiscal year beginning October 1, 1981, in which case the percentage authorized to be reserved shall not exceed 4 per centum,".

(b) Section 205(g)(1) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentence: "Sums authorized to be reserved by this paragraph shall be in addition to and not in lieu of any other funds which may be authorized to carry out this subsection.".

SEC. 7. (a) Section 205(i) of the Federal Water Pollution Control Act is amended by striking out "and September 30, 1981," in the first sentence and inserting in lieu thereof "September 30, 1981, and September 30, 1982," and by adding at the end thereof the following: "Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 3 per centum nor more than 5 per centum of the funds allotted to such State for the fiscal year ending September 30, 1982, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act.".

(b) Section 202(a)(2) of the Federal Water Pollution Control Act is amended by striking out "1981" and inserting in lieu thereof "1982" and by striking out "significant portion" and inserting in lieu thereof "any component".

(c) Section 202(a)(4) of the Federal Water Pollution Control Act is amended by striking out "and September 30, 1981." and inserting in lieu thereof "September 30, 1981, and September 30, 1982." and by striking out the last sentence.

SEC. 8. Section 204(a)(6) of the Federal Water Pollution Control Act is amended by striking out ", or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal' " and by adding at the end thereof the following: "When in the judgment of the grantee, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the grantee need not establish the existence of any source other than the brand or source so named."

SEC. 9. Section 205 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Administrator shall reserve each fiscal year not to exceed 1 per centum of the amount authorized under section 207 of this title for purposes of the allotment made to each State under this section on or after October 1, 1981, or $100,000, which ever amount is the greater.

"(2) Such sums shall be used by the Administrator to make grants to the States to carry out water quality management planning, including, but not limited to,

"(A) identifying most cost effective and locally acceptable facility and non-point measures to meet and maintain water quality standards;

"(B) developing an implementation plan to obtain State and local financial and regulatory commitments to implement measures developed under subparagraph (A); and

"(C) determining the nature, extent, and causes of water quality problems in various areas of the State and interstate region, reporting on these annually.

"(3) In carrying out planning with grants made under paragraph (2) of this subsection, a State shall develop jointly with local, regional, and interstate entities, a plan for carrying out the program and give funding priority to such entities and designated or undesignated public comprehensive planning organizations to carry out the purposes of this subsection.

"(4) All activities undertaken under this subsection shall be in coordination with other related provisions of this Act.".

SEC. 10. Section 205 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(k) The Administrator shall allot to the State of New York from sums authorized to be appropriated for the fiscal year ending September 30, 1982, an amount necessary to pay the entire cost of conveying sewage from the Convention Center of the city of New York to the Newtown sewage treatment plant, Brooklyn-Queens area, New York. The amount allotted under this subsection shall be in addition to and not in lieu of any other amounts authorized to be allotted to such State under this Act.".

SEC. 11. Section 207 of the Federal Water Pollution Control Act is amended by striking out all that follows "September 30, 1982," and inserting in lieu thereof "not to exceed $2,400,000,000.".

SEC. 12. Section 212(1) of the Federal Water Pollution Control Act is amended by inserting after "procedures," the following: "field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 304(d)(3) of this Act,".

SEC. 13. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"COST EFFECTIVENESS

"SEC. 218. (a) It is the policy of Congress that a project for waste treatment and management undertaken with Federal financial assistance under this Act by any State, municipality, or intermunicipal or interstate agency shall be considered as an overall waste treatment system for waste treatment and management, and shall be that system which constitutes the most economical and cost-effective combination of devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping power, and other equipment, and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) of which is used for ultimate disposal of residues resulting from such treatment; and water efficiency measures and devices; and any other method or system for preventing abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems; to meet the requirements of this Act.

"(b) In accordance with the policy set forth in subsection (a) of this section, before the Administrator approves any grant to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of any treatment works the Administrator shall determine that the facilities plan of which such treatment works are a part constitutes the most economical and cost-effective combination of treatment works over the life of the proj-

ect to meet the requirements of this Act, including, but not limited to, consideration of construction costs, operation, maintenance, and replacement costs.

"(c) This section applies to projects for waste treatment and management for which no treatment works included in a facilities plan for such project have received Federal financial assistance for the preparation of construction plans and specifications under the Federal Water Pollution Control Act before the date of enactment of this section.".

SEC. 14. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"STATE CERTIFICATION OF PROJECTS

"SEC. 219. Whenever the Governor of a State which has been delegated sufficient authority to administer the construction grant program under this title in that State certifies to the Administrator that a grant application meets applicable requirements of Federal and State law for assistance under this title, the Administrator shall approve or disapprove such application within thirty days of the date of receipt of such application. If the Administrator does not approve or disapprove such application within thirty days of receipt, the application shall be deemed approved. If the Administrator disapproves such application the Administrator shall state in writing the reasons for such disapproval. Any grant approved or deemed approved under this section shall be subject to amounts provided in appropriation Acts.".

SEC. 15. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"PUBLIC HEALTH AND WATER QUALITY BENEFITS

"SEC. 220. It is the policy of Congress that projects for wastewater treatment and management undertaken with Federal financial assistance under this Act by any State, municipality, or intermunicipal or interstate agency shall be projects which, in the estimation of the State, are designed to achieve optimum water quality management, consistent with the public health and water quality goals and requirements of the Act.".

SEC. 16. (a) Section 301(h) of the Federal Water Pollution Control Act is amended in the portion preceding paragraph (1) by striking out "in an existing discharge" and by inserting after "subsection (b)(1)(B)" the following: "or subsection (b)(2)(B), or both such subsections,".

(b) Such section 301(h) is amended by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and by striking out paragraph (8).

(c) Such section 301(h) is further amended by adding at the end thereof the following: "A municipality which applies secondary treatment shall be eligible to receive a permit pursuant to this subsection which modifies the requirements of subsection (b)(1)(B) or (b)(2)(B) of this section with respect to the discharge of any pollutant from any treatment works owned by such municipality into marine waters.".

(d) Section 301(j)(1) of the Federal Water Pollution Control Act is amended to read as follows:

"(j)(1) Any application filed under this section for a modification of the provisions of subsection (b)(2)(A) as it applies to pollutants identified in subsection (b)(2)(F) shall be filed not later than two hundred and seventy days after the date of promulgation of an applicable effluent guideline under section 304 or not later than two hundred and seventy days after the date of enactment of the Clean Water Act of 1977, whichever is later.".

SEC. 17. Notwithstanding section 204(a)(5) of the Federal Water Pollution Control Act, before approving grants under section 201(g) of such Act for any project for treatment works to which this section applies, the Administrator of the Environmental Protection Agency shall determine that the size and capacity of such works relate to the needs to be served by such works including sufficient reserve capacity, except that no grant, other than for facility planning and the preparation of construction plans and specifications, shall be made under title II of such Act to construct that portion of such treatment works providing reserve capacity in excess of projected needs for a period of ten years after receipt of the first application for Federal financial assistance under this Act with respect to such treatment works. This section applies to treatment works which have not received Federal financial assistance under the Federal Water Pollution Control Act for the preparation of construction plans and specifications or for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works before the date of enactment of this section and to treatment works which have received such assistance and have been entirely completed before the date of enactment of this Act. This section does not apply to any treatment works not completed on the date of enactment of this section which has been funded entirely by State and local financing and which, if it had been applied for, would have been eligible for Federal financial assistance under this Act.

SEC. 18. Notwithstanding any provision of the Federal Water Pollution Control Act, except as otherwise provided in this section, in the case of any treatment works eligible to receive Federal financial assistance under such Act which has not received any such assistance before the date of enactment of this section, and in the case of any treatment works which has received such assistance and has been entirely completed, the Administrator of the Environmental Protection Agency shall make grants under such Act only for projects for secondary treatment or more stringent treatment, or any cost-effective alternative thereto, new interceptors and appurtenances, sewer system evaluation studies under section 201(g)(4) of such Act, and infiltration-in-flow correction. The Administrator is authorized to make grants for such works for any project within the definition set out in section 212(2) of such Act, other than for a project referred to in the preceding sentence, except that not more than 30 per centum (as determined by the Governor of such State) of the amount allotted to a State under section 205 of such Act shall be obligated in such State under authority of this sentence. This section does not apply to any treatment works not completed on the date of enactment of this section which has been funded entirely by State and local financing and which, if it had been applied for, would have been eligible for Federal financial assistance under this Act.

SEC. 19. It is the sense of Congress that judicial notice should be taken of this Act and of the amendments to the Federal Water Pollution Control Act made by this Act, including reduced authorization levels under section 207 of such Act, and that the parties to Federal consent decrees establishing a deadline, schedule, or timetable for the construction of publicly owned treatment works are encouraged to reexamine the provisions of such consent decrees and, where required by equity, to make appropriate adjustments in such provisions.

SEC. 20. The Administrator of the Environmental Protection Agency shall submit to the Congress, not later than June 30, 1982, a report containing the detailed estimates, comprehensive study, and comprehensive analysis required by section 516(b) of the Federal Water Pollution Control Act. Such report shall be prepared in the same manner as is required by such section and shall reflect the changes made in the Federal water pollution control program by this Act and the amendments made by this Act. In preparing this report, the Administrator shall give emphasis to the effects of the provisions of section 18 of this Act in addressing water quality needs adequately and appropriately.

SEC. 21. For purposes of the Federal Water Pollution Control Act, the project for publicly owned treatment works for Bath Township, Michigan, shall be eligible for payments from sums allocated to the State of Michigan under such Act in an amount equal to the amount such works would be eligible for under section 202 of such Act if such works were to be constructed after the date of enactment of this Act, at the original construction cost.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. CLAUSEN

Mr. CLAUSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAUSEN: Page 15, after line 5, insert the following:

SEC. 22. Notwithstanding any other provision of the Federal Water Pollution Control Act, the Administrator of the Environmental Protection Agency shall make a grant to mitigate adverse impacts arising from the construction of a grant eligible treatment works from any funds allotted to a State under such Act if (1) the State no later than February 1, 1981, has made at least a preliminary determination that (A) the proposed works were a reasonable, necessary, and appropriate means of mitigation of impacts associated with the construction of grant eligible treatment works, and (B) the cost of the proposed works are grant eligible, and (2) the Step II construction grant on the underlying grant eligible treatment works was made no later than February 1, 1981.

Mr. CLAUSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

Mr. CLAUSEN. Mr. Chairman, my amendment has been developed with the committee leadership and is really

a carryover from our full committee markup. It is a clarifying amendment designed to emphasize that certain costs incurred for environmental mitigation purposes are intended to be grant eligible under the construction grants program. The amendment requires that, for certain projects already in EPA's construction grants pipeline, the Administrator is required to treat as grant eligible the costs to mitigate adverse impacts arising from the construction of qualifying treatment works when the State involved has already made a determination that the costs in question are both grant eligible and reasonable and necessary. The amendment in no way increases the amount of funds authorized for the construction grants program. Neither does it change any State's share of whatever construction grants funds are appropriated. It merely assures that a State will receive grant assistance for mitigation costs which the State has already determined are both grant eligible and reasonable and necessary.

Mr. Chairman, the amendment is designed to address situations like the two that have recently been brought to the committee's attention.

The first involves the expansion of the Southeast Sewage Treatment Plant located in the Bayview/Hunter's Point area of San Francisco. In order to mitigate the odors, noise, and visual impacts, and other adverse effects on the community identified in EPA's environmental evaluation of the proposed plant expansion, it was agreed that a greenhouse/skills training center would be constructed adjacent to the Southeast Sewage Treatment Plant. The center is to be connected to the plant by pipes which will carry methane to heat the center. In addition sludge from the treatment plant will be used as fertilizer for the greenhouse.

A favorable grant eligibility determination and commitment to a $15 million greenhouse/skills training projects was made on January 22, 1981, by the California State Water Resources Control Board, which acts as EPA's representative in determining grant eligibility in the State of California. However, although EPA was fully aware of CSWRCB's decisions, it was not until several months ago that EPA informed San Francisco that the greenhouse/skills center would not be eligible for grant funding under the Clean Water Act. In the meantime, the city and county of San Francisco had begun construction of the expansion to the Southeast Sewage Treatment Plant.

The second matter intended to be covered by this amendment involves the Greater Eureka wastewater treatment project. In the Eureka project, approximately 139 acres of property adjacent to the proposed Eureka treatment plant are considered to be environmental mitigation for siting of the proposed treatment plant and holding pond on 16 acres of wetland. The 139-acre site is to be dedicated as permanent open space and maintained and managed as a wetland/wildlife area, having the dual purpose of acting as a demonstration project to improve water quality while at the same time insuring restoration and enhancement of habitat values of a substantial wetland area. On November 21, 1980, the California State Water Resources Control Board issued its concept approval letter informing the city of Eureka and the U.S. Environmental Protection Agency of its determination that the purchase of the 139 acres was grant eligible. A little less than 2 weeks later, on December 3, the city of Eureka's mayor signed and accepted a step II grant award. Subsequently EPA—incorrectly, we believe—overturned CSWRCB's determination and advised the city that acquisition of the 139 acres was not eligible for Federal grant funds.

Both of these cases involve U.S. EPA's refusal to abide by the grant eligibility determination made by the duly appointed agency of a State having construction grants program delegation responsibilities. Both involve mitigation measures arising from the construction of a grant eligible treatment works.

Both situtations involve costs associated with an integral part of the underlying grant eligible treatment works. In both instances, we believe EPA should abide by the CSWRCB's grant eligibility determination.

Mr. Chairman, the amendment is drafted narrowly to allay fears that it could unintentionally lead to the creation of some new grant eligible category. It is not at all our intention to create such a situation. Instead, we only intend to clarify that the costs associated with the environmental mitigation measures just described should be considered to be grant eligible under the Federal Water Pollution Control Act's current language and, therefore, the Administration of EPA is required to award Federal grants to cover 75 percent of those costs.

Mr. Chairman, I urge adoption of the amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the distinguished gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed this amendment on our side. It is a splendid amendment and it does speak to exactly what the bill was designed to achieve. It is a necessary element for the San Francisco and Eureka areas.

We have no objection to the gentleman's amendment.

Mr. CLAUSEN. Mr. Chairman, I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have reviewed the amendment also. I am sure we have unanimous agreement on our side to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CLAUSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 11, after line 22, insert the following:

(e) The amendments made by this section shall take effect on the date of enactment of this Act, except that no applicant, other than the city of Avalon, California, who applies after the date of enactment of this Act for a permit pursuant to subsection (h) of section 301 of the Federal Water Pollution Control Act which modifies the requirements of subsection (b)(1)(B) or (b)(2)(B) of section 301 of such Act shall receive such permit during the one-year period which begins on the date of enactment of this Act.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the requests of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, this amendment, in effect, achieves the goal of setting aside for a 1-year period of time the provision of the bill that would provide for a permit to be issued to an applicant applying after the date of enactment of H.R. 4503. This will give the committee a chance to continue to study the effect of ocean discharges. The information contained in the permit applications will be particularly helpful in that it will give us the precise details as to which communities are seriously interested in pursuing the option of ocean discharge.

I wish to point out that those applicants which are eligible for 301(h) waivers under existing law are not affected by this amendment. They will continue to remain eligible. Only new applicants are covered under this particular amendment.

I think for clarity's sake, if the gentleman from Arkansas would exchange some views with me, the committee has worked very, very hard on the whole precept, along with the very distinguished gentleman from Minnesota who offered an amendment in committee on this issue. We do feel that there is room for additional review of this entire matter; but it is not the intent of our committee to slow down or forestall any of the eligibilities that are now available under the existing law.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ROE. Yes, of course.

Mr. HAMMERSCHMIDT. Mr. Chairman, it is my understanding that the ocean discharge waiver provision has the potential to save many billions of dollars and to help us reach our Nation's clean water goals in an economic fashion with necessary environmental safeguards.

Mr. ROE. That is correct.

Mr. HAMMERSCHMIDT. I know that the gentleman from New Jersey has worked closely with the gentleman from California, because both gentlemen have particular coastal interests as it pertains to the Nation's clean waters.

Mr. ROE. That is right.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the gentleman's amendment. The ocean discharge waiver provision has the potential to save many billions of dollars and to help us reach our Nation's clean water goals in an economic fashion with necessary environmental safeguards. The amendment will permit new applications for new dischargers to be developed, submitted, and reviewed by EPA. The final decision on these new applications, with the exception of a specific site, would be delayed from 1 year of enactment. Those applications now pending with the Agency will remain eligible for final decision by EPA. At any time, I support the amendment and urge my colleagues to join me.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I want to compliment the gentleman for crafting this amendment, because it takes care of the exception that we were concerned about with regard to the Avalon area that the gentleman from California and I brought to your attention as the result of our hearings in Los Angeles.

Mr. ROE. Yes, a very important area.

Mr. CLAUSEN. Finally, it will permit new applications for waivers to go forward, but none of those waivers would, in fact, be approved for the 1 year, which will protect the concerns that have been expressed on the east coast during our dialog.

Mr. ROE. That is correct. I think basically what we are attempting to achieve, for members of the committee, is that there will be a very thorough reexamination of the entire ocean dumping permits. We want to protect our ocean waters. We want to protect our estuaries, but we do want to make it clear that there is room for flexibility in the program and that is the direction in which we are moving.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield further?

Mr. ROE. Yes, of course.

Mr. CLAUSEN. As the gentleman knows, the EPA itself is going through a major reevaluation of this. Of course, we in our committee have been holding hearings, as we did with the Oversight Committee in Los Angeles, that focuses attention on this.

There can be, as has been stated, billions of dollars saved, but we want to make sure it only applies to those areas where it is frankly environmentally acceptable.

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ROE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: Page 11, after line 22, insert the following:

SEC. 17. Title V of the Federal Water Pollution Control Act is amended by redesignating section 518 (and all references thereto) as section 519 and by inserting after section 517 the following new section:

"LEGISLATIVE VETO

"SEC. 518. (a)(1) Simultaneously with promulgation or repromulgation of any rule under this Act, including an emergency rule, the Administrator shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), rules other than emergency rule shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule promulgated by the Administrator of the Environmental Protection Agency dealing with the matter of ————, which rule was transmitted to Congress on ————.', the first blank begin filled with the title of the rule and such further description as may be necessary to identify it, and the second being filled with the date of transmittal of the rule to Congress; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, other than an emergency rule, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(b)(1) The Administrator may not promulgate a new rule or an emergency rule identical to one disapproved pursuant to this section unless a statute is adopted affecting the Administrator's powers with respect to the subject matter of the rule.

"(2) If the Administrator proposes a new rule dealing with the same subject matter as a disapproved rule, the Administrator shall comply with the procedures required for the issuance of a new rule, except that if less than 12 months have passed since the date of such disapproval, such procedures may be limited to changes in the rule.

"(c) The definitions set forth in section 551 of title 5, United States Code, shall apply to this section except that—

"(1) the terms 'rule' and 'emergency rule' shall not include—

"(A) rules of agency organization, practice, and procedure,

"(B) rules relating to agency management and personnel,

"(C) rules granting or recognizing an exception or relieving a restriction, or

"(D) rules adopted without public notice and comment pursuant to a valid agency finding that such notice and comment were unnecessary due to the routine nature or insignificant impact of the rule; and

"(2) the term 'promulgation' means filing with the Office of the Federal Register for publication.

"(d) For the purpose of this section—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session.

"(e)(1) The provisions of this subsection are enacted by Congress—

"(A) as an exercise of the rule making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection (a) of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(2)(A) Resolutions of disapproval of a rule shall, upon introduction or receipt from the other House of Congress be immediately referred by the presiding officer of the Senate or of the House of Representatives to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, as the case may be; and such resolutions shall not be referred to any other committee.

"(B) If a committee to which is referred a resolution which has not been adopted by the other House of Congress does not report out such resolution within 45 calendar days of continuous session of Congress after referral it shall be in order to move to discharge such committee from further consideration of such resolution.

"(C) If a committee to which is referred a resolution which has been adopted by the other House of Congress does not report out

such resolution within 15 calendar days of continuous session of Congress after referral, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(D) Such motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(3)(A) Except as provided in subparagraphs (B) and (C) of this subsection, consideration of a resolution of disapproval shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(B) When a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order and it is not in order to move to reconsider the vote by which the resolution is agreed or disagreed to.

"(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.".

Redesignate succeeding sections accordingly.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, this amendment is the so-called legislative veto amendment. It is in the same form as is incorporated in H.R. 1776, which over 230 Members of this House have already cosponsored.

In effect, what it does, is let the Congress of the United States review the regulations issued by the Environmental Protection Agency under this program.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield.

Mr. ROE. Mr. Chairman, the gentleman in my judgment has offered an extraordinarily important amendment to our bill. I know the gentleman has continuously followed these types of reviews by the Congress, which I have supported on every single occasion.

Having discussed this with my colleagues on this side of the aisle, we have no objection to the gentleman's amendment.

Mr. LEVITAS. I thank my colleague for that statement. The gentleman has been one of the most loyal and stalwart supporters of this concept to restore to the people control of the regulatory process.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I would be happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have also examined the gentleman's amendment. Of course, I am very familiar with it, having supported it on other legislation many times in the past and we support it on this side of the aisle.

Mr. LEVITAS. Well, I thank my colleague, the gentleman from Arkansas, for that, because the gentleman has been a loyal supporter of this concept and it demonstrates the bipartisan support which this concept has without regard to what party happens to be in the oval office.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to my colleague.

Mr. CLAUSEN. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Georgia, as well as the other Members, because this has been a traditional effort on the part of the committee to bring about the kind of legislative veto that will permit us to execute some sort of check and balance on the regulatory process.

I am proud to be associated with the gentleman.

Mr. LEVITAS. Mr. Chairman, I thank my friend, the gentleman from California, for that. The gentleman was one of the earliest cosponsors of this legislation.

Again, I think it demonstrates the wide broad-based support in Congress for this concept.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

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AMENDMENT OFFERED BY MS. FERRARO

Ms. FERRARO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FERRARO: Page 9, after line 10, add the following:

"(c) In furtherance of the policy set forth in subsection (a) of this section, the Administrator shall require value engineering review in connection with any treatment works, prior to approval of any grant for the erection, building, acquisition, alteration, remodeling, improvement, or extension of such treatment works, in any case in which the cost of such erection, building, acquisition, alteration, remodeling, improvement, or extension is projected to be in excess of $10,000,000. For purposes of this subsection, the term 'value engineering review' means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high cost in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

Page 9, line 11, strike out "(c)" and insert in lieu thereof "(d)".

Ms. FERRARO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. FERRARO. Mr. Chairman, I rise as a member of the committee to offer an amendment. The amendment is at the desk.

This amendment directs the Administrator of EPA to require that value engineering be used on any treatment works with a total cost of greater than $10,000,000.

The amendment establishes as a matter of law a procedure that the EPA has mandated by regulation, with great success, since 1977.

Value engineering is a systematic, multidisciplinary, functional analysis of a project's design which is used to determine least cost alternatives without sacrificing the reliability or efficiency of the project.

The process was first devised by General Electric in World War II to deal with materials shortages, and was first introduced into Government in the early sixties by Robert McNamara at the Defense Department. My understanding is that the Corps of Engineers has used it for years on some projects with total savings estimated at $750 million. The Federal Highway Administration has also used VE since 1975.

EPA first introduced value engineering, by regulation, as a voluntary measure on construction grant projects in 1975. The decision to adopt VE was made in response to a congressional directive, much like the one in section 13 of H.R. 4503, that the most cost-effective means be employed in the construction of sewage treatment plants.

In 1975–76, used voluntarily on eight projects, VE saved some $16 million. This success led EPA, again by regulation, in 1977 to make VE mandatory for any project with a total construction cost exceeding $10 million. In the 4 fiscal years 1977–80, on projects that

have been reported to EPA, VE has resulted in net savings of $156 million.

This program, I should add, is operated with very low administrative overhead, with not a single EPA staff person assigned to deal with it full time.

Despite the program's tremendous success, EPA had planned to change VE back to a voluntary program. As I understand it, the change was to have been proposed, as part of an agency-wide regulatory review, in regulations EPA expects to publish in early November.

This morning, however, I learned that the decision to drop VE has apparently been reversed in recognition of the success of the program and the concern it generated in Congress.

Clearly, in this time when the funding for construction grant program is being slashed, we cannot afford to abandon proven cost-saving techniques. If we are serious about the fight against waste in Federal spending, value engineering is one of the best weapons we have.

The argument—in fact, the only argument—that has been raised against making VE mandatory by law, is that such a move may be unnecessary. If VE is such a good technique, the argument goes, then surely the States and cities will use it regardless of whether we mandate it.

The problem, though, is that while the States will make the decision on whether to use VE, because of the construction grant program's funding formula, most of the savings accrue to the Federal Government.

VE saves an average of 5 to 10 percent of total project costs. Since States are only paying a maximum of 25 percent, and frequently less, of a project's costs, their savings are only 5 percent of the 25 percent of the project costs, which is not a huge amount of money, especially on an individual State basis. The savings to the Federal Government, which pays 75 percent of the project costs, however, are considerable, establishing a substantial Federal interest in mandating the use of VE.

In these times of reduced Federal budgets, we need to make the best use of limited Federal dollars. In fact, as I have stated, section 13 of H.R. 4503 requires the use of the most economical and cost-effective combination of treatment works be used to meet the requirements of the act. VE is a valuable tool in achieving this goal.

I think the case is clear. Value engineering has been used successfully to reduce costs in this program. I have spoken with EPA, and with the Association of Metropolitan Sewer Agencies, and with various others with an interest in this issue, and have found no opposition to value engineering.

In the interests of efficient Government, and to help in the fight against waste in Federal spending, I urge your support for this amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I will be happy to yield.

Mr. Chairman, I rise in support of the amendment. I have been informed that the value engineering program of the construction grants program has provided a good means of saving money and improving the design of wastewater treatment plants. Value engineering is especially important in larger projects. For those over $10 million, the return in savings can be substantial. I do support the amendment and urge my colleagues to vote for it as well. I thank the gentleman.

Mr. ROE. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I share the observation of the distinguished gentleman from Arkansas. We, too, have reviewed the context of this amendment. It is splendid. It adds to the substance of the act, and we have no objection on this side of the aisle.

Ms. FERRARO. Mr. Chairman, I am delighted by the support of the committee for the amendment. I believe it is in the interests of efficient Government and will help in the fight against waste and Federal spending.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. FERRARO).

The amendment was agreed to.

Mr. HALL of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman; I am aware that the bill before us today, H.R. 4503, deals expressly with those provisions of the Federal Water Pollution Control Act establishing a program of sewage construction grants. Still, I would like to take this opportunity to bring forth my concerns—concerns which I have discussed in great detail with the members of the Public Works and Transportation Committee—on section 404 of the Federal Water Pollution Control Act.

The Rules Committee, on which I sit, last week granted the rule for the consideration of H.R. 4503. I had intended, during these proceedings, to request a waiver of the germaneness clause on an amendment to H.R. 4503. In short, my amendment called for an exemption of the Miami Conservancy District from the permit requirements mandated by section 404.

I had originally chosen to amend H.R. 4503 because during the Rules Committee considerations, and as of yet, no definite schedule for reviewing section 404 has been made. My water conservancy district has endured a series of frustrating encounters with the U.S. Corps of Engineers and its system of administering the 404 program. I simply feel that the time has come to resolve these problems.

The Miami Conservancy District was created on June 28, 1915. It has developed one of the most comprehensive flood control systems in the Nation. The total system provides flood protection for nine cities in the great Miami River basin in southwestern Ohio. The Conservancy District has enjoyed a long history of responsible action in maintaining the waters within its jurisdiction free from flood-causing obstructions and in constructing dams and other projects where necessary to temper the destructive forces posed by flood water.

The Federal regulations promulgated by the Corps of Engineers have caused the Conservancy District difficulty in accomplishing total maintenance responsibilities assigned under Ohio law. In addition, these regulations have resulted in long delays, in project completions. I would like to cite an example which I believe clearly establishes this point. The Miami Conservancy District applied for a general maintenance permit from the corps in February, 1978. On August 10, 1981 it received partial approval from the corps to undertake activities requested in the application. I cannot even begin to estimate how long it will be before action is completed on the remaining request. What I do know is that after close to 3½ years, the corps has been unable to make total response to this application request.

The Miami Conservancy District operates entirely on local funds. No Federal moneys are used to facilitate its projects. The people of the Miami Valley who pay the total cost to maintain the local flood protection system, in this particular instance, can only wait for the corps' decision on this project. To say the least, it is particularly disheartening when a responsible, widely respected, locally financed agency is prevented from accomplishing its legally mandated functions because of incompetence and redtape at the Federal level by the agency administering the 404 program.

Another point which I would like to raise, Mr. Chairman, is the Corps of Engineers' jurisdiction over navigable waters as pertains to the Miami Conservancy District. Since 1899, the corps has had jurisdiction over navigable waters of the United States. The definition of "navigable waters" covers those waters which are, in the past were, or in the future could likely be used for commercial water transportation. The body of water falling under the responsibility of the Miami Conservancy District meets none of these criteria. In fact, Judge Carl Rubin for the U.S. District Court in the southern district of Ohio recently held that "the Great Miami River and its tributaries are not navigable."

Mr. Chairman, I strongly support the objectives of the Federal Water Pollution Control Act. Its goals are commendable and should be pursued. I do not seek to subvert these objectives, I seek only to resolve the problems plaguing the operations of the Miami Conservancy District.

I should like to take this time to share the text of an editorial which appeared in one of my district's newspapers. I think this editorial summarizes quite well the concerns I have expressed here today.

Mr. Chairman, the editorial follows:

[From the Dayton Daily News, May 20, 1981]

IN CONFLICT: OUR OWN RIVER AGENCY V. ENGINEERS CORPS

The Miami Conservancy District is the 20th century prototype of modern river management. The U.S. Army Engineers Corps is the archetype of federal bureaucracy.

As confrontation drama, their jurisdictional conflict isn't a patch on "Little Red Riding Hood." Yet the clash itself, and how the district resolves it, is important to the valley that pioneered in 1919 a river engineering model the Corps said at the time wouldn't work.

We—not Washington—invented a flood control agency. We financed its dams, levees, flood plain safeguards against a repeat of 1913's disaster. We pay for their maintenance. Whatever runs up Conservancy District operating costs—always frugally managed—comes out of pockets here.

In recent years, as federal law and court rulings broadened Engineers Corps control over waterways, permit requirements began to hamper the district's custodial work. Half the handcuff—Corps jurisdiction over structural work on "navigable" streams—was struck off in U.S. District Court Feb. 20. Judge Carl Rubin ruled the Great Miami system never had been commercially navigable. The Corps may appeal.

For relief from the rest of the handcuff—Corps jurisdiction over dredge and fill operations—the district requested in 1978 a general permit for routine flood control maintenance. The Corps has refused.

To free itself to do what it must, the Dayton-based agency now turns to Congress. Rep. Tony Hall (D-Dayton) will try to get a Public Works bill amendment exempting the Great Miami River Basin from the 1972 Clean Waters Act, Section 404.

This permit program gives the Corps authority over dredging and filling along major and minor watercourses and requires analysis of environmental impact by the Corps, the EPA and the Fish and Wildlife Service. Except where it interferes with the work of an agency with a known concern for the public interest, Section 404 is good law.

It has protected vital U.S. shorelands, waterways and wetlands against pollution, ill-advised flood plain development, channelization that lowers water tables, destruction of fish and bird life-cycle habitats—a range of conversion follies. Nationwide anti-regulatory and environment-be-damned sentiment unfortunately has targeted its repeal.

In electing to go it alone, seeking only its own exemption from 404 permits, the Conservancy District takes the difficult course, but the wise one. It has been ahead of its time in every movement linking life-quality to the natural environment—flood control, pollution abatement, open space reserves, the urban-suburban amenities of river rediscovery. The agency's do-it-yourself spirit is vanguard still.

Mr. HALL of Ohio. Mr. Chairman, I strongly support the objectives of this bill. I think it is an excellent bill, and at this time, if I may, I would like to ask a few questions of the distinguished subcommittee chairman.

Mr. Chairman, during the Rules Committee hearings on the rule for H.R. 4503, I had urged the chairman to schedule hearings on section 404. Will such a schedule be set?

Mr. ROE. Mr. Chairman, if the gentleman will yield, I want to compliment the gentleman from Ohio. I know he has been pursuing a resolution to a very legitimate problem that exists in his State and in his district. I feel very sympathetic toward that, and as soon as time permits within the immediate future, we will be holding a set of hearings on section 404.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I will be glad to yield.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to thank the gentleman for his explanation, for his remarks, and associate myself with the remarks of the distinguished chairman of the subcommittee and promise our full cooperation with the gentleman in the well.

Mr. HALL of Ohio. I thank the gentleman. If I may, I would like to ask another question. Will it be permitted at this time, when this particular section will come up in subcommittee, to have representatives from the conservancy district and myself appear before the subcommittee and explain this problem in detail?

Mr. ROE. We would welcome that opportunity because I think that kind of exchange adds a great deal to the knowledge of the committee. It might even be—and I talked about it with Mr. CLAUSEN, Mr. HOWARD, and Mr. HAMMERSCHMIDT—that it would be to the gentleman's people's needs for us perhaps to journey to Ohio. That would give more people a chance to participate. We would be pleased to hold a hearing at the gentleman's convenience.

Mr. HALL of Ohio. I have one final question.

Mr. Chairman, does the subcommittee intend to consider legislation to address the problems of this section 404, the permit procedures?

Mr. ROE. By all means; yes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HALL of Ohio was allowed to proceed for 1 additional minute.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, I was just going to say that I have discussed this matter with not only the gentleman from Ohio, but that the Miami Conservancy District is one of the finest total water management concepts in place, I think, in the Nation. As a matter of fact, it is a model, so I think what the gentleman is suggesting certainly does have legitimacy. To me, as far as I am concerned, I would want to take a look at this in the context of the overall 404 program. I will join my colleague, the ranking minority member, Mr. HAMMERSCHMIDT, and the gentleman from New Jersey in working with the gentleman from Ohio.

Mr. HALL of Ohio. I thank the gentleman for his comments.

AMENDMENT OFFERED BY MR. EVANS OF IOWA

Mr. EVANS of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Iowa: Page 3, after line 3, add the following new subsection (1):

(1) In administering those provisions of section 201 which require applicants to consider a variety of design alternatives, the Administrator shall ensure that planning and design efforts to comply with those provisions are conducted in a manner that leads to sound design decisions at reasonable cost. Administrative, procedural and technical requirements of the Agency shall:

(1) Discourage duplicative or repetitive studies and reviews;

(2) Encourage use of engineering and economic data and conclusions in existence from other similar projects;

(3) Encourage procedures that allow unattractive options to be eliminated early in the design process;

(4) Take such other actions as will ensure that study and design costs are reasonable and in line with engineering and industry standards for comparable work.

Mr. EVANS of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EVANS of Iowa. Mr. Chairman, this amendment addresses the problem that, in our clean water program, in my judgment we spend far too large a share of our scarce source of engineering funds on studies and on design and in supervision of construction as opposed to the actual construction of facilities. I say that as a registered civil engineer and member of the profession that reaps most of the financial benefits of our generous funding for our engineering services for our clean water program.

To illustrate the problem, there is extensive data that shows that complete engineering services, including planning and design and construction supervision, should cost from 7 to 9

percent of the total project cost for waste water treatment systems and for similar facilities. Yet, all the records indicate that engineering services for new waste water treatment systems constructed under this act today average perhaps 25 percent of the total project cost. On construction that is modification of existing plans, the engineering services can go to 30 percent or beyond, and I am sure it is clear to all of us that the difference between 7 to 9 percent and 25 to 30 percent of the cost of cleaning up this Nation's water amounts to many billions of dollars at a time when billions of dollars are in extremely short supply.

The amendment attempts to get at that problem. What it does is, it instructs the agency that in administering provisions which require applicants to consider a variety of design alternatives—and that is what we usually do—the administrator shall insist that planning and design efforts are conducted in a manner that leads to some design decisions at reasonable cost. Under this amendment, we would ask the agency to do four things:

First, to discourage duplicative or repetitive studies and reviews, and we have many of those.

Second, to encourage the use of engineering and economic data and conclusions in existence from other similar projects, and there is much of that data available.

Third, to encourage projects that allow unattractive suggestions to be eliminated early in the design process.

Fourth, to take such other actions that are necessary that study and design costs are reasonable and in line with engineering and industry standards for comparable work.

Mr. Chairman, I understand that the committee is reluctant to accept an amendment of this type at this time. I am prepared to withdraw the amendment. However, I would like to hear the views of the subcommittee chairman on the attitude of the committee on this particular subject.

Mr. ROE. Mr. Chairman, if the gentleman will yield, I think he makes several excellent points which I wholeheartedly agree with. I have had the opportunity to discuss this amendment, as the gentleman knows, with the distinguished gentleman from Iowa, and I think many of the points and constraints he has suggested in his proposed amendment are worthwhile.

I think that we have to put the feet to the fire, if you like, of the Environmental Protection Agency, to use every available opportunity to reduce costs. This is certainly a field in which the gentleman is highly knowledgeable, and I am sure can be helpful.

I would guarantee the gentleman that what we will do, and having discussed this with my counterpart on the other side of the aisle, we will include his observations and discussions in the report that will go with this legislation, and direct the EPA to follow the thoughts and suggestions the gentleman has projected.

Mr. EVANS of Iowa. I thank the gentleman. I would add these remarks, if I may: That the specific wording of the act does not really encourage this sort of economy at the present time. I would strongly urge that the subcommittee, at its convenience, examine the desirability of making some changes in the law that would accomplish this goal.

Mr. ROE. If the gentleman will yield further, we definitely think the gentleman is absolutely on the right track. We will take this up as a very viable part of these hearings, which are going to start very shortly.

Mr. EVANS of Iowa. I appreciate the gentleman's cooperation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection of the gentleman from Iowa?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last world.

Mr. Chairman, I take this time to engage the managers of this bill in a colloquy on a matter of great importance to my district and, for that matter, to the entire Nation.

□ 1430

I would like to ask my good friend, the distinguished ranking Republican member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), if he would answer a question that I will pose to him.

Mr. HAMMERSCHMIDT. I will be pleased to respond to my good friend and colleague, the gentleman from California.

Mr. LAGOMARSINO. I would like to clarify a matter that relates to my district, as I said. The city of Lompoc, Calif., which has a population of just over 25,000, is adjacent to Vandenberg Air Force Base. Vandenberg is the center of activity for a number of important new national defense programs, most notably the Space Shuttle and MX missile test program. The personnel requirements associated with these programs have created the need to construct a new interceptor sewer north of the city to provide wastewater treatment service to the new area residents.

Would the city of Lompoc be eligible under H.R. 4503 to receive 75 percent Federal grant assistance to construct its interceptor sewer?

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I assure the gentleman that under the current provisions of the committee bill the city of Lompoc would indeed be eligible to receive construction grants program funding equal to 75 percent of the cost to construct the interceptor sewer in question. In a situation such as this, where other Federal programs result in a heavy infrastructure burden being placed on a local community, it seems especially appropriate that assistance under the construction grants program be available to offset some of the cost associated with building the necessary wastewater treatment infrastructure.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman I want to identify and associate myself with the remarks of my distinguished friend, the gentleman from Arkansas, and I support the position that he has just described.

Mr. LAGOMARSINO. Mr. Chairman, I thank the managers of the bill for their comments.

It is my understanding, then, that there is support for construction grants program assistance for the city of Lompoc's interceptor sewer project.

Mr. HAMMERSCHMIDT. Mr. Chairman, if the gentleman will yield further, I assure the gentleman that there is support on the committee for the Lompoc project.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, as further amplification of the colloquy that has taken place, I really believe that what is involved here is a matter of prioritization for the State of California as well. As has been indicated, this would be a grants eligible project under this legislation, as the gentleman from California has pointed out and as stated by the gentleman from Arkansas and the gentleman from New Jersey.

So I would certainly work with the gentleman, because I know the urgency of the matter, in order to see if we can get the project sponsors to work more closely with the State of California and those who have the authority over the actual prioritization.

Mr. Chairman, I certainly want to thank the gentleman for bringing this matter to our attention, and I assure him of my support.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take time to engage my distinguished colleague from Arkansas, the ranking minority member on the subcommittee, in a colloquy on this important legislation.

Mr. Chairman, with the passage of the Federal Water Pollution Control Act in 1972, the Congress established a national priority to assure fishable

and swimmable lakes, rivers, and streams for present and future generations. An interim date of July 1, 1983, was set for the attainment of that goal and the country embarked on a campaign to clean up its waters.

The work has continued up to this point through the joint efforts of Federal, State, and local governments with the Federal Government providing 75 percent of project funding.

However, due to recent budget cutbacks, the Federal share in these projects has been significantly reduced and the financial burden for completion shifted onto the local communities. It is a sudden expense none of the towns anticipated and are ill prepared to accept. While these communities have every intention of complying with the act, the 1983 deadline has become an impossibility.

The National Governors Association recognizing this problem has proposed a modification in the program which would extend the deadline for compliance to 1990.

In my own district I have more than a dozen towns and villages which are willing but unable to comply with the 1983 deadline. As a result, I introduced H.R. 4668 to extend the deadline to 1990.

Mr. Chairman, such an extension would allow these hard pressed communities the time to raise necessary funds for completion of municipal sewage treatment projects.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, our distinguished colleague from Wisconsin (Mr. GUNDERSON) raises an issue that I have been concerned about and one which I have discussed with the committee leadership. As the committee knows, in my own district, the current 1983 municipal compliance deadline is causing a measure of disruption. One of the city of Fort Lauderdale's wastewater treatment plants is being forced to divert its flow into the Broward County Central Regional Wastewater Treatment Plant, before the latter will be able to handle that flow. The resultant overload to the regional plant could preclude any additional flow to it and result in a sewer hookup moratorium that would bring downtown Fort Lauderdale's development to a standstill.

Mr. Chairman, it is my understanding that hundreds of communities nationwide could have problems similar to ours in Fort Lauderdale. Our colleague from Wisconsin's description of the situation in his district would seem to bear this out. It would, therefore, seem appropriate that the Committee address this important issue.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, both of these gentlemen have spoken to us about an issue that is an extremely important one. It is also an issue that I believe may see substantial support for being resolved along the lines they seek; that is, extending the current municipal deadlines. In fact, last year when the Public Works Committee developed its ICR-repeal bill, H.R. 6667, the bill contained a municipal compliance deadline extension provision. Unfortunately, that provision was rejected by our 96th Congress Senate counterparts.

The legislation before us today, H.R. 4503, deals only with EPA's construction grants program. We have purposefully attempted to save other Clean Water Act issues—like the industrial portions of the act, the permit provisions, and municipal compliance deadlines—until next year when we plan to examine the entire act.

Mr. GUNDERSON. I appreciate the remarks of the gentleman. Does the gentleman agree that these communities face serious hardships brought on by the sudden reduction in funds?

Mr. HAMMERSCHMIDT. The gentleman is correct. Many communities are likely to find it more difficult to meet the current statutory compliance deadlines.

Mr. GUNDERSON. Do we have the gentleman's assurance that he will support full consideration of a municipal deadline extension in future water pollution control legislation?

Mr. HAMMERSCHMIDT. The gentlemen have my assurance and are to be complimented for raising this issue, on behalf of their constituents here today.

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman for this diligent work and sincere concerns in this area.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4503) to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982, and for other purposes, pursuant to House Resolution 247, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOWARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 18, not voting 33, as follows:

[Roll No. 280]

YEAS—382

Addabbo	Chappie	Evans (IA)
Akaka	Chisholm	Evans (IN)
Albosta	Clausen	Fascell
Alexander	Clinger	Fazio
Anderson	Coats	Fenwick
Andrews	Coelho	Ferraro
Annunzio	Coleman	Fiedler
Anthony	Collins (IL)	Fields
Applegate	Collins (TX)	Findley
Archer	Conte	Fish
Ashbrook	Conyers	Flippo
Aspin	Corcoran	Foglietta
Atkinson	Coughlin	Ford (MI)
AuCoin	Courter	Ford (TN)
Badham	Coyne, James	Forsythe
Bafalis	Coyne, William	Fountain
Bailey (MO)	Craig	Fowler
Bailey (PA)	D'Amours	Frank
Barnard	Daniel, Dan	Frenzel
Barnes	Daniel, R. W.	Frost
Bedell	Danielson	Garcia
Beilenson	Daschle	Gaydos
Benedict	Daub	Gejdenson
Benjamin	Davis	Gephardt
Bennett	de la Garza	Gibbons
Bereuter	Deckard	Gilman
Bevill	Dellums	Gingrich
Bingham	Derrick	Ginn
Blanchard	Derwinski	Glickman
Bliley	Dickinson	Gonzalez
Boggs	Dicks	Goodling
Boland	Dixon	Gore
Bolling	Donnelly	Gradison
Boner	Dorgan	Gramm
Bonior	Dornan	Green
Bonker	Dowdy	Gregg
Bouquard	Downey	Grisham
Bowen	Duncan	Guarini
Breaux	Dunn	Gunderson
Brinkley	Dwyer	Hagedorn
Brodhead	Dymally	Hall (OH)
Brooks	Dyson	Hall, Ralph
Broomfield	Eckart	Hall, Sam
Brown (CA)	Edgar	Hamilton
Brown (CO)	Edwards (AL)	Hammerschmidt
Brown (OH)	Edwards (OK)	Hance
Broyhill	Emerson	Harkin
Burgener	Emery	Hatcher
Burton, Phillip	English	Hawkins
Butler	Erdahl	Heckler
Byron	Erlenborn	Hefner
Carman	Ertel	Heftel
Carney	Evans (DE)	Hendon
Chappell	Evans (GA)	Hertel

Hightower	Minish	Seiberling
Hillis	Mitchell (MD)	Sensenbrenner
Holland	Mitchell (NY)	Shamansky
Hollenbeck	Moakley	Shannon
Holt	Molinari	Sharp
Hopkins	Mollohan	Shaw
Horton	Montgomery	Shelby
Howard	Moore	Shumway
Hoyer	Moorhead	Siljander
Hubbard	Morrison	Simon
Huckaby	Mottl	Skeen
Hughes	Murphy	Skelton
Hunter	Murtha	Smith (AL)
Hutto	Myers	Smith (IA)
Hyde	Napier	Smith (NE)
Ireland	Natcher	Smith (NJ)
Jacobs	Neal	Snowe
Jeffords	Nelligan	Snyder
Jeffries	Nelson	Solarz
Jenkins	Nichols	Spence
Jones (OK)	Nowak	St Germain
Jones (TN)	O'Brien	Stangeland
Kastenmeier	Oakar	Stanton
Kazen	Oberstar	Staton
Kemp	Obey	Stenholm
Kildee	Ottinger	Stokes
Kindness	Oxley	Stratton
Kogovsek	Panetta	Studds
Kramer	Parris	Stump
LaFalce	Patman	Swift
Lagomarsino	Patterson	Synar
Lantos	Pease	Tauke
Latta	Pepper	Tauzin
Leach	Perkins	Taylor
Leath	Petri	Traxler
Lehman	Peyser	Trible
Lent	Pickle	Vander Jagt
Levitas	Porter	Vento
Lewis	Price	Volkmer
Livingston	Pritchard	Walgren
Loeffler	Pursell	Walker
Long (LA)	Quillen	Wampler
Long (MD)	Rahall	Washington
Lott	Railsback	Watkins
Lowry (WA)	Rangel	Waxman
Lujan	Ratchford	Weaver
Luken	Regula	Weber (MN)
Lundine	Reuss	Weber (OH)
Madigan	Rhodes	Weiss
Markey	Rinaldo	White
Marks	Ritter	Whitehurst
Marriott	Roberts (KS)	Whitley
Martin (IL)	Roberts (SD)	Whittaker
Martin (NC)	Robinson	Whitten
Martin (NY)	Rodino	Williams (MT)
Matsui	Roe	Williams (OH)
Mattox	Roemer	Wilson
Mavroules	Rogers	Winn
Mazzoli	Rose	Wirth
McClory	Rosenthal	Wolf
McCloskey	Rostenkowski	Wolpe
McCollum	Roth	Wortley
McCurdy	Roukema	Wright
McDade	Roybal	Wyden
McEwen	Rudd	Wylie
McGrath	Russo	Yates
McHugh	Sabo	Yatron
McKinney	Santini	Young (AK)
Mica	Sawyer	Young (FL)
Michel	Scheuer	Young (MO)
Mikulski	Schneider	Zablocki
Miller (CA)	Schroeder	Zeferetti
Miller (OH)	Schulze	
Mineta	Schumer	

NAYS—18

Cheney	Hansen (ID)	McDonald
Conable	Hartnett	Paul
Crane, Daniel	Hiler	Rousselot
Crane, Philip	Johnston	Smith (OR)
Dannemeyer	Lee	Solomon
Dreier	Lungren	Thomas

NOT VOTING—33

Beard	Edwards (CA)	Leland
Bethune	Fary	Lowery (CA)
Biaggi	Fithian	Marlenee
Burton, John	Florio	Moffett
Campbell	Foley	Pashayan
Clay	Fuqua	Richmond
Crockett	Goldwater	Savage
DeNardis	Gray	Shuster
Dingell	Hansen (UT)	Smith (PA)
Dougherty	Jones (NC)	Stark
Early	LeBoutillier	Udall

□ 1445

The Clerk announced the following pairs:

Mr. Fary with Mr. Marlenee.
Mr. Richmond with Mr. Bethune.
Mr. Udall with Mr. Shuster.
Mr. Biaggi with Mr. Smith of Pennsylvania.
Mr. Early with Mr. Beard.
Mr. Gray with Mr. Pashayan.
Mr. Jones of North Carolina with Mr. Lowery of California.
Mr. Leland with Mr. LeBoutillier.
Mr. Stark with Mr. Dougherty.
Mr. Clay with Mr. Campbell.
Mr. Crockett with Mr. Hansen of Utah.
Mr. Dingell with Mr. Goldwater.
Mr. Edwards of California with Mr. Savage.
Mr. Moffett with Mr. John L. Burton.
Mr. Florio with Mr. Foley.
Mr. Fuqua with Mr. Fithian.

Mr. SMITH of Oregon changed his vote from "yea" to "nay."

Messrs. DECKARD, WORTLEY, and MARTIN of New York changed their votes from "nay" to "yea."

So, the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPOSIT INSURANCE FLEXIBILITY ACT

Mr. ST GERMAIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal Supervisory agencies to deal with financially distressed depository institutions.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Rhode Island (Mr. ST GERMAIN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4603, with Mr. PEYSER in the chair.

The Clerk read the title of the bill.

□ 1500

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Rhode Island (Mr. ST GERMAIN) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, your Banking, Finance, and Urban Affairs Committee by voice vote on October 5 recommended that the House adopt H.R. 4603, as amended, responding to the request of the independent regulators and insurers of our financial institutions.

After a thorough consideration of the regulators' request the committee concluded that simple prudence demands that we provide our regulators with maximum flexibility in the administration of existing deposit insurance funds to minimize impact on these funds and at the same time provide maximum assistance based upon the circumstances involved in each case to those institutions, primarily thrift institutions, experiencing declining net worth problems during this period of extreme financial stress, largely due to persistent double-digit inflation.

H.R. 4603, as amended by the committee, provides for increased flexibility in the administration of existing deposit insurance funds; for the provision of transitional assistance to thrift institutions during this period of financial stress; and for broadened merger possibilities designed to minimize the cost impact on the individual insurance funds while at the same time assisting the maximum number of institutions. These changes affect the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and its Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration and its National Credit Union Share Insurance Fund.

In order to respond to those who mistakenly charge that the committee leadership has rushed the bill through both subcommittee and full committee, a somewhat detailed history of the events leading up to the committee's favorable action by voice vote on October 6 will be of interest to the House.

Well over 1 year ago the committee leadership began meeting with regulators, individually and collectively, as it became increasingly apparent that thrift institutions with their low-yield portfolios and sustained high borrowing costs were experiencing rapidly declining net worth problems and that simple prudence dictated that a workable contingency plan be adopted should the economic situation hold constant or even worsen, as has been the case. The regulators at the request of the committee leadership were encouraged to prepare concensus draft legislation which was done. This draft legislation was discussed by Members and staff thoroughly at numerous meetings beginning last spring. The legislation before you today, H.R. 4603, remains essentially the bill which was drafted by the regulators.

During this period, numerous meetings were held as well with representatives of the administration, primarily Department of Treasury officials and the Economic Council. To assist my colleagues in attempting to understand the administration's position on the provisions of H.R. 4603 which has, and continues to cause confusion, I want to place in the RECORD the exchange of correspondence which took place with the Department of Treasury, several committee releases furnished to each committee member as well as correspondence with Housing Subcommittee Chairman GONZALEZ which took place after Assistant Secretary Mehle's appearance before the committee during our monetary policy hearings on July 23.

As stated previously, formal hearings began on the draft regulators' bill on July 14 in connection with the committee's semiannual monetary policy hearings held pursuant to the Full Employment and Balanced Growth Act of 1978. Those hearings were opened with the following remarks by the Chair in part as follows:

For most of 1980, and for all of 1981, interest rates have been at intolerably high double-digit levels. As a result, mutual savings banks and savings and loan associations, and some banks and credit unions, are suffering serious reductions in their ability to extend needed credit to important sectors of our Nation's economy. Their financial soundness may also be falling into jeopardy. It is this aspect of the conduct of monetary policy that will be explored in today's hearing, the first of several by the House Committee on Banking, Finance and Urban Affairs in its semiannual monetary policy hearings held pursuant to the Full Employment and Balanced Growth Act of 1978.

Almost every day now I see press reports on the plight of the thrift industry. Rumors and conflicting statements abound, and in some instances, aggravate public concern and confusion. This spring, this committee stood ready to act quickly in a full bipartisan manner to consider solutions to the thrift industry problem.

At that time, this committee was asked, in the most urgent terms, by the Federal Reserve, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and the National Credit Union Administration, to consider statutory changes to broaden their merger and acquisition authorities, and to expand the resources of the Federal deposit insurance funds. Mr. Stanton and I met on several occasions with the regulators individually, the Chairman of the Federal Reserve, and informally with newly appointed administration officials, beginning with Secretary Regan, and with our counterparts in the Senate, concerning draft legislation.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C., March 26, 1981.

Hon. DONALD REGAN,
Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: Yesterday I had the opportunity to meet with your Deputy Secretary, Mr. R. T. McNamar. We discussed many of the legislative items you and I had discussed previously at our meeting on March 18, 1981, including funding for the National Consumer Cooperative Bank. As with you, much of the time spent with your Deputy Secretary was consumed discussing the current status of the thrift industry. As you know, since last winter, I have met with a number of representatives of the thrift industry, savings and loans and mutual savings banks, Federal and state banking regulators, members of the Federal Reserve Board and others concerning this problem.

Many believe the magnitude of the problems within the thrift industry and their possible ripple effect are underestimated by some within the Administration. I tend to agree there is validity to this observation. In my opinion, time is of the essence. I believe whatever legislative proposals the Administration wishes to discuss with the Congress, and ultimately submit formally, must be done in the immediate future.

I repeat my commitment to you. I stand ready to assist you in seeking immediately a solution to the current problem of the thrifts. I will work with my Committee, with our sister Committee in the Senate and my counterpart, Chairman Jake Garn, and with whomever else is necessary to make sure the thrift industry remains viable to perform its vital Congressionally-imposed objective in providing home mortgage funds to the American people.

Sincerely,

FERNAND J. ST GERMAIN,
Chairman.

THE SECRETARY OF THE TREASURY
Washington, D.C., April 21, 1981.

Hon. FERNAND J. ST GERMAIN,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to thank you for your letter of March 26, 1981 concerning the plight of the thrift industry. I appreciate your offer to be of assistance in working to solve the industry's problems.

The Administration believes the President's economic program is the best remedy for the current ills of mutual savings banks and savings and loan associations. The program's combined budget, tax and monetary policy features should reduce inflation and interest rates and produce a normal yield curve. As the budget and tax programs advance in Congress, public confidence in these efforts should increase and inflationary expectations should subside, causing some easing of interest rates. The industry's main problems are high interest rates and an inverted yield curve.

Over the longer term, I will be urging the regulatory agencies and Congress to liberalize the asset powers of thrift institutions to make these organizations more competitive in every type of economic environment.

In the meantime, I would like to reassure you that the Administration is taking thrift industry problems seriously. We are aware of the vital role this industry plays in financing new home construction and in providing for consumer savings, and we understand the need for public confidence in all our financial institutions.

Best wishes.

Sincerely,

DONALD T. REGAN.

APRIL 28, 1981.

Hon. DONALD T. REGAN,
Secretary of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: Your letter of April 21, 1981 provided the position of the Administration on the problems confronting the thrift industry today. Basically, the Executive believes that enactment of the basic economic recovery program will, in the long run, solve the major problems of the industry—the inflationary and high interest rate environment which makes thrift asset portfilios untenable. In the short run, it is argued that the depository institution regulatory agencies can, with the proper tools, handle any special institution problems.

As you know, the agencies, with the Board of Governors providing the coordinating role, have proposed several changes in existing law to facilitate case-by-case problem institution resolution. These changes include authority to provide assistance if emergency circumstances prevail, to allow thrift acquisitions across state lines and to allow such acquisitions by bank holding companies. In order to continue the frank discussions which we have had on this subject, it would be appreciated if you would review the attached draft legislation suggested by the agencies and provide at the earliest possible time the Administration's views on the principles involved in the proposals.

Sincerely,

FERNAND J. ST GERMAIN,
Chairman.

WASHINGTON D.C.
May 29, 1981.

Hon. FERNAND J. ST GERMAIN,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your letter of April 28 requesting the Administration's views on the financial institutions regulators' draft legislation to assist thrift institutions. We have reviewed the legislation as you forwarded it, together with subsequent changes that were made by the regulators. Before and since your letter, members of the Cabinet Council on Economic Affairs and I have been given the problems of the thrift industry very careful study and have given the regulators' draft bill equally careful scrutiny in that connection.

INTERSTATE AND INTERINDUSTRY MERGERS

The Administration has no objection to the regulators' proposals for interstate and interindustry mergers and consolidations. We are sympathetic to what appears to be a competitive free market means of dealing with a failing depository institition. Expanding the geographic market to reach more potential bidders for a distressed firm could reduce the amount of financial assistance the Federal deposit insurance agencies might have to provide in order to facilitate the merger of a failing institution. If the regulators believe that interstate and interindustry mergers and consolidations would significantly increase their options in assisting the thrift industry, we have no difficulty with these proposals.

FINANCIAL ASSISTANCE POWERS

The Administration does oppose the regulators proposals to increase their financial assistance powers and their borrowing lines at the Treasury Department. We believe the legislation requested in this area is unnecessary at this time and does not address the industry's difficulty. While the thrift industry is suffering temporarily from an earnings problem, it is clear that the industry (whose assets have increased approximately $9 billion since January of this year) does not face cash difficulties. Measures necessary to offset the temporary decline in the

industry's net worth as a result of its earnings difficulties can be taken without the need for any extraordinary financial assistance. We expect that the President's economic program with its balanced tax, budgetary and monetary policy features designed to work in concert to reduce inflation will also reduce short-term interest rates. This would be the best possible solution to the thrift industry's earnings problems. I therefore hope that the Congress will continue its favorable action on the program as expeditiously as possible.

As to any cash problems that some thrift institutions may encounter, in our opinion the Federal deposit insurance agencies already have the resources and financial powers to aid these institutions. They have in fact the substance of the authority they are requesting. We would prefer to have existing programs and resources utilized carefully before new powers and money are provided. If the insurance agencies appear to us to need new authority or resources, we will propose or endorse proposals to meet these specific needs.

In any event, the most important element of enabling thrift institutions to retain their deposit funds is a removal of restrictive limits on the amount of interest they can pay on their deposit liabilities. As Chairman of the Depository Institutions Deregulation Committee, I expect, as I have stated in the past, to act expeditiously to permit the industry to become more competitive in this regard.

In closing, let me reiterate the Administration's confidence in the viability of the thrift industry and in its ability to adapt to temporarily adverse market conditions. We are certain that it can cope with high inflation and high interest rates for the time being and that the Federal government's deposit insurance agencies can fully protect the public should some institutions have difficulties.

I would look forward to further discussion of the Administrations' viewpoint with you at any time.

Sincerely,

DONALD T. REGAN.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C.

WASHINGTON, D.C., May 29.—Chairman Fernand J. St Germain of the House Committee on Banking, Finance and Urban Affairs, was informed today by the Office of the Secretary of the Treasury that they will oppose assistance legislation for the thrift industry.

"I must assume," Mr. St Germain said, "that this decision was based on an analysis of all of the detailed information concerning the thrift industry to which the Administration is privy but which, obviously, I have not seen. As the Administration knows, I have had a number of meetings and discussions on these issues since last October and I have offered my complete services in an attempt to draft and have enacted necessary legislation to provide whatever assistnace might be needed for the thrift industry. With the opposition evidenced by the Administration, there appears to be little or no reason to proceed to discuss assistance legislation for the thrift industry in the context in which it has been proposed to date by the Federal Reserve, and other depository institutions regulators."

"I, of course, continue to stand ready to listen to any proposals which might be made by the Administration concerning these matters; but it must be concluded that they feel that no assistance is needed at this time except to allow the full force of the marketplace to operate," the Banking Committee Chairman said.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C., July 29, 1981.

Hon. RICHARD MCNAMAR,
Deputy Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: During its recent review of the conduct of monetary policy, the House Banking Committee heard from numerous witnesses about the condition of the thrift industry—in the past, the major source of mortgage funds. The Chairman of the thrift insuring and regulatory agencies, in particular, warned that continued high interest rates would seriously impair thrift institution safety and soundness. Asked whether we should look for rates to decline soon, Federal Reserve Chairman Paul Volcker said that such expectations would be "imprudent".

Interest rates are high now, and many financial market experts, in contrast with the Administration, expect the rates to remain high. Some highly respected financial analysts even predict interest rates may rise somewhat from present levels as a result of government deficits significantly larger than the Administration now contemplates. The refusal of the Administration to recognize the possibility that interest rates may remain at high levels longer than it expects is, in my view, an error in judgment of potentially very serious consequences.

Three months ago, I was asked in the most urgent terms by the Federal Reserve, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board and the National Credit Union Administration, to obtain Banking Committee consideration of legislation to broaden their merger and acquisition authorities and expand their insurance fund resources to assist in preserving financial services to local communities. As you know, legislation drafting and briefings began immediately on a full bi-partisan basis. As you also know, further consideration of the "Regulators' Bill" was terminated by the Administration's decision to oppose its enactment in the belief that interest rates will decline in the near future.

I was particularly distressed to hear Assistant Treasury Secretary Mehle say, when he appeared before the Banking Committee on July 23, that the Administration has no thrift institution contingency plan. Your recent public statement that if such a plan were needed, it could be instituted "virtually overnight" is also disturbing to me.

You should be aware that any effort to expand deposit insurance fund resources would require action by the House and Senate Appropriations and Budget Committees, as well as the Banking Committees. While I have no doubt these Committees would act quickly in an emergency, you must understand that (1) the emergency which would necessitate "overnight" action would be the failure of several large thrift institutions, causing a decline in public confidence, and (2) the very act of Congressional consideration would, in the judgment of some experts, further impair public and financial market confidence because of the potential for adverse deficit and monetary growth effect. Indeed, the Administration's decision to not act when it could have, two months ago, may ultimately cause the public cost of assisting the thrift industry to be far greater than it otherwise would have been.

The position of the Federal Reserve and the agencies responsible for supervising and insuring thrift institutions is in conflict with the Department of Treasury and the Administration. This conflict concerns me very much. If the regulators' assessment of risk is accurate, and we must take their evaluation very seriously because of their intimate knowledge of thrift industry conditions, the Administration is subjecting the thrift industry and its support institutions to serious and needless risks.

I urge you in the strongest terms to reconsider your current opposition to enactment of legislation deemed necessary by the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration and the Federal Reserve. Such a reconsideration would be consistent with a prudent sense of the inherent uncertainties of economic life and a realistic understanding of the acute financial pressures that accompany the Administration's policy of unrelenting monetary discipline.

Sincerely,

FERNAND J. ST GERMAIN, *Chairman.*

DEPUTY SECRETARY OF THE TREASURY,
Washington, D.C., August 3, 1981.

Hon. FERNAND J. ST GERMAIN,
Chairman, Committee on Banking, Finance, and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am concerned by the statements in your letter of July 29 to the effect that you perceived that the Administration is not responding adequately to the problems of thrift institutions. Let me assure you that we recognize the difficulties this industry is having with high inflation and high interest rates and to that end, have proposed an Economic Recovery Program to bring down inflation. The decline in interest rates that we anticipate as the President's Economic Recovery Program takes effect will substantially alleviate the industry's current earnings problem.

While the thrift industry's current problems are of concern, we believe they are temporary and manageable and that the industry will recover satisfactorily and resume a leading role in housing finance. While individual institutions may be in difficulty, it is clear that as a whole the industry, whose assets have increased approximately $16.3 billion since January of this year, does not face a cash shortage.

We do recognize that in the interim the thrift industry may need some general assistance and individual thrift institutions may need more specialized assistance. I would like to point out some of the currently available means of such assistance:

(1) Under existing legislation, the Federal Home Loan banks and Federal Reserve banks can make funds available to individual thrift institutions with liquidity problems. The Federal Savings and Loan Insurance Corporation (FSLIC) and the Federal Deposit Insurance Corporation (FDIC) can provide other types of assistance, particularly to address a serious decline in a thrift institution's net worth. For example, in recent years the role of the FDIC in the First Pennsylvania and Bank of Commonwealth situations demonstrates the scope of existing FDIC powers. The same authority exists to assist troubled mutual savings banks. The powers of the FSLIC are even more broad;

(2) The Congress is currently completing work on tax legislation that includes liberal-

ized Keogh and IRA provisions and an "All Savers" program that would provide the thrifts with more cash flow from lower cost deposits. These funds would offset some of the recent loss of deposits by thrift institutions, and the lower cost tax-exempt feature of "All Savers" would aid the institutions' earnings;

(3) As of August 1, depository institutions were permitted to pay approximately market rates of interest on deposits with maturities of two and one-half to four years, in addition to other deposits which already have near market rates. The two and one-half to four year authority was granted by the Depository Institutions Deregulation Committee at its public meeting on June 25. This action will enhance the ability of thrift institutions to compete for funds.

Taken together, these forms of general and special assistance are far reaching. Moreover, the new legislative and DIDC actions have not yet had time to take effect, and many of the institutional programs have not yet been called upon to provide any significant assistance. It is in this context that Assistant Secretary Mehle noted in his testimony before your Committee that the Administration feels that no further assistance "plan" is warranted at this time. As to my statement that "overnight" a "plan" could be implemented, it was in response to a narrow question—the ability to authorize the expansion of the FSLIC $750 million borrowing line from the Treasury. I indicated that this expansion could be accomplished virtually overnight, and I believe that in fact this is true. The speed with which your Committee has proposed to act on the thrift legislation introduced Friday is evidence of the Congress' ability to act quickly.

Although we have not yet seen it, we understand that this legislation contains many feature of the original so-called "Regulators' Bill," on which the Administration communicated its position to you in a letter from Secretary Regan on May 29 (see enclosure). Specifically, we understand that the legislation would permit the interstate and interindustry acquisition of troubled thrift institutions by other thrifts and by commercial banks or bank holding companies, and would permit the FSLIC and FDIC to give financial assistance to troubled depository institutions. However, it is our understanding, that the bill does not contain increased borrowing lines from the Treasury Department for the FSLIC, FDIC or the National Credit Union Share Insurance Fund.

Our reaction to this legislation is basically the same as our reaction to the previous "Regulators' Bill," that is:

(1) The Administration believes the regulators' proposals for interstate and interindustry mergers and consolidations have considerable merit. Expanding the geographic market to reach more potential bidders for a distressed firm could reduce the amount of financial assistance the Federal deposit insurance agencies might have to provide in order to facilitate the merger of a failing institution. Interstate and interindustry mergers and consolidations would significantly increase the regulators' options in assisting the thrift industry in a pro-competitive way, and we have no difficulty with these proposals;

(2) The Administration opposes the proposals to increase the regulators' financial assistance powers. We believe the legislation requested in this area does not address the industry's fundamental problems. In our opinion, the Federal deposit insurance agencies already have the resources and financial powers to aid these institutions. They have in fact the substance of the authority they are requesting. We would prefer to have existing programs and resources more fully utilized before additional new powers and money are provided. If the insurance agencies appear to us to need new authority or resources, we will quickly propose or endorse proposals to meet any such specific needs.

More importantly, however, and of strong influence on our thinking, the Federal Home Loan Bank Board is currently developing legislation that would far better address the fundamental problems causing the industry's earnings problems. The Administration is currently in the process of reviewing preliminary drafts of this proposal, and favors its overall approach and a number of its provisions, which include the merger provisions of its predecessors and increased asset powers that are important to the industry's long-term vitality.

We believe that this new proposal is likely to be far superior to the current proposed bill in meeting both the industry's current and long-term needs. Given the adequacy of the regulators' powers, and because the new proposal will be available for consideration by your Committee after the Congress returns, we feel it would be more appropriate to deal with the industry's fundamental problems rather than to proceed with legislation that we feel is inadequate and incomplete.

In closing, let me reiterate the Administration's confidence in the viability of the thrift industry and in its ability to adapt to temporarily adverse market conditions. We are certain that it can cope with high inflation and high interest rates for the time being and that the Federal Government's deposit insurance agencies can fully protect the public should some institutions have difficulties.

I would look forward to further discussion of the Administration's viewpoint with you at any time. You and the Congress can rest assured that we are ready to act promptly in proposing or endorsing legislation that might be necessary to deal with the problems of thrift institutions in a period of transition.

Sincerely,

R. T. McNAMAR.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C., August 3, 1981.

STATEMENT OF CHAIRMAN FERNAND J. ST GERMAIN OF THE HOUSE BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE IN RESPONSE TO TREASURY DEPARTMENT LETTER OF AUGUST 3, RE ASSISTANCE LEGISLATION FOR THE THRIFT INDUSTRY

The Administration's answer is simply more of the same; a warmed-over, slightly more verbose version of their May 29 letter of inaction.

In May the Administration had high hopes of lower interest rates. In August, the same wishful though is put forward, the doubts of the Federal Reserve and economic realities notwithstanding.

I remain convinced that it is good public policy to have mechanisms in place so that regulatory bodies can move in a flexible manner if problems persist and grow—and if the Administration's rosy economic projections prove wrong. While you always hope nothing happens, you buy insurance before—not after—the fire. The door of this Committee has remained open for consideration of any legislation on which there is a semblance of agreement between the Administration and the financial regulators.

Clearly, the views of key regulatory and the Administration are at odds—a spectacle not likely to enhance confidence in the financial industry or the Reagan Administration.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1981.

Hon. FERNAND ST GERMAIN,
Chairman, House Committee on Banking, Finance and Urban Affairs, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Week before last, after you asked me to chair during the presentation of testimony by Assistant Secretary of the Treasury Mehle (I believe), a strange, contradictory, and ominous, series of events occurred.

Mehle's testimony flatly contradicted the previous testimony presented by Chairman Pratt and two other regulators.

You will recall that Chairman Pratt stated that unless "the Congress (meaning us) acted quickly and expeditiously," dire things would happen to the savings institutions though he did not specify what legislation would be needed.

Mehle categorically denied any emergency and made, what to me, are astounding dogmatic pronunciamentos of "no crisis."

Both of these men cannot be correct.

However, I believe that Congress has to respond and take action immediately; otherwise, once again, we will be the patsy for the Reagan Administration ploys against the Democrats.

You and I know what the representatives of the savings industry are telling us in anguishing cries.

We cannot turn our backs on them, and the Secretary of the Treasury says he will not lift a finger to help them.

I respectfully urge that you summon all the individuals involved instanter before the committee, even if it means prolonging or shortening the recess.

With warmest regards, I remain

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C., August 14, 1981.

Hon. HENRY B. GONZALEZ,
U.S. House of Representatives, Washington, D.C.

DEAR HENRY: Thank you for your letter expressing your deep concerns over the discrepancy between the views of the Treasury Department and the depository institution regulatory agencies on the condition of the thrift industry today.

Certainly, I share your concerns that this divergence of views has great implications for public policy and for our financial markets. The thrift industry plays a vital role in our economy by providing a source of credit for the housing industry and for homeowners and a means of encouraging individuals to save and invest. The regulators clearly have close and expert knowledge on which to base their assessments of the condition of the industry and the need for legislation to provide them with more flexible tools with which to provide solutions to problem institutions in a manner which maintains public

confidence in the depository institutions of the nation. The Administration, through the Treasury Department, continues to oppose that legislation.

As you know, I have been concerned since last fall that the agencies might require in the very near future more flexible powers. To that end, I met with the heads of the deposit insurance agencies, the Chairman of the Federal Reserve Board, representatives of the thrift industry, with Secretary Regan, and other officials of the Treasury Department, and with Members of our Committee to determine what legislation was needed. I still believe that it makes good common sense to have an insurance policy in place rather than waiting for the emergency to happen before seeking protection. With insurance one hopes that nothing happens; however, should the worst happen the policy provides a degree of protection that would not be there otherwise.

For your information, I am enclosing several documents which indicate the extent of the Committee's involvement in this issue. The position of the Administration is also described in depth by the correspondence from the Treasury Department on the so-called "Regulators' Bill". The most recent statement reiterates the testimony of Assistant Secretary of the Treasury Mehle to which you refer.

On July 30, 1981 I introduced, along with Mr. Stanton and Mr. Wylie, the "Regulators' Bill". Clearly the Administration precluded action on the bill before the recess and again clouds the outlook for such legislation. At this time, I am reviewing all of the material that I can on the condition of the thrift industry and am planning the agenda of the Subcommittee on Financial Institutions for the return in September including the probable inclusion of early hearings on that bill.

Certainly, I hope that this information provides you with data to further assess the situation that we confront. I want to reiterate that I too share your deep concerns over this matter, and I appreciate your making your views on this known to myself and our colleagues on the Banking Committee.

Sincerely,

FERNAND J. ST GERMAIN,
Chairman.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C.

WASHINGTON, D.C., September 24.—Chairman Fernand J. St Germain of the House Banking, Finance and Urban Affairs Committee announced today a two-tier approach to financial legislation, separating emergency assistance from proposals for long-range structural changes in the financial industry.

Hearings on the assistance package will open at 9 a.m. Tuesday before the Committee's Financial Institutions Subcommittee. The Committee and Subcommittee markups are scheduled for later in the week.

The legislation—drafted originally by the financial regulators—enhances the ability of regulators to use the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation to assist problem institutions and authorizes interstate and intra-industry mergers to save failing institutions.

Separately, the Committee will open hearings on proposals to restructure the financial community, remove various statutory restrictions, broaden powers and improve delivery of credit. A discussion outline of the proposals is being drafted and will form the format for the hearings. The hearings will begin next month.

Mr. St Germain said the two-tier approach will provide the Committee a better opportunity to give proper consideration to the "far-ranging issues that are involved in any major restructuring of the powers and responsibilities of the various financial institutions."

"So long as the questions remain about what might be needed on an immediate basis to deal with emergency financial problems, we face the possibility of being rushed to hasty judgments on the broader questions that deserve more than a cursory look," Mr. St Germain said. "With the emergency powers behind us, we can proceed in an orderly manner on these other issues."

Mr. St. Germain said the emergency powers would expire on December 31, 1982.

"By that time the Congress will have had an opportunity to deal with the long-range questions," he said.

THE SECRETARY OF THE TREASURY,
Washington, D.C., September 30, 1981.

Hon. FERNAND J. ST GERMAIN,
Chairman, Subcommittee on Financial Institutions Supervision, Regulation and Insurance, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to take this opportunity to withdraw the Department of Treasury's request to testify before your Committee on H.R. 4603, the Deposit Insurance Flexibility Act.

The Department would prefer not to address this bill in isolation of the other issues affecting the thrift industry. Therefore, we would like to refrain from testifying until your Committee begins comprehensive hearings on financial institutions which I understand will occur in mid-October. At that time we will have completed our review of a number of issues that impact on the thrift industry and would welcome the opportunity to share our views with your Committee.

Sincerely,

DONALD T. REGAN.

Mr. STANTON and I arranged for full briefings of committee members and staff by agency representatives on the so-called regulators' bill. Given the circumstances facing depository institutions, as they were explained to me, the regulators' bill seemed to contain needed statutory changes. Unfortunately, inflammatory statements by high-ranking administration officials culminated in a Treasury Department veto. This, combined with trade association turf battles and the inability of the agencies concerned to stay together, halted further consideration of the legislation.

Further confusing the matter is the Federal Home Loan Bank Board's latest draft legislation. Rather than addressing the shortrun problem, the bill would bring about a long-term restructuring of thrifts overnight, destroying the last vestige of a specialized mortgage finance supplier. I look forward to a full exploration of the rationale for this changed emphasis, in the weeks and months ahead.

As the heads of the Federal deposit insuring agencies, gentlemen, you have been asked to report to this committee on the present condition of the institutions under your respective jurisdictions, and provide us your best judgment as to the impact of current and projected monetary policy on the conditions of those institutions. Because interest rate levels will be a critical determinant of depository institution well-being, and since you have little control over future rates, we have asked you to evaluate future safety and soundness in the context of the three interest rate scenarios developed by the Banking Committee staff. These include: A high rate scenario, in which the 6-month Treasury bill rate is assumed to rise from its present level to 16 percent by yearend, decline to 14 percent in 1982, and continue to average 14 percent through 1983; a second scenario which assumes the 6-month Treasury bill rate declines to 12 percent by yearend 1981, and averages 12 percent through 1982; and a euphoric scenario, in which the 6-month Treasury bill rate declined to 7.5 percent by yearend 1981, and averages 7.5 percent through 1983.

Lastly, we would appreciate hearing an explanation of your contingency plans and your recommendations as to how the problems facing depository institutions in a tight money, high interest rate environment should be dealt with by the present administration.

Hearings continued at the full committee level on July 21, 22, and 23. Assistant Secretary Mehle appeared on July 23 in opposition to the regulators' bill primarily on the grounds that the legislation was considered unnecessary inasmuch as the administration at that point was still predicting an early and significant drop in interest rates, which I must point out still has not happened as we near the first of November. In addition, Assistant Secretary Mehle disagreed with FDIC Chairman Isaac's view as to the necessity for a statutory amendment waiving the essentiality requirement for 13(c) capital infusion. I submit that the regulatory agency is better qualified to interpret its operation statutes than is the Treasury Department. Following these hearings and after further discussions with the administration, Congressmen STANTON, WYLIE, and I introduced H.R. 4361 on July 31 enabling all interested parties to consider the regulators' request during the August recess. After further discussions and correspondence with the administration on September 24, the committee leadership announced our intention to separate emergency assistance, requested by the regulators, from proposals for long-range structural changes in the financial industry, including broadened powers for the savings and loan industry.

The Subcommittee on Financial Institutions Supervision, Regulation,

and Insurance held hearings on the provisions of H.R. 4603 on September 30 and October 1. On September 30 representatives of the American Bankers Association, the Conference of State Bank Supervisors, the Independent Bankers Association, the National Association of Mutual Savings Banks, and the U.S. League of Savings Associations testifed. In addition, the committee received written statements from the Independent Insurance Agents, the National Association of State Savings & Loan Supervisors, and the National Governors' Association. On October 1, the committee received testimony from the Chairman of the Federal Reserve Board, Paul Volcker, on behalf of the regulators. The Federal Reserve Board served as the coordinator for the regulators during the extensive deliberations which have taken place during the past year. Chairman Volcker clearly and succinctly presented the case for immediate consideration of H.R. 4603 by stating:

I also want to emphasize at the outset that I consider the acute problems of the thrift industry to be transitional in nature. . . . The bill before you, drafted largely by the supervisory agencies, provides no fundamental change in the authority or role of those agencies. Rather, it simply provides the FDIC and FSLIC, under specified conditions, with more flexibility either to provide transitional assistance to thrift institutions that can survive during a period of financial stress or to broaden merger possibilities. . . . The past record and interest of the supervisory agencies seems to me to provide assurances that this additional margin of flexibility will be utilized with great care and prudence, and with appropriate safeguards to the public interest; it is not a generalized "bail out," and should not be viewed as such. . . . The assistance would be provided only in circumstances in which it would, in fact, avoid large potential drains on the insurance funds themselves that would arise in the event otherwise sound institutions needed to be merged or liquidated.

Following Chairman Volcker's testimony on October 1, the subcommittee adopted H.R. 4603, as amended, by a rollcall vote of 15 ayes to 9 nays. The full committee on October 2 began the consideration of H.R. 4603, as amended. The committee received additional information from the regulators on October 2 in executive session. On October 6 the committee completed markup of H.R. 4603 and by voice vote reported the bill as amended.

Having set forth the history of the regulators' request for assistance, I will now highlight the bill's principal provisions. It is important to emphasize the bill's limited transitional purpose—hence the sunset date of September 30, 1982—and to emphasize that the committee leadership has no intention of seeing this limited emergency bill used as a basis for creation of an omnibus package of proposals providing powers for financial institutions.

Unfortunately there are those who, in seeking more comprehensive banking legislation such as expanded thrift powers, Glass-Steagall amendments, McFadden-Douglas (branching) amendments, have sought to hold the bill hostage in order to compel debate and final action prematurely, shortcircuiting the type review these subjects deserve. This had contributed to some of the confusion over H.R. 4603. The committee, by its voice vote adoption of H.R. 4603, accepted the recommendation of Mr. STANTON and myself to separate emergency assistance from proposals for long-range structural changes in the financial industry. We have no intention of being rushed to hasty judgments on the broader questions of banking reform that deserve more than a cursory look. As stated previously, it is our intention to proceed with comprehensive hearings on a number of important questions relating to the most efficient and effective environment for the provisions of financial services, to municipalities and the individual consumer.

Before highlighting the bill's principal provisions, I must say I agree with BILL STANTON's description of the bill when at the opening of the full committee markup he stated:

I don't remember in my 17 years here when I have ever seen a bill that is more greatly misunderstood than this legislation.

In general terms, H.R. 4603 permits the regulators to offer financial assistance to depository institutions adversely affected by severe economic conditions, if the assistance extended would reduce the potential cost to the deposit insurance funds. Authority is also provided under carefully prescribed circumstances for the regulators to arrange charter conversions and mergers of troubled institutions, including mergers across State lines and industry lines after every reasonable effort is made to obtain an intrastate solution with like institutions before seeking an interstate cross industry solution.

Principal additional provisions in summary form are as follows:

First. Establish parallel treatment by FDIC and FSLIC by waiving the existing essentiality requirement for FDIC financial aid;

Second. Expand the types of aid FSLIC can offer to FSLIC institutions;

Third. Allow FDIC, as receiver of a closed insured bank with assets of $2 billion and above, to sell assets to a subsidiary of an out-of-State bank or holding company, subject to the State bank branching laws of the failed bank;

Fourth. Provides a statutory procedure for FSLIC mergers;

Fifth. Permits conversions from a mutual to stock form as an aid to merger;

Sixth. Permits FDIC to offer limited merger-related assistance to an acquiring institution insured by FSLIC and requires FDIC indemnification of FSLIC for up to 5 years when conversion to FSLIC-insured stock saving banks occurs;

Seventh. Permits NCUA to approve mergers between credit unions or other financial institutions;

Eighth. Authorizes FSLIC borrowing from Federal Home Loan Banks;

Ninth. Expands dividend distribution powers of Federal Home Loan Banks under severe financial conditions;

Tenth. Authorizes fund advances from NCUA Central Liquidity Facility to the National Credit Union Share Insurance Fund.

Finally, a brief comment on the position of the administration and the Federal Home Loan Bank Board will be helpful in view of the misinformation that is being circulated.

Treasury, after first asking to testify on H.R. 4603, withdrew its request by letter dated September 30, 1981, stating:

The Department would prefer not to address this bill in isolation of the other issues affecting the thrift industry * * *.

In testimony before the Senate Banking Committee on October 19, Secretary Regan stated the following:

This legislation contains very important provisions authorizing emergency interstate and interindustry mergers and acquisitions to rescue troubled commercial banks and thrift institutions. These provisions would greatly assist the regulatory agencies in coping with problem organizations. We therefore regard the provisions for interindustry and interstate mergers and acquisitions as an essential element of any legislative assistance to the thrift industry.

S. 1720 would provide broader language regarding the ability of the Federal Deposit Insurance Corporation to provide assistance to an insured institution." * * *.

However, in the context of this proposed legislation, which addresses the thrift industry's long-term structural difficulties, we would not object to the new language regarding the conditions under which the FDIC may assist a troubled institution. * * *

The provisions of H.R. 4603 appear almost identically as a part of S. 1720.

Federal Home Loan Bank Board Chairman Pratt testified in support of the regulators bill during full committee monetary policy hearings on July 14 and reiterated that support in this letter of October 2 to the committee as follows:

Because of the current wording of the Home Owners' Loan Act and the National Housing Act, there are a number of significant gaps in our existing authority to deal with failing institutions. The regulators' bill would fill those gaps.

In conclusion I know of no better way to sum up the case for H.R. 4603 than to quote from those who have sought this legislation, the regulators, in whom we have entrusted enormous responsibility for the regulation and supervision of this Nation's financial

institutions. Former Federal Deposit Insurance Corporation Chairman Irvine Sprague in his testimony before the committee urged the approval of H.R. 4603 as follows:

We have proposed to the Congress and solicit your active and aggressive support for legislation . . . to modify the statutory Section 13(c) test to enable us to make capital infusions more easily, particularly in the New York thrifts, and to permit FDIC as the Receiver of a large failed FDIC-insured bank to arrange a Section 13(e) purchase and assumption transaction with an out-of-state institution, but only if the failed bank had $2 billion or more in assets. . . . We are talking today about emergency legislation to meet a specific need.

Newly confirmed FDIC Chairman William Isaac wholeheartedly supports this endorsement of H.R. 4603 and continues to cooperate with the committee in our efforts to advance the bill.

Notwithstanding Federal Home Loan Bank Board Chairman Pratt's preference for broader legislation, providing expanded powers for savings and loans, he stated in his testimony the following:

There are a number of legislative steps that, if taken, would greatly enhance the Corporation's ability to carry out its responsibilities in a cost-effective manner. Given the enormous pressures on the insurance fund, and the direct connection we perceive between the integrity of the fund and public confidence in the financial system generally, we believe the importance of removing barriers to low-cost resolutions of problem cases cannot be overstated.

National Credit Union Administration Chairman Lawrence Connell joined in endorsing H.R. 4603 in the following manner:

Returning to the matter of flexibility, Mr. Chairman, I would emphasize for the Committee the necessity for immediate action on increasing both the regulatory flexibility of NCUA and its Central Liquidity Facility and the operational flexibility of credit unions in light of anticipated persistent high interest rates. . . . I ask that the Committee act favorably toward our request for additional statutory provisions to meet the demands of the future.

Finally, Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System speaking for all of the regulators, in his appearance before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance on October 1, stated the case for the bill as follows:

I also know that to some this bill appears too narrow in scope and short in duration to deal with the basic problem of the thrifts or structural change in the financial industry. That is true; it is not designed to do so. . . . But you realize, those issues are unavoidably complex and contentious and they will, in my judgment, not be resolved easily. As important as they are, I would strongly urge that the Congress not wait for their resolution to address the pressing, yet transitional, problems before the regulators. In my judgment, the legislation before you, limited in objective, modest in scope, and temporary in duration, is needed now, but in no way should prejudice your further examination of more fundamental issues.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Kentucky.

Mr. PERKINS. First, let me state that I realize the savings and loan associations are in trouble and need assistance, but I am wondering why the intrastate banks cannot serve the same function as interstate banks in this situation.

Mr. ST GERMAIN. There is a very simple reason. In many instances, this is why we had foreign banks that have taken over commercial banks in this country and in some of the major money centers of this country. In many instances, there are not institutions within the given States that can indeed take over or merge with the institutions that are in jeopardy.

We have seen an example of it within the past 3 to 4 weeks, where an institution in the State of California that is owned by a steel corporation, a holding company, took over and merged into it a savings and loan association in New York City, Westside Federal, and with a savings and loan association in Miami, Fla., known as Washington Federal.

That is the answer to the gentleman's question.

Mr. PERKINS. If the gentleman will yield further, if that be the case, why not propose legislation in lieu of interstate banking that would prohibit and restrict these mergers that the gentleman is speaking of and all of these disastrous situations that have been brought about in the country? Why do we not bring legislation to the floor addressing that one point?

Mr. ST GERMAIN. I am having difficulty understanding what it is the gentleman is proposing.

Mr. PERKINS. I am wondering if you are not giving the large banks——

Mr. ST GERMAIN. I am trying to understand what the gentleman is getting at.

Mr. PERKINS. You are just giving the large banks of the country the power to gobble up the small banks and savings and loan institutions all over the country.

Mr. ST GERMAIN. With all due respect—and I do have a geat deal of respect for the chairman of the Committee on Education—when the gentleman says we are giving the large banks the power to gobble up small banks, that is a fiction that has been spread about this legislation.

Mr. PERKINS. Well, I am talking about——

Mr. ST GERMAIN. The gentleman asked me a question. Please, let me answer it.

Mr. PERKINS. Well, why do not——

Mr. ST GERMAIN. I have not yielded further.

It is a fiction that has been spread by some of the small banks around this country through misunderstanding. The legislation, as explained by the Rules Committee when they brought it to the floor earlier this afternoon, applies to institutions of $2 billion or more in assets that are failing or are jeopardized as a result of severe financial conditions. To say that the large banks are going to gobble up small banks is a lot of hogwash and a fiction that has been spread by those who should know better.

Mr. PERKINS. If the gentleman will yield further——

Mr. ST GERMAIN. I will yield for one further question, because I would like my Republican colleagues to have a little time, as well.

Mr. PERKINS. The bill expressly provides flexibility to the Federal Deposit Insurance Corporation and the Federal supervisory agencies, to deal with financially distressed depository institutions, and, on page 12 and 13, interstate banks can take over any bank or institution in any State in the Union, the way I read this language.

Mr. ST GERMAIN. The gentleman is not reading the bill properly.

In the case of commercial banks, it is not any. The commercial bank in question that is failing must have assets of $2 billion—or more. This does not affect your typical country hometown bank. They are not included in this legislation.

Mr. PERKINS. Well, it says, on page 13:

"(3) The Corporation may provide any person acquiring control of, merging with, consolidating with or acquiring the assets of an insured institution under section 408(m) of this Act with such financial assistance as it could provide an insured institution under this subsection."

Mr. ST GERMAIN. Excuse me. I do not intend to yield further. The gentleman asked me a question, and I answered it. I would expect that the gentleman would have for me the respect I always have for him. When he gives an interpretation and an explanation of the legislation he brings to the floor, I take his word for it. I am not up here to delude or to deceive anyone when I say to you that a commerical bank, has to have $2 billion or more in assets and be in a severe depressed financial condition for it to become subject to this legislation. I am reporting this fact actually and accurately to the gentleman in response to his questions.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Maryland.

□ 1515

Mr. MITCHELL of Maryland. Just very briefly, Mr. Chairman, I am unfortunately not a member of the gentleman's subcommittee but I recall during the discussion of the markup in the full committee some statements

were made to the effect that the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation already possess the authority and the power to do almost everything that is in this legislation; is that correct.

Mr. ST GERMAIN. Yes, sir.

Mr. MITCHELL of Maryland. It may sound naive, then why do we need the legislation?

Mr. ST GERMAIN. Had the gentleman stayed a little further and heard the balance of the statement, the reason for it is that absent this legislation there is flexibility in certain areas that the FDIC does not have in order to go in and assist the failing institution to insure its continued existence.

In addition, without this legislation, they must rely on individual agency interpretation of existing law as to the full scope of their powers in certain instances. We in this legislation circumscribe it. We design parameters. What we want to do is preclude a situation where they can take a mutual savings bank in New York State and overnight convert it from a mutual to stock form and at the same time convert it to a retail bank operation and allow McDonald Hamburgers, Exxon, the Bank of Tushiba, Japan, or Hong Kong to come in and pick it up.

Mr. MITCHELL of Maryland. I thank the gentleman for his explanation.

If the gentleman will yield further, what is the role of Mr. Volcker and the Federal Reserve in all of this?

Mr. ST GERMAIN. As the gentleman knows, the role of the Fed is very limited in this particular instance. However, as a result of a request by the committee leadership and the other regulators, the Federal Reserve Board, through Mr. Volcker and his staff, coordinated the other drafting of this legislation to address the severe financial crisis that exists in many of our financial institutions.

Mr. MITCHELL of Maryland. I thank the chairman for his explanation of both of my questions.

Mr. ST GERMAIN. Mr. Chairman, at this point I would reserve the balance of my time.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the ranking minority member of the committee, the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. Mr. Chairman, I strongly support this legislation. I commend the chairman, Mr. ST GERMAIN, and the ranking Republican on the Financial Institutions Subcommittee, Mr. WYLIE, for their excellent work in shepherding this bill through our committee.

As many Members know, H.R. 4603 is primarily the product of the financial institutions regulators' draftsmanship. Over the course of several months, members and staff of the committee and of the agencies held numerous meetings on the several drafts of this legislation. Our discussions were successful in outlining the need for this legislation and in explaining many of its complexities.

As the committee report shows, each of the three deposit insurance funds faces serious problems in the next year. The losses of the mutual savings banks insured by the FDIC are such that some of the largest ones, with aggregate assets of over $25 billion, may reach a net worth of less than 1 percent in the next year. According to the Federal Home Loan Bank Board, some savings and loan associations, with aggregate assets of $29 billion, will reach a zero net worth in the coming year. Over 1,000 credit unions are classified as problems by the National Credit Union Administration. Credit union liquidations in 1981 will exceed those of 1980, a year which saw an increase of 41.4 percent in liquidations over the prior year.

The regulators are united in their view of the necessity of emergency assistance along the lines of H.R. 4603. The committee report includes statements from each of the financial institutions regulators in support of this legislation. At least one, Mr. Pratt of the FHLBB, supports the assistance provisions while urging broad asset powers revisions. I agree with Mr. Pratt and the others who assert that the asset powers of the thrift industry should be expanded although I do not agree that emergency assistance and asset powers are inextricably tied together.

We, as a committee, have determined that the questions of the powers of financial institutions and industry structure must be handled in a separate procedure. This bill, H.R. 4603, is directly tied to that procedure as part 1 of a two-part process. We intend to move to part 2 shortly, and I hope we can begin hearings early next month.

I cannot emphasize enough that H.R. 4603 is emergency legislation which will terminate in less than 1 year. It is narrow in scope and designed, at the request of the regulators, to respond in a limited way to a short-term emergency in the financial institutions industries. The bill would permit interstate and interindustry mergers and acquisitions, but only under extremely limited circumstances. And, as a result of amendments adopted by the committee, these circumstances have become even more limited than originally proposed. By no stretch of the imagination is it in any way a complete disavowal of the McFadden Act or the Douglas amendment to the Bank Holding Company Act.

The administration opposes none of the provisions of H.R. 4603. Secretary Regan appeared before the Senate Banking Committee on October 19 to describe the administration's position on banking legislation pending there. On the two key ideas common to H.R. 4603 and Senator GARN's bill, S. 1720, Secretary Regan strongly agreed with the substance of our committee's bill. On interstate and interindustry mergers, he said:

> Allowing interstate and interindustry mergers would open the bidding for troubled institutions to more participants. This would promote a free market form of assistance to such organizations so all possible forms of private help could be exhausted before government assistance is extended. We therefore regard the provisions for interindustry and interstate mergers and acquisitions as an essential element of any legislative assistance to the thrift industry.

On measures providing short-term financial assistance, the Secretary reiterated a preference for linkage with asset legislation. He did support provisions appearing in H.R. 4603 allowing FSLIC to borrow from the FHLBB and allowing the National Credit Union Share Insurance Fund to borrow from the Central Liquidity facility. He supported a provision increasing FSLIC's flexibility in controlling refunds of the secondary reserve. He also approved of a provision giving FDIC more flexibility in assisting a troubledquiinstitution.

Because of the possible confusion caused by the administration's preference for more sweeping legislation, I have asked for a clarification from the Treasury Department. The response I received follows:

> The administration does not favor H.R. 4603 as separate legislation because the bill does not address the thrift industry's long-term structural difficulties. However, the administration will not object to consideration of the bill since legislation, which the administration does favor, is pending in the Senate that incorporates provisions similar to that of H.R. 4603 and broadens the lending and investment powers of thrift institutions.

I am sure this bill will be hotly debated. I urge my colleagues to review the bill and report carefully, for I am sure they will see that this bill has a narrow intent and a very short lifespan if it is enacted. No proponent of the bill will disagree that it can have some interstate and interindustry effects. The questions Members must answer is how they view those effects.

Opponents of the bill will say H.R. 4603 opens the door to interstate banking. In my view, the only thing left of that door is its hinges. The recent activities of American Express, Sears, Merrill Lynch, Gulf + Western, and National Steel have underscored that point. If we want to rebuild a door, enact H.R. 4603. I continue to believe that this bill provides more controls over the mergers, acquisitions, and interstate banking than are currently in effect.

We will be considering amendments to this bill during the course of the debate. I urge rejection of all substantive amendments, for we have achieved a fair balance in this bill. The industries and insurance funds have what they require to respond to this emergency. We cannot, for example, exclude commercial banking from the bill's merger provisions on the theory that at this hour we know of few problems in the commercial banking industry. There may be some unexpected problems which occur in the next 11 months which will require the assistance this bill is designed to provide. When that time comes, Congress will not be able to act fast enough either to prevent an acquisition by a foreign bank or the FDIC's closing of the ailing bank. I am sure Members would prefer to have a domestic bank—even if it is from another State—rather than a foreign-owned bank or no bank at all.

I hope my colleagues will consider these points as we debate the bill. It is both necessary and limited legislation. I urge its passage.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Let me say, in my judgment, what the gentleman is doing in this piece of legislation—and I wish all of the Members in this Chamber would read this bill—is bringing about interstate banking and giving more authority to the larger banks of the country. I do not think we have to go that far to give the savings and loan institutions of this country relief.

I think we can do it through intrastate banking within their own States. But by divesting ourselves of this authority and not doing anything about medium-income families wanting to own homes, small farmers, and small business people, when the Constitution expressly gives Congress the power to coin money and regulate the value thereof, we are going in the opposite direction to bring about higher interest rates and establish monopolies. I think we are going in the wrong direction and somebody somewhere has got to call some shots and bring some legislation to the floor to protect the middle-class people of this country and the small business people.

If we pass this legislation we are going to see all kinds of repercussions of interstate banking.

If we give them more authority at this time, in the condition that this country is at the present time, I just do not know what the people back home are going to say about the U.S. Congress.

I would like the gentleman to comment on that.

Mr. STANTON of Ohio. The gentleman from Kentucky (Mr. PERKINS) has to make up his own mind how he will vote on this legislation, and obviously, he has a preconceived notion.

I as one Member of this Congress will vote for this legislation because coming down the road one can take the word of the chairman or my word or none of our words because it will be an absolute fact that in the next several months there are going to be many institutions that need this legislation in our country.

I will say this to the gentleman from Kentucky or his colleague that in the State of Kentucky at the moment there are two institutions, commercial banks that will be affected.

I do not think the gentleman was listening to the chairman of the full committee when he said, No. 1, a bank has to be in default. Second, the bank has to be of $2 billion or larger before another bank from out of State can come in and buy it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. STANTON) has expired.

Mr. WYLIE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON of Ohio. All I can do is say that some of the State bank supervisors were originally against this legislation. They have obviously talked to the gentleman. Some of the other State bank supervisors now have come around to the point of view, "We want this legislation and we do not want the legislation that follows in the other body." There is adequate room for misunderstanding.

Mr. Chairman, all I can assure the gentleman is that down the road when these problems come along and the gentleman says he voted against this legislation, he is going to have an awful lot more to explain to his constituents than I do.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from Georgia (Mr. BARNARD).

Mr. BARNARD. I thank the gentleman for yielding.

During consideration of this bill, what was brought out as to the need that we can talk about? I mean, what did develop that we have serious considerations in the country with failing institutions? This bill did not just develop out of a blue sky; it came from the regulators who are experiencing very difficult situations today.

Mr. STANTON of Ohio. Well, what the gentleman might be alluding to is the loss of mutual savings banks insured by FDIC; such knowledge that the larger ones with aggregate assets of $25 billion will reach a net worth of 1 percent in the next year.

According to the Home Loan Bank Board, over 100 savings and loan associations with aggregate assets of $29 million will reach a zero net worth in the coming year. Over 1,000 are classified as problems before the National Credit Union Administration.

Mr. Chairman, this bill is no panacea of success that these failures will be stopped bacause of this legislation, but these are additional tools in here.

Very little is said of this. This was strongly aggressively fought for by the chairman of the Credit Union Association and the chairman of the committee responsible for the regulation of credit unions, combined, Mr. Chairman.

Mr. WYLIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in very strong support of this legislation. This legislation has not been considered on the House floor previously, but this bill has been around for a long time, as has been suggested earlier.

Dr. Arthur Burns, when he was Chairman of the Federal Reserve Board, advanced this concept as a way to avoid foreign bank takeovers of U.S. banks. I hope the gentleman from Kentucky (Mr. PERKINS) is listening, because I have heard his questions and I want him to listen to me for 1 minute.

The concept of this bill was originally advanced as a way to avoid foreign bank takeovers of U.S. banks that were failing.

The concept has expanded, but it is still valid. We have added a new dimension to the original proposal in this bill, by granting more flexibility to the FDIC to provide assistance to open institutions where such assistance is likely to prevent failure and to offer a cheaper alternative than liquidation.

First, it has to be in a failing posture, a failing savings and loan, a failing savings bank or failing commercial bank.

Now, in the case of a merger of a failing bank, as has been mentioned previously, the bank has to have at least $2 billion in assets or more before there could be any intervention under this bill.

It would allow the FSLIC and the FDIC to assist financially troubled institutions, financial institutions that are in the process of failing. It would give them the power to infuse capital to avoid liquidation and in the process save money for the insurance funds.

Chairman Volcker said in his testimony before our committee, in response to a question which I asked:

> I think you are talking in terms of hundreds of millions of dollars in savings to the Federal Savings and Loan Insurance Corporation fund here and FDIC fund within the purpose of this bill.

Alice Rivlin, the Director of the Congressional Budget Office, said:

I think that we could concede that over the next several years that there is a potential savings to the FSLIC and FDIC of over a billion dollars in exposure which they might have if savings and loan and savings banks started to fail.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

To add to the gentleman's point, is it not also true that there are certain of these institutions that could not possibly be restored or saved with Federal infusions? There are some that are so large that we have really no practical way to keep them going.

Mr. WYLIE. That is true. And we want to get the FSLIC involved along with the FDIC along to infuse additional money, under this bill, to keep them going so the FSLIC will not have to pay money out for a failure.

In addition the bill is designed, to prevent or preclude interstate, interindustry or foreign takeovers except as a last resort. My personal desire to prevent foreign takeovers. But, to prevent a bank or S. & L., from failing must be our first priority.

In the case of S. & L.'s, S. & L.'s can branch or merge interstate at the present time. Commerical banks cannot.

We saw a case here not long ago where an S. & L. in California, a large S. & L., Citizens, was allowed to merge with Westside Savings in New York and Washington in Miami which were in a failing posture. Westside and Washington were in the process of going belly up, believe me.

The Federal Home Loan Bank Board allowed the merger across State lines, the largest merger in history of three financial institutions.

□ 1530

Now, I think it was better to allow the merger and to allow Westside and Washington to open their doors the next day to customers. Than to allow those savings and loans to fail. Now, that is where we are.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. Yes, I will be glad to yield.

Mr. DORGAN of North Dakota. Mr. Chairman, the gentleman from Kentucky, raised a very important question about the small banks in the country, the small independent banks.

I am concerned that under this type of legislation large eastern banks could cross State lines and buy up savings and loan associations in States like North Dakota. Similar legislation, about which I just testified in the Senate, would give savings and loans banking privileges. You would end up with large banks into a State like North Dakota involved in branch banking through savings and loans.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WYLIE. Mr. Chairman, I yield myself 1 additional minute.

Let me go through that once again. Before the gentleman jumps to that conclusion, first of all, in the case of the independent bankers, I do not understand their position on this. We have tried to work with them. Our State bank regulator in Ohio sent out the same scare message. I think he is in the process of trying to protect a little bit of his turf, but I think this bill goes farther in protecting his turf than present law. By protecting his turf I mean that if a large number of small independent hometown banks fail or rather if a large number of savings and loans fail, people may not distinguish between a savings and loan and a commercial or savings bank, then we are going to be in a very bad psychological posture. It would appear to in both the banks and their supervisors to prevent that from happening.

Furthermore very few commercial banks would be affected by the merger provisions. First of all, the independent bank has to be failing in order to be subject to interstate merger. That is defined in the bill.

Second, it has to be larger than $2 billion in assets before a merger can take place.

Now, there can be an infusion of some assets from the FDIC in order to avoid exposure to a failure; but those two things have to happen before the small hometown, so-called independent bank is involved in this.

Now, that is not true in the case of the savings and loans, but they have merger powers at the present time, as I just pointed out.

Finally, those who object on the ground the bill goes too far seem to blame this proposal for the recent spate of interstate, interindustry mergers which they believe could lead to basic changes in the character of the banking and thrift industries by promoting interstate banking and the acquisition of thrift institutions by bank holding companies. What these objectors should realize is that the mergers have occurred without this legislation and that the bill contains safeguards designed to insure that the regulators will pursue interstate and interindustry mergers only as a last resort.

Mr. ST GERMAIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, regardless of our disposition on this bill, let us at least realize that we have a severe problem on our hands. There are a finite number of financial institutions in the United States of America right now that are in terrible difficulty. They are bordering on insolvency, perhaps bankruptcy. They might well fail. We have got to do something about that problem.

Now, we can sit back and do nothing and let them fail. We can sit back and do nothing and perhaps a foregin bank can come in and acquire them, or perhaps the National Steel Corp. could come in, or perhaps there are loopholes in the law that could be exercised by the FDIC whereby we could have large scale interstate banking without any guidelines, or perhaps the Chairman of the Federal Reserve Board could invoke the power that he has under existing law to permit interstate banking and mergers and acquisitions without any limitations whatsoever. Perhaps that is the approach we want to take, defeat this bill and then just let the banks fail, or let the other activities presently permissible under law operate.

I do not think that is the rational way to proceed. I think the rational way to proceed is as follows: First of all, facilitate the ability of the regulatory agencies to infuse capital into the failing institutions. That is the first and most important part of this bill. It is especially necessary for the FDIC, which does not have powers right now that are equal in nature to those of the FSLIC. That would be corrected under our bill.

Second, in permitting interstate mergers and acquisitions, and they are presently permitted under law, but in permitting them under this bill we would define how the authorities could operate under law. To a certain extent then we would be making explicit and delineating the authority they say they now have, and the manner in which it can be exercised.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. LAFALCE. I will now yield; yes.

Mr. PERKINS. Well, I want to state to the gentleman that I have been acquainted with intrastate banking for a long time.

If we pass this bill, we are going to let the standards be set on all the little independent banks in the country, and it will just be a question of time until it is going to add on to higher interest rates.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, I really want to talk about the aspects of this bill individually, because they are not, I thought, totally understood.

In the first place, the independent bankers have nothing to worry about unless their assets are over $2 billion. I do not really worry about a bank that is over $2 billion.

Second, we changed this law to require that any takeover must go through intercommunity, intrastate, and then interstate procedures.

I would suggest to my good friend who has spoken previously that no one worries more about interstate banking than STEWART MCKINNEY. I represent the southwestern tip of Connecticut with 32 of Fortune's 500 corporate headquarters that have moved in since I became a Congressman with every New York City bank from Manny-Hanny to Citibank dying to come across the State line and destroy our local banking business.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. MCKINNEY. For a few seconds, I have very little time.

Mr. PERKINS. If we enact this legislation, within 2 or 3 years we will see interest rates high in this country.

Mr. MCKINNEY. Mr. Chairman, I have served only 11 years with the gentleman from Kentucky. I am a great respector of the gentleman's opinion.

I would suggest to the gentleman just the opposite scenario.

Now, this Congress, according to the Speaker, will adjourn on the 18th of December, not to come back until the 21st of January. I would say to the Chairman that the magnitude of failures facing this country among the depository institutions are of the type that cannot stand this timespan.

I really cannot give the gentleman any more time, because I told my boss, Mr. WYLIE, that I would only take 3 minutes.

I want to talk about something else.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, those savings and loans are all insured and at the same time intrastate banks, cooperating with the FDIC, can solve this problem. The Congress should not let these big banks have all this authority to come in and gobble up all these institutions, and create a monopoly.

Mr. MCKINNEY. Mr. Chairman, I move to take back my time. I think if the gentleman would have a staff member check back through my Banking Committee statements, I am probably the least fond of money center banks of any Congressman standing in this well. I have been insulting to them——

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, when are we going to come in with some legislation to do something about the middle-income people in this country that want money to build houses?

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. WYLIE. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. MCKINNEY. I will not allow any further interruptions.

This bill is a hammer. This is simply a hammer, a bigger hammer for a bigger problem. If this bill is not passed, I will tell you who is going to run the banking business in this country. The people that are going to run the banking business in this country are going to be the Kuwaitis, the Arab Emirates, the Saudi Arabians, Exxon, Mobil, Texaco, they are going to run the banking business.

Right now, there is one company with the follow parts: Sears, Roebuck with 26 million credit card holders and 486 stores; Allstate Insurance with 20 million insurance policy owners; Coldwell Banker, the largest singly owned real estate company in the United States of America; Dean Witter, the fifth largest investment brokerage firm. Sear, Roebuck is in the banking business.

I would suggest to the independent bankers that they take a look around. It is wonderful to say that the thrift institutions are in trouble; but my good colleagues, I would not give you a dime for a small commercial bank within the next 5 to 10 years. For 11 years in this House of Representatives I have said in the Banking Committee:

Why don't you, the mortgage banker, the commercial banker, the S & L banker, the mutual savings banker, the credit unions, why don't you all stop fighting about regulation Q and a quarter of a percent, because 50 year old laws in this country are building the most evil financial institution this nation has ever seen. It is nonregulated, noncontrolled, nonperfected, noncommunity involved; it has no investment, no buildings that they have built and paid for, and no taxes they are paying.

All that Sears, Roebuck has to do is to move the hosiery counter over 5 feet, move the cashier's counter over 15 feet and say, "Come on in, whatever you need, we have it."

Forget it. There is no one that is better off. Do you know what the commercial banks are. In particular, the big commerical banks in this country right now are on the stern of the *Titanic*. They have the royal suite. They are not going to go down, not as fast. The small bankers are just halfway up the ship. They are all going to sink if we do not regulate the nonregulated.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MATTOX).

Mr. MATTOX. Mr. Chairman, I must admit that this is one of the most significant pieces of banking legislation that is going to come through this House in a long time. I think it is actually rather ridiculous that this matter is going to receive only 1 hour's worth of discussion.

I think the sum amount of time that is being allotted to the opponents of this bill is the 3 minutes that I have been granted; so let me say very quickly what I have to say.

Our last speaker, the gentleman from Connecticut talked about this bill being a bigger hammer for a bigger problem. The gentleman is absolutely right. It is a bigger hammer to flatten out the entire financial structure of this country.

The proponents of this legislation are making one of the most serious mistakes I think that could ever take place.

When this bill comes back from the Senate, you are going to see a Christmas tree bill like nothing we have ever seen. I have seen it repeatedly in the legislative pattern.

We say, "Well, it was not our intention to change it, but circumstances changed. They changed so drastically that we had to do it. We had to get this bill through to save the mutual savings banks of New York City."

It is with considerable reluctance that I rise to oppose H.R. 4603, the Deposit Insurance Flexibility Act. I am reticent because, as a member of the Banking Committee and an advocate of viable financial institutions, I am very aware that extraordinary economic conditions require appropriate remedies.

This bill does a lot of that. It allows the FDIC, the FSLIC and the NCUA unprecedented latitude to help troubled financial institutions, especially savings and loans and mutual savings banks. All this is desirable and necessary.

It allows regulators to step in when an institution is on the verge of failing and taking actions to protect the institution, its depositors, its shareholders, and Government interests.

Instead of leaving well enough alone, this bill goes further and becomes fatally flawed: It undermines the very foundation of our basic financial system by specifically authorizing interstate and interindustry acquisitions. This runs directly counter to primary protection of the financial system afforded by the McFadden Act and the Bank Holding Company Act. These protections are necessary to protect small and medium sized financial institutions of our decentralized system from predatory practices by giant institutions and giant nonbanking corporations.

Consistent with the bill's intent as emergency assistance, these exceptions would expire September 30. However, legislation is already being considered by the Senate Banking Committee that would capitalize on this bill and make the exceptions larger and permanent.

I would stress that this is not a partisan issue. Within the Banking Committee, these destructive provisions were opposed by many Republicans and Democrats, in fact nearly all subcommittee chairmen argued and voted against them. It is not regional, except that most of the beneficiaries, large financial institutions, are located in a few major cities. The potential victims, independent institutions, are located throughout the country.

Who are the intended beneficiaries? Supposedly, savings and loan institu-

tions, but the U.S. League of Savings and Loans testified against the bill because of these flawed provisions. Mutual savings institutions? They also need assistance but oppose this help if it includes interstate and interindustry authorization. The Conference of State Bank Supervisors appeared against the bill. The National Governors Association and the National Conference of State Legislatures oppose it.

The Chairman of the Federal Reserve Bank contends the Fed already has implied powers to approve interstate acquisitions as does the Chairman of the Federal Home Loan Bank Board contend the same for savings and loans. This bill would legitimize those assumptions.

Who does want this bill then? Certainly not the supposed beneficiaries. Certainly not nearly all financial institutions. Certainly not State banking officials.

Although well intentioned and with some good provisions, this bill is fatally flawed so long as it authorizes big banks to acquire savings and loans, so long as it allows thrifts to acquire banks, so long as it allows institutions in one State to take over institutions in other States, all destructive to the very foundations of our banking system. In authorizing such takeovers, this bill does far more harm than good and I urge my colleagues to vote against it.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield, the gentleman knows full well that I have made assurances that it will not change and I repeat it right here and now. If this bill comes back with anything extra on it, it goes to the committee and it dies right there, period, nothing. I do not care what happens.

Mr. MATTOX. Mr. Chairman, I like the gentleman's assurances; but I will say this. I have had assurances many times in the past, but because of the destitute problems of the mutual savings banks of New York City, I am afraid that the good of this country may prevail upon our good intentions; but I will say this, go down a little further.

The important thing about this thing is that the very people that we are trying to save, with the exception of mutual savings banks, do not want this legislation. They do not want it. They testified against it.

One of the regulators, Mr. Pratt, said—we asked him, "Do you really need this legislation?"

He said, "No, we do not really need it."

So the main regulator that we are trying to help says that he does not need it, either.

Let me tell you who needs it: the people that want to come in and gobble up all the little financial institutions all over this country; they want to reach across the State lines. Under the guise of some emergency legislation, they are reaching across State lines and are finally being able to get this Congress to, in effect, just pass away with 1 hour's debate the entire financial structure of this country.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. I yield to the gentleman from Kentucky.

Mr. PERKINS. This legislation will bring on a tighter money policy and higher interest rates. Am I correct in that statement?

Mr. MATTOX. The gentleman is absolutely right.

□ 1545

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I rise in support of this legislation and would just make several very quick points.

The first, is, while a number of the provisions are philosophically distasteful to some of us who oppose the notion of interstate banking, the fact of the matter is that the regulators have made a very persuasive case.

The most compelling point revolves around the dire circumstances faced by some financial institutions at this time, particularly the savings banks in New York. However, it should be stressed that this bill is neither a bailout nor New York oriented. Through depository insurance, the Congress has had "bailout legislation" on the books for decades.

More important, this bill is designed to reduce, not increase, federal liabilities. Bill Isaac, Chairman of the FDIC, estimates that failure to pass this bill would mean the loss of between $2 and $3 billion more than otherwise from the FDIC insurance fund. The ramifications of this additional cost would be borne by the entire financial system, and this would jeopardize rural State banks, especially those in States like Iowa and Kentucky which have small bank traditions.

Further, there is a general understanding that a run on any financial institution could cause panic that would affect all financial institutions. This also would jeopardize the financial stability of small banks.

Finally, let me just stress that while there are going to be some amendments presented that are very philosophically appealing, I would hope they would be rejected. They compromise the thrust of this legislation.

I commend the chairman of the committee for holding firm to a two-tiered approach, and the notion that we deal with the emergency first and look at broader legislation afterwards. I urge adoption of this bill.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, there are many problems facing our Nation's financial institutions, and they did not occur overnight. They are the result of policies of past administrations, past Congresses. The agencies and departments of the Federal Government have spent a rather long and gaudy night on the town, and now in the cold gray light of the morning after, I think it is time to assess the cost and pay our bills and get our fiscal practices back in order.

There is no magic formula as far as a solution is concerned. We are not going to correct the problems of the past overnight, but the solution begins with the proper exercise of our stewardship of the taxpayers' dollars, and this in the final analysis is the issue here.

In this case, I think the answer is not easy. There is very little in this world which is black or white. Most of it is gray, and that is the situation here. This bill does give additional powers to the regulators, and at the same time, it also places some restrictions on them. It does give the regulators some needed flexibility to prevent institutions from failing, and let there be no doubt about it, the ultimate cost of the failed institutions is borne by the American taxpayer.

In this instance, very few if any financial institutions have asked us to give that degree of flexibility to the regulators. Ordinarily I would be reluctant to ask these institutions to receive assistance that they have not asked for. However, I strongly believe that those of us in the Congress, as stewards of the taxpayers' dollars, have a responsibility to help preserve these scarce resources. Clearly, under our system where we have built-in safeguards to protect depositors, the ultimate liability for that protection is borne by the American taxpayer. That liability is escalating daily. Consequently I think we must act.

This bill is a cautious and responsible approach to deal with the present problems, and I urge my colleagues to support it.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 4603. The effect of the legislation has been widely misunderstood, and the intent of its authors and the Banking Committee has been misinterpreted.

It is kind of surprising to sit here and listen to the sort of litany of criticism. I want to assure the Members that this will not solve all the problems with the monetary system, or with our financial institutions. That is not the intent of H.R. 4603. The

intent, however, is to recognize that we have some financial institutions that have unique problems. We go to the regulators and they come to our committee and talk about the King's new suit. I am sure all the Members have heard the story about the new suit. The King walks down the avenue and everyone is admiring it and telling him how wonderful it is. Nobody wants to talk about the problem of financial institutions. The fact of the matter is, neither will someone pipe up and say "Your are not wearing anything." In other words, the King's new suit is invisible. That is sort of like the problem we face with financial institutions. Nobody wants to cause a stampede of people going into financial institutions, and so we do not talk about the problems and hope that they will go away. That is not the way we should function in terms of the reality of the situation.

Everyone would prefer that financial institutions would be more healthy today. The fact of the matter is because of the persistent high interest rates we have had, for whatever reason—one can blame whoever one wants to, there is enough blame to go around for all of us—the fact of the matter is, some institutions are in deep trouble, and there are some big institutions in trouble. The fact of the matter is, the Federal Reserve Board and the Federal Home Loan Bank Board had various authorities to take control of this situation and to provide for the mergers and infusion of funds by the Federal Government in order to protect the insurance funds that they manage. At one time in history it was deemed appropriate to provide various types of insurance to assure people that they would not lose their money in failed institutions, and as a consequence the U.S. Government picked up some liabilities.

Now the question is, because of the old portfolios of low-yield interest and perhaps bad investments made by financial institutions, what can the regulators do to protect those particular insurance funds?

The fact of the matter is, the Federal Reserve Board will take specific action. They do believe they have the authority, and if they do, they will do it in the absence of guidance from Congress. The purpose of this particular bill and the purpose of giving these regulators the power is really that we should have some voice in the issue we are talking about. Without this particular bill, we will have no voice, no guidance, as to where we are going or what public policy should be. We will have no say.

Naturally, involved in this action are some risks. Are we extending a power that we do not intend to extend in this particular bill? So, as a caution, the committee limited the life of the bill, a 1-year sunset provision has been inserted, but let there be no mistake, the regulators will take the action. Financial institutions will fail, and the only one that will be the loser will be the American people in this particular instance if we do not provide some safeguards and guidance.

So, it is important that we enact this measure. We bring this bill to the House because, as Member who work and study in this particular issue, we see a specific problem and we hope that this bill will remedy this particular problem. So let there be no misunderstanding however, about the problems, the very real problems faced by some financial institutions. It indeed is a serious circumstance unique in today's economy.

The general purpose of this legislation is to provide a definitive statement—to be understood by the financial community and the regulators themselves—of the powers granted to the FDIC, FSLIC, and the Federal Reserve to deal with the potential problems of troubled financial institutions. The legislation is very limited in scope and duration. It is the feeling of the committee that this is necessary legislation to have in place until the Congress can deal with the more fundamental problem facing financial institutions. In a real sense this legislation states and guides existing powers of the Federal Reserve Board, providing congressional policy for example for infusion of funds and the thresholds and priorities for the merging of similar and dissimilar financial institutions.

In many respects, this is preventive legislation. Current law allows the FDIC to assist a bank that is deemed essential to a community and that has failed or is in danger of closing. This legislation permits assistance before a bank faces imminent closure or to protect the solvency of the insurance fund when the number of troubled institutions may cause a substantial drain on the insurance fund.

The FSLIC is given increased flexibility to assist troubled thrifts. H.R. 4603 allows the FSLIC to make deposits in or purchase the securities of a troubled thrift before the institution is in imminent danger of closing.

The bill has been widely misunderstood to throw open the door to interstate banking. This is simply not the case. In the case of a failed commercial bank, only the assets of the largest of banks, those with assets over $2 billion, could be sold to other institutions. Even then the bill contains a set of priorities to be followed by the FDIC in selling the assets of the failed bank. These priorities place a great emphasis upon the regulators to approve an acquisition by an institution within the same State. Only as a very last resort could an out of State institution acquire a failed institution.

Similar safeguards also exist in the case of a failing thrift institution. A specific priority is given to the same type of institution within the same State. Only as a last resort could the FSLIC approve an acquisition of a troubled thrift institution by a commercial bank not located in the same State.

Mr. Chairman, I can sympathize with my colleagues' concern that this is just the camel's nose under the tent. However, the committee has gone to great length to indicate that this is not the intent nor will it be the effect of this legislation. The fact remains that the Congress must provide temporary legislation to allow the regulators to deal with the very likely propability emergencies will arise in the near future and we must take this necessary action to protect the insurance funds. The committee will shortly begin hearings on more comprehensive legislation in the near future. I urge my colleagues to consider supporting this legislation; it puts in place the necessary mechanisms to deal with the situations we may face in the coming year and provides the Congress with the time needed to produce legislation which will address the more fundamental problems of financial institutions, positive actions to help reduce interest rates and invigorate our financial institutions.

Mr. Chairman, on a related note we have specifically no intention that this should be a vehicle for a host of other changes now under consideration in the House and Senate.

Hopefully those assurances by both the chairman and ranking members will put to rest those that harbor such a fear.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Chairman, I rise in opposition to H.R. 4603. As a member of the Banking Committee, I am well aware of the arguments put forth by proponents of this legislation—the most fundamental being that the Fed, the FDIC, and the Bank Board must have additional authority to deal with failing institutions on an emergency basis.

In an abstract sense, such legislation may not appear unreasonable. Unfortunately, however, the specific problems with the bill are even more apparent.

The regulators, even after extensive testimony, were unable to convincingly show that the cash infusion and merger authority provided for by this bill significantly differs from existing authority. Although supporting this legislation, Fed Chairman Paul Volcker, in a September 21 letter to the Chairman of the Senate Banking Committee, wrote:

In the absence of this legislation, the Board believes that the public interest may dictate that the Federal Reserve may soon need to use its existing, broader statutory authority to approve bank holding company acquisition of thrifts on a case-by-case basis.

If the Fed already has the authority to allow bank holding company-thrift mergers, why the urgent need for this legislation?

A second fundamental problem with H.R. 4603 is that it is far too broad in application. It is generally agreed that, if there are financial institutions in immediate danger of failing, such emergencies are limited to a few mutual savings banks located in the Northeastern part of the country. If this is genuinely emergency legislation, as its supporters claim, why then is it not limited specifically to such institutions, or to institutions that are actually failing? I am not convinced that a case can be made for granting broad interstate acquisition authority to the regulators under the guise of emergency legislation, and in this regard I urge my colleagues to support the limiting amendments to be offered by Mr. MCCOLLUM. To quote from the dissenting views of Mr. MCCOLLUM, Mr. HANSEN, and myself—

A matter as important and controversial as interstate banking, no matter how limited the context, should be dealt with * * * only in the most systematic and comprehensive manner possible.

Mr. Chairman, H.R. 4603 was rushed through committee, without the opportunity for deliberate consideration of the important structural issues raised, on the grounds that an emergency situation legitimately exists. If this were truly the case, I ask again—why is this bill so broadly drawn? Perhaps more importantly, why do Treasury and OMB not strongly support the bill? Why has the other body indicated that this legislation will, in all likelihood, not be taken up in the form considered here today? Why does nearly every relevant trade association, including those representing independent banks, savings and loans, and State bank supervisors, have problems with the bill? Why are the National Governors Association and the National Conference of State Legislators opposed?

The answers, Mr. Chairman, are simple. H.R. 4603, as reported by the Banking Committee, is reflective of an attempt by the regulators, with a perceived emergency providing the rationale, to have broad discretionary authority legitimized by Congress. At the same time, however, it is widely understood that the bill does not deal at all with the reasons for thrift industry problems, and that it goes into areas, such as interstate and interindustry mergers that required more direct discussion. For these reasons, I would urge that H.R. 4603 be defeated, and the the Banking Committee begin work on legislation that can be supported by the administration, Congress, and the financial industry alike.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I rise in opposition to the bill H.R. 4603, the Deposit Insurance Flexibility Act. Even the title scares me.

The last thing I think we need is more flexibility. I think we need more restraints placed on the Congress and not more flexibility placed in the hands of the regulators. Generally speaking, the agencies we are dealing with here today are already able to make deposits in, loans to, and assume liabilities and give contributions to institutions that have failed. They are allowed to do this in an institution that has already failed, but this bill will permit them to do the same in an institution that seems to be failing or is liable to fail.

This is really opening up the door, the fact that we plan to do this. It is claimed that this will cost us less money. It is positively amazing to me why it is so critical that we have to have legislation to save money by telling the regulators that they have a lot more flexibility. I think it is going to cost us a lot more money. I think it is unknown what it is going to cost, and that it will be sort of like saving money with Chrysler. We give money to Chrysler because we do not want to pay the so-called consequences of a failed business. In the long run, the taxpayer pays, and he will have to suffer the consequences of the legislation as well.

In the Banking Committee it was argued that we should not support this legislation because it is opening up the door to interstate banking. I, as an advocate of the free market, have no qualms about interstate banking, but I have strong reservations about the interstate banking proposed in this bill. This has nothing to do with developing a free market banking climate. This has to do with a controlled, manipulated interstate banking which requires large infusions of cash. This is a Government-dictated interstate regulators bill. It has nothing to do with the free market.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I think the point the gentleman is making is that he is concerned about the homogenization of our financial institutions. I am concerned about that too. Recognizing a problem is virtuous, but posing a solution that is wrong is of little benefit. I do not want to see a homogenization of our financial institutions over a period of time.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARNARD).

Mr. BARNARD. Mr. Chairman, we have heard much rhetoric up to this point about suggestions which are not really a part of this legislation. Let us for just a minute look at what we are talking about.

Perhaps all of those who have talked up to this time do not have a bank or a savings and loan association in their districts or in their towns that is in trouble. If they do not, then I can understand why they do not understand this legislation. I am glad to say that I do not have a savings and loan or a bank—and I represent mostly little, small, independent banks—I have none of them in trouble, but there are many communities in America today that do have savings and loans, the depository of people's life savings, that are in trouble.

Have the Members ever witnessed a run on a bank or a savings and loan? It is like watching a person die. It is a serious condition, and that is the serious condition that confronts us today. We are not coming here today with a proposal to take the wraps off interstate banking.

□ 1600

That is an emotionalism that has been brought up in this bill that does not exist. The only reason that interstate provisions are put in this bill is for two reasons. We have a limit of $4 billion—think about that—only $4 billion in the FSLIC reserve.

How far will that carry us with failing threats? We have a total of $11 billion in the FDIC, and when we think of million-dollar banks and mutual savings banks insured by the FDIC in the Northeast, when we think about the fact that we have that little money to help bail out those institutions, we ask, what else can we do? Well, this is what else we can do.

This bill does clarify what the FDIC and the FSLIC can do.

Right now, if a bank is failing or if a savings and loan is failing, we have got to wait until the doors are closed, it is declared insolvent, and then the insurance companies come in and say, "OK, now we will pay off the depositors."

Well, that does not have to happen. A lot of failing thrifts and banks are in the situation because of the eroding of their deposit base. This deposit base erosion comes about because of money market mutual funds. Now, that is not the problem of the management. The management is doing everything it can do. It is restricted by regulation Q as to how much interest it can pay. We see the money running out of the banks because of the fact that we do not have control over the money market and the mutuals, but that is another problem.

Let me say this further. Where there is good management and the FDIC and the FSLIC can infuse it

with a little money, it is better to save an institution than to see if fail. That is all that is in this bill.

Let me tell the Members this about this situation. Have we been watching to see what has been going on in the country? Did we see where National Steel Corp. absorbed three of the biggest savings and loan institutions, one in New York, one in Washington, and one in California?

We have in place today laws or regulations that permit interstate transactions of S. & L.'s. That will not happen in this bill. This bill provides a guideline as to how a bank can enter into interstate acquisitions. We need that. I understand that right now there is bargaining going on to acquire S. & L.'s in Georgia by California S. & L.'s because they are trying to get the best deal. We do not want to see that happen.

This sets up a progam of how interstate acquisitions can proceed, and it is rigid; it is not flexible. Flexibility only applies as to the control of FDIC and FSLIC.

What I am saying is that we are structuring it as to what it is to what it contains. Let me say in closing again that there is an emotionalism about interstate banking, and I agree with it. That is another subject. It is a subject that is going to take a lot more time and a lot more consideration, and we should address it at that time.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman, I rise in support of the Deposit Insurance Flexibility Act. My colleagues, have said considerable about what this means to the institutions but if we do not enact this legislation there will be no money for home lending.

Since the Great Depression, the American thrift industry has been the major source of home mortgage money. Mutual savings banks and savings and loan associations are holding low yielding, long-term housing loans. At the same time, they are forced to pay the going market rates on a substantial percentage of their liabilities. Passbook savings accounts, once a mainstay of the thrift institutions liabilities have shrunk to a scant 30 percent. The rest of their liabilities are far more costly to the institutions themselves and ultimately to the financial consumer.

Competition is a laudable goal. But when these savings institutions cannot compete with money market funds, commercial paper, and Government securities, the time has come to help this industry over the most difficult barriers.

The bill we are considering today is not a bailout. It costs the Government no money and in fact, could end up saving the Government-backed insurance funds a significant amount.

It is no secret that the thrift industry is deeply troubled. It is far more sensible in my judgment, to act now and grant the regulators of these financial institutions additional powers to provide the necessary capital infusion and merger authority on a limited, emergency basis.

Some people have criticized this bill because they see it opening the door to a homogenization of our banking system. They contend that if this legislation is enacted, the door will be wide open for large commercial banks to swoop down on savings banks and savings and loans. They see the day when only 10 of the largest banks will control the entire financial industry.

I do not feel that argument holds up under careful scrutiny. If we fail to act now, out of some misguided but lofty principle, we will hasten the demise of the savings industry and bring about even less choice for financial consumers.

This bill is not meant to solve all the problems facing the thrift industry. It is limited in scope and duration and intentionally so.

Once the economy begins to improve and interest rates return to more reasonable levels, the mutual savings banks and savings and loan associations will be in a better financial position.

During the course of hearings on this bill, I asked Chairman Volcker of the Federal Reserve what would happen if Congress did not act and act soon to aid the ailing thrifts. He predicted that the thrift institutions as we know them would ultimately disappear, a situation none of us would like to cause.

If we do not act responsibly now and pass this legislation, it is highly likely that in the next few years, Congress will have to reinvent the thrift industry.

As legislators we have a duty to maintain the safety and soundness of these financial institutions in a timely fashion by giving the regulators the tools they need to infuse capital into the troubled thrifts and bring about the necessary mergers and acquisitions.

I strongly urge my colleagues to vote "yes" on this bill.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to H.R. 4603.

I do not doubt for a minute that there are problems with the mutual savings banks in the Northeast, and that we need to do something about them. As far as this bill goes in that direction, I support it.

The problem is that the bill goes much further than the mutual savings banks in the Northeast. It opens the potential door, however small the crack may be, to interstate commercial banking. It tears down the fabric potentially of the dual banking system of our States and our Federal Government, and it leads to an inevitable concentration of financial powers in the largest financial institutions of this country. That is why I oppose this particular bill.

The fact of the matter is that this bill favors the highest bidder in most of the major provisions that are in it, the highest bidder being the biggest banks in this country when the opportunity presents itself.

The Chairman of the Federal Home Loan Bank Board has said with respect to the savings and loan provisions in this bill that they are not necessary, he does not need them, but he needs a lot of other things. He already has whatever merger powers are needed in the FDIC and the Federal Home Loan Bank Board area.

So the point is that the legislation with respect to the Federal savings and loan is not what is necessary in this bill.

Furthermore, the bill goes further than simply mutual savings banks, because in section 15 it deals with commercial banks as well, and there is no testimony that any commercial banks are in imminent danger of being closed.

The bill simply has holes in it. It does not need to be written the way it is, it does not need to be as broad as it is, and the fact of the matter is that it is opposed by every major trade association that testified before us, with one exception. The fact is that the Conference of State Bank Supervisors, the National Governors Association, and the National Conference of State Legislators are opposed to this bill.

As has been pointed out earlier, if this bill goes on to the Senate, maybe it will not be Christmas-treed, because the chairman indicated he will work very hard not to allow that to happen. But I suggest that whatever happens with respect to that conference, the chances are that this will be the bill coming before this House in this session of Congress to deal with the problems of the savings and loans. We have to deal with them responsibly by sending this bill back to committee to work on the real problems facing the savings and loans and the mutual savings banks. If we do not bring up a bill that deals with those failures and those problems in the right way, this body will not have that opportunity.

Mr. ST GERMAIN. Mr. Chairman, I yield myself the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, many of my constituents have told me that they fear that this bill may return from the Senate with several

provisions that go far beyond the scope of the legislation we are debating today. I wonder if the gentleman could assure me that he will resist any significant departure from today's bill should the Senate wish to add on extraneous provisions.

□ 1610

Mr. ST GERMAIN. I would like in the few seconds remaining to state that this bill will not bring down interest rates. This bill will not help provide home mortgage money for home purchases and we do not claim that it will.

Perhaps the effects of it in the long run might be salutary in this manner by helping thrift institutions to survive or to merge with other institutions.

However, this bill will insure that we, the Congress, set the terms for merger activities, that we, the Congress, say to the Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation (FSLIC), that are going around the country right now peddling savings and loan associations that they are going to have to go intrastate first and foremost.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

● Mr. MOFFETT. Mr. Chairman, the savings and loans banks of the Nation have been particularly hard hit by the astronomic interest rates under which our country has suffered. Nearly two-thirds of their holdings—the primary assets of savings and loans—are in long-term mortgages paying under 10 percent. At the same time, interest rates for the past year—which represent the costs of doing business—have averaged 15 percent. H.R. 4603 is a careful bill which provides authority to the FDIC and FSLIC to aid S. & L.'s. It is very short term, lasting only through fiscal year 1982. It does not set up any new bureaucracy, but rather provides increased flexibility in existing rules dealing with S. & L.'s.

Consider the problems of the savings and loans industry:

First, during the first 8 months of 1981, S. & L.'s suffered a net outflow of nearly $20 billion. This compares to a net inflow of nearly $5 billion during the same period in 1980. What this means is a turnaround of $25 billion in barely 1 year.

Second, nearly 80 percent of the Nation's S. & L.'s are currently operating in the red. While many of them have sufficient reserves to remain in business, it is obvious that no business can indefinitely lose money.

Third, the Nation's 463 mutual savings banks have incurred losses in 27 of the past 30 months.

Fourth, at least 300 of the 3,840 S. & L. associations in the country are in serious financial trouble. Their failure would result in approximately $60 billion in losses. Sales of assets and compensation through Federal insurance would offset only $15 billion of this, leaving a net loss of $45 billion.

Relaxation of banking laws over the past several years has permitted other types of financial institutions to offer a much wider range of services than S. & L.'s, further harming the competitive position of S. & L.'s. Most recently, Sears has announced plans to offer a range of financial services in each of its stores which virtually obliterate traditional lines of demarcation among a whole range of financial institutions.

These statistics show that Congress must act to aid S. & L.'s. But it should be clear that the Nation's economy will not be dramatically improved by H.R. 4603 alone.

The financial status of the S. & L.'s will not improve because of the premises and trends of Reaganomics. The massive deficits that the Reagan budget and tax plans are incurring will dwarf all previous records, and drive up interest rates even further. Responsible economists are now predicting a minimum deficit of $80 billion deficit would exceed the previous record by nearly $15 billion. It will add $15 billion in interest cost alone to the national burden. It results directly from the President's excessive tax cuts combined with excessive spending on weapons for the Pentagon.

This past summer, Congress adopted the Reagan tax plan, cutting tax revenues by $750 billion over the next 5 years. It also agreed to spend $1.6 trillion on the Pentagon during that period. It slashed social service programs to the bone, abolishing a number of them. All of this was supposed to lead to "economic recovery." Instead, we have economic disaster in an increasing number of critical sectors. In housing, this will be the worst year since 1946. In automobiles, sales are at a 23-year low. Bankruptcy rates are 42 percent higher this year than last, with an average of 326 firms a week going under. Among housing subcontractors, bankruptcy is up 120 percent over 1980. Much of this is the direct result of high interest rates produced by the Reagan deficits. If the Government did not have to borrow tens of billions of dollars to cover its deficits, it would not be driving up the price of money in the marketplace.

High interest rates have forced S. & L.'s and other industries to compete for scarce capital in the financial markets with giant corporations engaged in a merger mania. The value of business mergers so far in 1981 is up 60 percent over 1980 levels. Mergers drive up interest rates from two sides—the bidders and the objects of bids. For example, major corporations had no trouble in lining up $25 billion in credit in the bidding war for Conoco. On the other side, Pennzoil has borrowed $2.5 billion to stave of a hostile merger bid from Standard Oil of California.

These bidding wars do nothing for economic production or productivity. In 1980, 700 of the largest U.S. companies spent only $28 billion on research and development, while pouring $44 billion into mergers. The final figures for 1981 will undoubtedly show an even more lopsided bias on behalf of nonproductive mergers.

Reaganomics' combination of massive deficits, high interest rates, and double-digit inflation are jeopardizing savings and loans associations, the auto industry, the housing industry, and small businesses, among others. H.R. 4603 is a sensible, short-term attempt to aid S. & L.'s. But we will need a good deal more to rescue the economy from the totality of Reaganomics.●

Mr. CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs, now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 4603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ASSISTANCE TO INSURED BANKS

SECTION 1. Section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)) is amended to read as follows:

"(c)(1) The Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, to assume the liabilities of, or to make contributions to, any insured bank—

"(A) if such action is taken to prevent the insolvency of such insured bank;

"(B) if, with respect to a closed insured bank, such action is taken to restore such closed insured bank to normal operation; or

"(C) if, when severe financial conditions exist which threaten the stability of a significant number of insured banks or of insured banks possessing significant financial resources, such action is taken in order to lessen the risk to the Corporation posed by such insured bank under such threat of instability.

"(2)(A) In order to facilitate a merger or consolidation of an insured bank described in subparagraph (B) with an insured institution or the sale of assets of such insured bank and the assumption of such insured bank's liabilities by an insured institution, the Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe—

"(i) to purchase any such assets or assume any such liabilities;

"(ii) to make loans or contributions to, or deposits in, or purchase the securities of, such insured institution or the holding company which controls such insured institution; or

"(iii) to guarantee such insured institution or the holding company which controls such insured institution against loss by reason of

such insured institution's merging or consolidating with or assuming the liabilities and purchasing the assets of such insured bank.

"(B) An insured bank described in this subparagraph—

"(i) is an insured bank which is closed;

"(ii) is an insured bank which, in the judgment of the Board of Directors, is in danger of insolvency; or

"(iii) is an insured bank which, when severe financial conditions exist which threaten the stability of a significant number of insured banks or of insured banks possessing significant financial resources, is determined by the Corporation, in its sole discretion, to require assistance under subparagraph (A) in order to lessen the risk to the Corporation posed by such insured bank under such threat of instability.

"(3) The Corporation may provide any person acquiring control of, merging with, consolidating with or acquiring the assets of an insured bank under section 13(f) of this Act with such financial assistance as it could provide an insured institution under this subsection.

"(4) With respect to an insured bank described in paragraph (2)(B), no assistance shall be provided under this subsection to such insured bank in an amount in excess of that amount which the Corporation determines to be reasonably necessary to save the cost of liquidating (including paying the insured accounts of) such insured bank, except that such restriction shall not apply in any case in which the Corporation determines that the continued operation of such insured bank is essential to provide adequate banking services in its community.

"(5) Any assistance provided under this subsection may be in subordination to the rights of depositors and other creditors.

"(6) In its annual report to the Congress, the Corporation shall report the total amount it has saved, or estimates it has saved, by exercising the authority provided in this subsection.

"(7) For purposes of this subsection, the term 'insured institution' means an insured bank as defined in section 3 of this Act or an insured institution as defined in section 401 of the National Housing Act (12 U.S.C. 1724).".

Mr. ST GERMAIN (during the reading). Mr. Speaker, I ask unanimous consent that section 1 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

TECHNICAL AMENDMENTS OFFERED BY MR. ST GERMAIN

Mr. ST GERMAIN. Mr. Chairman, I offer technical amendments and I ask unanimous consent that they be considered en bloc since they relate to two different sections of the legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ST GERMAIN: Page 4, beginning on line 9, strike out "With respect to an insured bank described in paragraph (2)(B), no" and insert in lieu thereof "No".

Page 4, line 11, strike out "to such insured bank".'

Page 11, beginning on line 16, strike out "Board of Directors" and insert in lieu thereof "Corporation".

Page 12, line 14, strike out "Board of Directors" and insert in lieu thereof "Corporation".

Page 13, line 5, strike out "Board of Directors" and insert in lieu thereof "Corporation".

Page 13, beginning on line 21, strike out "With respect to an insured institution described in paragraph (2)(B), no" and insert in lieu thereof "No".

Page 13, line 23, strike out "to such insured bank".

Mr. ST GERMAIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ST GERMAIN. Mr. Chairman, these are technical amendments to H.R. 4603 as the bill was reported from the committee. The amendments clear up two very minor technical and cross-reference problems in the bill.

It is my understanding these amendments are supported by the gentleman from Ohio (Mr. STANTON), the ranking minority member, as well as the gentleman from Ohio (Mr. WYLIE), the ranking minority member on the Subcommittee on Financial Institutions Supervision, Regulation and Insurance.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding. My colleague from Ohio (Mr. STANTON) and I have had an opportunity to examine the amendments. They are corrective and they are technical amendments and not substantive. We support the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Rhode Island (Mr. ST GERMAIN).

The amendments were agreed to.

Mr. ST GERMAIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEYSER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal supervisory agencies to deal with financially distressed depository institutions, had come to no resolution thereon.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island.

There was no objection.

□ 1215

CONGRESSMAN ADDABBO COMMENDS SERVICES FOR ANTI-DRUG EFFORTS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, in recent months we have been following the unfolding story of illicit drug use by members of the military here and overseas. We have all seen the headlines and heard the stories about drug abuse that scare us half to death. There is some reason to question the quality of our military readiness if the figures provided to the Congress by the services themselves are accurate. There is no reason to doubt the validity of the figures that have been provided to us.

It is the intention of the House Subcommittee on Defense Appropriations to conduct hearings into the results of a long investigation into drug abuse within the military. In the meantime, however, let me note that there is beginning to be some solid evidence that the military is finally taking some strong steps to combat those people who seek big profits by preying on their friends who wear the same uniform. Most of our service people are great and dedicated.

Mr. Speaker, I say it is about time that this is happening and I call on all Members of the Congress to applaud these efforts. We have to make it clear to those who would sell drugs within the military that justice is swift and the penalties severe. The recent drug busts on board the U.S.S. *Midway* and at Homestead Air Force Base in Florida are just what we need to get the drug enforcement program off the ground.

For all too long we have had military commanders at every level and in every service hiding their heads in the sand while illegal drug use went on around them. Nobody wanted to dirty up their career on something nobody could stop.

Well, it remains to be seen if this insidious trafficking can be ended but one thing certainly is true: It cannot be stopped until someone takes the first step. I commend the Air Force for

its action in Florida and the Navy for its action on board the *Midway*. I also wise to bring to your attention a new 10-point program started by the Navy which is designed to provide incentives to those in command positions to fight narcotics use.

This program, which ought to be used as a role model by all of the services, provides help for those on drugs who want to get off, and provides assistance for those who command units who want the drug users and drug sellers busted as they ought to be.

I feel so strongly about the positive actions of the Navy and Air Force that I have today put out a press release outlining the 10-point program begun by the Navy. I believe that everyone who is interested in this subject, and that should include every Member of Congress, ought to read about it. Accordingly, Mr. Speaker, I include the press release as part of the RECORD:

ADDABBO COMMENDS SERVICES FOR ANTIDRUG EFFORTS

Congressman Joseph P. Addabbo, Chairman of the House Subcommittee on Defense Appropriations, today commended efforts by the Navy and the Air Force to control drug abuse at military bases.

The New York Congressman who has led an investigation into the growing use of illicit drugs by military personnel both on and off duty, declared that "after much hesitation, top service officials have begun a dedicated crack-down on those who sell or otherwise distribute illicit drugs within the military services".

Chairman Addabbo noted that a recent undercover operation at Homestead Air Force Base in Florida resulted in the arrest of seventy-eight persons. This followed by several weeks a major durg bust on the USS MIDWAY. "While these arrests are beneficial in that we bring those who violate the law to justice, we still require an overall program to fight drug abuse in a number of ways."

In that regard he was especially enthusiastic about a new ten point program devised by the Navy over a five year period, which was designed as the first full scale program against drug abuse.

Among the provisions of the ten point program are the following:

The Navy drug safety action program is a thirty six hour remedial education and motivation counseling program for identified drug abusers.

Twenty portable urinalysis are planned for introduction for fleet use shortly. This, along with 133 kits already in use, provides the capability to conduct 100,000 urinalysis tests each year. Urinalysis is the single best way of determining drug usage.

Creation of a new law enforcement command which will effectively administer legal matters in the anti-drug program.

An additional fifty drug detector dog teams will be added to fifty-three dog teams already operating.

Expanding the size of inspection and assistance teams which will help commands combat drug abuse by improving the local programs.

Creation of a computer system to be used to assess how drug and alcohol programs are working.

Creation of nine new officer billets who will be responsible for a wide variety of assistance to drug control officers.

A new specialty, drug abuse specialists, will be assigned to each command as a means of turning around apparent apathy that exists amongst junior personnel.

Upgraded training program will be established along the east and west coast to provide a better training program for those assigned responsibility for anti-drug efforts.

A new project to be started to develop and implement a motivational drug abuse education program, designed to change behavioral patterns.

"This is a very ambitious program that has been begun by the Navy. It is very important that it succeed for if it does the other services will soon follow suit", Addabbo said. "Conversly, if it fails, the programs to stop drug abuse will be set back for years. That is unacceptable."

The House Defense Appropriations Subcommittee has been conducting a year long investigation into military drug use problems. A final report is in the process of being completed, Congressman Addabbo said, and the results will be made known at a Subcommittee hearing which will be held sometime in the next month. No date has yet been set for that hearing.

THE TREASON OF CONGRESS

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSTON. Mr. Speaker, the Wall Street Journal recently published an editorial which accurately describes the situation we face in trying to get the Federal budget under control.

As the editorial points out, the strongest opposition we face in trying to cut the budget comes not from the intended benefit recipients, but, rather, from the special interest organizations who have profited the most from the growing number of Federal programs. This is a fact which has been overlooked for too long. As we hear the cries of opposition to any further budget cuts, too often we fail to discern precisely from whom these cries are emanating.

I commend the following Wall Street Journal editorial to my colleagues, as it accurately focuses on the real victims of Federal budget cuts.

THE TREASON OF CONGRESS

In 1906, the muckraking journalist David Graham Phillips wrote a magazine series on the way leading U.S. Senators served the bidding of corporate interests. He gave his articles the collective title "The Treason of the Senate." Exaggerated as the charge might have been, it is no less appropriate now for a Congress that has let spending run out of hand, relied on unlegislated tax increases and phony bookkeeping for any semblance of budget balance, driven the nation's largest trust fund to the verge of bankruptcy, and, when confronted with a national mandate to change its ways, thrown up its hands at the "political difficulty" of reform.

The "political difficulty" is that Senators and Representatives are just as subservient now as in 1906 to the bidding of special interests. These interests masquerade under humanitarian labels, but they are even more harmful to the public good than the trusts and corporations belabored by the Progressive movement. There is the lobby for job training programs, which is less concerned with turning welfare recipients into productive workers than with protecting federal contracts for the job training industry. There is the housing lobby, which represents builders so addicted to federal rent subsidies that they can't conceive of putting up a moderate-income apartment house without them. There are myriads more. The motives and men may be worthy, but these interests have all come to depend for a living on one or another federal line item in health, welfare or social serivce, and nothing arouses their energies as much as a campaign to keep Congress from cutting their program.

But the problem goes beyond structures. Congress lives in an isolated, self-indulgent universe, oblivious to the way its rhetoric translates into the real world. House Majority Leader Jim Wright presents budget cuts as an assault on women, children and the helpless without pausing to glance at the mound of evidence that federal social programs have bettered mainly their administrators and contractors and have often done harm to the people they were intended to help. Senators of both parties murmur that tax cuts have been overdone, even though the President's program does little more than compensate for the "bracket creep" caused by inflation. For members of Congress, Social Security remains an abstract problem interesting only for its short-term politics, since they pay no Social Security taxes and don't have to worry whether any of this considerable bite on the payroll will be around for their retirement in the next century.

Congress is one of the main victims of the elephantiasis that infects the federal government. As committees and programs have proliferated, staff members have taken over much of the legislative detail. As employes of Congress have multiplied, it has been spreading its increasingly bloated buildings over Capitol Hill, threatening to expropriate space from the Library of Congress and even the Supreme Court. This antheap of legislative aides and committee staff—the legocracy, as some call it—is even more divorced than the members from the real world back home.

Washington is all too receptive to these campaigns. In a group, Congressmen make all the appropriate noises about fiscal responsibility, but each one knows in his heart that his political future is best served by staking a claim to a well-heeled, well-organized "program constituency." The arrangement is all the tighter if the Congressman holds rank on a subcommittee that controls the program's funding. In the Executive Branch, the bureaucrats who work on that program have an obvious interest in seeing it grow. And so, with the private industry that springs up around each program, you have the famous "iron triangles" which, until this year, have been the downfall of every attempt to control the budget. President Reagan's massive budget assault earlier this year threw the interests in momentary disarray; now they have regrouped and one hears on every side how hard it will be to make further cuts.

Pampered, privileged, surrounded by aides who regard him with servile contempt, your Congressman has become adept at confusing the public good with his own interest and interests. Campaign reforms become a

means for protecting incumbents. Budget outlays become a mutual aid arrangement with budget constituencies. The duty to the folks back home becomes a matter of winning them federal goodies, to the point that it is a question whether the Congressman is serving his electors or corrupting them.

The result has been double-digit inflation, suffocating tax increases procured in the dark of the moon, and now, the agonizing corrective of high interest rates. By any view that the public interest lies in balanced budgets, sound currency and a stable tax rate, Congress has sold us out. And now it is about to tell us that because of the "political difficulty" of real budget control, there is "no alternative" but to postpone the scheduled tax rate cuts, allow inflation once again to boost taxes surreptitiously and go back to all of the old ways.

U.S. SKI ASSOCIATION SUPPORTS MULTIUSE CONCEPT OF PUBLIC LANDS

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker, I take this opportunity to recognize a letter from the U.S. Ski Association, addressed to the President. This letter signifies the commitment of an organization that is dedicated to the multiple-use of our public lands.

I commend the U.S. Ski Association for their efforts to open a line of communication between the Sierra Club and other land user groups. I believe it is a timely and sincere commitment by a large public land user group, to begin a constructive and meaningful dialog between all land user groups which would be beneficial to the Nation, those participating interest groups, and the administration.

I would hope the Sierra Club will accept the U.S. Ski Association invitation and work together to strike a balance between environmental protection and the wise and prudent multiple use of our public lands.

U.S. SKI ASSOCIATION,
Washington, D.C., October 14, 1981.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR PRESIDENT REAGAN: The United States Ski Association has a large stake in the allocation of our Nation's public lands. In many instances, and especially in the West, ski terrain, both presently developed and future non-developed potential, is located upon lands under the jurisdiction of the U.S. Forest Service or the National Park System. For this reason we feel compelled to reiterate to you our strong support for the multiple-use concept. We have been very pleased with the importance your Administration has placed upon re-examining our national land use policies, focusing upon multiple-use and equitable access for all segments of our population.

It is our belief that Secretary of the Interior James Watt has been a positive force in this re-examination of our land management policies. Our members, as strong environmentalists with a deep love and appreciation for this Country's natural resources, hope that you will continue on your present path toward broadening the public's opportunity to use and enjoy their public lands. By copy of this letter to the Sierra Club, we invite them to begin a constructive dialogue with ourselves and other public land users, based not upon destructive emotional rhetoric and unfounded accusations, but rather upon reasoned consideration of methods of combining environmental protection with increased use and enjoyment of our public lands.

Very truly yours,

NANCY J. INGALSBEE,
Director of Public Affairs.

THE COAL SEVERANCE TAX LIMITATION ACT OF 1981

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I am today introducing legislation that would amend the Powerplant and Industrial Fuel Use Act of 1978 by placing a ceiling on severance taxes a State can impose on coal produced from Federal and Indian lands. The provisions of the Coal Severance Tax Limitation Act of 1981 are identical to S. 178, introduced by Minnesota Senator DAVE DURENBERGER on January 21.

During the 96th Congress, I cosponsored similar legislation, H.R. 6625, a bill introduced on February 26, 1980, by Congressman PHILIP R. SHARP. That legislation was the subject of hearings by the Interstate and Foreign Commerce Committee's Energy and Power Subcommittee, of which I was a member, on March 21 and June 5, 1980. H.R. 6625 was reported by the full committee on September 16, 1980 (H. Rept. 96-1527, part 1, December 4, 1980).

The legislation I am introducing today differs from H.R. 6625 in that the scope of this bill is limited to coal produced from Federal and Indian lands. While I hesitate to support Federal legislation that seems to infringe on areas normally reserved to the States, it does seem unfair for States that are blessed with extensive Federal resources to excessively tax those resources and pass on those taxes to citizens of other States. My legislation does not prohibit this kind of taxation; rather, it establishes a ceiling of 12½ percent.

I recognize that the approach taken by my legislation could make Illinois coal less competitive inasmuch as my legislation would tend to make western coal, which now has severance taxes in excess of 12½ percent, more attractive to potential users of that coal. Illinois, incidentally, imposes no severance taxes on any of its energy resources. I am also concerned that the establishment of a 12½ percent ceiling could, in effect, become a floor.

On balance, though, I have concluded that it is unfair for Illinois consumers, particularly Commonwealth Edison ratepayers, to pay higher utility bills as a result of high severance taxes on the low sulfur coal ComEd chooses to use. I will continue to work to promote the production and utilization of high sulfur Illinois coal, particularly in connection with congressional consideration of the Clean Air Act.

The conflicting views on coal severance tax limitation legislation are evident in two letters I received earlier this year. First, in a January 12 letter to me from Commonwealth Edison, several reasons for supporting this kind of legislation are discussed. Reasons in opposition to this position are described in a June 29 letter to me from the Illinois Institute of Natural Resources which has since been renamed the Illinois Department of Energy and Natural Resources. The texts of these two letters are included at the end of my statement.

Illinois consumers paid over $20 million in coal severance taxes to other states in 1979. They paid an additional $90 million in severance taxes on other energy resources to other states during the same period. Severance taxes by "have" States at the expense of "have not" States seem to create an inequity that I believe Congress must address. As a result of the July 2, 1981, U.S. Supreme Court decision in the Commonwealth Edison Co. against Montana case, the matter of State severance taxation on energy resources destined for shipment in interstate commerce is clearly an issue for the Congress to address.

As a member of the Energy and Commerce Committee's Subcommittee on Fossil and Synthetic Fuels, I commend subcommittee Chairman Sharp for beginning hearings this week on this subject. Particularly as one who was active during subcommittee and full committee consideration of this issue during the last Congress, I look forward to this issue being addressed during the 97th Congress.

Mr. Speaker, I insert the texts of the two letters mentioned earlier, as well as the text of the Coal Severance Tax Limitation Act of 1981 at this point:

COMMONWEALTH EDISON,
Chicago, Ill., January 12, 1981.

HON. TOM CORCORAN,
Longworth House Office Building, Washington, D.C.

DEAR TOM: Thank you for your letter of December 29 about H.R. 6625. I am glad that you are one of the co-sponsors of that bill because it is a very good piece of legislation for the entire country. As you well know, it would also be particularly helpful to the people we serve and you represent. If H.R. 6625 had been law during 1980, our customers would have saved about $20 million which instead will go to pay severance taxes in Montana and Wyoming.

The majority report on the bill by the Committee on Interstate and Foreign Commerce is excellent. It is factually accurate

and properly explains the importance of enacting the bill. The report explains how a few states, by enacting excessively high severance taxes, can thwart our national energy policy and can unfairly export the burden of taxation to the citizens of other states like Illinois.

I think the majority report is responsive to the concerns expressed by Congressman Wirth in his minority opinion. Congressman Wirth's main argument is that coal production in Montana has not declined since the enactment of that state's 30 percent severance tax. He takes this as an indication that our national energy policy of developing coal resources has not been frustrated. The majority points out that Montana coal is usually bought under long-term production contracts. While pre-existing contracts will sustain the production levels cited by Congressman Wirth, there have been few new contracts signed since the severance tax was passed. The lack of new contracts shows how the Montana tax has frustrated our national effort to reduce oil consumption. The amount which our customers will pay Montana and Wyoming, $48 million last year, and as much as $260 million over the next five years, demonstrates the unfairness of the situation. Congressman Wirth suggests that the Montana taxes paid by our customers represent only a small portion of their electric bills. This is mainly the result of our ability to use nuclear power to supply so much of our customers' needs. It does not reduce the unfairness of the excessive state severance taxes included in the price of every kilowatt hour we generate with Montana coal.

If we are going to develop our national energy resources and free ourselves from reliance on foreign energy producers, it is imperative that we prevent regionalism from interfering with national interests. H.R. 6625 is a necessary step in that direction.

In your letter to me, you also included a copy of your December Congressional Report. I noticed several items in it of direct interest to us. These are the discussion of the urgent need for a rational national policy on nuclear waste disposal (which I discussed briefly in a separate letter to you written earlier today), the discussion of the importance of promoting the use of Illinois coal, and your efforts to speed decisions in FERC wholesale rate cases. These are all subjects which have a direct impact on Commonwealth Edison and on which Congress could usefully act. If you intend to pursue legislative proposals on these issues in the next Congress, we will be happy to offer any assistance we can or any information which our experience has given us.

Sincerely,

JAMES J. O'CONNOR,
Chairman and President.

ILLINOIS INSTITUTE OF NATURAL RESOURCES,
SPRINGFIELD, ILL.,
June 29, 1981.

Hon. TOM CORCORAN,
Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE CORCORAN: In the 97th Congress, the issue of limiting coal severance tax will no doubt be debated again. I would like to offer you an explanation as to why we are opposed to the idea of such a limitation.

To begin with, Illinois coal producers will lose from the limitation, while consumers will gain little. Montana's severance tax only accounts for 5 percent of the delivered cost of coal to Illinois. Furthermore, since Western coal is usually mixed with other coals and since fuel is only one component of cost, the limitation will save Illinois consumers only one-fourth of 1 percent on the average electricity bill, or less than 10 cents per month. On the other hand, the limitation will harm Illinois coal markets by putting Western coal in a better competitive position. According to Data Resources, Inc.'s coal model, Illinois would lose 1 million tons per year of production during the next 5 years to Wyoming and Montana. This translates into 390 miners out of work in Illinois.

Second, limiting severance taxes sets a precedent for limiting all general purpose taxes. Montana and Wyoming are not unique in taxing the commodities they export. Michigan taxes automobiles, North Carolina taxes tobacco and Illinois taxes its corn and soybeans, as well as its manufactured products through sales, property and income taxes.

Third, there is something to the argument that Montana and Wyoming need the revenue they are setting aside in trust funds as insurance for the future when their resources are depleted. It is unfortunte that the Appalachian states, as well as Illinois, did not have the foresight when they began producing large quantities of coal to provide for their futures.

Fourth, a limitation on severance taxes is likely to be ineffective. A 12½ percent limit probably would not apply to Wyoming, since its actual severance tax is 10.5 percent. It is local ad valorem taxes which bring its rate up to 17 percent. Likewise, Montana, or any other state, could easily replace all or part of its severance tax with property or income based taxes.

Finally, efforts to limit Montana's and Wyoming's severance taxes on coal are misdirected. The revenue generated by coal producing states from severance taxes pales in comparison to that collected by oil and gas producing states. This year an estimated $600 million will be collected in coal production taxes, while over $8 billion will be collected in taxes on oil and gas. Illinois will pay $25 million to Montana and Wyoming for their coal severance taxes, but $300 million to support the governments of oil and gas producing states.

It does not make sense, therefore, to limit coal severance taxes without also looking at oil and gas taxes. At a minimum, federal aid formulas should be changed so that energy producing states do not doubly benefit from consuming states by receiving tax money from them and then receiving preference in aid formulas for having a high tax effort. In the long run, what may be necessary is a windfall profits tax on state energy resource taxes to redistribute the excess revenues to the energy poor states. One question, however, is left unanswered in this whole issue: who should benefit from this nation's resources, the individual states or the nation as a whole? I think the answer is both.

I urge that you not support the 12½ percent limitation on coal severance taxes. The issue is much broader than Montana's or Wyoming's tax. A long term solution should be sought which encompasses all energy resources and which enables the individual states to benefit from their resources, but at the same time provides a benefit to the entire nation.

Thank you for allowing the State of Illinois to provide you with our position on this important issue.

Sincerely,

FRANK BEAL,
Director.

H.R. 4841

A bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to further the objectives of national energy policy of conserving oil and natural resources through removing excessive burdens on production of coal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coal Severance Tax Limitation Act of 1981".

SEC. 2. The Congress finds that, in order to alleviate the national energy emergency, reduce national dependence on petroleum imports, encourage the highest and best use of domestic petroleum and natural gas, and enhance interstate commerce by promoting increased reliance on our national reserves of coal for the generation of electricity and power, it is necessary to remove excessive burdens on production of coal used in powerplants and major fuel-burning installations.

SEC. 3. (a) The Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) us amended by adding immediately following section 807 the following new section:

SEC. 808. COAL FOR POWERPLANT AND INDUSTRIAL CONVERSION

"(a) LIMITATIONS.—Notwithstanding any other provision of State or Federal law, with respect to any coal mined or produced from Indian lands or lands owned by the Federal Government which is destined for shipment in interstate commerce for use in any powerplant or major fuel-burning installation, the sum of all severance taxes, or fees, in respect of any fiscal year, imposed by a State or any political subdivision thereof on such coal or on any improvements or other rights, property, or assets produced, owned, or utilized in connection with the production of such coal shall not exceed a total of 12½ percent of the value of such coal produced during such fiscal year determined at the time it has been extracted and prepared for transportation free on board the production site but exclusive of all State and local taxes and fees.

"(b) SEVERANCE TAXES OR FEES DEFINED.—For purposes of subsection (a), 'severance taxes or fees' include any tax or fee, by whatever name called, imposed upon coal or upon any improvement or other rights, property, or assets produced, owned or utilized in connection with the production of coal except for income, sales, or other similar taxes or fees or general application which are not disproportionately imposed thereon.".

(b) The table of sections for such Act is amended by inserting after the item relating to section 807 the following new item:

"Sec. 808. Coal for powerplant and industrial conversion.".●

A TRIBUTE TO BERNARD J. O'KEEFE, "NEW ENGLANDER OF THE YEAR"

The SPEAKER. Under a previous order of the House, the gentlewoman

from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

● Mrs. HECKLER. Mr. Speaker, on November 4 the New England Council will honor a man whose contributions to society, and to all our futures, have been immense: Bernard J. O'Keefe, chairman of the board and chief executive officer of E. G. & G. Synfuels, Inc., will be formally honored as New Englander of the Year for 1981.

Though the accomplishments of a single life are impossible to measure, the recognition of one's peers and associates is surely one means to gage the magnitude of a person's contributions to his fellow men and women.

If it is true, as Emerson wrote, that an institution is but the lengthened shadow of one man, then E. G. & G. is most surely the product of Bernie O'Keefe's special genius. A pioneer in the commercialization of alternative energy sources, Mr. O'Keefe has over the past 34 years turned E. G. & G. into a leading force in the fight to solve our Nation's energy problems.

Working to develop the full range of alternative energy possibilities, E. G. & G. has, under Mr. O'Keefe's leadership, contributed not only to a brighter energy future for America, but created the promise of thousands of new jobs for the people of New England.

But Bernie O'Keefe's contributions have not been limited to forging the link between energy development and economic development. Rather, his life and career have exemplified, in the truest sense, the genius and promise of American democracy.

In so many ways—from his rise from humble beginnings in Providence, R.I., to eminence as a technological innovator, successful businessman and outstanding linguist—to his personal triumphs as a loving husband and father—to his leadership in public affairs—Bernie O'Keefe has demonstrated that intellect, determination, and integrity remain the engines of success in our society.

A concerned member—and leader—of the community, he serves now as chairman of the Massachusetts Governor's Management Task Force—a post he has held under both Governors Michael Dukakis and Edward J. King. He also lends his insight and energy as a director of the Boston Museum of Science, the Woods Hole Oceanographic Institute, the Boston Urban Foundation and the Lahey Clinic Foundation, and has served in the past as chairman of Citizens for Economy in Government.

But perhaps the most prominent of Mr. O'Keefe's concerns is his devotion to quality education. A former vice chairman of the Massachusetts Board of Higher Education, he has long recognized the vital importance of educating today's generation to face the challenges and problems of tomorrow. His concern that students today receive a strong intellectual foundation in mathematics and the sciences reflects his vision of a future in which new technology will reshape our economy, our society, and every aspect of our lives.

This farsightedness is the mark of a true leader—a man who does not simply speculate about the future, but charts a clear path toward achieving it.

The people of New England have been the beneficiaries of his genius, and their gratitude is evident in the honor he will receive.

Bernie O'Keefe's selection as New Englander of the Year by the New England Council is a fitting tribute to a man who has been a pioneer in his field, and a pacesetter for an entire generation of New Englanders.

There is, in fact, no one man or woman who has done more to shape the New England of the future—a future of prosperity and hope, economic security and personal dignity. The recognition that he receives is only an imprecise measure of his vision; it is in the hearts and minds of all who know him that the full range of this man's greatness is most clearly written.

I count it a great honor to be able to call Bernard J. O'Keefe a friend, and I count it a singular privilege to call the attention of all my colleagues to the accomplishments of this most extraordinary American.●

INEQUALITY MAKES FOR WORSE GROWTH, NOT BETTER

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, in a recent article in Challenge magazine, "Inequality, Here We Come" (CONGRESSIONAL RECORD, October 26, 1981, pages 25282 thru 25284), I pointed out how, contrary to popular opinion, the distribution of income in the United States has steadily become more unequal since the mid-1960's. The income shares for the middle and lower middle classes fell from 28.1 percent in 1967 to 26.1 percent in 1978. Under Reaganomics, with its high interest rates and tax redistribution, income inequality is speedily worsening.

Greater inequality is justified by the administration on the ground that inequality is needed for greater productivity and output. As the administration's economic theoretician, George Gilder, points out, "a successful economy depends on the proliferation of the rich."

Following this precept, the administration has been busy proliferating. The nonaffluent two-thirds of America are being told that though the slices of the bread they receive may be getting thinner, the size of the economic loaf will grow so fast that they will be better off.

But Reaganomics seems to have neglected to put yeast in the dough. And the result is that the loaf, far from growing, has fallen.

Real gross national product has been falling at an annual rate of 2.2 percent ever since last April. Since President Reagan took office, the Nation has lost $16 billion of real output.

The real income of middle and lower income families has been declining. Nonaffluent America has had the worse of both worlds—thinner slices and a smaller loaf.

So far, then, the greater inequality produced by Reaganomics has meant less growth, not more. But perhaps it is unfair to judge the administration on its first 10 months. Let us look at a longer period, the last 20 years, and compare the growth records of countries of the industrialized world according to the degree of their equality of income distribution. Do countries with greater inequality have higher growth rates?

To answer this question, I asked the Joint Economic Committee staff to compare inequality and growth in the seven leading industrial democracies—the United States, Canada, France, West Germany, the United Kingdom, Sweden, and Japan. The results of this comparison should interest the President and the Members of Congress. The JEC staff found an inverse relation between equality and growth—overall, countries with high inequality have had low growth, and countries with low inequality have enjoyed high growth.

The JEC staff table below shows that the more unequal a country's income distribution, the worse is its productivity performance. Taking the United States, Japan, West Germany, and Canada, our three largest trading partners, we find that Japan had the lowest inequality and the highest productivity growth, West Germany had the second lowest inequality and the second highest productivity growth, Canada had the third lowest inequality and the third highest productivity growth, and the United States had the highest inequality and the lowest productivity growth.

INCOME INEQUALITY AND PRODUCTIVITY GROWTH RATES

Country	Relative index of income inequality, 1970–75 (U.S. = 100)	Average labor productivity growth rate, 1960–79 (in percent)
United States	100	2.5
Canada	94	3.2
France	92	5.4
West Germany	68	5.3
United Kingdom	65	3.2
Sweden	63	4.7
Japan	48	7.9

Source: OECD

If Reaganomics were correct, one would expect that the United States with high inequality, would have achieved rapid growth, while Japan, with the least inequality, would have languished. But just the opposite is true.

Not only is there no evidence for the administration's high inequality-high growth thesis, the evidence is just to the contrary.

Why, then, should we believe that worsening inequality will be conducive to growth? Reaganomics should go back to the drawing board.●

HOUSE SHOULD RETAIN CURRENT OUTSIDE EARNED INCOME LIMITATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

● Mr. HAMILTON. Mr. Speaker, House Rule 47 limits outside earned income for House Members to 15 percent of their congressional salary, and limits the amount from any single honorarium to $1,000 per speech, appearance, or article. The rule was added in 1977, along with several other ethical reforms, when we significantly tightened up the generally ineffective codes of conduct and financial disclosure rules adopted in 1968. The tightening up of congressional ethics followed a storm of public outcry in 1976 over congressional misconduct and scandals, such as the South Korean influence buying and the Wayne Hays affair. The reforms were the product of extensive work by the Obey commission and three House committees, and the outside earned income limitation was accepted by an overwhelming vote of 344 to 79. House Resolution 251 would significantly liberalize House Rule 47 by raising through 1983 the limit on outside earnings from 15 to 40 percent of the congressional salary. I oppose this change.

1. STRICT LIMITATIONS WERE ADOPTED FOR THREE MAIN REASONS

Mr. Speaker, we adopted the outside earned income limitation for three very good reasons:

First, it minimizes the possibilities for conflicts of interest. Certainly the integrity of the legislative process is called into question when, for example, a committee chairman accepts thousands of dollars from groups with special interest in legislation before his committee, or when a Member makes his services available for large legal or professional fees.

Second, it avoids time being taken away from congressional work. Being a Representative should be a full-time job. But that certainly was called into question when Members spent substantial time earning several times their congressional salary in outside work, as happened before House Rule 47 went into effect.

Third, it avoids the appearance of cashing in on the congressional position. Receiving thousands of dollars in overpaid honoraria, in consulting fees for little work done, in salaries for adding one's name to a law firm—all strike the American citizen as someone trying to exploit his current status for financial gain.

On the basis of these arguments, we adopted the outside earned income limitations by a more than 4-to-1 margin. These reasons also, by the way, explain why we did not apply the rule also to unearned income. Two of these problems generally do not arise in typical cases of investment income: When a Member is simply receiving money from previous investments no exploitation of congressional stature is involved, nor is significant time taken away from congressional duties. So we applied the rule only to earned income where there is much more possibility for abuse.

2. PUBLIC DISCLOSURE IS NOT ENOUGH

We passed these rules to specifically limit certain outside earnings because we felt that mere public disclosure of the actions would not suffice. It will not do to tell a voter that if he thinks that a Congressman is engaged in improper outside earning activities, he should vote him out of office. In 434 of 435 possible cases, the voter simply cannot do that. Each American is affected by the actions of all Members of Congress, yet he can vote disapproval of only his own Representative's actions. It is little consolation to him to have only public disclosure that, for example, an influential committee chairman has accepted $25,000 in honoraria from groups with special interest in legislation before his committee. We need to assure each American that there are at least some minimal sorts of safeguards on the books trying to insure that each committee chairman, each influential party leader, each Member of Congress making important decisions that affect him dearly, is not engaged in such abuses.

3. BASIC REASONS FOR LIMITATIONS HAVE NOT CHANGED

Mr. Speaker, no one would maintain that this one rule is the cornerstone of all congressional ethics, the panacea for all congressional misconduct and impropriety. However, it is a significant and meaningful provision. As Speaker O'NEILL said during the 1977 floor debate, this limitation is "the heart and soul of the entire package". Moreover, the outside earnings limitations have been thought important enough to be applied to high-level officials of the executive and judicial branches. House rule 47 is one step toward trying to insure that Members of Congress are in fact here working for the good of the American public, rather than for their own personal gain or for the good of high-paying special interests. I submit that whatever we can do to promote that ideal is worth pursuing.

House Resolution 251 would significantly weaken our ethical reforms of 1977. But as far as I can tell, the original reasons for adopting these limitations are just as valid today as they were 4 years ago:

I do not believe that in the past 4 years there has been any evidence showing a significant lessening of the possibility of abuse from outside earnings in terms of conflicts of interest, taking time away from congressional work, or cashing in on the congressional position.

I do not believe that in the past 4 years this rule has led numerous competent Members to leave Congress, only to have them replaced with less competent individuals. On the contrary, I can detect no recent deterioration in the caliber of Members of Congress.

I do not believe that in the past 4 years there has been a significant change in the number of Members who would be affected by House rule 47. Estimates were that roughly one Member in six exceeded the limits before they went into effect, and a similar proportion of Members is approaching our current 15-percent limit. Then, as now, this rule affects primarily only a handful of Members of Congress.

I do not believe that in the past 4 years the American public has changed its thinking to now believe that House Members have less need of ethical reform than before. If anything, I would imagine that incidents of misconduct, from Abscam to payroll kickbacks, would make the American public think that there should be tougher restrictions on congressional conduct.

4. THE LIMITATIONS ARE AN ETHICAL, NOT A FINANCIAL MATTER

Mr. Speaker, one major change over the past 4 years that proponents of House Resolution 251 point to—which I think is correct—is the change in the buying power of congressional salaries. Salaries of Members have not nearly kept up with inflation. However, that is a totally financial matter that should be addressed by reviewing the process of pay increases for Members. It is not an ethical matter affecting our ethical codes. What House Rule 47 involves is an ethical standard, and the ethical reasons for its adoption are just as valid today as when it was first adopted, if not stronger. Congressional pay problems should be resolved by altering congressional pay practices—as apparently they have by provisions in the recently passed continuing resolution. They should not be resolved by overturning ethical reforms.

5. HOUSE SHOULD NOT BACKTRACK ON ETHICAL REFORM

Despite the mixed record of conduct by individual House Members in recent years, by almost any standard the House as an institution has made significant progress in its handling of congressional ethics. We have enacted tough new codes of conduct, set up a permanent ethics committee, punished far more Members for misconduct than ever before, and have given out tougher and more meaningful sanctions by overwhelming margins. It is not an overstatement to say that the past 10 to 15 years have marked the most significant period of institutional reform in the entire history of House ethics.

Given our impressive record of improvement, I would not like to see us take this first major step backtracking on ethical reform. In the past, the clear overall direction of our revisions in the House standards of official conduct has been one of toughening them up. But House Resolution 251, which almost triples the amount of allowable outside earned income, would represent the largest step backwards that the House has ever taken to overturn one of its previously enacted ethical reforms. All Members voting for it should be aware of the unprecedented nature of their actions.

6. HOUSE SHOULD NOT SHOW EXCESSIVE CONCERN FOR MEMBERS' PERSONAL INCOME

Most of our tough new ethical reforms enacted in recent years have been generally accepted by most Members. But House Rule 47 has cut into Members' personal income the most, and it is the one that has been fought the hardest: Members tried in 1978 to repeal it in the House even before it went into effect; Members have challenged it in the courts; many Members have openly stated that they would try to find various ways to skirt its provisions; on the Senate side, Members first voted to postpone the 15-percent limitation and then recently repealed the only remaining annual earned income limitation; and today House Members are trying to change the rules mid-session, after having been elected to Congress last fall with the clear understanding that there was to be a 15-percent limitation on outside earnings or honoraria. Such actions make many Americans think that the feeling on Capitol Hill is that ethical reform is fine, as long as it does not hurt Members' pocketbooks. Moreover, we have recently cut back various Federal services and benefits for the average citizen to unprecedented degrees. Nonetheless House Resolution 251 represents yet another attempt to provide additional financial benefits for Members. At a time of great sacrifice for the American people, we should not tell them that the only sacrifice Members of Congress are willing to make is one of sacrificing ethical reform for personal gain.

CONCLUSION

To sum up, we should start backtracking from our strong past tradition of institutional ethical reform only for extremely strong and convincing reasons. The desire of a small percentage of Members for more money is not one of them. The basic ethical reasons for the ethical standards embodied in House Rule 47 are as strong as ever. Mr. Speaker, I urge the defeat of House Resolution 251.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. FERRARO) is recognized for 15 minutes.

● Ms. FERRARO. Mr. Speaker, due to an unavoidable conflict, I was unable to be present for the vote on final passage of H.R. 3603, the Food and Agriculture Act. Had I been present, I would have voted for passage.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, earlier this afternoon, I was unavoidably detained in my office during the vote on final passage of H.R. 4503, the Federal Water Pollution Control Act Amendments.

I strongly support passage of this legislation to extend Federal participation in helping communities meet the clean water requirements. Had I been present at this vote, I would have voted "Yea."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS) to revise and extend their remarks and include extraneous material:)

Mr. BLILEY, for 60 minutes, October 28.

Mr. GILMAN, for 5 minutes, today.

Mr. WEBER of Ohio, for 15 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

Mr. EDWARDS of Oklahoma, for 60 minutes, November 4, 1981.

Mrs. HECKLER, for 10 minutes, today.

(The following Members (at the request of Mr. PATTERSON) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 5 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. FERRARO, for 5 minutes, today.

Mr. LAFALCE, for 15 minutes, today.

Mr. MOTTL, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, October 28, 1981.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOUQUARD, to revise and extend her remarks prior to the vote on H.R. 4503 today.

Mr. WEISS, to revise and extend his remarks prior to the vote on H.R. 4503 today.

(The following Members (at the request of Mr. THOMAS) and to include extraneous matter:)

Mr. ERLENBORN.
Mr. CORCORAN.
Mr. GINGRICH.
Mr. DANNEMEYER.
Mr. GILMAN in two instances.
Mr. NELLIGAN in two instances.
Mr. KEMP in two instances.
Mr. MICHEL in two instances.
Mr. JOHNSTON.
Mr. ASHBROOK in three instances.
Mr. FIELDS in two instances.
Mr. SAWYER.
Mr. WOLF.
Mr. BENEDICT.
Mr. DERWINSKI.
Mr. MORRISON.
Mr. GOODLING.
Mr. JAMES K. COYNE.
Mr. HANSEN of Idaho in two instances.

(The following Members (at the request of Mr. PATTERSON) and to include extraneous matter:)

Mr. ASPIN in two instances.
Mr. PEASE.
Mr. IRELAND.
Mr. MOFFETT.
Mr. BOLLING.
Mr. SOLARZ.
Mr. PICKLE.
Mr. DWYER.
Mr. WON PAT.
Mr. FORD of Michigan.
Mr. LAFALCE.
Mr. BONKER.
Mrs. SCHROEDER.
Ms. FERRARO.
Mr. SHAMANSKY.
Mr. ROE.
Mr. OTTINGER.
Mr. HUBBARD.
Mr. KOGOVSEK.
Mr. MCDONALD in five instances.
Mr. FARY.
Mr. BAILEY of Pennsylvania.
Mr. SCHEUER in two instances.
Mr. MARKEY.
Mr. BEDELL.
Mr. HOWARD.
Mr. REUSS.
Mr. O'NEILL.
Mr. DYSON.

ADJOURNMENT

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 28, 1981, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2420. A letter from the Governor, Farm Credit Administration, transmitting the final amendments to title 12, chapter VI of the Code of Federal Regulations promulgated by the Farm Credit Administration, pursuant to section 5.18(c)(1) of the Farm Credit Act of 1971, as amended; to the Committee on Agriculture.

2421. A letter from the Acting Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of July 1981, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

2422. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's intention to offer to sell certain defense equipment and services to Greece (Transmittal No. 81-109), pursuant to section 36(b) of the Arms Export Control Act, together with certification that the sale is consistent with the principles contained in section 620C(b) of the Foreign Assistance Act, pursuant to section 620C(d) of the act; to the Committee on Foreign Affairs.

2423. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting various reports prepared by the International Bank for Reconstruction and Development and the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2424. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2425. A letter from the Associate Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2426. A letter from the Comptroller General of the United States, transmitting a report on Department of Energy's low-income weatherization program (EMD 82-2, October 26, 1981); jointly, to the Committees on Government Operations and Energy and Commerce.

2427. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed transfer of certain property to the Republic of Panama, pursuant to section 154(b) of Public Law 96-70; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRINKLEY: Committee on Armed Services. H.R. 3502. A bill to amend title 38, United States Code, to provide for greater coordination and sharing of the medical facilities of the Veterans' Administration and the Department of Defense; with an amendment (Rept. No. 97-72, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. Report on revised allocation of budget totals to subcommittees under the first concurrent budget resolution for fiscal year 1982. (Rept. No. 97-294). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3942. A bill to amend the Commercial Fisheries Research and Development Act of 1964; with amendments (Rept. No. 97-295). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRINKLEY: Committee on Armed Services. H.R. 4591. A bill to amend the mineral leasing laws of the United States to provide for uniform treatment of certain receipts under such laws, and for other purposes (Rept. No. 97-296). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Armed Services. H.R. 4624. A bill to amend title 10, United States Code, to provide employment protection for employees of nonappropriated fund instrumentalities of the Department of Defense who report violations of law or mismanagement (Rept. No. 97-297). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Armed Services. H.R. 4625. A bill to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II (Rept. No. 97-298). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRINKLEY: Committee on Armed Services. H.R. 4543. A bill to amend title 10, United States Code, to provide for the sharing with State and local governments of amounts received by the United States from the sale of timber produced on military installations (Rept. No. 97-299). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 257. A resolution providing for the consideration of S. 1193. A bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes (Rept. No. 97-301). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 258. A resolution providing for the consideration of House Resolution 251, a resolution amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept (Rept. No. 97-302). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 251. A resolution amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept (Rept. No. 97-303). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WHITE: Committee on Armed Services. H.R. 4448. A bill to amend title 10, United States Code, to increase the number of Assistant Secretaries in the Department of Defense, and for other purposes; referred jointly to the Committee on Post Office and Civil Service and to the Permanent Select Committee on Intelligence for a period ending not later than November 30, 1981, for consideration of such portions of the bill as fall within the jurisdiction of those committees under clause 1(o) of rule XI and clause 2 of rule XLVIII, respectively (Rept. No. 97-300, Pt. I). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 4839. A bill to amend title XVI of the Social Security Act to allow the award of attorneys' fees in appeals involving claims for supplementary security income benefits on the same basis as is presently provided under title II of such act in the case of appeals involving claims for old-age, survivors, and disability insurance; to the Committee on Ways and Means.

By Mr. CHAPPIE:

H.R. 4840. A bill to grant to the State of California concurrent jurisdiction over fishing in that part of the Klamath River which is within the "Hoopa extension" of the Hoopa Valley Reservation; to the Committee on Interior and Insular Affairs.

By Mr. CORCORAN:

H.R. 4841. A bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to further the objectives of national energy policy of conserving oil and natural resources through removing excessive burdens on production of coal; to the Committee on Energy and Commerce.

By Mr. JAMES K. COYNE:

H.R. 4842. A bill to authorize the U.S. Government to issue constant dollar debt obligations and to authorize depository institutions to issue constant dollar savings certificates; jointly to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. FRENZEL (for himself and Mr. VANDER JAGT):

H.R. 4843. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. FUQUA (for himself, Mr. WINN, Mr. GIBBONS, Mr. CONABLE, Mr. FLIPPO, Mr. HOLLENBECK, and Mr. VANDER JAGT):

H.R. 4844. A bill to amend the Tariff Schedules of the United States to permit the duty-free entry of materials certified by the National Aeronautics and Space Administration as intended to be launched into space or to be spare parts or necessary and uniquely associated support equipment for use in connection with such launches, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. CLAUSEN, Mr. FARY, Mr. STANGELAND, Mr. HAMMERSCHMIDT, Mr. BEVILL, Mr. BRINKLEY, Mr. COLLINS of Texas, Mr. GAYDOS, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. MYERS, Mr. NICHOLS, Mr. RAILSBACK, Mr. WINN, and Mr. WYLIE):

H.R. 4845. A bill to designate the building known as the Lincoln Federal Building and Courthouse in Lincoln, Nebr., as the "Robert V. Denney Federal Building and Courthouse"; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. ROE, Mr. CLAUSEN, and Mr. HAMMERSCHMIDT) (by request):

H.R. 4846. A bill to provide for the recovery of capital and operation and maintenance costs assignable to commercial water transportation for certain U.S. Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. HOWARD (for himself, Mr. MINETA, Mr. CLAUSEN, and Mr. SNYDER) (by request):

H.R. 4847. A bill to amend title 18, title 28, and title 49, United States Code, in order to implement the "Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation"; jointly to the Committees on the Judiciary and Public Works and Transportation.

By Mr. HOYER (for himself, Mr. BARNES, Mr. DYSON, Mrs. HOLT, Ms. MIKULSKI, Mr. LONG of Maryland, Mrs. BYRON, Mr. MITCHELL of Maryland, Mr. NATCHER, Mr. REUSS, Mr. BRODHEAD, Mr. ANNUNZIO, Mr. AKAKA, Mr. DOWNEY, Mr. LOWERY of California, Mr. HEFNER, Mr. ADDABBO, Mr. CORRADA, Mr. WEISS, Mr. ROSE, Mr. PORTER, Mr. SUNIA, Mr. BIAGGI, Mr. RATCHFORD, Mr. D'AMOURS, Mr. ROUSSELOT, Mr. DERWINSKI, Mr. ST GERMAIN, Mr. DELLUMS, Mr. WHITEHURST, Mr. BINGHAM, and Mr. RODINO):

H.R. 4848. A bill entitled "The Gladys Noon Spellman Parkway"; to the Committee on Interior and Insular Affairs.

By Mr. LUJAN:

H.R. 4849. A bill to authorize certain additions to the Santa Ana Indian Reservation in new Mexico; to the Committee on Interior and Insular Affairs.

H.R. 4850. A bill to establish a Corporation for Prison Industries; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 4851. A bill to amend title 38, United States Code, to exempt the Department of Medicine and Surgery in the Veterans' Administration from any Office of Management and Budget policy or directive prescribing procedures for contracting out commercial or industrial functions; to the Committee on Veterans' Affairs.

By Mr. MURPHY (for himself, Mr. SMITH of Pennsylvania, Mr. HANCE, Mr. ERDAHL, Mr. LOEFFLER, Mr. WON PAT, Mr. ROE, Mr. NEAL, Mr. EDGAR, Mr. WINN, Mr. DYMALLY, Mr. MAZZOLI, Mr. RAHALL, Mr. CONTE, Mr. CORCORAN, Mr. RICHMOND, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. HARKIN, Mr. FAUNTROY, Ms. MIKULSKI, Mr. GINN, Mr. PICKLE, Mr. OTTINGER, Mr. CORRADA, Mr. FRENZEL, Mr. MOTTL, Mr. SIMON, Mr. WILSON, and Mr. BAFALIS):

H.R. 4852. A bill to authorize the annual presentation of an Anwar El Sadat Peace Medal, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROTH:

H.R. 4853. A bill to amend the Second Liberty Bond Act to increase the investment yield on U.S. savings bonds to a level competitive with comparable investments; to the Committee on Ways and Means.

By Mr. ZABLOCKI (for himself, Mr. FASCELL, Mr. ROSENTHAL, Mr. HAMILTON, Mr. BINGHAM, Mr. YATRON, Mr. SOLARZ, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. SHAMANSKY, Mr. GEJDENSON, Mr. DYMALLY, Mr. ECKART, Mr. LANTOS, Mr. BOWEN, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. FINDLEY, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mrs. FENWICK, Mr. DORNAN of California, Mr. LEACH of Iowa, Mr. ERDAHL, Mrs. SNOWE, Mr. LEBOUTILLIER, Mr. HYDE, and Mr. GOODLING):

H.J. Res. 349. Joint resolution to authorize the participation of the United States in a multinational force and observers to implement the treaty of peace between Egypt and Israel; to the Committee on Foreign Affairs.

By Mr. HOLLENBECK (for himself, Mr. HORTON, Mr. BROWN of Ohio, Mr. PURSELL, Mr. JEFFORDS, Mrs. SNOWE, and Mrs. SCHNEIDER):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress concerning funding for the general revenue sharing program; to the Committee on Government Operations.

By Mr. FRENZEL (for himself, Mr. BADHAM, Mr. THOMAS, and Mr. JAMES K. COYNE):

H. Res. 254. Resolution reducing the clerk hire allowance of certain Members of the House who make associate committee staff appointments; to the Committee on House Administration.

By Mr. FRENZEL (for himself, Mr. BADHAM, Mr. THOMAS, Mr. JAMES K. COYNE, and Mrs. MARTIN of Illinois):

H. Res. 255. Resolution amending rule XI of the Rules of the House of Representatives to reduce the number of subcommittees of standing committees of the House for which certain staff positions are available; to the Committee on Rules.

H. Res. 256. Resolution amending the Rules of the House of Representatives to provide for improved accountability in funding of staff for committees, and for other purposes; jointly to the Committees on Rules and House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

216. By the SPEAKER: Memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to Poland; to the Committee on Foreign Affairs.

217. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to delays in social security cost-of-living adjustments; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 459: Mr. FORSYTHE, Mr. GINGRICH, Mrs. MARTIN of Illinois, Mr. SOLOMON, Mr. PORTER, Mrs. BOUQUARD, and Mr. PATTERSON.

H.R. 845: Mr. HILER.

H.R. 1692: Mr. GEPHARDT.

H.R. 1922: Mr. DORNAN of California.

H.R. 2052: Mr. SHAW.

H.R. 2322: Mr. CONYERS.

H.R. 3540: Mr. DECKARD.

H.R. 3614: Mr. RATCHFORD, Mr. BRINKLEY, Mr. GEJDENSON, Mr. LEVITAS, Mr. WIRTH, Mr. KILDEE, Mr. STATON of West Virginia, Mr. ANDREWS, Mr. CONYERS, Mr. BUTLER, Mr. BROOMFIELD, Mr. SABO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. PURSELL, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. MATSUI, Mr. DAVIS, Mr. TAYLOR, Mr. FLIPPO, and Mr. BARNES.

H.R. 3940: Mr. SENSENBRENNER, Mr. PEPPER, Mr. NAPIER, Mr. WALKER, Mr. QUILLEN, Mr. SABO, Mr. VENTO, Mr. WORTLEY, Mr. NELLIGAN, Mr. LAFALCE, Mr. MITCHELL of Maryland, Mr. FORSYTHE, Mr. KINDNESS, Mr. COELHO, Mr. MYERS, Mr. EMERSON, Mr. WYDEN, Mr. MCDADE, Mr. RICHMOND, Mr. CONYERS, Mr. ZEFERETTI, Mr. EVANS of Indiana, and Mr. MATTOX.

H.R. 4554: Mr. FORSYTHE.

H.R. 4666: Mr. CORCORAN, Mr. CORRADA, Mr. GINGRICH, Mr. MURPHY, Mr. PORTER, and Mr. SMITH of Pennsylvania.

H.R. 4673: Mr. PASHAYAN, Mr. WATKINS, Mr. STENHOLM, Mrs. BOUQUARD, Mr. CHAPPELL, and Mr. SKELTON.

H.R. 4686: Mrs. CHISHOLM, Mr. EMERY, Mr. FORSYTHE, Mr. KEMP, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MITCHELL of New York, Mr. MURPHY, Mr. RAILSBACK, Mr. RATCHFORD, Mr. SMITH of Pennsylvania, Mr. STANGELAND, Ms. MIKULSKI, Mr. FISH, and Mr. FAZIO.

H.R. 4797: Mr. MURPHY, Mr. PEPPER, Mr. LEBOUTILLIER, Mr. WEAVER, Mr. SMITH of Pennsylvania, Mr. DUNCAN, and Ms. FIEDLER.

H.J. Res. 231: Mr. BAFALIS, Mrs. BOUQUARD, Mr. BRINKLEY, Mr. COATS, Mr. CORRADA, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DENARDIS, Mr. DERWINSKI, Mr. DICKINSON, Mr. DOUGHERTY, Mr. EMERSON, Mr. ERDAHL, Mr. FAUNTROY, Mr. FAZIO, Mrs. FENWICK, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GINGRICH, Mr. GREEN, Mr. HEFNER, Mrs. HOLT, Mr. HUGHES, Mr. LAFALCE, Mr. LEE, Mr. LEHMAN, Mr. MADIGAN, Mr. MAZZOLI, Mr. MCCLORY, Mr. MCEWEN, Ms. MIKULSKI, Mr. MINETA, Mr. NEAL, Mr. OBERSTAR, Mr. PANETTA, Mr. PORTER, Mr. REGULA, Mr. ROE, Mr. SOLARZ, Mr. SUNIA, Mr. WEBER of Ohio, Mr. WHITEHURST, Mr. WINN, Mr. WON PAT, Mr. WORTLEY, Mr. GEJDENSON, and Mr. ROEMER.

H.J. Res. 305: Mr. DONNELLY and Mr. MITCHELL of New York.

H. Con. Res. 139: Ms. FERRARO.

H. Con. Res. 178: Mr. REGULA, Mr. BURGENER, Mr. LIVINGSTON, Mr. HUTTO, Mr. ERLENBORN, Mr. DYMALLY, Mr. GINGRICH, Mr. MARTIN of New York, and Mr. OBERSTAR.

H. Con. Res. 199: Mr. MITCHELL of Maryland.

H. Res. 227: Mr. ECKART, Mr. LUNDINE, Mr. RINALDO, Mr. CONYERS, Mr. FISH, Mr. DYSON, Mr. SAVAGE, Mr. BEILENSON, Mr. MCGRATH, Mr. PEPPER, Mr. AUCOIN, Mr. FRANK, and Mr. BENJAMIN.

H. Res. 228: Mr. WYDEN, Mr. KOGOVSEK, Mr. DWYER, Mr. CHAPPELL, Mr. WILSON, and Mr. MAZZOLI.

SENATE—*Tuesday, October 27, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Sovereign Lord of history, God of all nations and peoples, as good and faithful men and women search and struggle for the path of righteousness, justice, and peace, grant to Thy servants light for the way and strength for the day. Defend them against any deterrent to responsible statesmanship, any compromise that sacrifices principle or violates conscience, any action that would endanger the Republic.

Grant to each grace and wisdom to measure personal conviction in the light of truth and courage, to act consistent with enlightened conscience, however costly to personal ambition.

In disagreement, grant attention to and respect for opposing views, and willingness to be flexible when the good of the people and the rightness of the issues become clear. In the name of Him who is truth incarnate and the Light of the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. McCLURE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCLURE. Mr. President, this morning, after the expiration of the time allotted to the two leaders under the standing order, there are special orders for the recognition of the distinguished Senator from Oklahoma (Mr. BOREN), the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished Senator from Kentucky (Mr. HUDDLESTON), for 15 minutes each, followed by routine morning business, as previously ordered, not to extend beyond 10 a.m., with statements therein limited to 3 minutes each.

As has been previously ordered, at 10 a.m. we will return to the consideration of the Interior appropriations bill, with certain amendments thereto which already have been included in the previous orders entered into, with the vote on passage of the bill to occur not earlier than 2 p.m. today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I do not have any need for time at the moment.

I ask unanimous consent that I may reserve my time for a little while.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCLURE. Mr. President, I ask unanimous consent that I may reserve my time at this moment, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINZ). Without objection, it is so ordered.

RECOGNITION OF SENATOR BOREN

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I ask unanimous consent that in addition to the order set forth for me, I be authorized to use as much time of the order of the Senator from West Virginia (Mr. ROBERT C. BYRD) as I might require.

The PRESIDING OFFICER. Without objection, it is so ordered.

AWACS

Mr. BOREN. Mr. President, several years ago I read a biography of John Tyler, a U.S. Senator from the State of Virginia for nearly 10 years, and, of course, later Vice President and President of the United States. The author described a situation in which Senator Tyler was called upon to cast a very difficult vote.

He agonized about his vote. Political opportunity seemed to lead in one direction. His conscience and better judgment, drew him in the other.

Finally when the roll was called, the biographer said that Tyler voted his best judgment. After casting his vote, he slumped into his chair thinking that he had perhaps ended his political career but then slowly, as the writer described the scene:

He drew himself up out of his chair and walked out of the Senate Chamber in the proud company of his own self respect.

None of us is blessed with perfect judgment but each of us has an opportunity to act upon what we believe to be best for our Nation and for our people.

I cannot say, with certainty that I have come to the right conclusion about the proposed sale of AWACS aircraft to Saudi Arabia. I can say with certainty, however, that my decision is based upon my own best judgment of what would promote the national security interests of the United States.

Many of our colleagues, Mr. President, have set forth their reasons for deciding for or against this sale. I have considered their arguments with care. I have received countless briefings from military and intelligence experts, from diplomats and historians.

I visited the region with a Senate delegation for firsthand observation. Our delegation listened carefully to the leaders of Saudi Arabia, Israel, and Egypt about the sale. Two of the giants with whom we spoke, Anwar Sadat and Moshe Dayan, have been tragically removed from the world stage since our visits last spring.

Few decisions which I have faced as a public official have been more difficult. Few calls have been closer. I respect the deliberations of each Member of the Senate. Knowing how difficult this decision has been for me, I could not criticize any Senator for reaching the opposite conclusion from my own.

The major goal in the Middle East for the United States is obviously to achieve peace and stability. Instability threatens a disruption of the flow of petroleum needed by the free world. It is a condition which is ripe for exploitation by the Soviets and others to serve their own purposes. It makes less secure the existence of the democratic State of Israel.

Many of us could argue about the original wisdom of proposing this sale. I, for one, would have preferred a continuation of the present policy of providing AWACS protection to the region, with missions controlled and manned by American crews or at the very least with Americans participating in joint crewing. I would have preferred clearer understandings with the Saudis on issues such as the development of a series of facilities in the Middle East which could be used by the United States in emergencies when a grave threat to the area exists.

Unfortunately, these and other options are not before us. The question is not, would each of us have negotiated different terms? The question is, Shall we accept or reject the proposal before us?

The question I posed to myself was

this: Will a rejection of this sale contribute to the stability of this region and to the security of our friends in the area?

After careful consideration, I must answer that it would not. In my opinion, the adverse consequences for the United States of the rejection of this sale are far too grave for a prudent person to risk them.

To reject the sale will not contribute to the stability of the region or the security of our friends for several reasons.

First, rejection would raise more questions about whether America keeps her word. For a nation to be effective in international relations it must have credibility. It must have the reputation that it means what it says. In the past several years the reputation of the United States as a reliable friend has been eroded. In the Middle East, our off again on again support of the Shah's government in Iran is a prime example.

It is clear that two American administrations, of both political parties, encouraged the Saudis to publicly request the sale of AWACS aircraft to their government. For us to lead another government to public embarrassment by not following through with our offers would be yet another signal to watching nations around the world that we are not reliable. A further reduction in our international credibility is clearly not in our best interests.

Second, a rejection of the sale will make us less able to bring about a satisfactory conclusion of the Camp David peace process. For lasting peace to be achieved in the region, the agreement and support of the moderate Arab States like Egypt, Jordan, Saudi Arabia, the Sudan, Oman, and others must be obtained. The United States must develop a broader range of friendships to achieve this goal. Egypt, acting alone in the Arab world, cannot obtain the broad agreement which is needed. The United States will need the help of moderate states like Saudi Arabia if the Palestinian question is ever to be solved on a basis which recognizes the proper security necessary for the continued existence of the State of Israel.

To those who say that an arms sale to Saudi Arabia is not a substitute for our first goal of finishing the Camp David process, I can only answer that I agree. I would ask them, however, how rejection of this sale and the public embarrassment of the government of Saudi Arabia will aid our task of bringing the moderate Arab States into the peace process?

Third, the rejection of this sale will not slow down the arms race in the Middle East. It will simply give the Soviet bloc more of an edge in that race. Our failure to provide equipment to Saudi Arabia will not cause the Soviets to stop pouring arms into the region any more than unilateral disarmament by the United States would immediately usher in an era of world peace.

Peace and stability in the Middle East are not served by allowing the balance of power to be severely upset. From 1977 to 1980 the Soviet delivery of lethal weapons to the Third World was approximately twice the level of the United States and Western Europe combined in ground forces weapons, approximately one-third greater in air weapons, and greater in most categories of naval weapons.

Fourth, the rejection of the sale would increase the risks to our American servicemen if they ever were called into action in the Persian Gulf area and would make it harder for the United States and Saudi Arabia to coordinate their defense of the vital oilfields.

Senator SAM NUNN ably pointed out in his floor speech on October 17 that we would need the best possible air surveillance to warn our forces in order to have time to act to shoot down aircraft approaching the oilfields.

In addition, we will need a coordinated effort to protect American lives if we ever do have to move into the area. As Senator NUNN pointed out, the AWACS system would make instant communication of American and Saudi forces possible in order to assure total coordination. If the Saudi's were using the British Nimrod, or some other surveillance system, such coordination and communication would not be possible.

Senator NUNN concluded by saying:

Without AWACS on the Arabian peninsula, the Rapid Deployment Force could be deprived of critical warning of an impending hostile military action and could be deprived, once hostilities began, of the capacity to win the air superiority battle essential to the fate of U.S. forces ashore.

He closed by saying:

If this sale is vetoed by the Congress, these questions should and will be asked by the American military personnel who are prepared to risk their lives to protect our vital interests. I leave it to the opponents of the sale to answer them.

Fifth, the rejection of the sale will not contribute to Israel's security. I consider myself to be a strong and sincere supporter of the State of Israel. The Government of Israel is the only complete democracy in that part of the world. Its ties of friendship and kinship with the United States are beyond question. Our commitment to the security of Israel should never be doubted.

It is clear that Israel will be best protected if the Saudis buy AWACS from us rather than the Nimrod or some other system. The Nimrod, for example, has a better ability to track Israeli ground movements. Other systems would come to the Saudis presumably without controls on their use or on the sharing of information gained.

Under the terms of this sale, it is my understanding that the President will make a written commitment not to transfer the equipment until there is an enforceable agreement that: First, offensive coordinating equipment will not be on the plane, second, the equipment will be manned and secured only by nationals of Saudi Arabia or the United States, third, information gained will not be shared with other nations without the consent of the United States, fourth, the United States will have a continuous flow of information from the flights and will therefore know where the flights have taken place, and fifth, the flights will not be outside the borders of Saudi Arabia without American consent. It is also my understanding that it is planned that the flights will stay approximately 150 miles away from the Isreli borders and that training will be conducted following this standard U.S. Air Force doctrine.

The equipment will be maintained by American technicians and as a practical matter the planes could not be fully operational without American technical assistance into the next decade.

If a neighboring nation were going to have air surveillance capability, surely it would be in the best interest of any country to have a significant measure of control over the use of such system in the hands of its closest international friend instead of being completely uncontrolled.

To sum up, for the five major reasons, which I have cited, I must conclude that rejection of the treaty would hurt and not help the United States and our friends in the Middle East.

Two other questions remain to be addressed. The first relates to the security of our technology. I generally subscribe to the theory that technology developed by American skill and American funds should remain in American hands. One of the primary reasons for my own delay in expressing support for this sale, was my concern about the security of our technology.

After briefings and physical observation of the equipment at Tinker Air Force Base, I have been assured that those elements which would be most damaging if they fell into enemy hands including the joint tactical information distribution system, the secure voice system, and the friend-or-foe identification system will be removed from those planes which are sold, or will be available only in a modified or commercially obtainable form.

In addition, the software would remain American property and the methodology for linking together information and communications systems would remain in American hands alone. All of the technology will also be 4 years older when the actual sale takes place.

Even so, there are still elements of the radar technology, even though developed in the late 1960's, which certainly should be protected to the maximum possible degree. Security clearance procedures and security plans have been carefully developed.

In addition, I was reassured by the President's agreement to include in his letter of certification to the Congress that before the transfer actually takes place, he will secure an agreement that "The United States has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further pro-

vided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties."

This language, which I suggested to the President, would in my opinion give the United States the right to make periodic inspections by Americans of security arrangements onboard the aircraft in flight or of the perimeter of the installations on the ground.

It would also make it possible to increase the frequency of placing Americans with the equipment to monitor security at times when a particular threat to security is perceived. While it does not constitute joint crewing or joint command and is not continuous, it is a step in the right direction.

No system is perfect but these additional steps should greatly decrease the chances of our equipment falling into the wrong hands. The question of the security of the F–15 enhancement package and particularly that of the AIM 9–L air-to-air missile has also been raised. Opponents of the sale speak as if the sale of this equipment to Saudi Arabia is to be the first sale to any foreign government.

In fact, we must remember transfers have already been made or are in process with eight other nations and discussions are in progress with others.

Finally, even if all of the arguments which I have cited above in opposition to rejecting the sale were cast into the doubtful column, there is one important fact which would still lead me to oppose rejection.

We must not forget as we debate the issue that the actual transfer of most of the technology is not to take place for 4 years. We are not being asked to place our immediate trust in the intentions of Saudi Arabia to help in bringing a peaceful resolution to the Palestinian question.

We will have 4 years in which to observe Saudi actions in regard to the peace process, in regard to the right of Israel to exist, in regard to closer friendships with Egypt and other states friendly to the United States. We will know much more in 4 years than we now know. If we find 4 years from now that this transfer would not contribute to peaceful resolutions of the disputes in the region, the President has assured us that the transfer will not take place.

If we find that Saudi Arabia does not turn out to be the friend we believe her to be we will have adequate time to reverse our decision. Why decide now to not give that friendship a chance for fuller development? Why not at least try to build bridges to other Arab States in the hope of forwarding the peace process and reducing pressures on our friends in Egypt?

Perhaps our experiment with Saudi Arabia for mutual defense and concerted action in seeking peace in the Middle East will fail. One thing is certain, it will fail if we never try. There is much to be gained if we succeed, including an immeasurable contribution to the cause of world peace. The risks are small when compared with the potential gain and have been minimized by not making the actual transfer of the AWACS aircraft for 4 years.

Mr. President, I cannot in conscience accept even a part of the responsibility for the consequences of a rejection of this sale. The potential damage to our country is too grave. The risk is too great. I will vote against the resolution of disapproval.

I yield the floor.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. BOREN. I would be happy to yield.

Mr. BAKER. Mr. President, in my time in the Senate I have heard many speeches. I have heard some of great import and some of extraordinary persuasion, some that were dramatic in their presentation. But I have never heard a speech more carefully reasoned or prudently prepared or more conscientious in its dedication to the Senate and to the country than that just presented by the distinguished Senator from Oklahoma.

It is a hallmark of this body that sometimes it takes good men and converts them into great men. I have seen that process work. I believe it works most often in times of great stress and controversy.

The Senator from Oklahoma is in that tradition, Mr. President. I commend him for his courage, for his careful, methodical approach to the analysis of the problem, and I need not say I am pleased beyond description with his final judgment. I thank him.

Mr. THURMOND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to take this opportunity to commend the able Senator from Oklahoma for the position he has taken on the sale of the AWACS to Saudi Arabia. I have had the pleasure of traveling with the Senator from Oklahoma on some trips, and I have made the statement several times to friends that he is one of the ablest and finest men who has come to the Senate during my 27 years as a Member of this body.

He has developed a reputation not only for character and integrity but also for wisdom and vision. The stand he has taken here today has substantiated my high opinion of him, and I just want him to know that we in this body have the greatest respect for him and we wish him well in all of his undertakings because we are proud of him as a Senator from Oklahoma and as a Member of this body.

Mr. BOREN. Mr. President, I want to thank both of my colleagues, the distinguished majority leader and the Senator from South Carolina, for their remarks. I certainly am humbled by them.

I can only say that, as they know, this has been a very very difficult decision for me. I have given it a great deal of thought. Having come to this conclusion, it is my hope that each and every Member of the Senate up until the time of the rollcall will reexamine his position on this issue, as I have been carefully reminded in the last few days.

I am convinced if we reject this sale we will turn our backs on one of the great opportunities—perhaps one of the few opportunities, if not the only opportunity to begin the series of right steps in the Middle East to forward the peace process.

As I have said, we have 4 years in which to observe the actions and intentions of the Government of Saudi Arabia. This is an opportunity for developing a friendship, an opportunity which I hope will be seized.

If during those 4 years our efforts to work together have failed, there is still time for the United States to reverse its position. So I can only say I urge my colleagues to give us a chance to work toward the resolution of the very difficult questions in the Middle East, a chance to develop bridges of friendship and understanding with the moderate countries of the Arab world.

It is certainly in the best interests of both Egypt and Israel for us to do so, and I am convinced it is in the best interests of the United States.

There has been a lot of talk about immense pressures. I have been asked by members of the press if immense pressures were exerted on me during the course of taking this position. I will say in all candor that I have received a great deal of information. No one on either side of the issue has tried to pressure me in any improper manner, including the President of the United States, who made it very clear to me during our visits that this was a national security issue, an issue that should be considered solely on its own merits, without regard to other political questions.

I certainly agree with that assessment.

I have made this decision based on one and only one thing—what I perceived was the best national security interests of the United States. There was no other basis for the decision.

The greatest pressure and struggle was with my own judgment and with my own conscience. But, having made that struggle, I am absolutely sure in my own mind that I will be voting in accord with my own best judgment about what is right for the United States and about what is the right decision for the Senate of the United States.

I yield the floor.

Mr. BAKER. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The next order is for the Senator from Kentucky (Mr. HUDDLESTON) to be recognized.

ROUTINE MORNING BUSINESS

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, due to personal circumstances of which I have been made aware, I am going to ask the Senate to change the order for this morning.

I ask unanimous consent that the remaining time allocated to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) on special order be vitiated. I ask, as well, that the time allocated to the distinguished Senator

from Kentucky (Mr. HUDDLESTON) on special order be deferred until 10 o'clock.

I ask unanimous consent that the time between now and 10 o'clock be dedicated to the transaction of routine morning business under the terms and conditions heretofore prescribed for today, and that the Senate resume consideration of H.R. 4035, the Interior appropriations bill, at the conclusion of the Huddleston presentation.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. BAKER. I thank the Chair.

THE GENOCIDE CONVENTION AND THE TREATYMAKING POWER

Mr. PROXMIRE. Mr. President, yesterday I discussed the allegation of the Liberty Lobby's "White Paper on the Genocide Convention" that this treaty could supersede the Constitution. As I demonstrated, the historical record is conclusive that such allegations are nonsense: First, treaties can only be valid when consistent with the Constitution; second, treaties can never supersede the Constitution; and, third, in cases where there is an inconsistency or contradiction between a treaty and a law adopted by Congress at a later time, the act of Congress prevails and the treaty which it contradicts is null and void.

Today, I would like to turn to another, perhaps more theoretical, aspect of treatymaking: That is, the contention that treaties are limited to matters which cannot be dealt with by the States. The argument has been cast many ways but it often runs like this: Genocide, in its most basic and brutal form, in murder on a large scale and the States are competent to adopt laws dealing with murder; therefore, crimes such as genocide go beyond the treaty power under the Constitution. Proponents of this view are fond of citing Thomas Jefferson's famous four conditions for treatymaking from his "Manual of Parliamentary Procedure" as authority for this interpretation.

Mr. President, far from being accepted constitutional practice, a limited interpretation of treaty powers is clearly opposite to the historical record. I intend to show that: First, this limited view of treaty powers was never fully accepted by our Founding Fathers and Jefferson recognized that; second, the Supreme Court has decisively rejected a limited interpretation of proper subjects for treaties; and, third, contemporary practice has supported the Court's interpretation.

THE MISSING WORDS OF JEFFERSON

Mr. President, it is quite clear that Thomas Jefferson favored a very limited interpretation of treaty powers but in citing selectively from his "Manual of Parliamentary Procedure," proponents of his view overlook two key points: Jefferson recognized that his interpretation was not in a clear majority among the Founding Fathers and, second, that a comparison between the Articles of Confederation and the Constitution make it clear that the omission of specific restrictions in the Constitution on treaty powers is of particular significance.

The initial lines of Jefferson's listing of conditions for treaty-making are important:

> By the Constitution of the United States, this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution nor are we entirely agreed among ourselves. . . .

That final line, seldom quoted, is important on two counts.

First, Jefferson explicitly recognized that his view was not universally held by the other Founding Fathers.

Second, the fact that the Constitution did not spell out in detail any limitations on treaty power is important when contrasted with the restraints imposed upon treatymaking powers by the Articles of Confederation, the predecessor to our Constitution. That document prohibited treaties which would restrain State legislatures from:

> Imposing such posts and duties on foreignors as their own people are subject to, or from prohibiting the exportation or importation of any species or commodities whatsoever.

In this light, the omission of specific prohibitions on subjects for treatymaking takes on additional significance.

THE SUPREME COURT'S INTERPRETATION

The Supreme Court's record also clearly reinforces this broad interpretation of the proper subjects for treaties.

From the beginning of the Republic, the Court had tended to uphold treaty makers in any challenge regarding the propriety of subject matter. While most of these decisions did not specifically address the question of subject matter, Justices often outlined their views in dicta. One of the cases to which I referred yesterday, contained just that type of pronouncement. Mr. Justice Field in Geofrey against Riggs (1890) noted regarding treaty powers that:

> It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government, or in that of one of the States, or a cession of the portion of the latter, without its consent . . .
>
> But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted.

The second case that I want to cite is perhaps the most celebrated and analyzed constitutional law case, Missouri against Holland.

In this case, decided in 1920, the Court was reviewing a challange to the validity of a congressional statute implementing a Migratory Bird Treaty between the United States and Canada. It was the contention of the State of Missouri that this statute went beyond the authority of the Federal Government and that it could not have been adopted except pursuant to a treaty.

The decision, rendered by Mr. Justice Holmes, had an enormous impact. It conclusively dismissed the claim of Missouri—and, by extension, the Jeffersonian view—that the treaty power was limited by any form of unstated extension (or as Holmes phrased it "invisible radiation") from the 10th amendment.

Oliver Wendell Holmes' opinion has remained the controlling interpretation of treaty power since that time.

THE CONTEMPORARY PERIOD

Interestingly, one who did question this decision, Senator Bricker, provided backhanded support for Holmes' view. In an unsuccessful effort between 1952 and 1957 to "overrule" the Missouri case, Senator Bricker led a fight for a constitutional amendment. The very fact that Bricker pursued a constitutional amendment strategy suggests an awareness of the lack of constitutional restraints upon treaty powers. The Missouri case, then, was not a case of misinterpretation by the Court to be reversed at a later date but rather a correct interpretation, with which he disagreed, and sought to remedy constitutionally. Otherwise, as Prof. Louis Henkin notes, his struggle would have been "largely unnecessary, legally as well as politically."

The contemporary record provides more straightforward endorsement of this view. The Senate has given its advice and consent to a series of treaties, running the gamut from political rights of women to protection of whales, safeguards against hijacking and political terrorism to protection of the seas against oil spills.

While some of these treaties have been challenged on political grounds, the authority of the United States to enter into these agreements has been virtually unquestioned—further proof that the broad scope of treaty powers is unquestioned today.

IN CONCLUSION

Mr. President, it is clear that the treaty powers of the Constitution have been fully recognized, and exercised, as unfettered since the definitive Missouri case.

The only overarching limitations, and I discussed them yesterday, are the requirements that treaties be consistent with the Constitution and that they may never supersede the Constitution or impinge upon constitutional freedoms.

Yet, in our exercise of that unfettered power, Mr. President, we have failed to give our advice and consent to the one treaty which embodies the highest of American ideals, the right to live.

Mr. President, there is no constitutional impediment to ratification of this treaty. It is perfectly consistent with our Constitution and deserves our fullest support. I urge my colleagues to join me in seeking prompt ratification.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMPSON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

RECOGNITION OF SENATOR HUDDLESTON

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky (Mr. HUDDLESTON).

AWACS

Mr. HUDDLESTON. Mr. President, tomorrow the Senate will vote on one of the most difficult foreign policy issues to confront us in many years. The ramifications of our decision could have far-reaching effects on the peace and stability of the Middle East and therefore on the security of the United States, of Israel, and of the free world.

The question is whether to approve the President's proposal to sell a package of air defense enhancement weapons and equipment to Saudi Arabia.

For the past several weeks, I have devoted many hours to the study and consideration of all aspects of the proposed sale. I have talked to many on both sides. I have talked with the President, military officials, State Department personnel and representatives of our intelligence agencies. I have consulted with many of my colleagues in the Senate and with groups and organizations dedicated to the security of Israel and to peace in the Middle East.

I have read everything I could find relating to the proposition and to its potential effects. I have considered the points of view of all who wrote to me or contacted me in any way.

I have sought answers to every question raised and fully explored every argument, for or against presented from any quarter.

I purposely and consciously avoided making a decision until I had completed this exhaustive process.

Two considerations I steadfastly refused to allow to enter my deliberations: The possible political repercussions to me personally and whether I would be on the prevailing side when the vote was taken.

I have decided to vote in favor of the sale.

I am convinced that the proposal is in the best interest of the United States. To meet that test, it was necessary for me to determine on the basis of all factors involved:

That Saudi Arabia had a legitimate need for increased defensive capability and the sale would contribute to meeting that need;

That the introduction of the airplanes, equipment and weapons would not constitute an increased threat to the security of Israel but had the real potential of enhancing that security;

That the sale would be consistent with and supportive of U.S. efforts to provide a creditable defense force in the area to protect the legitimate interests of our country, of our friends in the area, and of our Western allies;

That the risk of compromising valuable advanced technology was minimal;

That the United States would maintain sufficient continuing involvement to prevent a breach of the agreement or improper use of the systems to the detriment of our friends in the area; and

That the transaction would improve the chances for peace and stability in the Persian Gulf area.

Taking these requirements separately, here are some of the points that persuaded me.

Saudi Arabia's defense needs are real and have been greatly increased by such recent events as the fall of the Shah of Iran, the Soviet invasion of Afghanistan, the Iran-Iraq war and the increased Soviet and Cuban involvement in Lybia, Ethiopia, Syria, and South Yemen.

With a large area and small population and armed forces, Saudi Arabia is ill-prepared to defend its widely dispersed oil-related targets.

Early warning and the ability to react to an impending strike are the essence of protective forces. AWACS and the additional ground radar will provide that early warning and direct the defensive attack.

The Sidewinder missile will enable the defenders to attack head on to stop the intruders before they reach the target area.

The conformal fuel tanks and aerial refueling tankers will enable the Saudi Royal Air Force to remain over the target longer and will permit the basing of planes at fields farther away from the targets for additional security.

The Iran-Iraq war and the recent strike against Kuwait have demonstrated that oil producing, refining, and transporting facilities are likely targets .

Clearly a threat to Saudi Arabia exists, and clearly the sales package would help the Saudis meet that threat.

Still, if the proposed sale presented a threat to Israel or required extensive countermeasures on the part of Israel it would be counterproductive to the interest of the United States and violate our commitment to the security of our strongest ally in the region.

AWACS were designed for defensive purposes and have only limited offensive utility. To use it in concert with forces of other countries requires extensive joint training and compatible equipment in the participating countries—both prohibited by the agreement and with the United States continuing involvement in maintenance and monitoring, highly unlikely.

If the sale is approved it would not materially affect the balance of power between Israel and its potential enemies in the area. Military experts believe Israel would still prevail over any other country or combination of countries which pose a threat. Israel's margin of superiority over its Arab neighbors has increased since the war of 1973.

If the sale is rejected, it is possible—even likely—that Saudi Arabia will turn elsewhere to obtain similar equipment without the restrictions we would impose. It is probable, too, that the United States would lose what leverage it has to advance the cause of peace between Israel and Saudi Arabia.

It should be remembered that in the last Israeli-Arab war Egypt and Saudi Arabia were among Israel's enemies. Now Egypt has signed a peace treaty. Improved relations between the United States and Saudi Arabia will certainly increase the likelihood that they, too, will take a more conciliatory and peaceful attitude.

That they have not fully supported the peace project to date is a matter of legitimate concern. On the other hand, they have not precipitated a confrontation and they have been cooperative and helpful in a number of ways.

A wise man said once:

If one makes a friend of an adversary, has he not conquered an enemy?

It cannot be questioned that the United States has a direct security interest in the continued flow of oil from Saudi Arabia. It has been said that Saudi oil is not an economic luxury, it is a strategic necessity.

This was acknowledged by President Carter before a joint session of Congress in January of 1980 when he said that any attack on the oil production of the Persian Gulf would be considered an attack on the security of the United States and would be resisted by any means possible.

At the time, we had no means to project an effective force in the area. We are only marginally better prepared today. We have increased our naval presence in the area, we have begun extensive expansion of our facilities at Diego Garcia—still a long way from the Persian Gulf. We have secured access rights to certain bases in the general area and we have begun the development of a rapid deployment force.

Having a compatible warning and communications system provided by the AWACS in Saudi Arabia would be consistent with and supportive of those efforts. The continuous information we would receive from the Saudi AWACS under the sales agreement could be crucial to our ability to properly respond to a hostile challenge.

Of course, the development of the Saudi capability to defend its own oil fields is a major contribution to our strategic goals in the region.

The deployment of advanced technology weapons always raised the concern that the technology will fall into hostile hands and be compromised. But no persuasive evidence has been presented that that danger would be more than minimally increased by the proposed sale.

Five critical elements of the AWACS will not be included. The technology is already several years old and will undoubtedly be advanced considerably by the time of delivery in 1985.

Software and programing techniques will not be on the planes. Operation restrictions in the agreement further minimize the likelihood of compromise.

In the case of the AIM–9L missiles, they are already deployed in eight other countries including Israel. All of those countries except Israel have diplomatic

relations with the Soviet Union which means a sizable contingent of Soviet agents operate within their borders. Saudi Arabia has no diplomatic relations with the Soviets.

Furthermore, the missile is produced in West Germany. Opportunities for Soviet discovery abound with or without the sale to Saudi Arabia. Also, our intelligence officials tell me that the Saudis have been exceptionally effective in protecting important information.

Of course, our highest technology has been compromised most often right here at home as recent espionage cases attest.

There can never be a guarantee, but after all, why do we develop sophisticated defense systems, if not to promote peace and security?

In my judgment, what little additional risk of compromise may be occasioned by the sale would be worth it.

Without joint operation in the air, is there enough U.S. involvement with Saudis to assure enforcement of the agreement? Ground maintenance will continue for the life of the AWACS. We supply the spare parts. We conduct the training of crews in the air and on the ground until at least 1990. We receive the information picked up by the AWACS continuously. We monitor the operation. It does not take much imagination to see that we would have the ability to halt their operations in a short period of time.

The President has indicated that if actions during the 4-year period between approval and delivery warrant, the sale could be canceled.

Mr. President, my final point is that the prospects for peace and stability in the Mideast will be enhanced by the sale.

With the difficulties in Iran and the uncertain conditions in Egypt, Saudi Arabia is the key to stability and peace in the region as fragile as it may be.

While concern is expressed about the durability of the present regime the fact is that it has ruled for 50 years. It has been sensitive to the needs and desires of its people. That is not to say that there may not be internal difficulties, but they will be better to cope with those problems if they have confidence that they can deal with external threats to their security. The proposed sale will help give them that confidence and it will assure them that the United States is serious about being a dependable and helpful ally.

Mr. President, I believe the proposed sale serves our interest, the interest of our friends, the Israelis, and the free world.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUDDLESTON. The Senator from Kentucky will yield.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I regret the decision of the Senator from Kentucky but I respect it as I respect the Senator from Kentucky. I know the deep thought he has put into this matter, the many conversations he has had with many people whom he has sought out or who have sought him out to weigh the pros and the cons, and I think the Senator from Kentucky has stated the argument in favor of the sale to Saudi Arabia as well as anyone could state it.

I happen to think that the arguments on the other side are more compelling, but I think the Senator has made a good contribution to this debate.

The fact that the Senator from Kentucky, along with the Senator from Oklahoma (Mr. BOREN) have today taken the positions in support of the sale they have taken underscores the fact that this is not a partisan issue, despite the efforts of some to turn it into one. There are Senators on both sides of the aisle, on both sides of the question.

Someone asked me just before I came on the Senate floor what I thought about the defections of the Senator from Kentucky and the Senator from Oklahoma and, of course, they are not defections.

The fact that they are Democrats coming out on the same side on which they have come out is not a defection because there was not a party position, and the positions taken by both Senators are no surprise to anyone who has been trying to analyze who will come down where on this issue. The position taken by the Senator from Kentucky and the position taken by the Senator from Oklahoma were anticipated by leaders of the effort on both sides, and do not change the relative balance of the strength on each side as of this moment.

Again I want to express my respect and friendship for the Senator from Kentucky. I know on the next issue or almost the next one we will be together and working on the same side and for the same purposes. Our purpose is actually the same in this matter, the national interest of the United States and stability and peace in the Middle East.

Mr. HUDDLESTON. I thank the distinguished Senator from California.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. HUDDLESTON. I yield.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky.

The Senator from Kentucky and I have been not only colleagues but friends now for many years, and I have watched him over those years as he has approached many difficult issues and reasoned his way through with the skill that has become characteristic of DEE HUDDLESTON.

I cannot recall, however, Mr. President, when I have seen an issue that has required so many Senators to spend so much effort in trying to weigh and balance the equities and reach a final judgment. It has been one of those kinds of issues.

The Senator from Kentucky, it seems to me, once again never panicked, he never was excited, he approached the matter methodically and carefully and he rationalized the issues presented. He postponed his judgment until he himself was content with the result, and I believe in doing so he has exhibited the best qualities of Senate deliberation on important issues.

It is my purpose to say to him that I am pleased with the decision of the Senator from Kentucky. I believe he is absolutely correct, and I believe his view will prevail, and I thank him for his support.

Mr. HUDDLESTON. I thank the Senator from Tennessee as well as the Senator from California.

Let me reaffirm what they both indicated, that there has been no political consideration in making this decision. There has been no pressure. I have not felt I was under pressure, although many people on both sides did seek an audience with me, and most of them were granted.

I certainly was not offered anything nor did I ask anything of anybody that might influence this particular decision.

It is difficult because as I look around at those who are either for or against and who have declared such, both those individuals in this body and others, I find people for whom I have great admiration and respect, people whose opinion I value very much, on both sides. I am convinced from the beginning, of course, like most other issues that all the wisdom, all the dedication, all the patriotism are certainly not on one side of this particular issue.

So it all boils down to a very lonely decision that each of us in the Senate has to arrive at, and that is there is nobody to make it for us. We make the decision ourselves, and we make it on the basis of what we believe to be in the best interests of our country and in the discharge of our responsibility in that manner.

I have many friends who will be sorely disappointed in this particular decision, many who will appreciate the problem. But that is not a consideration.

While we take into account the points made by our friends on both sides, consider very carefully their arguments, in the final analysis it is our responsibility to act in accordance with our belief in what is in the best interests of the country.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON. I simply want to add my congratulations to that of the others in congratulating the Senator from Kentucky and the Senator from Oklahoma for making what is a very tough decision.

The Senator from Kentucky has said that he did not allow political considerations to enter into his judgment. I know that is true, because had he allowed those judgments to enter, I am sure he would have voted against the sale, because there are very few Saudi Arabians in Kentucky—or indeed Arabs at all. But in the final analysis, Mr. President, the Senator from Kentucky and the Senator from Oklahoma have announced for this sale because it is decidedly, and in my view clearly, in the national interest.

If we could turn back that clock to the time when we were originally considering whether or not we should offer the AWACS or the enhancement pack-

age on the F–15's to the Saudis, then, indeed, it would have been a very close decision and I may have counseled the President not to do it.

But, having gone this far, having the prestige not of Ronald Reagan, President, but the prestige of the President of the United States on the line and of the United States as a reliable ally in the world on the line, I believe the decision is clear.

I congratulate my colleagues.

Mr. McCLURE. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. McCLURE. Mr. President, I wish to second the comments just made by the distinguished Senator from Louisiana. It is an extraordinarily difficult decision for a great many people, not the least of whom is the Senator from Idaho. Although I analyzed the issues and made up my mind very early, it does not mean it was necessarily an easier decision.

I congratulate those who have made the decision, I think, on the right side of that difficult issue. I thank the Senator from Louisiana.

ORDER OF BUSINESS

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed for 3 minutes on the matter of the AWACS sale.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD, Mr. President, I yield 3 minutes to the distinguished Senator from the time under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

AWACS

Mr. PRESSLER. Mr. President, I had a wonderful experience as the speaker at the annual meeting of the Anti-Defamation League in San Francisco last week.

Given the current AWACS debate, I considered the atmosphere at that meeting to be very positive. It made me feel very good about America to participate in such a rational discussion with an audience of 500 to 600.

I wish to commend them for their thoughtfulness and the polite way in which I was received. I think that this experience illustrates how great our country is. It also reemphasized for me the importance of the basic right of all Americans to express their views on domestic and foreign policy issues without injecting irrelevant considerations of ethnic or religious backgrounds. We must remember that people of all religious faiths and political persuasions have a right to lobby and to express their opinions. That is the American way.

Mr. Maxwell Greenberg, the national chairman of the Anti-Defamation League, emphasized that one could be for the AWACS sale and not be against Israel. My own remarks addressed the importance of active political expression for all Americans while avoiding ethnic and religious prejudice in politics. I am indebted to Prof. H. A. Overstreet, whose article, "The Gentle People of Prejudice"—the Saturday Review of Literature, January 21, 1950—provided me with some useful insight into the problems of prejudice. I recommend his article to all concerned with the problem.

Many American Jewish groups deserve to be praised for their effective and careful participation in the AWACS debate. Although their numbers are relatively few, they have provided a valuable public service by sharpening and focusing the debate on all possible ramifications of the proposed sale. They have amply demonstrated their deep concern for U.S. strategic interests and a furtherance of Middle East peace prospects with an outpouring of basic facts and complex useful analyses of the Middle East situation. Few other groups have given so much time, energy, and other resources to the important task of informing the public and elected officials. This is democracy and representative government in action, and I congratulate these groups for contributing so tirelessly to the democratic process. They have helped to make our system work better.

But I was really assured in my faith in America during my visit to the Anti-Defamation League meeting, and I wish to commend them again for the fine and polite fashion in which I was received.

After the meeting, I had a long session with their national leadership, which was equally informative and worthwhile. It was one of the greatest experiences I have had during my time in the U.S. Senate.

Mr. President, I yield back the remainder of my time.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1982

The PRESIDING OFFICER. The clerk will state the pending business.

The bill clerk read as follows:

A bill (H.R. 4035) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1982, and for other purposes.

The Senate resumed consideration of the bill.

Mr. McCLURE. Mr. President, under the unanimous-consent agreement, would I be correct in saying that the amendment first in order is that to be offered by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD)?

The PRESIDING OFFICER. The Senator is correct.

The Senator from West Virginia is recognized.

UP AMENDMENT NO. 533

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment numbered 533:

Insert on page 14, line 2, after "1983" ": *Provided*, That of the amount included in this head, not to exceed $1,500,000 shall be used to reimburse fiscal year 1981 costs of those nine states which did not receive their full survey and planning grants in that year".

Mr. ROBERT C. BYRD. Mr. President, the amendment that I am offering would correct an error that occurred during the passage of the supplemental appropriations, rescissions, and deferral bill, Public Law 97–12, this summer.

During consideration of that bill, an amount of $2.4 million was set aside for seven States—Alaska, Hawaii, Oregon, Tennessee, Virginia, Washington, West Virginia, and, in addition, Puerto Rico and the District of Columbia. So it would be nine political jurisdictions which had not yet received their fiscal year 1981 survey and planning grants from the historic preservation fund. The remaining funds in that account, other than this $2.4 million, were rescinded.

So it is now apparent that the information provided by the Department of the Interior was in error. This rescission actually took more funds than were unexpended. So this creates a situation of importance to the nine political entities which have already incurred certain costs during fiscal year 1981 with the assurance that these costs would be reimbursed by the Federal Government.

Let me add that, in incurring these costs, the States were acting on behalf of the Federal Government.

My amendment is designed to correct this deficiency and to permit the Secretary of the Interior to reimburse a portion of the expenses incurred by these States. It is my intent that the Secretary provide $1.5 million of this 1982 appropriation to the nine jurisdictions in the same ratio as the planning and survey grants were originally earmarked, and that these States and territories may apply 1981 costs to match these grants. I am informed that the State historic preservation officers unanimously endorsed this position at the September 12, 1981, board meeting.

This amendment will still leave $25 million to cover 1982 costs of all States and other entities including the national trust; so, I urge the adoption of this amendment in the interest of fairness.

Mr. McCLURE. Mr. President, I think the Senator from West Virginia has pointed to a problem that did arise and has occurred, and which does need to be rectified.

One of the dilemmas that we always face is: How did you build accountability into a system into which errors inevitably creep? There was an error made in this case. The error, however, was not that of the States. The States ought not to be the ones who suffer from the fact that an error was made. It was bad administration. There was inadequate monitoring of the progress of these grants. That responsibility lies with the Federal agency and should not be transferred as a burden to the affected States.

I think the Senator is correct in offering this amendment. I support the amendment. I take this time only to indicate that there is some unhappiness, at least on the part of the Senator from Idaho, with respect to the administration of the program which permitted this error to be made in the first place. But having been made, we ought to rectify it.

I have no objection to the amendment. I commend the Senator for having offered it.

Mr. JOHNSTON. Mr. President, we also support the amendment. The Senator from Idaho has correctly stated the basis of it. We enthusiastically support it.

Mr. ROBERT C. BYRD. Mr. President, I thank both of the distinguished managers for their support, and I yield back the remainder of my time.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time consumed in the quorum call immediately preceding the discussion of this amendment be charged to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. I yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Senators SASSER and RANDOLPH be added as cosponsors to the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (UP No. 533) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Under the previous order, what is the pending business?

The PRESIDING OFFICER. The next amendment is to be offered by the Senator from Vermont (Mr. LEAHY).

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized for the purpose of presenting his amendment. Time for the quorum has been counted equally against each side.

Mr. LEAHY. How much time is remaining per side?

The PRESIDING OFFICER. The time remaining is 30 minutes. There are 15 minutes now remaining on each side on the amendment.

Mr. LEAHY. I thank the Chair.

UP AMENDMENT NO. 534

(Purpose: To increase funding of the Office of Special Counsel of the Economic Regulatory Administration)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of myself, Mr. METZENBAUM, Mr. BUMPERS, Mr. HART, Mr. KENNEDY, Mr. LEVIN, Mr. WILLIAMS, and Mr. PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Vermont (Mr. LEAHY) for himself, Mr. METZENBAUM, Mr. BUMPERS, Mr. HART, Mr. KENNEDY, Mr. LEVIN, Mr. WILLIAMS, and Mr. PELL proposes an unprinted amendment numbered 534:

On page 42, line 16, before the period add the following ": and, *provided further*, That of the funds deferred under this head in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12), $24,000,000 shall be available only for use by the Office of Special Counsel and the Office of Special Counsel shall use such funds to pursue alleged violations by major refiners of Department of Energy regulations pursuant to the Emergency Petroleum Allocation Act of 1973 (Public Law 93-159) and not more than $3,400,000 deferred under the Supplemental Appropriations and Rescission Act, 1981 shall be available for program administration".

Mr. LEAHY. Mr. President, this is an amendment to the Department of the Interior and related agencies appropriations bill which will raise the level of funding for the Department of Energy, Office of Special Counsel, to $24 million.

This amendment does not increase either budget authority or budget outlays for fiscal year 1982. It transfers $12.9 million from an account that had been set up to cover costs associated with a reduction in force for OSC operations. This transfer will still leave $3.3 million in the RIF account. More importantly, it will raise funding for OSC to $24 million, a level which insures that more than $8.6 billion in oil company pricing violations can be pursued.

Mr. President, the OSC audits, investigates, and prosecutes the 35 largest domestic oil refiners in this country for alleged petroleum product pricing violations that occurred during the period that the Emergency Petroleum Allocation Act was in effect. OSC is one of two offices in the DOE compliance program. The other, the Office of Enforcement, which deals with smaller, independent refiners, is not affected by my amendment.

OSC was established in 1977 after a report authored by Stanley Sporkin and others showed that the major oil refiners were not being adequately investigated for possible pricing violations.

Since that time, OSC has identified more than $12.8 billion in alleged pricing violations. Last year alone, OSC was able to settle more than $2 billion of these cases. Of this amount, more than $153 million was rebated directly to consumers overcharged. $47 million was returned to the U.S. Treasury, and some $14.5 million in price rollbacks were obtained.

Thus, with a budget of $37 million, OSC operations returned more than $210 million to taxpayers—and they are just getting into the major cases. This represents a return of $5.70 for every Federal dollar spent.

Mr. President, this administration had originally proposed an 84-percent cut in OSC funding for fiscal year 1982. OSC operations would have obviously been seriously impaired. They would have been unable to pursue most of the $8.6 billion in alleged pricing violations.

It would have made a genuflection—a tiny genuflection—toward a balanced budget by making a tiny, tiny cut. But we not only would have been unable to pursue $8.6 billion in claimed pricing violations. I think we would have granted de facto amnesty to the 35 largest oil refiners under the guise of budgetary restraint.

In fact, in a February 6 memorandum, then Acting Economic Regulatory Administration Head, Barton House, wrote that this cutback would, "* * * cause so much confusion and chaos that a substantial portion * * *" of the remaining cases would not be resolved.

Mr. President, it is somewhat encouraging to note that the administration has changed their position on OSC. The President, in his September budget revision, requested $11.5 million for OSC in fiscal year 1982, up from $6.5 million he had originally proposed. However, OSC funding would still be cut some 70 percent.

As Senators may remember, I found the funding levels in the continuing resolution prejudged my amendment. At that time, I was shown a letter by Senator McCLURE written by Energy Secretary Edwards to the distinguished chairman of the Appropriations Subcommittee on the Department of the Interior and Related Agencies. In that letter, Secretary Edwards states that the administration is committed to—aggressively pursuing this program to an orderly completion in a manner which will insure that no general amnesty for violators of regulations under the Emergency Petroleum Allocation Act.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, D.C., September 24, 1981.

Hon. JAMES A. McCLURE,
Chairman, Subcommittee on Interior and Related Agencies, U.S. Senate, Washington, D.C.

DEAR SENATOR McCLURE: I understand concerns have been expressed concerning the Administration's policies regarding execution of the Department of Energy's Compliance Program.

Let me assure you of my strong commitment to aggressively pursuing this program to an orderly completion in a manner which will assure no general amnesty for violators of regulations under the Emergency Petroleum Allocation Act. To this end the Director of the Office of Management and Budget recently provided 250 additional positions to the Department, and we have determined to allocate these positions to enhance the Compliance Program. This addition would bring the budgeted manpower level for the compliance activity to a total of 479 for FY 1982. In addition, I am committed to allocate additional resources as may be necessary from within the Department to meet our program objectives.

As a result of the actions described above, I do not anticipate the need for a general reduction in force in the Compliance Program within the next six months and possibly at any time during FY 1982 due to resource constraints. Of course, some localized reductions could be necessitated by organizational or workload adjustments.

I intend to closely monitor developments in this program during the coming months to assure that it is adequately staffed to meet these commitments.

Sincerely,

JAMES B. EDWARDS.

Mr. LEAHY. Mr. President, in a September 22 letter from Office of Man-

agement and Budget Director David Stockman to Energy Secretary Edwards, Mr. Stockman states that he, "* * * is persuaded that it is not possible to phase out the program as rapidly as was assumed when the President's budget was developed last March." Mr. Stockman goes on to approve additional positions for the program and recommends that any additional resources necessary may be found within the Department.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 22, 1981.

Hon. JAMES B. EDWARDS,
Secretary of Energy,
Washington, D.C.

DEAR JIM: Thanks for discussing with us your special concerns about sufficient resources for the petroleum compliance program.

I am pursuaded that it is not possible to phase out the program as rapidly as was assumed when the President's budget was developed last March. Therefore, staffing and commensurate funding relief is provided as specified below.

An additional 200 staff-years for compliance in 1982, a total of 429 instead of the 229 previously allowed, is hereby approved. This represents an 87 percent increase, which may be augmented even further by reallocating positions within the Department. The necessary employment ceiling adjustment is shown in the enclosure.

Budget resources will also be provided to pay for the additional personnel. The compliance budget of less than $12 million will be increased to over $20 million in 1982. The total amount is available from funds already deferred from 1981 to 1982.

Please appreciate the exceptional nature of this action to increase resources for the compliance program in the face of the dramatic and stringent reductions which must be made elsewhere in the Department and throughout the entire Government. In view of this overall relief in the Department's employment ceiling and management latitude to transfer positions within the ceiling, the compliance program should experience no further difficulties in responsibly phasing out the petroleum regulatory program.

Sincerely,

DAVID A. STOCKMAN,
Director.

Employment ceiling adjustments—1982

	Full-time equivalent staff years
From:	
DOE total employment	18,675
DOE full-time permanent	17,633
To:	
DOE total employment	18,875
DOE full-time permanent	17,833

Mr. LEAHY. Mr. President, as I have said previously, I am somewhat encouraged by these developments. However, I have learned that none of the additional positions that both Mr. Edwards and Mr. Stockman spoke of has been filled. Further, a reorganization of the program is underway that will compromise the resolution of these cases in the best interest of the consumer.

The largest oil refineries in the country, and billions of dollars in pricing violations are involved. We have given the oil industry a $12 billion windfall exemption in the just-passed tax bill. Having given away that $12 billion, I do not think we should add another $8.6 billion.

I have listened very carefully to the administration speak about the fact that they are strongly in favor of strict enforcement of the law, that they are against any type of criminal conduct, and I applaud them for that. I have not found many administrations in favor of crime, but I am glad to hear them on record against it. I just want to give them the tools to carry forward, whether it involves major oil companies or muggers on the street.

I believe we want to make sure that nobody is exempted from the law and nobody stands above the law.

Mr. President, it should be noted that this program was established with the assumption that it would begin phasing down in fiscal year 1984 and close out completely in fiscal year 1985. The Gramm-Latta II budget resolution originally included $1.5 billion in revenue expected from this program's operations for fiscal year 1982 at the same time the program was targeted for extinction. This must not be allowed to happen.

Mr. President, the letter which we received during debate on the continuing resolution shows that the Secretary of Energy is on record as committed to an aggressive enforcement effort. My amendment, which does not add to budget authority or budget outlays for fiscal year 1982, will enable the Secretary to meet that commitment. It will raise the level of funding for OSC to the level approved by the conferees on the Omnibus Reconciliation Act of 1981 and signed into law by the President August 13.

Adoption of my amendment will insure that justice is done, that the law is pursued. Otherwise, we will be achieving false economy at the expense of the American small businessman and consumer, and to the advantage of the 35 largest oil refiners in this country. I urge my colleagues to join in support of my amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Idaho.

Mr. MCCLURE. Mr. President, I oppose the amendment, and I want to indicate very briefly the reasons for my opposition.

There is no question at all, at least of which I am aware, of the determination of the administration to make decisions concerning the allegations of overcharges or misapplication of regulation with respect to the accounts in question.

As the Senator has pointed out, a considerable sum of money is available under the appropriation bill before us, primarily from funds that were deferred from the last fiscal year. The Administrator of the Economic Regulatory Administration, in his confirmation hearings and again in his testimony before the Committee on Energy and Natural Resources, as well as before the Appropriations subcommittee, indicated that he believes that the level of activity that can be financed by the funds available to them will be adequate to make the necessary decisions. He stressed this repeatedly in every forum in which he testified—that they intend to make decisions; that the only reason they would need more money would be in the event of procrastination or delay.

He was questioned very closely by people on both sides of the issue, from both sides of the aisle, as to whether the available funding would permit them to make the determinations that are necessary in advance of making the decisions that are necessary. He assured us in every instance, as did Secretary Edwards in his testimony, that, yes, indeed, it is their judgment that if these matters are pursued vigorously and pursued to conclusion, there will be enough money available.

I suggest to the Senator that if, as a matter of fact, that does not prove to be the case, we will then be in a position to reopen the issue later, with respect to additional funding; but I believe it is premature for us to judge now that, as a matter of fact, the money appropriated will not be sufficient to do the investigations and pursue them to conclusion.

I believe that the Senator from Vermont would share the enthusiasm that others have suggested that one of the major problems is that decisions have not been forthcoming. Everybody needs the decision and that there is no advantage to the Federal Government in delaying the decision, nor is there an advantage to the parties involved in delaying the decision. There should be injected into this process the idea that we have to come to a conclusion with respect to the allegations that have been made.

It is on the basis of those assurances, both before the authorizing committee and the Appropriations subcommittee, by Secretary Edwards and by Administrator Hansley, that we set this level of funding.

I assure the Senator from Vermont and others who might be concerned that if at any time the evidence comes in indicating that the funding is not adequate, that they are not going to be able to do the job, then we will have to entertain a supplemental request, because there is no one who does not want this matter pursued through to conclusion.

Mr. President, I am happy to yield to the Senator from Louisiana such time as he may consume.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I feel somewhat ambivalent about this matter. On the one hand, I believe we clearly need the funds necessary to enforce the EPAA and to collect that which is owed to the Government.

I am concerned, however, about some of the actions of the Department of Energy in this area in the past. Of course, one of their famous actions, in my judgment, was the turning over of what I thought was public money to a number of private philanthropic organizations.

However, I also am concerned that the Department of Energy has come in and made enormous claims with the press as to how much is owed the Government; and then, when all the smoke

is settled, they end up collecting very little.

I am wondering if the Senator from Vermont can tell me about what the track record is recently. My concern is that that the Department of Energy Enforcement Division is engaging in some self-preservation funding, going back and reopening cases more than 5, 6, and 7 years old—not reopening, but beginning audits that are 5, 6, and 7 years old—resulting in some harassment. Can the Senator tell me what the track record recently has been of the Department of Energy, whether we really can expect to collect money, or whether we simply will be putting good money after bad, opening up some cases that are at least a decade old?

Mr. LEAHY. Last year, as I understand it, they settled more than $2 billion of these cases. I believe they had something like $12 billion outstanding. As a result of last year's settlements, $153 million was rebated to consumers who were overcharged, just under $50 million was returned to the Treasury, and around $14.5 million in price rollbacks were obtained.

Mr. JOHNSTON. Last year they got $50 million for the Treasury?

Mr. LEAHY. No, it was something under $50 million. It was $47 million. They rebated $153 million to consumers and settled cases worth a couple of billion dollars.

What I am concerned about is that the older these cases become, the harder it is for everybody to settle them—the Government or the oil companies. I think there is a certain feeling of fairness in settling these matters on both sides. Whether somebody is representing the Government or representing the oil companies, they want to get these cases settled and off the books.

Mr. JOHNSTON. We all do.

I believe it was 3 or 4 years ago, in the Energy Committee, that I proposed a statute of limitations. I recall that it was a 3-year statute to be put in. The Department of Energy said, "Oh, no, we don't need that. We're going to bring all these cases to fruition. We're going to commence all the audits within the next"—I forget the period of time, but it was something like 12 months.

That was 3 or 4 years ago, and here we are asking for more money to open up new audits that go back to 1974. I am wondering whether that is proper.

Mr. LEAHY. I understand that the Office of Special Counsel has already identified more than $12 billion in what they consider pricing violations.

I would hate to think that we first authorized positions within the budget but then suddenly cut back and did not allow the Office of Special Counsel to go after those $12 billion worth of cases.

I see it almost as a kind of amnesty. What I am trying to do here is support the administration's "get tough" attitude.

Mr. JOHNSTON. Mr. President, I had been given time by the Senator from Idaho. So, if I may, I wish to yield back that time because I am using up all this time.

Mr. LEAHY. Mr. President, I ask unanimous consent that Mr. TSONGAS be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask that the Senator from Vermont yield 7 minutes to me.

Mr. LEAHY. I yield 7 minutes to the distinguished Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think this amendment might very properly be called the commonsense and fairplay amendment or the law and order amendment.

Our amendment would transfer approximately $13 million presently scheduled for severence pay for DOE employees and administrative shutdown costs and transfer this money to the Office of Special Counsel, which audits and prosecutes overcharge pricing violations by the 15 largest oil companies.

I understand the comments that have been made by the distinguished Senator from Idaho, as well as my good friend from Louisiana.

Frankly speaking, what this amendment does is provide Department of Energy with the money to do its job. We are talking about massive amounts of overcharges, approximately $11 billion, that is sitting out there. The Department of Energy keeps saying, "Yes, we are not going to grant amnesty, we are going to get in there and we are going to do our job." But they cannot do their job without proper resources and the fact is that these overcharged price violations by the 15 largest oil companies require work. They require effort. They require time.

This is a commonsense amendment, Mr. President, because it involves no additional budgetary outlays. In fact, this amendment is guaranteed to return to the Treasury hundreds of millions of dollars. Last year, for example, the Office of Special Counsel handed over more than $47 million to the Treasury from overcharge settlements, while operating on a budget of $37 million. And the return on the Federal dollar would go up sharply this year, Mr. President, because the oil companies can no longer offer to reduce banked costs as part of any settlement agreement. In an era of decontrol, there are no banked costs, and the oil companies will be forced to offer additional hard, cold cash.

Last year, for example, the Office of Special Counsel, as has already been pointed out, returned $47 million to the Treasury and saved another $153 million for the consumers of this country, all on a budget of $37 million. The return on the Federal dollar would go up sharply this year because the oil companies can no longer offer to reduce bank costs as part of any settlement agreement. Since decontrol they no longer have any bank costs, and they will be forced to come up with hard, cold cash.

The President says that he is willing to consider new forms of Federal revenue to hold down the ever-increasing budget deficit. On Sunday the majority leader stated on television that he was not averse to new revenue enhancement proposals.

Mr. President, I want to point out that with this amendment, when it is passed and enacted giving the Department of Energy the personnel and the dollars with which to do its job, we will need that much less of the revenue enhancement proposals that are presently talked about because it will increase Federal revenues substantially.

This amendment is also based on notions of fair play, Mr. President. The Office of Special Counsel has more than $8.6 billion in alleged pricing violations still pending in the courts and at the Office of Hearings and Appeals. An additional $3 billion in potential overcharges have been identified by the Office of Special Counsel's auditors, but have yet to be pursued. That brings the total to more than $11 billion.

Eleven billion dollars in pricing overcharges. Billions and billions of dollars that are owed to oil jobbers, terminal operators, independent marketers, service station dealers, and consumers by the major oil companies.

This administration claims it supports law and order. This administration claims it is committed to a strong enforcement program at DOE. Secretary Edwards has told the Congress no less than five times that there will be "no amnesty for the oil companies from any pricing violations." But promises sometimes ring hollow in the face of decisive actions. And every action this administration has taken regarding the Office of Special Counsel suggests that it is working to grant amnesty for the oil companies—blanket amnesty for $11 billion in pricing violations.

Just look at this administration's record: On February 2, 2 weeks after President Reagan took office, Barton R. House, the Acting Administrator of the Economic Regulatory Adminstration, sent a memo to the DOE Under Secretary recommending $44 million for DOE compliance programs, including the Office of Special Counsel. The memo went on to state: "Any lesser resource level will signal DOE's reluctance to follow-through on existing identified violations and will seriously weaken DOE's position in negotiating settlements * * * and over $13 billion in identified violations would not be pursued."

What did the OMB then recommend in response to DOE's million minimum figure? They recommended less than $6 million, an 80-percent cut from the fiscal year 1981 level of $37 million.

But as Secretary Edwards says, "We do not intend to give any amnesty to the major oil companies."

If you can do through the back door that which you are not doing through the front door, it amounts to the same thing either way, the American people again get the short end of the stick.

The administration, however, did not stop with this massive budget cut. OMB also directed ERA to reduce the staff of the Office of Special Counsel from a level of 583 to 125 by the end of the fiscal year. This order came even after ERA officials pointed out that at a level of $5.95 million, the Office of Special Counsel could support a staff of more than 150. But that did not keep them from recommending 125.

And, of course, the administration assured us that this massive staff reduction would not grant amnesty to the major oil companies.

At this point, my colleagues might assume that the Office of Special Counsel would have been sufficiently disarmed and the major oil companies would have been satisfied. But the administration was still not finished.

We also should take a look and see whether or not the oil companies would have been satisfied with this backing down, with this letting up, with this lack of enforcement. But, no, they were not, because on February 27 the Department of Energy announced in the Federal Register its intention to review a complex pricing regulation known as the V factor.

The V factor is pretty simple. It is a regulation issued in 1974, amended in 1976 and 1980, and it is essential for any overcharge actions to succeed in court.

In essence, the regulation requires a refiner to allocate its refinery costs in direct proportion to its refined product mix. Otherwise, a refiner would be able to raise the price of its price-controlled products by transferring the refining costs associated with a decontrolled product such as home heating oil to a then-controlled product, such as gasoline.

Since DOE issued its notice to review the V factor, the major oil companies have begun refiling their costs for refined products from 1974 through January 1981. According to the Office of Special Counsel, those refilings now total more than $27 billion in claimed increased costs for price-controlled products. It is clear that if DOE changes the V factor, all $11 billion in pricing overcharges will be eliminated by a slick accounting game.

Eight months after issuing the notice to reconsider the V factor, DOE says it has not reached any decision about this critical pricing regulation. However, an article on Mr. Johnson appearing in the September issue of the District Lawyer states:

> Very soon, the department also will amend the controversial Carter administration "V factor" rule on the pricing of petroleum coke, a by-product of crude oil.

If this article is correct, Mr. President, then the accounting game to free the major oil companies from the $11 billion is going to begin any day. But I can assure you that it will not happen without a fight in both Houses of the Congress.

After watching the administration slash the Office of Special Counsel's budget, riff its staff and tamper with its most potent auditing weapon, some of us in Congress decided to put an end to this amnesty program. When the fiscal year 1982 Department of Energy authorization bill was before the Energy Committee, the distinguished chairman of the Appropriations Committee, Senator HATFIELD, and I succeeded in adding $26 million in budget authority for the Office of Special Counsel. That increase was passed by both Houses.

When the Interior appropriations bill began in the House Appropriations Subcommittee, on Interior and related agencies, the chairman, Representative SIDNEY YATES of Illinois, attacked the administration's plan to destroy the Office of Special Counsel. The Interior Subcommittee, the Appropriations Committee and the House all voted to fund DOE's compliance activities, including the Office of Special Counsel, at the $44 million level that ERA officials originally stated that they needed to carry out an effective enforcement program.

But the major oil companies never say die. They have been back at work in the Senate trying to reverse the tide by pushing for a low funding level. The $11.9 million proposed in this bill is another attempt to gut the Office of Special Counsel.

It will not give them enough money to aggressively pursue the overcharges. It will only give them enough money to riff their employees, make severence payments, settle a few cases and close up shop.

There have also been some disturbing events within the Department of Energy during the past month. The new ERA Administrator announced that he has ordered the Office of Special Counsel staff to fill out a new balance sheet to come up with "hard, cold bottom line numbers" for each of the Government's cases.

Mr. Hanzlik thinks the Government's numbers are "too high." Mr. Hanzlik has also asked the attorneys to rate their cases in order of strength.

These new changes were announced at an October 5 meeting at ERA. At that time, Mr. Hanzlik acknowledged that if this information fell in the hands of the major oil companies, it could weaken the Government's cases significantly. Mr. Hanzlik said this review would be undertaken quietly, without publicity.

But 3 days later, Mr. Hanzlik laid out the entire plan in an interview in the Oil Daily, which is read by every oil executive in the country. And as soon as the new computations are complete, every oil lawyer in town will be getting them through discovery. At that point, what used to be the Government's bottom figure will become the oil company's top figure in any future settlements.

Mr. President, the Office of Special Counsel remains under siege by the administration and by the major oil companies. There is big money at stake here—$11 billion in overcharges. This amendment, which involves no additional budgetary outlays and is guaranteed to bring in millions in needed Federal revenues, is a test of whether the Senate wants to grant amnesty for the oil companies. It is a test of whether the Senate wants to see oil jobbers, and independent marketers and service station dealers and consumers recover the billions they are owed. It is a test of whether we believe in playing by the rules.

Mr. President, what we are really talking about here is whether this Government of ours has any credibility, whether this Government has any responsibility, whether this Government's commitments to the people of this country mean anything.

And every single time we come to the Chamber and the oil companies are on the other side, they win.

I say, Mr. President, that maybe in this one instance, maybe we should win. I say to my good friend from Louisiana who says he has mixed feelings on this subject, that I hope that his mixed feelings would come down on the side of supporting the amendment. We need his assistance. We need his concern, and we need his approbation, as well as his helpfulness in seeing to it that we get enough votes to adopt the amendment.

I urge my colleagues to vote in favor of this important amendment.

Mr. KENNEDY. Mr. President, I rise in support of the amendment by the Senator from Vermont. I am proud to cosponsor an amendment that will permit the Office of the Special Counsel to continue the valuable work it has done since its inception in 1977. The Special Counsel's Office has the tremendous burden of policing the pricing activities of the 35 largest domestic oil refiners and then prosecuting any pricing violations discovered.

Yet the committee's proposed appropriation would cut the Office's budget by an incredible 78 percent. The Leahy amendment recognizes the need for funding reductions in our budget, but it does not accomplish the reductions by destroying the Office of the Special Counsel. It would provide for a more reasonable cut of 35 percent. Moreover, this would not require an increase in the budget authority of the bill. It would merely require a transfer of funds from the RIF account to the Special Counsel's Office and a sufficient amount would remain in the account to serve its purpose.

The Special Counsel's Office has been enormously successful. Last year, direct benefits to the consumer totaled more than $153 million. Another $47 million was returned to the Federal Treasury. All told, the Office reached settlement on more than $2 billion in pricing violations.

The Office's job is far from complete. More than $8 billion in overcharges remain outstanding. Another $3 billion in potential violations have been identified but not investigated. To hamstring the Office by rejecting this amendment would send a signal to oil refiners that their pricing violations will be ignored and forgotten. And it will tell the American consumer that he or she will also be ignored and forgotten.

In the report on the Omnibus Reconciliation Act of 1981, the conferees said they were committed "to an aggressive, fully staffed compliance program." The Leahy amendment will permit such enforcement, the committee recommendation will not.

The American public has made noble sacrifices in the past few years to reduce energy consumption. They have suffered skyrocketing energy price increases. We can, at least, prevent them from being gouged by insensitive oil companies at

the same time. To repay the efforts of the American consumer by ignoring pricing violations of major oil refineries would be cruel and callous.

Mr. President, I have supported a number of budget cuts because they were prudent and intelligent. This cut is neither. Fortunately we can still remedy this unwise proposal. We can still reverse this injustice to the American taxpayer. I urge my colleagues to support this amendment.

● Mr. LEVIN. Mr. President, I want to join with my colleagues from Vermont and Ohio in reinstating an adequate budget for the operation of the Office of the Special Counsel in the Department of Energy.

The pending proposal of $11 million for the Office of Special Counsel is a reduction of four-fifths of the budget request of the past administration. What other program was cut this much? I asked the Secretary of Energy, when he testified before the Government Affairs Committee, what he expected to do with the remaining overcharge cases and he tried to assure me that there would be no amnesty for oil companies. Yet how can we possibly expect the Office of Special Counsel to function with a cut of fourth-fifths of its budget? Are we to believe that the employees were working only 1 day a week and now will work five times harder? I have never received a satisfactory answer from the Department of how they expect one-fifth the money to do the same job.

There should be strong bipartisan support for this amendment because it does not cost any money. Rather, it is a money producer. Those employees whose jobs we would restore with this amendment will collect huge amounts due us from oil company overcharges. Oil companies have received substantial benefits in the last few years; lets not abandon the debts they owe the Government and the American people by dismissing the debt collectors in the Office of the Special Counsel.●

The PRESIDING OFFICER (Mr. QUAYLE). The time of the Senator has expired.

Who yields time?

Mr. LEAHY. Mr. President, I think that we could go on all day on this and be saying the same thing back and forth.

I am willing to yield back my time if the opponents of the amendments are willing to yield back their time and go to a vote.

Mr. McCLURE. Mr. President, I have just a couple of remarks, and then I shall see if the Senator from Louisiana has any further remarks he wishes to make.

I do underscore the fact that we do not know whether the representations that are made are correct. All we can do is exercise our best judgment that indeed the amount of money we have recommended in this appropriation bill will be sufficient to do the job.

We did increase the amount over the administration's request. We have provided $11.1 million for the Office of Special Counsel. We also provided for the Office of Enforcement $5.9 million, for a total of $17 million in the so-called Office of Compliance.

There are also $16.2 million that could be made available under the appropriations bill that we have recommended. If all were made available, it would total slightly more than $33 million.

The House of Representatives has suggested the sum of $28 million, instead of the $17 million that we recommended.

So the figures that we are talking about are somewhere in the general area of what is necessary with respect to this enforcement activity.

As we get to the end of the process, we shift from audit activities to enforcement activities to collection activities.

Auditing is a high manpower requirement as compared to the enforcement activity or the collection activity. I think we are about at that point where the field audits have been completed, and we are now at the point of using those audits to enforce collection, I sincerely believe this amount of money will be sufficient.

If it appears over the period of the next few months that it is not enough funding, we will be back, and I am sure the administration will be back, seeking enough money to make certain that the enforcement activities are completed.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LEAHY. I would just note that this is one of the reasons we tried to stay within approved budget authority and budget outlay figures. I do want to thank the distinguished floor managers of this bill for their cooperation in making this vote available today, and also the distinguished minority leader, Senator ROBERT C. BYRD, for that. It made life a lot easier for a number of others.

I am going to suggest the absence of a quorum in just a moment. I understand there are a couple of people who want to vote on this who are having a tete-a-tete with the President on a matter which I do not think is related to this bill and, perhaps, to my sensitive radar in these things, it may be related to something else.

So I ask the Chair how much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. Thirty-five seconds.

Mr. LEAHY. I think I can yield back my 35 seconds, Mr. President.

The PRESIDING OFFICER. The Senator can yield back his 29 seconds.

Mr. McCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Florida (Mrs. HAWKINS) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. RIEGLE), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut Mr. DODD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Michigan (Mr. RIEGLE) would each vote "yea."

The PRESIDING OFFICER. Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 48, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—43

Baucus	Gorton	Moynihan
Biden	Hart	Nunn
Bradley	Hatfield	Pell
Bumpers	Heflin	Proxmire
Byrd, Robert C.	Heinz	Pryor
Cannon	Hollings	Randolph
Chafee	Huddleston	Roth
Chiles	Jackson	Sarbanes
Cohen	Kennedy	Specter
Cranston	Leahy	Stafford
DeConcini	Levin	Tsongas
Dixon	Mathias	Weicker
Durenberger	Matsunaga	Williams
Exon	Metzenbaum	
Glenn	Mitchell	

NAYS—48

Abdnor	Goldwater	Nickles
Andrews	Grassley	Packwood
Armstrong	Hatch	Percy
Baker	Hayakawa	Pressler
Bentsen	Helms	Quayle
Boren	Humphrey	Rudman
Boschwitz	Jepsen	Sasser
Burdick	Johnston	Schmitt
Byrd, Harry F., Jr.	Kassebaum	Simpson
	Kasten	Stennis
Cochran	Laxalt	Symms
Danforth	Long	Thurmond
Denton	Lugar	Tower
Dole	Mattingly	Wallop
Domenici	McClure	Warner
East	Meicher	
Garn	Murkowski	

NOT VOTING—9

D'Amato	Ford	Riegle
Dodd	Hawkins	Stevens
Eagleton	Inouye	Zorinsky

So Mr. LEAHY's amendment (UP No. 534) was rejected.

Mr. McCLURE. Mr. President, under the previous order, what is the pending business?

The PRESIDING OFFICER. The Senate will be in order.

Senators desiring to converse, please retire from the Chamber.

The amendment by the Senator from Maine (Mr. MITCHELL) is the next pending amendment.

The PRESIDING OFFICER. The Senator from Maine.

UP AMENDMENT NO. 535

(Purpose: To increase the appropriation for State and local weatherization programs)

Mr. MITCHELL. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) proposes an unprinted amendment numbered 535.

Mr. MITCHELL. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 17, strike out "$138,340,000" and insert in lieu thereof "$167,840,000 of which $56,000,000 shall be available for State and local weatherization programs".

Mr. MITCHELL. Mr. President, I ask unanimous consent that my senior colleague (Mr. COHEN) be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I take this opportunity to express my strong support for the amendment offered by my colleague from Maine (Mr. MITCHELL). It seems to me that in our effort to achieve a measure of energy independence, we have placed the emphasis upon production and we have, in fact, reduced the emphasis on conservation. I think the record is demonstrably clear that the cheapest barrel of oil that we can produce is the one we save. It seems to me this is the essence of what the Senator from Maine (Mr. MITCHELL) is trying to achieve; that is, to put the right balance back into our formula for achieving a balanced energy program; that is, to encourage people to conserve energy as well as produce it and consume it.

As I understand the Senator's amendment, what he seeks to do is put the level of funding back to that of the reconciliation level, accept a 12-percent reduction rather than a 40-percent reduction, and thereby, try to accommodate the President's goal of cutting back in certain areas. Even though I feel this is one area we should not cut back in, but should go further in emphasizing conservation, I think his amendment is eminently fair and reasonable and is designed to produce a much more balanced energy program. Therefore, I support his amendment.

Mr. MITCHELL. I thank the Senator. Mr. President, my amendment would restore funds to the State and local weatherization program. According to the Appropriations Committee report, $112.5 million is intended to be spent in fiscal year 1982 on this program. Under my amendment, the spending level would be increased by $37.5 to $150 million.

I emphasize that even if my amendment is agreed to, weatherization would still receive 22 percent less in funds in fiscal year 1982 than it received in fiscal year 1981. Once CBO's inflation forecast is factored in, the weatherization program would face a real spending cut of 27 percent. I believe that a cut of this magnitude is as far as we should go in cutting such a valuable program.

Unfortunately, the committee bill would go much further. The recommended funding level, $112.5 million, represents a 42-percent cut from last year's funding level, or 46 percent when inflation is considered.

I believe that such a drastic cut in weatherization is counterproductive. It represents a major setback in our efforts to reduce our dependence on foreign oil and to serve the energy needs of low-income households.

I believe that the $150 million funding level is a most reasonable one. It shows fiscal restraint, as my amendment represents a substantial reduction in spending on weatherization, both in real terms and compared to 1981 funding levels.

Furthermore, in the reconciliation conference report, the budget conferees called for as much as $175 million. My amendment reduces this level by 14 percent, slightly greater than the across-the-board reduction of 12 percent requested by the President.

Finally, my amendment would still leave this bill under its budget crosswalk. Budget authority in the bill is currently $240 million under its allocation based on the first budget resolution. Only $32.5 million in budget authority would be added by my proposal, leaving the bill substantially under its crosswalk allocation. Also, because spending under the weatherization program occurs slowly, my amendment adds less than $5 million in outlays in fiscal year 1982. In other words, this amendment has only a modest impact on the fiscal year 1982 deficit.

Thus, I believe that a vote for my amendment is entirely consistent with the degree of fiscal discipline that we are all pursuing. The question is whether that discipline is to be pursued equitably or whether it is to be pursued in some areas much greater than others.

Mr. President, the low-income weatherization program serves two essential purposes, each of which is as important as ever. The first objective of the program is a reduction in foreign oil imports. During the first half of 1981, we depended on foreign oil for 36 percent of our total oil consumption.

Continued dependence at this level threatens our economic and national security, as supply disruptions and OPEC-induced price increases play havoc on our economy.

The experience in the first half of 1981 underscores the importance of conservation as a means of lowering our reliance on foreign oil. We were importing 20 percent less oil in the first half of this year compared to the same period in 1980. This drop was entirely due to less consumption of oil, as domestic oil production actually declined by 1 percent.

Although the decline in consumption was partly due to a sluggish economy, greater efficiency in energy use was an important contributor.

Low-income weatherization can play an important role in our overall conservation efforts. One study of DOE's program found that a $1,000 investment produced, on average, a 25-percent reduction in energy consumption.

If all homes in need of weatherization were served by the program, we could eventually reduce our current level by 16 percent.

A second important objective served by DOE's weatherization program is that it serves the energy needs of low-income households. This fills an important gap in Federal conservation efforts. The residential energy conservation tax credit reaches a broad segment of American households, but most low-income families cannot qualify, because they tend not to have tax liabilities to offset with the tax credit. The DOE program is an essential complement to the conservation tax credits by extending conservation assistance to a sector of society that cannot take advantage of the tax credits.

Perhaps the most glaring flaw in the administration's free market energy policy is its ignorance of the problems of low-income Americans. The administration prefers to leave to the market decisions on energy conservation and production. Although it appears to have more faith in consumers' ability to operate in a free market than it has in the ability of energy producers, as witnessed by its support for subsidies to oil and nuclear power producers, this policy does not recognize the unique problems of low-income Americans.

Clearly, low-income households have at least as much incentive to conserve on energy consumption as other groups of consumers. It is a well-established fact that energy expenses comprise a larger share of the budgets of low-income families than of the budgets of all other households.

Thus, one would expect low-income households to be particularly responsive to high and rising energy prices.

Yet, lacking adequate resources to make the necessary conservation investments, low-income individuals continue to live in energy-inefficient households and to have their family budgets strained by high fuel bills.

Mr. President, on this point, I note that we have a large low-income energy assistance program. Much of that public money—and it is much larger than this weatherization program—is going up the chimneys, under the doors, and out the windows of low-income households who cannot afford to weatherize and insulate. If we are to devote public resources to this problem, it ought to be devoted in a much larger portion to weatherization. That is what the purpose of this amendment is.

The DOE weatherization program is an effective means to provide low-income households with the resources necessary to make these investments. Since 1975, nearly 900,000 homes have received some assistance from the Federal Government.

Unfortunately, this figure is only 6 percent of the total number of households eligible for weatherization assistance. Clearly, now is not the time to pull back on low-income weatherization, particularly since the DOE program has only recently been operating at levels sufficient to make noticeable progress toward serving the eligible population.

The weatherization program, far from being a welfare program, is the most effective means of addressing the vulnerability of low-income households to rising energy costs.

Although programs such as low income energy assistance are necessary to aid the poor in dealing with the financial burden of heating expenses, conservation assistance is better suited to meet the long-term energy needs of the poor.

In the region of the country that I represent, an average weatherization investment can save a family heating with oil as much as $380 a year in fuel bills. Thus, a greater investment in weather-

ization can yield savings in the low-income energy assistance program.

We should not delude ourselves into thinking that the current glut in world oil markets is reducing the need for energy assistance to the poor. Most of the savings that have been achieved thus far in the price of oil have not been passed on to consumers.

Furthermore, there are many indications that the current world oil surplus is evaporating. Oil companies, partly because of the high carrying costs of their inventory, have been drawing down their stocks of oil.

This has kept them out of the world oil markets and has contributed to the softness in oil prices.

But the oil companies are nearing their limit on drawing down their stocks, and they will soon have to make substantial purchases in world oil markets.

Also, OPEC is making further efforts to regain control over the price of oil. Once economic recovery begins in the United States or abroad, we can be assured that the current glut will be replaced by tight oil markets.

The current administration has not recognized the value of low-income weatherization. In its budget proposals earlier this year, it sought to eliminate the program. Congress wisely rejected this proposal and set aside funds for the program in fiscal year 1982. As further evidence of the administration's insensitivity to the energy needs of the poor, DOE is now refusing to provide the states with any funds to run their weatherization programs.

My own state of Maine is a good example of an effective program. To date, the program has weatherized 20.000 dwellings, which is almost 30 percent of the total eligible dwellings. This compares to only 6 percent nationwide. In fiscal year 1981, over 3,700 units were weatherized, although the program could handle 10,000 units with sufficient funding. Without my amendment, the service that Maine's program provides for its low-income population would have to be scaled back significantly.

The funding level recommended by the committee would be a major blow to an effective and successful conservation program. My amendment, which still leaves the program with less money in 1982 than it had in 1981, would continue the balanced energy policy that Congress has so often endorsed.

I emphasize, finally, that my amendment will result in a 22-percent reduction in the level of funding that was expended for this program last year. In other words, it takes the reconciliation level and cuts it 14 percent—2 percent more than even the President asked in his request for a further 12-percent across-the-board reduction.

What the committee has done has been to cut the program 42 percent, a reduction that really is not justified, especially when one considers that we are spending vastly larger sums in low-income energy assistance.

Before I entered the Senate, I had the privilege of serving as a Federal judge. One of the cases I heard was a case involving the low-income energy assistance and weatherization programs in Maine. I heard witness after witness testify about their low-income energy problems, about people faced with the horrible choice of feeding their children or heating their homes at night.

In case after case, it became clear that those persons most in need of low-income energy assistance were living in the least efficient homes; they had the least effective and oldest furnaces; they had no insulation; they had no storm windows.

This program makes sense. It puts public assistance, public dollars, where they do the most good. In the long run, it will save the Federal Government far more than this modest amount by reducing the fuel bills of that segment of our population that is dependent on the low-income energy assistance program. This truly is a program that is an investment which ultimately will save the Government much more money than is being proposed here.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I oppose the amendment. The opposition is partially based upon the merits of the program, and largely based upon the budgetary constraints that we are facing.

Let me make some general remarks with respect to the level of funding that has been suggested.

We started out in the subcommittee with a suggestion of $75 million for this program. The administration requested that be increased to $100 million. In the subcommittee deliberations, an amendment was offered, as I recall, by the Senator from Vermont (Mr. LEAHY).

The administration had asked that all this money be centered in the schools and hospitals section and suggested that weatherization be zeroed out completely.

We suggested that we maintain it at $75 million. Then, in the subcommittee, as I indicated, an amendment was offered to raise that figure; and it was raised, by action of the subcommittee, to $112.5 million.

The other body has already adopted a figure of $150 million. There is no doubt that in the process of the conference, as is usually the case, we probably will compromise between the Senate figure and the House figure.

I remind my colleagues where we stand with respect to this bill. I do not want to raise any specters that are unreal; but I think it is not unknown that there is great determination, both on the Hill and downtown, to restrain the size of the Federal budget. The fact is that, based upon the actions we have taken to date, we are $1 billion higher than the administration's modified request for this bill in budget authority and $600 million higher than the administration's September figure with respect to budget outlays.

I suggest to everyone who looks at this bill that every dollar we add adds to the weight of consideration as to whether the bill, as finally compromised in the conference, will be accepted by the administration. We have fought mightily to keep the expenditure levels down, and I have done the best I know to balance those requirements, as has every other member of the subcommittee.

This amendment comes in not to take money from one place, to substitute one priority for another. It is simply an add-on to the budget of some $37 million. I question how much we can do before we finally sink the ship.

With respect to the comments made earlier by one of our colleagues, that a barrel of oil saved is the cheapest barrel we can buy, that is sometimes true. It sometimes also is very false. If you spend $150 a barrel to save a barrel of oil, it is very expensive.

As a matter of fact, we can in conservation, and should in conservation, make some very hard, discrete decisions as to whether or not certain measures are efficient in an economic sense as well as efficient in an energy sense. We do need to reduce consumption of oil. There is a reason, perhaps, to pay more for conservation than we would for buying an equivalent barrel of imported oil, for consideration other than just the trade-off between consumption or nonconsumption of oil.

I am not sure we should look at it and say, if we can save a barrel of oil at a cost of $32, the current price being sought by at least by Saudi Arabia below the current world price, that would be a good investment. We might decide that for other reasons its worth it to us to pay $40 to save a $32 barrel of oil. But we should not say that any conservation is worth any price. The cheapest thing we can do is simply to yield to slogans rather than reason. There is some evidence that this program has not always been administered in such a way to yield economic results.

There are other programs as well that deal in the same area. The distinguished Senator from Maine in our discussions a moment ago off the floor indicated that he prefers this over some others, and I responded by indicating that may well be, but those others are not before us in this appropriations bill. Those others, of course, are in the low-income weatherization program, under the HUD block grant program, and low-income energy assistance available through the Department of Health and Human Services.

But we might look at the fact that that HUD block grant program, as contrasted to the argument we are having here about $75, $112, $150, $175 million, whatever the figures may be, is $4.168 billion.

So I am not suggesting that this program is unimportant, but in terms of the total effort that is being devoted to conservation throughout the total budget this is a small part of the total. We are doing a great deal in other budgets to deal with this question.

There is another program under HUD dealing in modernization of existing housing for which $1.8 billion is available.

I do not think it would be fair to say that if we do not add $37 million here we have starved the efforts for conservation of energy consumption in our housing, federally assisted and otherwise, because a great deal is being done.

I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this is one of those amendments that tests the resolve of us budget cutters. It tests our resolve because it is an excellent amendment. The weatherization program is an excellent program. It is cost effective in my judgment, although there are differences of opinion of people of goodwill and of good intelligence. But I believe it is a very cost-effective program because there are so many low-income homes that are so poorly insulated that a weatherization quick-fix program can have high payoffs. In my part of the country we have some low-income homes where the breezes hardly are slowed down as they come out of the north and blow through the homes, and a weatherization program with those kind of homes can be very effective and a high payoff.

However, Mr. President, I will very, very reluctantly vote against the amendment because of one reason and one reason alone, and that is because of my commitment to do my part to pare down spending. The distinguished chairman of this subcommittee, the Interior Appropriations Subcommittee, has offered up what what I think is a tough but fair set of cuts, which we have gone along with in a bipartisan manner on this committee. It cannot be said insofar as the Interior appropriations bill that the Democrats have not done their share, have not given their blood, have not cooperated with the program of budget cutting, because we have. By the same token the distinguished chairman, I think, has been very fair and reasonable in what he has proposed.

But there are a few amendments, amendments where, as someone said, the rubber meets the road, where our resolve is tested, where the question is close, where the amendment is good, where the program is productive, and this is one of those. And it is a very close and tough question.

I cannot say anything bad about the amendment except that it adds $37.5 million to this bill and that just happens to be $37.5 million that we do not have, and I wish we did.

Mr. MITCHELL. Mr. President, I shall put this in its proper perspective by citing the levels of funding for this program. In fiscal year 1981 it was funded at $193 million. In the reconciliation bill it was funded at $175 million. In the House of Representatives it was funded for the coming year at $150 million.

And my amendment would simply put the Senate on record as providing for the same level of funding as the House, $150 million. That is nearly a 25-percent reduction over the level of funding last year.

So, just as the distinguished Senator from Louisiana says it cannot be said of some members of the committee that they have not made a contribution to reduction of the budget, so also it cannot be said of the weatherization program because the level of funding which I propose is a 25-percent reduction over the program last year. What I am objecting to is the committee's proposed reduction which is in excess of 40 percent as to an admittedly good program.

As to the distinguished chairman's statement reminding the Senate that the committee came out $1 billion over the President's request, that is precisely the point. The committee did not restrain itself to the level of the President's request and it comes out now with a unanimous committee asking for funding $1 billion in excess of the President's request but says we should use that as restraint for this particular program.

Mr. McCLURE. Mr. President, will the Senator yield for just one point?

Mr. MITCHELL. I yield.

Mr. McCLURE. I thank the Senator for yielding. Had we constrained ourselves to the level of the President's request, this program would have been zero, not at the $112½ million which the subcommittee voted to put in. That is one of the reasons why we are above the President's request.

Mr. MITCHELL. Right, I understand, and I thank the Senator.

To keep this program in another perspective, as I said in my remarks, we provide energy assistance in the form of funds with which low-income Americans can buy fuel or direct deliveries of fuel.

Without any question, as stated by the distinguished Senator from Louisiana and as every study has shown, the homes of low-income Americans are generally the least well insulated, they have the least efficient heating systems, and so those funds are to some significant degree achieving less than the full potential and we provide for that program in the reconciliation bill $1.875 billion.

I ask what sense does it make for this country to provide nearly $2 billion in energy assistance and much of that money is going up the chimney, under the door, out the window, and refuse to provide $150 million which is but a fraction of the energy assistance program for weatherization which everyone agrees makes sense.

Everybody agrees, including the opponents of the program, that an investment of $200, $300, or $400 now would return a savings far in excess of that over the next few winters.

If one wanted to waste public funds, one could not think of a more effective way to do it than by this type of approach. The billions of dollars for energy assistance, ineffective to a large degree in meeting the problem; and nothing for weatherization which everybody agrees is a long-term investment. It is small wonder that the people of this country look at Congress and say, "What are you doing?"

This is a good program. This is a program that will return an investment to this Nation many times over. This is a program that is being cut 25 percent below the level of last year. It is being cut 14 percent below the reconciliation level, which is greater than what the President asked for all domestic programs, and if the committee bill is $1 billion over the President's request it is obvious that in other areas funds have been added to the President's request, because here it is being reduced below the President's request.

It simply does not make any sense from the standpoint of the country, from the standpoint of our budget, to say this $37.5 million should not be added to bring this program up to a very modest level. I cannot imagine a national policy being pursued as we are pursuing a national policy with respect to all forms of energy assistance, wasting money, on the one hand, and not using it effectively, on the other hand.

Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, will the Senator withhold?

Mr. MITCHELL. Yes.

Mr. McCLURE. Mr. President, I appreciate the statement that has been made by the distinguished Senator from Maine. I think the same argument could be made regardless of the funding level. You can justify $150 million, $300 million, $600 million, $900 million, you can justify $2 billion by the same argument. But there are budgetary constraints and there is simply no way in which we can satisfy every demand, even for the meritorious programs. I do not think we should too casually accept the idea that since everybody says this is a good program that we can, therefore, afford unlimited funding for it.

Obviously, we cannot, and that is the exact problem with the budgetary restraints we are under, and I think that is a fact of life we can confront.

Mr. MITCHELL. Mr. President, will the Senator yield? I am not suggesting unlimited funding, that is precisely the point. I am suggesting the limit of funding that is 25 percent below the level of funding last year, 14 percent below the reconciliation bill.

Mr. McCLURE. I understand that those figures have been explored. The administration's request was zero, and we have come with $112 million compared to the $175 million that was spent last year, so we have gone far more than halfway already in meeting the requests of this program, justified as they are.

But there are limits on what we can do without overloading the ship. What have we really done, as a matter of fact, throughout the entire budget? We say this is a good program, and we do not care about the impact on the budget. Soon we have a massive budget deficit that continues the terrible spiral of inflation which now wracks our country.

What happens to precisely the same people who would be benefited or assisted by this program? You find out that you hurt people by the very action taken in trying to help them, if we do not restrain the total budgetary appetite for expenditure on justified projects all. Each one of us may have some portion of this budget we like more or less than budget we like more or less than others, but there is no expenditure in the budget that has not been found worthy by a majority of both Houses of Congress. It is that balancing which we are undertaking today, and while I regret it, I must indicate that I think we have gone as

far as we can go. We must resist any further addition with respect to this program or any of the others that are involved under this bill.

If people want to add to the bill then they should find somewhere else in the budget, and particularly within this bill, where a corresponding reduction could be made.

I thank the Senator for yielding, and I reserve the remainder of my time.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURENBERGER). Who yields time?

Mr. MITCHELL. I suggest the absence of a quorum.

Mr. McCLURE. With the time on the quorum to be charged equally to both sides on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 10 minutes without charging it against the time allocated for the consideration of this bill and amendments thereto.

Mr. TSONGAS. Mr. President, reserving the right to object, can we have some indication as to when this vote will occur on this amendment? Some of us have other obligations. Can we agree to have it beyond a specific time, say, subsequent to 1:50 or 2 o'clock?

Mr. BAKER. Mr. President, I certainly have no desire to interrupt the proceedings of the Senate and certainly a vote on this amendment. If it could facilitate the matter, might I suggest that we set a time certain for a vote on this amendment at 2 o'clock.

Mr. TSONGAS. That would be fine with me.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BAKER. Mr. President, I withhold the request for the moment.

Mr. President, I understand that the minority is going through its necessary clearance procedure on that request.

I wonder if I might proceed now for a moment, without charging the time against the time allocated on the bill or amendments thereto while we await final clearance on the request to set a time certain for a vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, would the majority leader yield for a question? Does that request assume that there would be no votes on any amendment before 2 o'clock?

Mr. BAKER. No, that was not what I put in the request. I would be glad to do that if the Senator wishes.

Mr. LEVIN. I merely make the inquiry of whether that was the intent.

Mr. BAKER. I think that, as a practical matter, there are not likely to be amendments voted on before 2 o'clock.

Mr. McCLURE. Will the Senator yield?

Mr. BAKER. Yes.

Mr. McCLURE. Mr. President, as I recall, under the controlled time on this amendment, we have something on the order of 20 or 25 minutes remaining on both sides for this amendment. It is my understanding that it is likely that not all of that time would be consumed on this amendment.

We would, therefore, even with the 10 minutes on another matter, have completed debate on the amendment and be prepared for a vote prior to the hour of 1 o'clock.

It would be my hope that we could then move to the consideration of another amendment, even though we might not be able to vote on the pending amendment prior to 2 o'clock. The next amendment in the agreed order is one to be offered by the Senator from Arkansas (Mr. BUMPERS), on which there is an agreed time limit. I would not want to fix a time on the Bumpers amendment that would interfere with the current deliberations here. We also wish to protect the right of Members with respect to amendments in the second degree with respect to either the initial amendment or the Bumpers amendment should any Member desire to offer such an amendment in the second degree.

Mr. MITCHELL. Mr. President, I have no objection to a vote at any time that is convenient.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further objection to the request of the majority leader?

Mr. BAKER. Mr. President, let me restate the matter. I am asking now that I may proceed for not more than 10 minutes without it charging against the time allocated to this bill or amendments thereto. There is outstanding a request I will later make that the time for the vote on the Mitchell amendment occur at 2 o'clock. I will also include in that request any other rollcall votes ordered between now and 2 o'clock be stacked until after 2 o'clock, but I will not now make that request, Mr. President.

The only request I am putting at this point is that I may proceed for 10 minutes without it charging against the time for the amendment.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Chair and I thank the Senate.

AMBASSADOR MIKE MANSFIELD FAVORS AWACS SALE

Mr. BAKER. Mr. President, the man for whom we all have great respect and hold in high regard and esteem is our former majority leader, Mike Mansfield. Senator Mansfield is now our Ambassador to Japan, where he serves with great distinction. It is always a matter of great pleasure when Mike Mansfield returns to this Chamber to give us a chance to renew old friendships and to enjoy once again the camaraderie that he so inspires.

A few days ago, Mr. President, I inquired of Ambassador Mansfield of his position on the President's proposal for the sale of AWACS aircraft to Saudi Arabia. He was kind enough to favor us with a reply in the form of a message which he directed to the President of the United States.

I have been given a copy of that message now, as has the distinguished Senator from Georgia (Mr. NUNN). I would like to yield to him so that we may share that message with our colleagues.

Mr. NUNN. Mr. President, with the vote coming on the AWACS sale tomorrow afternoon, I think that most of my colleagues would be interested in reading a copy of the message that Ambassador Mansfield sent to the President. Therefore, I am going to read it into the RECORD and also, for the benefit of our colleagues who are not here, will be joining with the majority leader to send it around and circulate it, because I do believe that it is an interesting perspective from our former majority leader, who is now Ambassador to Japan.

So I will now quote from this message from the Ambassador to the President.

DEAR MR. PRESIDENT: Over the past several weeks I have been asked by many people in and out of government about my position on the President's proposal to sell AWACS to Saudi Arabia. I have stated publicly and without equivocation that I favored the sale because it was necessary to maintain a balance in the Middle East and to shore up the positions not only of Saudi Arabia but also Egypt, Jordan, Sudan and Somalia.

I have felt that the assassination of the late President Sadat made the sale more imperative than ever. I have also felt that we had to establish a middle course as the President is endeavoring to do to try and find a way to establish a settlement of the difficulties which have confronted this area for so many years.

It would also, in my opinion, reinforce our our own position militarily and politically in that area because it would help to maintain a shaky peace in that most important part of the world.

We have four AWACS in Saudi Arabia now and they are there not for combat but for detection of trouble; we have sizable Naval and air elements in the western Indian Ocean and failure to approve the AWACS sale would mean we would have to increase our own Naval and air strength in the region which would be an extremely difficult task as the Seventh Fleet is already over-extended to a greater degree than many at home realize. Our friends, allies, and partners in this part of the world are keenly aware of the tremendous importance of this issue which in effect goes far beyond the Middle East and therefore could have a very damaging result worldwide.

Disapproval of the White House Proposal would not only reduce our standing in the Middle East but what we would fail to do would be compensated for by the sale of Nimrod Command and Control planes by the UK. The sale of the AWACS would in my opinion increase the stability of the region; and it would give our country time, flexibilty and room for maneuver toward a possible peaceful settlement in a region which has known

only instability, confusion, danger and terror over too many decades. The failure of the proposal would deal a blow to the prestige of Office of the Presidency in the conduct of our nation's foreign policy and do so at a time when we should be providing all our help and understanding in dealings with a part of the world in which we have a vital stake and where our national interest is involved.

The stands taken by both sides on this issue are honest and understandable. The question is how we resolve our doubts and the answer to those doubts is, in my opinion, to give the President of our country the benefit and the responsibility which he has requested.

The pre-eminent issue is peace and peace will take time, patience and understanding. Will we look to the future and measure the possible costs of failure or face up to the present and do what we can to prevent a possible holocaust in the most volatile region on earth? How much is a possible peace worth? What will be the price of a possible failure?

As the President's personal representative in this country, I am outside politics but as a human being, I long for peace. As a citizen, my country, its President, and its future are in my daily prayers. This is my position which you may use as you see fit.

Respectfully,

MIKE MANSFIELD.

Mr. President, as I mentioned, I will, together with the majority leader, send this letter to all Senators, but I felt that it was timely and appropriate and I felt it was a matter that should be brought to the attention of the Senate as we begin the debate on a very important foreign policy matter.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Georgia. I especially appreciate his reading the full text of the Mansfield letter into the RECORD. I think it is important in the context of the deliberations of the Senate and I think it is important as a statement of concern of an individual and public servant.

I hope, Mr. President, that the Mansfield view of this situation will prevail at 5 o'clock on Wednesday next.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1982

The Senate continued with the consideration of H.R. 4035.

Mr. BAKER. Mr. President, I am advised now that it is not possible to proceed to the consideration of another amendment after the Mitchell amendment, until after the Mitchell amendment is disposed of.

I ask unanimous consent then—and I may say parenthetically this has been cleared on both sides of the aisle—that after the debate on the Mitchell amendment is concluded, the Senate recess without further action or motion until the hour of 2 p.m.; that a vote on the Mitchell amendment occur at 2 p.m.. and that after the disposition of the Mitchell amendment, the Senate resume consideration of other amendments as previously ordered, in which case, as I understand, the Bumpers amendment will be the next amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Maine.

Mr. MITCHELL. Mr. President, I yield to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by Senator MITCHELL to restore funding for the weatherization program to the Interior appropriations bill. Senator COHEN and Senator MITCHELL have spoken eloquently and ably on the strength of this program and the contribution that it has made to the national interest by reducing our reliance on imported oil. There are few programs included in the Interior appropriation that have a more important claim to be funded by the Federal Government.

I would remind my colleagues of the source of the funds that will be used to pay for the weatherization program. In 1979 we made the decision to decontrol the price of oil—to let it rise to the level set by the OPEC cartel. This decision has caused a spiral of energy inflation that many in our Nation cannot handle. To offset the impact of that decontrol decision, we imposed a windfall profit tax on the oil industry and announced our intention to use the revenues from the WPT to assist those who could not afford decontrol and to encourage others to conserve and to convert to renewable resources through tax credits.

Decontrol has now been accomplished. The oil producers are receiving the world price. And the Federal Government is taking billions of dollars of that price increase through the windfall profits tax. Is there no room in those billions for us to live up to our promise to assist those who cannot afford decontrol?

Mr. President, weatherization should be the first priority for spending from the revenues of the windfall profit tax. Sometimes I think we made a mistake in our design of that legislation. As some will remember, President Carter proposed that the revenues from the WPT be set aside in a trust fund to be used solely to further our independence from the OPEC cartel. The Finance Committee chose not to take the course. But maybe we should have. Because now we find that the commitment to energy independence which fostered the decontrol decision has evaporated. And few in this body seem to recall their commitment to the elderly and the economically disadvantaged to offset the impact of decontrol through programs like the weatherization program, low income energy assistance, and the tax credits to encourage conservation and conversion to renewable resources.

Mr. President, I made a commitment to these programs when I voted for the windfall profit tax and supported the decisions of two President to decontrol the price of oil. I intend to fulfill that commitment by voting for the amendment offered by the Senator from Maine and I ask the support of my colleagues who were here when we passed the windfall profit tax and when we made the commitment to this program and other efforts to secure the energy independence of our Nation.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, it is only a coincidence, but I think it is ironic, that the distinguished Senator from Georgia read into the RECORD a letter from Ambassador Mansfield regarding the AWACS sale at this point in the deliberation of this amendment. It brings into focus the fact that a major reason for our concern in the Middle East, a major reason for the turbulence in that region, a major reason why the United States is expending billions of dollars and a great deal of national energy, a great deal of the President's time, a great deal of the time of the Congress, is the fact that we are dependent on that part of the world for oil. That ought not to be exaggerated, but it is, nonetheless, to a significant degree.

Here we are now with a very modest amendment that has, as its principal objective, reducing that dependence on foreign oil, reducing our reliance on the supply of an absolutely essential item from the most unstable part of the world, and we are being told that we cannot afford it; we cannot afford to spend $150 million to weatherize homes in this country, but we can afford to spend billions and billions of dollars to try to assure our supply of oil from the Middle East.

Does that make sense? Is that in our national interest? Are we not far better off to take steps within this country to reduce that dependence?

There has been very little disagreement here today about the effectiveness of the weatherization program, and for good reason. That reason is that it is an effective program. It makes sense.

I say that, in addition to the reasons I stated earlier. The coincidence of the distinguished Senator from Georgia raising that point here in the middle of this debate reinforces the argument for this amendment and makes clear that the program is an effective one and, I emphasize in closing, has already been cut 25 percent.

So this program has taken its share of the cuts, has made its contribution to the national need for restraint in spending, and it ought not to be cut 42 percent as the committee proposes.

This is a small, sensible, logical step that is consistent with the national interest and ought to be approved by this body.

Mr. CHAFEE. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Maine for yielding this time to me. I rise in support of his amendment. With his permission, I would like to be added as a cosponsor.

Mr. MITCHELL. Very gladly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I think this amendment makes good sense. It seems to me that the weatherization of

the homes of the low-income people should continue to be one of our major priorities in the energy conservation area.

As you know, Mr. President, we have a low-income fuel assistance program which exists, which I have supported through the Chafee amendment and other efforts. However in many ways the fuel assistance program does not get to the heart of the energy conservation problem. The problem is that if a home is not properly weatherized a great deal of energy is lost through improperly insulated roofs, windows, and doors. This is a particularly serious situation for low-income individuals whose homes are often very poorly maintained. The amendment of the distinguished Senator from Maine recognizes the importance of continuing the effort to provide insulation for the homes of low-income families by providing an increase in the weatherization program.

Since the weatherization program started in 1977, 4 years ago, in my own State of Rhode Island, we have received nearly $6 million. With that money we have weatherized over 7,000 low-income homes. Approximately 23,000 eligible low-income households remain. In other words, we have done one-third of the job in 4 years.

The results of the weatherization program in my home State have been extraordinary. We estimate that weatherization results in an average annual fuel savings of 18.5 percent per household. This means a savings of 18 cents of every dollar of low-income fuel assistance that goes to a weatherized home. Thus, weatherization makes low-income fuel assistance money go much further.

So, Mr. President, I urge my colleagues to support Senator MITCHELL's amendment. It is my understanding that it comes below weatherization allocation in the budget reconciliation bill, which is $175 million. This amendment, as I understand it, would bring the Senate recommendation to the House level, which is $150 million, an increase from the $112 million which is the level we are currently considering.

Mr. President, I commend the Senator from Maine for offering this amendment, and I give him my support.

I thank the Senator for yielding.

Mr. LEAHY. Mr. President, a problem is funding for the weatherization program during the continuing resolution. I wanted to make sure other Senators were aware of this situation, and I would also like to explore with the distinguished chairman of the committee (Mr. MCCLURE), what possibilities we have to correct this situation.

Mr. President, the Office of Management and Budget has told the Department of Energy, which administers the weatherization program, that it does not have the authority under the continuing resolution to make grants to States. We now have a situation where the doors may still be technically open in the Washington offices, but all weatherization activities have been sharply curtailed at the State and local levels. Two States, South Carolina and Indiana, have already closed their programs and many others, including my own, are open only because of a small, last minute windfall from 1980 funds. These bonus funds are almost expended already.

Mr. President, I understand that the continuing resolution sets a ceiling on the level of spending, and not a floor. However, the resolution does not allow OMB to terminate programs, which is the real effect of OMS's interpretation. It has also been reported to me that DOE is terminating personnel in the weatherization program. This action would clearly be in contradiction to the terms of the continuing resolution. Such actions should be stopped immediately, both in the Washington and regional offices, for it is a devious way to subterfuge a program which Congress clearly supports.

The report accompanying the resolution states that we were concerned about "preserving to the maximum extent possible the flexibility of Congress in making final funding decisions." The actions of OMB and DOE, if allowed to continue, will deny us this flexibility, and will shut down the program for us.

We are all aware of the strong support Congress has shown for weatherization. Although President Reagan had not requested any funds for fiscal year 1982, Congress has voted on several occasions to continue the program.

In the omnibus reconciliation bill, the Energy and Natural Resources Committee instructed that up to $336 million could be used for energy conservation programs. The committee specifically mentioned the weatherization program as one of the priority programs to be continued.

When the Subcommittee on Interior met back in July, I offered an amendment to fund weatherization at $150 million. We finally agreed on a level of $112.5 million, and the House has agreed to the $150 million level. There is no doubt of the strong support in both the House and Senate for a separate, continued weatherization program.

Given this impressive legislative history, I do not think I was alone in assuming that the terms of the continuing resolution allowed States to continue their weatherization programs. I need not remind my colleagues that these funds are urgently needed by the States before winter sets in. Many of you know that last summer the program was insulating homes at the highest rate in the program's history, which figured out to an annualized rate of $400 million. OMB's action cuts the States down to $0.

The weatherization program is one of the most commonsense, economical programs we have going. Each insulated home will reduce its energy use by an average of 25 percent. This will mean more energy for us all, and less strain on limited fuel assistance funds. Yet OMB is holding back on weatherization moneys at a time when they are most urgently needed.

I turn to my colleague, Senator MCCLURE, for his thoughts and any clarification he may offer on this matter. I would hope that we could urge OMB to reevaluate its interpretation. I simply do not believe that its current actions are consistent with the intentions of our subcommittee, and of Congress as a whole.

The continuing resolution provides that the weatherization program should be funded at a level not to exceed the current rate of $182 million or the fiscal 1982 level as passed by the House of $150 million, whichever is lower. Is this a correct assessment?

Mr. McCLURE. Yes, it is correct.

Mr. LEAHY. Do you agree that it was the intent of the Senate that this program should be continued at a level of at least $112.5 million?

Mr. McCLURE. The committee has adopted that appropriation figure.

Mr. LEAHY. Do you agree that OMB does not have authority to terminate programs under the continuing resolution? Yet has not OMB, in effect, terminated the program for the States by refusing to award their grants?

Mr. McCLURE. To the first question, let me answer that that is my understanding. With respect to the second question, I understand that any agency may request relief from the spending limitation suggested by OMB where it would contravene the minimum level.

Mr. LEAHY. Has the committee received a formal request from OMB to defer funds for the weatherization program?

Mr. McCLURE. No, it has not.

Mr. LEAHY. Does the committee expect such notice to be sent?

Mr. McCLURE. I do not know of any such action.

Mr. LEAHY. Until we receive a formal request, what authority does OMB have to freeze these funds?

Mr. McCLURE. OMB has broad authority in the administration of all Federal programs and expenditures. Their authority is, of course, limited by the provisions of the continuing resolution as well as other statutes.

Mr. LEAHY. If and when we receive a deferral request, what steps will you then take as chairman of the Interior Subcommittee to act on the deferral?

Mr. McCLURE. I can assure the Senator that each deferral will be reviewed very closely and, working with the members of the Interior Appropriations Subcommittee, action will be taken as the subcommittee deems proper.

Mr. LEAHY. If the distinguished chairman does not plan to act on this deferral, I would like to inform him of my intention to immediately introduce a resolution to disapprove the deferral for the weatherization program.

Mr. McCLURE. I thank the Senator for that information.

Mr. LEAHY. Mr. President, I support this amendment today to increase funding for the low-income weatherization program. Even with this increase, the weatherization program will receive significantly less funding than in previous years. The administration has proposed eliminating this program at a time when it is operating at its peak of efficiency—weatherizing some 30,000 to 35,000 homes per month. It was estimated this summer that the States were obligating their funds at an annualized rate of $400 million.

Mr. President, the low-income weath-

erization program provides badly needed aid to those least able to afford rising energy costs and a policy of conservation by price. The administration has twice testified to the Appropriations Committee that the Federal Government should fund those programs that benefit those who cannot take advantage of energy tax credits. The low-income weatherization program is precisely that.

Each household weatherized reduces its energy consumption by an average of 25 percent. In Vermont, these households save an average of $340 over the course of the winter. At the same time, this program has saved 2.5 million barrels of oil a year and promises to conserve much more, helping to reduce our dangerous overdependence on foreign sources of oil.

Two-thirds of all low-income homes remain severely underweatherized. These people are now paying 35 percent of their income for energy. The low-income weatherization program can provide them with cost-effective aid, reducing the burden of rising energy prices for them, and saving energy for all of us.

I sponsored an amendment to fund this program at $150 million when it was considered by the Interior Appropriations Subcommittee. The subcommittee agreed to provide $112 million, which was less than what I believed necessary, but was still far above the President's request of $0. I fully support today's attempt to provide $150 million.

I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I rise in support of the amendment of my colleague from Maine (Mr. MITCHELL).

This amendment—by providing $62.5 milion to the Department of Energy's weatherization program—may seem excessive to some. It may appear to be too costly. I cannot agree with that characterization.

So long as elderly citizens are forced to choose between heating their homes or buying their food, so long as low-income families shiver through cold winters, so long as middle-income Americans see more and more of their paychecks go to pay their fuel bills, I cannot agree that investment in home weatherization is unnecessary.

The program is too vital to be cut by 42 percent as the committee has proposed. Even with this amendment, funding for the program will still be cut by $18 million—from $193 million last year to $175 million this year. This amendment recognizes the need for savings in the Federal budget without putting an excessive burden for that savings on the low-income and elderly citizens of our Nation.

The success of this program in my home State of Massachusetts has been impressive. Since its inception in 1977, this program, first under the administration of the Community Services Administration and now under the Department of Energy, has weatherized 16,000 households. These households have reduced their energy use by 40 to 60 percent.

The average household in Massachusetts paid $1,274 to heat their homes last year. Saving 40 to 60 percent of this cost is obviously very beneficial to families with little income to spare.

The efficiency of this program has been on the rise. By the time that money ran out in June of this year, Massachusetts was weatherizing 1,000 households per month. As one official said, the program has now gotten off the ground. It is now an efficient and effective program. The drastic cut proposed by the committee in this bill is bound to undermine this efficiency and effectiveness.

Despite the impressive accomplishments of this program, the work that remains is tremendous. The Department of Energy estimates that over 230,000 households are still eligible and their homes need insulation and weatherproofing.

Every year that these homes are not weatherized is another year when our economy is drained by energy costs that need not be spent. It is another year when more foreign oil is used than need be. It is one more year when more low-income families and more elderly will suffer through another cold winter. This proposal can help relieve that suffering. I urge my colleagues to support this amendment.

Mr. MITCHELL. Mr. President, if the distinguished manager of the bill is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time.

Mr. McCLURE. Mr. President, I am prepared to yield back the remainder of my time. My understanding is that we have no request for further time from either side.

Let me respond only to the Senator who has just spoken, Senator CHAFEE.

With respect to the issue of weatherization on rental properties, our experience, unfortunately, has been in too many instances that as the home is improved the advantage does not accrue to the renter; the advantage accrues to the landlord who simply then raises the rent. We have not helped the low-income recipient. We have only assisted the property owner. While we might argue that the expenditure of the money thus is a good expenditure from the energy standpoint, it is not necessarily a good expenditure of the taxpayers' money when it goes to enrich the property owner and does not enhance the ability of the low-income renter to pay his rent.

If there be no further requests for time, Mr. President, I am prepared to yield back the remainder of my time on this amendment, and I do so.

Mr. MITCHELL. I yield back the remainder of my time, Mr. President.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, debate having concluded on this amendment, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:50 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. KASSEBAUM).

The PRESIDING OFFICER. The question is on agreeing to UP amendment No. 535, offered by the Senator from Maine (Mr. MITCHELL). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from New Mexico (Mr. SCHMITT) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—46

Baucus	Hart	Mitchell
Biden	Hatch	Moynihan
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Pryor
Bumpers	Heinz	Randolph
Burdick	Hollings	Riegle
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sarbanes
Chafee	Jackson	Sasser
Cohen	Kennedy	Specter
Cranston	Leahy	Stafford
D'Amato	Levin	Tsongas
Dodd	Mathias	Weicker
Durenberger	Matsunaga	Williams
Exon	Melcher	
Glenn	Metzenbaum	

NAYS—49

Abdnor	Ford	Murkowski
Andrews	Garn	Nickles
Armstrong	Goldwater	Nunn
Baker	Gorton	Packwood
Bentsen	Grassley	Percy
Boren	Hayakawa	Pressler
Byrd, Harry F., Jr.	Heflin	Proxmire
	Helms	Quayle
Chiles	Jepsen	Roth
Cochran	Johnston	Simpson
Danforth	Kassebaum	Stennis
DeConcini	Kasten	Symms
Denton	Laxalt	Thurmond
Dixon	Long	Tower
Dole	Lugar	Wallop
Domenici	Mattingly	Warner
East	McClure	

NOT VOTING—5

Eagleton	Schmitt	Zorinsky
Inouye	Stevens	

So Mr. MITCHELL's amendment (UP No. 535) was rejected.

Mr. JOHNSTON. Madam President, I ask unanimous consent that it may be in order to present two uncontested amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 536

(Purpose: To permit the Flathead Irrigation District, Montana, to use net power revenues for maintenance and operation)

Mr. JOHNSTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) for Mr. MELCHER proposes an unprinted amendment numbered 536.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place the following:

Notwithstanding the provisions of Section 6 of the Act of May 25, 1948, (62 Stat. 269, 273), appropriations of power revenues of the Flathead Irrigation Project on the Flathead Reservation, Montana, made pursuant to Section 3 of the Act of August 7, 1946, (60 Stat. 895) shall hereafter be available in amount not exceeding 20 percent of the gross power revenues of said project for the preceding fiscal year, or $750,000, whichever is greater, for maintenance and operation of the dam: *Provided*, That no appropriations shall be made in excess of the Flathead Irrigation power revenues on deposit with the Federal government.

Mr. MELCHER. Madam President, this amendment would permit the Flathead Irrigation District in Montana to use a portion of net power revenues for maintenance and operation of the project's dam.

At the present time, the district is limited by law to using only up to $75,000 for this purpose. The dam is getting old and it needs repair. Clearly, $75,000 is not sufficient for this purpose.

The Department of the Interior favors this amendment, and has made this known to the distinguished chairman of the subcommittee.

Though the $75,000 limitation was realistic when it was enacted in 1948, it is now totally inadequate to fund improvements and extensions necessary to keep up with increased demand.

The accumulated power revenues are not budget items, and they are funds credited to the project. Therefore, this amendment has no budget implications.

The amendment is germane to this bill because it deals only with the amount of funds that are available to the project. The language closely parallels instructions already in the bill for expenditure of funds such as those in the administrative provisions relating to the Bureau of Indian Affairs.

The limitation on the use of these funds has been a growing problem for a number of years, and it is essential that repairs and modifications be made to the dam before there is a tragedy of major proportions.

I urge the adoption of the amendment.

Mr. JOHNSTON. This is an amendment providing $75,000 for maintenance of the Flathead Dam. It has been approved on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 536) was agreed to.

UP AMENDMENT NO. 537

(Purpose: To provide assistance in preventing the destruction of an area of historical significance)

Mr. JOHNSTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an unprinted amendment numbered 537.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, after line 21, add the following:

PRESERVATION OF AREA OF HISTORICAL SIGNIFICANCE

For necessary expenses to enable the Architect of the Capitol to carry out the purposes of the first section of the Act of October 14, 1976 (Public Law 94–495), $250,000.

Mr. JOHNSTON. Madam President, this $250,000 is for the maintenance of the Congressional Cemetery. It has been approved by everyone, and it is understood that this will not be a recurring thing.

The reason why this is not on the legislative appropriation bill is because that train has already left the station, and we understand it will not be asked for again this next year. The $250,000 is badly needed for that Congressional Cemetery.

Mr. McCLURE. Madam President, this has not been covered by specific legislative authorization. Under normal circumstances we would request that, and it may well be that this particular item will not make it through the conference. We may have to defer to the legislative process. But with that understanding I have no objection to the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (UP No. 537) was agreed to.

FOUR TRIBALLY CONTROLLED COMMUNITY COLLEGES

Mr. MELCHER. Madam President, I am greatly concerned that the committee eliminated funding in H.R. 4035 for four tribally controlled community colleges which have been determined to be feasible during fiscal year 1981. These schools, Fort Peck Community College, Cheyenne River Community College, Lummi School of Aquaculture and Fisheries, and Little Big Horn Community College have all been determined to be feasible and two of the schools actually received grant funds under title I of the Tribally Controlled Community College Assistance Act during fiscal year 1981.

The authorizing statute, Public Law 95–471, provides that the Secretary shall not consider any grant application unless the school has been found to be feasible and will service a reasonable student population. However, once the Secretary has approved an application for a tribally controlled community college, the statute provides that he shall provide a grant to such college. This is an entitlement program and any selection of a subset of the eligibles for funding to the exclusion of other eligibles appears to be discriminatory and an unequal application of the law.

Since this is an entitlement program, I believe the Bureau of Indian Affairs could be mandated by the courts to provide funds to these four schools with whatever funds are appropriated. The statute provides that each grant shall provide $4,000 per fulltime equivalent student but further provides that if the sums appropriated are not sufficient to pay in full the total amounts then such amounts shall be ratably reduced. If the Senate reduction of $998,619 is adopted and the Bureau is required to provide grants to the four schools, with the increased enrollment due to the rise in unemployment on Indian reservations, the reduction of each of the 17 title I eligible schools would have to absorb would greatly hinder their ability to provide the educational opportunities for Indian students contemplated by title I of the act.

Given the budget cuts which have been recommended for Indian programs both within the Bureau of Indian Affairs' budget and generally throughout the Federal budget, I believe that additional reductions to the tribally controlled community colleges would be unfortunate. We must realize that on most reservations there is no private sector funding available for these colleges to access for assistance. In addition, unemployment is increasing on reservations with reductions in or elimination of federally funded programs and many of the unemployed are enrolling in tribally controlled community colleges to increase their skills in order to find gainful employment.

Madam President, although enrollments at a number of colleges exceed the estimate in the Bureau of Indian Affairs' budget justification, if we assume that these estimates are accurate for the purpose of calculations, the original budget request of $6,157,000 in the March budget would provide $3,443.50 per full-time equivalent student if all eligible schools are funded. If the Appropriations Committee reduction of $998,619 stands and the Bureau is required to fund all eligible colleges, the per student amount will be reduced to $2,885.

I might point out that, according to the subcommittee, under the committee bill the Bureau-operated postsecondary schools will receive $5,400 per student, including residential costs, and the Bureau schools have access to other Bureau services not included in their budgets, which would further increase the amount per student. I believe it is unfair to expect the tribes to perform services at such a reduced rate below what we provide for the Bureau of Indian Affairs to perform similar services.

Madam President, I believe we should fund these colleges to succeed, not to fail. I am not going to offer an amendment to restore the funding in an effort to assist the managers of the bill in limiting the number of floor amendments. However, I urge my colleagues to agree with the House in conference to provide the additional $998,619 for operating funds for the above-mentioned four tribally controlled community colleges.

Mr. BAKER. Madam President, I am advised the distinguished Senator from Nebraska wishes to make a statement at this time not related to the pending bill or amendments thereto, and I ask unanimous consent that he may now be recognized for not to exceed 15 minutes without the time being charged against the bill or amendments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SALE OF AIR DEFENSE ENHANCEMENTS TO SAUDI ARABIA

Mr. EXON. I thank the Chair and I thank my friend, the majority leader.

Madam President, the administration's sale of our sophisticated and highly advanced technology known as AWACS to Saudi Arabia or any other country poses serious questions from a security standpoint by almost every measurement which I have judged it against during my time-consuming pursuit of reaching a decision on this national security issue.

(Mr. ANDREWS assumed the chair.)

Mr. EXON. It is my unequivocal conviction that the United States of America has worked its way into a serious and potential no-win situation. Our goal must be to minimize the damage.

I, frankly, have been appalled by some of the simplistic arguments advanced regarding these very complicated and far-reaching proposals which have been advanced by some people.

Among them was the misguided and non-statesman-like approach by former President Nixon that the proposal was a choice between Reagan and Begin. Indeed, one of my constituents indicated that if I dared consider voting against the sale of the AWACS that they had gotten to me and I had sold out.

There is another theory that a President, any President, should always be supported in foreign policy decisions. Otherwise, we could not have a true bipartisan foreign policy. That attitude Mr. President, ignores completely the responsibility of the Senate and flies directly against the actions of many of the current proponents who were vocal in their calls for the Senate to reject the President's initiatives on the Panama Canal controversy and the proposed SALT II treaty. The Senate abdicates its constitutional, legal, and sworn obligations if it follows such a course, as may have been done unwittingly with the near unanimous endorsement of the Tonkin Gulf resolution.

Still another line of reasoning, or lack thereof, was touted by some here that it was good for business and employment for use to approve the sale. This, Mr. President, is an extension of what evidently and unfortunately has become the centerpiece of our foreign policy, whatever it is—allowing the great United States of America to allow its true resolve to be measured by potential friend and foe alike as to how successful a gunrunner we are to our hopeful friends. While this is not the time to debate overall foreign policy, Mr. President, our obvious preoccupation with military sales again raises the question which I have posed frequently before on this floor and elsewhere which still begs for an answer, Why can we not recognize and exploit peace initiatives based on America's prime resource of food production and why are we not more aggressively pursuing arms control negotiations while we continue to build our military capability?

Mr. President, I have listened to and studied the recommendations of many of my colleagues on this important subject and have been involved in countless discussions. Those whom I consider most knowledgeable on military and foreign affairs have frankly made my decision more difficult since they are almost evenly split on their bottom line conclusions. The issue here is: first, what is in the best security interests of the United States; and second, how best do we promote the chances of peace in the troubled Middle East?

An interesting and perceptive argument against approval was that advanced by the minority leader. It addressed the political difficulties which might confront, and possibly imperil, Prime Minister Begin—the only remaining key figure in the important breakthrough embodied within the Camp David peace accords, thereby limiting the flexibility that leader needs in advancing the chances for a comprehensive and workable peace.

It is my view that the AWACS portion of the sale presents no serious or direct military threat to Israel, our primary ally and friend in the Middle East. However, loss of the AWACS, if its security is compromised by any subsequent developments, would be a serious blow to both the United States and all of our allies. Deeply troubling to me has been what I perceive to be an administration-backed effort to downplay the AWACS technology. It should be remembered that the Soviets have no such surveillance system and are just now beginning efforts to deploy something of its kind. We claim to be superior to the Soviets in overall technology, and I believe we are. To downplay the seriousness of the security implications of the AWACS sale is irresponsible. We are not proposing here to sell a video computer game.

The companion F–15 enhancements in the sale package include the highly advanced Sidewinder missile. This will make the F–15, as equipped, a potential offensive force against Israel. However, anytime we sell any military equipment, we run the potential risk of its subsequent use against us and our allies. Indeed, when we launched our rescue attempt in Iran, it was American planes and American-trained Iranian pilots which were a primary concern for the chances of success during the mission's latter stages. Since the mission failed early, we were spared the opportunity to see if fleeing Americans would be hoisted on the Petard of our American arms for everyone syndrome.

While this problem exists, the F–15 enhancements will not, in my opinion, seriously threaten Israeli overall clear air superiority in the region. It is clear to me that Saudi Arabia does indeed need the F–15's and the enhancements to defend themselves from possible threats on their southern and eastern borders, the areas which include the oilfields. It would have been far, far better had we agreed to only the F–15 enhancement sale and contracted to continue indefinitely the present arrangement with U.S. AWACS with our crews and joint sharing of information. It still is not clear why this could not have been the arrangement. It seems the sale is another unwelcomed litmus test of friendship.

It is clear that the Saudis have been friends of the United States, but let us remember that we and our allies are also their best customers for the material God—oil. They have been helpful to our interests in bringing about the recent truce in Lebanon. They are frequently a voice of moderation in essentially a volatile Arab world.

But degrees of friendship can also be measured by the long-term actions of one's friends and the company they keep.

While we are led to believe that the Saudis are a real and trusted friend, we should realize that our last large sale of military equipment—the F–15's—to them back in 1978 was to moderate price increases in oil. It has nearly tripled in price since then.

Many Americans believe that the Saudis are the moderating influence in OPEC. In truth, they are OPEC, and because of their dominant position in oil production they set high world oil prices which are the single most important factor in the current economic problems of the Western industrial nations.

As Dr. J. B. Kelly details so well in his excellent book, "Arabia, the Gulf and the West":

> All indications are that the Saudi government intends to continue to impose restraints upon oil production so as to prolong the technical life of the fields—which in turn implies that it will seek to raise prices at intervals in order to maintain revenues at a desired level. The only way to achieve this aim is through the survival of the OPEC cartel, which is why Saudi Arabia, one of the principal founders of the organization, will strive to ensure its survival. How much, if at all, her "special relationship" with the United States may hamper her pursuit of these aims has yet to be seen.

And so, Mr. President, I say to all that the Saudi-American relationship to date has been something less than expected from one friend to another. It appears clear that the royal family views its relationship with the United States as in its and the Saudi people's best long-range interests.

Yet they have some proving to do in the future. How many of the American people know that Saudi Arabia:

First. Is the prime financial benefactor of the PLO;

Second. Has crippled the Sadat peace initiatives in the Middle East, including rejection of the Camp David accords;

Third. Has counseled other sovereign states in the area against granting American bases and port facilities;

Fourth. Has welcomed the presence of African terrorist Idi Amin within its borders; and

Fifth. Has censured the United States for shooting down the two Libyan fighters which attacked our fleet in international waters.

Mr. President, it is clear to this Senator that this proposed sale is a high-risk venture, and along with it goes the open guarantee of the Reagan administration that we will become directly and militarily involved in Saudi Arabia to protect our interests there. The Secretary of Defense was quoted as saying on October 5, 1981, that President Reagan would intervene "if there should be anything that resembled an internal revolu-

tion in Saudi Arabia, and we think that's very remote." The President has confirmed essentially the same thing with me in White House conversations. Right or wrong then, this country has promised to duplicate in Saudi Arabia what we criticized the Soviets for doing in Afghanistan. I wonder how that grabs the American people? Moreover, I wonder what we are going to do it with.

It is ironic that, simultaneous with all of this tough macho talk, and while the President proclaims that those Senators who do not agree with him on the AWACS sale are not doing their country a service, the same President is ordering a reduction of at least 25 percent in our naval carrier task forces in the Indian Ocean and Persian Gulf areas.

So, Mr. President, these are the problems I see with the decision by the President to enter into the sales agreement. But I am faced with the fact that that Presidential decision has been made.

It seems to me that the President's commitment, and the world discussion surrounding it, has advanced to the point that rejection of the sale by the Senate would generate extreme ill will for the United States—not only in Saudi Arabia but throughout the Middle East and the world. Our ability to follow through on a promise would be called into question.

While we can argue that this concern is not valid, the perception would be there. And when it comes to world opinion of our trustworthiness, perception may, in fact, be reality.

Former Secretary of State Henry Kissinger put it well in summing up this controversy some time ago. He said it was a mistake for us to have ever agreed to sell the AWACS to Saudi Arabia in the first place, but it would even be a worse mistake now to decline to approve the sale.

Our leadership position in the world is one which requires resoluteness and the support of others in our common goals. The common goals must include the deterrence of war and the active pursuit of peace. This latter consideration is the one which must have a new life breathed into it immediately. We simply must move the Camp David accords—a true beginning—forward and we must have help from our Arab friends. Egypt cannot be allowed to go it alone much longer. And neither can Israel survive indefinitely in isolation. Our attention and very best efforts must now be turned to the achievement of a peace in the region which can endure and withstand changes of government or other transitory considerations.

Mr. President, in closing, one redeeming feature of this arms sale package which must be kept in mind is that it is conditional, as verified by the President's letter to me of October 26, 1981. The first AWACS aircraft is not scheduled for delivery until late 1985, while the F–15 enhancement package will go forward sooner. We do have the option of canceling the sale during the interim period if conditions change before delivery.

Mr. President, I ask that my letters of inquiry in this matter to the President and his answers thereto be printed in the RECORD following my remarks, along with a draft copy of a letter hand delivered to me by the White House on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. This time period will give the Saudi Government a chance to prove their true friendship for us and put to rest forever the charge that U.S. policy in the Middle East is geared to one country only—our proven friends in Israel.

Because of these perspectives and my conclusion that, at this juncture, no other course would be wise, I will reluctantly support the sale. At the same time, I will defend to the end my colleagues who will cast contrary votes. It is my view that they have as good a chance to be correct as this Senator, as we face this essentially no-win situation.

I thank the Chair.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., October 19, 1981.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Following our two conversations regarding the proposed sale of air defense enhancements to Saudi Arabia, I assured you that I would continue to evaluate your position and that of your representatives on this matter. Although I hold reservations on the "packaging" of many items in the proposed sale and had requested previously that the issues be separated, I have not co-sponsored the Senate Resolution of Disapproval. As part of my continuing evaluation of this proposal, I will appreciate very much if you would provide me with responses to several related questions.

Under the terms of the sale, if approved, I understand that the first AWACS aircraft will not be delivered until late 1985. One important factor which needs amplification is the ability to reconsider delivery of these aircraft in the event of changed circumstances in the Middle East between now and that time. Is there currently embodied in the sales agreement a provision outlining the authority of the President to cancel the sale in the event that, during the pre-delivery timeframe, a determination is made that the sale would no longer be in the best interest of the United States? If not, was there an attempt on the part of our government to negotiate such a safeguard? What was the Saudi reaction to such a proposal if made?

Are there any written or other understandings with the Saudi government which guarantee the continued deployment of U.S. AWACS aircraft based in that country between now and the proposed delivery of the first Saudi AWACS aircraft in late 1985? If Saudi Arabia decided, between the time this sale might be approved and the delivery of their own AWACS aircraft, that the U.S. AWACS aircraft were no longer welcome in their country, would the sale be subject to cancellation according to the agreement?

As part of the original negotiations or subsequent discussions with the Saudi government, was a proposal ever made by U.S. representatives for joint control or crewing of the Saudi AWACS, similar to the arrangement we currently have with our NATO allies? Part of my concern stems from the conduct of "secret diplomacy" and its outgrowth. While I recognize the need for negotiations on sensitive matters to be conducted in a non-public forum, by the same token once negotiations have been completed and the Congress asked to acquiesce or approve, all of the available information should be provided to those who must make these decisions. It is and always has been bothersome to me to be asked to make such important decisions without having all of the facts at hand.

It has been widely rumored and you have been quoted in the media as indicating that you may have the authority to proceed with this proposed sale even if it is rejected by the House and Senate. Since I find this possible course troubling, I would appreciate your assurance at this time that you will not proceed unilaterally if the sale is blocked by both Houses of Congress.

Thank you for your attention to this request for information and I look forward to your response.

With best wishes.

Sincerely yours,

J. JAMES EXON,
U.S. Senator.

THE WHITE HOUSE,
Washington, October 26, 1981.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EXON: Thank you for your thoughtful letter of October 19, 1981, on the subject of air defense enhancements for Saudi Arabia. I appreciate sincerely the attention you are giving to this important issue, and I am pleased to answer the questions raised in your letter.

First, although we do not anticipate such a development, I want to assure you that we have reserved the right to reconsider delivery of the AWACS aircraft in the event of changed circumstances in the Middle East. This right will be embodied in the Letters of Offer and Acceptance (LOAs) that will be signed by the USG and Saudi Arabia after Congressional review of the sale. A specific condition of these LOAs will be the provision that under unusual and compelling circumstances when the national interest of the U.S. so requires, the USG reserves the right to cancel the sale at any time prior to delivery.

Second, continued deployment of our AWACS is not a precondition to delivery of the Saudi AWACS, since our current AWACS deployment in Saudi Arabia is at their request and based on an understanding that arises from our mutual perception of the increased threat to the Saudi oil fields. This understanding will be formalized in a written foreign military sales agreement providing Saudi funding for the continuing deployment. Assuming that our proposal to sell AWACS to Saudi Arabia proceeds successfully, we fully anticipate that our AWACS will remain in Saudi Arabia, until or after the Saudi AWACS are delivered and we and the Saudis agree that the U.S. AWACS deployment is no longer required.

Third, during our meetings with the Saudis, U.S. representatives did discuss, in considerable detail, the issues of aircraft crewing and manning, specifically including joint crewing and control. As a result of these discussions, the Government of Saudi Arabia has agreed that the U.S. will have an important, long-term role and will maintain direct involvement in the development of the Saudi air defense system, including AWACS, well into the 1990s. The resulting structure is not based on the NATO arrangement, for we do not have a formal alliance with the Saudis. Rather, it is tailored to meet the security needs of both the U.S. and Saudi Arabia in the crucial Persian Gulf area.

The agreements we have reached with Saudi Arabia on security of technology,

access to information, control over third-country participation, and AWACS flight operations will be incorporated into the U.S./Saudi General Security of Military Information Agreement, the LOAs, and related documents, all of which will be available to the Congress. In accordance with the AWACS Export Control Act, however, final negotiation and signature of the LOAs cannot take place until after Congressional review is completed.

I am not considering employing any statutory waiver provisions regarding these sales.

Thank you again for your continued interest on this matter of mutual concern.

Sincerely,

RONALD REAGAN.

Dear ———: On October 1, 1981, I formally notified the Congress of our intention to sell AWACS aircraft and F–15 enhancement items to Saudi Arabia. This sale will enhance our vital national security interests by contributing directly to the stability and security of the critical area from the Persian Gulf through the Middle East to North Africa. It will improve significantly the capability of Saudi Arabia and the United States to defend the oilfields and facilities on which the security of the Free World depends, and it will pose no realistic threat to Israel.

When this proposed sale was first announced last spring, the Congress expressed concerns about certain aspects of the sale. After analyzing these concerns in detail, we entered into a series of discussions with the Government of Saudi Arabia over the summer.

The Government of Saudi Arabia has agreed, and I am convinced welcomes the fact, that the United States will have an important, long-term role and will maintain direct involvement in the development of the Saudi air defense system, including the AWACS. We also have reached agreement with the Saudi Government on a number of specific arrangements that go well beyond their firm agreement to abide fully by all the standard terms of the normal Letter of Offer and Acceptance as required by the Arms Export Control Act.

Transfer of the AWACS will take place only on terms and conditions consistent with the Act and only after I have certified to the Congress in writing that the following conditions have been met:

1. SECURITY OF TECHNOLOGY

A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

E. Computer software, as designated by the USG, will remain the property of the USG.

2. ACCESS TO INFORMATION

That Saudi Arabia has agreed to share with the U.S. continuously, and completely, the information that it acquires from use of the AWACS.

3. CONTROL OVER THIRD-COUNTRY PARTICIPATION

A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

4. AWACS FLIGHT OPERATIONS

That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the U.S., in order to maintain security and regional stability.

5. COMMAND STRUCTURE

That agreements which concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

6. REGIONAL PEACE AND SECURITY

That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.

The agreements we have reached with Saudia Arabia on security of technology, access to information, control over third country participation, and AWACS flight operations will be incorporated into the U.S./Saudi General Security of Military Information Agreement, the Letters of Offer and Acceptance (the government-to-government sales contracts), and related documents. These documents will stipulate that the sale will be cancelled and that no equipment or services will be delivered in the event any of the agreements are breached. I will not authorize U.S. approval of any of these contracts and agreements until I am satisfied that they incorporate fully the provisions that satisfy the concerns that you and I share. I do not foresee any need for changes in these arrangements, but should circumstances arise that might require such changes, I would consult fully with the Congress before deciding on any modifications.

I believe it is important to look beyond these agreements to their practical consequences, and to the implications of U.S. security assistance and training requested by Saudi Arabia. For example, the agreement we have reached with the Saudi Government to protect the security of equipment also affects the nature, extent, and duration of the U.S. role in the AWACS program. Since skilled Saudi personnel available for this program will remain in short supply, the U.S./Saudi understanding that third country nationals will not be permitted to operate or maintain the Saudi AWACS, will, in practice, extend U.S. involvement in Saudi AWACS operations and activities well into the 1990s. U.S. military and contractor personnel will be required to provide extensive operational training for Saudi AWACS aircrews; it will be 1990 at the earliest before the eight Saudi crews needed to operate all five AWACS aircraft will be trained, and replacement and refresher training of individual Saudi crew members will require USAF Technical Assistance Field Teams during the 1990s. Critical AWACS maintenance, logistics, and support functions, particularly radar and computer software support, will, of necessity, be performed by U.S. personnel in Saudi Arabia and in the United States, for the life of the AWACS.

The Saudi agreement not to share AWACS-gathered information with third countries also has significant practical consequences. This agreement, combined with the standard requirement that US-supplied equipment be used solely for defensive purposes, as well as the agree-to Saudi AWACS configuration, precludes any possibility that Saudi AWACS could contribute to coordinated operations against any nation in the region.

Concerning the agreement to operate AWACS only inside the Kingdom, it should also be noted that the Saudi Air Force will be trained to operate the AWACS in accordance with standard USAF AWACS doctrine and procedures, which call for AWACS to remain at all times a "safe distance" behind sensitive political borders—normally 100 to 150 nautical miles—to ensure AWACS security and survivability. Given the physical location of the oilfields AWACS is to defend, the vulnerability of AWACS should it operate near sensitive borders, and the history of Saudi observance of U.S. Air Force tactical doctrine, we are confident that the Saudis will adopt these practices.

In a broader sense, by enhancing the perception of the United States as a reliable security partner, we improve the prospects for closer cooperation between ourselves and the Saudi government in working toward point 5 above: our common goal of a just and lasting peace in the region. Since assuming the responsibilities of the Presidency, I have been impressed by the increasingly constructive policy of Saudi Arabia in advancing the prospects for peace and stability in the Middle East. The Saudi Government's critical contribution to securing a ceasefire in Lebanon is a striking example. I am persuaded that this growing Saudi influence is vital to the eventual settlement of the differences that continue to divide Israel and most of the Arab world.

I am confident that the Saudi AWACS will pose no realistic threat to Israel. I remain fully committed to protecting Israel's security and to preserving Israel's ability to defend against any combination of potentially hostile forces in the region. We will continue to make available to Israel the military equipment it requires to defend its land and people, with due consideration to the presence of AWACS in Saudi Arabia. We have also embarked on a program of closed security cooperation with Israel. This proposed sale to Saudi Arabia neither casts doubt on our commitment, nor compromises Israeli security.

It is my view that the agreements we have reached with the Government of Saudi Arabia take account of the concerns raised by the Congress. I am persuaded, as I believe the Congress will be, that the proposed Saudi air defense enhancement package makes an invaluable contribution to the national security interests of the United States, by improving both our strategic posture and the prospects for peace in that vital region while maintaining the security of Israel. In addition to my review of the formal documents prior to signature to ensure they fully reflect our mutual concerns, we will continuously evaluate the regional security situation between now and actual delivery, and consult fully with you should any modifications be required prior to my certification.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. EXON. I am happy to yield.

Mr. BAKER. Mr. President, I will take but a moment. I wish to express my ad-

miration for the distinguished Senator from Nebraska and my appreciation for not only the statement of his position on this issue, but his example, which he has shown us so eloquently and spoken of so clearly, of the difficult and sometimes painful anguish that Members of this body must endure in order to reach decisions in respect to the formulation of the most essential parts of public policy of this Republic.

I believe that the method of analysis, the technique by which this Senator approached this subject, leading him to his conclusion, is typical of the very best efforts and finest traditions of the Senate. I wish to express my appreciation to him.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate continued with the consideration of the bill (H.R. 4035).

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The next order of business is the amendment of the Senator from Arkansas.

Mr. FORD. Mr. President, would it be in order for me to ask unanimous consent to make a statement as relates to the AWACS sale?

The PRESIDING OFFICER. It would be in order.

Mr. FORD. Mr. President. I ask unanimous consent that I might have 10 minutes to make a statement on the AWACS sale.

The PRESIDING OFFICER. Without objection. it is so ordered.

Mr. FORD. I thank the Chair. I thank the distinguished majority leader.

PROPOSED SALE OF SOPHISTICATED WEAPONRY TO SAUDI ARABIA

Mr. FORD. Mr. President, in the past months, the Congress and the Nation have engaged in extensive debate of the proposed sale of sophisticated weaponry to Saudi Arabia.

From the beginning, my two foremost concerns have been the risk to our national security posed by the possible compromise of our advanced technology and the destabilizing effect the sales would have on the Middle East and the Persian Gulf region.

Thus far, public attention has focused almost exclusively on the sale of the five airborne warning and control system (AWACS) aircraft. Yet, many people are unaware that there are several other little-known implications of the total package which have not only been relatively overlooked, but substantially underestimated.

In addition to the much-publicized AWACS, the package includes 1,177 AIM–9L Sidewinder missiles, 101 conformal fuel tank packs, and six KC–707 aerial refueling aircraft. with an option for the purchase of two more.

Clearly, the stakes involved are much more complex than the simple sale of five aircraft. Thus, a decision on whether or not to support the sale must be based on consideration of the entire package—not just the AWACS.

Consider the Sidewinder missile, for instance. This missile incorporates advanced seeker and fuse technology which allows it to be fired at an enemy aircraft from any angle—specifically head-on, rather than from the side or rear. This is a revolutionary capability that fundamentally changes aerial combat tactics.

Unlike the AWACS, the Sidewinder is a classified technology. Normally, its sale would be approved through procedures established to safeguard its security and protect it from compromise. The National Disclosure Policy Committee, made up of representatives of the Secretary of Defense and the armed services, is charged with evaluating the eligibility of nations to receive such classified technology and to weigh the risks associated with the transfer of a particular weapons system.

Apparently in the case of the proposed sale of the Sidewinder to Saudi Arabia, the national disclosure policy procedure was waived and the committee was bypassed. In other words, Saudi Arabia has not been given security clearance to receive the missile.

Presently, the Soviet Union does not have the manufacturing capability to produce a comparable missile. If the Soviets were to get their hands on a single one of the Sidewinders proposed to be sold to Saudi Arabia, they could erase the technological edge we now hold. Our own pilots have urged rejection of the Saudi sale because compromise of this technology would give up the advantage they feel this country now has over Soviet aircraft.

Meanwhile, the conformal fuel tanks increase the combat radius of the F–15 warplane from 40 percent to 70 percent, while the KC–707 aerial tankers enable the plane to stay in the air for extended periods of time—capabilities that change the Saudi force from a defensive to an offensive one.

It must also be noted that the proposed sale goes against the grain of the terms of the 1978 sale of F–15 aircraft to Saudi Arabia. At that time, prior to agreeing to go along with the sale, Congress sought and received assurances that offensive weapons systems would not subsequently be sold to Saudi Arabia. The original intent of the F–15 sale was to help the Saudi Government improve its defensive weapons system, not enhance its offensive capability as the current proposal would do.

Sometimes, our foreign policy tends to set up countries and their leaders and make targets out of them, rather than protect them. I firmly believe that we have done so in this instance with Saudi Arabia and the Royal House of Saud as we did in Iran.

Perhaps by itself, without the antijamming device, the AWACS is a purely defensive system. But in conjunction with the F–15's, it can be clearly misused and become a threat to other states in the Middle East-Persian Gulf region. In this regard, I support Senator GLENN and other of my colleagues who have called for joint United States-Saudi command and control of the aircraft to provide insurance against such a possibility.

After all, even in the case of our NATO allies, who are our longstanding treaty partners and participants in a regional collective security arrangement, AWACS aircraft in Europe are under U.S. top command and U.S. personnel will be represented throughout the chain of command—something which is not required of Saudi Arabia.

All considered, there are too few safeguards, too many nagging doubts, and too many national security risks for this sale to be in our country's best interest.

Mr. President, there is an article by George F. Will in the October 26 Newsweek entitled "Who Is Our Mideast 'Pillar?' " It says:

> The Administration downgraded Sadat by elevating the Saudis to a "pillar" of U.S. policy. The Shah was a pillar. So was Sadat. Now Saudi Arabia is called a pillar. That reminds me of Lincoln's lesson: if you call a tail a leg, how many legs has a dog got? Five?

What we are doing here is setting up another nation to be knocked off.

Mr. President, I found a very disturbing article in the Houston Chronicle. It is an article that quotes the London Daily Telegraph. That paper reports that Saudi Arabia—

> has agreed to give Syria nearly $500 million to help finance a massive new arms deal with the Soviet Union, which will include two Soviet radar warning system planes

similar to the AWACS. Saudi Arabia is giving to Syria almost $500 million to buy an arms package from the Soviet Union—Syria, with a treaty with Russia; Syria, a supporter of Qadhafi; Syria, an anti-U.S. country. Saudi Arabia wants Syria, which would take the brunt of an Israeli attack, to have all of the funds, all of the equipment available.

One other item, in closing, Mr. President. The nonalined countries made a harsh statement recently against the United States. U.S. Ambassador Kirkpatrick has written to about 40 of those countries, asking them to confirm or refute this statement. Saudi Arabia was one of those countries and, to date, to my knowledge, they have not answered in the negative or refuted that statement.

Mr. President, I ask unanimous consent that the statement by Mr. Will be printed in the RECORD at this point and that the report from the Houston Chronicle, dated October 26, 1981, be printed in the RECORD, also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO IS OUR MIDEAST "PILLAR"?

(By George F. Will)

As a bass fisherman casting with light line and a high wind, I have produced some dreadful snarls. But I have rarely seen anything as snarled as the AWACS argument. The argument is less about hardware than about the suspicion that there is afoot a radical reorientation of U.S. policy. It is about how much weight the Saudi regime can bear. And it is about adopting the Saudi approach to peace, which means accommodating the group the Saudis sponsor, the PLO.

Regarding AWACS, the Administration has entangled a sensible question (how can we protect Saudi Arabia?) with a nutty question (how can we make Saudi Arabia the center of American policy in the Middle East?). The Administration downgraded Sadat by elevating the Saudis to a "pillar" of U.S. policy. The Shah was a pillar. So was Sadat. Now Saudi Arabia is called a pillar. That reminds me of Lincoln's lesson: if you call a tail a leg, how many legs has a dog got? Five? No, four, because calling a tail a leg does not make it a leg. In any debate about which nation can be counted as a pillar, it cannot hurt to notice the obvious: Israel is the only nation in the region where we know we can land a plane tomorrow.

A PARTNER?

Grasping for ground for praising the Saudis, the Administration cites the Saudi role in the most recent "settlement" in southern Lebanon. But that was a defeat for Israel. The Syrian missiles which precipitated the crisis remain.

The Administration says Saudi Arabia's moderation makes it a plausible partner in a "strategic consensus." But the Administration says Saudi friendship is so tenuous it must be bought with AWACS. Perhaps Saudi Arabia's policy is ambiguous, and it is so because Saudi Arabia's position is ambiguous: for cultural reasons it cannot be pro-Soviet, but for political reasons it dare not be pro-American. However, the premise of the AWACS sale is that the Saudis want to be helpful. The sale needs a new premise unless the Saudis endorse the Camp David process and especially the multinational force for the Sinai.

As Carter did with SALT II, Reagan chose to get into a game of "chicken" with Congress, thereby risking paralysis in government, discord in the country and disrespect in the world. He assumed that Congress, afraid of being blamed for that would flinch. Reagan's men must not have noted that, regarding SALT II, Congress did not flinch and was not blamed for the damage Carter caused.

The Administration has chosen to poison our politics by impugning the motives of opponents, implying that they are craven about "the Israeli lobby." This libel comes from people inexhaustibly obsequious toward a Saudi regime that molests U.S. interests while refusing even slight compromise to help the President out of the AWACS crisis his men have caused.

At first, a reason for gritting one's teeth and supporting the sale was to prevent the President's Middle East policy from becoming a shambles. But a policy of treating Saudi Arabia as a pillar is inherently a shambles. A remaining reason for approving the sale is that if it is disapproved the Administration may spend three years offering abject apologies to the Saudis.

Speaking of abjection, consider the musings of ex-presidents Ford and Carter in favor of accommodating a terrorist organization, the PLO. The musings are a reminder of why Ford's Presidency made Carter's Presidency possible, and why the country refused to renew either. In their airborne press conference, Carter was in character, laying down the law about abstract "rights" and sermonizing about how Israel is violating "the heritage of the Jews." But Carter is consistent. The logic of his Administration's initial policy of pushing for a "comprehensive" settlement, which would have maximized the leverage of the most extreme party at the table, pointed to an embrace of the PLO. Indeed, Sadat went to Jerusalem to derail Carter's policy. But now Carter and Ford have retreated from solemn commitments. As presidents, Ford and Carter pledged that the United States would not deal with the PLO until the PLO acknowledges Israel's right to exist. But now they have prepared the ground for the burial of those pledges. They have done so while they and the Reagan Administration (which should ponder the fates of Ford and Carter) urge Israel to trust U.S. reliability while the United States arms Israel's enemy.

KEYSTONE

Sadat's death suggested that being America's friend can be fatal. The Administration's solicitousness toward Saudi Arabia suggests that a nation need not be friendly to garner the benefits of U.S. friendship. But if the Administration is determined to treat Saudi Arabia as the keystone of U.S. policy, it must try to sanitize the PLO, which Saudi Arabia finances. Candidate Reagan said: "Unlike President Carter, I have no hesitation branding the PLO as a terrorist organization." President-elect Reagan said: "I think the PLO has proven that it is a terrorist organization." Yet President Reagan allows the PLO to maintain an office in Washington.

Regarding the PLO, Ford and Carter spoke the language of inevitability. An approach to the PLO "has to happen," it "has to take place" (Ford), the dealings "have to be done" (Carter). But if accommodation of the PLO is, as Ford and Carter say, inevitable, the PLO has no need to abandon the terrorism and intransigence that have won it the status of an inevitability. Heaven preserve us from small minds bandying large notions of what history says "has to take place" and playing fast and loose with the nation's honor. Leaving honor aside, where it frequently has been left, let this be said: our ex-presidents are pushing Egypt toward radicalism and Israel toward South Vietnam's fate.

Bruno Kreisky, Austria's Chancellor, holds the Olympic record for fawning over the PLO, but even he was momentarily sobered by the PLO statement about shaking the hand that pulled the trigger to kill Sadat. When Ford and Carter urged appeasing the PLO, they were flying home from the funeral of a man who opposed the PLO and paid with his life. They could have found a more tasteful time to advocate rewarding those who execrated Sadat while he lived and rejoiced at his death.

SAUDIS REPORTEDLY TO HELP SYRIA PURCHASE RUSSIAN RADAR PLANES

The London Daily Telegraph reported that Saudi Arabia has agreed to give Syria nearly $500 million to help finance a massive new arms deal with the Soviet Union, which will include two Soviet radar warning system planes.

These are similar to the American AWACS which Saudi Arabia has so far failed to buy from the Reagan administration. The Syrian arms order with the Soviets reportedly is worth almost $2 billion.

The Telegraph reported that Moscow is expected to deliver by the end of this year three squadrons of MIG-25 and two of MIG-23 fighters and ground attack aircraft and four squadrons of Sukhoi Su-22 fighters, the same aircraft as sold to Libya, two of which were shot down by Americans in the Mediterranean earlier this year.

In addition, there will be four missile-carrying corvettes of the Nanuehka type, 800 armored personnel carriers, 500 122mm field artillery guns and 200 152mm guns.

The newspaper said Saudi Arabia has a growing feeling that a political solution, despite whatever the Camp David agreements may yet produce, may not be found to the Middle East problems.

In the event of another Middle East war, Saudi Arabia wants Syria, which would take the brunt of an Israeli attack, to be well armed. Saudi Arabia is already financing the Syrian peace-keeping force stationed in Lebanon, and is trying to keep an even-handed control of volatile Arab states such as Iraq, which it is backing in the Iran-Iraq war.

On the proposed U.S. sale of surveillance planes to the Saudis, the U.S. Foreign Relations Committee, in a report made public Saturday, criticized the proposed sale as having "security implications" for Israel and warned that it could escalate the Midwest arms race and draw the Saudis into a future Arab war against Israel.

The report added that some committee members "were deeply perturbed by the repeated assertion that the United States was committed to go ahead with the sale based on U.S.-Saudi discussions which had not been shared with Congress." It also rejected the administration's contention that the sale is a "litmus test" of U.S.-Saudi relations, saying: "It would appear that the relationship of the two nations should not require such tests."

President Reagan Saturday said senators who refuse to see the value of the sale to both U.S. and Israel security "are not doing their country a service."

Reagan said he had no intention of withdrawing the proposal for the sale of the Airborne Warning and Control System planes, and repeated that he was "cautious but optimistic" that the sale would go through.

The president plans to mount a final lobbying effort Monday that White House officials said would continue up to 5 p.m. Wednesday, when the Senate is scheduled to vote on the controversial deal.

The senate staff report questions how the U.S. can monitor the Saudi use of the planes. In an effort to win votes for the proposed sale, the administration has said it has obtained agreement from Saudi Arabia to "complete sharing" of all information gathered by the planes on a "continuous" basis.

The Senate staff report discussed three methods by which U.S. personnel on the ground could gather information from Saudi-flown AWACS planes, none of which seemed entirely foolproof, the New York Times reported.

The report, quoting unnamed military officers, said "electronic filtering" could prevent American personnel from monitoring the information the Saudis were gathering.

Mr. FORD. Mr. President, for the above reasons, I shall have to oppose the sale of the so-called AWACS package to the country of Saudi Arabia. I thank the Chair for allowing me this time.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate continued with consideration of the bill.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for his amendment.

UP AMENDMENT NO. 538

(Purpose: To prohibit the Department of the Interior's Office of Surface Mining from withdrawing the final cutoff date for exemptions from the prime farmlands requirements of the 1977 Surface Mining Control and Reclamation Act)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an unprinted amendment numbered 538.

Mr. BUMPERS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 19, before the period insert the following: ": *Provided*, That no funds appropriated under this Act may be used to approve exemptions from the requirements of section 510(d)(1) of the Surface Mining Control and Reclamation Act of 1977 for surface mining permits, permit revision, or permit renewals for operations on prime farmlands, after August 3, 1982, unless such permit, permit revision, or permit renewal is issued by the permitting authority for the purpose of allowing permittee to complete mining operations within the original permit boundary".

Mr. BUMPERS. Mr. President, the only game in town right now seems to be how to save Saudi Arabia. My amendment deals with saving the United States.

This amendment deals with a bill we passed in 1977. The Senate voted then and has voted on at least two occasions since then to provide that, under the Surface Mining and Reclamation Act of 1977, coal companies that strip coal out from under what is defined as prime agricultural land must, within a reasonable length of time, restore those lands to the productivity of other prime farmlands in the area.

There is no time constraint on the period in which they must do this. The law says productivity must be restored within "a reasonable length of time."

The reason I am offering this amendment, Mr. President, is that an action has recently been taken by Secretary of the Interior Watt and the Director of the Office of Surface Mining which effectively guts—and there is no other good term to use for it—the prime farmland provision of the Surface Mining Control and Reclamation Act of 1977. Mr. President, we did not put the prime farmland provision in the strip mining bill just to rankle people's nerves and feelings. We put it in there because 1 million acres of prime farmland is being taken out of cultivation in the United States every year for surface mining and other uses, including highways, airports, shopping centers, and urban sprawl. There is not a person in the U.S. Senate, Mr. President, who believes for a minute that we can continue to increase our population as we have in the past, take a million acres of our best farmland out of cultivation every year, and still feed not only the world but the people of the United States.

I have heard it said that, at the rate at which citrus groves in Florida are being taken out of cultivation and converted to condominiums and other uses, by the year 2000, Florida, which produces 50 percent of all the grapefruit produced in the world, will not produce one grapefruit; Florida, which produces 25 percent of all the oranges produced in the world, will not produce one orange by the year 2000.

So, when we started talking about strip mining of prime farmlands and restoring these lands to their original productivity, we were doing it because we felt that our children and our grandchildren ought to have a little say-so over their future, that we ought not just to pillage everything while we are on Earth and deprive future generations of our most productive agricultural lands.

This year, 1981, 226,000 acres of agricultural land may be lost to surface mining. I am talking about the richest land in America. And though we passed that bill in 1977 saying prime farmlands must be restored, as of this moment, not one single coal operator has had to come into compliance with the bill.

Mr. President, when we passed that bill, we also said, "All you coal operators who already have a permit to mine coal can continue to mine that coal under that permit or any revisions or renewals of that permit." These operators would be exempted from the prime farmlands reclamation provisions for the duration of their pre-1977 permits. But we did not mean that operators could just renew and renew and renew their permits so that the prime farmland provisions would have no effect. What we meant was that within 5 years from the passage of the act, all operators were to come into compliance.

Not one State—I want every Senator who is listening to this, in his office or otherwise, to understand this—not one State in the Union gives a permit to mine coal for longer than 5 years. Furthermore, the Federal Government does not issue permits for terms longer than 5 years.

So, early this year the Interior Department issued a regulation that by August 3, 1982, all operators must start coming into compliance with the prime farmlands provision of this bill.

But on September 29, this Interior Department, under the direction of Secretary Watt, said, "We are going to lift that date." In a regulation published on September 29, the August 3, 1982, cutoff date was withdrawn.

What is the effect of that? The other day, in a hearing conducted by Senator PERCY, Secretary Watt said, "We are going to hold some hearings, and we are going to consider what would be a good date for a cut-off. At some point, operators will have to come in compliance, and we are going to think about it some more and talk about it some more"—even though 5 years have gone by since we passed the bill.

The Interior Department not only lifted the date of August 3, 1982, and essentially said, "You can keep on mining without complying with the prime farmlands provisions for restoring the land."

They also said in the regulation:

Lands included in an existing surface coal mining operation for which a permit was issued for all or any part thereof prior to August 3, 1977, must come into compliance—

And let me emphasize the next part of the regulation—

unless the lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit begun under a permit issued prior to August 3, 1977.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. Does that regulation exceed the bounds of the law, particularly section 510(d)(2)? That section reads:

Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this Act or to any revisions or renewals thereof, or to any existing surface mining operation for which a permit was issued prior to the date of enactment of this Act.

In other words, does the regulation exceed the statute?

Mr. BUMPERS. Let me answer that with a question.

We put the grandfather clause in there. The Senator from Louisiana and I sat in the committee during all the markups on the bill. He and I sat in the conference committee when we debated the bill, including the prime farmlands grandfather clause as did the distinguished Senator on the majority side, and we included that grandfather clause because we knew that 5 years was the longest period for which anybody had a permit. We said, "We don't want to create economic losses for anybody who has a permit at the time this legislation is passed." We said that even though an operator could get a revision or a renewal of that permit to continue mining coal within the boundary of that permit, even if the permit extended beyond the original period of time, that permit would be acceptable under the grandfather clause.

However, what Secretary Watt has done, to answer the question of the Senator from Louisiana, is to go far beyond the bounds of the statute. He effectively destroys that provision which protects prime farmlands, by saying: "You don't have to come into compliance if the lands you are mining were a part of a continuous recoverable coal seam, any part of which you were mining previously under a permit issued before August 3, 1977."

The map at the rear of the Chamber is a map of the State of Illinois, and it is there for one purpose only: To show that everything you see there in green is virtually a continuous seam of coal.

If you had a permit issued before August 3, 1977, to mine 3 acres of ground in Illinois, under the regulation which Secretary Watt and Director Harris promulgated as of September 29 of this year, you would be permitted, so long as you could get additional lands around it, to mine the whole State of Illinois, because the whole State of Illinois covers one virtually continuous seam.

Our amendment is very generous, and it does exactly what we intended to do at the time we passed the statute in 1977. It says that if you had a permit issued before August 3, 1977, you could mine that area. If you cannot finish mining the coal you anticipated mining within that permitted period which is less than 5 years, you can get an extension, a revision, or a renewal. My amendment does not change this.

However, what I object to is the new regulation issued on September 29, 1981.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. Yes. I will ask the Senator to yield some of his time to me.

Mr. JOHNSTON. I will do that.

Is it the intent of the Senator from Arkansas to restrict it any more than we did back when we passed it? In other words, is the Senator intending to breathe life into it as it reads, not further to restrict it? In the Senator's opinion, the Watt language goes beyond the statute?

Mr. BUMPERS. There is no question. We said in section 510(d)(2), which was the grandfather clause:

> This subsection will not apply to any permit issued prior to the date of enactment of this act or to any revisions or renewals thereof, or to any existing surface mining operation for which a permit was issued prior to the date of this enactment.

If you interpret this clause as Secretary Watt has done, then you have a gross contradiction with the statute. The statute contains a provision that goes into lengthy detail about how you must restore prime farmlands back to their original productivity. The Secretary's interpretation is that if you had an existing permit and a mining operation for which a permit was issued, you could continue to be exempt from the prime farmlands restoration requirements, forever, since, in most cases, strip mining seams in prime farmland areas are continuous.

Mr. JOHNSTON. I thank the Senator.

Mr. BUMPERS. Mr. President, I cannot add much to what I have said, except that I should like to make a philosophical argument.

The State of Illinois, which is a part of the breadbasket of America, has 9,400,000 acres of prime farmland; according to one conservative estimate, 2,417,800 acres of that has strippable coal under it. That means that, at some point, about 25 percent to 30 percent of the prime farmland of Illinois could be destroyed and may never be restored as was intended by the 1977 Surface Mining Act.

Obviously, at some point, America would wake up and say, "We can't go on this way." But how long is that going to be?

We thought we were taking care of this when we passed this bill in 1977. The Senator from Louisiana will recall that Senator PERCY and Senator CULVER introduced the grandfather clause. It was not my proposal, but I was a champion of it, a strong supporter of it, and I took on the unpleasant chore of opposing the majority leader last year on this very question.

And the Senate voted again to uphold the provisions of the prime farmland bill.

My State is the biggest rice-producing State in the country. It is fourth in the production of soybeans and fifth in cotton. But we only have 8 million acres of land under cultivation in my State.

Ten million acres of prime farmland with coal under it may be taken out of production just for coal strip mining alone—an area greater than the entire area under cultivation in my State.

I do not know what it is going to cost. But I will say this: We are losing in agricultural production $17 million a year now on lands that are being uncovered or stripped for coal. We get coal out of that land one time and we lose that $17 million in production every year from now until the second coming.

Everyone knows we have to face up to this problem. It is a question of when we are going to do it. I thought we had already done it. We had done it until Secretary Watt decided otherwise.

Mr. President, Secretary Watt has also changed the definition of cropland. Originally the Carter administration determined that cropland, if it had produced crops for 5 out of the last 20 years, was considered prime farmland. This administration has changed that requirement to 5 out of 10 years. That reduces the definition of prime farmland, and so reduces the total acreage that will be subject to prime farmlands requirements.

Mr. President, in this amendment, I am not saying every coal company in the country must come in compliance immediately. That is not what my amendment does. What it does is exactly what we intended to accomplish in the 1977 legislation. It says if you had a permit and you are mining coal within the original boundaries of the permit, you can be exempted under the grandfather clause. But once you mine that area out, then you have to start coming into compliance with the prime farmland requirements. You have to prove that you have the ability to comply before getting a permit, and once you get the permit you must comply. The time is now.

So, Mr. President, I hope my colleagues will understand we are not trying to deprive anyone of an economic value. No one is deprived of any economic value that he had at the time we passed the bill. So I sincerely hope my colleagues will support the amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BUMPERS. Thank you. I reserve the remainder of my time.

Mr. McCLURE. Mr. President, I am having some difficulty trying to determine just what it is that the Senator from Arkansas is trying to achieve, because there is not any question that the legislation on the books provides for the restoration of prime farmland for operations that begin after the date of that act.

The exemption that was written into the law, which has been read into the record here today, already provided that those operations which were then in existence as defined in the statute and the regulations that were issued subsequent to that would be exempted from that prime farmland restoration requirement.

I am not here to debate the degree of restoration that might be required under the prime farmland requirement as contrasted to the protection of watersheds, soils, revegetation and restoration under the regulations independent of the prime farmland provision. That is in effect and that is not at issue here, as I understand it. But there is some distinction between the two.

I do not believe that there was any question at the time we adopted it. It was intended to have a grandfather clause, and that grandfather clause should apply to those operations as thus defined. There was no time limit expressed in the statute.

The last administration sought to attach a time limit. It said irrespective of the provisions of the law we find that to be a reasonable application of the grandfather clause, there has to be a cutoff date. They established a cutoff date, which I do not believe was called for or required or even permitted under the statute.

If I understand the Senator from Arkansas he is saying he does not disagree. Within that boundary, they may continue mining no matter how long it takes them to complete that mining operation within that boundary.

As I understand what Secretary Watt and the Office of Surface Mining have suggested is that we remove the cutoff date, and apparently we all approve of that. Apparently we all agree that that is proper, that the arbitrary date was not provided for and not required by the existing statute.

The second issue, as I see it, lies in the question of whether or not the States are to be permitted under their reclamation enforcement to adopt primacy. There is some discussion in the Federal Register in the rulemaking that is underway at the present time whether the State conservation plan that would be adopted under the primacy provision of the act which we adopted would give them some flexibility to deal with the question of restoration of prime farmland as well as the other provisions under the statute.

I do not understand that to be a proposal on the part of anyone that we simply wipe out the grandfather clause by saying any mining operation that was started out may continue forever if it is on a continuous seam of coal. As I understand, that is what concerns the Senator from Arkansas.

I have searched the Federal Register. I cannot find it. It may be that is someone's interpretation of what may come from this. But I do not see that. I might also add that at the present time the previous rulemaking that established the cutoff date as well as other provisions——

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. BUMPERS. May I insert this in the RECORD?

Mr. McCLURE. Of course.

Mr. BUMPERS. What I was reading with regard to the continuous seam provision was from Monday, September 28, 1981, Federal Register. It is the provision on pages 47721 and 47722.

Mr. McCLURE. That is actually on Tuesday, September 29. I have it in my hand.

Mr. BUMPERS. What did I say?

Mr. McCLURE. The Senator said Monday, September 28. I think the correct date is Tuesday, September 29.

Mr. BUMPERS. The regulation is indeeded dated September 29. I am sorry.

Mr. McCLURE. It appears on page 47721.

Mr. BUMPERS. 47721.

Mr. McCLURE. It starts on page 47720 and goes through 47722.

Mr. BUMPERS. Right. Special performance standards 716.7, prime farmland, and thereafter.

Actually the relevant part is on the succeeding page if the Senator wishes to go through it.

Mr. McCLURE. I am happy to because I have read all of that.

Mr. BUMPERS. He has not read all of that?

Mr. McCLURE. I have read all of that.

Mr. BUMPERS. Under subparagraph (iii). Does he see (iii)?

Mr. McCLURE. Yes.

Mr. BUMPERS. "Lands included in any existing surface coal mining operations for which a permit was issued for all or any part"—"or any part" is the key here—"thereof prior to August 3, 1977, provided that:"—and then if we look at subsection (c), it says: Provided that: "the lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit—or multiple pits in the lands are proved to be part of a single continuous surface coal mining operation—begun under a permit issued prior to August 3, 1977."

Mr. McCLURE. May I say to the Senator that I think that language is ambiguous in terms of the application here. I understand his concern now that he has identified how he thinks it might be interpreted. I do not think there is any doubt in the mind of the Senator from Idaho, who sat through all those debates and all those markups as did the Senator from Arkansas with respect to this issue, and also on the floor of the Senate as we debated the amendments of that act. I think there is no doubt that the intention of the law was to grandfather those operations for which a mining plan had been issued. The concern I have with the Senator's amendment as offered is the last line of the addendum which says "to complete mining operations within the original permit boundary." The Senator knows there may be sequential permits under a mining plan.

Mr. BUMPERS. The Senator is absolutely right. One can call that taking liberty with the statute but the statute makes absolutely no sense under any other interpretation.

Mr. McCLURE. I think it may indeed because the Senator would know that we debated at great length the question of what was a mined plan as distinguished from the operation that might extend over a whole series of years going down a coal seam or through the countryside on a bed of deposit of coal.

Mr. BUMPERS. Mr. President, will the Senator yield at that point.

Mr. McCLURE. I yield.

Mr. BUMPERS. Let me point out that no mining plan is ever required nor indeed is one submitted for longer than the permit period.

No permit period is longer than 5 years.

Mr. McCLURE. That is not always the case, I would say to the Senator.

Mr. BUMPERS. That may not be true on Federal land. We are not so concerned here with Federal lands at this point because there are no prime farmlands on Federal lands.

Mr. McCLURE. Well, there can be.

Mr. BUMPERS. There may be, but I venture to guess there are less than 10,000 acres in the whole United States.

Mr. McCLURE. I do not have the figures, but I think you might find there are in excess of that particularly where there are federally reserved mineral rights as distinguished from fee ownership in the land.

I do not have a quarrel with the attempt of the Senator to avoid the——

Mr. BUMPERS. Circumvention of the law.

Mr. McCLURE. Circumvention if, as a matter of fact, that is what it is, to get around the limitations of the grandfather clause.

On the other side of that I do not believe we want to go in the other direction and say any less than was said in the original enactment.

Mr. BUMPERS. I appreciate the Senator saying that because when we were debating it I was not very supportive of the grandfather clause. I voted for it because regardless of whether it is a severe economic impact or a very small economic impact, I thought there was an element of unfairness to people who were at the present either mining or who already had a permit in hand to mine coal, to suddenly change the rules on them in the middle of the game.

When the administration last year set a 5-year time period that was not an arbitrary date. As I have pointed out, they checked very carefully to find that no State issues a permit for longer than 5 years. My amendment is even more generous than that because it effectively says to these people, "You can continue mining prime farmlands under a revision or even a renewal of your permit as long as it is within the original permit boundaries without having to comply with the prime farmlands requirements." But at some point those requirements must become operative, and I think I have been extremely generous in my interpretation of the law.

The Secretary's interpretation of it is that we may never require the implementation of the prime farmland provision of the bill, and I think that is a direct and flagrant and blatant attempt to thwart what was the obvious intent of Congress when we passed that bill in 1977.

Mr. McCLURE. I know opinions can differ as to what the intention was and, indeed, our recollections or memories may differ.

Let me read again what the statute says, the existing statute, under which permits are issued:

> Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this act—

and we have no quarrel with that issue—

> or to any revisions or renewals thereof or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this act.

We have some problem with respect to whether or not there is an existing surface mining operation. What is the extent of that, what are boundaries, what are the limits of that? But it is obvious that the grandfather clause did apply to any existing surface mining operation. It also does apply to any revisions or renewals of a permit which had been issued prior to the date of the enactment of the act.

Mr. BUMPERS. At that point, as does the Senator, I wish there were a little more specificity. But let me read through that and sort of paraphrase as I go through it to point this out: No. 1, when it says "nothing in this subsection shall apply to any permit issued prior to the date of enactment of this act," then it says "or to any revisions or renewals thereof," referring back to the original permit.

The original permit had a specific boundary in it, so obviously any revision or renewal of that permit, which refers back to a revision or renewal of the original permit, would still refer to the lands that were covered in the original permit. That is the reason why I came down on the side of saying operators could continue to mine within the original permit boundary because I do not believe the law is subject to much of any other interpretation.

Mr. McCLURE. I understand what the Senator is saying. My only difference with him would be whether there is a mining operation which is larger than the single permit which is granted. The Senator would know in many instances there is a mining plan which is offered and in which sequential permits for individual actions or for statements of time under that mining plan are offered.

If that is the case—and I cannot say it is the case here—then the Senator's amendment would have the effect of limiting the grandfather clause much more strictly than was originally contemplated in the statute. If it is not the case then, of course, the Senator's amendment would not.

I have no objection to restating the law, even though we are dealing here in an appropriation rather than in a legislative matter. But I am hesitant to see us attempt to revise the statute, if that is what is intended, to remove an ambiguity which may be or may not be apparent in the eyes of whoever may be beholding that particular regulation or that particular section of the statute.

Mr. BUMPERS. We are making a pretty good record of what my amendment is intended to do. As I have pointed out, and will say again, my amendment goes as far as one can go in interpreting the grandfather clause without effectively repealing the prime farmland provision which the Congress has not chosen to do.

Mr. McCLURE. I understand the Senator's position.

Might I inquire of the Chair how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Idaho has 6 minutes remaining, and the Senator from Arkansas has 4 minutes remaining.

Mr. McCLURE. I yield 3 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I must say when I first saw this amendment, I thought that this amendment was in-

tended to undo a very carefully crafted compromise of the committee and of the Senate put together when this substantive bill was put before us.

But as I read this language from the Federal Register it is somewhat ambiguous, but it does seem to suggest, as the Senator from Arkansas says, that it is the intent of these regulations to go beyond what I read as the authorizations and Public Law 95–87.

At this point, and very tentatively, I would say that his amendment is intended to breathe life into what we considered to be the limits of Public Law 95–87.

So when I came on this floor intending to oppose this amendment I now cannot find justification to say that his amendment goes beyond what we intended by that compromise. To the contrary, as I read it—and I will wait to be convinced to the contrary, and perhaps I ought to at this point let my colleague from Kentucky convince me to the contrary—but as of this point it seems to be consistent with that compromise.

Mr. McCLURE. I yield 2 minutes to the Senator from Kentucky.

Mr. FORD. Mr. President, let me discuss the exactness of the April 3, 1982 cutoff date. We all know that this is the cutoff date now in the Federal regulation, and the act itself has no specific cutoff date.

I realize that this cutoff date was approved by the Senate on August 22, 1980, and we must recognize that it was not adopted standing by itself. We did not adopt this date when it stood out there alone. It was part of a major compromise attempt to rewrite and recodify the regulations relating to prime farmlands in general. The Senator from Arkansas and I were, I guess, as interested in that compromise that morning as any other Senator attempting to rewrite or to arrive at that compromise.

On August 22 I did indicate during the course of the debate that at that time August 3, 1982 appeared to be reasonable. This was done with certain understandings that I believe we all shared. The principal understanding was that most, if not all, of the States seeking primacy would achieve it during calendar 1980 or early 1981. This unfortunately has not been the case.

Most States do not have primacy. If we set the August 3, 1982 date in concrete, I say to my colleagues, we will be forcing States that only recently to that date had been granted primacy to act with undue haste on prime farmland mining permits.

I have a suggestion for the distinguished Senator from Arkansas, that instead of pursuing this amendment, which, after all, affects only 2 months, we attempt to seek legislation with regard to section 510(d)(2) itself. We have seen the folly in all the surface mining turmoil in setting a calendar date certain for all to meet in what is essentially a fluid State-by-State development. I, for one, feel it would be much sounder to relate the cutoff of exemption to the date when a particular State actually achieves primacy.

Could the Senator help in that respect? Does he not believe that this would be about as good as we can do than really only have 2 months and it is about gone?

Mr. BUMPERS. Mr. President, I just want to say to the distinguished Senator from Kentucky and also to both of the distinguished floor leaders of this bill that under your interpretation of this there will never be any compliance with the prime farmlands requirements.

Mr. FORD. I say to my colleague that he is coming at this piece of legislation indirectly and then he makes it open season and the only thing I can say is S. 1403 is alive again.

The PRESIDING OFFICER (Mrs. HAWKINS). The time of the Senator from Kentucky has expired.

Mr. McCLURE. Madam President, how much time remains?

The PRESIDING OFFICER. One minute and 26 seconds remain for the Senator from Idaho.

Mr. BUMPERS. Madam President, I believe I have 4 minutes and something remaining. I yield the remainder of my time to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. I thank my distinguished colleague very much, indeed.

Madam President, I support strongly the Bumpers amendment to the Interior appropriations bill as part of a general concern I share with my colleague from Arkansas about the preservation of prime agricultural lands. In particular, the reclamation of prime farmland after it has been surface mined is an important part of our efforts to protect and preserve the Nation's agricultural resources. Congress has addressed this issue specifically in the past; as part of the 1977 Surface Mining Control and Reclamation Act my colleagues overwhelmingly supported an amendment I proposed requiring 100 percent reclamation of surface mined prime farmland.

Madam President, we have 18 million acres of prime farmland in the United States that has coal under it. Nine million of those acres—half of that amount in the country—is in the State of Illinois. So we have a very deep interest in the Bumpers amendment and in this issue.

Last year, the Senate was nearly unanimous in its support for a measure similar to this one of Senator BUMPERS, which would have set an August 3, 1982, cutoff date for grandfather exemptions to the prime farmland reclamation rules.

Now, however, the Department of the Interior seems to be somewhat hesitant to implement this part of the act. The previous administration ruled that the August 1982 date be the end of grandfather exemptions to the prime farmland reclamation provisions. Earlier this year, Interior recalled these regulations, then reissued them in almost identical form, only without a specific cutoff date. Instead, they proposed to decide the cutoff date through a separate rulemaking.

Last week, at a hearing which I chaired and Senator BUMPERS attended and participated in actively, we each pressed DOI on this point. In the abstract, I am supportive of DOI, and would like to allow them to complete their rulemaking on the issue. I also hesitate to use the appropriations process to decide particular points of policy. However, on balance, I feel that it is wise for the entire Senate to indicate once again its concern for this issue by voting for Senator BUMPERS' amendment.

It should be pointed out that the States may nonetheless use their own funds in their reclamation programs to continue the approval of grandfather exemptions. Any true cutoff date will only come through the Department's promulgation of a rule. That is why the DOI rulemaking is so important, and why I pressed so hard for it at our hearing last week.

I must also add that I was quite encouraged by what I heard at the hearing about the improvements in reclamation technology over the last few years. Quality reclamation is no longer a question, it is a fact. Admittedly, further advances must be made for us to be assured that all prime farmlands can be fully reclaimed. Nonetheless, the amount and kind of reclamation work now going on is in harmony with what the Congress intended by passage of the 1977 act.

I am confident that the various interests will continue to work together on this issue to come to a sensible solution. In Illinois, the Governor has done a great job in setting up the State reclamation program. The coal companies have made tremendous gains in reclamation technologies. Farm and citizen groups have provided invaluable assistance in educating the public about the utmost importance of protecting our agricultural lands.

At the same time, the Office of Surface Mining should continue its vigilance of and encouragement to the States, helping them develop and implement fair and effective reclamation programs. The rulemaking on the cutoff date is part of this effort. Otherwise a State which supports a cutoff date earlier than its neighbors would be putting its own coal industry at a competitive disadvantage. Support of this amendment will show the Interior Department that the entire Senate shares the concerns that Senator BUMPERS and I stressed to them at last week's hearing.

Madam President, may I ask my distinguished colleague from Arkansas (Mr. BUMPERS) if I may be added as a cosponsor of h's amendment.

Mr. BUMPERS. Madam President, I ask unanimous consent that the Senator from Illinois be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time of the Senator from Arkansas has expired.

Mr. McCLURE. Madam President, I must strenuously oppose this amendment, not because I do not think there is ambiguity, because there apparently is. But the way to revise the ambiguity and remove it is in the legislative forum before the legislative committee.

I am sure that the Energy and Natural Resources Committee can hold hearings to determine the nature of the problem, the extent of the question, revise the ambiguity and remove the ambiguity and resolve it in a way which is satisfactory to the entire Senate.

But I submit it is not right to attempt to legislate in this fashion on the floor of the Senate on an appropriation bill without the benefit of hearings before the authorizing committee.

I have great respect for the Governmental Affairs Committee that held the hearings. But the Governmental Affairs Committee is not the authorizing committee. It is not simply a matter of jurisdiction, but the authorizing committee, the Energy and Natural Resources Committee, is the one that held past hearings, the one that develops the legislation in the forum which the Senator from Arkansas has suggested, previously had an understanding of what those terms meant.

It seems to me that that legislative committee ought to have the opportunity to look at the question and determine whether or not the ambiguity does need to be resolved so that we do not end up in court, as we are now on this precise regulation and as we certainly will be again on any subsequent regulation derived under this particular procedure.

So I would hope that the Senate will reject the amendment and give the authorizing committee, the legislative committee, the opportunity to legislate rather than do it in this manner on an appropriations bill.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Madam President, I ask unanimous consent that we may proceed for an additional 10 minutes on the Bumpers amendment and that that time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I wanted to ask the distinguished floor manager a couple of questions about the regulation of September 29, 1981. Is it the distinguished floor manager's understanding that, in order to be exempt from the prime farmland provision No. 1, the permittee must have had a permit in existence prior to August 3, 1977?

Mr. McCLURE. Either he must have had a permit in existence or mining operations must have begun under the definitions that were written into the statute in the legislative history of the rules and regulations, yes.

Mr. BUMPERS. Is it the distinguished manager's interpretation that the reference in the new regulation to lands being mined or owned by a permittee for purposes of mining—the part that deals with a continuous recoverable coal seam—only refers to such lands as were included in the original permit? It says here the permittee had legal right to mine the land prior to August 3, 1977, through ownership, contract, or lease, but not including an option to buy, lease or contract.

Is it the distinguished floor manager's interpretation that that refers to lands the permittee owned at that time?

Mr. McCLURE. That could be in the mining operation, not necessarily within the boundaries of the permit. I think that the definition that is contained in the proposed regulation would conform to the intention of the law.

Mr. BUMPERS. Let me say this, Madam President, to the distinguished floor manager: In private discussions with him, he has agreed to hold hearings in an effort to resolve any ambiguity which exists either in the grandfather clause of the original bill or in these regulations, with a view toward offering the Senate an opportunity to determine a specific date so that there will be some finality to the time in which permitted lands or subsequent permitted lands must come into compliance with the prime farmland provision.

Mr. McCLURE. Let me assure the Senator that this colloquy very eloquently reveals the existence of an ambiguity in the underlying statute and the possibility of different interpretations that might be expressed in regulations under that statute. It certainly would be my expectation that, indeed, by regulation or by statute, we need to define the grandfather clause in some kind of limited term, not an unlimited term, whether it be in the extent of boundary or by time limit.

That is one of the things that I think would have to be determined by the hearings, to determine exactly what the situation might be in various areas of the country and how we can best deal with the question of how to limit the extension of the grandfather clause. I think there is a recognition that it needs to be limited in some manner.

I suppose it might be possible that the evidence adduced at such a hearing would indicate that there is not as large a problem as now looms in some minds. We might, in that event, decide we do not have to make that limitation. My expectation would be, however, that we would desire to impose a limit, either by area or by date.

Mr. BUMPERS. Or both?

Mr. McCLURE. Or both, Madam President.

I say further to the Senator that having this issue raised in this manner, let me give him the assurance that the legislative committee will hold hearings to try to develop the evidence and then move from that to a positive solution of the ambiguity that is before us.

Mr. BUMPERS. I thank the Senator very much.

With that, Madam President, I withdraw the amendment.

The amendment (UP No. 538) was withdrawn.

AMENDMENT NO. 618

On page 40, line 21, strike the number "$408,490,000" and insert in lieu thereof the following:

"$273,490,000 and $135,000,000 to be derived from 'Fossil Energy Construction', Department of Energy,"

The PRESIDING OFFICER. Under the previous order, there will now be a vote on the amendment of the Senator from Wisconsin (Mr. PROXMIRE) No. 618. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. SCHMITT) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from HAWAII (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "nay."

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—40

Abdnor	Garn	Levin
Armstrong	Gorton	Lugar
Baucus	Grassley	Mattingly
Biden	Hatch	Nickles
Boren	Hawkins	Packwood
Boschwitz	Hayakawa	Proxmire
Byrd, Harry F., Jr.	Helms	Quayle
Chafee	Humphrey	Riegle
Cohen	Jepsen	Roth
Danforth	Kassebaum	Simpson
Dodd	Kasten	Symms
Durenberger	Kennedy	Wallop
East	Laxalt	Zorinsky
	Leahy	

NAYS—57

Andrews	Glenn	Nunn
Baker	Goldwater	Pell
Bentsen	Hart	Percy
Bradley	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Randolph
Byrd, Robert C.	Hollings	Rudman
Cannon	Huddleston	Sarbanes
Chiles	Jackson	Sasser
Cochran	Johnston	Specter
Cranston	Long	Stafford
D'Amato	Mathias	Stennis
DeConcini	Matsunaga	Stevens
Denton	McClure	Thurmond
Dixon	Melcher	Tower
Dole	Metzenbaum	Tsongas
Domenici	Mitchell	Warner
Exon	Moynihan	Weicker
Ford	Murkowski	Williams

NOT VOTING—3

Eagleton	Inouye	Schmitt

So Mr. PROXMIRE's amendment (No. 618) was rejected.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 539

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 539.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 9, strike the period and insert the following:

": *Provided*, That the funds deferred under this head in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) $135,000,000 shall be available for continuing design of the Solvent Refined Coal-I (SRC-I) demonstration facility (Project No. 78-2-D)."

The PRESIDING OFFICER. Just one moment. Members will take their seats, please. The Senate will be in order.

Mr. McCLURE. Mr. President, this amendment simply does in an affirmative way and by affirmative language what the Senate just decided to do in turning down the Proxmire-Nickles amendment. It says in the face of the statute that this amount of money is appropriated for SRC–I. The committee had put that in report language and in view of the amendment just rejected, I thought it would be appropriate that we put it in unambiguous terms into the appropriations statute. That is the purpose.

Mr. JOHNSTON. The Senator is correct, and we support the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McCLURE. I yield back my time.

Mr. JOHNSTON. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (UP No. 539) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico (Mr. DOMENICI) may proceed for 5 minutes without time being charged against the time allocated to the bill or any amendment thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SALE OF AWACS TO SAUDI ARABIA

Mr. DOMENICI. Mr. President, I first want to thank the distinguished majority leader for his request.

I rise to state my position on the AWACS sale. I am convinced that the proposed sale does no harm to the future of Israel, and that it offers us an opportunity to bring the Saudi Arabians into the peace process in the Middle East.

I would not be making this commitment if I was not firmly convinced that our President, indeed, is firmly committed to Israel, to its protection and to our longstanding commitment to that country, and to our partnership in their great experiment in freedom and democracy in the Middle East.

I am convinced that his actions to this point support that position. I am convinced that over the last decade his actions have clearly indicated that he is so committed.

I am further convinced that it is a fact that Israel cannot stand alone in the Middle East. There must be other countries there, moderate Arab countries, that are willing to join in the peace efforts to make a real effort to bring peace to the Middle East.

I believe the Saudis are the most likely country to do that, but I do think that possibility is lost if we turn this sale down. If we do not give them the sense of mutual trust and regard their concern as to the symbol that comes with this proposed sale, I think we will have lost any opportunity for that kind of arrangement.

I am absolutely convinced that we must broaden our sphere of friends, and that this sale will provide a real test of the Saudis' willingness to become a constructive force in the Middle East.

I am certain that many still do not understand that we will not deliver these AWACS for 4 years. That is a long time. That will give us and the Saudis and other friends we have in the area ample opportunity to see whether or not what I have just stated can indeed reach some profitable point of fruition, whether their commitment to become a constructive force in the Middle East is so or not.

I am also convinced without a doubt, too, that the Saudis are going to purchase equipment of this type. There is no doubt in my mind that they will either buy from England or France or the Soviet Union. I am convinced they are going to do what they think is in their best interests to protect the oil fields from what they see as a position now where they cannot adequately defend, predict, or foretell what might be happening.

Obviously, there are risks in any transaction of this type. Knowing what I know about the President and his commitment, I am convinced as a Senator that I should resolve the doubts in his favor.

There has been much talk about the nature of the technology. I am certain we are going to receive certain certifications regarding the safekeeping of AWACS. I am convinced that that, plus the need to train, the need to work together, to put that equipment for the foreseeable future in a position of being safe, and I am also convinced that much of the technology, along with the limited software, is not as serious a problem to the free world as some would indicate.

In summary, I believe that if we reject this sale we reject an opportunity to bring a new potential player into the arena that will seek peace in the Middle East. I am convinced that we have adequate time to find out whether the initial—although they have not been major episodes, but some initial—indications that the Saudis are willing to try to play that role, we will have plenty of time to see whether it is doable or not.

I intend to support the President because I believe his reasoning is sound.

I close by saying that it seems to me when you have President Reagan, and former Presidents Ford, Carter, and Nixon, all indicating that this sale is in our interests, that while we have prerogatives, that those four individuals, knowing the problems with respect to foreign affairs and the perception of a President in the world, should carry some weight.

Mr. President, I do hope that the President will prevail tomorrow. I do not think that his leadership in that part of the world will be truly what it must be if we deny him this opportunity to work with the Saudis while continuing our commitment to protect and to remain a staunch ally to Israel.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1982

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is to be recognized.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. DOMENICI. Mr. President, I wanted to ask the distinguished Senator from Idaho a question then I would yield.

Before final passage of the bill, I wanted to engage in about a 3- or 4-minute discussion about the bill with the Senator from Idaho and perhaps ask him for some comments as to whether my analysis of it versus the first resolution and its complying with crosswalk targets were correct, because I think that his amendment that has already been adopted is precisely within the first resolution and within the targets.

The PRESIDING OFFICER. I would advise the Senator that it would take unanimous consent.

Mr. McCLURE. Mr. President, in response to the Senator from New Mexico, it would be my intention to ask unanimous consent to conduct that colloquy. We can do it at any time. I would suggest that immediately upon the disposition of the Cannon amendment would be a good opportunity to do it.

Mr. DOMENICI. I thank the Senator.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the permission to submit the Cannon amendment and the time therefor, that that order be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from New Mexico may have 5 minutes to proceed in general discussion on the current legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would ask the distinguished managers of the bill, in particular, the distinguished senior Senator from Idaho, the manager for the majority, if he could give me just a few moments to see if he and I could agree on what the bill does and what it does not do.

First, the Senate bill, H.R. 4035, as reported by the Appropriations Committee, provides new budget authority of $7.7 billion in 1982. It is my understanding that the distinguished Senator from Idaho, the chairman of the subcommittee and the manager of the bill, has already offered, and the Senate adopted, an amendment to reduce the bill as reported by $165 million in budget authority, bringing the bill down to $7.6 billion in budget authority.

Mr. McCLURE. The Senator is correct. It is actually $7.582 billion, but rounded to $7.6 billion.

Mr. DOMENICI. I wish to commend the Senator for that. It is absolutely essential, in my way of thinking, that we do everything we can to stay within some

sort of budget allocation. I commend him for that.

With the McClure amendment, and taking into account the possible later funding requirements of forest firefighting and the October 1981 pay raise, if my figures are correct, the bill will be exactly at the Interior Subcommittee's first budget resolution budget authority crosswalk, and $600 million below its allocation in outlays.

Mr. McCLURE. The Senator is correct.

Mr. DOMENICI. As the Senate is aware the two items which I have just described are inevitable. They will occur. You have not put them in this bill because they belong elsewhere. However, the committee has left room for them so that the bill will still be within its budget allocation. Is that correct?

Mr. McCLURE. The pay supplemental and the firefighting costs will come in a supplemental bill, as they always do. We anticipated they will be there and we have made allowance for them. The Senator is correct.

Mr. DOMENICI. The bill, as amended, is $1 billion in budget authority and $600 million in outlays above the President's September request. I want the Senator to know that my purpose in stating that is not to here and now argue the point as to whether the bill should have been brought down to that level, but to point out the effect of the President's proposal on this committee's bill. The President's 12 percent proposal would have reduced programs in the bill by another billion dollars in budget authority and $600 million in outlays. Is that not correct?

Mr. McCLURE. The Senator is again correct.

Mr. DOMENICI. In general, then, would you agree that the Interior bill is not consistent with the President's September 23 request. Under the committee's bill, most programs are funded at or slightly below the March request of the President. I think that is correct, also, is it not?

Mr. McCLURE. As a general statement, that is correct.

I would like to also point out there are some substantial differences between the House bill and the Senate bill. Although the dollar totals are similar, the components are somewhat different. We cannot really indicate exactly what the shape of the legislation will be until we get back from the conference and see how those differences are resolved.

Mr. DOMENICI. I was just going to make that point, I say to my good friend from Idaho.

The major exception to the President's September request in this bill is for the Land and Water Conservation Fund.

Mr. McCLURE. There are two areas in which the bill exceeds the September target as suggested by the administration. One is the Land and Water Conservation Fund and the other is a rather large aggregate of moneys in the energy conservation and renewable energy accounts, upon which there has been a substantial disagreement between the Senate's position and that of the administration over the months ever since the March submission.

Mr. DOMENICI. Mr. President, I would indicate, in looking at the bill, that it provides $100 million for State recreation grants under the Land and Water Conservation Fund, proposed for elimination by the President and $50 million more than was proposed for the Federal land acquisition.

Mr. McCLURE. The Senator is correct.

Mr. DOMENICI. The President has proposed an immediate moratorium on Federal parkland acquisition and has requested $40 million, the amount estimated to be necessary to close it out. This same general policy was proposed by the President in March.

Mr. McCLURE. The Senator is right.

Mr. DOMENICI. This bill, as reported originally, was generally at the President's March request, with the exception of the Land and Water Conservation Fund. The net effect of the McClure amendment is to offset the increase for the LWCF, bringing the bill, in total, essentially to the President's March proposed level.

Mr. McCLURE. Essentially so.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. JOHNSTON. It was over the March budget request in at least one other area, and that is the payment in lieu of taxes by some $60 million. But I think the McClure amendment offset that, as well.

Mr. DOMENICI. I think that is correct. The Senate bill is $400 million in budget authority and $300 million in outlays below the House level. The House bill provided no funding for payments in lieu of taxes, while the Senate bill provided $100 million.

The Senate provides no funding for either the youth conservation corps or urban parks, while the House bill provided $30 million for those programs. The Reconciliation Act authorized no funds for the youth conservation corps and that is what the Senate bill does.

Mr. McCLURE. And we made an adjustment in an amendment which was offered on the floor by the Senator from Mississippi (Mr. COCHRAN) to add $7 million to payment in lieu of taxes for the Fish and Wildlife Refuge System. So that that figure is now about $112 million.

Mr. DOMENICI. The Senator is correct. I did not take the Cochran amendment into consideration, but I do recall it.

The Forest Service appropriation in the bill exceeds the total level authorized in the Reconciliation Act for the Forest Service by $200 million. It also exceeds the President's September request by this amount.

Mr. McCLURE. I think that figure is nearly correct. We are about $116 million or $117 million over the reconciliation level. This item will be in conference and will be discussed with the other body.

Mr. DOMENICI. With regard to the Forest Service, the House is $100 million above the Senate's level, which will be another item in conference.

Mr. McCLURE. Yes.

Mr. DOMENICI. Mr. President, I thank the distinguished manager of the bill for this dialog.

I ask unanimous consent that a table showing the relationship of the reported bill, together with possible later requirements, the two that I have spoken of, be printed in the RECORD. The table basically places in a chart form, the numbers we have discussed here today.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INTERIOR SUBCOMMITTEE

[In billions of dollars]

	Fiscal year 1982	
	BA	O
Outlays from prior-year budget authority and other actions completed		4.3
H.R. 4035, as reported in Senate	7.7	4.9
Effects of McClure reduction amendment	−.2	−.1
Possible later requirements:		
Forest firefighting	.2	.1
October 1981, pay raise	.1	.1
Total for Interior Subcommittee	7.8	9.3
First Budget resolution level	7.8	9.9
House level [1]	8.2	9.5
President's March request [1]	7.8	9.2
President's September request	6.8	8.7
Interior subcommittee compared to:		
First budget resolution level		−.6
House level [1]	−.4	−.3
President's March request		
President's September request	+1.0	+.6

[1] Adjusted to reflect the off-budget status of the strategic petroleum reserve.

Mr. DOMENICI. I want to commend the distinguished Senator for the work that he and others have put into this bill. Some might wonder why I am not here supporting an across-the-board 12-percent cut on this. My position is very clear: I think we have to reduce the 1982 expenditures, but I do not believe that we can reasonably be expected to save $8 billion, 12 percent, on domestic accounts through the appropriations process.

I do hope that before we are finished some target number will be reached for all the bills so that we will not have one veto after another, but we will reach agreement to let this process work.

Committees have an important role to play. Given that we are still working on the March number resulting from reconciliation, I do not believe that anyone can say that the appropriations process to this point has been irresponsible. Quite to the contrary, the sum total would probably have come within the reconciliation and the first budget resolution rather handily. Some could be over, but I do not think there are cases which would break this budget, nor do I think there would have been significant effect on the cumulative deficits even if we had been slightly over. With respect to the overall totals appropriated in this bill, however, we are not even over budget allocations.

I will support the position of the Senator from Idaho, until we find some other solutions to assign to some general role of the appropriations process.

Mr. McCLURE. I thank the Senator very much. I appreciate particularly the fact that he has underscored the fact

that the appropriations process is doing what it is supposed to do. The Appropriations Committee has attempted to live up to the reconciliation targets adopted by this body earlier. I think if anybody will look at the total shape of the Federal budget, it is not the appropriated funds which are driving the increases in the budget nor being a matter of concern in the 1983 or the 1984 expenditure levels. If the rest of the budgets are in as good a shape as the appropriated fund levels are, we would not be facing the kinds of trouble we are at the present time.

Certainly, we do need to establish the means by which we do achieve the other macroeconomic game plan upon which the Congress and the administration can agree. I thank the Senator for his comments.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

UP AMENDMENT NO. 540

(Purpose: To reduce by 5 per centum the funds appropriated in the bill for payments not required by law)

Mr. MATTINGLY. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an unprinted amendment numbered 540.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. JOHNSTON. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The bill clerk read as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . The total funds appropriated or otherwise made available by this Act for payments not required by law shall be reduced by five (5) per centum: *Provided*, That the amount appropriated or otherwise made available in this Act for each appropriation account, activity and project under which payments not required by law are made not be reduced by more than nine (9) per centum.

Mr. MATTINGLY. Mr. President, throughout this entire session of Congress, virtually all of my colleagues have acknowledged the absolute necessity of revitalizing the American economy and restoring the faith of the American people in the future of this great land. We have repeatedly assured the average citizen that we, as U.S. Senators, would lower interest rates and reduce the ravages of inflation by eliminating Federal deficit spending.

We have raised the expectations of all Americans through our actions in this session. We have indicated our intent to respond to the voters mandate of November 1980, to reduce the level of Federal spending, lower Federal taxes, and place the control of an individual's economic destiny back in his or her own hands.

I want to commend the Senator from Idaho, who, as subcommittee chairman, has labored valiantly through many long weeks and days to guide the formulation of the proposal which is now before us. As a member of the Appropriations Committee, I can appreciate his leadership in arriving at many difficult decisions involving competing interests.

However, even at this advanced stage of our consideration of this bill, close scrutiny reveals that we still have not reduced the level of Federal spending in this area to a figure which will meet our earlier promises of economic revitalization. Some of my colleagues seem to cling to the notion that we can continue to spend Federal dollars at these levels which, in turn, will tend to delay—or destroy—reductions in interest rates and inflation.

My amendment is very simple. Even after the amendments submitted by Senator MCCLURE and others, the bill is still approximately $1 billion above the figure needed to effectively fight deficit spending.

My proposal would mandate a further average reduction of 5 percent to correct that problem, but it also provides that no one account, activity, or project shall be forced to bear more than a 9-percent reduction. Further, mandated or entitlement funds are exempted from any further cuts.

As I pointed out earlier, we have made significant progress with our efforts and we have raised the hopes and expectations of our people. Now it is time to prove that we have not merely been paying lipservice to the principle of fiscal responsibility and budget reform. It is time to prove whether we only intend to be "shadow-boxers" in the war on inflation, or whether we stand ready to deliver a knock-out blow. It is time to stand up and be counted as to our real commitment to economic revitalization of America, and the people deserve to know their Senator's position on the issue.

My brief tenure in the U.S. Senate has taught me rather rapidly that very few really uncomplicated issues are brought before this Chamber.

However, I would submit to my colleagues that this is one of those rare instances. Either we are for fiscal responsibility, or we are against it. We will either fight inflation with every tool at our disposal, or we will allow it to continue to rob the American public. If we really believe what we have been saying, we can vote now to prove it. If not, we should at least be honest enough to tell the folks back home that we were just fooling them with our rhetoric.

I want to call to the attention of my colleagues that this reduction does not bring the spending level down to the budget target which has been requested. To do so would require a reduction of approximately 14.8 percent. This reduction does, however, establish a point of principle that we in the U.S. Senate can and will act in a responsible manner to make some significant reductions toward that goal.

I urge the adoption of this amendment and call for the yeas and nays on the question.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCLURE. Mr. President, while I commend the Senator from Georgia on his desire to reduce Federal expenditures, I must rise in opposition to an across-the-board-reduction of the appropriations contained in this bill.

There are 19 different departments and agencies which receive all or a portion of their appropriations through this bill. The only way this amendment could be applied is to invest in the Office of Management and Budget the discretion to reduce appropriations enacted by the Congress. That is an authority and a responsibility which should never be abdicated by the legislative branch.

Mr. President, while the Senator is correct that the bill now under consideration is substantially over the September budget estimates, I feel it would be helpful to view this measure from a different angle. Let us look at where we are compared to the appropriations for fiscal year 1981.

The administration and the Congress have agreed that we cannot continue "business as usual." In my opinion, this bill meets that commitment. In the Department of the Interior, for example, only three accounts show an increase over the fiscal 1981 level: The National Park Service, the Bureau of Mines and the Office of the Solicitor. These increases over last year total less than $25 million. At the same time, compared to the fiscal 1981 level, we have reduced funding for the Bureau of Land Management by $39 million; for the Fish and Wildlife Service by $36 million; for the Geological Survey by $111 million; and for the Bureau of Indian Affairs by $155 million. The total decreases for the Department of the Interior are $401 million compared to increases of $25 million.

Mr. President, it is also worthwhile to note that the Department of the Interior, the Forest Service, and the naval petroleum and oil shale reserves represent a significant portion of the revenue generating activities of the Federal Government. It is estimated that in fiscal 1982, the Federal Government will realize revenues from these sources in excess of $17 billion. This bill will, therefore, result in a net profit to the Government of more than $10 billion.

It has been said that "you have to spend money to make money." Our subcommittee has spent 9 months in hearings and markups in an effort to determine which areas have the greatest need of our scarce resources and which areas will yield the greatest return on an investment of Federal dollars. An across-the-board reduction would not just cut the fat from these departments and agencies, but, in a very real sense, could result in decreased revenues to the treasury if applied in an indiscriminate manner.

Mr. President, it is not the intention of the Senator from Idaho to take this bill to conference with the House and "split the difference," which would result in a conference bill higher than either the House or Senate bills. I, for one, intend to bring back a conference

bill which is below that amount now contained in the Senate version of the Interior Appropriations bill. Those reductions must, however, be the result of the collective judgment of the conferees on each of the hundreds of conference items in this bill, rather than across-the-board reductions which would remove from Congress the ability to make any significant imprint on Federal spending priorities.

Mr. President, I must reluctantly recommend that this amendment be defeated.

Mr. President, I kept listening to the Senator from Georgia and I kept hearing words that I have uttered before. I share much of the concern and the dedication which is evident in the remarks just given by the distinguished Senator. I appreciate very much the kind remarks he made about the efforts which were exerted in the subcommittee and in the full Appropriations Committee to limit the size of this bill. We were not totally successful in every instance, but it did represent the composite judgment of a majority of the members of that subcommittee. Whether or not that composite judgment is too high, the Senate will now judge.

Mr. President, we are concerned in two respects with the amendment. First is the 5-percent reduction across the board, which, in every appropriated account, simply squeezes a little on each of those accounts. Many of these, in my judgment, have been squeezed too far; and many of these, in my judgment, have not been squeezed far enough and can easily tolerate it.

I think the Members should be aware, however, that the limitation of 9 percent gives the administration then an opportunity to pick and choose among items. I suggest anyone looking at the amendment wondering where the ax should fall should look at the President's latest request and assume that, in any area where the latest requests are below the amount we have suggested here, the full 9 percent will fall on that account first and, in that manner, achieve the 5-percent reduction. It will only be after those have been exhausted that it will be likely there will be a 5-percent reduction in any account.

Finally, Mr. President, I am concerned that as we look at what it is that we are trying to do, the appropriated accounts that are now about 16 percent of the budget are already declining at 7.7 percent a year. The military budget, the defense preparedness budget, is increasing at about 21 percent a year over the next 3 years and now comprises about 30 percent of the budget. That other 54 percent of the budget, which is the entitlements, the income maintenance, the welfare, the income transfer programs of all kind and character, has only borne $15 billion of the $35 billion that has been cut so far and continues to grow at 16 percent a year. It is the growth in that area that is causing us the greatest economic distress.

Mr. President, I could accept further restraint in these appropriated accounts much more easily if I were convinced that this Congress, the Senate and our companion body across the Capitol, as well as the administration were ready to confront this matter which is really destroying the economic health of this country.

We look at interest rates that are 10 and 12 percentage points above the rate of inflation. That is an anomaly that defies description or analysis until we recognize that those who are lending money are obviously making the bet now that, instead of interest rates dropping, the rate of inflation will rise and extinguish that difference. We need very clearly to state that we intend to control the budgetary deficit in this country in years to come—not just in 1982 but in 1983 and 1984—so that the gap between interest rates and inflation will close, not by a rise in the rate of inflation but by a drop in the rate of interest. If we will do that, if we will control the growth of that 54 percent of the budget we have scarcely touched, then I believe interest rates will drop. If indeed we do that, we shall satisfy the promise that has already been so eloquently begun in the statements of the President and in actions of the Congress in restraining budget growth so far.

Mr. President, we are only dealing with a very, very small part of the total budget here. This effort of the Senator from Georgia is worthy of our commendation. But I want to see it in the context of the larger effort that must yet be done to accomplish any good. This by itself, even if adopted by the Senate, would have almost no effect on the deficit, almost no effect with respect to future budget deficits, and therefore, have almost no effect upon the interest rates and the economic health of this country.

Mr. MATTINGLY. Will the Senator yield?

Mr. McCLURE. Yes; I yield.

Mr. MATTINGLY. We have cut back $500 million.

Mr. McCLURE. Out of over $800 million.

Mr. MATTINGLY. I would like to commend the Senator from Idaho and also his colleague, with whom I have cosponsored legislation to attack entitlement programs which I hope will arise before the Senate eventually.

Mr. McCLURE. Mr. President, I know the Senator shares that goal. I did not take this time to indicate that he does not. I am reluctant to say I am not able to support this amendment as wholeheartedly as I would like under other circumstances and in a different context.

I yield to the Senator from Louisiana.

Mr. JOHNSTON. I thank my distinguished colleague.

Mr. President, this sounds awfully good, but either it is specific or it is general; in either event, it is bad. Either it is ambiguous or it is clear and in either event, it is bad. When I explain, I think even my distinguished colleague from Georgia will agree and I hope he will withdraw the amendment once he sees the light on this matter.

There happens to be a little project in the State of Georgia called the Chattahoochee River. There has been a $14.3 million option negotiated for the purchase of a piece of property down on the Chattahoochee River, $14.2 million will not do the job; only $14.3 million will do the job on that project if that is defined as a project—and I do not know whether it is because it is listed only in the report which, by custom, has listed projects and has always been respected by the Department. So in that sense, I guess it is a project, although the definition of project in this context is totally ambiguous. But if we assume it is a project and we have to cut all these projects, then you have lost your deal on the Chattahoochee. It is not just Chattahoochee.

You say, well, Chattahoochee is different. That is ours and it is specific. How about Cumberland Island? They have an option on Cumberland Island for the acquisition of further seashore for $10 million—not $9.5 million but $10 million. I could go down this list on land and water conservation fund acquisitions.

Castle Island, for example, in the Virgin Islands, is $3.55 million—not $3.54 million, but $3.55 million. If you do not make the deal and do not come up with 100 percent of that which is negotiated, you lose the deal.

You can say, well, we did not mean those are the projects, we mean to give the President the authority to wipe out Cumberland or Chattahoochee or Castle Island and let him pick and choose as to which of those projects he shall fund. If that is what it means, it is even worse, because to give to the President of the United States a line item veto—not only a line item veto, but a line item deferral or a line item rescission—over any and all projects in these accounts, I think, would be totally inconsistent with what every Member of this body wants to do. That is to fulfill his duty under the Constitution.

It is not only those things. If you go through the items, every activity here, there are among those activities certain things that cannot be reduced. How about international obligations, where we have an international treaty or another obligation that obligates us to fund something at 100 percent? Are you going to tell the President, "It is up to you, if you want to fund them fully or not, or pick and choose and eliminate"?

I do not think this is the way to do business. I believe this is the reason why my distinguished chairman, when he had to get out the scalpel and cut, looked at the different accounts, the ones that could be cut, and we swallowed hard and went along with him. We cannibalized this bill in a very cruel and difficult way, but at least we did it in a workable way. We did not say, "Mr. President, you cannot have enough money to fund Chattahoochee and Cumberland Island," which this amendment, I fear, would do.

So I hope the Senator will understand that we cannot do business this way. We cannot give the President complete, carte blanche authority to cut anywhere he wants to, and we have to go along with fully funding those obligations which require full funding in order to be efficacious.

I hope the Senator will withdraw his amendment.

Mr. MATTINGLY. Mr. President, I respect the remarks of the Senator from

Louisiana, and I will not withdraw the amendment; because I think I have an obligation to the taxpayers not only of my State but of the United States as well.

I appreciate the Senator pointing out to me that there are two projects in the bill that impact Georgia. But I do not think the people of Georgia consider the economy of our country to be now construed to be in operation in a business as usual fashion, as we have in the past.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. MATTINGLY. I yield.

Mr. JOHNSTON. What is the Senator going to do on Chattahoochee?

Mr. MATTINGLY. Let me finish.

We talk about losing the deal, to which the Senator referred, and it reminds me of when I was in the private sector. That is what I interpreted the Federal Government to be—a deal.

I feel that the people of my State would be willing to come up with money from the private sector to pay the difference on the 5-percent cut, and I believe the people across this country would be willing to try to find 5 percent of the money from the private sector to help do it.

In fact, we have already been at work in my office trying to do that, trying to find money from the private sector, in case it was not funded or in case it was partially funded. I think that is part of the responsibility of being in the United States Senate.

I feel that I do have an obligation, and that all of us have an obligation, to look to the private sector and restore the private sector. There is no way you can make a healthy private sector by continuing to have outrageous Federal spending, as we have had. In order to get control of it, if it takes an across-the-board 5-percent cut by line item, then so be it.

I do not believe that any project will sink or that any endeavor of the Federal Government will sink as a result of a 5-percent cutback.

Mr. JOHNSTON. Mr. President, I should like to think that we can come up with 5 percent in all these activities—Indian affairs and the rest of them—and get the 5 percent out of the private sector and do it within the time constraints.

For example, the Hassel Island option expires on March 1. You have to go down there and immediately acquire big money. You have no fundraising, ongoing projects in place. and you immediately have to acquire this money, or you lose your option.

I say this in all agreement with my dear friend from Georgia, with whom I should like to join to cut the budget; but you just cannot go in and cut in the dark and cut blindly, because you will lose many of these projects. Many of them are very tenuous right now and close to the deadline right now.

Mr. MATTINGLY. A point of verification: The project in Georgia to which the Senator referred expires November 30. We are working at an accelerated pace, as other people are down there, trying to search out some money. So it is not as if we did not know it was going to happen. We do try to use other methods, and I think that is also part of our job, to try to find different sources.

It is not going to be a real crisis. In fact, if we all stand up and try to cut 5 percent, especially when it is 14.8 over, I believe it would be well underway to help us to economic recovery.

I rest my case.

Mr. McCLURE. Mr. President, I understand the concerns of the Senator from Louisiana.

I can only repeat what I said earlier. We are at the tail end of this process. If we were applying a 5-percent cut to the entire budget, so that every sector of the budget were treated the same, I could feel more enthusiastic for the approach.

This being the third appropriation bill coming to the floor, and bearing the brunt of the new budget, with no assurance with respect to what preceded—whether in HUD or all which follow in the other appropriations but, more important, in the 30 percent that is military and the 54 percent that is neither—we have no assurance that those areas will be cut at all.

If we are going to get into an across-the-board cutting mode, I hope it will apply fairly and equally to everyone. I know that the Senator has made that approach.

A number of people have suggested that if you end up here and are still too high, let us take a 2-percent cut out of everything. I could support that as an alternative, and I may yet, before we finish this year in the budgetary process.

Mr. MATTINGLY. I do not want to keep the Senator in the dark. I intend to do this when it comes down. So I will try to be equitable with everyone.

SEVERAL SENATORS. Vote! Vote!

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. LUGAR). The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. SCHMITT), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—35

Armstrong	Grassley	Proxmire
Baker	Heflin	Quayle
Bentsen	Helms	Riegle
Boren	Humphrey	Roth
Boschwitz	Jepsen	Sasser
Byrd, Harry F., Jr.	Kassebaum	Simpson
Danforth	Kasten	Specter
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
East	Mattingly	Wallop
Exon	Nickles	Weicker
	Percy	Zorinsky

NAYS—61

Abdnor	Burdick	Cohen
Andrews	Byrd, Robert C.	Cranston
Baucus	Cannon	D'Amato
Biden	Chafee	DeConcini
Bradley	Chiles	Dixon
Bumpers	Cochran	Dodd
Domenici	Jackson	Packwood
Durenberger	Johnston	Pell
Ford	Kennedy	Pressler
Garn	Leahy	Pryor
Glenn	Levin	Randolph
Goldwater	Long	Rudman
Gorton	Mathias	Sarbanes
Hart	Matsunaga	Stafford
Hatch	McClure	Stennis
Hatfield	Melcher	Stevens
Hawkins	Metzenbaum	Tower
Hayakawa	Mitchell	Tsongas
Heinz	Moynihan	Williams
Hollings	Murkowski	
Huddleston	Nunn	

NOT VOTING—4

Eagleton	Schmitt	Warner
Inouye		

So, Mr. MATTINGLY's amendment (UP No. 540) was rejected.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the distinguished Senator from Montana be recognized for 10 minutes without it being charged against the bill or any amendments thereto.

Mr. CHILES. Mr. President, I object. I think that we ought to finish this bill, then most of us who want to go home and have dinner with their families can do so and anybody who wants to speak after that can speak and the Chamber will be here for them.

We should have finished this bill an hour ago. We have been 5-minuting and 10-minuting it to death. Mr. Pastore is not here anymore but his ghost is here and his ghost speaks for the wives and the children and the chicken in the pot.

Mr. BAKER. Mr. President, I have tried very hard to honor the ghost of John Pastore and we have gotten out at 6 o'clock more often than I would have expected otherwise.

But all day long now we have been making these statements and they have been very brief. It would seem to me that we ought to go ahead and acknowledge this request and agree to it. I hope the Senator would not object to that.

Would the Senator consider permitting the Senator proceeding for 7 minutes instead of 10 minutes?

Mr. MELCHER. Six minutes.

Mr. BAKER. Six minutes.

Mr. CHILES. Three minutes? Five minutes?

Mr. MELCHER. Five minutes.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator from Montana may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

THE SALE OF AWACS PLANES TO SAUDI ARABIA

Mr. MELCHER. Mr. President, the quest for peace in the Middle East and the grappling for stable governments there is the interwoven theme—the dominant factor in our countries' quandary to sell or not to sell the AWACS and Sidewinders to Saudi Arabia.

It is no easy task for the United States to maintain its world prominence as

peacemakers in the Middle East. We have sought that goal for two decades past, and we dramatically provided that role in the attainment of the Camp David accords.

That may possibly be recorded as the start of lasting stability and the precursor of peaceful solutions to end the centuries of festering Middle East religiously fostered distrust, antagonism, and barbarity.

Whether that end to the undying war between the followers identified as Moslem and Israel may be enhanced or aggravated by the Senate's decision to sell or not to sell aerial arms to Saudi Arabia is the issue the Senate judges. The procedure of the President proposing arms sales, providing both the House and Senate do not disagree, leaves part of the decision process closer to the people.

It is apparent that many Americans would be disposed not to consider this quandry. "Is it our business?" many ask or a parallel query, "Why is it our business?"

These are pertinent questions relevant to fear of warfare that may entangle us—at best in financial outlays that we can ill afford and at worst in direct involvement with Americans again fighting, sacrificing, dying in a foreign war.

Our judgment in the likelihood of future events even with thoughtful prayer does not provide—at least in my case and I suspect in the cases of my 99 Senate colleagues—with access to the coming design of divine providence for the world's future of war or peace.

Perhaps Salomon had same divine inspiration for his notable wise decisions. But more important the divine descendant of that House of David, Jesus Christ, in his Sermon on the Mount listed in the beatitudes:

> Blessed are the Peacemakers for they shall be called the Children of God.

At this point in time for us and the world the decision on this arms sale should be based on our best judgment as to how the United States continues in the role of peacemaker. That judgment, of course, considers the views of those directly involved.

Israel strongly opposes. Egypt, their partner in the Camp David accords, strongly supports. That is not to say that either wants war. The Moslem support for the Palestinians, the often repeated threats against Israel by Moslem entities and their mutual distrust makes peace tenuous.

Selling arms is generally construed as warmongering. That is counterbalanced by the historic knowledge that lack of defense can invite hostile acts and at times aggression. The NATO alliance is based on the latter.

In the Middle East our strong support and strength has been channeled to Israel and to a limited degree of late to Egypt. We have sold armaments to Iran and to Saudi Arabia. The results in Iran were counterproductive.

NATO allies, Japan, ourselves and others by varying degrees use Middle East oil. Concern that oil production there might be threatened by hostile acts inspired or overtly supported by Russia leads Moslem countries to want the sale to protect against that possibility. Israel believes that the defensive AWACS planes in Saudi Arabia's hands as well as the Sidewinder rockets mounted on F–15's might be used aggressively against them.

In that atmosphere where Egypt and Saudi Arabia violently differ from Israel what should be our judgment? Is it possible to start a coalition of mutual defense involving part of the Moslem world without antagonizing Israel?

Building a coalition of mutual defense in the Middle East can be done if there is thawing out of distrust and hate. The military capability and the use of modern war technology has been mastered by the Israelis. They are excellent fighters.

It is not easy to envision with certainty a stable coalition of Middle East Moslem countries. Egypt and Saudi Arabia believe it is possible. We should support that goal.

The questions of our people who ask "Is it our business?" and "Why?" can and should be answered "Yes" if there is a chance to enhance the stability of the Middle East which means a continuation of no warfare, firm efforts to resolve conflicts, a seeking of peaceful solutions to antagonisms—in short keeping the peace.

The American people expect us to prevent circumstances where we are dragged into a war, a war directly drawing our youth into foreign conflicts.

It should be noted by Americans that the delivery of the AWACS planes starts in 1985, and the delivery of Sidewinders about January of 1984. If there are reasons to block the sale before those dates, action to stop the delivery of the arms can be done then.

There are no guarantees. I quote from Montana's Mike Mansfield's cable:

> The pre-eminent issue is peace and peace will take time, patience and understanding. Will we look to the future and measure the possible costs of failure or face up to the present and do what we can to prevent a possible holocaust in the most volatile region on earth?

The Camp David accords can be enlarged, can be resolved, conflicts can be avoided. While we continue to support Israel's survival there can and must be a broadening of responsibility shared by Moslem neighbors to understand and accept as Egypt has Israel's permanence as a nation. A coalition of understanding is necessary. Saudi Arabia has stepped forward to some degree—I would hope more—to work with Egypt a beginning toward that goal.

The sale may enhance that beginning. As Mike Mansfield determined, I too am ready to "face up to the present and do what we can to prevent a possible holocaust in the most volatile region on Earth."

I side with Mike.

I shall vote for the AWACS sale.

Mr. BAKER. Mr. President, I wish to commend the Senator from Montana. I know this has been a difficult decision for him as it has been a difficult decision for virtually every Member of the Senate. I think he has shown courage, and, by example, he has shown how the Senate will work its will to assist in the peace and maintain the security of the United States.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1982

The Senate continued with the consideration of the bill (H.R. 4035).

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from Florida be recognized for not to exceed 5 minutes for a colloquy with respect to another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, instead of requesting the yeas and nays on an amendment today, I believe this matter can be disposed of through a colloquy with the Interior Appropriations Subcommittee chairman and our Energy Committee Chairman, Senator McCLURE.

As the Senator from Idaho knows, an environmental dispute of great concern to the State of Florida is raging over whether the Interior Department should issue leases to mine phosphate in the Osceola National Forest.

Since my colleagues may not be as aware of the issues involved that have implications for all States, I would like to begin this colloquy by first giving the background behind this dispute.

During the period 1965 to 1968, 92 prospecting permits were issued in the Osceola National Forest by the Department of the Interior's Bureau of Land Management. And between 1969 and 1972 four companies subsequently filed applications for preference right leases on 41 of these permit areas, covering 34 percent of the forest.

In 1972, the State of Florida filed suit to enjoin the Interior Secretary from issuing the leases and has expressed its continuing opposition by intervening in two lawsuits which attempted to force issuance of the permits. Nevertheless, the Department of the Interior has suddenly decided to press ahead. Unless Congress acts, mining in the forest could begin soon after the leases are granted sometime early next year.

In my view, issuing these leases would violate States rights in a major way. In my hand today, is a copy of a letter to Secretary Watt signed by 16 of 17 Members of the Florida delegation in opposition to mining in the forest.

I ask unanimous consent, Mr. President, to have it printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 27, 1981.

Hon. JAMES G. WATT,
Secretary of Interior,
Washington, D.C.

DEAR MR. SECRETARY: It is our understanding that the Department of the Interior is presently reviewing forty-one preference right lease applications for phosphate mining in the Osceola National Forest in Florida. The Congressional delegation of the State of Florida would like to express its concern over continuing reports that the Administration supports phosphate mining in this forest and is taking steps to attain that end.

The phosphate deposits in the Osceola National Forest are small in comparison to those beyond the forest's bounds. In fact, two-thirds of the phosphate body which contains the Osceola deposits lie on private lands adjoining the Osceola National Forest. Countless studies confirm that there is more

than enough phosphate available in the United States to satisfy our domestic demand and allow us to maintain a healthy export trade in this commodity.

The Osceola is a multi-purpose forest. Therefore, a variety of recreational activities will be disrupted during 30 years of phosphate mining as proposed. Many of us also doubt whether the affected wetlands can be reclaimed without damage after that 30-year period.

Several proposals are currently before the Congress to prohibit phosphate mining in the Osceola National Forest and compensate those who have made applications to mine there. While these proposals suggest different methods of compensation, all have one overriding goal: prohibit phosphate mining in this valuable and unique national forest.

The Congressional delegation of the State of Florida and the citizens we represent are united in our opposition to the issuance of phosphate leases in the Osceola National Forest. One of the basic tenets of this Administration has been to return decision-making authority to the states and localities, who are best able to determine the needs of their citizens. It is our firm hope that the Administration will adhere to the doctrine it espouses, acknowledge the wishes of the citizens of Florida, and discontinue its efforts to institute phosphate mining in the Osceola National Forest.

Sincerely,

Paula Hawkins, Lawton Chiles, U.S. Senate; L. A. "Skip" Bafalis, Don Fuqua, Bill McCullum, Clay Shaw, Claude Pepper, Bill Lehman, Bill Nelson, Earl Hutto, Bill Young.

Mrs. HAWKINS. Mr. President, should the department proceed in the face of such strong opposition from our State's elected representatives, it will make a mockery of the view that development issues are for local people to decide, not people in Washington.

Now, sometimes it is argued that development is in the national interest and the views of local citizens must be overridden. However, that case cannot be made with regard to mining this forest for phosphate.

There are enough known domestic phosphate deposits to satisfy U.S. demand and to continue exporting phosphate at the current level for about 100 years.

In view of these concerns, I wonder if the Senator from Idaho will comment on this States rights dispute and whether he can advise the Senator from Florida whether he feels new powers should be given to State or local officials so that they can decide how best to use their own resources?

Mr. McCLURE. Mr. President, if the Senator will yield, I think certainly the question of leasing of Federal resources within a State is a matter of continuing concern. I think we should be very sensitive to the opportunity for the State and local governments to go through the permit process to apply whatever conservation or environmental constraints the local governments desire to attach.

There is, of course, always the concern with respect to the wise utilization of the natural resources that belong to all the taxpayers of this country. I would hope that we are always able to give to State and local governments the full range of opportunity to exercise their own judgments with respect to those resources which more particularly affect them.

Mrs. HAWKINS. Is the Senator aware that the companies were going to settle until someone in the Interior Department flashed the high sign to pursue their efforts?

Mr. McCLURE. I am aware that this is a continuing struggle that has been going on for at least 10 years. I have been up and down this hill.

I should not say that. I am not sure that in Florida they have what is known as a hill. But if there is one, certainly this is it, and we have been up and down it several times.

Mrs. HAWKINS. In view of all of this, I wonder if the Senator from Idaho, wearing his other hat as chairman of the Energy Committee, would agree to hearings by February on my bill, S. 1633, and on a bill by Senator CHILES also on this subject.

Mr. McCLURE. Without fixing a specific date, I can assure the Senator we will have hearings on it early in the next session. I say that because I am not certain when the Senate will convene or when it will be possible for us to schedule such hearings. But it will be very early in the next year.

Mrs. HAWKINS. With those assurances, Mr. President, I will not offer my amendment. I thank the Senator from Idaho for his cooperation and yield what time remains to my colleague, Senator CHILES.

Mr. CHILES. Mr. President, I wish to associate myself with the comments of my colleague from Florida.

I am pleased to speak to the issue of phosphate mining in the Osceola National Forest in Florida. This small, 157,000-acre forest in my State has been, and hopefully will continue to be, a valuable source of timber, fish and wildlife species, wetlands, and recreational opportunities including hunting, fishing, and camping.

Today, however, the Osceola National Forest is in danger. It is in danger of undergoing drastic change by being strip mined for phosphate. Unless Congress acts, there is a chance the Department of Interior could issue mining leases that would cover approximately one-third of this forest. And, unfortunately, the chances appear to be getting greater that the Department of Interior will, in fact, issue leases. One thing is clear. If we extract the phosphate deposits underlying the forest we will do so at the expense of timber harvesting, wetland preservation, wildlife protection, and recreation opportunities now offered by the forest.

Mr. President, for many years now the people of Florida have lived with the threat hanging over us that the Osceola will be strip-mined for phosphate. The 41 pending applications have been under review since 1974. Time and again public testimony has been delivered in opposition to this activity and, as you know, legislation is now pending in the Senate which seeks to resolve this situation.

While different approaches have been suggested. Members of the Florida congressional delegation agree that phosphate mining should not take place in this forest. It is obvious time is needed for Congress to look into this matter carefully and hopefully reach a consensus on how best to protect the forest and deal fairly with those who may establish rights to leases in the Osceola.

I am growing increasingly concerned, however, about the mood of the present administration in terms of mineral exploration in general and, more specifically, about the administration's attitude toward leasing in the Osceola National Forest. What has been an involved and lengthy process has suddenly steamrolled and, before you know it, if no action is taken, these leases will have been issued without Congress having an opportunity to exercise its judgment. Let me give you some examples of how this leasing procedure is moving along.

Soon after the Reagan administration entered office, I contacted the Secretary of Agriculture, Mr. Block, concerning the Department's position on the Osceola phosphate mining leasing question. In an April 1981 response to me Secretary Block indicated that the Department position remain unchanged from the previous administration. I was encouraged by this response in that the former administration's position had been that no technology was available or proven to assure that mining could be carried out under conditions that would insure the adequate utilization of the lands. Now, however, only 6 months later, the Department of Agriculture announces that the administration now believes the forest will not be threatened by intensive phosphate mining. I ask you, what has changed?

Another incident involved the Environmental Protection Agency. In the past the Agency has opposed leasing, stating that the issuance of the leases would lead to irreparable destruction of some 28,000 acres of wetlands in the Osceola. A January 1980 report to the Bureau of Land Management from the Agency recommended that no leases for phosphate mining be issued for the forest and that alternative approaches be explored to resolve the matter of the pending lease applications. Now, however, as indicated in EPA's testimony before a House of Representatives subcommittee, the Environmental Protection Agency appears to be moving in the same direction as the Department of Agriculture. I ask you, what has changed?

Mr. President, the charges made by the administration that the forest can, in fact, be restored if strip-mined, need to be examined. The Osceola National Forest deserves protecting and Congress needs to have a chance to fully explore the issues surrounding the pending lease applications. I feel confident that the scientific evidence coupled with public support in favor of preserving the present uses of the Osceola will convince Senators to take the necessary action to prohibit phosphate mining in the forest. We need to make sure we do, in fact, have time to study this matter. Hopefully, this will lead the way to active consideration of legislation to resolve the longstanding controversy surrounding phosphate mining in the Osceola Na-

tional Forest. I know I will continue to press for action in this regard.

I thank the distinguished chairman for his commitment that we will have hearings on this subject. It is a matter that we need to try to resolve. Certainly, in Florida, the local government units, the recreation people, all people—all people, except the people holding permits—are universally against the mining industry going into these forests.

Mr. McCLURE. Mr. President, I ask unanimous consent that the junior Senator from Idaho be permitted to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 541

Mr. SYMMS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS) proposes an unprinted amendment numbered 541.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 35, line 10, after the date "1983" insert the following: ": *Provided*, That funds made available for expenditure under this Act for contracts entered into pursuant to 16 U.S.C. 579a to provide fixed-wing air tanker services shall be transferred into the category of 'Fighting Forest Fires' and that, with respect to subsequent fiscal years, the Forest Service budget shall include such amounts within such budget category or such equivalent category as may subsequently be adopted".

Mr. SYMMS. Mr. President, I offer a technical amendment whose only purpose is to secure increased accountability for a vital Forest Service firefighting program. This amendment does not call for the appropriation of any additional funds. But it will provide a considerable public benefit by enabling Congress and the Forest Service to make better use of available resources in protecting our national forests.

The initial attack capability of fixed-wing firefighting aircraft commonly referred to as airtankers provides an indispensable firstline of defense in protecting the national forest system. The Forest Service contracts annually with about 15 small, private companies, through competitive bidding, for these services. Under existing statutory authority these contracts are renewable twice without readvertising. The companies provide airtankers and highly trained crews to drop fire retardant chemicals on forest fires. They are paid a daily readiness rate, called the availability payment, and they are paid an additional hourly amount for actual flying time related to firefighting.

Under current procedures, the airtanker availability funds are included without identification under a general "fire protection" line item in the Forest Service budget. Because these funds are not separately identified, effective congressional oversight is impossible. Furthermore, airtanker operators can only guess at the Forest Service's tanker usage intentions. I should point out that these airtankers were originally converted for the benefit of the Government firefighting system and they have no other purpose. As things now stand, these contractors cannot effectively conduct the long-range planning that is vital to their survival in such a complex and capital-intensive business.

The 1981 airtanker year program illustrates the problem dramatically. Last fall the Forest Service advertised contracts for 45 airtankers. In January it announced it would award only 37 contracts because bids had exceeded the Forest Service expectations. Of course, neither Congress nor apparently anyone else knew what these expectations were. The Forest Service then announced that, without a $1 million programing, funds would not be available to contract for what they had earlier advertised as the Government's minimum needs. Suddenly in March, however, without any new funds, the Forest Service awarded all but one of the contracts. Where did the funds come from? Why was this critical program apparently so vulnerable to factors we know nothing about?

The 1981 program involved approximately $3½ million in availability funds for a fleet of 44 airtankers. To award the same contracts for 1982 would require the same amount plus an additional amount to cover inflation. Supposedly these funds exist in this budget. Assuming they do, they are buried in a $178 million line item. My amendment would consolidate airtanker program costs into the forest firefighting line item, where they belong. I seek to avoid a repeat of the same problem again next year.

This amendment would cost no money. It would place availability funds and actual flying time funds into the same line item. It is designed to provide some Forest Service accountability to Congress for this important program. In addition, Government lands will benefit from the increased protection assured by the airtanker industry's ability to plan ahead with some awareness of Forest Service intentions.

Of course, this amendment will not alter the existing system whereby actual fire protection costs, as determined by burning conditions during a particular fiscal year, are funded through the same line item, but in a supplemental appropriation. Sufficient authority would exist with respect to these firefighting funds to allow the Forest Service to contract for additional airtankers during any fiscal year if fire conditions warrant such action. The transfer is not in any way intended to limit the ability of the Government to contract for the availability of additional planes if necessary. On the contrary, it is intended to facilitate contracting for the availability of additional airtankers under serious fire conditions.

Wildfires are a devastating threat to Idaho and the mountainous West. This summer forest fires ravaged thousands of acres of Idaho mountainsides, destroying millions of dollars of Government and private property. At the same time, apparently for want of either Forest Service money or authority, more than a dozen airtankers sat uncontracted for on runways through the West. I understand some otherwise unused American tankers went to Canada in the meantime.

Protection from these fires should never be compromised by the vagaries of a Government budgeting system hidden from sight. I urge the Senate to bring the dollars assigned to this program out in the open. At the same time, we would clarify whatever question may exist with respect to the authority to hire additional airtankers if conditions warrant. The purpose of my amendment is to provide additional protection for our forests without any additional appropriation

I would say to my colleagues that I have discussed this matter with both the distinguished chairman, the Senator from Idaho, and the distinguished ranking minority, the Senator from Louisiana. I would be happy to yield to them at this point.

Mr. McCLURE. Mr. President, this matter has been discussed extensively. I am not certain what the ultimate result will be, whether or not the other body will find an acceptance of this amendment. However, I am willing to accept the amendment, take it to the conference, and determine at that point where we might go after further consultation with the administration and Members of the other body.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 541) was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the junior Senator from Indiana be permitted to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. I thank the Senator for engaging in a colloquy on behalf of myself and the distinguished senior Senator from Indiana, now the Presiding Officer (Mr. LUGAR).

On behalf of myself and my distinguished colleague from Indiana, I would first like to thank the Senator from Idaho for consenting to engage in this colloquy to address an issue that is of vital concern to the State of Indiana.

The legislative history of the Indiana Dunes National Lakeshore indicates consistent congressional support throughout the last 15 years. The Dunes were authorized by Congress on November 4, 1966, and established on September 8, 1972. The authorization was amended on October 18, 1976, to set the lakeshore boundaries and to begin acquisition. The authorization act, as amended, established an acquisition ceiling of $60,812,100, and to date, $60,800,000 have been appropriated. Of the 12,535 acres that were authorized for acquisition between 1966 and 1976, only 170 acres remain to be acquired.

Public Law 96–612, which passed Congress in December of 1980, authorized an additional 488 acres for acquisition.

Thus, the Dunes' acquisition plans will be complete with the addition of only 658 acres. In light of the fact that 100 percent of the currently appropriated funds have been expended, it is essential that additional moneys be made available for completion of a process that began almost 15 years ago.

Senator LUGAR and I have consistently supported the Indiana Dunes National Lakeshore, which is the only designated national park area in the State of Indiana. The location of the park in the northwest corner of the State provides scenic beauty and recreational facilities to an area which is, in all other respects, heavily industrialized, urbanized, and congested. Over a million people visit and use the Dunes' facilities each year and expansion is essential to accommodate the ever-increasing number of visitors. To illustrate, 264,000 people visited the Dunes in 1978, while 1,223,000 people visited in 1980. These figures represent a 78-percent increase in park visitations.

Another example is the fact that the level of participation in the wide range of environmental education programs and other public activities offered by the Park Service has almost doubled in the mental phenomenon which is both spectacularly beautiful and a source of great pride to Indiana residents. It should also be noted that 35 percent of the visitors to the park each year are from outside Indiana.

I want to make you aware of our letter of July 13, 1981, in which we requested an appropriation of $3.5 million in fiscal year 1982 for land acquisition and completion of several projects related to the continued improvement of the Indiana Dunes National Lakeshore. The House has included this and then some in its bill.

We want, at this time, to reaffirm our support of the Indiana Dunes National Lakeshore and to express our hope that you will give careful consideration to this request when H.R. 4035 goes to conference. We also want to support the House position. Since there is no money in this bill, essential operations of the Dunes cannot continue. This is tantamount to deauthorization, which the administration opposes and I strongly oppose.

I am confident there will be compromise with the House, that the operations of the Dunes will continue, and that there will be reasonable amounts of moneys for future acquisition.

I urge committee cooperation and indulgence in this matter.

I want to remind the chairman of our letter of October 13 reiterating our concerns over the Indiana Dunes. The letter of July 13 requested appropriations of $3.5 million in fiscal year 1982 for land acquisition and other expenses for the Indiana Dunes National Lakeshore.

Mr. President, I ask unanimous consent that a copy of our letter dated July 13, 1981, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, D.C., July 13, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Senate Appropriations Subcommittee on Interior and Related Agencies, Washington, D.C.

DEAR JIM: When the Senate Subcommittee on nterior and Related Agencies marks up H.R. 4035 this week, we hope that it will give favorable consideration to an appropriation of $3.5 million in fiscal year 1982 for land acquisition and other expenses for the improvement of the Indiana Dunes National Lakeshore.

In December 1980, following four years of legislative effort, the Congress enacted S. 2261, a bill introduced by Senators Lugar and Bayh, S. 2261 authorized $3.1 million for land acquisition at the Indiana Dunes. In addition, $1.7 million of acquisition authority remains to be funded under the 1966 and 1976 legislation.

The Indiana Dunes National Lakeshore is the only national park in the State of Indiana. Over one million U.S. citizens visit the park each year. An appropriation of $3.5 million would permit completion of several important projects and funding of half of the land acquisitions previously authorized.

Specifically, we would propose that $2.4 million be appropriated for land acquisition in fiscal year 1982. This would allow for acquisition of land for the east transit terminal and information center and possible acquisition of a golf course to provide a camping ground for park visitors, as authorized by S. 2261. Some of these funds might also be used for acquisition of homes for those owners who might want to sell their homes during fiscal year 1982.

The House re ort recommends $200,000 in funding for the west unit access road and $200,000 for the east unit transit terminal and information center. But the House bill does not specifically set aside these funds. These are high priority items which we believe should be specifically earmarked in the bill. We would also strongly recommend an appropriation of $500,000 to complete work already underway for road restoration. Finally, we would recommend $200,000 for a comprehensive transportation evaluation study.

Our recommendation of $3.5 million is the same as recommended by the House Appropriations Committee. But it excludes $300,000 for yet another geological study of the Bailly nuclear facility and two small appropriations totalling $100,000, while assuring funding for the west unit access road and the east unit terminal and information center.

If you have any questions, or need additional information, please contact us directly or Jeff Burnam (ext. 47443) or Mary Moses (ext. 48736) of our staffs.

Sincerely,

RICHARD G. LUGAR,
DAN QUAYLE.

Mr. QUAYLE. As the Senator knows, there is no money in this bill.

I urge the cooperation of the chairman in working with the Senators from Indiana to come to a reasonable compromise in the conference committee to continue the money for the continuation of the Indiana Dunes National Lakeshore.

Mr. MCCLURE. I thank the junior Senator and the senior Senator from Indiana for their continued interest in this subject. I am sure they recognize that all of the items included in the request dated July 13 will be dealt with in conference. The Senate conferees will give these items very careful consideration, recognizing the fiscal restraints within which we have to work.

Mr. BURDICK. Mr. President, I am deeply concerned about the additional reductions in this bill for the Bureau of Indian Affairs and Indian Health Service budgets.

Of particular concern to me is the future of the Community Health Representative program which the administration wants to completely eliminate. The proposal before the Senate would reduce the program to $24.5 million, which is a 32½-percent cut from last year's budget. Obviously, this valuable program is being asked to absorb more than its fair share of budget cuts.

The CHR program provides a broad range of health care assistance to tribal members; it is managed and administered solely by the tribes which allows each program to be tailored to the individual and unique needs of each reservation.

The program has succeeded in not only bringing crucially needed health care services to reservation Indians, but it has also had the effect of reducing costs associated with health care.

In North Dakota, where the reservations are located many miles from population centers where there is hospital care, the CHR's provide in-home services.

The patient does not have to experience the trauma of traveling long distances for routine tests and examinations, and hospital admissions and associated costs have been reduced significantly. Indian Health Service statistics shows that the CHR's have led to a 25.2-percent decline in hospital admissions at a time when the daily hospital room charge is about $175.

In cases where it is necessary to admit a patient, the CHR's provide the only available ambulance service other than that which is privately owned and which costs an average of $135. In addition, the IHS has indicated that the CHR program has resulted in a 17.5-percent reduction in the number of days a patient is hospitalized.

The CHR's handle an average of 20 patients each day, are on call 24 hours a day, and work about 6 days a week. They are also an essential element in relieving the workload of the reservation physicians whose patients number about 20 percent higher than physicians servicing non-Indian populations. The CHR program has proved it is cost efficient and of great benefit to the tribes and should not be cut to the extent now being recommended.

I also have reservations about the reductions targeted to the Indian education programs, specifically the school equalization formula, Johnson-O'Malley educational assistance, and postsecondary schools. These programs are vitally important components of our national Indian education efforts and I believe it is a mistake to make further reductions.

Significant reductions are also being requested for program management and general management and facilities administration. While this reduction may well be justified, I am concerned that the Senate has not been provided with specific information about how these reductions will be absorbed by the BIA and

IHS. At the time this bill is considered by the conference committee, it would be helpful to have a more precise listing of how these reductions will be dealt with by the agencies.

Mr. President, I have stated my intention to comply with the President's plan to reduce Federal spending. But I also intend to support these reductions in an equitable fashion. It would appear that many of the programs serving the Indian population of our country are receiving an inequitable share of the cuts, and as a conferee on this bill, I intend to support adequate levels of funding for these programs.

Mr. BRADLEY. Mr. President, as a member of the Committee on Energy and Natural Resources, I am pleased to see us take a step toward solution of part of our national energy problem by addressing H.R. 4035.

One industry with major oil dependence is that of electric power generation. Because of the historical economics of oil products and refining, many utilities are directly dependent on imports as their primary fuel. While all users of electric power have been affected, those businesses and individuals who draw their power from one of these utilities have not only paid the price, they are also exposed to a very fragile and vulnerable supply line.

One of the major Department of Energy programs for electric utility coal utilization is the pressurized fluidized bed combined cycle pilot plant being constructed at the Wood-Ridge, N.J., facilities of Curtiss-Wright Corp. DOE gave the go-ahead for this plant's construction after Curtiss-Wright capped 2½ years of basic component effort by an extended period of operation of a small gas turbine driven electric generator with direct combustion of coal as the power source.

Excellent efficiency and environmental control was maintained during this test. This level of accomplishment has yet to be reached elsewhere. The pilot plant, now far along in construction, will serve as an actual integrated combined cycle system and, though smaller than what will be necessary in commercial use, it is intended to show that remaining technical issues can be satisfactorily resolved and, in that way, provide the confidence which the industry needs to proceed to full scale commercial equipment.

In March of this year the President's request for revision of the fiscal year 1982 authorization reduced the total Department of Energy fossil energy effort from $2.551 billion to $435 million; however, support of the Wood-Ridge pilot plant was unchanged.

Both House and Senate authorization committees concurred. So does H.R. 4035 and so did the responsible subcommittee under the distinguished Senator from Idaho.[1] I am pleased to speak for this important program whose success will be an important contribution to economical, clean and secure electric power.

[1] Senate Report No. 97-166 (Appropriation fiscal year 1982, Interior and Related Agencies).

● Mr. NICKLES. Mr. President, today I feel compelled to cast my vote against H.R. 4035.

This bill is approximately $1 billion over in B.A. from the President's September 24 appropriation request for the Department of the Interior appropriations bill. This will establish a very poor precedent for the appropriation bills that have yet to reach the Senate floor.

I believe that this Senate must demonstrate its true commitment to returning fiscal responsibility in the spending habits of the Federal Government. Now is the time to live out this commitment. Now is when the rubber meets the road. Are we really serious about turning this country's economic problems around, or are we just paying lipservice to the current political rhetoric of the day, only to change when pressure of private interest groups begins to mount?

Do we really have $135 million in our budget for SRC-1? Are we not courting disaster by refusing to accept even a 5-percent reduction in the bottom line of this bill?

I know that there are other areas where this bill would appropriate money for projects which, in this time of economic austerity, should not be funded.

I would like to state my intent to place into the RECORD, either later this evening or tomorrow, a breakdown of H.R. 4035, highlighting those areas where this bill excedes the recommended target needed to balance the budget by 1984.

I am not without understanding of the difficulty that the distinguished chairman, Senator MCCLURE, has had in completing this appropriation bill, the President's additional budget requests came after the mark-up in subcommittee had occurred, making it very difficult for the members to examine and make the appropriate changes.

However, I feel that to vote for this bill would set a serious precedent for future appropriation bills by indicating that we are willing to accept funding levels which exceed those which would balance the budget by 1984. I am not willing to throw in the towel.

Therefore, I respectfully state my opposition to this bill and encourage my colleagues to join me. Should the President decide to exercise his veto power, he will have my firm support.●

FUNDING FOR TRIBALLY CONTROLLED COMMUNITY COLLEGES

● Mr. BAUCUS. Mr. President, I express my concern for the funding for tribally controlled community colleges in the Senate version of the Interior appropriations bill for fiscal year 1982. As presently constructed, the Senate version does not provide funding for four tribally controlled community colleges which have been determined to be feasible during fiscal year 1981.

These schools—Fort Peck Community College, Cheyenne River Community College, Lummi School of Aquaculture and Fisheries, and Little Big Horn Community College—have been determined to be feasible. Moreover, two of the schools received grant funds under title I of the Tribally Controlled Community College Assistance Act during fiscal year 1981.

I understand, however, that the House version does provide funds required to provide grants to these four schools. I would strongly urge, therefore, that my colleagues on the conference committee on the Interior appropriations bill adopt the House version. Given the severity the budget cuts that have already been recommended for Indian programs throughout the Federal Government, I believe that additional reductions to tribally controlled community colleges would be most unfortunate.

Mr. President, I believe the wisdom of my request will become most apparent during deliberations on the conference report. The Senate committee did not provide the $998,619 budgeted for these tribally controlled community colleges because it believed they had not been declared eligible for assistance during fiscal year 1982.

However, these tribally controlled community colleges have, in fact, been declared eligible for Federal grants. Adopting the House committee's version would simply restore funding levels to that requested by President Reagan in March, and would meet the obligation of the Federal Government under Public Law 95-471 to provide these grants.

Again, Mr. President, I urge my colleagues to adopt the House version for tribally controlled community college funding.●

THE LAND AND WATER CONSERVATION FUND: CONTINUING OUR COMMITMENT TO RESOURCE CONSERVATION

● Mr. BIDEN. Mr. President, it has been said, and I believe appropriately, that one measure of a society's greatness is how it treats its young, its sick, and its aged. I believe yet another criterion should be added which reflects the complexity of life in the 1980's—how a society conserves its scarce natural resources, specifically its air, its water, and its lands.

The election of Ronald Reagan, his appointment of James Watt as Secretary of the Interior and Anne Gorsuch as Administrator of the Environmental Protection Agency, and their subsequent policy recommendations has focused public and congressional attention on this administration's commitment to natural resource conservation.

The Congress will soon be debating the future of our Nation's air and water pollution laws. The outcome of these upcoming deliberations will have a major effect upon the health and welfare of all our citizens for generations to come.

Today, the Senate is about to take another step in preserving the Land and Water Conservation Fund (LWCF). President Reagan's March budget revisions proposed slashing the Land and Water Conservation Fund's fiscal year 1982 appropriation 91 percent from then President Carter's January budget request by terminating the State assistance grant program and by imposing a moratorium of Federal acquisitions. At that time, President Reagan sought only $45 million for the fund. Last month, the President reduced his original request even further to $39.6 million. Fortunately, a bipartisan coalition on both sides of the Congress have rejected the President's proposals.

In the bill we are about to pass, the Senate Appropriations Committee has allocated $201.5 million for the Land and Water Conservation Fund. Of this total, $99 million is to be allocated to the various Federal land management agencies, $100 million is to be allocated to the States, and $2 million is to be used to administer the State assistance grants program. I ask that a table showing the State-by-State allocations be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LWCF State apportionment at $100 million—Senate version of H.R. 4035

State:	*Allocation*
Alabama	$1,676,388.07
Alaska	868,348.08
American Samoa	9,955.38
Arizona	1,392,592.23
Arkansas	1,222,727.45
California	7,173,567.06
Colorado	1,502,405.70
Connecticut	1,685,427.89
Delaware	930,328.37
District of Columbia	337,705.27
Florida	3,169,127.48
Georgia	1,955,135.82
Guam	32,192.56
Hawaii	1,019,493.38
Idaho	931,298.64
Illinois	3,842,198.07
Indiana	2,151,870.35
Iowa	1,367,575.07
Kansas	1,284,440.76
Kentucky	1,524,905.36
Louisiana	1,742,748.13
Maine	989,878.76
Maryland	1,931,093.88
Massachusetts	2,497,076.05
Michigan	3,281,252.97
Minnesota	1,765,238.41
Mississippi	1,223,670.98
Missouri	1,960,466.37
Montana	923,790.25
Nebraska	1,115,763.33
Nevada	960,942.40
New Hampshire	975,639.72
New Jersey	2,905,691.61
New Mexico	1,018,275.51
New York	5,850,422.84
North Carolina	1,959,215.43
North Dakota	910,673.29
Ohio	3,677,615.82
Oklahoma	1,434,855.86
Oregon	1,359,945.65
Pennsylvania	3,977,763.68
Puerto Rico	1,306,761.77
Rhode Island	1,053,564.40
South Carolina	1,409,160.20
South Dakota	911,815.85
Tennessee	1,828,326.10
Texas	4,250,405.19
Utah	1,131,267.25
Vermont	852,987.86
Virgin Islands	29,763.58
Virginia	2,033,787.07
Washington	1,735,790.69
West Virginia	1,155,183.82
Wisconsin	1,917,798.11
Wyoming	843,680.89
Total	96,999,997.71

Mr. BIDEN. Since its inception in 1965, the Land and Water Conservation Fund has been the principle mechanism for financing the protection of our Nation's natural resources and for the provision of adequate outdoor recreational opportunities throughout all regions and States of the country.

In this year of budget austerity, $201.5 million might seem a very large funding level. It is, in fact, the minimal funding which is fiscally prudent for four reasons.

First, it represents a 61-percent reduction from the budget request submitted to Congress in January by then President Jimmy Carter.

Second, the Omnibus Reconciliation Act recently signed into law by President Reagan, Public Law 97–35, recommended annual spending from the Land and Water Conservation Fund of not less than $275 million. The $201.5 million contained in the Interior appropriations bill which we are about to pass is 27 percent lower.

Third, the $201.5 million is 47 percent less than the amount Congress originally appropriated for fiscal year 1981 and 30 percent less than the final fiscal year 1981 appropriation after subtracting the $90 million rescission enacted in June.

Fourth, and most importantly, one must understand how this program is funded. The revenues for the Land and Water Conservation Fund are not raised through income tax collections. Rather, these funds come from the Federal Government's receipts from the Outer Continental Shelf oil and gas leasing program.

According to the Congressional Budget Office, these receipts are expected to exceed $11.4 billion in fiscal year 1982. In this year of fiscal austerity, the Senate Appropriations Committee arrived at a reasonable compromise with bipartisan support by allocating $201.5 million, or 1.8 percent of the anticipated OCS revenues for the Land and Water Conservation Fund. In this way, the Nation reinvests a modest portion of the revenues realized by the depletion of oil and gas resources to save for public use natural resources which cannot be replaced—land and water resources.

This is the concept behind the Land and Water Conservation Fund's creation back in 1965. It is still very much valid today—perhaps even more so.

Unfortunately, President Reagan earlier this year sought to eliminate the State assistance grants program and to drastically curtail funding for the Federal share. Fortunately, both the House and Senate recognized this program's accomplishments and rejected the President's request during consideration of the Budget Reconciliation Act. In fact, the Reconciliation Act recommends that "not less than $275 million" should be appropriated annually from the Land and Water Conservation Fund, section 1401(b) of Public Law 97–35.

It is important to note that the decision to continue the LWCF during reconciliation was a strongly bipartisan one. In mid-July, a bipartisan group of 21 Senators joined with me in a letter to the Interior Appropriations Subcommittee urging continued funding for both the Federal and State shares of the fund. Finally, in late July, the Senate Appropriations Committee voted to appropriate the $201.5 million which is included in the bill we are about to pass. Importantly, that decision was also bipartisanly arrived at.

Last month, when it appeared likely that the Senate would begin debate on the Interior appropriations bill, a letter in support of the Land and Water Conservation Fund was distributed to all Senators. This letter urged the retention of the funding level established by the Senate Appropriations Committee and was signed by the following 11 national environmental organizations:

The American Rivers Conservation Council;

The Appalachian Trail Conference;

The Friends of the Earth;

The Izaak Walton League;

The National Audubon Society;

The National Parks and Conservation Association;

The National Recreation and Park Association;

The Nature Conservancy;

The Sierra Club;

The Trust for Public Land; and

The Wilderness Society.

Mr. President, since this is such a short letter, I would like to read it to the Members of the Senate at this point in my remarks:

SEPTEMBER 10, 1981.

DEAR SENATOR: The Land and Water Conservation Fund (LWCF) has proven to be one of the nation's most effective and popular conservation programs. It is funded primarily by Outer Continental Shelf (OCS) leasing revenues. Congress established the Fund so that some of these OCS revenues would be reinvested in the protection of national parks, forests, wildlife refuges, other critical federal areas, and in the protection and development of state and local parks. As evidenced by its widespread support, the LWCF has been very successful in achieving what Congress intended it to do.

The Senate Appropriations Committee has included $201.6 million for the LWCF in the Fiscal Year 1982 Interior Appropriations bill, H.R. 4035. The Budget Reconciliation legislation, P.L. 97–35, recommended that the LWCF be funded annually at a level of at least $275 million. Based on our own analysis, we have estimated that actual needs for FY 1982 exceed $100 million. We believe, however, that the $201.6 million level as reported out by the Appropriations Committee will provide the funding necessary to continue this important program at a minimum level.

We urge you to support the Senate Appropriations Committee level for the Land and Water Conservation Fund and to oppose any attempt to reduce the funding for this program when the Senate considers the Interior Appropriations bill.

Sincerely,

Howard Brown, American Rivers Conservation Council; Laurence Van Meter, Appalachian Trail Conference; Elizabeth Kaplan, Friends of the Earth; Maitland Sharpe, Izaak Walton League; Alison Horton, National Audubon Society; Barry Tindall, National Recreation and Park Association; William Lienesch, National Parks & Conservation Association; William Chandler, Nature Conservancy; Larry Williams, Sierra Club; Harriet Hunt-Burgess, Trust for Public Land; and Ronald Tipton, Wilderness Society.

The Reagan administration's effort to eliminate or drastically curtail the Land and Water Conservation Fund just does not make much sense to me given all its talk about the need to return program decisions and funds back to the States—the so-called "new federalism." The Land and Water Conservation Fund has been a perfect example of creative federalism since 1965.

It is through the fund that park and outdoor recreation land is protected by the National Park Service, the Fish and Wildlife Service, and the Forest Service. In addition, the State assistance grants provided by the fund are used by the States and their localities for

land acquisition, planning, and construction of outdoor recreation facilities.

Each Federal dollar received, however, must be matched by an equal value contribution by the recipient State or local government. More importantly, States and local governments then operate and maintain these facilities. This year local governments will spend more than $4 billion to operate park systems.

The fall edition of the Wilderness Society magazine, the Living Wilderness, contains an excellent historical review of the Land and Water Conservation Fund. This article, entitled, "The Land and Water Fund: A Good Program Under Siege," was written by Meg Maguire. Ms. Maguire served as Deputy Director of the recently abolished Heritage Conservation and Recreation Service during the Carter administration. Her article reviews the reasons behind the creation of the Land and Water Conservation Fund, points out many of its notable achievements, and makes an excellent case for its continuation. Ms. Maguire explains that:

Since 1965, 2.6 million acres have been acquired for $2.1 billion by the four participating federal agencies—the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management.

The places where the fund has been used to acquire key parcels reads like a guide to the nation's outstanding treasures: the Appalachian Trail, Blue Ridge Parkway, Cape Cod, Crater Lake, Death Valley, the Everglades, Gettysburg, the Grand Tetons, the Boundary Waters Canoe Area, key lands on national wild and scenic rivers, including the Rio Grande, Rogue, Upper Missouri, American, Arapaho, Cascade, Skagit, Sawtooth and Chattooga, and dozens more.

The Land and Water Conservation Fund's accomplishments on the State and local level are equally impressive. Since 1965, the fund has provided $2.46 billion to the States and their localities through the State assistance grant program. These funds, which had to be matched dollar-for-dollar, were then used to finance 27,000 approved projects involving the acquisition of open space for outdoor recreation or the development of outdoor recreation facilities. Of the total number of projects, 7,160 have been for the acquisition of over 2.02 million acres of land. The degree of local government benefit from this program is apparent from the statistic that 59 percent of the total funds obligated through fiscal year 1980 were channeled through the States to locally-sponsored projects.

In Delaware, the Land and Water Conservation Fund has made important contributions through the years. Since 1965, Delaware has received a total of $23.5 million for 110 projects. Over 15,000 acres of parkland and seashore have been acquired using these funds, including all or major portions of the following State parks: Bellevue, Brandywine, Carpenter, Lums Pond, Killens Pond, and the Delaware State Seashore.

Mr. President, a recent edition of the Delaware Conservationist magazine, published by the Delaware Department of Natural Resources and Environmental control, contained an informative article on the Land and Water Conservation Fund's accomplishments in Delaware. I shall ask that this article as well as the previously mentioned article which appears in the fall edition of the Wilderness Society's magazine be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

(See exhibit 1.)

As these magazine articles describe, the Land and Water Conservation Fund is simply too important a program to have its funding reduced any more than it has already been. Such additional cuts are especially inappropriate at a time when public visitations at our national and State parks are straining the systems' abilities to handle them. Last year, 200 million visits to national parks were recorded as well as 700 million at State parks.

A June 19, 1981, a Washington Post editorial explained it this way:

The solution to the overuse problem is the acquisition of more park land. That is what the Land and Water Conservation Fund was created to provide . . . By providing a steady flow of money for that and similar projects, state as well as federal, the Land and Water Conservation Fund has made it possible . . . to protect key areas from development. If Congress disrupts that process without any fixed guarantee of when, if ever, it will be resumed—as Secretary Watt has requested—that protection is going to slip away, and the land future generations will need for recreation will sprout houses and roads and the other attributes of development.

I ask that the editorial be printed in the RECORD at this point in its entirety.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUYING LAND FOR PARKS

The Land and Water Conservation Fund was established by Congress in 1965 to provide an orderly flow of money for the purchase of park land by the federal and state governments. The money comes from the sale of surplus property, taxes on motorboat fuel and off-shore oil leases. About $5 billion of it has been spent in the last 15 years to buy almost 3 million acres of land for federal projects and more than 2 million acres for state projects.

Secretary of the Interior James Watt has proposed putting a moratorium on these purchases and diverting some of the fund's money for "restoration and improvement" of property the federal government already owns. His rationale is that the national parks, and other federal properties, are in a sad and perhaps dangerous state of disrepair, and the government should not buy any more land until it takes better care of what it already has.

Mr. Watt's argument has a superficial logic to it if you accept his premise. But it seems to us that the national parks are not in particularly worse shape now than they were 10 or 20 years ago. Here and there parks do have serious problems—bad water and sewer systems, decaying buildings and roads. That's nothing new: remember Mission '66, the project of the 1950s and 1960s to get the parks back in first-class condition?

Most of the problems of the parks (and for this purpose we include in that term all federal recreational property) come from overuse. For instance, Rocky Mountain National Park, once one of the gems of the Park Service, is being loved to death, as the Denver Post put it last summer.

The solution to the overuse problem is the acquisition of more park land. That is what the Land and Water Conservation Fund was created to provide. It may be appropriate to take some of the money to bolster the maintenance and repair program. But totally cutting off the land-buying program would be a serious mistake. More than $30 million has been spent in the last three years, for example, buying land for the Appalachian Trail; another $50 million would complete this project, which has been under way for decades. If it is not completed soon, the land will be used for other purposes.

By providing a steady flow of money for that and similar projects, state as well as federal, the Land and Water Conservation Fund has made it possible for property owners and local governments to protect key areas from development until their acquisition came to the top of the list. If Congress disrupts that process without any fixed guarantee of when, if ever, it will be resumed—as Secretary Watt has requested—that protection is going to slip away, and the land future generations will need for recreation will sprout houses and roads and the other attributes of development.

Mr. BIDEN. Now there have been some who have suggested deferring the Land and Water Conservation Fund's State assistance grants for a year or 2, as well as reducing the Federal share to the administration's requested funding level of $39.6 million. I must reject such a notion.

First, such action would delay acquisitions already on line. At the rate which land values appreciate, the eventual cost to the Government could be an additional 20 percent or more for each year beyond the current year. Since outstanding land areas which have been authorized for purchase are yet to have funds appropriated total more than $3.1 billion, the eventual cost to the Government of such a funding delay is substantial.

Second, such a disruption in the State grants program would mean the loss of many of the skilled program managers who have so effectively administered this program through the years.

Finally, and most importantly, a disruption would mean the loss of some natural areas which need to be acquired within the year or be lost to encroaching development. Areas like the Middle Run and White Clay valleys in Delaware have tracts which most certainly would be lost. Similarly, Valley Forge, in nearby Pennsylvania, has tracts which might not survive intact after a funding moratorium of a few years.

The administration's efforts to eliminate the State share and drastically curtail the Federal share just does not make much sense to me. It is bad environmental policy, shortsighted budget policy and poor Government management.

In conclusion, I support the Land and Water Conservation Fund. While I would have preferred a higher funding level, I believe the $201.5 million included in the fiscal year 1982 Senate Interior appropriations bill is reasonable, given this year's budget cuts. Mr. President, let us make no mistake about it. The money appropriated for the Land and Water Conservation Fund represents a substantial budget cut. It is 61 percent less than the January budget request, 30 percent less than the final fiscal year 1981 appropriation, 47 percent less than the originally enacted fiscal year 1981 appropriation, and 27 percent less than the minimum funding level recommended by the Reconciliation Act which the President signed into law just 2 short months ago.

Mr. President, I congratulate the Senate Appropriations Committee for their action on this question. I especially thank Senators JOHNSTON, PROXMIRE, SPECTER, and BUMPERS for their leadership on the Land and Water Conservation Fund debate in committee. I hope the Members of the Senate who will participate in the joint House-Senate conference on this bill will resist any effort to reduce the Land and Water Conservation Fund's appropriation beyond the level it has already been reduced to this year.

EXHIBIT 1

THE LAND AND WATER FUND: A GOOD PROGRAM UNDER SIEGE

(By Meg Maguire)

It is classic theater.

The setting is America. The tale revolves around an institution that has inherited "oil money" and use it to finance a vast and beautiful domain that brings pleasure to many.

The characters are a diverse lot: members of Congress who try to match the institution's funds with the people's needs, community leaders who work to save special places in their environments and create new ones, and the people of the land who enjoy the resulting benefits. The play has had a long and productive run.

Then, enter from the right a new president and an old Washington hand brought into rewrite the scene.

That is exactly what is happening now. The "institution"—the blend of money and need—is the Land and Water Conservation Fund. It is a sixteen-year-old program that was born in bipartisanship and has acquired millions of acres of land for public use in thousands of projects across the nation. It is under attack. The Reagan administration proposes to alter its purposes, eliminate its functions, and cut its funds to zero.

It is an odd target for budget-cutters.

The fund has accomplished what few government programs can claim: a vast, permanent legacy for the American people. To list the accomplishments requires a computer printout three inches thick with over 28,000 federal, state, and local project entries involving 14,000 communities. Altogether, 4.5 million acres of land has been acquired.

The fund was established in 1965 to assure that "present and future generations" would have a full range of outdoor recreational opportunities "to strengthen the health and vitality of the citizens of the United States."

Ninety percent of the revenue for the fund comes from off-shore oil leases. The theory is that the nation should reinvest a portion of the revenues from a natural resources that is being depleted—oil—to save for public use that which cannot be replaced—land and water resources. The law requires that every year the fully authorized amount for the fund—now $900 million a year—be held in a special account, even if Congress fails to appropriate it from that account. Today, over $1 billion remains in unappropriated resources.

The fund has served as the principal planner, architect, and financier of many of the country's finest environmental blueprints. Since its inception there has been a steady infusion of money for national parks, forest preserves, and wildlife refuges; state parks and community recreation areas; access ways to wild and scenic rivers; and historic trails. Benefits of the fund investment are not confined to recreation. Local officials, planners, and developers have come to understand that open space and recreation projects often are the best ways to achieve other goals—reclamation of mined lands, revitalization of neighborhoods, development of waterfronts and downtown areas, opportunities for health and physical fitness, cooperation between public and private sectors.

The fund has always been blessed with completely bipartisan political support. In fact, it has been so noncontroversial, so free from scandal, so steady in performance, that it attracted little public attention or awareness until recently.

Now, suddenly, it is being treated by many as a burden rather than a blessing. Some of its friends have scattered, others have risen angrily to its defense. Suddenly there is also public interest. Now, more than ever, the fund needs to be understood.

The fund is an outgrowth of the Outdoor Recreation Resources Review Commission (ORRRC), established by Congress in 1958 during the Eisenhower administration as an early and formal recognition that growth has an environmental price and that resources for public enjoyment are finite. The commission's purpose was to recommend ways to preserve and develop outdoor recreation opportunities for Americans.

In 1962 its report, Outdoor Recreation for America, was issued with the most comprehensive assessment ever undertaken of the country's potential land and water-based recreation resources.

The report concluded—not surprisingly—that outdoor recreation was most needed near metropolitan areas, but that "most of the land is where the people are not."

Economic benefits of outdoor recreation, its growing importance as a major leisure time activity, and its compatibility with other resource uses were underscored. One conclusion stood out above the rest: "Money is needed," especially by the states.

According to the commission: "The key elements in the total effort to make outdoor recreation opportunities available are private enterprise, the states, and local governments." The role of the federal government should be one of cooperation and assistance, not domination, the report said.

The ORRRC report, still relevant and frequently cited almost twenty years later, had a profound influence on conservation legislation. In 1963, the Outdoor Recreation Act authorized the Secretary of the Interior to assess needs and demand, classify resources, develop a nationwide plan, provide technical assistance, stimulate regional cooperation, and conduct research and education. To carry out this mandate, the Secretary established the Bureau of Outdoor Recreation (BOR). Congress intended it to be a small service bureau, not a land-managing agency. BOR and its successor agency, the Heritage Conservation and Recreation Service (HCRS), were to administer much of the legislation emanating from ORRRC, including the fund.

As passed by Congress, the fund had two "sides." The state side matched state or local money on a fifty-fifty basis to finance acquisition and development of outdoor recreation areas and facilities in accordance with individual state plans and a nationwide plan. The federal side provided only for land acquisition for the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service.

In 1976 amendments to the fund legislation, Congress recognized urban needs by greatly increasing the level of authorization and slightly altering the distribution formula on the state side. Congress also called for "a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions." The National Urban Recreation Study, published in late 1977, concluded that current national recreation programs did not pay enough attention to rehabilitation needs of deteriorating local and regional parks in urban areas. Buying land was still a priority in growing communities in the Sun Belt, the report said, but almost all jurisdictions in all parts of the country listed their top priority as rehabilitating and maintaining what they already had in a time of shrinking financial resources and increased public use. It was a task the fund was never meant to perform.

The findings of the urban study also upheld the fund's critics, who complained that it was heavily oriented toward suburban areas. On the state side of the fund, almost twice as much money per capita had gone to suburban areas as to central cities. A full range of options to meet urban recreation needs was presented, including one to amend the fund to remove various constraints on it.

Altering the basic purposes of the fund was rejected on the basis that it was still badly needed to support numerous legislative mandates and national conservation objectives quite apart from the need to rebuild cities. Instead, as part of the National Urban Policy, President Carter proposed a companion to the fund, tht Urban Park and Recreation Recovery Program (UPRRP), which Congress enacted in 1978. For the first time, targeted cities were required to develop comprehensive plans and innovative approaches, bringing back to health their total park and recreation systems. The fund was to continue to be used by cities to buy land and for other new development needs.

Thus, by the end of 1978, the federal government had a comprehensive recreation policy that included a variety of legislation, interagency agreements, executive orders, and two complementary funds aimed at stimulating state and local action to address a broad range of recreation needs.

All of this required more money. The original fund authorization was for $100 million a year, but by 1968, with land values escalating dramatically, there was widespread support in Congress for tripling the original amount. Senator Thomas Kuchel (R-California) worked for that measure, citing the extensive needs of California, and supported by then-Governor Ronald Reagan. In 1976, the $300 million level was tripled again for similar reasons, and today the authorized level is $900 million.

It was never intended that the fund receive its appropriations from general tax revenues. From the beginning, special recreation-related sources of revenue were used: recreation fees from federal lands, receipts from the motorboat fuel tax, and proceeds from sale of surplus federal real property. Still, it was not enough to cover the $300 million level, much less the expanded authorization.

To answer this need, the 1968 fund amendments established a new conservation principle by tapping receipts from leasing of oil exploration areas along the Outer Continental Shelf (OCS). The money was to be placed in the fund up to the authorized amount and held in reserve, even if not appropriated by the Congress.

In spite of an adequate and guaranteed funding source and the increased authorization level to $900 million, only once has Congress appropriated all it had available.

Since 1965, 2.6 million acres have been acquired for $2.1 billion by the four participating federal agencies—the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management.

The places where the fund has been used to acquire key parcels reads like a guide to the nation's outstanding treasures: the Appalachian Trail, Blue Ridge Parkway, Cape Cod, Crater Lake, Death Valley, the Everglades, Gettysburg, the Grand Tetons, the Boundary Waters Canoe Area, key lands on national wild and scenic rivers, including the Rio Grande, Rogue, Upper Missouri, Amer-

ican, Arapaho, Cascade, Skagit, Sawtooth and Chattooga, and dozens more.

Not only have monetary needs of state and local governments been met, but planning for recreation also has improved dramatically. Every state and territory now has a state comprehensive outdoor recreation plan. The federal government has a nationwide outdoor recreation plan that is sent to Congress every five years. Better data and information have led to more rational decisions about what lands to buy and facilities to build.

Fund-financed projects have contributed heavily to improving outdoor recreation for America, in some areas on a grand scale. The East Bay Regional Park District in Oakland, California, serves two million park visitors annually at ten new regional park sites made possible by twenty-one fund grants totaling $5.8 million. Boston's Urban Wilds Program has relied heavily on fund and state urban self-help money to acquire a network of unique and diverse underdeveloped lands.

If the fund had simply done what it was intended to do—provide incentive to create much-needed outdoor recreation—it would be judged a success. But it has done much more. Communities have used the fund in concert with private volunteer help and donations to accomplish a wide variety of purposes, including:

Land reclamation: A grant of $5,000 to Polk County, Tennessee created a recreation area from land that had been ruined by copper smelting from local mines. The copper company donated the land and assisted in reclaiming the site. The county, state, and federal agencies provided funding for grading, soil reconditioning, reforestation, and recreation facilities.

Non-structural flood control: In 1978 Rapid City, South Dakota, was declared a flood disaster area. Rather than construct dams, channels, or levees to control the problem in the future, the city developed a floodway that will be almost seven miles in length when completed and include an eighteen-acre lake, a trail system, and other recreation areas.

Community renewal: The city of New York was awarded a grant of over $1 million to develop fourteen sites on rubble-strewn land in the most deteriorated community in urban America, the South Bronx. With technical assistance from a variety of groups in New York and involvement of the Trust for Public Land, community residents assumed ownership of some of the sites, developed highly productive community gardens, and donated many hours of labor to building play and sitting areas.

Urban economic development: Dozens of cities are using fund grants as the first step in revitalizing waterfronts that may have declined in economic importance or have been sealed off from public access by rail lines or highways. Englewood, Colorado, is developing a park at an old gravel operation and landfill site adjacent to the South Platte River. The 227-acre site will serve as a focal point in attracting business and upgrading the surrounding area.

Historic preservation: Many areas suitable for recreation or trails are found near historic resources. An old grist mill in Jefferson City, Missouri, on more than 130 acres of land, was acquired through a twenty-five-year donated lease, and recreation facilities were developed in keeping with the historical integrity of the area.

The fund never works alone. Often it serves as a catalyst in securing substantial private donations that may function as part of the required fifty percent match, and the fund later provides money to develop facilities. HCRS encouraged over $100 million in land donations or bargain sales by private corporations.

Projects like those listed here are fairly common now. Twenty years ago, with no Land and Water Conservation Fund, they were not. But what is their future? Does the country still need them? Want them?

The 1979 Nationwide Outdoor Recreation Plan—which involved private citizens, elected officials, and expert witnesses—confirmed what common sense and observation had been telling us:

Recreation demand is burgeoning and the need for land and facilities far outstrips availability.

Recreation is one of the fastest-growing and most important sectors of the American economy, employment, and generation of foreign dollars.

Recreation has become an important public health strategy.

Visitation to the national parks has increased almost tenfold since 1950.

People of all ages are changing their habits and acquiring new recreation skills that require many more facilities.

The 1979 plan also warned that America continues to confront a crisis of land use. Development is eating up vacant land—on river fronts, barrier islands, mountains, and farms. Urban America confronts particularly serious recreation problems as costs soar and revenues decline. While the public is willing to pay more for recreation services, many will not be served at all if these services are provided only by the private sector.

The plan did not say that the challenge outlined in the ORRRC report had been met or that the end was in sight, or that we should stop acquiring park lands, or that the states and private sector could accomplish the remaining agenda without federal interest or support. The plan did say that the policy of the country as it had evolved during six administrations was heading in the right direction, that for the most part the basic federal and state legislation and funding tools were in place. But, it said, we need to move faster and creatively. No one questioned its findings or conclusions. The only dissenters were those who felt the plan did not go far enough.

In January 1981, Ronald Reagan took office and nominated James Watt, former director of the Bureau of Outdoor Recreation from 1972 to 1975, as Secretary of the Interior. During his confirmation hearings, Watt cited his record at BOR and support of the fund as his primary pro-environmental accomplishments:

"In preparation for this appearance I have reviewed in detail my 1973 work product, 'Outdoor Recreation—A Legacy for America' (1973 Nationwide Outdoor Recreation Plan). It continues to represent my philosophy and my commitment to recreation, to preservation and to multiple use of the resources of America. The plan outlined what needed to be done to save, protect, and utilize our shorelines, beaches and estuaries, flood plains, recreation trails, wild and scenic rivers, wilderness areas, islands, reservoirs, natural lakes, rivers and streams.

"It is a record that I am proud of, and it is a record that has been before America since 1973.

"In addition to this important part of my record, stands my frequent testimony before both the Senate and House committees in support of additions to our wild and scenic rivers program, our national trails program and park and recreation areas.

"I call the committee's attention also to testimony I presented before the House Interior Committee with regard to the need for increasing the size of the Land and Water Conservation Fund. In that regard, I successfully laid the groundwork for legislation which enlarged the fund from $300 million to its present level of $900 million.

"I take great pride in the role that I played for three and a half years building a record in public service with regard to preservation and to the maximization of benefits from recreation lands, as Director of the Bureau of Outdoor Recreation."

One month after he was confirmed by the Senate, Secretary Watt abolished the Heritage Conservation and Recreation Service, BOR's successor, which administered the LWCF, the UPRRP, and the Historic Preservation Fund. He recommended that the fund be cut to zero, that none of the outstanding $2 billion federal backlog be acquired, that the fund be modified radically to allow for operation and maintenance of the national parks, and that the UPRRP—the fund companion—be terminated. These actions were proposed in the absence of any study or analysis of their consequences. Funds were frozen and projects abruptly halted.

Nathaniel Reed, the assistant secretary under whom Watt had served as BOR director in the Nixon and Ford administrations, said in a May 2, 1981 speech to the Sierra Club:

"I am a lifelong Republican . . . I supported Ronald Reagan's election by word and deed. . . . It causes me a great deal of pain to criticize the Administration as I am about to do. . . . But two of Watt's actions have convinced me that he is already a disaster as Secretary. One of these is his butchery of the Land and Water Conservation Fund. . . . In one rash step, the Secretary of the Interior has proposed wiping out the most popular and effective federal revenue-sharing program in the country."

What will be the consequences? No one can say exactly. But we do know that opportunities to acquire choice pieces of land will be lost to private, and often inappropriate, development. Since land prices are escalating, we will eventually pay more for the $3.1 billion worth of land that has been authorized but not acquired by the federal agencies. Communities with an expanding need for public recreation will experience over-crowding and accelerated deterioration of existing limited facilities. Many potential private donations to the public sector will not be made because the government will be in a poorer position to be a contributing partner. And the federal government will fail to honor its massive authorized acquisition responsibilities in national recreation areas.

At the time that revenues from depletable off-shore oil are growing geometrically—to $4.1 billion in 1980 and projected much higher than this by 1990—America will be reinvesting none of these in on-shore conservation.

Congress appears to be rejecting that radical redefinition of the fund—and Secretary Watt's sudden change of heart—and may well approve a very modest appropriation for 1982. That would keep the fund alive, but would not address the central issue: Will the nation continue its long-standing policy of conserving and building on its resources? If so, will it be a token effort, or a serious, well-planned and adequately funded effort?

That the American people love their heritage is not questioned. For years they have shown that their concern is for both old and new, conserving and building. They have enthusiastically approved plans for acquiring new sites, redeveloping river fronts, building new parks for a growing population, while at the same time saving barrier beaches and mountain wilderness areas.

A Land and Water Conservation Fund that is strong and fully supported can do its part in protecting America's heritage. But first Congress and the President must understand anew how strong is the people's love for doing just that.

And understand the depth of the loss if support does not come.

LAND AND WATER CONSERVATION FUND

(By Judith Ventura)

The gleeful cries of frolicking children fill the air as they slide, swing, and twirl on the brightly colored playground. The happy noise echoes in the nearby game field where an impromptu softball game races to an end.

People stroll along the sidewalks spread throughout the park. Some settle on benches to watch the children play. Welcome to Blades Town Park.

Blades is a small town, population 654, located just south of Seaford. A year ago the park was just a plan taking shape in the town fathers' minds. They bought a piece of land and applied for a grant from the federal Land and Water Conservation Fund (LWCF). The grant was approved in February, 1980 and by October the town had a new park complete with playground, picnic area, sidewalks, comfort stations and a multipurpose game field. Total cost of the entire project was $140,000 and the grant paid half of that tab.

The Land and Water Conservation Fund has been helping state and local governments to plan, acquire, and develop outdoor recreation areas and facilities since its establishment in 1965. So far, over $2.5 billion has been issued to acquire more than 2 million acres of land and develop facilities at 26,000 park and recreation projects across the nation.

The program is primarily funded by revenues from federal leasing of the Outer Continental Shelf for oil and gas exploration and drilling. The rest comes from the sale of surplus government property and the motorboat fuel federal tax.

Traditionally, 60 percent of the fund is distributed each year among the states, the District of Columbia, Puerto, Rico, the Virgin Islands, Guam and American Samoa. The other 40 percent is divided between four principal federal land managing agencies for land acquisitions. On the average, Delaware receives between 2 to 3 million dollars annually, depending on the amount in the fund. Last year $2.1 million was apportioned to Delaware.

To qualify for LWCF grants program, Delaware must have a Statewide Comprehensive Outdoor Recreation Plan (SCORP). SCORP provides information and guidelines for the management of recreation, conservation, and preservation actions for the public benefit. Through SCORP, grants were opened up to county and local governments, including school districts, in 1977.

The program is managed in Delaware by the Technical and Community Recreation Services Section (Tech Services) of the Division of Parks and Recreation. They regulate the grant application procedure and advise during the planning and construction periods. Applicants receive, if their plan is approved, up to 50 percent of the project's cost.

The completed project is now the responsibility of Tech Services. They must inspect the area at least once every five years, making sure the land is continually used for recreational purposes and that all handicapped facilities are up-to-date. The area must be in accordance with the civil rights act, meaning all persons, regardless of race, color, or national origin, will be allowed to utilize the facility.

Since the creation of LWCF in 1965, over $23.5 million has been obligated to Delaware. Those funds, combined with local and state matches, have provided over $40 million for 110 outdoor recreation projects.

Delaware took immediate advantage of the fund by purchasing Brandywine Creek State Park in 1965. That was only the beginning. Over the years, more than 15,000 acres in 80 separate tracts have been acquired.

The Division of Parks and Recreation has purchased all or major portions of Bellevue, Walter S. Carpenter, Jr., Lums Pond, Killens Pond, and Delaware Seashore State Parks. The Division of Fish and Wildlife has acquired over 12,000 acres at a cost of nearly $6 million, including Nanticoke and Little Creek Wildlife Areas.

Aside from land acquisitions, about 90 percent of the fund monies apportioned to Delaware go to recreational development. A large amount has been spent on State Parks' improvement. For example, Lums Pond boasts a new boathouse thanks to the fund. A 60-site family campground with water and electricity hookup, a showerhouse and pavilion, is a new feature at Killens Pond. Cape Henlopen has all new facilities, including a bathhouse. At Towers Road, part of Delaware Seashore State Park, a new bathhouse and campground are currently under construction.

Counties, school districts and local communities like Blades, realizing that money is available, are applying for and receiving the matching grants for projects. New Castle County received $200,000 to develop an old state prison farm into Delcastle Recreation Area. They built a golf course and a baseball complex. In 1978 they applied for another grant to fund the ballfield lighting, for landscaping, and for improvements on the golf course. This time they received $137,000. Delcastle is one of the most widely used and attractive areas upstate.

The southern campus of Delaware Technical and Community College in Georgetown is a showcase example of what can be done with fund monies. Through a continuing project that began in September of 1977, the campus has gained a 50-site picnic area, picnic shelter, volleyball court, basketball court, two acre pond, landscaping, fencing, roads, and this past summer a four court tennis area. So far the project's cost is $412,000. The project has been amended twice to meet the current needs of the campus.

In New Castle County, Wilmington has used money to improve the recreation situation in the city. They have acquired land on East Seventh Street and plan to develop a waterfront park there. A parking lot surrounding the Soldier and Sailor Monument was bought and converted into a minipark complete with benches, playground, and landscaping. The Eastside Pool on Seventh and Poplar Streets was completed this past summer for the inner city residents. Tatnall Park's existing facilities were expanded to include a basketball court and new playground equipment.

Two of the cities in Sussex County that have successfully used the fund to better their communities are Milford and Seaford. In Milford a new athletic complex stretches across the seven acres behind the Sussex Company on southeast Fourth Street. Complete with two softball fields, bleachers, fencing, and various site improvements, a grant for $16,954 paid half the costs. The project, approved in January, 1979, was finished by June of that year.

Soroptimist Park, located south of William Pond in Seaford, received a new underground water system with the help of grant money. $15,675 from the federal fund paid 50 percent of the costs for the system, which upgraded the drinking water and irrigation in Seaford, and provided for public restrooms to be installed in the park. The plan was approved in October, 1979 and was completed this past June.

Another LWCF project is currently underway in Seaford. 3.8 acres on Virginia Avenue within the city will be the site for a new L-shaped Olympic-size pool with swimming lanes, diving area, wading pool, showerhouse, restroom facilities, and a 60 car parking lot complete wtih bicycle racks. The proposed total cost of the project is $400,000.

The communities in Kent County have not used the available funds as much as the rest of the state. To date, Dover has applied for only one project grant. They received funding to light the city's baseball park. A new "tot lot", a playground especially for younger children, was built in Leipsic. The Lake Forest School District received a $60,000 grant for an eight court tennis complex at the high school. The project began in October of 1979 and was completed in August.

The next time you visit a Delaware recreational area, be it a town park like Blades or a bathhouse at a state park, look for the Land and Water Conservation Fund insignia: a green mountain, blue lake, and brown land enclosed in green circle. That is a reminder of a "cooperative project for outdoor recreation." Thanks to LWCF, outdoor recreation has been developed throughout the state for individuals of all walks of life to enjoy.●

FUNDING FOR THE LAND AND WATER CONSERVATION FUND

● Mr. BAUCUS. Mr. President, the land and water conservation fund (LWCF) was established by Congress in 1965 to provide funds for the purchase of parkland by Federal and State governments. The money comes from the sale of surplus property, taxes on motorboat fuel, and offshore oil leases. About $5 billion has been spent in the last 15 years under the LWCF program to purchase nearly 3 million acres of land for Federal projects and more than 2 million acres for State projects. The LWCF has contributed immensely to the expansion of Federal, State, and local parks and recreational facilities. Just as important, the LWCF serves as an incentive for even greater non-Federal park and recreation investment because States and localities must match the Federal grants they receive on a dollar-for-dollar basis.

Recently, the LWCF's future has been most uncertain. For fiscal year 1982, the administration requested only $45 million for Federal land acquisition. More strikingly, the administration proposed no funds for State assistance grants under the LWCF. The Reagan administration's budget request for LWCF reflects a 91-percent cut from the budget submitted by former President Carter last January.

I fully understand that budgetary restraint requires us to significantly reduce spending for a wide variety of programs. However, a 91-percent cut is simply asking too much. It would be a serious and tragic mistake. It would cripple State and Federal efforts to protect threatened land resources and meet pressing recreational needs.

I was pleased, therefore, to see the full Senate Appropriations Committee provide additional funds for Federal land acquisition and State assistance grants under the LWCF. As reported by the committee, the bill includes approximately $102 million for grants to States for park acquisition and recreational planning programs. This is still a considerable cut from the $173 million provided in fiscal year 1981.

Mr. President, the LWCF is justifiably recognized as one of the best examples of creative federalism. It is a program that should be maintained and encouraged, and I am pleased that the full Senate Appropriations Committee's actions do just that.●

SRC–I

● Mr. DODD. Mr. President, I supported Senator PROXMIRE's amendment to delete funds for the solvent refined coal I (SRC–I) project because I do not believe this massive expenditure of Federal funds is in the best interest of synthetic fuels development in this country. I have consistently supported the development of an aggressive synthetic fuels program in this country. I have been, and remain,

in favor of Federal support for the development of synthetic fuels. I believe such support is justified as a means of bringing about, through reasonable risk reduction, the essential private investment upon which a synthetic fuels industry in this Nation must ultimately stand.

The Congress established the Synthetic Fuels Corporation to oversee the distribution of Federal support for the synfuels industry. The Board of Directors of the Corporation has now been appointed and confirmed and is in the process of considering more than 60 project proposals. The most viable of these projects will receive Government loans or loan guarantees. In contrast to the SRC–I project, the companies proposing these projects will have to provide at least 40 percent of their financing. The private backers of SRC–I are providing only 2 percent of the project's funding, with the Federal Government providing 98 percent of the estimated $4.5 billion the project will cost.

This arrangement, in my view, does not serve the interests of American taxpayers, American energy consumers, or the American energy-producing industry. It is this kind of ill-advised use of public funds that could discredit the entire synthetic fuels effort. No project that requires 98-percent Government funding has very good prospects of leading to a commercially viable synthetic fuels facility.

This Nation must invest its limited resources wisely if it is ever going to reduce its dependence on unreliable foreign energy supplies. If we are to be successful it is imperative that we concentrate those resources in support of projects that have commercial viability. The best test of that viability that has yet been devised is whether or not the private market is willing to put its own capital at risk. SRC–I obviously fails that test.●

FUNDING FOR URBAN INDIAN HEALTH CENTERS

● Mr. BAUCUS. Mr. President. I have been hearing the concerns of Indian people who are not only from my State but from other States with significant Indian populations. What I am hearing is evidence Indians are indeed among the truly needy. Indians fall at the bottom of every social and economic indicator. They have the shortest life expectancy; they have the highest suicide rate; their poverty is 300 percent of the national average; they have the lowest per capita income; they have the highest unemployment rates; they have the lowest level of education; they have the poorest housing; and they have the worst health conditions and health care. It is little wonder there is an acute need for health care in urban areas.

How did this problem come about? In 1952, the Government policy of relocating reservation Indians to urban areas caused about one-third of American Indians to move to cities.[1] As a consequence of that policy it is estimated that about one-half of all American Indians live in urban areas.[2] Those estimates were made in 1976, and given the present economic conditions in rural areas, the percentage could be even higher.

Indians were not received in the cities with health care waiting for them, and currently the Indian Health Service of the Department of Health and Human Services will not provide direct health care to urban Indians.[3] Individuals cannot afford to go to a reservation health center in most instances, and because people assume the Federal Government provides for its Indian wards, there are no urban health care delivery systems which have served Indian people.[4] Where there are free health care systems, Indians are denied their services.[5] It has also been found that there has been gross discrimination against Indians in tax-supported institutions.[6] In other words, urban area facilities simply assume Indians have been provided for, and some discriminate against Indian people for reasons too lengthy and complex to comment upon here.

As a result of this situation, Indian and urban community leaders attempted to establish part-time volunteer community clinics. While those experiments were noteworthy and noble, they found that the health needs of urban Indians were larger than anticipated, due to the numbers of people to be served and due to the frequency and kinds of ailments to be treated. Thus they found they simply could not go further without outside funding.[7]

As a result of this situation, we enacted the Indian Health Care Improvement Act, which was designed to bring Indian health to an acceptable level.[8] Funding for programs under the act did not begin until fiscal year 1978, and now that the programs has gotten off the ground for funding urban Indian health programs, it is in great danger of death at an early age.

Our American Indian Policy Review Commission looked at these problems in a great deal of detail, and it developed the expertise to tell Congress what is needed to address some of the problems I mentioned earlier. On the issue before us the Commission recommended:

> Congress appropriate sufficient funds for the continuance of present Indian centers in urban areas which assist Indians in obtaining medical and other social services; and should encourage, with funds and guidance, the establishment of additional such centers in all urban areas where Indians live.[9]

That is some of the background to the problem, but what is the current problem?

Of the 50 percent of all American Indians who live in cities, over 50 percent of that number are children of school age or younger.[10] In other words, 25 percent of all American Indians are urban children. They, along with other urban Indians, have an unusual incidence of special medical problems.[11] Some of the more recent studies of Indian health problems show that the No. 1 ailment among Indians is otitis media, an ear infection which is related to poverty and which can cause deafness.[12] Reports show this ailment to be quite high in children, with 63.6 percent of the children having it being under the age of 5.[13] If those little children are untreated they will have hearing problems which will cause them to do poorly in school, leaving more people in the vicious cycle of poverty. The No. 2 disease is strep throat, a highly infectious disease.[14] It only makes public health sense to make certain there are facilities which can check the spread of this disease. The next highest ailment consists of intestinal infectious diseases, and we know these can cause a great deal of pain and even death.[15] I will not go through the full list, which is available to you in government reports, but the fourth highest ailment is impetigo, a staphylococcal skin disease, the fifth is pneumonia, and the sixth is influenza. These are all serious ailments and many of them are very highly contagious. However you can see they are ones which can be treated easily and effectively in a clinic setting. If they are caught early through checkup programs and the encouragement of parents and others to come in, the community is protected and, more importantly, Indian people can obtain the medical care they deserve.

That is the background. We owe a duty to the Indian peoples who were sent to our cities, we owe a duty to the cities to assist them in providing services, and the nature of the ailments treated require public attention for the sake of the community at large. This program is one for the truly needy, it is fundamental and it is in line with the history of the special relationship of the Federal Government to Indians. It is also a step toward a better future. As one of my Indian constituents put it, "I have a vision of a day when being Indian and poor in America is not dangerous to your health."

Mr. President, it is, thus, with great concern that I note the action of the Senate Interior appropriations to totally eliminate funding for the urban Indian health program.

The House, however, has seen fit to fund the urban Indian health program. And it recommended $9.79 million for fiscal year 1982. When the Interior measure goes to conference, I want to strongly urge my colleagues to adopt the House figures for this very important health care program.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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[1] American Indian Policy Review Commission, *Report on Indian Health*, p. 142.
[2] *Id.*
[3] *Id.*
[4] *Id.*
[5] American Indian Policy Review Commission, *Final Report*, p. 385.
[6] *Report on Indian Health, supra*, p. 143.
[7] *Id.*
[8] *Final Report*, supra, p. 396.
[9] *Id.*, 399.
[10] *Report on Indian Health, supra*, p. 143.
[11] *Id.*, p. 148.
[12] Dept. of Health, Education and Welfare, *Illness Among Indians and Alaska Natives—1970–1978*, p. 3.
[13] *Id.*
[14] *Id.*, p. 4.
[15] *Id.*●

Mr. JOHNSTON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. JOHNSTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. SCHMITT) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. SCHMITT) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "yea."

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—87

Abdnor	Exon	Metzenbaum
Andrews	Ford	Mitchell
Armstrong	Garn	Moynihan
Baker	Glenn	Murkowski
Baucus	Gorton	Nunn
Bentsen	Hart	Packwood
Biden	Hatch	Pell
Boren	Hatfield	Percy
Boschwitz	Hawkins	Pressler
Bradley	Hayakawa	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Randolph
Byrd, Robert C.	Huddleston	Riegle
Cannon	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Symms
Denton	Long	Thurmond
Dixon	Lugar	Tower
Dodd	Mathias	Tsongas
Dole	Matsunaga	Wallop
Domenici	Mattingly	Weicker
Durenberger	McClure	Williams
East	Melcher	Zorinsky

NAYS—8

Byrd, Harry F., Jr.	Heflin	Nickles
Grassley	Helms	Proxmire
	Humphrey	Roth

NOT VOTING—5

Eagleton	Inouye	Warner
Goldwater	Schmitt	

So the bill (H.R. 4035) was passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary clerical and technical corrections in the engrossment of the Senate amendments to H.R. 4035.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. SYMMS) appointed Mr. McCLURE, Mr. STEVENS, Mr. LAXALT, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. RUDMAN, Mr. HATFIELD, Mr. ROBERT C. BYRD, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, and Mr. PROXMIRE conferees on the part of the Senate.

Mr. McCLURE. Mr. President, I take the opportunity at the completion of the rather lengthy consideration of this appropriations measure to express my own personal appreciation to the ranking minority member, the distinguished minority leader, Senator ROBERT C. BYRD of West Virginia, for his courtesy and help and the help of his staff in the deliberations over the weeks and months in the subcommittee, and also to express my thanks to the floor manager on behalf of the minority, the Senator from Louisiana (Mr. JOHNSTON).

Of course, as is always the case, we never get to this point without the active and considerable help of very talented staff members. I particularly thank Frank Cushing, Linda Richardson, Don Knowles, and Diana Bernhart of the majority staff; Charlie Estes of the minority staff; and Laura Hudson of Senator JOHNSTON's staff for the really extraordinarily help that has been exerted on the floor in consideration of this bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Idaho for his reference to me.

In turn, may I express my appreciation to him for the courtesies that he has shown to me and for the splendid cooperation that I have been given and for his excellent leadership as chairman of the Subcommittee on Interior Appropriations.

He has been at all times most considerate and very helpful, and I am thankful for this.

I also wish to commend Mr. JOHNSTON for his skill and dedication as he has worked in the Chamber to manage the bill. I personally appreciate it, and I wish to say that I think that the Senate is in his debt.

Mr. BAKER. Mr. President, I want to take this opportunity to thank the distinguished manager of the Interior Appropriations bill, Senator McCLURE, the distinguished ranking member of the Interior Subcommittee, Senator BYRD, and Senator JOHNSTON for their able and effective leadership throughout the past 2 days.

Additionally, majority staff members Frank Cushing, Linda Richardson and Don Knowles should be commended for their assistance as well as minority staff members Charlie Estes, Laura Hudson, and Penny German.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time to inquire of the distinguished majority leader what the program is for tomorrow and for the remainder of the week.

Mr. BAKER. Mr. President, I thank the minority leader.

WEDNESDAY

Mr. President, on tomorrow I hope the Senate will agree to convene at 8:45 a.m.. At 9 a.m., under the order previously entered, the Senate will proceed to the consideration of the resolution of disapproval of the AWACS sale. That will continue throughout the day and at 5 p.m. tomorrow a vote will occur on that resolution under the terms of the statute.

THURSDAY

Mr. President, on Thursday, October 29, also under the previous order, the Senate will resume consideration of the Emergency Petroleum Allocation Act and continue its deliberations on that measure until final passage. I hope and I expect that we can complete that bill sometime around midday on Thursday.

I hope then to proceed to the consideration of the Agriculture appropriations bill, and I am advised by the managers on this side that the bill may be disposed of in 2 or 3 hours. If that is possible to do Thursday, having been a busy day, I would not expect the Senate to be asked to remain late although Thursday is the usual late day and this is late in the year. If we can complete that important appropriations bill as well as the emergency petroleum allocation bill, I would expect that that would be a good day's work and that we would go out at a reasonably early hour.

FRIDAY

On Friday I hope that the Senate will agree to proceed to the consideration of the Transportation appropriations bill or the D.C. appropriations bill. I expect votes to occur on Friday and for Friday to be a full day extending perhaps until 6 p.m. or 6:30 p.m. on that day.

Mr. President, that is the outlook as I see it at the present time for the remainder of this week.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished majority leader say that on Friday the Senate will consider either the Transportation appropriations bill or the District of Columbia appropriations bill?

Mr. BAKER. Yes.

Mr. President, I hope that we might do both. and I think there is some prospect that we will, but I shall not ask the Senate to remain very late in order to do that.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. McCLURE. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. McCLURE. Mr. President, I did not hear, but is it possible that other legislative items that are cleared for

action on both sides might be inserted in that schedule if there is time?

Mr. BAKER. Yes, indeed, that is a possibility, and I thank the Senator from Idaho for reminding me that throughout the week as we can clear items on both the Calendar of General Orders and the Executive Calendar we will do them by unanimous consent, and we will certainly do so.

Mr. McCLURE. I thank the Senator.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past 6:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGRESSIVE EXCISE TAXES

Mr. FORD. Mr. President, I am deeply disturbed by recent reports that the administration and Senate majority leadership are considering doubling Federal excise taxes on gasoline, telephone charges, alcohol and tobacco as a means of financing the recent tax cut. These reports are troubling, not only because of the severe implications they pose for the State I represent, but also because of the negative implications this has for an equitable Federal tax policy.

In revealing that such a plan is under active consideration by the administration, Treasury Secretary Regan termed it a painless way to enhance Federal revenues. Exactly who Secretary Regan has in mind I do not know, but it will certainly not be painless to two major industries in my State, nor to the low- and moderate-income individuals who will bear the brunt of this tax increase.

Let us dispel any illusions right here at the start, Mr. President. You can call it an excise tax, a revenue enhancement or anything else you want. But, in reality, it is nothing more than a regressive sales tax which will end up on the backs of consumers.

The State of Kentucky, which has already been asked to bear a disproportionate share of Federal spending cuts, will have to carry an even heavier load if these excise tax increases go through. Kentucky produces more distilled spirits than any other State in the country and produces the second largest crop of tobacco.

Currently, Mr. President, the Federal excise tax on distilled spirits is $10.50 per proof gallon. When you add on State and local excise taxes, more than 50 percent of the price of a bottle of distilled spirits is made up of excise taxes. The Federal excise tax on spirits alone accounts for 26 percent of the retail price. That is a higher share of retail price than any other industry.

So what is being contemplated? Why just make it even higher?

The doubling of the excise tax on distilled spirits would, without question, decrease demand. Decreased demand means decreased sales and the sum effect would be to cripple an industry that, in my State, is composed primarily of small companies producing bourbon whisky and employing more than 5,000 individuals.

If excise taxes are increased, all of these companies would be hard hit. Some would undoubtedly go out of business. The Senate Committee on Finance estimates that a doubling of the tax on wine, spirits, beer, and tobacco would reduce consumption 27 percent overall. Because the excise tax on spirits is higher than all other alcoholic beverages and makes up a greater proportion of the retail price, distilled spirit producers can expect as much as a 50-percent decrease in sales.

If that happens, what would be the net gain to the Federal Treasury be? How many distilleries would have to shut down? How many workers would be out of jobs? Who would we really have helped?

Indeed while the possibility of doubling excise taxes on gasoline, telephone charges, alcohol, and tobacco would hurt Kentucky, it holds equally negative repercussions for all American people.

Congress has just enacted the largest tax cut in history—a tax cut that, without question, directs most of its relief toward upper income individuals. I do not intend to discuss the relative merits of that tax cut; whether it should have been enacted, whether it is fair; or what impact it will have on the national economy.

But, I do not think it can be challenged that the tax cut made the U.S. tax system less progressive. It intentionally was designed to give benefits to upper income individuals. The administration would agree that the philosophy behind the tax cut was to create more incentives for the affluent to save and invest in productive enterprises. The administration cannot deny the skewing of tax benefits toward the more well-to-do.

But now we see that the tax cut is too big. It is going to cost, at a minimum, $750 billion over the next 5 years, and now we are stuck with the job of finding ways to finance it so that the 1982 deficit can be kept below $13 billion.

The administration had originally intended to reduce the deficit and pay for the tax cut by further cutting Government spending. There will be further reductions in Government spending, but the administration now is being made to realize that the poor of this Nation have been hardest hit by the first round of budget cuts and it is just not politically feasible to make them bear the lion's share of further cuts.

So, now the administration must look for other ways to pay for this excessive and expensive tax cut. They apparently are choosing to do so by new and different taxes to increase Federal revenues.

Mr. President, I say to you the most unfair way of all to finance the Economic Recovery Tax Act is through further regressive taxes. And, make no mistake about it—an excise tax—because it is a tax on consumption—is, like all sales taxes, a regressive tax.

Doubling the excise tax on gasoline, telephone charges, alcohol and tobacco will have a much greater impact on lower income individuals, not because they consume more of these products—they do not—but because all consumption taxes impact hardest as income level decreases. It is a basic law of economics that consumption expenditures, as a percent of family income, are greater the lower a person's income. There is no debating this. Thus, an increase in excise taxes will fall disproportionately harder on low- and moderate-income households—it is these people who will be required to finance the recent tax cut.

Still, Treasury Secretary Regan says that the cut will be painless. Well, it may be painless to Secretary Regan and those in his income bracket, but it is not painless to the thousands of Kentuckians whose jobs would be threatened, nor the millions of lower- and middle-income individuals on whom the greatest part of this burden would fall.

I also point out that this tax increase would come on top of action we have already taken to shift greater tax burdens on middle- and lower-income taxpayers. The recently passed budget reconciliation bill substantially cut Federal Government spending putting new revenue raising pressures on State and local governments. Because State and local governments typically rely on a more regressive tax structure to raise revenue, the recent spending cuts will transfer the burdens of taxation to households with smaller incomes. We should not further contribute to this tax burden redistribution by increasing excise taxes.

And, we should not dismiss this as an easy way to raise Federal revenues. Indeed it is something that must be carefully studied because it is not the quick fix solution that many seem to think. It is regressive, it is bad public policy, it is counterproductive. It is, without question, contrary to the concept of an equitable Federal tax system.

THE AWACS SALE TO SAUDI ARABIA

Mr. PRESSLER. Mr. President, last week I spoke with the Antidefamation League of B'nai B'rith in a session after meeting with the national leaders of that association I agreed to deliver a message to the President regarding the aftermath of tomorrow's vote on AWACS in which I think we all should be prepared to bind up any wounds after that vote, and I wish to have printed in the RECORD at this point my letter that I delivered to the Honorable Ronald Reagan this afternoon regarding the aftermath of the vote tomorrow on the AWACS sale, and I so ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 27, 1981.

Hon. RONALD REAGAN,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently I spoke to a meeting of the National Executive Committee of the Anti-Defamation League of B'nai B'rith. After discussing with the 500 to 600 participants the question of the ethnic role in American politics and the constitutional right of all Americans—regardless of race or

religion—to participate fully in the American political system. I then met with the top national leadership of the League for over one hour.

Although they knew of my position concerning the AWACS sale to Saudi Arabia, they nevertheless treated me most graciously, and I appreciated this opportunity to exchange views with them.

I know from our previous discussions that you share my concern that it would be unfortunate if any particular group were blamed, or identified as being responsible, for the outcome of the current Congressional disposition of the AWACS sale disapproval resolution. This is also a concern of the leadership of the ADL as expressed to me last week. I assured them that I would communicate their feelings on this matter to you.

It is extremely important that, whatever the outcome of the AWACS debate, we should not allow this issue to polarize or divide Americans along religious or ethnic lines. As one of your strong supporters on a variety of issues, I know that you share this view. We can all be proud of the active role played by all Americans in our political system.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

AWACS SALE

Mr. LEVIN. Mr. President, as Hodding Carter, former Assistant Secretary of State for Public Affairs, pointed out in the Wall Street Journal of October 15, "the royal We has reappeared in Washington." He refers to the fact that President Reagan has increasingly abandoned the attempt to use substantive arguments to justify h's desire to sell F–15 enhancement equipment and AWACS to the Saudis and, instead, increasingly relies on the claim which emphasizes the fact that he is the President and a rejection of this sale would weaken his ability to conduct foreign policy.

I find it extraordinary that the debate on this sale has increasingly focused on Presidential power rather than national need.

Our Constitution was and is built on the concept of checks and balances. Its operating premise is that no branch of Government and no individual will be able to unilaterally commit the people of this Nation to most major courses of action. Indeed, such is the case, by law, with the sale of arms of the kind involved in the proposed sale to the Saudis. The law specifically allows the Congress to disapprove a sale. And practice specifically invites the President to consult with the Congress before making a proposal. While this President belatedly gave some rhetorical attention to such consultation, he ignored the advice that his invitation generated. As a result, it is the President who has created this unfortunate game of chicken in which we now find ourselves engaged.

Despite the fact that the Congress has an obligation to consider the merits of the proposed sale and render a judgment on it, some may be tempted to consider the effects that a rejection of the sale would have on the Presidency. But William Safire, in the New York Times of October 15, provided a devastating response to that concern. He wrote that:

As a former Presidential aide, I recall all too well the temptation to quiet the voices of friends warning of danger with a blast about "weakening the Presidency." But it is the demand to close ranks regardless of conscience that weakens the Presidency. . . . "Our President, right or wrong," just will not fly anymore. No secret agreement can become a "national commitment" without a nation's knowledge and Congress's concurrence and no strong President would try to wheedle such concurrence by pleading that rejection will make him look bad.

Mr. President, there is disagreement about the wisdom of this proposed sale to Saudi Arabia. No matter how much I reject the reasoning of those who favor the sale, I respect their right to make that decision and I will defend the integrity of their choice so long as it was based on the merits of the proposal and not on a perceived need to rally around the President. We have rallied that way before—and we discovered only too late that we were being asked to assemble in a quagmire.

In the time left before the Senate is asked to formally render its judgment on the wisdom of this sale, I would ask my colleagues to remember that we are being asked to choose between differing policies and not differing personalities. Our task is to decide if we favor the sale or not, rather than whether we favor the President or not.

There are institutional issues of the highest order involved here. The Senate has a duty to reach an independent decision on this question. This body was not created to act as a rubber stamp. This body was not conceived as an agent to be manipulated by Presidential patriotism.

I ask unanimous consent to have printed in the RECORD the full text of Mr. Safire's analysis, as well as a powerful analysis of George Will which makes a similar point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 15, 1981]

A STALWART'S LAMENT

(By William Safire)

WASHINGTON, October 14.—I am a staunch supporter of Ronald Reagan's foreign posture. Although "foreign policy" has not yet been articulated, the Reagan foreign posture is unmistakable: a tough-minded approach to the Soviet Union on arms reduction and its sponsorship of terrorism, a rejection of third-world demands for psychological and material coddling, and the projection of the impression that the U.S. is again a reliable ally.

At the same time, I oppose the Reagan Administration's decision to abrogate past assurances to the Senate and to sell Saudi Arabia equipment that would enable its F–15's to bomb Israel, combined with its proposal to sell our most supersecret command and control equipment to a feudal regime in danger of an internal revolt, which could lead to a Soviet advantage in reading American defenses.

Those contrary views—generally for, specifically against—leave my head in a state that Prof. Leon Festinger once described as "cognitive dissonance," with the zigging part of my brain yelling at the zagging part to get in line to restore consonance and consistency. Many other loyal Republicans, conservatives and longtime hawks are going through the same internal tug-of-war.

Our problem is worsened at the sight of Tip O'Neill gleefully using the AWACS vote to resuscitate his party and strike at Ronald Reagan.

Worse still for our morale is the spectacle of Walter Mondale, who as Jimmy Carter's Vice President twisted Sen. Muriel Humphrey's arm until she voted for the sale of F–15's to the Saudis, now posing as a great defender of Israel by denouncing Mr. Reagan for following Mr. Carter's custom of acceding to Arab wish lists.

President Reagan has not made it easy for us, either, by insisting that a vote against him on Awacs would damage the foreign posture of strength and determination that we applaud. In such a bind, what is a stalwart to do?

We do not strengthen our Presidents, or help along their ability to conduct foreign policy, by acquiescing in blunders. The Awacs sale is not a test of strength between President and Congress, nor a partisan fight between Democratic doves and Republican hawks, but a test of wisdom that supporters of Ronald Reagan must not let him flunk.

As we now know, the combined Awacs and F–15 enhancement deal had its genesis in an unauthorized sales pitch by some of our least competent generals; it was secretly advanced by the Carter men as their farewell thumb-in-the-eye to Israel; it was quickly misinterpreted as a "national commitment" by Alexander Haig, who then sought to conceal the Awacs sale from the Senate and the U.S. press and Israeli Government while the F–15 enhancement deal was going through. Not until Defense Secretary Weinberger insisted that the complete U.S.-Saudi package be revealed did the world learn the extent of the secret promises made to a country that has been sabotaging the Camp David accords.

Must those of us who believe in the Reagan foreign posture permit this momentum to take him over the cliff? Henry Kissinger, in wrestling with this problem, deplored the way the proposed F–15 enhancement "casts doubt on the American word" to our Israeli ally, and doubted whether the subtle Saudis needed Awacs support "in such an ostentatious manner." But even so, he set these merits aside on follow-the-leader grounds: "the Congress must not undermine the President's authority in international affairs."

No: "our President, right or wrong" just will not fly anymore. No secret agreement can become a "national commitment" without the nation's knowledge and Congress' concurrence, and no strong President would try to wheedle such concurrence by pleading that rejection will make him look bad.

The way for Mr. Reagan not to look bad is not to let his advisers get him into such a mess. One sure way to look bad is to force longtime supporters into bed with strange bedfellows. Dim-witted diplomacy has pushed the nation into this choice between insulting an oil resource and endangering an ally, and the Reagan men add insult to injury by accusing principled supporters of causing the problem.

As a former Presidential aide, I recall all too well the temptation to quiet the voices of friends warning of danger with a blast about "weakening the Presidency." But it is the demand to close ranks regardless of conscience that weakens the Presidency.

Along with others who were outspoken Reagan enthusiasts as far back as the 1978 primaries, I resent and reject insinuations of ideological inconsistency from men who were then reviling Ronald Reagan as a lightweight demagogue, and who now call into question our basic political loyalties from seats of the mighty in the White House and State Department.

It is the Johnnies-come-lately who are failing Ronald Reagan and weakening his Presidency, not the men and women who are trying with some pain to remind him what he stood for.

[From the Detroit News, Oct. 25, 1981]

AWACS DISTORTS POLITICAL LANGUAGE

(By George F. Will)

WASHINGTON.—Proof of the capacity of the proposed AWACS sales to cause dreadful developments is that it has awakened the sleeping pedagog in me. The pedagog thinks the nation should define its terms especially those that denote the things it covets, such as "peace" and "moderation."

If "peace" means simply the absence of armed conflict, then peace is a clear-cut concept, but it is a classification that does not classify in a way compatible with common sense. The United States has not known peace in any meaningful sense since the first week of December, 40 years ago. Thus, the president's strategic arms proposal (MX, B-1, and the rest) should be understood as another maneuver in what John Kennedy called a "long twilight struggle," countering maneuvers of arms by the enemy.

The President's proposal—to deploy a new capacity for violence, for the purpose of countering the enemy's capacity—is not war, but it is indicative of a condition closer to war than to peace.

Similarly, Israel has never known a day of peace. Israel has suffered four wars, but the intervals between have not been peace. Saudi Arabia, whose "moderation" is cited by proponents of the AWACS sale, is among the foremost contributors to the climate of war and, hence, to the destabilization of the region.

In his letter offering assurances to senators, the president says he would cancel the sale if "the Saudis adopt policies which are disruptive to prospects for stability of the region and detrimental to U.S. national interests." That statement implies that the Saudis have not hitherto adopted such policies. The statement is an example of the deceptions, including self-deceptions, the administration has been driven to in its search for rationalizations of the sale.

The Saudis have relentlessly excoriated the Camp David agreements. They have persistently undermined the peace process. They have financed the transformation of the foremost terrorist organization, the PLO, into a conventional army in Lebanon. They have called (in January) for a "holy war" against Israel. They have never denounced treaties of cooperation between the Soviet Union and Arab states such as Syria and Libya. They have vigorously opposed any military bases on the Arabian peninsula and the Gulf (although the Soviet Union has a substantial presence in Syria and South Yemen). They have pressured Oman to be less hospitable to the United States.

They denounced the hostage rescue mission in Iran as "American military aggression." They initiated the founding of, and are host to, the Gulf Cooperation Council that denounced as "piracy" the U.S. shooting down of the two Libyan aircraft that attacked U.S. aircraft. They raised the price of oil more than $20 a barrel between the end of 1978 and the beginning of 1981. Their oil minister recently threatened a $60-a-barrel price if oil companies would not reduce inventories. And they are the hosts of Idi Amin (who is not in Libya, as George Bush charged when reaching for definitive proof of Libya's immoderation).

Worse than what will happen when the president wins or loses is what already has happened: Our political language, and hence our capacity for clear thought and sensible action, has been damaged by the administration's need to ascribe moderation to Saudi Arabia. The administration also has manfully, but unconvincingly, celebrated the "stability" of Saudi Arabia, a nation undergoing pell-mell modernization, with low literacy and 75 percent of its labor force consisting of foreigners.

There has always been one, but only one, good argument for supporting the sale: The president (as distinguished from his aides, who concocted this misadventure) does not deserve, and the country cannot afford, another blow to the believability of U.S. undertakings. The argument is not "My country—or my president—right or wrong" (which, as Chesterton said, is like "My mother drunk or sober"). But there are times, and this may be one, when it is more important for the executive to be effective than correct.

The administration should be prepared, if it wins, to issue a statement that is both reassuring and admonitory. It should reassure Israel and should admonish the Saudis not to believe what is, by now, all too easy to believe: that the United States expects no reciprocity for its favors.

When the Senate Foreign Relations Committee was considering the sale, the Washington Post carried a large front-page photo of two of the president's supporters conferring: Sens. Larry Pressler, R-S.D., and Charles Percy, R-Ill.

The president should wonder about a Middle East policy that depends on the perceptions of Percy, who thinks the PLO's Yasser Arafat is a moderate, and Pressler, who is not famous for constancy on behalf the president's, or other, foreign policy views.

NEARLY A HALF-CENTURY OF SERVICE COMES TO AN END

Mr. ROBERT C. BYRD. Mr. President, across the United States, thousands of ministers, priests, rabbis, and other professionally trained religious workers are responsibly and faithfully serving the spiritual needs of millions of Americans.

From time to time, however, the record and quality of service of one of those clergymen or religious workers assumes exceptionally noteworthy and remarkable dimensions.

Rabbi Samuel Cooper of B'nai Jacob Congregation in Charleston, W. Va., has achieved such distinction. Now, after 49 years of serving his congregation and the Charleston community, Rabbi Cooper is retiring. This weekend, hundreds of Rabbi Cooper's congregants, friends, and admirers are coming together in Charleston to bid this distinguished spiritual leader farewell, and I want to add my voice to their acclaim.

Rabbi Cooper came first to B'nai Jacob Congregation in 1932. As a 22-year-old, Canadian-born, fledgling rabbi just out of rabbinical school, Rabbi Cooper originally officiated at the 1932 high holy days services in Charleston on a temporary and emergency basis. But the young rabbi and the Charleston Jewish community were destined for a surprise.

Almost instant attachment is not always limited to budding romances. Apparently from the beginning, the elders of B'nai Jacob were captivated by their interim teacher and pastor. His presence, eloquence, demeanor, and brilliance quickly won for Rabbi Cooper a warmth, respect, and reverence usually reserved for a more mature and seasoned rabbi. In consequence, the people of B'nai Jacob overwhelmingly voted to ask Rabbi Cooper to become their permanent rabbi.

The famous American clergyman Phillips Brooks once said, "A sermon is truth expressing itself through human personality." One might paraphrase Brooks by adding that an effective ministry is compassion expressing itself through human personality. Not coincidentally, under Rabbi Cooper's nurturing leadership and ministry over nearly five decades, the B'nai Jacob congregation was renewed, grew, and extended a widening and welcome influence throughout the Charleston area.

Consequently, a growing recognition came to Rabbi Cooper from outside his congregation. Among the many responsibilities that Rabbi Cooper accepted were the chairmanship of the West Virginia Human Rights Commission and the Charleston Housing Council, and membership on the Board of Trustees of the American Red Cross and the Executive Committee of the Rabbinical Council of America.

In addition to serving as the president of the Zionist Region of Ohio, Indiana, Kentucky, and West Virginia, Rabbi Cooper has also been West Virginia's delegate to the American Jewish Conference and a delegate to the World Zionist Congress in Basle, Switzerland. For these and his many other public contributions, in 1964, Rabbi Cooper was honored as West Virginian of the Year.

Mr. President, I commend Rabbi Cooper for his years of unselfish service to the B'nai Jacob Congregation and to Charleston. Rabbi Cooper is departing a familiar field of labor for new challenges and perhaps a more leisurely pace of responsibilities. May he go assured of the heartfelt appreciation of thousands of people whom his influence has touched, and confident of the strength of the moral and spiritual foundations that he helped lay in the lives of countless men and women throughout his rabbinate.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SYMMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANGUS GAVIN RECEIVES OUTDOOR LIFE CONSERVATION AWARD

Mr. STEVENS. Mr. President, Angus Gavin is receiving the prestigious "Outdoor Life Conservation Award" today. The award will be presented by Clare Conley, editor-in-chief of Outdoor Life Magazine.

It is being given in recognition of his work for Atlantic Richfield Co. (ARCO) on Alaska's North Slope from 1969 to 1978. ARCO hired Angus to monitor the effects of pipeline construction on North Slope wildlife. He paid particular attention to the migratory patterns of caribou and wildfowl.

The presentation of this award is significant because it points to a facet of resource development in undeveloped areas which is frequently missed: That is that we can permit development which will not cause harm to the surrounding environment. When oil was discovered on Alaska's North Slope and a pipeline

to carry it out was proposed—some people said the project would be a massive environmental disaster. Mr. President, they were wrong. The Trans Alaska pipeline was built and oil has been going through that line from Prudhoe Bay to Valdez since 1977 and there has not been a disaster. America is receiving Alaska's valuable energy resource and on our North Slope caribou and migratory waterfowl still flourish.

Prior to joining ARCO, Angus spent 23 years with Ducks Unlimited in Canada, where he was senior vice president in 1968. He spent many years as Ducks Unlimited provincial manager in Saskatchewan.

All told, Angus has spent over 45 years working in the Arctic and Subarctic areas of Canada and Alaska. He is one of the most knowledgable men in the world on Arctic wildlife. During his work in Canada Angus was responsible for the discovery of the nesting grounds of the Ross and Tule geese in the Perry River District of the Northwest Territories.

It is my hope that the whole Senate will join Senators JAMES MCCLURE and ROBERT STAFFORD and me in honoring Angus Gavin in the Caucus Room this evening. The reception is scheduled from 5:30 to 7:30.

I ask unanimous consent that the press release on the award be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

OUTDOOR LIFE MAGAZINE PRESENTS ANGUS GAVIN WITH ITS ANNUAL "OUTDOOR LIFE CONSERVATION AWARD"

WASHINGTON, D.C., October 27.—Angus Gavin, renowned ecologist and author in the field of wildlife conservation, today received the prestigious, annual "Outdoor Life Conservation Award" presented by Clare Conley, Editor-in-Chief of Outdoor Life magazine.

Mr. Gavin was given this award in recognition of his ten years (1969–1978) of ecological work on Alaska's North Slope during the installation of the trans-Alaskan pipeline. He was employed by The Atlantic Richfield Company (ARCO) to monitor the environmental effects the pipeline construction had on wildlife, with particular concern given to the migratory habits of the caribou and various wildfowl, and to advise ARCO on his findings.

"While this award has been given since 1964 to many exceptional and courageous individuals in the conservation field, it seems more timely than ever that Angus Gavin receives the honor this year," said Editor Conley. "His personal integrity and superb knowledge of ecology and wildlife habits make his contributions invaluable, not only to this one project, but to all future endeavors of industry that will concern our natural resources," continued Mr. Conley.

A native of Ellon, Scotland, Angus Gavin now makes his home in Winnipeg, Manitoba. He has worked in the Far North for more than 45 years and is responsible, among other accomplishments, for the discovery of the nesting grounds of the Ross and Tule geese in the Perry River District of the Northwest Territories. He also developed the first workable Eskimo dictionary, which is still in use today. Before joining ARCO, Mr. Gavin spent 23 years with Ducks Unlimited, an international conservation organization.

Outdoor Life, a Times Mirror Magazines publication, is celebrating its 84th continuous year in print.

REMARKS BY ATTORNEY GENERAL WILLIAM FRENCH SMITH BEFORE THE NATIONAL PRESS CLUB

Mr. THURMOND. Mr. President, for too long, crime has been one of our most pressing problems. Over the years, many approaches have been used to address this problem, but we have continued to see crime grow at an alarming rate. This year, I have joined with many of my colleagues here in the Senate to call for a national effort to address the crime issue.

Fortunately for all Americans who are concerned about the rights and safety of law-abiding citizens, we now have an administration that is willing to deal realistically with crime. This administration has an able spokesman for its package to deal with crime in the person of Attorney General William French Smith. Recently, the Attorney General presented the administration package on crime to the National Press Club. This program consists of a four point program:

First. An increased coordination of efforts between State and Federal law enforcement officials;

Second. Direct Federal assistance to State and local efforts against crime;

Third. An improved effort by the Federal Government against crime; and

Fourth. Correcting the current imbalance which favors the forces of lawlessness over the forces of law.

Mr. President, I look forward to working with the President and Attorney General Smith as the administration presents the details of its new program to the Judiciary Committee. I feel confident that the approach endorsed by the administration will provide a valuable vehicle for our united effort against crime.

Mr. President, in order to share the comments of Attorney General Smith with my colleagues, I ask unanimous consent that the text of his address before the National Press Club be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

Although I am delighted to speak here today, it is always a little risky to appear before the press to give a speech or outline some new plan. For example, following Abraham Lincoln's Gettysburg Address, one Chicago newspaper commented:

"The cheek of every American must tingle with shame as he reads the silly, flat, and dish-watery utterances of the man who has to be pointed out to intelligent foreigners as the President of the United States."

Similarly, just one week before the Wright brothers flew their plane at Kitty Hawk, the great New York Times itself branded "airship experiments" a "waste" of "time, and . . . money." And, on the same editorial page, the Times also observed: "One does not expect too close an adherence to logic or to law from an assemblage of women." Although I am neither a Lincoln nor an "assemblage of women"—and the program I outline today may not prove quite as valuable as the airplane—those editorial precedents give me some pause.

In any event, I intend to present an outline of administrative and legislative actions that this Administration earnestly believes will prove of great benefit in fighting crime. The comprehensive nature of our package makes it to large to discuss fully in any one speech of bearable length. Tomorrow, however, I will appear before the Senate Judiciary Committee to discuss its many features more fully. In addition, we will then release a detailed list of all its elements.

Before addressing what the package would do, I want to emphasize what it will not do—and why. It does not require any massive new spending schemes by the federal government. Its breadth and potential effectiveness cannot be measured by accountancy journalism, by adding up the costs of its constituent parts on a ledger. They require careful analysis—and an appreciation of the many things the federal government has unsuccessfully tried to do in the area of criminal justice thus far.

Judged by the growth of crime, federal efforts to assist state and local governments to fight crime have not succeeded well enough. For more than a decade, the federal government has emphasized direct financial assistance to state and local enforcement through LEAA grants. Since 1969 the federal government has expended some eight billion dollars in that effort. The results are in. They demonstrate that throwing money at crime is not the most basic answer—and that we must find a better way to help.

The Law Enforcement Assistance Administration began its efforts in 1969. In the last decade, the federal government has increased its total annual spending on criminal justice nearly four-fold. And state and local governments have more than tripled their spending. Nevertheless, violent crime has nearly doubled. Between 1959 and 1978, annual federal spending on criminal justice rose by more than 1100 percent, yet violent crime increased by almost 500 percent.

There must be a better way to utilize federal resources than those that have been tried thus far. We must more effectively meet the single most important set of law enforcement problems that confront all levels of government in America today—violent crime and the drug traffic that lies at the root of so much violent crime.

Having recognized the need for new approaches, we have fashioned initiatives that we believe are necessary now. Saying this, however, does not mean that there will be no need in the future for added federal expenditures in the effort to fight crime. It merely means that a due recognition of the need for new laws and new procedures counsels great care in the adding of new expenditures at least until the new approaches are in place and have been tested. Federal funding often gains a life of its own separate from the effectiveness of the programs it supports. Although federal expenditures have resulted in the development of some effective law enforcement tools, we now need to try a new approach before committing any massive additional infusions of federal funds. Naturally, the tremendous need for controlling all government expenditures in an effort to turn around our economy only adds to the need for caution in the funding of federal efforts against crime. Simply put, let's try something new and see how it works. Then, let's increase the funding for those efforts that are effective and can benefit from enhanced funding.

Following the President's speech to the International Association of Chiefs of Police on September 28, the New York Times editorialized about the fight against crime in the following words, which may prove as accurate as its editorials I cited from 1903:

"No Federal effort to help that fight can have much meaning unless it involves money."

The Federal effort, however, already involves a commitment of billions of dollars to criminal justice. It is now time to ensure

that this money is being spent in the most effective way possible before launching new spending efforts. It is time for basic changes and innovation before throwing more money into the battle. Innovation could prove more effective than more of the same.

The program we propose is innovative. It is schooled in the failings of the past. It recognizes that the primary responsibility for effectively fighting crime rests on the state and local level. And it therefore emphasizes restructuring the federal effort to assist state and local efforts. The numerous elements of the Administration package would advance four basic goals:

First, to coordinate the use of federal law enforcement resources with state and local needs and efforts;

Second, to offer direct federal assistance to state and local efforts;

Third, to improve the effectiveness of federal efforts themselves; and

Fourth, to correct the imbalance that has arisen and favors the forces of lawlessness over the forces of law.

Although designed to further those four basic goals, the package is made up of many times that number of elements. Exclusive of the proposed Federal Criminal Code that it incorporates, the program addresses twenty different areas of law enforcement. They include—to cite some of those areas—narcotics, bail, corrections, the exclusionary rule, habeas corpus, juveniles, the dealth penalty, organized crime, victims, and federal assistance to state and local governments.

The proposed Federal Criminal Code by itself presents very important body of law enforcement improvements. It contains over one hundred significant improvements in federal criminal law. The other twenty areas addressed by our program themselves contain some forty legislative proposals and fifteen administrative initiatives.

The first goal of our crime package is to ensure full federal cooperation with state and local law enforcement—especially to direct federal resources more effectively against the specific crime problems experienced in different localities. We must reverse the trend in recent years toward federal law enforcement officials deciding their own priorities without fully consulting state and local officials. Too often, U.S. Attorneys and federal law enforcement entities have taken an elitist approach to their role in enforcing the law. U.S. Attorneys have frequently focused their resources on specific types of cases without consulting local authorities.

For example, in several cities in this country where heroin is a major problem, U.S. Attorney's offices had been declining prosecution when the amount of heroin involved was perceived as too small. As a result, many cases that could have been dealt with in the federal system were processed through state and local criminal justice systems whose resources and facilities were at the breaking point.

In some cities, local district attorneys must handle 50 times the number of felony cases brought in the U.S. Attorneys offices next door. Yet some of those district attorneys offices have no more than two or three times the prosecutorial resources; no speedy trial act to ensure swift justice; and no room in state prisons.

Therefore, I have directed implementation of a program that requires all U.S. Attorneys and other federal law enforcement officials to emphasize close coordination with state and local law enforcement.

In each district, the U.S. Attorney is establishing a Law Enforcement Coordinating Committee. Federal law enforcement officials will meet with the appropriate state and local enforcement officials to identify together the community's most important crime problems upon which federal resources can have an impact.

Next, the U.S. attorney will coordinate with other federal, state, and local law enforcement officials to develop a plan for using federal resources and jurisdiction to achieve the maximum impact on the most serious crime problems facing that community. The plan will then be put into effect in allocating federal resources. Federal law enforcement already emphasizes five areas: violent crime, drug enforcement, organized crime, white collar crime, and public corruption. Through the new Law Enforcement Coordinating Committees, local communities can ensure a federal emphasis among these areas that will prove most valuable to that community.

These Law Enforcement Coordinating Committees will form the cornerstone of our efforts to increase federal assistance to state and local law enforcement. I have spoken personally with local prosecutors and other local law enforcement officials. If anyone doubts the importance of this new concept in the fight against crime, I suggest they do likewise.

By employing federal resources—including concurrent jurisdiction—in response to the specific crime problems that are perceived to be most serious in particular localities, federal law enforcement can and will make a difference in the fight against crime. Through enhanced cooperation—for example, the cross-designation of prosecutors in both the state and federal systems—all levels of law enforcement can begin to employ their resources in unison and in accordance with the strengths each can contribute to the fight against crime.

When there is concurrent jurisdiction, cases developed by federal, state, and local investigators could then be presented in the judicial system best suited to the facts, statutes, sanctions, and space on the docket.

The concept of Law Enforcement Coordinating Committees depends upon the existence of federal concurrent jurisdiction to respond with federal resources to the different needs felt in different localities. For example, at least one-third of the federal criminal cases pending at the end of last fiscal year involved an exercise of our concurrent jurisdiction over violent crime or conduct directly related to violent crime.

We are now proposing some expansion of that federal concurrent jurisdiction. For example, the proposed Federal Criminal Code would permit federal prosecution of any violent or serious crime committed during the course of any other federal offense. It would also provide federal jurisdiction over murder for hire, large-scale arson, the leaders of enterprises engaged in organized crime, and those who facilitate or solicit federal crime.

Clearly, the federal government can greatly assist states and localities by directing its law enforcement resources against those problems of greatest local concern. It can also assist state criminal justice systems by ending excessive federal court review of state criminal convictions through federal habeas corpus. Our proposal in this area would provide for broader deference to the state judicial processes without jeopardizing the legitimate protection of fundamental federal rights. It would reduce the substantial commitment of resources presently required of the states and the federal courts to deal with federal habeas corpus petitions by convicted state prisoners.

Although there are many ways in which our initiatives would assist state and local law enforcement, the measures concerning corrections provide direct and immediate assistance. We have established a Clearinghouse in the U.S. Bureau of Prisons to facilitate the transfer to states and localities of surplus federal facilities that could be used as a short-term way to ease the crowded condition of state and local prisons. In fact, the first such transfer occurred just two weeks ago in Watertown, New York. It will not, however, be the last. Indeed, we are seeking legislation to enhance the success of this program and to make federal vocational education funds available to state and local corrections.

Similarly, we have established a National Corrections Academy to improve the training available to state and local corrections officers through the National Institute of Corrections. In addition, other federal training programs are being established to improve the operation of state and local corrections facilities. Last, the Bureau of Prisons is giving emphasis to housing in federal facilities those state prisoners who represent the greatest burdens upon state facilities.

The federal criminal justice system assists the state and local fight against crime in two other important ways. First, state and local governments can devote fewer of their resources to those crimes the federal government attacks effectively—such as white collar crime, organized crime, and public corruption. Second, when the federal system reflects the best approaches gleaned through the Nation, it then serves as a model upon which state and local law enforcement can confidently build.

Both of these processes are furthered by improvements in the federal approach to fighting crime. Therefore, many of the initiatives contained in our crime program are aimed specifically at improving the federal system itself—and would thereby further assist state and local law enforcement.

Perhaps the most important of our initiatives are directed at enhancing the federal effort against drug trafficking and use. We are establishing an interagency Task Force on Drug Enforcement to bring real coordination to the domestic and international efforts of the Departments of State, Treasury, Defense, Transportation, and Justice. In addition, we will seek the necessary legislation to utilize fully the sophisticated resources of the U.S. Navy to detect drug traffic at sea and in the air.

In recent years, under the leadership of its recently retired chief Peter Bensinger, the Drug Enforcement Administration has broken new ground in the fight against drugs. The increasing sophistication of commerce in drugs now requires even greater and more sophisticated efforts. The more substantial resources of the FBI are needed to enhance DEA's activities. Our recent success with Operation Bancoshares demonstrated the value of the FBI's expertise in tracing the sophisticated money trail typical of drug trafficking today.

We are therefore creating a relationship between those two agencies that will allow the FBI to play a larger role in assisting the DEA when the FBI's greater resources and different technical capabilities can have a substantial impact on the drug problem.

In our package there are still other legislative proposals that recognize the significance of drug-related crimes to the overall growth of crime in this country. We are proposing legislation that would permit the responsible use of herbicides against foreign and domestic marijuana crops, for example. In addition, the proposed Federal Criminal Code contains numerous specific provisions directed against drug-trafficking—such as increased penalties for large-scale trafficking and a mandatory prison term for heroin-trafficking.

Just as the proposed Federal Criminal Code would enhance our ability to fight drug trafficking, it would generally enhance federal law enforcement's ability to combat crime. By simplifying and clarifying federal law across the boards, it would improve the efficiency of federal law enforcement. Its specific provisions also represent an improvement in the substantive reach of federal criminal law and in the procedures to enforce that law.

Our Declaration of Independence itself

emphasized the most basic of individual rights secured by government: the right to "Life, Liberty, and the pursuit of Happiness." In the pursuit of other civil rights, we have sometimes shown insufficient regard for this most basic civil right. We have allowed increasing crime—and the fear it breeds—to threaten and confine the pursuit of life, liberty, and happiness by law-abiding Americans.

Nearly fifty years ago the great jurist Benjamin Cardozo wrote:

"Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

In the years since, however, a growing imbalance has arisen between the tactics available to the lawless and the powers of the law. There has been an ever-growing public perception that the criminal has gained the upper hand over society itself.

Too frequently, Congressional failure to act has invited the courts to fashion makeshift approaches that favor the accused over the accuser. More refined and balanced policies could only be fashioned through the legislative process. It is time that was done, and we have therefore proposed various pieces of legislation that would restore the proper balance between the powers of the law and the rights of the lawless.

Foremost among those proposals is modification of the exclusionary rule so that reasonable, good-faith action by law enforcement does not result in release of the lawbreaker. Intended to ensure due process of law, the exclusionary rule too often merely results in a criminal's avoiding punishment due under law. As Justice Cardozo observed long ago, the criminal should not go free merely because the constable blundered.

Perhaps, the interests of justice would be best served by the complete abolition of the exclusionary rule. The exclusionary rule should at least be modified. Clearly, good-faith efforts by law enforcement, though found technically deficient later, should not result in a court's excluding evidence of crime. At the very least, Congress should begin the process of reform by modifying the rule so that evidence would not be excluded when it was obtained with a reasonable, good-faith belief of conformity with the fourth amendment. Such a judicial construction of the rule already governs in the U.S. Courts of Appeals for the Fifth and Eleventh Circuits.

Reform of the exclusionary rule does not, by any means, exhaust our list of proposals to Congress to restore the balance necessary to succeed in fighting crime. For example, the new sentencing provisions of the proposed Federal Criminal Code add certainty to the judge's responsibilities in the criminal justice system—and eliminate much of the flexibility that saps the public's confidence and diminishes the deterrent impact of punishment.

Our proposals to reform the bail process would, among other things, allow courts to deny bail to persons who clearly present a danger if released—or who are likely to jump bail.

Perhaps the most often forgotten persons in the criminal process are the victims of crime. The President has recognized this fact and will appoint a Task Force on Victims of Crime to correct it. In addition, the proposed Federal Criminal Code itself contains provisions that would protect victims and witnesses from intimidation and would provide a mechanism for restitution to victims through fines imposed upon those who have preyed upon them.

Our proposals would aid in deterring the most serious of crimes. Where appropriate, we are proposing a constitutionally sound death penalty. And we are proposing mandatory prison sentences for the use of firearms in committing a federal felony.

Recognizing the increasing number of crimes committed by young onenders, we are proposing juvenile justice reforms aimed at increasing the likelihood of their being apprehended and punished appropriately.

In order to improve the access of law enforcement agencies to the information they need to combat crime, we are proposing changes in the Tax Reform Act of 1976 and the Freedom of Information Act. Both of these statutes serve laudable goals with which we agree. They also, however, contain some provisions that are very detrimental to the ability of law enforcement to combat crime. By allowing law enforcement greater access to information possessed by the Internal Revenue Service, our proposals should enhance the Department's ability to investigate and prosecute white collar crime, drug trafficking, public corruption, and violent crime. In addition, our proposals would deny criminals access to information that would assist their illegitimate endeavors or enable them to threaten those who aid in apprehending them.

Last, the proposals we will make contain numerous improvements in the law to combat the menace of organized crime. They enhance our ability to prevent and punish labor racketeering. And they would facilitate criminal forfeiture in racketeering and narcotics trafficking cases. Enhanced forfeiture provisions would make it possible to take more of the incredible profits out of large-scale criminal endeavors.

The comprehensive nature of the program we are embarking upon to combat crime has required me to speak longer than I would normally require an audience to listen—even an audience whose job is to listen. The breadth of our proposals serve as an important reminder, however, of a very important fact. We have been losing the battle against crime.

Tried approaches have proved less than true, and new approaches are needed in all of the areas I have touched upon today.

Previous failures are especially disheartening when they occur in an area of so much importance to the American people. Nevertheless, failure can also provide the impetus to more innovative and more effective approaches.

There is an old story about the great inventor Thomas Edison that we should all keep in mind. An acquaintance once reproved him for having unsuccessfully tried some 1,200 different materials as the filament for the incandescent light. He told Edison:

"You have failed 1,200 times."

Edison replied:

"I have not failed. I have discovered 1,200 materials that won't work."

In the past decades we found many approaches that haven't worked, but we have not necessarily failed in the fight against crime. We will fail only if we do not persevere to find more effective weapons to fight crime without offending the other values basic to our society. I believe that the Administration has succeeded in finding those kinds of new weapons in the extensive set of proposals I have outlined briefly today. In the days and months ahead, I can promise you that we will persevere in our efforts to see them implemented and tested. And we will persevere in the effort to find every acceptable weapon that can aid in diminishing the blight of crime that afflicts our land.

REFLECTIONS ON THE LATE EGYPTIAN PRESIDENT ANWAR EL-SADAT

Mr. THURMOND. Mr. President, much has already been said about the tragic loss of that great statesman and man of peace, the late President Anwar el-Sadat of Egypt. However, I would like to share with my colleagues some additional reflections after my return from his funeral.

My prayers go particularly for the wife and family of Mr. Sadat, as well as for the new leader of that strategic land. It is indeed fortunate that President Sadat had an able vice president and group of leaders who share his peaceful, forward-looking policies.

Appropriate words during a time of tragedy and challenge are hard to come by, but I feel that two newspaper viewpoints best express some of my views on the life and death of President Sadat and what it may ultimately mean.

The first is a fine article which appeared in the Los Angeles Times, written by Sol M. Linowitz, U.S. Ambassador to the Middle East autonomy negotiations under President Carter. It is entitled: "Memories: A Man of Vision." The second is a very perceptive editorial from the Wall Street Journal entitled "Shadow and Act."

Mr. President, though these brief reflections cannot completely depict the life of this great man, I wish to share them with my colleagues, and I ask for unanimous consent that these articles appear in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MEMORIES: A MAN OF VISION

Anwar Sadat was the irreplaceable man of our time. He was a man of deep faith and unshakable commitment to peace. To be with Sadat was to be with a man who always seemed serene and at ease with himself—confident of his intuitive judgment and bolstered by his religious commitment.

I remember my first visit with Sadat at his home outside Cairo. He greeted me warmly and took me into his study. Relaxed and apparently without any sense of schedule, he talked with me for several hours. I knew that an important foreign delegation was awaiting him in the anteroom, but he never gave any indication that he was aware of another appointment.

I noted with interest that, six minutes after he and I began talking, he was calling me "Sol." Thereafter, in our subsequent conversations and in his meetings with the press, he always referred to me as "my dear friend Sol." And I always felt that he meant it—that his friendship was real.

Friendship was for Sadat a very important quality. I was with him a day or two after the shah had arrived in Egypt, and I said to him: "It must have been a very difficult decision for you to make—to decide to invite the shah, knowing that it might cause some real repercussions." Sadat stopped and said to me, with indignation, "Difficult? Why should it be difficult to decide how to treat a friend? For me there was no difficulty."

Above all, Sadat showed himself as a leader in the effort to find peace in the Middle East. Committed to Camp David, he was determined to move forward resolutely to carry out the provisions of the accords, often deriding those raising questions about his leadership. He was supremely confident that, in due course, other Arab leaders would join him in supporting Camp David.

Sadat was truly committed to help the Palestinians achieve full autonomy, and seemed confident that one day this would be accomplished. He had a feeling of respect and real liking for Prime Minister Menachem Begin of Israel, but he also became impatient and sometimes deeply annoyed at what he regarded as Begin's unwillingness to take steps that might move them closer to an agreement.

He did, however, understand Begin's

problems. On one occasion, when I was discussing my forthcoming visit to see Begin in Israel, Sadat suggested that I talk to him about Jerusalem, and then he added: "But approach it very carefully, because with him it is a very, very sensitive subject."

Anwar Sadat towered over the Egyptian landscape, but he knew that not everyone in his government was in agreement with him on his policies. As a realist, he also knew that he lived in a world in which one force must be balanced against another, and he had the politician's sure instinct for the act or word that might create the effect he wanted. He played his role on the world stage with consummate skill, knowing that, when he was center stage, his country would also be a focal point of attention and of world concern.

Sadat was a man of vision whose reactions seemed to be instinctive and visceral rather than the result of long contemplation. He walked sure-footedly to the beat of his own drummer. Once I cautiously asked him if he would be willing to approve a statement I had prepared to be issued by him and Begin. After I read it, he immediately said, "I'll do it." I was taken aback, because I thought an argument would be necessary, and I told him so. He said, "There is nothing to argue about. Everyone else in my government will disagree with me, but I believe it is right, and we will do it."

That, more than anything else, characterized the Anwar Sadat I knew.

SHADOW AND ACT

The name of Anwar El-Sadat of Egypt will go down in history linked to peace and courage, looming larger in the latter half of the 20th Century, so far at least, than that of most any leader. It is true that it takes two to make a peace pact, and Mr. Sadat's cosigner on the Camp David accords, Menachem Begin, took a brave gamble as well. But Mr. Sadat had to summon that special courage needed to walk away from longtime friends and allies when they are wrong, such as those in the Arab and communist worlds who had stood with Egypt through the Yom Kippur War, and to pursue peace alone. This is why President Sadat was so widely loved and admired.

It is also why he was so feared and, ultimately, why he was struck down. Although we don't yet know who, exactly, pulled the triggers, we do know who Sadat's enemies were. Col. Qadhafi of Libya has been one of the most zealous of them, but only one. Not in a generation has any leader so frustrated the Soviet Union's designs of influence and conquest in the Middle East. And it is clear that since the day Mr. Sadat stood up on his own and expelled the Soviets from Egypt he has been a marked man, with every Soviet pal and proxy from Tripoli to Tehran now looming as a suspect in his murder. (A remorseless Radio Moscow yesterday was blaming the shooting on Egyptian discontent with Mr. Sadat's foreign and domestic policies, "especially the peace treaty with the Israeli aggressor and military cooperation with the United States.")

In recent years, Mr. Sadat's successes began to take hold and the plots against him grew more dangerous. In March 1980, an Egyptian exile group with left-wing allies announced its intentions to overthrow Mr. Sadat. The announcement was made in Damascus by Saad al-Shazli, the former Egyptian chief of staff who led Cairo's forces to catastrophe in the Sinai in 1973 and was sacked by Mr. Sadat. Shazli's group was promptly recognized by Syria, South Yemen, Libya and the Palestine Liberation Organization and set up a headquarters in Tripoli, with branch offices not only in Syria but also in Lebanon and Algeria.

Whichever of President Sadat's local enemies was immediately responsible, though, his death dramatically raises again the issue of possible Soviet complicity in world-wide terrorism. Someone asked to name three men in the world whose death would most advance the Soviet cause would be likely to list President Reagan, Pope John Paul II and President Sadat, all of whom were the objects of assassination attempts in the past year. While there is no direct evidence of Soviet involvement, least of all in the Reagan attempt, the coincidences strain credulity.

At the very least, we are growing totally impatient with the claim from Western authorities that there is "no evidence" of Soviet involvement in terrorism. It becomes increasingly apparent that those authorities have not looked very hard for such evidence. Western intelligence and police authorities are repeatedly scooped by books like Claire Sterling's "The Terror Network" or Sterling Seagrave's "Yellow Rain." Then the experts, including many within governments, debunk such books by setting up and knocking over the straw man of an office in the Kremlin planning each terrorist assault.

The real issue is whether the Soviets and their clients water and fertilize indigenous terrorism wherever they find it, with the goal of destabilizing other societies. While proof gathered in compliance with the Miranda rule may not be available, the weight of experience grows heavy. We can learn much from the example of Turkey, the object of Russian ambitions since the Czars, and the two waves of terrorist invasion described elsewhere on this page today.

President Sadat's death takes from us one of the few great statesmen of our age. As its ramifications unfold, it may prove to be a grievous blow to Western interests and the cause of peace. At the very least, we owe him the memorial of starting to take seriously the issue of terrorism and assassination.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments:

S. 195. An act to incorporate the United States Submarine Veterans of World War II.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3963. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the period for which funds are authorized to be appropriated;

H.R. 4734. An act to reorganize the organization known as the Italian American War Veterans of the United States;

H.R. 4755. An act to recognize the organization known as Former Members of Congress; and

H.R. 4769. An act to recognize the organization known as the American Council of Learned Societies.

At 5:02 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the bill (H.R. 4068) to continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, fiscal year 1980, for a certain period, and for other purposes, and agrees thereto, with an amendment.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4503. An act to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982, and for other purposes.

HOUSE BILLS REFERRED

The following bills were read twice by unanimous consent, and referred as indicated:

H.R. 3963. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the period for which funds are authorized to be appropriated; to the Committee on the Judiciary.

H.R. 4734. An act to reorganize the organization known as the Italian American War Veterans of the United States; to the Committee on the Judiciary.

H.R. 4755. An act to recognize the organization known as Former Members of Congress; to the Committee on the Judiciary.

H.R. 4769. An act to recognize the organization known as the American Council of Learned Societies; to the Committee on the Judiciary.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read twice by unanimous consent, and placed on the calendar:

H.R. 4503. An act to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2127. A confidential communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to the Sudan for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2128. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report with respect to a study on converting the laundry and linen service at Fitzsimons Army Medical Center, Colorado, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-2129. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the custodial services activity at Madigan Army Medical Center, Washington, and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-2130. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Pakistan for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2131. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Tuna Conventions Act of 1950, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2132. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Medicaid's Quality Control System Is Not Realizing Its Full Potential"; to the Committee on Finance.

EC-2133. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to October 22, 1981; to the Committee on Foreign Relations.

EC-2134. A communication from the Secretary of the United States Postal Rate Commission, transmitting, pursuant to law, the Presiding Officer's notice soliciting written comments and rescheduling prehearing conference on the electronic mail classification proposal; to the Committee on Governmental Affairs.

EC-2135. A communication from the Chief of Insurance and Debt Management, Air Force Welfare Board, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund Retirement Plan; to the Committee on Governmental Affairs.

EC-2136. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the Council on September 29, 1981; to the Committee on Governmental Affairs.

EC-2137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on September 29, 1981; to the Committee on Governmental Affairs.

EC-2138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on September 29, 1981; to the Committee on Governmental Affairs.

EC-2139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on September 29, 1981; to the Committee on Governmental Affairs.

EC-2140. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on October 14, 1981; to the Committee on Governmental Affairs.

EC-2141. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on September 29, 1981; to the Committee on Governmental Affairs.

EC-2142. A communication from the Deputy Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a plan for the use and distribution of judgment funds awarded to the Mescalero Apache Tribe of the Mescalero Reservation; to the Select Committee on Indian Affairs.

EC-2143. A communication from the Deputy Assistant Secretary of the Interior (Indian Affairs) transmitting, pursuant to law, an appendix to a previously submitted plan for the use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-2144. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Uncertain Quality, Energy Savings, and Future Production Hamper The Weatherization Program"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-536. A resolution adopted by the Senate of the State of Alabama; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, by its rejection on October 15, 1981, of the Federal peanut program, the U.S. House of Representatives dealt a vital blow to our nation's peanut industry, the world's largest, and to the peanut growers of Alabama and the United States; and

"Whereas, through production controls, the Federal peanut program has kept supply and demand at a proper level and has further served to insure an adequate supply of high quality products; now therefore,

"Be it resolved by the Senate of the Legislature of Alabama, That we strongly petition the United States Congress to reconsider and support the federally funded peanut price support and allotment programs which are in the best interest of the American public and essential to the economic well-being of the State of Alabama and of our entire country as well.

"Be it further resolved, That copies of this resolution be sent to the presiding officers of both houses of Congress, to the Alabama Congressional Delegation and to the President of the United States."

POM-537. A petition from a citizen of Muscatine, Iowa, favoring congressional cooperation with President Reagan's efforts to strengthen the military; to the Committee on Armed Services.

POM-538. A petition from a citizen of Silver Spring, Md., favoring congressional cooperation with President Reagan's efforts to strengthen the military; to the Committee on Armed Services.

POM-539. A resolution adopted by the Republic National Hispanic Assembly of Texas, commending President Reagan for his accomplishments in office and supporting his economic program; to the Committee on the Budget.

POM-540. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION OPPOSING DELAYS IN SOCIAL SECURITY COST OF LIVING ADJUSTMENTS

"Whereas, any delay in Social Security cost of living adjustments would surely impose further harm on millions of our Nation's senior citizens; and

"Whereas, in these times of economic difficulty any reduction in the cost of living adjustments would be detrimental to those senior citizens living on fixed incomes; and

"Whereas, the senior citizens of this Nation have contributed greatly to the productivity of this Nation; and

"Whereas, the recipients of social security should be allowed to live their remaining years in dignity; and

"Whereas, there are currently thirteen appropriation bills awaiting congressional action where further cuts could be made rather than those proposed for social security; now therefore be it

"Resolved, That the Massachusetts Senate is hereby opposed to any cuts in social security cost of living adjustments to the senior citizens of America; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of the Congress, and to each Member thereof from the Commonwealth, and to the Director of the Office of Management and the Budget in the City of Washington, District of Columbia."

POM-541. A concurrent resolution adopted by the Legislature of the State of Pennsylvania; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, The people of Poland, mindful of their motto, 'Our freedom is your freedom,' have sought liberty for themselves, other people and especially the citizens of the United States through persons such as Generals Kosciuszko and Pulaski; and

"Whereas, The people of Poland, united with the Solidarity Independent Trade Union, are dramatically and peacefully struggling for the right of collective bargaining; and

"Whereas, The farmers and laborers of Poland are striving for a humanistic and spiritual way of life, which is counter to Soviet ideology; and

"Whereas, the Polanders are suffering from food shortages and economic deprivation; therefore be it

"Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorializes the President and the Congress of the United States to support the people of Poland; and be it further

"Resolved, That the President of the United States give aid to the people of Poland, especially in the United Nations; and be it further

"Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States and the presiding officers of the House of Representatives and Senate of the Congress of the United States of America and to each member of Congress from the Commonwealth of Pennsylvania."

POM-542. A resolution adopted by the Macalester College Community Council, St. Paul, Minnesota, relative to the South African Rugby Team American Tour; to the Committee on Foreign Relations.

POM-543. A resolution adopted by the State Council of West Virginia Junior Order United American Mechanics, relative to restrictive immigration; to the Committee on the Judiciary.

POM-544. A resolution adopted by the State Council of West Virginia Junior Order United American Mechanics, relative to illegal aliens; to the Committee on the Judiciary.

POM-545. A petition from a citizen of New York, New York, relative to union violence in America; to the Committee on Labor and Human Resources.

POM-546. A petition from a citizen of Blairsville, Pennsylvania, relative to union

violence in America; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 113. Joint resolution to designate the week beginning November 8, 1981, as "National Home Health Care Week".

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 4209. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1982, and for other purposes (Rept. No. 97-253).

H.R. 4522. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes (Rept. No. 97-254).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Richard J. Cardamone, of New York, to be United States Circuit Judge for the Second Circuit;

Paul A. Magnuson, of Minnesota, to be United States District Judge for the District of Minnesota;

Robert D. Potter, of North Carolina, to be United States District Judge for the Western District of North Carolina;

Guy Gordon Hurlbutt, of Idaho, to be United States Attorney for the District of Idaho for the term of four years;

William H. Ewing, Jr., of Tennessee, to be United States Attorney for the Western District of Tennessee; and

Laurence C. Beard, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma.

By Mr. PERCY, from the Committee on Foreign Relations:

John Dimitri Negroponte, of New York, a Foreign Service Officer of Class One, to be Ambassador Extraordinary and Plenipotentiary of the United States to Honduras.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: John D. Negroponte.

Post: Tegucigalpa, Honduras.

Contributions, amount, date, donee (if not, write none):

1. Self, none.
2. Spouse, none.
3. Children and spouses names: N/A.
4. Parents names: Catherine and Dimitri Negroponte: None.
5. Grandparents names: Helen Coumantaros: None.
6. Brothers and spouses names: George, Michel, Nicholas (and Elaine) Negroponte: None.
7. Sisters and spouses names: N/A.

Tom C. Korologos, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1984;

Robert C. McEwen, of New York, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada;

Donald Eugene Santarelli, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1983.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, I also report favorably, for the Committee on Foreign Relations, sundry nominations in the Foreign Service which have previously appeared in the RECORD and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 21 and October 16, 1981, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN:

S. 1776. A bill to encourage the education and other activities of the Richard B. Russell Foundation; to the Committee on Labor and Human Resources.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1777. A bill relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine; to the Committee on Energy and Natural Resources.

By Mr. EAST:

S. 1778. A bill to repeal the Metric Conversion Act of 1975 (89 Stat. 1007; 15 U.S.C. 205a et seq.); to the Committee on Commerce, Science, and Transportation.

By Mr. SCHMITT:

S. 1779. A bill to authorize the exchange of certain land held in trust by the United States for the Navajo Tribe, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ROTH (for himself, Mr. RUDMAN, Mr. COHEN, and Mr. NUNN):

S. 1780. A bill to provide civil penalties for false claims and statements made to the United States, to recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH:

S.J. Res. 116. Joint resolution to designate the week beginning November 8, 1981, as "National Home Health Care Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1777. A bill relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine; to the Committee on Energy and Natural Resources.

BOUNDARY OF ACADIA NATIONAL PARK

● Mr. MITCHELL. Mr. President, I am pleased to join my distinguished colleague from Maine, Senator COHEN, in introducing legislation to establish a permanent boundary for Isle au Haut, an outer island on the coast of Maine which forms part of Acadia National Park.

This bill is the product of years of negotiation among several parties, including representatives of Isle au Haut's town government, the National Park Service and Maine's conservation organizations. A long list of issues has been debated among them and reduced to compromises which all parties can support. It is for this reason that I anticipate prompt consideration of the legislation and speedy passage into law.

Acadia National Park is Maine's only national park. It encompasses some of the most beautiful islands in the northeast section of Maine's rocky coastline.

The legislative history of the park dates back to 1929, when Congress authorized the National Park Service to accept donated lands by private donors throughout Hancock County and portions of Knox County. Isle au Haut, located at the eastern extremity of Knox County, saw its first donation of land to the Federal Government in 1943. For the next 30 years, however, the National Park Service did little to plan for the management of this property.

In 1972, the Park Service proposed a specific master plan to consolidate park acreage in the southern part of the island by exchanging park lands for private lands and to achieve other objectives. Because the town residents and elected officials were unhappy with the proposal, they began extensive negotiations to achieve a management package that was more acceptable.

The legislation we are introducing today is the culmination of a dialog that has only recently been concluded for Isle au Haut. Unfortunately, no similar consensus has been reached with respect to the master plan on Mount Desert Island, which has the highest level of visitation in Acadia National Park. In light of this, the Maine congressional delegation wishes to proceed with legislation to finalize Isle au Haut's boundary, and hopes that a management agreement on Mount Desert can be reached in the near future.

The first section of the bill emphasizes that conservation of the natural, scenic, and cultural resources is to be the prime goal of this legislation. Those resources are fragile in nature and must be conserved and protected for future use and enjoyment. The island itself is sparsely populated and solely accessible by mailboat from the mainland. It has few overnight facilities for the public and its visitation experience has been designated remote island camping.

This legislation is therefore designed to recognize and preserve both the fragile quality of the resources, which would be degraded by high levels of visitation, and the camping experience common to remote areas of the National Park System.

The second section of the bill establishes the permanent boundary of Acadia National Park on Isle au Haut and con-

centrates the Government's fee holdings in the southwest section of the island. The effect of the new boundary is to straighten the actual park border with that of the town of Isle au Haut.

Further, it will permit the Federal Government to retain the bulk of its current holdings and to acquire six new parcels of exceptional quality which thus far have been in private ownership. The individual donors of these parcels have agreed to either donate or exchange their land as part of a final management plan thus avoiding the use of eminent domain and the need for Federal appropriations for their acquisition. Mr. President, these individuals deserve special recognition for their interest in adding to the National Park System and in contributing to the legislative resolution of the overall boundary question.

The third section would permit the conveyance of three major parcels of land currently under Federal ownership to the town of Isle au Haut. These parcels, located north of the new boundary line, form part of the management agreement. Two of the holdings are not contiguous to other portions of the park and have thus been accessible only through trespass on private lands.

Deletion of the parcels will, therefore, enhance relations between the residents and park officials. The third parcel adjoins the northwestern tip of the park. Its deletion is consistent with the relocation of the park entrance already effected by the National Park Service at a point farther south along the coast.

It is important to add, Mr. President, that the parcels will be deleted with covenants running with the land aimed at maintaining them forever in their natural condition above 300 feet from the mean high water level. The only exceptions to the preservation of the resources above this level would be in the event of fire requiring the cutting of fire trails and the extinguishment of fire. Also, the gathering and removal of dead and fallen timber would be permitted on lands between the 300-foot and 400-foot levels.

The Secretary of the Interior will be authorized to acquire lands and interests within the new park boundary by donation or exchange. This legislation is further intended to prohibit the Secretary from accepting any donations of land outside the permanent boundary, including any parcels which may be immediately adjacent or contiguous to the boundary.

The bill also recognizes that conservation easements are frequently used by private individuals to preserve scenic property in its natural state. While individuals can now and will in the future be able to donate such easements to organizations interested in accepting them for preservation, a new entity, the Isle au Haut Land Conservation Trust, will soon be established under the laws of Maine.

This private organization is being set up to facilitate the donation of conservation easements outside the new park boundary on Isle au Haut. The superintendent of Acadia National Park is being authorized to serve as an ex officio trustee of the trust and the Secretary of the Interior will be authorized to accept by donation a limited enforcement interest in those easements.

Mr. President, the issue of conservation easements outside the boundary has been the subject of dispute among environmental organizations and town officials, all of whom are interested in conserving the national resources of the island. This provision of the legislation is a compromise meant to preserve the ability of landowners on the island to conserve their property through the donation of easements and to permit Federal involvement for their proper enforcement.

The final section of the bill reinforces the conservation aspect of the management of park lands. The level of visitation is to be limited to assure that the natural resources will not deteriorate and that it does not interfere with the local economy, based on fishing and sheep raising.

The carrying capacities of the park are not to exceed the average annual visitation to Isle au Haut during the past 3 years. This provision is meant to give the National Park Service some flexibility in adjusting the varying levels of visitation in the future. The method should help Federal officials manage the resource properly and, at the same time, avoid the use of an absolute limit on the number of visitors who can tour park lands during the summer months.

Mr. President, I believe this legislation represents a reasonable compromise between the legitimate interests of the island residents and those of Federal officials charged with managing the unique resources on Isle au Haut. The local residents and elected officials are to be commended for their patient and persevering efforts during the 1970's to work with the National Park Service and conservation groups to devise a plan that preserves park property for future generations.

I urge its prompt enactment into law.

At this point, I ask unanimous consent that the text of the legislation be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) there are significant scenic, educational, natural, and cultural resources in the town of Isle au Haut, Maine;

(2) due to the isolated location and traditional resource-based economy of the town's island community, these resources are fragile and deserving of conservation and protection through both public and private efforts; and

(3) both residents of the town and visitors to the Acadia National Park will benefit from the establishment of a permanent boundary for the park and the management of parklands on a limited entry, low intensity basis.

SEC. 2. Notwithstanding any other provision of law, the permanent boundary of Acadia National Park lying within the town of Isle au Haut, Maine, is hereby established to include only those lands and interests therein comprising approximately 3,782 acres as are depicted on the map entitled "Boundary Map, Acadia National Park, Town of Isle au Haut, Maine", numbered 123-8003 and dated October, 1981, which map is on file and available for public inspection in the offices of the Department of the Interior and at the Registry of Deeds for Hancock and Knox Counties, Maine.

SEC. 3. (a) Within the boundary established by section 2, and as indicated on the map referenced therein the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to acquire lands and interests therein by donation or exchange. No later than 90 days from enactment hereof, the Secretary shall convey to the town of Isle au Haut all right, title and interest of the United States in and to those lands under the jurisdiction of the Secretary which lie outside the boundary established by section 2 and within the town of Isle au Haut, subject only to such covenants running with the land as the Secretary and the town agree are necessary to preserve the general character of such lands, which shall include covenants to maintain forever in their natural condition (excepting the cutting of firetrails and the extinguishment of fires) lands above 300 feet above the mean high water level; *provided,* however, that such covenants with respect to lands above 300 feet and below 400 feet shall permit the gathering and removal of dead and fallen timber.

(b) Notwithstanding any other provisions of this Act, the Secretary is also authorized to accept by donation, as a coholder for enforcement purposes only, a limited enforcement interest in conservation easements on lands outside the boundary established by section 2 hereof and within the town of Isle au Haut which may from time-to-time be donated to the Isle au Haut Land Conservation Trust, a trust established under the laws of the State of Maine. The Superintendent of Acadia National Park is hereby authorized to serve as an ex-officio trustee of such trust.

SEC. 4. The management and use of parklands on Isle au Haut shall not interfere with the maintenance of a viable local community with a traditional resource-based economy outside the boundary of the park. To the maximum extent practicable, no development or plan for the convenience of park visitors shall be undertaken which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this portion of the park in as nearly its present state and condition as possible. In recognition of the special fragility and sensitivity of the park's resources, visitation shall be strictly limited to assure negligible adverse impact on such resources, to conserve the character of the town and to protect the quality of the visitor experience. In furtherance thereof, the Secretary shall establish carrying capacities not in excess of annual average visitation during the period 1979 through 1981.●

ACADIA NATIONAL PARK

Mr. COHEN. Mr. President, I am pleased today to introduce with Senator MITCHELL legislation establishing a permanent boundary for that portion of Acadia National Park on the island of Isle au Haut. Our bill represents the culmination of many long hours of study and discussion between all parties with an interest in this important matter.

Over a hundred years ago, Maine's most famous poet, Henry Wadsworth Longfellow, was inspired by the natural beauty of the Acadia area when he wrote the poem "Evangeline." Longfellow wrote of "the forest primeval * * * the murmuring pines and the hemlocks, bearded with moss, and in garments green, indistinct in the twilight." Just as Longfellow was inspired by the unspoiled region before him, so have hundreds of

visitors every year sought the unique and remote beauty of Isle au Haut.

Isle au Haut, "the high island," is aptly named for the 543-foot Isle au Haut Mountain, which distinguishes it from most other islands in the Gulf of Maine. A perimeter road bisects a portion of the park lands, and a spur extends to the area known as Western Head. Rugged cliffs, hidden caves, and forest-covered hills dot the area.

Today, a large portion of Isle au Haut remains in the domain of Acadia National Park. Nearly 55 percent of the island is now protected and preserved for the enjoyment of future generations as park holdings and private easements.

Isle au Haut serves as far more than simply an inspiration and source of beauty for poets and preservationists. A small community of 70 permanent residents has inhabited the island for generations, coexisting with the national park. The residents of the town depend on lobstering, commercial fishing, livestock production, and subsistence farming for their livelihood. In the summer, the population swells to 200 residents, who join the natives to partake of the quiet and remote beauty of the island.

Unique conditions surrounded the creation of Acadia National Park in 1929. At that time, Congress authorized the National Park Service to accept donated land and easements anywhere within the town of Isle au Haut, producing, over the years, a pattern of both contiguous and noncontiguous parcels. Easements have been increasingly utilized to further the preservation of prime areas on the Maine coast. However, if allowed to increase at an uncontrolled pace, further easements could ultimately wreak havoc upon the municipality's tax base, and its ability to use land and water resources for the benefit of permanent residents.

The legislation Senator MITCHELL and I are introducing today seeks to solve this problem by establishing a permanent boundary. The boundary, which appears on map 123/80003, represents a rational, manageable, and most importantly of all, permanent boundary for the fee holdings of the park within the town of Isle au Haut. Under the provisions of this bill, the park not only retains the bulk of its current holdings, including the most scenic parts of the island, but also acquires several other parcels of land contiguous to its present boundary.

This expansion of the park, as provided for in section 2 of the bill, is predicated on the exchange of three parcels of land in the northern section of the island which are currently held by the Park Service. Under the provisions of this bill, these holdings would be transferred to municipal ownership and preserved by covenants that the Park Service and the town agree are necessary to preserve the island's general character.

The conservation restrictions which have been agreed upon would designate lands above 400 feet as forever wild, and those between 300 and 400 feet as forever wild except for dead and fallen timber. Lands below 300 feet would remain subject to current town zoning ordinances. In my view, this represents a reasonable compromise.

In addition to establishing a permanent boundary this bill would create the Isle au Haut Land Conservation Trust. This new trust is a fair solution to a controversial and difficult problem—the continued protection of lands donated for conservation easements in the future by current landowners. The new five member trust, which will consist of private individuals, municipal officials, and the superintendent of Acadia National Park, will be created under Maine State law to accept lands by donation or easement for current holders.

The Park Service will, for enforcement purposes only, be authorized to accept by donation a limited enforcement interest in conservation easements on lands outside the permanent boundary. This represents the maximum degree of Federal involvement in the trust, and should in no way subvert the decisions made independently by the trust itself. With the exception of the limited enforcement role in easements outside the new boundary, the National Park Service will have no further legal authority to own property outside the boundary.

Mr. President, for years, the residents of Isle au Haut have searched for a solution to the permanent boundary problem which this legislation addresses. I believe this bill represents a good faith effort on the part of the town and the Federal Government to reach a responsible solution to this problem.

I appreciate the help the Senate Energy Committee has provided in drafting this legislation, and I hope hearings can be scheduled in the near future to resolve this matter as quickly as possible.

By Mr. EAST:

S. 1778. A bill to repeal the Metric Conversion Act of 1975 (89 Stat. 1007; 15 U.S.C. 205a et seq.); to the Committee on Commerce, Science, and Transportation.

REPEAL OF METRIC CONVERSION ACT

● Mr. EAST. Mr. President, I am today introducing a bill to repeal the Metric Conversion Act of 1975. This bill is identical to one introduced in the House by Congressman ELDON RUDD. Mr. RUDD, to his credit, has been leading the fight against forced metrification since 1978.

The metric system has been a legal system of weights and measures in this country since it was so designated by act of Congress in 1866. For 115 years, the American people have had the option of converting to metric units. Few, however, have chosen to exercise that option.

This longstanding opposition is not difficult to understand. Aside from the fact that most people prefer customary weights and measures, the costs of conversion are staggering. From shirt sizes to land surveys, from gas pumps to highway signs, from bathroom scales to the most complex electronic equipment, all measurements and measuring devices must be switched to metric units. A 5-year study by the General Accounting Office has estimated that conversion could cost many billions of dollars.

Furthermore, these costs will not be equally borne by all Americans. They will bear hardest on small business owners, who are least able to absorb them.

For these reasons, I urge the prompt repeal of the Metric Conversion Act. We do not need to spend $2.7 million of the taxpayers' money on a Metric Conversion Board, nor do we need to give other Federal agencies an excuse to push metrics on a reluctant populace. The Metric Conversion Act is another unwarranted governmental intrusion into our daily lives; we would be well rid of it.●

By Mr. ROTH (for himself, Mr. RUDMAN, Mr. COHEN, and Mr. NUNN):

S. 1780. A bill to provide civil penalties for false claims and statements made to the United States, to recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

PROGRAM FRAUD CIVIL PENALTIES ACT OF 1981

● Mr. ROTH. Mr. President, I am introducing today, on behalf of myself and Senators RUDMAN, COHEN, and NUNN, a bill to create a mechanism whereby the Federal Government can more aggressively and effectively pursue fraud in Government programs.

On May 7, 1981, the General Accounting Office [GAO] released a report entitled "Fraud in Government Programs—How Extensive Is It—How Can It Be Controlled." The report observed that during the period October 1976 to September 1979 the Government lost between $150 to $200 million as a result of fraud directly related to Government programs. Among its conclusions, the report recommended the enactment of an administrative and penalty statute which would allow Federal agencies to impose appropriate monetary sanctions against persons, corporations, and other entities who engage in fraud upon the Government.

GAO observed that current efforts to control fraud were primarily directed toward the filing of criminal and civil actions by the Department of Justice or by the imposition of administrative sanctions by the affected agencies. GAO concluded that for the reasons set forth below, these efforts were insufficient to address the magnitude of the problem and that a new statutory penalty must be enacted which would allow affected agencies to directly impose monetary penalties for fraud.

GAO estimated that during the reporting period, approximately 77,000 cases of fraud were detected. Of this number, only 12,900 cases were referred to the Department of Justice for criminal prosecution. The Department of Justice subsequently declined to prosecute 61 percent of these cases. Furthermore, GAO estimates that under new Department of Justice guidelines for white-collar-crime prosecutions, an even greater percentage of such cases will be declined.

GAO further noted that the Department of Justice in pursuing criminal fraud remedies did not adequately con-

sider appropriate remedies which would make the Government whole for the loss suffered from an incident of fraud. A previous GAO report noted that the Department of Justice did not coordinate criminal and civil remedies in most fraud cases. Even when a civil remedy was proposed by an agency to the Department of Justice declinations are rarely ever filed. Of the 393 cases referred to the Department of Justice during the reporting period for the commencement of a civil fraud unit, only 28 cases were filed.

Furthermore, even if criminal, civil, or administrative action is taken, the Government rarely recovers an amount equal to the loss sustained. The GAO estimates that in approximately 1,500 criminal and civil cases, defendants were ordered to reimburse $14 million to the Federal Government. Administrative actions resulted in the proposed recovery of an additional $29 million. However, in many instances the Government achieved only a judgment against the individual and was not able to recover the full amount due.

Administrative civil penalties would give the Government an additional tool to serve as a deterrent against fraud and to recover Federal funds lost due to fraud. Ideally, this administrative mechanism would be used in appropriate circumstances when the Department of Justice declines to prosecute. According to GAO estimates, 62 percent of all Department of Justice declinations are based upon the following factors:

First. Lack of prosecutive merit/jury appeal, 16 percent;

Second. Small monetary loss to the Government, 14 percent;

Third. Administrative action is more appropriate, 8 percent; and

Fourth. Insufficient evidence for criminal prosecution, 24 percent.

It may be argued that the cases which comprise the majority of these declinations are clearly within the scope of a civil administrative proceeding.

Currently, administrative proceedings are primarily designed to deny an entity the right to continue to participate in a Federal program. As such, their effects are primarily prospective in nature, and are not designed to restore to the Government the funds lost as a result of the fraud.

Furthermore, GAO concluded that even if the criminal, civil, or administrative penalty resulted in a monetary judgment for the Government, neither the Department of Justice nor the affected agencies have aggressively sought to enforce these judgments and to make the Government whole.

The Program Fraud and Civil Penalties Act which I am introducing today is designed to create an administrative mechanism that will allow the affected agency to impose a monetary penalty for fraud. This penalty is cumulative with existing criminal, civil, and administrative penalties and is ideally suited to situations where the Department of Justice has declined to seek criminal action against a person who has committed fraud against a Federal program. The bill will also assist agencies in the collection of such penalties by allowing an offset of such penalties against any other outstanding Federal obligation owed to the liable party, including Federal tax refunds.

Recent hearings by the Permanent Subcommittee on Investigations detailed fraudulent activity in federally funded home health care and in Federal workers compensation claims. This bill is designed to provide a much needed mechanism to assist in the swift punishment of those persons who prey upon Federal programs.

Last Friday, in a statement before the Subcommittee on Criminal Law of the Senate Judiciary Committee, Attorney General William French Smith cited the need for an administrative fraud mechanism to combat fraud in Federal programs. This bill will meet that need.

The bill contains eight sections which would amend title 5 of the United States Code by adding a new chapter 8 to create new administrative remedies for false claims and statements submitted to Federal agencies by persons seeking money, services, or property from the Federal Government. While current Federal law provides criminal penalties for false statements (for example, 18 U.S.C. 1001, 18 U.S.C. 494, 15 U.S.C. 645) and criminal and civil penalties for false claims (for example, 18 U.S.C. 287, 31 U.S.C. 321) the imposition of these sanctions requires the Department of Justice to initiate and conclude a criminal or civil suit in Federal court. Because the Department of Justice guidelines regarding the prosecution of Government fraud usually limit prosecution to instances where the Government has suffered a substantial and identifiable monetary loss, the Government is left without an adequate remedy for many false claims and statements, which do not result in a significant monetary loss to the Government, but which may have a detrimental impact upon the Federal program which received the claim or statement.

This impact is best demonstrated by the following examples:

First. A large business falsely certifies its identity as being a small business for the receipt of a Federal small business set aside contract. The large business successfully underbids several bona fide small businesses and is awarded the contract. Later after an administrative procedure relating to a challenge of the small business size status of the company, the large business is disqualified from the future receipt of such contracts. However, by such time the large business has fully and adequately performed the awarded contract. Under Federal law, the large business has filed false statements and false claims relating to the award and performance of the contract in question. However, the Government has received full value for the contract price. The primary loss to the Government is, therefore, in the undermining of the integrity of the small business set aside program, not in a monetary loss. The likelihood of prosecution in such instances is small.

Second. A contractor submits a falsely inflated claim to the Federal Government. In the course of an audit of the claim, the falsity of the majority of the claim is discovered and disallowed. The contractor is never paid for the false portion of the claim. In such a case, the contractor has submitted a false statement and a false claim to the Government. However, because the Government discovered the falsity of the claim prior to payment, the contractor's civil liability is limited to $2,000 under 31 U.S.C. 231, even if the false claim was for hundreds of thousands of dollars.

Third. An individual applies for Federal home mortgage assistance, falsely states that the home will be occupied by the purchaser. This false statement entitles the purchaser to provide a smaller down payment because the Federal mortgage assistance program provides greater assistance to occupier purchasers rather than to investment purchasers. Without monetary loss to the Government, prosecution of the false statement is unlikely. The practical result is that the limited amount of Federal mortgage insurance which is available to the qualified public is misdirected toward insuring the purchases of real estate speculators.

Fourth. An individual applies for a Federal insured home improvement loan, falsely stating that the money will be used for home improvements. The money is spent in an unauthorized manner and not on home improvements. These false statements are rarely prosecuted, even when the individual fails to repay the loan, because the amount of the loan is usually under $25,000.

This bill will allow the agencies who are the recipients of such false claims and statements to administratively adjudicate a civil penalty for such false claims and statements.

Such a penalty will give agencies a significant tool in policing the integrity of their programs. Furthermore, the deterent effect of enhanced enforcement of civil penalties against fraudulent participants in Federal programs will assist the good faith participants in such programs.

I would emphasize that this bill is not aimed at these good faith program participants. It is not designed to stifle business nor provide agency administrators with a means of camouflaging their own errors. I emphasize that the authority vested in the executive branch by this bill must be wielded carefully, and I intend to do everything I can during the hearing process to make sure that this principle is developed and emphasized.

Mr. President, I ask unanimous consent that a section by section analysis of the Program Fraud Civil Penalties Act of 1981 be printed at the end of my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION ANALYSIS OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1981

SECTION 801. DEFINITIONS

Section 801 sets out definitions of key terms used in the bill. The term "authority" is defined to encompass those agencies with substantial audit and investigative capability, specifically the 16 agencies and departments with statutory Inspectors General, together with the Department of Defense, the Department of Treasury, the Department of Justice and the Postal Service.

The term "claim" is defined to include requests or demands for money, property or services, whether made directly to the government authority or a fiscal intermediary, including a state, political subdivision or other entity. Each individual voucher, claim form or other separate request or demand constitutes a separate claim for which a penalty could be imposed.

The term "statement" is defined to include all written representations and certifications of fact, whether made directly to the government authority or through a fiscal intermediary, including a state, political subdivision or other entity. Furthermore, no monetary loss need be sustained by the federal government as a result of the statement.

The bill creates the position of "investigating official" in order to enable those departments without a statutory Inspector General to conduct investigations of false claims and statements in a manner similar to an Inspector General investigation.

SECTION 802. LIABILITY FOR FALSE CLAIMS AND STATEMENTS

This section identifies false claims as those claims supported by false statements, or claims which seek payment for services not provided, or which were provided in violation of law or regulation. False statements are those which falsely misrepresent material facts or contain omissions which make a statement materially false.

This section establishes liability for claims and statements that are known by the presenter to be false or which are submitted with reckless disregard for the truth or falsity thereof. It provides for damages consisting of a civil penalty of not more than $10,000 for each false claim, plus an assessment of not more than double the amount of money or value of property or services provided or double the amount of damages, including consequential damages, sustained by the United States as a result of such false claims and statements. Such damages also include the costs associated with the investigation. Such a penalty would be in addition to any criminal, civil or administrative penalty.

SECTION 803. DETERMINATION BY AUTHORITY HEAD AND SUBPOENA AUTHORITY

This section sets out the procedures to be followed by the government authority in imposing administrative sanctions and in issuing subpoenas in order to investigate false claims and statements.

An appropriate investigation is conducted by the investigating official. The results of the investigation are presented to a senior department or agency reviewing official. If this official determines that there is probable cause to conclude that a fraudulent claim or statement has been committed, the matter is referred to the authority head for an appropriate proceeding.

The respondent must be notified in writing of the anticipated administrative action and afforded an opportunity for a hearing on the record, at which time the person is entitled to be represented. The hearing would be governed by the Administrative Procedures Act. It is contemplated that, while cases will be developed by the Inspectors General and the investigating officials, the required hearing will be conducted and determinations reached by the principal officer of the agency or by an administrative law judge. Upon completion of the administrative determination imposing sanctions, which except in exceptional circumstances must not be less than the amount of damages sustained by the United States, the person must be notified in writing of the findings and determination and of his/her right to judicial review under Section 904.

This section also expands the authority of the 16 Inspectors General to allow for the administration of oaths or affirmations and for the issuance of testimonial subpoenas in the investigation of such false claims and statements. This expansion of the subpoena authority is essential in order to enable the Inspectors General to develop adequate evidence of fraud for the administrative determinations which are authorized by the bill.

Similarly, the section empowers the investigating official of the Department of Defense, the Department of Treasury, the Department of Justice, and the Postal Service with the oath/affirmation administration and subpoena powers of the statutory Inspectors General.

This section also authorizes the Inspector General or the investigating official to seek the enforcement of any such subpoena in the United States district court.

SECTION 804. JUDICIAL REVIEW

This section provides that judicial review by a United States court of appeals may be obtained by filing, within 60 days of notification of the administrative determination, a written petition urging that the administrative determination be modified or set aside. In reviewing the administrative determination, the findings of the government authority on questions of fact, if supported by substantial evidence on the record considered as a whole, are conclusive. Similarly the amount of penalties or assessments imposed is conclusive if within the statutory limits set out in section 802. No new objection or evidence may be used before the appellate court that was not presented in the administrative proceeding, except in unusual circumstances, in which event the court may reprimand the case to the government authority for further proceedings. Further judicial review by the Supreme Court may be sought pursuant to 28 USC 1254.

SECTION 805. COLLECTION OF CIVIL PENALTIES AND ASSESSMENTS

This section states that unless judicial review is sought, the administrative sanctions become final and may be enforced by a civil action in a United States district court or asserted as a counterclaim or setoff in any other civil action to which the United States and the person are parties. Penalties and assessments may be compromised or settled by the government authority except during the pendency of any appeal of an enforcement action, during which such authority vests in the Attorney General.

Where losses involve joint federal-state programs, funds recovered may be used to reimburse the state in the same ratio as the amount paid out by the state bears to the total payment on such claim, up to the amount actually paid by the state. Except for this reimbursement to the states, funds recovered through administrative proceedings are to be deposited as miscellaneous receipts in the United States Treasury.

SECTION 806. LIMITATIONS

This section limits actions to those authorized by the Attorney General. If within 120 days of receipt of a request to initiate an administrative action, the Attorney General takes no action to restrict the initiation of administrative proceedings, the authority may initiate the action as if the Attorney General has authorized it. This 120-day period is consistent with the existing time frame of Department of Justice review of such matters.

Any administrative action must be commenced within 6 years of the presentation of the false claim or statement and any civil enforcement action must be commenced within 3 years from the date of the sanction becomes final. If at any time during the administrative proceedings it appears, based on specific information, that bribery, conflicts of interest, or other corruption involving any officer or employee of the government in connection with the claim or statement has occurred, such information must be reported to the Attorney General who, by written finding that continuation of the administrative proceeding may adversely affect any civil or criminal action related thereto, may stop the administrative proceeding.

SECTION 807. RIGHT TO SETOFF

This section authorizes setoff of civil penalties and assessments against any sum owing by the United States or a state to the person against whom sanctions are imposed. Setoff authority may also be exercised with respect to any tax refunds due the person.

SECTION 808. REGULATIONS

This section requires the promulgation of regulations to implement the provisions of the bill, including regulations which must ensure that the role of the Inspectors General or investigating officials is limited to an investigative role.

Furthermore, the section also authorizes the Attorney General and the heads of the government authorities to enter into memoranda of understanding to provide for expeditious approval by the Attorney General of administrative proceedings.

The new remedy provided by this bill would apply to any claim or statement submitted after December 31, 1981.●

ADDITIONAL COSPONSORS

S. 1407

At the request of Mr. PRYOR, the Senator from Missouri (Mr. EAGLETON), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1407, a bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title—pertaining to schemes for obtaining money by false representations or lotteries—and for other purposes.

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. PRESSLER, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Arizona (Mr. GOLDWATER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. SIMPSON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Texas (Mr. TOWER), the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. SASSER), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Iowa (Mr. GRASSLEY), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of Senate Concurrent Resolution 33, a concurrent resolution disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles.

AMENDMENT NO. 591

At the request of Mr. D'AMATO, the Senator from New York (Mr. MOYNIHAN), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of amendment No. 591 intended to be proposed to H.R. 4121, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1982, and for other purposes.

SENATE RESOLUTION 232—RESOLUTION WITH RESPECT TO TAX INCENTIVES FOR ENERGY CONSERVATION AND RENEWABLE ENERGY SOURCES

Mr. CHAFEE (for himself, and Mr. MATSUNAGA, Mr. PELL, Mr. RUDMAN, Mr. MITCHELL, Mr. STAFFORD, Mr. DODD, Mr. DURENBERGER, Mr. BAUCUS, Mr. LEAHY, Mr. GOLDWATER, Mr. TSONGAS, Mr. PACKWOOD, Mr. CRANSTON, Mr. DECONCINI, Mr. BURDICK, Mr. LEVIN, Mr. RIEGLE, Mr. KENNEDY, Mr. HATFIELD, Mr. EXON, Mr. COHEN, Mr. ZORINSKY, Mr. D'AMATO, Mr. HART, Mr. HUDDLESTON, Mr. QUAYLE, Mr. ANDREWS, Mr. PERCY, Mr. SPECTER, Mr. BRADLEY, Mr. HEINZ, Mr. HAYAKAWA, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. RANDOLPH, Mr. HEFLIN, Mr. HUMPHREY, Mr. BUMPERS, Mr. PRYOR, Mr. SARBANES, Mr. FORD, Mr. GORTON, Mr. WILLIAMS, Mr. CHILES, Mr. MELCHER, Mr. JACKSON, Mr. CANNON, Mr. INOUYE, Mr. METZENBAUM, Mr. HOLLINGS, Mr. SCHMITT, Mr. SASSER, Mr. WALLOP, Mr. DIXON, Mr. STEVENS, and Mrs. HAWKINS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 232

Whereas American dependence upon imported petroleum constitutes a serious threat to our economic stability and national security and results in balance of payments deficits;

Whereas we must reduce our use of imported oil;

Whereas increased utilization of energy conservation and renewable energy sources can continue to make significant contributions to this effort;

Whereas the residential and business tax incentives for conservation, cogeneration, solar, wind, hydropower, geothermal, alcohol fuels, and biomass have proven to be effective means of encouraging the increased use of energy conservation and renewable energy sources;

Whereas the funding for Federal programs to encourage energy conservation and the use of renewable energy resources has been greatly reduced; and

Whereas uncertainty concerning the continuation of the tax incentives for energy conservation and renewable energy sources will discourage such investments: Now, therefore, be it

Resolved, That it is the sense of the Senate that the provisions of the Internal Revenue Code of 1954 which provide incentives for energy conservation and development of renewable energy sources should not be repealed or amended to reduce such incentives.

Mr. CHAFEE. Mr. President, today I am submitting with Senator MATSUNAGA, and a strong bipartisan group of 55 other Senators, a resolution putting this body on record in support of the existing tax incentives for investment in conservation and in the development of alternative energy sources. The resolution concludes with the following statement:

That it is the sense of the Senate that the provisions of the Internal Revenue Code of 1954 which provide incentives for energy conservation and development of renewable energy sources should not be repealed or amended to reduce such incentives.

One theme which marks the past decade is the recognition of growing American interdependence in the global economy. The steady increases in the price of oil since 1973 best attest to this trend. At no time since the early years of our Republic has the United States been so vulnerable to economic pressures from abroad. Can any of us in this body forget the lengthy gas lines, the odd-even system of rationing, or the natural gas shortage of 1977 and say that the occasional shortage and spiraling price of energy have not caused massive dislocation in our economy?

In 1978 and 1980, Congress took specific actions to reduce our national dependence on foreign oil and gas supplies by enacting a series of renewable energy and conservation tax credits. Now, in the budget crunch of 1981, the administration has suggested eliminating the energy tax credits as part of its revenue enhancement program to narrow the deficit. Although I have supported the administration in achieving its economic goals, I have advised Treasury officials that I cannot support changes in these tax provisions. The fact that a bipartisan majority of Senators has agreed to cosponsor my resolution will show the administration the broad base of opposition to any reduction or early termination of the energy tax credits.

In contemplating repeal of these tax credits, the administration should consider the possibility that doing so will significantly undermine our national effort to reduce dependence on foreign energy supplies. I believe it will.

Residential and business energy conservation is one of the major untapped sources of domestic energy supply in the United States. Development of fledgling alternative energy technologies, likewise, is one of our best hopes that we can be energy independent in the future. The energy tax credits, most of which expire by 1985, are the cornerstone of a national energy policy designed by Congress to take advantage of these sources and achieve this independence.

Many homeowners and businesses would not be able to make expensive energy-saving investments without the current tax credits which offset between 15 and 40 percent of cost. Businesses in particular, both the manufacturers and the purchasers of energy equipment, have made long-range decisions based on the expectation that the credits would continue to be in place until their scheduled termination. Since they were put in place 3 years ago, 15 million Americans have used the various tax credits to help finance insulation, weatherization, the purchase of more efficient furnaces, the installation of solar hot water systems, wind energy equipment, small-scale hydroelectric facilities, and so on. The potential for these tax incentives to move us further down the road toward energy independence in the next few years should not be deterred.

In its budget proposals presented in March, the administration justified reducing the conservation and alternative energy budgets sharply on the premise that "* * * total Federal support for solar energy will remain extremely high under the President's proposal due to continuation of the tax credits." Consider how sharply we have cut many Federal energy programs already. For instance, funding for the solar and energy conservation bank has declined from $121 million in fiscal 1981 to $50 million this year, a 59-percent decrease, and the total Department of Energy energy conservation budget has fallen 23 percent.

In the second round of budget cuts just announced in September, the administration has proposed further cuts in these energy programs. Tying these deep cuts with the repeal of the energy credits in the Tax Code is unacceptable. Such action would gut the commitment made by our Federal Government in the past decade to cushion the effects of higher energy prices on vulnerable customers and to stimulate the development of renewable energy sources, and to diversify our energy base and thereby protect our Nation's economic security.

Let me make one final point. Already there is evidence of hesitation by investors to finance alternative energy projects unless these energy tax credits are in place. Several major propects are reportedly on hold until this situation can be cleared up. The likelihood that such projects would be canceled without the assistance of the tax credits is perhaps the best evidence that the credits are needed, that they are effective and that they should be preserved.

The fact that more than half the Senate and half the House of Representatives have cosponsored this resolution is a clear message to the administration that any proposal to repeal or reduce the energy tax credits will not pass this Congress. We urge the administration to avoid further confusion in the important areas of energy conservation and renewable energy supply by not sending Congress such a proposal.

Mr. President, I ask unanimous consent that a list of some of the major energy tax credits, and a letter from the "Energy Conservation Coalition" endorsing our efforts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Residential Renewable Energy Credit: 40 percent on the first $10,000 invested by a homeowner in active solar, certain passive solar components, wind, photovoltaics and geothermal equipment used for residential space heating, electrical or mechanical applications (maximum credit of $4,000); scheduled termination under current law: December 31, 1985.

Residential Energy Conservation Credit: Provides a 15 percent credit for specified energy—conserving home improvements, such as insulation, weather-stripping, energy-efficient furnace replacement burners, etc., up to $2,000 invested (for a maximum credit of $300); scheduled termination under current law: December 31, 1985.

Business/Industrial Renewable Energy Investment Tax Credit: Provides a 15 percent Investment Tax Credit (ITC) on top of the existing 10 percent ITC (for a composite credit of 25 percent) for solar, wind or geothermal equipment which contributes to an industrial process; scheduled termination under current law: December 31, 1985.

Business/Industrial Hydroelectric Investment Tax Credit: Provides an 11 percent ITC (on top of the existing 10 percent ITC, for a composite credit of 21 percent) for small-scale hydroelectric facilities retrofitted to existing dams; scheduled termination under current law: December 31, 1985.

Business/Industrial Biomass Property Credit: Provides a 10 percent ITC (on top of the current 10 percent ITC, for a composite credit of 20 percent) for biomass adaptions which contribute to an industrial process: scheduled termination under existing law: December 31, 1985.

Business/Industrial Alcohol Fuels Production Credit: A producer/blender may choose to take a tax credit of 40 cents a gallon for alcohol which is 190 proof or greater or 30 cents per gallon for alcohol which is 190–150 proof; scheduled termination under current law: December 31, 1992.

ENERGY CONSERVATION COALITION,
October 27, 1981.

Hon. JOHN H. CHAFEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR CHAFEE: On behalf of the Energy Conservation Coalition, I wish to express our support for your efforts to place the Senate on record in favor of the existing tax credits for energy conservation and renewable resources.

In particular, the residential energy conservation credit serves as an important incentive to homeowners to make new investments to save energy. In 1980 alone, this credit helped stimulate almost 4.5 million Americans to invest nearly $4 billion in energy conservation. This credit has helped to alleviate the crushing burden of rising energy prices since 1977, especially in states which heat with oil. It will be needed more than ever as natural gas prices begin to outstrip oil price increases between now and 1985. Eliminating the credit now would unfairly discriminate against homeowners who heat with natural gas—a majority of the American homeowners.

Moreover, any proposal to eliminate the credit would violate the understanding on which many of the budget cuts have already been made. The Administration has consistently justified cuts in conservation on the grounds that higher prices and the existing credits were sufficient, and Congress accepted many budget cuts, explicitly and implicitly, on that ground. Your resolution serves as an important and appropriate reminder of that understanding.

Finally, it would clearly be inappropriate to eliminate the residential credit at a time when energy conservation has become critical to controlling inflation, increasing national security, and generating new growth. Energy conservation is primarily responsible for the temporary "glut" in oil supply worldwide, lessening our debilitating dependence on OPEC and breaking the two-year price spiral that followed the Iranian revolution. Equally important, new energy conservation outstrips new energy supply by 7 to 1 as the factor most responsible for promoting new growth in the GNP since 1973.

For all these reasons, the Energy Conservation Coalition welcomes your resolution, and urges its adoption by the full Senate.

Sincerely,

DAVID H. MOULTON,
Policy Director.

Mr. MATSUNAGA. Mr. President, on September 24, 1981, President Reagan in his budget message announced that the administration was considering the repeal of the energy tax credits. Although, the Treasury Department has yet to convey its specific proposal to the Congress, the mere fact that the administration announced that it is reviewing these credits for repeal has already aborted a number of alternative renewable energy projects. In the wind area alone, projects that would produce 700 megawatts of electricity would be abandoned by investors because of the lack of certainty over the tax credits. Indeed, the administration will achieve its objective of repealing the tax credit simply by stretching out its consideration; as long as repeal is under consideration, no investor would enter a project with the credits in jeopardy.

Just as alcohol fuel projects had been delayed for 3 years because of the on-again off-again loan guarantee program, so also will alcohol fuel projects and all renewable energy projects be thwarted now, because of the administration's dilatory position.

To end this uncertainty and to permit the continued development of renewable energy projects, a positive statement of commitment is needed. For this reason 55 Senators have cosponsored this resolution stating the sense of the Senate that these energy tax credits should be retained; and I strongly urge all Senators to support this resolution.

Let me briefly outline the tax credits which have been called into question by the administration. As enacted in the 1978 Energy Tax Act and as further expanded by the Crude Oil Windfall Profit Tax Act of 1980, the energy Tax credits include:

First. A 15-percent individual tax credit through 1985 for residential energy conservation to retrofit existing houses.

Second. A 40-percent individual tax credit up to the first $10,000 of expenditure for residential use of alternative energy.

Third. A 15-percent business credit through 1985 for solar, wind, ocean thermal, and geothermal energy equipment.

Fourth. An 11-percent business credit through 1985 for hydroelectric facilities.

Fifth. A 10-percent business credit through 1985 for biomass energy equipment which also includes alcohol fuel facilities.

Sixth. A 10-percent business credit through 1982 for cogeneration equipment not fueled by oil or natural gas.

Seventh. A 10-percent credit through 1982 for boilers and combusters using an alternative fuel.

Eighth. A 10-percent business credit through 1982 for waste recycling equipment.

Ninth. A 10-percent business credit through 1982 for certain conservation equipment.

The primary reason for the enactment of these credits has not changed. These credits were enacted to encourage development of alternative domestic energy sources so as to lessen our dependence on uncertain foreign supplies of oil and natural gas. In 1979, the United States paid $55 billion for oil imports. According to the Department of Energy projection, we will pay in constant 1979 dollars, $70 to $80 billion for imported oil in 1990; the bill for imported oil in 1990 will equal 2.5 percent of our gross domestic product.

At this date, the temporary glut of oil has lulled us into a false sense of security. The oversupply of petroleum in the world today has come about solely because of the excess Saudi Arabian production. Saudi Arabia is overproducing today, not because of any great sensitivity or desire to help the American economy; but because it is only seeking to reestablish its primacy in dictating OPEC price policy. Once that primacy is reestablished, and I have no doubt that it will soon again be reasserted, the current glut of petroleum will evaporate as suddenly as it had materialized, when the Saudis stop the excess pumping.

The fact that the United States spends a quarter of our defense budget in defense of our so-called Middle East oil friends, demonstrates the degree to which the Middle-East kingdom controls American foreign and domestic policies. The one quarter of our defense budget spent in the Middle East equals an added cost of $20 per barrel of imported oil; in this light, we should recognize that imported petroleum costs the United States more than $58 per barrel when all costs are factored in.

The repeal of the energy tax credits would not only repudiate the established congressional policy, it would also perpetuate our economic thralldom to OPEC pricing.

The repeal of the only significant incentive for domestic renewable energy production also contradicts the administration's own policy of less than a year ago. In its Program for Economic Recovery issued on February 18, 1981, the White House stated:

The President is proposing no change in the current energy conservation tax credit, which is expected to provide at least $739 million in support of private and conservation activities during 1981 and $799 million during 1982. The proposed reduction in the Department of Energy conservation activities thus represents a decrease of less than 20 percent in total Federal support for energy conservation in 1982.

In that same message, the administration stated that it would continue its support of tax incentives specifically for alcohol fuels.

Similarly, the Honorable David Stockman, Director of the Office of Management and Budget, told the Congressional Alcohol Fuels Caucus on March 16, 1981, that as far as existing tax incentives for alcohol fuels were concerned:

We have made no recommendations or changes and I can guarantee that we won't in the future. Insofar as the investment tax credit for conservation, including for alcohol production equipment, we have no intention of making recommendations or changes in there.

At a later date, while testifying before the House Budget Committee on October 1, 1981, Director Stockman was asked if it made sense to eliminate tax credits for insulation and weatherization expenditures or for solar heating, while retaining the $1 billion exemption from the windfall profits tax given to some small royalty holders in the recent tax bill. Mr. Stockman said:

It doesn't seem to have plausible economic rationale that I can see.

The administration had justified reduction in various Department of Energy alternative fuel programs, on the basis that the tax credits would be retained. Let me stress that we in Congress enacted these cutbacks for alternative energy projects on the strength of this repre-

sentation. Many members of the private sector and many Members of the Congress supported the President's cutbacks because of the administration's assurances that the tax incentives for alternative energy development would be retained. The repeal of the energy tax credit would be a direct repudiation of this basic understanding between the administration and its supporters in the Congress and the private sector.

It stretches credulity to believe that the market today would provide sufficient incentive for alternative energy development, for there is simply not a free market in energy. The energy market continues to be subject to Government policy both foreign and domestic. The OPEC nations dictate the cost of petroleum and by reference the cost of natural gas today. Furthermore, to encourage our domestic production of oil and gas, the Federal Government provides billions of dollars in tax assistance to our domestic industries. In fiscal year 1981, tax expenditures for intangible drilling and development costs, the excess of percentage over cost depletion and capital gain treatment of coal royalties, are projected to amount to $4.9 billion. The tax encouragement for fossil fuel development is far more generous than the comparable incentive for alternative energy development. The tax expenditures for renewable energy and conservation in both business and individual sectors, will amount to only $1.4 billion in contrast to the $4.9 billion afforded to fossil fuels.

Significant Federal support has also been extended to nuclear energy development. Incentives for nuclear power are estimated to have cost the Federal Government $18 billion in terms of 1977 dollars for the years between 1948 and 1977. A major component of these expenditures was the civilian reactor development program in which developmental fission reactors and early cooperative power demonstration reactor projects were supported. More recently, the bulk of Federal developmental funds mounting to $3.1 billion were devoted to the liquid metal fast breeder reactor program. In addition, Federal nuclear biology and medical research programs, the nuclear submarine propulsion research program, education and training programs, and high energy physics research program, also assisted the commercialization of nuclear power. In comparison, the Federal assistance to the renewable energy program today is but a small portion of what has been spent in the development of nuclear energy.

The renewable energy area is not one operated by star-eyed academics operating out of garage shops. Rather, substantial companies are backing significant alternative energy projects throughout the country. Alternative energy projects involve such companies as Westinghouse, Boeing, Atlantic Richfield, Reynolds Aluminum, Standard Oil of California, and Lockheed. Boeing Engineering and Construction Co. reports the development of a wind turbine system and installation of three such units near Goldendale, Wash. Boeing also reports industry consideration of up to 700 megawatts of wind turbine generating capacity for installation in the United States by 1985. These machines could save up to 5 million barrels of imported oil costing $175 million based on $35 per barrel in the course of a single year. In comparison, the energy tax credits associated with this investment in wind energy equipment would be approximately a total of $300 million, a very prudent investment for the Federal Government to reduce our oil import bill and to improve our balance of payments.

The substantiality of the alternative energy field is further documented by a report from the First Boston Corp., a major investment banker. The report describes the Tennessee Synfuel project which is a joint venture of Koppers Co., Incorporated and Cities Service Co.; this joint venture will construct a coal liquefaction plant for the production of gasoline in Tennessee. This plant will take approximately 6 years to build at a cost of roughly $2 billion.

Similarly in the hydropower area, significant and substantial advances have been made. In 1976, the Federal Energy Regulatory Commission received only two applications for permits. By the end of this year, the Commission estimates it will receive more than 1,800 applications for hydropower development, backed by blue-chip companies. The involvement of these companies prove that domestic renewable energy development is not a quixotic dream. Current development is justified by present economics and the energy tax credits; but those economics are now jeopardized by the repeal of the energy tax credits.

The typical return on equity of the 90th percentile of Fortune 500 corporations in 1980 was 22 percent after taxes. With the energy tax credit a typical hydropower project offers a return of 22.8 percent after taxes. However, without the energy tax credit, the return on an investment of a typical hydropower project drops by 44 percent to 12.7 percent. Thus, few investors would be interested in a hydropower project when compared with more conventional investments in the absence of the energy tax credit. The 12.7 percent return is based on the tax benefits from the accelerated cost recovery system for tax depreciation.

The accelerated cost recovery system provides little incentive for renewable energy development. Alcohol fuel plants and waste recovery facilities for example are worse off under the accelerated cost recovery system than under prior depreciation law. These facilities could previously be depreciated under the double declining balance method using an 8-year useful life and enjoy the energy investment tax credit as well as the regular investment tax credit. Today, these facilities although depreciated over a 5-year period, are subject to the 150-percent declining balance for the next several years.

If the energy tax credits were repealed, an alcohol fuels plant or a refuse steam generating plant would be 15 cents per dollar of investment worse off under the accelerated cost recovery system than it would have been under prior law. Furthermore, this comparison is overly favorable to the accelerated cost recovery system, because it assumes a 46-percent marginal tax rate for the taxpayer.

Likewise in the synfuel area; the First Boston Corp. reports that the Tennessee synfuel project would sustain a 26-percent decline in expected rate of return if the energy tax credit were repealed; such a project would simply not be financeable, in the view of the investment bankers. Whereas the return on equity for the Tennessee synfuel project under prior law was 18 percent, the return on equity under the accelerated cost recovery system without the energy tax credit would be reduced to 16.6 percent.

The newly enacted research and development tax credit does very little for the alternative energy area. Most of the basic research has already been completed, and the alternative energy industries are at the point of commercialization. Thus, very few of these industries are able to utilize the research and development tax credit. We are at a point where tax incentives are needed to encourage the commercial utilization of hard-won technology.

It would be an embarrassment to the United States if renewable energy commercialization is not realized. There is intense foreign competition to attain the level of American technological development in the alternative energy area. The French, the German, and the Japanese Governments have embarked on significant programs to develop alternative energy technology for commercialization. These foreign governments envision growing exports to Third World countries as well as to industrialized nations. For us to remove the sole incentive for alternative energy commercialization in the United States would mean the surrender of the field to foreign competitors.

Lastly, let me note that the administration will derive very little revenue in the next couple of years by repeal of the energy tax credits, and indeed would diminish future revenues to the Treasury.

As the First Boston Corp. has stated, based on its work as financial advisers to a multitude of these projects, the elimination of the energy tax credits will not have a meaningful budget impact, at least until 1984 and more likely into 1985. These alternative energy projects will not be able to make qualifying expenditures on an appreciable scale until several years hence.

In addition, the revenue effects of an alternative energy program can be exceedingly favorable as determined in a study for the Department of Energy by Resource Planning Associates. In this analysis of a heavily agricultural State, Iowa, and a heavily industrialized State, Connecticut, the tax revenues and economic activity derived from an alcohol fuels facility were positive. In terms of Federal tax revenues alone, the Iowa project would increase Federal taxes by $22.6 million and the Connecticut project by $9.5 million from a single 50 million gallon per year plant.

These and many more renewable energy projects are now in jeopardy because the energy tax credits have been called into question. To encourage re-

newable energy development in the United States we must reaffirm the congressional commitment to retain the energy tax credits. I urge my colleagues to reaffirm that commitment by supporting this resolution.

Mr. COHEN. Mr. President, I rise in support of this sense of the Senate resolution that would put the Senate on record in support of retaining the existing tax incentives for investments in conservation and renewable energy sources. I am an original cosponsor of this resolution, and I am pleased to have the opportunity to speak today on its behalf.

Recent reports that the President will propose elimination of the residential energy tax credits are quite disturbing. They are particularly disheartening because they run counter to statements made by administration officials earlier this year.

In proposing budget reductions in the energy area, the administration argued that "Federal conservation assistance should be drastically reduced because individuals, businesses, and institutions are undertaking major conservation efforts on their own as a result of rising energy costs and Federal tax credits." Later in a hearing before the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes, on which I serve, the Assistant Secretary for Conservation and Renewable Energy elaborated on this point. He stated that:

> The free market and existing tax credits, in conjunction with the proposed revised tax structure, will be adequate to encourage industry to take the conservation measures that are most appropriate.

While I support the administration's commitment to an unregulated energy market, I submit that a free market in which all sources of energy supply can compete equally does not exist today. Although there are many examples I could draw on to demonstrate the inequities in the energy market, I will focus on the Federal Government's tax and expenditure policy toward all energy sources.

The Office of Management and Budget and the Joint Committee on Taxation have recently completed analyses of current tax and expenditure policies for energy conservation and production. These reports conclude that there is a substantial imbalance between Government expenditures for energy supply investments and those for energy conservation. In the area of incentives alone, the Federal Government will spend $10.9 billion for investments in energy production in fiscal year 1982, spending only $895 million on tax incentives for conservation investments. Thus, the Federal Government will spend 12 times as much promoting energy supply production than it will in promoting energy conservation investments. If the administration succeeds in repealing the existing tax incentives for energy conservation and renewable energy sources, the disparity between Federal support for conservation and supply will widen even further.

In recent years, the United States has made steady progress in addressing our energy problems. Imports of crude oil and petroleum products have fallen from a high of 8.8 million barrels a day in 1977 to under 6 million barrels a day at present. We have reduced our imports significantly in the last year alone. This progress has come about largely because the American people have accepted the reality of the energy problem and have taken steps to reduce their individual consumption. Each additional step forward we take on the conservation and alternative fuels production fronts will make it that more difficult for OPEC to arbitrarily manipulate the prices and supply of oil to our disadvantage.

The tremendous contribution made by renewable energy and conservation tax credits is clear. In 1979, 4.8 million taxpayers took advantage of energy tax credits to make energy-saving improvements to their homes. The American business community has also taken advantage of existing conservation and alternative energy development incentives, and dramatically reduced its energy consumption in the process. That the national interest has been served by these actions is borne out by the stability that now exists on the price and supply fronts.

In the State of Maine, one of the coldest States in the country, residents have used these tax credits extensively. In 1978, 32,000 households claimed a residential energy tax credit. This number increased to 36,000 in 1979. In these 2 years alone, Maine homeowners have invested $60 million in conservation and renewable energy sources. As a result of these efforts, Maine's consumption of home heating oil, nearly all of which is imported, has declined by 10 percent.

Mr. President, the lesson of the past few years could not be clearer: Energy tax credits work. They encourage conservation and help to promote alternative energy development. Most importantly, they promote permanent energy savings. American homes and buildings that are well-insulated will yield an energy savings of millions of barrels of oil in the years ahead. The use of renewable energy sources not only reduces oil imports, but eases the pressure on the diminishing supplies of domestic oil and gas reserves.

Mr. President, this resolution merits the support of the Senate. Now is not the time to draw back from our commitment to increasing the efficiency with which we use energy. Passage of this resolution will signal the Senate's strong ongoing commitment to energy conservation. It is a message we should send not only to the administration, but to the American people as well.

Mr. MITCHELL. Mr. President, I am pleased to join my colleagues in registering our support for the residential and business tax credits for conservation and renewable energy investments.

The submission of this resolution is an important gesture. Simply by announcing that they are considering a proposal to repeal the energy tax credits, administration officials have effectively negated much of the effectiveness of the credits. Concerned that the energy-related purchases they make will not be eligible for the tax benefits, homeowners, businesses, and investors are reluctant to commit themselves to conservation and alternative energy equipment investments. By getting the support of a majority of Senators, this resolution can remove the chilling effect that the administration's proposal has had.

The energy tax credits play an important role in our national energy policy. Conservation and renewable energy sources offer the greatest opportunities to reduce our dependence on foreign oil. They are also the most environmentally acceptable options.

Maine, because of its heavy reliance on foreign oil and extremely high home heating costs, stands to benefit greatly from continued Federal conservation efforts. By reducing our imports through greater energy efficiency and more renewable energy, Maine can reduce its vulnerability to oil supply disruptions and can strengthen its economic base. Currently, oil imports drain over $1 billion a year from Maine's economy.

It is not surprising that Maine residents have been taking advantage of the energy tax credits. In 1979, approximately 36,000 households claimed the residential energy conservation credit. Also, two of Maine's leading renewable energy sources, hydropower and solar energy, have been receiving a boost from the tax credits.

Yet terminating the credits now could be premature, even in a State such as Maine. A recent survey of Maine households found that 37 percent still had not undertaken any significant conservation measures, while many of the other households could still achieve further energy savings. Clearly, the potential for energy conservation has not been fully tapped. Similarly, solar power has great potential in Maine, but the solar industry is still in its early stages and needs the credits to develop consumer acceptance.

It is unfortunate that the Senate must take action to reaffirm its support for these credits, but the hostile attitude of the administration toward energy conservation and alternative energy development requires that it do so. I hope that we can act soon so that homeowners and businesses can proceed with confidence in their energy investments.

Mr. DURENBERGER. Mr. President, I want to commend the chief author, Senator CHAFEE, for the resolution that we are submitting today. It is an important resolution. It is a resolution that requires early attention by the full Senate. It is a resolution that I am pleased to cosponsor and for which I will work diligently until action is secured.

Mr. President, the administration believes that American energy consumers should rely on the marketplace, not the Government, for the proper signals as to future energy prices and energy resources. I think this policy is wrongheaded. It is a head-in-the-sand policy that does not serve the public well—and I mean head in the sand literally for whoever it is in this administration pretending expertise in energy policy. It is a policy which diminishes our security and virtually guarantees severe economic dislocations in our future.

There is no marketplace for energy resources. This should be apparent to anyone who can read the headlines. Later this month OPEC is expected to get together and agree on a unified price of $34 per barrel for crude oil. This decision will be a victory for Saudi Arabia. It is a victory for the long-term interests of Saudi Arabia. There are some who believe that conservation and the resistance to higher prices has put a burden on the world oil market and that OPEC is in disarray—about to go out of business. Nothing could be further from the truth.

There is a difference of interest in OPEC. The Saudis have a lot of oil—enough oil to produce at current levels well into the next century. They have a long-term interest in our dependence on their oil reserves. Conservation and conversion to renewables are a direct threat to their future. Prices so high that consumption is reduced does not threaten their long-term interest. Other OPEC nations have small reserves. They want all the revenue they can get and they want it today because they fear we may take control of our future. High prices now are in their interest. Our gradual conservation is no threat to them, because their wells will soon be dry.

As I say, there is a difference of interests in OPEC. The Saudi interest has prevailed. The Saudis have used their excess production capacity and a price of $32 to force other OPEC nations with higher prices out of the market. Now that prices have been unified at $34 per barrel, OPEC will return a plane of stability. The world oil glut will be reduced. Each member of OPEC will be given a share of the contract market and the cartel will be in control again.

I suppose these events can be read by the free market types as a confirmation of their policy. But to me the headlines say that Saudi Arabia has the power to unilaterally impose a world oil policy that serves their interests to the exclusion of the market and other nations. Meanwhile, we are busy here in Washington unilaterally repealing energy policies that took us a decade to construct. We turn not to a marketplace, but to a prayer that over the long run our interests will coincide with those of Saudi Arabia. Well, they will not. Our long-term goal must be to reduce our dependence on imported oil. Current Saudi policy—price moderation—is designed to continue our dependence on them and their production of 8½ million barrels of oil per day. And who can say what our policy will be in the future.

So there is no marketplace today, only a continuing need to safeguard our economy and our security against the seduction of momentary lulls in the energy crisis. Along with the strategic petroleum reserve and the emergency petroleum allocation legislation—which Senator WALLOP has been working so hard on in the Energy Committee—the energy tax credits play an important role in our policy of energy independence. They provide—or did until the President made his statement—clear signals to energy consumers and producers about our energy future. These signals are not provided by the marketplace on which the administration would have us rely.

Consider the price of oil over the last decade. It went from $3 per barrel to $14 in a few short months in 1973 and 1974. People took conservation seriously for awhile after the Arab embargo. We also experienced the deepest recession since World War II. But we recovered. Oil prices leveled out. People forgot about the energy crisis—forgot until the Iranian revolution in 1979. The price then went to $40 per barrel—again in a few short months. And once again we had a recession. Major American industries are on the brink of collapse. Detroit did not anticipate the Iranian revolution. Detroit's consumers did not either. In fact the marketplace was reducing inventories right up to the day of the revolution. Is that the kind of energy future that this administration would prescribe for our economy?

We can admit that Government policy was part of the problem in 1979. The decade of price controls masked the true danger of OPEC even after the embargo. But the failure of one policy does not mean that every policy is doomed to failure. In 1979 we corrected the errors. We began the process of decontrol. The Finance Committee in designing the windfall profits tax, replaced the price controls with a different policy. Rather than keep the low prices of the past, we enacted the credits to anticipate higher prices in the future. We will never break OPEC. Oil is a limited resource that will continue, with or without further disruptions, to get more expensive. Rather than wait for the roller coaster effects of the energy marketplace to triple the prices again, we chose to subsidize those conservation and renewable fuel technologies that have promise of immediate benefits. The subsidies are designed to take us on a smoother path to an energy future that does not include the oil reserves of Saudi Arabia.

The tax credits are designed to do what the marketplace does not—send signals to rational consumers and producers about future energy prices. It is not that I do not believe in markets. I do. That is why I supported oil decontrol, the windfall profit tax and tax credits financed thereby. I just do not think this administration understands this marketplace. No financial institution is going to loan money for alcohol plants today. The price of alcohol is still above the price of gasoline. We all know that this price relationship will change. What no one can say with any certainty is when that change will occur. The energy marketplace sends no signal, because the change awaits the outcome of political events. By enacting the tax credit we have decided that we would be better off to produce and consume domestic fuel alcohol now rather than to wait for Saudi Arabia to tell us when the time has come. The price of this policy in the short run is the price of our security—an insurance policy for our economy.

Mr. President, we must resolve the status of the existing credits quickly. A proposal by the President does not eliminate the credits, but it can make them largely ineffective. Few companies are going to take the risks with alcohol plants, new businesses in solar and wind energy or plan new hydro and geothermal facilities, if there is some possibility that the credits may soon be repealed.

The President's proposal, unanswered, can be the kiss of death. The investments that the credits are designed to encourage will evaporate, if we do not make it clear that our commitment to them remains stronger than ever.

That is why I believe the Senate should make this resolution a high priority for this session. The Congress supports the existing credits. To be effective encouragement for conservation and the production of renewable energy resources, we need to send the President and the Nation a clear signal—that the existing energy credits will be continued.

● Mr. PACKWOOD. Mr. President, today over 50 Members of the Senate are submitting a resolution in support of the tax incentives for conservation and renewable energy. I am pleased to be one of them.

I think most Senators know why this resolution is being submitted today. The administration is considering whether to recommend repeal of these tax incentives. Personally, I am not yet 100 percent sure that President Reagan means to repeal them. I hope that he does not. Clearly, judging by the strong support for this resolution, many other Senators feel the same way.

Senator support for these tax incentives has been strong for several years now. We first enacted them as part of the Energy Tax Act of 1978; then we increased them in the Windfall Tax Act of 1980. In the face of insecure and increasingly costly foreign oil supplies, the Senate recognized the need to encourage investment in renewable energy sources and thereby lessen American dependence on imported oil.

Circumstances have not changed so much since 1980 that we can afford to abandon the conservation and renewable energy incentives. Our use of imported oil remains unacceptably high. I remain convinced that conservation and renewable technologies can have an important impact on our efforts to reduce our use of imported oil. These technologies are generally available now for wide-scale use, but tax incentives can substantially increase the rate at which our society makes these energy investments.

Looking beyond our dependence on imported oil, I am not prepared to see these incentives dismissed as economically wasteful. I believe they are cost and energy effective. Study after study by organizations such as the General Accounting Office, the Congressional Budget Office, the Harvard Business School, and others has documented the potential for saving oil with conservation and renewable technologies. Generally speaking, this oil saving is available to us at a bargain price: it costs less to save a barrel of oil with these technologies than it costs to buy one.

In short, I believe these tax incentives must be part of our energy strategy. Sooner or later we will have to move to

renewable energy sources. From the perspective of our dependence on foreign oil, the sooner the better. Those of us who work to see these credits become part of the Tax Code feel strongly that they are helping us move in the right direction.●

● Mr. BAUCUS. Mr. President, I do not intend to take the usual amount of time expounding on the great accomplishments promised by the legislation we submit today.

In all honesty, the purpose of this resolution is to stop a bad idea, as much as to promote a good one. And to stop this bad idea, I have already joined with several Senators in writing to the President and in seeking cosponsors for the resolution now being submitted.

As you know, President Reagan has suggested that he will soon propose the termination or sharp decrease in existing tax incentives for conservation and renewable energy supplies.

This is a bad idea.

It is bad for U.S. businessmen. It is bad for U.S. energy consumers. It is bad for our Nation's security. And, it is bad for an energy-starved world.

I might add that should the President go forward with this proposal, it surely will be bad as well for his credibility before Congress; Mr. Reagan has repeatedly justified his renewable energy budget cuts by assuring us that these very tax measures would remain as sturdy incentives for the private sector to do the job.

The White House, through Mr. Reagan's Economic Recovery message of February 18 of this year, stated:

> The President is proposing no change in the current energy conservation tax credit, which is expected to provide at least $739 million in support.

And, on March 16, Office of Management and Budget Director David Stockman went on to specify that as to existing tax incentives for alcohol fuels:

> We have made no recommendations or changes and I can guarantee you we won't in the future.

THE UNITED STATES, A FAT MAN AT THE WORLD TABLE?

Mr. President, recently leaders from a number of countries met in Mexico to discuss how to make progress in bringing all people, everywhere on our planet, to at least a bearable standard of living. The statistics are grim.

If the population of the planet were reduced to 100 people, the United States would have but 5 of them. Yet, we consume between a third and a fourth of the world's energy.

Truly, to the poorer peoples on our planet we must seem like a grossly fat man who has come to dinner—only to elbow away all other guests and then eat the lion's share of the food.

And yet—incredibly to me—the administration seems inclined to back away from the clear progress American businesses have made as the result of the conservation and renewable energy tax incentives.

TAX INCENTIVES WORKING

And it indeed has been real progress. I will share with my colleagues portions of a letter recently sent to me by Roger Young on behalf of the Great Falls, Mont., Chamber of Commerce. He writes:

> The 40 percent federal solar tax credit is one action of Congress which should not be repealed. . . . I am informed that in 1981 alone, some 100 billion BTU's of energy were saved by solar systems manufactured by Sunwise Manufacturing in Great Falls. . . . The small amount the government has spent . . . has contributed greatly to the nation's energy independence.

And that, Mr. President, is from just one chamber of commerce speaking of just one business. There are literally thousands of small businesses, nationwide, working on wind power and solar, alcohol fuel, and insulation—thousands whose work depends in part on these tax incentives.

There are 56 Senators who are joining today in sponsoring this resolution, and I would urge all Senators to join in making sure the administration understands our message: Renewable energy and conservation are keenly important to our country's and the world's energy security.

U.S. private enterprise can help both American energy consumers and the world by developing these nonconsumptive resources.

The existing tax incentives are working: We should keep them.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION AND SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the joint oversight hearing on hydroelectric development and licensing procedures previously scheduled for Thursday, October 29 at 2 p.m. has been cancelled and will be rescheduled at a later date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. McCLURE. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to hold a business meeting during the session of the Senate at 12:30 today, Tuesday October 27, to discuss the nominations of: Richard J. Cardamone, of New York, to be U.S. circuit judge for the second circuit; Robert D. Potter, of North Carolina, to be U.S. district judge for the western district of North Carolina; Paul A. Magnuson, of Minnesota, to be U.S. district judge for the district of Minnesota; Guy G. Hurlbutt, of Idaho, to be U.S. attorney for the district of Idaho; William H. Ewing, of Tennessee, to be U.S. attorney for the western district of Tennessee, and Laurence C. Beard, of Oklahoma, to be U.S. Marshal for the eastern district of Oklahoma; and to discuss the designation of the week beginning November 8, 1981, as "National Home Health Care Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, October 27, to hold a hearing on SBA's direct loan program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, October 28, at 11 a.m., to receive a briefing for Agriculture Secretary John Block on the administration's soil conservation policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COLLECTION AND FOREIGN OPERATIONS

Mr. BAKER. Mr. President. I ask unanimous consent that the Subcommittee on Collection and Foreign Operations of the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 28, to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President. I ask unanimous consent that the Senate Permanent Subcommittee on Investigations of the Governmental Affairs Committee, be authorized to hold a hearing in connection with the oversight responsibility to determine appropriate responses from Government, industry, and labor unions to address labor-management corruption, on Wednesday, October 28 at 8:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate Permanent Subcommittee on Investigations of the Governmental Affairs Committee, be authorized to hold a hearing in connection with the oversight responsibility to determine appropriate responses from government, industry, and labor unions to address labor-management corruption, on Thursday, October 29, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 28, to hold a business meeting on pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, October 28, at 2 p.m., to meet with the National Advisory Committee to the Small Business Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEPARTMENT OF ENERGY SHOULD NOT BE ABOLISHED—DOMESTIC COAL POLICY MUST BE IMPLEMENTED

● Mr. RANDOLPH. Mr. President, as major shifts in energy use in the United States have evolved, newly utilized sources have been cheaper, more abundant, and cleaner than the energy it replaced. In fact, these sources were so abundant and relatively cheap that neither the majority of workers in Government nor the people in general felt a need for an energy policy.

But in the early seventies a growing awareness of what some of us had been saying for decades began to emerge. We were faced with a domestic energy crisis. Responding, each of several Presidents proposed what were portrayed as complete energy policy plans of action to answer energy challenges. Unfortunately, none of the early proposals included a central focal point which could deal with the insecurity, the costliness, the pollution, and the shortages of our energy supplies, each caused by largely separate combinations of circumstances.

This unfortunate situation was rectified in October 1977, when the Department of Energy was established, giving Cabinet-level leadership in shaping the energy policy of this Nation.

During the last several months, I have urged the Reagan administration to cooperate with the 97th Congress to resolve conflicts which result from pursuit of energy, economic, and environmental concerns in concert. We have instead witnessed to date drastic proposed cuts to fossil fuel research and development funds and token support for a viable synthetic fuels industry which should have been of commercial size in the midfifties. We see the abandonment of a forceful, vigorous domestic coal policy, replaced by an unrealistic slant toward sole reliance on unproven, suspect nuclear power technologies. Added to these, on September 24 of this year, President Reagan announced his intention to abolish the Department of Energy as part of his budget cutting strategy.

Mr. President, during the eight sessions of Congress since the oil embargo we have enacted major energy laws. Many involved tough fights between those advocating different facets as solutions to the energy dilemma. But, some have avoided major conflicts between perspectives and have passed easily. The Department of Energy Organization Act passed easily—74 to 10—because of recognition of the need to have a Cabinet office to provide sound and continuous policy to the Executive.

Shuffling boxes again on organization charts and changing names will not cut redtape, eliminate duplication, improve intergovernment communication or reduce the bureaucracy. It will merely reactivate a classic and repetitive cycle common to Government which in energy led from the White House Energy Office to the Federal Energy Office to the Federal Energy Administration and the Energy Research and Development Administration before the creation of the Department of Energy.

Mr. President, even if we eliminate the name on the Department, most of its programs will continue. I urge President Reagan to redirect the efforts of his policy advisers working on the abolition of DOE toward formation of a domestic coal policy. In the absence of policy direction from the Congress and administration, utilities and industries will continue to delay meaningful significant improvement toward coal. Exporters will hesitate to enter long-term supply contracts until there is certainty that our transportation system can move large amounts of coal. The prospective owners of major gasification and liquefaction plants will delay construction decisions until Federal policies relating to financing supports have a firm agreement.

If we continue to ignore legitimate applications for coal use, the disaster which now faces the American automobile industry, because of the inability to adapt to and changes in energy patterns, will pale to insignificance in comparison to what could confront the entire American industrial complex in the future, especially coal.●

INTERNATIONAL SECURITY

● Mr. HEINZ. Mr. President, on October 23, 1981, 25 residents from western Pennsylvania attended an informal noncredit program sponsored by the Pennsylvania State University dealing with topics of international security. This type of interest by private citizens in attempting to gain a better understanding of critical issues now facing the United States is indeed laudable. Also, the efforts of the Pennsylvania State University in maintaining its leadership role in providing quality, innovative adult programing for the residents of Pennsylvania should be noted. This specific program was initiated under the supervision of Mr. Wesley Hakanen, assistant director of continuing education at Penn State's McKeesport Campus. As Senator, I wish to congratulate these individuals for their interest, and the Pennsylvania State University for its continued civic involvement.●

THE 27TH ANNUAL SESSION OF THE NORTH ATLANTIC ASSEMBLY

● Mr. BIDEN. Mr. President, last week the North Atlantic Assembly, the interparliamentary arm of NATO, convened in Munich for its 27th annual session. Although NATO's history has been far from free of controversy, this session of the Assembly occurred at a particularly important juncture. For complicated though discrenible reasons, a wave of concern has spread across certain European countries that East-West confrontation could lead to nuclear war, and a consequence has been mounting protest against the arms race in general and NATO's planned TNF modernization in particular. On the eve of the Assembly's Munich session, some 250,000 persons assembled in Bonn to express this protest—the largest demonstration in the Federal Republic's 32-year history.

Aware of such growing concern in West European public opinion, the Assembly acted earlier this year to create a Special Committee on Nuclear Weapons in Europe, which I now chair, to study the military and political aspects of theater nuclear force modernization and arms control. While deeply regretting that Foreign Relations Committee consideration of the Saudi AWACS sale prevented my presence in Munich, I was pleased to learn that the Special Committee's interim but comprehensive report to the Assembly, considered by both the political and military committees, was praised by Assembly delegates across the entire political spectrum.

In addition, the Special Committee initiated and presented to the Assembly a draft resolution on nuclear weapons in Europe, which provided the focus for the Assembly's plenary debate, attended by parliamentarians from all 15 NATO-member nations. I consider this resolution, passed overwhelmingly by the Assembly at the end of debate, an excellent statement on the TNF issue. I ask that the resolution be printed in the RECORD.

The resolution follows:

NORTH ATLANTIC ASSEMBLY RESOLUTION ON NUCLEAR WEAPONS IN EUROPE

The Assembly, recognising the far-reaching significance of the NATO 12 December 1979 "dual-track" decision in several respects:

To enhance NATO's strategy of flexible response by producing a visible "coupling" of the American strategic deterrent and European defence;

To provide a much-needed response to modernised and expanded Soviet long-range theatre nuclear forces (LRTNF);

To facilitate permanent limitations on LRTNF through arms control negotiations;

To demonstrate Alliance political cohesion and solidarity in risk sharing;

Welcoming the determination of member governments to sustain the consensus behind the 12 December "dual-track" decision;

Noting that the deployment of the SS-20 is continuing beyond the levels predicted in 1979, while stressing that the number of LRTNF required by NATO should not be directly tied to Soviet force levels;

Noting the recent threat assessment by the High Level Group on the extent and pace of Soviet SS-20 deployment and of Soviet modernisation at all levels of theatre nuclear forces;

Welcoming the announcement that negotiations on LRTNF between the United States and the Soviet Union will commence on 30 November 1981;

Noting that a continued commitment to modernisation is essential if real progress in arms control is to be achieved;

Stressing that limitations on LRTNF will not provide stability unless achieved within a framework of limitations on central strategic systems;

Recognising that a "zero outcome," the mutual elimination of the land-based missile component of LRTNF—however difficult to achieve—represents the ideal objective of negotiations;

Concerned that confusion exists about a) the relationship between modernization and arms control; b) the precise objective of the LRTNF negotiations; and c) the extent to which NATO deployments depend upon Soviet actions and the results of arms control negotiations;

Concerned that the growth of opposition in several European countries to the dual track decision could undermine NATO's negotiating position and Alliance cohesion and could inadvertently serve Soviet purposes;

Urges member governments:

1. To maintain an equal emphasis on the twin objectives of modernization and arms control.

2. To develop and maintain a unified Allied negotiating position on LRTNF arms control.

3. To undertake concerted efforts to persuade their publics that the dual-track decision constitutes a strategy for achieving military stability and sustaining peace in Europe.

Urges the United States Administration:

1. To continue consultations with its Alliance partners on LRTNF arms control and also on future theater nuclear force modernization requirements.

2. To proceed as now planned to undertake early negotiations with the Soviet Union on the limitation and reduction of strategic nuclear arms.●

MULTIEMPLOYER PENSION PLANS

● Mr. QUAYLE. Mr. President, I am pleased to be a cosponsor of S. 1748 introduced by Senator HATCH, chairman of the Labor and Human Resources Committee. This bill will exempt most multiemployer pension plans from the provisions of title IV of ERISA relating to plan termination insurance. In 1974, Congress passed ERISA but deferred the effective date of the mandatory coverage of multiemployer pension plans. Because of the detrimental impact that title IV might have on multiemployer plans and the resulting large-scale liabilities that may have been assumed by PBGC, Congress found it necessary to defer coverage of multiemployer plans four times as it attempted to substantially revise title IV.

Since a revised multiemployer termination insurance program was not enacted nor another deferral date approved, title IV of ERISA as originally enacted became effective August 1, 1980. However, Congress subsequently passed the Multiemployer Pension Plan Amendments of 1980 bill which was signed into law on September 26, 1980. I believe that Congress made a mistake in passing that law instead of indefinitely postponing coverage of multiemployer plans and this bill will rectify the error we made then.

The Multiemployer Pension Plan Amendments of 1980 amended title IV of the Employee Retirement Income Security Act (ERISA) to require insurance coverage of multiemployer pension plans and by assessing liability against employers who withraw, or significantly reduce their contributions. The principal concept of this act is the requirement that an employer that wholly or partially withdraw from a plan pay its pro rata share of unfunded vested liability to the plan. This withdrawal liability is often larger than the company's net worth. I am convinced that the Multiemployer Act presents an extremely serious threat to many businesses, particularly in the trucking and construction industries.

Contrary to the intention of the act, collection of withdrawal liability will damage multiemployer pension plans because the potential liability will discourage new entrants from entering plans. Without normal replacement of participants and employers, multiemployer plans will face decline and possibly even insolvency.

The essence of most multiemployer pension plans is that the employer, through the collective bargaining agreement, pays a fixed contribution to a trust fund and the trustees determine the benefits that can be provided. The withdrawal provision of the 1980 act added a new liability to the employer, one greater than he had bargained for or had any reason to anticipate. This liability was applied retroactively in a manner that was certainly unfair, if not unconstitutional.

The employers withdrawal liability is often so extensive that it effectively prevents the sale or transfer of assets of a company with particularly adverse consequences on small business. With the possibility that the Financial Accounting Standards Board will require employers to footnote this pension liability on financial statements, it may dramatically reduce the ability of a company to borrow money. For many small businessmen this inability to borrow money may result in liquidation, which in turn would trigger withdrawal liability. For those same small businessmen who own their own businesses, they are held personally liable for these costs.

To resolve these problems, we believe that ERISA should be amended to provide that those multiemployer plans, in which contribution levels have historically been bargained should be recognized as exempt from the withdrawal liability and plan termination provisions of the act. We further believe that withdrawal liability which has currently been assessed should be remitted. This bill promotes free collective bargaining, and relieves these plans from onerous regulations which protect neither pensions for those who have earned them nor the financial security of those who fund them.●

A STORY OF COURAGE

● Mr. KASTEN. Mr. President, I ask today that an article entitled "Anger Melts Into Achievement for Polio Victim" from the Merrill Shopper & Foto News be inserted in the RECORD.

Cathy Clark Spatz, a native of Merrill, Wis., was stricken with polio at the age of 8. Her story of accomplishment is an impressive one and I know will inspire others to fight adversity and to overcome the seeming limitations of serious handicaps.

I draw the article to the attention of my colleagues and to my fellow citizens, and I commend Mrs. Spatz for the courage and strength she has demonstrated.

The article follows:

[From the Merrill (Wis.) Shopper & Foto News, Oct. 21, 1981]

ANGER MELTS INTO ACHIEVEMENT FOR POLIO VICTIM

This is the International Year of the Disabled. For many of us we nod at the reminder, "Oh, yes. Year of the Disabled. Now I remember." But one person fighting to make sure we all understand the signincance of this year is a Merrill native now living in Two Rivers, WI. She is Cathy Clark Spatz, one of millions in the world for whom this year has been named.

Cathy, daughter of Margaret Clark, 2600 E. Main St., Merrill, was stricken with polio when she was eight years old growing up here in Merrill. It was 1949 and a once carefree child was now burdened with a future of leg braces and walking crutches. She carried a deep resentment which urged her to over excell in everything she attempted. She graduated from Merrill High School in 1960, set back only a year by the crippling affliction which at one time almost took her life. "When you have a disability you have to try harder. I guess it just comes with the territory," Cathy says.

It was not until she went to college at the University of Wisconsin-Stevens Point, however, that she began to cope with the emotional side of her handicap. "I realized maybe I could help myself," she recalls. Her new classmates, never knowing that carefree eight year old of so many years ago, were accepting her for who she was. Feeling a new sense of freedom she was determined to learn how to drive a car so she could lead a more active life. Though rejected by two insurance companies she found a third company which would provide insurance. She bought a car with specialized hand controls and started taking lessons. When she passed her driver's exam she knew for the first time in her life she was really on her own.

After graduation from the University Cathy, having developed a talent for art, went to work as an art teacher. For the next five years she lived alone while teaching at LaCrosse, Port Huron, Michigan and Oak Creek. After that, she married a college friend, Kenn Spatz, also an art teacher, and they settled in Two Rivers. Ignoring the possible difficulties of raising a child, Cathy became a mother. Today the Spatz's have a nine year old daughter, Sara.

Although she "retired" from teaching to become a mother Cathy has always remained active outside the home. She is a champion in promoting rights for the disabled. On a local level in Two Rivers she has worked closely with the owners of shopping centers in promoting compliance of handicap parking laws. Too often, she notes, the truly handicapped are cheated from a handicap parking space by someone who simply wants a good parking spot near the store. That may not sound like a big deal to most of us, but to the handicapped it is. As Cathy is quoted in a Lakeshore Chronicle article on the subject, "Disabled people are not in that position because they want to be. They need to be part of the community. They may have to do their shopping, like everyone else. But sometimes they need just to get out of their four walls, to change the environment around them." She adds, "We are now in an age where technology is advancing our years of life. It's no longer just the disabled who are going to benefit from these laws, but the senior citizen also."

In addition to the role of advocate, Cathy has created a handicap counseling serving through Lakeshore Technical Institute called, "New Beginnings." "The goal is to make the handicapped as independent and self confident as possible," she notes further explaining that idea was created from her own early inability to face up to her disability. She wants the handicapped to know that they are still able to function and can lead productive lives again if they can rid themselves first of the burden of frustration.

In addition to that job she is actively engaged in Easter Seals and she and Kenn have a decorating consultant business on the side.

Despite Cathy's active life the damages

created by polio 32 years ago can never be forgotten. Just last week she underwent her seventh operation to correct the results of her affliction. "I have to psych myself up a lot," she admits about each new operation. Her latest, performed Sept. 30, went well, but the entire healing process will take about 12 weeks. "I'm going to finally catch up on my art work," she says, knowing that she will be confined to a full leg cast for six weeks, then to a short leg cast for several more weeks.

For someone like Cathy that much sitting around can quickly become depressing, but to keep her spirits lifted to the future she has already scheduled her calendar full for January. And although International Year of the Disabled will be a thing of the past by then, you can bet Cathy Spatz will be back out there fighting for a better understanding between the community and the handicapped.●

VETO OF FTC USED-CAR RULE

● Mr. BOSCHWITZ. Mr. President, today I cosponsor Senate Concurrent Resolution 33, which would disapprove the Federal Trade Commission's recent proposed used-car regulation.

In 1973, the FTC started an investigation into the practices of used-car dealers. Now, on August 14, 1981—some 8 years later—it has published a rule to regulate the sale of used cars. The used-car rule is contained in the Federal Register on pages 41328–41378. That is 50 pages of new regulations that small businessmen must comply with.

Mr. President, the clear thrust of this proposed rule is entirely negative. It presumes that dealers are dishonest—a concept contrary to our country's basic principles. In my view, this presumption is reason enough to disapprove the proposed rule. A closer examination of the proposed rule and its effects fully justifies its disapproval.

The rule was promulgated under the Magnuson-Moss Act. The clear intent of this statute is warranty disclosure—not inspection and not disclosure of defects. The rule violates the intent by requiring disclosure of known defects.

The disclosure of a defect is required if the dealer has knowledge of a defect. Knowledge is determined by an objective, reasonable man standard, which directly or indirectly requires inspection.

Yet the rule itself lists 52 types of defects, many of which are defined by such subjective terms as abnormal and improper.

Thus, the rule not only violates congressional intent, it creates unnecessary uncertainty and confusion.

These ambiguities will no doubt require clarification through the courts. If the ambiguities themselves don't cause litigation, the $10,000 penalty provision is a lucrative incentive to sue. While the dealer will initially bear the cost of defending the lawsuits, the ultimate cost will be borne by the consumer, who is supposed to be protected by the rule.

Mr. President, the bottom line is that the rule has the opposite effect of that which was intended. The rule will not protect consumers against unscrupulous dealers—they will continue to be unscrupulous.

At the same time, many other dealers may be discouraged from asking pertinent questions or taking other action, so that they do not acquire the knowledge that would subject them to liability—the rule puts a premium on lack of knowledge.

Furthermore, the rule is an incentive to sell the car as is, without a warranty.

Finally, Mr. President, the rule would add additional costs to an already distressed industry. We are all aware of the grave state of the auto industry—in the last 2 years 10 percent of the dealerships in Minnesota have gone out of business. This is roughly the same percentage as nationwide. Dealers are already plagued with decreased demand because of high interest rates, and increased inventory and financing costs.

At precisely the time when dealers are just trying to survive, the FTC has promulgated a rule that would pile an additional costly paperwork and legal burden on small businessmen.

Ironically, as more dealers go out of business, more used cars will be sold by nondealers—50 percent of the current market is not covered by the rule.

Mr. President, the Federal Trade Commission Improvements Act of 1980 gave Congress the authority to veto FTC regulations. The used car rule provides the opportunity to exercise that authority responsibly. I urge my colleagues to join me in supporting Senate Concurrent Resolution 33, to veto the FTC used car rule.●

ENTERPRISE ZONES

● Mr. HART. Mr. President, several bills have been introduced this year advocating the so-called enterprise zone approach to economic redevelopment. The administration has endorsed this approach for rebuilding our Nation's devastated inner cities.

It is offered as a free enterprise alternative to a long and expensive history of failed urban planning and social programing.

Despite many technical difficulties with the enterprise zone bills, there is obvious merit to dealing with high unemployment and poverty in depressed areas by stimulating business there.

Enterprise zones should not, however, be seen as a comprehensive strategy for urban redevelopment, nor should they be used to replace existing urban programs which have proven successful.

The search must go on for new solutions, and the details of this partial solution, the enterprise zone, must be scrutinized carefully.

As presently proposed, however, the enterprise zone is unlikely to work. It offers too few incentives and incentives of the wrong kind for attracting existing businesses to zones. More important, it offers little or no incentive for starting new businesses.

Continued refinement of enterprise zone legislation may reduce some of these problems. But the more important concern is whether the zone concept is focused on the right goals and whether it still meets its original, stated purpose. While the rhetoric surrounding zone bills emphasizes job creation, most provisions are actually designed to create profits for employers. Jobs and other economic benefits are expected to trickle down to the poor and unskilled. But zone bills do not target minority business nor even small business, the greatest source of jobs.

The problem with this very traditional economics is that not enough trickles down and what does trickle down does not go far enough and is not equitable. It is also true that what trickles down is not really what is needed most.

Is the purpose of urban development to attract business to a cheap source of labor and to create dead end, minimum wage jobs for the poor? Is this the best we can do with a supposedly new and innovative idea like enterprise zones?

These sorts of jobs certainly cannot be to the overall benefit of inner-city dwellers when they carry the cost of residential displacement.

We must look for approaches which lead to long-term, stable economic development in distressed communities, approaches which draw capital to productive uses in these communities. Without a stable, enduring market, few businesses, especially small businesses, will be able to survive in an enterprise zone.

If we can increase the financial reserves of the inner city community over time, few additional incentives will be needed to attract new business there.

But how do we increase buying power and financial reserves where there are few businesses or jobs of any sort to start with?

Two rules of thumb should guide our efforts:

First, any tax breaks or subsidies we offer to business owners or investors should be passed along to employees and owners wherever possible.

Second, percolate up rather than trickle down strategies for aiding the poor and unemployed should be tried; where possible, we should build on and stimulate the existing economic efforts of local communities first, then look to outside economic forces.

Consider the first guideline. Some may think that the relevant trade off—tax breaks for jobs—has already been struck between business and government in the very concept of an enterprise zone.

Actually, however, current enterprise zone bills include refundable job tax credits, in addition to other tax advantages. These credits subsidize the salaries of zone employees with tax dollars.

We would get more for our tax dollars if they were used to give employees and residents of inner cities more of an economic share and stake in their community, for example, by targeting some of the most attractive tax breaks to employers who are willing to adopt employee ownership plans. Such plans are entirely consistent with free enterprise and the expressed purposes of enterprise zones. They would increase productivity and competition by allowing more businesses to form, where employees pool resources, survive, and remain independent.

Stimulating new business in our cities is crucial, but so is keeping fledgling businesses alive and helping them expand. It does little good to create new jobs in zones only to have them disappear a year later. Yet most businesses fail, and small businesses, which create most jobs, fail

at the astonishing rate of from 60 to 80 percent. In inner-city areas qualifying for zone status, the chances for survival will be even slimmer.

Employee ownership can help. Employees have an astonishingly good record in buying out failing businesses and turning them into more productive and profitable concerns.

Moreover, employee buy-outs provide a ready alternative to merger with large conglomerates which could pull business out of zones. In these ways, employee ownership increases and saves the number of jobs available, and decreases transfer payments from the Government which are needed when shutdowns and mergers cause layoffs.

By sharing in the risks and payoffs of entrepreneurship, employees and employee-residents of a zone could develop stronger commitments to their work. They could see that when they work for the success of their area business they are working for their own business and area, their own success.

This stake in the local economy would not only increase productivity, but might reduce crimes against business, vandalism and shoplifting. In all these ways, employee ownership makes people an active part of the recovery process of their own community.

Consider the second, percolate up, guideline. Authors of current zone proposals cite community-based small businesses in the South Bronx as models for the enterprise approach to urban revitalization. Yet there are no provisions in their bills for building on or building up ongoing efforts within communities. Instead the emphasis is on incentives for the purchase and renovation of property which could lead to real estate speculation and gentrification.

On the other hand, if the emphasis was on incentives for capital formation, local residents, pooling their assets, would have a fighting chance to start their own companies. Some of the least known success stories in business involve groups of welfare recipients or farmworkers who started their own companies on a shoestring and now gross a million dollars or more per year.

Just as we need to encourage employee ownership where possible, we should also try to make community ownership attractive.

Closely related to the employee stock ownership plan (ESOP) is the General Stock Ownership Corporation (GSOC). This corporate form was enacted into law by Congress to provide all residents of a State with voting shares in the major economic ventures of their areas. The GSOC concept can be applied easily to a local area such as an enterprise zone where it would give the residents of a zone community a direct meaningful say in their economic future.

They could hire expert consultants, on credit, to generate various investment options for the development of their community. The advantages and disadvantages of these options could be presented, the dangers raised for the community by competing corporations could be explained.

Then residents could vote their common interest to create the sorts of economic changes they could live with and benefit from.

Funds could be generated for chosen GSOC projects from a variety of private and public sources, with eventual revenues paying back loans and providing resident-shareholders with dividend checks, dividend checks instead of welfare checks.

Of course, ESOP's and GSOC's represent only one path to the economic self-determination and development of communities with little economic power. They are not without problems.

Yet they deserve serious consideration, along with other means to like ends.

The proponents of enterprise zone legislation have proven themselves willing to revise their ideas and adopt new measures which increase the likelihood that zones will work effectively. I hope they will look into these kinds of incentives to economic recovery and consider adding them to their present plans. Economy with democracy must be our overriding goal.

I will soon be introducing legislation which seeks both to build on and transform the enterprise zone approach along the lines I have proposed here. This bill will provide special support for small and indigenous businesses in economically distressed areas and will target incentives for investment and credit to business activities which spread capital ownership broadly among zone residents and employees. I believe this will be an important contribution to the growing debate on enterprise zones.●

THE CALENDAR

Mr. BAKER. Mr. President, I would inquire of the minority leader if there are items on today's calendar that he is prepared to consider by unanimous consent, and I especially call his attention to the following calendar order numbers: 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, and 334.

Mr. ROBERT C. BYRD. Mr. President, these are all relief bills, and there is no objection on this side of the aisle to proceeding to action on them.

Mr. BAKER. I thank the minority leader.

Mr. President, I wonder if the minority leader would agree that we might consider them en bloc since they are of a similar nature?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I ask unanimous consent that the list just submitted be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF PUANGPAKA VERTREES AND PUANGTIP VERTREES

The bill (S. 175) for the relief of Puangpaka Vertrees and Puangtip Vertrees was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Puangpaka Vertrees and Puangtip Vertrees shall be classified as children within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in their behalf by Mr. and Mrs. Ronnie Dale Vertrees, citizen and lawful permanent resident, respectively, of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF HYONG CHA KIM KAY

The bill (S. 235) for the relief of Hyong Cha Kim Kay was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Hyong Cha Kim Kay may be issued a visa and admitted to the United States if she is found to be otherwise admissible under the provisions of that Act.

SEC. 2. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of the enactment of this Act.

RELIEF OF HUN SIK SANDERSON

The bill (S. 278) for the relief of Hun Sik Sanderson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (12) and (23) of section 212(a) of the Immigration and Nationality Act, Hun Sik Sanderson may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

SEC. 2. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of the enactment of this Act.

RELIEF OF MICHAEL WHITLOCK

The bill (S. 555) for the relief of Michael Whitlock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Michael Whitlock may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that Act.

SEC. 2. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice

had knowledge prior to the date of the enactment of this Act.

RELIEF OF ROSITA N. PACTO

The bill (S. 593) for the relief of Rosita N. Pacto was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(14) of the Immigration and Nationality Act, for the purposes of such Act, Rosita N. Pacto shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act.

RELIEF OF WALTER PREY

The Senate proceeded to consider the bill (S. 174) for the relief of Walter Prey, which had been reported from the Committee on the Judiciary with an amendment:

On page 1, line 4, strike "Walter Prey", and insert "Friedrich Walter Prey";

So as to make the bill read:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Friedrich Walter Prey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigration visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

Amend the title so as to read: "A bill for the relief of Friedrich Walter Prey.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Friedrich Walter Prey.".

RELIEF OF SANG SUN RUSSO

The Senate proceeded to consider the bill (S. 1143) for the relief of Sang Sun Russo, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding the provisions of sections 212(a)(12) and 212(a)(23) of the Immigration and Nationality Act, Sang Sun Russo may be issued a visa and admitted to the United States for permanent residence, if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendments were agreed to.

● Mr. HEINZ. I am pleased to have this opportunity to support the passage of two private relief bills which I have introduced in this Congress. S. 1143, for the relief of Sang Sun Russo, and S. 1144, for the relief of Maxine Ann Fricioni. Let me take this opportunity to summarize the background for each of these two bills, and explain why I believe passage of these bills is justified.

USAF S. Sgt. Harold Russo (Ret.), obtained his commander's permission to be married to Sang Sun Russo as required under Air Force Regulations 211–218. This regulation requires a background investigation on the intended spouse by the Air Force Office of Special Investigations and the results were favorable. This investigation was one of the most important source documents used by the commander granting Russo permission to marry.

The couple was married October 1976, with the understanding that the procedures which led to permission for the marriage also included an investigation of any records of conviction. After marriage they began the application process for obtaining a visa for Mrs. Russo to immigrate to the United States. Upon visiting the American Embassy in Seoul, Korea, on July 27, 1978, they were informed that Mrs. Russo would be ineligible for immigration to the United States because of charges of "possession of marihuana." Mrs. Russo served a sentence for her involvement in this situation. Noteworthy is the fact that the initial investigation conducted by the Air Force Office of Investigation and the Korean National Police showed no record of this conviction for Sang Sun Russo.

S. Sgt. Russo and his wife have a daughter who was born in December 1978, and at this time the family is separated, with the wife and daughter residing in the Republic of Korea and S. Sgt. Russo living in the Philippines.

I believe S. 1143 is meritorius due to the fact that Mrs. Russo paid the penalty for her past charges and also due to the administrative misunderstanding which resulted in marriage, since they assumed that all clearances had been given for Sang Sun Russo's immigration to the United States.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF MAXINE ANN FRICIONI

The Senate proceeded to consider the bill (S. 1144) for the relief of Maxine Ann Fricioni, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Maxine Ann Fricioni may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

● Mr. HEINZ. Mr. President, with respect to S. 1144 for the relief of Maxine Ann Fricioni, the following facts are relevant:

Sgt. David R. Fricioni, USAF, obtained his commander's permission to marry Maxine Ann Fricioni as required under the Air Force regulations 211–18 and 211–6. They were married in February 1978, with the understanding that the procedures which led to permission for the marriage also included an investigation of any records of conviction. On that basis, they were married and began the application process for obtaining a visa for Maxine Ann Fricioni to immigrate to the United States. Upon visiting the American Embassy in London, England, in July 1978, they were informed that Maxine Fricioni would be ineligible for immigration to the United States because of charges of possession of marihuana. Mrs. Fricioni was sentenced to a conditional discharge of 12 months in August 1975 for her involvement in this matter.

Noteworthy is the fact that the initial investigation conducted by the Air Force Office of Investigation showed no record of conviction for Maxine Fricioni. It was upon those initial findings the permission for marriage was granted.

Sergeant and Mrs. Fricioni and their daughter are waiting to return to the United States to join their family here and also to begin their life here.

I believe that this private immigration bill, S. 1144, is meritorius due to the fact that Mrs. Fricioni paid the penalty for her past charges and also due to the administrative misunderstanding which resulted in their marriage, since they assumed that all clearances had been given for Maxine Ann Fricioni's immigration to the United States.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF JUAN ESTEBAN RAMIREZ

The Senate proceeded to consider the bill (S. 167) for the relief of Juan Esteban Ramirez, which had been reported from the Committee on the Judiciary with amendments, as follow:

On page 2, line 1, strike "visa fees.", and insert "visa fee.";

On page 2, line 4, strike "officials", and insert "officer"; and

On page 2, line 8, strike "paragraphs (1) through (8) of".

So as the make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality

Act, Juan Esteban Ramirez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act.

The amendments were agreed to.

○ Mr. ANDREWS. Mr. President, I rise in support of S. 167, which my colleague Senator BURDICK, and I cosponsor, in behalf of Juan Esteban Ramirez.

Juan Ramirez is an orphan, one of seven children born to an impoverished family in Ecuador in 1958. The beneficiary contracted polio at the age of 3, and has undergone surgery a number of times in various hospitals in his native land, followed by intense physical rehabilitation here in this country, where he has been a resident student of the Anne Carlsen School for the Physically Handicapped at Jamestown, N. Dak.

He has made good improvement, and is now able to walk with the aid of a brace and crutches, and has progressed well in the school, both in mental and physical activities.

Mr. President, during the summer months when not in school, Juan lives with his foster parents, Mr. and Mrs. Vic Karges of Hazen, N. Dak. It is these people who have provided this young man with a haven in this country, while he pursued his education and rehabilitation.

This bill grants Juan permanent residence in the United States. I urge its approval by my colleagues in the firm belief that Juan Ramirez will become a productive and loyal citizen of his new country, where he has found the care and love that he never could have known anywhere else.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF THE FONG FAMILY

The Senate proceeded to consider the bill (S. 367) for the relief of Kuan Sheng Fong, also known as Pete K. S. Fong; and Shyr Yuh-Yu Fong, also known as Nancy Fong, his wife; and Shueh Wei Fong, also known as Sylvia Fong, his daughter, and I. Chun Fong, also known as Victor Fong, his son; which bill had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, strike line 6, through and including line 7, and insert the following: "and Sylvia Shueh-Wei Fong, his daughter"; and

On page 2, line 17, strike "paragraphs (1) through (8) of".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Immigration and Nationality Act, Kuan Sheng Fong, also known as Pete K. S. Fong; and Shyr Yuh-Yu Fong, also known as Nancy Fong, his wife; and Sylvia Shueh-Wei Fong, his daughter, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Kuan Sheng Fong, also known as Pete K. S. Fong; Shyr Yuh-Yu Fong, also known as Nancy Fong, his wife; and Sylvia Shueh-Wei Fong, his daughter.".

RELIEF OF SANDRA REYES PELLECER

The Senate proceeded to consider the bill (S. 1093) for the relief of Sandra Reyes Pellecer, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 1, line 4, strike "Sandra Reyes Pelecer", and insert "Sandra Reyes Pellecer";

On page 2, line 1, strike "Mrs. Greta J. Pellecer, citizen of the United States,", and insert the following: "Mr. and Mrs. Samuel Pellecer, a lawful permanent resident and citizen of the United States, respectively";

On page 2, line 4, strike "bother", and insert "brother";

So as to make the bill read:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Sandra Reyes Pellecer shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on her behalf by Mr. and Mrs. Samuel Pellecer, a lawful permanent resident and citizen of the United States, respectively, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Sandra Reyes Pellecer shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

SANDRA REYES PELLECER

● Mr. PACKWOOD. Mr. President, the Senate is today considering S. 1093 for the relief of Sandra Reyes Pellecer. The Senate passed this legislation in the 96th Congress, but unfortunately no action was taken by the House of Representatives. It is my sincere hope that Congress will complete action on this bill soon so Sandra and her adoptive parents, Mr. and Mrs. Samuel Pellecer, can celebrate Sandra's high school graduation and the privilege of remaining with her adoptive family.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF INOCENCIO EDER AND LOURIE ANN EDER

The Senate proceeded to consider the bill (S. 215) for the relief of Inocencio Eder and Lourie Ann Eder, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That, in the administration of the Immigration and Nationality, Lourie Ann Eder may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Federico P. Eder and Irinea R. Eder, a lawful permanent resident and a citizen of the United States, respectively, pursuant to section 204 of such Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of Lourie Ann Eder".

RELIEF OF THE BYUN FAMILY

The Senate proceeded to consider the bill (S. 220) for the relief of Duk Chan Byun, his wife, Yung Ja Byun, and his children, Hye Ja Byun, Hye Sun Byun, Hye Ryung Byun, and Yung Eun Byun, which had been reported from the Committee on the Judiciary with an amendment:

On page 1, line 4, strike "Duk Chan Byun, his wife Yung Ja Byun, and his", and insert the following: "Yung Ja Byun, and her".

So as to make the bill read:

S. 220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Yung Ja Byun, and her children Hye Ja Byun, Hye Sun Byun, Hye Ryung Byun, and Yung Eun Byun shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "a bill for the relief of Yung Ja Byun and her children, Hye Ja Byun, Hye Sun Byun, Hye Ryung Byun, and Yung Eun Byun".

RELIEF OF DR. JOSELITO SISON ALMARIO AND HIS WIFE, LETICIA ALMARIO

The Senate proceeded to consider the bill (S. 244) for the relief of Dr. Joselito Sison Almario, and his wife, Leticia Almario, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, beginning on line 9, strike "paragraphs (1) through (8) of".

So as to make the bill read:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Joselito Sison Almario, and his wife, Leticia Almario, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF YAEKO HOWELL

The Senate proceeded to consider the bill (S. 280) for the relief of Yaeko Howell, which had been reported from the Committee on the Judiciary with an amendment:

On page 1, line 3, strike "not withstanding", and insert "notwithstanding".

So as to make the bill read:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a)(23) of the Immigration and Nationality Act, Yaeko Howell may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF DR. HERMAN SARDJONO AND HIS WIFE, ERLANDA SARDJONO

The Senate proceeded to consider the bill (S. 340) for the relief of Dr. Herman Sardjono and his wife, Erlanda Sardjono, which had been reported from the Committee on the Judiciary with an amendment:

On page 2, line 9, strike "paragraphs", through and including "Act" on line 10, and insert the following: section 203(a) of the Immigration and Nationality Act, or if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

So as to make the bill read:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Herman Sardjono and his wife, Erlanda Sardjono, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF TESSIE AND ENRIQUE MARFORI

The Senate proceeded to consider the bill (S. 191) for the relief of Tessie and Enrique Marfori, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, line 1, strike "fee.", and insert "fees."; and

On page 2, line 7, strike "alien's", and insert "aliens' ";

So as to make the bill read:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Tessie and Enrique Marfori shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202 (e) of such Act.

The amendemnts were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF PETER CHI HUNG KWOK AND PING CHI CHAU KWOK

The Senate proceeded to consider the bill (S. 236) for the relief of Peter Chi Hung Kwok, doctor of medicine, and Ping Chi Chau Kwok, husband and wife, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, line 11, strike "paragraphs (1) through (8) of"; and

On page 2, line 15, strike "202", and insert "202(e)".

So as to make the bill read:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (14) and (32) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Peter Chi Hung Kwok, doctor of medicine, and Ping Chi Chau Kwok, husband and wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of such Act, or if applicable, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 202(e) of the Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF BLANCA ROSA LUNA DE FREI

The bill (H.R. 661) for the relief of Blanca Rosa Luna de Frei, was considered, ordered to a third reading, read the third time, and passed.

JUNIOR EDMUND MONCRIEFFE

The bill (H.R. 688) for the relief of Junior Edmund Moncrieffe, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF ROLAND KARL HEINZ VOGEL

The bill (H.R. 783) for the relief of Roland Karl Heinz Vogel, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF MADELEINE MESNAGER

The bill (H.R. 1469) for the relief of Madeleine Mesnager, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF OMAR MARACHI

The bill (H.R. 1480) for the relief of Omar Marachi, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF AURORA ISIDRA RULLAN DIAZ

The bill (H.R. 1550) for the relief of Aurora Isidra Rullan Diaz, was consid-

ered, ordered to a third reading, read the third time, and passed.

RELIEF OF GLADYS BELLEVILLE SCHULTZ

The bill (H.R. 1785) for the relief of Gladys Belleville Schultz, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF KAI-MEE CHEN

The bill (H.R. 2010) for the relief of Kai-Mee Chen, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF HANIFE FRANTZ

The bill (H.R. 2185) for the relief of Hanife Frantz, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF MOSES BANK

The bill (H.R. 2573) for the relief of Moses Bank, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF YUK YEE LI

The bill (H.R. 2975) for the relief of Yuk Yee Li, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote en bloc by which the bills were passed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask the minority leader if he is in position to consider Calendar Order 343, the Congressional Budget Act waiver to S. 1716?

Mr. ROBERT C. BYRD. Mr. President, the minority is ready to proceed.

The Senate proceeded to consider the resolution (S. Res. 226) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1716, which was considered and agreed to, as follows:

S. RES. 226

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1716, to amend the Clean Water Act and authorize funding for wastewater treatment construction grants program. Such waiver is necessary to permit consideration of a fiscal year 1982 authorization of appropriations to carry out the purpose of S. 1716.

Such waiver is necessary as S. 1716 was not reported before May 15, 1981, as required by section 402(a) of the Congressional Budget Act of 1974.

Additional time was required to conduct a comprehensive reexamination of this multi-billion-dollar pollution abatement program as a result of the fiscal year 1981 rescission and the repeal of the previously enacted authorization for fiscal year 1982 pursuant to the Omnibus Reconciliation Act of 1981.

CLEAN WATER ACT AMENDMENTS OF 1981

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar 296, S. 1716, the Clean Water Act Amendments of 1981.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1716) to amend title II of the Clean Water Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased to bring to the Senate today comprehensive amendments to the Environmental Protection Agency's municipal waste water treatment construction grants program. Extensive hearings were held on this legislation and it was reported without a single dissenting vote from the full committee. For a number of reasons, when the committee report was filed, the CBO cost estimate was unavailable. It has since been made available and I wish to include the letter and cost estimate in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 14, 1981.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached revised cost estimate for S. 1716, the Clean Water Act Amendments of 1981.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

1. Bill number: S. 1716.

2. Bill title: Clean Water Act Amendments of 1981.

3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, September 23, 1981.

4. Bill purpose: S. 1716 authorizes the appropriation of $2.4 billion for the Environmental Protection Agency (EPA) municipal wastewater treatment construction grants program for each of the fiscal years 1982 through 1985. In addition, the bill authorizes $200 million annually, beginning in fiscal year 1983, to correct combined sewer overflows into marine bays and estuaries. (The initial fiscal year 1981 appropriation for construction grants was $3.3 billion, of which $0.8 billion was later rescinded.) Fiscal year 1982 through 1984 funds are to be allocated among the states in accord with a new allotment schedule. The new formula includes a hold harmless provision that provides a minimum share per state in fiscal years 1982 through 1984 based on the amount a state would have received had the old formula been carried forward.

Numerous provisions of the existing wastewater treatment construction grant program are modified. Currently, grants are awarded in three steps—planning, design, and construction. This bill would delay reimbursement for the first two steps until after approval of a step 3 (construction) grant application.

Under current law, the federal share of costs of wastewater treatment facility construction is 75 percent for conventional projects or 85 percent for innovative and alternative projects. Passage of this bill would result in a gradual decrease in the federal share of costs for new projects. The new share would be 65 percent in fiscal years 1982 through 1984 and 55 percent thereafter for conventional projects, with funding for innovative and alternative projects at a rate 20 percent higher than that for conventional treatment processes, up to a maximum of 85 percent. Furthermore, the statutory deadline of September 30, 1981, on innovative and alternative projects is repealed.

This bill would limit grant eligibility to three categories of waste treatment facilities—secondary treatment, advanced treatment beyond secondary, and new interceptors and appurtenances. Various biological treatment facilities to treat waste waters from combined storm and sanitary sewers may be considered as equivalent to secondary treatment so long as those methods do not adversely affect water quality. Communities that have received grants for collector sewer construction prior to October 1, 1981, and meet certain criteria may continue to receive such federal funding from their respective states allotment of grant funds.

Current law requires that the size and capacity of treatment works relate directly to the needs to be served, including sufficient reserve capacity. This bill would prohibit step 3 grants for constructing reserve capacity for new projects and would tie grant eligible size and capacity to 1980 population statistics, with an allowance in design flow capacity for existing industrial flows.

The industrial cost exclusion provision of the Federal Water Pollution Control Act (FWPCA), which limits the flow of industrial sanitary waste handled by publicly owned treatment works to 50,000 gallons per day, effective November 15, 1981, is modified to allow design flow capacity for treatment of existing industrial flows for projects receiving step 2 grant approval after May 15, 1980.

The bill modifies the determination of the amount set aside by states for administration and designates an additional amount of funds to be set-aside for water quality management assistance. These amounts are tied to the sum of unexpended obligations and unobligated allotment funds available to a state at the beginning of a fiscal year, but in no case should they be less than $400,000 and $100,000, respectively. In addition, the mandatory set-aside of funds to increase the federal share for innovative and alternative projects is increased from a maximum of 3 percent to a minimum of 4 percent of a state's allotment.

EPA is required to submit a report within 18 months of passage of this bill identifying publicly owned treatment works not yet in compliance with secondary treatment goals, assessing the impact of the 1981 amendments to the FWPCA on the cost of completing the federal construction grant program, and estimating the remaining federal expenses necessary to complete the program. The secondary treatment compliance deadline is extended by the bill from July 1, 1983, to July 1, 1988.

5. Cost estimate (by fiscal years, in millions of dollars):

	1982	1983	1984	1985	1986
Authorization level	2,400	2,600	2,600	2,600	200
Estimated outlays	20	285	995	1,715	2,115

Including outlays from previous years' appropriations, total construction grant outlays are estimated to be $3.9 billion in 1982, $3.6 billion in 1983, $3.4 billion in 1984, and $2.9 billion in 1985, assuming appropriation of the authorized levels.

The estimated cost to EPA of preparing the mandated report on remaining municipal wastewater treatment needs is approximately $2 million to be spent approximately evenly between 1982 and 1983.

The costs of this bill fall within budget function 300.

6. Basis of estimate: The authorization levels are those stated in the bill. Public Law 97-51, which makes continuing appropriations for fiscal year 1982, provided $2.4 billion for the construction grants program, contingent upon enactment of reform legislation and a subsequent 1982 budget request. For purposes of this cost estimate, it was assumed that S. 1716 would be passed and the entire $2.4 billion 1982 authorization appropriated by December 1, 1981, under the conditions prescribed in the continuing resolution or in some other form. For fiscal years 1983 and beyond, it was assumed that authorized sums would be appropriated by the start of each fiscal year.

The estimated outlays of the construction grant funds are based on historical spending patterns for the program, for which projects often take seven or more years to complete. Various provisions in the bill might result in faster or slower outlay rates, but the net effect of these provisions cannot be determined with accuracy.

Several provisions in the bill, such as the limitation of funding for reserve capacity to planning and design phases and the decreased federal share of construction costs, may significantly affect the demand for construction grants in future years. As a result, appropriated grant funds under this bill will be spent on projects somewhat different in nature from those projects that would have received grants in the absence of these amendments.

7. Estimate comparison: None.

8. Previous CBO estimate: On October 7, 1981, the Congressional Budget Office transmitted a cost estimate for S. 1716 that incorrectly stated that the current authorization for the EPA construction grant program is $5 billion. That authorization was repealed by the Reconciliation Act of 1981 (P.L. 97-35). This estimate supersedes the previous CBO estimate.

A cost estimate of the House version of this bill, the Federal Water Pollution Control Act Amendments of 1981, H.R. 4503, was prepared for the House Committee on Public Works and Transportation on October 9, 1981.

The House and Senate versions of the Clean Water Act Amendments of 1981 differ in many regards. The Senate bill authorizes $2.4 billion for the wastewater treatment construction grant program in each of fiscal years 1982 through 1985, and an additional $200 million annually in fiscal years 1983 and beyond for the correction of combined sewer overflows into marine bays and sanctuaries. H.R. 4503 authorizes the appropriation of $2.4 billion for the construction grant program for fiscal year 1982 only and does not include an additional authorization for combined sewer overflow treatment grants. The House bill authorizes the continued use of the existing allotment formula; the Senate bill sets forth a new formula to be used in fiscal year 1982 through 1984.

The bills also have different provisions with regard to the industrial cost exclusion provision of the Clean Water Act, the size of the set-aside from a state's allotment for increasing the federal share of innovative and alternative projects, and the limitation on federal funding of reserve capacity.

The Senate bill defers reimbursement for steps 1 and 2 grants until after approval of a step 3 grant application beginning October 1, 1981. The Senate bill also extends the municipal secondary treatment compliance deadline from July 1, 1983 to July 1, 1988.

The House bill does not contain corresponding provisions. However, it directs the Administrator of EPA to allot sufficient funds, from 1982 appropriations, to the State of New York to convey sewage from the New York City Convention Center to the Newtown Sewer Treatment Plant in Brooklyn, New York.

9. Estimate prepared by: Anne Hoffman (226-2860)

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Mr. CHAFEE. Since the Federal Water Pollution Control Act was passed in 1972 Congress has authorized $44 billion and appropriated $35 billion to assist States and local governments in the construction of needed treatment facilities. In turn the States have obligated $29 billion to approximately 17,000 projects nationwide. Unless we act expeditiously, projects in more than half of the States will be halted because of insufficient Federal support.

As chairman of the Subcommittee on Environmental Pollution and floor manager of this complex legislation I want to assure the Senate that the Pollution Subcommittee and full Environment and Public Works Committee has worked diligently to bring the issue before the full Senate today. Pressure has been building since March. During the reconciliation process the President requested that the Congress in effect "zero out" this program for 1982. No funds were to be included in the 1982 budget until the program reforms were enacted. The President sent his reforms to Congress in April. Several members of our committee introduced that legislation which became S. 975. Those amendments focused on limiting the eligible categories of treatment works which could receive Federal grant assistance and called for an end to grants which subsidized growth.

Shortly after that legislation was introduced, I introduced a more comprehensive set of amendments to the program, S. 1274. Those amendments were more comprehensive than the administration's request and provided for much needed multiyear funding.

Before discussing the merits of S. 1716, I want to outline the situation that the subcommittee found itself in when we started working on these amendments. Every 2 years the Environmental Protection Agency is required by law to develop for the Congress a survey of the State and local needs for this program. The most recent "needs survey" was delivered to the Congress this past spring. It reported the total need for the eligible categories of treatment facilities to be $120 billion. The Federal share of that total is $90 billion.

Given our present budgetary situation it is clear that the Federal Government will never have the resources to address needs of this magnitude. The time had come when a decision had to be made about this program's future which was not going to be easy. Quite frankly, the 1972 act may be responsible for improved water quality nationally and be a landmark in environmental law but it also elevated expectations about the Federal commitment to construct sewers too high.

During the summer the Subcommittee on Environmental Pollution held 6 days of hearings in Washington and a field hearing in Providence, R.I. We heard testimony from over 60 public witnesses and developed a record in excess of 1,000 pages. We had many excellent suggestions on what course the subcommittee should follow in reforming the municipal waste treatment program. The witnesses represented Federal and State governments, public interest groups, and the private sector.

After reviewing the hearing record the committee determined that two key elements had to be addressed in this rewrite: Focusing fewer dollars of the most urgent treatment needs and providing stability in the program so that States and local governments can adequately plan their capital budgets. Although some things are no longer eligible for funding, the bill encourages correction of infiltration and inflow. Infiltration and inflow is a significant problem but its correction should be part of local maintenance responsibility.

S. 1716 includes many of the recommendations that the President made in the spring, but not all of them. This legislation requires that States structure their priority lists for receiving funds on public health and water quality. It takes the construction grant program out of the business of subsidizing growth and focuses the fewer Federal dollars on treatment of pollution, not creating it.

In the future, sewerage collection systems can only be constructed when several strict criteria are met. The same is true of funding for growth capacity. However, S. 1716 provides minimal disruption of the ongoing process so that this transition period from a vast set of eligibilities to a more focused one is not disruptive enough to slow the program down. It also reduces Federal exposure to a level acceptable and within reach.

S. 1716 contains another significant change; the gradual reduction of the Federal share from its present 75 percent down to 55 percent. This reduction is prospective. It does not affect facilities which have already reached a certain stage in the grant process. The committee determined that the only way to address many of the projects in the pipeline is to require that the Federal dollars be spread thinner. I want to emphasize one more time however that this step will not effect projects which have received step 3 construction grants. It will only affect projects which are in the earliest stages of development.

This program has been roundly criticized during the last year by the media and other organizations which have failed to appreciate its history. The instantaneously clean water that was expected was not forthcoming. Although recent trends point to generally improved water quality, dramatic national results are just beginning to emerge. There are several reasons for this but the one that attracted our attention was program instability. Since its inception the funding cycle has been erratic.

First there were impoundments which held up a large portion of promised Fed-

eral dollars. Subsequently, that impoundment was determined to be illegal. Huge State allocations were suddenly available. States found themselves in a position of having more money available to them than they had staff to handle. Then, in the late 1970's the administration gradually reduced its funding request to well below the authorization levels. This year several billion dollars were actually taken away from the States just as they were preparing to commit them. To cap this off and further keep instability in this mix, the administration proposed only a 1-year program.

Clearly what is needed after reviewing this dismal funding performance is a signal to State and local governments that Congress intends that this program should move forward smoothly and efficiently. Maximizing water quality improvement should be our concern, not legislating instability. For that reason, S. 1716 authorizes 4 years of funding for the construction grants program at the level the President requested, $2.4 billion. Providing stability and program direction will be an important step in getting needed facilities on line to treat municipal wastes and further clean up our lakes, rivers, and streams.

S. 1716 is comprehensive legislation that will provide the type of new direction the President is seeking and that the public is demanding. Fewer Federal dollars will be focused on treatment of waste, not encouraging more of it. This legislation takes important steps to provide for greater accountability from those who design and construct municipal facilities, more use of the innovative and alternative treatment systems, and a special program to deal with the problem of combined sewer overflows. At this point in the RECORD I ask unanimous consent to include a brief summary of the legislation.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE CLEAN WATER ACT AMENDMENTS OF 1981

(As approved by the Subcommittee on Environmental Pollution Wednesday, July 15, 1981)

Section 1. Title.

Section 2. Provides that after October 1, 1981, states and local communities will have to provide funding for the engineering and design phases of publicly owned waste treatment facilities. In the event that a step 3 construction grant is awarded by the Federal government, the Federal share of steps 1 and 2 will be reimbursed to the grantee. The Administrator is required to promulgate regulations which establishes the percent of the construction grant to be used to repay the grantee for costs incurred. That percentage is to be based on actual experience with the program. States are authorized to provide loans to communities to begin the planning process for facilities.

Section 3. Provides for the gradual reduction of the Federal share of wastewater treatment facilities from 75 percent through fiscal year 1981 to 65 percent through fiscal year 1984 and 55 percent thereafter. It will not affect grants which had approval to proceed with step 2 plans prior to September 30, 1981. Municipalities which had voter approved bonds prior to July 1, 1981 and which receive a construction grant prior to July 1, 1985 shall receive a 75 percent grant.

Section 4. Provides for limitation on the eligible waste treatment facilities that may receive Federal cost-sharing assistance in the future. In the future, the eligible categories will be secondary treatment, more stringent than secondary treatment, and new interceptors and appurtenances. These correspond to categories I, II, and IV b of the EPA Needs Survey.

Section 5. Provides that any grant for innovative or alternative wastewater treatment systems shall receive 20% in excess of the prevailing Federal cost-sharing at the time the grant is made, but not in excess of a 85% Federal share.

Section 6. Extends the authorization period for the innovative and alternative wastewater treatment program.

Section 7. Provides that a Governor may use a portion of his allotment for treatment of combined sewer overflows upon demonstrating to the Administrator that the water quality goals of the Act will not be achieved without such treatment.

Additionally it amends the Act to include a new provision by which the Administrator, upon the demonstration of need by the Governor of a State, may fund the necessary facilities to correct combined sewer overflows where the receiving waters will not be improved by other methods or wastewater treatment. It is restricted to those facilities discharging into bays and estuaries.

This section also allows Governors to utilize federal funds for the construction of sewage collection systems when several criteria are met. Funding of collection systems in communities of 3500 can continue through FY 1982 when the needs of the 1980 population are being addressed and the system is needed to correct an existing discharge into ground or surface waters. It also allows sewage collection facilities which received step 5 grants prior to October 1, 1981 and not the same criteria as the small communities provision to complete the planned facility.

Section 8. The combined grant ceiling is raised from $4 million to $8 million and turned into a turn key program.

Section 9. Provides that after enactment of the 1981 amendments, no grant shall include any Federal funds for meeting the needs of population beyond that included in the 1980 Census unless the facility received approval to proceed with steps prior to September 30, 1981 and which receives a construction grant for a phase of the project prior to October 1, 1983.

Section 10. Amends the Act by deleting the reference to "two brand names or equal" in 204(a) 6 and inserts in lieu thereof "or equal".

Section 11. Amends the Act to require that the prime consultant to a grantee remains on the site for one year following start-up to certify to EPA and the appropriate agency that the treatment works is in compliance with its permit.

It also provides for no Federal preemption of any state or local requirements.

Section 12. Provides an allocation of funds among the states for four years. For the first three years, 1982, 1983, and 1984 the funds will be allotted in accordance with categories I, II, and IV b, with a descending hold harmless provision of 90, 85 and 80 percent of the recently completed EPA Needs Survey. Beginning in 1985, funds will be allotted among the states based on the impact of publicly owned treatment works on water quality. No state would receive less than one-half percent.

Section 13. Provides that state management assistance grants will be negotiated by the Administrator with each state. The amount of each grant shall be directly related to the unexpended obligations and unobligated allotments available to each state.

Section 14. Amends section 205 to allow states to use construction grant funds similarly to state management assistance grants either at the state level or through areawide planning agencies to assist in relating investment decisions to water quality needs.

Section 15. Provides that for the innovative and alternative program a state shall expend at a minimum, 4 percent of its allocation in each fiscal year for innovative and alternative treatment systems.

Section 16. Authorizes $2.4 billion per year for the construction grants program for each of the four years authorized by this Act.

Section 17. Requires the states to restructure their priority lists to give priority to those projects which will have the most significant benefits in public health and water quality.

Section 18. Requires EPA and the states to complete revision of water quality standards within three years of enactment in order to participate in the program.

Section 19. Extends the deadline for the uniform achievement of secondary treatment by municipalities through the municipal waste discharge permit program. It does not affect those facilities which are on schedule and will be completed prior to that date. In addition, Section 19 removes the best practicable waste treatment technology standard for municipalities from Sec. 301.

Section 20. Provides that facilities such as oxidation ponds, lagoons, trickling filters and devices to treat waste waters from combined sewers will be considered the equivalent of secondary treatment when they can make certain demonstrations to the Administrator.

Section 21. Requires the Administrator of the Environmental Protection Agency to report to the Congress concerning the impact of these amendments on the cost of completing the Federal wastewater treatment effort. This report is to be transmitted to the Congress within 18 months of enactment of these amendments.

Section 22. A technical amendment which corrects several misprints in Section 116(b) of the Clean Water Act.

Mr. CHAFEE. Before closing I want to thank the full committee chairman, BOB STAFFORD, and the ranking minority member, JENNINGS RANDOLPH, for assisting me in getting this bill before the Senate today. As usual, their contributions to S. 1716 were substantial and their input was appreciated. I also want to thank Senators MITCHELL and GORTON for attending all the hearings and mark-ups and giving the subcommittee activities their undivided attention.

I am hopeful that we can enact this needed legislation rapidly so that the States with programs left unfunded or nearly unfunded will not experience an unnecessarily prolonged delay in funding needed projects.

There are three technical amendments that I am pleased to offer for the committee. The amendments are technical in nature and do not address the substance of S. 1716 and are being done on behalf of Senator STAFFORD and Senator CRANSTON.

Mr. RANDOLPH. Mr. President, today the Senate considers S. 1716, the Clean Water Act Amendments of 1981. I support this legislation, which authorizes significant changes in the construction grant program which is contained in title II of the act. As one of the original authors of the Clean Water Act of 1972, I have watched the progress of this program carefully over the years. Its positive achievements are many, and have

resulted in calculable improvements to the waters of our Nation.

The basic goals of the Clean Water Act and the construction grant program, that of preventing further degradation of our water and the cleanup of existing pollution, have been found valid. This legislation does not in any way alter those goals. It does, however, provide the means by which our objectives may be met with fewer Federal dollars. The reduced Federal share and the reduction of eligible project categories, mandated in this bill, will place an increased burden on the States. The time originally thought to be required for the achievement of acceptable water quality will probably be lengthened. This is unfortunate, but necessary, in the face of current economic constraints.

With regard to the reduced project categories eligible for Federal funding under this legislation, I wish to highlight one particular category—collector sewers. In the bill which was developed by the Subcommittee on Environmental Pollution, collector sewers were eliminated from eligibility for assistance under the Clean Water Act. I felt this to be ill-advised.

Since the inception of the construction grant program, Federal funds have been available to help communities build collector sewers as part of their overall treatment systems. This authority has been invaluable, particularly to smaller communities such as in West Virginia and other States, where collectors are the most viable treatment systems. Many of these smaller communities do not have the economic basis to finance sewer construction without Federal assistance.

The importance of Federal assistance for collector sewers is illustrated by the fact that prior to 1972, the State of West Virginia frequently was unable to use all of the water pollution control funds allocated to it. Since that time, however, with the authority to construct collectors, every cent available to that State has been utilized. In recent years, approximately two-thirds of the money for West Virginia's construction grant needs has been used to provide collector sewers, primarily for small, rural communities. The State of West Virginia now has requests from communities for water quality projects totaling $305 million, of which $180 million is for collectors.

West Virginia is not the only State in this position. Many other States with large numbers of smaller communities would suffer if collector sewers were summarily removed from project eligibility. I, therefore, offered an amendment at the full committee level to restore collector sewer eligibility, but in a far more limited manner than in existing law. As adopted by the committee, the amendment would allow communities of less than 3,500 population to continue to construct collectors.

This authority, however, would extend only through fiscal year 1982. Funds to be used for this purpose must be obligated prior to October 1, 1982; fiscal 1981 funds may also be used. The funding is to come from the section 205 funds allocated to the pertinent State.

The amendment further limits funding for collector sewers to circumstances in which the public health is threatened from existing discharges into ground or surface water; such condition is included in a State's priority list; sufficient demonstration is made that a collector sewer is geologically and technically preferable to other systems; and that it is the most cost-effective alternative. These conditions assure that such collector sewers will be constructed to serve existing needs and not future growth.

I emphasize that this amendment will in no way increase the cost of this legislation. Any funds expended for collector sewers would come from a State's regular allocation and only at the request of the Governor.

This amendment will insure that smaller communities with imperative water pollution control needs may continue, for a short time, to use construction grant funds for the construction of collector sewers.

Another aspect of this legislation which I emphasize is the continuation of incentives for projects employing innovative and alternative technology. These systems usually have lower capital and energy requirements. The committee has encouraged their use since the 1977 amendments by providing up to 85 percent Federal funding and by mandating a 3-percent State set-aside annually for such systems.

In recognition of the importance the committee attaches to innovative and alternative technology, this legislation continues the higher funding even with the reduced level of overall Federal support. In addition, the percentage of allocated funds to be earmarked by States for funding such systems is raised from 3 percent to 4 percent.

I believe in the importance of developing innovative and alternative systems as the most promising tool for the encouragement of new, low-cost technology for communities, and I heartily endorse these aspects of this legislation.

In closing, Mr. President, I commend the Members of the Committee on Environment and Public Works for their efforts in the development of this legislation. The Subcommittee on Environmental Pollution, chaired by the able Senator JOHN CHAFEE, held extensive hearings on the construction grant program. As ranking minority member of the subcommittee, Senator GEORGE MITCHELL deserves special note for his diligence in participating in the hearing and markup sessions on this legislation.

Subsequent to subcommittee markup, the measure was considered at full committee, where Chairman ROBERT STAFFORD made significant contributions to the bill. I commend these and all the other members of the Environment and Public Works Committee for the time and diligence directed toward development of the Clean Water Act Amendments of 1981. Mr. President, I urge the speedy approval of this important legislation.

Mr. ABDNOR. Mr. President, I would like to rise in strong support of S. 1716, to amend the Clean Water Act.

The distinguished chairman and ranking minority member of the Environmental Pollution Subcommittee, Mr. CHAFEE and Mr. MITCHELL, and the distinguished chairman and ranking minority member of the full committee, Mr. STAFFORD and Mr. RANDOLPH, have done an outstanding job in working with members of the committee to develop much-needed reforms of the EPA municipal wastewater treatment construction grant program. The revisions agreed to by the committee represent a bipartisan effort to meet the basic objectives set forth by the administration, while enabling us to move forward with the original intent of this program, which is to clean up our Nation's existing water pollution problems. As chairman of the Subcommittee on Water Resources, I am firmly committed to the preservation of this extremely valuable, and finite, resource.

I would like to remind my colleagues that if this body fails to pass a reform package acceptable to the administration, we will see the end of this vitally important program. Further, I would like to point out that in view of the expansive eligibility provisions being considered by the other body, it is imperative that we approve the measure before us today.

Through enactment of this well-balanced legislation, the efforts made by your States and mine will continue, making possible significant improvement in our Nation's water quality. Again, I commend the leadership of the Committee on Environment and Public Works and I ask my colleagues to join me in support of S. 1716.

Mr. STAFFORD. Mr. President, I would like to add a few words to those of the distinguished manager of the bill, Senator CHAFEE, in support of S. 1716, to amend and reauthorize the municipal wastewater treatment construction grants program. In a year in which the Senate's legislative activity seems little more than wave after relentless wave of revisions to the Federal budget, we have produced a bill that does more than reauthorize a familiar program at reduced levels of Federal spending. We have reshaped and refined one of history's most ambitious efforts in public construction to more effectively achieve its purpose: to help our cities improve the quality of the waters of the United States.

It is a credit to Senator CHAFEE's skill and determination as chairman of the Environmental Pollution Subcommittee that the difficult task of trying to do more with less has been received by the committee and by the Senate with such a broad base of acceptance.

This is in part due to the extensive hearings and consultation that the committee has sought with Governors and mayors, State and local environmental officials, affected industries and engineering professionals, environmental and other public interest groups. It is also due to the desire of Congress to respond constructively to the mandate to reduce Federal spending and more efficiently deploy what Federal financial resources are available.

I believe that we have succeeded in

applying the economic themes articulated by the Reagan administration to this major Federal program. We have included in this bill most of what the President requested in the way of reforms of the construction grants program.

Importantly, it authorizes $2.4 billion in fiscal 1982, exactly the level the President is pledged to request when program reforms are finally enacted. The pending bill, over the next 4-year reauthorization period, will eliminate the Federal subsidy for constructing expensive reserve capacity, that is more appropriately a local responsibility. Federal funding will henceforth be targeted to those construction activities that most effectively treat and abate water pollution.

The bill also gradually reduces the Federal cost-share over the next few years from the current 75 percent to 55 percent. For all these changes, however, a transition period is provided for projects that are so far along in the planning stage that disruption would prove costly to the overall program.

The committee also removed the uncertainty associated with the eligibility of industrial treatment costs for users of municipal plants. Only the capacity to treat existing discharges from industrial polluters will be eligible for Federal assistance under the bill. Although the treatment of industrial wastewater places considerable financial demands on the limited resources in this program, which was of great personal concern to me throughout our consideration of this bill, the costs of this industrial treatment provision will be minimized by virtue of the other reforms included in the bill.

In particular, the fact that a subsidy for anticipated or unplanned reserve capacity is no longer allowed, and that the Federal share will be declining, will encourage potential industrial users to more carefully evaluate treatment alternatives and water conservation to keep total costs down.

The purpose of our amendment to section 511 is to make it clear that the Clean Water Act and other statutes do not displace, preempt, or in any other way disturb the Federal common law unless by their clear language they say so. This provision is similar to one inserted in the Comprehensive Environmental Response, Compensation, and Liability Act passed by the Congress last year, and is necessitated by the Supreme Court decision in City of Milwaukee against Illinois, which was decided in April of this year.

In that case, the Supreme Court held that in the absence of express language preserving the Federal common law, the statute displaced it. The effect of the decision is to convert what amounts to, at the worst, a congressional oversight into an affirmative act of repeal. It has never been our intention to repeal, displace, or modify another law unless we so state. That is especially true of the common law, which has painstakingly evolved over centuries of decisions.

Therefore, this amendment corrects a misreading of congressional intent and assures that the regulatory program under the Clean Water Act does not displace other Federal law, including common law. The amendment also corrects a similar misinterpretation in Middlesex County Sewerage Authority, et al. against National Sea Clammers Association, regarding private actions in cases of violations of a Federal regulatory program.

The amendment, however, does not permit the litigants in those cases to reopen them by virtue of this clarification. In cases such as Milwaukee where the final determination has been made, the litigants must now live with it, unless there are legitimate reasons not created by this amendment to reopen or otherwise revive the suits.

I genuinely believe that this is a bill worthy of the support of the Senate, and of the President's approval. It is critical to securing an appropriation for fiscal year 1982, without which many if not most States will confront a total shutdown of their municipal water quality programs. This would be undesirable and is unnecessary.

Progress on the legislation was greatly enhanced by the helpful and cooperative spirit of Dr. John Hernandez, Deputy Administrator of the Environmental Protection Agency and other administration officials. I am confident that we can continue to count on our excellent working relationship as we move through conference with the House.

Finally, I would like to say something about the Committee on Environment and Public Works itself. When I first came to this committee as its most junior minority member in the middle of the session in 1971, the very first bill I worked on was the landmark water pollution control legislation that became Public Law 92–500. That law created the multibillion-dollar municipal construction grants program. At the time, I realized that we were embarking on a very ambitious effort, though I doubt any of us knew just how expensive the municipal program would turn out to be.

Since then, Congress has appropriated nearly $35 billion to assist the Nation's cities and towns in this joint effort, and the States have contributed billions more. Even with the reforms included in this bill, we will need to spend nearly that much again to finish the job.

I recall in particular the cooperative, bipartisan spirit among members of the Committee on Environment and Public Works in that legislative effort. The 1971 water pollution bill was reported from the committee unanimously. It also passed the Senate unanimously. This was in no small part thanks to the gracious and thoughtful manner in which my friend, Senator JENNINGS RANDOLPH, guided the committee's work as its chairman in those days.

That was 10 years ago this month. I now find myself the chairman of this same committee, working on a legislative descent of the original bill that served the environmental protection revolution of the 1970's. We are still waging that fight and we continue to have the support of most Americans in our effort to restore environmental quality to our air, water, and physical surroundings. Even though problems with inflation and productivity have required us to alter our environmental strategy from time to time, we remain determined to achieve our original goals that would restore the integrity of the Nation's waters and support its best uses by our people.

It is personally gratifying to me that we as a committee remain united and directed toward these goals. This bill was reported unanimously from the committee several weeks ago, and I know of no opposition to it that has developed since in the Senate. I want to especially thank Senator RANDOLPH for his personal contribution and the cooperation of the minority members in this effort. It is a little more difficult to write legislation in the present economic environment, when we must necessarily be less generous than we would like to be, than it was 10 years ago. I recall that our side gave you its wholehearted support in those days and I am doubly grateful for your support in these more challenging times.

I also recall that the Federal Water Pollution Control Act Amendments of 1972 were enacted over the veto of then-President Richard Nixon. I am confident that the Clean Water Act of 1981 will be a law that President Reagan will be happy to sign. I intend to work toward that end.

Mr. BAKER. Mr. President, I rise in support of S. 1716—the Clean Water Act Amendments of 1981. I heartily commend the Committee on Environment and Public Works for their expeditious action to reform the wastewater treatment program. The committee has responded quickly and thoughtfully to the President's challenge to reduce the scope and eligibilities of this program.

The wastewater treatment program is a necessary component of the overall program to clean up all the waters of this country sufficiently to support aquatic life and recreation. From the beginning, this program has had major difficulties in accomplishing the goals the Congress intended. Abuses of the program and lack of sufficient progress are often cited by critics of the program. The committee bill addresses these problems and the purpose of the reforms in the bill is to correct these abuses and to facilitate reasonable progress.

It is imperative that we enact these reforms quickly because funds will not be available for the wastewater treatment program until appropriate reforms have been enacted. Unless we adopt the needed reforms and funds are provided, many areas will have to cease or severely curtail their efforts to achieve a higher level of wastewater treatment.

The bill before the Senate authorizes funding for this program for 4 years. I support multiyear funding because it will provide much-needed stability and continuity to this program. States will be better able to plan and construct their facilities and reach the goals and objectives of this part of the Clean Water Act with the knowledge of continued availability and extent of funding.

S. 1716 encompasses the reforms in the Clean Water Act which the administration has cited as necessary for funding this year. Once the Senate acts

on these reforms, I would urge the committee to preserve these reforms through Conference with our colleagues in the House to insure that funding for this needed program will occur this year.

UP AMENDMENT NO. 542

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Vermont (Mr. STAFFORD) and the Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. CHAFEE, Mr. STAFFORD, and Mr. CRANSTON, proposes an unprinted amendment numbered 542.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, after "2." insert "(a)".

On page 3, after line 6, insert the following:

"(b) Section 201 of the Clean Water Act is amended by adding the following new subsection:

"(m) Notwithstanding any other provisions of this title, the Administrator is authorized to make a grant from any funds otherwise allotted to the State of California under section 205 of this Act to the pro'ect (and in the amount) specified in Order WQG 81-1 of the California State Water Resources Control Board."

On page 7, line 1, strike "The" and insert in lieu thereof "Beginning fiscal year 1983, the".

On page 18, after line 12, insert the following new section:

"SEC. 23. (a) Section 511 of the Clean Water Act is amended by adding a new subsection (e):

"(e) Nothing in this Act shall be construed, interpreted or otherwise deemed to displace, restrict, limit, affect, or modify in any way the obligations or liabilities of any person, or the right to seek abatement or damages, under other Federal or State law, including common law."

(b) The amendment to the Clean Water Act made by subsection (a) of this section shall not be the basis for reopening any judicial proceeding finally ad'udicated prior to the date of enactment of this section."

Mr. CRANSTON. Mr. President, I am very pleased that the Clean Water Act reauthorization bill before us, S. 1716, includes a provision to authorize funding for the expansion of the Bayview/Hunter's Point sewage treatment project in San Francisco, Calif. This project is being built to help bring San Francisco into compliance with the Clean Water Act.

At the time the city of San Francisco proposed expanding the sewage treatment facility in the Bayview/Hunter's Point area, there was considerable local community opposition because of the fear that the project would lead to renewed deterioration of the area which is the poorest in the city. EPA in its environmental evaluation of the plant identified numerous adverse effects on the community including odors, visual impacts, disruption to the community during construction, and ongoing traffic and noise impacts during the operation of the plant.

In response to these concerns, San Francisco proposed that a playground be placed on top of the sewage treatment plant as a mitigation measure at a cost of $11 million. The California State Water Resources Control Board, which acts as EPA's representative in determining grant eligibility in California, made a favorable grant eligibility determination and commitment to an $11 million playground project on March 24, 1976 (Order WQG 76-6).

Later because of citizen concern about safety of children playing on top of a sewage treatment plant, the playground mitigation was changed to a greenhouse/skills training center at a cost of $15 million. The greenhouse/skills center is to be constructed next to the sewage treatment plant and connected to the facility by pipes which will carry methane to heat the center and use sludge from the facility as fertilizer for the greenhouse. The center will also provide job training for youthful residents of the Bayview/Hunter's Point area. A favorable grant eligibility determination and commitment to a $15 million greenhouse/skills training project was made by the State on January 22, 1981 (Order WQG 81-1).

On the basis of both the 1976 and the 1981 commitments by the State, San Francisco began construction of the expansion of the Bayview/Hunter's Point Sewage Treatment Plant and gave considerable publicity to the fact that the greenhouse/skills center would be built as mitigation. New portions of the plant are now partially operational.

However, EPA recently notified San Francisco that the greenhouse/skills center would not be eligible for grant funding under the Clean Water Act. This notification was made in spite of the prior grant commitments by the California State Water Resources Control Board of which EPA was fully aware.

Both the State and San Francisco continue to believe that the mitigation work is grant eligible. Moreover, they would like to keep their commitments to the Bayview/Hunter's Point community and avoid lengthy litigation by area residents. I fully concur that there are strong equities supporting funding of the greenhouse/skills training center as part of the Bayview/Hunter's Point sewage treatment facility expansion project.

Thus, I am deeply appreciative of the assistance of the distinguished Senator from Rhode Island (Mr. CHAFEE) in including in the Clean Water Act Reauthorization a provision which would permit the California State Water Resources Control Board to fund this San Francisco project out of the State's share of clean water funds. The provision does not increase expenditures under the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 542) was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Act Amendments of 1981".

SEC. 2. (a) Section 201 of the Clean Water Act is amended by adding a new subsection (l):

"(l)(1) After October 1, 1981, Federal grants shall not be made for the purpose of providing assistance solely for facility plans, or plans, specifications and estimates for any proposed project for the construction of treatment works. In the event that the proposed project receives a grant under this section for construction, the Administrator shall make an allowance in such grant for non-Federal funds expended during the facility planning and advanced engineering and design phase at the prevailing Federal share under section 202(a) of this Act, based on the percentage of total project costs which the Administrator determines is the general experience for such projects.

"(2)(A) Each State is authorized to use a portion of the funds allotted to such State each fiscal year, but not to exceed 10 per centum of such funds, to establish a revolving fund from which such State may advance to a potential grant applicant under this title the costs of facility planning or the preparation of plans, specifications, and estimates.

"(B) Such an advance shall be limited to the allowance for such costs which the Administrator establishes under paragraph (1) of this subsection, and shall be provided only to a potential grant applicant who in the judgment of the State would otherwise be unable to prepare a request for a grant for construction costs under this section.

"(C) In the event a grant for construction costs is made under this section for a project for which an advance has been made under this paragraph, the Administrator shall reserve from such grant the allowance established under paragraph (1) of this subsection and transfer it to the State for replenishment of the revolving fund established under this paragraph. In the event no such grant is made, the State is authorized to seek repayment of such advance on such terms and conditions as it may determine."

(b) Section 201 of the Clean Water Act is amended by adding the following new subsection:

"(m) Notwithstanding any other provisions of this title, the Administrator is authorized to make a grant from any funds otherwise allotted to the State of California under section 205 of this Act to the project (and in the amount) specified in Order WQG 81-1 of the California State Water Resources Control Board.".

SEC. 3. (a) Section 202(a)(1) of the Clean Water Act is amended by striking "shall be 75 per centum" and inserting in lieu thereof "and before September 30, 1981, shall be 75 per centum, for any fiscal year beginning after September 30, 1981, and before September 30, 1984, shall be 65 per centum, and for any fiscal year beginning after September 30, 1984, shall be 55 per centum".

(b) The amendment to section 202(a)(1) of the Clean Water Act made by subsection (a) of this section shall apply only to grants other than for projects (1) which received grant approval to prepare construction plans and specifications before September 30, 1981, (2) which are subject to a consent decree or other Federal judicial mandate entered on or before December 31, 1980, and for which grants for construction of one or more segments of such project have been approved prior to September 30, 1981, or (3) which had obtained voter approval for the bond financing of the local share prior to July 1, 1981, and receives a grant for construction costs before July 1, 1985.

SEC. 4. Paragraph (1) of section 202(a) of the Clean Water Act is amended by adding the following new sentence before the last sentence thereof: "Notwithstanding any other provision of this Act, for purposes of

this section and section 201(g)(1) of this title, grants for treatment works shall be limited to the following categories of projects: secondary treatment or more stringent treatment, or any cost-effective alternative thereof, and new interceptors and appurtenances.".

SEC. 5. The first sentence of section 202(a)(2) of the Clean Water Act is amended to read as follows: "The amount of any grant made after September 30, 1978, for any eligible treatment works or significant portion thereof utilizing innovative or alternative wastewater treatment processes and techniques referred to in section 201(g)(5) shall be a percentage rate of the cost of construction thereof 20 per centum greater than the rate established by paragraph (1) of this subsection or the modified uniform percentage rate in which the Administrator has concurred pursuant to such paragraph, but in no event greater than 85 per centum of the cost of construction thereof.".

SEC. 6. Section 202(a)(4) of the Clean Water Act is amended by striking the words "in the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981".

SEC. 7. Section 202(a) of the Clean Water Act is amended by adding new paragraphs as follows:

"(5) Prior to October 1, 1982, upon the request of the Governor of an affected State, the Administrator is authorized to use funds available to such State under section 205 to assist new sewage collection systems in existing communities, which are not otherwise eligible under this subsection, where—

"(A) such systems are proposed for municipalities less than 3,500 in population;

"(B) such systems are necessary to protect the public health from existing discharges into ground or surface water;

"(C) correction of such public health problems in such communities is a major priority for such State; and

"(D) the applicant can demonstrate that a system of collection and central treatment is preferable to individual onsite or cluster treatment units because of physical and technical limitations in the area or because collection and central treatment is the most cost-effective alternative.

"(6) Upon the request of the Governor of an affected State, the Administrator is authorized to use funds available to such State under section 205 to assist a new sewage collection system serving the population as of 1980 in an existing community, which is not otherwise eligible under this subsection, where—

"(A) a grant for construction of a portion of such collection system has been approved before October 1, 1981;

"(B) such system is necessary to protect the public health from existing discharges into ground or surface water;

"(C) correction of such public health problems in such community is a major priority for such State; and

"(D) the applicant can demonstrate that a system of collection and central treatment is preferable to individual onsite or cluster treatment units because of physical and technical limitations in the area or because collection and central treatment is the most cost-effective alternative.

"(7)(A) Upon the request of the Governor of an affected State, the Administrator is authorized to use funds available to such State under section 205 to address water quality problems due to the impacts of discharges from combined storm water and sanitary sewer overflows, which are not otherwise eligible under this subsection, where correction of such discharges is a major priority for such State.

"(B) Beginning fiscal year 1983, the Administrator shall have available $200,000,000 per fiscal year in addition to those funds authorized in section 207 of this Act to be utilized to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows from adjacent urban complexes, not otherwise eligible under this subsection. Such sums may be used as deemed appropriate by the Administrator as provided in paragraphs (1) and (2) of this subsection, upon the requests of and demonstration of water quality benefits by the Governor of an affected State."

SEC. 8. Section 203(a) of the Clean Water Act is amended by striking "$4,000,000" and inserting in lieu thereof "$8,000,000". The last sentence of section 203(a) is hereby repealed.

SEC. 9. (a) Section 204(a)(5) of the Clean Water Act is amended to read as follows:

"(5) that the size and capacity of such works relate to the needs to be served by such works, including sufficient reserve capacity, except that no grant, other than for facility planning and the preparation of construction plans and specifications (to the extent provided under section 202(1) of this Act), shall be made under this title to construct that portion of the treatment works providing reserve capacity. This limitation on grants for the construction of reserve capacity shall not apply to grants for projects which received grant approval to prepare construction plans and specifications before September 30, 1981, and for which grants for construction of one or more segments of the treatment works are approved prior to October 1, 1983. The size and capacity of the treatment works eligible for a grant under this title shall be determined by the Administrator based upon the 1980 population statistics as reported by the United States Department of Commerce: *Provided, however,* That the total eligible design flow capacity of a treatment works may include existing industrial flows as determined by the Administrator; and".

(b) Section 201(k) of the Clean Water Act is amended to read as follows:

"(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of industrial users into such treatment works in excess of the existing flows from such industrial users. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980.".

SEC. 10. Section 204(a)(6) of the Clean Water Act is amended by striking ", or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'" and by adding at the end thereof the following: "When in the judgment of the grantee, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the grantee need not establish the existence of any source other than the brand or source so named.".

SEC. 11. Section 204 of the Clean Water Act is amended by adding the following new subsection:

"(c)(1) A grant for the construction of treatment works under this title shall provide that the engineer or engineering firm supervising construction or providing architect engineering services during construction shall continue its relationship to the grant applicant for a period of one year after the completion of construction and initial operation of such treatment works. During such period such engineer or engineering firm shall supervise operation of the treatment works, train operating personnel, and prepare curricula and training material for operating personnel. Costs associated with the implementation of this paragraph shall be eligible for Federal assistance in accordance with this title.

"(2) On the date one year after the completion of construction and initial operation of such treatment works, the owner and operator of such treatment works shall certify to the Administrator whether or not such treatment works meet the design specifications and effluent limitations contained in the grant agreement and permit pursuant to section 402 of the Act for such works. If the owner and operator of such treatment works cannot certify that such treatment works meet such design specifications and effluent limitations, any failure to meet such design specifications and effluent limitations shall be corrected in a timely manner, to allow such affirmative certification, at other than Federal expense.

"(3) Nothing in this section shall be construed to prohibit a grantee under this title from requiring more assurances, guarantees, or indemnity or other contractural requirements from any party to a contract pertaining to a project assisted under this title, than those provided under this subsection.".

SEC. 12. (a) Section 205(c) of the Clean Water Act is amended by inserting "(1)" after "(c)" and by adding the following new paragraph:

"(2) Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1982, 1983, and 1984 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1981. Sums authorized to be appropriated pursuant to section 207 for the fiscal year 1985 shall be allotted for such year by the Administrator no later than September 30, 1984. Sums authorized for fiscal years 1982, 1983, and 1984 shall be allotted in accordance with the following table:

"States	Fiscal year— 1982	1983	1984
Alabama	0.011398	0.010764	0.010131
Alaska	.006656	.007044	.007271
Arizona	.006885	.006502	.006120
Arkansas	.006668	.006298	.005927
California	.070569	.066648	.067392
Colorado	.008154	.007701	.007248
Connecticut	.012865	.013615	.014055
Delaware	.005000	.005000	.005000
District of Columbia	.005000	.005000	.005000
Florida	.034051	.032159	.030979
Georgia	.017234	.016277	.015319
Hawaii	.007297	.007722	.007972
Idaho	.005000	.005000	.005000
Illinois	.046101	.043540	.040978
Indiana	.024566	.023201	.021836
Iowa	.013565	.014355	.014819
Kansas	.008898	.009417	.009721
Kentucky	.012974	.012253	.011532
Louisiana	.011205	.010582	.009960
Maine	.007493	.007930	.008186
Maryland	.024653	.023283	.021914
Massachusetts	.036690	.038827	.040082
Michigan	.042952	.045455	.046924
Minnesota	.071428	.018443	.019039
Mississippi	.008573	.008564	.008841
Missouri	.029203	.030904	.031903
Montana	.005000	.005000	.005000
Nebraska	.005000	.005000	.005000
Nevada	.005000	.005000	.005000
New Hampshire	.010696	.011319	.011685
New Jersey	.044016	.046581	.480874
New Mexico	.005C00	.005000	.005000
New York	.111177	.117655	.121458
North Carolina	.017581	.016718	.017258
North Dakota	.005000	.005000	.005000
Ohio	.057383	.054195	.051007
Oklahoma	.008235	.007777	.007320
Oregon	.011515	.010875	.010235
Pennsylvania	.038711	.036560	.037742
Rhode Island	.007617	.008060	.008321
South Carolina	.010443	.009863	.009282
South Dakota	.005000	.005000	.005000
Tennessee	.013744	.013894	.014343
Texas	.038726	.036575	.034423
Utah	.005319	.005629	.005811

"States	Fiscal year— 1982	1983	1984
Vermont	.005000	.005000	.005000
Virginia	.020496	.021690	.022392
Washington	.016484	.017445	.018008
West Virginia	.015890	.015007	.014124
Wisconsin	.032844	.034758	.035881
Wyoming	.005000	.005000	.005200
American Samoa	.001118	.001184	.001222
Guam	.000661	.000624	.000590
Marianas	.000654	.000692	.000714
Puerto Rico	.013748	.014549	.015019
Pacific Trust Territory	.001236	.001199	.001237
Virgin Islands	.000631	.000668	.000689

Sums authorized for fiscal year 1985 shall be allotted among the States in accordance with the relative effect of eligible publicly owned treatment works on water quality in each State, based on water quality standards and total maximum daily loads of pollutants established under section 303 of this Act and reports of water quality submitted under section 305(b) of this Act.".

(b) Section 205(e) of the Clean Water Act is amended by striking "and 1981" each place it occurs and inserting in lieu thereof "1981, 1982, 1983, 1984, and 1985".

SEC. 13. Section 205(g) of the Clean Water Act is amended by adding the following new sentence after the first sentence of paragraph (1): "From sums authorized for each fiscal year beginning on or after October 1, 1981, the Administration is authorized to reserve from the allotment for each State for each such fiscal year an amount not to exceed 1 per centum of the sum of the unexpended obligations and the unobligated allotment available to such State as of the first day of such fiscal year, or $400,000, whichever amount is the greater.".

SEC. 14. Section 205(g) of the Clean Water Act is amended by adding the following new paragraph:

"(3) The Administrator is authorized to reserve for each State each fiscal year an additional one-half of 1 per centum of the sum of the unexpended obligations and the unobligated allotment available to such State as of the first day of such fiscal year, or $100,000 whichever amount is greater, for the purpose of (A) making water quality management decisions as to what publicly owned treatment works should be constructed with assistance under this title, in which areas and in what sequence, taking into account the relative degree of effluent reduction attained, the relative contributions to water quality of other point or nonpoint sources, and the consideration of alternatives to such construction, and (B) implementing section 303(e) of this Act. The State is authorized to make available funds under this paragraph to multijurisdictional agencies or local governments which the State determines have the necessary technical expertise to assist in performing the tasks under this paragraph.".

SEC. 15. Section 205(i) of the Clean Water Act is amended by—

(a) striking "and September 30, 1981," in the first sentence and inserting in lieu thereof "September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985,";

(b) inserting before "a total of" in the second sentence the phrase "not less than";

(c) inserting after "September 30, 1981," in the second sentence the phrase "and 4 per centum for each fiscal year beginning after September 30, 1981,";

(d) striking "subsection (a) of" each place it occurs; and

(e) striking "from 75 per centum to 85 per centum" each place it occurs.

SEC. 16. Section 207 of the Clean Water Act is amended by striking from "September 30, 1981," through the end of the sentence and inserting in lieu thereof "September 30, 1981, not to exceed $5,000,000,000 per fiscal year, and for the fiscal years ending September 30, 1982, September 30, 1983; September 30, 1984, and September 30, 1985, not to exceed $3,400,000,000 per fiscal year.".

SEC. 17. Section 216 of the Clean Water Act is amended to read as follows:

"SEC. 216. Notwithstanding any other provision of this Act, the determination of the priority to be given projects for construction of publicly owned treatment works within each State shall be made by that State, consistent with this title. Only projects eligible for funding under section 201 of this title, as defined in section 202, shall be included on a State's priority list. A State, in determining the priority to be given a project, shall give highest priority to projects which demonstrate that significant public health or water quality benefits will be achieved, and in particular to projects having the greatest effect on the improvement of water quality.".

SEC. 18. The review, revision, and adoption or promulgation of revised or new water quality standards pursuant to section 303(c) of the Clean Water Act and, to the extent practicable, the establishment of total maximum daily loads of pollutants pursuant to section 303(d) of the Clean Water Act shall be completed by the date three years after the enactment of the Clean Water Act Amendments of 1981. No grant shall be made under title II of the Clean Water Act after such date until water quality standards are reviewed and revised pursuant to section 303(c) and total maximum daily loads of pollutants established pursuant to section 303(d) for the waters affected by the project for which such grant is requested, except where the State has in good faith submitted such revised water quality standards and total maximum daily loads of pollutants and the Administrator has not acted to approve or disapprove such submission within one hundred and twenty days of receipt.

SEC. 19. (a) Section 301(i) of the Clean Water Act is amended by striking "July 1, 1983," and inserting in lieu thereof "July 1, 1988,". The amendment made by this subsection shall not be interpreted or applied to extend the date for compliance with section 301(b)(1)(B) or (C) of the Clean Water Act beyond schedules for compliance in effect as of the enactment of this Act, except in cases where reductions in the amount of financial assistance under this Act or changed conditions affecting the rate of construction beyond the control of the owner or operator will make it impossible to complete construction by July 1, 1983.

(b) Section 301(b)(2) of the Clean Water Act is amended by striking subparagraph (B).

(c) It is the sense of the Congress that any court with supervision over a consent degree or other court order establishing a deadline, schedule, or timetable for the construction or completion of sewage treatment works take judicial notice of the amendments to the Clean Water Act made by sections 2, 3, 4, 9, 17, and 20 of this Act, the reduced level of authorizations under section 207 of the Clean Water Act, and the extensions of final compliance date possible under the amendment made by subsection (a) of this section, in considering modifications of such deadline, schedule, or timetable.

SEC. 20. Section 304(d) of the Clean Water Act is amended by adding the following new paragraph:

"(4) For the purposes of this subsection, such biological treatment facilities as oxidation ponds, lagoons, and ditches, trickling filters, and devices to treat waste waters from combined storm and sanitary sewers shall be deemed the equivalent of secondary treatment. The Administrator shall provide guidance under paragraph (1) of this subsection on design criteria for such facilities, taking into account pollutant removal efficiencies and, consistent with the objective of the Act, assuring that water quality will not be adversely affected by deeming such facilities as the equivalent of secondary treatment.".

SEC. 21. Section 516 of the Clean Water Act is amended by inserting a new paragraph (f):

"(f)(1) The Administrator, in cooperation with the States, shall submit to the Congress a report (A) identifying those publicly owned treatment works needed to comply with sections 301(b)(1)(B) or (C), 201(g)(2)(A), and 201(g)(5) of this Act and with water quality standards established pursuant to section 303 of this Act, and (B) taking into account all actions of the Administrator pursuant to section 301(h) of this Act and amendments to title II of this Act made by the Clean Water Act Amendments of 1980 and of 1981, estimating the total cost and the amount of Federal funds necessary for the construction of such publicly owned treatment facilities.

"(2) The report required by this subsection shall be submitted to the Congress not later than eighteen months after the enactment of the Clean Water Act Amendments of 1981.".

SEC. 22. Section 116(b) of the Clean Water Act is amended by striking "(a)" and inserting in lieu thereof "(c)" each place it occurs.

SEC. 23. (a) Section 511 of the Clean Water Act is amended by adding a new subsection (e):

"(e) Nothing in this Act shall be construed, interpreted or otherwise deemed to displace, restrict, limit, affect, or modify in any way the obligations or liabilities of any person, or the right to seek abatement or damages, under other Federal or State law, including common law.".

(b) The amendment to the Clean Water Act made by subsection (a) of this section shall not be the basis for reopening any judicial proceeding finally adjudicated prior to the date of enactment of this section.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE HEALTH-CARE RESOURCES SHARING ACT

Mr. BAKER. Mr. President, I would inquire of the minority leader if he is in position to consider at this time calendar 288, S. 266.

Mr. ROBERT C. BYRD. Mr. President, that measure has been cleared on this side of the aisle.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar No. 288, S. 266, the Federal interagency medical resources bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 266) to establish a Federal Inter-Agency Medical Resources Committee to insure the most efficient and effective use of Federal direct health care resources.

The Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Veterans' Administration and Department of Defense Health-Care Resources Sharing Act".

SEC. 2. (a) The Congress finds that—

(1) there are opportunities for greater coordination and sharing of the health-care resources of the Veterans' Administration and the Department of Defense which, if achieved, would be beneficial to veterans, members of the Armed Forces on active duty, and other health-care beneficiaries of the Veterans' Administration and the Department of Defense, and which could result in reduced costs to the Government by minimizing duplication and underutilization of health-care resources;

(2) there are not adequate incentives to encourage such coordination and sharing of health-care resources; and

(3) such coordination and sharing of health-care resources may be achieved without a detrimental effect on each agency's primary beneficiaries.

(b) The Congress further finds that—

(1) there might be situations during a period of war or national emergency in which the Department of Defense would not have adequate health-care resources; and

(2) the Veterans' Administration has an organized health-care system which could be used to assist the Department of Defense in meeting the medical contingencies which might occur during a period of war or national emergency.

SEC. 3. (a) There is established an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Coordination Committee (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Chief Medical Director of the Veterans' Administration (hereinafter in this section referred to as the "Chief Medical Director") and the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the "Assistant Secretary"), or their respective designees, and such other employees of the two agencies as they shall mutually designate.

(c) In order to promote the coordination of health-care services between the Veterans' Administration and the Department of Defense and to provide guidance to the two agencies in regard to the interagency sharing of health-care resources, the Committee shall on a continuing basis—

(1) review existing policies and practices in regard to the coordination and sharing of health-care resources (including administrative and support services) between the two agencies;

(2) identify and assess further opportunities for the coordination and sharing of health-care resources between the two agencies that will not adversely affect the quality of, or the established priorities for, care provided by either agency;

(3) develop and recommend to the Administrator of Veterans' Affairs and the Secretary of Defense changes in policies and procedures which would produce maximum feasible interagency coordination and sharing of health-care resources between the two agencies as authorized by title 38, United States Code;

(4) provide guidance for and monitor the implementation of activities designed to promote such coordination and sharing of health-care resources;

(5) monitor the plans of the two agencies to acquire additional health-care resources (including the location of new facilities and the acquisition of major equipment), and review the potential impact of such proposals on opportunities for such coordination and sharing; and

(6) develop, in consultation with such other agencies as the President may direct, a plan for the effective utilization of Veterans' Administration resources, as authorized in subsection (e) of section 5011 of such title (as added by section 4(a)(4) of this Act), to assist in meeting medical contingencies which might result from a period of war or national emergency.

(d) In carrying out the duties prescribed in this Act, the Assistant Secretary shall consult regularly with the surgeons general of the Army, Navy, and Air Force.

SEC. 4. (a) Section 5011 of title 38, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 5011. Sharing of Veterans' Administration and Department of Defense health-care resources";

(2) by inserting "(a)" before "The Administrator";

(3) by striking out "and material" and all that follows through "this title," and inserting in lieu thereof "material, and other resources as may be needed to operate such facilities properly, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration beds below any minimum number prescribed by law"; and

(4) by adding at the end the following new subsections:

"(b) After considering the recommendations made under section 3(c)(3) of the Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, the Administrator and the Secretary of Defense shall jointly establish guidelines for the sharing of health-care resources to the maximum extent feasible consistent with the health-care responsibilities of the Veterans' Administration and the Department of Defense under this title and title 10. Such guidelines shall be established not later than nine months after the date of enactment of this subsection, and (notwithstanding any other provision of law) shall include provisions for the following:

"(1) The director or the commanding officer of each health-care facility under the jurisdiction of either of the two agencies shall, to the maximum extent feasible, appropriate, and consistent with such respective responsibilities, enter into sharing agreements with the head of each health-care facility of the other agency in the same geographic area under which those eligible beneficiaries of one agency who are identified in the agreement may be provided health care at the facility of the other agency.

"(2) Each such agreement shall explicitly identify the health-care resources to be shared, the health care to be provided, and the beneficiaries to be treated. Resources to be shared may include any health-care resource.

"(3) Each such agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis from the facility of the other agency and shall not (as determined by the heads of the facilities concerned) adversely affect the range of services, quality of care, or priority for services provided to the primary beneficiaries of such providing agency.

"(4) Each such agreement shall be submitted on the same day to the Chief Medical Director and the Assistant Secretary of Defense for Health Affairs (hereinafter referred to as the 'Assistant Secretary') and shall become an interagency agreement (A) on the forty-sixth day following receipt by such officials, unless earlier disapproved by either such official, or (B) if earlier approved by both such officials, on the date of such approval.

"(5) Each such agreement shall provide that the agency providing the health-care services will be reimbursed by the other agency for the cost of care and services provided. Such reimbursement shall be based upon a methodology, agreed upon by the Chief Medical Director and the Assistant Secretary, which provides appropriate flexibility to the heads of the facilities concerned to take into account local conditions and needs and the actual costs to the facility being reimbursed. Such reimbursements shall be credited to appropriations available to the facility which provided such care or services.

"(c) The Administrator and the Secretary of Defense shall, each year at the time the President's Budget is transmitted to Congress, jointly submit a report to Congress on the implementation of subsection (b) of this section during the fiscal year that ended during the previous calendar year. Each such report shall include information with regard to—

"(1) the guidelines and any revisions thereof prescribed pursuant to subsection (b) of this section;

"(2) the assessment of opportunities, identified under section 3(c)(2) of the Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, for coordination and sharing of health-care resources between the two agencies;

"(3) the recommendations, made under section 3(c)(3) of such Act, for changes in policies and procedures in order to produce maximum feasible interagency coordination and sharing of such resources as authorized by this title;

"(4) a review of the interagency sharing agreements entered into by health-care facilities of the two agencies;

"(5) the activities of the two agencies under such agreements;

"(6) other interagency coordination, planning, and activities involving either agency directed toward producing the maximum feasible efficient use of Federal health-care resources during the preceding fiscal year; and

"(7) such legislative recommendations as the Administrator and the Secretary of Defense consider appropriate to facilitate interagency sharing of health-care resources between and by the two agencies.

"(d) For the purposes of this section:

"(1) The term 'direct health care' means health care provided to a beneficiary in a facility operated by the Veterans' Administration or the Department of Defense.

"(2) The term 'beneficiary' means (A) a veteran or other person who is eligible under this title for health care in Veterans' Administration facilities, or (B) a member or former member of the Army, Navy, Air Force, or Marine Corps or other person who is eligible for medical and dental care under title 10.

"(3) The term 'providing agency' means the Veterans' Administration or the Department of Defense, as appropriate.

"(4) The term 'primary beneficiary' means (A) with respect to the Veterans' Administration a veteran or other person who is eligible under this title (other than by virtue of subsection (b) of this section) for health care in Veterans' Administration facilities, and (B) with respect to the Department of Defense a member or former member of the Army, Navy, Air Force, or Marine Corps or other person who is eligible for medical and dental care under title 10.

"(5) The term 'health-care resource' means any health-care support or administrative resource, including hospital care, medical services, and rehabilitative services as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 601 of this title.

"(e)(1) During a period of war declared by the Congress or a period of national emergency declared by the President or the Congress which involves the use of the Armed Forces of the United States in armed conflict, notwithstanding any other provision of this title, the Administrator may (pur-

suant to regulations which the Administrator shall prescribe)—

"(A) give a higher priority to the furnishing of hosptial care, nursing home care, and medical services under chapter 17 of this title to members of the Armed Forces on active duty, to the extent authorized by this subsection, than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities; and

"(B) to the extent authorized by the President and subject to the availability of appropriations or reimbursements under paragraph (2)(B) of this subsection, contract with private facilities for the provision by such facilities of hospital care and medical services described in paragraph (2)(A) of this subsection during a period of war or national emergency as described in this paragraph.

"(2)(A) Hosptial care and medical services referred to in paragraph (1)(B) of this subsection are—

"(i) hospital care or medical services authorized under this title for a veteran and necessary for the care or treatment of a condition for which the veteran is receiving medical services under subsection (f) or (g) of section 612 of this title, in any case in which the delay involved in furnishing such care or services at the Veterans' Administration facility concerned would, in the judgment of the Chief Medical Director pursuant to regulations prescribed by the Administrator, be likely to result in a significant deterioration of that condition; and

"(ii) hospital care for a medical emergency which poses a serious threat to the life or health of a veteran eligible for such care under chapter 17 of this title, if the Chief Medical Director pursuant to regulations prescribed by the Administrator, finds that the Veterans' Administration facility concerned is utilizing a substantial portion of its hospital care capability for the furnishing of priority care to members of the Armed Forces under paragraph (1) of this subsection.

"(B) The cost of any care or services provided by the Veterans' Administration under paragraph (1) of this subsection shall be reimbursed to the Veterans' Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of such care or services provided. Amounts received under this paragraph shall be credited to appropriations available to the Veterans' Administration facility which provided such care or services.

"(3) Within ninety days after the declaration of a period of war or national emergency described in paragraph (1) of this subsection (or as soon after the end of such ninety-day period as is reasonably practicable), the Administrator shall submit to the committees a report on the allocation of facilities and personnel in order to provide priority hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. Thereafter, the Administrator shall report periodically to the committees regarding the extent to which, and the circumstances under which, the authority to contract with private facilities provided in paragraph (1)(B) of this subsection is being used.".

(b) The item relating to such section in the table of sections at the beginning of chapter 81 is amended to read as follows:

"5011. Sharing of Veterans' Administration and Department of Defense health-care resources.".

(c) Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall enter into an agreement with the Secretary of Defense under which the Administrator and the Secretary shall agree to pursue planning activities and to establish procedures and guidelines under which subsection (e) of section 5011 of title 38, United States Code (as added by subsection (a) of this section), may be carried out.

Mr. SIMPSON. Mr. President, I rise in support of S. 266, the proposed "Veterans' Administration and Department of Defense Health-Care Resources Sharing Act." S. 266 is designed to promote the coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense in order to reduce costs while improving access to health care for beneficiaries of each agency. In addition, it would establish the Veterans' Administration health-care system as the primary reserve to the Department of Defense for treatment of combat casualties.

Mr. President, I wish to take this opportunity to first describe the basic peacetime provisions of S. 266.

The Veterans' Administration (VA) health-care system includes 172 hospitals and the Department of Defense (DOD) operates 124 hospitals. In addition, the two agencies have numerous clinics and related facilities under their jurisdictions. In the past they have pursued their respective missions independently even when facilities of the two agencies were in geographic proximity.

Some local administrators have exchanged resources either informally or under existing legislative authority, but this has not been done on a systematic basis.

Mr. President, my esteemed colleague, Senator CHARLES H. PERCY, has examined the possibilities for greater coordination and sharing of health-care resources as chairman of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes. That committee has carefully reviewed Government Accounting Office, GAO, studies and held comprehensive hearings. The committee concluded that there is a tremendous potential for reducing Federal direct health care costs and enhancing the quality of care to beneficiaries through greater coordination among Federal providers, particularly the VA and DOD.

Subsequently, the Committee on Governmental Affairs reported out S. 266 which would establish an interagency committee to encourage the sharing of health-care resources, and which would provide appropriate incentives for such sharing.

Mr. President, S. 266 was sequentially referred to the Committee on Veterans' Affairs, which shared Senator PERCY's desire to improve the efficiency and effectiveness of Government programs.

However, the committee wanted to be certain that any modifications to the VA health-care system would not impair the agency's ability to meet its obligations to the veterans of this Nation.

After carefully reviewing the issue, the committee has determined that greater coordination and sharing of health-care resources between the VA and DOD has the potential for increasing access to services for veterans who neither live near a VA facility, nor near one which has the specialized services they might need.

In addition, sophisticated new equipment and technologies which might be too expensive for a single facility could become available to veterans on a shared basis.

The Veterans' Affairs Committee reported out an amendment in the nature of a substitute for S. 266, which I introduced. It retains Senator PERCY's exemplary emphasis on improving Government operations while conforming to the procedure of establishing the appropriate VA implementing authorities in title 38, United States Code.

The first portion of this bill addresses the VA and DOD equally in providing a mandate for the coordination and sharing of their health-care resources. An interagency committee, under the direction of the chief medical officials of the two agencies, would be responsible for reviewing policies, assessing further opportunities for sharing, providing guidance, and engaging in related activities to foster effective interagency planning for resource utilization.

The remainder of the bill, Mr. President, would amend title 38 to authorize specific agency actions in support of the coordination and sharing of health-care resources.

After considering the recommendations of the interagency committee, the Administrator of Veterans' Affairs and the Secretary of Defense would establish guidelines for the sharing of health-care resources to the maximum extent feasible consistent with their respective responsibilities.

Such guidelines would contain provisions whereby the Administrator of each VA and DOD health-care facility would be able to enter into sharing agreements for the provision of care or services to eligible beneficiaries of one agency at the other agency's facilities whenever feasible and appropriate.

Such agreements would allow the sharing of any health-care resources including administrative and support services as long as they identify explicitly the resources to be shared, the care to be provided, and the beneficiaries to be served.

Shared services would be provided on a referral basis as long as they did not adversely affect the range of services, quality of care, or priority for services provided to the primary beneficiaries of the host agency.

Reimbursement to the providing agency would be on the basis of local conditions, needs, and costs, and made to the facility which provided the care or services.

Sharing agreements would be subject to review and the opportunity for approval or disapproval by the chief medical officials of the two agencies.

Mr. President, in order to assist with congressional oversight of the program's implementation, the Administrator of Veterans' Affairs and the Secretary of Defense would be required to submit an annual report to Congress. It would contain information on the guidelines and their revision, the opportunities for coordination and sharing, a review of in-

teragency activities and agreements, and legislative recommendations.

Mr. President, I would also like to briefly describe the contingency provisions incorporated in S. 266 by the Veterans' Affairs Committee.

The General Accounting Office has pointed out that there could be situations during war or a national emergency in which DOD would not have adequate health-care resources to meet the medical needs of combat casualties.

Although DOD has initiated contingency arrangements with several civilian hospitals, it is the judgment of this committee that the VA health-care system should be the principal backup health-care resource to the DOD in such critical situations.

Mr. President, as reported by the Committee on Veterans' Affairs, S. 266 would initiate contingency planning and provide special authorities for use only during a period of war or national emergency which involved the use of the Armed Forces in armed conflict. In such a situation, the Administrator would be able to give a higher priority for the furnishing of care and services to members of the Armed Forces on active duty than to any other eligible group with the exception of veterans with service-connected disabilities.

Furthermore, the Administrator could contract with private facilities to provide specified hospital care and medical services to certain groups of eligible veterans who otherwise might not be able to have urgent health-care needs met because of military pressures on the VA system.

The Administrator and the Secretary of Defense would be required to enter into an agreement to engage in planning for such medical contingencies and establish implementation procedures. Subsequent to any declaration of war or national emergency, the Administrator would report to the committees on the provision of priority care and services to members of the Armed Forces and on the use of the authority to contract with private facilities.

Mr. President, in concluding I wish to sincerely thank the distinguished ranking minority member from California, Senator CRANSTON, for his invaluable collaboration on this bill, and each of the other committee members who supported it unanimously.

In addition, I would like to recognize and to thank the very able members of the majority staff for their efforts. Kenneth Bergquist, former chief counsel and staff director, and his successor, Tom Harvey, Julie Susman, Edward Kelty, Laurie Altemose, and our editorial director, Harold Carter, as well as members of the highly competent minority staff, Jonathan Steinberg, Edward Scott, and William Brew.

Mr. President, I believe the committees have reported out a bill which meets the concerns of the Committee on Governmental Affairs and the Committee on Veterans' Affairs. S. 266 addresses the efficiency and effectiveness of the VA and DOD health-care programs, the health-care needs of our veterans, and the preparedness requirements of our Armed Forces. On behalf of the entire committee, I urge the Senate's favorable consideration of this bill. Thank you, Mr. President.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am very pleased to support S. 266, the proposed Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, as reported by the Committee on Veterans' Affairs on September 29. This measure addresses the appropriate relationship between the health-care resources of the Veterans' Administration and the Department of Defense both in peacetime and in time of war or national emergency involving armed conflict.

Mr. President, this legislation, as it is before the Senate today, is based on S. 266, introduced on January 27, 1980, by my good friend from Illinois (Mr. PERCY), dealing with peacetime sharing as well as on a measure I introduced on June 9, 1981—amendment No. 62 to S. 636 dealing with both peacetime sharing and the VA's role as the principal backup for DOD in treating casualties of armed conflict.

The legislation I introduced was identical to the text of H.R. 3502, authored by my good friend from Mississippi (Mr. MONTGOMERY), the chairman of the Veterans' Affairs Committee in the other body, as reported by that committee on May 10, 1981.

H.R. 3502 is now pending before the House Armed Services Committee, which ordered the bill reported on October 22. In submitting this legislation to the Senate, I noted that I did so with an open mind and was not committed to the precise formulations of that bill.

S. 266, as introduced, was originally referred to the Committee on Governmental Affairs and, following that committee's action on June 15, 1981, reporting the bill favorably, without amendment, S. 266 was referred to the Committee on Veterans' Affairs.

After a hearing on June 17, at which the Committee on Veterans' Affairs heard from a wide range of witnesses on both S. 266 and amendment No. 62 to S. 636, the Committee on Veterans' Affairs reported S. 266 with an amendment in the nature of a substitute that I proposed with our distinguished committee chairman (Mr. SIMPSON).

We sought in our substitute to meld together aspects of S. 266 as reported by the Governmental Affairs Committee and of amendment No. 62.

Mr. President, the Senator from Illinois (Mr. PERCY) is to be congratulated for his great interest in and persistence on the issue of the sharing of VA and DOD health-care resources during peacetime. During our committee's consideration of this measure, it was suggested by administration representatives that there was no need for legislation to authorize the sharing of health-care resources between VA and DOD during peacetime because there is ample authority in current law.

One example that was cited in this regard was the general authority for interagency sharing contained in the Economy Act, 31 U.S.C. 686. Without resolving this point, I was persuaded by the Senator from Illinois (Mr. PERCY) that the primary need for legislative action was not to establish new authority to share these resources but rather to remedy the lack of appropriate incentives for such sharing, to remove some disincentives to sharing, and to place a renewed statutory emphasis on sharing.

For these reasons, I was pleased to take the initiative in developing a measure that would help provide the needed incentives for and also remove the disincentives to peacetime sharing as well as authorize specifically the VA's role as backup for treating casualties of armed conflict. I believe that the pending measure meets these goals.

PEACETIME SHARING

Mr. President, I believe that increased emphasis on the sharing and coordination of health-care resources in peacetime between the VA and DOD is desirable in that it could lead to improved access to health care for the beneficiaries of the two agencies and, at the same time, result in economies in the operation of the two health-care systems through more efficient utilization of their resources.

However, it is my firm conviction that such sharing must not be permitted to have a detrimental impact on the ability of either of the two agencies to continue to provide quality health care to their respective beneficiaries under current law. The Veterans' Affairs Committee is, of course, the entity in the Senate charged with direct responsibility for legislation and oversight regarding the VA health-care system, and it is for this reason that I strongly urged that our committee have the opportunity to help shape this measure.

In this regard, Mr. President, I believe, and I hope the Senator from Illinois (Mr. PERCY) would agree, that the measure as reported by the Veterans' Affairs Committee represents a fair approach to meeting the goals of S. 266 as reported by the Government Affairs Committee—to promote and foster increased cooperation and sharing of health-care resources between VA and DOD during peacetime—while recognizing and reaffirming the VA health-care system's primary role of providing timely, quality health care to beneficiaries eligible for care under the VA's basic health-care legislative authorities in title 38 of the United States Code.

Mr. President, the committee substitute—in a free-standing legislative provision not in title 38, but referred to by cross-reference in amendments to title 38 provisions later in the committee substitute—provides, as did S. 266 in a freestanding provision without any cross-references, for the establishment of an interagency committee, the Veterans' Administration/Department of Defense Health-Care Resources Coordinating Committee, that will be the principal body responsible for promoting increased coordination and sharing of health-care resources between the two agencies.

It is important to note, however, that this body, on which the two agencies'

chief medical officers will serve as the principal members, is responsible only for developing strategy for increased coordination and sharing of resources.

Any implementation of such strategy will lie with the Administrator of Veterans' Affairs and the Secretary of Defense, and it is vital that these two officials become and remain active in the area of sharing.

Without such a commitment of attention and effort from the top, efforts of the VA/DOD Committee may not result in any real increase in sharing between the two agencies.

Conversely, if the Administrator and the Secretary commit themselves to increasing the level of VA/DOD cooperation and sharing with respect to health-care resources, I believe that the goals of this legislation can be realized.

Mr. President, I would like to make one further point with reference to making, as I just noted, the chief medical officers of the two agencies the principal members of the VA/DOD Committee. At the present time, the VA's Chief Medical Director is Dr. Donald L. Custis. Dr. Custis is a former Surgeon General of the Navy and, if this measure is enacted and the VA/DOD Committee is established, I believe that his presence as an initial member of that committee will prove to be highly beneficial to the committee's success.

I have the highest regard for Dr. Custis' efforts as the VA's chief medical director, and I know that he is very supportive of the basic thrust of this legislation and will be very sensitive to the needs and limits of the VA health-care system as he participates in developing new opportunities for sharing with DOD. At the same time, his experience as the chief health officer of one of the uniformed services gives him unique insights into the DOD health-care system that should further enhance his participation in developing a new emphasis on improved coordination and sharing of the resources of the two agencies.

Mr. President, I want to note how S. 266 as reported by the Committee on Veterans' Affairs addresses specifically two concerns about provisions in amendment No. 62 that were raised by the Senator from Illinois (Mr. PERCY) during his testimony before the Committee on Veterans' Affairs on June 17—namely, precluding the VA from treating military dependents under a sharing agreement and requiring that reimbursements between local facilities be based on uniform, standard rates.

On the issue of treating dependents under sharing agreements, the committee substitute authorizes each agency, pursuant to sharing agreements, to treat any statutory beneficiaries of the other agency that are specified in a particular sharing agreement.

This would allow VA facilities, where appropriate and desirable, to treat military dependents, and DOD, again where appropriate and desirable, to treat those VA dependents eligible for care and services under title 38.

In adopting this approach, the Committee on Veterans' Affairs did not intend to require any particular VA facility to provide care under a sharing agreement to any particular category of beneficiaries that could not be provided the needed care and services in the normal course of providing health-care services, but only to authorize the provision of care and services when and where consistent with a facility's capacity and capabilities.

Moreover, the committee was well aware of the strong opposition of the VA's Department of Medicine and Surgery and others to any use of VA health-care facilities to treat DOD dependents. Hence, under the committee substitute, this is a matter left entirely to the discretion of the two agencies to determine together; if the VA persists in its view on this issue, it can obviously prevail.

With reference to Senator PERCY's second major concern, the reimbursement mechanism, the committee substitute would expressly authorize reimbursements to be made on the basis of locally determined formulas—developed in light of central guidance from the two agencies—which would be subject to approval by the chief medical officers of the two agencies. This approach should insure that local conditions and needs are taken fully into account in developing sharing agreements, including reimbursement formulas.

CARE FOR CASUALTIES OF ARMED CONFLICT

Mr. President, in addition to providing a renewed emphasis on the peacetime sharing of health-care resources between the VA and DOD, S. 266 as reported by the Committee on Veterans' Affairs contains amendments to title 38 relating to the appropriate relationship of the health-care resources of the two agencies in time of war or national emergency involving the use of our Armed Forces in armed conflict.

I view these provisions as very important, and I strongly urge that they be addressed in the context of the overall VA/DOD health-care resources relationships. I have long believed and stated that the VA should be the principal backup to the health-care resources of the Department of Defense in time of war or national emergency.

It has been very clear for a number of years that, in the event of major armed conflict, the Department of Defense would be unable to cope with more than a small percentage of the anticipated casualties from such a conflict—a point that was reaffirmed during the committee's June 17 hearing.

In my view, the firstline backup to DOD in such a situation should be the VA health-care system. It is a comprehensive, nationwide system, and there is a natural linkage between the two systems in that the beneficiaries of the DOD generally become the beneficiaries of the VA at some point, a result that frequently occurs after a member of the Armed Forces is disabled in service and is then medically discharged.

Mr. President, despite what seems to me an obvious role for the VA, DOD has been reluctant in the recent past, as contingency plans have been developed, to rely fully on the VA to fulfill this contingency role because of questions about the adequacy of the VA's authority under current law to treat combat casualties on a priority basis. Instead, DOD had been working to establish voluntary agreements with civilian hospitals across the country to provide contingency backup through a "Civilian-Military Contingency Hospital System." Although I agree that there is a role for civilian hospitals to play in this regard depending on the extent of the casualties, I believe that DOD should turn first to the VA, an assessment shared by the General Accounting Office, which, after reviewing the Civilian-Military Contingency Hospital System, issued a June 26, 1980, report entitled "The Congress Should Mandate Formation of a Military-VA-Civilian Contingency Hospital System."

Mr. President, the committee substitute would provide a basis for the VA to fulfill this contingency role by expressly authorizing the agency, during a period of war or national emergency that involves the use of our Armed Forces in armed conflict, to provide the primary backup to DOD health-care facilities in rendering hospital care, nursing home care, and medical services to members of the Armed Forces on a higher priority basis than to any other group of individuals other than veterans with service-connected conditions.

The establishment of this new mission for the VA—together with provisions in H.R. 3499, legislation passed earlier this month which is now awaiting Presidential action, that would require the VA to maintain a contingency capacity to assist the Department of Defense in time of war or national emergency—should remove any impediment to the VA's working closely with DOD to develop contingency plans and, in the tragic event that the agency's health-care resources are ever needed to support the DOD in time of war or national emergency, the mechanism should be in place to carry out such a supportive role.

Mr. President, in conjunction with this new authority, the pending measure would also authorize the Administrator, in situations in which the VA is treating Armed Forces personnel under the new authority, to contract with private health-care facilities to provide health care under certain circumstances to specified categories of veterans.

I believe that this is an important adjunct to the new contingency authority and demonstrates that, even in situations in which the agency is treating wartime casualties, there would be a continuing obligation to provide care for specified categories of veterans.

Mr. President, the specific provisions amending title 38 with respect to this contract eligibility and other aspects of the committee substitute are discussed in detail in the section-by-section analysis in the committee report—No. 97-196. The excerpts from the committee report that the committee chairman (Mr. SIMPSON) has inserted in the RECORD during his remarks on this bill include the section-by-section analysis, and I particularly call the attention of my colleagues to the description there of proposed new subsection (e) of sec-

tion 5011 of title 38, as proposed to be added by section 4(a)(4) of the committee substitute.

CONCLUSION

Mr. President, I believe that S. 266, as it is before the Senate today, represents an appropriate reconciliation of the two approaches to the sharing of VA and DOD health-care resources that were encompassed in S. 266 as reported by the Committee on Governmental Affairs and amendment No. 62.

The pending measure should give the full emphasis on peacetime sharing between the two agencies that the Senator from Illinois (Mr. PERCY) advocates while recognizing and respecting the separate missions and statutory authorities of the two agencies' health-care components.

The inclusion in this measure of the new contingency authority for the VA to treat the casualties of an armed conflict provides appropriate recognition of the fact that the relationship between the health-care resources of the two agencies should not be limited to peacetime efforts to reduce costs and eliminate duplication of effort but also must include a recognition that the VA can and should supplement DOD in those situations in which DOD cannot care for all the casualties of an armed conflict.

To the extent that peacetime sharing efforts may create pressure to reduce the capability or capacity of either agency, there will likely be a counterpressure to recognize and take action with respect to the need for the maintenance of health-care resources to care for battle casualties, and I believe that it is appropriate that these potentially competing concerns be addressed together, as in the pending measure.

Mr. President, I want to thank my good friend from Wyoming (Mr. SIMPSON) for his cooperation and assistance as we have worked together to develop the measure that is before the Senate today. We have enjoyed a very productive working relationship since he first came to the Senate and the committee at the beginning of the last Congress, and I am pleased that, although we have exchanged roles this Congress, that relationship has been maintained and strengthened.

I also want again to note the fine efforts of my good friend from Illinois (Mr. PERCY) on this issue and express my appreciation for his assistance in insuring that the Committee on Veterans' Affairs has had an appropriate opportunity to review and work on this legislation.

I also want to express my appreciation to the members of the committee staff who have worked on this measure—particularly for the majority staff, Ed Kelty, a congressional fellow who has quickly grasped the many complex issues involved in the legislation and has worked with it throughout his tenure on the staff, and Julie Susman, and Bill Brew, Ed Scott, and Jon Steinberg on the minority staff.

Mr. President, I urge my colleagues to give this measure their unanimous approval.

Mr. THURMOND. Mr. President, I rise to strongly endorse S. 266, the Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, which is being considered today. The Committee on Veterans' Affairs held a hearing on this bill on June 17, 1981, and we have worked hard since then to prepare what I believe to be a meritorious legislative initiative.

Mr. President, the Veterans' Administration and the Department of Defense today both operate major health-care systems which serve many Federal beneficiaries.

These two health-care systems have operated in large part without coordinative efforts to reduce expenses through resource sharing. S. 266 will promote resource sharing while insuring that there are no adverse effects on the quality of care given to primary beneficiaries of either system.

Mr. President, I would like to take a moment to briefly outline the major provisions of this bill.

First, the bill will establish a committee to be known as the Veterans' Administration Department of Defense Health-Care Resources Coordination Committee, which will review existing sharing practices and policies, assess further opportunities for sharing, and provide guidance in implementing the purposes of the bill. The committee will be comprised of the Chief Medical Director of the Veterans' Administration and the Assistant Secretary of Defense for Health Affairs and other employees they may designate.

Second, the bill will provide for the sharing of beds and health-care resources by the Veterans' Administration and the Department of Defense at their respective facilities.

Third, the bill provides that during wartime or national emergency, the Administrator of the Veterans' Administration may designate VA medical facilities to aid in the treatment of active members of the Armed Forces.

Mr. President, this bill represents a chance for us to reduce an area of Federal spending without reducing the quantity or quality of services now being provided. At the same time, we will enhance our defense posture by insuring our readiness to care for our casualties in time of war. For these reasons, I intend to support S. 266, and I urge my colleagues to do the same.

Mr. PERCY. Mr. President, we are asking many Americans to make sacrifices in our efforts to reduce Federal spending and balance the budget by 1984. In view of this, it is only fair that we make an unprecedented effort to ferret out waste, duplication, and inefficiencies in the operation of all Government programs.

The Federal Interagency Medical Resources Sharing and Coordination Act of 1981, cosponsored by Senator COHEN, Senator DURENBERGER, Senator PROXMIRE, and Senator SIMPSON, will help put an end to the needless duplication that currently exists in the Veterans' Administration and Defense Department hospital systems. What is most unusual about this legislation, especially in these days of reduced Government services, is that it will save money and improve the quality of health care provided to Federal beneficiaries.

I originally introduced similar legislation last year, and the Senate unanimously approved hospital sharing legislation last September. Unfortunately, the House did not act on the proposal. This year, the House is moving quickly toward passage of similar legislation. I would like to thank Senator SIMPSON and Senator CRANSTON of the Veterans' Affairs Committee, as well as Senator ROTH and Senator EAGLETON of the Governmental Affairs Committee, for their support of S. 266. Because of their help, the bill was promptly considered and reported unanimously by these two committees in the Senate.

The Federal Government operates one of the largest health-care systems in the world at a cost of more than $12 billion annually. The Veterans' Administration operates 171 hospitals; the Defense Department maintains 129—these two agencies account for 95 percent of the Federal hospital system.

Last summer, I discovered that millions of dollars were being needlessly wasted, and access to quality care was being hindered, because these agencies are unable to share health-care facilities and personnel—such as hospital beds, medical equipment, and doctors. Even worse, they often plan new facilities, sometimes within blocks of each other, without considering consolidating their facilities and equipment to avoid duplication.

Mr. President, one of the worst examples of this practice is going on right now in my own State of Illinois. In north Chicago, the VA and Navy operate hospitals less than a mile from each other. While the Navy's modern facility sits more than three-quarters empty because of a lack of doctors, forcing them to spend $3 million on private sector care, the VA nearby plans to spend millions in coming years on its crumbling 1905 era buildings. The VA, unlike the Navy, enjoys a relative abundance of doctors. Current laws, regulations, and other problems have blocked all attempts to coordinate these expensive resources among the two Federal facilities.

For lack of a VA-Army agreement to share Boston VA orthopedic services, the Army flies dozens of patients from Boston to Walter Reed Hospital in Washington on its very expensive air evacuation system, when more convenient and less costly treatment could be provided by the VA.

These are just two examples of costly duplication in the Federal Government's health-care programs. The General Accounting Office has estimated that, although 202 of the VA and DOD hospitals lend themselves to some form of coordination in 73 locations, little sharing or planning exists.

Why do not these agencies share? There are legal obstacles preventing efficient use of Federal hospitals. For instance, a VA patient cannot be transferred to a Navy bed. Also, military de-

pendents, entitled to Federal care, cannot be treated in a VA hospital—regardless of whether the VA doctors have time to see them. In addition, there are clear disincentives mitigating against greater cross-agency sharing. For example, when a local VA hospital agrees to provide a service to a Defense Department facility, the funds reimbursed for that service go to Washington rather than to the providing hospital. Whereas, if that same hospital buys that service from a private hospital, where costs may be four times higher to the taxpayer, they get reimbursed directly. Thus, we are forcing Government to buy medical services at a higher price outside the Government, before looking to other agencies that may have available care.

The consequences of this lack of coordination by the VA and DOD reach beyond the millions of dollars wasted and impeded access to care for some Federal beneficiaries.

If war were to break out tomorrow, there would not be a contingency plan for returning wounded to use VA hospital beds. In fact, there is some doubt as to whether the VA would have statutory authority to treat combat casualties.

The purpose of S. 266 is simple: Clear away the legal and administrative barriers to sharing, create incentives at the local level, and encourage the agencies to begin assessing moneysaving and care-enhancing opportunities for sharing, and implement them expeditiously. Also, it will allow the Veterans' Administration to treat incoming combat casualties in case of war.

Because of the important obligation that we have to those who have served their country, I have insisted throughout the deliberations over this bill that specific safeguards be included to prohibit sharing where it would adversely affect the quality of, or established priority access to, direct health care by veterans. We will not turn our backs on the many veterans who have given so much to keep this country free. This legislation will only enhance the quality of care provided veterans, and other Federal beneficiaries.

Reaction to the bill has been nearly unanimous—this legislation is needed. Perhaps the GAO put it best when they said:

> The enactment of (this legislation) would represent a significant step forward in which federal agencies could make the most cost-effective use of their medical resources while maintaining, or perhaps enhancing, the quality of care provided to their many beneficiaries.

UP AMENDMENT NO. 543

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senators from Indiana and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Tennessee (Mr. BAKER), for Mr. LUGAR and Mr. QUAYLE, proposes an unprinted amendment numbered 543.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in the bill add a new section:
>
> SEC. —. That the Veterans' Administration medical center located at 1481 West 10th Street, Indianapolis, Indiana, shall hereafter be known and designated as the "Richard L. Roudebush Veterans' Medical Center". Any reference to such medical center in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Richard L. Roudebush Veterans' Medical Center.

Mr. QUAYLE. Mr. President, I wish to express my strong support of the amendment to S. 266, offered by the majority leader, which would designate the Veterans' Administration Medical Center in Indianapolis, Ind., as the "Richard L. Roudebush Veterans' Medical Center." I understand the amendment has been cleared with both the Committee on Governmental Affairs and the Committee on Veterans' Affairs.

On September 15, 1981, my colleague from Indiana, Senator LUGAR, and I joined in introducing a bill to provide this deserved recognition to a fellow Hoosier, Richard Roudebush.

There certainly is no controversy over this legislation and by attaching it to S. 266 we hope to accomplish this honor for "Rowdy" at the earliest possible time.

Dick Roudebush has been so strongly identified with veterans and veterans organizations for so many years that it is highly appropriate that the veterans' medical center in the capital city of his native Indiana bear his name.

"Rowdy" served in the U.S. House of Representatives for 10 years, and then made an unsuccessful bid for the U.S. Senate.

In 1971 he was named Director of the Congressional Relations Office of the Veterans' Administration. Subsequently, he served as Deputy Administrator for the VA, and President Ford appointed him Administrator in October 1974.

He proved to be an able, efficient, and effective leader of the Veterans' Administration.

This small effort to honor the contributions of Dick Roudebush for his service to our Nation and to the cause of veterans has the strong endorsement of the major veterans organizations. Incidentally, "Rowdy" was the first World War II veteran to be named commander of his local VFW post in 1948. He continued his dedication and service to VFW through various important positions and in 1957 was elected national VFW commander in chief.

Today, Mr. President, Dick Roudebush is working back on his farm in Noblesville, Ind., but he continues to be keenly interested and involved in community and national affairs. He remains a patriot of the first order.

I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 543) was agreed to.

UP AMENDMENT NO. 544

Mr. BAKER. Mr. President, I send another amendment to the desk on behalf of Mr. SIMPSON and Mr. CRANSTON, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Tennessee (Mr. BAKER), for Mr. SIMPSON and Mr. CRANSTON, proposes an unprinted amendment numbered 544.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 21, after line 13, insert the following new section:
>
> SEC. 5. (a) Section 1786(a)(1) of title 38, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Notwithstanding any other provision of law unless enacted in express limitation of this subsection, each".
>
> (b) The amendment made by this section shall take effect as of October 1, 1981.

Mr. CRANSTON. Mr. President, I rise in support of the pending amendment which I am offering along with the distinguished chairman of the Veterans' Affairs Committee (Mr. SIMPSON) that would provide for the continuation of entitlement to GI bill benefits for correspondence training at the level agreed to in the Omnibus Budget Reconciliation Act of 1981—now Public Law 97-35—and that is offered in order to signify that if the entitlement to this benefit is to be terminated or restricted it should not be done through the appropriations process but rather through the authorization process and to make clear that, in any event, it should be done clearly and unequivocally.

As Members may recall, the Senate and House Veterans' Affairs Committees and, upon their recommendations, the Congress very recently acted in the context of legislation within our committee's jurisdiction to reduce the correspondence training entitlement. Pursuant to reconciliation instructions in House Concurrent Resolution 115, the first concurrent resolution on the budget for fiscal year 1982, to recommend legislative savings for veterans' programs by $110 million, the members of the two Veterans' Affairs Committees agreed in the context of negotiations on the Omnibus Budget Reconciliation Act of 1981 to reduce from 70 to 55 percent of the established charges the amount of the allowance that the VA will pay for correspondence lessons completed and submitted after September 30, 1981, and to eliminate, effective October 1, 1981, GI bill benefits for flight training for veterans not enrolled in such training on August 31, 1981.

These provisions were estimated to save $17.3 million in fiscal year 1982—$14.1 million in connection with the elimination of flight training and $3.2 million in connection with the modification of the entitlement to correspondence training—and were signed into law on August 13, 1981, as sections 2003 and 2004, respectively, of the Omnibus Budget Reconciliation Act of 1981.

Shortly thereafter, on September 11, the conferees on H.R. 4034, the HUD-Independent Agencies Appropriations Act for fiscal year 1982, filed the conference report on that measure (H. Rept. No. 97–222) containing a proviso to the appropriations for the VA's readjustment benefits account stating that—

This appropriation is hereby reduced by $19,700,000 through the elimination of payments for flight and correspondence training benefits, except for those persons enrolled in flight training on August 31, 1981, and correspondence training on September 30, 1981, and who remain continuously thereafter so enrolled and meet the applicable requirements of eligibility.

The amount of the purported reduction in this provision is $2.4 million more than the savings estimated to result from the two GI bill changes made by the Reconciliation Act.

This conference report was passed by the House on September 15 but has not been acted on by the Senate. However, section 101(e) of the continuing resolution—House Joint Resolution 325, signed into law as Public Law 97–51 on October 1—provided that provisions of that conference report were incorporated into the continuing resolution—

to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference . . . as if such act had been enacted into law.

Mr. President, as my good friend from the other body, the chairman of the House of Representatives Committee on Veterans' Affairs (Mr. MONTGOMERY), pointed out during the debate in the other body on the conference report, and as I reiterated in endorsing these points during consideration of the continuing resolution on September 24, this proviso is highly questionable in form and substance in light of the title 38 provisions providing eligible veterans with entitlement to the GI bill benefits involved. For the reasons Congressman MONTGOMERY expressed during the debate on the conference report—CONGRESSIONAL RECORD pages 20604-20605, September 15, 1981—I do not believe that the Congress, in passing the continuing resolution, intended to repeal the entitlement that Vietnam-era veterans have under title 38, United States Code, to benefits for the pursuit of correspondence training.

As the chairman noted on September 15, section 1786(a)(1) of title 38 provides clearly that any eligible veteran—

who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 55 percent of the established charge which the institution requires non-veterans to pay for the course or courses pursued by the eligible veteran.

Section 1661(a) of title 38 states that such a veteran "shall be entitled" to educational assistance for a specified period of time up to 45 months.

Thus, the GI bill benefit paid to eligible Vietnam-era veterans enrolled in approved correspondence courses is unquestionably an entitlement under title 38—a view also expressed in a September 30 opinion of the VA General Counsel's Office. That benefit is in no sense discretionary, as are some other VA benefit programs. If a veteran meets the eligibility requirements regarding service under this provision of law, and enters into an enrollment agreement with a school to pursue a program of education through correspondence training, the law directs the Administrator to pay an educational assistance allowance not to exceed the rate established by law.

In light of the questions arising from the relationship between the legislative changes made in the Reconciliation Act and the proviso included by reference in the continuing resolution, the VA is, pending further guidance from the Congress, holding in suspension new applications of veterans wishing to use their GI bill benefits for correspondence training.

Mr. President, I ask that the legal opinion I referred to earlier and an October 2, 1981, memorandum from the VA's Acting General Counsel to the Chief Benefits Director on this subject be printed in the RECORD at this point.

The material follows:

MEMORANDUM, OCTOBER 2, 1981

To Chief Benefits Director.
Subject: Correspondence Training.

1. As you are aware, the Congress, in enacting the Omnibus Reconciliation Act (Pub. L. No. 97–35), provided that effective October 1, 1981, section 1786 of title 38, United States Code, was to be amended to reduce the reimbursement rate for correspondence training from 70 percent to 55 percent.

2. As you are also aware, the House-Senate Conferees on the HUD-Independent Agencies Appropriation Act, provided that effective October 1, 1981, no funds would be available for correspondence training courses except for those individuals enrolled in correspondence training on September 30, 1981, and who remain continuously thereafter so enrolled and meet the applicable requirements of eligibility.

3. A question has arisen as to whether or not the subsequent enactment of program restrictions in an appropriation measure has the effect of limiting program entitlements. For that reason, we requested a legal opinion by PSG–IV concerning this matter. A copy of their opinion is attached for your information.

4. In the enactment of the continuing resolution (HJRes. 325), the Congress provided that the amounts of money and the conditions set forth in the conference report on the HUD appropriation measure would govern VA authority for spending under the continuing resolution. Thus, in view of that language, the VA would be subject to the correspondence limitation cited above. The appropriation measure has not, of course, been finally adopted by the Congress and sent to the President. Therefore, the possibility still remains that a further change could be made in the language presently contained in the conference report. Nevertheless, in light of the provisions in the continuing resolution, we would suggest that you may wish to consider issuing instructions to your regional offices to the effect that any new applications for correspondence training received after September 30, 1981, be held pending final resolution of this problem.

ROBERT E. COY,
Acting General Counsel.

MEMORANDUM, SEPTEMBER 30, 1981

To: Assistant General Counsel.
Subject: Readjustment Benefits (RB) Appropriation Language Limiting Payment of Flight and Correspondence School Benefits.

1. You have asked our opinion as to the VA's authority to pay educational assistance benefits to veterans enrolling in flight and correspondence schools after October 1, 1981, the beginning of FY 1982. It is our understanding that Pub. L. No. 97–35 altered the entitlement of these veterans by repealing 38 U.S.C. § 1677 (flight training) and amending 38 U.S.C. § 1786(a)(1) (reducing reimbursement to correspondence trainees from 70 percent to 55 percent effective October 1, 1981.) However, the Conference Report on H.R. 4034, the FY 1982 HUD-Independent Agencies Appropriation Act, includes the following proviso in the Readjustment Benefits (RB) account language:

"*Provided*, That this appropriation is hereby reduced by $19,700,000 through the elimination of payments for flight and correspondence training benefits, except for those persons enrolled in flight training on August 31, 1981, and correspondence training on September 30, 1981, and who remain continuously thereafter so enrolled and meet the applicable requirements of eligibility."

2. The "savings" clause of the appropriation language pertaining to flight training corresponds substantially with the language of section 2006(b) of Pub. L. No. 97–35. The effect is that both title 38 and the appropriation language prohibit payment to veterans who enroll in flight training after September 30, 1981, unless they had previously enrolled by August 31, 1981. However, veterans who enroll in correspondence school after October 1, 1981, appear to be eligible for benefits under 38 U.S.C. § 1786, while the RB appropriation language would apparently bar payments to these individuals.

3. At the present time, this matter is further confused by the reluctance of the Congress to forward H.R. 4034 to the President. As an interim measure, the Senate has proposed that the following language be inserted in H.J. Res. 325, the continuing resolution authorizing funding for all agencies for FY 1982:

"(e) Notwithstanding any other provision of the joint resolution, except section 102, such amounts as may be necessary for projects or activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1982 (H.R. 4034), at a rate of operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (H. Rept. No. 97–222) filed in the House of Representatives on September 11, 1981, as if such Act had been enacted into law."

It is the Senate's intent that the VA operate its programs within the limits provided for in the conference version of H.R. 4034, which includes the limitation on flight and correspondence benefits quoted above.

4. While we are aware that an argument could be made that the language of the continuing resolution does not constitute a repeal of the VA's authority to make payments to new enrollees in correspondence courses, it is our opinion that this argument is legally insufficient. We believe that the conferees on the VA's appropriation bill clearly intended to prohibit payment to new enrollees in correspondence courses. The same Committee in the Senate offered the language quoted above as an amendment to the continuing resolution when it became apparent that H.R. 4034 would not be enacted into law by October 1, 1981. The language is susceptible to varying interpretations, but we think it is apparent that the intent of the Senate is to prohibit payment to any person enrolling in a correspondence course after September 30, 1981.

5. Although time constraints have not permitted us to examine this issue in depth, we conclude that the VA will have no authority to make payments to these individuals during the period when the continuing resolution is in effect. If H.R. 4034 is enacted with substantially the same language

that was agreed to by the conference committee, the same conclusion would be applicable to FY 1982. It should be expressly noted that we have not reached any conclusion wtih regard to the question of whether the language of H.R. 4034 or the continuing resolution constitutes a repeal of the entitlement to such benefits.

"It has long been established that the mere failure of Congress to appropriate funds, without further words modifying or repealing, expressly or by clear implication, the substantive law, does not in and of itself defeat a Government obligation created by statute. *United States* v. *Vulte*, 233 U.S. 509, 34 S.Ct. 664, 58 L.Ed. 1071 (1914); *Ralston* v. *United States*, 91 Ct.Cl. 91 (1940), cert. denied, 311 U.S. 687, 61 S.Ct. 65, 85 L.Ed. 444, involving a lack of appropriations to pay a naval officer his retired pay and allowances pursuant to a special act placing him on the retired list. The failure to appropriate funds to meet statutory obligations prevents the accounting officers of the Government from making disbursements, but such rights are enforceable in the Court of Claims. *Gibney* v. *United States*, 114 Ct.Cl. 38, 51, 52 (1949); *Leonard* v. *United States*, 80 Ct.Cl. 147 (1935); *New York Central R.R.* v. *United States*, 65 Ct.Cl. 115, 128 (1928), aff'd 279 U.S. 73, 49 S.Ct. 260, 73 L.Ed. 619 (1929); *Danford* v. *United States*, 62 Ct.Cl. 285 (1926); *Strong* v. *United States*, 60 Ct.Cl. 627, 630 (1925); *Ferris* v. *United States*, 27 Ct.Cl. 542, 546 (1892)." *New York Airways* v. *United States*, 369 F.2d 743, 748 (Ct.Cl. 1966).

It is our opinion that the likelihood of litigation on this issue would be greatly reduced if the Congress took steps which have been suggested by the Chairman of the House Committee on Veterans Affairs in the CONGRESSIONAL RECORD (127 Cong. Rec. H6202-03 (daily ed. Sept. 15, 1981) (remarks of Mr. Montgomery) (copy attached)). In the absence of such steps, we will reserve an opinion on this issue for another time.

6. If you have any questions about this matter, please contact Patrick Ryan at extension 5017.

NEAL C. LAWSON,
Assistant General Counsel.

Mr. CRANSTON. Mr. President, in my view, if GI bill benefits for correspondence training are to be further reduced or terminated or, indeed, if any changes in a title 38 entitlement program are to be made—legislative action to achieve the desired results should be taken in a measure under the jurisdiction of the Veterans' Affairs Committees. It is not an appropriate function of the Appropriations Committees to propose in appropriations bills that entitlements under current law be terminated or reduced.

Mr. President, this amendment would amend the entitlement provision in title 38, section 1786(a)(1), to provide that such entitlement would continue in effect—

[n]otwithstanding any other provision of law unless enacted in express limitation of [this section]. . . .

This "notwithstanding" reference is specifically designed to supersede or eliminate the effectiveness of any appropriations rider or other enactment—including the proviso incorporated by reference to H.R. 4034 in the continuing resolution—unless such rider or enactment—whether previously or subsequently enacted—expressly limits or alters the entitlement in section 1786(a) of title 38 by making specific reference to that provision.

Therefore, in addition to providing for the continuation of GI bill benefits for correspondence training in fiscal year 1982 as agreed to by Congress and enacted only 2 months ago in the Reconciliation Act, this amendment stands for the proposition that if this entitlement is to be terminated or restricted it should not be done through the appropriations process but rather through the authorization process and that, if that is to be done, it should be done clearly and unequivocally by specific reference to the title 38 entitlement provision.

As I noted, Mr. President, this amendment would be consistent with the viewpoint expressed by Chairman MONTGOMERY on the House floor—and in which I concurred during the Senate's consideration of the continuing resolution on September 25—that—

Legislated entitlements cannot be repealed by indirection or imprecise riders suggesting that the funds were not appropriated by the Congress for a vaguely defined purpose.

At that time, I also stated:

Those remarks seem even more apt in light of the once-removed nature of the action now being taken by this body with respect to that conference report.

The amendment is also consistent with the statement of my distinguished colleague from Wyoming (Mr. SIMPSON) who, as chairman of the Senate Veterans' Affairs Committee, noted during the Senate's consideration of the Continuing Resolution that he did—

not support this action of the conferees, taken unilaterally in disregard of the legislative plans so carefully worked out by both the House and Senate Veterans' Affairs Committees. . . .

Mr. President, I am very grateful to the distinguished committee chairman for his cooperation in joining with me in this measure to carry out the will of Congress under the Reconciliation Act regarding GI bill benefits for correspondence training, to remove the uncertain legal status regarding the availability of and entitlement to these benefits, and to express and signify emphatically the disposition of the Senate in terms of the appropriate division of responsibilities between the authorization and appropriations processes.

Mr. President, I urge the Senate to approve this amendment.

The amendment (UP No. 544) was agreed to.

Mr. SIMPSON. Mr. President, as you are aware, the distinguished Senator from Colorado has asked the Senate to delay consideration of S. 266 to allow him time to prepare a floor amendment to this measure. I would like to yield to my colleague from Colorado.

Mr. HART. Mr. President, the chairman of the Senate Veterans' Affairs Committee is correct. I had intended to offer an amendment, which would incorporate the provisions of S. 349, the Veterans' Administration's Administrative Procedure and Judicial Review Act, to S. 266. The Veterans' Affairs Committee did hold hearings on S. 349 in July and had on two occasions scheduled committee meetings to consider the bill. Unfortunately, both those sessions were canceled.

Mr. President, the provisions of S. 349 are identical to legislation which passed the Senate unanimously last session. I have for some time supported this legislation, first introduced in the 94th Congress, a bill to reform the administrative procedures of the Veterans' Administration and allow for judicial review of certain final decisions by the Veterans' Administration. I believe S. 349 to be an excellent bill that reflects several years of diligent work by the Senate Veterans' Affairs Committee and its staff in consultation with me and my staff.

I have consulted with Senator SIMPSON and believe we have reached an acceptable compromise which will allow S. 266 to be considered without further delay.

Mr. SIMPSON. Mr. President, as the Senator from Colorado knows, I have scheduled a committee meeting for the 25th of November to consider S. 349.

Mr. HART. Mr. President, understanding that the new chairman of the Senate Veterans' Affairs Committee would like an opportunity to thoroughly review the provisions of S. 349, I appreciate his commitment to hold the markup on S. 349 on the 25th of November. It is further my understanding that his intention is to move the measure to the floor in an expeditious manner.

Mr. SIMPSON. Mr. President, the Senator is correct. When the measure is marked up, I expect to recommend that it be expeditiously considered by the committee. I also would intend to work for its expeditious consideration by the Senate.

I know of the strong concern and hard work Senator HART has put into his legislation and appreciate his longstanding concern for the rights of the American veteran.

Mr. BAKER. Mr. President, I ask unanimous consent that a summary of S. 266 as reported be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 266 AS REPORTED

The basic purpose of S. 266 as reported (hereinafter referred to as "the Committee bill") is to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense in order to minimize duplication and underutilization of Federal direct health-care facilities, reduce costs, and enhance health care, as well as to establish the Veterans' Administration health-care system as the primary backup to the Department of Defense health-care system for treatment of combat casualties of the Armed Forces. This would be accomplished through establishment of an interagency committee to plan and coordinate such sharing, as well as by amendments to title 38, United States Code, which would provide authority for peacetime and contingency sharing and coordination of health-care resources between the two agencies.

Included in the Committee bill are provisions which would:

1. Establish a VA/DOD Health-Care Resources Coordination Committee composed of the Chief Medical Director of the VA and the Assistant Secretary of Defense for Health Affairs, or their designees, and other employees they designate.

2. Establish as functions (to promote the coordination and sharing of health-care services) of the interagency committee the

review of existing policies and practices, the identification and assessment of further opportunities, the development and recommendation of changes in policies and practices, the provision of guidance to the agencies, the monitoring of implementation activities, the appraisal of resource planning by each agency, and the development of a plan for effective utilization of VA resources to assist in meeting medical contingencies which might result from a period of war or national emergency.

3. Provide that sharing agreements will not result in a permanent reduction of Veterans' Administration beds below the minimum number prescribed by law.

4. Provide within nine months of enactment for the joint establishment by the Administrator of Veterans' Affairs and the Secretary of Defense of guidelines for the interagency sharing of health-care resources. Such guidelines shall provide for sharing agreements by local administrators which permit the sharing of any health-care resource, the treatment of any eligible beneficiary of the other agency on a referral basis, the reimbursement to the providing facility for the costs of services provided at rates reflecting local conditions and actual costs, and a 45-day review period for each agency.

5. Provide for annual submission to Congress of a joint report by the Administrator of Veterans' Affairs and the Secretary of Defense which covers guidelines and their revisions, the assessment of opportunities for coordination and sharing, recommendations for policy and legislative changes, a review of sharing agreements, activities of the two agencies under such agreements, and other interagency activities directed toward producing the maximum feasible efficient use of Federal health-care resources.

6. Provide during a period of war or national emergency for the establishment of a higher priority to the furnishing of hospital care, nursing home care, medical services, and dental services to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities.

7. Provide during a period of war or national emergency for the President to authorize the Administrator of Veterans' Affairs to contract with private facilities for the provision of hospital care and medical services to specific groups of eligible veterans with urgent health-care needs which might otherwise not be met in VA facilities.

8. Provide that within 90 days after the declaration of war or a period of national emergency the Administrator of Veterans Affairs shall submit to the committees a report on implementation of the plan for the allocation of facilities and personnel to provide priority health care to members of the Armed Forces on active duty, and that the Administrator shall keep the committees informed of the use of the contract authority provided.

9. Provide that within 180 days of enactment of this legislation, the Administrator shall enter into an agreement with the Secretary of Defense under which they shall agree to pursue planning activities and to establish procedures and guidelines under which the contingency provisions may be implemented.

DISCUSSION

The need for greater coordination and sharing of health-care resources

Over the past decade Congress has been concerned about the rapidly increasing cost of health care. In order to minimize the role of duplication or underutilization of health-care resources, various authorizations have been given to Federal agencies to share their capabilities and the private sector has been directed to coordinate and plan the use of health-care resources through the mechanisms created by the National Health Planning and Resources Development Act of 1974.

As part of its efforts to monitor such activities, the General Accounting Office (GAO) conducted a series of studies looking at inefficiencies in the delivery of health services. On June 14, 1978, the GAO issued a report entitled, "Legislation Needed to Encourage Better Use of Federal Medical Resources and Remove Obstacles to Interagency Sharing." This study was based on headquarters interviews and field studies at fifty facilities of the VA, DOD, and HEW. On the basis of this review, GAO recommended that Congress enact legislation to establish a greatly expanded and cost-effective interagency sharing program which should:

Establish a Federal policy that directs interagency sharing when appropriate.

Authorize each Federal direct health care provider to accept all categories of eligible beneficiaries on a referral basis when advantageous to the Government and care of primary beneficiaries would not be adversely affected.

Eliminate all restrictions on the types of medical services which can be shared.

Authorize Federal field hospital managers to enter into sharing arrangements, subject to headquarters veto only if judged not in the best interests of the Government.

Authorize expansion of services as necessary to use Federal medical resources in the most cost-effective manner.

Establish a policy requiring full use of available nearby Federal medical resources before using civilian or distant Federal medical resources.

Authorize the establishment of a method of reimbursement under which the providing Federal hospital would receive any revenues received to offset any expenses incurred.

Assign to the Office of Management and Budget the responsibility to (1) coordinate the implementation of an effective interagency Federal medical resources sharing program and (2) report annually to the Congress concerning the progress being made toward increased sharing of these resources.

S. 266 is designed to establish the legislative mandate for coordination and sharing of health-care resources between the VA and DOD when it is beneficial to both agencies. It promotes such activities designed to enhance the efficiency and quality of health-service delivery by the two agencies while removing perceived barriers and disincentives.

Establishment of an interagency committee to promote the coordination and sharing of health-care resources

In order to establish a focal point of accountability for the promotion of interagency activities directed toward the coordination and sharing of health-care resources, this Act establishes the Veterans' Administration/Department of Defense Health-Care Resources Coordination Committee. Responsibility for the establishment and operation of this committee is vested in the chief medical officers of the two agencies. They may jointly chair the committee or designate officials to serve in their behalf. Since there are specific tasks, such as analyses and reports, to be undertaken, it is assumed that agency employees will be assigned to work on and with the interagency committee.

There is nothing in the legislation which would preclude the use of existing mechanisms to perform the specified functions, as long as accountability is retained by the chief medical officers. For example, the Veterans' Administration, Department of Defense, and Public Health Service have formed a Federal Health Resource Sharing Committee, and there are VA and DOD committees that operate in conjunction with the Federal Emergency Management Agency (FEMA). To the extent that such groups which have been formed on an administrative basis engage in similar or identical tasks, there should not be a duplication of effort.

The specified functions call for establishment of a planning process whereby the two agencies review the current status of coordination and sharing, identify and assess further opportunities, and then develop goals with specific objectives for submission to the directors of their respective agencies. Once the Administrator of Veteran's Affairs and the Secretary of Defense issue guidelines for the sharing of health-care resources, the interagency committee shall continue to provide guidance and shall monitor the implementation of activities designed to promote such coordination and sharing. As part of the ongoing nature of the planning process, the interagency committee shall not only identify further improvements which can be made on the basis of experience with the program, but shall also keep informed of resource changes anticipated by each of the agencies and their potential impacts on coordination and sharing. Such changes specifically include the addition of new facilities and the acquisition of major equipment, but consideration should also be given to other changes such as those involving personnel utilization and management systems.

The Act also provides special authorities which may be invoked during a period of war or national emergency involving armed conflict. Although the planning for medical contingencies in such situations has a different emphasis than peacetime coordination and sharing, both wartime and peacetime efforts should strive for maximum efficient use of Federal resources. Furthermore, the GAO has pointed out in a report issued June 26, 1980, that the experience gained in peacetime coordination and sharing can form an experience base for contingency situations. Therefore, the interagency committee is also charged with developing a plan for the effective utilization of Veterans' Administration resources, as authorized in this Act, to assist in meeting medical contingencies which might result from a period of war or national emergency.

It is recognized that the President from time to time issues Executive orders establishing procedures to be followed during such emergency periods. The contingency planning is designed to assure that preparation is made for effective use of the special authorities in this Act at such time as they might be invoked by the President or Congress. Such contingency planning shall be done in consultation with such other agencies as the President may direct, such as FEMA and the Department of Health and Human Services.

In order to assure appropriate participation of all the Armed Forces in planning and implementation directed toward maximizing coordinating and sharing, the Assistant Secretary of Defense for Health Affairs shall consult regularly with the surgeons general of the Army, Navy, and Air Force.

Amendment of title 38, United States Code

Since the Act clarifies and expands the authority of the Administrator of Veterans' Affairs in regard to the coordination and sharing of health-care resources, it is necessary to amend section 5011 of title 38, United States Code. The existing section would become subsection (a), and would be amended to eliminate the existing authority for the mutual transfer between the two agencies without reimbursement of facilities, supplies, equipment, or material needed and proper for the care of veterans. This does not mean that such transfers are prohibited, but that they are to take place through sharing agreements as created herein.

The new subsection (a) would be further amended to require that the Administrator not enter into any agreement which would result in a permanent reduction of Veterans' Administration beds below the minimum number prescribed by law.

New subsections (b) through (d) would establish a legislative mandate for interagency sharing between the Veterans' Administration and the Department of Defense when it is mutually beneficial. They do not alter the autonomy and separate statutory responsibilities of the two agencies, nor alter their existing missions and management authority.

Establishment of guidelines for the sharing of health-care resources

The Administrator of Veterans' Affairs and the Secretary of Defense, after consideration of the recommendations developed by the VA/DOD Health-Care Resources Coordination Committee, are to establish within nine months guidelines for the sharing of health-care resources. Although this legislation is designed to foster such sharing to the maximum extent feasible, it is not meant to infringe upon the responsibilities of the VA and DOD under titles 38 and 10. Nor is it meant to alter or preclude the continued use of other authorities for coordination and sharing (such as 31 U.S.C. § 686, 10 U.S.C. § 1074(b), or 38 U.S.C. § 616 and § 5053).

The guidelines shall provide that the director or commanding officer of each health-care facility shall, to the maximum extent feasible, appropriate, and consistent with their responsibilities, enter into sharing agreements. The purpose of this provision is to encourage free negotiation at the local facility level. It does not preclude the negotiation of interagency sharing at any other level within the providing agencies.

Any health-care resources may be shared including support and administrative services as long as they are clearly identified in the sharing agreements. Likewise, any eligible beneficiaries of one agency may receive services from a facility of the other agency as long as the services are explicitly identified, are on a referral basis, and do not adversely affect the services provided to the primary beneficiaries of the providing agency. Although the Veterans' Administration is opposed to including military dependents among eligible recipients of shared services, this Committee believes that there are adequate safeguards in the new provisions to protect primary beneficiaries and that local administrators must be given as much discretion as is feasible in the implementation of sharing agreements.

Local administrators already have considerable contracting and purchasing authority. The majority of interagency sharing opportunities are the types of management and resource allocation proposals which would clearly be within their capabilities. However, in order to support agencywide planning and coordination it is appropriate for the chief medical officers of the two agencies to have a 45-day period within which to review all sharing agreements. They may jointly approve or individually disapprove such agreements on an earlier date, but if no action is taken by the end of the review period, the sharing agreements will automatically become effective on the 46th day after submission (or on the effective date specified in the agreement as approved). Failure to conform to the guidelines presumably would be the major basis for disapproval, though the chief medical officers probably would also consider the relationship of sharing agreements to systemwide health resource allocations.

One of the previous disincentives to sharing has been the application of standard OMB reimbursement rates which must be charged even when the services may be obtained for less through private contracting or are of negligible cost to the providing facility. The guidelines would assure that the providing facility be reimbursed for the cost of services on the basis of local conditions and needs and the actual costs to the facility being reimbursed. It is assumed that the two agencies will establish accounting procedures with adequate flexibility so that reimbursements are not lost due to the timing of funds availability in relation to the budget cycle.

So that Congress may monitor the program for sharing health-care resources, the Administrator and the Secretary of Defense shall submit an annual report addressing the development, modification, and implementation of the guidelines for such sharing. The joint report is also to include a review of other interagency coordination, planning, and activities involving either agency directed toward producing the maximum feasible efficient use of Federal health-care resources, as well as any legislative recommendations to further facilitate sharing of health-care resources between and by the two agencies.

Contingency authority for periods of war or national emergency

The Department of Defense has indicated that there could be combat situations in which they would not have the capacity to meet the demands for hospital care or casualties. To correct this deficiency, DOD is establishing voluntary agreements with civilian hospitals across the country to provide backup through what is called the Civilian-Military Contingency Hospital System.

The GAO has reviewed the contingency planning for combat casualties and issued a report on June 26, 1980, entitled, "The Congress Should Mandate Formation of a Military-VA-Civilian Contingency Hospital System." It found that there are serious inadequacies in the existing contingency plans and their reliance on civilian hospitals. Efforts to involve the VA have been limited, in part because of questions about the legislative authority of the VA to treat combat casualties.

GAO has recommended that Congress enact legislation which provides that both DOD and VA fully participate in Federal medical planning for and care of returning wartime casualties. They state that such legislation should:

Give VA the mission of providing direct medical support to DOD for treating battlefield casualties.

Place battlefield casualties above veterans with non-service-connected, nonemergency conditions in VA's priority for care.

Remove numerous obstacles to interagency sharing, as GAO previously recommended, so that VA and DOD may establish a strong peacetime medical resources sharing program to serve as an effective foundation for a military-VA-civilian contingency hospital system.

Delay in expanding the VA's mission to incorporate the planning for the treatment of combat casualties could result in unnecessary confusion during mobilization as well as underuse of the VA's medical capabilities.

The VA as the major Federal direct health care system should have a principal role as a contingency backup to the Department of Defense, particularly in view of the close association of its mission with the defense of the nation. This legislation would provide appropriate contingency authority to the Administrator which could be used only during a period of war or a period of national emergency involving the use of the Armed Forces in armed conflict.

A higher priority would be established for the furnishing of health-care services to active duty members of the Armed Forces than to any other eligible group with the exception of veterans with service-connected disabilities. The DOD is to reimburse the VA for such services, and the funds received are to be credited to each facility providing the services.

During such contingency conditions, VA facilities providing backup services to DOD might be unable to fulfill the urgent needs of veterans because of utilization by members of the Armed Forces. This legislation provides that the President may authorize the Administrator to contract with private facilities for the provision of hospital care and medical services to two classes of veterans eligible for health care. Contract services could be provided to a veteran already receiving medical services from the VA in any case in which delay in providing care would likely result in deterioration of the veteran's condition. Such services could also be provided to a veteran eligible for care or services in a medical emergency which poses a serious threat to the life of such veteran when the VA facility concerned is using a substantial portion of its capacity for the treatment of active duty members of the Armed Forces. These two situations require a judgment or finding by the Chief Medical Director. Such authority may be delegated under regulations associated with the contingency plans for decentralized operations under emergency conditions.

These new authorities should provide the VA with the flexibility to respond to the military medical needs of DOD while attending the urgent health-care requirements of eligible veterans. The Secretary of Defense and the Administrator of Veterans' Affairs shall, within 180 days of enactment of this legislation, enter into an agreement to pursue planning activities and to establish procedures and guidelines for implementation of the contingency authorities created in subsection (e). So that Congress may monitor the implementation of these provisions, the Act calls for specific reports on the provision of priority care to members of the Armed Forces and the use of contract services.

COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, D.C., September 22, 1981.

Hon. ALAN K. SIMPSON,
Chairman Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 266, the Veterans Administration and Department of Defense Health-Care Resources Sharing Act, as ordered reported by the Senate Committee on Veterans' Affairs, September 21, 1981.

This bill would direct the Administrator of Veterans Affairs and the Secretary of Defense to establish an interagency committee to study the possible opportunities for the sharing of the medical resources of their agencies and to recommend policies and procedures to maximize such sharing. While this bill could eventually result in savings to the federal government through the coordination and sharing of these medical resources, CBO is unable to estimate the magnitude of such savings without knowledge of the new policies and procedures that would ultimately be established.

Sincerely,

ALICE M. RIVLIN,
Director.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below.

The Committee bill would establish a VA/DOD Health-Care Resources Coordination Committee to serve planning and advisory functions, and would amend title 38, United States Code, to provide authority for the sharing of health-care resources between the VA and DOD, for the establishment of contingency arrangements for the VA to serve

as the principal back-up to DOD health-care facilities during a period of war or national emergency involving the Armed Forces in armed combat, and to authorize the VA to provide contract health-care for certain veterans during such a period of war or national emergency.

A. Estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses.—The Committee bill would result in no regulation of individuals or businesses.

B. Determination of the economic impact of such regulations on individuals, consumers and businesses affected.—Since, as noted above, there would be no such regulations, there would be no resulting economic impact.

C. Determination of the impact on the personal privacy of the individual affected.—To the extent that beneficiaries of one agency would receive health-care services from the other agency, their medical records would be made available to the other agency for the purposes of providing the care involved. This should not significantly increase the impact on the personal privacy of participants since medical records are provided safeguards by both agencies.

D. Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill.—It is anticipated that the guidelines for sharing health-care resources which are to be promulgated by the Administrator and the Secretary of Defense will lead to the execution of numerous agreements designed to improve the efficiency of Government operations. Under the Committee bill, proposed agreements must be submitted for approval to the VA's Chief Medical Director and the Assistant Secretary of Defense for Health Affairs. It is not possible to predict with any accuracy the number of agreements that would be proposed.

RECORD OF VOTES CAST IN COMMITTEE

In connection with paragraph 7 of rule XXVI of the Standing Rules of the Senate, and in accord with a procedure agreed upon unanimously by the Members of the Committee on Veterans' Affairs, announcement is made that the Members of the Committee unanimously voted by poll, completed on September 21, 1981, to report favorably on S. 266, with an amendment in the nature of a substitute and an amendment to the title.

SECTION-BY-SECTION ANALYSIS OF S. 266 AS REPORTED

SECTION 1

Would provide that the Committee bill may be cited as the "Veterans' Administration and Department of Defense Health-Care Resources Sharing Act".

SECTION 2

Would state Congressional findings with respect to certain relationships between Veterans' Administration and Department of Defense health-care resources.

Subsection (a) of section 2 would state Congressional findings with reference to these relationships in terms of the coordination and sharing of the health-care resources of the two agencies, as follows:

(1) That there are, at present, opportunities for greater coordination and sharing of the health-care resources of the two agencies and that achieving greater coordination and sharing would be beneficial to the individuals eligible for care from the two agencies and could, at the same time, reduce the overall total cost to the Government of providing health care through the two agencies by minimizing the duplication and underutilization of the two agencies' health-care resources.

(2) That, at present, the incentives to encourage greater coordination and sharing of health-care resources between the two agencies are not adequate. In this regard, the Committee notes that, despite existing authority to share health-care resources, both pursuant to the Economy Act (31 U.S.C. 685) and various specific provisions in titles 10 and 33, other factors discourage greater sharing between the two agencies.

(3) That greater coordination and sharing of health-care resources between the two agencies could be achieved without having a detrimental effect on each agency's primary beneficiaries.

Subsection (b) of section 2 would state Congressional findings with reference to the relationships between the two agencies' health-care resources during a period of war or national emergency, as follows:

(1) That, during a period of war or national emergency, there might be situations in which the health-care resources of the Department of Defense would not be adequate to treat all of the members of the Armed Forces wounded or injured during the war or national emergency.

(2) That the VA has an organized health-care system that could serve as a backup to the health-care resources of the Department of Defense in meeting the medical contingencies that might occur during time of war or national emergency.

SECTION 3

Would establish an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Coordination Committee ("VA/DOD Committee") to promote the coordination of health-care services between the VA and the Department of Defense and to provide guidance to the two agencies regarding the sharing of the health-care resources of the two agencies. The Committee intends the establishment of this Committee to be concrete evidence of the intention of Congress to promote greater coordination and sharing of health-care resources between the two agencies and for this Committee to serve the important function of providing guidance to the two agencies on ways to achieve greater coordination and sharing.

Subsection (a) of section 3 would establish the VA/DOD Committee.

Subsection (b) of section 3 would provide that the VA/DOD Committee membership is to consist of the VA Chief Medical Director ("Chief Medical Director") and the Assistant Secretary of Defense for Health Affairs ("Assistant Secretary"), or their respective designees, together with other employees of the two agencies that the Chief Medical Director and the Assistant Secretary mutually designate to serve on that committee

Subsection (c) section 3 would prescribe specific actions that the VA/DOD Committee would be required to undertake, on a continuing basis, so as to promote the coordination of health-care services between the two agencies and to provide guidance to the two agencies on the sharing of health-care resources between them.

Clause (1) of subsection (c) of section 3 would direct the VA/DOD Committee to review current policies and practices relating to the two agencies regarding the coordination and sharing of health-care resources, including administrative and support services, between the two agencies. The Committee intends that this review include not only the practice and policies of each of the two agencies but also any government-wide practices or policies that affect the sharing of resources between the agencies.

Clause (2) of subsection (c) of section 3 would direct the VA/DOD Committee to identify and assess opportunities for the coordination and sharing of health-care resources between the two agencies that would not have an adverse effect on the quality of health care provided by either agency or either agency's priorities for care established under current law, for that agency's primary beneficiaries (defined in new subsection (d) (4) of section 5011 of title 38 as proposed to be added by section 4(a) of this bill). In this regard, the Committee intends a thoroughgoing review aimed at the discovery and evaluation of new opportunities as well as the analysis of those that are already known and might effectively be enlarged.

Clause (3) of subsection (c) of section 3 would direct the VA/DOD Committee to develop proposed changes in the policies and procedures of the two agencies in order to produce the maximum feasible coordination and sharing of health-care resources between the two agencies and to recommend these proposed changes to heads of the two agencies for their review and action as authorized by provisions of title 38, United States Code (including present section 5011 of title 38 with the amendments proposed to be made by section 4 of this bill).

Clause (4) of subsection (c) of section 3 would direct the VA/DOD Committee to provide guidance for and monitor the implementation of the two agencies' activities designed to promote the maximum feasible coordination and sharing of health-care resources between the two agencies. Through this activity, the Committee intends the VA/DOD Committee to serve an important oversight function, becoming a central repository for data relating to the extent of the coordination and sharing of health-care resources between the two agencies.

Clause (5) of subsection (c) of section 3 would direct the VA/DOD Committee to monitor the two agencies' plans to construct or acquire additions to either agency's health-care resources, including the proposed location of new facilities and the proposed acquisition of major equipment, such as computed axial tomography (CAT) scanners, and to review the coordination and sharing opportunities that would result from such planned additions. The Committee expects that these VA/DOD Committee activities would result in more carefully coordinated expenditures of funds by the two agencies for major additions to their health-care resources.

Clause (6) of subsection (c) of section 3 would direct the VA/DOD Committee, in consultation with such other agencies as the President may direct (such as the Federal Emergency Management Agency, if and to the extent appropriate) to develop a plan for the effective utilization, as authorized by new subsection (e) of section 5011 of title 38, United States Code (as proposed to be added by section 4(a) of this bill), of VA health-care resources as a backup to the Department of Defense in time of war or national emergency involving the use of the Armed Forces. The plan developed by the VA/DOD Committee would be submitted to the Administrator of Veterans' Affairs and the Secretary of Defense in order to assist them in carrying out their responsibilities under such new subsection (e) of section 5011.

Subsection (d) of section 3 would require the Assistant Secretary, in carrying out the duties prescribed in this measure (including those in the amendments to title 38 made by section 4 of this bill), to consult regularly with the surgeons general of the Army, Navy, and Air Force. The Committee expects that these consultations would ensure that the needs and views of the various services are recognized and addressed in overall VA/DOD sharing and coordination.

SECTION 4

Would amend present section 5011 of title 38, United States Code, relating to agreements between the Administrator and the secretaries of the Army, Navy, and Air Force for the sharing of certain health-care resources, to establish express authority, re-

quirements, and procedures with respect to the sharing of health-care resources between the VA and the Department of Defense.

Clause (1) of subsection (a) of section 4 would amend the heading of present section 5011 of title 38 to read "Sharing of Veterans' Administration and Department of Defense health-care resources" to reflect more accurately the provisions of that section as proposed to be amended by clauses (2), (3) and (4) of this subsection.

Clause (2) subsection (a) of section 4 would redesignate the existing provisions of present section 5011 of title 38 as subsection (a) of that section.

Clause (3) of subsection (a) of section 4 would further amend present section 5011 of title 38 (redesignated as subsection (a) by clause (2) of this subsection) to clarify that the agreements involving the mutual use or exchange of use of health-care capacity which the Administrator and the secretaries of the Army, Navy, and the Air Force are authorized to enter into may include agreements for the use or exchange of use of any health-care resources (as that term would be defined, for purposes of section 5011, in new subsection (d) of that section as proposed to be added by clause (4) of this subsection, including health-care personnel as well as material items; to delete the authority in current law for the transfer of facilities, supplies, equipment, or material without reimbursement of appropriations in order to ensure that all such activity will take place pursuant to sharing agreements entered into pursuant to new subsection (b) of section 5011 as proposed to be added by clause (4) of this subsection; and to clarify that the Administrator may not enter into any agreement that would result in a permanent reduction of total VA beds below any minimum number of such beds prescribed by law. Present section 5010(a)(1) provides that "[t]he Administrator, subject to the approval of the President, is authorized to establish and operate not less than 125,000 hospital beds in medical facilities over which the Administrator has direct jurisdiction for the care and treatment of eligible veterans." The clarification regarding the minimum number of beds reflects the Committee's intent that the new emphasis placed on interagency sharing by this bill lead to the maximum feasible and appropriate use of the VA's health-care resources without any adverse effect on the VA's capacity to provide care to eligible veterans.

Clause (4) of subsection (a) of section 4 would further amend present section 5011 of title 38 by adding four new subsections, as follows:

New subsection (b): Would require the Administrator and the Secretary of Defense, after reviewing the recommendations of the VA/DOD Committee, proposed to be established by section 3 of this bill, and not later than 9 months after the date of enactment of this subsection, jointly to establish guidelines that would result in the two agencies sharing health-care resources to the maximum extent feasible consistent with VA and DOD health-care responsibilities under provisions of law other than this section. New subsection (b) would specify, in six numbered paragraphs, provisions that would be required to be included in the joint guidelines, as follows:

Paragraph (1) of new subsection (b): Would require that the guidelines direct the head of each health-care facility under the jurisdiction of the VA or the Department of Defense, to the maximum extent feasible, appropriate, and consistent with each agency's health-care responsibilities under law, to enter into sharing agreements with the heads of health-care facilities of the other agency in the same geographic area and that, under such an agreement, individuals who are eligible for care in the facility of one agency and identified in the agreement, would be eligible for care in the facility of the other agency. This would include Defense Department beneficiaries who are dependents of members or former members of the Army, Navy, or Air Force, but only to the extent that the VA specifically agreed to their inclusion in a particular sharing arrangement. This provision is intended to help promote the maximum desirable degree of sharing of health-care facilities on the local level while ensuring that local facility heads enter sharing agreements only to the extent that those agreements can be carried out without having a detrimental impact on their ability to provide care to their primary beneficiaries under current law. As to the VA under title 38, the term "primary beneficiary" includes, for hospital or nursing home care in VA facilities under section 610, veterans who have or were discharged because of service-connected disabilities, veterans who are former prisoners of war, veterans over the age of 65 and veterans who are unable to defray the cost of their care (including, by virtue of section 622(3), any veteran in receipt of VA pension). With respect to direct VA outpatient care under section 612, the term "primary beneficiary" includes various categories of veterans for certain categories of medical treatment for service-connected and non-service-connected disabilities, as follows:

Categories of veterans	Type of disability	Outpatient medical treatment for which eligible
1. Veterans with service-connected disabilities	Any service-connected disability	Comprehensive (for the service-connected disability).
2. Veterans who (a) have service-connected disabilities rated 50-percent-or-more disabling, (b) are veterans of the Spanish-American War or World War I, (c) are former prisoners of war, or (d) are in need of regular aid and attendance or are housebound.	Any disability	Comprehensive.
3. Veterans (a) who are eligible for hospital care (by virtue of inability to defray the costs of the care involved) and (b) (1) whose service-connected disabilities are rated less than 50-percent disabling, or (2) have no compensable service-connected disabilities.	Any disability	Prehospital and posthospital care, and care that would obviate the need for hospitalization.

The term would also include dependents or survivors of certain veterans under certain limited circumstances pursuant to section 613 of title 38.

As to the Department of Defense, under title 10, the term "primary beneficiary" includes members and certain former members of the Army, Navy, or Air Force, and dependents, as that term is defined in section 1072 of title 10, of such members, under the circumstances prescribed in section 1076 of such title for the care and services specified in section 1077 of such title, which include inpatient and outpatient care.

Paragraph (2) of new subsection (b).—Would require that each sharing agreement entered into by local facility heads state explicitly the health-care resources to be shared, which could include support and administrative services, the health care to be provided, and the beneficiaries to be treated.

Paragraph (3) of new subsection (b).—Would require that each sharing agreement ensure that the identified beneficiaries of one agency would have access to the health-care facilities of the other agency under the agreement strictly on a referral basis and that the treatment of the beneficiaries of the other agency would not interfere with the range of services, quality of care, or priority for services provided to the primary beneficiaries of the agency providing the care. The head of each providing facility would have the responsibility for determining that the provision of care to the beneficiaries of the other agency would not have such an adverse impact.

Paragraph (4) of new subsection (b).—Would require that each proposed sharing agreement entered into by local facility heads, in order to become effective as an interagency agreement, be submitted to the Chief Medical Director and the Assistant Secretary. After both of these officials have received a proposed agreement, they would have 45 days within which to act on it. During that period, either such official could disapprove the agreement (and thereby nullify it) or both could approve it (at which point it would become an interagency agreement). If there were no action (or if only one gave approval) within 45 days following the receipt of a proposed agreement, it would become an interagency agreement on the 46th day following receipt. Thus, the Committee intends that local facility directors have significant opportunity to initiate and shape sharing agreements subject, however, to a measure of centralized control over such agreements maintained through the power given to the Chief Medical Director and Assistant Secretary to veto an agreement.

Paragraph (5) of new subsection (b).—Would require that the agency providing services pursuant to an interagency sharing agreement be reimbursed by the other agency. The reimbursement would be based on a methodology, to be agreed to by the Chief Medical Director and the Assistant Secretary, that would provide appropriation flexibility to the heads of the local facilities involved to take into account local conditions and needs as well as the actual cost of the service provided. This provision for crediting all reimbursements to appropriations available to the facility that provided the care would remove the existing disincentive to sharing between individual facilities that results from the requirement under current law that reimbursement for care provided to beneficiaries of another agency be deposited in a centralized account.

New subsection (c).—Would require the Administrator and the Secretary of Defense to submit an annual joint report to the Congress, at the same time the President's annual budget is sent to the Congress pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), with respect to the implementation, during the most recent fiscal year, of new subsection (b) of section 5011 of title 38 (as proposed to be added by this clause). This new subsection would require that each annual report include information with regard to (1) the guidelines (including any changes thereto) relating to sharing that are prescribed pursuant to new subsection (b) of present section 5011 (as proposed to be added by this clause); (2) the assessment of opportunities for coordination and sharing of health-care resources identified by the VA/DOD Committee pursuant to section 3(c)(2) of the bill; (3) the recommendations made by the VA/DOD Committee, pursuant to section 3(c)(3) of the bill, for changes in policies and procedures of the two agencies in order to produce the maximum feasible level of interagency coordination and sharing of health-care resources; (4) a review of all interagency sharing agreements that have been entered into by local health-care facilities of the two agencies; (5) the activities of the two agencies under those agreements (in this connection the Committee expects the reports to describe, among other things,

the types of services shared, the number of beneficiaries of one agency served by health-care facilities of the other, and other pertinent information that would indicate the extent of sharing activity undertaken by the two agencies); (6) other interagency coordination, planning, and activities involving either agency directed toward producing the maximum feasible efficient use of Federal health-care resources during the fiscal year that is the subject of each such report (in this connection, the Committee expects the report to include information describing, in addition to VA/DOD interagency activities, activities other than those under this bill, involving the VA or the Department of Defense and other agencies); and (7) recommendations for legislative action to facilitate interagency sharing of health-care resources between and by the two agencies.

New subsection (d).—Would define, in five numbered paragraphs, terms used in this section, as follows:

Paragraph (1) of new subsection (d).—Would define the term "direct health care" to mean care provided in a facility operated by the VA or the Department of Defense. This definition would not include care provided by either agency on a fee-for-service or other contractual basis. This term is used in new subsection (b) of section 5011 (as proposed to be added by clause (4) of this subsection) to describe the health-care services that the facility of one agency may provide under a sharing agreement to the beneficiaries of the other agency. By virtue of this definition, therefore, sharing agreements may not provide for a facility of one agency to furnish care to a beneficiary of the other agency under a fee-for-service or other contractual arrangement with a third agency or a private individual or agency.

Paragraph (2) of new subsection (d).—Would define the term "beneficiary" to mean (A) a veteran or other person (dependents of veterans under certain limited circumstances pursuant to section 613 of title 38) eligible for health care under title 38, or (B) a member, or former member of the Army, Navy, Air Force, or Marine Corps or other persons (dependents of such members or former members under the conditions prescribed in section 1076 of title 10 and for the care specified in section 1077 of such title) eligible for medical or dental care under title 10.

Paragraph (3) of new subsection (d).—Would define the terms "providing agency" to mean either the VA or the Department of Defense, as appropriate.

Paragraph (4) of new subsection (d).—Would define the term "primary beneficiary"—the term used in paragraph 3 of new subsection (b) of section 5011 (as proposed to be added by clause (4) of this subsection) to describe those individuals whose access to or priority for health-care services is not to be affected adversely by sharing agreements—to mean (A) with respect to the VA, a veteran or other person (dependents of veterans under certain limited circumstances pursuant to section 613 of title 38) eligible under title 38, other than by virtue of a sharing agreement under new subsection (b) of section 5011 of that title (as proposed to be added by clause (4) of this subsection) for health care in VA facilities, and (B) with respect to the Department of Defense, a member or former member of the Army, Navy, Air Force, or Marine Corps or other persons (dependents of such members or former members under the conditions prescribed in section 1076 of title 10 and for the care specified in section 1077 of such title) who is eligible for medical and dental care under title 10. The difference between the definition in this paragraph and the one in paragraph (2) ("beneficiary") is that "primary beneficiary is defined with specific reference to each of the two agencies and the term, as to the VA, expressly excludes those persons eligible for care in VA facilities under sharing agreements entered into under new subsection (b) of section 5011 of title 38 (as proposed to be added by clause (4) of this subsection).

Paragraph (5) of new subsection (d).—Would define the term "health-care resource"—a term used in paragraph (2) of new subsection (b) of section 5011 (as proposed to be added by clause (4) of this subsection) to describe what may be shared pursuant to an interagency agreement—to mean any health-care resource and any health-care support or administrative resource. The term would also expressly include hospital care, medical services, and rehabilitative services as those terms are defined in paragraphs (5), (6), and (8), respectively, of present section 601 of title 38.

Paragraph (1) of new subsection (e).—Would authorize the Administrator, during a period of war declared by the Congress or a period of national emergency declared by the President or the Congress that involves the use of United States Armed Forces in armed conflict—

(A) to give a higher priority to furnishing hospital care, nursing home care, and medical services under chapter 17 of title 38 to active-duty members of the Armed Forces than to any other group of persons except veterans with service-connected disabilities; and

(B) to the extent authorized by the President and subject to the availability of appropriations or reimbursements from the Department of Defense for care provided to active duty members of the Armed Forces, to contract with private facilities for the provision of hospital care and medical services as defined in paragraph (2)(A) of this new subsection, to provide hospital care or medical services on a contract basis for certain veterans.

These authorities could be exercised only pursuant to regulations prescribed by the Administrator.

Paragraph (2)(A) of new subsection (e).—Would define health care and medical services as (and, thus, in conjunction with paragraph (1) of this new subsection, authorize the Administrator to contract with private facilities for)—

(1) hospital care or medical services for the care or treatment of a condition for which the veteran is receiving outpatient treatment from the VA (under either section 612(f), relating to VA outpatient care for a service-connected disability, or for any disability of a veteran who has a service-connected disability rated at 50 percent or greater or who is a former prisoner of war, or for the pre- or post-hospital care of the non-service-connected disability of a veteran eligible for hospital care under section 610 or for care that would obviate the need for hospital care for the treatment of such a disability, or section 612(g), relating to VA outpatient care for a non-service-connected disability of a veteran of the Mexican border period or of World War I, or of certain severely disabled veterans who are in need of aid and attendance or who are housebound) in any case in which it is the medical judgment of the Chief Medical Director, pursuant to regulations prescribed by the Administrator that the delay in furnishing the care at the VA facility concerned would result in a significant deterioration of the condition for which VA care has been provided; and

(2) hospital care for a medical emergency which poses a serious threat to the life or health of a veteran eligible for VA hospital care if the Chief Medical Director pursuant to regulations prescribed by the Administrator, finds that a substantial portion of the resources of the facility involved are being used to provide care to active-duty members of the armed services pursuant to the authority provided in this subsection. Contract care under this clause, as compared to the care authorized under clause (1) of this paragraph, is more limited in authorizing only hospital care in emergency situations for veterans who are not under a continuing VA care obligation. Care under clause (1) includes both hospital care and medical services so as to ensure the continuity of care needed to prevent a significant deterioration of the condition of a veteran under VA care during a period of war or national emergency.

By the criterion in clause (2) requiring a determination that "a substantial portion of the resources of the facility involved are being used to provide care to active-duty members of the Armed Forces" before contract care would be authorized, the Committee intends that contract care under this clause be authorized when it is clear that the VA facility where the emergency care is sought is caring for significant numbers of combat casualties. It is not the Committee's intent to limit the availability of this contract authority to situations in which every bed in the VA facility is being utilized for such casualties, but rather that this new contract authority not be available when the facility in question is treating only a very limited number of active-duty personnel and is generally unable to provide care to appreciable numbers of non-service-connected disabled veterans because of competing applications by other veterans.

Paragraph (2)(B) of new subsection (e).—Would provide that the cost of any care provided to active-duty members of the Armed Forces pursuant to the authority established in paragraph (1) of this subsection would be reimbursed to the VA by the Department of Defense at rates agreed upon by the two agencies based on the cost of the care provided. These reimbursements would be credited to appropriations available to the VA facility providing the care.

Paragraph (3) of new subsection (e).—Would require that, within 90 days after the declaration of a war or of a national emergency involving the use of United States Armed Forces in armed conflict, or as soon thereafter as is reasonably practicable, the Administrator report to the Veterans' Affairs Committees of the House of Representatives and the Senate on the Administrator's plans to allocate VA health-care resources, including facilities and personnel, in order to provide priority hospital care and medical services to members of the Armed Forces on active duty. After this report is submitted, the Administrator would be required to keep the two Committees apprised on a periodic basis of the extent to which the authority to contract with private facilities for the care of veterans has been utilized and the circumstances of such utilization.

Subsection (b) of section 4 would amend the item relating to section 5011 in the table of sections at the beginning of chapter 81 to reflect the amendment to section 5011's title as proposed to be made by subsection (a) of this section.

Subsection (c) of section 4 would require the Administrator and the Secretary of Defense, within 180 days after the date of enactment of this bill, to enter into an agreement pursuant to which they shall agree to pursue planning activities and to establish procedures and guidelines to carry out the provisions of new subsection (e) of section 5011 as proposed to be added by clause 4 of subsection (a) of this section.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration and Department of Defense Health-Care Resources Sharing Act".

SEC. 2. (a) The Congress finds that—

(1) there are opportunities for greater coordination and sharing of the health-care resources of the Veterans' Administration and the Department of Defense which, if achieved, would be beneficial to veterans, members of the Armed Forces on active duty, and other health-care beneficiaries of the Veterans' Administration and the Department of Defense, and which could result in reduced costs to the Government by minimizing duplication and underutilization of health-care resources;

(2) there are not adequate incentives to encourage such coordination and sharing of health-care resources; and

(3) such coordination and sharing of health-care resources may be achieved without a detrimental effect on each agency's primary beneficiaries.

(b) The Congress further finds that—

(1) there might be situations during a period of war or national emergency in which the Department of Defense would not have adequate health-care resources; and

(2) the Veterans' Administration has an organized health-care system which could be used to assist the Department of Defense in meeting the medical contingencies which might occur during a period of war or national emergency.

SEC. 3. (a) There is established an interagency committee to be known as the Veterans' Administration/Department of Defense Health-Care Resources Coordination Committee (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Chief Medical Director of the Veterans' Administration (hereinafter in this section referred to as the "Chief Medical Director") and the Assistant Secretary of Defense for Health Affairs (hereinafter in this section referred to as the "Assistant Secretary"), or their respective designees, and such other employees of the two agencies as they shall mutually designate.

(c) In order to promote the coordination of health-care services between the Veterans' Administration and the Department of Defense and to provide guidance to the two agencies in regard to the interagency sharing of health-care resources, the Committee shall on a continuing basis—

(1) review existing policies and practices in regard to the coordination and sharing of health-care resources (including administrative and support services) between the two agencies;

(2) identify and assess further opportunities for the coordination and sharing of health-care resources between the two agencies that will not adversely affect the quality of, or the established priorities for, care provided by either agency;

(3) develop and recommend to the Administrator of Veterans' Affairs and the Secretary of Defense changes in policies and procedures which would produce maximum feasible interagency coordination and sharing of health-care resources between the two agencies as authorized by title 38, United States Code;

(4) provide guidance for and monitor the implementation of activities designed to promote such coordination and sharing of health-care resources;

(5) monitor the plans of the two agencies to acquire additional health-care resources (including the location of new facilities and the acquisition of major equipment), and review the potential impact of such proposals on opportunities for such coordination and sharing; and

(6) develop, in consultation with such other agencies as the President may direct, a plan for the effective utilization of Veterans' Administration resources, as authorized in subsection (e) of section 5011 of such title (as added by section 4(a)(4) of this Act), to assist in meeting medical contingencies which might result from a period of war or national emergency.

(d) In carrying out the duties prescribed in this Act, the Assistant Secretary shall consult regularly with the surgeons general of the Army, Navy, and Air Force.

SEC. 4. (a) Section 5011 of title 38, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 5011. Sharing of Veterans' Administration and Department of Defense health-care resources";

(2) by inserting "(a)" before "The Administrator";

(3) by striking out "and material" and all that follows through "this title," and inserting in lieu thereof "material, and other resources as may be needed to operate such facilities properly, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration beds below any minimum number prescribed by law"; and

(4) by adding at the end the following new subsections:

"(b) After considering the recommendations made under section 3(c)(3) of the Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, the Administrator and the Secretary of Defense shall jointly establish guidelines for the sharing of health-care resources to the maximum extent feasibly consistent with the health-care responsibilities of the Veterans' Administration and the Department of Defense under this title and title 10. Such guidelines shall be established not later than nine months after the date of enactment of this subsection, and (notwithstanding any other provision of law) shall include provisions for the following:

"(1) The director or the commanding officer of each health-care facility under the jurisdiction of either of the two agencies shall, to the maximum extent feasible, appropriate, and consistent with such respective responsibilities, enter into sharing agreements with the head of each health-care facility of the other agency in the same geographic area under which those eligible beneficiaries of one agency who are identified in the agreement may be provided health care at the facility of the other agency.

"(2) Each such agreement shall explicitly identify the health-care resources to be shared, the health care to be provided, and the beneficiaries to be treated. Resources to be shared may include any health-care resource.

"(3) Each such agreement shall ensure that the availability of direct health care to individuals who are not primary beneficiaries of the providing agency shall be on a referral basis from the facility of the other agency and shall not (as determined by the heads of the facilities concerned) adversely affect the range of services, quality of care, or priority for services provided to the primary beneficiaries of such providing agency.

"(4) Each such agreement shall be submitted on the same day to the Chief Medical Director and the Assistant Secretary of Defense for Health Affairs (hereinafter referred to as the 'Assistant Secretary') and shall become an interagency agreement (A) on the forty-sixth day following receipt by such officials, unless earlier disapproved by either such official, or (B) if earlier approved by both such officials, on the date of such approval.

"(5) Each such agreement shall provide that the agency providing the health-care services will be reimbursed by the other agency for the cost of care and services provided. Such reimbursement shall be based upon a methodology, agreed upon by the Chief Medical Director and the Assistant Secretary, which provides appropriate flexibility to the heads of the facilities concerned to take into account local conditions and needs and the actual costs to the facility being reimbursed. such reimbursements shall be credited to appropriations available to the facility which provided such care or services.

"(c) The Administrator and the Secretary of Defense shall, each year at the time the President's Budget is transmitted to Congress, jointly submit a report to Congress on the implementation of subsection (b) of this section during the fiscal year that ended during the previous calendar year. Each such report shall include information with regard to—

"(1) the guidelines and any revisions thereof prescribed pursuant to subsection (b) of this section;

"(2) the assessment of opportunities, identified under section 3(c)(2) of the Veterans' Administration and Department of Defense Health-Care Resources Sharing Act, for coordination and sharing of health-care resources between the two agencies;

"(3) the recommendations, made under section 3(c)(3) of such Act, for changes in policies and procedures in order to produce maximum feasible interagency coordination and sharing of such resources as authorized by this title;

"(4) a review of the interagency sharing agreements entered into by health-care facilities of the two agencies;

"(5) the activities of the two agencies under such agreements;

"(6) other interagency coordination, planning, and activities involving either agency directed toward producing the maximum feasible use of Federal health-care resources during the preceding fiscal year; and

"(7) such legislative recommendations as the Administrator and the Secretary of Defense consider appropriate to facilitate interagency sharing of health-care resources between and by the two agencies.

"(d) For the purposes of this section:

"(1) The term 'direct health care' means health care provided to a beneficiary in a facility operated by the Veterans' Administration or the Department of Defense.

"(2) The term 'beneficiary' means (A) a veteran or other person who is eligible under this title for health care in Veterans' Administration facilities, or (B) a member or former member of the Army, Navy, Air Force, or Marine Corps or other person who is eligible for medical and dental care under title 10.

"(3) The term 'providing agency' means the Veterans' Administration or the Department of Defense, as appropriate.

"(4) The term 'primary beneficiary' means (A) with respect to the Veterans' Administration a veteran or other person who is eligible under this title (other than by virtue of subsection (b) of this section) for health care in Veterans' Administration facilities, and (B) with respect to the Department of Defense a member or former member of the Army, Navy, Air Force, or Marine Corps or other person who is eligible for medical and dental care under title 10.

"(5) The term 'health-care resource' means any health-care resource and any health-care support or administrative resource, including hospital care, medical services, and rehabilitative services as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 601 of this title."

(e)(1) During a period of war declared by

the Congress or a period of national emergency declared by the President or the Congress which involves the use of the Armed Forces of the United States in armed conflict, notwithstanding any other provision of this title, the Administrator may (pursuant to regulations which the Administrator shall prescribe)—

"(A) give a higher priority to the furnishing of hospital care, nursing home care, and medical services under chapter 17 of this title to members of the Armed Forces on active duty, to the extent authorized by this subsection, than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities; and

"(B) to the extent authorized by the President and subject to the availability of appropriations or reimbursements under paragraph (2)(B) of this subsection, contract with private facilities for the provision by such facilities of hospital care and medical services described in paragraph (2)(A) of this subsection during a period of war or national emergency as described in this paragraph.

"(2)(A) Hospital care and medical services referred to in paragraph (1)(B) of this subsection are—

"(i) hospital care or medical services authorized under this title for a veteran and necessary for the care or treatment of a condition for which the veteran is receiving medical services under subsection (f) or (g) of section 612 of this title, in any case in which the delay involved in furnishing such care or services at the Veterans' Administration facility concerned would, in the judgment of the Chief Medical Director pursuant to regulations prescribed by the Administrator, be likely to result in a significant deterioration of that condition; and

"(ii) hospital care for a medical emergency which poses a serious threat to the life or health of a veteran eligible for such care under chapter 17 of this title, if the Chief Medical Director pursuant to regulations prescribed by the Administrator, finds that the Veterans' Administration facility concerned is utilizing a substantial portion of its hospital care capability for the furnishing of priority care to members of the Armed Forces under paragraph (1) of this subsection.

"(B) The cost of any care or services provided by the Veterans' Administration under paragraph (1) of this subsection shall be reimbursed to the Veterans' Administration by the Department of Defense at such rates as may be agreed upon by the Administrator and the Secretary of Defense based on the cost of such care or services provided. Amounts received under this paragraph shall be credited to appropriations available to the Veterans' Administration facility which provided such care or services.

"(3) Within ninety days after the declaration of a period of war or national emergency described in paragraph (1) of this subsection (or as soon after the end of such ninety-day period as is reasonably practicable), the Administrator shall submit to the committees a report on the allocation of facilities and personnel in order to provide priority hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. Thereafter, the Administrator shall report periodically to the committees regarding the extent to which, and the circumstances under which, the authority to contract with private facilities provided in paragraph (1)(B) of this subsection is being used.".

(b) The item relating to such section in the table of sections at the beginning of chapter 81 is amended to read as follows:

"5011. Sharing of Veterans' Administration and Department of Defense health-care resources.".

(c) Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall enter into an agreement with the Secretary of Defense under which the Administrator and the Secretary shall agree to pursue planning activities and to establish procedures and guidelines under which subsection (e) of section 5011 of title 38, United States Code (as added by subsection (a) of this section), may be carried out.

SEC. 5. The Veterans' Administration medical center located at 1481 West 10th Street, Indianapolis, Indiana, shall hereafter be known and designated as the "Richard L. Roudebush Veterans' Medical Center". Any reference to such medical center in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Richard L. Roudebush Veterans' Medical Center.

SEC. 6. (a) Section 1785(a)(1) of title 38, United States Code, is amended by striking out "Each" and inserting in lieu thereof "Notwithstanding any other provision of law unless enacted in express limitation of this subsection, each".

(b) The amendment made by this section shall take effect as of October 1, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to foster greater coordination and sharing of health-care resources between the Veterans' Administration and the Department of Defense, and to amend title 38, United States Code, to authorize appropriate coordination and sharing of such health-care resources.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, could I inquire of the minority leader if he is prepared to consider certain items on today's Executive Calendar, and I refer particularly to Calendar Order Nos. 449 and 450 appearing at the bottom of page 1 and on page 2 of the calendar as printed.

Mr. ROBERT C. BYRD. Mr. President, those nominations are cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Everett George Rank, Jr., of California, to be a member of the Board of Directors of the Commodity Credit Corporation.

COMMODITY FUTURES TRADING COMMISSION

Susan Meredith Phillips, of Iowa, to be a commissioner of the Commodity Futures Trading Commission.

Mr. BAKER. Mr. President, I move to reconsider en bloc the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF NOMINATION

Mr. BAKER. Mr. President, I ask unanimous consent that the nomination of William Coskrey Plowden, Jr., of South Carolina, to be Assistant Secretary of Labor for Veterans' Employment, to be jointly referred to the Committee on Labor and Human Resources and the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 8:45 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:54 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION IN LEADERSHIP TIME

Mr. BAKER. Mr. President, I ask unanimous consent, the minority leader willing, that the time for the two leaders under the standing order be reduced on tomorrow to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that in the time remaining from the time of convening until the hour of 9 a.m. tomorrow that there be a brief period—truly a brief period—for the transaction of routine morning business in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 8:45. The two leaders will be recognized under the standing order for an abbreviated period. The time remaining between the recognition of the two leaders and 9 o'clock will be devoted to the transaction of routine morning business.

At 9 a.m., under the order previously entered, the Senate will begin consideration of the resolution of disapproval of the AWACS bill and continue debate throughout the day on that measure.

At 5 o'clock p.m., under the order previously entered, a vote will occur in respect to that measure under the provisions of the statute.

Mr. President, there are no special orders for tomorrow. I would expect tomorrow to be a busy day.

RECESS UNTIL 8:45 A.M.

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8:45 a.m. on Wednesday next.

The motion was agreed to; and, at 6:35 p.m., the Senate recessed until Wednesday, October 28, 1981, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate October 27, 1981:

THE JUDICIARY

Richard A. Posner, of Illinois, to be the U.S. circuit judge for the seventh circuit vice Philip W. Tone, resigned.

DEPARTMENT OF STATE

Robert L. Barry, of New Hampshire, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bulgaria.

DEPARTMENT OF DEFENSE

Melvyn R. Paisley, of Washington, to be an Assistant Secretary of the Navy, vice David Emerson Mann, resigned.

DEPARTMENT OF LABOR

William Coskrey Plowden, Jr., of South Carolina, to be Assistant Secretary of Labor for Veterans' Employment (new position).

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Acheson, Densel K., xxx-xx-xxxx
Ackerman, Charles T., xxx-xx-xxxx
Adee, Donald P., xxx-xx-xxxx
Albritton, Edward C., xxx-xx-xxxx
Albro, William A., xxx-xx-xxxx
Alenius, John T., xxx-xx-xxxx
Alexander, Lonny R., xxx-xx-xxxx
Alexander, Robb R., xxx-xx-xxxx
Allen, David A., Jr., xxx-xx-xxxx
Allen, Maxie W., xxx-xx-xxxx
Allen, Robert J., xxx-xx-xxxx
Allsbrook, John W., Jr., xxx-xx-xxxx
Almy, David M., xxx-xx-xxxx
Alsobrook, James E., Jr., xxx-xx-xxxx
Altemose, James L., xxx-xx-xxxx
Andersen, William C., xxx-xx-xxxx
Anderson, David K., xxx-xx-xxxx
Anderson, Gary L., xxx-xx-xxxx
Anderson, James B., xxx-xx-xxxx
Anderson, John M., xxx-xx-xxxx
Anderson, John W., xxx-xx-xxxx
Anderson, Kenneth A., xxx-xx-xxxx
Anderson, Paul C., xxx-xx-xxxx
Anderson, Paul V., xxx-xx-xxxx
Anderson, Robert F., xxx-xx-xxxx
Anderson, William F., xxx-xx-xxxx
Andrus, James G., xxx-xx-xxxx
Angus, William E., xxx-xx-xxxx
Arent, William L., xxx-xx-xxxx
Arnold, Wilson T., xxx-xx-xxxx
Atwood, Daryl G., xxx-xx-xxxx
Aultman, Fred C., xxx-xx-xxxx
Bailey, Glenn B., xxx-xx-xxxx
Ballor, Ronald O., xxx-xx-xxxx
Bainter, Hugh T., xxx-xx-xxxx
Baker, Doyle D., xxx-xx-xxxx
Baker, Roy T., xxx-xx-xxxx
Bakunas, Darius V., xxx-xx-xxxx
Balko, Andrew I., xxx-xx-xxxx
Ball, William J., xxx-xx-xxxx
Bankus, Gerald K., xxx-xx-xxxx
Baran, Michael P., xxx-xx-xxxx
Barber, Hugh W., Jr., xxx-xx-xxxx
Barnhill, Charles C., Jr., xxx-xx-xxxx
Barrett, Melvin R., xxx-xx-xxxx
Bartholomew, Rodney A., xxx-xx-xxxx
Barton, John B., xxx-xx-xxxx
Bear, Sherman W., xxx-xx-xxxx
Beatty, James F., Jr., xxx-xx-xxxx
Beaver, Robert E., xxx-xx-xxxx
Becker, Henry R., xxx-xx-xxxx
Bedingfield, Jerry R., xxx-xx-xxxx
Bell, Robert L., xxx-xx-xxxx
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IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of ranks to be determined by the Secretary of the Air Force.

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The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

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IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

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To be major

Golden, Gary J., xxx-xx-xxxx
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MEDICAL CORPS

To be colonel

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The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

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Post, Okley L., Jr., [redacted]
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Potter, Diana J., [redacted]
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Risser, Oakly L., [redacted]
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Cerha, Henry T. xxx-xx-xxxx
Chicilo, Thomas J., xxx-xx-xxxx
Christensen, William D., xxx-xx-xxxx
Coburn, Middleton J., xxx-xx...
Collins, James A., xxx-xx-xxxx
Collins, Richard, xxx-xx-xxxx
Cox, John D., xxx-xx-xxxx
Crigler, Joseph C., xxx-xx-xxxx
Crosby, Ray M., xxx-xx-xxxx
Cross, Thomas E., xxx-xx-xxxx
Curry, Charles L., xxx-xx-xxxx
Delaney, Robert A., xxx-xx-xxxx
Dennis, Richard J., xxx-xx-xxxx
Denoon, Daniel A., Jr., xxx-xx-xxxx
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Duhon, Ronald E., xxx-xx-xxxx
Duncan, Paul B., xxx-xx-xxxx
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Fishburn, Gary A., xxx-xx-xxxx
Flory, William A., xxx-xx-xxxx
Gage, William V., xxx-xx-xxxx
Garison, James A., xxx-xx-xxxx
Gaudet, Glenn L., xxx-xx-xxxx
George, Larry C., xxx-xx-xxxx
Gold, Dennis N., xxx-xx-xxxx
Golden, John G., xxx-xx-xxxx
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Gockin, Michael D., xxx-xx-xxxx
Greene, John R., Jr., xxx-xx-xxxx
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Hale, Forest B., xxx-xx-xxxx
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Hayashi, Maurice M., xxx-xx-xxxx
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Howard, Jay M., xxx-xx-xxxx
Howell, James F., xxx-xx-xxxx
Hull, Warren R., xxx-xx-xxxx
Hundley, Kenneth E., xxx-xx-xxxx
Jackson, Jerry W. xxx-xx-xxxx
James, George R., xxx-xx-xxxx
Johnson, Judith C., xxx-xx-xxxx

Kaneshiro, Duane K., XXX-XX-XXXX
Kasben, Kathleen, M. E., XXX-XX-XXXX
Keller, James L., XXX-...
Kitaoka, Rosemary K., XXX-XX-...
Kleinkort, Joseph A., XXX-...
Knappenberger, Richard H., XXX-XX-XXXX
Kobernus, Carroll A., XXX-...
Krym, Robert M., XXX-XX-XXXX
Ksiazek, Thomas G., XXX-XX-XXXX
Kuzma, Robert J., XXX-XX...
Lambert, Edward D., XXX-...
Lang, Jerry T., XXX-XX-XXXX
Langloss, John M., XX...
Larison, James R., XXX-XX-...
Lecain William K., XXX-XX-...
Lefon, Carter C., XX...
Leone, Charles H., XXX-XX-XX...
Livingston, James M., XXX-XX...
Lynn, James R., XXX-XX-...
Maloney, David W., XXX-XX...
Margotto, Roger N., XXX-XX-XXXX
Marines, Archibald R., III, XXX-...
Marshall, Franklin L., III, XXX-X...
Martone, Joseph A., XXX-XX...
McElwey, David W., XXX-XX...
McIntyre, Thomas H., XXX-XX-...
McLaughlin, William H., XXX-XX-X...
McNutt, Gary R., XXX-...
Meldrum, James R., XXX-XX...
Merritt, Gerald J., XXX-X...
Miller, Robert E., II, XXX-XX...
Mittelman, Barry A., XXX-XX-XXXX
Moser, Arthur P., XXX-XX...
Naugle, Dennis F., XXX-...
Neill, Marvin W., XXX-...
Nelson, Robert C., XXX-XX...
Nemmers, Stephen J., XXX-...
Okonski, Susan R., XXX-...
Orrell, Doyle L., XXX-...
Palagi, Peter A., XXX-XX-X...
Patrick, Clarence S., XXX-...
Peterson, Lamont R., XXX-...
Pinkovsky, Dennis D., XXX-XX...
Porter, Paul F., XXX-XX-X...
Prather, Jefferson B., XXX-XX...
Readinger, Sharon A., XXX-XX...
Reed, Dennis A., XXX-XX-XXXX
Reynes, Robert L., XXX-XX-XXXX
Rice, Robert M., XXX-XX-XXXX
Ritter, Robert W., XXX-XX-...
Robinson, Doris J., XXX-...
Rock, James C., XXX-XX...
Rogers, Earl D., XXX-...
Ross, Jerry, XXX-XX...
Russell, Melba E., XXX-XX...
Sanders, Mary A., XXX-...
Sawyer, Bobby J., XXX-XX-XXXX
Schendel, Thomas L., XXX-XX...
Schiller, Ronald L., XXX-X...
Scott, Rosa M., XXX-XX-XXXX
Seethaler, Lawrence W., XXX-XX-XXXX
Selle, Robert I., Jr., XXX-XX...
Semenschin, Charles E., XXX-...
Shahan, David R., XXX-...
Shaver, Neil C., XXX-XX-...
Sherman, Robert E., XXX-XX-...
Shingler, Larry H., XXX-XX-...
Shramick, Rose M. A., XXX-...
Simmons, Jackie R., XXX-XX-XXXX
Smith, George H., Jr., XX...
Smith, Harold, M., Jr., XX...
Smith, Michael F., XXX-...
Smogur, Thomas G., XXX-XX-XXXX
Stamp, Gary L., XXX-...
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Stevens, John E., Jr., XXX-...
Stoffet, Yvonne C., XXX-XX...
Stokes, John H., XXX-XX-...
Stork, Roger L., XXX-XX...
Straayer, James A., XX...
Sutay, Robert J., XXX-XX-...
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Sweigart, Marlin L., XXX-XX...
Tanner, Merle R., Jr., XXX-...
Tatum, Larry A., XXX-XX...
Tedor, John B., XXX-XX-...
Tenaglia, Ronald J., XX...
Termaath, Stephen G., XXX-...
Towner, Donald A., XXX-XX-XXXX
Townsend, Linda J., XXX-...
Turner, Robert H., XXX-XX-XXXX
Tuttle, Gerard R., XXX-...
Valentine, Walter W., XX...
Vanek, Kenneth N., XXX-X...
Vermulen, Erik K., XXX-X...
Warner, Ronald D., XXX-X...
Warnken, Reimund G., XXX-XX-XXXX
Wasem, Gary A., XXX-XX-...
Washeleski, Michael C., XXX-XX-...
Weisenfels, Charles W., III, XXX-...
Westbrook, William G., III, XXX-...
Whitehead, Barry H., XXX-...
Wilson, James L., XXX-XX...
Woessner, William M., XXX-...
Worthy, Charles D., Jr., XXX-XX-XXXX
Yoshii, Dan O., XXX-XX-...

IN THE AIR FORCE

The following-named officers for permanent promotion in the United States Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be major

Aanerud, Roy L., XXX-XX-XXXX
Abene, Peter V., XXX-XX...
Abner, Howard C., XXX-XX...
Abrams, Daniel W., XX...
Accurso, Steven A., XXX-...
Ackerson, Mark I., XXX-XX-...
Acosta, Hector M., XXX-XX-XXXX
Acurso, Jeffrey L., XXX-...
Adams, Kenneth W., XXX-XX-...
Adams, Randolph K., XXX-XX-...
Adams, Robert W., XXX-...
Adams, Ronald M., XXX-...
Aguilar, John F., XXX-XX-XXXX
Ahlquist, John A., XXX-XX-XXXX
Ahrenholz, Gary C., XXX-XX-XXXX
Ainsworth, Loren C., XXX-XX-XXXX
Airaghi, Robert F., XXX-XX-XXXX
Albright, Robert L., XXX-XX-XXXX
Aldridge, Lee F., XXX-XX-XX...
Alekna, Louis, XXX-XX-XX...
Alexander, Albert J., XXX-X...
Alexander, John W., XXX-XX...
Alford, Roger W., XXX-XX-XXXX
Allain, Richard S., Jr., XXX-XX-XXXX
Allan, John P., XXX-XX-XXXX
Allen, Douglas M., XXX-XX-XXXX
Allen, James R., Jr., XXX-XX-XXXX
Allen, Russell L., XXX-XX-XXXX
Allen, Stephen D., XXX-XX-XXXX
Allen, William A., XXX-XX-XX...
Allen, William W., XXX-XX-XXXX
Alley, Kenneth M., XXX-XX-XXXX
Allison, Clinton D., XXX-XX-XXXX
Alloway, Lee C., XXX-XX-XXXX
Almany, Patricia A., XXX-XX-XXXX
Almany, Robert J., XXX-XX-XXXX
Almond, Cheryl M., XXX-XX-XX...
Almond, Edward E., Jr., XXX-XX-XXXX
Almquist, Kenneth C., XXX-XX-XXXX
Alonso, Rud A., XXX-XX-XXXX
Alston, James A., XXX-XX-XXXX
Ambrose, Gary A., XXX-XX-XXXX
Amthauer, David E., XXX-XX-XXXX
Anderson, David R., XXX-XX-XXXX
Anderson, Frank J., Jr., XXX-XX-XXXX
Anderson, Nolan H., Jr., XXX-XX-XXXX
Anderson, Paul H., XXX-XX...
Anderson, Paul W., XXX-XX-XXXX
Anderson, Raymond E., XXX-XX-XXXX
Anderson, Warren L., XXX-XX-XXXX
Andrews, Harry C., XXX-XX...
Andrews, Thomas H., II, XXX-XX-XXXX
Angley, Jerry C., XXX-XX-...
Antilla, James A., XXX-XX-XX...
Anton, David F., XXX-XX-...
Applegate, Marshall S., XXX-XX-XXXX
Appling, Mary E., XXX-XX-XXXX
Arguin, Robert L., XXX-XX-XXXX
Armor, James B., Jr., XXX-XX...
Armstrong, Ernie R., XXX-XX-XXXX
Armstrong, Michael S., XXX-XX...
Afnemann, Frank B., Jr., XXX-XX-XXXX
Arnold, Jerry H., XXX-XX-XXXX
Arnold, Phillip B., XXX-XX-XXXX
Arthur, David A., XXX-...
Ascher, Clifford D., X...
Ashby, Keith R., X...
Ashey, Robert A., XXX-XX-X...
Ashford, James F., XXX-...
Ashton, Kent J., XXX-XX-XXXX
Askew, Benjamin F., XXX-X...
Atkinson, Randall L., XXX-XX...
Aufderhaar, Grant C., XXX-XX...
Aufderheide, Edward H., XXX-...
Augustine, Paul E., XXX-XX...
Avery, Jimmie S., XXX-XX-...
Avery, Sanders L., XXX-...
Avila, Walter B., XXX-XX-...
Axelroth, Philip S., XXX-XX-XXXX
Azukas, Charles P., XXX-XX-...
Babiarz, Anthony S., XXX-...
Babin, Jeremiah S., XXX-XX...
Bachmann, James L., XXX-...
Baehre, Franklin G., Jr., XXX-XX-XXXX
Bagby, William L., XXX-XX-XX...
Bagley, Ronald L., XXX-XX...
Bailey, Clarence E., X...
Bailey, James W., III, XXX-XX...
Baker, David W., Jr., XXX-X...
Baker, Donald L., XXX-...
Baker, George T., XXX-XX-XXXX
Baker, Harold F., XXX-...
Baker, James M., XXX-XX...
Baker, Larry M., XXX-...
Baker, Raymond G., XXX-XX-XX...
Baker, Richard A., XXX-...
Baker, Robert F., XXX-XX-XXXX
Balbin, Bruce C., XXX-XX-...
Balcom, Wayne E., XXX-XX-...
Baldwin, Miles A., XXX-XX-...
Ballard, Jerry L., XXX-XX-XXXX
Ballard, John A., XXX-XX-XXXX
Balls, Dorin E., XXX-XX-XXXX
Balph, Robert D., II, XXX-XX-XXXX
Balsillie, David C., XXX-XX...
Bang, Carl J., Jr., XXX-XX-XXXX
Bang, Stephen B., XXX-XX...
Banholzer, Richard T., XXX-XX...
Bankhead, James M., XXX-XX...
Banta, Charles R., XXX-XX-...
Barager, James V., XXX-XX...
Barbee, Larry D., XXX-XX-XXXX
Barber, Gary L., XXX-XX-XXXX
Barchfeld, Carl F., Jr., XXX-XX...
Barfield, James S., XXX-XX-...
Barker, Arthur J., XXX-...
Barlow, Larry S., XXX-XX...
Barnard, Douglas M., XXX-XX-...
Barnes, Bradley A., XXX-XX-XXXX
Barnes, Duane L., XXX-...
Barnhardt, James B., XXX-XX-XXXX
Barosky, Frank D., X...
Barrett, Buford L., XXX-XX-...
Barrett, Douglas E., XXX-XX-XXXX
Barreuther, Albert G., XXX-XX...
Barrey, Ronald L., XXX-XX...
Barringer, John D., Jr., XXX-XX...
Barringer, Richard J., XXX-...
Barron, Richard F., XXX-XX...
Barth, Stephen R., XXX-...
Barthelmes, Paul M., XX...
Bartlett, Ronald S., XXX-...
Barton, Kenneth A., XXX-XX-XXXX
Basile, James M., XXX-XX-...
Baskett, Roger D., XXX-XX-...
Bass, Roy H., Jr., XXX-XX...
Bassmann, Kenneth C., XX...
Bateson, Robert B., X...
Batsford, Richard A., XXX-...
Bauer, Paul A., XXX-XX...
Bauman, Richard A., X...
Baxter, Gary L., XX...
Baxter, Leroy D., XXX-XX...
Baxter, William E., XXX-XX-...
Bazinet, Kenneth L., XXX-X...
Bean, Richard M., XXX-XX-X...
Beaulieu, Maurice, XXX-XX...
Beaver, Thomas F., XXX-XX-...
Bechtol, David A., XXX-XX-X...
Becka, Richard R., XXX-XX-XXXX
Becker, David M., XXX-XX-...
Becker, Robert A., XXX-...
Beckett, Mason H., Jr., XXX-...
Bedford, William A., XX...
Beeks, Donald R., XXX-XX...

Behm, Paul C., [redacted]
Beightol, Ward D., [redacted]
Belanger, Richard N., Jr., [redacted]
Bell, Anthony W., Jr., [redacted]
Bell, John W., Jr., [redacted]
Bell, Roger H., [redacted]
Bennett, Harold J., Jr., [redacted]
Bennett, Kim O., [redacted]
Benson, Richard A., [redacted]
Benulis, Cynthia L., [redacted]
Benuzzi, Eugene, Jr., [redacted]
Bereit, Richard M., [redacted]
Bereno, Michael J., [redacted]
Beres, James A., [redacted]
Berg, James C., [redacted]
Berger, George W., [redacted]
Berger, William R., [redacted]
Berkebile, Wayne E., [redacted]
Berkowitz, Barry E., [redacted]
Bernard, John H., [redacted]
Bernhardt, Charles F., Jr., [redacted]
Berninger, Charles A., [redacted]
Berry, Carlis G., Jr., [redacted]
Bertapelle, Anthony L., [redacted]
Bertrand, Thomas D., [redacted]
Betts, Thomas K., [redacted]
Beverly, Raymond E., [redacted]
Bewley, David G., [redacted]
Bielowicz, Paul L., [redacted]
Bielstein, Carola, J., [redacted]
Bielstein, Harold R., [redacted]
Bienvenue, Robert C., [redacted]
Bieryla, Joseph P., [redacted]
Bigbee, Kenneth W., [redacted]
Bird, David C., [redacted]
Bisbee, Charles R., III, [redacted]
Bishop, Pene, [redacted]
Bishop, Raymond C., [redacted]
Bishop, Robert G., III, [redacted]
Bishop, Stanley T., [redacted]
Bishop, Thomas J., [redacted]
Bisognano, Joseph P., Jr., [redacted]
Bjerkaas, Carlton L., [redacted]
Black, Kenneth L., [redacted]
Blackburn, Thomas D., Jr., [redacted]
Blacketer, Marcus D., Jr. [redacted]
Blackmon, Paul D., [redacted]
Blackwell, Jimmy L., [redacted]
Blair, John A., [redacted]
Blaisdell, Franklin J., [redacted]
Blake, Kenneth E., [redacted]
Blalock, Hubert L., Jr., [redacted]
Blanchard, Joseph F., [redacted]
Bland, David F., [redacted]
Bland, Jimmy W., [redacted]
Blankinship, Edwin A., Jr., [redacted]
Blankmann, Robert L., [redacted]
Blaufare, Peter N., [redacted]
Blenkush, Severin J., [redacted]
Blevins, Carl D., Jr., [redacted]
Blewitt, John J., Jr., [redacted]
Bloom, Gene C., [redacted]
Bloom, Martin G., [redacted]
Bluff, Ronald W., [redacted]
Boal, Harry S., III, [redacted]
Boerum, Joseph E., Jr., [redacted]
Bogstie, Robert C., [redacted]
Bohannon, Kenneth J., [redacted]
Bohling, John W., [redacted]
Bohlke, William H., [redacted]
Bohn, Charles J., III, [redacted]
Bohnenstiel, Robert L., Jr., [redacted]
Boissonneault, Paul A., [redacted]
Bole, Marcus H., [redacted]
Bon, Jaromir J., [redacted]
Bongiovi, Robert P., [redacted]
Bonnell, Richard W., [redacted]
Bonner, Charles J., [redacted]
Bonner, Richard E., [redacted]
Bonnet, Lawrence M., [redacted]
Bonney, Roy L., Jr., [redacted]
Booher, John W., [redacted]
Bookhardt, John M., [redacted]
Booth, George R., [redacted]
Boozer, Stephen G., [redacted]
Borchers, Robert G., [redacted]
Borland, Carter A., [redacted]
Boroughs, Thomas R., [redacted]
Bortel, Stanley D., Jr., [redacted]
Bortner, Donald B., [redacted]
Bosserdet, Rodney P., [redacted]
Boswell, Samuel E., [redacted]
Bothwell, David G., [redacted]
Bouchard, John P., [redacted]
Boucher, Brian P., [redacted]
Boucher, Kenneth A., [redacted]
Bovich, Stephen E., [redacted]
Bowden, Lester B., III, [redacted]
Bowers, Donald S., Jr., [redacted]
Bowman, Richard L., II, [redacted]
Bowser, Allen B., [redacted]
Boyce, Charles W., Jr., [redacted]
Boyce, Stephen D., [redacted]
Boyd, David J., [redacted]
Boyd, E. James, [redacted]
Boykins, Wilson L., [redacted]
Boyle, Gary S., [redacted]
Boyles, David J., [redacted]
Boystel, Gary M., [redacted]
Braden, Jerome K., [redacted]
Bradford, Michael D., [redacted]
Bradney, James M., [redacted]
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Braun, Fred W., Jr., [redacted]
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Brechwald, James E., [redacted]
Bredfeldt, John C., [redacted]
Bremer, Kim D., [redacted]
Brennan, James T., [redacted]
Brennan, Rodney C., [redacted]
Brenner, Richard L., [redacted]
Brenton, James A., [redacted]
Bretz, Thomas E., Jr., [redacted]
Bricker, Steven B., [redacted]
Bridges, Sidney V., [redacted]
Bridges, Timothy R., [redacted]
Briggs, John W., [redacted]
Brigman, Marvin J., Jr., [redacted]
Brigman, Richard D., [redacted]
Brink, Donald L., [redacted]
Brischke, Harold A., [redacted]
Britton, Barry J., [redacted]
Broesti, Howard E., [redacted]
Brooks, Douglas M., [redacted]
Brooks, John P., [redacted]
Brooks, Robert L., [redacted]
Brooks, Roger W., [redacted]
Brovetto, Gary, [redacted]
Brower, Arnold M., [redacted]
Brown, Donald E., Jr., [redacted]
Brown, Forrest C., [redacted]
Brown, John P., [redacted]
Brown, Paul L., [redacted]
Brown, Ralph R., [redacted]
Brown, Thomas F., [redacted]
Brown, Thomas R., Jr., [redacted]
Brown, Tiiu K., [redacted]
Bruckner, Henry P., [redacted]
Brumbaugh, Edgar A., Jr. [redacted]
Brunt, Jerome V., [redacted]
Bryan, Joseph T., Jr., [redacted]
Bryant, Michael D., [redacted]
Bryant, C. K., III, [redacted]
Bryson, Joseph F., Jr., [redacted]
Buch, Frank C., [redacted]
Buchan, Francis, [redacted]
Buck, Charles C., [redacted]
Buck, Michael L., [redacted]
Buckley, William C., [redacted]
Budde, Charles L., [redacted]
Budura, Victor P., Jr., [redacted]
Bueto, James H., [redacted]
Bullock, Charles C., Jr., [redacted]
Bumgardner, James J., [redacted]
Bumpus, William C., [redacted]
Bundy, Richard B., [redacted]
Burgess, Bernard H., [redacted]
Burgess, James M., Jr., [redacted]
Burk, William H., Jr., [redacted]
Burke, James E., [redacted]
Burke, John P., Jr., [redacted]
Burke, Joseph G. [redacted]
Burkhart, Buddy W., [redacted]
Burkhiser, Donald R., [redacted]
Burleigh, Richard D., [redacted]
Burnett, Douglas A., [redacted]
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Burns, Brian W., [redacted]
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Burnside, James M., [redacted]
Burrus, George L., [redacted]
Burt, William A., [redacted]
Busch, Robert E., II, [redacted]
Bush, Jesse E., [redacted]
Bush, Larry F., [redacted]
Butcher, Howard S., [redacted]
Butchko, Joseph J., [redacted]
Butler, Michael R., [redacted]
Butler, Richard E., [redacted]
Butler, William C., [redacted]
Buxton, John H., [redacted]
Byars, William R., [redacted]
Byers, Steven A., [redacted]
Bryne, David E., [redacted]
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Caban, John J., [redacted]
Caine, Steven A., [redacted]
Callahan, Philip A., [redacted]
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Camacho, Jerry P., [redacted]
Camblin, Gregory K., [redacted]
Cameron, Paul J., [redacted]
Campbell, Earnest C., [redacted]
Campbell, James E., [redacted]
Campbell, Larry C., [redacted]
Campbell, Louis V., III, [redacted]
Campbell, William H., [redacted]
Canham, Michael H., [redacted]
Cannava, Vincent A., [redacted]
Canning, David W., [redacted]
Cannon, Terry A., [redacted]
Cantrell, Cecil B., Jr., [redacted]
Cantwell, John J., [redacted]
Capener, Eldon H., [redacted]
Capotosti, David, [redacted]
Capps, Harris T., [redacted]
Caprez, Charles W., [redacted]
Carellas, Peter, [redacted]
Carlile, John D., [redacted]
Carlin, James M., [redacted]
Carlson, Bruce A., [redacted]
Carnahan, Bennie C., [redacted]
Carnes, Daniel K., [redacted]
Carpenter, Donald J., [redacted]
Carpenter, Gerald C., [redacted]
Carpenter, James E., [redacted]
Carr, Larry A., [redacted]
Carr, Patrick J., [redacted]
Carr, Richard F., [redacted]
Carricato, Robert A., Jr., [redacted]
Carroll, Adam C., [redacted]
Carroll, Lynn A., [redacted]
Carroll, Warren B., [redacted]
Carruth, Michael B., [redacted]
Carson, John K., [redacted]
Carson, Russell E., [redacted]
Cartagena, George L., [redacted]
Carter, Charles H., [redacted]
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Carter, Milton J., [redacted]
Casasnovas, Miguel A., [redacted]
Casey, Edward P., [redacted]
Casey, James R., [redacted]
Cassidy, William M., [redacted]
Casteel, David R., [redacted]
Catalano, Charles P., [redacted]
Caton, Marilyn J., [redacted]
Cavin, Glynn W., Jr., [redacted]
Chadwick, Larry M., [redacted]
Chamberlain, Robert A., [redacted]
Chamberlin, Gary G., [redacted]
Chambers, John E., Jr., [redacted]
Chambers, Robert J., Jr., [redacted]
Channel, Larry E., [redacted]
Channell, Ronald E., [redacted]
Charter, David F., [redacted]
Chary, Henry A., [redacted]
Chase, David L., [redacted]
Cheavens, Stephen B., [redacted]
Chewning, Terrence J., [redacted]
Christein, Wayne, [redacted]
Christeson, Gerald P., [redacted]
Churchill, Van L., [redacted]
Cieszynski, Dennis M., [redacted]
Cilento, John W., [redacted]
Cilmi, Vincent T., [redacted]
Cioli, Brian H., [redacted]
Cira, Anthony T., [redacted]
Ciucci, Donald H., [redacted]

Clack, Billy S., [redacted]
Claiborne, Timothy J., [redacted]
Clark, Christopher K., [redacted]
Clark, Darda B., III, [redacted]
Clark, Donald R., [redacted]
Clark, Gregory C., [redacted]
Clark, Jack, II, [redacted]
Clark, Marvin C., [redacted]
Clark, Nathan B., [redacted]
Clark, Walter D., [redacted]
Clarke, Defrance, III, [redacted]
Clary, Earney H., Jr., [redacted]
Clavin, John J., Jr., [redacted]
Clem, James C., [redacted]
Clement, Robert A., [redacted]
Clements, James R., [redacted]
Clemons, Larry, [redacted]
Clemons, Stanley G., [redacted]
Clendaniel, Randon, [redacted]
Cleveland, John Y., [redacted]
Cliff, David N., [redacted]
Clifford, Jerome R., [redacted]
Cline, Gerald L., [redacted]
Clingman, Richard G., [redacted]
Clouse, William K., [redacted]
Coakley, James R., [redacted]
Coakley, Thomas P., [redacted]
Cobb, Marck R., [redacted]
Cochran, Michael H., [redacted]
Cockrum, Douglas M., [redacted]
Coffin, Robert C., [redacted]
Cogswell, Brent, E., [redacted]
Cohen, Harold S., [redacted]
Cohen, Lawrence A., [redacted]
Cole, Arthur E., [redacted]
Cole, Dean E., [redacted]
Cole, Edward S., [redacted]
Cole, Richard A., [redacted]
Cole, Willie E., [redacted]
Cole, Zollie D., [redacted]
Colgate, James A., [redacted]
Collette, William H., [redacted]
Collins, Dennis M., [redacted]
Collins, James E., [redacted]
Collins, Kevin A., [redacted]
Collins, Richard C., [redacted]
Collins, Ronald, A., [redacted]
Collins, Ronald L., [redacted]
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Vento, John S., [redacted]
Whittington, Michael C., [redacted]
Wieland, George A., Jr., [redacted]
Wilcox, Charles H., II, [redacted]
Williams, Charles H., [redacted]
Wittenborn, John L., [redacted]
Woodhouse, Terry J., [redacted]
Woodring, David W., [redacted]
Young, James A., III, [redacted]

NURSE CORPS

Aaron, Janice C., [redacted]
Ackerman, Janet C., [redacted]
Andrews, Betty J., [redacted]
Bagley, Alvin E., [redacted]
Barger, Judith, [redacted]
Bast, Thomas A., [redacted]
Bauer, Rosemary, [redacted]
Beadle, Claudia S., [redacted]
Betz, Coralie S., [redacted]
Black, Joanne M., [redacted]
Bogachoff, James J., [redacted]
Borowiak, Patricia K., [redacted]
Bostock, Ruth A., [redacted]
Bowser, Linda J., [redacted]
Brock, Doreen E., [redacted]
Bryan, Anna A., [redacted]
Burns, Geniva A., [redacted]
Bush, Jacqueline A., [redacted]
Bussian, Diana L., [redacted]
Bys, Bernice N., [redacted]
Campbell, Minnie L., [redacted]
Carden, Florence J., [redacted]
Cary, Patricia O., [redacted]
Castro, Susan M., [redacted]
Chambers, Rosalind A., [redacted]
Chesnick, Florence M., [redacted]
Chizmas, Steven J., [redacted]
Clark, Mary A., [redacted]
Cosey, Benjamin T., [redacted]
Damler, Patricia A., [redacted]
Davidson, Brenda S., [redacted]
Depaola, Maryanne, [redacted]
Drake, Ronald E., [redacted]
Drainick, Barbara A., [redacted]
Dravden, Florence E., [redacted]
Dylla, Rebecca, A., [redacted]
Eastwood, Walter H., Jr., [redacted]
Egan, Constance M., [redacted]
Estes, Carole A., [redacted]
Euler, Sandra L., [redacted]
Evans, Wayne E., [redacted]
Feinour, Pamela A., [redacted]
Fester, Joyce M., [redacted]
Fitzgerald, John W., [redacted]
Floro, Marilyn, C. A., [redacted]
Franklin, Kathleen S., [redacted]
Franks, Betty Z., [redacted]
Fremming, Jackie L., [redacted]
Fried, Doralee W., [redacted]
Glodek, Raymond J., [redacted]
Greenwall, Barbara E., [redacted]
Greenwall, Claudette L., [redacted]
Grenchik, Therese R., [redacted]
Griffith, Carol A., [redacted]
Hamilton, Bonita K., [redacted]
Hardy, Angela J., [redacted]
Hauke, Irene A., [redacted]
Heinemeyer, Merry B., [redacted]
Henson, William J., [redacted]
Hiet, Janice A., [redacted]
Hosking, Cherryl M., [redacted]
Houlihan, Timothy J., [redacted]
Jacobson, Diane E., [redacted]
Japar, Susan E., [redacted]
Jensen, Marjorie R., [redacted]
Johnson, Janet B. R., [redacted]
Johnson, Karen L., [redacted]
Jost, Michael J., [redacted]
Karaku, Ellen P., [redacted]
Keene, Edward A., [redacted]
Keir, Brenda J., [redacted]
Kew, James R., [redacted]
Kimmel, Karen D., [redacted]
Kingham, Sandra K., [redacted]
Kistler, Mary E., [redacted]
Kliot, Cheryl S., [redacted]
Kupchella, Diana L., [redacted]
Lacey, Cecelia A., [redacted]
Lagomarsino, Sarah L., [redacted]
Lamoureux, Gloria K., [redacted]
Latona, Catherine M., [redacted]
Lawrence, Barbara J., [redacted]
Leigh, Mary A., [redacted]
Liebe, Linda S., [redacted]
Lusher, Sharon A., [redacted]
Malane, Susan L., [redacted]
Mantel, Mikelene L., [redacted]
Marchand, Janice L., [redacted]
Martin, Barbara C., [redacted]
Martin, Janie L., [redacted]
Masarik, Judith A., [redacted]
Mattioli, Thomas M., [redacted]
Maynard, John D., [redacted]
McBride, June, [redacted]
McCall, Lenora V., [redacted]
McCarren, Geraldine E., [redacted]
McClarin, Sheila R., [redacted]
McConnell, Sharon L., [redacted]
McFarland, Linda E., [redacted]
McNeal, Grace P., [redacted]
Mehargue, Susan L., [redacted]
Miller, Charlene E., [redacted]
Miller, Nancy, [redacted]
Minkow, Florence J., [redacted]
Moll, Stephen C., [redacted]
Moore, Mary A., [redacted]
Morgan, Brenda S., [redacted]
Mullins, Maxine, [redacted]
Myers, Susan E., [redacted]
Neff, Beverly J., [redacted]
Newman, Loren D., [redacted]
Nordan, David T., [redacted]
O'Brien, Patricia M., [redacted]
Odea, Judith A., [redacted]
Origer, Elisabeth B., [redacted]
Parkin, Emily J., [redacted]
Peich, John W., [redacted]
Pennington, Lois E., [redacted]
Pilkington, Louise G., [redacted]
Pletcher, Joyce J., [redacted]
Porter, Carolyn S., [redacted]
Reynolds, Kathy J., [redacted]
Roaf Carolyn P., [redacted]
Robishaw, Linda K., [redacted]
Roe, Barbara J., [redacted]
Roe, Jane, [redacted]
Sandrock, Lynnette C., [redacted]
Sanker, Joseph H., [redacted]
Schaub, Christine B., [redacted]
Schermerhorn, Linda C., [redacted]
Selle, Helen L., [redacted]
Sims, Sonia, [redacted]
Sorensen, Dona K., [redacted]
Stepherson, Patsy A., [redacted]
Stone, Donna A., [redacted]
Talarski, Josephine E., [redacted]
Terriberry, Cynthia A., [redacted]
Thomas, Sharon K., [redacted]
Thompson, Adella M., [redacted]
Vanvechten, Linda A., [redacted]
Walds, Carol A., [redacted]
Ward, Warren R., [redacted]
Warmington, Mary F., [redacted]
Waters, Mary L., [redacted]
Wegner, Mary C., [redacted]
Wesolowski, Jean A., [redacted]
Wettergren, Judith I., [redacted]
Williams, Joyce, [redacted]
Wilson, Lois R., [redacted]
Wood, Alice S., [redacted]
Wyatt, Sarah L., [redacted]

MEDICAL SERVICE CORPS

Aencheacher, Arthur E., Jr., [redacted]
Biron, Laurent J., [redacted]
Erandler, Sidney, [redacted]
Cater, Robert M., [redacted]
Didic, Nicholas, II, [redacted]
Fant, David J., [redacted]
Friestman, Gerald R., [redacted]
Gallman, James J., [redacted]
Gath, Henry A., [redacted]
Gilliard, Ronald M., [redacted]
Hatton, Estil L., Jr., [redacted]
Hayden, Eric M., [redacted]
Hayes, Garry D., [redacted]
Johnson, Eric L., [redacted]
Jones, Lynn M., [redacted]
Machart, James J., [redacted]
Marler, Phillip L., [redacted]
Marrs, Larry P., [redacted]
Murray, Robert B., [redacted]
Oleson, John N., [redacted]
Owens, Robert H., [redacted]
Paulsen, Norman W., [redacted]
Pearson, Curtis, W., [redacted]
Phillips, Roger D., [redacted]
Power, John C., [redacted]
Schmitt, Karl F., [redacted]
Scott, Jerry L., [redacted]
Shields, Robert E., [redacted]
Statzer, Fred C., [redacted]
Sutherland, Edward, [redacted]
Sydla, Michael J., [redacted]
Williams, Theodore H., [redacted]

BIOMEDICAL SCIENCES CORPS

Almeida, Roy J., [redacted]
Anderson, Robert C., [redacted]
Arnold, William R., [redacted]
Ballinger, Michael B., [redacted]
Beirise, Neal S., [redacted]
Bincvi, Robert D., [redacted]
Bonillaliner C., Francisco, [redacted]
Boone, Daniel C., [redacted]
Bradley, William P., [redacted]
Brown, Larry D., [redacted]
Butler, John F., [redacted]
Cammack, Earl M., Jr., [redacted]
Cayton, Tommie G., [redacted]
Clark, Dwight E., [redacted]
Clewell, Harvey J., III, [redacted]
Coates, Donald D., [redacted]
Crane, Robert L., [redacted]
Cropper, Thomas L., [redacted]
Darrigrand, Andre A., [redacted]
Davidson, Jerry M., [redacted]
Davis, Freddy C., [redacted]
Dean, David, [redacted]
Dlugensky, Edmund L., Jr., [redacted]
Doherty, Thomas F., [redacted]
Dukes, William M., [redacted]
Dumouchel, Bruce D., [redacted]
Duncan, Bernard J., [redacted]
Fogelman, Vicky L., [redacted]
Freeman, James E., [redacted]
Fuselier, Gary D., [redacted]
Galardwicz, Dennis C., [redacted]
Gilmartin, Michael E., [redacted]
Gingras, Terry J., [redacted]
Goldfeder, Eric J., [redacted]
Gossman, Gregory W., [redacted]
Grant, Thomas M., [redacted]
Grossi, John A., [redacted]
Harison, Richard M., [redacted]
Hauge, Christian F., [redacted]
Hollowell, Morris L., [redacted]
Hull, Terry A., [redacted]
Jemelka Erwin D., [redacted]
Jenkins, Leslie G., [redacted]
Jung Lynnette C., [redacted]
Kazmaier, Martin, P., Jr., [redacted]
Korn, Sidney H., [redacted]
Kreager, Robert A., [redacted]
Laird, Thomas B., [redacted]
Larsen, Gary D., [redacted]
Layton, Louis J., [redacted]
Lehmann, Craig R., [redacted]
Martinez, Perez Roberto, [redacted]
Meyer, Duane K., [redacted]
Moore, William R., [redacted]
Morford, Jerry M., [redacted]
Moyer, David A., [redacted]
Ottinger, William E., [redacted]
Panyik, Robert J., [redacted]
Parker, James L., [redacted]
Parker, Kermit E., Jr., [redacted]
Patterson, Linda A., [redacted]

Peck, Gregory W., xxx-xx-xxxx
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Scannell, Thomas J., xxx-xx-xxxx
Shere, Joel I., xxx-xx-xxxx
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Siefke, Richard W., xxx-xx-xxxx
Silk, Neil, xxx-xx-xxxx
Stansbury, Charles E., Jr., xxx-xx-xxxx
Steiner, Beckwith, Jr., xxx-xx-xxxx
Stewart, Charles D., xxx-xx-xxxx
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Sugden, Brian W., xxx-xx-xxxx
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Taylor, Wiley, xxx-xx-xxxx
Venable, Linda L., xxx-xx-xxxx
Walker, Thomas J., xxx-xx-xxxx
Wroe, Grover E., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, in accordance with sections 601 and 602, title VI, transition provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Aars, Rallin J., xxx-xx-xxxx
Abbott, Wilfred K., xxx-xx-xxxx
Ackerlund, Walter E., xxx-xx-xxxx
Acree, George W., II, xxx-xx-xxxx
Acres, Robert D., xxx-xx-xxxx
Adams, Harold B., xxx-xx-xxxx
Adams, Jimmie V., xxx-xx-xxxx
Adams, Thomas R., xxx-xx-xxxx
Adams, William E., xxx-xx-xxxx
Addison, Belmer J., xxx-xx-xxxx
Adee, Donald P., xxx-xx-xxxx
Afflerbach, Robert F., xxx-xx-xxxx
Ahearn, Joseph A., xxx-xx-xxxx
Aiello, Charles P., xxx-xx-xxxx
Akerlund, Edward T., xxx-xx-xxxx
Akley, James K., xxx-xx-xxxx
Albertson, Robert L., xxx-xx-xxxx
Aldrich, Fred E., xxx-xx-xxxx
Alexander, James W., xxx-xx-xxxx
Alexander, Joseph R., xxx-xx-xxxx
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Alexander, Theodore G., xxx-xx-xxxx
Alexander, William D., xxx-xx-xxxx
Allee, Robert S., xxx-xx-xxxx
Allen, Emmett E., Jr., xxx-xx-xxxx
Allen, James S., xxx-xx-xxxx
Allen, John R., Jr., xxx-xx-xxxx
Allen, Melvin A., xxx-xx-xxxx
Allen, Robert L., xxx-xx-xxxx
Allen, Clinton D., xxx-xx-xxxx
Allison, Gary G., xxx-xx-xxxx
Allport, Charles W., xxx-xx-xxxx
Almeter, Francis J., xxx-xx-xxxx
Alnwick, Kenneth J., xxx-xx-xxxx
Altieri, Michael A., xxx-xx-xxxx
Amann, Richard W., xxx-xx-xxxx
Amos, Robert C., xxx-xx-xxxx
Anderson, Calvin C., xxx-xx-xxxx
Anderson, Edward L., xxx-xx-xxxx
Anderson, Frederick C., xxx-xx-xxxx
Anderson, Howard H., xxx-xx-xxxx
Anderson, Leslie B., III, xxx-xx-xxxx
Anderson, Marcus A., xxx-xx-xxxx
Anderson, Thomas I., xxx-xx-xxxx
Anderson, Wayne C., Jr., xxx-xx-xxxx
Anderson, Wilbur E., xxx-xx-xxxx
Anderson, William J., xxx-xx-xxxx
Andres, Howard J., xxx-xx-xxxx
Andrews, John F., xxx-xx-xxxx
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Angell, David R., xxx-xx-xxxx
Angell, Jerry W., xxx-xx-xxxx
Anselmo, Robert J., xxx-xx-xxxx
Ansalone, Samuel L., xxx-xx-xxxx
Arbaugh, Edward D., xxx-xx-xxxx
Archer, Curtis F., Jr., xxx-xx-xxxx
Archino, David T., xxx-xx-xxxx
Ardern, William E., xxx-xx-xxxx
Armistead, Samuel E., Jr., xxx-xx-xxxx
Armstrong, Frederic C., xxx-xx-xxxx
Armstrong, Malcolm B., xxx-xx-xxxx
Arnaiz, Donald R., xxx-xx-xxxx
Arndorfer, Thomas F., xxx-xx-xxxx
Arnold, John K., III, xxx-xx-xxxx
Arthur, James R., xxx-xx-xxxx
Ashley, Donald L., xxx-xx-xxxx
Ashy, Joseph W., xxx-xx-xxxx
Astorino, Loring R., xxx-xx-xxxx
Atchley, Jimmie C., xxx-xx-xxxx
Atkins, Benny J., xxx-xx-xxxx
Atkinson, John C., Jr., xxx-xx-xxxx
Ator, Robert A., xxx-xx-xxxx
Augustine Leonard J., xxx-xx-xxxx
Austin, George A., xxx-xx-xxxx
Austin, William R., II, xxx-xx-xxxx
Ayres, Donald L., xxx-xx-xxxx
Babbidge, Michael J., xxx-xx-xxxx
Baber, Gary P., xxx-xx-xxxx
Babos, Sandor, xxx-xx-xxxx
Baca, Cres C., xxx-xx-xxxx
Baca, Jose A., xxx-xx-xxxx
Bach, Shirley J., xxx-xx-xxxx
Bacheller, Burton P., C., II, xxx-xx-xxxx
Bachmann, Richard E., xxx-xx-xxxx
Bacs, John xxx-xx-xxxx
Baggiano, Anthony L., xxx-xx-xxxx
Bailes, Onnie L., Jr., xxx-xx-xxxx
Bailey, Billy T., xxx-xx-xxxx
Bailey, Charles H., xxx-xx-xxxx
Bailey, Charles S., xxx-xx-xxxx
Bailey, James E., xxx-xx-xxxx
Bailey, Jerry T., xxx-xx-xxxx
Baillie, Ronald K., xxx-xx-xxxx
Bailor, Ronald O., xxx-xx-xxxx
Bainbridge, Thomas A., xxx-xx-xxxx
Baird, George F., xxx-xx-xxxx
Baird, Kenneth R., xxx-xx-xxxx
Baird, Sidney A., xxx-xx-xxxx
Baker, Duane A., xxx-xx-xxxx
Baker, James P., xxx-xx-xxxx
Baker, Ronald C., xxx-xx-xxxx
Baker, Thomas A., xxx-xx-xxxx
Baker, Ward J., xxx-xx-xxxx
Baker, Woody R., Jr., xxx-xx-xxxx
Baldwin, Virgil L., xxx-xx-xxxx
Bale, William F., xxx-xx-xxxx
Ball, Willis H., III, xxx-xx-xxxx
Ballantine, George A., xxx-xx-xxxx
Ballentine, John W., xxx-xx-xxxx
Bandarrae, Frederick J., II, xxx-xx-xxxx
Banholzer, Alfred E., II, xxx-xx-xxxx
Bannach, Robert J., xxx-xx-xxxx
Barbero, Albert L., xxx-xx-xxxx
Barlow, Robert C., xxx-xx-xxxx
Barnes, Thomas B., xxx-xx-xxxx
Barnes, Walter E., III, xxx-xx-xxxx
Barnes, William A., xxx-xx-xxxx
Barr, Charles R., xxx-xx-xxxx
Barrett, Archie D., xxx-xx-xxxx
Barrett, Billy A., xxx-xx-xxxx
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Barrineau, William E., Jr., xxx-xx-xxxx
Barry, Daniel P., xxx-xx-xxxx
Barry, Edward P., Jr., xxx-xx-xxxx
Barry, Gregory P., xxx-xx-xxxx
Bartholomew, Charles W., xxx-xx-xxxx
Bartlett, Leslie J., xxx-xx-xxxx
Bartlett, Robert R., xxx-xx-xxxx
Bartlett, Russell H., xxx-xx-xxxx
Barton, George C., xxx-xx-xxxx
Bartrand, Louis E., xxx-xx-xxxx
Bass, Jesse J., Jr., xxx-xx-xxxx
Bassett, David H., xxx-xx-xxxx
Bates, John A., xxx-xx-xxxx
Batten, Virgil F., xxx-xx-xxxx
Battreall, Raymond J., xxx-xx-xxxx
Baumann, Carl W., xxx-xx-xxxx
Baushke, James L., xxx-xx-xxxx
Bavaria, Joseph A., xxx-xx-xxxx
Baxter, Robert H., xxx-xx-xxxx
Bayer, Curtis K., xxx-xx-xxxx
Bays, Brooks G., xxx-xx-xxxx
Beale, Robert E., xxx-xx-xxxx
Bean, Wesley W., Jr., xxx-xx-xxxx
Beard, John R., xxx-xx-xxxx
Beardsley, Ralph J., xxx-xx-xxxx
Beavers, Michael L., xxx-xx-xxxx
Beck, David H., xxx-xx-xxxx
Beck, Douglass D., xxx-xx-xxxx
Bedarf, Richard A., xxx-xx-xxxx
Beekman, Ralph E., xxx-xx-xxxx
Beers, Larry D., xxx-xx-xxxx
Beezley, Ronnie W., xxx-xx-xxxx
Beland, Richard J., xxx-xx-xxxx
Belisle, Charles P., xxx-xx-xxxx
Bell, James R., xxx-xx-xxxx
Bell, Jimmie E., xxx-xx-xxxx
Belt, Charles D., xxx-xx-xxxx
Bender, Eduard, xxx-xx-xxxx
Bender, Walter W., xxx-xx-xxxx
Bendrick, Frank E., xxx-xx-xxxx
Benjamin Juan H., xxx-xx-xxxx
Bennett, Frank J., xxx-xx-xxxx
Bennett, Richard O., xxx-xx-xxxx
Bennett, Thomas S., xxx-xx-xxxx
Bennett, William T., Jr., xxx-xx-xxxx
Benoit, George L., xxx-xx-xxxx
Benshoof, William B., xxx-xx-xxxx
Bent, Peter W., xxx-xx-xxxx
Benten, William A., xxx-xx-xxxx
Berganini, David F., xxx-xx-xxxx
Berle, Terence H., xxx-xx-xxxx
Bernard, Charles E., Jr., xxx-xx-xxxx
Bernd, Ronald E., xxx-xx-xxxx
Bernert, George W., xxx-xx-xxxx
Berroth, Karl G., Jr., xxx-xx-xxxx
Berry, John K. D., xxx-xx-xxxx
Berry, John S., xxx-xx-xxxx
Berry, Stanley D., xxx-xx-xxxx
Berta, Michael A., xxx-xx-xxxx
Berthold, Hubert M., xxx-xx-xxxx
Bester, Joseph D., xxx-xx-xxxx
Bethel, Howard E., xxx-xx-xxxx
Bevans, John P., xxx-xx-xxxx
Bevelhymer, Herbert L., xxx-xx-xxxx
Beyea, Richard S., Jr., xxx-xx-xxxx
Bezek, George M., xxx-xx-xxxx
Biancur, Andrew W., xxx-xx-xxxx
Bielstein, Lawrence E., xxx-xx-xxxx
Bigelow, Daniel J., xxx-xx-xxxx
Biggs, Dennis, M., xxx-xx-xxxx
Biggs, James L., xxx-xx-xxxx
Biggs, Robert L., xxx-xx-xxxx
Bigham, Larry J., xxx-xx-xxxx
Billunas, Roman, xxx-xx-xxxx
Billings, John H., xxx-xx-xxxx
Billingsley, James T., xxx-xx-xxxx
Binford, Richard L., xxx-xx-xxxx
Binish, Robert H., xxx-xx-xxxx
Biron, Edward J., xxx-xx-xxxx
Bishop, Charles L., xxx-xx-xxxx
Bishop, Marvin L., xxx-xx-xxxx
Bishop, Roger H., xxx-xx-xxxx
Bishop, Ronald J. B., Jr., xxx-xx-xxxx
Bissinger, Fred A., xxx-xx-xxxx
Bittle, Darrell G., xxx-xx-xxxx
Bjornson, Donald P., xxx-xx-xxxx
Blackwell, James R., xxx-xx-xxxx
Blaha, John E., xxx-xx-xxxx
Blahcus, Edward G., xxx-xx-xxxx
Blaisdell, Allan C., xxx-xx-xxxx
Blaisdell, Michael P., xxx-xx-xxxx
Blake, Gerald A., xxx-xx-xxxx
Blaker, Philip C., xxx-xx-xxxx
Blanch, Claude C., xxx-xx-xxxx
Blatter, Richard W., xxx-xx-xxxx
Blazek, Mirclav F., xxx-xx-xxxx
Bliss, George W., xxx-xx-xxxx
Blocker, Norman K., xxx-xx-xxxx
Blom, Roger L., xxx-xx-xxxx
Bobek, Andrew S., xxx-xx-xxxx
Bobick, James C., xxx-xx-xxxx
Bobko, Karol J., xxx-xx-xxxx
Bodenhamer, Howard L., xxx-xx-xxxx
Boese, Lawrence E., xxx-xx-xxxx
Boese, Robert A., xxx-xx-xxxx
Boggess, Lawrence L., xxx-xx-xxxx
Bohart, Donald O., xxx-xx-xxxx
Bohinc, Stanley A., xxx-xx-xxxx
Bohn, James N., xxx-xx-xxxx
Bolen, Clyde T., Jr., xxx-xx-xxxx
Boles, Billy J., xxx-xx-xxxx
Boles, Dyek, R., xxx-xx-xxxx
Boles, Robert H., xxx-xx-xxxx
Bollenbach, Merle E., xxx-xx-xxxx
Bollert, Dale W., xxx-xx-xxxx
Bolton, Malcolm F., Jr., xxx-xx-xxxx
Bond, Charles W., xxx-xx-xxxx
Bond, Gerald E., xxx-xx-xxxx
Bond, Robert I., xxx-xx-xxxx

Bonderer, Lawrence F., [redacted]
Bonifer, Arthur J., Sr., [redacted]
Bonner, William T., Jr., [redacted]
Bookout, William G., [redacted]
Boone, Roy H., [redacted]
Bopp, Charles E., [redacted]
Bopp, Delwin K., [redacted]
Bordeaux, John C., [redacted]
Borden, Andrew G., Jr., [redacted]
Borkowski, William R., [redacted]
Borling, John L., [redacted]
Botbyl, George W., [redacted]
Botticelli, Allan P., [redacted]
Bouckhcut, Richard J., [redacted]
Bouquet, Victor H., Jr., [redacted]
Bowen, Phillip K., [redacted]
Bowen, Thomas G., [redacted]
Bower, Larry E., [redacted]
Bower, Richard J., [redacted]
Bowers, Bruce G., [redacted]
Bowers, Richard L., [redacted]
Box, Don W., [redacted]
Boyd, Alfred A., Jr., [redacted]
Boyd, Charles G., [redacted]
Boyd, Darwin D., [redacted]
Boyd, Stuart R., [redacted]
Boyett, Joseph E., Jr., [redacted]
Boyland, John S., [redacted]
Bozeman, Gerald E., [redacted]
Bracken, Edward R., [redacted]
Bradley, Charles W., [redacted]
Bradley, Edgar A., [redacted]
Bradley, Frederic W., Jr., [redacted]
Bradley, Olin H., [redacted]
Bradshaw, Robert G., Jr., [redacted]
Brady, Conal J., Jr., [redacted]
Braman, Marvin L., [redacted]
Bramwell, Stanley K., [redacted]
Branan, Carl K., [redacted]
Branch, Christopher L., [redacted]
Brandt, David D., Jr., [redacted]
Brandt, Joseph P., [redacted]
Brandt, William H., [redacted]
Branham, Ruel K., [redacted]
Branson, Claude L., Jr., [redacted]
Brawley, Horace M., [redacted]
Brees, Anton D., [redacted]
Brehm, Lawrence R., [redacted]
Brenholdt, James P., [redacted]
Brennan, William E., [redacted]
Brewer, Darlene K., [redacted]
Brewer, James E., [redacted]
Brewer, Stanley M., [redacted]
Bright, Edward G. D., [redacted]
Bright, John E., [redacted]
Bright, Mahrlon R., [redacted]
Brimm, James S., [redacted]
Briscoe, Thomas R., [redacted]
Bristol, William E., [redacted]
Britt, John R., [redacted]
Britz, William C., [redacted]
Brodak, John W., [redacted]
Brodeur, Richard H., [redacted]
Bronnenberg, Gerald E., [redacted]
Bronson, Howard F., III, [redacted]
Brooks, John J., Jr., [redacted]
Brocks, Richard L., [redacted]
Broomall, William L., Jr., [redacted]
Brotnov, Kenneth W., [redacted]
Broussard, Arthur E., Jr., [redacted]
Brown, Bruce A., [redacted]
Brown, Bruce L., [redacted]
Brown, Charles W., [redacted]
Brown, Denis M., [redacted]
Brown, Donald L., [redacted]
Brown, Eldon P., [redacted]
Brown, Garnett C., Jr., [redacted]
Brown, Jerry E., [redacted]
Brown, Lester P., Jr., [redacted]
Brown, Lloyd A., [redacted]
Brown, Lloyd W., Jr., [redacted]
Brown, Marvin R., [redacted]
Brown, Ralph L., [redacted]
Brown, William M., [redacted]
Browne, Everett W., [redacted]
Broyles, Gene T., [redacted]
Brubaker, Howard J., [redacted]
Brubaker, Robert D., [redacted]
Brug, Walter J., Jr., [redacted]
Brune, Peter L., [redacted]
Brunson, James E., [redacted]
Bryan, Hayes R., [redacted]
Bryan, Jack B., [redacted]
Bryan, Otis P., Jr., [redacted]
Bryan, William W., [redacted]
Bryant, Jackie D., [redacted]
Buchan, William E., [redacted]
Buchner, George E., [redacted]
Buck, Irving L., [redacted]
Bugeda, Richard B., [redacted]
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Purdum, Richard L., XXX-XX-XXXX.
Purves, Robert E., XXX-XX-XXXX.
Purviance, Charles S., XXX-XX-XXXX.
Pyne, Frank B., XXX-XX-XXXX.
Quinlan, Michael J., XXX-XX-XXXX.
Quist, Bernard W., XXX-XX-XXXX.
Rabe, Walter J., XXX-XX-XXXX.
Radder, Paul E., Jr., XXX-XX-XXXX.
Radeker, Walter S., III, XXX-XX-XXXX.
Rader, John R., XXX-XX-XXXX.
Ramirez, Enrique H., XXX-XX-XXXX.
Ramsay, Allan C., XXX-XX-XXXX.
Randall, Horace J., XXX-XX-XXXX.
Randall, William V., XXX-XX-XXXX.
Randazzo, Richard J., XXX-XX-...
Rankin, Paul L., Jr., XXX-XX-XXXX.
Rankine, Robert R., Jr., XXX-XX-XXXX.
Rans, Donald L., XXX-XX-XXXX.
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Rasmusen, Robert D., XXX-XX-XXXX.
Ratledge, Bobby J., XXX-XX-XXXX.
Ratner, George H., XXX-XX-XXXX.
Rausch, Russell R., XXX-XX-XXXX.
Ravetti, Louis R., XXX-XX-XXXX.
Rawlings, Peter E., XXX-XX-XXXX.
Ray, James S., XXX-XX-XXXX.
Ray, Neil C., XXX-XX-XXXX.
Raymond, Richard A., XX...
Rebtoy, Donald L., XXX-XX-XXXX.
Rech, Adam, XXX-...
Record, James F., XXX-...
Records, Jerry L., XXX-X...
Rector, William K., Jr., XXX-XX-...
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Rees, Clifford H., Jr., XX...
Reese, William D., XX...
Reeves, John M., XXX-XX-XXXX.
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Regenhardt, John D., XXX-XX-...
Reichert, Robert A., XX...
Reid, Richard G., XXX-XX-XX...
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Reining, Robert R., Jr., XXX-X...
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Reinman, Robert A., XXX-X...
Reither, Winslow E., XXX-XX-X...
Remey, Robert A., XXX-XX-X...
Remson, Jack G., XXX-XX-X...
Reynolds, James W., XXX-XX-XXXX.
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Riddle, George M., XXX-XX-XXXX.
Ridgway, Charles Z., Jr., XXX-XX-XXXX.
Ridolfi, Richard R., XXX-XX-XXXX.
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Riebesehl, Edward H., XXX-XX-XXXX.
Rigg, Donald A., XXX-XX-XXXX.
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Rosholt, Wayne V., XXX-...
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Sailer, Allen J., XX...
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Schira, John A., Jr., XXX-...
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Schmoll, Ross V., XX...
Schmucker, Franz, XXX-...
Schneider, Benjamin F., Jr., XXX-XX-...
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Schoeppner, John P., Jr., XXX-...
Schramm, Wayne E., XXX-XX-...
Schritter, Robert W., XXX-XX-...
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Schwank, Jock C. H., XXX-...
Schwartz, Ray D., XX...
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Schwehm, Paul J., XXX-XX-...
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Sciples, Francis J., XXX-XX-...
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Scoggins, Wilton E., XXX-...
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Scrafford, Richard E., XXX-XX-...
Scuderi, Richard, XXX-...
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Seegmiller, David W., XXX-...
Seely, John C., XXX-XX-...
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Sellers, Lester H., XXX-XX-XXXX.
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Selzer, Franklyn J., XXX-XX-...
Serger, Peter E., XX...
Serur, John, XXX-XX-...
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Shaw, Christopher C., Jr., XXX-XX-XXXX.
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Shelley, Zack, H., Jr., XXX-XX-....
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Shockey, Samuel H., Jr., XXX-XX-XXXX.
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Sikes, Jackie E., XXX-XX-XXXX.
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Sipple, Garryl C., XXX-XX-X....
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Sistrunk, Harold M., XXX-....
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Skanchy, Thomas C., XXX-XX-X....
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Skovgaard, Richard A., XXX-XX-XX....
Slafkosky, Alexander R., XXX-XX-X....
Sleeper, Edward B., XXX-XX-....
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Smulczenski, Lawrence A., XXX-XX-XXXX.
Snead, Jonathan H., XXX-XX-XXXX.
Sneeder, William H., XXX-XX-XXXX.
Snider, Baxter F., XXX-XX-XXXX.
Snipes, Conway G., XXX-XX-XXXX.
Snoreck, Harry P., XXX-XX-XXXX.
Snow, William M., Jr., XXX-XX-XXXX.
Snyder, Arnold L., Jr., XXX-XX-XXXX.
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Soder, Ludwig A., XXX-XX-XXXX.
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Solt, Richard C., XXX-XX-XXXX.
Soper, W. J., XXX-XX-XXXX.
Sorensen, Neal G., XXX-XX-XXXX.
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Spacy, William L., XXX-XX-XXXX.
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Spear, John W., XXX-XX-XXXX.
Speed, Thomas J., III, XXX-XX-XXXX.
Spencer, Gary K., XXX-XX-XXXX.
Spezia, Jimmie V., XXX-XX-XXXX.
Spiers, Joseph K., XXX-XX-XXXX.
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Spivey, Lonnie R., XXX-XX-XXXX.
Spohn, Gary E., XXX-XX-XXXX.
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Sprague, Nelson J., XXX-XX-XXXX.
Spurlin, Harold O., XXX-XX-XXXX.
Squires, John M., XXX-XX-XXXX.
Stachelczyk, Victor S., XXX-XX-XXXX.
Stachurski, Richard J., XXX-XX-XXXX.
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Stamant, Anthony L., XXX-XX-XXXX.
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Stanislav, Rudolph J., XXX-XX-XXXX.
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Stowell, Dibrell C., XXX-XX-XXXX.
Strand, Roger F., XXX-XX-XXXX.
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Strickland, Bryan D., XXX-XX-XXXX.
Strom, Brock T., XXX-XX-XXXX.
Stroud, Raleigh E., XXX-XX-XXXX.
Stuart, Floyd R., XXX-XX-XXXX.
Studer, William A., XXX-XX-XXXX.
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Stuntz, Jose E., XXX-XX-XXXX.
Suits, Norman L., XXX-XX-XXXX.
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Swain, Whitmel B., XXX-XX-XXXX.
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Timm, Loren E., [redacted]
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Tippett, David F., [redacted]
Tissaw, George H., [redacted]
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Tokash, Frederick E., [redacted]
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Trapp, Charles E., Jr., [redacted]
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Trimpert, Michael J., [redacted]
Tronzo, Louis C., [redacted]
Troyer, Corlyn J., [redacted]
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Try, Paul D., [redacted]
Trzaskcma, Richard J., [redacted]
Tuck, Frank K., [redacted]
Tufo, Stanley, [redacted]
Turley, Mack C., [redacted]
Turner, Frank W., Jr., [redacted]
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Turrin, Armand L., [redacted]
Twigg, John K., [redacted]
Tygett, Herbert C., [redacted]
Tyler, Wayne L., [redacted]
Ulbricht, Gilmer D., [redacted]
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Ulm, James P., [redacted]
Underwood, Cecil E., [redacted]
Uno, Peter K., [redacted]
Utley, Roger R., [redacted]
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Violett, Russell L., [redacted]
Vitito, Thomas E., [redacted]
Vizcarra, Victor, [redacted]
Voland, Paul M., [redacted]
Volz, David E., [redacted]
Vonbargen, Gerald C., [redacted]
Voorhees, John H., [redacted]
Vosika, Eugene L., [redacted]
Voss, John C., [redacted]
Waddell, Dewey W., [redacted]
Waddle, James E., [redacted]
Wade, Donald M., [redacted]
Wade, James R., [redacted]
Waggener, James S., Jr., [redacted]
Waggoner, Hal F., [redacted]
Wagner, David L., [redacted]
Wayner, Larry L., [redacted]
Wagner, Robert K., [redacted]
Wagnon, Bobby D., [redacted]
Waite, Leland K., [redacted]
Waite, Merrill J., [redacted]
Wakefield, James L., [redacted]
Walden, Charles E., [redacted]
Waldman, Henry W., [redacted]
Waldron, Kirk T., [redacted]
Waldron, Larry D., [redacted]
Walker, Alan E., [redacted]
Walker, Belva D., [redacted]
Walker, Clark M., [redacted]
Walker, Frederick T., [redacted]
Walker, Phillip J., [redacted]
Walker, Richard L., [redacted]
Walker, Robert E., [redacted]
Walker, Roy A., [redacted]
Wallace, Billy J., [redacted]
Wallace Hoyt A., [redacted]
Wallace, Kenneth H., [redacted]
Wallace, Richard P., [redacted]
Wallace, Roy G., [redacted]
Waller, Benjamin E., III, [redacted]
Walsh, Denis L., [redacted]
Walter, Charles R., Jr., [redacted]
Walters, James W., [redacted]
Walters, Ralph D., [redacted]
Walton, Gary K., [redacted]
Walton, James M., [redacted]
Warack, Christian A., [redacted]
Ward, Donald T., [redacted]
Ware, Bruce K., [redacted]
Ware, Frederick B., [redacted]
Warfel, Clarence A. B., [redacted]
Warne, Evans E., [redacted]
Warner, Robert E., Jr., [redacted]
Waterman, Quintin L., [redacted]
Waters, Albert L., [redacted]
Watkins, Church, Jr., [redacted]
Watkins, Frederick L., [redacted]
Watrous, David S., [redacted]
Watson, Harold E., [redacted]
Watson, Richard E., [redacted]
Watson, Richard J., [redacted]
Watson, Robert J., [redacted]
Watts, Claudius E., III, [redacted]
Watts, Holbrock M., [redacted]
Waylett, Dan K., [redacted]
Weatherbie, Neil K., [redacted]
Weathers, George T., Jr., [redacted]
Weatherson, James G., [redacted]
Weaver, James L., [redacted]
Webb, John A., [redacted]
Webb, Walter E., III, [redacted]
Weeks, Calvin G., [redacted]
Weeks, George M., III, [redacted]
Weems, Joe F., [redacted]
Weigel, Robert D. P., [redacted]
Weihe, David A., [redacted]
Weiss, Walter A., Jr., [redacted]
Wells, Don E., [redacted]
Wells, Frederick L., [redacted]
Wells, Norman E., [redacted]
Wenker, David J., [redacted]
West, Neil W., [redacted]
West, Wesley L., [redacted]
West William O., III, [redacted]
Westback, Eugene O., [redacted]
Westbrook, Bruce M., [redacted]
Westbrook, Sam W., III, [redacted]
Westmoreland, Barney, Jr., [redacted]
Weston, Walter F., [redacted]
Wetterhahn, Ralph F., [redacted]
Wetzl, Ralph F., [redacted]
Wheeler, Charles E., [redacted]
Wheeler, Kenneth R., [redacted]
Wheeler, Maurice J., Jr., [redacted]
Wheeler, Richard C., [redacted]
Whisner, Richard L., [redacted]
White, Donald D., [redacted]
White, Edward B., [redacted]
White, Gurney D., [redacted]
White, John H., Jr., [redacted]
Whitehouse, Larry V., [redacted]
Whiteside, Don M., [redacted]
Whitley, Lee O., [redacted]
Whitman, Walter T., III, [redacted]
Whitmire, Jack N., [redacted]
Whitt, Joe B., [redacted]
Whittenberg, Jean R., [redacted]
Wicker, Charles E., [redacted]
Wicker, Thomas J., [redacted]
Wicklund, Robert A., [redacted]
Widen, Donald A., [redacted]
Wiedmaier, Marcel A., [redacted]
Wiener, Robert D., [redacted]
Wiggins, Frank S., [redacted]
Wilcox, Chris N., [redacted]
Wiley, Thomas S., [redacted]
Wilhelm, Charles F., [redacted]
Wilhelm, James E., [redacted]
Wilkes, Quenten L., [redacted]
Wilkinson, Donald L., [redacted]
Wilkinson, Thomas J., [redacted]
Wilks, Carlton O., [redacted]
Willett, James G., [redacted]
Willette, James F., [redacted]
Williams, Allen J., [redacted]
Williams, Brian R., [redacted]
Williams, Bruce, [redacted]
Williams, David H., Jr., [redacted]
Williams, George W., [redacted]
Williams, James L., Jr., [redacted]
Williams, Joe A., [redacted]
Williams, John D., Jr., [redacted]
Williams, Thomas O., III, [redacted]
Williams, Thomas W., [redacted]
Williams, William T., IV, [redacted]
Williamson, James R., [redacted]
Williamson, William R., [redacted]
Willingham, Larry D., [redacted]
Willis, Frank E., [redacted]
Willson, Richard D., [redacted]
Wilshire, Robert M., [redacted]
Wilson, Arthur J., III, [redacted]
Wilson, Edwin B., [redacted]
Wilson, Harold D., [redacted]
Wilson, Harold F., [redacted]
Wilson, Henry J., Jr., [redacted]
Wilson, James L., [redacted]
Wingert, Charles J., [redacted]
Winkelmann, Edgar W., [redacted]
Winters, Charles P., [redacted]
Winters, William N., [redacted]
Wise, Sidney J., [redacted]
Wisely, Fred H., [redacted]
Witherspoon, Ralph P., [redacted]
Woelfel, Edward A., Jr., [redacted]
Wohlfeil, Gordon L., [redacted]
Wolfe, Lynn R., [redacted]
Wolff, James F., [redacted]
Wolfswinkel, Donald L., [redacted]
Womack, Harold L., [redacted]
Womble, William O., [redacted]
Woner, James M., [redacted]
Wood, Charles N., [redacted]
Wood, Harry F., Jr., [redacted]
Wood, Marinda J. C., [redacted]
Woodring, Marvin J., [redacted]
Woods, David M., [redacted]
Woods, James C., [redacted]
Woods, Robert V., [redacted]
Woolard, Henry H., Jr., [redacted]
Wooten, John F., Jr., [redacted]
Worch, Peter R., [redacted]
Worley, John N., [redacted]
Worthington, Walter T., [redacted]
Wray, Duane J., [redacted]
Wright, Francis M., Jr., [redacted]
Wright, James R., [redacted]
Wright, Larry D., [redacted]
Wright, Sidney J., [redacted]
Wucher, Jerome M., [redacted]
Wyatt, James L., Jr., [redacted]
Wycoff, William J., [redacted]
Wyrick, Andrew G., Jr., [redacted]
Wyze, David L., [redacted]
Yaeger, Michael A., [redacted]
Yager, Walter S., [redacted]
Yancey, William S., [redacted]
Yaryan, John S., Jr., [redacted]
Yates, Douglas B., [redacted]
Yates, Ronald W., [redacted]
Yates, Thomas H., [redacted]
Yee, Edmund O. H., [redacted]
Yingst, H. Sheldon, [redacted]
Yochum, Henry M., II, [redacted]
York, Guy P., [redacted]
Yorks, Robert A., [redacted]
Young, David G., [redacted]
Young, Douglas R., [redacted]
Young, Edward F., [redacted]
Young, Glenn W., [redacted]
Young, Joe H., [redacted]
Youngson, James, Jr., [redacted]
Yowell, Robert J., [redacted]
Zakrzeski, Alexander, Jr., [redacted]
Zang, Robert A., [redacted]
Zannini, Robert H., [redacted]
Zehrer, Frederick A., III, [redacted]
Zeigler, Gary S., [redacted]
Zeitler, Fraine C., [redacted]
Zeitner, Charles M., [redacted]
Zersen, William F. H., [redacted]
Zieg, Duane H., [redacted]
Zimmerman, Alex D., [redacted]
Zych, Leonard P., [redacted]

CHAPLAIN CORPS

Auer, Robert F., [redacted]
Balint, Robert J., [redacted]
Black, Bobby C., [redacted]
Bretscher, Forrest F., [redacted]
Brown, Preston C., Jr., [redacted]
Brucato, Robert A., [redacted]
Buice, Willie E., [redacted]
Caine, Martin J., [redacted]
Campbell, William W., [redacted]
Carleton, Rhon V., [redacted]
Chace, Alston R., [redacted]
Dangelo, Salvatore J., [redacted]
Doonan, John A., [redacted]
Dwyer, John F., [redacted]
Evans, Paul R., [redacted]
Falcone, Emilio, [redacted]
Flattery, John J., [redacted]
Foutz, Martin F., Jr., [redacted]
Francis, Donald K., [redacted]
Gallenbach Thomas E., [redacted]
Geller, Selwyn G., [redacted]
Hardin, Newton R. N., [redacted]
Harlin, Donald J., [redacted]
Hermanson, Sheldon E., [redacted]
Johnson, Arnold G., [redacted]
Jones, Douglas O., [redacted]
Kaiser, Roman F., [redacted]
Kelley, Benjamin F., [redacted]
Krieger, Wilfred L., [redacted]
Labinger, Marvin L., [redacted]
Ludwig, Alexander P., [redacted]
Mallory, Jerry J., [redacted]
Mann, John L., [redacted]
Martin, Christian H., Jr., [redacted]
Mattison, Walter H., [redacted]
McCausland, Joseph E., [redacted]
McDonald, Paul F., [redacted]
McGinty, Edward S., [redacted]
McManus, Robert T., [redacted]
Merrell, Robert E., [redacted]
Metcalf, Frank D., [redacted]
Millian, Ronald A., [redacted]
Mundinger, Carl S., Jr., [redacted]
Nelson, Samuel D., Jr., [redacted]
Nordstrand, Henry A., [redacted]
Ofsdahl, Donald C., [redacted]
Oleary, Cornelius P., [redacted]
Plummer, James R., [redacted]
Rathjen, David E., [redacted]
Rice, Jerry L., [redacted]
Richard, Leon J., [redacted]
Richards, John P., [redacted]
Rushe, George M., [redacted]
Schneider, Edward L., [redacted]
Schuelein, Virgil L., [redacted]
Thompson, Kenneth R., [redacted]
Thurman, James M., [redacted]
Truitt, John G., Jr., [redacted]
Ulirich, Donald W., [redacted]
Vaughn, Earl F., [redacted]
Wantz, Earl B., [redacted]
Wilson, James F., Jr., [redacted]

DENTAL CORPS

Abbott, George G., [redacted]
Aberth, George H., Jr., [redacted]
Adan, Cirilo L., Jr., [redacted]
Almquist, Theodore C., [redacted]
Amy, Donald H., [redacted]
Andrews, Roy W., [redacted]
Andrus, Clair W., [redacted]
Arnold, Ralph M., [redacted]
Asianis, James T., [redacted]
Alsich, Joseph E., [redacted]
Aussiker, William H., [redacted]
Awtry, Teddy D., [redacted]
Baer, Marvin L., [redacted]
Bailey, Ronald W., [redacted]
Barton, Ralph T., [redacted]
Battock, Richard D., [redacted]
Beardslee, Eric E., [redacted]
Benkel, Bernard H., [redacted]
Berte, Joseph J., [redacted]
Biddle, Harold H., [redacted]
Bigalke, James F., [redacted]
Bigbie, John D., [redacted]
Binzer, William C., [redacted]
Birdman, Murray J., [redacted]
Blasetti, Angelo B., [redacted]
Block, Philip L., [redacted]
Bloss, James L., [redacted]
Blumenfeld, Walter L., [redacted]
Bock, Joseph F., Jr., [redacted]
Boke, Bruce R., [redacted]
Bourne, William F., [redacted]
Boyle, William D., Jr., [redacted]
Brandt, Robert L., [redacted]
Brannon, Robert B., [redacted]
Brown, Cecil E., Jr., [redacted]
Brown, Garth W., [redacted]
Brown, Velpo B., [redacted]
Brunsvold, Michael A., [redacted]
Bryk, Clarence C., [redacted]
Bump, Robert L., [redacted]
Buzenas, John A., [redacted]
Camamo, Joseph A., [redacted]
Carey, Robert J., [redacted]
Carroll, Daniel P., [redacted]
Cecconi, Bert T., [redacted]
Chalfin, Charles W., [redacted]
Ciampa, John B., Jr., [redacted]
Clement, Robert J., [redacted]
Cooley, Robert L., [redacted]
Cooper, Harvey E., [redacted]
Cooper, John T., [redacted]
Corrigan, William J., [redacted]
Costley, Albert W., Jr., [redacted]
Cowan, Robert D., [redacted]
Cox, Charles M., [redacted]
Coyne, Arthur B., [redacted]
Cronin, Robert J., Jr., [redacted]
Daugherty, George L., II, [redacted]
Davis, Fredric C., [redacted]
Davis, Jerry N., [redacted]
Depew, Theodore E., Jr., [redacted]
Deyampert, Porter L., [redacted]
Dix, Robert L., [redacted]
Dohaney, Martin J., Jr., [redacted]
Drake, Philip L., Jr., [redacted]
Drake, Robert B., [redacted]
Dukart, Rodney C., [redacted]
Durkin, William J., Jr., [redacted]
Ellerbruch, Eldon S., [redacted]
Farnie, John E., [redacted]
Fenex, Guy W., [redacted]
Ferland, Norman G., [redacted]
Forgach, John J., [redacted]
Forrest, William R., [redacted]
Foulke, Clark N., [redacted]
Franciose, Angelo, [redacted]
Francis, Evan D., [redacted]
Francis, Michael R., [redacted]
Freedman, Irving, [redacted]
Freestone, James T., [redacted]
Frisbie, Orton D., [redacted]
Gardner, Jerry D., [redacted]
Gault, Clovis G., [redacted]
Geracci, James P., [redacted]
Gibson, Ronald M. E., [redacted]
Gilliland, Robert F., [redacted]
Gleason, Robert W., [redacted]
Gough, Robert W., [redacted]
Granger, Dale T., [redacted]
Gray, Gary G., [redacted]
Grayson, Frank W., [redacted]
Green, Larry E., [redacted]
Gullatt, Theodore, Jr., [redacted]
Halliday, Donald G., [redacted]
Hammer, Wayne S., Jr., [redacted]
Hanson, Harold O., [redacted]
Haroz, Carl T., [redacted]
Hartman, Garrett E., [redacted]
Hartman, Kenton S., [redacted]
Hastings, Jack G., [redacted]
Hawkins, Maynard A., [redacted]
Helder, John C., [redacted]
Heller, Charles E., [redacted]
Hendon, Gene E., [redacted]
Herbold, Edward T., [redacted]
Heupel, Edwin M., [redacted]
Hoerath, John C., [redacted]
Hoffman, David L., [redacted]
Holgate, Robert S., [redacted]
Hope, Gary B., [redacted]
Hubbuch, Behrle W., Jr., [redacted]
Hull, Caleb A., [redacted]
Ingari, John S., [redacted]
Jacoby, James K., [redacted]
Jerman, Albert C., [redacted]
Joffre, Roch R., [redacted]
Jones, James P., [redacted]
Keaton, Wilfrid M., [redacted]
Keupe:, Jack B., [redacted]
Killingsworth, Charles R., [redacted]
Kirby, David B., Jr., [redacted]
Kizzie, Anderson, [redacted]
Kleinman, Preston R., [redacted]
Klepetko, Ronald F., [redacted]
Knowles, Kenneth I., [redacted]
Kolker, Stanley L., [redacted]
Krenzel, Daniel J., [redacted]
Krusee, Paul A., [redacted]
Lee, Kenneth E., [redacted]
Lee, Lawrence M. H., [redacted]
Legan, Joseph J., [redacted]
Leichtman, William S., [redacted]
Lepore, Marion, [redacted]
Leslie, James C., [redacted]
Lindner, Marshall W., [redacted]
Long, William H., [redacted]
Lord, Hunting J., Jr., [redacted]
Loughlin, Dan N., [redacted]
Lundgren, Richard P., [redacted]
Masi, Victor A., [redacted]
Matranga, Luke F., Jr., [redacted]
Maust, Jay R., [redacted]
Mauthe, Donald J., [redacted]
McCarthy, Paul H., [redacted]
McDaniel, Raymond K., [redacted]
McKinney, James F., [redacted]
Mead, John F., [redacted]
Meyer, Asher M., [redacted]
Moore, John N., Jr., [redacted]
Morgan, John P., [redacted]
Morlang, William M., II, [redacted]
Morley, Ronald B., [redacted]
Moskowicz, Donald G., [redacted]
Mulligan, Patrick J., [redacted]
Muth, Eugene R., [redacted]
Nassif, N. Joseph, [redacted]
Nemchick, Harold E., Jr., [redacted]
Neurock, Isadore, [redacted]
Newman, Robert M., [redacted]
Olesen, Harold P., [redacted]
Orman, Albert G., [redacted]
Osburn, Richard C., [redacted]
Park, Paul R., [redacted]
Parttridg, John C., [redacted]
Phillips, Homer L., [redacted]
Pixley, Phillip J., [redacted]
Plies, Stanley M., [redacted]
Plotzke, Anthony E., [redacted]
Polte, Hanswalter W., [redacted]
Powell, Joseph M., [redacted]
Pullen, Wayne G., [redacted]
Rehg, Paul J., [redacted]
Richard, Glenn E., [redacted]
Richards, Ellsworth R., [redacted]
Riley, Guy L., [redacted]
Risk, Donald L., [redacted]
Rivard, Rodney A., [redacted]
Roraff, Arthur R., [redacted]
Rosen, Ronald, [redacted]
Salzmann, Jacob A., [redacted]
Sanders, Dick W., [redacted]
Sancoval, Elivinio, [redacted]
Savers, Norman C., Jr., [redacted]
Scholes, Edwin, Jr., [redacted]
Schultheis, William J., Jr., [redacted]
Scott, Andrew S., [redacted]
Sellers, William R., [redacted]
Shaver, Bruce E., [redacted]
Shibuya, Francis S., [redacted]
Simmonds, Charles R., [redacted]
Skaer, Wilbur C., Jr., [redacted]
Smith, Howard E., [redacted]
Smith, Howard F., [redacted]
Sorensen, Donald C., [redacted]
Spencer, Leonard J., [redacted]
Stamps, John T., [redacted]
Starbuck, Gordon E., [redacted]
Staup, James C., Jr., [redacted]
Stepler, Ronald G., [redacted]
Streeter, Arthur H., [redacted]
Strohaver, Robert A., [redacted]
Strosnider, Roger K., [redacted]
Strunk, Robert R., [redacted]
Sudinsky, Theodore R., [redacted]
Swanson, Ben Z., Jr., [redacted]
Swimley, Dwight C., [redacted]
Testa, William J., [redacted]

Thompson, Michael W., [redacted]
Todaro, Michael J., [redacted]
Townsend, Herbert K., Jr., [redacted]
Treloar, Thomas J., [redacted]
Turner, Donald C., [redacted]
Usseglio, Robert J., [redacted]
Vanvooren, Claude P. G., [redacted]
Wampler, Henry W., [redacted]
Wasserman, Sheldon, [redacted]
Wee, Clifford G. H., [redacted]
Weinman, Morris L., [redacted]
Wellins, Stanley L., [redacted]
Wilkinson, Raymond F., [redacted]
Williams, Earl C., [redacted]
Willsey, Dean B., [redacted]
Wilson, Aaron H., Jr., [redacted]
Wilson, Theodore T., [redacted]
Windeler, Alfred S., Jr., [redacted]
Wysocki, Stanley F., [redacted]

JUDGE ADVOCATE

Beckham, Donald D., [redacted]
Bexten, Richard C., [redacted]
Blanks, Clifton D., [redacted]
Bloss, Stephen R., [redacted]
Bowlden, Max S., [redacted]
Casari, Guido J., Jr., [redacted]
Ciucci, John A., [redacted]
Copperman, Seymour, [redacted]
Dickman, Verlin D., [redacted]
Douglass, Robert G., [redacted]
Dranttel, Jack G., [redacted]
Dunham, Robert A., [redacted]
Farina, Anthony F., [redacted]
Filkins, Merton F., [redacted]
Finch, Mark T., [redacted]
Finder, Jack L., [redacted]
Flatten, Franklin P., [redacted]
Foray, John, [redacted]
Fowler, Charles W., [redacted]
Franco, John J., Jr., [redacted]
Fuller, Joseph L., [redacted]
Green, Henry G., [redacted]
Hitt, William B., [redacted]
Hodgson, Earl E., Jr., [redacted]
Holte, Roger L., [redacted]
Howey, James Z., [redacted]
Irving, Bruce, [redacted]
Jeter, Thomas G., Jr., [redacted]
Jones, Robert W., [redacted]
Jones, Roger A., [redacted]
Joyce, William J., [redacted]
Knutson, Milford H., [redacted]
Kuhnell, Ludolf R., III, [redacted]
Lawrence, James E., [redacted]
Lewis, David M., Jr., [redacted]
Lewis, Paul K., Jr., [redacted]
Lueders, Tommy W., [redacted]
McDade, James D., [redacted]
Michalski, Jan K., [redacted]
Miles, James R., [redacted]
Miller, Grant, [redacted]
Mills, Philip C., [redacted]
Morehouse, David C., [redacted]
Mowery, Charles F., Jr., [redacted]
Murphy, Edward J., [redacted]
Nakano, George M., [redacted]
Newhouse, Peter D., [redacted]
O'Brien, Patrick B., [redacted]
Perkins, Robert H., [redacted]
Pierson, Samuel M., III, [redacted]
Porter, James P., [redacted]
Ratcliff, Kenneth E., [redacted]
Rengert, Kenneth R., [redacted]
Roan, James C., Jr., [redacted]
Ruddock, Donn M., [redacted]
Rudland, William P., [redacted]
Sanders, Stark C., Jr., [redacted]
Semeta, Ramutis R., [redacted]
Sergi, Leo L., [redacted]
Sessoms, Philip C., [redacted]
Smith, H. Kirby, [redacted]
Springob, Thomas J., [redacted]
Squires, Edward A., [redacted]
Steenstra, Henry J., Jr., [redacted]
Stevens, George R., [redacted]
Strickland, Donald B., [redacted]
Ward, Clarence D., [redacted]
Williams, Cecil W., [redacted]
Williams, Conward E., [redacted]
Witgen, Joseph N., [redacted]
Wirin, William B., [redacted]

MEDICAL CORPS

Acevedo, Julio E., [redacted]
Alcazar, Esteban A., [redacted]
Anderson, Edgar R., Jr., [redacted]
Anderson, George K., [redacted]
Andruczk, Robert C., [redacted]
Bailey, Edward J., [redacted]
Bailey, George O., [redacted]
Barrett, Robert T., [redacted]
Beck, Roger A., [redacted]
Beckmann, Charles H., [redacted]
Belk, William F., [redacted]
Bennett, Raymond S., Jr., [redacted]
Berry, Frank W., Jr., [redacted]
Bisgard, Jay C., [redacted]
Bishop, John E., [redacted]
Bode, Frederick R., [redacted]
Bonfill, Hubert F., [redacted]
Borden, Lester L., [redacted]
Boydstun, James A., [redacted]
Briccetti, Albert B., [redacted]
Bristow, John W., [redacted]
Brown, Frederic M., [redacted]
Brunstetter, Frank H., [redacted]
Buehe, Robert A., Jr., [redacted]
Campbell, John L., II, [redacted]
Carpenter, Warren L., [redacted]
Chambers, Clint E., [redacted]
Cloyd, Dale E., [redacted]
Conrad, Larry L., [redacted]
Cook, Marshall S., [redacted]
Coolidge, Thomas T., [redacted]
Corcoran, James F., [redacted]
Corpening, William S., Jr., [redacted]
Culton, John W., [redacted]
Davis, Jeffrey G., [redacted]
Dean, Nowlan K., [redacted]
Dehart, Rufus M., Jr., [redacted]
Demski, Robert S., [redacted]
Dewitt, Dexter D., [redacted]
Dichsen, Donald V., [redacted]
Donahue, James M., [redacted]
Dorang, Louis A., [redacted]
Dryden, Richie S., [redacted]
Dumas, Paul A., [redacted]
Dyer, John T., [redacted]
Eady, John L., [redacted]
Eaton, Wyley E., [redacted]
Edmunds, Frank E., Jr., [redacted]
Ehemann, Larry J., [redacted]
Fettus, George H., [redacted]
Fleming, Bryan W., Jr., [redacted]
Fontenelle, Larry J., [redacted]
Fragala, Mario R., [redacted]
Giffin, Edward L., [redacted]
Gleason, Paul C., [redacted]
Grant, William H., [redacted]
Green, Ronald S., [redacted]
Grillo, Donald, [redacted]
Haaland, James A., [redacted]
Hancey, Richard C., [redacted]
Hart, Kenneth L., [redacted]
Hauver, Robert C., [redacted]
Haydon, John R., Jr., [redacted]
Heimbach, Richard D., [redacted]
Hemming, Val G., [redacted]
Henges, David F., [redacted]
Hess, George W., Jr., [redacted]
Hickman, James R., Jr., [redacted]
Himelberger, Corydon G., [redacted]
Hinzman, Gary W., [redacted]
Horne, Edwin G., Jr., [redacted]
Hoyer, Thomas V., [redacted]
Hughes, Thomas J., [redacted]
Hutton, Robert D., [redacted]
Jarvie, Thomas A., [redacted]
Jecha, Larry D., [redacted]
Johnson, Don E., [redacted]
Johnson, Joseph M., [redacted]
Johnson, Wayne A., [redacted]
Jones, George P., Jr., [redacted]
Joye, Martin J., [redacted]
Kaminski, Paul F., [redacted]
Kantack, Paul W., [redacted]
Kelly, Paul A., [redacted]
Kirschner, Leonard J., [redacted]
Koenigsberg, Edward J., [redacted]
Lathrop, George D., [redacted]
Laurel, Santiago, [redacted]
Ledbetter, Rene B., Jr., [redacted]
Lewis, Sidney T., [redacted]
Lochridge, Gordon K., [redacted]
Logan, Neal J., [redacted]
Lordon, Robert E., [redacted]
Lubin, Arnold N., [redacted]
Magnuson, Arthur W., [redacted]
Maier, Robert C., [redacted]
Maloney, Thomas R., [redacted]
Manaker, Philip A., [redacted]
Marshall, Angus, [redacted]
Massey, Freddy M., [redacted]
Matejka, Robert E., [redacted]
Mathews, Theodore S., [redacted]
Mayes, George R., [redacted]
McConnell, Whitman E., [redacted]
McDonald, Harold T., [redacted]
McNaughton, Grant B., [redacted]
Mediavilla, Antonio F., [redacted]
Mendoza, Edward, [redacted]
Meng, Gunter R., [redacted]
Moll, Jacob T., [redacted]
Montgomery, Robert N., [redacted]
Moore, William B., [redacted]
Morse, Harry R., [redacted]
Moser, Royce, Jr., [redacted]
Moss, Stanley R., [redacted]
Murphy, Jerry L., [redacted]
Murray, Arthur J., [redacted]
Nassif, Thomas J., [redacted]
Neimanis, Andris, [redacted]
Nelson, Manfred R., [redacted]
Ngo, Narciso L., [redacted]
Noga, Gerald W., [redacted]
Novicki, Donald E., [redacted]
Pala, Stanley J., [redacted]
Palma, William E., [redacted]
Parker, Edward H., Jr., [redacted]
Patton, John P., Jr., [redacted]
Paull, Robert M., [redacted]
Payne, James E., Jr., [redacted]
Pittman, James A., [redacted]
Pratofiorito, Frank N., [redacted]
Puma, Samuel C., [redacted]
Ragsdale, Vernice D., [redacted]
Ramey, Ralph, Jr., [redacted]
Rayman, Russell B., [redacted]
Reppart, John T., [redacted]
Reynolds, Ralph D., [redacted]
Rice, Donald E., [redacted]
Rieffel, Clement N., Jr., [redacted]
Rodriguezlopez, Ensor, [redacted]
Romberger, Wesley E., [redacted]
Rudd, Ronald E., [redacted]
Runkle, William M., [redacted]
Sarnacki, Clifford T., [redacted]
Saylor, Jack L., [redacted]
Schaberl, Karl N., [redacted]
Schneider, Robert A., [redacted]
Schwark, Thomas E., [redacted]
Shacklett, David E., [redacted]
Shaklan, Barry N., [redacted]
Shamiyeh, Samir B., [redacted]
Shapiro, Allen, [redacted]
Shapiro, Stephen R., [redacted]
Sherman, Howard H., [redacted]
Signorino, Charles E., [redacted]
Smerville, James J., [redacted]
Sindell, Harlan W., [redacted]
Salrve, Richard N., [redacted]
Smith, Dwight D., [redacted]
Smith, Melvin D., [redacted]
Sobiesk, Emory J., [redacted]
Solomon, James W., [redacted]
Stevenson, Onex D., [redacted]
Stinebiser, James H., [redacted]
Suckow, Lowell C., [redacted]
Takamoto, Robert M., [redacted]
Task, Steven A., [redacted]
Tohou, Howard P., [redacted]
Thomas, Charles N., [redacted]
Thomas, Hollis A., Jr., [redacted]
Thompson, Barry H., [redacted]
Tindall, John P., [redacted]
Tomasovic, Jerry J., [redacted]
Torma, Michael J., [redacted]
Torrance, Philip M., II, [redacted]
Touhey, John E., [redacted]
Trabalsantos, Jose F., [redacted]
Troxler, Raymond G., [redacted]
Turns, James E., [redacted]
Versteeg, Harold J., Jr., [redacted]
Victor, Martin I., [redacted]
Vonhazmburg, Romulus S., [redacted]

Voskovitch, James W., XXX-XX-XXXX.
Wagner, Grant H., XXX-XX-XXXX.
Wagner, James D., II, XXX-XX-XXXX.
Walker, Ronald E., XXX-XX-XXXX.
Watson, Alfred B., Jr., XXX-XX-XXXX.
Watson, Clarence F., Jr., XXX-XX-XXXX.
Weeks, Leroy E., XXX-XX-XXXX.
West, Gary W., XXX-XX-XXXX.
White, John W., Jr., XXX-XX-XX...
White, Stewart A., XXX-XX-XXXX.
Wildemann, Mark F., XXX-XX-XXXX.
Wilder, Thomas C., Jr., XXX-XX-XXXX.
Wiley, John R., XXX-XX-XXXX.
Williams, Ariel L., Jr., XXX-XX-XXXX.
Wolst, Mack D., Jr., XXX-XX-XXXX.
Wood, Edward H., XXX-XX-XXXX.
Wright, John H., Jr., XXX-X...
Young, Robert L., XXX-XX-XXXX.
Zeiner, George B., XXX-XX-XXXX.
Zimmerman, Raymond E. P., XXX-XX-XXXX.

NURSE CORPS

Anderson, Rhea S., XXX-XX-XXXX.
Baker, Patrick J., XXX-XX-XXXX.
Bobko, Stephen E., XXX-XX-XXXX.
Boyd, Mary R., XXX-XX-XXXX.
Brinkmann, Joanne M., XXX-XX-XXXX.
Candella, Josephine M., XXX-XX-XXXX.
Connolly, Janet M., XXX-XX-XXXX.
Corrado, Carol J., XXX-XX-XXXX.
Crown, Mary F. G., XXX-XX-XXXX.
Deogburn, Charlotte M., XXX-XX-XXXX.
Dye, Beverly J., XXX-XX-XXXX.
Friday, Blanche B., XXX-XX-XXXX.
Gengler, Rita E., XXX-XX-XXXX.
Goins, Phyllis N., XXX-XX-XXXX.
Goodwin, Barbara A., XXX-XX-XXXX.
Hagan, Faye T., XXX-XX-XXXX.
Hale, Diann A., XXX-XX-XXXX.
Halley, Norma D., XXX-XX-XXXX.
Hamberger, Ann M., XXX-XX-XXXX.
Havens, Mary L., XXX-XX-XXXX.
Hopkins, Edna M., XXX-XX-XXXX.
Hunt, Maureen A., XXX-XX-XXXX.
Johnson, Phyllis J., XXX-XX-XXXX.
Kendall, Nora M., XXX-XX-XXXX.
Korach, Margaret M., XXX-XX-XXXX.
Liberty, Gail N., XXX-XX-XXXX.
Lopalo, Salvatore, XXX-XX-XXXX.
Luttman, Phyllis A., XXX-XX-XXXX.
McCleary, Carol M., XXX-XX-XXXX.
Merrill, Sylvia A., XXX-XX-XXXX.
Merrow, Jean T., XXX-XX-XXXX.
Modrak, Donna M., XXX-XX-XXXX.
Mullin, Margaret M., XXX-XX-XXXX.
Murray, Maejane, XXX-XX-XXXX.
Nelson, Ethel A., XXX-XX-XXXX.
Parcells, Phyllis P., XXX-XX-XXXX.
Perry, Allan J., XXX-XX-XXXX.
Piper, Doris A., XXX-XX-XXXX.
Plott, Claridith J., XXX-XX-XXXX.
Prusko, Joan R., XXX-XX-XXXX.
Remmes, Elizabeth J., XXX-XX-XXXX.
Roach, Nellie M., XXX-XX-XXXX.
Ruddy, Mary L., XXX-XX-XXXX.
Ruotsala, Ella M., XXX-XX-XXXX.
Schimmenti, Carmella, XXX-XX-XXXX.
Shinn, Patsy F., XXX-XX-XXXX.
Soeder, Darla J., XXX-XX-XXXX.
Sturim, Constance R., XXX-XX-XXXX.
Whitley, Helen B., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

Archie, Julius C., XXX-XX-XXXX.
Bargamin, Taliaferro M., XXX-XX-XXXX.
Boyd, Thomas O., XXX-XX-XXXX.
Brown, Raymond A., XXX-XX-XXXX.
Curtis, Keith W., XXX-XX-XXXX.
Dickes, David W., XXX-XX-XXXX.
Farringer, John R., XXX-XX-XXXX.
Good, Donald S., XXX-XX-XXXX.
Gregg, Bruce P., Jr., XXX-XX-XXXX.
Hendley, James W., XXX-XX-XXXX.
Hermann, Kenneth G., XXX-XX-XXXX.
Holley, Robert C., XXX-XX-XXXX.
Hudock, Jack, XXX-XX-XXXX.
Inman, Gilbert R., XXX-XX-XXXX.
Iott, Robert O., XXX-XX-XXXX.
Jackson, Thames F., Jr., XXX-XX-XXXX.
King, James M., XXX-XX-XXXX.
McNally, Paul M., XXX-XX-XXXX.
Middleton, Richard V., XXX-XX-XXXX.
Morton, James I., XXX-XX-XXXX.
Murphy, John E., XXX-XX-XXXX.
O'Donnell, Daniel J., XXX-XX-XXXX.
Parker, Lester B., XXX-XX-XXXX.
Perri, Frank J., XXX-XX-XXXX.
Redman, Ronald A., XXX-XX-XXXX.
Rieckhoff, Elmer C., XXX-XX-XXXX.
Sanders, Lewis D., XXX-XX-XXXX.
Seal, Daniel H., XXX-XX-XXXX.
Smith, Robert D., XXX-XX-XXXX.
Smith, Thomas L., XXX-XX-XXXX.
Turner, Charles E., XXX-XX-XXXX.
Vanherpen, John, XXX-XX-XXXX.
Walker, Kenneth C., XXX-XX-XXXX.
Wassmund, James A., XXX-XX-XXXX.
Watson, John R., XXX-XX-XXXX.
Wilhelm, Bruce D., XXX-XX-XXXX.
Yeomans, Richard C., XXX-XX-XXXX.
Young, Robert M., XXX-XX-XXXX.

BIOMEDICAL SCIENCES CORPS

Arledge, Robert L., XXX-XX-XXXX.
Bailey, Ronald B., XXX-XX-XXXX.
Banknieder, August R., XXX-XX-XXXX.
Barker, Russell B., XXX-XX-XXXX.
Barrett, Quentin T., XXX-XX-XXXX.
Bayer, Johan E., XXX-XX-XXXX.
Black, Gerald N., XXX-XX-XXXX.
Briggs, Thomas H., Jr., XXX-XX-XXXX.
Brooks, Frank T., XXX-XX-XXXX.
Burnett, Ronald D., XXX-XX-XXXX.
Butler, Thomas M., XXX-XX-XXXX.
Butts, Donald W., XXX-XX-XXXX.
Caldwell, Arthur P., XXX-XX-XXXX.
Carter, Donald I., XXX-XX-XXXX.
Coleman, Frederick E., III, XXX-XX-XXXX.
Coughlin, John J., XXX-XX-XXXX.
Dobbs, Melvin B., XXX-XX-XXXX.
Dougherty, Jerry P., XXX-XX-XXXX.
Dunton, Donald D., XXX-XX-XXXX.
Erickson, Howard H., XXX-XX-XXXX.
Fallon, Paul F., XXX-XX-XXXX.
Flentge, Robert L., XXX-XX-XXXX.
Furtado, Victor C., XXX-XX-XXXX.
Heckman, Gerald R., XXX-XX-XXXX.
Humerickhouse, Marian J., XXX-XX-XXXX.
Inman, Roger C., XXX-XX-XXXX.
Jackson, Wesley E., XXX-XX-XXXX.
Jones, Sidney R., XXX-XX-XXXX.
Lahood, George A., XXX-XX-XXXX.
Laney, Sherrill G., XXX-XX-XXXX.
Lewis, Thayer J., XXX-XX-XXXX.
Mabson, William E., XXX-XX-XXXX.
Malo, Domenic A., XXX-XX-XXXX.
Margolis, Hannah S., XXX-XX-XXXX.
Markland, Darryl T., XXX-XX-XXXX.
Moll, Marlene J., XXX-XX-XXXX.
Moyer, William B., XXX-XX-XXXX.
Mulligan, Hugh F., II, XXX-XX-XXXX.
Myers, Stuart S., XXX-XX-XXXX.
Nikolewski, Robert P., XXX-XX-XXXX.
Olson, Roland C., XXX-XX-XXXX.
Parker, Cleveland L., XXX-XX-XXXX.
Peguesse, James E., XXX-XX-XXXX.
Rhoads, Dallas W., XXX-XX-XXXX.
Rogers, Donald J., XXX-XX-XXXX.
Russell, Robert J., XXX-XX-XXXX.
Sadanaga, John Y., XXX-XX-XXXX.
Schmidt, Robert E., XXX-XX-XXXX.
Smead, Phillip E., XXX-XX-XXXX.
Stansell, Marion J., XXX-XX-XXXX.
Sturges, Dewey V., XXX-XX-XXXX.
Taylor, Gale D., XXX-XX-XXXX.
Trumbo, Richard B., XXX-XX-XXXX.
Witzgall, Fred L., XXX-XX-XXXX.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 27, 1981:

DEPARTMENT OF AGRICULTURE

Everett George Rank, Jr., of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

COMMODITY FUTURES TRADING COMMISSION

Susan Meredith Phillips, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1985.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSION OF REMARKS

HOW FAST WILL GAS PRICES RISE UNDER DECONTROL?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. DANNEMEYER. Mr. Speaker, the decontrol of natural gas prices through the repeal or reform of the Natural Gas Policy Act of 1978 (NGPA) continues to be the most important energy issue facing the 97th Congress. It is, in fact, extremely regrettable that progress to date has been marginal either in Congress or within the policy circles of the administration. Natural gas decontrol will bring order to domestic markets through increased incentives for production and conservation.

According to Prof. Glenn Loury of the University of Michigan, decontrol would back out an eventual 2.83 million barrels of imported oil per day, reduce the price of a barrel of crude oil by $10 below what it would otherwise be absent natural gas decontrol, and produce an eventual increase in supply of 5.89 trillion cubic feet (TCF), which would amount to a 25 percent increase over current levels.

One of the key questions that has been raised about decontrol is the extent to which it would increase wellhead prices for natural gas and, in turn, to what extent these price increases at the wellhead would affect consumer gas bills. There is no doubt that natural gas prices would increase. However, the magnitude of the price increase remains a subject of considerable disagreement. The most outspoken opponents of decontrol have ventured forward with the prediction that prices would double in a very short period of time. Such claims cannot be taken lightly.

In its issue of August 8, 1981, the National Journal carried an excellent article in its policy forum section by Paul A. London, a Washington-based economist who is working for the decontrol of natural gas on behalf of oil marketers in the Northeast region of the country. Mr. London examines in considerable detail how the major actors in the natural gas marketplace are actually likely to behave in a deregulated environment. He sets out the market forces that will keep price increases below those projected by many decontrol opponents. He concludes that:

The conservation and production impacts of gas price increases resulting from gas price decontrol will create a price bargaining climate which has been ignored by many studies of this issue. Price increases will take place, but rising prices for natural gas are likely to have the same impact on gas markets that higher oil prices have had on oil markets. Higher prices will engender conservation, which will force distributors to drive hard bargains with producers.

And:

Although gas prices will certainly rise with decontrol and even under present law, there is good reason to believe that they will rise fairly gradually, and in a way which will encourage reduced oil imports and a measured acceleration of conservation and alternative energy investments.

Mr. Speaker, Mr. London's article brings home once more the need for immediate, total decontrol of natural gas prices as provided for by my bill, H.R. 2019, the Natural Gas Decontrol Act of 1981. I insert the full text of the article at this point in the RECORD:

HOW FAST WILL GAS PRICES RISE UNDER DECONTROL?

(By Paul A. London)

Most studies of the impact of natural gas price decontrol assume that the price of gas will rise to an oil equivalent within the first year. Several assume this equivalent price to be that of high sulfur residual oil. Others use very high projections of future oil prices and assume gas will "fly up" to these levels with decontrol. A few mention a lower gas price linked to coal in industrial markets. In a competitive energy market with interfuel competition, natural gas, which is now often 50 per cent less expensive than oil, in the long run will rise to a price closely related to that of other fuels. But the assumption that this substantial price rise will occur immediately after decontrol and cause severe adjustment problems, is questionable and unrealistic.

In part, the assumption that gas prices will rise immediately to an oil equivalent after decontrol is simply blind opposition to decontrol Energy Action, which claims to represent consumers, for example, assumes gas at the wellhead will rise to the price of oil at the burner tip, ignoring transportation costs. This allows Energy Action to add about $2 per thousand cubic feet (mcf) to the costs of decontrol, which no doubt serves its purposes. Similarly, the American Gas Association (AGA), a group composed principally of gas distribution and pipeline companies, bases its assumptions of a fly-up in gas prices on the existence of some gas contracts calling for heating oil (#2 oil) equivalence and/or Most-Favored Nation (MFN) treatment (a price equivalent to the highest price in the gas field) after deregulation. AGA is legitimately worried about the contract problem and, perhaps to increase pressure for a solution, chooses in its analysis to ignore the likelihood that deregulation would encourage and possibly require renegotiation of such contracts. AGA also fails to point out that many old gas contracts at 40 cents per mcf would be a strong "bargaining chip" in the hands of pipelines and distributors to encourage renegotiation of high-priced contracts after decontrol.

In another politically self-serving judgment, Energy Action assumes a jump in price from $1.80 mcf to $7.00 per mcf with decontrol, but no increased conservation as the price rises. Energy Action may believe that the use of higher prices to induce conservation is wrong in principle, but it should not ignore that this approach works. Finally, there is no recognition by opponents of decontrol like Energy Action and AGA that what is working now in the market for oil will work for gas too, and probably better because there is no organization like OPEC to put a floor under gas prices when consumer resistance starts to make them erode.

Another reason for the oversimplified assumption that gas prices will immediately jump to the level of oil is the inability of existing energy models to factor in all the bargaining variables. They can not easily capture the intricate bargaining relationships in energy markets, which have come into play with oil recently, and which will also come into play for gas once it is deregulated. These modeling problems, however, should not cause us to overlook the change in bargaining positions which will occur with decontrol, and its impact on prices. There is a good chance that price increases after full decontrol will be significantly slower than most people now assume. Market forces will ensure that even immediate decontrol will lead only to a gradual increase in gas prices over several years until a stable oil-gas-coal-alternatives price relationship is achieved. This prediction of a slow trajectory of gas price increases in based on a realistic view of the bargaining capacities of various actors once decontrol takes place.

WHO ARE THE ACTORS?

Prices after decontrol will be set by the interaction of a number of actors faced by supply and demand constraints. The price of gas will not simply be dictated by the price of oil. Bargaining will take place. Gas prices will rise but the actors in a price bargaining situation will play much different cards than are being played now. Various starting positions for the bargaining are clear.

Gas producers will seek to move prices up as high as possible and to produce as much as possible.

Various classes of present gas consumers, residential, commercial, industrial, and utility, will react to higher gas prices by conserving and making alternative investments. These same classes of oil consumers will have to decide whether to buy gas or stay with oil.

Various gas distributors and pipelines will be willing to pay different prices for gas supplies depending on the demands of their customers, their load mix, their competitiveness with other fuels, and their customers' ability to conserve in the face of higher prices, transportation costs, etc.

Public utility regulatory bodies will try to protect consumers by reviewing contracts to purchase gas.

Sellers of alternative fuels will have to adjust their prices to keep market shares and to compete with decontrolled gas.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOW WILL THE ACTORS BEHAVE WHEN GAS IS DECONTROLLED?

Producer Behavior: First, it is safe to assume that in a decontrolled market gas producers (freed of existing contract and regulatory restraints) will try to get the highest possible prices. The question is whether they can get oil equivalent prices immediately from pipelines, distribution companies, and ultimately from consumers. Second, we can safely assume that producers will increase production—by how much we do not know—to take advantage of decontrol. Under the Natural Gas Policy Act (NGPA) signed by President Carter in 1978, a real price increase of 12 percent to consumers and 24 percent to producers has led to a 3.1 percent increase in production.

Consumer Behavior: Another safe assumption is that any increase in natural gas prices will lead to increased conservation of gas by current users. An AGA study, which opposes deregulation, shows that based on experience since 1973 a 20 percent increase in natural gas prices to residential users could be expected to reduce residential usage by 6 percent on the average. If natural gas were to rise to the distillate heating oil price, which would mean a 100 percent increase for residential gas users, conservation levels, according to AGA, could easily be 30 percent. AGA thinks that conservation by industrial and commercial users will be less than the drop in usage by residential users, but it will still be substantial. Using AGA's own estimates, the decline in use by existing nonresidential customers in two years would reach 10 percent if gas prices approach those for oil. (This conservation level seems very low given the experience with oil price increases.) Total conservation by all gas customers, residential, commercial, utility, and industrial, in only two years (based on 1973-79 experience) would approach 2 TCF a year (equivalent to 1 million barrels of oil per day), doubling to 4 TCF in another few years. Moreover, AGA estimates on-shore gas supplies could increase by .3 to .7 TCF/year. With no significant price advantage over oil, however, where do customers for this gas come from?

This leads to the key issue. What would distribution companies agree to pay for decontrolled gas knowing from past experience that large price increases would lead to substantial conservation? AGA assumes distribution companies are powerless to bargain, a fairly good assumption if controls continue. With controls there always have been additional residential customers waiting to buy gas and distributors always have been willing to pay producers almost any price because they average in high prices with still-controlled gas. This explains the astronomic prices being paid for small amounts of decontrolled gas under present law. No real bargaining is taking place under current conditions. But if distributors have to charge consumers a delivered price near the price of oil after decontrol, few residential users will be tempted to convert to gas and consumption per existing gas household will drop rapidly. Distributors selling gas at the oil price to residential customers, therefore, will at best hold on to existing residential customers (but with lower volumes of sales) and compete with oil, electricity, and alternatives for new customers. Under these conditions, after decontrol, distributors will have to bargain as they have not done in years to remain competitive.

WHAT ABOUT INDUSTRIAL AND OTHER NONRESIDENTIAL CUSTOMERS?

Current industrial use of oil is about 8.1 quads/year or 4 million barrels a day. About half of this is for heat and half for raw material. This is enough potential demand for gas to absorb increased supplies from any source. But why are these oil users not using gas now when it is cheap and available? What new incentive will they have to switch to gas after decontrol when its price is expected to rise?

Clearly, conservation presents a bargaining opportunity to distributors. If distributors agree meekly with producers to pay prices equal to those for oil, more conservation gas will quickly be available for new users but there will be less price incentive to convert to gas. If gas rises to the oil price, consumers will not shift to gas. Therefore, distributors will have powerful arguments to persuade producers to keep price increases slow enough to encourage continued market expansion.

After all, why should a residential oil customer invest $600 to $2,000 in a gas system if he saves little or no money on gas over oil? Why should an industrial boiler fuel customer shift from oil to gas if there is no financial advantage in doing so? Will a utility want to use gas in 1990 if it is likely to cost much more than coal or some other alternative? Producers will have to yield to these realities so that distributors can sell gas to industrial users with the assurance that current priority and use restrictions will be a thing of the past, and that prices will be competitive. If the price "fly-up" is immediate distributors will not be able to develop the additional markets needed for conservation gas and increased production.

CAN PRODUCERS SHUT-IN GAS?

The theory advanced by AGA in its opposition to decontrol, is that producers faced with conservation due to higher gas prices will shut-in gas and produce less, and that distributors simply will pay the asking price of the producers. This is contrary to basic economic theory. It assumes that producers who were willing to sell gas for an average of $1.61 per mcf at the wellhead in December 1980, will shut-in deregulated gas at a higher price rather than accept something less than the price of oil from distributors for several years. This would be a possibility if producers and royalty owners could decide as a body to prorate production among themselves, each shutting in 20 per cent for example, to prevent conservation from forcing prices down. But even OPEC is unable to make such a cartel arrangement work when supply is adequate. It will never work in the U.S. market where no company produced more than 6.4 per cent of all gas in 1980, and where U.S. oil and gas companies clearly will prefer to sell U.S. gas which they own rather than imported oil, which they do not own. Moreover, U.S. law forbids collusion to prorate production in any case.

WILL NOT DISTRIBUTORS BE STUCK WITH UNMARKETABLE GAS?

AGA argues that with immediate decontrol pipelines and distributors will be forced to pay producers the oil price because of provisions in existing contracts, and then be stuck with gas they can not sell. This assumes that provisions in existing contracts will force higher prices even if the gas cannot be marketed. This flies in the face of economic logic even if the pricing and the take or pay provisions of existing contracts are not altered, as they should be, directly or indirectly by deregulation. Consumer resistance and conservation will force distributors and pipelines to make offers to producers which will allow the marketers to sell the gas, and producers will have to accept these offers. This means a natural gas price above the current price but not a price so high as to create an unmanageable conservation bulge of unmarketable gas.

WHAT ABOUT DIFFERENCES AMONG DISTRIBUTORS?

Decontrol will give some distributors and pipelines advantages they do not now have under controls. For example, a distribution company close to gas fields will be able to offer producers a higher price for gas (and still make it attractive for customers to shift from oil) than a company far from any gas fields. However, demand for gas near the fields is not limitless. Distributors near the fields certainly will not be able to bid away all the gas from distant customers, and they will face the same problem of what to do with conservation gas as prices rise. Moreover, any replacement of oil, coal or other fuels by gas near the gas fields will push down these prices, both in the U.S. and overseas, as oil and other marketers fight to keep their customers. This dampening impact on oil and alternative fuel prices is an important and overlooked advantage of gas decontrol.

THE ROLE OF PUBLIC UTILITY REGULATORY BODIES

Conservation and production increases engendered by higher gas prices will place a limit on how high gas prices will go after deregulation. Local public utility commissions (PUCs) can be expected to reinforce market forces in preventing gas prices from moving up precipitously. It is hard to believe, for example, the PUCs will allow local utilities to pay prices for gas supplies which would lead to unnecessarily high prices for local customers. PUCs will surely ask distribution companies about the impact of higher prices paid to producers on consumption and therefore on fixed pipeline charges. They will understand that if the local distribution company pays too much for gas it will find its system underutilized, and this will have the effect of raising costs to customers who remain on the system. PUCs acting to protect consumers, therefore, will discourage inept bargaining by distribution companies. If distribution companies and pipelines do not recognize that they can and should drive hard bargains in their dealings with producers, an unlikely blindspot, regulatory authorities will.

SELLERS OF ALTERNATIVE FUELS

There is recognition in some studies of decontrol that in some markets, particularly the utility market, gas may have to complete in price, not with oil, but with lower cost coal. It should be noted that in a deregulated market gas also will have to compete in price with conservation investments, insulation, hot water heat pumps, district heating and cogeneration, coal-mixes, wood pellets and biomass, solid waste, and perhaps other fuel alternatives. One Department of Energy study, for example, estimates that 300 cogenerating district heating plants using waste heat could back out up to 4 million barrels of imported oil a day, and create thousands of U.S. jobs. In many areas these projects now are unable to compete with a low priced gas alternative. Decontrol will put the shoe on the other foot. It will be gas which risks pricing itself out of some markets, before it can find new replacement markets.

The conservation and production impacts of gas price increases resulting from gas price decontrol will create a price bargaining climate which has been ignored by many of the studies of this issue. Price increases will take place, but rising prices for natural gas are likely to have the same impact on gas markets that higher oil prices have had on oil markets. Higher prices will engender conservation, which will force distributors to drive hard price bargains with producers.

Studies which ignore this likely scenario simply overlook market reaction to price increases. When they ignore conservation impacts they fly in the face of recent experience. If they assume that conservation gas will be marketed to current oil users even at a high price, they must suggest a reason for these current oil users to switch to gas and concede that oil imports will drop drastically when switching occurs. If they assume that gas production will drop because demand for gas will fall at higher prices, they are assuming that higher prices will lead to falling gas production, another hard case to make.

Although gas prices will certainly rise with decontrol and even under present law, there is good reason to believe that they will rise fairly gradually, and in a way which will encourage reduced oil imports and a measured acceleration of conservation and alternative energy investments.●

ENERGY AND THE WORLD BANK

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. BEDELL. Mr. Speaker, last week DICK OTTINGER and I cochaired a joint hearing on the U.S. posture toward helping developing nations meet their energy needs. Included among others on the witness list were Elliott Abrams, the Assistant Secretary of State for International Organizations, and Robert S. McNamara, the former president of the World Bank.

The Reagan administration stands alone in the world in its opposition to establishing an energy affiliate at the World Bank to make loans to developing nations that need financial help in solving their energy problems. One of the explanations offered by our Government is that we are opposing the creation of any new international structures. The State Department witnesses also cited the possible cost to the U.S. Treasury as a reason for resisting the proposal.

Fortunately, Mr. McNamara was present to set the record straight. He stated that creation of the energy affiliate at the World Bank would not involve creation of any new organization or bureaucracy, and probably would not necessitate the hiring of any additional personnel. The affiliate, he explained, would merely be a paper creation.

He stated further that the proposed energy affiliate need not neccessarily require any additional U.S. contribution to the World Bank. In fact, he noted that the World Bank actually is generating a positive cash flow on its loan portfolio.

In response to one of my questions, Mr. Abrams answered that the Reagan administration would oppose the energy affiliate even if its creation does not require a new bureaucracy and does not require any additional U.S. funding of the World Bank. This came as quite a revelation to those of us who have been following the debate.

Mr. Speaker, there is much that I can say about the error of this policy. The point that I wish to make today, though, is that the administration is misleading the American people by not truthfully debating the merits of the energy affiliate proposal.

The administration has been telling the public that it opposes this idea because, they say, it would create a new international bureaucracy and would cost us money. Yet in last week's hearing it became clear that these points may not be true and that they are not the real basis for our position anyway.

It is bad enough that this administration has chosen to pursue a solitary course in world affairs that is so clearly contrary to our national interests. But to attempt to deceive the American public as to the facts of the matter just compounds the error.●

COMMEMORATION OF CZECHOSLOVAK INDEPENDENCE DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. NELLIGAN. Mr. Speaker, today marks the 63d anniversary of the founding of the Czechoslovak Republic on October 28, 1918. Under the leadership of Dr. Thomas Masaryk, the National Council of Czechoslovakia was recognized by France, Britain, and the United States as the legitimate representative of the new nation during the summer of 1918. Austria, which had dominated Czechoslovakia, collapsed on the night of October 27, 1918, and independence was declared by the National Council on October 28.

The Czechoslovak Declaration of Independence, which established the First Republic, was signed by Thomas Masaryk, who was the first President of the Republic, in Independence Hall in Philadelphia. The Constitution of the First Republic is also very close in structure to our own Constitution. The people's profound determination for independence and freedom was finally realized after two centuries of struggle and three centuries under Austrian domination.

But the hard-won freedom was short lived as the Nazis and then the Communists forcefully occupied Czechoslovakia. Today, Czechoslovakia is still under the repressive control of Soviet and Warsaw Pact forces. In spite of this, the people's spirit for self-determination and the refusal to surrender their freedom has not died.

I join with Americans of Czech and Slovak descent in the 11th District of Pennsylvania, which I am privileged to represent, in honoring and supporting the undying spirit and determination of those in Czechoslovakia to become a free and independent country.●

REMEMBERING OUR COLLEAGUE EARLE CABELL—FORMER CONGRESSMAN FROM THE FIFTH CONGRESSIONAL DISTRICT, DALLAS, TEX.

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. PICKLE. Mr. Speaker, the late Earle Cabell was a wise and good friend to many of us in the Congress. October 27, 1906, was his birth date and I would like to share with you a tribute given to him by A. C. Greene on Dallas television channel 13 at the time of his death in 1975. This editorial was originally brought to our attention by another great friend of ours, the late Tiger Teague.

In Tiger's introduction to the editorial he noted that Earle's coming to Congress restored dignity and respect to the Fifth District congressional seat he served. Tiger also noted that Dearie, his charming and devoted wife, was a great asset and assistant in his efforts to represent his district. Earle and Dearie made many friends in Washington and came to mean much personally to many of us.

Dearie is still active in her church and in Dallas civic and public affairs, as all of us would expect her to be. Though this tribute is for Earle, the two of them went through public life hand in hand and Dearie shared as a partner in all of his accomplishments.

EDITORIAL BY A. C. GREENE, CHANNEL 13 NEWSROOM, SEPTEMBER 24, 1975

Earle Cabell was Dallas to the core: but Dallas never understood him, even when pulling the lever on his behalf. He was a loner who did things because he felt like it, not to get votes—but he had something no Dallas politician today has enough of: charisma and conviction. If Cabell had started his political career a few years earlier and had been a younger man, he might be seriously mentioned for national nomination because he could have been of that level.

Earle Cabell may be the last Dallas politician who got into politics from family obligation. he took it as his burden. His grandfather, a Confederate general called Ol Tige Cabell, had become mayor of the frontier city almost before he got his bags unpacked when he moved here in the 70s. Earles

father Ben served eight years as county sheriff, then in 1900 became the first Dallas mayor to face such modern municipal problems as paving streets, laying sidewalks, getting a safe water supply, and franchising the transit system, and gas and electrical service.

But once into politics, Earle Cabell saw things the others failed to grasp. Beaten by Uncle Bob Thornton the first time he ran for mayor in 1959, Cabell made a surprisingly strong race against this legendary name from financial history. And Cabell discerned changes which were not, at that time, exactly blowing in the wind. He sensed popular dissatisfaction with the ruling establishment, and he became convinced the racial barriers would fall—and fall quickly.

Too old to march with them as a political career—or too old, perhaps, to create the inner zeal his perceptions called for—he nonetheless presided over the first steps Dallas took toward integration in the schools and among businesses—and named the first Negro George Allen—to a city commission since Reconstruction. Cabell even risked his political reputation by pushing hard, and unsuccessfully, for public housing at a time when federal money in Dallas, for anything but business subsidies, had a taint to it worse than adultery.

Earle Cabell wasn't particularly enlightened in philosophy: and he was far from being liberal the way his delightful wife Dearie was. But he was fair—not just cautiously in public—and he was brave in a social way. And in Dallas, that's the bravest kind of brave there is: to be something your friends and social peers tell you you mustn't be. Earle Cabell was a member of the Citizens Council—which he approved of—but he challenged its iron control of the city—which he didn't approve of. He was a businessman from a very conservative industry—dairying—but he refused to run on a business is best platform. Some of his peers—and friends—never forgave him for this disloyalty, and he bore to his death the hurt from their response.

He was, perhaps, a politician before his time—or a politician who arrived at success too late to take hold of what success seemed willing to grant him. It is ironic that he took on the two strongest conservative symbols in local politics—Thornton and Congressman Bruce Alger whom he annihilated—yet never gained the advantage this opposition should have given him: opponents continued to call him part of the oligarchy, while others refused to acknowledge he was different from Alger. But he was, and those who knew him and worked with him recognized that with a few years and a few circumstances, Earle Cabell almost certainly would have been the first 21st century politician of Texas.

Once in Congress, Cabell seemed to find political life disappointing. Washington came too late. His dreams and restless plans—two things that characterized Earle Cabell the businessman—had been carried beyond his reach by time—if not the times. Time, and the ancient lesson our bodies eventually teach all of us: the end is nearing. Rest in peace.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday October 27, 1981

● Mr. CORCORAN. Mr. Speaker, due to previous commitments in my district last Thursday, I was not able to be present and voting on several amendments and final passage of the farm bill. Had I been present, I would have voted in the following way on various issues of the day:

On the motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 3603, the farm bill, "yea."

On an amendment offered by Mr. WALKER which sought to partially restore the purchase requirement to the food stamp program, "aye," (paired for).

On an amendment, as amended by a substitute—which I would have voted for and was paired for—that excludes meat from importation that has been produced using chemicals or drugs banned in the production of domestic meat, and places imported meat under the same inspection criteria as domestic meat, "aye," (paired for).

On an amendment offered by Mr. COLEMAN which sought to limit authorities in the bill to a 2-year period, rather than 4 years, "aye," (paired for).

On passage of S. 884, a similar Senate-passed bill, after it was amended to contain the language of the House bill as passed, "no," (paired against).●

REVISING SOCIAL SECURITY

HON. CLEVE BENEDICT

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. BENEDICT. Mr. Speaker, social security stirs more emotion, more conflicting opinion, and more controversy than perhaps any other issue of our day. Congress seems to be fearful of the political consequences of revising the system. The people meanwhile are genuinely concerned and confused. That is why I put together a questionnaire for my most recent newsletter asking the opinions of the Second District residents of West Virginia. I am pleased to report that over 1,200 individuals from the district have taken the time to give me their ideas and remedies for keeping the vital social security system solvent, and I would like to share some of the results with my colleagues.

As I reviewed the responses, two prevailing messages came through loud and clear. The first is that the people feel that a strong social security system must be maintained in order to protect the 36 million Americans who presently receive social security, some as their sole source of income. The respondents are very cautious of any changes affecting those presently receiving benefits or who might be receiving benefits in the near future. For instance, in a question asking whether the retirement age should be raised from 65 to 68, 75 percent of the respondents registered their opposition to the proposal, 21 percent were for it and 4 percent were undecided.

The second point brought out by those who responded is that the system must be preserved for future generations of Americans. However, to insure this will occur, a clear majority said that social security must once again become strictly a "retirement program", the original intent of President Franklin D. Roosevelt when he started the Federal Government's first safety net program. A resounding 79 percent of the respondents agreed with the statement that nonretirement programs added to the social security system over the years should be taken out of social security and placed into other categories, 14 percent disagreed, 7 percent were undecided. This is not to suggest that the respondents wanted to eliminate nonretirement programs like supplementary security income (SSI) or the disability income program, but only that these programs should be transferred to another part of the Federal system.

Another question, which called for greater accountability in the system by tightening the standards of eligibility for disability benefits, had almost equally strong support, with 77 percent replying they favor tighter standards, 19 percent against, and 4 percent undecided. Clearly, respondents are demanding a strong and effective social security program—one that is fiscally accountable and at the same time serves the needs of the recipients.

In addition, respondents clearly indicated that they wanted to remove the limit on outside earnings while collecting social security and were also for including Federal employees to pay into the Nation's largest safety net program, and exemption that is extremely unfair to the non-Federal worker who must support those who do not contribute to the program. By the way, I recently cosponsored H.R. 3657 which would require Members of Congress to pay into the social security system.

While a great deal of discussion and deliberation remains on this most important subject, one thing is certain: The Congress and the American people have to look at new and innovative ways to begin to deal with this problem and have the guts to implement creative and alternative systems

to save social security. At the same time, we must insure that those who have paid social security taxes and now rely upon those earned benefits for their very survival as well as those now working, will continue to have a solvent retirement fund for their future security. I would like to thank all those people who helped me by answering this questionnaire. Their input has proved invaluable to me as I deliberate with my fellow colleagues the future of the social security system.●

ROBERT V. DENNEY FEDERAL BUILDING AND COURTHOUSE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. HOWARD. Mr. Speaker, today I am introducing a bill on behalf of the leadership of the House Committee on Public Works and Transportation and members of the 90th Club to name a Federal building in Lincoln, Nebr., after Robert V. Denney.

As you know, Mr. Speaker, Congressman Denney was first elected to the 90th Congress to represent Nebraska's First Congressional District. He was reelected in 1968 and was reelected in a primary to serve a third term. At that point, the President appointed him to the Federal bench, where he continued to serve until the time of his death this past June.

Those of us on the Public Works Committee that were privileged to have him with us on the committee came to know and respect him. He was a tireless worker who did his homework. We likewise know of his efforts to insure that the Lincoln Federal Building and Courthouse in Lincoln, Nebr., became a reality. It was truly fitting that in the latter days of his career in public service, he was able to preside as a Federal judge in the building he worked so hard to have constructed. I can think of no better tribute to a fine American who served his country in all three branches of the Federal Government—executive, as an FBI agent; legislative, as a Representative; and judicial, as a judge—than to name this building the "Robert V. Denney Federal Building and Courthouse."●

FULL SPEED AHEAD WITH THE TAX RATE CUT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. GINGRICH. Mr. Speaker, there is talk on Capitol Hill and in the news media of rescinding or delaying President Reagan's tax rate cut for working Americans. It would be wrong, economically and politically, for the GOP to return to its orthodox ways. Surely we have learned by now that we cannot balance the budget by allowing taxes on already overtaxed working Americans to rise.

A constituent of mine, Frank Gregorsky of Douglasville, Ga., has written an article that reviews the political history of U.S. economics since Dwight Eisenhower. Regarding the notion that Congress should delay or rescind the tax rate cut, Gregorsky points out that:

If we junk the tax cuts and go back to chasing the will-of-the-wisp of a balanced budget attained by a never-ending increase in per capita tax burdens, we will have a sharp recession—which will push us even further from a balanced budget.

I commend this article to my colleagues and hope they will support the President on this issue.

The article follows:

REPUBLICAN ECONOMICS TIMES TWO

(By Frank Gregorsky)

The big story, according to the objectively biased Dan Rather, is that Reaganomics won't work. But the real story is that neo-Keynesian economics is bereft of followers.

NeoKeynesianism was born when sixties liberals took the worthwhile theories of John Maynard Keynes and turned them into a prescription for endless government growth. The height of this approach was during the administration of Richard Nixon. It was then that the neoKeynesians ruled the national Democratic Party, while the old ideas of Keynes—conservative Keynesianism—took up residence in the Republican Party.

Nixon as President deliberately ran budget deficits to hype the economy, even as he trimmed spending here and there. Shortly after the 1970 elections, in which a rising unemployment rate hurt Republican candidates, he announced, "I am a Keynesian." Nixon's opponents, basically the Democrats in Congress, went him one better, supporting all spending increases except those for the military and ignoring any concern about deficits.

The Republican establishment followed Keynes, after denouncing the English economist for decades, while the Democratic opposition sought to change Keynes into a hybrid of Karl Marx and Santa Claus. As these two spectacles competed for attention, followers of classical, or conservative, economics got no coverage. The national press usually portrayed the Nixon stance as the "conservative position." In relation to what the press thought of as centrist, it was. In relation to the traditional stance of the GOP, it wasn't.

Now, ten years later, the only people who will admit to being Keynesians of any type are in the American labor movement, which has as much influence in setting national priorities as New Deal historians have in designing our fiscal policy. Everyone is raving mad about budget deficits these days—quite a change when you consider how in 1971 the problems with deficits were laughed off even by a "conservative" Republican President. Now we have a genuine conservative in the White House, Ronald Reagan, and everyone—even liberals—are on his back about budget deficits.

It's a strange world. I would argue that the press is so used to covering liberals and Democrats, who ran this country for fifty years, that they've accidentally made liberals seem the real opposition to Reagan. In fact the liberals have enough residual authority to man the cannons, but they're filling them with non-liberal cannonballs. Having lost most of their credibility, the liberals and the Democrats have hitched themselves to Wall Street's wagon, and their general notoriety obscures the fact that they're not in the driver's seat.

The two competing views of the way the American economy works are not liberals v. Reagan. Instead the contest is between "supply-side economics" and traditional Republican economics. The former, as designed by the Reaganites, says: a balanced budget is a goal but not the highest one. Its attainment is merely the reflection of policies that promote sound money, economic growth, and rising employment. Aim for these policies via money supply restraint, spending and red tape cuts and the reduction of high marginal income tax rates, and the balanced budget will follow.

Traditional Republican economics says: Big budget deficits are only defensible in a time of severe economic contraction. Otherwise the key goal is the elimination of red ink. Tax cuts are justified as an emergency response to recession, but otherwise they heat up the economy and cut revenues needed to balance the government's books. The way to eliminate deficits is through spending cuts and tax increases. In this view of things a balanced budget prevents inflation and reassures the financial community, and both are more important than any philosophical commitment to low tax rates and full employment.

If we have to tie all these approaches to recent political figures, George McGovern represented the implied neoKeynesian belief that deficits didn't matter and government could never get too big; Richard Nixon embodied the idea that deficits were okay as long as they were less than those sought by the opposition; Ronald Reagan favors the supply-side approach of reducing both inflation and unemployment and simultaneously slowing money supply growth and reducing the government share of both the national income and total spending. As for traditional Republicanism, its presidential defenders were Dwight Eisenhower and Gerald Ford: both appeared to welcome recession as the only alternative to inflation, and both rejected broad-based tax reduction as being destructive of economic stability and balanced budgets.

In 1981, American liberals have adopted that old-line Republicanism, and it's not a pretty sight. Great progressives like Morris Udall join with conservative Wall Streeters in calling for a scrapping of the third year of the Reagan tax cuts. The Members of the Black Caucus become allies of people like Henry Kaufman and Felix Rohatyn. Got to get more dough into government coffers, says this team. In late July, House liberals argued for an alternative federal budget that would've been balanced this year—by a huge series of tax increases (bracket-creep, Social Security, windfall profits, and abolition of "loopholes") and only token spending cuts. Without exception, these liberals quoted Wall Street financiers as the source of their wisdom.

Can you believe it? Liberals who spent 50 years damning balanced budgets and the financial community now cling to both to avoid political eclipse. There's noting wrong

with that; it reminds us once more how much the world's second oldest profession has in common with the oldest. But don't get confused when asked to take a stand. In this race, the liberals have no legs. They're using the crutches of Wall Street. If you're like most observers of this economic tug-of-war, you'll choose either old-line Republicanism or the newer strand of supply-side Republicanism. When doing this, pinch yourself as you realize that the Republican coalition now includes every reasonable point of view on economics, as the Democrats scramble for a table in the rightward-most corner of the GOP tent.

The supply-siders have won the policy war, even though the traditionalist outlook is made highly visible by skeptical money men looking for a reason to disbelieve, congressional Democrats looking for a life preserver, and Dan Rather & Co. looking for an opposition to Reagan. No matter. Old-line Republicanism was given a fair shake under Eisenhower and Ford. It was better than what it replaced, because it moderated inflation and slowed the trend toward bigger government. But it failed to forestall recession. Because Ike and Jerry failed to make rise the tide that would lift all boats, they were ultimately replaced by a revived Democratic opposition that promised us the moon—only to bring meteorites crashing onto our fiscal landscape.

President Reagan, more than do some of his nervous allies, knows better than to let Wall Street and the Black Caucus make him the eighties equivalent of Herbert Hoover. If we junk the tax cuts and go back to chasing the will-of-the-wisp of a balanced budget attained by a never-ending increase in per capita tax burdens, we will have a sharp recession—which will push us even further from a balanced budget. At that point, both the broad public support and the philosophical substance needed for a successful Republican revival will evaporate. This can't be allowed to happen.●

REMEMBERING CATHERINE

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MORRISON. Mr. Speaker, for the record, I would like to indicate that a most distinguished former Member of the Congress is retiring after nearly 30 years of public service. Catherine May Bedell is remembered and respected by her colleagues and contemporaries. Her multitude of talents are exceeded only by her warmth as a person, and it is a special honor to have my life touch hers in both our home State of Washington and the Nation's Capital.

On this occasion of her retirement from the International Trade Commission, Catherine's son, James C. May, vice president of Public Affairs for the Grocery Manufacturers of America, penned the following tribute to his mother. It describes the service, the sacrifice, the love that is Catherine May Bedell so effectively that I ask that these words become a part of the CONGRESSIONAL RECORD for all to share.

REMEMBERING CATHERINE

Come the end of October, The Honorable Catherine May Bedell will end nearly thirty years of public service and retire from Washington, D.C. to Palm Desert, California. Her many friends and colleagues have, during this past month, honored her with kind words, memorials and tributes to her years of exemplary service. Every one of these fine testimonials will serve as a warm remembrance of her years in Washington, and each will give all who have had the privilege to know her yet another reason to be so very proud of the record their friend has established.

Each of us who know Catherine remember her for different reasons. Some were Congressional colleagues, others remember her as the first woman chairman of The International Trade Commission. Many remember her as a source of sound advice on often difficult decisions. For members of the Republican Women's Federal Forum, the National Federation of Republican Women and Executive Women in Government she was a leader, advisor and staunch supporter of women's rights. She has always been a respected voice for agriculture and as a Member of Congress built a still enviable record of support for the interests of the district she represented. Can any of us cite any current members who dictate the exact reasons why they voted as they did on every vote they cast? She did. So, while her many friends and constituents remember her for many different reasons, all remember her as a very special woman.

Yet none of her friends and associates can remember her as I do. A son will always have very special memories. A young boy, sleeping on a couch in the cloakroom at midnight, waiting for final adjournment and wondering whether it will come before Christmas. The late night calls from irate constituents who seem not to remember that there is a three hour time difference between Washington, D.C. and Yakima, Washington. A young man trying to act mature as he escorts his mother to a dinner or reception. The adjustment of moving from a small rural town in the West to an environment that included an occasional visit to the White House, of all things. The late nights my mother had to spend in session or the time away from home giving speeches or campaigning for reelection.

In later years the memories were of a different type. The pride I felt for a mother who was so obviously respected. The hurt and disappointment at her defeat for reelection. Imagine my surprise when as a young Marine lieutenant in Viet Nam my unit received a visit from a group of visiting dignitaries that included my mother! And my anger that they would allow her into an unsafe area.

Most of all, I remember Catherine as a loving, caring, compassionate mother and most of all friend. I remember a strong willed woman, with a heart as big as the Country she served. A woman who, no matter what the pressures of work, always had time for her family, always found time to listen to your troubles, always gave sound advice, and forever met the toughest of times with a warm and ready smile.

Finally, I will remember Catherine for the lessons she has taught me about living and working in Washington, D.C. Be straightforward, be honest, and never break your word for it is your reputation. Have the courage of your convictions, and never lose your ability to laugh.

Although these are ideals which may seem old-fashioned in our modern world, they are the foundation for the success of a most remarkable woman whose lessons I will always remember and of whom I will forever remain proud.●

CONGRESS MUST TAKE IMMEDIATE ACTION TO HALT THE GROWTH OF TERRORISM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ASHBROOK. Mr. Speaker, this morning, I would like to call to the attention of my colleagues an excellent article by columnist M. Stanton Evans which appears in the October 31 edition of the national conservative weekly Human Events. Mr. Evans' article is particularly enlightening in the wake of last week's horrible event in New York which resulted in the murders of two police officers and a Brinks guard, allegedly by members of the terrorist Weather Underground.

Most Americans looked on in horror and disbelief when it became painfully apparent that the United States is not immune from terrorist acts of violence and lawlessness. I would hope that the events in New York and subsequent published reports about the continuing existence of terrorist groups in the United States would serve as compelling evidence to some of the doubting Thomases in Congress. There is a serious problem, and it is not going to go away simply because we pretend it is not there.

For years, our liberal friends have told us that we have no internal security problems in the United States and that those who see a need to police domestic radical organizations are only interested in witch hunts and in threatening the civil liberties of well-meaning dissidents whose only crime is being antiestablishment. I am afraid that it is a little bit more serious than that.

Mr. Evans correctly points out that intelligence files have been destroyed, the FBI has been handcuffed, congressional internal security committees have been abolished, the CIA has been crippled, and foreign intelligence gathering within the borders of the United States has been increased dramatically.

Mr. Speaker, it is clearly time that we in the Congress wake up to the grim reality we most certainly face. I would commend Mr. Evans' column to my colleagues.

WHY DO TALES OF TERRORISM GO UNHEEDED?

(By M. Stanton Evans)

Among its other unhappy consequences, the murder of Anwar Sadat reminds us that political terrorism is a grim reality of the age.

In the past year, President Reagan and the Pope have also been the targets of (for-

tunately unsuccessful) assassination attempts. Political bombings, kidnappings and other terrorist acts have become commonplace. The American hostages in Iran—and 600 other acts of violence against U.S. personnel abroad—are other vivid reminders of the problem.

Under the circumstances, one might suppose that U.S. authorities have taken steps to shore up our defenses against potential violence. The facts of the case, somewhat incredibly, are otherwise. Precisely as acts of terror and subversion have escalated, we have destroyed our defenses against them. As matters currently stand, we have little protection against political terrorists or would-be assassins.

Items:

In recent years, police intelligence files on potentially violent or subversive groups and individuals in major American cities have been locked up or destroyed, on the grounds that keeping such intelligence data, prior to the actual commission of a crime, is a violation of basic freedoms.

Simultaneously, the FBI has been subjected to restrictive guidelines which prevent it from planting agents in the ranks of potentially violent groups, or even keeping files of newspaper clippings concerning them, until a crime has been committed or is in the process of being committed.

As a result of these two policies, the flow of data to the Secret Service has been severely curtailed. The head of that agency has testified that the vast reduction in available information has severely affected its ability to protect the President. In a colloquy with Sen. Orrin Hatch (R.-Utah), Secret Service chief Stuart Knight explained the gravity of the situation:

"Hatch: Are there some cities in the United States that you might just recommend to the President that he not visit because of the inadequacy of available intelligence about violence-prone organizations?

"Knight: That is a possibility, Mr. Chairman.

"Hatch: Have you ever recommended that the President of the United States not visit certain cities?

"Knight: Yes, we have, but I prefer not to name the cities. I do not think that would be appropriate."

So topsy-turvy have the rules on internal security become that two FBI officials were convicted for authorizing surreptitious entry against relatives and friends of the bomb-happy (and Cuban-connected) Weather Underground. (Last week in New York a fugitive from this group, Kathy Boudin, was arrested after an armed robbery and bloody shoot-out with the police; subsequently, police discovered what they called a Weather Underground "bomb factory" across the river in New Jersey.) President Reagan pardoned the two officials earlier this year.

In an even less believable development, the head of the Civil Service Commission under Jimmy Carter testified that his agency considered it a violation of constitutional rights even to ask a prospective federal employee if he were a Communist. The colloquy between Sen. Strom Thurmond and this official, Alan Campbell, is instructive:

"Thurmond: Is it accurate that the Civil Service Commission some time ago, ruled that applicants for federal employment could not be asked whether they are or have been members of the Communist party or other organizations that are committed to the violent overthrow of the U.S. government. . . . ?

"Campbell: "Yes, it is true that we were advised by counsel that in relationship to the Privacy Act such questions were inappropriate."

While all this was going, liberals in Congress succeeded, by parliamentary sleight-of-hand, in abolishing both the House and Senate internal security committees, which kept tabs on such matters for the Congress. (A version of the Senate committee was reinstated this year.)

In the mid-70s, liberals in the Senate succeeded in eviscerating the CIA, while renegade agent Philip Agee and his collaborators made it their business to expose CIA operatives around the world and thereby disrupt its program.

While these efforts to cripple our internal security and intelligence services have gone forward, Soviet and Cuban intelligence services have stepped up the pace of their activities on American soil—aided by the great increase in the number of Communist U.N., diplomatic, "cultural exchange," and other personnel flooding into the country under the banner of detente.

There has been copious documentation concerning the efforts of the KGB and other Communist-bloc agents to wiretap our citizens, bribe members of our military, and otherwise siphon vital information from the United States. Add that problem to the chronic threat of terrorism and the recent siege of assassination attempts, and it should be apparent that the internal security danger is a real one.

It is long past time that we started rebuilding our defenses on this front—not to impinge on civil liberties, but to protect them. There is nothing libertarian in giving unchecked license to those who would inflict violence on others, or subvert our nation to a hostile foreign power.●

LIFT FEDERAL PAY CEILING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. WOLF. Mr. Speaker, I would like to call to the attention of my colleagues an editorial which appeared in the September 14-15, 1981 edition of the Deseret News in Salt Lake City, Utah, titled, "Lift Federal Pay Ceiling." I ask that it be inserted at this point in the RECORD for the benefit and enlightenment of all who are concerned about the quality of management in our Government.

[From the Deseret News, Sept. 14-15, 1981]

LIFT FEDERAL PAY CEILING

This page has been vigorous in the past in protesting excessive pay raises for government officials. Now we must be just as vigorous in protesting a freeze on the $50,112-a-year salaries paid to top-level government executives.

That figure may seem high to many American workers who earn far less. But with inflation, it's becoming less and less competitive with salaries paid to comparable managers in private industry. The result is to drain competent people away from government service.

Then there's the morale problem. More and more subordinates of federal managers are catching up with their bosses in the pay scale. Most government workers soon will receive another increase of 4.8 percent.

What qualified executive would go to work for a private company or corporation if there was no prospect of a future pay raise, even to cover the higher cost of living? Or if subordinates to whom they give orders were receiving the same salary?

If Americans refuse to pay government executives a competitive salary, they're bound to pay in other ways: In incompetent public servants, in low morale, in bad judgment. We shouldn't make that mistake.●

OLDER AMERICANS: WATCHING AND WONDERING

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. DWYER. Mr. Speaker, I would like to share with my colleagues a recent letter I received from one of my constituents, a resident of Piscataway, N.J., who is vehemently opposed to the Reagan administration's proposals to cut social security. Her views, many of which mirror my own, offer a cogent description of the apprehension, resentment, and frustrations held by many of our older and working Americans as they view the turn of events in this administration.

DEAR CONGRESSMAN DWYER: I cannot believe that the President of the United States and his favorite economic adviser Stockman will prey upon the lives of the elderly and the deserved citizens of this great nation. I myself will be 60 years old shortly and have been working hard all my life; multiply me by the tens of thousands of Americans who have worked and are still working for our America and have paid our hard-earned money into what we all felt was a non-bankrupt, non-touch system, namely, the Social Security. This is not a give-away. We worked for it. If our Government has allowed it to be mismanaged, why should we suffer for it? Why don't we look at Europe? The elderly can retire at the age of 55 and their funds are intact, albeit, other factions of their government fail, they made sure to protect these funds, enabling them to retire in dignity such as all of us deserve.

I am sick at the fact that this President is cutting away at the poor. Why not touch the fat rich in Washington? You very well know of whom I speak: the true bureaucracy, not the poor people. Has he or any member of our esteemed government family ever gone shopping with wives and watch the elderly or the oppressed shop? Let me quote from our Public Employees Paper of this September.

A few days ago a newspaper took a look at President Reagan's Washington and reported that "signs of the new luxury are everywhere," noting expensive jewelry, $10,000 dresses, manicurists from Los Angeles and other signs of baronial diversion. The story told of the endless round of lavish entertainments such as "a lawn party for 300 at the $765,000 home of Raymond Donovan, Secretary of Labor."

Charles Z. Wick, a millionaire member of the President's inner circle, said he thought that economically pinched Americans enjoy viewing this parading of wealth much as

Americans who suffered in the Depression enjoyed watching Hollywood stars in the movies. "People selling apples * * * loved those glamour pictures showing people driving beautiful cars and women in beautiful gowns, showing that people were living the glamourous good life," Wick said.

As another member of the inner-circle, put it, "This is a fun administration."

Fun for whom? The wealthy, the untouchables, not the sick, the endless jobless people, the elderly, the migrant workers, the kids who go to bed hungry at night, and let me tell you there are plenty of them. Have they, the "fun" people, ever seen migrant workers' working conditions, the distressed lands of our country, the hovels some live in? Knowing all this, can we people sit by and tell this administration: go ahead fellows, take away our Social Security, our rights, the money we paid in, and go ahead and attack the elderly.

Mrs. Reagan is so concerned whether her $1,000 place settings (China) will be ready in time for her Christmas festivities. Imagine people donating for this kind of stuff, they say at a cost of approximately $209,000, when we have people in this country who don't even get enough food to put on a paper plate. Something is very wrong here. Remember, tell the people in Washington that the true Americans, and I am one of them, never begged for charity. My parents never took a dole during the Depression. We were proud people and I come from proud decent stock, but I'll be darned, I don't want this Administration to get on our backs and tell us now what you worked for we can and will take away.

Remember too, that I am speaking not for myself alone, but for my 91-year-old mother, the little old lady across the street crippled with arthritis, the little old man hobbling on a cane to pick up his meager groceries, praying to God along the way that they won't mug him. This is what the plight of the elderly is like today, and tell Stockman who said, and I quote, "the rich don't need food stamps or welfare." It is like the time when Marie Antoinette was told that the people were starving and had no bread, and she said let them eat cake. This character is one that I would love to meet eyeball to eyeball. I'd love to give him a tour of the America he has never seen or does not want to know about. How can he feel for the poor of this country and the oppressed? His stomach is always and I am sure always has been full. This person has never had to stretch his money and make ends meet; his philosophy and credo speak for itself.

Well this is my message to you: tell the people in Washington that this is a new generation of Americans. We know how to read, write and know our rights, and we want them to be executed by the people we put into power. Remember that the great majority helped make this country great, not the few millionaires who became so on the backs and the sweat of the little man.

Respectfully yours,

MRS. ANGELA DICORRADO.●

FAREWELL TO A FAITHFUL FRIEND AND EMPLOYEE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. WON PAT. Mr. Speaker, whenever our Maker calls a spouse, a dear friend, or a relative from the ranks of the living it is a grievous occasion which can only be rationalized as an act of God. But when death calls a friend who is also an employee, it is difficult and painful to accept his passing in the prime of life as anything but a tragic loss. Greg Sablan, my lifelong friend, supporter, and for the four terms in which I have served as the Delegate from Guam, my trusted, dedicated district office staff assistant, was that kind of friend and employee. His call came suddenly and without warning at age 55.

As a youth of 20, he was a member of the Guam Combat Patrol, a civilian unit which aided the U.S. Marines in flushing out enemy stragglers from remote areas of our island. He had, with his family, endured 2½ years of hardship and deprivation under enemy occupation.

He served in various civilian and U.S. Navy jobs, mostly related to hospital work, until 1952, when he went to work for the Navy's Public Works Center. This was when Guam received its Organic Act from the U.S. Congress and set out to run its own affairs. In 1969, Mr. Sablan joined the local government's department of land management. In 1975, my second term in the Congress, he joined my district office staff.

On my visits home, he has been my constant companion, working with me from early morning until late at night. He has always been extremely patriotic and proud of his country's flag. He would mount a small American flag on my car whenever we were driving about the island. Of course, children would take the flag whenever the car was left unattended. But Greg was happy to replace it. It was his small but sincere way of expressing his pride in Americanism.

To his mother, Maria Sablan, his devoted wife, the former Francesca Quitugua, his sons, Lawrence and Anthony, and his 12 brothers and sisters, most of them residing in California and in the Washington, D.C., area, I extend my deepest sympathy.

On October 31, they will lay Greg Sablan to rest and I am sure there will always be a little American flag beside his grave. I will return to the House a little sadder, but sincere in my final tribute—"Greg Sablan's devotion to his country, to my office, and to the people of Guam will live on in the memory of those who knew and loved him."●

DOWN'S SYNDROME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. SOLARZ. Mr. Speaker, I would like to take a moment to bring to the attention of my colleagues a life-threatening disease that, surprisingly enough, to date has not seen a major nationwide effort to investigate its prevention or cure. Formerly called mongolism, Down's syndrome is at present an incurable genetic disease characterized by mental retardation and a variety of physical handicaps and even poses severe life-threatening complications. Given the severity of Down's syndrome, it amazes me that so little is being done on the Federal level to prevent its occurrence or to develop effective biomedical treatments for the 250,000 Down's syndrome patients in the United States.

Recently, I introduced legislation, H.R. 4657, to create a national commission on Down's syndrome, that would begin to unravel the mysteries of this condition. My legislation would set up a national commission directed toward expanding and coordinating research, treatment, and remediation efforts on this genetic disease. The commission would be charged with advancing educational activities and training opportunities for professionals interested in exploring Down's syndrome, coordinating research, and disseminating information on this condition. Through its coordination efforts, publications, and hearings, the commission would work to improve the quality of life for individuals with Down's syndrome and their families. Most importantly, it would increase public awareness of Down's syndrome, and determine what more needs to be done.

While 12 of my colleagues have joined me in cosponsoring this important effort, some Members are concerned about the possible cost of such a Commission. In these days of budget austerity, let me assure you that this Commission is a modest one, modeled on the efforts of other commissions that past Congresses have wisely created to improve public health and well-being. According to my research, a budget of $2 million would enable the Commission to fully carryout its investigative, educational, and coordinating role. Furthermore, my legislation, if enacted, requires that all expenditures for staff and support services come directly from the Commission's appropriation instead of depending on other agency funds. In this way, the cost of this Commission is highly controllable and would, in fact, be substantially less than that of

other commissions funded through agency discretionary budgets.

While some might object to spending $2 million, let me say that an adult with Down's Syndrome, who needs to be institutionalized, costs society an estimated $30,000 per year. If this Commission would lead to only 70 out of more than 250,000 individuals with Down's Syndrome not having to spend 1 year in an institution, the Commission would have paid for itself. In addition, the lives of thousands of American families would be improved, if we come to understand more clearly what this disease is, and how to help those so afflicted to lead the fullest lives possible.

Mr. Speaker, present Federal efforts to find the causes and proper treatment models for Down's Syndrome have been piecemeal and fragmented. Responsibilities have been divided among a number of different agencies. The proposed Commission would, during its 15-month life, develop recommendations for a more cohesive package of programs and would provide an impetus for the coordination of both research and service. It would catalog research and treatment advances and develop a plan for more efficient use of Federal, State, and local resources in the future, that could save millions of dollars and enhance the lives of those afflicted with this condition.

Considering the fact that there are 600 persons with Down's syndrome in each of our congressional districts, I sincerely hope that other Members will join me in supporting this important and timely effort to launch a National Commission to investigate Down's syndrome, and to increase our understanding of this, the most prevalent form of organically based mental retardation.●

SISTERS OF MERCY CELEBRATING 150TH ANNIVERSARY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. NELLIGAN. Mr. Speaker, throughout this year the Sisters of Mercy, the largest community of Roman Catholic Sisters in the United States, will be celebrating their 150th anniversary.

The order was founded 150 years ago in Dublin by Catherine McAuley, and their apostolate includes education, hospitals, and a variety of social programs.

To the Sisters of Mercy throughout the world, and particularly at College Misericordia and across the 11th Congressional District of Pennsylvania, I offer my congratulations for their past achievements and wish them continued success in their many humanitarian efforts.

I also owe a personal debt of gratitude to the Sisters of Mercy because they educated me in my elementary years.●

PROJECT TRUTH: USIA'S NEW PROGRAM, PART II

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MICHEL. Mr. Speaker, I have previously inserted into the RECORD part I of a new publication of the U.S. Information Agency (formerly USICA) entitled "Soviet Propaganda Alert." This publication, part of a new program, "Project Truth", begun by USIA at the direction of President Reagan, seeks to reveal Soviet disinformation efforts and to spread the truth about U.S. policy and objectives.

As I have said, this publication serves an excellent purpose since it makes us aware of Soviet propaganda devices. But I would also like to see USIA begin a similar publication which tells us in capsule form what the agency is doing to combat these Soviet themes.

At this point I wish to insert in the RECORD "Current Soviet External Propaganda Themes", "Global Themes: Military-Strategic" which is the first section of part II of the first issue of "Soviet Propaganda Alert" (October 15, 1981).

II. CURRENT SOVIET EXTERNAL PROPAGANDA THEMES

This list of current propaganda themes and variations is not exhaustive. Soviet propagandists adjust quickly to changing situations, developing variations on general and constant themes in the Soviet repertoire to suit the needs of the moment. Thus, a general theme (e.g.: "The U.S. is a threat to peace") can be refined to apply to an unlimited range of geographic and situational requirements.

The themes are organized according to their geographic concerns—global, regional, or country-specific—and within these categories according to whether they involve military-strategic matters or seek to contrast the Soviet Union with the United States.

A. GLOBAL THEMES: MILITARY-STRATEGIC

The aggressiveness of the U.S. as contrasted with the peace-loving nature of the USSR is one of the dominant themes of Soviet propaganda. It encompasses many sub-themes, some of which are discussed below.

According to Soviet propaganda, the U.S. is escalating the arms race, provoking conflict, and trying to counter every aspect of Soviet influence in the world in its efforts to regain the military-strategic superiority it once possessed. Aggressive behavior by the U.S. stems largely from its inability and/or unwillingness to adjust to the new "correlation of forces" in the world (the decline of the Western capitalism and the rise of socialism). U.S. frustration at no longer being "number one" is expressed in violence, directed primarily at its chief rival, the Soviet Union.

The USSR, on the other hand, has always been and continues to be dedicated to the struggle for peace. Its military might is intended only to defend itself and other peoples who want and deserve help in defending themselves. In recent months, the so-called Brezhnev "peace offensive" has been cited repeatedly as testimony to the peace-loving nature of Soviet policy.

While Soviet propaganda always presents U.S. military-strategic aggressiveness as a real and dangerous threat, it also indicates that U.S. actions will ultimately prove futile. For as Marxism-Leninism teaches, the capitalist/imperialist world is doomed, despite its desperate efforts to survive, and socialism—with the USSR its leading representative—is the future. Nonetheless, the forces of socialism cannot wait passively for the collapse of the capitalist world; they must actively counter its "last gasps" of harmful activity.

Subthemes

1. The U.S. seeks military superiority over the Soviet Union. The U.S. has lost the military preeminence in the world it enjoyed after World War II when only it possessed nuclear weapons. The U.S. wishes to regain its former position in order to blackmail the Soviet Union and its allies, to force its will upon other countries, and to resist forces of change and progress, especially in the Third World.

2. The U.S. is not seriously interested in arms control negotiations. The U.S. strives to create an international atmosphere which is counterproductive to arms talks, it has failed to respond to any of the sincere Soviet initiatives in the sphere of arms control, and it has blocked ongoing efforts such as the MBFR talks. Although the American failure to ratify SALT II is no longer a major emphasis, it is still regularly referred to in the context of more general criticisms of U.S. arms control behavior.

3. The U.S. is introducing sinister new weapons such as the neutron weapon, the Pershing II, the MX, chemical and biological weapons. In its drive to regain superiority, the U.S. is developing and deploying new weapons systems which endanger the alleged parity that Soviet propagandists maintain now exists between the two countries. The U.S. is willing to use any weapon, including chemical and biological devices which most other countries have outlawed. The U.S. is also developing the space shuttle mainly for military use and is working on killer satellites, particle-beam weapons, and laser applications.

4. The U.S. is forcing its allies to accept its weapons and to increase their own arms expenditures. The U.S. blackmails its allies into accepting the placement of weapons (e.g. Pershing II's). It allies resist because they recognize that the U.S. is trying to export a future war, that is, to ensure that it is not fought on U.S. soil. There is a growing split between the U.S. and its allies.

5. The U.S. seeks to forge an anti-Soviet alliance with such countries as China, Japan, Pakistan, and Turkey. The U.S. wants bases for its troops or the right to stockpile military supplies on the soil of other countries. The U.S. uses economic aid, military assistance, weapons sales, or simple blackmail to gain concessions.

6. The U.S. engages in psychological warfare against the Soviet Union. It spreads untruths about the USSR through its propa-

ganda activities—especially radio: VOA, RFE, and RL—and foments anti-Soviet hysteria and war mentality. These activities are in violation of basic international agreements such as CSCE.

7. The U.S. wages economic warfare against the USSR. The U.S. is trying to provoke a costly new round of the arms race that will strain, exhaust and ultimately destroy the Soviet economy. It also uses economic weapons such as the grain embargo to force the Soviet Union to accede to its will. Soviet propagandists always strongly emphasize that the Soviet economy will never be ruined by a forced arms race. Although the Soviet leadership would much prefer to use Soviet resources for improving the people's living conditions, the USSR is certainly capable of keeping pace with U.S. military strength and is determined to do this, even if sacrifices are necessary in other sectors of the economy.

8. The U.S. grossly interferes in the internal affairs of other countries. The U.S. seeks to manipulate the domestic political process of other countries, including its allies. It attempts to guarantee that these countries' domestic and foreign policies will be subordinate or at least complementary to its own. The U.S. is willing to use all methods to this end, including propaganda, blackmail, bribery, and assassination. In the case of countries that seek to free themselves of U.S. or colonial domination, the U.S. assists repressive regimes in putting these movements down or sponsors counterrevolutionary activities which will restore the status quo.

9. The U.S. faces vast resistance to its aggressive plans. The world public opposes the aggressive plans of the U.S. and its allies. Large-scale resistance is seen in almost all countries. Pacifism and neutralism are growing, especially in those countries most threatened by U.S. plans. Even within the U.S., there is a major split between the Government and the people over defense policy.

10. The U.S. and allies are responsible for international terrorism. The U.S., Israel and some of the NATO allies are behind terrorist activity in the world. There is a tradition of terrorism associated with right-wing extremists in the West and the U.S. is a violent, unstable society which spawns terrorist activity.

11. The CIA is behind much of the unrest in the world. In its efforts to carry out its policies, the U.S. resorts to all available means. Along with military, economic, and psychological weapons, the U.S. employs the CIA to subvert other countries and to bring their policies in line with its own. It attempts to control other governments through its agents or to destabilize those countries it cannot control. The CIA has unlimited funds and will employ any means to achieve its ends.

12. The Soviet Union seeks only peace and detente. Soviet policy is peace-loving and defense. The USSR has often sought to reach agreement with the U.S. and its allies to reduce tensions, disarm, and engage in peaceful economic and social intercourse. The Soviet Union respects the independence and sovereignty of other countries and does not interfere in their internal affairs. The world public recognizes and appreciates this policy, and regards the Soviet Union as the greatest force for peace on the planet.

13. The Soviet Union arms only to defend itself and its allies. The USSR is forced to respond to U.S. and Western threats by building its own forces. These forces are purely defensive, but can be used to defend the gains of socialism and national liberation movements such as in Afghanistan.

14. The U.S. cannot succeed in gaining military superiority. The Soviet people are willing to make whatever sacrifices are necessary to provide adequate defenses. In spite of the U.S.'s superior resources, it will never be allowed to regain military superiority.●

NEW MEDICARE NUMBERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. PICKLE. Mr. Speaker, recent stories which have appeared in the press are discomforting even to those of us who have steadily urged decisive action to handle the problems facing social security. Based on actual expenditures under the medicare program for fiscal year 1981, the actuaries report that under the Senate-passed social security bill, the medicare fund will be reduced from a 7-percent reserve to a 4-percent reserve in 1984, and to a negative reserve in 1985.

More importantly, this small and normally insignificant 3 percent change in the medicare cost figures pulls the overall combined social security reserve levels below that necessary to pay benefits 2 years earlier than before even under intermediate or rosie projections. There is no longer any question of whether we can make it through the decade with interfund borrowing or some other patchwork procedure. We cannot.

Mr. Speaker, we are playing with fire here and we are all going to be burned. The decisions will only get more difficult because adequate lead time is all important in social security changes of any stripe. We all are hesitant to tackle this issue in the current climate. But we cannot escape it—and it is looking more and more like we cannot escape it before 1983.

I call once again on the leadership of this Congress to allow us to go forward now to try to address the problems we face in social security.●

THE REAGAN ADMINISTRATION'S ASSESSMENT OF THE MULTILATERAL DEVELOPMENT BANKS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. PATTERSON. Mr. Speaker, the Reagan administration recently completed a major study reassessing the purposes and effectiveness of continued U.S. participation in the World Bank and the other multilateral development banks. As we all know, the new administration entered into that assessment with a healthy dose of skepticism about the MDB program. Therefore, I think it is particularly significant that the administration has presented Congress with a study which underscores the important role these international agencies play in our country's foreign policy and our foreign economic policy. The study identifies a number of areas where the multilateral agencies need to improve their operations and strengthen their programs. On the whole, though, it shows the multilateral banks are well run and effective institutions and the United States needs to keep its influential voice in their operations.

In the coming weeks, I think many of us in Congress are going to have to take a careful look at the administration's assessment. I think it is right in saying the multilateral banks should put stronger conditions on countries' access to their aid. I also think it is correct in saying the level of U.S. contributions for the MDB program should not increase any more, in real terms, in the coming years. Everybody is not going to agree, though, with all its conclusions or all its recommendations. Some will want more emphasis on this or less emphasis on that. But I think there is the basis in its findings and conclusions for a broad new bipartisan consensus supporting continued U.S. participation in the multilateral agencies.

I would like to put in the CONGRESSIONAL RECORD, at this point, an article by my friend TOM EVANS of Delaware, as it appeared in last Thursday's Philadelphia Enquirer. As my colleague points out, President Reagan's trip to the North-South summit meeting in Cancun, Mexico, emphasizes—as nothing else could—the value of these multilateral agencies to the United States. With all this talk about "Global Negotiations" and a "New International Economic Order," it is gratifying to realize there are institutions like the mulitlateral banks where the United States and the other developed countries still have a majority voice in the decision process. Perhaps now, more than ever, we need to take a hardnosed look at maintaining our role in these international organizations in order to have the right kind of forum for these coming discussions.

A MESSAGE FOR CANCUN

One of the central themes of the Cancun Conference will be United States' participation in the multilateral development banks—the World Bank and the three regional development banks.

Traditionally our foreign aid programs have been based largely on achieving humanitarian goals. Today, there are many pragmatic reasons to continue these programs. All of them stem from our interdependence with the Third World. The United States is critically dependent on developing countries for a whole range of strategic raw materials that are vital to our economy.

As the Department of Treasury recently reaffirmed, the World Bank and the region-

al development banks are the most effective form of development assistance yet designed. With some fine tuning to reflect more closely United States policy preferences, the Reagan administration could and should give the multilateral development banks the full weight of its support.

We simply cannot neglect the Third World if we are to serve our own interests. The explosive population growth in developing countries means that the world population will increase by two billion before the end of the century. Without cooperative attempts to greatly expand food production, widespread starvation will result in many parts of the world. This specter is something from which no developed country can insulate itself.

That these multilateral development institutions are the most effective vehicle for promoting economic development should now be quite clear. While this administration began its term with a healthy degree of skepticism regarding these institutions, a recent Department of Treasury draft report demonstrates once again that the multilateral development banks serve the interests of both North and South.

One of the conclusions in the Treasury Department's assessment deserves particular emphasis. The World Bank and the regional development banks are an extremely cost-effective means of supporting development, when compared to bilateral foreign assistance.

President Reagan gave the World Bank and its sister institutions a rhetorical pat on the back at last month's World Bank-IMF meeting, but it was clear from his statement that the central thrust of this administration's strategy for development is reliance on the private sector.

I agree with President Reagan on the importance of private sector development and on the need for free and open markets. But, practically speaking, that will not occur in most Third World countries without public sector involvement.

The missing ingredients is the existence of a sound economic and physical infrastructure. Without water and sewers, a country like Haiti cannot hope to develop a tourist industry. Without a functioning railway from Port Sudan to Khartoum, the Sudan cannot effectively develop its vast agricultural potential.

The private sector has traditionally left the construction of roads, dams, sewers, port facilities and the like to the public sector. Similarly, investments in human capital such as disease eradication, vocational education and training have typically been accomplished at least in partnership with the public sector.

Government participation in these efforts in the Third World is even more critical. In most poverty stricken Third World countries there is little hope of either private capital formation or government revenues sufficient to permit the developing country to finance its own infrastructure development.

As the Treasury report concludes, the multilateral development banks are ideally designed to finance and oversee the construction of those infrastructure-type projects which provide the foundation on which developing countries can build.

The President has reminded developing countries that the United States developed from a barren frontier to the world's foremost economic power with only the occasional infusion of foreign capital. While true, it must be remembered that there are many differences between the world of today and that faced by the emerging United States.

We were blessed by a favorable combination of bountiful resources, cheap energy, a hospitable climate, virtually unlimited markets and two wide oceans to afford us decades of safety from foreign influences. No developing country today faces such happy circumstances.

Even if conditions were perfect for economic growth in developing countries, we could not afford to wait for long-term, incremental development to catch hold in the Third World the way it did in the United States. Pressures from growing populations, social unrest, rising expectations and increasing economic deprivation have combined to give developing countries and their beleagured leaders little time to find solutions.

The United States created considerable anxiety at the recent World Bank-IMF meeting when the administration unveiled its tougher stand on multilateral lending. Whether intended or not, the message received by most foreign delegates was that America was beginning its withdrawal from the same institutions created decades ago at American insistence.

The message we should be sending is that we understand the value of the World Bank and the regional development banks to the countries of both the South and the North.

In today's political atmosphere, there is less support for this type of assistance than at any time since World War II. And yet, there have been few times in our history when it has been more important. President Reagan has a marvelous opportunity for leadership on this issue. We should all hope he takes that opportunity.●

TITLE XVI OF SOCIAL SECURITY ACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ASPIN. Mr. Speaker, I am introducing legislation to amend title XVI of the Social Security Act.

The bill is meant to cure a discrepancy between the appeal process under title XVI, supplemental security income, and title II, old age, survivors, and disability insurance.

Under the current law, no provision is made for the award of attorney fees in supplemental security (SSI) appeals. The payment of fees is left as a matter between attorney and client. Consequently, attorneys are reluctant to take SSI disability appeals, robbing many potential claimants of the chance to get benefits due them.

This bill, therefore, is to change those provisions of title XVI to allow the award of attorney fees on the same basis as under title II.

The only argument I can find against this change is that SSI is meant for the poor who really need the back benefits they would win in court. This argument is specious. First, by discouraging attorneys from taking cases, we are preventing many people from having their day in court and getting any back benefits. Second, there is an implicit suggestion that it is all right for SSI recipients to run away from their debts to their attorneys. As a corollary, there is an implicit threat that attorneys for successful claimants who do not pay their fees will tie the SSI recipients up in court with even greater eventual cost to the SSI recipient.

The law already provides protection for SSI claimants against unscrupulous attorneys. As in the case of social security recipients, the judge in the case must review and approve attorney's fees. The only change my bill provides is that the judge may direct that the attorney be paid directly from the award of back benefits, as is now the case with social security awards.●

THE PROMOTION OF OUTDOOR ETHICS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. SAWYER. Mr. Speaker, the 20th century has seen in this country the birth of the movement to conserve first America's, and now the world's environment: The land, the water, the air, and, thus, all life on the planet. This movement seeks the wise and careful use of all our natural resources, and it is interesting to note that the genesis of the idea came from the concern of hunters and fishermen, especially in the 1920's to preserve and protect fish and game populations for future generations.

The twenties saw groups of sportsmen band together to begin, among other efforts, the promotion of ethical behavior and conservation of the outdoors. These ethics included, of course, payment of license fees, limiting the kill of fish and game, and observing season dates and land and water use restrictions.

The protection of our natural resources by hunters and fishermen went far beyond merely trying to conserve fish and game animals for self-serving purposes. Sportsmen long ago established a tradition that conservation also meant planting trees, cleaning up litter, courtesy to fellow outdoorsmen, promoting recreational safety on land and water, halting pollution, and frequently giving up personal time and money to work in the wilderness and the cities and in the legislatures and the courts to protect our environmental heritage. Simply put, hunters and fishermen began the idea that ethics and sportsmanship means disturbing the environment as little as possible and conserving natural resources as much as possible.

I would like to point out that, according to the 1980 Statistical Abstract of the United States, last year 32.6 million people went hunting, 51.8 million went camping, 91 million fished, and 103.3 million people enjoyed one or more forms of recreational boating. This represents an incredible increase in the use of our natural resources, surely one which the sportsmen of the early part of the century would never have anticipated. The question inevitably arises, are outdoor ethics, and thus the environment, in jeopardy from the influx of millions of eager, new recreationists each year?

Since our resources are so finite, the concern is a very real one, but I am pleased to report that good sportsmanship and ethical outdoor behavior are currently undergoing a popular rebirth. The environmental movement of the sixties and early seventies lead not only to a greater use of America's outdoor wealth, but also to a greater understanding of and concern for how fragile the environment is. The environmental movement made everyone aware that we are individually responsible for the proper use of our woods, waters, and wildlife.

In 1980, a dozen or so conservation organizations experimented by holding the first national conference on outdoor ethics. I would like to share some excerpts from a speech by my friend, Jack Lorenz, the executive director of the Izaak Walton League of America. Jack made this speech on the results of the conference last June 15, in Louisville, Ky., before the Outdoor Writers Association of America:

Last year, the Izaak Walton League cosponsored the first National Conference on Outdoor Ethics. We were joined by the International Association of Fish and Wildlife Agencies and the J. N. "Ding" Darling Foundation. Dan Saults represented OWAA [Izaak Walton], played a strong role in the Conference and reported on it in Outdoors Unlimited. Ducks Unlimited, the NRA [National Rifle Association], Trout Unlimited, the Boy Scouts, the National Wildlife Federation, 4-H, the National Shooting Sports Foundation and many federal and state agencies were in attendance.

We spent three days talking about outdoor behavior, identifying problems and opportunities and suggesting guidelines and solutions. Only now can we fully appreciate what that meeting meant. Since the National Conference we have seen increasing interest at the State level with similar events in Iowa, South Carolina, Wisconsin, Minnesota, Virginia and other States. Sportsmen conservationists are talking to each other about how they themselves act and how they can set a good example for others. That's exciting news.

The [Outdoor Writers Association of America] League is serving as a National Clearinghouse and Information Center on Outdoor Ethics. Interest is growing so rapidly that we will have to add additional staff to meet the demands. That will take money, so we are actively looking for sponsorship of the program that will include a second conference next year to fully analyze the products of the 1980 meeting. The North American Association of Hunter Safety Coordinators has expressed an interest in tying the Second Conference in with theirs. Hunter responsibility was a major topic at the North American Association's 1981 meeting in Denver. Red Hasay of Edmonton, Alberta, the current President of the North American, took part in the 1980 National Ethics Conference.

The Army Engineers took part in the Ethics Conference and as a result, the Corps is producing a new film on User Conflicts on Corps Reservoirs. It should be ready for release in November or December of this year.

And States like Missouri and Pennsylvania with their S.P.O.R.T. programs, Virginia and North Carolina with Operation RESPECT, New Mexico, Colorado and other Western States with Operation Game Thief. Those are but a few.

The International Association meeting here in Louisville last September urged all member agencies to enhance their on-going ethics programs or start them up. Fish and Wildlife agency regional meetings have moved Outdoor Ethics higher up on their agendas.

Ducks Unlimited's International Waterfowl Symposium covered hunter ethics. Chester McConnell of the Wildlife Management Institute is doing some terrific things on sportsman behavior. Outdoor Ethics is on a roll.

I would like to talk about hunting for a minute. At every ethics conference I have attended, hunting ethics receives the most discussion time. That's no surprise to anyone here. Many sportsmen feel hunting may be in for its most difficult period over the next two decades. Their reasons are:

The urbanization of America;

The increasingly smaller percentage of hunters in the total U.S. population;

The growing political sophistication and funding of the anti-hunting, animal rights and anti-gun movements;

The continuing loss of habitat;

The increasing use of high-tech gadgets in the field;

Deteriorating hunter-landowner relations;

The illegal actions of far too many hunters;

Opposition and ridicule by the media and popular public figures;

Erosion of State management authority;

Abuse of subsistence hunting rights;

Lack of funding for State agencies; and

A largely ineffective game law judicial enforcement process and primarily a poor job of public relations and education.

I believe that these conditions are backing hunters into an increasingly narrow corner—a corner from which we may not extract ourselves without a revival of the spirit of sportsmanship shown in the 1920's.

In recent years there have been hundreds of research papers presented on the hunter, hunting, and the public's view of hunters and hunting. An analysis of those papers tells me that the conditions I just mentioned are indeed having a marked effect on public attitudes.

When boiled down the surveys reveal that:

The majority of the public obtains its knowledge of animals from watching television;

The younger generation is increasingly more preservation-minded and some students believe that life for a wild animal involves no struggle for survival;

Student objections to hunting also included hunting as sport, overkill, cruelty and unfair chase;

A high percentage of non-hunters grew up in cities and far more people with anti-hunting views reside in urban rather than rural areas;

Many people feel hunters require little skill or knowledge to get a hunting license;

Most hunters are poor joiners of sports and conservation groups, and

Of the negative views, more were directed at the hunter rather than hunting.

Landowners say property damage and a lack of courtesy, rather than safety, are the main problems with hunting today. All in all, the surveys and papers studied show that public descriptive opinions of hunters have tended to be negative since the 1960's.

There are also some good signs from the researchers and some very positive programs under way to improve hunter behavior, the quality of hunting and public education.

The researchers' findings show that specific, well-targeted education programs can change attitudes in favor of consumptive use.

Studies of hunter attitudes show such things as:

Urban hunters express the greatest concern with unethical hunting practices;

Many hunters express a willingness to report violations;

Many hunters are willing to curtail their activity and increase their own costs to benefit the resources and improve the quality of their experience.

Studies of the non-hunting public show that:

While most are not active supporters of hunting, they are also not anti-hunting and most agree that hunting should continue as a management tool;

Wildlife is better off with animal population controls;

Illegal killing should draw stiffer fines.

There is a great deal of new activity promoting hunter ethics. Possibly no organization has or is doing more to improve hunter behavior and change public attitudes than is the National Shooting Sports Foundation. The work of the Foundation is a model for all of us interested in preserving quality hunting.

After more than five years of studying the subject of sportsman behavior I have become convinced that improving the *image* of the hunter, angler, canoeist or other recreationist depends first on improving the behavior of the individual. To do that we must try and recapture the evangelistic spirit of men like Zane Grey and Hammond Brown. We must realize that the political and legal institutions of this country are demonstrably inadequate to regulate behavior in the field; that will continue to depend, as it always has, on what behavior we expect of ourselves.

I come reluctantly, but inevitably to the conclusion that the day has passed when ethics could be treated as a merely personal matter, an unwritten contract between a man and his conscience, and not the proper business of anyone else. The time has come when the contract must be enlarged and renewed, when we must assume our share of responsibility for the code of our hunting and fishing group and the ethical behavior of our friends and readers, when we must admit that whenever we remain silent about slob behavior in others we become slobs ourselves.

Writing or talking about ethics is not sexy. It is tougher than the story about a new hot spot for bass or a secret for taking big mulies. But we can fine tune those arti-

cles to put added emphasis on the ethics of the chase. We can search out more stories about the personal satisfaction a sportsman gets out of helping a farmer or planting for wildlife, or teaching kids how to fish.

Most of all we can catch a little of that old time spirit and pass it on to our readers.

We can't leave outdoor ethics and the future of outdoor recreation up to the State, the Fish and Game Commission, the wardens or the law. Sportsmanship can't be legislated, but it can be marketed. One on one, writer to writer, hunter to hunter, angler to angler, outdoor ethics is an exciting product. As Ham Brown said, all it needs is personal example and the example of publicity.

It is our challenge, our responsibility and our opportunity to write and talk about outdoor America in a way that makes every camper, every canoeist, every fisherman, every hunter and every birdwatcher leave the forest and stream with as much self-respect as when he went in.

Thank you for asking me to be with you today.

The subject of outdoor ethics is an important one: It affects millions of people and involves billions of dollars annually. The movement to promote ethics is being felt in every congressional district. Individuals, families, private clubs and groups, public agencies, even concerned businesses are joining the efforts to sponsor greater public awareness of the fundamental issue of using all our natural resources wisely and fairly. I urge all my colleagues to actively support the promotion of outdoor ethics at home and in Congress. If my colleagues are interested in more information on the subject and how we as legislators can help, they should contact Jack Lorenz at 1800 N. Kent Street, Arlington, Va. 22209.●

THE APPALLING USE OF PLASTIC BULLETS IN NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. OTTINGER. Mr. Speaker, as a member of the Ad Hoc Congressional Committee for Irish Affairs, I rise to call to the attention of my colleagues testimony from a recent hearing held by this committee on the use of plastic bullets by British soldiers and the Royal Ulster Constabulary (RUC) in Northern Ireland. Testifying at this important hearing were two officials from Nassau County, N.Y.: District Attorney Denis Dillon, and Town Councilman Peter King. Both were members of a five-member international panel sent to Northern Ireland by the International Association for Legal Justice to investigate the matter of plastic bullets. Their testimony both saddened and appalled me.

A new chapter of horror is now being added to the tragic story of Northern Ireland. This is the increased use of plastic bullets by the British Army and the RUC. These bullets are allegedly used only as a last resort. Yet in this past year, dozens of people have been severely injured and seven people have died, including five children under the age of 15, from the use of these bullets. These lethal weapons are simply not being used as a last resort—they are being used as a matter of course.

The international panel upon which D. A. Dillon and Councilman King served noted:

> There appears to have been * * * widespread indiscriminate shooting by plastic bullets of people not involved in riots, which, in view of the total lack of official response to complaints, we can only assume to be placidly tolerated by the authorities.

I urge my colleagues in Congress to join me in refusing to let this appalling barbarity be placidly tolerated by British officials. We in Congress should strongly protest the immoral atrocities which have become a tragic part of daily living for the northern Irish.●

FEDERAL RESERVE BOARD CONTROVERSY CONTINUES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. IRELAND. Mr. Speaker, the activities of the Federal Reserve Board as they relate to our problems with inflation and high interest rates have caused some degree of controversy recently.

I feel that the debate, often heated, would benefit from some of the thoughts recently expressed by a pair of editorials in the Florida Times-Union, the first on October 7, the latest on October 14.

The central wisdom expressed in these editorials is a point I have been trying to make for some time: The problems we are now addressing did not appear overnight, and they cannot be cured overnight.

Consequently, it is both logic and political courage to stick to our guns, and not tinker with policies designed to work for a long-range, genuine solution to inflation and high interest rates, until we have given those policies a fair chance to work.

Most particularly, the editorials point out why the independence of the Fed must be preserved, if we are to have institutions capable of withstanding the pressures of the moment for the advantages of the future.

With that, Mr. Speaker, I am pleased to present for the RECORD the recent editorials of the Florida Times-Union:

[By the Florida Times-Union, October 7, 1981]

DO NOT CHANGE FED POLICY AS IT STARTS TO GET RESULTS

Last year it was foot-long two-by-fours and this year it is keys, mailed in a flood to Federal Reserve Board Chairman Paul Volcker.

The key campaign now beginning ("keys to the house you can't afford to buy, the car you can't purchase") is part of a nationwide lobbying effort by three trade associations (home builders, realtors and automobile dealers) totaling nearly 850,000 members.

But don't expect the keys to work—any more than the two-by-fours did. Paul Volcker has the courage of his convictions' he can because, basically, his convictions are correct.

In the past, every time tight credit really started hurting, the Fed would relent and loosen the controls. As a result, at just about the time the tight money policy was starting to work, it was abandoned. And the nation was soon right back in the economic mess it was trying to escape.

This time, unlike the past, the Fed is holding firm to its guidelines.

Importantly, it has now held to them long enough that its policy is beginning to show results; therefore, there can now be some liberalization while—and this is the vital consideration—still holding to the goal.

Already the prime rate has dropped three times in just over a month, to 19 percent, and the consensus is that further declines (note the plural—the trend seems clear) will come in future months.

It seems, in short, that at long last the Fed is doing the job of taking the slack out of the nation's money supply, which should have been done years ago.

Certainly it has been a painful process. Any economy as sick as ours is bound to hurt in the process of getting well again. And the pain brings cries of anguish, such as the avalanche of two-by-fours or keys—or proposals for reform.

One proposal currently offered (there have been others in the past) by Sen. Paula Hawkins would politicize the Fed.

The freshman Florida Senator has proposed a reorganization of the Fed that would remove its independence, make it little more than a political pawn.

She would (among other things):

Allow the President to, at his pleasure, "hire and fire" the chairman and vice chairman, thus assuring leadership of his own men when he takes office.

Reduce the terms of board members from 14 to five years. This way a President, by his second term, would have a board comprised fully of his own appointees.

Give Congress the right to approve or reject all expenditures by the Fed.

Obviously, this would daubly hobble the Fed. With a President packing its membership and Congress controlling its purse strings, the board would have no independence.

Another Floridian—Fed Vice Chairman Fred Schultz of Jacksonville—puts the proposal in its place by labelling it "a serious mistake * * * the last thing we want to do."

He is right.

When the present Federal Reserve System was created in 1913, it was deliberately designed to counterbalance any profligate tendencies that might be exhibited by Congresses or administrations.

The system has worked, although by no means perfectly. In fact it has not worked

as well as it could have for the very reason that, in the past, it has tended to yield, more than was necessary, to political pressures.

It has done its best under strong leadership. Arthur Burns was a strong chairman, as is Volcker, who is holding the present board to a course that—given time—can work.

It will be far from painless and many more Americans will be up in arms against its policies before it's over. But its approach is the only sound option, the only one which can lead to future economic stability.

[By the Florida Times-Union, Oct. 14, 1981]

ECONOMIC QUICK-FIX EXISTS ONLY IN WISHFUL THINKING

Jacksonville's Fred Schultz occupies a position with as good a view of the nation's overall economic situation as any other in the nation.

He is not only one of seven members of the Board of Governors of the Federal Reserve System, but also its vice chairman. This is both a policy-making and an administrative post.

Schultz says the Federal Reserve is determined to "hang tough" with its tight reins on the money supply, despite strong pressures to ease up.

There had been suggestions before Monday, when Schultz talked to editors of the Florida Times Union and the Jacksonville Journal, from Treasury Secretary Donald Regan that a little less restraint from "The Fed" would be in order. Whether that represents a signal from the administration of President Ronald Reagan is a matter in dispute.

However, there is no equivocation possible about United Auto Workers' president Douglas Fraser's call to make the system's chairmanship an elective post.

Fed Chairman Paul Volcker is regarded as the chief architect of the present tight-money policy. It is strong medicine for a sick economy and one only a politically independent body like the Federal Reserve could prescribe and see to fruition.

There is a move in the U.S. Senate, with Sen. Paula Hawkins, R-Fla., as one of the sponsors, to make the Fed responsive to political pressure.

It is tunnel vision of the narrowest variety, one that would make impossible long-term restoration of the economy to health. Any short-term gains that proponents of loosening the money supply expect to get from politicizing the Fed would be, in fact, illusory.

And the timing is atrocious. It comes after most of the pain of the tight-money policy has been borne and after the policy has begun to show desirable effects.

Just yesterday one of the nation's largest banks dropped its prime interest rate to 18 percent. That isn't any bargain from a historical perspective, but it is the lowest since April and the trend for a month has been downward.

The rate of inflation also has slowed significantly.

Schultz points out, however, that the most important single effect of the policy is the headway it is making against the inflationary psychology, the widely perceived notion that has prevailed since the summer of 1979 that the government was not going to get inflation under control.

Yet high inflation, Schultz feels, is a real threat to stable government and democracy itself. Getting it under control is a matter of survival.

There are now promising signs that the policy is beginning to work. Coupled with a few elements of sheer luck, Schultz believes that to be the case.

The luck includes record corn and wheat crops and a bumper soybean crop. One economic sign that the inflationary psychology is softening is a lessening of wage expectations as the nation heads into a bargaining year for crucial industries.

The effects of high interest on some industries—especially housing and automobile manufacturing—have been severe. These industries and those who work in them have a correspondingly large stake in measures that will bring the interest rate down to the level where people can again afford to buy.

Unfortunately, as Schultz points out, there is no "quick fix." It took a while to get into this mess and it will take a while, and some economic discomfort in the process, to get out of it.●

AN AMERICAN DISEASE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. BOLLING. Mr. Speaker, the article which follows, "An American Disease" by Meg Greenfield which appeared in the Newsweek of November 2, 1981, goes to the heart of the problem of the flawed American foreign policy which has failed in so many ways in so many places during the past 15 years. I believe that to a significant degree our future depends on the American people and their leaders recognizing the truth contained in this short statement:

AN AMERICAN DISEASE

(By Meg Greenfield)

This country has developed a ritual for failing in our confrontations with Third World turmoil, and it has been a great success: it worked so well in Iran and Indochina that we seem determined to try it out in Central America and the Caribbean. True, there are some regional variations, but the basic formula remains the same. It involves, first, a couple of competing analyses of the turmoil that are at odds over what the cause of the trouble is, but as one in their unrealistic, oversimplified approach. Then it involves, invariably, a fight to the death to defend each analysis—never mind what happens to the region in turmoil—so that eventually the policy choices people are arguing about have practically nothing to do with the problem they are confronting.

In Central America now, as in Indochina and Iran in an earlier day, the political conflict is viewed by many in the American Government as almost solely the malevolent work of a Soviet-connected conspiracy. This view has an unfortunate impact on the conduct of American policy beyond the obvious one of directing our energies at a single aspect of the trouble and our support to characters whose anti-communism may be their only redeeming feature.

It also, and this is the fatal part so far as making useful decisions is concerned, automatically activates a political response that denies all. By "all" I mean all possibility that anything more sinister than a largely justified, democratically inclined local protest movement is at work. This school insists on seeing everyone from the Sandinistas in Nicaragua to the mullahs and Mujahedin of Iran to the Khmer Rouge and Viet Cong of another day as your basic Eleanor Roosevelt in national dress, nice but exasperated liberals driven to do, perhaps, some desperate and violent things, but wouldn't you be, too?

Choices: There you have the enduring outlines of the sterile American policy debate. What makes it so attractive, one must assume, to the people who work either side is that it doesn't generally require making any especially difficult—I mean really difficult—choices. We should support and arm the government in its struggle with the forces of international communism, it will be said. Or, we should get out and stay out and let nature take its course, let the forces of reform, which we should actually be supporting, at least prevail and stop thinking there are Russians and Cubans everywhere.

Recognizing a variation on this argument in our current political controversy over Administration policy toward El Salvador in particular and Central America and the Caribbean in general, you have to ask yourself whether, after all that tendentious talk about "lessons," the right or the left learned anything at all from our recent misadventures. Our Indochinese and Iranian allies were armed to the teeth by us. Surely, even allowing for eventual American second thoughts and doubts about supporting them forever, it should be apparent that there was a domestic political dimension to their troubles that American policy couldn't deal with. How anyone could fail to believe this also to be the case with the government of El Salvador now or the government of Nicaragua under the fallen Somozas I will never know.

Still, the wishful thinking and fantasies of the military-minded, anti-communist right strike me as being probably less harmful to the possibility of doing things well in these turbulent places than do the comparable fantasies of the romantic, reform-minded left. That may be merely because I keep expecting more insight and discrimination from this quarter—and God knows the crashed assumptions of the past ten years should have produced more of both.

Surely if postwar Indochina and post-Pahlavi Iran tell us anything, it is that the so-called popular alternatives to our less attractive friends among governments of the right are not necessarily any improvement. From which it should be possible to conclude that in countries all over the world where we believe we have an interest or a claim we are obliged to pursue there may be no attractive or even minimally acceptable political ally. Maybe that means we still have overwhelming national reason to support an unnacceptable ally. Maybe it means we walk away from it. Maybe it means we make some other more complicated or partial choice. All I'm saying is that we rarely even reach these hardest of questions, because there is so compelling a force in our political chemistry at home to keep us from acknowledging that the choices are as bad or imperfect as they are.

Evidence: With due respect to the French, for example, and in praise of that particular aspect of their policies most of us like least, they do not seem to have any trouble whatever in seeing the world around them in the harshest, most realistic light and in acting in what they take to be their own interest in the most unsentimental (to be dainty about

it) way. But in this country we insist on interpreting evidence that contradicts our assumptions about "our" side in a conflict abroad as only further evidence of the rightness of those assumptions. Thus, the collapse of a beloved ally's armed forces and the defeat of his military struggle to save a doomed political base will be viewed by the friends of right-wing governments in this country as proof we didn't send them enough F-16s after all. The collapse will be seen as the indirect handiwork of those who were questioning and impeding the arms flow.

And what will happen then? When the peerless general, prince or civilian strongman gets chased out of his palace, or maybe strung up in it, and the forces of "light" take over and turn out to be vicious, repressive butchers themselves, what is to be said by their erstwhile champions? Not that they turned out to be a rotten lot, but rather that our earlier support of their oppressors made them that way.

We are not there yet in Central America. We are still at the point where one side is saying that the rightist soldiers need more support, and the other is saying that those Cuban-shipped, Russian-made arms don't exist. Even at today's accelerated rates of disaster, that gives us some time before the former are asking who "lost" Central America and the latter are loftily replying that it is arrogant for us to have thought it was ours to "lose."

How nice it would be if we could break the pattern before that happens this time.●

THE 75TH ANNIVERSARY OF THE CHICAGO SOUTHTOWN ECONOMIST NEWSPAPERS

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. FARY. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues in the House of Representatives the 75th anniversary of the Chicago Southtown Economist Newspapers. This tabloid has been serving the important Southwest Side of Chicago and the southwest suburbs with more than 252,000 households and a population in excess of 1 million.

Founded as the Englewood Economist in the Englewood area of Chicago in 1906, the Economist Publications have grown in scope and circulation over the years, to a total of more than 175,000. The Economist, in addition to printing its own papers, also prints numerous other publications, including the national edition of the New York Times, which is transmitted from New York to the Economist plant by satellite.

Publisher Bruce Sagan and his staff have emphasized the community social, political and economic aspects of their area, providing a strong voice on behalf of worthwhile projects and programs. At the same time they have provided their leaders with Chicago and area news gathered by a group of skilled reporters and full national news from the wires of the United Press International and from other services.

Mr. Speaker, I must admit that some of the Southtown Economist columns have generated heated discussions in my own quarters. However, the paper has never lost sight of its primary goal: To provide accurate and unbiased news of interest to its readers.

It is fitting that the Economist Newspapers have received a great number of awards and citations for community service, news coverage and photography over the years.●

263D SQUADRON OF NORTH CAROLINA NAMED MOST OUTSTANDING

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. HEFNER. Mr. Speaker, the 263d Combat Communications Squadron of the North Carolina Air National Guard at Badin, N.C., has been named the most outstanding communications-electronics unit in the United States. The Badin unit ranked first among the 278 units in the national competition which was held recently in Biloxi, Miss.

I would like to bring this outstanding achievement to the attention of my colleagues in the House of Representatives. The following article was printed in the October 16, 1981, edition of the Stanly News and Press:

263RD AGAIN BEST ANG UNIT IN U.S.

The 263rd Combat Communications Squadron, North Carolina Air National Guard, at Badin, has proven it was no accident they won the Air National Guard Communications-Electronics trophy in 1979.

Once again, the local Air Guard has been named the outstanding Communications-Electronics Unit in the nation for 1981.

This award does not come easy as there are 278 ANG Units in the competition.

The criteria established for the outstanding Communications Unit includes the training accomplishments of each person in the unit, annual average attendance at training assemblies, and the 15-day Air Force exercise each year. The reenlistment rate and unit strength play an important role. The 263rd maintains over 100 percent strength continuously.

The Air Force Communications Command inspected the unit in February and rated it excellent, stating that unit personnel exceeded Air Force standards, reflecting outstanding knowledge in unit readiness and mission capability. Numerous laudatory remarks were included in the Inspector General's summary. Contributing factors to the award was that the unit maintained an extremely high reliability rate throughout exercises in Turkey, Germany, and on the east coast of North Carolina. No major problems were encountered in any of these joint military exercises. Communication systems under their control were over 99 percent reliable.

The unit maintains the highest possible combat communications readiness rating.

In a recent exercise, the ground power production personnel and equipment maintained 100 percent reliability to five locations in addition to two other collocated Air Force and Marine Units.

One officer observing the record of the 263rd stated: "You cannot overlook its safety record of personnel. In the past 15 months, the unit has moved personnel and equipment over 30,000 air miles and logged over 18,000 road miles without incident or accident. Receiving the award and honor of being the outstanding Air National Guard Communications-Electronics Unit two out of three years is unprecedented. A unit cannot win the award back-to-back; otherwise, the 263rd might have made it three out of three."

The presentation was made October 6, during the National Guard Association of the United States Annual General Conference at Biloxi, Mississippi. Lieutenant Colonel Frederick R. Keith, Jr., commander of the 263rd Communications Squadron, received the award from Major General John Conaway, director of the Air National Guard. Colonel Keith expressed pride for the accolades received by the unit from all four services.

He said the esprit de corps and superior performance by all personnel are justly recognized by the squadron's receipt of the outstanding Communications-Electronics trophy.●

DON KENDALL OF THE U.S CHAMBER URGES TAX CUT SPEEDUP

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. KEMP. Mr. Speaker, Donald Kendall, the distinguished chairman of the U.S. Chamber of Commerce is urging that, rather than delaying or reducing the Reagan cut in tax rates, it should be accelerated. In a statement on Wednesday, Kendall observed that this would be more prudent in terms of the budget, because a developing recession would widen the deficit far more than a cut in tax rates. This is because the Government loses revenue and sees its entitlement spending automatically rise whenever unemployment increases.

I commend Mr. Kendall's advice to my colleagues as they deliberate on Federal economic policy and express my support for his sound advice.

The article follows:

CHAMBER CHAIRMAN CALLS FOR CONSIDERATION OF A SPEEDUP IN TAX CUTS

WASHINGTON, Oct. 21.—"Congress should consider speeding up the tax cut, not delaying it," Donald Kendall, chairman of the U.S. Chamber of Commerce commented today, saying:

"The third quarter decline in real GNP marks two consecutive quarters of negative economic growth, adding further confirmation that the economy is confronted with the threat of a recession. With business activity declining, the recent proposals to delay the tax cut are misguided and wholly inappropriate. Increasing taxes to balance

the budget in a recession hasn't worked in the past and won't work now.

"Had Congress enacted the original Reagan program, which proposed a 10 percent income tax rate cut in July 1981 it is unlikely that we would be in the present situation. Congress should now be seriously considering alternatives such as moving the full 10 percent tax cut to January 1, 1982, or spreading out the 1982 tax cut by giving 5 percent in January and 5 percent in July.

"By moving the full 10 percent cut to January 1, 1982, the government would lose $17 billion in revenue before counting the feedback from a healthier economy. Spreading out the 1982 reduction would cut this loss in half. In contrast, the Congressional Budget Office has estimated that each one percent increase in the unemployment rate will add $27 billion to the deficit. Thus, with either change in the tax cut, the effect on the deficit could be smaller than that of a serious recession. Better still, the economy would be growing and workers would be spared the pain of unemployment.

"As a result of the earlier compromise, 1981 will be a year of rising tax burdens for the average American worker. The 1.25 percent cut for all of 1981 is too small to offset the bracket creep experienced by many. An individual with a taxable income of $20,000 in 1980 will have to earn $22,000 this year just to keep pace with inflation. However, even with the October cut, the income gain will leave this individual facing a marginal tax rate of 27.65 percent compared to 24 percent last year. What's worse, this same individual also experienced an 8.5 percent social security tax increase last January. So much for excessive tax cutting.

"With this as background, it is clear that any delay or reduction in the 10 percent cut scheduled for July 1982 will simply contribute to a further increase in the personal income tax burden and make economic recovery that much more difficult to achieve.

"In fact, such an effort is counterproductive," Kendall added. "It will worsen the recession and create more unemployment. This will reduce tax revenues and raise federal outlays as incomes decline and the need for social welfare spending increases.

"Our economic research indicates that since 1950, this country has experienced six recessions. In four of them, the government countered with a tax cut either during the recession or immediately following. In these four cases, the ensuing expansion lasted for an average of sixty months. In the two where no tax cut actions were taken, the subsequent period of expansion averaged only sixteen months. As this experience amply demonstrates, the time for cutting taxes is now."●

EARLY WARNING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ASPIN. Mr. Speaker, today, at the request of the Budget Committee, I am inserting this week's early warning package into the CONGRESSIONAL RECORD. This week the House of Representatives is not scheduled to consider any new spending bills. However, the early warning package does include brief summaries of the authorization—nonspending—bills that are scheduled. These materials factually compare the total amount of spending authorized by these bills with the assumptions for such spending that resulted from congressional approval of the first budget resolution for fiscal year 1982 and the amounts actually in appropriation bills, where appropriate. The committee intends to insert into the CONGRESSIONAL RECORD these staff analyses, and analyses of all other appropriations, entitlement, or revenue bills as they are scheduled for floor action. We hope to provide these early warnings to interested Members each week. I believe that it is essential for the House to have information that compares such bills to the budget resolution—achievement of the resolution spending targets is not likely to occur unless the Members are clearly aware of the budget impact of their votes.

SUMMARY OF AUTHORIZATIONS

H.R. 4734—ITALIAN AMERICAN WAR VETERANS

This is a bill to recognize the organization known as the Italian American War Veterans of the United States. The legislation states the organization's purpose, membership criteria, restrictions, responsibilities and provides tax exempt status to the corporation. There is no cost associated with this bill.

H.R. 4755—FORMER MEMBERS OF CONGRESS

This bill recognizes the organization known as "Former Members of Congress." The organization is incorporated as a tax exempt organization under the Nonprofit Corporation Act of the District of Columbia. It is estimated that no significant cost to the Government will result from enactment of this bill.

H.R. 4766—U.S. SUBMARINE VETERANS OF WORLD WAR II

This is a bill to recognize the organization known as the United States Submarine Veterans of World War II. The legislation states the organization's purpose, membership criteria, restrictions, responsibilities and provides tax exempt status to the corporation. There is no cost associated with the bill.

H.R. 4769—AMERICAN COUNCIL OF LEARNED SOCIETIES

This bill would grant a Federal charter to the American Council of Learned Societies, an organization which was established in 1919 and is a federation of 43 professional and honorary associations with an aggregate membership of 250,000 scholars. While the legislation would grant the Society a Federal charter, the Society would be prohibited from claiming congressional approval or Federal Government authority for any of its activities. The Congressional Budget Office has found that there would not be any significant cost to the Government as a result of the enactment of this legislation.

H.R. 3963—DRUG DEPENDENT FEDERAL OFFENDERS

This bill amends the Contract Services for Drug Dependent Federal Offenders Act of 1978. It would extend the period for which funds are authorized through 1985. Since funds are already authorized for fiscal year 1982, this bill would have no budgetary impact in fiscal year 1982.

H.R. 4503—FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1981

This bill authorizes the appropriation of $2.4 billion for the Environmental Protection Agency's municipal wastewater treatment construction grants program for fiscal year 1982. The bill also contains numerous changes in the financing and use of funds for the grants program. The CBO estimate of outlays resulting from fully funding this bill are $20 million in fiscal year 1982, $300 million in fiscal year 1983, $660 million in fiscal year 1984, $620 million in fiscal year 1985 and $400 million in fiscal year 1986.

H.R. 4603—TO PROVIDE FLEXIBILITY FOR FEDERAL FINANCIAL SUPERVISORY AGENCIES

This bill is designed to improve the flexibility of the Federal Deposit Insurance Corporation (FDIC), the Federal Savings and Loan Insurance Corporations (FSLIC), and other financial regulatory agencies to deal with federally insured financial institutions experiencing problems. The main changes would be to allow the insurance agencies to arrange mergers of problem institutions across State lines or mergers between institutions insured separately by the FDIC and FSLIC. The bill creates no direct spending; but if it should be successful in enhancing the flexibility of and consequently reducing the net costs of the Federal financial supervisory agencies, it could reduce net outlays of these agencies.

H.R. 2330—NUCLEAR REGULATORY COMMISSION (NRC) AUTHORIZATION

This is the bill that authorizes programs run by the Nuclear Regulatory Commission. The text of H.R. 4255 will be introduced as a substitute to H.R. 2330 for floor consideration. H.R. 4255 includes compromises between the House Interior and Energy and Commerce Committees which share jurisdiction over the NRC. The authorization level totals are within those sought by the administration for NRC appropriations.

H.R. 4437—ENERGY CONSERVATION DAYLIGHT SAVING ACT

The bill amends the Uniform Time Act so that daylight savings time is observed for 8 months instead of 6 months—from the first Sunday in March to the last Sunday in October. The Federal Communications would be authorized to adjust its hours for broadcasting stations. The Congressional Budget Office has estimated the cost of rulemaking and processing of requests for exemptions to be $70,000. However, this cost would be completely offset by decreasing utility costs to the Government.

H.R. 4814—STATE DEPARTMENT AUTHORIZATIONS

The House Foreign Affairs Committee is seeking a rule which will allow House consideration of S. 1193, the Senate-passed State Department Authorization Act for fiscal year 1982. (The House bill, H.R. 3518, was defeated on September 17, primarily on the basis that it was in excess of the President's request and the budget resolution in fiscal year 1983.)

The rule would provide that S. 1193 could be considered in the House and an amendment by the House Foreign Affairs Committee would be in order. The Committee amendment would be H.R. 4814, which would authorize foreign aid spending levels at the levels requested by the President as of September 28. These levels would, of course, be below the level assumed in the First Budget Resolution or set in the Omnibus Reconciliation Act of 1981.

According to the staff of the House Foreign Affairs Committee, there is substantial bipartisan support in the Committee and in the House for the procedure which the Committee plans to follow.

H.R. 3275—CIVIL RIGHTS COMMISSION

This bill amends the Civil Rights Act of 1957 to authorize appropriations for the Civil Rights Commission. For fiscal year 1982, $14 million would be authorized with outlays (including those previously obligated) estimated at $14 million. The authorization is $2 million above the President's request and the level assumed in the First Budget Resolution. The House-passed Commerce-State-Justice appropriation bill includes $12,318,000 for the Commission.●

INTEREST RATE POLICIES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. HUBBARD. Mr. Speaker, I continue to receive hundreds of letters from auto dealers, realtors, homebuilders, businessmen, farmers, and many others who, like millions of people across the Nation, are being hurt by the current high interest rates. Mr. David Freeman, a constituent of mine in Paducah, Ky., has sent me a copy of a letter that he wrote to Federal Reserve Board Chairman Paul Volcker asking Mr. Volcker for the reasons behind the Federal Reserve's high interest rate policies. I feel Mr. Freeman's letter is one which should be shared with my colleagues and I wish to do so at this time. His letter follows:

DEAR MR. VOLCKER: Mr. Volcker, could you please answer some questions concerning your reasoning behind your high interest rate policies?

Mr. Volcker, are you not aware that you are destroying the free enterprise system of our great country? Many small businessmen are losing their businesses every day. Recently, I have had three once successful business people contact me to sell their businesses. Today's high rates have left them with enough money to pay their interest but not themselves. They have less money financed now than when you put your powerful grip on our economy almost two years ago. How do you expect these and the majority of the American people to survive?

How can people save money when many are taking money from their depleted savings accounts to live? The only people saving money are those who are fortunate enough to have these high yielding certificates of deposit. The small business people, homebuyers, farmers, car dealers, and the many others are forced to pay these high rates to the wealthy. Why?

Mr. Volcker, I am sure you are correct about a huge government deficit causing a strain on our money supply. However, will this deficit not continue to grow because there will be no tax dollars from these average American people who are not making any money? Most of these average paying a large portion of our tax dollars because they are not in the position of the wealthy who have numerous tax deductions and escape without paying any taxes. This is only common sense that our deficit will be larger and our government will also have to borrow these funds that in a normal economy would be coming in.

Mr. Volcker, I realize that you are strongly convinced that your ideals will control inflation. Why haven't they in two years? How long have you been in office? Do you plan to remain? Am I not correct, in saying that you were appointed? Perhaps, you should be reminded of this. You were not elected to control our country as you are doing.

What does a government deficit have to do with inflation? When government borrows, do they have to pay these high rates? Do these high rates cause our deficit to be more when the government has to borrow to pay these high rates? Why can't you see that these policies themselves are inflationary? Perhaps, more inflationary than any other single item pertaining to our economy.

Mr. Volcker, perhaps you should re-evaluate your policies. I am afraid that if you don't our economy will collapse. Where will your pay check come from then? At present you do not have to worry because it is there every Friday. Do you deserve it or shouldn't you suffer from your policies along with the rest of us?●

AID TO EDUCATION

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MOFFETT. Mr. Speaker, I would like to bring the following statement in support of Federal aid to education to your attention. Mr. Stephen Joel Trachtenberg, president of the University of Hartford in Connecticut, made this welcoming address to students coming to the campus for the beginning of the 1981 academic year. Mr. Trachtenberg has made a number of observations that merit the close consideration of my colleagues on both sides of the aisle. I hope that you find the following remarks as insightful as I did.

CUT IN FEDERAL AID TO EDUCATION IS SHORTSIGHTED

(By Stephen J. Trachtenberg)

As you begin your journey, I would like to give you three pieces of advice:

1. As Samuel Johnson pointed out, nothing will ever be attempted if all possible objections have to be overcome.

2. In the words of Winston Churchill, sometimes it isn't enough to do our best; sometimes we have to do what is required.

3. As my mother is fond of telling me, all things being equal, all things are never equal.

The most efficient energy resource in an advanced industralized economy is the midnight oil. Properly used, it fuels people to whom we look for skills, imagination, ideas, insights, and productivity.

Our government tells us that defense is a national priority; and yet in what appears to be a contradiction, it reduces its fiscal commitment to education. If this country is to remain strong, its people must be educated. If it is not to be a second-rate power, education and scientific affairs must not be neglected. We cannot forget or ignore the lessons learned from Sputnik in 1957, the year the University of Hartford was chartered.

NEGLECTING EDUCATION COSTLY

Obviously, inflation must be controlled. Clearly, there is a need to stretch national dollars and to invest them prudently; but neglect of education, particularly at the elementary and secondary levels, results in the ignorance of our people and that in turn leads to inevitable expenditures for welfare and prison systems and reformatories.

We are regularly told that we live in the richest country in the world, and I'm tempted to believe it if for no other reason than the way we treat our pets. We spend about $5.4 billion a year to acquire them and care for them and bury them.

I've seen reports that a person who buys a $200 poodle or a parakeet is likely to spend up to $4,000 before it's all over.

It's expensive to put food in the bowl, food that might well go to people, and a collar around the neck and shots and coats and sweaters and dresses and sterling silver cuddle bones and gold glitter nail polish and pedigree papers and summer camp.

REVIEW PRIORITIES

I don't mean my remarks to be seen as an attack on pets. I'm not saying that the country is going to the dogs. What I'm calling for is an explanation of priorities.

I can't help but wonder how this land has $2 billion to spend on horse-care products and not enough to resolve the embarrassingly low verbal and numerical literacy rate which we see around us.

Only a few years ago, the Department of Education reported that one of every five Americans was functionally illiterate. The crisis of accomplishment in our classrooms is widely acknowledged. In the past few years, national commission after national commission has reported the problems of America's primary and secondary schools.

There may be disagreement concerning the causes and solutions to our problems. But to all who believe that education is crucial to the survival and future of American democracy, it's clear that the signal is S.O.S.

Standardized tests and college board scores show the decline in students' ability to read, to write, and to figure. Employers echo those conclusions and voice dismay.

People of America believe that the high schools have been so downgraded that the term "high school graduate" now means as much as "sound as a dollar."

DEFICIENCY IN READING

A recent study of 23,000 recruits at the San Diego Naval Base showed that 37 percent of them could not read at the 10th grade level.

A friend of mine who works at the Walter Reed Army Hospital tells me that the signs posted around the facility had to be rewritten to a third grade level because too many of the personnel found the old signs difficult to understand. Weapons manuals and other literature for military personnel are being similarly rewritten.

These problems are yours. The future that is pregnant within them is your future. The 21st century will require this country to have a population able to do sophisticated work calling for more mind than muscle. The expanding role of technology in every suspect of our society is creating a race not to be won by the swift but by the keen and the adaptable.

Cutting federal aid to education while increasing the Pentagon budget is shortsighted, for it inhibits the research and development on which future innovations are based. Without an educated population, America will not be able to defend itself.

I hope that we can persuade you to devote yourselves to the learning that is so important to our country. I would urge that you conceive of that liberally. The next generation of Americans will need to be trained, but will also need to have judgment and historical perspective and a capacity for reason.●

ROTARY CLUB HONORS BRIG. GEN. JOHN A. SHAUD

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Ms. OAKAR. Mr. Speaker, periodically the Rotary Club of Cleveland, Ohio, the second oldest of 19,000 Rotary Clubs in the world, takes time to honor one of the outstanding Clevelanders who have made a substantial impact on the world. Among those previously honored were John Heisman, whom we hear about every year when the Heisman Trophy is awarded, Ransom Olds, the father of the Oldsmobile, Dr. Donald Henderson, who did so much to rid the world of smallpox, and others.

This Thursday, October 29, 1981, the Cleveland Rotary Club will be honoring Brig. Gen. John A. Shaud who was born and raised in Cleveland, graduating from Cleveland Heights High School in 1951. General Shaud then attended the U.S. Military Academy at West Point. He went on for even higher education, eventually getting a Ph. D. from Ohio State University. He has also pursued his studies in military science, graduating from the National War College in Washington, D.C.

As a soldier, General Shaud has had a distinguished career serving his country. He has assumed staff and command positions in various locations in the United States, including Wright-Patterson Air Force Base in his native Ohio. Overseas, General Shaud served in Thailand and Vietnam.

It might seem to some that General Shaud has spent as much time in the air as he has on the ground. After receiving his commission at the U.S. Military Academy, he entered pilot training and in 1957 became a rated pilot. Since then, General Shaud has had more than 4,000 flying hours, which include 110 combat missions. In the course of his flying career, he has won numerous decorations and awards, including the Legion of Merit with one oak leaf cluster, the Distinguished Flying Cross, Meritorous Service Medal with one oak leaf cluster, the Air Force Medal with six oak leaf clusters, and the Air Force Commendation Medal with one oak leaf cluster.

In September 1980, he was promoted to brigadier general. At present, General Shaud is commander of the 57th Air Division, Strategic Air Command, Minot Air Force Base in North Dakota.

I want to join the Cleveland Rotary Club in honoring this outstanding American who has chosen a career in service to his country and in so doing brings honor to his hometown of Cleveland, Ohio.

BIOGRAPHY OF BRIG. GEN. JOHN A. SHAUD

Brigadier General John A. Shaud is commander of the 57th Air Division, Strategic Air Command, Minot Air Force Base, N.D. This command includes "Strategic Projection Force" responsibility.

General Shaud was born Dec. 15, 1933 in Cleveland where he graduated from Cleveland Heights High School in 1951. He attended Lafayette College, Easton, Pa., until 1952 and then entered the U.S. Military Academy, West Point, N.Y. He graduated in 1956 with a bachelor of science degree; earned a master of science degree from the George Washington University, Washington, D.C., in 1967; and received a doctorate of philosophy in management science from Ohio State University in 1971. General Shaud completed Air Command and Staff College at Maxwell Air Force Base, Ala., in 1967 and graduated from the National War College at Fort Lesley J. McNair, Washington, D.C., in 1974.

After being commissioned at the U.S. Military Academy, General Shaud entered pilot training and become a rated pilot in August 1957.

His first operational assignment was to Davis-Monthan Air Force Base, Ariz., in 1958 as a B-47 pilot in the 358th Bombardment Squadron. He transferred to Wright-Patterson Air Force Base, Ohio, in 1964 where he served as a B-52 aircraft commander with the 17th Bombardment Wing.

General Shaud's next assignment was to Air Command and Staff College. Following his graduation he attended RF-4C combat crew training school at Shaw Air Force Base, S.C.

He served on the 388th Tactical Fighter Wing operations staff at Korat Royal Thai Air Force Base, Thailand, from January to May 1968. He then served as an RF-4C flight commander with the 12th Tactical Reconnaissance Squadron, Tan Son Nhut Air Base, Republic of Vietnam, until January 1969.

General Shaud was a student liaison officer for the Air Force Institute of Technology at Ohio State University until 1971 and was a faculty member of the Air Command and Staff College from 1971 until 1973. He graduated from the National War College in June 1974 and was assigned to Kincheloe Air Force Base, Mich., as deputy commander for operations, 449th Bombardment Wing. In March 1975 General Shaud became vice commander of the wing.

In January 1976 he was assigned to the Office of the Deputy Chief of Staff, Plans and Operations, Headquarters U.S. Air Force, Washington, D.C., where he served as chief, Strategic Division, until June 1976. He then became deputy chief, Readiness Initiatives Group, and remained in that position until he was appointed assistant deputy director for readiness development in November 1976. In June 1978 General Shaud took command of the 92nd Bombardment Wing (Heavy) at Fairchild Air Force Base, Wash., and became commander of the 47th Air Division there in June 1980. He assumed his present command in August 1980.

A command pilot with more than 4,000 flying hours, General Shaud has flown 110 combat missions. His military decorations and awards include the Legion of Merit with one oak leaf cluster, Distinguished Flying Cross, Meritorious Service Medal with one oak leaf cluster, Air Medal with six oak leaf clusters and Air Force Commendation Medal with one oak leaf cluster.

He was promoted to brigadier general Sept. 8, 1980, with date of rank Aug. 13, 1980.

General Shaud is married to the former Janelle M. Ohlenbusch of Lubbock, Texas. They have three children: Patricia, James and Katherine.

PROCLAMATION

Whereas the Rotary Club of Cleveland (the second oldest of 19,000 Rotary Clubs in the world) does, from time to time, honor native sons of the Cleveland area, who have gone forth to achieve national distinction, and

Whereas previously Cleveland Rotary has honored John Heisman, after whom the famous Heisman Football Trophy is named; Ransom Olds who is father of the Oldsmobile and father of the American Motor Car Industry; Dr. Donald Henderson who "rid the world of smallpox"; Frank Taplin, now president of The Metropolitan Opera; and George Crile III, producer of "CBS Reports", and

Whereas at its civic luncheon on Thursday, Oct. 29, 1981, Rotary will have as is honoree and speaker, such a distinguished Greater Cleveland son—Brig. General John A. Shaud, and

Whereas John Shaud was born in Cleveland, grew up in Cleveland Heights, attended its schools and graduated from Cleveland Heights High School, and

Whereas he is a graduate of the U.S. Military Academy, at West Point and of the National War College, and has graduate degrees from George Washington University and Ohio State University, and

Whereas he is a command pilot who flew 110 combat missions, and is the recipient of many military decorations and awards, and

Whereas in the Air Force, he has held many important assignments in the United States, Thailand and Vietnam, and became Brigadier General in 1980, and

Whereas for some time, he has been Commander of the 57th Air Division, Strategic Air Command, which command includes "Strategic Projection Force" responsibility, and

Whereas just this October, he was assigned to new responsibilities at the Pentagon in Washington, as Deputy Director of Plans for the Air Force: Now therefore * * *●

EDITORIALS BY BILL PAYNE

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. KOGOVSEK. Mr. Speaker, I would like to submit these editorials

for the RECORD. They were written by a fellow Coloradan who is dedicated to the principles and objectives of the American labor movement; Mr. Bill Payne.

ANNUAL LUDLOW MEMORIAL LOVESONG SUNG WITH A BEAUTIFUL GREEK ACCENT!

(By Bill Payne)

Sunday morning was overcast, as John Mrozek and I made the annual 'love drive' to Ludlow. Heavy, dark clouds rolled up against the foothills blocking the peaks from view, and half-way to Colorado Springs the rains raced along with the car and the wipers seemed to sadly sing, "Ludlow, Ludlow."

As we sped Southward, the lighter skies in the East promised clear weather for the Memorial Services. At the site, the podium quickly filled with United Mine Workers officials and special guests. In charge, were newly elected District 15 president Bob Moore and Secretary-Treasurer Joe "Pepsi" Garcia who handled the program with much skill and great love.

Special guest was International President Sam Church whose long trip from Washington headquarters, was proof of his love and respect for the occasion and the Western membership. Other speakers in turn, including Zelda Bransted, told of the event and its impact on the people of Colorado. Congressman Ray Kogovsek of the Third District was most effective in reaching the hearts and minds of the people gathered at the site. This dedicated public official who is of the people, by the people, and FOR the people left no doubt of his love for labor and working people!

Despite the honor of both Sam and Ray, real 'grabber' was 92-year-old survivor Gus Papadakis, whose heavy Greek accent added spice to his remembrances of the event and his fallen comrades, as his words by-passed the ears and went straight to the heart! Tall, erect and with a simple dignity which shone through like the marble statues which dominate the memorial site, Gus with his quiet devotion was in himself, a living memorial!

And so it was over for another year. The good brothers, sisters and friends whose hearts and hands had been clasped together and united by a common love sought home as darkening skies promised rain. And somewhere in the distance, a lone meadowlark seemed to call, "Thank you for remembering . . . and see you next year, Gus."

HIGH COURT RULES PATENT OK ON OILSPILL EATERS AND OTHER BEASTIES!

(By Bill Payne)

Did you happen to read in the papers this week where the U.S. Supreme Court ruled where a genetic scientist can patent his test-tube creation! Seems as if the High Court by a 5-4 vote, ruled that test-tube life may be included in the federal law allowing patents to someone who "invents or discovers any new or useful process, machine, manufacture or composition of matter."

Whole concept is enough to boggle the mind! It ain't enough that we now have the oil conglomerates, the Tri-Lateral Commission and the federal bureaucrats regulating our lives to the point where we are becoming numbers on a giant super-computer—now, they are going after the very life process itself!

It all began with a General Electric employee Ananda Chakrabarty developed a bacterium believed to eat crude oil spills more quickly and efficiently than natural bacteria.

Great idea, but what happens when all the oil spills over the world have been eaten, what happens next? Does the globeeater go off and die? We'll bet it quickly develops a taste for more exotic dishes including perhaps humans in addition to other flora and fauna.

Just suppose it develops a taste for hamburgers and raids every McDonalds where it eats up not only the hamburgers but the customers as well. Or perhaps, McDonalds buy some and injects it into the hamburgers—and the burgers eat you!

How about if the oil companies buy a good supply of the little beasties and then keep them on hand for customers who are late paying their gasoline bills. Can't you just see it now—the oil company computers put you on the corporate 'hit list' and then one dark night, they slip up to where your car is parked either at the curb or in your garage, and they stick some of the little buggers into your exhaust pipe . . . before you can say Exxon, Continental Oil Company, or those grand folks at Phillips Petroleum Corporation the little munchies have completely devoured your crankcase . . . right up to and including . . . your dipstick!

THE 67TH OBSERVANCE AT LUDLOW SITE . . . BEACON TO FREE LABOR—FOREVER!

(By Bill Payne)

The Annual Memorial Service at Ludlow is always one of my most loving events each year, as we pay tribute to the memory of those brave souls who by their actions gave backbone to the union movement in Colorado.

This year's 67th observance will be at 2 p.m. this Sunday (June 14) at the memorial site. Each year I manage to return from the service renewed, refreshed and rededicated to the task of helping to build a bigger and better labor movement in the state. To see old friends and perhaps even make a couple of new ones. Anyhow, this old editor gets a lot of love.

Over the years, we've discovered the Mine Workers are a strange and beautiful breed of unionists. On television this week, the network was interviewing some Mine Workers in Pennsylvania after they had agreed on a new contract but as of the moment their mine construction workers had not. When asked that if in the event the construction people put up a picket—would they cross it now that they had their contract. To a man, they answered NO—and in one or two cases the answer was, "Hell no! we don't cross picketlines."

And it seems to me that is what this whole union movement is all about. Union members do not cross picketlines. We are supposed to be brothers and the time has come for all of us to act like brothers. Unfortunately, in the various 'rooms' in the U.S. House of Labor, we have a few meatheads, ego-heads and just plain blockheads who use the labor movement to push their own particular 'star' and to hell with everyone else. Luckily, there aren't too many and the damage they do, is in the end, to themselves! They only muck things up for the real builders of brotherhood.

We hope that you and your family can join us this year at the memorial site . . . as you honor them, you likewise bring honor to yourself. May the lesson of Ludlow be always remembered. For as times change, our enemies do not. There will be other Ludlows in the future—may we be worthy of the test. And may the fires lighted here on this spot in the past . . . burn brightly like a beacon in our minds and hearts . . . now, and in the future.

THE ANNUAL LOVE VISIT TO LUDLOW BEACON TO LABOR NOW AND FUTURE . . .

(By Bill Payne)

Sunday morning dawned clean and crystal-clear, as 93-year young Gus Papadakis, AFL-CIO Field Representative Steve Bieringer and I made the annual love visit to the memorial site at Ludlow.

We had come to be a small part of the annual remembrance of those who had paid the ultimate price in the battle for union freedom. That it is better to die with honor, than live on bended knee. A goodly crowd of several hundred were there to pay their respects.

At the beginning of the ceremony, United Mine Workers District 15 president Bob Moore was presented new American flags for the memorial site by Victor Ringo and Phil Manisacco of Elks Lodge #181 in nearby Trinidad, Colorado. Bob introduced the visitors and speakers—as usual, he did his dedicated best. UMW District 15 Secretary-Treasurer Jose 'Pepsi' Garcia's message was well prepared and really 'hit the spot.'

Colorado AFL-CIO president Norm Pledger reminded the crowd of the terrible price the miners had paid for union freedom and hoped that Colorado labor leaders now and in the future, would be worthy of the legacy. This aging editor simply gave his annual message of love and respect for those living and dead who had been equal to the test. He said the yearly visit renews, refreshes and helps him rededicate himself for the battles ahead. And finally, he warned that in America's search for energy both in fossil and synthetic fuels, that future Ludlows were possible and hoped that Colorado labor would be equal to the task!

And then it was done . . . The quiet crowd returned home. The long fingers of the afternoon sun softly brushed the stone faces of the granite monument who seemed to say, "Thank you for coming, we shall never die as long as you who love us, keep the flames of Ludlow burning in your minds and hearts."

And a passing freight seemed to whistle . . . We shall!●

TOBACCO TRIUMPHS

HON. BOB SHAMANSKY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. SHAMANSKY. Mr. Speaker, last week the House defeated my amendment to eliminate the tobacco allotment and price support system. This action by the House has generated a considerable amount of comment in the media. I would like to recommend to my colleagues the following two articles, one from the Washington Post and one an Anthony Lewis piece from the New York Times.

[From the Washington Post, Oct. 22, 1981]

TOBACCO TRIUMPHS

One by one, over the last few weeks, the House has taken on the once sacrosanct farm support programs—peanut allotments,

sugar "loans," dairy price supports—and voted for needed reforms. But yesterday when it came to tobacco, smoke got in its eyes. Following the Senate's lead, it voted to keep the tobacco price and production control system intact.

It's easy to create confusion about tobacco subsidies. Unlike other government-subsidized crops, tobacco hasn't cost the taxpayer very much—probably less than $1 billion over its history, and most of that was for interest subsidies that have been terminated. This is because rigid production controls have kept farmers from producing costly surpluses for government stockpiles.

Production is limited, however, through a ridiculously feudal system of allotments that conferred on owners of tobacco-producing land in the 1930s the exclusive right to grow flue-cured tobacco, the tobacco most used in cigarettes. These allotments can be inherited, bought or, as is now the predominant case, leased for a substantial fee to the farmers who actually grow the tobacco. The system has worked to the extent that large stockpiles have been avoided, but the cost of leasing growing privileges adds almost $300 million annually to tobacco prices—while unfairly enriching a bunch of absentee landlords.

In recent years, moreover, surplus stocks have been growing despite production controls, as foreign imports of cheaper tobacco grades have undercut government-supported tobacco price levels. The tobacco lobby's response to this has been to call for more government market interference in the form of higher tariffs.

The tobacco issue is further clouded by the fact that any move toward a freer market is likely to reduce tobacco prices and increase supply—and thus, presumably, encourage more smoking. This has enabled the tobacco lobby to turn the health issue to its own advantage in arguing for the retention of price and production controls. Congressmen were thus offered a convenient justification for perpetuating a government-created monopoly for tobacco while voting earlier to end a similar allotment system for peanuts.

The clear-eyed reader will note, however, that there are other and better ways to control tobacco production than through an anachronistic and inequitable allotment system. Nor should the claims of a few thousand farmers who might be adversely affected by a freer market be given any greater weight than, for example, those of the hundreds of thousands of auto, steel and government workers whose jobs have been lost through economic change. If tobacco stockpiles keep growing and pressure for higher tariffs continues, the tobacco support system may find itself again under attack. By that time, perhaps, the smoke will have cleared.

[From the New York Times, Oct. 22, 1981]

MERCHANTS OF DEATH

ABROAD AT HOME

(By Anthony Lewis)

BOSTON, October 21.—Few of us who are middle-aged or older have missed the grim experience of cancer striking a friend or relation. My sense, based on what has happened around me, is that incidence of the disease is sharply increasing. I find that others have the same feeling.

That impression is not, in fact, generally supported by medical statistics. The death rates for most forms of cancer in this country have remained remarkably steady over many years. For breast cancer, for example, the death rate was 25.2 per 100,000 population in 1930, 27 in 1978. But in one area there has been an overwhelming, an epidemic increase in deaths. That is lung cancer. This year an estimated 122,000 Americans will die of lung cancer. And the death rate has gone up by more than 12 times in the last 50 years: from 3.6 persons per 100,000 in 1930 to 44.8 in 1978.

The reason for that extraordinary rise in deaths from lung cancer is not in any scientific doubt. The reason is smoking. And we all know it: all except the corrupt and the willfully ignorant.

Against that gruesome factual background, the House of Representatives voted yesterday to continue Federal price supports for tobacco. The 231 members in the majority voted to subsidize a commodity that will bring thousands of Americans inexorably to a painful and utterly unnecessary death.

The tobacco industry and its apologists—growers, manufacturers, advertising agencies, pseudo-scientific institutes and regional politicians—have two ways of dealing with the morbid reality of their product. First they throw dust in the public eye, claiming that facts are just "theories." Second, they say that anyone who wants to do something about smoking is an "authoritarian" stomping on "individual freedom of choice."

As far as I am concerned, smokers should remain free to go on killing themselves. The United States has made enough of a social and legal mess in the field of drugs without trying to outlaw a substance that addicts millions more.

Many smokers want to quit: many more than succeed in doing so. The problem is precisely that they are addicted. If the society can do little about them, it can do a great deal to discourage additions to the addict rolls. There again, the facts are known. The smoking habit takes hold when people are young. Some 54 million Americans smoke. And 75 percent were hooked before they reached the age of 21.

A society that allows children to be enticed into smoking is engaging in a form of suicide. A 16-year-old boy who smokes two packs of cigarettes a day has a life expectancy of 62 years. If he did not smoke, he could expect to live to 71.

And children are being lured into the habit by advertising and social pressure: girls especially, for some reason. The percentage of girls between 12 and 14 years old who say they are regular smokers increased from 0.6 percent in 1968 to 4.3 percent in 1979.

How many of the 122,000 Americans who will die of lung cancer this year might have lived if they had not smoked? Of course there can be no absolute answer. But an article this year in the Journal of the National Cancer Institute, by Richard Doll and Richard Peto, looked at the figures for 1978 and estimated the effects of smoking from known data. The results of their analysis were shocking.

In 1978, 71,000 men died of lung cancer. If they had not smoked, the authors said, only 6,439 would have died. The same year 24,080 women died of lung cancer; if they had not smoked, the figure would have been 5,454.

The terrible statistics of death by smoking were not at the forefront of the tobacco price support debate in the House. Craven political calculations were what mattered.

Democrats from the Southern tobacco states pleaded with their Northern colleagues to vote for the program. Otherwise, they said, they would be decimated when Senator Jesse Helms, the North Carolina Republican, used the tobacco issue against them. And enough Northern Democrats yielded to the plaint to make the difference.

What the episode shows is that tobacco has hooked political systems as well as individuals. Jesse Helms is widely regarded by his colleagues of both parties as one of the meanest characters in Congress; members do not want to do him favors. But tobacco has them in his grip. Too many interests in the South depend on it.

Nor is the phenomenon limited to the United States. Third-world countries are growing and smoking more tobacco—and their governments are increasingly dependent on it for revenue. Brazil's Secretary of Federal Revenue warned tobacco companies this year that they had better sell more aggressively or he would increase taxes on them.

The tobacco price support program does not itself encourage smoking. Its direct effect is to enrich the handful of U.S. landowners who have acreage allotments. But the moral effect is clear. The United States Government lends its support to the production of a known poison. Those 231 Representatives voted for death.●

CONFUSION AT THE WHITE HOUSE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. FORD of Michigan. Mr. Speaker, today's Wall Street Journal has, as its lead story on page 1, an analysis of the great confusion over the adminstration's budget programs recently enacted by Congress. The confusion in the White House can only add to the chaoes felt in the business and financial communities at this time.

The article follows:

[From the Wall Street Journal, Oct. 28, 1981]

CLOUDIER OUTLOOK: REAGANITES ARE AT ODDS OVER HOW FAR TO TRIM 1982 ECONOMIC FORECAST

(By Kenneth H. Bacon)

WASHINGTON.—President Reagan's economic strategists, an uneasy coalition of tax-cutters, tight-money advocates and budget-balancers, are beginning to realize that their approaches can't all succeed at once.

Early this year, they unified behind a forecast of rapid economic growth, declining inflation and a balanced budget by 1984 despite a large increase in defense spending. Most private economists contended that the forecast was fraught with internal contradictions. But the administration stood by its projection and managed to win large tax cuts as well as spending reductions.

Now the administration facing a recession brought on by persistently high interest rates, is preparing to retreat from its bright forecast. The big question is how far to back off. Initial efforts to agree on the fundamental elements of a new forecast for 1982 are being complicated by bitter infighting among supporters of rival strategies—offi-

cials in the White House, the Treasury and the Office of Management and Budget.

OPPOSING SIDES

"The tension is between those who want to recognize realistic deficits and those who support a crazy forecast" that shows rapid economic growth in the face of the Federal Reserve Board's restrictive monetary policy, a member of the President's Council of Economic Advisers says. He believes a realistic forecast would point to "huge deficits" over the next few years and would dash hopes of balancing the budget by 1984, one of President Reagan's fondest goals.

Faced with that danger, the White House and Republicans in Congress are already backtracking from their early economic strategy. Senate Majority Leader Howard Baker says they are nearing agreement on budget cuts and tax increases designed to reduce federal deficits by $115 billion during the next three years. Doubts about recent economic-growth forecasts are beginning to sink in.

The administration's current estimate of a $43.1 billion budget deficit for the fiscal year that started Oct. 1, rests on an assumption now appearing shaky—that the "real" gross national product, adjusted for inflation, will rise a robust 5.2 percent between the fourth quarter of this calendar year and the final quarter of 1982. New, preliminary estimates by administration economists project more-modest growth, in the range of 2.9 percent to about 4 percent. Even these reduced figures are optimistic in comparison to the Federal Reserve Board's internal estimates that its tight monetary policies will hold GNP growth to 1.4 percent adjusted for inflation, during the same 12 months.

"The budget impact of a lower forecast could be very sharp," a White House official notes. Each percentage-point lag in the GNP widens the deficit by about $8 billion as tax receipts fall and the cost of unemployment benefits rises.

CONFLICT IN FORECASTS

One recent forecast generated by the administration's computers shows low growth and inflation and a 1982 deficit of about $80 billion. Other estimates, based on different economic assumptions, show deficits much closer to the $43.1 billion currently projected.

The lower the growth forecast, the higher the projected deficit and the greater the chance that President Reagan will further have to postpone or modify his conflicting goals: tax cuts, a balanced budget within three years, higher defense spending and support of a tight monetary policy to cool inflation. Thus, some officials see the fight over the 1982 growth forecast as a proxy for future struggles over the administration's economic priorities.

"There's a big fight between the monetarists and the supply-siders," a presidential economic adviser says. Fought primarily by deputies to White House Economic adviser Murray Weidenbaum, Treasury Secretary Donald Regan and Budget Director David Stockman, the battle focuses on the realism of the White House economic forecast and the probable size of the budget deficit.

The monetarists stress the importance of slow, steady growth in the nation's money supply to curb inflation. This group—Treasury Under Secretary Beryl Sprinkel, Chief Budget Office economist Lawrence Kudlow and Jerry Jordan of the Council of Economic Advisers—believes the Fed's tight monetary policy leaves little room for real economic growth until inflation slows further. They forecast slower growth and larger deficits than the administration has projected.

SUPPLY-SIDE VIEW

The supply-siders, led by Treasury Secretary Regan, Under Secretary Norman Ture and Assistant Secretary Paul Craig Roberts, still think the tax cuts will produce rapid growth and high enough tax receipts to hold down the deficit.

"The administration's program, which everyone says is a supply-side program, is a compromise between three schools," Mr. Roberts says. Besides the monetarists and the supply-siders, he is referring to the traditional Republican budget-balancers, who emphasize the need to reduce the size of government and eliminate the deficit. Budget Director Stockman forcefully represents this view.

The supply-siders charge that talk of large deficits threatens to undermine the stimulative impact of the tax cuts. Gloomy deficit projections create nervousness in the financial markets and keep interest rates high, they complain. The monetarists and the budget-balancers, in efforts to build pressure for more cuts, "are trying to push through a forecast that shows a 1982 recession with massive deficits," one supply-sider complains. "I think OMB is going to destroy the President and destroy his program."

The supply-siders fear that a low-growth, low-inflation forecast would increase pressure in Congress and the White House to delay or modify scheduled tax cuts in order to help balance the budget. They charge that the monetarists and the budget-balancers place too much emphasis on anti-inflation policies that, over the short term at least, choke off economic growth.

The monetarists worry that impatience for faster growth will force the administration to demand an easier, more expansive monetary policy from the Fed. Their fears were fueled by Secretary Regan's recent call for slightly faster money growth.

The budget-balancers complain that the supply-siders overlook the importance of a decisive reduction in the deficit as a way to reduce federal borrowing, a step that should boost financial-market confidence in the Reagan program and lead to lower interest rates.

Some monetarists and budget-balancers believe the administration damaged its credibility and aggravated nervousness in the financial markets early this year when it issued an economic forecast that was too optimistic for many private forecasters to accept. They are campaigning to prevent the administration from making the same mistake again.

"A growth estimate that's too high will stir suspicion and derision in the financial markets," one member of the Council of Economic Advisers says. "We don't want to defend something that isn't really defensible," another White House economist says.

A GAP IS A GAP

One participant in the forecast fight is more blunt. "There is a large budget gap, and no amount of phony economic numbers is going to obscure that," he says, warning that the financial markets won't buy a new government forecast that is out of line with the consensus of private forecasts.

At this stage, certainly, many people outside government remain skeptical of the assumptions the administration has made.

"Right or wrong, the financial markets are unconvinced that the administration's bold and unorthodox plan of monetary restraint and fiscal stimulus can produce the happy combination of less inflation and strong economic growth," says Norman Robertson, senior vice president of the Mellon National Bank in Pittsburgh. "And should real growth be lower than the administration has projected, the markets are fearful that the budget will remain in substantial deficit, with ominous implications for future inflation as well as the volume of Treasury financing."

So far, inflation has slackened somewhat, but at the same time real economic growth has slowed or stopped. The supply-siders contend growth has lagged because the first phase of the personal tax-rate cuts was watered down and delayed. The 10 percent rate cut initially proposed to take effect last July 1 became a 5 percent cut effective Oct. 1.

AN UNSATISFYING COMPROMISE?

Now the supply-siders and the other groups competing for influence may all be facing a disappointment. One member of the Council of Economic Advisers predicts that the new economic forecast will represent a compromise satisfying no one. The growth estimate will be lower than the supply-siders think possible but higher than the monetarists consider realistic. Such an estimate might well produce a higher deficit figure than the budget-balancers want. "There's going to be blood on the floor," one official predicts.

Expecting that both growth and inflation in 1982 may be lower than has been projected, Mr. Jordan sees the administration facing four difficult options: Live with deeper deficits, cut spending further, propose revenue-raising measures such as higher excise taxes, or press the Federal Reserve for monetary stimulus to fuel growth. These hard choices would once more pit the supply-siders, monetarists and budget-balancers against each other. Ultimately, President Reagan would have to referee their disputes and decide what new steps to take.●

HELP THY NEIGHBOR HELP HIMSELF

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. HANSEN of Idaho. Mr. Speaker, the greatest problem with welfarism is the addiction and destruction of self-esteem which ruins rather than uplifts and eventually smothers the productive capacity of both the recipient and the system supporting him.

Give a man a fish and he will eat for a day, but teach him to fish and he can eat as long as he lives. This is the spirit of Ronald Reagan's traditional America, the America any thinking person stands for and cherishes. And this spirit lives in the hearts of millions and in the works of some of our fine institutions. Nowhere is it better exemplified than in the help-thy-neighbor-help-himself welfare program of the Church of Jesus Christ of Latter-day Saints—the Mormons.

Following is an Associated Press article from the October 26, 1981 Idaho State Journal telling this remarkable story.

MORMON WELFARE SERVICES REFLECT REAGAN PHILOSOPHY

SALT LAKE CITY.—In 1936, one of the gloomiest of the Depression years in Utah, the Church of Jesus Christ of Latter-day Saints established a welfare services plan for its faithful members.

It was not to be confused with New Deal social welfare introduced by President Roosevelt, which in large part was considered an unrighteous dole and an anathema by the church hierarchy.

Rather, the plan was rooted in a help-thy-neighbor-help-himself philosophy which President Reagan has embraced to cushion the impact of budget cuts.

"You think back to those traumatic days," Reagan said in a recent interview with The Associated Press, "and say, 'what if every organized religion in America had said they were going to do this'?"

The ability of the nation's churches to mount such programs and the extent to which they would be effective is debatable. But church-generated statistics at the worldwide headquarters of the church in Salt Lake City support Mr. Reagan's thesis in microcosm.

Tens of thousands of Mormons yearly are spared the so-called indignity of public assistance through the kindness of their brethern.

The church prefers to think of its welfare services not as a program, but as "the gospel in action, the crowning principle of a Christian life," according to church literature.

In the spirit of volunteerism, which is one of President Reagan's bywords, all able Mormons are expected to abstain from two meals each month and contribute the equivalent cost, or a more generous offering, to the church. This provides a fund for distribution of cash or commodities to needy church members, proferred not as a gift, but for temporary assistance.

Where possible, recipients can work for what they receive, either performing tasks around their chapel or at church-owned farms, canneries, storehouses or in any other of the welfare service systems 1,000 projects worldwide.

President Reagan has said clergymen from other churches are intrigued by the Mormons' project. And he says they think a "help thy neighbor policy" could replace government programs.

While on the campaign trail and since his election, Reagan has often accented the hope that Americans would move to solve common problems and lessen the role of government. He has found, possibly through the Mormon members of his administration, whose work ethic he admires, what he considers a fine example born in Depression-mired Utah 45 years ago.

There were 760,690 Mormons in 1935, and at the October general conference in Salt Lake City that year, church president Heber J. Grant said the purpose of the new program was "to set up, insofar as possible, a system under which the curse of idleness would be done away with, the evils of dole abolished, and independence, industry, thrift and self-respect be once more established among our people. The aim of the church is to help people help themselves. Work is to be reenthroned as the ruling principle of the lives of our church membership."

Today there are nearly 5 million Mormons worldwide, and in 1980, 160,600 of them were assisted with cash or commodities; most were thus kept off of government assistance programs, a church spokesman said.

Also during the year, 51,600 church members were assisted by LDS Social Services, a professional arm of licensed service professionals who arrange for adoptions, foster care and perform other functions; 26,400 were found jobs; 527,900 man-days of labor were donated welfare services by members, and 35.4 million pounds of commodities were distributed to needy faithful.

"There are several reasons for not going to the government," said Glenn L. Pace, the managing director of welfare services. "The primary reason is that we are trying to develp the man, and there are certain principles that need to be followed in order for this individual to come out of the hopefully temporary problem he is in. These principles are not administered by the government programs."

"The whole purpose of the system is not to take care of someone in poverty, as it is to help him get on his feet."

In each Mormon congregation, the lay bishop administers the welfare system, deciding who needs help and how much, when assistance should cease and related questions.

The bishop dispenses requisition orders to recipients, redeemable at church storehouses that resemble retail markets, except they have no cash registers.

Worldwide the church operates canneries and farms, providing vegetables, fruit, peanut butter, gelatin, soap, detergent, pasta, milk, cheese, meat and more.●

PENN STATE CONTINUING EDUCATION PROGRAM STUDIES SECURITY ISSUES IN WASHINGTON, D.C.

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. BAILEY of Pennsylvania. Mr. Speaker, on Friday, October 23, I was pleased to meet with participants of a continuing educational Penn State program entitled "International Security Decisions—An Inside Look." This very fine group, ranging in age from high school students to retirees, met with officials from both the Pentagon and State Department, in addition to visiting our Capitol.

While participating in a discussion of security issues, questions ranged from reinstatement of the draft to justification of defense spending. I found this meeting to be an interesting learning experience, for it is important that both young and old come together in such an exchange of ideas. I was very impressed by the group's interest and awareness regarding current crises facing our Nation—their efforts are to be commended.

Accompanying instructors Dr. Don Goldstein and Don Gogniat were the following students: Brother William Feally, Jim Kenyon, Frank Veltri, Louis Obradovich, Jane Ashoff, Dan Evans, Janet Kuras, Lucia Caldwell, Dorothy Burr, Jane Moore, Stanley Joseph, Mark Tisdale, Jim Glaser, John Bocello, Greg Conway, Veronica Ashoff, Kathryn Evans, Ellen Kuras, Marie Russ, Mary Chastaine, and Dolly Elyes.●

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. GOODLING. Mr. Speaker, as one who has spent most of my life in public education—as a teacher, principal, superintendent, and school board member—I want to commend my colleague, JOHN ASHBROOK, for his outstanding leadership in putting together and getting enacted the Education Consolidation and Improvement Act of 1981 (ECIA). I hope that school people all across America come to appreciate fully what this means for our schools.

By the time the administration education block grant proposals had been forwarded to the Congress, JOHN ASHBROOK had been working for 1 year on the legislation which became ECIA. His proposal differed substantially from the administration proposal, principally because it had been put together carefully after thorough consultation with school administrators from around the country. It represented a complete rewriting of the Elementary and Secondary Education Act of 1965, but one which kept title I assistance for the education of disadvantaged children essentially intact—removing only those provisions which caused an enormous amount of paperwork and administrative difficulty. When the time came to include such a proposal in the Budget Reconciliation Act this summer, the Ashbrook bill was the only alternative to the much less attractive administration package.

I am proud to have cosponsored the Ashbrook bill and to have assisted in the final redrafting of key provisions. A measure of how good a job it was is that Senator STAFFORD, who is chairman of the Subcommittee on Education in the other body, offered a very slightly modified version of the bill which won Senate committee approval with only a single dissenting vote.

As the ranking Republican member of the Subcommittee on Elementary, Secondary, and Vocational Education, I particularly appreciate the strong leadership, interest and support we have had from JOHN ASHBROOK in his role as ranking minority member of the full Committee on Education and Labor. I am pleased that Education Times recently took note of that lead-

ership and also provided an explanation of ECIA. For the information of all Members, I am placing the full text of that article in the RECORD, as follows:

THE AUTHOR OF BLOCK GRANT LEGISLATION TALKS ABOUT THE NEW EDUCATION LAW

(By JOHN ASHBROOK)

The following are comments by Rep. John Ashbrook, R-Ohio, during House debate on legislation to cut federal spending in fiscal years 1982, 1983 and 1984.

Ashbrook, the senior ranking Republican member of the House Education and Labor Committee, is the author of the "Education Consolidation and Improvement Act" passed by Congress as part of the budget bill, which revises ESEA Title I and consolidates some 30 federal categorical education programs into a single grant to the states.

The "Education Consolidation and Improvement Act" . . . represents a genuine victory for the views of President Reagan and of the vast majority of American educators.

Those views are that federal aid for elementary and secondary schools should continue at a significant level but should be so structured that education decisions are made at the state and local level, close to the people, and that school officials set their own priorities for funding programs within a wide range of choices, and do so with a minimum of paperwork and interference.

We have accomplished that, and the final product emerging from the elementary and secondary education mini-conference was, in my judgement, superior to either the House or Senate versions of the bill standing alone.

We left the huge Title I program for disadvantaged children intact as to the formula and method of distributing funds and the purpose for which those funds would be used. We left it without a specified dollar amount authorization, as under existing law, but in a separate section provided for funding of $3.48 billion, for each of the fiscal years 1982, 1983 and 1984, which is an increase of $380 million over the 1981 level.

But we stripped out of Title I those detailed requirements and instructions on how to conduct programs which caused most of a staggering five million hours of paperwork each year just to administer the program at state and local levels.

We consolidated about 30 smaller programs into a single block grant funded at $589.4 million for each of the fiscal years 1982, 1983 and 1984. At least 93 percent of this goes to the states on a school-age population basis, with up to 1 percent for the outlying territories and up to 6 percent retained by the secretary as a discretionary fund (much of which we earmarked for the most worthwhile national programs).

Of the grants going to the states (which includes the 50 states, Puerto Rico, and the District of Columbia), at least 80 percent must be distributed to local school districts, primarily on a school enrollment basis, but weighted for extra cost factors such as concentrations of poverty.

This means that, for the first time, every state and school district will have its own pot of federal funds with which to plan its own programs designed to meet its own needs. And neither the state nor federal government can tell a local school district how to spend its federal funds, so long as it complies with the stated requirements of the law.

One of those requirements, which does not much vary from existing law for the individual programs we have consolidated, is that nonpublic schoolchildren and teachers are to participate equitably in the benefits of the programs, with an equitable share of the funds designated for that participation.

This bill is fair.

And it is only fair that when we use all the taxpayers' money to improve the education of children, and count all the children to determine the distribution of funds, we insure that all children will participate equitably in those benefits without regard to whether they attend public or private schools.

That has been our national policy since the National Defense Education Act of 1958, and this new act continues that in a way guaranteed to be effective.

This act—and I confess to taking enormous pride in being the author of the versions adopted by both the House and Senate—restores the balance of education power to the state and local agencies in dramatic ways. Let me cite a few examples.

First, the [U.S.] Secretary's authority to issue regulations is strictly limited to (1) those necessary to carry out duties specifically assigned to him, (2) those necessary for proper fiscal audit, and (3) those necessary to insure compliance with specific requirements of the act (which are kept to a minimum).

The bill states: "In all matters relating to the details of planning, developing, implementing, and evaluating programs and projects by state and local educational agencies the Secretary shall not issue regulations, but may consult with appropriate state, local and private educational agencies and, upon request, provide technical assistance, information, and suggested guidelines designed to promote the development and implementation of effective instructional programs and to otherwise assist in carrying out the purposes of this (act)."

I'll bet most school people never thought they would live long enough to see that kind of language in a federal law.

Second, there is a provision stating outright that the regulations which are issued shall not have the standing of a federal statute. This brings to a screeching halt the practice of executive branch bureaucrats making law through regulation, at least under this act. I think there will be wide support for this among educators.

Third, when the Secretary moves to withhold funds from a state for an alleged infraction of the statute, the legal scales will not longer be heavily weighted in his favor.

As things now stand, the courts must sustain the Secretary's findings if based upon "substantial evidence." In law, that really means that the great weight of evidence can be against the Secretary's position and he still wins.

This act creates a presumption that state and local educational agencies have complied with the law, and the presumption can only be overcome, if the position of the Secretary is "supported by the weight of evidence," which at law means a preponderance of evidence.

Moreover, the Secretary can no longer withhold funds and negotiate from that position of strength, because the law provides for the filing of an action against the withholding which automatically suspends the Secretary's action pending final determination of the matter in the courts. Again, a dramatic shift in the balance of power, and one long overdue.

There are a number of other less dramatic but important provisions for restoring authority to where it belongs.

The necessary protections against supplanting local and state school funds with federal dollars, and similar provisions, are retained but rewritten in such a way as to conform to actual school practices and not to require expensive procedures to avoid federal audit exceptions over trivialities.

Finally, the act in very specific terms nails down "complete discretion, subject only to the provision of this (act)" for local educational agencies in determining how to use funds under the consolidated programs.

The act asserts this as a guarantee of local control, close to local voters and the parents of schoolchildren, even against efforts by the state to interfere in the use of federal funds allocated under this program.

Of course, necessary authority is preserved for the state to insure that the specific requirements of the act are met, and for the Secretary to enforce compliance with those requirements. Essential accountability is preserved, but not at the expense of state and local responsibility and not through constant federal bureaucratic intervention.

The working philosophy of the new act is that educators and school officials are a lot more accountable than federal bureaucrats, I expect to see this philosophy extended to federal programs, even beyond education, which are not covered under this act.

In my 20 years as a member of this body, I have seen a steady movement of power, authority and responsibility to the federal government.

One of the most disturbing trends has been the shift away from broadbased grants to narrow categorical programs. With this shift have come innumerable unnecessary requirements that complicate the job of efficient administration by the states.

I am pleased that in my 21st year here we are at last reversing that trend and shifting power back to the states.●

HONORING ITALIAN AMERICAN WAR VETERANS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MARKEY. Mr. Speaker, yesterday I was pleased to join my colleagues in the House in honoring a great and patriotic organization—the Italian American War Veterans of the United States, Inc. In 1982, the ITAM will celebrate its 50th year of incorporation as a veterans' organization. I am certain my colleagues are well aware of the worthwhile work of America's veteran groups, whose members are dedicated to serving the needs of our former fighting men and women, and their families. ITAM has played an even more important role over the past 49 years; promoting goodwill and friendship between our Nation and the people of Italy.

Today, ITAM's 8,000 members, in communities throughout the United States, continue this organization's work as a patriotic, research, educational, and civic veteran's organization. Much of this success can be attributed to the fact that ITAM draws

its strength from two of the proudest and most important groups of Americans—our veterans and our Italian American citizens.

I am pleased to have this opportunity to praise ITAM and its members for the half-century of service to our veterans and their families. I call upon my fellow members to continue to support the spirit of H.R. 4734, a bill which this House passed yesterday, which recognizes ITAM as a nonprofit organization and grants Federal status to the Italian American War Veterans of the United States, Inc. Considering ITAM's record of exemplary service and achievement, I feel this bill was indeed worthy of the support which it received.●

HENRY HAZLITT ON REAGANOMICS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. McDONALD. Mr. Speaker, now that the White House is occupied by President Ronald Reagan, the hope of the Nation has surged with great expectation. I for one welcomed this change for the better. But there is a long distance to go to return this Nation to fiscal solvency.

I think, rightfully so, I have informed my constituents that the programs of the President are a step in the right direction. I have also warned against euphoria, keeping in mind, that the present budget of some $700 billion, was not a reduction in the budget, but merely, a reduction in the growth of the budget.

Those of us who are committed to returning America to greatness, should pay heed to an article I recently came across in the October 1981 issue of Gold Newsletter. The author is Henry Hazlitt, one of, if not America's greatest, living economists. He needs no introduction, but for the benefit of my colleagues, there is a brief background in the accompanying article. So, for all to read and pay heed, here is Henry Hazlitt and his article, "The Outlook for Inflation, the Dollar, and Gold":

THE OUTLOOK FOR INFLATION, THE DOLLAR, AND GOLD

(By Henry Hazlitt)

I shall not attempt to make any short run forecast for the dollar, gold, or inflation. This is solely a long run forecast. In that long run inflation will continue, and it will accelerate. Gold will go higher in terms of paper dollars. The purchasing power of dollars will continue to decline.

It does not require any great astuteness or detailed knowledge to make such a forecast. We need merely ask what policies we ought to be following to halt the inflation, and then compare them with the policies we actually have been following.

First, we ought to stop expanding the money supply (preferably altogether, or at least by any more than 2 or 3 percent a year).

Now let us look at the record for just the last seven years. By December of 1974 the money stock, as measured by M1-B (the particular aggregate of currency, deposits, etc. most often used for such comparisons), had increased 4.3 percent over the total of the year before. To December 1975 the money stock had increased 4.8 percent over the year before. To December 1976 the annual increase was 6.5 percent; to December 1977, 8.1 percent; to December 1978, 8.2 percent; to December 1979, 7.3 percent; to December 1980, 6.5 percent. In sum, in the last seven years, monetary inflation was continued every year without exception. Altogether, from December 1974 to September of this year, the money stock, measured by M1-B, had increased from $275.7 billion to $432.9 billion or 57 percent.

It has not done this, as we have seen, at any even annual rate, and certainly not at any even quarterly or monthly one. The rate, in fact, has often been permitted to swing widely. In the single week ended April 8, for example, the money stock increased $5.2 billion; in the week ended June 3, it decreased by $2.9 billion. The basic M1-B measure of money declined at an annual rate of 8.2 percent in one month, after it had grown at an annual rate of 6.8 percent over the preceding statistical quarter.

Given an irredeemable paper currency, the height of prices tends to vary more or less directly with the quantity of that currency and credit in circulation. The weekly fluctuations and irregular forward spurts in the money supply, therefore, must mean that those in charge of determining what that supply shall be (namely, the Federal Reserve Board) either are powerless to control the supply, or do not know, or are indifferent to what the supply is, or just do not want to slow down the growth.

Let us see exactly what the effect of this increasing money supply has been on increasing inflation. This means looking at the official index of consumer prices. In 1972 these increased 3.4 percent; in 1973, 8.8 percent; in 1974, 12.2 percent; in 1975, 7.0 percent; in 1976, 4.8 percent; in 1977, 6.8 percent; in 1978, 9.0 percent; in 1979, 13.3 percent; in 1980, 12.4 percent.

Not much reassurance there. Not only annual rises without exception, but an accelerating trend in the last four years.

The cumulative figures are completely disheartening—an increase of more than 85 percent in the full eight years. And if we go back 14 years, to 1967, the cumulative price increase has been 166.8 percent.

This result is not solely the fault of the policies of the Federal Reserve System. If successive Congresses and Presidents make excessive annual expenditures, and do not have the courage to impose enough tax revenues to pay for them, then an excessive temptation is put on the Federal Reserve to monetize the deficit by buying government bonds in the open market and paying for them with newly created Federal Reserve Notes or deposits.

If the Fed does not do this, the government must pay for its deficit expenditures by selling bonds to the public. This soaks up private savings, leaving much less available for investment in new housing or other new business ventures. It also raises interest rates, so discouraging home or commercial building construction and new business ventures by those who would otherwise be borrowers.

If the monetary authorities do not wish to get the blame for this discouragement to private business, they have an alternative: they can buy and monetize more government bonds. In other words, they can inflate.

So successive Congresses and Presidents must share the blame for inflation by their fiscal policies, even though these policies are not a direct cause of inflation.

If once more we consult the past record, we can see how Congresses and Presidents have not only been preparing the ground, but have been making inflation inevitable and serious for many years. For a full explanatory record we need to go back fifty years. We had our first budget deficit since 1920 in the fiscal year 1931. In the 51 years including 1931 and since, we have had surpluses in only six, and deficits in the other 45. There has been no surplus in 13 years. The gross national debt of the United States at the end of fiscal year 1930 was $16 billion. That debt stands today in the neighborhood of a trillion dollars—more than a 60-fold increase.

If there had been no real concern among our Congressmen and Federal office holders during this period, would these chronic deficits have been allowed to continue? The deficit for the fiscal year 1980 was $59.6 billion—more than twice the size of the deficit of $27.7 billion for 1979. The official estimate for the 1981 fiscal year is total expenditures of $661.5 bilion, (compared with $579.6 in 1980) and a deficit of $58.1 billion. And for 1982, Congressional conferees have agreed on another huge deficit. (Estimates range from $60 billion to $80 billion.)

And so, in brief, no matter where we look—at the growth of the money supply, at concern over consumer prices, at Congressional spending and taxing policies, at past or prospective Federal Reserve actions, we find those in charge of policy have not only been doing little to restrain inflation, but taking the actions most likely to increase it.

Is this the result of sheer ignorance? Is it the result of deliberate malice? We can at least dismiss the latter explanation. These pro-inflationary policies are still being followed, it seems to me, because many of those we are holding responsible for controlling our economic policies are sincerely worried about our unemployment.

This has undoubtedly been high by historic standards. Since the beginning of this year it has stood at 7.3 percent or more, higher than any rate since 1976. And for the further comparison, in the twenty-year period beginning with 1950, the rate of unemployment averaged 4.8 percent.

In a situation like this, Congressmen fear to reduce the rate of Federal spending, or the rate of credit creation, and hence the rate of inflation, and eager to do everything they can to bring down the rate of interest. They are tempted, in short to continue Keynesian policies to "increase purchasing power."

But sound economists—"Austrian" and "supply-side" economists—look at the problem from another perspective. Both theory and experience lead them to conclude that whenever there is abnormal unemployment, at least some wage-rates must be too high. They may have just recently been made too high, or they may have become too high because of special conditions. This is the situation today.

We may look first at the minimum-wage law, because this cause is the most direct. When this was first enacted in 1937 (the Labor Standards Act), the minimum wage

was fixed at only 25 cents an hour. This was raised in 1939, 1945, 1950, 1956, 1961, 1963, 1967, 1968, and so on. It stands today, since January 1, at $3.35 an hour.

It may be thought that these successive raises were ordered merely to keep minimum wage-rates abreast of the inflation, but they have been pushed up faster than the market rate of wages. That the minimum-wage law creates a large part of today's unemployment cannot be doubted. This was most clearly shown by the increasing gap between the rate of unemployment of black and white teen-agers. In 1952, the unemployment rate among white and black teen-agers was the same—9 percent. But year by year, as the minimum wage was jacked higher and higher, a disparity grew and increased. In 1968, the unemployment rate among white teen-agers was 11.6 percent, but among non-white teen-agers it has soared to 26.6 percent.

These particular statistics are apparently no longer kept. But today, when the unemployment rate of the whole working population is 7 percent, that of 16-19 year olds is 18.1 percent; and while unemployment among whites is 6.2 percent, among blacks it is 13.6 percent. A great part of this chronic gap has developed since the minimum-wage law was enacted.

Perhaps even more influential in causing the present high level of wage-rates in many lines have been three or four outstanding labor laws passed mainly in the depression and New Deal periods nearly fifty years ago. Though the general public has forgotten their influence if not their very existence, these laws are still on the books, not only unrepealed but, except for one of them, unamended.

One of these is the Davis-Bacon Act, passed in 1931. Its professed purpose, in that depression period, was to keep building wages from being pushed down excessively. It provided that Federal construction work should pay whatever wage-rates already "prevailed" in the district in which the work was done. The result of this law has simply been to impose union-dictated wage-rates nationally. The Heritage Foundation has estimated that its effect today is to cost U.S. taxpayers three-quarters of a billion dollars a year in wasteful construction costs, to restrict minority entry into the construction crafts, and to hurt part of the poor and elderly by driving up the cost of federally assisted housing.

The Norris-La Guardia Act was passed in 1932. In effect it freed union violence and intimidation from restraint by federal injunction. In addition, a Supreme Court decision in 1941 had the effect of virtually freeing unions from liability to criminal prosecution and suits for damages under the Sherman Act. The law remains a continuing encouragement to vandalism and violence.

The Wagner Labor Relations Act was passed in 1935, and though a few of its worst features were later mitigated by the Taft-Hartley Act of 1947, the amended law still makes it compulsory to "bargain collectively" over any union demand, however extravagant it may be. In effect the employer must usually make concessions, to prove that he has bargained "in good faith."

These laws, individually and in combination, force up the level of wage rates. Wage rates above what a free market will support must bring about unemployment. An outstanding example today is the American automobile industry, in which wage-rates have been nearly 50 percent greater than the Japanese scale, and, including fringe benefits, some 60 percent higher than the average hourly American scale in other manufacturing industries. Little wonder that the American automobile has not competed better.

I apologize for this long parade of facts, which may have seemed tedious to some readers, but when we bring them all together we realize how formidable the obstacles have been, and will continue to be, to any serious effort to halt the inflation.

The Federal Reserve Board acts as if it does not even know how to restrain the growth of the money supply. Nobody—not the Fed, not the overwhelming majority of bankers—i.e., of lenders—and certainly not the overwhelming majority of businessmen—i.e., of borrowers—professes to want high interest rates. The recent rate of around 20 percent are almost universally deplored. (They are certainly high by historic standards; but when the lender considers the real purchasing power likely to be returned to him compared with the purchasing power that he parts with when he makes the loan, these rates seem at least in part a not unreasonable compensation for the lender's risk.)

The continued expansion of the money supply even with these high rates means that on net balance the rates have not in fact been high enough to discourage lending. Some monetary doctors ask for a rigid ceiling on the money supply; but no one wants to be the marginal lender or borrower cut off from his intended activity by such a ceiling. And no one in authority seriously asks for such a ceiling.

What seems to have been happening is heavy deficit. If nothing is done to offset it this deficit tends to be monetized as it is produced. But the Fed is trying to offset the deficit by keeping money rates high. The result of this is to raise the cost and restrict the volume of private credit. This hurts business, new ventures, and employment. But meanwhile the deficit keeps increasing the money supply. So the congressional deficit, combined with the Fed's stiff money rates, gives the economy the worst of both worlds.

So the volume of credit continues to grow, the total money supply continues to grow, consumer prices continue to rise. The budget continues to be in deficit because Congressmen fear that cutting off this or that subsidy would hurt some constituents. But there is no reduction of Federal expenditures that wouldn't hurt or disappoint somebody, somewhere. The budget can be balanced only when there is political courage. Meanwhile, our currency expansion is always about to be stopped, the budget deficit is always about to be terminated . . . but continued for just a little while longer.

The irony of inflation seems to be this: When it is running at a comparatively moderate rate, say 10 percent a year, as in the United States, the inflation hardly seems to warrant making the sacrifices or taking the risky measures necessary to halt it; but when, as in Israel, it reaches rates like 133 percent a year, any attempt to halt it seems either hopeless or too disruptive to be considered.

At the moment, in our own country, some signs seem to point to a slow-down in inflation, like the moderate consumer price rises of the last few months. But part of this slowdown has been due to transient changes in the supply-and-demand relations affecting individual commodities, such as fuel oil and gasoline. Over the long run the growth of the money stock will resume its role as the dominant influence on the average level of prices.

It remains to be pointed out that even if the rate of increase in the money supply does not begin to accelerate, the inflationary rise in prices will. As people begin to expect this continued increase in the money supply, they will reduce their valuation of the monetry unit much faster than the money supply is increased. This helps to explain the almost invariable acceleration of inflation in its late stages.

Investors in gold do not need to be reminded that in an inflation its price does not necessarily vary in proportion with the average price of other commodities. On January 21, 1980, when the consumer price index stood at 233.2, gold sold for $850 an ounce. On September 21, 1981, with consumer prices above 274.4 gold was selling at $463 an ounce. As with any other commodity, the price of gold moves with the ever changing supply and demand for that particular commodity. Nevertheless, the price of gold must in the long run be dominantly affected by the outlook for inflation. An increasing inflation will in time be once more reflected in an increasing price of gold.

In sum, during an inflation like the one we are suffering today, every investor or speculator would be well advised to keep his eye mainly on the long run trend. If he does this he must conclude that, whatever happens in the next few months, in the long run, inflation in the United States will continue and will accelerate, and the tendency of gold prices will once more be upward.

Note.—Henry Hazlitt is a financial journalist and economist. For 12 years, from 1934 to 1946, he wrote most of the economic editorials of the New York Times; or 20 years, from 1946 to 1966, he wrote the signed weekly column, "Business Tides," for Newsweek. He is the author of 17 books, including "Economics in One Lesson" (1946) and "The Inflation Crisis and How To Resolve It" (1978). "Economics in One Lesson" has been translated into eight languages and has sold nearly a million copies in all editions.●

MR. AND MRS. JOHN ALLAN CECIL'S 60TH WEDDING ANNIVERSARY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. DYSON. Mr. Speaker, on this important date, I would like to congratulate Mr. and Mrs. John Allan Cecil on the occasion of their 60th wedding anniversary. I hope you will join me in wishing them many more years of happiness.

I would like to bring this very important wedding anniversary to the attention of the House, and to extend to these very dear people in my district sincere congratulations on their 60th wedding anniversary.●

CHINESE ILLUSIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. FIELDS. Mr. Speaker, the Republic of China on Taiwan recently celebrated in behalf of all the world's Chinese people the 70th anniversary of the founding of the Chinese Republic.

At the same time, the Communists in control of the mainland issued another in a series of spurious invitations for reconciliation talks. The sole purpose of these periodic overtures is to gain propaganda value. No one would be more shocked than the Communists themselves should the Taiwanese ever accept. Peking knows in advance that the Taiwanese will reject their offerings, and also that the likes of the New York Times will pick up their cue to paint Taiwan as recalcitrant and an obstacle to world peace.

Mr. Speaker, I am inserting into the RECORD an editorial from the Wall Street Journal which gives only a few of the reasons why Taiwan properly rejects this periodic nonsense from the mainland. An even more important reason for rejection is that the Republic of China is not about to give up its claim as the legitimate government of the Chinese people. To recognize Peking as its central government would be tantamount to suicide. Then, any armed action by Peking to settle differences would evoke screams from the New York Times that the United States should not meddle in the internal affairs of China by aiding Taiwan.

Mr. Speaker, the editorial follows:

[From the Wall Street Journal, Oct. 15, 1981]

CHINESE ILLUSIONS

The other day the Communist government at Peking published yet another invitation designed to lure the Nationalists on Taiwan into rejoining the mainland. This caused a bit of excitement because the Communists went so far as to offer formally that Taiwan could retain some political autonomy, its own "socioeconomic system" and even its own army, while its leaders could "participate in running" the national government. Taiwan, however, promptly rejected the offer, much to the consternation of one-China optimists who saw it as a generous gesture. The New York Times, for example, held that by failing to discuss the proposal Taipei "forfeits the propaganda struggle."

This would be a small price, if true, considering what Taiwan stands to lose by taking the Peking offer seriously. What you had in China's offer wasn't any waking up to reality of the sort that occurred, say, when Anwar El-Sadat of Egypt finally agreed to talk with the Israelis, who had three times defeated his country at war. What we've just heard from Peking is more analogous to an offer by a large corporation in the midst of bankruptcy proceedings to acquire its most successful competitor and set it up as some kind of subsidiary.

It's an offer, in short, that doesn't make sense. Consider, for example, that Taiwan's per capita income stands, at nearly $3,000 a year, among the highest in the developing world, while China's, at below $300 a year, ranks among the lowest. The gap between the rich and the poor is narrower in capitalistic Taiwan than in supposedly egalitarian and Communist China. And the two-way external trade carried on by Taiwan's 17 million people rivals that of the mainland, with its population of nearly a billion. China, in short, doesn't have the sort of economy into which Taiwan wants to be absorbed.

This is particularly true when no one, inside or outside of China, seems to be taking seriously Taiwan's own statement on the subject. It argues that the only way to bring about reunification is for the mainland to "abandon the Communist system." This would be, after all, the first prescript of any Taiwanese official asked to give advice on economic development policy. And development policy surely must be a key area in which the mainland's rulers want Taiwan's leaders to "participate in running" the nation.

Now it is of course true that Deng Xiaoping and his allies have sharply modified Mao's communism, introducing certain capitalist elements, such as joint ventures with foreign firms. But when they began making their overtures to Taiwan, K.T. Li, for many years Taipei's finance minister and an architect of its "economic miracle," pointed out the fundamental contradiction that faces not only Peking but any Communist regime as it contemplates economic reform. "If it adopts the pragmatic measures that proved so successful in Taiwan," he argued, "they will lead to the emergence of certain capitalistic elements that will erode the communist ideology and eventually destabilize the existing political system."

If you don't believe Mr. Li, take a trip today to Poland and see what he's talking about. The Chinese Communists have come a long way since the death of Mao and it's comforting to know they're tilting in our direction rather than toward the Soviets. But they haven't yet shown signs that they really understand the economic problem they face. And until they do Taiwan deserves nothing but support in its refusal to get sucked into their schemes.●

CAMBRIDGE CITY COUNCIL DEPLORES WATT'S POLICIES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. O'NEILL. Mr. Speaker, 6 months ago a nationwide petition drive was launched by the Sierra Club and Friends of the Earth calling for the dismissal of Secretary of Interior James Watt and a rejection of legislation emobdying his policies.

More than 1 million signatures have been collected so far and on October 19, I received these petitions on behalf of the House.

Secretary Watt and his defenders charge that his critics are a tiny group of radical environmentalists. The truth is that his policies and pronouncements have offended and outraged an overwhelming majority of the American people—people from every State in the Union, from every profession, from every political persuasion—Americans who are raising their voices in an evergrowing protest against the callous and calculated assaults by this administration on our national parks, our wilderness areas, our historical preservation programs—indeed, on our national heritage.

Last week, the City Council of Cambridge, Mass., added its voice to the protest by adopting a resolution expressing grave concern and dissatisfaction with Secretary Watt's performance. I am pleased to insert the resolution in the RECORD and commend it to my colleagues:

CITY OF CAMBRIDGE

Whereas since his appointment this year, Secretary of the Interior James Watt has acted in a manner which is inconsistent with our nation's goals of environmental preservation; and

Whereas Secretary Watt has expressed his support for the exploratory drilling off George's Bank and similar drilling in other environmentally sensitive areas of the nation and has declared that he intends to open over eighty percent of the continental shelf to exploratory off-shore drilling; and

Whereas Secretary Watt has publicly gone on record in opposition to the continued expansion of our National Parks System and applauded the Reagan Administration decision to gut the Land and Water Conservation Fund which is largely used to purchase new lands for preservation and enjoyment as local parks, and has further all but eliminated the Council on Environmental Quality; and

Whereas in this area of rapidly diminishing open space and funding for local conservation efforts, the position of Secretary of the Interior is a crucial one and must be filled by someone who demonstrates a true concern for our nation's natural resources; now therefore be it

Resolved, That this City Council go on record as expressing its strong disapproval of Secretary Watt's environmental record to date; and be it further

Resolved, That copies of this resolution be sent to the President and to the members of the Massachusetts Delegation to the Congress of the United States advising them of the position of this City Council.●

JACK KEMP: "TAKING PRIDE IN BUFFALO'S ECOLOGY AND ENVIRONMENT"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. KEMP. Mr. Speaker, no collection of western New York people better epitomizes the spirit of Buffalo than the skilled and highly motivated employees and corporate leaders of Ecology and Environment, Inc., the environmental consulting firm headquartered in my congressional district.

In a single decade, under the leadership of Ecology and Environment

president, Gerhard J. Neumaier, this enterprise has grown from the vision and commitment of him and his three cofounders to a globally involved, private sector, problem-solving corporation of more than 500 employees, with the integrated skills of 75 scientific disciplines.

Throughout our Nation and abroad, Ecology and Environment is applying its unique expertise to help energy and chemical clients avoid environmental production and design mistakes which are costly in terms of corporate and political liabilities. Ecology and Environment is playing a critical role in helping to provide adequate supplies of energy and products which assure the growth of jobs and a better quality of life, not only for Americans but for other friendly governments and emerging societies.

Most important, past and ongoing activities of Ecology and Environment dramatically testify to the wisdom and cost effectiveness of applying private enterprise ingenuity to the objective balancing of our industrial, ecological, social, and political concerns.

Mr. Speaker, the story of Ecology and Environment and its contributions is told in a story written by Lou Rotterman, formerly my executive assistant, in the October 18, Sunday edition of the Buffalo News.

Respectfully, I share his article with my colleagues:

THE GOOD-GUY SUCCESS OF ECOLOGY AND ENVIRONMENT—FROM HEADQUARTERS IN CHEEKTOWAGA, A BOOMING HOMEGROWN COMPANY CLEANS UP WORLDWIDE

(By Lou Rotterman)

They've got customers in Asia, Africa, Europe, and all over the Americas. Their advice is sought and valued in the power centers of Washington, in boardrooms of international conglomerates, in distant capitals and in opulent palaces of Arab princes. They've had a hand in projects totaling $150 billion. Their profits have fueled a phenomenal growth from a nucleus of four men in 1970 to a 500-employee corporation today.

All this, and they get to be the good guys, too.

In fact, the people who make up Ecology and Environment Inc., which runs its empire from headquarters hidden away on Sugg Road in Cheektowaga, may be the ultimate kind of 20th-century good guys. What they're selling is the scientific expertise that can keep the environment clean—and not by stopping development, but by planning it carefully from the beginning and by moving rationally to correct old problems.

Ecology and Environment specializes in figuring out what effects proposed new projects will have on the environment. Its studies are interdisciplinary; that means they look at a new proposal from many angles, so that they can help the company's clients anticipate effects the projects might have in many areas. The specialists at Ecology and Environment are from fields as diverse as wildlife and range management; sanitary, chemical and nuclear engineering; and social sciences and archaeology.

Locally, the company has worked on such varied projects as a garbage study in Cheektowaga, an assessment of the impact of the Niagara River ice boom on local weather, and an analysis of converting the old downtown post office into an Erie Community College campus.

Nationally, it has helped planners with the Alaska pipeline project, synthetic fuels plant studies in the West, and hazardous waste cleanup from Arkansas to New Jersey.

Internationally, it is involved in an air- and water-quality control program in a fast-growing Saudi Arabian industrial area and in other such projects in many other nations.

"Our job is to provide expertise to private enterprise and governments to avoid design and production mistakes and to remedy mistakes when they occur," says Gerhard Neumaier, the company's hard-driving, 44-year-old president. "Mistakes cost corporations and taxpayers unbelievable sums of money. They can, and they do, cause problems that result in sickness and death and incalculable damage to our living planet."

If you are an Ecology and Environment visitor, you are probably coming from the Greater Buffalo International Airport on Genesee Street, because you probably are from out of town. You swing your car left on Sugg Road, follow it a few hundred yards and spot a modest sign, displaying the company name, on the driver's side.

You wheel hard left again down the narrow road, flanked by millet, sorghum, other high grasses and young trees, clumped together according to species. Camouflaged in foliage, its body motionless, a snowy owl may be turning its head slowly, observing your approach to the rambling one- and two-story buildings.

In comparison to the neatly mowed lawns of nearby industrial facilities, the surroundings of this complex are uncommon. They are deliberately designed to provide forage for birds and other wildlife.

Inside, the human inhabitants and their activities are unique. This is a think tank, affecting the quality of life in the near future and the next millenium. The focus here is the problem of protecting the environment and all living things while at the same time producing energy, jobs, food and other products people want to have.

Cupping his hands behind his head as he swings in a chair behind his sprawling, paper-covered desk, the energetic Neumaier exudes a mixture of enthusiasm, concern and confidence when he declares: "The world is at grips with ecological issues that have staggering implications upon the quality of human existence. What we do or fail to do will determine the future of global economies, political infrastructures and our lives within the next twenty years or less.

"Elected governments can fall to communist or right-wing dictatorships if present leaders fail to avoid ecological disaster."

Neumaier is one of the four men who founded Ecology and Environment in 1970. All the founders worked for Cornell Aeronautical Laboratories, and they realized there was a vast potential for providing multi-disciplinary scientific consulting services on complex ecological problems. Besides Neumaier, the founders were Frank Silvestro, Gerald Strobel and Ron Frank, who remain as corporate principals and directors. Their venture proved to be a good bet.

Ecology and Environment does not design or construct equipment or facilities. It does provide wide-ranging scientific expertise to consulting engineers, architects and others engaged in energy, chemical and petrochemical industries and a wide variety of enterprises that have impact on the environment. Many of its employees are "in the field"—working on construction sites and cleanup projects all over the world.

"Our firm's combined sales for consultive services—to both private-sector and governmental clients—now range at $25 annually," Ron Frank says. To serve both private and public-sector clients, the corporation maintains offices, personnel and fixed and mobile equipment in each of the ten U.S. regions of the Environmental Protection Agency, a major government client.

Ecology and Environment also provides services to the U.S. Interior, Agriculture, Commerce, Transportation and Defense departments, the Fish and Wildlife Service and a host of other federal, state and local governmental entities.

On the 22nd floor of a towering office building in Rosslyn, Virginia, across the Potomac River from downtown Washington, is an Ecology and Environment suite of offices from which all U.S. hazardous waste investigations are directed by Roger Gray, corporate national project manager, and his staff. Other offices bustle with activity in a supporting corporate facility in nearby Arlington. The corporation also maintains executives and staffs at offices in Boston, New York, Philadelphia, Cincinnati, Chicago, Kansas City, Dallas, Omaha, Denver, Billings, San Francisco, and Seattle. In Chicago alone, there are 56 scientists and other experts. Other Ecology and Environment personnel operate from offices in Jeddah, Saudi Arabia; Mexico City; Caracas, Venezuela; Santa Cruz, Bolivia; Abu Dhabi in the United Arab Emirates; Kuwait; Panama; and Natal, Brazil. And activities are conducted from Paris, Tokyo and Indonesia.

One illustration of official Washington's confidence in the corporation was Ecology and Environment's contract from EPA to study and recommend remedial action to solve a widely publicized toxic waste disaster in Southwest Missouri. In headlines, on national television and in the lexicon of voluminous Ecology and Environment reports, the crisis was described as "Denny Farm Site 1" after the last name of a farm owner in the Ozark Mountains.

The environmental emergency became known in 1979 when an anonymous informant reported to EPA that 55-gallon drums of toxic waste had been dumped on the 160-acre farm, seven miles south of the small community of Verona. There, a defunct chemical company had manufactured hexachlorophene, a germicidal soap ingredient.

From the Cheektowaga headquarters and the national project office in Rosslyn, fourteen corporate specialists, many with doctorates, were assembled from Ecology and Environment offices around the country. When they converged on the dump site, they brought analytical skills in chemistry; aquatic biology; botany; geology; environmental, civil, chemical and professional engineering; public health and safety; transportation; cost estimation; and earthwork evaluation. The investigative team determined that 150 drums had been dumped from the back of a truck in a shallow, barely covered trench on a ridge atop the White River drainage basin. In close proximity were a springfed pond, two creeks and a pasture. The containers had been left as they fell, without any attempt to segregate drums of varying toxic substances. Under heavy rainfall, the drums had corroded, causing them to leak and allowing highly poisonous substances to intermingle.

When analyzed, the wastes read like a litany of known environmental nightmares: TCDD, a highly lethal compound known best as a component of Agent Orange, the defoliant used by the U.S. Army in Vietnam; TCP; chlorinated benzene; formaldehyde; and more than a dozen other harmful and deadly substances.

After the investigation—which involved scientists working at Ground Zero in protective garb resembling the attire of astronauts—and after thousands of hours of analysis and study, Ecology and Environment recommended excavation and storage of the toxic substances in a safe and temporary structure on the site. The estimated cost: $2,486,000. A final decision is pending.

Most large chemical, energy and petrochemical producers, Neumaier believes, "are striving to be good environmental citizens."

Yet, he says, the problem of "moonlight" dumping by unscrupulous truck and vessel operators is still a major environmental concern.

To date, Ecology and Environment has worked on 3,000 dump-site problems. Additionally, its field teams and "technical assistance teams"—under contract to EPA—respond to about 2,000 emergencies a year, including rail, ship and train accidents and the scenes of hurricanes and floods which require the handling and safe disposal of hazardous cargoes.

When an ocean barge ran aground in the San Francisco Bay Area, Ecology and Environment faced the task of analyzing and safely removing cylinders of deadly chlorine gas from the vessel. Had one or more of the cylinders ruptured, some Bay residents could have been exposed to the poison gas, the same type used in World War I. The least risky solution was removal of the cargo by what Neumaier concedes was "a ticklish helicopter operation." Another time, when a "midnight dumper" injected toxic wastes into a well, under the guise of pumping gasoline on a filling station property, a corporation team had the task of preventing the poisonous substances from seeping into the Susquehanna River, a main water supply for downstream urban areas.

Ecology and Environment's contract with Saudi Arabia's Royal Commission of Ministers, calling for a comprehensive environmental assessment plan for the Yanbu port complex, is among the corporation's most challenging current efforts. Before workers from 45 nations began construction, the site was a sandy stopping-off place for camel drivers. Within twenty years, it is expected to become a modern city of 150,000.

The complex will include a 450,000-ton petrochemical plant and three refineries, fed by a 750-mile pipeline crossing the Arabian Desert from the Persian Gulf, and a gigantic shipping terminal. From the latter, the Saudis will be able to ship 1.85 million barrels of oil a day to the West. And the complex is being built directly across the Red Sea from Ras Banas, the Egyptian military base eyed by the Pentagon as a staging base for its Persian Gulf rapid deployment force.

"It's obvious why we must make sure people can breathe, super tankers can safely navigate and the sea's marine environment is protected," Neumaier says.

Another ongoing contract involves a highly publicized investigation of toxic substances infiltrating the groundwater and sewer systems in Woburn, Massachusetts, northwest of Boston.

A few of the corporation's past projects include environmental monitoring during construction of the 800-mile Trans-Alaska Pipeline from the Arctic's Prudhoe Bay south to the Port of Valdez, environmental assessment of the proposed Northern Border Pipeline from Montana to Iowa, studies for the safe transportation of liquefied natural gas in Delaware Bay and on the St. Lawrence River, a study to increase fish vegetation in the Sea of Japan and archaeological surveys in Boston and Puerto Rico.

The people of Ecology and Environment are clearly champions of the environment. So are their analyses objective?

"To meet environmental mandates promulgated by laws and regulations or for the practical necessity to protect life forms, we must be objective to be credible or we wouldn't stay in business," Neumaier replies.

"I hope I don't sound self-serving," he says, "when I say we experience great pride and satisfaction because we believe what we do benefits this and future generations. Happily, we make money in a satisfying and challenging business."

Neumaier's personal lifestyle and the methods by which he operates his corporation reflect his concern for environmental protection.

Neither plastic cups nor non-returnable soft drink containers are allowed in his offices or home. Nor are aerosol products. Any product with the potential for contaminating the food chain, air or other life-supporting necessity is barred.

He abhors waste of any resource. Some years ago, he began the practice of giving employees financial incentives to participate in motor pools, and he shares rides to and from work with coworkers.

Just as natural surroundings are the rule at his Cheektowaga headquarters, a wildlife environment is maintained on his 24-acre homestead in East Aurora.

He's unbending in the strict application of health and safety rules for his employees. For the protection of Ecology and Environment employees, subcontractors' workers and others, the company helped to pioneer the use of a wide variety of protective garb, breathing apparatus and sensing and monitoring equipment for both on-site and laboratory investigations and analyses of dangerous or potentially dangerous substances.

Neumaier predicts his 500-employee work force will continue to expand, attracting even more talent from Western New York.

"All our corporate executives, including myself, travel extensively in this country and abroad," he explains. "But it's always great to get back to Buffalo.

"We're proud to be a part of this community and we intend to stay," he emphasizes.●

HOUSE RESOLUTION TO DESIGNATE MAY 4, 1982, AS "INTERNATIONAL FRANCHISE DAY"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. SCHEUER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Whereas the franchise method of marketing has proven eminently successful in the aiding of small business men and women, the stimulating of economies, and the betterment of consumers the world over through quality product and service distribution; and

Whereas franchising today accounts for nearly one-third of all U.S. retail sales, spans more than forty industries, and directly employs some 4.6 million people; and

Whereas franchised businesses currently enjoy a success rate better than 95 percent; and

Whereas our nation's women and minorities are especially aided in starting their own businesses through the training and management programs inherent in business format franchising; and

Whereas franchising represents one of our nation's finest institutions, born and nourished in American free enterprise and thriving through its call to serve customers equitably; and

Whereas franchising has enabled hundreds of thousands of Americans to fulfill their dreams of owning their own businesses and will continue to provide economic opportunity to people of all classes and backgrounds; and

Whereas franchising permits the new and small businessman to compete on the same level as the large chains which are increasingly dominating our economic landscape; and

Whereas franchises have led the battle for uniform disclosure laws to assure that prospective franchise buyers are fully aware of their rights and obligations before investing in a franchise; and

Whereas franchising continues to expand internationally, effectively serving ever greater numbers of people the world over: Now, therefore, be it

Resolved by the House of Representatives of the United States of America in Congress assembled, That the President is requested to issue a proclamation designating May 4, 1982 as "International Franchise Day", and calling upon the people of the United States and those who have been served by franchising throughout the free world to celebrate such day with appropriate ceremonies and activities.●

THE PERSIAN GULF: ARE WE COMMITTED? AT WHAT COST?

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. REUSS. Mr. Speaker, I insert in the RECORD my introductory remarks from a document entitled "The Persian Gulf: Are We Committed? At What Cost?" prepared for the use of the Joint Economic Committee. The document contains questions which I posed to the administration, and the responses, concerning the commitments to the Persian Gulf that have been made by Presidents Carter and Reagan:

If the Reagan Administration has a plan for the Persian Gulf, that plan is not yet fully formulated; nor has it been presented in detail to the Congress. But this much is clear: the Administration has decided that the United States must develop the military capability to repel a full-scale Soviet invasion of the Persian Gulf oil fields, without significant assistance either from our allies or from the states in the Gulf region itself.

This is a capability which we do not now have, and which vastly exceeds the existing or projected strength of the Rapid Deployment Force.

The Reagan Administration's plan for Persian Gulf security raises important questions of constitutional authority, of foreign policy, of military policy, of economic policy and of energy policy, none of which has been adequately discussed. Because of the implications for our economic policy, the Joint Economic Committee, assisted by the Congressional Research Service, last summer initiated an exchange with the Departments of State and Defense which had the objective of obtaining a clear statement of the Administration's Persian Gulf security policy and its ramifications as the Administration sees them. The full exchange, together with commentaries prepared by the CRS on both our questions and the Administration's responses, is published here.

This is an important and disturbing document.

It suggests that the Administration is prepared to undertake "commitments" to the military security of the Persian Gulf states for which it has not requested or received Congressional approval, contrary to constitutional procedure and long-established practice.

It suggests that the Administration has defined the principal threat to the Persian Gulf in a way that differs substantially from the preceptions of our European allies, and that therefore we cannot expect full support from them in any actions we may take.

It suggests that the Administration is preparing to develop a military capability of unprecedented dimension and reach, in a part of the world whose proximity to the Soviet Union and harsh physical conditions should suggest caution to the military planner. With any level of expenditure, it is doubtful we can achieve the capability which the Administration needs.

It suggests that the Administration is planning to request from Congress in future years billions of dollars in additional military spending—dollars which have apparently not yet made an appearance in the Administration's long-term budget projections.

And it suggests that alternative approaches to the problem of energy security have not been sufficiently considered.

The question of U.S. military commitments in the Persian Gulf region is a matter which should arouse bi-partisan citizen and Congressional concern. In its answer to question Four, the Administration asserts three cases of alleged U.S. commitment to the security of Middle Eastern nations, none of which have ever been submitted to the Congress in the form of a proposed treaty obligation.

In the case of Israel, a longstanding and valued friend, no treaty for mutual security assistance has ever been requested by either side, although few would question that our friendship is and remains a constant in our national foreign policy.

In the case of Saudi Arabia, the Administration cites Presidential statements, going back to Franklin D. Roosevelt, as sufficient to establish a national military commitment to Saudi security, and backs this assertion with the statement that the Administration's—unilateral and as yet unapproved—decision to sell AWACS to the Saudis in some way underlines this alleged commitment.

In the case of Pakistan, we have a mutual security agreement which provides only that we will consult in the event of Communist aggression against Pakistan and that we will then follow appropriate Constitutional procedures. The Administration goes far beyond the terms of this agreement, to assert that "proposed security sales assistance" to Pakistan constitutes an example of "commitment" to Pakistani military security.

In these responses, the Administration has spelled out a dangerous strategic doctrine, which may return to haunt us in the months and years to come. It has asserted, in effect, a right to commit U.S. prestige, power and military might to the defense of remote areas of the world, without the advice, much less the consent, of the Congress. In so doing, it departs from a long tradition of U.S. diplomatic and constitutional history, which says that the United States is committed only when and where the Congress of the United States stipulates. In the post-World War II period alone, U.S. Presidents have repeatedly sought and received Congressional approval for such military commitments: to NATO, to the members of the SEATO, CENTO and ANZUS pacts, and even though under a cloud of doubtful information, to South Vietnam under the Tonkin Gulf Resolution in 1964. Where, except for Vietnam, U.S. policy has erred, it has often been when American Presidents have sought to create commitments without the full process of Congressional debate and approval. President Carter made just such a mistake in announcing the "Carter Doctrine" of U.S. military commitment to Persian Gulf security, without seeking a resolution of congressional approval. The Reagan Administration is now repeating and magnifying that mistake.

The Administration has defined the threat which we must be prepared to meet in the Persian Gulf as that of a direct overland attack by the armed might of the Soviet Union. While this is clearly the most dramatic potential threat, it is far from the most likely. Morover, it is extremely doubtful that measures which the Administration proposes to take in response to that threat have much bearing on other, more probable and potentially equally dangerous threats to the security of oil supplies. Surely we should have learned from our bitter experiences in Iran and Vietnam that U.S. military power, whether in the form of assistance to an indigenous government or the direct presence of U.S. military force, is not necessarily able to repel a sufficiently popular and fanatical indigenous revolutionary movement. And surely the current Iraq-Iran war should teach us that threats to the flow of oil which are likely to arise around the head of the Gulf include situations in which our military might is unavailing.

Even if the threat of an overland Soviet invasion were as probable as it is dramatic, it is not clear that there is any way, short of nuclear weapons, that the United States can project enough force into the region to provide an effective defense. The Soviet Union borders the region; our supplies must travel 7,000 miles by air and 12,000 miles by ship. Prodigious quantities of material would have to be prepositioned in the area, each of them vulnerable to pre-emptive attack. If the Straits of Hormuz were closed after the start of a Russian-American battle at the head of the Gulf, our forces could be stranded and trapped. Are we building an out-sized Naval Maginot Line?

There are many, many military uncertainties which must make even the non-expert in military planning doubt that a careful evaluation of what is militarily realistic has been done. Certainly no sign of such an evaluation appears in the following pages.

To refrain from the ironclad military commitment in the Persian Gulf toward which we are lurching does not mean that we invite a Soviet takeover. It merely means that we see merit in keeping the Soviets guessing.

As to cost, the Administration states that estimates will be presented for the 1983 budget year, with "full justification and testimony" for that year and for the FY 1983-1987 program period. Those who believed that the Reagan Administration had already proposed a dramatic build-up in our military forces may have a surprise coming. How many billions more will be required in the Persian Gulf? What will be the effect on the deficit, on interest rates, on inflation and on our civilian standard of living of these unquantified commitments?

Finally, the Administration offers no evidence of having integrated its foreign military "commitments" in the Persian Gulf with domestic and international energy policy. Specifically, the Department of Energy has increased by 30 percent those programs which will do the least to reduce oil imports, and cut by 75 percent those programs which do the most to reduce oil imports. On the international side, as the CRS commentary points out, such measures as special arrangements to guarantee our allies access to our coal, to promote third world oil and gas production through the World Bank, and to foster development of energy production and conservation technology have been neglected in the Administration's response. Much more can be done in these areas to reduce the reliance of the West on Persian Gulf oil, and so make that region a less vulnerable target for hostile intervention directed against the West.●

TIME TO PHASE OUT COMMERCE IN HIGHLY ENRICHED URANIUM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MARKEY. Mr. Speaker, tomorrow I will be offering an amendment to H.R. 4255, the Nuclear Regulatory Commission authorization bill, which will begin a U.S. phaseout of the export of highly enriched uranium. I urge your support of this critical action. The time has come to firmly express our commitment to halting the spread of nuclear weapons.

We must recognize the dangers of highly enriched uranium commerce and reduce the circulation of this material in the world.

Uranium enriched to greater than 90 percent U^{235} is a favored substance for the design and manufacture of atomic bombs. Only 10 kilograms of this material could be used as the fissionable material for a nuclear weapon.

The only barrier for making a fission chain reaction bomb is the lack of an adequate supply of fissionable material; the design of the bomb is relatively

easy. We must not ease the accessibility to this deadly substance.

No nuclear electric powerplants will be affected by this amendment. All can operate on low enriched uranium.

No nuclear research reactors will be shut down. The amendment includes an escape clause whereby reactors which could not convert from using highly enriched to low enriched uranium would still be able to receive highly enriched uranium until such time as they could convert.

The future shift from highly enriched to low enriched uranium will not cause any technological deficiency in reactors. Any normal tasks of power or research reactors could be completed with low enriched uranium.

Export licenses for highly enriched uranium shipments from the United States are pending for a number of nations. This amendment would demand an intensive study of these licenses and a future cutoff of highly enriched uranium to all nations.

The amendment is consistent with broad proliferation principles expressed by the President on July 16, and also consistent with a Senate resolution of July 17, passed 88 to 0, which called for elimination of highly enriched uranium in research reactors.

This amendment is supported by a coalition of groups, including the Union of Concerned Scientists, the Natural Resources Defense Council, Critical Mass Energy Project, Council for a Livable World, Friends of the Earth, the Center for Development Policy, and Americans for Democratic Action. The amendment also has been cosponsored by 30 of your colleagues: PETER RODINO, BOB EDGAR, ANTHONY BEILENSON, JULIAN DIXON, DON EDWARDS, ROBERT KASTENMEIER, BARBARA MIKULSKI, PARREN MITCHELL, JAMES OBERSTAR, BERKLEY BEDELL, TED WEISS, FRED RICHMOND, DALE KILDEE, PAT WILLIAMS, BARNEY FRANK, CLARENCE LONG, LEON PANETTA, LES AUCOIN, HENRY GONZALEZ, RONALD DELLUMS, SAM GEJDENSON, WALTER FAUNTROY, JOHN CONYERS, WILLIAM LEHMAN, THOMAS FOGLIETTA, MICHAEL BARNES, GEORGE MILLER, THOMAS DOWNEY, WILLIAM GRAY III, CHARLES SCHUMER, and JOSEPH SMITH.

Your support of this amendment is vital to insure passage of this sensible measure which will lend substance to the rhetoric of nuclear nonproliferation.

In addition, I wish to submit the following two statements from public interest groups for inclusion in the RECORD:

CRITICAL MASS ENERGY PROJECT,
Washington, D.C., October 27, 1981.

DEAR REPRESENTATIVE: On Wednesday, October 28, the Nuclear Regulatory Commission authorization bill will come before the House. The Critical Mass Energy Project urges you to support Representative Edward Markey's amendment to H.R. 4255 which prohibits the granting of export licenses for highly enriched uranium.

The dangers posed by the proliferation of nuclear materials becomes more apparent each year. The international spread of weapons-grade nuclear material increases the likelihood of nuclear terrorism and atomic war. Currently around 125 research reactors world-wide are using highly enriched uranium fuel suitable for weapons production. Among the countries importing this fuel are the potential weapons states of Pakistan and South Africa. Highly enriched uranium can be used for nuclear explosives while the less enriched is more difficult to convert. This amendment would prohibit the export of uranium enriched to a level greater than 20 percent U-235.

The highly enriched uranium that would be excluded from export under this amendment is not needed for commercial and normal research reactors, where fuel enriched less than 20 percent is suitable. The amendment would not prevent U.S. fuel exports, but would make them less vulnerable to conversion to nuclear weapons.

We hope that you will vote in favor of this important amendment.

Sincerely,

ANNA GYORGY,
Director.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C., October 22, 1981.

DEAR REPRESENTATIVE: ADA strongly urges you to support Representative Markey's amendment to HR 4255, the Nuclear Regulatory Commission authorization bill for fiscal year 1982 and 1983, which prohibits the granting of export licenses for highly enriched uranium (HEU). The amendment will help control commerce in this dangerous, weapons-useable material.

There are over 300 research reactors throughout the world; of these around 125 use HEU fuel suitable for weapons production. Many of these reactors are situated in potential nuclear weapons states including Pakistan, South Africa, Thailand, Columbia, and Germany. Depending on the purity of the U-235 isotope used and the physical characteristics of the weapon's components, a nuclear bomb can be made from 10 to 20 kilograms of HEU. It is the material favored for the design and manufacture of simple, reliable atomic weapons.

This amendment will not cause the shutting down of any reactor for lack of fuel. Nuclear electric power plants use uranium enriched to less than 20 percent which is not affected by the amendment. In addition, the amendment allows HEU to be continued to be exported to those countries which possess research reactors that the NRC determines cannot feasibly be converted to use low enriched uranium.

Nuclear proliferation represents a dangerous and growing threat. Representative Markey's amendment is strong, effective legislation that helps to minimize this threat and does not interfere with any country's nuclear program.

Sincerely,

LEON SHULL,
National Director.●

ROBERT H. GOLDSBOROUGH ON SOLIDARITY—BUDGET CUTS—BLACK CONSERVATISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. McDONALD. Mr. Speaker, there has been much concern of late concerning budget cuts and the effect it will have on the poor. We had the spectacle of Solidarity Day here in Washington, implying an alliance with Solidarity of Poland to throw off the yolk of communism. At the same time we heard voices alleging representation of the black people of America that a cut in Government spending would be a bad omen for those black people.

Yet in a very brief column by Robert H. Goldsborough in his Washington Dateline, we have an expose of the true nature and cost of Solidarity Day. As well he examines the philosophy of economist Dr. Thomas Sowell, a black cum laude graduate of Harvard University, whose position is that the removal of government from our lives, will in fact, benefit the black people of America.

I know that my colleagues as well as other Americans will be very much interested in some of the abuses of the CETA program that Mr. Goldsborough exposes and concludes his column with. I commend this brief column that covers much ground by Mr. Goldsborough and hope that he will continue such exposures for all to read. His column follows:

[From the Washington Dateline]

BUDGET CUTS AND THE BARE NECESSITIES

(By Robert H. Goldsborough)

Ronald Reagan, is he Saint or Sinner? If you believe the Solidarity crowd that demonstrated in D.C. on September 19, the President is a number one devil * * * enemy of the poor * * * of the unions * * * of the aged * * * of the blacks * * * of just about everybody in America, with the exception, of course, of big business.

Benjamin Hooks, executive director of the National Association for the Advancement of Colored People, told the partisan crowd, "We will not sit by, while our bare necessities of life are taken from the needy and given to the greedy."

Hooks also charged that the policy of the present administration is a "ticking time bomb" and warned of a "clear and present danger" of upheaval in American Society if social needs are not met.

Some of the demonstrators spent up to a thousand dollars to come to D.C. to sell the media on their rhetoric. If you settle on an average crowd estimate of 200,000 (TV said 300,000; the Washington Post said 250,000; the Baltimore Sun said 200,000; and one crowd control policeman told me 150,000) and use travel agent cost estimates of $200 average per person for food, lodging and travel, you have a conservative estimate of $40 million dollars spent by the "needy" demonstrators. That figure does not include

the cost of extra D.C. police, cleanup crews or what the unions spent to rent the subway for the day. That $40 million would provide a lot of "bare necessities". . . at least food for two million needy persons for a week. Obviously the demonstrators were not all that concerned about helping the truly needy.

Contrary to Hook's claims that the needy will suffer because of program cuts, the noted economist Dr. Thomas Sowell asserts that studies show that many government programs actually work to the detriment of blacks. On a Meet the Press interview, the day after the demonstration, Sowell said that his research indicates that blacks would fare better without government programs and without a minimum wage law which, in the opinion of Dr. Sowell, is one of the main causes of unemployment among teenage blacks.

Sowell is no white conservative; he is a black cum laude graduate of Harvard with a PhD from the University of Chicago. He charged that black leaders of high-visibility black organizations such as the NAACP and the Urban League benefit financially from federal government spending and hence their views are purely subjective.

Let's examine Hooks' assertion that Reagan's budget-cuts will hurt the needy and take away bare necessities. One of the most highly touted federal programs to help the needy and chronically unemployed was the CETA program (Comprehensive Employment and Training Act). It was designed to train the unskilled so they could obtain jobs. CETA programs have cost the taxpayer (the "greedy" according to Benjamin Hooks' dictionary) $50 billion since 1973.

James Bovard, in an Inquiry magazine article listed some examples of "bare necessities" that your tax dollars have purchased.

CETA gave $41,000 to a feminist collective to perform in the nude (women only) the "Leaping Lesbian Follies";

CETA spent $30,000 to build an artificial rock for rock climbers to practice on;

CETA doled out $384,000 for a county cat, dog and horse survey;

In Arizona, CETA paid county employees to attend dance classes;

In Atlanta, a Communist activist was paid $500 a month to, according to his testimony, "organize for demonstrations and confrontation";

In Los Angeles, CETA gave Gay Community Services $640,000 to provide "education about gay life styles and gay people's problems";

In Baltimore, the city council passed a new dog license law and then hired a score of CETA workers to hunt down violators;

In Miami, the director of a CETA youth program had to resign after officials found $200 million worth of cocaine in his garage;

In 1979, in 15 cities, 64 CETA operations were tagged with indictments for embezzlement, false statements, misuse of funds, kickbacks, theft and bribery;

CETA gave $261,933 to a Washington, D.C. arts organization to assist nonprofit community arts organizations in applying for CETA money.

These then are the phony "needy" which will lose their "bare necessities" under Reagan's bi-partisan cuts. The truly needy will always be helped; but only if our system of government survives. the rhetoric ridden rally called Solidarity was the official public kick-off of a carefully orchestrated campaign of fear and propaganda which will attempt to make the American voter believe that Ronald Reagan is only interested in helping the rich at the expense of the poor.

In reality, Reagan is trying to help the poor by saving America's great economic system from collapsing under the weight of a trillion dollar debt caused by 40 years of liberal-socialist government programs—a debt which in turn has led to double digit inflation, high unemployment and high interest rates.

The AFL-CIO leadership, Benjamin Hooks and his NAACP, and other assorted fuzzy liberals should hide their heads in shame. They helped cause the problems and yet they will not help Reagan solve them. Shame, shame.●

SBA 8(a) PILOT PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues the serious problems with the 8(a) pilot program which was intended to encourage small business development. The program was originally designed to assist minority-owned businesses that compete for high technology Government contracts. The program permits SBA to award contracts to minority-owned businesses without competitive bidding. In spite of its noble goal, the 8(a) pilot program has had a history of mismanagement and the clear possibility of corruption. What follows are articles that appeared in the July 27 U.S. News & World Report and the October 21, 1981, Washington Post. I hope every member will examine these articles before H.R. 4500, which would extend the 8(a) pilot program, is considered by the House.

WITH SBA HELP, HOT DOG VENDOR MAKES MILLIONS

(By Jack Anderson)

How does a hot dog vendor get to be a $8.9-million-a-year defense contractor on top-secret projects virtually overnight?

It can happen, if you're a minority businessman and you work through the Small Business Administration.

Buck Wong is a wealthy Chinese-American and, therefore a bona fide underprivileged minority businessman. He is president of Arcata Associates Inc., which held the hot dog franchise at the Stanford University stadium.

Since January, Arcata has also been the prime contractor for the Army Combat Development Experimentation Command, a top-secret facility that uses sophisticated computer analysis and laser technology to test tanks, helicopters and aircraft under simulated combat conditions.

Wong managed to beat out a multimillion-dollar engineering firm, BDM Corp., for the contract, even though his company's only apparent expertise in defense work consisted of a maintenance contract at an Air Force base. (Later, Wong hired some "technical consultants" with SBA funds including a typist who happened to be his girlfriend.) For five years, BDM had run the analysis program, and last year it confidently applied for a five-year, $44.5-million renewal contract. BDM had the Army's warm endorsement.

But it was Wong's company, with no experience in sophisticated computer testing, that got the contract. BMD subsequently sued.

Wong slipped in the back door, through the SBA's so-called "8A pilot" program, which was designed to help small businesses stay afloat by giving them non-competitive government contracts. It was aimed specifically at minority-owned companies.

At the time Wong got the defense contract, the head of the 8A program, William Clement, was a client of Wong's business-brokering service. As part of his brokering service, Wong placed an ad in The Wall Street Journal seeking a business for Clement to buy. Wong's firm also arranged a personal loan for Clement through New York banks and prepared a "buyer profile" that described Clement as a high government official who "will be able to use his numerous contacts to market effectively to the government."

Apparently, Wong expected something in return for boosting Clement. According to sealed court documents reviewed by my associates John Dillon and Ron McRae, former Wong associate Charles Hanes testified that "Wong struck up a very close personal relationship with Mr. Clement." Wong told Hanes that "one day Mr. Clement owed him."

The Army objected strenuously to the choice of Arcata for the contract. But SBA, which through its 8A program could virtually compel acceptance of its choice, gave assurances that the Arcata award was aboveboard. The agency then signed a contract with Arcata a few days before the Reagan administration brought in a new team.

Arcata didn't have anyone who could do the job the Army wanted, so it subcontracted over half the work to Planning Research Corp. That company in turn hired many of BDM's employes, who had been laid off when their firm's contract wasn't renewed.

The net result of the minority businessman's entry into top-secret defense work is this: the subcontractor that Wong's firm hired, using employes of the old contractor, is getting 35 percent of the money. Wong's firm is getting the other 65 percent in management fees. The Army is getting roughly the same services it got before.

The SBA's 8A pilot program expired last March and is up for congressional renewal. Because the Army objected to having its contracts assigned by the SBA, bills introduced in the House and Senate would require the president to designate a civilian agency to funnel the contracts to minority businesses.

[From the U.S. News & World Report, July 27, 1981]

SBA ENTERS THE FRAUD-AND-WASTE HALL OF FAME

(By Orr Kelly)

Only in a slapstick comedy would one expect to find a government agency that goes into business with the Mafia, bankrolls a con game, tinkers with the nation's security and showers money on "truly needy" millionaires.

But the story of the Small Business Administration is not a comedy for the taxpayers. It would be funny only if it did not cost so much.

An agency bedeviled by mismanagement, infested with politics and tainted by corruption, the SBA was established in 1958 to aid small businesses with low-interest loans and practical advice. It is also responsible for

handing out millions of dollars each year in disaster-assistance loans.

Since then, it has made 417,488 small-business loans worth 30.4 billion dollars and provided 1.9 million disaster loans worth 8.8 billion. It now employs 4,400 persons in 103 offices throughout the country and expects to grant loans or to guarantee bank loans totaling 6.4 billion dollars this year.

Serious problems ranging from criminal misconduct to millions in uncollected bills, plague SBA programs. Although the agency is supposed to recover most of the money it hands out, its records show that it has gone 5 billion dollars in the hole in its 23-year life.

Particularly irritating to investigators is the way some individuals have managed to live high on the hog because of dealing with SBA.

While one SBA-backed firm in Gaithersburg, Md., was running in the red, the net worth of its owner soared in four years from $153,500 to more than 1.1 million. And a Los Angeles contractor backed by SBA saw his net worth grow from a little more than a half-million dollars to 3.4 million dollars in a two-year period.

In another case, investigators found a consulting firm hired without competition, that was charging the government for tuition for the children of company executives and for the lease of a Jaguar, a swimming pool, a tennis court and oil paintings.

Here, gleaned from the records of the SBA's inspector general, the General Accounting Office and the Senate Small Business committee, are four documented cases that illustrate some of the more serious problems afflicting one of Washington's most seriously troubled agencies.

IN BUSINESS WITH THE MOB

While the U.S. government spends millions to fight the Mafia, the SBA went into partnership with Irwin Weiner, a Chicago man described in congressional testimony as linked to "major organized-crime figures" and "thought to be the underworld's major financial figure in the Midwest."

The unusual arrangement resulted from the SBA's effort to deal with a serious problem faced by small contractors. They are required to post bonds to guarantee that they will finish work they have contracted to do, but many of them find if difficult, if not impossible, to provide such a guarantee, known as a surety bond.

To solve this problem, the SBA set up a program in which insurance firms would provide bonds, with 90 percent of the amount guaranteed by the SBA.

The assumption was that, because the private insurance firms would be responsible for paying part of the losses, they would be just as careful with the federal money as they were with their own.

In many cases, the program has worked as planned. Some 30,000 small contractors have been aided in securing more than 6 billion dollars' worth of business. But the program is also subject to severe abuse, as investigators learned when they delved into the operations of Weiner's American Bonding Company.

From the beginning of the program in the early 1970s, Weiner's firm was among the most active in the Chicago area, writing 933 bonds worth 66 million dollars. But then, in 1978, a flood of claims descended on SBA because contractors bonded by Weiner's firm failed to finish their contracts. Defaults quickly mounted into the millions.

Theoretically, Weiner lost, too. But investigators suspect that the loss of his 10 percent share of the bonds was only a minor irritation. Unknown to SBA officials, companies like Weiner were brought in to finish up the jobs—at exorbitant expense.

In one case uncovered by the Better Government Association in Chicago, a contractor was hired to build a new structure for the Morningstar Baptist Church in Peoria, Ill., and obtained a surety bond through Weiner's firm.

Long before finishing the job, the contractor went bankrupt. Another company associated with Weiner finished the church—with the SBA footing much of the bill—for far more than the original estimate on the job. The cost to the taxpayers, which included a double payment for the roof on the church, totaled $339,930.

So far, the SBA has had to pay out more than 2 million dollars to cover defaults under the bonds Weiner's firm wrote—and the toll is still mounting.

Now, the whole SBA surety-bond program is being probed by a grand jury in Chicago.

BANKROLLING A CON GAME

When SBA officials heard that Sandra Brown wanted to form a Small Business Investment Company, they were delighted. She would be the first woman to head such a firm—a symbolic breakthrough in the government's effort to provide opportunities for women to compete in big-time financing.

An SBIC is a firm, usually controlled by a bank or wealthy investors, set up to make loans to small businesses. For a shrewd operator, it can be a license to make money.

The investors have to put up some money of their own, but most of the funds have been provided by the government or by banks through government-guaranteed loans. There are risks. But the government puts in as much as $4 for every dollar from the investor, and this leverage makes it possible for an SBIC to garner large profits on a relatively small investments—as many of them have done.

This opportunity for large profits was deliberately built into the program. The belief was that this would save government money in the long run by putting the responsibility for choosing and helping the small businesses on the private investors rather than on the staff of the SBA.

There have long been reports of problems with the program, as with so many of the agency's programs.

SBA Inspector General Paul R. Boucher took a look at the operations of the SBIC's over a three-year period and reported in a special survey last year that 42 percent of them had been cited for significant violations of rules or regulations. One SBIC, for example, was caught charging what amounted to 40 percent interest.

Nothing, however, had prepared SBA officials for their expensive brush with Sandra Brown. A New York wheeler-dealer involved in buying and selling businesses, Brown had published a magazine and written a column of financial advice in a national magazine as well as The American Express Handbook for Women. In 1977, she formed the First Women's Small Business Investment Corporation.

Officials of SBA did not check up on the companies that Brown's outfit was supposedly lending money to.

Many of the "small businesses" were simply paper fronts for a giant con game that victimized the SBA and a group of banks to the tune of more than 10 million dollars.

By the time Robert Morgenthau, Manhattan district attorney, took a hard look at her operations and secured an indictment early last year, Brown had taken the SBA for $3.4 million. Four lending institutions and her own firm had been hit for more than $6 million.

Investigators are still trying to find out where all the money went. Some of it, they found, paid for three townhouses, a condominium, a ski lodge, a horse farm, two boats and a helicopter—not exactly the kind of assistance to small business that the SBA had in mind.

Brown was convicted in December of 41 counts of grand larceny and conspiracy and is now free on bail pending appeal. And SBA officials are still trying to figure how they came to bankroll one of the biggest con games in New York history.

TINKERING WITH NATIONAL SECURITY

Starting in 1971, BDM, a research-and-development company based in McLean, Va., had operated a sophisticated electronic testing system for the Army at Fort Hunter Liggett, Calif. The tests—actually large-scale mock battles involving scores of tanks, planes and helicopters—are designed to tell the Army which tactics will work and which will not in actual warfare. How well the tests simulate the realities of battlefield situations could determine whether American forces win or lose in some future combat.

Early last year, when the 9-million-dollar-a-year contract came up for renewal, the SBA stepped in, took over the contract itself and handed it to another firm. Much of the successor firm's previous experience had consisted of serving hot dogs to football fans at the Stanford University stadium in California.

This extraordinary power by the Small Business Administration to pass out contracts without competitive bidding is part of a program approved by Congress to help minority-owned or economically disadvantaged businesses to get a foothold in the lucrative field of high technology.

In this case, the contract was given to Arcata Associates, Inc., of Burlingame, Calif.

Arcata, which is not related to the larger Arcata Corporation, qualified because it is headed by a Chinese American, Buck W. Wong, who also holds a master's degree in business administration from Stanford.

Although the Army found that Arcata was lacking in experience and management to handle the contract, SBA insisted that it was qualified. Army officials reluctantly went along on the deal.

Arcata quickly subcontracted 67 percent of the professional work to a large competitor of BDM.

In its first six months, Arcata got a satisfactory rating from the Army, but its performance was not good enought to win the full incentive award that it would have received had it done a first-rate job.

How much impact the takeover of the Army test program by the SBA will have on national security may never become apparent. But Army officials say that, if they had had the choice, a contract of this importance would have been awarded on a competitive basis to the best-qualified firm instead of being handed to an inexperienced firm.

There is the possibility that Arcata will learn enough from its Army contract to set out on its own, unaided by the SBA, in the field of high-technology contracting.

If it does, it will be a rare exception. The experience with the SBA's highly controversial program for providing government con-

tracts to small businesses is that most of the businesses never graduate. They cling to the program year after year, blocking other firms from participating. Of 4,598 companies in the program, only 166 have gone out on their own.

As a result, the General Accounting Office, which keeps an eye on federal programs for Congress, recently described this effort to aid small businesses as "a promise unfulfilled." The GAO went on to charge that the aid had gone to a select group of companies that "view the program as an end in itself."

PROFITING FROM DISASTER

When a devastating blizzard swept through eastern Massachusetts and Rhode Island on Feb. 5-7, 1978, the SBA came under intense pressure to provide help in a hurry.

The agency brought in two permanent employes and hired 180 temporary workers to verify storm-damage claims, authorize payments and disburse checks. Within weeks, they made 12,000 disaster-assistance loans totaling 121.4 million dollars.

The result was another disaster—for the taxpayer.

Among those hired were George Wattendorf, his daughter, his secretary and a number of personal friends.

They are now accused in federal indictments of using scores of aliases to obtain some 40 disaster loans totaling more than $500,000.

It was only because a clerk noticed that many loan applications carried the same Social Security numbers, but different names, that an investigation was launched.

According to the indictments, Wattendorf, who has since died, and his associates submitted phony loan applications buttressed by pictures of property owned by others that had been damaged in the blizzard. In its eagerness to help those in distress, SBA's inexperienced crew of temporary employes simply sent out the checks as fast as the applications came in.

Investigators are now trying to determine how widespread Wattendorf's operation was. They have already found records showing that he had obtained disaster loans in Florida and Kentucky and possibly in Mississippi and Texas as well.

What is even more worrisome is that SBA's get-the-money-out-fast policy may well have created other large losses of which it is not even aware.

Last year alone, 1.2 billion was handed out in 70,000 disaster loans. Although that amounted to 69 percent of the loans made during the year, the disaster-loan program has been treated as a nuisance, a "program that was constantly interfering with the agency's 'real' mission," according to a recent report by an advisory group made up of SBA employees.

Related to the sloppiness in handing out money to those who claim to be disaster victims is the agency's failure to collect on the loans. Earlier this year, the Senate Small Business Committee was told that nearly 1.2 billion dollars in disaster loans is past due, delinquent, deferred or in liquidation.

ROOTS OF THE PROBLEMS

Wherever investigators look, the SBA seems to overflow with problems, most of them stemming from pressure to disburse cash without provisions for adequate safeguards.

The agency has also been a political football. In a recent case, the U.S. Merit Systems Protection Board summed up the agency's reputation this way: "The SBA has long been regarded as an agency that is unusually subject to partisan political influence, and has often been involved in controversy over charges of political abuse of the merit systems."

Perhaps most ironic is the accusation that SBA officials have done much of the procurement for the agency through noncompetitive contracts, in effect squeezing out small businesses that might have competed for those contracts.

Some congressmen think the agency is so badly jinxed that it should simply be scuttled like a contaminated ship. But Senator Lowell P. Weicker, Jr. (R-Conn.), chairman of the Senate Small Business Committee, insists that SBA can be reformed and saved.

That task is now up to Michael Cardenas, a Fresno, Calif., accountant who is the SBA's new administrator. He says his first goal is to change the public image of the agency.

But he has been hampered by difficulty in finding qualified people willing to work for SBA. He has succeeded in signing on only a handful of applicants who meet his standards for approximately 100 vacancies.

Yet to be seen is whether the Reagan administration can rehabilitate a problem agency with a reputation for handing out government money in ways that has even some of its strongest supporters dismayed.●

"TEX" WILLIAMS: RETIREMENT BECKONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ANDERSON. Mr. Speaker, this Friday the Los Angeles County Building and Construction Trades Council will host a dinner honoring the retirement of S. W. "Tex" Williams. Tex has served as business representative of the council for some 14 years now; his presence will be sorely missed.

Tex was born in—of all places—Abilene, Tex., in 1918. Graduating from Abilene High School in 1935, Tex served in the Army until 1940 after which he returned to his studies and completed courses in arc welding, acetylene welding, burning, and blue print in 1941. After serving again in the Armed Forces during the Second World War, Tex moved further west and finished a course of study in public speaking and labor relations at the Long Beach City College. A lifelong enthusiast of education, Tex completed a program at the Building Trades Business Agent's Institute at Berkeley University in 1977 at the age of 59.

Tex has been a dedicated fighter for the union cause all his adult life. In 1954 he was appointed a member of the Iron Worker's Local 433 Executive Committee. In January of 1955, he became business agent, a position he held until 1961 when Tex was elected business manager, financial secretary and treasurer of the local. During his tenure as business manager, Tex became involved in many activities including serving as trustee of the health and welfare plan, pension plan, vacation plan, and apprenticeship training program.

In 1967 Tex was appointed to his position as representative of the Los Angeles County Building and Construction Trades Council. In addition to his regular duties with the council, Tex found time to head the negotiating committee for the Harbor Pre-Cast Agreement in 1968, 1971, 1974, 1977, and 1980. He has also served on the Employment and Training Advisory Council of Long Beach, and he participated in the Negotiation of the Master Turf Agreement in 1977 and 1980.

My wife, Lee, joins me in wishing "Happy Trails" to Tex along with his wife, Haroldine, daughter and son-in-law, Susan and Bill, and granddaughters Jami, Shannon, and Gina.●

CONGRESSIONAL SALUTE TO THE HONORABLE EDWARD F. SADLOWSKI OF NEW JERSEY, DISTINGUISHED CITIZEN, COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ROE. Mr. Speaker, on Sunday, October 11, the people of the city of Passaic, my congressional district, and State of New Jersey gathered together at the Knights of Columbus Hall, Wallington, N.J., in testimony to a distinguished citizen, champion of veterans, outstanding community leader, and good friend, the Honorable Edward F. Sadlowski of Passaic, N.J., whose lifetime of good works and standards of excellence in his daily pursuits have truly enriched our community, State and Nation. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to him and share the pride of his good wife Stasia; their five children, Edward, Jr., Christine, Kathleen, Anthony, and Thomas; son-in-law Edward; and granddaughter Rachel in celebrating this milestone of achievements in their family endeavors.

Mr. Speaker, Ed Sadlowski is an outstanding individual who throughout his lifetime has earned the respect and esteem of all of us who have had the good fortune to know him. He is a nationally recognized champion of our veterans and their families and is a longstanding community leader in the city of Passaic.

He was educated in the Passaic public schools and graduated from Passaic High School. He is a graduate of the Famous Artists Schools of Con-

necticut and has attended evening classes at the Academy of Arts in Newark for 4 years, and Passaic County Technical School in industrial arts.

A long-time employee of the Manhattan Rubber Co., Ed is currently employed as a maintenance construction craftsman by the Garden State Parkway Authority.

A 4-year veteran of the U.S. Marine Corps, Ed has seen active duty in the Pacific theater during World War II. It was only natural that he would develop an intense sensitivity to the interests, needs, and well-being of his fellow veterans of all wars. He found expression for his concern through the American Legion, which for over a decade absorbed most of his available time and effort. He served 3 years as commander of Rosol-Dul Post 359, American Legion, 4 years as president of the Rosol-Dul Home Association, 4 years as vice commander of the Passaic County American Legion, 2 years as Passaic County membership chairman, one term as commander of the Passaic County American Legion, and commander of the Passaic Veterans Alliance. He held many other offices and served on numerous committees, as member and chairman, on both local and county levels. His enthusiasm and dedication has won him the profound respect and admiration of his coworkers and fellow Legionnaires.

Mr. Speaker, Ed has also made an outstanding contribution in promoting and encouraging community improvement and has actively participated in many charitable and civic endeavors to help improve the social, cultural, and educational endeavors of our community, State, and Nation. He is a member of the Holy Rosary Honor Guard, served 3 years as president of the Holy Rosary Elementary School Board, is past president of lower Dundee Improvement Association, and was a member of the Passaic Criminal Justice Planning Committee. He was a candidate for city council in Passaic during the spring of 1977, finishing sixth in a field of 14 and earning a place in the runoff election in which he placed fifth.

Mr. Speaker, several years ago I had the opportunity to join with you and our colleagues in extending our heartiest congratulations to Ed Sadlowski when he was chosen as a recipient of the highly coveted Annual Distinguished Citizens Award of the members of the most prestigious "We Are Fighting for Your Life" organziation, the Passaic Country Chapter, American Heart Association. It is a pleasure to again seek this national recognition of Ed's noteworthy contributions to the quality of life and way of life here in America.

For his personal commitment, richness of wisdom, warmth of friendship, and sincerity of purpose in everything he sets out to do as well as his dedicated leadership achievements on behalf of our Nation's veterans, we do indeed salute a good friend, distinguished citizen, outstanding community leader, champion of veterans, and great American—the Honorable Edward F. Sadlowski of New Jersey.●

A PARLIAMENTARY REFERENCE GUIDE TO THE CONGRESSIONAL BUDGET ACT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. MICHEL. Mr. Speaker, I have assembled information which I hope will be of assistance to the Members in our deliberations with respect to the various technicalities of the Budget Act. I am placing in the CONGRESSIONAL RECORD today this material which the Members may wish to preserve for ready reference.

I have devoted considerable time and great care in preparing this documentary material and I hope it will prove to be of value to the membership of the House of Representatives.

PARLIAMENTARY REFERENCE GUIDE TO THE CONGRESSIONAL BUDGET PROCESS (TITLE III OF PUBLIC LAW 93–344)

Code	Title	Proper vehicle	Report		Passage		Committee of conference			Congress completes action
			House	Senate	House	Senate	Sent to Conference	Conference report agreed to by— House [1]	Conference report agreed to by— Senate	
1	First Required Concurrent Resolution on the Budget (Sec. 301) (H. Rept. No.—).	H. Con. Res. (or) S. Con. Res.	301(d).[2]	301(d).[2]	10 hr+4 hr debate:[3] 305(a).[4]	50 hr+4 hr debate: 305(b), 305(c).[4]	7-day limit: 305(d).	5 hr debate: 302(a), 305(a)(4), rule XLIX.	10 hr debate: 302(a), 305(c), 305(e).	May 15 deadline: 301(a), 302(a), 303.
1(a)	Permissible Revision of First Required Concurrent Resolution on the Budget (Sec. 304) (H. Rept. No.—).	H. Con. Res. (or) S. Con. Res.	304	304	10 hr debate: 305(a).	50 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(c), 304(a)(4), rule XLIX.	10 hr debate: 302(c), 305(c), 305(e).	302(c), [302(b)].
2	Second Required Concurrent Resolution on the Budget (Sec. 310) (H. Rept. No.—).	H. Con. Res. (or) S. Con. Res.	310(a).[5]	310(a).[5]	10 hr debate: 305(a).	15 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr debate: 302(c), 305(a)(4), rule XLIX.	10 hr debate: 302(c), 305(c), 305(e).	Sept. 15 deadline: 302(c), 310(b), 310(f), 302(b); no adj. until action is completed.
2(a)	Permissible Revision of Second Concurrent Resolution on the Budget (Sec. 304) (H. Rept. No.—).	H. Con. Res. (or) S. Con. Res.	304	304	10 hr debate: 305(a).	50 hr debate: 305(b), 305(c).	7-day limit: 305(d).	5 hr. debate: 302(c), 305(a)(4), rule XLIX.	10 hr debate: 302(c), 305(c), 305(e).	302(c), [302(b)].
	RECONCILIATION PROCESS									
2(b)	Reconciliation Bill or Resolution as Result of Directions in the Second Required Concurrent Resolution on the Budget [Sec. 310(c)(d)(e)(f)].	H. Con. Res. (or) S. Con. Res.	310(c)	310(c)	20 hr debate: 310(e), [305(b)].				10 hr debate: 310(a)[305(c)].	Sept. 25 deadline: 310(d), 310(f); no adj. until action is completed.

[1] Rule XLIX of the House of Representatives provides that the vote by which the conference report on the concurrent resolution on the budget was agreed to in the House (or by which the concurrent resolution itself was adopted in the House, if there is no conference report) shall be deemed to have been a vote by the House in favor of a joint resolution establishing the amount of the statutory limit on the public debt at the appropriate level set forth in the concurrent resolution on the budget. This rule was added in the 96th Congress by Public Law 96–78 (approved September 29, 1979, 93 Stat. 589).

[2] April 15 deadline.

[3] Report available for 10 days.

[4] The Full Employment and Balanced Growth Act of 1978 (Public Law 95–523, section 303(b)) amended this subsection by adding subparagraphs 305(a) (3) and (4), and making conforming changes, relating to debate and amendments on economic goals and policies during consideration of the first concurrent resolution on the budget in the House (a similar addition was made in section 305)(b) (3) and (4) relating to Senate procedure).

[5] May be filed anytime.

How To Use This Chart

This chart shows the different stages of the budget process in Congress and at each point the related sections of title III of the Congressional Budget Act of 1974.

The budget process consists principally of the passage of 2 required concurrent resolutions: The first (code 1) which is considered the "target" resolution to guide the Congress in their deliberations on the funding bills: and the second (code 2) which is the

final and binding budget for the oncoming fiscal year. The law allows the Congress to revise either at any time (code 1(a) and 2(a)). The second (code 2) or final resolution may require the Congress change, modify, or enact new laws to be able to stay within the levels set in the second resolution. Any such bill or resolution is entitled a reconciliation bill or resolution (code 2(b)).

To find the desired provision of the 1974 Congressional Budget Act, locate the measure of interest in the column labeled "Title." To find the requirements for particular action on that measure, follow the row across the page to the column labeled by the desired activity. Bracketed citations refer to sections which have partial application.

TITLE III—CONGRESSIONAL BUDGET ACT OF 1974 (PUBLIC LAW 93-344)

SECTION 300—TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before	Action to be completed—
Nov. 10	President submits current services budget.
15th day after Congress meets.	President submits his budget.
Mar. 15	Committees and joint committees submit reports to Budget Committees.
Apr. 1	Congressional Budget Office submits report to Budget Committees.
Apr. 15	Budget Committees report first concurrent resolution on the budget to their Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 15	Congress completes action on first concurrent resolution on the budget.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new spending authority.
Sept. 15	Congress completes action on second required concurrent resolution on the budget.
Sept. 25	Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution.
Oct. 1	Fiscal year begins.●

HONORING A POSITIVE BUSINESS FORCE—FRANCHISING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. SCHEUER. Mr. Speaker, all too often in recent months, we, as a nation, have been subjected to reports on the American economy that paint a dreary picture in drab colors. While we acknowledge the economic challenges that confront us daily, however, let us never forget the blessings that are ours as a people.

For it is by counting our economic blessings, concentrating on our successes, and honoring the positive business forces in our country today that we shall conquer the imminent specter of hunger, idleness, and want.

Today I bring to our attention a positive force within the American economy that deserves our honor and praise for the success it has generated in serving consumers both here and abroad. This positive economic force accounts for one-third of all retail sales in the United States today. It directly employs more than 4.6 million people. Not an industry itself, it is a way of doing business in more than 40 industries.

Mr. Speaker, the time has come to honor franchising.

Franchising, with its integrated networks of small businesses across the country and around the world, has helped many an American to get into business and stay in business. The U.S. Department of Commerce reports an estimated 388,000 establishments owned and operated by franchisees. Each year since 1971, the Department of Commerce has reported that more than 95 percent of franchisee-owned outlets have remained in business.

The International Franchise Association, a nonprofit trade association of franchise companies, now in its 23d year, recently surveyed its 350 members and found that fewer than 1 percent of the franchised outlets of respondent companies had closed as a result of business failure.

Franchising is helping minorities get into business. In 1979, minority-owned business format franchised outlets increased 5 percent. The comprehensive training provided by many franchisors has aided many minorities who have been deprived of the kind of experience needed to run a small business.

Women have similarly advanced their skills and horizons through franchising. Franchise training programs have allowed women to surmount societal handicaps and take an active role in corporate America, running their own businesses. Through franchising, women are proving their value even in fields that had heretofore been closed to them, ranging from accounting to sanitation to the auto aftermarket. Beyond direct franchise ownership and management, franchising has freed women to work in another way. By providing many of the products and services traditionally required of women in the family setting, franchising has enabled millions of American women to work outside the home and still care for their families.

Franchising is nothing less than an American institution. And as we look to future trade relations with other countries, we can see in franchising the high value of American know-how. Expansion of American franchising overseas is growing. Statistics show that the growth rate of foreign units has now exceeded that of domestic expansion. IFA member companies underscored the trend in international franchising, with 42 percent reporting last year that they already franchise internationally and an additional 21 percent reporting that they intend to do so in the near future. Thus, they assist in the balance of trade.

The success of franchising should not surprise any of us, even in these economically troubled times. Franchising's contribution has been one of consistent quality and service offered by individuals strong enough to work and free enough to dream.

It is time, then, that we honor the many who worked and dreamed to make a positive contribution to our Nation and the world through franchising.

Mr. Speaker, to that end, I propose, along with my good friend and distinguished colleague, Mr. BROYHILL, that we pass a House resolution designating May 4, 1982, as "International Franchise Day" to honor this great American institution.

The text of the resolution follows:

HOUSE RESOLUTION TO DESIGNATE MAY 4, 1982, AS "INTERNATIONAL FRANCHISE DAY"

Whereas, the franchise method of marketing has proven eminently successful in the aiding of small business men and women, the stimulating of economies, and the betterment of consumers the world over through quality product and service distribution; and

Whereas, franchising today accounts for nearly one-third of all U.S. retail sales, spans more than forty industries, and directly employs some 4.6 million people; and

Whereas, franchised businesses currently enjoy a success rate better than 95 percent; and

Whereas, our nation's women and minorities are especially aided in starting their own businesses through the training and management programs inherent in business format franchising; and

Whereas, franchising represents one of our nation's finest institutions, born and nourished in American free enterprise and thriving through its call to serve customers equitably; and

Whereas, franchising has enabled hundreds of thousands of Americans to fulfill their dreams of owning their own businesses and will continue to provide economic opportunity to people of all classes and backgrounds; and

Whereas, franchising permits the new and small businessman to compete on the same level as the large chains which are increasingly dominating our economic landscape; and

Whereas, franchises have led the battle for uniform disclosure laws to assure that prospective franchise buyers are fully aware of their rights and obligations before investing in a franchise; and

Whereas, franchising continues to expand internationally, effectively serving ever greater numbers of people the world over: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating May 4, 1982, as "International Franchise Day," and calling upon the people of the United States and those who have been served by franchising throughout the free world to celebrate such day with appropriate ceremonies and activities.●

THE ALL-SAVERS FIASCO

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. LaFALCE. Mr. Speaker, this past summer as the debate on the various tax proposals raged on, I spoke out on why I felt that the provision of the tax bill providing for the sale of all-savers certificates was a costly and ill-advised provision. Since the certificates have gone on sale, virtually all of the evidence about the impact on the Treasury of these tax-free certificates has, unfortunately, confirmed my earlier fears.

In the past few weeks, I have submitted for the RECORD a report prepared by the Congressional Research Service outlining how all-savers certificates actually provide very little tax relief to the vast majority of American taxpayers. I have also inserted into the RECORD an excellent column from Forbes which concluded that our troubled savings and loan associations and savings banks—which were supposed to be the institutions aided by the sale of all-savers certificates—will actually be unlikely to get even half of the money which will be deposited in these savings certificates.

As part of an ongoing effort to inform my colleagues about this all-savers fiasco, I am submitting for the RECORD at this time three editorials: One from the New York Times, another from the Washington Post, and a third by columnist William Raspberry, printed in the Washington Post. These three have joined the ever-louder chorus of voices denouncing this irresponsible raid on the Treasury.

The editorials follow:

[From the New York Times, Oct. 6, 1981]

ALL SAVERS—AND ALL PAYERS

"Join the great tax revolution. . . . Make us your tax savings headquarters in your war against income tax." So urge the champions of free enterprise at one big savings and loan association. "Ours is five ways better," exclaims a competitor, borrowing imagery from an old bread commercial.

What they are shouting about is All Savers, the tax-free savings certificates Congress created at the behest of a "thrift" industry trapped between low earnings on old loans and the high cost of attracting new deposits. Promoters argue that the All Savers will channel money into the housing market while also giving a much-needed tax break to the middle class. The truth is less attractive: All Savers is a subsidy for banks and savings-and-loans that will cost the Treasury billions at a time when Congress is hard pressed to finance basic social programs.

For the next 15 months banks may issue one-year Government-insured certificates paying 70 percent of the interest on one-year treasury bills. The first $1,000 in interest—$2,000 for a family—is exempt from Federal tax. Bankers say this is a good deal for savers with taxable income exceeding about $30,000, provided they are willing to tie up the funds for a year. That's true, but it hardly amounts to a tax revolution. Investors with a few thousand dollars have long had the option of buying tax-exempt municipal bonds that pay about the same interest.

All Saver funds, the bankers point out, will go to a worthy cause: by law, 75 percent must be lent to home buyers. One could quibble over the premise. Why is housing more virtuous than, say, new municipal sewage systems or new factory equipment, which must compete for the same investment funds? But that argument is pointless; no one really believes that the legal requirement has any bite. One savings-deposit dollar looks pretty much like any other, and since banks would in any event expect to lend more for housing than they collect in All Savers deposits, they will easily comply without further loans.

Who, then, will benefit from All Savers? One slice of the pie will go to affluent investors who have never bothered to take advantage of tax-exempt municipal bonds. The rest will go to banks and savings-and-loans that will not have to pay market rates of interest to depositors. Just how much this indirect tax subsidy will amount to is not known. The Treasury puts the figure at $5.2 billion. But if sales of All Savers are brisk—as now seems likely—the subsidy could be twice that. And if the thrifts persuade Congress to extend All Savers beyond 1982, the loss of tax revenue would be even larger.

This is not the first time an interest group has masked a grab for Federal subsidies behind the cloak of high principle. But All Savers is particularly galling at a time when every revenue dollar is needed to finance social spending. Congress has, in effect, deprived the people who benefit from food stamps, free school lunches and Medicaid to ease the lot of the banking industry.

[From the Washington Post, Oct. 3, 1981]

ALL SAVERS FIASCO

The so-called All Savers certificate seems, in its first two days on sale, to be a huge success. Customers stood anxiously in long lines to buy them, and at least one savings and loan association kept its offices open until midnight Friday to handle the flow. But it's useful to recall the price at which this triumph is being purchased, and at whose expense.

Congress created the All Savers certificates to bail out the savings and loan industry, much as it earlier bailed out the Chrysler Corporation. The difference is that in the Chrysler case, Congress used only guaranteed loans. With the All Savers certificate, the government is paying actual tax subsidies to upper-bracket taxpayers—it benefits only people in a 30 percent bracket or higher—on the condition that they pass some of that subsidy on to an S&L association or a bank. What's the cost in tax losses? It's not yet possible to know. But it will certainly be larger than the congressional estimate of $3.3 billion over three years.

The losers in this deal, along with the Treasury, are the municipal borrowers. For the first time they have a tax-exempt competitor—and it's offering a much higher interest rate than the municipals have been paying. Congress evidently never thought of the effect on the municipal market when it created the All Savers certificate.

As for the housing industry and the mortgage interest rates, the new certificate seems likely to have little or no effect. Congress tried to write the law to require the S&Ls to share some of this bounty with the home builders. But it won't work. The certificate is a one-year investment, and not much of that money will be reinvested in 20-year mortgages.

The certificate will indeed help the S&Ls, with an infusion of money at interest rates lower than they can find anywhere else. But the method is grotesquely inefficient, for a very large share—probably half—of the certificates will be sold by banks, which hardly need the help. It is a classically bad policy, spraying enormous subsidies around wildly in the hope that some minor fraction of them will come to rest in distressed businesses. It would have been much cheaper if Congress had simply provided interest-free loans to S&Ls in trouble.

NOT QUITE ALL SAVERS

(By William Raspberry)

"That line's too long, too," I told the cabbie for the fourth time. "Keep circling until you come to a savings and loan with a shorter line."

"That's up to you, Mac," the cabbie said. "But I can tell you I've been all over town this morning, and there aren't any shorter lines. What the hell's going on anyway? There a run on the banks or something?"

"Surely you know about the new All Savers certificates," I told him. "They've finally gone on sale, and I'm not going to miss out on a good thing."

"Can't say as I blame you," the cabbie said. "If I make enough driving you all over the place looking for short lines, maybe I'll invest a few thou myself," he chuckled. "Seriously, though, I have to tell you, the whole thing makes no sense to me."

"How can it not make sense to earn a couple thousand dollars tax free?" I demanded.

"That's not what I'm talking about," he said. "The part that makes no sense to me is what good it will do for the economy. That's what it's supposed to be about, isn't it? How does it work anyway?"

I explained it to him. The certificates, I told him, are one-year instruments that pay 70 percent of the yield on one-year Treasury bills.

"So why don't I just drive you over to the Treasury Department. That way you can get the full 100 percent instead of only 70. And besides, there's no line at all over there."

I explained that 70 percent was a good deal because I would have to pay taxes on the earnings from a T-bill, while the earnings on an All Savers certificate are tax free, up to $2,000 for a married couple.

"That's enough to offset the 30 percent differential?" he asked incredulously.

"It is if you're earning 30 thou or more a year," I told him.

"I should have known," he said. "This is just another one of those damn loopholes for the rich. The little man pays taxes on every dime he earns, while you fat cats get a free ride. I guess you've already had your expense-account lunch."

I assured him that it takes a lot more than $30,000 a year to qualify as a fat cat and, besides, the All Savers certificates were a good deal for his "little man," too.

"It can't be good for me if I don't have the money to put up, No. 1; and No. 2, you've just explained to me that even if I did, I don't make enough to get in on your rich man's gravy train."

I hate teaching elementary economics, but I did have some time to kill. "Look," I told him. "All that money the people in these lines are investing will then become available for mortgage loans, which means that people like you—the 'little man,' as you say—will be able to buy homes. It works out for everybody."

"There's got to be a catch somewhere," he insisted. "Where did the people in the lines get the money to start with? It seems to me that people are just taking their money out of savings accounts and what you call your money market funds and stuff and then buying these All Savers certificates. How does moving money from one institution to another help me get a mortgage loan?"

I admitted that I had just cashed in some CDs to finance my intended purchase of an All Savers certificate, but I pointed out that S&L industry officials had predicted that a lot of the purchases would be made with "new" money.

"You kidding?" he said. "You mean you rich people have that kind of cash just laying under the mattress?"

"Lying," I corrected.

"I thought you were," he said. "But even if you were telling the truth, what's to guarantee that the people selling these All Savers certificates will lend the money out for mortgages?"

I assured him that the law requires them to do precisely that. At least 75 percent of the money will have to be lent to home buyers.

"They are going to put name tags on your dollars so they can tell them from any other dollars they have? It stands to reason that they are going to lend more money in mortgages than they take in with that All Savers jazz—in fact, they're lending out that much as it is. I don't see where that 75 percent requirement helps at all.

"And one more thing: you say this tax break is good for only one year, right? So you cash in your CDs and invest in All Savers certificates. And then what happens a year from now? You take your money out and put it right back in T-bills, that's what. The S&Ls get your money for a year, and then they turn around and lend it to me for 30 years? You better explain that one to me."

I would have, too, but just then I spotted a line that was only three blocks long. And just as well; he probably wouldn't have understood anyway.●

INTERIOR'S GONG SHOW

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mrs. SCHROEDER. Mr. Speaker, President Reagan's Secretary of the Interior, James Watt, has been yelping of late about environmentalist media stunts.

A few days ago, a bunch of folks in Idaho delivered some petitions to Mr. Watt demonstrating their support for him. Seems by the time they got the presentation organized, the media had drifted away. So Interior officials restaged the event the next morning at a special press conference.

It is OK by me if Mr. Watt wants to stage a presentation in the bowels of a coal mine, on top of Mount McKinley, or waist deep in the Everglades. But please hold the yelps about environmentalist media events.

For more details, read Charles Roos in the October 26, 1981, Rocky Mountain News, "The Watt Political Speech."

THE WATT POLITICAL SPEECH

(By Charles Roos)

Who could blame Douglas Baldwin, chief press agent for Interior Secretary James Watt, for hitting the ceiling in Washington last week? Not only did the Sierra Club collect a million signatures demanding that his boss be fired; the club called in the media and bragged about it.

Baldwin was indignant. This dump-Watt rally was purely a publicity stunt—a "Vietnam-type media event," he said.

Of course it was. I expect by now the Sierra Club is properly ashamed of itself.

And why oh why, asked the despairing Baldwin, do the media let themselves be used that way?

Don't ask me. I suppose they have no shame.

All Jim Watt really wants, you see, is to do his job and get a little respect. Here he is, a country boy from Wyoming, just doing his statutory duty toward the nation's miners, ranchers, oil men, loggers, sportsmen, wildlife and the environment—oh, yes, he would say, the environment too—while unruly environmentalists and Democrats throw rocks at him.

You would already know these things about the secretary if, like me, you had gone to Idaho the weekend before last to hear the Watt Political Speech again.

Did I mean to suggest there is only one Watt Political Speech? Yes, I did. The secretary may have a platoon of PR men and speech writers at his beck and call, but so far as I can tell he has only one political speech.

First of all, as you might expect, this all-purpose Watt Political Speech is chock-full of Ronald Reagan's accomplishments. Then it hits the highlights of Watt's regime at Interior: "I determined in my heart I would not leave until I brought that bureaucracy under control . . . I fired 51 lawyers, and I loved it . . . I looked for men and women who would sell their souls for America."

The Speech goes on to picture the secretary as a churchgoer. It reveals some of his thoughts while singing the "Star Spangled Banner." It warns of liberal extremists, to especially Democrats. If these Democratic liberals are allowed to have their way, Watt says, they will "snuff out America" and "snuff out our life."

"America has a destiny," he says, and "Republicans must fulfill that destiny."

I suppose some might quibble about that. I suppose some Democrats and independents will be hurt if they aren't allowed to help Fullfill Destiny.

Well you won't hear any of that from me. I have other things to do, like hang the storm windows. It is perfectly all right with me if Republicans want to take a crack at Fulfilling Destiny on their own.

Meanwhile, though, we probably should all be concerned about "media events"—about the editors, reporters, columnists and photographers who let themselves be exploited that way.

All I know about that is what I see and hear, so I will just report what I saw and heard at the Idaho meeting where Jim Watt delivered the Speech.

As Watt finished talking late that evening, after everybody's deadline, the television cameramen turned off their lights. The reporters put away their pencils and notebooks.

"Wait a minute," someone on the platform called to the departing TV crews. "We are about to make a presentation to Secretary Watt. Turn those lights on."

The media—perhaps suspecting an "event," perhaps just being disobedient—would not obey. The presentation went on anyway, uncovered.

Officials of the Farm Bureau, the Sagebrush Rebellion and other groups delivered bundles of letters, petitions and official resolutions of support for Watt. One fellow claimed these papers demonstrate support of 7 million people—seven times the Sierra Club's total. The media meanwhile drifted away, uncaring, to do whatever it is reporters and cameramen do after work.

But that isn't quite the end of the story.

Next morning, bright and early, Jim Watt had a press conference. A multitude of cameras and pencils were present. The TV lights were on.

Guess what happened.

Before reporters could ask a single question, before Watt could mutter "liberal Democrat" once, the Watt boosters showed up to deliver their bundles—the very same letters, petitions and resolutions they had delivered the night before. And Watt seemed just as proud and happy to get them on Saturday morning as he had been to get them on Friday night.

The stunt impressed me. But I don't know what the secretary's press agent would have thought if he had been there.●

SOUTHERN LEGISLATIVE CONFERENCE SUPPORTS LONGSHORE CHANGES

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. ERLENBORN. Mr. Speaker, economic corrosion of industries covered by the Longshoremen's and Harbor Workers' Compensation Act is more widely recognized as time passes; and support for amending this perverted workers' compensation program continues to grow.

Below is the announcement and resolution of the Southern Legislative Conference of the Council of State Governments advocating passage of my longshore bill, H.R. 25, and its Senate counterpart introduced by Senators NICKLES and NUNN, S. 1182.

The Longshore Act now covers all stages of shipbuilding and ship repairing, whether over navigable waters or in a gear shop five blocks away. In fact, by the expansive interpretation

given the act by the Fifth Circuit Court of Appeals in one recent case, coverage might be extended to downtown Houston. Whatever the logic of this legal reasoning under the terms of the present law, it does not diminish the absurdity of the result.

The Longshore Act was intended to fill a gap in workers' compensation coverage for employees injured over navigable waters who, according to an old—and some legal commentators would hold, erroneous—1917 Supreme Court decision, could not be covered by State workers' compensation laws. The act, thanks to the disastrous 1972 amendments and liberal judicial and administrative decisions, has strayed far afield of its original purpose. My bill returns the act to its proper scope by contracting jurisdiction, with respect to shipbuilding and ship repairing operations to the water's edge. It also exempts from coverage accidents on vessels under 65 feet in length, so that activities of a maritime nature but with a local impact character are not swept up by a statute whose existence was predicated on the Supreme Court's 1917 notion of assuring uniform interpretations of maritime law as required by the Constitution and the Judiciary Act of 1789. State workers' compensation laws would apply in these "exempted" cases.

I am pleased to have the support of the Southern Legislative Conference. Its members should be equally pleased that 22 of the 30 current cosponsors of H.R. 25 come from the member States of the conference, and that the administration has testified in support of legislation long the lines of H.R. 25 and S. 1182.

SOUTHERN LEGISLATIVE CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS,

October 6, 1981.

Hon. JOHN ERLENBORN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ERLENBORN: On behalf of the entire membership of the Southern Legislative Conference, I am pleased to forward the enclosed resolution to your office for your consideration, acknowledgment and response. This resolution was adopted at the 35th Annual Meeting of the Southern Legislative Conference held August 16-20 in Charlotte, North Carolina.

As you may know, the Southern Legislative Conference is comprised of state lawmakers and executive agency officials from fifteen Southern states and Puerto Rico. To clarify our role nationally, the Southern Conference is one of four regional legislative conferences affiliated with The Council of State Governments, a national organization serving all state officials with headquarters in Lexington, Kentucky.

As leaders in our respective states, members of the Southern Legislative Conference look forward to the on-going challenge of reshaping state responsibilities vis-a-vis the federal role.

Sincerely,
Representative JOHN E. MILLER,
House Majority Leader, Arkansas, 1981-82 Conference Chairman.
Representative MARK D. O'BRIEN,
Kentucky, 1980-81 Conference Chairman.

1. AMENDMENT OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Whereas, There has long been a recognized need to provide adequate and fair compensation for workers injured on their jobs through state authorized insurance programs; and

Whereas, Through a series of legal and administrative interpretations and a set of Congressional amendments in 1972, the Act has become a threat to the stability of every boat builder and shipyard in the country; and

Whereas, State government should be concerned when one if its prime industries is adversely affected and causes it to eliminate jobs, cut back the need for local suppliers and reduce the tax support furnished the state for essential services; and

Whereas, The boat and ship-building industry of this country is heavily concentrated in the Southeastern States; and

Whereas, The Congress of the United States, cognizant of the damages caused by the vagueness and unintended interpretations of the Longshoremen's and Harbor Workers' Act, will be considering significant corrective amendments in the current session;

Resolved, that the Southern Legislative Conference of The Council of State Governments urges the members of the United States Congress representing the fifteen-state region to co-sponsor and support Senate Bill 1182 or House Bill 25, to return the program to its original intent.

Resolved, That the President of the United States be asked to lend the assistance of his office to the passage of this worthwhile legislation.●

MOOREHEAD C. "MIKE" KENNEDY ON THE MEANING OF HONOR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. GILMAN. Mr. Speaker, the manner in which the American hostages in Iran endured their captivity is a source of pride to all Americans and is honored throughout much of the world. Thus it was particularly fitting that Princeton University should ask a former hostage and a Princeton graduate, Moorehead C. ("Mike") Kennedy, to address the incoming freshman class on the meaning of honor.

Princeton operates under an honor system where examinations and other competitions are not monitored or supervised but are conducted under the understanding that the students—upon their honor—shall do only their own work.

Moorehead Kennedy spent many years in the Foreign Service and served as an economic officer at the U.S. Embassy in Tehran before its capture. I believe that his remarks, like his deeds, are of particular significance to us all. They not only reflect credit to his training at Princeton University but more important are of honor to our country. In order to share Mike Kennedy's thoughts with my colleagues, I wish to insert his remarks at this point in the RECORD as they appeared in the October 5, 1981 edition of the Princeton Alumni Weekly:

MIKE KENNEDY ON THE MEANING OF HONOR

(Moorhead C. ("Mike") Kennedy Jr. '52, the former hostage in Iran, addressed the Class of 1985 at the Honor Committee assembly during Freshman Week. The following is adapted from his remarks.)

The honor system has a lot to do with what I would call moments of truth. The expression comes from bullfighting. The Spanish philosopher Unamuno said it is when the bull is charging at the matador and he's got to make the kill. That is the moment when he is up against it, his moment of truth.

I don't think that's a very accurate way to describe it. The matador is there with people cheering, bands playing, trumpets blaring, the tremendous pressure of the bullring, of all his peers, the ladies and caballeros looking at him. The real moment of truth comes when you're alone, when nobody is watching and maybe nobody will ever know.

In any profession, in anything you do in life, there are moments of truth. The doctor can very easily prescribe an operation that he likes to do when the patient may not need it. Nobody will ever find out. And you know the reputation that I'm afraid some psychiatrists have, particularly in New York, keeping rich patients talking. Similarly, there's a moment of truth when a lawyer has to decide to advise his client to do one thing even though there would be a lot more money in it for the law firm if he did something else.

In diplomacy, my former profession, it happens all the time, particularly when you're out there representing the United States in an overseas ministry and you're talking to your opposite member in a foreign government. You have a list of points you have to make—that's what diplomacy is, to get them to understand what you are trying to tell them, what the United States wants of his country or wants his country not to do. And he has things he is going to tell you.

Then each of you goes back home to your office and you write it up and send it in—that's your memorandum of conversation. Nobody is going to know. There is a story of two diplomats who each wrote their memorandum of conversation thinking that nobody would ever find out what was really said. Each wrote the most glowing description of how well he had negotiated, of how brilliantly he had made his points, how he knocked over the over guy. About 20 years later both papers were published, enabling one to compare the official record of each side with the other. But it was impossible to tell that this was the same conversation, except for the date and time being the same.

This was a moment of truth when neither diplomat did his country honorable service, because it is important for your government to know the points you forgot to make, or the points you didn't do very well, the points that you flubbed, or the points that the other guy didn't accept. And that's

where your sense of honor comes in: when you are alone and nobody will know.

Even as hostages we had moments of truth. I remember one midnight when all of us were taken out into a cold corridor, stripped down—it felt like it was below zero, it was certainly freezing out—stripped down to our undershorts, blindfolded, and forced to lean up against the wall, with guns poked in the backs of our necks. At that point, I said to myself, Kennedy, you have nothing else going for you, you are at least going to die right with dignity and with integrity. And then we were led back to our rooms. It was a mock execution.

After it was all over, I realized then and there as I never had before that my integrity was the most important thing to me ever and always. When I came back, my friends said to me, "Sure you're the same, you talk a lot, the same old Mike Kennedy, but there's a new serenity about you." And it was because I had made my way deep down this personal commitment which is unshaken. Things ahead in life now look better than they ever did before.

I need not tell a group of your ability how this applies to your moments of truth—you'll have several here at Princeton—one certainly will be in the classroom, and one certainly will be in the examination room. There you're building the foundations for that integrity which, combined with the incredible intellectual experience you will undergo at Princeton, will lead you into, I am sure, creative, purposeful, and serviceable lives in the tradition of a very, very great university.●

LONG-TERM SAVINGS INCENTIVE ACT

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. JAMES K. COYNE. Mr. Speaker, today I have introduced the "Long-Term Savings Incentive Act". This proposal is designed to: Restore long-term savings incentives for the American public and protect the ability of the average American to save for his own future by guaranteeing the purchasing power of his savings; significantly reduce interest rates—by returing to the concept of real interest versus the currently inflated nominal rates, and; stop the senseless practice of taxing nominal—unreal—gain—by limiting tax liability to real interest only.

The pool of long-term savings is almost nonexistent in this country for one main reason. That reason is the lack of confidence on the part of potential savers that their capital will be preserved. Fixed interest rates, however high, still place the burden of risk about future economic conditions, about future inflation rates, on the saver. I believe strongly that, if we eliminate this risk for the saver/lender, we will once again see a demonstration by the American people of their desire to save for their own future. It is, quite simply, the irresponsible fiscal policies pursued by this Government over the last four decades that have brought millions of Americans into the condition of being dependent upon the Federal Government for their financial support. Lavish spending and senseless tax policies have, for far too many years, emphasized to Americans that there is no point in saving, in deferring present consumption. Attempts by an average citizen to provide for his own financial future are increasingly futile in an environment where the value of savings is continuously eroded by inflation and where financial insolvency is rewarded by the provision of a protected income from the Federal Government. Is this at all reasonable—to assure a rise in income provided by the Government while assuring a real decline in income which individuals attempt to provide for themselves?

To date, the Federal Government has benefited from inflationary policies. The size of our enormous national debt is halved, in real terms, every 5 or 8 years, and unindexed Federal income taxes continue to provide an annual windfall for the Treasury—all, specifically from the continuation of inflationary policies.

We will only begin to make real headway in changing these policies when Government is forced to share the burden of inflation. My proposal will shift the risk of inflationary erosion from the lender to the borrower, and require that the Government reimburse those who lend their savings to the Federal Treasury with dollars of equal value to the dollars lent. Milton Friedman described such an instrument as "purchasing-power bonds" in a recent Newsweek article where he states the view, which I endorse, that issuance of such a bond would be the best way to make administration words and actions match. Inflationary expectations play a most important part in our economy, and we cannot possibly hope to succeed in dampening those expectations of continued inflation when the Treasury issues, as it did a few weeks ago, 20-year bonds on terms that would yield a lender 15.78 percent a year for the next 20 years. In this case, actions simply belie the words.

The provisions of my bill are as follows:

The Treasury is authorized to issue eight 20-year long-term "Constant Dollar Debt Instruments" as a means of financing up to 50 percent of the national debt; federally insured financial institutions are authorized to issue eight 20-year long-term certificates denominated in constant-dollar amounts—with such liabilities sheltered by corresponding constant-dollar assets; money market mutual funds are authorized to include constant-dollar long-term Treasury and bank securities in amounts up to 25 percent of their total portfolios, and the Internal Revenue Service is directed to define nominal appreciation of principal of these debt instruments as nontaxable preservation of capital.

The constant-dollar debt instrument is simply a loan for which the debtor promises to repay the principal with dollars that equal the value, or purchasing power, of the dollars received from the saver/lender. The GNP deflator is used to determine the value of this principal. The interest rate on such instruments will be far lower than the currently high nominal rates because it will not need to include a so-called "Inflation Factor." The interest rate, determined at auction, may be bid as low as 2 to 4 percent, as it was for decades in the past.

With the adoption of my proposal, we can finance the U.S. debt honestly—promising to repay lenders with fair value assets. The saver is guaranteed that his capital will be preserved, and that he will receive a real interest for the rent of his savings. We restore equity to our national financial system by paying real interest on our national debt, thus eliminating the nonreal interest components that compensate for future inflation and uncertain monetary conditions.

This proposal will vastly increase the supply of capital—which stems, of course, from savings. A private citizen could, once again have confidence in his ability to save for his own future. Currently, we save less than 5 percent of our GNP. If we can increase that to 15 percent, $3 trillion of new capital would be generated over the next decade. This would have the very important result of relieving pressure on public programs such as social security.

Also, by relieving the "crowding out" phenomenon—by removing some $60–$80 billion of Federal credit requirements from the short-term credit market—short-term interest rates will fall dramatically, and business will once again have access to the credit needed to finance its investments. Enactment of this proposal will also provide time for the benefits of the President's investment incentives to be felt.●

A MESSAGE FOR CANCUN

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. BONKER. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues, a recent oped article by our esteemed colleague, TOM EVANS of Delaware, on the subject of U.S. participation in the International Development Banks. In the article entitled "A Message for Cancun," TOM EVANS discusses the in-

creasing need for international cooperation in the area of food production and hunger prevention, promotion of economic development, and promoting stability in the Third World. As ranking Republican on the International Financial Institutions Subcommittee of the House Banking Committee, TOM EVANS is very familiar with the role that the International Development Banks play in these and other important issues for the developing world.

It is my hope that the Reagan administration will give their full support to active U.S. participation in and support for the international financial institutions. As Representative EVANS writes:

In today's political atmosphere, there is less support for this type of assistance than at any time since World War II. And yet, there have been few times in our history when it has been more important. President Reagan has a marvelous opportunity for leadership on this issue. We should all hope he takes that opportunity.

The article follows:

[From the Philadelphia Inquirer, Oct. 22, 1981]

A MESSAGE FOR CANCUN

(By Rep. Thomas B. Evans, Jr.)

One of the central themes of the Cancun Conference will be United States' participation in the multilateral development banks—the World Bank and the three regional development banks.

Traditionally our foreign aid programs have been based largely on achieving humanitarian goals. Today, there are many pragmatic reasons to continue these programs. All of them stem from our interdependence with the Third World. The United States is critically dependent on developing countries for a whole range of strategic raw materials that are vital to our economy.

As the Department of Treasury recently reaffirmed, the World Bank and the regional development banks are the most effective form of development assistance yet designed. With some fine tuning to reflect more closely United States policy preferences, the Reagan administration could and should give the multilateral development banks the full weight of its support.

We simply cannot neglect the Third World if we are to serve our own interests. The explosive population growth in developing countries means that the world population will increase by two billion before the end of the century. Without cooperative attempts to greatly expand food production, widespread starvation will result in many parts of the world. This specter is something from which no developed country can insulate itself.

That these multilateral development institutions are the most effective vehicle for promoting economic development should now be quite clear. While this administration began its term with a healthy degree of skepticism regarding these institutions, a recent Department of Treasury draft report demonstrates once again that the multilateral development banks serve the interests of both North and South.

One of the conclusions in the Treasury Department's announcement deserves particular emphasis. The World Bank and the regional development banks are an extremely cost-effective means of supporting development, when compared to bilateral foreign assistance.

President Reagan gave the World Bank and its sister institutions a rhetorical pat on the back at last month's World Bank-IMP meeting, but it was clear from his statement that the central thrust of this administration's strategy for development is reliance on the private sector.

I agree with President Reagan on the importance of private sector development and on the need for free and open markets. But, practically speaking, that will not occur in most Third World countries without public sector involvement.

The missing ingredient is the existence of a sound economic and physical infrastructure. Without water and sewers, a country like Haiti cannot hope to develop a tourist industry. Without a functioning railway from Port Sudan to Khartoum, the Sudan cannot effectively develop its vast agricultural potential.

The private sector has traditionally left the construction of roads, dams, sewers, port facilities and the like to the public sector. Similarly, investments in human capital such as disease eradication, vocational education and training have typically been accomplished at least in partnership with the public sector.

Government participation in these efforts in the Third World is even more critical. In most poverty stricken Third World countries there is little hope of either private capital formation or government revenues sufficient to permit the developing country to finance its own infrastructure development.

As the Treasury report concludes, the multilateral development banks are ideally designed to finance and oversee the construction of those infrastructure-type projects which provide the foundation on which developing countries can build.

The President has reminded developing countries that the United States developed from a barren frontier to the world's foremost economic power with only the occasional infusion of foreign capital. While true, it must be remembered that there are many differences between the world of today and that faced by the emerging United States.

We were blessed by a favorable combination of bountiful resources, cheap energy, a hospitable climate, virtually unlimited markets and two wide oceans to afford us decades of safety from foreign influences. No developing country today faces such happy circumstances.

Even if conditions were perfect for economic growth in developing countries, we could not afford to wait for long-term, incremental development to catch hold in the Third World the way it did in the United States. Pressures from growing populations, social unrest, rising expectations and increasing economic deprivation have combined to give developing countries and their beleagured leaders little time to find solutions.

The United States created considerable anxiety at the recent World Bank-IMP meeting when the administration unveiled its tougher stand on multilateral lending. Whether intended or not, the message received by most foreign delegates was that America was beginning its withdrawal from the same institutions created decades ago at American insistence.

The message we should be sending is that we understand the value of the World Bank and the regional development banks to the countries of both the South and the North.

In today's political atmosphere, there is less support for this type of assistance than at any time since World War II. And yet, there have been few times in our history when it has been more important. President Reagan has a marvelous opportunity for leadership on this issue. We should all hope he takes that opportunity.●

THE ADMINISTRATION'S APPROACH TO HANDICAPPED ACCESSIBILITY IS ILL ADVISED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. FRANK. Mr. Speaker, over the past several weeks I have become increasingly disturbed about the administration's policies regarding the minimum guidelines on handicapped accessibility issued by the Architectural and Transportation Barriers Compliance Board. It is the administration's desire, enunicated by the Vice President's Counsel, C. Boyden Gray, that these guidelines be rescinded altogther. Rather than seek to remedy problems which may exist in the present guidelines, the administration would scrap all the time, study, effort, and expense which went into the formulation of these guidelines. This approach makes little sense.

It would seem far more reasonable, if the ATBCB is going to reevaluate its guidelines, by beginning with the work which has already been done by the Board as well as by comparing the accessibility standards issued by the American National Standards Institute, of which Mr. Gray approves. The handicapped citizens of this country should not be asked to wait for the process, which is already long overdue, to begin yet again.

In addition, Mr. Speaker, I must take issue with the administration's assessment of the congressional intent in establishing the ATBCB. According to Mr. Gray, the four standards setting agencies—HHS, HUD, DOD, and the Postal Service—will develop their own set of standards which together with the ANSI standards will "provide the guidance Congress sought in requiring the ATBCB to establish minimum guidelines." However, under the express wording or section 502 of the Rehabilitation Act of 1973, as amended, it is the mandate of the ATBCB to "insure compliance" with the Architectural Barriers Act of 1968, including "enforcing all standards under that act". This responsibility cannot be delegated elsewhere by the administration and any attempt to do so should be met with stiff opposition from the Congress.

Mr. Speaker, I am also pleased that support for the ATBCB guidelines is

widespread. I am informed that hundreds of comments have been filed with the Board requesting that the guidelines not be rescinded. Included among these comments was one from Representative A. Joseph DeNucci, the House chairman of the Committee on Human Services and Elderly Affairs of the Massachusetts Legislature. Because of my great admiration and respect for the outstanding work Representative DeNucci has done for the citizens of my State, both disabled and nondisabled, I ask that a copy of his letter be printed in the RECORD.

Copies of my exchange of correspondence with Mr. Gray and the letter to the ATBCB by Representative DeNucci follow:

OFFICE OF THE VICE PRESIDENT,
Washington, D.C., October 2, 1981.

Hon. BARNEY FRANK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRANK: The Vice President has asked me to thank you for your letter of September 14, 1981, in which you reiterated your concern about possible revision of the "Minimum Guidelines" issued by the Architectural and Transportation Barriers Compliance Board (ATBCB).

Let me assure you that the Administration is deeply committed to helping provide to the physically handicapped meaningful opportunities to lead full and productive lives. In this regard, we recognize that access to federal and federally funded buildings and facilities plays an important role.

As you know, those federal agencies whose buildings and facilities are most important to the handicapped community are required by the Architectural Barriers Act of 1968, as amended, to prescribe standards "for the design, construction, and alteration of their buildings to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings." Under the Rehabilitation Act of 1973, as amended, the ATBCB is required to establish "minimum guidelines" for the standards to be prescribed by the standard-setting agencies under the Architectural Barriers Act. The ATBCB issues its "Minimum Guidelines" effective January 6, 1981.

It is the overbreadth of ATBCB Minimum Gudelines, not to the philosophy of access to the handicapped, with which the Administration takes issue.

As written, the ATBCB Minimum Guidelines are neither "minimum" nor are they "guidelines" in any accepted sense. The existing guidelines impose detailed and stringent standards which the various agencies are required to adopt. Congress wisely placed primary responsibility for implementing Section 504 in the agencies whose buildings are directly affected so as to gain the benefit of their experience and expertise. The ATBCB guidelines in effect have removed the standard-setting agencies from the rule-making process (except through their participation in the 22-member Board) and denies them the flexibility to promulgate access rules which are necessary and appropriate to their individual situations. Consequently, the Minimum Guidelines in many instances impose requirements which are unwarranted in light of demonstrated needs of the handicapped when balanced against costs (both monetary and non-monetary) to the public.

Many of the problems associated with the existing regulations may be illustrated by comparing the ATBCB Minimum Guidelines with the technical accessibility standards of the American National Standard Institute published in 1980. The ANSI standards were developed under a federal grant and are the product of substantial informed and balanced interaction among the handicapped, architects, builders, all levels of government, and other interested parties. The ANSI standards are in large part consistent with the ATBCB Minimum Guidelines, with both requiring accessibility when the costs of compliance are reasonably related to the benefits of the handicapped. They differ to their application to cases at the margin. The ATBCB Minimum Guidelines consistently require a high level of accessibility in these cases, notwithstanding the substantial costs of compliance and the lack of commensurate demonstrable benefits. The ANSI standards are more conservative, reserving judgment in these cases, and consequently, are more appropriate for use as "minimum guidelines" to guide the rulemaking efforts of those responsible for promulgating regulations to govern the actual construction or modification of facilities, such as the four standard-setting agencies under the Architectural Barriers Act.

At the last meeting of the ATBCB, held on Tuesday, September 22, the Board unanimously agreed to table the vote on whether to rescind the existing guidelines and to reopen the record to permit further comment and analysis. In addition, the Board agreed to form working groups composed of both private and agency members to identify more precisely the difficulties in the existing regulations.

However, problems within the ATBCB Minimum Guidelines are pervasive. In my opinion, it would be far better to rescind the Minimum Guidelines altogether than to attempt any ad hoc repair of the existing regulations. There is no compelling reason to retain in effect ATBCB guidelines which are the product of over-regulatory zeal and which in many instances impose substantial costs on the government and on society without generating any significant corresponding benefits.

Moreover, the existing ATBCB guidelines are unnecessary. Unlike, under past Administrations, the four standard-setting agencies under this Administration have worked both individually and together to discharge their responsibilities under the Architectural Barriers Act. We expect that they will agree within the next several months on an adequate and workable set of uniformed accessibility guidelines which parallel the ANSI standards. These uniform guidelines, together with the ANSI standards, provide the guidance Congress sought in requiring the ATBCB to establish minimum guidelines. Indeed, the adoption of the ANSI-based uniform guidelines comports with the recommendation strongly based by the congressionally chartered National Institute of Building Sciences that federal agencies adopt whenever possible nationally recognized voluntary standards instead of promulgating yet another new set of regulations.

Sincerely,

C. BOYDEN GRAY,
Counsel to the Vice President.

OCTOBER 22, 1981.

C. BOYDEN GRAY,
Counsel to the Vice President,
Washington, D.C.

DEAR MR. GRAY: Thank you for your letter of October 2. I must say that I am disappointed by your response.

I must take issue with your analysis of the Congressional intent in passing the Rehabilitation Act Amendments of 1978. It is the function of the ATBCB to "insure compliance" with the Architectural Barriers Act of 1968, including "enforcing all standards under that Act" (Section 502, 29 U.S.C. 792(b)). In addition it is the Board's mandate to establish not only "minimum guidelines" as you point out, but also to establish requirements for the standards issued pursuant to the Architectural Barriers Act of 1968" (Section 502). It is clear, therefore, that with respect to the question of architectural accessibility, as opposed to the more general mandate of Section 504, Congress placed primary development and enforcement responsibility with the ATBCB.

Therefore, your suggestion that the four standard setting agencies will develop their own set of standards, which will provide the "guidance Congress sought", flies in the face of the clear Congressional intention of placing primary responsibility with the ATBCB.

While you have stated that the ANSI standards, of which you approve, and the minimum guidelines issued by the ATBCB are "in large part consistent", I cannot understand why it is therefore necessary to rescind the minimum guidelines altogether. It would seem to me to be an incredible waste of the time, expense, and energy which went into the development of both sets of standards, to scrap that work completely. It would seem to be far wiser to begin the reevaluation of the Board's guidelines by starting with both documents and choosing the most appropriate approach from the work which has already been done.

In your letter, you make a statement which, quite frankly, very much puzzles me. You state that the minimum guidelines impose requirements which are unwarranted in light of the needs of the handicapped when "balanced against costs (both monetary and non-monetary) to the public." I simply do not understand what you mean by "non-monetary" costs. I would very much like an explanation of this statement.

While I do not claim that the ATBCB guidelines are perfect in every respect, I am very concerned about the Administration's apparent desire to undermine the fine efforts made by the Board in promulgating these guidelines. If you are sincere in your statement that the Administration is "deeply committed" to helping the handicapped, then it would appear far more reasonable not to throw out their work altogether. The handicapped community should not be asked to wait even longer to realize their right to participate fully in our democracy.

I ask, therefore, that the Administration reassess its position with respect to the minimum guidelines. I will await your reply.

BARNEY FRANK.

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
Boston, October 15, 1981.

CHARLES GOLDMAN,
General Counsel, A & TBCB,
Washington, D.C.

DEAR MR. GOLDMAN: I am writing to urge your abandonment of the proposed revocation of the minimum guidelines and requirements for standards for accessibility and usability of federal and federally funded facilities and buildings. Accessibility and mobility continue to be insurmountable problems for millions of Americans. All of our citizens have a fundamental right of access to their governmental institutions. However, this right means little to those citizens who are unable to enter public buildings because of their inability to surmount architectural barriers. Revocation of these minimum standards would be disastrous to thousands of disabled citizens in Massachusetts and throughout the country.

Your reconsideration of this most important matter is greatly appreciated.

Sincerely,

A. JOSEPH DENUCCI,
Chairman, Committees on Human Services and Elderly Affairs.●

BANNING HANDGUNS—THE CULT OF NONSENSE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. McDONALD. Mr. Speaker, just last week I wrote a letter to a constituent reiterating my own position on the matter of banning handguns, or any guns for that matter. I stated in part to this constituent: There is no logical way to blame our soaring rate of murder, armed robbery, and aggravated assault on guns when it is the liberal policy of releasing murderers, and even rewarding them in some instances, which is really responsible.

This week, we shall find the National Coalition to Ban Handguns perpetrating their propaganda on the "Hill" and elsewhere on behalf of what they call "National Handgun Awareness Week."

Although I missed it at the time, probably one of the best refutations to the ban the handgun crowd, is contained in the July 17, 1981, issue of Political Gun News. The editor and author of this publication, Morgan Norval, appropriately titles this outstanding article, "The Cult of Nonsense."

Mr. Norval covers the subject from every aspect, and I call my colleagues special attention to the conduct of the U.S. Conference of Mayors' handgun control project, as well as the reprehensible conduct of Atlanta, Ga., officials requesting the names and addresses of all gun owners in the Atlanta area. The slayings of the black children in Atlanta was used as the excuse, despite the fact that only 1 of 28 deaths being attributed to the use of a firearm. Article by Morgan Norval follows:

[From the Political Gun News, July 17, 1981]

THE CULT OF NONSENSE

Liberal antigun advocates—and most antigunners are unabashed liberals—base their support of gun control in the form of gun bans on the premise that violent crime would be reduced if guns were outlawed. Yet when pressed on this assertion, the honest liberal will relunctantly admit that gun control would not prevent the determined crook from getting a firearm. Why, then, do they persist in attacking the gun, as they recently did in passing a handgun ban in Morton Grove, Ill.? Why aren't they directing their energies towards combating the individual brain controlling the trigger finger that sets of the gun?

The rationale behind the liberal antigunner's thinking is his adherence to an ideology that is, in the final analysis, nothing more than a cult of nonsense.

This cult, in simple terms, rejects the concept of individual free will. Man, according to the cult, is a passive product of his environment and not a rational thinking animal. External forces and pressures shape his destiny.

Viewed in this light, it is easy to see why liberals attack the gun and not the person using the gun. Because it is the external stimulus of the environment that causes behavior (so they believe), corrective steps must involve tinkering with or changing those environmental stimuli. In this process of tinkering or changing, the individual who is supposed to be affected by the action is treated like a mere pawn on life's chessboard, manipulated according to the whims of his social-engineering masters who are attempting to change his behavior. Changing his environment will, according to the theory, result in shifting the individual's behavior to that favored by the manipulators.

This type of thinking is not limited to the area of gun control. The liberal's devotion to forced school busing and enforcement of racial, ethnic or sexual quotas in employment are two examples out of many that come to mind.

In their approach to gun control, the liberal behavioralists' solution attacks guilty and innocent alike. Instead of devoting their efforts to the apprehension and punishment of those using firearms for evil and violent purposes—which would seem to be a rational, common sense approach—the liberals' solution is to abolish guns. They would treat like criminals the overwhelming number of law-abiding American gun owners because of the evil deeds of a miniscule number of criminals. The fact that the armed criminal is not about to hand over his gun doesn't seem to bother the liberal antigunner. In fact all the antigunner will have accomplished is to eliminate some of the risk involved in criminal activity: The unarmed potential victim will be at the mercy of his armed assailant.

Forget for a moment the vacuity of the liberals' philosophy and examine their current rhetoric.

Almost on cue, whenever there is a shooting of a famous individual, their clamor for more gun control rises—often as not accompanied by such statements as that ours is a sick society, etc. In view of their belief that man is the passive product of his environment, this is a logical statement. After all, if a man is the product of his environment and he did an evil deed, there must have been something rotten about the environment that caused him to act as he did. This defect, then, must be rectified to prevent future evil acts.

The massive flaw in this reasoning is the fact that not all those who share the same environment commit evil deeds. In fact, only a tiny portion of them do.

For example, less than 1 gun owner in 3,000 ever commits murder. Of those who do murder, over two-thirds have prior arrest records for major felonies. Since many of these prior felonies were directed against relatives and friends, the high two-thirds percentage is probably understated, as friends and relatives are less likely to press charges. Also, police often dismiss these incidents as "family disputes." It is intriguing to note that in close to 90 percent of domestic homicides, the police had been to the home at least once before to stop violent assaults. In half of these cases, the police had been there at least five times. One can reasonably conclude that murderers are clearly violent people with violent pasts.

Now, if the antigunner's theory were correct, something would have to be wrong with the 2,999 out of 3,000 American gun owners who don't use their guns to murder people. Are these nonmurdering gun owners therefore psychotic? You would think so if, and only if, you accept the theoretical basis of the antigunner's rationale: The dominant influence of environmental factors on a person's behavior.

Of course, it is patent nonsense to even think that the 2,999 out of 3,000 nonmurdering gun owners are psychotic. Yet, if you accept the antigunner's cult of nonsense, what other conclusion could you reach?

If we in the pro-gun movement do not expose the liberal antigunners' cult of nonsense for the senselessness that it is, then, as sure as night follows day, we can look forward to numerous handgun bans springing up throughout the nation. When that happens, it will be just a matter of time before our Second Amendment right to own firearms disappears.

We in the pro-gun movement must convince the vast majority of the people that our approach to the problem is the logical, rational approach.

We, as pro-gunners, view crime as the work of individuals making a free choice. Individuals commit criminal acts such as rape, robbery and murder because they choose to do so. Since man is a rational animal, he should be made responsible for his choices. Recognizing this, it is logical that the pro-gunners' efforts should focus on those who have chosen crime as a career. We pro-gunners support efforts (swift, sure punishment, for example) to deter or remove dangerous individuals from our midst, while rejecting policies such as licensing, registration and gun bans that punish the vast majority of law-abiding American gun owners.

A human being, after all, is the only creature on this planet that possesses a thinking, rational mind. This gives man the ability to pick and choose his actions, something other animals lack.

The fact that most violent crime is committed by repeat offenders shows that these people have no reluctance, at present, toward continuing a life of crime. They are, in fact, making conscious decisions to continue their careers of depredation.

We must stress over and over that it is the individual criminal, not society, who should be held responsible for his criminal deeds. We must reject out of hand the liberal antigunners' cult of nonsense.

To sum up: The pro-gun viewpoint treats each person as an individual who is responsible for his acts, while the liberal antigunner treats the individuals as a robot that responds to the whims of his societal environment.

America owes its greatness to the creative ingenuity of individual citizens exercising free choice and judgment. America's present decline can be traced to the overreliance of the past 40 to 50 years on the collectivist cult of nonsense, which is epitomized by their thoughts on gun control.

ANTIGUN PROJECT FUNDED AGAIN

The antigun U.S. Conference of Mayor's Handgun Control Project has been funded by the George Gund Foundation for the seventh consecutive year.

The handgun control project is part of the U.S. Conference of Mayor's Office of Program Development. Its function is to spread the antigun message to mayors in cities throughout the United States.

Queries to the U.S. Conference as to the size of the donation by the Gund Foundation were met with an icy rejection. It is known that the funding is over $100,000.

YOUTH FIRING BLANKS TRIGGERS NEW DEMANDS FOR GUN LAWS

The firing of six blank pistol shots at Queen Elizabeth II during a ceremonial parade on June 13 has aroused demands for tightening Britain's already stiff gun laws.

The youth accused of firing the shots, Marcus Simon Sarjeant, got within 15 yards of the Queen when he rushed out from the parade crowd. He fired six shots, all blanks, from a starter's pistol before being grabbed by police. He was charged under the 1842 Treason Act with "willfully discharging at the person of Her Majesty the Queen a blank cartridge pistol with intent to harm her."

The attack is believed to be the first such assault on a British monarch. It would certainly lead, said unidentified Scotland Yard sources, to a tightening of security around the royal family.

The occasion for the Queen's public appearance was the Trooping of the Colors, part of the official observance of her birthday.

No motive was given for the attack by the youth.

The youth's action has triggered the typical knee-jerk antigun demand for stricter gun laws by legislators in England and also by the head of the British police union. They want England's gun laws, already some of the most restrictive in the Free World, to be tightened further to include a ban on imitation guns.

ATLANTA SEEKS GUN OWNERS' NAMES

Like hovering, ghoulish vultures, the antigun forces seek to capitalize on the tragedy of others to further their goal of gun confiscation. A case in point is what is happening in Atlanta, Ga., where antigun city officials are using the slayings of 28 black youths as an excuse to compile a list of gun owners.

Public safety commissioner Lee Brown sent a form letter, dated June 4, to all pawnshops and sporting goods stores in the metropolitan area, asking for names and addresses of anyone who has bought more than one weapon since 1979.

Officials are seeking to justify this action by saying it is part of the investigation of the youth killings in Atlanta. However, only 1 of the 28 black youths—the first victim, Edward H. Smith, 14, who disappeared on July 20, 1979—was shot to death. Of the remaining victims, 17 were asphyxiated or strangled, 2 were bludgeoned to death, 1 died of multiple stab wounds and 7 died of undetermined causes. It seems, therefore, that firearms are not a significant factor in the deaths of the Atlanta youths.

It is apparent that the Atlanta authorities are using the tragedy as an excuse to compile a list of Atlanta gun owners.

Atlanta officials contacted by PGN would not comment on how the information they were attempting to gather would help in their investigations of the youths' slayings.

The officials indicated that they were getting a high degree of cooperation and response from gun dealers. This contention was vehemently challenged by one Atlanta gun dealer, John Lesher, owner of Chuck's Firearms.

"If they are getting cooperation, it may be from the pawnshops. They (Atlanta Police) have more of a hold over them than they do us. Most of the dealers I've contacted in a seven-county area are refusing to comply," said Lesher.

It appears that several gun dealers in the Atlanta area are refusing to comply with the commissioner's request.

Commissioner Brown's office indicated that as yet they haven't decided what action, if any, to take against the recalcitrant dealers.

This latest action in Atlanta (whose incumbent mayor, antigun Maynard Jackson, faces a stiff reelection challenge from the equally antigun former UN ambassador Andrew Young) shows that the antigun forces will stoop to any means to further harass the legitimate gun-owning citizen.

SOVIETS SUPPORT TERRORISM

Although there is no direct evidence that the Soviet Union had any hand in or direct knowledge of the recent shooting of the Pope, they support international terrorism and shouldn't be allowed to disavow the subsequent acts of their surrogates. This point was made by Robert Moss, a British journalist who has written extensively about international terrorism, in testimony before the Senate Security and Terrorism Subcommittee on June 26.

According to Moss, the Soviet Union and its allies support, train and finance both rightist and leftist terrorists.

"The unholy alliance of the swastika and the red star is one of the most bizarre elements in the present-day pattern of international terrorism," Moss said. "The Soviet block has sponsored neo-Nazi outrages in West Germany in an effort to discredit West German democratic institutions—one of the many examples of the unholy alliance between red (leftist) and black (rightist) terror."

Moss pointed out that the rightwing and neo-Nazi connection is a specialty of the East German intelligence service, which has been able to draw on archives of Adolf Hitler's security services captured by the Soviets in Berlin in 1945.

Moss also testified that he had learned from Italian security sources that Mehmet Ali Agca, the Turk accused of shooting Pope John Paul II, confessed that he acquired the gun he used and a false passport in Bulgaria.

Moss questioned Agca's alleged rightwing affiliations and said his visit to Communist-ruled Bulgaria should be seen "against the backdrop of established Bulgarian links with the terrorist movement in Turkey and the Middle East." He emphasized that Agca's presence in Bulgaria "does not add up to hard evidence of Bulgarian complicity in any attempt on the life of a Polish-born Pope." However, "it does serve to focus attention on the broader question of Soviet bloc involvement in international terrorism," he said in his lengthy prepared statement entitled "Terrorism: The Role of Moscow and Its Subcontractors."

"Without a clear and realistic picture of the support infrastructure for international terrorism, there is little prospect that Western governments will be able to adopt an effective response," he said. "The Soviet Union actively supports that infrastructure."

He might have added that strict gun laws won't help. Italy, where the Pope was shot, has very strict gun laws, as does the European continent as a whole. All the gun laws in Europe did not prevent the Pope's assailant from getting a gun and carrying out his evil act. The imposition of European-type gun laws, as currently advocated by Handgun Control Inc., the National Coalition to Ban Handguns, and Teddy Kennedy and company, will not prevent gun crimes either. ●

HOUSE OF REPRESENTATIVES—*Wednesday, October 28, 1981*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, our Lord, how majestic is Thy name in all the Earth.—Psalm 8: 1.

Gracious Lord, You have blessed our Nation with the abundance of Your goodness and You have bestowed upon us the spiritual sensitivity to respond to Your love. May we use the abilities we have received so that we are wise stewards of the resources of our land. Remind us that the richness of our Earth must serve the generations in the ages to come. Cause us to remember that You are the Creator of all things, of trees and fields and mountains and streams, and so teach us to use our land so that people will be served with equity and justice. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 661. An act for the relief of Blanca Rosa Luna de Frei;

H.R. 688. An act for the relief of Junior Edmund Moncrieffe;

H.R. 783. An act for the relief of Roland Karl Heinz Vogel;

H.R. 1469. An act for the relief of Madeleine Mesnager;

H.R. 1480. An act for the relief of Omar Marachi;

H.R. 1550. An act for the relief of Aurora Isidra Rullan Diaz;

H.R. 1785. An act for the relief of Gladys Belleville Schultz;

H.R. 2010. An act for the relief of Kai-Mee Chen;

H.R. 2185. An act for the relief of Hanife Frantz;

H.R. 2573. An act for the relief of Moses Bank; and

H.R. 2975. An act for the relief of Yuk Yee Li.

ELECTION AS MEMBER OF COMMITTEE ON THE BUDGET

Mr. LONG of Louisiana. Mr. Speaker, as Chairman of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 259) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 259

Resolved, That the following-named Member be and is hereby, elected to the following standing Committee of the House of Representatives:

Budget Committee: Mike Lowry, Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NICKLES AND DIMES

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I hope we have all been reading the reports out of the Senate Budget Committee this week.

Our colleagues on the other side of the aisle, are beginning to realize what their enormous tax giveaways—like their $13 billion break to "big oil"—are going to mean. They are going to mean a huge and growing deficit.

And how are the Republicans on the Senate Budget Committee planning to shrink that deficit?

They are planning to nickle and dime the American taxpayer. They call it revenue enhancement.

They are talking about taking the extra dollar or two that their new tax code gives the average worker each week and pouring it back into the Federal Treasury in the form of higher taxes for gasoline, for telephone use, for beer and wine, and cigarettes.

They are talking about taxing medical insurance premiums, limiting the deductions on home mortgage interest. They are talking about taxing some social security benefits.

These nickle and dime proposals will add up to real dollars, Mr. Speaker. They will betray all the bright promises our Republican colleagues made to the American taxpayer this summer.

RAILROAD RETIREMENT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I take this time to relate to the House a very sad story. One I think many Members of this body have already dealt with or will be dealing with very soon.

Mr. Speaker, I received a letter from one of my constituents who asked why her railroad retirement pension had been reduced from $117 down to $100. This woman is retired, blind, and disabled and depends on this small pension to purchase medicine for herself and her disabled husband. The $17 reduction seriously affects an already tight budget. The last line of the letter seems to sum up the realization facing many Americans since the beginning of the new fiscal year. My constituent wonders: "Is there anyway I can get this reimbursed or has it just been washed down the drain?"

Mr. Speaker, what can I tell this poor unfortunate person? I can sympathize and express deep regret over the Reagan budget cuts, but the simple fact is that this President demanded this reduction in the railroad retirement program as well as other senior citizen programs in the budget reconciliation bill. I sincerely hope we stop and think about who is hurt by the next round of budget cuts before we vote. I, for one, do not want to write any more letters to the needy saying, "Sorry but the President and Congress cut your budget so the oil companies and wealthy could receive a huge tax break."

Mr. Speaker, let us stop Reaganomics before we hurt any more elderly, disabled, or underprivileged people.

NUCLEAR FREEZE WEEK

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am very pleased to be from Colorado, one of the States that has recognized this week as Nuclear Freeze Week. I think it has been a very gutsy thing of Colorado's Acting Governor, Senator Regis Groff, to do. My State and other States who have also proclaimed Nuclear Freeze Week will be attacked by some as liberal, coo-coo, nuts, who do not want a strong America or what have you.

I want to say that Colorado wants a strong America, but we are very concerned about the rising spiral of numbers of nuclear weapons in the world. Colorado and other States are not asking for unilateral disarmament; they are not asking that we do freeze weapons by ourselves; they are asking for a nuclear freeze by all nuclear powers and that the freeze be verifiable.

I think it is very interesting that some States were dealing with this

issue with great political courage while this body debated and voted for National Mothers-in-Law Day. We might look at how frivolous such legislation appears in comparison to the seriousness of the international issues our State legislators are taking on. I wish we would be more concerned about some of those national and international responsibilities and dangers that seem to be mounting and concerning our citizens. I think they worry more about world peace and what is happening with the incredible rising international inventory of weapons than the status of mothers-in-law.

EUROPEAN COMMUNITY WOULD IMPOSE ONEROUS REQUIREMENTS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, on Monday I discussed a proposal in the European community that would impose onerous reporting, accounting, and disclosure requirements on U.S.-based companies operating within the EEC.

I have been informed that Ivor Richard, the EEC commissioner in charge of the Vredeling proposal, recently described my contention that the Vredeling proposal was antibusiness as "rubbish."

Is it rubbish to demand fair treatment for U.S. investors?

Is it rubbish to ask the EEC to treat U.S. companies as profit-oriented mechanisms, and not socialistic trinkets designed to placate the prevailing political winds?

Mr. Speaker, the application of the Vredeling proposal to U.S. companies would be unacceptable. Our Government must not sit idly by while American businesses are systematically forced into a regulatory mold that they do not want and that international law does not tolerate.

THE ALL-VOLUNTEER FORCE IS WORKING

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, there has been a lot of talk recently about how the All-Volunteer Force is not working, and that we need to return to the draft.

Yet the evidence points in the other direction—the AVF is working, and it is even getting better.

UPI reported on Monday that for the second year in a row, the U.S. Navy has exceeded its recruiting goals, and that the intelligence level of recruits exceeds the Navy's own requirements. The Navy also reported that new, alltime records had been set for general reenlistments, and for the recruitment of doctors.

This once again demonstrates that a free country does not need to use coercion of its young people to provide for the national defense. The All-Volunteer Force—consistent with our proud heritage of freedom and voluntary service—is working.

It is sad to see the IRS computers turned loose to run down and prosecute the 18-year-olds who have failed to register.

Our President has been a consistent and vocal opponent of a draft. Now is an appropriate time for him to ask Congress to repeal registration, and forget once and for all, the coercive notion of conscription, and restore the protection of the Privacy Act.

IS THIS COOPERATION?

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, the Wall Street Journal today carries a story with this headline:

O'Neill Says Reagan Must Admit Failure On Economy Before Democrats Offer Plan.

My first reaction was surprise that the Democrats have a plan. All they have been offering is name calling and criticism.

But on reflection I am appalled by this kind of tactic. It is the political equivalent of blackmail.

This threat of noncooperation comes from the Democratic leadership whose economic failures are known to the country and the world.

High inflation, high interest rates, low productivity, low rates of savings—that is the economic legacy of the Democratic leadership.

This President has a backbone made of granite, not of peanut butter.

He does not scare and neither do we.

I suggest the Democratic leadership start acting responsibly and stop trying to blackmail the President of the United States with threats of noncooperation.

There is a saying: "If you can't lead and won't follow, get out of the way." I suggest the Democratic leadership heed this.

AMENDING HOUSE RULE XLVII OF THE RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO LIMITATION ON OUTSIDE EARNED INCOME

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 251) amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept. After general debate, which shall be confined to the resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final adoption without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple open rule which makes in order any germane amendments to the matter to be considered when the rule is adopted.

We have allowed what we think is generous time on the general debate so that Members may discuss the matter as much as they want, and I propose to reserve most of my comments until that time.

As I say, it is a simple open rule with one motion to recommit and germane amendments in order and I see no reason to debate it very much.

I reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule. It is a completely open and straightforward means of allowing the House to work its will on the question of outside earned income limitations.

This rule will make in order House Resolution 251, which was reported yesterday from the Committee on Rules as a matter of original jurisdiction. The resolution would amend the rules of the House to raise the outside earned income limit for Members from 15 to 40 percent of their salaries during the calendar years 1981-83. In addition, the proposed resolution raises the limit on a single honorarium from $1,000 to $2,000.

While there may be differing opinions as to the merits of this issue, I do not believe there can be any controversy over this rule as a vehicle for considering the matter on the floor. Under this open rule, there will be 2

hours of general debate on the resolution, although I do not expect it will be necessary for this entire time to be taken. After the conclusion of debate, the resolution will be fully open for amendment under the 5-minute rule. One motion to recommit with or without instructions will be permitted.

Mr. Speaker, this question should be addressed by our membership. I suggest that we go ahead and adopt the rule as quickly as possible so that we may immediately get on with the consideration of the substantive issues at hand.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 251) amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. BOLLING).

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Kentucky (Mr. NATCHER) as Chairman of the Committee of the Whole and requests the gentleman from Pennsylvania (Mr. MURTHA) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 251) with Mr. MURTHA (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore (Mr. MURTHA). Pursuant to the rule, the first reading of the resolution is dispensed with.

Under the rule, the gentleman from Missouri (Mr. BOLLING) will be recognized for 1 hour and the gentleman from Mississippi (Mr. LOTT) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

□ 1015

Mr. BOLLING. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is a very difficult and a controversial matter. It was held up in the Rules Committee for some time. A number of Members, a significant number of Members, including virtually all of the Democratic leadership and virtually all of the Republican leadership and a significant number of prominent Members on both sides of the aisle felt very strongly earlier in the year that something should be done about outside earned income. We started a process of considering the matter before the August recess.

Frankly, I was not at all sure that anything was going to happen in the Rules Committee on the subject; but then a couple of events transpired. I think it is very important for me to try to put them at least in my perspective.

In my opinion, most unwisely, the Congress decided to lift completely the limit that existed until it was lifted not too long ago on the expenses of Members in the District of Columbia. Now, I am not going to try to explain that at great length, but I think it is pertinent to this completely different subject that we are dealing with. They all relate to Members' benefits.

I think it was most unwise for the Senate and the House to lift that limit of $3,000, which long ago was made possible as a deduction from taxable income, because most Members had forgotten what that deduction was based on and what that was based on was that it gave Members of Congress a unique status different than other members of the society. Normally the IRS determines the real home residence of a businessman on the basis of a number of criteria. One of the criteria is pretty clear and almost always final. Where a person keeps his family is his home base, and he is not in a travel status when he is there.

Now, the unique thing about the treatment that we gave ourselves with most people not even understanding it was that although, in many instances, our families might be in Washington, D.C., our home base was our State or congressional district for tax purposes.

Now, I am not being supercritical about that. I understand why Members of Congress are desperate. They get large salaries and large benefits. It puts us in the upper 5 percent, but we, just like everybody else, are human beings. We and our wives and our families get used to a certain standard of living. When we first had a $60,000 salary, that meant quite a lot more than it does when inflation has just eaten it up.

Then we come to another problem. For one reason or another the Congress as a whole has demonstrated its incapacity to deal realistically with the problem of pay, remuneration for the job. I do not want to go into that at any length. Some of it has been, and I am not going to point the finger at either side, because of pure unadulterated cheap politics mitigated, I guess, by a deep conviction on the part of some that we should not draw large salaries. Also involved is sheer absolute complete cowardice on the part of a lot of people in Congress who are not prepared to deal with their own salaries.

Now, I am going to say something that is pretty extreme. I think it is a very serious question that the American people ought to look at, and it is whether people, a majority of whom, are unable to face up to the burden of dealing with their own salaries, might just conceivably be incompetent to govern the United States. But that is sort of an aside, because we are not dealing with that right now.

The only reason the Rules Committee decided to go with the approach in House Resolution 251 was what actually happened.

First, that serious mistake with regard to official expenses and the way it would be treated on income taxes.

Second, a performance by the other body that I cannot talk about.

I believe in comity, so I really cannot say anything about what they did, except that they did it. They took all of the limitations off the earning of outside income. I am not going to go into the past of that, how they played games with that; but the fact of the matter is that the House is left in a totally inequitable position with regard to this particular issue.

The Senate has no limit on outside earned income and the House has 15 percent; so although I did not like it particularly, I came to the conclusion that something had to be done about that.

The other issue that is involved here, which Members should know about, is that the Senate has much tighter conflict of interest rules than does the House of Representatives. There is much more opportunity for abuse in the earning of outside income in the House of Representatives than there is in the Senate through a combination of the rules and the statutes.

So what we have here, this increase in outside earned income from 15 to 40 percent, this increase from $1,000 to $2,000 in the amount that can be earned for any speaking engagement, article, or any one activity, are just a compromise in an enormously difficult situation.

Why do I think we ought to have a compromise now rather than facing the issue as we should now? Because I did not think it was possible. I did not think it was possible for Members to seriously consider the matter in this highly charged political atmosphere. I do not think I have ever seen things more partisan than they are right now, uglier than they are right now, and they are going to get worse. It is the worst possible time for us to deal with this subject on an objective and purely bipartisan basis. It is terribly complicated.

I am not even sure I managed to make it clear in what I have said. I

hope I did, but this is a compromise in a terribly awkward situation that is based on one key fact. We do raise the limit from 15 to 40 percent of salary for outside earned income and we do raise the amount that may be accepted as a fee for such performance, whatever it may be, from $1,000 to $2,000, but we also sunset the increase in the limit on outside earned income. It only applies to calendar years 1981, 1982, and 1983. It does not make it possible for a Member to have made a speech in January and then draw an extra thousand dollars in November of this year if it passes. It does not do that, but it does increase for the whole of this calendar year and thereafter the amount of a single honorarium. This approach of a temporary increase in outside earned income is done only to avoid having to deal with the broader issue this year and next year and to make it absolutely mandatory that whoever deals with it, whoever has the responsibility of running the Congress in 1983, faces up to the whole issue.

The CHAIRMAN (Mr. NATCHER). The time of the gentleman from Missouri has expired.

Mr. BOLLING. Mr. Chairman, I yield myself 2 additional minutes.

I repeat that. My own deep conviction is that the matter should be dealt with in a straightforward manner in regard to compensation and not with regard to fringe benefits and other activities. I do not abhor them. I make speeches for pay. I guess I have written articles for pay. I do not think there is anything criminal about that.

I think it is terribly important that it not be connected with one's duties in the Congress so that there is not a conflict of interest, but this a compromise in time and it is a compromise in substance.

I strongly urge its passage.

Mr. LOTT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I suppose it is only natural to feel somewhat uncomfortable in publicly discussing one's own income. However, the very nature of our positions as Federal legislators dictates that from time to time we must address in this Chamber the matter of our personal finances. And that is what we must do in considering this legislation today.

We all know the facts which have made this resolution necessary. Since 1977, when our outside earned income limitation went into effect, Members of Congress have received only one cost-of-living adjustment; and we have absolutely no prospect for a salary increase until at least the beginning of fiscal year 1983. Yet, the inflation rate which we are seeking to combat is still very high, affecting us and our families just as it affects all Americans.

In a bipartisan effort to address this situation without going to the Treasury for a congressional pay raise, the Committee on Rules has reported House Resolution 251. I believe this measure is the best means available to us at this time for alleviating the problem. It is a compromise reached by many Members who have had divergent views on the extent to which Members should be allowed to earn outside income, and I applaud those who have worked on this matter for their willingness to accommodate differences of opinion on the issue. In particular, I commend the distinguished majority and minority leaders of this House, Mr. WRIGHT and Mr. MICHEL, for their leadership in bringing this matter to the forefront, and also the distinguished chairman of the Committee on Rules, Mr. BOLLING, for his work in conducting hearings and bringing this matter to the floor for discussion.

The substance of this rules change has been previously explained. I want to emphasize that we are breaking no new ground in adopting this resolution today. The proposal merely would adjust the figures in rule 47 in two instances. It would lift the percentage of congressional salary which any Member may earn as outside income from 15 to 40 percent for 3 calendar years, 1981, 1982, and 1983. Also, it would lift the maximum which may be received in a single honorarium from $1,000 to $2,000. Except for those two modifications, rule 47 would remain the same.

Aside from the simple fact that Members of this House need some degree of financial relief, there are other compelling reasons which make such a rules change justifiable today. First of all, when this rule was adopted in 1977, it was assumed that Members of Congress would be receiving regular cost-of-living adjustments for the foreseeable future. This would of course have had the effect of not only increasing our take home pay but also raising the level of permissible outside earned income. As we all know, for budgetary and other reasons, we have not collectively felt it appropriate or wise to provide ourselves with these increases. Second, the adoption of House Rule 47 was based upon the assumption that the other body would likewise impose upon themselves some restrictions on outside earned income. As we have seen, however, the proposed limitation in the other body has been first postponed and now apparently abandoned entirely. Further, the lifting of any statutory ceiling on the receipt of honoraria has left us with an even more unbalanced situation between the two Houses of Congress. I feel that it is not good policy to permit the present degree of disparity to remain unaddressed.

This resolution contains a sunset provision, which will cause the change in the permissible level of outside earned income to revert back to 15 percent at the end of calendar year 1983. I have long been an advocate of subjecting provisions to periodic termination as a means of reassessment of their merits, and my opinion is the same on this matter. Although the rules of the House must be considered anew at the beginning of each Congress, this resolution clearly anticipates that the House will try this increased limit for 3 years and then look at how the system has worked during that time.

Mr. Chairman, I strongly support this rules change and urge the adoption of the resolution.

□ 1030

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, the gentlemen who have spoken previously I think have tried to put this resolution in the best possible light, have done about as good a job as one could expect them to do. I guess my question with regard to the resolution, the reason why I oppose the resolution, is a question of timing.

We are specifically going to the country at the present time asking the American people from top to bottom to make sacrifices on behalf of getting our economy back in order. We have asked considerable sacrifices of people in the very lowest income ranges of this country, and I think that to come before us today with this kind of resolution can be perceived in a very, very wrong way across this Nation.

I remember the President when he spoke on television a few weeks ago said that a question that had been asked at a Cabinet meeting is, "If not now, when; if not us, who?" Well, Congress, in responding to that particular message of the President, has not done very well on the budget issues. However, it seems to me with the resolution that comes before us today, Congress has translated those questions to an issue of compensation, and we now run the risk, in my opinion, of being seen across this country as hypocrites, people asking others to do what we ourselves will not do, namely, sacrifice.

If this is to be a time of sacrifice in the country, then it seems to me it is a time for equally shared burdens, and that is really the question that faces us today.

You know, you might be able to make a case in terms of fairness to ourselves; in a strictly selfish vein, you can probably justify the action here. But the question is not whether or not we are going to be fair to ourselves; the question is whether or not we are going to be fair to the country. We ought to be asking ourselves a modification of what the President asked of his Cabinet. It seems to me that at

this point, considering this question, we ought to be asking ourselves, "Why us; why now?" because those are tough questions when you are talking about potentially raising our income level by $15,000 a year.

That is really the question that we face here: Whether or not we are going to be fair to the country, whether or not burdens are going to be equally shared at a time that sacrifice is being demanded.

I would ask my colleagues to consider this issue and join me in opposing the resolution.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a question?

Mr. WALKER. I am glad to yield to the gentleman from Alabama.

Mr. DICKINSON. I know the gentleman is sincere, but since there are absolutely no tax dollars involved, could you explain what you mean by levying a burden on the people of this country if we allow ourselves to go out and, by our own industry, moonlight in effect, what possible burden we are laying on anyone?

Mr. WALKER. Well, I would say to the gentleman the issue I raised is one of equally shared sacrifice. The American people will still visualize what we are doing as setting aside our time for purposes of raising income for ourselves at a time when we are asking everyone else to make sacrifices. And that is specifically the issue here.

Mr. DICKINSON. If the gentleman will yield further, what possible negative influence, what possible burden, are we putting on anyone, any taxpayer, to say that on our own time we can write an article, make a speech, or go out and earn additional income to help us increase our own pay? How can this possibly put a burden on anyone that you are talking about?

Mr. WALKER. I thank the gentleman for his question.

I think, first of all, the income limitation never applied to writing articles.

Mr. DICKINSON. It does. You are wrong.

Mr. WALKER. Well, as I understood it, and I may be wrong, the income limitations have not been on published material.

Mr. DICKINSON. Royalties are exempt; articles are included.

Mr. WALKER. I thought that was the case. But in terms of going out and making speeches, each of us who has done some of that knows that you involve considerable amounts of your time in order to do that, and that is time that I think the American people would see as time taken off of the job. I really question whether or not they will not see this as our attempt to find a way to increase our income at a time that they are being asked to make sacrifices themselves.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, generally I agree with the gentleman from Pennsylvania. But in this instance I do not understand his reasoning.

The gentleman talks about equity. What other segment of our society do we limit how much they can work, on how long they can work, how much they can earn? What other segment of our society do we restrict in this way? It is the great American dream that people may work hard and contribute; that they have the opportunity in this country, to be rewarded for their labors. But we seem somehow to want to put a shackle on ourselves.

I was in Chicago last night. I did not miss a vote. I left there at 5 a.m. this morning to get back here in time for first business today. I disagree with the gentleman entirely.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, House Rule 47 limits outside earned income for House Members to 15 percent of their congressional salary, and limits the amount from any single honorarium to $1,000 per speech, appearance, or article.

The rule was added in 1977, along with several other ethical reforms, when we significantly tightened up the generally ineffective codes of conduct and financial disclosure rules adopted in 1968. The tightening up of congressional ethics followed a storm of public outcry in 1976 over congressional misconduct and scandals, such as the South Korean influence buying and the Wayne Hays affair. The reforms were the product of extensive work by the Obey Commission and three House committees, and the outside earned income limitation was accepted by an overwhelming vote of 344 to 79. House Resolution 251 would significantly liberalize House Rule 47 by raising through 1983 the limit on outside earnings from 15 to 40 percent of the congressional salary. I oppose this change.

1. STRICT LIMITATIONS WERE ADOPTED FOR THREE MAIN REASONS

Mr. Chairman, we adopted the outside earned income limitation for three very good reasons:

First, it minimizes the possibilities for conflicts of interest. Certainly the integrity of the legislative process is called into question when, for example, a committee chairman accepts thousands of dollars from groups with special interest in legislation before his committee, or when a Member makes his services available for large legal of professional fees.

Second, it avoids time being taken away from congressional work. Being a Representative should be a full-time job. But that certainly was called into question when Members spent substantial time earning several times their congressional salary in outside work, as happened before House Rule 47 went into effect.

Third, it avoids the appearance of cashing in on the congressional position. Receiving thousands of dollars in overpaid honoraria, in consulting fees for little work done, in salaries for adding one's name to a law firm—all strike the American citizen as someone trying to exploit his current status for financial gain.

On the basis of these arguments, we adopted the outside earned income limitations by a more than 4-to-1 margin. These reasons also, by the way, explain why we did not apply the rule also to unearned income. Two of these problems generally do not arise in typical cases of investment income: When a Member is simply receiving money from previous investments no exploitation of congressional stature is involved, nor is significant time taken away from congressional duties. So we applied the rule only to earned income where there is much more possibility for abuse.

2. PUBLIC DISCLOSURE IS NOT ENOUGH

We passed these rules to specifically limit certain outside earnings because we felt that mere public disclosure of the actions would not suffice. It will not do to tell a voter that if he thinks that a Congressman is engaged in improper outside earning activities, he should vote him out of office. In 434 of 435 possible cases, the voter simply cannot do that.

Each American is affected by the actions of all Members of Congress, yet he can vote disapproval of only his own Representative's actions. It is little consolation to him to have only public disclosure that, for example, an influential committee chairman has accepted $25,000 in honoraria from groups with special interest in legislation before his committee.

We need to assure each American that there are at least some minimal sorts of safeguards on the books trying to insure that each committee chairman, each influential party leader, each Member of Congress making important decisions that affect him dearly, is not engaged in such abuses.

3. BASIC REASONS FOR LIMITATIONS HAVE NOT CHANGED

Mr. Chairman, no one would maintain that this one rule is the cornerstone of all congressional ethics, the panacea for all congressional misconduct and impropriety.

However, it is a significant and meaningful provision. As Speaker O'NEILL said during the 1977 floor debate, this limitation is "the heart and soul of the entire package." Moreover, the outside earnings limitations have been thought important enough

to be applied to high-level officials of the executive and judicial branches. House Rule 47 is one step toward trying to insure that Members of Congress are in fact here working for the good of the American public, rather than for their own personal gain or for the good of high-paying special interests. I submit that whatever we can do to promote that ideal is worth pursuing.

House Resolution 251 would significantly weaken our ethical reforms of 1977. But as far as I can tell, the original reasons for adopting these limitations are just as valid today as they were 4 years ago:

I do not believe that in the past 4 years there has been any evidence showing a significant lessening of the possibility of abuse from outside earnings in terms of conflicts of interest, taking time away from congressional work, or cashing in on the congressional position.

I do not believe that in the past 4 years this rule has led numerous competent Members to leave Congress, only to have them replaced with less competent individuals. On the contrary, I can detect no recent deterioration in the caliber of Members of Congress.

I do not believe that in the past 4 years there has been a significant change in the number of Members who would be affected by House Rule 47. Estimates were that roughly one Member in six exceeded the limits before they went into effect, and a similar proportion of Members is approaching our current 15-percent limit. Then, as now, this rule affects primarily only a handful of Members of Congress.

I do not believe that in the past 4 years the American public has changed its thinking to now believe that House Members have less need of ethical reform than before. If anything, I would imagine that incidents of misconduct, from Abscam to payroll kickbacks, would make the American public think that there should be tougher restrictions on congressional conduct.

4. THE LIMITATIONS ARE AN ETHICAL, NOT A FINANCIAL MATTER

Mr. Chairman, one major change over the past 4 years that proponents of House Resolution 251 point to—which I think is correct—is the change in the buying power of congressional salaries. Salaries of Members have not nearly kept up with inflation. However, that is a totally financial matter that should be addressed by reviewing the process of pay increases for Members. It is not an ethical matter affecting our ethical codes. What House Rule 47 involves is an ethical standard, and the ethical reasons for its adoption are just as valid today as when it was first adopted, if not stronger. Congressional pay problems should be resolved by altering congressional pay practices—as apparently they have by provisions in the recently passed continuing resolution. They should not be resolved by overturning ethical reforms.

5. HOUSE SHOULD NOT BACKTRACK ON ETHICAL REFORM

Despite the mixed record of conduct by individual House Members in recent years, by almost any standard the House as an institution has made significant progress in its handling of congressional ethics. We have enacted tough new codes of conduct, set up a permanent ethics committee, punished far more Members for misconduct than ever before, and have given out tougher and more meaningful sanctions by overwhelming margins. It is not an overstatement to say that the past 10 to 15 years have marked the most significant period of institutional reform in the entire history of House ethics.

Given our impressive record of improvement, I would not like to see us take this first major step backtracking on ethical reform. In the past, the clear overall direction of our revisions in the House standards of official conduct has been one of toughening them up. But House Resolution 251, which almost triples the amount allowable outside earned income, would represent the largest step backward that the House has ever taken to overturn one of its previously enacted ethical reforms. All Members voting for it should be aware of the unprecedented nature of their actions.

6. HOUSE SHOULD NOT SHOW EXCESSIVE CONCERN FOR MEMBERS' PERSONAL INCOME

Most of our tough new ethical reforms enacted in recent years have been generally accepted by most Members. But House Rule 47 has cut into Members' personal income the most, and it is the one that has been fought the hardest: Members tried in 1978 to repeal it in the House even before it went into effect; Members have challenged it in the courts; many Members have openly stated that they would try to find various ways to skirt its provisions; on the Senate side, Members first voted to postpone the 15-percent limitation and then recently repealed the only remaining annual earned income limitation; and today House Members are trying to change the rules midsession, after having been elected to Congress last fall with the clear understanding that there was to be a 15-percent limitation on outside earnings or honoraria. Such actions make many Americans think that the feeling on Capitol Hill is that ethical reform is fine, as long as it does not hurt Members' pocketbooks. Moreover, we have recently cut back various Federal services and benefits for the average citizen to unprecedented degrees. Nevertheless, House Resolution 251 represents yet another attempt to provide additional financial benefits for Members. At a time of great sacrifice for the American people, we should not tell them that the only sacrifice Members of Congress are willing to make is one of sacrificing ethical reform for personal gain.

CONCLUSION

To sum up, we should start backtracking from our strong past tradition of institutional ethical reform only for extremely strong and convincing reasons. The desire of a small percentage of Members for more money is not one of them. The basic ethical reasons for the ethical standards embodied in House Rule 47 are as strong as ever. Mr. Chairman, I urge the defeat of House Resolution 251.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

The gentleman has really made a very thoughtful statement, but I have several questions that I would like the gentleman in the well to respond to, and I will have to put them in detail, unfortunately.

Some years ago a special interest group came in to see me, and they said that they wanted to contribute to my political campaign. I asked them why. They said simply because they wanted to do it.

I said, "Don't you know my record has been one of consistently voting against you?"

They said, "Yes."

I said, "Do you think in any way that this is going to change if you make a contribution to my political campaign?"

They said, "No." They made the contribution, and I guess my record will show that I voted specifically against what this special interest group wants in its legislative program. Is it not quite possible to occur in terms of honoraria also?

Mr. HAMILTON. Sure, it is possible. There is not any doubt that it is possible. And my guess would be that that is the norm rather than the exception.

Nonetheless a question is raised in the minds of most Americans, I think, when a prominent Member accepts very large honoraria, for example, for a bill pending before his committee.

Mr. MITCHELL of Maryland. I have gotten the gentleman's response. Let me say for the record I do not get very large honoraria.

Mr. HAMILTON. I want to make very clear I do not condemn most Members or criticize most Members. Most of us have to accept political contributions. Nor am I opposed to the acceptance of some honoraria, but I think the limit on it is advisable.

□ 1045

Mr. MITCHELL of Maryland. Let me propound a second question to the gentleman. He talked about the length of time that Members would be away from their congressional responsibilities. Suppose a Member chose to take speaking engagements only on weekends, Friday night, Saturday night, and Sunday night, as some Members do. Would that in any way encroach on one's congressional responsibilities?

Mr. HAMILTON. I think if an individual Member makes that choice, he is a very conscientious Member.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BOLLING. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana.

Mr. MITCHELL of Maryland. And then my third question: This House cut a billion dollars out of higher education, and that means that approximately 1 million young people will not go on to college next year. For some years, I have been giving a significant portion of my honoraria to three colleges and universities in my district. If indeed—if indeed the rule change is approved, I will continue to do this, and it is my own little personal way of saying to those students, "look, I know you need help and this is not much, but I am going to help as much as I can."

I just got a letter from one college president last week thanking me for four $500 scholarships given to four students. I could not do it out of my own pocket. I do it out of honoraria. Is that not another reason why we should not continue?

Mr. HAMILTON. I simply commend him because of the way he has handled his honoraria, but that does not necessarily mean every Member of this institution handles it the same way.

Mr. LOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I rise in opposition to House Resolution 251, which would raise the limit on outside earned income for Members of the House of Representatives from 15 to 40 percent, and the limit on a single honorarium from $1,000 to $2,000.

First of all, the point should be made that being a Member of Congress is a full-time job. That is what the people elect us to do, and they have a right to expect that we will be devoting our full energies and abilities to the Nation's business. There really should not be any time for "moonlighting" if a Member of Congress is doing his job.

And then, too, moonlighting might open Members to the charge of "conflict of interest," and raises questions in people's minds about just whose interests are being served in the legislative process.

Now, with regard to honoraria, we all as Members of Congress receive invitations to speak, and often an honorarium will be offered, it is my practice to refuse these honoraria. Public speaking is part of our job as Congressmen. It "comes with the territory," and there is really no reason why we should be making extra money for public speaking.

The points I have made thus far would be valid at any time, in any Congress. But in this particular Congress there is something else to consider. This is the Congress that is making deep, major cuts in Federal spending. These cuts are necessary—there is no doubt about that. The Federal debt now exceeds $1 trillion, our economy is in serious trouble, and the cuts simply must be made. We have told the American people that we are all in this together, that we must all be prepared to feel the pinch.

Yet let us look at what this Congress has done for itself thus far. Earlier in the year the travel and expense allowance was increased for Members of the House. Then there was a liberalization of the tax deductions Members of Congress may claim for away-from-home expenses. At the same time, future congressional salaries after 1982 were indexed for cost-of-living adjustments.

Some of us tried to fight each one of these benefits, but without success. Congress seems to have discovered a new way of getting benefits for itself: Slip them into a continuing appropriations resolution a short while before the start of a new fiscal year. That is guaranteed to stymie the opposition.

As if all these benefits were not enough, now comes this bill to increase the allowable outside earned income and honoraria for Members. At this rate, this Congress is going to go down in history as the Congress that called on the American people to sacrifice while meanwhile Members were busily feathering their own nests. Is that really the message we want to send back to our constituents? We have enough to do in dealing with the Nation's economic problems without devoting our time and energies to devising more benefits for ourselves. This resolution should be defeated. And then let us get on with the Nation's business.

Mr. LOTT. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank my friend from Mississippi for yielding to me. I rise in strong support of House Resolution 251.

Many individuals in the Congress have expressed somewhat of a surprise that I would support this resolution, and I would like to explain my position. I have been known to be a strong advocate of ethical reform in Congress. For instance, I have introduced legislation that would limit our terms here. I would like to see limitation of congressional terms.

As far as the pay raise goes, I have been a strong opponent of the pay raise. I do not believe that we deserve a pay raise when the country is suffering from the policies that we impose on it. As a matter of fact, I have advocated that we take a pay cut at the rate of inflation in order to teach ourselves what inflation is all about.

I have also been a strong advocate of a limitation of junketing, like eliminating about 99 percent of all trips overseas, since I see that they provide no benefit to the American taxpayers.

Before I came to Congress I was under the impression that many Congressmen did not work diligently here. Since being here, I am convinced that essentially all Members are hardworking and very diligent. They do not neglect their duties, and they make most of their votes. My great concern is not the diligence that is put forth here in the House. The effort that we put forth here, I feel often is misdirected. I am convinced that if we spent less time here in Washington the people would be better off. It would be a benefit to the country if we spent half our time at home working someplace else rather than working here so diligently, spending more money, and making the inflationary problem so much worse.

The most important reason I believe that we should support this resolution, that we should allow outside income, is that the prohibition is so symbolic of the professional politician. As we come here and as our time is consumed and monopolized 100 percent, it becomes that one is an absolute slave to the political system, and therefore, one is no longer a citizen. The intentions of the Founding Fathers were that we would come as citizens, serve a part of the time of the year, receive a token payment, and go home and earn a living the rest of the year. That has changed, and I think it is symbolic now of the age, that we now are to receive all of our income from the efforts that we make here in the House.

The conflict of interest argument, I think that has some weight, but I do not think it is enough of an argument to oppose this resolution. There is, of course, conflict of interest whether we are receiving sums in our campaigns or whatever. The important thing to me is that this argument is symbolic of the type of system that we live under. Everything that we do here proves to be so beneficial or detrimental to some group, or so helpful to another group. It is a demonstration of what great size the Government has achieved. That is where the problem is. We cannot eliminate the conflict by putting rules on ourselves. We must elimi-

nate the temptation for the conflict by reducing the amount of power and authority that the Government has over the economic lives of so many groups.

I feel strongly that it is very unfair to those individuals who would have only earned income; just unearned income, those who have passive income and can make $1 million, and they are not restricted in any way. Why is it that a man goes out and works for a day on his weekend and earns some money and this practice is restricted? That does not make any sense at all, so I rise in strong support of this resolution and believe that those individuals who would like to see consistent ethical reform in the House of Representatives can still support this resolution with a clear conscience.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I will be happy to yield.

Mr. MICHEL. Mr. Chairman, I would just like to commend the gentleman for his very forthright statement. Members of this House should know that the gentleman came to this body as a distinguished physician, a doctor in his own right. He came to this body feeling strongly that he could make a valuable contribution to our deliberations and the points the gentleman has made with regard to citizen input are very appropriate.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LOTT. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. MICHEL. While the two of us might differ on whether or not it is appropriate to limit the terms of a Member of Congress, the point the gentleman made about the importance of citizen input into this body is important. I might say to the gentleman that in my foraging around the country from time to time for candidates to serve in this body among those who are successful businessmen, particularly small businessmen, they prefer to hold on to their family businesses and continue to participate in the decision-making process rather than be forced to incorporate. And that is what we are forcing some to do in order to serve in this body. The discrimination between so-called earned income and unearned income is ridiculous.

The rules are such that we can have $1 dollars of dividends and still be considered honorable and ethical, but if we earn a dollar over $9,700 we are unethical. When explaining these restraints and restrictions under which we have to serve, I have had any number of good prospective candidates simply throw up their hands and say, "I cannot afford to do it. I would love to, but under the conditions you have described, I just cannot do it."

By increasing the amount that can be earned from 15 to 40 percent of our salary base is a concession to meet part of the problem.

However, there are Members here who would argue that there is absolutely no need for limitations of any kind. To go that far here and now would be impractical for the moment. That is why I applaud the chairman for his spirit of compromise, for what he has done to bring to the floor this resolution to help us solve this vexing and controversial matter.

Again, I want to commend the gentleman for the contribution he has made to the debate.

Mr. PAUL. I thank the gentleman for his comments, and I certainly appreciate the compliments. I think it is so important that we distinguish the two things, the conflict of interest and the size of Government. We would not have that problem if Government were reduced to the proper size, and that if we as Members of the House were citizen politicians and plan to return to live under these laws we have placed on the people, the whole country would be better for it.

Mr. BOLLING. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, 5 years ago the gentleman from Indiana and I were given a very nasty job by this House. I was charged with responsibility as chairman of the Commission on Administrative Review to produce a new ethics code for the House, and I appointed Mr. HAMILTON as chairman of the task force dealing with financial ethics. Neither one of us enjoyed that job. I have probably regretted that job more than any other I have ever done, not because I thought what we did was wrong—I do not—but because of what it has done to the personal relationships that I have had with a number of people in this institution. I think, at least in the minds of some people in this institution, those scars remain until this day.

I am a realist. I know what is probably going to happen here today, but I want to repeat why we found it necessary to impose a rather stringent limit on outside earned income 5 years ago.

I frankly do not care how many Members spend full time on their congressional duties. In fact, I can think of a lot of Members of the House about whom I would feel a whole lot better if they spent a whole lot less time here.

But the fact is that we have at stake the question of whether we are going to be public servants or private servants. The question is whether we are going to have constituencies or clients, and I suggest to the Members that when they approach $24,000, $25,000 a year in outside speaking fees which Members of Congress are allowed to take, we cross a line we should not cross. And do not kid ourselves, we would not be speaking if we did not have that title of "Congressman." Most people who ask us to speak are not interested in our intellectual capacity. They are interested in the fact that we have that title of Congressman on our names, and they want to hear what we have to say because of that title, not because of the brilliance of our intellects.

I simply want to say that I think this is a major step backward in protecting the integrity of this institution. I also think it is going to leave us vulnerable in the future to the imposition of all kinds of ridiculous regulations which will seem justified because of the great amounts of outside income for which some of us will be eligible.

Let us not kid ourselves. All this is is a back door pay raise for a selected number of Members of Congress. There are about 60 people in this House who have approached the maximum in outside earned limitation. They legitimately resent the fact that they have not been able to keep up with the cost of living in terms of their own pay, and because this institution has not had the courage to deal through the front door with the issue of the appropriate level of congressional pay, it is looking like a bunch of ninnies in the way it is trying to go through the back door in order to provide selective increases in pay.

□ 1100

It has happened on the expense change which the gentleman from Missouri (Mr. BOLLING) mentioned just a minute ago, and it is also going to do it here today on this.

I would suggest that this country would be a whole lot better off if every Member of Congress were entitled to a salary of $80,000 or $90,000 a year and if there were a flat prohibition on outside earned income, because then it would be clear that Members have no financial conflicts of interest in terms of the use of their official time. It would be clear that they would be focused only on their public responsibilities.

Do we really want to create a condition in which, if you serve on a tax-writing committee, for instance, or if you control health care legislation, you are going to have a number of members of your committee who will be collecting $20,000 and $25,000 a year from groups which have a very direct interest in the subject matter that you are dealing with on your committee? I do not think you do. But you are going to get it if you pass this resolution, and if you do pass this resolution, then you will have pressure to adopt what is known as recommendation No. 4 from Common Cause.

Common Cause recommended to the Rules Committee that—

No Member shall accept any outside earned income from or serve as an officer or member of a board of any publicly held or publicly regulated corporation or business entity if the Member serves on a House committee which has legislative jurisdiction over any agency of the government charged with regulating the activities of that corporation.

That would in effect mean that the only things Members could speak about would be things they know the least about. That does not make any sense either, but if we do this today, we are going to make it easier, when the climate changes, to adopt these kinds of regulations.

I do not say there should be no outside income. What I do say is that we ought to keep it within reasonable and limited bounds, and this language certainly does not do that.

I say this to the Members: If you want to deal with the question of congressional pay, do it through the front door, not through the back door. And if you are going to do it through the back door, at least adopt the limitations that the Senate applies to its own Members on the income which you can receive from practicing law, for instance, or from other professions.

I know more about the personal finances of this institution than any other Member, because virtually every Member, when we adopted that code 5 years ago, came to me and explained to me his personal problems. I know what is bugging a lot of Members, but I want to tell you some things you may not know.

I remember one Member, a lawyer, who came up to me and said, "OBEY, you don't understand." He said, "I don't spend any time practicing law. It is just that as my seniority rises, the lobby groups put more of their business in my law firm, and I just get a piece of the action."

Now, is that really what you want to see again? If you care about this institution, as I do and as I know you all do, do not adopt this regulation without at least imposing the same limits on professional conduct and on money earned from a profession that the Senate has adopted. Let us at least do that much so that we do not have people trotting around here 3 years from now thinking that that kind of conduct is correct and so that we do not wind up in 5 years with more of the embarrassing newspaper headlines we had involving two or three of our Members 4 and 5 years ago, before this limitation was imposed.

There are a lot of problems with the present limitation. I understand the resentment Members have at not being treated identically with the Senate. I frankly do not think that there is a Senator around who gives a speech that is worth $2,000. There are higher values that ought to guide us than whether or not we are tied to the Senate in identical terms. I would make this point: Some Member on the minority side—I have forgotten who it was—asked the question, "Why should we be treated differently than any other citizen? Why shouldn't we be able to engage in an enterprise on our own time?"

The answer to that is very simple. We are a very special group of people. We are 435 people elected to do a very special job. The country has a right to expect that we will spend virtually full time doing that job. The people have a right to expect that we will protect this institution, not only from conflicts of interest but from the appearance of conflicts of interest which will certainly be generated if we increase to the amount being discussed here today the ability of Members to earn through honoraria and other devices large amounts of additional income.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, I should have asked the gentleman from Indiana (Mr. HAMILTON) to yield when he had the floor because I did want to associate myself with his remarks and to express my appreciation to him for his leadership in establishing the ethical standards of this House. I agree with him that the proposal before us today would be a step backward.

I am not going to trespass upon the time of the House by repeating the eloquent arguments that the gentleman presented, but I cannot in good conscience let this occur today without some protest. I am one of those who believe that Congressmen do not pay themselves enough money, and until we muster the courage to vote ourselves an increase in pay responsive to inflation, we ought to be very careful about indulging in sneak raises of the sort we accomplished several weeks ago and what we are about to do today. The present limitations in the law are reasonable. The reasons which prevailed when we adopted them in 1977 by a vote of 344 to 79 have not changed.

Mr. Chairman, I urge the Members to reject the proposal before us today.

Mr. BOLLING. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I will not take much time. I think the issue has been quite clearly stated. I particularly think that the statements by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Indiana (Mr. HAMILTON) clearly point out some of the problems with the passage of this resolution.

I should say that it was pointed out by one gentleman that unless we did this he would not be able to give the honoraria he received to his favorite charity. The answer to that is very simple. I say, "All you do is ask your people who are giving you the honoraria to contribute that to the charity rather than contribute it to the Member of Congress who gives the speech."

Surely we should have the courage here to do everything we do out in the open. As has been clearly stated, times have changed, and in my opinion the people who have said times have changed are correct. Times have changed, but I think it is a full-time job and I think we have to be extremely careful in this organization as to the influence money can cause within the organization. I think that has been clearly pointed out, and in my opinion we should do these things openly and above board. There should be recorded votes, and I particularly believe that if we are going to do anything to change our salary in any way, those changes should not take effect immediately but should only take effect during the next session.

Mr. Chairman, at the present, Members are restricted to accepting no more than 15 percent of their annual congressional salary as outside income. In addition, the current rule limits to $1,000 the amount that a Member may accept for any single honorarium.

House Resolution 251 would increase the amount of outside earned income which a Member may receive in 1981, 1982, and 1983 from 15 to 40 percent of his or her annual congressional salary. The resolution also increases the honorarium limit from $1,000 to $2,000 per speech.

My greatest concern about this resolution is that its approval would certainly broaden the opportunity for special interest groups to influence Members of the House by providing generous honorariums and other benefits to the Members for appearances before these groups. Allowing special interest groups to provide these speaking fees to Members of the House without a real restriction would greatly undermine current limitations on the amount of individual and corporate campaign contributions which are intended to lessen the likelihood that Members will be unduly influenced by outside groups.

Mr. Chairman, I was one of the most vocal advocates of the current limitation when it was adopted by the House in 1977, on a vote of 344 to 79. As my colleagues will recall, the current limitation was adopted in response to revelations that some Members of Congress had improperly used public funds and accepted large amounts of money from private sources.

If we are going to protect the integrity of the Congress, it is essential that we limit the opportunity for Members to benefit from outside income. An effective limitation is necessary not only to remove the real opportunity for Members to be unduly

influenced by outside groups, but also to reduce the perception on the part of the public that such an opportunity for abuse does exist.

Mr. Chairman, I urge my colleagues to oppose the resolution.

Mr. LOTT. Mr. Chairman, I yield 7 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, unfortunately we have already seen an indication of what is happening here because the press has automatically labeled what we are attempting to do as a salary increase. The proposal under consideration has nothing to do with salaries, but the media will attempt to make it look a certain way just to tarnish the image of the House.

This has absolutely nothing to do with a salary increase; it has absolutely nothing to do with $1 of taxpayers' money. What we are saying is that a Member can go out on his own and moonlight, so to speak, if he so desires, and earn income to supplement his salary.

My wife works. It is surprising how many Members' wives work to supplement their incomes because they feel compelled to do so. It is surprising how many new Members move to town and find they cannot buy a house because the prices of houses in Washington are so inflated that a $60,000 house in my State would cost $120,000 to $150,000 here.

One thing that has not been mentioned so far today is the unearned income. Let us consider this, if you will. If you have a stock portfolio and you just collect dividends, you can collect $1 million and that is OK. If you write a book, if you sit in your own office and use clerical help and write a book, the royalties are not covered, but if you write a magazine article, that is covered. We have the most inequitable situation existing today that I can imagine, and we are trying to correct it with this proposal today.

What we are saying is that a person who has an interest in a family business—perhaps he practiced law or has an interest in a business or owns an abstract title business, perhaps he is a dentist or a doctor—can maintain some practice back home and not give it up irrevocably so that if he is defeated or retires, he has nothing to go back to. This applies to a person also who has a family business.

It was mentioned that nobody could speak here unless he were a Member of Congress. Well, we all remember our good friend, Tennyson Guyer, who died recently during this session of Congress. He was a professional speaker. That is what he did for a living before he came to the Congress. This cap was put on him and he could not practice his profession again.

So what we are saying is that if a person is so motivated and he wants to go out and supplement his income by writing articles or by maintaining his position in a family business, he should be on the same level as any other citizen.

The chairman of the committee, the gentleman from Missouri (Mr. BOLLING), alluded to the fact—and he is correct—that there was an income tax limitation with a deduction of $3,000. But we were always attacked by the press which said that we gave ourselves a special benefit because we got a $3,000 tax exemption on our pay. So we did away with it. We do not want to be treated differently; we want to be treated the same as any other citizen, but whatever we do, we are attacked and it is a no-win situation.

Let me say that I feel very strongly that if we have the ability and the will and are willing to make the sacrifice, we should be allowed on our own time to go out and earn additional income.

Let us not kid ourselves. In the last 3 years inflation has gone up over 30 percent. We have 30 percent less purchasing power than we did since our last pay raise.

But I think the most compelling argument is on the inequality of the two bodies. We should not compel ourselves to be second-class citizens as compared to the Senate. They have no limitation. They removed all limitations, and we should not say that we should not be treated the same as the Senate. If I go on a speaking circuit and sit opposite my counterpart in the Senate and we both make the same speech to the same people, I am limited to $1,000 per appearance, but the Senator can draw $2,000. I can only do this nine times; there is no limit at all on what he can do.

Mr. Speaker, I say we should not put ourselves in the position of being inferior to the other body. The Constitution says that we are coequal, and I think we would be exceedingly foolish not to at least allow the Members, by their own industry and skill, to go out and supplement their incomes if they so desire.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman has made a very outstanding statement. The framers of the Constitution intended that this body would be a citizens' body made up of a cross section of our people. What we are saying here—and I do not disagree—is that we are working full time while we are here working for our country and our constituents. But what about a minister, a member of the clergy, who might still retain his church back home on Sunday? He is not really violating his obligation to his constituents here, but he is being denied the right to carry out the pursuit of his profession.

What we are saying here is that a minister who wants to continue to hold his church, who wants to fulfill his religious responsibility back home and also fulfill his civic responsibility here, would be under existing law limited to how much he could be paid by carrying on his profession. I do not think the framers of our Constitution or anyone else really believes this is what was intended. That is all we are saying here.

I think we are under existing law certainly putting ourselves in a straitjacket by making second-class citizens of ourselves, and we are violating the spirit of the Constitution which clearly identifies this as being a citizens' body.

□ 1115

Mr. DICKINSON. I thank the gentleman.

Just let me say in closing the argument is you do not want to put yourself in the position of a conflict of interest. Are you putting yourself more in a conflict of interest situation if you raise the honoraria you are entitled to from what you presently have? If you want to have a conflict of interest, you can do the same at 15 percent as you can at 40 percent.

Second, those who would detract from this, and who would criticize it are always going to try to color it as some sort of a pay raise that the taxpayers are going to pay for. This could not be further from the truth.

We are trying to get away from that. We are not asking for a pay raise. It has nothing to do with it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I wanted to thank the gentleman in his remarks for correcting an exchange we had before. We were talking about published material before. In checking the rules, the gentleman was exactly correct with regard to articles. This gentleman was referring to the receipt of copyrighted royalties on books, and I think there was some confusion in my mind. I thank the gentleman for correcting that and putting it in his statement.

Mr. DICKINSON. I thank the gentleman for recognizing the correctness of my position.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would just like to suggest that the public, the taxpayers, will pay for this. They will pay for it in terms of reduced confidence in this institution. They will pay for it in terms of the easy relationships which are developed over the years between

client, the fellow who pays the honoraria, and the person in this House trying to do the public's business.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. HARTNETT).

Mr. HARTNETT. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this brief period of time. I want to address myself to what I think is probably the most important issue that has come up before this body.

We have a terrible post-Watergate syndrome that still permeates and taints this Congress for no justifiable reason. Our forefathers, we have talked about the framers of the Constitution, were all businessmen, lawyers, jurists, ship chandlers. They went back to their businesses after serving their country well for a brief period of time.

What we have to do, as Members of Congress now, is give up our businesses, give up our professions, and have nothing to go back to. Consequently we become professional politicians. When we reach the age of 50 and we have been here 10 years, we have no trade and no profession to go back to.

What, then, is our greatest fear? Losing an election. So what do we do? Then every vote we cast is based on the premise of will we or will we not be reelected if we vote a certain way on an issue, because we have no job to go back to, no profession. We have become professional politicians.

Then our greatest fear is losing our elected seat in this body and we start casting political votes.

We are not asking the taxpayers for one dime. We are asking them to allow us in our professions and in our businesses and in our trades to be able to remain citizen-politicians, or citizen-legislators, or citizen-Congressmen.

After all, that is what it was all about when this Congress was founded. I am asking my colleagues to vote in favor of this. If you cannot handle your duties that you have been elected to do, the first group to know it will be your constituents. Believe me, they will call you back in 1982 or in 1984. If you cannot handle their business, they will know it and they will bring you home.

I am asking my colleagues to vote for this amendment to the rules. If we handle the people's business expeditiously we will be justly compensated for it at $60,000, and then we can go about handling our own and receive no justifiable criticism from anybody who has asked us to represent them in this body.

I urge my colleagues to vote and on a rollcall vote or a voice vote, but have the courage to vote for what will not cost your taxpayers a dime. They will be better for it, the country will be better for it because maybe you will spend less time here. They will be better for it and you will, too, because you will spend more time with your families and more time with your businesses.

Mr. JOHNSTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HARTNETT. I yield to the gentleman from North Carolina.

Mr. JOHNSTON. As I understand the situation, the Treasury will be allowed to tax these additional earnings, so we will actually be doing something for the American taxpayers.

Mr. HARTNETT. Not only that, but every honoraria you make has to be listed and they will know exactly where it came from, they will know who gave it to you, what you got for it.

We are not hiding anything, not hiding a thing. We are asking to be able to continue our trades and our professions.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. I thank my distinguished colleague from Mississippi for yielding this time to me.

I had the opportunity to serve on the House Administration Committee when we initially imposed these limitations. They grew, in no small measure, out of a feeling of outrage by one of the colleagues here in this body over a colleague in the other body, one who had a readily identifiable nationality, who spoke before an organization representing that same nationalistic constituency. He had received an honorarium to the tune of $10,000, whereas his average honoraria were in the neighborhood of $250 to $300 maximum.

I shared this sense of outrage that that colleague felt when he said we have to prevent this, we have to guarantee that we put some limitations on what Members can earn.

I argued at the time, and I voted against what we did at the time, and I voted against this sort of thing that that is a decision, with full reporting, for that man's constituents to make. If they feel that he has been compromised as a result of accepting an honorarium from a particular group like that, then they will ultimately render a judgment at the polls. And my colleagues know that their opponents will be going after them and attack them on the grounds that they have possibly been compromised if one can show any correlation between accepting an honorarium and subsequent votes that have come before this body reflecting the interests of that group. We all go through that with PAC contributions already. My colleagues know that if you get PAC contributions that are heavily tilted to this interest group or that, that your opponent will use that against you in a campaign. The papers in your district will use it to question whether you have not conceivably been bought off by this group or that.

As a result, I would urge my colleagues to recognize that the Founding Fathers stipulated three conditions only for holding office here. One is that you be a resident of the State; two, you be a citizen for at least 7 years; three, you be at least 25 years of age. They also stipulated that States can put up no other conditions for holding office in this body.

To be sure, we can. But what I am suggesting is that when we impose the limitation on outside earned income increasingly we are transforming the composition of this body.

The previous speaker already touched upon one ingredient. That is the full-time professional politician, the person increasingly who cannot make it on the outside, and perhaps is holding the best job that he could ever hold in his life here as a Member of the U.S. Congress. If that does not potentially compromise a Member, I do not know what does.

The other is the millionaire who can afford to clip coupons and make $1 million a year or more in so-called unearned income and serve in the U.S. Congress. These two groups certainly do not accurately reflect the constituencies that we represent in this country.

I urge the Members to support this resolution. I am wholeheartedly in favor of it.

Mr. BOLLING. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I now have a feeling of confidence that we are going to be able to pass this change in our rules. When the gentleman from Illinois (Mr. PHILIP M. CRANE) and myself are in agreement on these issues, I think that there is hope that we are going to make the right decision.

I have listened to this debate and I have heard several things that I think should be reviewed and looked at very carefully. One is the concern for the institution. I do not think there is a Member here who is not deeply concerned over this institution and how it is viewed by the public. I think we all are deeply concerned and we all recognize that responsibility.

We are Members of the House of Representatives in the U.S. Congress and there are very few honors any of us could have that could equal that. I believe we know it.

So I do not think any of us are going to deliberately do something to discredit this body. I do not believe that this body was looked on with more favor by the public before we put these restrictions in than since we have put them in. In fact, because of certain circumstances that happened along the way, maybe we are looked on with less favor today than we were before we put these restrictions in. I

do not know. All I know is we have not had any soaring gain in popularity.

What I do know is that Members have been placed under a continual strain financially to be able to serve our country, to serve the people we represent, and to stay in the Congress, and not get ourselves bound deeper and deeper into debt.

I feel, as I believe a majority of the Members feel, that if the opportunities present themselves due to the profession, due to the areas that the individual Member is working in where there may be an interest where he can speak out and where he can legitimately and honestly earn money above his salary, that should be available to him.

I would like to point out that under our own disclosure rules everyone knows what we are getting. If I get an honorarium from ABC Corp., I file that and everybody knows it. If anybody wants to argue that, or think I should not be elected because I have accepted that honorarium, that is the right of the public and they can make that decision.

But to say that I do not have the right to do that I think is absolutely wrong.

I also feel that and understand that in this proposal in 1983, at the end of 1983 we in the Congress will review what the impact of this legislation has been. I am sure if we find that the public is outraged, that if Members of Congress have been compromised somehow by this, the Congress at the end of 1983 will end all of this. I am not worrying about that. We will end it all.

But I will tell my colleagues I am convinced the public will not feel in any sense that we have betrayed them. If anything, they will have a respect for the fact that we have a capability that we are using, that we are disclosing and telling the public what we are doing, and also we are not costing the taxpayer anything for this. I think that is something that they will be very concerned about as well.

□ 1130

I think we ought to vote, on this issue. Someone said we should not try to pass it on a voice vote. I agree with that. I think there ought to be a vote, and I do not think Members will have any problem. We have the leadership on both sides of this House, Republican and Democrat, supporting this. We obviously have conservatives on the Republican side and moderates to liberals on the Democratic side saying, "Vote for this measure." I hope we will pass it.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. JOHNSTON).

Mr. JOHNSTON. Mr. Chairman, we in this body are awfully fond of putting euphemisms on our various and sundry acts. I would like to think of this act as the earners' equity act, because it simply places those of us who are accustomed to earning our own money in private business and industry on parity with those in this House who have been fortunate enough to have an ancestor, a relative, who endowed them with a trust fund. It is remarkable, to me, that this body would permit me to literally draw hundreds of thousands of dollars a year in dividends from a small company but would deny me the right to pay myself $15,000 a year in director's fees from that same company, purportedly because a conflict would exist.

The last thing we need to do is spend more time in Washington, D.C. We need more time out there in the real world where the wealth of this country is produced, and we need more contact with the people who are producing it.

Some of my most valuable time as a Member of this House is spent in serving for free as a director of several small businesses. I hear described firsthand those experiencing the onerous effects of our excessive regulation.

Now, it is a shame that I have to serve for free because of this limitation.

The distinguished gentleman from Wisconsin has suggested that the taxpayers of this country are entitled to full-time Congressmen. That does not coincide with the wishes of the framers of our Constitution that operated so well when we did not have a professional caste of Congressmen, as mentioned by the distinguished gentleman from South Carolina.

One of the things I have noticed about this House is that the Members of this House who have the most attractive alternatives to serving in it are the ones who seem to maintain their independence. As a matter of fact, a distinguished gentleman from Georgia, who happens to also be a medical doctor, seems to function pretty much as he pleases because, after all, if he loses his $60,000-a-year job, he has got one that will pay him probably four times that much. I like the idea that we will maintain that independence from our congressional salary. But another factor that the taxpayers ought to consider is the fact that we are going to have to pay tax on all we earn, and in a House dedicated to balancing the budget, what better way to balance the budget than by taxing us more?

Mr. BOLLING. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, each weekend, when I travel to my home district in western Pennsylvania, I have the opportunity to talk to many groups of people. I usually tell them that there are three good reasons why I have been invited to speak before them. One is that I come anytime I am asked. The second is that I do not talk too long. And the third is that I do not charge them anything.

I rise in opposition to this resolution. I regret that the other body has seen fit to circumvent the rules and regulations that we adopted jointly almost 4 years ago. But they have done so.

Last year, only 63 Members of this House approached the maximum income level established for speaking and outside engagements, truly less than one-sixth of this body.

This is a full-time job. We must devote our full time and energy to it. We manage $700 billion of other people's money in the time that we are here. In addition to managing these billions of dollars, the consequences of every action that we take in this body are felt not only throughout this country, but throughout the world. And although some Members have stood here and pleaded that we should be part-time Congressmen, that the people in general would be better off if we spent more of our time back in our districts, that is not the fact today. The fact today is that this is a full-time job. This is October. We have been here for 10 months. Next month we will have been here for 11 months, and we will probably be here on into December. When we are not here, we should be back listening to the problems of our constituents and meeting with our people, not traveling all over the country making money for ourselves.

Certainly the minister may go back on Sunday to preach in his pulpit, the physician may go back to his office to check on his practice, and I as a lawyer may go back to my office; but these are not full-time jobs. We abandoned our full-time professions and our full-time businesses when we accepted the responsibility of representing in this House the 500,000 people in our districts.

Certainly there are inequities. We need to consider addressing these inequities, but not by going backward on ethics reform. We must not support any activity that suggests the use of congressional office for personal gain.

We have improved the image, reputation, and yes, the conduct of this House, because as every individual Member knows, we have proven to be responsible for every district in this country, not only our own. And in working to maintain that reputation, and to sustain the high standards of conduct of this House, I think that we are all better off—and certainly so are our constituents.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I want to commend the gentleman for

his statement and associate myself with it.

Mr. MURPHY. I thank the gentleman.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I, too, want to congratulate the gentleman. We have made great progress, particularly in the post-Watergate era. But there is still a good chunk of the American public that thinks we are bought and sold by the special interests. And there is still a good chunk of the American people who believe that you can take any six or seven Members of this body, just like dipping your hand into a barrel and selecting at random any six or seven, and they will take money in a brown paper bag. I think we have to address ourselves to that reality and that perception. I think that is what the gentleman is talking about. It has already become a reality for some Members of Congress that they do not have a ceiling at all on what they can earn. The gentleman knows that.

Mr. BOLLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Chairman, first of all, I would like to thank the gentleman from Missouri for yielding. Although I take a different view in this particular case, there is no one in the House who I respect any more, and I really deeply appreciate his yielding this time and wish to acknowledge my greatest respect for his leadership over a long period of time.

But, Mr. Chairman, this is a step backward in terms of ethics and integrity. Nearly 80 percent of the outside income in 1980 came in the form of honoraria. Typically, this comes from special interest groups. As the gentleman from Indiana and the gentleman from Wisconsin so clearly pointed out, this raises questions of conflict of interest both real and perceived.

I understand why this measure is being proposed. Frankly, very few Members of Congress earn less outside earned income or unearned income than I do. But we need to take our time in our districts and with our legislative duties: 24 times a year, at $1,000 a pop, or even 12 times a year, at $2,000 per speaking appearance, cannot be justified. Would you want people that you paid $60,000 a year to moonlight in this fashion? I suggest you not only would not want that, you would not even want your office staff to spend that kind of time outside of the duties they are paid to perform.

Consistency is important. This resolution is not fair to those Members of Congress who quit after this restriction was imposed in 1977 rather than to live under it. I do not believe there is anything that has happened since that time to suggest that we ought to take a step backward, in terms of our ethical rules or our standards and principles.

Now, finally, let me address an argument that has been made again and again about our being second-class citizens to the Senate.

I have the highest regard for the ethics, personal ethics, of the people I have met as colleagues here. But what the Senate has done is——

The CHAIRMAN. The gentleman will please suspend for just a moment. The gentleman knows full well the rules of the House pertaining to statements or characterizations concerning the other body.

The gentleman will please proceed in order.

Mr. LUNDINE. Emulating the lifting of the rules of the other body cannot be justified and cannot be used as a rationale for doing what we would not otherwise be engaged in. I plead with my colleagues that we should take another look at this. We should take a look at this a step back, in terms of how our constituents and others across America will look at this. While I understand some of the background and some of the reasons, I urge the Members to vote against this resolution.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I rise in support of this amendment, this proposal, even though it will not affect me personally because I shall be leaving this House, with great reluctance, at the end of this term, and I shall miss it and all of the Members very, very much.

I have said in the past that if this House does not bite the bullet, face up to the fact that this House needs to be paid better and have better allowances, that within a very few years there will be two kinds of people serving here, millionaires and "ne'er-do-wells."

Now, there is not anything wrong with personal wealth, but the present rules discriminate heavily against those who do not have it.

Now, I used to say, facetiously, in my talks in the district, that one of the worst things to happen to this House and this Government and this Congress was the development of air-conditioning. And I said it somewhat facetiously, but I say it quite seriously now.

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Back in the old days, when it got hot and muggy and sticky, before this place was air-conditioned, the Members went home in June and did not come back until January and caused no further mischief for about 6 months.

I used to say that tongue in cheek, but I am quite serious about it now.

It seems to me if this House would work 5 full days a week, which we do not, that is here in session in Washington, D.C., work Monday through Friday, diligently, for 6 months, and then go home and stay home, and work with our constituents, for the other 6 months, throughout the district, the net result would be fewer laws and better laws, a lot more carefully thought-out laws, more carefully attuned to the wishes of the people who we represent.

Now, if the net result we have produced as full-time, professional, "do nothing else with your lives but be legislators," if that has produced the mess that we are in today, it is a poor argument for professional legislators. I think we ought to be more closely attached to the real world and live more like our constituents do.

It is a financial penalty to serve here, a severe sacrifice and a real financial penalty, even though a great honor. We should eliminate any restriction that makes it such a penalty. The country would be better off. I thank the gentleman for yielding this time to me.

Mr. BOLLING. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I mean no disrespect to anyone in this body when I make three points.

No. 1, an increasing percentage of the Members of the House and the other body are millionaires. I do not mean that in disrespect to anybody. But we must ask ourselves whether that is a trend that is a healthy trend for the Nation.

And my conclusion is that people ought to be eligible to serve here regardless of income, but we should not encourage one particular economic sector.

No. 2, I hear a lot of confusion on the time part-time thing. I do not know Members who are not working full time. But let me give my colleagues a practical example of what this rule has done.

Many of the Members here served with Otis Pike, a Member of this body, a very fine Member of this body. Otis Pike happened to be an officer of a family corporation and when we passed the limitation rule Otis Pike did not run for reelection. I mean no disrespect to the man who succeeded him in this body to say that was no great victory for the House when we made that move.

It is very strange that if I am accepting $250,000 in dividends from Texaco, that is perfectly ethical. If I take $500 from them or anyone else as a speaking fee, that is considered unethical. That does not make sense to me.

If I could just make one further point and that is the answer in this field has to be disclosure. There is no other protection for the public. And our disclosure laws frankly ought to be tightened. We do not include spouse and minor children, as we should. That ought to be tightened. But to pretend that we are doing something for the public with the present rule, I think, is great PR.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

I would like to associate myself with the remarks of the gentleman and in respect to the complaint of the gentleman from New York that conflicts of interest will be set up; actually the conflicts of interest are inbred in the present rule. Therefore, I think it should be changed.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman in his presentation of the same argument I was going to make, do we want a body of people or a body of elite and I want to thank the gentleman for his comments.

Mr. SIMON. I thank my colleague.

Mr. BOLLING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, I have heard some interesting debate on what the Founding Fathers of this country did or did not intend. I rise to offer one other interpretation.

It is my impression from early schooling that the Founding Fathers of our country unselfishly took time off from building their barns to help build a nation. They put a premium on public service because they believed that public service was its own reward.

They seemed to know what we have forgotten, that service in the highest legislative body in this land is a special privilege and it is that special privilege and that special privilege alone that confers the special opportunities for financial rewards outside our daily constitutional duties.

I do not rise to debate how much pay is too much pay, but I simply would observe with the gentleman from Virginia, my friend (Mr. BUTLER), that one cannot cloak himself as a common man and expect to be rewarded as a prince.

In these days when the integrity of our most cherished institutions in this country are under attack—the family, the church, and government. I should think that by the adoption of this resolution we would lose more of that precious reserve of institutional integrity than we would ever gain in financial rewards for ourselves or our families.

I urge the defeat of the resolution.

Mr. BOLLING. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, I have been thinking a great deal about peer pressure lately, as the father of a 12-year-old girl, and I think the peer pressure on 12-year-olds is great, but there is a lot of peer pressure in this place, too, and I want to soft-pedal my criticism of this amendment because I am one who in all likelihood will not be seeking reelection to the House, and I urge my colleagues over on the other side of the aisle here not to cheer, because they may see me in another place.

It seems strange to me that under the guise of a citizen legislating, under the guise of what our friend from South Carolina mentioned, spending more time with our families, we might be about to pass this amendment.

I do not think it is a question of whether we are going to have professional politicians. I think it is a question of whether we can put ourselves in the position by passing this and looking like we have professional prostitution. We would not. But it will look that way in many respects.

It has already become a reality for some Members of Congress that there is no limit on what they can earn, and one can evision a situation where we can have some Members of Congress being virtually on retainer to the major corporations in the country. Fifty speeches, $2,000 each, $100,000.

So I think that we ought to at least think very hard about what we are doing and about our whole situation with regard to what it is like to serve here.

I disagree with the gentleman who earlier said serving here is a penalty. Serving here is an honor. Serving here is an honor and serving here is indeed a sacrifice, and it should be a sacrifice, and I say that as not one of those millionaires to whom I, of course, mean no harm, but as one who does not have resources of my own.

I am not against honorariums. Few of us are pure in this area. But we are going to the extreme here and especially these who support no limit at all on what Members can earn outside. That, I believe, is an unfortunate position that, in many ways, puts people who have a public trust up for hire by private interests.

The political arena has become contaminated with money, mainly through special interest contributions. It has gone much too far, much too far.

Let us not take the reasonable limits on outside income to the same unproductive extreme.

Mr. BOLLING. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, the present system of compensating Members of Congress, and the House of Representatives in particular, cries out for reform. Change is needed. I come to this particular change, though, with mixed emotions, because I think there is an element of good and an element of bad in it.

On balance, however, I have to reject this particular change.

First of all, on the issue of salary and various expenses, the press will criticize us, rightly so, for what we do wrong, but unfortunately, they will also criticize us for any really needed reform we would try to effectuate.

A case in point is the elimination of that $3,000 deduction limit. Anybody who is living back home in his own congressional district and also has to have a place to live here is spending about $6,000 minimum in housing expenses here, I would say, in addition to what he is spending for his house back home.

The press would not have us treat that as an ordinary and necessary business expense, as every businessman in the United States can do. That is absurd, which points out the difficulty we have in effectuating honest reforms that would simply treat us as ordinary citizens.

Actually what we should do, if we are going to be treated as ordinary business citizens, is to be given a per diem. A great many State legislatures, such as New York, give legislators per diem allowances, as do most corporations. But let us do that forthrightly. Let us not proceed via the back door approach. We must do this soon, also, as the cost of maintaining two homes, one here, and one in our district, is becoming virtually impossible. We are, therefore, forcing Members, and their families to become full-time residents of Washington, D.C., rather than their home districts.

Now, in this back door approach we have two different paths that we are taking. One is the limit on outside earned income, which would be lifted from 15 to 40 percent: Included within that is the limit on honoraria. Here is where I would distinguish. I do not like the 15-percent limit. I do not even like the 40-percent limit on outside earned income. I do not think we should have any overall limit. If, for example, a doctor wants to treat patients on a Saturday, both to maintain his medical skills and to retain his medical practice, so he can both supplement his income, and, most importantly, maintain his independence should he lose reelection, he should retain that right and option.

However, I think we should have a limit on honoraria, and I think that

the $25,000 limit, when we make a $60,000 salary, is just too much. A 15-percent or 25-percent limit on honoraria is much more reasonable.

Further, let us not kid ourselves. There are only a few legislators here who are going to, in effect, cash in on this charge. It would not be a prognostic charge for 435 Members of the House, but for about 10 or 20. Moreover, it would diminish their fervor for the other reform that are so absolutely necessary to adequately and fairly compensate all Members.

Mr. LOTT. Mr. Chairman, I yield 3 minutes to the gentleman form California (Mr. BADHAM).

Mr. BADHAM. Mr. Chairman, I have listened with great interest to this debate. It came to mind today what I thought was an interesting expression I heard some months ago, that there are a lot of people out there counting other people's money.

I would like to discuss that for a minute because I think it is eminently true in the context of this debate.

We all know that the financial needs and requirements of each Member of Congress are different. There are those Members who want to apply certain economic standards to all other Members for a variety of reasons. But I question whether it is appropriate for one Member to apply his standards to another.

I would ask my colleagues to come to the conclusion that we do have legitimately different financial requisites. There are married Members with no children and two incomes. There are married Members with lots of children and responsibilities. There are unmarried Members with no responsibilities at all, in some cases, but everyone is different.

So what we are trying to do here, I think unfortunately, is to buy ethics and impose a monetary system of ethics on others. Now I say to my colleagues, we cannot buy ethics. It is not the responsibility of one Member to tell another Member what he can live on and what he cannot.

We had some years ago in California, in my view, one of the most ridiculous circumstances I can imagine. We had boards and bureaus and commissions run by advisory boards and regulatory commissions in California that regulate all sorts of things from funerals to marriage counselors to schools to accountants, to lawyers. We had a proposal in California to say that the only people you could appoint to regulatory boards and advisory commissions were people who knew nothing about what they were regulating in the idea that they would be unsullied by knowledge. Therefore they could regulate honestly because they would not know anything about what they were regulating. That is a perfect analogy to what we are trying to do, that is live and legislate in a vacuum.

□ 1200

This is what we are being asked to do here. We are being asked to regulate somebody else's potential for using his expertise in the marketplace.

I think that this resolution is modest. The resolution is fair and should be adopted.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to my friend, the gentleman from California.

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding. I would like to associate myself with his remarks.

I earlier mentioned that I felt it was a penalty to serve in this House. I would like to clarify that. I mean, of course, a financial penalty. I believe that sincerely.

It is, of course, a rare privilege to serve here, an honor that is accorded far fewer people to do it than actually seek it. I am sure we all share in that, but I subscribe to what the gentleman is saying and I want to associate myself with his remarks.

Mr. BADHAM. I thank the gentleman sincerely for his contribution.

I might add that the gentleman from California and I have served in legislative bodies together in the past. I agree with the gentleman in his statement that it is a distinct and great honor to serve in the House of Representatives of the United States of America.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LOTT. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. BADHAM. The question is whether a person so selected by his constituents faces that honor honorably enough to be able to make speeches and receive an honorarium, to write articles and receive an honorarium, and to disclose his income to his constituents who rendered him that honor. I think the Members of this body are at least of that caliber.

And the Members should and most do disclose their finances to their constituents—that is proper—so that a Member's constituents can judge his worth to the district.

I hope the resolution is adopted.

Mr. BOLLING. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, back in 1921, Senator George Norris of Nebraska made the following statement. He said:

> If trusts, combinations, and big business are to run the government, why not permit them to do it directly rather than through this expensive machinery which was originally honestly established for the protection of the people of the country against monopoly and control?

He could well have made that statement today regarding this resolution.

I am not opposed to honorariums as such, but what I am opposed to is setting up a system, a dynamic, that will push Members of Congress to seek those honorariums and in so doing lessen the ability of Members of this House to function as public servants.

The gentleman from California corrected himself, and I am glad he did. This is the best job I will ever have in my life. It may not be the highest paying job, but it is the best job in the entire world, because it is a job of serving the public; but what this resolution will do, it will set up a dynamic to push Members out to seek honorariums. If the X Y Z Oil Co. wants to give you a $2,000 honorarium to speak at their luncheon, are you going to go there and tell that oil company that you thought the last tax bill was a ripoff for the oil companies? Of course not. You are going to go there and tell them what they want to hear. Or, as the gentleman from Georgia said, you can go and talk about baseball. That sets up a dynamic in this body whereby this body will then pander to those special interests.

Without any increases in salary, by increasing the per-unit limit on honorariums, plus raising the total limit on honorariums, I believe that Members in this body in the future will be tripping over one another to go out and seek those honorariums. I do not believe today Members really go out and seek them, but you let them make $24,000 a year and $2,000 a speech, and Members will be rushing to the doors to get their airline tickets to go out and seek those honorariums and thereby, I believe, giving the appearance of that conflict of interest which demeans the stature of this body.

Mr. LOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I have a great deal of respect for the speaker. I wanted to make the point, I would love to run against someone that starts taking $2,000 speaking fees or honoraria from the oil companies. That is what I think my friend is overlooking.

I voted originally—as the gentleman knows, I was a strong supporter of the original bill, including the cap. I have come to the conclusion that we have lost in this body many good men and women that should be here, but cannot afford to be.

I agree with my friend, the gentleman from Illinois (Mr. SIMON) who pointed out, that we may eventually become a Congress of millionaires. A lot of us are not millionaires.

My feeling is that the key word is disclosure. Like I say, if I go out and take an honorarium from some organization that I may be able to influence or have some impact on, then let my opponent, because of disclosure, raise

that as an issue in the campaign and make me defend that if I have done something unethical.

I think the key word is "disclosure" and I think the gentleman is raising some specters which are not accurate.

Mr. LOTT. Would the gentleman like 10 more minutes to speak along those lines?

Mr. Chairman, I yield 5 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, it had not been my intention today to take the well and address this particular issue, but as I listened to the debate and heard comments from Chairman BOLLING of the Rules Committee, from my good friend, the gentleman from Indiana (Mr. HAMILTON), I felt that it was essential that we try to put the resolution in some perspective.

I have enormous respect and admiration for the gentleman from Indiana (Mr. HAMILTON). I served with him in the Ethics Committee in the last Congress, my first term in this body. I do not believe that I am insensitive to the ethical issues that are involved with service in the Congress, having taken this well once before to argue for the expulsion of the only Member who has ever been expelled for misconduct; but I must disagree with those who are opposed to this resolution. I think it deserves approval.

As Chairman BOLLING has pointed out, it is a compromise between those who advocate the continuation of a limitation on outside earned income and those, of whom I am one, who are opposed to any limitation at all.

I think it should be pointed out that one of the organizations that has in the past been a watchdog of congressional ethics, Common Cause, did testify before the Rules Committee and state that the organization would support an increase in the limitation on outside income.

I think it is extremely important to be precise in pointing out what the resolution does not do. It does not affect campaign contributions. Those would still be covered by existing law with limits and with reporting requirements and with full and complete disclosure.

It does not affect the taxpayers' money. No public funds are involved.

It is not a pay increase. It does not increase the public compensation of any Member.

The resolution does deserve support because it moves us in the right direction.

We do need to consider the issues raised by the chairman of the Rules Committee in his opening remarks today. I think we need to reassess what the long-term impact has been on this body of the adoption of rule 47 and the other rules adopted in 1977.

As has been pointed out by the gentleman from Texas (Mr. PAUL) and the gentleman from Illinois (Mr. MICHEL), the distinguished minority leader, it has become increasingly difficult for a great many people to serve in this body. The more restrictions we impose, the more difficult we make it for people to accept the personal and financial sacrifices that go with membership in the House, the more we limit membership in the House to those who have great personal wealth or no prospects of ever earning more than they could through congressional service.

This rule change does not affect the disclosure requirements which apply to every Member. As the gentleman from Illinois (Mr. SIMON) has so eloquently stated, in the final analysis the utlimate judge of who serves in this body rests with the voters. As long as they have access to full and complete information about a Member's outside earned income or outside unearned income or campaign contributions, it seems to me we have met the requirements that service in the House imposes upon us.

The resolution does not completely solve the problem, but it does help. It will serve to encourage the kind of diversity this House must have if we are to effectively do our job. I would urge my colleagues to approve it.

● Mr. DERWINSKI. Mr. Chairman, I rise in opposition to this resolution to raise the limit on annual outside earned income for House Members as well as increase the amount allowable for a single honorarium.

When we debated the continuing resolution last month, I said that we should stick to the rules we have set on outside earned income and that I did not believe there was any necessity for the Senate to remove the ceiling on their outside earned income. However, the Senate, which already had a higher ceiling on this income, prevailed on the issue.

Mr. Chairman, since we all know that two wrongs do not make a right, we cannot in good conscience approve this resolution to give ourselves the same unjustified increase in the honorarium limit which the Senate has voted. There is also no reason for the House to increase the limit on outside earned income at this time just because the Senate has removed the limit for themselves.

I urge my colleagues to vote this resolution down. It is not necessary, it is not justified, it will naturally raise questions for any Members who devote time to outside interests rather than their legislative duties.●

● Mr. HANSEN of Idaho. Mr. Chairman, today's vote to remove outside income limitations is an honest effort to save Congress from becoming a body of political bureaucrats unable to understand and resolve the problems of the people they serve.

Congress has always been the citizens' voice in Government because it is composed of persons of all types and professions who are socially and economically a part of the people themselves.

When Congress, a few years ago, removed themselves from being part of the people by requiring arbitrary economic severance from their family businesses or professions, they created a body economically isolated from many of the problems of the people and dependent to an unhealthy degree upon their U.S. Government congressional pay for personal income.

Because of this type of restriction Congress is becoming a rich man's preserve where it is legal to clip stock coupons for outside unearned income, but not legal to take earned income from the family farm or business.

This country was instituted of, by, and for the people, not to become another foreign type operation ruled by the wealthy few.

The vote to knock out the arbitrary outside earning limitation is not to vote an increase in pay to Congress—in fact, it is a means of holding down on congressional pay increases at taxpayer expense. It is also guaranteeing that Congress will remain a voice of the people of whom they are a functional part—rather than becoming bureaucratic politicans far removed from the people and at the mercy of special interest groups to keep a job they might well become desperately dependent upon once they have been cut off from the independence of outside income possibilities which allow them to tell the pressure groups where to go.

And this legislation also restores Members of the House to the same privileges as Senators and the kind of individual freedom all other citizens enjoy.●

● Mr. FRENZEL. Mr. Chairman, in my judgment, as I have stated and restated here, it is unnecessary and counterproductive to limit outside earned income of House Members at all. This resolution raising the limits of outside earned income is therefore easy for me to support.

The resolution is before us because the Senate removed its limitation on all outside income. House Members understandably believe that what is sauce for the goose is sauce for the gander, too.

Personally, while I want no limit on general outside income, I strongly believe that there should be limits on honoraria income and that those limits should apply by law to both bodies. As a matter of fact, I had a strong role in passing the law that the Senate just repealed. Perhaps the limits needed adjustment, but we surely need limits because that kind of income stems directly from our service

here. Excessive seeking of honoraria detracts from that service.

Therefore, while this resolution providing a limit of 40 percent of salary on outside earned income is clearly temporary, and a compromise, it is just as clearly a good, temporary compromise. It ought to be passed.●

● Ms. FIEDLER. Mr. Chairman, I am unalterably opposed to the concept of raising the amount of outside earnings that can be made by a Member of Congress. I believe the people of my community elected me to be a full-time Member. I think people all across this country expect their Members to be full time.

Furthermore, we stand here today debating whether or not we should be allowed to earn an additional $15,000 a year in outside earnings while the House refuses to lift the earnings cap on social security recipients. Among those recipients are some of the people who most need to earn extra income, yet the Federal Government takes away benefits if they earn too much.

We are in a period of time when we have asked the American people to tighten their belts, to do with less from Government. Yet, although the earnings being debated here today are not Government funds, to alter Members' earning capacity upward is untimely.

Additionally, it is conceivable that while campaign laws restrict the ability of certain special interest groups to contribute to campaigns, those same groups could give a Member a $2,000 honorarium, thereby circumventing the Federal campaign limits.

Again, Mr. Chairman, I am opposed to increasing the outside earnings limitation. My commitment as a Member is to serve the people of my community full time. I hope that a majority of the Members will agree with me and vote down this resolution.●

● Mr. JEFFORDS. Mr. Chairman, I intend to vote against House Resolution 251, which would substantially raise the limits on our outside earned income. Because this is a sensitive issue, I wish to explain my reasons for opposing this potential indirect pay raise.

I oppose this resolution not because it would raise the overall limits on outside earned income, but rather because it would double the amount of money Members of this Chamber could receive through a specific source of outside income: legalized bribery, better known as honoraria.

For the purpose of regulation, I personally see no moral distinction between earned and unearned income. Under House rules, if a Member of this House sits in a broker's office all week and clips coupons, this is considered perfectly proper. But if a Member works on his farm or other business on evenings and weekends, such work is considered morally wrong and illegal. This is a double standard which has no basis in reason. In my view, the amount of time a Member spends on work in Congress is a political issue, not a moral issue. If his outside work interferes with his ability to devote sufficient time to congressional business, his activities can be appropriately—and effectively—challenged in the political arena. I believe the only time a moral issue is raised, and a legal issue should be raised, is when outside earned income is provided by virtue of the office we hold.

I recognize that small honoraria, to compensate a Congressman for his effort and inconvenience in addressing groups on vital issues, may not create any problem. But when a special interest group pays $1,000—let alone $2,000—for a short speech, it is clear that the payment is made for the purpose of influencing legislation.

In summary, I could have supported House Resolution 251 if its only effect were to raise, or even remove, limits on income actually earned by Members, provided that such income is not a result of the office we hold. But I can not vote for an increase in legalized bribery.●

● Mr. TRAXLER. Mr. Chairman, I opposed the resolution that was before the House today, as I have also opposed other recent efforts to indirectly, or directly, increase the pay of Members of Congress.

House Resolution 251 would have amended the House rules to raise the limit placed on outside earnings from 15 percent of congressional salary to 40 percent. The present 15-percent limit was one of the most important parts of the ethics code this body adopted in 1977. I supported the limit in 1977 and the reasons for enacting the ethics code at that time have not changed. There is no justification for backing down on the commitment we made just 4 years ago. Preservation of our ethics code is vital to maintaining the high integrity of this body.

Needless to say, I was very disappointed that the other body chose to raise its limit on outside earnings. The fact that they did, however, does not give this body reason for doing so. I do not believe that we should follow their lead. I voted against House Resolution 251 and I am pleased that the majority of my colleagues joined me in defeating this bill.●

● Mr. BONKER. Mr. Speaker, today, the House is expected to vote on House Resolution 251, which would raise the current limit on income earned outside official congressional duties from 15 to 40 percent of a Member's annual salary.

House Resolution 251 is being considered on the floor for one obvious reason: With the exception of a 5.5 percent cost-of-living increase in 1979, Congress has not approved a salary increase for itself since March 1976. During that same period, inflation has pushed living costs up 40 percent.

My concern is not over salary increases per se, for Members of Congress are entitled to the same modest, periodic increases as anyone else in today's inflationary economy. But I take strong exception to the enhancement of personal income in the extraordinary manner being considered today.

If I recall correctly, in 1977 Congress imposed a 15-percent limit on outside income, tied to a salary increase, intended to reduce once and for all the need for Members to seek outside income to supplement their Government salaries. By raising that limit today we are returning to the former practice of Members relying on honoraria and other sources of outside income to keep abreast of inflation.

There is also an inherent conflict of interest that arises whenever a Member accepts an honorarium for organizations interested in issues before Congress. That interest may or may not coincide with the Member's but the financial exchange brings into question the integrity of both the Congressman and the organization.

Last month Congress took another step which increases the disposable income of Congressmen. Included in the 1982 appropriations bill for funding the legislative branch was a provision which gave Members unlimited business deductions for expenses incurred while living in Washington, D.C. If fully used, a typical Member could increase his Federal income tax deduction by $13,500.

Congressmen are not prepared, nor should we be, to carefully record each and every penny used to maintain a Washington, D.C. home or to travel to and from the Capitol. The enormous problems in this country surely prove that our energies need to be directed at legislating, not at working to reduce or eliminate our personal tax liabilities at a time when our constituents suffer from heavy and often unbearable tax burdens.

I believe that every Member voting on House Resolution 251 should be fully aware of the consequences of this decision. Let us vote against reducing our own taxes and diverting our attention from the problems at hand. If we are convinced that we need and deserve a salary increase, let us make that decision after full and open debate on the floor of Congress.●

Mr. LOTT. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

Mr. BOLLING. Mr. Chairman, I yield myself the balance of the time.

I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I rise in opposition to the resolution, know-

ing full well that congressional pay is a subject that almost demands demagoguary. I will resist that temptation, but wish to make a couple of points.

Reasonable pay for a job well done is a matter of importance not only to the Members of this Congress, but to the Nation as well. Unfortunately this resolution does not focus on the issue of reasonable pay, but rather is a back-door attempt to benefit a few at the expense of the many.

Continued back-door attempts such as this could in fact promote avoidance of a thorough, honest review of congressional pay. Also, I oppose this resolution because we should never vote a pay raise to become effective during a Member's term of office. An election, the people's vote, should precede implementation of any pay raise.

Finally, I oppose the resolution because of its timing. We have asked the American people to assume a fair share of the economic sacrifice necessary to strengthen the country. For Congress to avoid a portion of this necessary spirit of sacrifice is wrong. Let us defeat the resolution.

Mr. BOLLING. I thank the gentleman for his resistance.

Mr. Chairman, I think the debate has been a very good debate. I think it demonstrates how divided the Members of the House are in their views. I think it almost proves my case.

I said in the beginning that this was a compromise that I felt necessary to get the matter behind us for a limited period of time.

It comes as no surprise, I suspect to any of you, that I believe that we very badly need to review the whole question of congressional ethics.

I think we have made a mistake so great that only a complete review will resolve it and that mistake is the one that we have made allowing tax exemptions for our expenses here in Washington.

I repeat that I think our failure to deal objectively and seriously with our salary almost disqualifies us as an institution from our right to serve in these important times with all these difficult issues; but I do think that this particular proposal, which I have found hard to produce, is a compromise that will work and that will impel us to deal again with the major problems that confront us in regard to public respect and trust in the institution.

Let me close by saying that this is only a little bit of the problem. The major dilemma that confronts the country today is money and politics. And unless we are able to deal with that, I think it is predictable that all our institutions would fail. That has to be done. The ethical problem in other fields has to be done. It has to be done I believe in the next Congress in the first year and it is the purpose, the only purpose, of this particular resolution.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H. RES. 251

Resolved, That clause 1 of rule XLVII of the Rules of the House of Representatives is amended—

(1) by striking out "Except as provided by paragraph (b)" in paragraph (a) and inserting in lieu thereof "Except as provided by paragraphs (b) and (c)";

(2) by striking out "In the case of any individual" in paragraph (b) and inserting in lieu thereof "Except as provided by paragraph (c), in the case of any individual"; and

(3) by adding at the end thereof the following new paragraph:

"(c) With respect to any calendar year beginning on or after January 1, 1981, and ending on or before December 31, 1983, the term '15 per centum' in paragraphs (a) and (b) shall be deemed to read '40 per centum'.".

SEC. 2. Clause 2 of rule XLVII of the Rules of the House of Representatives is amended by striking out "$1,000" and inserting in lieu thereof "$2,000".

SEC. 3. The amendments made by this resolution shall take effect on the date of its adoption.

Mr. BOLLING (during the reading). Mr. Chairman, I ask unanimous consent that the resolution be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN: Page 2, strike out "January 1, 1981" and insert in lieu thereof "January 1, 1983", and strike out "December 31, 1983" and insert in lieu thereof "December 31, 1984".

Page 2, strike out section 3 and insert in lieu thereof the following:

SEC. 3. The amendments made by this resolution shall take effect on January 1, 1983.

□ 1215

Mr. HARKIN. Mr. Chairman, very simply, what my amendment does is something I feel very strongly about. It puts this off until after the next intervening election and then sunsets it during that same period of Congress in 1984.

Let me say at the outset that I agree with the gentleman from Missouri (Mr. BOLLING) that the House has not been able to face up to the fact that Members of this Congress, the House and the Senate, need pay raises periodically.

I believe further that he was right when he said that that has been a combination of cowardly actions here and also by the actions of others who honestly feel that the procedures were not correct.

I believe that the procedures for raising the pay and remunerations of Members of Congress must be reasonable, rational, and fair.

I also agree with the gentleman from Mississippi (Mr. LOTT) who says that we ought not to be different than Members of the Senate. But what sticks in my craw and what sticks in the craw of the people that I have talked to in this country is that they do not want Members of Congress raising their own pay during their term that they are serving.

James Madison, in 1789, proposed an additional two amendments to the Bill of Rights, the first 10 amendments to the Constitution. So, there were originally 12 amendments that were supposed to be the Bill of Rights, and the 12th amendment read as follows:

No law varying the compensation of services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Even at that time they recognized: First, the necessity of increasing Members' pay and remuneration, but second, that they wanted to put it off until after the next election, because there would be something inherently wrong with Members of Congress voting to increase their own pay and benefits while they were serving that term. Twenty-seven States now have this in their constitutions for their State legislatures. Iowa is one.

So what I am proposing is that we do just that with this resolution, to put this over until after an intervening election takes place and let it go into effect at that time, and then to sunset it during that same Congress.

I have never voted for a pay increase for Members of this body, but I have consistently taken this position: That as soon as a resolution comes out to increase the pay of this body and to do it after the next election I will consider voting for it, because I will not be voting to increase my pay, I will be voting to increase the pay of the office that I hold, and if the people do not want to return me to that office, they do not have to. They can put somebody else in there after the next election. So I would not be voting to increase my own pay.

If we do that, I believe we would get out of the fix that we find ourselves in around here almost every year, because I believe it is a reasonable and rational way to approach it.

But what this resolution does is totally push us in the opposite direction. It sets up, as I said earlier, a dynamic, a dynamic that will push Members of Congress out to seek honoraria. No increases in salary, increase the total limit, increase the per-unit limit, and what you have is a push on Members

of Congress to go out and seek those honoraria.

Members of Congress, I believe, will be tripping over one another to go out and get those $2,000 speaking engagements to increase their salary by $25,000 a year. And the dynamic that will happen then I believe will be to our detriment.

Mr. OBEY and Mr. HAMILTON are every bit correct. This is a major step backward. This is nothing more than a backdoor pay raise, a pay raise not from the public, not from the people that we are here to serve, but a pay raise from the private special interests of this country.

If one goes out to speak to farmers, you do not get any money. If one goes out to speak to poor, you do not get any money. If one goes out to speak to students, you do not get any money. But if one is asked to go out and speak to big business, they are going to have a nice big fat honorarium for you.

If the XYZ Oil Corp. wants a Member to come out and speak at their luncheon and they are going to offer a $2,000 honorarium, how many Members are going to go out and tell the oil company that the oil companies got a big ripoff in the last tax bill? Of course not. The dynamic is there for you to go out and tell them what they want to hear.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 4 additional minutes.)

Mr. HARKIN. So what we do, then, with the passage of this type of resolution is, we move closer and closer to a body that is less responsive to the public good and to a body that panders to the special interests of this country.

George Norris, as I read earlier, said it very clearly back in 1921 when he said:

> If trusts, combinations and big business are to run the government, why not permit them to do it directly rather than through this expensive machinery which was originally honestly established for the protection of the people of the country against monopoly and control.

Senator Norris was right.

So I have perhaps a modest proposal that I would like to throw out to this body in keeping with the philosophy of Senator Norris.

If, in fact, we want private industry and private business to pick up more and more of our pay and benefits, then I have a modest proposal. Let us have private business advertise in the CONGRESSIONAL RECORD; we could have ads for pantyhose and deodorants. Let us put up a nice big Coca-Cola sign over here on the wall in neon lights so all the people can see it. Why do we not go to the cigarette industry and tell them that we want to put some ads up in here on cigarettes? Let us find a nice, proper place for it. How about right up above that sign that says "In God We Trust"? Let us put up a cigarette ad. And then what we can do is, we can use that money that we would get from the advertisements in the CONGRESSIONAL RECORD, from the Coke sign and the cigarette signs, perhaps we could even put some inserts in our mail that we send out to constituents, with some ads in there, and we could use that money to supplement our income. In that way, the people of this country will not have to pay for it.

So if we are going to take this kind of a step, with this kind of resolution, let us start hanging some ads around this body and let us turn over the Government to the private interests once and for all, and do it in a clean, swift manner rather than surreptitiously through this type of resolution.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in support of the amendment.

Mr. Chairman, if the gentleman from Pennsylvania will withhold shouting "vote," I will try to complete my remarks within 5 minutes.

Mr. Chairman, I do not agree with a good deal of what the gentleman from Iowa (Mr. HARKIN) has just said, and I do not agree that the likely result of removing the present limitation on honoraria would result in Members running out to tell people what they want to hear for $2,000 speeches. I do not think that is the way it works here, and I have a much higher regard for Members of this House than to believe that would happen.

What I do think happens is something quite a bit more subtle.

The knowledge that we will have access to that kind of money creates the kind of associational relationships in our committee work which makes it very unrealistic to expect, that we will see Members consistently reviewing issues solely on the basis of their merit.

What it means is that subtly Members will have a great deal of difficulty in disassociating their judgments on individual items before us with the access that we will be likely or not likely to have to those larger speaking fees.

I do not think it will affect the content of speeches at all. I do think that it will have a much more subtle effect on the legislative product. I could care less about the product that people produce for their honoraria.

The reason I support the gentleman's amendment is simply this: When we imposed the limitation 5 years ago, we were advised by Chesterfield Smith, for instance, who was then the president of the American Bar Association, that we should have a flat prohibition on all legal fees. I have always wondered if we did not make a mistake on our commission—if we should not have simply prevented any income from law, because very frankly that is where the greatest potential for abuse comes, and second, if we should not have coupled that with the limitation on honoraria so that we would not have a select few, in the main committee chairmen or other big names in the House, who would be serving at what in reality is at higher levels of pay. I have often wondered whether we should not have gone that way, but we did not do it.

The advantage that the gentleman's amendment would have today is that it would at least allow us the time to make the other changes in rules that would be required to really make this a sensible tradeoff.

I recognize that we cannot expect to hold the present limit, given what the Senate has done. But it seems to me that we need, in the interest of protecting our own institution from abuse and criticism, to adopt rules which will tighten up on a Member's ability to engage in professional activities on company time, so to speak. And I think we can do that by adopting the Harkin amendment.

I would also say again, once more, I am not insensitive to the need to attract and to retain quality people in this institution. But I would suggest to the candidate recruiters who have mentioned it on that side of the aisle that if we do have a problem, let us deal with it forthrightly through the front door, through congressional pay. Let us not say, "Well, fellows, don't worry; you will get $60,000 on your congressional pay, but don't worry, there are arrangements under which you can pick up another $20,000 on the side." That is a much less clean way to do it.

The public is much better served if we face the question of congressional salaries directly, rather than trying to find back door ways of doing it, as we have done here, and as we did a couple of weeks ago. If we deal with it front door, everybody will receive the same amount of pay. If we deal with it through the back door, only the big names or those on committees with special clout will, in effect, receive a higher rate of pay.

I recognize the gentleman from Pennsylvania cannot wait to vote on this. But there is a little more at stake than his personal desires.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. The gentleman from Pennsylvania is going to get his chance. John you are going to win. I would at least like to be able to express my concerns about the needs of

this institution without impolite interruption.

Mr. Chairman, all I would suggest is that for those Members who want to see a pay raise, what they are going to do is set up a structure under which there are going to be one-fifth of the Members of this House who do not have to worry about whether this a pay raise; they are going to get theirs on the outside from special interest contributions through honoraria. I do not think that is the best way to deal with it. The best way to deal with congressional pay is to see to it that everybody gets the same amount of pay, and they get it through the front door, not the back door.

I yield back the balance of my time.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the organization on the outside that has worked the hardest and been the most helpful from my point of view, although some Members are bitterly resentful of it, Common Cause, proposed that there be an increase in the honoraria to 30 percent, and we said 40 percent. They also proposed that the honorarium increase last only to the 1st of January 1983.

□ 1230

While I greatly respect the point that Mr. HARKIN from Iowa made, and the points that Mr. OBEY has made, I repeat again that this is an expedient compromise, which I do not consider dishonorable, to get this Congress through the next year and a few months so that it can attend to the overall problem which is very much more complicated than this one thing, and attend to it properly in the first session of the next Congress.

Therefore, I do not see any reason to give even kindness to the proposal recommended by Mr. HARKIN because it keeps us with the problem that this resolution tries to temporarily resolve, and at the same time assure that it will be further considered later.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was rejected.

The CHAIRMAN. Are there additional amendments?

If not, under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 251): Amending the Rules of the House of Representatives to increase the amount of outside earned income which a Member may have in 1981, 1982, and 1983, and to increase the amount of the maximum honorarium which a Member may accept, pursuant to House Resolution 258, had directed him to report the resolution back to the House.

CALL OF THE HOUSE

Mr. MURTHA. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device and the following Members responded to their names:

[Roll No. 281]

Addabbo	de la Garza	Gunderson
Akaka	Deckard	Hagedorn
Albosta	Dellums	Hall (OH)
Alexander	DeNardis	Hall, Ralph
Anderson	Derrick	Hall, Sam
Annunzio	Derwinski	Hamilton
Applegate	Dickinson	Hammerschmidt
Ashbrook	Dicks	Hance
Aspin	Dingell	Hansen (ID)
AuCoin	Dixon	Hansen (UT)
Badham	Donnelly	Harkin
Bafalis	Dorgan	Hartnett
Bailey (MO)	Dornan	Hatcher
Bailey (PA)	Dowdy	Hawkins
Barnard	Downey	Heckler
Barnes	Dreier	Hefner
Bedell	Duncan	Heftel
Beilenson	Dunn	Hendon
Benedict	Dwyer	Hertel
Benjamin	Dymally	Hightower
Bennett	Dyson	Hiler
Bereuter	Early	Hillis
Bethune	Eckart	Holland
Bevill	Edgar	Hollenbeck
Biaggi	Edwards (AL)	Holt
Bingham	Edwards (CA)	Hopkins
Blanchard	Edwards (OK)	Horton
Boggs	Emerson	Howard
Boland	Emery	Hoyer
Bolling	English	Hubbard
Boner	Erdahl	Huckaby
Bonior	Erlenborn	Hughes
Bonker	Ertel	Hunter
Bouquard	Evans (DE)	Hutto
Bowen	Evans (GA)	Hyde
Breaux	Evans (IA)	Ireland
Brinkley	Evans (IN)	Jacobs
Brodhead	Fascell	Jeffords
Brooks	Fazio	Jeffries
Broomfield	Fenwick	Jenkins
Brown (CA)	Ferraro	Jones (OK)
Brown (CO)	Fiedler	Jones (TN)
Brown (OH)	Fields	Kastenmeier
Burgener	Findley	Kazen
Burton, Phillip	Fish	Kemp
Butler	Fithian	Kildee
Byron	Flippo	Kindness
Campbell	Foglietta	Kogovsek
Carman	Foley	Kramer
Carney	Ford (MI)	LaFalce
Chappell	Ford (TN)	Lagomarsino
Chappie	Forsythe	Lantos
Cheney	Fountain	Latta
Clausen	Fowler	Leach
Clay	Frank	Leath
Clinger	Frenzel	LeBoutillier
Coats	Fuqua	Lee
Coleman	Gaydos	Lehman
Collins (IL)	Gejdenson	Leland
Collins (TX)	Gephardt	Lent
Conable	Gibbons	Levitas
Conte	Gilman	Lewis
Courter	Gingrich	Livingston
Coyne, James	Ginn	Loeffler
Coyne, William	Glickman	Long (LA)
Craig	Goldwater	Long (MD)
Crane, Daniel	Gonzalez	Lott
Crane, Philip	Goodling	Lowry (WA)
Crockett	Gore	Lujan
Daniel, Dan	Gradison	Luken
Daniel, R. W.	Gramm	Lundine
Danielson	Gray	Lungren
Dannemeyer	Green	Madigan
Daschle	Gregg	Markey
Daub	Grisham	Marks
Davis	Guarini	Marlenee
Marriott	Pickle	Solomon
Martin (IL)	Porter	Spence
Martin (NC)	Price	St Germain
Martin (NY)	Pritchard	Stangeland
Matsui	Pursell	Stanton
Mattox	Quillen	Staton
Mavroules	Rahall	Stenholm
Mazzoli	Railsback	Stokes
McClory	Rangel	Stratton
McCloskey	Ratchford	Studds
McCollum	Regula	Stump
McCurdy	Reuss	Swift
McDade	Rhodes	Synar
McDonald	Richmond	Tauke
McEwen	Rinaldo	Tauzin
McGrath	Ritter	Taylor
McHugh	Roberts (KS)	Thomas
McKinney	Roberts (SD)	Traxler
Mica	Robinson	Trible
Michel	Rodino	Udall
Miller (CA)	Roe	Vander Jagt
Miller (OH)	Roemer	Vento
Mineta	Rogers	Volkmer
Minish	Rose	Walgren
Mitchell (MD)	Rosenthal	Walker
Mitchell (NY)	Rostenkowski	Wampler
Moakley	Roth	Washington
Moffett	Roukema	Watkins
Molinari	Rousselot	Waxman
Mollohan	Roybal	Weaver
Moore	Rudd	Weber (MN)
Moorhead	Russo	Weber (OH)
Mottl	Sabo	Weiss
Murphy	Sawyer	White
Murtha	Schneider	Whitehurst
Myers	Schroeder	Whitley
Napier	Schulze	Whittaker
Natcher	Schumer	Whitten
Neal	Seiberling	Williams (MT)
Nelligan	Sensenbrenner	Williams (OH)
Nelson	Shamansky	Wilson
Nichols	Shannon	Winn
O'Brien	Shaw	Wirth
Oakar	Shelby	Wolf
Oberstar	Shumway	Wolpe
Obey	Siljander	Wortley
Ottinger	Simon	Wright
Oxley	Skeen	Wyden
Panetta	Skelton	Wylie
Parris	Smith (AL)	Yates
Pashayan	Smith (IA)	Yatron
Patman	Smith (NE)	Young (AK)
Patterson	Smith (NJ)	Young (FL)
Paul	Smith (OR)	Young (MO)
Pease	Smith (PA)	Zablocki
Perkins	Snowe	Zeferetti
Petri	Snyder	
Peyser	Solarz	

□ 1245

The SPEAKER. On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

AMENDING HOUSE RULE XLVII OF THE RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO LIMITATION ON OUTSIDE EARNED INCOME

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER. The question is on the resolution.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 271, not voting 15, as follows:

[Roll No. 282]

AYES—147

Addabbo	Frenzel	Patterson
Akaka	Gibbons	Paul
Alexander	Gingrich	Peyser
Annunzio	Goldwater	Porter
Badham	Gonzalez	Price
Bailey (PA)	Gradison	Quillen
Benedict	Gramm	Rahall
Biaggi	Gray	Railsback
Boggs	Green	Rangel
Bolling	Grisham	Reuss
Breaux	Guarini	Rhodes
Brooks	Hagedorn	Richmond
Burgener	Hammerschmidt	Robinson
Campbell	Hance	Rodino
Carman	Hansen (ID)	Roe
Chappell	Hartnett	Rose
Cheney	Holland	Rostenkowski
Chisholm	Howard	Rousselot
Clay	Hoyer	Roybal
Coelho	Hyde	Rudd
Collins (IL)	Jones (OK)	Russo
Conable	Kemp	Savage
Conte	Latta	Scheuer
Craig	Leath	Schulze
Crane, Daniel	Leland	Shaw
Crane, Philip	Lent	Shumway
Daniel, Dan	Lewis	Shuster
Daniel, R. W.	Livingston	Siljander
Dannemeyer	Lott	Simon
Dellums	Lujan	Smith (OR)
Derrick	Luken	Smith (PA)
Dickinson	Lungren	Snyder
Dornan	Madigan	Stanton
Dymally	Martin (NC)	Staton
Early	Martin (NY)	Stokes
Edwards (AL)	Matsui	Tauzin
Edwards (OK)	Mattox	Taylor
English	McCloskey	Thomas
Erlenborn	McDade	Udall
Evans (GA)	McDonald	Vander Jagt
Fazio	McKinney	Wampler
Ferraro	Michel	Waxman
Fields	Mitchell (MD)	White
Findley	Moakley	Wilson
Fish	Molinari	Wortley
Foglietta	Moore	Wright
Foley	Murtha	Young (AK)
Ford (MI)	Myers	Zablocki
Ford (TN)	Ottinger	Zeferetti

NOES—271

Albosta	Clausen	Fenwick
Anderson	Clinger	Fiedler
Andrews	Coats	Fithian
Anthony	Coleman	Flippo
Applegate	Collins (TX)	Forsythe
Archer	Courter	Fountain
Ashbrook	Coyne, James	Fowler
Aspin	Coyne, William	Frank
Atkinson	Crockett	Frost
AuCoin	D'Amours	Fuqua
Bafalis	Danielson	Garcia
Bailey (MO)	Daschle	Gaydos
Barnard	Daub	Gejdenson
Barnes	Davis	Gephardt
Bedell	de la Garza	Gilman
Beilenson	Deckard	Ginn
Benjamin	DeNardis	Glickman
Bennett	Derwinski	Goodling
Bereuter	Dicks	Gore
Bethune	Dingell	Gregg
Bevill	Dixon	Gunderson
Bingham	Donnelly	Hall (OH)
Blanchard	Dorgan	Hall, Ralph
Boland	Dowdy	Hall, Sam
Boner	Downey	Hamilton
Bonior	Dreier	Hansen (UT)
Bonker	Duncan	Harkin
Bouquard	Dunn	Hatcher
Bowen	Dwyer	Hawkins
Brinkley	Dyson	Heckler
Brodhead	Eckart	Hefner
Broomfield	Edgar	Heftel
Brown (CA)	Edwards (CA)	Hendon
Brown (CO)	Emerson	Hertel
Brown (OH)	Emery	Hightower
Broyhill	Erdahl	Hiler
Burton, Phillip	Ertel	Hillis
Butler	Evans (DE)	Hollenbeck
Byron	Evans (IA)	Holt
Carney	Evans (IN)	Hopkins
Chappie	Fascell	Horton
Hubbard	Moffett	Shelby
Huckaby	Montgomery	Skeen
Hughes	Moorhead	Skelton
Hunter	Morrison	Smith (AL)
Hutto	Mottl	Smith (IA)
Ireland	Murphy	Smith (NE)
Jacobs	Napier	Smith (NJ)
Jeffords	Natcher	Snowe
Jeffries	Neal	Solarz
Jenkins	Nelligan	Solomon
Jones (TN)	Nelson	Spence
Kastenmeier	Nichols	St Germain
Kazen	Nowak	Stangeland
Kildee	O'Brien	Stenholm
Kindness	Oakar	Stratton
Kogovsek	Oberstar	Studds
Kramer	Obey	Stump
LaFalce	Oxley	Swift
Lagomarsino	Panetta	Synar
Lantos	Parris	Tauke
Leach	Pashayan	Traxler
LeBoutillier	Patman	Trible
Lee	Pease	Vento
Lehman	Perkins	Volkmer
Levitas	Petri	Walgren
Loeffler	Pickle	Walker
Long (LA)	Pritchard	Washington
Long (MD)	Pursell	Watkins
Lowry (WA)	Ratchford	Weaver
Lundine	Regula	Weber (MN)
Markey	Rinaldo	Weber (OH)
Marks	Ritter	Weiss
Marlenee	Roberts (KS)	Whitehurst
Marriott	Roberts (SD)	Whitley
Martin (IL)	Roemer	Whittaker
Mavroules	Rogers	Whitten
Mazzoli	Rosenthal	Williams (MT)
McClory	Roth	Williams (OH)
McCollum	Roukema	Winn
McCurdy	Sabo	Wirth
McEwen	Santini	Wolf
McGrath	Sawyer	Wolpe
McHugh	Schneider	Wyden
Mica	Schroeder	Wylie
Mikulski	Schumer	Yates
Miller (CA)	Seiberling	Yatron
Miller (OH)	Sensenbrenner	Young (FL)
Mineta	Shamansky	Young (MO)
Minish	Shannon	
Mitchell (NY)	Sharp	

NOT VOTING—15

Beard	Coughlin	Jones (NC)
Bliley	Dougherty	Lowery (CA)
Burton, John	Fary	Mollohan
Conyers	Florio	Pepper
Corcoran	Johnston	Stark

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Conyers for, with Mr. Jones of North Carolina against.

Mr. Pepper for, with Mr. Beard against.

Mr. Johnston for, with Mr. Corcoran against.

Messrs. DUNCAN, FORSYTHE, NAPIER, HOLLENBECK, HEFNER, and BARNARD changed their votes from "aye" to "no."

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, unavoidably I missed the vote on rollcall 282. If I had been present, I would have voted "aye."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

APPOINTMENT OF CONFEREES ON S. 884, AGRICULTURE AND FOOD ACT OF 1981

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 884), the Agriculture and Food Act of 1981, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. DE LA GARZA, FOLEY, JONES of Tennessee, BROWN of California, BOWEN, ROSE, RICHMOND, WEAVER, HARKIN, and WAMPLER;

Mr. FINDLEY on all matters except title IX of the Senate bill and modifications committed to conference;

Mr. JEFFORDS on all matters except title VII of the House amendment and of the Senate bill;

Messrs. HAGEDORN, COLEMAN, MARLENEE, THOMAS; and the following additional conferees solely for considerable of section 915 and title XI (except for section 1112 and subtitle B) of the House amendment and sections 1002, 1111, 1113, 1201-1203, and 1205 and title XIII of the Senate bill: Messrs. ZABLOCKI, FOUNTAIN, FASCELL, HAMILTON, BINGHAM, BROOMFIELD, WINN, GILMAN, LAGOMARSINO;

Solely for consideration of title IX of the Senate bill and modifications thereof committed to conference: Mr. PEYSER and Mr. STANGELAND in lieu of Mr. FINDLEY;

Solely for consideration of title VII of the House amendment and title VII of the Senate bill: Mr. LUNDINE and Mr. SKEEN in lieu of Mr. JEFFORDS.

DEPOSIT INSURANCE FLEXIBILITY ACT

Mr. ST GERMAIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Cor-

poration, and the Federal supervisory agencies to deal with financially distressed depository institutions; and pending that motion I ask unanimous consent to in one instance include extraneous material during the debate on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island (Mr. ST GERMAIN)?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island (Mr. ST GERMAIN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4603, with Mr. PEYSER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, October 27, 1981, section 1 had been considered as having been read and open to amendment at any point.

Are there any further amendments to section 1?

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during yesterday's general debate, frequent reference was made to the acquisition of Westside Federal of New York City and Washington Federal of Miami by Citizen's Savings and Loan Association of California. Citizen's is, of course, a wholly owned subsidiary of National Steel Corp. Part of the justification for the enactment of H.R. 4603 is to insure that interstate acquisitions of this nature do not take place until every reasonable effort is made to secure an intrastate solution, initially among like institutions wherever possible.

The gentleman from Georgia (Mr. BARNARD) advised the House of recent FSLIC interstate hustling efforts in Georgia notwithstanding the apparent ready availability of an intrastate solution in his compelling argument in support of H.R. 4603. I include at this point in the RECORD an October 22 article appearing in the American Banker describing in great detail FSLIC Director Beesley's road show seeking interstate merger partners for ailing thrifts with no apparent effort being made for intrastate-like institution solutions as required by H.R. 4603.

Failing thrifts are not toys in the playpen of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. Congress by its passage of H.R. 4603, will clearly accept the responsibility for providing appropriate guidelines during the difficult days that lie ahead for many of our financial institutions.

FSLIC CHIEF SAYS AGENCY STEPS UP DRIVE FOR BUYERS OF AILING THRIFTS

CHICAGO.—The Federal Savings & Loan Insurance Corp. is stepping up its campaign to find potential buyers of failing thrifts and is encouraging both strong S&Ls and industrial firms like Sears Roebuck and National Steel to enter "the interstate game" early.

Making the unusual pitch for a heightened pace of merger deals was the FLSIC director H. Brent Beesley who said the agency, while being prudent in scrutinizing S&L acquirers, also welcomes the aggresive approach by those firms seriously interested in buying problem thrifts—be they intrastate or interstate transactions.

Speaking to an audience of Chicago area savings and loan executives and attorneys, the head of the insurance arm for federally chartered S&Ls said his agency is doing its part to promote the merger transactions, and has already taken a number of significant "liberalizing" steps in such areas as accounting rules, debt requirements and so-called creative financing techniques.

Now, he said is an especially attractive time for industrial firms and well-capitalized S&Ls to start examining the merger route—considering the favorable legislative climate in Congress where bills are being considered to markedly broaden S&L powers.

If the legislation is passed, "you'd buy an S&L and make it do like a bank," declared Mr. Beesley, a Salt Lake City attorney and, before taking the FSLIC post earlier this year, chairman of a small bank in the Utah city.

The FSLIC director said his office continues to receive numerous inquiries from banks about their purchase of failing thrifts. But for the time being his agency has told banks, "We are not interested in doing a deal with you."

However, he added, the time may come when the agency will be forced to look at banks as acquirers as a means of protecting the insurance fund, which, he emphasized, is the FSLIC's chief mission.

In his talk and question-and-answer session before a joint dinner meeting of the Financial Managers Society and the Chicago S&L attorneys committee, the FSLIC director emphasized that his agency was in no way putting out the welcome mat for interstate S&L mergers "for nonsupervisory cases."

However, any reading of the handwriting on the wall shows he said, that "interstate banking is already here and here to stay," based on the confluence of many new nonbank and non S&L players in the marketplace.

Mr. Beesley devoted a good portion of his talk to the methods and procedures potential S&L acquirers should use in approaching Federal Home Loan Bank district banks and supervisory officers to put together mergers.

"To all potential acquirers, contact the supervisory agent in the area you are interested in," he advised. "He will work with you and introduce you to a potential acquirer; he will help your find a strong association with whom you might merge. First on an intrastate basis and then on an interstate basis."

LOOKING FOR STRENGTH

The FSLIC, he said, is actively looking for strong parties from all industries to consider acquiring an S&L with financial troubles.

He noted that Sears Roebuck, National Steel Corp. of Pittsburgh, and Household Finance Corp. all own S&L's, "and we invite others to examine this opportunity."

"I must make one point to potential merger partners and for acquirers, if you are contemplating making a deal with a stock association," he said, "negotiate whatever you can with the stockholders."

"We will do all we can to facilitate the merger or acquisition and make the appropriate arrangements. But there will be no possibility for FSLIC financial assistance in situations where value is paid to stockholders equity if any should be used to offset the assistance which may be required by the FSLIC."

In trying to solicit interested acquirers, Mr. Beesley said, the agency had considered publishing a list in the Wall Street Journal of S&Ls facing imminent failure. We would use hypothetical situations, he said, such as "A Small-Town S&L in the Midwest for Sale," etc.

However, the idea was scrapped as impractical in favor of holding meetings around the country with interested S&L parties. One of the first such meetings was held in San Francisco on Oct. 2, and another is set for Nov. 3 in Atlanta. Three other additional sessions are slated with state S&L supervisors.

WON'T REINVENT THE WHEEL

In his talk, Mr. Beesley also noted that the agency is in the final process of standardizing all FSLIC forms "to avoid the need to reinvent the wheel on every deal. Negotiations can then focus on substance, not form."

These forms, he said, will be reviewed by a variety of outside counsel before they are printed, and a new bidders' package and informational brochure is being prepared to facilitate acquirers getting "to the heart of the economic issues."

The main thrust of solving problem cases, he went on, has now been delegated directly to the supervisory agents in the district banks.

Their objective is to work with management "to arrange for a plan to restore financial strength, such as the conversion to stock form along with an accompanying injection of private capital.

"I might say that many of the legal obstacles in the conversion process have been or are being eliminated. We are also liberalizing the use of subordinated debt and mutual capital certificates. I think you will find the Bank Board receptive to most reasonable efforts to help associations help themselves through these troubled times," he continued.

"We believe the merger process is especially useful. The wise use of purchase accounting is facilitating mergers. We applaud this trend. It also gives tremendous flexibility to manage the asset and liability mix and to take full advantage of any tax break," Mr. Beesley concluded.

□ 1315

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to try to clear up some misconceptions about H.R. 4603 as a result of the debate yesterday. I say "misconceptions" because of the thrust of some of the questions asked of me by Members of this body about the bill. This confusion over the bill and what it contains is probably partly due to the inability

of the sponsors, including myself, to explain the bill better. But it is a very complicated situation in which we find ourselves. I must say there is a lot of sand in the air as a result of what I regard as misleading statements about what the bill does and what the bill does not do.

The savings and loan industry, I might say, is split down the middle on this bill. I think it is fair to say that, in my own State of Ohio, the chief executive officers of the healthier and stronger S. & L.'s are for the bill. The boogieman in this bill—and Halloween is just around the corner—is the word "merger," merger of a mom and pop bank with a big one-bank holding company from New York City.

Well, that just cannot happen under this bill. But a merger is a last resort solution which is provided for in this bill after other forms of assistance, such as the purchase of securities—capital infusion—or financial assistance through the Federal savings and loan insurance fund or the FDIC fund have been deemed not feasible.

If a merger is decided on for a failing institution—and I stress it must be failing—this bill says then the regulatory agencies must, make every reasonable effort to arrange a merger with an institution of the same type in the same state. Then, and only then, can mergers be arranged between institutions of different types in different States to prevent the institutions from failing.

Now, Mr. O'Connell, the president of the U.S. Savings & Loan League, objected to this last provision and, thus, to the bill. I asked him: "If an S. & L. is failing, by anybody's test, what is wrong with allowing a bank holding company from an adjoining State to merge with it, to prevent it from failing"?

He said, "We think it would be better to let it fail than to have it bought by a bank."

Now, that was very disconcerting to me, and I cannot subscribe to that notion. Is it not better to keep an S. & L. or a savings bank in business as a subsidiary of a bank holding company than it is to let it fail altogether? I certainly think so.

Chairman Volcker agreed with me, in response to a question which I asked of him. He did not agree that it would be better to let it fail. He added there is another consideration which is certainly relevant. This bill would allow us to do what is necessary at the least cost to the insurance funds and ultimately to the taxpayers of this country during a very difficult transition period. It is almost always more expensive to liquidate these institutions.

The State bank regulators and the independent bankers ought to be for this bill because it would make it more difficult than it is under the present law to merge. This bill establishes guidelines. The big banks ought to be against it because they have a better chance to merge under present law. And, besides, the more little banks that fail, the more business the big banks or a Sears bank will have. The foreign banks are practically shut out under this legislation, whereas they have an open invitation to buy a failed bank under the present law.

There is an additional factor. Small banks generally do not have the problems that the thrifts have. Small banks are doing fairly well. But even if a bank is failing, it must have $2 billion in assets before a merger can be affected. That is a pretty big bank. I do not think there are any banks that size on the problem list. But if there is, between now and September 30, 1982, when this bill sunsets, then we ought to prevent its failure if we can, even if that contemplates a merger. That is the bottom line for me, what is best for this country, and I think this bill meets that test.

Mr. ANNUNZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the distinguished chairman of the full committee knows. I voted against this legislation both in the subcommittee and the full committee. While it will be considerably improved with the addition of several amendments on the floor today. I still have some reservations about the legislation.

However, I do plan to vote for the legislation, but I want to make certain that this bill will not be the vehicle that the Senate will use—as my colleagues on the committee know, that is the position I maintained in the committee—to change virtually every financial law in this country.

As my distinguished friend, the gentleman from Rhode Island, knows, the Senate is currently holding hearings on a far-reaching banking bill. It is my understanding that it will shortly mark up and move it to the Senate floor. It has been no secret that the plan of the Senate is to attach everything in the far-reaching bill to this so-called regulators bill and send it back to the House. The Senate hopes to add enough sweeteners so as to attract support in this body. The Senate bill would virtually wipe out every small financial institution in this country, and that bill is a dangerous bill.

I am concerned that the House will place itself in a position of making it easy for the Senate to get House consideration of its bill. In light of that, Mr. Chairman, I want to ask you this question: I wonder if you, as my good friend and the distinguished chairman of this full committee, who has worked so long and hard to bring this legislation to the floor, can give me assurance that under no circumstances—and I repeat, under no circumstances, no way, shape, or form—will you go to a conference with the Senate unless the entire scope of the House-Senate conference is limited to the regulators bill, with no extraneous amendments?

Unless I get such assurances, I cannot vote for this bill, because I cannot take a chance of loading the gun that will eventually be turned on the Members of this House. Mr. Chairman, may I have your comments, please?

Mr. ST GERMAIN. The Chair has answered this question previously, but will be happy to respond again. The Chair has answered that question to the gentleman from Illinois in the subcommittee on numerous occasions and in the full committee on numerous occasions. Yesterday afternoon, as appears at page 25418 of the CONGRESSIONAL RECORD for October 27, 1981, the Chair, in the first column, answered that question for the gentleman from Texas, the distinguished Mr. JAMES MATTOX. I have answered it.

Now, I would say to the gentleman that I was amused by those who said, "Huh, rush this bill through," the one before us. I remember the usury bill. We had hearings that went on a day and a half, and we had a vote the second day in subcommittee. I did not think we rushed it through. I thought we had thorough hearings. This bill before us had much more thorough hearings.

So I hope that in the future, before saying that the chairman has rushed something through, that Members will first analyze and look at other items. They will find that the Chair does not rush items through. I make that point because, if we are going to adopt further legislation in the area of financial institutions, it will be done under tier 2—this is tier 1—where we will begin with the discussion principles and have thorough hearings before the full committee and then assign various elements to the subcommittees of jurisdiction in the House Banking Committee, as well as, if necessary, other committees and subcommittees of other major committees.

So I assure the gentleman, there is no attempt to rush anything, and there will be no agreement on the part of this Member to Christmas-tree the legislation before us.

Mr. ANNUNZIO. I want to express my appreciation to the chairman. I in no way, manner, shape, or form said that we were rushing this legislation. We have had full and complete hearings. The only assurances I want—and I have received that assurance—is that we are not going to Christmas-tree this bill. Under those circumstances, I do intend to support the legislation.

I want to congratulate the chairman for his patience, his diligence in working out this situation, so that some of

us who have not supported the legislation in committee can now support this legislation on the floor of the House. I urge the other members on the committee who supported me in opposing the legislation that, as we proceed in marking up this bill today on the amendments, you will find that it is now a good bill, and I urge you to support the legislation.

AMENDMENTS OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. PAUL: Page 2, line 10, insert "or" before "to assume".

Page 2, line 11, strike out "or to make contributions to,".

Page 3, line 7, strike out "or contributions".

Page 11, line 18, insert "or" before "to assume".

Page 11, line 19, strike out "or to make contributions to,".

Page 12, line 17, strike out "or contributions".

Mr. PAUL. Mr. Chairman, my amendment is not complex. It merely strikes the words "to make contributions" on four occasions in the bill. It is to dramatize how loose I believe the language is in this piece of legislation.

I would like to read the first paragraph of the first section because if anybody is concerned about this piece of legislation increasing the power of the regulators, I think their concerns would be confirmed by listening to this:

The Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, to assume the liabilities of, or to make contributions to, any insured bank—

I think the words "to make contributions" is language which is much too broad, for me. Of course, it does conform to the title of the bill, the Deposit Insurance Flexibility Act, because indeed it will give a great deal of flexibility. But just the idea that the Government, the regulators, the FDIC, can give contributions is rather astounding.

I know that someone will get up and possibly give a new definition to "contributions." But the old definition was that it was something of a donation, something that we gave to our church or something that we gave to the United Fund. We gave a contribution.

□ 1330

But I believe it goes along with much of what we do here in Washington. We do give contributions. The tragedy is those contributions that we are always giving away happen to come from the pockets of the American taxpayers, either in the form of taxes or more inflation.

I think it is a reasonable request to tighten this language and to drop the word where it appears on four occasions, "contributions." We do not need to be in the business of giving contributions.

The significance of this bill coming up at this time, I think, needs some attention. The banking institutions are in trouble. I for one would recognize the seriousness of our banking institutions and the need for something to be done.

I would even concede to the authors of the bill that this bill will help on the very, very short run. But it is somewhat like giving another drink to the alcoholic who needs something to calm his nerves. It will certainly calm the nerves of the banking industry.

But to have a bill like this which means an unlimited source of funds to bail out banks, not only the ones that have failed but the ones who have a tendency to fail; yes, I think those numbers will grow significantly in the next several years and there will be great need for an infusion of large amounts of cash and new credit.

But to me that means a large infusion and a lot more inflation.

Some would argue this is not inflationary and it will not cost anything. Yes; it will cost something because I believe a lot of new credit and new dollars will be used to go into failing institutions.

So we are trying to stop the problem of inflation with creating more inflation.

To give a drink to the alcoholic calms his nerves, but it will not help him get on the road back to health. We must look at the real problem. If too much drinking is the problem for the alcoholic, too much money is the problem in the economy and in the monetary system.

Our problem is that we have been on an unrelentless binge of money creation. This has occurred especially since 1971. Up until 1971 there was a minor check held on the monetary authorities, because up until August of 1971 there was a connection of the dollar to gold. There was a limitation on how much new money the Federal Reserve could create, even though in a minor way.

Since that time we have seen astounding growths in the money supply, and interest rates at 20 to 21 percent.

So we are living in an age of a depreciated currency. It is the currency that is sick, it is not the banking institutions. The unit of account is the problem, not the management of our banking institutions.

If anything, our banking institutions have too much regulation. We do not have and never did have, but that does not mean that we cannot consider having a free market in the banking institutions as well as in other areas of the economy. Let them compete as other businesses compete, instead of propping them up, regulating them and bailing them out when they fail.

I see that great damage can be done by this bill in the way it is written at the present time. The clause that permits the interstate banking is quite a danger and yet in a free market system you do permit interstate banking, but it develops in a very normal and natural way. The way it will develop with this legislation could prove disastrous to the small institutions and beneficial to the large ones as mergers will occur through Government bailout procedures.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment offered by our distinguished colleague, the gentleman from Texas (Mr. PAUL).

Existing law, not H.R. 4603, gives the FSLIC authority to provide contributions to thrift institutions. The FSLIC has been able to make contributions to ailing thrifts and thereby to facilitate mergers and acquisitions since 1935.

Granted, FSLIC is asking for some new conforming language to clarify that contributions can go to an acquiring institution as well as to the troubled institution directly, but the fact remains that FSLIC's basic authority to help carry out mergers has been on the books for 46 years.

Therefore, the amendment would have the effect of cutting back on the longstanding flexibility of the FSLIC in dealing with institutions needing assistance.

The FDIC section of the bill includes this "contribution" language, because the Financial Institutions Subcommittee adopted an amendment designed to make the FDIC and the FSLIC assistance sections parallel, so the existing FSLIC language became part of the FDIC portion of the bill.

I would oppose this effort to reduce rather than enhance the regulators' flexibility.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding.

I recognize that this word "contribution" did exist in the law. I do not think that in itself is enough justification to continue this type of language if it is careless language.

I would like to know what the gentleman's definition of "contribution" is?

Mr. ST GERMAIN. A contribution is just what it sounds like. It is a way to

provide a subsidy to a troubled institution without requiring repayment. Now obviously it would be preferable to have FDIC and FSLIC provide assistance in the form of a loan that would be repaid, but in some cases that is simply not possible. Sometimes, if the agencies cannot offer a contribution to help effectuate a merger, the only alternative is liquidation and as the gentleman knows, and as the Members of the House know, that can be a very, very expensive route to travel.

For that reason, it is important authority for FSLIC to keep, since they have already had it for 46 years.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Georgia.

Mr. BARNARD. I thank the gentleman for yielding.

The word "contribution," Mr. Chairman, perhaps does need to be clarified. Is it not true that this is not a contribution from the Treasury of the United States?

Mr. ST GERMAIN. That is correct.

Mr. BARNARD. It is instead a contribution from the FSLIC.

Mr. ST GERMAIN. The insuring fund. Actually it is made to avoid a larger cost to the fund should a failure and liquidation occur.

Mr. BARNARD. It is not management of the corpus of the insurance fund?

Mr. ST GERMAIN. Yes, sir.

Mr. BARNARD. Possibly the word contribution is an unfortunate word, but, I do not know any other word that can be used to permit this activity. This, as I understand it, would apply only where there is good management where the circumstances beyond the control of management have caused the problems. In such cases, the FSLIC would be able to make this type of contribution, maintain the present good management, and thus salvage a failing thrift.

Mr. ST. GERMAIN. To assist an acquiring institution to be able to indeed help a failing situation.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Texas.

Mr. PAUL. I would like to point out that this is true technically. This is right. FDIC would make the contribution. At the present time, FDIC has $11.5 billion in reserve and it protects $950 billion. So we have a very limited amount of protection—less than 1 percent.

But it is also true that even though the gentleman says the contribution comes from the FDIC, where did they get the money? They got it from other institutions. So in a way it is a tax on the healthy institutions——

Mr. ST GERMAIN. Wait a second. The insurance concept is exactly that. You have workmen's compensation insurance. Fortunately not everybody gets injured on the job. But just because the people who did not get injured on the job are not collecting, that does not mean you do not assist those people who have been injured on the job.

In this instance, there are institutions that have been injured on the job. The insuring fund is there for that purpose and, I submit further, the reason for utilizing this technique is to minimize the cost to that insuring fund, and, therefore, to all those other healthy institutions that have contributed over the years.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, this is not a conforming amendment, as the author, the gentleman from Texas (Mr. PAUL), would have us believe. This is a very, very restrictive amendment to the bill and, of course, must be opposed if we are to have any bill at all here.

Contributions to the FDIC and FSLIC funds come from member institutions. There is no taxpayer money involved so we are not talking about contributions of the taxpayers' money. We are talking about the ability of the FDIC and the Federal Home Loan Bank Board to make infusions to the capital base of these failing institutions—I might say with strong strings attached.

In most cases the chief executive officer or the officers of the failing financial institutions would be replaced and the regulator would require some security for repayment.

But as a general principle, this amendment would severely restrict the flexibility of the regulators to restore ailing thrifts to financial vitality.

Prohibiting contributions does not prohibit other direct forms of assistance as outlined in this bill, such as loans, deposits, purchase of securities and purchase of assets, and others. But, as might be expected, the regulatory agencies strongly oppose this amendment. The Bank Board opposes it on the ground that without this tool there would be many cases where the thrift would be in not only a failing position, but a failed position shortly thereafter.

Now, I might also say that one of the reasons the Office of Management and Budget was at first a little hesitant about supporting this bill was the possibility of some budget impact, and when it was pointed out that by allowing this capital infusion through FDIC and FSLIC funds that some of the budget impacts could be avoided, then I think their position changed.

Also, Chairman Volcker suggested that with this provision in the bill, or with this potential to make contributions, that something in the neighborhood of several hundred millions of dollars could possibly be saved by avoiding the cost of liquidation.

Alice Rivlin, I pointed this out yesterday in my remarks, said that this provision in the bill could save as much as $1 billion or more as far as exposure to the funds is concerned.

So, Mr. Chairman, I would say that I very, very strongly oppose this amendment and certainly hope it does not pass.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I would like to point out there is a distinction between FDIC insurance and private insurance. Private insurance is something we go out and make a decision on and we voluntarily purchase. There is not much voluntarism in decisionmaking in subscribing to FDIC insurance.

So in this way I would claim that it is more of a tax than if it a true insurance.

Mr. WYLIE. On that point, there is no tax to the taxpayers of the United States. There is a contribution from the member bank or member institution.

Mr. PAUL. Only in the sense that this has to be passed on to the consumer, because if it takes away from the bank, it is then itself a cost to the banks, so it has to be passed on.

I would like to make one other point about a capital infusion not being as much concern to the Budget Office. It always amazes me how we handle this. In a budgetary sense, there is a big difference on whether or not it is going to be damaging to us. I think that our tendency so often is that we take capital infusions and subsidies and different things and put them off the budget and claim that it is not a problem. But every time we have a guarantee——

Mr. WYLIE. No, no; the gentleman missed my point, if I may reclaim my time. This is an on-budget item, and I do not think it should be an on-budget item because there is no taxpayers' money involved.

The point I am making is that if this capital infusion provision is not allowed, and if the regulatory agencies do not have the potential of restoring failing institutions to health, then there will be greater exposure through the liquidation process to this fund, and if there are enough of them that fail, so that the fund is depleted, then the taxpayers are exposed.

So, this amendment goes in the opposite direction, to my way of thinking, from saving taxpayers' money.

Mr. STANTON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has expired.

(At the request of Mr. STANTON of Ohio and by unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. STANTON of Ohio. I thank the gentleman for yielding.

Now that the author of the amendment realizes and all of us realize this is more than a perfecting amendment, and I can see why the gentleman would be a little bit confused by the word "contribution"—now that we realize that it is one of the most meaningful things that the FIDC and FSLIC have as a tool in supplementing their obligation to help failing institutions, I wonder if the gentleman might want to withdraw his amendment.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Texas.

Mr. PAUL. No; I would like to see that everybody is on record as far as voting for something as loose as this.

Mr. STANTON of Ohio. Now that we will have this amendment before us, Mr. Chairman, I rise in strong opposition.

I do not really know if the gentleman is sincere.

The FSLIC tells us this is one of the most crippling amendments that we could have. It will probably destroy their procedure.

I would certainly urge a "no" vote on the amendment.

□ 1345

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have noted that the supporters of H.R. 4603 insist that this bill will not have the kind of wide-ranging impact that many of us are afraid of.

In fact, some insist that it really does not bestow any substantial additional authority on the FDIC or the FSLIC than they already have. If that is true, then probably the bill is unnecessary. But the fact is that this bill does provide additional opportunities for further concentration in the financial industry and that is precisely what many of us are worried about.

Because high interest rates have created a problem for some of our thrift institutions, we have this proposal as a remedy for the thrift institutions. That is treating the symptom, not the disease. That is concentrating on the headache and not the brain tumor.

The high interest rate policy pursued by the Federal Reserve Board is the curse on the American economy. That is what is threatening the existence of many thrift institutions. A number of savings and loans are in trouble and I agree with those who say we have got to recognize that problem. Recognizing the problem is virtuous, but proposing an improper solution to it is hardly beneficial to this country.

I think we ought to start seriously discussing the issue of the structure of the Federal Reserve Board and address the interest rate policy issue in this country. If we move back to a period of moderate interest rates, many of the problems these thrift institutions are facing will be alleviated.

To bring legislation to the floor of this House that proposes making the big financial institutions bigger as a solution to the problems caused by monetary policy in this country is just ignoring the real issue.

This bill does allow a large New York bank to buy a North Dakota credit union. The Senate has a bill that would extend to savings and loans virtually full banking privileges. That means that some of the larger financial institutions of this country are going to have a vehicle to go in and get deposits out of States that do not now allow branch banking. I know that the retort to that will be, "Well that's not what this bill intends." The fact is that the largest financial institutions of this country will make short work of the intentions of this legislation if they have any opportunity at all to go in and get deposits in States that do not now allow branch banking.

The late Senator Bill Langer once described who would always be on top if you put a big banker and a lawyer in a barrel and rolled them down a hill. Let us not be fooled. They will make short work of this type of legislation. We have a system of thrift institutions and independent banks that have served us well. I do not think the executives of Chase Manhattan are sitting in New York trying to figure out how they can best serve the financial interests or needs of Minot, N.D. But I am certain that they are sitting in their suites in New York drooling over the deposits they could get from our region of the country if only they could figure out a way to tear down the prohibition against branch banking that has been established by our State legislature.

What those financial institutions have not been able to get through our State legislature, they now want to get through the U.S. Congress masquerading it as a solution to some failing thrift institutions. Those who say, "trust us" are well meaning, but I believe this is leading us to a long-term homogenized financial industry in which the big get bigger and the small get bought out.

That is not the vision I have for this country's future and I predict that if the Congress passes this bill and other legislation moving in this same direction in the Senate, then in the future, it will be left with the hollow apology of T. S. Eliot who said, "That is not what I meant at all."

I urge my colleagues to oppose this approach and let us get about the business of dealing with the interest rate problem in this country. Let us stop wringing our hands and start getting to work and change the structure of the Federal Reserve Board and bring those interest rates back down to where they ought to be so we can have some economic growth and some economic health in this country. That is also the most important step we can take to restore health to the thrift institutions that are in some trouble.

Mr. PAUL. Mr. Chairman, would the gentleman yield?

Mr. DORGAN of North Dakota. Yes; I will be happy to yield.

Mr. PAUL. I would like to thank the gentleman for yielding and compliment the gentleman on his statement, especially on the portion dealing with monetary policy. That is the point I have been trying to make. I think the gentleman made it quite well.

The monetary policy is that which is wrong with the economy. The bank failures are the results, they are the symptoms and more Government intervention, more planning, and more patchwork will do harm in the sense that it will cover up the mistakes that were made with the monetary policy.

I would like to compliment the gentleman for joining me in asking that one day we in the Congress should investigate and understand exactly what the Federal Reserve is doing and have an audit of the Federal Reserve.

Mr. DORGAN of North Dakota. Well, what I am saying is that dealing with this issue rather than the issue of monetary policy is worrying about the headache and not the brain tumor.

The problem in this country is monetary policy. That is what is causing financial problems for the thrift institutions.

Again, I respect the committee and the committee chairman in their attempt to try to resolve some of these issues; but the major issue is ignored by this House. It is ignored month after month after month, as the Federal Reserve Board has strangled small business and farmers of this country with high interest rates. This does not make much sense to be pursuing this course when we ought to be pursuing the larger question of monetary policy.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and on a division (demanded by Mr. PAUL) there were—ayes 1, noes 10.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSSELOT: On page 16, line 7, insert after ".", "In

making a determination under this subsection, the State savings and loan supervisor of the State in which the insured, State-chartered institution to be merged, consolidated or acquired is chartered shall be consulted. The State supervisor shall be given a reasonable opportunity, and in no instance a period of less than twenty-four hours, to object to the use of the provisions of these paragraphs (1) and (2). If the State supervisor objects, the acquiring company or institution may use the authorities of paragraphs (1) and (2) only by a unanimous vote of the Federal Home Loan Bank Board. The Board Members shall provide to the State supervisor, as soon as practicable, a written certification of its determination."

The CHAIRMAN. The Chair would like to state to the gentleman from California that the amendment he is offering is in the section following the section we are presently on.

Are there any other amendments to section 1? The Chair hears none.

Does the gentleman from California ask unanimous consent to offer his amendment at this point?

Mr. ROUSSELOT. Mr. Chairman, I ask unanimous consent to offer the amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROUSSELOT. Mr. Chairman, my amendment is basically a conforming amendment designed to provide to State savings and loan supervisors a role in the merger process similar to that provided to State bank supervisors, with respect to State-chartered institutions.

Under my amendment, if a State-chartered savings and loan association is to be merged, consolidated, or acquired, the State supervisor shall be consulted and given a reasonable opportunity—no less than 24 hours—to object to the use of the authority under paragraphs (1) and (2) of section 8. If the State savings and loans supervisor objects, a unanimous vote of the Federal Home Bank Board would be required in order to proceed. The Board shall provide to the State supervisor a written certification of its determination.

The State savings and loan supervisor for California, Ms. Linda Yang, has expressed her concern that the dual system of regulation of depository institutions would be jeopardized if Federal authorities could arrange a merger, consolidation, or acquisition involving a State-chartered savings and loan without the safeguards provided by my amendment.

I know that many of my colleagues share my desire to take reasonable steps to preserve the dual system. My proposal tracks the provision which applies to the State bank supervisors, and I hope that the distinguished managers of the bill (Mr. ST GERMAIN, Mr. STANTON of Ohio, and Mr. WYLIE) will be able to accept it.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. Of course, I yield.

Mr. ST GERMAIN. Mr. Chairman, I have no objection to this amendment. The provision would provide State savings and loan supervisors the same opportunities as State bank supervisors are provided in the FDIC merger and acquisition section. Thus, the supervisor would be notified by the FSLIC that an acquisition transaction is going to be used to resolve a problem case. The supervisor would have at least 24 hours to object. If he or she did, then the Corporation would need a unanimous vote of its trustees—the Federal Home Loan Bank Board—to approve the transaction.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the chairman's comment.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the ranking Republican member of the subcommittee.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

I find the amendment acceptable, also. As the gentleman points out, it does parallel provisions for State bank supervision agencies in those States where there are two agencies, because the authority over banks and savings and loan associations is not lodged in a single supervisor. In some States there is only one, of course, but where there are two this parallels it.

I understand with the adoption of this amendment that the gentleman is prepared to support the bill.

Mr. ROUSSELOT. Something like that. I appreciate my colleague's interest.

Mr. WYLIE. That is not as positive a response as I expected.

Mr. ROUSSELOT. I think I have already stated to the gentleman that I thought that this improved the bill very substantially, enough that I might even be able to support it.

Mr. PATTERSON. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague, the gentleman from California.

Mr. PATTERSON. Mr. Chairman, I commend the gentleman on his amendment. I think it is a good one, particularly in our State of California, where we have an effective dual system of State and Federal financial institutions, and I join with the gentleman in support of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROUSSELOT).

The amendment was agreed to.

Mr. ST GERMAIN. Mr. Chairman, I ask unanimous consent that the balance of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

PARLIAMENTARY INQUIRY

Mr. WYLIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WYLIE. Mr. Chairman, I thought we had done that yesterday, but apparently not.

The CHAIRMAN. We had only done section 1 yesterday.

Mr. McCOLLUM. Mr. Chairman, are we doing this section by section?

The CHAIRMAN. No; it is open now at any point.

Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The remainder of the bill is as follows:

CONFORMING AMENDMENTS

SEC. 2. Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) in subsection (e)—

(A) by inserting "(e)" before "No agreement"; and

(B) by striking out the first paragraph of such subsection.

CONVERSION OF MUTUAL SAVINGS BANKS

SEC. 3. (a) Section 26 of the Federal Deposit Insurance Act (12 U.S.C. 1831c) is amended—

(1) by inserting "(a)" after "Sec. 26.";

(2) by inserting "mutual" after "Federal" the first two times it appears; and

(3) by striking out "or a savings bank which is (or within sixty days after the merger or consolidation becomes) an insured institution within the meaning of section 401 of the National Housing Act".

(b) Section 26 of the Federal Deposit Insurance Act (12 U.S.C. 1831c) is amended by adding at the end thereof the following:

"(b) In any case in which a State-chartered insured mutual savings bank converts, pursuant to section 5(o) of the Home Owners' Loan Act of 1933, into a Federal stock savings bank or a Federal stock savings and loan association, or merges with or is acquired by a Federal stock savings bank or a Federal stock savings and loan association, the Corporation shall fully indemnify and hold harmless the Federal Savings and Loan Insurance corporation, as agreed to by the two Corporations, for losses which may be incurred by the Federal Savings and Loan Insurance Corporation, during a period not to exceed five years, as a consequence of the Federal Savings and Loan Insurance Corporation's insuring the accounts of such institution.

"(c) In implementing subsection (b) and the indemnification agreement specified in subsection (a), the Corporation and the Federal Savings and Loan Insurance Corporation shall include, but not be limited to, those losses resulting from a decline in the market value of assets due to interest rate fluctuations.".

FEDERAL DEPOSIT INSURANCE CORPORATION ASSESSMENTS

SEC. 4. The third sentence of section 7(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(d)(1)) is amended—

(1) by striking out "and" before "(3) the insurance losses"; and

(2) by inserting before the period at the end thereof the following: "; and (4) any lending costs for the calendar year, which costs shall be equal to the amount by which the amount of interest earned, if any, from each loan made by the Corporation under section 13 of this Act after January 1, 1981, is less than the amount which the Corporation would have earned in interest for the calendar year if interest had been paid on such loan during such calendar year at a rate equal to the Corporation's average investment portfolio yield for such calendar year.".

WAIVER OF NOTICE REQUIREMENTS

SEC. 5. (a) Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: ". Notwithstanding any other provision of this Act, in any case in which the Board finds that an emergency exists which requires the Board to act immediately on any application under this subsection involving a thrift institution, the Board may dispense with the notice and hearing requirement of this subsection and the Board may approve or deny any such application without notice or hearing;".

(b) Section 2(i) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(i)) is amended by—

(1) striking out "or" before "(3)"; and

(2) by inserting before the period at the end thereof the following: "or (4) a Federal stock savings bank or Federal stock savings and loan association organized under section 5(o) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(o))".

(c) The first sentence of section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended by inserting after "no application" the following: "(except an application filed as a result of a transaction authorized under section 13(f) of the Federal Deposit Insurance Act (12 U.S.C. 1823(f))".

FEDERAL STOCK SAVINGS INSTITUTIONS

SEC. 6. (a) Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) is amended by adding at the end thereof the following:

"(o)(1) Notwithstanding any other provision of law, the Board, subject to the provisions of this subsection, may authorize (or in the case of an association require) under the rules and regulations of the Board—

"(A) the conversion of a mutual savings and loan association or mutual savings bank into either a Federal stock savings and loan association or a Federal stock savings bank; or

"(B) the chartering of a Federal stock savings and loan association or Federal stock savings bank to acquire the assets of, or to merge with, such a mutual savings and loan association or mutual savings bank.

"(2) No action may be taken under paragraph (1) unless—

"(A) such action is taken to assist an institution in receivership; or

"(B) the primary Federal supervisor has determined that severe financial conditions exist which threaten the stability of an institution and that such action is likely to improve the financial condition of the institution; or

"(C) the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation has contracted to provide assistance to such institution under section 406 of the National Housing Act (12 U.S.C. 1729) or section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823).

"(3)(A) The Federal Savings and Loan Insurance Corporation shall insure the accounts of any federally chartered stock savings bank.

"(B) The Board may condition its approval of the conversion or acquisition of a mutual savings bank under this subsection which was previously insured by the Federal Deposit Insurance Corporation upon the receipt from the Federal Deposit Insurance Corporation of full indemnification of the Federal Savings and Loan Insurance Corporation and upon the Federal Deposit Insurance Corporation holding harmless the Federal Savings and Loan Insurance Corporation for losses which may be incurred by the Federal Savings and Loan Insurance Corporation during a period not to exceed five years as a consequence of the Federal Savings and Loan Insurance Corporation insuring the accounts of such association, as agreed to by the Corporations.

"(4) In addition to engaging in any investment or activity permitted a Federal mutual savings bank under this section, a Federal stock savings bank created pursuant to this subsection may, to the extent authorized by the Board, but subject to the limitations of subsection (a), continue to engage in any activity in which the institution which it acquires was engaged on December 31, 1977, and retain and make any investments of a type that the institution that it acquires held on that date.".

(b) Section 403(a) of the National Housing Act (12 U.S.C. 1726(a)) is amended by inserting ", Federal stock savings banks," after "Federal savings and loan associations".

(c) Section 2(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1462 (d)) is amended—

(1) by striking out "or" after "Federal savings and loan association" and inserting in lieu therof ", a Federal stock savings bank, and"; and

(2) by inserting "and a Federal stock savings bank" before ", unless the context".

ASSISTANCE TO THRIFT INSTITUTIONS

SEC. 7. (a) Section 406(f) of the National Housing Act (12 U.S.C. 1729(f)) is amended to read as follows:

"(f)(1) The Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, to assume the liabilities of, or to make contributions to, any insured institution—

"(A) if such action is taken to prevent the default of such insured institution;

"(B) if, with respect to an insured institution in default, such action is taken to restore such insured institution in default to normal operation; or

"(C) if, when severe financial conditions exist which threaten the stability of a significant number of insured institutions or of insured institutions possessing significant financial resources, such action is taken in order to lessen the risk to the Corporation posed by such insured institution under such threat of instability.

"(2)(A) In order to facilitate a merger or consolidation of an insured institution described in subparagraph (B) with another insured institution or the sale of assets of such insured institution and the assumption of such insured institution's liabilities by another insured institution, the Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe—

"(i) to purchase any such assets or assume any such liabilities;

"(ii) to make loans or contributions to, or deposits in, or purchase the securities of, such other insured institution; or

"(iii) to guarantee such other insured institution against loss by reason of such other insured institution's merging or consolidating with or assuming the liabilities and purchasing the assets of such insured institution.

"(B) An insured institution described in this subparagraph—

"(i) is an insured institution which is in default;

"(ii) is an insured institution which, in the judgment of the Board of Directors, is in danger of default; or

"(iii) is an insured institution which, when severe financial conditions exist which threaten the stability of a significant number of insured institutions, or of insured institutions possessing significant financial resources, is determined by the Corporation, in its sole discretion, to require assistance under subparagraph (A) in order to lessen the risk to the Corporation posed by such insured institution under such threat of instability.

"(3) The Corporation may provide any person acquiring control of, merging with, consolidating with or acquiring the assets of an insured institution under section 408(m) of this Act with such financial assistance as it could provide an insured institution under this subsection.

"(4) With respect to an insured institution described in paragraph (2)(B), no assistance shall be provided under this subsection to such insured bank in an amount in excess of that amount which the Corporation determines to be reasonably necessary to save the cost of liquidating (including paying the insured accounts of) such insured institution, except that such restriction shall not apply in any case in which the Corporation determines that the continued operation of such insured institution is essential to provide adequate savings or home financing services in its community.".

(b) Section 406(b) of the National Housing Act (12 U.S.C. 1729(b)) is amended to read as follows:

"(b)(1) In the event that a Federal savings and loan association is in default, the Corporation shall be appointed as conservator or receiver and as such—

"(A) is authorized—

"(i) to take over the assets of and operate such association;

"(ii) to take such action as may be necessary to put it in a sound and solvent condition;

"(iii) to merge it with another insured institution;

"(iv) to organize a new Federal association to take over its assets;

"(v) to proceed to liquidate its assets in an orderly manner; or

"(vi) to make such other disposition of the matter as it deems appropriate,

whichever it deems to be in the best interest of the association, its savers, and the Corporation; and

"(B) shall pay all valid credit obligations of the association.

"(2) The Corporation shall pay insurance as provided in section 405. The surrender and transfer to the Corporation of an insured account in any such association which is in default shall subrogate the Corporation with respect to such insured account, but shall not affect any right which the in-

sured member may have in the uninsured portion of his account or any right which he may have to participate in the distribution of the net proceeds remaining from the disposition of the assets of such association.".

EMERGENCY THRIFT ACQUISITIONS

SEC. 8. (a) Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(m)(1) Notwithstanding any other provision of law other then subsections (e)(2) and (l) of this section, subject to the provisions of this subsection, the Corporation, upon its determination that severe financial conditions exist which threaten the stability of a significant number of insured institutions, or of insured institutions possessing significant financial resources, may authorize, in its sole discretion and where it determines such authorization would lessen the risk to the Corporation, an insured institution that is eligible for assistance pursuant to section 406(f) of this Act, to merge or consolidate with, or to transfer its assets and liabilities to, any other insured institution, or may authorize any company to acquire control of such insured institution or to acquire the assets or assume the liabilities thereof.

"(2) Mergers, consolidations, transfers, and acquisitions under this subsection shall be on such terms as the Corporation shall provide.

"(3) Where a merger, consolidation, transfer, or acquisition under this subsection involves an insured institution eligible for assistance and a bank or bank holding company, such insured institution shall be subject to the conditions upon which a bank may retain or establish and operate a branch or branches under the laws of the States in which such insured institution is located. In addition, no insured institution acquired under the provisions of this subsection by either a bank or bank holding company shall move its principal office or any previously established branch office after it is acquired which it would be prohibited from moving if the insured institution were a national bank.

"(4) In considering authorizations under this subsection, the need to minimize financial assistance required of the Corporation shall be the paramount consideration, except that the Corporation shall also make a reasonable effort to authorize transactions under this subsection in the following order:

"(A) First, between institutions of the same type within the same State;

"(B) Second, between institutions of the same type in different States;

"(C) Third, between institutions of different types in the same State; and

"(D) Fourth, between institutions of different types in different States.

"(5) No transaction subject to this subsection and involving an insured bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) shall be permitted without the prior approval of the Corporation under this subsection and the primary Federal supervisor of such insured bank or bank holding company.

"(6) For purposes of this subsection, the term 'same type' means a mutual savings bank, a savings and loan association, a cooperative bank, a building and loan association, a homestead association, and a savings bank.".

(b) The first sentence of section 408(e)(2) of the National Housing Act (12 U.S.C. 1730a(e)(2)) is amended by inserting "or any transaction under subsection (m)," before "except in accordance with".

(c) Section 408(a)(1)(A) of the National Housing Act (12 U.S.C. 1730a(a)(1)(A)) is amended by inserting "or savings" after "or a cooperative".

ASSISTANCE TO FEDERAL HOME LOAN BANK MEMBERS

SEC. 9. Section 16 of the Federal Home Loan Bank Act (12 U.S.C. 1436) is amended by inserting "(a)" after "SEC. 16." and by adding at the end thereof the following:

"(b) Notwithstanding subsection (a) or any other provision of this Act, if the Board determines that severe financial conditions exist threatening the stability of member institutions, the Board may suspend temporarily the requirements of subsection (a) that a portion of net earnings be set aside semiannually be each Federal Home Loan Bank to a reserve account and permit each Federal Home Loan Bank to declare and pay dividends out of undivided profits.".

BORROWING AUTHORITY

SEC. 10. (a) The first sentence of section 402(d) of the National Housing Act (12 U.S.C. 1725(d)) is amended by inserting before the period at the end thereof the following: ", except that interest on loans from the Federal Home Loan Banks shall be not less than their current marginal cost of funds, taking into account the maturities involved, and loans from the Federal Home Loan Banks shall be adequately secured, as determined by the Board".

(b) The first sentence of section 402(i) of the National Housing Act (12 U.S.C. 1725(i)) is amended—

(1) by striking out "any other source" and inserting in lieu thereof "any source other than the Federal Home Loan Banks";

(2) by inserting "from the Treasury" after "*Provided,* That each such loan".

(c) Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end thereof the following:

"(k) The Federal Home Loan Banks are hereby authorized, as directed by the Board, to make loans to the Federal Savings and Loan Insurance Corporation. All such loans shall be made in accordance with the provisions of section 402(d) of the National Housing Act.".

INSURANCE FUND RESERVES

SEC. 11. Section 404 of the National Housing Act (12 U.S.C. 1727) is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of this section, the Corporation, upon a determination by the Board that extraordinary financial conditions exist which increase the risk to the Corporation, may terminate distribution of shares of the secondary reserve and utilize such secondary reserve on the same basis as the primary reserve. If otherwise authorized, the Corporation may resume such distribution upon its determination that such conditions no longer exist.".

ASSISTANCE TO CREDIT UNIONS

SEC. 12. Section 203 of the Federal Credit Union Act (12 U.S.C. 1783) is amended—

(1) in subsection (e), by inserting "from the Secretary of the Treasury" after "So long as any loans"; and

(2) by adding at the end thereof the following:

"(f) In addition to the authority to borrow from the Secretary of the Treasury provided in subsection (d), if, in the judgment of the Board, a loan to the fund is required at any time for carrying out the provisions of this title, the fund is authorized to borrow from the National Credit Union Administration Central Liquidity Facility.".

CREDIT UNION MERGERS

SEC. 13. Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end thereof the following:

"(h) Notwithstanding any other provision of law, the Board may authorize a merger or consolidation of an insured credit union which is insolvent or is in danger of insolvency with any other insured credit union or may authorize an insured credit union to purchase any of the assets of, or assume any of the liabilities of, any other insured credit union which is insolvent or in danger of insolvency if the Board is satisfied that—

"(1) an emergency requiring expeditious action exists with respect to such other insured credit union;

"(2) other alternatives are not reasonably available; and

"(3) the public interest would best be served by approval of such merger, consolidation, purchase, or assumption.

"(i)(1) Notwithstanding any other provision of this Act or of State law, the Board may authorize an institution whose deposits or accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to purchase any of the assets of or assume any of the liabilities of an insured credit union which is insolvent or in danger of insolvency, except that prior to exercising this authority the Board must attempt to effect the merger or consolidation of an insured credit union which is insolvent or in danger of insolvency with another insured credit union, as provided in subsection (h).

"(2) For purposes of the authority contained in paragraph (1), insured accounts of the credit union may upon consummation of the purchase and assumption be converted to insured deposits or other comparable accounts in the acquiring institution, and the Board and the National Credit Union Share Insurance Fund shall be absolved of any liability to the credit union's members with respect to those accounts.".

CENTRAL LIQUIDITY FACILITY ADVANCES

SEC. 14. Section 307(a) of the Federal Credit Union Act (12 U.S.C. 1795f(a)) is amended—

(1) in paragraph (15) thereof, by striking out "and" at the end thereof;

(2) in paragraph (16) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(17) advance funds to the National Credit Union Share Insurance Fund under such terms and conditions as may be established by the Board.".

EXTRAORDINARY ACQUISITIONS

SEC. 15. Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by inserting after subsection (e) thereof the following:

"(f)(1) Nothing contained in paragraph (2) shall be construed to limit the Corporation's powers in subsection (c) to assist a transaction under paragraph (2).

"(2)(A) Whenever an insured bank that had total assets equal to or greater than 0.12 per centum of aggregate assets in domestic (United States) offices of insured banks (as determined from the most recently compiled Reports of Condition filed by insured banks) is closed and the Corpora-

tion is appointed receiver, then, the receiver may, in its discretion and upon such terms and conditions as it may determine, and with such approvals as may elsewhere be required by any State or Federal courts and supervisory agencies, sell assets of the closed bank to and arrange for the assumption of the liabilities of the closed bank by an insured depository institution located in the same State as that in which the closed bank was chartered but owned by an out-of-State bank or bank holding company. Notwithstanding subsection (d) of section 3 of the Bank Holding Company Act of 1956 or any other provision of law, State or Federal, the acquiring institution is authorized to be and shall be operated as a subsidiary of the out-of-State bank or bank holding company; except that an insured bank may operate the assuming institution as a subsidiary only if specifically authorized by law other than this paragraph. Any subsidiary created by operation of this section shall be subject to the conditions upon which a bank may retain or establish and operate a branch or branches under the laws of the State in which such insured institution is located. In addition, no insured institution acquired under the provisions of this subsection by either a bank or bank holding company shall move its principal office or any previously established branch office after it is acquired which it would be prohibited from moving if the insured institution were a national bank.

"(B) In determining whether to arrange a sale of assets and assumption of liabilities of a closed insured bank under the authority of this paragraph (2), the receiver, and in the case of a closed insured bank which is a State chartered bank, the State bank supervisor of that State, may solicit such offers as are practicable from any prospective purchasers they determine, in their sole discretion are both qualified and capable of acquiring the assets and liabilities of the closed bank.

"(i) If, after receiving offers, the highest acceptable offer is from a subsidiary of an out-of-State bank or bank holding company, or from an in-State insured depository institution or a subsidiary of an in-State bank holding company which, in the absence of an emergency, is not permitted to establish a branch or subsidiary bank in the locations of the closed insured bank, the receiver shall permit the highest acceptable offeror of any insured depository institutions and subsidiaries of bank holding companies permitted to operate in such locations to submit a new offer for the assets and liabilities of the closed bank. If this institution reoffers a greater amount than the previous highest acceptable offer, then the receiver shall sell the assets and transfer the liabilities of the closed bank to that institution.

"(ii) If there is no acceptable offer received from an existing in-State depository institution or subsidiary of an in-State bank holding company as provided in paragraph (i), or if there is no reoffer greater than the highest acceptable offer, then the receiver shall permit the highest acceptable offeror of any other existing in-State insured depository institutions and subsidiaries of in-State bank holding companies to submit a new offer for the assets and liabilities of the closed bank. If this institution reoffers a greater amount than the previous highest acceptable offer, then the receiver shall sell the assets and transfer the liabilities of the closed bank to that institution.

"(iii) If there is no acceptable offer received from an existing in-State depository institution or subsidiary of an in-State bank holding company, or if there is no reoffer greater than the highest acceptable offer, then the receiver shall permit the highest acceptable offeror of the subsidiaries of the insured banks chartered in States adjoining the State in which the closed bank was chartered and bank holding companies whose banking subsidiaries' operations are principally conducted in States adjoining the State in which the closed bank was chartered (if its offer was not the highest received by the receiver) to make a new offer for the assets and liabilities of the closed bank. If this subsidiary reoffers a greater amount then the previous highest acceptable offer then the receiver shall sell the assets and transfer the liabilities of the closed bank to that institution.

"(iv) If no offer under subparagraphs (i), (ii), or (iii) is received which exceeds the original highest acceptable offer, then the receiver shall sell the assets and transfer the liabilities of the closed bank to the highest acceptable offeror.

"(C) In making a determination to solicit offers under subparagraph (B), the State bank supervisor of the State in which the closed insured bank was chartered shall be consulted. The State bank supervisor shall be given a reasonable opportunity, and in no instance a period of less than twenty-four hours, to object to the use of the provisions of this paragraph (2). If the State supervisor objects, the receiver may use the authority of this paragraph (2) only by a unanimous vote of the Board of Directors. The Board of Directors shall provide to the State supervisor, as soon as practicable, a written certification of its determination.

"(D) The receiver shall not make any sale under the provisions of this paragraph (2)—(i) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States; or (ii) whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of Trade, unless it finds that the anticompetitive effects of the proposal transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(E) As used in this paragraph (2)—(i) the term 'receiver' shall mean the Corporation when it has been appointed the receiver of a closed insured bank; (ii) the term 'insured depository institution' shall mean an insured bank or an association or bank insured by the Federal Savings and Loan Insurance Corporation; (iii) the term 'existing in-State insured depository institution' shall mean an insured depository institution that is chartered in the same State as the State in which the closed bank was chartered; (iv) the term 'in-State bank holding company' shall mean a bank holding company whose banking subsidiaries' operations are principally conducted in the same State as the State in which the closed bank was chartered; and (v) the term 'out-of-State bank or bank holding company' shall mean an insured bank having its principal place of banking business in a State other than the State in which the closed bank was chartered or a bank holding company whose banking subsidiaries' operations are principally conducted in a State other then the State in which the closed bank was chartered.".

EFFECTIVE DATES

SEC. 16. (a) The amendments made by this Act shall be effective only during the period beginning on the date of the enactment of this Act and ending on September 30, 1982. Beginning on October 1, 1982, each provision of law amended by this Act is further amended to read as it did on the day before the date of the enactment of this Act.

(b) The expiration of any amendment made by this Act shall have no effect on the continued legality of any action authorized while such amendment was in effect.

SHORT TITLE

SEC. 17. This Act may be cited as the "Deposit Insurance Flexibility Act".

AMENDMENTS OFFERED BY MR. M'COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. MCCOLLUM: On page 16, strike out line 20 and all that follows through line 25 and insert in lieu thereof the following:

"(4) In considering authorizations under this subsection, the Corporation shall make a reasonable effort to authorize transactions under this subsection in the following order and such effort shall be given equal consideration with the need to minimize the financial assistance required of the Corporation:". Page 17, after line 8, insert the following new paragraph:

"(5) The Corporation shall not authorize a subordinate transaction under this subsection, where an acceptable offer of an amount equal to or greater than a reasonable estimation of the cost to the Corporation of liquidating (including paying the insured accounts of the insured institution eligible for assistance) has been received, the acceptance of which would cause the authorization of a preferred transaction pursuant to the order of preference contained in paragraph (4).".

And redesignate the following paragraphs accordingly.

Page 22, line 23, insert "mutual savings bank or savings" after "insured".

Page 23, line 7, insert "mutual savings bank or savings" after "closed".

Page 23, line 8, insert "mutual savings bank or savings" after "closed".

Page 23, line 10, insert "mutual savings bank or savings" after "closed".

Page 24, line 4, insert "mutual savings bank or savings" after "insured".

Page 24, line 6, insert "mutual savings bank or savings" after "insured".

Page 24, line 6, insert "mutual savings bank or savings" after "State chartered".

Page 24, line 11, insert "mutual savings bank or savings" after "closed".

Page 24, line 18, insert "mutual savings bank or savings" after "insured".

Page 24, line 22, insert "mutual savings bank or savings" after "closed".

Page 24, line 24, insert "mutual savings bank or savings" after "closed".

Page 25, line 9, insert "mutual savings bank or savings" after "closed".

Page 25, line 11, insert "mutual savings bank or savings" after "closed".

Page 25, line 19, insert "mutual savings bank or savings" after "closed".

Page 25, line 22, insert "mutual savings bank or savings" after "closed".
Page 25, line 24, insert "mutual savings bank or savings" after "closed".
Page 26, line 2, insert "mutual savings bank or savings" after "closed".
Page 26, line 6, insert "mutual savings bank or savings" after "closed".
Page 26, line 9, insert "mutual savings bank or savings" after "insured".
Page 27, line 7, insert "mutual savings bank or savings" after "insured".
Page 27, line 13, insert "mutual savings bank or savings" after "closed".
Page 27, line 17, insert "mutual savings bank or savings" after "closed".
Page 27, line 20, insert "mutual savings bank or savings" after "closed".
Page 27, line 23, insert "mutual savings bank or savings" after "closed".

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, these amendments are concerning two different matters. One of them is in section 15 of the bill. What it does is to restrict the provisions of the closed bank merger section to the mutual savings banks and saving banks and eliminates the current provisions in the bill which would affect the large commercial banks as well.

The second amendment concerns section 8 of the bill which deals with those savings and loan mergers that have been discussed so widely here today and yesterday.

At the present time the bill reads that the paramount consideration of the FSLIC in a merger situation shall be to minimize the loss of funds to that organization to the insurance fund. There is an order of preference which is given some casual mention in the bill that is to be considered but secondary to the paramount consideration.

What this other amendment does, the second amendment to section 8 does, is to eliminate the paramount consideration provision and provide that the order of preference that is in section 8 for the types of institutions to be considered, the order in which they are to be considered by the merging organization, will be given equal consideration with the need to minimize the loss of funds to the insuring agency, and further, it provides that in situations where there are offers which are acceptable from an institution falling into a higher category of preference which offers have contained in them sufficient funds, sufficient body and substance to return at least the estimated cost to the corporation of liquidating, that this particular offer has to be accepted over and above an offer from an institution falling into a lower sequence in the order of preference.

For example, if we go to the first particular order of preference, it says between institutions of the same type within the same State. If we have an offer made for a merger and acquisition dealing with an S. & L. with an intrastate situation where we are talking about the same type institution within the same State and within that offer there were sufficient funds involved that the insurance funds of the FSLIC are protected by their cost estimate, they are going to recover 100 percent of their costs—they are not going to have a loss to the Corporation because of cost involved for the FSLIC in the merger process. In that circumstance the Corporation would not be allowed to drop down to the second preference, such as B, C, or D. It would have to go with that offer or the best offer within that category or that particular preference—in this example, the first preference, A.

I believe that these two amendments make a substantial contribution to the bill. They eliminate my apprehensions with respect to the bill. If they are adopted and accepted by the committee, then I will be prepared to support this bill, because otherwise, as I stated yesterday, the savings banks are in trouble and we do need legislation dealing with that.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Florida (Mr. McCOLLUM). I congratulate the gentleman on his persistent and dedicated attention to this legislation and to his amendment in particular.

I think the gentleman has performed a significant service by limiting this legislation to financial institutions of immediate concern in these difficult times and in clarifying the fundamental purposes of this legislation.

I congratulate the gentleman for his work in the committee and thank him for his amendment.

Mr. BARNARD. Mr. Chairman, will the gentleman yield for a question?

Mr. McCOLLUM. I yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, what happens in the gentleman's amendment if there is a package deal? As we know, just recently we had a tremendous package deal where three S. & L.'s were acquired, two were acquired by a third which was owned by National Steel. What would happen when there is a package that is developed where there would be certain amounts prescribed for salvaging, say, several institutions, but in a third or fourth institution the acquiring institution would have to accept it as it is.

Would the gentleman's language mean that each acquisition would have to be treated individually or how would this affect package deals?

Mr. McCOLLUM. Well, nothing would happen, because my language deals with equal consideration for the two reasons and the two fundamental principles guiding the merger organization, in this case the FSLIC. They are to consider equally the minimization of loss to the fund and the order of priority and preference in here; so you would have to look at each one of them. They would certainly have to look at them, but they could also consider and would be considering minimization of the fund, so it allows some degree of flexibility involved in this; but it also would emphasize that every effort needs to be made to live within the prescribed order.

Certainly they would have to consider the preferences and the order of preferences and the factor that maybe one of those merger partners is way down the line and maybe it is not such a good deal; but they have the flexibility within the bounds of what my amendment would do to make those types of mergers.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. BARNARD. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I yield to the gentleman from Georgia.

Mr. BARNARD. As an illustration, let us say that there is a major S. & L., say, in California that is seeking to acquire S. & L.'s, failing thrifts, in two or three other States, individual States, like North Carolina, South Carolina, Georgia, and so forth; would the intrastate opportunities be available?

Mr. McCOLLUM. Not if there was a better or acceptable offer intrastate. It would go by the order of preferences first.

Now, that depends on what is available, what kind of offer is available. it does not prohibit the merger concept, but it would establish and make meaningful the order of preference that is in here. If you had an intrastate partner of a like institution, somebody that wanted to hook up, made an offer on it, and they were able to satisfy the Corporation that their offer would be full enough to eliminate any loss of money to the corporation, in other words save the corporation's costs, the corporation could not go to any out-of-State offering institution or group of institutions. They would have to take the intrastate offer that was there.

□ 1400

If one had the situation where there was no cost saving or sufficient offer intrastate, surely one could go down the next order of sequence and prefer-

ences and look at the other offers there.

Mr. BARNARD. In other words, the gentleman would be looking at the savings on a package job as opposed to an individual transaction.

Mr. McCOLLUM. No, I would not be looking at savings in a package job. I would be looking at the bare minimum savings of cost to the corporation first in the order of preferences that we are dealing with. I do not want to see a premium, and the intent of this amendment is to avoid a premium being paid in a merger situation where an out-of-State bank or savings and loan, an out-of-State institution, comes in and says, "We will pay more than that," but an in-State institution says, "We will pay enough to pay for the cost and will not cost the FSLIC anything, and you do not have to go out of State with this."

To answer your question, no, sir, on that particular point you just made.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, I would like to explain something about language, and then I would like to yield to the gentleman from Rhode Island (Mr. ST GERMAIN).

The language that is in this bill in the first amendment to it which deals with subordinate transactions, the language "subordinate transaction" refers to those transactions which in the category of preference would be the second, third, or fourth, or whatever is subordinate in numbers and sequence.

The language "preferred transaction" is referring to the top (the first paragraph, A) and down in a sequential order so that it is clear in the record the congressional intent was there to make that language be clear.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I would like to commend the gentleman on his amendments. I think they go to some of the basic infirmities of this legislation that I tried to address yesterday when this bill was first before the Committee.

I would like to state if these amendments are indeed adopted by the Committee, I am prepared to support the bill, since they do tighten it significantly, and since we do now have the assurance from the chairman that this bill will not become the vehicle for a Christmas-tree piece of legislation.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, when we started work on this bill—we wanted to develop a consensus in the regulated financial institutions industry—we thought we had it in H.R. 4603.

That proved not to be the case because of the provision which allows a bank holding company to merge with a failing out-of-state commercial bank.

We amended the bill to have it apply only to a failing commercial bank with $2 billion in assets. That would not apply to too many banks.

But if trouble develops for a $2 billion bank—we ought to be able to keep it from failing by interstate merger if necessary.

That is where I come out. Having said that. I do not want this bill to be the source of hard feelings.

With this amendment the Independent Bankers' Association support the bill. The State bank supervisors support the bill.

Congressman McCOLLUM is their champion and he should be. He has been persistent—he has done his homework and is to be complimented for his advocacy.

Since we have already adopted the $2 billion asset amendment, this amendment does not do that much violence to the bill. I personally think we should have a commercial bank merger amendment similiar to the savings and loan provision and the savings bank provision. But in the interest of getting a bill and winning friends and influencing people in the process—we accept the amendment.

Mr. McCOLLUM. I thank the gentleman from Ohio for his kind words. He has been certainly very constructive, and I think the entire process has come along in that fashion.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words, and I rise to address the two amendments offered en bloc.

Mr. Chairman, as to the equal consideration amendment to section 8, I have no objection to that particular amendment. As I understand its effect, the FSLIC would have to give equal consideration to minimizing its costs and to the merger priorities specified in section 8 of the bill.

In the event that a bill is received equaling or exceeding the FSLIC's cost of liquidating, which I feel, will be in very rare instances, then the preferred bidder under section 8's hoop system who offers to at least equal FSLIC's costs would get the award. Since this will only occur in very unusual circumstances, in most instances the FSLIC will only be bound by the general "equal consideration" language. Therefore, I do not object to the amendment.

Now, as to the amendment to section 15, I do indeed have serious reservations about this one. It would further tie the hands of the FDIC in dealing with problem institutions. The FDIC along with the other regulatory agencies came to the Congress and requested flexible yet limited authority to respond to problems they perceive. The Corporation, in particular, requested very limited authority to arrange, if necessary, interstate mergers or acquisitions of large commercial and mutual savings banks. Only 90 commercial banks and 10 mutual savings banks would be affected by the language. These institutions, because of their size, present the Corporation with its most difficult problems, and this new authority would provide more flexible authority to handle them.

However, because the bill contains a sunset provision and because the most immediate problem for the agency is indeed the mutual savings bank industry, I will not oppose the amendment. I would like to state this—that we will not have to come back here on an emergency one day and reinstate that which we are deleting with this amendment to section 15, that is: the authority for FDIC to assist commercial banks as well whose assets are $2 billion or more.

So under the circumstances, as I stated, I support the amendment to section 8, and reluctantly support the amendment to section 15.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding.

Mr. Chairman, first I would like to commend the Banking Committee on its bipartisan initiatives to address the growing problems of the banking industry. I, too, share their concerns about the safety and soundness of our financial institutions in this period of economic duress.

Mr. Chairman, I am sure that we are all aware of and familiar with the difficult conditions which confront the savings and loan and thrift industry at this present time.

Punishing interest rates, a loss of deposits, greatly diminished home lending activity, and low-yielding portfolios are all quite serious problems.

However, I am deeply concerned that attempts are being made to use this situation to bring about a fundamental restructuring of our Nation's financial industry that might, in the long run, benefit only a few large banks and other financial conglomerates.

Such a change would clearly be detrimental to the overall interests of the Nation.

Mr. Chairman, I grew up in an industry which is quite dependent on the fiscal well-being of local lending institutions.

My father's career as a homebuilder has shown to me the importance of small, community-owned and community-oriented banks and S. & L.'s to the economy of our neighborhood.

I am fearful that this legislation, and similar legislation that is being considered in the other body, overlooks the vital and necessary role that small banks, credit unions, and thrifts have played in the past and will play in the future in providing needed financial services.

I am firmly convinced that the needs of any community are best served by decentralized financial institutions.

A decentralized, community-oriented banking system can be much more sensitive to local and national economic needs and trends because it allows for greater diversity, flexibility, and competition.

Mr. Chairman, I am totally against any fundamental restructuring of our Nation's financial industry which would lead to a massive concentration of financial resources and the elimination of thousands of local decision-making centers.

An "homogenization" of the financial industry, which could only benefit the large money center operations, would not be in the Nation's best interests, in the interests of millions of American consumers and would only serve to make our country's and my region's economic recovery more difficult.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from New York.

Mr. LAFALCE. I thank the gentleman for yielding.

Mr. Chairman, if I understand the chairman of the full committee and the subcommittee correctly, he is accepting these amendments to this bill, which has a sunset provision, primarily because he does not think that there will be much practical effect of these amendments during that period of time; is that correct?

Mr. ST GERMAIN. That is correct.

Mr. LAFALCE. In other words, the vehement opposition that we have from groups such as the IBAA no longer exists and we have full support of the bill now simply because of the amendments which have virtually no practical effect; correct?

Mr. ST GERMAIN. This is the understanding that I have from the many players in the game.

Mr. LAFALCE. I just want to clarify that.

Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from Florida (Mr. MCCOLLUM).

The amendments were agreed to.

Mr. STANTON of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to discuss with my colleague from Virginia the amendment he added to H.R. 4603. The language I wish to discuss appears in sections 8 and 15. It provides that when a bank or bank holding company acquires an insured institution under section 8 or section 15 of the bill, the acquired institution will operate subject to the branching laws of the States in which it is located. Am I correct in assuming that the amendment is intended to have only prospective effect?

Mr. PARRIS. Will the gentleman yield?

Mr. STANTON of Ohio. I yield to the gentleman from Virginia.

Mr. PARRIS. The gentleman is correct. My amendment provides that the acquiring bank or bank holding company shall operate the acquired institution subject to the conditions of State law under which a bank may "* * * retain or establish and operate a branch or branches." The quoted language is common to both section 8 and section 15.

The amendment, of itself, will not require any acquiring institution to divest a branch of an acquired institution. A supervisory agency may require divestiture as a supervisory matter if it is required for safety and soundness or enforcement purposes. As an example, assume a bank or bank holding company acquires an Illinois thrift institution with a statewide branch system. The bank or bank holding company would not be required to divest itself of any of those branches under my amendment. It could move any of the offices under provisions governing the movements of offices of national banks. It could not open any new branches, however, because of the limited branching provisions of Illinois State law.

Mr. STANTON of Ohio. I thank the gentleman for clearing up this particular point.

Mr. Chairman, in conclusion, I do want to compliment our friend from Virginia, a very valuable member of our committee, for his contribution to this legislation.

Mr. MATTOX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that a lot has been said this afternoon about which group is for and against this legislation, and also which group has changed its position based on some amendments that do not mean anything. Those amendments do not mean anything so to speak.

I want to tell the membership unequivocally that if we pass this legislation we are making a serious mistake for the financial structure of this country. We are making a serious mistake when we allow the banking industry to buy the savings and loans, and also we are making a serious mistake to allow the purchases across State lines.

Mr. Chairman, if we wanted to do the correct thing today, it would be a very simple concept. We would very simply prohibit both the Home Loan Bank Board and the Federal Reserve from exercising the authority that they say and believe that they have; that is, of approving across State lines, and the cross-industry type mergers.

We are making a serious mistake for my colleagues on my side of the aisle who pride themselves in not being for big business and pride themselves in believing in competition. I assume that my colleagues on the other side of the aisle also believe in that competition.

Well, if Members honestly, deep down, believe this legislation is going to stimulate competition, you are sadly mistaken, because that is not what is going to happen. We are going to have the institutions in this country homogenized. We are going to see that they end up in the hands of the large, money-center banks. We are also going to see those transactions take place with more and more money drained out of the small banks and savings and loans.

Mr. Chairman, if you think the Chase Manhattan Bank is going to want to make a loan to some little farmer out in Odessa, Tex., you are sadly mistaken. If you think that the Chase Manhattan Bank or some of the other big banks are going to make housing loans, you are sadly mistaken. We are seeing the destruction of the homebuilding and housing industry by allowing the savings and loans to be turned into banks. It is a serious mistake.

The savings and loan industry was developed, authorized, and sponsored by this Congress because we could not get the banks to provide home loans to the people. It was put in because of their failure to do so. We are now reversing those important actions.

I apologize for my colleagues on my side of the aisle who are now supporting this bill, because we cannot and we will not be able to get those same home loans. I do not care what kind of amendments are offered, the bill needs to be defeated. If we want to address the simple problems of the mutual savings bank in New York City, I will be glad to join in that approach.

□ 1415

This action to destroy the financial base of this country for the sake of some kind of emergency legislation that even the regulators admit they are not really going to use is just a sop to the big money center interests.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. I yield to my colleague.

Mr. PAUL. Mr. Chairman, I appreciate the gentleman's comment, and would like to ask a question. What is the gentleman's impression about the

cost of this bill? The authors say it will cost nothing. What is the gentleman's understanding of what it might cost the American taxpayer?

Mr. MATTOX. I have absolutely no idea. I think the gentleman asks an excellent question. If this bill is not going to cost us anything, if the regulators say they really do not need it and are not going to use it, and if the chairman admits that the amendments being accepted really mean little or nothing, why in the world are we passing it?

What we ought to be doing is passing a law that prohibit the regulators from engaging in the anticompetition type of abuse in which they are engaging. I wish that I could explain to each Member the concern I have over this piece of legislation. I have fought it in subcommittee, fought it in committee, and I am doing my best to fight it on the floor. I hope the Members have the good sense and good wisdom to oppose this legislation and vote against its final passage. I think it will pass, but I think it is going to be a real disservice to the people of this country.

I would hope that if the Members have not taken the time to visit with the small financial institutions in their districts, that they would pick up the phone now and call a couple of them. They will tell you that they are opposed to this legislation up and down the line. Members should ask whether you received any pieces of mail from your small institutions askings for you to support this legislation. It is a mistake for us to pass this kind of legislation. What we are doing is simply going along with the trust-building ideas of this current administration. I apologize for the folks on our side of the aisle who would engage in allowing these kinds of things to happen.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the opponents of this legislation express fears that it will lead to elimination of the barriers which exist in statute to interstate banking and the dual banking system. I, for one, do not view the bill in the same manner. The provisions of the bill, in fact, limit the cases in which the agencies can use the authority to arrange interstate mergers. It is a bill with a limited scope; it is emergency legislation; and it has a sunset provision.

The real concern should not be focussed on what can happen with the bill but rather what happens if the bill is not enacted. The agencies have told the Congress that they have the authority to allow transactions which go beyond anything contemplated by the opponents. The agencies can close a mutual savings bank or a commercial bank, divest it of its commercial loan portfolio, and sell a newly created retail depository institution to the highest bidder. What bidders might be involved? From the reports we hear they might be Bank of America, Chase Manhattan, Sears, McDonalds hamburger shops, First National Bank in Japan or Germany or France, or even Atlas Sporting Goods.

The bill provides guidelines and procedures for the use of authority to arrange mergers and acquisitions which assures consideration of local needs, local banking interests, and the dual banking system. Without a bill the agencies will have to use their perceived powers and the results might well not be what we, the Congress, would prefer. This bill is needed and it is needed now.

Mr. WYLIE. Mr. Chairman, since this has been a bipartisan effort from the very beginning, I believe it is appropriate for me to express my wholehearted agreement with the remarks of the distinguished chairman.

I have stated several times during the debates on this bill that one of the major concerns which motivated me to support this bill is that if there were failures of commercial banks, the authorities would have no alternative but to arrange a takeover by a foreign bank. This has happened in the Franklin National case and in several other widely publicized cases in the past. It is for this reason that Dr. Arthur Burns proposed several years ago that the regulators be authorized to arrange interstate mergers of large failing banks so there would be an alternative to foreign takeovers.

I join the chairman in expressing some dismay that this provision has been deleted from the bill. It is my hope that we will not come to regret it and that no large commercial bank will encounter financial problems in the future.

The gentleman from Texas (Mr. MATTOX) does not like the bill but he does not propose an alternative except to suggest that little banks ought to be protected. That is precisely what we are trying to do in this bill.

You cannot have it both ways—no Government regulation on the one hand and no intervention except with money on the other.

If he is so determined to preserve the present character of banks and savings and loans in the face of highly adverse economic conditions, the money to do that has to come from somewhere—ultimately from the same little people the gentleman seeks to protect. Either he ought to be for this bill or explain where we should get the necessary funds to preserve the financial system.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that perhaps my chairman, whom I deeply respect, would just as soon I sat down, but one of the things that fascinates me, Mr. Chairman, is that no one has offered, an alternative. I have spent a lot of time looking at this industry for 11 years. I think I have sounded a little to most bankers as if I were speaking Chinese because everyone sort of looked at me with a blank stare.

I would suggest to you, Mr. Chairman, that the newer banking industry on the west coast is not that badly affected. The Northeastern thrift institutions, representing an older part of the country, are terribly affected. I would suggest on top of that, that the worst affected is the farm belt, where a mortgage is a mortgage and you live with it for 25 years.

I was appalled, Mr. Chairman, to find out that in Greenwich, Conn., an executive "go-go" community, that over 55 percent of even the commercial banks' mortgages yield less than 10 percent when they are paying 15.5 percent for money. This is not an issue of monopoly or nonmonopoly. I would suggest to my good friend who just spoke, whom I am very fond of, and whose opinion I respect, that Sears, Roebuck & Co., which probably has a catalog store and no other investment except for lease next door to the bank, the small local bank in that community, is already into the banking business with no regulations, no restraints, no safeguards, no protection, no anything. The biggest consumer ripoff being perpetrated on the United States today is a nonregulated money market fund because people are putting their money into a place where there is no safety net for them. Meanwhile the Federal insurance funds have a total of $13 billion, 9 in one and 4 in the other.

Mr. Chairman, those funds would not last for 6 months against the catastrophe we are facing. We were lucky with the West Side S & L. The fact of the matter is, Mr. Chairman, if you and I and my colleagues who all are concerned with this issue, leave this institution for 30 days without giving the regulators the vehicle, this hammer, to handle this problem, we have done this country a tremendous disservice. Let us get over the fact that it is commercial versus thrift versus credit unions: a walk on one financial institution in the United States of America is a walk on all financial institutions. The regulators have got to have this power.

I want to credit the chairman and my ranking member for bringing this bill forth, and I would say to you, Mr. Chairman, that in the 11 years that I have been in this body I have never heard coming from the outside some of the people I talked about in my supplemental views. I think I should say, Mr. Chairman, that in my supplemental views I struck a reference to, "ravenous, albeit well-dressed dogs running

up and down the halls of the Rayburn Building."

I have never heard so much misinformation passed out by the various special interest groups, every single one of them across the board. They have put their personal interests, their self-interests, above the interests of this country, and the banking institutions and the banking philosophy that depositors are protected. I think their information is wrong, it is incorrect, it is inaccurate; it is quite frankly, irresponsible.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words. I know the amendments adopted earlier will bring about easy passage of the bill, but I have some reservations. I hope the amendment purporting to knock interstate banking does the job. Interstate banking possibly could give a few banks control over where industrial development takes place in the country.

I was here in the Truman administration when we were confronted with the Korean war. We were going in the opposite economic direction at that time. We had an excise tax increase we voted on on New Years Day. We adopted some controls, and the interest rate to a degree was controlled during the Korean war. But what we are doing here today is opening up the door for a monopoly in the banking business in this country, in my judgment.

Now, we are never going to balance the budget as long as we go in this direction. We are sending a signal to the Federal Reserve and the metropolitan area large bankers in this country that they have a free rein to go ahead, and that the Congress of the United States has surrendered its right to regulate the currency of the United States. That is going to be the message that is going to the metropolitan bankers of this country.

Now, I read this bill last night—and I highly respect the distinguished chairman of this committee. I know that he has brought forth a lot of good legislation along with the minority ranking members, but after reading this bill, and knowing of the adopted amendment, I would like to ask the chairman of the committee a question.

Starting on line 18 of page 26, the bill proposes to prevent the sale of a financial institution which would result in a monopoly situation, but does not the language, starting with the second word on line 1 of page 27 and ending with the last word on line 4 of page 27, neutralize the prohibition against a monopoly sale? And does it not leave it up to a receiver to determine what "clearly outweighed" means so far as justifying a monopoly sale; and should not the language be redrafted to make the prohibition much stronger?

I hate to see the little banks throughout the country interfered with. I know the gentleman told me yesterday, and his amendment today may to some degree have taken care of the situation when he stated the interstate banking would not interfere with the bank with assets of less than $2 billion, and I am asking if the gentleman still tells the committee and tells me that the bill only applies to a bank of $2 billion or more.

Mr. ST GERMAIN. If the gentleman will yield, as a matter of fact, we adopted an amendment a little earlier that now restricts its application to mutual savings banks and savings banks, so we have deleted the commercial banks entirely. Second, with respect to the language the gentleman quoted, pages 26 and 27, that language has been in the present law, in the Bank Merger Act and Bank Holding Company Act, for many years.

The reason for that particular language is to preserve the local bank, and so we were not changing any law but merely reiterating present law. As I say, an amendment earlier adopted to the legislation totally does away with any effect on commercial banks of $2 billion or more, or less, or anything. We restrict it to mutual savings banks.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, the language on page 26 at line 18 is what we call boilerplate antitrust language which applies to banks under the Bank Merger Act and the Bank Holding Company Act. It simply says, "The receiver shall not make any sale under the provisions of this paragraph which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize, or to attempt to monopolize the business of banking in any part of the United States," so the gentleman's fears have been satisfied in the language which the chairman said is law right now.

Mr. PERKINS. Well, there were so many little people that I represent, thousands and thousands of farmers, and I talked to a lot of them last weekend. They are worried about their financial condition. They tell me they are going broke. And I am afraid the people in this country have not yet realized the plight of the farmers. The prices they are receiving are depressing, and I think the high interest rates are bringing this about to a great degree.

□ 1430

But we should be thinking about the main problem here. I think we should roll back interest rates and start allocating credit under a priority system so the small businessmen, the farmers, and the homebuilders can survive. That is a drastic thing, but I am afraid we are going to have to proceed in that direction, with the financial situation in this country like it is.

I believe that the Federal Reserve System intends to put the small people through a wringer, without any intention of trying to do anything constructive about this situation, and I believe that somewhere along the line the people are going to wake up and find out that the Congress can do something about this situation.

Mr. Chairman, until this Congress takes hold of that problem, I say to my friends that we are going to see high interest rates and we are going to break hundreds of thousands of small businesses in this country, and put this country in a recession.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was one of those members of this committee who were initially opposed to this legislation. I take this time in the well to congratulate the chairman of the committee and the ranking Republican members, the distinguished gentleman from Ohio (Mr. STANTON) and the gentleman from Ohio (Mr. WYLIE), whose actions in their search for a consensus, have very considerably improved this legislation.

I intend now to support the adoption of the bill for a number of reasons, not the least of which is my understanding that its provisions do in fact include sunset legislation. This bill will be in effect for about 10 months. There is an opportunity for considerable mischief in that time, but I think that is a calculated risk that the circumstances require.

In view of the chairman's representations in regard to the limitation of changes that may be accepted in conference and the fact that this legislation applies only to thrift institutions or to mutual savings banks of over $2 billion in assets and applies to mutual savings banks largely in the Northeast section of this country in which their exists a truly frightening situation, along with the fact that we have now removed commercial banks totally from its provisions, and with the inclusion of what I might modestly suggest was my amendment adopted in the committee which materially reduced the concerns expressed by the local and generally smaller financial institutions around this Nation about unfair competition, I do support the bill. The question of the posture of the financial industry on this bill which I would categorize is generally in support of this legislation. Mr. Chairman, as one of a frenzy of apathy at this point.

So I submit, Mr. Chairman, that this legislation might be very helpful. Certainly, it cannot be terribly damaging,

so I hope it will be the pleasure of the House to adopt it in its present form.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I wish to join the gentleman from Virginia (Mr. PARRIS) in commending the chairman of this committee and the ranking minority members, both of the committee and the subcommittee, the gentleman from Ohio (Mr. STANTON) and the gentleman from Ohio (Mr. WYLIE), for their work and for their willingness to meld together the interests that were involved and the concerns that all of us have had in obtaining support for this bill, even though we initially opposed it.

I also wish to commend the gentleman from Virginia (Mr. PARRIS) for his amendment, which was a critical one in the committee itself, that was adopted so we could find a balanced position to save the savings banks in the Northeast. Yet I wish to say also that I am still very much opposed to interstate commercial banking. I do not think that the bill provides that, and I am happy to say that the fears and apprehensions that were present are not present at this time since the amendments have been adopted.

Mr. Chairman, I appreciate the cooperation of the gentleman, and I thank him for yielding.

Mr. PARRIS. Mr. Chairman, I thank the gentleman from Florida (Mr. McCOLLUM) for his comments. I suggest to him that I think interstate banking is the greatest nonevent in contemporary financial history. However, we will address that subject at some other time.

● Mr. WIRTH. Mr. Chairman, I commend Mr. ST GERMAIN for moving forward quickly, and responsibly, on this legislation.

This bill is a necessary stopgap measure, crafted to deal with a potentially serious drain on the deposit insurance funds. With the expanded authority given to the regulators to assist problem institutions, it is hoped that we may be able to prevent failures. The bill further clarifies the power of regulators to facilitate mergers of failing institutions, giving first purchasing priority to institutions in the same location as a failing one.

Without this bill, the drain on the deposit insurance funds could be severe. All taxpayers would suffer, and confidence in our Nation's financial institutions could be severely damaged.

This bill does not solve the serious problems faced by many of the Nation's financial institutions, which are suffering under this administration's economic program. If interest rates stay near current levels, the Nation's thrift industry may be devastated. This bill does address an immediate and critical problem, however, and will give us the needed time to look for long-term solutions to the problems facing our financial institutions. The bill's sunset provision of September 30, 1982, insures that this Congress will seek those long-term solutions.

With this immediate problem addressed, we should undertake a comprehensive review of the Nation's financial institutions and financial regulatory policy. Such a review is long overdue, as technology, mergers between different types of institutions, and a fluid and uncertain economic climate have called into question aspects of the legally mandated separation of markets among financial institutions.●

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SABO) having assumed the chair, Mr. PEYSER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4603) to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal supervisory agencies to deal with financially distressed depository institutions, pursuant to House Resolution 253, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STANTON of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 46, answered "present" 1, not voting 15, as follows:

[Roll No. 283]

YEAS—371

Addabbo	Dreier	Jenkins
Albosta	Duncan	Jones (OK)
Alexander	Dunn	Jones (TN)
Anderson	Dwyer	Kastenmeier
Andrews	Dymally	Kazen
Annunzio	Dyson	Kemp
Anthony	Early	Kildee
Applegate	Edgar	Kindness
Archer	Edwards (AL)	Kramer
Aspin	Edwards (CA)	LaFalce
Atkinson	Edwards (OK)	Lagomarsino
AuCoin	Emerson	Lantos
Badham	Emery	Latta
Bafalis	English	Leach
Bailey (MO)	Erdahl	LeBoutillier
Bailey (PA)	Erlenborn	Lee
Barnard	Ertel	Lehman
Barnes	Evans (DE)	Leland
Beard	Evans (IA)	Lent
Bedell	Evans (IN)	Levitas
Benedict	Fary	Lewis
Benjamin	Fascell	Livingston
Bennett	Fazio	Loeffler
Bereuter	Fenwick	Long (LA)
Biaggi	Ferraro	Long (MD)
Bingham	Fiedler	Lott
Blanchard	Findley	Lowry (WA)
Bliley	Fish	Luken
Boggs	Fithian	Lundine
Boland	Foglietta	Lungren
Bolling	Foley	Madigan
Boner	Ford (MI)	Markey
Bonior	Ford (TN)	Marks
Bouquard	Forsythe	Marlenee
Bowen	Fountain	Marriott
Breaux	Fowler	Martin (IL)
Brinkley	Frank	Martin (NC)
Brodhead	Frenzel	Martin (NY)
Broomfield	Frost	Matsui
Brown (CA)	Fuqua	Mavroules
Brown (OH)	Garcia	Mazzoli
Broyhill	Gaydos	McClory
Burgener	Gejdenson	McCloskey
Burton, Phillip	Gephardt	McCollum
Butler	Gibbons	McDade
Byron	Gilman	McEwen
Campbell	Gingrich	McGrath
Carman	Ginn	McHugh
Carney	Goldwater	McKinney
Chappell	Gonzalez	Mica
Chappie	Goodling	Michel
Cheney	Gore	Mikulski
Chisholm	Gradison	Miller (CA)
Clausen	Gray	Miller (OH)
Clay	Green	Mineta
Clinger	Gregg	Minish
Coats	Grisham	Mitchell (NY)
Coelho	Guarini	Moakley
Coleman	Gunderson	Moffett
Collins (IL)	Hagedorn	Molinari
Collins (TX)	Hall (OH)	Mollohan
Conable	Hamilton	Montgomery
Conte	Hansen (ID)	Moore
Corcoran	Hansen (UT)	Moorhead
Coughlin	Harkin	Morrison
Courter	Hatcher	Murphy
Coyne, James	Hawkins	Murtha
Coyne, William	Heckler	Myers
Craig	Hefner	Napier
Crockett	Heftel	Natcher
D'Amours	Hendon	Neal
Daniel, Dan	Hertel	Nelligan
Daniel, R. W.	Hightower	Nelson
Danielson	Hiler	Nichols
Dannemeyer	Hillis	Nowak
Daschle	Hollenbeck	Oakar
Daub	Holt	Oberstar
Davis	Hopkins	Obey
de la Garza	Horton	Ottinger
Deckard	Howard	Oxley
Derrick	Hoyer	Panetta
Derwinski	Hubbard	Parris
Dickinson	Huckaby	Pashayan
Dicks	Hughes	Patterson
Dingell	Hunter	Pepper
Dixon	Hutto	Petri
Donnelly	Hyde	Peyser
Dornan	Ireland	Pickle
Dowdy	Jacobs	Porter
Downey	Jeffords	Price

Pritchard	Seiberling	Traxler
Pursell	Sensenbrenner	Trible
Quillen	Shamansky	Udall
Rahall	Shannon	Vander Jagt
Railsback	Sharp	Vento
Rangel	Shaw	Walgren
Ratchford	Shelby	Wampler
Regula	Shumway	Washington
Reuss	Shuster	Watkins
Richmond	Siljander	Waxman
Rinaldo	Skeen	Weber (MN)
Ritter	Skelton	Weber (OH)
Roberts (KS)	Smith (AL)	Weiss
Roberts (SD)	Smith (IA)	White
Robinson	Smith (NE)	Whitehurst
Rodino	Smith (NJ)	Whitley
Roe	Smith (PA)	Whittaker
Rogers	Snowe	Whitten
Rose	Snyder	Williams (MT)
Rosenthal	Solarz	Williams (OH)
Rostenkowski	Solomon	Wilson
Roth	Spence	Winn
Roukema	St Germain	Wirth
Rousselot	Stangeland	Wolf
Roybal	Stanton	Wolpe
Rudd	Staton	Wortley
Russo	Stokes	Wyden
Sabo	Stratton	Wylie
Savage	Studds	Yatron
Sawyer	Swift	Young (AK)
Scheuer	Synar	Young (FL)
Schneider	Tauke	Zablocki
Schulze	Taylor	Zeferetti
Schumer	Thomas	

NAYS—46

Akaka	Hall, Sam	Perkins
Ashbrook	Hammerschmidt	Roemer
Beilenson	Hance	Santini
Bevill	Hartnett	Schroeder
Brown (CO)	Jeffries	Simon
Conyers	Johnston	Smith (OR)
Crane, Daniel	Kogovsek	Stenholm
Crane, Philip	Leath	Stump
Dorgan	Lujan	Tauzin
Eckart	Mattox	Volkmer
Evans (GA)	McDonald	Walker
Fields	Mitchell (MD)	Weaver
Flippo	Mottl	Wright
Glickman	Patman	Yates
Gramm	Paul	
Hall, Ralph	Pease	

ANSWERED "PRESENT"—1

O'Brien

NOT VOTING—15

Bethune	DeNardis	Lowery (CA)
Bonker	Dougherty	McCurdy
Brooks	Florio	Rhodes
Burton, John	Holland	Stark
Dellums	Jones (NC)	Young (MO)

□ 1445

The Clerk announced the following pairs:

Mr. Jones of North Carolina with Mr. Lowery of California.
Mr. Young of Missouri with Mr. Rhodes.
Mr. Florio with Mr. Dougherty.
Mr. Brooks with Mr. Bethune.
Mr. Dellums with Mr. Stark.
Mr. McCurdy with Mr. Holland.
Mr. John L. Burton with Mr. Bonker.

Mrs. SCHROEDER, Messrs. KOGOVSEK, BEVILL, FLIPPO, and YATES changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1981

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4437) to promote energy conservation by providing for daylight saving time on an expanded basis and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 236 provides for the consideration of H.R. 4437, the Energy Conservation Daylight Savings Time Act. The provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It is an open rule, allowing any germane amendment to be offered under the 5-minute rule. There are no waviers of points of order.

Mr. Speaker, H.R. 4437 changes the beginning of daylight saving time from the last Sunday in April to the first Sunday in March each year. It has been estimated that during this additional 7 or 8 weeks of daylight savings time, our Nation will conserve as much as 100,000 barrels of oil equivalent daily due to reduced demand for electric lighting. Moreover, this substantial savings can be achieved with little or no expenditure by the Federal Government.

The bill also takes steps to lessen the minor adverse consequences of extending daylight saving time. H.R. 4437 preserves the exemptions from daylight saving currently enjoyed by various States and empowers the FCC to grant before-sunrise broadcasting permission to any "daylight only" AM radio stations that would lose the profitable commuter hour under the bill's later sunrises.

Mr. Speaker, expansion of daylight saving time is long overdue. I urge my colleagues to begin consideration of this important measure by adopting the rule.

□ 1500

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 236 is a simple, 1-hour, open rule under which the House will consider H.R. 4437, a bill that expands our daylight saving time system from 6 months to eight months.

As the distinguished gentleman has explained, this rule is notable for its lack of complexity. It contains no waivers of our rules, and places no limits on germane amendments.

The bill, which comes to us from the Committee on Energy and Commerce, will be read for amendment under the 5-minute rule; and one motion to recommit is provided for.

Mr. Speaker, unless amendments are adopted that substantially change this bill, I certainly hope a motion to recommit will be offered and will prevail because this does not deserve to pass.

The Energy and Commerce Committee is apparently not content to leave well enough alone when it comes to interfering in the daily lives of millions of rural Americans—now it wants to rush springtime even further, in the misguided hope that our Nation will save energy simply because Washington has decreed that our clocks should be moved forward sooner in the year.

The essence of this bill is to require the Nation to observe 8 months of daylight saving time, apparently on the theory that 6 months of it is not good enough.

Mr. Speaker, I have searched through the committee report, and for the life of me, I cannot find where there is substantial energy savings to be had.

One of the so-called needs for this legislation, we are told by the committee—and I urge my colleagues to read this report—is the fact that we have "an imbalance in the present 6-month daylight saving time system."

We do not live in a perfectly symmetrical world, it seems, and it is just a doggone shame. But our current system "includes 4 months after the date with the longest day of the year

(June 21), but only 2 months before it."

Having "symmetrical patterns of available daylight before and after June 21 (the summer solstice) * * * now that is what the committee seems to think is important here.

But nowhere in the committee report can I find anything to indicate that the committee could find any solution to this problem except expand daylight saving time from 6 to 8 months.

No one seems to have considered keeping our present 6 months, and simply moving the time period of required daylight saving time to the period from the end of March to the end of September.

Mr. Speaker, aside from having a calendar that is not in symmetrical balance with daylight saving time, the committee would have us believe there is a considerable amount of energy out there to be conserved if we would only change our clocks in early March.

To back up this claim, we are offered two studies done nearly 7 years ago that "inferred" a savings of 1 percent in electrical usage.

The committee report does not mention that many rural Americans are opposed to this extension of daylight saving time. Not only does it not mention the real hardship and inconvenience that will be forced on rural America by this bill, it does not even extend the courtesy to the American Farm Bureau Federation of describing their opposition to this bill.

This bill is supported primarily by a group of Government bureaucrats, who have nothing better to do than dust off a series of studies done in 1972 and 1975, and analyzed in 1976.

Mr. Speaker, we all realize the importance of reducing energy consumption, and I think the American people have made great strides toward a goal of conservation since 1973 and 1975.

It appears to me, however, that since we added the jurisdiction of energy to the Committee on Interstate and Foreign Commerce, they might have been a little more energetic about presenting the House with some current information about a truly pressing need.

Mr. Speaker, there is no opposition to this rule, but the bill it makes in order should be defeated by the House, so we can save ourselves and the Nation the trouble of more daylight saving time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. OTTINGER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4437) to promote energy conservation by providing for daylight saving time on an expanded basis and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OTTINGER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4437, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. OTTINGER) will be recognized for 30 minutes, and the gentleman from California (Mr. MOORHEAD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Energy Conservation Daylight Saving Act of 1981, H.R. 4437, is a straightforward bill which can conserve energy by extending daylight saving time by 2 months. Under the provisions of H.R. 4437, daylight saving time would begin on the first Sunday in March, rather than the last Sunday in April. The bill was ordered reported without amendment by a bipartisan vote of 31 to 8 by the Energy and Commerce Committee.

I am pleased to cosponsor this bill with the gentleman from California, the distinguished ranking minority member on the Subcommittee on Energy Conservation and Power (Mr. MOORHEAD) and thank him for his support and assistance. I also appreciate the support of our other cosponsors. I am also pleased that the administration strongly supports the legislation.

The bill will enable the Nation to realize the additional benefits of later sunsets without facing any mornings darker than we now face under current daylight saving time. Let me emphasize that point. The latest sunrises which will occur as a result of this bill will be approximately no later than the sunrises which now occur in October. This is because the legislation merely extends daylight saving time to make it symmetrical with respect to the summer solstice, the longest day of the year. Under the bill, we would have daylight saving time for 4 months before, and 4 months after, the solstice.

The subcommittee paid close attention to the issue of schoolchildren having to go to school in the dark, and facing traffic safety risks. This was a concern raised in 1973, when we experimented with year-round daylight saving time. I can guarantee you that no member of our committee would have supported this legislation, unless we were thoroughly convinced that there were absolutely no increased safety risks to children. Both the Department of Transportation and the National Bureau of Standards reviewed traffic safety statistics from the 1973-74 experiment and concluded that there was no risk to schoolchildren from extending daylight saving time in March and April. In fact, the statistics indicate that increased daylight saving time can actually decrease traffic fatalities by as many as 200 per year. Schoolchildren will be going to school on days with sunrises no later than they currently are in October.

Just to make matters certain, I requested one further review. I asked the Department of Transportation to review recent traffic accident statistics to determine whether there is any increased danger to children during daylight saving time. They again found that "* * * the results indicate that daylight saving time had no significant effect on schoolchildren morning fatalities during the spring and fall transition periods in 1979 and 1980."

Now let me turn the benefits of this legislation. According to the Department of Transportation, we can save about 100,000 barrels of oil equivalent per day during the 2 extra months. This is a savings which we can get year after year, in a painless manner, and reduce our costly dependence on imported oil.

The legislation will also be an effective crime stopper. According to studies done in the District of Columbia daylight saving time can reduce violent crime by 10 to 13 percent.

The legislation will also provide increased recreational time and extend prime shopping hours. In fact, the legislation has been endorsed by the Southland Corp., operators of 7-11 stores throughout the country. In their expression of support for the bill, they note the increased benefits of more leisure time and allowing people more flexibility to accomplish their shopping needs. The bill is also supported by the National Association of Convenience Stores.

Another group of Americans who will be aided by this bill are the hundreds of thousands afflicted with night blindness. The Retinitis Pigmentosa Foundation urges passage of this legislation so that their members would receive an extra period of sight and mobility during the evening.

Let me add that I recognize that despite public opinion polls which show that the public favors increased daylight saving time by 2 to 1, there remains a sincere minority which would prefer to keep the period the same of shorter. I would only remind my col-

leagues that this legislation will continue the authority for any State to opt out of the system, or for a portion of a State to opt out if it is divided into more than one time zone. Currently Arizona, Hawaii, and portions of Indiana do so.

□ 1510

I want to share with you one of the more important expressions of support for H.R. 4437. It comes from a group of eighth graders from White Plains Middle School. It reads as follows:

DEAR MR. OTTINGER: We have read the New York Times editorial, September 24 on your proposal concerning the extension of daylight saving time and wish to express our enthusiastic support. May we offer our help even though we are only Eighth Graders?

We hope Congress passes the bill that would save oil not only for us today but for the future. We are studying the Constitution and are very proud of our system of government and would like to take this opportunity to show our support for those representatives who are working on our behalf.

We will urge our parents, friends, teachers, and neighbors to join us in this search for new ways to conserve that crucial resource, oil.

With the greatest respect and hope that we will hear from you soon we remain,

Most sincerely yours,
THE ENERGY PROJECT OF THE
WHITE PLAINS MIDDLE SCHOOL.

The letter is signed by 43 schoolchildren whose appreciation of our system of government and whose understanding of the need to conserve energy is refreshing and encouraging.

This legislation is a simple step we can take for energy conservation, crime reduction, and economic recovery. The administration has expressed its strong support for the bill. Public opinion polls show that extension is favored by the American people who have consistently expressed support for increased daylight saving time by a 2-to-1 margin. I strongly urge favorable action on this legislation.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. I thank the gentleman for yielding.

I am very interested in what the gentleman has had to say in support of this legislation, especially in regard to the energy savings and to the traffic safety and to the rest of the gentleman's arguments, but I have here some material from the Congressional Research Service that really indicates just the opposite and I would like to perhaps engage the gentleman in a colloquy to basically get at the bottom of this problem.

The gentleman has said in his "Dear Colleague" letter on the floor that there is energy savings of about 100,000 barrels of oil, and yet when I quote from the summary of the bill, it says here that the Department of Transportation study showed that a very modest benefit might be realized by a shift in the time; but the report also indicated that these potential benefits were small and difficult to isolate from the larger effect from seasonal variations.

We really could not find any difference between seasonal variations and daylight saving time. I want to know if the gentleman could respond to that.

Mr. OTTINGER. DOT testified and came out very strongly that their best estimate, based on the actual experience we had with year-round daylight saving time, was 1-percent savings, which comes to 100,000 barrels of oil a day. The National Bureau of Standards said that is speculative for the reasons the gentleman indicated.

But the actual experience was a substantial savings and today, of course, the value of those savings is greatly enhanced over what it was at the time those studies were made.

The gentleman from Tennessee before had indicated also that this was speculative but the actual experience at the time we had year-round daylight saving time was a substantial savings. He said it was based on old data. The data that was used by the Department of Transportation was——

Mr. ROBERTS of Kansas. The 65.

Mr. OTTINGER. From the 1973-74 experiment, and they said to try to update and that would be unduly expensive because it would have to be an empirical study now, whereas it was an actual study back then.

I think this is the best evidence that we have that there would be a considerable savings. Undoubtedly it is going to change depending on what the weather is at the time.

Mr. ROBERTS of Kansas. If my friend and colleague would yield further, further down in the report it says the National Bureau of Standards' evaluation using a corrected data base also found no conclusive evidence of any savings from daylight saving time on energy in terms of electricity.

I wonder if the gentleman would respond to that.

Mr. OTTINGER. The National Bureau of Standards used a very small sampling to do that and they did not contest that there were savings. They said it was just speculative as to what those savings would be.

I think that both logic and the actual experience we had indicate that there would be considerable savings. I do not think they are measurable, as the gentleman has indicated, with exactitude. They are not measurable because of changes in weather conditions which do indeed affect the situation.

With respect to electricity, there was a clear savings during 1973 and 1974 when we actually had year-round daylight saving time.

Mr. ROBERTS of Kansas. I would point out in terms of savings, I doubt very seriously if any tests were conducted in our rural areas and I can assure the gentleman with another hour of darkness in the morning we would have energy losses because of extra energy used.

I have, "No significant daylight saving time related decrease in motor fatalities was found." That was in opposition to what the gentleman said and it goes on to say——

Mr. OTTINGER. It confirms what I said, there is no increase in fatalities. In fact, there was a slight reduction of about 200 deaths.

Mr. ROBERTS of Kansas. Well, OK, if the gentleman would yield further, however, there was a significant increase in fatalities, which is the point I was trying to make, in school age children found in the morning during the winter months.

Mr. OTTINGER. But not during March and April, which is the time we are extending it. At that time we had year-round daylight saving time and you get into very late dark mornings when you get into November, December, January, and February.

The findings of the study were by two independent bodies, the Department of Transportation and the National Safety Council. There was no increase during March and April and indeed the conditions in March and April are identical to what the schoolchildren presently go through in September and October.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I also come from a rural area. I find generally that the people I hear from are supportive of daylight saving time and I rise today to commend the gentleman on this legislation. It makes sense. It would save over 100,000 barrels of oil a day, and as the gentleman told us, the fatality record did not change when we had the longer daylight saving time and I appreciate the gentleman bringing this bill to the floor and giving us an opportunity to vote for it.

Mr. OTTINGER. I thank the gentleman from Mississippi.

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentlemen yield?

Mr. OTTINGER. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. I thank the gentleman for yielding.

I would simply point out that the gentleman has made the point that there is no difference in the hours of daylight if we in fact move to DST during the spring months as opposed to what we have now; and I would point out to the gentleman that the

Sun rises in western Kansas right now in my 57 counties at 7 o'clock.

In March, if we move to daylight saving time, it will be 8:12 when the Sun rises.

So we do have that hour difference in western Kansas and it does pose a hardship to our citizens in our rural areas and I just checked with the National Weather Service in Dodge City to confirm those figures and so we do have a difference in our rural areas.

Mr. OTTINGER. There should not be any more than 5 to 10 minutes difference.

I would also like to point out the National Bureau of Standards with respect to child fatalities also looked at this question and using the same DOT data they conclude that there was no school-age fatality increase during daylight saving time during the months of March and April.

I would be very concerned indeed if there were increased child fatalities, but that clearly was not the case.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Did not the National Bureau of Standards testify at the hearings that during a 1974 experiment on daylight savings there was an actual increase in fatalities of school age children during that experiment in 1974?

Mr. OTTINGER. Not in March and April. There was an increase in fatalities in the winter months. That is why it was abandoned.

There was no increase in March and April, as I pointed out before. The situation with respect to that is identical at the present time in September and October.

Mr. ROGERS. If the gentleman will yield further, in Kentucky, March, and April, particularly March, are very severe winter months, especially in the mountains, and I am very concerned about the possible increase of school fatalities on those schoolbuses on icy roads in the middle of the night in March.

Mr. OTTINGER. The reverse is true, because on their way home they would be subject to the same darkness conditions if it proves stormy, were we not to have this extended daylight.

Mr. ROGERS. They would be going home in daylight hours.

Mr. OTTINGER. They would be going home in darkness were it not for the daylight savings.

Mr. ROGERS. No; I beg the gentleman's pardon, they would be going home in daylight regardless of the change. What I am concerned about is traveling to work, to school on those mountain roads in different sections of the country during those March weeks and days in the western side of our time zones where a majority of the population now live, as a matter of fact.

Mr. OTTINGER. Well, there is no question under any scheme the people in the western side are going to be affected more than the people in the eastern side.

During the full-time daylight saving time experiment some schools that were concerned actually changed their school hours to be able to accommodate that and, of course, that is available to any school district that might be concerned, but the statistical record is that there was no increase in child fatalities.

□ 1520

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4437—the Energy Conservation Daylight Saving Act of 1981. This legislation is a bipartisan bill reported without amendment to the House by the Energy and Commerce Committee by a consensus vote of 31 to 8.

Section 3 of the bill amends the Uniform Time Act of 1966 by advancing the daylight saving time starting date from the last Sunday of April to the first Sunday in March. It also provides for the continuation of State exemptions and partial exemptions for States with parts in more than one time zone.

Section 4 of the bill provides the Federal Communications Commission with the authority to grant variances with respect to the hours of operation of daytime AM radio stations and their operating power levels.

Section 5 of the bill makes the act effective on the date of enactment unless that date occurs in any year after March 1, in which case the act takes effect the following year.

I have for several years introduced and supported legislation that reasonably expands daylight saving time. H.R. 4437 will conserve daylight hours by extending daylight saving time to 8 months from the present 6 months. A March to October daylight saving time period would make more efficient and symmetrical use of longer daylight days by providing an equal number of longer daylight days on either side of the summer solstice. The introduction of March and April to daylight saving time will extend the benefits we are presently experiencing in September and October. H.R. 4437 provides us with a potential of an electricity savings of approximately 100,000 barrels of oil equivalent per day during the months of March and April. That represents a net decrease of approximately 1.03 percent in total U.S. electricity consumption.

Unlike some energy conservation measures this is one that will not require an army of bureaucrats to enforce. It will not impose a mandatory regulatory scheme permeated with redtape that adversely effects economic productivity on the taxpayer. This conservation program will not require additional funding and overhead at the Department of Energy.

In addition to the energy savings, H.R. 4437 may very well have the following positive effects: First, a reduction in traffic accidents. This could mean 200 fewer traffic fatalities in the United States; second, a reduction in violent crime; third, more daylight recreation time; fourth, expanded economic opportunity through extension of daylight hours to peak shopping hours; and fifth, as the Retinitis Pigmentosa Foundation indicates, this legislation will provide welcome relief to those with visual handicaps. For all of these reasons the following organizations and Government agencies strongly support the passage of H.R. 4437: The International Council of Shopping Centers, International Association of Amusement Parks and Attractions, the Southland Corp., the National Association of Convenience Stores, the Retinitis Pigmentosa Foundation, Taft Broadcasting, Inc., the city of Los Angeles, the Department of Transportation, and OMB.

We have very carefully looked into the matter of schoolchildren waiting for schoolbuses in the morning under the expanded daylight saving period in accordance with H.R. 4437. The subcommittee received a considerable amount of evidence on this matter. Studies conducted by the Department of Transportation and the National Safety Council indicate that under daylight saving time in March and April, school age children are not subject to greater involvement in accidents than the general population in any period of the day. Since the amount of daylight hours in March and April are essentially the same as the daylight hours during September and October there is no reason to believe that the additional 2 months provided for under this legislation would have any adverse consequences. Few people object to daylight saving in September and October under present law. The evidence clearly shows that the American public is behind a reasonable expansion of daylight saving time. Reliable polls have confirmed this information. Newspapers across the country from the New York Times and the Los Angeles Times have editorialized in favor of this legislation.

I urge my colleagues to support H.R. 4437 without amendment.

Thank you, Mr. Chairman.

I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support for the bill H.R. 4437 which will extend the period of daylight saving time. I wish also to commend

and congratulate my colleague, Mr. OTTINGER of New York, for his persistence and leadership in pushing this important bill through the House of Representatives.

There are few bills which this Congress can pass which will have a more immediate, direct, and noticeable effect on the quality of life for the American people than this measure to extend the period of daylight saving time to the first Sunday in March. Yet, nothing in this bill is revolutionary or radical in scope. It simply equalizes the period of daylight saving in the spring with the period now in effect for the fall. Americans are certain to notice in the spring, just as they did a few days ago when this year's daylight saving period ended, that the time at which the Sun rises and sets has a powerful effect on the way in which we lead our daily lives.

Mr. OTTINGER correctly points out that this bill goes far beyond simply improving the quality of life for millions of Americans who will benefit from extended hour of daylight in the evening for recreational or other activity. This bill may, in fact, contribute significantly to the large strides in energy conservation our Nation has already made. By providing 1 less hour during which home lighting, business lighting, and heating and cooling systems may be required to operate, these savings could be substantial.

Furthermore, the extra hour of prime time daylight may well reduce traffic accidents, reduce crime, and increase the constructive use of our parks and recreational facilities.

Mr. Chairman, I urge my colleagues to support this worthy piece of legislation without dissent.

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Chairman, I appreciate being able to speak to this issue and rise in support of the bill. If this bill passes, and I want to get into the specifics of what it will actually do, because there has been a lot of rhetoric, but if this bill passes, the nearest Sunday in March to March 1 happens to be March 7, where the Sun rises at 6:10 a.m. standard time, and 7:10 a.m. daylight saving time, and sets at 5:42 standard time or 6:42 daylight saving time, for a length of day of 11 hours and 31 minutes.

□ 1530

Thus, there would be more daylight available on this day than on October 31 where there is presently only available this year 10 hours and 33 minutes of daylight.

So unless you are going to change the October 31 date, it is absurd to say that the March 7 date is unrealistic, unfair, or a change in the way that the sunlight is affecting us.

What really causes the danger here, which has been discussed, is the fact that Mother Nature exists and shortens her days as the Sun moves toward the Equator from the Tropic of Cancer. The shortest day of the year, the solstice, is on December 21, and is where the Sun rises at 7:12 a.m. and sets at 4:17 p.m., allowing 9 hours and 5 minutes of daylight. There is nothing we can do about that fact. The fact is that on that day children get up in the dark, go to school in the dark, and often come home in the dark. We also must milk our cows and take care of our farm animals in the dark.

Remember, again, that if you wait until April 30 to switch over, you miss the entire months of March and April during which you could use early morning light. The Sun rises on standard time at 4:44 a.m. on April 30. Assuming a great many people of this country, and I assume most people of this country, arise between the hours of 6:30 and 7 o'clock in the morning, or averaging 6:45, you have lost 2 hours of sunlight to work with if you have daylight saving time going into effect on April 30. Even as March goes along, the rising of the Sun advances so rapidly that by March 15 the Sun is rising at 5:57, and on March 31 it is rising at 5:29.

The effect of that, again, is that you are losing light, early hours of operable daylight when people could be using it. The reason that this occurs, by the way, is that when we are moving toward the solstice in December, in late fall, the Sun's declination is at a slower rate than when it is moving out of the solstice going into the spring where the sun rises, its declination, its angle to the Earth, rises faster. This is Mother Nature's way of giving nature more sunlight, and it behooves us to take advantage of that sunlight.

Ben Franklin also pointed out, even during the Revolution, that if we used daylight saving time and began it in March, we would be saving candles.

It seems to me that if we vote against this bill, which by the way is really a supply side bill because it creates more productivity—no question about it, in the marketplace because we do not waste those daylight hours in the morning—if we vote against this bill, we are not only voting against sunlight, which I cannot imagine that any farm community would want to do, but we are also voting against Ben Franklin, and I challenge anyone in this room, or this Congress, to vote against Ben Franklin.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I will yield to the gentleman from Indiana.

Mr. HILER. Mr. Chairman, can the gentleman explain again how this is a supply side bill?

Mr. GREGG. Well, as the gentleman knows, being one of our leaders of supply side economics in the newly elected class, if people have the opportunity to get up and use daylight to their advantage, then they are going to be more productive. If we are losing 2 hours of daylight, such as we are, and we are losing 2 hours of daylight if we do not move daylight saving time back to the first Sunday in March, on that first Sunday in March, on the last Sunday in April, there are 2 hours of daylight from the time the Sun rises to the time the average American gets up and goes to work which are completely wasted.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS of Kansas. Mr. Chairman, I rise in opposition to this bill.

I would respond to my colleague from New Hampshire to indicate to him that despite what he says about Mother Nature, you cannot fool Mother Nature, and also to say that I have it on good authority, when the Honorable Benjamin Franklin came out in favor of daylight saving time he was on one of his many junkets to Paris, France.

The dear colleague, in behalf of this bill, mentioned several things. I will repeat my opposition. They allege energy savings of 100,000 barrels of oil. If you read the report, the report actually says that there has been no significant measure of energy savings that could be attributed to daylight saving time, only to seasonal change.

The report goes on to claim 200 fewer traffic fatalities when in actuality if you read the rest of the report there has been no significant increase in safety due to DST.

The dear colleague goes on, in soliciting my colleagues' support for an extra period of sight and mobility for the hundreds of thousands of Americans suffering from night blindness. There are just as many of these folks blind in the morning when we have darkness as in the evening, if these folks would care to get up in the morning.

The gentleman also referred to the study done by the Department of Transportation alleging that there was no harm to school children in terms of riding school buses. I would challenge any Department of Transportation bureaucrat to come out to Highway 36 in my district and stand on the side of the highway in total darkness where cars go by at 60 and 55 miles an hour and say that that is not a hardship or a threat to that child.

There have been some additional comments in regard to what problems this causes radio stations, and the fact they can go to the FCC for relief. This is a serious problem when, in fact, we

have to come on the air and warn our farmers and stockmen of impending weather. I would only point out I have broadcasters that report to me they have tried to seek relief from daylight saving time for 4 years at a cost of thousands of dollars. That speaks to the ability of the FCC to respond to these requests.

There is only one simple reason as to why my urban colleagues are for daylight saving time, and they are correct when they cite increased recreational time, tourism, and extension of prime shopping hours. It is a matter of convenience. But, Mr. Chairman, it is a matter of inconvenience to rural areas. In New York or in other metropolitan areas, if you want to play golf, if you want to walk your dog, if you want to go jogging, fine. But do not do it at the expense of our rural areas.

The gentleman from New York said our farmers can simply get up an hour earlier to do the chores. That is just simply not the case. We have a full day's work and more, not just 8 hours. The work is governed by when the Sun comes up and when the Sun goes down. We just cannot automatically adjust.

I think the best amendment we could offer to this bill would be an amendment that would set the clock back 1 hour in the spring and then set the Nation's thermometers back 10 degrees. Then when the clock is set forward in the fall, we can set the Nation's thermometers 10 degrees up, and obviously we will not have summers as hot and we would have energy savings, and we also would not have winters as cold. That makes just about as much sense as this bill. I urge my colleagues to oppose what should be labeled the "Urban Convenience Act of 1981."

Mr. ROGERS. Mr. Chairman, I rise in opposition to this bill, strongly so. I commend the chairman and the ranking member of our subcommittee for their concern about and desire to cut back on oil consumption, which we all would like to do. But there will be serious side effects to this change, and at best only marginal energy savings by changing daylight savings time until early in March. The side effects, in my opinion, strongly outweigh whatever advantages may be gained.

Let me tell the Members about a few of the side effects in my judgment.

First, and most importantly, is children's safety. I urge you to consider that for those of us who live on the western side of these time zones—and the latest U.S. census showed that a majority of us do—get light later in the morning than the eastern side. And I am greatly concerned for those children who ride those school buses, especially for those kids on buses in the mountains of the Appalachian areas. This bill would force them to ride those buses in the middle of the night, on icy roads, snowy conditions in the wintertime. And March is a winter month in most of the country. It centainly is in the mountains of Kentucky. And for those children to be required to get out in the middle of the night, walk to the bus, wait on a lonely road, on ice and snow, and ride a bus to school under those very dangerous conditions, I think is too much of a risk and burden to ask for the little benefit that might be gained by changing the time.

This change would cause special problems in the rural areas, as my colleague from Kansas mentions. We do not have lights on many of the streets, highways and roads; we often have no raised sidewalks for these school children to use; and mountain roads are slippery throughout the winter months.

Let us mention to you an evaluation by the National Bureau of Standards relating to child fatalities. They testified that during the 1974 experiment with daylight saving time that there was an increase in fatalities of school-aged children.

Frankly, Mr. Chairman, as long as there is any possibility that our schoolchildren would be endangered, it would be nothing short of cruel for the Congress to enact this legislation. There is no parent who would choose to endanger his child's life in order to conserve a questionable barrel of oil.

And, Mr. Chairman, the problems extend beyond those faced by children. Consider the effect on farmers.

Now the Congress may be powerful, but it can not legislate when cows will need to be milked. And this legislation would throw farmers entirely off of schedule, both for their work on the farm and their transactions in town.

Other workers who rely on daylight would also be seriously affected. For example, construction and warehouse workers would face additional work-related hazards if they tried to continue working in the morning hours.

And the problems would not be confined to rural areas. There would be difficulties in suburban and urban areas, where commuters would be forced to drive to work in the dark.

So there is no denying that severe hardships would result from the enactment of this legislation. But, Mr. Chairman, I submit that these hardships would be endured for very little purpose. The record indicates minimal, if any, energy savings would result.

In commenting on the studies regarding the impact of extended daylight saving time, the Bureau of Standards said that the studies "do not lead to any conclusion on possible energy savings." And I am convinced that in the western portions of time zones, there might even be regional increases in energy consumption, considering the additional use of gas and electricity in the morning hours.

And of course, if additional States choose to opt out of daylight saving time altogether, opposing the extension, they would end up using more energy than before.

So, Mr. Chairman, the record is clear. We are being asked to jeopardize the safety of millions of schoolchildren. We are being asked to disrupt the work of farmers throughout the country. And we are being asked to make many workers' jobs more dangerous. And we are being asked to take these steps for the sake of energy savings, even though those savings would at the very best be extremely slight. Mr. Chairman, it seems clear that the disadvantages far outweigh any possible advantages.

I urge my colleagues to join with me in voting against this bill.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I would be happy to yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, this is a question which I think has really got a lot of people concerned. I think it is important we not mislead people.

In accordance with the DOT study and the National Safety Council study, and confirmed by the National Bureau of Standards when they reviewed this and had some questions about energy savings, they did confirm that during the months of March and April, when we are extending this, there were no increases in child fatalities.

□ 1540

I do appreciate the concerns that the gentleman suggests with respect to the western part of the State, particularly States such as his own where they have very severe weather conditions. I would suggest that there are two options. One is that, as the gentleman knows, the State can exempt themselves from daylight saving time. The more practical thing is that where there is a special situation in one section of the State, such as the gentleman has, there is a possibility of adjusting school hours.

Mr. ROGERS. I suggest the reverse side of that alternative would be for us to keep the time system as it is and allow New York to opt for added daylight time.

Mr. MOORHEAD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, on April 24, 1980, I addressed the House to urge my colleagues to support the extension of the daylight saving time provision of the Uniform Time Act of 1966. Today, I rise in support of H.R. 4437 which would extend daylight

saving time to include 8 months of the year, from the first Sunday in March through the last Sunday in October. The arguments I presented in favor of the 8-4 month plan 18 months ago are still pertinent today.

In fact, new evidence shows that extended daylight saving time will benefit the entire Nation. Department of Transportation studies indicate that we will save nearly 100,000 barrels of oil equivalent per day during the 2 months of prolonged daylight. The National Highway Traffic Safety Administration predicts 200 fewer traffic fatalities per year if the 8-4 month plan is implemented. Studies conducted in the District of Columbia reveal that violent crime—a problem reaching epidemic proportions in our Nation—could be reduced as much as 13 percent with longer daylight hours. Finally, recent public opinion polls show that the American people support extending daylight saving time by a 2-to-1 margin.

Mr. Chairman, the facts are compelling and the time is right for the extension of the daylight saving provision of the Uniform Time Act of 1966. I urge my colleagues to support H.R. 4437.

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Chairman, I rise in strong opposition to H.R. 4437.

I would like to first talk about energy. According to the committee report, daylight saving time could save the equivalent of 100,000 barrels per day in March and April. But, this data is challenged by the National Bureau of Standards, which finds no conclusive evidence of any savings.

I would like to point out that in northern Minnesota and the northern borders of this country, if we were to rise an hour earlier in the morning, at a time when the day is the coldest, the few hours before daylight and the hour after, we are not going to save energy, but use more, because those thermostats get turned up when folks get up for breakfast, when they get up for breakfast to feed those young children when they have to go out there 2 hours before daylight to catch that bus. Even if there were some identifiable savings, I question whether they would ever be realized. History shows that once daylight saving time approaches 8 months, States on the western borders of three of the four continental time zones tend to drop out of the program. During year-round daylight saving time in 1974-75, most of Michigan dropped out during March and April of 1975, as did Idaho and part of Oregon in 1974.

The committee does not project what the dropout rate would be under the proposed 2-month expansion. The dropout would not be for just March and April. Daylight saving time is an all or nothing proposition. If a State did not want the expansion, its only recourse would be to drop out completely. If some States decided not to go on daylight saving time because of the expansion, not only would there be a loss of the claimed energy savings, but also a loss during the other 6 months, the 6 months that we presently have daylight saving time.

In this way, the net energy savings expected from this bill could well turn into a net energy loss.

By refusing to go on daylight saving time a State would also create confusion in communications. The rapid growth of sophisticated communications technology has made our Nation in one respect a small and intimate place. The time differences in the respective time zones so far have not hampered this progress. This is due in large part to our being used to the 1, 2, or 3 hour differences almost uniformly followed within the respective zones. All of this would be thrown out of whack if States began quitting daylight saving time. The lack of time uniformity within the zones could lead to chaos in communications.

Another concern I have about daylight saving time is safety. In my district and those of many of my colleagues, rural schoolchildren leave their homes very early in the morning to make their way to school. Despite the fact that the Sun rises about the same time in March and April as it does in September and October, the weather is more wintry during March and April. The weather between 6:30 a.m. and 7:30 a.m. daylight time in March and April is much more likely to be icy, making the roads more slippery. Rural schoolchildren usually have no sidewalks to walk on. They walk on the sides of roads to their bus stops or schools. By 6:30 a.m. daylight time the Sun will not have had enough time to burn off that nightly ice cover.

Finally, in the western portion of the three time zones, darkness has not yet lifted by 6:30 a.m. daylight time. Add up all of these factors, and if you push the clock ahead an hour during these months you are going to make going to school a dangerous venture for these children.

I think the whole talk about daylight saving time is itself a misnomer. I would like to disagree with my colleague and friend from New Hampshire. You do not save daylight time. The Sun rises in the morning and sets in the evening, and in that framework, from the time that Sun comes up and until it goes down is a certain period of daylight, and no law can lengthen that day and no law can shorten that day. We have so many hours of daylight on any day of the year, and no law changes those hours.

Mr. Chairman, it is my feeling that passage of H.R. 4437 would be a mistake. The questions regarding energy savings, time uniformity, and safety have not been sufficiently answered. So, I oppose H.R. 4437 and I urge my colleagues to do the same.

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in opposition to this legislation extending daylight saving time an additional 2 months by changing the starting date from the last Sunday in April to the first Sunday in March. This is an unwise and unneeded bill.

We of Nebraska are morning people. Many of the day's activities are accomplished during the morning hours. This legislation, by eliminating an hour of daylight in the morning, adversely affects our work habits. The lost hour cannot be made up at the end of the day, as every farmer knows. There are certain farm chores that must be done in the early part of the day—feeding livestock, setting irrigation equipment, and so on—whether in darkness or in light, which cannot be altered by an act of Congress. It is no wonder that Nebraskans resent this intrusion by the Government into their lives.

The principal argument put forth by proponents of this legislation is that the bill will save energy. The evidence in support of this assertion is not overwhelming. In fact, the Bureau of Standards during Energy and Commerce Committee consideration of this issue asserted:

> The available data do not lead to any conclusions on the possible energy savings, except that further studies would be extremely expensive to perform.

It is my impression that there may be a net increase in energy consumption rather than a decrease under daylight saving time. Additional shopping and recreational trips would be made under daylight time. One of the original purposes of creating daylight time was to allow citizens more daylight hours for shopping and recreation in the afternoon when they get off work. If they are going to use those hours which are so generously provided by Congress, they will be using more fuel. Families that rise before sunup will require additional energy for lighting and heating.

School superintendents are forced to start their furnaces earlier in the morning in order to get buildings warm in time for school to start. Since buildings are colder earlier in the morning, it requires an additional amount of heating oil or natural gas under daylight time. Also, many parents feel that it is necessary to drive their children to school rather than to let them stand in the dark waiting for a schoolbus or walk or ride a bike to

school during hours of darkness. This results in additional gasoline use.

The Bureau of Standards has something to say about schoolchildren as well, Mr. Chairman, and it is frightening. In the same testimony that I quoted previously it says:

School-aged children suffered an increased number of fatal accidents in the morning during the four months, January to April, in 1974 under daylight saving time, as compared to the same period in 1973 when daylight saving time was not in effect.

This is the issue of greatest concern to the people of the Third District of Nebraska.

I am aware that a great many things can be shown with statistics, and we can argue all day about the meaning of these fatality statistics, but that will not change the opinions of my constituents who believe that sending their children off to school in the cold dark increases the danger they face. Forcing small children to leave their homes before dawn will not solve the energy shortage.

Mr. Chairman, for these reasons the House should reject this legislation today. Congress should not leave the citizens of this Nation in the dark once again.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Mr. Chairman, during the past several months I have had the opportunity to participate in the debate on this issue in subcommittee, in committee, and now, of course, here in the Committee of the Whole House. I believe it is fair to say that this is not one of the most Earth-shaking issues we will face during the course of this year in Congress, but it is an issue that is of significant importance to those who are directly affected by it.

I have not, admittedly, had a lot of experience on the farm, but my farmers tell me that when cows have to choose between God's time and Government's time, they give milk on God's time. It is because of that fact that this creates a considerable havoc in the rural communities of our country.

Now, I think that it is also important to note that many of these rural residents are worried about the fact that this forces their children to wait for the bus in the early morning hours when it is cold and when it is somewhat dangerous to those children. Now, these things in and of themselves may not seem as if they are matters of great importance, and they affect perhaps a relatively small portion of the population, but the key factor is this: In this daylight saving time law, there is a provision which allows States to opt out. If even one additional State should opt out of the entire program for the entire year because we are extending the program 2 months, we would lose the energy savings that this bill supposedly offers us.

□ 1550

I would suggest that extending this daylight saving time period into the cold months of the earlier part of the spring of the year is going to cause at least one more State to opt out because of the opposition which will be generated against daylight saving time as a whole in that State.

I believe that if that happens, we will lose all the energy savings that are supposedly being achieved through this bill, and we would have actually taken a step backward.

So for that reason, Mr. Chairman, I hope the Members of the House will recognize that we are dealing here not just with the issue of extending daylight saving time but we are also dealing with the issue of keeping those States that are already on daylight saving time in the position of maintaining that time system.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, will the gentleman tell this Member, who, quite frankly, knows remarkably little about farming and cows, something that he has always wondered about?

I understand the impassioned pleas from colleagues who represent agricultural districts, particularly apparently those who represent dairy areas. I do not understand, however, what difference it makes to the cows what time we think it is.

Mr. TAUKE. Mr. Chairman, it does not make any difference to the cows because they stick with God's time. That is what the farmers tell me.

Mr. STUDDS. That is what I thought.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. TAUKE) has expired.

Mr. OTTINGER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Mr. Chairman, the problem is that when the cows are operating on God's time and everybody else, all the people other than the farmers, are operating on Government time, we have a conflict between the two, and the farmers find it difficult to adjust their schedules to accommodate this difference in time. That is why they would prefer to keep the times together, if you will.

Mr. STUDDS. So, I was right in my provincial and unknowing assumption that those cows do whatever cows do according to natural time and not according to what time we think it is?

Mr. TAUKE. That is correct.

Mr. STUDDS. So the imposition would not be so much on the cows as it would be on those who milk them?

Mr. TAUKE. That is correct; the imposition would be on those who milk them.

Mr. STUDDS. And those Members who represent those who milk the cows are telling us it is difficult to somehow adjust their schedule for an hour; is that correct?

Mr. TAUKE. That is what I understand. But the key issue is not about that. The key issue is that this arouses substantial emotional opposition in States like my own.

For whatever reason, an attempt to extend this time now for an additional 2 months perhaps will bring us to the point where we will lose daylight saving time completely in a State like my own, and that would, of course, wipe out any energy savings that would be achieved through this legislation.

Mr. STUDDS. Mr. Chairman, if the gentleman will yield further, I think he probably has put his finger on at least the irrational, if not the rational, basis of the emotional nature of the opposition to this proposition.

Let me suggest to the gentleman what happened—and I understand the gentleman was not here at the time—when we first debated this issue in 1973 or 1974. The gentlewoman from Colorado (Mrs. SCHROEDER) received a letter from an especially irate constituent of hers in Denver, and she shared the letter with us at the time. At that time it was the first term of the gentlewoman from Colorado and of this Member, and the gentleman will recall how very particularly anxious we all are in our first terms not to say or do anything that might even possibly offend or irritate or upset any of our constituents, and that is especially true in our first term. We are apt to have a very firm rule in our first term that all correspondence, regardless of whether it appears to be particularly rational or not, must be answered and must be answered promptly.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. TAUKE) has again expired.

Mr. OTTINGER. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa (Mr. TAUKE).

Mr. STUDDS. Mr. Chairman, if I may proceed and if the gentleman will yield further, he can imagine the quandary of the gentlewoman from Colorado who received a letter to this effect from one of her constituents who was extremely irate and threatening her with those kinds of things that we all are confronted with from time to time.

The lady, who, I believe, was a housewife in Denver, said that she and 75 members of her group "will do all I possibly can to see that this is your last term, as well as your first term, if you support an extension of daylight saving time. My lawn cannot possibly stand 1 more hour of daylight."

The problem, of course, that the gentlewoman was confronted with

was: How do you respond to this without insulting the constituent in question? I think that was based upon the fear that this body might be sufficiently arrogant to try to do something that I do not think the most courageous of our colleagues have ever suggested; namely, to lengthen the number of hours in a day.

Let me suggest as a strong supporter of this legislation that as one examines the actual language, as well as the answers involved, there is every reason in the world, notwithstanding the understandable concern of the cows in question, to support this legislation.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I thank my colleague for yielding, and I rise to ask a question.

The Uniform Time Act of 1966 provided that the eastern part of the State of Indiana would be in an eastern time zone and the western half, or approximately that, would be in the central time zone.

That was not satisfactory to Indiana, and several of our States were affected by that particular 1966 act.

Shortly after that, or a couple of sessions later, we did provide that certain States could exempt themselves, and we redrew the boundaries, including those in Indiana, so that today a region in the western part of Indiana is in the central zone, a few other counties are in the central zone and the rest of Indiana is in the eastern zone. We have exempted these areas and those remaining in the eastern zone from ever going on daylight saving time.

As I understand it, on page 3, section 3, in line 14, it provides that any law in effect, including these amendments, shall not be changed by this act.

My question is this: Is it the intent of this act to continue the exemption of those States where the legislature does not want to go to daylight saving time? Can they exempt themselves?

Mr. MOORHEAD. Mr. Chairman, if the gentleman will yield, this act as it is presently drawn continues the possibility of those objections from those areas that now have them and that want to exercise them to exempt their areas. They could not exempt them for a portion of the daylight saving time; they would have to do it over the entire period that daylight saving time was going to be in effect.

Mr. MYERS. Mr. Chairman, if the gentleman will yield further, they can exempt the entire area from ever being in daylight saving time, but, as the gentleman says, they cannot change the applicable dates?

Mr. MOORHEAD. That is right. They still have to go to the 8 months? It would be entirely too confusing if they ever tried to change those dates. No one would know what time it was in any portion of the State.

Mr. MYERS. If the gentleman had cows, they would not know when they would be milked, or the grass would not know when it would get mowed.

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield, I would like to confirm what the gentleman said, that those States presently opted out are grandfathered in under this legislation, so the States that have opted out in whole or the States where there are two time zones and part of the States has opted out will continue in that status after this legislation, unless they take some other action.

Mr. MYERS. As I understand it, Indiana is in two different zones, and the eastern zone would not have to go on it and the other zone could go on it if they so desired, or they might not; is that correct?

Mr. OTTINGER. That is correct.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from South Carolina.

Mr. HARTNETT. Mr. Chairman, I think what the gentleman was asking was, under the present law States can now exempt themselves if their legislatures vote to do so under the provisions of the daylight saving time provsions; is that correct?

Mr. OTTINGER. That is correct.

Mr. HARTNETT. I believe what the gentleman was asking was, could they vote to exempt themselves for the additional 2 months?

Mr. OTTINGER. No, they could not.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has again expired.

Mr. MOORHEAD. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. MYERS).

Mr. HARTNETT. Mr. Chairman, if the gentleman will yield further, let me ask my next question.

Who is going to wake up the rooster that is going to wake up all the farm hands? The roosters and the chickens are going to sleep long past the time the farm hands should be aroused, and I wonder if we can in this body say who will be the official rooster waker-upper so we can get all the people up. That is what I was wondering.

● Mr. SOLARZ. Mr. Chairman, I rise in opposition to the passage of H.R. 4437, the Energy Conservation Daylight Saving Act.

This legislation would amend the Uniform Time Act so that daylight saving time would be observed for 8 months, from the first Sunday in March to the last Sunday in October. States would be granted the option to exempt themselves from this extended daylight saving time if they so wish, but this measure would still create a hardship for thousands of Americans.

In 1973-75 an emergency extension of daylight saving time was enacted, and thousands of schoolchildren were forced to wait for buses or walk to school in the dark. This created a real safety and health problem, particularly during the cold winter months for these schoolchildren and for other workers who had to leave their homes before sunrise to reach their offices and factories on time.

Finally, extending daylight saving time for the entire month of March would adversely affect thousands of observant Jews who must complete their morning prayers before sunrise. Daylight saving time would mean that some of these Americans would be forced to choose between their religious obligations and their employment. To further explain the impact of this provision on the Jewish community, Mr. Chairman, I include the following letter in today's CONGRESSIONAL RECORD:

AGUDATH ISRAEL OF AMERICA,
New York, N.Y., September 28, 1981.

Hon. RICHARD L. OTTINGER,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN OTTINGER: I want to bring to your attention a serious religious problem that would affect many thousands of Jewish citizens of our nation, as a result of the Daylight Savings Time bill, H.R. 4437, which has already been approved by the House Commerce Committee. I understand that the bill you sponsored would extend daylight savings time from the current 6 months to a proposed 8 months. Although I fully support your motives, I am sure that you would want to take into consideration the freedom of religious practice of a large number of our citizens.

Permit me to spell out clearly how your bill would affect religious Jews. According to Jewish religious law, the earliest time when morning prayers can commence is one hour before sunrise. Reviewing charts issued by the U.S. Naval Observatory, it is apparent that the morning prayers in several cities will be seriously delayed, seriously disrupting the daily schedule of thousands. For example, in Los Angeles on March 2nd, prayers could not commence until 6:21 A.M., which is 22 minutes later than the latest time of the year of January 1st. In Miami, a Jew could not pray until 6:44 A.M., which is 36 minutes later than January 1st. There are smaller time differences in such cities as New York, Baltimore and Cincinnati, but it is clear that almost every large city would be affected.

Since prayers last from 30-50 minutes, the earliest time that a religious Jew can leave from services either for breakfast or to his place of employment in a city like Miami would be somewhere in the vicinity of 7:40 A.M. In our society where most people live almost a half hour to one hour distance from their place of employment, this would create an anomalous situation for the thousands of religious Jews whose employment requires their presence prior to 8:00 or 8:30 A.M.

I want to point out to you that when a measure to extend daylight savings time for the entire year was under consideration in New York State, the bill was withdrawn for similar considerations after we brought to

the attention of the sponsors the religious implications involved.

I do want to note that our study shows that if the bill were to take effect on the third Sunday in March, it would not have any appreciable effect on the schedules of religious Jews. However, if the bill would extend into November, it could create an even worse situation than in March. I hope that you will modify your bill to take into consideration thousands of Orthodox Jews around the country whose lives would be seriously disrupted unless daylight savings time began the third Sunday in March.

I hope that you will be able to modify this bill and thus do away with the anxiety that has been aroused amongst the rabbis and laymen throughout the country who are deeply concerned over the implications of the bill.

All good wishes.

Sincerely,

Rabbi MENACHEM LUBINSKY,
Director of Government and Public Affairs.●

● Mr. WEBER of Minnesota. Mr. Chairman, what we are discussing here today is a basic issue of safety.

Extension of daylight saving time will put thousands of schoolchildren in needless danger. The Sun rises late in the morning in Minnesota during the months of March and April. Many schoolchildren must stand alongside narrow icy country roads, without sidewalks, as early as 7 a.m. waiting for the schoolbus; 1 hour of extra daylight in the morning could make the difference between a child being seen clearly—and that child being struck and killed.

Many of the fathers of those children rise even earlier to milk their dairy cows. By extending daylight saving time, we are not only imperiling their children—we are sentencing them to work an additional hour in the morning without sunlight. Most people who live in cities work indoors and begin their workday hours later than Minnesota farmers. But the farmer often begins his daily chores before 6 a.m., feeding and milking his cows, cleaning his barn and loading hay and silage. An extra hour of daylight would not only save energy and increase work efficiency—it would create a more safe working environment.

Rural America has historically opposed any extension of daylight saving time. It goes beyond the scope of the Federal Government to impose an unwanted change in the daily routine—and the essential safety—of rural Americans.●

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Conservation Daylight Saving Act of 1981".

SEC. 2. The Congress hereby finds—

(1) that various studies of governmental and nongovernmental agencies indicate that daylight saving time over an expanded period would produce a signficant energy saving in electrical power consumption;

(2) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

(3) that daylight saving time over an expanded period could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings; and

(4) that the use of daylight saving time over an expanded period could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community.

SEC. 3. (a) Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "last Sunday of April" and inserting in lieu thereof "first Sunday of March".

(b) Any law in effect on the date of the enactment of this Act—

(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 by a State with parts thereof in more than one time zone, or

(2) adopted pursuant to section 3(a)(1) of such Act by a State that lies entirely within one time zone,

shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act unless that State, by law, provides that such exemption shall not apply.

SEC. 4. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

SEC. 5. This Act shall take effect on the date of the enactment of this Act, except that if the date of enactment occurs in any calendar year after March 1, this Act shall take effect on the first day of the following calendar year.

□ 1600

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. HARTNETT

Mr. HARTNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARTNETT: Page 4, after line 10, by adding a new section to be appropriately numbered. The new section shall read as follows:

Not withstanding any other provisions of law; The provisions of this act shall not apply to South Carolina, Kentucky, or any other state whose governing bodies shall vote to exempt their states from the provisions of this act.

Mr. HARTNETT. Mr. Chairman, I appreciate the deep and abiding interest of this House of Representatives in the welfare of the people of South Carolina and other States of this Nation. But we in South Carolina do not want, nor do we need, 8 months of daylight saving time.

We are very conservation conscious. We cut our lights on very dimly in the early morning hours.

We do a lot of farming. We have schools that are located in rural areas in our State and the State law says any children that live within 1½ miles of the school are not eligible for bus service, they must walk to school. It is going to be awfully dark for many months in South Carolina now, and it is in your States, and States that neighbor South Carolina, and there your young children are going to be walking to school. You have heard all of the arguments, but you have turned a deaf ear to that.

Let me carry you back a few weeks to when we had the discussion on the terrific Voting Rights Act extension and those of you who told me what I needed in South Carolina, and I had to accept what you told me I needed. I needed the provisions of that act to apply to South Carolina, to a portion of this great Nation, not to the entire Nation as a whole.

I am telling you thank you for that and now grant me one more special little privilege, and that is to allow my little, tiny South Carolina to come without the provisions of this act.

We do not mind the 6 months that you so graciously gave us earlier in the last decade. I think you told us then we had to have 6 months of daylight saving time, although I think it ought to run from May 1 to September 1, because that is the good summer months when we do a lot of water skiing and fishing in South Carolina. We are just not interested in sending our babies to school who walk, because our State law requires them to walk, those who live within a mile and one-half of the school along rural roads where there are no sidewalks, where there are deep drainage ditches, and they must walk in the roadway. We are not interested in those young children going to school in the middle of the night.

As I so tongue in cheek asked who was going to wake up the rooster, our

farmers, quite frankly, do not want to be trying to tend their fields in the middle of the night. We enjoy the extra hours of daylight in the good summer months when the temperature is fine and the golf courses are green and the water temperature is just right for bathing. But quite frankly, in March and April, in February, we do not need it, and I do not think New York needs it. I do not think Indiana needs it. I do not think New Hampshire needs it. I know Kansas does not need it. And, God knows, that the tobacco is probably going to burn up from that extra hour of sunshine they are going to get in Kentucky. So it is for sure Kentucky does not need it.

Just last week, look what we did for the farmers and the tobacco farmers especially. Why not do one more thing for the farmer. Do not let his crop burn up.

Just think about how big the mushrooms are going to be with that extra hour of darkness.

We just have to be fair about this thing. It is not that much of a conservation measure. Believe me, believe me, the statistics that were cited here for you—seriously, it is great to be a little humorous because a little nonsense now and then is relished by the best of men—but let us be serious about this. Suppose three school children are lost in South Carolina to traffic accidents. We have 16-year-old schoolbus drivers in South Carolina. We impose a tremendous responsibility upon those young people. They can be 16 years old and drive a schoolbus. It is awfully dark at that hour of the morning on the rural roads of South Carolina.

Let us have a little order, Mr. Chairman. I am just not getting, like Rodney Dangerfield, I am not getting any respect at all. My colleagues just do not know something serious. They think it is the staff that was doing all of the talking, but you do not know something serious when you hear it. I went to the committee room, Mr. Chairman, myself. I hand-wrote this amendment. I borrowed a typewriter. I do not know whose typewriter, but it was a good IBM typewriter, and I typed the amendment myself. I am dead serious about it.

We can carry this thing just a little bit too far. There are no States in this Nation—if South Carolina can enjoy outdoor activities during those 2 months—there are very few other States that cannot, with the exception perhaps of Florida.

I am telling my colleagues that in the interests of the safety of the young children of all of our States, we do not need to send those children to school in the wee hours of the morning when it is pitch black dark. I urge you to show a little compassion, as you did to my great State in imposing upon us the provisions of the Voting Rights Act, and not impose upon us now.

What I am doing here, I would say to the gentleman from Massachusetts (Mr. STUDDS), I am leaving the provisions in here that our State legislature, we can come from under this act now, but if we want to come from under it on daylight saving time, we have to come from under the whole thing. We do not want to do that.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(By unanimous consent Mr. HARTNETT was allowed to proceed for 5 additional minutes.)

Mr. HARTNETT. What my simple little amendment does is say that my State, and the State of my good colleague, Mr. ROGERS, would be exempt from the 2 additional months, and if any of your States also want to exempt themselves from the 2 additional months, all your State legislatures would have to do would be to act. We are not trying to bring you from under the provisions of the original act where we all enjoy 6 months of daylight saving time.

It is perhaps a conservation measure, although the air-conditioning units and the lights of these buildings are burning day and night, 24 hours a day, 7 days a week. The lights in that office now are burning and nobody is in there. The lights in many of the offices in this building are burning and nobody is in there. If we want to really conserve energy, we should put in the little step that when you walk across that door then you turn out the light switch, the last man out cuts the light out, if you want to conserve energy.

What I am telling my colleagues is that we do not need 2 extra months in the dead of winter to send our children to school along dark, rural roads in South Carolina. This amendment which I have offered, in all good faith, and in all seriousness, says that South Carolina, not Kentucky, would be saddled with the 2 additional months and if your State did not want to be then you could come from under.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Let me say to the gentleman as a cosponsor of the bill I am practically reduced to shame by the gentleman's characterization of its effects. Would the gentleman characterize his amendment as a nullification or an interposition?

Mr. HARTNETT. Does the gentleman mean nullifying the entire act?

Mr. STUDDS. I was being semifacetious to the gentleman's State's history. But the gentleman is confusing the gentleman from Massachusetts, which, as he knows, is not difficult. I have had enough difficulty trying to keep up with the cows. The gentleman has brought in roosters, and then he has brought in mushrooms.

As I understand it, there is another ingredient in addition to darkness which is essential to the healthy growth of mushrooms. Is that not correct?

Mr. HARTNETT. The gentleman is correct. We have a lot of that on the floor of this House also.

Mr. STUDDS. The gentleman has caught exactly the drift of my comments.

Let me also say to the gentleman, if I may, that the schoolchildren about whose safety he expresses concern, in those what would be additional weeks of daylight saving time in the event this bill were adopted, unamended, in March and April, as I understand it, darkness or light rather in the morning would come at precisely the same time in March with these changes as it now does in October in South Carolina as well as in the rest of the Nation. So that we would not be imposing upon the children of South Carolina any changed circumstances than those under which they currently in the fall months go to school.

Mr. HARTNETT. That is correct. Unfortunately, if I had my way, as I mentioned to the gentleman earlier, I would make the daylight saving provisions applicable from May 1 to September 1. As it goes into the last Sunday in October I cannot do anything about that now, but adding 60 more days that those children would have to traverse those roads in the dark, and it is 30 days in which they have to do it now, and there is nothing we can do about that. But my legislation would have to come from completely under this.

□ 1610

But you are adding 60 days under which they must travel to school in the dark, and it is that many more days in which there is an opportunity for an accident to occur.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Texas.

Mr. KAZEN. Do I understand that the gentleman's amendment makes the 2 additional months discretionary with the States?

Mr. HARTNETT. Yes.

Mr. KAZEN. And that is all that it does?

Mr. HARTNETT. It exempts South Carolina and Kentucky and makes the other States discretionary for the 2 additional months, yes. That is exactly right.

Mr. KAZEN. Does it exempt South Carolina and Kentucky from all of the provisions of the bill?

Mr. HARTNETT. No, sir. From 2 additional months, and it permits any

other State who would like to come from under the 2 additional months to do so.

Mr. KAZEN. Well, I understand the gentleman's amendment now; but I do not understand why he does not treat the rest of us the way he treats those two States.

Mr. HARTNETT. Well, I do treat you that way. I would be happy to add any other States. I did not have a chance to ask around. Any other States that would like to be exempt from the 2-month provision, I would be happy to list them in this amendment and we can amend it further.

Mr. KAZEN. I can understand a bill that would purport to extend for 2 months daylight saving time, with the proviso that it be discretionary with the individual States.

Mr. HARTNETT. But it does not do that, sir. This bill says it is only discretionary to the entire daylight saving time completely, which would be the full 8 months if this bill is adopted. Then the only discretionary power that the legislature would have would be to come from under the entire 8 months or stay under all of it.

Mr. KAZEN. I agree with the gentleman, except he is usurping the power of the State legislature by doing this. You are taking the shortcut and not leaving it up to your legislature.

Mr. HARTNETT. Just in my little old State of South Carolina, but not in all the other 48 States.

Mr. KAZEN. I have got a little old State of Texas, a little bitty place in the South of this country that feels the same way.

Mr. HARTNETT. Yes, sir, but, see, under the provisions of this amendment, sir, your legislature could vote to come from under the 2 additional months, and that is all. I think that is only fair.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) has expired.

(On request of Mr. ROBERTS of Kansas and by unanimous consent, Mr. HARTNETT was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Kansas.

Mr. ROBERTS of Kansas. Mr. Chairman, I want to compliment my colleague, the gentleman from South Carolina, for his very industrious attempt to introduce and successfully introduce this amendment. I would reply only to my colleague, the gentleman from Massachusetts, there used to be a sportscaster in this town who always qualified for the boo of the week, and I would think, without question, you, sir, have qualified for the boo of the week in this regard.

This is a good amendment. Despite all of the frivolous comments, it does allow my State of Kansas, if it so chooses, by action of the State legislature, to exempt itself from this additional 2 months of daylight saving time. I think this is the proper way to do it, rather than going State by State, in that we do have some areas in Kansas on the eastern side—and, by the way, we do not grow tobacco; it is wheat that the gentleman meant to say, in terms of that extra hour of time—we do have some metropolitan areas where, doubtlessly, they will want this extra 2 months. But that should be a decision that should be made by the State legislature.

I applaud the gentleman's amendment. I stand in favor of it. The gentleman has done a good job.

Mr. HARTNETT. I thank the gentleman. I appreciate that very much.

Mr. NAPIER. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to my good colleague, the outstanding young Congressman from South Carolina.

Mr. NAPIER. I would just like to ask my colleague, if we give discretion to these other States, would the gentleman be willing to modify his amendment and give that same discretion to South Carolina? I think we all ought to be treated the same.

Mr. HARTNETT. Yes, I would be happy to do that if my good colleague, the gentleman from Kentucky, would be agreeable. We could amend my amendment by striking out and just saying that this shall not apply to any States whose governing body shall vote to exempt themselves.

Mr. NAPIER. So we are really making it an issue that the State legislatures can determine?

Mr. HARTNETT. That is correct. The 2 additional months.

Now, I will say to the gentleman from South Carolina, as he knows, I have listed South Carolina and Kentucky in here. I would be happy to strike South Carolina and just let all 50 States determine under the provisions of the bill.

Mr. NAPIER. I think that would be a good idea because I would hate for this body to be making a determination for South Carolina and not making it for the other States. I think we ought to treat them all alike.

Mr. HARTNETT. South Carolina is kind of special, but other than that——

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) has again expired.

(On request of Mr. GREGG and by unanimous consent, Mr. HARTNETT was allowed to proceed for 2 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to my colleague, the gentleman from New Hampshire.

Mr. GREGG. As the gentleman knows, I rose in favor of this bill. I strongly support the bill. But I also think that the gentleman's amendment, if he strikes South Carolina and Kentucky as acceptable and returns to the States rights approach, which I like to see, clearly, it also jeopardizes the uniformity issue. But I believe that if the State desires to make that decision within its own commercial framework, then the State has made that decision and I think that is reasonable.

Mr. HARTNETT. I thank the gentleman for his comment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to my colleague, the gentleman from Kentucky.

Mr. ROGERS. I will be happy to agree to the proposed amendment striking Kentucky and South Carolina from the language, and I appreciate the gentleman's action.

Mr. HARTNETT. I thank the gentleman for his support.

If I have 1 minute left, I would say to the gentleman from South Carolina and to my colleagues that the new amendment would read this way:

Notwithstanding any other provisions of law; The provisions of this Act shall not apply to any State whose governing bodies shall vote to exempt their States from the provisions of this Act.

I ask unanimous consent to substitute the revised amendment for my original amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while there is a great deal of appeal to allowing the States the flexibility that the gentleman from South Carolina desires and puts forward in this amendment, it would cause havoc in our commerce. You would have plane schedules and train schedules that would be confused, and the communications system and the network programs on the television that would have to be adjusted by jurisdiction. Indeed the act that we are amending here is called the Uniform Time Act and was originally passed so that we could do away with all kinds of different time jurisdictions that were in the country many years ago. Because of our modern-day communications and because of the transportation systems that we have, various airlines having to produce schedules that people can rely on, and so forth, the multiplicity of different times that are possible under this variation would just be too complex.

The administration testified on this. Indeed, Mr. ROGERS, the gentleman from Kentucky, had suggested this in subcommittee but the amendment was defeated because the industrial groups which support this bill would oppose

the amendment, and because the administration, which strongly supports this legislation at the present time, would oppose it if we created that kind of multiplicity of jurisdictions.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, the pending amendment destroys the spirit and intent of the Uniform Time Act. I support the Energy Conservation Daylight Saving Act of 1981. We are all well aware of the potential benefits which this simple 2-month extension of daylight saving time will bring to the Nation. The conservation of electrical energy, the positive effects with respect to traffic safety, and the increased sight and mobility for those afflicted with night blindness are all strong reasons for the passage of this legislation. But as a member of the Judiciary Subcommittee on Crime, my major interest in this bill is its potential to reduce violent crime. A study conducted by the Law Enforcement Assistance Administration on the impact of daylight saving time on the incidence of crime was most instructive. It was done in Washington, D.C., and used property and violent crime statistics which were available for each hour of each day during the period, January 1, 1973, to March 31, 1975. The study revealed consistently less violent crime for daylight saving periods when compared to similar periods of standard time. Specifically, when 28 weeks of standard time were compared with the same weeks of other years when daylight saving was in effect, it was found that violent crime was 10 percent less under daylight saving time. Further, when 2-week periods before and after five daylight saving time periods were combined, it was discovered that violent crime was 13 percent less during the daylight saving time periods.

Mr. Chairman, as a founder of the organization known as National Victims of Crime, I am strongly committed to the reduction of our Nation's tragically high incidence of violent crime. I am certain that all here share that commitment. This bill would have the effect of reducing crime while not imposing any additional burden on the American taxpayer. It is a simple measure which does not create a whole new bureaucracy to execute it. I urge passage of the Energy Conservation Daylight Saving Act of 1981.

Mr. OTTINGER. Mr. Chairman, I would like to make it clear that, as the law now stands, any State may opt out of daylight saving time altogether. So you have that variation.

In those States in which there are multiple time zones, either of the time zones may opt out. They must opt out altogether so that you only have two variations. If you allow these additional variations, then you would have a multiplicity of different time zones all across the United States, some of which added 2 months, some of which did not add the 2 months. It would just create too great a complexity for the transportation and communication industries, in particular, to be able to deal with. For that reason, I cannot support it.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding, and I thank him for qualifying the Uniform Time Act. While it is the Uniform Time Act, States do have the option to opt out, and so there is no reason why State legislatures cannot determine if they want to create a problem with train schedules, or whatever they want, that they had not ought to have that option to determine if they want to go longer.

I think what you are missing, if I could just prevail on my friend for 1 minute, is the concern of the problem that this kind of extension creates in the northern part of the country, where we have got cold weather yet in March and April. So I have to oppose the bill, but I support the amendment. I think it is a good amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to my friend, the gentleman from Texas.

Mr. KAZEN. I can understand the gentleman's position, but the mere fact that the title of the bill has the word "uniform" in there does not mean anything. We can always change that.

Now, as far as changing the time zones in various States, the State of Arizona has never gone to eastern daylight saving time, and yet it has not bothered the television programs, it has not bothered the airline schedules. I think it is a good idea.

Mr. OTTINGER. The gentleman is generally correct. I would like to point out that there was compromise reached in passing the Uniform Time Act, and it was decided that some flexibility ought to be left to the States, so States were allowed to opt out. Indeed two States have, Hawaii and Arizona, and Indiana has opted out in one time zone. But that creates only a very limited number of different time situations within the country that our commercial system has to deal with.

Now, if you start having some States allowing daylight saving time 2 months more and some States not, and parts of some States 2 months more and parts of some States not 2 months more, then you get a whole multiplicity of time zones that the commercial people came in and told us that they could not live with.

□ 1620

Mr. KAZEN. If the gentleman will yield further, we will have the 6-months mandatory. What is wrong with leaving a 2-month discretion?

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. If the gentleman will yield further, what the gentleman is telling the States, is you opt out altogether, the whole year, or not at all.

Mr. OTTINGER. That is correct, and the reason we do that is a compromise between the transportation systems and communications systems and other businesses that would like uniformity and giving the States some flexibility. Where the States feel strongly about it, we have provided the States can opt out in whole.

If, however, we provided that parts or all of States could opt out for different periods of time, which is what this amendment asks for, then it creates a great deal of complexity.

Mr. KAZEN. Not parts of States.

Mr. OTTINGER. Parts of States which are in two time zones could opt out for part of the time.

Mr. WEBER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Minnesota.

Mr. WEBER of Minnesota. I thank the gentleman for yielding.

I have to ask my colleague though, is not the original time frame for the Uniform Time Act not designed with some consideration of the school schedules that we have been debating here? That is my understanding of the history of this legislation, that that was one of the reasons why that timeframe was established.

If that is the case, it seems to me most reasonable what our colleague from South Carolina has suggested be considered that we now are considering an extension of this time and for the very reasons that we initially established this 6-month period we now should allow an additional reason for States to opt out.

Mr. OTTINGER. Sunrises in March and April school months are the same as those in September and October are, and daylight saving effects are exactly the same.

The reason that I cannot accept the amendment is because it creates just too much complexity for our commercial system in terms of the number of different time zones that would be in effect during those 2 months.

Mr. WEBER of Minnesota. If the gentleman will yield further, I understand fully the complexity.

I understand the complexity the gentleman is talking about. It is a little different for some of us representing rural States, Northern States. The gentleman is talking about nuisances and difficulties. We are talking about serious health hazards.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has again expired.

(At the request of Mr. COATS and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

The point has been made over and over in this debate that March and April are the same as September and October. That may be the case in the gentleman's State, but that is not the case in the Northern States, in the Mountain States, in States that have significantly different weather in those months than they do in September and October.

Our schoolchildren face an entirely different set of circumstances in March and April than September and October.

Mr. OTTINGER. I do not disagree with the gentleman and, as I said at the outset, there is some inconvenience to some people who were involved in here. At the same time, there are some additional conveniences to a lot of people like handicapped people. There is a considerable energy savings that is possible. There is a considerable reduction in crime that was in fact demonstrated during those months when we had year-round daylight savings time, and there was a slight overall reduction in traffic accidents.

So, I think that that tradeoff the people are going to have to decide and I understand representing one's people that that inconvenience may indeed be an overriding consideration. I do not think, however, because of the concerns from the people in transportation and communications industries which are big industries in our country, that we can have the multiple time zones and multiple time periods permitted under the amendment.

Mr. COATS. I think the gentleman used the word "inconvenience." I think the better word is the danger. We are trading a barrel of oil for the life of a child. Does the gentleman think this is a very good tradeoff?

Mr. OTTINGER. There was no demonstrated increases in fatalities when we had daylight saving time during March and April. I cannot emphasize that strongly enough.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has again expired.

(At the request of Mr. ROGERS and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Kentucky.

Mr. ROGERS. There must a recognition that there are some extremes of the application of the Uniform Time Act. This substitute recognizes that there may be such extremes and allows those States in such extremes to opt out of the additional time.

In the gentleman from New York's home, it gets light 57 minutes before it does in Louisville, Ky., even though they are in the same time zone. Louisville is on the western edge of the time zone and the gentleman's home, of course, is on the eastern side of that zone. At least give us the possibility to opt out of the application of the additional daylight saving time where it would be prejudicial to our children and to the operation of our farming community.

Mr. OTTINGER. As the gentleman knows, I was disposed to want to accept the gentleman's amendment and provide that flexibility in committee. When we inquired into it we found there was a serious commercial disadvantage to a number of cities and industries and that the administration objected to it largely on those grounds. So we felt constrained not to press the issue.

It is a question of compromises here, what makes the most sense overall, and since there would be serious injury to the transportation and communications industries in particular, we felt we should not go along with it.

I understand the basis on which the gentleman does advance it and it would provide more flexibility particularly to situations such as the gentleman described.

Mr. ROGERS. Do I understand the gentleman to say he is agreeing with the substitute that has been offered?

Mr. OTTINGER. No; I said quite clearly that I had to oppose it even though I recognize for conditions like the gentleman's it would provide a great deal of advantage; but it has a tremendous disadvantage to a number of different industries, particularly communications and the transportation industry where they feel this multiplicity of time zones would cause them grave problems.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with reluctance to oppose the amendment. I certainly would like to accommodate those gentlemen from some of the farm areas who find the additional 2 months inconvenient or find different things wrong with it but the mischief that would be done to the Uniform Time Act if we would allow States to pick and choose among the months which we have daylight saving time would be so great that the cost to American customers would be substantial, the difficulties in our communications and transportation systems would be extremely great, and actually if this amendment were adopted, it would undoubtedly do tremendous damage to the chances of this bill.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

I think we have a double-edged sword here. I came here thinking I was going to support this bill, and now I think I am going to oppose the bill, but I think we have to oppose the amendment.

If we accept this amendment we are clearly going to have a checkerboard time zone in America that is going to look like a chess table. If we do not accept the amendment and the bill passes, what is going to happen? I predict that a large number of States are going to opt out of the time zone entirely because it is not that terribly popular. So I would say, leave well enough alone. Let us oppose the amendment and oppose the bill.

Mr. MOORHEAD. That is a decision they can make if they want to opt out altogether. I seriously doubt if very many of them will because the advantages of daylight saving time to the vast majority of the people in this country is tremendous and the advantages of this bill, as drafted with the 2 extra months, is extremely advantageous to the people of this country, the vast majority of them, who want this bill enacted into law.

□ 1630

Mr. HARTNETT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from South Carolina is recognized for 5 minutes.

There was no objection.

Mr. HARTNETT. Mr. Chairman, now that we have all had our say, as my good friend, the gentleman from Tennessee says, it is time to gourd.

But anyway, we have all had a lot of fun here today, but I think it is pretty obvious from the chairman who has done a good job in defense of this bill that a vast majority of the Members of this body here on the floor would like to give their State legislatures the option to opt out.

I would just say, Mr. Chairman, that this will not be any great loss. The bill is going to pass as we send it out of committee. All States will be covered by the entire 8-month provision,

unless those State legislatures opt to bring them out from under.

We are being consistent with the original act, as my colleague from the Sixth District of Minnesota pointed out. The original act allowed the States to opt from the 6-month provision entirely. This amendment would allow them to opt from the 2-month additional provision.

The bill will be passed as it came out of committee, encompassing all 50 States with 8 months of daylight saving time, unless the legislatures reverse that. The chances of that happening are probably slim; but at least they would have that right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. HARTNETT).

The question was taken; and on a division (demanded by Mr. STANGELAND) there were—ayes 36, noes 18.

RECORDED VOTE

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 242, not voting 21, as follows:

[Roll No. 284]

AYES—170

Applegate	Gregg	Nelligan
Archer	Gunderson	Nichols
Ashbrook	Hagedorn	O'Brien
Atkinson	Hall, Ralph	Oakar
Badham	Hall, Sam	Oxley
Bailey (MO)	Hamilton	Pashayan
Barnard	Hammerschmidt	Patman
Beard	Hance	Paul
Benedict	Hansen (ID)	Perkins
Bennett	Hansen (UT)	Petri
Bevill	Hartnett	Pickle
Bouquard	Hatcher	Quillen
Brinkley	Heckler	Rahall
Brown (CO)	Hiler	Regula
Burgener	Hillis	Rhodes
Byron	Holland	Roberts (KS)
Campbell	Holt	Roberts (SD)
Coats	Hopkins	Robinson
Conable	Hubbard	Roemer
Craig	Hunter	Rogers
Crane, Daniel	Hyde	Roth
Crane, Philip	Jeffords	Rousselot
Daniel, Dan	Jeffries	Rudd
Daniel, R. W.	Jenkins	Santini
Dannemeyer	Johnston	Sawyer
Daschle	Jones (TN)	Schulze
Daub	Kazen	Shamansky
Davis	Kemp	Sharp
de la Garza	Kindness	Shaw
Deckard	Kramer	Shumway
Derrick	Lagomarsino	Shuster
Dickinson	Leach	Siljander
Dorgan	Lee	Skeen
Dornan	Levitas	Skelton
Duncan	Lewis	Smith (AL)
Dyson	Livingston	Smith (NE)
Edwards (CA)	Loeffler	Smith (NJ)
Edwards (OK)	Lott	Smith (OR)
Emerson	Lujan	Snyder
English	Lungren	Solomon
Evans (GA)	Martin (IL)	Spence
Fiedler	Mazzoli	Stangeland
Fields	McCloskey	Staton
Fithian	McCurdy	Stenholm
Fuqua	McDonald	Stump
Gingrich	Michel	Tauke
Ginn	Morrison	Tauzin
Goldwater	Mottl	Taylor
Gonzalez	Murtha	Traxler
Goodling	Myers	Trible
Gradison	Napier	Udall
Gramm	Natcher	Vander Jagt
Volkmer	Weber (MN)	Wolf
Walgren	White	Yatron
Walker	Whittaker	Young (AK)
Wampler	Whitten	Young (MO)
Watkins	Winn	

NOES—242

Addabbo	Fish	Moffett
Akaka	Flippo	Molinari
Albosta	Foglietta	Mollohan
Anderson	Foley	Montgomery
Andrews	Ford (MI)	Moore
Annunzio	Ford (TN)	Moorhead
Anthony	Forsythe	Murphy
Aspin	Fountain	Neal
AuCoin	Fowler	Nelson
Bafalis	Frank	Nowak
Bailey (PA)	Frenzel	Oberstar
Barnes	Frost	Obey
Bedell	Garcia	Ottinger
Benjamin	Gaydos	Panetta
Bereuter	Gejdenson	Parris
Biaggi	Gephardt	Patterson
Bingham	Gibbons	Pease
Blanchard	Gilman	Pepper
Bliley	Glickman	Peyser
Boggs	Gore	Porter
Boland	Gray	Price
Boner	Green	Pritchard
Bonior	Grisham	Pursell
Bowen	Guarini	Railsback
Brodhead	Hall (OH)	Rangel
Brooks	Harkin	Ratchford
Broomfield	Hawkins	Reuss
Brown (CA)	Hefner	Richmond
Brown (OH)	Heftel	Rinaldo
Broyhill	Hendon	Ritter
Burton, Phillip	Hertel	Rodino
Carman	Hightower	Roe
Carney	Hollenbeck	Rose
Chappell	Horton	Rosenthal
Chappie	Howard	Rostenkowski
Cheney	Hoyer	Roukema
Chisholm	Huckaby	Roybal
Clausen	Hughes	Russo
Clay	Hutto	Sabo
Clinger	Ireland	Scheuer
Coelho	Jacobs	Schneider
Coleman	Jones (OK)	Schroeder
Collins (IL)	Kastenmeier	Schumer
Collins (TX)	Kildee	Seiberling
Conte	Kogovsek	Sensenbrenner
Conyers	LaFalce	Shannon
Corcoran	Lantos	Shelby
Coughlin	Latta	Simon
Courter	Leath	Smith (IA)
Coyne, James	LeBoutillier	Smith (PA)
Coyne, William	Lehman	Snowe
D'Amours	Lent	St Germain
Danielson	Long (LA)	Stanton
DeNardis	Long (MD)	Stokes
Derwinski	Lowry (WA)	Stratton
Dicks	Lundine	Studds
Dingell	Madigan	Swift
Dixon	Markey	Synar
Donnelly	Marks	Thomas
Dowdy	Marlenee	Vento
Downey	Marriott	Washington
Dreier	Martin (NC)	Waxman
Dunn	Martin (NY)	Weaver
Dwyer	Matsui	Weber (OH)
Early	Mattox	Weiss
Eckart	Mavroules	Whitehurst
Edgar	McClory	Whitley
Edwards (AL)	McCollum	Williams (MT)
Emery	McDade	Williams (OH)
Erdahl	McGrath	Wilson
Erlenborn	McHugh	Wirth
Ertel	McKinney	Wolpe
Evans (DE)	Mica	Wortley
Evans (IA)	Mikulski	Wright
Evans (IN)	Miller (CA)	Wyden
Fary	Miller (OH)	Wylie
Fascell	Mineta	Yates
Fazio	Minish	Young (FL)
Fenwick	Mitchell (MD)	Zablocki
Ferraro	Mitchell (NY)	Zeferetti
Findley	Moakley	

NOT VOTING—21

Alexander	Butler	Leland
Beilenson	Crockett	Lowery (CA)
Bethune	Dellums	Luken
Bolling	Dougherty	McEwen
Bonker	Dymally	Savage
Breaux	Florio	Solarz
Burton, John	Jones (NC)	Stark

Mr. MITCHELL of New York and Mr. EVANS of Iowa changed their votes from "aye" to "no."

Mr. GINN and Mr. NELLIGAN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1650

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 3, line 3, strike out "(a)" the first place it appears.

Page 3, beginning on line 6, strike out the period and all that follows through line 17 and insert in lieu thereof a comma and the following: "and by striking out "; however, (1)" and all that follows through "lying within any time zone".".

Mr. JACOBS. Mr. Chairman, this amendment will not take very much time. It is the precise reverse of the amendment that was just offered. It would in fact not allow States to opt out of the present law.

Those favoring the daylight saving time approach, those who believe that bad guys usually sleep late and do their dirty work in the early afternoon or in the evening, might want to support this amendment.

My State is divided according to time. In Indianapolis, the city that I represent, we have problems of crime, as is the case with any other metropolitan area. As a matter of fact, our former colleague from Indiana, Mr. Ray Madden, former chairman of the Rules Committee, claims that on one occasion a man walked into the bus station in Indianapolis and asked the ticket salesman, "When does the bus leave for Lebanon?"

The salesman said, "Ten o'clock."

He said, "When does the bus get to Lebanon?"

The salesman said, "Ten o'clock."

So, the man walked away, came back and said, "When did you say that bus leaves for Lebanon?"

The ticket salesman said, "Ten o'clock."

The man said, "When did you say it gets there?"

"Ten o'clock."

So he walked away again, and the salesman said, "Say, do you want to buy a ticket to Lebanon?"

The fellow came back and said, "No, I don't, but would you mind if I stayed around and watched that bus take off?"

There are certain States that are likely to be two-timed. Indiana has been two-timed. If you like daylight saving time, if you believe it ought to be uniform, if you believe no crime occurs in the early morning when the bad guys are sleeping, but occurs in the late afternoon or evening, then

you probably would like this amendment.

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the amendment.

Much as I love and respect my colleague from Indiana, I have to oppose this amendment because it does away with the compromise that produced this legislation. It would eliminate any kind of State option or the option for part of a State. The legislation was put together so that any State that in fact did not want to go along with this could in whole opt out. In fact, two States with special problems have done so, the State of Arizona and the State of Hawaii.

Part of the State of Indiana has done so. Whenever we have these arbitrary lines, we are going to have anomalous situations such as described by the gentleman from Indiana.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to know if present law as it presently exists, may States still opt out?

Mr. OTTINGER. A State may still opt out in entirety. This amendment would eliminate that.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I will be glad to yield, and I would like to say that the gentleman from California has been tremendously helpful in this legislation, in drafting it, in the hearings, and in the presentation of the bill on the floor. I want to personally express my thanks to him.

Mr. MOORHEAD. Mr. Chairman, I also rise in opposition to the amendment. Our law has been working with the opportunity of the States to option out of the whole daylight saving time program if they desire to. Very few have selected that path, but I think to change the law at the present time or to add it to this bill would be working in the wrong direction, and I ask for a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

The CHAIRMAN. Are there further amendments? There being none, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DANIELSON) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to promote energy conservation by providing for daylight saving time on an expanded basis and for other purposes, pursuant to House Resolution 236, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROBERTS of Kansas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 165, not voting 25, as follows:

[Roll No. 285]

AYES—243

Addabbo	Edwards (AL)	Long (LA)
Akaka	Edwards (CA)	Lott
Albosta	Emery	Lowry (WA)
Anderson	Erlenborn	Lungren
Andrews	Ertel	Markey
Annunzio	Evans (IN)	Marriott
AuCoin	Fary	Martin (NC)
Bafalis	Fascell	Matsui
Bailey (PA)	Fazio	Mattox
Barnes	Fenwick	Mavroules
Beard	Ferraro	McClory
Benjamin	Fiedler	McCloskey
Bennett	Findley	McCollum
Biaggi	Fish	McCurdy
Bingham	Flippo	McDade
Blanchard	Foglietta	McGrath
Bliley	Foley	McHugh
Boggs	Ford (MI)	McKinney
Boland	Ford (TN)	Mica
Boner	Frank	Mikulski
Bonior	Frenzel	Miller (CA)
Bowen	Frost	Mineta
Brodhead	Garcia	Minish
Brooks	Gejdenson	Mitchell (MD)
Broomfield	Gephardt	Mitchell (NY)
Brown (CA)	Gibbons	Moakley
Broyhill	Gilman	Moffett
Burgener	Gradison	Molinari
Burton, Phillip	Gray	Montgomery
Carman	Green	Moore
Carney	Gregg	Moorhead
Cheney	Grisham	Morrison
Chisholm	Guarini	Murphy
Clay	Gunderson	Murtha
Clinger	Hall (OH)	Napier
Coelho	Hawkins	Nelson
Coleman	Heckler	Nichols
Collins (IL)	Hefner	Nowak
Collins (TX)	Heftel	Oakar
Conte	Hendon	Ottinger
Conyers	Hertel	Parris
Corcoran	Hollenbeck	Patterson
Coughlin	Holt	Paul
Courter	Horton	Pepper
Coyne, James	Howard	Peyser
Coyne, William	Hoyer	Porter
Crane, Daniel	Huckaby	Price
Crockett	Hughes	Pursell
D'Amours	Hunter	Railsback
Danielson	Hutto	Rangel
Dannemeyer	Ireland	Ratchford
DeNardis	Jacobs	Reuss
Derwinski	Jeffords	Richmond
Dicks	Johnston	Rinaldo
Dingell	Jones (OK)	Ritter
Dixon	Jones (TN)	Rodino
Donnelly	Kastenmeier	Rose
Dowdy	Kildee	Rosenthal
Downey	LaFalce	Rostenkowski
Dreier	Lagomarsino	Roth
Dunn	Lantos	Roukema
Dwyer	LeBoutillier	Rousselot
Dymally	Lee	Roybal
Early	Lehman	Russo
Eckart	Leland	Sabo
Edgar	Lent	Santini
Savage	Smith (PA)	Weaver
Sawyer	Snowe	Weiss
Scheuer	St Germain	Whitehurst
Schneider	Stokes	Whitley
Schroeder	Stratton	Williams (MT)
Schulze	Studds	Williams (OH)
Seiberling	Swift	Wilson
Sensenbrenner	Synar	Wirth
Shannon	Tauzin	Wolf
Shaw	Thomas	Wolpe
Shelby	Udall	Wright
Shumway	Vento	Wyden
Simon	Walgren	Yates
Smith (AL)	Washington	Zablocki
Smith (NJ)	Waxman	Zeferetti

NOES—165

Anthony	Gonzalez	Pashayan
Applegate	Goodling	Patman
Archer	Gore	Pease
Ashbrook	Gramm	Perkins
Aspin	Hagedorn	Petri
Atkinson	Hall, Ralph	Pickle
Badham	Hall, Sam	Quillen
Bailey (MO)	Hamilton	Rahall
Barnard	Hammerschmidt	Regula
Bedell	Hance	Rhodes
Benedict	Hansen (ID)	Roberts (KS)
Bereuter	Hansen (UT)	Roberts (SD)
Bevill	Harkin	Robinson
Bouquard	Hartnett	Roe
Brinkley	Hatcher	Roemer
Brown (CO)	Hightower	Rogers
Brown (OH)	Hiler	Rudd
Byron	Hillis	Schumer
Campbell	Holland	Shamansky
Chappell	Hopkins	Sharp
Chappie	Hubbard	Shuster
Clausen	Hyde	Siljander
Coats	Jeffries	Skeen
Craig	Jenkins	Skelton
Crane, Philip	Kazen	Smith (IA)
Daniel, Dan	Kindness	Smith (NE)
Daniel, R. W.	Kogovsek	Smith (OR)
Daschle	Kramer	Snyder
Daub	Latta	Solomon
Davis	Leach	Spence
de la Garza	Leath	Stangeland
Deckard	Levitas	Stanton
Dickinson	Livingston	Staton
Dorgan	Loeffler	Stenholm
Dornan	Lujan	Stump
Duncan	Lundine	Tauke
Dyson	Madigan	Taylor
Edwards (OK)	Marks	Traxler
Emerson	Marlenee	Trible
English	Martin (IL)	Vander Jagt
Erdahl	Martin (NY)	Volkmer
Evans (DE)	Mazzoli	Walker
Evans (GA)	McDonald	Wampler
Evans (IA)	Michel	Watkins
Fields	Miller (OH)	Weber (MN)
Fithian	Mollohan	Weber (OH)
Forsythe	Mottl	White
Fountain	Myers	Whittaker
Fowler	Natcher	Whitten
Fuqua	Neal	Winn
Gaydos	Nelligan	Wylie
Gingrich	Oberstar	Yatron
Ginn	Obey	Young (AK)
Glickman	Oxley	Young (FL)
Goldwater	Panetta	Young (MO)

NOT VOTING—25

Alexander	Dellums	Luken
Beilenson	Derrick	McEwen
Bethune	Dougherty	O'Brien
Bolling	Florio	Pritchard
Bonker	Jones (NC)	Solarz
Breaux	Kemp	Stark
Burton, John	Lewis	Wortley
Butler	Long (MD)	
Conable	Lowery (CA)	

□ 1710

The Clerk announced the following pairs:

Mr. Alexander with Mr. O'Brien.

Mr. Jones of North Carolina with Mr. Dougherty.

Mr. Long of Maryland with Mr. Kemp.

Mr. Solarz with Mr. Lewis.

Mr. Stark with Mr. McEwen.

Mr. Florio with Mr. Conable.
Mr. Derrick with Mr. Butler.
Mr. Luken with Mr. Lowery of California.
Mr. Beilenson with Mr. Pritchard.
Mr. Dellums with Mr. Bethune.
Mr. Breaux with Mr. Wortley.
Mr. John L. Burton with Mr. Bonker.

Mrs. BOUQUARD, Mr. CHAPPELL, and Mr. NELLIGAN changed their votes from "aye" to "no."

Mrs. SCHNEIDER changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER FROM LIST OF COSPONSORS OF H.R. 3364

Mr. AKAKA. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

1980 ANNUAL REPORT BY SECRETARY OF HEALTH AND HUMAN SERVICES AND 1977, 1978, 1979, AND 1980 ANNUAL REPORTS BY THE SECRETARY OF LABOR ON OCCUPATIONAL SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

In accordance with Section 26 of the Occupational Safety and Health Act of 1970, I transmit herewith the 1980 annual report submitted by the Secretary of Health and Human Services, and the 1977, 1978, 1979, and 1980 annual reports submitted by the Secretary of Labor on occupational safety and health activities during the previous Administration.

RONALD REAGAN.

THE WHITE HOUSE, *October 28, 1981.*

□ 1720

AWACS SALE TO SAUDI ARABIA IS A DARK DAY FOR THE UNITED STATES

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, today Congress approved the sale of the AWACS, to Saudi Arabia.

I do not believe a more important vote has been taken in this body in this Congress and a vote which I believe holds more dark clouds and more of an ominous threat to the State of Israel than this action of the Congress.

I believe that the State of Israel now will be under siege like it never has been in the past, with the AWACS planes going to Saudi Arabia.

I think this a dark day for us in the United States. It is going to be a very dark day in the history of the State of Israel. I hope, I just hope and pray that we come to our senses in this body in the future and recognize that, when we provide that type of weapons system to unstable governments whose sole purpose has been stated time and time and time again to destroy the State of Israel, we are not only threatening the survival of the State of Israel, we also threaten the survival of our own values and our own security and, indeed, we threaten the survival of democracy throughout the world.

ORDER OF BUSINESS

Mr. GILMAN. Mr. Speaker, under the special orders, I ask unanimous consent to speak prior to the time allotted to the gentleman from Virginia (Mr. BLILEY) and to limit my time to just a brief 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TAKING OUR FRIENDS IN THE NONALINED MOVEMENT AT THEIR WORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 30 minutes.

Mr. GILMAN. Mr. Speaker, I am privileged, along with Congressman IRELAND of Florida, to serve as a congressional representative to the current United Nations General Assembly and I consider it an honor to represent our country in the important tasks of seeking truth and understanding between all nations.

However, it has been disturbing to observe some nations exploiting the U.N. membership for selfish political gain.

It has been customary for the nations of the so-called nonalined movement to use the opportunity of the U.N. General Assembly sessions to discuss matters of mutual interest. The result of this year's meeting, as spelled out in a nonalined nations communique, was unparalleled in its harshness, onesidedness, and an almost wholly anti-American tone. While many of the 97 nations who supported this effort can hardly be said to be allies or partners of the United States, a large number are in fact at least considered to be friendly and do willingly accept vast amounts of U.S. economic assistance and military assistance.

In response to this all too frequent practice of wholesale slander, our Ambassador to the U.N., Jeane Kirkpatrick, wrote a letter to more than 40 members of the nonalined who had signed this year's communique. In her letter, Ambassador Kirkpatrick expressed her shock that so many of our friends willingly joined in this endeavor. She further sought from them their individual views and reservations about their joint statements in the communique.

It should be noted that this year's nonalined chairmanship is held by Cuba, hardly a nonalined nation. This total lack of objectivity cannot be overlooked. While the United States was singled out for attack some nine times by name and dozens of other times by implication, the Soviet Union's aggression was not once mentioned.

I share the belief of the Ambassador that what the United States says publicly is to be taken seriously. We would under no circumstances sign any document which we did not endorse solely because we were part of a group or bloc. If we are led to believe that the nonalined statement is not to be taken seriously, totally at face value as implied by some signers, then how are we to know what should be taken seriously? If those nations which endorsed that document really intended to do so, then we should act accordingly.

In response to the nonalined action and Ambassador Kirkpatrick's letter, the Senate last week adopted an amendment offered by former U.N. Ambassador, Senator PATRICK MOYNIHAN that fully supports Mrs. Kirkpatrick's concerns by making them into law. The Moynihan amendment would require that in considering U.S. aid to members of the nonalined movement, that their endorsement and/or reservations should be taken into account.

Today, the gentleman from Florida (Mr. IRELAND) and I are joining Senator MOYNIHAN in this effort to support our Ambassador's declaration by introducing a similar resolution in the House. Should the foreign aid bill reach the floor, we will offer the language of this resolution as an amendment to that bill. I urge our colleagues to join us in this endeavor.

For the further information of our colleagues I will insert at this point in the RECORD the text of Ambassador Kirkpatrick's letter, on October 14, 1981, New York Times article entitled "Mrs. Kirkpatrick Asks 40 Nations To Explain Their Anti-U.S. Stand," and a list of those nations receiving the Ambassador's letter. I would also like to direct our colleagues attention to page S11883 of the October 22, 1981, CONGRESSIONAL RECORD for Senator MOYNIHAN's comments and the full text of the nonalined communique.

The material follows:

THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,

October 6, 1981.

YOUR EXCELLENCY: Since coming to New York as the United States Permanent Representative to the United Nations some ten months ago, I have come to appreciate more warmly the positive role of the United Nations, and to greatly value relations between the United States Mission and that of many other Missions here at Turtle Bay.

Because I sincerely value the good relations between our Missions and the strong bilateral ties between our nations, I wish to share with you now my thoughts on a matter of some importance.

Quite frankly, I was startled to find your government associated with the Communique of the Ministers of Foreign Affairs and Heads of Delegation of the Non-Aligned Countries which was issued on September 28, 1981 in New York.

I well realize, Your Excellency, that your country is but one of some one hundred members of the Non-Aligned Movement, and that the Movement itself is a body of divergent nations. Nonetheless, I am startled that you or your government would or could associate yourselves with a document composed of such base lies and malicious attacks upon the good name of the United States.

I can assure you, Your Excellency, that I would never allow the United States to be associated with any document from any group—no matter how large or diverse—that contained such vicious and erroneous language against your country.

The communique has no more claims to being truly non-aligned than does the Permanent Mission of Cuba which issued it. In a year which sees a continuing military occupation of Afghanistan, Kampuchea and Chad—all with the support of the USSR, the non-aligned communique contains no mention of the Soviet Union. Yet it negatively mentions my country—which invades and occupies no one, and undermines no one's independence—nine times by name and dozens of times by implication, making the most absurd and erroneous charges such as:

That the U.S. perpetrated "aggression" against Libya last August, an "aggression" which "constitutes a threat as well as flagrant violence against the sovereignty, independence and territorial integrity on non-aligned countries" and "a threat to international peace and security" (page 13); and

That the U.S. participates in "attempts at destabilizing the Government of Grenada, the exertion of economic and other pressures, destabilizing maneuvers against Nicaragua" (page 17).

These, Your Excellency, are only two of the fabrications and vile attacks against the United States, which fill this 21-page document.

I need not elaborate all the falsehoods, nor need I explain to you the truth on these and other issues. For I believe, Your Excellency, that you know the truth about these matters and that, by and large, our countries share values and principles of basic human decency, national independence, self-determination, and non-aggression.

In fact, Your Excellency, I think that you no more believe these vicious lies than do I and I do not believe they are an accurate reflection of your government's outlook. And yet, what are we to think when your government joins in such charges, for that is what you have done in failing to disassociate yourself from them.

I think you will understand how disturbed I feel about this communique and your government's association with it. If only you imagine how you would react to having friendly nations level such charges against your government.

The fact that the United States is a large and powerful nation does not make us less concerned about our good name or the reliability of our friends.

Convinced that this communique does not represent your views, I would very much appreciate hearing from you about it.

With all good wishes, I am

Sincerely yours,

JEANE J. KIRKPATRICK.

[From the New York Times, Oct. 14, 1981]

MRS. KIRKPATRICK ASKS 40 NATIONS TO EXPLAIN THEIR ANTI-U.S. STAND

(By Bernard D. Nossiter)

UNITED NATIONS, N.Y., October 13.—Jeane J. Kirkpatrick, the American delegate, has privately asked 40 nations to explain their support for a document of "base lies and malicious attacks upon the good name of the United States."

The letter, addressed to third-world nations that identify themselves as nonaligned, was sent on Oct. 6, Mrs. Kirkpatrick said. It complained that the "vicious and erroneous language" in a communique issued after a meeting Sept. 28 of foreign ministers and delegation heads from 93 other third-world nations.

Mrs. Kirkpatrick also says that many of those to whom she wrote have responded favorably. She would not name them, on the ground that "it would be inappropriate."

WHAT ARE WE TO THINK?

Diplomats here could not recall a letter to match the tone of Mrs. Kirkpatrick's. "Your Excellency, I think you no more believe these vicious lies that I do," she wrote, "and I do not believe they are an accurate reflection of your Government's outlook. And yet what are we to think when your Government joins in such charges, for that is what you have done in failing to disassociate yourself from them."

Mrs. Kirkpatrick concluded by telling the mission chiefs, "I would very much appreciate hearing from you about it."

Several delegates to the meeting have commented in private that the communiqué, a 21-page summary of the state of the world, was one-sidedly anti-American. Some attributed this to the chairmanship of Cuba's Foreign Minister, Isidoro Malmierca. Egypt and Pakistan succeeded in changing language they considered too harsh on the United States.

Other delegates said because of third-world opposition to the Reagan administration's growing ties to South Africa and its proposed "strategic alliance" with Israel, there had been no disposition to challenge passages assailing the United States.

The third-world bloc does not vote on such documents. It approves them by consensus, which means that any passage can be stricken on the objection of one member.

Members of the third-world group range from close allies of the Soviet Union, like Ethiopia, Afghanistan and Vietnam, to staunch friends of the United States, like Singapore, Somalia and Egypt. Most of the 93 nations, however, swing between the United States and the Soviet Union, depending on the issue being discussed.

Mrs. Kirkpatrick said she chose the 40 recipients of her letter on the basis of personal contact that she or a senior American official had had with the foreign missions. In effect, she chose missions regarded as friendly to the United States.

Mrs. Kirkpatrick said today that she had received 15 replies and all of them accepted her thesis. Delegates from nine nations, she said, told her, "We don't believe it," meaning that they do not accept the attacks on the United States, Three others said they were not present at the meeting, and three showed her letters they had sent, disassociating themselves from the document. She added that she expected further favorable replies.

A random check of some missions turned up a cooler response. Yusufu Maitima Sule of Nigeria said that his government was studying the letter and that "there will be no rush to reply." Ghassan Tueni of Lebanon said he had spoken with Mrs. Kirkpatrick personally and told her he did not agree with her letter.

"I told her," he said, "that if she wanted more than polemics, she should abandon the epistolary style and meet with some of us."

This was an allusion to Mrs. Kirkpatrick's recent absences from the United Nations.

In her letter, Mrs. Kirkpatrick contended that the communiqué "has no more claims to being truly nonaligned than does the Permanent Mission of Cuba, which issued it."

She singled out two examples of what she called "absurd and erroneous charges" and "fabrications and vile attacks." One was the document's assertion that the United States had committed aggression when the Navy in August shot down over the Gulf of Sidra off the Libyan coast two Libyan planes that Washington had said fired first. The other instance was the communiqué's claim that the United States was trying to "destabilize" Grenada and Nicaragua.

NO CRITICISM OF RUSSIANS

Mrs. Kirkpatrick was indignant over the absence of criticism of the Soviet Union in the communiqué "in a year which sees a continuing military occupation of Afghanistan, Cambodia and Chad."

About 85,000 Soviet troops remain in Afghanistan. Cambodia is governed by a regime installed by Vietnam, a country closely tied to the Soviet Union. Libya, also pro-Soviet, has stationed troops in Chad since last December.

The letter was sent to the following members:

Meguid—Arab Republic of Egypt.
Zentar—Kingdom of Morocco.
Maitama-sule—Nigeria.
NAIK—Pakistan.
Calle y Calle—Peru.
Allagany—Saudi Arabia.
Mashingaidze—Zimbabwe.

Mavrommatis—Cyprus.
Dirir—Djibouti.
Legawaila—Botswana.
Sanz—Bolivia.
Albornoz—Ecuador.
Adan—Somalia.
Sallah—Gambia.
Gbeho—Ghana.
Kamil—Indonesia.
Essy—Ivory Coast.
Kaiser—Bangladesh.
Pradhan—Bhutan.
Nuselbeh—Jordan.
Richardson—Jamaica.
Maina—Kenya.
Tueni—Lebanon.
Ntlhoki—Lesotho.
Beltramino—Argentina.
Fonseka—Sri Lanka.
Koh—Singapore.
Al Qusimi—United Arab Emirates.
Adjoyi—Togo.
Koroma—Sierra Leone.
Sarri—Sengal.
Oumarou—Niger.
Bhatt—Nepal.
Zaki—Maldives.
Salong—Malaysia.
Jones—Liberia.
Alaini—Yemen Arab Republic.
Kamanda—Zaire.
Lusaka—Zambia.
Davin—Gabon.
Kibanda—Central African Republic.
Oyono—Cameroon.
Bivakvia—Burundi.
Krishnan—India.
Traore—Mala.
Renzaho—Rwanda.
Auguste—Saint Lucia.
Malinga—Swaziland.
Abdalla—Sudan.
Slim—Tunisia.
Kafando—Upper Volta.
Otunnu—Uganda.
Al-Saffar—Bahrain.
Hamody—Mauritania.
Gauci—Malta.
Rupia—Tanzania.
Jamal—Qatar.
Aboul-Nasr—Oman.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and I commend him for the resolution. Mr. Speaker, I associate myself with his remarks.

Mr. GILMAN. I thank the gentleman for his support.

FINANCIAL CRISIS CONFRONTING SOCIAL SECURITY SYSTEM IS CHALLENGE TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BLILEY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, solving the financial crisis confronting the social security system is perhaps the greatest challenge confronting this Congress. Social security taxes are already too high, and they are scheduled to go even higher. Yet revenues remain insufficient to meet current benefit obligations. Every minute of every day, the social security system trust funds are losing $12,300. Something must be done. It is up to us to do it, and to do it together.

I think you can understand my disappointment when a constituent expressed his anger to me at having received this letter. Harmless enough on the outside, packaged in a brown, official looking envelope, proclaiming, "Important: social security notice enclosed." Upon opening the letter, my constituent found himself the lucky recipient of a Democratic National Committee fundraising letter. This letter purported to describe the true dilemma of the social security system, and the authoritative solution to the financing problem.

He was told that unless he acted quickly "social security benefits could be drastically reduced or destroyed." And that "the President and his hatchetman, David Stockman," thought of social security as charity. He was told that the Republican Party was out to destroy social security, and that Ronald Reagan had shown his true colors and was out to gut social security.

But alas, there is a solution the letter claims. If only the Democratic National Committee can raise an extra $50 million—social security can be saved. How is the Democratic National Committee going to save social security with $50 million? By my calculations, that would make up the system's deficit for fewer than 3 full days. Hardly a long-term solution to the trust funds' financial problem.

Mr. Speaker, my constituent is disgusted and I am disgusted. Disgusted to think that any Member of this House would sanction the use of his signature on this kind of scurrilous fabrication. Yes, outright fabrication. The social security system is in trouble. There is no question about that. But $50 million in the Democratic National Committee coffers is hardly a solution. In fact, if we look at the record there is good reason to believe that another $50 million in the Democratic National Committee treasury might even make a bad situation worse.

Before we point fingers and scream wildly that the President and the Republican Party are out to destroy social security, it would be good for us all, particularly those on the other side of the aisle, to focus on how we got into this mess in the first place. Let us take a good hard look at the bankrupt economic policies that have been fostered under the liberal leadership of the Democratic Party in the Congress over the past 25 years. Let us remember who has been running the show. The American people have a right to know that it is the same liberal democratic leadership which brought our economy to its knees, that threatens to bankrupt our social security system through this kind of irresponsible action.

Mr. Speaker, it is the obligation of this Congress to the retired men and women who depend on social security for survival, and to the working men and women of America who support the system with their payroll taxes, to find and to enact a permanent solution to the social security system's funding crises.

All alternatives should be examined fully. However, Congress should not enact any legislation that creates an additional hardship for those senior citizens who depend on social security as their primary means of support. Furthermore, the Congress should not enact legislation that will jeopardize those who have already based their plans for the near future on the benefits available under the current retirement system.

I am convinced that working together we can find a bipartisan solution to the social security funding crisis. Together, we can make social security better meet the needs of the elderly and the disabled—those whom social security was originally designed to serve. At the same time, we can restore to social security a measure of fiscal certainty which older Americans deserve and have a right to expect.

Mr. Speaker, I hope that you, and Members on your side of the aisle, will demonstrate your commitment to reaching a bipartisan, permanent solution to the social security funding crisis. Scurrilous, petty, and downright false statements like those contained in this letter will not provide the answers we need to solve the social security system's illness. Pleas for contributions to the Democratic National Committee treasury will do nothing to galvanize the social security trust funds. And I trust that the necessary steps will be taken to stop the circulation of this piece of chicanery.

Let us work together. That is what the American people need, that is what they want, and that is what they deserve.

□ 1730

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I wish to commend my colleague from Virginia (Mr. BLILEY)

for offering this special order so that the record may be set straight in regard to the social security issue.

Over the past several months there have been many misleading claims and statements about this system which have unnecessarily confused and angered citizens across the Nation. The promoters of this fear and alarm have one goal in mind: The advancement of their political careers and party at all costs.

Twenty-eight years of Democrat-controlled Congresses have brought the social security system into disrepair. The fact is that social security's financial problems are not new. These problems did not happen overnight; we have known about them for some time now. In every year since 1975, social security costs have exceeded revenues. And in the long term, it has been calculated that social security will owe $1.6 trillion more in benefits than it will be able to pay over the next 75 years. Yet from recent bumper stickers which urge one to "Save Social Security, Vote Democratic," one would be inclined to believe that the Democrats would be the saviors of the system rather than the instigators of many of its problems.

Unfortunately, this same type of political double-talk continues. I was quite frankly disgusted upon reading the contents of the letter circulated by the Democratic National Committee which solicits compaign contributions by claiming that the Republican Party has turned their backs on social security beneficiaries. Nothing could be further from the truth. It is apparent, from the misleading nature of this letter and from the many falsities in it, that the Democrat Party wants to play politics with social security—even at the expense of the 35.6 million social security beneficiaries and the 115 million American workers paying taxes to the-system. Mr. Speaker, the Democratic National Committee uncovers the true intentions of the Democrat Party in regard to the social security system.

For the sake of the system and its beneficiaries, allow me to cite some of the falsities from this letter in order that the true record may be known.

The intended deception of the Democratic Committee letter is immediately revealed on the envelope, which resembles an offical social security acknowledgment. It reads: "Important Social Security Notice Enclosed." Instead of finding a notice pertaining to benefits, the recipients of the letter are confronted with a solicitation for political contributions to the Democratic National Committee.

This is only the beginning of the deception. The very first sentence of the letter states:

> Social Security is no longer secure. Unless you and I act—and act immediately—Social Security benefits could be drastically reduced or destroyed.

A few paragraphs down, the letter adds:

> The Democratic Party has set as its number one priority the goal of saving the Social Security system.

I only wish the Democrats would make it their No. 1 priority, but this is not apparent in Congress. The truth of the matter is that the Democrat leadersip does not want to enact legislation to save the system. The Speaker of the House told the chairman of the Subcommittee on Social Security not to hold any more comprehensive meetings on a bill to reform the system, except for interfund borrowing. This is after Chairman J. J. PICKLE, in a very responsible and bipartisan manner, had been moving our subcommittee since June 23 to mark up legislation which would remedy the insolvency of the system. By tying Chairman PICKLE's hands, the Speaker has literally brought to a halt the House's deliberative process on social security reform. How contradictory it is for the chairman of the Committee on Aging to call for "immediate action," while the Speaker of the House prevents the subcommittee from proceeding with its work. Talk about chutzpah. The Democrats are in the process of reestablishing the meaning of this word.

One of the main reasons "social security is no longer secure" is that the Democrat-controlled Congresses have added many benefits through the years without giving thorough consideration to the proper financing of these increases. In 30 years, benefits have been adjusted upward by 699 percent. In fact, since 1940, the first year that social security benefits were issued, Congress has enacted more than 23 separate benefit increases. The profligacy of the Democrat-controlled Congresses has overridden the original intent of the program without properly changing the finance structure of the system to pay for their benefit expansions. And this reckless management accounts for a large part of the reason why the system is in such trouble now.

Another sentence of the Democratic Committee letter states:

> Over the years it has been the Democratic Party which has enhanced Social Security in the belief that a strong Social Security system is essential for a free society, a growing economy, and a stable nation.

This so-called enhancement was done by the same party that enacted the largest peacetime tax increase in the history of our Nation. As the record clearly shows, it was these Democrat tax increases in the social security amendments of 1977 about which President Jimmy Carter proclaimed:

> [They] will guarantee that from 1980 to the year 2030, the social security funds will be sound.

It is this same legislation, enacted by the Democrat Party, which will increase the maximum social security tax next year by almost 10 percent, to $2,170.80 per employee. I do not call that an enhancement to the system.

The so-called campaign to save social security outlined in the Democratic Committee letter consists of a battle plan to insure the Democrats' election and to guarantee the solvency of—not the social security system—but the Democratic national political fund.

Their battle plan does not address or discuss any of the system's problems, or for that matter, any real solutions. We know what the problems of the system are, and we have many alternative proposals from which to choose, as contained in packages presented in both the House Social Security Subcommittee and the Senate Finance Committee. All we need is decisive action to enact specific legislation. This letter does not discuss any of these alternatives; it only addresses the need to increase the Democrats' campaign chest. Those who actually send contributions to the Democratic National Committee will only insure the safety of Democrat seats. But I must ask: If the Democrats are not ready to make the hard decisions now, what insures that they will be able to after their reelection? If they refuse to act now, how will beneficiaries be any better off after the 1982 elections?

The letter ends by exposing the real motive behind it: asking for an emergency—political—contribution. And so, without really addressing the problems the system faces, by misrepresenting the facts, and by hiding behind many falsities, the Democrates' letter concludes:

> Because you care about your community, the society you live in, and your own future, I hope you will help us in the Campaign To Save Social Security.
>
> Your emergency contribution of $15, $25, $100, or whatever you can afford will help launch this campaign.

If the Democrats really cared, they would now be marking up reform legislation to save the system.

Democrats can see the political opportunity in this issue, and want to take advantage of it. But this is one concern which we must undertake on a bipartisan basis and with which we cannot play politics. The reality of the situation is that the social security trust funds remain in a very precarious state. For the sake of the 35.6 million present beneficiaries as well as for future beneficiaries, it is of the utmost importance that we, as elected Representatives, proceed with great care in the matter of consideration of restoring the financial solvency of the social security system.

In the political arena we cannot lose sight of the main objective: to save the social security system. I urge that my Democrat colleagues stop their politi-

cal doubletalk and join us in a constructive, bipartisan legislative action.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

I am also very pleased that the gentleman would bring this subject to the attention of the entire membership of the House. As one who represents a district who has a large number of senior citizens in it. By census data my hometown of Long Beach evidently has the largest percentage of senior citizens of any city of its size in the country.

I have one community of 10,000 people, approximately, where the average age is 75 and every third person is 83 or above.

I have tried to maintain contacts with that community, and certainly discussed with them over the past several months the problems we have with social security. And I can tell the gentleman that they were very upset to see a letter such as this circulating.

Mr. Speaker, as one who certainly is not a newcomer to politics and political technique, I have seen a large number, as I am sure many of us have, of political tactics utilized over the years. Some have been forthright and honest, some have tended to stretch the truth a little here and there, and some techniques have dealt almost exclusively with half-truths.

But never do I think I have seen a technique so questionable and downright cruel as this recent fundraising letter sent out to thousands of social security recipients soliciting funds for the Democratic National Committee.

The message is, as the gentleman in the well pointed out, eeceptive from the very outside envelope to the last sentence pleading for money. The outside envelope proclaims an official looking print that the letter is "Important Social Security Notice Enclosed," an obscure Washington, D.C., address is posted, leaving the casual observer to believe that the letter is an official communication from the Government.

Inside the appeal employs a basic manner of hyperbole and appeals to fear. The Director of the Office of Management and Budget, our former colleague from Michigan, is called a hatchetman. Members of the minority party are referred to as those ultra-Conservatives and wealthy businessmen; those who are working to alter the system as a means of staving off insolvency are said to be out to "destroy the social security system while at the same time lining the pockets of big corporations and giving blank checks to defense contractors."

Well, Mr. Speaker, the members of the very party who were making these wild accusations are those who told us in 1977 that if we accepted the largest peacetime tax in the history of the American people, that we would somehow solve the difficulties with the social security system.

As a matter of fact, when we had one of those people from the previous administration before our Committee on Aging, who was lambasting what the administration was suggesting, I asked him, "Were you one of the people who suggested that with the increase in 1977 we would save the system for 30 years?"

He said, "Well, not really." He said, "I was saying we would save the system until the year 2030."

Four years later those people, who asked for our trust and the trust of the American people in solving the problem, are telling us now that what the President is trying to do is destroy the system, and one party, one party will save it and make it a partisan issue.

Unfortunately, the signer of this terrible appeal for cash is a most distinguished member of the Committee on Aging.

The SPEAKER pro tempore (Mr. RAHALL). The Chair would advise the gentleman to confine his remarks to parliamentary and legislative issues and not refer to Members of the body individually.

Mr. LUNGREN. I refer to a most distinguished member of the Committee on Aging.

Let me suggest that when the question was asked during our Committee on Aging hearings about what the option would be, other than what the administration has suggested, it was suggested that a bill that has emanated from the leadership of the Aging Committee would be the answer. What is that? That is to take money from the general revenues of the Federal Government for the next 5 years. It has been calculated that will cost between $82 and $157 billion.

Now I would ask the leadership on the other side of the aisle, who are telling the American people of social security age that they have the solution to the problem, where are they going to get this money? Are they going to take it out of other social programs? Are they going to take it out of defense?

Maybe they are going to raise taxes by $157 billion for the next 5 years? Or maybe they are suggesting we can stand an additional deficit of $157 billion for the next 5 years.

The present changes in the social security structure represents suggestions for badly needed adjustments if we are going to save the system.

Nowhere in the letter that we are talking about that talks about what we are attempting to do here in the House, and in the Senate, and in the White House, is there a criticism of what the President has suggested, merely more and more rhetoric.

Some may consider a letter such as this to be sheer demaguery. All I know is that it is a terrible letter. From the first aspersion it casts on members of a single party, to the minuscule 2-point trim, which identifies or perhaps I should say seeks to obscure the source of the "Important Social Security Notice" as the Democratic National Committee.

I would just suggest that a couple of years ago in the Aging Committee we were concerned with the problem of deceptive tactics utilized by insurance companies making sales of insurance to senior citizens.

□ 1740

We were so concerned about the use of fine print, we even suggested that the law require a certain type of print to be utilized. I would say that anyone who has taken a look at this letter can see that the print that is utilized here to identify the Democratic National Committee is the same minuscule print that we suggested was deceptive when insurance companies used that, when it was being directed at senior citizens.

Mr. Speaker, I would suggest that I have my remarks today printed in that same type and was going to ask that they be printed in the RECORD in that same type, but I have been instructed that we do not have print that small to appear in the CONGRESSIONAL RECORD and that someone would need a microscope to look at it.

Now, why is it deceptive when an insurance company uses that kind of type to try to put something over on the senior citizens of America, but a distinguished political party of this Republic to which many people have given their time and their effort over the years can utilize that same print to obscure where the message came from to the senior citizens of this country. As one who is very concerned about the senior citizens of this country, as one who is extremely concerned, but we in this House have done the damage to the system, Democrats and Republicans alike, in allowing the system to get into the position it is now, as one who believes that we should not play on the fears of the senior citizens of America all I can say is I would hope that the Democratic National Committee and the Democratic Members of this House would ask that this letter be taken back, would apologize for this letter and would suggest to the senior citizens that it was not their intent to make this a partisan issue, that they want to accept the President's challenge to join in establishing a 15-member panel to come up with recommendations to solve these problems so that in fact it will not be a partisan issue. It ought not to be. We need Democracts and Republicans to solve this issue.

If we are going to stand here on this floor and take pot shots at one another from a partisan viewpoint, we will never solve the social security problem.

It is an issue that I have had Republicans say to me, "Let's put it over. Let's put it off 3 years."

One Member of the House said to me, "Let's put it off 10 years."

My response to that was that if we feel that fearful of attempting to deal with an issue that is of prime importance, we ought not to be in this House. I do not care whether you are a Democrat or a Republican. If you do not have the guts to deal with the issue when we have a problem, you should not be here. We should not make it a partisan issue.

I am frankly upset and concerned and even mortified that a partisan effort would be made on this issue which is of such importance at a time when we have a distinguished Member of the Democratic Party, the gentleman from Texas (Mr. PICKLE) as chairman of the subcommittee dealing with this problem attempting to bring us a solution here and sometimes it appears that restraints are being placed on him so that we may not be able to work the will of the American people.

I thank the gentleman for this opportunity to speak and I commend the gentleman for bringing it to the attention of the House.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I would be happy to yield to my colleague, the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding and I congratulate him for bringing this outrageous situation to the attention of the House.

Mr. Speaker, I too have received several complaints from my constituents regarding a mailing they recently received from the Democratic National Committee which was labeled "Important, Social Security Notice Enclosed."

The notice was, in fact, a campaign solicitation from the Democratic National Committee, a solicitation which I understand was characterized by the well-known national columnist Mr. Dave Broder of the Washington Post as the most deceptive political solicitation letter he had ever seen—a solicitation which abused the name of one of our distinguished colleagues—a solicitation which declared that the election of conservative candidates in this Nation would mean the end of social security and that the election of Democratic liberal candidates will save the social security system.

Mr. Speaker, I am a Republican. I am also moderately conservative. But I will take a backseat to no one in my dedication to preserving the social security system for qualified and deserving beneficiaries.

What concerns me about this particular letter, even more than its distortions, even more than its blatant partisanship, is the way it preys on the fears of the hundreds of thousands of retirees in this Nation who depend each month on the social security system.

This Congress and this administration are not about to leave the Nation's retirees to face the skyrocketing living costs, living costs caused by previous Democratic administrations and previous Democratic Congresses, without taking those actions which are necessary to protect social security recipients, actions which will not penalize those persons currently receiving monthly social security checks.

I might add that I am not only disappointed that the liberal Democrats would misuse and abuse the great name of our respected colleague by attaching it to this outrageous piece of correspondence, but I am sincerely troubled that those who claimed only 2 years ago when they adopted the largest tax increase in history that they had reformed social security to make it financially secure until 1990 would now try to turn additional attempts to save the social security system to partisan advantage.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I would be happy to yield to the distinguished gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I would like to first of all commend the gentleman from Virginia for giving us this opportunity to comment on this very important issue.

Mr. Speaker, I am sure many people were surprised recently to receive a social security check in the mail. Or at least it looked like a check. So imagine the shock when they opened the envelope and found that it was not an official communique but a political fundraising device accusing Republicans of an effort to destroy the social security system. The rhetoric of that letter is no more truthful a representation of the situation than is the cartoon showing the Speaker cinching a saddle on an elderly woman in order to ride the political issue of social security to election gains.

I know the Speaker and the Democrats do not intend simply to use the social security issue for political purposes at the expense of the fiscal integrity of the system. And the chairman of the Aging Committee does not believe Republicans want to destroy social security either.

It is time for a cease-fire. The President offered the olive branch in his September 24 speech. He implored all parties to stop the political rhetoric and to work to find a bipartisan solution to the serious funding problems faced by social security.

Estimates differ slightly but all agree that by 1984 at the latest, one of the social security funds will be bankrupt and the others will be nearly insolvent. This is a crisis and to use it as a political football for partisan politics only further endangers the system. I only ask the chairman of the Committee on Aging to use his great knowledge and influence to help solve the social security financing problems.

As a model, I suggest the chairman of the Social Security Subcommittee, JAKE PICKLE. Chairman PICKLE has all along stated that the system is in deep trouble. I have disagreed with some of his specific proposals, but never with his determination to face the problem. He has said that we cannot walk away from this problem. We can only save the social security system by facing and answering the tough questions. Let us not make it more difficult to solve this problem by crassly using our senior citizens for personal political gain.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I would be happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I would also like to commend the gentleman from Virginia for bringing this issue to the floor of the House and to the attention of the American people.

I think what we have witnessed here is one of the lower acts to be performed by one of the two major political parties in a very, very long time. I think it is a question of abuse. I think it is a question of abusing one of the most distinguished Members in the House and his name for gross partisan activity and a distortion of reality and a distortion of the truth hardly equaled in recent years.

I say that I personally am very disappointed in that the Democratic National Committee would so abuse the name of one of our most distinguished Members.

I have been sitting here listening to this debate and I have been asking myself why at this time such an abuse of common courtesy, decency, and political honor?

□ 1750

I have come up with this response, and it seems perhaps the only logical response: That the Democratic National Committee is so devoid of ideas, it is so devoid of an alternative program to that which is being proposed by Democrats as well as Republicans that it has taken to the streets and has taken to a kind of firebombing in the late hours of the night in desperation.

Their own intellectual bankruptcy has led them to this desperate attempt to defraud the good will and the fears of our senior citizens.

That is the only explanation I can come up with.

Mr. Speaker, I thank the gentleman from Virginia for yielding.

● Mr. HUNTER. Mr. Speaker, I wish to join Congressman BLILEY and my other colleagues in the House of Representatives who abhor the use of the current social security dilemma for purely partisan political purposes.

The social security program is in trouble. A recent report by the House Republican Research Committee stated that, even under optimistic economic assumptions, the old-age and survivors insurance fund, the largest of the social security trust funds, will have depleted its reserves as early as the fall of 1982. This means that unless the Congress takes some immediate action to correct the situation we will be unable to pay timely benefits to over 32 million people in less than a year.

The importance of the social security program cannot be underestimated. In talking with hundreds of senior citizens throughout my district in San Diego, I have come to realize that social security payments are an economic mainstay for many over 65, and, in fact, constitute at least 50 percent of the total income for two out of three persons in this age group. These retired workers paid into the social security fund with the full expectation that they would be covered during their retirement years.

Current workers have similarly paid into the fund with the expectation that they will receive their well-deserved benefits when they become eligible.

We have an obligation to put the social security program back on a firm footing and to preserve the benefits on which so many have planned. I am personally committed to seeing that we do just that.

The only way that we can solve this problem is by working together. The Congress cannot afford to let this opportunity to save the social security system go by while we squabble among ourselves. It seems to me that some issues, especially social security, should be above partisan politics. In their partisan sniping, the Democrats will only be hurting the social security recipients.

We all want the same thing: A solvent social security system which provides a benefit package adequate to meet the needs of the recipients. We can achieve this by working together.

Let us unite and see this done.●

● Mr. EDWARDS of Oklahoma. Mr. Speaker, right now, more than 35 million Americans are receiving social security payments. One in every two Americans are contributing to that system with the expectation of receiving the benefits that will have been earned over a lifetime of work.

Unfortunately, those expectations will be destroyed unless Congress can effect some changes in the system that will restore its solvency, and more importantly, provide the benefits which have been promised to all who have worked so hard to earn them.

The system is in a state of crisis. That crisis has been precipitated by a number of changes that have occurred over the lifetime of the system, since 1956, basic benefits have been enlarged to include disability pensions, survivor benefits, and student benefits. In addition, the benefit level was indexed to the CPI in 1972.

No one would argue that any of these changes are intrinsically bad. But it is clear that these changes, coupled with the changing demographics of this country have strained the system far beyond its original design.

In 1950, the system has 12 years worth of benefits in present, at 1950 level of payments. In 1980, that reserve level had dropped to 3 months, and is still dropping. If the level of reserves dips below 1 month, there will be no social security checks forthcoming to the millions who have earned them and depend on them for survival.

The system was never designed to cope with an economy that would suffer prolonged periods of both inflation and unemployment. Since over 90 percent of the income, and therefore outgo, of the system is geared to current payroll taxes, and, since the benefits are geared to the CPI, a high inflationary and high unemployment economy produce a near fatal result.

Mr. Speaker, as deeply concerned as I am over the fate of the social security system, I am more concerned over the actions of the members of the Democratic Party who have tried to use the crisis for political gain.

The Democratic National Committee recently sent a fundraising letter out which was disguised as an official announcement concerning social security, that letter attacked the administration as being opposed to social security and aiming at its destruction.

That letter represented fear-mongering at its worst, there are millions of people in this country for whom a brown envelope bearing the words "Social Security" represents not only a lifetime work, but their only source of income. To send a fundraising letter in the guise of an official notice and to scare people into contributing to a political party is a tactic more in line with a loan shark than a responsible political party.

Mr. Speaker, as I have already stated, the social security system was never designed to cope with an inflationary economy suffering from high unemployment. It is your party, Mr. Speaker, that has controlled a Congress for 25 years that has run our economy into the ground. We have had a never ending string of deficits and rising taxes. It is your party that has helped precipitate the crisis in the social security system. And your response to this crisis is to point an accusing finger and blame anyone but yourself.

The President had called for a bipartisan effort to solve this problem. I call on you, Mr. Speaker, and members of your party, to stop playing with lives of millions of people who depend on social security and join us in a serious effort to insure that the promises made to the American people will be honored.●

F-16 SALE TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

● Mr. BINGHAM. Mr. Speaker the package of security assistance for Pakistan proposed by the administration poses for me, and I am sure other Members of the Congress, an unfortunate dilemma.

Chairman ZABLOCKI and I were perhaps the first to endorse the idea of taking the initiative to revitalize our relations with Pakistan and restore security assistance after the Soviet invasion of Afghanistan. On January 3, 1980, the chairman of the Foreign Affairs Committee and I proposed an arms aid package, expressing our view that it is "important to world stability as a whole that the United States take steps now to help a friendly nation improve its ability to withstand the new and dramatically magnified threat of Soviet aggression which it now faces," and that such a package would "work in the interest of our nonproliferation policy as well" by reducing Pakistan's perception that it might need nuclear arms to defend itself. I remain committed to those views. Indeed, in recent weeks I have been working on a revised version of the Symington and Glenn amendments that would clear the way for resuming security assistance to Pakistan, and I am prepared to support such a measure.

Unfortunately, however, the administration has made the sale of 40 F-16 aircraft the centerpiece of the proposed security assistance package for Pakistan. This is a highly sophisticated and expensive weapon system that would, in my view, destabilize the political-military situation in south Asia, inviting new threats to Pakistan's security that would more than offset the system's usefulness as a deterrent to the Soviets. Furthermore, it is a weapons system that is not particularly well suited to the limited types of Soviet border incursions Pakistan is most likely to have to counter.

I would be less concerned about providing F-16's to Pakistan if I could not so easily visualize it becoming the new

test and penultimate standard of U.S. friendship for dozens of nations around the world that may be even less able to afford the F-16, and have even less need for it, than Pakistan. But that is just what I visualize. Provision of the F-16 to Pakistan, largely as a symbol of our commitment to them, will encourage Venezuela and other nations around the world to demand the same symbolism. This is likely to help them regardless of the danger to regional military stability, elevating local arms races to signficant new levels of intensity and expense, and putting the United States again in the dubious position of catering to appetites for excessive military hardware.

Our new security relationship with Pakistan must be based on mutuality of interests, and it concerns me that Pakistani leaders are so adamantly seeking to satisfy what they perceive to be their own need for this aircraft with so little appreciation for the broader implications of such a sale for U.S. foreign policy.

Mr. Speaker, there are many advantages to the United States of a close and lasting security relationship with Pakistan, based upon the bilateral security agreement we signed with that country in 1959. Not the least of those benefits is what I consider to be a greatly reduced likelihood of Pakistan proceeding to manufacture and test a nuclear device. I would hate to see this relationship founder on the question of 40 F-16's. However, I believe members of the Foreign Affairs Committee should have an opportunity to examine closely that particular aspect of the administration proposal and take a stand on it.

With that in mind, and with the hope that it will be possible to go forward with a mutually acceptable security assistance package for Pakistan that will be the beginning and foundation of a reliable and friendly relationship with that country, I am today introducing a resolution pursuant to section 36(b) of the Arms Export Control Act disapproving the sale of F-16 aircraft to Pakistan. I expect also to join shortly with other members of the Foreign Affairs Committee in introducing a bill that would authorize a first installment of $100 million in economic assistance to Pakistan. This latter proposal will also strengthen in several respects the long-standing policy of the United States of suspending foreign assistance to any country that takes steps to develop a nuclear weapon, but will permit the President to waive suspensions subject to congressional veto. Such a waiver could be used to resume security assistance to Pakistan.●

HOUSE ADMINISTRATION TO BEGIN CONSIDERING FUNDING REQUESTS FOR 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

● Mr. FRENZEL. Mr. Speaker, 3 months from now, the Subcommittee on Accounts of the Committee on House Administration is expected to begin considering the standing and select committee funding requests for 1982.

In the early days of this 97th Congress, funding resolutions generated spirited debate as Members of the House attempted to impose long overdue economies on our committee system. As we all realize, the growth in committee costs and staffing, during the last decade, has been awesome. Standing and select committee budgets spiralled from $7.5 million in 1970 to $32.1 million in 1981. The size of House committee staffs jumped from about 700 in 1970 to around 1,900 last year.

I believe, Mr. Speaker, that 1981 represented a significant turning point. Committee budgets, in contrast to the perfunctory treatment of the past, were subjected to careful review. The Subcommittee on Accounts sliced nearly $4 million from committee requests which totaled more that $37.8 million. Much of the credit for these savings can be attributed to the efforts of the new chairman of the Accounts Subcommittee, Representative FRANK ANNUNZIO, and the ranking minority member, Representative BOB BADHAM, who sought to hold the line on committee costs.

Despite the subcommittee's action—and the additional reductions adopted during floor action last March, the Republican minority of the House Administration Committee remains convinced that deeper cuts were necessary and appropriate.

Yet even though the House has displayed, to some degree, a recognition of the need for restraint in committee spending, it is apparent that the committee funding process—as presently structured—is incapable of achieving the goal of fiscal economy. The funding resolutions, considered by the Committee on House Administration—and, subsequently, the full House—reflect less than half of total committee operating costs. By rule or regulation, the salaries of statutory staff, committee printing, a substantial share of supplies and telephone expense are not contained in the funding resolutions. In fact, two committees of the House—Appropriations and Budget—are completely exempt from the rigors of the funding process. We can never expect to bring committee budgets in line if the very process obscures these costs from our review.

In large measure, the growth in committee budgets reflects the unchecked expansion of committee staff. Yet our staffing practices are so outmoded, or counterproductive, that savings are difficult to achieve. We retain obsolete distinctions as to statutory and investigative staff. The rules of the House, by way of clause 5(d), gives sustenance to independent subcommittee staffs. A new concept—associate committee staff—has recently been grafted on the committee structure.

Mr. Speaker, the House will be unable to gain sufficient control over committee costs until the funding process itself becomes more accountable and staff hiring procedures are revised. To that end, I am pleased to introduce today, along with several of my colleagues from the Committee on House Administration, three resolutions which are described below.

ASSOCIATE COMMITTEE STAFF

This first resolution would reduce the number of permanent employees to which a Member is entitled pursuant to his clerk-hire allowance by one for each associate committee staff person employed by that Member. Additionally, the amount of money allocated a Member under his clerk-hire allowance would correspondingly be reduced by the prorated equivalent of the annual salary of the staff person.

Associate committee staff, although a common fixture in the other body, is a relatively new phenomenon in the House of Representatives. The concept allows a Member, merely as a consequence of his membership on a committee, to hire one staff person to assist in committee-related work. At this time, only three standing committees of the House—Rules, Appropriations, and Budget—utilize associate committee staff, although at least one other—Ways and Means—attempted, unsuccessfully, to institute this practice a couple years back.

From an institutional perspective, the use of associate committee staff serves to fragment committee organization. Such staff, as a result of their selection and assignment, are basically tied to one Member, their links to the committee often tenuous. Associate committee staff usually function as a parallel hierarchy poorly integrated with committee employees hired according to the standard procedures. Further, such associate committee staff arrangements, by awarding Members an additional personal legislative aide, circumvent the limitations imposed by the clerk-hire allowance. The resolution seeks to counter that unwarranted advantage.

5(d) SUBCOMMITTEE STAFF

At the beginning of the 94th Congress, one of the amendments incorporated into the rules of the House provided that the chairman and ranking minority member of each standing

subcommittee on a standing committee—up to six standing subcommittees per committee—could appoint a staff person to assist with committee work. Such employees have commonly been referred to as "5(d) staff" after the specific clause in the rules which authorizes their hire.

Earlier this year, when the Subcommittee on Accounts conducted hearings on the funding resolutions, several committees criticized the "5(d)" concept for balkanizing committee staff. The impact of "5(d)" has been to spawn independent subcommittee staffs, which promote subcommittee autonomy at the expense of full committee authority. Additionally, clause 5(d) seems to offer an incentive for Members to create and maintain otherwise nonessential subcommittee units as a means of securing additional staff.

This resolution, by reducing the number of subcommittees per committee entitled to "5(d)" staff from six to four, seeks to achieve some control on both the growth of subcommittees and of staff.

"STATUTORY" AND "INVESTIGATIVE" STAFF/ ONE-THIRD MINORITY STAFFING

The third resolution eliminates the distinction between statutory and investigative committee staff now embodied in the Rules of the House. Moreover, it establishes the right of the minority party, on request, to receive one-third of the committee funds allocated for the hiring of staff.

Statutory positions were first established by the Legislative Reorganization Act of 1946; the intent was to provide committees with a permanent base of staff expertise. Presently, each standing committee of the House with the exception of Appropriations and Budget, is authorized thirty statutory slots.

However, it was recognized that, in undertaking special studies and short-term projects, additional staff would be necessary. In order to augment statutory staff, moneys are provided in the annual committee funding resolutions for the hiring of so-called investigative staff. Although such "investigative" staff were once perceived as a temporary complement, in recent years they have generally been viewed as permanent adjuncts to the committee network.

Even though the salaries of investigative staff are contained in the annual funding resolutions, the salaries for statutory staff are not. Consequently, when the House considers the budgets of the various committees, a significant proportion of staff costs are totally ignored. In 1980 alone, statutory staff expenditures (excluding the Appropriations and Budget Committees) amounted to $20 million; this enormous cost was never taken into account as Members debated priorities for committee spending.

To correct this anomaly, the resolution discards the outmoded classification of statutory and investigative and requires that all staff salaries be incorporated in the funding resolutions.

No committee reform has had as frustrating a history as the minority quest for an equitable allotment of committee staff. In 1970 and 1974, the House approved amendments earmarking for the minority a one-third share of the moneys in committee funding resolutions allocated for staff hire. But, in each case, the Democratic Caucus subsequently nullified the one-third provision. Although the minority receives a one-third protection as to statutory staff, the bulk of committee employees are hired pursuant to the funding resolutions where no such guideline applies; as a result in 1980, only 20 percent of the committee staff were Republican-assigned.

The resolution permits the minority, on request, to receive one-third of the funds allocated for staff. The proposal, however, stipulates that the Committee on Standards of Official Conduct would not be subject to this provision; likewise, committees which desire to maintain nonpartisan or unitary staffs could so continue.

The question of minority staffing is not a partisan issue, rather it is one of equity. It would be a beneficial complement not only to the capabilities of the minority party, but more importantly to the institution as a whole. This reform is worthy of the House's immediate attention.

EXEMPTIONS FOR THE BUDGET AND APPROPRIATIONS COMMITTEES

Mr. Speaker, I would like to take this opportunity to comment on a related resolution, being introduced by Representative JAMES K. COYNE. That initiative would eliminate the present exemption accorded both the Committee on Appropriations and the Committee on the Budget from the committee funding process. Currently, neither committee is required, as are all other standing and select committees, to introduce a funding resolution for consideration by the Committee on House Administration and, thereafter, the full House.

In 1980 Appropriation Committee expenditures, including statutory staff, exceeded $6.7 million; budget's total was over $2.9 million. It seems somewhat illogical that these two panels are not held accountable, in like fashion, as are all other committees of the House for their operating expenses.

Mr. Speaker, the committee funding process is one that cries out for greater accountability, equity and fiscal control. These resolutions, I suggest, represent beneficial reforms which will strengthen the process and insure increased accountability in our committee operations.●

EXEMPTING THE VETERANS MEDICAL PROGRAM FROM CONTRACTING OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MOTTL) is recognized for 5 minutes.

● Mr. MOTTL. Mr. Speaker, I have introduced a bill which would amend title 38, United States Code, to exempt the VA's Department of Medicine and Surgery from the policies and directives of the Office of Management and Budget on contracting out for commercial and industrial type functions. As many Members know, OMB Circular A-76 directs that cost benefits studies be done on some 27 areas involved in the provision of health services to veterans that OMB has determined are commercial-industrial type activities. These studies would have to be done at a cost of $30 million.

The first three of these studies have already begun. They are in the areas of food services, custodial services, and maintenance services. The three studies alone would cost in excess of $10 million and could adversely affect over 22,000 employees who currently perform these functions.

Mr. Speaker, on October 20, 1981, the full committee on Veterans' Affairs conducted the second in a series of oversight hearings on this subject. Witnesses included representatives of the Office of Management and Budget, the Veterans' Administration's Central Office, key staff of some VA hospitals, two representatives of the special medical advisory group to the VA Administrator and Chief Medical Director, two well-qualified hospital administrators from the private sector with experience covering several years of contracting for services, and the American Federation of Government Employees. With the exception of OMB, all of the witnesses opposed this concept as it would be applied to veterans hospitals. Their greatest concern was that the application of this directive would adversely impact on the quality of care delivered to eligible veterans.

Dr. Howard Green, the chief of staff of the VA Medical Center in White River Junction, Vt., and Ms. Yvonne Moody, chief of the nursing service of the VA Medical Center in Minneapolis, Minn., both cited one of the greatest concerns I have about the implementation of this circular. They stated that should the contractor fail to deliver services comparable to those being performed by the VA, the VA nursing staff would be forced to take up the slack. Of course, this would make it even more difficult for the VA to attract and retain sufficient nursing staff. I am sure Members are familiar with the tremendous shortage of nurses throughout the country and the fierce competition that is now in

progress to recruit these professionals. The private sector hospitals can offer salaries and fringe benefits that are impossible for the VA to meet. Add the burden of additional housekeeping chores to the nursing staff and you will see a mass exodus of these highly motivated individuals from the VA to these better paying positions.

Mr. Speaker, it is for these reasons I have introduced this bill. I urge all Members to support it, and cosponsors are welcome.●

NATIONAL GUARDSMEN AND RESERVISTS ARE PROTECTED BY THE VETERANS' REEMPLOYMENT RIGHTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, a most important program, which comes within the jurisdiction of the Committee on Veterans' Affairs, is the veterans' reemployment rights program. Under this program, not only do persons who become active members of the military have a right to reemployment, but also the jobs of persons who join or are called to active duty in the National Guard or Reserves, are protected.

This committee has received information that some employers object to their employees being a member of the National Guard or a Reserve Unit. During this 1st session of the 97th Congress, this matter was reviewed at some length by the Subcommittee on Education, Training and Employment which is chaired by BOB EDGAR of Pennsylvania.

In this regard, there recently came to my attention a news release from the Department of Labor stating that a Missouri National Guardsman has been awarded more than $4,000 in lost wages by a Federal district court, which ruled he was discharged by his employer for requesting 2 weeks of military leave to attend mandatory training.

This decision affirms a key provision of the veterans' reemployment rights program. National Guardsmen and reservists take part in weekend, monthly, and yearly training sessions to keep current with their military responsibilities. Almost all military trainees need time off from their jobs for the training. Absences which may last for a few hours to a few weeks call for temporary adjustments by the trainee and the employer adjustments by the trainee and the employer. Under the Veterans' reemployment rights program, an employer is required to excuse a worker for military training duty, and the employer must grant the leave. All employees, in all kinds of employment, are covered by this Federal program, except those who hold temporary positions. The coverage now extends to not employees in the private sector and the Federal Government, but also to employees who work for State and local governments.

So that the Members will have the benefit of the most recent decision upholding the rights of employees to take military training as National Guardsmen or reservists without being fired, I request that a copy of the press release from the U.S. Department of Labor on this matter, dated October 22, 1981, follow my remarks:

MISSOURI GUARDSMAN WINS BACK PAY IN REEMPLOYMENT RIGHTS CASE

A Missouri Army National Guardsman has been awarded more than $4,000 in lost wages by a federal district court which ruled he was discharged by his employer for requesting two weeks of military leave to attend mandatory training.

David P. Ledbetter of St. Louis worked for the Slay Transportation Company, Inc. also of St. Louis. On June 16, 1978, Ledbetter informed the company that he had received orders to report for two weeks of summer duty with the Missouri National Guard. The company fired Ledbetter the same day.

Ledbetter contacted the Labor Department's Office of Veterans' Reemployment Rights (OVRR) in St. Louis, claiming he was terminated because of his military obligation, a violation of his rights under the federal veterans' reemployment rights law. Attempts to negotiate a settlement with Slay Inc. failed and OVRR referred the case to the Justice Department which decided to file suit.

In court, Slay Inc. argued that Ledbetter was a probationary employee and that he was fired so his job could be given to another employee, not because of Ledbetter's military obligation.

The United States District Court for the Eastern District of Missouri ruled that Ledbetter was terminated because of his reserve status and because of the "perceived inconvenience engendered by plaintiff's military commitment."

The veterans' reemployment rights law states that a person holding a job "shall not be denied retention in employment because of any obligation as a member of a Reserve component of the Armed Forces."

Ledbetter had requested reemployent, seniority, and lost wages from his employer, but because of his poor health and recorded difficulty in attending and holding other jobs since his dismissal from Slay Inc., the court limited damages to $4,360. These were losses Ledbetter could reasonably claim as a result of his wrongful discharge, the court ruled.

The decision was handed down on September 15, 1981.●

JAPAN SHOULD SHARE DEFENSE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, today I am introducing a resolution that would finally allow Japan to underwrite the cost of its own security and, in the process, improve the U.S. balance of trade and reduce the Federal deficit.

Mr. Speaker, Japan has experienced unparalleled prosperity under the security umbrella provided by the United States over the years, growing from a devastated country to an economic superpower fully capable of financing its own defense. Yet Japan's annual defense budget represents less than 1 percent of its gross national product, a commitment considerably less than that of any major nation. The United States, by contrast, annually spends on defense an amount equal to more than 7 percent of its gross national product. I hasten to point out, however, that Japan should not be faulted for this disparity, since that country is limited in how much it can spend on defense by political, constitutional, and psychological constraints, reinforced by U.S. policies. I would also argue against efforts to attempt to compel Japan to substantially increase its own defense program—a move other nations in the region might naturally view with alarm. This seems to present us with a dilemma, but I think there is a solution.

I would propose, Mr. Speaker, that the President seek an arrangement with the Government of Japan, whereby that nation would pay an annual security tax to the United States equal to 2 percent of its annual gross national product—2 percent of Japan's GNP would amount to about $20 billion—to partially compensate the United States for expenditures related to the security of Japan and that of the free world. The United States, of course, does not expend $20 billion on the direct defense of Japan each year. I would argue, however, that Japan's security is not only dependent on the Armed Forces assigned to the immediate vicinity of Japan but is ultimately contingent upon the security of the free world, to which the United States commits a substantial portion of its comparatively enormous defense budget. Essentially, Mr. Speaker, I think it is time that Japan joined the rest of the major nations of the non-Communist world in our mutual defense.

Mr. Speaker, Japan currently enjoys a $15 billion trade surplus with the United States and many American industries are being financially squeezed by Japanese imports. Despite Japan's superior trade position, however, the American taxpayer is expected to continue to foot the bill for Japan's security. In my opinion, this is an unhealthy situation that threatens to drive a wedge between our two nations. I think most of my colleagues would agree without hesitation that our continued cooperation and friendship with Japan are mutually beneficial and, in fact, critical to our own defense needs. Therefore, it is vital that we work to avoid further erosion in our relations. I would think our rela-

tions with Japan would receive a much needed shot in the arm if Japan were to substantially and dramatically increase its financial contribution to our mutual security. No longer would Japan be considered a defense freeloader.

At this point, Mr. Speaker, I would like to express my appreciation to Mr. Ronald A. Morse, to whom I am indebted for this idea. Mr. Morse is currently the secretary of the east Asia program at the Woodrow Wilson International Center for Scholars. It is his considered opinion that the Japanese might welcome such a proposal, since Japan would have much to gain from the improved relations with the United States that would naturally result from reducing the fiscal burden on the U.S. taxpayer. The Japanese Government might also favor such a proposal because it would allow it to avoid the politically sensitive issue of directly increasing its own defense forces to meet modern security needs and commitments.

Finally, Mr. Speaker, the United States-Japanese Treaty of Mutual Cooperation and Security was negotiated some 20 years ago and, while the military assumptions supporting the treaty remain valid, the economic ones do not. My proposal, in essence, would modernize the treaty without having to renegotiate it, which I understand is not favored by either country. I would urge my colleagues to take a careful look at the problem and my proposed solution and to get back to me if they have any questions or comments or if they would like to cosponsor my resolution.●

IS THE POSTAL SERVICE ACCOUNTABLE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, the General Accounting Office recently issued a report entitled "A Case Study of Why Some Postal Rate Commission Decisions Took As Long As They Did." One might deduce from the title of the report, which is based on an examination of two cases—each of which took some 15 months to decide—that it is an indictment of the PRC. This is not the case.

In the first case GAO reviewed, the Postal Service proposed restructuring parcel post rates. The case drew enough interest and was so complex that 16 parties participated in 21 days of hearings, creating 4,800 pages of hearing record. The other case examined by GAO involved the Postal Service's proposal to enter the electronic message service arena. The hearing record, in the so-called E-COM case, was 7,400 pages. It resulted from 29 days of public hearings with 33 parties participating. Interest, which equates with potential impact, and complexity were, however, not the only factors contributing to the length of time needed by the Postal Rate Commission to make a determination. The GAO found that the situation was compounded by the Postal Service which: Submitted cases that were deficient; objected to general discovery efforts and at those aimed at overcoming initial deficiences; changed its testimony and witnesses from one appearance to another; revised testimony after it was formally submitted; and disagreed with other parties over the nature and scope of the cases.

The GAO report concludes that: The congressional expectation that the Postal Rate Commission and the Service's Board of Governors would work as partners in establishing postal rates, fees, and classifications has not been realized. It may be time for the Congress to again consider revising the system if it desires a more timely and harmonious ratemaking process.

While I am not so sure the Congress really expected a harmonious relationship between the Commission and the Postal Service, there is little doubt that it expected the system to provide checks and balances. Unfortunately, the system has evolved to a point where we have no checks and the scale is out of balance in favor of the Postal Service.

To give you an example of just how out of balance the system has become, let me tell you what I found when my Subcommittee on Government Information and Individual Rights held an oversight hearing on the Postal Service's E-COM plan. E-COM, as you will recall, was one of the cases GAO studied because the PRC's decision was 15 months in the making. The Commission approved a rate of 26 cents per page based on a capital investment by the Postal Service of some $7 million. The Postal Service plans to offer E-COM at the approved rate beginning next January. However, the Postal Service has more than quadrupled the capital investment figure upon which that rate was based. In doing so, the Postal Service Board of Governors is ignoring not only the Commission but is thumbing its nose at the highly competitive private sector telecommunications industry. This is the same Board that, on the recommendation of postal management, voted to override the Commission and raise the first-class stamp to 20 cents.

Paul J. Krebs, who was a member of the Commission on Postal Service established in 1976 to study the situation, hit the nail on the head when he said: "The Postmaster General is accountable to the Board of Governors (of the U.S. Postal Service). But who is the Board accountable to? The answer is: No one."●

A FRIENDLY REMINDER TO OUR FRIENDS IN THE NONALINED MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. IRELAND) is recognized for 60 minutes.

● Mr. IRELAND. Mr. Speaker, Mr. GILMAN and I are privileged, as you know, to serve as the two congressional representatives to the present session of the United Nations General Assembly.

In that capacity, we frequently come into contact with the foreign ministers and the heads of delegation of the various members of the nonalined movement, particularly those with friendly relations with the United States.

Many of those nations also enjoy significant degrees of economic and security assistance from the United States, just as we enjoy cordial trade and other relations with them.

Unfortunately, Mr. Speaker, the relations between our country and many of the nonalined nations are not as reciprocal as they should be; specifically, many of them apparently feel that while they are happy to receive our economic and military assistance, they have no concomitant responsibility to at the very least avoid making unfounded and pointless rhetorical attacks against us at the United Nations, and in other arenas.

We cannot legitimately expect that members of the nonalined movement, regardless of their aid relationships with us, will actively promote our interests. They would not be nonalined, of course, if they did that. But surely we have a right to expect the opposite—that they will not actively join in unwarranted and baseless attacks upon the United States and our policies.

I am sure that we all noted with interest and approbation the efforts of our Ambassador to the United Nations, Mrs. Jeane Kirkpatrick, when she wrote on October 6 to the Ambassadors and heads of delegation of the nonalined nations regarding their annual communique as issued on September 25 and September 28 of this year.

Ambassador Kirkpatrick pointed out in no uncertain terms that the communique contained the most vituperative, slanderous statements concerning the United States and our policies that could be imagined. She further pointed out that such language was hardly supportable in view of the commitment to nonalinement professed by the nations signing the communique, and she noted that no words of criticism for the Soviet Union were contained in the document.

Finally, and going to the heart of the matter, Mrs. Kirkpatrick asked each of the Ambassadors and heads of delegation to respond to her as to

whether in fact their nations subscribed to the language of the communique. She invited these nations to dissociate themselves from the document.

Some 40 of the 97 or so nonalined nations received Ambassador Kirkpatrick's letter, Mr. Speaker, and it is our understanding that while it caused some anguish in the professional ranks of the State Department, the fact is that her letter is being well received, and that a number of nations have already availed themselves of the opportunity to dissociate themselves from the September 25 and 28 communique.

Last week, the Senate, with commendable alacrity and foresight, adopted an amendment offered by Mr. MOYNIHAN, a former U.N. Ambassador, converting the thrust of Ambassador Kirkpatrick's letter into law. The Moynihan amendment was adopted in the form of a sense of the Congress resolution to the Foreign Assistance Act and the Arms Export Control Act to the effect that no nations which had failed to dissociate themselves from the September 25 and 28 communique of the nonalined movement should receive economic and military assistance from the United States.

Mr. GILMAN and I are today joining in presenting the amendment as passed by the Senate in the form of a separate bill, so as to insure that the House will get a chance to express its sentiments in the event that the foreign aid bill does not reach the floor.

Should the foreign aid bill reach the floor, however, we will offer the operative language in our bill as an amendment to parallel the Senate action.

At this point in the RECORD, Mr. Speaker, I am presenting a copy of Ambassador Kirkpatrick's letter and a list of recipients, followed by an excellent editorial from the Wall Street Journal of October 19 which places the events we have been discussing in their proper perspective.

THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS,

October 6, 1981.

YOUR EXCELLENCY: Since coming to New York as the United States Permanent Representative to the United Nations some ten months ago, I have come to appreciate more warmly the positive role of the United Nations, and to greatly value relations between the United States Mission and that of many othe Missions here at Turtle Bay.

Because I sincerely value the good relations between our Missions and the strong bilateral ties between our nations, I wish to share with you now my thoughts on a matter of some importance.

Quite frankly, I was startled to find your government associated with the Communique of the Ministers of Foreign Affairs and Heads of Delegation of the Non-Aligned Countries which was issued on September 28, 1981 in New York.

I well realize, Your Excellency, that your country is but one of some one hundred members of the Non-Aligned Movement, and that the Movement itself is a body of divergent nations. Nonetheless, I am startled that you or your government would or could associate yourselves with a document composed of such base lies and malicious attacks upon the good name of the United States.

I can assure you, Your Excellency, that I would never allow the United States to be associated with any document from any group—no matter how large or diverse—that contained such vicious and erroneous language against your country.

The communique has no more claims to being truly non-aligned than does the Permanent Mission of Cuba which issued it. In a year which sees a continuing military occupation of Afghanistan, Kampuchea and Chad—all with the support of the USSR, the non-aligned communique contains no mention of the Soviet Union. Yet it negatively mentions my country—which invades and occupies no one, and undermines no one's independence—nine times by name and dozens of times by implication, making the most absurd and erroneous charges such as:

That the U.S. perpetuated "aggression" against Libya last August, an "aggression" which "constitutes a threat as well as flagrant violence against the sovereignty, independence and territorial integrity on nonaligned countries" and "a threat to international peace and security" (page 13); and

That the U.S. participates in "attempts at destabilizing the Government of Granada, the exertion of economic and other pressures, destabilizing maneuvers against Nicaragua" (page 17).

These, Your Excellency, are only two of the fabrications and vile attacks against the United States, which fill this 21-page document.

I need not elaborate all the falsehoods, nor need I explain to you the truth on these and other issues. For I believe, Your Excellency, that you know the truth about these matters and that, by and large, our countries share values and principles of basic human decency, national independence, self-determination, and non-aggression.

In fact, Your Excellency, I think that you no more believe these vicious lies than do I and I do not believe they are an accurate reflection of your government's outlook. And yet, what are we to think when your government joins in such charges, for that is what you have done in failing to disassociate yourself from them.

I think you will understand how disturbed I feel about this communique and your government's association with it, if only you imagine how you would react to having friendly nations level such charges against your government.

The fact that the United States is a large and powerful nation does not make us less concerned about our good name or the reliability of our friends.

Convinced that this communique does not represent your views, I would very much appreciate hearing from you about it.

With all good wishes, I am

Sincerely yours,

JEANE J. KIRKPATRICK.

The attached letter was sent to the following members:

Meguid—Arab Republic of Egypt.
Zentar—Kingdom of Morocco.
Maitama-sule—Nigeria.
NAIK—Pakistan.
Calle y Calle—Peru.
Allagany—Saudi Arabia.
Mashingaidze—Zimbabwe.
Mavrommatis—Cyprus.
Dirir—Djibouti.
Legawaila—Botswana.
Sanz—Bolivia.
Albornoz—Ecuador.
Adan—Somalia.
Sallah—Gambia.
Gbeho—Ghana.
Kamil—Indonesia.
Essy—Ivory Coast.
Kaiser—Bangladesh.
Pradhan—Bhutan.
Nuselbeh—Jordan.
Richardson—Jamaica.
Maina—Kenya.
Tueni—Lebanon.
Ntlhoki—Lesotho.
Beltramino—Argentina.
Fonseka—Sri Lanka.
Koh—Singapore.
Al Qusimi—United Arab Emirates.
Adjoyi—Togo.
Koroma—Sierra Leone.
Sarri—Senegal.
Oumarou—Niger.
Bhatt—Nepal.
Zaki—Maldives.
Salong—Malaysia.
Jones—Liberia.
Alaini—Yemen Arab Republic.
Kamanda—Zaire.
Lusaka—Zambia.
Davin—Gabon.
Kibanda—Central African Republic.
Oyono—Cameroon.
Bivakvia—Burundi.
Krishnan—India.
Traore—Mala.
Renzaho—Rwanda.
Auguste—Saint Lucia.
Malinga—Swaziland.
Abdalla—Sudan.
Slim—Tunisia.
Kafando—Upper Volta.
Otunnu—Uganda.
Al-Saffar—Bahrain.
Hamody—Mauritania.
Gauci—Malta.
Rupia—Tanzania.
Jamal—Qatar.
Aboul-Nasr—Oman.

[From the Wall Street Journal, Oct. 19, 1981]

EXPLAIN YOURSELF

Something that shouldn't pass without comment happened at the United Nations the other day. Delegates from the nonaligned nations met and issued a consensus statement that excoriated the United States for all kinds of sins while remaining silent on the subject of the Soviet Union. This, of course, was nothing new. But this time Ambassador Jeane Kirkpatrick wrote individual letters to many of the envoys involved, asking them explicitly whether they really believed the lies they had attached their countries' names to. It is a healthy precedent.

The document in question was the communique of ministers of foreign affairs and heads of delegation of the nonaligned countries, put out after a meeting of these notables in New York on Sept. 28. Chairing the meeting was the Cuban Foreign Minister, and this fact showed in the final product. The "nonaligned" nations accused the U.S. of "aggression" against the hapless nation of Libya and against the nonaligned world in general; they excoriated us for trying to "destabilize" Grenada and Nicaragua, two new Soviet bases in the Caribbean region.

There was no mention of current events such as the Soviet role in Afghanistan.

The U.S. letter asked the less antagonistic among the nonaligned to explain for themselves what they meant by all this. These are "vicious lies," the letter said, "and I do not believe they are an accurate reflection of your government's outlook. And yet what are we to think when your government joins in such charges." Such actions, the letter suggested, are hardly compatible with a general posture of friendly relations.

We are told that some of the nonaligned have sent back written or oral word that they have, in fact, dissociated themselves from the Cuban communique. Others, it seems, are rather miffed that they have been called on the carpet. Some are saying that they let the unfriendly language go through because they are mad at the U.S. for being increasingly soft on South Africa and for actually contemplating an expanded strategic alliance with the pariah Israel. The ambassador from Lebanon, who should know something about the Soviet role in world affairs, is reported to have met the issue with a courageous demand for fewer letters from the U.S. and more personal meetings.

We hope the U.S. delegation stirs up this species of ferment again and again. One of the most persistent features of UN life has been the habit of its delegations to speak one way in private and another in public. They express perfect understanding of U.S. interests in personal conversation and can be counted on to vote the opposite, professing their problems, their difficulties, their delicate situation. They know we will understand. Unfortunately, we usually do.

The habit is not going to change until we become a little less understanding and a little more respectful—until, that is, we develop a consistent pattern of treating our nonaligned colleagues as adult nations responsible for the words they utter. This letter was a step toward that new pattern, and it will be refreshing if it proves to be the first of many.

Mr. Speaker, as Mrs. Kirkpatrick's eloquent letter points out, we are not seeking to punish nations for exercising their legitmate rights to differ with us. We are seeking to achieve a greater degree of mutual respect in international forums, and it seems to us that nations which happily accept our economic and security assistance should also accept some degree of responsibility in their actions toward us.

Our resolution speaks for itself, at this point, Mr. Speaker, so without further ado we are pleased to present it for the RECORD, and to urge our colleagues to join in cosponsoring the resolution as a signal to our friends in the nonalined movement that we fully support Ambassador Kirkpatrick in her actions, and that we, too, demand an accounting from them regarding their actions.

After all, the United States is not just a convenient punching bag which also happens to dispense money. Our friends can hardly be surprised if we react to unfounded criticism, just as they would. The resolution follows:

H. RES. 261

Resolution expressing the sense of the Congress regarding providing foreign assistance to nonalined nations which joined in the communique of September 25 and September 28, 1981, at the United Nations

Whereas the united States provides foreign military and economic assistance to various nations with which it enjoys friendly bilateral relations, a number of which are members of the Non-Aligned Movement;

Whereas the Ministers of Foreign Affairs and Heads of Delegation of the non-aligned states sponsor annual meetings to discuss problems of special concern to them, and to prepare and circulate a communique describing their major concerns;

Whereas the United States fully supports the principle of the free flow of information and exchange of ideas as fundamental to democratic societies, but finds repugnant unbalanced attacks on the reputation of the United States;

Whereas the recent communique of the Meeting of the Ministers of Foreign Affairs and Heads of Delegation of the non-aligned nations contained unfounded, unbalanced accusations against the United States: Now, therefore, be it

Resolved, That—

(1) In considering whether to provide assistance, make sales, extend credits, or guarantee loans under the provisions of the Foreign Assistance Act of 1961, or the Arms Export Control Act, to any country represented at the Meeting of the Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th General Session of the General Assembly of the United Nations on Sept. 25 and 28, 1981, the President shall take into account whether such country has dissociated itself from the communique issued following the meeting.

(2) Within thirty days of enactment of this act, the President shall send a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the countries which have dissociated themselves from the nonaligned countries communique together with a full description of the method of dissociation and the forum in which the dissociation has been made. The President shall transmit with the report a copy of each statement of dissociation.

(3) Within thirty days after the receipt of a statement of dissociation from any country the President shall transmit a copy of the statement of dissociation together with a full description of the method of dissociation and the forum in which the dissociation is made to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.●

EXPLANATION AS TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

● Mr. DANIELSON. Mr. Speaker, I was concluding a meeting of the House Judiciary Committee on Tuesday, October 27, 1981, when the House voted on rollcall No. 279, and agreed to resolve itself into the Committee of the Whole for the consideration of H.R. 4503, to amend the Federal Water Pollution Control Act to authorize funds for fiscal year 1982. The vote was yeas 382, nays 4, one Member answered "present", and 46 Members did not vote. Had I been present, I would have voted "yea."●

CONSUMER CREDIT DEREGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 15 minutes.

● Mr. LAFALCE. Mr. Speaker, I want to take a moment to congratulate the House Banking Committee's Consumer Affairs Subcommittee on the excellent hearing it held last week on legislation to allow the Federal Government to preempt State interest rate ceilings on consumer loans.

Mr. ANNUNZIO, the subcommittee chairman, thoroughly and fairly aired the issue. I was especially pleased that his subcommittee held its first hearings devoted to this important issue. As I mentioned during my appearance before Mr. ANNUNZIO's subcommittee, Federal preemption of State usury ceilings on consumer loans is an important consumer and small business issue.

It is important that consumers who need credit and want to use it have it available. It is important to allow lenders to recoup their costs and allow retailers, automobile dealers, and recreational vehicle manufacturers, among others, to offer credit to sell their goods. It is important that we do not engage in credit allocation through the back door by preempting usury ceilings on business, agricultural, and first-mortgage loans while refusing to lift the caps on consumer loans. It is important that a national problem be solved on a national basis.

I must confess that I was disappointed by the press coverage of the hearings. What especially concerned me were the stories in the New York Times and the Wall Street Journal of October 22, which reported that the Consumer Affairs Subcommittee had rejected H.R. 2501, which I introduced, that would preempt State usury ceilings on consumer loans. That simply was not the case. The subcommittee voted to table the legislation and to delay consideration of the issue. The substance of the legislation was not voted on. I want to make clear that H.R. 2501 has not been rejected; consideration in the Consumer Affairs Subcommittee has only been deferred.

I also want to note that Chairman ST GERMAIN of the House Banking Committee has said that usury will be included as an issue to be considered during hearings he has scheduled on the state of the financial services industry.

Because of the continued importance of this issue, I place in the CONGRESSIONAL RECORD an excellent editorial from the Washington Post of October 19, 1981, supporting usury preemption legislation. I wholeheartedly

concur with the editorial's admonition that existing consumer protection laws be protected by this legislation. I have explicitly done that in H.R. 2501, and I stated at the Consumer Affairs Subcommittee hearings that any preemption legislation I introduce would specifically protect consumer protections on the books or that would be adopted in the future.

Following is the editorial.

[From the Washington Post, Oct. 19, 1981]

DEREGULATING CREDIT

Congress is considering legislation to remove the ceiling on interest rates that lenders may charge across the country. The Credit Deregulation and Availability Act of 1981 would overrule all local usury laws in an effort to make it more profitable to lend money, while making more credit available to consumers.

Opponents of the bill don't quite see it that way. Jim Boyle of the Consumer Federation of America told a Senate Banking subcommittee that the bill would eliminate protections against loan sharks for uniformed people and would "cost borrowers billions in additional finance charges, precipitate thousands of new bankruptcies and allow lenders to impose a variety of extra fees that will make comparison shopping for loans difficult, if not impossible."

The most controversial aspect of the measure would remove all local controls on interest rates, late payment penalties and other loan fees. In the District, for example, the law would erase prohibitions against excessive penalties for early repayment of loans. Stanley Silverberg, director of research for the Federal Deposit Insurance Corp., reports that one-third of the states have recently made substantial increases in their usury rates. But the states, he notes, have generally decided not to do away with all interest rate ceilings. The horror stories cited by opponents of the bill have to do with states that have removed all such ceilings, as in Arizona where they say some used car dealers now offer loans at 50 percent.

The arguments against the credit deregulation bill are really arguments urging consumers to use caution when entering into any loan. They are not arguments for keeping usury rates below the rate of inflation, as they are now in many states. In a national economy, usury rates should be set nationally. To set them state by state is anachronistic. Low usury rates in any one state will simply drive lenders elsewhere and make people go out-of-state to find loans—or go to loan sharks.

Where the proposed deregulation of credit goes wrong is in removing all protections against corrupt charges and fees that can be amended to loans. Legitimate lenders do not benefit from such freedom; it only opens the door to fly-by-night companies that would issue loans with the hope of taking advantage of consumers. Congress must think twice before it legalizes loan sharking. The states, which up to now have been policing the loan business, have an assortment of laws to stop corrupt activity. Congress should look them over before making sweeping changes on credit that go too far to accomplish some good.●

A STUDY OF CIVIL RIGHTS AS IT RELATES TO GOOD MEDICAL CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, the major goal of American health policy since the mid-1960's has been the attainment of equal access to health care; that is, access that does not differ because of income, race, or age differences between individuals. However, in the 1980's as the new administration begins to tackle the health care financing and delivery issues facing the U.S. health care system, concern will undoubtedly begin to focus on the relationship between Federal health budget reductions and potential reduced access to medical care by the poor and elderly. This may require the application of civil rights principles to the delivery of health services in the context of an ever changing political and economical environment. Consequently, a new emphasis on civil rights as a means to protect health benefits may be needed to continue the public debate over equal access to medical care, as a right for all Americans even during a time of economic austerity.

The delivery of medical care in the United States through the use of expensive technology has fostered spiralling health care costs and the development of one of the largest service industries in the Nation. However, access to medical care is limited for many Americans with low incomes and who lack adequate health insurance protection. During the past 15 years, medical care for the poor and elderly has been subsidized primarily under the medicare and medicaid programs. These programs help transfer a traditional welfare and charity arrangement of financing medical care into new attempts to mainstream medical care for the indigent populations. This emphasis on making the availability of medical care more equitable has increased the purchasing power for the indigent, and has helped to close the gap in health services and health status between black and white Americans. Moreover, recent attempts to expand the health care purchasing power of the poor, along with removing discrimination barriers have been instrumental in assuring equity and accessibility in the delivery of medical care. Now this trend is being reexamined to reduce Federal and State health expenditures and to develop more prudent methods of financing medical care for the poor.

The two major health care financing laws were created in 1965—medicare and medicaid programs—to help assure equal access to medical care for the elderly, poor, and disabled. Medicare established uniform hospital and medical benefits which are administered as part of the social security program for all elderly persons regardless of income or place of residence. Now 16 years later, despite the dramatic rise in public spending for health care, the aged pay more out of pocket for health care than they did before medicare began.

The medicaid program was designed to aid and encourage the States to provide minimum health benefits for at least those individuals receiving Federal income protection assistance—AFCE and SSI. In 1975, many States began to liberalize entitlement and benefits for medicaid to individuals meeting specific categorical and income eligibility requirements. The Federal and State governments attempted to fulfill national expectations to make health care available to all, even those unable to purchase private health insurance. However, runaway health care costs began to exceed public expenditures to meet this goal. In 1978, States began to take measures to reduce expenditures under the medicaid program, through lower fees to medical providers, elimination of optional benefits, and reducing the number of persons classified as medically needy for enrollment in the program. The result of these policies was to reduced access to medical care for many of the poor, as States began to restrict budget allocations for programs such as medicaid. This required many indigent patients to rely on charity hospitals and other facilities that were funded by local government to obtain medical care. Thus, many of the poor and elderly have been subjected to segregated facilities based upon inadequate purchasing power. This time segregation was not on the basis of race, but based upon low incomes and inadequate health insurance protection.

Racial discrimination has been offered as an explanation for racial differences in the utilization of nursing homes between blacks and whites. Many have concluded that racial discrimination plays a major role in nursing home admission procedures. This may also account for the low percentages and inadequacies of nursing home care used by blacks and other minorities. Contrary to some reports, these differences, cannot be viewed based simply upon disparities in life expectancy between blacks and whites; since recent mortality data identifies few differences between racial groups

above the age of 70. Furthermore, lower rates of nursing home usage among blacks cannot be attributable simply to more superior health status. This stance is supported by recent data which suggest that there is a higher incidence of disabilities among black elderly which may require institutionalization than among elderly whites. For example, the black elderly are more likely than elderly whites to reside as a part of an extended family living at home, because they lack the resources to be supported by nursing homes or other alternative living arrangements.

Aside from racial discrimination, economic limitations play a major role in reduced nursing home utilization. Additionally, nursing home beds are in short supply in many urban areas, and blacks with limited and lower incomes have relatively fewer chances of obtaining admission. Consequently, the black elderly are more likely than white elderly to be institutionalized in settings other than nursing homes, such as mental and chronic disease hospitals. Moreover, reliance on social security and medicaid for income and health insurance protection reduces their ability to receive quality nursing home and home health services. A form of economic discrimination is thus created because many nursing homes are not willing to accept medicaid recipients.

It is well known that title VI of the Civil Rights Act prohibits discrimination violations on the basis of race, color, or national origin in any program or entity such as a hospital, home health agency, community health center, and nursing home facility receiving Federal assistance.

But relatively little is known about the application of this provision on eliminating access barriers to Federal health benefit programs for the general population. For example, the Department of Health and Human Services, Office of Civil Rights (OCR) was involved in litigations during the 1970's over patterns of racial segregation among hospitals in New Orleans, La., and other urban areas. Similarly, in 1978 OCR became concerned about potential cases of discrimination against minorities due to reductions, relocations, and closures of hospital facilities in urban communities. Currently, we are not certain what position OCR will take under the new administration to guarantee equal access to medical care for the poor, elderly, and handicapped citizens of this Nation. We can only hope that this office will continue its efforts to reduce barriers and practices of discrimination.

The primary cause of hospital closures facing many urban communities, is the amount of care they provide to patients who cannot afford to pay for services and who lack adequate health insurance protection. Recent estimates indicate that at least 200 hospitals closed during the 2-year period between 1975 to 1977. This fact is often related to the large numbers of individuals who lack medical insurance. For example, recent data has reported that over 23 million persons have no health insurance coverage in the United States and another 20 million have inadequate coverage. Many of these individuals are considered the working poor with incomes above State medicaid eligibility levels but are inadequate to purchase private health insurance or to pay directly for the medical care they need.

Many of the poor and working poor would be eligible for medicaid if it were not for limited income eligibility requirements imposed by States. These limitations on eligibility and scope of benefits contribute significantly to the gaps in coverage that exist among the medically indigent under the medicaid program. These gaps have become even wider in many States due to limited State expenditures to finance medicaid. This requires many charity and public hospitals to provide expensive medical care free to individuals without health insurance.

In the past, it was possible for private and voluntary hospitals to recoup a portion of their losses on services to uncovered patients by passing this loss on to private-paying patients. Public general hospitals deficits for providing free care to a sizable number of their patients were usually subsidized by local governments. Now, due to shrinking tax revenues for innercity areas many public general hospitals are in great financial distress since many local governments can no longer support them.

In a number of urban areas, public hospitals which are the major sources of primary care and the only source of emergency and trauma services began to close. Moreover, these closures have begun to be seen as a serious threat to reducing access to medical care for urban residents and viewed as a legitimate civil rights issue. For example, a recent study identified that the percentage of minority residents of the community around the hospital is directly related to the proportion of hospital closing or relocating from the area.

In neighborhoods 0-25 percent black in 1970, for example, only 14.2 percent of the hospitals had closed or relocated between 1937 to 1977. But neighborhoods 70 to 100 percent black in 1970, fully 46.9 percent of hospitals—almost half had disappeared. Other consequences of hospital closures include: First, departure of the few remaining primary care physicians in private practice from the community surrounding the hospitals; and second, loss of health service employment opportunities for community residents. These conditions have further reduced the effectiveness of the urban health care delivery system, and to reduce assurance of equal access for many urban residents who have limited medical care purchasing power.

A number of cases now pending before OCR are designed to determine whether reductions in the availability of medical care due to hospital closures violate title VI. Since these actions occur more readily in minority and poor communities, many have viewed these closures as an act of racism. Cases involving Homer G. Phillips Hospital in St. Louis, Mo., and the New York City Health & Hospitals Corp. which have either closed or reduced health services in recent years are major litigation disputes for OCR. The complaints allege that proposed reductions in medical services by hospital closures in predominantly black communities would reduce access to health care, since few alternative health care resources were available.

Contrary to earlier civil rights legal cases which involve hospitals and other health facilities practicing discrimination in the provision of medical care to minorities and handicapped individuals, present cases have not gained national attention. However, as more hospitals and community health centers either close or reduce services due to recent Federal health budget reductions, we may expect future civil rights debates to be concerned with reduced access to federally funded health programs.

One major objective of title VI of the Civil Rights Act, in regard to the delivery of health services, was to prevent minority patients who are seriously ill from being turned away from hospitals and community health centers. Legal disputes involving patients who were transferred from private to public hospitals, or subjected to long delays for medical care, are now being considered as a violation against Federal civil rights statutes. These problems of discrimination appear to be most frequent for blacks, Mexican Americans, Asian immigrants.

A number of civil rights regulators have recently examined policies of proprietary hospitals that require patients to pay advance payments prior to receiving treatment and the diagnosis of illness. In addition, the failure of proprietary hospitals to inform patients of their "free care" obligations which they must assume in accepting Hill-Burton funds can be considered an attempt to prevent poor patients from receiving equal access to medical care in private health facilities. These examples of discrimination practices in the delivery of health care services may have to be resolved within the context of civil rights protectionism.

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Civil rights in the delivery of medical care may gain prominence in the 1980's to assure equal access to medical care for the poor. Heightened public concerns about the relationship between Federal budget cuts, greater control by State governments, and efforts to reduce access to medical care may be a concern of many black elderly. Yet the entrenched coalitions and ideological commitments to reduce inflation will continue to influence the debate on mainstream medical care for the poor and elderly. We can only hope that concerns over whether blacks and other minorities are discriminated against by the private health system may be raised as a major public policy issue.

In this round of debate, as in others that consider equal access to medical care, the major issue will undoubtedly relate to an individual's ability to purchase medical care. This argument is highly needed based upon recent attempts to reduce medicaid recipients' freedom to choose health providers which may encourage the poor to receive substandard care in so-called medicaid mills. Ironically, the Government's new emphasis to convert categorical health programs into block grants, to reduce medical care inflation, has been opposed most vigorously by opponents that this will encourage States to reduce funding to urban health facilities that serve the minority poor.

Conventional public opinion suggests that few solutions other than legal disputes are most likely to emerge during this period of Federal budget reductions. Congressional leaders must understand the importance of Federal health funds as a necessary ingredient to assure minorities and the poor equal access to medical care. Only in the event of strong and coordinated leadership committed to the ideas of civil rights and equal access to medical care can we expect that the poor and elderly will fare better during this decade.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RITTER) to revise and extend their remarks and include extraneous material:)

Mr. FRENZEL, for 10 minutes, today.

Mr. GILMAN, for 30 minutes, today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. MOTTL, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. STOKES, for 60 minutes, today.

Mr. IRELAND, for 60 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. LAFALCE, for 15 minutes, today.

Mr. DYMALLY, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on November 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RITTER) and to include extraneous matter:)

Mr. NELLIGAN in three instances.

Mr. MICHEL.

Mr. SILJANDER.

Mr. SKEEN.

Mr. GREEN.

Mr. ASHBROOK in two instances.

Mr. CONTE.

Mr. DAUB.

Mr. WEBER of Ohio in two instances.

Mr. WOLF.

Mr. COATS.

Mr. DREIER.

Mr. RITTER.

Mr. HYDE.

Mr. JAMES K. COYNE.

Mr. WINN in two instances.

Mr. CAMPBELL.

Mr. NAPIER in two instances.

Ms. FIEDLER.

Mr. MOORE.

Mr. GILMAN.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. REUSS.

Mr. OTTINGER in three instances.

Mr. LUKEN in three instances.

Mr. HAMILTON.

Mr. SKELTON.

Mr. ADDABBO.

Mr. LELAND.

Mr. JACOBS.

Mr. LAFALCE.

Mr. STARK.

Ms. FERRARO.

Mr. RATCHFORD.

Mr. BINGHAM.

Mr. MINISH in two instances.

Mr. GUARINI.

Mr. EDWARDS of California.

Mr. TRAXLER.

Mr. WIRTH.

Mr. HUGHES.

Mr. FAUNTROY.

Mr. LEHMAN.

Mr. BONKER.

Mr. JENKINS.

Mr. MOFFETT.

Mr. SOLARZ.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.), the House adjourned until tomorrow, Thursday, October 29, 1981, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2428. A letter from the Secretary of Labor, transmitting the final report of the National Commission on Employment and Unemployment Statistics, pursuant to section 13(a) of Public Law 94-444; to the Committee on Education and Labor.

2429. A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2430. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 18, United States Code, to include certain employees within the scope of section 1114; to the Committee on the Judiciary.

2431. A letter from the Deputy Assistant Secretary of Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of Potawatomi Band's share of the Potawatomi judgment funds awarded in Dockets 15-K, 29-J, and 217 and Dockets 15-M, 29-K, and 146, purusant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2432. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Tuna Conventions Act of 1950, and for other purposes; to the Committee on Merchant Marines and Fisheries.

2433. A letter from the Secretary of Commerce, transmitting the final draft of the national climate program annual report for fiscal year 1980, pursuant to section 7 of the National Climate Program Act of 1978; to the Committee on Science and Technology.

2434. A letter from the Acting Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting the initial commodity and country allocation table showing the planned programing of food assistance under titles I and III of the Agricultural Trade Development and Assistance Act, pursuant to section 408(b) of the act, as amended; jointly to the Committees on Agriculture and Foreign Affairs.

2435. A letter from the Vice-Chair of the Merit Systems Protection Board, transmitting a special study on whistle blowing and the Federal employee, pursuant 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL of Maryland: Committee on Small Business. H.R. 4500. A bill to extend through fiscal year 1983 SBA pilot programs under section 8 of the Small Business Act (Rept. No. 97-304). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 4854. A bill to provide that U.S. citizens residing outside the United States shall be represented in Congress by a Delegate to the House of Representatives; to the Committee on House Administration.

By Mr. EMERY (for himself and Mrs. SNOWE):

H.R. 4855. A bill relating to the establishment of a permanent boundary for that portion of the Acadia National Park as lies within the town of Isle au Haut, Maine; to the Committee on Interior and Insular Affairs.

By Mr. LELAND:

H.R. 4856. A bill to amend the Public Health Service Act to improve the provision of services for minority individuals who have cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NAPIER (for himself, Mr. BAFALIS, Mr. DREIER, Mr. BEDELL, Mr. BURGENER, Mr. EDGAR, Mr. EMERSON, Mr. ERDAHL, Mr. HOPKINS, Mr. JOHNSTON, Mr. LUJAN, Mr. MCGRATH, Mr. MITCHELL of New York, Mr. NEAL, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. WHITLEY, Mr. STUMP, Mr. ROGERS, Mr. HARTNETT, and Mr. ROBERTS of Kansas):

H.R. 4857. A bill to amend the Internal Revenue Code of 1954 to provide for the awarding of reasonable court costs and certain fees to prevailing parties in civil tax actions, and for other purposes; to the Committee on Ways and Means.

By Mr. WEBER of Ohio (for himself, Mr. FARY, Mr. ROTH, Mr. STANTON of Ohio, Mr. HILER, and Mr. DUNN):

H.R. 4858. A bill to establish a national policy of promoting and facilitating the operation, maintenance, and development of deep-draft seaports, inland river ports, the Saint Lawrence Seaway and related channels, and waterways necessary to domestic and foreign waterborne commerce; and to require recovery of certain expenditures of the U.S. Army Corps of Engineers for the operation, maintenance, and construction of inland shallow-draft and deep-draft navigational channels and other projects as appropriate; and to forgive all related construction debts owed to the United States; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. WEISS:

H.R. 4859. A bill to amend the Railroad Reviatlization and Regulatory Reform Act of 1976 to require the Secretary of Transportation to conduct a study of rail freight service in the Northeast corridor; to the Committee on Energy and Commerce.

By Mr. WYDEN:

H.R. 4860. A bill to establish a national policy of promoting and facilitating the operation, maintenance, and development of deep-draft seaports, inland river ports, and domestic waterways necessary for foreign and domestic waterborne commerce; and to require recovery of a portion of certain expenditures of the U.S. Army Corps of Engineers for the operation, maintenance, and construction of inland shallow-draft and deep-draft navigational channels and other projects as appropriate; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. ASHBROOK:

H. Con. Res. 208. Concurrent resolution authorizing a bust or statue of George Washington Carver and a bust or statue of Booker T. Washington to be placed in the Capitol; to the Committee on House Administration.

By Mr. DYMALLY:

H. Con. Res. 209. Concurrent resolution disapproving the proposed sale to Pakistan of F-16 aircraft; to the Committee on Foreign Affairs.

By Mr. NEAL:

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the President of the United States should seek to negotiate an agreement with the Government of Japan, whereby that nation would pay an annual "security tax" to the U.S. Government equal to 2 percent of Japan's annual gross national product, to more equitably compensate the United States for expenditures related to carrying out the provisions of the United States/Japanese Treaty of Mutual Cooperation and Security, and for the security of the free world; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Con. Res. 211. Concurrent resolution disapproving the proposed sale to Pakistan of F-16 aircraft; to the Committee on Foreign Affairs.

By Mr. JAMES K. COYNE (for himself, Mr. FRENZEL, Mr. BADHAM, Mr. THOMAS, and Mrs. MARTIN of Illinois):

H. Res. 260. Resolution amending rule XI of the Rules of the House of Representatives to eliminate certain exceptions relating to the Committee on Appropriations and the Committee on the Budget, and for other purposes; to the Committee on Rules.

By Mr. IRELAND (for himself and Mr. GILMAN):

H. Res. 261. Resolution expressing the sense of the Congress regarding providing foreign assistance to nonalined nations which joined in the communique of September 25 and September 28, 1981, at the United Nations; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. OXLEY and Mr. EVANS of Iowa.

H.R. 116: Mr. HUTTO.

H.R. 374: Mr. ROTH.

H.R. 1140: Mr. MITCHELL of New York.

H.R. 1353: Mr. WALGREN.

H.R. 1499: Mr. BROWN of California.

H.R. 1603: Mr. CORCORAN and Mr. SILJANDER.

H.R. 1937: Mr. SMITH of New Jersey, Mr. O'BRIEN, Mr. ROE, Mr. GEPHARDT, Mr. SWIFT, Mr. WEBER of Minnesota, and Mr. HOWARD.

H.R. 2372: Mr. WYDEN, Mr. DASCHLE, Mr. MURPHY, Mr. DYSON, and Mr. MCCLOSKEY.

H.R. 2832: Mr. BEREUTER.

H.R. 3108: Mr. STANGELAND, Mr. LENT, Mr. ANTHONY, Mr. YATRON, Mr. COUGHLIN, Mr. HAGEDORN, Mr. HUCKABY, and Mr. EARLY.

H.R. 3191: Mr. GEPHARDT.

H.R. 3298: Mr. FITHIAN, Mr. JEFFORDS, Mr. SIMON, Mr. MCCOLLUM, and Mr. ASPIN.

H.R. 3314: Mr. DICKS.

H.R. 3416: Mr. NICHOLS, Mr. SPENCE, Mr. BEVILL, Mr. COLLINS of Texas, Mr. FORSYTHE, Mr. HANSEN of Idaho, Mr. LAGOMARSINO, Mr. HANSEN of Utah, Mr. ROBINSON, Mr. FISH, Mr. IRELAND, and Mrs. BOUQUARD.

H.R. 3485: Mr. HOWARD.

H.R. 3494: Mr. LAGOMARSINO, Mr. MURPHY, Mr. THOMAS, Mr. SYNAR, Mr. HOPKINS, Mr. HORTON, Mr. DE LA GARZA, Mr. REGULA, Mr. PETRI, Mr. ERDAHL, Mrs. HECKLER, Mr. EDGAR, Mr. KINDNESS, Mr. SKEEN, Mr. FAZIO, Ms. OAKAR, Mr. YATRON, Mr. ANDREWS, Mr. MITCHELL of Maryland, Mr. SILJANDER, Mr. WATKINS, Mr. COELHO, Mr. HATCHER, Mr. HARTNETT, Mr. BUTLER, Mr. MCGRATH, Mr. GARCIA, Mr. TRAXLER, Mr. ALBOSTA, Mr. HOYER, Mr. WIRTH, Mr. DICKS, Mr. WEBER of Minnesota, Mr. ROBINSON, Mr. HILER, Mr. BOWEN, Mr. ROEMER, Mr. CAMPBELL, Mr. DECKARD, Mr. MARRIOTT, and Mr. EDWARDS of Oklahoma.

H.R. 3524: Mr. FOGLIETTA.

H.R. 3670: Mr. BONOIR of Michigan, Mr. LEATH of Texas, Mr. SEIBERLING, and Mr. WILLIAMS of Montana.

H.R. 3841: Mr. CONYERS and Mr. RANGEL.

H.R. 3879: Mr. LOEFFLER.

H.R. 3883: Mr. BAILEY of Pennsylvania, Mr. COURTER, Mr. HUTTO, Mr. PEASE, Mr. YOUNG of Florida, Mr. DYSON, Mr. GRISHAM, Mr. HANSEN of Utah, Mr. WYLIE, Mr. BEREUTER, Mr. PATTERSON, Mr. MILLER of Ohio, and Mrs. BOUQUARD.

H.R. 4057: Mr. GINGRICH.

H.R. 4066: Mr. WON PAT, Mr. PEPPER, Mr. MCEWEN, Mr. NEAL, Mr. CORRADA, and Mr. SMITH of Pennsylvania.

H.R. 4134: Mr. PEPPER.

H.R. 4227: Mr. BLILEY, Mr. SCHEUER, Mr. WASHINGTON, Mr. CONYERS, Mr. MICA, Mr. MARKEY, and Mr. GUARINI.

H.R. 4389: Mr. MITCHELL of Maryland.

H.R. 4404: Mr. BEREUTER and Mr. RINALDO.

H.R. 4418: Mr. HANSEN of Utah.

H.R. 4450: Mr. BINGHAM, Ms. FERRARO, Mr. PATTERSON, and Mr. SMITH of Alabama.

H.R. 4528: Mr. DASCHLE.

H.R. 4534: Mr. FRANK.

H.R. 4562: Mr. EDGAR and Mr. VENTO.

H.R. 4567: Mr. FRANK and Mr. MILLER of Ohio.

H.R. 4587: Mr. EDGAR, Mr. KILDEE, Mr. BARNES, Mr. WEAVER, Mr. NEAL, and Mr. HERTEL.

H.R. 4673: Mr. DANIEL B. CRANE, and Mr. HILER.

H.R. 4751: Mr. HORTON, Mr. ROE, Mr. SAM B. HALL, Jr., Mr. FIELDS, Mr. FORSYTHE, Mr. LAGOMARSINO, Mr. NAPIER, Mr. SHELBY, Mr. PARRIS, Mr. ERTEL, Mr. MARTIN of North Carolina, Mr. PORTER, Mr. BENJAMIN, Mr. MCDONALD, Mr. SNYDER, Mr. SKELTON, Mr. BARNARD, Mr. LENT, Mr. BROYHILL, Mr. GRAMM, Mr. GREGG, and Mr. BURGENER.

H.R. 4775: Mr. LEHMAN, Mr. CORCORAN, Mr. BAFALIS, Mrs. FENWICK, and Mr. YATRON.

H.R. 4786: Mr. BADHAM, Mr. LOEFFLER, Mr. LAGOMARSINO, Mr. MOORHEAD, Mr. BENEDICT, Mr. BAILEY of Missouri, Mr. WATKINS, Mr. ANDERSON, Mr. FAZIO, Mr. NICHOLS, Mr. SMITH of New Jersey, Mr. KOGOVSEK, Mr. DANIEL B. CRANE, Mr. FORSYTHE, Mr. TAYLOR, Mr. CHENEY, and Mr. BRINKLEY.

H.R. 4797: Mr. KOGOVSEK.

H.R. 4807: Mr. MORRISON, Mr. RATCHFORD, Mrs. MARTIN of Illinois, Mr. MCEWEN, Mr. MCGRATH, Mr. LAGOMARSINO, Mr. DENARDIS, Mr. ROTH, Mr. FORSYTHE, Mr. HOPKINS, Mr. MILLER of California, Mr. NAPIER, Mr. PARRIS, Mr. BROYHILL, Mr. FRENZEL, Mr. EVANS of Iowa, Mr. PETRI, Mr. PORTER, Mr. MURPHY, Mr. EDGAR, Mr. BAFALIS, Mr.

COATS, Ms. FIEDLER, Mr. WEBER of Minnesota, and Mr. GREGG.

H.R. 4833: Mr. SMITH of Pennsylvania, Mr. WILSON, and Mr. DUNN.

H.J. Res. 176: Ms. OAKAR.

H.J. Res. 334: Mrs. BOUQUARD, Mr. GINGRICH, and Mr. YOUNG of Florida.

H.J. Res. 344: Mr. RATCHFORD, Mr. MCEWEN, Mr. MCGRATH, Mr. LAGOMARSINO, Mr. DENARDIS, Mr. ROTH, Mr. HOPKINS, Mr. MILLER of California, Mr. BROYHILL, Mr. EVANS of Iowa, Mr. PORTER, Mr. MURPHY, Mr. EDGAR, Mr. BAFALIS, Mr. COATS, Ms. FIEDLER, and Mr. GREGG.

H. Con. Res. 54: Mr. FITHIAN.

H. Con. Res. 192: Mr. MARKEY.

H. Con. Res. 195: Mr. DWYER, Mrs. BOUQUARD, Mr. CHAPPIE, Mr. HARKIN, Mr. BEDELL, Mr. ROTH, and Mr. VENTO.

H. Con. Res. 196: Mr. VENTO, Mr. NELLIGAN, and Mr. KILDEE.

H. Con. Res. 205: Mr. RINALDO, Mr. PORTER, Mr. DENARDIS, Mr. MOAKLEY, Mr. HYDE, Mr. BOLAND, Mr. WYDEN, Mr. ROE, Mr. CORCORAN, Mr. FORSYTHE, Mr. FITHIAN, Mr. RITTER, Mr. WOLPE, Mr. MCGRATH, Mr. BONKER, Mr. EDWARDS of Oklahoma, Mr. GUARINI, Mr. MURPHY, Mrs. HOLT, Mr. FISH, Mr. SCHEUER, Mr. FRENZEL, Mr. COURTER, Mr. BARNES, Mr. DERWINSKI, Mr. FROST, Mr. HOLLENBECK, Mr. LEBOUTILLIER, Mr. GRADISON, Mr. WAXMAN, Mr. WORTLEY, Mr. FAZIO, and Mr. HALL of Ohio.

H. Res. 211: Mr. CHAPPELL.

H. Res. 239: Mr. DYSON, Mr. ERDAHL, Mr. HOWARD, Mr. ALBOSTA, Mr. LONG of Louisiana, and Mr. MITCHELL of Maryland.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3364: Mr. AKAKA.

SENATE—*Wednesday, October 28, 1981*

(Legislative day of Wednesday, October 14, 1981)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

Rabbi Bernard S. Raskas, Temple of Aaron, St. Paul, Minn., offered the following prayer:

God of our fathers and mothers, God of us all, we ask Your inspiration and guidance as the Members of the U.S. Senate begin their deliberations upon the weighty matters of the day. Be with them as they deal with the torn and tangled issues before them. Give them the strength of conscience, the balance of judgment, and the wisdom to compromise. Let each be steadfast to his or her conviction and yet respectful and mindful of the convictions of others. May there always be harmony and helpfulness in this Chamber. May its decisions be for the good of our country and the peace of the world. Whatever it be, may we always be the United States. May God's blessings of peace be upon us here today and everywhere else on Earth. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Senate, under the previous order, will proceed to the resolution of disapproval of the arms sale package to Saudi Arabia at 9 a.m. The time for the two leaders has been reduced to not more than 5 minutes each under an order entered last evening, with a brief period for the transaction of routine morning business at the expiration of the time of the two leaders.

Mr. President, I have no need for my time this morning, and I am prepared to yield it to any Senator or to yield it to the control of the distinguished acting minority leader.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. CHILES. Mr. President, the minority leader has no need for his time. He is prepared to yield it back.

Mr. BAKER. Mr. President, I yield back my time under the standing order.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

THE MENTAL HARM CLAUSE OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today, I should like to examine the interpretation of the mental harm clause in article II of the Genocide Convention.

The Liberty Lobby's "white paper on the Genocide Convention" alleges that this clause will:

Inhibit law enforcement agencies from taking action against any identifiable group;

Subject this Nation to prosecution before the world court for our racial segregation policies prior to 1954; and

Curtail our freedom of speech by inhibiting authors who fear they may inflict mental harm on a group of readers.

Mr. President, these allegations are completely false and I intend to prove it point by point.

But, first, it is important to look at the exact wording dealing with mental harm in the Genocide Convention. Article II states:

> In the present Convention, genocide means any of the following acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group.

Subsection (b) defines one of the prohibited acts as "causing serious bodily or mental harm to members of the group."

Mr. President, to the extent that there was ever any ambiguity regarding this phrase—and I do not believe it is vague at all—that question was resolved by the understanding recommended by the Senate Foreign Relations Committee defining serious mental harm as "permanent impairment of mental faculties."

According to former Ambassador Charles Yost:

> This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

But the Liberty Lobby thinks differently. So let us examine each of their arguments in turn.

Their first point—that law officers might be inhibited to take action against any identifiable group for fear of being charged with genocide—is absurd. Why? The Liberty Lobby is ignoring the basic definition of genocide contained in the treaty. What does it say? To be convicted of genocide, an individual must commit this act with the intent to destroy—let me repeat that: Intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. Under our Constitution, laws could not be enacted with intent to destroy groups within our society.

Therefore, there is no chance—and I mean none—that routine law enforcement could ever meet this treaty's definition of genocide.

Their second argument—a fear that racial segregation policies prior to 1954 might be held as genocide by a world court—is impossible. This treaty is simply not retroactive. Not in any way.

Finally, the argument that freedom of speech might be curtailed as authors worried about inflicting mental harm on groups of their readers is also ridiculous. The understanding recommended by the Foreign Relations Committee classifies mental harm as having inflicted permanent impairment of mental faculties for a substantial portion of the group. In addition, as I have noted earlier, an individual's intent to commit genocide would have to be clearly established.

Mr. President, even the American Civil Liberties Union, which places utmost priority on preservation of constitutional guarantees, does not draw this spurious connection between the mental harm clause and loss of freedom of speech. They stand firmly behind this treaty, convinced that our constitutional freedoms remain intact.

In short, these allegations are unfounded on every count.

Mr. President, with each passing year, the support for the Genocide Convention continues to grow. As the American Bar Association recognized in 1976, the objections raised in opposition to this convention have simply not withstood the test of time.

Mr. President, the American Bar Association was courageous enough to admit their mistake in opposing the convention. I hope that, someday, Liberty Lobby will display that same courage.

Mr. President, I urge my colleagues to join with me in seeking ratification of the Genocide Convention.

A TRIBUTE TO DR. ROBERT LEBARON

Mr. THURMOND. Mr. President, today I am issuing a special tribute to Robert LeBaron, a great scientist and industrial consultant, on the occasion of his 90th birthday on October 31.

Dr. LeBaron, often aided by his lovely and charming wife Peggy, is a man who has pursued many interests. He has been termed by Newsweek magazine "the versatile man on the wave of the future." In fact, his Government career was carried on continuously under four successive Secretaries of Defense, and his work for national security was so vital and so highly classified that he was once known to the Washington press corps as "the mystery man of the Pentagon."

Born in Binghamton, N.Y., the young Bob LeBaron went on to graduate from Union College in 1913 with a bachelor of arts degree in chemistry and electrophysics. He received his master of science degree from Princeton University and later went, from 1919 to 1920, to study at the Ecole Nationale Supérieure des Mines at the Sorbonne in Paris, France. He has received two honorary doctorates from Union College and Thiel College.

His most vital work—work for which all Americans can be grateful—started in 1949 when he joined the Department of Defense as deputy to the Secretary of Defense on atomic energy matters. In October of that year, he was nominated and later confirmed by the Senate as the first Chairman of the Military Liaison Committee to the old Atomic Energy Commission.

In his dual role, he was charged with developing atomic policy on all matters relating to the Department of Defense, and for supervision of the separate atomic energy activities of the Army, Navy, and Air Force. As a direct result of his extensive work in this area, he was awarded the highest civilian award of the Department of Defense for outstanding services in the development of a coordinated atomic energy program for the national security.

In 1954, Dr. LeBaron returned to private life in Washington, D.C., as an independent consultant on financial and technological developments relating to peaceful nuclear energy use.

That same year, he began a parallel adventure as a kind of ambassador at large for the Nation he loves. He was designated by the Department of State as a U.S. special representative to the World's Fair exhibition commemorating the 400th anniversary of São Paulo, Brazil.

After this trip, he undertook numerous trips to foreign lands to support and promote responsible nuclear power. These good-will visits were experiences which gave him an intensive knowledge of the desire of Western and other nations to participate in the peaceful development of atomic energy.

Since 1955, Robert LeBaron has served as an adviser to various financial groups and corporations in connection with private industry's evaluation of the uses of nuclear power. Among his clients have been business interests of Laurance Rockefeller, Vincent Astor, and Harvey Firestone. He also has been a longtime member of the U.S. Chamber of Commerce Committee on Commercial Uses of Energy.

Dr. LeBaron is also well known for his yeoman work on behalf of LeBaron Associates, a Washington, D.C., firm which was organized, in his words, "to analyze and evaluate equity possibilities of new scientific and technological developments."

I believe—and my colleagues who also know Dr. LeBaron will agree—that his immense contribution to industrial development in this Nation has been his ability to combine scientific knowledge with management skills and a long-range philosophy regarding the economic potential of nuclear power.

He is truly an elder statesman of the atom, and I salute him on his 90th birthday. Robert LeBaron continues to serve as an excellent example for young scientists to emulate, especially since it was his combination of experience and understanding that helped him make America a better nation.

We wish Dr. LeBaron and his gracious and beautiful wife Peggy good health and happiness in the years ahead. May they continue to build international good will and peace through their bonds of friendship throughout the world.

On October 27, Joint Chiefs of Staff Chairman David C. Jones gave a dinner at the Pentagon in honor of Dr. LeBaron. Mr. President, I ask unanimous consent that the brochure printed for this occasion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO DR. AND MRS. ROBERT LEBARON

In 1898, seven-year-old Bob LeBaron marched in the parade in honor of Teddy Roosevelt, the hero of San Juan Hill, and his Rough Riders, as most of the 20,000 citizens turned out in Binghamton, N.Y. to support Teddy's run for the governorship. His dad and three uncles (the popular LeBaron quartet) were barbershopping "A Hot Time in the Old Town Tonight."

He followed the campaign train all summer long. He learned to be quiet and unobtrusive and to remain as invisible as possible—qualities which served him egregiously later in life. Robert LeBaron never abandoned the habit of looking, listening, learning and remaining as invisible as possible. Through all the positions of power that he held, few people knew the weight of his influence or the extent of his authority.

Bob went to Union College where he studied under Charles Proteus Steinmetz who was teaching electro-physics. He worked scrupulously. Symbols and theory became clear. His work laid the solid foundation which enabled him to stay in the forefront of science all his life.

Music already had a strong appeal for him.

He became a star member of the cross country team. In 1911 and 1912 he held the New York State record for the half mile. In 1912 he made the olympic track team to Stockholm, Sweden and subsequently held the world's 1,000 yard record (2 minutes and 12 seconds). His entire life he continued to insist and persist in keeping his body exercised and in good health.

He won a scholarship to attend Princeton University. His classmates were the likes of Karl and Arthur Comptons, Harlow Shapely, Alan Dulles and Lowell Thomas. At Princeton Bob spent two years in chemistry. In 1916 he changed to physics. As a student there he and his friends frequented New York City to attend the Metropolitan Opera house performances and the theater.

In 1917 they all "went off to war". LeBaron became a lieutenant in the Third Field Artillery. At that time the Army did not have enough men to go around, so Bob did double duty. In addition to his lieutenant duties he served as ceremonial officer of the artillery group—a very important role in the Army then. That put Bob as number 186 on the officers list—a senior officer. Had anyone told him that 30 years later he'd have over 100,000 officers under him at the Pentagon he would have laughed at them.

In 1917 he attended a big dinner in Coronado to celebrate a proud achievement—four airplanes had been able to stay aloft for 15 consecutive minutes.

In 1917 he became the Military Staff Aide to President Wilson. Throughout the spring and summer he shuttled back and forth from Ft. Myer to the White House on a sort of semi-detached duty. President Wilson, ex-president of Princeton, took a liking to this young Princeton instructor. Wilson, 50, who disliked talking to men of his age and older, found himself completely at ease with the unassuming, perceptive, intelligent and ever-alert military aide.

During the fall of 1917 the Third Field Artillery was sent to Alabama to set up Camp McClellan. Then Bob and his company went to Camp Sill, Oklahoma, for artillery training before embarking for France. In July 1918, together with 5,000 members of the AEF, they piled on the CORONIA (built for 800) and set off for Europe. It was a harrowing trip. The old hulk survived two submarine attacks and zig-zagged so far North trying to outwit others that it took 16 days to reach Liverpool.

Later, in one of the bivouac areas in South England, Bob ran into Rudyard Kipling who was collecting garbage as his wartime duty. That was the Queen's punishment for Kipling's prediction of the end of the British Empire.

Bob and company embarked for France. From LeHavre they were taken to Val De Mont to learn the French school of fire (75mm vs US's 3-inch pieces). The next move was to Sedan, right in the middle of the biggest World War I action, where they saw six weeks of fighting. Problem was not to fight the Germans, said Bob, "it was to keep the damn equipment on the road—to get it up where we could shoot it." Troops blocked the narrow roads. Wherever French soldiers ran into an American road-block, they would throw the Americans guns into the ditch. The Americans would retaliate. Feelings ran hot. Everyone learned the other's best curses. There was no one to administrate the right of way.

After Armistice Day on New Year's Day 1919, Bob was ordered to Paris and informed that he could finish his studies. He enrolled in the Sorbonne to work under Mme. Marie Curie to research radiation. That spring he received his doctorate. What next?

President Wilson came to Paris in June for the Versailles Conference and immediately requisitioned Bob as a staff member of the US delegation. Bob attended to the President's basic needs: locating bathrooms, keeping a chair always nearby for the President, carrying messages back and forth. As a member of the US delegation he was persona grata everywhere.

In October 1919 he arrived to an entirely different US and was faced with the immediate imperative of having to earn a living. Finally he found a job with Arthur D. Little in Cambridge, Mass. The firm's masthead, interestingly enough, bore the slogan: "You Can't Make a Silk Purse Out of a Sow's Ear. But Arthur D. Little Can." And he did. Little thought big.

Bob was on Little's wavelength. Thinking 10–15 years ahead came naturally to him. Still, he was deeply influenced by his employer's habit of long range planning. Chemistry was just learning about polymers. Today polymer chemistry is the basis of a mammoth chemical industry. They also fixed their sights on other complicated fractions (from oil and gas): propylene, butylene, and beyond.

Bob was chosen to make convincing, on-scene presentations to firms around the country to sell the idea of research and development and how his firm could help others. The concept was too far advanced for its time. He claims today that he was thrown out of more offices than any man of the era. Still he piled responsibility upon responsibility. It seems that there was never a hat that wasn't made to his measure.

In 1926 Little joined in a group venture to develop petro-chemicals; they were the pioneers of today's vast petro-chemical industry. They set up Bob as Technical Vice President and moved him to an opulent headquarters on Wall Street. The scientist became an industrialist. He commuted between Oklahoma and New York City. The company merged with Standard Oil of New Jersey.

Bob found many things to be grateful for in New York, premiere among these was his acquaintance of a vivacious blonde dancer by the name of Peggy Bancroft—"as bright as she was beautiful". Their shared love of music and theater drew them together. But soon Peggy also became conversant with all of Bob's interests—a situation and attitude which she made sure continued throughout their lives. By October 14, 1926, they were married.

Peggy's history is as interesting as Bob's. She still speaks excitedly of the time she left home at the age of 18 with only $100.00 in her possession—money she was able to borrow from a friend's parents. She held "a good many jobs" including, she does not mind letting anyone know, a job as a peddler on Wall Street. Finally, she began to work with Rogers and Hart (later Hammerstein took his place), danced with the Ziegfeld Girls and played opposite Eddie Cantor.

She did many New York City shows. She was the featured singer-dancer in "Dearest Emmy" (1925) and "Sunny" (1926). And she performed in "Rosalie" (1928) and "Whoopee" (1929). She played in many great shows of her time: "Ripples" (1931), "Here Goes the Bride" (1931), the memorable and extended hit "Of Thee I Sing" (1932), "Pardon My English" (1933), "Let 'Em Eat Cake" (1934), "Merrily We Roll Along" (1936) were all performed in New York City. Peggy never went "on the road" because she did not want to leave Bob.

Bob's feeling for music, deepening with the years and stimulated by Peggy's efforts, led to more time spent on playing the piano, experimenting with song writing. He also worked on his compositions in the office in between appointments. Songs written by Bob were often part of Peggy's singing program.

On Wall Street the prospects of Petroleum Chemical Corporation began to steadily dim. Depression loomed in the future. Many firms were closing their doors by 1930. What should they do next? Bob knew he wanted to concentrate on music and learn all there was. Peggy, who are never without a job, agreed.

The LeBarons decided to put their $17,000 in assets into the National City Bank and take a chance on music. For the next five years Bob struggled under Dr. Frederick Schlieder, studying Bach, Brahms, Beethoven, others, identifying always with the rhythms, tone quality harmonic structure of the melody. He developed a greater harmony within himself. The tension between art and science released itself.

He started to work for NBC radio where he did scoring. He worked with a few groups moving in the direction of classical music, a forerunner of a trend that culminated with Toscanini and the great Sarnoff concerts.

In 1936 business recovered its health.

Bob had accomplished everything he had set out to accomplish in his musical training. At 45 he didn't feel music was his destiny and he had a great urge to go back to chemistry. Through friends he met and subsequently went to work for Augustus Eustis of Virginia Smelting, which specialized in two refrigerants (pressurized gases): sulfur dioxide and methyl chloride. Bob quickly found the main weakness of the industry: there was no orderly chain of supply, no concerted effort to service and expand the market. There was also the nagging question of Freeon—a Dupont monopoly. Then it struck him, why not set up an agency equipped to provide help of all kinds at all times to the dealers. This would allow manufacturers to concentrate on Research & Development. Dupont was quite willing to let Bob handle the headaches of distribution.

He was also a key person in setting up fellowships for universities to support students who would then support advanced research and development.

In December 1941 he came to Washington DC for a "short" conference. Three days later, Pearl Harbor. The transient room was their home until after the war. Today it forms part of their suite. President Roosevelt appointed Bob as one of the first dollar-a-day man. He was assigned to the War Preparedness Board to build the chemical supplies stocks.

Bob's rare combination of imagination, experience and contacts catapulted him to the top levels of government immediately. Robert Patterson, Secretary of War, had been his classmate at Union College; James B. Forestal, Secretary of the Navy, had been his pupil at Princeton. No need to go through channels—the doors of Army and Navy were always open to him. He soon found himself on the Requirements Committee of the WPB allocating products for both military and civilian use.

Peggy continued her activist role throughout this period. She sang with the Navy Band at the Stagedoor Canteen. But, most importantly, she ran an Army radio program at Walter Reed called "Peggy and the Soldiers". Of special concern to her were the too many amputees. These men were in the midst of a physical and psychological Waterloo. They felt bitter about their condition, and though, "The Government got me into this. The Government can take care of me for the rest of my life." Hence they refused to use their artificial limbs. Peggy put them on her radio program to help her as well as to allow them to use their talents. The resultant fan mail (aided by the not insubstantial charms of a number of attractive Red Cross girls) changed their attitudes and helped them move towards recovery.

After the war Bob continued as a full-fledged partner of Eustis at Virginia Smelting but also became the first Executive Consultant in the U.S. by signing a very lucrative contract with Standard Oil of California as Technical Advisor to the President on Petro-Chemical matters. The chemical field was wide open. Bob helped to develop compounds which were both strong cleaning fluids yet would dissolve in water. Then he helped to market gasoline and luboils. His confidence in chemical products was brilliantly substantiated. The products turned out to be about four times as effective as animal fats. Furthermore, it was reliable in performance, could be counted on for the same effectiveness every time, and had reliable prices, whereas animal fats went up and down in both of these important sectors. With skill and ingenuity he ended up with contracts with the three giants of the U.S.: Proctor & Gamble, Lever Brothers, and Colgate.

Successively all the petroleum fractions and all the waste gases were transformed by the magic of chemistry into profitable derivatives. Twenty years had elapsed since young LeBaron's first forays as an itinerant preacher for petro-chemicals. But never once during the years of discouragement had LeBaron's faith waivered. This was an outstanding characteristic of his entire professional life—to stay with his vision no matter where it led. It never failed and eventually led to a successful conclusion.

The LeBarons kept to their health schedule of tennis, badminton and long walks; daily exercise of some sort throughout the years, determined to make the number one priority keeping fit. Their attitude has always been, if God gave you your life and your body, the least you can do is to keep it in good shape.

In 1949 William Webster, Chairman of the Military Liaison Committee between the Defense Department and the ABC, came to offer Bob his job. Trying to reconcile the conflicting demands of Army, Navy, Air Force, State Department, Congressional Joint Committee on Atomic Energy and the Atomic Energy Commission—each jealous of its own prerogatives and suspicious of enroachment—would be a job of responsibility, work and worry: the kind of challenge that excited him.

Bob was scarcely in his new office before a WB–29 weather reconnaissance plane on a routine patrol from Japan to Alaska picked up measureable radioactivity over the Kamchatka Peninsula. Further sampling and analysis yielded shattering news. The Russians had exploded a nuclear device. Gone was the 10-year margin of safety and the nuclear monopoly of the U.S.

General Omar Bradley, Chairman, Joint Chiefs of Staff, introduced Bob to the JCS and their staffs. Bob set to work immediately on a study of the Defense Department war plans as they related to atomic weapons. The Soviet accomplishment demanded an immediate speed-up in our nuclear stockpiles.

The Soviet explosion, in cancelling our nuclear lead, highlighted a scientific hypothesis which took a quantum jump beyond fission—to the fusion of light nuclei. If a fission chain reaction could be made to reproduce the heat of the sun in the laboratory, would a chain reaction ensue? Seminars were held on fusion. Once into the complicated, frustrating business of discipling the chain reaction into a bomb, however, problems of geometry, metals, cladding and coolant, made it clear that all our skill and effort would be needed to make a fission bomb. General Bradley took the position that if there was any possibility that a more powerful weapon could be developed, the U.S. should be the first to do it.

Conflicts over the advisability of staging a crash program for the "super" heightened. Chairman LeBaron realized the "the technical situation in fusion was exploratory, experimental, and doubtful of outcome." It was imperative to push the program of Atomic Bomb production; to pursue the complicated experiments and tests for variations in size, geometry, and power of the fission bomb. The grave question was whether our nation's resources were equal to the tremendous burden—greater than those involved in the original development of the Manhattan Project. Yet all of his experiences oriented him toward a crash program no matter what the uncertainties.

All the pros and cons of pushing through a crash program on the "super" would be thrashed out in meetings of the Combined Policy Committee. The results of these discussions would be submitted to the President. He would make the final decision.

When Congress convened, January 1950, the Joint Committee went to the then Chair-

man McMahon who read a 5,000 word letter he had sent to the President urging a swift decision to proceed with the "super". The Joint Committee approved the letter and concluded that a recommendation be sent to the President after a hearing with Defense representatives, the AEC, and the members of the GAC.

The "super" broke on the air waves via Drew Pearson on January 15 and into page one headlines by James Reston in The New York Times two days later. It was imperative to move fast with the Presidential announcement.

On January 20, LeBaron and Gen. Bradley discussed the policy issues with the full Congressional committee. The directness and clarity of Bob's exposition quickly convinced the Joint Committee that money should be allotted to build the additional production plants needed for the "super" even while tests were underway. With Defense and the Joint Committee on the side of the "super", Secretary of State Acheson felt that the push for a decision had become too strong. Further delays would only sharpen the controversy. State recommended no crash program but a deliberate attack to determine the feasibility of the weapon within three years. It remained only for the President to make his decision and put an end to rumor.

LeBaron was asked to write a draft statement that President Truman could issue on 30 January 1950. The statement went to the White House at 10 o'clock. At noon it was on the teletype. The words were clear, simple and direct:

"It is part of my responsibility as Commander in Chief of the Armed Forces to see to it that our country is able to defend itself against any possible aggressor.

"Accordingly, I have directed the Atomic Energy Commission to continue its work on all forms of atomic weapons, including the so-called hydrogen or super bomb.

"Like all other work in the field of atomic weapons, it is being and will be carried forward on a basis consistent with the over-all objectives of our program for peace and security."

"This we shall continue to do until a satisfactory plan and international control of atomic energy is achieved. We shall also continue to examine all those factors that affect our program for peace and this country's security."

LeBaron stressing the need for urgency demanded that enough H-bomb fuel be produced at the outset to provide not only for test requirements but for the fabrication of small scale weapons if the test proved an H-bomb possible. At the same time he pushed for increased production of fissionable materials for atomic bombs by expanding existing reactors and getting appropriations for new ones. He was convinced that the problems of size and weight that restricted nuclear weapons to Air Force delivery would yield to stepped-up research and more abundant experimental material. He clearly foresaw tactical atomic weapons small enough for guns and ships.

On September 21, 1950, General George C. Marshall succeeded Louis Johnson as the nation's third Secretary of Defense. General Marshall and Bob LeBaron got along famously. Part of the initial exchange bears repeating:

"I'd like to begin by exchanging idosyncrasies," said the Secretary. "Helps us understand each other. What are yours?"

"Well," replied Bob, "I would like to get out of here by 5:30 in the afternoon."

"That won't be any problem, Mrs. Marshall picks me up at 4:30 every day." The Secretary leaned forward. "I'll tell you something. No decision around here is any good if it's made after four o'clock in the afternoon because we'd only have to do it all over again next day."

In dealings with others, Bob's stock cut-off to any seemingly unsolvable dispute was, "Well, let's go and see the President." Naturally the suggestion was never followed but everyone knew it was no idle boast: LeBaron could walk in to see the President any time without intermediaries.

The press was perplexed by Bob's prestige. In Washington, where every government committee was constantly scrutinized for newsworthy stories, the Military Liaison Committee was rarely heard of, yet there was a sneaking suspicion that its Chairman was behind many a Pentagon decision. LeBaron did his utmost to keep his committee inconspicuous. He kept the tempo fast and the activities secret. There were no leaks or inspired back-biting in the press. And he downplayed his role in order to remain anonymous. Riding to see the President he would crouch down on the floor of the car for invisibility and slip in the back way to avoid reporters. The press dubbed him the "Mystery Man of the Pentagon."

Bob gives great credit for his accomplishments to the "enormous advantage, after Marshall came, of having a very wise team with Marshall, Bradley and Acheson and Lovett to deal with . . . and a President who would back you up. It was a team where you didn't have to worry where you stood. We didn't have to deal with anybody and there were no press involved."

On June 25, 1950, communists attacked South Korea. President Truman acted swiftly. By July US troops were again fighting on foreign soil. Shortages of material and manpower soon began to manifest themselves. This increased the pressure on LeBaron, who felt that nothing could be allowed to interfere with the nuclear effort. He stepped up his drive to expand production. He pressed even more insistently for increased numbers and types of nuclear weapons. Nor could he permit the thermonuclear project to lag behind. As 1950 drew to a close, demands converged on LeBaron from all sides. The Air Force clamored for a nuclear powered airplane. The Navy called for a nuclear powered aircraft carrier.

The overall priorities in LeBaron's area of responsibility were firmly set in his own mind: (1) to increase the amount of fissionable material; (2) to keep conflicting demands for this strategic material in realistic balance for weapons, for submarine reactors, aircraft reactors, carrier reactors; (3) to move gradually in the direction of industrial reactors to compensate for the coming shortage of electric power that he clearly foresaw. To achieve his many ends LeBaron had to massage the egos of some of the primadonnas of physics, including Edward Teller. He succeeded in this area as well.

In mid-October 1952 LeBaron flew to Honolulu on the way to Eniwetok, Marshall Islands, where the first H-bomb test was to take place on 1 November.

It was just before dawn, on November 1, 1952. LeBaron was flying in an old World War II plane, the type where the guns came out over the top which could be used as a look-out. The plane was positioned about 11 miles from the shot at an altitude of about twelve thousand feet. Suddenly the heavy grey silence was shattered by a deafening blast, the sky exploded with color—a brilliance that held for maybe five minutes or more, LeBaron remembers. He knew a tremendous power had been released, and he braced himself for the following shock waves. Nothing happened. The plane remained as steady after the shot as before. He looked at the radiation instruments. Nothing had registered. No radiation had touched the plane. When the plane landed at Kwajalein for refueling on the way back to Washington, some 200 miles down the line, the Admiral who met them at the strip said, "What in the name of Hell is going on down there?" The roofs were blown off the buildings. Trees were down. The place was a shambles.

But that's not the end of this story.

The unpredictability of shot effects was further corroborated in 1970, when the LeBarons were at a dinner party with General McConnell, who had been CSAF Feb 65-July 69. They were discussing the MIKE shot, and McConnell said, "Yes, I was there. I was one thousand feet below you, and we had the most unbelievable time keeping our airplane aloft. I could hardly fly the damn thing. It dropped so fast—I just got it out of a dive and a spin and everything else about 1,000 feet above the ocean."

Apparently the shock wave had missed LeBaron's plane completely, but had hit everything else in sight. By the time Bob arrived at the Pentagon, the news had preceded him. There he learned the size of the shot, and the fact that it had taken out the whole island, leaving only an enormous water-filled hole in its place.

General Marshall's reaction was encapsulated in the following musing:

"We're seeing the end of war. We're right at the end of war as an instrument of national policy for security. Big wars. Nobody will ever fight big wars when things like this are available, because the whole concept of mass fighting, of infantry, of course goes out the window. The whole thing has to change. You have to fight as the Indians did."

In addition to his other obligations, Bob had been working during 1952 on a program for civilian uses of atomic energy. He had long had the idea that a study should be made of peaceful uses to counterbalance the horror of military applications. On May 20, 1954, came his opportunity to communicate his ideas to the nation, in an address at the dedication ceremonies of a new Industrial Research and Development laboratory. The speech made headlines across the country and an impact around the world. Sometime later he told Secretary of Defense Charles Wilson that he would leave his government post. The two then set a definite date for his departure: August 1, 1954.

When he left the Department of Defense in 1954, he was accorded the rare distinction of a special award, presented collectively by the civilian Secretaries of the DOD, the Joint Chiefs of Staff, the Commissioners of the Atomic Energy Commission, and the 18 members of the Joint Committee on Atomic Energy of the Congress. He added this unusual honor to the one received earlier in January 1953, which was the highest civilian award given by the Department of Defense for distinguished public service.

In 1954 he turned his energies toward a study of the relationships between the technological "breakthroughs" emanating from the accelerated defense weapons' programs, and their potential in equity profit. He organized a study group to evaluate the investment possibilities inherent in peacetime uses of atomic energy. It was his great desire to turn the force of atomic energy into peaceful uses. Many industrialists shared this vision. He and his group of specialists were hired by a sort of "consortium" of industrialists like Vincent Astor, Henry Ford, the Mellons, and Harvey Firestone. They were going to research what could be done in this area.

He "always wanted to be a consultant," says his wife Peggy, and that's really what he did from 1956 to the present. He advised industries, but he also founded and became the Managing Director for LeBaron Associates, Washington, D.C., a partnership organized to analyze and evaluate equity possibilities of new scientific and technological developments.

In addition, in 1961 he established and became Managing Partner of the Norabel

Fund, Washington, D.C., an investment partnership which supports technological "breakthroughs" in its continuing study of accelerated programs and their potential for investments.

The LeBarons unique philosophy of life and abiding interest in peoples of other countries, their cultures and their problems, coupled to their uncanny vision, breadth of understanding and unlimited energies have come into a lifetime focus in a number of related activities.

ENVOI

An exhilarating and fruitful life, then, lived to its fullest by both Bob and Peggy LeBaron. Neither leaving the other's side, and both still living in that Washington-Sheraton suite they walked into for their original three-day sojourn in 1941. Inside, they have walls and shelves filled with mementos, memories, thank-yous and faces of the very great in our Nation's history. Outside, they enjoy their philanthropic activities and the warmth and admiration of their friends and of all who come into contact with them.

Surely both must have read Horatio's exhortation: "Carpe Diem. Ne credula posteri"—colloquially, "Live today. Don't wait 'til tomorrow." If they didn't read it, well, then they invented a classic American version of it.

THE SECRETARY OF DEFENSE,
Washington, D.C.

Hon. ROBERT LEBARON,
Washington Sheraton Hotel,
Washington, D.C.

DEAR BOB: Best wishes on your 90th birthday! You have much to be proud about today—not the least of which is a fine record in serving four Presidents and their Secretaries of Defense through a host of key issues.

Though I am very sorry I cannot attend the luncheon given in your honor by General Jones, I would like to wish you the very best on this important occasion.

Sincerely,

CASPAR WEINBERGER.

THE WHITE HOUSE,
Washington, October 26, 1981.

Hon. ROBERT LEBARON,
Washington Sheraton Hotel,
Washington, D.C.

DEAR DR. LEBARON: Nancy and I send our warmest congratulations as you celebrate your 90th birthday.

You have much to be proud of and to fondly recall in the midst of your friends at this special tribute. Your outstanding service to four Presidents—Wilson, Roosevelt, Truman and Eisenhower—is well known and has earned the respect and gratitude of all who know you.

Athough I am unable to attend your birthday luncheon, I'm with you in spirit for the happiest and most memorable celebration ever. My very best to you and Mrs. LeBaron in the years to come.

Happy Birthday!

Sincerely,

RONALD REAGAN.

THE VICE PRESIDENT,
Washington, October 28, 1981.

Dr. ROBERT LEBARON,
The Sheraton-Washington Hotel,
Washington, D.C.

DEAR BOB: Congratulations to you on the occasion of your 90th birthday. What an outstanding career you have had. Your accomplishments and contributions to this nation are rivaled by few.

Both Barbara and I send our very best wishes for a happy birthday and many happy returns of the day.

Sincerely,

GEORGE BUSH.

Mr. THURMOND. Mr. President, I yield to the able Senator from Nebraska. Senator ZORINSKY.

Mr. ZORINSKY. Mr. President, I wish to thank my colleague from South Carolina.

IN TRIBUTE TO DR. ROBERT LEBARON

Mr. ZORINSKY. Mr. President, in our line of work, it is refreshing occasionally to come in contact with someone who thinks, not of the next election, but of what is best for the next generation. The man we are pausing to honor at this time is just such an individual—and a good friend as well.

Dr. Robert LeBaron, who celebrates his 90th birthday on Saturday, has been called a man "on the wave of the future." No description could be more fitting. Since the opening of the atomic age, Dr. LeBaron has been in the forefront of efforts to harness nuclear power and put it to constructive use for the betterment of our Nation and of all mankind.

Starting in 1949, this professional chemist served as Deputy to the Defense Secretary for Atomic Energy Matters and as the first chairman of the Military Liaison Committee to the Atomic Energy Commission. Later, he served as a consultant on financial and technical developments relating to peaceful nuclear energy use.

An unofficial "ambassador at large," Dr. LeBaron undertook numerous goodwill trips for the Nation in support of responsible nuclear power. And he has served as a nuclear power advisor to private industry as well.

And, Mr. President, Dr. LeBaron's interests and abilities do not just begin and end with nuclear power. A talented athlete at Union College in Schenectady, N.Y., he served on the U.S. Olympic Track Team in 1912 and has also been a pianist and composer.

For 2 years in the 1930's, he arranged and conducted music for radio and for several more years he was a member of the visiting committee of New York University's Fine Arts Department.

And, today, as a resident of Northwest Washington, Dr. LeBaron maintains an active interest in music, swimming, and tennis as well as nuclear power.

Mr. President, I know my colleagues on both sides of the aisle will want to join Senator THURMOND, Senator HATFIELD, and me in wishing this most versatile individual a happy 90th birthday this coming Saturday. And I know they will want to join me in wishing Dr. LeBaron many more enjoyable birthdays in the future.

But most of all, Mr. President, I know my colleagues will want to join me in paying tribute to one who has done so much to aid in the development of responsible nuclear power in this country and around the globe. Dr. Robert LeBaron and his wife, Peggy, are truly people who have "ridden the wave of the future" and kept their eyes focused on what is best for future generations of Americans. And for this, we all owe them a deep debt of gratitude.

Thank you, Mr. Chairman. I yield the floor to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I believe I have about 4 minutes left. I have reserved that time for Senator HATFIELD, who desires to present some remarks.

TRIBUTE TO DR. ROBERT LEBARON

Mr. HATFIELD. Mr. President, we have the privilege today of recognizing the achievements of Dr. Robert LeBaron as we join him in celebrating his 90th birthday.

Dr. LeBaron has combined a devotion to his work on the cutting edge of atomic science with a concern for the human effects of technology. This highly esteemed scientist has also demonstrated a commitment to the arts, an indication that he is a truly versatile asset to his country.

Born in the central New York town of Binghamton, Robert LeBaron studied chemistry and physics at Union College. He received his masters in physics from Princeton University in 1917 and went overseas to study radiochemistry at the Ecole Nationale Superiere des Mines at the Sarbonne in Paris.

Following several years of work in industry, his technical expertise and military experience were employed during World War II as a member of the War Production Board. After the war, he continued to serve America in the rapidly expanding field of atomic energy. He played a key role in setting atomic policy for the Department of Defense and for each of the services. He was instrumental in the development of a coordinated atomic energy program for national security.

He has also served, at various times, as a representative for the National Security Council and the State Department. The United States is particularly indebted to him for the many occasions on which he represented the Nation abroad as an advocate for the peaceful use of atomic power.

Upon the completion of his many years of distinguished work in the Government, Robert LeBaron shifted his many talents to the private sector. He is a managing director of LeBaron Associates and a managing partner of the Norabel Fund. These organizations have analyzed and encouraged scientific and technological breakthroughs for the past 20 years.

In addition to his efforts as a nuclear scientist, our guest is the president of the LeBaron Foundation. The foundation, established in 1961, is dedicated to constructive works in the arts, sciences, and humanities.

These many accomplishments have not gone unnoticed. Union College and Thiel College have both presented Dr. LeBaron with honorary degrees, and the Department of Defense has given him its highest civilian award for his work there.

I am grateful to Dr. LeBaron for the role he has played as a pioneer in the nuclear field who has labored long and hard for the advancement and wise use of technology. On this, his 90th birthday, all Americans join in thanking Robert

LeBaron for his steadfast service to our country.

MARIACHI COBRE

Mr. DECONCINI. Mr. President, I rise for the purpose of calling attention to the Mariachi Cobre, a group of young men from Arizona, who have recently been selected as the most outstanding Mariachi group in the country. They have spread good will throughout the country and have heightened a cultural awareness of a very important part of our society.

The members of the Mariachi Cobre are: Randy Carrillo, Steve Carrillo, Mack Ruiz, Jim Acuna, Frank Grajalva, Roberto Martinez, Pat Carreon, Fernando Blast Sanchez, and Fred Tarazon.

The week of October 19, 1981, was designated as Mariachi Cobre week in Tucson, Ariz. I heartily recommend that if my fellow Members of the Senate should ever have the opportunity to see them perform, you should certainly take advantage of that opportunity. It will be a thoroughly enjoyable experience.

WHIP INFLATION NOW

Mr. ROBERT C. BYRD. Mr. President, according to press reports, the administration has hit upon a sure-fire way to reduce inflation painlessly: They plan to change the way it is measured. Evidently, the last 3 months of double-digit inflation convinced the administration that its bankrupt policies of high interest rates, high unemployment, and tight money would not bring inflation down. Promises of lowered inflationary expectations if Congress enacted David Stockman's economic program have fallen with the autumn leaves, so the decision was made to grab the bull by the horns and make a statistical adjustment in the Consumer Price Index.

Economists and statisticians have long argued about the pros and cons of the Consumer Price Index, but none of them has told us how changing the way inflation is measured will make it easier to buy a new home or to make payments on a new car. Perhaps the CPI has overstated inflation because of its heavy use of interest rates, but has the CPI overstated the damage these interest rates have done to our housing and automobile industries? Has the CPI overstated the disappointment that young couples feel when the promise of owning a home turns into nothing more than a lost dream?

The CPI may be adjusted, and it may show slower inflation, but the changes cannot make the economy work better, or lower the impact which inflation has on our citizens. Perhaps the administration should begin to pay closer attention to the contradictions and bad numbers in its own economic statistics rather than worrying about ways to make it look like their programs are succeeding in whipping inflation now.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Baltimore Sun of October 27, 1981.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. TO CHANGE HOUSING SECTION OF PRICE INDEX

WASHINGTON (NYT).—The government plans to announce today that it will rewrite the much-criticized housing component of the Consumer Price Index, a move that would eventually affect cost-of-living increases for millions of Americans.

The change, Labor Department officials said yesterday, is aimed at eliminating from the index the distorting impact of mortgage interest rates and overemphasis on housing. These have resulted in the overstatement of the overall inflation rate in times of high interest, and ultimately higher government spending.

Over time, the officials said, the revision in the housing component should mean smaller increases in the CPI and, in turn, smaller cost-of-living increases for Social Security recipients and those on federal pensions and for workers whose wages are tied to the CPI. This could lead to smaller increases in government spending.

The main change will be to move from the present housing component, which includes house prices and mortgage interest rates directly, to one that measures the cost of shelter with some sort of rental equivalent.

Administration officials said the new measure would not be effective until sometime in 1983 because of the need for the Bureau of Labor Statistics, which compiles the CPI, to give adequate notice.

Dr. Janet L. Norwood, commissioner of the Bureau of Labor Statistics, will announce the change at a press conference. Neither Mrs. Norwood nor members of her staff would comment on the details of the announcement. But Labor Department officials and members of the Reagan administration supplied some of the details.

The administration, according to one official supports the change but left the decision up to Mrs. Norwood, who has the legal authority to change the index. Mrs. Norwood yesterday briefed top administration officials, including Treasury Secretary Donald T. Regan and Murray L. Weidenbaum, chairman of the Council of Economic Advisers.

The exact impact of the change is hard to assess. But officials acknowledged yesterday that the new measure, because it eliminates the distorting effects of interest rates and housing prices, would over time lead to smaller increases in the index than would otherwise have occurred.

The Bureau of Labor Statistics now publishes an experimental housing cost component, which is similar to the new housing cost measure to be announced today. Based on this experimental index the cost-of-living increases for Social Security recipients on July 1 would have been 10.3 percent, compared with the 11.2 percent increase based on the current index.

For an average Social Security recipient living alone, the average monthly benefit would have risen to $370.29 with the 10.3 percent rise, instead of $373.31, according to Social Security Administration figures. The saving for the government would have been over $1 billion.

The millions of American workers whose wage increases are tied to movements of the CPI would also have had lower increases. While no numbers are available, the greatest impact of the new measure would be felt at times when there was a quick rise in mortgage interest rates and housing prices continued to rise. This is when the CPI has most overstated the rate of inflation and when, officials said, the new index would be significantly lower.

On the other hand, when mortgage interest rates are on the decline, the present CPI tends to understate the rate of inflation, which means, under the new system, cost-of-living increases would actually be higher than they would otherwise.

One of the other key impacts of the change will be on indexing of individual income tax brackets, starting in 1985. With lower rises in the CPI, the indexing of tax brackets would leave the government with slightly more revenue.

The basic change, for which the final details will be worked out over the next year, is that housing costs will be measured as if the owner were paying a rent. The rent would be based on the cost of operating a home, including property taxes, repairs, insurance, regular maintenance and other costs.

Critics of the current index, including the staff of the Bureau of Labor Statistics, have contended that including house prices and mortgage interest rates directly distorts the index because people do not buy houses every month. Critics have also argued housing price increases and the mortgage interest rates related to buying a house should be counted as an investment in an asset, not as a change—up or down—in the cost of shelter.

It is not clear how the bureau will calculate this rental equivalent, but their experimental measure is one step in that direction. The Bureau has funds in its 1982 budget for the design of a "rental-equivalence" component.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORTS ON OCCUPATIONAL SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 26 of the Occupational Safety and Health Act of 1970, I transmit herewith the 1980 annual report submitted by the Secretary of Health and Human Services, and the 1977, 1978, 1979, and 1980 annual reports submitted by the Secretary of Labor on occupational safety and health activities during the previous Administration.

RONALD REAGAN.

THE WHITE HOUSE, *October 28, 1981.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 1322. A bill to designate the United States Department of Agriculture Boll Weevil

Research Laboratory building, located on the campus of Mississippi State University, Starkville, Mississippi, as the "Robey Wentworth Harned Laboratory" (Rept. No. 97-255).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 4144. An act making appropriations for energy and water development for the fiscal year ending September 30, 1982, and for other purposes (Rept. No. 97-256).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHILES:

S. 1781. A bill for the relief of Ezekiel Trail Clemons; to the Committee on the Judiciary.

By Mr. WEICKER:

S. 1782. A bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes; to the Committee on Governmental Affairs.

By Mr. STENNIS:

S. 1783. A bill for the relief of Ashraf Mohammad and Shilu Mohammad; to the Committee on the Judiciary.

S. 1784. A bill for the relief of John Calvin Smith; to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. CHILES, Mr. ROTH, Mr. RUDMAN, Mr. NICKLES, Mr. DECONCINI, Mr. STENNIS, Mr. JOHNSTON, Mr. PRYOR, Mr. HOLLINGS, and Mr. HATCH):

S. 1785. A bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Labor and Human Resources.

By Mr. TSONGAS:

S. 1786. A bill for the relief of Makoto Yabe and Yasuko Yabe; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 1787. A bill to assure the American people that the administration's budget goals will be met, that the deficit for fiscal year 1982 will not exceed $43,100,000,000, that the deficit will not exceed $22,900,000,000 for fiscal year 1983, and that the budget will be balanced in fiscal year 1984, and to assure the representation of small business interests on the Board of Governors of the Federal Reserve System; to the Committee on Governmental Affairs.

By Mr. DECONCINI:

S. 1788. A bill to amend title 28, United States Code, to provide improved retirement benefits for bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN:

S.J. Res. 117. Joint resolution to authorize and request the President to designate the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER:

S. 1782. A bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes; to the Committee on Governmental Affairs.

SMALL BUSINESS CONTRACT PAYMENT PROCEDURES ACT

● Mr. WEICKER. Mr. President, today I am introducing the Small Business Contract Payment Procedures Act of 1981, a bill to eliminate retainage for small business construction contractors under certain circumstances.

This bill, which is designed to benefit more than 100,000 small business contractors, would free up more than $4 billion now sitting idle in Federal ledgers and make it available for investment in business growth and job creation.

Mr. President, this bill would not require the appropriation of a single penny from the U.S. Treasury. It would simply authorize the removal of redundant, duplicative and currently counterproductive restrictions on small construction firms in some situations.

Retainage is the practice of withholding a percentage of a construction contractor's progress payments pending satisfactory completion of all required contractual work. Generally, according to Federal procurement regulations the Government retains 10 percent of each progress payment on a construction job, although currently each contracting officer can eliminate or reduce the amount of retainage if the work is being completed in a satisfactory manner.

However, this is seldom the case, especially when a small firm is involved. My legislation would give statutory authority to a contracting officer to waive retainage if he determines the work is being performed satisfactorily and on schedule. The act would likewise eliminate the withholding of retainages from small business concerns, provided the firm first posts an adequate performance bond.

Mr. President, the impact of retainage on small business construction firms is staggering. According to a recent study of construction firms, conducted by the American Subcontractors Association, small contractors must cover an average of $200,000 annually in outstanding retainages. Like the government late pay problems, the retainage situation causes severe cash flow problems for small firms. Specifically, by slowing the flow of money to those performing the work, retainage often delays construction and thus drives up costs due to inflation.

Contractors and subcontractors must borrow money—at today's high interest rates—to cover outstanding retainages and maintain an adequate cash flow. The cost is then factored into their bids and passed along to the end user. I need not point out that on government jobs, the end user is the American taxpayer.

In fact, it is a curious paradox that retainage today achieves exactly the opposite effect that it was initially designed to attain. Begun as a method to get contractors to finish the job quickly, today retainage actually encourages delay.

With construction being performed by so many different subcontractors, the ones who complete the bulk of their work before the project is done have no incentive to finish the final details quickly because retainages are not released until the owner accepts the building. These subcontractors will instead commit their resources to concurrent projects where payment can be expected.

However, in my opinion, one of the most unfortunate aspects of retaining a portion of a contractor's payments to insure adequate performance is that it is duplicative of other standard contracting procedures. For many years now, contractors and subcontractors have been required to take out performance bonds to guarantee completion of their work.

Retainage then, is an unneeded double protection which hurts contractors and subcontractors, yet which affords no extra assurance to the Government's interests.

Mr. President, this legislation will benefit small business contractors and subcontractors, who have a real need for more capital to finance improved productivity and increased growth. Therefore, I urge expeditious consideration of the Small Business Contract Payment Procedures Act of 1981.●

By Mr. NUNN (for himself, Mr. CHILES, Mr. ROTH, Mr. RUDMAN, Mr. NICKLES, Mr. DECONCINI, Mr. STENNIS, Mr. JOHNSTON, Mr. PRYOR, Mr. HOLLINGS, and Mr. HATCH):

S. 1785. A bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Labor and Human Resources.

LABOR MANAGEMENT RACKETEERING ACT OF 1981

● Mr. NUNN. Mr. President, on behalf of myself and Senators CHILES, ROTH, RUDMAN, NICKLES, DECONCINI, STENNIS, JOHNSTON, PRYOR, HOLLINGS, and HATCH, I am today reintroducing the provisions of S. 1163, the Labor Racketeering Act of 1981. S. 1163 was originally introduced by me on May 12, 1981, and was designed to help ease the problems of corruption on the Nation's waterfront. Since introducing S. 1163 in May, we have consulted with many groups both inside and outside of Government. We have received many recommendations and suggestions to clarify and tighten S. 1163. The bill which I am introducing today contains all of the essential provisions of S. 1163, but with what we believe to be substantial improvements which represent the views and input of all parties.

The technical changes we are making have no substantive effect on the provisions of S. 1163. The main provisions of that bill remain intact in this bill. Those main provisions are:

First, making the Taft-Hartley Act a felony for all violations involving $1,000 or more;

Second, requiring immediate removal upon conviction of an individual convicted of enumerated crimes and crimes relating to his official position;

Third, broadening the definition of the types of positions an individual is barred from upon conviction of enumerated crimes;

Fourth, increasing the time of disbarment from 5 to 10 years;

Fifth, escrowing a convicted official's salary for the duration of his appeal, in case the conviction is reversed; and

Sixth, clarifying the jurisdiction of the Department of Labor with respect to its responsibility for detecting and investigating criminal violations relating to ERISA.

The changes made in S. 1163 which are incorporated into this new bill are, as I said, largely technical. Section 3 of S. 1163 is changed in the following way. That bill calls for the immediate removal of any person who has been convicted of any felony or any other crime, including misdemeanors, which involve the use or misuse of that person's labor union or employee benefit plan affiliation.

We have altered that language by enumerating the particular officeholders subject to this provision, and by leaving the lists of disqualifying crimes now in 29 U.S.C. 504 and 29 U.S.C. 1111 as they are presently written. We have added to the end of the list of crimes a catch-all phrase requiring removal if the individual is convicted of any Federal or State felony involving abuse or misuse of his official position.

In S. 1163, in sections 3 and 7, are lists of nine positions which an individual is prohibited from holding if he has been convicted of an enumerated crime. We believe that several of these positions were overly broad and as such might have caused problems such as inhibiting the payment of union pensions or even prohibiting union membership. This new bill contains a subsection replacing the original list with what we feel is a description more accurately reflecting the type of positions we intend an individual to be barred from.

The main change was in the last sentence which stated:

No person shall knowingly permit any other person to serve in any capacity in violation of this section.

It has been brought to our attention that the word "permit" may inadvertently be construed by a court to mean that union officials who deal with a disbarred individual hired by a private entity may have some responsibility or criminal liability and alternatively employers who deal with disbarred union officials may have some criminal liability for their dealings.

We therefore reworded the last sentence to read:

No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this section.

This more accurately places the burden on the entity or individuals who actually employ persons who have been disqualified by virtue of a conviction.

This bill also contains some minor corrections of typographical errors we found in S. 1163 and which I will not enumerate here.

On October 28 and 29 the Senate Permanent Subcommittee on Investigations will conduct hearings during which we hope to hear the views of the Labor Department and the AFL–CIO on this bill. We are hopeful that we may gain their support for its swift passage by this Congress. It is imperative that Congress itself act swiftly to halt the growing corruption on our waterfronts. This bill is a significant step in that direction. It should serve as a signal to organized crime and corrupt union leaders that the American public will no longer tolerate their manipulation of our waterfront economy for criminal ends.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Labor Management Racketeering Act of 1981".

SEC. 2. Subsection (d) of section 186 of title 29, United States Code, as amended, is amended to read as follows:

"(d)(1) Any person who willfully violates any of the provisions of subsection (a) or (b) of this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in violation(s) of the provisions of this section does not exceed $1,000, he shall be guilty of a misdemeanor and be subject to fine of not more than $10,000, or imprisoned for not more than one year, or both.".

SEC. 3. Subsection (a) of section 1111 of Title 29, United States Code, as amended, is amended by adding the following after "No person" and before "who has been convicted":

"who is an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee or representative in any capacity of any employee benefit plan or who provides goods or services or who is a consultant or advisor to any employee benefit plan."

SEC. 4. Subection (a) of section 1111 of Title 29, United States Code, as amended, is amended by adding the following after "the Labor-Management Reporting and Disclosure Act of 1959":

"or any other felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment; or conspiracy to commit any such crimes; or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve:

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to any labor organization or employee benefit plan,

"(3) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(4) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization,

"(5) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization or employee benefit plan, or

"(6) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets or property of any labor organization or employee benefit plan during or for ten years after such conviction or after the end of imprisonment on such conviction, whichever is the later, unless prior to the end of such ten-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraph (1) through (6) would not be contrary to the purposes of this subchapter. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceedings by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ or otherwise place any other person to serve in any capacity in violation of this section.".

SEC. 5. Subsection (b) of section 1111 of title 29, United States Code, as amended, is amended as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

SEC. 6. Subsection (c) of section 1111 of title 29, United States Code, as amended, is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents a labor organization or an employee benefit plan or who provides other assistance to such organization or plan, concerning the establishment or operation of such organization or plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

SEC. 7. Section 1111 of title 29, United States Code, as amended, is amended by adding at the end thereof the following:

"(d) Where any person, by operation of this section, has been barred from office or other position in a labor organization or employee benefit plan as a result of a conviction, upon the filing of an appeal of that conviction, any salary which would be otherwise due him by virtue of said office or position, shall be placed in escrow by the individual

or organization responsible for payment of said salary. Payment of said salary into escrow shall continue for the duration of the appeal or for the period of time during which said salary would be otherwise due, whichever period is shorter. Upon the final reversal of said person's conviction on appeal, the amounts in escrow shall be paid to him. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization who was responsible for payments of those amounts. Upon final reversal of said person's conviction, said person shall no longer be barred by this statute from assuming any position said person was previously barred from.".

SEC. 8. Subsection (a) of section 504 of Title 29, United States Code, as amended, is amended by adding the following after "or a violation of subchapter III or IV of this chapter:"

"or any other felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment; or conspiracy to commit any such crimes, shall serve or be permitted to serve:

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to any labor organization or employee benefit plan,

"(3) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(4) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization,

"(5) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization or employee benefit plan, or

"(6) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets or property of any labor organization or employee benefit plan during or for ten years after such conviction or after the end of such imprisonment, whichever is later, unless prior to the end of such ten-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clause (1) through (6) would not be contrary to the purposes of this chapter. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this section.".

SEC. 9. Subsection (b) of section 504 of title 29, United States Code, as amended, is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

SEC. 10. Subsection (c) of section 504 of title 29, United States Code, as amended, is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents a labor organization or an employee benefit plan or who provides other assistance to such organization or plan, concerning the establishment or operation of such organization or plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

SEC. 11. Section 504 of title 29, United States Code, as amended, is amended by adding at the end thereof the following:

"(d) Where any person, by operation of this section, has been barred from office or other position in a labor organization or employee benefit plan as a result of a conviction, upon the filing of an appeal of that conviction, any salary which would be otherwise due him by virtue of said office or position, shall be placed in escrow by the individual employer or organization responsible for payment of said salary. Payment of said salary into escrow shall continue for the duration of the appeal or for the period of time during which said salary would be otherwise due, whichever period is shorter. Upon the final reversal of said person's conviction on appeal, the amounts in escrow shall be paid to him. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization who was responsible for payments of those amounts. Upon final reversal of said person's conviction, said person shall no longer be barred by this statute from assuming any position said person was previously barred from.".

SEC. 12. The title of section 1136 of title 29, United States Code, is amended to read as follows:

"§ 1136. Coordination and responsibility of agencies enforcing ERISA and related Federal laws".

SEC. 13. The first full paragraph of section 1136 of title 29, United States Code, is amended by adding the following at the beginning of said paragraph:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—".

SEC. 13. Section 1136 of title 29, United States Code, is amended by adding the following subsection after subsection (a):

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF ERISA AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate civil and criminal violations related to the provisions of this subchapter and other related Federal laws, including but not limited to the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this subchapter and other related Federal laws.".●

By Mr. ROBERT C. BYRD:

S. 1787. A bill to assure the American people that the administration's budget goals will be met, that the deficit for fiscal year 1982 will not exceed $43,100,000,000, that the deficit will not exceed $22,900,000,000 for fiscal year 1983, and that the budget will be balanced in fiscal year 1984, and to assure the representation of small business interests on the Board of Governors of the Federal Reserve System, to the Committee on Governmental Affairs.

FISCAL PRUDENCE AND SMALL BUSINESS REPRESENTATION ACT OF 1981

Mr. ROBERT C. BYRD. Mr. President, last week, this Nation passed an historic milestone when the national debt crossed the $1 trillion mark. This is not a milestone of pride, and it is certainly an event which must be met with action by the Congress. For that reason, I am introducing a bill to assure the people of this Nation that the Federal Government will act in a fiscally prudent manner, and that the Federal Reserve Board will adequately represent the small businessmen, farmers, and homebuyers who are the bulwark of our economy.

The bill directs the Office of Management and Budget to spell out the budget cuts and tax increases it believes are necessary to keep the fiscal year 1982 deficit at or below its target of $43.1 billion, the fiscal year 1983 deficit at or below its target of $22.9 billion, and to balance the budget by fiscal year 1984.

The financial markets and the citizens of this country have been needlessly confused and worried by the "unidentified savings" and other accounting devices used to keep budget projections on target. The Government must level with the people if it expects them to invest their savings. The Government must tell the American people exactly how it intends to meet the budget goals announced.

The other part of this bill directs the President to appoint a small business representative to fill the first vacancy on the Federal Reserve Board. Press accounts say that the administration has not decided whether to appoint a theoretical economist or a banker to the Board next January. I believe there is already enough representation of those professions on the Board. Certainly, we need a person who thoroughly understands the financial markets, but it is time we look to the small business or farming communities for a knowledgeable representative on the Federal Reserve Board of Governors.

Recently, during discussion of my amendment to the social security minimum benefits bill, my good friend, the Senator from Kansas (Mr. DOLE) asked why we should expect the administration to lock itself into budget cuts 3 years in advance. I sympathize with my friend's concern that behind all that blue smoke of "unidentified savings" lies the painful reality of sharp budget cuts and tax increases. My bill seeks to sweep away the blue smoke, no matter how harsh the clear light of day may seem.

I know, from watching the market's reaction this year, that investors, savers, and workers are not deluded by equivocation, they are only confused. Business

inventories go up a little one month, and drop a little the next month; investment plans drop a little one quarter, rise a little the next quarter, and remain flat the following quarter. There is confusion about what we plan to do over the next few years. The investor sees a profusion of paper cuts, of "undistributed savings," "unidentified savings," "across-the-board cuts," and so forth. David Stockman asked this Congress to pass the largest multiyear tax cut bill in history, and Congress responded by giving him detailed, firm cuts. Now, we only ask, for the good of the American people, that he respond in kind, by giving us detailed spending cuts and tax increase proposals. He set the $43.1 billion 1982 deficit figure, although the original projected deficit has grown several times to get there. He set the $22.9 billion 1983 figure. He set the balanced budget goal in 1984.

Public confusion about administration budget goals was made even greater recently when administration economists testified before the Senate Budget Committee that, "the tax cut could be too large" and they were "all coming to the recognition that the deficit isn't going to evaporate rapidly." It is time to move out of the smoke and clouds and into the light of day. We only ask that he tell us how these goals will be reached. Is that too much?

Recently, the automobile dealers, homebuilders, and realtors of our Nation began a campaign to make Congress aware that small businessmen, farmers, and consumers need help soon. Policies of blind monetary restraint and ballooning Federal deficits combine to squeeze off the investment, spending, and initiative that we need to get America back on the road to economic recovery.

Yale professor James Tobin, who was recently awarded the Nobel Prize for Economics, said that relying solely on monetary policy to stem inflation indicates a willingness to—

> Accept whatever kind of damage this does to the real economy in terms of unemployment, low production, recession, low investment and so on in the hope that in time . . . enough businessmen will be like Chrysler—desperate for selling something, that they will begin to slow down . . . price increases."

A recent advertisement paid for by the automobile dealers, homebuilders, and realtors associations agreed with Professor Tobin's analysis, saying that—

> The Administration, the Congress, the Federal Reserve Board can no longer ask the public to accept the economic hardships resulting from the devastating cost of money.

I am introducing this bill because I believe it is time for Congress to line up with the small businessmen, consumers, and farmers of this Nation, and vote to bring fiscal prudence to Government. and adequate representation of small businesses to the Federal Reserve Board, before it is too late. I urge my colleagues to join me in this effort.

I ask unanimous consent that a letter from the National Association of Home Builders endorsing the bill, a special report prepared by the Democratic Policy Committee staff on the administration's "Unidentified" cuts, and a copy of the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fiscal Prudence and Small Business Representation Act of 1981".

SEC. 2. (a) The purpose of this section is to assure the American people that the deficit for fiscal year 1982 will not exceed $43,100,000,000, that the deficit for fiscal year 1983 will not exceed $22,900,000,000, and that outlays will not exceed revenues by the first day of fiscal year 1984.

(b) Not later than November 15, 1981, tne Director of the Office of Management and Budget shall prepare and transmit to the Congress a full and complete list of all reductions in budget authority and outlays and increases in revenues for fiscal years 1982, 1983, and 1984 which he determines would be necessary to meet the President's objective that the deficit for fiscal year 1982 not exceed $43,100,000,000, that the deficit for fiscal year 1983 not exceed $22,900,000,000, and that outlays not exceed revenues by the first day of fiscal year 1984. In preparing the list required by the preceding sentence, the Director shall only utilize categories of reductions in budget authority and outlays which explicitly specify the programs and appropriation accounts in which such reductions are to be made, the exact amount of such reductions, and the provisions of law with respect to the entitlement programs which must be changed in order to carry out such reductions.

SEC. 3. The President shall nominate an individual whose background is nonbanking, but who is representative of small business to fill the first vacancy occurring on the Board of Governors of the Federal Reserve System after the date of enactment of this Act.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, D.C., October 26, 1981.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: On behalf of the more than 123,000 members of the National Association of Home Builders (NAHB), I am writing to offer our strong support for the bill you will introduce concerning the Federal deficit and small business representation on the Federal Reserve Board. We believe that passage of this bill is vital to address the problem of high interest rates and their devastating impact on housing.

The housing industry is in the 34th month of a depression. Housing starts for 1981 are now forecast to be only 1.06 million—a 19.2 percent drop from 1980. By the end of the year, we anticipate that there will be one million construction workers unemployed. And failure rates among contractors are up dramatically over last year. Clearly Congress should take positive action before there is irreparable damage to the housing industry and the homeownership opportunities of America's potential homebuyers.

The provision in your bill which would require OMB to prepare a full list of proposed reductions in budget outlays and increases in revenues for fiscal years 1982, 1983 and 1984, would be of critical assistance to Congress in their effort to cut Federal spending such that the deficit for 1982 will not exceed $43 billion. A larger deficit will only mean increased Government borrowing and, most likely, even higher interest rates. Small business representation on the Federal Reserve Board, as provided in your bill, would offer an alternative view to the present tight money policy of the Fed. For most of this year, the Fed's actions have restrained the growth of the money supply to levels even lower than their own targets.

We would urge expeditious action by the Senate on this bill.

Sincerely,

HERMAN J. SMITH,
President.

THE ADMINISTRATION'S "UNIDENTIFIED" CUTS—HISTORY OF "UNIDENTIFIED" CUTS

MARCH BUDGET

On March 10, 1981, President Reagan submitted the Fiscal Year 1982 Budget Revisions to Congress. This was the President's initial budget, which set out the cuts from the Carter budget and was to serve as the spending side of the "Economic Recovery Plan."

Table 20 on page 127 of the first Reagan budget submission sets out on a line labeled "Additional savings to be proposed" a cut of $-29.8 billion in FY 1983 and $-44.2 billion in FY 1984.

JULY BUDGET

On July 15, 1981, the Executive Office of the President, Office of Management and Budget released the Mid-Session Review of the 1982 Budget. This is a mid-year review of the budget required by Section 602 of the Congressional Budget and Impoundment Control Act of 1974.

Table 23 on page 77 of the Mid-Session Review has a line entitled "Contingencies and additional savings to be proposed (net)" which sets out a cut of $-29.8 billion in FY 1983 and $-44.2 billion in FY 1984. These "unidentified" cuts are the same amounts as those identified in the initial March Reagan budget.

In the same July document, the Administration identified assumptions of savings of $-19.6 billion over the FY 1982-84 period from reforms in Social Security. On the first page, in the section dealing with Social Security (fifth paragraph), it is stated, "Further cuts will be identified in future budgets."

SEPTEMBER BUDGET

On September 24, 1981, the White House, Office of the Press Secretary, released a Fact Sheet, Fall Budget Program. This is the factual budget document that accompanied the President's September speech on further budget cuts.

On page 6 of that document, there is the following:

B. Expected Effect of New Actions.

The specific new budget savings measures—reducing 1982 Appropriations requests, reforming entitlements, and revising the tax codes—would reduce expected deficits by $16.0 billion in FY 1982, $28.3 billion in FY 1983, and $35.3 billion in FY 1984. The remaining savings needed to achieve the President's overall targets—$11.7 billion in FY 1983 and $23.0 billion in FY 1984—will be specified in upcoming budgets: The FY 1983 budget is now being developed and will be presented to the Congress in January.

More "unidentified" cuts are set out for FY 1983, —$11.7 billion and for FY 1984, —$23 billion. The language makes it clear that these additional "unidentified" cuts must be made in order to balance the budget in FY 1984.

The first paragraph on page 6 claims that the $74 billion (—$30 billion in FY 1983 and —$44 billion in FY 1984) set out as "unidentified" cuts in March and July has been allocated to Departments and agencies.

However, the allocated reduction is not specified. It is to be submitted to Congress in the FY 1983 budget in January:

Allocating to departments and agencies the full $74 billion in previously unspecified budget savings for FY 1983 and FY 1984. These tight new outlay ceilings will be used by agencies in preparing their proposals for the FY 1983 budget to be submitted to the Congress in January.

On page 5 of the September Fact Sheet, savings of −$2.6 billion in FY 1982, −$10 billion in FY 1983, and −$15 billion in FY 1984 are claimed from an entitlement reform package. However, while the package is supposed to be presented to Congress in the near future, we have not yet received any of the details and, therefore, the amounts remain "unidentified" cuts.

Section A on page 3 of the September Fact Sheet, when referring to the July estimates, uses the heading "Unspecified savings needed to achieve above outlay targets." These are the same cuts used for FY 1983 and FY 1984 in the July and March submissions:

A. MID-SESSION ESTIMATES—JULY 1981

[In billions of dollars]

	Fiscal year—		
	1982	1983	1984
Receipts	662.4	705.8	795.0
Outlays	704.8	728.7	758.5
Surplus or deficit	−42.5	−22.9	+.5
Unspecified savings needed to achieve above outlay targets	0	29.8	44.2

Source: September "Fact Sheet."

Section C which appears on page 4 of the September Fact Sheet sets out "Future savings to be identified." The amounts shown are $−11.7 million for 1983 and $−23 billion for FY 1984.

These "unidentified" cuts are in addition to new September cuts of $16.0 billion in FY 1982, $28.3 billion in FY 1983, and $35.8 billion in FY 1984:

C. The Latest Estimates—September 1981.

As a result of these recent developments, we face large potential budget gaps unless strong new measures are taken. Those gaps and the outlook if action is taken are as follows:

[In billions of dollars]

	Fiscal year—		
	1982	1983	1984
Potential budget gap	−59.1	−62.9	−58.8
New savings proposals	16.0	28.3	35.8
Future savings to be identified	0	11.7	23.0
Target deficits	43.1	22.9	0

Source: September "Fact Sheet."

SUMMARY OF UNIDENTIFIED CUTS

[In billions of dollars]

	Fiscal year—	
	1983	1984
Mar. 10, 1981: (1) Included unidentified cuts	−29.8	−44.2
July 15, 1981:		
(1) Restated unidentified cuts	(−29.8)	(−44.2)
(2) Assumed social security cuts	(−5.8)	(−10.0)
Sept. 24, 1981:		
(1) Social security cuts disappeared	(+5.8)	(+10.0)
(2) Claimed to allocate previously unidentified cuts but no detail shown	(29.8)	(44.2)
(3) More unidentified cuts	−11.7	−23.0
(4) Future entitlement reform	−10.0	−15.0
Total unidentified cuts	−51.5	−82.2

By Mr. DECONCINI:

S. 1788. A bill to amend title 28, United States Code, to provide improved retirement benefits for bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

BANKRUPTCY JUDGES' RETIREMENT ACT OF 1981

o Mr. DECONCINI. Mr. President, I am introducing a bill to amend the retirement system for U.S. bankruptcy judges that will reflect the importance and status of these judges in our Federal judicial system.

In 1978, the structure and jurisdiction of our bankruptcy courts was vastly upgraded. At that time, several retirement system alternatives were discussed before the present system was finally adopted. The present system represents a modest increase over the pre-1978 system, but still is not reflective of the responsibility and workload of the Nation's corps of bankruptcy judges.

An upgraded retirement system for bankruptcy judges is not only just and proper, but it will inevitably make the position of bankruptcy judges attractive to men and women of high quality. Bankruptcy courts, like it or not, are a significant aspect of our Federal judicial system, and require persons of the highest quality to adequately serve the litigants before it. During the past fiscal year, there were approximately 500,000 bankruptcy filings, which means that several million additional people felt the impact of decisions of the bankruptcy court.

The bill creates the following eligibility formula for bankruptcy judges' retirement: The judge may retire at age 70 after 10 years of service, at age 65 after 15 years, if not reappointed after a term expires and 14 years service, and at any time if permanently disabled.

The amount of retirement compensation reflects a different evaluation of years' service before the enactment of the Code, and years' service thereafter. The basic retirement system under S. 1788 will give a bankruptcy judge one-fourteenth of the salary of the office for each year that he has served as a bankruptcy judge after September 30, 1979—which date corresponds with the effective date of the expanded judicial functions set forth in the new Bankruptcy Code—and one twenty-eighth of the salary of the office for each year served before October 1, 1979. This system compares with the U.S. Tax Court retirement system, under which judges receive retirement pay at a ratio of 1 to 10, rather than 1 to 14, for years of service.

In dollar terms, assuming a bankruptcy judge's salary remains at $53,500, a judge with no other creditable service in the military or civil service, with 15 years of pre-Code bankruptcy judge service and 5 years post-Code service, would be eligible to retire in 1984—(assuming such judges meet applicable age or nonreappointment provisions of the bill—at 25/28—approximately 90 percent of $53,500 which is just over $47,000 per annum. This compares to the approximately $19,400 which they would have have received had the pre-Code retirement formula been retained, or approximately $23,400 they would receive under the existing retirement formula.

Beginning April 1, 1984, bankruptcy judges will be appointed by the President, with the advice and consent of the Senate, for a 14-year term. Like all Federal judges, judges appointed to the U.S. Bankruptcy Court should be persons of maturity, experience and ability. The inadequacy and inequity of the present retirement system—and the absence of a retirement system in 1984—will severely limit the availability of qualified persons to serve on the bankruptcy court. This will be particularly true in attempting to attract appointees from the private sector, where midcareer attorneys would be required to accept a large reduction in compensation upon appointment. An adequate retirement plan is equally important in retaining high-caliber individuals on the bench.

A similar problem concerning adequate retirement system exists for other nonarticle III Federal courts, namely, magistrates, Commissioners of the Court of Claims, and judges of the Court of Military Appeals. I hope the bill I am introducing today on behalf of the bankruptcy judges, will also serve as a catalyst for discussion and action on the retirement needs of our other Federal judicial officials who are equally worthy.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Judges' Retirement Act of 1981".

SEC. 2. (a) Section 376(a)(1) of title 28, United States Code, is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively.

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) a bankruptcy judge continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2683);",

"(3) by striking out "or" before "(iii)", and

(4) by inserting before the semicolon at the end thereof ", or (iv) in the case of a bankruptcy judge continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2683), the date of the enactment of the Bankruptcy Judges' Retirement Act of 1981".

(b) Section 376(a)(2) of title 28, United State Code, is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of a bankruptcy judge, salary paid after retirement from office under section 377(a) of this title;".

(c) The Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2549), is amended by striking out section 211.

SEC. 3. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 377. Bankruptcy judges

"(a)(1) Any bankruptcy judge may retire after attaining the age of seventy years and after serving as a bankruptcy judge for at least ten years.

"(2) Any bankruptcy judge may retire after attaining the age of sixty-five years and after serving as a bankruptcy judge for at least fifteen years.

"(3) Any bankruptcy judge who is not reappointed following the expiration of the term of office of such judge may retire upon completion of such term, if—

"(A) such judge serves as a bankruptcy judge for at least fourteen years, and

"(B) such judge advises the President in writing that such judge is willing to accept reappointment to the bankruptcy court, not earlier than nine months preceding the date of the expiration of the term of office of such judge and not later than six months preceding such date.

"(4) Any bankruptcy judge who becomes permanently disabled from performing the duties of the office shall retire.

"(b) Notwithstanding subsection (a)(3)(A) of this section, a bankruptcy judge continued in office by section 404(b) of the Act of November 8, 1978 (Public Law 95-598; 92 Stat. 2683), who is not reappointed after March 31, 1984, shall be eligible to retire under subsection (a)(3) of this section and to receive retirement pay under subsection (c) of this section if such judge—

"(1) continues in service until March 31, 1984, or after such date and until such judge's successor takes office,

"(2) satisfies the requirements of subsection (a)(3) of this section, other than subparagraph (A), and

"(3)(A) attains the age of sixty years,

"(B) attains the age of fifty-five years and services at least ten years in the aggregate as a bankruptcy judge, or

"(c)(1) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and who retires under paragraph (1), (2), or (3) of subsection (a) of this section shall receive retirement pay for any period at a rate equal to the product of—

"(A) the salary payable to a bankruptcy judge for such period, and

"(B) the sum of—

"(i) the number of years the bankruptcy judge who so elects serves as a bankruptcy judge before October 1, 1979, divided by twenty-eight, and

"(ii) the number of years the bankruptcy judge who so elects serves as a bankruptcy judge after September 30, 1979, divided by fourteen,

except that the rate of such retirement pay shall not exceed the salary payable to a bankruptcy judge for such period.

"(2) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and retires under subsection (a)(4) of this section shall receive retirement pay for any period at a rate—

(A) equal to the rate of the salary payable to a bankruptcy judge for such period if before such retirement the bankruptcy judge who so elects serves as a bankruptcy judge not less than ten years, or

"(B) equal to 50 per centum of the rate of the salary payable to a bankruptcy judge for such period if before such retirement the bankruptcy judge who so elects serves as a bankruptcy judge less than ten years.

"(3)(A) Such retirement pay shall begin to accrue on the day following the day on which such judge's salary as a bankruptcy judge ceases to accrue, and shall continue to accrue during the remainder of the life of such judge.

"(B) Retirement pay under this section shall be paid in the same manner as the salary of a bankruptcy judge.

"(4) In computing the rate of retirement pay under this subsection, that portion of the aggregate number of years of service which is a fractional part of one year shall be eliminated if it is less than six months, or shall be counted as a full year if such part equals or exceeds six months.

"(d)(1) A bankruptcy judge may elect to receive retirement pay under subsection (c) of this section by filing notice of such election in writing with the Director of the Administrative Office of the United States Courts. The Director shall transmit to the Office of Personnel Management a copy of each notice filed under this paragraph.

"(2) Such election may be made by a bankruptcy judge only during such judge's term of office or on the day on which such judge's successor takes office.

"(e) In the case of any bankruptcy judge who files an election pursuant to subsection (d) of this section to receive retirement pay under subsection (c) of this section—

"(1) no annuity or other payment, except as provided in paragraph (3) of this subsection, shall be payable to such judge under the civil service retirement laws with respect to any service performed by such judge (whether performed before or after such election is filed and whether performed as a bankruptcy judge or otherwise),

"(2) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retirement pay payable to such judge under subsection (c) of this section or from any other salary, pay, or compensation payable to such judge, for any period during which such election is in effect, and

"(3) such judge shall be paid the lump-sum credit computed under section 8331(8) of title 5 of the United States Code upon making application therefore with the Office of Personnel Management.

"(f)(1) A bankruptcy judge who desires to retire under subsection (a)(4) of this section before April 1, 1984, shall furnish to the Director of the Administrative Office of the United States Courts a certificate of disability signed by the chief judge of the circuit in which such bankruptcy judge is serving.

"(2) A bankruptcy judge who desires to retire under subsection (a)(4) of this section after March 31, 1984, shall furnish to the President a certificate of disability signed by such chief judge.

"(g)(1) A bankruptcy judge who files an election under subsection (d) of this section to receive retired pay under subsection (c) of this section may revoke such election at any time before the first day on which retirement pay would begin to accrue with respect to such judge but for such revocation.

"(2) Any revocation under this subsection of an election shall be made by filing notice of such revocation with the Office of Personnel Management. The Office of Personnel Management shall transmit to the Director of the Administrative Office of the United States Courts a copy of each notice filed under this paragraph.

"(3) In the case of a bankruptcy judge who revokes under this subsection an election made under subsection (d) of this section—

"(A) for purposes of this section, such judge shall be treated as not having filed such election, and

"(B) for purposes of section 376 of this title—

"(i) such judge shall be treated as not having filed an election under subsection (a)(1) of such section,

"(ii) subsection (g) of such section shall not apply with respect to such judge, and the amount credited to such judge's account under subsection (e) of such section, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31, of each year to the date on which the revocation is filed, shall be returned to such judge, and

"(C)(i) for purposes of the civil service retirement laws, no credit shall be allowed for service as a bankruptcy judge unless with respect to such service such judge deposits in the Civil Service Retirement and Disability Fund the amount required by the civil service retirement laws, and

"(ii) if such judge deposits the amount so required, then the Administrative Office of the United States Courts shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the amount it would have contributed to such Fund but for the effectiveness of the election made by such judge under subsection (d) of this section to receive retirement pay under subsection (c) of this section. Upon such deposit, service as a bankruptcy judge shall be treated as service with respect to which deductions and contributions had been made during the period of such service.

"(h)(1) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under subsection (c) of this section, with respect to whom such election is in effect, and who after such election—

"(A) accepts civil office or employment by the United States, other than the performance of judicial duties pursuant to section 294 of this title, or

"(B) performs, supervises, or directs the performance of, legal or other professional services in connection with a case under title 11, United States Code,

shall forfeit all rights to retirement pay under this section for all periods beginning on or after the first day on which such judge accepts such office or employment, or engages in any activity described in subparagraph (B).

"(2) Paragraph (1) of this subsection shall not apply to a bankruptcy judge continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-958; 92 Stat. 2683), who is not reappointed upon the expiration of such judge's term of office on March 31, 1984, or before the appointment of such judge's successor.

"(i) Except as otherwise provided in this subsection, the provisions of the civil service retirement laws, including the provisions relating to the deduction and withholding of amounts from basic pay, salary, and compensation, shall apply with respect to service as a bankruptcy judge, together with other service as an officer or employee to whom such civil service retirement laws apply, as if this section had not been enacted.

"(j) Subparagraphs (i) and (ii) of section 8331(1) of title 5, United States Code, shall not apply with respect to a bankruptcy judge continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), for any period during which there is in effect an election made by such judge under subsection (d) of this section to receive retirement pay under subsection (c) of this section.

"(k) For purposes of this section, and section 377 of this title, the term 'bankruptcy judge' means, unless specified otherwise, a referee in bankruptcy continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), or a United States bankruptcy judge.".

(b) The table of sections for chapter 17 of title 28, United States Code, is amended by

adding at the end thereof the following new item:

"377. Bankruptcy judges.".●

By Mr. BOREN:

S.J. Res. 117. Joint resolution to authorize and request the President to designate the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week"; to the Committee on the Judiciary.

NATIONAL JAYCEE WEEK

● Mr. BOREN. Mr. President, I am introducing today a Senate joint resolution that will, if passed, authorize the President to designate January 17, 1982, through January 23, 1982, as "National Jaycee Week."

The U.S. Jaycees, headquartered in Tulsa, Okla., will be celebrating 62 years of service to communities across America in January.

The Jaycee movement began in St. Louis, Mo., on October 13, 1915, and quickly spread to a national organization, formally created by 29 chapters at the first convention in St. Louis on January 21, 1920.

Through the years, the Jaycees have been involved in a variety of projects. In the early days, Jaycees were at the forefront in such diverse areas as aviation—Charles Lindbergh was the most prominent Jaycee in that field—development of U.S. air mail service, and creation of the National Wildlife Federation. Just prior to U.S. involvement in World War II, the organization voted at its national convention to support formation of the Selective Service System. Congressional debate had been stalemated on the issue until the Jaycees—all between the ages of 21 and 36 and very draft prone—voted their support for the draft. Some 85 percent of the membership served in the war.

The organization has been involved—always on a nonpartisan basis—with other Government issues and programs over the years. The Jaycees campaigned in support of political freedom for civil servants, were instrumental in formation of the ACTION Agency and lobbied in favor of statehood for Alaska. More recently, the Jaycees have concentrated their Government efforts on matters of the economy, having called repeatedly for a balanced Federal budget. In 1981, the Jaycees enacted their "Enough Is Enough" campaign in support of the administration's recommended cuts in Federal spending—again on a nonpartisan basis.

Some of the Jaycees' major projects in recent years have included public education on alcohol and other drugs, energy awareness, CPR training, shooting safety and muscular dystrophy fundraising.

The Jaycees have been active in the corrections field by maintaining over 400 prison chapters with a membership of nearly 17,000. The program is now in its 19th year, and cooperates with a job placement service for newly released inmates.

Jaycees now number some 300,000 members in approximately 7,500 local chapters in communities across America. As a service organization, the Jaycees have done much to enhance the communities in which they serve, by following closely the creed that "Service to Humanity is the Best Work of Life."

By supporting this joint resolution, we will be honoring an organization that has given much toward the health and vitality of our communities. This will be a small expression of America's gratitude for the many significant contributions of the U.S. Jaycees.

I urge my colleagues to join me in cosponsoring this joint resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Whereas the Jaycee Idea began with a handful of young men in St. Louis, Missouri, 62 years ago;

Whereas the Jaycee Idea embraces today approximately 300,000 members in 7,500 American communities that have chapters in the United States Jaycees;

Whereas the Jaycee Idea enriches the lives of communities around the world through affiliation in Jaycees International;

Whereas the Jaycees Organization retains a youthful outlook, even in its maturity, and continues to build on the individual member, even with its global scope—first, helping him be the best man he can be, then helping him help his fellow man in need, one to one;

Whereas a Jaycee cares about people, and he shows it;

Whereas a Jaycee cares about progress, and he does something about it;

Whereas a Jaycee lives by the creed that "service to humanity is the best work of life", and throws himself into that work both in his vocation and avocation;

Whereas a Jaycee is the kind of young man this country will need in great numbers to help meet the challenges of our times and the coming century; and

Whereas it is fitting that we should give special recognition and encouragement to the Jaycee and his organization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of January 17, 1982, through January 23, 1982, as "National Jaycee Week", and calling upon all Government agencies and people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. LEVIN, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia and Augustina Vashchenko.

S. 391

At the request of Mr. CHAFEE, the Senator from Georgia (Mr. MATTINGLY), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 391, a bill to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

S. 1018

At the request of Mr. CHAFEE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 1024

At the request of Mr. SYMMS, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1024, a bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

S. 1131

At the request of Mr. DANFORTH, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1131, a bill to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

S. 1649

At the request of Mr. SASSER, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1649, a bill to improve the highway bridge replacement and rehabilitation program.

S. 1778

At the request of Mr. EAST, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 1778, a bill to repeal the Metric Conversion Act of 1975 (89 Stat. 1007; 15 U.S.C. 205a et seq.).

SENATE JOINT RESOLUTION 29

At the request of Mr. HEINZ, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 29, joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with the first Sunday in June of each year as "National Garden Week."

SENATE JOINT RESOLUTION 34

At the request of Mr. GOLDWATER, the Senator from North Dakota (Mr. ANDREWS), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oklahoma (Mr. BOREN), the Senator from Arkansas (Mr. BUMPERS), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. FORD), the Senator from Utah (Mr. GARN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS),

the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Iowa (Mr. JEPSEN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. WALLOP), the Senator from New New Jersey (Mr. WILLIAMS), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of Senate Joint Resolution 34, a joint resolution to provide for the designation annually of "National Patriotism Week."

SENATE RESOLUTION 232

At the request of Mr. CHAFEE, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Resolution 232, a resolution expressing the sense of the Senate with respect to the need to continue the tax incentives for energy conservation and renewable energy sources.

AMENDMENT NO. 110

At the request of Mr. CHILES, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of amendment No. 110 intended to be proposed to S. 951, a bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

AMENDMENT NO. 591

At the request of Mr. D'AMATO, the Senator from Montana (Mr. MELCHER), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of amendment No. 591 intended to be proposed to H.R. 4121, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies. for the fiscal year ending September 30, 1982, and for other purposes.

SENATE RESOLUTION 233—RESOLUTION RELATING TO SECURITY COOPERATION WITH ISRAEL

Mr. DOLE (for himself, Mr. MATTINGLY, and Mr. HUDDLESTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 233

Whereas it is in the national interest of the United States to encourage stability and peace in the Middle East by all feasible and appropriate means;

Whereas threats to security in that region are increasing, particularly because of the activities of the Soviet Union and its allies and proxies;

Whereas in that region Israel is a major and essential ally of the United States in the effort to achieve peace and security;

Whereas the strengthened defensive capability of Israel is therefore a chief goal of United States security policy, appropriately pursued through expanded security cooperation;

Whereas such enhanced cooperation also contributes directly to United States military capabilities in the region; and

Whereas such enhanced cooperation constitutes a critical element in overall United States security strategy for the region: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should move with all appropriate speed and by all appropriate means to take concrete steps to strengthen United States security cooperation with Israel, and particularly to contribute to the development of Israel's military defensive capability, in order to preserve Israel's ability to defend against any combination of potentially hostile forces in the region. These steps should include planning for such measures as

(1) more frequent exchanges of views between United States and Israeli officials concerning threats to regional security and joint strategic planning for responding to those threats;

(2) cooperation in protecting the sea lanes in the eastern Mediterranean, especially through joint air defense;

(3) appropriate joint military exercises;

(4) pre-stocking of appropriate United States materiel, such as medical supplies and other items, in Israel;

(5) repair and maintenance of appropriate United States equipment such as aircraft and naval vessels in Israel; and

(6) other specific appropriate actions that would reinforce and enhance strategic cooperation between the two countries.

It is further the sense of the Senate that the President shall report quarterly to the Committee on Foreign Relations of the Senate on progress that has been achieved in expanding security cooperation between the United States and Israel.

● Mr. DOLE. Mr. President, my colleagues, Senator MATTINGLY and Senator HUDDLESTON, and I are submitting today a resolution that calls on the President to move forward quickly with expanded security cooperation with Israel in a number of particular areas.

We believe this action is critical because it has become clear that the Israeli Government has grave concerns about its security in the long term, as the other Middle East nations build up their military and technological capabilities.

Those concerns have been heightened by the prospect that the United States might sell AWACS aircraft and a package of enhancements for the F-15 to Saudi Arabia.

I have been undecided whether we should make that sale, partly because of my concern that Israel's sense of security might be weakened by it. I am satisfied that the risk of that arises for reasons that are not so much military or technical but rather political—or psychological if you will.

It is difficult for Israel to see us move toward a close relationship with Saudi Arabia on the military side. It is difficult for Israel to see how it can defend itself in the long run against growing Arab military power, which is inevitable whether we sell the Saudis equipment like this or whether others do.

This is why the Israeli Government itself has shown such an interest in the areas of military cooperation we might pursue more fully than we have so far done.

I believe that a firm and determined reconfirmation of our commitment to Israeli security for the long term, demonstrated by moving forward with far closer cooperation with Israel than the United States proposes to have with any Arab country—and by our call for the President to inform the Senate regularly about how that cooperation is progressing so that we can continuously monitor and encourage such cooperations—would help restore Israel's confidence that we intend to maintain and insure its ability to defend itself against any combination of potentially hostile forces in the region.

With this reassurance, I believe we can avoid dangerous consequences for Israel's security should we proceed with the sale of AWACS and other equipment to Saudi Arabia. And with this reassurance, together with the commitments we expect to receive (or have received) from the President in writing, I would be prepared to support the sale.●

AMENDMENTS SUBMITTED FOR PRINTING

ADMINISTRATIVE PROCEDURES ACT AMENDMENTS OF 1981

AMENDMENT NO. 619

(Ordered to be printed and to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (S. 1080) to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for periodic review of regulations, and for other purposes.

REGULATORY FLEXIBILITY

Mr. NUNN. Mr. President, last year, the Congress approved the Regulatory Flexibility Act. That law, hailed as landmark legislation by the small business community, requires all agencies, prior to promulgating regulations, to undertake any analysis of the impact of those regulations on small business. Whenever possible, agencies are to take action to minimize the burden of regulations on small businesses. To insure that the interests of small business are protected, the law provides a statutory responsibility for the SBA Chief Counsel for Advocacy's to review agencies' regulatory analysis, monitor agency compliance with the implementation of the act, and report annually to the Congress on the actions taken with respect to this law.

The Regulatory Flexibility Act took effect on January 1, 1981. Agencies have been complying with its provisions. Since the Chief Council for Advocacy was not confirmed until July 31, SBA's internal efforts have been slowed. Their commitment to the full implementation of the act, and their role in its success, has been strong throughout, however.

During the Senate Judiciary Committee's consideration of S. 1080, the regulatory reform legislation, that committee added additional provisions to the Administrative Procedures Act. In addition,

the committee redesignated the "old" Regulatory Fexibility Act provisions (previously chapter 6 of title 5, United States Code) as a subchapter of chapter 6. The committee bill then provides that:

The President shall have the authority to establish procedures for agency compliance with chapter 6 of this title. (S. 1080, page 46, lines 2 and 3.)

And

The President may delegate this authority, in whole or in part, to the Vice President or to an officer within the Executive Office of the President whose appointment has been subject to the advise and consent of the Senate. (S. 1080, page 46, lines 12–14.)

Identical provisions exist in the Government Affairs Committee amendment to the Judiciary Committee amendment to the bill. (See page 78, lines 2 and 3, and page 80, lines 6–10.)

The net effect of these provisions is to seriously impair, if not eliminate, the role and responsibilities for the implementation of the Regulatory Fexibility Act which Congress imposed on the Chief Counsel for Advocacy only 1 year ago.

As the ranking minority member of the Senate Small Business Committee, and as a member of the Governmental Affairs Committee, I do not believe that the Chief Counsel for Advocacy should be undercut in his statutory role in implementing the Regulatory Flexibility Act. Nor do I believe that the Judiciary Committee or the Governmental Affairs Committee intend this result. The small business community needs to have a responsible, and responsive, advocate for their views within the executive branch in the development of regulatory policies.

Therefore, I am proposing two amendments. The amendments would retain existing law for the implementation of the Regulatory Flexibility Act. The parliamentary situation requires that both the Governmental Affairs amendment in the nature of a substitute, and the Judiciary Committee amendment in the nature of a substitute, be amended.

Mr. President, I believe these amendments to be noncontroversial. I am confident that they can be adopted quickly when the Senate begins its consideration of this important regulatory reform legislation.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, the Committee on Rules and Administration will hold a meeting on Friday, November 6, 1981, at 9:30 a.m. in room 301 Russell Senate Office Building. The purpose of the meeting is to markup S. 807, the Federal Assistance Improvement Act of 1981. On October 20, 1981, S. 807 was referred to the Rules Committee for 20 calendar days for consideration of title I, section 1005, subsections (c) through (f) of the bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearings on the implementation of title I of the Natural Gas Policy Act scheduled for Thursday, November 5 and Friday, November 6 will begin at 9 a.m. instead of 10 a.m. in room 3110 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing on S. 625, to revise the boundary of Voyageurs National Park, scheduled for Thursday, October 29 will begin at 9:30 a.m. instead of 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

SENATOR GARN OUTLINES WORK TO PROMOTE U.S. EXPORTS

● Mr. HEINZ. Mr. President, during the first 10 months of this year the Senate Banking Committee has established a fine record of accomplishment in the area of export promotion. It has reported out legislation providing for the establishment of Export Trading Companies, a measure that will greatly facilitate the entry of small- and medium-sized businesses into international trade. Other legislation acted upon by the committee includes the Competitive Export Financing Act of 1981, which would increase the ability of the U.S. Export-Import Bank to defend American businesses against predatory credit financing of foreign governments and the Business Accounting and Foreign Trade Simplification Act, which would make certain needed and urgent revisions to the Foreign Corrupt Practices Act.

The Senate gave its overwhelming approval to the Export Trading Company Act, on April 8, 1981, by a vote of 93 to 0. The other measures are now awaiting floor action. I am hopeful that they will receive the timely consideration that they deserve. I am confident that my colleagues will recognize the excellent work which the members of the Banking Committee have done on these measures.

In this work, Mr. President, as chairman of the Subcommittee on International Finance and Monetary Policy, I have had the benefit of the joint effort and support of the distinguished chairman of the Banking Committee, the senior Senator from Utah (Mr. GARN). This past week, Senator GARN had the opportunity of addressing a meeting of the International Management Development Institute, where he outlined the successes of the Banking Committee in the area of promoting U.S. exports while also describing some of the challenges that still confronts us. I trust that 10 months hence we will be able to report a similar level of achievement for the committee, indeed for the entire Congress.

I ask that the remarks of Senator GARN be printed in the RECORD.

The remarks follow:

THE BANKING COMMITTEE'S RECORD ON EXPORT EXPANSION

I have been asked to discuss U.S. competitiveness in the international marketplace. I would like to share with you the logic behind what the Senate Banking Committee, which I chair, has been doing to remove the government-imposed impediments which exist for the U.S. exporter and which have made him less able to compete with his foreign counterparts.

To begin, I think that it would be useful to explain how I see the Eximbank fitting into the overall export policy of our nation. As many of you know, there has been an export credit war going on for the past few years. Our foreign competitors—particularly the French—have used subsidized export credits as a means of garnering lucrative contracts for their nation's exporters. The fact is that, by OECD estimates, it has been costing the French taxpayer as much as $3 billion per year in subsidy costs. Other countries have been experiencing similar costs.

I have taken the position, and my colleague Senator Heinz, the Chairman of the Subcommittee on International Finance and Monetary Policy, has agreed, that the best way to end this foolish and destructive competition in export credit subsidies is for the United States Government to make a solution to the problem a high priority and for the Eximbank to be sufficiently supported in Congress to be able to compete with its counterpart export credit agencies in other countries. In that context, unilateral disarmament would be a bad strategy, since it would remove the incentive to negotiate on the part of U.S. competitors.

Hence, for the past two years and through two administrations I have been leading the fight to keep Eximbank funding at levels high enough to provide an incentive to the Europeans and the Japanese to negotiate and to support U.S. companies bidding for contracts which need long-term fixed-rate financing.

I am happy to report that those efforts seem to have borne fruit. Last week there was a tentative agreement among the major exporting nations to raise official export credit minimum rates by 225 basis points, which would eliminate a substantial portion of the subsidy element by setting a minimum rate of ten percent to the less developed country markets. Much remains to be done, but this is substantial progress, and it should allow the U.S. Eximbank to raise its direct credit rates significantly without putting U.S. exporters at too much of a disadvantage vis-a-vis the French or Japanese.

So for this and other reasons which I shall mention I feel that we can say that the Banking Committee is making a good deal of progress in eliminating disincentives to U.S. exports. I think that for too long we have looked at exports as a privilege which the government grants. To my way of thinking, U.S. citizens have a right to export, within of course the overall context of general U.S. national security and foreign relations.

For example, I am against selling all our latest technology to the Soviets and helping them to overcome the great inefficiencies that there are in their economic system. There are some legitimate and necessary controls that must be placed upon our exports. Too often, though, controls have been excessive, misplaced, arbitrary, or mismanaged; they have forbidden or caused to be lost legitimate export sales, while allowing, incredibly so, major technologies and products to slip through into the hands of our adversaries. What I am saying is that we need to be tighter and more exact on some of our national security controls, while more open and less restrictive on all but those few exports that must be controlled.

This is just one further area, Export Administration, where the Banking Committee has made some significant contributions. There is still much to be done. The export licensing process still is too slow and inefficient. We still lose export sales, that Congress had no intention of stopping, just because it takes too long to get an export license. My feeling, though, is that this will

improve in the coming months once the new Administration has had time to organize and set priorities.

There has already been some improvement. There have been some organizational improvement at the Commerce Department, and their greater use of computer technology should speed up the processing of applications considerably. There may be some need for further changes in the Export Administration Act. If that should be the case, then the Banking Committee will make those changes. We will have to see if those organizational changes to which I referred will get us more within the statutory requirements for timely licensing. I am hopeful that they will.

A possible option, one which I proposed during the last session of Congress, would be the establishment of an Office of Strategic Trade. This would transfer responsibility for export administration from the Commerce Department to an independent agency. That may be the most appropriate thing to do. As I have mentioned on other occasion, the new Administration deserves the opportunity to show what it can do on the export control issue. Perhaps it will be able to make the current Export Administration Act work, doing what it was intended to do, namely preventing exports that would prove harmful to U.S. interests without hindering exports that would not be. That is something that we will have to examine in the next calendar year, after, as I said, the new Administration has had time to make the system work as well as it possibly can.

Let me mention another of the self-imposed handicaps with which the American exporting community must face. As Senator Heinz has said, not only do we seem to have the habit of shooting ourselves in the foot when it comes to exports, but we are quick to reload and fire again. Another area where we have imposed on ourselves export disincentives, and an area in which the Banking Committee has done some excellent work in correcting, is the Foreign Corrupt Practices Act. That Act purportedly outlawed the bribery of foreign officials. Well, in doing so, it almost succeeded in outlawing U.S. exports.

The U.S. Trade Representative, William Brock, called revision of the FCPA one of the most important trade issues facing the Congress. I am proud to report that the Banking Committee, in a very timely fashion, has dealt with that issue and on September 16 reported out a bill that makes significant improvements in the FCPA while preserving, and in fact enhancing, its anti-bribery provisions.

Here you had a piece of legislation that is a wonderful example of what we do so much of on Capitol Hill. We had a bill that was loaded with good intentions, that was rushed through the Congress on the excitement of the wave of revelations about bribery of foreign government officials, with all sorts of unforeseen consequences. What is incredible to me is the difficulty involved when once such problems are grossly obvious, when you have every group affected by the Act coming in and saying that it needs to be modified, that such and such negative consequences have resulted, when the unnecessary chilling effect to U.S. exports is apparent to all. It is incredible to me that you still have to fight tooth and nail to amend it. I guess that I would add to Senator Heinz's remark I mentioned earlier that not only is it amazing how quick we are to reload and shoot ourselves in the foot repeatedly, but it is amazing the lengths we'll go afterwards to avoid seeing the doctor.

Unfortunately, the relevant Committee of jurisdiction in the House, the Energy and Commerce Committee, seems reluctant to report a similar revisions of the Foreign Corrupt Practices Act. Similarly, the Export Trading Company Act of 1981, which as I said the Senate passed 93–0 on April 8, 1981, seems destined to languish in the House Banking and Judiciary Committees, which have joint jurisdiction. This badly needed improvement in the way small businesses can market their goods abroad has run up against objections of certain of my House colleagues who seem to feel that there is nothing wrong with the present structure of banking and antitrust laws as they apply to international trade, even if all the major U.S. competitors conduct their foreign trade in an atmosphere of greater certainty and greater access to finance and marketing opportunities.

The Commerce Department estimates that there are 20,000 U.S. businesses, with full competitive products, which could successfully export but do not for one reason or another. The Export Trading Company Act is aimed at that group of small- and medium-sized businesses who find the international marketplace a forbidding place and who wonder whether their own government will look favorably on their attempts to combine their marketing and promotional activities in order to compete more effectively.

What the Banking Committee has been trying to do with bills such as the Trading Company Act, the Foreign Corrupt Practices Act revisions, and even with the Export Administration Act amendments, is to provide the kind of certainty and predictability which U.S. exporters need—and deserve—when they compete in the international marketplace. The Japanese and the Germans are formidable competitors. U.S. exporters need cooperation and guidance from their own government, not further impediments.●

THE DETERIORATION OF THE SITUATION IN NICARAGUA

o Mr. HELMS. Mr. President, at the very moment that its officials insist that it is "intent on improving its relations with the United States on the basis of a respectful dialogue," the Sandinista government of Nicaragua has continued to intensify its attack on the private sector this past week. One week ago, five of the most prominent officers of private sector organizations were arrested in a flagrant violation of their rights to try to keep the Nicaraguan private sector alive. That action came within 12 hours of action in this Chamber which earmarked $30 million in U.S. aid to the private sector in Nicaragua, even though $20 million of our aid intended for the private sector there last year cannot be accounted for to the satisfaction of our own AID officials.

Mr. President, the arrest of these men is not an isolated incident in an otherwise improving relationship between Marxist Nicaragua and free people, whether within that country or abroad. This past Sunday morning, the home of a prominent political leader from the private sector, Mr. Alfonso Robelo, was attacked by a Sandinista mob while government policemen stood by and did nothing. Mr. Robelo's automobiles were destroyed and his house was severely damaged. This man, who supported the overthrow of the Somoza regime as fervently as any Sandinistan, is now the victim of the whirlwind which the Sandinista victory spawned. But he is not the only victim. The Catholic and Moravian churches have been the constant targets of Sandinista oppression in past months, and the people of Nicaragua have frequently been denied access to the only nongovernment newspaper, La Prensa, even though it is strictly limited by government censors as to what truths it can report about the chaos which the Sandinistas have brought to Nicaragua.

Recently, Mr. President, this respected newspaper printed a history of the incidents of repression which it had suffered at the hands of the government since 1932. In the 45 years which preceded Sandinista rule, these incidents averaged one every 5 years; since the Sandinista victory in July of 1979, they have averaged one every 4 months, and this year alone the newspaper has been closed down by the government five times. I am sorry to note that many seem to consider this trend to be salutary. For instance, during the 19 years between 1960 and the Sandinista takeover in 1979, the Inter-American Development Bank had disbursed a total of $134 million to Nicaragua. In the first 18 months after the Sandinista takeover, the IDB committed a total of $262 million to the Sandinistas.

Even now a Sandinista application for $30 million more is pending before the IDB. It seems that this renegade country, which terrorizes its citizens at home and exports revolution abroad, has earned the distinction to receive twice as much from this particular multilateral lending institution in 18 months than it had the previous 19 years.

Mr. President, the Sandinistas have made no secret about their intention to consolidate their power in Nicaragua and build an army large enough to foment struggles in every Central American country at once. Colonel Qadhafi of Libya has already sent $100 million, much of which has found its way into the revolutionary pipeline of terror and violence aimed at other Central American countries. Defense Minister Humberto Ortega has stressed that the Sandinistas are intent on creating a Marxist-Leninist state in Nicaragua. The Sandinistas are out to destroy the church, the family, the private sector and all the traditional values of the Nicaraguan people. If they succeed, only the shattered dreams of those who love freedom will remain; as for the rest, the words of Alexandr Solzhenitsyn ring all too true: if the falsehood of ideology reigns, it will bring violence in its wake.

Mr. President, it is essential that we consider the statement issued by the private sector organizations which led to the arrest of its leaders. In fairness, I would consider it equally enlightening to compare that statement with the statement issued by the Sandinista party's official radio station, their own version of "Radio Moscow" and "Radio Havana." I therefore ask that these two documents appear at this point in the RECORD.

The documents follow:

DOCUMENTS

[Dreyfus] Managua, 19 October 1981. Commander Daniel Ortega Saavedra, coordinator of the governing junta of national reconstruction:

The boards of directors of the organizations of the private sector, members of COSEP, having met at a special session on this date, have decided to submit to the governing junta the following considerations:

Over 2 years have passed since the victory of the Nicaraguan people over the Somoza regime. During this period, we have seen the advance of a government project quite different from that drafted in the program of the National Reconstruction Government. We have analyzed the process of changes; we have pointed to the dangers of the course through which you want to lead the revolution. We have felt the indifference of the government to our recommendations and we have witnessed a long parade of foreigners, many of whom carry messages alien to our nationality.

The national economy is crumbling, production shows no signs of recovery, social peace is not yet a reality, the country falls deeper in debt in an endless spiral and the mixed economy announced by the government retreats before the advance of property nationalization, uncovering a project designed behind the people's back.

Considering the government's domestic and foreign policies enforced by the rulers of the country, we find an unmistakable Marxist-Leninist ideological line, confirmed by the speeches of members of the national leadership. The actions of the members of this government and their speeches here and abroad reveal the purpose of engaging in an international ideology campaign which has submerged us in almost total isolation from those sister nations who in the beginning supported the true Nicaraguan revolution. Apparently, the government no longer cares about the support of nations like Costa Rica or Venezuela; instead, it prefers the support of countries like Libya and Cuba, which places us within a clearly defined alignment and exposes us to suffer the consequences of such an alignment.

The statements of members of the government before international forums appear to conform more to international Marxist-Leninist movements than to the principles which inspired and which should be the guidelines of this revolution. Recently the defense minister and member of the FSLN national leadership, Commander Humberto Ortega, said that it was necessary for the people to prepare a list of persons, potential counterrevolutionaries; that those who consciously or unconsciously—namely noncommunist Nicaraguans—support the imperialist plans, and who fail to join the defense whenever the attack takes place, will be the first to appear hanging along the roads and highways of the country.

The defense minister's statements, later confirmed by Dr. Sergio Ramirez Mercado, of the governing junta of national reconstruction, indicates the start of a project whose consequences cannot be predicted. Worse yet is the fact that such statements can only be interpreted as the preparation of a new genocide in Nicaragua for exercising the right to dissent.

We are at the threshold of the destruction of Nicaragua; we are reaching a point of no return from which this government will hardly be able to claim its legitimacy before the people. The nationalism of an entire nation is being threatened by the internationalism of a radical and fanatical minority.

Portions of the pronouncement of the FSLN national leadership on 16 October of this year could be considered most positive if the concepts of such a pronouncement should influence the words and attitudes of the members of that national leadership. This pronouncement, however, accentuates the marked ambiguity that characterizes this government.

What is the use of appealing to all sectors if whenever you deem it necessary, you brand these same sectors as traitors. What is the use of proclaiming a mixed economy if companies continue to be illegally confiscated. What is the use of proclaiming guarantees to freedom of the press if the communications media continue to be shut down.

What is the use of proclaiming political pluralism if the political parties are banned from holding peaceful meetings through the use of the divine hordes—to use your own words—taking over the country in a display of chaos and violence. What is the use of claiming to guarantee ideologic pluralism if the actions of the independent unions are obstructed and their leaders arrested. What is the use of claiming to guarantee the physical integrity of persons if the minister of defense threatens to hang people. What is the use of affirming support for the economic efforts of the Central American governments if the rulers of these same countries are antagonized and called gorillas by leadership members. What is the use of proclaiming respect of human rights if laws are enacted restricting these rights.

It is necessary to understand that those you call domestic or foreign reactionaries are not against the Nicaraguan people but against the Marxist-Leninist project you are imposing behind the people's back. That is the reason we are being isolated by other countries, and that is the reason we are opposed to the project.

Let it be very clearly established before you and before history that the Nicaraguan private sector supported and shall continue to support the legitimate Nicaraguan revolution as it is contemplated in the program of the National Reconstruction Government. In no way, however, does it support the plans to change this revolution into a Marxist-Leninist adventure which will only bring more bloodshed and suffering to our people.

Such is the truth, regardless of insults or threats, as seen by many nations of the world who supported us wholeheartedly at the beginning but who now observe us with distrust and are alarmed by the behavior of this government and its ideologic tint.

We hope and pray to God that there is still time to amend the errors and that you may so understand.

Attentively, [signed] COSEP; Nicaraguan Development Institute, INDE; Confederation of Nicaraguan Chambers of Commerce; Nicaraguan Chamber of Industries; Nicaraguan Chamber of Construction; Confederation of Professional Associations of Nicaragua, CONAPRO; and the Union of Nicaraguan Agricultural-Livestock Producers, UPANIC.

RADIO SANDINO'S REACTION

PA202351 Managua Radio Sandino in Spanish 1800 GMT 20 Oct. 81.

(Station commentary: "COSEP's Irresponsible Provocation: A Thoughtless Appeal to Reflection."]

[Text] Those who for over 2 years of the Sandinist people's revolution have been deaf to the calm and patriotic appeals from our vanguard's National Directorate and the revolutionary government to become a part of the national reconstruction process; those who for over 2 years of the Sandinist people's revolution have closed their eyes to the Nicaraguan people's sacrifices and efforts to heal the wounds resulting from the war of liberation and to alleviate the economic crisis provoked by dependence on Yankee imperialism and aggravated by the Somozist plundering, in which they participated to a large extent; those who for over 2 years of the Sandinist people's revolution—and not just now, when they shamelessly admit it—have shared the cause of the Nicaraguan people's foreign enemies, slandering and maligning the process abroad, engaging in capital depletion, sabotaging the national effort to recover production and abusing the social, economic and political freedoms guaranteed by the revolutionary government; they, the group of politicized businessmen who claim to represent the country's private sector when in fact they represent only its recalcitrant and obdurate portion—which has isolated itself through its refusal to join the process and through its efforts to destabilize the Nicaraguan revolution, with the intention of reversing it and of recovering its selfish lost privileges—are now demanding reflection from those who have been prodigal in their generosity and tolerance toward the Nicaraguan people's domestic enemies.

With the arrogance that is characteristic of those who have always regarded the Nicaraguan people as only another target for exploitation and a means of growing rich, the Higher Council of Private Enterprise, COSEP, leaders have addressed the government junta, not to announce their decision to join in peaceful and patriotic production, but with the strident provocation and recklessness characterizing daddy's little boy who, obeying his foreign parent's plans, irresponsibly seeks to challenge the patience of both the people and the leaders of their revolution.

It is indeed playing with fire to seek to ignore reality and to try to curb this process after more than 2 years of the Sandinist people's revolution has confirmed that the working majorities of our people are determined to confront anything in defending our new fatherland and its revolutionary conquests. This is indeed a dangerous adventure, concealing omens of an infamous past and generated by anti-Nicaraguans for which there is no longer any room in our history, in the history that the people of Sandino and Dario are currently writing.

In this new fatherland, integrated within the Sandinist revolutionary process and working with civic and patriotic honesty, there are thousands of private producers and honest businessmen who endorse and confirm the existence of the mixed economy proclaimed by the Nicaraguan revolution and guaranteed by the National Directorate of our historic vanguard and its revolutionary government. Hysterical boasts cannot deny this reality. Demagogic stridency cannot conceal the improper use made by dishonest and politicized businessmen of the financial support lavished on the private sector by the revolutionary government. This is not how this reality can be denied. Even in the world's most democratic country—today's Nicaragua—political and ideological pluralism is limited by the interests and will of the popular majority, which paid with the blood and life of thousands of their best children for the right to control their own destiny and to write their own history.

Those who admit to identifying with our foreign enemies, who in their desire for hegemonic domination arrogate to themselves the right to decide what we, the children of Sandino, want or do not want, cannot speak on behalf of the people's will and interests. What a crafty pretension on the part of those who have always believed in submission.

It would be better if the politicized directors of COSEP realized once and for all that their particular interests are guaranteed in the process of national reconstruction, within the framework of the general interests of the Nicaraguan people. They should realize that through their provocative and destabilizing activities, they are denying themselves their rights as Nicaraguans. They should also bear in mind that the Sandinist people's revolution is here to stay; that it is irreversible, for the people of Sandino and Dario are determined—and they have already proven this repeatedly—to pay the necessary price in blood and suffering, sacrifices and limitations, to defend the new fatherland and the revolution. This is the greatest legacy of their heroes and martyrs.

OPPOSITION COMMENTS ON 16 OCTOBER FSLN COMMUNIQUE

PA201518 Panama City ACAN in Spanish 1912 GMT 19 Oct. 81.

[Text] Managua, 19 Oct. (ACAN-EFE)—Leaders of the Nicaraguan opposition parties today insisted that the "FSLN must consult with the country's independent political and

production sectors, in order to give the revolution a 'realistic and effective direction'."

Commenting on the FSLN's eight-point official communique issued on Friday, Emilio Alvarez Montalvan, Democratic Conservative, said in a series of interviews published by Managua's LA PRENSA that, even though he believes the FSLN positions are "positive and stimulating," the problem continues to be one of "converting rhetoric into action."

In its 16 October communique the Sandinist leadership reaffirmed, among other things, its belief in "dialogue as a vehicle which will help the search for solutions to the problems affecting our Central American region."

Mr. HELMS. Mr. President, the past 2 weeks have been devastating for the cause of freedom in Central America. The arrest of these private sector leaders in Nicaragua marks the boldest, most flagrant violation of fairness and decency in the brief but dark history of the Sandinista Marxists. Already they killed Jorge Salazar, the former colleague of these men, by gunning him down in cold blood in November 1980. Now they have moved to annihilate any private sector leadership, to intimidate and terrorize those who refuse to cooperate in their plan to bring a Marxist-Leninist state in Nicaragua. Who knows whom they will move against next—will the church be their next target?

The Marxists hate it with a passion, and the good Archbishop of Managua, Monsenor Obando y Bravo, is the most respected leader in the country, whose authority goes much deeper than mere politics. He has been harassed continually by the Sandinistas, who consider the deep faith of Nicaraguans of all denominations to be nothing more than the "opiate of the masses."

Mr. President, I do not know who the next target will be. But it is clear who the ultimate target is: The free people of the Western Hemisphere are threatened by a resolute and coordinated band of power-hungry mobsters who fan out from Moscow, Libya, Havana, and other capitals to sow terrorism, instability, murder, and ultimately totalitarian power. The Sandinistas have had many opportunities to show their dedication to democratic and free principles; unfortunately, they use such terms only in their rhetoric, hopeful that it will win them a few precious allies, allay a few fears, and gain them the all-important time they need to consolidate their tyrannical hold on an innocent and peace-loving, freedom-loving people.

Mr. President, this is not the only blow against the hopes for freedom in Central America in the past fortnight. Not only has Nicaragua consolidated its tyrannical hold on its own people, but it has lent an indispensable hand to the leftist terrorists in El Salvador. Most recently, the most important bridge in that country, the Puente de Oro over the Rio Lempa, was destroyed by an operation smoothly devised and directed by several hundred Cuban troops. Moreover, Vice President BUSH has pointed to the presence of 5,000 Cuban troops in Nicaragua, many of whom, I have no doubt, are aiding and abetting the revolutionaries in El Salvador. Mr. President, it is of utmost importance that the importance of that bridge be appreciated: It cost $100 million to build years ago, and was the pearl of the Salvadoran economy's infrastructure. The economy will not be able to last for long without it: And there remains only one more bridge over that huge and powerful Lempa River which, we must assume, is now the prime target of the guerrillas. Once it is gone, the lower third of the country would be cut off from the rest, and ripe for an invasion and declaration of a "liberated zone" in El Salvador.

The Soviet Union has not ignored this opportunity to spread the chains of Marxism-Leninism to one more country in the Caribbean, Mr. President; Dr. Genevieve de Chellis, the Soviet affairs analyst of the Senate Steering Committee, has recently conducted a study of an organization of the Soviet Union's network for the expansion of international tyranny called the Institute of Latin America of the U.S.S.R. Academy of Sciences. It constitutes a highly sophisticated, zealously dedicated attempt to inform and articulate the Soviet thrust into Latin America, and I ask that it be printed at this point in the RECORD.

The study follows:

THE INSTITUTE OF LATIN AMERICA OF THE U.S.S.R. ACADEMY OF SCIENCES

The Institute of Latin America (ILA) was founded in 1961 in Moscow as an all-Union Center [1] for the coordination of Soviet research on Latin America.[2] It belongs to the Department of Economics of the USSR Academy of Sciences.[3]

From 1965 on the Institute has been headed by the much traveled and decorated Professor V. V. Vol'skiy, Doctor of Economic Sciences, author of numerous works on topics ranging from forestry conservation in Peru [4] to petroleum resources and the political and economic problems in Latin America in general and Brazil and Venezuela in particular.[5]

DUAL MISSION OF THE INSTITUTE

The official mission of the ILA is to conduct "scientific research on the economic, agrarian, political, ideological and cultural problems of Latin American countries, their foreign policy, international and inter-continental relations, the construction of socialism in Cuba" and specifically "the relations of Latin American countries with the USSR".[6] All this "in the context of present global problems".[7]

The ILA has another mission. It is an extremely effective and far reaching intelligence collecting, disseminating and policy-making institution, an instrument of Soviet propaganda and of Marxist-Leninist indoctrination in Latin America.

The political and also policy-making dimensions of the ILA emerge in the following instance, one among many. Immediately following the 26th CPSU Congress (Feb. 23–March 3, 1981), an all-Union Scientific Conference on "The Present Stage of the Liberation Movement in Latin America and the Tasks of Soviet Specialists in Latin American Affairs" was held in Moscow under the joint sponsorship of the ILA and the Association of Friendship and Cultural Cooperation with Latin American Countries (the latter also headed by Dr. V. V. Vol'skiy). Some 200 specialists from leading institutes of the USSR participated in the work of the Conference. Its 13 lectures were attended by 15 of the 29 Latin American Communist and Leftist delegations to the 26th CPSU Congress. In its account of the work of the Conference, the Latin America monthly, official organ of the ILA, noted with satisfaction that such conferences held immediately after a CPSU Congress had become an ILA "tradition".[8]

The members of the ILA are quite frank about the objectives of the Institute. Professor A. F. Shul'govskiy, Director of the Department of Social and Political Problems of the ILA stated that the main task of the Sector of Communist and Workers Movements of his Department is to study the activity of communists in the context of the "liberation, revolutionary processes on the continent" . . . taking into account "new problems that arise" . . . in the struggle to win over the masses".[9]

V. A. Kuz'michev, Director of the Sector of Culture, Science and Education of the same Department stressed the "great importance" of cultural and historical studies, because "cultural problems play an always greater, and sometimes even a decisive role" in the solution of practical problems encountered by the ideological and political struggle.[10]

In view of the above, there is little doubt that in the words of Cuban communist K. Aldano, the media of socialist countries, especially of the Soviet Union, have "taken the offensive" in recent years in Latin America.[11]

SOME ACTIVITIES OF THE ILA

The importance of the ILA has grown with developing USSR-Latin American contacts. In 1970, the USSR had diplomatic relations with only nine Latin American countries, in 1980 with 19.[12] By the mid-seventies, some 3,000 youths from Latin America were studying in the USSR [13] and 2,000 out of the 20,000 Soviet citizens involved in the arts and sent abroad were sent to Latin America.[14] The USSR had become a leading world center for the training of specialists in Latin American affairs.[15] Members of the ILA delivered some 5,000 lectures in 20 years in the USSR alone.[16]

The ILA operates through its numerous publications the complete list of which is published by the Institute of Latin America (ILA) and the Institute of Scientific Information on Social Sciences of the USSR Academy of Sciences.[17] It also operates through regular discussions, "round tables", readers' conferences and symposia usually dedicated to some specific topic or area and attended by Soviet and Latin American specialists. There are also frequent exchanges of visits between the latter.

The Latin America illustrated monthly, which first appeared in 1969 [18] and is published in Russian and in Spanish, is the official organ of the ILA and presents full or partial accounts of the above meetings and visits. Its chief editor is S. A. Mikoyan. Doctor of Historical Sciences and specialist in Peruvian affairs. (He is the son of Anastas Mikoyan, deceased former member of the Politburo of the CC of the CPSU.) He was recently decorated by the Peruvian government. On that occasion the Peruvian ambassador to the USSR Hubert Alsamora remarked that the Latin America magazine was "a tribune from which Soviet and Latin American specialists expressed their opinions on the most varied topics."[19]

LEADING LATIN AMERICAN COMMUNISTS VOICE THEIR OPINION OF THE ILA

In its April 1981, 20th anniversary issue, Latin America published with pride some comments of several General Secretaries of Latin American Communist Parties concerning the work of the ILA.

It is of some interest that Gilberto Vijeira of Colombia stressed the importance of research conducted by the ILA on the role of the armed forces in Latin America.[20]

Jorge del Prado of Peru remarked that the works of Soviet authors (published in the Latin America monthly) were "a very important" help in the struggle of the people for national and social liberation ". . . valuable tools . . . in the hands of revolutionaries fighting for democracy and progress on the continent".[21]

Footnotes at end of article.

According to Ruben Dario Souza of Panama, the publications of the ILA were of "invaluable assistance to Latin American revolutionaries" . . . they served to "improve old tactics, to determine strategic tasks . . . to determine the road that revolution must take . . .".[22]

Athose Fava of Argentina declared that the activity of Soviet specialists in Latin American affairs and of the ILA in particular, played "an important part" in the struggle of the people of Latin America against imperialist oppressors and local reaction.[23]

Jeronimo Carrera, member of the Central Committee of the Communist Party of Venezuela was of the opinion that the studies of the ILA, based as they are on "solid Marxist-Leninist foundations," are extremely valuable for Soviet researchers in their study and "creative interpretation" of Latin American reality and an "invaluable help to progressive forces on the continent".[24]

STRUCTURE OF THE ILA

Over the years, the structure of the Institute of Latin America has undergone some modifications due to changing needs. According to information given on the occasion of its 20th anniversary (Latin America, No. 4. April 1981), the ILA comprises at present four departments, each of which include several Sectors.

1. Department of Economics:

Sectors: Soviet-Latin-American Economic Relations, General Economic Problems, and Territorial and Regional Problems.

Group of Statistical and Economic Forecasting.

2. Department of Social and Political Problems:

Sectors: Ideology and Political Thought, General Socio-Political Problems, Communist and Workers Movements, and Culture, Science and Education.

3. Department of Area Studies and International Relations:

Sectors: General Foreign Policy Affairs, La Plata countries and Brazil, Andean countries, "Meso-America" (Mexico and Carribean area), and Cuba.

Group for the Study of Relations of Socialist Countries with Latin American Countries.

4. Department of Scientific Information:

Groups: Reference and Review Service, Scientific Information Bulletin, Scientific Documentation Bulletin, and Scientific Documentation.

The Administration of the ILA also includes the following divisions:

A Group of International Relations (especially books exchange);

A Department of Graduate Fellows preparing for advanced degrees. (Over 100 have graduated in the past 20 years);

An Editorial and Publishing Group;

A Library of some 57,000 volumes and periodicals, mainly covering the social sciences;

A Printing and Duplication Laboratory; and

A Learned Council of the Institute presides over the defense of dissertations on Latin America. It may be added that the ILA has at present ten members holding doctorates and 86 with Candidates degrees.

FOOTNOTES

[1] *Latin America*, v. 4., 1981, p. 14
[2] *Ibid.*, p. 91.
[3] *Ibid.*, v. 1., 1981, p. 72.
[4] *Ibid.*, v. 7., 81., p. 76.
[5] *Ibid.*, v. 4, 81., p. 100.
[6] *Great Soviet Encyclopedia*, v. 14, 1973, p. 214.
[7] *Latin America*, v. 4., 81, p. 34.
[8] *Ibid.*, v. 8., 81., p. 144.
[9] *Ibid.*, p. 102.
[10] *Ibid.*, v. 3., 81., p. 130.
[11] *Scientific Foundations of Communist Propaganda. Moscow*, 1975, p. 403.
[12] *Latin America*, v. 1., 81., p. 7.
[13] *Ibid., v.* 1., 81., p. 13.
[14] *Ibid.*, v.
[15] *Ibid.*, p. 6.
[16] *Ibid.* v. 4.81, p. 114.
[17] *Ibid.* v. 4., p. 133.
[18] *Great Soviet Encyclopedia*, v. 14.1973., p. 214.
[19] *Latin America*, v. 7.81., p. 75–6.
[20] *Ibid.* v. 4.81., p. 115.
[21] *Ibid.* p. 117.
[22] *Ibid.* p. 120.
[23] *Ibid.* p. 122.
[24] *Ibid.* pp. 125–26.

Mr. HELMS. Mr. President, I understand that the trial of these private sector leaders in Nicaragua will take place tomorrow. The Sandinistas have chosen a cause celebre for the enunciation of the new stage in their glorious revolution. The free people of the world will be watching these proceedings with great interest, Mr. President, as I know the Members of this body shall.●

UNITED ORDER OF TRUE SISTERS

● Mr. LEVIN. Mr. President, the oldest national women's fraternal and philanthropic organization in the United States, the United Order of True Sisters, will be celebrating its 135th anniversary on November 1, 1981.

Since 1947, the United Order of True Sisters, Inc. (UOTS), has focused its attention on cancer services. Thirty-eight UOTS lodges around the country have made important donations in the form of equipment and money to various hospitals serving cancer patients. Furthermore, the UOTS is the only such organization which allocates funds for home health care of indigent cancer patients.

On June 2, 1981, the UOTS presented a check for $40,000 to Dr. Barbara Johnston, an oncologist at St. Vincent's Hospital in New York. Dr. Johnstson has been conducting research on a new blood test for use in early cancer detection. Studies which have been conducted on the blood tests indicate that it is highly accurate in determining the presence of a malignancy in the body.

Mr. President, contributions such as this make the United Order of True Sisters, Inc., a very unique and worthwhile philanthropic organization. I commend Ms. Marilyn Koploy, of the Detroit area lodge, Ms. Nana Klein, national president of UOTS, and all the other dedicated women who are members of the United Order of True Sisters.●

LAND REFORM IN EL SALVADOR

● Mr. HELMS. Mr. President, on the 22d of October, during debate on U.S. aid to the expropriated sector of El Salvador's agricultural community, I mentioned statistics on landownership in the United States for comparison with those in El Salvador. Senators may recall that the ownership of land in many of these United States is more concentrated than landownership in El Salvador before the land reform was instituted. Nonetheless, those expropriations were meant to rectify what many apologists consider to be a situation so unjust that only radical reforms could have avoided a revolution.

In the RECORD of that debate of October 22, I asked that the table of distribution of farm and ranch land for each State in the Union be reproduced; in addition, I also referred to the percentages of all land owned by the top 5 percent of American landowners. That second table was apparently omitted in the RECORD debate of October 22, and I ask that the table from which those figures were taken be printed in the RECORD at this point.

The table follows:

EXHIBIT A

TABLE 1.—*Concentration of land ownership in the United States of all land by region and State*

Proportion of acreages held by largest 5 percent (1st col.) of landowners and largest 1 percent (2d col.) of landowners:

Northeast:		
Connecticut	57	35
Maine	87	73
Massachusetts	63	37
New Hampshire	79	53
New Jersey	63	38
New York	80	45
Pennsylvania	64	29
Rhode Island	56	30
Vermont	37	14
Northeast States	76	46
North Central:		
Michigan	65	34
Minnesota	31	11
Wisconsin	53	19
Lake	55	23
Illinois	57	21
Indiana	49	18
Iowa	34	12
Missouri	39	15
Ohio	59	25
Corn Belt	51	20
Kansas	43	18
Nebraska	47	25
North Dakota	37	12
South Dakota	58	28
Northern Plains	41	22
North Central	58	26
Southern:		
Alabama	72	46
Arkansas	72	49
Delaware	60	32
Florida	90	77
Georgia	73	45
Kentucky	53	23
Louisiana	80	58
Maryland	59	27
Mississippi	62	36
North Carolina	69	42
Oklahoma	61	35
South Carolina	67	42
Tennessee	58	36
Texas	71	47
Virginia	69	39
West Virginia	67	41
South	74	48
Western:		
Arizona	84.7	74.4
California	87.0	68.3
Colorado	83.2	49.7
Hawaii	98.2	97.2
Idaho	86.1	60.0
Montana	64.0	32.5
Nevada	89.4	73.8
New Mexico	90.7	70.3
Oregon	90.3	73.5
Utah	84.2	59.4
Washington	87.1	65.9
Wyoming	90.6	59.0
West	91.2	70.5
U.S. total [1]	75.1	48.0

[1] Revised, excluding Alaska.

Source: Natural Resources Economics Division, Economic Research Service, U.S. Department of Agriculture.

Mr. HELMS. Mr. President, the concerns which I have expressed about the accountability and effectiveness of U.S.

aid to the land reform program are shared by many others who are charged by the American taxpayer with the responsibility for the disposition of U.S. aid funds. Already this year, the chairman of the House Subcommittee on Foreign Operations and a bipartisan group of some 40 Congressmen have expressed their serious reservations about the uses to which U.S. aid is put in El Salvador. Mr. President, I ask that their letters be printed at this point in the RECORD.

The letters follow:

EXHIBIT B

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 5, 1981.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State, U.S. Department of State, Washington, D.C.

DEAR MR. SECRETARY: We wish to express to you our deep concern about the rapidly deteriorating economic situation in El Salvador. The economy is in serious trouble and is getting worse each day. Private capital and technical managerial talent are leaving the country at an alarming rate. If this situation is allowed to continue, the very existence of a moderate democratic alternative will come into question.

It is well known that the Marxist opposition has sought to weaken the government and increase their support by seeking to destroy the economy of the country. Massive unemployment and economic despair have always been the traditional breeding grounds for revolution. A related aspect of this problem, however, is the failure of the Salvadoran government to utilize the talents and resources of the private sector.

Within El Salvador there exists a strong private sector—one that has committed itself to supporting needed reforms and working with the government to provide the necessary economic base for the survival of a truly pluralist democracy. As individuals or groups, such as the umbrella organization—the Productive Alliance—thousands of business and professional people remain in El Salvador trying to keep their business, shops and factories going.

It should not be forgotten that the government received the critical support of the private sector when a national strike was called. They kept their enterprises going and their workers off the streets to keep the economy running. As we have seen in Nicaragua it is the private sector that can provide the last straw to break a government as that under Somoza or it can provide the last ray of democratic hope as that under the Sandinistas.

We urge you to make it clear to the Salvadoran government, which is receiving so much assistance from the United States, that we in the Congress expect them to open the government to the participation of the business sector and that they will do everything they can to support a free market economy and a viable private enterprise. Besieged as they are from extremists of the far right and left, they need to broaden their base to include many of the business and professional class to gain wider political support as well as to utilize the managerial talents and skills that this group possesses.

We also hope that you will tailor our aid programs to reflect this concern and urge the Junta to implement much needed economic and social reforms with the participation and involvement of the private sector. We believe that economic aid is needed and justified for the region, but we also feel that American interests are better served if this aid supports the private economy, which can best create the jobs and utilize the skills and talents of the country.

We recognize and appreciate your concern for Central America, and we ask you to please keep us informed as to the steps that the government of El Salvador is taking to enlist the cooperation of the private sector.

Sincerely,

Kent Hance, Sam B. Hall, Jr., Robert Lagomarsino, Bill Archer, Guy Vander Jagt, William Broomfield, Robert Dornan, Jim Courter, John LeBoutillier, Arlen Erdahl, Benjamin Gilman, Manuel Lujan, Ed Derwinski, Ken Kramer, Clair Burgener, Tom Evans, Wayne Grisham, Marjorie Holt, Jack Kemp, Bob Livingston, John Rousselot, Paul Findley, Edwin Forsythe, Jerry Lewis, Eldon Rudd, Olympia Snowe, John Erlenborn, Arlan Stangeland, Joel Pritchard, Ed Weber, Bob Michel, Bill Lowery, Bill Goodling, Larry Winn, Jr., Trent Lott, Albert Lee Smith, Jr., Henry Hyde, Norman Shumway, Don Clausen, John Myers, John Ashbrook.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 14, 1981.

Hon. ALEXANDER HAIG,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On behalf of the Committee I am approving the reprogramming requests for El Salvador numbered 197, 198, 199 and 200, subject to the Committee's insistance that before any of these funds are utilized, the Agency for International Development would review the existing programs for which the reprogrammings have been requested and certify to the Committee that procedures will be adopted to ensure that funds for these programs have and will be used effectively and with strict controls against diversion and fraud. Strict audit procedures, on-the-spot investigations and a whole series of tight fiscal controls are necessary to protect the money of the American taxpayer. The Committee expects full details about the procedures and safeguards to which the new funds will be subjected.

For example, as designed, AID's Private Sector Support project may be open to possible misuse of funds. According to the project document, the only requirement for the Central Bank of El Salvador which administers the special foreign currency funds, is a quarterly report which indicates the amount of imports attributed to the private sector, the name of the importer, person, business or institution and the type of goods and services purchased. Is this procedure adequate? Why are only minimal reporting requirements built into the project? Have any spot inspections been made to determine whether the imported materials or equipment are actually being used or have not been sold and the proceeds pocketed.

In regard to the land reform program, the Committee supports the efforts of the government of El Salvador to address the needs of its landless poor. However, we are concerned about the slow pace in compensating the previous owners of land included within this program as well as the slow pace in providing titles to the landholders created under the Land to the Tiller program (Decree 207). We believe that AID resources should be allocated to the Salvadorian economy in a manner designed to promote most efficient use of those limited resources. To the extent that those AID resources are used to support the land reform program, the Committee believes that AID should not artificially favor the larger cooperatives established under Phase I of the land reform program at the expense of Decree 207 landholders in the provision of credit and related supports.

The Committee is similarly concerned about the slow pace in providing titles to the cooperatives established under Phase I of the land reform program. We believe that those cooperatives should have the right to convert from cooperative to individual ownership if they so desire.

In view of these concerns the Committee directs the Agency for International Development to provide it on a monthly basis with a report that provides a monthly and cumulative running total of (1) previous owners who have been compensated under the land reform program; (2) applications for title filed under Decree 207, provisional titles granted to cooperatives established under Phase I of the land reform program.

The Committee also directs the Agency to provide it with a report within 90 days evaluating the feasibility of individual as opposed to cooperative ownership of Phase I lands. This report should also include an analysis of AID's past level of support in terms of providing credit and related supports to Decree 207 beneficiaries as well as to the cooperatives established under Phase I of the land reform, and a plan for rectifying any previous bias toward supporting the larger cooperatives.

The Committee is also of the view that the maintenance of a free market price system for agriculture and other products is indispensable for the success of the land reform program and in the absence of such a system El Salvador may become a bottomless pit for American economic aid.

Sincerely,

CLARENCE D. LONG,
Chairman, Subcommittee on Foreign Operations.

Mr. HELMS. Mr. President, one disadvantage which must be borne in mind when considering the land reform program in El Salvador is the lack of information about the expropriated properties before their seizure; in order to justify the expropriation of the finest pieces of property in the country, those who support the reforms are tempted to distort any information about earlier production figures or to destroy it altogether. Nonetheless, it is important for Americans to understand what kind of system was destroyed by the reforms which are now being supported by our tax dollars.

I am glad in this regard that Dr. Christopher Manion, of the Foreign Relations Committee staff, recently visited a farm in Guatemala, which is just large enough to qualify under the first phase of El Salvador's reform program. That farm is operated by Mr. Adolfo Cordon, a graduate of the University of Notre Dame and a dedicated and tireless worker who has spent his life trying to improve the lot of the people in his country. Since it is nearly impossible in El Salvador to conduct an on-the-spot comparison of pre- and post-reform farms, I have asked the Department of Agriculture to prepare a brief reform of all the advances achieved by Mr. Cordon on his Guatemala farm, which presently enjoys the help of only 12 full-time workers. This is the kind of operation that was destroyed in El Salvador's land reform program, and there is no doubt that, should land reform come to Guatemala, Mr. Cordon's work will be plowed under as subsistence crops are planted and all the progress and work of the past 40 years will disappear.

The material follows:

FOREIGN AGRICULTURAL SERVICE,
Guatemala, Guatemala, October 7, 1981.
DR. CHRISTOPHER MANION
Foreign Relations Committee
U.S. Senate, Washington, D.C.

DEAR CHRIS: I am sending you some information concerning the Hacienda Santa Cristina that Adolfo Cordón and I put together for you. I hope that contained in the four documents enclosed with this letter you will find all the information you may need in your work.

Sincerely,

LARRY M. SENGER,
Assistant Agricultural Attaché.

PENDING IMPROVEMENTS OF THE HACIENDA SANTA CRISTINA, OCTOBER 1981

CITRUS OPERATION

At present there are 75,000 lime trees of the Key and Persian varieties in production on the farm. In 1981 an additional 25,000 plantings were made. These new plantings will begin to produce within four years.

When the necessary financing is secured the appropriate investments will be made to provide the Hacienda Santa Cristina with the following citrus processing capabilities: 1) the extraction of lime oil from the lime peel, 2) the production of lime juice for export to the U.S. and the U.K. (principally the U.K.), and for the domestic production of lemonade to be sold cheaply as a substitute for relatively expensive soft drinks, 3) the production of citrus pulp to be used in animal feed, 4) the production of pectin, 5) the production of Roses Lime Extract for export to the U.K.

At present there are 500 grapefruit trees of the Ruby Red variety growing on the Hacienda Santa Cristina. Fresh grapefruit from these trees will be exported to U.S. markets during the off season. Fresh grapefruit juice will be supplied to the local market. (Presently there are no varieties of grapefruit of this quality grown elsewhere in Guatemala).

Income from the citrus oil and juice operations is about $1.25 million per year.

FEEDLOT OPERATION

Adolfo Cordon's father, along with the USDA and Tom and Dorsey Buttram of the Clear Creek Ranch of Welch, Oklahoma, was one of the three original breeders of the Brangus breed of cattle. The purity of the breed on his farm is presently maintained through the use of semen purchased from three suppliers in the United States: 1) Wye Plantation, Greenstone, Md., 2) Jesse L. Dowdy, Rayville, Mo., 3) George Shacklefore, Atkins, Arkansas. Mr. James B. Lingle, the Manager of the Wye Plantation had advised Adolfo Cordon in his cattle improvement program on yearly visits to Santa Cristina since 1958.

Currently there are 400 registered Brangus cattle on the Hacienta Santa Cristina. Plans have been made to expand the registered herd to 800 head. The registered herd will be used as breeder stock which will be crossed with local breeds to produce cattle for a feedlot operation. The feedlot operation should one day grow to from 5,000 to 10,000 head. The meat produced will be used to provide the local market with a premium quality meat. At present Guatemala has only about 5 or 6 feedlot operations of this size.

The cattle in the feedlot will be fed on a mixture of sorghum, citrus pulp, molasses, urea, lemon grass bagasse and cottonseed meal. All of the feed ingredients are grown on the farm except the cottonseed meal, which is readily and cheaply available.

The expansion of the cattle operation is on hold until investment funds become available.

LEMON GRASS OPERATION

Plans have been made to convert the boilers, which are used to distill the essential oils from the lemon grass produced on the farm, from the consumption of oil to bagasse. The project would cost only $28,000 to complete. Presently about $48,000 worth of Bunker C fuel is used in the lemon grass distillation process every year. Thus, in less than a year Mr. Cordon would recoup his investment.

In addition to burning lemon grass bagasse, the converted boilers would be capable of burning sugar cane bagasse and coffee bean hulks. Both of these by-products are available from nearby suppliers at low costs.

Lemon grass bagasse left over after the farm's demand for fuel is met (about 50% of the bagasse), would be used, along with manure and urea from the livestock operation, in the production of a high quality fertilizer for use on the farm. This would save $80,000 in fertilizer purchases every year and about 25% of the lemon grass bagasse produced on the farm would be used in this way. A by-product of the fertilizer production will be methane which can be used to run the farm's ten tractors.

The final 25% of the bagasse would be used as cattle feed on the feedlot. In addition, the converted boiler would be used to dry hybrid corn sold for seed and produced on the farm in the amount of 8,000 bushels per year. This use of the bagasse would result in savings of $12,000 in electricity bills, after installing a turbo generator.

OTHER PROJECTS: COCOA, HARDWOODS, SPEARMINT, ETC.

Equipment will be purchased to process cacao to produce chocolate and coco butter. Production of cacao will take place on 600 acres of forest located on the farm.

The forest is also being used to produce mahogany, cedar and local varieties of hardwoods, for later commercialization. An average of 10,000 hardwood trees are planted on the property per year. The net value of the hardwood is estimated at $25 per tree per year of age. Other forest crops grown on this land are Christmas trees and houseplants for sale locally.

The forest is located on the banks of a small river that flows through the farm. Keeping this land forested is important for the prevention of erosion.

Plantings of peppermint, spearmint, and citronella are currently being conducted on an experimental basis. If the production of these items proves feasible, they will be processed using the same equipment now used to distill lemon grass oil.

Other crops being cultivated on a smaller scale which may be increased if proven profitable, are All Spice trees, Cranshaw melons, Tamdew melons, Sugarbaby watermelons and peppers to be exported to the United States during the U.S.'s off season.

WHAT MR. CORDON BELIEVES WOULD MOST LIKELY OCCUR UNDER LAND REFORM

The Lemon Grass and Citrus operations would be plowed under to make way for the production of corn. The production of commercial or cash crops is not often continued by new owners after land reform measures are introduced.

The distillation machinery would go unused and be allowed to deteriorate.

The trees in the forest would be cut down to provide wood for fuel. The new owners would most likely not appreciate the long-term profitability of the hardwood trees, nor the importance of keeping trees along the creek for prevention of erosion.

The cattle would be slaughtered in short order. The breeding of registered Brangus cattle would be suspended. Such an operation would be considered unnecessary since local, unimproved breeds would be considered adequate for domestic consumption. Cattle would only be produced in such numbers as could be supported by scrounging and granging on the farm. The feedlot operation would be discontinued.

Credit, which is difficult to obtain in the best of times, would become even harder to secure. As a consequence the farm would go unimproved and the inherent productivity of the land would decline due to lack of funds for proper maintenance.

The new owners under land reform would most likely not be experienced managers. The efficiency of the present operation would not be matched, and the productivity of the farm would suffer.

Mr. HELMS. Mr. President, in light of the concerns expressed last week by many of the participants in the Cancun conference on the relationships between developed and developing countries, I am renewed in my conviction that President Reagan is correct: development must come from within. It is Guatemalans like Mr. Cordon who will make Guatemala a developed country. Unfortunately, the best efforts of those who were making the most progress toward the development of El Salvador have been destroyed by the land reform there. Two articles by Robert Bleiberg and Melvyn Krauss detail the fallacies in the type of thinking that has led to land reform in Latin America, and I ask that they be printed at this point in the RECORD.

The articles follow:

[From Barron's, Jan. 12, 1981]

WORKERS AND PEASANTS—IN EL SALVADOR, LAND REFORM COVERS A MULTITUDE OF SINS

When we make a mistake, it's a beaut. A few months ago, in an editorial commentary on Poland, we remarked that foreign policy is too important to be left to diplomats, especially those who push cookies at the U.S. Department of State. We went on to say: "Over the years, contrariwise, we have come to cherish the no-nonsense, school of hard knocks brand of diplomacy practiced by the American Federation of Labor-Congress of Industrial Organizations. . . ." What we had in mind, of course, was the AFL–CIO's sponsorship of the stirring tour of the United States by Alexander Solzhenitsyn, Soviet exile, Nobel Prize-winner and champion of freedom, as well as its long, lonely and ultimately successful fight to preserve the usefulness of the International Labor Organization by righting its anti-American, pro-Communist tilt.

Last week, however, other less admirable foreign policy initiatives, promoted and financed by the AFL–CIO—or, more precisely, by an offshoot known as the American Institute for Free Labor Development (AIFLD)—came to light when two of its representatives, together with the head of the local Institute for Agrarian Transformation, were shot and killed in El Salvador by parties unknown. With the help of a million-dollar grant from the Agency for International Development, the unionists were working to help carry out the Salvadoran government's so-called program of land reform.

Men of goodwill were horrified, but few matched the eloquence of AFL–CIO President Lane Kirkland: "The AFL–CIO is outraged and saddened by the cold-blooded murders of American Institute for Free Labor Development representatives Michael Hammer and Mark Pearlman by extremist forces in El Salvador. These good men were in El Salvador to assist that nation's peasant unions to participate in a land reform program designed to improve the lives of hundreds of thousands of small farmers and to lay the foundation for a stable democratic society. We are equally grieved by the assassination of our brother and friend Rodolfo Viera, president of the Union Communal Salvadorena, the largest democratic peasant organization in the country. . . . The AFL–CIO

will continue its support to the rural and urban trade unions of El Salvador so long as they need and desire our help. We call upon the U.S. government to reiterate its support for the land reform program for which our brave friends gave their lives, and the success of which would be their best memorial."

Some memorial. Like so many other socialist buzzwords—"progressive" income tax, for example, or "liberal lawmaker—"land reform" covers a multitude of sins. To carry out its mandate, the powers-that-be ordered the military to seize farms at gunpoint in the dead of night and to drive out the owners. Compensation, based in theory on ludicrously low valuations set for tax purposes and, in a country where inflation is raging at double-digit rates, payable in low-yielding long-term bonds, has in fact not been paid. Nor, for that matter, has the best land been turned over to the peasants. On the contrary, the large estates that produce the country's chief cash crops, including cotton, coffee and sugar—known in the U.S. as agribusiness, and vilified elsewhere as absentee landlords or oligarchs—have been reorganized into what the AIFLD euphemistically calls cooperatives but are in fact collective farms, owned and operated by the state.

To make matters worse, land reform has been part and parcel of a far more grandiose scheme to gain control of El Salvador's economic life, one that has also triggered nationalization of the export trade and of the once-flourishing and well-run commercial banks. The results have been predictably grim. Except perhaps for AIFLD and A.I.D. international credit has virtually dried up. Since the farms were collectivized, production and sale of the cash crops have fallen sharply, further depleting scanty reserves of foreign exchange. Output of goods and services last year plunged by an estimated 10%, while more than half of the labor force is unemployed. All grist for the mill of those, at home and abroad, who would rise to power by exploiting class warfare and chaos. The State Department and the AFL–CIO have somehow struck an alliance that has led not to progress but to relentless decline. With friends like these, the beleaguered people of El Salvador need no enemies.

Foggy Bottom's overt mechinations have long been a matter of mounting concern. According to knowledgeable observers, it has intervened repeatedly in the country's political affairs, helping to topple governments right and (rarely) left, and generally throwing its weight behind policies that can only be called socialistic. Robert E. White, current U.S. Ambassador to San Salvador, has enthusiastically hewed to the same line. In language that would do credit to Fidel Castro's ministry of propaganda, Ambassador White has scathingly denounced local capitalism as "an alliance between large landholders, business interests and the army, designed to reap maximum profits, give minimum benefits and minimum salaries, prevent any kind of organization of the peasantry or workers, pay as little as possible in taxes and permit corruption that was rampant in the government. . . ." After the killing of a politicized priest last spring, the diplomat shocked the Chamber of Commerce by accusing the business community of financing "hit squads," and, without a shred of evidence, offering the "working hypothesis" that it was responsible for the Archbishop's death (an indiscretion that led to his being called back briefly to Washington for "consultation"). Last month he blamed the Reagan transition team for allegedly inciting the "right" to murderous excess.

Ambassador White will be in no position to abuse his authority much longer, his next posting, we submit, should be to Kabul, where he'd have a chance to learn what repression really means. But that still leaves the AIFLD and its wrongheaded zeal. According to a spokesman, this organization was launched in 1962 when President Kennedy suggested to George Meany that the AFL–CIO could be a force for good in the so-called Alliance for Progress. Though that dubious contribution to foreign policy-making long ago vanished into the dustbin of history, AIFLD, with the support of some blue-chip corporate names, has been quietly promoting low-cost housing, trade unions and similar works ever since. And it has thrown itself into the cause of land reform in El Salvador. According to the AFL–CIO *Free Trade Union News:* "On March 6, 1980, the ruling Junta of El Salvador decreed a land distribution program which, when fully implemented, will become the most sweeping agrarian reform in the history of Latin America. . . . At the forefront of this breakthrough is the Union Communal Salvadorena, a peasant farmer pressure group first organized in 1966 with assistance from the American Institute for Free Labor Development . . ."

Breakthrough for whom? Breakthrough for what? Surely not for either free enterprise or freedom. In advance of the move, the junta took control of all communication throughout the country and temporarily suspended civil liberties. Those forced off their land by the army, which handled the seizure like a military operation, were stripped of their possessions without so much as an official receipt. As for compensation, it is based on valuations submitted by the owners in 1977 for tax purposes, a method which even in countries with greater respect for tax gatherers would be tantamount to confiscation. Although inflation is running at an annual rate of 30%, payment—not one colon has yet been forthcoming—was fixed in government bonds bearing an interest rate of 5% and maturing in 30 years. As for the peasants in whose name all this has been done, to date they have gained neither title to the land, nor the right to buy and sell it. The president of the country is on record, moreover, as stating that the new "owners" won't even have the option of deciding what crops to plant: "A designated Directorate makes those decisions."

As all recorded history attests, such decision-making is an invitation to disaster. After resigning in disgust and fleeing the country, one agricultural scientist and former top official wrote to his U.S. sponsor: "The plan that is being carved out is a foreign plan, perhaps prepared by specialists from international organizations who couldn't care less if it fails. . . . Please tell the State Department that . . . the 16 specialists in Agrarian Reform who have been offered to our Secretary of Agriculture would, undoubtedly, be people with expertise in the failures of Chile and Peru." Small wonder that the output of the leading cash crops has plummeted: sugar from 6 million hundredweight in 1978–79 to 4.4 million; coffee from 3.9 million hundredweight to an estimated 2.2 million in the current crop year. In El Salvador as elsewhere, a camel is a horse designed by a Directorate.

The last word belongs to David Garst, partner of Garst & Thomas Corn Co., whose father's bountiful harvest once inspired the administration of then-Soviet Premier Khrushchev, and who recently served on the Presidential Mission on Agricultural Development in Central America and the Caribbean. In an unusually blunt letter to the White House, farmer Garst wrote as follows: "El Salvador's agrarian reform consisted of confiscating all land over 100 hectares owned by any one person. The Junta also nationalized banking to make credit available to finance the State and/or collective farms made from this confiscated land . . . and set up a State monopoly to control exports of all traditional agricultural crops. This has destroyed the private sector of the economy. . . . There is no democratic political system . . . and there is no chance for economic progress. What we are supporting is a Marxist revolution.

ROBERT M. BLEIBERG.

[From the Wall Street Journal, Feb. 4, 1981]

LATIN AMERICA: INFLATION SHAKES WELFARE STATES

(By Melvyn B. Krauss)

The Carter administration believed that political violence and military dictatorships in the Third World are caused by extremes of wealth and poverty. Reducing inequalities of income and wealth distribution, therefore, became the cornerstone of U.S. policies toward the Third World in recent years. El Salvador is a case in point. The Carter response to a Cuban-based takeover threat there has been to sponsor a regime that nationalized the banks and promised agrarian reform, a strategy that seems to have enraged both the extreme left and the extreme right.

Difficult as it is to comment from afar on the course of events in Latin America, one may nonetheless assert that the real weakness of Carter's failed policy toward El Salvador and other Third World countries may not be that it pleases only U.S. liberals. Rather there is growing evidence that Carter's policy would not work even where both left and right in the affected country agree that a move toward greater economic equality is warranted. Several Third World countries have embraced the welfare state to combat extremes of wealth and poverty. But instead of promoting prosperity and social stability as predicted, the welfare state resulted in economic chaos, political violence and military dictatorships.

Costa Rica is a recent example. The New York Times reported in December that ". . . Costa Rica's problems are the result of a welfare state that has brought considerable social justice and economic equality yet for years has spent more than it has earned, consumed more than it produced and, finally, borrowed more than it could afford . . . Perhaps the greatest symptom of the crisis is that, in a country that has known eight successive peaceful transfers of power and has long boasted of its democratic tradition, there is suddenly open discussion of the possibility of a coup to install a government capable of dealing with the threat posed by the economy."

Costa Rica's real income has been substantially lowered because of the adverse movement in its terms of trade. If most economic decisions in Costa Rica's economy were private, the decline of real income would be "adjusted" by a decline in real expenditure. Costa Rica would be poorer; but there would be no need for a political crisis since the source of Costa Rica's problems—changes of commodity prices on world markets—are outside of Costa Rican control. Besides, things could soon get better. Sharp cyclical variations in the terms of trade are part of the normal economic environment for small one-crop economies.

But Costa Rica's welfare state made it impossible for Costa Rica to adjust to its reduced real income. The problem is that the decision to reduce welfare expenditure is a political one, which by its nature involves broken promises by the government to its citizens. When private individuals cut back because of reduced real incomes there is only private regret to contend with. But when the government has to suspend free medical services, reduce or eliminate pensions and so forth, citizens feel betrayed by their government.

Faced with the choice of cutting back on welfare expenditure or trying to maintain it in the face of declining real income by printing money, a government may well choose what appears to be the easy way out. The result: rapid inflation, devaluation of

the currency and loss of access to foreign capital markets. This is the present situation in Costa Rica. People there are talking of a coup d'etat simply because the directive power of an authoritarian regime eventually comes to be seen as the only way the economy can be made to adjust to changed circumstances.

Similar to the situation in Costa Rica, the inability of Uruguay's government to reduce welfare expenditure during times of depressed world prices for its leading export—meat—led to hyperinflation. The terms of trade turned against Uruguay during the 1960s. The fall of its currency ratio from 11 pesos-to-1 dollar in 1960 to 100-to-1 in 1967 and 250-to-1 in 1963 reflected an inflation that resulted from government financing of inordinately high levels of welfare expenditure through money creation. Uruguay had little incentive to invest in equipment or chemicals for farm production because the government had been using export profits to prop up its state-owned industries and its own huge bureaucracy.

Unlike the Carter administration, El Salvador's President, Jose Napoleon Duarte, appears to have learned the lessons of Costa Rica and Uruguay. He argues, "There is too little land and too many people. . . . We need to become more like Taiwan, importing labor-intensive industries." This means that El Salvador should avoid the agrarian-reform, wealth-redistribution muddle favored by the Carter administration and instead use the free market to spur economic growth. The Reagan administration's policy should be to help El Salvador become the Taiwan of Central America.

Mr. HELMS. Mr. President, it is clear from these documents that our support of the land reform in El Salvador is a costly and unnecessary mistake. Nonetheless, we can only hope that the most stringent accounting procedures and an attitude of honesty and candor on the part of those American officials responsible for the administration of our aid programs will minimize the losses that this program will entail and that our American aid dollars will, in fact, help rehabilitate the private sector in El Salvador and strengthen that country in its battle against the leftist guerrillas which threaten its very existence.●

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL

● Mr. NICKLES. Mr. President, last evening I voted against H.R. 4035, the Department of the Interior and related agencies appropriations bill. In my statement that accompanied that vote, I stated my intention to provide, in the CONGRESSIONAL RECORD, a breakdown of those places where H.R. 4035, as passed last night, is over the administration's September 24 budget requests.

To follow through with that pledge, I ask that the following table be printed in the RECORD.

It should be noted that H.R. 4035 is almost a billion dollars over the figure requested to balance the budget by 1984.

The table follows:

Comparison of the Department of the Interior and Related Agencies Appropriations Bill (H.R. 4035) as passed Oct. 28, 1981, with the Administration's Sept. 24, 1981, Recommendations

	Sept. 24 request	H.R. 4035, as passed
Department of the Interior, title I:		
Bureau of Land Management	$456,138,000	$565,889,000
Office of Water Research and Technology	0	0
Office of Water Policy	0	6,873,000
Fish and Wildlife Service	201,379,000	242,189,000
National Park Service	632,114,000	839,314,000
Geological Survey	473,582,000	505,991,000
Bureau of Mines	124,881,000	147,959,000
Office of Surface Mining Reclamation and Enforcement	158,220,000	169,753,000
Bureau of Indian Affairs	889,899,000	971,276,391
Territorial Affairs	134,952,000	167,430,000
Office of the Solicitor	17,307,000	18,870,000
Office of the Secretary	51,652,000	56,401,000
Related agencies, title II:		
Forest Service	1,446,506,000	1,623,247,000
Department of Energy	992,908,000	1,061,652,000
Indian Health	558,729,000	653,522,000
Indian Education	$71,364,000	$81,096,000
Institute of Museum Services	194,000	8,400,000
Navajo and Hopi Indian Relocation Commission	3,254,000	4,981,000
Smithsonian Institution, National Gallery of Art, and Woodrow Wilson International Center for Scholars	168,319,000	178,636,000
National Endowment for the Arts	77,440,000	119,300,000
National Endowment for the Humanities	74,800,000	113,700,000
Commission of Fine Arts	152,000	303,0000
Advisory Council on Historic Preservation	1,641,000	1,632,000
National Capital Planning Commission	2,095,000	2,2361,000
Franklin Delano Roosevelt Memorial Commission	35,000	280,000
Pennsylvania Avenue Development Corporation	16,755,000	19,0400,000
Federal Inspector for the Alaska Pipeline	32,180,000	28,568,,000
Holocaust Memorial Council	704,000	770,0000
Grand total	6,597,200,000	7,589,433,391

Note: Suuject to verification of the Appropriations Subcommittee.●

HAITIAN REFUGEE TRAGEDY IN FLORIDA

● Mr. KENNEDY. Mr. President, the news this week of the tragic drowning of 33 Haitian refugees near Miami has shocked the conscience of millions of Americans, and underscored once again the difficult legal, moral, and diplomatic problems our country faces in dealing with refugee and migration flows from Haiti and the Caribbean.

But what troubles me most are reports that our Government is not seriously looking for the smugglers and the vessel responsible for dropping these victims and their frail craft into the coastal waters of Florida before dawn on Monday.

I believe this tragedy should call forth a prompt and full-scale investigation by our Government to apprehend and bring to justice all those responsible for these deaths. As I note in a letter I have written today to the Attorney General, it is intolerable that our Nation's laws against smuggling can be violated with impunity by unscrupulous criminals who remain free to ply their vicious trade in human lives.

Mr. President, I ask that my letter to the Attorney General be printed at this point in the RECORD.

The letter follows:

COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 28, 1981.

Hon. WILLIAM FRENCH SMITH,
Attorney General, Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL SMITH: I am writing to urge you to use the full resources of the Federal Government to apprehend and bring to justice all those responsible for the tragedy that caused the death of 33 Haitians off the coastal waters of Florida last Monday.

A number of federal agencies have possible jurisdiction in this matter. I believe it would be appropriate for the Department of Justice to take the lead in establishing an inter-agency task force, composed of the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Coast Guard, the Customs Service and other appropriate agencies to conduct a prompt and full-scale investigation of these deaths and to prosecute those responsible to the full extent of the law.

I am particularly concerned by reports that the United States is not even looking for the vessel that apparently sailed from Bermuda, and later dropped these victims and their frail craft into the coastal waters of Florida before dawn on Monday.

This tragedy has shocked the conscience of millions of Americans. It is intolerable that our nation's laws can be violated with impunity by unscrupulous criminals who remain free to ply their vicious trade in human lives. I urge you to do everything in your power to bring the guilty persons to justice at the earliest possible moment.

Sincerely,

EDWARD M. KENNEDY,
Ranking Minority Member.●

SOCIAL SECURITY EDITORIAL

● Mr. DOLE. Mr. President, an editorial in the Washington Post on October 26, "More Trouble for Social Security," argues the need for Congress to take steps now to insure the solvency of social security in the years ahead. While I am in complete agreement with this, the editorial mistakenly states that the Senate, in adopting the Finance Committee amendment to H.R. 4331 on October 15, "thought it had salved social security's wounds well enough for the system to limp through the next decade."

In reality, most Members of this body were aware that the action would only insure the solvency of the retirement fund, the largest of the three trust funds, for the next few years. This was of great importance. The retirement fund pays 70 percent of all social security benefits and was projected to be broke by the end of next year. With the exception of only a few Members, who for political or other reasons would have us do nothing, it was

recognized that the system would require more substantial legislation within the very near future.

This is clear from the floor debate and from the nature of the final Senate action. A Finance Committee amendment was adopted which had three major elements—a reallocation of payroll tax income between the three trust funds, the authority for borrowing between the two cash benefit funds, and a partial restoration of the minimum benefit, the cost of which was offset by two small program changes. There was virtually no effect on the net financial condition of the system. Instead, resources were temporarily redistributed from the relatively more prosperous health insurance and disability insurance funds toward the nearly broke retirement fund

When offering the committee amendment, I warned those who would later read or hear about the Senate action not to be under any illusion that we had taken care of either the short- or long-term social security problem. We were only delaying the day of reckoning by a year or two.

As much as $20 to $30 billion would still be needed between now and 1990 to provide the barest level of solvency for the system, and $60 to $70 billion would be needed to maintain current levels of reserves, already more seriously depleted than at any time in the history of the program. The recently announced deterioration in the medicare trust fund simply increases the financial requirements of the system, possibly by as much as 40 percent.

Prior to reporting the committee amendment, the Finance Committee heard testimony from Dr. Alice Rivlin, Director of the Congressional Budget Office, Mr. John Svahn, Commissioner of Social Security, and Mr. Robert Myers, Deputy Commissioner and past Chief Actuary of Social Security. Each stressed that the type of action we were considering was likely to insure the timely payment of benefits through the 1980's only under quite optimistic economic conditions. All agreed that the difficulty of projecting economic performance made more significant action necessary if solvency was to be guaranteed beyond 1984 or 1985.

The new information provided by the medicare actuaries just confirms two things we already knew. First, medicare is seriously underfinanced. Chronic and severe deficits are likely to become apparent near the end of this decade. Second, medicare and the rest of the social security system is highly sensitive to changes in economic conditions. This is why social security requires reserves in excess of expedited outgo—to insure benefits can be paid despite unanticipated changes in income or expenditures.

In light of all this, the important question seems to be why the Senate failed to take more extensive action to remedy social security's financing problems. The answer is simply politics. None of us will soon forget the firestorm of protest that greeted the President's May 12 social security proposals.

I might also remind my colleagues of the position of Speaker O'NEILL. In his view, social security can be made secure without increasing revenues or controlling expenditures, merely by making the modest adjustment of interfund borrowing. We were constantly reminded that a more extensive proposal would not be acted upon in the other body.

Obviously, the time was not right for bipartisan solutions. A few more responsible editorials like the one published in the Post yesterday may be helpful in convincing Members of Congress to act responsibly, both now as the other body works to modify our bill, and in the months ahead as we consider major changes in social security financing.

The viability of social security, which provides a basis of support for 36 million people, depends on the willingness of 115 million working Americans to continue financing benefits. Surely, curing the system's ills should be the highest priority of this Congress.●

JERRY NOYER, PLANTATION, FLA.

● Mr. CHILES. Mr. President, I wanted to take a moment to express my admiration for Jerry Noyer of Plantation, Fla. Mr. Noyer moved from New York to Florida to retire, but he is proof that retirement does not mean inactivity. He has spent most of his 6 years in the Sunshine State helping citizens protect themselves against crime.

An article in the October 14 issue of "Golden Age Living" quotes Mr. Noyer as saying the first battle he had to fight was the one against apathy. Apathy is certainly becoming less of a problem as six of Florida's areas, including Broward County, have become the Nation's leaders in violent crime.

Mr. Noyer's contributions have included becoming an active leader of the Broward County Crime Watch chapter, including serving as its president for the last 2 years. He travels throughout the county educating individuals and whole neighborhoods on how they can protect themselves by being alert to potential dangers and by notifying authorities of crimes and suspicious situations.

This kind of effort on the part of individuals and communities themselves is our frontline defense in the battle against crime. A recent hearing by the Special Committee on Aging, entitled "Older Americans: Fighting the Fear of Crime," highlighted the strength and potenial of positive, volunteer activities like these throughout the Nation.

We can thank senior citizens and retirees like Jerry Noyer for the success of such programs, which range from prevention to peer counseling and victim assistance.

The magnitude of the crime problem and its impact—physically, psychologically, and financially—on older Americans is such that we cannot rely on people protecting themselves and prevention alone. That is why I sponsored comprehensive legislation to strengthen our judicial system and coordinate the efforts of various law enforcement agencies with each other and the IRS. But citizen involvement agencies with each other and the IRS. But citizen involvement and self-protection is crucial, and I applaud Jerry Noyer's dedication to preventing crime and encouraging cooperation between citizens and their local law enforcement agencies.

Mr. President, I submit the article from "Golden Age Living" for the RECORD.

The article follows:

JERRY NOYER IS USING HIS FREE TIME TO HELP STOP CRIME

(By Nancy Hubbell)

Plantation.—From ladies' sportwear designer in New York to "Mr. Crime Watch" in Broward County. Jerry Noyer has enjoyed it all.

At age 60, Noyer decided to retire and move to the land of sunshine, where he didn't stay still for long.

"I said I'm 60, I've had it all . . . I left when my business was at its peak."

Noyer has lived in Plantation's Lakeshore Terrace Condominium for six years, but became involved in Crime Watch shortly after moving here, and has been its president for the last two years. He's been an active member for three years.

He became involved in Crime Watch after noting Broward's rising crime rate. At the same time a rapist was running loose at the exclusive Jacaranda area of West Broward, and that pushed Noyer into the program.

"I'm civic minded," said Noyer, who doesn't get paid for his work. "I'm a freebie," he laughs. "It sure beats sitting around the condo pool listening to my neighbors tell about how great they were in whatever part of the north they're from."

Noyer works with 21 out of the 29 Broward municipalities, and also with the Broward Sheriff's Office.

"I travel from the Galt Ocean Mile area, to Hallandale, to Jacaranda, Sunrise Lakes, and in between."

"I love it," said Noyer.

"We're trying to educate people, unfortunately, that we're fighting a life of crime around us . . . which occurs in every city," said Noyer.

"We're trying to eliminate fear by teaching people how to report crimes or incidents to police," said Noyer, who at first said he had to fight a battle of apathy.●

TESTIMONY OF DR. WILLIAM KOREY ON THE OCTOBER 6 HEARING ON ANTISEMITISM IN THE SOVIET UNION

● Mr. HEINZ. Mr. President, as I have previously stressed, I am continuing today to bring to my colleagues' attention the testimony of expert witnesses who addressed the problem of increased anti-Semitism in the Soviet Union. Today I am pleased to submit the statement of Dr. William Korey, director of International Policy Research for the B'nai B'rith International Council and Professor of Russian History. Dr. Korey has taught at Yeshiva University and New York University, and has been a frequent guest scholar on many college campuses.

Dr. Korey's past history of intensive research on the issue involved with Soviet anti-Semitism allowed all present at the hearing better insight into the problems that confront the Jews of the Soviet Union on a daily basis. In particular, he spoke of the tragic reduction that has occurred in Jewish emigration from the Soviet Union and the fact that Moscow, while claiming adherence to the Helsinki Final Act and the Universal Declaration of Human Rights, has

actually been arbitrary and capricious in providing freedom of emigration. He continued by providing a moving account of the current status of the refuseniks, pointing to the profound anguish that these patient individuals must endure.

The statement referred to follows:

TESTIMONY OF DR. WILLIAM KOREY

Mr. Chairman: This is a moment of grave urgency for an entire people, the world's third largest Jewish community. I am not a Cassandra. I am here only to echo the profound sense of perilous anxiety and agony felt by the Jews of the Soviet Union.

Permit me to quote from an extraordinary document submitted last February to the 26th Communist Party Congress in Moscow. "The Jews of the USSR are facing the threat of a national catastrophe," concluded a 5000-word analysis of the Soviet Jewish condition signed by nearly 130 prominent Jewish activists of Moscow and Leningrad. It constituted a desperate *cir de coeur*, a foreboding of possible doom.

What prompts the sense of imminent trauma are two interrelated developments: 1) a severe and arbitrary curtainment by the Kremlin of Jewish emigration to a point where "it is becoming practically impossible" to obtain an exit visa; and 2) a continuing virulent anti-Semitism and a pervasive pattern of anti-Jewish discrimination joined to a deliberate crippling of Jewish culture and consciousness.

The linking of the two phenomena ineluctably has aroused profound dismay and concern among Jews both within the Soviet Union and everywhere in the West. It behooves us to help stir mankind's conscience so that it may respond to the plea of Soviet Jews anticipating "catastrophe." Their final words were: "It is still possible to prevent it." On this occasion when we recall and commemorate the 40th anniversary of Babi Yar, the massacre of our kin in Kiev, those words take on a special urgency.

The enormous significance of emigration rights, especially for minority groups, has been documented in 1963 in a United Nations study prepared by Judge Jose Ingles, a Filipino statesman and jurist. Drawing upon numerous sources from Socrates to the Magna Carta and basic democratic constitutions, the Ingles study demonstrates that the emigration right is an "indispensable" condition for the full exercise of all other rights.

Deprivation of the right for racial, ethnic or religious minorities, the study emphasized, can have cataclysmic psychiatric consequences. The curtailment impact upon a minority already "singled out for unfair treatment" will result in a "spiralling psychological effect" leading to a "morbid fear of being hemmed in" and "a sort of collective claustrophobia." Prominent American psychologists, following visits to Soviet Jews who have sought repeatedly and unsuccessfully to emigrate, have observed a myriad of distress symptoms.

Tragically, the Soviet Union has reduced Jewish emigration to a trickle, the worst in over a decade. The month of August saw only 400 permitted to leave as compared with some 4500 two years ago—a drop of 90 per cent. The new September figure is as low—405.

Despite Moscow's claimed adherence to the Universal Declaration of Human Rights, its ratification of the Covenant on Civil and Political Rights and its formal acceptance of the Helsinki Final Act—all of which require eased emigration procedures—arbitrary and capricious restrictions have been imposed during the past two years to reduce to minuscule levels current exit visas for Jews. Stepped-up bureaucratic obstacles were added to a new and severely restrictive definition of "family" to effect such results.

How many are traumatized by the profound cut-back? Since 1968, over 630,000 Soviet Jews have formally requested and received invitations ("vizov") from relatives in Israel, which is the first stage in the emigration process. More than 251,000 were granted exit visas during this period. That means that 380,000 Jews in the USSR still hold invitation-affidavits, potential seekers of emigration. In fact, the potential is significantly greater. It is estimated that the emigrants left behind approximately 500,000 relatives including husbands, wives and children. Divided families were an inevitable source of the cry for "reunion of families."

Particularly heart-rending is the status of refuseniks, whose requests for exit visas have been repeatedly rejected. Many have waited over a decade to obtain a visa, meanwhile subjected to job loss, exclusion from laboratory and library, and social ostracism. New regulations make it difficult to re-apply even as they add totally new restrictions, resulting in the profoundest anguish. Approximately 2,000 persons had been in the category of refuseniks until 1980. Since then, recently-imposed obstacles have augmented the category by an additional 10,000—a conservative figure. The latter are by no means activists and are, therefore, psychologically unprepared for living in a veritable netherworld of ostracism which characterizes the status of refuseniks.

Despair, anxiety and frustration are the distinguishing features of the emigration pattern. The Ingles study had already highlighted the terribly traumatic consequences. The future is one of desperation and panic.

What compounds the desperation is the massive racist propaganda assault against Jewry initially launched in August 1967 in all the media. But thinly masked as an anti-Zionist campaign, in fact the drive has been directed against Judaism, Jewish tradition and Jewry itself. Stereotypic images of the Jew dominate the descriptions of Zionism, and the Judaic concept of the "Chosen People," totally distorted and falsified, is perceived as the source of the Zionist evil.

The Torah and the Talmud have been presented as works preaching racism, hatred and violence. Fundamental Jewish tenets, distorted and vulgarized, are seen as the embodiment of inhuman aspirations. Typical is the following comment on the Torah from the book *Invasion Without Arms* by Vladimir Begun, published in 1977 in an edition of 150,000 copies (and republished in 1980): "... it proves to be an unsurpassed textbook of bloodthirstiness, hypocrisy, treachery, perfidy and degradation—all the basest human qualities."

The propaganda campaign appears to draw its inspiration from the Tsarist forgery, "The Protocols of the Elders of Zion." That fabrication contained five principal themes and these themes dominate Soviet anti-Semitic writings: 1) international Jewry, through the "Chosen People" concept, aspires to world domination; 2) this aspiration is to be achieved through guile and conspiracy; 3) an especially powerful mechanism for achieving world domination is Jewish control over the international banking world; 4) equally crucial for Jews as a mechanism of control is the press, the manipulation of which will enable them to realize their aspirations; and 5) a final instrument for attaining world domination is Freemasonry which, through infiltration by Jews, will become the base for the drive by the "Chosen People."

Each of these themes has appeared repeatedly in the Soviet media. Central is the view that the "main strategic goal" of the Zionist movement, as the above-mentioned Begun book puts it, is "domination over the world." Even so-called respectable works, like *International Zionism: History and Politics*, published in 1977 by the prestigious Soviet Academy of Sciences, articulate the same view, although in a more subtle manner. The concentration on Zionism as the enemy of mankind is remarkable. Zionism is equated with every conceivable evil—racism, imperialism, capitalist exploitation, colonialism, militarism, crime, murder, espionage, subversion, terrorism, prostitution, even Hitlerism.

Especially provocative are repeated charges that Jews overwhelmingly dominate the military-industrial complex of the West, and, in the past, collaborated with Nazism, an allegation that verges on the absurd. Such accusations, given the experiences, fear, and anxieties of Soviet citizens, are manifestly incendiary. What compounds the provocatory character of the charges is that they are made in major military-ideological publications and are used in indoctrination programmes of the armed forces. The most prolific of the Soviet anti-Zionist writers, Lev Korneyev, more frequently than anyone else, gives expression to these arguments. His articles have appeared in virtually every Soviet press organ, and most notably, in military publications.

What is striking about the Soviet perception of Zionism, as reflected in the propaganda, is the power and evil with which it is endowed. As in the *Protocols*, the power is depicted as cosmic, even Satanic. Poised to resist Zionism's aspiration for world mastery is the great Soviet power. The world is perceived in Manichean terms: the forces of darkness, representing Zionism, are locked in final struggle with the forces of light, as represented by the Soviet State.

The massive character of the Soviet media campaign, obviously centrally coordinated and directed, cannot be emphasized too strongly. Since 1967, according to a close study of the central and provincial Soviet press, the number of articles and the amount of newspaper space dealing with Zionism increased as much as six times over. (Some years it reached even higher and on one occasion was twenty times greater than pre-1967). Zionism was the main subject of at least one-half (and, in some years, two-thirds) of the newspaper space devoted to Jewish subjects. In addition, the total number of anti-Semitic books and brochures escalated to stunning numbers. One research study shows 112 such works published in the 60s and 70s. Some of these books were printed in huge editions of 150,000 or 200,000 copies and were enthusiastically reviewed in the Soviet press.

In addition to press and books, the anti-Semitic propaganda is also conducted by way of lectures, an important vehicle of popular education and cultural activity in the USSR. According to a key journal, in a single year there were 20 million official public lectures, with audiences totalling one billion persons. A secret Communist Party directive in autumn 1974, sent to each Party District Committee, called for the important Znanie (Enlightenment) Society to select, train, and make available a group of lecturers "to give lectures on Zionist themes." Thus, the lecture hall became a principal channel of the anti-Zionist drive. One of the more prominent lecturers of the Znanie Society who has specialized on Zionist themes is Valery Yemelyanov. Examination of two of Ymelyanov's lectures as well as a memorandum he sent to the Party Central Committee reveals a maniacal hatred of Jews. Recently, Yemelyanov, after murdering his wife, was incarcerated in an institution for the criminally insane.

If the public atmosphere has become charged with anti-Semitic racism, it finds particular reflection in the admission policy of Soviet universities, which are the key to opportunity and advancement. The distinguished Soviet scientist, Andrei Sakharov, in June, 1968, called attention to a new "ap-

pointments policy" of the prestigious Soviet Academy of Sciences designed to exclude Jews. From the academic year 1968–69 onwards, admission of Jews to Soviet universities began plummeting. Enrollment of Jews a decade later, on both the undergraduate and graduate levels, was down by nearly 50 per cent and, at the principal flagship universities like Moscow State University, the number annually admitted was almost negligible.

Ineluctably, the percentage of Jews entering the technological, and scientific fields diminished. The contraction was helped along by secret or unpublished instructions. A confidential Party directive in 1970 discouraged the employment of Jews at "responsible levels" in various closed security institutions. Such institutions, Roy Medvedev disclosed, will even exclude those listed as Russians in their identity papers but whose mother or father is Jewish. The Nuremberg generational or "blood" factor had become critical.

Even as anti-Semitism is implemented as a form of state policy, Soviet Jews find themselves particularly vulnerable by virtue of the fact that their institutional life and structure has all but been pulverized by a state drive launched in 1948 and continued since then. Yiddish-language schools and classes were totally liquidated. A token restoration took place last year in several schools of the city of Birobidzhan. But the number of Jews in the entire Birobidzhan District is infinitesimal—only one-half of one percent of the Jewish population of the USSR.

The condition of the Hebrew language is even worse. On an official level, it has virtually no status whatsoever. The private (unofficial) teaching of Hebrew has deliberately not been made legal by the authorities and they often interfere with the practise subjecting both teachers and students to repression.

A sample study of Soviet Jews, including those who do not wish to emigrate, shows that most would like their children to learn Yiddish or Hebrew, to be able to buy books on Jewish history, and to have greater opportunities for Jewish culture. But this aspiration is almost completely denied. Aside from one journal, communal-cultural and publishing institutions have been obliterated. None of the more than 100 other nationalities in the USSR is confronted by such a total cultural desert as is the Jewish nationality.

Private efforts to maintain some semblance of Jewishness are being either seriously harassed and intimidated or crushed. Seminars have been threatened and international scientific conferences sponsored by Jewish activists in which colleagues from abroad participate have been halted. Self-organized universities have shut as have *samizdat* publications.

Especially threatening to the very movement for self-identity are the arrests and convictions of those who have provided a certain leadership in the cultural effort. The notorious case of Viktor Brailovsky, convicted this past summer on absurd charges of "defamation", is characteristic. Since then, one-half dozen further trials were held to silence selected activists and to frighten the others.

Not only are Jewish institutions to be atomized; so also is Jewish consciousness. All assemblages by Jews to commemorate the Holocaust have been dispersed and participants roughed up and, at times, arrested. Even the greatest symbol of the Nazi Holocaust on Soviet soil—Babi Yar—is designed by the authorities for history's "memory hole." Nothing on the monument, finally erected at the site of the historic tragedy, indicates the Jewish trauma. Jews seeking to go there last Tuesday for memorial services were either stopped or terrorized or arrested.

It is manifestly clear that the Kremlin intent is to deprive Jews of their past. At the same time, the officially sponsored racist propaganda drive and discriminatory pattern, has the effect of depriving Jews of their future. Emigration is their only salvation. With the doors all but closed, agony becomes desperation. For them, a "national catastrophe" looms as a real and palyable threat.●

TRIBUTE TO BOB UFER

● Mr. LEVIN. Mr. President, yesterday, football fans of the University of Michigan and all of college football lost a legend of football announcing. For 37 seasons, Bob Ufer was the voice that ballyhooed the exploits of the maize and blue in the hole the Yost dug, Crisler paid for, Canaham carpeted, and Bo Schembechler fills each and every Saturday with amazing consistency.

Each Saturday, the airwaves would fill with the tones of Bob Ufer, the loyalist supporter of the Michigan Wolverines, describing the game he called the "religion" on the day he dubbed the "holy day of obligation." To say that Ufer was anything but "true blue" could be likened to questioning the Catholicism of the Pope.

With stories of past Wolverine greats to draw upon, Ufer exhorted "McCarthy's Monsters" to hold the line just one more time. If that did not work, he would sob, "Meesheegun, oh, Meesheegun win this one for Fielding Yost, that man of so much vision, for Herbert Fritz Crisler, that giant among coaches and men, win it for Bo and Meesheegun, win it for Ufer."

With Edwards close and Butch "don't call me Harold" Woolfolk deep and Smith under center and Carter split wide, the ball is pitched to Woolfolk and it is five, four, three, two, one, touchdown Meesheegun. Ufer would then scream, "God Bless his cotton pickin' maize and blue heart, that halfback scooted into the end zone like a penguin with a hot herring in his cumberbund."

Bob Ufer led the mighty Wolverines into battle against Notre Dame, USC, Michigan State, and the rest of the Big Ten. But he will be best remembered for those games against the "scarlet and grey legions" led by the Wolverines oldest nemesis, Woody "Dr. Strange-Hayes" Hayes.

Boy Ufer's sincerity, dedication, and enthusiasm will never be matched in the "history of man's inhumanity to man" which is football to the rest of us. With victory well in hand, Ufer would proclaim, "Millie set out the cookies, Bo is coming home with a victory."

History will record that on Monday, October 26, 1981, in little Ann Arbor town, Bob Ufer, the truest of all Wolverine fans, took his place among the greats of Michigan football. He will be missed.

Wherever you are, Fielding Yost, I am sure you are smiling. God bless your cotton-pickin' maize and blue heart.●

TOBACCO RESEARCH

● Mr. EAST. Mr. President, much debate has occurred recently on the tobacco price support loan program. Some attack the acreage allotments and poundage quotas, while others speak of the so-called "tobacco subsidy." The smoking and health issue is also inappropriately linked with the tobacco program.

But no one has disputed tobacco's importance to our economy, especially in the areas of exports and taxes.

Research has played a vital role in making and keeping tobacco the economic factor it is. Many of the practices and much of the knowledge utilized today on a regular and routine basis came about because of tobacco research.

Dr. James F. Chaplin, director of the Tobacco Research Laboratory at Oxford, N.C., has written an excellent article on tobacco research and its accomplishments. I think this article effectively points out the need for continued research in tobacco.

I submit Dr. Chaplin's article to be printed in the RECORD.

The article follows:

A BRIEF HISTORY OF TOBACCO RESEARCH IN THE U.S. DEPARTMENT OF AGRICULTURE AND SOME SELECTED ACCOMPLISHMENTS—1960–1980

Tobacco has been an important economic factor during the first two centuries of the development of the United States. In 1980, the farm value of tobacco was about $3 billion, and it currently ranks fifth among farm crops in cash receipts in the United States. Approximately 500,000 farm families derive income from tobacco production. The United States is the world's leading tobacco exporter and the third largest importer. In 1978, exports of tobacco and tobacco products reached an all-time high of $2.12 billion. Imports totaled $428 million, leaving a record trade balance of $1.69 billion—about 10 percent of the U.S. net export trade balance. Tobacco products generate over $20 billion in sales and $6.4 billion in taxes at Federal, State, and local levels. In addition, tobacco manufacturing creates jobs for 76,400 workers and income for 2,900 wholesalers and 1.4 million retail outlets.

The Department's tobacco research is conducted in close cooperation with research programs carried out by the States, other Federal agencies, and industry in the tobacco-producing areas of the United States. The caliber of this research is well recognized by scientists in other tobacco-producing countries around the world.

While no cost benefit analysis for tobacco research is available, highly favorable results easily can be shown. For example, resistance to only one disease, black shank, necessary to produce flue-cured tobacco in the areas where this very valuable crop is grown, would much more than offset annual research expenditures.

The objective of the Department's tobacco research program prior to the mid-1960's was to aid the grower in economical tobacco culture by development of new or improved cultural practices and varieties to aid in consistently producing, at minimal cost, high yields of good quality tobacco.

During recent years, emphasis has been given to research to modify the raw product so as to improve quality and reduce any constituents that can be identified as potentially harmful to the consumer.

I. BREEDING AND VARIETAL DEVELOPMENT

The U.S. Department of Agriculture (USDA) has a long history of accomplishments in tobacco breeding and varietal development. It maintains the only world collection of tobacco germplasm representing most of the cultivated types and all of the wild tobacco species. This major source of germplasm is continually reproduced, improved, and supplied to all tobacco breeders, both public and private. Many of the breakthroughs in research on all tobacco types have come from this collection.

These include resistance to such destructive diseases and pests as Granville (bacteri-

al) wilt, root knot nematode, wildfire, tobacco mosaic, potato virus Y, black-root-rot, blue mold, and tobacco budworm. Most of the tobacco types and varieties currently produced in the United States contain germplasm developed by the USDA. In addition, this germplasm base is presently being used in research designed to change tobacco chemistry for improved tobacco quality and safety. Some significant first examples of improved tobacco varieties and basic germplasm are outlined as follows:

The first black shank-resistant and the first Granville wilt-resistant flue-cured tobacco varieties were developed by USDA scientists. Flue-cured tobacco sales return over $1.5 billion annually to growers. This tobacco could not be grown economically without black shank resistance. Most of the flue-cured varieties presently in production incorporate sources of resistance to black shank and Granville wilt diseases.

Since 1960, USDA scientists have developed 12 flue-cured varieties and 20 lines of basic germplasm with increased disease resistance, yield, and quality. Among these was the first variety which combined resistance to the root knot nematode, black shank, Granville wilt, and other diseases. This variety, once important in two flue-cured tobacco production States, now provides germplasm for all the presently grown root knot-resistant flue-cured varieties in the United States. Over 50 percent of the flue-cured acreage presently is planted to root-knot-resistant varieties. The first tobacco mosaic-resistant flue-cured breeding lines and varieties with acceptable yield and quality were developed by USDA scientists.

Tobacco hornworms are among the oldest and most destructive insect pests of tobacco. It is estimated that this insect causes damage to North Carolina flue-cured growers alone in excess of $2 million annually. A tobacco hornworm-resistant breeding line, representing the first breakthrough in efforts to develop a tobacco variety resistant to this insect, was developed. The discovery of a source of hornworm resistance is a significant development in our overall effort to find biological control agents for major crop pests and represents one more step forward in reducing dependence on insecticides.

Potato virus Y (PVY) is a potentially destructive disease which has occurred sporadically in the tobacco growing areas of the United States. There is no known cure at present. A tobacco breeding line has been developed which will contribute to the development of commercial varieties with resistance to PVY disease. The new line possesses many favorable traits of a commercial variety and has tolerance to the mild strain of PVY and apparent immunity to the severe strain of this disease.

The first variety of burley tobacco resistant to tobacco mosaic, wildfire and black shank was developed by USDA scientists. Before the development of this variety, plant beds were treated with costly bactericides for control of the wildfire disease. This variety also reduced losses to the burley growers caused by black shank and mosaic. All burley varieties now available have the basic germplasm for wildlife resistance from the original USDA source. The USDA has continued to develop burley varieties and breeding lines with improved yield and quality characteristics along with resistance to disease.

Since 1960, USDA scientists have developed and released seven burley varieties and four lines of basic germplasm with improved disease resistance, yield, and quality. A recent article in the Greenville, Tennessee, newspaper indicated that the research at one station in Tennessee, where tobacco research has largely been funded by USDA, "has saved the tobacco growers hundreds of millions of dollars in preventing losses from disease and in producing plants that are most productive and profitable to the farmer."

A major accomplishment in tobacco varietal development was the incorporation of black-root-rot resistance from one of the wild relatives of tobacco into acceptable varieties of burley and dark-fired types. Black-root-rot was a major disease of the air-cured tobaccos. In addition, seven dark-fired varieties have been developed and released which have resistance to black shank and tobacco mosaic.

Other breakthroughs in varietal development include wildfire resistance in cigar binder tobacco. A new race of the disease has recently been discovered, and USDA scientists have already developed germplasm that is resistant to the new race and which is being incorporated into useful varieties.

As a result of research over a 10-year period, 2 disease-resistant varieties of a cigar-filler tobacco were released in 1961 by USDA. One of the varieties is highly resistant to wildfire. The other variety is highly resistant to both wildfire and mosaic, and moderately resistant to black-root-rot. The new varieties yield 200 to 400 pounds per acre more than the standard varieties and have resistance to 2 very destructive diseases of cigar filler tobacco. Since that time, an additional variety of cigar filler tobacco has been developed.

Blue mold is a potent, destructive disease of tobacco, and USDA scientists have been instrumental in developing improved germplasm for resistance to this disease. A cigar wrapper tobacco, resistant to the blue mold disease, was developed by USDA and State scientists and is presently being used to develop other types of tobacco with resistance to this disease.

More recently, rapid breeding procedures such as the haploid technique and cell and tissue culture have been developed and refined. These techniques make possible introduced biochemical modifications of considerable magnitude into new tobacco germplasm strains. Haploid plantlets which develop from cultured anthers of tobacco are placed in a solution of colchicine to induce chromosome doubling of haploids to the normal diploid chromosome level. The diploid plantlets are true-breeding immediately. The method offers the advantage of reducing to 2 years the normal 6 to 8 years required to develop new lines and varieties with desirable chemical characteristics or resistance to insects and diseases. Through this rapid method, the production of more than 1,000 dihaploids from a single hybrid anther source was accomplished in 1979.

II. NUTRITION AND CULTURAL PRACTICES

Much of the early research in nutrition and cultural practices was conducted by USDA scientists, who discovered the first magnesium deficiency in tobacco. This was a landmark discovery which led to elimination of this problem in tobacco and other crop plants through the application of magnesium in commercial fertilizer.

Substitution of potassium nitrate for ammonium and potassium sulfates significantly increased acre yields and values of the cured tobacco leaf (more than 20 percent). A marked reduction in sulfur content, striking improvement in burning properties, increased filling capacity, and lower sugar content in the cured leaf were associated with the substitution of potassium nitrate for ammonium sulfate and potassium sulfate. Based on these and other results, sulfur content with tobacco fertilizers has decreased.

There has been considerable controversy about the use of maleic hydrazide for tobacco sucker control and research has been conducted to find alternative control methods. Technologies for the control of tobacco suckers by fatty acids and fatty alcohols have been developed by USDA scientists and are now used in combination with maleic hydrazide to improve sucker control without increasing chemical residues.

The fatty alcohols developed to control tobacco suckers also controlled unwanted growth in woody plants. These findings were used as the basis for development of chemical pruning of fruit and floral crops, resulting in improved production efficiency by reducing hand labor requirements. The development of the fatty alcohols was termed by some horticulturists as the most important advancement in horticulture in the 1960's.

A spray rig assembly was adapted to a high-clearance sprayer that directed the spray solution of maleic hydrazide (MH) toward the stalk and downward. This technique improved control with fatty alcohols. In combination with MH, its use reduced residues 50 percent without impairing control. In addition, it was found that an application of fatty alcohols following the MH treatment improved control. The complete system will reduce chemical residue, especially of MH, and still offer the grower sucker control.

III. IMPROVED TOBACCO SAFETY

In the mid-1960's, USDA research on tobacco shifted gradually toward improved tobacco safety. The current program of USDA's Science and Education Administration on Improved Tobacco Safety is the only program in the world with research extending from seed to cigarette smoke with the objective of reducing potential hazards due to tobacco consumption. This represents a melding and coordination of diverse tobacco research into a unified program designed to reduce or remove potentially hazardous constituents from the leaf or smoke. Recent accomplishments in this program include the following:

Reduction of nicotine and tar. Genetics and cultural production methods influence the levels of nicotine in leaf and smoke and TPM (tar) in smoke. Germplasm has been developed by USDA scientists with nicotine levels ranging from about 0.2 to 4.0 percent nicotine in both burley and flue-cured types. Low nicotine lines have been developed and released for both flue-cured and burley tobacco types. These lines have been used extensively in smoking and health research studies by the National Cancer Institute. The nicotine-to-tar ratio is important. Progress has been made in changing the ratio to reduce potential risk from smoking.

Reduction of pesticide residues. In order to reduce pesticide residues, new methods for controlling diseases, nematodes, and insects, as well as less persistent growth regulators, have been or are being developed. Successful tobacco production depends upon the control of diseases, nematodes, and insects in the field and in the storage warehouse.

Some outstanding results have been obtained in biological control. Tobacco leaf-spot diseases have been controlled by field application of organisms which are antagonistic to the disease pathogen. Practical methods for biological control of folair diseases could be achieved in the near future. Research is in progress to control the tobacco hornworm and tobacco budworm through biological means with the use of pathogens and predators. An effective pathogen, Bacillus thuringiensis, is now available which leaves no undesirable residues and is not harmful to beneficial insects. Also, the spined stilt bug, a predator, is being produced and released in strategic areas, thereby using a beneficial insect to control one that is harmful. Strains of tobacco have been identified which are resistant to budworms and hornworms. The accomplishment of these objectives will make it possible to further reduce pesticide residues in U.S. tobacco.

Insects such as the cigarette beetle are very destructive to stored tobacco and can inflict such damage as to render the stored leaf virtually worthless. In research studies on stored tobacco for insect control with

minimal chemical residues, methods were developed by USDA scientists for fumigation with phosphine in storage warehouses. These methods gave excellent control in packaging units of tobacco up to hogshead size. Also, methods were developed for applying dichlorvos in an aerosol from automatic dispensing systems. During seasons when insects are active, dichlorvos is automatically dispensed on a regular basis. Residues of phosphine are about 0.5 parts per billion, and dichlorvos is not detectable on tobacco. These methods are presently being used for control of insects on stored tobacco.

Homogenized Leaf Curing (HLC). Curing of the ripe, mature leaf is done on the farm as the final stage of tobacco production. Chemical and physical leaf characteristics are set at harvest and may not be significantly modified under conventional methods of tobacco curing.

However, homogenized leaf curing (HLC), a new approach developed by USDA scientists, offers the possibility of making changes during the cure. Precursors of undesirable smoke constituents can be removed. HLC can be used to make reconstituted sheets of predescribed thickness, porosity, or any other features desirable in the manufacture of cigarettes. Studies with flue-cured and burley tobacco have given promising results for maintaining smoke quality and reducing tar delivery and biological activity. For example, removal of soluble proteins during HLC has the potential to reduce the allegedly harmful compounds hydrogen cyanide, oxides of nitrogen, and quinolin content.

Tobacco treated to reduce health hazards. A method was developed by USDA scientists for the treatment of tobacco with ozone to effect decomposition of leaf components responsible for the formation of much of the tumor-producing hydrocarbons (PAH) in cigarette smoke. Ozonization yields tobacco which, when burned, produce smoke with as much as 83 percent less hydrocarbons and 87 percent less nicotine. This technique constitutes a new approach with high potential toward the development of a less hazardous cigarette.

Association between leaf characteristics and smoke components. A comprehensive study was completed to examine simple correlations and multiple regressions among leaf characteristics and smoke components. Four flue-cured and four burley tobacco varieties, each with leaves from eight stalk positions, were used. More than 270 variables were investigated, among them leaf and agronomic characteristics and cigarette and smoke components. The results clearly indicated that certain leaf characteristics can be used to predict total smoke delivery for individual smoke components. These findings demonstrated that modification of these characteristics through genetic, cultural, or curing manipulations can lead to the development of safe leaf tobacco.

Reduction of health related compounds by breeding. A pale yellow tobacco developed by USDA scientists produced 10 to 30 percent lower levels of polynuclear aromatic hydrocarbons (PAH) than normal green tobacco. This decrease in PAH is considered important since it is believed that the PAH contributes to the biological activity of the tobacco smoke.

Smoke chemistry. Research in smoke chemistry has made much progress in the past 10 years. Smoke consists of an aerosol of gases and suspended particles. More than 2,500 compounds have been identified, and USDA research has contributed significantly to knowledge about the number of known constituents. The identification of these compounds will aid in their selective removal or alteration through breeding, cultural practices, and manufacturing processes. The following examples of this research are by no means inclusive:

Tobacco leaf pigment, lignin, and pectin gave relatively high yields of phenols on heating to high temperatures. The phenols are smoke constituents which may exert undesirable effects in the tobacco smoke. The possible role of leaf pigment in the generation of certain harmful compounds known to be in smoke has been investigated thoroughly.

The hexane-soluble fraction of flue-cured tobacco has been pyrolyzed to evaluate the importance of its contribution to the formation of aromatic compounds, especially polynuclear aromatic hydrocarbons (PAH), present in cigarette smoke. Estimates of benzo(a)pyrene levels in pyrolysates indicate that nearly two-thirds of the amount produced during tobacco pyrolysis may be attributed to the hexane-soluble components of leaf which comprise only 6 percent of dry weight.

Official analytical methods for tar and nicotine in cigarette smoke and nicotine, nornicotine, nitrogen, potassium, chloride, menthol, and moisture in tobacco have been developed through collaborative tests.

A rapid and quantitative method has been developed for the analysis of the tobacco sucker control agent maleic hydrazide. The method is 20 times more rapid and 10 times more sensitive than the currently used colorimetric method.

IV. HIGHLY NUTRITIOUS PROTEIN FROM GREEN TOBACCO AS A BYPRODUCT

Fraction 1 protein (F-1-P), the most abundant protein in nature, has been crystallized from green tobacco leaves. Although all other green plants contain F-1-P, it has been crystallized most readily from tobacco. The nutrient value of F-1-P has been found to be very high, the equivalent of egg or milk. Possible uses of pure crystalling protein include (a) nutrition of medical patients requiring controlled protein and mineral intake, such as kidney disease patients to reduce dialysis frequency, and (b) infant formulas to avoid milk allergies. Fraction 2 protein (F-2-P), a mixture of other soluble proteins about equal to F-1-P in nutritive value, has also been extracted from tobacco. A simplified, high-yield crystallization procedure for extracting Fraction 1 protein from homogenized tobacco has been developed. This procedure should be adaptable to large-scale operations.

U.S. DEPARTMENT OF AGRICULTURE
SCIENCE AND EDUCATION ADMINISTRATION
Agricultural Research
Tobacco Research

Year:	*Amount (thousands)*
1981	$5,216
1980	4,987
1979	5,182
1978	5,533
1977	5,191
1976	5,019
1975	4,891
1974	5,549
1973	4,937
1972	4,931
1971	4,390
1970	4,435
1969	4,272
1968	4,186
1967	4,155
1966	3,959
1965	3,576
1964	1,452
1963	1,089
1962	953
1961	758
1960	669
1959	668
1958	621
1957	598
1956	442

Prepared by: Science and Education Administration, Budget Division, March 1981.●

CZECHOSLOVAK INDEPENDENCE DAY

● Mr. WEICKER. Mr. President, today is Czechoslovak Independence Day. On October 28, 1918, the independent Republic of Czechoslovakia was proclaimed. The historic struggle that had been waged for centuries by the Czech and Slovak peoples for their national liberation from the Hapsburgs ended. With the goal of self-determination of nations espoused by Woodrow Wilson in mind, Czechoslovaks had rallied to the allied cause and helped defeat the Central Powers in the First World War. Here in America, Czech Americans had volunteered in large numbers. Those who could not fight had bought war bonds making the Czechs the people that bought proportionally more bonds than any other foreign-born group. An espionage service of Czech Americans, led by Emanual Voska, had supplied the allies with key information on German and Austrian activity in the United States.

The defeat of Germany and the Austro-Hungarian Empire assured the birth of the independent nation. In the years following the war, Czechoslovakia enjoyed a thriving democracy under the leadership of their great statesman Tomas Masaryk. Agrarian reform improved the lot of the peasants. Progressive social legislation gave needed security to workers. Craftsmen and small industries flourished. All indications pointed toward a long and favorable future for the new republic situated in the heart of Europe. Unfortunately, such hopes were to be done in by a man named Hitler.

Mr. President, in September 1938, faced with the threat of imminent war and isolation from the rest of Europe, Czechoslovakia was forced to accept the infamous Munich agreement, thus giving up a fifth of their territory to Nazi Germany. Hopes that Hitler would keep his word and make no more territorial claims were soon dashed. Within 6 months German tanks stationed themselves in Prague and Czechoslovakia ceased to exist as an independent nation.

World War II caused great suffering for the Czechoslovakian people, but by 1945, they had regained their independence. Overjoyed with the victory over the German war machine, few people were prepared for the encroachments of their Russian neighbor. In 1948, the postwar coalition government was toppled by the Communists. In the ensuing years, the government took complete control over business, industry, agriculture, religion, and education. Secret police intimidated the populace, imprisoning all who offered opposition.

In 1968, Czechoslovakians fought back against their restrictive government. Under Alexander Dubcek, a program of liberal reforms was introduced emphasizing freedom of expression and contact with the non-Communist world. The flame of hope rose high only to be dashed again by the grim arrival of Soviet tanks and troops from the Communist nations. A year later Dubeck was replaced, reformists were purged.

Mr. President, there will be no cele-

brations in Czechoslovakia today. No parades in the streets or fireworks in the sky. In the dark shadow of the Soviet empire, the people continue to exist in subjugation. But as the world has learned and will learn again: with brutality comes resistance, with suffering comes aspiration and with ordeal comes strength. Buried deep in the souls of Czechoslovakians, the coal of freedom continues to burn, giving warmth to their hopes. Here in the United States, all Americans, Czech, and of other descent, pause on this day to recognize those hopes and the force that keeps them alive. Liberty cannot be shackled forever. One day we shall celebrate the rebirth of a free Czechoslovakian nation in a free Europe in a free world.●

CONRAD SCHWIERING DAY

● Mr. WALLOP. Mr. President, today's events will produce an important decision affecting our Nation and other Western industrialized economies and our Saudi Arabia oil artery. October 28, however, also marks an important day in my home State of Wyoming. Today, Wyoming is honoring one of America's most well-respected, contemporary Western artists, Conrad Schwiering. Since I cannot personally attend the festivities in his honor, I ask that the following statement, which is being delivered to day at the Casper Country Club on my behalf, be printed in the RECORD.

The statement follows:

STATEMENT FOR CONRAD SCHWIERING DAY BY SENATOR MALCOLM WALLOP

Friends, today we honor a man who has truly devoted his life, and his work, to immortalizing the abundant beauty so generously bestowed upon Wyoming, and to capturing the diverse aspects of our Western way of life. It has been said: "In Conrad Schwiering, God gave us a man to match our mountains."

Gazing upon a Schwiering painting we sense this man's love for his native land. In many of Connie's Teton landscapes we can almost smell the Western scents of sage, pine and even old leather. Yet, as much as Connie's art typifies Western life, it also stands alone for the mood and the personal impression of Wyoming that it imparts to each of us. His work beautifully preserves a part of home for us all.

Connie's rare artistic talent, and potential for greatness, have been evident to many since the first colorful stroke of his brush across a canvas some 30 years ago. And today, the time has finally come to recognize his tremendous contribution to American art in general, and Western art in particular. I offer my congratulations on your day, and on your selection—as the first Wyoming artist—to be presented with the National Cowboy Hall of Fame and Western Heritage Center's gold medal of the National Academy of Western Art.

While we honor the artist, however, we must also take time to thank Mary Ethel for her love, patience and contribution to Connie's art, and for her service to the Jackson community. Every person in Wyoming benefits from the Schwierings community involvement and the many tasks they selflessly perform. Your impression has been indelibly etched upon our state, and we are very proud of you both. Thanks for everything from all of us. You have made our lives special.●

STRATEGIC NUCLEAR FORCES

● Mr. MATHIAS. Mr. President, on Monday, October 19, the Senator from Illinois (Mr. PERCY) chairman of the Foreign Relations Committee, addressed the 55th annual dinner of the Cal Tech Associates on President Reagan's announced plans for modernizing our strategic nuclear forces. I believe that any American who is trying to reach an informed judgment on the President's proposals will find Senator PERCY's remarks illuminating and useful.

He examined these proposals in depth, assessing both their contributions to improving our Nation's strategic deterrent forces and their impact on future prospects for arms control agreements.

He quite rightly points out that "no administration in recent times has ruled at one time on so many strategic programs." Now the Congress is charged with the responsibility of evaluating what President Reagan has proposed. I ask that Senator PERCY's remarks be printed in the RECORD.

The remarks follow:

REMARKS BY SENATOR CHARLES H. PERCY

I am honored to have been invited to provide the keynote address to this, the 55th Annual Dinner of the Cal Tech Associates. It is a great pleasure to be back among so many good friends. Tonight, I want to discuss with you a matter of profound importance to international security.

On October 2d, President Reagan announced a sweeping plan for strengthening and modernizing U.S. strategic forces. As Secretary of Defense Weinberger noted in presenting the plan to Congress, "not since the Eisenhower years has an Administration proposed a strategic program of such breadth and scope." While previous Administrations have made major decisions on one or another strategic weapons systems, no Administration in recent times has ruled at one time on so many strategic programs.

President Reagan's plan is massive both in terms of cost and scope. If fully funded by Congress, the various strategic modernization and enhancement programs would cost $180 billion over the next six years, a sum which exceeds the entire budget for the United States just fourteen years ago.

Furthermore, the plan will affect every aspect of our current strategic posture, including the air, sea, and land-based legs of the so-called strategic "triad", the command, control and communications (or "C3") network that links the Triad with national command authorities, and strategic defenses such as radars, fighter interceptors, and civil defense. It is no exaggeration to say that the ultimate Presidential and Congressional decisions on this comprehensive package will determine the basic outline of U.S. strategic deterrence well into the next century.

In my remarks this evening, I would like to address two separate, but critically related, dimensions of the President's proposals. First, I will discuss whether the package is, for the most part, strategically sound. Second, I want to examine what opportunities it presents for genuine arms limitations, or even significant arms reductions.

Let me begin by discussing the five elements of the package in turn, starting with the President's decisions on new bomber aircraft.

B–1 BOMBER

President Reagan's decision to go ahead with the deployment of 100 B–1 bombers while continuing research and development on an Advanced Technology Bomber that can virtually evade radar detection, known as "stealth," strikes me as the most prudent and sensible course which he could possibly have followed. Our existing B–52 bombers were built in the 1950s and 1960s and are becoming increasingly costly and difficult to maintain. We simply cannot wait any longer to decide on a proper replacement for these aircraft. The issue, then, is whether we should go now with the B–1, followed in time by the "stealth" bomber, or try to leapfrog directly to "stealth", skipping the B–1 altogether.

The problem with the latter course is that the "stealth" bomber is still just a design and the first test aircraft will not fly for at least another three years. While the basic concept shows considerable promise, many technological and design uncertainties remain. History has repeatedly shown that programs which are rushed through on a crash basis result in cost overruns and suboptimal performance. The "stealth" program is too important to be pursued imprudently. By going with the B–1 now, we will gain the time needed to get the "stealth" program right while at the same time capitalizing on the $6 billion already invested in developing the B–1 bomber. If the "stealth" bomber should become available sooner than we think, we can always shift funding from the B–1 to the "stealth."

Let us, for a moment, try to think through what has been called the unthinkable—a nuclear war. Some critics have charged that in the event of war the B–1 would not be able to penetrate Soviet air defenses and thus should not be built. In my view, this argument is based on unrealistic assumptions regarding likely combat scenarios. If, in World War II, the United States had decided that it would build no B–17s or B–29s unless they were invulnerable to German or Japanese defenses, we would have built no bombers and may well have lost the war. Then, as now, the success of a bomber attack depended more on tactics and mass than on the invulnerability of a single bomber in a strictly technological sense.

B–1 bombers on nuclear retaliation missions would reach Soviet airspace several hours into all-out nuclear war and encounter an air defense network left in shambles by prior U.S. missile strikes on key Soviet airfields, radars, and command and control facilities. Moreover, the bombers could launch supersonic, nuclear-tipped Short Range Attack Missiles to take out whatever air defense installations remained in the designated penetration corridors and employ very low-level flight and newly upgraded electronic countermeasures to evade defenses in the immediate target area.

I believe that a considerable portion of the attacking force would deliver bombs on target. More importantly, I believe that Soviet military leaders must also reach the same conclusions. This knowledge—the certainty of nuclear devastation—is the essence of credible strategic deterrence. And a credible strategic deterrent has been the heart of our efforts to prevent nuclear war for the last three decades.

Lastly, I would point out that the B–1 and "stealth" are more complementary than competitive in design. Once the "stealth" is deployed in the mid-1990s, it would assume principal responsibility for the manned penetrator role. Nonetheless, the B–1 will remain fully capable of serving as a stand-off cruise missile launcher or as a conventional

bomber in support of non-nuclear military operations, such as a U.S. military deployment in defense of the Persian Gulf oil fields. The Advanced Technology Bomber, which will be optimized for speed and stealth, will not be nearly as effective in performing these missions.

MX MISSILE

Let me now turn to the second, and what may be the most surprising and controversial element of the President's strategic package, the decision to deploy 100 MX missiles in reconstructed silos in existing ICBM fields. The President's courageous and wise decision to scrap the "shell game" basing proposal for 200 MX missiles espoused by the Carter Administration represents a triumph of common sense over the arcane and inordinately theoretical justifications presented in support of the Multiple Protective Shelter scheme, originally known as the "racetrack." Since the Administration has wisely decided not to expend any more money or time on MPS, I need not belabor its many faults. However, I would note three key deficiencies of the concept:

1. Without an effective SALT II limitation on Soviet ICBMs and warheads, the basing system could be overwhelmed by a dedicated Soviet attack. The need to maintain more shelters than Soviet warheads would have committed us to a costly shelter versus warhead "race". In effect, the nuclear arms race would have had new incentives to shift into high gear.

2. With the MPS system, we would have spent billions and billions of dollars on concrete, rather than on firepower. The money saved by scrapping the MPS system will be enough to pay for the B–1 "insurance policy" even if all 100 bombers are purchased and delivered.

3. The "Shell game" approach, would have provided the Soviets with great incentives to maximize their espionage in the United States. No matter how hard we worked at deception, we would never have been fully confident that the Soviets had not cracked the deployment code and figured out which shelter held the missile. Thus we would have spent upward of $100 billion yet felt no more secure than we do now. In fact, when one considers that the proposed MX shelters would have been one third as blast resistant as existing Minuteman ICBM silos, and one-eighth as strong as the new MX silos, we might well have felt less secure.

By contrast, the decision to put the MX in reconstructed and hardened silos allows us to avoid most of the expense of the proposed MPS scheme while preserving the enhanced deterrence afforded by the missile itself. Secretary Weinberger has estimated that this decision alone will save close to $20 billion over the rest of the decade. If there were ever any doubts that "Cap the Knife" would try to bring his imposing record for trimming wasteful programs to bear on the Pentagon, let them now be put to rest.

In the case of the MX, as with the B–1, some critics will charge that the proposed system is not invulnerable to attack and hence should not be built. But in this case, too, I regard this line of argument to be more dependent on theoretical scenarios than on realistic notions of strategic deterrence.

I do not doubt that were the United States and Soviet Union hypothetically to agree that on a certain day and time the Soviets would under controlled test conditions launch a Soviet ICBM at a U.S. missile silo, the silo would very probably be destroyed or rendered inoperable. But what I do seriously doubt is that the Soviet Union could, with split-second precision and absolutely no warning, fire hundreds of ICBMs that would simultaneously destroy virtually all our missile silos in a "first-strike."

I can find nothing in the history of warfare that suggests that a military force could perform with such human and materiel perfection the first time out. I would recall that in last year's abortive hostage rescue raid, the U.S. military, with more experience than any other country in the world in helicopter warfare, could not keep even six out of eight helicopters in the air—this despite the most intensive preparations training, and maintenance checks prior to the missions. And I would note that earlier this year, the first flight of the Space Shuttle Columbia was delayed for days while technicians fiddled with a balky computer—this despite having the full expertise of NASA behind the launch of that single rocket.

Under actual wartime conditions, some Soviet missiles would malfunction in whole or part. Some would achieve accuracy specifications; some would not. Some would be launched on time; some would be delayed for minutes or hours. And except for the first wave of warheads to reach their targets, succeeding salvos would have to transit an atmosphere rendered totally inhospitable by the dust, debris, radiation, blast and electromagnetic pulse generated from the first detonations, a nuclear-age version of what Clausewitz called "the fog of war." Under these conditions, countless warheads would likely be destroyed or deflected—a phenomenon known in strategic jargon as "fratricide." Soviet leaders themselves cannot help but be aware of—and hence deterred by—these same uncertainties regarding ICBM reliability and effectiveness.

I am aware that some in the strategic community have suggested that were the Soviets to confine their attack to our missile silos and somehow succeed in quickly knocking most of them out, an American President might "blink" rather than order retaliation in the hope of sparing the United States further destruction.

But I would stress that devastation from even such a theoretically "limited" Soviet strike would still inflict a scale of death and destruction unparalleled in the history of the world. According to most estimates, a Soviet attack on Minuteman and Titan silos would immediately kill tens of millions of Americans and for all intents and purposes obliterate Arkansas, Arizona, Kansas, Missouri, Montana, North and South Dakota, and Wyoming. Fallout would endanger countless millions in the East and Midwest.

I can no more imagine that an American President, after learning of devastation on this scale, would not order retaliation than I could conceive of Franklin Roosevelt deciding not to fight back after Pearl Harbor. The suggestion, now heard in Washington, that the United States would surrender rather than counterattack is, in my view, without foundation and totally at odds with the essential fiber and resolve of the American nation as I know it.

Nor, I would submit, do I believe that Soviet leaders would for an instant entertain such notions—unless, we by voicing our own doubts should so persuade them. Rather, I must believe that Soviet leaders would know that they would either have to give it their best shot, or not shoot at all. Were the Soviets to contemplate a nuclear strike on the United States, they would have to take into account not only our ICBM forces, but also our bombers and submarines. Soviet leaders are well aware that less than 25 percent of total U.S. nuclear striking power is carried by our ICBMs, and that our bombers and submarines hold the lion's share of our nuclear bombs and warheads. Against this total array of U.S. striking power, I cannot imagine that Soviet leaders could delude themselves into thinking they could win a nuclear war.

Why, then, deploy the MX at all? If a Soviet attack on the United States would provoke devastating retaliation from our bombers, cruise missiles, submarine-launched ballistic missiles, and surviving ICBMs, why not just stick with our current Minuteman ICBM forces? We could of course take this risk and trust the USSR not to be irrational. I would argue, however, that in this broader context, the MX decision still makes good sense and further strengthens deterrence. Deploying the MX in reconstructed silos does not mean that all missiles would survive a Soviet first strike, but it does mean that each MX that did survive would carry ten warheads, rather than the three on board each Minuteman III ICBM.

Moreover, by stressing MX shelters to 5000 pounds-per-square-inch (or "PSI"), we significantly narrow the Soviets' margin for error in missile accuracy. Lastly, I would point out that the billions saved by scrapping the MPS system can be channeled into other programs, such as the B–1 and Trident II missile, that diversify and strengthen our total retaliatory capability.

With respect to the three longer-term MX basing options proposed by the Administration for study during the next three years—the anti-ballistic missile, or ABM, deep underground tunnels, and a long-endurance airborne MX launcher—I would hope that the Administration would not necessarily feel bound by its self-imposed deadline of 1984 for making a final basing decision. If, after further study, these three options prove as unsound and costly as did the MPS concept, we should be prepared to continue deploying MX missiles into hardened silos. In the final analysis, we may well discover that the so-called "window of vulnerability" is not a realistic yardstick for measuring strategic force sufficiency and abandon our quixotic search for a supposedly "invulnerable" MX basing mode.

SUBMARINE MISSILE PROGRAMS

The third element in the package addresses the sea-based leg of the Triad. I support the President's decision to go forward with the more accurate and longer-range Trident II missile, which, as I stated before, provides a useful hedge against Soviet capabilities vis-a-vis our ICBM force and commend his decision to continue deploying Trident submarines, with construction now set at the more realistic rate of one per year. I would ask, however, that the Administration think through again the operational, foreign policy and arms control implications of its plan to deploy hundreds of sea-launched cruise missiles on attack submarines.

Each submarine so equipped would not likely be risked in conventional submarine operations, thus the total U.S. submarine fleet available for contending with the Soviet Navy might be drawn down. Secondly, General Bernard Rogers, the highly respected and able Supreme Allied Commander in NATO, has already cautioned that this proposal may weaken European resolve to go ahead with the deployment of land-based intermediate range nuclear missiles. And lastly, sanctioning the deployment of cruise missiles on submarines may create serious verification difficulties for future arms control efforts.

STRATEGIC C3

The fourth element of the President's package would dedicate new priority and resources to strengthening the strategic C3 network. I am sure that we all agree that our strategic forces, no matter how imposing and powerful, are useless unless national command authorities can give the order to retaliate. For too long, we have funded other defense programs at the expense of this vital

functional area. At the same time, though, I will want to examine in much greater detail which aspects of the proposed C3 enhancements are designed to preserve our retaliatory capabilities and which are intended to permit the United States to fight a protracted nuclear war. This latter concept—that we should plan for nuclear wars that endure for weeks or even months—appears to me to be totally unrealistic and could, if adopted, push us into many unwise expenditures.

STRATEGIC DEFENSE

The President's proposal to augment U.S. strategic defenses may prove to be the most questionable element of the package. Certainly we should ensure that our air defense network remains capable of maintaining constant surveillance of our borders and challenging unidentified aerial intrusions. The Soviet bomber force should not be permitted the luxury of a "free ride" on bombing missions against U.S. targets. In this context, the replacement of obsolete F–106 interceptors with the advanced F–15 is a long overdue step. However, I would question the feasibility and cost effectiveness of deploying air defenses in depth, capable of engaging and destroying any conceivable Soviet bomber attack. Similarly, I do not believe that a massive expansion of current U.S. civil defense programs would be a prudent use of taxpayer dollars.

OPPORTUNITIES FOR ARMS CONTROL

Let me turn now to a vitally important aspect of the President's strategic force modernization decisions which has been largely overlooked in the initial congressional and media reviews, namely, the significant opportunities for arms control offered by the overall package.

In the general parlance of arms control, the President's plan moves the United States in a stabilizing, rather than destabilizing, direction in the development of new strategic weaponry. The plan emphasizes bombers and cruise missiles, which reach their targets too slowly to be useful as "first strike" or counter-silo systems, and it would actually lessen the role played by the ICBM relative to the other two legs of the U.S. strategic Triad. As I mentioned earlier, the United States maintains less than 25 percent of its total nuclear warheads and bombs in its ICBM force, compared to 75 percent in the case of the Soviet Union.

Under the proposed package, the United States would acquire more bombers and Trident missiles than MX missiles, decreasing the ICBM percentage even further. Indeed, the United States would, at least initially, decommission more ICBM's than it would deploy, scrapping 54 Titan missiles while adding only 36 MXs.

By contrast, had the United States proceeded with the 200 MX/4600 shelter scheme, we would have deployed twice as many MX missiles under the President's plan, thereby increasing Soviet anxiety about the potential for a U.S. "first strike." Moreover, with the MX/MPS system, the Soviets would have been pushed in the direction of deploying thousands of additional warheads to overwhelm the shelter grid. With the MX in reinforced silos, the problem for the Soviet Union is qualitative, that is, improving warhead accuracy, and not quantitative.

The President's plan also reduces the incentives for an ABM deployment and thus reinforces the integrity of the ABM Treaty, a treaty which I still believe to be in the national security interests of the United States. In large measure, the renewal of interest in ABM in recent years has stemmed from the perceived advantages afforded ABM if it were deployed in conjunction with MX/MPS system. Under the MPS concept, the ABM launching units would only have to fire at Soviet warheads headed for the 200 shelters that actually contained the 200 MX missiles; the ABM system could allow Soviet warheads aimed at the 4400 empty shelters to go by. With this numerical leverage, some ABM advocates believed that ABM would be cost effective.

With MX in fixed silos, though, an ABM system would have to fire at every warhead and would thus be quickly overwhelmed. Exotic technologies for intercepting ICBMs in space, before the missiles release their multiple warheads, may be conceivable in the 1990s, but for the foreseeable future, I remain skeptical that the ABM option will prove a sensible or cost effective solution to U.S. strategic requirements. As Secretary Weinberger stated in testimony earlier this month before the Senate Armed Services Committee, "an ABM system that can only destroy 50 percent of the incoming warheads is simply not good enough."

THE STRATEGIC PACKAGE AND SALT

In addition to its compatibility with arms control generally, the President's plan provides another immediate arms control benefit: it is fully consistent with SALT. Although President Reagan has stated that there is much in the unratified SALT II that he could accept. I am sure that the plan was not devised with an eye to the terms of this agreement. On the contrary, Administration officials made clear that although we are following an informal policy of respecting existing SALT agreements, they would not have hesitated to have deviated from these accords had any of the strategic weapons decisions so required. Nevertheless, the package as it emerged could be implemented in full under the terms of SALT I and II, even were the SALT II Treaty to extend to 1989.

SALT II as negotiated specifically authorizes the United States to deploy the MX missile in existing silos, provided the silo dimensions are not increased beyond specified parameters. The Titan and Minuteman III silos can accommodate the MX without exceeding these limits. The Treaty also permits deployment of the B–1 bomber, Trident submarine, and Trident II missile and, after December 31st of this year, would not prohibit the deployment of long-range nuclear cruise missiles on submarines. Nor would anything in SALT II restrict improvements to air defense, civil defense, or strategic C3.

Does this mean that we should now turn back the clock and ratify SALT II? I believe not, As I said to Soviet Premier Brezhnev in Moscow last December, "SALT II is dead as a doornail." By any realistic political calculation, there is little chance that President Reagan might ask the Senate to join with the Administration in ratifying an amended version of the original Treaty.

Fortunately, other avenues exist. By simply adhering to what is already declared U.S. policy, we can capitalize on the opportunities created for arms control by the President's strategic weapons plan. As I mentioned before, this Administration has declared that it will take no action that would undercut existing SALT agreements as long as the Soviets demonstrate the same restraint.

The benefits of continuing this policy are profound:

Soviet strategic programs would be kept within specified, and entirely predictable, parameters. For example, the Soviets could not construct new missile silos or increase the number of warheads on their existing missiles.

Our friends and allies would be reassured that this Administration is serious in its commitment to arms control. This is especially important in the NATO context, where doubts about the Administration's commitment to SALT have fanned increased opposition to the Theater Nuclear Force modernization program.

Senators and Congressmen, who may be looking for a source of future defense budget cuts, will see that the President's strategic package is consistent with and indeed central to a responsible U.S. arms control policy.

And, most importantly, by continuing our current policy of reciprocal restraint, we ensure that the next round of SALT negotiations will be conducted in the context of continuity and stability, thus enhancing the prospect that these negotiations will succeed.

With the President's strategic weapons plan now in hand, and recognizing that nothing in this blueprint is constrained by existing SALT agreements, I see no reason why this Administration should renounce its declared willingness to continue a de facto policy of respecting the SALT agreements, as long as the Soviets reciprocate.

Within this framework, we can go forward with the President's sound plan for preserving the credibility of U.S. strategic deterrence while at the same time maintaining a solid basis for progress in attaining genuine arms control limitations.

President Reagan has described his strategic modernization plan as "the keystone to any genuine arms reduction agreements with the Soviets." I respect his wisdom and foresight in committing us to the pursuit of arms reductions far deeper than those proposed under SALT II. The enormous cost and awesome destructiveness of the strategic weapons now proposed for development make this task all the more imperative.

Thomas Watson, our former Ambassador in Moscow, said in a commencement speech this summer at Harvard that while the future of mankind depends on many things. "It hinges above all on us: on the United States' policy on nuclear weapons—on what we and our leaders do about that policy in the days and months immediately ahead." I could not agree more. The time is at hand for moving ahead on two fronts, for restoring the credibility of our strategic deterrent and for using SALT to help ensure that it need never be used. I urge you to join me in supporting this vital undertaking.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36 (b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annex referred to in one of the covering letters is available to Senators in the Office of the Foreign Relations Committee, room 4229, Dirksen Building.

The material referred to is as follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 26, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-107 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Japan for defense articles and services estimated to cost $11 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

ERICH F. VON MARBOD,
Director.

TRANSMITTAL NO. 81-107

(Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act)

(i) Prospective Purchaser: Japan.

(ii) Total Estimated Value:

	Millions
Major Defense Equipment*	$9
Other	2
Total	11

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Eight HARPOON missiles, two blast test vehicles, spares, and repair parts.

(iv) Military Department: Navy (LIA).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending 30 June 1981.

(viii) Date Report Delivered to Congress: 26 October 1981.

POLICY JUSTIFICATION

JAPAN—HARPOON MISSILES

The Government of Japan has requested the purchase of eight HARPOON missiles, two blast test vehicles, spares, and repair parts at an estimated cost of $11 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interest to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security.

These missiles are to be used on the modernization of the Japanese destroyer *Takatsuki* DDA 2304 and acquisition of these missiles is crucial to improvement of the Japanese Maritime Self Defense Force's tactical capability. HARPOON will be the only tactical anti-ship missile in the Force, and therefore the principal anti-surface ship weapon.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the McDonnell-Douglas Corporation of St. Louis, Missouri.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Japan.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 26, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-110, concerning the Department of the Army's proposed Letter of Offer to Sudan for defense articles and services estimated to cost $36 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Director.

TRANSMITTAL NO. 81-110

(Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act)

(i) Prospective Purchaser: Sudan.

(ii) Total Estimated Value:

	Millions
Major Defense Equipment*	$29
Other	7
Total	36

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Twenty M60A3 tanks with applicable support equipment, concurrent spares, special tools, test equipment, and associated services.

(iv) Military Department: Army (UCF).

(v) Sales Commission, Fee, etc., Paid Offered, or Agreed to Be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 September 1981.

(viii) Date Report Delivered to Congress: 26 October 1981.

POLICY JUSTIFICATION

SUDAN—20 M60A3 TANKS

The Government of Sudan has requested the purchase of 20 M60A3 tanks with applicable support equipment, concurrent spares, special tools, test equipment, and associated services at an estimated cost of $36 million.

This sale will contribute to the foreign policy objectives of the United States by improving the defense capability of Sudan. It will demonstrate our interest in the maintenance of stability in the volatile Horn of Africa and Red Sea region. Additionally, by providing this support for the government of President Nimeiri and his decision to upgrade the Sudanese defensive posture in light of heightened Soviet assistance to Libya and other potentially destablizing forces, the U.S. will reassure other moderate states in the region regarding its concern for their independence.

The Sudanese Armed Forces are attempting to modernize the ground forces through the purchase of equipment from the United States and other western suppliers. The Sudanese Army has the capability of absorbing this equipment without difficulty.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Chrysler Corporation, of Detroit, Michigan.

Implementation of this sale will require the temporary assignment of approximately 5 U.S. Government personnel in Sudan for two weeks to provide quality assurance and technical assistance.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 27, 1981.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-109, concerning the Department of the Army's proposed Letter of Offer to Greece for defense articles and services estimated to cost $16 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C (b) of that statute.

Sincerely,

ERICH F. VON MARBOD,
Director.

TRANSMITTAL NO. 81-109

(Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act)

(i) Prospective Purchaser: Greece.

(ii) Total Estimated Value:

	Millions
Major Defense Equipment*	$10
Other	6
Total	16

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Fifteen hundred seventy-four AN/VRC-12 series radios and 207 AN/PRC-77 series radios.

(iv) Military Department: Army (WLL).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending 30 June 1981.

(viii) Date Report Delivered to Congress: 27 October 1981.

POLICY JUSTIFICATION

GREECE—AN/VRC-12 AND AN/PRC-77 SERIES RADIOS

The Government of Greece (GOG) has requested the purchase of 1,574 AN/VRC-12 series radios and 207 AN/PRC-77 series radios at an estimated cost of $16 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

These radios are to be used by the GOG to upgrade the communications capability of combat and combat support vehicles already on hand in the Hellenic Army (HA). The HA will have no difficulty in absorbing, in-

stalling, and using the radio sets. These items will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of sale. The sale of this equipment and support will not adversely affect either the basic military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be determined through competitive bidding after case acceptance.

Implementation of this sale will require the assignment of not more than two additional U.S. Government or contractor personnel to Greece for a total period not to exceed fourteen days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision of AN/VRC-12 and AN/PRC-77 radios to the Government of Greece is consistent with the principles contained in section 620C(b) of the Act.

This certification will be made part of the certification of the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

JAMES L. BUCKLEY.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AWACS SALE—RESOLUTION OF DISAPPROVAL

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now proceed to the consideration of House Concurrent Resolution 194, which will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 194) disapproving the proposed sales to Saudi Arabia of E-3A airborne warning and control system (AWACS) aircraft, conformal fuel tanks for F-15 aircraft, AIM-9L Sidewinder missiles, and Boeing 707 aerial refueling aircraft.

The Senate proceeded to consider the concurrent resolution.

Mr. BAKER. Mr. President, the AWACS disapproval resolution which the Senate considers today is governed by procedures referenced in the Arms Export Control Act of 1976, as slightly modified by the unanimous consent agreement of October 20, 1981. Under the law, time for debate on the resolution is controlled by the majority and minority leaders, or their designees. At this point, I wish to designate the distinguished chairman of the Committee on Foreign Relations, Mr. PERCY, to control the time allocated to those in opposition to the resolution.

Pursuant to the consent order, debate on the resolution will occur between the hours of 9 a.m. and 5 p.m., with a vote on final disposition of the resolution to take place precisely at 5. In addition, the law provides a sublimit time cap of 1 hour on each appeal and debatable motion. No amendment to the resolution or motion to recommit is in order.

Mr. President, I believe that all Members of the Senate, on both sides of this issue, have comported themselves with dignity and with fairness. I expect that the debate today will be fruitful and productive and that all of us will gladly abide the outcome.

(Mr. GORTON assumed the chair.)

Mr. PELL. Mr. President, the minority leader has allocated his time to me.

It is with deep regret that I rise to support the resolution of disapproval of the AWACS/F-15 enhancement package proposed for sale to Saudi Arabia. This is a proposal that never should have been submitted to the Congress and one that never should have been allowed to become a litmus test of United States-Saudi relations or a referendum on the prestige of the American Presidency. In this latter connection, I regret insinuations that this is a partisan political issue. I also regret the President's statement that those who vote against the sale "are not doing their country a service," thus suggesting that opponents of the sale are somehow unpatriotic.

From the beginning, the concerns that have been raised about this sale, both in the Senate and in the House, have been bipartisan concerns, and that continues to be the case today. No one has suggested that such an important foreign policy issue should be exploited for partisan advantage. Similarly, everyone that I have heard speak on this issue has approached it from the perspective of what is in the U.S. national security interest. No one wants to undercut the authority of the President or to render our foreign policy less effective. There are simply honest differences over what is in the best interest of the United States, and I hope that the administration will be persuaded that this is the case.

This sale is the result of a series of botches—botches that started under the previous administration, my administration—and has become a veritable Frankenstein. It should not go forward. Two weeks ago, when our former colleague, and now Under Secretary of State, James Buckley, made the final presentation of the administration's case to the Foreign Relations Committee, I suggested that this proposed sale be withdrawn, reconsidered with a view toward meeting the concerns raised by members of the Foreign Relations Committee and other Members of the Senate, and then returned in a couple of months when rhetoric and tempers have subsided. Unfortunately, my suggestion was rejected—confrontation, apparently, was wanted—but I continue to believe that this sale should be withdrawn; and I renew my proposal now.

As my colleagues are aware, the Foreign Relations Committeee voted to support the resolution of disapproval sponsored by Senator PACKWOOD and originally cosponsored by 49 other Members of the Senate. In considering this sale, the committee was very mindful of previous events which were and continue to be relevant to this sale. One of these events was the loss of highly sophisticated equipment and technology following the fall of the Shah of Iran in 1979. Fortunately, the AWACS aircraft promised to the Shah had not been delivered before he fell and the sale was canceled, but it was a close call. Committee members were also mindful of the fact that spokesmen for the previous administration had assured the committee in connection with the 1978 sale of F-15 aircraft to Saudi Arabia that the AWACS, aerial refueling tankers, and F-15 enhancement equipment would not be sought for Saudi Arabia.

The report of the Foreign Relations Committee, which is available on Senators' desks, sets forth the case in favor of approving the resolution of disapproval. To summarize, a majority of the committee's members, representing both parties, concluded: First, that providing sophisticated weapons to a potentially unstable government, without ultimate control resting in U.S. hands, increases the possibility of secret technology falling into unfriendly hands; second, that this sale would not measurably increase Saudi Arabia's security, particularly since the AWACS would be a downgraded version and therefore not the best to meet the difficult task of defending the oil facilities; third, that the sale would escalate the Middle East arms race; and fourth, that the sale would undermine the security of Israel, the only stable U.S. ally in the region.

Speaking personally, when the committee began its consideration of the administration's proposal, I was very skeptical of the wisdom of proceeding with the sale. Nevertheless, I tried to be as impartial as possible and weigh the pros and cons very carefully. As I listened to the testimony and studied the various issues involved, it became clear to me that a decision on this sale was going to be a close call.

As the minority leader, Senator ROBERT C. BYRD, said in his excellent speech last week, for every argument on one side of this issue there is an equally persuasive argument on the other side. In other words, there is a mirror-image aspect to this debate. That was certainly the case when the Foreign Relations Committee debated the issue, but at the end of that debate, I was unconvinced of the wisdom of the sale in terms of U.S. interests in the area.

I base my decision on these judgments. Most of all, I fear that going ahead with this sale would lead to another upward spiral of the arms race in the Middle East. Heightening the tensions and possibilities of conflict in this vital area would clearly not be in our country's interest. Inevitably, it seems to me, providing this equipment to Saudi Arabia would generate requests from Israel for additional equipment, not only to offset

the increased offensive capabilities which the package provides for Saudi Arabia but also to offset presumed future enhancements for Saudi Arabia. And such sales to Israel would be on concessional terms with their usual adverse effect on our budget.

Such requests by Israel could in turn lead to efforts by Syria and Iraq to acquire more and better equipment. They could also cause the new Egyptian Government to press for more equipment to insure that it is not lagging behind in the new round of arms purchases.

Second, this sale could set back the Camp David peace process. I am concerned that if this sale goes forward, Israel will be less cooperative in the Palestinian autonomy negotiations; and Saudi Arabia will dig in its heels further in opposition to the Camp David agreements in order to show the rest of the Arab world that a closer military relationship with the United States does not mean that Saudi Arabia would have to soften its position on the peace process.

Certainly, nothing that has happened since the F–15 sale was approved in 1978 suggests that Saudi Arabia would be more open to supporting the Camp David agreements or to end its financial aid to the PLO. Since 1978, Saudi Arabia has continued to provide more than $40 million annually to the PLO according to press reports; it has refused to permit U.S. bases or facilities in Saudi Arabia; it has criticized Oman for permitting U.S. facilities in that country; and it condemned the U.S. Navy's self-defense action against attacking Libyan fighters over the Gulf of Sidra. This is not the way a close friend should behave.

Third, I am concerned about the security of the technology proposed to be transferred to Saudi Arabia, both regarding the AWACS and the AIM–9L missile. Although the administration pooh-poohs the sensitivity of the AWACS, describing it as 1960's technology, I believe that the Soviets would love to have access to our AWACS even after they develop their own version. Compromise of the AIM–9L missile technology would entail equal, if not greater, risks in maintaining our technology lead over the Soviets.

The administration maintains that the technology of this missile may already have been compromised, but there is no evidence at all of any compromise of the AIM–9L version of the Sidewinder to the Soviets. In this regard the 9L model is the only one that can be effective from any angle, even head-on, in an effort to destroy enemy aircraft.

That capability is very valuable and recently prompted 12 U.S. F–15 pilots to write to Congressman LANTOS to express their concern about this technology falling into Soviet hands. In addition, we have refused to sell the AIM–9L missile to a friendly Western European country. For these reasons, I have taken the position that only American control will suffice to insure the security of our technology.

In response to this concern, the administration argues that the AWACS and AIM–9L missiles will be carefully guarded and that the Saudi regime is very stable. Yet, we should not forget that we heard the same arguments when the previous administration proposed selling AWACS to the Shah of Iran and actually sold F–14 aircraft and Phoenix missiles whose technology was later compromised. Three years ago, I led a bipartisan Senate delegation to Saudi Arabia; and several of us came away with very real concerns about the stability of that regime.

As our report stated:

> Several members of the delegation were left with a sense of unease as to the toughness, strength, and stability of the Saudi Government, a government based on the Koran and tribal custom and conducted almost entirely by actual members of the reigning family.

Despite the fact that the Saudi Government appears stable today, we should not be deluded into thinking that it will continue to be. No nation that is owned and run by 2,000 princes can be called truly stable. Nor should we be taken in by administration assurances that we will not allow Saudi Arabia to become another Iran, for it is simply not in our power to prevent domestic unrest from toppling the Saudi family's control over Saudi Arabia.

Fourth, and this relates to the concern I expressed earlier regarding another arms race in the Middle East, I am concerned that making this sale will increase the threat to Israel, our most dependable ally in the area. The proposed AWACS/F–15 enhancement package should be seen as just one more step in the military buildup underway in Saudi Arabia.

As that process develops, I fear that should another Middle East war erupt, Saudi Arabia will be under tremendous pressure from other Arab combatants to become heavily involved. Forcing Israel to confront for the first time a credible threat from the South will strain Israeli defense capabilities. In this connection, it ought to be borne in mind that Saudi Arabia considers Israel to be its foremost adversary, not the Soviet Union and its friends. As Sheik Yamani said on April 19:

> We believe that the Soviets are a threat, but we believe that Israelis are a threat much greater than the Soviet Union.

Armed with F–15's, equipped with the most advanced air-to-air missiles and controlled by the most sophisticated aerial surveillance aircraft in the world, the AWACS, Saudi Arabia could force Israel to devote significant resources to meeting a new, even if only presumed, threat from the south. With the conformal fuel tanks and an aerial refueling capability, Saudi Arabia could engage in operations over all of Israel, and that cannot be ignored by Israel.

In this connection, I take with a grain of salt the assurances which the administration claims to have obtained from the Saudis. In my view, no sovereign nation can be expected to adhere to commitments restricting the use of equipment that it owns when it concludes that those commitments conflict with its own national interests.

Finally, as President Reagan said: "It is not the business of other nations to make American foreign policy." He was referring to Israel, but he could just as well have referred to Saudi Arabia. I believe that the main reason for this sale is to salve Saudi Arabia's ego, because the United States is already providing AWACS coverage for the kingdom and could continue to do so if only the Saudis would agree.

Having said all of this, I want to add that I do recognize that the United States has an interest in seeing that Saudi Arabia can protect its oilfields and defend itself against external aggression. The AWACS and F–15 enhancement package could make a marginal difference in that regard, but it would certainly not stop a truly determined effort. Not a single witness has been willing to state that supplying this equipment would make Saudi Arabia or its oilfields invulnerable. To the extent that the package would make a difference, that difference would best be realized by an arrangement involving the most capable, not downgraded, AWACS—but under U.S. control.

If this sale is disapproved, as I believe it should be, I believe that it will still be possible to maintain reasonable, productive relations with Saudi Arabia. A close relationship with that country is clearly in our—and their—interest. I would support working with Saudi Arabia to explore ways to better defend itself and its oilfields without turning over ownership or, most important, control of the AWACS and other equipment, to them. But I cannot endorse providing what would prove to be a flying maginot line, a multibillion-dollar package that provides only the illusion of security.

I hope very much that the Saudis will come to realize that a turndown of this sale does not mean that we think less of Saudi Arabia, but that we simply believe that this sale, under the terms involved, is not the right thing for them or for the United States. The relationship that our two countries have forged over several decades ought to be strong enough to withstand our unwillingness to pass a litmus test of support that was ill-conceived and poorly handled by both governments.

I also hope that the administration will not take congressional disapproval of this sale as an assault on its authority to conduct effective foreign relations. Nothing could be further from the truth. It certainly never entered my mind to make an effort to undercut the credibility and effectiveness of the Presidency. Under our system of government, the executive and legislative branches of government have distinct responsibilities to the American people, and when there are honest differences of opinion over what is in the best interests of the United States, the Congress has an obligation to make an effort to change policies that it considers unwise. That was the case regarding the Vietnam war and the debate over the ABM, and it may also have been the case regarding the SALT II treaty, although I supported the executive branch in that matter.

In conclusion, I would like to say that I regret—deeply regret—having to differ with our President on this issue. By inclination, I would like to give any Presi-

dent the benefit of the doubt on issues such as this one, but in this case I cannot in good conscience do so. In my view, the confrontation in which we are engaging today could have been averted had the administration been more willing early to seek congressional advice on a bipartisan basis and to listen to that advice. It is not too late, however, to reconcile our views, and I hope with all my heart that if it becomes evident here today that a majority of the Senate cannot be persuaded to approve this sale, the President will withdraw his proposal and work with the Congress to develop a course of action that responds to the concerns expressed by both Houses of Congress.

Mr. PERCY. Mr. President, first, I should like to acknowledge three very distinguished and beloved colleagues of mine on the floor. As I look at each one of them, the distinguished ranking member of the Committee on Foreign Relations and my longtime friend, CLAIBORNE PELL; the distinguished chairman of the Republican Senate Campaign Committee, Senator PACKWOOD; and the assistant minority leader, Senator ALAN CRANSTON, I can think of the many battles we have waged, and we have been on the same side of many issues.

In this particular case I find us on opposite sides. It has not in any way affected my high regard, my affection, for them. In fact, I admire the way they have thought through their case and fought the good fight. I hope they have fought it in such away as to just fall shy of victory.

As I think now of the comments made by Senator PELL, his wish was that we could have done this in such a way as to have had almost a unanimous vote, I am reminded of the fact that Senator JENNINGS RANDOLPH in his sermon this morning at the Senators' prayer breakfast mentioned the historical fact that five States came into the Union, including California, by just one vote.

In a democratic republic one vote can make the difference. As I look around the Chamber I see chairs of Senators and some Senators sitting in those chairs because of a half-of-1-percent margin that they got from their voters, and yet they are here and their opponents whom they defeated are back home. What we are looking for is one extra vote today. Both sides will be looking for that one extra vote—it is that close.

Having had a background in an American photographic company, I would not want to say that this is a perfect photofinish, but it is just about that. There is not anyone who can say for certain how this will come out at 5:15 tonight when the final vote is cast.

Today, Mr. President, the Senate will make one of the most important foreign policy decisions in its history. The entire course of events in the crucial Middle East-Persian Gulf area could be fundamentally altered by the decision.

The President's ability to carry out American foreign policy could be hindered if he is rebuffed on this crucial test of his international prestige and power.

Prior to receiving notification of the proposed arms sale to Saudi Arabia, I was deeply disturbed that 50 Senators had publicly committed themselves to oppose the sale before they had even heard the administration's case. I am now convinced that all the arguments have been thoroughly presented, and all sides of the issue are reasonably well understood.

Having heard the President's position, some of my colleagues have, with considerable courage, changed their positions from opposition to support. Others hold to their opinions, believing deeply, I know, that this sale should be defeated.

Therefore, it is well for us to now examine during the course of the next 7½ hours, the issues on both sides. Indeed, the problem is that so many different arguments have been made that it is difficult to sort out those that are most important.

For that reason the Committee on Foreign Relations held extensive hearings in order to try to sort out the arguments. Those hearings covered every essential aspect of the sales. In essence, I believe they conclusively proved that the AWACS/F–15 enhancement sales pose no significant military threat to Israel or threat of compromise of U.S. technology.

At our request, the Committee on Armed Services also held hearings on the military and technical aspects of the sales. My distinguished colleague, Senator JOHN TOWER, will explain his committee's findings in more detail.

Suffice it to say now that I believe the military and technical case for the sales is overwhelming.

On the other hand, the foreign policy implications of the sales are more difficult to demonstrate. Yet over the course of the hearings it becomes clear that the effect of the sales on American ability to forge a more effective foreign policy in the region is the most important aspect of the sales.

The other day the distinguished minority leader, in a thorough discussion of the proposed sales, emphasized that the primary reason for opposing the sales was his belief that progress toward peace in the Middle East would be harmed if the sales went forward.

I believe that this is the key issue, but I respectfully disagree with his conclusion. Disapproval of the sale, in my judgment, would make attainment of peace more difficult, not less. The Camp David process failed to achieve greater success because moderate Arabs, outside Egypt, refused to join the process, and it is more moderate Arabs who must be brought into the process to make it successful.

Their refusal was based on two factors: First, they believed that the United States was unwilling to play the role of impartial broker and, therefore, future negotiations would not result in a fair settlement. A failure to approve the AWACS sale will confirm the perception in most Arab minds that the United States cannot have a balanced Mideast policy and is not truly committed to either their security or peace.

Second, the more moderate Arabs were asked to join a peace process developed at Camp David without their participation. While supporting a negotiated settlement, they rejected a framework which they felt would work to their disadvantage.

Approval of the AWACS sale will not get the Saudis to join the Camp David process, but would make them more willing to look for expanded approaches to peace. Disapproval would make the Saudis less willing to risk domestic criticism in order to support U.S. efforts for peace.

I also reject the contention that the arms package is not in the mutual interest of the United States and Saudi Arabia. Some have asserted that if we sell the aircraft, the Saudi population will believe their Government is a client state of the United States. Arab critics of the Saudi regime already contend that the Saudis cooperate too closely with the United States.

They argue that Saudi Arabia risks becoming the target of radical Arab criticism, and receives little in return. If the sales are disapproved, the critics will be strengthened, not weakened. They will argue that the United States has betrayed the Saudi Government, has used the country, and gives little or nothing in return. Those elements in the Saudi Government who have espoused closer relations with the United States will inevitably be weakened. If this happens, our efforts to increase strategic cooperation in this region will become vastly more difficult.

While not a western-style democracy, the ordinary Saudi citizen believes his government is responsive to his concerns. The common man retains considerable contact with his government through the majlis system. In Provinces throughout the country, members of the Royal family or their representatives sit and listen to the problems of the people. Anyone may attend and be granted an audience to petition or to voice a grievance.

The petitioner rarely leaves empty-handed and participates in an open and free discussion; this system creates a consensus from the bottom up. It is also unquestionable that, if the sale of AWACS is rejected, the Saudi leadership will quickly be made aware of popular dissatisfaction. It will then have to reflect these concerns in its policy. We can then well imagine what will happen if the sale is rejected and the people believe they have been abandoned by a friend.

In the debate so far, much has also been made of public statements by the Saudis which have caused us discomfort. However, it is important to put these statements and Saudi actions in perspective. In some cases, such as their objections to the Camp David process, disagreements result from honest differences in beliefs about how best to proceed; nonetheless, the Saudis continue to try to play a constructive role in trying to find solutions to a difficult problem. In other instances statements have simply been taken out of context, reflect only dissenting viewpoints or reflect the need for the Saudis to be responsive to the sensitivities of other Arab States.

I believe that it is much more important to consider our areas of common interest with Saudi Arabia and to appreciate the steps they have taken to

help us in undertakings of mutual importance.

Ambassador Phillip Habib has emphasized the essential role the Saudis played in facilitating the current cease-fire in Lebanon.

The Saudi Government has provided financial and other assistance to a number of states in the region whose security is important to the United States. In many instances, this assistance has been essential in filling gaps in our own programs.

The Saudi Government is also playing an increasingly important role in international financial institutions and in supporting world economic stability.

A rejection of the AWACS/F-15 enhancement sale will certainly not cause an immediate reversal of the Saudi position on these types of issues. Yet, it is self-evident that a rejection of the sales, so important symbolically in both countries, would force the Saudis to consider other ways of advancing their interests in ways which do not depend so heavily on the United States. I doubt that these alternatives would be as compatible with our national interests as is current policy.

Equally important, other moderate nations in the region would be forced to reassess the value of closer ties with the United States. In the end, I believe this would pose the most serious threat to Israel's security. If the United States cannot play an effective mediating role in the Arab-Israeli dispute, the threat of war will almost certainly become greater. This would translate not only into a direct threat to our national security, but to Israel's as well.

It is primarily for these reasons, after thorough hearings before the Foreign Relations Committee, that I have come to strongly support the proposed sale. But I also believe that a defeat of the AWACS sale would cast doubt on the ability of the United States to conduct a purposeful foreign policy. All living former Presidents have expressed this concern, and all of them support the sale.

The hour of decision is nearing and I know that most of my colleagues have already made up their minds as to how they will vote. For those critical few who have yet to decide, I hope that they will listen carefully to the debate today. I hope they will make their decision on the basis of what will best permit the United States to promote peaceful solutions to the multiple problems in this critical part of the world.

I—along with the President of the United States—am firmly convinced that a rejection of the AWACS/F-15 enhancement sales would jeopardize our efforts to bring greater stability to the Middle East and Persian Gulf area.

Mr. GOLDWATER. Will the Senator yield?

Mr. PERCY. I am happy to yield to my distinguished colleague from Arizona.

Mr. GOLDWATER. I just want to ask a question. When might it be possible for me to get maybe 7 or 8 minutes?

Mr. PERCY. Mr. President, I say to the distinguished Senator that I presume the opposition would like to now rotate. So far as this Senator is concerned, he would be happy to yield immediately after that to our distinguished colleague from Arizona.

Mr. PACKWOOD. Mr. President, I do not think we need to rotate. I think probably the time for the Senator from Arizona could be worked out.

I wanted to ask the Senator a question or two based upon his remarks.

Mr. PERCY. If the Senator from Arizona is under a time problem, would it be all right if he followed immediately after that?

Mr. PELL. Mr. President, I suggest that the Senator from Arizona speak now.

Mr. PACKWOOD. That is fine with me.

Mr. PERCY. I am happy to yield to the distinguished Senator from Arizona.

Mr. STENNIS. Mr. President, may I ask a question? I understood my schedule was for 9:45 to follow the Senator from Illinois.

Mr. PERCY. That is correct. I believe that the Senator from Arizona will take about 7 minutes or so.

Mr. STENNIS. Will the Senator from Mississippi then be next?

Mr. PERCY. That is acceptable.

Mr. GOLDWATER. Mr. President, during this debate, the opponents and skeptics of the proposed Saudi air defense package have dismissed the argument that the Saudis will purchase alternative European systems as either administration rhetoric or as being of little consequence. They are mistaken. The very goals that this sale will further—the long-term security of Saudi Arabia, and the ability of the United States both to project power and to act as a peacemaker—will be undermined. Moreover, few if any of the problems supposedly created by the sale will be resolved by a congressional veto. Most will be exacerbated.

Arguments on behalf of the political, diplomatic and economic benefits have rightly been made but the primary imperative for the sale is military. The Saudis recognize this and if they are unable to acquire the necessary equipment here, they will shop elsewhere. Therefore, I will examine briefly what these alternatives are and then in more detail describe how they would unnecessarily and catastrophically complicate the ability of the United States to protect the Arabian Gulf in time of need.

While our European allies have been forbearing during our lengthy consideration of this sale, they also have openly expressed their willingness to sell their own systems. For example, Prime Minister Margaret Thatcher publicly offered Nimrod as an alternative to AWACS. Be under no illusions, Nimrod is a capable aircraft. Certainly Nimrod has fewer command and control consoles than AWACS and, because it lacks a refueling capability, less range and time-on-station. But these deficiencies are easily remedied by the purchase of a larger number of planes. The British have at least 28 Nimrods in use in an antisubmarine role. Others are being converted to early warning aircraft.

Two prototypes are already flying and 11 will be delivered for NATO use between 1982 and 1985. There can be no doubt, therefore, that the Saudis can and will acquire this aircraft if forced to do so by the United States.

Additionally, the Nimrod radar is resistant to electronic countermeasures and is close in detection range to that of AWACS. It can simultaneously plot surface ships while detecting both high and low flying aircraft. Perhaps most importantly, Nimrod possesses what is known as electronic support measures—an electronic intelligence gathering system that allows Nimrod to listen to, locate, and classify various platforms which emit electronic pulses. This permits Nimrod, like the E-2C Hawkeye, which Israel is now using, to detect ground targets. For those who are still worried about the effect of an enhanced Saudi air defense capability on the security of Israel, Nimrod poses a much greater potential threat.

Alternatives to the rest of the package are less well defined. Nevertheless, we were told in the hearings that an all aspect air-to-air missile is being manufactured by Matra. The French are well known for their practice of supporting an indigenous defense manufacturing capability by foreign military sales and would make this missile available to the Saudis. They also would be accommodating about providing Mirage interceptors. No specific substitute has been mentioned for the KC-135 tankers, but the construction of this type of aircraft is straightforward and could be built by any of the major European aerospace manufacturers.

Clearly this combination of several European systems would pose a challenge to the limited Saudi skilled manpower. But this has not been an obstacle in the past to either Saudi civilian or military programs. Faced by an unquestioned requirement to bolster the defense of their oilfields, the Saudis will do whatever is necessary to obtain sufficient skilled personnel to maintain and operate all of these systems.

The sale of European equipment would meet immediate Saudi needs, but would provide them only with the capability to defeat a low level threat. This is where the real danger lies. Interoperability with U.S. Forces would be nonexistent. Data sharing would be minimal, if at all, and most of the U.S. logistical support would have to accompany the combat forces. The net result would be to complicate, if not to degrade U.S. ability to project power into this vital area.

Achieving air superiority in an Arabian Gulf conflict will depend largely on good communications and even more importantly on reliable identification of friend or foe. Both a Saudi Nimrod or a Saudi AWACS can provide these functions, but they cannot operate together. The Saudi Nimrod would have to be equipped with a commercial crypto not common to the NATO military version for secure communications and identification of friend or foe capability. Thus, while the United States and NATO AWACS and the NATO Nimrod will be interoperable, a U.S. AWACS or other U.S. aircraft such as an

F–14 launched from a carrier in the Arabian Gulf, could not interoperate with a Saudi Nimrod. In the inevitable confusion, they could even be identified incorrectly as foes.

In contrast, there are several practical means of insuring the interoperability of a Saudi AWACS with U.S. forces. If a time of tension preceded a crisis, the "crypto" in all the American manufactured Saudi aircraft could be converted to the U.S. version. Alternatively, it is technically feasible for the U.S. AWACS to have both the Saudi and U.S. crypto to permit interoperability with Saudi and U.S. interceptors. In either case, United States and Saudi forces could combine to meet and repel an attack.

There are other drawbacks to a Saudi purchase of European equipment for this mission. For example, even if the Saudis were willing, real time information would be unavailable since Nimrod could not provide the command and control for U.S. aircraft. Exchange of intelligence data on such topics as force movements would be possible but would be complicated since the AWACS and Nimrod computer tapes are not interchangeable. Finally, U.S. forces would not be able to benefit fully from an established logistical base. Although U.S. F–15's could use spares stocked to support Saudi aircraft, they could not use the Matra missiles nor would there be any spares and support equipment prepositioned for AWACS.

Impelled by the Soviet occupation of Afghanistan, by the Iran-Iraq war and by the possibility of irresponsible actions by what Secretary Haig has called the unholy alliance of Libya, Ethiopia, and South Yemen, the United States is striving to insure the protection of the economic heartland of the free world. Yet rejection of the air defense package is going to impair the military capability of both the United States and the Saudis to operate effectively in the Arabian Gulf. A rejection will also adversely effect general United States-Saudi relations.

Many opponents of the sale maintain that recent Saudi constructive actions such as their mediation in Lebanon or their restraint on oil prices, are motivated solely by narrow Saudi self-interest. Not only is this a distortion but also ignores an important point: whatever the reason for Saudi actions, their interests and those of the United States have converged and we should take advantage of this. Finally, I believe the sale is going to have some very tangible benefits.

Foremost, in a crisis, U.S. forces will be able to benefit from the command and control capabilities of Saudi AWACS. It is even possible that American weapons directors could supplement Saudi personnel. U.S. aircraft, be they F–14's from our carriers or U.S. F–15's, could use the Saudi KC–135 tankers to refuel. The spares for the AWACS and the F–15's would be in place and, if necessary, the United States could use Saudi AIM–9L missile. In effect, this sale will provide de facto prepositioning and access to bases built and maintained by Americans in a manner that is attractive to both the United States and to the Saudis. It would be difficult, given political realities, to devise a better arrangement.

So far I have addressed the Saudi sale primarily from a military perspective because I feel this is not a case that has been argued sufficiently forcefully. And so far mention of Israel has been noticeable by its absence. First, this is because I believe the immediate threat is not to Israel but to the Arabian Gulf oilfields. Second, I am not convinced that this package poses any credible military threat to Israel—a conclusion I might add, that was also reached by the Senate Armed Services Committee. Nevertheless, I do feel that consideration of Israel should be included in this discussion, but in the context of overall Middle East peace.

The Camp David accords and the subsequent treaty between Israel and Egypt are the most notable steps toward Middle East peace since the Second World War. But this achievement is limited to just these two countries. The very real problems that remain could, if unresolved, threaten the progress made to date. A comprehensive solution requires the participation of the other principal Arab nations. Any advances yet to be made will probably be incremental and if the United States is to contribute, it will need to draw upon all of its diplomatic expertise and all of the accumulated goodwill it can manage in the area. I do not claim that the sale of the Saudi air defense package is a panacea or that it will automatically result in successful peace negotiations, but a rejection cannot but diminish U.S. influences on Saudi Arabia and impair U.S. diplomatic efforts.

Finally, I believe this sale will have sound secondary benefits, one of which will be economic. This clearly cannot and should not serve as an impetus for exporting arms to third countries. Arms transfers can only be justified if they correspond to and support U.S. national security interests and contribute to regional stability. This sale will help to reduce the deleterious imbalance of payments with Saudi Arabia and it will provide a needed influx of capital to our industry both preserving existing jobs and creating new ones. Finally, as they have demonstrated in the past, the Saudis consider their economic power as their main means of implementing their foreign policy. Saudi displeasure with the United States could affect our already precarious position in what is the most competitive worldwide market place.

In conclusion, I would like to stress once again that there is an overwhelming military requirement for this sale and that to force the Saudis to seek alternative European weapons would be counterproductive. Extensive arrangements have been made to protect U.S. technology and to restrict the use of the systems to a clearly defined mission. Provision of this air defense enhancement package will enable the Saudis to protect their oilfields from such attacks as the Iranian raid on Kuwait. It will also enable the United States to augment immediately Saudi capability during a crisis. This is an opportunity we cannot afford to lose.

I thank my friend from Illinois for yielding.

Mr. PERCY. Mr. President, I would like to express great appreciation to the distinguished chairman of the Intelligence Committee, not only for providing invaluable service to the Foreign Relations Committee in providing us with classified reports, but also for his devotion to Israel, which has been unquestioned. No one can question that.

I know in the bottom of his heart he believes this sale, in the long run, serves the best interests of peace in the Middle East and the State of Israel. I thank my distinguished colleague for his fine remarks.

Mr. GOLDWATER. I might say to my friend, the chairman of the Foreign Relations Committee, I am absolutely convinced that the turning down of this sale could lead to war in the Middle East.

Mr. PERCY. With the concurrence of Senator PELL, I am happy to yield to our distinguished colleague from Mississippi, who speaks with tremendous authority on this subject, and who also has rendered invaluable service, with Senator TOWER, in offering assistance and help to the Foreign Relations Committee and the Senate on this important issue.

Mr. STENNIS. I thank the Senator very much. How much time am I allotted?

Mr. PERCY. We have 15 minutes allocated for the distinguished Senator.

Mr. STENNIS. Mr. President, will the Chair notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. STENNIS. Mr. President, I regret that it was impossible to have this final consideration set for a time when all Members could be here. I have a great number of committee meetings going on today, and I am sure other Members do, too. It is such a grave question that I hope that the membership can have a chance to be here in the Chamber as much as possible.

Mr. President, in the position we occupy in world affairs, what does our foreign policy include?

That is a very big question and a big problem. It has been growing ever since I have been here. Certainly it includes our overall position of being a peacemaking nation, a leader for peace, and a leader in alliances for peace.

This has been true now for more than a third of a century. Of course, the term includes the matter of our own safety, our military preparedness, and our defenses. That concept certainly includes being a leader and a negotiator of arms control or arms limitations, and an active leader seeking suitable agreements in this field.

I emphasize these things to show that the Chief Executive is a man put on the spot in all of these far-reaching matters that affect every man, woman, and child, and I emphasize this arms control as being really, I think, at the head of the list.

I trust that all of us agree that the person primarily responsible for carrying

out these functions is the President of the United States, whoever he may be at any given time. He is not only the only person selected by the qualified electors, all of them, but he is the designated Chief Executive of the Nation and designated, in our Constitution, chief of all of our Armed Forces.

This role is placed on him by that constitutional mandate and it has been the general plan of operation for the past 200 years. Just a recitation of these facts and responsibilities, it seems to me, dwarfs the consideration here of a small sale, after all, to a friendly nation, as friendly as anybody in that area of the world, and I think we have to keep our mind on the big things rather than the little things.

The leader of any nation has to speak with one voice when dealing with the chiefs of state of other nations. That is only commonsense. It still leaves room for some ground rules to be exercised by separate groups in the Government, but the primary power and responsibility rests on the Chief Executive. I have no criticism of any Member who might see this differently than I do, or vote differently than I do. That we have the responsibility is what I am trying to point out. As a Member of this august body, I have uniformly adhered firmly to the principle that we keep that responsibility directly on the one to whom we have given the power—the President, in the present case, President Reagan. Then, except in extreme cases, our position should be, I repeat, to back up that Chief Executive, whomever he is.

I am proud to say, Mr. President, that I have done this to the very best of my knowledge; I have followed that course since I have been here, which includes part of Mr. Truman's time and the time served by Mr. Eisenhower, Mr. Kennedy, Mr. Johnson, Mr. Nixon, Mr. Ford, Mr. Carter, and now, Mr. Reagan.

If each of these foregoing principles is correct and sound—and I firmly believe they are—it is an awfully farfetched and downright grave error, as I see it, to stay the hand of the President of the United States in the instance before us today, which is not a treaty and, within itself, is not of overwhelming importance.

After having been denied permission to make a sale to a friendly nation of a product not in short supply as concerns our needs, we neverthless urge him to be an effective leader for us with many nations around the world in efforts for peace and safety, in efforts for trade, and in efforts for arms limitation, which I think is perhaps the gravest problem now confronting our Nation.

Where in the world have we left our commonsense? The picture reflects many other problems of our entire economy in that we still have to import over 50 percent, as I am told, of our oil for ourselves as well as more than that part for our allied nations. We get a great deal of that oil from that area of the world, as do our free world allies. An even greater problem is the protection of that source of oil being taken over permanently by our chief adversaries.

Further, how much are we spending now in appropriated dollars for alliances for the protection of other areas of the world beyond our own borders? An accurate figure is hard to obtain, but I have dealt with the problem. Counting only the cost for the troops in Europe the figure is somewhere around $36 billion a year.

Further, we are challenged here at home now in our own field of finances to the extent that it directly affects every man, woman, and child in America. We have voted a far-reaching bill here this year with overwhelming support that sets out to make drastic changes in our financial system and economic affairs.

We gave tremendous power in the bill to the President of the United States and accepted his leadership on a plan on which he worked so hard.

Now, with all these conditions pressing down on him from every side, how is the President going to meet this lack of confidence that an adverse vote here today would create in the minds of the Chiefs of State of other nations. I believe such an adverse vote could well contribute to the failure of the Reagan plan, just starting here at home. Let us have no part in bringing this about, but rather send the President on his way with support because of the position that he occupies and give him the responsibility of carrying it out.

As I have said, Mr. President, it is tragic to think of the many ramifications that this could take. Certainly, it could very well adversely affect our financial affairs, our budget affairs, right here in the United States, our whole structure of credit. When I say whole structure of credit, I mean the situation we have now where our so-called little people, the small business people or individuals, cannot get every small loan for just a few thousand dollars in connection with an enterprise or a business; be it in order to keep from going bankrupt, to get a dwelling, or a host of other things. We are down to the nub of things in that field.

At issue here is the power to continue our responsibilities in the foreign policy field to the extreme—I think a terrible extreme—of denying to the President of the United States the flexibility, the choices, the give-and-take, so to speak, of affairs in connection with a matter that is relatively simple and relatively unimportant insofar as so-called military plans are concerned.

It is a situation where, if we should be mistaken, we certainly have an abundance of rescue methods that we could employ that would save us from any real harm. But to embark on a field here that leaves doubt and suspicion in the minds of the chief executives and the heads of nations in world affairs, is to provide a stumbling block not only to the President but to our Nation and our people and to us in the discharge of our responsibilities right here on the floor of the Senate. I respectfully submit we should not have to carry this responsibility and I do not believe we can carry it if we are going to continue on a course of this kind. This all comes down to the bottom line: Which course is best for our own welfare. It seems clear to me that the better course for us is to approve the sale and enable the President to better further our welfare rather than reject his plan and increase our burdens.

I believe that, in the end, there will be some reconsideration to the extent that this proposal to deny the President this authority will be defeated. I yield the floor.

Mr. PERCY. Mr. President, I express deep appreciation to the Senator, particularly for the comments on arms control. It is a very far-sighted statement. We will work together on that aspect of our problem.

Mr. STENNIS. I thank the Senator.

Mr. PELL. Mr. President, I yield 7 minutes to the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the Senator.

Mr. President, this proposed sale of AWACS has been debated and analyzed probably as long as 6 months, and I have tried to give it the attention I believe it clearly deserves.

Last summer, when a letter was drafted to the President of the United States, asking him to refrain from that sale, I did not join in that letter because I did not know the terms or the conditions of the sale. To further focus attention on the intelligence aspects of the sale, I asked the distinguished chairman of the Intelligence Committee to make a study of the matter, and he very graciously consented to it.

I am opposed to the sale because I believe it would jeopardize the security of the United States. I do not believe that this country should relinquish control of a sophisticated weapons system like AWACS, which plays a central role in our national defense, to any other country. I believe the security risk is simply too great.

AWACS is flying right now, day and night, over Saudi Arabia, under U.S. command and with U.S. crews, and that is the way I would like to keep it.

Mr. President, 3 years ago, I voted in favor of making F–15 aircraft available to Saudi Arabia, and many of the arguments and responses made today on AWACS have a familiar ring.

The F–15 sale was controversial; it was intensely lobbied; there were frequent references to the ability of our President to conduct foreign policy in a dangerous world; there were legitimate concerns about how the transaction might affect the balance of power in the region; the F–15 sale was a "litmus test" of our relationship with the Saudis; and there were even administration assurances designed to govern and restrict the use of the equipment in question.

But there are also important differences between the initial Saudi F–15 buy and the present plan to sell AWACS. The key difference, as I see it, is that this country has never relinquished control of the AWACS to another nation, no matter how friendly or well-intentioned. Our NATO allies have traditionally been America's closest and most consistent friends, but the AWACS that will go to NATO will be under joint control.

Back in 1977, I was opposed to the sale of AWACS to Iran. I recall the Iranian Ambassador sitting in my office for an hour, trying to talk me into supporting that sale. At the time we were considering selling AWACS to Iran, that country was among our best and closest friends; it was the key to the stability of the Persian Gulf region. The Shah, on occasion, actually went out of his way to be helpful to this country. Iran was an important customer for our exports and a significant producer of oil.

To my friends who have called me and talked to me and said, "The security is assured because you will have an enormous infrastructure of personnel there to operate the aircraft, insofar as maintenance is concerned," I say that we had an enormous infrastructure of U.S. personnel in Iran, and it really was not very effective in trying to sustain that monarchy.

In the case of Iran we decided—correctly—that the risk of technology loss was too great, and the administration pulled back the offer before it became an acute embarrassment. We would have been wrong to sell AWACS to Iran, and we would be wrong to sell them to Saudi Arabia.

We have made the F–15 available to allied and friendly states, including Israel, in the Middle East. The precedent has been set, but it has not been set on AWACS. I sincerely hope that this country will never sell that aircraft without provisions for joint command and control.

Mr. President, we are standing here today arguing differences. But possibly the most important lesson to be learned from this debate is the broad area of shared concern on the AWACS issue. I do not think there is any Member of the Senate who disputes the need for an AWACS-type surveillance in Saudi Arabia. I have been through this issue time and again. I agree that the Saudis need to protect their oil fields and installations. I agree that appropriate warning time of an attack on those facilities can only be provided with AWACS-type coverage.

Everyone on this floor would also agree that Saudi Arabia is important to this country for a variety of reasons, and on some occasions the Saudis have been helpful to us. I am willing to go out of my way to help build bridges of understanding between our two countries. That is one reason I voted in favor of the F–15's 3 years ago.

When it comes to international relations, I am a realist. I do not expect the Saudis to do favors for us when it is contrary to their national interests. As it happens, our interests happen to coincide much of the time. The Saudis helped bring about a cease-fire in Lebanon not just to demonstrate how much they like the United States, but also because they have a vested interest in the peace and prosperity of the Middle East. They have kept production up and prices slightly lower than OPEC in order to maximize their own revenue, not simply as a favor to this country. They have invested much of their oil revenue in this country because we are the most stable democracy in the world and the Saudis clearly benefit from investing in a stable world economy.

So, for a variety of reasons, this country and Saudi Arabia have often found that our national interests have coincided. There have been other times, such as the issue of Camp David, when they were opposed.

I certainly support a policy of trying to maximize shared policy objectives and interests with Saudi Arabia. But I do not accept the notion that we should jeopardize our own security or compromise our own national interests just to pass a "litmus test of friendship" with the Saudis.

When they talk about their sovereignty and their sensitivities, and therefore not wanting shared crews or shared command, how about our sensitivities and our sovereignty? After all, we are manufacturing the aircraft.

The AWACS, under American command and control, are currently providing Saudi Arabia with around the clock early warning coverage. We all agree that coverage is necessary. If the status quo is unacceptable to the Saudis, if it somehow impinges on their sovereignty or sensibilities, then I think we could find a reasonable compromise. We could, for instance, offer the Saudis AWACS on the same basis the aircraft is made available to NATO.

Instead we are forced to choose between an outright sale of equipment vital to our own national security—equipment we have never turned over to any country in the world—and a crisis in our relations with Saudi Arabia.

Mr. President, my position on AWACS has been clear and consistent since it was announced last month. I am opposed to the sale because I believe the risk to technology vital to our national security outweighs any possible benefit. If we could work out some acceptable arrangements on joint command and control, I would be pleased to support the sale.

I am not at all impressed with the argument that AWACS—the world's finest and only proven early warning and control platform—is somehow outdated technology of no great interest to the Soviet Union.

It is no secret that the Soviets are trying to develop an aircraft comparable to the AWACS, and it promises to be a less capable performer. But would anyone seriously question whether this country would like to get its hands on the Soviet Candid to see what it can and cannot do; how it is engineered, what its communications capabilities are, how we could exploit its vulnerabilities?

Mr. President, I understand the importance of Saudi Arabia's oilfields, and I want the Saudis to have an early warning capability. I am fully prepared to look for ways we can provide that capability in a manner consistent with Saudi Arabia's sovereignty and our own national security.

The sale as currently proposed does not meet that standard. The foreign policy advantages claimed for the sale are not commensurate with the inherent risk to technology vital to the defense of America, and for that reason I am opposed to the sale.

Mr. PELL. Mr. President, I congratulate the Senator from Texas on his statement and particularly his point that, at this very time, the protection is being rendered to Saudi Arabia by the AWACS planes which are continuously in the air under American command, manned by American military people. This is what the American public has lost sight of. If it is protection or defense that concerns Saudi Arabia, they have it now. We do not have to do a single thing.

This is a step to assuage their aplomb, to massage their ego and make them feel better.

Mr. President, I yield.

Mr. PERCY. Mr. President, before yielding to the distinguished Senator from Texas and have him lead directly into his statement, I wish to say that his colleague from Texas, Senator BENTSEN, made the statement that we should sell AWACS to no other country.

Mr. President, I point out that if that is true——

Mr. BENTSEN. Mr. President, if the Senator will yield, I put that with a qualification. I said, "to any other countries without shared control."

Mr. PERCY. The situation exists, as the distinguished Senators know, that the United States has another airborne radar surveillance aircraft, the Hawkeye, which contains radar equipment comparable to and in some respects superior to the AWACS. We have sold the Hawkeye to Japan and Israel without any of the controls being insisted upon as in the case of Saudi Arabia, and Congress did not object.

The question could be raised: Knowing as we do that Saudi Arabia has an impeccable record in securing past U.S. military equipment sold to them, why should we be so unwilling to sell the Saudis the AWACS? Saudi Arabia has never breached any agreement they have made on military equipment sold to them.

At this time, therefore, I yield to my distinguished colleague, the chairman of the Armed Services Committee, Senator TOWER. He has rendered a valuable service to the Senate and the people of the United States in preparing a detailed report on the military and security aspects of the sale. I yield 15 minutes to him to report on this or any other aspect of the decision he has reached.

Mr. TOWER. Mr. President, I thank my distinguished colleague, the chairman of the Foreign Relations Committee, for yielding to me, and I especially thank him for his very kind words.

I do not propose to use my entire 15 minutes. I shall reserve some of my time in the event matters come up here later on that perhaps I can deal with from my peculiar perspective as chairman of the Armed Services Committee.

Let me first note that the Armed Services committee in a 10-to-5 vote held that the sale of the AWACS to Saudi Arabia was in the national security of the United States of America.

It further held that the transfer of the AWACS did not constitute a military threat to Israel.

It further held that the risk of com-

promising U.S. technology was an acceptable risk, weighing the benefits that could flow from such a transfer against it, and it further held that the possession of the AWACS by the Saudi Arabian military would be of great assistance to the U.S. units operating in that region as they do on a continuing basis and as they certainly will in the event of a crisis situation or actually in a hostile situation in that area.

INTRODUCTION

Mr. President, I rise to express my absolute support for President Reagan's proposal to sell air defense enhancements, including AWACS aircraft, to Saudi Arabia. This sale proposal is clearly in the national security interests of the United States. If this initiative is rejected by the Senate, U.S. policies for the troubled Middle East and the Middle East peace process will suffer serious setbacks.

The Armed Services Committee was asked by the majority leader and the chairman of the Foreign Relations Committee to assess the military and technical implications of the proposed sales. The committee's report, which was overwhelmingly approved by a vote of 10 to 5, concludes "that the sale proposal is in the national security interests of the United States."

IMPORTANCE OF SAUDI ARABIA TO U.S. NATIONAL SECURITY INTERESTS

The importance of Saudi Arabia to U.S. national security interests is little understood. The basic fact is that a friendly and secure Saudi Arabia is essential to the national security interests of the United States and other Western nations with whom we are allied.

Saudi Arabia represents the most concentrated oil resources area in the world with 29 percent of the world's known crude oil reserves. Saudi Arabia accounts for 16 percent of the world's crude oil production. Key Western countries are heavily dependent on Saudi oil production. For example, the United States obtains 26 percent of its crude oil imports from Saudi Arabia; Japan, 32 percent; United Kingdom, 52 percent; West Germany, 35 percent; and France, 50 percent.

Continued access by industrialized countries to Saudi oil is crucial to the world's economy. Destruction of the oil facilities in Saudi Arabia, or their control by hostile forces, would produce a worldwide economic crisis and could tip the global balance of power to the Soviets and their allies.

In addition to the importance of Saudi oil to U.S. national security, preservation of the political and territorial integrity of Saudi Arabia is critical to U.S. interests because of its geostrategic location, its role as leader in the Middle East, and its efforts to lessen Soviet power and influence in the Persian Gulf region and elsewhere in the Islamic world. With respect to this last point, Saudi Arabia is staunchly anti-Soviet and anti-Communist. As part of this policy, it has not permitted the Soviet Union to have diplomatic representation in the kinglom since the late 1930's.

SECURITY SITUATION IN THE PERSIAN GULF REGION

From the free world's perspective, the security situation in the Persian Gulf region has seriously worsened since 1978. Contributing to this worsened situation was the collapse of the U.S. policy of containment of Soviet expansion into the Persian Gulf region.

The revolution in Iran replaced a pillar of U.S. security policy for the region with an unpredictable, unstable, and certainly unfriendly regime. Iran's policies now are anti-American and anti-Saudi.

The subsequent Soviet invasion of Afghanistan in December 1979 and the installation of a Soviet puppet government have destabilized the entire Persian Gulf region. Soviet forces in Afghanistan are within striking distance of other vital countries, including Saudi Arabia.

More recently, the conflict between Iran and Iraq has produced a volatile, emotion-charged situation with the potential to spill over to other gulf states. Moreover, this conflict has also demonstrated the destruction that warfare can bring to the region's oil facilities and that regional states are not deterred from attacking oil facilities.

The dramatic changes in the security situation in the Persian Gulf which have occurred in the last 3 years have greatly heightened the threats to U.S. interests in the region. Key among these is that Saudi oil resources are now vulnerable and threatened by external forces. The Carter doctrine, announced in January 1980, was the most symbolic recognition of the seriousness of the security environment in the Persian Gulf region.

Much has been made of the assurances which the Carter administration gave to the Congress in 1978 that certain enhancements for F–15 aircraft would not be provided to Saudi Arabia. Such assurances are not taken lightly by the Congress. However, the strategic context in the Persian Gulf region has been sufficiently altered in the past 3 years so as to justify amendment of the Carter administration's assurances.

SAUDI NEED FOR AWACS AIRCRAFT

The principal external threats to Saudi Arabia are from Iran, Iraq, South Yemen, and the Soviet Union. While the Soviet threat to Saudi Arabia is comprehensive, it is primarily indirect.

These external threats are serious, given Saudi Arabia's strategic vulnerabilities, which include its geography, the fragility of oil fields, regional instability, and its status as a target of Soviet strategy in the region.

Saudi Arabia is a large, but sparsely populated country with long, lightly defended, and poorly defined frontiers. In addition, high value economic assets are concentrated near the east coast. In fact, 90 percent of Saudi oil production capability lies within a 100-mile radius which is less than 20 minutes flying time—takeoff to bomb drop—from the main operating bases of hostile or unstable neighbors.

In addition to the strategic vulnerabilities of concentrated oil resources near the Saudis' Persian Gulf coast and the proximity of threatening forces, Saudi air defense also suffers from the flat coastal areas in the oil field region, which preclude the use of ground-based radars for early warning of low-level air attack. All of Saudi Arabia's potentially hostile neighbors to the north and east have the capability to conduct such an air strike against Saudi oil targets.

Saudi ground-based radars can detect low-flying aircraft at a range of only about 20–25 nautical miles, resulting in only 2 to 4 minutes of warning before the attacking aircraft reach bomb-release points over the oil fields. This limited warning does not provide the Saudis adequate time to react with any of their air defense assets until after attacking aircraft have struck the oil fields.

Only an airborne early warning capability can detect low-flying aircraft at sufficient ranges to permit Saudi air defense systems to engage the threat prior to reaching its targets.

With an AWACS aircraft, the detection range of low-level air attack would be increased to 150 to 200 nautical miles or about 20 minutes of warning. With this time, an airborne intercept could be completed well prior to the threat aircraft reaching their targets, and ground-to-air missiles could engage the hostile aircraft.

The current Saudi inventory of AIM–9P missiles must be launched from a tail-chase position for effective use. Maneuvering into a rear attack position requires valuable time, prevents interceptors from engaging multiple hostile targets, and lowers the probability of intercept and kill. The AIM–9L missile proposed for sale to Saudi Arabia has a head-on attack capability. With this capability, fewer Saudi interceptors could engage oncoming aircraft immediately and further reduce the possibility that they could damage vital oil facilities.

The defense capabilities of Saudi forces are constrained by limited skilled military manpower and limited base structure. Saudi Arabia's armed forces are small. In addition, the country has a limited reserve of skilled manpower.

Saudi Arabia has only six major air bases to cover its entire country with a seventh under construction. If Saudi Arabia lost its forward air base at Dhahran in the oil field area, its interceptors would have to fly missions of 600 to 800 miles to defend the oil fields.

The conformal fuel tanks and aerial refueling tankers extend the range, endurance, and operational flexibility of Saudi F–15's. Given the relatively small number of F–15 aircraft, these are important defensive capabilities. The tankers also extend the endurance of AWACS aircraft.

The air defense package proposed for sale to Saudi Arabia is well-designed and effective. Even the staunchest opponents of the sale proposal on the Armed Services Committee fully agree that the proposed package of air defense enhancements has been appropriately structured and directly tracks with legitimate Saudi needs. The sale that we are debating is not a symbolic gesture. It is a debate of whether the United

States should assist a friendly country by helping to fulfill a legitimate defense requirement.

Some have argued that the AWACS aircraft to be sold to Saudi Arabia is downrated and that a more capable configuration should be sold to the Saudis. This is a false argument. The AWACS aircraft configuration proposed for sale is optimized for Saudi homeland defense and fulfills all of the Saudi requirements for this mission.

Some Senators have proposed joint command or manning arrangements for Saudi AWACS aircraft. Joint command or manning is unnecessary from either a United States or Saudi perspective. In the sales package, the United States is guaranteed security, data sharing, information controls, and flight usage agreements. Additional assurances will result in U.S. personnel being aboard Saudi AWACS aircraft at least until 1990, and U.S. personnel involvement in AWACS operations throughout the life of the system.

The sovereignty of the Saudi Government is a serious factor. Should the United States attempt to force the formality of a joint command or manning agreement on the Saudis, they could well be undercut politically by the hardline states or Islamic fundamentalists. Since the U.S. objective is to strengthen, not jeopardize Saudi security, pursuing such a formal declaration on command and control of AWACS aircraft would be unwise.

THREAT TO ISRAEL

The United States remains fundamentally and unalterably committed to the security of Israel. The United States has no better friend in the Middle East than Israel. I believe that it is in our national interest to preserve the political and territorial integrity of Israel. Further, we have a moral obligation to do so. I have always supported every assistance program, military and economic, designed to assist Israel, and I will continue to do so.

Thus, I would not support anything that I seriously believed would jeopardize the security of Israel. In fact, the proposed sale will not.

The threat posed to Israel by these air defense enhancements is an issue of considerable concern to my colleagues in the Senate. The Armed Services Committee has fully examined these legitimate concerns. The committee found that acquisition of the proposed air defense package, including AWACS aircraft, by Saudi Arabia would have a negligible impact on the Arab-Israeli military balance, which distinctly favors Israel. With or without these Saudi air defense enhancements, Israel is capable for the foreseeable future of defeating any realistic combination of Arab military forces.

Most importantly, the committee's findings in this regard are fully supported by analyses of the U.S. intelligence community.

CONCLUDING REMARKS

Mr. President, the facts relating to the proposed sale of AWACS aircraft and other air defense enhancements to Saudi Arabia fully support President Reagan's proposal:

The Saudis have a legitimate defense requirement for these equipments;

The security situation in the Persian Gulf region has seriously worsened in the last 3 years posing real threats to U.S. interests, especially Saudi oil fields; and

This air defense package would have a negligible impact on the Arab-Israeli military balance.

I urge my colleagues to put aside partisan and domestic political considerations. This issue is extremely critical to U.S. interests in the Persian Gulf and Middle East regions.

If the merits of the arguments are comprehensively weighed, I am certain that the Senate will support the President's proposal.

I further say that it is the policy of the United States to try to build indigenous military capability in areas where we have a mutual interest with the countries of a particular region.

It is U.S. policy that holds that the Soviet Union and Soviet proxies are the principal threat to the stability and the security of the area.

The transfer of sophisticated military equipment to Saudi Arabia is an implementation of that policy.

We can hardly contend that the threat exists and then deny to countries of the region the ability to defend themselves.

For some strange reason, and I am glad to see the Vietnam syndrome is gone and I am glad to see that it is over, now the reverse seems to be occurring. There seems to be a number of people suggesting "Let us put Americans over there. Let us risk American blood and American treasure rather than sell military equipment."

Quite candidly, I do not think that makes a great deal of sense.

Mr. President, the time has come when we must recognize that if we are going to develop the capabilities of the indigenous forces we are going to have to give them something better than obsolescent equipment to do the job with.

As I said earlier, this is a validated requirement. It is a part of an air defense system. It does not lend itself to offense capability and could under no real conceivable circumstances based on any objective military standard be used to manage a pan-Arab war against Israel.

As to the American technology involved, there is nothing wrong with saying that it is technologies of the sixties, seventies, or perhaps some fifties technology, because that is what it is. That does not make it obsolete junk. It is a good system and married to our current computer technology it makes it an extremely effective air defense system. But let us distinguish between the value to us and the value to the Soviets. The Soviets have comparable technology. They will have the Candid flying before these aircraft are delivered to Saudi Arabia.

In the matter of the AIM-9L Sidewinder, the Soviets have an all-aspect, heat-seeking missile in the SA-14.

What they would gain by this transfer should it ever fall into their hands would be minimal when we put it along side what is required to defend our interest in the region.

Mr. President, the Armed Services Committee is very concerned about technology transfer to our adversaries. We are probably more concerned than any other committee of the Senate, and we have looked into this matter carefully and we are convinced that that is indeed an acceptable risk.

The Soviets can get more intelligence on American systems by buying a copy of Aviation Week on the newsstands. That is their best source of intelligence on American technology. It only costs them a buck and a half or whatever the newsstand price of Aviation Week is.

The Saudis admittedly have not the same kind of political system the United States has. It is a more authoritarian system. For that reason their security measures are far more effective than ours. They are certainly more effective than those in Western Europe, and we are transferring the AWACS to NATO countries.

It is true that the Supreme Allied Commander, Europe, is an American, but there is nothing to prevent the AWACS being operated by a non-American crew in NATO. It could be an all-German crew. Once the crew has charge of that airplane it is in the air and there is not much in the way of direct control that can be exercised over it by General Rogers sitting back in Mons, Belgium. So I would suggest there is fully as much at risk in transferring the AWACS to NATO as there is in transferring them to Saudi Arabia because in Saudi Arabia, for one thing, there will be a greater requirement for American crewing, American support and maintenance, than in the NATO instance, where their technological and manpower resources are much greater.

So in my view, Mr. President, that is a nonargument.

I would yield the floor at this point and reserve the remainder of my time, with the hope that I might be able to utilize some of it later.

Mr. PERCY. I thank my distinguished colleague. I am sure that it can be worked out.

I am happy to yield at this time 10 minutes to the distinguished Senator from West Virginia (Mr. RANDOLPH).

(Mr. BOSCHWITZ assumed the chair.)

Mr. RANDOLPH. Mr. President, I am grateful for the opportunity afforded to me to be a participant and to speak briefly in this debate.

Mr. President and my colleagues and our friends who are listening to the discussion today, we might well be reminded of what Napoleon Bonaparte said a long time ago:

> Nothing is more difficult and, therefore, more precious than to be able to decide.

Apparently there will be, later in the day, a very close decision from the standpoint of the winning or the losing of the proposal which is before us.

During my 14 years in the House of Representatives and during now 23 years in working with my colleagues in the Senate, a total of 37 years, I have cast not on quorum calls but on rollcalls

9,483 votes. That is a considerable number of votes with and for at times the position of the President of the United States, and at other times not supporting what might be an administration proposal.

Only to indicate the record of the decisionmaking process, I think back to the late evening of August 12, 1941. At that time I was a Member of the House of Representatives from the Second District of West Virginia, having been elected first in 1932. I was sworn in on March 9, 1933, 5 days after the President of the United States, Franklin Delano Roosevelt, first took his oath of office.

On that evening there comes back to me, even in the quiet of this Chamber, the acrimony and the bitterness sometimes in the debate that was generally high level, analytical, and helpful. What were we to decide? It was the extension of the Selective Service Act; in other words, to institute a continuance of the draft law. I remind you the decision was made on August 12, 1941.

What was the result? The result was 203 votes for the draft, 202 votes against the draft.

Mr. President, I voted for the draft. During the heated discussion those of us who were in support of the continuation of the Selective Service law were considered alarmists. Opponents said that no nation would strike the United States. I recall now that approximately 3 months later the Japanese attacked us by sea and air at Pearl Harbor.

I underscore that the draft did serve a positive purpose for us in the successful prosecution of the conflict.

I accord to all my Senate colleagues their conscience and judgment on rollcalls that, in a sense, are the process of decisionmaking rather than going for or against an administration or supporting the committee that brings a measure to this body.

This issue is not a question of the prestige of the President. In my judgment, the ability and capability of our Nation to conduct an evenhanded program for peace in the Middle East and other parts of the globe is at stake.

A negative decision on the proposed sale of the AWACS to Saudi Arabia could lessen U.S. credibility in the Middle East and throughout the world.

There are times—many, many times—when the decisionmaking process is one that calls for intensive study. In this case I have taken approximately 7 weeks to reach my decision. I have taken home materials and voluminous studies, as I read late into the night. I have tried very diligently to assess this problem and to make a right decision.

One week ago last Friday, while in the State of West Virginia—and it was a night in the room of the Charleston House in our State capital city—during a period of some loneliness but not solitude, I came to the conclusion that I would support the proposed sale of the AWACS package to Saudi Arabia.

I made the decision without leg pulling or arm twisting, without talking to the President of the United States, that I would not wait. I would make the announcement on the next day October 17, on our return to Washington. At that time I made a brief statement which I am going to read in the Senate.

The following expresses the reasoning that I have for supporting this proposal:

I will support the proposed sale of the AWACS system and associated components to Saudi Arabia. .

This issue is perhaps one of the most difficult I have encountered in my 37 years of congressional service. It has received my diligent and open-minded study.

Approval of the sale, is, I believe, in the best interest of the security of the United States and the peoples of the Middle East. It should strengthen our capacity to help bring peace and maintain stability in that troubled region.

Disapproval of this sale, in my judgment, will lead to increased conflict among the nations of the Middle East. To deny the Saudi purchase could give the Russians an unparalleled opportunity to further their influence in that area. The Soviets already have a foothold in Libya, Syria, Iraq, South Yemen, Afghanistan, and in Ethiopia.

I believe the sale will be beneficial to our strongest ally in the region, Israel. That country's security is dependent in large part on the United States. The stronger our ties are in the Middle East, the stronger the security of Israel.

Legitimate concern has been expressed over the sophistication of the weapons system that the Saudis hope to purchase. These aircraft will be jointly manned with Americans until the 1990's. I stress also that the AWACS the Saudis will be receiving do not have the capabilities of the aircraft being used by U.S. forces. The first AWACS involved are not scheduled for delivery until late 1985. The sale can be canceled in the interim, if developments so dictate.

As one Senator, whatever the time of the vote today, I will approve the action of the sale of the AWACS to the Saudi Arabian Government. I thank the able chairman of the Foreign Relations Committee, Mr. PERCY, and my esteemed colleague, the ranking committee Democrat, Mr. PELL, for providing me the time to speak.

Mr. PERCY. Mr. President, I wish to thank my distinguished colleague very much, indeed, for a very thoughtful statement. I said before he arrived on the floor that in the Senator's prayer breakfast this morning he mentioned five States that came into the Union by one vote. We are looking for that one vote today on this issue.

I am happy to yield 10 minutes to my distinguished colleague from Indiana, Senator QUAYLE.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee and my neighbor in the Midwest State of Illinois.

Mr. President, D-day for AWACS and the F–15 enhancement package has arrived. Though I and other Senators have serious misgivings about this particular sale at this particular time, there are more serious misgivings about the possible consequences of a defeat for President Reagan.

There is no doubt that the perceptions and impact around the world would be disastrous if the Senate were to pass this resolution of disapproval. During the debate those of us who are going to support the President must make it unquestionably clear that our strong commitment to the sovereignty and security of Israel continues.

After careful review, I am convinced that this sale does not constitute a security threat to Israel. If it did, I would not be voting for the package.

With the loss of Iran and the uncertainty of Egypt the United States must find new allies wh'ch can bring other moderate Arab nations into the peace process, so that the security of Israel will be enhanced and not jeopardized.

President Reagan has determined that this sale to Saudi Arabia will begin a new period of friendship between our two nations that will lead to more stability in the Middle East. He, in consultation with others, has charted a policy in which the expectations are for Saudi Arabia to be far more cooperative with the United States, for the peace process, and toward Israel than they have been in the past.

There is no doubt that Saudi Arabia's history reflects antagonism toward Israel and an arrogant posture toward us and others. We hope this will change. This sale, with all the blood that has been let, is certainly going to provide the basis to observe a more cooperative Saudi Arabia. It must be pointed out that the transfer of the AWACS plane does not occur until 1985. If there are not positive changes in these attitudes and conditions, it is doubtful these planes will actually be transferred at that time to Saudi Arabia.

I would like to take a moment, Mr. President, to review the bidding and cite, for the record, the chronology of events which have preceeded this historic moment.

The origins of the sale can be traced to the two occasions on which U.S. Air Force AWACS were temporarily deployed in Saudi Arabia to meet the imminent crises associated with the Yemen and Iraq-Iran wars in 1979 and 1980 despectively.

The planes were deployed to protect the Saudi oil fields from destruction by air attack. Any major disruption in the delivery of oil from those fields would be catastrophic to the world's economy.

The U.S. Air Force also supported Saudi Arabia during that period by conducting analyses directed at finding a permanent solution to the problem of defending the oil fields. Out of this effort came the conviction that a permanent AWACS presence would be required in the Mideast.

The concept of meeting this requirement by outright sale of AWACS to Saudi Arabia also arose during this period. While there is some question as to who made the first suggestion, but it seems clear the Departments of Defense and State implied that a request by the Saudis for the planes might be met with

a favorable response by the U.S. Government.

Congressional opposition to such a move was immediate and has continued unabated until this moment. That opposition was generally expressed in two forms: First, as a request that the administration not pursue the sale, and second, that the specific terms of the sale be revised to eliminate several distinct concerns. Also, many of us felt it was wrong to combine the F–15 enhancement package with AWACS. After all, AWACS planes are not scheduled to be transferred until 1985, so what was the rush?

Neither President Carter, under whose administration this prospect was first raised, nor President Reagan immediately responded to these expressions of opposition. On October 1, 1981, the sale was formally presented to the Congress as required by the Arms Export Control Act and Congress had 30 days for both Houses to pass resolutions objecting to the sale.

On October 1, Secretary of State Haig testified before the Senate Foreign Relations Committee that negotiations with the Saudis had been completed and that it would not be possible to reopen those negotiations prior to the 30-day period allowed for the Congress to vote on the sale.

I found myself in a position which, I believe, many of my colleagues shared: on the one hand, I was dissatisfied with the package as it had been explained. The administration had told us time and time again that once it had the opportunity to "make its case" we would find that our concerns were unfounded. The administration made its case and we found that, indeed, we still had concerns that were serious enough to make voting for the sale difficult, if not impossible.

On the other hand, there is a strong desire to support the President of the United States in his conduct of our foreign policy. We have seen the problems which have arisen when foreign policy is made by congressional committee—we ended up with a congressional camel. We had a foreign policy which swayed back and forth with the shifting sands of public opinion and which was dangerous to world peace as our allies found it impossible to follow in our footsteps and our enemies began to prepare for the worst in their own self-interests.

On that same day—October 1—I met with President Reagan and expressed my concerns about the proposed sale. After that meeting I was convinced that there would have to be some change in the negotiated sale before it could be passed by the Senate.

Five days after my meeting with President Reagan, the distinguished Senator from the State of Washington, Senator GORTON, I and other freshmen Senators met to discuss our mutual concerns. The conclusion of that meeting was that none of us could support the AWACS sale as it then had been presented. Simply stated, there would have to be significant changes before we would be able to vote for the sale. We also concluded that if we, as strong supporters of the President, had these doubts that the sale was doomed unless changes would be forthcoming.

We were aware that the Saudis had publicly gone as far as they could. However, it became apparent that many of our concerns were answered by the President off-the-record, but those commitments were not part of the package. The objective became to make those understandings which had been disclosed by the President and his top officials in private, public and legally binding.

Our mechanism for answering our concerns and showing that the package had changed, involved a letter of certification from the President binding his office to certain specific conditions that would be met before the transfer of the AWACS planes in 1985.

The request for certification addressed the following concerns:

SECURITY OF U.S. TECHNOLOGY

First. A detailed plan for the security of the equipment and supporting documentation has been agreed to by the United States and the receiving nation; and that, second, such security provisions are no less stringent than measures employed by the United States for the protection and control of its equipment of like kind elsewhere in the world outside of the continental limits of the United States; and that, third, the United States shall have the right to thoroughly inspect the equipment not less frequently than twice a year during its useful life.

COMMAND AND CONTROL OF THE AWACS

First. That the recipient foreign nation has agreed to share with the United States continuously and completely all of the information which it acquires from the use of such equipment.

Second. That the recipient foreign nation has agreed not to share access to any such equipment, technology, documentation, or information developed from such equipment or technology with any nation other than the United States without the prior explicit consent of the President.

SCREENING OF PERSONNEL

First. That there is in place adequate and effective procedures for the screening and security clearance of citizens of the recipient foreign nation, and unconditional assurances that only such cleared citizens of that nation and cleared nationals of the United States will have access to the equipment, technology, documentation, or information derived therefrom.

Second. That the recipient foreign nation will not permit citizens of third nations either to perform maintenance on such equipment or to modify any such equipment.

AWACS FLIGHT OPERATIONS

That all such equipment shall be operated solely and exclusively within the boundaries of the receiving nation and solely and exclusively for purely defensive purposes as defined in the agreement except with the advance explicit consent of the President of the United States.

COMMAND STRUCTURE

That the agreement in respect to the organizational command and control structure for the operation of any such equipment is of such a nature as to guarantee that the commitments outlined above will be honored.

PEACE INITIATIVES

That initiatives toward the peaceful resolution of disputes in the area in which the recipient foreign nation is located have either been successfully completed or that significant progress toward that good has been accomplished with the substantial assistance of the recipient foreign nation.

On October 7, Senator GORTON and I hand delivered a copy of our request for certification to Vice President GEORGE BUSH in the White House. We explained to him and others that our vote hinged on the acceptance of this certification and the spelling out of these specific conditions.

On October 15 the Armed Services Committee, of which I am a member, adopted a report requesting certification from the President on the issues security of U.S. technology, command and control of AWACS, screening of personnel, AWACS flight operations, and peace initiatives.

The letter of certification will arrive today. I have seen a copy. I have not, as of this moment, seen the signed copy.

It binds the Office of the President on these conditions as I have recited them here. Though the President is going to win this battle with the Congress, in my opinion, I certainly hope this is not a sample of how foreign policy is going to be conducted. I sincerely hope that the President, his advisors, and other interested persons in putting forth the new foreign policy we were promised last year, have learned from this entire affair.

This is not a high watermark for the President or for this Nation. From the mistakes of the past, I hope we are better prepared for the future.

The PRESIDING OFFICER. The time yielded to the Senator from Indiana has expired.

Mr. PERCY. Mr. President, I thank my distinguished colleague very much indeed.

Mr. President, may I put a question to my distinguished colleague from Washington as to whether he would like to proceed now?

Mr. PACKWOOD. If the Senator from Illinois will yield, might I make a brief announcement during this period?

Mr. PERCY. Of course.

Mr. PACKWOOD. Senator PELL has very graciously entered into not a formal agreement but an arrangement in which we will try to allocate time between Republicans and Democrats on this issue.

I want to say to those who are listening on their squawk boxes in their offices that we will have to hold to the time limits and the times. If those who are planning to speak are not here on time, they may lose their chance to speak altogether.

Mr. PERCY. I thank my distinguished colleague. It will be difficult if we do not have Senators on the floor when they are scheduled to speak. If a Senator is scheduled to speak and is not on the floor, he may lose his time.

Mr. President, I am happy to yield 12 minutes to my distinguished colleague from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I thank the distinguished Senator from Illinois.

As every Member of this body who has dealt with this question knows, the sale of AWACS to Saudi Arabia has turned out to be the most dramatic proposal with which Congress has dealt this year, and in this body the most closely contested issue of 1981.

Within that close contest, however, there is relatively widespread agreement for a number of propositions. A very substantial majority of the Members of the Senate feel either that the proposed sale is unwise or, at the very least, premature. An even larger number of Members of this body feel that the proposed sale lacks appropriate safeguards. It is obviously certain from the nature of this contest that an appropriate or proper groundwork for the proposal was not laid with either House of Congress.

While all of us have spent a great deal of our time discussing these essentially secondary points in connection with the AWACS debate, they are essentially pointless arguments.

We do have the sale before us. We must vote on the proposed sale today.

I may say incidentally for all of us that it is relatively easy to be wise after the event and to counsel the administration on how this proposed sale should have taken place. On the other hand, if the President and the administration were always perfect, there might not be any need for this body to hold this debate. We must deal with what we have before us and not what we wish we might have had before us.

There are a number of substantive arguments against the proposed sale of the AWACS which, in my view, carry considerably greater weight. Perhaps the most serious in my mind is the role which Saudi Arabia has played and will play in the peace process in the Middle East, because a just and lasting peace in that part of the world must be one of the highest goals of this administration, of this Congress, and of this Nation.

The administration, in proposing this sale, has told us that Saudi Arabia has already begun to play a constructive role in that peace process. That contribution, however, is not impressive to this point to this Senator or, I suspect, to many others.

Having come to that conclusion, however, we are still left with the question as we vote today: Will the approval or disapproval of this sale lend more weight to the peace process in the future? Will our disapproving this sale make Saudi Arabia more or less likely in the immediate future to take a role in the process of reaching peace in the Middle East?

It seems to me that that question is relatively easy to answer. While we have no guarantee that Saudi Arabia's response or contribution will be significantly greater with this sale, it clearly will be a step backward if, at this point, under these circumstances, we should reject it.

My own personal concern in connection with this sale has related more to that subject than any other, to the fact, as many of the opponents of the sale have pointed out, that Saudi Arabia has generally dealt with us on more or less a unilateral basis. Previous sales of arms and equipment and aid by the United States have not resulted in an arrangement under which we are mutually dependent on one another—that nation needs our help and support as much as we need theirs. It is important for all of us to recognize that that interdependence does, in fact exist. I do not believe trust and confidence at this point would be enhanced by the rejection of this proposal.

A second vital question relates to the potential use or potential misuse of the AWACS equipment, and the obvious consequent threat to our ally, the democratic State of Israel.

The opponents to this sale rightly concern themselves with unilateral or unenforceable promises about the use of this and other military equipment.

It seems to me, however, that here, as well, we have a situation or question which is not particularly easy to answer. It is my belief that Israel will be able to defend itself, even against the misuse of AWACS. But the most important point is that Israel should never be required to face that difficulty.

Another question raised consistently and widely in connection with this sale relates to the stability of the Saudi Arabian Government itself. I may say, incidentally, in a particularly unstable part of the world, the Saudi Arabian Government has been one of the more stable and more consistent during the course of the 60 years since the end of World War I. Nevertheless, that question remains. It leads, it seems to me, inevitably to the next question, which is: Will the stability of the Saudi Arabian Government be enhanced or subverted by our action here, specifically by the rejection of the sale on the part of the United States?

I am convinced that on this question, the distinguished chairman of the Foreign Relations Committee is correct. If we reject our friends in Saudi Arabia, that Government and its direction toward the United States will be subverted and hurt rather than helped. If we show ourselves once again—perhaps too often—to be a good ally, we are likely to strengthen the present Saudi Arabian Government.

The very distinguished and thoughtful Senator from Rhode Island, who is managing the opposition to this sale, stated that the question was closely divided; that it was very difficult; and that for each argument on one side, there was an almost equally valid and compelling argument on the other. I totally agree with him. It is for just that reason that the distinguished Senator from Indiana (Mr. QUAYLE), and four other colleagues—Senators ANDREWS, KASTEN, MATTINGLY, MURKOWSKI—and I met on the 6th of October in order to try to change a proposal which we opposed and which we would, I believe, in almost every case, oppose today had it been unchanged. It was our intent to change this situation by providing for certain explicit conditions to be met on the part of the President before the sale could be approved or before we could support it.

It is important to support the President of the United States in foreign policy initiatives when it is possible to do so, but I again agree with the Senator from Rhode Island that that is not the sole question. The President must be opposed if he is clearly wrong. When we do not agree with him, however, we must do what we can to change objectionable conditions to the extent necessary in order to allow us to support him.

The group of six Senators who met on the 6th of October did not know, at the time we started, of the so-called Nunn-Warner resolution. I wish to say that I regard that resolution as a constructive step forward and as one of the steps which may make the passing of this proposal possible. In its original form, however, it was nothing more than an expression of the Senate and was not binding on the President. We believe that any such commitment should, in fact, be binding on the Senate and on the President, and therefore, as the Senator from Indiana has pointed out, we submitted a certain set of conditions to the Vice President of the United States on the 7th of October.

The response has been several drafts of proposed conditions which the President would agree to. Only in the last 2 or 3 days has the President agreed in toto to all of the conditions which were set forth in the document which the Senator from Indiana has already made a part of the RECORD.

He and I were the prime authors of that proposal, Mr. President, with significant contributions by the Senator from Georgia (Mr. MATTINGLY) and the Senator from Alaska (Mr. MURKOWSKI). It, of course, does not bind any of the other participants in that set of discussions or negotiations. Essentially, what we have at this point is the commitment—the formal, written commitment of the President of the United States—which concerns both the use of the AWACS aircraft themselves and the nature of the guarantees for the proposition that Saudi Arabia will live up to its undertakings, which were originally not made public.

The key to the President's certification in this respect reads that agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature as to guarantee that the commitments outlined in the balance of his letter will be honored. In my view, it will be very difficult for the President to make that certification, perhaps impossible for the President to make that certification to the Senate of the United States, without some form of joint control of the aircraft after they have been sold to Saudi Arabia.

At this point, Mr. President, I ask unanimous consent to have the letter which is being submitted by the President of the United States printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., October 28, 1981.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: On October 1, 1981, I formally notified the Congress of our intention to sell AWACS aircraft and F-15 enhancement items to Saudi Arabia. This sale will enhance our vital national security interests by contributing directly to the stability and security of the critical area from the Persian Gulf through the Middle East to North Africa. It will improve significantly the capability of Saudi Arabia and the United States to defend the oilfields and facilities on which the security of the Free World depends, and it will pose no realistic threat to Israel.

When this proposed sale was first announced last spring, the Congress expressed concerns about certain aspects of the sale. After analyzing these concerns in detail, we entered into a series of discussions with the Government of Saudi Arabia over the summer.

The Government of Saudi Arabia has agreed, and I am convinced welcomes the fact, that the United States will have an important, long-term role and will maintain direct involvement in the development of the Saudi air defense system, including the AWACS. We also have reached agreement with the Saudi Government on a number of specific arrangements that go well beyond their firm agreement to abide fully by all the standard terms of the normal Letter of Offer and Acceptance as required by the Arms Export Control Act.

Transfer of the AWACS will take place only on terms and conditions consistent with the Act and only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

1. SECURITY OF TECHNOLOGY

A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

2. ACCESS TO INFORMATION

That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

3. CONTROL OVER THIRD-COUNTRY PARTICIPATION

A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior explicit mutual consent of both governments; and

B. There are in place adequate and effectively procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

4. AWACS FLIGHT OPERATIONS

That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

5. COMMAND STRUCTURE

That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

6. REGIONAL PEACE AND SECURITY

That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.

The agreements we have reached with Saudi Arabia on security of technology, access to information, control over third-country participation, and AWACS flight operations will be incorporated into the U.S./Saudi General Security of Military Information Agreement, the Letters of Offer and Acceptance (the government-to-government sales contracts), and related documents. These documents will stipulate that the sale will be cancelled and that no equipment or services will be delivered in the event any of the agreements is breached. I will not authorize U.S. approval of any of these contracts and agreements until I am satisfied that they incorporate fully the provisions that satisfy the concerns that you and I share. I do not foresee any need for changes in these arrangements, but should circumstances arise that might require such changes, they would be made only with Congressional participation.

I believe it is important to look beyond these agreements to their practical consequences, and to the implications of U.S. security assistance and training requested by Saudi Arabia. For example, the agreement we have reached with the Saudi Government to protect the security of equipment also affects the nature, extent, and duration of the U.S. role in the AWACS program. Since skilled Saudi personnel available for this program will remain in short supply, the U.S./Saudi agreement that third-country nationals will not be permitted to operate or maintain the Saudi AWACS will, in practice, extend U.S. involvement in Saudi AWACS operations and activities well into the 1990s. U.S. military and contractor personnel will be required to provide extensive operational training for Saudi AWACS aircrews; it will be 1990 at the earliest before the eight Saudi crews needed to operate all five AWACS aircraft will be trained, and replacement and refresher training of individual Saudi crew members will require USAF Technical Assistance Field Teams during the 1990s. Critical AWACS maintenance, logistics, and support functions, particularly radar and computer software support, will, of necessity, be performed by U.S. personnel in Saudi Arabia and in the United States, for the life of the AWACS.

The Saudi agreement not to share AWACS-gathered information with third countries also has significant practical consequences. This agreement, combined with the standard requirement that U.S.-supplied equipment be used solely for defensive purposes, as well as the agreed-to Saudi AWACS configuration, precludes any possibility that Saudi AWACS could contribute to coordinated operations with other countries' armed forces against any nation in the region without our consent and cooperation.

Concerning the agreement to operate AWACS only inside the Kingdom, it should also be noted that the Saudi Air Force will be trained to operate the AWACS in accordance with standard USAF AWACS doctrine and procedures, which call for AWACS to remain at all times a "safe distance" behind sensitive political borders—normally 100 to 150 nautical miles—to ensure AWACS security and survivability. Given the physical location of the oilfields AWACS is to defend, the vulnerability of AWACS should it operate near sensitive borders, and the history of Saudi observance of U.S. Air Force tactical doctrine, we are confident that the Saudis will adopt these practices.

In a broader sense, by enhancing the perception of the United States as a reliable security partner, we improve the prospects for closer cooperation between ourselves and the Saudi Government in working toward our common goal of a just and lasting peace in the region. Since assuming the responsibilities of the Presidency, I have been impressed by the increasing constructive policy of Saudi Arabia in advancing the prospects for peace and stability in the Middle East. The Saudi Government's critical contribution to securing a cease-fire in Lebanon is a striking example. I am persuaded that this growing Saudi influence is vital to the eventual settlement of the differences that continue to divide Israel and most of the Arab world.

I am confident that the Saudi AWACS will pose no realistic threat to Israel. I remain fully committed to protecting Israel's security and to preserving Israel's ability to defend against any combination of potentially hostile forces in the region. We will continue to make available to Israel the military equipment it requires to defend its land and people, with due consideration to the presence of AWACS in Saudi Arabia. We have also embarked on a program of closer security cooperation with Israel. This proposed sale to Saudi Arabia neither casts doubt on our commitment, nor compromises Israeli security.

It is my view that the agreements we have reached with the Government of Saudi Arabia to take account of the concerns raised by the Congress. I am persuaded, as I believe the Congress will be, that the proposed Saudi air defense enhancement package makes an invaluable contribution to the national security interests of the United States, by improving both our strategic posture and the prospects for peace in the Middle East. I look forward to continuing to work with you toward these vital goals.

Sincerely,

RONALD REAGAN.

The PRESIDING OFFICER. The time yielded to the Senator from Washington has expired.

Mr. GORTON. Will the Senator from Illinois grant me 2 more minutes?

Mr. PERCY. Mr. President, I yield 2 additional minutes to the distinguished Senator.

Mr. GORTON. I thank the distinguished Senator.

Mr. President, the second and equally vital part of this certification relates to the fact that the President, before these planes are delivered, will certify to the Congress of the United States that initiatives toward the peaceful resolution of disputes in the Middle East have been successfully completed or that significant progress toward that goal has been accomplished with the substantial as-

sistance of Saudi Arabia. This does not mean that I, any more than the Senator from Indiana, am totally happy with this proposal. But it does swing the balance to a different ultimate conclusion from our conclusions at the time of the submission of this proposed sale, or even the time of the filing of the report of the Committee on Foreign Relations.

The potential gains for security and peace in the Middle East will now be greater, I am firmly convinced, with the approval of the sale than they would have been had it been disapproved. Our potential losses, on the other hand, would be greater if it were disapproved than if it is approved. I suggest this to that small handful of Members who are still undecided.

Finally, I wish to say that I believe that the lobbying on this question on both sides has been honorable and above reproach. The Senator from Minnesota and the Senator from Oregon have dealt with those who were with them, both conditionally and unconditionally, and with those who were opposed to them in the highest and most honorable possible fashion. The same thing is true of the lobbying of the President of the United States himself. This is because all have been concerned primarily with the interests of the United States and no other; it is because of that proposition that this issue has been so difficult to decide. But we must decide it. I hope that we have contributed to an affirmative decision.

I thank the Chair.

Mr. PELL. Mr. President, I wish to ask the Senator from Washington, did I hear correctly that he has put into the RECORD his copy or a copy of the letter that the group wrote to the President? Has he put into the RECORD the reply?

Mr. GORTON. The Senator from Indiana put into the RECORD the copy of the proposal which he and I made to the President of the United States at the time of his speech. I have put into the RECORD a copy of the reply.

Mr. PELL. So both letters are in the RECORD now?

Mr. GORTON. They are.

Mr. PELL. And will be distributed to the membership?

Mr. GORTON. I am sure they will be.

Mr. PACKWOOD. Mr. President, on behalf of the distinguished Senator from Rhode Island, I yield 10 minutes to the distinguished Senator from Pennsylvania (Mr. SPECTER).

The PRESIDING OFFICER (Mr. HATCH). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I rise today to speak in opposition to the proposed sale of AWACS and F–15 enhancement equipment to Saudi Arabia. I shall submit a detailed statement for the RECORD and ask unanimous consent that it be printed in the RECORD as if given in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I shall summarize my views in the course of the 10 minutes which have been allotted to me.

In opposing the sale as proposed by President Reagan, I do so with reluctance in light of the fine leadership the President has provided to the country in his 10 months in office and in light of the support I have given to him on his economic package. It is my judgment, however, that this sale is contrary to the best interests of the United States.

When the President invited Republican Senators to meet with him several weeks ago, I was very pleased when the President put an end to the issue of "Reagan or Begin" and when he said that he was disheartened to see that kind of issue raised. There was unanimous agreement among those present—some 43 Republican Senators, President Reagan, Secretary of State Haig, and National Security Adviser Allen—that the sole concern, the sole issue involved the best interests of the United States.

As I have analyzed that issue, it is my firm conclusion that the interests of our Nation would be best served by not selling the AWACS and the F–15 enhancement package to Saudi Arabia.

How best to promote peace in the Middle East can best be achieved, in my view, through the Camp David accords. Until the Saudis are prepared to embrace the principles of the Camp David accords and to support the United States on this cornerstone of United States-Mideast foreign policy, it is my judgment that they should not be rewarded with the AWACS and the F–15 enhancement package.

Similar concerns were at issue in 1978 regarding the proposed sale of the F–15 aircraft to the Saudis before that sale was approved. Largely the same arguments were raised: That if we accommodated the Saudis, there would be a greater likelihood of bringing them into the peace process in a realistic way. But the facts show that in the intervening 3 years, that likelihood has not materialized. Assurances were given to Congress in 1978 that there would be no enhancement package for the Saudi F–15's; yet, that is precisely what the administration is seeking to do at the present time.

In my view, before rewarding the Saudis with this sophisticated equipment, they need to make a commitment to the Mideast peace process, as supported by the United States. The Saudis have not done so.

Beyond the question of whether the sale would promote peace in the Middle East, there is also the issue of providing sufficient military assistance to defend the Mideast in the event of a Soviet incursion. On that issue, again, it is my view that selling the AWACS and the F–15 enhancement package to the Saudis would not significantly enhance the Saudis' ability to defend themselves against Soviet aggression. Any defense of Saudi Arabia, as I view that picture, will have to be a defense by the United States. In my judgment, having such high-powered equipment in the hands of the Saudis, with the attendant risk of internal instability to whatever extent that may exist, promotes instability in the region and ultimately weakens the defensive ability of Mideast nations to repeal Soviet aggression.

It may well be that the issue of the AWACS and the enhancement package has come to be more a matter of symbolism than substance. President Reagan certainly has placed his prestige on the line, as has the Congress, regarding the issues which have arisen.

With respect to the issue of symbolism, I do not believe that we are rewarding our "good friend" Saudi Arabia with this sale. They simply have not been as supportive of U.S. policy as they should have been to justify rewarding them and to going to bat for them to the lengths that the administration has gone at the present time.

I do not consider Saudi Arabia a good friend when it comes to the gouging of oil prices and to our victimization by the OPEC nations. Because they gouged somewhat less than other OPEC nations does not make them a good friend, in my judgment, and does not qualify them for a reward.

As the vote nears on this important issue, we frequently hear the issue of needing to support the President. I do believe that the President's view carries enormous weight. But, similarly, the House and the Senate have a very vital function. We have seen in our lifetimes the phenomenon of the so-called "Imperial Presidency," and it is vital, from what we have learned in the course of the past decade, that there be an independent and reasoned judgment given by the U.S. Senate on an issue of such import.

Fifty-four of us had taken a position in an initial document to the President. Then 50 of us took a subsequent position on the resolution of disapproval. As our numbers have decreased in what I consider inexplicable ways, I am very concerned about the independence of this great institution and the independence we should bring to bear in saying to the administration whether or not the sale is, in our judgment, in the best interests of the United States. Once we have made our judgment, it is my sense that we should not retreat from that judgment when it is made on good and solid grounds, as it has been.

In my opinion, if this were an ordinary vote, without the extraordinary pressures being brought to bear by the administration, it would be a vote in the magnitude of 70 against the sale and perhaps 30 in favor of the sale. I have grave questions about this body abdicating the function of its independent judgment as is our obligation under the law.

I, for one, was notified of the President's intention to proceed with this sale in a letter dated August 24. Two days later, on August 26, I wrote to President Reagan, expressing as succinctly as I could—limiting it to two pages—my reasons for opposing the sale. Realizing the difficulty of transmitting letters to the White House. I sent separate cover letters to Mr. Haig, Mr. Allen, and Mr. Friedersdorf, enclosing my letter to the President.

I had received no reply by the time the August recess was over. On the first day back in session, on September 9, I asked for time on the floor, stated my reasons for opposing the sale, and included my letter to the President. As of that date, I had received no reply and, in fact, did

not receive a reply until last Friday, when I received a letter from Richard Fairbanks, Assistant Secretary of State for Congressional Relations, which did not respond to many details of my letter but responded to generalized congressional concerns.

I have sought briefings from the administration on substantive matters regarding the sale, attempting as best as I could to keep an open mind on the subject; but this letter from Mr. Fairbanks did not fully reply to the direct concerns I had raised.

It is my sense that if there was ever to be a dialog between the Senate and the administration on this issue, a sincere effort was made to open that dialog with that first document signed by some 54 of us in the Senate. After more than 50 Senators reached a judgment to oppose the sale, I believe the best interests of the United States would have been served by sticking to that position and exercising the independent judgment for which we were elected to the U.S. Senate.

When statements have been made that those of us in opposition to the sale are not doing a service to their Nation, I respond that we have an independent responsibility——

The PRESIDING OFFICER. The time allotted to the Senator from Pennsylvania has expired.

Mr. SPECTER. Mr. President, the substance of my comments has been fully expressed, and I shall stop in midsentence, leaving the remainder of the time for those to whom it is committed.

(The following is Senator SPECTER'S prepared statement:)

● Mr. SPECTER. Mr. President, I have spoken out on several other occasions about my opposition to the sale of AWACS and F-15 enhancement equipment to Saudi Arabia. I regret that I must now rise again to restate that opposition.

This was one vote I had sincerely hoped I would not have to cast. As one who has supported the President on the bulk of his domestic economic program, I find it difficult to vote against his request on this major foreign policy decision. However, while I believe that a strong Executive is vital to insuring an effective U.S. foreign policy, I also believe that the Congress cannot be ignored in the formulation of that policy and in exercising its prerogatives over well-defined issues. U.S. laws are clear in this regard—the Congress may, by a two-House vote, veto any arms sale in excess of $25 million. While that prerogative has never been exercised, it is one that should not be taken lightly—by either branch of government.

When the issue of this massive arms transfer to Saudi Arabia first arose, it became clear that such a sales package would meet substantial opposition in both the House and Senate. When 54 Senators wrote President Reagan in June to voice their opposition to the sale, it should have been clear there was substantial opposition within the Senate. When the administration submitted its prenotification request on August 24, 1981, I wrote to President Reagan by letter dated August 26, 1981, with separate cover letters and copies to Secretary of State Alexander Haig, Assistant to the President for National Security Affairs Richard Allen, and Assistant to the President for Legislative Affairs Max Friedersdorf, urging the President to withdraw the request.

It would also note that I did not receive a response for almost 2 months. On October 22, Richard Fairbanks, Assistant Secretary of State for Congressional Relations replied. The letter provided general answers to general congressional concerns raised about the sale without specifically addressing items I raised in my letter. A copy of that letter follows for the RECORD:

U.S. SENATE,
Washington, D.C., August 26, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully urge you not to proceed with the proposed sale of the enhancement package, including the Airborne Warning and Control System (AWACS) aircraft, to the Royal Saudi Air Force.

After considerable study, it is my view that this sale would be contrary to the best interests of U.S. foreign policy, and the proposed sale would subject your Administration to a significant risk of Congressional rejection.

I was among many in the Senate who supported your Economic Recovery Program even though we had significant reservations. I supported your program because I felt it was very important to back your leadership notwithstanding significant problems with the budget cuts for my state, Pennsylvania, and my stated preference for tax cuts on a year-to-year time basis to measure their effects on inflation and economic recovery.

On the issue of AWACS and the F-15 enhancement equipment, it is my view that many of your supporters, enough to make up a majority of the Congress, will not be able to support your position. I joined 53 other Senators in writing to you on June 24, 1981, urging that you not proceed with such a proposed sale to Saudi Arabia in the hope that this issue would not be brought to a vote.

While I join many others in the Senate and House in according great weight to your leadership, I strongly disagree with this proposed sale both on the merits and on my concern that a potential loss on this issue by your Administration would have significant, collateral, undesirable consequences. The prospect of a divisive Senate battle over the issue can only damage Congressional/Executive relations, Republican Party unity, and hopes for a strengthened U.S. presence in a secure and stable Middle East.

While I understand the need to contain Soviet expansionism and secure the Saudi oil fields, I fear that the proposed sale will create more long-run problems than may be resolved in the short term by acceding to this request. Rather than enhance Saudi Arabian security, the sale of such sophisticated equipment may well increase Saudi political instability and the risks of Saudi involvement in regional conflicts. It is clear that, once the AWACS planes are given over to Saudi Arabia, the United States would have little control over them, including their use against Israel, thus altering the military balance in that region.

While no one can predict Saudi Arabia's future political stability, sufficient doubts have legitimately been raised about that issue to fear the compromise of one of America's most sophisticated aircraft once it falls into Saudi hands, notwithstanding the most elaborate security precautions.

I am also deeply troubled by the long-range implications on the pledge made to the Congress in 1978 not to sell F-15 enhancement equipment to Saudi Arabia. If such pledges are subject to modification or cancellation on the contention of changing circumstances, how can the Congress ever agree to a proposal, conditioned on such a pledge?

Almost all the objectives outlined to justify the sale of AWACS could be met by leaving the planes in U.S. hands. The true test of the United States as a reliable ally is in our ability to be honest with our friends about their real military needs, not by agreeing to a request of questionable military necessity and uncertain political ramifications. When our Nation's reliability as an ally is tested in international relations, it is my view that we fall far short in subjecting Israel to the risks proposed by these powerful weapons in the context of repeated hostility by Saudi Arabia towards Israel.

I am taking liberty of sending copies of this letter to Secretary of State Haig, Assistant to the President for National Security Affairs Allen and Assistant to the President for Legislative Affairs Freidersdorf so that they will also know the depth of my feeling on this subject.

With best wishes,
Sincerely,

ARLEN SPECTER.

On September 9, 1981, I made a statement on the Senate floor in which I reiterated the concerns expressed in the letter "that the best interests of the United States will be served by abandoning that sale on its merits."

Like most of my colleagues, I have given this issue a great deal of thought and attention in recent months. I have carefully heard the arguments put forth by proponents and opponents of the sale. I have met with representatives of the administration, including those from the State Department, the Defense Department, and the National Security Council. I have tried to keep an open mind on the issue.

My decision was based on one sole consideration—is this sale in the best national interests of the United States?

After extensive study, discussions, debate, and review, I have come to the studied conclusion that this sales package—the largest arms transfer in U.S. history—would not advance U.S. national interests and would, in fact, severely hamper those interests.

No one will dispute the fact that U.S. interests in the Middle East center on achieving peace, security, and stability in the region. It is my belief that transferring these weapons to a nation like Saudi Arabia will act to thwart these very goals we seek.

By focusing on the special United States-Saudi relationship and attempts to achieve a strategic consensus in the region, the administration has already moved a step away from the best hope for a Middle East peace—the Camp David accords and the now-reinstated autonomy talks between Egypt and Israel. The fact is that there is no such strategic consensus in the region—nor is there much hope for achieving one. To think that a consensus on any issue can be reached among the varied Arab states because the United States declares one underscores an attitude at variance with centuries of Middle East history.

In my discussions with Under Secretary of State James Buckley, I was struck by the overemphasis this concept has placed on U.S. policy. Mr. Buckley noted that U.S. policy centers on identifying U.S. friends in areas of strategic importance threatened by Soviet expansionism and providing those nations with the arms they need to counter the Soviet threat and that posed by other hostile forces in the region. Such a policy might work if nations operated in a vacuum, divorced from history and regional conflicts. The world is not that simple, however; and the Middle East is even less simple.

Saudi Arabia has already made clear that it feels that Israel, and not the Soviet Union, is its primary enemy. Saudi Arabia has already declared its firm opposition to the cornerstone of U.S. Middle East peace policies—the Camp David accords. Saudi Arabia has already stated its opposition to the existence of the state of Israel and its determination to wage a "holy war" to "liberate" the occupied territories. Saudi Arabia has already increased its support for the Palestine Liberation Organization and its terrorist activities throughout the world.

Will granting the Saudi request for AWACS and F-15 enhancement equipment then increase the chances for peace in the Middle East? Will it moderate Saudi Arabia's consistent efforts to obstruct the peace process?

I submit that it will not. Similar hopes were raised following the 1978 decision to sell F-15 aircraft to Saudi Arabia, yet those hopes were never realized. They were never realized because Saudi Arabia, like all sovereign nations, acts on the basis of its perceived national interests.

Participating in substantive negotiations with Israel toward a long-standing peace in the region is now clearly not a perceived Saudi national interest. Even the eight-point peace plan recently submitted by the Saudis is nothing more than a reiteration of previous U.N.-passed resolutions. No arms sale, of whatever magnitude or import, will alter that perception; nor will the rejection of such a sale hinder the Saudis from participating in negotiations if they felt it would advance their interests in the region.

What approval of such a sale would affect, however, is Israel's confidence in the reliability of the United States as a protector and guarantor of Israeli security—a vital consideration in any hopes of achieving progress in the Palestinian autonomy negotiations. Those negotiations must be the primary focus of United States-Middle East policies for they offer the most promising hopes of achieving a long-lasting peace in the region. This sale would do little to advance that peace process and could do a great deal to hinder it.

A principal concern regarding the sales package is whether it will, in fact, advance U.S. interests in securing the oilfields and oil routes of the Persian Gulf. The administration has argued that Saudi Arabia needs the F-15 enhancement equipment and the AWACS aircraft to protect its oilfields against Soviet or other hostile forces and that the United States needs that equipment in Saudi Arabia for use by U.S. forces in future regional conflicts. The historical record points to serious flaws in such an approach.

As I noted before, Saudi Arabia has frequently stated its need for armaments to defend itself against its primary enemy, Israel, not the Soviet Union. It is difficult to see how the Saudi Armed Forces, now numbering 100,000 men of dubious fighting capability, could serve as a serious deterrent to any major hostile force, even if Saudi Arabia is supplied with the most sophisticated of Western equipment.

Clearly, only the presence of U.S. and NATO forces in the region can effectively deter any future Soviet actions or the security of the region itself. Yet, Saudi Arabia has actively and vocally opposed any Western attempts to secure a military presence in the region. Saudi Arabia has never publicly condemned Soviet treaties with nations such as Iraq and Syria, which grant the Soviets military facilities in their countries; yet, it has actively worked to discourage nations such as Egypt and Oman from granting similar facilities to the United States.

The Saudi delegation to a May 1980, meeting of the Gulf Corporation Council severely criticized the Oman's for granting the U.S. military facilities in Oman and affirmed "their absolute rejection of foreign interference in the region from any source."

It is, therefore, difficult to envision on what grounds Saudi Arabia is viewed as the linchpin of U.S. military efforts to defend the security of the Persian Gulf and its oilfields. Unwilling to accept U.S. military cooperation, yet unable ultimately to defend itself from outside aggression, Saudi Arabia is a questionable partner in a strategy to defend vital American interests in the Middle East.

Much the same policy was attempted under President Nixon when Iran was viewed as the bulwark of Western defenses in the region. Little attention was paid to the effect such close cooperation with the United States and such massive arms expenditures would have on the Shah and his position within Iran. We should have learned a lesson from those mistakes; but I have yet to see an assessment from this administration as to what effect this, and other substantial Western arms sales, would have on the stability of the present Saudi Government.

For fiscal year 1982, the Saudis plan to spend over $30 billion for defense—a figure six times the per capita rate of the Reagan U.S. defense budget. However stable Saudi Arabia may now be, such massive arms expenditures in a country of less than 4 million citizens, with approximately 2 million foreign workers, cannot but affect the internal position of the present Saudi monarchy.

As Stansfield Turner noted in an April 23 article in the Washington Post:

> It would be irresponsible for us to help them (Saudi Arabia) defeat a sophisticated air threat, for which the AWACS was designed and which has a low probability of occurring, when they are incapable of handling the more elementary threats of insurrection and guerrilla warfare that are highly probable.

Another issue to which I have addressed my questions is whether the proposed sale will help the stability of both Saudi Arabia and of the region as a whole. Rather than enhance Saudi Arabian security, the sale of such sophisticated equipment may well do the opposite—increase Saudi political instability and the risks of Saudi involvement in regional conflicts.

The Middle East is already becoming the repository of the most sophisticated equipment in the world. By helping to arm an array of Middle Eastern nations, the West is helping to create an arms tinderbox that stands ready to explode at the slightest provocation. The arms package the administration is proposing can only act to add further instability to this already destabilizing situation.

By pumping increasingly sophisticated weaponry into the Middle East, the United States also risks pumping up the dangers of war in the region. A sale of this magnitude inevitably brings with it a reaction and a demand for similar equipment by other nations in the area.

Legitimate questions have also been raised about how stable the other Gulf states—historically the objects of Saudi aggression—will feel if the sales package is approved. Oman, the only Arab nation to have endorsed the Camp David accords and to have granted the U.S. military facilities on its territory, has good historical reasons to fear Saudi intentions—and U.S. reliability as a friend and ally in so heavily arming the Saudis.

These concerns, Mr. President, have guided my decision to oppose the sales package. Other factors are also involved, such as the legitimate fear of possible compromise of one of America's most sophisticated aircraft and most sophisticated missiles. These concerns have been addressed in detail by several of my colleagues.

What is most troubling about the proposal, as I have attempted to outline, is the premises upon which it is made, namely that it will help advance U.S. interests in the Middle East and in the world. Peace, security, and stability would not, in my view, be enhanced by proceeding with the sale; nor would those goals be hindered by rejecting the sale. Saudi Arabia has been and will remain an important nation to U.S. interests in the region, just as the United States will continue to remain important to Saudi Arabia's interests in the region.

Acceding to every questionable military request of a friendly nation, however, is no answer to being a true and constant friend of that nation. The true test of the United States as a reliable ally is in our ability to be honest with our friends about their real military needs and about our own real military and political needs. I question whether that honesty has ever existed in the United States-Saudi relationship.

Critical issues remain outstanding on the Middle East agenda. Peace in the area has never been so close, yet so far. The United States must act rapidly to reestablish our central role in the peacemaking process and focus our priorities on achieving the long-lasting peace, security, and stability that must be the

cornerstone of United States-Middle East policies.

Mr. PACKWOOD. Mr. President, again on behalf of the distinguished Senator from Rhode Island I yield no more than 10 minutes to the Senator from Missouri (Mr. DANFORTH).

Mr. DANFORTH. Mr. President, with firm conviction I oppose the sale of AWACS and F–15 offensive attachments by the United States to Saudi Arabia. My conviction is supported by three arguments.

First, to vote for this sale would flatly contradict the position taken by me during my 1976 campaign for the U.S. Senate.

Second, in recent years, Saudi Arabia has exhibited an increasing tendency to test the friendship of the United States by demanding more and more dangerous weapons from us rather than working toward the peace which is offered by the spirit of Camp David.

Third, possession by Saudi Arabia of yet more sophisticated equipment would increase pressure upon the Saudis from radical Arab elements to use such equipment against Israel in the event that hostilities in the volatile Middle East should resume.

Mr. President, my decision—first—is a matter of personal integrity. On June 8, 1976, I made a solemn promise to the people of Missouri that I would not support military sales by the United States to Israel's enemies in the Middle East. A vote for this sale would flatly contradict that promise. However, it is equally clear that changing conditions would require flexibility on my part. I have examined the facts to see if changed conditions compel a change in my position. I have concluded that they do not.

The most difficult vote I have cast in the Senate was in favor of the 1978 Mideast arms sale of 62 F–15's to Saudi Arabia, apparently contrary to my commitment of 1976. Yet the rationale for that sale involved a decision to embrace the lesser of two evils. If the United States declined to sell the F–15's to the Saudis, the French would sell them the Mirage, with additional offensive attachments such as bomb racks and long-range fuel tanks.

The sale of F–15's then, with limitations on offensive attachments, was the better of the available alternatives. It offered the best chance of containing the offensive capability of Saudi Arabia. This rationale was reinforced by the Carter administration and by the Saudi Royal Family itself. In April, 1978, the Saudi ambassador and a member of the Saudi Royal Family came to my office to stress that their country's purchase of F–15's was for defensive purposes only and that they had no interest in acquiring additional offensive weapons.

In May, 1978, Defense Secretary Brown, Secretary of State Vance, and President Carter gave similar assurances to the Congress by making it clear that the United States had no intention—then or in the future—of providing the Saudis with AWACS or offensive attachments for the F–15.

Today, the argument that the English are only too willing to sell their Nimrod system as a substitute for the American AWACS misses the point. Radar systems, of and by themselves, are neither destabilizing nor threatening. It is their coupling to the F–15, retrofitted with long-range fuel tanks and the most sophisticated missiles in America's arsenal which is so destabilizing. The sale we are considering today involves not only AWACS but also the offensive attachments to the F–15.

At the time of the 1978 F–15 sale, that transaction was said to be a test of American friendship toward Saudi Arabia. Now, as the second test of friendship is being administered, the time has come to ask how well our friendship has been reciprocated. It is widely held that Saudi Arabia is a special friend of the United States. Indeed, the argument for the AWACS sale could only be founded on a unique friendship, because the United States permits no other country, not even within NATO, to fly AWACS under its exclusive control. Let us examine what has transpired since the F–15 sale in 1978.

The most significant occurrence since the last test of friendship was the Camp David accords. Furtherance of the peace process between Israel and Egypt has been the centerpiece of U.S. policy in the Middle East. In our efforts, we have hoped for support from other countries. But, when the details of the Camp David accords were known, Saudi Arabia became a moving force to suspend Egypt's membership in the Arab League, transfer the league's headquarters from Cairo to Tunis, boycott Egyptian companies doing business with Israel, and break diplomatic relations with Egypt.

The Saudis have been willing to finance the PLO, an organization which has refused to accept even Israel's right to exist, by pledging $1 billion to its continued operations. They have resisted the development of an American military presence in the Arab peninsula in spite of Soviet presence in Syria and South Yemen. Not only has access to Saudi bases been rejected; when another ally, Oman, was prepared to help us, the Saudis undermined the discussions.

The death of Anwar Sadat was a major event in the Middle East. Yet it has not changed Saudi Arabia's opposition to the Camp David process. Indeed, it has made the Middle East a less stable place to receive sophisticated military equipment.

And the Saudis have supported their immoderate acts with even more immoderate rhetoric. They have called for a holy war to "cleanse Jerusalem of the Jews." They have characterized the hostage rescue mission in Iran as American military aggression. They have referred to terrorist activities of the PLO as one of the noblest phenomena in contemporary Arab history. The tragic Saudi association with terrorists was highlighted recently by their decision to provide sanctuary and a generous pension to Idi Amin.

With respect to oil, since 1978, the Saudis have permitted the price to increase 133 percent. Furthermore, if we continue to believe—in spite of the facts—that the Saudis are helping the United States to their detriment by keeping production up and holding prices down, then we are missing an important point. Oil Minister Yamani has noted that the Saudi production strategy is designed to "hold back investors from searching (for) energy alternatives and until OPEC restores its previous position." When the last administration announced its intention to create a petroleum stockpile, the Saudis immediately threatened to cut off U.S. oil supplies.

Clearly, Saudi oil policy has been more moderate than the rest of OPEC, but one hardly can argue that it is even modestly sacrificial.

The United States cannot be expected to oblige each new Saudi demand for arms, only to be rewarded by unrelenting oil price hikes, orders of magnitude greater than the world inflation rate, and unrelenting hostility to the Mideast peace process.

President Reagan has stated that the United States should not allow another country to take over our foreign policy. Precisely so. The United States is a great country, and Americans are a proud people. We should never play a Stepin Fetchit routine for Saudi Arabia or anyone else. The notion that if only we do what they ask of us, they will be cooperative, has been very disappointing since 1978, and there is no reason to believe that it would improve in the future.

Notwithstanding the promises, made and broken since 1978, about the need to limit the introduction of weapons into Saudi Arabia for defensive purposes only; and notwithstanding Saudi Arabia's disappointing behavior since the 1978 sale; I believe there is an even more important reason for rejecting the current proposal.

The introduction of sophisticated offensive weapons into Saudi Arabia, under that regime's exclusive control, can only serve to destabilize an already precariously unstable region.

This new dimension of instability is double-edged. The presence of F–15 attack planes retrofitted with long-range fuel tanks and the most sophisticated guided missiles in America's arsenal, in combination with orbiting AWACS command posts, will inevitably make Saudi Arabia a prime Israeli target in the event of new hostilities between any Arab country and Israel.

The second element of instability is equally menacing to the region. The presence of such sophisticated and awesome offensive military power under the exclusive command of Saudi Arabia will make the Saudis the focus of intense pressure from the Arab world to prove their fidelity to the Arab cause and to join in a war against Israel.

These arms may well become a decisive factor in the minds of Arabs contemplating the advisability of future aggressive acts against Israel.

Mr. President, it is conceivable that by making this sale, the United States is inadvertently laying the foundation for the next war in the Middle East. At stake here is the future of Israel, the future of Saudi Arabia, and the future of the free world's stake in that region.

Mr. PACKWOOD. Mr. President, this is a unanimous-consent request. I have

checked with all the parties concerned, and I might say that Senator ROBERT C. BYRD, the minority leader, has indicated because this is a bipartisan matter he will not speak at the end of the debate.

I ask unanimous consent that the following order be observed as we approach the closing time of the debate: From 4:10 p.m. to 4:40 p.m., Senator PACKWOOD; from 4:40 p.m. to 4:45 p.m., Senator PELL; from 4:45 p.m. to 4:50 p.m., Senator PERCY; from 4:50 p.m. to 4:55 p.m., Senator CRANSTON; and from 4:55 p.m. to 5 p.m., Senator BAKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I am happy to yield 30 minutes to the President pro tempore of the Senate, our distinguished colleague, Senator STROM THURMOND.

Mr. THURMOND. Mr. President, I wish to thank my able friend.

I rise to share with my colleagues my analysis of President Ronald Reagan's proposal to sell an air defense enhancement package to the Government of Saudi Arabia.

My conclusion, and that of the Senate Armed Services Committee, is to approve the President's proposal. I announced my support for this sale on September 17 and information which I have received since that time has reinforced my endorsement of this sale.

My support is based upon an exhaustive study by the Armed Services Committee, briefings by officials of the State and Defense Departments and consultations with President Reagan. I have also considered carefully arguments made in letters to me from my constituents and citizens from across the Nation.

The reasons I support this sale to Saudi Arabia can be outlined in three major points, but before discussing these points I shall elaborate on what I believe is the basic premise for this sale.

If the United States does not sell the AWACS and F–15's to Saudi Arabia, similar equipment can be bought by the Saudis elsewhere. If that happens, the United States would have no control over the Saudi's air defense forces. If the United States cooperates with Saudi Arabia we can exercise some control over this equipment and thereby help protect Israel. We will also enhance the security of Israel by becoming a confidential partner with a pro-Western Arab State, making it highly unlikely that this state would join in an attack on Israel and less likely that a radical force could overthrow the current, friendly Saudi Government. All of these conclusions persuade me this sale would protect, rather than endanger, Israel.

PACKAGE POSES LITTLE THREAT TO ISRAEL

Further, I am simply not convinced that 60 F–15's and 5 AWACS aircraft constitute a significant threat to Israel. The F–15's will be dispersed at three airbases, 20 each, each base a great distance from Israel's border. Only one AWACS aircraft will be aloft at any one time, and it is required to guard oilfields on the opposite side of Saudi Arabia from Israel. The more serious threat is the one facing Saudi Arabia in the form of the Soviet Union and its nearby proxy states.

The equipment in the proposed sale amounts to a very limited air defense capability for Saudi Arabia. This is balanced by the fact that Israel possesses a large military force, including over 530 attack planes, to counter any Saudi threat.

Mr. President, now I shall discuss this sale in some detail. My study of this issue has brought me to the conclusion that this sale is:

First, in the national interest of the United States;

Second, in the national interest of Israel; and

Third, in the national interest of Saudi Arabia.

Today, I will discuss each of these points in detail. Additionally, I will address some of the objections that other Senators have propounded against the sale.

First, however, I want to set the stage for my remarks by describing the proposal and how it meets the defense needs of Saudi Arabia.

THE ARMS PACKAGE

The administration is proposing that we approve for sale to the Saudi Arabian Government the following pieces of equipment:

Five airborne radar warning system aircraft (AWACS);

A total of 101 sets of conformal fuel tanks to extend the range of the F–15 aircraft;

Six KC–707 aerial refueling tankers to refuel the AWACS and the F–15 planes in the air; and

A total of 1,177 AIM–9L Sidewinder air-to-air missiles to give the F–15's the capability to destroy attacking planes before visual contact has been made with these attackers.

In addition, the sale package contains provisions for ground support equipment, spares, and contractor support personnel for 3 years.

SAUDI DEFENSE NEEDS

Mr. President, Saudi Arabia has a unique need for this equipment. It has a vast territory to defend. Its wealth is centered in a small oilfield area. This nation is nearly surrounded by Soviet surrogate states. In Afghanistan, only 700 miles away, the Soviets themselves now have a base from which to launch an attack on, or threaten, the Saudi Government.

The huge Saudi land mass is equal to that of Europe or the land from the Mississippi River to the east coast. In length, it covers an area stretching from the Norwegian Sea to the Black Sea. In width, it covers a distance approximately equal to that between France and the Ukraine. In all directions, its borders face a highly potential threat. Its F–15's will operate from only 3 bases, whereas in Europe there are 20 military bases to defend an area of similar size.

Both the size of the area to be defended, and the limited Saudi resources establish the need, for aerial refueling and for conformal fuel tanks. For example, should the Dhahran Air Base be destroyed, then the aircraft operating from the other two bases would spend 3 hours just in transit—1½ hours each way—to defend against a threat from the East. This would mean that their on-station time will be minimal without the range-extending conformal fuel tanks and without aerial refueling.

The low number of Saudi F–15 aircraft, and the fact that they are widely dispersed, dictates the need for a fast and effective response in the event of a conflict. This is the key reason why the AIM–9L Sidewinder missile is needed. It enables the F–15 to fire at the attacking planes head-on before they reach their attack area near the oilfields.

There is an obvious need for the Saudis to see the oncoming threat, and have the time to react, before any attackers could destroy the oilfields or other targets. The present Saudi ground-based radars cannot see low flying aircraft beyond the curvature of the Earth, which is 30 to 40 miles, and which translates into no more than 2 to 3 minutes of flying time for modern aircraft. Since it takes about 5 minutes to scramble the F–15's, without AWACS, the threatening aircraft could only be intercepted several minutes after they have destroyed the oilfields. With the AWACS at a 29,000 feet altitude, the Saudis will be able to see 200 miles away. This gives them a warning time of 15 minutes—a sufficient time for scrambling and intercepting enemy aircraft before they get to the oilfields or other targets.

ONLY ONE AWACS ALOFT

For a nation to provide a round-the-clock warning capability, five AWACS aircraft are needed. Only one AWACS would be aloft at any given time, with the other four operating in a shuttle role to relieve the single plane constantly on patrol.

Mr. President, now that I have briefly discussed the administration's proposal, and how it is carefully tailored to meet the specific Saudi air defense requirements, I would like to discuss each of my three major points.

First, why is the support of the sale in our own vital national security interests?

I. SALE IS IN THE NATIONAL INTERESTS OF THE UNITED STATES

The equipment will protect U.S. oil supply.

It is in our national interest to encourage the protection of Saudi oilfields. Let me put in perspective their strategic significance.

These fields are especially vulnerable to attack since they are concentrated in one 40-mile stretch on the Persian Gulf. Should they be destroyed, it would require at least 2 years to restore them to full production. It is undeniably clear that their destruction would have a devastating effect not only on the U.S. economy, but also on the economy of the Free World.

These fields currently provide about 63 percent of the oil production in the Persian Gulf; 23 percent of U.S. oil imports, and about 50 percent of the oil imports of Western Europe come from that single area.

Future base for U.S. military equipment.

This sale is also in our national interest because it gives us access in that region to prepositioned parts, facilities, support equipment and support personnel for our own AWACS or F–15's. This prepositioning is an inherent part of the Saudi air defense enhancement package. U.S. access to such support facilities will be critical to the success of our rapid deployment force if it has to be used in the Middle East. This prepositioning is also essential to an expanded U.S. military presence, not only in the Persian Gulf area, but also in that area as a whole.

Deployment of the equipment will assist United States.

Under the conditions of this sale, the Saudi AWACS information will be available to U.S. forces on an immediate basis at no cost. In a crisis situation, the ability of our forces to obtain and assimilate early threat information will be greatly enhanced. This increases the ability of our forces, if necessary, to react rapidly and with precision.

This is possible because we can exchange information between the Saudi AWACS, U.S. Naval AWACS-type aircraft, and U.S. forces on the ground.

In addition, the Saudi air defense enhancement package will provide an initial air defense umbrella for the area, which would be compatible with our own. This would make any allied or U.S. deployment in that area less costly, not only in equipment and materiel, but also, and more importantly, in lives.

Sale strengthens the U.S. role in the Mideast peace process.

This sale is also in our national interest because it means an expanded U.S. presence in working for peace in the Middle East.

While the Government of Israel may view the sale as contrary to their interests, they must accept the fact that failure of the United States to aid other pro-West governments in the area would seriously impair chances for stability in the Middle East.

The absence of support in the Arab world for the Camp David accords indicates that to achieve a more secure peace in the area, we must cooperate with the few Arab States which have pro-West leanings. I am convinced the serious results of repudiation of this sale will significantly hinder the peace process. The key benefactor of that process is the State of Israel. Israel needs a renewed peace effort now because of the tragic murder of President Anwar Sadat, an act which seriously interrupts the peace process in the Middle East.

The dependence of Saudi Arabia on the United States as a supplier of defense equipment also enhances our influence there. The Saudis have recently demonstrated their support of the administration by exercising leverage over the Palestinians in southern Lebanon to bring about a cessation of hostilities between the Palestinians and Israel. The exercise of that leverage is one indication of the Saudi desire to move toward a lasting peace in the Middle East.

It is essential that we enhance this Saudi posture by supporting their defense needs. The combination of our special relationship with Israel and our enhanced relationship with Saudi Arabia will give the United States more leverage toward finding a peaceful solution to the difficult Middle East problem.

We should support the President in foreign policy matters.

Mr. President, the Senate must remember that arms sales are a tool of foreign policy. It is in our national interest to support the President whenever possible in the conduct of foreign policy. A Senate veto of this sale would undermine his ability to effectively conduct foreign affairs at a time when the Nation needs a strengthened posture in the community of nations.

Mr. President, as chairman of the Senate Committee on the Judiciary, I feel compelled to raise the possibility of a constitutional challenge to the disapproval of the AWACS sale by the Senate.

The Supreme Court has never formally ruled on the constitutional nature of congressional actions to negate executive branch actions. The ninth circuit has ruled in two cases, *Atkins* v. *United States*, 556 F. 2d 1028 (1977) and *Chadha* v. *Immigration and Naturalization Service*, 634 F. 2d 406 (9th Cir. 1980), reaching different results on congressional power. The issue raised in the Chadha case was whether the Separation of Powers Clause was violated by a legislative veto provision that clearly intrudes into the executive branch provisions of the Constitution. In that case the court upheld the powers of the executive branch.

Since 1974, the Senate has had the authority to veto non-NATO arms sales, but it has yet to exercise that authority. Certainly, Executive agreements that do not rise to the level of a treaty, like the Panama Canal Treaties, may face constitutional challenge where there is no legislative participation in them. On the other hand, a veto of this sale by Congress could be tested by the President should he go forward with the sale despite the veto. This development is certainly possible in view of the fact that the Saudi sale is intimately intertwined with overall U.S. foreign policy in the Middle East.

The sale will benefit the U.S. industrial base.

While the monetary benefits of this sale are not of primary importance, this sale will have a significant beneficial impact on the U.S. work force.

The direct impact is not only the $8.5 billion in sales over the next 3 years, but also the several billion dollars annually in support services to be provided well into the 1990's.

It is also worthwhile to ponder the indirect financial impact of this sale. Approval of this sale will bolster the business partnership we have with Saudi Arabia in many other fields. This relationship now amounts to $36 billion annually in business for American contractors in Saudi Arabia. In addition, the Saudis reinvest annually, from oil revenues, about $70 billion in the Western economy.

Again, while it is not the primary consideration, I would point out that disapproval of this sale could have an adverse impact on our business relationship with Saudi Arabia.

Mr. President, to summarize my first point, I believe this sale is in the United States national interest because it enhances the peace process in the Mideast. It protects our vital oil interest. It gives the United States a prepositioned military supply source, which can be easily integrated with U.S. military equipment during the deployment of any U.S. forces. Such a sale strengthens the hand of the President in the conduct of foreign policy. The sale would help expand the U.S. industrial base and create jobs.

II. THE SALE IS IN ISRAEL'S INTEREST

This sale will insure a pro-Israel presence in Saudi Arabia.

First, as I mentioned earlier, the purchase of U.S. equipment, with U.S. support strings attached, would enable us to protect Israel. Israel's interests will be served if the United States can exercise control over supply and support lines and if there is an American presence to discourage misuse of these aircraft.

If the Senate vetoes this sale, the Saudis will likely turn to the British Nimrod air defense warning plane and to the French Mirage fighter for their air defense needs. If that happens the United States will have no control over this equipment, and presence of the United States to serve as a protection for Israel will be eliminated.

The Senate should also know that the Nimrod includes technology developed through 1978, while the AWACS technology was frozen in 1972 in order to get the aircraft into production. While the Nimrod is less capable than AWACS as an air defense platform, it can see some ground targets and has an intelligence gathering capability. These two features give Nimrod a limited offensive capability, while the AWACS is essentially a defensive system.

The sale will promote stability in Saudi Arabia.

This sale is also in Israel's national interest because it enhances stability in the Middle East. Saudi Arabia has been a stable country for a very long time. The Saudis have been rulers of that country since the First World War. Transitions in leadership have been smooth as a result of the Saudi consultative process with royal councils.

In a recent letter to me from former U.S. Ambassador to Saudi Arabia, Robert Neumann, he describes Saudi Arabia as "one of the most stable countries in the Middle East." He believes the reason for this stability is the Saudi form of government. I would like to quote from his letter:

> Saudi stability is the result of a unique system of government. It is not run by an overpowering personality like the late Shah of Iran or the late President Sadat of Egypt. In contrast to those and all other countries in the region, Saudi Arabia's system of government is one of checks and balances. It rests on a never-ending process of give and take among the princes, between them and the leading technocrats, businessmen and tribal leaders. Its continuation is not dependent on any one person. Even so strong a leader as the late King Faisal could be replaced by an orderly succession.

Most important in this time of Islamic fundamentalism is the fact, often overlooked, that Saudi Arabia is a fundamentalist state whose very conservative Islamic mores are controlled by the religious leaders, the ulema. In contrast to Iran, these religious leaders do not constitute an outside, revolutionary force; they are very much a part of the Saudi system. In return, they keep out of politics—a part of the above-mentioned checks and balances.

Another recent U.S. Ambassador to Saudi Arabia, former Governor John West of South Carolina, has stated that if the sale is blocked:

It will first of all take away the incentive of the will of the Saudis to continue, at some risk to themselves, to promote the American positions. And secondly it will take away their credibility—make them look like fools.

Mr. President, this sale will improve prospects for continued stability in Saudi Arabia. It will enhance the Saudi role in the peace process, and could hasten its involvement in a more active and positive manner. This would have obvious benefits for Israel.

Sales like this encourages pro-West Arabs.

Mr. President, I recall there was concern in Israel when President Sadat turned to the United States for military aid after the Arab-Israeli war of October, 1973. Although some opposed military aid to Egypt, our alliance with Egypt led to the Camp David accords.

Thus, I believe that a closer military alliance with Saudi Arabia would be in Israel's national interests, because it would enable the United States to influence the Saudis in achieving stability in the Middle East.

At some point in the peace process we must have Arab friends who can speak to the Arab States which are strongly anti-Israel. Saudi support and influence with some of these States could be used to bring about new efforts toward a lasting peace. The Saudis showed this capability, to moderate the views of other Arabs, during 1976 Riyadh Conference and more recently in Lebanon.

Today the outcome of the Senate debate on the Saudi air defense sale is being watched with considerable interest in the Arab world, not only by the pro-West States but also by the radical states.

Approval of this sale will send a positive message to the pro-Western States. Disapproval of the sale will leave these would-be friends empty handed and will give the radicals a victory. That would not be in Israel's national interest.

Therefore, Mr. President, I believe that this sale is in Israel's interest for many reasons. Purchase of U.S. equipment by the Saudis protects Israel because it allows some U.S. control over the use of this equipment. Israel's security is further enhanced by a stable, pro-West government in Saudi Arabia, which could influence radical Arab States toward peace with Israel.

III. THE SALE IS IN SAUDI INTEREST

The Saudis' national interest is served by providing them with a capability to protect their oil fields and cities.

Sale meets Saudi defense needs:

Mr. President, the Saudis feel the Soviet threat very keenly. They see on their northern border a Soviet-supported Iraq. To the south the Soviets, Cubans, and East Germans are active in support of the Governments of South Yemen and Ethiopia. To the east stands Iran, a turbulent state at present, but one which could eventually pose a threat to the moderate Saudis.

This sale serves the national interest of Saudi Arabia by giving that country a needed capability to offer some resistance if attacked. Of course, the principal threat is to the oil fields which are open to attack by the aircraft of the Soviet Union, Iraq, and Iran.

The sale promotes alliance with a strong military ally.

This sale also serves the national interests of the Saudis by bringing that nation into a closer partnership with the United States, a powerful military ally. President Reagan just recently made it clear that an attack on the Saudis would be viewed by the United States in only the gravest terms.

The Saudis need to have a reaffirmation of their already significant alliance with the United States. This relationship embraces billions of dollars in construction activities throughout their economy. Their friendship with the United States is viewed with great suspicion in the Arab world, and it would be a serious blow to their standing in the Arab world if this friendship is repudiated by rejection of this sale.

Mr. President, these three points—that this sale is in the national interests of all the parties concerned—the United States, Israel and Saudi Arabia—is the basis of my decision to support the President in this matter.

Prior to concluding my remarks, I would like to address briefly some of the arguments used by opponents of the sale.

It appears to me that the chief arguments against the sale are as follows:

First. It constitutes a threat to Israel;

Second. It repudiates earlier policy assurances; and

Third. It could compromise the security of military technology.

Regarding the contention that the sale constitutes a threat to Israel, I would comment:

AWACS is so complex that data links and other interfaces with Arab nations for a coordinated attack could not be achieved in the absence of U.S. equipment in those Arab nations;

Israel is fully capable of jamming the AWACS or shooting it down should the system be deployed against Israel;

The limited number of F–15's and AWACS planes being sold are not sufficient for an offensive campaign; and

U.S. involvement in the AWACS and F–15 operations could be used to restrain any effective use of the systems against Israel.

The second argument raised by opponents is that the sale repudiates previous promises that these enhancements would not be sold to Saudi Arabia. In response to this, I would offer the following:

Even those who opposed the original sale during the Carter administration argued at that time that promises of one administration could not bind a future administration.

Events in the Middle East have drastically changed the situation—Iran has become an anti-U.S. state; Iran and Iraq are engaged in a war; threats to the oilfields have dramatically increased; the Soviets are in Afghanistan; Iran and Iraq have attacked each other's oilfields; the Soviet presence in the area has increased in South Yemen and Ethiopia; and, finally, our friend, President Sadat, has been murdered.

Mr. President, should the U.S. policy be so rigid as to adhere to assurances that were given under conditions which are no longer valid? Should we adhere to a policy even though such adherence is no longer in our national interest? I feel that U.S. policy must be flexible enough to accommodate the significant changes that have taken place in the Middle East.

The third argument of opponents is that by the sale of these advanced military systems to the Saudis, our Nation would take an unacceptable risk of losing valuable military technology to an enemy.

Mr. President, the possibility that some anti-American force could obtain advanced military technology has always concerned me greatly. However, I feel that the risk of losing such technology in this case is offset by the following:

The Defense Department has testified that the AWACS technology dates back to 1972 and is likely to be less valuable in the late 1980's or when the sale is completed;

It is believed the Soviets have under development their own flying radar or AWACS plane and its equipment will be in production soon; and

We have negotiated a number of security safeguards in this sale such as U.S. approval of security plans, U.S. inspections, no flights outside the borders of Saudi Arabia, and no third country access.

Mr. President, all of these facts have convinced me that voting for this sale is the correct way to vote.

At this point, I would like to add a comment about Israel and my concern for its security. The security of the State of Israel has always been of great interest to me. My record shows that I take very seriously the need for the United States to be generous and unyielding in its support of this small, courageous nation which is situated in a sea of hostile neighbors. However, I am convinced that this sale is not only in our national interest, but also in the interest of Israel. Approval of this sale could lead to real progress toward bringing a lasting peace to this area, as our military cooperation with Egypt has shown.

Movement toward peace is urgently needed because of the new threats that have materialized in this area. The newly gained Soviet military power is being used to further expand the Soviet sphere of control in the Middle East. The Soviet invasion of Afghanistan, its presence in South Yemen, Syria and Libya, and its support of groups in Lebanon needs a clear response. At a minimum, we must provide a pro-Western country like Saudi Arabia with the ability to defend itself,

especially when its territory so vitally impacts on the safety of our Nation and our allies.

Mr. President, I urge my colleagues who still oppose this sale to make one final review of this issue. The President of the United States needs their support in formulating a strong international posture for the United States. The President deserves their support. All of our Presidents of the last decade support this sale to Saudi Arabia. I urge the Senate to support it as well, in the interest of this country and of our allies, Israel and Saudi Arabia.

Mr. President, I wish now to take a few moments of my time allotted to me. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. PELL. Mr. President, at this time I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Thank you, Mr. President.

OPPOSITION TO ARMS PACKAGE FOR SAUDI ARABIA

Mr. KENNEDY. Mr. President, in my judgment, the proposed Saudi arms package is one of the most dangerous arms sales ever proposed by any administration to the Congress.

It will fuel a costly and dangerous arms race in the Middle East that will increase, not decrease, the likelihood of war.

It will introduce sophisticated military technology into one of the most volatile regions in the world. That technology includes some of our most sensitive military secrets, which should not under any circumstances fall into the hands of enemies of the United States.

It will endanger the security of Israel, a stable and democratic ally.

And, it will fail to address the real security needs of Saudi Arabia.

Above all else, this arms sale is a national security issue. Democrats and Republicans, conservatives and liberals, have joined in opposing this sale, because it contradicts the fundamental interest of the United States.

In 1978, I voted against a previous arms package for the Middle East, even though it was proposed by a President of my own party. I have opposed the present package since it was first suggested at the beginning of this year. And I am proud to be a sponsor of the companion Senate resolution of disapproval.

The pending arms sales proposal offers Saudi Arabia $8.5 billion in AWACS planes, AIM–9L missiles, fuel tankers and aerial refueling capabilities. I do not understand how any Senator who opposed the 1978 sale of F–15 fighter aircraft can justify voting for the arms package presently before us. How can the opponents of that sale in 1978 now vote in 1981 to equip those F–15's with 1,177 of the most advanced and deadly missiles in our stockpile? How can the opponents in 1978 now vote for new equipment to extend the range and flight time of the F–15's by 70 to 80 percent? How can the opponents in 1978 now vote to provide five airborne command and control platforms, capable of directing the F–15's in possible assaults against Israel, our most important ally in the Middle East?

Some argue that circumstances have changed since 1978, and that the Soviet invasion of Afghanistan, the Soviet arming of radical Arab States near Saudi Arabia, and the Iran-Iraq war justify this unprecedented arms transfer to Saudi Arabia.

These new circumstances may justify the supply of defensive arms and communications equipment to Saudi Arabia, such as antitank and antiaircraft weapons and advanced radar. They may justify the deployment of AWACS aircraft under U.S. control, but they do not justify the supply of offensive arms and the potential compromise of sensitive military technology reflected in this sale. That can only lead to a new arms race in the Middle East that will jeopardize the basic American interest in peace and stability in the region.

Because the 1978 arms sale to Saudi Arabia generated so much concern, the Carter administration gave the Congress its written assurance that it would draw the line there—and that it would never increase the offensive capabilities of the Saudi F–15's.

Now the Reagan administration is asking the Congress to repudiate the solemn assurance of the U.S. Government. It is asking the Congress to take this extraordinary step, because of a unilateral commitment made by the President to Saudi Arabia, without the knowledge or the consent of the legislative branch. The administration claims that its credibility is now at stake—but the reality is that the administration has violated the promises of is predecessor without the participation of Congress or the American people.

Now the administration is offering another round of assurances of its own. They say that the present arms package could not and would not be used by Saudi Arabia against the State of Israel, and that it will not be enhanced by more equipment in the future.

These assurances are unacceptable and unworthy of our consideration. The leadership of Saudi Arabia insists that its No. 1 enemy is Israel—not the Soviet Union, and not the Soviet Union's radical Arab surrogates. And the leadership of Saudi Arabia is fully capable of making future arms supplies as much a litmus test of Saudi-American relations as it did the arms package in 1978 and the current arms package in 1981.

The proponents of this mistaken sale claim that the planes will not be delivered until 1985, and that Congress, therefore, will have ample time to reconsider. But the lesson of the past is clear. When the time to deliver the AWACS in 1985 arrives, the likelihood is not that Congress will be asked to reject the delivery, but that we will be asked to sweeten the deal yet again—by selling even more fully-equipped and even more sophisticated AWACS to Saudi Arabia.

The Senate has a constitutional responsibility to advise and consent in important foreign policy issues. This responsibility transcends narrow loyalties to a Pesident or to a special interest. This responsibility requires every Senator to do what is in the security interest of our Nation. Failure of the Senate to carry out this responsibility poses a much greater danger to the future of our country than any danger inherent in repudiating the President on this issue. So let us carry out our responsibility, and debate the issue on its merits. In this fashion, we can assure the American people that we are pursuing a policy in the highest interests of our country.

This arms package offers some of America's most sophisticated and sensitive military equipment to Saudi Arabia. It is a giant leap in technology for the Saudis. It is not a minor enhancement of existing technology, as some would like the American people to believe.

The AWACS planes in the package are among the most advanced aircraft in the American arsenal. In 1976 testimony before the Senate Appropriations Committee, the current chairman of the Joint Chiefs of Staff, Gen. David Jones, testified that—

> AWACS offers the greatest single quantum jump in command and control capability since the development of radar.

AWACS is capable of both detecting enemy forces and directing aircraft to engage with the enemy. Yet, in presenting this arms package to the Congress, the administration has attempted to minimize the breakthrough that AWACS represents. But there can be no doubt of its capability, especially its capability for offensive purposes.

We share the administration's concern over the Soviet military buildup. Yet the administration is supporting the transfer of AWACS technology into a highly volatile region of the world. If this technology falls into the hands of the Soviets, important American advantages in military technology would undoubtedly be compromised. Even worse, the administration is proposing to carry out this sale on terms which offer far less American control than the previous sales of AWACS to our NATO allies.

Mr. President, AWACS is not the only sensitive technology included in this arms package. The AIM–9L missile is also a highly advanced weapon which allows pilots to avoid time-consuming maneuvers to get behind their opponents in order to fire their missiles. Instead, it gives pilots the advantage of firing the missile head-on at hostile aircraft, or from any other direction.

In a letter to Representative THOMAS LANTOS, 12 U.S. Air Force F–15 pilots expressed their opposition to the sale of the AIM–9L missile to Saudi Arabia. They stated:

> We do not want the technology of the AIM–9L to leak to the Soviets through lack of security in Saudi Arabia or through some closed door bargaining session. We, at the user level, can attest that the AIM–9L thrusts the American fighter pilot a very large step ahead in air combat over any other military force.

The lesson of Iran is clear. At the time of the revolution in Iran, the United States had already sold Iran F–14 fighters, Phoenix missiles, and Harpoon missiles. Fortunately, AWACS technology

was not scheduled for delivery into Iran until 1981.

Mr. President, I opposed that sale at that time as well.

Administration after administration assured the people of America and the world that Iran was an island of stability and a bulwark against Soviet power and Arab radicalism. Yet a revolution led by religious fanatics upset all their calculations and dealt American power a severe blow in the Persian Gulf region.

Today, we are being told that history will not repeat itself, and that Saudi Arabia is not Iran. In fact, President Reagan has assured the world that the United States will not permit Saudi Arabia to become another Iran. His spokesmen have contradicted each other as to whether this assurance extends to internal as well as external threats to the Saudi regime. They have failed to explain how the administration proposes to fulfill this assurance. They have failed to explain how a President of the United States will hold back the wave of Islamic fundamentalist revolution that could rush over Saudi Arabia. And, they have failed, once again, to consult Congress and our allies before engaging the honor and the prestige of the United States in an open-ended commitment to Ree-Yahd.

Saudi Arabia is confronted with great challenges posed by rapid modernization in a traditional society. It faces threats to its security from both external and internal sources. According to former CIA Director Stansfield Turner:

> The most likely threats to Saudi Arabia are internal disorder or rebellion and guerrilla warfare, encouraged and supported by its neighbors. It would be wishful thinking to believe that a nation in as great a state of flux as is Saudi Arabia today would not be subject to domestic unrest or subversion.

There is no question that Saudi Arabia also faces external threats from the Soviet Union and from its neighbors—South Yemen, Ethiopia, Iran, and Iraq.

I support military cooperation and supplies of defensive arms to meet the external threats, as well as other threats to U.S. interests in the Persian Gulf. A stable, secure, and pro-Western Saudi Arabia is in America's vital interest, and we and our allies must do what we can to protect Saudi Arabia from external aggression.

Mr. President, we must draw the line when it comes to the transfer of sophisticated, offensive military technology to Saudi Arabia. The dangers inherent in the transfer of such sensitive technology into the Middle East powder keg alone offer compelling reasons to oppose this arms package. It should also be opposed because it does not further America's interests in peace and stability in the Middle East.

The administration's support for this arms package is based on a number of false premises. First, the administration claims that it is pursuing a policy that will bring peace to the Middle East. If the administration truly wants peace in the Middle East, it should never have proposed the arms package. Saudi Arabia's fierce opposition to the Camp David accords does not serve the cause of peace in the Middle East. Saudi Arabia's calls for a "holy war" against Israel do not serve the cause of peace in the Middle East. Saudi Arabia's breaking of diplomatic and aid relations with Egypt do not serve the cause of peace in the Middle East.

Second, the administration seems to believe that, somehow, more arms can buy or bribe the Arab States into a peace settlement with Israel. This was not true in 1978 and it is not true in 1981. More arms do not buy peace. More arms only serve to fuel an ever-widening arms race in the Middle East.

Third, the administration warns us that if Saudi Arabia cannot buy AWACS aircraft from America, it will buy Nimrod aircraft from Great Britain. But Great Britain should reach the same conclusion on the sale as the United States. No true ally of the United States should risk a sale that could jeopardize peace and security in the Middle East. Nor should the possibility of wrong decisions by others be used to justify wrong decisions of our own.

Fourth, the administration claims that it is pursuing an antiterrorist strategy. If the administration truly wants to combat terrorism, it should not sell offensive arms to Saudi Arabia, which spends nearly $400 million a year to finance the terrorism of the PLO.

Fifth, the administration claims that this arms sale will enhance America's interests in the Middle East. Our interest is in lasting peace and true security for Israel and for all states in that region. The best way for the United States to serve this interest is to vigorously pursue negotiations to end the Arab-Israel conflict, not to sell offensive arms to Saudi Arabia or to fuel an arms race in the region.

Let President Reagan and his Secretary of State and his Secretary of Defense explain to Congress and the American people: How does threatening the security of Israel—a stable and democratic ally—enhance American interests?

Our bonds with Israel are deeply rooted in moral commitment and common values, and they are founded on a realistic view of America's own security interests.

It is a fundamental fact that Israel is America's strongest and surest ally in the Middle East.

It is a fundamental fact that Israel deploys the most powerful armed forces in the region.

It is a fundemental fact that Israel has protected American interests in the past, and that Israel will do so in the future.

Clearly, Israel is the cornerstone of an effective policy to protect U.S. interests and to counter the Soviet Union and its surrogates.

By selling this arms package to Saudi Arabia, we are greatly increasing the risks of Saudi involvement in any future Arab-Israeli war. All of us hope and pray that such a war will never again take place, but, if war should come, Saudi Arabia would come under strong pressure from other Arab States to join in attacking Israel. I fail to see how putting Saudi Arabia in such a position enhances the security of Saudi Arabia or serves the interests of the United States.

Mr. President, this arms sale is bad for the United States, bad for Israel, and bad for the cause of peace in the Middle East. It is the wrong sale at the wrong time in the wrong part of the world, and it should be rejected by the Senate.

Mr. President, I yield back the remainder of my time to the ranking minority member of the committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. I thank the distinguished Senator. Mr. President, I rise today in opposition to the most recent effort by an American administration to secure peace in the world's most volatile region by injection of additional instruments of war. I do so wearily.

During the entirety of my public career, I have tried—with a notable lack of success—to do battle with a notion that seems to pervade questions of international policy in this modern age. It is a notion split deeply with a tragic flaw. The notion is that we, as a super-power, can somehow enhance the prospects for an enduring peace by arming nations and cultures with ever more sophisticated weapons of war. We are not the only nation of the world that embraces this notion, but because of our status as the world's largest peddler of arms, we have a special moral requirement to examine it. For the balance of my public career, I shall continue to do battle with this tendency to arm the world.

A sense of foreboding, of a deeper dread, compels me to raise my voice again, even in the climate of fear and frustration that has surrounded this issue.

THE HISTORY OF HUMAN CONFLICT

Mr. President, nothing is more constantly abused than humankind's interpretation of its own history. Depending on their immediate political needs, leaders throughout history have carefully selected small bits of history—like a piece on a patchwork quilt—to justify whatever political point needs to be made at the moment. One of the most pervasive and dangerous examples of the selective use and abuse of history is found in the widely-accepted phrase attributed to the Roman writer Flavius Vegitius Renatus: "Let him who desires peace prepare for war."

THE MYTH OF HISTORY

The Roman's thought, for some 2,000 years, has been a comforting phrase, surviving the rise and fall of empires. It is worth noting that this quote was made as the Roman Empire was moving into its final phase of destruction. This maxim allows nations and their leaders to justify unprecedented amounts of spending and preparation for war, and to conveniently do so in the name of peace. It is a concept that has for decades characterized the foreign and defense policies of this and other nations. At present, it is the engine driving the most staggering arms race in history.

Both the United States and the Soviet Union are presently guilty of unequivocal acceptance of this doctrine. It is at the foundation of both the United States and the Soviet Union's unceasing efforts to place in the hands of bel-

ligerents on both sides in the Middle East the most advanced technological instruments of war. The proposal before us to sell five Airborne Warning Control Systems (AWACS) aircraft, conformal fuel tanks for F–15 fighters, 1,117 advanced Sidewinder heat-seeking missiles, and aerial tankers to Saudi Arabia is simply the latest extension of a vipid, bankrupt doctrine that, throughout history, has consistently failed to secure peace. It is a doctrine in desperate need of a serious challenge.

If anything has proven a historic inevitability, it has been war and conflict; if anything has proved historically elusive, it has been peace. The "constant preparation" doctrine resulting in large-scale armament buildups triggers an escalating balance of military terror that finally demands release in war. It is an absurd and enormous historical myth to presume that constant and high-level preparation for war can occur without conflict inevitably following such emotional and political drum beating.

If we accept that constant arms buildups are inevitable, we predestine a future strewn with terror and war. This is a simple but unadulterated reflection of the sad history of human conflict. The accumulation of instrumentalities of war has, almost without variance, led to conflict and the fundamental realteration of cultures and civilizations. We build arsenals to prevent hostility, but the power of those arsenals, like a force as constant as gravity itself, seems to inevitably draw belligerents toward war.

At no other time in history and in no other place on the face of the Earth has this grim and tragic fact proved more true than in the Middle East. At no other place in modern times have four wars erupted in as many decades. At no other place on Earth, in an age shadowed by conflagration, has the United States and Soviet Union come closer to nuclear war in recent years than in the Middle East in 1973. At no other place on Earth does the political and religious fever run more hot than in the lands surrounding Armageddon, the Biblical village shadowed by doom.

Mr. President, I am no prophet; I am not interested in unnecessary dramatics. I do believe that it is vital, however, that we no longer choose to turn our backs on the weight of historical evidence. Those who choose to look honestly at history must realize that the opportunities for peace are diminishing, not increasing. The odds of a major conflict in the Middle East are rising as the superpowers arm belligerents to the teeth. All sides seem trapped in desperation and cowardice, which predestines conflict.

WEAPONS OPPOSITION

Throughout my political career, I have opposed all sales of weaponry into the Middle East, and to other corners of the world as well. As a result of this position, I have predictably been scolded, exorcised, politically threatened, and condemned by virtually all sides. I have been labelled by some supporters of Israel as that nation's principal "enemy" in the U.S. Senate. I have also been criticized by a succession of U.S. Presidents—including, most recently, the Carter administration—because of my opposition to the sale in 1978 of F–15 fighter bombers to Saudi Arabia, the continuing military credit sales to Egypt, Jordan, and Syria.

I have equally condemned acts of Palestinian terrorism and terrorist reprisal on the part of the Begin government. I believe there is a dangerous madness in those who applaud and cheer the death of Anwar Sadat, a statesman of peace. And I have condemned, and continue to condemn, the illegal and arrogant use of U.S. military weaponry by the Begin government in offensive military raids against civilian towns and population centers in southern Lebanon.

Hundreds of people died in these attacks, and hundreds of thousands more were made homeless. I loathe Palestinian attacks on innocent Israeli men, women, and, too often, children. I have, in short, been targeted by all sides. I expect more opposition after my vote today against this most recent subservience to the doctrine of arming nations in pursuit of peace.

WEAPONS SALES

I ask the Senate today to take the rhetoric we have heard on the dangers of arms sales to Saudi Arabia and apply it with courage across the entire political spectrum of the Middle East. We seem mesmerized by the belief that arms escalation can secure peace in the Middle East when it has never secured peace. Yet, in little more than a decade, the United States has given or sold a staggering total of $13.7 billion in weaponry to the State of Israel alone.

Mr. President, I ask unanimous consent that a list of weapons transferred by the United States to Israel, Egypt, Jordan, and Syria since 1970 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

UNITED STATES TRANSFERS TO ISRAEL: 1970 TO PRESENT

Supplier/Number and item	Description	Comment	Date: number of items	
			Ordered	Delivered
UNITED STATES				
50, McDonnell-Douglas Phantom F–4E	Fighter	$300 mn, incl. Bullpup A-S and Sparrow A-A missiles	December 1968	1969-70.
6, McDonnell-Douglas Phantom F-4E	Fighter	To replace losses, incl. special radar jamming equipment).		(May 1970.)
6, McDonnell-Douglas Phantom RF–4E	Fighter/reconnaissance		December 1968	Spring 1970.
16-18, McDonnell-Douglas Phantom F–4E	Fighter	Part of $500 mn arms package, authorized by U.S. Congress January 1971.	June 1970	January–July 1971-12.
25, Douglas A-4 Skyhawk	Fighter	In addition to 48 delivered in 1967–68	November 1968	1969-70.
18, Douglas A-4 Skyhawk	Fighter	Par of $500 mn arms package, authorized by U.S. Congress January 1971.	June 1970	1971.
Lockheed C-130 Hercules	Transport			1971.
Martin Bullpup	A-S missile	To arm Phantom fighters	December 1968	1969-71.
Raytheon Sparrow	S-S missile	To arm Phantom fighters	December 1968	1969-71.
Raytheon MIM 23 Hawk	S-A missile	Part of $500 mn arms package, authorized by U.S. Congress January 1971.	June 1970	1970-71.
NWC Shrike	A-S missile	To counter Egyptian missiles	June 1970	1970-71.
180 200, M-60 and M-48 Patton	Main battle tank	$36 mn. Part of $500 mn arms package. authorized by U.S. Congress January 1971.	June 1970	1970-71.
M–113	Armoured personnel carrier	Among new items displayed on National Day 1971		(1970-71.)
24 M–109	155-mm howitzer	$3.5 mn		1970.
12 Patrol boat, "PBR" class	Displ.: 7.5 t	Added to official list in 1971		(1970).
42, McDonnell-Douglas F–4 Phantom	Fighter	$500 mn. incl. 90 A–4. Armed with improved Sidewinder AAM.	December 1971	March 1972–end-1973.
(90), McDonnell-Douglas A–4N Skyhawk	Fighter	Specifically developed for Israel with new navigation and weapons delivery system.	December 1971	November 1972–end-1973.
NWC Sidewinder	A–A missile	To arm Phantom	(December 1971)	(March 1972–end-1973).
M–107	Self-prop. howitzer			(April 1972).
42, McDonnell-Douglas F–4 Phantom	Fighter	$500 mn incl 80 Skyhawk	December 1971	1972–73.
48, McDonnell-Douglas F–4 Phantom	Fighter	$220 mn incl 36 Skyhawk. Agreement in March for 24 extended to cover 48.	September 1973	By 1977.
McDonnell-Douglas F–4 Phantom	Fighter	1973 war replacement, Ex-USAF	October 1973	1973.
80, McDonnell-Douglas A–4N Skyhawk	Fighter		December 1971	1972-mid-1974.
36, McDonnell-Douglas A–4 Skyhawk	Fighter	Agreement in March for 24 extended to cover 36. Partly surplus A–4E.	September 1973	By 1977.
McDonnell Douglas A–4 Skyhawk	Fighter	1973 war replacement, ex-U.S. Marine Corps	October 1973	1973.
8, Boeing-Vertol CH–47C Chinook	Helicopter			December 1973.
12, Sikorsky S–61R	Helicopter			December 1973.
Sikorsky S–65	Helicopter	In airlift during 1973 war	(October 1973)	1973.
12, Lockheed C–130 Hercules	Transport			October 1973.
2,000, Sidewinder	A–A missile	In airlift during 1973 war		October 1973.
Sparrow	A–A missile			
Shrike	A–S missile			
200 plus, Hughes Maverick	A–S missile			
Raytheon Hawk	S–A missile			
Hughes TOW	A–T missile			

UNITED STATES TRANSFERS TO ISRAEL: 1970 TO PRESENT

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
UNITED STATES				
(150), M–60	Tank	By air and sea; 1973 war replacement		October 1973.
M–48	Tank	By air and sea; 1973 war replacement		October 1973.
Patrol boat, "Firefish III" type	Displ: 6t	Being built; capable of being remote-controlled		
3, Submarine		FR German design; being built	April 1972	
12, Beechcraft Queen Air	Light transport			December 1974.
8, Boeing-Vertol CH–47C Chinook	Helicopter	Ordered before October 1973 war	1973	(1974).
48, McDonnell Douglas F–4 Phantom	Fighter	$220 mn for total of 48 Phantoms and 36 Skyhawks; delivery rate: 12/year through 1977; current inventory: 123	September 1973	1974–77.
50, McDonnell Douglas F–4 Phantom	Fighter		September 1974	1975.
12, Sikorsky S–61R	Long-range logistic helicopter	Ordered before October 1973 war	1973	(1974).
(9), McDonnell Douglas A–4 Skyhawk	Fighter	$220 mn for total of 36 planes, plus 48 Phantoms; partly surplus A–4E; current inventory: —125 A–4s in 6 units.	September 1973	1974–77.
20, Beech Queen Air	Light transport	In addition to 12 delivered 1974		1974–75.
Bell AH–1J Sea Cobra	Gunship helicopter	Pilots training in USA; arms: Hughes TOW ATM	1974	1975.
8, Boeing-Vertol CH–47 Chinook	Helicopter	Ordered before October 1973 war: delivery delayed until 1975.	1973	1975.
• • • General Dynamics F–16	Air combat fighter	Planning licensed production; arms: 2×Sparrow AAM or Maverick ASM.	1975	1981.
• • •, Grumman • • • Hawkeye	Early warning and control aircraft	$170 mn. to be used in • • •	January 1976	1978.
• • •	• • •	• • •	• • •	• • •
• • •	• • •	• • •	• • •	• • •
• • •, McDonnell Douglas A–4 Skyhawk	Fighter	Total of • • • ordered arms • • • Bullpup ASM	September 1974	1974–77.
25, McDonnell-Douglas F–15 Eagle	Fighter	• • • $7.6 mn initial batch: may rise to 400 to replace Phantom and Skyhawk.	1975	1976.
8, Sikorsky S–65A	Helicopter	For electronic intelligence	1974	1975.
General Dynamics FIM–43A Redeye	SAM	Army operates: infantry-portable	1974	1975.
Hughes AGM–65A Maverick	ASM	Arming F–4Es and IAI Kfirs; delivery delayed	1974	1976.
(1,000), Hughes TOW	ATM	$46 mn: arming M–113 APC's; delivery delayed	1974	1975–76.
300, LTV MGM–52C Lance	SSM	Initial batch of 109 delivered	November 1974	1975–76.
Martin AGM–12B Bullpup	ASM	Arming A–4 Skyhawks	September 1974	1974–77.
McDonnell-Douglas FGM–77A Dragon	ATM	Infantry-portable	1975	
100, McDonnell-Douglas Harpoon	ShShM	$13.5 mn	1975	
(200), NWC AGM–45A Shrike	ASM	Arming IAI Kfirs	September 1974	(1975).
NWC AIM–9 Sidewinder	AAM	Arming F–4Es	September 1974	1974–77.
Pershing 1A/2	Long-range SSM	Congressional opposition may have stopped deal	(1976)	(1979).
Raytheon AIM–7F Sparrow	AAM	Among new arms worth $100 mn, supplied Apr-Aug 1975; arming F–4Es.	1974	1975.
Teledyne Ryan/Philco Ford	Remotely piloted vehicle	$4 mn incl training and support and electronic countermeasure equipment.	1974	1975.
Rockwell International Condor	ASM		(1975)	
600, M–60A1	Main battle tank	Extension of 1974 order for 200; delivery delayed	1974–75	1974, 1976.
M–113	APC	Arms: Hughes TOW ATM; delivery delayed	1974	1975–76.
Firefish III	Fast patrol boat	Displ: 6 t; under construction; remote controlled	1971	
1, "Case Grande"-Class	Floating dock ship	Displ: 4 790 t; for use as dock for Saar gunboats	1975	
	Hovercraft	Navy equipped with hovercraft for coastal defence; may be of indigenous design.		1975.
Bell AH–1J Cobra	Assault helicopter	$64 mn; incl in $241 mn sale approved before FY 1977: incl missiles and Walleye bombs: arms: Hughes TOW ATM.	1974	(1977).
8, Boeing Vertol CH–47C Chinook	Helicopter	Ordered before Oct. 1973 war: delivery delayed	1973	1976–77.
200–400, General Dynamics F–16	Light-weight fighter aircraft	U.c.: $6.7 mn; licensed production desired; U.S. administration may refuse to sell due to concern for Israeli re-export to third countries.	1977	1980—).
4, Grumman E–2C Hawkeye	AEW aircraft	$187 mn incl installation and test of data link system	January 1976	November 1977–March 1978.
8, Lockheed C–130H Hercules	Transport aircraft	Brings total to 24 troop transport/cargo vers	(1975)	1976.
2, Lockheed KC–130H Hercules	Tanker/transport aircraft		(1975)	October 1976–77.
12, McDonnell Douglas F–15 Eagle	Fighter aircraft	U.c.: $15 mn; order cut from 25 due to cost escalation: arms: Sidewinder and Sparrow AAM.	1975	1976–77.
36, McDonnell Douglas A–4N Skyhawk	Fighter aircraft	Total of 287 ordered; arms: 2×Bullpup ASM	September 1974	1974–77.
—30, McDonnell Douglas A–4N Skyhawk	Fighter aircraft	To be delivered during 1977 as replacement	1976	1977.
30, McDonnell Douglas F–4E Phantom	Fighter aircraft	Total of 250 received since 1969; arms: Maverick ASM, Sidewinder AAM.	September 1974	1976.
—30, McDonnell Douglas F–4E Phantom	Fighter aircraft	To be delivered during 1977 as replacements	1976	1977.
Sikorsky CH–53	ELINT helicopter		1976	(1977).
12, Sikorsky S–61R	Helicopter		(1975)	1976–77.
Hughes AGM–65A/B Maverick	ASM	Incl in $241 mm sale approved before FY 1977; arming F–4E and Kfir; delivery delayed.	1974	1976.
(1,000), Hughes BGM–71 TOW	ATM	Arming M–113 APC: delivery delayed	1974	1975–76.
330, LTV MGM–52C Lance	Tactical battlefield support SSM	Delivery delayed; with non-nuclear warhead	November 1974	February 1976–77.
Martin AGM–12B Bullpup	ASM	Arming A–4 Skyhawk	September 1974	1974–77.
McDonnell Douglas FGM–77A Dragon	ATM	Large number being delivered	1975	1976–77.
100, McDonnell Douglas AGM–84A Harpoon	ShShM	$13.5 mn	1975	1978–79.
Raytheon AIM–93–1 Sidewinder	AAM	Arming F–4E	September 1974	1974–77.
Raytheon AIM–9J–1 Sidewinder	AAM	$31.8 mn incl in $241 mn sale approved before FY 1977.	1976	(1977).
Rockwell AGM–53A Condor	ASM	Incl in $241 mn sales approved before FY 1977 after Sinai peace agreement.	October 1976	(1977).
	Tele-guided ATM	See above; plus concussion bombs and ECM equipment; first customer outside USA.	1976	(1977).
400, M–60 A1	Tank	Brings total to 600: delivery delayed	1975	1975–76.
125, M–60 A1	Tank	Incl in $241 mn sales approved before FY 1977 after Sinai peace agreement.	October 1976	1977.
M–113 A1	APC	Production for new order started April 1976; arms: 10×Hughes TOW ATM.	1976	(1977).
	155-mm howitzer		1976	(1977).
"Firefish III"	Fast patrol boat	Displ: 6 t; under construction: remote-controlled	1971	
1, "Casa Grande"-class	Floating dock boat	Displ: 4,790 t; completed 1944; ex-USN; for use as dock for "Saar"-class gunboats.	1975	(1976).
18, AH–1S Huey Cobra	Bell	Gunship helicopter	1977	1977:6; 1978: 12.
300, AIM–7F Sparrow	Raytheon	AAM	1975	1976: 48; 1977: 204; 1978: 48.
300, AIM–9L Sidewinder	Raytheon	AAM	1975	1976: 48; 1977: 204; 1978: 48.
200, BGM–71A TOW	Hughes	ATM	1977	1977: 72; 1978: 128.
8, CH–47C Chinook	Boeing-Vertol	Helicopter	1973	1976: 4; 1977: 4.
45, "Dabur–77"		Coastal patrol boat	1973	1975: 10; 1976: 20 1977: 15.
4, E–2C	Grumman	AEW	1976	1977: 2; 1978: 2.
23, F–15A Eagle	McDonnell-Douglas	Fighter/interceptor	1975	1976; 4; 1977: 15; 1978: 4.

Supplier/Number and item	Firm	Description	Date: number of items Ordered	Delivered
150, F-16A	General Dynamics	Light freighter/strike	1977	1980.
FGM-77A Dragon	McDonnell-Douglas/Raytheon	ATM shoulder-launched	1975	
20, Flagstaff Mk 2	Grumman	Hydrofoil patrol boat	1977	
5, HH-53C ELINT	Sikorsky	Helicopter	1976	1977: 1.
2, KC-130H	Lockheed	Tanker/transport	1975	1976: 1; 1977: 1.
100, M-109	Ford	155-mm howitzer	1976	1977: 50; 1978: 50.
700, M-113 A1	Ford	Armoured car	1976	1977: 100.
15, M-728		Combat engineer vehicle tracked	1977	1977: 5; 1978: 10.
100, RGM-84A Harpoon	McDonnell-Douglas	ShShM	1975	1978.
12, S-61R	Sikorsky	Helicopter amphibious transport	1975	1976: 4; 1977: 8.
2, TF-15A Eagle	McDonnell-Douglas	Combat trainer	1975	1977: 2.

Supplier/Number ordered and manufacturer	Weapon designation	Weapon description
UNITED STATES		
18, Bell	Bell-209 AH-1S	Hel.
4, Grumman	E-2C Hawkeye	AEW.
23, MDD	F-15A Eagle	Fighter/interc.
15, MDD	F-15A Eagle	Fighter/interc.
75, Gen Dynamics	F-16A	Fighter/strike.
5, Sikorsky	HH-53C	Hel.
30, Hughes	Hughes-500MD	Hel.
(100), Allison Div	M-109-A1	SPH.
15, Chrysler	M-728	AEV.
200, Texinst/Univac	AGM-45A Shrike	ARM.
(300), GD/Raytheon	AIM-7F Sparrow	AAM.
170, GD/Raytheon	AIM-7F Sparrow	AAM.
(300), Raytheon	AIM-9L	AAM.
200, Hughes	BGM-71A TOW	ATM.
60, Raytheon	MIM-23B Hawk	Landmob SAM.
100, MDD	RGM-84A Harpoon	ShShM.

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
UNITED STATES				
600, AGM-65A	ASM	Included in peace treaty arms package	1979	
170, AIM-7F Sparrow	AAM		1978	(1979): 170.
600, AIM-9L	AAM	Included in peace treaty arms package	1979	
BGM-71A TOW	ATM		(1979)	
5,000, Dragon FGM-77A	ATM		(1979)	
35, F-15A Eagle	Fighter/interc	Included in U.S. sales package to Middle East, approved Feb. 1978: total cost: including 75 F-16A fighters.	1978	1981.
75, F-16A	Fight/strike	Israel may develop local design Arye, since USA refused co-production of F-16A and reduced number ordered from 250 to 75.	1978	1980: 35.
200, M-109-A2	SPG	Requested Jul 1979	(1979)	
800, M-113-A2	APC	Included in peace treaty arms package	(1979)	
200, M-60-A3	MBT		(1979)	
60, MIM-23B Hawk	Landmob SAM	Pending congressional approval	1978	(1978): (30); (1979): (30).
100, MIM-23B Hawk	Landmob SAM		1979	
30, Model 500 M	Hel		1978	1979: 30.
100, RGM-84A Harpoon	ShShM		1975	
100, RGM-84A Harpoon	ShShM	At least 100 ordered to complement Gabriel: also probably ordered AShM version for F-4.	(1979)	
38, F-15A Eagle	Fighter/interc	Incl in US sales package to Middle East; approved Feb. 1978: total cost incl 75 F-16A fighters.	1978	1978: (5); 1979: (15); 1980: (3).
75, F-16A	Fighter/strike	First delivery Jul 1980; 8 out of 31 delivered 1980 are F-16B trainer versions; total cost incl training and test equipment.	1978	1980: 31; (1981): (44).
25, Model 500MD	Hel	Gunship version: armed with TOW	1978	1980: 25.
(5), RU-21E	Recce	Ex-USAF; estimated order number	(1979)	(1980): (5).
200, M-109-A12B	SPH		1979	
800, M-113-A2	APC	Included in peace treaty arms package	(1979)	1980: (660).
56, M-548	Cargo		1979	
98, M-577-A2	CPC		1979	
200, M-60-A3	MBT		(1980)	1980: (100); 1981: (100).
25, M-88-A1	ARV	Letter of offer announced	1979	
600, AGM-65A	ASM	Included in peace treaty arms package	1979	1980: (250).
600, AIM-9L	AAM	Ordered September 1979; incl in peace treaty arms package: arming F-16's.	1979	1980: (250).
BGM-71A TOW	ATM		(1979)	
250, Chaparral	Landmob SAM	Congress requested to approve purchase; for training and stocks	(1979)	
5,000, Dragon FGM-77A	ATM	Ordered July 1980; for delivery 1980–81	1979	1980: (2,500); (1981): (2,500).
100, MIM-23B Hawk	Landmob SAM	Pending congressional approval	1979	
100, RGM-84A Harpoon	ShShM	At least 100 ordered to complement Gabriel; also probably ordered AShM version for F-4.	(1979)	
2, Flagstaff-2	Hydrofoil FPB	Prior to possible license production of 10	1977	

UNITED STATES TRANSFERS TO JORDAN: 1970 TO PRESENT

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
UNITED STATES				
18, Lockheed F-104 Starfighter	Fighter	Option on second consignment of 18 taken up in April 1969.	April 1969	1970.
M-60	Main battle tank		(Early 1971)	August 1971.
(24-30), Northrop F-5E Tiger II	Fighter	MAP	(April) 1972	1973.
2-3, Northrop F-5B	Trainer		(April) 1972	1972.
4, Fairchild C-119K Packet	Transport	U.S. military aid; 1 crashed		1972: 2.
200, M-113	Armoured personnel carrier		1972	1974.
24, Northrop F-5E Tiger II	Fighter	MAP	(April) 1972	(1973).
6, Northrop F-5B	Trainer	MAP	(April) 1972	1972-73.
Lockheed C-130B Hercules	Transport	U.S. surplus, refurbished		1973.
200, M-113	Armoured personnel carrier		1972	1974.
1, Fairchild C-119K Packet	Transport	In addition to 2 delivered in 1972		1974.
36, Northrop F-5E/F-5B	Fighter	U.c.: $2.7 mn MAP	February 1974	
Chaparral	S-A missile system		1974	
Raytheon Improved Hawk	S-A missile system	U.S. government approved January 1975	1974	
Hughes TOW	A-T missile system	MAP: for Army	(1973)	1974.
6, Cessna T-37	Jet trainer	Ex-USAF for training led by USAF and RAF staff	(1975)	1975.

UNITED STATES TRANSFERS TO JORDAN: 1970 TO PRESENT—Continued

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
UNITED STATES				
30, Northrop F-5E Tiger II	Fighter	U.c.: $2.7 mn; MAP, arms: Sidewinder AAM	February 1974	1975.
300, General Dynamics FIM-43A Redeye	SAM	$5 mn; infantry-portable; delivery delayed; incl in $350 mn air defence package.	1974	1976.
NWC AIM-9 Sidewinder	AAM	Arming 30 F-5Es	February 1974	1975.
532 (14 batt), Raytheon Improved Hawk	SAM	$800 mn. incl spares; for defence only at fixed sites; delivery delayed.	1974	1976-79.
(50), M-60A1	Main battle tank	In addition to 100 delivered 1971-72	1975	1975.
100 (8 batt), General Electric M-61 A-1 Vulcan	Anti-aircraft cannon	$90 mn. incl in $300 mn air defence package	1974	1976-78.
2, Lockheed C-130 Hercules	Transport aircraft		1976	(1977).
22, Northrop F-5E Tiger II	Fighter aircraft	Brings total to 602; incl F-5As from Iran; MAP: arms: Sidewinder AAM.	1974	May 1975-76.
4, Sikorsky S-76	Helicopter	For troop transport	1976	1978.
300, General Dynamics FIM-43A Redeye	SAM	$5 mn; incl in $800 mn air-defence order financed by Saudi Arabia.	1974	1976.
10, AH-18	Bell	Gunship helicopter	1977	
288, AIM-9J Sidewinder	Raytheon	AAM	1974	1975: 108; 1976: 144; 1977: 36.
60, BGM-71A TOW	Hughes	ATM	1977	
2, C-130B Hercules	Lockheed	Military transport	1976	1976: 1; 1977: 1.
44, F-5E Tiger-2	Northrop	Fighter	1974	1975: 18; 1976: 24; 1977: 2.
4, F-5F Tiger-2	Northrop	2-seat fighter	1974	1977: 4.
M-110 A1		SP howitzer	1977	
700, M-113 A1	Ford	Armored car	1976	1977: 100.
100, M-48		MBT	1976	1977: 50; 1978: 50.
100, M-60-A1	Chrysler Corp	MBT	1976	1977: 50; 1978: 50.
532, MIM-23B Hawk	Raytheon	SAM	1974	1977: 532.
4, S-76	Sikorsky	Helicopter troop-carrier	1976	1978: 4.
100, M-61-A-1 Vulcan	General Electric	Air defense system	1974	1977: 100.

Supplier/Number ordered and manufacturer	Weapon designation	Weapon description
UNITED STATES		
10, Bell	Bell-209 AH-IS	Hel.
1, Lockheed	C-130H Hercules	Transport.
4, Northrop	F-5E Tiger-2	Trainer.
4, Sikorsky	S-76	Hel.
FMC	M-110	SPH.
700, FMC	M-113-A1	ICV.
100	M-48 Patton	MBT.
100, Chrysler Corp	M-60-A1	MBT.
60, Hughes	BGM-71A TOW	ATM.
532, Raytheon	MIM-23B Hawk	Landmob SAM.
100	Vulcan	SPG.

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
UNITED STATES				
AIM-9J	AAM	Contract confirmed August 1979: for 6 F-5F's	1979	
1, C-130H Hercules	Transport		1978	1979: 1.
4, F-5F Tiger-2	Trainer	Pending congressional approval: deal includes AIM-9 and 20-mm guns.	1979	
18, M-109-A2	SPG	U.S. letter of offer Apr. 1979	(1979)	
M-110	SPH		1977	
700, M-113-A1	ICV		1976	(1976): 280; 1977: 100; 1978: 220; (1979): 100.
100, M-113-A1	ICV	U.S. letter of offer Apr. 1979, although Jordan was denied export license in FY 1978 for M-113.	1979	
30, M-60-A3	MBT	Requested Jul. 1979: U.S. government approved of sale: to replace aged M-47 and Centurion.	(1979)	
10, Model 209 AH-IS	Hel	U.S. Governn ent approved sale but contract not final: Saudi Arabia refuses funding.	(1979)	
57, F-5E Tiger-2	Fighter		1974	1975: (8); 1976: (8); 1977: (8); 1978: (8); 1979: (8); 1980: (8)
6, F-5F Tiger-2	Trainer	Pending congressional approval, deal incl. AIM-9 AAMs and 20-mm guns.	1979	

UNITED STATES ARMS TRANSFERS TO EGYPT: 1970 TO PRESENT

Supplier/Number and item	Description	Comments	Date: Number of items Ordered	Delivered
UNITED STATES				
1, Boeing 707	Transport	AF received for VIP long-range transport	1975	1975.
UNITED KINGDOM/UNITED STATES				
6, Westland/Sikorsky SH-3D Sea King Mk 2	ASW helicopter	Contracted and paid for by Saudi Arabia	1975	June 1976.
24, Westland/Sikorsky Commando Mk 1/2	Assault helicopter	Arms 2xAS-12; contracted and paid for Saudi Arabia	1974	1974-76.
4, Westland/Sikorsky Commando Mk 2	Assault helicopter	See above; repeal order	1975	1978.
UNITED STATES				
6, Lockheed C-130H Hercules	Transport aircraft	$65 mn; may order 14 more to replace An-12; paid for by Saudi Arabia; 1956 embargo lifted.	1976	December 1976.
2, C-130E Hercules	Lockheed	Military transport	1976	1977: 2.
14, C-130H Hercules	Lockheed	Military transport	1977	
4, C-130H Hercules	Lockheed	Military transport	1976	1976: 2; 1977: 2.
12, PQM-34 Mod. 124R	Teledyne-Ryan	Photo-recce drone	1977	
14, Lockheed C-130H Hercules	Transport			
42, Northrop F-5E Tiger-2	Trainer			
500, AGM-65A	ASM	To arm F-4E Phantom aircraft: pending congressional approval.	1979	
70, AIM-7E Sparrow	AAM	To arm F-4E Phantom aircraft: pending	1979	
11, C-130H Hercules	Transport		(1979)	
40, F-16A	Fighter/strike	Egypt requested 300. U.S. Government offered to sell 40; order incl 250 M-60-A3's.	1980	1980: (5).

Supplier/Number and item	Description	Comment	Date: number of items Ordered	Delivered
35, F-4E Phantom	Fighter	12 USAF F-4Es and 560 USAF personnel to train with EAF F-4Es July-September 1980.	1979	1980: 35.
5, S-76 Spirit	Hel	On order	1980	
50, M-106-A2	Mortar carrier	Requested July 1979	(1979)	
550, M-113-A2	APC	DOD informed Congress: second batch bringing total to 1,100.	(1980)	
550, M-113-A2	APC	Deal arranged June 1978 during War Minister Gamassi's visit to USA: several hundred reportedly on order to replace Soviet types.	1979	1980: (200).
50, M-125-A2	APC	Requested July 1979	(1979)	
50, M-548	Cargo	Requested July 1979	(1979)	
50, M-577-A2	CPC	Requested July 1979	(1979)	
43, M-578	ARV	Total cost incl 43 M-88-A1s: pending congressional approval.	(1980)	
244, M-60-A3	MBT	Order incl 40 F-16s: 250-300 more planned for delivery 1985.	(1980)	
67, M-60-A3	MBT	Before Congress July 1980: in addition to 244 previously ordered.	1980	
43, M-88-A1	ARV	Total cost incl 43 M-578: pending congressional approval.	(1980)	
52, M-901 TOW	ICV	Improved version of M-113-A1, armed with TOW: U.S. letter of offer.	1980	
600, AGM-65A	ASM	Arming F-16s	1980	1980: (75).
70, AIM-7E Sparrow	AAM	Arming F-4E Phantoms	1979	1980: 70.
100, AIM-9E	AAM		1979	1980: (100).
250, AIM-9P	AAM	Arming F-4E Phantoms	1979	1980: (100).
BGM-71A TOW	ATM	Undisclosed number on order for 52 M-901 launch vehicles: pending congressional approval.	1980	
36, MIM-23B Hawk	Landmob SAM	12 btys requested July 1979, incl missiles, radar, spare parts and training.	1979	1981: 12.
12, Spectre Class	FPB	Incl in $1.5 bn credit package	(1979).	

UNITED STATES TRANSFERS TO SYRIA: 1970 TO PRESENT

Supplier/Number and item	Description	Comments	Date: number of items Ordered	Delivered
ITALY/USA				
18, Agusta Bell 212	ASW helicopter	Incl 6 for SAR; order imminent	(1977)	
6, Agusta/Boeing Vertol CH-47C Chinook	Medium-lift helicopter		1976	
6, Agusta/Sikorsky AS-61 A-4	Helicopter	Order imminent	(1977)	
—12, Agusta/Sikorsky SH-3D Sea King	Helicopter	Order imminent	(1977)	
8, Lockheed C-130H Hercules	Transport aircraft	U.S. State Department authorized sale	1976	
2, Lockheed L-100 Hercules	Transport aircraft	U.c.: $10 mn; commercial sale, Congressional approval not required.	1976	
UNITED STATES				
2, Lockheed L-100-20	Transport		1976	
2, Lockheed L-100-20	Transport			
4, L-100-20	Transport		1980	

Mr. HATFIELD. Mr. President, the modern history of the Middle East has been one of religious and political tensions. Since no effective diplomatic solution was offered to solve the problems of Palestinian refugees and Israeli security the rising political pressure exploded into four short, ferocious wars.

Because of the increasing destructive power of weaponry sent into the region by the United States and the Soviet Union, each successive conflict seemed to bring with it greater international tension.

NUCLEAR CONFRONTATION

Finally, in the 1973 war, this tension became acute and fundamentally frightening. Israeli forces had reversed the tide of battle with an unprecedented infusion of U.S. weaponry and were threatening to encircle and destroy the Egyptian Army.

Responding to this ominous threat, and understanding well the disastrous international implications to its prestige should the Egyptian Army be destroyed, the Soviet Union threatened to send troops and other support into the conflict. An embattled U.S. President, under threat of impeachment, responded by placing the worldwide nuclear arsenal of the United States on strategic alert.

The Soviets tensed for a response. The equivalent firepower of more than 600,000 Hiroshima bombs was edged further and further toward release. A desperately managed cease-fire was all that saved the 1973 war from conceivably becoming a thermonuclear Sarajevo.

Mr. President, how much closer need we be brushed by the cold, hollow wind of nuclear conflagration to understand the nature of the destructive whirlwind which lies at the end of the bankrupt policies we are now pursuing? Yet, in the 8 years since the October war, we have resolutely continued the buildup of arsenals throughout the region. We have done so in the self-destructive assumption that this will somehow—despite the overwhelming weight of historical evidence—help us avoid war.

WEAPONRY AND THE CONSEQUENCES OF WAR

Let us take a more specific, modern example of the flawed doctrine: "If you seek peace, prepare for war."

It is generally accepted that Israel possesses nuclear weapons. We have granted and sold to Israel the military capability to deliver these weapons. We have not insisted that Israel abide by international agreements on nuclear safeguards.

Should some future war have turned against Israel, her leaders might be expected to make a final desperate move to reverse the tide of conflict.

The destruction of the Aswan Dam, with conventional or atomic weapons, for example, would not just end a war; it would effectively destroy Egyptian civilization along the Nile.

Thus, with the virtually unsupervised sale and gift of weaponry ostensibly to prevent conflict, the United States may in fact assure that the next war could carry with it unforeseen, devastating consequences.

Nor are U.S. armed sales limited to long-term U.S. allies in the region. We are about to give General Zia of Pakistan a first installment of a $3 billion security package without hearings, without regard for his vehement opposition to the State of Israel and with memories conveniently blank to the burning of the U.S. Embassy there 2 years ago. This is a gift to a man who speaks openly about working in collusion with Colonel Qadhafi in the development of an "Islamic" bomb. The mad short-sightedness of this doctrine is largely indiscriminate, and seems as obvious as it is dangerous.

Mr. President, no more clear example of this can be cited than the Shah of Iran. For more than a decade, the United States rewarded the shah with armaments which, in some cases, were not even yet in the American arsenal because of their expenses. There was no faultering in this policy—no holding back.

The Shah received virtually every ounce of military weaponry he requested, to the detriment of affording more aid to the lower Iranian classes. What was the effect of this head-long plunge toward massive military security? Poverty, hatred, fanaticism and finally, I say to the Senate, revolution.

CAMP DAVID

It will be argued that, by sending weaponry to all sides, the United States can influence hostile nations to negotiate a peace. Consequently, Camp David will be hailed as the diplomatic safety valve which will lessen political and religious hostilities and thus move us finally toward a comprehensive peace. But Camp David has fallen far short of addressing the fundamental questions of misery and homelessness of those who live and end their lives in Palestinian refugee camps—breeding grounds for terrorism against the citizens of Israel.

Nor has the process adequately addressed specific methods by which Israel can be guaranteed her security without permanent possession of the West Bank and permanent control over all of Jerusalem.

Camp David fell short even in the wake of the visit of a leader of the Arab world's most powerful and populated nation to the Israeli Knesset to plead for peace.

Delay, and a lack of vision and courage sufficient to push the peace progress toward a more comprehensive solution, has now deeply endangered even the tentative accomplishment of Camp David. It would be dishonest not to also say that these factors may well have contributed principally to the death of one of the personal foundations of the peace initiative, Anwar Sadat.

Will the continued lack of diplomatic courage insure a far more radical regime in Egypt and insure a more limitless threat to Israel than she has ever faced? History—and our failure to try to alter it—may well assure this sobering outcome, if we do not act.

Should the United States proceed with the sale of armaments to Saudia Arabia, which of the Members of this body believe that we will not immediately have even greater demands for such weaponry from Israel to counterbalance the AWACS sale? Which of my colleagues will be prepared to join me in opposing this next ascending circle in the ever-escalating spiral?

CONTROL?

A fundamental rationale used by many of my colleagues in opposition to this sale is that the United States may lose control over its sophisticated weapons by sending them to Saudi Arabia. Which one of my colleagues, then, will join me in opposing the next multi-billion-dollar request for weaponry to Israel when the Begin government—in blatant violation of U.S. law—unilaterally uses U.S. fighter-bombers to bomb villagers in southern Lebanon?

Where is the sense of alarm among my colleagues when this indiscriminate destruction of life occurs and the United States seems powerless to control it?

Mr. President, United States Middle East policy is not only wedded to weaponry, but it is fused to a fundamentally dangerous lack of fairness and balance. I shall not stand idly by while selective charges of extremism are aimed at nations like Saudi Arabia when the United States itself seems powerless to moderate extremism among its other allies.

The Saudis understandably fear a unilateral attack from Israel or Iran. They need only glance at Mr. Begin's policy toward Iraq and southern Lebanon, or Iran's recent attack against Kuwait for grim reassurance. The idea of American troops being aboard AWACS during such an attack is a deeply disturbing possibility. Yet this possibility has been virtually ignored in Senate debate.

Nothing is more flat-out discouraging to the forces of moderation than a blatant and embarrassing unwillingness on the part of this Government to enforce its own laws when they are violated—arrogantly and blatantly violated—by an Israeli Government that largely owes its very existence to the United States.

PRESIDENTIAL AUTHORITY

Mr. President, I might add that an equal amount of dangerous inconsistency is being presented by supporters of the sale. I opposed the sale of F-15 fighters to Saudi Arabia in 1978. I did so for the reasons I shall oppose this sale today, and have opposed sales to Israel: They darken prospect for peace. I also opposed the F-16 sale because, despite the assurance of the Carter administration that the capability of those weapons would never be enhanced, it seemed to me that the inevitable escalation of arms into the region would mandate such enhancement.

Now, a mere 3 years later, that escalation has again occurred. We are asked now to ignore the promises of this Goverment made 3 years ago. This simple fact is that the word of the United States must always be doubted if U.S. policy depends on the sale of weaponry to achieve stability and peace.

COMPREHENSIVE SOLUTIONS

An end to the cycle of war and violence plaguing the Middle East will occur only when the fundamental problem of a Palestinian homeland, in concert with Israeli security, is addressed. As Anwar Sadat showed us, an overreaching sense of hope and courage is what is required to break down historical and religious barriers thousands of years old.

It is the essence of cowardice and despair to pursue a virtually unlimited arms buildup policy in an area of the world heated so red hot by the undying flames of war.

We are at a moment of enormous danger and risk. The prospects of war are, in my opinion, increasing. There is nonetheless great potential for peace, if the United States can but lead the way.

Peace must entail a settlement of a Palestinian homeland, secure borders without the West Bank and Gaza for Israel, international supervision and troops to insure the sanctity of those borders, a nuclear free zone in the Middle East backed by absolute methods of verification, and the ultimate transfer of billions in funds devoted to weaponry in the region toward the economic vitalization of nations now torn by staggering poverty and religious strife.

The roots of war in the Middle East can be unearthed. But it will take the straining, the courage, and the determination of powerful forces converging toward an unambiguous, singular goal. The United States alone has the power to focus its strength on the prospects for true peace and turn away from the hopelessness and despair inherent in our present policy

Mr. President, history is certain on one point. There will be another moment of reckoning. It can be a moment of the unprecedented release of emotions because a peaceful solution has been achieved, as when President Sadat stepped on Israeli soil.

It can more easily be a moment of the unprecedented release of violence and hatred, as when Sadat was destroyed, multiplied ten thousand-fold.

I sense and fear that another war would unleash unprecedented human destruction not just on the lands of Armageddon, but on us all.

Both an enormous potential, and frightening prospect, confront us. This vote today, surrounded as it is by much attention and even greater pressure, is a symptom of a larger danger. I have tried to describe what that danger may entail. I plead with my colleagues to look beyond the pressures of the moment and sense the madness that is swirling all around us.

If history tells us nothing else, it tells those who would listen to meet the challenge it presents with an overreaching sense of courage. It demands that we reject the weapons policy—endemic to our age—which leads inexorably toward despair and hopelessness.

It demands that we rekindle the force which George Washington once referred to as a "celestial spark"—the force of the human conscience. History demands, finally, above all pressures and beyond all temporal fear, an absolute dedication to peace.

Mr. President, I ask unanimous consent that two members of my staff, Jack Robertson and Rick Rolf, be granted the privilege of the floor during this debate on the sale of AWACS to Saudi Arabia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I thank my friend and colleague from Oregon indeed. We have a pileup of people wishing to speak, so at the present time, we are trying to limit our speakers as follows: Those on the Foreign Relations Committee to 10 minutes, those not on the committee to 5 minutes. At this point, I yield 10 minutes to the distinguished Senator from Ohio.

Mr. GLENN. Mr. President, I thank the ranking member on the committee.

Mr. President, I have been disturbed that the Saudi Arabian Government was never approached with the question of joint control.

I am also concerned with the security of the equipment, and my concern for

U.S. participation would apply wherever the AWACS might go—to Britain, Japan, and Germany, as well as any of our other allies. That has been my view since we sent the first AWACS outside this country or contracted to do so to the NATO organization. But even in that case, we are in charge of the command structure. We are part of the planning process. We provide 40 percent of the manning per year for those aircraft. It is a wholly different situation.

At the conclusion of my remarks, I will enter a more formal statement in the RECORD, but I wish to make my remarks today on the floor along a little different line.

Several other concerns have come up surrounding the AWACS sale that do not bear directly on it but on the methods by which we operate.

I am not politically a new boy here. I am not naive to the way of politics. But I think that some of the actions taken with regard to how this whole deal has been put through by the administration bear some looking at.

Every Member of this body has been subject to business contacts from back home—in my particular case, from some of the biggest contributors to my campaigns in the past.

I do not look at this as a business matter. I do not look at the sale to the Saudis as being a business-as-usual matter, on a dollar basis of what is best for American business.

To the credit of one of the biggest corporations in this country, when the head of that corporation, a friend of mine, was specifically asked to lobby me, he refused. He said that he agreed with my views on the sale of AWACS. He was asked, "Will you please stand by, and we will have the President talk to you?" He declined, to his credit.

So far as individual efforts here on the floor are concerned, individual efforts made to affect certain Members, to the credit of every Senator here, I say that I know of no one who has succumbed to any of these enticements. I add that I know of not one who has had any of these promises made by the President himself; but they have been made third hand, after some White House staff person asked someone to contact a certain Senator. That, apparently, is the MO under which we have been operating.

One Senator wanted a project approved, and it was indicated that it might be approved. To another, it was indicated that it probably could be arranged that they would not campaign against him; another wanted a U.S. attorneyship. Another Senator voted in committee against the sale, and there just happened to be the announcement of an airbase closing 15 minutes after his vote.

Another Senator wanted a bill signed, and it was signed that day. Another apparently was asked to withdraw a letter, and it was stated that that would interfere with fundraising in the Jewish community, and that was within our body.

This is a pattern which, taken singly, might be something we could dismiss. But, as a pattern, it gives me a great deal of pause.

This, apparently, has been accepted by the press as the norm around here. If this be the norm for our Nation, it is no wonder that we have politicians at the lowest order of those whom the American people respect.

If that is the way the game is to be played, the American people are never going to have any more good feelings toward people in political life than they have today.

Where does that leave those who constantly weigh these matters, not in terms of what is in it for me, but what is best for my country; what is best for my Nation? Are we just dupes? Are we foolish to study all these things and vote our consciences? I cannot believe that is true. But the idea that seems to come out at this time is, "Don't commit your vote early. Hold out for what you can get."

I repeat that, so far as I know, the President has not been involved himself. But I say to the President of the United States, "You are being ill-served by a staff that uses methods such as those, whether firsthand from those members or through third parties."

With respect to our foreign policy formation in this country, we have come down to "support your President." I have been called to task for questioning the authority of the President to conduct foreign policy. I do not question the authority of the President to conduct foreign policy for this Nation. The Constitution of the United States limits his authority; it gives us an advice and consent role. He is not a Prime Minister who is turned out if he makes a bum decision and goes back home. I would say that the Presidential leadership in this case has lacked the sound of a certain trumpet.

We have had the New York Times article of a few days ago, which I will have printed in the RECORD at the conclusion of my remarks, which records some activities going on, as to how we are forming or not forming foreign policy.

I also say to the administration that, almost unanimously, those to whom I have talked, Republicans and Democrats, agree—in fact, many Republicans have also stated—that this has been one of the most mishandled deals they have seen since they have been on Capitol Hill. We have the NSC meeting shortly after the President was shot. The Secretary of State apparently disagreed with making the AWACS and the other proposals part of the package. The Secretary of Defense wanted that combination. The NSC was to run the show, and the question was, "How are we going to sell this to the Senate?" It went back to the State Department to sell, and then to the White House, and then we even had Mr. Stockman of OMB getting into the act.

After all the talk of the importance of the Persian Gulf, of how we get 20 percent of our oil, and Western Europe gets 50 percent of its oil, and Japan gets 75 percent of its oil, and how the President is guaranteeing the security of the region, both internal and external, from the Saudi standpoint, and external threats for all the other nations in that part of the world, what do we do? We show our resolve by paratroop demonstrations, B–52 demonstrations, and marine landings on Masiera and Berbera. But the nonbluff forces in the Persian Gulf, the ones armed today with ammunition and missiles ready to go, the carrier forces in the Persian Gulf, are being reduced by one-half. Why the vaunted U.S. press never picked up on that one out of our Foreign Relations Committee and Armed Services Committee, when we are making all these commitments to the Persian Gulf, I do not know.

Steaming time for the Navy is now below what it was during the Carter administration. Stockman has indicated a $246 million cut in operational funds. At the time we are talking tough, we are decreasing troops in the Persian Gulf. We are reducing our force in the Persian Gulf at the time we are trying to show our leadership in that area. It does not make sense. I had hoped we would be tripling or quadrupling our forces, not cutting them in half. They say that we had two carrier task forces assigned in that area, during the past year we averaged 1.7, and we are now going to have one assigned, and it will probably come out 1.2. This is why we are talking about this being the most important naval area in the world?

When Prime Minister Begin was here, he came before the Foreign Relations Committee. His testimony was given in private in that executive session, but much has since gotten into the press. It turned out that during the discussions between the President and Mr. Begin, the West Bank settlement was never made part of the discussion, and the defensive-offensive use of U.S. arms was not brought up between the two heads of government.

It was not discussed directly. I understand that it was discussed by other people.

Can you imagine the two heads of state sitting down and those questions not being discussed?

Back to the AWACS sale: It is unfortunate that this has been made the end-all and be-all of our foreign policy in the Middle East. I hope we are on a much firmer basis than just that.

Mr. President, this is the football season. A quarterback is there to lead, to go into the huddle, to give the signals. There may be objections from some player. He may have some suggestion to alter the play. At least the views of all those on the same team are considered.

We have certain advice and consent roles that we play subject to the Constitution and which have been spelled out in certain laws passed through the 200 years of our existence as a nation.

Our President has to operate within those constraints and he knows that,

and so this time is a particularly difficult one because Congress has been ignored. In future plays surrounding foreign policy I hope he could avoid repetitions of this one example we have had in the first quarter of this new administration.

I hope the whole game plan of the administration in foreign policy is not going to be dependent on the President somehow waiting until the last minute and tossing a successful lobbying bomb to the goal line every time.

Mr. President, I have only one additional comment, and that is this: In the event the resolution of disapproval passes this afternoon it will be my intention to offer a sense of the Senate resolution that because of the importance of the Persian Gulf the United States continues to be desirous of service in that area, and that we recognize the air defense needs of theirs and ours. I would offer a resolution to say that, if they agree, we continue to provide this service in this part of the world and we in turn will operate to work their planning and crewing into a joint operation.

Mr. President, at 5 o'clock this afternoon the Senate will vote to approve or disapprove an arms sales package for Saudi Arabia. The package contains, among other things, five AWACS aircraft and various items to enhance the capability of Saudi Arabia's F–15 fighter aircraft. Although my opposition to the proposed sale is well known, I think it is appropriate, at this time, to summarize for my colleagues the reasons why I believe the sale is neither in Saudi Arabia's nor America's national interest.

No one that I know of, on either side of this debate, questions the importance of the Middle East to U.S. vital interests. The region contains many close allies and important friends. The free world's industries depend heavily on Middle East oil for their continued productivity. Twenty percent of America's oil, 50 percent of Europe's and 75 percent of Japan's comes from the Persian Gulf States. Saudi Arabia alone provides 60 percent of this oil. It is not surprising then that many call the Strait of Hormuz the free world's energy jugular.

I also know of no one who questions the complexity and volatility of the political-military situation in the region. Conflicts between nations, of course, erupt periodically. On several occasions Arabs fought Jews. In other cases, we witnessed Muslims fighting Muslims. Internal instability, often associated with the rise of Islamic fundamentalism, has also plagued a number of regimes. The Shah's overthrow in Iran and the assassination of President Sadat are two such cases.

Finally, no one disputes that the Soviet Union poses a potential threat to the region. Its invasion of Afghanistan serves as a graphic reminder of what could happen at anytime to other nations. Russia also exerts indirect pressures by its support for Libya's Qadhafi, its involvement in South Yemen, and its activity in the Horn of Africa. Two American Presidents committed the United States to defend the region and its vital oil resources from any external threat.

We do disagree, however, on whether or not this sale—the AWACS and the F–15 enhancement package—promotes the prospects for peace in the region; and whether or not the sale provides the region's nations and resources with the best possible protection from external threats that we have to offer. On both counts the sale falls short.

Administration spokesmen argue that ultimately the success of the Camp David accords will depend largely on obtaining greater support for the peace process from Saudi Arabia and other moderate Arab countries. I, too, hope ways can be found to encourage the Saudis and the Jordanians to join Israel and Egypt at the negotiating table. Supporters of the sale, however, admit that they have no guarantees that the Senate's approval will persuade the Saudis, or anybody else, to participate more actively in the peace process. But, they do warn that the sale's rejection will somehow damage the prospects for peace.

I do not believe things are quite so simple as this and view U.S. regional priorities somewhat differently. Admittedly, my views on this subject have changed rather dramatically in the short time since President Sadat's assassination, but I believe them to be valid nonetheless. Our first priority must be to encourage Israel and Egypt to continue their quest for a lasting peace. Obviously, faithful and full implementation of the terms previously agreed upon is critically important. But we already read of pressures building in Israel that question the wisdom of completing the withdrawal from the Sinai by 1982. I am confident that Prime Minister Begin will reject these ill-conceived notions. But, new uncertainties do exist within the region in the wake of President Sadat's tragic death. We must take these into account.

While I agree we must do all we can to encourage moderate Arab States to even begin to cooperate in the Mideast peace processes initiated with the Camp David accords, the "risks for peace" must come from both sides. Israel must also feel sufficiently secure that it too will discuss such contentions and even formerly nondiscussable issues as the West Bank, Gaza, Jerusalem, and the Palestinian question, or these matters go bitterly unresolved into a very dubious future.

The sale in my view may create an environment that is not conducive to Israel's taking new initiatives for peace.

The sale also jeopardizes Saudi Arabia's ability to protect its key areas from attacks by outside powers. Right now, the four fully capable U.S. AWACS stationed in Saudi Arabia permit a constant watch over the vital Saudi oilfields. The U.S. aircraft operate as an integral part of the Saudi air defense system and allow for the most efficient, secure and combat-capable integration of U.S. tactical forces into the network.

No one should harbor any illusions about the importance of U.S. forces in the defense of those oil fields either. The Saudis operating alone could amount an effective defense for only a brief period. Maintaining air superiority for any length of time, and particularly during periods of limited visibility such as night operations, would require rapid augmentation by U.S. forces flying from our aircraft carriers based in the Indian Ocean area.

The administration's plan calls for replacing the four fully capable AWACS now in Saudi Arabia with a downgraded version of the system. Apparently, the President believes that this vital piece of real estate—the Arabian peninsula—can be effectively defended by a less capable AWACS. He also apparently believes that a fully interoperable United States and Saudi air defense system is unnecessary. For me, the stakes, however, are too high and the risks are too great, to take such chances with United States and Saudi security interests. Such a plan is foolhardy and, in my view, needlessly so.

The administration before sending the Saudi package to the Hill must have reckoned that the Congress would never accept the transfer of a fully capable AWACS that had on board some of this country's most sophisticated and sensitive technologies. The administration's assessment undoubtedly was correct. I cannot imagine this, or any other Congress, approving the sale of a fully capable AWACS to any country without attaching some strings. But instead of downgrading the AWAC's capabilities several Senators, including myself, recommended that the President seriously consider including the U.S. standard AWACS aircraft in the package contingent upon working out an effective joint United States-Saudi command and control arrangement. Unfortunately, no one to my knowledge even bothered to discuss this type of arrangement with the Saudis.

Therefore, reluctantly and with absolutely no pleasure, I concluded that the proposed sale served no one's interest. Instead of promoting the prospects for peace it may do great harm. Moreover, it reduces our ability to help defend the Saudi oilfields, and risks the compromise of extremely sensitive U.S. technologies. This leaves me with only one alternative, and that is to vote in favor of the resolution of disapproval.

Later today, if the administration's AWACS package is rejected, I intend to introduce a resolution, which my distinguished colleague from Minnesota, Senator BOSCHWITZ, has kindly agreed to cosponsor, that reaffirms this Nation's commitment to maintain AWACS aircraft in Saudi Arabia as long as they are deemed necessary, and seeks to encourage an expanded Saudi participation in all phases of the U.S. AWACS operation.

It is my intention to impress upon the leaders of Saudi Arabia that their nation's security from external threat remains a vital U.S. interest and, that a rejection of the AWACS package does not

have to mean a major setback in United States-Saudi relations. Our two nations have worked closely together on a wide range of issues in the past, and I am confident we will continue to do so in the future. One disappointment, no matter how major, cannot upset a solid, close relationship for long. We share too many common interests and objectives for an AWACS decision to stand in the way of our various ongoing United States-Saudi cooperative efforts.

Hopefully, the Saudis, after recovering from the initial shock—and this may take some time—will realize that the vote in no way constitutes a litmus test of our friendship. Moreover, they may also be able to accept that for now maintaining the U.S. AWACS contingent in Saudi Arabia serves their vital national interests even more than it does our own.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN POLICY SYSTEM CRITICIZED BY U.S. AIDES

(By Leslie H. Gelb)

WASHINGTON, October 18.—Nine months ago President Reagan pledged to end the recent pattern of Administrations speaking with conflicting voices on foreign and military policy. But there are still mixed signals and there is still no disciplined system for making decisions on foreign and defense policies, according to Administration officials, legislators and foreign diplomats interviewed over the last month.

Mr. Reagan said that he intended to solve the problem by downgrading the role of the national security adviser, upgrading that of the Secretary of State and re-establishing an orderly decisionmaking system. But dozens of officials who were interviewed said his efforts had not yet succeeded.

"You can see my frustration," said a senior Administration official. "Cabinet government works on the domestic side but there is nothing comparable on the national security side."

This official said, as did most others of those interviewed, that the Administration had a clear-cut goal—to build up military strength and then to negotiate with Moscow—but no plan or strategy to reach this goal and no system to tie it to other issues. There is no responsible official comparable to David A. Stockman, director of the Office of Management and Budget, to galvanize and coordinate the day-to-day policy decisions.

"THAT'S THE WAY WE LIKE IT"

Edwin Meese 3d, the President's counselor, was told during an interview that many in the bureaucracy felt that their work seemed to be floating in space and that when an issue came up to the White House they saw it as entering a black hole. "Exactly," Mr. Meese responded. "That's the way we like it."

"We feel that it is important," he said, "that the decision-making process be a matter that doesn't get a great deal of public or even internal Government attention other than from those who are directly involved, which are the members of the National Security Council, until the President makes a decision."

As many who fill key positions see it, what Mr. Reagan did initially was to diminish the role of the national security adviser, Richard V. Allen, without elevating Secretary of State Alexander M. Haig Jr., thus creating a vacuum in power and responsibility. They say the power vacuum has since been filled largely by Mr. Meese and by others in the White House who lack a background in foreign affairs.

The responsibility for coordinating the views of different agencies and insuring that the President receives an accurate accounting of facts and choices, a role that used to be filled by national security advisers like Henry A. Kissinger and Zbigniew Brzezinski, is seen as being filled on an ad hoc basis, and sometimes not filled at all.

Officials from all departments and agencies involved, including the White House staff, describe the consequences as follows:

Sometimes the process is so centralized, so tightly held among the President and his political advisers, that no one with any expert knowledge is present and little staff work is done. This was the case in the recent decision to deploy the new MX missile in fixed silos.

At other times, the system is so loose that top advisers can argue with each other in public for weeks. This happened recently when Defense Secretary Caspar W. Weinberger, Mr. Stockman and James Baker 3d, the White House chief of staff, differed over how much to cut military spending.

At still other times, the operation is so disorganized that the President risks his whole leadership position—as in the failure for months to prepare for the current battle with Congress over the proposed sale of AWACS radar aircraft to Saudi Arabia.

Often decisions are made at the top in the White House without proper regard for the consequences on other matters. This was the case on the proposed sale of F-16 fighter-bombers to Pakistan and Venezuela. Little or no consideration was given to the impact of those sales on the desire of the Administration to sell the new FX aircraft now under development as a less sophisticated substitute for the F-16.

LACK OF CLEAR POLICY SEEN

The refrain most often heard from Foreign Service officers, military leaders and political appointees alike is that the Administration has not fashioned policies. There is nothing that they would call a policy toward the Soviet Union, China, the Middle East or most other parts of the world, they say.

Most of the officials who make these criticisms expressed support for the thrust of Mr. Reagan's national security policies and most of them found the clarity of the President's goals and the general political skills of the White House team refreshing as compared with those of the Carter Administration.

At the same time, they believe that there has been more than the usual amount of delays, mixed signals and policy voids. If the situation persists, they say, the Administration is bound to lose the confidence of foreign leaders that is vital to the conduct of diplomacy.

The picture that emerges from the interviews with the national security hierarchy of the Administration is this:

President Reagan is said to be able to command support and unity from his principal subordinates, unlike many of his recent predecessors, when he makes clear-cut decisions, but he does not make many and his involvement is episodic.

ALLEN IN A SECONDARY ROLE

Mr. Allen, the national security adviser, and his assistants now play a clearly secondary staff role and not the traditional role of adjudicators and coordinators of different departmental views. With some notable exceptions, Mr. Allen's staff is seen by other officials as bureaucratically unskilled and highly ideological.

Mr. Allen's role was described by Mr. Meese as that of "note-taker" in the new and important National Security Planning Group, where the politics of national security policy is freely discussed. This is an informal group, similar in composition to the National Security Council but without the presence of the Chairman of the Joint Chiefs of Staff or any staff aides.

Secretary of State Haig is described as in a kind of nether world, stronger than in the early days of the Administration but still uncertain of his political standing, free to run diplomacy but at the end of a very short tether. Aides say that he raised only perfunctory objections to the recent deal to sell a large amount of grain to the Soviet Union, whereas at the outset of the Administration he put up a major fight to prevent the lifting of the grain embargo imposed by President Carter.

Mr. Weinberger, always able to get the President's ear, is free to make defense decisions on a long rope and is even permitted to speak freely on foreign policy questions. He can make decisions on matters such as the deployment of sea-launched cruise missiles, an issue of great political importance in NATO, with almost no State Department involvement.

MORE POWER FOR C.I.A. CHIEF

William J. Casey, the director of Central Intelligence, who is now a full member of the Cabinet, has reached well beyond the role of simply providing intelligence estimates, and offers recommendations on a wide range of policy issues. Mr. Meese called him "virtually a full partner."

Mr. Meese is said to have a veto power and to be a kind of traffic policeman, but in the judgment of those who work with and around him, he does not have the background, the time or the staff to run the system on a day-to-day basis. However, they say, he will not delegate the power to anyone else.

Mr. Meese said: "Guys would come in like Bill Clark, who is not used to all this baloney here, and Bill Casey and Cap's guys, and they all said, 'We are tired of wasting meetings where you have got 47 people haggling over commas,' and therefore we have tried to streamline this whole process." William P. Clark is the Deputy Secretary of State, and "Cap" is Mr. Weinberger's nickname.

In the view of a high-ranking Pentagon official with long experience in Washington: "The White House understands the weaknesses but not the strengths of a bureaucracy. It cannot innovate, but it can prevent errors and it can tell you what things are supposed to fit together."

MANEUVERING REPORTED

Frustration within the upper layers of the Administration over the management of foreign and defense policies is now so widespread that, key officials say, serious maneuvering has begun to change the system and, perhaps, some of its personalities.

In this maneuvering, key Administration officials are talking very cautiously to legislators, friends and journalists about the problems. The aim is to build up pressure for change. "Maybe a news story will help it along," one senior official said.

Officials do not describe the situation as a feud or a battle, but they say a kind of gentle tugging and talking is under way between Mr. Baker and his friends and allies, who feel that the White House staff should play a more direct and authoritative role in coordinating policy, and Mr. Meese and a few other intimate associates of Mr. Reagan who believe that the system is fundamentally sound.

HAIG FINDS "CACOPHONY OF VOICES"

Several weeks ago, Mr. Haig was asked by a correspondent for The Washington Post what he thought about Mr. Weinberger's repeated statements on foreign policy.

He answered: "If you're asking me would I like to see greater discipline in that regard, my answer is yes. But I don't focus it on Cap Weinberger. I focus on the cacophony of voices."

This cacophony is found "throughout the Administration," he said. "I think we have to tighten up," he declared. Asked who had to tighten up, Mr. Haig responded, "Well, I think the President."

Other than in this one instance, those who talk about the need for a new system do so very carefully. As they make clear in interviews, they do not know where Mr. Reagan stands, they both respect and fear Mr. Meese and his reaction, and some are concerned that reorganization might mean less power for themselves.

SYSTEM IS HIGHLY INFORMAL

The system is pictured as a highly informal, word-of-mouth one, riddled with somewhat more than the usual number of personality conflicts but with somewhat less than the usual differences over philosophy.

Following is an example of how the current system operates and what impact it has had.

On Inauguration Day, Mr. Haig prepared a memorandum designed to carry out Mr. Reagan's campaign pledge to downgrade the role of the national security adviser and make the Secretary of State the pre-eminent power below the President. The memorandum was given the title "National Security Decision Document 2," in the new nomenclature for Presidential decision memorandums. Almost nine months later, it still has not been signed and issued.

Asked about this, Mr. Meese replied, "For us, the practice is the important thing with the system, and the paper is the necessary recording for historical purposes but not for "operational purposes."

The much-talked-about crisis management committee that figured prominently in the Haig memorandum has never convened, according to officials. Several months ago Mr. Haig virtually threatened to resign if he were not made head of this committee. Mr. Reagan ostentatiously rebuffed his Secretary and gave the committee chairmanship to Vice President George Bush.

COMMITTEE MANAGEMENT SHIFTED

What has evolved in accordance with the Haig memorandum is a series of interdepartmental committees, largely run by the State Department, that had previously been managed for the last dozen years by members of the National Security Council staff.

Over those years, the practice was to raise to the Cabinet level issues that could not or should not be resolved at the assistant secretary and bureaucratic level. Meetings were to be held under the chairmanship of the national security adviser or the Secretary of State or Secretary of Defense. Under the current system, the next level above the senior interdepartmental group is the highest level, the National Security Council itself, presided over by the President.

There is nothing comparable to the Cabinet committees that exist on the domestic side of the Reagan Administration, such as the economics committee headed by Treasury Secretary Donald T. Regan and the energy committee headed by Interior Secretary James G. Watt.

Even the National Security Council forum itself, however, proved too formal for the President and his principal advisers. About two months ago, Mr. Reagan established the National Security Planning Group. As explained by several high-ranking Administration officials the purposes of this body is to enable the President to discuss matters completely freely with those who share his political perspective.

NO FORMAL MEMORANDUM

The only members are Mr. Bush, Mr. Haig, Mr. Weinberger, Mr. Casey, Mr. Meese, Mr. Baker, Michael K. Deaver, deputy chief of the White House staff and Mr. Allen as notetaker and participant, with Mr. Reagan presiding. There is no memorandum that formally establishes the group's membership or charter.

This group is similar to the informal Tuesday lunch group that functioned under President Lyndon B. Johnson and the Friday breakfast group of President Carter, only larger. In explanation, one member of the National Security Council said, "Since no one is in charge under the President, everyone has to be there."

Mr. Meese said that the current structure left Mr. Haig as "the principal developer of options" and "the principal player" in public statements of policy. Most others who were interviewed expressed the opinion that the system worked to hold both Mr. Allen and Mr. Haig in check, and had been designed largely by and for Mr. Meese.

Mr. Meese said that the purpose was to create a collegial atmosphere and a balance of power among the principal advisers, to permit everyone to have a say and a chance to hear others, and then to let the President decide. The President and his top advisers, and not the bureaucracy, would shape the issues and the timing in dealing with them, he said. By all accounts, this is what has been happening.

CONFLICTS ACCENTUATED

The other side of the coin has been that the structure accentuates the gaps and conflicts that are bound to exist between the professional bureaucracy and the White House and within the bureaucracy itself.

A bureaucracy is designed to run in an orderly, regularized way, with minutes of meetings kept and formal records of decisions. By all accounts, the Reagan Administration runs by the lights of the few top officials and pays little attention to paper.

According to Administration officials, there have been only 12 National Security Decision Documents or formal Presidential decisions and about the same number of decision memorandums issued for the President by Mr. Allen. This is far below the number of formal decisions reached in any of the last several Administrations. More significant, the memorandums are said to be quite brief, a sentence or two that, according to one senior official, "leaves most things to the imagination."

BASIC POSITIONS UNDEFINED

Moreover, officials said that the Administration had yet to review formally Presidential decisions on almost every national security subject from previous Administrations. This has left the bureaucracy without any authoritative statements of policy on matters ranging from Nicaragua to negotiations on theater nuclear weapons in Europe with the Soviet Union.

Preparations for meetings at the White House are described as erratic. Sometimes there are papers prepared by experts, sometimes not, and sometimes the papers are prepared no more than 12 hours in advance of the meetings. For example, the National Security Planning Group met in July to discuss terrorism and was given a paper that had not even been approved by the relevant assistant secretaries, according to some of those involved.

As participants tell it, this means that White House meetings often occur without agreed papers by key aides and experts on the issues, the facts and the alternatives. For example, some of those involved said that the National Security Council meetings held to prepare Mr. Reagan for the top-level economic conference held in Ottawa in July dealt with several conflicting sets of papers rather than the usual single paper that explained areas of agreement and disagreement.

After such meetings, subordinates rarely see minutes of what has been discussed or a memorandum on decisions. The net effect, according to virtually all those interviewed, is that the participants often return to their departments with more than the usual number of conflicting interpretations of what happened and what was decided.

For example, the National Security Council met in July to discuss policy toward China and Taiwan. The discussion, according to some of those involved, was wide-ranging, but the decision memorandum was two sentences long and dealt merely with the placing of exports to China in a special category, no longer lumping China with other Communist countries. This left all other issues wide open and caused considerable confusion for the Chinese over where the Administration was headed, according to Chinese diplomats.

Behind all this, Mr. Meese said, "we have a highly centralized but participatory decision-making system for policy, and a decentralized system for policy implementation with specific responsibility and accountability." But most of those Administration officials interviewed, along with a number of diplomats and legislators who work with the Administration, said they saw a continuous succession of mixed signals that looked good only if compared with what happened in the Carter Administration.

The list they cite includes the early differences between Mr. Haig and the White House over whether or not to draw the line publicly against Communists in El Salvador; the early skepticism expressed about arms control contrasted with the current avowed interest; the raising of doubts in the minds of European leaders about American sincerity, and the crackdown on sales of technology to the Soviet Union as contrasted with the eagerness to sell grain.

HAIG AND WEINBERGER ROLES

Participants see Mr. Haig and Mr. Weinberger, in particular, as each pursuing his own line on a particular matter until the other calls the issue to the attention of the White House for decision.

Mr. Haig essentially has kept Mr. Weinberger away from such matters as negotiations over independence for South-West Africa, or Namibia, and the mission of Philip C. Habib, the President's special envoy to the Middle East. Mr. Weinberger is said to have been successful in keeping Mr. Haig and his subordinates away from virtually every major decision on the defense budget, most recently from the decisions on new strategic nuclear forces.

Sometimes the operation is said to be so lax that critical policy decisions are not carried out. For example, according to participants, Mr. Reagan decided that Prime Minister Menachem Begin of Israel had to be told that it was imperative to make progress on the question of self-rule for the Palestinians, and that he must understand that the "strategic cooperation" to be offered by the United States to Israel would depend on Israeli acquiescence in the sale of the AWACS radar aircraft to Saudi Arabia. But it was

never clear, officials said, who was to deliver these messages to Mr. Begin.

Thus, when Mr. Begin arrived in Washington in late August, no one told him. After the high-level meetings were over, a Pentagon official was instructed to tell reporters of the American demands. But after Mr. Begin brushed off the resulting news articles, officials said, Secretary Haig was dispatched to New York to deliver the message directly.

Officials said that because of the lack of consistent guidance from the top, there had been endless wrangling on issues within the bureaucracy. They cite the endless words written on prospective talks with Moscow concerning medium-range missiles in Europe, and they all agree that decisions on the substance of the negotiations have yet to be reached.

The delays and mixed signals are generally seen as a direct result of a system that lacks a central coordinating figure and mechanism. As one State Department official explained, "The centrifugal forces are always there in any Administration; they are now more unrestrained, more kaleidoscopic."

But to most of those interviewed, the present system also creates more than the usual bias toward making national security decisions with a high political content. What officials see is a system controlled by two essentially political threesomes: the inside White House trio of Mr. Meese, Mr. Baker and Mr. Deaver, and the outside trio of Mr. Meese, Mr. Weinberger and Mr. Clark, the Deputy Secretary of State, who was formerly Mr. Reagan's chief of staff in California.

These are all persons with basically political backgrounds and close personal allegiance to Mr. Reagan. A number of officials and a wide range of diplomats maintained that the net effect of this was to put a high premium on symbolic gestures and appearances and a relatively low value on substance.

Mr. PELL. Mr. President, I yield 5 minutes of this time to the senior Senator from Washington.

Mr. PERCY. Mr. President, I had promised Senator MATHIAS and he was scheduled at this particular time. I understand he has an engagement.

Mr. JACKSON. This will only take 5 minutes.

Mr. MATHIAS. Let the Senator go ahead, and I shall follow his remarks.

Mr. PERCY. Go ahead.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, there is general agreement on the usefulness of AWACS protection for the Middle East area. The issue is how to structure and manage such AWACS protection in terms of basic U.S. national interests. In fact, we now have our AWACS planes under U.S. Air Force control operating over Saudi Arabia and adjoining areas, and two AWACS planes have recently been deployed to Egypt under U.S. command and control. I strongly support that type of deployment.

However, the administration is proposing to give Saudi Arabia outright control and ownership of AWACS, AIM-9L Sidewinder missiles and other sophisticated technology, including ground radars, data collection and processing equipment, and communications gear.

Mr. President, I believe this proposed sale would seriously risk degrading our national security, that it does not offer commensurate benefits justifying the taking of those risks, and that it ignores alternatives that are preferable and realistic which would improve the security of both the United States and Saudi Arabia, protect major U.S. defense systems, and reassure our friends and allies.

One such alternative is the continuing use of U.S. AWACS under U.S. Air Force control to provide coverage for the region, operating either from Saudi bases as at present, or from other locations in the region. Another alternative is to structure and manage the AWACS deployment within a cooperative regional security framework.

Of crucial importance are permanent command and control arrangements whereby the United States will be able to protect the technology, assure the appropriate and prudent use of this equipment, and permit full interoperability with allies.

But this proposed sale has no such arrangements.

RISK OF TECHNOLOGY COMPROMISE

Mr. President, the most direct threat to U.S. security from the administration's proposal arises from the risk of compromising the technology embodied in the AWACS and AIM-9L "Sidewinder" missiles.

These systems are the most advanced of their type in our operational inventory. Indeed, as General Jones pointed out, they are the most advanced in the world. In particular, their capabilities far exceed anything that the Soviet forces can field.

Of course, the Soviet Union is working to develop comparable systems. But the Soviet AWACS development program now seems to be much less advanced than our intelligence estimates had predicted a year or two ago.

Both to advance their own systems and to learn how better to oppose ours, the Soviets have a high priority on gaining access to the U.S. equipment.

Through reverse engineering, they could dramatically improve their military and intelligence capabilities in many applications besides AWACS and air-to-air missile technology. Simply by exercising the AWACS radar, they could obtain substantial and significant military advantages.

The administration has insisted that AWACS embodies "textbook, 1960's" technology. These assertions are red herrings. The central issues here involve real military capabilities—fielded systems and operational doctrine. With AWACS and the AIM-9L, we already have in the field capabilities that the Soviet Union is only trying to develop. It is not surprising that the Soviets would devote substantial resources and strenuous effort to acquiring access to these systems.

Where advanced military technology of high interest to our major global adversary is involved, the risk of compromise is increased by any dilution of exclusive, sovereign control by the United States.

That is one reason why we generally restrict the transfer of advanced systems to only the closest and most stable allies. We have to date agreed to transfer AWACS only to NATO—of which we are a member—and only under alliance arrangements that establish joint command and control, substantial U.S. crewing, and overall top command in U.S. hands.

In the case of Saudi Arabia, several factors further increase the risk of technology loss. The anachronistic Saudi governmental structure is grappling with the conflicts of modernization in a society characterized by ethnic and religious cleavages, all within a chaotic regional setting of virulent transnational mass movements. In an effort to purchase security, at least on the basis of one day at a time, members of the Saudi royal family have felt it requisite to divide and separate their armed forces, barter for mercenary troops, import a huge number of foreign workers, heavily fund terrorist organizations, stridently assert their radical credentials, sedulously undercut U.S. peace initiatives, and oppose the Camp David peace process. There is simply no way that the stability of a country with such a volatile chemistry can be confidently assured.

What the Saudis need, if only we could provide it, is the kind of AWACS that gives timely intelligence about what's going on inside their own country—because the real security needs of Saudi Arabia are in the main connected with internal security.

Mr. President, the uncertain future of the House of Saud means there is simply no way that the safety of our most sophisticated and sensitive weaponry can be assured unless the United States retains and exercises responsibility for them.

Close consultations and extensive physical security precautions are altogether insufficient. The Iranians tried the same approach to safeguard the F-14 Phoenix systems, but guards, dogs, and fences did not keep the shah on his throne. When he was overthrown, we lost the F-14 Phoenix and their secrets. It is folly for the administration to propose repeating this blunder with Iran's neighbor and with even more sensitive systems.

OTHER RISKS TO U.S. SECURITY

The administration's proposed sale risks endangering U.S. security in other ways as well.

First, it could easily exacerbate regional instability, thus working to the advantage of the Soviet Union and its de facto terrorist allies. It would create a new element of arms competition among the states of the region, owing to the dramatic escalation in Saudi Arabia's capability to project massive striking force far beyond its borders. It makes no scrap of difference that the administration calls this an air defense package, because there is no technical limitation intrinsic to the AWACS/F-15/AIM-9L/

tanker aircraft systems that prevents them from being used offensively.

Second, the sale could reduce Saudi security and our own by propelling that country even further into the maelstrom of regional conflicts. From the perspective of a number of smaller states in the region, Saudi Arabia is not an entirely benign influence. The distinguished scholar, J. B. Kelly, raises a vital consideration:

How are Bahrain, the United Arab Emirates and the Sultanate of Oman, traditionally the victims of Saudi intimidation and aggression, likely to view the arming of Saudi Arabia by the United States on the scale now in progress? What is the Sultan Qabus of Oman, who is the only Arab ruler to have endorsed the Camp David accords, who has granted the United States facilities in his country (and has been reviled for doing so by the Saudis), and who is still contending with a longstanding Saudi demand for the surrender of territory along Oman's inner frontiers, to think of American consistency, good faith or even perspicacity?

Moreover, more radical states are likely to demand more of a Saudi Arabia that can do more. thanks to its strikingly increased offensive capabilities. Whether it resisted or accommodated those confrontationist demands, Saudi Arabia would find itself much less secure than it is today.

Furthermore, the escalation of its arms relationship with the United States could prompt Saudi Arabia further to accommodate increased Soviet ties with other states in the region, in order to counteract charges of having become an American client.

Third, this sale would provide ammunition for those who deride American will and leadership. There are no shared strategic understandings between us and the Saudis that are written down and are available to the American public and the world. We are asked to accept Saudi assurances on crucial matters, but many of those Saudi assurances are secret, not in writing, variously interpreted, and may never exist as signed contracts. As all can readily see, such an approach cannot provide any legal or substantive political protection for U.S. interests.

No wonder, then, that this proposed sale is seen by many as proof of America's weakness, muddle-headedness, and obsequious accommodation to Saudi oil blackmail. This sale, in fact, is a placebo—not policy, not an element of a strategic design.

Fourth, this sale risks making our relations with other countries more difficult by encouraging a competition among friends and allies for sovereign control over AWACS in order to show proof of U.S. regard.

Egypt, for example, faces a much more immediate threat of air attack than does Saudi Arabia, and two AWACS have been deployed there under U.S. command and control. To concede to Egypt's neighboring rival the honor of sovereign control over AWACS would needlessly invite a strain in relations, just as we are striving to protect and build a continuing friendship with Cairo.

NO COMMENSURATE BENEFITS

Finally, Mr. President, the alleged benefits we are supposed to derive from this sale fall far short of making it worthwhile to invite the risks involved. We know, from virtually all testimony, including that from General Jones and Secretary Weinberger, that this sale will not provide Saudi Arabia with the capability to defend against attack by other major regional powers, let alone by the Soviet Union. Substantial assistance would be required from elsewhere.

And yet the terms of this sale are very far away from making U.S. support and reenforcement quicker and more powerful.

We have no Saudi commitments to prepositioning supplies for our Rapid Deployment Forces, to undertaking useful infrastructural development, or to providing host nation support in the event of a crisis.

In fact, we cannot even be sure that in time of crisis Saudi Arabia would permit U.S. access to the country or its facilities. We may think they would, but no written agreement or understanding has been negotiated and signed. The administration claims to be hoping to build a "strategic consensus," but we are far from having anything substantial as yet.

There is clear evidence in too many cases—the peace process, oil pricing, support for terrorists, American efforts to obtain local military facilities—that the Saudis see their interests as quite different from ours.

In sum, the maxim governing this proposed sale seems to be: "Ask not what Saudi Arabia can do for you, but what you can do for the Saudis."

We have vital interests in this region, but our strategic posture for defending them is still rudimentary. The urgent and complex task before us is to shape and nurture developments that will advance the interests of the United States and those of our friends and allies.

In the face of the profound uncertainty afflicting this region's future, prudent counsel would caution against premature massive commitments that are not protected by formal agreements. Here more than anywhere, a sale must not substitute for policy.

ALTERNATIVES EXIST

Mr. President, the tragedy here is that we need not have been put in this position. As I have already indicated, there are realistic alternatives which would increase our security and help deter attacks on Saudi Arabia, without courting the compromise or loss of major U.S. defense systems, and without threatening other friends and allies.

Of central importance are permanent command and control arrangements whereby the United States will be able to assure that this equipment will neither be lost, compromised, nor misused and directed against other pro-Western states in the region.

Done in the right way, with joint responsibilities and firm, written agreements with the Saudis on shared interests, an AWACS presence in Saudi Arabia and further support for Saudi air defense programs would clearly demonstrate American determination to protect vital Western interests with credible military forces.

Mr. President, I urge support for the resolution of disapproval.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Who yields time?

Mr. PERCY. Mr. President, I yield 25 minutes to the Senator from Maryland.

Mr. MATHIAS. I thank the distinguished Chairman of the Foreign Relations Committee.

Mr. President, there is not a single American who reads the newspapers, listens to radio, or watches television who does not know that today the Senate will vote on the proposal to sell to Saudi Arabia a package of AWACS aircraft, aerial refueling aircraft, AIM–9L missiles, and conformal fuel tanks for the F–15 planes that we have previously agreed to sell.

This package presents the Senate with what I believe is one of the most difficult decisions that has faced us in the 20 years that I have served here on Capitol Hill; difficult because I have to concede that there are strong arguments both in favor of it and in opposition to it.

I think that a decision either way must admit the merits of the opposing case.

I do not know anyone in the Senate who has looked forward to today with pleasure, who enjoys the prospect of having to make this decision. But in fact, we are elected to make decisions, and so we must decide.

I think this decision is more difficult for those of us who participated in the 1978 decision to sell aircraft in a "package" for Israel, Saudi Arabia, and Egypt. We recall that at that time Harold Brown, then the Secretary of Defense, wrote a letter to John Sparkman, our distinguished friend and colleague, who was then the chairman of the Foreign Relations Committee, and in that letter Secretary Brown said:

Saudi Arabia has not requested nor do we intend to provide any other systems or armaments that could increase the range or enhance the ground attack capability of the F–15.

Those were his exact words. That was a commitment made by the executive branch to Congress. It was a commitment that was important to me, and I am sure it was important to a number of other Senators, and it was a factor in our decision to vote in favor of the 1978 arms package.

The Reagan administration now says that the changes that have occurred in the Middle East have been so profound that they mandate some alterations in this commitment.

This was a commitment made by the executive branch to Congress.

It is, therefore, proper that it should not be altered except by congressional action and, of course, that is implicit in the decision we are going to make today. That is part of what we are going to decide today, whether the circumstances

have so changed that we should change that commitment.

There have been profound alterations in the Middle East since May of 1978. Iran was then viewed as a stabilizing force in the region. Today Iran is in chaos. It is engaged in a war with Iraq. It has within the past several weeks attacked another neighbor, Kuwait.

At this moment there are about 85,000 troops of the Soviet Union occupying Afghanistan. There are over 2 million refugees from Afghanistan now in Pakistan.

We have Soviet strike aircraft much closer to the Persian Gulf than they were 3 years ago, and we were concerned 3 years ago with the gradual encirclement of the Middle East by forces that were either directly commanded by the Soviet Union or that could be influenced by the Soviet Union.

It gives me a personal sense of regret to note that President Sadat, an ally of the United States, a friend of many of us, is now dead. His influence and his positive leadership are no longer available and, of course, all across this region there hangs the shadow of Colonel Qadhafi.

It is therefore, not an exaggeration to say that the survival of the West may be affected by the decisions that the United States takes in the years ahead with respect to our relationships in the Middle East.

It is a fact, not a very happy fact, that roughly 50 percent of the oil our allies in Europe use comes from the Persian Gulf. We recall that the Persian Gulf lies within a rather narrow circle, the eastern border of which is Iran, a nation which is fully capable of being a threat to all of its neighbors.

The challenge that we face as the Nation, which is proclaimed as the leader of the free world, is how to structure a strategic policy which responds to these dramatic changes that have taken place in the Middle East.

Certainly a solid relationship with the Kingdom of Saudi Arabia must be an integral part of this broad strategic approach.

I do not say this because I approve of all of the policies of the Saudi Government or because I endorse all of the statements that are made by officials of the Saudi Government. On the contrary, I very much regret the failure of Saudi Arabia to support the Camp David process. I regret the subsidy, the dole, which is made available by the government in Riyadh for the Palestine Liberation Organization.

I do say this because I think we also have to consider how our interests might be affected by a replacement of the present regime in Saudi Arabia by some other regime, headed by a Saudi Qadhafi or a religious fanatic like Khomeini. I think before we criticize the Saudis too harshly we ought to look at the political realities of that region.

I also say it because in a number of areas the interests of the United States and Saudi Arabia have coincided. The Saudis played a critical role in the recent achievement of a cease-fire in Lebanon. It was in their interest and it was in our interest, but it was important that we have a common interest there.

The Saudis work actively to combat the spread of Soviet influence throughout the Middle East, and their efforts have contributed to the decisions of the leaders of Egypt, Sudan, and Somalia to reduce their ties with Moscow. It was in their interest, it was in our interest; it was a common interest.

In addition, Saudi Arabia provides financial assistance to friends of the United States, to countries like Turkey, Morocco, Pakistan, Oman, Jordan, Sudan, Somalia. This assistance is being provided at a time when we are reducing foreign aid. They are picking up some of the burden. It is in our mutual interest that they do so.

I have to wonder what possible influence we can have on Saudi policies with which we disagree if we are not responsive to their perceptions of the threats to their security and to their country?

President Sadat is quoted as having said that he would never have taken the risk of concluding peace with Israel if his confidence in the American connection had not been strengthened and reinforced by our approval of the 1978 plane package.

So, we are left with the question as to whether this sale of AWACS and the other equipment enhances Saudi security and whether in doing so it promotes our interests, the interests of the United States of America. I believe that it does so because I think it will better permit the Saudis to respond to an attack from Iraq or Iran on the oil facilities in the Persian Gulf.

The warning time provided by the AWACS could be crucial in responding to exactly the sort of air raid that the Iranians recently launched on Kuwait.

The F–15 enhancement package as well will make a contribution to Saudi defense needs in the Gulf region.

Of course, there are other potential threats to Saudi oil installations, but the Saudis are going to have to develop responses to these other dangers.

I doubt that this analysis goes far enough however, because there are two important objections that have been raised to the transfer. One is the risk of compromise of American technology and, second, the risk to our friend, to our ally in the area, the State of Israel.

I have spent a lot of time in recent weeks examining these issues. I recognize that there can be differences of opinion with respect to them, but I am persuaded that the legitimate concerns that have been raised by those who question this sale have been answered. Let me be very brief and very specific in examining these two questions.

First, with respect to the security of Israel: A prudent leader of the State of Israel, of course, has to take account of any improvement, in the military capability of any neighboring Arab State. To do so would be a primary requirement within Israel.

But it must be remembered, first that the United States has been and remains committed to the security of Israel and, specifically, to the proposition that Israel must remain militarily superior not only over any neighbor but over any combination of neighbors. Second, Israel's ultimate security and prospect for a peace settlement depend in large measure on the ability of the United States to exercise influence and leverage with moderate Arab States.

Furthermore, specific precautions have been taken to insure that this sale does not pose a significant threat to Israel. Technology critical to the offensive use of AWACS will not be provided to Saudi Arabia. Saudi Arabia may not, without the approval of the United States, operate AWACS outside of its own air space, share its AWACS data with other countries, or permit third country modification of the AWACS aircraft. These are important agreements.

The President's letter to the Senate today details these and other assurances.

Finally, the Saudis will have an ongoing requirement for spare parts, for U.S. maintenance experts, for accessories and replacements. Therefore, there will have to be a continuing participation by the United States in the Saudi utilization of this equipment. That participation can be withdrawn if the equipment is not used for legitimate defense purposes.

Mr. President, let me now turn to the question of the security of U.S. technology. The distinguished minority leader of the Senate, the Senator from West Virginia, mentioned this subject at some length in his recent thoughtful statement. He concluded, as I concluded, that there is no unacceptable risk.

Certainly, we should not put our high technology at an unnecessary risk. And there are certainly questions that are raised by knowledgeable people that cannot be answered ultimately and finally.

We have to make a judgment. And it is the judgment of our senior military leaders that we should proceed with the sale. That is the judgment, as well, of the current Secretary of Defense and the immediate past Secretary of Defense. It is the judgment of outside experts I have contacted who believe that the risks posed by the possible compromise of this equipment are not critical.

Therefore, today we will make a decision of great consequence for our national security. I have come to the judgment that our security will be strengthened by the approval of the sale.

That does not mean that I do not recognize and I do not respect those who have reached a different conclusion. I think it is useful and proper that we should have debated the merits of the sale, not only here within the Capitol but all across the Nation. I think that our country is strengthened by such a debate.

But, Mr. President, once this decision is taken, I hope we can forget the differences that we have had on this subject. I hope there will be no attempt to identify the motivations of people who have taken different sides on this issue.

I hope that we can come together to execute the decision, and proceed to elaborate a strategy through which we can deal with the problems of the Middle East. I hope, as well, that we can turn our attention to the many other urgent foreign and domestic policy issues that are crowding the agenda of the Senate and the Nation.

I reserve the remainder of my time.

Mr. PERCY. Mr. President, I would like to thank my distinguished colleague from Maryland for a thoughtful and powerful statement. He is one of the most conscientious and hard-working members of the Foreign Relations Committee.

I concur completely with the conclusions he has reached. I do hope they will have an impact on the Members of the Senate who have not made a declared intention as to how they will vote. I am very grateful to Senators that were on the floor at the time of his statement.

Mr. MATHIAS. I thank the chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. Who yields time.

Mr. PELL. At this time, I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in opposition to the proposed sale of AWACS and a package of offensive weaponry to Saudi Arabia.

Much to my regret, this issue of arms sales to the Saudis resembles the mythical serpent with nine heads, each of which when cut off grew back as two. In a similar fashion, this issue keeps coming back to haunt us, just when we think we have laid it to rest.

In 1978, together with 43 of my colleagues, I opposed selling the Saudis 62 F–15 aircraft. The Carter administration narrowly secured approval of that sale only after Defense Secretary Harold Brown solemnly assured us that Saudi Arabia would not receive additional equipment to enhance the fighters' offensive capabilities. When in 1980 it appeared that the administration might renege on that understanding and try to sell such equipment and AWACS to the Saudis, I was 1 of 68 Senators who cosigned a letter counseling the President against such a betrayal.

Enter the Reagan administration with a chance to fashion a more sensible arms sale policy. Hoping for a successful preemptive strike, in February of this year, members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee dispatched letters to President Reagan and Secretary of State Haig, expressing their reservations regarding further arms for the Saudis.

By June, however, it became clear that this administration was negotiating the same rut its predecessor had foolishly followed. At that time, 54 Senators, myself among them, sent the President another letter expressing our strong belief that the sale was not in the best interest of the United States and recommending that he refrain from sending this proposal to Congress.

Unfortunately, the President did so anyway, despite dozens of red flags from Congress. So much for advice. Now the administration is seeking our consent. I urge my colleagues to withhold it.

One of the most misleading arguments advanced by the sale's proponents is that those of us on the other side of the issue are sabotaging the President's power to set foreign policy and, as a result, weakening America's standing in the world. That kind of rhetoric is off-base and off the constitutional mark.

The fact is that the Congress of the United States, and in particular the Senate, has independent constitutional authority to shape our Nation's foreign relations. Section 2 of article 2 clearly stipulates the right and responsibility of the Senate to provide the Executive with advice and consent. As I have shown, our foreign policy regarding arms sales to the Saudis to date has been peppered with unheeded advice and extremely reluctant consent.

Mr. President, the arguments for and against the sale are familiar to us all. Most have focused on the AWACS portion of the package. The administration would have us believe that these extremely sophisticated radar planes will be stripped of their most lethal powers and that the rest of the sale consists of nothing more than a few spare parts of harmless hardware.

Neither the AWACS nor the F–15 enhancement alone are as disconcerting as they are in tandem.

The whole of this package is greater than the sum of its parts. Additional fuel tanks and 6 KC–707 aerial tankers for refueling in flight would enable those F–15's already in Saudi hands to travel farther and stay longer; 1,177 Sidewinder air-to-air missiles would also greatly increase the planes' destructive capacity.

Add to this the superlative command and control capability of AWACS aircraft and you have a powerful and fully integrated offensive system.

There should be no illusions, Mr. President, that such a move can be made without undermining the security of Israel. We would be foolish and naive to assert that we can predict how arms we sell today will be used 5 years from now.

Israel is a tiny country. She does not have great land areas to retreat into when she fights. She does not have a large population to expend in a war of attrition. She must, therefore, respond instantaneously and overwhelmingly when attacked: All the more so if she faces 62 offensively configured F–15's with support of AWACS aircraft.

The tragic experience of this Nation's relationship with Iran should raise compelling questions as to the wisdom of proceeding on course. In the seventies it was Iran which by virtue of sophisticated American arms was to be the bulwark against Soviet expansion.

We were assured then, as we are being assured now, that sophisticated military technology would be in trustworthy and stable hands.

It is only because of the opposition of this body that AWACS aircraft are not now part of the arsenal at the disposal of the Ayatollah Khomeini and company, the technology of which has now been compromised. The Saudi monarchy faces the same threat which eventually dethroned the shah: A religiously inspired rebellion, against which military hardware is useless.

Moreover, integration of this new military technology may distract the Saudi leadership from its more realistic concern, and increase its vulnerability.

Apparently, Mr. President, this arms sale is in part supposed to show our appreciation for the alleged moderating influence the Saudis exert on Middle East politics and oil pricing. As for the oil, I do not believe the Saudis have done anything for the United States that was not primarily in their own long-term interests. As for the politics, the Saudis refused to back the Camp David peace process or endorse the treaty which was its end result. Furthermore, Saudi Arabia bankrolls the PLO to the tune of $1 million per day, and in the event of some confrontation, it would be hard pressed to share its AWACS intelligence with radical Arab States still bent on Israel's destruction.

Mr. President, it is not easy to vote in favor of this resolution. The consequences of rejection are serious both in terms of our relations with the Saudi's and the perception of America's foreign policy. But the responsibility for those consequences are not ours alone, Mr. President.

The advice of the Congress against the sale, diligently and repeatedly expressed, was rejected; the only option remaining is to exercise our constitutional responsibility to withhold our consent.

Mr. PELL. Mr. President, I yield at this time to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would have announced my opposition to the proposed sale of high-technology weaponry, including AWACS and AIM–9L missiles, to Saudi Arabia much sooner, but in deference to President Reagan's urgent plea to withhold judgment until he or his designees could personally brief Senators, I waited. I listened attentively to the arguments pro and con. I studied and researched every aspect of the proposal as assiduously as I knew how.

I want to emphasize that my decision is based not just on the sale of AWACS, but also on the rest of the package, which has received relatively little public attention.

I have concluded that this sale is not presently in the best interests of the United States and will vote for the resolution.

The President and his representatives have been persuasive and I admire the President's tenacity and zeal in lobbying strenuously for his position.

Had AWACS been the only item in the package, my decision might have been different, though AWACS is the key part of a very high-technology air warning system that we have spent billions of dollars developing.

It is a technology well in advance of its Soviet counterpart, and while I mean absolutely no disrespect to the Saudis, the more of these planes we sell, the higher the risk of its technology falling into Soviet hands. It is true that we are not proposing to sell the Saudis all the technology incorporated in our own AWACS, but we would be selling the great bulk of it. And if the original 1978 sale of F–15's to Saudi Arabia is any precedent, in a couple of years Congress will be asked to consider an "AWACS enhancement package" which would add those capabilities of United States and NATO aircraft currently not proposed for the Saudi aircraft.

In 1978, when the Senate considered the original proposal to sell F–15's to Saudi Arabia, we were provided with very clear assurances about what the United States would not be prepared to sell in the way of future enhancements to these aircraft. For example, in a letter from Secretary of Defense Brown to Senator Sparkman, then chairman of the Senate Foreign Relations Committee, dated May 9, 1978, the Senate was given the following assurances:

> The plane requested by Saudi Arabia will not be equipped with the special features that could give it additional range. Specifically, the planes will not have conformal fuel tanks ("fast packs"), i.e., auxiliary fuel tanks that conform to the body of the plane, and Saudi Arabian KC–130 tankers do not have equipment for air refueling of the F–15.

Also, from that same letter:

> Saudi Arabia has not requested, nor do we intend to sell any other systems or armaments that could increase the range or enhance the ground-attack capability of the F–15.

Here is one that is even better: In an earlier letter, February 16, 1978, from Assistant Secretary of State Bennett to Congressman LEE HAMILTON, the following statements were made:

> The Saudi Air Force is not scheduled to get the AIM–9L all-aspect Sidewinder missile which will be carried on the United States Air Force F–15's.

And:

> An F–15 sale will not lead to the sale of E–2S or E–3A (AWACS). The F–15 has an excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F–15, they would be more than likely to seek an airborne radar system.

Mr. President, it was only with the understanding that these restrictions would remain in force that I overcame my long-standing and deep-seated objections to the transfer of advanced American weapons and technology and voted in favor of the sale of F–15's to Saudi Arabia.

Now, just 3 years later, Congress is told that things have changed so dramatically—that the threat in the Middle East is so great—that not only must these assurances be torn up and thrown away, but that we must approve the transfer of our most sophisticated airborne radar system without even the command and control arrangements we have demanded and received from our closest NATO allies as a condition for the sale of AWACS.

Although the security situation in the Arabian Gulf and the Indian Ocean has become more serious since the fall of the Shah, I am not convinced that the provision of AWACS without joint United States-Saudi command and control will enhance Saudi and gulf security or insure that American interests in the region will be advanced over the long haul. We never seem to learn that our weapons usually last longer than our friendships.

It has been said that the AWACS does not have an offensive capability, and therefore it constitutes no threat to Israel. First, it depends on how the operator chooses to use it. From inside the borders of Saudi Arabia, AWACS could pick out virtually every plane taking off and landing in Israel, and could guide planes to intercept them. With the enhancement package for the F–15's and the air control guidance system of AWACS, we are guaranteeing a very sophisticated and powerful offensive capability indeed.

Couple AWACS with the sale of fuel tanks for the F–15 fighters, which give them the range to reach every part of Israel, and almost 1,200 AIM–9L Sidewinders, which represent about 25 percent of the entire current U.S. inventory of these highly sophisticated air-to-air missiles, and almost 20 missiles for each Saudi F–15, and the result is a powerful offensive capability. The Sidewinder is the missile recently used by U.S. pilots to down two Libyan fighters.

The Saudis have been our friends for many years, and our relationship has improved measurably in the last several years. I hope this friendship will continue. But the Saudis have not supported our efforts to stabilize the area through the Camp David accords, and indeed have financed organizations such as the PLO which have violently resisted Egypt's courageous efforts to achieve peace in the area.

We share many interests with Saudi Arabia in the area, especially the common defense of the oilfields, and thwarting efforts by the Soviets to increase their political, economic, and military influence. To this end, the United States has supplied Saudi Arabia with more than $35 billion in military goods and services since 1950, including 110 F–5 fighters; 62 F–15 fighters; over 100 M–60 tanks; 140,000 rounds of mortar, howitzer, and tank gun ammunition; 3,400 laser-guided bombs; and much more. So it is not as though we have been indifferent to Saudi Arabia's defense.

In addition, it was Carter's doctrine, and now Reagan's that any outside intervention that would threaten oil supplies from the Persian Gulf region would bring a quick and decisive response from the United States.

We also share with the Saudis a concern about Israel's annexation of the West Bank and the building of settlements there. These actions also make our efforts to achieve stability more difficult.

It would be irresponsible to cast a vote based on a fear of Saudi retribution. Many have expressed a fear that they will cut back production, or raise prices, or both, if this sale is not approved. I do not believe this, and certainly I do not think any of these actions would be to their advantage. Such actions would only benefit the Soviets, and would automatically be detrimental to the Saudis.

On the other side of the coin, it should be pointed out that approval of the sale would not likely bring any relief in oil pricing either. The Congress approved the sale of 62 F–15's to the Saudis in May 1978 and within 20 months OPEC oil prices escalated from $13.65 per barrel to $28.30 per barrel. I would also point out that if the Saudis raise their price by only 50 cents per barrel, they would receive enough income to pay for this entire package by the time the first delivery is made. That figure is $8.2 billion.

The death of Anwar Sadat leaves us in a tenuous situation in the Middle East and only time will tell the extent and intensity of the opposition to the ruling powers in Egypt. We all pray that Egypt will remain a stable, steady, and reliable ally. When that determination can be made with some assurance, perhaps this proposal, with modifications, can be resubmitted.

Finally, I regret that the debate on this issue has not been a high-level one. Substantive discussion has been subordinated to personal and political considerations. I say that not in an accusatory way, nor to suggest one side has been more guilty than the other. I say it with a degree of sadness, because I believe in an evenhanded policy in the Middle East. I know of few Senators who are entirely comfortable with their decision. As I said, it is a close call and history will reveal which side was correct.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Colorado (Mr. HART).

Mr. HART. I thank the distinguished Senator from Rhode Island.

Mr. President, today's vote marks the culmination of more than 8 months' debate of the proposed AWACS and F–15 enhancement sale to Saudi Arabia. The decision the Senate makes today is a vital one, the importance of which cannot be underestimated.

Before we vote on this issue, it is essential that we pause for a moment to reflect on the appropriate role of the Congress in this matter. Unfortunately, what appears to be one of the most persuasive arguments made in recent days

by those who support the sale is one of the weakest and one of the most disturbing: That the sale must be approved so that Congress does not undermine the President's authority in international affairs and his ability to conduct foreign policy.

Our system of government and our laws make Congress a full partner in foreign policy. We jeopardize the soundness of our Nation's foreign policy decisionmaking process if we abdicate the responsibilities which our partnership entails. The Founding Fathers probably never conceived of a piece of equipment like the AWACS being invented, but they did foresee situations in foreign affairs where the executive and legislative branches would need to share responsibility, and the "advise and consent" of the Senate became a reality.

It became a reality in their minds because of that necessity.

In 1974, Congress updated the concept with enactment of the legislative veto of arms exports. This was an expression of congressional concern at the growth of arms sales and their subsequent impact as a tool of American foreign policy. Since its enactment, the Senate has not exercised this authority, but has used it to modify Executive arms proposals and obtain reassurances enabling the sales to proceed. Today, I believe it is necessary for the Senate to use its veto power in the best interests of this Nation.

It is unfortunate that some have called into question the motivation of those who oppose this sale. Opponents of the sale in the House and the Senate represent both political parties and are as concerned about the national interest as those supporting it.

The responsibility for the failure of our Government to speak with one voice on this arms package lies not with the Senate but with the President. President Reagan's concern about being embarrassed if the sale is defeated is a legitimate one, but he should have thought of that before making a solid commitment to Saudi Arabia—without consultation with Congress or any of its appropriate committees, without any public discussion, and without consultation with our allies. The President's responsibility is to build consensus on foreign policy issues, not to issue "take it or leave it" ultimatums.

The fact is that the administration has failed to make a compelling case for the sale on its own merits. To say that the President's authority will be diminished if the sale is defeated is a poor and unacceptable substitute.

Despite all the rhetoric we have heard during this debate, the President will not be crippled in carrying out his foreign policy responsibilities if the Senate votes against the AWACS and F–15 enhancement package. Saudi Arabia has dealt with the United States often enough by now to know that by law the President alone cannot commit the United States to such large arms sales without the support of Congress. As recently as 1978, Saudi Arabia was made very much aware of American procedures during the debates on the sale of the 60 F–15's.

Mr. President, another lesson to be learned from this debate is that the President has the responsibility to outline the general foreign policy context into which an arms sales decision such as AWACS clearly fits. Congress difficulty with the AWACS sale does not result from a single error but rather from the administration's consistent failure to articulate coherent foreign policies. The President continues to rely excessively on weapons as a substitute for diplomacy. Such reliance undermines any effort to achieve a coordinated foreign policy.

Mr. President, the arguments I have made against the sale over the past few months can be summarized by examining the contradictions which have emerged in the administration's own arguments on behalf of its proposal. For example, the State Department argues that the proposed sale would strengthen our hand in the Persian Gulf relative to the Soviet Union. Yet we offer the Soviets a potential windfall in military intelligence through the possible compromise of the AWACS technology that we risk by entrusting such sophisticated equipment to a government whose likely source of instability is domestic not from across Transcaucasia.

The administration's intention of preparing the Saudi Government to defend against external threats will be frustrated by the AWACS sale, which prepares the Saudis for the wrong threat. The most likely threats to Saudi Arabia are internal disorder or rebellion and guerrilla warfare, encouraged and supported by its neighbors. The Saudis do not need AWACS nearly as much as they need other forms of military equipment and training.

Given the present conditions in the Middle East, there are legitimate grounds for concern about the internal stability of Saudi Arabia. Saudi Arabia is beset by the natural tensions arising from rapid modernization in a traditional society, religious versus secular demands, the quick accumulation of vast wealth, problems of illiteracy, and the need for foreign labor. All are fertile grounds for instability.

There are also contradictions between the stated intentions of the United States and Saudi Arabia as to what the planes should be used for. For example, the June 29, 1981, Wall Street Journal quoted a Saudi prince as saying:

> If Saudi Arabia is allowed to buy AWACS radar planes, it will reserve the right to use them as it sees fit to defend against any enemy, especially Israel.

He clearly contradicted the administration's argument that the planes would be used primarily to defend the Saudi oilfields. The Government of Saudi Arabia refuses to agree with the administration viewpoint that the Soviet Union is a greater threat to their country than Israel.

We should also be concerned over the implications of the sale for escalating the arms race. And burdening Israel's economy with even greater requirements for arms to meet the new military situation means a further economic struggle for an ally already overwhelmed by high defense costs. Those opposed to the AWACS sale believe that a strong Israel is in the national security interests of our own Nation; the implication that one must choose between Reagan or Begin is a ludicrous one, unworthy of the sales supporters.

Another compelling argument against the sale is that it is based on the false premise that Saudi Arabia is willing and able to serve as the linchpin of a defensive system for the Persian Gulf. As J. B. Kelly pointed out in the Wall Street Journal last week, all the evidence is to the contrary.

The Saudis have no vital stake in friendship with the United States. Their greatest interest is in their own survival, and clear alliance with the West will not help that cause. And they have a religious duty to oppose American bases in Saudi Arabia that arms sales cannot change, despite administration hints to the contrary.

In addition, the consequences of strengthening Saudi Arabia militarily may be severe. It may encourage the Saudis to renew their historical territorial ambitions in the Middle East. And if oil prices continue to fall, the Saudis, if heavily armed might be tempted to coerce smaller Gulf States into cutting their oil production—or even attempt military action.

Finally, when talking about the sale, the term AWACS has come to be used as a convenient shorthand abbreviation for the whole arms package. However, it would be dangerous to ignore the fact that much more than the airborne warning and control system is involved in the sale. When one worries about the compromise of sophisticated, sensitive systems, one thinks about the AIM–9L Sidewinder missiles, the conformal fuel tanks, the refueling aircraft—all of which stretch the offensive capabilities of Saudi Arabia while risking the loss of advanced U.S. technology to our enemies.

When I opposed the original sale of the F–15's to the Saudis in 1978, I stated as my guiding principle that any foreign policy action we take in the Middle East must advance, rather than retard, the chances for peace between Israel and the Arab States. That same principle underlies my opposition to the administration's proposal to sell the Saudis the F–15 enhancement equipment. At the time of the original sale our Government pledged that the F–15's would never be so equipped. Because the proposed arms sale represents a major shift in U.S. policy and commitment, the burden of proof on how this sale will advance the prospects of peace must be on those who advocate it. They have not convinced me these sales will serve the interests of the United States.

Mr. President, whatever the outcome of this vote we have a responsibility to move forward in working for a peaceful and stable Middle East.

Saudi Arabia is a friend and we share common security concerns. We must not forget, however, that the arms we are giving her are being introduced into an

environment in which there has been no progress toward alleviating tensions between Israel and its neighbors.

And as important as the Saudi oil fields are to the United States and our allies, we should not submit to veiled threats or potential blackmail on that score. It is ironic that while official U.S spokesmen signal willingness to risk war for oil, the administration is pursuing energy policies which actually will increase our dependence on oil imports, rather than reduce it. Dramatic changes in our energy policy over the last few months have meant that programs to promote conservation, renewable energy sources and even domestically produced fossil fuels have been cut to the bone.

For the first time since the 1973 Arab oil embargo, reducing oil imports is not the centerpiece of U.S. energy policy. Yet, if our Nation were energy independent, we would not have to worry about protecting Saudi oilfields with our most sophisticated military technology. If we were energy secure it would not be necessary to increase the arms race in the already unstable Mideast. If we could develop a comprehensive energy policy, it would not be necessary to risk allowing American AWACS to fall into Soviet or other unfriendly hands.

We do our country a disservice if we regard the outcome of today's vote as a win or loss for the administration, a political party or a group of Senators. Regardless of the outcome, everyone concerned will have come out a little bit poorer for the debate, the stridency of the positions, the mutual recriminations hurled at the other side. Now we must move forward to heal the wounds quickly, and mend the rent in the cloth of an American bipartisan approach to foreign policy.

In summary, I plan to vote for the resresolution of disapproval against the AWACS sale because I believe that jeopardizing the Middle East peace process through arms escalation, risking a compromise of U.S. technology and increasing the military threat to Israel is not the best way to protect the security of the region against outside hostile acts. The sale will only add to the region's overall instability, instead of alleviating tensions between Israel and her Arab neighbors.

For the reasons I have outlined, I believe the proposed arms sales do not advance the interests of the United States in the Middle East.

Finally, Mr. President, unfortunately the focus in recent days and hours has been on numbers. Will this pass or will it fail? We have gotten down, unfortunately, to a vote or two.

I would only emphasize that this is not a football game. It is a failure of consensus. If 45 or more U.S. Senators vote against this sale, as they undoubtedly will, it means a failure for this administration and a failure for this President in an effort to forge a meaningful and workable consensus on foreign policy in the most critical region of the world.

Therefore, Mr. President, it does not seem to me to matter all that much whether this sale passes or fails in the long term. The real victim here and the real failure is the failure of consensus on foreign policy in the Middle East.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from New York (Mr. MOYNIHAN).

The Senator has reminded me we had discussed 10 minutes before, but so many Senators have been speaking that we are allowing all speakers 5 minutes. I regret this very much.

Mr. MATHIAS. Perhaps not as much as the Senate, which would be illuminated by the remarks of the distinguished Senator.

Mr. MOYNIHAN. Mr. President, I thank the distinguished leader on our side of this debate and the Senator from Maryland.

Mr. President, earlier today, I received a telephone call of some urgency from Mr. O. Roy Chalk, a prominent American and a member, of course, of my own party. He wished to tell me of his urgent conviction that in the matter of the AWACS sale to Saudi Arabia the President, as he put it, is "Commander in Chief, regardless of party" and ought to be supported. "Anything less than support of the President is," he continued, "a little bit of treason." He assured me I could quote him in this matter, adding that he had expressed the same view to "any number of Senators."

Now a matter which brings forth such strong sentiments clearly must be addressed with care and as much as can be with precision. As has been public knowledge for some time, I cannot support the President in this matter. Yet I do not feel the least treasonous, although that term disposes me just the least little bit to truculence. My mood will pass, but the consequences of our vote today will be with us a long while, and so it is important to set forth the reasons I shall vote as I will do.

They are three, in an ascending order of consequence.

First, it appears to me that there has been a breach of faith on the part of the executive branch of the Government in going forward with a new arms sale in the face of direct and explicit commitments to the contrary made to Congress and the American people to win support for a previous arms sale.

I hasten, with the utmost seriousness, to state that if there has been such a breach of faith—I can no more than state my view that there has—it is the work of the previous administration and not the present one. Everything I know about the present proposal to sell an "air defense enhancement package" to Saudi Arabia suggests that the agreement was entered into by the Carter administration and, in a sense, inherited by the administration of President Reagan. I could be wrong in this, but the belief is widely held and not, to my knowledge, disputed by those in a position to do so.

Senators will remember the intense debate we had in 1978 with respect to the initial sale of F-15's to Saudi Arabia. These, we were assured by the Carter administration, would be purely defensive weapons. To underline that fact Defense Secretary Brown wrote us on May 9, 1978:

"The F-15 we plan to sell to Saudi Arabia will have the same configurations as the interceptor model approved for the United States Air Force.

"The plane requested by Saudi Arabia will not be equipped with the special features that could give it additional range. Specifically, the planes will not have conformal fuel tanks ('fast packs'), i.e., auxiliary fuel tanks that conform to the body of the plane, and Saudi Arabian KC-130 tankers do not have equipment for air refueling of the F-15.

"Saudi Arabia has not requested that the plane be outfitted with multiple ejection racks (MER 200) which would allow the plane to carry a substantial bomb load. The United States will not furnish such MER's.

"Saudi Arabia has not requested, nor do we intend to sell any other systems or armaments that could increase the range or enhance the ground attack capability of the F-15."

A separate letter was sent on February 16, 1978, from Assistant Secretary of State Bennett to Congressman Lee Hamilton in which the following statements were made concerning the AIM-9L and AWACS:

"The Saudi Air Force is not scheduled to get the AIM-9L all-aspect Sidewinder missile which will be carried on the United States Air Force F-15's.

"An F-15 sale will not lead to the sale of E-2C or E-3A (AWACS). The F-15 has an excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F-15, they would be more than likely to seek an airborne radar system."

These commitments to the Congress are now to be broken. It is painful to think that this will have been the work—furtive, skirting the edges of honor—of those who made them in the first instance. The Senate of the United States should not allow itself to be so used. We are an institution in its 193d year; Saudi Arabia was founded just 49 years ago. Its interests, whatever they may be, cannot come before the concern of the Senate to see that commitments to this body are kept.

This is not to say that changed circumstances do not give rise to the possibility of changed commitments. It is only to state that, in such circumstances, there is a solemn obligation to consult the Senate. This was not done.

Second, I would wish to express my concern that we may very well be setting in motion forces of which we have only the slightest comprehension. It is the first rule of world politics that everything relates to everything, and this is intensely so in the awakening world of Islam, not inappropriately referred to on occasion as the "Nation of Islam."

I have served as an American Ambassador in Western Asia and would like to think I have at least some inkling of the dynamics of that region. Allow me to suggest a scenario:

Pakistan is building a nuclear weapon, very likely with much financial help from Libya, and also from Saudi Arabia. The Pakistanis have close contacts with the Saudis, and already supply much of the technical competence of the Saudi military, it being a common practice in that region for dynasties to engage warriors of distant tribes for their own defense. Or offense. The British in their time mastered this technique.

Pakistan will get its bomb, from Libya, as it were, and 40 F–16 fighter-bombers to deliver the weapon from the United States, if another proposal of the present administration comes to fruition. This creates a strategic nuclear power, lacking only the fighter protection required to strike in any direction on the compass. The Saudi F–15's—with Sidewinder missiles, long-range fuel tanks, and the AWACS command and control guidance function—provide fighter protection. No nation anywhere in the region is any longer secure.

This sequence would take several years, and several coups, but these are plausible, even predictable. It is equally predictable that India will go to war to prevent the final consummation of the nuclear force.

Mr. President, we are as culture bound as any; we think world wars only happen in Western Europe. They can occur, too, in West Asia. The Soviets will be drawn in to aid India; we presumably will have to go in to aid whoever is ruling the bits and pieces of the Arabian Peninsula. Before long, world war could very well be the new, as well as an old fashion.

Third, it is with a sense of despair that I observe the conceptual poverty of the administration's strategy for the region. In the "Eighteenth Brumaire," Marx wrote of the two Napoleons. "History repeats itself," he said. The first time as tragedy, the second time as farce.

Can we not see history repeating itself here?

The idea that Saudi Arabia, a 49-year-old country of four million bedouins, is going to become the pillar of anti-Soviet military power in the Persian Gulf is simply the latest manifestation of the Nixon doctrine, which was doubly doomed from the outset.

The Nixon doctrine, as Senators will recall, was proclaimed as a mode for the exercise of American power. Of course, it was just the opposite. It had become necessary to arrange for other nations to take up arms in defense of our interests only after it became doubtful that Americans themselves would any longer do so. To our further, and continuing, disadvantage, the countries chosen for the task—willing to be chosen—were inevitably flawed. Strong leaders do not enter such arrangements. Weak leaders that do become weaker for having done. And so the list will lengthen: South Vietnam, Iran, now Saudi Arabia.

Bad enough to submit to what seemed the guiding compulsion of the Nixon doctrine—the absence of any alternative—but worse yet was it to conceal the necessity from ourselves. I had hoped that the United States had seen the zenith of this self-delusion in the almost pathetic belief of the Carter administration that one could trust to the kindness of strangers.

Yet the present administration seems as unable to acknowledge that we have few genuine friends in the world, and precious few indeed among the Arab countries. In fact, we do not know much at all about what we do have in the Arab World, or in the Middle East.

If I thought the Secretary of State, the Secretary of Defense, the President's National Security Advisor, pooling their combined knowledge, could order a cup of coffee in Arabic I would be tempted to vote for this proposal. But I have seen no evidence that this administration has any more clear an idea what it wants to do, what it thinks it can do, in the Middle East than did its predecessor, which first assigned to Israel the role of the nation weak administrators push around to show how tough they are.

Mr. President, the Senate will recall that the 1978 sale of F–15's was meant to insure Saudi gratitude and support for our peacemaking efforts. How foolish that illusion seems in retrospect. I shall not trouble the Senate with what it knows, but might I just recall that, 4 days after Libyan planes attacked ours over the Gulf of Sidra, our act of self-defense was denounced by the Gulf Cooperation Council as an "act of medieval piracy."

Although we know little about this Council, which has not to my knowledge been mentioned in any of the administration's presentations to Congress on this sale, Aviation Week and Space Technology reports in the current issue that the administration's military planning for the Middle East region centers on this Mutual Defense Association, which the Saudis have recently organized and whose headquarters are in Riyadh. We in the Senate know very little about this Council, or the faraway places which make up its ranks, but the administration's experts know this much: We can absolutely depend upon them in a crisis. Though they be strangers. They will be good to us.

Mr. President, can it be that we have brought a new administration to Washington for the purpose of compounding the follies of its predecessors? The gods must weep.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MATHIAS. Mr. President, I yield 15 minutes to the distinguished Senator from Kansas, the chairman of the Committee on Finance.

Mr. DOLE. Had the Senator completed?

Mr. MOYNIHAN. Mr. President, I yield back my time. I appreciate the Senator's concern.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, as have many of my colleagues, I have reflected until a very late hour on the question of the proposed sale of AWACS aircraft and F–15 enhancements to Saudi Arabia. I have wanted to try to take into account all of the factors that should be weighed in our decision on a matter of this magnitude.

In making our decision, I believe we need to keep clearly in view the fundamental interests and objectives of this Nation as a world power—a power not only determined to insure our own security against a wide array of dangers but also responsible, in large measure, for creating the conditions in which other nations who are our friends can aspire to some degree of security for themselves.

To achieve these ends—and especially to provide leadership in a world where both military and political threats from the Soviet Union loom larger day by day—it is crucial that we restore, among our friends abroad, real confidence that we can conduct coherent and sustained policies that will fulfill our objectives over the long haul.

It is also crucial that we restore abroad the certainty that the American system of separation of powers does not mean that the Government of the United States is incapable of following through on negotiations and commitments that we have undertaken.

In the Middle East, our leadership and our commitments must be directed toward increasing the chances of a peace settlement, toward reinforcing the political stability of the region generally, and toward resisting the expansion of Soviet influence, whether it should come by way of Libya or by way of attempts to exploit the current chaos in Iran or the uncertainties that might enter Egypt's political future.

Mr. President, these objectives are not so difficult for us to agree upon. But in trying to secure these objectives, our choice of means is a very difficult one and the real world does not often offer us the choices we might wish we had.

In the real world, our choice is not between selling AWACS and other equipment to Saudi Arabia or keeping such sophisticated equipment out of a region that we know is, to some degree, unstable. Our choice is between a U.S. sale and the chance to enlarge our political influence in Saudi Arabia and in the region more broadly, or a sale of similar British or French weapons and the certainty that the influence of these countries would replace our own to an important degree.

In the real world, our choice is not between trying to build a closer relationship with the Saudis or relying on some other country or government on the Arab side that would support our policies in the region more fully and openly. There is no such alternative. Moreover, no Arab nation can subordinate itself completely to the United States and still retain the kind of credibility in the region that we in turn hope our partners will have. The Saudis have given some evidence of moderation and good will: We do have the choice whether to try to encourage that tendency or to reject it.

In the real world, finally, our choice is not between this agreement with the Saudis and some other. We may have preferred that negotiations with the Saudis on the sale of AWACS and other equipment had taken a different turn—in particular that the agreements had provided for U.S. participation in command and control arrangements that would have given us more explicit assurance that we could restrict the use of the AWACS aircraft.

But we really cannot turn back the clock. To unravel the negotiations at this stage, imagining that we could achieve a more satisfactory agreement, would profoundly damage the very political relationship with the Saudis that we must try to strengthen. And it would deeply undermine the effort the United States has undertaken, to restore our reliability abroad, however slow and painful the task.

Mr. President, if the real world confronts us with difficult choices—as it surely does on this issue—I believe that it also offers us a fair measure of the reassurance that we have been tempted to seek in formal agreements and written documents on the conditions for the AWACS sale.

As a practical matter, one that influenced this Senator, we still have 4 years before these aircraft would be delivered to Saudi Arabia if the sale goes forward with our consent today. Those 4 years allow us to come to a firmer judgment, if need be, about the durability of the Saudi regime itself and about its support for movement toward a peace settlement in the Middle East. If events should take a turn that clearly warns against transferring the AWACS at that time, we would be able to take steps to prevent the transfer.

As a practical matter, too, it does not appear that the Soviets could gain much advantage by trying to exploit AWACS technology, even if in some unforeseen disaster they should gain access to the aircraft.

As a practical matter, further, even without our formal participation in the Saudi command and control system for the AWACS, the United States will have control over the capabilities and the use of the aircraft because of our continuing participation in essential maintenance and repair activities for the life of the system.

Mr. President, I have been especially concerned about the effect that this sale to Saudi Arabia might have on the security of the State of Israel. Yet here, too, as a practical matter, the Saudis cannot use these aircraft close enough to Israel's borders to warn of Israeli air activity in a timely fashion—and protected from Israeli countermeasures—without risking loss of the aircraft to Israel's own fighters.

And, an even graver risk, the Saudis cannot disregard their commitments to the United States about the use of AWACS—whether these commitments are formal or informal—without suffering much larger damage to their overall relationship with the United States and the West.

Moreover, to confirm and to strengthen Israel's confidence in our commitment to Israeli security, the United States intends to take a number of concrete steps to strengthen security cooperation with Israel—steps like joint strategic planning and joint air defense in the eastern Mediterranean, as well as joint military exercises. With this reassurance, I believe we can avoid dangerous consequences for Israel's security should we proceed with the sale of AWACS and other equipment to Saudi Arabia.

Mr. President, I do support this sale, because I believe that we can protect ourselves adequately against the risks that may accompany it and because I believe that it makes a critical contribution to strengthening the influence and the political leadership of the United States not only in the Middle East but throughout the world.

In addition—I know I cannot do it at this time—I will be offering a resolution, for myself and perhaps other Senators, which I hope will be appropriately referred and acted upon in the near future. It expresses the sense of the Senate respecting the early enhancement of security cooperation between the United States and Israel.

It indicates that it is in the national interest of the United States to encourage stability and peace in the Middle East. Also, it underscores and reaffirms that in that region, Israel is a major and essential ally of the United States in the effort to achieve peace and security; that we have the need to strengthen the defensive capability of Israel, a chief goal of U.S. security policy, appropriately pursued through expanded security cooperation.

I believe that that security cooperation contributes directly to U.S. military capabilities. It is my hope that we would indicate at some early time in the Senate that the President should move with all appropriate speed and by all appropriate means to take concrete steps to strengthen U.S. security cooperation with Israel, and particularly to contribute to the development of Israel's military defensive capability, in order to preserve Israel's ability to defend against any combination of potentially hostile forces in the region.

These steps should include planning for such measures as more frequent exchanges of views between United States and Israeli officials concerning threats to regional security and joint strategic planning for responding to those threats; cooperation in protecting the sea lanes in the Eastern Mediterranean, especially through joint air defense; appropriate joint military exercises; prestocking of appropriate U.S. materiel, such as medical supplies and other items, in Israel; repair and maintenance of appropriate U.S. equipment such as aircraft and naval vessels in Israel; and other specific appropriate actions that would reinforce and enhance strategic cooperation between the two countries.

It is my hope that if we could act favorably on the resolution, there would be, in addition, a quarterly report by the President to Congress or the Committee on Foreign Relations to indicate that we are doing the things outlined.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION EXPRESSING THE SENSE OF THE SENATE RESPECTING THE EARLY ENHANCEMENT OF SECURITY COOPERATION BETWEEN THE UNITED STATES AND ISRAEL

Whereas it is in the national interest of the United States to encourage stability and peace in the Middle East by all feasible and appropriate means;

Whereas threats to security in that region are increasing, particularly because of the activities of the Soviet Union and its allies and proxies;

Whereas in that region Israel is a major and essential ally of the United States in the effort to achieve peace and security;

Whereas the strengthened defensive capability of Israel is therefore a chief goal of United States security policy, appropriately pursued through expanded security cooperation;

Whereas such enhanced cooperation also contributes directly to United States military capabilities in the region; and

Whereas such enhanced cooperation constitutes a critical element in overall United States security strategy for the region: Now, therefore, be it

Resolved, that it is the sense of the Senate that the President should move with all appropriate speed and by all appropriate means to take concrete steps to strengthen United States security cooperation with Israel, and particularly to contribute to the development of Israel's military defensive capability, in order to preserve Israel's ability to defend against any combination of potentially hostile forces in the region. These steps should include planning for such measures as

(1) more frequent exchange of views between United States and Israeli officials concerning threats to regional security and joint strategic planning for responding to those threats;

(2) cooperation in protecting the sea lanes in the eastern Mediterranean, especially through joint air defense;

(3) appropriate joint military exercises;

(4) pre-stocking of appropriate United States materiel, such as medical supplies and other items, in Israel;

(5) repair and maintenance of appropriate United States equipment such as aircraft and naval vessels in Israel; and

(6) other specific appropriate actions that would reinforce and enhance strategic cooperation between the two countries.

It is further the sense of the Senate that the President shall report quarterly to the Committee on Foreign Relations of the Senate on progress that has been achieved in expanding security cooperation between the United States and Israel.

Mr. DOLE. Mr. President, how much time does the Senator from Kansas have?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator has 4 minutes remaining.

Mr. DOLE. Mr. President, as a Republican and as the chairman of one of the committees in the Republican-dominated Senate, it seems to me that we have a special responsibility to the leadership of the President of the United States.

I do not suggest that this should be a partisan issue. It should be a nonpartisan or bipartisan issue, and it has been so far as this Senator knows. But in the view of this Senator, it puts a heavier responsibility on those of us in the majority and those of us in the President's own party. Unless we can provide a great majority of those on this side, it is difficult to understand how we can expect great bipartisan outpouring from the other side.

The one candidate who ran for President and was elected was Ronald Reagan. Others tried. Some may not have noted it, but others of us were out there. However, only one was elected President, and that was Ronald Reagan. I believe he has done an excellent job in both domestic and foreign areas.

I attended a recent meeting in the White House—a rather spirited meeting, I might add—with Republican Members of the Senate and the President; and it seems to me that for some of us who have this special responsibility, everything else being equal, if the President indicated that this was a test of his lead-

ership, a test of his ability to conduct foreign policy, and nothing else was to be considered, then we have some responsibility to support our President.

Not everyone can agree with that, but it seems to me, in the final analysis, that that is a choice that should be made.

I hope that whatever may happen at 5 o'clock—I hope the resolution of disapproval is not adopted—this will indicate to the world and to the American people, that the candidate who was elected President, has been able to conduct foreign policy as the President—not without spirited debate, not without differences; but, in the final analysis, with a majority in the Senate indicating that they would entrust this foreign policy initiative to the President of the United States.

I again indicate, as the President has said, that there will be 4 years before the AWACS are delivered. The plug can be pulled at any time during those 4 years. I believe that is another telling point. Even for some of the other enhancements, the Sidewinder, the delivery date is 48 months or 38 months from now or somewhere in between.

Some of us feel strongly about Israel and have been strong supporters of Israel—I am one who opposed the F–15 sale, and I went back and read the statements I made in 1978, and I hope I am being consistent today.

Much has happened since 1978 in Iran, in Iraq, in Lebanon, in Egypt, everywhere we look in the Middle East. The clock keeps ticking, and time keeps moving, and things keep happening in the Middle East that make us see that what may have been unacceptable at one time is acceptable just 2 years later.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I will oppose the resolution of disapproval and will support the President.

Mr. PERCY. I thank our distinguished colleague.

I yield 5 minutes to a valued member of the Foreign Relations Committee, Senator HAYAKAWA.

Mr. GLENN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator will state it.

Mr. GLENN. Mr. President, what procedure is necessary to put the Senate into closed session?

The PRESIDING OFFICER. If the Senator will indulge the Chair a moment, according to rule XXI, upon the motion made and seconded, the Presiding Officer shall direct the galleries to be cleared.

The Senator from Illinois has yielded to the Senator from California, and the Senator from California has the floor.

Mr. GLENN. Mr. President, I say that it may be my intention later to do that.

The Senator from Iowa apparently has information and he has shifted his vote based on that information. He said he has highly classified information. I think it might be good if the Senate is informed of that information.

A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. How many Senators are necessary to put the Senate into closed session? How many votes?

The PRESIDING OFFICER. One Senator asking for a closed session and one Senator seconding it.

Mr. GLENN. So it requires, as I understand it, then, two Senators to ask for a closed session.

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. I suggest that it might be in order for the distinguished Senator from Iowa, who has that highly classified information, to perhaps take us into closed session so that we could share that information which we apparently have not been given, or the administration might wish to suggest such a thing to those who are on their side of this issue.

The PRESIDING OFFICER. The Senator from California.

Mr. BIDEN. Mr. President, will the Senator yield 30 seconds on my time off of my 10 minutes?

Mr. HAYAKAWA. I yield.

Mr. BIDEN. Mr. President, I inform the Senate that if Senator JEPSEN does not make that request, I, as a member of the Intelligence Committee, have my staff here from the Intelligence Committee, and I am prepared to ask for a closed session.

I hope that someone, preferably the Senator from Iowa or the Senator from Ohio, would second the motion because I see no evidence that indicates anything that the Senator from Iowa says is bearing on his point.

I am prepared to debate that issue in closed session.

But I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I thank the Chair.

Mr. President, the proposed sale of AWACS and the F–15 enhancement package to Saudi Arabia is one of the most difficult decisions facing Congress this year.

Last spring when this sale was being discussed, I voiced my concerns about this proposal. I had questions about the safeguards of our technology and the stability of the present Saudi regime. At that time I indicated that I was against the sale but that the administration had yet to present the package to Congress.

As the debate progressed this fall, I became even more concerned about the direction it was taking. It seemed to me that it had become a yes or no issue and either way the United States would be the loser. We had seen the interests of our best friends in the Middle East in conflict, in a zero-sum game in which victory for one meant humiliation and defeat for the other.

Furthermore, it appeared that we had become so focused on the technical aspects that we had lost sight of the real issue underlying this proposal—that is, would the sale enhance the prospects for peace in the Middle East?

I believe that there is no hope for long-range peace in the region until there is full diplomatic recognition of Israel by her Arab neighbors and a resolution of the Palestinian question. It seems to me that the most useful way the United States can help achieve this is through a supportive role. We must respect other countries' sovereignty but at the same time maintain ties in order to promote positive movement toward peace and stability.

An example of this was the 1976 sale of C–130's to Egypt. The Ford administration felt that by supplying these cargo planes—much to the dismay of Israel—it would make it politically possible for Egyptian President Anwar Sadat to continue his moderate policies. As history has recorded, President Sadat not only continued these policies—having already thrown the Soviets out of Egypt—but took the bold step of going to Jerusalem which culminated in the Camp David accords.

I feel that the proposed sale to Saudi Arabia has this same potential. However, I also feel that the United States must show the will to stop the delivery of these arms if it appears that this policy will not achieve this end. Recently, Saudi Arabia's Crown Prince Fahd has proposed an eight-point plan which has been viewed by some Arab observers as an indication of his willingness to eventually recognize Israel.

This peace initiative, as well as the Saudi's role in achieving the recent cease-fire in Lebanon, is commendable and I am encouraged by it. But in 1977 Prince Fahd talked of complete, permanent peace, and normalization of relations with Israel. At that time he made the statement that all Arabs, including the Palestinians, were ready to negotiate a Middle East settlement with Israel if Israel recognized the full rights of the Palestinian people.

However, after Camp David, the Saudis moved away from this initiative and assumed a harder line attitude toward Israel. So what if the Saudis do not continue to move toward peace? What if the political stability of the Saudi leadership is shaken?

What if pressure is brought to bear on the Saudis by other Arab political forces? These are all possibilities that must be taken into consideration. Because of the instability in the Middle East, this country must reassess the peaceful intentions of Saudi Arabia prior to actual shipment of the arms package. Therefore, I submitted a resolution, Senate Resolution 221, which provided guidelines for determining the current climate and ongoing peace initiatives in Saudi Arabia. Obviously, the success of any Saudi movement along these lines will be affected by Israel's willingness to deal with the Palestinian issue as well as the status of the Camp David accords.

I have discussed these concerns at length with the President. Through these meetings and other meetings with representatives of the administration, I have secured President Reagan's guarantee of a continuing review of these sales in the context of progress toward a regional Middle East settlement as well as the assurances about the technical aspects of the sale and the security of Israel.

This sale might well have been approved without the issuance of such assurances, but by so insisting on this continuing review I, and my colleagues who have supported me in this position, believe that we have made a valuable contribution to the future stability of the entire Middle East.

And there is a broader lesson we have learned from this specific proposal. Arms sales are an important element of foreign policy and as such the President has the constitutional duty to determine when it is in the interest of the United States to sell arms to other countries as our foreign policy dictates. However, it is also the constitutional duty of Congress to give its advice and consent. I believe the unfortunate tenor of this debate was the result of a failure in the congressional consultative mechanism. Therefore, I intend to introduce legislation that will improve this mechanism so that consultations are an ongoing process both before and after a sales agreement is negotiated.

Finally, I would like to comment on the interest of my constituents in this matter. Early on, the mail and telephone calls coming into my office were heavily against the sale. About a month ago the tide changed and many of my constituents indicated they favored this sale because it was in America's interest and in the long run would also be in Israel's interest. I also perceived an element of backlash against our strongest democratic ally in the Middle East, the State of Israel. As a consequence, I became disturbed that a refusal to sell this equipment to Saudi Arabia would not only cause humiliation for a friend in the Arab world, but would also erode the unanimity of U.S. support that is essential for a continuing commitment to Israel, particularly in the current climate of oil politics.

Therefore, in light of the assurances I received from the President and the opinions expressed by many of my constituents I decided that a vote in favor of this sale is truly in everyone's interest.

Mr. President, I have an article here from the Los Angeles Times of October 27, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AWACS: ASKING FOR TROUBLE

In resolving the public debate on proposed sales of defense articles to Saudi Arabia, there are actually two discussions: separate and unequal.

First, there is the debate among experts. The Times added its contribution in its editorial, "AWACS: Asking for Trouble" (Oct. 19).

Next is the more critical debate at the parliamentary level—in this case, on the floor of the Senate. A service to the senators would be provided if public reaction was heard to a resolution which will emerge as contributory to the critical Senate debate.

The senators have before them Resolution 221—introduced on Oct. 5. It is remarkable—at once for its statesmanship, eloquence, simplicity and timeliness. It also comes from a most unlikely author: Sen. S. I. Hayakawa (R-Calif.).

The resolution proposes that 60 days prior to delivery of any part of the arms package, the President notify the Senate of continuing efforts by the Saudis to effect moderate policies in the Middle East, which affirms Israel's right to exist.

Should the Saudis not be found adhering to such policies of moderation, on a continuing basis, the Senate would be authorized to enact legislation to prohibit arms delivery to Saudi Arabia.

The resolution's intent is to move toward a policy element so far lacking an enunciated regional strategy (from both executive and legislative branches of government) which can help move the much needed peace process toward a positive direction.

DAVID PHILLIPS,
Spring Valley.

Mr. HAYAKAWA. I thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I rise in support of this resolution and in opposition to this sale. I have made my decision on this issue fully recognizing that the environment in which we are operating has made objective analysis difficult. In fact, Mr. President, in my 3 years in the Senate, I have never seen an issue subjected to the kind of emotionalism and hyperbole which has characterized the discussion this past month. I have never seen, for example, a situation in which the President felt compelled to make a statement suggesting that those who disagree with him do not have the best interests of this country at heart. That kind of statement is not worthy of a President of the United States. Nor have I seen lobbying efforts disintegrate into questions such as whether one is for Reagan or Begin. That kind of question is simply not appropriate or fitting coming from anyone. The truth is that most, if not all, of us have studied this issue carefully, researched it thoroughly, discussed it at length, and reached a conclusion which we believe, in our hearts and minds, to be in the best interests of the United States.

But while I reject the insinuations which have been made and while I deplore the tone this debate has taken over the past few weeks, perhaps the best way to demonstrate just how misguided these claims are is to shift our frame of reference for a minute or two.

Let us not for the moment consider the sale of AWACS now under a Republican President. Yet us not look at the arguments being advanced by persons who link Israel's security to our own. Let us not take into account the slurs and innuendos. Instead, let us go back to a simpler time and a less heated environment. In these same halls back in 1977, we confronted many of the same arguments and issues we are struggling with today. But then we were considering the proposed sale of AWACS to Iran and not to Saudi Arabia. And then we had a Democratic President and a Democratic majority in the Senate. And then we had a debate unaffected by references to Israeli security concerns.

Having removed the factors which now complicate our analysis; having eliminated any possible charge of partisanship; having neutralized any fears of "foreign" influence; having, then, cleared the air, we may well learn something from the decisions that were made and the arguments that were advanced in 1977 when the sale of AWACS to Iran was being considered.

There were, for example, arguments about the impact of rejecting the shah's request. Questions were raised about how he would react to a refusal. He might, we were warned, raise his oil prices or lower his production rate. And even more importantly, we were told that he might be a less secure leader and a less friendly monarch if his request were denied. And with that warning surrounding us, the sale was ultimately approved after once being rejected by a House Committee, withdrawn and then revised. But even before the planes were delivered, the results of our fidelity to the shah were recorded in the streets of Tehran, The sale did not save the shah. Our commitment of AWACS did not impress the ayatollah. Despite that, we still hear the same argument today in a different form. Now we are told that approval of this sale will actually make the House of Saud more secure.

We also hear that approval of the sale will make the President and his ability to conduct foreign policy more secure. Well, we heard that back in 1977 as well. Then we were told that if the sale to the shah were rejected, the President simply would not be able to conduct foreign policy. His word would be inadequate. His leadership would be in question. And so the sale was approved. But I doubt that anyone would now claim that President Carter's ability to conduct foreign policy was enhanced by the sale or would have been significantly diminished by its rejection.

But most critically, we are hearing again an argument which dominated that 1977 debate: Is there a danger that the technology the President seeks to sell could fall into unfriendly hands and in some way be compromised? In 1977, we decided that the risk, great as it was, was offset by the ability of the shah to guarantee the security of the system. We made that decision despite the evidence that was presented to us. We made that decision without adequately listening to these words of warning from our colleague, Senator EAGLETON, who told us back in 1977 that—

It takes little imagination to conceive of the great Russian interest in acquiring such technology. . . . I doubt that most Americans would wish us to surrender control of our look-down radar and associated AWACS secrets. . . . Indeed, the concern of the proposed sale of a civilian computer to the Russians pales by comparison to the possibility of losing this military technology. Iran's governmental status, centered on a mortal leader, is fragile and subject to change. To endorse this sale is to take an imprudent risk to American national security.

And our former colleague, John Culver said in 1977, relative to the shah that—

The AWACS represents our most advanced technology . . . We have spent $1.5 billion on research and development alone and have devoted 10 years of the best scientific brains

America can produce to acquiring a look-down radar with unique surveillance capability. The Soviets do not have this capability and it will take them years to get it—unless we hand it to them. . . . Technological achievements such as AWACS help the United States to offset numerical deficiencies in weaponry. When we talk about the U.S.-Soviet balance, when we talk about asymmetries in weapons, what is our best asset? Qualitative advantage, technological edge, the genius of a free society. The day we start giving this advantage away for money to pay for oil or to reduce per unit costs in our own defense budget, we ought to tremble when we hold up our hand as to whose oath we are taking—loyalty to our Constitution and the Government of the United States, or to the fetish of some foreign government to have their hands on our best military equipment. Who do we have an oath to? What is our responsibility—to keep someone happy overseas, or to protect our own servicemen who might have to fly into the face of a Soviet technological edge that we gave them? I don't want to go to those funerals.

But as I said, we did not listen to those voices in 1977 relative to the sales of AWACS to the Shah. We listened to those who told us not to worry about the security of the planes; we listened to those who assured us that the Shah was secure; we listened to those who spoke of assurances which would protect our equipment. And so the sale was approved and the planes were prepared for the Shah. Only the fall of the Shah before their delivery prevented them from taking a journey from America to the Soviet Union via Iran. But that was the route, according to Under Secretary of State Buckley, that some of our other equipment, including sensitive missile technology, took.

And now we are hearing it all again. We are told that Saudi Arabia is secure. We are told that assurances will protect our technology. We are told not to worry. But I am worried. And I do not want to see this country make the same mistake in 1981 that we made in 1977.

But this is not 1977 of course. And some, I suppose, would suggest that this analogy is not persuasive. I suppose those are some of the same people who would reject any analogy to 1980. Because in 1980 we were told by then candidate, Ronald Reagan, in a speech before the B'nai B'rith on September 3, that if the United States were ever to play a useful role in bringing peace to the Middle East, then our "most important (task is to) rebuild our lost reputation for trustworthiness. We must again become a Nation that can be relied upon to live up to our commitments."

When he uttered those words, Ronald Reagan was reminding his audience of a specific commitment. He was referring to the letter sent by Secretary of Defense Brown to the Congress of the United States when we were considering the sale of F–15's to Saudi Arabia. He knew that the letter pledged that "we do not intend to sell any other systems or armaments that could increase the range or enhance the ground attack capability of the F–15's." He knew as well about the letter from Assistant Secretary of State Bennett to Congressman LEE HAMILTON which indicated that "The Saudi Air Force is not scheduled to get the AIM–9L Sidewinder missile." He also knew that the same letter promised that "An F–15 sale will not lead to the sale of E2C or E3A (AWACS). The F–15 has an excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F–15, they would be more likely to seek an airborne radar system." Yes; the President was referring to those letters and those pledges and those promises when he spoke of the importance of living up to our commitments and keeping our word. In fact he excoriated his opponent's uncertain position on honoring those commitments when he complained that "the Secretary of Defense tells us he cannot say whether this commitment to Congress will be honored." But now President Reagan seeks to sweep aside those same commitments.

Be it 1977 or 1978 or 1980 or even 1981, it seems to me that there is a need to have some concern about the promises we make and the pledges we give.

To demonstrate that lack of consistency, I ask unanimous consent to insert at the conclusion of my remarks the letter of assurance we received from Secretary of Defense Brown and the letter sent to us today by President Reagan.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Given the consistency of the commitment to the pledges made in Secretary Brown's letter, I would suggest that we ought to view the promises of the President with at least a healthy degree of skepticism if not cynicism. I wish, then, that this administration was consistent in its concern about the consistency of our foreign policy.

I also wish they were concerned about the consistency of the process by which foreign policy decisions are made. As I have indicated in the additional views I attached to the report of the Armed Services Committee on this sale and in my statement on the floor earlier this month, I have been deeply disturbed by the way in which our Government decided to sell the AIM–9L missile to Saudi Arabia. While the transfer of this kind of highly secret and sophisticated technology to other nations is normally cleared through the National Disclosure Policy Committee, in the case of this sale and this missile that process was ignored. An exception was made and the committee was bypassed. Secretary of Defense Weinberger, when I questioned him about this, told me that the President himself had authorized this decision. While no one knows for sure that the committee would have opposed the sale, I can say that they certainly would have heard some strong arguments in opposition to the sale from the military. I would emphasize for my colleagues the fact that the Secretary of the Navy is on record, as recently as May 1980, as objecting to proposed transfers of the AIM–9L. The Secretary wrote then that—

The Navy does not concur in the sale of the AIM–9L to neutral or third world countries . . . For the foreseeable future.

That objection was an echo of an objection the Navy raised just a month before, to the proposed sale of the AIM–9L to Egypt. Yet despite this record, the inclusion of the AIM–9L in this package was not presented to the National Disclosure Policy Committee for their consideration. Nor was the fact that Saudi Arabia is not cleared to receive classified material of the kind associated with the AIM–9L.

Given the importance that opponents and even some proponents of the sale attach to Israel's security and their stated desire not to diminish or decrease the military balance in the region, I believe it is important to emphasize the fact that Saudi possession of the AIM–9L will minimize the much vaunted Israeli military advantage. That advantage has been built on the superior skill and talent of her pilots. But the AIM–9L is what is sometimes called an idiot proof weapon. By eliminating the need for pilots to maneuver in behind their opponents, it erodes the advantage which Israel's superior skill has given her. And in that sense, it does significantly alter the balance of military forces in the region as well as expose a highly sophisticated and secret American technology to the possibility of compromise.

The administration has tended to gloss over this argument. It took over 2 weeks, for example, for them to respond to a series of questions I asked about this issue in hearings before the Armed Services Committee. It was just this morning that I received answers to all of the questions I asked about this issue. I can understand their reluctance to address this issue. I just wish it was not the only issue they were reluctant to address.

But there are others. For example, we have still not seen in writing the assurances we are told have been negotiated between our Government and the Government of Saudi Arabia. While the administration has told us time and time again that there are agreements and that they go beyond those normally involved in transfers of this kind of technology, we have not seen them. We have not even seen written summaries of any oral understandings which were allegedly reached during the negotiations. In fact, we are told that we do not really need to see them now, since the sale itself will not be consummated for 4 years. Those assurances, we are told, really become operative then. Well, I do not think that the Senate or the people of the United States ought to be asked to accept secret agreements or have faith that somehow in the next 4 years things can be worked out. That just is not the way we ought to make policy.

And we also ought not make policy commitments now on the belief that if things do not work out over the next 4 years, we can always change our minds and just not go through with the sale. With all due respect to those who have advanced this position and used it to minimize the importance of the decision we will make here today, I simply find it to be an amazing argument. Once a commitment of this nature has been made, once Saudi Arabia has what is in essence a contract with us, does anyone

seriously believe we will back out of the deal? And given all the pressures of the last week and all the public statements made by the administration, does anyone seriously believe that the executive branch would want to back out of this deal? No, I am afraid that this attempt to soothe our concerns will not wash. All I see in this argument is an attempt to pass onto the next generation the sins of our own.

No, the arguments being used to justify this sale are not persuasive. They are not accurate. They are not straightforward. They are, however, based on a misreading of events and a mistaken view of the President's authority to make foreign policy commitments without the consent of the Congress.

The arguments against this sale are compelling. First, this sale is irrelevant to Saudi Arabia's principal defense needs. To the extent that AWACS and the early warning system they provide is essential for Saudi security, that function can be provided, as it is now, by American-owned and operated AWACS. And if Saudi sovereignty and pride are advanced as a reason for their need to own rather than simply use these planes, I must confess that I do not believe that Saudi concern for saving face sprang up overnight. They accepted American-owned and operated AWACS in the past and we could have at least talked with them about continuing that arrangement instead of simply ignoring that possibility. Or, at worst, we could have pointed to the NATO model of joint command and control. So while I recognize the right of Saudi Arabia to be a proud and sovereign state, I would point out that other proud and sovereign states—like those in NATO—who felt that AWACS was essential to their security have accepted something less than full ownership of those planes in return for the protection they provide.

There is, then, a way in which Saudi security—to the extent it relies on an early warning system—could have been protected while America's need to safeguard was preserved.

But I do not believe that an objective analysis indicates that Saudi Arabia's main security needs depend on early warning radar systems. I recognize that this administration—after previously claiming that we lacked the ability to make the Carter doctrine real—says it seeks to create a strategic consensus designed to thwart Soviet expansion in the Persian Gulf. Since this is as close as the administration has come to having a foreign policy, I do not want to be overly critical of the concept. But I must share the concern of Senator ROBERT C. BYRD and others about the viability of a strategic consensus in the absence of any policy designed to address the problems that the nations in the Middle East see as most pressing.

And I must also confess that I do not understand how we can demonstrate our commitment to block Soviet expansion in the region by selling AWACS—which we admit will not allow the Saudis to defeat an all-out Soviet air attack—when at the same time the administration is proposing cutbacks in our naval carrier task forces in the region and eliminating programs designed to improve our refueling and cargo carrying capacity to the region.

Be that as it may, however, my point is simply that the main threat to the Saudis is not to be found in Soviet air attacks or even invasion by Soviet proxies. AWACS will not thwart the kind of internal subversion which led to the assassination of Anwar Sadat. AWACS are helpless before the Moslem fundamentalists who seized the mosque in 1979. And AWACS cannot defend the royal family in the face of public domestic unrest. The Soviets do not need to consider the sweeping sort of air attack that AWACS will defend against to achieve their goals. There are less massive and more effective means available to them; means which totally evade the protection that AWACS in Saudi or American hands will provide.

Despite my reservations about the value of AWACS, the Saudis certainly seem to feel that they are essential elements in their national defense plans. Given the importance they attach to the sale, both symbolically and substantively, one would assume that they would be willing to try and reach some accommodations on those issues which have, at one point or another, concerned 68 Senators enough to justify their sending a letter to President Carter opposing any exploration of this sale. But the Saudis have not made any moves toward a middle ground. They have rejected any and all proposals involving joint command and control. In fact, they have rejected any suggestion that any restraints at all can be placed on their use of this equipment.

Given their record of intransigence when something that they apparently desperately want is at stake, grave doubts have just got to be created about the often expressed hope that this sale will give us leverage over the Saudis and allow us to exert an influence over their behavior in the Middle East. If we cannot get them to recognize our right to jointly command and control the planes, how can we expect them to recognize Israel's right to exist? If we cannot get them to negotiate with us about how the planes will be used, how can we expect them to negotiate a peace in the Middle East?

I know that we have all fallen into the habit of referring to Saudi Arabia as a moderate Arab State. But I would remind my colleagues that we can only apply the term moderate to the Saudis if we contrast their behavior with the murderous frenzy of a state like Libya. It is difficult to really believe that a state is moderate when it has undermined the Camp David peace process, provided assistance to the PLO, opposed any American military bases in the Middle East and denounced the hostage rescue mission as American military aggression. It is hard to label as moderate Sheik Yamani's claim in April 1981 that—

> To the Saudis, there are only two threats in this world—international communism and Israel. . . . The second (Israel) is far more tangible and more in evidence than the first, and an actual danger is obviously worse than a potential danger.

And it is hard to view as moderate Crown Prince Fahd's January 1981 pledge that—

> We are for an all-out holy Islamic struggle in all aspects, with speech and all the resources of the media, with men, materiel, with knowledge and with weapons.

Given all of this, it is hard to believe that the Saudis will take their sophisticated American military equipment and move to the sidelines if Arab States carry out their continuing threat of Jihad and engage in yet another attack on Israel. Indeed, to the extent that a successful sale is seen as tilting Saudi Arabia toward the West, there will be an irresistible pressure on them to keep their commitments to the Arab front in any conflict with Israel.

The administration has tried to allay this concern by assuring us that if the Saudis fly their planes in an offensive or provocative way, then Israel can simply shoot them down. Now that would be marvelous advice save for the fact that they have also told us that Americans will be on those planes for many years to come. And it is also not very useful advice when one considers that the diversion of Israeli aircraft to such a mission would have severe implications for her other defense needs during a conflict.

The question, then, really is why in the world would we want to sell AWACS and AIM-9L's to Saudi Arabia? Why give them control over this technology? Why turn over our planes to them when we have not even turned them over to our NATO allies? Why give them the AIM-9L when they are not eligible to receive it?

The one answer that emerges is the hope that in some way the sale will make the Saudis more pliable, more receptive to American interests in the Middle East, more willing to participate in the search for peace. Given their record, I find that a dubious argument at best. And given the fetish this administration has had about linkage, I find their argument in this area particularly shallow.

While we have delayed crucial discussion with the Soviets because we have not had adequate assurances that their behavior on a host of important but unrelated international issues will meet our standards, we are willing to sell AWACS and AIM-9L's based on a wing and a prayer that Saudi Arabia will turn around. We have no agreement that they will participate in Camp David. We have no agreement that even suggests they will decrease their funding of the PLO. We have no agreement that they will allow U.S. troops to have access to their bases. We have nothing except some undocumented, unconfirmed assurances that somehow this sale will make the Saudis more cooperative in the future.

If anyone suggested that we apply a similar standard to our negotiations with the Soviets, they would be branded as wild idealists and run out of town on a rail—and they would deserve it.

My doubts about Saudi behavior are only strengthened by my memory of past assurances that if we simply did this or that they would turn around. That was,

after all, a major argument advanced in support of the F–15 sale in 1978. And like so many of the arguments used then, this one has resurfaced. But of all the arguments which have returned to haunt us again, this one rings the most hollow. We believed it before. And we should have learned enough not to listen to it again.

What leverage did we get from the 1978 sale? We told the Saudis then that they would not get conformal fuel tanks or AIM–9L's or AWACS. And we were told that they would not ask for them. Well, they are asking.

We were told they would moderate their role in the Middle East if we just sold them those F–15's and showed our respect for them. Perhaps the most powerful symbol of that moderation was their failure to even send a representative to the funeral of Anwar Sadat.

We were told that they would be more open to American concerns if the sale went through. But the only concern they have expressed about America is whether or not we can pass this latest, but not last, litmus test of our relationship with them.

I ask my colleagues to recognize that litmus tests never end. Once we accept the premise that any of our allies—be they Arab or Israeli or European—can impose a litmus test on our relationship with them, we have surrendered control over our own foreign policy.

Let me make one final point before I conclude. Many of my colleagues have suggested that we really cannot afford to look at this sale critically. They believe, sincerely, I am sure, that since the President of the United States has told the Saudis that he favors this sale, we are obligated to back him up no matter how much we disagree with him. I have a great deal of respect for the Presidency. But I have at least as much respect for this institution and even more respect for this country.

This institution has a constitutional right to critically examine the President's decision and a legal obligation to disapprove this sale if we do not think it serves our Nation's best interests. Our role in this constitutional system is to serve as a check on the President; not to give him a blank check. I believe the President is sincere in his belief that this sale is in the national interest. But opponents are equally sincere in our beliefs that it is not, and as a result, we have a solemn duty to do all we can to prevent this country from making what I fear is a tragic error. As William Safire wrote in the October 15, 1981, New York Times:

> As a former Presidential aide, I recall all too well the temptation to quiet the voices of friends warning of danger with a blast about "weakening the Presidency." But it is the demand to close ranks regardless of conscience that weakens the Presidency.

In conclusion, I wish with all my heart that the President had given us a proposal I could support: One with a system of meaningful joint control and command over the AWACS; one which gave us control over where those planes fly, control over access to the information they produce, and control so we could assure that they could make a speedy exit from Saudi Arabia in case of emergency; a proposal which did not include offensive weapons for the F–15's. But he did not give us such a proposal. And the one he has given us I cannot support.

In voting against it, however, I am not voting against a continued and strengthened relationship with Saudi Arabia. Even given all of my reservations about their role in the conflicts which continually threaten the peace, I believe we can and should work toward a closer relationship with them. I just want that relationship to be fair, balanced and consistent with American security interests.

This sale violates our pledge to protect and defend the interests of the United States. It is inconsistent with our national security. It is ill advised and poorly developed. Despite all the pressures, despite the references to loyalty and patriotism, the plain fact is that this sale does not warrant—and ought not command—the support of the U.S. Senate.

EXHIBIT 1

SECRETARY OF DEFENSE,
Washington, D.C., May 9, 1978.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During recent conversations with you and other members of your Committee, a number of questions have been raised regarding the characteristics of the F–15 aircraft we propose to sell to Saudi Arabia and reassurances as to the purposes for which Saudi Arabia will use the aircraft. I would like to respond to those questions and attempt to resolve any uncertainties that members may have felt regarding the proposed sale.

I. THE F–15 AIRCRAFT

The F–15 we plan to sell to Saudi Arabia will have the same configurations as the interceptor model approved for the United States Air Force. During the developmental phase of the F–15, initial plans called for giving the aircraft a ground attack capability. However, the availability of other aircraft with superior strike capabilities led the Air Force to alter its plans and to limit the role of the F–15 to that of an air superiority fighter. Consequently, the development of new ground attack systems for the F–15 was discontinued in 1975.

Saudi Arabia chose the F–15 because of its extended patrol capability and superior air defense characteristics (including an advanced, all-weather air-to-air radar system). The F–15 best meets Saudi Arabian requirements for the air defense of a vast territory. In choosing the F–15, Saudi Arabia rejected aircraft with powerful ground attack capabilities such as the F–16.

As Saudi Arabia has selected the F–15 to defend its national territory, it would be folly, as the Chairman designate of the JCS, General David Jones, USAF, observed in testimony, to use the F–15 offensively against neighboring countries. This is particularly so vis-a-vis Israel, whose air strength is, and will be, so much greater. Not only would the F–15 be relatively ineffective in an offensive mode, and the risk of loss of the aircraft high, but its use away from Saudi Arabia would leave vital oil facilities, urban centers and military installations without necessary air defense cover. From the standpoint of military planning, it would make no sense whatsoever for Saudi Arabia to acquire an aircraft with the characteristics of the F–15 with an idea of using it as a ground attack aircraft. I am confident the Saudis have no such intention.

Like the USAF model, the F–15 for Saudi Arabia will be equipped with air defense armament, namely four AIM–9 Sidewinder air-to-air missiles, four AIM–7 Sparrow air-to-air missiles and a 20-mm gun.

The aircraft can carry three external fuel tanks, but the plane requested by Saudi Arabia will not be equipped with special features that could give it additional range. Specifically, the planes will not have conformal fuel tanks ("fast packs"), i.e., auxiliary fuel tanks that conform to the body of the plane, and Saudi Arabian KC–130 tankers do not have equipment for air refueling of the F–15.

Saudi Arabia has not requested that the plane be outfitted with Multiple Ejection racks (MER 200) which would allow the plane to carry a substantial bomb load. The U.S. will not furnish such MERs, and testing and certification of a MER system for the F–15 would not be feasible by another country without U.S. authorization. While aircraft could conceivably carry three standard MK 84 bombs, they would each replace an external fuel tank; this would greatly shorten the aircraft's range and increase its vulnerability. Moreover, in contrast to the F–16, the F–15 does not have a radar system designed for bombing.

Saudi Arabia has not requested nor do we intend to sell any other systems or armaments that would increase the range or enhance the ground attack capability of the F–15.

Pursuant to our national security disclosure policy, certain highly sensitive subcomponents of the U.S. Air Force version of the F–15 (e.g., cryptologic equipment and some special electronic capabilities) will not be sold to Saudi Arabia.

In sum, it is clear that the F–15 will help Saudi Arabia deter and defend against those nations that are hostile to its role as a leading moderate Arab state.

II. ASSURANCES

The Government of Saudi Arabia has assured us that it has no aggressive intentions against any state, that it will use the F–15 aircraft only in furtherance of its legitimate self-defense, and that it will not employ the aircraft offensively. The Saudi Arabian Government has similarly assured us that it will not transfer the F–15 aircraft to any third country or permit the nationals of such country to train on the F–15 aircraft, serve as pilot, or otherwise to have access to the aircraft without the authorization of the United States.

We have specifically discussed these restrictions on use and prohibitions on transfer with the Government of Saudi Arabia. They have assured us that they intend scrupulously to comply with these prohibitions and restrictions. The record of Saudi Arabia in this respect is excellent. However, should the assurances be violated, the United States can take appropriate action, including suspension of services and of delivery of spare parts and other military equipment. Without such services the usability of the F–15 would degrade rapidly.

It is also important to note that the sales agreement reserves to the United States the right to suspend or cancel deliveries at any time "when the national interest of the United States so requires." Further, under Section 21(c) of the Arms Export Control Act, no U.S. person employed under Foreign Military Sales contracts in Saudi Arabia or any other country would be permitted to perform services in support of combat operations.

Questions have been raised concerning the possible basing of the F–15 aircraft at Tabuk Air Base. I would like to repeat to you the assurance given to me and other United States officials by the Saudi Arabian Government that Saudi Arabia will base the F–15 aircraft, not at Tabuk, but at Dhahran, Taif and possibly at Riyadh or Khamis Mushait.

Basing the F-15 at the vulnerable Tabuk base could place in needless jeopardy these vital aircraft which will form the heart of the Saudi Arabian air defense system. In addition, Tabuk is not equipped to serve as an operating base for the F-15s, and could not be so equipped without extensive U.S. assistance which would not be provided. These practical considerations, of which Saudi Arabia is well aware, strengthen the assurances that the F-15s will not be based at Tabuk.

The question has also been raised whether the Government of Saudi Arabia intends to acquire additional combat aircraft from other countries. The Saudi Arabian Government has assured us that it does not intend to add to its inventory any combat aircraft from other countries while it is preparing for and receiving the sixty F-15s. The shortage of trained personnel in Saudi Arabia would severely constrain Saudi Arabia's ability to utilize any additional new aircraft beyond the F-15 during this period.

With respect to the security of the aircraft, the Government of Saudi Arabia has expressed its determination to provide carefully for the physical protection of the aircraft, manuals and other material related to it. Prior to the delivery of the aircraft, we will work with the Government of Saudi Arabia to ensure that adequate safeguards are in place to prevent unauthorized persons from obtaining access to the aircraft or information about it.

The proposal with respect to Saudi Arabia, like all such proposals, stands on its own merits, and I hope the foregoing information will be helpful to you and that you and the members of your Committee will join in support of the Administration's proposals to sell aircraft to Israel, Egypt and Saudi Arabia.

Sincerely,

HAROLD BROWN.

(President Reagan's letter is printed earlier in today's RECORD.)

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I believe Senator ROTH is on his way to the floor to speak next but, in that interim, I would like to make several points that I would hope my colleagues will keep in mind.

First of all, there has been little discussion of the AIM-9L missile in this whole package. You would think it was merely a debate on AWACS. Yet an equally dangerous aspect of the sale is the AIM-9L missile, the technology of which no one in the world has but us, and the provisions relating to onsite inspection and prohibitions on third country maintenance, clearance, and screening, and all of these things that the President assured some of my colleagues in letters he sent to them, did not, as I read the letters, apply to that missile.

One should also understand that there is not and has not been any certainty of a time when the Soviets would have this technology for an all-aspect missile. Reports to the Intelligence Committee are much more guarded than all the talk that is so easily bantered around about how the AIM-9L missile tcehnology is something the Soviets are about to have, and, also the talk about how soon the Soviets are going to have, an AWACS capability.

So I think we have done a great job here in underselling the lethal aspect of the AIM-9L missile and the sophistication of the AWACS aircraft in order to accommodate a foreign policy decision the President has made.

I would like my colleagues to keep a few other things in mind. If we go into closed session, we will talk a little bit about them, and one is the capability of the Saudi Air Force. Saudi Arabia right now has 140 aircraft, with F-15's still to come. If the threat is from the Soviets, who have 5,000 aircraft which they could dedicate to the effort, Saudi capabilities would not make a whole lot of difference. I do not think there are 150 Saudi Arabian qualified pilots, and if we are talking about the Saudis scrambling in a few minutes to cut off an attack from Iran coming across the gulf, with all due respect, our friends from Saudi Arabia have trouble scrambling their camels in 15 minutes, let alone the F-15's.

The 7-minute warning time that this would give them in additional time seems to me an enormous price to pay.

But I see the Senator from Arizona has arrived, and I will reserve the rest of my comments for later in this debate.

I now yield to the Senator from Arizona, Senator DECONCINI, 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Delaware for yielding to me.

I am listening to much of the debate and discussion on the AWACS sale and I am realistic enough to know that my statement this afternoon is not going to change anybody's mind or vote. All the arm-twisting and persuasion has already been accomplished, of that I am convinced and I am somewhat disappointed, I must say. But I think it is important that those of us who have strong feelings on this issue take a little time and present those feelings to this body.

These are feelings of mine that have been of longstanding, feelings that I had very similar to those when President Carter proposed the sale of the F-15's in 1978.

The debate regarding the sale of AWACS and F-15 enhancements began long before the administration's official proposal of the sale on August 24, 1981, and has its roots in the 1978 decision to sell F-15's to Saudia Arabia. Today that debate draws to a close. Our colleagues in the other body have voted overwhelmingly against the sale, and it is up to us to make the final decision to reject or approve the sale.

I have given much time and thought to this decision. I inspected the AWACS-equipped plane which the administration made available to Congress about 6 weeks ago. I have listened carefully to administration briefings and to the views of authorities on both sides of the issue, and a flood of correspondence from Arizonans who favor and who oppose the proposed sale has reached my office. They have been reviewed carefully by myself as well as members of my staff.

In the first 10 months of his administration, meaning President Reagan's administration, I have done my best to support the administration when I believed they were right, and many times I think they were right. When I met with the President recently regarding the proposed sale, our frank and open discussion explored in depth the advantages and disadvantages. I suggested modifications to the sale which I believe would make it more in keeping with U.S. security interests in the Middle East. However, due to commitments that had already been made to the Saudis, the President felt that any meaningful change was unacceptable.

I am firmly convinced that the proposed sale—the AWACS-equipped planes as well as the F-15 enhancements—would be harmful to vital American interests in the Middle East. My decision is based on three arguments, each of which I believe, is strong enough in itself to justify opposing the sale.

My first reason for opposing the sale involves the highly sophisticated and powerful nature of the main features of the package. The $8.5 billion worth of arms and equipment may be the largest weapons sale in history. It includes five Boeing 707 aircraft equipped with E-3A airborne warning and control systems, commonly known as AWACS; 1,177 AIM-9L Sidewinder air-to-air missiles; 6 KC-707 aerial refueling tankers; 101 pairs of conformal F-15 fuel pods and 22 ground radar intercept stations.

AWACS without a doubt has impressive capabilities. Although the administration attempts to play down its technological sophistication, no one that I know would dispute the fact that it is the most advanced airborne warning system in existence. If this sale is approved no other single nation will have such an advanced system. The Israelis do not have AWACS: They have the less capable E-2C Hawkeye system. Our NATO allies do not individually have AWACS. At least we maintain control in their use and will in the future, when they are turned over, as I understand, sometime next year, have a large percentage of the crews on each one of those.

At a mission altitude of 29,000 feet, AWACS can detect low flying small fighter aircraft at ranges of about 200 statute miles, medium-size aircraft at about 275 statute miles, and high altitude bomber-size aircraft at over 400 statute miles. However, while the AWACS have been portrayed as a defensive weapon, its real value is as an airborne command and control center. AWACS could control a multifaceted air attack while simultaneously directing defensive efforts against a counterattack. AWACS is an extremely effective "force multiplier," because an enemy has to be willing to expend a significantly greater portion of its strength to eliminate it or to combat a force commanded and controlled by AWACS.

Traditionally in the Middle East, Israel's air superiority has offset its 100 to 1 disadvantage in manpower, thus preserving a rough military balance in the area leading to a degree of stability. The AWACS sale could profoundly affect that balance—particularly the perception of that balance—and precipitate a dangerous regional conflict with the gravest implications for U.S. security.

The enhanced F-15's, particularly when used in conjunction with AWACS, could be used by Saudi Arabia to help settle any number of old scores in the Middle East. When its range is extended

through the addition of conformal tanks and the use of KC–707 tankers—which can refuel AWACS planes as well as the F–15's and the F–5's which the Saudis already have—the Saudis could fly to and engage in aerial combat virtually anywhere in the Middle East, Persian Gulf and Indian Ocean region and maybe even beyond that part of the world.

When the AIM–9L Sidewinder, a state-of-the-art, air-to-air missile is added to the F–15, the aircraft's inherent force projection capability will be enough to shake up any neighboring state's defense planning. The Sidewinder is the best we have and Colonel Qadhafi can testify to its effectiveness because two of his planes were shot down with them.

My second reason for opposing the sale is based on the nature of the Saudi Government. A variety of Saudi actions and threats make me feel strongly that although they are adequate partners when our interests coincide, when our interests differ, they are unwilling to compromise or to be flexible. This lack of willingness to accommodate in order to attain long-term advantages can be seen in the issue which faces us today.

I firmly believe that many votes in this body might have changed had the Saudis publicly given assurances that they welcome cooperation with the United States instead of forcing the administration to say very, very quietly that such assurances exist, albeit not officially, and that even if there are no assurances, we have ways of making the AWACS disfunctional. But the fact is, the Saudis seem to have insisted on the United States selling it five AWACS precisely because they want to remove American control. Otherwise, you would think they would be content with the considerably cheaper and more effective option of keeping American-operated AWACS in Saudi Arabia.

Other examples of this lack of flexibility impact directly on the central U.S. goal of maintaining lasting peace and stability in the Middle East: Saudi Arabia has condemned the Camp David accords. Saudi Arabia finances the PLO to the tune of hundreds of millions of dollars per year. As recently as January of this year, Saudi Arabia called for a holy war against Israel. Saudi Arabia suspended diplomatic relations with Egypt and led the Arab boycott of Egypt. Saudi Arabia has blocked Israeli ships from using the Suez Canal.

I suspect that this inflexibility is due to a variety of factors, none of which is reassuring. Perhaps some of it is inherent in the Arab/Moslem culture. Or perhaps the Saudis do not see the Soviet Union as a significant threat. I have had many people explain this inflexibility to be a sort of facade that the Saudi leadership puts on in order to appease its followers.

This to me is probably the most disturbing of all possible rationales because it points to a basic source of instability in the Saudi regime—an instability that is reminiscent of the power base which caused the Shah of Iran's downfall and the rise of the Ayatollah Khomeini. The Saudi regime has already faced riots in its oil-rich eastern province and has had to handle—and none too efficiently, I might add—the seizure of the mosque at Mecca. The risks attached to loss or misuse of the top of the line items of technology which are included in this package are too great to justify their sale to a regime with these problems of instability and inflexibility.

My third reason for opposing the sale involves the content of the deal which the administration struck with the Saudis. The process of transferring high technology American weapons to Saudi Arabia began in 1978 with the sale of the F–15's. At that time, President Carter made essentially the same arguments that the Reagan administration has been making. I could not then accept the proposition that dramatic increases in Saudi Arabian weapons' capabilities would promote stability in the Midle East, just as I cannot accept that argument now.

However, when President Carter lobbied Congress on the original F–15's sale, assurances were given that AWACS and advanced Sidewinders would not be sold to the Saudis. Furthermore, in a May 9, 1978 letter to the Senate Foreign Relations Committee, Secretary of Defense Brown gave specific assurances regarding the limitations of the offensive capabilities of F–15's to be sold to the Saudis.

Among these limitations were the decision not to supply conformal fuel tanks or tankers which could refuel the F–15's. Specifically, Secretary Brown stated:

> Saudi Arabia has not requested nor do we intend to sell any other systems or armaments that would increase the range or enhance the ground attack capability of the F–15.

Two points must be made regarding these assurances. First, if these assurances had not been made, the original F–15 sale would probably not have been approved. Yet, now the Reagan administration is violating those assurances without showing any specific need for violating them. These assurances could be kept by retaining the currently operative arrangements of maintaining American-controlled AWACS in Saudi Arabia. Second, the Saudis accepted the constraints imposed by those assurances, but now they are insisting that the United States is somehow obliged to remove these constraints. I cannot help but wonder when such demands will end.

During the campaign, President Reagan repeatedly criticized the Carter administration for not bargaining effectively. Unfortunately, the example of this sale indicates that President Reagan did not learn the lessons which were recognized by candidate Reagan. The bargain struck with the Saudis is one sided.

In return for our most sophisticated weaponry, we receive virtually nothing. We receive no assurances that the Saudis will assist in the Middle East peace process. We receive no assurances that the Saudis will move toward recognition of Israel. We receive no assurances that the Saudis will stop financing the terrorist activities of the PLO. We receive no commitment to permit the stationing of American troops and equipment on Saudi soil to make our defense of the Persian Gulf effective, and, unlike the original sale of F–15's, we do not even receive assurances that this will be the last Saudi demand for advanced U.S. weaponry.

Frankly, I do not understand why the administration did not receive assurances along these lines. I recognize that the administration is attempting to pursue an evenhanded policy in the Middle East, and I fully endorse a strategy, but this lopsided sales does not accomplish that end.

Perhaps if the Saudis had been approached with a proposal involving joint control of the AWACS early on in the game, they would not be so locked into one position. Other options which might have made this sale more palatable but which apparently were not explored include selling the less powerful Hawkeye airborne radar system, leasing the AWACS or deleting or separating into two packages the items included in the proposed sale.

Perhaps the best alternative that the administration could have pursued was to reject the idea of selling these highly advanced complex pieces of equipment which are designed to be used against an external threat and concentrated instead on assisting the Saudis in dealing with interal disruption. Currently the Saudis have turned to Pakistani mercenaries to help deal with these types of threats. Adm. Stansfield Turner makes this argument very persuasively and I will ask at the conclusion of my remarks that his April 23, 1981, column from the Washington Post be printed in the RECORD.

Mr. President, I sincerely hope that if any lessons are learned from the months of debate about this sale, one such lesson will be that the President must work with Congress in making decisions which have such sweeping ramifications. In negotiating this sale, the administration made an unwise commitment to Saudi Arabia which, under law, Congress must evaluate.

Now the President argues that to deny his request will undermine his foreign policy. But Congress has a constitutionally mandated role in making foreign policy, and the President must not forget that role. This is a nation of laws, and the President is not above them. We should not ratify a bad decision simply because the administration made it. We would be abdicating our responsibility to the law and to the people who elected us were we to support a President regardless of what he does.

In sum, Mr. President, the sale of AWACS and F–15 enhancements is a bad idea. It adds another element of instability into the Middle East which could easily prove disastrous. It exposes our most sophisticated weaponry to capture by enemy forces. And, it is a bad bargain to boot—a poorly conceived and negotiated agreement that the administration rushed into without due consideration.

Mr. President, I ask unanimous consent that along with the Stansfield Turner article, a newsletter which I sent to my constituents and a recent Washington Post article by George Will be printed at this point into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO TO AWACS

(By Stansfield Turner)

For more than 20 years, the United States helped the shah of Iran to build that country into the strongest military power in the Middle East. The shah's taste for the most sophisticated military hardware in our inventory was legend, and his shopping list was long, although Iran, a nation of 36 million, lacked the technical expertise to maintain and fully use the equipment it bought. Accordingly, it also had to purchase foreign technical help and support to keep its military machine running. We all know what happened.

In 1978, the Carter administration, with the consent of Congress, agreed to sell our newest and most advanced fighter aircraft, the F15, to Saudi Arabia. Because of the potential threat to Israel, Congress was explicitly promised that we would not also sell the Saudis the external fuel tanks that would extend the F15's range, or bomb racks that would turn it into an attack aircraft. By the spring of 1980, the Saudis were back asking for these external equipments as well as the super-sophisticated Airborne Warning and Command Aircraft, AWACS. AWACS is a Boeing 707 with a large rotating radar antenna on top and as vast complex of computer systems inside. It detects other aircraft at great distances, and tracks all air activity within its zone of coverage.

The Saudi national for their need for these additional F15 equipments and AWACS was that their situation had changed since they contracted for their F15s in 1978. Specifically, Iran had fallen into less friendly hands, and the Soviets had invaded Afghanistan. It would, therefore, be in the best interest of both the United States and Saudi Arabia—unquestionably a pro-Western force in the Middle East—for the Saudis to strengthen their ability to counter any other hostile moves in the region.

Their real concern, which was not a part of their argument, was that two years had elapsed and the Saudis had not seen enough progress on the Israeli-Palestinian issue. To test our resolve to push for a solution acceptable to the Arabs, the Saudis were asking us to take an action that would be opposed by Israel. It was one way to test whether we would eventually pressure Israel into making concessions on the Palestinian question. The Saudis were also buying time for themselves with the radical Arabs. By obtaining such a visible symbol of U.S. support, they could demonstrate to the radicals that their limited association with the United States had value. They thereby hoped to ward off additional pressures from the Arab radicals to break with the United States or even to use the oil weapon as a means of pressuring the United States to force concessions on Israel.

Having given the Saudis the F-15s in 1978, it would be difficult to deny them the extra equipments under the present circumstances. Admittedly, long-range F-15s and the AWACS in Saudi hands will present some added risk to the Israelis, but they are fully capable of handling it.

Whether we should permit the Saudis to purchase AWACS is another question. The Saudis are our friends. Providing them with AWACS would not be a friendly act because it would not be in their best interests. It is such a complex piece of military equipment that there is no way the Saudi military establishment could operate or maintain a fleet of them on its own. Saudi Arabia has only 4 million people on which to draw and has a lesser level of education than Iran. Even with extensive outside technical assistance, sustaining the AWACS would be a severe drain on the Saudi military technical resources. In the long run, they would resent the fact that they could not operate the AWACS and that they remained dependent on us.

More important, it would distract the attention of the Saudi leadership from more urgent military tasks. The most likely threats to Saudi Arabia are internal disorder or rebellion and guerrilla warfare, encouraged and supported by its neighbors. It would be wishful thinking to believe that a nation in as great a state of flux as is Saudi Arabia today would not be subject to domestic unrest or subversion. When such troubles develop, the Saudi security forces must have the capability of grappling with them.

In November 1979, Saudi military and domestic security forces proved themselves quite inept in quelling a minor disruption at the Great Mosque in Mecca. This was apparently a purely domestic matter, but in the future the Saudis must worry about subversion formented by South Yemen, where the Soviets have a strong foothold; disorders in the vital oil fields, where there are large numbers of Shia Muslims who may be responsive to the Khomeini revolutionary movement; and perhaps even armed clashes with neighboring Iraq. The Saudis are not well prepared for any of these contingencies today. They have turned to Pakistan to supply mercenaries to help them, but the monarchy should have military and internal security forces of its own that are loyal and under its full control.

Against this background, it would be irresponsible for us to help them prepare to defeat a sophisticated air threat, for which the AWACS was designed and which has a low probability of occurring, when they are incapable of handling the more elementary threats of insurrection and guerrilla warfare that are highly probable. As friends, we should try to draw their attention to the realities of their situation. They do not need the AWACS nearly as much as they need other forms of military equipment and training. There is no way they can absorb AWACS into their military structure without detracting from their primary concerns. Even if there are short-term advantages to the United States in establishing some continuing military presence on the Arabian peninsula through the provision of AWACS, we should forgo that in favor of doing what a genuine and long-term friend would do: Be frank and put the friend's interests up front. That is the only way to protect our interests, anyway. Clearly this will not be an immediately popular response, but friends should not aspire to popularity.

We can mitigate the impact on the Saudis of turning them down on AWACS. We could give them a squadron of F15s immediately, several years ahead of the delivery of those they are purchasing. The U.S. Air Force would have to maintain and operate these for them for several years while Saudi pilots and mechanics complete their training. The Saudis, however, would see that we are serious about helping them all we can. They would also see, in time, that the way to be a friend is to be honest and frank rather than to say yes to an ill-advised request.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

AWACS/F-15 SALE HARMFUL TO U.S. INTERESTS

I recently met with President Reagan to discuss the proposed sale of AWACS and the F-15 enhancement package to Saudi Arabia. Our frank and open exchange explored in detail the advantages and disadvantages of the sale. Although the President clearly articulated the Administration's point of view, I came away from the meeting convinced that this sale would neither serve American strategic interests or promote the peace in the volatile Middle East.

I have given much time and thought to this decision. I inspected the AWACS-equipped plane which the Administration made available to Congress. I have listened carefully to Administration briefings and to the views of authorities on both sides of this controversial issue. I read letters from and talked to Arizonans who favor and who oppose the proposed sale. I have done my best to support the President in the past. In fact, in my conversation with the President, I proposed modifications to the sale more in keeping with U.S. security interests in the Middle East. Because of the President's previous commitments to Saudi Arabia, he feels that any meaningful change is unacceptable. I am firmly convinced that the proposed sale of AWACS planes and F-15 enhancements to Saudi Arabia would be harmful to vital American interests in the Middle East. I would like to take this opportunity to tell you my reasons for opposing the sale.

AWACS, F-15'S AND SIDEWINDER MISSILES ARE POTENT WEAPONS

While the AWACS have been portrayed as a defensive weapon, its real value is as an airborne command and control center. AWACS could coordinate a multi-faceted air attack while simultaneously directing defensive efforts against counter-attack. Traditionally in the Middle East, Israel's air superiority has, in the past, offset its 100-to-one disadvantage in manpower, thus preserving a rough military balance in the area leading to a modicum of stability. The AWACS sale could profoundly affect that balance and precipitate a dangerous regional conflict.

AWACS, particularly when used in conjunction with F-15s or other weapons, could be used by Saudi Arabia to help settle any number of old scores in the Middle East. For example, the AIM-9L Sidewinder missile, 1,777 of which are included in the proposal package, is a state-of-the-art air-to-air missile. It's the best we have, and its effectiveness was shown recently by the U.S.-Libyan air battle. This missile, and the added fuel capacity which will also be supplied if the proposed sale is completed, will make the Saudis' F-15 potent foes in any air conflict.

HIGH TECHNOLOGY AMERICAN WEAPONS MUST BE UNDER SAFE CONTROL

The process of transferring high technology American weapons to Saudi Arabia began in 1978 with the sale of 56 F-15s. At that time, President Carter made essentially the same arguments as the new Administration. I could not then accept the proposition that dramatic increases in Saudi Arabian weapons capabilities would promote stability, and I cannot accept it now. When President Carter lobbied Congress on the original F-15 sale (which I voted against) assurances were given that we would not sell enhancement packages in the future; that is precisely what the Administration now proposes. At that time, the Saudis accepted the constraints imposed by those assurances, and it is a widely held view that without these assurances the initial F-15 sale would not have been approved.

The only precedent for the proposed sale of the AWACS, our most sophisticated warning and battle control system, was set in 1977 when the sale of AWACS to Iran was approved. Had the delivery of the sale occurred prior to the Iranian revolution, AWACS would be in the hands of the Ayatollah Khomeini and who knows who else.

We do not sell AWACS to our NATO allies—we maintain American control. Yet, the Administration is now willing to give up that control to a regime which is not only unstable

politically and thus subject to overthrow, but a regime that has consistently opposed the Camp David peace process and which has financed the terrorist activities of the Palestinian Liberation Organization in the amount of $400 million last year alone!

SAUDI ARABIA GETS MUCH AND GIVES LITTLE

During the campaign, President Reagan repeatedly criticized the Carter Administration for not bargaining effectively. Much of that criticism was warranted, but unfortunately President Reagan's Administration has struck a very one-sided deal with the Saudis. In return for our most sophisticated weaponry, we receive virtually nothing. We receive no assurances that the Saudis will assist in the Middle East peace process; we receive no assurances that the Saudis will move toward recognition of Israel; we receive no assurances that they will stop financing the terrorist activities of the PLO; we receive no commitment to station American troops and equipment on Saudi soil to make our defense of the Persian Gulf effective, and, unlike the original sale of F–15s, we do not even receive assurances that this will be the last Saudi demand for advanced U.S. weaponry.

Without consulting Congress, this Administration made an unwise commitment to Saudi Arabia which, under the law, requires Congressional approval. Now, the President argues that to deny his request will undermine his foreign policy. But this is a Nation of laws, and the President is not above them. Surely, we should not ratify a bad decision simply because the Administration made it. I would be abdicating my own responsibility to the law and to the people who elected me were I to support a President regardless of what he does.

In sum, the sale of AWACS and F–15 enhancement is a bad idea. It exposes our most sophisticated technology to capture by enemy forces. It adds an element of instability to the Middle East which could easily prove disastrous. And, it is a bad bargain to boot, a poorly conceived and negotiated agreement that the Administration rushed into without due consideration.

THE WORST HAS ALREADY HAPPENED

(By George F. Will)

Proof of the capacity of the proposed AWACS sale to cause dreadful developments is that it has awakened the sleeping pedagogue in me. The pedagogue thinks the nation should define its terms, especially those that denote the things it covets, such as "peace" and "moderation."

If "peace" means simply the absence of armed conflict, then peace is a clear-cut concept, but it is a classification that does not classify in a way compatible with common sense. The United States has not known peace in any meaningful sense since the first week of December, 40 years ago. Thus the president's strategic arms proposal (MX, B1 and the rest) should be understood as another maneuver in what John Kennedy called a "long twilight struggle," countering maneuvers of arms by the enemy. The president's proposal—to deploy a new capacity for violence, for the purpose of countering the enemy's capacity—is not war, but it is indicative of a condition closer to war than to peace.

Similarly, Israel has never known a day of peace. Israel has suffered four wars but the intervals between have not been peace. Saudi Arabia, whose "moderation" is cited by proponents of the AWACS sale, is among the foremost contributors to the climate of war and, hence, to the destabilization of the region.

In his letter offering assurances to senators, the president says he would cancel the sale if "the Saudis adopt policies which are disruptive to prospects for stability of the region and detrimental to U.S. national interests." That statement implies that the Saudis have not hitherto adopted such policies. The statement is an example of the deceptions, including self-deceptions, the administration has been driven to in its search for rationalizations of the sale.

The Saudis have relentlessly excoriated the Camp David agreements. They have persistently undermined the peace process. They have financed the transformation of the foremost terrorist organization, the PLO, into a conventional army in Lebanon. They have called (in January) for a "holy war" against Israel. They have vigorously opposed any military bases on the Arabian peninsula and the Gulf (although the Soviet Union has a substantial presence in Syria and South Yemen). They have pressured Oman to be less hospitable to the United States.

They denounced the hostage rescue mission in Iran as "American military aggression." They raised the price of oil more than $20 a barrel between the end of 1978 and the beginning of 1981. Their oil minister recently threatened a $60-a-barrel price if oil companies would not reduce inventories. And they are the hosts of Idi Amin (who is not in Libya, as George Bush charged when reaching for definitive proof of Libya's immoderation).

Worse than what will happen when the president wins or loses is what already has happened: our political language, and hence our capacity for clear thought and sensible action, has been damaged by the administration's need to ascribe moderation to Saudi Arabia. The administration also has manfully, but unconvincingly, celebrated the "stability" of Saudi Arabia, a nation undergoing pell-mell modernization, with low literacy and 75 percent of its labor force consisting of foreigners.

Some defenders of Saudi behavior say the regime is not immoderate, it is just not brave. They say the funds for the PLO are unavoidable "protection" payments. They say the Saudis are too weak and uncertain entirely to resist the radicalism in the region. But if true, that argument undermines the argument in support of Saudi "stability."

There has always been one, but only one, good argument for supporting the sale: the president (as distinguished from his aides, who concocted this misadventure) does not deserve, and the country cannot afford, another blow to the believability of U.S. undertakings. The argument is not "My country—or my president—right or wrong" (which, as Chesterton said, is like "My mother drunk or sober"). But there are times, and this may be one, when it is more important for the executive to be effective than correct.

The administration should be prepared, if it wins, to issue a statement that is both reassuring and admonitory. It should reassure Israel and should admonish the Saudis not to believe what is, by now, all too easy to believe: that the United States expects no reciprocity for its favors.

When the Senate Foreign Relations Committee was considering the sale, The Post carried a large front-page photo of two of the president's supporters conferring: Sens. Larry Pressler (R–S.D.) and Charles Percy (R–Ill.). The president should wonder about a Middle East policy that depends on the perceptions of Percy, who thinks the PLO's Yasser Arafat is a moderate, and Pressler, who is not famous for constancy on behalf of the president's, or other, foreign policy views.

Mr. BIDEN. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I state once again—and in the strongest terms—my opposition to the sale to Saudi Arabia of the most lethal and sophisticated air combat weaponry in this Nation's arsenal.

From the beginning, I have opposed this dangerous, shortsighted, and self-defeating sale.

I have spoken out against it, in public and in private.

I have hoped that the Reagan administration would come to see what to me and to many others is obvious—that this sale runs directly counter to our Nation's fundamental interests.

I hoped that at the very least, the debate would focus upon the proposal's merits—just as it did in 1977, when congressional opposition forced the Carter administration to abandon its own proposed AWACS sale to Iran.

But that has not happened.

Instead, the Reagan administration has chosen to make of this sale a kind of political arm wrestling contest—a test of strength and strength alone.

According to press reports, all manner of political deals have been offered to Members of this body.

We have been told that the President's credibility is at stake, and we have even heard from the President himself that loyalty—loyalty to the country—somehow demands that we blindly support this disastrous escalation of the arms race in the Middle East.

But when we go beyond the rhetoric and when we put aside the strong arm tactics, I believe that one thing is clear—the case for this sale cannot stand up to serious examination.

Let us first remember, Mr. President, that the sale of AWACS and the so-called enhancement package is built upon a foundation of broken promises.

On May 9, 1978, for example, when the full Senate was about to consider the sale to Saudi Arabia of 60 F–15 fighters, Chairman Sparkman of the Foreign Relations Committee received from then-Defense Secretary Harold Brown formal assurances that Saudi Arabia would not receive the very equipment that is in the package before us today. Wrote Secretary Brown:

> Saudi Arabia has not requested, nor do we intend to sell any other systems or armaments that would increase the range or enhance the ground attack capability of the F–15.

Similarly, in a letter dated February 16, 1978, to Congressman LEE HAMILTON, then Assistant Secretary of State Douglas Bennett had this to say about the AIM 9–L missile.

> The Saudi Air Force is not scheduled to get the AIM–9L all-aspect Sidewinder missile which will be carried on United States Air Force F–15's.

And in addition, Mr. Bennett stated:

> An F–15 sale will not lead to the sale of E2C or E3A (AWACS). The F–15 has an excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F–15, they would be more likely to seek an airborne radar system.

In 1978, in other words, the Saudis not only were not going to get AWACS—they did not need it.

On June 27, 1980, in response to reports that the Carter administration

was preparing to move away from its promises to the Congress, more than two-thirds of the Senate signed a letter to the President, urging him "to reject any such requests by Saudi Arabia for the sale of additional weapons and equipment."

And, I point also to a statement by Henry Kissinger. With regard to reports that a new sale had been agreed upon with the Saudi Arabians, he responded as follows to a question that I put to him at an Energy Committee hearing:

My instinct would be that we should stick with the assurances that were given to the Senate at the time that the sale was made. My recollection was that firm assurances were given to all the parties at that time.

And "all the parties" certainly included the Saudi Arabians.

But, Mr. President, nobody was more outspoken in criticizing the Carter administration on this issue then Mr. Carter's Republican opponent in that year's election.

On September 3, 1980, in a speech to the B'nai B'rith forum in Washington, D.C., Ronald Reagan addressed the question as follows:

In 1976, candidate Jimmy Carter said: "I am concerned with the way in which our country, as well as the Soviet Union, Britain and France have poured arms into certain Arab countries—five or six times more than Israel receives."

But it was Mr. Carter who agreed to sell sixty F-15 fighters to Saudi Arabia. To get the Congress to go along, he assured these aircraft would not have certain offensive capabilities. Now, the Secretary of Defense tells us he cannot say whether this commitment to Congress will be honored.

Today, candidate Reagan is President Reagan—and we have a definitive answer to that question. Unfortunately the answer is "no." The administration will not keep that commitment.

Mr. President, I can understand the sense of urgency which the administration feels about strengthening our position in the Persian Gulf region. But let us look at the implication for that position of providing the Saudis with this advanced hardware.

First, let us remind ourselves of just what this equipment is.

The F-15—the Strike Eagle—is not designed as a status symbol.

It is not just something to fly over a crowd on this or that country's independence day.

The F-15 is the world's finest fighter aircraft—by far the most sophisticated, deadly plane in the world today, and the AIM-9L missile is the perfect complement for the F-15.

The AIM-9L does not require a skilled pilot who can maneuver behind his enemy, and when directed by sophisticated command and control equipment like that aboard AWACS, the AIM-9L can permit one aircraft to destroy numerous opponents.

In fact, according to 12 active duty U.S. Air Force F-15 pilots who wrote to Congressman TOM LANTOS to protest the sale of these missiles to Saudi Arabia, the technology embodied in AIM-9L is the critical margin of superiority that gives our pilots a chance to fight and win against superior Soviet numbers. The Air Force officers wrote:

We as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromised version of our AIM 9-L when we know how effective the missile is.

Those officers are right. Yet the administration wants to take the chance of compromising the AIM 9-L. And they are willing also to give the Soviets a chance to gain access to something else we know they do not have—and that is the sophisticated technology embodied in the top secret system called AWACS.

In 1977, the Congress refused to sell AWACS to the Shah of Iran.

We refused to sell in spite of the fact that the sale was presented to us as essential to the stability of the Persian Gulf.

It was presented in virtually the same terms as those in which the Saudi sale is being presented today.

And it is just as great a mistake in 1981 to sell AWACS to Saudi Arabia as it was in 1977 to sell it to Iran.

Today, just as in 1977, an American administration is proposing to send these instruments of death to the one place in the world where they are most likely to be used.

In a little more than 30 years, Israel and the Arab nations have fought four bitter, bloody wars.

Saudi Arabia has participated in three of them.

In 1948, in Israel's war for independence, 21,000 Israelis and 40,000 Arabs were listed as killed, wounded, or missing.

The toll for the 1956 war was 1,300 on the Israeli side and nearly 13,000 for the Arabs.

In the Six-Day War of 1967, Israel took more than 5,500 casualties and inflicted nearly 18,000 on her enemies.

And in the last round, the Yom Kippur War of 1973, losses on both sides grew dramatically—12,000 for Israel, 36,000 for the Arab countries.

Saudi participation has not been extensive—but only because the Saudis have not had much to contribute.

With this sale, they will have a military contribution—a major contribution to make in any future Middle East conflict.

I have heard the argument that the Saudis would not dare to attack Israel. By themselves, perhaps not.

But in a joint war of the Arab nations against Israel—a war like the one that was launched in 1973—it would be almost impossible for the Saudis to stay out.

The Saudis say that the sale is a litmus test of our friendship.

But what, I wonder, would be the litmus test of Saudi solidarity with the Arab cause?

I think there is no question about that. It would be participation—full participation—in whatever joint effort might be undertaken.

Consider what the Saudis themselves have to say about their own role. In April 1978, shortly before this body voted on the original F-15 sale, Prince Fahd gave an interview to the French magazine Paris Match.

The Prince stated:

Saudi Arabia allocated all its forces and strength to bring about victory of the Arab rights, their honor and all that is sacred in their eyes . . . this means that the task entrusted to our army is not only to protect the kingdom, but that it could intervene anywhere that our national duty commands. Our army was in Syria—we have units in Jordan . . . all this shows our readiness.

Prince Sultan, the defense minister, told The Christian Science Monitor around that same time that—

All we own is at the disposal of the Arab nations and will be used in the battle against the common enemy.

Are those quotes outmoded?

Not at all.

In January of this year, Saudi Arabia hosted an Islamic summit conference that opened with a prayer for divine assistance to help the Moslems "cleanse Jerusalem of Jews."

That same conference concluded with a call, issued from Islam's holiest place by the Saudi king himself, for a "Jihad" or holy war against Israel.

And it is Saudi Arabia that has provided the PLO over the past several years with $400 million to engage in their terrorist activities.

Under those circumstances, why is it that we find ourselves so pressured to vote to make this sale to Saudia Arabia? What has occurred that causes this sale to be so necessary?

The argument is made that the reason it must be made is to enhance and protect the reputation of our President. I have great respect for our President. I want our President to stand preeminent among the leaders of the nations of the world with no loss of respect whatsoever. But I do not believe that the U.S. Congress can be called upon to approve a sale of military equipment to a foreign nation merely because a commitment of that kind had been made. That is not a sufficient reason.

Mr. President, by providing Saudi Arabia with this capability, the administration is issuing an open invitation to the Arab militants to force Saudi Arabia's hand in any confrontation with Israel—or between other countries in the region. Let us not forget that Iraq is at war with Iran and that Syria and Jordan have mobilized against each other on repeated occasions.

How could the Saudis refrain from involvement in regional conflicts? If they tried to do so, how long could the Saudi regime survive? And if it does not survive, how long will it take before America's best, most advanced weapons fall into the hands of the Soviet Union?

We should know better.

We should have learned that supersonic fighter planes cannot protect a government from internal opposition.

And we should have learned that it makes no sense to encourage foreign governments to invest in prestige items that do nothing to enhance their stability and their capacity to meet their real defense needs.

The Saudis may believe that they are buying prestige, that they are demonstrating their leverage over U.S. policy.

But what they are buying in fact is danger—profound danger for themselves and for the stability of their vital region of the world.

And what, Mr. President, does our country stand to gain through this sale?

Are the Saudis going to be grateful enough to join in—or at least not to impede—the Middle East peace process? The answer is "No."

Are the Saudis going to provide facilities for an American presence in the gulf? No.

Are they going to help pay for our investments in their security? Not a chance.

Are the Saudis prepared to recognize Israel's right to exist? Are they, in other words, going to begin acting like a responsible and mature friend and ally? The answer to all of these questions is a clear and unambiguous "No."

Mr. President, I do not oppose strengthening Saudi Arabia's ability to defend itself.

I do not deny that Saudi Arabia's security is a vital U.S. interest.

But I reject the notion that our relations with the Saudis must be a one-way street. We need the Saudis and their oil. But they need us as well. We are the key to their survival. And there is not a reason in the world why this country must bribe the Saudis with weapons to persuade them to sell us oil at $40 a barrel.

The late President Sadat of Egypt understood that. Repeatedly, he urged our leaders to stop treating the Saudis with kid gloves. Require them, he told us time and again, to show due respect for America's political and military interests.

But that is not what we have done—it is not what we are doing.

This sale is a signal—a signal that we can be bluffed into acting against the Nation's own best interests.

And I believe, Mr. President, that the sale is a trap that could tragically ensnarl all of us—Americans, Israelis, and Saudi Arabians alike—in a disaster whose consequences cannot be foreseen.

Mr. BIDEN. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

THE SAUDI ARMS PACKAGE IS NOT IN THE NATIONAL INTEREST

Mr. CRANSTON. Mr. President, I have worked hard in opposition to this sale and I will vote for the resolution disapproving it for three principal reasons.

First, I do not believe it is in the national interest of the United States to sell our most sophisticated military technology to a potentially unstable, nonalined power. The danger of compromise of military secrets in our AWACS and our AIM-9L missile is just too great.

Second, I do not believe we should submit to another litmus test administered by a country which remains hostile to the Camp David peace process and maintains unremitting support for the terrorist PLO.

Third, I do not believe it serves our long-range interest in bringing peace to the Middle East to continue to lavish sophisticated weapons of war on both sides in that volatile region.

It is an oversimplification to refer to this issue as "the AWACS fight." There are many, many reasons why so many Senators believe this sale is contrary to our national interests. These interests go far beyond the control of AWACS. There is the Sidewinder missile, which contains such very sophisticated technology. There are the assurances given to Congress and to Israel in 1978 that we would not enhance the offensive capabilities of the Saudi F-15's. There is the point made by the minority leader, Senator BYRD, that further erosion of Israel's technological edge will make it more difficult for Israel to be forthcoming and positive in fulfilling the hope and promise of the Camp David peace process.

There is the point made by Senator BYRD that the consummation of the biggest U.S. arms sales in history could force the Saudi to take actions contrary to U.S. interests so as to demonstrate Saudi independence of the United States both to radical Arab States and to Moslem religious fundamentalists within Saudi Arabia who oppose modernization, westernization, and the United States. There is the fact that spewing arms to both sides in the Middle East will not solve our security concerns there and specifically in the Persian Gulf—concerns which revolve more around internal instability than around the "Soviet threat."

And finally there is the basic fact that we should not be selling more and more sophisticated arms to the Saudis so long as they thwart key U.S. foreign policy objectives by rejecting Camp David, funding PLO terrorism, and leading the OPEC price gougers in hiking oil prices.

Many Senators feel they cannot support the sale of still more arms to Saudi Arabia not only because they oppose the enhancement of the F-15's offensive capabilities and the possible compromise of the AIM-9L Sidewinder missile technology, but also because of Saudi insistence on total control of the AWACS, control which we do not even grant to our closest NATO allies. To paraphrase the words used by Ronald Reagan when he opposed President Carter on the Panama Canal issue: "We built the AWACS. We paid for them. We should keep them."

If we sell the AWACS to the Saudis, they will pay us with our own dollars—dollars they have amassed from American consumers by raising the price of oil from $2 to $34 a barrel in recent years. Specifically, they raised the price from $12 to $34 since the Senate last submitted to a litmus test, amidst hopes for Saudi modernization, by approving over my opposition the 1978 sale of advanced fighter planes to the Saudis.

We have heard the argument floated by some administration officials in recent days that opposition to the Saudi arms package constitutes Democratic partisanship. The fact is that White House pressure tactics have fallen more heavily on members of the President's party than upon the minority. The White House has made the issue a partisan one in appeals made behind closed doors to Republican Senators. Yet, is it a partisan issue when more than 60 percent of House Republicans voted to reject the President's position? How is it a partisan issue when the principal sponsor of the Senate resolution is a Republican? How is it a partisan issue when 20 of the 54 Senators wrote the President in June saying "don't send the Saudi arms package to the Hill * * * It is not in our interests" were Republicans?

THE ROLE OF THE CONGRESS

The President has recently muddied the issue by stating that those who oppose him "are not doing their country a service."

It is my belief that those Senators who oppose the sale, notably those who have demonstrated the courage to withstand immense White House pressures to vote their conscience, are acting in the best interest of the country. It is not our duty, as U.S. Senators, to blindly follow the President when we believe he is wrong.

There is no article in the Constitution that states, "My President, right or wrong." The Constitution wisely provides for an independent congressional role in review of foreign policy decisions of great importance. The sale of $8.4 billion of our most sophisticated hardware to a shaky, nonalined regime is of such magnitude.

Congress has exercised its prerogative to review arms sales prudently. Never before has Congress blocked an arms sale. I think it is a mark of the unpopularity of this sale that it enjoys probably no more than a dozen really enthusiastic supporters in the Senate.

The role of Congress in forming an independent judgment on key foreign policy decisions is essential. If our international policies are to succeed, they must merit and enjoy the express support of the people's representatives in Congress.

I am confident that the Saudis, no less than the Panamanians and the Soviets, understand that a major agreement with the U.S. President is not a binding American commitment until ratified by the representatives of the American people in Congress. After all, the Saudis have bought $37.5 billion in arms from the United States over the last three decades.

THE SAUDI ALTERNATIVES

I have heard the argument that we have to sell the AWACS to the Saudis or else they will just buy the British Nimrod. I do not accept this as a reason to support the arms package.

First, potential compromise of Nimrod technology would pose much less of a threat to U.S. security interests than would compromise of U.S. AWACS.

Second, the Saudis could have chosen to buy Nimrod a year ago and avoided all the acrimonious debate if all they wanted from the West was an air surveillance capability. The Saudis want more. In AWACS the Saudis seek a type of special military status—independent control of our most sophisticated technology. They also want a type of legitimacy which would come from possession of yet another piece of top-of-the-line U.S. military technology.

Third, while the NIMROD may prove to be adequate for protection of the oil fields, it poses a somewhat smaller threat to Israel. It cannot be refueled in the air and thus has a shorter range. It also has fewer battle management stations.

The Saudis will require nearly a dozen NIMRODs to cover the same amount of air space that five American AWACS can patrol. The first NIMROD production

line will not deliver vehicles until 1986 at the earliest.

Fourth, one can always argue on arms sales issues that we should sell because if we do not somebody else will. But should we not keep our security interests, and our principles, foremost?

ISRAEL'S SECURITY

There are many additional reasons for opposing this sale. One is that the package would further erode the technological edge of our only stable, democratic ally in the Middle East, Israel. It is this technological edge which has allowed Israel to survive against overwhelming odds in the hostile and turbulent Middle East environment. This edge has been eroded each year as nations pledged to Israel's destruction continue to accumulate sophisticated Soviet and U.S. arms, which require little maintenance, arms which can be swiftly serviced, and which provide high performance even from low-skilled personnel.

This accumulation of arms in hostile hands leaves Israel more vulnerable than ever, less able to take greater risks for peace and more likely to undertake preemptive actions when her intelligence capabilities indicate that an enemy is about to strike. The enhancement package has been modified, supposedly to reduce the threat to Israel. But one cannot say now how Israel might be affected 5, 10, or 15 years down the road when confronted by the world's most advanced F–15 fighters with the world's most advanced missiles, with aerial refueling capabilities, and AWACS monitoring which could place five of their seven airfields under Saudi surveillance. It is easy for certain Senators to sit here and say "the AWACS and enhancement package poses no threat to Israel." If the Senators are wrong, they will survive. But Israel may not.

TECHNOLOGY COMPROMISE

Another concern about this proposal sale is the danger that secret U.S. technology may be compromised.

This is not an imaginary fear. We have already suffered more than one such setback. In the volatile Middle East, training manuals for systems such as the F–15 and the Phoenix missile, which we sent to Iran, were compromised due to the fall of the Shah.

We face the same risk if we send our Sidewinders and AWACS to a shaky Saudi regime. Ironically, the United States had intended to sell AWACS to the Shah, before his regime collapsed and the sale was canceled. The lag in the AWACS production line caused by the cancellation of the 7 Iranian planes was to be picked up by the Saudi order. So, in some respects what we are voting on today is whether to risk sending the Shah's AWACS to another unstable Persian Gulf regime.

And just how stable is Saudi Arabia—a nation moving nervously from feudal to modern times—the would-be recipient of our technological beneficience?

How shaky is the regime there? How worthy is the Saudi family of our confidence and trust?

I can best answer the first question by quoting briefly from an article by Stanley Hoffman, chairman of the Center for European Studies at Harvard University.

Mr. Hoffman writes:

Though the Saudi monarchy may be more deeply rooted than the Shah's regime or Mr. Sadat's rule, the kinds of forces that toppled the Shah and assassinated Mr. Sadat are at work in Saudi Arabia.

Its rulers could be replaced without a coup by members of a new generation of the royal family who might want to preserve its power by slowing down Westernization and appeasing Islamic Fundamentalistts—for instance, by reducing oil production and thereby the accumulation of revenues that disrupt traditional values and spread inequity and corruption.

Further, the regime could be toppled by its own military. It could be destroyed by fundamentalist tribal groups acting on their own or with outside help. It could be threatened by non-Saudi Arabs working in the country—Palestinians for example. There could be a coup or a protracted civil war.

Our weak energy policies oblige us to encourage the Saudis to increase production, thus promoting social and cultural tensions in their society. This also provides Riyadh with the means to buy expensive weapons, which would put the regime at the mercy of its military's insatiable demands while fueling resentments toward those who benefit from the accumulation of wealth.

We may surmise how widespread these resentments may be, particularly among Islamic fundamentalists, from the storming of the Grand Mosque of Mecca by 500 well-armed Islamic militants less than 2 years ago. That such a large band could acquire arms and organize under the watchful eye of the Saudi National Guard suggests that they had a number of supporters among the populace. That they were able to seize and hold the mosque under fire for more than 2 weeks tells us something about the effectiveness of the Saudi security forces.

REGIONAL STABILITY

None of the Arab nations has a tradition of constitutionalism, or orderly peaceful change of democracy. Each has a narrow popular base—the makings of political instability. Most are ruled by small economic and military elites, with no really viable middle class and with the masses of people living in poverty—the makings of economic instability.

The assassination of President Sadat occurred in the nation that is probably more stable than any other Arab land, including Saudi Arabia. And, as one expert put it, "if there is instability in Egypt it means the whole Middle East will be unstable."

Indeed the Middle East is a region of endemic instability—not the best place for our most sophisticated military technology.

The region's shifting alliances, periodic revolts and military coups, and its resurgent Islamic fundamentalism, make the Middle East, as another knowledgeable observer phrased it, a place where "anything can happen at any time."

Libya's wild Colonel Quadhafi seeks to spread Islamic radicalism throughout North Africa and the Middle East, and is trying to foment rebellion in Egypt. He has invaded Chad and threatens Sudan—a country that was wracked by civil war for its first 18 years of independence and whose President, al-Nimeiry, has already faced a number of coup and assassination attempts.

Iraq, where another arch Israel-hater, President Saddamm Hussein faces Shiit Moslem opposition to his Sunni regime, is enmeshed in a seemingly endless war with Iran. Each nation is systematically and senselessly destroying the other's oil facilities, their major assets.

Chaos continues to reign in Iran where Khomeini's Islamic revolution has executed 1,800 people since mid-June—more than were executed in the entire world in 1980—and which has added to its pattern of irrational behavior the recent bombing of a Kuwaiti oil-gathering station.

Syria's President al-Assad, another of Israel's implacable foes, has 25,000 troops in Lebanon, wars on the Lebanese Christians, and is struggling against Sunni Moslem fundamentalist pressures on his corrupt minority Alawite regime.

Jordan's King Hussein, who was the target of assassination attempts in the past and survived a bitter civil war just 10 years ago, fears a takeover by Palestinians, who form the majority population of his kingdom.

THE SAUDI RECORD

The administration argues that the Saudi royal family should be entrusted with the largest-ever U.S. arms sale because they have been so "cooperative" and "moderate." But only when matched with unstable firebrands like Colonel Qadhafi and Saddam Hussein do King Khalid and the Saudi royal family look relatively moderate. By other more objective standards they are truly extremists who have taken a number of actions hostile to fundamental U.S. national interests. The Saudi record on issues of mutual concern is in fact one of the major reasons for opposition to the proposed arms package in Congress and among the American people.

The Saudis have:

First. Condemned the Camp David peace accord, broken diplomatic relations with Sadat, and led the Arab boycott of Egypt.

Second. Repeatedly called for a "jihad"—or holy war—against Israel.

Third. Supported three wars against Israel, and now remain in a state of war with Israel, whose existence as a state they refuse to recognize.

Fourth. Led the Arab oil boycott of the West in 1973 because of our aid to Israel during the Yom Kippur war.

Fifth. Led OPEC in astronomical price hikes in oil. A major factor in our towering inflation.

Sixth. Did their utmost to throttle our strategic petroleum reserve.

Seventh. Condemned our attempt to rescue our hostages in Iran.

Eighth. Refused to renew the U.S. lease on an air base at Dhahran on the Persian Gulf, and refused to lease us bases today that would enable us to protect Middle East oil fields.

Ninth. Gave refuge—apparently on a permanent basis—to the infamous Idi Amin who has been living comfortably in a villa outside Riyadh for the past year at Saudi expense.

Tenth. Pressed territorial claims on both Abu Dhabi and Oman, backed the Marxist-supported Dhofar rebellion, meddled with our arms supplies to North

Yemen, backed the Iraqi invasion of Iran and facilitated Soviet bloc military supplies to Iraq.

Eleventh. Signed the infamous, anti-American report of nonalined nations which accused us of "aggression" and the Israelis of "barbarism" and which our U.N. Ambassador Jeanne Kirkpatrick branded "vicious lies."

Twelfth. Boycotted Sadat's funeral, thus showing yet again their disrespect for those who take risks for the sake of peace.

Thirteenth. Accused the United States of "medieval piracy" in North Africa.

Fourteenth. Bankrolled the terrorist PLO to the tune of $400 million a year—most of the money that keeps it going.

Fifteenth. Bankrolled Syria to the tune of nearly $800 million per year to support Syria's occupation of parts of Lebanon, to support Syria's backing of the most terrorist factions of the PLO, to support Syria's threatening move against Israel—with whom Syria maintains a state of war—through placement of surface-to-air missiles in Lebanon. Syria maintains a treaty of friendship with her major arms supplier, the Soviet Union, and unconfirmed reports indicate Saudi financing of a massive new Soviet-Syrian arms transfer.

Finally, despite special treatment in State Department human rights reports that whitewash Saudi behavior, the State Department admits instances of stonings, beheadings, severances of the hand, a "heavy stress on obtaining confessions," and the lack of habeas corpus or right to counsel. The Saudis do not permit freedom of speech, press, or assembly, political parties or labor union activities.

And the people who rule Saudi Arabia are guilty, according to Israeli Foreign Minister Yitzhak Shamir, of a "deeply rooted . . . fanatic hatred of Jews and Israel."

That is the "cooperative," "moderate" regime we are being called upon to support.

What have we gotten in exchange for our past help to Saudi Arabia? Some support in temporarily cooling tensions in Lebanon, but little else. What will they give us in exchange for the F-15 enhancement and the AWACS? Lower oil prices? No. Air bases? No. Peace with Israel? No. Repudiation of PLO terrorism? No.

This year, when President Reagan said the Saudis need AWACS because of the Soviet threat, the Saudi Oil Ministry, Sheik Yamani, said:

"No, the main threat is Israel." And a member of the royal family Chief of Planning for the Saudi Air Force, recently said in Los Angeles, "If we can't get what we want from America, we may turn to the Soviet Union to get it."

The administration has tried to "put a guilt trip" on the public and the Senate—to use popular vernacular—in the course of the current debate. We are made to feel that America's dependability, America's reliance as a friend and purveyor of weapons is at stake.

I think the emphasis has been wrongly placed. We should be concerned less with our reliability and our dependability and more concerned about the dubious governments on whom we shower our military arms and technology.

It is their reliability, their dependability which I would question.

CONCLUSION

In the final analysis though, the issue is simply this: What are the long-term national security interests of the United States?

I am firm in my personal conviction thta our national security interests demand that the Senate disapprove the proposed arms sale to Saudi Arabia. I will vote against this sale, with the hope that a sufficient number of my colleagues will join with me, and with the strong antisale majority in the House, to block its consummation.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished junior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. I thank my friend from Rhode Island.

Mr. President, the proposed sale to Saudi Arabia of $8.5 billion in advanced military equipment should be rejected.

Although press and public attention has focused almost exclusively on the five radar warning planes—the AWACS—the proposal involves much more. Each of the three major parts of the package deserves attention and analysis.

First. The President proposes to include in the sale fuel packs and other equipment for the 62 U.S.-made F-15 fighter aircraft sold to the Saudis in 1978. When that sale was first proposed, President Carter promised the Congress that these fighters were to be used for defensive purposes only. Thus, the fuel packs and other equipment—which will more than double the range of the F-15 from 450 miles to over 1,000 miles—were not included. That promise is now being broken by the Reagan administration. If the sale goes through, the F-15's will be transformed from a defensive weapon into an offensive striking force capable of hitting any part of Israel from deep within Saudi territory.

Second. The second major component of the proposal is the advanced version of the Sidewinder missile. This is the most advanced air-to-air missile in the world. It has only recently been deployed on our own F-15's. It is so new that we have fewer than 5,000 of the missiles. Yet the President proposes to sell 1,177 of them, or the equivalent of 25 percent of our current national inventory, to Saudi Arabia.

The value of the Sidewinder to our Navy and Air Force aviators is great. It is such an effective weapon that 12 Air Force F-15 pilots saw fit earlier this year to urge a California Representative, TOM LANTOS, to oppose its sale. In a letter they stated:

We do not want the technology of the AIM 9-L to leak to the Soviets through lack of security in Saudi Arabia or through some closed door bargaining session. We at the user level can attest that the AIM 9-L thrusts the American fighter pilot a very large step ahead in air combat over any other military force. The AIM 9-L is superior because it is a point and shoot weapon with excellent probabilities of success. The AIM 9-L is so superior that it gives the American fighter pilot a believable chance of survival when confronted with the overwhelming numbers of Soviet aircraft we must face. If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away? Certainly, we as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromise version of our AIM 9-L when we know how effective the missile is. We object to the sale of the AIM 9-L to Saudi Arabia.

The Navy's highest ranking officer, the Chief of Naval Operations, also believes that the distribution of the Sidewinder missile should be limited. On two occasions last year, he stressed to the Department of Defense the importance of this weapon. In one instance, he recommended that the Sidewinder be sold only to those close allies currently allowed to purchase it. In the second instance, he pressed for rejection of a Sidewinder sale requested by our most important ally in the Arab world, Egypt.

Just last month, the Secretary of the Navy sent a memo to the Secretary of Defense, in which he urged that the highest possible level of review be held in the future when our Government receives a request for the Sidewinder. The Navy Secretary stated:

The technology of the AIM 9L/9M series is too advanced to be given to countries who could compromise its effectiveness or endanger U.S. military or allied aircraft with direct use. If the Libyans had had the AIM-9L, the recent incident in the Mediterranean could have had a much different outcome.

The Secretary's fear that this U.S. equipment might fall into the wrong hands should not be taken lightly. The lesson of Iran is clear. We sold advanced U.S. weaponry to the Shah and much of it was lost when he was overthrown. Our Government in 1977 even agreed to provide him with the AWACS system. Fortunately for the United States, these planes had not been delivered prior to his downfall.

Third. The five airborne warning and control—AWACS—aircraft constitute the final component of the package. The AWACS utilize highly sophisticated radar technology that permits the aircraft to serve as both a warning and air control center. It took years and billions of dollars for the United States to develop. No one else in the world possesses equipment of comparable quality, especially the computer software. According to a recent report by the Senate Foreign Relations Committee, one of the highest priorities of Soviet intelligence is to gain access to the full AWACS technology.

The United States does not now permit any other nation to own and control AWACS aircraft. Our oldest, closest and most trusted allies—Britain, France, and other European nations—are permitted use of such aircraft only within NATO. There the AWACS are operated as part of a regional defense alliance. But the planes are always under ultimate U.S. command and control.

If we insist on a regional alliance and

ultimate American command and control when dealing with our closest allies, all with stable democratic governments in a relatively stable part of the world, it makes no sense to insist on anything less when dealing with Saudi Arabia—a feudal monarchy in the most volatile part of the world, subject to the intense and sometimes conflicting pressures of rapid industrialization and Islamic fundamentalism.

It should be emphasized that the United States already operates six AWACS in the Middle East—four over the Arabian peninsula and two over Egypt. Selling five of these planes to Saudi Arabia will gain us nothing in the way of intelligence or early warning against attack.

The administration argues that providing this vast quantity of military equipment to Saudi Arabia will contribute to stability in the Middle East. But recent history is to the contrary.

Our decade-long response to the weapons demands of the Shah did not bring stability to Iran, or to the region. It could not keep the Shah in power. It did not prevent violence in the Middle East.

During the decade of the seventies, the requests to Congress for more arms for Iran were invariably couched in terms of regional stability and American policy interests.

Today, the request for authority to sell very sophisticated weapons to Saudi Arabia is also being urged as necessary to maintain our mutual friendship, necessary to give the Saudis the means to protect stability in the region, and necessary to send a clear signal to the Soviet Union that we will not tolerate adventurism in the Middle East.

But the facts of this situation reveal no such imperatives.

There is certainly no reason to believe that the Saudis wish to embrace the Soviet Union in preference to ourselves, or that they would do so because of a failure to sell these weapons to them.

And there is surely no reason to believe that Saudi Arabia will stop selling us oil. National commercial interests appear to have a life of their own, virtually independent of other policies.

Take, for example, Libya. There is no nation on Earth more hostile to the United States. Every day, wild denunciations of our leaders and our policies originate there. Understandably, our response has not been friendly. U.S. fighters recently shot down two Libyan jets over the Mediterranean. Yet, to this very day, the United States purchases nearly half of all the oil produced in Libya. Even as he denounces us, Libya's dictator, Colonel Qadhafi, accepts our dollars and uses them to finance propaganda and terrorism throughout the world.

We need a program under which the importation of Libyan oil into the United States will stop. Such a program ideally should be part of a comprehensive U.S. Middle East policy.

In the absence of a policy which concentrates on the primary sources of tension in the region, Congress should take the initiative to insure that dollars originating in the United States are no longer used to finance terrorist acts against our country and its allies.

We should also be engaged in an oil conservation and production effort which will reduce our reliance on foreign oil.

The importance of Saudi Arabian oil resources to our Nation's economic well-being has been dangerously exaggerated. We are led to believe that virtually all of our imported oil originates in the Middle East; that our national strength would be sapped if Saudi Arabia or other Mid-East nations decide to cut off our supply.

The facts simply do not bear this out:

Today, we produce domestically between 60 percent and 65 percent of the oil we consume;

Saudi oil accounts for about 9 percent of our total oil consumption, and in fact, all Mideast nations provide only 16 percent of this Nation's total oil needs;

The remainder of the oil we import comes from other nations, friendly to the United States.

Consider a second example relating to economics, which is closer to home. No world leader is as regular or as strong in denouncing the Soviet Union as is President Reagan. Yet, one of his early acts after assuming office was to end the embargo on grain sales to the Soviets, imposed by President Carter after the invasion of Afghanistan. So we are once again bailing out the Soviets, permitting the failure of communism to be less evident than it otherwise would be.

The point is that just as consumers need someone to sell them goods, so also do producers need someone to buy their goods. This is true of our relationships with Libya and Saudi Arabia, especially Libya. Although the oil we buy from Libya meets less than 2 percent of our needs, it represents fully 40 percent of their production. In the case of Saudi Arabia, their oil meets about 9 percent of our needs, it represents 12 percent of their production.

As to the Saudi's "moderation" which the sale is supposed to insure, let us not forget that when we sold the Saudis 62 F–15 fighters in 1978—a major development at the time—the price of oil was $12 a barrel. It reached $36 a barrel this year. How "moderate" is a tripling of the price in 3 years? Especially following upon a quadrupling of the price (from $3 to $12 a barrel) in the previous 5 years?

The sale of the military equipment contained in this package will set a precedent filled with potential dangers. Once this sale occurs, how will we insure that the arms will not fall into the hands of our adversaries? How will we guarantee that the AWACS and F–15 equipment will not be used in a coordinated attack against an American ally?

The President's assurances in response to these questions are inadequate. No treaty relationship exists between the Kingdom of Saudi Arabia and our Government which will allow us to protect U.S. interests. President Reagan has publicly stated that we will not permit the U.S. equipment in Saudi Arabia to be compromised, but he gives no details as to how this would be accomplished.

The President provides no details because there are none to give. In fact, we have no defense arrangements with the Saudi Kingdom.

The final argument made for the sale is that once the President makes an important foreign policy decision, we should support him; to do otherwise, it is said, will diminish his credibility abroad. Of all the arguments made in behalf of the sale, this is the weakest.

It is essentially an argument that in foreign affairs we cannot afford to be a democratic society. It urges Senators and Congressmen to abandon their independent judgment. It is, in the last analysis, contrary to our system of government and our national heritage.

At times democracy seems inefficient and disorganized. But one of its great strengths is that in an open society, where power is not wholly centralized, national policies cannot be adopted without free and critical debate. In this process, foolish and wrong ideas can be weeded out and rejected. Dictators have an easier time getting their policies adopted. But, without the healthy clash of ideas in an open society, they are deprived of an important safeguard against unwise policies. Thus, although their policies are easier to adopt, they are also much more likely to be wrong. For us to abandon this healthy process in foreign affairs would be shortsighted and ultimately costly.

This argument comes with particular bad taste from President Reagan. As candidate Reagan, he urged Senators to vote against both the Panama Canal and Strategic Arms Limitation Treaties when President Carter presented them for ratification. He told Senators then that they had a legal and moral obligation to oppose the President when they felt he was wrong. On this point, candidate Reagan was right and President Reagan is wrong; equally wrong is former President Carter, who makes the same argument, and who of all people, should know better.

The minority leader of the Senate, ROBERT C. BYRD, on October 21 discussed the sales package on the Senate floor. In his remarks, Senator BYRD forcefully called the President to task for proposing this sale prior to articulating his administration's Middle East policy.

A Middle East policy—by definition—is a policy which focuses on the major problems in the region. Any Israeli, any Egyptian, and any Saudi will tell you that the major problems in the Middle East emanate from the Arab-Israeli conflict. An effective Middle East policy must first and foremost address these problems and provide a framework for resolving the conflict.

President Reagan does not agree. To date his statements, his activities, indeed his Saudi arms sale proposal, are made not in the context of the Arab-Israeli conflict, but in terms of the differences between East and West, between the United States and the Soviet Union.

To quote Senator BYRD:

> The central issue for American policy in the Middle East is the Arab-Israeli dispute, and not the Soviet threat to the region. This is not to say there is not a Soviet threat. Soviet influence, direct and indirect, is a primary destructive force throughout the region. The Soviets, through their proxies

and clients . . . are promoting instabilities which could be a primary cause of major war there. The American answer can only partly be the arming of our friends, for this does nothing to resolve the central irritation which is the Arab-Israeli dispute. We must take immediate action to settle the issues in that dispute, including the breathing of new life into the Camp David peace program.

President Reagan would be wise to heed these views which are shared by many Senators, including many of those who reluctantly will support his arms sale package.

The vote in the Senate will be very close, as the President, who is obviously very persuasive, pulls out all the stops. As a result, unfortunately, the Senate vote is becoming less a decision on the merits of the sale and more a decision based upon whether one supports or opposes the President.

The vote in the House of Representatives, where there was little Presidential lobbying, and where as a result the Members could vote solely on their best judgment, was instructive. There the sale was rejected by a vote of 301 to 111. Significantly, fully 60 percent of the Republicans in the House voted against the sale. Every Member of the Maine Congressional Delegation—both Representatives and both Senators—opposes the sale.

I oppose this sale first and foremost because it is not in the overall interests of the United States, and because it is unnecessary, it will not advance the cause of peace, and it is strategically unsound.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MITCHELL. May I have just 1 more minute, Mr. President?

Mr. PELL. As a matter of policy, Mr. President, I am trying not to yield any more time, so I cannot do that.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. At this time, Mr. President, I yield 5 minutes to the Senator from New York (Mr. D'AMATO).

"WHY I AM VOTING AGAINST THE AWACS SALE"

Mr. D'AMATO. Mr. President, I am casting my vote for the resolution of disapproval and against the proposed $8.5 billion arms sale to the Kingdom of Saudi Arabia. I urge my colleagues in the Senate to do the same.

Some say that a loss on this sale would do irreversible harm to the President. On the contrary, it will strengthen the President's hand in dealing with the Saudis. Now, it looks as though we have knuckled under to Saudi pride; once Congress has spoken, the President can respond to the Saudis with a unified nation behind him.

We all agree that we must pursue a Middle East policy founded upon a clear understanding of the national interest of the United States. Our national interests in the Middle East are prevention of Soviet expansion into the area, and promotion of regional peace and stability in an atmosphere favorable to the West. Our policy seeks to serve those national interests by supporting democratic pro-Western nations, deterring adventurism on the part of radical regimes, and forging permanent friendly links between neighbors.

Mr. President, this is not a choice between Begin and Reagan, as some have put it. It is not now a choice between Israel and oil. Rather, it is a choice between courses of action which will either strengthen or weaken our country's security. I have studied all aspects of this proposal with deep concern. I have carefully weighed the arguments for and against the sale, and I have concluded that the sale undermines our policies and threatens our national interests.

I urge my colleagues to vote to disapprove the sale because it neither works to prevent Soviet penetration of the area, nor enhances regional stability. Simply stated, this weapons package does not give Saudi Arabia a credible capability to resist any major Soviet attack on their oilfields. There are too few AWACS to maintain 24-hour coverage for more than a few days. Then, all aircraft must be on the ground at the same time for required maintenance, making the system vulnerable to easy destruction. Also, even if the AWACS are flying, the 62 F–15 fighters form too small a force, even when combined with the F–5's the Saudis already have, to present more than token resistance to a major attack.

The package is more sophisticated than it needs to be to deal with threats from Iran, Iraq, or Yemen—a combination of Grumman E–2C Hawkeyes and ground radars could do that job. It endangers the already shaky stability of the Saudi regime. It also endangers regional peace.

Mr. President, in the last two Arab-Israeli wars, Saudi Arabia has participated by financing the Arab war effort. They were able to excuse themselves from any more than symbolic military participation because of their clear military impotence. Once we have sold them the most lethal and sophisticated military technology in the West, they will no longer have that excuse, assuming they would use it. Now, when the radical regimes come calling, asking the Saudis to demonstrate their allegiance to the Arab cause, the Saudis will probably agree to join in combat against Israel, using all of these fine new weapons we have supplied.

People say that the AWACS is not an offensive weapon, and that F–15's do not have bomb racks. That is a misleading argument, Mr. President. The AWACS is the best battle management system in the world. It can direct fighters on offensive as well as defensive missions. It is a true airborne command post, able, thanks to its advanced radar, computers, and communications equipment, to control an air battle. This gives its owner a tremendous advantage in war. Ask the U.S. Air Force. We plan to use AWACS that way, and it works like a charm in training.

The F–15's may not be able to drop bombs themselves, but they can certainly fly top cover for other Arab aircraft on strike missions. F–15's are the finest air superiority fighters in the world. Equipped with the conformal fuel tanks we are selling the Saudis, and the deadly AIM–9L Sidewinder missiles, they will have both the reach and the punch to successfully escort fleets of Arab Migs to their targets in Israel.

The proponents of the sale say that because there are no digital data links between the AWACS and the Arab forces, and because the Saudis and their Arab brothers do not share the same secure voices communication equipment, a coordinated attack is not possible. Maybe they could not do it the way the U.S. Air Force manuals say it should be done, but they can figure out ways to work around their problems. If they cannot figure out workable methods on their own, they certainly have enough money to hire experts to solve their problems for them. Given the recent example of American technicians working for Colonel Qadhafi in Libya, I am sure there will be no shortage of Western applicants for those positions.

At this point, Mr. President, we may have achieved what we should by trying hardest to avoid—a situation in which both combatants in a future Middle East war would be armed with American weapons, and would demand that we renounce our support for the other side. In other words, by selling this equipment to Saudi Arabia, we could well be setting up a future American foreign policy disaster—a forced choice between Israel and oil. I very strongly believe that now is the time to act to prevent us from ever having to make that choice. A Saudi Arabia armed with Nimrods and Mirages does not force us to make that choice in the event of another war. A Saudi Arabia armed with AWACS and enhanced F–15's will.

I cannot overstate, nor should we underestimate, the magnitude of the impact of having to make that choice. True, Israel could probably defend itself against a combination of an American-equipped Saudi Arabia and the radical Arab states. Israel would probably have to do as it did in the 1967 war—stage a preemptive strike. The AWACS would be destroyed on the ground, American personnel present to perform maintenance and training might be killed, and our domestic public opinion would be divided and inflamed. Do we want this? Is there any way we can afford to let this happen? I say no. This sale is an act of shortsighted foolishness, and one for which we could pay dearly in the not far distant future.

Indeed, the preemptive strike need never happen to put us in a terrible position. Once it is clear that a new war is possible, Saudi possession of these weapons gives them very, very great leverage over our policies. We do not have to stretch our imaginations far at all to envision the pressures and threats the Saudis could bring to bear on us. A simple shift in the deployment of AWACS or of their F–15's could provoke a major diplomatic crisis. We would be faced with fighting political and diplomatic battles like this one every few months. This sale greatly reinforces the power of the Arab oil weapon in Middle Eastern diplomacy. It provides the potential enemies of the West with a sensitive pressure point which can be used to our great disadvantage.

Remember, Mr. President, we are trying to use this sale as a political and diplomatic device to advance our interests.

What we are doing in the course of this debate is crediting Saudi Arabia with good motives—we are treating them as faithful allies when they have actually worked against us on many issues both in the Middle East and in the world. We cannot be sure that they will not turn possession of these weapons into a tool to be used against us. In fact, based upon their past performance, we have every reason to believe that they will use this potent arms package to force us to agree with their views on regional questions. If we look objectively at their policy goals, I think we would want to do everything we possibly could to avoid that.

They have caused great mischief in the area already. I predict that once they have possession of these weapons, they will become less cooperative and more independent of our influence. These weapons will become hostages to our good behavior and agreement with their policies. We cannot afford that, Mr. President. This is our last chance to look into the future, and to make a reasoned judgment on our national interests. I hope the Senate will agree with me that this sale is a losing gamble in the rigged poker game of Middle Eastern diplomacy. Let us not let Arab pride blind us to Arab conduct and policy.

In conclusion, I again ask the Senate to vote for the resolution of disapproval. We must exercise our independent judgment and uphold our responsibility as an independent branch of Government. We must stop this sale now.

Proponents of the arms sale have argued that selling the Saudis this arms package gives us an edge in responding to any Soviet attack in the gulf.

If the AWACS are already in place, we could use them as part of our forces to allow a quicker and much more powerful response to the Soviet attack. However, our country has received no explicit written assurances from Saudi Arabia that we would be permitted to take over and utilize the equipment in those circumstances. Quite the contrary, as British historian J. B. Kelley wrote in the Wall Street Journal, behind the proposed AWACS sale lies the "assumption" that Saudi Arabia is willing and able to serve as "the lynchpin of a defense system for the Persian Gulf."

In reality, however, as Kelley notes, "Saudi Arabia is the principal obstacle to such a system." Saudi Arabia has constantly refused to enter any military alliances with our country. Also, despite intensive efforts by our Government, the Saudis refuse to consider allowing United States-Saudi crews to operate joint AWACS.

Mr. President, there are other cogent objections to the sale. In the wake of the Soviet Union's clear display of its imperial ambitions in Afghanistan, Iran, Yemen, Syria, Lebanon, Libya, and Ethiopia, the United States must act decisively to protect its own security in the Middle East. The logical next step in strengthening America's position in the region would be to establish American air and naval bases in the Persian Gulf. But this cannot be achieved until Saudi Arabia decides to support that effort.

Saudi Arabia has been persistent in its refusal to participate in any form of regional security arrangement. It has sabotaged our efforts to bring peace and stability to the region. Instead of joining our Middle East peace initiatives, it spurned the Camp David agreement. Instead of welcoming the courageous action of Egyptian President Sadat in signing a treaty with Israel, it cut its financial and diplomatic ties with Cairo. Instead of recognizing the growing Soviet threat to the region, it proclaimed that Israel was the greater threat. Instead of dissociating itself from terrorism, it lavished millions of dollars upon Soviet-trained and Soviet-armed PLO terrorists. Instead of supporting American initiatives to blunt Soviet thrusts into the area, it refused permission for U.S. bases or facilities on its territory.

Yet the myth of Saudi moderation persists. Let us, once and for all identify this myth for what it is, dangerous and misleading propaganda. The United States received nothing in exchange for the estimated $34 billion in military supplies we have already sold to the Saudis. Not moderate oil prices, not positive support of our country's efforts to resolve the Arab-Israeli conflict and not bases so that our military forces can deter Soviet expansion. We have received nothing but litmus test after litmus test of our friendship. This sale would send a dangerous signal to the Arab world—that the United States values friendship so little that it believes it can be bought with technological baubles. It also tells the Arabs that there is no limit to the humiliating gestures they can demand of us in the name of testing our friendship.

Mr. President, the internal instability of the Saudi Arabian regime is a major factor against the proposed arms sale. When the Iranian Government collapsed in 1979, some of America's most sophisticated military hardware fell into the hands of the Ayatollah Khomeni and the KBG. In Saudi Arabia the royal family's vulnerability to subversion from within and without poses the real danger that Moslem extremists—or pro-Soviet insurgents—may turn that country into another Iran. Only this time, the prize might be the F–15, the AIM–9L Sidewinder and the AWACS.

Saudi Arabia is not safe from internal and external subversion. We know that many forces are at work to undermine the Saudi throne. Religious strife, caused by Islamic zealots who reject creeping westernization, seethes just below the surface. It erupted in Mecca in 1979, when a group of extremists with Soviet ties seized the Grand Mosque. According to a published report, the royal family suspected that some of its own military units were involved in the attempted revolt, forcing them to bring in other units from distant posts to recapture the mosque. According to the newspaper:

> In the wake of the attempted insurrection, there was a wholesale replacement of military leaders.

Only a few weeks ago in Medina, scores of Iranians in a mosque were beaten by Saudi soldiers. Khomeni reportedly sent bands of his students on a subversive pilgrimage to Mecca, to stir up trouble with Saudi Arabia's large Shiite minority. Thus we have an area beset by domestic strife and externally sponsored subversion, with anti-Western Islamic fundamentalists on one extreme and pro-Soviet dissenters on the other. This is not the appropriate country to become the sovereign owners of our most advanced weaponry. If anything, the temptation to revolt and depose the royal family will be even greater if this sale is approved.

Of all the bitter lessons that America learned from the Iranian debacle, surely one must be that we cannot afford to sell our sophisticated military hardware to unstable regimes. We dare not forget that AWACS is central to both American security and the defense of Western Europe. Recognizing the inherent instability of the regime, this body would be doing nothing short of risking America's security, and that of NATO, by providing Saudi Arabia with AWACS.

So great is concern about the potential loss of AWACS and Sidewinder technology to the Soviet Union that, earlier this year, 12 U.S. Air Force pilots wrote to Representative TOM LANTOS of California urging that the AIM–9L Sidewinder sale be blocked for just this reason.

Then there is the question of Saudi Arabian enmity toward our friend and ally Israel. Saudi officials have made no secret of their hatred of Israel and of their ultimate hope to eliminate the Jewish state. Five years ago, King Khalid told the New York Times:

> When we build up our military strength we have no aims against anybody except those who took by force our land and our shrines in Jerusalem. We know what that is. We also believe that the strength of Saudi Arabia is a strength for the whole Arab and Islamic world. We always intended to make use of all military equipment that would build our military strength.

Mr. President, has the royal family changed its mind? Earlier this year, at a conference of Islamic nations, Saudi representatives led the delegates in a resolution calling for—holy war—against Israel.

Last June, the Wall Street Journal reported a statement by a high Saudi official that:

> If Saudi Arabia is allowed to buy the U.S.-built AWACS radar planes, it will reserve the right to use them as it sees fit to defend against any enemy, especially Israel.

The Saudi official, believed to be Prince Bandar Ibn Sultan, who has actively lobbied for the sale in this very city, warned:

> Let me be very clear. If we had AWACS on June 7 and we saw the Israelis on their way to attack Iraq, sure we would tell Iraq.

The newspaper story continued:

> He (the Saudi) also contradicted the administration's argument that the planes would be primarily used to defend the Saudi oil fields.

Defenders of the Saudis argue that Saudi Arabia cannot cooperate with the United States, much less consent to U.S. bases or joint control of the AWACS, without making itself vulnerable to attacks from its radical Arab neighbors. If that is the case, we have a clear admis-

sion that Saudi Arabia is an unstable regime.

Next, proponents of the sale argue that if we do not sell the Saudis the AWACS, the British will sell them the Nimrod. It would be highly irresponsible to base our foreign policy upon the premise that, "if we don't sell, someone else will."

If the British sell the Saudis Nimrod aircraft, we will have avoided the trap of having both Israel and Saudi Arabia armed with American weapons and on a potential collision course. Of course, the administration has argued that we will retain de facto control of AWACS because we must provide the maintenance support for those aircraft, and the spare parts they need to remain in operation.

Mr. President, that argument is yet another strawman, effective only on those who do not remember recent history. The Six-Day War in 1967 was decided in the first 6 hours of battle, as a result of the destruction of the Arab air forces. The Yom Kippur War in 1973 was decided in 3 days, with air power playing a major role. For use in combat, all systems on an aircraft do not have to be working perfectly. The Saudis may not be able to maintain their AWACS and F–15's as we would be able to, but they will have a few days supply of spare parts on hand, and enough training to know how to get by. That, in the delicately balanced world of Middle Eastern military power, is all that it takes to make them a real, credible threat. And that makes them a target for a preemptive strike.

We have been told by sale proponents that Saudi Arabia is moderate when it comes to oil prices and is therefore deserving of our help. This so-called moderate nation not only refused to sell the United States oil for the congressionally-mandated strategic petroleum reserve, but threatened sanctions against us if we filled it. This so-called moderate nation is the regime that launched an embargo and then pushed the price of oil from $12 to $31 per barrel since the 1978 arms sale.

Then there is the assertion by Sheik Yamani that Saudi Arabia engineered the oil glut for the benefit of the United States and his claim of "financial sacrifices" made to "keep the United States happy." That is more propaganda. The oil glut is the result of several factors, including a depressed world economy caused by high oil prices. When speaking candidly in an interview for the Arab press, as reported by C. L. Cranford in the Christian Science Monitor, Yamani conceded that Saudi pricing policy is made:

> In the light of purely economic interest, and that there are no political considerations present.

Yamani continued:

> If we were to force the western countries to invest large sums of money in alternative energy sources it would take seven to ten years to bring about some results of these investments, which would reduce oil demand to a level that would affect Saudi Arabia, which at that time would not find enough markets to sell its oil to meet its economic demands.

He explained the Saudi position as one that seeks to maintain oil prices high enough to equal what he calls the "true value of oil," yet not so high as to cause a stampede of energy research and investment that might put the Saudis out of the oil business too soon. So much for the suggestion that we need to sell AWACS to the Saudis as a mark of gratitude or to prevent them from using oil as an economic weapon.

An editorial in the New York Post of October 22, clearly states the critical problems in our relationship with Saudi Arabia.

> What, pray, are we to assume the Saudis have been doing since the Camp David accords were agreed on three years ago?
>
> They led the Baghdad conference boycott of Egypt.
>
> They give the PLO terrorists $400 million a year.
>
> They denounced the U.S. bid to rescue our hostages in Iran as "American military aggression" and described the shooting down of Libyan planes which intercepted U.S. fighters two months ago as an "exercise of medieval piracy."
>
> Finally, the Saudis not only refuse to grant the U.S. bases in their own territory, but they oppose U.S. air, naval or army installations anywhere on the Arabian peninsula. Indeed, they are bringing pressure on neighboring Oman, which has offered the U.S. base facilities, to renege on its offer.
>
> What further policies could they adopt which would be more disruptive of stability?

There is, finally, another commitment at stake here, the commitment of the executive branch to the legislature. In 1978, the Carter administration proposed to sell to Saudi Arabia some of the very weapons that are now under consideration by this body. Congress was worried then, as we are worried now. To allay fears that we were putting offensive weapons in the hands of the Saudi regime, Secretary of Defense Brown then wrote, in a 17-page letter to the chairman of the Committee on Foreign Relations, that:

> Saudi Arabia has not requested nor do we intend to sell any other systems of armaments that would increase the range or enhance the ground attack capability of the F–15.

Three years later, this solemn pledge—on the basis of which many Senators voted for the sale of F–15's to the Saudis—is forgotten, but this body, to whom the promise was made, has not forgotten.

In conclusion, therefore, Mr. President, I believe this sale is wrong. It is wrong for the cause of peace. It is wrong for Israel and for Saudi Arabia. And, most importantly, it is wrong for the United States. If the AWACS sale is permitted to pass, it would reward the Saudis for their intransigent role as an obstacle to peace in the Middle East. It would transfer huge quantities of sophisticated and lethal weapons to a backward, unstable, and arrogant regime, and create the prospect of an unparalleled foreign policy disaster for our interests in the region.

I urge my colleagues to join me in opposing this dangerous proposal by voting for the resolution of disapproval.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PELL. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan (Mr. RIEGLE).

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I rise to strongly oppose this arms package.

Today's limitation on debate and the White House win-at-all-costs pressure tactics are a disservice to the Senate—and to our Nation.

This arms package is a tragic mistake. Its passage will move the Middle East and the world closer to war. It is a massive escalation of the world's arms race that leads away from negotiations and peace talks—and toward armed conflict.

This sale, if approved, will fundamentally alter the balance of power in the Middle East and can only be followed by a cascade of new weapons acquisitions by all the nations of the Middle East.

We are building a powder keg in this region with the same recklessness that plunged us deeper and deeper into the Vietnam war years ago and which more recently promoted our blind-faith arms sales policy in Iran during the Shah's regime.

It is not surprising to me that the same people that helped flood Iran with weapons during the Shah's reign—are now pushing the same strategy in Saudi Arabia.

Yet, all the American military equipment sent to Iran has been compromised and is almost certainly in Russian hands today.

Mr. President, the AWACS and the Sidewinder missile are two of the most important weapons we have. The AWACS system alone is so tightly guarded that our Nation has only ever shared one AWACS plane—that with our NATO military allies under joint United States/allied command.

This arms package puts these vital weapons at risk—makes Saudi Arabia a more tempting target for extremists—and will create dangerous new pressures aimed at radicalizing or removing the present Saudi monarchy.

There is a very high prospect that we will some day have to defend ourselves and our friends and allies against these very weapons of war that this proposal provides.

Mr. President, on the enhancement package, my instincts tell me that the removal of the F–15 bomb racks from the package is an act of deception. I have no doubt that, in due course, the bomb racks will be provided to Saudi Arabia. After all, we earlier pledged no enhancement equipment for the F–15; and that pledge lies broken on the Senate floor today.

There is no coherent U.S. foreign policy at this time—no coherent administrative structure to form one, and mounting evidence of disarray among our allies.

There is no overall U.S. Middle East strategy that one can identify and, thus, no framework in which to fight this massive arms proposal.

Mr. President, this is an ad hoc transaction of the most serious strategic consequence that will bring profound new risks to America and the world.

I believe a major force behind this sale is that of naked commercial greed. Arms merchants and others who seek the financial favors of the Saudi Government are all over Washington with dollar signs in their eyes, pushing multibillion dollar sales of every sort. I do not believe these commercial interests are basing their initiatives on the strategic interests of the United States. They are based instead on a scramble for private gain and a willingness to curry favor with the Saudi Government in the hopes of making rich financial deals.

And yet, Mr. President, Saudi Arabia is the leading force behind the OPEC oil monopoly that is price-gouging every American citizen—and which has increased the monopoly price of oil tenfold. Much of our current inflation and economic misery in the United States has been caused directly by Saudi Arabian oil price decisions.

The argument that the Saudis have been a modifying influence on world oil prices is self-serving hogwash. The Saudis have helped erect an oil pricing structure which is bleeding every last penny out of consumers in America and around the world. The only thing that has limited further price increases has been the real threat of international financial collapse, an oil supply glut because of high prices, and the increasing threat of a serious worldwide recession or depression.

The Saudis have been masterful in portraying their role in the OPEC oil cartel as one designed to help the United States and the West. We are going broke paying monopoly prices for OPEC oil—while the Saudis have been walking us to the poor house. They have weakened the financial strength of our Nation—and they have hurt our people.

They are financing the PLO, and they have vigorously opposed the Camp David peace process—both actions which, in my view, actually hastened the death of Anwar Sadat.

Now we are told that we must appease the Saudis by giving them our most sophisticated military equipment and in so doing create new jeopardy to ourselves and to our friends.

Not with this Senator's vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. PERCY. Mr. President, I yield 10 minutes to the distinguished Senator from South Dakota (Mr. PRESSLER), a member of the Foreign Relations Committee.

Mr. PRESSLER. Mr. President, I had originally been scheduled to speak at 3:30, but I understand there is a possibility of a closed session to consider classified material, so I shall speak at this point.

I predict that President Reagan will surprise a lot of people in the next couple of years in two areas. One, I foresee the possibility of the convening of a new series of Camp David-type peace talks which could involve Saudi Arabia, Egypt, Israel, and possibly Jordan and other countries. The President has not told me this, but I have talked with other members of the administration, and I think this President will make a great effort to expand the peace process.

One of my great concerns has been that Saudi Arabia has supplied money to the PLO; and a lot of that money, I am afraid, has been used in what can be classified as terrorist activities. I sincerely hope that Saudi Arabia stops doing that. In fact, I think it should be a condition of the President, under the Arms Export Control Act, that during the 5-year period before the first plane is delivered, if there is substantial evidence that Saudi Arabia continues this aid, the sale would be shut off.

More important, I believe that it would be a great step forward if Saudi Arabia and Jordan could be brought into the peace talks. I think that our current activities, including the sale of AWACS, shows the confidence that our Government has in Saudi Arabia, and I hope that confidence will be rewarded by reciprocal action.

The second area in which I think President Reagan may surprise many people is in the general area of arms control. Although that is somewhat unrelated to the Middle East, it is related in the sense that if Richard Nixon could go to China and reestablish relations with that nation, Ronald Reagan can initiate major arms control agreements among the nations of the world. I expect much greater initiative in that area than we have seen thus far.

I mention this because I believe strongly that the convening of a new peace meeting regarding the Middle East, an extension of Camp David, is something within the realm of possibility. I have come from three meetings with the President feeling that he very much would like to do something along these lines. I repeat that he did not say to me that he would do it, but I urged that. I believe that as early as December or January, our Government could urge that such a meeting should be held.

The point is that in the consideration of this AWACS sale, we have a much broader responsibility than immediately meets the eye. To turn this sale down at this point would have a chilling effect on the possibility of expanding the peace process.

Concerning our domestic policies, last Thursday evening I spoke to the Anti-Defamation League at a meeting in San Francisco. I was asked by their board of directors to bring a message back to the President, which I have delivered, and which is in the October 27, 1981, CONGRESSIONAL RECORD. In the aftermath of this vote, however it comes out, we must bind up the wounds that may have been caused by this debate. I emphasized in my speech that persons of the Jewish faith should not be singled out or criticized for lobbying, because that is part of the great American tradition.

On the other hand, people who support the sale, as I do, should not be considered in any way as opposing Israel, because that is not the case at all. We have had a great deal of lobbying for the sale on the part of big business, but that is all right, too; because both sides in this debate have this constitutional right, and it is part of our American political tradition to permit free expression of all views. We should not unfairly categorize people or groups or imply that some are less loyal or more loyal to the United States or a foreign state, or anything of that sort, because of this debate.

I hope that in the aftermath of the debate we all are very considerate of the winning and losing sides; that we not enter into questionable generalizations regarding the motives of people. I believe that everyone who has participated in this debate has done so with the best interests of the United States in mind, although many of us have had different interpretations of how those interests can be served best.

I conclude, in the brief time allotted, by saying that I first went to the Middle East on a 4–H agricultural exchange program trip in 1961, when I was a teenager, and spent 4 months in Egypt. Since that time, I have followed closely events in the Middle East and have read very widely on that region.

In 1965, when I was a student at Oxford, I took a summer tour of the Middle East, as part of a youth hostel program. Once again, I visited the various countries we are talking about today.

Again, this past summer I visited some of those countries, both an Arab nation and Israel, as a member of the Foreign Relations Committee.

Through all that, the hostilities that have continued to exist on both sides, the difficulties that exist there, have persuaded me that the Middle East is perhaps one of the key areas of the world in terms of our interests.

Oil, energy for agriculture, is important in my State of South Dakota. We find that we are very dependent on the Middle East, and our presence there is going to be required for many years to come. We will probably have many more debates, such as this AWACS debate, in regard to aid to Israel and cooperation with various Arab states. So this is by no means a final resolution.

In fact, some have said that the AWACS sale, in and of itself, is not that important, when you compare it to other questions. We often make more significant decisions with much less controversy. But this is part of our continuing struggle to balance our interests in the Middle East, to formulate more effective foreign policy on that region.

As I announced earlier, I shall support the President in this matter. I believe the matter was poorly handled by the administration in March and April and again in August, when many people tried to head this off. Nevertheless, we are now in this painful box, and nobody can escape from voting on it, although many would like to.

I reiterate that whatever conclusion my colleagues reach on this matter and whatever the outcome, I refer to the message we received from the Anti-Defamation League. They received me very well, even though I supported the sale and said so in my speech. I think that is an important thing for us to remember—that tomorrow we must get along together with the business of pursuing our foreign policy goals and our interests in the Middle East.

Mr. President, I conclude by thanking my distinguished Foreign Relations

Committee chairman, Senator PERCY, for his references today concerning my contributions to President Reagan's letter to the Senate on AWACS assurances or certifications.

I yield to the Senator from Rhode Island, in the absence of Senator PERCY.

Mr. PELL. Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. Mr. President, I thank the Senator from Rhode Island.

After months of debate on the proposed arms sale to Saudi Arabia, we are finally called on to address the package.

Mr. President, as I have said many times before, I believe this transfer of technology contravenes our national interests, and I will cast my vote in favor of the resolution of disapproval.

At issue is $8.5 billion worth of America's most advanced military weaponry, $8.5 billion—the single largest arms sale ever contemplated by this Nation. As such, it has—very reasonably—been exposed to the most careful scrutiny of both Houses of Congress.

As a result of this inspection, the House of Representatives rejected the package by a 3 to 1 majority, and approximately half of the Members of this body have recorded their opposition.

Mr. President, I submit that a primary reason for that result is the effect of this sale on U.S. interests and Mideast policy. More precisely, the administration's call to rally around the concept of a "strategic consensus" threatens to undermine the tenuous stability of the region, in light of the widely held belief that the central component of U.S. policy must be the resolution of the historically bitter Arab-Israeli conflict.

Few have thought as deeply about this sale as has our distinguished Democratic leader, Senator ROBERT BYRD. His statement before this body on October 21 shows, I think, the misdirection of the administration's proposal:

> The Administration has expended most of its time and capital to date in attempting to build an anti-Soviet strategic consensus among our friends—including the Israelis, Egyptians, Saudis, the Gulf States, and Jordan. Yet, such a consensus would only be viable if the Arab-Israeli issues are resolved. In resolving them, a strategic consensus would become viable. If there is no progress in resolving them, it would seem impossible to develop such a regional consensus.

I concur in the conclusions drawn by Senator BYRD. We cannot leapfrog over regional disputes without seriously damaging our national interests in the Middle East.

In essence, a sale of this magnitude, prior to movement on the Arab-Israeli front, invites a hardening of the belligerent attitudes that prevail throughout the region. These attitudes, in turn, increase the possibility of new and costly outbreaks of war.

The United States does not benefit from armed conflict. Nor does Saudi Arabia or Israel. The only parties to benefit are the Soviet Union and her proxies in the area. Clearly, that is not the direction toward which this country should aim.

What this country needs, Mr. President, is a Middle East policy, steeped in a solid sense of direction. It does not need an ad/hoc attempt to base future progress on risky arms sales to a turbulent and strategically vital area.

Peace and stability—that is the goal on which all agree. The issue is how to get there. The answer is not to be found in major arms sales to Saudi Arabia, or any other nation which does not share a similar outlook on the problems of the region.

The question becomes, Does Saudi Arabia share, or at least acknowledge, American interests in that region? Upon balance, the response is a resolute "no."

To be sure, Saudi Arabia has acquiesced in the need for a strategic consensus against the Soviet threat in the region. We are thankful for their help in achieving the Lebanese cease-fire.

On the other hand, Saudi Arabia has repeatedly undermined American objectives in the Mideast. The Saudis have opposed the Camp David peace accords. They have bankrolled the PLO and urged holy war against the only democracy in the region, Israel.

Additionally, Saudi Arabia ended relations with Egypt, led a boycott of that nation, and barely acknowledged the death of Egypt's visionary leader, Anwar Sadat.

The Saudis have raised the price of oil by more than $20 a barrel since 1978.

Saudi Arabia recently joined an Arab condemnation of the United States after American pilots returned the fire and downed two Libyan fighters over international waters. At the United Nations, Saudi Arabia participated in a communique sponsored by Cuba and members of the so-called nonalined bloc which basically condemned the United States as the major threat to peace in the world today.

This is not the track record of a faithful ally. It is not a record which inclines me to approve this sale to Saudi Arabia.

Many of my colleagues firmly believe that AWACS and F–15 enhancements do not pose a threat to Israeli security. I respect that opinion, but do not share it.

Over the past several years, we have witnessed an astounding growth in arms purchases by Saudi Arabia and other Arab countries. According to an Associated Press dispatch of October 22 which appeared in the Washington Post, Saudi Arabia, Jordan, Syria, Iraq, and Iran have purchased approximately 33 percent of all major weapons bought by developing nations between the years 1977 and 1980. Saudi Arabia, alone, has purchased more than $30 billion over the past several years, granting her the title of being the major U.S. arms purchaser of the recent past.

Israel, on the other hand, is stretched to the limits, in every respect. With rampant inflation, and a budget which devotes 40 percent to military expenditures, that nation can no longer afford to maintain the rate of growth achieved by Arab countries.

Thus, with every major arms purchase by Saudi Arabia, Israel loses her qualitative edge against those forces in the region whose avowed goal is Israel's destruction.

A joint Arab strike would spell the destruction of Israel's economic base, which is located within an area smaller than metropolitan Chicago. Perhaps Israel need not fear, yet, being driven into the sea overnight. But the conflict no longer turns on that basis: An Arab war of attrition can have the same effect over an extended period of time.

Israel lives in constant fear, and all that can be said about this sale is that it would fuel the Israeli perception of her perilous situation.

Another major reason to oppose this sale is that it risks the compromise of some of our most advanced military technology at enemy hands. AWACS are on the cutting edge of American technological sophistication. Likewise, the Soviet Union would love to possess the technology behind our AIM–9L missiles. Those F–15 enhancements are some of the most advanced in our arsenal, with their "shoot in the face" capabilities.

Our edge over the Soviet Union, if indeed there is still an edge, is in our advanced technological designs. To risk this sophistication is a serious error, one that can be stopped.

Notwithstanding Saudi Arabia's current prowestern stance, that country is subject to internal radicalization. It does not possess the democratic safeguards to assure a stable transition from one government to the next.

Did not this administration learn the lessons of the Iranian revolution? If President Anwar Sadat could be assassinated, what is to prevent a similar situation from occurring in Saudi Arabia?

Admittedly, these are disturbing hypothetical situations to discuss—and yet, there they are, in black and white.

Mr. President, I would like to address two other issues that are of importance in this proposed sale. The first is that it would appear from the record that this sale was negotiated in a manner which should not be repeated. The Congress was bypassed entirely by the administration, and all parties involved have paid a steep price.

So, I say to the administration, we in the Congress want to work with the President in the critical issues of international importance. We are not simply here to provide our assent to every policy choice made by the administration, especially if those choice are ill conceived. We are here to provide our advice, as well.

Issues such as this one are not subject to partisan politics. This proposal is one of strong bipartisan interest, and we in the Congress stand ready to work and cooperate with this administration as it ponders the course of American foreign policy.

One final note, if I may—one of the most distressing elements to come out of this AWACS debate relates to the question of interest group lobbying. More precisely, members of the American Jewish community have come under at-

tack for their concern about this sale. Generally, the Jewish communities have been charged with interference in this sale, and charged with undermining American interests in the Mideast. Some of these allegations have bordered on the anti-Semitic.

I believe that these comments are not only unfair, but also serve to jeopardize the values upon which this Nation was founded. When this country sought independence from England, it expressly provided for the rights of all citizens to petition the Government for redress of grievances. Further, we guaranteed the right to free speech.

Some of the criticism tends to imply that Jewish constituents somehow abuse these rights if they exercise them in connection with issues that affect the state of Israel.

I find no such qualifiers in the Constitution, and this criticism has been one of the most troubling in this entire issue.

Mr. PELL. Mr. President, because of the pressure of speakers on this side, I am going to have to as a general rule limit speakers to 3 minutes if they are not on the committee and 6 minutes if they are on the committee. I already assured Senator HEFLIN that he could have 5 minutes, so I yield 5 minutes at this time to Senator HEFLIN.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I appreciate the consideration of the distinguished Senator from Rhode Island, the floor manager of the bill on this side of the aisle.

Mr. President, I rise today in opposition to the proposed sale of the AWACS package deal. I do so, not because I was one of 54 Senators who signed a letter to President Reagan dated June 25, 1981. Nor do I do so because I am one of 50 original cosponsors of Senate Concurrent Resolution 37, the Senate resolution of disapproval of this proposed sale. Rather, Mr. President, I oppose the sale because after a protracted, careful analysis of the pros and cons of it, I remain unconvinced that it is timely and/or well advised. In analyzing this issue, I think every U.S. Senator ought to approach it solely from the standpoint of what is in the best interest of the United States. Although America should continue good relations with Saudi Arabia, I nevertheless, have serious concerns about the wisdom of the proposed sale.

Mr. President, I have been thoroughly briefed on both sides of this issue by some who presently serve in the top echelon of the executive branch of the Federal Government and by some who have previously served therein. Representatives of this distinguished group include President Reagan, a member of the Joint Chiefs of Staff, as well as some top military officers from the National Security Council and some high-ranking members of the Defense and State Departments. I have had detailed discussions with many retired leaders of our Nation, including Adm. Tom Moorer, an old and valued friend. I have also discussed this issue in depth with other Senators, key businessmen with strong commercial interests in Saudi Arabia, numerous constituents and nonconstituents. Yet, Mr. President, despite my keeping an open mind and sticking to the real issues involved in this proposed sale, I have concluded that it is not in the best interest of the United States to sell the AWACS aerial package deal to Saudi Arabia. I would like to elaborate on the reasons for this conclusion.

The proposed air defense enhancement package for Saudi Arabia would not be a response to any new Saudi defense need; rather, it would enhance its offensive capability. In October 1980 the United States, at the request of Saudi Arabia deployed four American manufactured AWACS to protect Saudi Arabia's oil fields and its refining, storage, and shipping facilities against possible threats presented by the Iraq-Iran war. These four U.S. AWACS aircraft are still there today. The Saudis now want to purchase and own outright five American-manufactured AWACS radar planes as part of the $8.5 billion arms package.

What threat faces Saudi Arabia which would require it to own outright some of the U.S. top-of-the-line, sensitive, military technology? The Soviet troops in Afghanistan are more than 1,000 miles away. Hardly anyone will tell you that it is needed for protection against the Soviet Union, since a review of the geography would indicate that the Russians would have to fly across Turkey, Syria, and Iraq on one route or across Iran on another route to reach Saudi Arabia.

If Russia were to attack Saudi Arabia, the AWACS would be of little help against overwhelming odds. Only the United States could meet an outright Soviet attack against Saudi Arabia. Such an attack would face a direct threat to America's vital, strategic interests in the gulf area, and would be vigorously challenged.

There is no real threat to Saudi Arabia from South Yemen or Ethiopia. These two Soviet proxies do not have nearly the quantity or quality of arms that the Saudis have. It is very unlikely that Iraq would try to invade Saudi Arabia, especially since Saudi Arabia has alined itself with Iraq during the Iraq-Iran war. The Iranian threat has been curtailed sharply by this same war and by the placement of American AWACS in Saudi Arabia. Nor can it be a true Iranian threat. Moreover, such an Iranian threat seems almost ludicrous, especially when one considers the ineffectiveness of the Iranian Air Force during the Iraq-Iran war.

In short, Saudi Arabia has all the electronic detection and radar systems protection that it needs to defend itself adequately against any existing perceived threat to its oil fields except for a direct Soviet attack. In such case, as I stated earlier, and I do not hesitate to emphasize this point again, the United States would respond directly thereto.

Thus, the proposed Saudi arms package would not meet any new Saudi defense need. Instead of providing necessary improvements in the Saudi defensive capabilities, it would enhance significantly the Saudi offensive capability. The most controversial component of this $8.5 billion package deal is the proposed sale of five E–3A airborne warning and control system (AWACS) aircraft. The AWACS is a modified Boeing 707–320B aircraft with added radar surveillance, computer, and communication equipment. It has "look-down" radar and is designed to detect, identify, and track hostile warplanes and coordinate the combat operations of friendly air forces.

The F–15 enhancement equipment includes:

First, 1,177 AIM–9L Sidewinder infrared—heat seeking—air-to-air missiles, which are widely regarded as the most advanced missiles of their kind presently in use anywhere in the world. They would allow the Saudi F–15's to attack enemy aircraft head-on and eliminate the need to maneuver from behind.

Second, 101 sets of FAST packs or conformal fuel tanks, which can be attached on each side of the F–15's to boost their fuel capacity from a combat radius of approximately 450 miles to a combat radius of more than 1,000 miles.

Third, 6 to 8 KC–707 aerial tanker aircraft, which would allow Saudi Arabia to refuel both its F–15's and F–5's in flight.

Do the Saudis really need this most advanced weapons system to defend themselves against the underarmed Ethiopians or South Yemenese? Do they really need this aerial package deal to defend themselves against a direct Soviet attack? If the Soviets were to conduct a surprise attack, the Saudi Arabian Air Force would be wiped out in a matter of hours. If it is a prolonged attack or one with notice, the F–15 can be armed very rapidly by America, who is committed to that country's defense.

In the absence of any real need for the American-manufactured AWACS aerial package, it seems to me that we must weigh the risks involved in providing the Saudis with such a potent, advanced, and complicated weapons system. We only need to recall what happened in Iran. We made it the strongest military power in the Mideast over a 20-year period, more or less. Within a matter of hours after internal instability and turmoil caused the Shah to fall, Russian agents were able to gain vital information about practically all of the sophisticated technology and weapons that America had supplied Iran. The unstable political situation in Iran and throughout the Mideast led to the compromising of our F–14 aircraft, Phoenix air-to-air missile and our Hawk surface-to-air missile. Reliable reports indicate that the Soviet intelligence forces have as one of their top priorities the acquisition of detailed information on the AWACS and the equipment in the plane.

It is no secret that Saudi Arabia is unstable. More importantly, the Middle East itself is a power keg. I am terribly concerned about the impact that such an AWACS aerial package sale would have on the military stability of the whole region. We do not need to exacerbate tension in the Middle East. Nor do we

need to compromise—through espionage, theft, plane crash, combat, or a coup—sensitive American technology. The compromising of such technology in Saudi Arabia to our adversaries would probably be twice as damaging as that in Iran. The risk is not so much duplication of technology, but impairment and deception of our military electronic systems.

The letter that 12 American F-15 fighter pilots wrote to Congress protesting the sale of the Sidewinder AIM-9L made quite an impression upon me. It was introduced into the RECORD and was made an integral part of a number of speeches on this issue. These pilots urged Congress not to sell the Sidewinder AIM-9L because the Russians do not have it, and there is the real danger that it will fall into the hands of the Russians if it is sold to Saudi Arabia. They asked the question, "Why give our technological edge away?"

Recently I talked to an Air Force fighter pilot who had not signed the letter, but was familiar with it and with many of the fighter pilots who had signed it. He expressed admiration for their courage. He also reinforced their arguments that the Sidewinder AIM-9L is highly secret technology, and that we cannot afford to gamble on letting it get into the hands of the Russians. He further mentioned that about 15 years ago there was an earlier version of the Sidewinder which he identified as the AIM-9. He said that because of inadequate and insufficient security, Russian agents were able to get their hands on such a missile in West Germany. Then these agents disassembled it into parts and through Volkswagen and station wagons, carried the missile into East Germany, then on to Russia.

As a result, the Russians developed the ATOL missile, which was comparable then to the AIM-9. He pointed out that through a plane crash, theft or international disruption or a revolution within Saudi Arabia, America was gambling and taking a big risk of allowing the Russians to acquire a Sidewinder AIM-9L—the missile that America is proposing to sell to Saudi Arabia. He went on to explain that many modifications of planes had been made to prevent heat-seeking missiles from being effective, but that the technology of the Sidewinder AIM-9L was extremely sophisticated and secret. The Russians have no real defense against it now. He pointed out that the AIM-9L had been effectively used to destroy the two Libyan planes that attacked the U.S. Navy maneuver training exercise recently in the Mediterranean.

A few months ago there were few who would question the stability of the Egyptian Government, but today we realize there are serious questions concerning Egypt's ability to handle internal and external disruptiveness. In my judgment, certainly the sale of AWACS should be held up until we know about Egypt's attitude toward peace and America.

Moreover, Mr. President, I think that it is time to bring an end to the policy of sharing highly sophisticated American technology and secrets with other nations. Almost every medium-sized nation in the world and some small nations now have the capacity to produce atomic bombs. Our experience in India should have taught us a lesson. The Saudi regime and Libya are financing Pakistan's three nuclear projects designed to produce an Islamic nuclear bomb. Now we hear that France will use American technology to develop the neutron bomb. Many leading predictors of the future feel that World War III will start in some small Third World nation as the result of an atomic bomb. Fair-weather friends of the United States today can become enemies overnight.

During the protracted controversy surrounding the proposed sale of the AWACS package to Saudi Arabia, many of us have forgotten or failed to emphasize that since the AWACS aircraft was first delivered to the U.S. Air Force in 1977, only 52 have been built or are on order; 34 for the U.S. Air Force and 18 for NATO. We have joint command and control of the AWACS in NATO. If the United States has joint command relationships with NATO during the use of an inferior model of AWACS (block 25), should not we demand greater control over our most advanced model of AWACS (block 30/35) which has never been sold outright to any other country in the world?

Mr. President, Saudi Arabia already has AWACS protection. Presently, these planes are completely under American control. They can continue to stay there under this arrangement and provide better protection than Saudi-owned AWACS could provide, since the Saudis cannot operate them without tremendous assistance from the United States. Under such an arrangement, the AWACS could not be used offensively against other countries without American knowledge and consent, and would greatly reduce the danger of such planes falling into the hands of the Russians. This is the arrangement the United States is following in Egypt and NATO. If the sale goes through to Saudi Arabia, it will be the only country where the U.S. AWACS are not under American command and control.

Finally, Mr. President, as a Member of the U.S. Senate, I would not want to be accused falsely of impeding the progress of the administration's "strategic consensus" in the Middle East by voting against this proposed sale of the AWACS package to Saudi Arabia. If the administration's goals of achieving such a consensus is jeopardized by the nondelivery of the American-manufactured AWACS aerial package to the Saudis, the administration will only have itself to blame. This proposed sale is untimely and ill-advised. It should not be the litmus test of America's friendship with Saudi Arabia. Military hardware should never take precedence over a legitimate, sound foreign policy, especially when our strategic interests are at stake.

The sale could escalate the arms race in the Middle East. If Israel is threatened by the AWACS sale, the administration could feel obligated, as some have reported, to offset the threat by providing Israel with F-16's or access to a spy satellite. Saudi Arabia, on the other hand, could be encouraged to request more weapons, including the multiple ejection bomber racks for F-15's. No one disagrees with the need to protect Persian Gulf oil supplies or counter the increasing Soviet presence in the gulf.

It is unreasonable, however, to assert that by pumping more and more arms into an unstable Arab state, we will defend more effectively against further upheavals. The sale could eventually embroil the superpowers in a war. Saudi Arabia has shown no inclination to moderate its anti-Israel and antipeace policies, so there is no compelling rationale for rewarding it with sophisticated weaponry. The Senate should not rubberstamp an arms package with such dangerous implications.

In a speech by one of the most erudite and astute Members of the Senate who has a recognized expertise in the field of military affairs, Senator SAM NUNN, of Georgia, pointed out the importance of the AWACS sale to the future of a rapid deployment force. He quoted extensively from the testimony of Gen. P. X. Kelly, Assistant Commandant of the Marine Corps, who testified before the Senate Armed Services Committee on September 28, 1981. General Kelly was the first rapid deployment force commandant who spent considerable time organizing the force and establishing the contingency plans for the use of the rapid deployment force in the Persian Gulf area. Here are General Kelly's words:

> There is no question in my mind that . . . if the U.S. is to display meaningful combat power to that part of the world, be it high threat or low threat, it is absolutely essential that we have free and willing—and I emphasize those two words, free and willing—access to Saudi land bases, Saudi ports, Saudi host nation support, and a considerable labor pool from the Saudis.

Without a staging base in the Persian Gulf region a rapid deployment force will be completely ineffective. There are those that feel that the success or failure of the U.S. military action in the Persian Gulf is dependent on the rapidity of the deployment of a creditable force after we are alerted to a danger. One of the first elements in a successful deployment of a rapid deployment force is to gain air superiority. It is essential that we have a land base to achieve this goal.

In my discussion with the President on yesterday, I asked him what was the quid pro quo for the sale. Basically the answer was friendship. I then asked him if we had any assurances from Saudi Arabia that America could use Saudi airfields, bases, and ports for our rapid deployment force. He replied that he did not think that that had been discussed with the Saudi Arabian Government. He indicated that we would have to rely on Egypt and, somewhat, on Oman.

It appears to me that a commitment from the Saudi Arabian Government for the use of land bases and ports by the rapid deployment force should be at the top of our priority agenda. The present use of the four AWACS in Saudi Arabia today could continue under American command and control, provided a quid pro quo is obtained from the Saudi Government concerning the use of airfields,

ports, and bases for our rapid deployment force and other military uses. If the Saudis were to refuse to allow such use, then we would have as a bargaining tool the possibility of the withdrawal of American owned and controlled AWACS. On the contrary, if the Saudis were to own the U.S. AWACS, then they could not be used as a bargaining tool.

In closing, Mr. President, I reiterate that this proposed sale of offensive equipment to Saudi Arabia for its F–15's is contrary to the original articulated purpose of the sale—to enhance the Saudi defensive capabilities. The proposed sale is, therefore, not in the best interest of Saudi Arabia or the United States.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HEFLIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, in the normal course of events, the distinguished Senator from Alabama (Mr. DENTON) was due to be recognized for 10 minutes, but I wonder if he would be willing to accommodate the Senator from Maine (Mr. COHEN).

I believe Mr. COHEN is not ready. So the Senator may proceed.

Mr. DENTON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, the issue of the proposed air defense enhancement package for Saudi Arabia has stirred up controversy to the point where an essential sense of proportion has been forfeited. Reason and objectivity often have given way to subjective rhetoric and tenacity to irrelevant truisms.

Let us accept, once and for all, that our national policy has been, is, and will continue to be, committed to the survival of the State of Israel. That single commitment, however, does not by itself sufficiently serve all our own vital interests in that area of the world.

The central question is not whether broadening participation in Middle East security serves the strategic interests of the United States, but, rather, how best to achieve the conditions necessary to such participation.

The President has determined that the air defense package properly responds to the legitimate security requirements of the United States, as well as to the vital interests of Saudi Arabia. This sale represents not an isolated, individual act of pragmatism, but is part, rather, of a pattern of moves to strengthen our interests and those of free nations in an area where the growing threat has already introduced an urgency of need for initiative. Properly viewed, the AWACS package is but an increment in a carload of policies under belated formulation which will contribute to the growth of regional awareness of, and consensual commitment to, the objective of developing joint regional capability to arrest increasingly dangerous Soviet or Soviet-inspired adventurism.

The facts bearing on the sale of AWACS and F–15 enhancement equipment to Saudi Arabia overwhelmingly confirm President Reagan's assessment of the geopolitical facts of life in that region of the world. This assessment is shared by our present Secretary of State, the President's National Security Adviser, by our Joint Chiefs of Staff, as well as by all three living ex-Presidents, all six living ex-Secretaries of Defense, all five living ex-Presidential National Security Advisers, three former Secretaries of State, and all three living former Chairmen of the Joint Chief of Staff.

I respectfully suggest, Mr. President, that the collective knowledge and objectivity of this distinguished group are not easily ignored. The unanimity of these individuals who have been so intimately involved in the formulation of foreign policy at the highest level should be a strong argument for reconsideration on the part of those Senators who remain opposed to this proposal.

This Senator is not on the Foreign Relations Committee and is only a freshman—but I do not speak as a neophyte in this field. As a man who has personal experience related to AWACS, experience that I believe exceeds that of others in this body, and as one who earned the Department of Defense's highest noncombat award partly because of contributions to improving our international relations, I state with humility, but with emphasis, that I share fully in this overwhelmingly authoritative, informed assessment.

While I recognize the legitimate and valuable advise and consent role of the Senate in respect to treaties, I am not enthusiastic about the trend of increasing congressional assumption of prerogative, which in my view is beginning to infringe upon the constitutional duties and prerogatives of the President. More importantly, the result of this trend is that the management of our affairs of state has been foundering. In marked contrast to the unstinting and broad support given our President to initiate, without imposed inhibitions, moves of national life and death implications during the Cuban missile crisis, we have witnessed in the 19 years since that time, a new deal in which several disastrously interventionist actions on the part of Congress proved inimical to U.S. interests around the world.

The turn of events in Southeast Asia since 1975 shows that the congressional decision to override the President—indeed, to override the pledge given by a total of four Presidents—and terminate all aid to South Vietnam was not the legislative branch's finest hour. This action stands in stark contrast to the steadfastness of the Soviet Union in its support of North Vietnam. Congress by this step set into motion a chain of events that led inexorably to the lengthening of that already long list of nations where freedom has died and our interests have suffered through failure of nations of good will to act.

Mr. President, we must recover from the Vietnam syndrome—we must recover a sense of reality about the requirements for preservation of peace and protection of our valid interests. Tens of millions of human beings have sunk into slavery.

U.S. strategic interests, including economic ones, have been suffering increasing reverses. We must wake up soon, or we shall lose our own freedoms.

I submit that the proposed resolution to prohibit the AWACS sale to Saudi Arabia is potentially another example of ill-advised congressional action taken without regard to the long-term, adverse consequences.

It is my conviction that the proposed air defense package is a responsible initiative that addresses the critical need to improve Saudi early warning and air defense capabilities to deter attacks on the Persian Gulf oil facilities. Moreover, as the product of the largest oil producer in the Middle East, with reserves representing 29 percent of the world's known oil deposits, the free flow of Saudi oil is crucial not only to regional stability, but indeed affects the stability of the entire free world.

The AWACS sale offers an opportunity for the United States to influence, constructively, Saudi policy. The interoperability of Saudi AWACS with U.S. naval forces in the Persian Gulf and Arabian Sea, and the sharing of AWACS data provide a solid foundation for increased United States-Saudi defense cooperation. Such cooperation can only be construed as beneficial to the prospects for attracting to such coordination other states in that region.

The effects of the factual operational constraints inherent in the agreements serve better than any formal written agreements to prevent any shift in the Arab-Israeli military balance, and I say that as one personally familiar with those operational constraints.

However, in terms of the written agreements themselves, I find it increasingly frustrating to note that, in spite of the numerous security arrangements over and above those that are standard in this type of sale, concern about the risk of technology transfer persists. Even were the extraordinary precautions to fail, my personal experience in the research, development, and operation of airborne electronics permits me to state categorically that the potential damage from compromise of this particular technology is an acceptable risk. Certainly the risk pales in comparison to the certainty of the damage done if the United States abdicates its position to influence the chances for peace and stability in the region.

Although a satisfactory resolution to longstanding Arab-Israeli differences is not imminent, all parties will come to see that the threat each side poses to the other is not of the same order as the threat posed by Soviet policy in a near-sighted, unstable Mideast.

Mr. President, the credibility of the United States as a world power is being weighed in the balance. Let us seize this opportunity to pursue a consistent, reliable policy in the Middle East, a policy of setting the stage for cooperation among Mideast States, a policy that contains bilateral United States-Israel, and bilateral United States-Arab arrangements which increase protection of mutual vital interests.

Above all, let us give our President the footing he needs to pursue a coherent, effective foreign policy free of the waywardness occasioned by congressional polices, free of congressional intervention, where the facts do not justify such

intervention. Let us keep in mind that the action we take today is being observed not only by the States of the Middle East, but also by nations throughout the world, which are on the fence with respect to their evaluation of the advisability of joining hands with us in the cause of freedom with justice.

Let us take a step in restoring proper trust among the respective branches of this Government.

Let us regain a bipartisan approach to foreign policy.

Let us begin by rejecting this resolution of disapproval.

The VICE PRESIDENT. Who yields time?

Mr. BAKER. Mr. President, will the distinguished Senator from Illinois yield to me?

Mr. PERCY. I yield.

Mr. BAKER. Mr. President, I commend the distinguished Senator from Alabama for his statement.

I ask—and I apologize to the Senator for sending word that I wished to intervene at this point—but I ask the distinguished managers of the bill if they would be in position to allocate 20 minutes to the distinguished Senator from Maine.

Mr. PELL. It cannot come out of our side, I am afraid, because we are already very much squeezed.

Mr. BAKER. Yes; out of this side.

Mr. PERCY. I would be very happy to yield 20 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, it has been generally agreed that the proposed sale and transfer of the AWACS system and the upgraded F–15's has been mishandled in the first instance and manhandled in the second. It has been raised to the level of a fundamental foreign policy issue for President Reagan—a potential turn in the tide of American diplomacy—and a major military threat to Israel.

It is neither, but we have managed to make it so.

Our Cloak Room and dining room discussions have been filed with soulful lamentations: If only our Air Force generals had not been so eager or greedy or dumb to offer to sell our technology to the Saudis; if only the Saudis would stop wrapping themselves up in the flag of sovereign pride and prestige and speak about peace; if only the Israelis would stop complaining and stay out of American foreign policy; if only the President would postpone, defer, withdraw the proposed sale. * * * Well, perhaps all this agony could have been avoided. At least it is pretty to think so.

But it is too late for the "only ifs." We have to say yes or no to a choice that none of us really looks forward to making.

Before casting my vote today, I want to address a few issues that have been raised since the sale was first conceived and presented to the Congress.

I have been, and I continue to be, a wholehearted supporter of Israel because Israel shares with us something far more important than the oil the Arab nations sell us. The Israelis share our ideals of democracy, of human freedom, of individual liberty. These are the ideals that we have sent so many American men to fight and die for all over this globe. I support Israel because its people also serve as an inspiration to me because they are tough, disciplined, dedicated, and determined to survive against overwhelming military odds, against the intimidations of totalitarians, against the bombs and brutality of terrorists. They remain proud, unafraid, and free.

I feel compelled to say this today because I have heard people ask why are the Israelis being so stubborn, so outspoken, so intrusive about this sale? There are two reasons. They understand geography and they understand history.

They look to the north and see a dying and dismembered Lebanon which is now occupied by the PLO and protected by Soviet-made missiles. To the northeast there is Syria and to the east there is Jordan. To the south there is a Sadatless Egypt now being heavily rearmed by the United States, and to the southeast Saudi Arabia, which to this day continues to declare a holy war against Israel and pledges to drive every Jew from Jerusalem. I pass over the significance and the schemes of Libya, Iraq, and Iran. The Israelis are outnumbered 100 to 3 in population and 10 to 1 militarily. Every day, every hour, every minute, every second, they live under the hair trigger of extinction. Lest we dismiss that as extraordinary paranoia, let us not forget the near hysteria that gripped this country by the throat 2 years ago when we discovered some 2,500 Soviet combat soldiers 75 miles off our coast in Cuba.

There is a familiar aphorism that those who are ignorant of history are doomed to repeat it. Well, Israel knows its history. It knows, for example, that in the Sinai War in 1956, President Eisenhower brought pressure in Israel to withdraw to borders that had been established in the 1949 armistice—that had proved to be indefensible. Israel acquiesced and this set the stage for the 1967 war—which for all of its success cost the Israelis more lives on a proportional basis than we lost in Vietnam. And no sooner was that war over when Israel was called upon to be generous and yield to Arab demands to return the conquered territory without any concession that Israel had a right to exist and be free from Arab calls for its destruction.

For a decade since the Six Day War in 1967, the U.S. policy has been that Israel must trade its territory for the promise of peace and that Israel must exchange the tangible for the intangible. Well, the safe and secure are always urging Israel to take more risks. And the governments of the world are constantly insisting that Israel be generous while they are miserly.

In 1973, Israel again was on the verge of being destroyed, and no sooner was victory declared than it was crowned by calls to return the land the Israelis had secured and seized for their protection and survival. Each time they have made concessions we have demanded, they have fallen victim to the future that they foresaw.

I am reminded of the statement made by Andre Gide that the foreknowledge of the finality of things destroys bliss at its very apex. It is the foreknowledge on the part of the Israelis that every freedom must be cursed with fear, every gain rendered superficial and fleeting. Throughout recorded history, the Jewish people have been forced like Sisyphus to roll a rock up the hill of bias and bigotry, condemned never to reach the top where they could find peace and respite and security. Each time, they somehow lose their footing, or the rock grows too heavy, or someone is tugging at their arms, then the rock rolls back down to the bottom of the hill.

Even now, the Israelis are being accused of trying to influence, if not dictate, U.S. foreign policy. I have never seen a sign in Israel, as I have in Britain and Germany and France and even Canada, that demands that the United States get out of El Salvador. I have never heard the Israelis either call for the initiation or the rejection of arms control talks with the Soviet Union at the price of continuing their alliance. They do not try to influence any U.S. policy unless it directly affects their ability to survive, unless it brings them closer to war.

So let us not be outraged about Israel trying to dictate U.S. foreign policy. Let them come in an open society and tell us their version of the facts and their visions of the future.

The author George Will suggests that Israel, under our leadership, may be headed for the same fate as that of South Vietnam—abandonment in the face of force. I pray to God he is wrong. But if he is right, let me make a prediction to you that you will see no boatloads of Israelis filling the seas, begging to come to America. They are going to stay and fight and their battle will not be confined to Israel. As America's shared ideals go up in smoke, so will the West's interests in the Persian Gulf.

To put it quite simply, the Israelis are confused and rather frightened about our policies and about their future under those policies. They understand when their enemies arm their enemies. That is one thing. They understand less why their ally arms their enemies, or how we can talk in this body, in this country, about an evenhanded policy in the Middle East.

An "evenhanded" policy is the code word for their death warrant. They are surrounded on all sides by hostile forces that are being supplied massive amounts of weaponry. They can survive only if they have military superiority and only if their enemies know that the United States is fully committed to defending Israel if it is attacked, is fully committed to resisting calls for concessions that are tantamount to a policy of appeasement.

I happen to be a supporter of the Camp David accords. They constituted a remarkable breakthrough in Israeli and Egyptian relations. But even as I commend the accords, I feel it necessary to point out that Israel has given up far more than it has ever received. Israel has given back the oilfields which supplied a large percentage of its needs; in return, it was allowed to set up an Embassy in Cairo. Israel returned the first third of the Sinai and Egypt allowed direct travel between Israel and Egypt.

Israel returned the second third of the Sinai and Egypt allowed Israel access to the Suez Canal, which had been illegally blocked under international law in the first place.

And now they are being called upon to show more flexibility, a demonstration of good faith by accelerating the return of the final third of the Sinai to show the Egyptians that they are truly committed to the Camp David peace process—while Lord Carrington offers the European initiative and Prince Faud offers his.

What might have appeared to be mere graffiti on the walls is beginning to emerge into a pattern and into a prediction.

The Israelis will be called upon soon to resolve the Palestinian issue equitably, though the Palestinian Manifesto calls for the destruction of Israel as its goal. And if they refuse to make more concessions or return to pre-1967 borders, then the Egyptians, once the Sinai is returned next spring, will be in a position to say they can no longer follow the path of Camp David. Saudi Arabia will play the same duplicitous game it has played to date—quietly expressing moderation to the West while openly financing and pacifying the demands of the PLO.

Frankly, I must tell you, Members of the Senate, I do not share this administration's optimism that the Saudis can be made to serve as a source of stability or moderation in a part of the world that historically has been unstable. Nor do I believe they will be any more moderate in the future than they have been in the past. Their actions to me speak considerably louder than their words. And those actions range—you have heard them today—all the way from oil embargoes and extortionist pricing policies to threats to reduce production if we stockpile oil, from the breaking of diplomatic relations with Sadat to comparing Israel to a mouse tied to the tail of the United States camel—a tail that has to be cut off. They are in my judgment as moderate as Yasir Arafat.

Perhaps I am too cynical about or unfair to the Saudis. If their future actions prove me wrong, I will take this floor and gladly admit my error.

What I believe is needed is a foreign policy that has the courage and the commitment of a true superpower, something that is comparable to the Brezhnev Doctrine, which declares that the Soviet Union is free to undermine and subvert every democracy around the globe by force and once a Marxist regime is established the Soviet Union will use its full power to prevent the people of that country from ever dictating a change. Indeed, every day we speculate in this Chamber, when will the Soviets move their tanks into Poland, and our surprise comes not that they have invaded Poland but that they have hesitated to do so.

What America needs is a doctrine that is equally direct and unequivocal, that says that we will help defend democracy against every threat or intimidation by assassins, by terrorists, subversives, and those who financially support them. We will not bend or yield to blackmail whether it comes in the form of a bomb or an oil barrel.

This might strike some as being jingoistic or indeed simplistic. But I would submit that a policy of appeasement masquerading as diplomacy will gain us neither security nor respect. In the long run, we will inherit the contempt of our enemies and that of our allies—and we shall be deserving of it.

A foreign policy to endure must be based upon something firmer than the temporary intersection of economic interests. Interests are important but they should not be confused with or considered as a substitute for ideals.

Our ideals of individual freedom and liberty will flutter in the minds of men and women long after our interests have gone dry and taken form in some other substance and in some other place.

I believe that the United States will, through the bitter lessons of history, come to the conclusion that there is only one stable and reliable ally in the Middle East. It is not Iran, Egypt, or Saudi Arabia. It is Israel—and the threat to the West's security does not come from Israel's intransigence but from the fact that we have allowed ourselves to become almost helplessly addicted to Persian Gulf oil. We have found it necessary to feed our habit without regard to the moral consequences of our consumption.

A number of arguments have been advanced to encourage me to support this sale. One is that I should support my President right or wrong. I believe this proposition to be without merit. My job is not to canonize the President but to support him when he is right and to oppose him when I think he is wrong. For the past 9 years I have tried to hold true to that standard under Republican and Democratic administrations alike.

Another argument is that I must affirm the sale because other nations simply do not understand how our process works, how a President can be overruled by the Congress. The simple answer is that we have a duty to enlighten other nations about our constitutional process instead of bending our constitutional process to conform to their misunderstanding.

I want to see President Reagan succeed in his Presidency and to provide strong leadership to this country. He is a good and decent man and is a strong supporter of Israel. I sincerely believe that he holds the best chance I have seen in recent years to build a national consensus on what we have to do to preserve and promote prosperity and individual freedom. I want him to protect our interests wherever they are located, provided he does not endanger an ally in the process.

And that brings me closer to the bottom line. I have turned this issue over and over in my mind and conclude that Israel is in a classic no-win situation. If the sale is approved, it loses a measure of its military advantage. If the sale is rejected, it also loses because it will be blamed for the dissolution of the peace process, which I believe to be inevitable as long as the United States appears eager and willing to arm Israel's declared enemies.

Israel can survive only if it is militarily superior to its enemies and only if the people of the United States remain clear in their understanding of Israel's struggle and unequivocal in their commitment to its existence. If there is the slightest doubt or hesitancy about the commitment we have to Israel, then, in a crisis, that doubt will lead to Israel's destruction.

When the crisis comes, when our European friends who are so quick to give us advice about foreign policy in the Persian Gulf and offer so little in helping to defend it, when our European friends deny us overflight and landing rights on their soil as they did in 1973, when everyone is pointing an accusatory finger looking for a scapegoat, I do not want to hear any voices in the United States say—if only they had not been so intransigent, if only they had agreed not to interfere, if only they had not brought this mess—this death—upon themselves.

I do not know if this sale is rejected whether the seed of doubt will be sown in the minds of the American people. But I believe there is the chance that it could be, and that chance, in my mind, outweighs any potential threat posed by AWACS or F–15's.

I have taken a lot of time to give you all the reasons why I do not particularly approve of the sale, and I will give you one reason why I am going to vote in favor of allowing the sale to take place.

I simply cannot, in my own conscience, bear the responsibility of allowing Israel to become the scapegoat for the terror that is gathering like storm clouds over its borders. I am prepared to support this sale only if Israel's security is not compromised.

The question that has been plaguing me for the past 6 months is whether or not Israel is more secure if the sale is approved or more secure with it rejected. And I have come to the conclusion that if we reject the sale, Israel's security is in danger and it will be blamed for this dissolution of the peace process and when that confrontation and conflict comes, there will be doubts and hesistancy in the minds of the American people that they brought it upon themselves. And I simply cannot bring myself to become a party to that.

Now I have met with President Reagan on three separate occasions, and I want to say for the public record, the White House has not lobbied me. They have made no contact for me to meet with the President other than the requests that I have made myself. My request was that I wanted to speak to the President because I wanted something in return. The thing that I wanted was his assurance, his guarantee, and his pledge, that he would never allow Israel's qualitative and quantitative military edge and superiority to be eroded.

I met with him late yesterday afternoon and I asked him again and he reaffirmed it to me again that under no circumstances would he allow the present military advantage that is enjoyed to be eroded and that was the commitment he made to me, to Prime Minister Begin, and I believe to the American people publicly. And I believe him to be an honorable man. I trust that he will carry through in that commitment and for that reason and with that assurance, I will vote against the resolution.

Mr. BAKER. Will the Senator yield?

Mr. COHEN. I yield.

Mr. BAKER. I wish to take this opportunity to express my profound admiration for the Senator from Maine. I know firsthand some of the anguish he has gone through in trying to arrive at a reconciliation of competing factors and trying to find the right decision according to his light and conscience. I commend him for what he has done. I commend him for his courage. I commend him for being a great Senator.

Mr. PERCY. Mr. President, I yield to my distinguished colleague, Senator TOWER, 30 seconds or whatever time he might need.

Mr. TOWER. Mr. President, I have sat in this body for 20 years, and I have never seen a greater demonstration of moral courage or intellectual honesty than we have witnessed here today. We have just heard from a man who subordinated all else from his conscience.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I would like to add my words of commendation of Senator COHEN.

I yield myself such time as I may require.

I know what he has gone through. We have heard the eloquence with which he has expressed himself and the depth of feeling. The conclusions he came to have been the foundation of many of our own decisions, and certainly are what motivated the President.

He indicated a reference to the President's letter. I would like to read one sentence in that letter which is the assurance that many of us sought and believe in deeply.

> We will continue to make available to Israel the military equipment it requires to defend its land and people with due consideration to the presence of AWACS in Saudi Arabia.

I believe every Member of this body stands behind that commitment the President of the United States has made to the Senate and to the majority leader.

Mr. President, I ask unanimous consent to incorporate in the RECORD sections of the letter of the President dealing with regional peace and security. The first deals with the concerns expressed in the resolution introduced by Senator HAYAKAWA who simply could not bring himself to vote and support the President unless he received a commitment from the President that answered these concerns.

Second, I ask unanimous consent to incorporate the section of the letter that deals with the concerns expressed by our distinguished colleague, also a member of the Foreign Relations Committee, Senator PRESSLER, who could not support this sale unless he received these commitments from the President of the United States.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

> That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.
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> I remain fully committed to protecting Israel's security and to preserving Israel's ability to defend against any combination of potentially hostile forces in the region.

Mr. PELL. Mr. President, at this point I yield to the minority leader such time as he might need.

THE ADMINISTRATION'S ARMS SALE PACKAGE TO SAUDI ARABIA

Mr. ROBERT C. BYRD. Mr. President, last week I announced my opposition to the administration's proposed arms sale package to Saudi Aribia.

In the final analysis, as I stated then, it was my judgment that the sale of five advanced air surveillance airplanes—known as airborne warning and control systems, or AWACS—would not serve the best interests of the United States. However, I also expressed deep concern that while the debate on this arms package had focused on the transfer of AWACS, we were overlooking a potentially more serious technology transfer issue—that of the AIM–9L Sidewinder air-to-air missile to Saudi Arabia.

I would like to reiterate three other concerns which led me to oppose the sale.

First, we are transferring highly sophisticated technology which, if compromised, could be of significant benefit to the Soviet AWACS program. This should be as much an issue of sovereignty for the United States as it is for Saudi Arabia.

Second, we are launching an ever-escalating round of sophisticated weapons transfers to a highly volatile region of the world in which the primary focus of concern for the countries in the region remains the Arab-Israeli conflict, not the Soviet threat.

And third, we have all but abandoned the Camp David process, leaving the future of the Egypt-Israeli Peace Treaty uncertain at best.

Mr. President, in my remarks today, I want also to address two particular concerns which I touched upon in my speech last week. These are the proposed sale of the AIM–9L Sidewinder missile to Saudi Arabia, and the role of the Congress in the foreign policy decisionmaking processes.

According to the report on the proposed AWACS/F–15 enhancement sale to Saudi Arabia, compiled by the staff of the Senate Foreign Relations Committee:

> The AIM–9L may present a more serious danger of security compromise because of its advanced seeker and fuze technology. The seeker and fuze technology allows this version of the Sidewinder missile to be fired at enemy aircraft from any angle rather than from the rear. While the Soviets are aware of the basic cooling technology involved, they do not yet have the manufacturing capability to produce a comparable all-aspect missile.

The AIM–9L uses a solid fuel rocket propellant to reach 2½ times the speed of sound. It reportedly has a range of 2 to 4 statute miles, depending on the operating environment. The lethality of the AIM–9L has also been increased significantly by improvements to its fusing mechanism and warhead. A new laser proximity fuse permits the warhead to be detonated nearer the target. The warhead itself is of the annular blast fragmentation type, which uses two layers of metal rods wrapped around an explosive. On detonation, these rods disperse uniformly, creating a spherical destruction zone. The rods also tumble to cause maximum damage. It can home in on such comparatively low-heat sources as the heat generated by the air friction on the leading edge of an aircraft's wing. In sum, it is a state of the art weapon.

The AIM–9L is a joint Navy and Air Force development that provides both services with a common close-in Dogfight missile. It is standard with the Navy F–14 and F–4 fighter aircraft, and Air Force F–15 fighter aircraft. The missile will be carried by the F/A–18 when that aircraft becomes operational with the Navy and Marine Corps.

According to the April 1980, issue of Defense Electronics Review, the AIM–9L, consisting of all-aspect launch, increased homing performance against maneuvering targets, and greater lethality, provided a major jump in the Sidewinder operational capability. The Air Force and Navy are now working on a new generation of Sidewinder, the AIM–9M which will be equally significant in improved capability.

Mr. President, what struck me in the article which appeared in the Defense Electronics Review is the fact that many of the improvements found in the AIM–9M, which is presently being developed, have: "Also been incorporated in the AIM–9L production program."

Mr. President, I am as deeply concerned over the possible compromise of the technology associated with the AIM–9L as I am regarding the proposed transfer of AWACS to Saudi Arabia. In this regard, I want to summarize what I stated in discussing this matter on the floor of the Senate last week.

The AIM–9L is a classified technology which Saudi Arabia has not been given security clearance to receive. The consideration of this sale should have gone through the normal procedures established to safeguard its security and protect it from risks of compromise or misuse. These procedures involve securing the approval of the National Disclosure Policy Committee prior to a sale's being finalized. The National Disclosure Policy Committee, a group made up of representatives of the Secretary of Defense and the various military branches, is charged with evaluating the eligibility of various nations to receive classified weapons technology and weighing the risks and rewards associated with the transfer of that technology.

In the case of the proposed sale of the AIM–9L to Saudi Arabia, however, a deviation from the normal safeguard procedures was made and an exception to the national disclosure policy was granted. The committee was bypassed.

Senator LEVIN, a member of the Senate Armed Services Committee, pressed Secretary of Defense Weinberger as to why these procedures were not followed. The only response Senator LEVIN was able to elicit from the Secretary was one indicating that the President himself decided to grant the exception to the national disclosure policy in the case of the sale of the AIM–9L. As a result of that deci-

sion, the Armed Forces were precluded from raising their concerns in the most appropriate forum available to them, the National Disclosure Policy Committee.

In light of the impressive nature of the AIM–9L technology, it is no wonder that 12 F–15 pilots wrote Representative TOM LANTOS, of California, earlier this year, to protest this sale. These pilots expressed concern that the missiles could fall into Soviet hands if they were sold to the Saudis, thus eliminating a critical American technological edge. They wrote:

The AIM–9L is so superior that it gives the American fighter pilot a believable chance of survival when confronted with the overwhelming numbers of Soviet aircraft we must face. If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away? Certainly we as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromised version of our AIM–9L when we know how effective the missile is.

The Chief of Naval Operations has repeatedly raised objections to the proposed transfer of AIM–9L's to any neutral or Third-World country. At present only our NATO allies and Israel have access to this technology since they have been given top secret ratings by the National Disclosure Policy Committee. The Navy's position has been consistent in asserting that it is imperative to restrict the sale of this missile only to those countries currently authorized to purchase the AIM–9L.

In my estimation, the case for opposing this package is made even stronger because of the AIM–9L issue. We have not received any assurances that the 1,177 AIM–9L missiles to Saudi Arabia can be secured against compromise. Senator LEVIN asked Secretary Weinberger whether the administration had consulted the CIA's counterintelligence risk assessment and the security survey report which are prepared after an onsite investigation. To my understanding, Senator LEVIN has not yet received a reply to his question.

I am concerned with the cavalier treatment given this highly sensitive technology transfer issue. Security procedures are established to prevent the compromise of technology which gives us an edge over our primary adversary—the Soviet Union. It is vital to the national security of our Nation that we preserve this technological lead as diligently as we can. This is our technology and we should be saving it for ourselves.

The procedures under which state of the art military technology is transferred to other countries should be followed with the highest degree of caution. They should never be discarded or compromised on political grounds. I fear, because of political considerations, these procedures were circumvented in regard to the AIM–9L sale to Saudi Arabia.

Mr. President, as I argued last week, and I will repeat the same argument today, I do not believe we should be providing top of the line military technology to any country in the world, without strict controls maintained by the United States. I believe the United States has not only a sovereign right, but also a responsibility to maintain the integrity of all our military technology.

The Soviets are very conscientious regarding possible compromise of their own military technology. They maintain strict controls over the transfer of high technology items not only to neutral or Third-World nations, but within the Warsaw Pact as well. I do not believe we should be any less diligent than the Soviets in maintaining control over our high technology military systems.

I have serious difficulty with selling our top military technology to nations with which we do not have a treaty or defense relationship. Even if the prospects for compromise of this technology were remote, it is our technology which offsets the Soviet lead in the numbers of planes, tanks, guns, ships, and missiles.

I do not think we should promiscuously spread that technology throughout volatile areas of the world and increase the chances of giving away our edge in that technology to the Soviets.

The arguments to vote for the sale have been made for all the wrong reasons. They have turned mainly on fear over the Saudis' reaction—I addressed that point in my speech last week—or over concern for the President's prestige. It is that latter issue, that of the prestige of the President, which I now want to address.

As I noted last week, Mr. President, I believe the decision to provide the AIM–9L and AWACS to Saudi Arabia was wrong from the very beginning.

I believe the President was ill-served by his advisors when he agreed to proceed with this package. I believe the President continues to be ill-served by his advisers in pressing forward with a wrong decision. Finally, I believe the President is being ill-served in placing so much of the prestige of his office on the line in an attempt to gain congressional acquiescence for a bad decision.

What is the responsibility of the Congress if a bad decision is made by the executive branch which could be detrimental to this country's national interests?

When a wrong decision is made, a decision which could have an adverse impact on the national interests of this country, it is not only the prerogative, but also the responsibility of the Congress to overturn such a decision. The Congress and the executive branch are co-equal partners in the foreign policy formulation of our Government. The framers of our Constitution were very careful in constructing a system of checks and balances among the three branches of Government.

As noted constitutional scholar Louis Henking pointed out in his book, "Foreign Affairs and the Constitution":

The vast legislative powers of Congress that relate particularly to foreign affairs do not begin to exhaust its authority to make law affecting foreign relations. Congress has general powers that, taken together, enable it to reach virtually where it will in foreign as in domestic affairs.

The Commission on the Organization of Government for the Conduct of Foreign Policy was established in 1972 by Congress. The Commission was asked to make recommendations for the improvement of the governmental processes and programs in the formulation and implementation of foreign policy. The report of the Commission was issued on June 28, 1975, and I cite the following from the report:

The Commission believes that while the executive branch should continue to conduct our relations with other countries, both the Constitution and political realities require shared participation and responsibility by the executive and legislative branches of government.

Mr. President, the Congress has enormous powers which are indispensable to the support of any foreign policy. Moreover, congressional laws made in pursuance of these powers are the "supreme law of the land." The President is bound by the Constitution to faithfully execute these laws.

Today, we are voting on a resolution to disapprove the sale of AWACS and other military equipment to Saudi Arabia. The authority for this congressional action can be found in section 36(b) of the Arms Export Control Act of 1976, which was signed into law by President Ford.

We are told that a vote against the President would unnecessarily damage his prestige and credibility in the conduct of foreign policy. This assertion is predicated upon the assumption that the President made a commitment to Saudi Arabia and the United States has to stick by this commitment.

Former President Carter also wrote me regarding this matter. In a letter dated October 11, 1981, President Carter asserted:

In the eyes of most nations a commitment by the President of the United States is considered to be a promise by our country.

A rejection of this commitment, rightly or wrongly, will be considered by our allies and potential adversaries as the breaking of a solemn agreement by the United States.

I submit, this line of argument is not consonant with the facts or the law. I am referring specifically to the Arms Export Control Act. Under section 36(b)(1) of the Act Congress states:

In the case of any letter of offer to sell any defense articles under this Act for $25,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $7,000,000 or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell.

Section 36(b) further stipulates:

The letter of offer shall not be issued if the Congress, within thirty calendar days after receiving such certification, adopts a concurrent resolution stating that it objects to the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States.

Under the law, the President is precluded from making such commitments until Congress has acted to disapprove or acquiesce in the letters of offer submitted to it for consideration. The only commitment the President can make is in the form of a letter of offer to a foreign government. Yet, that letter of offer cannot be issued, under the law, until the 30 calendar days following formal notification to the Congress has expired and a concurrent resolution of disapproval has

not, and I emphasize has not, been adopted by the House and the Senate.

I agree with the rationale behind the enactment into law of the Arms Export Control Act. The act was written for the very purpose we are debating today. If a mistake has been made by the executive branch on a proposed national sale of arms, the Congress has the opportunity to reverse that error. If we do not stand up now and carry out our responsibility, why did we write this law in the first place?

If we are always going to succumb to the argument—and we are always going to hear the same argument, Mr. President, the same argument—that if Congress does not support a given sale, then the President's credibility, the President's prestige, will be impaired? Well, if we are always going to succumb to that argument, right or wrong, why, then, do we not repeal the act? If any President believes that any arms proposal to any country represents a commitment on the part of this Government, does this mean that Congress must refrain from upholding the law? The whole process will have become a sham.

In 1978, the executive branch made specific and public assurances to Congress, and through Congress to the American people, that the AWACS and F–15 enhancement package would not be sold to Saudi Arabia.

I supported that arms sale package at that time, partly on the basis of the assurances that were given to Congress by the administration then in power.

These assurances were instrumental in the Senate approval of the F–15 sale to Saudi Arabia. I concede that circumstances have changed in the region, but this administration made the decision to proceed with this sale, unilaterally setting aside the 1978 assurances without fully consulting with Congress.

We are now told that a commitment has been made. Oh, yes, we were consulted with, when it appeared that the sales package would be rejected. Then—then and only then—did the administration ever bother to consult with me about the matter. I do not know how it responded to other Senators, but it was then, when the administration found that it was in difficulty for votes, that the administration said to me, "This ought to be a bipartisan matter."

I said to Mr. Allen at that time, "Well, I am glad you raised the point. I, too, think it should be a bipartisan matter."

I have consistently opposed making it a party matter, Mr. President, but I suggest that in the future, Congress be brought in on the takeoff and not just on the landing. It appears, Mr. President, that the consultation with Congress only becomes important when votes are needed.

In effect, officials of this administration and officials of former administrations are saying that a private promise to a foreign government, which was not revealed at the time, somehow takes precedence over public assurances and commitments made to the American people and their elected representatives. This runs counter to the intent of the Arms Export Control Act.

That the Congress and the Executive share in the foreign policy decisionmaking processes should not be in dispute. If a bad decision is made, members of Congress must shoulder the responsibility for reversing that mistake—a responsibility vested in us by the people and the Constitution. We should not be a rubber stamp, we should not follow any President blindly, dutifully, and unquestioningly over the precipice of error.

I believe the Senate would be abrogating its responsibility if it supported such a decision primarily on the basis of maintaining the prestige of the President, right or wrong.

Mr. President, must the destiny of this Nation ride on such a flimsy reed that it is important to the prestige of the President to win for the sake of winning, no matter how wrong a decision might be? The issue is not the Presidency. The issue is not the prestige of the President. The issue is the decision itself.

The world does not look just at the presidency when it comes to our conduct as a Nation. The world looks at the totality of our economic, military, and diplomatic authority which is shared by the executive and legislative branches. If any President makes a serious foreign policy mistake, the world is more secure in knowing that, under our system of checks and balances, Congress can vitiate a mistaken judgment.

I should think that most of the countries with which the United States must deal would be relieved to know that Congress is capable of exerting itself when a President makes a mistake.

If damage to the President's prestige is a factor to be weighed—and I think it should be—in the end, the Senate must weigh the potential damage to the prestige of the President against the damage the Nation may suffer through the compromise of our military technology or through an erroneous foreign policy.

In the case of this proposed arms sale to Saudi Arabia, the national interest of this country must come first. We must not, and cannot, allow our technology to be compromised, no matter how remote the possibility. Our technology is too important for us in balancing our conventional and nuclear capability with the Soviets.

Rather than hindering the President's ability to conduct an effective foreign and security policy around the world, the denial of this sale would serve as a potent lesson; and this lesson, it is hoped, would result in a more coherent and realistic foreign policy for the next 3 years than we have seen thus far in this administration. It also should signal the administration that the only credible foreign policy is one in which the executive and legislative branches are coequal partners. This means approaching major foreign policy issues in a spirit of serious consultation and thoughtful give and take.

If this happens, then the American people, through their elected representatives, can have confidence that our national interests are indeed being promoted and protected effectively around the world.

In the same vein, Mr. President, it seems to me that other countries could be more sure that whenever commitments are made, those commitments have the backing of the legislative branch of Government and that that backing already had been assured by virtue of adequate consultations between the executive and the legislative branches before commitments are made.

We hear now the argument—in support of the sale—that if this sale is rejected, the Israeli lobby will bear the blame. Mr. President, what is more important—the security of the Israeli lobby or the security of the United States?

I simply need, in closing, to recall a line from Lincoln's Gettysburg address:

> The world will little note nor long remember what we say here, but it can never forget what they did here.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I strongly support the resolution of disapproval and oppose this proposed sale.

It is very important at the outset to underscore the fact that this package involves not just the AWACS, which has been talked about so repeatedly in the press, but also the enhancement package for the F–15's—a package which significantly increases the offensive capabilities and the range of the F–15's.

Mr. President, 3 years ago we had an extended debate in this body about the sale of the F–15's to Saudi Arabia. I opposed that sale at that time because I did not regard the sale of that advanced aircraft as serving America's interests. Opposed it, I might note, against the pressure of a President of my own party.

At that time, a major rationale used to persuade Senators to support the sale of the F–15's was that the enhancement equipment would not be sent with the planes and that they would not have an offensive capacity, a capability about which many Members were concerned.

Now we are confronted with a package that involves not only the AWACS, an extremely sophisticated and important command and control facility, but, in addition, includes the enhancement equipment withheld 3 years ago.

On June 27, 1980, in the face of reports that Saudi Arabia was seeking the enhancement equipment, 66 Senators signed a letter to the President urging him to reject such a request. The letter noted that, at the time of the 1978 debate, assurances had been given that such equipment would not be sold. I ask unanimous consent to have that letter printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, it is very important to focus on the arguments that are being made with respect to the peace process in the Middle East and the American relationship with Saudi Arabia.

The chairman of the Foreign Relations Committee and those supporting him in the committee made an argument—and I am now quoting from their minority views—that—

> In 1978 the Congress approved the sale of F–5's to Egypt. Few believe now that Camp

David could have occurred without the reassurances of American support that Egypt received as a result of our willingness to make this sale.

They go on, then, to use the approval of that sale as an argument to approve this sale. I submit to my colleagues that just the opposite conclusion should be drawn. I supported the sale of the F–5's to Egypt in 1978. But the difference between the conduct of Egypt following that sale with respect to the effort to bring peace in the Middle East and the conduct of Saudi Arabia after the sale of the F–15's is like day and night. That sale did not bring Saudi support for the peace process, as it is asserted the sale of the F–5's to Egypt brought Egyptian support for the peace process.

In fact, to the contrary, what it brought was an effort by Saudi Arabia to subvert and undercut the peace process, its condemnation of President Sadat, and the refusal to be helpful in moving forward the Egyptian-Israeli efforts toward peace. How much further ahead would we be now in the Middle East if the Saudis had been supportive of the peace process which President Sadat and Prime Minister Begin so courageously launched?

Furthermore, not only have the Saudis sabotaged the peace process, but they have also continued to be the primary bankers for the terrorist PLO, with all the destruction it is causing in the Middle East and elsewhere in the world. Saudi leaders have stated that they regard Israel as their greatest enemy and have called for a "holy war" against Israel.

Mr. President, it is asserted by some that the Saudis have shown moderation with respect to their oil policy. I submit that the Saudi oil policy is motivated by one objective and one objective only, and that is their own self-interest. In pursuing their self-interest, they seek to accomplish two objectives: to maintain the power of the OPEC cartel and to maintain their primacy within the OPEC cartel. That Saudi oil policy is motivated by self-interest and not by any concern for the United States. This has been very well spelled out by Hobart Rowan in a number of columns. I ask unanimous consent that two of those columns be printed in the RECORD at the conclusion of my remarks.

Mr. President, this sale would introduce greater insecurity into the region. It would almost guarantee that in any future conflict which might break out in the Middle East Saudi Arabia would be moved into the very center of that conflict rather than being peripheral to it, which has been the situation in past outbreaks of hostility in that area.

This sending of the top of the line of military technology to Saudi Arabia and the continued significant arming of Saudi Arabia which has taken place over the past decade, an arming in enormous figures, is moving that nation more and more into a central position should there be an outbreak of conflict in that area. That is not a direction in which we should be moving matters in that area.

The exposure of our top of the line military technology to high security risk is not a prudent action. The compromise of that technology would be harmful and is not a chance we should be taking here today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. SARBANES. May I have 2 additional minutes?

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I regret this. There may be a minute later, but I cannot make any exceptions.

The Senator from Delaware has some time.

Mr. BIDEN. I yield 1 minute from the time I have.

Mr. SARBANES. I thank the Senator from Delaware.

Mr. President, I wish to make two other very important points.

It has been asserted that the President has made assurances with respect to our continued support for the State of Israel. I point out that by fueling the arms race in the Middle East by the largest arms sales in our history we are markedly escalating the cost of arms in that area. Before the 1973 war, Israel was an economic miracle. Since then, it has undertaken a defense burden which is staggering in economic terms. It now repays to the United States each year the equivalent of the amount of economic assistance it receives. The more the arms race in the area is escalated, the greater the extra economic burden on Israel even if it is given access to additional military hardware. The more the arms race in the area is escalated the greater the instability and the distribution resulting from any outbreak of hostilities.

Finally, we have the clear responsibility here to exercise an independent judgment. There is something to the argument of supporting the President's role in the conduct of foreign policy, but it does not reach to the point of transcending the responsibility of Congress, as an independent branch of the Government, to exercise its own best judgment on the significant issues which come before it.

We are charged with that responsibility under the law according to whose provisions we are now proceeding. That law very definitely places a responsibility upon us to reach our own best judgment as to what is the best policy for this Nation.

And on that question, Mr. President, I very strongly conclude that America's best interest would not be served by this sale and hope that this body will pass the resolution of disapproval.

Mr. President, I ask unanimous consent that newspaper editorials discussing this issue be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

U.S. SENATE,
Washington, D.C., June 27, 1980.

The PRESIDENT,
The White House

DEAR MR. PRESIDENT: According to recent news reports, Saudi Arabia has asked to purchase from the United States additional military equipment related to the 1978 sale of 60 F–15's. It is our understanding that included in this request are such items as multiple-ejection racks, conformal fuel tanks, KC–135 aerial refueling tankers, AIM 9–L air-to-air missiles, and AWACS. We would like to remind you of assurances given by your Administration concerning such military equipment and to register our firm opposition to the Saudi request.

When the proposed F–15 sale was debated more than two years ago, major concerns were voiced in Congress as to the aircraft's potential offensive capability. In response to these concerns, officials of your Administration provided the Congress with a series of assurances and understandings that emphasized the defensive role and restricted the potential offensive threat posed by the F–15's. In particular, a letter from Secretary Brown on May 9, 1978, to Senator John Sparkman, then Chairman of the Senate Foreign Relations Committee, stipulated the following:

"The F–15 we plan to sell to Saudi Arabia will have the same configurations as the interceptor model approved for the United States Air Force."

"The plane requested by Saudi Arabia will not be equipped with the special features that could give it additional range. Specifically, the planes will not have conformal fuel tanks ("fast packs"), i.e., auxiliary fuel tanks that conform to the body of the plane, and Saudi Arabian KC–130 tankers do not have equipment for air refueling of the F–15."

"Saudi Arabia has not requested that the plane be outfitted with multiple ejection racks (MER 200) which would allow the plane to carry a substantial bomb load. The United States will not furnish such MER's."

"Saudi Arabia has not requested, nor do we intend to sell any other systems or armaments that could increase the range or enhance the ground attack capability of the F–15."

In addition, in testimony before the House Foreign Affairs Committee on May 9, 1980, Secretary of Defense Brown was asked whether the United States was planning to provide the Saudis with an aerial refueling capacity for the F–15's. In response, Secretary Brown said: "The F–15 does have a receptacle, but the Saudis don't have an aerial refueling capability with a probe, so they will not be able to refuel the F–15."

Moreover, a separate letter was sent on February 16, 1978, from Assistant Secretary Bennett to Congressman Lee Hamilton in which the following statements were made concerning the AIM 9–L and AWACS:

"The Saudi Air Force is not scheduled to get the AIM 9–L all-aspect sidewinder missile which will be carried on the United States Air Force F–15's."

"An F–15 sale will not lead to the sale of E2C or E3A (AWACS). The F–15 has an excellent radar. Were the Saudis to purchase an aircraft with less effective radar than the F–15, they would be more than likely to seek an airborne radar system."

We feel that the sale of additional military equipment which would increase the range or otherwise enhance the offensive capability of the F–15's sold to Saudi Arabia would not be consistent with the above assurances and understandings given to the United States Congress. Therefore, we urge you to reject any such requests by Saudi Arabia for the

sale of the additional weapons and equipment as reported in the press.

Sincerely,

Signed by Senators: Armstrong, Baker, Baucus, Bayh, Bellmon, Biden, Boren, Boschwitz, Bradley, Bumpers, Chafee, Chiles, Church, Cohen, Cranston, Culver, Danforth, DeConcini, Durenberger, Durkin.

Eagleton, Ford, Hart, Hatch, Heflin, Heinz, Huddleston, Humphrey, Inouye, Jackson, Javits, Jepsen, Kassebaum, Kennedy, Laxalt, Leahy, Levin, Lugar, McGovern, Magnuson.

Moynihan Mathias, Matsunaga, Metzenbaum, Mitchell, Morgan, Nelson, Packwood, Pell, Pressler, Proxmire, Pryor, Riegle, Roth, Sarbanes, Sasser, Schweiker, Simpson, Stevens, Stewart, Stone, Tsongas, Warner, Weicker, Williams, Zorinsky.

EXHIBIT 2

[From the Washington Post, Oct. 1, 1981]

AWACS: A FAVOR WE DON'T HAVE TO DO

(By Hobart Rowen)

The hype for the sale of five AWACS radar planes and related military equipment to Saudi Arabia is reaching a crescendo. Head counts in the Senate appear to show a majority fear the equipment is too sophisticated for the Saudis, and eventually might fall into the hands of the Russians.

The argument that the AWACS sale is not in the best interests of the United States, it seems to me, is overwhelming and compelling. The case is so strong that it flushes out desperate, bottom-of-the-barrel arguments from the pro-sale crowd.

The easiest to dispose of is the plea that we "owe" the Saudis this one because they created an oil glut in order to help the United States. Columnist Carl T. Rowan writes that oil prices have come down recently because "the Saudis pumped more oil than was good for them." That's pure baloney, and you know who says so? My favorite source on this subject, Saudi Oil Minister Sheik Yamani, when he talks candidly at home, and abandons the propaganda line he uses for his lectures in Paris or New York.

In an interview that appeared simultaneously Sept. 8 in the English-language Arab News and in the Arabic daily, Al-Sharq Al Aswat, Yamani admitted that the Saudis had not created the current glut in order to befriend the United States. The glut arose, he said, because demand had fallen in response to high prices that OPEC had ill-advisedly put into effect in 1979 and 1980.

A detailed quote from Yamani is instructive: "The present situation is different from the past when, during 1979 and 1980, the oil-price hike from a little over $12, to $32 or more, caused an enormous rush in investment in energy resources, with the view of cutting down on oil consumption and developing energy alternatives to reduce dependence on oil.

"This resulted in a fall in OPEC's shares in the market from over 31 million barrels daily in 1979 to much less than 24 million barrels this year. Some analysts, however, expect OPEC's share to fall in the early '90s to less than 15 million barrels daily. This would mean a collapse of the organization and a lot of economic hardships for Saudi Arabia, which basically relies on its oil revenues."

That's Sheik Yamani talking. He added:

"The oil prices must be brought down, if we can, or at least remain at the present level for a long period until we are able to hold back investors from searching (for) energy alternatives, and until OPEC restores its previous position." As he should, Yamani is trying to take care of Saudi interests, not U.S. interests.

So much for the suggestion that we need to sell AWACS to the Saudis either to thank them for pumping a lot of oil (they're doing that because they've got a big budget to support) or for not raising prices (that's because, as Yamani says, they know that higher prices will accelerate the switch away from oil). Wall Street oil expert Henry L. Wojtyla, uncannily right so far, estimates that non-OPEC oil sources are growing at an impressive 5 percent a year, presaging about an equivalent decline in the need for OPEC oil.

As Peter Lubin, a foreign policy analyst and associate of the conservative Center for International Security here, suggested in recent congressional testimony, the Saudis and the rest of OPEC are going to be fighting with others for a share of the market: the West doesn't have to do favors or grovel for oil, especially favors as big as the AWACS.

But if the glut is bad business now for the Saudis and the rest of OPEC, imagine what will happen if and when Iran once again begins to produce oil as it did under the shah—4, 5 or 6 million barrels a day. Clearly, that could result in a major break in oil prices that could have an even more devastating impact on the Saudi economy than Yamani allows in his candid interview.

And that's where the AWACS in Saudi hands could pose a danger to the West that has received almost no attention. British Professor J. B. Kelly, one of the world's leading experts on Saudi Arabia and the Gulf countries, raises the frightening possibility that the Saudis, their military strength augmented both symbolically and in reality by the AWACS, would "bully" their neighbors into holding oil production down, or actually take Persian Gulf territory, as Kelly charges they have done in the past.

This is not mere fantasy. Kelly documents the history of Saudi invasions of and territorial demands on the weaker sheikdoms in the Persian Gulf over the years. Although the Saudis obviously don't like him, Kelly's expertise on the Middle East is highly regarded in the Reagan administration and on Capitol Hill. He asks precisely the right question on the proposed AWACS sale: "What is the U.S. going to get out of it?" Clearly, it's not oil, it's not bases. It would appear to be nothing at all, except, perversely, a new oil crisis enforced by Saudi AWACS.

[From the Washington Post, Apr. 30, 1981]

YAMANI'S NONSENSE

(By Hobart Rowen)

Sheik Yamani, the oil minister of Saudi Arabia, is a master in the art of communication. For years, he has managed to convince otherwise sophisticated reporters and editors that his country, on behalf of its friends in the West, has exercised restraint in oil pricing.

In a speech to the Foreign Policy Association in New York last week, Yamani spoke of the "sacrifices" his nation is making to keep the United States happy, among them "forgoing $1.9 billion annually in favor of the U.S.A." by maintaining oil prices $4 per barrel lower than the rest of the cartel.

The fact is that the Saudis have a very clear and logical strategy that dictates their oil production and price levels. The $32 Saudi price (compared with $36 for the rest of OPEC) and their production at a sustained level of 10 million barrels a day have everything to do with the Saudis' own best economic interests, and nothing to do with keeping the United States happy.

The most significant development in the world energy market is that oil-producing capacity now exceeds demand, which has been slowed by high OPEC prices. Last year, the Big Seven industrial countries cut oil consumption by 3 million barrels a day, and there is every indication this is the start of a long-run trend.

On "Meet the Press" April 19, NBC's Bill Monroe brought up the matter of the glut, which is weakening oil prices. Guest Yamani answered with a brilliant piece of propaganda later featured by the print and electronic media: "As a matter of fact, this glut was anticipated by Saudi Arabia and almost done by Saudi Arabia. If we reduce our production to the level before we started raising it, there would be no glut at all. So we engineered the glut and we want to see it in order to stabilize the price of oil."

He added that, if Saudi Arabia so chose, it could cut production of 10 million barrels a day to 6 million "and live happily at that level. And if you take away from the market 4 million barrels, then immediately, you will have a shortage. The price of oil will go up." As The Wall Street Journal quipped the next day, "How could anyone refuse to sell AWACS to a bunch of nice guys like that?"

The glut, of course, is a result of several factors, including a depressed world economy caused by high oil prices. In addition, there is the greater economic viability of coal, nuclear energy and other energy sources at these prices, as well as dramatic dividends from conservation. But no one on the "Meet the Press" panel called Yamani's bluff: A reduction of 4 million barrels a day in output would cost his government $48 billion a year (each 1 million barrels a day at $32 being worth $12 billion annually to the Saudis), threatening the viability of the Saudi economy.

The correct reading of Saudi oil production and price policy was given by Yamani himself, in Dhahran, Saudi Arabia, a few weeks ago. Then he had to respond to criticism from a countryman for not going along with the higher prices of other OPEC nations.

"We must not be moved in the direction that other (OPEC) countries are moving in," Yamani said. Saudi Arabia, he continued, is "in a race with time" to establish an industrial base. "If we force the West to invest heavily in finding alternative sources of energy, they will," he continued. "This would take no more than seven years and would result in reducing dependence on oil as a source of energy to a point that will jeopardize Saudi Arabia's interests."

There you have a blunt, clear and defensible statement of the Saudi national interest. It contrasts quite sharply with the nonsense Yamani fed to the Foreign Policy Association about a $1.9 billion "sacrifice" for the good old U.S.A. By keeping the price below the rest of OPEC, Yemani hopes to slown down the shift to alternative sources of energy. It is an intelligent economic decision.

On the other hand, as Yamani said in Dhahran, countries like Algeria, which by 1990 will run out of oil to export, want to push prices as high as possible to maximize their revenue in the short term. "If I were an Algerian," Yamani said, "I would no doubt wish that the price of oil today would reach $100 a barrel—even if I brought the world economy down. Because no matter what happens to the world, they must buy this oil from me regardless of how much I encourage them to look for alternative energy source. . . ."

But the Saudis and Yamani must take a different approach. Relative price moderation will extend and protect marketability of their oil into the next century. But just as the Saudis wish to decelerate the trend away from oil use and toward coal, natural gas and nuclear energy, it is in America's best interest to accelerate that precise trend, diminishing excessive dependence on imports.

EXHIBIT 3

[From the Evening (Baltimore) Sun, Oct. 16, 1981]

AWACS: QUID PRO QUO

Two United States AWACS aircraft are patroling Egyptian airspace today, in aid of an important ally. No one would begrudge

this American contribution to Egyptian defenses. Egypt has been a loyal ally of the United States in the attempts to bring peace to a troubled region—and at no small risk, as the assassination of President Anwar Sadat demonstrated 10 days ago.

The same cannot be said for Saudi Arabia, a nation which is not as important to the United States for its contribution to the peace process, but for the enormous strategic value of its main resource—oil, that is, for which the United States pays a mighty price. As the value of this resource has grown, so has the willingness of the United States to give in to practically any demand the Saudis make. But, despite assurances to the contrary, American acquiescence to these demands has not been met with a genuinely productive contribution to the peace process.

That, we believe, should be the main reason for opposition to the $8.5 billion sale of arms to the Saudis. The package represents more than the five AWACS, which have become the main source of controversy. It contains a variety of equipment which would enormously enhance the offensive as well as the defensive capability of the Saudi air forces. Much of this equipment was specifically left out of the original agreement to sell F-15s to the Saudis as an inducement to congressional approval of that sale in 1978. The other inducement to Congress was an assurance that the 1978 sale would encourage Saudi cooperation in the efforts to negotiate peace in the region.

Those assurances simply have not been fulfilled. Now, the House of Representatives has overwhelmingly rejected the proposed arms package for many reasons, one of which must be the suspicion that lingers from the broken promises of 1978. The Senate Foreign Relations Committee, which has a most important voice in American foreign policy, has also rejected the sale. The full Senate, we hope will follow that recommendation, thus sending a message to Saudi Arabia that the people of America expect promises to be fulfilled, demonstratively, not furtively. It would be a just tribute to the late Anwar Sadat, the only Arab leader whose commitment to peace was uncompromising and deserving of enormous support from America.

[From the New York Times, Oct 27, 1981]

THE FINAL FOLLY OF AWACS

President Reagan is down to a single argument for selling the Awacs. Foolish or not, he contends, the deal has to be honored to enhance his influence abroad. To which the only reply is that rewarding folly with political triumph improves neither reputation abroad nor policy-making at home.

The folly is bipartisan and deserves the Senate's bipartisan rebuff. The dying Carter Administration promoted this deal and its successors eagerly seized the pretext of "new developments" to break a previous Presidential commitment. For Congress sold the Saudis F-15s—whose range and power are now to be enhanced by missiles, fuel tankers and Awacs—only because the last President promised they would not be thus enhanced. So much for the new President's guarantees about the conditions of sale.

But surely Mr. Reagan has been chastened, it is said, and does not have to lose to learn from a mistake. The signs are otherwise.

This confrontation results not from a single error but from the Administration's chronic failure to establish coherent foreign policies. It dramatizes the Reagan team's excessive reliance on weapons as a substitute for diplomacy. It demonstrates a crucial failure in consulting Congress and the absence of sound foreign policy coordination at the White House.

If he finally prevails, would Mr. Reagan shake up his team and demand better? Would he tell the Saudis they have exacted Washintgon's last tribute until they find a kind word for Camp David and use their wealth to encourage Palestinians to talk to Israel? Hardly. He would commend the team and join America's Saudi traders in celebrating victory over the "Israeli lobby."

The President's ugliest argument notwithstanding, Israel is not the main issue. At great cost, its security will somehow be preserved.

What argues powerfully against the deal is that it nurtures a fantasy—Saudi Arabia as a pillar of American strength. If that were so, the Awacs would not be such a frantic test of good will. If that were so, the Saudis would have compromised, to help the President. If that were so, the deal wouldn't even be necessary; the American-manned Awacs now flying in Saudi Arabia would be welcome indefinitely.

Saudi Arabia insists on its own Awacs for the same reason it will not open itself to American bases: precisely because it fears the American embrace. To protect its wealth and ruling class, it naturally supports American actions that counter Soviet influence in the Middle East. But the Saudis also resist America, and not only because of Israel. They know that the United States represents modernism, secularism and democracy, all of which challenge the vulnerable Saudi status quo.

The Saudis are a commercial asset, not a strategic partner. They will not replace Iran in war games or Egypt in peace talks. Their useful opportunism should never be confused with alliance.

Most of Mr. Reagan's supporters in Congress now concede this. They argue only against invading the President's domain. But why did Congress vote itself this power of review if—even against such obvious error—it never meant to use it?

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield 5 minutes to our distinguished colleague from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from Illinois.

The question, as we conclude the debate on this sale, is not whether or not the terms of this sale are the ones that each one of us would have negotiated had we been in the position to do the negotiating. They are not the terms that I for one would have negotiated had I had that responsibility.

But the question that we must ask ourselves is this one. Will a rejection of this sale contribute to the stability of the Middle East and to the security of our friends in that area?

I must answer that it would not.

First, rejection would raise more questions about whether or not America keeps her word.

In the past several years the reputation of the United States as a reliable friend has been eroded. In the Middle East our off-again, on-again support of the Shah's Government of Iran is a prime example.

It is clear that two American administrations of both political parties have encouraged the Saudis to publicly request the sale of AWACS aircraft to their government. For us to lead another government to public embarrassment by not following through with our offers would be another signal to watching nations around the world that we are not a reliable friend.

Second, a rejection of this sale will make us less able to bring about a satisfactory conclusion of the Camp David peace process.

The lasting peace to be achieved in this region, the agreement and support of moderate Arab States must be obtained.

The United States must develop a broader range of friendships to achieve this goal. Egypt, Israel, and the United States acting alone cannot obtain the broad agreement which is needed.

To those who say that an arms sale to Saudi Arabia is not a substitute for our first goal of finishing the Camp David process, I answer that I agree, I ask them, however, how a rejection of this sale and the public embarrassment of the Government of Saudi Arabia will aid our task of bringing the moderate Arab States into the peace process?

Finally, Mr. President, even if all of the other arguments for opposing the rejection of this sale were cast into the doubtful column, I urge my colleagues to remember one fact. We must not forget as we make this decision, that the actual transfer of the technology will not take place for 4 years.

We are not being asked to place our immediate trust in the intentions of Saudi Arabia to help in bringing a peaceful resolution to the Palestinian question. We will have 4 years in which to observe Saudi actions in regard to the peace process. We will have 4 years to watch Saudi actions in regard to the right of Israel to exist. We will have 4 years to closely observe Saudi Arabia in regard to its actions to establish closer friendships with Egypt and other states friendly to the United States.

We will know much more in 4 years than we now know. If we find 4 years from now that this transfer would not contribute to a peaceful resolution of the disputes in this region the President has assured us that the transfer will not take place.

If we find that Saudi Arabia does not turn out to be the friend we believe and hope her to be, we will have adequate time to reverse our decision. Why decide now, Mr. President, not to even give that friendship a chance for further development? Why not at least try to build bridges to other Arab States in the hope of forwarding the peace process and reducing the pressures on our friends from Egypt.

Perhaps our experiment with Saudi Arabia for mutual defense and concerted action for seeking peace in the Middle East will fail. One thing is certain, it will fail if we never try it.

The risks are small compared to the immeasurable contribution to the cause of world peace which we will make if we succeed during the next 4 years before the actual transfer of equipment is even to take place.

Mr. President, this has been a difficult decision for me. As I said yesterday, I could not criticize any Senator who conscientiously comes to the opposite conclusion. But I cannot in conscience accept even a part of the responsibility for the consequences of a rejection of this sale.

The potential damage to our country is simply too grave. The risk is too great, and I urge my colleagues to vote against the resolution of disapproval, to put aside other frustrations with the proc-

ess and the means with which this sale has come before us, to put aside all other considerations, and to ask only Will rejection of the sale help the interest of the United States of America? If we can cast aside our other feelings and ask only that question, I am confident we can come to the conclusion that this sale should be approved.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator's 5 minutes have expired.

The Senator from Illinois.

Mr. PERCY. Mr. President, I am pleased to yield 8 minutes to our distinguished colleague, Senator NUNN, who has done so much to help the President frame up the letter that has been released to the Senate today.

Mr. NUNN. I thank my colleague from Illinois.

Mr. President, I want to focus my remarks on two main points, one which has received significant attention and one which has been largely ignored.

The first is President Reagan's letter to the Senate in response to the Warner-Nunn resolution and other concerns as expressed by Members of the Senate.

In my judgment, the Presidential commitment, as expressed in the letter, meets in full both the overall thrust of the Warner-Nunn resolution as well as the specific and detailed conditions. It provides the assurances many Senators need in order to support the sale.

Each Member of the Senate has been provided with a copy but I would highlight several key provisions:

First, the President has outlined in the strongest possible terms his intent that the sale will not proceed until he certfiies to Congress that the following conditions have been met:

SECURITY OF TECHNOLOGY

All the standard agreements and plans will be in place prior to the sale and the United States preserves the right of continual onsite inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. In addition, the computer software which is the heart of the AWACS system will remain the property of the United States.

ACCESS TO INFORMATION

The United States will have continuous and complete sharing of information that the AWACS is obtaining. This is an extremely important provision, and in my judgment provides a better system for U.S. involvement than the joint/command arrangements others have suggested. With continuous and complete sharing, the United States will be knowledgeable on the operations of the AWACS at all times.

AWACS FLIGHT OPERATIONS

The AWACS will be operated solely within the boundaries of Saudi Arabia. The only exception would require the explicit mutual consent of the two Governments and the operations in all cases would be for defensive purposes as defined by the United States.

There are many more detailed elements of the President's letter, and I would urge each Senator to read it very carefully. It provides the necessary foundation and assurances that this system will be protected, utilized in the manner intended, and will enhance our own military's capabilities in the region.

Mr. President, I have conducted a detailed analysis of the President's letter, but I know that has been discussed by others. Rather than take time on this point, I ask unanimous consent that the text of the Warner-Nunn resolution and the text of the President's letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. NUNN. Mr. President, my second major point relates to the largely ignored fact that the sale of this air defense package to Saudi Arabia will enhance the potential of U.S. military forces to protect U.S. interests in the Persian Gulf region.

President Carter has publicly committed this Nation to defend our vital interests in the Persian Gulf. President Reagan has repeated and expanded this pledge. We are spending billions of dollars to build and support a Rapid Deployment Force for this primary purpose.

All but lost thus far in the AWACS debate is the essential fact that Saudi Arabia is pivotal to a viable strategy for deterrence in the gulf region. All but lost thus far is the essential role which Saudi Arabia does and will play in support of any U.S. military options for defense of that region and our vital interests.

In testimony before the Senate Armed Services Committee on September 28, 1981, Gen. P. X. Kelley, Assistant Commandant of the Marine Corps, spoke in detail about the military importance of Saudi Arabia and this sale. His testimony unfortunately, was largely ignored by the news media. No person in uniform today has a better understanding of the military requirements and our current deficiencies in protecting our vital interests in the Persian Gulf than General Kelley. He was the first Rapid Deployment Force commander who had to organize this force and establish all the contingency plans for that region.

He knows what and where our deficiencies are and they are considerable.

General Kelley testified in part that:

There is no question in my mind that . . . if the U.S. is to display meaningful combat power to that part of the world, be it high threat or low threat, it is absolutely essential that we have free and willing—and I emphasize those two words, free and willing—access to Saudi land bases, Saudi ports, Saudi host nation support, and a considerable labor pool from the Saudis.

General Kelley continued:

Saudi Arabia is, without question as far as I am concerned, the linchpin to a viable U.S. strategy in the region. We must have meaningful relationships in that area. The consequences of not having such a relationship with the Saudis . . . are a very serious risk to this country. So I ask that the Committee not only consider the technical aspects of the AWACS, but also consider the geopolitical dimensions of our future relations, not only with the Saudis, but with the entire moderate Arab world.

Mr. President, the success or failure of any viable U.S. military strategy for the Persian Gulf will depend in large measure on how fast we can deploy a credible force to the region after first warning.

The first condition which must be satisfied in any deployment sequence, however, is to establish and maintain air superiority so as to protect American lives as the forces moves into the area.

To be effective in both neutralizing the enemy and providing close support to endangered U.S. troops on the ground, our land-based and sea-based tactical air must possess knowledge of distant and impending air activity.

We must have the ability to anticipate the enemy's aerial intentions and to destroy enemy aircraft before they reach the battle area.

Without the proper level of air cover, the probability of success would be minimal. It goes without saying that the presence of an AWACS—compatible air defense network in Saudi Arabia would greatly facilitate deployment and is a critical element of our strategy.

Only the AWACS system can provide the U.S. soldier in the gulf region the kind of timely assistance from the air that the Israel soldier enjoys in defending Israel by virtue of a superior intelligence network on the ground and in the air.

We presently have inadequate facilities, maintenance equipment, and spare parts in the gulf region to support the exercise and deployment of U.S. forces. Currently, they literally start from zero combat power on the ground. With interoperable equipment like the AWACS, compatible facilities and trained United States and Saudi personnel already in place, the opportunities for a successful strategy are markedly improved.

In addition, when a force the size of the Rapid Deployment Joint Task Force deploys to the gulf as a deterrent or to counter Soviet expansionism, it must have an extensive base and facility infrastructure within reasonable distance for operations and support.

Saudi Arabia is the only country in the region which is both large enough and capable enough to provide that critical level of support in the immediate area of the Persian Gulf.

Mr. President, during the course of the debate we have heard much about the security of Saudi Arabia, the security of Israel, and the protection of American technology. These are all legitimate and sincere concerns.

In my view, however, we have not heard nearly enough about the protection of the lives of the American fighting men who every day train for some kind of contingency in that part of the world.

Almost everyone on both sides of this issue agrees that a rejection of this Presidential proposal will likely result in a termination or phasing out of the AWACS aircraft now operating out of Saudi Arabia under American control. Most experts agree that, in this event, the Saudis will replace the AWACS with the British Nimrod.

The Nimrod aircraft, although effective for Saudi purposes in many respects, will be much more difficult for American military forces to coordinate with in emergencies.

If this series of events occurs, and I hope it does not, America:

First, will have no continuous access to Nimrod information;

Second, will have no technicians operating or maintaining the Nimrod;

Third, will have no ground operating sites essential for interface with U.S. forces;

Fourth, will have no joint training; and

Fifth, will not have the timely warning so essential to military contingencies.

In summary, without AWACS during the next few crucial years in the Middle East, America's military ability to protect the Persian Gulf pledged by President Reagan and President Carter will be seriously degraded.

Without AWACS on the Arabian peninsula, the rapid deployment force could be deprived of critical warning of an impending hostile military action and could be deprived, once hostilities begin, of the capacity to win the air superiority battle essential to the fate of U.S. forces ashore.

I leave it to the opponents of this sale to explain this serious degradation of our emergency combat capability.

I leave it to the opponents to answer the question of the F-14 pilot flying from the carrier *America*: Where are the enemy aircraft?

I leave it to the opponents to answer the question of the Marine landing force commander on the assault ship *Okinawa*: How will I get close air support once ashore?

I leave it to the opponents to answer the question of the F-15 ground crew chief in a Middle East emergency: When will I know about an enemy airstrike headed for my airfield?

Mr. President, if this sale is vetoed by the Congress, these questions should and will be asked by the American military personnel who are prepared to risk their lives to protect our vital interests. I leave it to the opponents to answer the questions these American fighting men will legitimately pose. I do not have the answers.

Mr. President, the strong letter of certification from President Reagan and the military realities of defending the Persian Gulf area provide a compelling basis for supporting this package. It is clear to me that this sale is in the national security interests of the United States.

EXHIBIT 1

SENATE RESOLUTION 228—RESOLUTION RELATING TO TRANSFER OF AWACS TO ANY FOREIGN COUNTRY

Mr. WARNER (for himself and Mr. NUNN, Mr. HATCH, Mr. JOHNSTON, Mr. ABDNOR, Mr. BAKER, Mr. HARRY F. BYRD, JR., Mr. DENTON, Mr. EAST, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MATHIAS, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. PERCY, Mr. RUDMAN, Mr. SIMPSON, Mr. STAFFORD, Mr. SYMMS, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 228

Whereas the Government of the United States seeks to foster security cooperation with friendly countries in regions of strategic importance;

Whereas it is in the national interest of the United States to respond to the legitimate defensive requirements of friendly governments to help them meet challenges to their security and to regional stability;

Whereas it is the goal of United States security assistance to complement United States defense programs in order to enhance the effectiveness of United States military capabilities and to provide tangible military benefits to the United States;

Whereas the security and self-confidence of local states are essential pre-conditions of lasting peace and stability in a region; and

Whereas it is essential to protect the technological advantages which underpin United States national security and military capabilities: Now, therefore, be it

Resolved, That it is the sense of the Senate that Airborne Warning and Control System (hereafter in this resolution referred to as "AWACS") contains equipment and technology warranting continued protection whenever such system is transferred by the United States to any foreign country, and that, accordingly, the President should transfer such system to another country only upon such terms and conditions consistent with the requirements of the Arms Export Control Act and this resolution to provide adequate continuing protection for the United States equipment and technology to be transferred.

SEC. 2. (a) Any agreement with a foreign country for a transfer by the United States of AWACS to that country shall include all of the requirements specified in the Arms Export Control Act, and in the standard Letter of Offer and Acceptance, as well as the following terms and conditions:

(1) a prohibition against granting access to AWACS equipment or technology or information derived from the AWACS to any country other than the United States without the consent of the President;

(2) a requirement that the recipient foreign country share continuously and completely with the United States the information it acquires from the use of the AWACS;

(3) adequate and effective procedures to require the screening and security clearance of citizens of the recipient foreign country and assurances that only cleared citizens of that country and cleared nationals of the United States will have access to the AWACS equipment, technology, or information derived therefrom;

(4) appropriate agreements upon the areas in which the AWACS may be operated in order to maintain security and regional stability;

(5) adequate and effective security measures for safeguarding AWACS equipment, technology, and information; and

(6) a requirement that such computer software, as designated by the United States Government, will remain the property of the United States Government.

(b) The Senate intends that, in the event of a breach of any of these contractual provisions, the United States will immediately terminate all support for the AWACS system.

SEC. 3. It is further the sense of the Senate that any foreign country receiving AWACS be one that promotes peace and stability.

SEC. 4. It is the sense of the Senate of the United States that, prior to actual transfer of any part of the AWACS system, the President shall certify to the Committee on Foreign Relations of the Senate that the conditions set forth in this resolution have been met.

SEC. 5. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. NUNN. Mr. President, the Senate resolution Senator WARNER, myself and others introduced today does not contain a magic formula that solves every Senator's concern with the AWACS sales.

It does, however, provide two significant advantages. First, the resolution gives the Senate a vehicle to address the various concerns Senators have with the sale of the AWACS in a broader context than simply the sale to Saudi Arabia. Many Senators are legitimately concerned about the transfer of American technology of this nature to any nation. Many Senators are concerned about the physical security and use of this equipment by any recipient nation. This resolution addresses these broader concerns.

Second, this resolution, if passed, will require that the President certify to the Senate that certain safeguards as enumerated in the resolution have been agreed to by the United States and the recipient country. In the specific case of Saudi Arabia, we have had the administration's testimony in both the Armed Services Committee and the Foreign Relations Committee about certain "assurances, oral understandings, cable traffic, de facto agreements, and assured implications." There have been too many bitter experiences in recent years in our Government for the Senate not to insist on more certainty in respect to the conditions of sale of this equipment than we have so far received in either the Armed Services Committee or the Foreign Relations Committee. The resolution, if passed, requires that the President certify to the Senate that these conditions relative to the sale of AWACS to any nation have been met prior to any transfer of this equipment.

In addition, Senator WARNER and I have been assured by the White House that President Reagan will give a written commitment that each of these conditions will be agreed to in writing with the Saudis before any sale takes place. I recognize that this Senate resolution does not have the binding effect of law on the President, even if passed. A Presidential commitment in writing will be a necessary supplement to this resolution. I believe that President Reagan will live up to any such commitment.

Mr. President, 3 years ago I voted against the sale of F-15's to Saudi Arabia. There has been profound change and much increase in the danger in the Middle East since that time. The Soviets invaded Afghanistan providing a substantial military ground and air presence flanking the gulf. On the opposite flank, the Soviets have strengthened their position in Ethiopia and South Yemen. Libya with its massive store of Soviet arms is led by a fanatic. A former strong U.S. ally, Iran, has become unstable, unpredictable, and chaotic. Iraq and Iran are engaged in a military conflict. And in the middle of all that we have Saudi Arabia and the critical gulf oilfields. Without any doubt, they are in the middle of the most unstable part of the world.

President Carter has publicly committed this Nation to defend the Persian Gulf. President Reagan has repeated and expanded this pledge. We are spending billions of dollars to build and support a Rapid Deployment Force for this primary purpose.

All but lost thus far in the AWACS debate is the essential fact that Saudi Arabia is pivotal to a viable strategy for deterrence in the gulf region. All but lost thus far is the essential role which Saudi Arabia does and will play in support of any U.S. military options for defense of that region and our vital interests.

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phasize those two words, free and willing—access to Saudi land bases, Saudi ports, Saudi host nation support, and a considerable labor pool from the Saudis.

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Mr. President, the success or failure of any viable U.S. military strategy for the Persian Gulf will depend in large measure on how fast we can deploy a credible force to the region after first warning.

The first condition which must be satisfied in any deployment sequence, however, is to establish and maintain air superiority so as to protect American lives as the force moves into the area. To be effective in both neutralizing the enemy and providing close support to endangered U.S. troops on the ground, our land-based and sea-based tactical air must possess knowledge of distant and impending air activity.

We must have the ability to anticipate the enemy's aerial intentions and to destroy enemy aircraft before they reach the battle area. Without the proper level of air cover, the probability of success would be minimal. It goes without saying that the presence of an AWACS—compatible air defense network in Saudi Arabia would greatly facilitate deployment and is a critical element of our strategy. Only the AWACS system can provide the U.S. soldier in the gulf region the kind of timely assistance from the air that the Israeli soldier enjoys in defending Israel by virtue of a superior intelligence network on the ground and in the air.

We presently have inadequate facilities, maintenance equipment, and spare parts in the gulf region to support the exercise and deployment of U.S. forces. Currently, they literally start from zero combat power on the ground. With interoperable equipment like the AWACS, compatible facilities and trained United States and Saudi personnel already in place, the opportunities for a successful strategy are markedly improved.

In addition, when a force the size of the Rapid Deployment Joint Task Force deploys to the gulf as a deterrent or to counter Soviet expansionism, it must have an extensive base and facility infrastructure within reasonable distance for operations and support. Saudi Arabia is the only country in the region which is both large enough and capable enough to provide that critical level of support in the immediate area of the Persian Gulf.

Mr. President, during the course of the last 2 weeks we have heard much about the security of Saudi Arabia, the security of Israel, and the protection of American technology. These are all legitimate and sincere concerns. We have not heard much, however, and certainly not nearly enough in my view, about the protection of American lives.

Almost everyone on both sides of this issue agrees that a rejection of this Presidential proposal will likely result in a termination or phasing out of the AWACS aircraft now operating out of Saudi Arabia under American control. Most experts agree that, in this event, the Saudis will replace the AWACS with the British Nimrod. The Nimrod aircraft, although effective for Saudi purposes in many respects, will be much more difficult for American military forces to coordinate with in emergencies.

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In summary, without AWACS during the next few crucial years in the Middle East, America's military ability to protect the Persian Gulf pledged by President Reagan and President Carter will be seriously degraded.

Without AWACS on the Arabian peninsula, the Rapid Deployment Force could be deprived of critical warning of an impending hostile military action and could be deprived, once hostilities begin, of the capacity to win the air superiority battle essential to the fate of U.S. forces ashore.

I leave it to the opponents of this sale to explain this serious degradation of our emergency combat capability.

I leave it to the opponents to answer the question of the F-14 pilot flying from the carrier America: "Where are the enemy aircraft?"

I leave it to the opponents to answer the question of the Marine landing force commander on the assault ship Okinawa: "How will I get close air support once ashore?"

I leave it to the opponents to answer the question of the F-15 ground crew chief in a Middle East emergency: "When will I know about an enemy airstrike headed for my airfield?"

Mr. President, if this sale is vetoed by the Congress, these questions should and will be asked by the American military personnel who are prepared to risk their lives to protect our vital interests. I leave it to the opponents to answer the questions these American fighting men will legitimately pose. I do not have the answers.

I ask my colleagues to thoroughly consider U.S. national interest in the Persian Gulf region and the military requirements of protecting and defending those interests.

Mr. President, I believe the Warner-Nunn resolution enables us to deal with the many legitimate concerns about the sale of AWACS aircraft while not obscuring the paramount issue of how the United States protects its vital interests in the region.

I thank my colleague from Virginia for his diligent work and his long hours in helping prepare this resolution and in coordinating it. I pledge my continued support to him to see that it is adopted by the Senate and, most importantly, that the certifications that the resolution provides come from the White House and are considered by the Senate as a very important part of the deliberations before we vote on the final question of whether this sale shall go through.

THE WHITE HOUSE,
Washington, D.C., October 28, 1981.

Hon. SAM NUNN,
U.S. Senate,
Washington, D.C.

DEAR SAM: As an originator of the Nunn-Warner proposal, I wanted you to have this letter for use in the Senate floor debate on AWACS today.

I am also sending this letter to the Senate Majority Leader and the Senate Democratic Leader.

Sincerely,

RON.

THE WHITE HOUSE,
Washington, D.C., October 28, 1981.

Hon. SAM NUNN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NUNN: On October 1, 1981, I formally notified the Congress of our intention to sell AWACS aircraft and F-15 enhancement items to Saudi Arabia. This sale will enhance our vital national security interests by contributing directly to the stability and security of the critical area from the Persian Gulf through the Middle East to North Africa. It will improve significantly the capability of Saudi Arabia and the United States to defend the oilfields and facilities on which the security of the Free World depends, and it will pose no realistic threat to Israel.

When this proposed sale was first announced last spring, the Congress expressed concerns about certain aspects of the sale. After analyzing these concerns in detail, we entered into a series of discussions with the Government of Saudi Arabia over the summer.

The Government of Saudi Arabia has agreed, and I am convinced welcomes the fact, that the United States will have an important, long-term role and will maintain direct involvement in the development of the Saudi air defense system, including the AWACS. We also have reached agreement with the Saudi Government on a number of specific arrangements that go well beyond their firm agreement to abide fully by all the standard terms of the normal Letter of Offer and Acceptance as required by the Arms Export Control Act.

Transfer of the AWACS will take place only on terms and conditions consistent with the Act and only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

1. Security of Technology:

A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

D. Saudi Arabia will not permit citizens of the third world nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

2. Access to Information:

That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

3. Control Over Third-Country Participation:

A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

4. AWACS Flight Operations:

That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for

defensive purposes as defined by the United States, in order to maintain security and regional stability.

5. Command Structure:

That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

6. Regional Peace and Security:

That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.

The agreements we have reached with Saudi Arabia on security of technology, access to information, control over third-country participation, and AWACS flight operations will be incorporated into the U.S./Saudi General Security of Military Information Agreement, the Letters of Offer and Acceptance (the government-to-government sales contracts), and related documents.

These documents will stipulate that the sale will be cancelled and that no equipment or services will be delivered in the event any of the agreements is breached. I will not authorize U.S. approval of any of these contracts and agreements until I am satisfied that they incorporate fully the provisions that satisfy the concerns that you and I share. I do not foresee any need for changes in these arrangements but should circumstances arise that might require such changes, they would be made only with Congressional participation.

I believe it is important to look beyond these agreements to their practical consequences, and to the implications of U.S. security assistance and training requested by Saudi Arabia. For example, the agreement we have reached with the Saudi Government to protect the security of equipment also affects the nature, extent, and duration of the U.S. role in the AWACS program. Since skilled Saudi personnel available for this program will remain in short supply, the U.S./Saudi agreement that third-country nationals will not be permitted to operate or maintain the Saudi AWACS will, in practice, extend U.S. involvement in Saudi AWACS operations and activities well into the 1990s.

U.S. military and contractor personnel will be required to provide extensive operational training for Saudi AWACS aircrews; it will be 1990 at the earliest before the eight Saudi crews needed to operate all five AWACS aircraft will be trained, and replacement and refresher training of individual Saudi crew members will require USAF Technical Assistance Field Teams during the 1990s. Critical AWACS maintenance, logistics, and support functions, particularly radar and computer software support, will, of necessity, be performed by U.S. personnel in Saudi Arabia and in the United States, for the life of the AWACS.

The Saudi agreement not to share AWACS-gathered information with third countries also has significant practical consequences. This agreement, combined with the standard requirement that U.S.-supplied equipment be used solely for defensive purposes, as well as the agreed-to Saudi AWACS configuration, precludes any possibility that Saudi AWACS could contribute to coordinated operations with other countries' armed forces against any nation in the region without our consent and cooperation.

Concerning the agreement to operate AWACS only inside the Kingdom, it should also be noted that the Saudi Air Force will be trained to operate the AWACS in accordance with standard USAF AWACS doctrine and procedures, which call for AWACS to remain at all times a "safe distance" behind sensitive political borders—normally 100 to 150 nautical miles—to ensure AWACS security and survivability. Given the physical location of the oilfields AWACS is to defend, the vulnerability of AWACS should it operate near sensitive borders, and the history of Saudi observance of U.S. Air Force tactical doctrine, we are confident that the Saudis will adopt these practices.

In a broader sense, by enhancing the perception of the United States as a reliable security partner, we improve the prospects for closer cooperation between ourselves and the Saudi Government in working toward our common goal of a just and lasting peace in the region. Since assuming the responsibilities of the Presidency, I have been impressed by the increasingly constructive policy of Saudi Arabia in advancing the prospects for peace and stability in the Middle East. The Saudi Government's critical contribution to securing a ceasefire in Lebanon is a striking example. I am persuaded that this growing Saudi influence is vital to the eventual settlement of the differences that continue to divide Israel and most of the Arab world.

I am confident that the Saudi AWACS will pose no realistic threat to Israel. I remain fully committed to protecting Israel's security and to preserving Israel's ability to defend against any combination of potentially hostile forces in the region. We will continue to make available to Israel the military equipment it requires to defend its land and people, with due consideration to the presence of AWACS in Saudi Arabia. We have also embarked on a program of closer security cooperation with Israel. This proposed sale to Saudi Arabia neither casts doubt on our commitment, nor compromises Israeli security.

It is my view that the agreements we have reached with the Government of Saudi Arabia take account of the concerns raised by the Congress. I am persuaded, as I believe the Congress will be, that the proposed Saudi air defense enhancement package makes an invaluable contribution to the national security interests of the United States, by improving both our strategic posture and the prospects for peace in the Middle East. I look forward to continuing to work with you toward these vital goals.

Sincerely,

RONALD REAGAN.

Mr. PELL. Mr. President, I yield a minute to the Senator from Connecticut.

Mr. DODD. Mr. President, I rise in strong support of House Concurrent Resolution 194, disapproving the proposed sale of five airborne warning and control aircraft and F–15 enhancement equipment to Saudi Arabia.

As a member of the Senate Foreign Relations Committee, I joined the committee majority in voting to disapprove this sale. During consideration of this proposal, the Foreign Relations Committee received testimony from a wide variety of administration, congressional, and public witnesses. They included Secretary of State Alexander Haig, Secretary of Defense Caspar Weinberger, Gen. David Jones, Chairman of the Joint Chiefs of Staff, and Adm. Bobby Inman, Deputy Director of Central Intelligence. We also heard from a number of distinguished Americans on both sides of the issue who have had extensive experience in the Middle East.

Since late February 1981, when the Foreign Relations Committee was first informed by the administration that AWACS might be included in the arms proposal for Saudi Arabia, the issue has been debated at great length and every possible argument for and against the sale has received considerable attention.

Mr. President, I will not attempt to enumerate all the arguments against this proposal, or attempt to refute the arguments put forth in support of this sale. Instead, I will simply explain the primary reasons I believe this sale is not in the national interest of the United States.

First and foremost, I believe this sale is unwise because it does not address the real causes of instability and tension in a region of the world which is absolutely vital to American and Western interests. Our initiatives in the Middle East must be designed to enhance regional stability, as well as our influence among the several nations of the area. However, I do not believe that the sale of AWACS and fighter enhancement gear will increase stability in the region, nor do I believe this sale is integrated into a broader conception of policy toward the Middle East.

The administration's Middle East policy, if it has one, is a policy of strategic consensus. The major threat to Middle East stability is seen as potential Soviet, or Soviet proxy, aggression. Under this policy of strategic consensus, we will encourage moderate states in the region to resist this potential aggression and provide them the arms to help them do the job.

While we cannot ignore the potential for Soviet moves in the Middle East, viewing the problems of the region through an East-West prism will inevitably distort our vision of the complexities of the Middle East. We run the risk of substituting American perceptions of the region for the reality of the situation as it exists and as it is perceived by the countries of the Middle East themselves.

Instability in the Middle East is a product of intense, historical, regional rivalries and not primarily a product of East-West competition. The regional problems of the Middle East include the following six.

First, the Arab-Israeli conflict raises the fundamental question of the status of the Palestinian people. Until the Palestinian question can be solved in a manner which safeguards fully Israel's right to exist and Israeli security, there can be no real peace in the Middle East. Yet, unfortunately, my impression of the administration's Middle East policy is that it has lost sight of the Camp David peace process, and has emphasized military initiatives to the virtual exclusion of anything else.

Second, the resurgence of religious fundamentalism poses a grave threat to the internal stability of many nations. We have already seen its disastrous effects in Iran, and more recently in the tragic assassination of President Anwar el Sadat in Egypt.

Third, the continuing civil war in Lebanon, which has transformed one of the most prosperous Arab nations into a battleground between Christians and Moslems, has also prompted the military intervention of neighboring countries.

Fourth, the war between Iraq and Iran continues and is still disrupting the oil producing capacities of both nations.

Fifth, the conflict between Ethiopia and Somalia over the Ogaden territory still simmers and has long been complicated by the shifting allegiances of the two countries.

Sixth, the territorial disputes between Saudia Arabia and South Yemen and between North and South Yemen have yet to be resolved.

These and other regional conflicts and rivalries are clearly more important and more worrisome to Middle Eastern leaders than a potential Soviet threat. In fact, it is the very existence of these conflicts which allows the Soviet Union to exert a disruptive influence within the Middle East. It is putting the cart before the horse to deal with a potential Soviet threat while ignoring the regional causes of instability.

It is instructive to note that the strategic consensus concept does not appear to be drawing support from the very nations which are supposed to help implement the policy. I would remind my colleagues of the well-known Saudi quote that they regard Israel, and not the Soviet Union, as the greater threat. And no less an Arab moderate than King Hussein of Jordan was quoted in a Washington Post article of September 23, 1981, as calling the policy of strategic consensus "simplistic." In discussing the policy Hussein said:

> That sort of thinking is exactly why I think sometimes Washington has a rather simplistic attitude toward this area.

We would do well to remember our experience in the 1950's with the Baghdad Pact which was designed to draw together Middle Eastern states in an alliance against the Soviet Union. The pact collapsed in 1958 with the overthrow of King Faisal of Iraq. The Baghdad Pact was simply the strategic consensus of the 1950's.

The AWACS sale has become the symbol of the administration's strategic consensus policy. And like that policy, the sale of $8.5 billion worth of military hardware and related equipment does not address the real regional causes of instability in the Middle East. It will only serve to distract our attention, as it already has, from the real issues of the region, and it will simply fuel a continuing, regional arms race.

Second, it is not clear to me that this sale really even deals effectively with the potential military threats to the Saudi oil fields. It assumes, first of all, that the greatest threat comes from low-level air attack on the oil fields. I believe a strong argument can be made that the threat of internal sabotage might well be a more dangerous threat than the potential for unprovoked aerial bombing. However, if there is a need to defend against air attack, it is clear that AWACS is superior to ground-based radar, but even so it will only add a very few additional minutes to scramble fighters to meet the threat.

From the data I have reviewed on the distances in the Persian Gulf, and the reaction times of various parts of the air defense system, everything would have to work perfectly for the AWACS, and AIM–9L, equipped F–15 fighter combination to make only one pass at attacking aircraft before they reach the oilfields. One must wonder whether it is really worth $8.5 billion and a major foreign policy dispute.

In any case, the United States is now operating four AWACS planes in Saudi Arabia providing aerial surveillance. These U.S. manned planes have been in Saudi Arabia for over 1 year, and will remain in Saudi Arabia for at least 4 years and maybe longer. These aircraft are doing the job of protecting the oilfields from low-level air attack. If they are performing their mission well, I can see no reason why they should not continue doing so.

Arguments over Saudi pride and sovereignty have been given wide attention. But, if the Saudis want U.S. AWACS in their country for 5 years and perhaps longer, and are perfectly willing and eager to accept that situation, I fail to see how their pride requires only Saudi controlled AWACS after 1985.

However, if the real issue of this sale is symbolic, then I would suggest there will always be new symbolic requests for the most sophisticated U.S. military equipment in the years to come. If we cannot make the distinction between realistic military requirements with U.S. controls and symbolism, then we should not be starting down this path.

Third, many have made the argument that this sale will lay the foundation for closer United States-Saudi military cooperation. If the "strategic consensus" is designed to help regional states withstand Soviet adventurism, then the Carter doctrine is its necesary counterpart. When President Carter pledged that the United States would use whatever means necessary, including military force, to insure the supply of Persian Gulf oil, a whole new set of requirements was created. One requirement was for a Rapid Deployment Force able to intervene quickly to defend the Persian Gulf. And if the RDF is to be rapid, it needs bases on the ground to deploy to.

A number of nations in the Middle East have responded to our needs in facilitating our defense of the Persian Gulf. Egypt and Israel both allow port calls by U.S. Naval vessels and have offered us use of military bases in a crisis. Egypt, in fact, has already held maneuvers with a RDF contingent, and Israel is expected to do so in the near future. We have negotiated basing agreements with Oman, Somalia, and Kenya. However, Saudi Arabia has clearly been less than enthusiastic about cooperating with U.S. Military Forces.

In addition, we have sold over $34 billion worth of military equipment and services to the Saudis over the past 30 years. Over just the past 8 years, the total is $32 million. Yet, we have been continually told that this particular sale will establish a foundation for better United States-Saudi military cooperation. There has been talk that in the future the Saudis might be more forthcoming on the issue of U.S. use of Saudi bases and even Saudi military equipment.

However, this potential cooperation is described only in the vaguest and most hopeful of terms. In reality, the Saudis have made it clear they will not accept foreign bases on their soil. In return for this sale, we are promised no more than a hope the Saudis might someday become more cooperative in military matters.

If we do not have a foundation for military cooperation with Saudi Arabia after a 30-year relationship and $34 billion in military sales, I would respectfully suggest this particular sale will not usher in a new era of United States-Saudi military cooperation.

Secretary of Defense Weinberger, in a written response to a question posed by the distinguished Senator from Illinois, Senator PERCY, spoke hopefully of better military cooperation, but made it clear there are no assurances. Secretary Weinberger wrote:

> We believe that the sale of AWACS and the other air defense enhancement items to Saudi Arabia will result in expanded cooperation between the U.S. and Saudi Governments all across the security spectrum.
>
> There have been no detailed discussions on what specific facilities might be shared between the U.S. and Saudis in such an emergency.
>
> While there are no written assurances that the Saudis would make their equipment of facilities available for U.S. use, the U.S. AWACS deployment to Riyadh establishes this precedent.

Mr. President, while the tone of Secretary Weinberger's response is hopeful, I believe the important phrases of his response are no detailed discussions and no written assurances. If the United States and Saudi Arabia do indeed have a common interest in safeguarding the Persian Gulf, then we should be able to expect greater cooperation in the military sphere. Past experience of military cooperation with Saudi Arabia gives us no ground for optimism that this particular sale will change Saudi attitudes.

Finally, Mr. President, we are warned of the drastic consequences if this sale is not approved. However, I have to believe that the Saudis have longer term interests than buying a particular piece of U.S. military equipment. I cannot deny that rejection of this sale will have an effect on United States-Saudi relations for the short term. And certainly our relationship with Saudi Arabia is an especially important one. But if it is true that we share similar views and interests in the Middle East, then defeat of this sale should not have a long term effect on our broader goals in the Middle East.

For these reasons, Mr. President, I urge my colleagues to support the resolution of disapproval.

I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Pennsylvania

Mr. HEINZ. Mr. President, periodically issues come before the Senate which are dilemmas of both conscience and politics. The issues of substance are hard fought with compelling arguments on both sides. Both the prestige of the Presidency as an institution and the personal political fortunes of the current incumbent are said to be at risk. The electorate is divided. There are pressures to support the President whoever he is, support one's party, whichever it is, and to do the right thing whatever it is.

All Senators and Representatives face these pressures to varying degrees on every issue, but on occasion, usually on a foreign policy matter, a vote comes along that catalyzes them all. This vote on the

proposed sale of the AWACS and F–15 enhancement equipment to Saudi Arabia is such a vote.

In a way it is a tribute to President Reagan's leadership and decisiveness that he has sought this vote. But it is not surprising because, throughout his administration, President Reagan has demonstrated just such leadership and vision, and I have been pleased to consistently support his initiatives.

Take, for example, the President's bold economic program. I believe that the President is right when he says that reducing the growth of Government spending, providing incentives for savings and investment and giving relief from unnecessary burdensome Government regulation will put this country back on the path to prosperity and growth. I have had the privilege of serving on the two committees, Banking and Finance, which together made two-thirds of the President's proposed budget cuts. I worked hard to make those cuts as fair as possible, yet those were hard decisions for us all. But even though I did not get every change I wanted and had problems with some of the specifics, I supported those reductions as a package because they were necessary as a whole to get Government spending under control, bring inflation down, and restrain the growth of Government.

As a member of the Finance Committee, I worked hard to get an effective tax cut, especially one that would embody genuine capital formation incentives, such as my bill, the Capital Cost Recovery Act—or 10–5–3 as it is known. Again, while I was not able to get the administration to strengthen the business investment tax package as much as I believe they should have, I supported the President's tax plan as nonetheless a very good plan and one in the best interests of this country. I have also consistently supported the President's strong defense posture and his determination to restore the United States to a position of world leadership, and I have supported him time and again on foreign policy issues with my vote. And common to all of these decisions has been a process of give and take or advise and consent that has inevitably strengthened the final product.

In other words, I think the record demonstrates that the President has obtained such impressive support in this Congress not simply because he is the President, or because he has been basically right, or because he has not been afraid to make hard decisions, but because he has also been willing to accommodate valid concerns and incorporate better ideas.

Today, we in the Senate face another hard decision he has made. It is time, once again, for those of us in Congress, as we have done throughout the year, to assume our responsibility for making our part of the decision. We cannot abandon our responsibility to advise and consent today any more than we should have avoided making necessary and important changes in the President's tax and spending proposals. In the case of the AWACS sale before us today, my principal concern is not what the President proposes, but what the beneficiary of the sale, the Kingdom of Saudi Arabia, intends to do to discharge its responsibility to regional stability and peace.

Mr. President, I think most observers know I opposed President Carter's F–15 sale for many of the same reasons I have expressed strong reservations about this sale, and that I have stated concerns about this arms package as early as March of this year, long before President Reagan ever announced his intentions. To say that I objected to the Carter policy of bringing peace by selling arms to both sides would be accurate, and that concern is present as I address this sale today.

In fact, I must say that what we are voting on today is basically a decision made and all but finalized by Jimmy Carter. I do not view my decision today as being against President Reagan. I view it as continued opposition to the confrontational, counterproductive arms sale policy of another President, the consequences of which include continual and irreconcilable Saudi opposition to the Camp David peace accords, a process which represents our best chance for a real Middle East peace.

The history of this sale does indeed go back to 1978 when the Carter administration, responding to pressures from Saudi Arabia, successfully steered through Congress the sale of 62 F–15's to begin in 1982. That agreement was accompanied by assurances from then Secretary of Defense Harold Brown that the planes sold would be modified to insure their use only for defensive purposes and that a variety of offensive enhancement equipment would not be provided to the Saudis. I think it is fair to say that that was a key factor in obtaining congressional approval.

In 1979 and 1980, however, events in the Middle East, particularly the unraveling of stability in Iran and the subsequent war with Iraq, dramatically increased concerns in Saudi Arabia about regional stability, and they began to press the Carter administration for the offensive equipment for the F–15's previously denied them. In June 1980, Secretary Brown met with the Saudi Defense Minister to discuss that possibility, and, while encouraging the Saudis not to press such a request until after the Presidential election, apparently left the impression that the request would get a favorable hearing at that time.

Immediately after the 1980 Presidential election, it appears that President Carter, soon to leave office, had arrived at a tentative conclusion that he was favorably disposed toward an early and positive decision on the sale of the enhancement package and on an eventual sale of the AWACS. This decision, revealed in an April letter from former Secretaries Brown and Muskie to the Senator from Michigan (Mr. LEVIN), appears to have been made despite a campaign statement by President Carter that "There will be absolutely no change in the assurance given to the Congress in 1978 * * * on the sale of F–15's to the Saudi Arabians."

It also appears that the AWACS became a more important commodity to the Saudis after four of the aircraft were sent to Saudi Arabia in September 1980, because of concerns that the Iran-Iraq war might spill over into Saudi territory and oilfields. The Saudi interest in obtaining the AWACS in addition to the enhancement equipment was apparently encouraged by some parts of the Defense Department interested in a means of expanding the U.S. military presence in the Persian Gulf region and seeing this as a means of partly achieving that objective.

In retrospect it seems clear, Mr. President, that various elements of the Carter administration both encouraged the Saudis to seek these advanced weapons systems and argued forcefully within the administration for approval of such a request on the grounds that American priorities in the region had to be viewed in a broader context than the Arab-Israeli conflict and that a military presence in the gulf area was desirable in the short term and essential over the long term.

The Reagan administration, after first rejecting a Carter offer to propose the sale to Congress before he left office, subsequently became persuaded by the same arguments, some of them made by the same people, particularly in the Defense Department, and formally decided on the sale package at a National Security Council meeting on April 1.

One of the arguments used at the time by proponents of the sale was that the Pentagon, going back into the Carter administration, had left the Saudis with the clear impression the sale would be approved, and that not to do so would be an act of bad faith which would do serious damage to our policy interests in the Middle East. Little or no consideration appears to have been given at the time to conditions under which the sale should take place, such as NATO-like command and control restrictions, or to what we might explicitly expect from the Saudis in return.

Thus it appears, Mr. President, that those who wanted this sale go well back into the last administration. They have also been doing their best to lock it into concrete and have then used the presumption that it is in concrete, meaning that Saudi prestige and our credibility are now at stake, as an argument to keep it that way. And that is where we are now. The Reagan administration has inherited—indeed has been persuaded to inherit—a policy that was virtually completed during the previous administration.

Mr. President, I know that many Republicans in this great country expect a Republican Senator to support a Republican President. Indeed, as I pointed out earlier, I am proud of my record of support. But in good conscience I cannot today support a policy which, had it been proposed by a Democratic President yesterday, I equally would have opposed. The irony, in this case, is that we are faced with a holdover, a residual proposition from the administration of a President whose failures in foreign policy certainly did not result from a lack of supporters on important foreign policy and defense votes.

Mr. President, I believe it is the responsibility of those who criticize to be constructive in their criticism and to offer satisfactory alternatives to achieve mutually-held national goals. From the outset of this debate which we began so many weeks ago, I have tried to meet this responsibility by determining what conditions would have to be present to enable me to vote in favor of allowing this sale to proceed. Basically, they are two:

Insuring that joint command and control, similar in concept to the way we share our AWACS within NATO, would be a guaranteed feature of the sale; or that the Saudis cease their hostility to the Camp David peace process and help find the means to make the process a more effective and certain instrumentality for a just and lasting Middle East peace. With the assassination of Anwar Sadat, the latter has become substantially more important and compelling than the former.

But, before I discuss my central concerns about this sale, I want to deal with an argument frequently advanced in support of this sale: that the AWACS and related equipment are militarily essential to protecting the oil fields from surprise attack. I believe that careful examination will show that this sale by itself, at least where defense is concerned, is militarily irrelevant. I know that the word "irrelevant" may shock some people, but I hope they will listen carefully to why I have chosen this characterization.

To reach a sound conclusion on this question we should first look at what kind of conflict we might anticipate there in light of both the volatility of the region and the possibility of a threat from various sources, both adjacent or farther away. The peculiarities of geography and terrain—specifically the close proximity of the belligerents, whoever they might be—have shown that the best war to wage in the Middle East is a preemptive one. In other words, the best way to insure that the other side's forces have been crippled is to attack and destroy them while they are still on the ground. This dictates a strategy of surprise attack and the need for virtual round-the-clock airborne radar surveillance by an AWACS or its equivalent.

Yet, what have we learned about the AWACS? From the Pentagon and the National Security Council I have been directly informed of the following and previously not well recognized facts, that even if Saudi maintenance is as good as ours, we can expect the AWACS in the air about only one-half the time, or approximately 325 hours per month. This is taking into consideration operational readiness rates of 60 percent or higher, admittedly a tough order to meet even by the most highly trained technicians. That leaves a large window for attack in the absence of the AWACS. This should be of grave concern even if it is no secret.

Twelve-hour-a-day radar surveillance is of concern because, the oilfields in Saudi Arabia, inevitably the main strategic objective of any attack, are only a few minutes flying time from potentially hostile bases. We have further come to understand that the Saudis intend to deploy one-third of their fighter force in the immediate area around the oilfields thus making it possible for an opposition force to easily outnumber Saudi defenses. Subsequent flights from the more distant bases located at Taif and Khamis Mushait will be almost 1½ hours flight time away, making the opportunity for an enemy to inflict serious damage on the oilfields very likely. The simple fact, Mr. President, is that, viewing this sale as a strictly military measure, it is not at all an effective deterrent to a properly planned and well coordinated surprise attack. That is, of course, precisely the kind of attack that a competent enemy will perceive and plan.

This is not to suggest that the AWACS is not a useful system or that it does not or cannot do what its advocates have claimed for it. On the contrary, I am pointing out that even if it does precisely what it is supposed to do, that will not be enough. It will not provide the protection needed, and, since everybody knows it, it will not be a credible deterrent to the Dhahran surprise attack so greatly feared. It is for these reasons that I have characterized this sale as, from a defensive standpoint, irrelevant.

I said a moment ago I could accept the sale with a joint command and control agreement. I say this because I share the President's concerns about the instability in the Persian Gulf, and I share his objective of trying to better project our power there. Unfortunately, without guaranteed command and control we simply will have no assurance of our capacity to meaningfully project to potential adversaries the readiness and commitment that helps stop hostilities before they start. Regrettably, we have been consistently unable to secure any such agreement from the Saudis, and the arrangements agreed to by the Saudis thus far reported—they are far from confirmed I might add—are not satisfactory. For a fuller discussion of this, I ask unanimous consent that an article by Charles Mohr from the October 25 New York Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAUDIS COULD BAR AWACS MONITORING

U.S. MILITARY EXPERTS SAY NONE OF THE PROPOSED PLANS ARE FOOLPROOF

(By Charles Mohr)

WASHINGTON, Oct. 24.—Military experts say that American personnel could be prevented by electronic means from monitoring all information gathered by Saudi Arabian AWACS aircraft. However, the officers say, the Americans would know that they were being denied the information.

In an effort to win votes for the proposed sale of five Airborne Warning and Control System aircraft, the Administration has said that Saudi Arabia has agreed to "complete sharing" of all information gathered by the plans on a "continuous" basis.

A report written last month by four professional staff members of the Senate Foreign Relations Committee after interviews with United States personnel operating four American AWACS in Saudi Arabia discussed three methods by which Americans on the ground could gather information from Saudi-flown AWACS. The report concluded that none were foolproof.

This is one of several questions that remain clouded as the Senate prepares to debate and vote Wednesday on the proposed $8.5 billion sale of five AWACS and other air defense equipment.

EIGHT SAUDI CREWS TO BE TRAINED

For instance, plans for training eight Saudi crews to man the planes do not seem firm. A Defense Department official said yesterday that "we're doing a study now to determine how it is going to have to be done." He added that it might be more than a year before the study was complete and a training syllabus was developed.

However, Pentagon officials revealed that one crew, which would be qualified to help teach subsequent crews, would be trained for approximately a year in the United States. The first crew would finish its course by late 1985, or approximately when the first Saudi AWACS would be ready for delivery to Riyadh.

A second crew would finish training in the United States "prior to the end of 1986," the officials said. The other six Saudi crews would be trained in Saudi Arabia on a slower schedule, the last finishing in December 1989, the officials said.

Such training schedules are much slower than those for NATO and United States Air Force AWACS crews, a factor that has assumed political importance. It has allowed Administration officials to suggest that the presence of United States Air Force training personnel on Saudi AWACS flights would be necessary for years and would be a de facto substitute for formal agreement to "joint crewing" demanded by some senators.

DATA-SHARING IS A NEW IDEA

The stretched-out schedule for training Saudi personnel leaves questions in some experts' minds as to when the aircraft would be fully operational to fly missions over eastern Saudi Arabia to protect the vast Saudi oil installations—the main purpose of the sale.

A "continuous" sharing of information gathered by Saudi AWACS was not originally contemplated as part of the terms of the sale. When Senator Howard H. Baker, Jr., Republican of Tennessee, the majority leader in the Senate, spoke last summer in a television interview of "sharing the take," a Defense Department official said that such sharing would be "meaningless" and of no value to the United States.

Administration officials had contended that because the AWACS planes are not intelligence-gathering aircraft but early warning airborne radar platforms they gather only "track data" showing air traffic patterns. In times of crisis such data can provide "tactical intelligence" but the information is valuable for only a short time.

Because of Congressional concerns that Saudi Arabia might use the AWACS against Israel and because some senators "just like the idea," the understanding on information-sharing became a central part of the Administration argument, officials have said.

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Mr. HEINZ. And this brings me to my preferred solution. I hope that our friends in Saudi Arabia are listening carefully, because what I have to say is important for them to hear. In sum it is to stop being part of the problem and to start being part of the solution.

Let me explain this further. I believe that a careful analysis of Saudi policies shows frequent contradictions with the interests of the United States and behavior which is inimical to the broader interests of peace and stability.

Saudi Arabia has consistently been one of the strongest supporters of the Palestine Liberation Organization, the region's premier terrorist group, with respect to which President Reagan only 2

weeks ago confirmed our longstanding policy of nonrecognition and nonnegotiation until the PLO recognizes Israel's right to exist.

Saudi Arabia has severed diplomatic relations with Egypt and terminated economic support from its government because of the Camp David agreements, the one genuine effort to achieve peace which has occurred in the past 4 years. The Saudi policy toward Egypt has helped to undermine these agreements and has encouraged the rejectionists in their efforts to destroy those agreements and escalate the level of violence and terrorism.

Finally, we have not just Saudi actions, but their words as evidence, as when earlier this year Crown Prince Fahd called for a jihad against Israel, the other participant in the Camp David peace process. There have been various explanations of what he meant by that, but regardless of what he meant, that kind of language cannot help but play into the hands of the radicals in Libya and the PLO and other terrorist groups that want to destroy Israel. Indeed, even Prince Fahd's "eight points" of August 7 do not signal to the careful reader any necessarily real change, the only possible ray of hope being the rather ambiguous reference of point No. 7, "That all states in the region should be able to live in peace."

Despite this record, however, I could understand an argument for a sale of military equipment if there were some basis for an expectation that a more conciliatory policy would be forthcoming. I recall that in 1978 among the arguments used by the Carter administration was the hint that the sale of the F–15's would produce greater Saudi cooperation in the peace process. That was a hint which I suspect influenced a number of votes.

The record since 1978, however, suggests that it was a vain hope. Most of the actions I have just mentioned—the hostility toward Egypt, the rejection of the Camp David agreements, the financial support of the PLO—have begun or continued since 1978. In short, at that time we offered a quid and received no quo. Whether we had a right to expect one or not is of historical interest but immaterial to today's debate. The point is that we did not receive one, and it is legitimate to ask the same question today—what will we receive from this sale?

The answer, I fear, appears to be very little. The administration has thus far been unable to suggest anything that will happen in the way of greater Saudi cooperation on any of the policy initiatives that are important to us. We have some agreements on limiting the use of the equipment—keeping the AWACS within Saudi territory, keeping third country nations out of it, and so on—but the Saudis have consistently been unwilling to give us anything substantive, specific or in writing on their policy intentions.

In a way one has to admire the integrity with which they have proceeded in this debate. Neither their demands nor their intentions have been compromised, despite the inevitable pressures to do so. To me, their intentions are the critical question, since it has become clear over the past 8 years that Saudi policy interests and ours do not coincide in all respects. It would be surprising if they did. But it is nonetheless our responsibility, before we make available advanced weapons systems, such as we are debating today, we must assure ourselves that there is sufficient coincidence of interest and policy to justify this virtually unprecedented step.

After all, we are not selling them jeeps and machineguns. We were providing some of the most sophisticated equipment we have in our arsenal with fewer constraints than we have sought from our closest allies in NATO. It is not a matter to be treated lightly, and it is legitimate that we not only ask ourselves what we can reasonably expect to obtain in return, but that we receive some satisfactory answers—in this case from the Saudis—as well.

In view of the history of this issue, we might also ask ourselves—and them—where this episode is likely to lead. The F–15 sale was followed by a request for the enhancement equipment and then the AWACS. Can we expect further requests in the future? Given desirability of a preemptive attack capability in the Middle East, can we expect a request for offensive equipment? I believe it is a mistake to treat each request and sale on an ad hoc basis without a clearer understanding of what the Saudis now intend toward the peace process.

Without such an overall view of Saudi policy, I fear that we may ignore or gloss over where the real differences in the United States-Saudi relationship lie. For example, while the administration has stressed that the Soviet Union is the true threat to the region, Saudi Arabia has made it clear that it is Israel and the unresolved Palestinian question that is most bothersome. Without establishing a path that would substantially aid the beleaguered peace process, the administration has a slim chance of producing the strategic consensus in the Middle East that it and we so badly want. It is difficult to believe that the various parties in the region would be willing to fall in line against a secondary threat until what they perceive as the primary threat is resolved.

This Saudi world view as currently advertised by them has devastatingly destructive consequences for the peace process. The basic formula for peace in the Middle East is for Israel to trade territory captured in 1967 for recognition and security. An intransigent Saudi Arabia, especially with its commitment to supporting the PLO, makes it increasingly unlikely that autonomy discussions about the West Bank will ever lead anywhere. Failure to come to grips with this issue must ultimately shatter the overall Camp David process and bring us to the point where everything built toward a comprehensive peace by the courage and vision of a martyred Anwar Sadat might tumble into chaos. It is in order to avoid this catastrophe that the Saudis must stop grandstanding and start playing the role of statesman and peacemaker commensurate with their proud heritage

I can sum up my argument today in this fashion: I am not opposed to the principle of selling the Saudis the equipment they need for their defense, even if it includes AWACS. What I care about is achieving a just and lasting peace in the Middle East, and whether the Saudis will play a positive role in the peace process.

So far as I can determine, they have expressed nothing but hostility to the Camp David process, a process that Anwar Sadat was willing to die for.

Since we all know that this sale will do little substantively to improve Saudi defenses, the principal value to the Saudis is political and symbolic.

It is my view that until the Saudis clearly signal that they want the peace process to work, we should not reward their intransigence by permitting this sale to go forward.

I know that all of us in the Senate Chamber today have given this matter our deepest and most careful thought. This is an issue over which men and women of equal sincerity can differ, as evidenced by what we all know to be the nearly even division in the Chamber, a division that does not respect party lines. But, I would be less than candid if I characterized my vote for this resolution as an easy vote. It is not easy. It is never easy because we are all human and we can never be sure that all our judgments are right. And in this instance I am not on the other side of the issue from my President, Ronald Reagan, a man I worked very hard to elect and have since worked to help in every possible way.

I intend to continue to work with and for my President; and my commitment to his twin goals of a more prosperous America at home and a more respected America abroad will continue irrespective of any difference that may exist on this particular vote on this particular day.

Mr. PERCY. Mr. President, I yield to my distinguished colleague from Virginia. May I ask if the Senator from Iowa (Mr. JEPSEN) comes to the floor whether it would be possible for the Senator to yield some time to him?

Mr. WARNER. Mr. President, I would be more than happy to yield the time which I asked for today to the Senator from Iowa, as I have done previously to the Senator from Maine because I know of the importance of hearing from those two Senators.

My position on this issue has been clear from the very beginning.

I wish to acknowledge to my distinguished colleague from Georgia his leadership on this issue. It was his leadership that led to the introduction of the Nunn-Warner resolution. The letter that we received today from the President of the United States was addressed to the majority leader, the minority leader, my colleague from Georgia, and myself.

This letter from the President meets the commitment and the conditions that Senator NUNN and I set forth in that resolution. In our collective judgment, the letter enables a number of our colleagues to join in wholehearted support of the President's efforts to make this sale.

Mr. President, I ask unanimous consent that the letter from President Reagan be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 28, 1981.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHN: As an originator of the Warner-Nunn proposal, I wanted you to have this letter for use in the Senate floor debate on AWACS today.

I am also sending this letter to the Senate Majority Leader and the Senate Democratic Leader.

Sincerely,

RON.

THE WHITE HOUSE,
Washington, October 28, 1981.

Hon. JOHN W. WARNER
U.S. Senate,
Washington, D.C.

DEAR SENATOR WARNER: On October 1, 1981, I formally notified the Congress of our intention to sell AWACS aircraft and F-15 enhancement items to Saudi Arabia. This sale will enhance our vital national security interests by contributing directly to the stability and security of the critical area from the Persian Gulf through the Middle East to North Africa. It will improve significantly the capability of Saudi Arabia and the United States to defend the oilfields and facilities on which the security of the Free World depends, and it will pose no realistic threat to Israel.

When this proposed sale was first announced last spring, the Congress expressed concerns about certain aspects of the sale. After analyzing these concerns in detail, we entered into a series of discussions with the Government of Saudi Arabia over the summer.

The Government of Saudi Arabia has agreed, and I am convinced welcomes the fact, that the United States will have an important, long-term role and will maintain direct involvement in the development of the Saudi air defense systems, including the AWACS. We also have reached agreement with the Saudi Government on a number of specific arrangements that go well beyond their firm agreement to abide fully by all the standard terms of the normal Letter of Offer and Acceptance as required by the Arms Export Control Act.

Transfer of the AWACS will take place only on terms and conditions consistent with the Act and only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:

1. Security of Technology.—

A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and

B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and

C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and

D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and

E. Computer software, as designated by the U.S. Government, will remain the property of the USG.

2. Access to Information.—

That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.

3. Control Over Third-Country Participation.—

A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and

B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.

4. AWACS Flight Operations.—

That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

5. Command Structure.—

That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

6. Regional Peace and Security.—

That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.

The agreements we have reached with Saudi Arabia on security of technology, access to information, control over third-country participation, and AWACS flight operations will be incorporated into the U.S./Saudi General Security of Military Information Agreement, the Letters of Offer and Acceptance (the government-to-government sales contracts), and related documents. These documents will stipulate that the sale will be cancelled and that no equipment or services will be delivered in the event any of the agreements is breached. I will not authorize U.S. approval of any of these contracts and agreements until I am satisfied that they incorporate fully the provisions that satisfy the concerns that you and I share. I do not foresee any need for changes in these arrangements, but should circumstances arise that might require such changes, they would be made only with Congressional participation.

I believe it is important to look beyond these agreements to their practical consequences, and to the implications of U.S. security assistance and training requested by Saudi Arabia. For example, the agreement we have reached with the Saudi Government to protect the security of equipment also affects the nature, extent, and duration of the U.S. role in the AWACS program. Since skilled Saudi personnel available for this program will remain in short supply, the U.S./Saudi agreement that third-country nationals will not be permitted to operate or maintain the Saudi AWACS will, in practice, extend U.S. involvement in Saudi AWACS operations and activities well into the 1990s. U.S. military and contractor personnel will be required to provide extensive operational training for Saudi AWACS aircrews; it will be 1990 at the earliest before the eight Saudi crews needed to operate all five AWACS aircraft will be trained, and replacement and refresher training of individual Saudi crew members will require USAF Technical Assistance Field Teams during the 1990s. Critical AWACS maintenance, logistics, and support functions, particularly radar and computer software support, will, of necessity, be performed by U.S. personnel in Saudi Arabia and in the United States, for the life of the AWACS.

The Saudi agreement not to share AWACS-gathered information with third countries also has significant practical consequences. This agreement, combined with the standard requirement that U.S.-supplied equipment be used solely for defensive purposes, as well as the agreed-to Saudi AWACS configuration, precludes any possibility that Saudi AWACS could contribute to coordinated operations with other countries' armed forces against any nation in the region without our consent and cooperation.

Concerning the agreement to operate AWACS only inside the Kingdom, it should also be noted that the Saudi Air Force will be trained to operate the AWACS in accordance with standard USAF AWACS doctrine and procedures, which call for AWACS to remain at all times a "safe distance" behind sensitive political borders—normally 100 to 150 nautical miles—to ensure AWACS security and survivability. Given the physical location of the oilfields AWACS is to defend, the vulnerability of AWACS should it operate near sensitive borders, and the history of Saudi observance of U.S. Air Force tactical doctrine, we are confident that the Saudis will adopt these practices.

In a broader sense, by enhancing the perception of the United States as a reliable security partner, we improve the prospects for closer cooperation between ourselves and the Saudi Government in working toward our common goal of a just and lasting peace in the region. Since assuming the responsibilities of the Presidency, I have been impressed by the increasingly constructive policy of Saudi Arabia in advancing the prospects for peace and stability in the Middle East. The Saudi Government's critical contribution to securing a ceasefire in Lebanon is a striking example. I am persuaded that this growing Saudi influence is vital to the eventual settlement of the differences that continue to divide Israel and most of the Arab world.

I am confident that the Saudi AWACS will pose no realistic threat to Israel. I remain fully committed to protecting Israel's security and to preserving Israel's ability to defend against any combination of potentially hostile forces in the region. We will continue to make available to Israel the military equipment it requires to defend its land and people, with due consideration to the presence of AWACS in Saudi Arabia. We have also embarked on a program of closer security cooperation with Israel. This proposed sale to Saudi Arabia neither casts doubt on our commitment, nor compromises Israeli security.

It is my view that the agreements we have reached with the Government of Saudi Arabia take account of the concerns raised by the Congress. I am persuaded, as I believe the Congress will be, that the proposed Saudi air defense enhancement package makes an invaluable contribution to the national security interests of the United States, by improving both our strategic posture and the prospects for peace in the Middle East. I look forward to continuing to work with you toward these vital goals.

Sincerely,

RONALD REAGAN.

THE CASE FOR AWACS FROM THE FOXHOLE

Mr. WARNER. Mr. President, I support the President's proposed sale of a defense enhancement package, including the airborne warning and control system (AWACS) aircraft to Saudi Arabia.

America's longstanding commitment to protect Israeli independence requires

a balanced U.S. policy toward Israel and its moderate Arab neighbors.

Only if these moderate states are secure against outside threats and confident of U.S. reliability will they be willing to take the necessary risks to insure peace and stability in the Middle East.

The rejection of President Reagan's proposal to sell the Saudis AWACS, we are advised, will result in termination or phasing out of American AWACS. The Saudis are convinced they must have a surveillance capability of their own. If the United States dot not sell Saudi Arabia AWACS, they will undoubtedly fill their military needs by dealing with countries who may be less concerned with Israel's welfare and less included to negotiate stringent controls like those the President will impose on the AWACS sale.

Further, America's Middle East current defense operations and contingency planning would be degraded. Our military would have no continuous access to surveillance information, no interface with this particular surveillance system, no training with the Saudi Air Force, and degraded timely warning so essential to emergency military action in that volatile area of the world.

Saudi Arabia is the key—and I stress key—to defense of the entire gulf against Soviet incursion. It is likewise critically important for effective defense against other, lesser magnitude threats to regional security.

Mr. President, I was a sailor, and I will always be a sailor. I was a marine, and will always be a marine. Consequently, when we debate issues concerning national defense, I tend to put myself beside the man in the foxhole and attempt to determine how it will affect him if Americans have to fight in the Middle East.

How will it affect him in flying an F-14 on a strike mission somewhere in the Arabian Sea?

How will it affect him jumping with the 82d Airborne to bolster the defense of a friendly ally in the Persian Gulf area?

How will it affect our servicemen if they lack the coverage provided by the AWACS in the Persian Gulf region?

As Gen. P. X. Kelly, Assistant Commandant of the U.S. Marine Corps and recent commander of the Rapid Deployment Joint Task Force has stated:

> There is no question that if the United States is to deploy meaningful combat power to the Persian Gulf region under any scenario, it is absolutely essential that we have "free and willing" access to Saudi facilities and support infrastructure.

General Kelly testified on September 28, before the Armed Services Committee, that—

> The most critical element for the deployment of any U.S. force from the RDF is to establish immediately an air superiority and air defense network.

The air defense enhancement package sale to Saudi Arabia will help us in precisely this manner. It will provide, in place, in Saudi Arabia, an effective, integrated air defense network, made up of U.S. supplied equipment and systems, all of which will be similar to and compatible with our own forces.

This Saudi air defense network will be operated and supported by Saudi military and U.S. military and contractor personnel who have been trained in U.S. procedures and who will, over time, have extensive experience in training and operating with U.S. military personnel and forces.

In other words, this sale will provide the ready nucleus of an air defense network, all of which will be able to interoperate—to work together in a coordinated, mutually supporting manner—with deploying U.S. forces.

If trouble surfaces in the gulf region, F-14's and other fighters from carrier task forces in the Arabian Sea could respond quickly and would be immediately effective in the air superiority role with this inplace air defense command, control and communications network. It would provide the immediate crisis response capability we need to be able to respond to an unforeseen crisis in the gulf region.

If this ready nucleus of an interoperable air defense network is not available in the area, it will mean that much more valuable strategic lift—a lift that is already critically short—and even more critical time, will have to be used to move such a network into the area. This sale forms the CORE of an inplace regional air defense network of direct benefit to U.S. forces.

We presently have inadequate facilities, maintenance equipment, spare parts, and munitions stocks located in the Southwest Asia/Persian Gulf region to support the exercise or deployment of any sizable U.S. forces. The Saudis would be far more able—and I am convinced far more willing—to provide material support for deployed U.S. forces if we were required to assist them in their defense or the defense of the region.

As I have already mentioned, it is absolutely essential for our Southwest Asia strategy that we have free and willing access to Saudi Arabian facilities and support infrastructure. However, such access will not guarantee our ability to deploy combat forces to the Persian Gulf region unless we are able to engage in adequate planning and preparation with the Saudis for the use of those facilities and infrastructure before we have to deploy. Without such planning and preparation, a deployment into the region in time of crisis would be extremely difficult, overly time consuming, and far less likely to succeed. It is true that we do not now have any formal access agreements with Saudi Arabia. It is more important, however, to have close working relationships to build upon.

No one can guarantee that selling the AWACS package to the Saudis will automatically and immediately result in the Saudis granting us formal access agreements and engaging in the planning and preparation we need. However, it is certain that they will be far less willing to cooperate if we reject this sale. It will only confirm in their eyes that we are something less than reliable as a security partner.

On the other hand, I am confident that if the sale is consummated, our security relationship with Saudi Arabia will grow closer, military cooperation with them on a whole range of issues will expand, and the types of planning and preparation we need to insure an effective deployment of U.S. forces in a crisis will go forward.

In our extended debates, in my judgment, we tend to forget the soldier, sailor, airman, or marine, who is today willing to give his life for our country, in any part of the world. They ask no questions, yet stand poised—and ready—whenever called upon. If we as a nation are forced to commit our forces to an area where these young Americans may be faced with combat, it is absolutely essential we provide them with the planning and equipment necessary to fight, to win, and to survive.

We owe them nothing less.

If we fail to do that, and if one life is lost, we, here in the Senate today, will bear the full responsibility of that loss.

The Constitution requires the President to formulate foreign policy with the advice and consent of the U.S. Senate on the ratification of treaties.

Congressional interference in foreign policy can be clumsy. It can generate considerable uncertainty among world leaders about U.S. commitment and the ability of the President to carry out foreign policy. This fact is acknowledged by parties on both sides of the question.

The Senate has a constitutional role, but where there is a basis for reasonable doubt about an issue, we have the obligation to resolve that doubt in favor of the President's position.

The administration's Middle East peace policy has always been based on the Camp David peace process in concert with quiet diplomatic efforts through which interested and concerned parties may be brought together.

These efforts have resulted in the recent commitments of France, Italy, and Britain to participate in a Middle East peacekeeping force—a requirement of the Camp David accord and an element of the administration's Middle East peace policy.

The September visits of Israeli Prime Minister Begin and Egypt's late President Sadat were also an important part of President Reagan's policy.

I take exception to opponents' charges that the President has done nothing to safeguard the controls of AWACS or the security of Israel.

Senator NUNN and I received helpful technical advice from the administration in the drafting of the Nunn-Warner resolution.

That resolution was the catalyst in President Reagan sending to the Senate majority and minority leaders, the distinguished Senator from Georgia (Mr. NUNN) and myself a letter today setting forth assurances regarding the security and operation of AWACS in Saudi Arabia.

At least 12 Senators counseled with th administration in the preparation of this letter. I commend them for their initiatives, for the strength of the final draft reflects their wisdom. This process is a fine example of the interworkings of advise and consent.

This letter establishes the following assurances:

That a detailed plan for the security of AWACS equipment, technology, information, and supporting documentation

has been agreed to by the United States and Saudi Arabia, and that that plan is in place.

That the security provisions of the agreement are no less stringent than measures employed by the United States for protection and control of like U.S. equipment operating outside the continental United States.

That AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the United States and Saudi Government, solely for defensive purposes defined by U.S. law.

That the United States has the right of continuous onsite inspection and surveillance by U.S. personnel of operational security arrangements for all equipment during the useful life of the AWACS, and that these security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the United States and Saudi Arabia.

That Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments.

That computer software, as designated by the U.S. Government, will remain the property of the U.S. Government.

That the Saudis will share continuously and completely the information acquired from use of AWACS.

That the Saudis will not share access to AWACS equipment, technology, documentation, or any information developed from the AWACS equipment or technology with any nation other than the United States without prior, explicit consent of the U.S. Government.

That adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia having access to AWACS will be established.

That only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology or documentation, or information derived from AWACS.

That agreements concerning organizational command and control structure for operation of AWACS are of such a nature to guarantee the commitments made in the sales agreement are honored; and

That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.

With these assurances, I am convinced the proposed AWACS sale to Saudi Arabia will strengthen our military relationship with the Saudis, and it is in the long-term national security interests of Israel.

I respect the views of the opponents of the AWACS sale but I ask them to consider U.S. national interest in the Arabian Sea region; the military requirements of protecting and defending those interests; the national security interests of Israel; and the overall question of America's ability to meet its commitments and pursue its foreign policy.

In the end, the Saudis will purchase a surveillance system. The question is, "From whom?" I want to say to the American in the foxhole—it comes from your Nation to protect you.

Mr. President, I close again in joining my distinguished colleague from Georgia in saying that if any Senator has any concern about voting in favor of this, then I suggest that they think in terms of the young soldier, sailor, marine, or airman that this Nation may some day have to dispatch to the Middle East to fulfill commitments made by two Presidents. That individual will expect—he will not ask, he will expect—that the United States of America has given him every protection to which he is entitled if he is prepared to lay down his life for this country.

With the installation of this air warning system, we have provided our service personnel with that essential defensive mechanism for any operation in the military today; namely, an air umbrella of surveillance.

So I close by paying tribute to my colleagues who support this and a tribute to the man in the foxhole that some day may benefit.

Mr. BIDEN. Will the Senator yield?

Mr. WARNER. I yield to the Senator on his time.

Mr. BIDEN. The question will be on my time.

First, do we not already have that in place right now? Second, is the AWACS we are selling to Saudis not going to be equipped to be integrated with our Armed Forces?

Mr. WARNER. The AWACS can be equipped to be operable with any of our defense systems in place today or which may be put in place as part of the RDF. The Senator is correct, the AWACS operating on the Arabian Peninsula today does service our military units, but it has been made clear to us unequivocally by the President that that situation cannot be expected to go on into the future and, in all likelihood, the Saudis would seek to get such a system from the British or the French.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I wish to commend very much indeed the distinguished Senator from Virginia who has been so responsible for the letter the President of the United States sent to the Senate today.

Mr. President, I am happy to yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, to advance U.S. economic, military and political interests in this rapidly changing world, our foreign policy must be guided by a strategic framework with realistic and well-defined objectives—immediate and long term. We need such a framework against which to test each foreign policy action.

Mr. President, this arms sale is an action in search of a framework. No clear and sound strategy has been offered by the administration to support this sale. The only explanation we have been offered is that the arms sale would help to build some vague strategic consensus among U.S. friends in the Middle East. This is simply an assertion, not a strategy. Before taking action on this proposed arms sale, Congress needs to know much more about the assumptions and analyses underlying this so-called consensus.

I believe the paramount U.S. interests in the Middle East are:

First. Peace and stability in the region.

Second. Strong U.S. allies in the region who are able to help in countering any Soviet aggression and influence there.

Third. A continuing flow of oil from the region to the industrial world while we reduce our dependence on insecure sources of oil in the region.

I oppose the sale of AWACS planes and F–15 enhancement equipment to Saudi Arabia because I think, on balance, the sale would not promote these primary U.S. interests and may even put them in jeopardy.

Mr. President, it has been argued that this proposed sale may be ill-advised but that the Senate must support the President in this matter because rejection of his request would undermine his credibility.

The credibility of the American President is important, but even more important is the soundness of U.S. foreign policy. A weapons policy is not a foreign policy. Besides we all know that the formulation of foreign policy is not done only by the President. Under the Constitution Congress has the responsibility to check and balance the President's judgments, and to provide its advice and consent on matters of foreign affairs. The Senate has offered its advice and consent on foreign policy matters throughout our history including on the Jay Treaty of 1795, the Clayton-Bulwer Treaty of 1850, the Treaty of Versailles of 1920, the Bretton-Woods Agreement of 1945, the NATO Treaty of 1949, and more recently the War Powers Act of 1973, the Panama Canal Treaty of 1978 and in debate prior to withdrawal of the SALT II treaty from Senate consideration in 1979. It is not the responsibility of the Congress to make the President credible, it is our responsibility to make sure that U.S. policy is wise.

Above all the United States wants peace and stability in the Middle East. Placing such sophisticated technology in Saudi hands will upset this balance in the area. Arms, begot more arms: Israel will be forced to build an air defense on a new front, and its Arab adversaries may feel bound to respond in kind. The new round of arms escalations will inject more distrust into this tense region.

An arms escalation also could disrupt Saudi society. The AWACS package could trigger more weapons sales from the West to Saudi Arabia. West Germany can be expected to sell 300 top-of-the-line Leopold 11 tanks and Great Britain hopes to sell 200 Tornado jets. And the Saudi Government almost surely will request an AWACS enhancement package.

Saudi Arabia's defense budget is twice as large as Egypt's and almost as large as Great Britain's. All this new arma-

ment will flow into a country that has already bought over $22 billion worth of weapons for a total armed force estimated at 61,000 men.

There has been no attempt to assess whether Saudi military personnel will be able to handle all this sophisticated weaponry, and there clearly has been no analysis of how all the hardware fits into Saudi defense strategy.

A military defense combines people, strategy, and hardware, and should be put together in that order. The strength of a country's troops should in part define its strategy. The strategy, in turn, should determine the hardware. It does not seem that this has been done properly in the case of Saudi Arabia, by either the Saudis or us.

We simply are supplying arms to symbolize our commitment and to implement a purported strategy that only states without analysis that the AWACS system will help defend the Persian Gulf.

Moreover, if the Saudis have AWACS planes, they will come under pressure by Arab militants and frontline states to use these planes against Israel in war and to watch Israeli air space in peace. The Saudis have been able to resist pressures to join past battles against Israel because they were vulnerable and had little to contribute. Saudi ownership of AWACS and enhanced F–15 jets will change that. The Saudis will not be able to plead weakness, or that they lack full control over the AWACS.

Advocates for the sale to the Saudis justify it on grounds of friendship and the need to assure security of the oil fields. But is it really friendly to make the sale, and how secure would it make the oilfields?

AWACS do offer the Saudis greater visibility and early warning on low-flying aircraft veering toward them, though limits on the performance of 5 AWACS makes the surveillance far from foolproof. But U.S.-owned and controlled AWACS would do the same or better job, and are now doing it, without incurring the risks of taking the weapons out of American hands.

Transferring control of the AWACS to the Saudis can be construed as an American step back from the defense of Saudi Arabia. The real deterrent to the Soviets is not the AWACS, but a firm U.S. commitment to protect Saudi Arabia. Giving the Saudis full control of the AWACS appears to reduce the U.S. commitment. This should not be comforting to the Saudis.

Even more potentially damaging to Saudi security is the illusion this sale fosters that Saudi Arabia can successfully defend itself. The reality is that Saudi security depends in large part on our willingness to keep their principal adversaries at bay. The illusion that these weapons substitute for U.S. deterrence and assistance is dangerous for both them and us. Reinforcing it not only fails to serve us or Saudi interests—it could well end up actually subverting them.

The AWACS we sell the Saudis will be stripped of some highly sensitive U.S. technology, mostly in the area of data link, communications and countermeasures. This equipment enhances, improves and protects AWACS. Stripped down, the AWACS–F–15 system will be impaired in its ability to repel an attack. If the United States kept control of the AWACS, this important equipment could be retained as well as our sophisticated communications and command control system linked to our carrier force in the gulf. Then Saudi security would be strengthened at the same time that U.S. secrets would be better protected. Giving the Saudis less defense at higher risk to our weapons systems is not friendly, but foolhardy.

Furthermore, no one argues that Saudi F–15's and Saudi AWACS will sufficiently deter Soviet aggression. The United States will be needed for that so why do not we and the Saudis admit it. By insisting that the United States must not own or jointly command the AWACS the Saudis are simply making their own oilfields less secure.

Finally, if the Soviets and their clients wish to destabilize Saudi Arabia, AWACS and AIM–9L's may do more to attract than repell their aggression. These United States type weapons would make a very nice prize for the Soviets, one the Soviets would welcome as a gift from a grateful Soviet client.

In conclusion, Saudi-owned AWACS would make the kingdom more, not less, vulnerable to the forces that seek to dislodge it.

American and allied oil requirements aro often cited as another critical U.S. interest in the Middle East. Many people believe that our energy security depends on assuring access to Persian Gulf oil by military means. This is simply not true. In most situations involving oil supply disruptions the United States would neither want nor be asked to intervene militarily. Indeed, almost the only plausible scenario for direct U.S. military intervention would be a Soviet invasion. Yet internal or regional conflict is more likely to disrupt the flow of oil than a Soviet attack. And AWACS and F–15's will not significantly enhance Saudi Arabia's ability to suppress a rebellion either at home or in a neighboring state.

This means that from the standpoint of enhancing our energy security we should concentrate on measures to reduce our vulnerability to potential oil supply disruptions. Military intervention must be our last, rather than our first recourse.

Since arriving in the Senate, I have tried to get our strategic petroleum reserve filled as fast as possible. An ample SPR is the best insurance we have against the large economic losses an oil supply disruption would cause. I commend this administration for moving to rapidly fill the SPR and I hope they will continue to keep their eyes on our stockpiling needs.

But stockpiling is only one step in building our energy security. We need additional measures. We also need a plan for dealing with oil supply disruptions domestically. We must put in place now mechanisms that will allow available oil supplies to be distributed quickly and efficiently with minimum disruption and damage to our economy. We must cushion the blow—not by controlling oil prices and allocating oil supplies, but by providing financial assistance for essential public services to those in our society least able to protect themselves from the effects of higher oil prices.

Having these programs in place will not only reduce the domestic economic costs of a supply disruption—they will also provide an essential complement to a military response should circumstances compel such action on our part.

Just as approving this sale will not promote our energy security, so disapproving it will not put that security in jeopardy. The pervasive concern that the Saudis will retaliate by cutting production is misplaced. Saudi production decisions are determined by their own political and economic needs. They have vast oil resources which some experts estimate as high as 750 billion barrels. The kingdom's economic viability both in the short- and long-term depends on their sustaining a world market for this oil. If the price is too high, that market will disappear.

At the same time, there may be compelling domestic political reasons for them to reduce production. If the Saudis cut back, it will be because it is in their national interest to do so, not because they want to punish America for doing what is in ours. And in the final analysis the only terms on which good United States-Saudi relations can endure are mutual respect for each country's vital national interests.

Let me say, I believe the Saudis are our friends and we have every reason to wish to maintain that friendship. In the broad scheme of things, the Saudis are pro-West, U.S. oriented, and share important areas of economic interests with us. They have also been helpful to the United States by increasing their oil production from time to time at U.S. urging. Nonetheless Saudi behavior often complicates our efforts to assist the peace process and deter aggression in the region.

The Saudis agree in principle that we share a common interest in defending the Persian Gulf. But they reject the establishment of bases in the region for U.S. troops, although these troops, in an extended deployment, would be impaired without bases. They reject proposals to create a large U.S. military presence in the region, upbraiding tiny Oman for offering bases and other support to the United States.

They applaud the PLO and finance some of its terrorism. They led the move to sever ties with Egypt and bring pressure on its economy after Sadat signed the Camp David accords.

And they insist repeatedly with an inexplicable fervor that Israel, not the Soviet Union, is the major menace to the Middle East.

Saudi behavior does not stem from hostility to the United States, but from its own political constraints. We must understand this, but we cannot allow it to impair our judgment. The danger to the United States is that we will permit Saudi constraints to determine our foreign policy. The danger is that we will allow Saudi constraints to set the

terms of United States-Saudi cooperation.

We are beginning to allow a litmus test psychology to govern our Middle East policy. The Saudis pose a litmus test of friendship and we strain to meet it, for example, on the F–15 sale and now on the AWACS sale. Instead of thinking through goals and setting our terms of friendship, we are tempted to take the easier route of adopting those laid down by the Saudis. And we justify doing this by saying we have a vital stake in the security of Saudi Arabia.

Precisely because our stake is so vital we cannot permit the Saudis to set our agenda by administering litmus tests. The problem is that the Saudis have their own litmus test to meet, tests imposed by anti-Israeli militants, Islamic fundamentalists, dissatisfied tribal leaders, and assorted Arab leftists. Their test to us derive from the tests given to them. The result is that our policy is shaped by assorted Middle Eastern militants and fanatics two steps removed from our own judgment, and I might say from that of the Saudis' better judgment too. It is time we stopped taking tests, and graduated to a mature relationship with the Saudis. In a mature relationship, you can say "no" without fearing the loss of friendship.

It is difficult for the Saudis to be a U.S. partner in the full sense, until they are able to take risks for peace. They must lead Arab consensus—not be lagging in the rear. This can happen only when Saudi rulers feel free of internal and regional threats, which, it appears, is not imminent. Selling these AWACS and advanced missiles will not hasten that day, rather, the attending complications may insure that it arrives much later.

And, all the talk about the importance of Saudi friendship seems to have made us lose sight of the investment we have in our Israeli friendship. Perhaps as in life, in politics too, we take those we know to be loyal most for granted. Israel has been, and is able to continue to be, a full U.S. partner and a valuable strategic asset.

Israel is a thriving democracy, is unquestionably stable, is unabashedly pro-West, particularly pro-United States, takes pride in its superior military and intelligence capabilities and is ready to share those capabilities with the United States for joint security purposes without reservation. Israel will never succumb to the hypocrisy of Third World resolutions that denounce U.S. actions as imperialist or label our self-defense in international skies "air piracy." Israel will not let us down. We could not recover from the loss to our strength in the Middle East if we let Israel down.

Progress toward peace requires that Israel retain confidence in its security so that it will not renege on its agreement to give up important air bases in the Sinai, and to modify its political control over the West Bank territories. The United States should therefore be bolstering Israel's confidence. Yet the proposed sale does everything to decrease it. The sale will create a new balance intensifying Israel's vulnerability without commensurate reduction in Saudi Arabia's. The sale could thus unravel the careful fabric of peace which Israel, Egypt, and the United States have sacrificed so much to weave.

Such shambles would comfort only America's enemies, just as compromising Israel's security would strengthen only those of Israel's enemies who reject peace.

Now let us look at whether this sale is a key ingredient in the President's plan for a strategic consensus in the Mideast. The so-called strategic consensus is that the Soviets are the major threat to nations in the Middle East. I agree that the Soviets are a great menace, a greater menace to friendly Arab countries than is Israel, and I am sure the President agrees with me. But I am not sure the Saudis agree. As oil Minister Yamani told an American audience in no uncertain terms: "There are only two threats in this world: international communism and Israel * * * the second is far more tangible and more in evidence than the first one, and an actual danger is obviously worse than a potential danger." This was said to Americans while Soviet tanks rumbled into Afghanistan.

Even if the President can persuade the Saudis to embrace the "strategic consensus" in principle, he must explain to Congress and the American people what role he expects the Saudis to play in carrying it out. Do we expect Saudi Arabia to become a regional pillar of stability, or a U.S. surrogate, like Iran? Do we expect the Saudis, with their new AWACS and F–15's, to police the Persian Gulf? Secretary Weinberger seems to think so. He told the Senate Armed Services Committee that the AWACS sale would make Saudi Arabia, "an anchor of stability within the region * * * and a bulwark against challenges from outside the region." But AWACS will not protect against terrorist sabotage and overland attack. Did we learn nothing from Iran?

It is time to adopt a realistic Middle East strategy, a strategy based on a clear view of what we want, a clear statement of where we stand, and a clear understanding of the real possibilities for, and the equally real limitations of, defending the Middle East. Most important, we must not permit the threats or promises of an inherently weak military power to persuade us either to compromise our interests in the region or to jeopardize Israel's ability to protect its borders. Instead, we should define the conditions for security cooperation with the Saudis in terms of our common defense requirements. We should at minimum insist that the Saudis cooperate in getting for our forces the regional bases they need to carry out a successful defense of Saudi Arabia and neighboring friendly nations, and that they do not subvert but rather assist efforts to create peace between Arabs and Israelis.

Finding the right strategy for the Middle East is hard; implementing it is even harder. But muddling in the Middle East without a strategy, or yielding to one that is easy, but wrong, will only make matters worse. The slogan of "strategic consensus" is not a strategy.

To sum up, U.S national interests would not be well served and could be frustrated by the sale of AWACS and F–15 enhancement equipment to Saudi Arabia. It would offer no advantage, and many disadvantages, over the present situation of U.S.-controlled AWACS in Saudi Arabia.

In particular, it would reduce the security of the oilfields and increase regional tensions by spurring an arms race. This, in turn, would expose both Saudi Arabia and Israel to heightened dangers and could fuel their latent hostility toward each other. Contrary to the President's claim, the sale would not foster peace and stability in the region and could well reverse the progress we have already made.

At best, the sale will retard the pace of compliance with the Camp David accord. At worst it could nullify that agreement and shatter all prospects of a peaceful settlement. Once this happened, new opportunities for Soviet adventurism would be created. Yet the weapons we would have provided the Saudis would be inadequate to prevent Soviet success.

The sale would contribute little to our prime energy security objective of reducing our vulnerability to insecure sources of foreign oil and it would not guarantee Saudi production levels above those in Saudi long-term national interest. AWACS cannot deliver Middle East oil and cannot cushion our economy against oil shocks. To the extent we would look to AWACS to protecting our oil supplies, instead of devising measures to reduce our vulnerability to oil supply disruption, the sale of AWACS would impair our energy security.

Finally, it would hinder efforts we must make to build a realistic strategy for our Middle East policy. The sale is premised on an unspecified strategy, based on unknown assumptions with unpredictable consequences. For all these reasons I must oppose the sale.

Mr. PERCY. Mr. President, I am happy to yield 5 minutes to our distinguished colleague from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the chairman of the Foreign Relations Committee.

Mr. President, some of the speakers today have complained about the administration's handling of this sale: "Why wasn't this done? Why wasn't that done? Why weren't we consulted?" And on it goes.

Maybe things should have been done differently, Mr. President. But it seems to me the important point is: Where are we now? What should we do now?

Let us not argue about what should have taken place. Where do we go from here?

There are two overriding considerations that should govern our decision, in my estimation. The first is our own security interest in the Middle East and in the Persian Gulf area. The second is our commitment to the advancement of the cause of peace in the region.

Mr. President, four Presidents of both political parties have repeatedly stated that the Persian Gulf area is vital to American national security and must not be controlled by nations whose in-

terests are opposed to ours. I do not think any American can argue with that. The distinguished senior Senator from Georgia spoke eloquently on that a few minutes ago.

If we are to be prepared to assert our power in the Persian Gulf area, should it be required, we are going to need every bit of help that we can garner. It is essential that we operate as closely as possible with those nations in the region that have indicated they wish to make common cause with us. This, of course, includes Saudi Arabia. To operate in the area and to exclude Saudi Arabia is to exclude the most important nation bordering the Persian Gulf.

For our policy to succeed, we must supply those nations with such arms and equipment that we believe are necessary to their defense and which they can reasonably use efficiently. We cannot be in the position of attempting to shoulder all the burden ourselves or to go it alone. We cannot do that. We have to have those nations that we are supporting assume responsibilities and duties in order to assist us in our common goal.

To deny such equipment as the AWACS or the enhancement package to Saudi Arabia can only lead to the unravelling of that mutual respect and cooperation which is absolutely necessary if we are to be prepared jointly to meet potential foes.

The second reason it is extremely important for the best interest of our Nation that this sale be approved is to advance our goal of a lasting peace in the Middle East. In order to do that, we have to be a dependable and steadfast ally that understands the fears, the desires, and the problems of the different nations in the area which are essential parties to any permanent peace. Obviously, again, that includes Saudi Arabia.

The Saudis sit atop rich natural resources, resources which are important to this Nation and of even greater importance to our allies in Europe and Japan. The production of these resources could be endangered by attacks from a number of potentially threatening countries. Faced with this threat, Saudi Arabia has turned to its long-time friend, the United States, to purchase limited amounts of equipment in order to defend itself.

The air defense package did not come from the air. It was not just conceived out of nothing. It came about through American advice and American recommendations.

Our military experts have stated that they believe the package of equipment in its present form provides Saudi Arabia with the needed air defense capability but does not constitute an offensive threat to other states in the area. The fact that our own AWACS aircraft have been in Saudi Arabia for over a year, performing the early warning task and contributing to the security of Saudi Arabia, demonstrates the importance that we attach to the stationing of these aircraft in that country.

Two principal objections to the sale have been raised. First, a fear that sophisticated U.S. equipment might fall into Soviet hands. While such is always a possibility, it is important to bear in mind that the AWACS being sold to the Saudis will not include all of our latest technology. Of equal importance is the fact that this AWACS system will not be fully in place until 6 years from now. Should security conditions in the meantime become unacceptable, we could refuse delivery.

There will be a substantial American presence in Saudi Arabia servicing these aircraft for some years after the sale. In addition, the Saudis have agreed to strict security protection for these weapons. Accessibility will only be available to cleared United States and Saudi nationals. Proceeding with the sale now is an entirely acceptable risk in my judgment.

The second principal objection to the sale is that it will constitute a threat to Israel. Israel has at least 600 first-line combat aircraft in the highest state of readiness, with pilots equal to the best in the world. Israel's military dominance in the area is not going to be altered by this sale. If it were, I would not support it.

Furthermore, the United States has reiterated its commitment to the security of Israel and President Reagan has stated that he will insure that Israel maintains its qualitative military edge. In furtherance of this objective, joint steps are already underway to improve United States-Israeli military cooperation. These actions have my full support.

In conclusion, I recognize that this vote has presented a difficult choice for many Senators. Still, when all is said and done, I believe that it is essential to our own national interest and to the interest of peace in the Middle East that we proceed with this sale. While this undertaking is not without elements of risk—elements which have been pointed out in this debate and which I have examined most carefully—I firmly believe that the risks are worth taking. I believe just as firmly that the risks of not proceeding present a far greater danger to our own interests and security.

Mr. President, Andre Malraux once quoted Charles de Gaulle as saying that "one does not go to the edge of the Rubicon to fish."

Mr. President, we have arrived at the edge of the river, let us plunge on. I urge rejection of the resolution of disapproval.

Mr. PELL. Mr. President, I yield 3 minutes to the senior Senator from Minnesota.

The PRESIDING OFFICER. The senior Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, in the 3 years I have been in the U.S. Senate I have not faced a more controversial issue than the sale of AWACS and other material to Saudi Arabia. I find that to be a remarkable statement, considering the historical events, in both domestic and foreign policy, that have occurred in the past 3 years.

Good men and women on both sides of the AWACS issue have been accused of pandering to the "Jewish lobby" or to the "oil lobby." Opponents of the sale, especially on the Republican side of the aisle, have been called disloyal to the President, while some proponents are being branded "merchants of war." Will rejection of this sale damage the prestige and influence of the Presidency and the United States abroad, or will it reaffirm an appropriate role for Congress in determining our Nation's foreign policy?

These are the epithets and questions we hear every day. They come from the media and constituents and, sadly, from the administration and Members of Congress. They are the common points of discussion on this issue, but for the most part, they are as inappropriate to the sale of AWACS as an argument over unisex toilets is to equal rights for women. They are smokescreens that camouflage the real issue.

The real issue, here, is this: What is best for the United States? What will best achieve our country's goals and assure our Nation's security? That must be the bottom line in any decision of this magnitude. We must cut through the smokescreen—and I hope what I am about to say today will help clear the air—and get to that linchpin issue of this debate.

Mr. President, I oppose this sale because I do not believe that it is in our country's best interests. I am firmly convinced that the proposed arms sale is an incorrect approach to our goals and our security interests in the Middle East. It is incorrect because it continues our excessive reliance upon arms sales and because it substitutes a fragmentary action for an overall policy.

Having reached that judgment, I am confronted with the difficult task of defining my role, and the role of Congress, in opposing this sale. The Constitution and precedent are imprecise guides. There can be no mistaking the intention of the Arms Export Control Act, however. That legislation specifically requires each Member of the Senate and the House to exercise his or her judgment and vote according to the dictates of his or her conscience on arms sales.

The framers of the Constitution wisely understood that the country they were founding should be—must be—a nation of laws, not of persons. Time and again that principle has been tested; in each case it has withstood the test of time.

The unique separation of powers among the branches of Government has served our country well. The Arms Export Control Act is an extension of that separation of powers; it is a check between two branches of the National Government in a sensitive and critical policy area, the sales of arms to other countries.

This obligation of Congress must not be confused with loyalty to the President. Where there is doubt among a substantial number of Congress—doubt which was reflected in the overwhelming House vote against this sale and the doubt that is reflected in the Senate—that doubt should be taken as a warning rather than an obstacle. If the doubt can be overcome in fair and open debate, then the Constitution has served its purpose by promoting support, and our foreign policy is the stronger for it.

If the doubt cannot be overcome, then the policy is by definition open to question and is, therefore, the weaker for it.

Loyalty to the President does not mean rubber stamping his initiatives. Instead, it means that we work with the President, offering suggestions and raising questions where appropriate, to improve his programs and contribute to making him the best President ever.

That point has been clearly demonstrated in the domestic policy issues that have come before Congress this year I can think of several times this year where the politically expedient thing to do would have been to vote against the administration. But many of us have faced up to the difficult job of turning this Government around. Certainly, we have not been a rubber stamp. I do not think the American public wants or would accept that from their elected Members of Congress.

AMERICAN INTERESTS AND THE AWACS SALE

I am confident President Reagan will succeed in the necessary task of defining an overall policy for the Middle East. More than that, his strong and consistent leadership will continue to send the message to the entire world that U.S. policy will not be controlled by spur-of-the-moment decisions.

In fact, I think that win or lose on this vote in the Senate, the President's courage already has been demonstrated by his personal commitment to the sale. That is an important signal, one that stands apart from our decision in the Senate.

I believe I can contribute to the success of this administration by opposing this sale. My hope is that defeat of the AWACS sale at this time will encourage the President to go back to the drawing board for a comprehensive Mideast policy—a policy that may include the sale of AWACS to Saudi Arabia, but is not defined by arms sales.

Before we proceed with the largest arms transfer in our history, we must question the wisdom of promoting arms sales for the purpose of foreign policy. It is necessary to raise this question early in a new administration. President Reagan has raised it with an $8.5 billion sale. We in Congress must decide it. The House has already spoken against it, and I believe the Senate should do the same.

A sale of this magnitude in this region explicitly endorses the concept of arms sales as a tool of foreign policy. And, it lays the foundation for predictable further endorsements. With a sale at this level, how do we say "no" to another country wanting to buy half as much—especially if that country prefaces its demand as an offset to the sale to the Saudis?

Arms sales first became a prominent instrument of our policy under the "Nixon doctrine." As we all remember, President Nixon chose to draw down this country's direct role in world affairs following the debacle of Vietnam. Just one reminder of that debacle is the cache of weapons we left behind that is being used against us around the world.

President Nixon sought to bolster Third World allies who would do our work for us. And the principal means of bolstering such allies was through arms transfers. The example that comes first to mind, of course, is Iran. A country that was to have safeguarded American issues by using American arms is now torn by civil war—a war prompted, in part, by resentment over the purchase of American weaponry.

Perhaps the "Nixon doctrine" was useful to administrations limited by a nation reacting to Vietnam. And certainly the Carter-Mondale administration handcuffed its own foreign policy by its inability to stand by a commitment, by its indecisiveness and vacillation.

All that was settled in the 1980 election. That election shculd have sent a message that this country is now ready, once again, to assume strong and consistent leadership. We are no longer handcuffed by guilt or by vacillation. Under President Reagan, we are again ready to thoroughly, firmly, and consistently engage in international politics.

And, Mr. President, let me point out that if arms sales do not make sense as a general foreign policy rule, they make even less sense when applied to Saudi Arabia. Saudi Arabia, by some estimates, ranks sixth in terms of its total military expenditures. It spends more than many larger NATO allies, according to the International Institute for Strategic Studies. Yet we propose to undertake the largest arms sale in American history to this country.

Any arms sale to any country in such a region as the Middle East must be scrutinized closely, for the burden of proof is on those who assert that arms sales are stabilizing rather than potentially destabilizing. The evidence provided by the Israeli diversion of American arms or by the Iranian use of American arms against American interests makes it difficult to suggest that arms sales promote our own national interest.

Mr. President, I do not believe that arms sales to Third World countries as a means of achieving regional stability is a policy in our national security interests. I believe that Sam Cummings, a well-known private arms broker, was correct as quoted in the Washington Post magazine of October 18, 1981:

> It's not lawnmowers or plowshares I'm selling—it's swords, and you have to deal with either the minister or the head of state because they're the people who control the material. And it controls them. . . . These political leaders, they come and go.

Following from this first point—the role of arms sales in foreign policy—is my second concern with this proposal. We have been told that this sale is part of—indeed, it is the "cornerstone" of—a new and fresh approach to our policy in the Middle East. So far, we have seen numerous cornerstones but few buildings.

Secretary of State Haig told the Foreign Relations Committee on October 1, 1981, that the real issue is:

> Whether the United States will be able to pursue a coherent policy in a region where the Arab-Israeli dispute divides our closest friends and where the Soviets and their proxies threaten our vital interests. . . . If our friends are more secure, they will be able to take risks for peace. If there is progress toward peace, the cooperation that is vital for security will be easier.

I think that Secretary Haig's assessment is accurate. But his conclusion is faulty. The solution is not the largest arms sale in the history of our country. The solution lies in an examination of at least part of the cause of the tension in this region of the world.

What the Arab world is really looking for is security from the fear that America is always going to back Israel, right or wrong. You do not deal with that security with the largest arms transfer in our country's history.

You deal with it by promoting a consistent and coherent policy that bolsters our friends and remains consistent with past and current realities. And the undeniable reality is that Saudi Arabia has called for a jihad against Israel; it has systematically pressured countries such as Oman whenever they have indicated a willingness to allow U.S. bases in the region; it has isolated Egypt because of President Sadat's courage in promoting the Camp David accords; it has repeatedly stated that its real enemy is not the Soviet Union, but Israel; it has condemned our attempted rescue of the Americans held hostage in Iran; and, it has funded the Palestinian Liberation Organization, a group which fosters the aims of such people as Qadhafi of Libya.

In short, Saudi Arabia has done nearly everything imaginable to work against our interests in a "strategic consensus" and it has done nearly everything imaginable to derail the Camp David accords. And we do nothing to promote regional peace if we substitute arms sales for progress on the real issue—the fate of the Palestinians. Arms sales will not make the Palestinian issue go away. But until that issue is settled, we have little prospect for a stable peace.

A coherent U.S. policy tells the Arab world that they must deal with security in the same way that a great Arab leader, Anwar Sadat, did. As the President has correctly pointed out, Sadat took the lead in wars against Israel until he realized, as he stated at the end of the Camp David summit, that the United States will guarantee Arab friendship by working for a comprehensive, just, and lasting peace in the Middle East. As President Sadat stated on September 5, 1978:

> We cannot afford to fail the hopes of nations all over the world. No one has the right to block the road to peace. This is no time for maneuvers and wornout ideas. It is time for magnanimity and reason.

So far, these thoughts have not been incorporated into our policy for the Middle East. This arms sale might make sense is it were part of an overall foreign policy, a policy which accounted for the reality of Middle East regional politics as well as the reality of a Soviet threat. But, we have no statement of policy which links internal, regional, and global concerns in the Middle East and the Persian Gulf. We have only a Jimmy Carter quick-fix masquerading as the policy of a new President. An arms sale does not constitute a policy. And a reunion of past and present administration officials does not constitute justification. While a picture of 18 supporters

of the AWACS sale printed on the front page of newspapers may be good public relations, it is not necessarily good public policy.

We do not need the "maneuvers and wornout ideas" which President Sadat cautioned us against. We do not need a proposal which will commit this administration to old doctrines on arms sales but which fails to address the real issues. And we must recognize that the fear of the Arab States about Israel intentions cannot be met by this sale. We must pursue instead a comprehensive and overall strategy that fully links this country into the quest for a just and lasting peace and, therefore, for regional security.

THE MYTHS OF THE AWACS SALE

Mr. President, I have given my arguments against the sale. Let me now turn to the smokescreens I mentioned earlier. First, of course, is the myth that this arms sale can either relieve the necessity for or lighten the burden of the American presence in the Persian Gulf.

Nothing can replace the necessity of American presence in areas of American national interest. Yet, the proposal to turn over to Saudi control a mission now being carried out by four American-owned AWACS aircraft would do just that, in a faint echo of the Nixon doctrine. The real deterrent to an attack on Saudi oilfields is American power and American will, a point recently acknowledged by President Reagan's former Ambassador to Saudi Arabia, Robert Neumann, in a Los Angeles Times editorial. Mr. Neumann notes that even if the Saudi military is fully upgraded, it will be insufficient to guard against a medium-level air threat, and that defense of the oilfields requires the presence of "complementary forces." And, as Mr. Neumann notes, those complementary forces are our own—the naval task force now cruising the Persian Gulf and the Indian Ocean.

Given this reality, it makes little sense to degrade our forces, but the proposed arms transfer would have exactly that effect. In place of the four American-owned AWACS aircraft now in Saudi Arabia—planes which are equipped with the latest and most sophisticated technology—we would substitute five Saudi-owned AWACS which lack such basics as jam-proof communications. Yet it will continue to be the mission of those aircraft to provide surveillance both for Saudi oilfields and for our fleet. In other words, our forces—forces which are vital to deterrence of an attack—would lose rather than gain capability.

But there is another facet to United States-Saudi relations which has been overlooked. That facet is the ongoing diplomatic, cultural, and economic relations between our two countries. It is in our best interests and in the interests of a country like Saudi Arabia to lay a foundation of interdependence. Our commitment to Saudi Arabia—a commitment now backed up by our fleet—becomes meaningful, credible, and rewarding only when it is based on the fullest possible ties, and not simply on the fact of Saudi oil reserves.

To look upon the United States-Saudi relationship as one characterized only by guns and oil is shortsighted. It deprecates the Saudis, and it can cause resentment against us in the long term. We have unfortunately overlooked other Saudi contributions to regional stability in this debate. Too little has been made of their diplomatic contributions to the Lebanon cease-fire. And too little has been made of the future, a future which should see broader ties between our two countries.

The second smokescreen in this issue is oil. Many people claim that the Saudis have adopted lower oil prices than other OPEC nations because they have our best interests at heart. And they fear that a defeat of AWACS will mean higher prices. In fact, Saudi oil prices are dictated by Saudi, not American, national interests.

We have an administration that does not believe in conservation, does not believe Saudi Arabia controls the marketplace, and does not believe that we should be encouraging energy alternatives. The President believes in an energy marketplace that is rational; it is no wonder he says we had better be nice to the Saudis.

But the fact of the matter is that there is currently no "marketplace" for energy resources. This should be apparent to anyone who can read the headlines. Later this month, OPEC is expected to get together and agree on a unified price of $34 per barrel for crude oil. This decision will be a victory for Saudi Arabia. It is a victory for the long-term interests of Saudi Arabia. There are some who believe that conservation and the resistance to higher prices have put a burden on the world oil market and that OPEC is in disarray—about to go out of business. Nothing could be further from the truth.

There is a difference of interests within OPEC. The Saudis have a lot of oil—enough oil to produce at current levels well into the next century. They have a long-term interest in our dependence on their oil reserves. Conservation and conversion to renewables are a direct threat to their future. Prices which are so high that consumption is reduced also threaten their long-term interest. Other OPEC nations have smaller reserves. They want all the revenue they can get and they want it today because they fear we make take control of our own future. High prices now are in their interest. Our gradual conversion is no threat to them, because their wells will soon be dry.

As I say, there is a difference of interests in OPEC. And the Saudi interest has prevailed. The Saudis have used their excess production capacity and a price of $32 per barrel, to force other OPEC nations with higher prices out of the market. Now that prices have been unified at $34 per barrel, OPEC will return to a plane of stability. The world glut will be reduced. Each member of OPEC will be given a share of the contract market and the cartel will be in control again.

I suppose these events can be read by the "free market" types as a confirmation of their policy. But to me, the headlines say that Saudi Arabia has the power to unilaterally impose a world oil policy that serves their own national interests to the exclusion of the market and of other nations. Meanwhile, we are busy here in Washington unilaterally repealing energy policies that took us a decade to construct. We turn not to a marketplace, but to a prayer that over the long term our interests will coincide with those of Saudi Arabia. Well, they will not. Our long-term goal must be to reduce our dependence on imported oil. Current Saudi policy—price moderation—is designed to continue our dependence on them and their production of 8½ million barrels of oil per day. And who can say what our policy will be in the future?

So, there is no marketplace today, only a continuing need to safeguard our economy and our security against the seduction of momentary lulls in the energy crisis. But there is a clear need for Saudi Arabia to maintain U.S. and developed-world dependence—long term—on Saudi oil. Our attention to that need, rather than to alleged Saudi defense needs, will give us a foreign policy course that leads to Saudi-enforced stability in the Persian Gulf.

Third, we are being told we should approve this sale because the consequences of disapproval would be disastrous. The disaster to which most people allude is the presumption that our Nation will no longer enjoy credibility among world leaders if it does not follow through on a promise made by the President. This argument fails on several counts.

First. It overlooks the fact that the sale itself threatens our credibility. The sale would overturn firm commitments made three years ago by the executive branch to Congress—commitments which promised that approval of the sale of 62 F-15's to Saudi Arabia would not be followed by requests for further equipment. Congressional independence of the executive branch is a fact of life. It is a valuable asset which insures the strength of our foreign policy. It can be abused, but is overlooked at our peril. To pretend otherwise is dangerous.

Two. The failure of the sale at this time will do no more irreperable damage to President Reagan than did the initial refusal of Congress to approve the Carter AWACS sale to Iran, or the subsequent refusal of the House to approve the sale of this arms package to Saudi Arabia. Remember—and it is not hard—that it was not Congress that shot Jimmy Carter in the foreign policy foot. It was Jimmy Carter himself. It was Carter's vacillation that crippled him, not his congressional failures. Likewise, it will be this President's steady commitment—already illustrated in other regions of the world—which will bring stability to our foreign policy.

Three. Regardless of what we in the Senate decide on this sale, we will continue to be seen as reliable because this President is reliable. In the past, the major objection that most countries had to our foreign policy was not that Congress failed to support the President, but instead that our Presidents themselves could not settle upon a consistent foreign policy. Those fears have been put to

rest. Our reliability has been demonstrated repeatedly since President Reagan took office, most recently in our willingness to confront Libyan aircraft and in our strong support for continued assistance to both Egypt and Sudan.

Fourth. The presumption that disapproval of the sale will undermine our credibility suggests that we are willing to subordinate our foreign policy to our appetite for fossil fuels.

Finally, there is the question of Israeli influence on U.S. foreign policy—Begin versus Reagan. That is not the question. The real debate is over the future conduct of American foreign policy in a highly volatile region. The fact that the prime minister of Israel disapproves of this sale is absolutely irrelevant to our debate, and should not be offered by those who oppose this sale any more than those who support it. For what it is worth, I share the belief of the administration that this sale will not fundamentally jeopardize Israeli security. But an assurance that this sale will not harm an old and valued ally is not sufficient reason to support the sale. The question is whether we will harm ourselves.

Far too many people appear willing to erect a straw man—Israeli security—and then to claim that anyone who opposes this sale despite assurances about Israel has made a choice between our President and Israel's Prime Minister. This is patent nonsense, and it is dangerous politics. To assume that opposition to this sale arises because of the so-called Jewish lobby is to pander to the worst in our character.

The strength of every lobby—whether it is the American-Israel Public Affairs Committee, the National Rifle Association, or the American Legion—derives not from financing or from voting, but from the dedicated persistence of their members. We have heard nothing about the alleged "split loyalties" of those who favor this sale. We have heard nothing about the "oil lobby," which is pressing the views of a foreign government—Saudi Arabia—in this debate. But we have heard far too much about the motives of those who oppose this sale. Let us not degrade this debate any further with allegations about the divided loyalties of any Americans, for those allegations will do no one any good and they will only return to haunt those who rely on them.

THE ANSWER

In the final analysis, I keep returning to a question which has bothered so many of us in Congress for so long. I keep questioning the wisdom of this sale at this time. How much wiser would the President have been to withdraw the sale, especially after the murder of President Sadat and at least until the Saudis had made a commitment of support to our friends in Egypt. Under those circumstances, we could build a bond of friendship with the Saudis that would preclude a test rather than invite a test. It would be a bond built on the realities of the 1980's without Anwar Sadat, rather than on the unrealities of an arms race.

It is my fervent hope that we in the U.S. Senate will provide President Reagan with that opportunity this week.

Mr. PELL. Mr. President, I yield 6 minutes to the junior Senator from Minnesota.

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I join with my senior colleague in opposing the transfer of the AWACS and other equipment to the Saudis. I oppose it for so many reasons. I have to compress them all into 6 minutes, which I find difficult to do on an issue I have been so intimately involved with for so many months.

Mr. President, the 1978 sale was supposed to achieve some of the things I now hear this sale is going to achieve.

Instead, what we are achieving, in fact, is making the Middle East an armed camp, making it even more an armed camp than it is today. From east to west and north to south, it is one of the most incendiary, one of the most unstable—perhaps the most unstable—regions in the world. Libya is opposing many countries of the Arab world and others as well. Iran, Iraq, Yemen, Lebanon, are all unstable and some are under the influence of the Russians. Indeed, it is an unstable area. And yet we are told we should send still more arms, indeed, our most sophisticated arms, arms which, if they fell into the hands of adversaries, would result in a meaningful compromise of our compromise of our technology.

I have heard that the AWACS called right off the shelf technology. It is fascinating to read the things that were said when appropriations was being sought for the U.S. Air Force AWACS. The AWACS then was the most advanced piece of equipment in the world, now it is right off the shelf.

Indeed, it contains the most advanced equipment of its type in the world. Nobody has been able to achieve the narrow beam radar that we have. Nobody has been able to achieve the very low fraction of 1 percent leakage in the side lobe so that the danger of the radars being jammed is minimized. Everybody else is supposed to be 10 to 15 years behind the quality of our radar processor.

With this software, we are going to be able to do one of the things that one Senator spoke about, giving the protection that Americans servicemen would be entitled to if they find themselves in that area. Every protection? To provide every protection means we will have to put into the software of that AWACS airplane the most sophisticated information that we have in this country, information that is indeed classified but information which, if compromised, would just put us in a terrible fix.

The entire communication system and the entire IFF—identification friend or foe—system could be compromised. The so-called Soviet AWACS is many, many years behind the developments we have in this country.

People say it is a threat to Israel. I do not believe that the AWACS is a particular threat to Israel, militarily, until the Saudis learn how to operate it. This is unlikely for another 8 or 10 or more years. Then quite clearly it would be a threat to Israel.

The sale is heightening the arms race. It is putting an economic pressure on Israel that Israel might be unable to cope with. That is probably the principal threat that is leveled at Israel from this whole sale.

As I read about the representations made when funding for the U.S. AWACS was sought, I am just flabbergasted to hear some of the proponents of this sale say that the Israelis would pop the AWACS right out of the sky. There just is no truth in that. It is not that simple.

Finally, I am told that the Saudis are working for peace and that they are moderate, even though they will not give us bases, even though they call us medieval pirates when we try to protect ourselves in the gulf off the coast of Libya, even when they try to prevent Oman from giving us bases, even when they object to our filling the U.S. strategic oil reserve, even when they will not join Camp David.

They are still moderate? It is true, they are moderate, when they are compared to the other nations of the area, even though they finance the PLO, even though they call Israel the principal threat and apparently do not recognize, the Russians as the principal threat in that area.

Mr. President, this sale simply should not go through.

Upon rejecting the sale, we should begin anew our negotiations with the Saudis. There is no question in my mind that AWACS should be in that area. There is no question in my mind that the Persian Gulf is an important part of the Western defenses, that the West now needs the oil that emanates from the Persian Gulf.

Mr. President, if we can promptly negotiate with the Saudis, if we can make them part of the negotiating process in the Middle East, then, indeed, I would be for this sale.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Vice President to me concerning Idi Amin. I certainly agree with the contents of this letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.
October 23, 1981.

Hon. RUDY BOSCHWITZ,
U.S. Senate,
Washington, D.C.

DEAR RUDY: My National Press Club point about Qadhafi's activities has generated a public discussion about the current whereabouts of deposed dictator Idi Amin.

I appreciate your telling the *Times* that you weren't trying to put me on the spot, and I want to assure you that I don't feel on the spot at all.

The point is that—while Amin was in power and murdering thousands of people—Qadhafi gave him personal bodyguards, military training for his troops, and millions of dollars with which to further rape his own country. Then, after Amin's abortive invasion of Tanzania turned into a rout, Qadhafi sent over 1,000 Libyan troops to help protect him and keep him in power.

Qadhafi actively supported Amin the dictator, the murderer, as he has supported and

trained others of the same ilk. Where Amin the refugee obtains asylum for his family today is irrelevant to that point.

I am confident that you agree with my point, and I hope you will also agree with me that the current travels and abode of refugee Idi Amin are of only passing interest in the development of American foreign policy.

Sincerely,

GEORGE BUSH.

Mr. PELL. I yield the floor.

Mr. PERCY. I yield 3½ minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Senator from Illinois.

Mr. President, I have spent considerable time over the last several weeks studying President Reagan's proposed sale of AWACS and other military equipment to Saudi Arabia. I have physically viewed the AWACS plane, have attended a number of briefings, and have met with the President twice on the subject.

I was initially concerned about the absence of effective American control over the AWACS, once delivered to the Saudi Government. Because of this concern, I earlier expressed my opposition to the sale without proper security assurances for AWACS.

President Reagan addressed this concern in his draft letter to the Congress promising certification that proper security arrangements will be agreed to.

On Monday, while meeting with the President, I indicated that the draft certification letter did not contain acknowledgement by the Saudis of the terms. The President later responded by including language that would accomplish this.

Mr. President, the F–15 enhancement component of this proposed sale has also concerned me. The delivery of long-range fuel tanks and the Sidewinder missiles for the F–15 do indeed represent a significant offensive weapon capability. The justification for this is to improve protection of the Saudi oil fields by extending the range and capacity of the F–15.

It is imperative to the United States that the Saudi oil fields, which contain 29 percent of the world's oil reserves, be protected. This is especially true in view of Colonel Qadhafi's threat to destroy the Saudi oil facilities.

In considering the F–15 enhancement proposal, it is important to me that President Reagan has reiterated to me personally in the strongest possible terms his absolute commitment to the security of Israel—a commitment which I fully share. It is also important to consider that delivery of the AWACS and the enhancement package of the F–15 will not occur for 4 years.

Making a final decision on this issue has not been an easy one, Mr. President. While I continue to have misgivings as to the advisability of the enhancement package, I believe the President must direct the Nation's foreign policy.

The President has indicated repeatedly that this decision is in the immediate and long-range interests of our Nation and the peace in the Middle East.

He has personally assured me at both our meetings that he is committed to continuing the quest for peace in the Middle East. As a consequence of his commitment, I do believe it important to support our Commander in Chief and I intend to vote in support of the sale.

Mr. PERCY. Mr. President, I yield 3 minutes to my distinguished colleague from Wyoming (Mr. WALLOP).

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I rise in strongest support of the sale of the AWACS package to Saudi Arabia.

I strongly believe that it is in the interest of the United States to proceed with the sale of the AWACS package to Saudi Arabia. No one can deny the importance of Saudi Arabia and the Middle East to the entire Western industrialized economy and, therefore, the United States. The Saudis alone account for 29 percent of the world's oil reserves. Our friends and allies, Great Britain, Canada, France, and Japan depend specifically on Saudi Arabia for great portions of the oil supplies to drive their economies.

The future growth of those economies are extremely vulnerable to continued flows of Middle Eastern oil. This area is truly the oil artery of the free industrialized economies and both Presidents Carter and Reagan have committed us to defend that region.

Recent years have brought increased threats of disruption to the area. The fall of the Shah in Iran and Soviet advances in South Yemen and Ethiopia are tokens of the decline of our position there. The assassination of Anwar Sadat was a major blow to the overall stability in the area and to the U.S. policy.

The area is vulnerable both to internal subversion and to external conventional attacks. The highly developed apparati for subversion—the Soviet Union, the PLO, South Yemen, and Libya—are not to be minimized, but the threat of subversion cannot be used as an excuse to neglect the defense from conventional attacks. Capability for such attacks is now within the capacity of many unfriendly regimes within the region in addition to that of the Soviet Union.

The Saudis own present capability for defense from conventional attack is extremely limited, limited primarily by the reliance on ground-based radars which provide insufficient warning to launch defending fighters. The AWACS package is designed to provide Saudi Arabia with a limited capability to defend its own territory.

The AWACS aircraft itself provides the airborne radar to give early warning of high-speed, low-flying attack aircraft coming across the Persian Gulf.

No one argues that this package fully provides the Saudis with sufficient capability to endure sustained conflict. It does permit interim protection, which would buy time for U.S. forces to be deployed in the region.

Mr. President, the Senate must now deal with the proposal that is before it, not some desirable modification. Saudi Arabia has made clear its intention to acquire its own capability to defend its oilfields and its territory. As we all know, the modern equipment necessary to meet this goal are not solely available from the United States.

Great Britain has indicated its willingness to sell the Saudis the Nimrod, an aircraft of similar capabilities which include offensive capability.

Indeed, it is anticipated that the Soviet Candide will be operational with these capabilities by the time of the 1985 sale. Conceivably, it could be sold to Saudi Arabia.

The French are also aggressive salesmen of modern fighter and missile technology. Clearly, denial of the U.S. AWACS package will not result in continuation of the status quo, with exclusive U.S. operation of the AWACS and control of its information.

The alternative that would follow rejection of the package is a gradual phasing out of the U.S. role in this region and increasing reliance by Saudi Arabia on other military suppliers. In those circumstances, U.S. crews will not be involved in the initial or any other phase of the operation of the aircraft, nor will there be a reliance on U.S. ground support staff into the 1990's. Lost will be the convergence of United States and Saudi equipment, operational support requirements. Gone will be the influence of a strong military partner to assure the use of the aircraft is in accordance with presale agreements. Gone will be the continuous U.S. access to data from the Saudi early warning airplane.

Likewise, should the United States be required to deploy the Rapid Deployment Force to defend the region, as President Reagan has committed, our forces would be denied compatible early warning information and the advantages of operating in conjunction with commonly supplied allies.

These reasons make a strong military case for approval of this package, substantially enhancing the capability to protect the oil artery of the free industrialized world, and without shifting the balance of Israeli air superiority. For these reasons I strongly endorse this sale.

There are those that argue that the potential loss of the advanced technology incorporated in AWACS outweighs the potential value of its use for defense of Saudi oilfields. Loss of this aircraft to the Soviets would clearly be a compromise. However, one should note that the technology for AWACS was frozen in 1972.

The computer design, key to the capability of the AWACS, does not reflect the technology of the current generation of computers. The British technology would be just as vulnerable to loss, and the Soviets will have the similar Candide operational within the timeframe of the planned 1985 deployment.

The risk of technology loss exists, but it must be weighed against the greater risk to free industrialized economies and serious deterioration of U.S. capability to influence all nations to pursue a moderate peace-seeking course. The latter risks are significantly greater. In fact,

our daily loss through technology transfer exceeds any potential loss through these aircraft.

We are forced to vote this afternoon on the package as it is before us now. The times for changing the components of the sale are gone, or for suggesting different operational nodes for the aircraft.

Too much has been invested on both sides to start again. Such a course is clearly impossible now. Much of the impact of the sale is now symbolic to both sides, influencing the perception of the U.S. ability to conduct a balanced foreign policy in the Middle East. Neither side has followed United States wishes down the line on every issue and in every situation, nor are they likely to in the future.

We must decide which decision will best enhance the peace process and the U.S. ability to influence it. It is a question of our country's image, how we are perceived in that critical part of the world.

Rejection of the AWACS sale would send a clear message to the moderate Arab States in the Middle East. The perception would be that the United States has but a one-sided policy. We will be be viewed as an unreliable ally and less than dependable as a supplier of military hardware.

Our President's capability to negotiate and commit to United States foreign policy would be seriously diminished. All our friends throughout the world must be confident that our Nation can in fact conduct a foreign policy.

Rather than building on the positive actions of Saudi Arabia in the Lebanon peace process, we would be abandoning our influence with moderate Arab States to peaceful solutions, subjecting them to increased pressures from the radical forces in the Middle East.

Our commitments of support would be perceived as hollow. This perception would easily expand to include our President's commitment to defend Israel.

Finally, let me caution that after the vote, this afternoon is not the time for any recriminations either domestically or internationally to any of the parties in these debates, no matter what the outcome of the count. The military value of this package is not worth the loss of increased friendship with any of the parties.

The stakes of this vote are extremely high. In truth, much damage from public debate over the vulnerabilities and motives of two of our strongest friends in the Middle East has not enhanced cooperation there. No matter the outcome of the vote, our Nation must take a positive outlook and work to strengthen our ties with all parties.

Mr. President, in addition to the remarks that are in the statement I have already made, let me say that, in view of the tragic events in Egypt over the last 2 weeks—the death of President Sadat and the succession to power of President Mubarak—nobody knows that that leadership is secure. Nobody can know, including President Mubarak, that all events can be foresworn and that the ability to defend against those who seek instability in that part of the world will not succeed.

But, Mr. President, whoever—whether President Mubarak or any successor of his—takes the reins of power in Egypt cannot possibly pursue the remaining strands of peace from the Camp David accords unless there is some relief of the pressure from the nonalined Arab States.

I am saying, frankly, that the price of moderation must be recognized, and that there will be no ability to remain moderate if there is not some recognition.

The pressure on President Mubarak or any successor of his will be intolerable and those who seek stability in the Middle East and those who seek the security and well-being and the peace of Israel will be, themselves, accountable if the moderation in the policies that have been offered to the Free World by the Saudi Arabians does not find some reward. I know there are those in this room who have claimed that the price rises were all the Saudis' doing but they who are going to claim that must also claim that the price stability and the supply stability is, as well, all the Saudis' doing. The AWACS sale is, in some respects, a reward for moderation.

I hope those in the Senate who have the interests of that world at heart—and I am saying the interests of all that world, whether Egyptian, Arab, or Israeli—and the interests and the stability of the Western World at heart, will take a serious look at dropping the symbols, because the argument is plainly over symbols and not threats.

With that, Mr. President, I yield the floor.

Mr. PERCY. Mr. President, I thank my distinguished colleague very much and yield half a minute to my distinguished colleague from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate's decision on this resolution is perhaps the most important foreign policy decision we have made in recent years.

I am convinced the approval of the sale of the AWACS system and the F–15 enhancements to Saudi Arabia will enhance our Nation's presence in that region and permit the United States to exercise a greater degree of influence in this volatile area of the world.

With a new crisis of leadership in the Middle East, following the tragic assassination of President Sadat, the cause of peace and stability requires a renewed commitment by the United States to be a constructive force for the maintenance and progress of the peace process.

Mr. President, I have carefully reviewed this arms sale proposal and tried to assess all the relevant factors and, after considerable deliberation, I decided to support the sale and vote against this resolution of disapproval.

In my opinion, the sale serves our own national interests and will improve the chances for peace among all our friends in that region. I do not believe this sale poses a real threat to Israel, but comes at a time when hostile nations such as Libya are testing our resolve to stand firm as friends of Israel and the more moderate Arab States.

Saudi Arabia does not agree with Israel on very many issues, but both are friends of the United States. I believe both can help deter others who would seek to disrupt our own security interests in the Middle East. The oil fields of Saudi Arabia and the Persian Gulf are a vital interest of the United States, and the AWACS will make them less vulnerable to surprise attack. We might be able to protect these oil fields on our own, but at a substantially greater cost. The Saudi's are willing to pay in excess of $8 billion for these aircraft.

The administration has assured us that there will be an American presence in the aircraft and on the ground in Saudi Arabia well into the 1990's. Arrangements for protecting the security of the AWACS system will also be subject to U.S. approval and participation.

The Secretary of State, in his testimony before the Senate Committee on Foreign Relations, described the efforts of the administration to implement a coherent policy in that part of the world.

The administration has described a strategy consisting of: Improving our own military position in and near the region; strengthening the defense capabilities of our friends; restoring confidence in the United States as a reliable partner; and pursuing a permanent peace in the region.

I believe the President is on the right track, and I believe that on the merits, the AWACS sale is an essential element of a sound policy that serves our Nation's security interests.

Rejection of this transaction would diminish American influence in the Middle East, and at a most crucial time indicate our unwillingness to be a constructive force for peace and stability.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 6 minutes until the hour of 4 o'clock at which time he has 40 minutes with the minority.

Mr. PELL. I yield to the majority leader.

Mr. BAKER. Mr. President, I ask for 30 seconds. I have cleared this with the minority leader.

ORDER FOR RECESS TODAY UNTIL 9:00 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPECTER TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the Senator from Pennsylvania (Mr. SPECTER) be recognized for not to exceed 15 minutes on a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I understand the Senator from Iowa (Mr. JEPSEN) is

on his way over here. Some of us have some questions for him, but in the meantime, the Senator from Delaware has some points that I think will illuminate the points we have been discussing.

I yield at this point to the Senator from Delaware.

Mr. BIDEN. I thank the Senator.

Mr. President, since time is short, I will get to the point.

The issue here, it seems to me, is U.S. security, not Israeli security, not anyone else's security—U.S. security.

We have heard several arguments raised on the floor.

By the way, I am prepared to yield at any time the Senator from Iowa would like the floor, because I would love to hear what he has to say.

We have heard several arguments offered here: First of all, that we must make this sale because Saudi security is at stake; Saudi security is threatened by the Soviet Union. That is ridiculous. No. We could sell them the entire U.S. Air Force, and that is not going to make a difference in terms of security if there is a dedicated attack by the Soviets.

We are told about Iraq and Iran and that they are going to knock out the oilfields. One of my colleagues said Qadhafi may do that. I will read one sentence from the Foreign Relations Committee report, and the Intelligence Committee corroborates this:

> Successive air attacks would be needed to knock out overall oil field production capability for any prolonged period.

We are talking about shutting down Saudi oil. We should know what we are talking about. We are not talking about an isolated raid. We are talking about the need for successive, accurate strikes to have a long-term impact.

We are told that one of the reasons we have to go forward with this sale is that somehow the President is at stake here. We have been through that a number of times.

Mr. President, I yield the floor and reserve the remainder of my time, to hear the Senator from Iowa.

The PRESIDING OFFICER (Mr. D'AMATO). Who yields time?

Mr. PERCY. I yield 5 minutes to the Senator from Iowa.

Mr. JEPSEN. Mr. President, I have long been on record as an opponent of the AWACS sale to Saudi Arabia. As far back as last March, I have been on record as having severe reservations about the sale. I cosponsored the resolution of disapproval because of these concerns. I still worry about many of the aspects of the proposed sale. However, in recent weeks, three major things have affected my thinking:

First, in meetings and discussions with the President and other high administration officials, I have been given classified information. This new information has lessened the concerns I had with the sale.

Second, the national and worldwide attention created by this debate have changed the stakes involved. The issue has become much broader and much more important than the AWACS sale itself. It has become increasingly clear that a defeat for the President on AWACS would curb his ability to achieve the many foreign and domestic policy objectives necessary for world peace and domestic economic stability.

Third, when I ran for the Senate in 1978, I told the people of Iowa that a Senator should be the hired man of the people. I believed that then and I believe that now. In recent weeks, large numbers of Iowans have been telling me that they support the President's decision to sell the AWACS package to Saudi Arabia. This Senator has heard their voice.

In weighing these and other factors that have developed over the last few weeks, such as the assassination of President Sadat of Egypt, I have come to the conclusion that a vote for the sale of the AWACS is a vote for:

The best interest of the United States;

The safety and security of Israel;

Stability in the Middle East; and

My President and his future successful conduct of foreign and domestic policy.

Today at 5 p.m., I will vote for the sale.

It was after prayerful and careful deliberation that I reached this decision.

It was after equally serious deliberation that many of my colleagues decided to vote against the sale. Therefore, I have been offended by the attacks some people have made about the motives of the anti-sale Senators.

Let the record show that all Senators put the interests of the United States first in their minds. Let us also summarize something that the record already shows—namely, that this was an exceptionally difficult issue, with very strong arguments on both sides of the question. This was an extremely agonizing decision for many Members of this body. In my opinion, any comments questioning a Senator's motives are unsupported by the facts, and uncalled for. The bottom line is that it is a personal judgment which every Senator has to make.

When we are accused of wheeling and dealing by uninformed citizens, it is unfortunate, but it is far more understandable than the aspersions cast upon Members of this body by members of the media. I understand that a story saying that many Senators, like myself, spent hours and hours of study and deliberation and anguish, deciding what is best for our country is not as salable as a story that insinuates that votes have been bought, or that arms have been twisted off, or that a Senator is in this person's pocket or another.

But what is salable should be less important to the media than what is true. I know most people in the media believe that and try as hard as possible to check their facts, and to be objective. But there are other forces in the media as well, and these forces have been present during the coverage of the AWACS debate.

This Senator has been mentioned in AWACS news stories that had absolutely wrong information and/or gave space to wild allegations about my motives. I know other Senators have experienced this same treatment.

I join members of the media in my fondness for the first amendment. Nonetheless, we should remember the words of Alexandr Solzhenitsyn:

> A society without any objective legal standard is a terrible one indeed, but a society with no other scale than a legal one is not quite worthy of man either.

Responsible reporters and editors should demand the same standards of their colleagues that they demand of themselves.

Other people have complained about the lobbying that surrounded this vote. I can speak only for myself. My exposure to lobbying by the administration and the American Israeli Public Affairs Committee was minimal and was focused on the central question: What course best serves American interests? Arguments to the contrary cannot be supported by the personal experience of ROGER JEPSEN.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEPSEN. Mr. President, I ask unanimous consent to proceed for 30 seconds.

Mr. PERCY. I yield 30 seconds.

Mr. JEPSEN. Mr. President, let me close by saying that as we head toward a very close and crucial vote, there is a single hope in the minds and hearts of every Senator. We hope that the arguments of the side that prevails will be proved in our experience in the coming years to be correct. We all want the same outcomes on the Middle East—among them, a secure Israel, peace in the world, a steady flow of oil to the Western countries, and friendship among the Arab countries.

I pray that the decision we make today, whatever it may be, will prove to be a correct one.

Mr. PELL. I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I do not question the motives of the Senator from Iowa. I do question his facts. I should like to ask him three questions, on my time, relating to his assertion that intelligence information has been disclosed which helped him change his mind.

The Senator is not suggesting, is he, that there is any intelligence he was shown that did anything other than say that the stability of the Saudi regime was mixed or that the Saudi military is going to have great difficulty absorbing the weaponry, or that U.S. intelligence reporting on the Soviet counterparts to AWACS and AIM–9L are not complete?

The long and short of it is that you did not receive anything that the Intelligence Committee failed to receive. Is there anything you know of that you think warrants our being brought into a closed session, which underscores your point about new intelligence data you have?

Mr. JEPSEN. I have discussed this earlier with Senator GLENN, and I visited with him about it. We all have information. You are on the Foreign Relations Committee, and you have classified information that I do not have, but I could have it if I wanted to look it up. I am on the Armed Services Committee, and I may have information that you do not have, and you could look it up.

I made a simple statement. In my judgment and in my opinion, I received additional information that helped alle-

viate some of the concerns I had. It did not eliminate them.

Mr. BIDEN. That is a fair answer to my question.

There are two other arguments for the sale. One is that if we do not sell this equipment, there will be great reprisals. I think it is time the United States should wake up to the fact that the Saudis have no place else to go. Let us play some hard ball, as my conservative friends say.

Also, we are concerned about Saudi stability.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. I suggest that my time is up, and I will sit down.

[Laughter.]

Mr. PELL. Mr. President, I am glad to yield another minute to the Senator from Delaware.

Mr. BIDEN. I accept it.

Mr. NUNN. Mr. President, may I ask the Senator one question?

Mr. BIDEN. On his time.

Mr. PELL. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Rhole Island has the floor.

Mr. NUNN. Mr. President, may I ask one question of the Senator from Delaware?

Mr. BIDEN. I have no time but I am delighted to answer a question.

Mr. PELL. I yield the time I have remaining.

Mr. NUNN. I have one question. I heard the Senator from Delaware basically refute any threat to the Saudi oilfields from almost any source. As I understood the Senator's statement, does the Senator believe that we have no need for the AWACS that are there now on the ground?

Mr. BIDEN. No. What the Senator is saying is that there is no ability of the Iranian air force to knock out the Saudi oilfields in a single strike—which is the rationale we are offered as the reason why they must have the AWACS.

I conclude by saying that the AWACS is already there and it is already integrated with our force structure.

Mr. SASSER. Mr. President, the Senate vote on the proposed sale of AWACS aircraft and F–15 enhancement equipment is now before us. I urge my colleagues to vote against this proposed sale.

The AWACS and F–15 enhancement sale should not be approved. The sale compromises our military intelligence capabilities, it does nothing to advance the peace process in the Middle East, and the sale promises a dangerous escalation of the arms race in this region of the world.

Let me set forth in some more detail my reasons for opposing this sale.

First, the AWACS F–15 enhancement sale could result in a dangerous breach of our national security interests. The AWACS sale could result in dispersal of highly sensitive and secret information about this most sophisticated intelligence-gathering equipment.

Since the superiority of U.S. military strength in this region depends largely on the superiority of our military technology, our military strength will be compromised if the AWACS falls into alien hands. The real possibility of an internal revolution in Saudi Arabia or seizure of the AWACS by individual radical groups in the region poses a high risk that the AWACS could fall into the wrong hands. This is a military risk that we should not take.

The AWACS F–15 sale also does nothing to advance the cause of peace within the Middle East.

The American people have been saddened and shocked by the death of Anwar Sadat, the chief Arab architect of peace in the region. Some now have suggested that with the AWACS sale we will help advance peace and stability in the Middle East.

However, Anwar Sadat backed the Camp David accords, the Saudis do not.

Anwar Sadat permitted Egyptian facilities to be used by the U.S. rapid deployment force. The Saudis will not.

Anwar Sadat renounced terrorism as a means for political change: The Saudis continue to call for a holy war against Israel and have provided extensive support for the Palestinian Liberation Organization.

The Saudis have yet to demonstrate that they are a true force for peace in the Middle East. The AWACS F–15 enhancement sale to the Saudis in my opinion will do nothing to reduce tension and move us closer to the Camp David accords.

Finally, the AWACS sale is going to contribute to an escalated arms race in the Middle East.

I find it ironic for the administration to try to prove simultaneously that the AWACS is so advanced that it could enable the Saudis, in theory, to hold off the Soviet air force and yet so stripped down that it will be vulnerable to Israeli jamming. These are truly tough statements of fact to reconcile.

Yet, it is incontestable that the AWACS is the ultimate enhancement for the squadrons of F–15's that the Saudis will own and fly. The over-the-horizon radar of the AWACS is a quantum leap in radar engineering and could be of great effectiveness in augmenting a Saudi strike force. The temptations for military adventurism are enhanced by the AWACS sale.

And we must not lose sight of the fact the other components of the AWACS sale enhance the offensive capabilities of the Saudi air force. The fast-pack conformal fuel and equipment pods equip an F–15 with a combat radius of over 1,000 miles and a heavier bombing capability. The AIM–9L Sidewinder air-to-air missile is a state-of-the-art air attack weapon. The capabilities of this weapon are so great that former fighter pilots have signed a letter urging the Congress to exercise its prerogatives in denying this weapon to any other nation.

And once we sell AWACS and these other weapons to the Saudis, what other weapons will we need to supply other countries in the region?

An arms race in this highly volatile region of the world does nothing to reduce conflict within the region or to advance peace in the world as a whole. The Middle East is, to be blunt, a tinderbox, and this country is ill-served by becoming an unwitting partner in escalating the arms race in this part of the world.

Mr. President, the AWACS sale is a mistake militarily, diplomatically, and politically. We have a solemn contract as embodied in the Camp David accords to work for peace and security in the Middle East. The AWACS sale is a step in the opposite direction. Consequently, I urge my colleagues to vote to disapprove this arms sale.

Mr. HATCH. Mr. President, although I am voting to support President Reagan's decision today, I do so with the greatest reluctance. Like so many of my fellow Senators, I believe the sale of AWACS to the Saudis to be a mistake, and I believe that the Government of Israel is correct in its concern that these aircraft will not enhance the security and stability of the Middle East. But three other factors are more important and I want to address them now. The first and most obvious is the necessity for our President to be able to conduct foreign policy with authority. In cases like the Panama Canal or the SALT II treaty, many of my colleagues and I were willing to oppose the President and we accepted the danger of undermining the Presidential authority in foreign affairs because of the severe consequences that we saw in those decisions and because we were bound by the Constitution to give our advice and consent in the matter of a treaty.

But today, Mr. President, this is not a matter of advice and consent to a treaty. So I will vote with the President, very reluctantly.

The second factor is the question of damage to the security of Israel that may be inherent in this decision. I accept second place to no one in my support for the land of Israel. I initially opposed the sale of AWACS precisely because of the concern I have for the security and long-term survival of Israel. I spent many hours in reading classified documents about how the military balance in the Middle East in the next decade would be affected by the AWACS and other weapons in this package. I sent representatives to meet with the commander and deputy commander of the Air Force of Israel. I went aboard the AWACS aircraft myself to appreciate its capabilities in detail.

My conclusion was that Prime Minister Begin is essentially correct. AWACS in the hands of the Saudis will diminish the security of Israel. When I discussed these details with President Reagan, however, I received his assurances some of which have since been incorporated in his letter to the Senate, that go a long way toward making this sale just barely acceptable to me. The most important reassurances to me are the operating practices that the Saudis will follow, flying the AWACS no closer to their borders than 100 to 150 miles, the restrictions on sharing information with third countries without our consent, and the prohibition on flying outside Saudi Arabia. We have the President's commitment in this letter that the Saudis will accept these safeguards and others in the letters of agreement and associated documents for the transfer.

Mr. President, it comes down to a sim-

ple point. The survival of Israel is not at stake in this vote today. If it were so, I promise that I would defy the President's authority in foreign affairs, and no letter about safeguards would reassure me. What it comes down to is that the analytical judgment of American defense experts differs from the calculations of their colleagues in Israel who see a graver threat from the Saudi AWACS and F-15's in the late 1980's than American experts do. This is a legitimate point of difference. The Israeli military leadership has the right and the obligation to be cautious in their assessment of the threat to Israel.

But they also know and indicated to me that the survival of Israel is not at stake. Other means can be found to compensate the Israeli defense forces for this sale to the Saudis.

Mr. President, I intend to work with my colleagues and with the President to find a satisfactory compensatory package for Israel which will maintain a military balance for the long term highly favorable to Israel. That is the least we can do after today's vote.

The third factor will sound harsh and too critical to some. But I must point out what I have not heard at all in this AWACS debate the past few weeks. AWACS is not Middle East policy. AWACS is not a long term strategy for peace in the Middle East. AWACS is not a major step in the search for "strategic consensus" about the Soviet threat. AWACS is not the next step in the Camp David peace process. AWACS is not a move toward settlement of the Palestinian question.

It has been a bitter disappointment to me to see so much of the President's attention devoted to his single arms package which diverts him and diverts the Congress from the real question of a peaceful settlement of main issues of war and peace in the Middle East. When King Hussein of Jordan comes to meet President Reagan next month, we as a nation have the opportunity to begin to focus on what next steps can be taken to enhance or replace the Camp David framework in some way that will move all the parties a step closer to a peace that will bring Israel the recognition of her legitimacy as a state that she has been denied by all the Arab nations but Egypt, and that will also bring satisfaction to the Arabs, and especially the Arab Palestinians, whose rights Israel has agreed to recognize in the Camp David framework. Without such progress. Mr. President, all that we debate here today about AWACS, the Saudi Government, the potential loss of American technology, the threat to Israel in the short term, all these matters will be irrelevant.

So I vote reluctantly with the President but also with sadness and disappointment that we have yet to address either the compensation package for Israel that I believe must be designed and delivered, and we have failed to address the question of the next steps in the search for peace in he Middle East where Israel is as yet not recognized as legitimate by the vast majority of the region.

Mr. President, I hope that somehow the President can link progress toward a settlement of the recognition of Israel and the question of Palestinian rights to the larger, geopolitical quest that Secretary Haig began in April toward a strategic consensus of the Arab world on how to deal with the Soviet threat. I believe that the rulers of Saudi Arabia now have an obligation to work with us in the search for a Middle East peace from which they were unfortunately excluded in the Camp David meetings between Israel and Egypt. With this vote today, Saudi leaders must know that they have joined the peace process—or they will have gravely betrayed an American President and his supporters in the Senate. I am told that Arabs value their honor highly and it is now Saudi honor that is engaged in our search for strategic consensus and peace in the Middle East which recognizes the legitimacy of the State of Israel. I will be watching the Saudis' next steps in this long process.

Mr. HUMPHREY. Mr. President, President Reagan formally notified Congress on October 1, 1981, of the proposal to provide the Kingdom of Saudi Arabia with an advanced air defense package. The proposal includes:

First, five E3-A airborne warning and control system (AWACS) aircraft with the inherent support and ground radar;

Second, 1,777 AIM-9L Sidewinder air-to-air missiles;

Third, 101 ship sets (202 tanks) of conformal fuel tanks for the Royal Saudi Air Force F-15 aircraft.

For many weeks, both preceding and following the official notification of the proposed sale, I have carefully considered the President's initiative. It was only after thorough deliberation, investigation, and study that I decided to support the President.

The United States has made clear its interest in the Middle East and has striven to bring peace and stability to that region of the world. Likewise, the United States has clearly stated its intent to defend its interest, and that of the West, in the Persian Gulf. Our ability to foster peace and stability in the Middle East can be enhanced through our support of more moderate governments in that part of the world. Similarly, our force projection capability to protect our vital interests is furthered through cooperative military efforts with such nations. In this context, the administration's proposed arms sale to Saudi Arabia is sound.

Two concerns with the proposal were of paramount interest to me. The first was the vital matter of the security of our strongest and most loyal ally in the Middle East, the State of Israel. After listening to respected witnesses who appeared before the Senate Committee on Armed Services, after reviewing relevant documents, many of which were classified, and after long thought, I have concluded that the package of arms the administration intends to sell to Saudi Arabia does not represent a credible threat to Israel. Indeed, the proposed sale will advance the security of Israel by insuring a significant American presence in Saudi Arabia, and by bolstering the position of this moderate, staunchly anti-Communist country.

The second concern is the critical issue of the security of certain U.S. technology incorporated in both the E3-A AWACS aircraft and the AIM-9L Sidewinder air-to-air missiles. There is no denying that a degree of risk exists for the compromise of this technology. Such a risk exists whenever sensitive technology is made available to any foreign state. However, I believe that the understandings reached between the United States and Saudi Arabia will provide the necessary level of security.

Furthermore, approval of the proposed sale to Saudi Arabia will strengthen our ability to influence events in the Middle East. Our stature as a reliable ally will be advanced, and our claim of a serious and long-term interest in the region will be confirmed.

In addition, the assistance provided to Saudi Arabia will be a concrete sign that we do not intend to let the Soviet Union fill the vacuum in the Middle East resulting from the fall of the Shah of Iran and the tragic assassination of President Sadat of Egypt. The program of assistance planned for Saudi Arabia represents a unique opportunity to broaden our alliances in this troubled area, and I believe that we should take advantage of it.

However, I take issue with a number of points that have been raised in support of the proposed sale. It is difficult to claim that security risks are minimal until such time that specific security arrangements are implemented. The AWACS capabilities cannot be downgraded. It is an advanced early detection system, and indeed it will be a major component of our command, control, and communications network well into the next decade. The United States is the only nation in the world which possesses a system of this caliber. The Soviet Union remains significantly behind in developing such a system. There is little doubt in my mind that compromise of this aircraft or other elements of the package, especially the AIM-9L Sidewinder missile, would provide valuable intelligence to the Soviet Union and would cause serious harm to our national security.

Thus far, we have only verbal assurances that such technology will be protected. I do not believe that these are adequate in light of the extreme sensitivity of this technology. Although I believe that the measures outlined in assurances given the United States by Saudi Arabia will provide the requisite safeguards, only when the promised measures are physically implemented can we be sure that the risk of compromise is, in fact, low and acceptable.

The agreements reached between the United States and Saudi Arabia which insure extensive American participation in AWACS operation are often cited to allay concerns about Saudi use of this equipment. I would like to point out that this is simply due to the fact that Saudi Arabia will be unable to operate AWACS for some time, and that the American presence is not the result of any Saudi willingness to have us involved

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in joint crewing. The severe shortage of Saudi air and ground technicians qualified to operate AWACS require U.S. Air Force personnel to operate the systems while Saudi personnel are trained.

Finally, a number of questions will remain unanswered until the President certifies in writing that certain key requirements have been met. Specifically, conditions relating to U.S. access to AWACS-gathered intelligence, third nation access to the AWACS equipment, and the actual formulation and implementation of security measures. Verbal assurances do not adequately address these critical questions. In his letter to the Senate today, President Reagan assured that the appropriate certification would be forthcoming, and I would like to stress the need for such documentation to be provided promptly.

The final analysis shows that the sale of the package to Saudi Arabia proposed by the President is clearly in the interest of the United States. I urge my colleagues to support the President and reject the resolution of disapproval.

AWACS

Mr. ROTH. Mr. President, today the Senate is going to vote on whether or not the United States should make some of its most advanced military equipment available to Saudi Arabia. Ordinarily, one would expect the Senate to debate this issue in careful and sober terms. Instead, a degree of emotionalism has pervaded the discussion that has obscured the basic issue: Is it or is it not in the best interests of the United States to turn over complete control of super-sophisticated military equipment to a potentially unstable government in an extremely volatile part of the world?

After reviewing the available evidence yet once again, I conclude that there is no reason to reverse my earlier determination to oppose this sale. Two broad considerations have led me to take this position.

First, the external threats to Saudi Arabia do not outweigh the risk of compromising some of the most advanced technology in the American military inventory. The threats to the Saudi oilfields, or to the ruling royal family, are largely internal. None of the neighboring states has the capability of taking out the Saudi oilfields in a single air strike, or even in a short war. What is more, the two countries that would have the capability of doing the most damage—Iraq and Iran—are engaged in what appears to be a prolonged war. In fact, Saudi Arabia is actively supporting Iraq against Iran.

In the event that the Soviets should decide on direct action with their own forces against Saudi Arabia, there is nothing the Saudis could do to stop them—with or without the AWACS package. In practice, therefore, any serious attack from the outside on Saudi Arabia could be stopped only by U.S. intervention.

On the other hand, potential internal threats to Saudi stability are very real. Of a small population of only 7.5 million people, one-third are foreigners. In addition to hundreds of thousands of politically active Palestinians, the Ayatollah Khomeini has some 300 sympathizers in Saudi Arabia. Externally provoked subversion is hardly out of the question. The rising tide of Islamic fundamentalism has made every regime in the region justifiably nervous. The assassination of Anwar Sadat while he was reviewing supposedly loyal troops underscores the voliatility of the Arab world today.

Should this technology fall into the wrong hands, our own military men and women could be put in serious jeopardy. For instance, if Libya had had the Sidewinder air-to-air missile—which is a part of this package—the recent air battle in the Mediterranean could well have come out differently. This same line of reasoning convinced me to oppose the previous administration's proposal to sell AWACS to the Shah of Iran—a sale which was supported at that time by Israel. One can well imagine how much greater the risk would have been to the men who attempted to rescue the American hostages had the Ayatollah's air force had an AWACS aircraft.

Second, far from enhancing the prospects for a strategic consensus in the Middle East, this arms package will in all likelihood increase tensions in the area. If we have learned anything from history, we should know that where nations have basic conflicts of interest, peace can be maintained only through a credible balance of power. After all, it is for this reason that we have in this country embarked on an expensive program to rebuild our strategic defenses. Yet the sale of the AWACS package—which included the state-of-the-art Sidewinder missile—will be perceived by Israel as a dangerous tilting of the military balance in favor of the Arabs. The end result could well be to increase the chances of another Middle East conflict erupting that would destroy the very consensus we are trying to achieve.

The basic point I would like to make, Mr. President, is that if AWACS technology is needed in the region to counter international aggression it should be under American ownership and control. Even in NATO, AWACS aircraft are under U.S. command. It may well be theoretically possible to construct an arrangement by which the Saudis have access to the information provided by AWACS while the United States retains operational control. But so far as I am aware, the Saudis have not indicated a willingness to work something out.

In closing, Mr. President, I would like to say that I do not know how this vote today is going to come out. I suspect that it will be close. I am sure that both sides are right when they say that there will be costs if their side loses. But I think that when the heat generated by this debate dies down, all parties will see that our interests in the Middle East, and by extension in the world, transcend the resolution of this single issue. The ties that bind this country to both Israel and Saudi Arabia are far too strong to be severed by a single decision of this magnitude.

Mr. President, I also ask unanimous consent to place in the RECORD an editorial published on October 18 by the News Journal of Wilmington, Del., that argues most cogently against the AWACS package proposal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A BAD DEAL

It seems like only yesterday that Saudi Arabia was most prominent among those oil-rich nations of the Middle East brandishing petroleum as a weapon against what they considered the pro-Israeli West, particularly the United States. They are not so long past that many Americans cannot recall the unyielding Arab embargoes, fully endorsed by Saudi Arabia, against U.S. firms that dared to do business with Israel. And most recently, Saudi Arabia renewed its call to Arab nations for a jihad or holy war against Israel. Yet today, if we are to believe Secretary of State Alexander M. Haig Jr., Saudi Arabia is the United States' foremost friend in the Middle East. (Our condolences to Israel and Egypt.)

Saudi Arabia's oil is vitally important to the West, and particularly the United States. Not only does the United States hope to avert any further cutoffs of that oil to us but also it hopes to deny it to the Soviet orbit. It would do that by making Saudi Arabia the keystone of a "strategic consensus" in the Middle East against a mutually recognized threat from the Soviet Union or client states of the Kremlin—South Yemen, Libya or Iraq, for instance. Concede that threat and you create an immediate crisis of vulnerability in Saudi Arabia, one that cries out for a massive infusion of sophisticated weapons and which, incidentally, provides a multi-billion-dollar business opportunity for the U.S. arms industry. Wealthy Saudi Arabia pays in cash.

Three and a half years ago, Congress was persuaded to approve the sale of a "defensive" weapons package, including 60 first-class F–15 jet fighters, to Saudi Arabia at a price of more than $4 billion. Now the Reagan administration is pressing Congress to approve a new $8.5-billion arms package for Saudi Arabia to strengthen defense of its oil fields, pumping stations and pipelines.

The package includes:

Jet fuel tanks to extend the range of Saudi Arabia's F–15s, at a cost of $110 million.

Eight DC–707 aerial refueling tankers to keep Saudi aircraft aloft even longer, at a price of $2.4 billion.

1,177 AIM–9L Sidewinder missiles, among the most sophisticated weapons in the U.S. arsenal, for $200 million.

Five Airborne Warning and Control Systems aircraft, whose advanced radar can detect and track attacking aircraft more than 150 miles away and identify them by type and nationality. These would cost $5.8 billion.

In the shorthand of Capitol Hill, this arms deal is known simply as the AWACS package. It is the center of a seething controversy that concerns the pride of the Saudi royal family, the prestige of the presidency, the safeguarding of advance technology possessed only by the United States and concerns for the security of Israel.

It is a controversy that should not have arisen. Since it has, the Congress is obligated to deal with it intelligently. The emotionalism surrounding the issue makes that extremely difficult.

The House of Representatives voted by nearly 3–1 against the sale. The Senate Foreign Relations Committee voted 9–8 to recommend its disapproval by the full Senate. The Senate should accept that recommendation.

The emphasis on the AWACS portion of the package is misleading. Despite the protestations of Israel and her supporters in Congress, the AWACS aircraft themselves do not pose a threat to the security of Israel. It is other portions of the package that could, particularly extending the range of the F–15 aircraft and arming them with the advanced AIM–9L missiles.

That is not the main reason, however, why this sale should be abandoned. Most important is the question of the security of Saudi Arabia's oil production and supply. Granted there is some threat from the Soviet Union and its clients in the region, the $8.5 billion that Saudi Arabia has been persuaded to spend is seriously misdirected.

The most ominous threat to the Saudi government, the ruling royal family and the nation's vast natural wealth comes not from the air but on the ground. The geography of the sprawling and thinly populated country makes its oil facilities far more vulnerable to ground attack or sabotage by foreign enemies or domestic dissidents. Improved internal security and better-trained ground defense forces would provide it with the greatest degree of protection, and a lot sooner than the AWACS umbrella scheduled to be in full operation around 1990.

Assurances that there is no danger of secret U.S. technology falling into unfriendly hands are unconvincing. The AWACS aircraft itself is a system that the United States has been willing to share with no one else, even the North Atlantic Treaty Organization, where it is in use with American crews.

More menacing is the likelihood that the superiority of the AIM–9L missile, touted as the best air-to-air weapon in the world, might be compromised by the theft of one or more of the 1,177 missiles that Saudi Arabia could claim as its own.

Even the assurances made to Israel are contradictory. Proponents of the sale insist that even if any of the weapons were to be used against Israel, its acknowledged military superiority in the region would render such an attack useless. Most recently, the administration has said it would provide Israel with radar jamming equipment. This comes from the same people who have sought to reassure us earlier that part of the AWACS superiority over any other system of its type is that its radar is virtually unjammable.

We reserve the greatest degree of cynicism for the manner in which the AWACS controversy was created in the first place. The issue with which the U. S. Congress is wrestling now was created by American military and industrial representatives of the defense establishment. It was they, not the Saudis, who arranged this marriage of strategic necessity and commercial opportunity.

The fact that it far exceeds Saudi Arabia's genuine needs is now subordinated to the prestige of President Reagan and the pride of sovereigns of sand-covered oil. It is a bad deal and the fact that President Reagan has unwisely staked his reputation on it does not make it a good one.

Genuine improvements in security for Saudi Arabia, Egypt, Israel and any other putative U.S. ally in the Middle East can be provided through a variety of joint arrangements, any one of which would be preferable to this ignoble arms bazaar.

And if Saudi Arabia is truly our foremost friend in the Middle East, those commitments to mutual interests in the Middle East should include genuine Saudi efforts in behalf of peace, not the public lip service it pays while providing covert financial support and overt ideological encouragement to Palestinians and Arabs who would make it impossible.

Mr. LEVIN. Mr. President, while I personally do not believe that we should cast our votes on any issue based on public opinion polls, I have often heard Senators present such polls as evidence to support a vote for or against a given piece of legislation. With that in mind, I should like the record of this debate to contain the following information which was published in the Washington Post of October 21, 1981. On that date, the Post reported the results of a poll they had commissioned along with ABC News. Let me quote from a section of that report.

A majority of Americans are opposed to the sale of Airborne Warning and Control System radar planes to Saudi Arabia, largely because of a widespread conviction that Saudi Arabia is not a reliable ally.

Since the published report did not cite any figures to support this claim, I asked a member of my staff to contact the author of the article, Mr. Barry Sussman, and inquire about the figures. Mr. Sussman indicated to us that the actual results of the poll indicated that their sample opposed the sale of AWACS to Saudi Arabia by a margin of 50 to 37 percent, and he authorized us to make those figures public.

Mr. PROXMIRE. Mr. President, there is only one fundamental issue involved in the decision to sell Saudi Arabia $8.5 billion in sophisticated radar aircraft and other equipment. That issue is simple and direct. Will the sale increase U.S. national security or harm it?

Everything else is of secondary importance. This decision cannot be made on the basis of Israeli security needs or Saudi security needs. It cannot be a reward for lower oil prices. Nor should we allow the lobbyists on both sides to fashion the outcome. They should be ignored.

Naked self-interest. That is the only relevant viewpoint.

Now let us examine the proposal itself. The sale does not just encompass five AWACS aircraft at $5.8 billion. Most people are surprised to find out that it also includes $200 million for 1,177 AIM–9L Sidewinder missiles; $110 million for 101 sets of long range fuel tanks for the F–15's we sold the Saudi's in 1977; and $2.4 billion for 8 KC–707 aerial tankers. Outsite the current deal, but associated with it, is a proposal for $1.5 billion in upgraded ground radars.

The AWACS is a giant 30-foot radar on top of a Boeing 707 type jet. It has advanced computers and communications devices run by a crew of 17. By flying at a height of 30,000 feet, the AWACS can identify over 240 moving targets by size, altitude, speed, and direction. If the AWACS were flying over Madison, it could detect aircraft everywhere inside a circle linking St. Louis, Detroit, and Minneapolis.

According to the Chairman of the Joint Chiefs of Staff, the AWACS "offers the greatest single quantum jump in command and control capability since the development of radar . . ." It is the basis for our air defense plans for Europe and the United States where we virtually have neglected air defense for a generation. No other single weapon system is so critical to our conventional military capabilities at home and abroad.

Likewise, the AIM–9L Sidewinder is the most advanced version of that missile in our inventory. It can attack aircraft from any direction after firing. Ask the Libyans if it works. They lost two aircraft last August to the AIM–9L.

The fuel tanks for the F–15's double their range. When we sold the Saudi's the F–15's in 1977, the Carter administration pledged to the Congress that it would not sell them either the extended range fuel tanks or the aerial tankers. With that caveat, the F–15 sale went through. Now that agreement is being broken.

If the AWACS or Sidewinder missiles fell into unfriendly hands, it would be a disaster of enormous consequences for U.S. security. It would take years and many billions of dollars to recover from that loss. In the meantime our forces in Europe would be put in jeopardy and our plans for defending U.S. airspace could be disrupted.

Twelve U.S. fighter pilots have written the Congress pleading that we not give away the technology in the Sidewinder missile. They wrote:

The AIM–9L is so superior that it gives the American Fighter Pilot a believable chance of survival when confronted with the overwhelming numbers of Soviet aircraft we must face. If we are to maintain a credible deterrent defense posture with a minimum of dollars, why give our technological edge away?"

Why, indeed?

How likely is this to happen? Well, we sold the F–14 and the Phoenix missile system to Iran. Now we think it has been compromised to the Russians forcing us into a costly change of our missiles so the Russians cannot successfully knock them out. Without firm assurances and U.S. personnel on board, it would not be difficult for a terrorist team to fly the AWACS to Libya, Iran, Iraq, or the Soviet Union. Remember that the Saudis have experienced great problems with internal security. It took weeks just to dislodge the terrorists from the Grand Mosque at Mecca in November 1979.

But let us be fair to the Saudis. They need an advanced air defense network. Theirs is a large country virtually exposed to hostile action from many unfriendly neighbors. The oilfields need protection from air attack. I agree with this assessment.

So what do we do? The same thing we do for Egypt and our NATO partners. Joint manning and U.S. control of the AWACS. We cannot take the chance of letting this technology be compromised. Only a U.S. presence and joint U.S. control will give us the security we need.

We have an arrangement with NATO for joint manning of the AWACS and, in any event, these aircraft remain under close U.S. control. The same goes for the AWACS currently in Egypt. Why not the same deal for the Saudis?

Unfortunately, they have given us a flat no. They will make no public or private agreement for joint manning or joint U.S. control of these aircraft.

Thus, the entire issue boils down to measuring U.S. security against Saudi security. And every time, no matter what nation is involved, the answer has to be—put U.S. security first.

It is a shame the Saudis have to be so unreasonable about this. But they have dictated the terms, and I cannot vote to place our defense plans at risk by agreeing to this sale.

● Mr. MATSUNAGA. Mr. President, I rise in strong support of Senate Concurrent Resolution 37, disapproving the proposed sale to Saudi Arabia of mili-

tary aircraft, including AWACS (Airborne Warning and Control System) aircraft, upgraded fuel tanks for the F–15 aircraft, and Sidewinder air-to-air missiles. It is my firm belief that this proposed sale to Saudi Arabia is not in the best interest of the United States.

The President's proposal, if not disapproved, would clearly jeopardize the security of Israel—our only stable, democratic ally in the Middle East. We must remember that Saudi Arabia has steadfastly opposed the Camp David peace process. Indeed, Saudi Arabia has explicitly and repeatedly called upon its Arab neighbors to join in a holy war against the Jewish State. To this end, Saudi Arabia has long provided financial and moral support to the Palestine Liberation Organization—a terrorist organization whose avowed purpose is the destruction of the State of Israel. Such opponents of peace should not receive our most advanced military hardware.

Mr. President, if the Saudis receive the AWACS, together with the Sidewinder and other equipment in this $8.5 billion package, they would immediately possess vastly enhanced monitoring capacity, allowing them to detect every move that the Israeli military might make. Israeli efforts to mobilize troops for defensive purposes could immediately be detected by Saudi Arabia, and relayed to other states in the area that have a history of active belligerency toward Tel Aviv.

Let there be no mistake, I am in full agreement with those who say that the security of Israel should not be the only factor weighed in this decision, particularly in light of the world oil situation and current tensions with the Soviet Union. Yet, I fail to see how the United States would benefit politically or strategically by enhancing Saudi military capabilities through this arms transfer.

Only 3 years ago, Congress approved the selling of 60 F–15's to Saudi Arabia with the express understanding that their defensive range would not be extended. Now the Saudi Government is before us seeking more powerful and extensive weaponry. And what has the United States gained from its previous cooperation with Saudi Arabia? The answer is very little indeed. The Middle East is no safer, and our friendship with Saudi Arabia is no deeper. In fact, Saudi Arabia, which has never recognized the Camp David accords and in truth, has labored to thwart their implementation, did not even have the diplomatic courtesy to send a delegation to pay its official respects to our late ally, Anwar Sadat. They were not alone in their callous insensitivity, of course, for they were joined by Syria and the Soviet Union, Qadhafi and the ayatollah.

This is the same Saudi Arabia which recently signed a letter that was circulated by the Cuban Mission to the United Nations accusing the United States of both "aggression against Libya" and "attempts to destabilize the independence and territorial integrity of nonaligned countries." Needless to say, these charges, so flagrantly false, drew an immediate and sharp rebuke from our distinguished Ambassador at Turtle Bay, Jeanne Kirkpatrick, who responded that she was startled to find the Saudis among the signatories on such a document.

This is the same Saudi Arabia that has consistently opposed a U.S. military presence within its borders. And this is the same Saudi Arabia that has rejected numerous U.S. requests to use their facilities jointly or to establish military bases in cooperation with them. Even now, in spite of several considerate overtures from President Reagan, the Saudis refused to allow U.S. technicians aboard AWACS after the training of Saudi personnel has been completed. I might add, Mr. President, that not even our NATO allies operate AWACS without joint U.S. command.

The 1978 sale failed to alter or abate Saudi Arabia's staunch anti-Israel policies. Even with our aid and support through sales of military hardware, our influence with Saudi Arabia is so meager that we stand on opposite sides of numerous important issues, so basic to U.S. foreign policy.

Some argue that Saudi Arabia has been a moderating force in OPEC and that cooperation in this instance with that country will encourage continued moderation. On this point, I would like to emphasize that Saudi Arabia has, and always will, operate in its own best economic interest. The Saudis set their oil price at a level which will maximize profits now, and over the long run. It is as plain and simple as that. The sale of military hardware will not affect that cold economic fact.

Nor will this sale increase the security of Saudi Arabian oilfields from Soviet invasion. This upgrading of Saudi military capabilities will not deter a country with the military might of the Soviet Union. What it will do, however, is needlessly escalate the arms race in the Middle East and further aggravate the tensions in that troubled region. And let us not forget that the Saudis have gone on record time and time again as stating that their prime enemy is not the Soviet Union, but our ally Israel.

So, while the United States has little to gain politically or strategically, the United States has much to lose if this sale goes through. Chief among them is our military technology. It was not too long ago that the United States poured billions of dollars worth of advanced weaponry into a country no less stable than Saudi Arabia. That country, of course, is Iran. When the Shah's government fell, the Soviet Union gained vital information about U.S. defense weapons, including our premiere long range air-to-air Phoenix missiles.

But other defense secrets became available to the Soviet Union by reason of the Shah's fall, as well, including knowledge of electronics and missiles on the F–14 fighter, the improved Hawk surface-to-air missile, and our advanced antitank missiles. If the Soviets are able to penetrate Saudi military security, a likely possibility, they stand to gain military intelligence twice as damaging to this country as that revealed to them after the fall of the Shah.

Mr. President, the tragic assassination of President Sadat should remind us of the instability that prevails among many of the regimes in the Middle East. The Saudi regime is, itself, weak and vulnerable.

Theirs is a country owned and controlled by a single solitary family. Numerous factions in that country, ranging from dissatisfied segments of the military to religious zealots, are shut out from power and bear the seeds of discontent and revolt. These facts cannot be ignored by the United States.

If the Saudi Government falls, the Soviet Union may again reap the harvest by gaining access to more of our vital defense secrets. It is our duty, Mr. President, to insure that we do not repeat our errors of the past by failing to remember them when we can have a bearing on the future. The United States has little to gain by permitting this sale. Yet, if we, by our action today, allow AWACS and the rest of this package to go through, not only will the security of Israel be directly threatened, but America's own defense could be seriously compromised as well.

Mr. President, AWACS is an extremely advanced warning system with very unique capabilities. It is, in fact, the most sophisticated technology of its kind. I urge my colleagues in no uncertain terms to place the interests of our own Nation and that of our proven allies first, and to reject this arms sale.●

● Mr. GRASSLEY. Mr. President, from the time the President announced his intention to sell the so-called air defense enhancement package to Saudi Arabia I had grave reservations about the sale. At the same time, I felt that I had an obligation to myself and to the people who elected me to refrain from making a final decision until I had heard from both sides and weighed their cases with an open mind.

The end result of my consideration is that I have decided to support the sale by casting my vote against the resolution of disapproval. My main concern has always been with how the sale might affect the peace process in the Middle East. In fact, my initial feeling was that we should not agree to the sale unless Saudi Arabia would offer firm assurances that it would cooperate more fully in the Camp David process.

In thinking my position through, however, and after expressing my concerns to the President, I came to the conclusion that the sale will have a positive long-run impact on the peace process. First, by not undermining the President's credibility we will strengthen his role as an arbitrator in the Middle East. Second, the sale will underline to the Arab States that the United States is sympathetic to their legitimate concerns. Third, the sale should encourage Saudi Arabia to become a moderate nation and an ally of the United States.

My most serious concern initially was that the sale of the air defense enhancement package might have a negative impact on Israeli security. Due to the nature of the package I concluded that it does not present a substantial threat to Israel's security.

Another concern was with the possibility that sensitive technology might fall into the wrong hands. The Government of Saudi Arabia has agreed to

extraordinary measures to protect the technology on board the AWACS. It has also agreed to a number of restrictions on information sharing and operation of the aircraft. Most important, however, is the fact that the equipment that we are being asked today to agree to sell will not be delivered immediately. Thus, the President will have ample time to cancel the sale and deliver the equipment if events in the Middle East should take an unexpected turn in the next few years.

My decision to support the sale was not easy. Even now, I am not without reservations. Still, all things considered—our need to protect our access to oil resources in the Middle East, growing Soviet activity in the Middle East and North Africa, our need to establish a strong presence there and to work with friendly nations to establish a strategic consensus, and the need to strengthen the Saudi participation in the peace process—I feel that this sale is in the best interests of the United States.●

● Mr. HUDDLESTON. Mr. President, today the Senate votes on one of the most difficult foreign policy issues to confront us in many years. The ramifications of our decision could have far-reaching effects on the peace and stability of the Middle East and therefore on the security of the United States, of Israel and of the free world.

The question is whether to approve the President's proposal to sell a package of air-defense enhancement weapons and equipment to Saudi Arabia.

I have decided to vote in favor of the sale.

I am convinced that the proposal is in the best interest of the United States. To meet that test, it was necessary for me to determine on the basis of all factors involved:

That Saudi Arabia had a legitimate need for increased defensive capability and the sale would contribute to meeting that need;

That the introduction of the airplanes, equipment and weapons would not constitute an increased threat to the security of Israel but had the real potential of enhancing that security;

That the sale would be consistent with and supportive of U.S. efforts to provide a creditable defense force in the area to protect the legitimate interests of our country, of our friends in the area, and of our Western allies;

That the risk of compromising valuable advanced technology was minimal;

That the United States would maintain sufficient continuing involvement to prevent a breach of the agreement or improper use of the systems to the detriment of our friends in the area; and

That the transaction would improve the chances for peace and stabilty in the Persian Gulf area.

Taking these requirements separately, here are some of the points that persuaded me.

Saudi Arabia's defense needs are real and have been greatly increased by such events as the fall of the Shah of Iran, the Soviet invasion of Afghanistan, the Iran-Iraq war and the increased Soviet and Cuban involvement in Libya, Ethiopia, Syria, and South Yemen.

With a large area and small population and armed forces, Saudi Arabia is ill-prepared to defend its widely dispersed oil-related targets.

Early warning and the ability to react to an impending strike are the essence of protective forces. AWACS and the additional ground radar will provide that early warning and direct the defensive attack.

The Sidewinder missile will enable the defenders to attack head on to stop the intruders before they reach the target area.

The conformal fuel tanks and aerial refueling tankers will enable the Saudi Royal Air Force to remain over the target longer and will permit the basing of planes at fields farther away from the targets for additional security.

The Iran-Iraq war and the recent strike against Kuwait have demonstrated that oil producing, refining and transportation facilities are likely targets.

Clearly a threat to Saudi Arabia exists, and clearly the sales package would help the Saudis meet that threat.

Still, if the proposed sale presented a threat to Israel or required extensive countermeasures on the part of Israel it would be counterproductive to the interest of the United States and violate our commitment to the security of our strongest ally in the region.

AWACS were designed for defensive purposes and have only limited offensive utility. To use it in concert with forces of other countries requires extensive joint training and compatible equipment in the participating countries—both prohibited by the agreement and with U.S. continuing involvement in maintenance and monitoring, highly unlikely.

If the sale is approved it would not materially affect the balance of power between Israel and its potential enemies in the area. Military experts believe Israel would still prevail over any other country or combination of countries which pose a threat. Israel's margin of superiority over its Arab neighbors has increased since the war of 1973.

If the sale is rejected, it is possible—even likely—that Saudi Arabia will turn elsewhere to obtain similar equipment without the restrictions we would impose. It is probable, too, that the United States would lose what leverage it has to advance the cause of peace between Israel and Saudi Arabia.

It should be remembered that in the last Israeli-Arab war Egypt and Saudi Arabia were among Israel's enemies. Now Egypt has signed a peace treaty. Improved relations between the United States and Saudi Arabia will certainly increase the likelihood that they, too, will take a more conciliatory and peaceful attitude.

That they have not fully supported the peace process to date is a matter of legitimate concern. On the other hand, they have not precipitated a confrontation and they have been cooperative and helpful in a number of ways.

A wise man once said, "If one makes a friend of an adversary, has he not conquered an enemy?"

It cannot be questioned that the United States has a direct security interest in the continued flow of oil from Saudi Arabia. It has been said that Saudi oil is not an economic luxury, it is a strategic necessity.

This was acknowledged by President Carter before a joint session of Congress in January of 1980 when he said that any attack on the oil production of the Persian Gulf would be considered an attack on the security of the United States and would be resisted by any means possible.

At the time, we had no means to protect an effective force in the area. We are only marginally better prepared today. We have increased our naval presence in the area, we have begun extensive expansion of our facilities at Diego Garcia—still a long way from the Persian Gulf. We have secured access rights to certain bases in the general area and we have begun the development of a rapid deployment force.

Having a compatible warning and communications system provided by the AWACS in Saudi Arabia would be consistent with and supportive of those efforts. The continuous information we would receive from the Saudi AWACS under the sales agreement could be crucial to our ability to properly respond to a hostile challenge.

Of course, the development of the Saudi capability to defend its own oil fields is a major contribution to our strategic goals in the region.

The deployment of advanced technology will fall into hostile hands and be compromised. But no persuasive evidence has been presented that that danger would be more than minimally increased by the proposed sale.

Five critical elements of the AWACS will not be included. The technology is already several years old and will undoubtedly be advanced considerably by the time of delivery in 1985.

Software and programing techniques will not be on the planes. Operation restrictions in the agreement further minimize the likelihood of compromise.

In the case of the AIM-9L missiles, they are already deployed in eight other countries including Israel. All of those countries except Israel have diplomatic relations with the Soviet Union which means a sizable contingent of Soviet agents operate within their borders. Saudi Arabia has no diplomatic relations with the Soviets.

Furthermore, the missile is produced in West Germany. Opportunities for Soviet discovery abound with or without the sale to Saudi Arabia. Also, our intelligence officials tell me that the Saudis have been exceptionally effective in protecting important information.

Of course, our highest technology has been compromised most often right here at home as recent espionage cases attest.

There can never be a guarantee, but after all, why do we develop sophisticated defense systems, if not to promote peace and security?

In my judgment, what little additional risk of compromise occasioned by the sale would be worth it.

Without joint operation in the air, is there enough U.S. involvement with

Saudis to assure enforcement of the agreement? Ground maintenance will continue for the life of the AWACS. We supply the spare parts. We conduct the training of crews in the air and on the ground until at least 1990. We receive the information picked up by the AWACS continuously. We monitor the operation. It does not take much imagination to see that we would have the ability to halt their operations in a short period of time.

The President has indicated that if actions during the 4-year period between approval and delivery warrant, the sale could be canceled.

Mr. President, my final point is that the prospects for peace and stability in the Mideast will be enhanced by the sale.

With the difficulties in Iran and the uncertain conditions in Egypt Saudi Arabia is the key to stability and peace in the region, as fragile as it may be.

While concern is expressed about the durability of the present regime, the fact is that it has ruled for 50 years. It has been sensitive to the needs and desires of its people. That is not to say that there may not be internal difficulties, but they will be better able to cope with those problems if they have confidence that they can deal with external threats to their security. The proposed sale will help give them that confidence and it will assure them that the United States is serious about being a dependable and helpful ally.

Mr. President, I believe the proposed sale serves our interest, the interest of our friends, the Israelis, and the free world.●

● Mr. ZORINSKY. Mr. President, the Constitution of the United States gives the President preeminent responsibility in the area of foreign policy. The basic reason for this is one of pragmatism—it makes no sense to substitute 535 different voices in the Congress for the one voice of the President.

Today, as the Senate considers the sale of AWACS to Saudi Arabia, sadly the choice is not between 535 different voices or one. The choice is yes or no. And that choice belongs in the Congress. The same Constitution which gives the President of the United States a preeminent role in foreign policy also gives the Congress of the United States considerable powers in foreign policy. It is part of what is known as the system of checks and balances designed by the framers of the U.S. Constitution to preserve democracy in our Nation. It is also part of what is known as the rules of the game.

The President knows these rules, and the Saudis know them too. The rules are not new. Major arms sales may be vetoed by the Congress of the United States, and this fact has been well known by all parties to this dispute years in advance of this particular proposal.

Some years ago, Mr. President, I was faced with one of the most difficult decisions of my term here in the U.S. Senate. President Carter, a member of my party, had sent the Panama Canal treaties to the Senate for ratification and had asked for my support. My Nebraska constituents were almost evenly divided on the question.

I resolved the dilemma by focusing on my responsibility as a U.S. Senator to reach a determination on what action best served the national security interest of the United States. Under our Constitution, that responsibility is no less incumbent upon a Senator than it is upon a President. Despite the President's personal plea for my support, I voted against that treaty because I believe it inadequately served the national security interest of this Nation.

Mr. President, I have been here long enough to see Senators come to Washington, and in discovering the national interest, lose sight of their States' interest. I have also seen Presidents come to Washington, and in discovering the international interest, lose sight of the national interest. There are no firm lines lines of demarcation in this area, nor any simple resolutions of the inherent conflicts among such interests.

So it is troubling to me today that so many arguments for or against this sale have been lost amid the repetition of a single and simplistic dogma: Support the President. As U.S. Senators we are committed to supporting the institutions of American democracy, among those the Presidency—but not necessarily a particular President on a particular decision. Another of those institutions is the U.S. Congress, and support for this institution requires that we not abdicate our individual responsibilities to any President.

With that as background I met this morning with President Reagan to discuss the AWACS sale. I listened carefully to his views, and told him frankly about my concerns. It was a good meeting, and I promised to do some soul searching this afternoon, giving every possible consideration to President Reagan's arguments. And that is what I have done.

During that process, I found myself pondering the warning of T. S. Eliot that "the last temptation is the greatest treason: to do the right deed for the wrong reason." Mr. President, I have decided that the right deed for the Congress is to approve the sale of AWACS to Saudi Arabia.

I have not made this decision solely in order to support the President, nor have I made it because several business interests have let me know of their belief that my reelection may depend on it. Finally, Mr. President, I did not decide to support this sale because I believe the sale, alone in isolation, serves the national security interests of the United States. I reached this decision for the reason, the right reason, that a rejection of this admittedly bad proposal would cause even greater damage to those interests.

Unlike the Panama Canal treaties, from which there could be no turning back, this arms proposal will not take effect for several years—years in which the Congress can move to stop this sale if the administration's assurances of increasing Saudi cooperation are not realized.

Mr. President, I regret that the administration has forced the Senate to vote on a proposal unlikely to produce any real winners. Regretfully, the administration declined the advice of a majority of the Senate that it not send up this proposal. Faced with this unpalatable choice, and remembering the observation of Winston Churchill that "Eating words has never given me indigestion," I will reluctantly oppose the resolution of disapproval.●

Mrs. HAWKINS. Mr. President, I rise in support of the resolution of disapproval for the sale of AWACS, F–15 enhancement equipment and other military equipment hardware to Saudi Arabia. In arriving at this decision I have used only one criteria; Is the sale of this equipment a prudent thing to do? I have concluded it is not.

The United States should not sell its most sophisticated military equipment to Saudi Arabia because it is a politically unstable nation that has thwarted our vital foreign policy interests many times while helping us only rarely. The Nation will run grave risks if the Senate chooses otherwise. Saudi Arabian instability carries the risk that a new radical leadership will seize control of the country, one that we would not want to sell weapons of any kind to, especially high performance aircraft. And their record of opposing our foreign policy interests carries the risk that the past will be repeated in the future; new weapons are likely to be used in ways that block U.S. interests. Furthermore, because the equipment is sophisticated, there is added danger that we are selling the weapons that will one day defeat us.

I will document these points now in order.

Saudi Arabia is a country with tremendous internal problems. First, the Saudis lack a large or skilled domestic work force and are forced to import laborers. Indeed, over 40 percent of the workers in Saudi Arabia are foreigners. These people have no loyalty to the Saudi monarchy, and because of their poor working conditions they have engaged in demonstrations, some might be better termed revolts.

In addition, rapid modernization funded through petrodollars threatens traditional Moslem society in Saudi Arabia, the gulf between the rich and the poor is widening, and there is religious strife between the Shiite Moslems whose beliefs are similar to those of the Ayatollah Khomeini and the Sunni Moslems. Also, during the takeover of the Sacred Mosque in 1979, oil workers in the Al Qatif Province demonstrated in support of Khomeini and against the Saudi regime.

Combine this background with the palace intrigues of the 4,000 Saudi Princes, the ineffectiveness of the Saudi internal security forces, and discontent in the Saudi Army, and we must conclude that Saudi Arabia is an unstable country.

Mr. President, I have here a list of failed coup attempts, unsuccessful revolutions, and other signs that point to underlying discontent in Saudi society, and I ask that this list be printed in the RECORD following my statement.

(See exhibit 1.)

Mr. President, having established that

Saudi Arabia is unstable, I checked their record for supporting U.S. foreign policy interests. I have found that Saudi Arabia actions form a pattern opposed to American foreign policy in the Middle East.

For example, the Saudis provide heavy financial support to the Palestinian Liberation Organization (PLO), an organization that is known around the world for its terrorist activities. Also, the Saudis have given financial support to Iraq and Syria, two radical Arab States which have signed friendship treaties with the Soviet Union. The Saudis have opposed U.S. efforts to work toward a lasting peace in the Middle East through the Camp David peace accords. The Saudis attempted to thwart President Sadat's efforts to build peace between Egypt and Israel by cutting off aid to Egypt because of their cooperation with Israel. After American commandoes tried to rescue our hostages being held in Iran, the Saudi Government decried the rescue attempt.

The Saudis have consistently refused to allow the propositioning of military equipment or the basing of the U.S. Rapid Deployment Force on their soil—and have made it clear that they oppose any bases or facilities in the gulf for American troops. Finally, when two American aircraft recently shot down two Libyan aircraft in self defense over the Gulf of Sidra the Saudis in conjunction with several other gulf nations condemned this as an act of "medieval piracy."

I do not intend by this list of issues on which we have disagreed with the Saudis, sometimes strongly, to imply that we should not try to work with them on issues of common concern. I have appreciated the Saudi efforts to obtain a cease-fire in Lebanon and to defuse that crisis. I also recognize the relative moderation that the Saudis have exercised in oil pricing policies—though I believe that we should remember that they have raised the price of oil $20 per barrel in the last 3 years.

Both of these decisions were in the best interest of Saudi Arabia, and that is why they have pursued them. The conflict in Lebanon finds Arab against Arab in a divisive battle that has frustrated Saudi attempts to build cohesion in the Arab world under Saudi leadership. And in the area of oil pricing policy Saudi Oil Minister Sheik Yamani said last month:

> The oil prices must be brought down, if we can, or at least remain at the present level for a long period until we are able to hold back investors from searching (for) energy alternatives, and until OPEC restores its previous position.

Yamani is clearly reflecting Saudi interests which in this case coincide with U.S. interests.

On balance, the Saudis have consistently followed their own best interests, often consciously in opposition to the United States. To think of them as friends is to create something that the record does not support.

Mr. President, I ask that an article by Charlie Reese, that appeared Monday in the Orlando Sentinel, and that further documents these points, be inserted in the RECORD following my statement.

(See exhibit 2.)

Mrs. HAWKINS. Mr. President, given the instability of Saudi Arabia and its frequent opposition to our foreign policy interests, it is not prudent to arm them further with powerful new weapons that could be compromised, or even used against us.

Recently, administration officials have downplayed the sophistication of the AWACS and other equipment included in the proposed sale. However, I think it would be helpful to remember what was being said about the AWACS as it was about to enter the Air Force inventory. On February 5, 1976, the Chairman of the Joint Chiefs of Staff, said:

> AWACS offers the greatest single quantum jump in command and control capability since the development of radar and is therefore our number one general purpose forces priority.

About a year later, on June 29, 1977, Richard Guttman speaking as Director of the Systems Acquisition Division of the Government Accounting Office (GAO) said:

> If the Soviets should gain access to the AWACS they could move ahead, in the opinion of the Director of the Central Intelligence (Agency), some five to seven years in certain technologies.

More recently Gen. George Keegan, former chief, U.S. Air Force Intelligence, said:

> If you downgrade the equipment, as has been alleged is the intent of the current Administration, and we move the sensitive equipment, and leave only the 1960 radar technology, which the State Department is now characterizing as an ancient radar technology, the fact nevertheless remains that the radar aboard that aircraft, the basic radar and the original computer system, does constitute the most powerful radar system ever put into an aircraft.

Based on these statements by officials who are in a position to know the capabilities of the AWACS aircraft it is clear that the AWACS is a very sophisticated aircraft, and that the loss of its technology to the Soviets would be a disaster for American interests.

The AWACS are not the only sophisticated weapons system that the administration wishes to sell to the Saudis. Included in the sale package are a request for 1,177 AIM–9L Sidewinder missiles. The AIM–9L represents the third generation in the Sidewinder family of short range, air-to-air infrared (heat-seeking) missiles. The AIM–9L is a vast improvement over the AIM–9P–3 that is currently employed by the Royal Saudi Air Force. Among the improvements are a better seeker, increased maneuverability and improved warhead lethality. However, the most deadly improvement involves the "all aspect" guidance and control system which allows head-on attacks. Most heat-seeking missiles require the pilot to maneuver behind the hostile aircraft before launching his missiles—this missile obviates that need, and can be launched at a hostile aircraft from any direction, including head-on.

Mr. President, I have here a letter signed by 12 Air Force F–15 fighter pilots, urging us not to approve the sale of this missile to the Saudis, and I ask that this letter be printed in the RECORD following my statement.

(See exhibit 3.)

Mr. President, these fighter pilots, the men who would have to fight for air superiority for American forces if called upon, attest that the AIM–9L gives them a tremendous advantage in air-to-air combat and they do not want to take the chance of having that advantage compromised. In the closing portion of their letter, the fighter pilots ask a very relevant question—

> If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away?

If AWACS equipment were compromised, it would be a severe setback for our strategic interests worldwide.

In addition to these concerns, I am concerned about contributing to a situation that could lead to a confrontation between Saudi Arabia and Israel in the event of renewed hostilities between the Arab nations and Israel. Three issues remain that might some day cause another Arab-Israeli war. First, the right of Israel to exist as a sovereign independent state. Second, a resolution of the Palestinian issue. Third, resolving the status of Jerusalem. None of these issues have been resolved to anyone's satisfaction, and thus the underlying causes of three Arab-Israeli wars continue to exist. Unless these issues are resolved to the satisfaction to most of the major parties, I believe that we must consider the likelihood of renewed hostilities in the region as likely. Saudi Arabia's role in the past wars against Israel has been indirect. It consisted of moral and materiel support.

The inclusion of AWACS in the Royal Saudi Air Force inventory changes all of this. If there were renewed hostilities against Israel, Saudi Arabia would come under tremendous pressure to use the AWACS against Israel just as they came under pressure in 1973 to embargo oil to the West. In 1973 the Saudis succumbed to the pressure, and I fear that they could succumb to this pressure again.

But even if they do not, the AWACS constitutes such an advantage to the air force that possesses one that the Israeli may feel compelled to attack the Saudi AWACS first and not wait for the Saudi decision to participate directly in the case of renewed hostilities just to make sure that they will not be used against Israel. In each of the last two Arab-Israeli wars air superiority has been crucial to the Israeli victory, and it is likely to be crucial in the event of any future hostilities.

Either of these scenarios would be a blow to American interests in the region. The AWACS could cause Saudis to be killed or wounded in any renewed fighting for the first time. This would more clearly and perhaps more permanently prevent a reconciliation of Saudi and Israeli viewpoint on the problems of the Middle East. And this would place the United States between two of the key Middle Eastern states—Saudi Arabia and Israel, perhaps damaging our relations with both. I believe that we should exercise foresight concerning this sale and not place ourselves in the position of being between two of the nations

with which we want to cooperate. This sale invites a clash between Saudi Arabia and Israel with the United States in the middle.

To conclude, Mr. President because Saudi Arabia is unstable, has opposed us often, and the risk of compromising AWACS' technology or it being used against our interests is great, I must vote for this resolution of disapproval.

I will feel no joy should this sale be defeated. I consider myself to be a strong supporter of the President's general foreign policy goals. However, the Constitution makes it clear that the Senate has an advice and consent role in the shaping of American foreign policy, and I believe that I could be derelict in my duty as a Senator if I did not vote for what I believe is the best interest of our country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

MAJOR DISSENTS IN SAUDI ARABIA BETWEEN 1970–80

May 17, 1970—Air Force officers revolt at Dahran air base, reputed to be Nasserites.

Feb. 11, 1972—National Guard officers and three sons of the deposed King Saud.

1974—University graduates in collusion with King Saud's associates, backed by Iraq.

Arab communists led by Bassam al-Imari from Iraq.

Late 1974—University graduates, air force and armoured corps officers, with support from deposed King Saud family.

Nov. 1976—Arrest of 16 PFLP activists and deported.

July 17, 1977—1,500 plotters (1,300 military officers and men) in coup attempt at Tabuk and Taif air bases, to set up republican, nonaligned regime, with support of Libya, Iraq, and Hejazi Brotherhood (led by Namid Hassoun); suppressed by Jordan troops (3,000 confirmed) at Tabuk.

Aug. 9, 1977—Bomb explosions in Riyadh and Jeddah public and private facilities by Hejazi National Movement, with Libyan support, seeking self-rule for Hejaz.

Aug. 27, 1977—Coups by officers and men against air force commanders at Hail and Hufuf military bases, with Iraqi support; two leaders of Arabian Gulf National Liberation Front escape via Kuwait and Iraqi plane back to Iraq; coup put down by armoured columns led by Prince Turki.

Sept. 23, 1977—Verification that Saudi National Liberation Front (NLF) and Hejazi National Movement (hqs. in Mecca) are one and same and led by Saudis with Iraqi and Hejazi background.

Oct. 30, 1977—Officers at King Saud base tried to subvert the garrison.

Oct. 30, 1977—Interception of PFLP "hit team," including an Iraqi, with mission to kill King Khalid and his six Sudairi brothers; admit PFLP established itself in 1975 to await orders.

June 1978—Arrest of three Iraqis who worked for official Iraqi Airways but were working for Iraq Communist Party; arrest led to five more at Iraqi Mission in Jeddah and three working as engineers at Hail military installation; all had subversion missions.

June, 1978—Formation of al-Hasa National Liberation Front.

Late Sept., 1978—Sunni Hejazis demonstrated against bulldozing near Holy Shrine in Mecca; grew violent and led to killing of the Governor of Medina by Hejazis (Sheik Muhammad al-Hamid); Chief Engineer killed the next day.

Oct., 1978—Acknowledge resistance of foreign labor from especially India and South Korea, some of it very serious.

Oct. 29, 1978—Officer commanding Kharj military complex (French-built) defects to Iraq with 37 officers; refused to liquidate six weeks old al-Hasa tribal rebellion that occupied key oil and transport rail junction; Brigadier Mahmoud confronted by orderly al-Hasa National Liberation Movement, supported by Iraq, demanding autonomy.

May, Oct., Nov. 1978—Defection of troops to Iraq, Kuwait and Qatar from oil installation guard duty at Ras Tanurah, Damman, Dharan; unpublicized defections 4,175 since 1976.

Oct. 27, 1976—Deportation of five princes (Abdullah, Rashid, Abdul Aziz, Said, Turki—sons of late King Saud) in collusion with 24 senior officers at Hufuf, Shegra, 5th Amoured Brigade; latter commander escaped with conspiracy of air force officers to Libya.

December, 1978—1,100 officers threaten to resign because of surveillance system over their activities.

January 5, 1979—Grand Mufti of Mecca calls on Hejazis to oppose the imposition of Wahabite domination; admission of continued unrest among military forces and populace in Hejazi and al-Hasa Provinces.

Dec., 1978—Deportation of three Iraqi diplomats for aiding and abetting the al-Hasa and Hejazi dissidents; Iraq indicates 2,500 Saudi military personnel have defected to their side since 1975.

Dec. 21, 1979—Senior Sunni divine in Mecca, al-Sadi Sheik Muhammad Said Nawaf denounces Whabite interpretation of Islam as being alien to true belief; denounced Royal Family for using force to gain power and ruling against Sunni majorities in al-Hasa, Hejaz and Shammar Regions; seek peaceful redress but if not heeded, take up arms.

Mar. 24, 1979—Discovery of Arab International Communist Party among foreign employees, working with Hassawi and Hejazi dissidents, with objective of overthrow of Saudi monarchy and establishing Arab Peoples' Republic of Arabia; led to list of Saudi Communist Party members (650 cadres) and leader Ibrahim al-Hamoud.

April, 1979—Prince Fawaz, son of late King Saud, with brothers in absentia, plotted coup with 100 air force officers and armoured forces commander at Diriyah military base; Saudi Air Force Deputy Commander and 17 co-conspirators defects to Iraq; Iraq and South Yemen implicated in plot.

May 11, 1979—10 air force officers at Jubayl used planes to attack Dammam and Dharan bases in coordination with army and armoured forces supposed uprising that gets leaked ahead of time and nipped in the bud; sponsored and supported by Iran under Khomeini at Khari and Harad.

July 3, 1979—Turki Report accuses 43 princes in scheme against King Khalid; 21 subsequently formally charged and recommended for trial; supposedly implicates air force and army officers, civilian counsellors to Royal Family, and friends of the King.

Aug. 3, 1979—Simultaneous takeovers for Sharga air base, Tahuk, Kharj air base failed with intent to kill Royal Family, supported by Libya; National Guard defection scheduled at same time with first killings of superiors on Aug. 1 at Hail Camp, Gassim Camp, Medina City Camp; 118 personnel arrested expose National Guard infiltration and perversion.

Sept., 1979—Prince Sultan acknowledges 3,000 suspected air force personnel have been replaced by Americans.

Nov. 20, 1979—Sacred Mosque Insurrection involving Oteiba, Kharb and Shammar tribesmen, but also Egyptians, Yemeni, Kuwaitis, Moroccans and Pakistanis were killed in counterforce use; 3,000 dissidents involved in whole area, representing Hejazi NLF, demanding full autonomy for whole area.

Nov. 22, 1979.—Hejazi NLF occupies Great Mosque in Medina, Taif air base and military complex, the town (by 4,000 followers); fighting continues until end of November in Mecca and to mid-December in Medina and Taif; Anazah tribes also revolted with other Hejazi tribes.

Jan. 3, 1980—Three army air force bases raided by Public Security, arresting the commanding officers and 93 other officers (Huhuf, Abqaiq, Mubarraz Garrisons); National Guard moved into bases to facilitate takeover by Public Security.

Feb., 1980—Refusal of 45% of Saudis sent abroad for military training in France and the United States to return home; decline in number of new cadets at Saudi Military Academy (1971—250 vs. 1979—37).

May, 1980—17 officers at Huhuf Garrison defected to Kuwait—including commanding officer; Iraqi influence in east coast of Arabia still of concern to Government.

Oct., 1980—50 air force officers executed after revolt effort.

Sources: Afro-Asian Affairs (as of 1980 Arab-Asian Affairs), International Currency Review, Middle East Intelligence Survey, Monthly and Bi-Weekly, 1976–1980.

EXHIBIT 2

Today at noon in Eola Park a group of Christians and Jews will gather to protest the proposed sale of AWACS to Saudi Arabia.

Congressmen Bill McCollum and Bill Nelson, both of whom voted against the sale in the House, have been invited to speak and Senators Lawton Chiles and Paula Hawkins, both of whom plan to vote against the sale in the Senate, are sending taped messages. I'm going to be there and anybody who wants to is welcome to come. The rally is sponsored by United Community Action for Israel.

Now, why in the world should anyone oppose the sale of AWACS—sophisticated radar planes—as well as offensive equipment including missiles to Saudi Arabia? A lot of people don't, including this newspaper and the president.

Some of the proponents of the sale, not including this newspaper but sadly including the president, have tried to argue that simply because the Israelis have registered their protest against the sale, that it is an issue of Israel trying to dictate American foreign policy. That is so absurd it's laughable. (The Israeli lobby has five lobbyists; Mobil Oil has 500 and it is only one of several huge oil companies lobbying for the sale.)

Saudi Arabia is no friend of the United States. It has raised its oil prices outrageously. It threatened—successfully, by the way—the Senate of the United States by declaring it would withdraw its money from American banks if a Senate committee continued its investigation of Arab investments. It also succeeded in bullying former President Carter into not filling up our strategic oil reserve.

It is a principal funder and supporter of the Palestine Liberation Organization which is a terrorist organization pure and simple and furthermore one which is Marxist and in the pocket of the Soviet KGB. Among other things, the PLO has been responsible for the murders of U.S. diplomats and denounces us as routinely as it does Israel.

Saudi Arabia, out of desperation, has been given credit for arranging a cease-fire in Lebanon, but the administration has not told the American people that during this cease-fire the Saudis have been shipping the PLO new arms with which to renew the war in Lebanon.

Saudi Arabia led the opposition to the Camp David peace accords, doing everything

it could to undermine the late President Sadat of Egypt.

The Saudis also denounced our attempted rescue of hostages in Iran as "an act of military aggression." It funded and hosted the Gulf Cooperation Council which branded our defensive action against two Libyan planes as "an act of piracy." They remain the cordial host of the African butcher, Idi Amin. They have called for a Holy War against Israel. They refuse to allow us a military base and have actively discouraged other Persian Gulf states from doing so.

In short, to cave in to their demands for our most sophisticated surveillance aircraft is to fall into the old pattern of rewarding our enemies. If you want to believe the administration when it says, "Well, in spite of all the Saudis have done in public, they say nice things in private," then I hope the Great Pumpkin finally appears for you this Halloween.

A second reason not to sell the aircraft is that their security is lousy. The State Department, the CIA and the Pentagon swore on their mothers' graves that the Shah's Iran was a stable country and sophisticated American technology would be safe. It was not. Compared to Saudi Arabia, the Shah's Iran was a Rock of Gibraltar. Come on down today and we'll tell you reasons 3 through 6 the sale is not in the national interests of the United States.

EXHIBIT 3

APRIL 2, 1981.

Representative TOM LANTOS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE LANTOS: We are writing this letter to strongly object to the sale of the AIM 9L Supersidewinder air-to-air missile to Saudi Arabia. We primarily object to this sale because it compromises the classified AIM 9L construction. The unstable political situation in Iran and throughout the Middle East led to the compromising of our F–14 aircraft, Phoenix air-to-air missile, and our Hawk surface-to-air missile. We do not want the technology of the AIM 9L to leak to the Soviets through lack of security in Saudi Arabia or through some closed door bargaining session. We at the user level can attest that the AIM 9L thrusts the American Fighter Pilot a very large step ahead in air combat over any other military force. The AIM 9L is superior because it is a point and shoot weapon with excellent probabilities of success. The AIM 9L is so superior that it gives the American Fighter Pilot a believable chance of survival when confronted with the overwhelming numbers of Soviet aircraft we must face. If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away? Certainly, we as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromised version of our AIM 9L when we know how effective the missile is. We object to the sale of the AIM 9L to Saudi Arabia.

Signed by 12 Air Force F–15 fighter pilots.●

● Mr. SCHMITT. Mr. President, thanks to the Soviet Union, and other nations and groups who believe that they benefit from international instability, the flow of modern arms into the underdeveloped nations of the world has reached unbelievable proportions. Unfortunately, if the United States ceased to help arm our allies and potential allies, the arms buildup would not stop. Others would meet the demand.

The best we can do in this atmosphere of insanity is try to maintain some influence over the use of arms by others. This must be done as we buy time for new foreign policy approaches that can help the people of the developing world move into the economic 20th century and away from the poverty, ignorance, hunger and disease upon which oppression feeds. The sale of the AWACS and F–15 armaments to Saudi Arabia, on balance, buys us some of that time without significantly increasing the already great risks faced by Israel and our own defense forces.

The President has made clear, by word and deed, his unequivocal support for the security of Israel, the only strong ally of the United States in the Middle East. He has also made clear the absolute necessity of more Arab States following the course of moderation set by the late Anwar Sadat of Egypt if the security of Israel is to be guaranteed and peace is to someday prevail in that troubled region. Further, the President recognized the great dependence of the free world on energy resources from Saudi Arabia and other Middle East nations and the need to defend those resources until alternatives are available.

Finally, the President has insured that the technology encompassed by the arms package is either already available to our potential adversaries, or exposed elsewhere in the world, or protected by the nature of the computer software required to operate it.

Under these conditions, support for our President comes foremost.

An essential part of the plan to achieve security for Israel, peace in the Middle East and assurance of free world energy supplies, is a strong American presence and influence in those Arab States where there is an opportunity for moderation whatever may have been their course in the past. With U.S. help, Sadat made a break with the antagonisms of history. With U.S. help, others can make the same break.

The AWACS in Saudi Arabia will be under full U.S. control until late 1985 when the first Saudi-owned aircraft will be delivered. From 1986 to 1990, the period of delivery and training for other AWACS units, there will be joint United States and Saudi control. After 1990 the Saudis will still be dependent on U.S. spare parts and maintenance for AWACS as well as for the F–15 units whose sale was agreed to in 1978.

It is important to note that much of the AWACS capability can be supplied to Saudi Arabia without the guarantee of at least 10 years of effective U.S. control. In addition, the portions of AWACS capability which could be used for coordinating offensive operations are not included in the Saudi sale and remain under full U.S. control.

Although my initial bias is always to support the President's constitutional exercise of the Nation's foreign policy, I have made a special effort to assure myself and others that there is no significant increases in the risks faced by Israel or U.S. forces should the equipment or its technology be used against them or fall into Soviet hands.

First of all, the Israeli Armed Forces are at a state of operational capability, with superior men and equipment, which can easily defeat any hostile force launched against Israel by its Arab neighbors.

Second, the AWACS component technology is of 1960's vintage, its subsystem technology is close to that of the current Soviet state of the art, and the total systems technology is dependent on computer software programs which in turn can be made obsolete by reprograming.

Third, the AIM 9–L air-to-air missile for the F–15's already sold to the Saudis although the best in the world, is exposed to Soviet intelligence agents in many other situations. For example, it is in service or soon will be in service with the air forces of Israel, West Germany, the United Kingdom, Greece, Japan, and Australia, and is under license for manufacture in Europe by a consortium led by West Germany.

The President has assured me and other Senators that if the conditions of the Saudi sale are ever broken, U.S. support for the deal will be terminated. I think it is clear that this President keeps his word.

The conduct of foreign policy is primarily the responsibility of the President. So long as that policy follows the dictates of the law and recognizes the best interests of the American people, the President should be supported. Under such conditions, to not support the President would seriously undermine his credibility in the councils of the world and encourage further Soviet adventurism.●

● Mr. CHILES. Mr. President, I have listened carefully to the discussion today on the concurrent resolution of disapproval, as I have followed closely the debate on this issue over the past several months. While I am cosponsor of the resolution I have continued to listen to all the arguments made by the administration and to seek the views of the people of my State. This is a difficult vote. It involves a number of very important considerations to this Nation, to the President, and to the goal of peace in the Middle East. I believe there are strong arguments both for and against the resolution. The choice must be made not on partisan or political considerations but in terms of what is best for the United States.

The Senate has a special role in the development of this Nation's foreign policy. While the President is obviously the chief formulator and administrator of our foreign policy, the Senate has a unique responsibility that it must meet. It is not enough to simply follow the President's lead. The Senate too must decide. As a Senator, I must make a decision whether the AWACS/F–15 enhancement package sale is a prudent step for our Nation. With due consideration for all the difficult questions involved, I must persist in my judgment that the sale will not serve the future interests of the United States or the cause of peace in the Middle East.

Regardless of all the claims advanced with respect to the limitations of the AWACS plane, I remain convinced that it is one of the most sophisticated pieces of technology in our defense arsenal. I do not want that technology to fall into the hands of any nation unfriendly to the United States. In fact, I do not believe that we can afford to allow any nation, even one well disposed toward us, to have unilateral control of this aircraft.

The introduction of this highly advanced equipment into the volatile Mid-

dle East threatens to jeopardize the security of the vital technical data associated with the airborne warning and command aircraft. One only has to look at the Iranian situation and the compromise of the Phoenix air-to-air missile to appreciate that this risk is very real.

The bottom line is whether there are compelling reasons to run the risk of this technology compromise. I think not. The administration points out the seriousness of the Soviet threat in the Middle East and I fully agree that this threat should be a primary concern for the United States.

I also agree that we want to help cooperating nations in their ability to counter hostile moves in the region. I do not agree that such help must include placing at risk our best technology. To my mind it just does not make sense to provide the Saudis with this complex equipment, which is of marginal usefulness in terms of the most likely threats to Saudi Arabia, and run the chance of compromising AWACS technology which is essential to both American security and the defense of Western Europe. If we do, I suspect it will be one of those decisions that we live to regret.

From the standpoint of U.S. security interests, the control and protection of AWACS must remain in U.S. hands. Frankly, I am not prepared to set in motion a process that opens the door to the possibility that a nation hostile to the United States gets its hands on the AWACS and may some day use it against us in a combat situation.

I have those same concerns with respect to the F–15 enhancement package, a crucial element in this debate which has received insufficient attention. Approval of the sale raises the danger of losing the advanced weapon technology contained in the AIM–9L Sidewinder air-to-air missiles. The AIM–9L missile incorporates advanced seeker and fuze technology which allows it to be fired at an enemy aircraft from any angle, rather than only from the rear.

The AIM–9L missile has been characterized as having revolutionary capabilities to fundamentally change aerial combat tactics. At present, the Soviet Union does not have the manufacturing capability to produce a comparable missile. In the event the Soviets were able to secure possession of any of the 1,177 AIM–9L missiles proposed to be sold to Saudi Arabia, it could well erase the technological edge we now enjoy.

In all of this debate, perhaps the most telling argument to me is the following correspondence to a Member of Congress signed by 12 Air Force F–15 fighter pilots:

> We are writing this letter to strongly object to the sale of the AIM–9L Supersidewinder air-to-air missile to Saudi Arabia. We primarily object to this sale because it compromises the classified AIM–9L construction. The unstable political situation in Iran and throughout the Middle East led to the compromising of our F–14 aircraft, Phoenix air-to-air missile, and our Hawk surface-to-missile.
>
> We do not want the technology of the AIM 9–L to leak to the Soviets through lack of security in Saudi Arabia or through some closed door bargaining session. We at the user level can attest that the AIM 9–L thrusts the American Fighter Pilot a very large step ahead in air combat over any other military force. The AIM 9–L is superior because it is a point and shoot weapon with excellent probabilities of success. The AIM 9–L is so superior that it gives the American Fighter Pilot a believable chance of survival when confronted with the overwhelming numbers of Soviet aircraft we must face.
>
> If we, as a military force, are to maintain a credible deterrent defensive posture with a minimum of dollars, why give our technological edge away? Certainly, we as pilots cannot be expected to fight against the overwhelming numbers of Soviet aircraft equipped with a compromised version of our AIM 9–L when we know how effective the missile is. We object to the sale of the AIM 9–L to Saudi Arabia.

I will have to answer to a great many people for my vote on this matter. For our combat forces who may have to face the consequences of the Senate's decision, I want to answer that we were cautious and prudent and placed highest priority on U.S. security interests above all other considerations.

While I firmly believe that U.S. security interests must be the primary consideration, I acknowledge that there are other very important factors involved in this question. Most notable of these is the relationship of the United States with Saudi Arabia. It is an important relationship. The Saudis have endeavored to cooperate with the United States in a number of areas and have recently shown signs of moderation on the essential Mideast questions.

In the recent past the Saudis have also been a stabilizing influence on oil pricing although I note that a $2-a-barrel increase appears to be in the offing. These movements by the Saudis are certainly steps in the right direction and should be encouraged. However, they do not make Saudi Arabia a firm and fast ally of the United States. If there is any lesson we can learn from our recent experience it is that you cannot buy friends, even with a massive weapons package. We sold the Saudis F–15's they wanted in 1978 and since that time oil prices have risen from $12 to $32 a barrel.

The actions of Saudi Arabia are motivated by national self-interest, not any other consideration. We would be naive to expect anything else. Whether this sale is approved or not, national self-interest will continue to be the guidepoint of their actions. Rejection of the sale will certainly be a complicating factor but I doubt that it will cause Saudi Arabia to substantially veer from its present course. Nations rarely alter policies that work to their advantage in a fit of pique.

I also think a more balanced view of Saudi Arabia is necessary. This nation is not at this time an ally of the United States or a nation that can be viewed as supporting U.S. policies in the Middle East. Saudi Arabia continues to call for war against Israel.

Saudi Arabia does not support the Camp David peace process. The Saudis led the Arab boycott of Egypt because of its willingness to enter into the peace process. The Saudis have financed the activities of nations hostile to the United States. Saudi Arabia underwrites the PLO and its terrorist activities. A recent report in the London Daily Telegraph indicates that Saudi Arabia "has agreed to give Syria nearly $500 million to help finance a massive new arms deal with the Soviet Union, which will include two Soviet radar warning system planes." These are not the actions of a friend. A recent New York Times editorial aptly sums up the situation:

> The Saudis are a commercial asset, not a strategic partner. They will not replace Iran in war games or Egypt in peace talks. Their useful opportunism should never be confused with alliance.

We do not somehow owe the Saudis this arms package because some of their policies have been useful and constructive. And I would hope that no credence be given to the argument that we must provide this equipment to the Saudis or face higher oil prices. If this deal is the quid pro quo for maintaining current pricing levels, it is a price too high to pay.

Even in the face of these considerations I am very reluctant to vote against the President on a question involving the conduct of foreign policy. I believe strongly that the Senate should support the President in his dealings with other nations. But the question before the Senate today is not one of support for the President. Under the Arms Export Control Act, the Congress is given a definite role in passing on the merits of proposed arms sales. The Senate must make its own determination whether the proposed arms sale, as presently conceived, is in the best interests of the United States. My judgment is that it is not and I must vote accordingly.●

● Mr. GORTON. Mr. President, the receipt of the President's letter to Senator BAKER of October 28, 1981, provided the breakthrough necessary for the approval of the AWACS sale. It was, of course, the absolute precondition of my vote.

As one of the coauthors of the draft incorporated in the President's letter, with Senator QUAYLE, who agrees with my interpretation, I believe that paragraph 5 on "Command Structure" almost certainly will require that U.S. military personnel play an integral role in the command and control structure of the AWACS. It is difficult to imagine how the undertakings outlined in the first four paragraphs can be otherwise guaranteed.

The sixth paragraph on "Regional Peace and Security" seems to me to require, as a basis for the promised certification, a participation by Saudi Arabia in the Middle East peace process during the next 5 years. That participation will necessarily include either support for the Camp David peace process, recognition of Israel's right to exist, withdrawal of support for terrorist groups and activities, an end to the boycott of Israel, or the functional equivalent of these present goals during the course of the next 5 years. To the extent that I have contributed to this process, I am grateful for having this opportunity. I am authorized to say that the Senator from Indiana (Mr. QUAYLE) joins me in these views.●

● Mr. GOLDWATER. Mr. President, an article in Aviation Week & Space Technology of October 26 presents a rather new and somewhat unusual approach to the subject of selling AWACS to Saudi Arabia. It is very well reasoned out, it shows some excellent research, and it is

written in a way that it is easily understood. While I know it will get into the RECORD probably too late to do any good, I ask to place it in the RECORD at this point in my remarks so that it will make a little more complete the record we are hoping to establish.

The article follows:

GULF COUNCIL VIABILITY LINKED TO AWACS

WASHINGTON.—Viability of the six-nation Gulf Cooperation Council (GCC) to defend the Persian Gulf area depends on the Reagan Administration sale of the Saudi Arabia air defense package, including the Boeing E-3A airborne warning and control system (AWACS) aircraft. The Senate is expected to vote on the sale this week.

The council is allied around Saudi Arabia, and the Reagan Administration believes that the group of Persian Gulf nations is showing signs of growing into an alliance friendly toward the West.

Recent meetings have strengthened the GCC concept, with evidence of defense collaboration among the nations—Saudi Arabia, Oman, Qatar, the United Arab Emirates, Kuwait and Bahrain.

"The Saudis have taken the lead in the formation of the GCC, with their objective the defense of the Gulf region," one Administration official said. "A meeting of defense ministers of the states in the council is expected soon, and military heads have already conducted their first meeting. There is no immediate plan for the U.S. to be directly involved, but it is an encouraging sign that the President and Defense secretary would like to nourish strong ties in the region through the package of AWACS aircraft, AIM-9L missiles and tankers."

The U.S. air defense enhancement package includes the sale of $8.5 billion in equipment, with $5.8 billion of that amount for the five AWACS aircraft and $2.4 billion for Boeing KC-707 tankers using a common airframe with the E-3A. The Saudis want up to eight KC-707s.

White House officials directly involved in an intense effort to gain Senate approval said last week that President Reagan has decided to release a letter at the proper time informing the Senate that Saudi Arabia and the U.S. would cooperate in areas that will accommodate concerns expressed in the Senate on physical security of the aircraft, sharing of E-3A information and limiting geographical operations.

"The AWACS aircraft and its ground environment system afford the capability to link the air defense networks of these [GCC] states into a unified system," according to a Defense Dept. assessment. "Since the feasibility and effectiveness for such a regional network would depend on U.S. equipment and technology, the U.S. would be assured of a key role in the development of any regional air defense system and of continuing participation in its operation."

The Air Force lists the cost of each E-3A in its briefing to the Congress at $1.7 billion, including three years of spares, support, equipment and training. It also includes a share of the cost of the ground environment system at $2.5 billion that provides the capability to link the air defense networks of the GCC nations into a unified system, if approved by member countries.

The aircrew requirement for the five E-3As in Saudi Arabia would be 170 persons, with two cockpit and mission crews for each aircraft. The AWACS aircraft also would require 360 maintenance personnel, enough to permit Saudi Arabia to maintain a 24-hr. AWACS orbit for up to one week in periods of tension.

Each AWACS aircraft is being sold to the Saudis for $190 million in then-year dollars without the spares, support, technical data and training. That included, the cost is $240 million per aircraft. The remainder of the cost for each aircraft includes the ground environment system.

The chairman of the Joint Chiefs of Staff, USAF Gen. David C. Jones, said he is encouraged over the six GCC nations working in defense of the Gulf region, adding that the AWACS aircraft would make a significant contribution in tying together air defenses.

Jones said the Gulf nations' alliance may work along the same lines in tying together an air defense system for common defense without the AWACS, but if the sale is approved, the aircraft would be a dominant element in such a system.

He said the Saudis have agreed not to pass along any information obtained with the E-3A to a third nation without U.S. approval, explaining that this is an evolving process, with considerable progress already accomplished.

The Saudis are taking a leadership role in seeking to ease tensions in the Iraqi-Iranian war, and generally there is a growing leadership role for Saudi Arabia in the region, Jones said.

"The AWACS aircraft would transmit data through U.S.-provided ground receiving equipment to provide early warning information to Saudi command centers and other elements of the air defense network," according to a Pentagon AWACS assessment. "The data from AWACS could also contribute to the control of air defense interceptor aircraft from friendly nations."

Defense Secretary Caspar W. Weinberger told Aviation Week & Space Technology the GCC is not as specific as a Gulf alliance, but he added that the Saudis need a much greater ability to defend themselves and AWACS helps provide that. He said events in the Gulf could turn so that it could become necessary for several friendly nations to join forces in an effort to save the Saudi Arabian oil fields, should they be attacked. But Weinberger stopped short of calling the association among the six Gulf nations an alliance or confederation along the lines of of a small-scale North Atlantic Treaty Organization.

Instead, he stressed the importance of the Saudi AWACS sale because it is fully justified in the U.S. national interest. He said the U.S. has not levied controls on military aircraft provided to Pakistan, Egypt or Israel and should not do so in sales to Saudi Arabia.

"We are often viewed by many Middle Eastern nations as being responsive only to the wishes of one nation, and there are a great many nations there; certainly one is Israel," he said. "But there are many others whose friendship, support and alliance are very important to us."

In developing the GCC into a functional defensive alliance to protect Persian Gulf oil fields, the U.S. would lend technical leadership, according to studies by the Defense Dept. "AWACS would be the leading element of the system which would grow to include the ground radars from all the states. The establishment of a system of this type would facilitate joint training exercises and closer overall cooperation in defense. In time of crisis, the system could provide an invaluable basis for joint U.S.-Gulf state air defense against an aggressor," the studies said.

The Persian Gulf region is the primary source of the West's oil exports, with Saudi Arabia by far the largest producer, accounting for 63 percent of total Gulf production. Loss of the oil or prolonged denial would have a disastrous impact on the West's economy and undermine security, risking the splintering of NATO.

"The Saudis have indicated their desire to work toward an integrated regional defense system. The AWACS will likely increase their willingness to financially support upgraded air defenses for Bahrain, Qatar, Oman and other Gulf states. The AWACS sale also will encourage the use of U.S. equipment in other Gulf nations," the Pentagon studies said.●

● Mr. BAUCUS. Mr. President, before I announce how I am going to vote on this resolution, I think it is important to provide first a brief background on the controversial resolution we have before us.

BACKGROUND OF RESOLUTION OF DISAPPROVAL

The 1974 Arms Export Control Act granted Congress veto power over proposed arms sales of more than $25 million. Under that act, the House and Senate have 30 calendar days from the time they are officially notified of the sale to adopt concurrent resolutions of disapproval. Both Chambers must vote to disapprove the arms sale for the veto to take effect.

While Congress has never vetoed an arms sale, disputes between the White House and Congress over prospective arms package deals have resulted in significant concessions by past administrations. In 1975, Congress approved sales of antiaircraft missiles to Jordan only after the administration agreed to sell the weapons as stationary, rather than mobile weapons. In 1977, Congress agreed to the sale of seven AWACS to Iran only after then-President Carter assured Members of Congress that the planes had been modified to remove secret communications equipment. Eighteen months after the sale, the Shah of Iran was overthrown, and the administration canceled delivery of the surveillance planes.

In April 1978, President Carter formally notified Congress of his plans to sell 60 F-15 fighter planes to Saudi Arabia. At the time, administration officials stated that the armament sale would allow greater cooperation between United States and Saudi Arabia in furthering the Camp David peace process, moderating oil prices, and defending Saudi Arabia from the growing Soviet presence in the surrounding Arab States.

Responding to critics who questioned the administration's assurances that the F-15's would be used for defensive purposes only, President Carter and then-Defense Secretary Brown assured them that the Saudis would not be sold any additional systems or armaments that would increase the range or enhance the ground attack capability of the F-15's. The Senate defeated the disapproval resolution, thus permitting the sale of the armaments, with the understanding that no future attempts would be made to upgrade the F-15's. The first F-15's are scheduled to be delivered in January 1982.

On March 6 of this year, the Reagan administration announced its intention to sell air defense enhancement items to Saudi Arabia, a sale that many of my colleagues argued was a violation of the understanding the Senate had reached with the Carter administration.

Controversy over the sale erupted immediately, and centered on the surveillance aircraft, which was assumed to be the AWACS planes. In an attempt to diffuse arguments that the AWACS would be used to coordinate F-15's in an attack against Israel, the administration, in late September, attempted to persuade the Saudis to allow U.S. technicians to operate the surveillance equipment on the planes beyond the initial training period. The Saudis rejected the request as unacceptable and as an infringement

on Saudi sovereignty. Secretary of State Haig has testified, however, that there is an understanding between the United States and Saudi Arabia that U.S. personnel will be on AWACS into the 1990's due to the need for U.S. technical expertise in the planes' operation and the training of crews.

On October 1, Congress received from the Reagan administration a formal notification of the sale. Under the 1974 Arms Control Export Act, Congress has until October 31 to pass concurrent resolutions disapproving the sale. Earlier this month, the House voted by a nearly 3-to-1 margin to disapprove of the sale. The resolution of disapproval facing us today was favorably reported by a slight majority of the Senate Foreign Relations Committee earlier this month.

A PERSONAL PERSPECTIVE ON THE PROPOSED SALE

I have long been aware of the significance of the proposed sale. Indeed, it was of such concern to me that I decided to take a rare trip outside the United States to question some of the key actors who negotiated the sale. As part of the delegation of Senators led by a majority leader, I traveled during the Easter recess last spring to Saudi Arabia and Israel. I went there for one purpose, and one purpose only: Namely, to get the information I needed to make my own personal judgment on the wisdom of the sale. I went to the Middle East with an open mind. I asked what I thought were the pertinent questions concerning the justification for the sale.

When I returned from the trip, I was convinced that the answers I received to these questions did not, on balance, lead me to conclude that the administration was correct in its decision to approve the sale as it is now proposed.

I would like to outline my views on some of the arguments for and against the sale. But before I do, I would like to make a few observations about public opinion concerning the sale and the lobbying I have received on both sides of the issue. With respect to public opinion, I think it is interesting that this sale has engendered so much public awareness. Although some might argue that the United States is becoming increasingly isolationist, I think the public attitudes expressed about this sale suggest to me that our Nation and its citizens are increasingly aware of and concerned about international events.

Most of the polls I have seen lately indicate that the American public is rather evenly divided about the wisdom of the sale. While almost every poll I have seen indicates that a majority of people are opposed to the sale, I think it is fair to say that the plurality of Americans opposed to the sale seems to be eroding. I would guess that, at this very moment, the American public is divided about 50–50 on this issue.

The mail I have received and the calls I have taken from Montanans on this issue suggest that their attitudes are little different than the American public at large on this particular issue. The last time I counted my mail it was running slightly against the sale.

The lobbying on both sides of the issue has been for me an invigorating and inspiring process—invigorating because there has been so much of it, and inspiring because the arguments by proponents and opponents have been so sincere and so well thought out. One thing I was particularly struck by throughout this lobbying process was the depth of good will that Saudi Arabia has instilled in the American people. This good will particularly shines through in the letters sent to me by Americans who have lived in Saudi Arabia and worked among its people.

I would like to insert in the RECORD at this point some letters which illustrate the thoughtfulness and sincerity of some of the people who have urged me to support the sale. These letters were most compelling to me, and I regret that the status of the proposal is not such that we could both accept and reject it. It is a decision not unlike that Solomon faced when he was asked what he was to do with allocating custody over a baby. For the moment, we cannot cut this proposed arms sale in half, just as Solomon chose not to cut the baby in half. Nevertheless, with the depth of good will presented on both sides of this issue, I cannot help but believe that the differences can ultimately be reconciled. I ask that certain letters in support of the sale be inserted in the RECORD at this point.

The letters follow:

SEPTEMBER 29, 1981.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR MR. BAUCUS: As I returned from Bozeman to Saudi Arabia last week, I read in the New York Times that you are one of 46 Senators pledged to vote against the AWACS sale to Saudi Arabia. I am not fond of the idea of the U.S. as arms merchant, and there is much I dislike about Saudi Arabia. Nonetheless, I feel it is important that the AWACS sale be made for the following reasons:

Over the past five years the Saudis have proven themselves dependable friends of the U.S. Obviously we need their oil; through pricing and marketing decisions they have protected our interests against the other OPEC nations. We need to make a similar show of friendship to them.

The Saudi government is firmly anti-communist and anti-Russian expansionist. They are also leaders of the moderate Arab world. If the AWACS sale is not completed, they will lose perceived power among the Arabs and could be forced to join the hard-line Arab states, to turn to the USSR for aid or the royal family might be threatened by destabilization either by conservative anti-western Islamic forces, by Marxist groups, or by a coalition of these.

As leaders of the moderate Arabs the Saudis seem to be working with the U.S. for a solution of problems in Lebanon and with the European nations towards a Palestinian solution. Both solutions would ultimately benefit Israel. As far as Israel is concerned, I believe the U.S. must sell the AWACS to Saudi Arabia to counter-balance the concept of a special relationship between the U.S. and Israel in the eyes of the Saudis, the Israelis and the world.

I do not believe the AWACS—or the Saudis—constitute a military danger to the Israelis. The Saudi military probably does not consist of more than 60,000 men in the national guard and regular forces combined, and is far more concerned with protecting the highly vulnerable oil fields and extensive borders of Saudi Arabia than with attacking Israel. Crown Prince Fahd's call for a jihad, or holy war, with Israel has been highly publicized; what is seldom mentioned is that Fahd stated explicitly that this was not to be waged by military means but was to be a "striving"—chiefly economic and political—by the Arab states. Further, knowing the Saudis had the AWACS might deter the Israelis from attacks like the recent ones on Damascus and the Iraqi reactor.

I hope you will consider this reasoning when you vote on the AWACS sale.

Sincerely,

ARNO BANKS.

Hon. MAX BAUCUS,
Senate Office Building,
Washington, D.C.

I urge you to support the proposed sale of AWACS and the F–15 enhancement package.

I have lived in Saudi Arabia for over 20 years and am in constant contact with Saudi businessmen, the Government's Ministers and members of the Royal Family involved in Government. From my long association with this area, I can assure you that the proposed equipment will not be used for aggression but only for national defense. Saudi Arabia wants only to protect what is theirs. The arms package will serve as a deterrent against military adventure by neighboring countries. Saudi Arabia is a moderating force in the Middle East and steadfastly resists neighbors' efforts to force them to become an activist in the region's political and military contests.

The Saudi Government is stable, the public has direct access to the King, the Crown Prince, Regional Governors and Minister. The public exercises this access to voice opinions and make recommendations concerning Government programs, goals and regulations. The Government listens and acts to make the changes and improvements voiced by the people. The Government is democratic in action. The people are highly individualistic. They think and act very much like Americans.

Saudi Arabia has been a close friend to the United States for a half century. In recent years they have repeatedly demonstrated the value they place on this relationship by political and financial support. They depend on the United States for technology, political and defense support. In spite of pressures from less moderate neighbors, they have visibly aligned themselves with the United States. Due to external pressures, it is becoming more difficult for them to maintain this position. They have not been demanding in this relationship.

U.S. Government approval of the AWACS and F–15 package sale will provide Saudi Arabia a signal visible to their neighbors that they have not been foolish in casting their lot with the United States.

Because of some past disappointments with the United States, this occasion could very well be our last opportunity to show the Saudis that we value their friendship as much as they sincerely value ours. Their friendship for the United States goes beyond Middle East politics, oil and defense. It is truly heartfelt and not always pragmatic.

I am a patriotic American with a great love for my country. Many years of absence amplifies this feeling. I am asking that you support this issue for the benefit of the United States.

HUGH L. RENFRO,
Riyadh, Saudi Arabia.

OCTOBER 1, 1981.

Hon. MAX S. BAUCUS,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: The purpose of this letter is to urge you not to vote against the AWACS sale to Saudi Arabia.

It was my privilege and duty to serve the U.S. Government three times in Saudi Arabia: as Vice Consul and then Consul, 1944–46; as Consul General, 1949–51; and as Ambassador, 1961–65. Since then, I have made many trips to the country in a private capacity. I yield to no one in my estimate of the Saudis as a force for moderation and peace

in the Middle East, and as a stable form of government in an inherently unstable region.

The internal structure of Saudi society may not be compared with that of Iraq, Syria, or Egypt, much less non-Arab Iran. Analogies drawn and predictions ventured from recent events in those countries are simplistic or false. Saudi Arabia has always been governed by devotion to Islamic law and a consensus of traditionally chosen leaders who, in turn, are responsible to their constituents. That responsibility derives not from formal elections but from a mechanism of consultation as old as Arab civilization and highly effective. Ancient in form, the system is fundamentally egalitarian and fundamentally popular. It is not arbitrary and it is not feudal, and those who so label it are either misinformed or ill-intentioned. The structure has survived many shocks in the modernization process. It is likely to hold for many years to come.

I was present when Saudi Arabia made its choice, right after World War II, for an American security relationship. It was sought by both sides, particularly by President Truman, who gave his unilateral pledge to Saudi integrity and independence on October 31, 1950. That pledge was invoked in 1963 by Crown Prince Faisal (later King) and honored by President Kennedy in dispatching an Air Force unit known as "Operation Hardsurface" to deter aggression by President Nasser of Egypt. From then to now, this special bond has served our mutual interests in stability in the region. Saudis keep their word and their military secrets. Defense technology has been progressively shared while training of Saudi officers has built up a reservoir of goodwill for the United States.

Moderation in oil pricing is only one of the by-products. Saudi Arabia has brought about a cease-fire in Lebanon. Behind the scenes (and behind the hyperbole customary in Arab public pronouncements), it has worked for a just and sensible peace between Israel and the Arabs. The "eight points" of Crown Prince Fahad's proposal are close to the Brookings Report of 1975, "Toward Peace in the Middle East," which has been a benchmark of American policy in the recent past. Saudi Arabia is the most anti-communist state in the entire region. It has been a powerful economic force against Marxism in Africa as well as the Arab world.

To veto the AWACS sale is to damage this 30-year relationship of trust and confidence. It will demonstrate that the U.S. cannot be relied upon, as in the past, to back its friends in the Peninsula and the Gulf, to protect a resource vital to us both. It will demonstrate that the U.S. no longer trusts Saudi Arabia to honor pledges of nonaggression and nontransfer of U.S. technology, while tolerating repeated Israeli violations of the terms of our arms deliveries. This double standard, Senator, cannot be explained away. On the floor of the Congress it may appear secondary, but my colleagues in the Foreign Service will be trying vainly to pick up the pieces for years to come. You cannot restore what is shattered.

The Israelis know very well that if we deny the AWACS sale, the Saudis will buy the rough equivalent from non-American, probably British, sources. There will be no American controls over the use of such early warning aircraft. The bottom line for the Israelis is and has always been not the AWACS or its associated systems, but the close alliance of interest of the U.S. with an Arab state which, per force, must strongly object to Begin's creeping takeover of the West Bank. From my direct observation at policy levels over two decades of service, I can affirm that Israeli political action in America has always sought to denigrate the U.S.-Saudi friendship. That is because Israel's governments have feared it will dilute Israeli influence over our policy formulation. It is a shortsighted and egocentric approach. A nonexpansionist Israel is better off if the U.S. has good ties with the Arabs.

I respectfully urge that you not put your name to a measure which will do irreparable harm to a hitherto bipartisan policy of close friendship and cooperation in protecting our vital interests. It is now a question of who runs U.S. foreign policy in the Middle East, Reagan or Begin. Say what one will in the American political arena, that is how the U.S. will be judged in the world at large, where our isolation with Israel on matters of crucial importance is now almost complete.

Sincerely yours,

PARKER T. HART,

U.S. Foreign Service, 1938–69 U.S. Ambassador to Saudi Arabia, Kuwait, and Turkey; Assistant Secretary of State, 1968–69.

Mr. BAUCUS. Mr. President, once again, I mention these facts concerning polls and mail and calls, not because I think these numbers should dictate what my decision will be. Rather, I make note of it largely to underscore the growing public awareness and concern of Americans about our Nation's foreign policy.

I might also note here that when I hold town meetings in my State, I do not think I have ever been failed to ask how I make up my mind about how I vote and what role public opinion has on that vote. My answer to that question is that I look carefully to my constituents for their views on a particular issue to be voted on by Congress. I do so because it helps clarify my own views. But in the end, the decision has to be mine and mine alone. We do not have a plebiscite government, we deal with issues in the United States as a representative government. Or, to paraphrase Edmund Burke, the great English Conservative, as a representative of the people of Montana, I owe the people of Montana my best judgment. That is what I would like to render here today, as I set out to explain my views on the resolution of disapproval.

ARGUMENTS IN SUPPORT OF THE SALE

As I see it, there are roughly nine arguments being offered by the proponents of the sale. These arguments are:

We should help Saudi Arabia because Saudi Arabia is a strong American ally;

We should help Saudi Arabia because Saudi Arabia is a moderate voice among the Arab States and we should promote moderation in the Middle East;

Saudi Arabia is one of our largest suppliers of oil and we should take steps necessary to guarantee our supply of oil;

We should support the sale because it will help moderate future increases in the prices of imported petroleum;

We should approve the sale because it will enhance the peace process between Israel and Egypt;

We should support the sale because it will help insure the stability of Saudi Arabia;

The proposed arms sale will not endanger the security of Israel;

The proposed arms sale will help protect Saudi Arabia from its neighbors;

The technology of the arms to be sold will not be jeopardized by this sale.

ARGUMENTS AGAINST THE SALE

The nine arguments are compelling, but I believe that the arguments in opposition to them are more compelling. Let me take each of the arguments of the proponents in the order presented. Some of them have no real counterarguments.

For example, I think it is indisputable that the proposed arms sale will help our ally, Saudi Arabia. Certainly, one can argue that Saudi Arabia has not been our best ally, but on the other hand, it certainly has not been our worst ally, either. Also, while I think it can be most compellingly argued that the proposed arms will not really provide an adequate defense to the real threats against Saudi Arabia, I think it is fair to say, if the United States continues to provide a defense of the Persian Gulf, the proposed arms would be of some help to the Saudis.

Similarly, I believe the proposed sale would be of some substantial assistance to the Saudis in demonstrating its leadership among Arab States. I came away from Saudi Arabia with a distinct impression that the arms sought by the Saudis were needed as much to bolster the prestige of that government among other Arab governments as it was for the actual security of Saudi borders.

I do not mean to denigrate or patronize Saudi officials, but I cannot help but relate to you that throughout my trip the old aphorism that "the only difference between men and boys is the price of their toys" continued to ring in my mind.

In short, although it is true that the proposed sale would help an ally, and would probably enhance Saudi Arabia's prestige among Arab nations, I do not think that is the basis upon which this sale should be judged. Instead, the critical question for our Government to ask is whether this $8.5 billion arms sale is needed for the security of Saudi Arabia and the defense of the United States.

Before getting to the defense elements of the proposed sale, let me address four other arguments offered to support the sale. Many of the sales proponents suggest that the delivery of these armaments to Saudi Arabia would help guarantee a supply of foreign oil to the United States and it would militate in favor of continued moderation of price increases of foreign oil. As I mentioned at the outset of my remarks, when the U.S. proposed to sell F–15's to Saudi Arabia, it was argued then that one of the principal underlying policy reasons was that it would help moderate the price of oil. Since that sale was approved, a scant 3 years ago, the price of Saudi Arabian crude to the United States has nearly tripled from $12 a barrel to $32 a barrel.

Similarly, while some would argue that the delivery of the armaments proposed in the sale before us would help guarantee the supply of oil, I believe that the availability of oil depends more on the self-interest of the seller than the seller's concern about the buyer. The fact that we are a substantial importer of oil from Libya is certainly evidence in support of the self-interest argument. Perhaps the Wall Street Journal said it best when it said:

This theory fails to take into account why, if the Saudis are so determined to please, they are equally determined to cut back production so as to keep the price from falling in a free market below $32. The explanation can only be that the Saudis are determined to make the biggest bucks they can as fast as possible, by holding out for as high prices as they can get while protecting their enormous market share. . . . Nothing's wrong with such a motive. It's what any rational person would do if he held a dominant position in a cartel like OPEC. . . . In any event, nothing in the Saudis' behavior can be construed as altruism toward the West. We are not dealing here with a nation making sacrifices to bolster in some sentimental way the order America supports. We are dealing with a nation, which like others, adheres to its self-interest. . . .

I have also heard from many of the proponents of the sale that, as was argued in support of the 1978 proposed sale of F–15's to Saudi Arabia, these armaments would help the peace process in the Middle East move forward. This argument ignores Saudi opposition to the Camp David peace Accord, funding of the PLO, and the Arab rejectionist front, and the undermining of Anwar Sadat. It also ignores the real role that Saudi Arabia most recently played in the Syrian missile crisis earlier this spring. At that time, my colleagues will recall that Syria escalated tensions in Lebanon by deploying six batteries of surface to air missiles. To lessen tensions in the area, our Nation dispatched a special Ambassador, Philip Habib, to meet with Middle Eastern leaders. When Habib met with Saudi leaders, they made it quite clear to him that Saudi Arabia supported the Syrian moves in Lebanon and rejected any mediatory role.

Similarly, Saudi Arabia has always made it clear that it supports the Palestinian Liberation Organization. The most recent estimates I have seen suggest that the annual support supplied by Saudi Arabia to the PLO is roughly $300 million a year.

Saudi Arabia has repeatedly called upon other Arab Nations to join in a holy war against Israel. Its contempt for the Camp David peace process is well known. The Saudis led the Arab boycott of Egypt because of its peace treaty with Israel and continues to finance PLO terrorist activities against Israel. It is difficult for me to believe, as the administration would like, that further arms sales would cause Saudi Arabia to moderate its anti-Israel and anti-Egypt stance. The 1978 sale of F–15's did not moderate Saudi Arabia's attitudes toward Israel or the Camp David accord. Notwithstanding the recent publicity given to the so-called Saudi peace plan, which has been praised by Arab Governments and some European leaders, I believe that the anti-Israeli attitudes of Saudi leaders have not moderated.

I also reject the argument that the proposed sale would help enhance the stability of Saudi Arabia. Assuming that an appropriate element of American foreign policy is to shore up the internal stability of our allies—an assumption I am not prepared to make, given our unfortunate experiences in propping up unstable governments in South Vietnam—I do not believe the proposed sale will affect that stability one way or another.

Indeed, I cannot help but think the sale of sophisticated equipment to a government as unstable as Saudi Arabia, would endanger, rather than promote U.S. interests in the Mideast. The recent assassination of Anwar Sadat by religious extremists, the Iranian revolution, and Shi'ite uprisings in Saudi Arabia itself underscore the instability of an area in general and in Saudi Arabia in particular.

As a result of its rapid modernization program, Saudi Arabia is experiencing the same religious and political polarization that occurred in Iarn before the overthrow of the Shah. On this particular issue, I would like to commend my colleague from Missouri, Senator EAGLETON, for pointing out to this body the reservations that he expressed concerning the proposed sale of AWACS to the Shah and the consequences it would obtain from such a sale.

For the last few minutes, I have been addressing what I view to be the five nondefense or diplomatic arguments for the sale. Let me now turn to the three defense related arguments.

Proponents for the sale argue that the arms to be supplied to Saudi Arabia would not endanger Israel. While I do not know for sure whether Israel will be jeopardized, I do believe that on balance, the evidence suggests that the threat to Israel is real and not imagined. To begin with, the sale does raise serious doubts about U.S. commitments to Israel's security. The AWACS and other equipment in the arms package are part of a system that, when integrated with F–15's, forms a formidable defensive unit. The AWACS is central to that unit, because it can dispatch enhanced F–15's at a moment's notice and coordinate an attack on all fronts, from land, sea, and air.

Should technology on ground stations and communications equipment being sold to the Saudis fall into the hands of the Soviets, it could be used to create communications linkups with other Arab nations, all of whom could join a concentrated attack on Israel. Even if the technology does not fall in the hands of the Soviets, given the role that Saudi Arabia played in previous Arab-Israeli wars, I cannot help but conclude that the potential threat against Israel is real. Also, I must again point out that the sale of the equipment to extend the attack range of Saudi F–15's violates the Carter administration guarantees to Congress that those airplanes would not be given offensive capabilities.

I should also point out that, in my judgment, the proposed sale, if approved, will likely escalate the arms race in the Middle East. If Israel is truly threatened by the AWACS sale, as I believe, the administration will ultimately feel obligated, as some have reported, to offset the threat by providing Israel with F–16's or access to spy satellites. Saudi Arabia, on the other hand, could be encouraged to request more weapons, as I suspect they will, including the multiple ejection bomber racks for the F–15's.

Mr. President, while no one disagrees with the need to protect Persian Gulf oil supplies or counter the increasing Soviet presence in the gulf, I believe it is unreasonable to assert that by pumping more and more arms into an unstable Arab State, we will more effectively defend against further upheavals. The sale could eventually embroil the superpowers in a war.

I have also heard that the arms package, if approved, will reduce Soviet influence in the region by increasing the security of Saudi Arabia. I am more convinced that the major threat to Saudi Arabia is internal, not external. If there were a Soviet attack or a Soviet-inspired attack by one of Saudi Arabia's neighbors, the AWACS package, operated by Saudi technicians, would be of little use. The Saudi Army, for all of its advanced weaponry, is small and undertrained. The Saudis understand this, and I would hope that if the sale is disapproved, U.S. officials will be able to negotiate with Saudi Arabia a satisfactory and workable and noncompromisable defense assistance pact for the future.

The final argument I would like to deal with is that the proposed sale, if approved, would in no way jeopardize the security of the technology we are transferring. For those of you who will recall the anxiety expressed by our military experts when not all of our equipment was properly destroyed when we aborted our military mission to rescue our American hostages in Iran, I would simply suggest that the loss of an AWACS plane is likely to be more damaging to our security than the destruction of a few helicopters in the Iranian desert. Or, as one of my colleagues recently suggested, if the technology involved in the sale is not all that great, why are we charging $8.5 billion for it?

SUMMARY

Mr. President, in summary, I would like to say that I plan to vote against the proposed sale today because I believe that the decision to provide sophisticated weapons to such an unstable government is misguided, that it increases the possibility of secret technology falling into unfriendly hands, that it endangers the security of Israel—the only stable U.S. ally we have in that region—that it will not increase Saudi Arabia's security or improve U.S. credibility as an ally, and finally, that it would further escalate the Mideast arms race.

CONCLUDING THOUGHTS

I would like to make one final point about the handling of this issue by President Reagan over the past few days. The papers back in my home State are carrying stories that suggest that a vote against AWACS is nonpatriotic. These stories say that President Reagan declared that Senators who refuse to see the benefits in the sale for the United States and for Israel are "not doing their country a service." I take strong issue with that statement. As I waded through all the arguments for and against the sale, the most important principle I used to guide my judgment was what I thought to be the best interest of the United States.

Some people might have us believe that

the point of this debate is to vote on who is our better friend: Israel or Saudi Arabia. I reject that formulation of the issue, for both are friends of the United States. And even if one was a better friend than another, by any particular measure, I would suggest that friendships tend to be ephemeral. In the course of my lifetime, remembering that I am one of the younger Members of the Senate, we have had allies become enemies—for example, Russia, Iran and Cuba—and we have had enemies become allies—for example, Japan, Germany, and Italy. Indeed, we have had some nations, such as Egypt and China, who have switched from friend to foe to friend again in the space of just 40 years.

I am not suggesting that we should not make decisions on the basis of who are our friends; rather, the overriding consideration in our policy judgments should be what is best for the United States. That, I say again, is the principle that guided me in formulating my conclusion on this critical issue.

I have tried to set out today why I have concluded that the delivery of these arms are not, on balance, ultimately in the best interest of the United States.

I would also argue that I am not persuaded that the sale should be approved because the United States should speak as a single voice. Our forefathers intended that its representatives play a role in the formulation of foreign policy. The Senate is required by the Constitution to advise and consent on certain foreign policy actions. We are not required to approve all actions; rather, we are faced with the responsibility of whether to approve or disapprove such actions. The same task confronts us today, and I would argue that we should disapprove this action.

Finally, when we are called upon by the President to approve the action because his prestige as the leader of the United States is on the line, I cannot help but recall that before President Reagan was elected to this high office, he argued for defeat of the Panama Canal Treaty, a treaty negotiated by six previous administrations, and he opposed the SALT II agreement, a treaty negotiated by three previous administrations.

While I would agree with them that our relations with other nations would probably be more predictable and perhaps more stable if our Nation always spoke with a single voice, I would also like to point out that we are a nation of checks and balances, a nation of divided opinions, and a nation that has in operation the longest active constitutional form of government in the world today. Or, to paraphrase the late Winston Churchill, "our form of government may not be the most predictable or the best understood, but it is the best and most fair form of government in operation on this globe."●

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. PACKWOOD) is recognized for 30 minutes.

Mr. PACKWOOD. Mr. President, in considering the arms sale package, it should be clearly borne in mind that any action we take in the Middle East, whether it be this arms sale package or otherwise, should lend itself toward the furtherance of U.S. policy in the Middle East. Therefore, before going further, it would be wise to state our policy.

Mistakes often are made because different parties assume different goals. Unless I am mistaken, the goal of this administration, as it has been in past administrations, and of this and past Congresses, in the Middle East is twofold.

First, peace among the states in the Middle East who—we hope—will then form an anti-Soviet salient, and

Second, keeping oil flowing from the Middle East to the West.

Now ask yourself four questions when you consider whether we move toward those two goals—peace and oil—by going forward with the arms sale package to Saudi Arabia.

Those four questions are:

First, are the interests of the United States—peace and oil—best served by the large-scale arming of the Middle East powers, including Saudi Arabia?

Second, is Saudi Arabia competent or willing to act as the linchpin to guarantee peace in the Middle East?

Third, is Saudi Arabia willing to sustain continued production of oil satisfactory to U.S. needs?

Fourth, would the United States be better advised to adopt alternative means to achieve its goals?

I.

Let us take the first question first.

Are the interests of the United States—peace and oil—best served by large-scale arming of the local powers including Saudi Arabia?

No one would seriously suggest there is peace in the area today. Iran and Iraq are at each other's throats. Likewise Ethiopia and Somalia. Ditto for Libya versus Chad, Egypt, and the Sudan. Syria occupies Lebanon as a conquering power. There is no other area of the world living in such a continual state of siege and warfare. Are they at war because of a lack of arms? If so, would an increased supply of arms bring peace?

A recent United Nations report stated that five Middle Eastern nations—Saudi Arabia, Jordan, Syria, Iraq, and Iran accounted for one-third of all the weapons imported by the developing nations from 1977 to 1980. Saudi Arabia alone has the sixth highest arms budget in the world and far and away the highest per capita arms budget. This does not count the money Saudi Arabia supplies to the other Arab countries and the PLO for their arms purchases. No, there is no dispute the Middle East is already well armed and at war. The question is this: Is there any reason to think that if they are even better armed, there will be less war? Reason and history deny that conclusion. Therefore, the U.S. goal of peace in the Middle East will not be furthered by more armaments in the Middle East.

However, the United States has another goal in addition to peace—oil. Should we be willing to escalate the existing warfare in the Middle East if, in exchange, we get oil? To put it more bluntly, should we be willing to increase death by war in the Middle East in exchange for oil in the United States? That question needs to be faced, however, only if you presume that escalated warfare will insure the flow of oil. Again, reason and history dictate otherwise.

Nations armed with only Springfield rifles and aging machine guns may kill many people but they are not likely to damage many pipelines, wharfs, ships, refineries, and all the other accoutrements necessary for the modern supply of oil. But nations armed with state-of-the-art fighter-bombers and tanks and artillery will not limit their fighting to rural villages. They will do whatever is necessary to wreak havoc on the enemy. The surest way in the Middle East to do that is to destroy the very resource that provides belligerents with the cash to buy arms. That resource of course is oil.

Iran and Iraq have conclusively demonstrated what well armed antagonists will do. They will bomb and destroy each other's oil producing facilities. Iran and Iraq have done that, and oil production and the concomitant flow of oil to the West has dropped dramatically in both countries.

Prior to the start of the Iranian-Iraqi war, Iraq reached a production high of almost 3½ million barrels of oil a day. Today it has dropped close to 1 million barrels. Iran, which had reached a high of 6 million barrels a day of oil production under the Shah, saw that fall to approximately 3 million barrels a day after the Shah was deposed. Today that number is closer to 1,600,000 barrels. The decline of the production of oil in Iran and Iraq can be traced directly to the bombing, shelling and other damaging of each other's oilfields. They could not have done this had they both not been armed with the most modern weapons of war.

Arming the Middle East, therefore, will produce neither peace nor oil.

II.

Assuming that going forth with the arms sale package will guarantee neither peace nor oil, the argument still maintains that failure to go forth also does not guarantee peace nor oil. Therefore, we should run the risk anyway, make the sale, and premise our hopes on Saudi Arabia becoming the keystone of U.S. policy in the Middle East.

Therefore, if we decide to supply large-scale armaments to Saudi Arabia, we must ask the second question:

Is Saudi Arabia either competent or willing to guarantee the peace necessary to establish an anti-Soviet salient in the Middle East?

Saudi Arabia has a native population of 4 to 5 million and about 2 million foreign workers and their dependents. The foreigners are a source of instability rather than stability.

The Saudi armed forces number about 100,000 of which the army numbers about 65,000. Most of the military is unlettered and unschooled. Certainly they are not able to cope with the technicalities of the modern weapons of which Saudi Arabia already has a surfeit.

The Saudi armed forces have not known combat for 50 years and even before then, only as tribal irregulars.

Our only notice of their military was in 1969 when an extensive conspiracy against the ruling house was uncovered and in 1979 when it took 3 weeks for the military to subdue a handful of fanatical tribesmen who seized the great mosque. Many arguments have been made for the arms sale package to Saudi Arabia. One of them is not that the Saudis are or will become a great fighting force.

Also, it should not be assumed that the Saudis are evenhanded in their views about a foreign military presence in the gulf area. While the Saudis are fond of saying that the security of the area lies solely with the states in that area, their actions indicate otherwise.

For example, Saudi objection was the principal reason for the U.S. decision not to supply modern aircraft and weapons to North Yemen in 1978 and 1979. It was little noted that North Yemen has a population larger than Saudi Arabia, has a historic dislike of Saudi Arabia, and has an army well conditioned by years of recent fighting.

Additionally, Saudi Arabia expresses vehement opposition to the granting of military facilities to the United States by such countries as Egypt and Oman.

On the other hand, the Saudis have never denounced the treaties of cooperation between the Soviet Union and Iraq and Syria. These treaties give the Soviet military air and naval facilities in those countries.

In May of 1981 at the Gulf cooperation council, the Saudis rebuked the sultan of Oman personally for granting facilities to the United States. The conference then went on to a statement affirming their absolute rejection of foreign interference in the region from any source. There was not a single word in the communique about the quasi colonization of South Yemen by the Soviets or Soviet bases in other Arab countries.

No, it is clear that Saudi Arabia does not have an evenhanded policy on foreign military presence in the area. It tilts against the United States. But even if Saudi Arabia tilted toward the United States, it is not competent to stop any Soviet threat through the Middle East. Its population is too small, its army too meager and untrained, and its leadership among other nations in the gulf too fragile to lead the Persian Gulf States into a pro-United States-anti-Soviet stance. It is therefore clear that Saudi Arabia's military capability is such that they are not competent to guarantee peace in the Middle East and their action, in any event, guarantees they are not willing to guarantee peace.

III.

Despite the fact that the Saudis cannot or will not keep the peace, should we sell them the arms anyway in hopes of keeping the oil flowing to the United States? This poses the third question:

Is Saudi Arabia willing to sustain continued production of oil satisfactory to U.S. needs?

The decisions of Saudi Arabia concerning oil are not determined altruistically, much as we might wish to think so. Those decisions are made on the basis of what level of production best serves the interests of Saudi Arabia. Why we or any other country should expect them to act otherwise baffles me.

Every country bases its decisions, foreign and domestic, on what it thinks is best for it. Saudi Arabia is no exception. Sheik Yamani, the Saudi Oil Minister, on several different occasions has indicated the factors which determine their oil production. Quotes from two are instructive.

The first is from a speech on January 31, 1981 at the University of Petroleum and Minerals, Dammam, Saudi Arabia. A questioner from the audience asked:

The Saudi citizen who looks at his country's current oil policy finds that the country is producing more than its economy needs and is selling at prices lower than the current prices, even lower than the prices received by other Gulf States. Such sacrifice is rewarded by hostile attacks and threats by the press, media and even certain high government officials in certain Western countries. Don't you think the time has come for us to stop sacrificing ourselves for the sake of oil consumers?

Yamani replied:

OPEC gets the blame for raising oil prices. We have become used to this matter. Western information media is basically controlled by Zionist sympathizers, or by the Jews themselves.

Saudi Arabia's interest may appear to be served by lower production rates and higher prices, irrespective of the outcome. Let me remind you of my earlier statements regarding the link between price and consumption rates. Whenever prices go down, consumption goes up and vice versa. Whenever oil prices increase, large amounts of capital are invested in search of alternative sources of energy and in a search for oil in different areas. If we force Western countries to invest heavily in finding alternative sources of energy, they will. This would take no more than 7 to 10 years and would result in reducing dependence on oil as a source of energy to a point which will jeopardize Saudi Arabia's interests. Saudi Arabia will then be unable to find markets to sell enough oil to meet its financial requirements. This picture should be understood.

Further evidence of the Saudi thinking in determining levels of oil production is buttressed by an exchange of questions and answers between Sheik Yamani and Muhammed Ma'Ruf Ash-Shibani in Jidda just last month reported by our State Department's foreign broadcast information services.

Question. Saudi Arabia has persistently advocated the reduction of oil prices. It has also been selling its oil below world prices. What is your philosophy behind this policy, and why this insistence on reducing prices?

Answer. Increasing oil prices during 1979 and 1980, from a little over $12 to $32 or more (per barrel), has caused a great rush toward investment in energy utilities, with the aim of reducing consumption and developing alternative energy sources in order to lessen reliance on oil.

This has resulted in a drop in OPEC's share of the market from 31 million barrels per day in 1979 to much less than 24 million barrels this year. Some analysts believe that OPEC's share in the nineties will drop to less than 15 million barrels per day. This means the end of the organization. It also means many economic difficulties for the Saudi Arabian kingdom, which basically depends on its oil income. We have often cautioned against the consequences of increasing oil prices rashly and unwisely.

I recall that last year I pointed out to this fact at the Petroleum University and warned of a glut in the market. Unfortunately, many people in Saudi Arabia, including educated people, did not visualize this as a reality. We in OPEC are now suffering from a real crisis whose cause is oil price rises, and we will not be able to lessen the acuteness of this crisis except through taking the course we are taking now, which is to reduce oil prices.

They should be reduced, if possible or, at least, so as to curb investment in alternative sources so that this organization will once again be what it used to be in the past, and so that the Saudi Arabian kingdom will be assured of obtaining sufficient income to meet its financial requirements for the next 20 or 30 years.

There then follows an exchange of questions and answers as to whether or not Saudi Arabia is using oil as a weapon. Sheik Yamani does not fully admit that oil is being used as a weapon. But the following exchange occurs:

Question. Is this an exclusion of the possibility of using oil as a weapon?

Answer. With the existence of a large oil surplus at present, talk about using oil as a weapon is sheer fantasy. But oil as a political force still exists. Oil as a political weapon will come back once again when there is a balance between supply and demand.

If the Arab peoples find out the truth about what the price increase has done to their cause, they will rise to demand that their governments reduce prices so that demand will increase and the oil weapon will regain its strength.

Question. Is it true, therefore, that increasing Saudi production, which might be one cause of the surplus, will bar the possibility of using oil as a weapon?

Answer. Increasing production is in fact in the interest of hastening the time when the oil weapon will return.

Because the weakness of this weapon is due to the surplus, and, the surplus is caused by the high prices, which in turn have led to big investments in oil substitutes and to a reduction in consumption. If we can reduce prices we can lessen the rush into these investments. We can then restore the importance of oil. We can control the price only by a decision or through productions, they are inter-linked. If you can increase production sufficiently to bring pressure on the levels of market prices and remove the possibility of their increase, then you lead on to what is happening now in the major industrial powers which have begun reconsidering their investments in alternative energy sources.

As a result of the Saudi production and pricing policy many major companies have been very reluctant to implement their energy substitution projects. This is in the interest of the Arab cause in that it restores the importance of oil.

Question. Is the kingdom making efforts to contribute to the development of alternative energy sources, or is this contrary to Saudi Arabia's desire to reduce the West's investments in this field in order to leave the door open for marketing Saudi oil?

Answer. At present we have no interest in participation.

Thus it is clear that Saudi oil prices are not determined by a love or hate of the United States. They are not determined by an altruistic sense of supporting the Western economies. Saudi oil prices are decided by an understandable self-interest—to wit—if oil prices go too high, the West will turn to alternative sources of energy and thereby destroy Saudi Arabia's dominant source of income.

Thus, it is clear. They will choose to supply such amounts of oil as they think

appropriate for their own domestic interests. Whether the arms sale package is approved or disapproved is irrelevant to that decision.

IV.

Now let us move to the fourth question:

Would the United States be better advised to adopt alternative means to achieve its goals, for example, peace and oil, in the Middle East?

To answer this question requires a bit of historical review.

The present Saudi kingdom is a relatively new fixture in the Middle East. It is little known that the House of Saud was effectively driven from the Arabian Peninsula in the last century. As the century turned, the Saudi family lived in refuge and exile in Kuwait, depending for sustenance on the charity of its arch enemy, the House of Al Rashid, which had conquered most of the Saudi's Arabian holdings.

It is not necessary to detail here the turn of fortune. Suffice it to say that under Ibn Saud, surely one of the most successful warrior conquerors in the history of Arabia, the House of Saud by conquest or corruption regained not only all of its old possessions but the bulk of the Arabian Peninsula. The following chronicles the Saudi expansion from the turn of the century to the present.

1902: Ibn Saud recovers Riyadh, the family seat, from the rival house of Al Rashid (rulers of Jabal Shammar).

1902–05: Ibn Saud recovers the rest of Najd and the Qasim (to the northwest).

1913: Ibn Saud wrests control of Hasa (the eastern province lying along the Gulf coast) from the Turks. He thereafter (in May 1914) acknowledged Turkish suzerainty and was appointed Ottoman *vali* (governor-general of Najd.

1915: In December 1915 Ibn Saud concluded a treaty with Britain which recognized him as ruler of Najd and Hasa, and required him to refrain from aggression upon Kuwait, Bahrain, Qatar, and the Trucial Shiekdoms (now the United Arab Emirates).

1919: Saudi forces occupy Khurma on the eastern approaches to the Hejaz.

1920: Saudis occupy the northern part of the Asir (on the Red Sea coast, south of the Hejaz).

1920: Saudi forces attack Kuwait but are repulsed.

1921: Ibn Saud conquers Jabal Shammar (to the north of Najd), deposes the Al Rashid dynasty, and annexes the principality.

1921–22. Saudi forces raid lower Iraq and Jordan, then under British mandate.

1922: Ibn Saud forced to conclude a treaty with Britain, laying down the frontiers of his dominious with Iraq and Kuwait (Convention of Uqair).

1922: Saudi forces raid up Wadi Sirhan into Jordan: stopped by British.

1924: Large Saudi raid on lower Iraq, again repulsed by British.

1924: Ibn Saud launches campaign to conquer the Hejaz. Captures Mecca, October 1924.

1925: Conquest of Hejaz completed. Medina captured, December 1925; Jidda later the same month.

1925: Frontier of Najd with Jordan defined by Britain in the Hadda Agreement (October 1925). Ibn Saud refused to acknowledge assignation of Aqaba and Maan to Jordan.

1922–36: Ibn Saud keeps up blockade of Kuwait in attempt to divert its trade to his own Gulf ports.

1930–34: Ibn Saud annexes remainder of Asir (on Red Sea coast) and slices of Yemen.

1933: Ibn Saud awards concession for his eastern dominions (al-Hasa) to Standard Oil of California.

1935: In negotiations with the British government to determine the eastern frontier of Saudi Arabia, Ibn Saud claims part of Qatar, the western and southern marches of Abu Dhabi, much of inner Oman, and the whole of the Rub al-Khali (the Empty Quarter), comprising about 200,000 square miles. Claim rejected by Britain.

1949: Ibn Saud forward new frontier claim to lower Qatar, four-fifths of the shaikhdom of Abu Dhabi, and all of inner Oman.

1950–51: Saudis try to bribe tribes of areas claimed to declare allegiance to Ibn Saud.

1952: Saudi force occupies part of Buraimi Oasis on border between Abu Dhabi and Oman. Sultan of Oman moves to eject Saudis by force. Saudis appeal to United States ambassador at Jiddah who intercedes with British to stop the Sultan. Standstill agreement concluded while British-Saudi negotiations on frontier continue.

1952–54: Saudis systematically violate standstill agreement, bribing tribes and running arms and agents into disputed area.

1954: Arbitration agreement concluded by Saudi Arabia and Britain to submit frontier dispute to arbitration tribunal.

1954–55: Saudi Arabia persistently breaks terms of arbitration agreement, distributing money and arms to tribes in disputed areas, tries to bribe brother of the ruler of Abu Dhabi, and to assassinate both.

1955: British forces eject Saudis from Buraimi Oasis in October and Britain declares a de facto frontier.

1955–57: Saudi Arabia trains an "Omani Liberation Army" in Hasa and sends it into Oman to raise a rebellion against the Sultan. Rebellion suppressed by Britain (summer 1957).

1964: Saudi Arabia gives arms, money and transport to tribal shaikhs in Dhufar (in southern Oman) to rebel against the Sultan.

1967: Saudi Arabia puts forward new frontier claim against Abu Dhabi. Rejected by Britain.

1970: Saudi Arabia advances a further frontier claim against Abu Dhabi and Oman, and demands cessation of oil prospecting in Abu Dhabi under threat of force.

1974: Abu Dhabi concedes stretches of territory in west and south of sheikdom to Saudi Arabia in return for Saudi recognition of the United Arab Emirates.

1977: Saudi Arabia obtains further territorial concession in western part of Abu Dhabi, consolidating the corridor the Saudis had obtained to the lower Gulf. Demand made upon Oman to concede a frontier lying along longitude 56° East. So far the Sultan has rejected these demands.

From the 1930's onward, the expansionist endeavors of the Saudis were actively abetted by the American oil companies to whom oil concessions had been let and especially by the Arabian-American Oil Co., while the Department of State habitually looked with benign indifference upon, or at times lent surreptitious encouragement to, what it chose to regard as the fulfillment of Saudi Arabia's manifest destiny—to rule all of Arabia from sea to sea. Every Saudi decision is bent toward that end.

All of the surrounding states on the Arabian Peninsula once looked to Britain for their protection, and until 1971 Britain provided that protection. Then the English moved out. These states were accustomed to having British bases in their countries that provided them with British protection against Saudi aggression. Some have given an indication that they would welcome U.S. bases to protect them against Saudi aggression. Certainly they would more likely welcome U.S. bases than Saudi Arabia.

One does not have to seek far to find the reasons for the Saudi Government's refusal to allow the United States or any Western power bases in Saudi Arabia, as well as for the reasons for its objections to their location elsewhere in the Arabian Peninsula. The basis of the Saudi State is religious. The authority of the Saudi ruler derives from his position as Imam, or leader of the Wahhabi sect of Islam to which the great majority of the Saudi people belong.

As such, his foremost duty is to uphold the predominance of Islam in the conduct of the country's affairs, to defend the sacred soil of Islam against its foes, and to assert the primacy of Islam over all other faiths. The Saudis also derive a certain prestige from their role as sovereign protectors of the holy cities of Mecca and Medina, although not all Muslims everywhere regard their usurpation of the guardianship of the holy places from the Hashimite dynasty half a century ago as legitimate. It follows from all this that the presence of tens of thousands of westerners and other non-Muslim foreigners in the country places a considerable strain upon the theocratic relationship between the Saudi ruler and his subjects.

The only way in which the Saudis can reconcile their obligations as defenders of the faith with their tolerance of large numbers of infidels within the pale of Islam, is by representing these infidels, who include, in Saudi eyes, American military support personnel, to their people as mercenaries performing tasks which are beyond the competence or beneath the dignity of the faithful to assume.

Such a pretense can be maintained so long as no significant concessions are made to these foreigners, or to their governments, which might be construed as a derogation from the Saudis political sovereignty. To grant to the United States the right to bases in Saudi Arabia, from which American troops under American command might operate, would be tantamount, in the eyes of the Saudi rulers and their people, to alienating a portion of the heartland of Islam to the infidel. Such a dereliction of its duties would strike a severe, perhaps even a mortal, blow to the foundations of the Saudi royal family's authority. Because they are so keenly aware of this possible eventually the Saudis have refused, and will continue to refuse, to concede any ground to the United States on the issue of base rights, or even the provision of operational facilities.

It might be objected in reply to this contention that it ignores the fact that Saudi Arabia has in the past made such a concession, viz, by granting the United States the lease of the air base at Dhahran almost 40 years ago. But the grant was made in the peculiar circumstances of the Second World War, when Saudi Arabia stood in dire need of American financial and material assistance. As soon as oil revenues began to flow in substantial quantities, as they did in the 1950's, the Saudi Government terminated the lease of the Dhahran base.

Nor does one have to look far to understand Saudi Arabia's opposition to the establishment of American bases or forces elsewhere in the Arabian Peninsula. The Saudi opposition to these bases is not based upon their internal theocracy but upon their external aggression. The Saudi desire for hegemony over the entire Arabian Peninsula can best be arranged and completed if Saudi Arabia is the most powerfully armed and dominant military force in the peninsula. Thus, any suggestions that other Arabian Peninsula nations might permit American bases on their soil draws immediate denunciation from Saudi Arabia. Ask Bahrain or the United Arab Emirates or Qatar, or Oman or the Yemens if they want a more powerful Saudi Arabia. Why have not one of them publicly endorsed this arms sale package? For a very simple reason: they dislike and distrust, with justification, Saudi Arabia's motives.

Saudi Arabia would be the benevolent protector of the Arabian Peninsula in about the same fashion that Rome was the benevolent protector of the known Western civilized world 2,000 years ago. Pax Romana may have meant peace and prosperity to Rome. It meant subjection and subservience to the rest of the world.

If we choose to make Saudi Arabia the keystone of our policy in the Middle East, it will not work. Worse, it will foreclose the options to work with and cooperate with all of the surrounding Arab States who have an intense dislike of Saudi Arabia. If the United States continues to acquiesce feebly in every Saudi prohibition or peremptory demand, there is faint chance that the rulers of the smaller states will be induced to enter into any mutual defense arrangements with the Western powers.

Not only are we putting all of our eggs in one basket, we are putting them in the wrong basket. The United States interests are not going to be served in the Persian Gulf area by banking on the good wishes and the good will of Saudi Arabia. We are instead better served by realizing that Saudi Arabia is a feudal state, fraught with internal difficulties, and feared by its neighbors. These states know that their interests are not protected by Saudi Arabia. The United States, however, is giving these other nations no chance to turn to the United States because of our obsequious fawning to Saudi Arabia. Our choices are really two: Pin our hopes on Saudi Arabia and fail, or pin our hopes on the other surrounding states and hopefully succeed.

Before I conclude, let me review once more our goals in the Middle East. Those goals are:

First, peace among the states in the Middle East who—we hope—will then form an anti-Soviet salient, and

Second, keeping oil flowing from the Middle East to the West.

In determining whether or not these goals are furthered by the arms sale to Saudi Arabia, it was necessary to ask the following four questions:

First, are the interests of the United States—peace and oil—best deserved by the large scale arming of the Middle East powers including Saudi Arabia? The answer is unequivocally "No."

Second, is Saudi Arabia competent or willing to act as the linch pin to guarantee peace in the Middle East? Again—"No."

Third, is Saudi Arabia willing to sustain continued production of oil satisfactory to United States needs? Unfortunately—again the answer is "No."

Fourth, would the United States be better advised to adopt alternative methods to achieve its goals? Without question, the answer is "Yes."

We should, therefore, turn down the arms sale package to Saudi Arabia and continue on with the work of forging a firm relationship with nations whose interests are in accord with ours rather than trying to form an alliance with a nation whose interests will never be ours.

Mr. President, I wish to summarize, abbreviate, and change some of my lengthy formal statement and speak to some of the comments I have heard here today.

Mr. President, first it has been said today by almost every speaker about the security of Israel. We are all pledged to it. I am pledged to it. President Reagan is pledged to it. This entire Senate is pledged to it, and much of the argument about this sale has revolved around Israel.

So, from this moment on I wish to make my arguments against this sale as if Israel did not exist.

The Arab States in the Middle East have existed for a long time, sometimes as states in the international sense and sometimes as tribal entities without international recognition, but they existed long before the modern State of Israel was created. They have disliked each other for a significant period of time. They have fought and feuded with each other most of the time, and if the State of Israel were to disappear today, peace would not come to the Middle East.

So, in considering this package let us look at it from a standpoint of what would happen if there were no Israel and in considering this package let us look at it from the standpoint of what is our interest in the Middle East and what is the interest of the Arab States and especially Saudi Arabia in the Middle East because often when we start talking about goals, it turns out that different people are talking about different goals.

I think that our goals in the Middle East are twofold.

One is peace, peace among all of the States in the Middle East in the hope that they might get together and form an anti-Soviet salient, and I do not use the word "peace" as a homily. On occasion in the past it has been this country's policy to provoke war. We did it in Mexico in the 1830's. We did it in the Spanish American War because we thought it was in our interest.

It is not in our interest in the Middle East to provoke war. Peace is in our interest.

The second interest we have in the Middle East is oil, the continued supply of oil to the United States in particular and to the West in general.

Saudi Arabia, on the other hand, has but one goal in the Middle East, and that is the complete control of the Arabian Peninsula—political sciences call it the hegemony—either physical control by occupation or political control by financial or other means. They have no other goal. They do not have a goal of peace unless it leads to that interest and if peace does not lead to that interest then they support any kind of tension and nonpeaceful situation that they can create. Oil is simply a means to an end for them. Oil is a means of achieving their end which is the domination of the Arabian Peninsula.

Now, what is going to happen if we go forth with this arms sale or should we go forth with this arms sale? And I think we should ask first, from our standpoint, four questions.

One, are we going to get peace and oil if we go forth with the arms sale?

Two, if we go forth with the arms sale, is Saudi Arabia willing or competent or both to act as a lynch pin for peace in the Middle East?

Three, if we go forth with the arms sale, is Saudi Arabia willing to keep the oil flowing to the United States?

Four, if we do not go forth with the arms sale, is there some other option that we should be considering?

Let us take the first questions first. Is the arms sale going to encourage peace in the Middle East?

I hope no one would suggest that there is peace in the Middle East today. Iran and Iraq are at war. Syria occupies Lebanon. Libya occupies Chad and would like to occupy the Sudan and Egypt.

Most of the countries of the Middle East have been fighting with each other for a fair period of time, and today is no different. Peace does not exist in the Middle East today.

Now, is the reason that peace does not exist because there is a lack of arms in the Middle East?

A recent United Nations report issued last week indicates that five Middle Eastern nations, Saudi Arabia, Jordan, Syria, Iraq, and Iran, accounted for one-third of all present weapons imported by the developing nations in the world between 1977 and 1980. Saudi Arabia has the sixth highest arms budget in the world and far and away the highest per capita arms budget in this world, and that does not count the money that Saudi Arabia supplies to her fellow Arab countries and the PLO for their arms purchases.

So, let us do not any have dispute about the fact that is the Middle East well armed. They are well armed. The question is, would we be more likely to get peace if they are further armed? And history and reason simply do not dictate that conclusion.

Peace, our goal, is not going to come by further arming of the Middle East.

So, let us take our second goal, are we going to get oil if we arm Saudi Arabia? Or to put it more carefully, if we increase the armaments in the Middle East and especially in Saudi Arabia and thereby cause more deaths in the Middle East, will we get more oil in the United States?

Nations armed with Springfield rifles and aging machineguns can carry on war and indeed they can raid rural villages and kill a fair number of people. But they are not likely to damage many pipelines, refineries, wharves, and all of the other accoutrements of modern day warfare, and they are not likely to destroy any oil refineries with rifles.

However, if they are armed with state-of-the-art missiles, planes, tanks, bombers, they will do everything they can to wreak havoc to the greatest extent on their opposition and in the Middle East the best way to do that is to destroy your enemy's oil facilities which produces the income that enables the nation to buy armaments.

Iran and Iraq are perfect examples of what has happened. Iraq at the zenith of its production was producing 3.5 million barrels of oil a day. Now it is close to 1 million. Iran under the Shah had reached 6 million barrels of oil a day. After the Shah's disposition it dropped to 3.5 million. Since the war started with Iraq it has dropped to 1.6 million barrels a day. There is no question that if we continue to arm the Middle East the supply of oil is going to go down, not up, because the facilities to produce it, transport it, refine it are going to be destroyed.

Arming the Middle East, therefore, is going to produce neither peace nor oil.

Assuming that going forth with the arms package will not produce peace and oil, the argument is still made. How do you know if we do not go forward with it, do not go forward with it, we will get the peace and oil, and therefore let us go ahead and take a chance on Saudi Arabia and arm them and hope that they are willing to become the keystone and the linchpin for our policy in the Middle East, and again our policy is peace and oil.

Saudi Arabia's is not peace. But if we arm them will they become that linchpin? Well, first, look at Saudi Arabia, a country of roughly 4 to 5 million people, about 1 million adult males, roughly 2 million foreigners in their country, counting dependents, and the foreigners are certainly a factor for instability rather than stability.

Saudi armed forces number about 100,000; 65,000 probable fighting units, counting the army and the air force.

They do not have enough trained personnel who are well-schooled and well-lettered, today to handle the surfeit of modern weapons they have.

The Saudi Armed Forces have not known combat, as we understand it, for the better part of 50 years. They are untrained for war and unlettered for the handling of complex weapons.

But all we have noticed from the military was in 1969 there was a substantial purge of the military because of the discovery of strong anti-royalist sentiments, and 1979 when the mosque was seized, it took the military 3 weeks to dislodge a handful of fanatical right-wing Islamic tribesmen who had seized the mosque.

I have heard a number of arguments made today for the sale to Saudi Arabia. I have not heard a single person with a military background or otherwise make the argument that the reason for the sale was that Saudi Arabia was going to become a great fighting force. It is not and it cannot.

Nor should it be assumed that the Saudis are evenhanded, however, in their views about foreign military presence in the Gulf area. The Saudis, of course, along with some of their purchased friends have said that the protection of the Persian Gulf is up to the Gulf States, and they oppose foreign interference.

You will recall in 1978 and 1979 when Saudi Arabia——

Mr. BOSCHWITZ. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Oregon has the floor, and I ask those conducting conversations to do so outside of the Senate.

Mr. PACKWOOD. I appreciate that from the Chair.

Saudi Arabia objected to our providing armaments to North Yemen, and we did not. So instead the Soviets did, and now the Soviets provide arms to both North and South Yemen.

Then when Oman was going to grant us a base—and we may yet get it if the Sultan of Oman continues his courageous position he has taken—Saudi Arabia objected to it. Saudi Arabia objects to our presence in any place in the Gulf area. Interestingly, they do not have the same objections to the Soviets. When the Gulf Cooperation Council met earlier this year they issued a denunciation of the Sultan of Oman, and Saudi Arabia personally added to it, because the Sultan was going to give us a base, and yet not a word in their communique about the treaties of friendship with the Soviets and Iraq and Syria, and the bases that the Soviets have in those countries; not a word about the colonization, for all practical purposes, by the Soviets surrounding Saudi Arabia.

No, Mr. President, it is clear that Saudi Arabia does not have an evenhanded foreign policy. They tilt in this case toward Soviet bases and away from American bases.

But even if they tilted toward us, this country is too small, too poorly trained, its military too meager, and its relations with its fellow Gulf countries too fragile.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PACKWOOD. When I finish.

Mr. TOWER. I just wanted to ask the Senator if Saudi Arabia has diplomatic relations with Moscow.

Mr. PACKWOOD. No; nor do most of the countries. Kuwait does.

Despite the fact the Saudis cannot keep the peace, cannot—they do not have the capacity to do so, and they have not evidenced the will to do so. Should we sell them arms in the hope that they will keep oil flowing? Here are the critical questions month after month, week after week, and day after day. The Saudis have been very moderate, they only raised their prices to $32 instead of $34 or $36, and they have done that out of their interest for the West.

They do not do that out of their interest for the West. Saudi Arabia bases its oil prices on what it thinks is best for it, not for us, not for Europe, not for Japan, and I do not know why, for the life of me, that should baffle any of us. Hopefully every country, including this one, makes its foreign policy decisions and its economic decisions on what it thinks is best for it.

There were two interesting interviews with Sheikh Yamani on this subject of oil prices that are most revealing. One was last January when he spoke at the University of Petroleum and Minerals in Damman, Saudi Arabia, and there was a question and answer period. This was reported in the Petroleum Weekly Intelligence, and here is the question:

> The Saudi citizen who looks at his country's current oil policy finds that the country is producing more than its economy needs and is selling at prices lower than the current prices, even lower than the prices received by other gulf states. Such sacrifice is rewarded by hostile attacks and threats by the press, media and even certain high government officials in certain Western countries. Don't you think the time has come for us to stop sacrificing ourselves for the sake of oil consumers?

Yamani replied:

> OPEC gets the blame for raising oil prices. We have become used to this matter. Western information media is basically controlled by Zionist sympathizers, or by the Jews themselves.
>
> Whenever prices go down, consumption goes up and vice versa. Whenever oil prices increase, large amounts of capital are invested in search of alternative sources of energy and in a search for oil in different areas. If we force Western countries to invest heavily in finding alternative sources of energy, they will. This would take no more than 7 to 10 years and would result in reducing dependence on oil as a source of energy to a point which will jeopardize Saudi Arabia's interests.

The other interview took place in Jidda, and was reported by our State Department's Foreign Broadcast Information Services, and it concludes by saying the same thing, that the Saudis' price of oil is determined by the fact that they do not want to raise it so high that we move to coal or nuclear or natural gas or hydroelectric. They want to keep it low enough so that we are hooked on the narcotic of imported oil so that they can have enough money coming in for as long as they need it to complete their goal, which is the domination of the Arabian Peninsula.

You will find on your desks a map put out by Oxford University. This map indicates basically the history of the Saudi movement in this century on the peninsula, and interestingly enough even the name "Saudi" is relatively new as far as the country is concerned. They did not think they had sufficient control of the country until 1932 to call Arabia Saudi Arabia.

Most of us are unaware that at the turn of this century the House of Saud had been effectively kicked out of the entire Arabian Peninsula, and the bulk of the peninsula was in the control of the House of Al Rashid.

The Saudis were holed up in Kuwait in refuge, in exile, and close to poverty, living on handouts. I am not going to detail here their turn of fortune. Perhaps, fortunately for the Saudis, there came to power at that time one of the great warrior aggressors in the history of the Saudi dynasty in the form of Ibn Saud, and on this map, again put out by

the Oxford University Press, you can see what the Saudis effectively did.

They moved back to Riyadh in 1902; they continued out in almost circular fashion not unlike the way the dynasty of Russia built out of Moscow.

It was not until the mid-twenties that they captured Medina and Mecca from the Hashemites. Today there is bad blood between the Saudis and Jordan because of it. But they moved and moved and moved. They took Kuwait, Bahrain, Qatar, and the Trucial States, part of Oman, part of Yemen, part of Jordan, as they moved.

They are distrusted and disliked by every country on the peninsula, feared but disliked to this day as we sit here arguing about Saudi Arabia, which is today making a claim on Oman and demanding that Oman give up more of its territory to the Saudis. The Sultan has rejected it so far.

But for anyone to think that the Saudis have any interest in——

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PACKWOOD. No.

Mr. TOWER. The Senator mentioned the Sultan of Oman.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. PACKWOOD. If anyone thinks interestingly enough that any of these other countries support this sale, name one Gulf country, one Persian Peninsula country, Arabian Peninsula country, that publicly has endorsed the sale. Not Kuwait, the Emirates, not Bahrain, not Qatar, not Oman, not North or South Yemen, not one has endorsed the sale, and it is understandable because this is the decision we are about to make.

Whereas in the past all of the states surrounding Saudi Arabia could look to Great Britain for protection, they can no longer do that. Britain used to have the Aden protectorate all along the south coast. They use to have the Trucial States, which are now the Emirates, and any time the Saudis attempted to move further than the British wanted to allow, the British stopped them, and all of the surrounding states depended upon England for protection.

Then England left in 1971, and to our everlasting shame we did not move in. At a time when we had an opportunity to replace Great Britain in an area at a very cheap cost and keep this entire area under Western influence, we did not move.

Now, we have the Soviets in South Yemen, we have them in North Yemen, and we have Kuwait frightened to death and we have the rest of the states in the peninsula wondering what is the policy of the United States going to be.

By this vote today, we are going to tell what the policy is going to be. If we go with Saudi Arabia, we lose any last chance to have any significant influence with any of the other independent countries in the peninsula.

If we go with Saudi Arabia, we are not going to get what we want. We are not going to get the bases in Saudi Arabia. They do not want us there. The last base we had was at Dhahran. And when the oil finally started coming in in the late 1940's and 1950's, the Saudis kicked us out and never again allowed American bases.

It is perfectly understandable. They are a theocracy. They do not like foreigners and they do not like Westerners, especially. They want to keep us out of Saudi Arabia itself and preferably they want to keep us out of all of the other Gulf countries so that Saudi Arabia is the only dominant military presence.

By this sale today, we are going to ratify the fact that they will beome the dominant military presence. At that stage, Saudi Arabia is going to become the benevolent protector of the rest of the Arabian Gulf States—a protector roughly in the same way that Rome was the protector of the known civilized world 2,000 years ago.

And Pax Romana may have meant peace to Rome but it meant subservience to the rest of the known world.

I understand the difference of opinion on this subject and I understand that decent people can reach different honest conclusions. But the facts I have presented about the past Saudi aggressions are facts.

It is my judgment as to what they will do in the future, but if you were going to base the future actions on your judgment about what somebody will do on past actions, they, indeed, are going to attempt to complete the encirclement, complete the control of the Persian Gulf.

When they have done that, one of two things is going to happen, because this will remain as long as it can remain a very stolid, solid theocracy opposed——

Mr. TOWER. Will the Senator yield for a question of clarification,

Mr. PACKWOOD. No. I would like to finish and then I will yield. I will be finished in about 3 minutes.

When they have completed their control of the Persian Gulf countries and when they have their fundamental Islamic sect in control, one of two things is going to happen. Either the most rigid and the most rightwinged of the fundamentalists are going to seize control and we are going to have a Khomeini-style Arabian Peninsula—not Saudi Arabia, Arabian Peninsula—or the left is going to gain control. Qadhafi-types, and expel the Saudis, killing those that they can and maybe the others will escape.

And in that event, the United States is going to be faced with a rightwing fanatical Islamic government hostile to Americans and foreigners or a leftwing radical military government hostile to Americans, although not the Soviet foreigners. And in either event, our policy for the Middle East will have failed. We will not have the peace we had hoped for. We will not have united countries and we will not have oil.

Now, I would simply ask the Senate to reject this bill today because if we accept it, we are putting all of our eggs in one basket. It is the Saudi basket and it is the wrong basket.

Our interests are better served by alliances with the Emirates, Oman, the Yemens, and the others who are much more used to having foreign bases, because they have had the British there and they will be much more receptive to have our bases there than the Saudis ever will.

If we do not do that, then we condemn the peninsula to the Saudi influence and eventually a government that is hostile to America. And what we will have is an armed and hostile bulwark against our policies in the Middle East.

With that, I am happy to yield for a question from the Senator from Texas.

Mr. TOWER. I would like to ask the Senator from Oregon if he has some comment on the Gulf Cooperation Council that was formed last February.

Mr. PACKWOOD. Yes.

Mr. TOWER. He seems to indicate that the Emirates, Oman, Qatar, Kuwait, and Bahrain seem to fear Saudi Arabia. I would like to ask the Senator from Oregon when was the last time he talked to Sultan Qaboos, of Oman.

Mr. PACKWOOD. I have not met the man.

Mr. TOWER. I spent 2 hours with him at the desert about 3 months ago. He was an enthusiastic endorser of the objectives of the Gulf Cooperation Council which has been formed with Saudi Arabia, the Emirates, Qatar, Bahrain. and Kuwait. They perceive the Soviets and their proxies as their principal threat, not Saudi Arabia.

I can assure the Senator from Oregon that the Sultan of Oman is far more concerned about the threat of South Yemen than he is of Saudi Arabia. I think the Senator from Oregon might have misrepresented things when he indicated that there was opposition on the part of other members of the Gulf Cooperation Council to the AWACS sale.

Mr. PACKWOOD. What I said——

Mr. MOYNIHAN. May we have order, Mr. President?

The VICE PRESIDENT. The Senate will be in order.

Mr. PACKWOOD. What I said, if I might reply to the distinguished Senator from Texas, is that not one of the Arabian States has endorsed the sale. The Library of Congress checked for the past 2 days each of the embassies of the countries. If the Senator would tell me which country has publicly endorsed it, I would appreciate it.

Mr. TOWER. I think the other states of the area have shown probably a great deal of discretionary judgment in not intervening in American decisionmaking.

Let me note, however, that since the Senator from Oregon is a great supporter of the peace process as reflected in the Camp David agreement that the man singly most responsible for the initiation of the Camp David accords was Anwar Sadat who was an enthusiastic backer of the AWACS sale.

Mr. PACKWOOD. And Egypt has no great fear or concern about Saudi Arabia and Egypt knows the importance of the Arabian Peninsula.

Mr. TOWER. Other governments have gone in a cooperation agreement with Saudi Arabia, and the Sultan himself is a very enthusiastic backer of this arrangement we now have between Saudi Arabia.

Mr. MOYNIHAN. Will the Senator from Oregon yield for a question?

Mr. PACKWOOD. I am happy to yield.

Mr. MOYNIHAN. Is it the Senator's understanding that following the attack by the Libyan Air Force on American planes over the Gulf of Sidra that the Gulf's Cooperation Council, which is organized by Saudi Arabia and has its headquarters in Riyadh declared our act of self-defense to be an act of medieval piracy? Does the Senator understand that to be the case?

Mr. PACKWOOD. The Senator from New York is correct and Saudi Arabia was party——

Mr. TOWER. Is the Senator aware who made that statement? It was not made by Saudi Arabia.

Mr. PACKWOOD. Mr. President, I was responding——

The VICE PRESIDENT. The Senator from Oregon has the floor. The Senate will be in order.

Mr. PACKWOOD. I was responding to a question from the Senator from New York, but I could not hear him.

Mr. MOYNIHAN. I was going to ask the distinguished Senator from Oregon if his understanding was that the Government of Oman dissociated itself from that statement and the Government of Saudi Arabia did not?

Mr. PACKWOOD. Saudi Arabia was a participant in the conference. What Saudi Arabia said is this: Again, this is from the Foreign Broadcast Information Service.

This government views the action the United States has taken in Iran with great concern and much regret, this action being one not in line with rules of international law. It regards the use of force by the United States as going beyond the acceptable limits in international behavior.

Mr. TOWER. Would the Senator identify the source——

Mr. MOYNIHAN. I thank the Senator from Oregon.

Mr. PACKWOOD. I cannot hear the Senator.

Mr. TOWER. Would the Senator identify the source of the statement on the Libyan incident? It came from the Secretary General, who is, indeed, a Kuwaiti.

Mr. PACKWOOD. I have to confess I was trying to respond to the Senator from New York and I did not now understand or hear what the Senator from Texas said.

Mr. TOWER. I will repeat it.

The statement was made by the Secretary General of the Gulf Cooperation Council, who is a Kuwaiti and not a Saudi. And Kuwaitis tend to be the members of that council that tend to trend more toward the balanced relationship with the Saudis than any other states in that area. I would point out again that Riyadh does not have diplomatic relations with Moscow. I would note further that the same has been reported, according to the State Department in diplomatic conversations with Oman, Behran, and the United Arab Emirates.

Mr. PACKWOOD. Mr. President, I will say once more what I have said. Have those countries publicly endorsed the sale?

Mr. TOWER. They have endorsed the sale in diplomatic conversations with the State Department. The State Department is my source and if the Senator would like me to document that for the record, I will.

Mr. PACKWOOD. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 44 seconds remaining.

Mr. PACKWOOD. Mr. President, as there are many people here who would like to speak, I will yield back my 44 seconds to whoever would like to have it.

The VICE PRESIDENT. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I congratulate the Senator from Oregon on his speech, particularly on his courageous leadership of this battle that we have been fighting in connection with the sale of the AWACS and Sidewinders. I think that this is not a question of what is most beneficial to the United States. It is a question of what is the least harmful—whether to go ahead with selling this flying Maginot line and the Sidewinder missile or whether not to do it.

Whichever way we go, the United States suffers.

The question is, Which way do we suffer the least?

We start from the fact of the overall harm in pouring military equipment into an unstable region, and particularly into a potentially unstable country.

Mr. HART. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. PELL. Thank you, Mr. President.

In the long haul, I think we would all agree that a nation that is owned and operated by 2,000 cousins will probably not be all that stable over the long period of time.

If we go ahead, we have the danger of possible compromise of the AWACS and the Sidewinder missile.

We also know that it is a threat to Israel, as Sheikh Yamani said one time. He said that the Soviet Union is a threat but, that the greater threat is Israel. I think that is the view of most Saudis.

Finally, if you went ahead with this package, Israel would want similar arms, but instead of paying full price for them would want them on concessional terms.

Those are the disadvantages if we go ahead.

If we do not go ahead, what happens? We annoy the Saudis.

On balance, when weighing carefully the pros and cons, which are much more complicated than I have been able to portray in these very few minutes, it is a close call. For every argument, as Senator BYRD says, there is an argument the other way. But, as one Senator, I came to the view that it was to our advantage not to go ahead with the sale.

I think finally that the whole exercise demonstrates the importance of the consultative process. This whole exercise could have been prevented had there been proper consultation with the Congress.

Mr. PERCY. Mr. President, can we have order in the Chamber? The Senator simply cannot be heard.

The VICE PRESIDENT. The Senator will suspend until the Senate is in order.

Mr. PELL. I thank very much my colleague, and, in this one case, adversary, for his request.

Mr. President, I think this whole exercise demonstrates the importance of consultation between the Congress and the executive branch. If adequate consultation had occurred, I think many of the doubts and questions could have been resolved and we could have avoided the imbroglio in which we found ourselves.

I would add, finally that this whole Frankenstein we have created has come to assume an importance that far exceeds the reality of these five lumbering vessels and the various other military hardware in the package. I yield back the floor.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, this is the most significant single vote to be cast so far on foreign policy matters by any Senator in the 97th Congress. Without any question, it is a very close vote. I deeply respect the judgments and the opinions which have been expressed by opponents of the sale. They have thought through this issue.

Our goal is the same: Peace in the Middle East; security for Israel. We simply see it from a different perspective.

Mr. President, this morning the distinguished Senator from West Virginia (Mr. RANDOLPH) gave a lesson at the Senator's prayer breakfast.

During the course of his comments this morning, he pointed out that——

Mr. PELL. Mr. President, I ask for order in the Chamber.

The VICE PRESIDENT. The Senate will be in order. I will ask the Senator not to proceed until we have order.

Mr. PERCY. Senator RANDOLPH pointed out that one vote does count; that, after all, five States are in this Union because they received that extra vote, one vote: California, Texas, Oregon, Idaho, and Washington are in the Union because of one vote.

Rarely have we had an issue where ever single Senator's vote counted more than this one, and never have we had a vote that was closer to a 50–50 tie than this one. The decision to be made by the uncommitted Senator, or two, will decide which way the United States of America goes.

Despite the fact that I have great respect for the issues raised by those who are on the other side of the issue from myself, I have come to the same conclusion that the President of the United States and every past living President has reached. The decision to sell AWACS and other equipment to Saudi Arabia is in the vital national security interest of the United States of America. It is essential for peace in the Middle East and it is essential in the long term for the safety, peace, and security of Israel as well.

Certainly, we can recognize that the entire course of events in the Persian Gulf and in the Middle East can be determined by the decision we make in this case. The President's ability to conduct foreign policy is at stake. If he is rebuffed on this first crucial test of President Reagan's prestige and his power in international affairs, it will be a setback for the United States of America, for the institution of the Presidency, and for the entire free world. The eyes of the entire world are watching today what the Senate will do on this particular issue.

Peace in the Middle East is a primary goal of the foreign policy of the United States, and that includes in it the security of Israel. We know that a strong national defense for any country is the best deterrent to aggression and is essential to the achievement of peace.

The AWACS is a magnificent instrument for defense. It is not an offensive weapon. It does not carry a peashooter, or a BB gun. It will be used for the defense of the Persian Gulf, Saudi Arabia, and the oil facilities that are threatened.

If Iran could raid and bomb Kuwait several weeks ago, someone could bomb Saudi oil fields and facilities, decimating the economies of the free world.

Certainly, we wonder what will happen in Saudi Arabia if we vote down this sale. We have had some assurances that there will be no retaliation against us. Nevertheless, let us understand that while Saudi Arabia is not a western style democracy, the leadership is responsive to the will of the people. The ordinary Saudi citizen believes that his government is responsive to his concerns, and the majlis system that exists in Saudi Arabia is an integral part of the opinion making that goes on in that country. Two hundred and fifty of these majlis exist in Riyadh alone, with over 2,000 throughout the country. Representatives of the crown meet with the local groups and they form judgments and opinions.

What will happen in those majlis meetings beginning tomorrow if, commitments made by two administrations are rejected? A request for defensive equipment supported by our intelligence community, by the Department of Defense, and by our State Department.

Certainly, I think Saudi Arabia, at the least, would have to reconsider how they are going about providing for their own national security interests. Any change from the present trend, whether they go to the British or the French system, without the controls provided by our own AWACS system, would be contrary to their best interests and contrary to our best interests.

I therefore urge my distinguished colleagues to support the President in this instance and support the cause of peace in the Middle East and throughout the world.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. CRANSTON. Mr. President, paraphrasing some famous words of a famous Californian about the Panama Canal; we built the AWACS, we paid for them, we should keep them.

We have heard Senator after Senator explain in great and persuasive detail why they believe the AWACS package is a bad mistake. Then we have heard the big "but." But, they say, despite the evils of the package, the President has made a decision and we must support the President; the President must conduct foreign policy; the Senate must support the Commander in Chief.

Mr. President, the Senate is a proud institution. Each of us is proud to be a Senator.

The VICE PRESIDENT. Will the Senator suspend? The Senate will be in order. The galleries will not respond and will be in order.

The Senator may proceed.

Mr. CRANSTON. Mr. President, the Senate is a proud institution. Each of us is proud to be a Senator. Under the Constitution, the Senate is more than just half of the Federal Legislature. It is an adviser of Presidents. If the Senate as Presidential adviser is to serve its function properly, its Members collectively must be the equal of, not the servants of, the President. We must think independently, no less act independently of the President. That is our responsibility to our country, to our constituents, to ourselves, and to the President himself. A rubberstamp Senate may be what the President wants, but it is not what he needs and it is not what the Nation needs. A Senate that yields to a President not because he is right but only because he is the President has let him down and let the country down.

The Senate must not hesitate to say no to the President when it thinks he is wrong; indeed, it must say no. It has a most profound responsibility to say no.

This is especially true in matters of foreign policy, Mr. President, when the consequences of a mistake can be so detrimental to the peace and security of our Nation and of our world. We have a tendency to want to give the President the benefit of the doubt in foreign affairs. Yet, it is in foreign affairs preeminently, as the authors of the Constitution understood, that the Senate must stand as a check against ill-advised actions by the President.

If we are not going to fulfill that responsibility, why do we not amend the Constitution so we no longer bear it? Mr. President, I have drawn up an amendment that would do that.

Article X: In case of conflict between the President and the Congress on the conduct of foreign affairs, whenever, in the judgment of the President of the United States, any action by the Congress, whether by law or otherwise, would interfere with the President's conduct of foreign affairs of the United States Government, then he may declare such action null and void insofar as it affects the particular power of the President cited by him as being infringed by Congress' exercise of its powers.

Of course, Mr. President, that amendment is not intended seriously, but it is a challenge. When in doubt, the Senate should yield not to the President but to caution, to forethought, to conservatism.

That is why we are here, Mr. President. That is why we do not have one-man rule; no emperor, no king, no dictator. That is why we have a system of divided powers in our beloved country. That is why we have checks and balances. That is why we have a Senate.

We approach a moment when the Senate should rise to its historic role. I urge my colleagues, whichever way you may go in this issue finally, make up your own minds. The issue we shall vote upon in 6 minutes is of vast importance. Even more important is the tradition and dignity of this body, a tradition and a dignity that is our responsibility to maintain. For we are those chosen now to sit as Senators, to think as Senators, to act as Senators.

One Senator said to me today, "Only the Lord really knows the right vote on this issue." If those of us who oppose the sale win, I pray that we are right. If the President wins, I pray that he is right.

The VICE PRESIDENT. The Senator's time has expired.

The majority leader is recognized.

Mr. BAKER. Mr. President, before I proceed, I yield 30 seconds to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

THE SALE OF AWACS TO SAUDI ARABIA

Mr. HARRY F. BYRD, JR. Mr. President, today I want to discuss the proposed sale of AWACS aircraft to Saudi Arabia.

First, let me say that during the years I have been in the Senate I have been a strong supporter of Israel. Israel is a democratic nation and a close friend to the United States.

I have been in Israel on three different occasions and have great admiration for the Israeli people. It is remarkable how the Israelis have developed that country. And Israel has attained a military structure that on a per capita basis exceeds that of any other nation on Earth.

Israel is important to the United States; it is strongly anti-Soviet and is the only democracy in the Middle East.

Saudi Arabia is also a friend of the United States. The largest producer and exporter of oil in the free world, it is important to our country and, indeed, to the entire free world. Its government is the anti-Communist leader of the Arab world.

Judging from my visits to Saudi Arabia, I feel its government is relatively stable. It is a kingdom, to be sure; it is not a democracy.

In my view, however, its government is in much closer touch with the realities of its country than was the Shah with the people of Iran. I do not equate conditions in Saudi Arabia with those existing in Iran during the latter years of the Shah.

Several months ago President Reagan announced that he planned to sell to Saudi Arabia five aircraft known as AWACS, airborne warning and control systems.

When the President first made known his plan, I stated I would wait until all the facts were reviewed before making a decision on the proposal. I have kept that commitment. I believe that I have listened to everyone who is able to bring out facts about this matter.

I view this as having three dimensions that should be addressed. They are: Internal security, military, and political. I would like to address each of these.

There has been concern about the possible loss of advanced technical data to unfriendly nations, recalling that we lost F–14 aircraft and the Phoenix missile system in Iran after the Shah was deposed.

The first AWACS aircraft would not be turned over to the Saudis until 1985 or 1986. Every knowledgeable person with whom I have communicated related that by 1985 the Soviet Union, Great Britain, France, and perhaps other nations will have sufficient technical data to build their own equivalents to the AWACS that is now being considered for transfer. In fact, the British version is available in the immediate future.

Furthermore, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff assert that American Air Force personnel will be involved in the deployment of Saudi AWACS until 1990 or later.

I have been assured by the Secretary of Defense that Saudi Arabia has agreed to operate and maintain this aircraft under maximum security conditions when it finally becomes a total Saudi AWACS effort.

Our past experience with Saudi Arabia suggests there is minimal risk of the AWACS equipment being compromised. Of course there is no guarantee, just as there could be no guarantee even if U.S. personnel should man the planes.

As evidence, I recall what happened in Iran when American planes and American personnel sought to free the American hostages taken by the Khomeini government. The aborted rescue attempt cost the United States valuable intelligence data and sophisticated equipment.

Next I would like to address the military aspects of the AWACS.

I have been aboard this aircraft. The AWACS is a basic Boeing 707 modified and equipped with sophisticated radar and communications facilities.

Its purpose is defensive—to detect incoming military aircraft and relay that information to the Nation's defensive forces.

The AWACS aircraft has no rockets, no bombs. It is totally unarmed. It has no offensive capability.

The entire concept of the AWACS system is to detect airborne objects traveling above 80 miles per hour and to be able to direct fighter aircraft to intercept those targets.

Just recently the American AWACS detected the Iran air strike on Kuwait.

With AWACS and the F–15 enhancement program American military experts, most particularly the Chairman of the Joint Chiefs of Staff, believe Saudi Arabia can make a credible defense against some of her enemies; without them she cannot.

President Reagan feels the Saudis need the AWACS in order to extend radar coverage to permit their own fighters to intercept incoming attack aircraft. Both our President and our Secretary of Defense feel the AWACS planes are essential in protecting the oil fields and facilities of Saudi Arabia.

Some say this new equipment could not stop the Soviet Union. Of course it could not stop a determined attack by the Soviets; only the United States could do this and the consequences of such a contest are frightening. Yet two Presidents have stated the United States will defend Saudi Arabia against an attack. The purpose of the AWACS sale is to help the Saudis defend themselves. Without AWACS the oil facilities cannot be defended.

We need to remember that Saudi Arabia is surrounded by unfriendly nations with close ties to Soviet Russia, namely, Syria, Iraq, South Yemen, and Ethopia.

Now let me turn to Israel and the alleged threat of AWACS to Israel.

When the proposed sale was first announced I was concerned as to whether it would jeopardize the security of Israel. I have reached the conclusion that it will not.

AWACS is a totally defensive system; it poses a military threat only to those who attack. In addition the American Government and the American people believe in a free and democratic Israel and are committed to its security.

Yet even without this American attitude I see no practical way the Saudis could use the AWACS offensively against Israel. Israel's military might is awesome and the Saudi AWACS—a totally unarmed aircraft—would need to stay far from Israel's borders else run the risk of being easily shot down.

Now let me turn to the political repercussions throughout the world should President Reagan's proposed sale of AWACS to Saudi Arabia be repudiated by the Senate.

The President of the United States as Commander in Chief of our Armed Forces committed himself to the sale of the AWACS to the Saudis because he is convinced that such a sale is important to the United States.

President Reagan believes, as does the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, that the Saudi Arabian oil facilities are vulnerable and are threatened.

I agree with that assessment.

I am convinced that Russia, over a period of time, is determined through a third country or through internal upheaval to get control of the Saudi oilfields. As I earlier noted, Saudi Arabia is bordered by unfriendly countries with close ties to the Soviet Union.

I talked at some length with President Reagan last week. He is determined to do his utmost to have the AWACS sale approved. He is convinced that it is in the best interests of our Nation and of the free world, of which Israel is an integral part.

Leaders of European nations have warned him that should the AWACS sale be defeated his own credibility and that of the United States would be severely damaged.

In summary, the Saudis will buy the aircraft and will pay cash; the AWACS is a defensive aircraft, totally unarmed, its value being to alert the Saudis of the approach of attacking aircraft; I see no realistic threat to the security of Israel; I see damage worldwide to the credibility of the United States should the sale be repudiated.

In studying all aspects of the AWACS sale to Saudi Arabia, I support President Reagan's proposal as being in the best interests of the United States.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. The Chair asks that the galleries be in order as well as the guests on the Senate floor.

Mr. BAKER. Mr. President, the Senate is approaching a historic moment, but the Senate is truly a historic place. It is not easily put off by difficult challenges nor the political and personal anguish that go with irresolution, for it is precisely that role that the Founding Fathers contemplated when this body was created.

It is a matter of great pride to me and I believe to every Member of the Senate that, throughout the history of this body, I believe we have upheld that tradition by our willingness to undertake difficult judgments, to receive responsibilities for the formulation of public policy at home and abroad when the fires of controversy burned hot, tempers flared, anguish was obvious, and difficult judgments were the rule of the day.

Nor has the Senate been put off by close calls, by one-vote margins, with uncertain results. One of the first acts of the Federal Legislature was to end the war with the mother country, a vote that was taken in the Senate and carried by three votes; the Panama Canal Treaty by a single vote; the extension of the Selective Service Act in 1941 in the House of Representatives by a single vote.

Indeed, this body has never shied away from its responsibility because the duty was difficult and the decision was hard.

Mr. President, in my time in the Senate, I have never seen the Senate perform with greater dedication and a greater effort to redeem the confidence of the American people that is entrusted to us as their surrogates and trustees. I have seen Member after Member express with great regret his or her decision. I have seen them do so at great personal sacrifice and political risk. But I have seen them perform, Mr. President, in the highest traditions of the Senate. I believe the President of the United States has performed according to the traditions of that institution in an honorable and difficult way.

We now approach the time when the Senate will decide whether to uphold the judgment of the President in respect to an important matter of foreign pol-

icy. Since the earliests days of February, when the administration first briefed the Senate Committee on Foreign Relations on this sale, Mr. President, many in this Chamber, on both sides of the aisle, have sought to work with the administration in fashioning a package that enhanced our own interests without diminishing the interests of others.

I should add that the administration has gone to extraordinary and truly unprecedented lengths to insure that every Senator has had the opportunity to make suggestions and participate in the final form and shape of this package.

At my request, the President delayed submission of the result to allow more than ample time for that process of consultation to occur.

The arrangements that have framed and circumscribed the substance of the sale now before us was a product of the efforts of all who have participated.

Mr. President, the hour that will dispense with months of consultation and negotiation is now upon us, and I leave my colleagues with the words of President Abraham Lincoln in his message to Congress on July 4, 1861, in view of his responsibilities:

I have so far done what I deemed my duty. You will now, according to your own judgment, perform yours.

The VICE PRESIDENT. The time of the Senator has expired.

The hour of 5 p.m. having arrived, the question is on agreeing to House Concurrent Resolution 194.

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask that the clerk be instructed to repeat the vote of each Senator as it is cast.

The VICE PRESIDENT. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The VICE PRESIDENT. The Senate will be in order. The Chair reminds the gallery that they are the guests of the Senate. There will be no displays of pleasure or displeasure.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—48

Baucus	Durenberger	Matsunaga
Bentsen	Eagleton	Metzenbaum
Biden	Ford	Mitchell
Boschwitz	Glenn	Moynihan
Bradley	Hart	Packwood
Bumpers	Hatfield	Pell
Burdick	Hawkins	Proxmire
Byrd, Robert C.	Heflin	Pryor
Cannon	Heinz	Riegle
Chiles	Hollings	Roth
Cranston	Inouye	Sarbanes
D'Amato	Jackson	Sasser
Danforth	Kasten	Specter
DeConcini	Kennedy	Tsongas
Dixon	Leahy	Weicker
Dodd	Levin	Williams

NAYS—52

Abdnor	Grassley	Nunn
Andrews	Hatch	Percy
Armstrong	Hayakawa	Pressler
Baker	Helms	Quayle
Boren	Huddleston	Randolph
Byrd, Harry F., Jr.	Humphrey	Rudman
Chafee	Jepsen	Schmitt
Cochran	Johnston	Simpson
Cohen	Kassebaum	Stafford
Denton	Laxalt	Stennis
Dole	Long	Stevens
Domenici	Lugar	Symms
East	Mathias	Thurmond
Exon	Mattingly	Tower
Garn	McClure	Wallop
Goldwater	Melcher	Warner
Gorton	Murkowski	Zorinsky
	Nickles	

So the concurrent resolution (H. Con. Res. 194) was rejected.

RECORD OPEN UNTIL 6 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that Senators may have until 6 p.m. this evening to insert statements in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BAKER. Mr. President, I move in accordance with the order previously entered, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and, at 5:15 p.m., the Senate recessed until Thursday, October 29, 1981, at 9 a.m.

EXTENSIONS OF REMARKS

IVO J. SPALATIN ON THE FAMILY AND WORLD PEACE

HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. REUSS. Mr. Speaker, last August the Foundation for International Cooperation held their 25th annual conference on the campus of the University of Wisconsin-Milwaukee. The main speaker was Ivo J. Spalatin, a Milwaukeean who presently serves as a senior professional staff member of the House Committee on Foreign Affairs.

The foundation is a nonprofit organization dedicated to fostering international understanding through study tours and home-to-home hospitality for international visitors, in this country and abroad.

Mr. Spalatin's comments about the role of the family as a humane path to world peace are timely and thought provoking. The text of his speech, delivered on August 1, follows:

THE FAMILY AND WORLD PEACE

(By Ivo J. Spalatin)

It is an honor and privilege to participate in the 25th Annual Conference of the Foundation for International Cooperation and to address the theme: "Families of the World".

You have identified one of the great untapped resources of international relations—namely the institution of the family. While we speak today about a "shrinking world" in which international travel has become a basic fact of life for many people, there remains one obvious shortfall: most of these travelers tend to move into and out of hotels, motels and public restaurants. The impressions they receive and the opinions they form of the countries visited are necessarily based on that very limited, and often misleading, exposure.

The Foundation for International Cooperation was one of the first groups in the United States to establish a network of families willing to offer free home hospitality to foreign families. What better prospect is there to achieve international understanding and reconciliation than international exchanges that are at the most basic and universally recognized level of society—the family.

As traditional a social institution as the family is, it is also a dynamic one—reflecting the changing trends and outlooks of its membership. A friend of mine recently recounted the story of his brother's marriage, which took place in Switzerland following World War II. The Swiss civil ceremony, as it turned out, was a very formal, traditional affair: the husband, at that time, was officially defined as the "chef de famille"—or head of the family—assigned all of the traditional privileges and responsibilities inherent in that title. Some 35 years later, however, he confided to a friend that his leadership role had been called into question. As he put it, "In all arguments with my wife and daughters, I always have the last two words:

I always say "Yes, Dear"!

Other parents complain that their individual and collective authority has been eroded in the modern world: "My role," one father explained in describing his relationship with two teenagers, "is like that of the Queen of England: I have a constitutional right to be consulted, before my advice is firmly and consistently rejected!"

Despite the pressures which clearly are brought to bear upon the family, and despite the popular talk of its alleged disintegration, it remains a very enduring and vital institution.

According to a recent article which appeared in a popular Washington magazine, an estimated 75 percent of adult Americans are estimated to make up the national majority of so-called stable married (even, I might add, in our Nation's Capitol). In any event, what happens to the family is directly reflected in what happens to our society as a whole.

Let me lead off this discussion by making a few general observations about current U.S. foreign policy and world peace.

The preservation of the United States' and the world's security depends on justice, order, human respect, and military strength.

Accepting that observation and the often cited comment money talks, it is revealing to note how our country and the world allocate their resources in support of this objective.

In the area of military expenditures, the world is currently spending over $500 billion a year. Assuming we accept the Reagan 5-year plan to spend some $1.6 trillion for defense—the United States alone will spend nearly $1 billion a day on military expenditures over the next 5 years.

In contrast to the $500 billion spent annually for military expenditures, worldwide expenditures on public health are $250 billion or one-half of that amount, and worldwide expenditures for economic development are $80 billion, or one-sixth of that amount.

In contrast to nearly $1 billion a day in military expenditures by the United States, the U.S. Government will spend about $1 million a day or 1/1000 of the amount for military expenditures in support of international cultural exchange programs and $50,000 a day or 1/20,000 of the amount for military expenditures in support of arms control efforts.

Or, to put it another way: One F-15 fighter plane costing $18 million is equivalent to the entire budget of our Arms Control Agency; or one new XM tank costing $2 million a piece is equivalent to the cost of educating 1,000 children a year, except that it breaks down every thirty miles.

These imbalances and overemphasis on military capacity is not—as some argue—only a reflection of profitmaking by the military industrialists or bureaucratic narrowmindedness of defense planners in our Pentagon.

The fact of the matter, of course, is that we do have adversaries against whom we must offer an effective defense.

By their continued use of Cuban surrogates in Africa, their continued real growth in military expenditures over the last decade, and their brutal military invasion and occupation of Afghanistan, the Soviet Union has again reaffirmed our worst fears of that government and ideology—fears which require the United States to maintain an adequate military defense and deterrent posture.

Such a military posture, however, should be based on an objective assessment of our own defense requirements—not a simple or blind imitation of the Soviet military posture or force structure. In addition, our efforts to promote and assure U.S. national security interests and world peace should include a recognition of those areas which we can point to with pride as a people—our commitment to economic, social and religious justice and human freedom.

As we engage in this necessary and yet risky military competition with the Soviets, we should remind ourselves of the sanguine advice of the late Dr. Martin Luther King, Jr. who, in commenting on military competition among nations, said: "The only problem with the notion of and 'eye for an eye' is that we may all end up blind." The dangers of excessive reliance on military means to deter armed conflict and to enhance United States and world security has been most graphically illustrated in such recent events as: the use of a military preemptive strike as opposed to diplomacy to address nuclear nonproliferation concerns, as seen in the Israeli bombing of Iraqi nuclear facilities; the abandonment to date by the Reagan administration to initiate discussions on nuclear arms control limitations between the two superpowers which has resulted in both sides adding literally thousands of additional nuclear warheads to their respective arsenals without any increase in United States and/or world stability.

an overemphasis upon military assistance to the beleaguered country of El Salvador when the problems in that country call primarily for economic, not military, assistance.

The most Rev. James A. Hickey, Archbishop of Washington, succinctly highlighted this issue when, in testimony before the House Foreign Affairs Committee this past spring, he said: "The problem in El Salvador is rooted in the need for political an economic reform within the country. Our aid and our diplomacy should be aimed at producing such reforms. Military aid, in my view, mortgages our potential to do this," said Bishop Hickey.

Rather, we need to return our government to the usage of the kind of diplomacy which the Reagan administration has recently pursued in its proposal to establish a peacekeeping force in the Sinai. Its establishment will support the Camp David accord initiated by President Carter and reinforce the peace treaty between Egypt and Israel and the peace process in the Mideast. Only 3 years ago most foreign policy experts were saying that lasting peace between Egypt and Israel was a pipedream. If the peace which has been established between Egypt and Israel is an example of a pipedream, I

believe we should pursue such pipedreams whenever possible—in Central America, in Africa, in Ireland, and wherever else conflict and bloodshed gnaw away at social order, justice, and human freedom. This development is also a poignant rebuttal to the philosophical underpinnings of the Reagan administration's new policy to encourage U.S. arms sales worldwide as expressed in the last line of the White House statement justifying the new policy which states: "We will deal with the world as it is, rather than as we would like it to be."

In addition to a more aggressive application of diplomacy worldwide, there is also a corresponding need for the advanced industrialized countries of the West to address the severe economic problems encountered by the peoples of the less developed countries of the world. In this respect, the House Foreign Affairs Committee, under the leadership of Rep. Clement J. Zablocki, a native Milwaukeean, and chairman of the committee, and my boss for the last ten years, responded to this need by proposing several significant changes in the foreign assistance legislation as originally proposed by the executive branch.

The committee adopted Chairman Zablocki's proposals which reduced the amounts requested by the President to be spent on military assistance and increased funding levels for health and refugee programs, the Peace Corps, and the U.S. voluntary contributions to the U.N. development program.

Finally, we as a people must expand the level of international cultural exchanges, which brings me to the constructive role that you—as members of the Foundation for International Cooperation—have and can bring to our efforts to avoid armed conflict, to enhance world stability, to enhance social justice, and to preserve world peace.

As a volunteer nonprofit group dedicated to international understanding fostered by home-to-home hospitality for the past 25 years, the Foundation for International Cooperation has, can, and must continue to make its unique and important contribution to international understanding and comity with its emphasis on "family" exchanges.

In your international family exchanges, your "person-to-person travels", and your Study/Homestay Activities, you have contributed to United States and world security interests by the promotion and enhancement of increased international communications and understanding among the peoples of the world.

While admittedly difficult to quantify the exact benefits of such a program, we should remind ourselves that the defense of our country and the preservation of world peace is dependent not only upon the adequacy of our nuclear and defense programs—which are often based on charts and maps—but also on the belief that knowledge is better than ignorance, that human differences are often caused or magnified by poor communication and lack of contact, and that person-to-person contact has a direct and positive impact on preserving a peaceful world.

A case in point is Egypt's President Anwar Sadat who, in his autobiography, expressed fond memories of his experiences as an exchange visitor to the United States nearly 25 years ago at which time he came to realize that he could "deal with Americans."

On a more personal basis, the Spalatin family—with the help of your President couple—John and Marleen Olsen—hosted a French family 5 years ago. The experience for my family was especially enjoyable and enriching because both families shared the most basic of human family experiences—we both were awaiting the birth of our third child.

Earlier in my remarks I mentioned the uniqueness of the Foundation for International Cooperation—your emphasis on international exchanges at the family level.

When we in Washington think of international cultural exchanges, we think of exchanges involving students, teachers, parliamentarians, and foreign dignitaries, but not families.

Yet, how ironic that is. Our political leaders of both parties as well as our religious leaders constantly remind us—and correctly so—that the basic unit of society, of civilization, and of human dignity and growth is the family.

For instance, who said: "No matter how good the nurseries and kindergartens are, no matter how educated and kind the school teachers are, nothing can replace the family?"

Was it: Jerry Falwell of the Moral Majority? Margaret Mead? Or was it President Reagan?

None of the above. It was Ivetta Knyazeva, a card-carrying Communist commentator on family life and trends in the Soviet Union.

Is it not rather interesting that while we and the Soviets hold opposite views on many vital issues that one which binds us together is our attitude about the importance and role of the family.

How unfortunate it is that as a part of our national policy to encourage and promote international exchanges we do not think of the family.

Yet, progress is being made. Just last year in our country the U.S. Government released a national report of the White House Conference on Families reaffirming the family unit as a basic and stabilizing unit of our American society. Also last year, the Fifth World Synod of Roman Catholic Bishops released a report entitled "A Message to Christian Families in the Modern World" which called for a worldwide family ministry stating that "the outlook of the Christian family should not be narrowly confined only to the parish; it should embrace the whole human family."

These developments are consistent with the theme of "Families of the World" which you have chosen for the Foundation's Silver Anniversary this weekend in Milwaukee.

In short, we all have extolled family life; now let us all nurture it.

Why? Because we first learn the values of survival—to eat, clothe, and clean ourselves; and the values of human humanity—love, sacrifice, discipline, authority, and mutual support—from our family. To the degree that we do not learn these values at home but rather rely extensively on television, interest groups, or government, we will have a society wherein the only operative norm is "what is in it for me." Beneficiaries of such a development will be prisons, psychiatrists' couches, mental wards, alcohol, and drug rehabilitation centers, communes in which one is governed by passions as opposed to governing them, or destructive cult groups, as tragically epitomized in the mass suicide/murder in Jonestown, Guyana.

Let us therefore rededicate ourselves to the survival of our humanity and the world via the family unit.

Let us remind ourselves that we learn not just to live in a family, we learn to love. We need that commodity more than we need oil. Love is our ultimate energy source. Let us preserve it.

The continuation of your international family-to-family exchanges reaffirms the belief that through greater communications and exchanges across national borders we can better understand each other—our civilization, our diversities, our cultures, our daily living requirements.

In doing so, you have indeed made our world better and safer for all people. As a husband and father of three girls, I am most grateful to you.●

BILL GREEN PRAISES COMMUNITY NEWSPAPERS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. GREEN. Mr. Speaker, I raise today in order to praise a vital public service that exists in every congressional district, the community newspaper. As our daily newspapers and electronic media increasingly turn their concerns to international, national, and regional news, the role of the community newspaper has to expand to fill the void created by a lack of attention to local news. The community newspaper provides the public with important local events information such as changes in housing, commercial properties, sanitation, police protection, zoning, and other matters that affect the community on a daily basis.

An outstanding example of such a community paper is the Herald in New York City. With a circulation of 40,000, the Herald serves the Manhattan community from 14th to 60th Street and Park Avenue to the East River. Three reporters and two editors comprise the editorial staff and produce a weekly newspaper that has served its community for 11 years. The Herald's reporters also work as their own photographers and since the paper is accredited with New York University and Columbia's Journalism School, two interns a semester are able to join the production staff of the Herald for valuable practical experience.

The Herald is unique in that it serves as a not-for-profit, tax-exempt community newspaper. The paper does not rely solely on advertising revenue but is also supported by reader contributions and has successfully transferred the Public Broadcasting Service (PBS) concept of fund raising to publishing.

I cite the July 17, 1981, issue of the Herald as a colorful and detailed example of the community services provided by such a publication. Writer Beth Sherman complied "Right in Your Own Backyard," an enlightening community guide issue of events in and around the Manhattan area to keep New Yorkers busy for "a month

of Sundays." The guide was printed in large type for easier reading by senior citizens and provided tour schedules, locations, and hours of opening for visitors to everything from the New York Stock Exchange to Lincoln Center.

Services such as those the Herald provides are invaluable to all citizens since, more often than not, it is the events in our own backyard we are least aware of.●

INTRODUCING A PRIVATE RELIEF BILL

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. HARTNETT. Mr. Speaker, Mr. and Mrs. Henry Smoaks of Charleston, S.C., have been trying to get their adopted daughter, Elizabeth Ann Jones, naturalized as a U.S. citizen. Under current law, the Immigration and Naturalization Service cannot approve her application for immigration because, for naturalization purposes, she does not qualify as an adopted child. Therefore I am introducing a private relief bill to relieve the Smoaks of the restraints which prevent them from naturalizing their adopted daughter.

Elizabeth is the niece of Mrs. Smoaks and was adopted inasmuch as she has been living with the Smoaks for many years. She is a British citizen and a resident of Liverpool, however, a very unpleasant family problem exists there, partially due to the fact that her mother has remarried. Elizabeth is a fine young lady who has a very strong desire to live and work in America and to be near her new family.

The adoption proceedings that the Smoaks went through to adopt Elizabeth were completed and approved March 10, 1981, with the approval and encouragement of Elizabeth's natural mother. The Smoaks love and care for Elizabeth very much and have demonstrated their responsibility for her well being. I should also add that her natural mother approves of her becoming a naturalized U.S. citizen.

Mr. Speaker, to deny this relief to the Smoaks will create undue hardship on all parties involved. I would hope that my distinguished colleagues could find the compassion to support this bill.

The text of the bill follows:

H.R. —

A bill for the relief of Elizabeth Ann Jones

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Elizabeth Ann Jones may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Henry Smoaks, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.●

PROJECT TRUTH: USIA'S NEW PROGRAM—PART II

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. MICHEL. Mr. Speaker, today I insert in the RECORD another section of the new USIA publication, "Soviet Propaganda Alert."

I believe that "know your enemy" is the beginning of geopolitical wisdom. Learning the devices and techniques of Soviet propaganda is a good first step in learning how to spread the truth. I would like to see USIA publish its own record of how it is combating the various Soviet propaganda strategies.

This section is part of "Current Soviet External Propaganda Themes" and is entitled, "Global Themes: U.S. and U.S.S.R. as Competing Social Models":

B. GLOBAL THEMES: U.S. AND U.S.S.R. AS COMPETING SOCIAL MODELS

The propaganda themes listed in this section are meant by the Soviets to show that the U.S. is an unattractive, vicious, exploitative society which has outlived its time. The Soviet Union is portrayed as the society which has found the answers to the challenges of modern society. While the Soviet Union is acknowledged to have some problems, these are of a temporary nature and will fade as the society develops.

The Soviets are especially defensive about social and ecomonic comparisons with the U.S. and other Western countries. They react immediately to charges from Western officials which call into question the quality of life in the Soviet Union or challenge the idea that the USSR constitutes a model for future society.

Sub-themes

1. The U.S. slanders the Soviet Union. U.S. policy is pervasively anti-Soviet. "Bourgeois Falsifiers" in the West carry on a relentless campaign of anti-Soviet slander. They slur the Soviet way of life, Soviet reality, nationality relations, foreign policy, economic system, etc. Western "secret services" and their "mouthpieces" and "voices" are in the forefront of this campaign of anti-Sovietism.

2. The neocolonialist U.S. and its allies are not friends of the Third World. The U.S. holds up the American system as a model for Third World countries but in fact it is not a fit model. Imitating it means continuing in a mode of colonial-style oppression and injustice. The U.S. supports tyrannical regimes (e.g. Chile, South Africa) if they are pro-West and anti-Soviet, and it opposes national liberation movements. It has no genuine concern for the welfare of the Third World peoples; its main concern is access to resources. American exploitation of Third World takes many forms—economic, cultural, political. For example, U.S. corporations extract profit from the Third World while exploiting their resources; the CIA manipulates foreign regimes by "dirty tricks"; U.S. museums and private collectors steal Latin American artifacts.

3. The Soviet Union is the natural ally of Third World countries. Its dedication to the interests of the common people is manifested in its support of national liberation movements. The USSR generously extends opportunities to Third World students to study in the USSR. It unstintingly gives economic assistance for peaceful purposes and sends Soviet technicians and specialists of all kinds to Third World countries to work jointly with the indigenous population on construction and other projects.

4. The U.S. is an insecure, unstable, inhumane society in a permanent state of crisis. Its most striking features are:

High unemployment (especially among blacks).

Racial discrimination.

Abject poverty juxtaposed with excessive wealth concentrated in the topmost elite.

Widespread demoralization as well as material deprivation among the poor, the unemployed, and the otherwise disadvantaged.

High cost of education, medical care, etc. (access and quality depend upon ability to pay).

Rampant crime and antisocial behavior (decadence, drugs, and pornography).

Neglect of and lack of respect for the elderly.

Widespread worker dissatisfaction (as evidenced by strikes).

Political prisoners.

Lack of genuine democracy.

[NOTE.—While usually less prominent and extensive than propaganda on international issues, propaganda on U.S. internal affairs is nonetheless a staple feature of the Soviet media. Themes are longstanding and change little over time, although treatment and tone vary. Commentary is usually tied to some news event or development in the U.S. which illustrates negative aspects of American society. Soviets do not need to make up stories or "disinformation" although they are not above it. All they must do is give one-sided coverage of issues, drawing from Western press articles and data that show American society in an unfavorable light.]

By contrast, Soviet propagandists portray the USSR as having solved or nearly solved most of its problems. Because economic rights (jobs, wages, pensions) are considered to be basic human rights in the Soviet Union, the system is shown to be more humane and dedicated to the welfare of the masses. Social relations are based on equality, antisocial behavior is an aberration, and the people regard the system as fair and just.

5. The U.S. violates fundamental human rights while accusing others of doing so. The U.S. hypocritically attacks the Soviet Union for alleged human rights violations, while it is the U.S. that is violating fundamental human rights. The U.S. is interested in human rights only as an issue with which to attack the Soviet Union.

6. Soviets who fall prey to Western propaganda tend to be unsuccessful and miserable when they emigrate. Soviet emigres miss their homeland intolerably, regret their decision to emigrate, and are desperate to return to USSR. Their reasons for being disenchanted with life in the West tend to be both economic and "spiritual": difficulty of getting a job commensurate with one's edu-

cation and experience; unsatisfactory living conditions; feeling out of place in a cold, uncaring, dog-eat-dog, every-man-for-himself capitalist society.

C. REGIONAL AND COUNTRY THEMES

Many of the global themes previously described appear in Soviet propaganda directed at or concerning specific regions and countries. This section sets out the main lines of propaganda about a few countries and areas.

1. *Poland.* Soviet propaganda accuses outsiders—especially the West and particularly the U.S.—of interfering in internal Polish affairs, stirring up trouble through its radio propaganda (VOA and RFE), and supporting antisocialist elements. Various Polish organizations and individuals have been criticized, but favorite targets are Solidarity, the Committee for the Defense of the Workers (KOR), and groups which allegedly seek to separate Poland from the socialist community or restore capitalism, FRG interference and revanchism is also a recurrent theme.

2. *Afghanistan.* Major emphasis is on the humanitarian, economic, and otherwise peaceful aid rendered by the Soviet Union to Afghanistan. Outsiders, especially the U.S. together with the PRC and Pakistan, are charged with interfering in Afghan affairs and in the Persian Gulf, supporting and encouraging the "bandits" (insurgents) and generally provoking discord and chaos. The CIA is accused of being behind "bandit" activity.

3. *Iran.* The Iranian people are said to have overthrown the oppressive, U.S.-backed regime of the Shah. The U.S. is still trying to regain its previous dominance and is behind attempts to overthrow the revolutionary regime. The U.S. (through the CIA) is responsible for the rash of assassinations of Iranian leaders.

4. *China.* China is accused of taking an uncooperative and hostile stance toward the Soviet Union. It is depicted as conspiring with the U.S. on military and political adventures which threaten the USSR and its allies and endanger peace—for example, in Afghanistan. The point is made, however, that the USSR remains ready to have normal relations with the PRC.

5. *Japan.* Japan is ganging up with China and the U.S. against the Soviet Union. It is making outrageous claims on Soviet territory (the disputed Northern Territories).

6. *Cuba.* Cuba and the USSR are loyal allies. Cuba is the bastion of progressivism and freedom in Latin America. Latin Americans elsewhere seek to follow its example, but are often discouraged or prevented from this by the U.S. (through the CIA) together with its allies. Since Castro took power, the U.S. "special services" have been plotting and conniving against him. The U.S. constantly threatens and provokes Cuba.

7. *El Salvador.* The U.S. is propping up an oppressive, unpopular regime. It has promoted falsehoods about the situation there, bolstered with forged and falsified (by the CIA) documents. The U.S. has made false claims about Soviet clandestine involvement in El Salvador in order to distract attention from its own activities.

8. *South Africa.* South Africa is a racist renegade state which suppresses its national liberation movement with the support if not the assistance of the U.S. Its recent attack on Angola is evidence of its lawless, aggressive nature, and the UN veto is evidence of U.S. support.

9. *Middle East.* The main propaganda target is Israel, which is depicted as the prime military and political threat in the region. Zionism is condemned as a pernicious force and is equated with anti-imperialism. Egypt is another favorite target of Soviet propaganda, with personal attacks often made on President Sadat. The U.S. is criticized for efforts to reach a "separate deal" with Israel and Egypt which is doomed to fail. The U.S. is also charged with general aggressiveness in this area. This is contrasted to the "peace, friendship and cooperation" offered by Soviet Middle East policy. Steadfast Soviet support of the PLO's cause is reiterated.

10. *Western Europe.* NATO countries are often lumped in with the U.S. in propaganda on military/strategic themes. On TNF, the U.S. and "some NATO leaders" are the villains, while the European people are generally described as peace-loving. All manifestations of opposition to neutron weapon and other weapons receive heavy play. Disagreements or conflicts between the U.S. and its European allies receive heavy and unbalanced attention from Soviet propagandists. A constant theme is that the U.S. exploits Europe in its (U.S.) anti-Soviet policies and uses heavy pressure in countering European resistance to U.S. domination. Another theme, used mostly in connection with the FRG is the "resurgent neo-Fascism, neo-Nazism" in the West.●

COMMEMORATION OF GREEK RESISTANCE DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. NELLIGAN. Mr. Speaker, 41 years ago, on October 28, 1940, Greece rejected the Italian Fascist terms of ultimatum and entered into World War II against the Axis Powers. This is a day remembered as the "Okhi" or "NO" Day Holiday which celebrates Greek determination to remain free.

Under the leadership of Gen. Alexandros Papagos, the Greek Army stopped the Italian advance and drove the Italians from Greek soil. In April 1941, the Germans joined the Italians and soon occupied all of Greece, forcing George II into exile in Crete and then in Cairo. Greek determination to be free did not diminish as a result of the German-Italian occupation. Resistance started as noncooperation but soon became guerrilla warfare. The resistance, along with the help of the Allies, helped force German withdrawal in October 1944, freeing Greece from oppressive Fascist control.

I join with Americans of Greek descent in the 11th District of Pennsylvania in commemorating the determination of those Greek resistance fighters who never gave in to the oppressive forces, but rather fought for the freedom of their beloved country.●

CITY OF GARDEN GROVE 25TH ANNIVERSARY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. PATTERSON. Mr. Speaker, it is with pleasure that I invite my colleagues to join with me in honoring the city of Garden Grove in recognition of its 25th anniversary. The city of Garden Grove was incorporated on June 18, 1956, and since then has grown from a town of approximately 4,000 to a city of over 123,000.

Although the city has had many outstanding forefathers, perhaps the most endeared is Dr. Alonzo Cook, who is recognized as the city's founding father. Dr. Cook purchased a 160-acre parcel of land from the Stearns Rancho Co. in 1874, a portion of which he later donated to the community as a site for the first schoolhouse.

The name "Garden Grove" was suggested by Dr. Cook as a name for both the school and the village that was emerging around it. There was some objection to the name, however, from residents who felt that Garden Grove was not an appropriate characterization of their village. Dr. Cook responded to his adversaries by saying, "We'll make it appropriate," and so the name was adopted.

Throughout the early 20th century, Garden Grove was primarily an agrarian community. The town began to grow after 1905, when Pacific Electric Railroad completed their southern California route. The railroad provided the perfect impetus for furthering Garden Grove's development. Gas, electricity, and telephone lines followed shortly thereafter.

Garden Grove's growth was affected again during the post-World War II period, when former servicemen who had seen California during the war decided to assume residency in the area. It was during this period that Garden Grove began to acquire the urban character it has today.

Garden Grove was incorporated in 1956 so that public services could be provided for its much increased population. Its first city council consisted of Mayor H. Louis Lake, considered by many to be the founding father of contemporary Garden Grove; Vice Mayor George Honold; and Councilmen Kenneth Dungan, Harry Blades, and Lee Barr. Mr. Barr's presence on the council is noteworthy because he was a paraplegic who served from 1956 until he passed away in 1959. He was succeeded by his wife Kathryn Barr, the city's first councilwoman who served from 1960–70, and again from 1974–78. The presence of these two outstanding individuals on Garden Grove's city council exemplifies the

city's willingness to give every man and woman an equal opportunity to serve in the governing process.

Mayor Lake has been followed by seven mayors of comparable excellence; George B. Honold, Reece Ballard, Lawrence Schmidt, Bernard Adams, J. Tilman Williams, Elerth "Rick" Erickson, and the current mayor, Jonathan H. Cannon. Today, Garden Grove is presided over by a mayor-council governing body which is composed of Mayor Cannon, and council members Leonard Holland, mayor pro tempore; Milton Krieger; Robert Dinsen; and J. Tilman Williams.

Other city officials include city manager, Delbert L. Powers; city clerk, Carolyn Morris, and the assistant city manager until September 30, 1981, was Gwen Wiesner, a 25-year veteran employee of Garden Grove. Gwen was the first city employee, the former city clerk and she is one of the finest individuals I know.

Under the leadership of these fine men and women, the citizens of Garden Grove are encouraged to participate in the governing process and have consequently developed a great deal of civic interest and pride. The council has appointed many citizens to serve on various advisory commissions and committees. It also extends a standing invitation to all residents to attend the council meetings.

Garden Grove is a city which provides a wide variety of public services, one of which is its unique municipal speakers bureau, a service which provides speakers who deliver presentations addressing a variety of subjects and are available for hire by any community group of 10 or more citizens. The city also provides a full range of recreational and cultural programs at its many parks, community centers, and theaters. Although Garden Grove is primarily a residential community, the city also houses a variety of business and industrial corporations.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in saluting the city of Garden Grove in honor of its 25th anniversary. Garden Grove, happy anniversary.●

AMERICA: MANKIND'S LAST GREAT HOPE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. CONTE. Mr. Speaker, I want to share with my colleagues today a letter written by one of my constituents in Holyoke, Mass. It was published just recently in U.S. News & World Report. The writer is a recent immigrant from the Soviet Union to this great Nation. He writes:

If Americans knew what it is like to search for a piece of meat and never find it; how it is not to be able to buy a refrigerator unless you stay on a waiting list for 10 years; what it is like by mandatory registration to be committed forever to one living place; how easily people are put in jail for just complaining about it; what it is like to live in constant fear and to struggle for survival every day in a country where the courts are designed to protect the government and are formulated in one simple concept of guilty unless you can prove otherwise; if they knew all this, they would become law-abiding citizens, never go on strike, not demand more freedom and never insult their government. But with amazement, delight, and deserved pride, they would whisper as I do, "God bless this land and her people."●

DOGS THAT DO NOT BARK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Mr. Anthony Lewis which recently appeared in the New York Times. Mr. Lewis notes that the Reagan administration has utterly failed to develop a coherent and credible foreign policy. Indeed, as Mr. Lewis writes in his article:

The President has been in office for nine months, and there is not yet a glimmering of considered policy on most crucial world issues: Soviet-American relations, arms control, the Middle-East, China-Taiwan, and so on. What we have had instead is lots of provocative, conflicting self-damaging talk.

I commend Mr. Lewis' important article to the attention of my colleagues:

[From the New York Times]

DOGS THAT DO NOT BARK

(By Anthony Lewis)

BOSTON, Oct. 25—The ineptitude of the Reagan Administration in foreign policy—the fumbles, the discords, the embarrassing corrections—has become an open scandal. But it is an amazingly quiet scandal in the one place where vigorous criticism might be expected: Washington. The Washington critics who savaged Jimmy Carter for "incompetence" are acting less like tigers now than tabby cats.

The President has been in office for nine months, and there is not yet a glimmering of considered policy on most crucial world issues: Soviet-American relations, arms control, the Middle East, China-Taiwan and so on. What we have had instead is lots of provocative, conflicting, self-damaging talk.

The latest red-faced example was Mr. Reagan's statement to out-of-town newspaper editors that he "could see" a nuclear exchange limited to Europe. To quiet resulting West European fears that America may contemplate fighting a nuclear war in Europe, officials hastily produced a corrective statement for the President to issue.

That was one of many episodes that have alarmed allied governments and European public opinion. Earlier on there was the go-ahead on the neutron bomb without consulting the allies: a blunder that complicated the far more important question of deploying Pershing and cruise missiles in Europe.

Then there is the logorrhea of the National Security Council staff. Its chief military adviser, Maj. Gen. Robert Schweitzer, was fired after saying in a speech that the Russians were "going to strike"—but fired, we were told, only for speaking without clearance. Another N.S.C. aide, Richard Pipes, remains on the job after saying that war with the Russians is inevitable unless they abandon their system.

Secretary of State Haig has done his share of running off at the mouth. His hysterical talk about El Salvador last winter, sounding as if the Visgoths would be in San Francisco if we didn't smash them in San Salvador, made some of his old friends in Europe wonder if he had taken leave of his senses.

The Western alliance, the central bulwark of our security, has suffered grievously from all this. With the Russians preoccupied in Poland and bleeding in Afghanistan, the new American Administration had a great opportunity to rebuild the politics of the alliance. The chance was totally muffed. The strident talk about Soviet villainy and vast new weapons systems has served to strengthen the unilateral disarmament movement in Europe and to strain the alliance.

Outside of Europe, an example at the outer edge of idiocy is the pending plan to sell new FX warplanes to Taiwan—thus putting in jeopardy our vital relationship with the People's Republic of China, which Mr. Reagan all the while says he wants to improve. And there is the bizarre collection of inconsistent U.S. postures in the Middle East.

In the campaign last year Mr. Reagan promised to restore consistency to American foreign policy. The line evokes giggles now as State, Defense and the N.S.C. go their separate ways. There is only Ed Meese, who knows nothing about foreign policy, trying to preside over the mélange—and trying to keep his President from ad-libbing.

When Jimmy Carter blundered in foreign policy, as he did, he came under scornful attack from Congress and the heavies of the Washington press corps. He had hardly taken office when they began treating him with contempt.

The mistakes of Mr. Reagan's first nine months are far more dangerous: more menacing to the interest of the United States and the security of the alliance. Yet there is little sense in the Washington commentary of the overall incompetence or of the consequences if the policy-making process goes on as it is.

Why? Why have those whose function is to criticize been so gentle with the manifest follies of the Reagan Administration in foreign policy?

Could it be that they like Ronald Reagan better as a person? I think so. He is so amiable, and he really does know how to massage the Washington ego. The people who never forgave Jimmy Carter for being an outsider, a Southern provincial, rushed to praise Ronald Reagan for bringing "style" back to Washington.

If Jimmy Carter had appointed as Deputy Secretary of State an old Georgia associate who did not know the names of foreign leaders or senators, Washington columnists would have been merciless in their taunting. When Ronald Reagan did that with a California friend, William Clark, the flap was brief and routine.

It is also a lot safer to criticize liberals in foreign policy. You can call them "soft," which is bad. As long as Ronald Reagan

talks about the need to be "strong," lots of people will never point out that what he is actually doing is weakening us.

Looking at the makers of policy in this Administration I am reminded of what the Duke of Wellington said when he saw a new unit of his troops: "I don't know what effect these men will have upon the enemy, but by God they terrify me."●

STRATEGIC DECISIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, October 28, 1981, into the CONGRESSIONAL RECORD:

STRATEGIC DECISIONS

President Reagan's long-awaited and far-reaching $180-billion program to modernize and improve our strategic forces includes:

Installation of 100 giant MX missiles, with at least one thousand nuclear warheads, in existing but hardened silos;

Acceleration of research on anti-ballistic missiles and on ways to base the MX;

Construction of 100 new strategic bombers patterned after the B-1 bomber;

Development of the radar-evading Stealth bomber at a faster pace; and

Deployment of several hundred nuclear-tipped cruise missiles on 84 attack submarines.

The President is putting off for three or four years a decision how to deploy most of the MX missiles, in effect postponing the choice of basing mode. In the interim, several basing modes will be thoroughly studied. Mr. Reagan acknowledges that he does not yet know which basing mode should be made permanent.

It is not easy to decide how the MX should be based. President Carter believed that the United States should confuse the Soviet Union by shifting 200 MX missiles among 4,600 shelters in the deserts of Utah and Nevada. In making his decision, President Reagan has rejected this "shell game", in part because the Soviet Union could build more missiles to destroy the MX than the United States could build shelters to hide them. Mr. Reagan is considering three ways of protecting the MX: putting it aloft on large transport planes, siting it in extremely deep underground silos, or ringing it with anti-ballistic missiles.

The President's decision on the MX has prompted much debate. The Chairman of the Joint Chiefs of Staff, the nation's top military officer, has flatly stated his doubt about the decision. Two former defense secretaries, Messrs. Brown and Schlesinger, have spoken of their serious reservations, commenting that the decision does not close the "window of vulnerability" (the phrase describes a time just ahead when improved Soviet missiles will, in theory, be able to destroy most of our land-based missiles). The Chairmen of the Armed Services Committees in the House and Senate oppose the decision for the same reason—it does not diminish the exposure of America's land-based missiles to Soviet attack because basing the MX in existing but hardened silos does not sufficiently enhance the missile's survivability. One group of critics says that the President's decision will increase the risk of nuclear war once each superpower is able to destroy its adversary's missiles. With such a capability, each side would feel pressure to shoot first. Another group says that the United States is vainly trying to solve an insoluble problem. It must ultimately accept the vulnerability of its land-based missiles. The President's dilemma is clear: although he has agreed with those who say that our land-based missiles are vulnerable, his decision does not reduce that vulnerability enough.

The frustrating and protracted search for a way to base the MX leads me to believe that the problem of vulnerability of land-based missiles cannot be solved without arms control in the form of a negotiated agreement limiting the nuclear arsenals of the United States and the Soviet Union. Without limits, the Soviet Union will be able to overwhelm any proposed MX system by building new weapons of its own. We, for our part, will do the same to them if we are not bound by constraints.

After years of studying ways to make land-based missiles immune to attack, we are confronting the basic fact that no basing mode works well. In light of this fact, the President's decision to go slow makes sense. It permits him to move in several directions. More research on other basing modes is needed, and such research takes time. My hunch is that we will eventually decide that the sea is the best and most secure environment for nuclear weapons, especially for us because of our long coast lines and easy access to deep water. The time should also be used to examine the argument that the Soviet Union has the power to reach through a "window of vulnerability" and cripple our land-based strategic forces in a "surgical" first strike. The validity and seriousness of that argument have not been fully evaluated outside the community of defense experts. In going slow the President is giving himself leeway to negotiate with the Soviet Union for a new treaty limiting strategic arms. Also, before a final decision is made on the basing of the MX, the President should explain in detail how the decision meshes with his basic foreign policy. Our choices of weapons should not drive foreign policy, but should be driven by that policy.

Mr. Reagan's proposal to build 100 B-1 aircraft, at a cost of $200 million each, also requires scrutiny. Some observers think that the B-1 is too expensive. Its cost could hamper development of the more advanced Stealth. Others claim that the B-1 is obsolete and could not penetrate Soviet air defenses when it comes on line in 1986. The President has acknowledged that the B-1 could render effective service as a strategic bomber for no more than a few years.

I believe the nation needs a new strategic bomber, but I wonder whether there are enough defense dollars for both the B-1 and the Stealth. Also, I want to examine whether cruise missiles could bridge the gap between the aging B-52 and the Stealth, and whether it makes more sense to concentrate on the building of one modern bomber rather than two.●

WHITE HOUSE CONFERENCE ON AGING—LEAVE IT TO THE PARTICIPANTS

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. RATCHFORD. Mr. Speaker, over the years the recommendations of the White House Conference on Aging have provided the impetus for major legislation to improve the health and well-being of our citizens over the age of 60. The 1961 Conference laid the groundwork for the landmark medicare legislation of 1965, and Older Americans Act programs and antiage discrimination laws grew out of the 1971 Conference.

With the 1981 Conference now only 1 month away, the Nation looks forward to a full and free debate of the critical issues this Nation faces as a result of a burgeoning aging population. For the millions directly impacted by the important decisions before us, and for those of us in policymaking roles, we expect the Conference to provide an open forum for the exchange of ideas on social security, pension laws, and health care to name a few.

Sadly, that full and free debate is now threatened. Attempts to politicize the Conference through the establishment of rules which will limit debate and controversial votes cannot be tolerated. A Republican National Committee telephone survey of delegates to learn of their attitude toward the administration's social security recommendations and their reaction to current budget cuts as they impact the elderly is entirely inappropriate. How sad it is that the administration is so sensitive to the reaction of this growing and important political constituency over its reprehensible social security and budget proposals that it feels compelled to destroy the tremendous value of this Conference.

Top-level staff changes with just weeks to go, efforts to stack committees of the Conference with administration-appointed delegates well beyond what was initially conceived, and such blatant tactics as political polling and rules changes designed to restrict debate are deplorable. The activities of the Conference must be left to the participants. The Conference must not be politicized at the risk of intimidating some participants, stifling debate, and casting a cloud over the recommendations of the Conference. If that happens, the Nation will be the loser.●

NATIONAL END HANDGUN VIOLENCE WEEK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BINGHAM. Mr. Speaker, the National Coalition to Ban Handguns has designated this week as "National End Handgun Violence Week." Activities have been organized in towns and cities all over the country to educate Americans as to the extent of handgun violence, and what can be done on a grassroots level to curtail it.

The devastation wrought by handguns is frightening. Last year, nearly 12,000 Americans died from handgun inflicted wounds. More than 5,000 Americans are wounded in crimes involving handguns each week. One out of every five fatal firearms accidents involves a child under the age of 15. Nearly 4,000 handguns are stolen from private residences weekly. These stolen handguns provide more than half of all the firearms used by criminals. During the next 12 months, there will be over 250,000 more Americans victimized with handguns.

All levels of society are touched by handgun violence. Unfortunately, this violence has become a fact of our everyday life. We flip past articles in newspapers dealing with firearms violence, rarely giving them a second glance. Firearms fatalities never even make the papers or television news shows unless a prominent citizen is involved or if the incident is particularly grissly. We have become so callous to violence that the actual number of Americans who meet their end by handguns seems insignificant to us. More Americans were killed by handguns on their own soil during the peak years of the Vietnam war than were killed in action in Vietnam. In addition, nowhere in the civilized world are firearms fatalities as high as in the United States. In 1979, there were 48 handgun fatalities in Japan, 8 in Great Britain, 34 in Switzerland, 52 in Canada, 58 in Israel, 21 in Sweden, and 42 in West Germany. During the same period of time, there were 10,728 handgun fatalities in the United States. Or, in another comparison, the handgun fatality rate in Japan is about 1.6 deaths per 100,000 persons per year, and Great Britain and West Germany both have a fatality rate of about 1.3 deaths per 100,000 people. Unfortunately, the United States tops the list with 9.7 handgun murders per year per 100,000 persons.

The National Coalition to Ban Handguns organized National End Handgun Violence Week to heighten public awareness of this problem and to mobilize citizens to help stop the rising tide of violence. The national chairperson for National End Handgun Violence Week is singer Harry Nilsson. Many other prominent Americans and national organizations such as the YWCA, the American Civil Liberties Union, the American Jewish Congress, the Black Women's Community Development Foundation, the International Ladies' Garment Workers' Union, and the United Conference of Mayors have endorsed this project.

At this moment, antiviolence activities are taking place in communities nationally, demonstrating against the high levels of handgun violence which we take so casually. In my own New York City, our former colleague, Mayor Ed Koch, has designated the week of October 25-31, 1981, as National End Handgun Violence Week. Here in the House, Representative BILL GREEN introduced House Joint Resolution 335 to make this same designation on a national level.

I commend the National Coalition to Ban Handguns on their efforts in establishing National End Handgun Violence Week. I wish them great success—success which can only result in a reduction of handgun violence.●

POOR PAY BY THE UNITED STATES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. WOLF. Mr. Speaker, Daniel J. Boorstin, historian and author of the Pultzer Prize-winning "The Americans," has been Librarian of Congress since June 1975. Mr. Boorstin has written an article, "Poor Pay by the U.S.," which appeared in the October 27, 1981, edition of the Wall Street Journal. This will be excellent food for thought as we consider the serious effects of the pay cap on senior executives during the continuing resolution consideration next month. I ask that Mr. Boorstin's article be included at this point in the RECORD.

POOR PAY BY THE U.S.

(By Daniel J. Boorstin)

WASHINGTON.—Back in 18th-century England, Tories argued that Members of Parliament should not be paid so that the nation could be sure that wealthy men would always fill the position and, hence, there would be no danger of corruption. Until now, no one has seriously argued that we should deliberately underpay higher executives in our Government in order to be sure that only the independently wealthy should be attracted. But the recent refusal by Congress to restore some equity to the Federal pay system for executives shows that it must be beginning to think that way.

As the Librarian of Congress, overseeing the work of more than 5,000 Government employees, I must say that we face a crisis in the management of our Government. At a time when we talk of increasing incentives for effective, imaginative management, when we are preoccupied with problems of the economy, energy, and defense, we are losing our best managers. And we are failing to attract the most qualified people to higher executive service.

I am having the greatest difficulty persuading the Library's best executives to stay, and cannot persuade the best people from universities or private industry to join us. Yet the Library is the research institute for Congress and our greatest national knowledge resource.

Since 1977, the highest-level Federal executives have received only a 5.5 percent pay increase. Other white-collar Federal employees have received increases totaling 33.5 percent. Yet the cost of living has risen 55.2 percent!

In our free-enterprise society, in a Government supposed to reward merit, it is impossible to provide the usual incentive of a pay increase for any of my top executive staff. More than 100 employees at the Library receive the same salary as the Deputy Librarian! How can I persuade competent executives to accept increased responsibility, when there is no commensurate increase in salary—and now seems never likely to be?

When I recently asked an Ivy League professor to reconsider his refusal to accept a Library position, he replied: "Do something about the salary, and I may consider it." I was asking him to move to a city with the third-highest housing costs in the country, with one of the highest cost of living anywhere, to work hard at a salary below what he was already receiving. In addition, he observed, I was asking him to accept a limitation on outside income, to give up all financial privacy under the recent ethics laws, and be a target for the press. Do you blame him?

Is it any wonder that the morale of our senior executives has never been lower in recent history? That they feel they have been let down by their employers—Congress and the American people? When some of my colleagues learned of the Congressional action, they burst into tears.

The situation of the Library of Congress is not peculiar. Every branch of the Government is losing its top executive civil servants at the prime of their careers. Rising college tuition costs (a 49 percent rise since 1977) are forcing our ablest executives out of Government. Retirement rates of executives newly eligible to retire (according to figures from the Office of Personnel Management) increased from 15.5 percent in March 1978 to 94.7 percent in August 1980. Sixty-five percent more career executives resigned in the year ending June 30, 1981, than in the preceding year.

Other branches of Government, including the Defense Department, are stymied in recruitment efforts by the pay limitation. As Senator Ted Stevens recently noted on the floor of the Senate, one candidate for deputy assistant secretary for systems, a deputy assistant secretary in research and development, and a candidate for assistant to the Secretary for Defense have chosen not to work for the Government because of the pay cap.

Must we choose between wealth and mediocrity? I cannot believe that either the people of the United States or our Congress is so shortsighted. Out of desperation and the simple need to keep the machinery of Government going, we will find ourselves increasingly settling for less than the best. This is simply because Congress will not provide reasonable incentives for our ablest citizens to do patriotic civilian service without sacrificing the interests of their family.

One of my ablest predecessors, Herbert Putnam, reputedly had a stock answer for any member of the Library staff who came to him to request an increase in pay. "Is it not a sufficient compensation to have the privilege of working for the Library of Congress?" I do not know how effective his observation was back them. But I find myself daily driven to give his answer now.

From the earliest days of the Republic, our far-sighted leaders have insisted on adequate, competitive compensation for executives in our Government. When the matter was debated before congress in 1797, Fisher Ames, representative from Massachusetts, opposed a policy of offering "the least possible sum for which an office could be executed . . . a sum should be paid for service sufficient to command men of talent to perform it." George Washington, himself a man of means, in his Annual Message of 1796 urged Congress to improve the pay scale for officers of the United States, lest we "contract the sphere within which the selection of characters for office is to be made, and . . . proportionately diminish the probability of a choice of men able as well as upright." Otherwise, he feared, we would "virtually exclude from public trusts, talents and virtue unless accompanied by wealth."●

VOLUNTARISM STILL ALIVE AND WELL

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. SILJANDER. Mr. Speaker, I would like to take this opportunity to let my colleagues know that voluntarism is alive and well, and living in my district in southern Michigan.

On Saturday, October 24, St. Joseph Township became privileged to become a center for a chapter of Lions International. I congratulate Alfred Lange, of St. Joseph, for his efforts to bring a Lions Club to that area, and I wish him only the best as he and his friends work on behalf of others. As you know, Lions Clubs have served the less fortunate in communities around the Nation in a myriad of ways for many, many years.

Their motto, "We Serve," is a reminder that each and every one of us has a duty to help make the world a more comfortable place to live for the less fortunate among us.

The hundreds of selfless individuals who donate their time and effort to improve the living conditions are what make this country a great nation. I am proud to say that yet another group of volunteers is providing public service now in the 4th District of Michigan.●

LUCKY TO BE AN AMERICAN

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Ms. FERRARO. Mr. Speaker, all too frequently we take for granted how lucky we are to be Americans. Regrettably it often takes a tragedy to jolt us into realizing how blessed we are to be able to live as free citizens under the flag of the United States of America. We are privileged to have the most revered democratic process in the world where the rights of free speech and justice are integral parts in all of our lives.

Mr. Valentin Dulalas understood, perhaps better than many native Americans, how fortunate one is to be an American citizen. Unfortunately he died before he could join us in calling this great country his homeland. Mr. Dulalas had satisfied all the requirements for U.S. citizenship, but he became ill and died before his dream could become a realization.

Mr. Dulalas served as a patriot in the U.S. Army during World War II in his homeland, the Philippines. He came to live in the United States in 1979. The only reason that Mr. Dulalas did not die as an American was because he was never administered the oath of allegiance.

Mr. Speaker, to me this is a moot point. Mr. Dulalas was an American in the spirit of George Washington, Thomas Jefferson and Teddy Roosevelt. I am proud to be the Representative from a District in which the family of a man such as Mr. Dulalas resides. While Mr. Dulalas was never able to take the oath of allegiance, he proved that he was truly worthy of being an American by living his life according to the oath.

I would like to take this opportunity to read the oath of allegiance on behalf of Mr. Dulalas.

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; or that I will perform noncombatant service in the Armed Forces of the United States when required by the law; or that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.●

NOW IS THE TIME FOR CIVIL DEFENSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. SKELTON. Mr. Speaker, by including civil defense as an element in his strategic defense program, President Reagan has taken an important step toward making an effective civil defense for this Nation a reality. It remains for the administration to put before Congress a comprehensive, multiyear civil defense plan, and to recommend the necessary funding to carry out this plan. Yesterday, I wrote the President urging him to put the White House squarely behind an enhanced civil defense program. The text of my letter to the President follows:

OCTOBER 27, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT. For quite some time, I have been concerned about the state of our nation's civil defense. Legislation that I have sponsored has been enacted upon and made into law, however, necessary funding as well cs a multi-year program for such funding has not been offered by the Administration to date. The Chairman of the House Appropriations Subcommittee, who deals with civil defense funding, responded to my questions on the floor that he would assist with such funding should a multi-year program be recommended by the Administration. I would certainly hope that such a program would be forthcoming from the White House in the near future so we could proceed with a proper civil defense program to protect the people of our nation.

Since your decision on the strategic recommendations, which includes the B-1 Bomber, the MX Missile, and strategic defense, I have publicly stated that I favor all five of your points, as, for the first time, I see the possibility of a strategic defense master plan. I have been urging the Department of Defense for such a master plan for several months, with no avail. Such strategic defense master plan necessarily includes civil defense and air defense.

I would appreciate hearing from you at your convenience. Rest assured that I will do what I can to further a proper civil defense program, as well as the overall strategic defense program, through Congress.

Yours truly,

IKE SKELTON,
Member of Congress.●

CITY OF CYPRESS 25TH ANNIVERSARY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in honoring the city of Cypress in recognition of its 25th anniversary. Cypress, which has

previously borne the names of Waterville and Dairy City, was incorporated on July 24, 1956.

Contemporary urban Cypress traces its heritage back to pastoral dairy town days. Early Cypress was populated by a few ranchers and wealthy landowners whose livestock grazed on the bountiful fields of the terrain. Among its early historical figures was Manuel Nieto, a corporal in the Spanish military and one of the original European explorers of the territory in 1769.

Cypress was incorporated in 1956, so that the landowners might forestall the rapidly encroaching urbanization process that had begun to change the face of many neighboring towns. By incorporating, the citizens of Cypress were able to establish a separate entity for the town, and thereby, better control the development that occurred within its bounds.

The first mayor of Cypress was a gentleman named Jacob Van Dyke. The first city council that served Cypress along with Mayor Van Dyke consisted of A. E. Arnold, Walten Arrowood, Thomas Baroldy, and Jacob Van Leeuween, Jr. Mayors who have succeeded Mayor Van Dyke include Thomas Baroldy, Frank Noe, Robert Harvey, Richard Bowen, Delnoe Kanode, John Kanel, Robert Harvey, Otto Lacayo, Henry Roberts, Jr., Alice MacLain, Donald Hudson, Howard Rowan, Vickie Evans, and the current mayor, Gerald Mullen.

Today Cypress is administered under a council-manager system. Those who currently serve on the city council are Mayor pro tempore Cornelius M. "Chuck" Coronado, Otto Lacayo, and Howard Rowan. The city manager is Mr. Darrell Essex. Darrell also holds the title of city clerk, and Lillian Hains is the deputy city clerk.

In the past 25 years Cypress has experienced an extremely rapid growth rate, and currently has a population that exceeds 40,000. Contemporary Cypress is a city which has a reputation for quality housing, fine educational facilities, abundant recreational opportunities, and a people-oriented community atmosphere. It is also the site of Los Alamitos Race Course, Forest Lawn Memorial Park, and Cypress Community College.

In recent years Cypress has welcomed two transportation-oriented corporations—Yamaha International Motor Division and Fiat Motor Division—into its sphere. Both have located their corporate headquarters in Cypress. Cypress looks forward to further individual and commercial development in the years ahead.

Mr. Speaker, I am pleased to ask my colleagues to join me in congratulating the citizens of Cypress in this the year of their 25th anniversary. We wish them continued success in the future. Happy anniversary, Cypress.●

REAGAN'S SOUTH AFRICA POLICY IS ABOMINABLE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues a most devastating experience I had on a recent visit to South Africa. In August, I attended the first United Nations Conference on New and Renewable Energy in Nairobi, Kenya, as a congressional adviser to the U.S. delegation. On the way, I visited South Africa with the House Subcommittee on Africa, chaired by my good friend from Michigan, HOWARD WOLPE. What we saw and experienced was appalling.

We learned firsthand the absolute horror of apartheid, a policy of systematic repression and torture wreaked upon the black population of South Africa, which constitutes a 6 to 1 majority of its inhabitants. South Africa's black population is being consigned to "homelands" which are nonarable areas designated arbitrarily as black zones, given independent status, and thus cast off by South Africa. Blacks living in these "homelands" cannot make a living, cannot farm, and many are starving as a result.

No black is permitted to migrate to the white areas of South Africa without a special pass issued by the government. Since the burgeoning economy of South Africa's white community requires more manpower than that community can provide, black males are encouraged to work in the mines, factories, and as domestic servants in white areas. They are not, however, allowed to bring their families to join them in these areas. Police checkpoints are set up outside the white areas to insure against illegal entry, and unannounced searches are conducted in the homes of the blacks to rout out illegal entrants. Violators are taken before "pass courts," one of which we visited, where trials are conducted in the Afrikaans language, which many blacks cannot understand.

Despite the repressive pass laws against immigration of blacks from their "homelands," conditions there are so desperate that women and children have been migrating in large numbers to join their husbands and fathers. We saw the government's brutal treatment of a group of these refugees, who settled outside Capetown, in a community called Nyanga. Hundreds of women and children were forcibly arrested, removed, and repatriated to conditions of starvation in Transkei. When I brought this appalling situation to the attention of the State Department in a letter to Secretary Haig, I was told that our Government considers the incident in Nyanga "a particularly grevious example of the serious human rights implications inherent in South Africa's apartheid policies." Yet despite its own acknowledgement of the particularly repugnant nature of this incident, the State Department insists that these tragedies are best resolved by "quiet diplomacy," read "Acquiescence by Silence."

At any sign of protest to their brutal treatment, the South African Government can arbitrarily invoke a law which makes it illegal for more than two blacks to congregate. Banning, which prohibits the banned person from conversation with more than one person or any contact with other banned persons, is also instituted. Violations can result in jail terms. Black leaders suspected of organizing opposition to any government law or edict have recently been subject to severe physical torture, leading in some cases to death, as was the case with black leader Stephen Biko.

Incredibly, the Reagan administration has chosen to respond to these tragedies by remaining silent. As Jacabo Timmerman, an Argentine exile who endured the torture and repression of another government said, "A quiet diplomacy is silence; a silent diplomacy is surrender."

Indeed, our silence on these issues is tantamount to complicity in these atrocities. Under President Reagan's foreign policy, we have become an international outcast, alienating our allies as well as our entire developing community, and, ironically, thwarting the very stated goals of Reagan's foreign policy: The halt of Soviet expansionism. Our actions, taken in the name of confronting the Russians and their Cuban proxies, have been directly counterproductive.

Every black nation we visited has made a priority of seeking an end to apartheid in South Africa and South African actions against its neighbors. They want to end South Africa's forced domination of Namibia through a settlement in accordance with U.N. Resolution 432. We visited Angola, including some of the communities claimed to be under control of the South African movement, UNITA, which the Reagan administration seeks to recognize and help. The Angolan Government made it clear to us, as it has proclaimed publicly in the past, that it does not want Cuban or Russian domination any more than it wanted Portuguese colonialism. Angola is being threatened by the South Africans, however, and its people abhor apartheid. Officials reiterated that if the South African military threat were withdrawn, they would be delighted to see the Russian and Cuban troops withdrawn.

Mr. Speaker, apartheid is one of the most blatant possible violations of

human rights, and witnessing its horror firsthand was simply devastating. If the United States is to tolerate the starvation, torture, and repression apartheid entails, it is simply handing the Soviets a victory that could not otherwise be contemplated. The American public provided no electoral mandate for these dangerous and counterproductive policies that have us siding with the worst elements of the world against our own interests.

I am including in today's RECORD two articles which recently appeared in the New York Times, illustrating the appalling dimensions of apartheid. I commend these important articles to the attention of my colleagues:

[From the New York Times, Sept. 9, 1981]

WHITE IS LUCKY

(By Osborn Elliott)

The police in South Africa are so polite, so gentlemanly, so civilized, when they arrest you.

"Excuse me, sir, may I ask what you are doing here?" Oh, just looking around, you say, as your eyes roam over the smouldering ruins of a shantytown that was brutally bulldozed and burned out by the police the night before. A couple of hundred yards away stand the evicted, staring stunned and motionless at what had been their homes—flimsy shacks of plastic sheeting, corrugated tin, and bits of wood.

These are the squatters of Crossroads, in the black township of Nyanga, tucked away out of sight near the airport of Cape Town: hundreds of black women and children who have traveled many miles from their assigned "homelands," where there is no work and little food, to be with husbands and fathers, who are allowed to live outside the "homelands" because they have jobs. The squatters have been turned out into the chill and rain of the winter because, according to the cruel tangle of apartheid laws, they are here illegally. Some sympathetic whites have brought food and blankets and some have collected vanloads of children, taking them home to feed and bathe, then returning them to the filth of the squatters' camp. The police soon stopped all that, confiscating the blankets and prohibiting further visits.

But with us the police are all politesse.

"You cannot be here without a permit," the policeman says. And where might one get a permit? You can't.

Now a tweedy civilian official leans in the car window. "I know this must look like Gestapo to you," he says, through a bushy beard, in an Afrikaans accent. "Try to remember that not all of us approve of what is going on. But we have a job to do."

We circle, then cruise slowly by the entrance to Crossroads, my photojournalist wife snapping pictures of the now homeless residents. The people seem numb. A police van overtakes our car, crosses our bow, and stops. Another pulls up behind. They escort us to headquarters, and there, at the head of T-shaped table, is the tweedy, bearded civilian. It turns out that the security police have been called.

"There are certain questions they want answers to," a policeman says ominously. In that case, I say, we'd better call the American Consul General. Permission granted, but the call never goes through. First, they cannot find the number. Then they say that the telephone line is down. Passports . . . palaver . . . protests of innocence . . . much dropping of titles and names, preferably Afrikaner names.

I am thinking about some articles that have been appearing of late in South Africa's English-language press. An article about a liberal white student, the son of a prominent opposition politician, who was picked up and jailed without charges for an indefinite "cooling off" period. Lists of books and people newly "banned" and the story of one black woman "unbanned" after 17 years, meaning that for the first time since 1964 she can legally meet with more than one other person at a time but not with her journalist son, who is in an unidentified prison, or with her husband, also in prison. Stories about the savage police raids on squatters—these are what have piqued our journalistic curiosity and brought us to Crossroads. I am also thinking of the absurd intellectual exercise, so popular in President Reagan's Washington, or trying to draw a line between totalitarian regimes and the merely authoritarian—good guys like Argentina and South Africa.

Surrounded by the police, I am thinking how lucky it is we are American. Lucky we are white. Lucky my wife is so expert at playing the dumb tourist with her road maps spread over the table and her repeated requests for directions to Cape Point—"Should we take N3 or N9 from here?" She passes around gum drops. "You can't do that," I tell her, striking a rather leaden light note. "That's bribery." The policemen accept the gumdrops.

While the uniformed constabulary is out of the room, I ask Tweeds what this is all about. Why are we being held? The police captain, he says, is upset because his picture was taken; he does not want it to appear somewhere and perhaps expose him to reprisals as the senior officer at Crossroads. We ask Tweeds, irrelevantly, whether he knows New York. No, he says, and adds, oddly, that he is going to Yugoslavia on holiday. What we don't say is, How can you do that on a South African passport? What we do say is, Oh, how beautiful the Dalmatian Coast is.

The police captain re-enters. If he is worried about the pictures, we say, he can have the film from the camera. (What we do not say is that we have already switched the film and tossed the original into the glove compartment.)

"Is this going to take long?" I ask. "We have a plane to catch tomorrow. Will we still be in prison?"

"No one has said anything about prison," the captain says.

After two hours, the captain announces that he has again talked with the security police; they suggest that we forget the whole incident. We wonder what it was that did the trick. The gum drops? The dumb-housewife bit? The name- and title-dropping? The offer to hand over the film? The requested call to the consul? Is Tweeds indeed the sophisticated humanitarian he appears to be, or is he in reality—as my wife suspects—an intelligence officer playing the role of the "good cop"?

"I've seen this done in bad television plays," Tweeds says finally. "I now hand you back your passports."

We reach the door. "You're lucky," he says, pointing to a car just pulling away. "There go the security police."

Have a nice trip to Yugoslavia, we say. Enjoy your stay in South Africa, Tweeds says. And remember, we're just trying to do our job. "Just following orders." So polite, so gentlemanly, so civilized. Just following orders.

[From the New York Times, Sept. 26, 1981]

SOUTH AFRICA: BRINGING IT ALL BACK HOME

(By June Jordan)

I used to imagine South Africa somewhere hidden as deep as the most unspeakable fears that I knew as a child. I used to think is must be a rather small hole of howling white savagery. It could not be beautiful or large or bright or able to grow peaches on a tree that someone would water and cultivate, day by day. There could not be people laughing there, or music. What would it mean to buy a new dress, or sip from a cup of coffee, in a place of such unimaginable, deadly intent and accomplishment?

South Africa used to seem so far away. Then it came home to me. It began to signify the meaning of white hatred here. That was what the sheets and the suits and the ties covered up, not very well. That was what the cowardly guys calling me names from their speeding truck wanted to happen to me, to all of me: to my people. That was what would happen to me if I walked around the corner into the wrong neighborhood. That was Birmingham. That was Brooklyn. That was Reagan. That was the end of reason. South Africa was how I came to understand that I am not against war; I am against losing the war.

But war means that you fight. Who is fighting South Africa here, in my house? What am I going to do?

I know my life depends on making this fight my own. As the Harvard psychiatrist Dr. Alvin Poussaint tells me over the phone: "Either you have to strike back or accept your own demise." He is referring, of course, to current joined emergencies that engulf black life: the ones created by the Reagan Administration, which has followed its vicious assault upon domestic social programs with stout declarations of loyalty to the terrorist Botha regime.

"If Reagan can so casually support the death of black life in Southern Africa, why not here!" says Dr. Poussaint. And I think: "If I accept what Washington and Pretoria impose, then, in a sense, I am already dead."

But I accept none of this. I mean to resist the hatred of these times any way that I can. Squeezed by deadly priorities at home, I am ready to die for the survival of black people everywhere.

How shall I wage my fight? What can I join? Where are the streets side-to-side jammed with Americans who will not be moved, who will shout until the windows shatter from the walls? Is there a picket line that blocks the South African Embassy? Do the merchants dealing diamonds and gold loudly deny the blood on the counter? Do the students interrupt the teachers who plead ignorance? Do telegrams of outrage blitz the Congress?

No and no and no. . . What is the difficulty?

Has nobody heard the news? Does no one comprehend that South Africa persists in its defilement of the majority of its people? Does no one see how South Africa expansively exploits its illegal occupation of Namibia? Does no one observe how South Africa pursues its monstrous objectives hundreds of miles into Angola? Does no one realize that Reagan's new African policy supports the murder of hundreds and hundreds of Angolan civilians in the name of "our interests"?

Reeling, beleaguered and terrified by inhumane values carried forward through the actions of this retrograde Administration, I yet look for the dignity of an effective, defiant response. I do not believe that we must founder in preoccupations with ourselves as victims, as powerless, and that, therefore, we will no longer rise up and be a mighty people, no matter what the leadership decrees. I do not believe that, in so short a time, Americans have accepted the status of pawns complicit in the crimes of a powerful few and that, accordingly, we can no longer strive to bear witness as a truly righteous people.

South Africa is not so very far away; I am only waiting for the call.●

EQUAL OPPORTUNITIES FOR ALL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. ADDABBO. Mr. Speaker, among those who support equal opportunities for men and women, some have held that gradual changes in laws and Government policies, rather than constitutional amendment, would be the most effective technique, and the most advantageous for women. I believe that the policies we have seen in the past year are the strongest possible argument against a piecemeal strategy.

We must not let the appointment of a woman to the Supreme Court obscure our view of this administration's effect on women's position. Appointments of women to policymaking positions are well below what they were under the last administration. Provisions for equality in education under title IX and the sexual harassment statute have been targeted for revision by the administration, threatening some of women's most basic rights.

Recent budget cuts will severely restrict women's health programs. The earned income disregard for AFDC, and other welfare cuts, will have their harshest effect on single mothers, the largest percentage of citizens below the poverty line. And social security changes will make more severe the fact that women who work in their homes cannot get their own retirement coverage through the system.

In employment, cutbacks in EEOC and the Civil Rights Commission mean reduced activity and commitment to insuring equal opportunity. The Office of Federal Contract Compliance programs has already begun to relax its affirmative action enforcement and is proposing new regulations to justify its actions.

Now more than ever, we must realize that equal opportunity cannot be left to the policies of changing administrations and the pressures of Federal spending. We cannot support the E and the R but not the A, as this administration proposes. We must have a permanent amendment whose effect is consistent—to insure that sex is not a permissible factor in determining the rights of men and women, and to see that sex classifications are not used on the grounds of administrative convenience.

I call on my colleagues who support equal opportunities to recognize the necessity of the equal rights amendment, and on those from unratified States to lobby their State legislatures to pass the amendment.●

AMERICANISM FOUNDATION NAMES WINNERS IN ANNUAL ESSAY CONTEST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. ASHBROOK. Mr. Speaker, I am especially proud of a patriotic organization which was founded in my congressional district, the Americanism Foundation, of Norwalk, Ohio. The foundation recently held its annual essay contest. The title of this year's essay: "What Americanism Means to Me." I have had an opportunity to review this year's winning essays and I think my colleagues would enjoy reading them as well. A special citation was awarded to Mrs. Zora VanGuilder, a wonderful American who has called our country home for more than 104 years. Her strong sense of patriotism has not waned. Her essay is a gem.

GAYMONT NURSING CENTER,
Norwalk, Ohio.

WHAT AMERICA MEANS TO ME

America—What it Means to me.

A vast expanse of earth and sky. The gift of life, love and liberty.

The beauty of the stalwart trees. The carpet of green and soft downy masses. The richness of soil, providing vegetation and nourishment for all mankind and beast.

All these things the perfect and precious gift who is our Lord God and Saviour. America means to me—Home for more than 104 years. And is freely given to all who obey, worship and believe.

Sincerely,

ZORA VANGUILDER (age 104½).

If my colleagues have any doubt about the patriotic ideals of today's youth, they would do well by reading the second place essay written by Miss Shelly Walker, an 18-year-old student at South Central High School. It is an outstanding piece.

SOUTH CENTRAL HIGH SCHOOL.

WHAT DOES AMERICA MEAN TO ME?

I am very proud and honored to say that I am a citizen in this country. One might ask, "Why is this true?" It is because my country has taught me to build my life upon the rock of God and his wisdom combined with the morals and values delegated by the American Society. This conception is a value that I hold true and apply to my life. The more patriotism that a society possesses, the better its quality of existence will be.

I am a patriotic person that has a love and loyal support for my country. This patriotism includes my attachment to this country's land and people, admiration for its customs and traditions, and to its welfare. When a person possesses patriotism, it triggers a feeling of oneness and membership in this country.

The word patriotism is derived from the Greek word patris, which means fatherland. Throughout history, all citizens have loved the fatherland or homeland. Thus, as time has progressed the word patriotism has been broadened with new developments in transportation and communication. All citizens, past and present, love the land of their fathers, the land of their birth, and the country in which they are presently living. I interpret patriotism to mean supreme loyality to the nation and I perpetually apply this to my existence in the American Society.

Throughout school, I have learned to develop patriotism that creates an appreciation for common memories, hopes, and traditions. For example, through the study of history, I have learned to love my country and admire its great heroes. I take pride and pay tribute to patriotic organizations in the United States: The Americanism Foundation, Daughters of the American Revolution, American Legion, and Veterans of Foreign Wars. They promote symbols of patriotism and national glory through the national flag, national shrines, and monuments.

I apply to my life that patriotism requires public service and responsibility of all citizens. It is important to remember that the patriotic citizen has a duty to keep informed on public issues, to take part in civil affairs and to contribute to the welfare of his country to the best of his ability. President John F. Kennedy stressed public service in his inaugural address of 1961. He told Americans: "Ask not what your country can do for you—ask what you can do for your country."

Patriotism is entangled with the political powers of democracy and nationalism. The democratic ideal is that people should have the right to govern themselves. One of the ideals of nationalism is that people should have a common language, culture, and tradition. These should form one nation with its own independent government. The democratic and national powers are the sources of our national patriotism. It is a proud feeling to say that I am a member in the society of these powers. I am a person who loves my country and zealously supports and defends it's interest.

SHELLY R. WALKER (age 18).

Finally, Mr. Speaker, I would like to insert in the RECORD, the essay written by the first prize winner, an 83-year-old gentleman who resides in the Norwalk Memorial Home. Mr. George Kullman's award winning "What America Means to Me" should be shared with all of my colleagues.

NORWALK MEMORIAL HOME,
269 WEST MAIN STREET,
Norwalk, Ohio.

WHAT AMERICA MEANS TO ME

Throughout America's history we have been fortunate to have been blessed with leaders who cared about the future of America and felt that "freedom" was the

goal to be pursued relentlessly and, when achieved, cherished above all else.

Ever since that eventful day in July, 1776, when the draft prepared by Thomas Jefferson became the official Declaration of Independence, Americans have been celebrating Independence Day as a legal holiday in the United States to commemorate this very special day in our history.

On this particular Fourth of July, Americans will reflect, once again, on the history of our country and also upon its future. The founding fathers laid the groundwork for a new nation, "free and independent, under God". . . . They struggled to establish freedom for the people of this land but their efforts were only a beginning. The maintenance of freedom is unfinished business . . . and we Americans are the ones in charge of our destiny.

Just as the Fourth of July makes us think of freedom, we pause on Memorial Day and pay tribute to the thousands of loyal patriots who fought and died so that our Nation might preserve its freedom.

Since democracy has suffered in so many lands, even those which profess to be democratic, America is the last refuge for the noblest form of government ever conceived by man. Democracy is not a political system entirely. Its principles take root in the teachings of our religious faith and ethics and morality play a vital role in the success of our system. The Bible teaches us that all men are brothers and should dwell together in peace and harmony. Only in a democracy is it possible to strive toward such a goal.

I think America is great because we are continuing our fight to maintain our liberty. Our country, composed of a "melting pot" of individuals descended from those who sacrificed to gain our independence, is strong because of our differences. The bond that united us is our common love of "freedom". In America, "The majority rules, but the minority has a right to be heard". America is one of the few major nations of the world where a free election can be held and a citizen may register his personal choice.

We, who take our elections so nonchalantly, fail to realize that the privilege of free elections is something that has been gained only through struggling, suffering, blood and tears.

If our Nation is to remain free, we, as citizens, are going to have to exercise our right to make choices in whom we select as our leaders. Ours is a government "of the people and by the people". Those who believe in America, who cherish this "sweet land of liberty", realize their responsibilities as citizens and are deeply grateful for our rich heritage and a right to have a voice in our government.

What is "Americanism"? It is pride in our country, gratitude for those who have led the way, and a desire to be a participant, a "voter", in order to preserve our finest legacy . . . "freedom".

GEORGE W. KULLMAN (age 83).

Mr. Speaker, I am proud of these fine residents of my district and I am proud to serve as an honorary board member of the Americanism Foundation. I wish them well in their future endeavors and I congratulate them for their fine work.●

LET'S PUT AN END TO GOVERNMENT SLOW PAY

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. SKEEN. Mr. Speaker, I rise today in support of H.R. 3494, the Delinquent Payments Act of 1981, introduced by Representative GLENN ENGLISH and designed to solve the problem of Federal Government slow pay. And quite a problem it is. In 1978, the General Accounting Office reported that the Government pays its bills late 39 percent of the time. A followup GAO report issued this month estimated that Government slow pay cost contractors from $150 to $375 million annually. That GAO estimate assumed an interest rate of 12 percent, however. With the cost of money today near 20 percent or more, the actual loss to Government contractors is even higher.

The most recent GAO study found that Federal agencies do little to identify late payment problems and implement effective corrective actions. Most agencies fail to comply with Department of Treasury cash management regulations requiring agencies to make payments when due. Beginning in 1978, Federal regulations required agencies to report to the Treasury at least annually on their cash management practices and include information on late payment of bills. Although 86 agencies are subject to this reporting requirement, the Treasury has received only 18 reports in 2 years. Even these reports were inadequate for monitoring the agencies' bill-paying performance due to lack of specific information. Some did not even address late bill paying, or simply made statements to the effect that they were doing better.

The fact of the matter is that they are not doing better. Almost every Government contractor you talk to has at least one horror story to tell. The Government currently has a 30-day standard for payment of contractor invoices, the norm for most private sector industries. But a mere standard is not enough, as is obvious by the Government's current poor bill-paying record. H.R. 3494 requires Federal agencies to pay their bills within 30 days or pay interest charges, as is required in the private sector, and mandates that interest payments must come out of the funds appropriated for the administration of agency programs. It is this threat of interest penalties that will force Federal money managers to pay their bills in a timely manner.

Mr. Speaker, such irresponsibility by the Federal Government has gone on too long. Honest business men and women who sell their goods and services to the Government in good faith should not be forced to wait 60, 90, or even 120 days or longer to get paid. Government contractors should not be forced to take out loans to meet their obligations while owed thousands of dollars by the Feds, as is now sometimes the case. I strongly urge my colleagues who have not already done so to lend their support to the slow-pay cause by cosponsoring H.R. 3494 or the newly introduced H.R. 4709, sponsored by Representatives JACK BROOKS, FRANK HORTON, and GLENN ENGLISH. Let us restore the faith of business in our Government by putting an end to slow pay once and for all.●

VIOLENCE IN NORTHERN IRELAND AGAIN HINDERS PROSPECTS FOR PEACE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BIAGGI. Mr. Speaker, as chairman of the Ad Hoc Congressional Committee for Irish Affairs, I have taken to the RECORD on repeated occasions to denounce violence in Northern Ireland. I have directed my comments at whoever is the perpetrator—whether it be civilian paramilitaries or those operating under the uniform of officialdom.

I state today as I have before—violence stands as the single biggest obstacle to the advancement of peace in Northern Ireland.

Today I must condemn the recent upsurge of violence by elements of the Irish Republican movement on the mainland of Great Britian. They have committed acts of terrorism which can in no way be justified or rationalized. Perhaps the most tragic of all outgrowths of the violence which has dominated the Northern Ireland scene is the killing of innocent men, women, and children.

I once again must appeal for reason in Northern Ireland. The cause which we work for in the United States—namely the advancement of a peaceful political solution with justice for all—will never progress while the forces of violence have their way.

Last week, I conducted a hearing of the ad hoc committee where testimony was received from two Irish Americans from New York, Dennis Dillon and Peter King, who participated in an international tribunal in Northern Ireland investigating the use of plastic bullets by British security forces. Their conclusion, which I fully endorse, is that the British Government has been wanton in their indiscriminate use of these lethal weapons and as a result, 7 people have been killed and more than 160 seriously injured

by these bullets. Of the seven fatalities, five were children under the age of 15. I must condemn with equal vigor the violence practiced by those soldiers who were responsible for the murders of innocent persons.

The goal of peace, justice and freedom for Northern Ireland is a worthy pursuit which has and will take time and energy—but we must persevere. We must however recognize that violence is the antithesis of peace and must be opposed by all.●

A PROGRAM TO COMBAT HIGH CANCER MORTALITY IN MINORITY COMMUNITIES

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LELAND. Mr. Speaker, today I am introducing the Minority Cancer Control and Prevention Act of 1981. The purpose of this legislation is threefold: First, to encourage more hospitals and community health centers located in federally designated medically underserved and health manpower shortage areas to provide high quality cancer screening services to individuals in high risk communities; second, to expand the area of health education resources to better inform and educate the minority population on the importance of techniques for detection and early screening to cancer; and third, Mr. Speaker, to require the Department of Health and Human Services, along with State medicaid agencies, to establish a number of demonstration projects financed under title XIX—medicaid—for low-income individuals in inner cities.

To accomplish these program activities, the Minority Cancer Control and Prevention Act would use Federal funds to increase the access to cancer screening and health education services for early detection and treatment of cancer in minority communities. The bill would encourage minority health consumers to learn about cancer's early warning signs and allow health facilities in the minority community to develop cancer control programs to help reduce the high rate of cancer mortality against blacks and other minorities.

Mr. Speaker, it is well known that cancer is the second most common cause of death among Americans. In 1900, one out of five patients with cancer survived in the country. Because of the advances in diagnosis and treatment, today one out of three cancer patients survive. Progressively increasing survival is the goal, with an eye of ultimately wiping out cancer in the coming decades. But yet, while intensifying research that hopefully will lead to cancer prevention, it is necessary at the same time to apply currently known diagnostic and treatment techniques to all segments of American population in order to achieve the highest possible cancer survival rate in light of current knowledge.

The concentration of resources on high risk groups is an accepted medical principle in attempting to substantially effect improved cure rates whether one is dealing with infectious diseases, neoplastic diseases, or other forms of illness. As an example, note that the 5-year survival rate for white women with breast cancer is 65 percent to 50 percent for black women. Note also that the 5-year survival rate for cancer of the colon among whites is 46 percent compared to the 5-year survival rate in blacks of 19 percent. In both these forms of cancer, blacks represent a high risk group for death among cancer. With proper resources, appropriate measures could be taken which would raise the 5-year survival rate of blacks with these and other forms of cancer to the level which is known to be achievable in the white population.

A decade ago, President Nixon declared a war on cancer. A question that may be raised concern what the appropriate strategy should be in conducting such a war. In a real war no doubt military forces would be concentrated where the enemy's invasion is most aggressive and destructive. By the same logic, resources to fight cancer should be concentrated on segments of the population which are at highest risk for cancer mortality. Convincing information is accumulating to suggest that low-socioeconomic status is a major determinant of poor cancer survival. If this is true, substantial resources should be directed toward the poor for education and diagnosis and treatment of cancer.

The second objective of the bill is to expand the area health education resources to better inform and educate the minority population on the importance of technique for detection and early screening to cancer.

According to the American Cancer Society which analyzed black Americans' attitude toward cancer and cancer tests, pessimism, myths, and misinformation about cancer keep black Americans from seeking early treatment and contribute to the high cancer deaths among blacks. The survey of black people's opinions on cancer said that they are less likely than whites to think they will get cancer, but more likely to think it will be fatal. Among them is another belief that surgery actually encourages the disease to spread by exposing it to air. In addition, blacks are not familiar with the early signs of cancer, and since they are not, they tend not to seek medical care until cancer is no longer local. A key problem prevalent among blacks is that blacks are twice as likely as whites to think that even if cancer is detected early, it cannot be cured. But the heart of the problem is, blacks are less exposed than whites to cancer information.

These findings point to a critical need for an aggressive public education campaign directed toward black America.

About one-quarter of the American population is considered as living below the threshold of poverty, having the equivalent of a yearly income of $5,500 for a family of four. It is known that approximately two-thirds of the poor are white and the remaining third are predominately black and Hispanic. The rate of cancer incidence among the poor population of America is estimated to be about 30 percent higher than in middle and upper class America. Black Americans have a 5-year survival rate from cancer which is 25 percent less than white Americans as a whole. In the past 25 years, the incidence of cancer has increased 8 percent in blacks and decreased in whites by 3 percent. During the same period of time, the mortality from cancer in blacks has increased 26 percent and in whites only 5 percent. There is virtually no evidence to support the fact that race itself is a cause of increased cancer deaths. However, historical denial of education and job opportunities to blacks, and to other minorities, contributes substantially to low economic status. In this sense, racial injustice creates conditions which lead to proverty and thereby such injustice is in itself a significant underlying cause of death due to cancer.

Cultural factors common to a given group which gives rise to distinct life styles may have an impact on cancer incidence and survival. As an example, note that black male Americans smoke cigarettes more than any other sex-race group; 55 percent of adult black males are known to be smokers, compared to 45 percent of adult white males. Black males have the highest mortality from lung cancer of any other sex-race group. A startling fact is that one-third of all cancer deaths in black male Americans is due to lung cancer. It would appear that this group would represent an important target population for public education.

And third, Mr. Speaker, the bill would require the Department of Health and Human Services, along with State medicaid agencies, to establish a number of demonstration projects financed under title XIX for low-income individuals in inner cities such as Houston, New York City, Chicago, Los Angeles, Boston, Detroit, Philadelphia, District of Columbia, only to name a few.

In America, 10 percent of the gross national product, or $210 billion a year, is said to be spent on medical care. The current annual budget of the National Cancer Institute is approximately $1.2 billion. Furthermore, the American Cancer Society contributes substantially to education, research services, and rehabilitation in relation to cancer. With this assumption, several critical questions come to mind. Are available resources distributed to the American population in such a way that the best survival results are obtained? Is there a reasonable balance between allocating resources for cancer research with allocations for education, diagnosis, and treatment of people who are candidates for having cancer? But most important, should poverty be an offense which is punishable by death?

These findings and our knowledge suggest that the fundamental answer is the application of justice in the distribution of medical resources.

Mr. Speaker, the American health care delivery system currently delivers the finest medical care in the world. However, one of the major shortcomings of this system is that it fails to emphasize preventive medicine and guarantee equal access to all individuals. Consequently, many low income minority health consumers have greater incidence to cancer mortality, due to lifestyles, inadequate diets, occupational hazards, and denial to fully participate in the health care delivery system.

Federal, State, and local funding methods should be developed to provide diagnostic and treatment access to those patients with signs and symptoms suggestive of cancer, regardless of their ability to pay. The pattern of application of Federal, State, and local funds allocated to all aspects of cancer should be reassessed. Such funds should focus to a reasonable degree on education, diagnosis, and treatment of the Nation's poor who represent the largest group with highest risk for cancer mortality. I would expect, and hope you would expect, that such a redistribution of medical resources would result in a dramatic improvement of cancer survival in America.

Mr. Speaker, for these reasons I am introducing new legislation which represents a vital first step in the development of prevention and detection program to save more lives from cancer mortality. It is my hope that the Congress during this session will consider the importance of this legislation as a vital and necessary measure to help reduce the high cancer mortality rates affecting black, Hispanic, and poor people. I hope my colleagues will understand the urgency and need for this important program as described in the bill.

Thank you, Mr. Speaker.●

THROWING ENERGY AWAY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. OTTINGER. Mr. Speaker, appearing in the Washington Post today is an editorial that hits the Reagan energy policy "nail" right on the head. In the face of strong congressional and public opposition, the Reagan administration is funneling taxpayer's dollars into shortsighted nuclear energy problems, and draining the conservation and renewable energy alternatives that are vastly more economic and logical. Moreover, conservation, unlike nuclear energy, can significantly reduce our reliance on imported oil; for nuclear energy can only be used to produce electricity, and electricity accounts for only 8 percent of our Nation's total oil consumption.

I urge my colleagues to read this extremely well written editorial:

THROWING ENERGY AWAY

In the light of its own statistics, the Reagan administration's antipathy to energy conservation is, at the least, puzzling. According to the Department of Energy, energy consumption in 1980 was only 2 percent larger than in 1973, the year of the oil embargo. But in the same interval, real GNP grew by 18 percent. A little arithmetic shows that the economy required 13 percent less energy to generate a constant dollar of GNP in 1980 than it did in 1973. Most of the energy that fueled growth in these years was provided by conservation and efficiency improvements rather than by new supplies.

Despite this evidence that conservation offers the greatest opportunity for near-term energy "production," the administration wants to eliminate nearly every federal conservation program. Congress restored most of the programs in last summer's budget package. Now a second effort is being made. Internal DOE documents reveal the department's plan to allocate 2 percent of its research, development and commercialization funds for 1983 to conservation. This compares with the 20 percent share set by Congress this year. Nuclear energy would pick up the difference, raising its share to 84 percent of these funds.

Part of the inability to assess conservation's potential accurately comes from the supply-sider's gut preference for, well, supply. Another part comes from the more serious argument that the market will bring about conservation improvements as prices rise, without the need for help from the government. This is only partially true. Because of federal policies, the market is still heavily skewed toward new production. Tax expenditures, to take just one example, are 10 times greater this year for energy production than for efficiency investments.

Another factor that distorts the market is the lack of consumer information. The administration's opposition to programs designed to fill this gap is the hardest to justify. Among the programs targeted for elimination are appliance labeling standards to let consumers know the energy costs of major appliances, voluntary building, energy performance standards aimed at architects, builders and new home buyers and a residential conservation service to inform homeowners which energy improvements will save them the most money. In each case the federal cost is small and the potential marketplace payoff substantial.

Despite budgetary stringencies, Congress has so far resisted every effort to kill conservation programs through budget cuts. This week the Republican controlled Senate rejected by an overwhelming margin an administration amendment to eliminate the residential conservation service. Yet even if Congress continues to stand firm on funding, there is much the administration can do to nullify the programs. The best hope is that the administration will take a cue from its consistent defeats in Congress and re-examine its policy.●

IN PRAISE OF SADAT

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. NAPIER. Mr. Speaker, the world is still reeling from the shock of Egyptian President Anwar el-Sadat's assassination. Long will we all suffer in the void that this great loss has meant to world peace.

My friend, Wiliiam L. Kinney, Jr., editor of the Marlboro Herald-Advocate of Bennettsville, S.C., published his timely thoughts in the October 8, 1981, edition of his newspaper. I recommend this editorial for consideration of the impact President Sadat had on the dangerous and difficult search for peace:

[From the Marlboro Herald-Advocate, Oct. 8, 1981]

IN PRAISE OF SADAT

The world suffered a great loss this week when President Anwar Sadat of Egypt was felled fatally by an assassin's bullet.

With his death, the problems of the Middle East seem more formidable than with him in command. While many Egyptians wailed and mourned his passing, many Arabs in neighboring countries and Arabs here in the United States rejoiced. To them, he represented one who had betrayed his Arab upbringing. To us, he represented the dominant Arab political figure who wanted to work with the United States and other western nations in keeping the peace throughout all the Middle East.

Sadat was a powerful and important man, yet, you ask, why does a small community newspaper in a small southern community eulogize him?

For many reasons.

For one, he was a man willing to do what he felt was right rather than what was popular. Such has been rare among heads of government.

Second. He never forgot his humble beginnings nor his nation's great past. It was this love of the land and love of Egypt that led him into the role of leadership he exerted in attempting to bring accord among all the nations of the Middle East.

Third. Sadat was brave. How many leaders of hostile nations would have made the magnanimous effort to visit his once-enemy,

Israel, and begin the preparation for peace between the two?

Fourth. Sadat had the larger view of the Middle East. He realized that the ability of Middle Eastern nations to survive intact rests with an alliance with the United States and western nations, not with the Soviets. It was he who expelled the 22,000 Russians from Egypt.

Much more could be said of this humble, yet great man. He was a national leader and a great advocate for Egypt.

Yet, he was much more: he was a man who set the kind of example this old world needs if we are to ever find peace.●

A REASONABLE APPROACH TO CLEAN AIR

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. COATS. Mr. Speaker, I recently hosted a public forum on the Clean Air Act in my district. Among the panelists was Dr. Thomas E. Hayhurst, a respected pulmonary specialist and member of the American Lung Association of Northeastern Indiana. I recently received some additional comments from Dr. Hayhurst which I found enlightening and wish to share with my colleagues. Following is the body of the letter:

I am a lung specialist (one of two in Fort Wayne) and see hundreds of individuals each year with respiratory disorders. I am convinced at least 90 percent of all chronic pulmonary disorders such as chronic bronchitis, emphysema, and lung cancer are closely related to tobacco use and not to exposure to polluted air. On the other hand, individuals with bronchial asthma and also individuals with chronic bronchitis and emphysema do experience exacerbations of their respiratory symptoms in association with exposure to atmospheric pollution. I would encourage you to maintain a strong Federal Clean Air Act to help protect the health of these individuals and others. However, I personally feel stongly that Federal legislation dealing with these matters needs to be tempered to some extent in such a way as to avoid placing undue financial burdens on some of the industries (especially in northeastern Indiana) which are currently struggling for survival. I hope that your approach in voting on the Federal Clean Air Act and its amendments will result in your position being a compromise between the occasionally extreme positions of industrial management on one hand and various voluntary organizations pushing "clean air" on the other hand.

I trust my colleagues will find the above comments by Dr. Hayhurst both interesting and informative.●

ARTS TASK FORCE REPORT MERITS CLOSE SCRUTINY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BIAGGI. Mr. Speaker, in an effort to stimulate private contributions to our Nation's cultural institutions, President Reagan appointed a task force charged with the responsibility of developing new ideas to enhance giving in this area. For 3 months, the task force, comprised of leaders in our Nation's cultural and humanistic circles, studied the role for the National Endowments for the Arts and Humanities in this effort.

The report of the task force, released October 14, provides fives areas of recommendations which grew out of three propositions which formed the basis for them. First, private sector support for the arts and humanities should be increased. Second, there should be a Federal role in funding the arts and humanities. Third, wherever possible, and with the exception of grants to individual scholars and artists, these Federal funds should be matched.

The recommendations of the task force which built upon these three premises, in sum were:

The current structure of the Endowments should be maintained;

The coordination and cooperation among all cultural agencies on all levels should be strengthened;

That adjustments in the tax code be made to stimulate private philanthropy;

That the Federal Council on the Arts and the Humanities be revitalized to support implementation of the recommendations of the task force and to expand upon its initial report.

That the Federal Council take advantage of the support artists and scholars have already received from the administration through receiving them at the White House.

The ideas forwarded by this distinguished group of American artists and humanists merit close attention by those who are directly affected by the work of both the Arts and the Humanities Endowments. It also merits the scrutiny of those who are involved, either directly or indirectly, in the cultural growth and development of our Nation.

I commend the task force for its insightful recommendations and also commend President Reagan for his foresight in appointing this group to advise those of us involved in the arts and humanities on the Federal level.

As New York's senior member of the House Education and Labor Committee, as a cosponsor of the authorizing legislation for the Endowments and a strong supporter of American culture and art, I urge my colleagues to review this report in order that we may begin an enlightened dialog in Congress on the challenges we face ahead.●

THE 100TH BIRTHDAY SALUTE TO ROSINA BUDD HARVEY CORROTHERS-TUCKER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. FAUNTROY. Mr. Speaker, on November 4, 1981, Rosina Budd Harvey Corrothers-Tucker, a life-long resident of the District of Columbia, will celebrate her 100th birthday. It gives me great pride to honor Mrs. Tucker on such an occasion and to share with my distinguished colleagues the remarkable life that this fine lady has had, as well as her contributions not only to the District of Columbia but throughout this great country of ours.

Rosina Budd Harvey was born in Washington, D.C., on November 4, 1881, to Lee Roy and Henrietta Harvey, both of whom were slave children from King and Queen Counties, Va. Her childhood is filled with the history of Washington, and she vividly recounts many afternoons spent listening to John Phillip Sousa conducting the Marine Band on both the Capitol and Monument Grounds; Sunday school picnics in "rural" Bladensburg, Md.; and the Italian organ grinder, who, with his monkey, played for pennies, seemingly on every corner of Washington.

She attended the M Street High School—known today as Dunbar High School—and recalls that the student population came not only from all over the city but from Maryland, Alexandria, Arlington, and Hall's Hill, Va. Some of the students from Virginia took a ferryboat from Alexandria to the wharf in Southwest and would walk from there to the M Street School.

In 1898, when Rosina Harvey was 17, she met and married James D. Corrothers, a writer and orator. Together they would travel, visiting churches and schools throughout New York and New Jersey, where he would speak to groups while she played the piano. After 18 years of marriage, during which a son was born, Mr. Corrothers died and Rosina Harvey Corrothers returned to Washington and lived once again in the home of her mother and father.

During this time, Rosina Corrothers helped found the Northeast Women's Club, which in her words was "organized to do something constructive—not just another incipient card club." Some of the club's projects included collecting adequate clothing for area

children who were poor; collecting money to buy safety patrol boys raincoats and caps; and successfully getting local authorities to install lighting and traffic signals at dangerous intersections.

In 1919, Rosina Harvey Corrothers married Berthea Tucker, who worked as a porter for the Pullman Co. Reflecting on her marriage to Mr. Tucker, Mrs. Tucker recently stated:

I believe that God has something for all of us to do and ultimately places us where He wants us to be to carry out his purposes. I have never felt that my life was my own inasmuch as throughout my life, I found myself being placed here and there. But, I am prone to think that, together with all my former experiences, becoming Mrs. Tucker caused me to reach my highest efforts.

The efforts to which Mrs. Tucker refers were an integral part of the founding and organization of the International Brotherhood of Sleeping Car Porters, the first black union in the country.

A. Philip Randolph, the first international president of the brotherhood, aware of Mrs. Tucker's civic work and organizing abilities, personally spoke to her concerning the necessity of forming an international ladies auxiliary to the brotherhood, a task for which he requested her assistance and to which she readily agreed. As she now explains it:

The Ladies Auxiliary was absolutely necessary in order that porters' wives be cognizant of their husbands' working conditions, for in the event of a strike, the wife must understand why her husband is striking and support him. It was really the women who were instrumental in assisting the financing and organization of the Brotherhood.

As the first international secretary-treasurer of the ladies auxiliary, Mrs. Tucker traveled all over this country and parts of Canada, explaining the role and importance of porters' wives in the organizational efforts of the brotherhood.

During this time, however, Mrs. Tucker never lost sight of her church, civic, and community work and was elected the first president of the Public Interest Civic Association in the District of Columbia, which, under her leadership, joined and became one of the strongest associations in the Federation of Civic Associations—a coalition of black civic associations still in existence.

In 1941, Mrs. Tucker worked closely with A. Philip Randolph in developing the first march on Washington on behalf of all American blacks—not just union members. However, when President Roosevelt heard of the planned march, he requested that Mr. Randolph call it off. Randolph agreed only when President Roosevelt pledged to issue Executive Order 8802 which banned discrimination in industries holding Government contracts. As a result of this order, a Commission on Fair Employment Practices was established, leading to legislation which opened many Federal jobs to black people for the first time in history.

It was through such efforts that Mrs. Rosina Harvey Corrothers-Tucker played a vital and tireless role in the evolution of this country and her community. She is not surprisingly the recipient of many awards, including, among others, a silver cup from the NAACP for outstanding service; a certification of appreciation and membership in recognition from her church, the 15th Street Presbyterian Church, a scroll of honor from the International Brotherhood of Sleeping Car Porters; and she was chosen by the Department of Labor as the representative of labor on their mural commemorating "75 Years of Progress of the American Black Women" at the 1940 Chicago Exposition. She has written a book entitled, "My Life as I Have Lived It," a history of Washington, the black labor movement, and the civil rights movement. She is also the narrator of a not yet released documentary produced by the Columbia Historical Society in cooperation with the Smithsonian Institution, entitled, "A Servant and a Man—The Story of the Pullman Porter."

Mr. Speaker, as the congressional Representative from Mrs. Tucker's home district of Washington, D.C. I am extremely proud of Mrs. Tucker and invite my colleagues to join me in saluting Rosina Harvey Corrothers-Tucker, on her 100th birthday, for her many years of courage, conviction, strength, and dedication to the causes of America's black men and women which have elevated the quality of life for us all.●

MSGR. BELA VARGA SPEAKS ON THE 25TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. BILL GREEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. GREEN. Mr. Speaker, on October 20, 1981, Msgr. Bela Varga, the chairman of the Hungarian Committee, an organization of democratic Hungarian politicians exiled by the Communist regime in Hungary, issued a statement on the 25th anniversary of the Hungarian revolution, which is observed widely in the United States and other parts of the free world on October 23, 1981.

Monsignor Varga, who currently resides in my district in New York City was the Speaker of the Hungarian Parliament after the relatively free 1945 elections but had to flee following the Communist coup in Hungary at the end of May 1947. For his work in aiding and saving French prisoners of war during World War II in Hungary, he received the Legion of Honor from President Charles de Gaulle. Varga was also active in saving Polish refugees and officers in Hungary during the war and many Jews during the German occupation of Hungary after March 20, 1944.

I take this opportunity to insert his cogent and appropriate remarks into the RECORD as a testimonial to the free Hungarian spirit:

MONSIGNOR VARGA'S STATEMENT

Since the end of World War II, the Hungarian people expressed its free will three times. Twice by elections, in 1945 and 1947, and once by revolution, in 1956. In all three instances, it testified to the same will to national independence, freedom and democracy and in favor of a government responsible to its people and not to foreign interests. The Soviet occupiers and the subservient Communist Party in Hungary frustrated all three times the clear and overwhelming opinion of the Hungarian nation.

In 1956 the revolution commenced in Budapest, the city of which President Eisenhower stated on January 21, 1957: "Budapest is no longer merely the name of a city, henceforth it is a new and shining symbol of man's yearning to be free."

We now commemorate this revolution of 1959 about which the Wiener Presse wrote on November 1, 1956 that in doing so the Hungarian people had not only shaped its own historical destiny, but had entered world history by showing how much human will may be able to accomplish when motivated by a noble cause.

For indeed, the rising of the Hungarian youth shook the world's conscience. It also forged into unity the various segments of the Hungarian nation. It is unique in the annals of world history that the youth of a country would revolt against a superpower, direct its own revolution and bring the supreme sacrifice in order to regain the independence of its country. This revolution is also exemplary as it was not tied to any personal leadership of one man like most others. It was rather guided and led by the commonly shared ideal of freedom. This forged the uprecedented national unity and to this ideal did the nations of the world pay homage when the members of the United Nations supported its resolution by 85 percent vote in the General Assembly and demanded: "To withdraw all Soviet forces from Hungary without delay." (Res. 1004—U.N. General Assembly) and "that free elections should be held under United Nations auspices." (Res. 1005—U.N. General Assembly).

These two U.N. General Assembly resolutions still await implementation.

In the name of Hungarian Committee I respectfully request the democratic governments of the world, the Secretary General of the United Nations to support the implementation of the above resolutions. To fulfill their conditions would not only result in the freedom and true national independence of the Hungarian nation but also in an end of the Iron Curtain and the aggressive, expansionist and colonialist policies of the Soviet Union.●

REALITY THERAPY

HON. JOHN LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LaFALCE. Mr. Speaker, finally, the President is willing to acknowledge a fact familiar to millions of Americans: our economy is in recession. Unemployment is growing, output is declining, and the economy is paralyzed by continued high interest rates. This first step in the process of admitting to the Emperor that his new economic clothes are a hoax must have been painful for his advisers, but at least it brings Mr. Reagan closer to confronting the real effects of his program.

The rosy economic forecasts on which the administration based its program were perhaps not willfully dishonest, but their effects on budget deficits, and thus on the economy as a whole, have been disastrous. Because these over-optimistic forecasts were used to justify an extraordinary tax cut, the disaster will be magnified in 1983 and 1984. As Hobart Rowen commented in a recent article—

It would be hard to exaggerate the extent to which the crucial error of Reagan's approach to economic problems lies in the horrible 1981 tax legislation.

I would like to call to the attention of my colleagues the full text of that article, titled "The Reagan Recession," reprinted from the October 22, 1981, Washington Post as follows:

[From the Washington Post, Oct. 22, 1981]

THE REAGAN RECESSION

(By Hobart Rowen)

Surprise, surprise, the economy is in a recession! For weeks analysts outside the Reagan administration have been warning that nothing else could develop from the inherent conflicts in Reaganomics, which pits a highly restrictive policy of monetarism against an excessively stimulative fiscal policy.

But last weekend, for the first time, after receiving a memorandum from Economic Council Chairman Murray L. Weidenbaum outlining the pervasive decline in the economy (every industrial sector except defense showed a fall-off in September), President Reagan was willing to label the current situation a recession, albeit a slight one. Weidenbaum followed up with a public statement saying that "we have anticipated for some time that this situation could arise."

Back in March, Weidenbaum was beginning to admit that 1981 would be a disappointing year. But at the beginning, the Reagan program, as announced and defined, pretended there would be no recession. The economic assumptions published at the beginning of the year—relying on supply-side magic—called for an increase of 1.1 percent in real economic activity in the current calendar year, soaring to a 4.2 percent gain in 1982, followed by a 5 percent gain in 1983.

Such rose-colored expectations have not yet officially been discarded, but they can be junked. Yet Weidenbaum is still insisting that "the forces are already in motion to reverse current downward tendencies, even though several more months of poor economic statistics are a likely probability." Those "forces" are the first stage of the individual and business tax cuts, and a decline (from high peaks) in short- and long-term interest rates.

But don't make any bets that this prediction is any better than others the administration has made so far. The individual tax cut on Oct. 1 is of piddling dimension, and the business cuts—even though retroactive to Jan. 1, 1981—won't help the economy until next year. More significant, perhaps, is the new uncertainty over next year's tax cuts.

And as for interest rates, the administration originally far underestimated how high they would go—and hence the dampening of real economic growth as well as the drain on the budget to service the national debt. Now, there has been a modest reduction from the peaks, but nothing yet to reduce the crunch on business expansion, or to ease the real depression in housing and cars.

Treasury Secretary Donald T. Regan, in a moment of candor last Friday, admitted that in the case of the administration's efforts to prevent disaster in the savings and loan industry "we actually don't know what's going on."

One wonders whether that can't be said of the administration's approach to other problems in the nation's economy. For example, President Reagan did not oppose the "All Savers" Certificate proposed by the savings industry as a bail-out for their sickness—although he had plenty of warning that it was bad legislation of dubious value to the S&Ls, and a positive additional bonanza for upper-bracket earners.

Now the administration is discovering that the Treasury will take a terrible bath through the tax-free status of the All Savers. Moreover, according to some private analysts, so much money has been shoveled into the All Savers that the economy has suffered directly: economists report that money that might have gone into down payments for cars was tucked instead into All-Savers.

It would be hard to exaggerate the extent to which the crucial error of Reagan's approach to economic problems lies in the horrible 1981 tax legislation. Nobel economics laureate James Tobin put it exactly the right way the other day when he said that the "disgraceful" bill "really made a shambles of the American tax system."

Congress and the president together, yielding to almost every greedy pressure, "gave up all pretense that this country [should] make any attempt to check the accumulation of dynastic wealth, or try to render things more equal in the next generation," Tobin said.

There is a certain immorality to the tax bill, as Tobin suggests. But let's put that question aside and deal for the moment only with the macro-economic effect: with a recession a certainty, the economic growth prospects that might have generated extra tax revenue are not in view. Therefore, it is time for reality to replace the supplysiders' mumbo-jumbo (call it voodoo economics, if you will), and aim policy toward a partial withdrawal of the tax cut. This in turn can encourage the Federal Reserve to ease up on its drastic monetary policy.●

GRANTING A FEDERAL CHARTER TO THE ITALIAN AMERICAN WAR VETERANS

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. ZEFERETTI. Mr. Speaker, I am very proud to support H.R. 4734, legislation passed under suspension Monday, October 26, that would grant a Federal charter to the Italian American War Veterans of the United States. This nonprofit organization, chartered in 11 States and with over 8,000 members nationwide has a long and proud tradition of service to our Nation's hospitalized and disabled veterans, and to the widows, orphans, and families of veterans who have given their lives for our country's freedom.

As a cosponsor of this bill, I am very gratified that this legislation has finally passed the House of Representatives and I want to take this opportunity to commend my distinguished colleague from Illinois, Mr. ANNUNZIO, for introducing this bill and for his efforts to bring the bill to the House.

I believe H.R. 4734 is a suitable and appropriate honor for this worthy organization on the occasion of its golden anniversary.●

GOVERNMENT MUST PAY BILLS IN BUSINESSLIKE FASHION

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. DAUB. Mr. Speaker, one goal of this administration that I fully support is that the Federal Government will begin to conduct its affairs in a businesslike fashion. Steps taken recently to cut back on the size and scope of Government go a long way toward achieving this, but more remains to be done.

By operating like a business, the Government must assume certain new responsibilities—among them to make more fair and equitable the way in which it renders payment to those firms that provide it with goods and services. This has been a continuing source of conflict for many years, and it is the Government that must take most of the blame. H.R. 2036, a bill I am cosponsoring along with my distinguished colleague from California, Representative ROBERT LAGOMARSINO, provides relief to Government contractors in three important problem areas:

Problem 1: The Government pays its bills late. A 1978 General Accounting Office report found that almost 40 percent of all bills are paid late by Federal money managers. In effect,

the Federal Government is borrowing up to $11 billion per year from businesses by not paying its bills on time. To solve this, H.R. 2036 requires the Government to pay its bills within 30 days or face interest charges on the amount past due. For meat, groceries, and other perishables, payment would be due in less than 30 days, as is the common practice in those industries. By forcing money managers to pay a reasonable rate of interest and making those charges come out of the agency's operating fund, chronically late payments should eventually be a thing of the past.

Problem 2: Companies are denied partial payment when they make partial delivery. When a Federal agency orders a number of products and receives partial delivery of some but not all of the products ordered, the agency refuses to pay any money until delivery is made on the whole order—even though the Government puts to use the items delivered. This is unfair to local companies who, in good faith, go ahead with partial delivery rather than hold up an agency. H.R. 2036 corrects this by providing for partial payment for partial delivery of goods.

Problem 3: Discounts are taken by the Government after the discount period has expired. The Government high-handedly takes allowances granted as incentives for early payment even when payments are made months late. H.R. 2036 outlaws this abuse by permitting a discount to be taken only when payment is made within the time frame specified by the discount agreement.

In discussions regarding this legislation, concerns have been raised that the possible costs to the Federal Government will be high. Using figures from the aforementioned GAO report, the Slow Pay Coalition—an ad hoc organization of business trade groups—estimated that the Government would have paid only $69,769 in interest penalties on the 1,187 bills uncovered by GAO. The Government would have paid an additional $14,734 in interest due on meat, frozen foods, groceries, and other perishables. These interest penalties assume an interest rate of 1.5 percent per month on the unpaid balance. The average penalty cost per invoice would be $58.77. The conclusion is, therefore, that the costs to the Government would be quite modest. In any event, the costs could be avoided completely by paying on time.

Mr. Chairman, H.R. 2036 is a bill that is long overdue. It provides simple and ultimately reasonable solutions to problems that plague the many thousands of Government contractors, particularly small business firms already struggling in tough times. It is my hope that hearings can be held in the near future and that this Congress will enact H.R. 2036 with all due haste.●

STATE RIGHTS CONTROL OVER PESTICIDES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. EDWARDS of California. Mr. Speaker, on Wednesday, October 28, the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture will be considering amendments to the Federal Insecticide, Fungicide, and Rodenticide Act.

Efforts are underway which would weaken a States authority to have different regulations than the Environmental Protection Agency, the lead Federal regulatory Agency on this matter. These efforts are being mounted by large chemical trade associations of the chemical industry.

The National Coalition Against the Misuse of Pesticides and the American Federation of Labor and Congress of Industrial Organizations—AFL-CIO—have expressed their objections to these amendments which would limit public and worker access to health and safety data as well as the States control over their own communities.

I believe that these are outrageous steps which must be halted. I urge my colleagues to talk with their friends on the Agriculture Committee who will be voting on this matter and urge them to resist these pressures from the chemical industry. The following editorial appeared in Monday's Los Angeles Times and I think it tells this story quite clearly.

MAKING PESTICIDES MORE PESTILENT

California has the strongest pesticide regulations in the country, but attempts are under way in Washington to weaken them by reducing states' authority to differ from federal regulations. California officials are resisting these efforts, which would seriously cripple the state's attempts to protect both consumers and farm workers from exposure to hazardous substances.

On Wednesday, a House Agriculture subcommitee chaired by Representative George E. Brown, Jr. (D-Calif.) will take up a handful of controversial amendments to the Federal Insecticide, Fungicide and Rodenticide Act. Chemical-industry organizations such as the Chemical Specialties Manufacturers Assn. and the National Agricultural Chemicals Assn. want to make it difficult for any state to go beyond federal Environmental Protection Agency standards for introducing pesticides to the market and keeping them there once they are registered. Fortunately, their proposals have been coolly received by Brown and his staff.

We have argued before that there are ways in which California's pesticide regulations should be strengthened. Nonetheless, they are still tougher than federal rules in two important respects: They deal more explicitly with protections for farm workers exposed to agricultural chemicals, and they keep pesticides off the market more readily if information supporting the chemicals' safety is inadequate or unavailable.

Richard E. Rominger, the director of the California Department of Food and Agriculture, has testified repeatedly in Washington that proposed changes would weaken his department's attempts to handle problems before they become problems. Workers might be injured and food containing higher-than-tolerable pesticide levels might be marketed before his department could act, Rominger said.

The federal rules do not promote speedy action. For example, it was two years after California banned DBCP—dibromochloropropane, a pesticide that was causing sterility among men making the substance—that the Environmental Protection Agency finally followed suit.

Who, Rominger asked at one hearing, wants to change this section of the law? "It is not the people of California or any other state. It is . . . the trade associations of the chemical companies. . . . They want to be able to market their products in my state without interference from the people and laws of California. They do not want to comply with out state's data requirements."

State officials estimate that California farmers account for about 20 percent of the nation's pesticide use. The stakes, therefore, are high for the chemical manufacturers. They are even higher for the farm workers and the consumers, and any attempts to lessen their protection should be resisted, as Rominger and Brown are doing.●

IN SUPPORT OF THE DEATH PENALTY FOR KILLERS OF LAW ENFORCEMENT OFFICERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BIAGGI. Mr. Speaker, on Tuesday afternoon—during an armed robbery of an armored car in Nyack, N.Y.—two police officers and a security guard were murdered. Police have apprehended several suspects in the crime including members of a dangerous Weather Underground movement.

The two police officers were Sgt. Edward O'Grady an 11-year veteran of the Nyack Village Police Department—who at the age of 33 left a widow and three young children, and officer Waverly Brown, a 13-year veteran of the force who at the age of 45 leaves two daughters as survivors. The security guard, Peter Paige was employed for 24 years as a Brink's guard. He is survived by a wife and three children.

As a former police officer for 23 years in the city of New York, I firmly believe that there is no more serious crime than the murder of a law enforcement officer. That is why I introduced a bill earlier this year to make this crime subject to the death penalty. Law enforcement officers are our front lines of defense against crime. They must be afforded all possible protections as they conduct their work. This protection must include the death penalty not only as a just

punishment for those who do kill police officers—but also as a deterrent to those who might try.

I call upon my colleagues in Congress to work with me to secure passage of legislation which would reinstate the death penalty for the killing of law enforcement personnel. There is no greater threat to our internal security than crime—and there is no greater crime than murdering a law enforcement officer.

I extend my condolences to the families of Sgt. O'Grady and officer Brown as well as Mr. Paige. Let us not wait until another police officer is murdered before we act.●

UPDATE ON AFGHANISTAN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. RITTER. Mr. Speaker, I have addressed my colleagues on several occasions about the continued and unlawful occupation of Afghanistan by Soviet troops. I have stressed that a real problem in calling attention to Afghanistan is the limited coverage by the Western press. Today though, I am proud to share with my colleagues an enlightening article on this war written by Time diplomatic correspondent, Strobe Talbott, after his return from Kabul, Afghanistan. The article is entitled "In the Capital of a Quagmire."

Mr. Talbott was granted a rare visa from the Babrak Karmal regime to file a report from Afghanistan and is the first American reporter to interview the Soviet-supported ruler and some key associates. The story was published in the October 26, 1981, edition of Time magazine and is an excellent account of the current situation in Afghanistan. Talbott describes vividly the Afghan people's willingness to fight and die to rid their country of Soviet troops. I would personally like to commend Mr. Talbott for his enterprising efforts at presenting the American people with a thorough and very professional account of the ongoing war, a conflict whose outcome is of grave importance to the free world's defense and energy future. It is good to know that there are journalists like Mr. Talbott who are willing to make the effort to seek news from inside Afghanistan and bring it to the attention of the American people. The article follows:

IN THE CAPITAL OF A QUAGMIRE—MOSCOW CONDUCTS AN OPEN-ENDED BATTLE AGAINST A RESILIENT INSURGENCY

For nearly two years a Soviet expeditionary force of 85,000 troops has propped up Afghanistan's Communist regime against a motley but tenacious resistance movement. Soviet intervention in Afghanistan has become a chronic irritant in East-West relations: Secretary of State Alexander Haig reiterated U.S. outrage in his talks with Soviet Foreign Minister Andrei Gromyko at the United Nations a month ago, and the Afghanistan issue will probably be debated in the U.N. General Assembly next month. Most Western press coverage of the conflict has come from listening posts in Pakistan and India and from reporters who have slipped into rebel-held territory. Time Diplomatic Correspondent Strobe Talbott received a rare visa from the Afghan government and last week sent this report from Kabul:

During daylight, Kabul seems almost like a city at peace. Almost, but not quite. There are reminders, some constant and subtle, others sudden and dramatic, that this is a land at war with itself and with its giant neighbor to the north, and that the war is closing in on the capital.

At a dusty park, children frolic on a makeshift wooden Ferris wheel, seemingly oblivious of the armored personnel carrier at an intersection near by, a searchlight mounted on its turret. The younger children cluster around a foreigner, taking him for a Soviet, chanting "Khorosho! Khorosho!" (good). Older youths, approaching or just over the compulsory military draft age of 15, withdraw sullenly.

At the main mosque on the bank of the Kabul River, the faithful gather for midday prayers. Most are old men, many of them crippled. In the midst of their worship, the droning incantations from the loudspeakers on the minarets are momentarily drowned out by the roar of two camouflaged MiG-21s streaking toward targets upcountry. Outside, a truck goes by with two Soviet soldiers in the back. They wear wide-brimmed khaki ranger hats and olive-drab bulletproof vests, and they hold their Kalashnikov assault rifles at the ready, barrels upright, on their knees.

Commercial air traffic, what little is still operating, moves in and out of Kabul airport normally, but the Soviet Ilyushin and Antonov military transports that use the same runway bank sharply after takeoff and climb to a safe altitude in a tight spiral. There is rising concern that rebels armed with hand-held SA-7 antiaircraft missiles may be hiding in the hills around the capital.

In the densely populated old part of Kabul, numerous houses are flying red banners. There is nothing ideological about them. It is an Afghan custom to hoist a green or blue flag if someone in a household has died, a red one if death occurred by unnatural causes, "such as murder or in war," as a resident explains.

Trade in the bazaars is brisk. It includes a thriving black market in which Soviet soldiers barter vodka, clothing, even ammunition for hashish. Here and there, turbaned vendors beckon for customers to examine straw baskets filled with lethal-looking daggers with 6- to 8-in. blades. A pair of passing Soviet privates, their Kalashnikovs at their sides, eye the knives nervously.

A European agricultural aid specialist says that the radius in which he is allowed to operate around Kabul has narrowed to just beyond the capital's suburbs. The price of tea has recently doubled, the cost of firewood, the principal heating fuel, tripled. Winter in this ruggedly beautiful mountainous country can be very harsh; this year it will be especially hard, and expensive, for Kabul's citizens.

Seven miles north of the city lies the Kabul Golf and Country Club. Its 18 holes are perhaps the most challenging in the world, not just because goats graze on the fairways and the "greens" are made of oiled-down sand, but because the course is often a no man's land in shootouts between government troops and the mujahedin (holy warriors). The guerrillas let alone the foreign diplomats who play there: the Soviets, after all, are known not to be golfers. The mujahedin concentrate instead of sniping at Afghan sentries stationed near by atop a dam at the base of Kargha Lake, a reservoir for the capital. The guerrillas have also ambushed parties of Soviet soldiers and nurses from the military hospital in town who come to swim and fish in the lake. Recently six Soviets were fishing with hand grenades, lobbing them into the water like depth charges and swimming out to collect the fish that floated belly-up to the surface. Then a band of mujahedin on a hillside opened fire, a lethal variation of the same game. Two of the Soviets were killed, two wounded, and two escaped.

But the lesson of Afghanistan may be that the Soviets do not give up easily; last week there was another Soviet swimming off the pier at Kargha Lake, while his wife and small daughter gathered stones on the beach. They had formidable lifeguards; a dozen Afghan soldiers, a patrol boat and an armored vehicle.

The reservoir basin frequently reverberates with the thud of bombs exploding nearby and with the rumble overhead of Mi-24 "Hind" helicopter gunships. They are the nemesis of the mujahedin. The choppers' main targets nowadays lie another ten miles northwest, around the town of Paghman, which has been the fulcrum of a seesaw struggle between government forces and insurgents. Two weeks ago the mujahedin's green banners of Islam were flying over Paghman. Last week they had been replaced by the black, red and green flags of the government. Next week, or the week after, Paghman might be in rebel hands again.

It is after nightfall that the war comes to Kabul itself. By dusk the crowds have thinned out in front of the Ariana Cinema on Pushtunistan Square after the last showing of Guilty, an Indian-made "drama of underworld crime, lust and sin." Afghan-manned tanks and armored personnel carriers take up their positions at every traffic circle. Armed patrols fan out. Soviet troops replace the Afghan youths who have been checking documents and searching cars at roadblocks during the day. At 10 p.m. the curfew goes into effect. Violators can be shot on the spot. So can the enforcers. Bursts of gunfire punctuate the night. Mujahedin who have infiltrated the city, sometimes with the connivance of sympathetic Afghan army officers, wage hit-and-run attacks on the homes of government officials, fire rifle-propelled grenades at Soviet staff cars, and assault police stations. In one such raid recently, the rebels killed six policemen and persuaded 17 survivors to desert.

Defections have been the government's principal curse. Before the 1978 coup that brought the Communists to power. Afghan army strength stood at over 100,000. That figure had dropped to 50,000 to 70,000 by the time Moscow invaded and installed the regime of Babrak Karmal in December 1979. It is now down to about 30,000 men. Draconian attempts to solve the problem have only exacerbated it. During the summer, teen-age cadets from the Kabul military academy were suddenly rounded up and thrown into the ongoing battle for the

mountains around Paghman. At least 70 died, many of them the sons of men who run the regime.

Last month the government announced a new draft law calling up all males between 15 and 35 who had not yet served, and extending the tours of those who had already been conscripted. Many young men promptly disappeared into the countryside, some to join the mujahedin. Yet others did report to their draft boards, only to do two weeks' basic training, receive their government-issue weapons and then defect to the guerrillas.

Many shopkeepers in Kabul closed their doors in protest against the new law. The khad, the government security force that is largely a creature of the KGB, came around in trucks with bullhorns broadcasting a mixture of threats and patriotic exhortations to get the shops to reopen. Eventually the police broke the locks on the stores, often to find that the owners had fled to the hills, taking their inventories with them. Public demonstrations against the draft have usually been conducted by young women, on the theory that they are less likely to be fired on.

The most frustrating military operation for the Afghan and Soviet forces has been the battle for the Panjshir Valley, 40 miles north of Kabul. Four times they have tried to drive the mujahedin out; four times they have failed. The most recent offensive petered out two weeks ago, and there were signs that the insurgency was becoming less of a free-for-all in which rival guerrilla groups quarrel with one another almost as fiercely as they fight Kabul. During the latest Panjshir campaign, for example, rebel units normally operating south of the capital trekked north to join the mujahedin in the valley.

But the insurgents still face a host of problems, some of them self-inflicted. Despite the late Anwar Sadat's revelation that Egypt has served as a channel for the U.S. to infiltrate Soviet-designed weapons to the rebels, the mujahedin insist that they still rely primarily on what they can capture from their fallen or routed enemies. They have acquired from the outside, mainly the U.S., China and Egypt, some antiaircraft guns and antitank weapons, but not in sufficient quantity to neutralize the MiGs, helicopter gunships and heavy armor that throw such devastating firepower against rebel encampments and villages.

When a rebel band does get hold of a modern Kalashnikov, the weapon is likely to end up as a status symbol in the hands of the tribal elder, while the younger warriors, men with better eyesight and surer footing, are left to fight with bolt-action British Lee-Enfield rifles.

In one sense the lack of unified leadership is an advantage for the insurgents: the Soviets cannot end the rebellion simply by decapitating the movement. But while mujahedin may be learning to cooperate on limited operations, their very diversity makes it difficult for them to close ranks behind a sustained, coherent military strategy or political program. Some are Muslim fundamentalists, even Khomeini-esque fanatics. Others are disgruntled leftists, while still others are perennially recalcitrant tribal chiefs nostalgic for the bad old days of the feudal monarchy that was overthrown in 1973.

Afghans have been fighting one another at least as long as they have been resisting foreign invaders. The mujahedin have the rallying point of a common enemy, the Soviets, and any regime unmistakably identified as Moscow's puppet may be doomed. But that does not mean that even with heavy increases in outside assistance, the rebels can defeat and expel the Soviets.

With their huge military wherewithal, the logistical advantage of a common 1,050-mile border, and few or no political repercussions to worry about on the home front (the Kremlin need not fear that Moscow State University undergraduates will start burning their draft cards), the Soviets can hunker down for a long time in Afghanistan, fortifying enclaves and forgetting about pacifying the countryside. As the Afghan army continues to hemorrhage, the Soviets may feel that they have no choice but to take over more and more of the burden of the fighting. Thus the day recedes when they can pull out under a policy of "Afghanization."

Indeed, Soviet diplomats including Foreign Minister Gromyko, have indicated recently that the Kremlin is prepared to hold on in Afghanistan and wage a war of attrition against the insurgents as long as necessary to assure the survival of a pro-Soviet regime in Kabul. That could mean forever. Such stubborn determination leaves Moscow faced with the prospect of an open-ended drain on its resources and ongoing embarrassment in its foreign policy. It also presents the U.S. with a dilemma. Should the U.S., in exchange for a Soviet pullout, press for a diplomatic settlement that might involve the formal recognition of Karmal's puppet regime and an end to outside support for the mujahedin? Or should Washington keep the covert military heat on and insist on unconditional withdrawal?

"It's a tough call," says former CIA Director William Colby. "Is there a chance of [the rebels'] actually winning? it doesn't look very promising." Adds a former senior official of the Carter Administration: "If you help Afghan insurgents who have no hope of winning, then are you sending them to slaughter? On the other hand, if you get over that moral hurdle, you can go all out and really bleed the Soviets, even if you can't beat them." The Reagan Administration is definitely attracted to the second option. Unfortunately, that course risks antagonizing Western European allies and some Islamic countries that reject the Soviet presence in Afghanistan but are wary of Washington's bellicose anti-Moscow rhetoric. Yet even with the best of will in Washington, it is difficult to imagine what a compromise would look like, given Soviet and Afghan refusal to negotiate with the mujahedin and the rebels' rejection of a Moscow imposed regime.

VOICES OF AN EMBATTLED REGIME—TALKING WITH AFGHANISTAN'S THREE TOP LEADERS

When Time Diplomatic Correspondent Strobe Talbott arrived at the Presidential Palace in Kabul last week, he found President Babrak Karmal as affable in manner as he was doctrinaire in his pronouncements. At the beginning and the end of a 90-minute interview, the first Karmal has had with an American journalist, the President and party leader kissed Talbott on both cheeks in the traditional Afghan greeting, urging him to "come back some time and hunt Marco Polo sheep in our beautiful mountains." Karmal spoke mostly in English, which he said he learned in King Zahir's prisons during the 1950s, and proudly recited the opening lines of the U.S. Declaration of Independence, explaining that he admired Americans as people with "a great revolutionary and anticolonialist tradition." Karmal's chief de cabinet and one of his principal military aides were more comfortable speaking Russian.

Karmal, 52, is a revolutionary of unabashedly pro-Soviet leanings. In the mid-'60s he formed a faction of the People's Democratic [Communist] Party that hewed closely to Moscow's line. After the 1978 coup that brought rivals in a more independent party faction to power, he was sent off into diplomatic exile as Ambassador to Czechoslovakia. In December 1979, when the Soviets invaded and killed his predecessor, Hafizullah Amin, Karmal emerged as the new leader.

Western observers are convinced that Karmal was in the U.S.S.R. at the time of the invasion, that he broadcast his inaugural address as President from Tashkent, and that he was flown into Afghanistan only after the Soviet occupation force was in place. "Lies and fabrications," said Karmal, adding that he had been living secretly in Afghanistan for a few months during the previous regime, and that it was he who "requested" the Soviet intervention on instructions from the Afghan party central committee.

Karmal insisted that the war is going well: "We have defeated the counterrevolutionary bandits even though we have not yet completely destroyed them." Most of the fighting, he said, is handled by the Afghan armed forces, not by the Soviets: "The limited contingent of our Soviet friends is to be held in reserve, as a potential force to be used against the massive outside aggression in this undeclared war that is being waged against us by terrorists operating from some 80 bases in Pakistan. They are armed by the American imperialists and the Chinese hegemonists, and funded by the petrodollars of Saudi Arabia. If the outside interference were to stop, we could solve all our problems in a matter of months, and the limited contingent of our Soviet friends could go back to their home in the peace-loving U.S.S.R."

The U.S. and other backers of the mujahedin, Karmal claims, are not really interested in a Soviet pullout: "The forces of hegemonism and imperialism do not want the contingent to withdraw. Why? Because for them the continued presence here of our friends is a pretext that they can exploit against the Soviet Union.

Asked if he or his government disagreed in any way on any issue with the Soviet Union, Karmal answered firmly, "No, not the slightest one." But he insisted that the coincidence of interests does not mean he is a puppet, nor does it make Afghanistan any less sovereign: "There is no power in the world that can crush the spirit of freedom of the Afghan people. It is in our nature to be free and to fight for our freedom."

Prime Minister Sultan Ali Keshtmand, 47, is the No. 2 man in the regime, having recently taken over the prime ministership from Karmal. He is a longtime Communist and a member of the pro-Soviet faction that gained dominance after the invasion.

In response to the suggestion that the government he titularly heads is really run by the Soviets, Keshtmand shook his head with weary indulgence: "I can say this is absolutely wrong. We run everything ourselves. According to its own policy, the Soviet Union never interferes in the internal affairs of any country in the world. Of course, they are helping us in every field."

Foreign Minister Shah Mohammed Dost, 52, is a remarkable study in survival. He has been a career diplomat for 25 years, serving King Zahir until he was deposed in 1973, Mohammed Daoud, who was overthrown

and killed in 1978, and then a succession of three Communist leaders, Nur Mohammed Taraki, Amin and now Karmal. Long before the 1978 Communist takeover, Dost was a clandestine party member. He is now leading Afghanistan's worldwide diplomatic campaign to head off another U.N. resolution calling for the withdrawal of Soviet troops.

The U.S., Pakistan, China and other sponsors of the resolution are confident that it will pass by an overwhelming majority, close to the 111-to-22 vote by which it carried a year ago. Dost expressed guarded hopes to the contrary: "It is possible that there may be a resolution with the same wording as last year. But it is my impression that the tempo of the debate on this question may be changing, and the wording may be not as tough against Afghanistan. I think it may be much softer and more flexible. After all, all countries have to submit to the realities in Afghanistan and around us. The principal reality is that there has been a revolution here, there is a government with power and control over the whole country, and there is a party working for the welfare of the majority of the people."

Asked if he truly believes that the government controls, speaks for and has the support of the majority of the population, Dost nodded emphatically and said: "Exactly so. The revolution is being consolidated and the situation turning toward normalization. There is no place in the country where these counterrevolutionary elements have control. Now it also must be said that no one can deny the intervention and aggression against Afghanistan from abroad."

Afghanistan is now pressing for negotiations with Pakistan to seal the rugged 1,125-mile frontier against the influx of aid to the rebels, holding out the possibility of a Soviet withdrawal if the condition is met. Questioned on whether there were any conceivable circumstances in which his government might participate in talks with the rebels, Dost answered, "Categorically no. After all, they [the mujahedin] represent no one but themselves. They are mercenaries and bandits. We will not agree to their presence any time, anywhere, in any talks with anybody, at negotiations in which we participate."

Would the beginning of negotiations with the Pakistanis permit the initial, partial withdrawal of Soviet troops? Said Dost: "Both we and the Soviet Union want this limited contingent of their forces withdrawn. But for that to happen, these interventions from abroad in our affairs should stop, and international guarantees should be given that intervention will not recur. First we must reach that stage: the cessation of all armed intervention and aggression from abroad."●

HEALTH CARE FOR OUR VETERANS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. GUARINI. Mr. Speaker, I am most troubled by the Reagan administration's attitude toward our veterans and veterans' health care. The promises of the campaign have faded and only deep budget cutting attempts remain.

As our veterans population grows older, we will be putting a severe strain on our existing VA health facilities. These facilities have repeatedly shown their worth to this country both in terms of commitment to our veterans and in terms of cost effectiveness. A study completed by the VA last summer shows that care provided in VA facilities is about 20 percent less expensive than care provided in comparable private health facilities. Also, VA costs for an average hospital stay are over $500 per visit lower than in a community hospital.

Against this legacy of cost effectiveness we have the reality of a shrinking VA health care system. On a national level the administration's attitude to the VA health care system is exemplified by its opposition to our attempts in the House of Representatives to require the VA to maintain 100,000 beds in VA hospitals and nursing homes. The administration wants to maintain only 80,000. This is in light of the fact that the number of beds has decreased by 20,000 over the past 10 years while the number of veterans has almost doubled.

In my own State of New Jersey the administration dealt a death blow to the proposed Camden VA Hospital at the same time it canceled a new facility in Baltimore. Now I learn Mr. Speaker that the VA is seeking to close the operating room at the Lyons VA Hospital in northern New Jersey.

I oppose this national reduction in hospital beds, I oppose the further reduction of VA health care facilities in New Jersey, and I vehemently oppose President Reagan's attempt to further reduce the VA budget. I am proud of the House version of H.R. 3499 and I want to commend Chairman MONTGOMERY of the Veterans' Affairs Committee for reporting a bill that accorded veterans their rightful measure of value to our society.●

BROOKS HAYS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BENNETT. Mr. Speaker, I rise today to join in tribute and fond memory of my good friend and trusted colleague, Brooks Hays. He is no longer with us, but this country is a far better place because he lived.

I served with Brooks Hays in the Congress for over a decade, and always he was a beacon of courage and strength to all who knew him. Long before the notion of racial equality came of age, Brooks Hays stood up for what he knew in his heart was right. The courage of his convictions ultimately cost him his seat in the Congress, but it will win him a place in history as a true profile in courage.

It was Brooks Hays who, in the stormy days of 1957, negotiated a meeting between President Eisenhower and Arkansas Gov. Orval Faubus in a courageous attempt to avert a racial clash over the integration of the Little Rock schools. He rose over the hatred of his times to assert that obedience to the law, whether popular or unpopular, is the critical ingredient of a free society. He worked tirelessly to stabilize the Little Rock situation to bring about a recall of Federal troops and to break resistance to court-ordered integration.

Brooks Hays was not only an outspoken champion of peace among men, but among the nations of the Earth. In April 1945, he described the United Nations as our best hope for a world at peace, and a short time later was himself appointed as a delegate to that body.

Even after he left Congress in 1959, he continued to serve his country well. After serving as Assistant Secretary of State under President Kennedy, he taught at both Rutgers and Wake Forest. In 1970, he was elected chairman of the Former Members of Congress. Among his outstanding accomplishments were his presidency of the Southern Baptist Convention.

Brooks Hays died recently at the age of 83. Yet his love of humanity, of his country, and of his God, will be an example to all those who serve in this body for generations to come.●

FOOD STAMPS FOR AMERICAN BUSINESS?

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LaFALCE. Mr. Speaker, with each passing day, financial experts, political and economic analysts, and more and more American taxpayers are taking a hard look at the tax package which the administration successfully guided through the Congress this summer. Each day, these observers are arriving at the same conclusion that so many of the Democrats in the Congress reached prior to the tax cut vote, namely that this tax package is a sham.

The drain on the Treasury from some of the boondoggle provisions will be enormous. Already we are hearing a chorus of voices calling for delay or repeal of many of the sections of the law. Equally disturbing as the revenue loss is the unfortunate conclusion that the President's tax package is filled with sections which provide little or no relief to the vast majority of American taxpayers, but which nicely fatten the pockets of some individuals and businesses not in need of enormous tax breaks.

One such ill-advised provision of the new tax law, is the give away scheme that permits unprofitable companies to sell their unusable tax credits to profitable companies. This part of our tax code, enacted without serious and extensive consideration, will actually encourage business inefficiency because unprofitable companies will be assured that they can sell off normally unusable tax credits. Of course, it will squeeze more and more revenue out of the Treasury.

Mr. Speaker, I am submitting for the RECORD a column which I prepared for the newspapers in my community, in which I describe some of my thoughts on this provision of our tax law:

FOOD STAMPS FOR AMERICAN BUSINESS?

One of the trends this country has witnessed over the past generation is the diminishing role which the corporate income tax has played in providing our Treasury with its total revenues. In 1950, the corporate income tax provided over 34 percent of total Federal revenues. By 1960 that amount dropped to 22 percent. And by 1979, the figure fell to less than 16 percent of total federal revenues.

As the debate on the recently enacted tax package raged-on this past summer, both the proponents and opponents of the President's tax bill agreed that the acknowledged impact of the bill would be to reduce the contribution of the corporations, through their income tax, to only about 8 percent of our nation's total federal revenues by 1986 or 1987. The diminished role of the corporate tax, of course, has meant that the slack has been and will be picked up to a larger and larger extent by taxing individuals. Some individuals think this is good—some think it bad. I do not intend to discuss that point in this week's column.

However, with this trend in mind, it is worth noting that the President's tax package contained a very little known and completely undebated provision which conservative economist and Presidential advisor Alan Greenspan has dubbed: "food stamps for American business". It's a backdoor provision which is sure to further decrease the percentage of all revenues coming from corporations. Indeed, many experts say that "if the law continues unchanged, it could effectively eliminate the corporate income tax." (Newsweek, October 26, 1981, p. 61)

The "food stamps" which Mr. Greenspan is referring to is a tax-avoidance scheme contained in the new tax law that allows unprofitable companies to "sell" various investment tax credits and depreciation allowances to profitable companies so that the profitable companies can use the tax breaks which unprofitable companies can not avail themselves of, because they don't have enough income to use the tax breaks.

Here's how the innovative tax dodging operation works. I'll use the hypothetical figures developed by Peter K. Nesbit of Bankamerilease:

ABC company spends $100 million for equipment to retool its plant. ABC has been running in the red so it can not avail itself of investment tax credits worth $10 million and depreciation allowances worth over $46 million over the next five years. So ABC "sells" the equipment to a profitable company which has no interest in the equipment but would love to use the tax advantages.

The profitable company buys the equipment and gives ABC a downpayment of $15 million. The profitable company agrees to sell the equipment back to ABC in five years for just one penny. So ABC is ahead of the game by $15 million, and the profitable company gets to use the tax breaks which are calculated to be $16.9 million in the first year alone.

For the next five years (the period of depreciation for the equipment) the profitable company makes payments to ABC covering principal and interest on the $100 million total cost of the equipment. But ABC pays back the profitable company a "rental" or "lease" of an exactly equal amount. All these back-and-forth transactions can be done with a little bit of creative bookkeeping. Because the amounts are equal, no real money changes hands.

Until the last of the five years the profitable company deducts the depreciation and reduces its total four year tax bill by roughly $10 million. The profitable company would have to pay this same $10 million as a tax liability in the fifth year. But meanwhile, the money for those four years would function as an equivalent of a tax-free loan of the $10 million. Plus, the profitable company got a big tax break up-front the first year.

This ingenious device was created by three Washington tax attorneys and consultants who, it is worth noting, have been working overtime since the President signed the tax law, putting together billions of dollars of deals for countless real-life ABC's and profitable companies.

The price tag for this adventure in tax avoidance? A mere $27 billion over the next six years, blushes the U.S. Treasury Department. Many analysts, in fact, think that figure is far, far too low. The Treasury Department was far too low in its estimate of the revenue loss to be caused by the "All Savers Certificates". The true cost will be three or four times the amount originally predicted. I have no reason to think that the estimated $27 billion loss to the Treasury of this "tax-break shifting" plan is any more accurate. I predict it will be far, far greater.

Perhaps the most worrisome aspect of this plan is that it encourages inefficiency, since unprofitable companies will always be able to sell-off unusable tax advantages. Our industrial sector badly needs incentives to make the investments which will help them boost their productive output. But a scheme devised to permit companies to shift around unused tax credits is clearly a disincentive for getting an unprofitable company to get its business ledger out of the red.

And as the profitable firms of America decrease or even virtually eliminate their share of the tax contribution to the Treasury, with the help of such sham "leasing" arrangements, there will be no other alternative but to have the rest of us pick up the tab.

What a tribute to inefficiency! What a disgraceful blow to the free-enterprise system and to the concept of tax reform! What a distortion of reality to encourage "sales" that are not really "sales", "leases" that are not really "leases". What a bonanza for accountants and tax lawyers! What a loss to the Treasury! What a blow to the individual taxpayer!●

JOHN O. CARTRETTE, A TRUE SOUTHERN GENTLEMAN

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. NAPIER. Mr. Speaker, in these times of international strife and uncertainty, it is reassuring to learn of an event which drew no major headlines and caused no frantic worry. This event, however, represents the true force which keeps the world turning.

If it were not for people like John Osby Cartrette of Aynor, S.C., this world would be in even greater turmoil and unrest. Mr. Cartrette exemplies the solid citizen * * * the stable, conscientious, dedicated citizen who quietly gives of himself to his family, friends, community and fellow human beings without any fanfare.

I submit an article from the Conway, S.C., Field and Herald for the consideration of those who wish to learn of a man who has made a real contribution to mankind:

JOHN O. CARTRETTE, A TRUE SOUTHERN GENTLEMAN

He was characterized Saturday evening as "a man who reminds me of a true Southern gentleman," "a man who lives his faith," and "the man you want your children to follow in the footsteps of."

These were but a very few of the tributes paid to John Osby Cartrette by 200 of his fraternal brothers and long-time friends at the Inspirational Meeting of the 29th Masonic District held in Conway High School cafeteria. The meeting, attended by Masons from throughout the district encompassing most of Horry County, was dedicated to Mr. Cartrette, a member of the Masonic Fraternity for over 66 years.

The highlight of the evening came when Vernon T. Pinner of Myrtle Beach, Grand Master of Masons in S.C., presented Mr. Cartrette with the highest honor given within that fraternal order, the Albert Gallatin Mackey Medal. This award has been given only 80 times in the past 50 years and, in presenting the medal, Pinner told Cartrette, "You are known and deserve to always be known as 'Mr. Mason' of the 29th Masonic District, indeed, 'Mr. Mason' of the state. You have served as an illuminating example and a gentle guiding spirit to Masons of all ages, and you have demonstrated throughout your lifetime the character and quality of a Freemason. If dedication and service are attributes of our fraternity, then many who hold high rank will find it difficult to measure up to the standard you have set before us."

Mr. Cartrette, with his wife Edna at his side, accepted the award and said, "this will be remembered as one of the highlights of my entire life."

Born on Christmas Eve, 1892, Mr. Cartrette attended local schools beginning near Aynor in a one-teacher, one-room schoolhouse. Before graduation from high school he left public school and enrolled in a business school in Columbia to study bookkeeping and accounting. Graduating with honors, he returned to Conway and entered the banking business as an employee of Col.

D. A. Spivey at the old Peoples National Bank of Conway.

He eventually resigned that position to enter work as secretary for an uncle, E. S. C. Baker, one of the leading lawyers of Conway. There he had the opportunity to study law. Baker eventually became Grand Master of Masons in S.C. and assisted and directed Cartrette in training in the law and, although he has never taken the Bar Examination, he has served in various capacities in the legal community and served for some time as Magistrate of Horry County.

Upon the death of Baker, Mr. Cartrette went into business for himself and for over 40 years has served the people of the Conway community as an insurance agent and in various other capacities.

He joined the First Methodist Church as a young man and was one of the principal organizers of the Hut Bible Class, a non-denominational Sunday School class organized in 1919 to "promote the spiritual up-building" of the men of the community who had returned home from service in World War I. He is the only living charter member of that class. In 1976 Mr. and Mrs. Cartrette were named "Mr. and Mrs. Methodist," commemorating their lifetime in active service to their church.

Mr. Cartrette's active participation in the Masonic fraternity spans his lifetime and several lodges. He was raised as Master Mason in Graddy Lodge No. 247 in Aynor in 1915 and he was affiliated with Conway Lodge No. 65 and served as Worshipful Master in 1923 and as Secretary for 19 years. He was the organizer of Horry Lodge No. 381 and served as Secretary of that body for five years and since that time as Historian. In addition, he has written and caused to be published histories of both Conway Lodge No. 65 and Horry Lodge No. 381.

He was appointed District Deputy Grand Master of the old 25th Masonic District (now the 29th) and also served the Grand Lodge as Senior Grand Deacon and Junior Grand Deacon.

He was exalted as a Royal Arch Mason in Horry Chapter No. 48 and served that body as High Priest in 1926; was greeted in Kinston Council No. 36 and served as Illustrious Master in 1929; received the Orders of the Commandery in Florence Commandery No. 10 in 1934 and served as Eminent Commander in 1954; helped organize Myrtle Beach Commandery No. 22 and served as its first Commander and he also was made a Noble of the Mystic Shrine in Omar Temple of Charleston in 1946.

The list does not stop there.

Mr. Cartrette served as Secretary of the Conway York Rite Bodies for over 30 years, was elected to membership in Palmetto Priory No. 54, Knights of the York Cross of Honour and as a member of All Saints Conclave, Red Cross Constantine and served as Puissant Sovereign in 1972. In 1950 he was elected Illustrious Grand Master of the Grand Council of Royal and Select Masters of S.C. and was the last Grand Master to serve for two years. He is now the senior living Past Grand Master of the Grand Council.

In addition, Mr. Cartrette is a member of the Missouri Lodge of Research and a member of the Correspondence Circle of the Quatour Coronati Lodge No. 2076 of London, England and received the General Grand Chapter medal for outstanding service to the Grand Chapter of South Carolina in 1977.

In his testimonial speech for Mr. Cartrette, Grand Marshal Paul Creel said, "I used to live around the corner from this man and I always passed by the house on my way to school. He always was courteous to children who passed by his house," said Creel, "ever the gentleman. I now realize what a good influence he was on the people of this community."●

PREFERENCE TO LOCAL BANKING INSTITUTIONS

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. JAMES K. COYNE. Mr. Speaker, I rise to offer a clarification of language in section 15 of H.R. 4603. Section 15 of the bill is entitled "Extraordinary Acquisitions." Its purpose as originally presented was to enable the FDIC, as receiver of a large closed bank, to receive bids from and sell to an institution which would otherwise be disqualified from purchasing because of local branching restrictions.

I offered an amendment to section 15 in full committee which was adopted by a voice vote. At the time, some discussion ensued regarding the actual effect of this amendment, in that it gives local banks rights to submit additional bids.

The purpose of my amendment is to further the expressed purpose of the section; that is, to minimize interference with local banking patterns and laws. To that end, under the priorities established by my amendment, the FDIC would solicit bids from all financially and managerially acceptable local bidders and sell to a local bidder if its bid is higher than any other bid. My amendment further requires that the highest local bidder be given an opportunity to rebid if its first bid is topped by an outside bidder.

Under section 15, the FDIC may approve a sale that will have the effect of preserving the local character of competition in the market, under the convenience-and-needs clause.

It would be an absurd result if the local institution were denied the right to bid or to have its bid accepted because it was a local bank. The thrust of my amendment is that the convenience and needs of local communities are best served by giving preference to local institutions where this can be done at no additional cost of the FDIC.●

COMMEMORATION OF ITALIAN AMERICAN WAR VETERANS

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. NELLIGAN. Mr. Speaker, last Monday, the House passed, by voice vote, H.R. 4734, which formally recognized the Italian American War Veterans of the United States with a Federal charter. As the Italian American War Veterans approach the 50th anniversary of their founding in Hartford, Conn., on February 20, 1932, I wish to recognize and commend their outstanding contributions to the American public.

The service of the 8,000 members of this nonprofit organization has been unparalleled in terms of long-standing commitment and generosity of spirit. Their volunteer aid to veterans and to veterans' families has been matched only by their admirable service to the poor and elderly. Veterans Hospitals across the Nation have benefited from their continuing expressions of concern for the needs of former soldiers.

At a time when we are relying more and more on the endeavors of private groups and concerned citizens, the efforts of the Italian American War Veterans offer an outstanding example to organizations wishing to provide direction to volunteer service.

I join my colleagues today in recognizing the Italian American War Veterans for the generosity of their humanitarian efforts.●

END HANDGUN VIOLENCE WEEK

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LEHMAN. Mr. Speaker, this week is End Handgun Violence Week. I am proud to be one of the sponsors of this week which is designed to focus attention on the senselessness of handgun violence and to motivate the public to demand a stop to the killing.

The Miami Herald recently published an editorial taking note of End Handgun Violence Week and urging readers to join in efforts to make handguns less readily available in our society.

Mr. Speaker, the case for handgun control is overwhelming. I hope my colleagues will read the following editorial as well as other articles calling for handgun restrictions. The public is for it, and we in Congress should begin to respond to our constituents by enacting legislation such as the Kennedy-Rodino bill.

The editorial follows:

END HANDGUN VIOLENCE

What do Dallas Cowboy Tony Dorsett, comedian Bob Hope, columnist Ann Landers, actress Farrah Fawcett, former CIA Director William Colby, and retired Adm. Gene LaRocque have in common? All are members of the sponsoring committee of the first national End Handgun Violence Week, which begins today under sponsorship of the National Coalition to Ban Handguns.

Hundreds of individuals and organizations have joined for this nationwide demonstration of repugnance over the carnage wrought by handguns in America's homes, businesses, and streets. More Americans were killed last year with handguns than in any other year in U.S. history.

A total of 11,522 persons died of handgun wounds in 1980, up from 10,728 the previous year. Those numbers contrast starkly with the 1979 figures from abroad: 48 in Japan, eight in Great Britain, 34 in Switzerland, 52 in Canada, 58 in Israel, and 42 in West Germany.

As the diverse list of sponsors for this unprecedented "week" shows, anger over handgun violence is not confined to the traditional wellsprings of support for liberal movements.

Bob Hope is a close friend of President Reagan and a long-time advocate of conservative causes. "My God, it's senseless," he says in reference to the current policy of allowing a virtually unrestricted access to handguns. And he's right.

Law-enforcement professionals also are lining up against the proliferation of handguns. Bobby Jones, director of the Metro Police Department, suggests that "maybe if we call it 'gun management' instead of 'gun control,' we can get something done." Miami Police Chief Kenneth Harms also urges tighter restrictions on who is allowed to buy short-barreled, easily concealable firearms.

Other co-sponsors of End Handgun Violence Week include the U.S. Catholic Conference, the Women's League for Conservative Judaism, the YWCA, the Program Agency of the United Presbyterian Church, the Union of American Hebrew Congregations, the Unitarian Universalist Association, the American Civil Liberties Union, the United Methodist Church's Board of Church and Society, and the National Council of Negro Women.

These groups are not necessarily pacifists, though the reactionaries of the National Rifle Association would have the public believe they are. Rather, these groups and individuals—conservative and liberal, religious and secular—are simply fed up with the needless loss of life cause by the irresponsible circulation of hanguns in the United States. They seek from Congress an end to the bloodshed.

So should every American.●

TRIBUTE TO RICHARD L. AND EOLINE FEW

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. CAMPBELL. Mr. Speaker, it is a great honor and pleasure for me to pay tribute to the new first family of the American Trucking Association, Richard L. and Eoline Few of Greenville, S.C.

It is not only a pleasure because they are fellow sandlappers but because Dick Few has earned this high accolade. In fact, his courage, integrity, and industriousness should serve as an inspiration to all career-minded men and women.

Although he was born the son of a Methodist minister, Dick chose another career and eventually found himself managing the liquidation of a trucking company headquartered in Greenville. But before the final bell had signaled Cooper Motor Line's demise, Dick was given the last chance to make it work. He took the company, which at that time owned one tractor-trailer and owed more than $1 million, and turned it around. Today, Cooper Motor Lines operates in over 35 States and has gross revenues totaling more than $18 million.

Incidentally, every cent of the $1 million debt was paid off. In fact, the creditors of yesteryear are Cooper's customers today. The company reflects the high character of its president.

As the trucking industry's new chairman, Dick Few will be speaking out on various transportation issues, some of which will be before the House.

I strongly urge my colleagues to listen to Dick Few. He is a man who knows of what he speaks.●

U.S. POLICY TOWARD INDOCHINA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. HYDE. Mr. Speaker, on October 22, 1981, the Foreign Affairs Subcommittee on Asian and Pacific Affairs held one in a series of hearings on U.S. policy toward Indochina since Vietnam's occupation of Kampuchea.

Our colleague, JIM LEACH, made an opening statement that concerns itself with the serious issue of chemical and biological warfare which deserves the careful study of all Members:

CHEMICAL WEAPONS: THE NEED FOR ACTION

(By Congressman Jim Leach)

Thank you, Mr. Chairman. I welcome this opportunity to hear the views of Assistant Secretary Holdridge and other distinguished Administration witnesses on U.S. policy in the Indochina region.

One of the most serious problems facing us in this region and elsewhere is the use of chemical weapons by Soviet-backed communist forces. Secretary Haig is to be commended for calling world attention to this problem in his September 13 speech in Berlin and for providing evidence that both the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972 have been violated through the use of exotic mycotoxins as instruments of warfare. The refusal of our Government to acknowledge the mounting body of human evidence that thousands of people have been killed in recent years by chemical weapons had been analogous to the chasm of silence that the civilized world exhibited toward Nazi gassing of Jews during World War II.

Having followed this issue for three years, it is my strong belief that the process of gathering evidence has been very haphazard and reveals surprisingly little commitment on the part of our Government to pursue the issue vigorously. Samples have taken weeks to get back to the U.S. Once samples arrived here, insufficient resources have been devoted to the analysis process. I have been told that even the sample that I provided to the Department of Defense was carried for days in a briefcase before being transferred to the appropriate investigatory authorities. This sample has been here for almost five months and the Department of Defense has still not provided a report on its composition.

Mr. Chairman, I hope our witnesses will be able to enlighten us today on what steps the Administration has taken, or plans to take, to follow up on Secretary Haig's long-overdue acknowledgement that the chemical weapons problem exists. The validity of the evidence presented in conjunction with Secretary Haig's speech has been questioned by some because it was based on only one sample. Many thoughtful observers believe that evidence of one sample is sufficient to indict but perhaps not to convict with respect to the identity of the substances used. However, many of us believe that the exact identity of substances is irrelevant to the provision of proof that the crime itself has occurred. We have for years had bodies but simply lacked the "smoking gun." The smoking gun has provided evidence of violation of the Biological Weapons Convention, and it may have pointed more definitively toward the source of the weapon. But the bodies alone are sufficient evidence of the renewed use of chemical weapons and therefore of violation of the Geneva Protocol.

I understand that further samples, including the one conveyed through my office, are presently under examination. Are we making a concerted effort to collect and carefully evaluate further physical evidence? I understand that the State Department has outlined the basis of our conviction that mycotoxins have been used to United Nations bodies, including the Group of Experts established to study this issue by a U.N. resolution in December of last year. But do we plan to put the issue before the Security Council in accordance with Article VI of the Biological Weapons Convention? If not, why not? Are we reluctant to do so because it would involve revealing evidence gathered through sensitive sources and methods?

Mr. Chairman, I raise these questions because I believe our Government has delayed entirely too long in attaching a sufficiently high priority to an effort to call a halt to this flagrant violation of international law and all humanitarian principles. Any further delay will lead to further deaths, and we will share the guilt if we do not do all possible to stop this crime against humanity. Any delay in definitively identifying the precise nature of the weapons being used also means a loss of valuable time we should be using to insure that our military forces are able to defend themselves against them.

Now that the U.S. Government has at last faced up to the fact that chemical weapons are being used, it is time for action. We should devote all necessary resources to gather and evaluate further evidence; put it

before all appropriate international bodies, regardless of the sensitivity of this sources and methods used; and take all necessary steps to ensure that the full weight of international law and world opinion is engaged in the effort to halt this vicious new form of warfare.

Accordingly, there would appear to be no reason why the U.S. Government should not bring this issue before the U.N. Security Council, as provided for in the Biological Warfare Convention. In addition, it would appear appropriate to call upon France, as the depository state for the 1925 Geneva Protocol, to convene the signatory parties in order to systematically investigate the problem. I also believe it appropriate for the U.S. Government to undertake a new initiative on a chemical warfare convention, recognizing that verification must be a key provision. The renewed use of chemical weapons in southeast Asia as well as Afghanistan underlines the imperative need for strict verification procedures in any future arms control agreements.

Going beyond the issue of chemical weapons alone, I think we have an excellent opportunity to test the concept of linkage in the arms control field. A symbolic and meaningful way of reorienting the direction of arms control talks might well be to bring the issue of chemical weapons to the SALT negotiating table. Such linkage would bring Soviet Third World adventurism to the forefront and serve as well to broaden arms control concerns away from the U.S. and Soviet preoccupation with bilateral nuclear discussions. If the Soviets are not prepared to be forthcoming in negotiating a verifiable ban on chemical weapons, they can have little expectation of meaningful progress in other arms control areas.●

NEW C-5'S—THE MOST COST-EFFECTIVE APPROACH

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. JENKINS. Mr. Speaker, we have heard and read a great deal lately about America's "window of vulnerability" in the area of nuclear weapons systems. Certainly, I agree that we must address this problem seriously and quickly. I do not feel, however, that we should become so engrossed with the nuclear weapons scenerio to the point where we seriously neglect or jeopardize our ability to engage successfully in the conventional warfare arena if that necessity should arise.

One such problem exists which concerns me greatly and that is the lack of adequate airlift. At the Pentagon, in the White House, and within the Halls of Congress, we know there is a serious shortfall in airlift capability. There is no question that the problem exists. There is, however, considerable debate as to the best solution to the problem.

Mr. Speaker, it is imperative that we commit ourselves to filling the airlift gap in the most cost-effective manner humanly possible. We have an option available today that simply makes too much sense to ignore and that is to restart production of the C-5 Galaxy airlifter. This aircraft would give our Nation more capability at lower cost in a shorter time span than any other alternative. And I might add, the C-5 offers combat proven capability rather than estimated capability as would be the case with an all-new aircraft.

Additionally, delivery of each new C-5 aircraft would increase our airlift capability immediately because they would go from the factory directly to MAC operational units rather than to training units.

Mr. Speaker, sitting on the Ways and Means Committee, as I do, makes me keenly aware of the acute financial dilemma our Nation faces. Americans are insisting that Federal spending be reduced and our budget brought under control. We have entered an age of limits in Government. Our citizens no longer can afford, nor will they tolerate, wasteful Government expenditures. By the same token, I believe the vast majority of Americans favor necessary expenditures to insure our freedom from military aggression.

Procurement of additional C-5's would be a prudent expenditure. We all are aware of the urgent need for research and development funds for vital military programs, such as, new missiles, a new bomber, command and control systems, and others. The estimated price tag requiring research and development funds for full scale engineering development of the proposed new design C-17 is $1.7 billion. And I must emphasize that this is target cost only with a 135-percent ceiling which allows the amount to grow to $2.295 billion.

For that lower amount of money, we could place in service 17 fully operational C-5's or almost 40 percent of the proposed 44 airplane fleet. Why should we needlessly spend $1.7 billion on research and development for the C-17 when a more capable airlifter already exists? I contend those dollars are needed more desperately elsewhere.

Mr. Speaker, the American taxpayer will have trouble understanding his Government seeking to procure a new design aircraft with all the technical risks and estimated costs when we can get greater and proven capability at a fixed price with a guaranteed delivery date by procuring additional C-5's. It is time for us to cease debate and pursue this most cost-effective and logical action.●

VOTING TO INCREASE OUTSIDE EARNING LIMIT

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. ATKINSON. Mr. Speaker, I was surprised to learn this week that the House would be taking up a motion to increase the amount of outside earnings and honoraria that Members of Congress are allowed to receive. This legislation which will be before us today will increase the amount of money Congressmen may receive in outside earnings under House Rule 47 from $9,000 per year to $25,000 per year. Further, it will increase the size of honoraria we may accept for speaking engagements from $1,000 per event to $2,000 per event.

Mr. Speaker, I plan to vote against these changes. I do so not because I believe that outside earnings must of necessity interfere with a Member's official duties. I will vote against this motion because it would be the height of hypocrisy for us to give ourselves these increased benefits while asking every other American to make sacrifices to help balance the budget. As Members of Congress we have stood here while considering the national budget and discussed the terrible problems that our economy faces. To try to deal with these problems we have agreed that many programs have had to be cut back and that we all must be prepared to make sacrifices for the good of the country as a whole. With that in mind we cannot stand here and justify increasing our own benefits. The Congress must set the example for all of America. We would hardly be giving a good example for Americans to follow if just months after cutting back many Federal programs we were to then turn around and make it easier for us to increase our personnal incomes.

Mr. Speaker, I am going to vote against this motion and I strongly urge my colleagues to join with me.●

HOUSE EXPORT TASK FORCE HOLDS BRIEFING ON THE EXPORT CREDIT SUBSIDIES/OECD NEGOTIATIONS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. BONKER. Mr. Speaker, last Wednesday, October 21, the House Export Task Force invited Mr. Robert Cornell, Deputy Assistant Secretary of Treasury for Trade and Investment, and Mr. John Lange, Director of the Office of Trade Finance, Department

of Treasury, to brief task force members and aides on the Organization for Economic Cooperation and Development (OECD) negotiations on export credit subsidies. Mr. Cornell was one of the two principal U.S. negotiators at the talks held October 6 in Paris.

As my distinguished colleagues may known, the OECD negotiations were successful. The minimum interest rates for export credit generally increased 2½ percentage points above the rates established in 1978. Export credit subsidies could thus be reduced 20 to 25 percent as a result of this arrangement.

Mr. Speaker, export financing is a crucial factor if the United States is to maintain its international trade status. While U.S. goods are competitive in price and quality, international sales are lost due to the predatory financing practices of our major trading partners. These countries offer official financing for a large portion of their exports at rates much below the current market rates.

The U.S. Export-Import Bank, the agency that provides loans to our exporters, is caught between the high interest rates at which it must borrow and the low rates at which it must lend to compete with U.S. trading rivals. To illustrate this point, one Eximbank official said, "The distressing fact is that under these present market conditions, the more business we do, the faster we'll go broke." The Export-Import Bank is expected to lose more than $200 million next year and use half its reserves by 1984.

The international arrangement on export credits, approved in 1978, was the first agreement establishing minimum interest rates for export credits. Two major problems developed subsequent to this arrangement: No automatic rate system was set to reflect fluctuating market rate and no mechanism for change was placed as currency rates changed. The rates were the same across all currencies.

The United States would like to export credit subsidies eliminated completely. In the absence of any such policy, however, the United States has sought to move interest rates for export subsidies more in line with commercial rates. The negotiations resolve the issue at least for the short term.

Twenty-two major trading countries participated in the October 6 negotiations: The European Community (10 countries), Australia, Austria, Canada, Finland, Japan, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United States. The new arrangement becomes effective November 16, 1981, and will be reviewed in March 1982, with the objective of bringing the minimum interest rates even more in line with prevailing financial market rates at the time.

According to the arrangement, the minimum allowable interest rates on new export credit commitments in 2- to 5-year credits to the poorest countries will rise from 7.5 percent to 10 percent. Similar credits for intermediate countries will increase from 8 percent to 10.5 percent, and those given richer nations will rise from 8.5 percent to 11 percent. The minimum interest rate in yen to be charged by the Japanese Export-Import Bank or other export credit agencies will be set at 9.25 percent in recognition of lower financial market rates in Japan. Should commerical lending rates in other currencies fall below the levels provided in the preceding matrix, then export credit agencies would be required to charge 9.25 percent for their loans.

To discourage the use of mixed credit subsidies for commercial advantage, the participants also agreed to substantially improved notification procedures for export credits mixed with foreign aid. Official credits with a grant element between 0 and 25 percent will be subject to a prior notification period of at least 10 days, which will allow other countries the opportunity to match the mixed credit and thus discourage its use for commercial advantage. Mixed credits with a grant element over 25 percent are subject to prompt notification.

The arrangement agreed to recently in Paris marks a major victory for the United States in the long campaign waged by successive administrations against export credit subsidies and the predatory financing practices of our major trading partners. As chairman of the House Export Task Force, I have targeted export financing as a major trade issue to which we must direct greater attention. The success of the OECD negotiations will enable the United States to maintain its international trade status.●

THE ADMINISTRATION AND HIGH INTEREST RATES

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. HUGHES. Mr. Speaker, for months now, prominent economists such as Nobel Laureate James Tobin have warned us that tight money and high real interest rates would force the economy into a recession. Many of my distinguished colleagues have also observed, before this body, that a great number of businesses are struggling to stay afloat.

The President has also recently conceded that the Nation's economy is moving into a mild recession. I share the fear of many leading economists that the coming recession will be more than mild if substantial steps are not taken to relax the oppressively tight money policies of the Federal Reserve Board which have sent interest rates soaring to record levels.

The toll on businesses has already begun to mount. The number of commercial and industrial failures through September have risen by over 45 percent from last year, according to one estimate. Factory orders fell 1.9 percent in August, with orders for durable goods down 3.48 percent. Between July 1980 and July 1981, 1,100 automobile dealers went out of business as auto sales and industry employment tumbled; 50,000 realtors have gone out of business in the first 6 months of 1981. The total loss to the Nation's economy over the past 18 months from loss of housing starts and resales has been estimated to total a staggering $163 billion. There were almost 400,000 more unemployed construction workers in August 1981 than there had been a year before. In addition, our Nation's farmers, appliance manufacturers, and myriad other businessmen and workers are suffering from the high price and scarce availability of credit to them and to consumers.

While the Fed is an independent body, it can be influenced by actions and words of the Chief Executive. Through direct discussion with the Federal Reserve Board Chairman and through the appointment of Federal Reserve Board Governors who are in touch with the real needs of those in the economic mainstream, the President can, and I hope will, influence the Fed to loosen its stranglehold on investment and prosperity.

Unfortunately, the President appears to have been victim to some bad advice from top administration officials. While Budget Director David Stockman spent months earlier this year assuring the President and the Congress that interest rates would fall below 9 percent by the current fiscal year, other officials encouraged Fed policies which guaranteed that such a decline would be impossible. Last spring, top advisers such as the Chairman of the Council of Economic Advisers Murray Weidenbaum and Treasury Secretary Donald Regan strongly endorsed the tight money policy of the Fed. White House Spokesman Larry Speakes has, on several occasions, expressed firm administration backing of Federal Reserve Board deeds. These actions have been well-documented in the press, and I enter excerpts from some of this documentation below:

WEIDENBAUM URGES FED TO CUT GROWTH IN MONEY

(EXCERPTS)

(By Steven Rattner)

WASHINGTON, March 4.—Murray L. Weidenbaum chairman of the Council of Economic Advisers, called on the Federal Re-

serve today to reduce the rate of growth of the money supply by about 25 percent this year.

Mr. Weidenbaum's statement was the Reagan Administration's most specific expression to date of how monetary policy should be conducted and was consistent with the goals set by the Federal Reserve itself.

Accordingly, Mr. Weidenbaum's remarks, in testimony before the Senate Banking Committee, appeared to reflect an effort by the White House to smooth relations with the central bank, which have sometimes been strained in recent weeks.

CARTER POLICIES BLAMED

While Reagan Administration officials such as Treasury Secretary Donald T. Regan have previously accused the Federal Reserve of "erratic" control of money, Mr. Weidenbaum today introduced the Carter Administration's budget and credit policies as culprits in last year's fluctuations.

"Those arbitrary actions made it extremely difficult to conduct Federal Reserve policy," said Mr. Weidenbaum, who promised a "fiscal policy that allows the Federal Reserve to maintain monetary policy."

"That's our fundamental contribution to this two-way street," said the President's chief economic adviser, who repeatedly stressed the independence of the Federal Reserve. "We're mindful of the different responsibilities we have."

OTHER METHODS BACKED

However, Mr. Weidenbaum also indicated that the Federal Reserve should consider other operating methods to improve its control and emphasized the need "to try to avoid the kinds of month-to-month fluctuations we saw last year" in the money supply.

He expressed pleasure at "the strong support" from Paul A. Volcker, the Federal Reserve's chairman, who has taken pains in recent appearances to praise the Administration for its determined action. Mr. Volcker has also called for still larger budget cuts and he has refrained from reiterating past criticism of tax packages such as the Reagan Administration's.

* * * * *

NOT A JOINT STATEMENT

In response to reports that Mr. Volcker urged the Administration not to include the section on monetary policy in the recent economic package, Mr. Weidenbaum said that "this is not a joint statement." He added that it "is a statement of the Reagan economic program."

"The acid test" of the relationship between the two camps, Mr. Weidenbaum maintained, "is the strong support that the chairman of the Federal Reserve has given to the Reagan economic program."

Despite Mr. Weidenbaum's call for a slower growth of the money supply, the Reagan Administration has yet to explain fully how that reduction will permit the inflation and economic expansion they project. Both inflation and growth require more money and credit. Mr. Weidenbaum said today that velocity—the rate at which money turns over—could rise, but outside economists say the increase in velocity would have to be exceedingly large by historic standards.

"I would expect most of the reduction in the growth rate in the money supply would occur between now and 1984," said Mr. Weidenbaum of the Administration call for a 50 percent reduction in the 1980 growth rate by 1986. "I do think monetary policy and fiscal policy are now on the same path," he added.

Last year, M-1B, the most commonly watched monetary measure, which consists of cash and checking accounts, grew by 6¾ percent, compared with a Federal Reserve target range of 4 percent to 6½ percent. For 1981, the Federal Reserve target is 3½ percent to 6 percent and both Mr. Weidenbaum and Mr. Volcker have said that the Federal Reserve should aim for the midpoint of that target range.

[From the Washington Post, Feb. 24, 1981]

STOCKMAN PREDICTS QUICK INTEREST RATE PLUNGE

(By Caroline Atkinson)

Budget Director David Stockman said yesterday interest rates quickly will plunge below 10 percent if President Reagan's economic program is enacted.

Stockman's prediction contrasts sharply with a prediction from Treasury Secretary Donald T. Regan last week, who said that rates will remain high for some time.

Most economists believe that if money growth is to be curbed as dramatically as the administration would like, interest rates will have to stay relatively high. But the forecasts underlying last week's economic package assume that short-term interest rates will drop sharply this year to average only just over 11 percent for the year. This compares with the present rate of more than 15 percent on three month Treasury bills.

* * * * *

Stockman told reporters yesterday "we believe that if our full economic plan . . . is put into effect, interest rates in the private market, the prime rate and other sources of credit will fall equal to or below" the 8½ percent and 9½ percent rates presently charged by the Export-Import bank "within a very short period of time." He made the comment in the course of defending the administration's proposal to cut Federal subsidies to exporters.

Last Wednesday Reagan told reporters that interest rates would probably stay high for some time, despite the president's economic program.

The Federal Reserve, which is committed to slowing money growth, has indicated that it will not let interest rates drop swiftly, market sources said yesterday. But some easing in credit conditions is expected in the next few weeks, as recent money figures show growth has slowed markedly.

[From the Washington Post, July 21, 1981]

REAGAN DEFENDS MONETARY POLICIES

(By Hobart Rowen)

OTTAWA.—European leaders who had bitterly protested high American interest rates backed away today from any pressure for a change following President Reagan's strong defense of the U.S. position at the opening of the two-day summit conference of seven leading industrialized nations here.

But the Europeans did agree to try to enforce free trade measures throughout the world and planned a special session of an international committee next fall to discuss stronger measures governing export of strategic goods to the Soviet Union.

* * * * *

Presidential counselor Edwin Meese said that the Europeans, while warning of the serious impact of interest rates on their economies—French President Francois Mitterrand cited a danger of "social upheaval"—offered no alternative to the Reagan program.

Canadian Prime Minister Pierre Elliott Trudeau, briefing reporters this evening following the talks at the Chateau Montebello, said, "We cannot pretend to tell other countries what they should do on macro-economic policy, we can only call attention to the impact of their policies."

He added that "not all was sweetness and light" in the discussions on interest rates and "there were some were frank discussions," especially on the high level and volatility of interest rates. "I think the Americans have been sensitized to the effects of their policies on their partners," Trudeau said.

Treasury Under Secretary Beryl Sprinkel told a press conference that the Europeans had become convinced that "we will hang tough" on this issue, even though the tight money policy may result in six months of economic downturn in the United States. Sprinkel declined to call this a recession.

Treasury Secretary Donald Regan added that the U.S. would "stick" with its tight policy for "another six months." By that time, Regan said, interest rates should be "several points" lower.

Thus, although Regan quoted West German Chancellor Helmut Schmidt as saying that interest rates "are now the highest since Jesus Christ," the issue has been laid aside for the moment and is expected to be dealt with in the final communique, in innocuous language.

[From the Washington Post, Sept. 1, 1981]

WHITE HOUSE BACKS FED ON TIGHT MONEY

(By Dan Balz)

LOS ANGELES, Aug 31.—The Reagan White House today reaffirmed its support of the Federal Reserve's tight money policies as the president began winding up his month-long California vacation in preparation for a return to Washington later this week.

* * * * *

The White House had no official reaction to today's drop in the prime rate, but White House spokesman Larry Speakes, in response to questions, said the Federal Reserve's tight money policies, which have been blamed for high interest rates, are compatible with the administration's anti-inflation program.

"Generally, we have been in tandem with the Fed," Speakes said. Later, he added, "High interest rates are not the policy of this administration."

Speakes' comments came in the wake of statements Sunday by Federal Reserve Chairman Paul Volcker promising a continuation of stringent money policies.

Speakes said he would not attempt to predict whether today's decline in the prime rate was the beginning of the decline in interest rates expected by the White House, but he said administration officials remained confident that rates would drop by the end of the year.

The White House spokesman also dismissed a report in Newsweek magazine that the president worked "two to three hours" a day and preferred telling stories about his acting days to immersing himself in details of his administration's policies.

"The president's record in his first six months in office is an elegant refutation of the article," Speakes said.

[From the Washington Post, Oct. 6, 1981]

MONETARY POLICY SPLIT EMERGES

(By Caroline Atkinson)

Signs of a split within the Reagan administration emerged yesterday over monetary policy.

A senior budget official said yesterday he does not think money has been too tight, while other administration sources agreed with Treasury Secretary Donald T. Regan's weekend comments that the time is coming for the Federal Reserve to change policy to ensure "a sufficiency of money to enable the economy to recover nicely."

Sources said, however, that the White House did not want to urge the Federal Reserve publicly to ease its policy. White House spokesman Larry Speakes told reporters that the administration was not "retreating" from its support for monetary restraint but that money growth should be "within" the target range. At present one key money measure—M1-B—is growing below the Fed's target range.

However, Budget Director David Stockman pointed out in a breakfast meeting with reporters yesterday that other money measures are growing at the top of their ranges. While M1-B may grow faster in the coming months, for technical reasons, this will be neither "helpful nor a hindrance" to the economy, he said.

Stockman also suggested that interest rates may stay relatively high for some time to come before financial markets are convinced that Congress will enact the administration's policies. "In the interim, there is a possibility that interest rates will fall anyway" as a sluggish economy chokes off private credit demand, he said. He added that such a "temporary" fall "is a cyclical phenomenon that doesn't address the structural" problem of rebuilding financial confidence.

However, the budget director said he would not predict that a fall in rates in coming weeks would be followed by further rises next year if the economy recovers. Many economists believe that this may happen as a result of the very tight money policy combined with a relatively large federal deficit.

[From the New York Times, Oct. 2, 1981]

TRANSCRIPT OF PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

CURBING INTEREST RATES

Question. Sir, you have been told by a number of members of Congress who say that they have proof from intelligence they have that the big central banks are totally responsible for influencing Paul Volcker of Federal Reserve Board to keep the interest rates high. Now they tell you that can do something about this, despite the fact we know how separate the Federal Reserve is supposed to be from the executive and all that. Now, they say that the rates now are 10 percent above the inflation rate and that there's no ordinary reason for that. Now will you do something about this?

Answer. Well those who say that without trying to move in on the Federal Reserve that we could do something are ignoring the simple truth of the marketplace. Those interest rates are based on the amount of money that is available for borrowing and the competition, the amount of people who want to borrow. And the truth of the matter is we will bring down inflation, or bring down interest rates, when we bring down inflation and when we can once and for all get the Government out of the financial market and end its excessive borrowing, which is taking too great a percentage of the money that is available.

Question. But sir, the inflation rate is lower than the interest rates—10 percent—10 points.

Answer. Yes. But out in the open market where you go in to sell bonds and so forth and where corporations must go when they want to expand and borrow money and individuals must go to borrow for a mortgage on a house, it is supply and demand, and the competition that is generated by that. And we're hurt as much as anyone else. What has thrown our budget estimates off? It is the excessive interest we have to pay to borrow the money to pay for the debt that's left us by other Congresses.●

TORRANCE ROTARY CLUB'S 57TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. ANDERSON. Mr. Speaker, the Rotary Club of Torrance, Club No. 1847, will be holding its 57th anniversary celebration, on November 4, at Torrance's Velvet Turtle Restaurant.

The vibrant role the club has played in Torrance for over a half a century is a tribute both to the dedication of its members and to the ideals of the club. Although all of us are aware of the numerous Rotary clubs covering our Nation, not everyone is aware of the high ethical ideals that lay behind the club.

Rotarians are dedicated to the recognition of the worthiness of all occupations, the practice of high standards in business and the professions as well as the advancement of peace, good will, and international understanding through a world fellowship of professional and businessmen united in the ideal of service. This ideal of service is applied by each Rotarian to his personal, business, and professional life and reflected in his using his occupation as an opportunity to serve society.

The Torrance Rotarians have reflected these worthy aspirations through their continuing moral and financial support of the American Field Service, the Torrance Youth Band, the YMCA, the YWCA and Scouting programs.

During the 57 years of the Torrance Rotary Club's existence the town has changed dramatically. The dynamism of the town is reflected by the explosive and dramatic growth which saw the town's population quadruple during the 4 years preceding the establishment of the club and has seen it continue to grow from 4,392 in 1925 to 131,497 in 1980.

This dynamism is also seen in Torrance's Rotary Club which has also grown and prospered throughout this period. The Torrance Club was organized on November 6, 1924, under the sponsorship of the San Pedro Rotary Club and was admitted to the Rotary International on November 24, 1924. During the 57 years since that date, the Torrance Club has exemplified the ideal of service for which the Rotary organization stands.

My wife, Lee, joins me in wishing the best of luck to the Rotary Club of Torrance, its president, W. W. "Bill" Gilchrist, and the club's entire membership during the years ahead as they continue to live by the motto of "Service Above Self."●

RULE XLVII AMENDMENT VOTE

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. MOORE. Mr. Speaker, I voted today for the proposd amendment to rule XLVII (H. Res. 251) to raise the outside earnings limitations for Members of the House. I wish to make it very clear that I have opposed every pay raise that has come before me, but this was not a pay raise. Had the amendment passed it would have cost the taxpayers nothing, as a matter of fact, increased earnings by Members would produce additional income tax revenue to the Treasury.

I voted for the present earnings limitations in 1977, but they have not been adjusted for inflation. Further, the Senate has since 1977 had more than double the earnings limits as the House, and the law was just recently amended to remove their limitations completely. I favor complete disclosure of outside earnings, but I now doubt that earnings limitations will make Members more honest. The Senate with much higher limits only had one Senator indicted in Abscam, while the House had six Members. Honesty is not a matter of House-passed rules, but basic morals within the individual.

Lastly, the existing limits exempt dividend, royalty, pension, interest, trust, farm, and family business income. Therefore, it is considered honest to have inherited income or that requiring no effort but dishonest to work. It is unfair for wealthy Members with such income to prevent those without to earn a like amount.

Therefore, this amendment was needed since I do not believe Congress should vote itself a pay raise during these times of budget cuts and do not want to see the membership of this House consist only of wealthy people.●

ROCCO J. MARANO, PRESIDENT OF NEW JERSEY BELL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. MINISH. Mr. Speaker, on October 9 I was privileged to attend the annual Columbus Day dinner of the Columbian Foundation in New Jersey. That traditional occasion for those of us of Italian descent was enhanced this year by the news that Mr. Rocco J. Marano, the first Italian-American to become president of a telephone company, was to be our guest of honor. Our particular pride in the achievements of one from our community was matched by the pleasure of giving recognition to a fine human being.

Mr. Marano was fortunate on this occasion to be introduced by another distinguished Italian-American known for his business and his philanthropic achievements, Mr. Vincent Visceglia. I would like to preserve in the RECORD Mr. Visceglia's remarks on this occasion.

The address follows:

TRIBUTE TO ROCCO J. MARANO

Since 1941, at the annual Columbian Foundation dinner celebrating the discovery of America by the courageous Italian genius, Cristoforo Colombo, we have given an award to a man of distinction and importance. This year we are honoring Rocco J. Marano, the president of New Jersey Bell Telephone Company.

Mr. Marano is a graduate of Fordham's Business and Law Schools. Graduating in law and in business administration is a good combination in higher learning. Equipped with ample education and, coupled with his superior intelligence and a strong will to forge ahead, Mr. Marano is now one of the best executives in the country!

He began his phenomenal career with the New Jersey Telephone Company in 1953, where he had executive experience in accounting; in 1968 he became comptroller and Vice President of Personnel of New Jersey Bell; in 1974 was Vice President of Finance of the New York Telephone and two years later Chief Operating Officer. Two years ago he returned to New Jersey Bell, and last year he became the President of that company, with two and one half billion dollars of business and with over 30,000 employees.

Mr. Marano is a trustee of St. Peter's College, of Equitable life Mortgage, a director of the New Jersey State Chamber of Commerce and of the First National State Bank of New Jersey, is a member of the New York State Bar and of the Archbishop's Committee of the Laity, Archdiocese of Newark.

Mr. Marano is a man endowed with great talent, with a mental capacity well able to be the head of a multibillion dollar company, where, being an authority in law, accounting, finance, personnel and industrial relations, makes him highly qualified as a chief executive officer.

Mr. Marano not only fulfills his great responsibilities of President of New Jersey Bell with remarkable achievements, but finds the time to do more, as for instance, when he recently accepted the State Chairmanship of the New Jersey Committee for Water Resource Bonds, and he has the care to inspire the voters to support those bonds in November, to assure plentiful and pure water supplies for our beloved State.

Mr. Marano, a humble, unassuming gentleman, is one of the most outstanding corporate national leaders, with the ability to mentally remove the fog of a difficult problem or situation and see clearly the right solution or recommendation. Not only is he able to make very good decisions, but he knows how those decisions should be implemented. And that is the real test of a top executive in business.

Mr. Marano is still young and vigorous; has the knowledge, the training, the capabilities and a personal magic of leadership to go still farther in his career, and he will. That is our wish.

It is a great privilege and honor for me to present Rocco J. Marano, the distinguished gentleman chosen to receive the 1981 Columbian Foundation award.●

OHIO DEPOSIT GUARANTEE FUND CELEBRATES SILVER ANNIVERSARY

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LUKEN. Mr. Speaker, in 1955, the Ohio General Assembly recognized the need for and authorized the formation of deposit guarantee funds to serve the State chartered savings and loan industry in Ohio.

The Ohio Deposit Guarantee Fund, a nonprofit organization, was incorporated under this law by a group of State chartered savings and loans in 1956.

The purpose of the Ohio Deposit Guarantee Fund is to provide additional security by assuring the liquidity and guaranteeing the deposits, without limitation as to amount, in savings and loans which have chosen to become members. Currently, the Ohio Deposit Guarantee Fund is guaranteeing approximately 2 billion in savings dollars in better than 25 percent of the State chartered savings and loans operating in Ohio.

The Ohio Deposit Guarantee Fund is proud that in its 25-year history of guaranteeing savings deposits in member institutions that not one saver has ever lost a penny of savings or the interest thereon. In accomplishing its purposes, the Ohio Deposit Guarantee Fund has been able to help instill public confidence in the State chartered savings and loans industry in Ohio.

In honor of these achievements, the Ohio Deposit Guarantee Fund celebrates its silver anniversary on October 31, 1981.●

AWARD OF THE FERNANDO AWARD TO SAL BUCCIERI

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Ms. FIEDLER. Mr. Speaker, it was my privilege last Friday evening to be present at the presentation of the Fernando Award to Sal Buccieri. This recognition showed the appreciation of a grateful community for Mr. Buccieri's many years of service and devotion to the San Fernando Valley of California. He has been a leader in many civic causes, devoting himself to organizations and activities that have been of great benefit to the valley and those that live there. He personifies so much of the American spirit of achievement, involvement, and concern. Today, his fellow citizens in the San Fernando Valley have shown their thanks for his years of efforts, efforts deserving of wide recognition. I can do no better to describe Sal Buccieri and all he has done than to present a testimonial to his work that appeared in the awards ceremony program. I believe it shows a man who has done much for others, and hopes to go on so doing for years to come:

THE RECIPIENT—SAL BUCCIERI

This memoir is a single story. It deals with a man; his humility; his service to humanity; and his modesty—four separate subjects. But time reflects that Sal Buccieri has uniquely blended these attributes—and, in fact, they become one subject.

Sal Buccieri was born in Blawnox, Pennsylvania, a suburb of Pittsburgh, the family, consisting of his father, mother, and three other children, are of hardy stock whose pride of ancestry laid the foundation of a closely knit group that will flourish for many generations.

When Sal was 12 years old his father decided he, and the other children, should go to Italy, the land of their ancestry, to continue their elementary and intermediate education. His father remained in the States. Sal's life changed—Italy was a new experience. He attended school in the city, learned the language, and studied the lifestyle. The summers were spent among the lofty oak trees on his father's estate where the sharecroppers engaged in viticulture, raising wheat, and fruit cropping.

In April, 1945 Sal's mother died. This was a tragic loss to the family, that had always enjoyed a strong bond of affection and loyalty which had grown stronger as the years progressed. With his father now residing alone in the United States, it was inevitable that Sal, his brother, and two sisters would return to the States permanently. The return was made in January, 1947. While in Italy, Sal received a degree from the Technical Institute of Engineering in Cosenza, Italy.

Back in America now, Sal found that he must spend three months of intensive study in order to regain competency in the English language. In the meantime, curiosity and an insatiable quest for knowledge, drove Sal to seek admission to the University of Pittsburgh where he was accepted and stud-

ied Civil Engineering. Attending the University of Pittsburgh and working at the Blawnox Corporation at the same time, proved productive for Sal—he soon worked his way up through the ranks and was appointed Project Engineer.

In November, 1948, Sal received greetings from Uncle Sam and was drafted into the United States Army. Basic training took him to Fort Knox, Kentucky, and then to Fort Belvoir where he was appointed Battalion Commander Aide and completed Army courses in civil engineering with honors. Moving on in the Armed Forces, after spending some time at Fort Monmouth, New Jersey—in January, 1950, Sal received an honorable discharge and thereafter served five years in the U.S. Army Ready Reserves. Returning to Pennsylvania after active duty in Service, Sal resumed his position at Blawnox Corporation and in February, 1950, married Violet whom he had known since his school days.

The call "young man go west" was answered by Sal in 1953 when he and Violet moved to California. Violet went to work for the Pacific Telephone Company and Sal applied his engineering training and skills to designing swimming pools. Over 600 pools were designed for prominent persons residing in the San Fernando Valley and in the City and County of Los Angeles. Becoming increasingly successful and never content to become complacent, in 1955 Sal went to work for Russell Nelson of the R. Nelson Real Estate Company. As time progressed, a move to work for Paul/White Carahan (PWC) Real Estate Company was made.

On about April 15, 1960, a new dimension of Sal's character evolved, the concern for the welfare and happiness of others motivated him to move to a new level of enterprise. With extensive training and experience in the real estate field, the great number of contacts and clients served over the years, Sal opened his own real estate firm in Encino, which still flourishes today as a lucrative business, located at the corner of Balboa and Ventura Boulevards.

When speaking of how he decided to open a business, in his modest, yet dynamic way, Sal can be heard to say, "My primary interest in opening my own business was for helping people." Initially designed to specialize in residential property, the business has not only experienced an outstanding record of selling homes in every community in the San Fernando Valley but has conducted activities covering the sale of income property, land, leasing, and the management of real estate. Many satisfied clients have been served.

During a moment of reflection, Sal speaks of service to the community—the challenges, the giving, the helping, "the putting of something in." He has always been interested in the San Fernando Board of Realtors, has been affiliated since 1955, and has served at every committee level. Involvement in the United States Chambers of Commerce of the San Fernando Valley reflects that Sal played an important role in the growth and unification of this organization. Speaking in a broad sense, the scope of his participation and service to the community is vast and comprehensive. His leadership and dedication is exemplified through the myriad of offices he has held. The quality of his service has been, and continues to be appropriately measured by the large number of awards, acccolades, honors, and tributes he has received over the years.

Sal, the individual, the man, the humanitarian is moved to action, involvement, and service by a driving force generated from the satisfaction of "making people happy and bringing the good out of them." He welcomes the challenges to life, meeting deadlines, the interaction with people, and all that is associated with it.

Though extremely involved in business and the community, Sal relishes life, its pleasures, has a happy family, and is a devoted husband and father. He resides in Sepulveda, California, with his wife Violet and two sons, Eugene and Paul. During a moment of reflection on life yesterday, today, and tomorrow, Sal often speaks of "the power of the moment." He feels that yesterday brought him to today because he "gave" his fullest and best to each moment. Speaking of today, he says, "Today I share with all of those who want to share and feel strongly about my capacity to complete whatever endeavor I face." "Today" as a timeframe in Sal's life, is being fulfilled tangibly through the recognition of his leadership and service by his peers and colleagues. Tomorrow, he wants whatever is good for tomorrow.

Receiving the distinguished and coveted Fernando award represents a milestone in the lives of those dedicated to the welfare and progress of the San Fernando Valley. Sal is a man of experience, tested ability, sound judgment, and keen perception. He is of fine character; he is a sincere friend and devoted community worker. These attributes have earned him a place of great distinction and an enviable record. There is no more deserving recipient of the award in 1981 than Sal Buccieri. "Mr. San Fernando Valley" as he is so affectionately known to his many colleagues and friends.●

GARN ON YAMAL PIPELINE

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. NELLIGAN. Mr. Speaker, below is a recent article from the Oil Daily in which Senator JAKE GARN is quoted regarding his concern over U.S. corporate involvement in the Yamal natural gas pipeline, I think his comments are right on the mark, and I commend him for his continuing leadership in opposing the Yamal natural gas pipeline.

GARN CONCERNED FOR U.S. FIRMS RUHRGAS AG STAKE

(By S. Lawrence Paulson)

WASHINGTON.—Sen. Jake Garn, R-Utah, says he is "very disturbed" by reports that U.S. oil companies are involved in negotiations with the Soviet Union over financing for the Soviets' planned Siberian gas pipeline project.

"Although I do not question the legality of their involvement at this time, I do not like to see U.S. companies aiding in the bankrolling of a venture which could make Europe more dependent on the Soviets," Garn said.

It has been reported that three U.S. oil companies—Exxon, Mobil and Texaco—hold minority shares in Ruhrgas AG, the West German gas company which is negotiating for the Soviet gas imports and is said to be close to a price agreement.

Garn said Friday he will hold a hearing of the Senate Banking Committee, which he chairs, on Nov. 3 to investigate U.S. policy toward aiding the pipeline project.

Garn noted that although the administration has given a tentative go-ahead for the sale of U.S. pipelaying equipment to the Soviet Union for another project, the terms of the export license say the equipment "must not be used in construction of the proposed Siberian-West Europe gas pipeline project."

"However, I am not satisfied with the condition," Garn said, "because the Soviets rarely honor the fine print of any contract or treaty. When we helped them construct a truck factory, it was ostensibly for peaceful purposes. But those trucks played a key role in the invasion of Afghanistan.

"I hope to convince the administration to reconsider the approval of the equipment sale because most certainly it would find its way to the Siberian pipeline," he said.

Garn is the co-sponsor of a Senate resolution expressing the sense of the Congress that the U.S. "should not participate in the Siberian gas pipeline project." A similar House resolution was introduced by Rep. John LeBoutillier, R-N.Y., and Rep. James Nelligan, R-Pa.

The $15 billion, 3,600-mile pipeline would link natural gas-rich Soviet Siberia to 10 Western European countries. As planned, the pipeline would have a maximum capacity of 15 billion cubic meters of gas a year.●

PERSONAL ANNOUNCEMENT

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. FITHIAN. Mr. Speaker, I regret that committee activity this morning and early this afternoon prevented me from actively participating in the floor debate on House Resolution 251, a bill to relax the limit on outside earned income for Members of Congress. I am pleased that a majority of my colleagues saw fit to vote against this bill and I hope that this negative vote will put an end to any further effort to reverse ethics rules this body has put in place over the years.

Neither the framers of the Constitution nor our present day constituents intended that their Representatives in Congress enjoy—at public expense—a standard of living far beyond that enjoyed by most American families. While service in the House and Senate undeniably involves a degree of financial sacrifice for some, we must bear in mind that the official congressional salary of $60,662.59 a year plus the $9,099.38 which current House rules permit in outside earned income places the average Member of Congress in the top 2 percent of all wage earners in the Nation. From the standpoint of 98 percent of the Nation's wage earners, enough is enough.

No one who has served in the House of Representatives in recent years can doubt that service here is a full-time job. By increasing the financial incentives for outside income—as this reso-

lution clearly did—we would have been virtually guaranteed a part-time Congress. This Nation faces full-time security and economic problems requiring the full-time attention of its Representatives and Senators. The people who pay our salaries have a right to expect that we will spend our time—our full time—seeking solutions to these problems, not finding ways to earn more money for ourselves.

In closing, I would like to add the following observation. I see this legislation as part of a dangerous, misguided, and potentially divisive frame of mind which has developed in our Nation's Capitol over the past few months. As I see it, the social fabric of this Nation will not long tolerate a legislature or an administration which counsels patience and sacrifice to its neediest citizens while devoting its time and energies to the imagined problems of the rich and powerful.●

A TRIBUTE TO LEONARD ANTHONY BRUTOCAO

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. DREIER. Mr. Speaker, today I rise to pay tribute to a man whose humanitarian contributions to society have been tremendously inspiring: Mr. Leonard Anthony Brutocao of Covina, Calif.

On November 12, the City of Hope Medical Center will present its annual Spirit of Life Award to Mr. Brutocao. This award is only bestowed upon those individuals who have demonstrated a deep commitment to helping others.

Born in a small town in northern Italy, Mr. Brutocao traveled to New York with his mother at a very young age. As a youth, he worked on his family's farm, eventually serving as an apprentice carpenter in Niagara, N.Y. Typically a man ahead of his time, Mr. Brutocao settled in southern California in 1947. Since that time, the lives of countless citizens of Covina have been touched by this untiring gentleman.

Indeed, Mr. Brutocao is a living embodiment of the spirit of volunteerism—a spirit which, over the years, has served to make this country great. Besides maintaining a deep and long-lasting association with the City of Hope, Mr. Brutocao has selflessly served as a member of the board of directors of Red Cross of America, president of the Holy Name Society, president of the Italian Catholic Federation, and director of the United Way of Covina, Calif.

Mr. Speaker, at a time when we in Washington are promoting the concept of volunteerism, I would like to direct my colleagues' attention to a man who has made a lifetime habit of assisting his fellowmen.●

NATIONAL LEGAL CENTER FOR THE PUBLIC INTEREST

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. WINN. Mr. Speaker, I have noted with interest the new weekly publication, Judicial/Legislative Watch Report, published by the Washington-based National Legal Center for the Public Interest. This timely report, which I look forward to receiving, deals principally with congressional actions affecting the judiciary and the judicial system. It is circulated as a public service to all Members of Congress, congressional committee staffs, the executive branch, the regulatory agencies, and others. I commend it to my colleagues inasmuch as the reports supply a continuing update on these important matters. It should be noted that the publication does not advocate a particular point of view, which makes it even more valuable.

I also call to your attention the final edited proceedings of a conference sponsored by the National Legal Center on "Worker's Compensation and Workplace Liability" held earlier this year. Participants in the conference included experts from the private and public sectors, and included our colleagues Congressman JOHN N. ERLENBORN and Senator CHARLES E. GRASSLEY, as well as Secretary of Commerce Malcolm Baldrige.

This volume provides valuable background data and analyses on the critical issues of liability and compensation. It should be extremely helpful to the Members of Congress as we consider forthcoming legislation concerning tort law reform.

In its continuing dedication to public interest law, the National Legal Center will soon issue timely monographs on venue reform and the exclusionary rule to which experts from the public sector and academia have contributed arguments. Both of these monographs should prove useful to the Members of the House in their understanding of the issues and of related pending legislation.

I congratulate Ernest B. Hueter, president, and the staff of the National Legal Center for the Public Interest for the assistance they provide us, as Congressmen, in the form of objective and meaningful research.●

ADM. HYMAN G. RICKOVER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. MINISH. Mr. Speaker, this morning's paper reprints an excellent article by R. James Woolsey, a former undersecretary of the Navy, reminding us that the time has come once again to extend the active duty of Adm. Hyman G. Rickover. The article ought to be required reading for Secretary Lehman and for all who are concerned to insure our national defense. We must remember that Admiral Rickover belongs on active duty not as a sentimental recognition of his past accomplishments, but as acknowledgement that he continues to play a vital role in our military program.

Admiral Rickover has been forceful and effective in demonstrating that our defense program can be managed rationally, that we can achieve quality in our forces without profligate spending. Naturally, his beliefs have not always met with universal agreement, but he has never hesitated to act upon them, fighting for the national interest. I know that many of my good friends on both sides of the aisle value the admiral especially as a bulwark against the excesses of the military-industrial complex against which another great military leader, General Eisenhower, urgently warned us.

It is sometimes asserted that Admiral Rickover owes his long tenure in the Navy to the influence of congressional allies. I do not know if that is accurate, but, if he has allies here—and he has—it is because his expertise and courage and devotion to his country have earned them for him. Again and again his retirement date has been postponed because he is a giant whose contributions to America continue to be of the greatest and most timely value. At this time of a huge increase in our defense expenditures, we need his steady influence and pertinent counsel more than ever.

I feel that it is appropriate to insert Mr. Woolsey's analysis in the RECORD at this time:

THE SURVIVOR

(R. James Woolsey)

One of this century's unique figures is about to be in the news again. By February of even-numbered years, since time out of mind, the secretary of the Navy has had to decide whether to extend Adm. Hyman G. Rickover's active duty for yet another two years. The current secretary, John Lehman, can expect at least as much advice on this pending decision as countless of his predecessors—from such random quarters as the odd congressional committee chairman, passers-by on the street, and other casually interested folks, such as, say, the president. The decision is usually made the preceding summer or early fall, so the papers are prob-

ably in Lehman's in-box by now—sitting there staring at him.

The object of all this biennial attention is not only Washington's ultimate survivor, he is—more importantly—one of its perennial winners. The two traits are not unrelated. As the years have rolled on he has come to know more and more about the business of building and operating nuclear-powered ships. He and his staff have such a combination of institutional memory and expertise, especially compared with the civilians who come and go from the Defense Department, that they win a good many more than they lose. He has both survived because he wins and won because he has survived.

For many years he has played the Hill the way Casals played the cello, but many of his strongest congressional supporters—Pastore, Rivers, Hebert—are no longer around. And he is not the darling of the new military reform movement.

Rickover's influence, in the Navy and in the country, has spread light years beyond the construction of naval nuclear reactors. Seeing the need for better-educated officers and enlisted men to run his power plants, for example, he has become a major force in education at the Naval Academy and in the NROTC program. His "why-not-the-best" standards about nuclear ship propulsion have affected the rest of the Navy as well, to the point that generations of non-nuclear officers have gnashed their teeth at having to go to a special school on conventional propulsion before assuming their seagoing commands.

Rickover is the scourge of the conglomerate builders of nuclear-powered warships, insisting on maintaining a whip hand over his projects that leaves very little room for their corporate notions of profit, and none for the Washington lawyers who handle their claims against the government. "I treat the government's money as if it were my own" he is fond of saying. There are several corporate board rooms where they must wonder if Hyman Rickover has ever spent a nickel on himself.

In the strength of his no-nonsense personality, in the indomitability of his will, and in his—well—prickliness Rickover resembles only a few modern figures. To me the closest parallels are Charles de Gaulee and Menachem Begin. These sorts of men simply seem to have a greater specific gravity than other people. They distort the force fields around them, bending more of the world to their wills than seems possible or reasonable, especially to those who get bent. Such men can be infuriating to deal with, and when they are wrong, their mistakes can be as lasting as their triumphs.

But the de Gaulles, the Begins, and the Rickovers are the people whose impacts reach far beyond, and last long after, their own lives. You disagree with the Kindly Old Gentleman, as he is sometimes dubbed in the Pentagon, about the proper size for aircraft carriers, or any of a number of other subjects? You are one of those unfortunates who has had a major (or even minor) set-to with him and remember feeling as if you had gone 12 rounds with Ali? I understand, believe me.

Still, keep a few things in mind: There is no Soviet skipper, anywhere in the world, who sleeps soundly in his sea cabin. He can never be sure that he isn't in the cross-hairs of the periscope of one of Rickover's marvelous, quite black attack boats. And, as we fuss with the MX and the agonizingly hard problem of fixing the vulnerability of our ICBMs, we have some breathing space—because some more of Rickover's products, carrying their Poseidon and Trident missiles, slip silently on patrol somewhere beneath the Atlantic and Pacific.

His ships are commanded and operated by some of the most extraordinarily able and professsional men you will ever meet. Their standards, and those of many of their colleagues in other parts of the Navy, have been shaped directly and indirectly by Rickover's will and perfectionism.

Yes, his standards are so high that there are only two-thirds as many such nuclear-trained officers as we need, and the ships are so expensive that we can't afford nearly enough of them. But unlike much in our modern society, and much in our military establishment, they work, and they work safely and superbly.

So join the watch to see whether John Lehman signs those papers. But while you're wondering whether Rickover will retire this winter or will be sitting there in his office, growling into his telephone, in the 21st century—and whatever your preference in the matter—undertake an instructive little intellectual exercise; try to think of another living American to whom you owe more.●

SPEECH OF REPRESENTATIVE JAMES R. JONES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. JACOBS. Mr. Speaker, the American People including their House of Representatives in Washington are the better because of the wisdom and wit of our Budget Committee chairman, JIM JONES. An example of that wisdom and wit follows:

Ladies and Gentlemen: You and I—and the American economy—have embarked on as nearly pure a test of economic theory as we are ever likely to see.

For a political scientist or an economist these must be fascinating times. But for the rest of us, it is a time of some doubt and danger. All of us hope that the Reagan program will achieve the goals we all share for America. But some among us are not yet convinced. Does the path chosen by the Reagan Administration lead out of the wilderness or into it?

The next few months will provide important evidence as to the curative powers of the Reagan prescription of large tax cuts, massive increases in defense spending, cutbacks in Federal aid to individuals and state and local governments, and very tight restraint on the money supply.

Until that evidence comes in, it is too early to propose an alternative economic path. But it is essential that we now develop a means of judging the Administration's success or failure.

February 18, 1981, seems long ago, but that is the not-so-distant day Ronald Reagan presented his budget to the Congress. To an extent few people then believed possible, that Reagan plan has been put in place. The few changes which were made have been initiated or endorsed by the White House.

The best example is the Kemp-Roth tax proposal which originally called for a ten percent cut in individual rates in each of three years. In the spring, most experts still scoffed at the chances of Kemp-Roth ever being enacted.

But the Administration modified it from 10-10-10 to 5-10-10; the Administration cut some deals with special interests; the President went to the people and, lo and behold, we now have Kemp-Roth for 1982, 83 and 84 with indexing to follow in 1985 and thereafter.

On the spending side, the Administration endorsed the budget developed by the Republican majority in the Senate and wrote the budget passed by the House—the so-called Gramm-Latta I budget.

The Republican budget called for a $35 billion cut in Federal spending. The House committees actually reported cuts of more than $37 billion to the floor, but the Administration did not approve of the location of some of those reductions.

Instead, the Administration at the last minute wrote Gramm-Latta II. It rejected the decisions of the House committees and made the cuts precisely as the Administration wanted. As a result, on October 1, the Reagan Administration's program went into full effect, just as they asked for it.

Not only did the Administration win exactly the spending levels and tax levels it sought, it also has had exactly the tight money policy it asked for from the Federal Reserve Board.

We have witnessed what can only be described as an extraordinary political victory by this Administration as it overwhelmed all opposition to its economic programs. That opposition was not to the Administration's stated goals but to some of its specific methods.

There was, however, one insufficiently noted side effect. What should have been the most important economic debate since the Depression became a totally partisan political dispute.

The Congress, the business community and the American people were led by the Administration to consider only one question: Are you for the President or are you against the President?

The real question, the question which should have been asked, was: What economic policy will create real growth and reduce inflation?

We at the House Budget Committee proposed an alternative to the President's program. I believe that had we adopted the basic tenents of our plan, we would today have had far healthier economic prospects than now lie ahead.

We proposed spending cuts of the same magnitude as the Administration, but we spread the impact of those reductions across a broader spectrum of our society.

We designed a program which would avoid the serious danger and potential disaster of creating class division in a society which has been relatively classless.

We also took great care to protect research and development, education and job training, and investment in the essential infrastructure of our nation. We knew that short-term savings could be made in these areas, but we were convinced that such savings would prove to be short-sighted and counter-productive.

The future health of our economy, our ability to increase productivity and compete with challenges from abroad will be determined by technological innovation, a high quality work force, and the maintenance of effective systems of transportation and communications.

Let me say bluntly that the Federal government does have a role to play in a world as complex and competitive as the one in which we exist. The trite phrase "government is the problem" is simplistic at best and dangerously misleading. Good, efficient Federal government is essential to the health and well being of our nation and the world. The question, again, should have been: What are the proper functions of government? Not, Are you for or against government?

Our proposed tax policy also was very different from the Administration's. We recommended a permanent tax cut aimed primarily at increasing incentives for savings and investment by both individuals and businesses, and we avoided the hazard of cutting revenue in advance of cutting spending.

Let me read from the Committee report of April 16, 1981:

"While the Committee recognizes the need for tax cuts, it feels it should not reduce taxes so much as to cause excessive deficits or inflationary pressures from excess demand. While some members argue that supply-side benefits from large multiyear tax cuts may offset revenue losses, the historical record does not indicate that the economy will grow rapidly enough to avoid the risk of excessive deficits in the next several years.

"Instead, the Committee would proceed with caution, enact a single somewhat smaller tax cut, see how the economy responds and then re-examine the issue of further tax cuts next year. In the last several years substantial upward revisions of budget outlays have resulted in larger deficits than planned. The Committee believes that the Administration's tax proposal runs that risk. By recommending a more modest proposal for one year the Committee hopes to reduce the potential for huge Federal borrowing if the economy is slow to respond."

In addition, we used the most accurate, hard-nosed economic assumptions we could develop. We did not use magic and mirrors to create an artificially low deficit which would explode as projections gave way to reality.

Our program would have produced solid growth and reasonable interest rates. With deficits of $26 billion in 1982 and $1 billion in 1983, we would have relieved the pressure of vast Federal borrowing on our credit markets.

We had serious doubts that the tight monetary-loose fiscal policy mix of the Reagan Administration would achieve the goals set out by the White House. Like the business community in particular and Americans in general, we hoped Reaganomics would succeed. But we had grave doubts and, though it was politically difficult, we expressed those doubts.

Now those doubts have grown. The testing time has come for Reagan economics. Let me describe the potential magnitude of the problems we would face.

The Administration—in its third set of budget proposals this year—projects a $43 billion deficit in the current fiscal year, declining to $23 billion in 1983 and a balanced budget in 1984.

Unfortunately, those projections are based upon a set of economic assumptions that virtually all economists, of whatever political persuasion, find wildly unrealistic. Indeed, some of the country's most conservative economists said the assumptions were internally inconsistent when the President first presented his budget last March. In addition, some of the spending estimates, such as the rate of defense spending from obligated funds, appear much lower than the Congressional Budget Office believes they will be.

Making a more realistic projection of the President's budget based on economic assumptions close to the consensus forecast suggests a deficit of about $70 billion in 1982 and deficits remaining in the $60-$70 billion range in 1983 and 1984. Note that this is not based on a pessimistic economic forecast. It does not assume a recession—merely that the economy experiences slow to moderate growth in line with announced monetary policy targets. Obviously, if we really are in a recession—as the President says we are—the 1982 deficit will be far higher—in the $80-$100 billion range.

These projections also assume that the President gets all of his additional tax increases and spending cuts proposed—but mostly not yet specified—last month and still another $35 billion of unspecified cuts in 1983 and 1984. That would be a three-year deficit accumulation of about $200 billion.

Since the Republicans cannot reach any agreement about these new cuts and tax increases, prudent budget planning suggests we not count these savings before they are hatched. If we do not, the budget deficit—again without recession—grows from $85 billion in 1982 to $110 billion in 1983 and $120 billion in 1984. The three-year deficit would exceed $300 billion.

I'm sure that you can now appreciate my concern about the direction of economic policy. I hardly need tell anyone in this room that the outcome of continuing $100 billion-plus budget deficits colliding with restrained monetary policy will be very high interest rates, continued economic stagnation, and the further ruin of farmers, builders, auto producers and small businessmen.

Furthermore, the Administration's very expansive fiscal policy puts all the burden for fighting inflation onto tight monetary policy and high interest rates. This Administration has not merely followed a policy of monetary restraint. It has effectively forced a policy of draconian monetary restraint upon the Fed by abandoning any semblance of restraint in fiscal policy.

I must say, in all candor, that I have great concern about the path we've taken, for just these reasons. However, it is too early yet to resolve conclusively whether the Reagan program will succeed or fail.

President Reagan likes to say his program only began on October 1. I think that most of those who follow our government would agree that his policies began to take effect much earlier. In fairness, though, we probably don't have enough evidence at this time to justify abandoning the program.

But no one can doubt that the Administration program is producing very different results that those projected by the Administration.

We were told that, after a brief transition, we could expect rapid economic recovery—and jobs for the unemployed and those whose jobs and training programs were eliminated by the Administration's budget. Instead, according to the President and his chief economic adviser just several days ago, we are in a recession and can expect rising unemployment in coming months.

We were told that interest rates would decline rapidly, even before the program was in place. In March the Administration projected interest rates on three-month Treasury bills to fall to about ten percent at the end of this year; instead we've had rates averaging 400 to 500 basis points above that and, even with the recent modest decline, likely to stay far higher—13 to 14 percent—next year unless we have a much weaker economy than the Administration projects.

The interest rate issue is critical to responsible budget planning. By projecting unrealistic interest rates, the Administration has consistently underestimated its budget. They raised interest-related outlays by $10.3 billion in July as their estimates were overtaken by reality; they raised them by another $5.6 billion in September. They are probably still several billion dollars too low for 1982, and many billions of dollars too low for 1983 and 1984, for which they estimate three-month Treasury bills will yield 6½ to 7½ percent.

So while it is too early to declare Reaganomics a failure, it is certainly time to monitor it and measure the results very carefully. What benchmarks should we use to judge its success or failure?

Perhaps the fairest standard would be the targets set by the Administration itself.

For 1982, they have forecast real growth at 5.2 percent; unemployment at 7.3 percent; inflation at 6.2 percent as measured by the Consumer Price Index; interest rates at 12.5 percent; and a deficit of $43.1 billion.

For 1983, the Administration projects real growth of 5 percent; unemployment of 6.6 percent; inflation of 5.7 percent; interest rates of 7.5 percent; and a deficit of $22.9 billion.

For 1984, the Administration forecasts real growth at 4.5 percent; unemployment at 6.2 percent; inflation at 5.2 percent; interest rates at 6.8 percent; and a balanced budget.

If early next year, we see the economy moving away from, rather than toward, the Administration's projections, we will know that there is something seriously wrong with Reaganomics.

The point here, of course, is not that the program won't achieve any of its goals. Clearly, with consistently severe monetary restraint we can reduce inflation—and we have observed some real progress on prices this year, although more from good fortune in the energy and food sectors than from deceleration of fundamental trends in costs. But we will be badly misled—and are just setting the stage for disillusionment—if we pretend we can have a substantial deceleration of inflation from monetary restraint and, at the same time, rapid economic growth and falling interest rates.

Reaganomics is unlikely to work simply because the theory behind it is wrong. The Administration believes that it is possible to use strict control of the money supply to knock down inflation and at the same time use very large tax cuts to trigger a supply-side expansion.

That has never been tried before. The reason it has not been tried before is that old-fashioned, conventional, conservative economic theory says it won't work. That theory says that highly expansive fiscal policy and tight monetary policy leads to high interest rates, stagnation and less, rather than more, investment. It says that housing, autos, small business and farmers are likely to suffer; that exports will be weak and the trade balance will suffer. It says that productivity growth will be reduced rather than increased, and that living standards will be lower than they would be under a more balanced policy which imposed good old-fashioned budgetary re-

straint and thus allowed the Fed to ease up slightly without making the policy as a whole inflationary.

But we can monitor these developments over the next few months, and we should be able to determine if the theory behind the Administration's action is sound. Then we'll know which school of economists should start looking for a new line of work.

If the Reagan program is not working, all of us will face immensely difficult decisions in the months ahead. If there ever were such things as "easy" spending cuts, they already have been made.

There are very few "revenue enhancements"—what used to be called higher taxes—which do not have some ardent foe. Everyone favors a cut in his own taxes but no one ever believes that an increase should apply to himself.

As Russell Long likes to rhyme, "Don't tax you, don't tax me, tax that fellow behind the tree." The same problem must be faced with spending cuts.

When the House Budget Committee last spring proposed a $14 billion-over-three-years reduction in the Administration's military increases, we were roundly attacked by the Administration for endangering national security. Now the Administration wants a $13 billion cut and the Republican Senate seems to be talking of doubling that slice.

Fortunately, right now we do not hear accusations that the Republican Senate is risking our nation's security.

But the debate over defense spending clearly demonstrates two principles. One is that all the decisions left to be made are tough. The second is that with a Republican White House, a Republican Senate and a narrowly balanced House, correction of the Reagan economic program, if necessary, will require bipartisan action and a new cooperative attitude on the part of the White House.

Many of the issues which must be faced are so politically explosive that they cannot be resolved without bipartisan agreement.

The single greatest failure of this Administration to date has been its unwillingness to seek consultation and compromise. It has operated with high success along fiercely partisan lines. It has taken no counsel except its own.

Now it finds its latest spending and tax proposals in difficulty among Republican senators and GOP moderates in the House who were willing to rubber stamp White House programs last spring.

If the Administration program fails to meet the goals it has set for itself, it will have two alternatives.

First, it can ignore its failure and plunge ahead with its program as if it is working. The cost to the American people of such a policy will be incalculable.

Second, it can admit its failures and go back to the drawing board.

As Chairman of the House Budget Committee, my primary concern is for the American people and the American economy. Our Committee stands ready to support the President's program if it meets its own goals.

If the Administration fails to meet those goals, we stand ready to work with the White House in developing a sound economic program to meet the challenges ahead. If the Administration fails to meet those goals and yet refuses to admit its mistakes and plunges the nation toward an economic abyss, this House Budget Committee Chairman pledges here today to develop an effective alternative to the present economic strategy.

That alternative economic program—if it is required—will be presented to the Congress and the American people early next year. Should that be necessary, the American people must look carefully, even harshly at the choices before the Congress. The question must not be: Is it good for a political party? The question must be: Is it good for America?●

AWACS SALES TO SAUDI ARABIA

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. LUKEN. Mr. Speaker, the October 19, 1981, issue of my hometown newspaper, the Cincinnati Enquirer, contains an article written by a very fine citizen from Cincinnati, Mr. Benjamin Gettler. His article expresses valid concerns against the sale of AWACS to Saudi Arabia. I commend this column to the attention of my colleagues in both Houses of Congress.

[From the Cincinnati Enquirer, Monday, Oct. 19, 1981]

AWACS: An American Issue

(By Benjamin Gettler)

The nature of the campaign being waged by supporters of the sale of airborne warning and control systems (AWACS) to Saudi Arabia should be most disturbing to concerned Americans. Many supporters of the sale, unfortunately, are not arguing the merits of the case. Instead, they are stooping to anti-Israel, anti-Jewish propaganda.

For example, former President Nixon has accused "some people" of favoring Israeli interests over American interests. Such a statement is a base appeal to anti-Semitism and also insulting to those congressmen and senators who have decided that it is contrary to the interests of the United States to proceed with the sale. These include both of our extremely able Cincinnati congressmen, Tom Luken and Bill Gradison, as well as our Ohio senators, John Glenn and Howard Metzenbaum, and Sens. Wendell Ford and Walter Huddleston of Kentucky.

Certainly there are arguments for the sale as well as against the sale. Such arguments, however, should be based strictly on the merits and not on religious or national prejudice. The United States has a very strong interest in the protection of the Saudi oil fields. No one quarrels with that fact. For this reason, the United States, at the present moment, has four AWACS manned and serviced by 500 American servicemen stationed near the oil fields.

Most of the arguments against the sale of the AWACS are not based on matters dealing with Israel. For example:

The present situation in which the AWACS are U.S.-owned, -controlled and -operated and located near the Saudi oil fields provides the maximum security for U.S. interests. If the sale is approved these AWACS near the fields would be displaced by Saudi-owned and -operated AWACS. How would this enhance U.S. military security?

AWACS can only determine and track the presence of an enemy. What would the Saudis do then? The combined Saudi army and police force totals only approximately 65,000 men. If there were Soviet encroachment, the Saudis would have to call upon U.S. forces to defend the oil fields. The Saudis, however, refuse to allow the United States any bases on their territory. Should we turn over AWACS to them unless they first allow such U.S. bases?

The sale of AWACS will endanger American secret technology. The Defense Department holds the AWACS technology in such high regard that we have never turned them over even to our North Atlantic Treaty Organization (NATO) allies.

Excluding the Soviet Union, the major threat to the Saudis is internal. AWACS cannot counter that danger.

The so-called moderation of Saudi oil prices is determined by its own self-interest and not by concern for U.S. needs.

Saudi Arabia has been an obstacle to peace in the area by condemning the Camp David agreements and calling for the elimination of President Sadat.

Saudi Arabia is a chief financial supporter of the Palestine Liberation Organization (PLO), making contributions to it of over $1 million per day. The PLO is closely aligned with the Soviets and works with other terrorist organizations in support of Soviet objectives.

Saudi Arabia condemned U.S. downing of Libyan planes in self-defense as "cowboy politics." The Saudis again demonstrated that their loyalty to brother Arab states, even the most radical pro-Soviet states, far outweighs any regard for the United States.

All of the above arguments deal strictly with American interests. As far as Israeli security is concerned, the control of AWACS by the Saudis would have made impossible Israeli actions such as the Entebbe hostage rescue or the destruction of the Iraqui nuclear power plant. The danger to Israeli security is derived from the fact that AWACS can spot aircraft 300 miles away and track ground-troop movements within 250 miles. Such information would likely be shared with the PLO and surrounding Arab countries.

The above are the points which supporters of the AWACS sale should be answering. It would also be helpful if the media would stop portraying the issue as a contest between pro-Israel and anti-Israel lobbyists. This is an American issue!●

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 1981

● Mr. GILMAN. Mr. Speaker, on October 22, 1981, I was present in New York City carrying out my duties as a member of the U.S. delegation to the United Nations General Assembly. Consequently, I was unable to be present to cast my vote on 4 rollcall votes that afternoon, although I did vote on two questions that occurred earlier in the day.

On rollcall No. 275, the English substitute to the then-pending Daschle amendment, to the 1981 farm bill, I would have voted "yea." This amendment proposed restrictions on the importation of meat into the United States. the substitute was approved by a vote of 223 to 162.

On rollcall No. 276 the Daschle amendment, as amended, I would have voted "yea." The amendment passed by a vote of 211 to 168.

On rollcall No. 277, the Coleman amendment to limit the term of the bill to 2 years, instead of 4 years, I would have voted "yea." The amendment failed by a vote of 180 to 193.

On rollcall No. 278, the final passage of the 1981 farm bill, I would have voted "nay," because the bill had become inordinately costly during the amendment process. The bill passed by a vote of 192 to 160.●

WATERWAYS TRANSPORTATION DEVELOPMENT AND IMPROVEMENT ACT OF 1981

HON. ED WEBER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 1981

● Mr. WEBER of Ohio. Mr. Speaker, today I am introducing the Waterways Transportation Development and Improvement Act of 1981. This bill is designed to provide a funding mechanism for the operation and maintenance of our rivers, harbors, and the St. Lawrence Seaway and for new construction of needed improvements on our Nation's waterways.

My remarks are drawn from those of the distinguished senior Member of the Oregon delegation, who resides in the other body. The Member's leadership, research, and interest in port legislation has made this bill possible. The senior Member of the Oregon delegation has introduced the bill S. 1586. It is a similar piece of legislation from which I have borrowed. I kindly thank the senior Member of the Oregon delegation from the other body for his assistance.

I introduce this bill as an alternative to other initiatives which would shift the responsibility of maintaining U.S. waterborne transportation to the local entities through which the bulk of our Nation's commerce passes. I fully understand, and have subscribed to, the marketplace theory of economics that is contained in these other proposals. I have supported, and plan to continue to support, the marketplace supply-side theory of economics. But it is the realities of our transportation waterways system that requires deviation from the theoretical model.

When the Founding Fathers drafted the Constitution, they appreciated the importance of a national policy on ports and harbors and navigable waterways to such an extent that it is cited in several places within the Constitution. The most startling example of the awareness of the needs to prevent the discrimination between our Nation's ports appears in section 9 of the Constitution which states:

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another:

Section 8 of the Constitution stated that:

All duties, imposts and excises shall be uniform throughout the United States.

The spirit of these provisions is clear, the Congress is not to promote seagoing commerce into some ports at the expense of other ports. Moreover, Congress was clearly given the authority to enforce its supremacy in these matters through the commerce clause. Mr. Chief Justice John Marshall intended to settle that dispute in 1824 when he wrote the opinion of Gibbons against Ogden. He wrote:

The power of Congress, then, comprehends navigation, within the limits of every State in the Union; so far as that navigation may be, in any manner connected with "commerce with foreign nations, or among the several States, or with the Indian Tribes."

Congress first began appropriating money for dredging and port improvements in 1824. Since that date this policy has resulted in such lasting improvements to navigation as the locks connecting the Great Lakes, the St. Lawrence Seaway, Chesapeake Bay, the inland waterways, and major ports up and down the east coast. These huge centers of commerce daily handle ships of tens of thousands of tons of deadweight and drafts of up to 45 feet. Yet when the corps began dredging projects in the 18th and 19th centuries the average depth of ports on the east coast was about 18 feet.

So, Mr. Speaker, I am arguing in the spirit of the Constitution. I am arguing for all the seaway ranges. The East, West, Gulf and Great Lakes. But here in the 97th Congress we are faced with the prospect of shutting the door on the progress of undeveloped ports and waterways in the name of slavish adherence to port-by-port assessment to recoup these costs.

To illustrate my case, I submit for printing in the RECORD at this point a statement from Gary Failor, president of the International Great Lake Port Association and director of the Port of Toledo, in support of the Great Lakes Caucus of Midwestern Governors Position on National Waterway Recovery. I also submit the statement of the Midwestern Governors I just referred to be printed in the RECORD following the statement of Mr. Gary Failor.

STATEMENT IN SUPPORT OF THE GREAT LAKES CAUCUS OF MIDWESTERN GOVERNORS POSITION ON NATIONAL WATERWAY COST RECOVERY

I am Gary Failor, Seaport Director for the Port of Toledo, Ohio, and the Chairman of the United States section of the International Association of Great Lakes Ports, which represents all major U.S. ports on the Great Lakes. I can categorically state to you that the policy statement introduced here by the six midwestern governors is echoed by every port and cargo shipper doing business today on the Great Lakes.

Economic conditions in the Great Lakes area are generally in bad shape, to say the least. For the past several years, our area of the country has been hardest hit by the economic downturn which has, correspondingly, had a disabling impact on the shipping industry and those portions of our economy that shipping serves. The farms of the midwest, the steel mills, the mines and the automobile industry are directly dependent on a healthy waterway system. They demand a system that operates effectively.

The policy points stated by the midwestern governors must be incorporated into any such changes if user charges are to be applied to recover the costs for existing operations and maintenance of the national waterway system. There must be a federal system of waterways, federally maintained and operated so that a system of right-of-way, such as now exists on the Great Lakes, can continue. We cannot tolerate a system that is dependent on the local actions of individual states. There is no room in a federal waterway system that would allow such states to make or not make decisions that impair the unhindered movement of domestic and international commerce.

If a user charge is enacted, it must be uniformly applied so that cargoes will not be artifically routed to other, more distant and costly, port ranges for reasons that are not economically justified. This would only perpetuate the negative economic climate that now exists today in the midwest. The St. Lawrence Seaway must be placed within the national waterway system as an equal and integral partner, a benefit it has long been denied. Such a move just makes good economic sense.

The ports and shippers of the Great Lakes region request your consideration of this vital matter.

POSITION STATEMENT OF THE GREAT LAKES PORTS AND THEIR GOVERNORS

The States of Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio, through their respective Governors, ports and port interests on the Great Lakes/St. Lawrence Seaway shipping system, are strongly united regarding the proposed institution of a national uniform user charge. If implemented, the proposed user charges would give the Federal Government full cost recovery for the operation and maintenance of the Nation's navigable waterways.

Recognizing that user charges could provide for an equitable method of port and waterway maintenance and development, the Great Lakes' interests support the implementation of a cost-recovery system. This support is conditioned on three major points which must be included in any legislation, in order to maintain equitable treatment among the regions of the nation. Any proposed legislation should prevent an artificial disruption in waterborne commerce that would adversely affect segments of the transportation and manufacturing communities.

The three major points are:

1. The existing debt for the construction of the St. Lawrence Seaway should be forgiven, and the United States' portion of the Seaway should be funded through the uniform national user-fee fund.

The Great Lakes/St. Lawrence Seaway system has had a discriminatory user charge since its inception. It is envisioned that the costs of operating and maintaining the Seaway system will be included in a new user-charge plan. Since no other construction charges for any other waterway im-

provement in the country have ever been charged to the users, and in order to place the Seaway system on equal footing with all other waterway systems, the debt portion of the user charges must be eliminated.

2. A definition of the federal role in navigation should be established to provide full responsibility for the provision and maintenance of navigation and facilities.

The waterways systems of the United States are absolutley essential to the economic well-being of the entire country. The Seaway system is crucial to the defensive needs and strategies of the U.S. For these reasons, the federal government must exercise control of any operation and maintenance of the navigable waterway system in the United States. Similar to the cooperative federal highway system we now enjoy, it is in the best interest of all U.S. citizens to have uniform, federal control on the waterways that local and state entities cannot provide.

3. A single, national system of user charges that is uniform and is federally applied, administered and collected, should be part of any new user-fee legislation.

A uniform user charge applied and collected by the federal government will allow for an equitable application of navigable waterway control. This country's best transportation system, the federal highway system, is presently funded in this manner and is based on the premise that such a fee application and collection is in the national interest both from a defense and an economic basis.

With these three points included in any user charge/cost recovery legislation, the Great Lakes' port interests can stand behind the implementation of the user-fee proposal.

Mr. Speaker, my concern for this issue goes deeper than how the different proposals would affect Ohio. I am certain that any proposal which shifts the funding responsibility for port and waterway development to the individual bodies would balkanize the Nation, economically. We cannot have a program with port by port cost recovery fees. That would be tantamount to closing the St. Lawrence Seaway, the Great Lakes, inland waterways, and other underutilized or underdeveloped ports and harbors. There is ample precedent for my fear in U.S. history. Indeed, one reason that the Continental Congress placed the responsibility for U.S. waterborne transportation and U.S. commerce in the hands of the Federal Government was the experience our young Nation had with hostile, debilitating economic warfare which the various States engaged in under the Articles of Confederation.

If we are to remain true to the concept of federalism, then the first principle we must assert is that the United States is a single economic entity. To succeed, we must succeed as a nation. If we fail, we must fail as a nation. No nation which has radical economic disparity among its regions can survive indefinitely as a single entity, a single nation. It is only natural that resentment builds, people rebel at favoritism, real or imagined, from the central government. We cannot, and must not, sacrifice one region of this country on the basis of economic hardship.

I am not suggesting that we have reached this stage yet. Nor would I predict that this is our future. But by carrying this argument to its logical limits, we would be crippling our waterways transportation system to the benefit of few, large coastal ports.

It is our job to energize the 1980's and 1990's. We must develop a network of viable, fair, equitable and unified water transportation system. As a Member of Congress, I am acutely aware of the weak state of the Nation's finances. We have reached an accumulated debt of over $1 trillion, and nondiscretionary appropriations increases are helping to keep our budget in deficit year after year.

I am willing to accept the concept that every user of services should pay the cost of those services, where the costs are easily indentifiable. I do not intend to keep the burden of financing our waterways on the back of the Treasury. Heretofore, all maintenance dredging and new construction has come from the general fund. The administration has identified the ports and barge operators, and others who operate on the waterways as the users of the waterways. I would say that the ultimate user of the waterways and ports is the commerce that moves through the system, and not those who provide the service along the route. In this bill, a tonnage charge would be imposed on all commerce which moves into or out from the United States.

I would have preferred to base the fee on such factors as the weight of the cargo, the resultant draft of the cargo carrier, and the extent of the navigation improvements involved in the shipment, by imposing a flat tonnage fee on all commerce. However, such a flat fee would be approximately 34 cents per ton, and I have been convinced that some low-cost but essential cargoes could not absorb such a fee and remain competitive. For this reason the bill provides that the Secretary of Treasury prepare a sliding scale of charges based on value and weight. This rate schedule would be revised every 3 years, in order to keep pace with the changing economy.

At this point, I submit a table produced by my most respected colleague in the Senate, Senator MARK HATFIELD, to be read into the RECORD at this point. This table would demonstrate, as an example, how one possible formula might be used that arrived at that 34 cents per ton figure I mentioned. It is based on estimates of incoming and outgoing U.S. commerce, and cost estimates of necessary navigation and maintenance and improvements over the next 10 years.

A 10-year plan by Senator Mark Hatfield

	In millions of dollars
A. Total Cost of all new deep-draft projects 40 ft and under projected through 1992 (10 yr)	900
B. Total cost of all new projects of more than 40 foot draft project through 1992 times 50 percent	2,000
C. Projected O. & M. costs for existing channels—annualized and totaled through 1992 (over 24 ft)	3,000
D. Projected incremental increases in O. & M. costs resulting from New York work on channles 40 ft or less, total projected through 1992	200
E. Projected incremental increases in O. & M. costs resulting from New York on channels more than 40 ft times 50 percent	250
F. Projected (tonnage) total waterborne commerce through 1992, domestic and foreign at ports more than 14 ft	15,000

The 10-year plan (A+C+D+E=X&F where X=5.2 and F=15).

The 10 year average user fee per ton uniformly applied equals 34 cents.

Mr. Speaker, the revenues from these tonnage charges would be combined with current waterway user charges and held in a waterways trust fund for use on a national scale. From this fund, the Army Corps of Engineers would be able to take operations and maintenance money without going through the authorization and appropriations process. Any new construction would also come from the trust fund, but would be subject to the authorization and appropriations processes.

Like others, I consider the deepwater ports, over 13.5 meters, to be a special consideration. These ports, nominally 55 feet, are relatively special purpose installations. Useful for a few heavy, bulky commodities such as oil and coal, these ports represent a step into a new generation of equipment and demands. They will be expensive. Therefore, this bill meets the administration literally halfway, with a 50–50 funding proposal. Half the costs of construction would come from the fund, and the port would be required to come up with the other half.

Federal control is maintained over the ports which want to use Federal funding, but if a port decides to pay its own way completely, it need only comply with the permit process before going to construction. A Federal authorization for a navigation project is unnecessary. Also, the bill provides for some liberalization in the methods the port uses to acquire its funds for construction.

Finally, to insure that each and every portion of the waterways transportation system is able to start even, on an equitable basis, all prior construction debts owed to the Federal Government will be forgiven. Without this clause, there are areas that would be forced to have a double tax on

users to pay interest on past construction debts. This would destroy the fair, uniform, and equitable system that is being developed in this bill.

Mr. Speaker, this bill has been developed with the consultation of some of the most respected members of the waterways system. It is not a consenus bill, but it does indicate the concerns of all of those who are knowledgeable in the field regarding the administration's concept and the direction they would like to take in the future. I believe this bill represents a compromise between the administration's philosophy and the realities of the situation.

Thank you, Mr. Speaker.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 29, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 30

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1686, S. 1703, S. 1720, and S. 1721, bills promoting competition among certain financial institutions, expanding their range of services, and protecting the depositors and creditors of such institutions.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1035, S. 1595, and S. 1745, miscellaneous tax proposals.
2221 Dirksen Building

10:00 a.m.
Environmental and Public Works
Water Resources Subcommittee
Business meeting, to resume mark up of S. 1692, providing for the operation, maintenance, and construction of deep-draft channels and national harbors.
4200 Dirksen Building

Select on Ethics
Closed business meeting on pending committee business.
6228 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
*Consumer Subcommittee
To hold hearings on Senate Concurrent Resolution 33, disapproving the Federal Trade Commission Trade Regulation Rule relating to the sale of used motor vehicles.
235 Russell Building

Foreign Relations
To hold hearings on the nomination of L. Ebersole Gaines, of Idaho, to be Executive Vice President of the Overseas Private Investment Corporation.
4221 Dirksen Building

NOVEMBER 2

10:00 a.m.
Foreign Relations
Closed briefing on the proposed arms sale to Pakistan.
S-116, Capitol

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
Business meeting, to mark up S. 134, authorizing the Administrator of General Services to assign to the Secretary of the Army for disposal certain surplus real property for use in the development and operation of a public harbor, S. 1422, authorizing the Administrator of General Services to donate surplus Federal property to any State for the construction and modernization of criminal justice facilities, and S. 1444, directing the Administrator of General Services to donate to a State or local government certain property loaned to such government by the Defense Civil Preparedness Agency.
S-324, Capitol

2:00 p.m.
Rules and Administration
To hold hearings on certain provisions of Title I: Consolidation of Federal Assistance Programs of S. 807, establishing procedures for the administration and auditing of Federal assistance programs and the requirements imposed on assistance recipients.
301 Russell Building

NOVEMBER 3

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the proposed pipeline transporting natural gas from the Soviet Union's Yamal gasfields to Western Europe, focusing on the role of U.S. export controls.
5302 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the ability of the Department of Labor and other Federal agencies to combat fraud in union pension funds and welfare benefit plans.
224 Russell Building

Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider proposed amendments to the Clean Air Act and the nominations of John A. Todhunter, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency, Robert A. Jantzen, of Arizona, to be Director of the U.S. Fish and Wildlife Service, Department of the Interior, and Carlos C. Campbell, of Virginia, to be Assistant Secretary of Commerce for Economic Development.
4200 Dirksen Building

*Foreign Relations
To hold hearings on the foreign policy and arms control implications of the President's strategic weapons proposals.
4221 Dirksen Building

Governmental Affairs
To resume oversight hearings to review the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344).
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 585, creating a Federal cause of action for the violations of a person's civil rights under color of State law relating to constitutional rights or laws providing for equal rights of citizens and all personnel within U.S. jurisdiction, S. 817, establishing procedures for holding constitutional conventions for proposing amendments to the Constitution, S. 1538, authorizing funds for fiscal year 1982 for the Commission on Civil Rights, S. 1554, amending the Bail Reform Act permitting pretrial detention of certain offenders, considering community safety in pretrial release conditions, eliminating surety and money bonds, and strengthening criteria for post-conviction release pending appellate review, and S. 1760, enforcing constitutional guarantees against discrimination on the basis of race, color, or national origin.
2228 Dirksen Building

NOVEMBER 4

9:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To resume oversight hearings on fiscal disparities within the Federal budget system.
357 Russell Building

Judiciary
*Criminal Law Subcommittee
To hold hearings on S. 613, amending the Federal Criminal Code to revise the scope of, and penalties under the Hobbs Act, prohibiting interference with commerce by threat or violence.
2228 Dirksen Building

Labor and Human Resources
*Labor Subcommittee
To hold hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

9:30 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on S. 1695, repealing the generation-skipping transfer tax, S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions; S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions; and S. 1733, providing a procedure for determining the fair market value of certain assets for estate tax purposes, and providing for declaratory judgments relating to installment payment of estate tax.
2221 Dirksen Building

Foreign Relations
To continue hearings on the foreign policy and arms control implications of the President's strategic weapons proposals.
4221 Dirksen Building

*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
6226 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business and meeting to consider pending calendar business.
3110 Dirksen Building

Small Business
Advocacy and the Future of Small Business Subcommittee
To resume hearings to examine effects of government competition on small business.
424 Russell Building

3:00 p.m.
Joint Economic
To hold hearings on the Japan-United States Rail Congress' proposal to establish a high-speed passenger rail service in the U.S.
2318 Rayburn Building

NOVEMBER 5

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 709, requiring a refund value for certain beverage containers, and prohibiting the sale of metal beverage containers with detachable openings.
235 Russell Building

*Energy and Natural Resources
To hold oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building

Governmental Affairs
To resume hearings to examine the acquisition process of the Department of Defense.
3302 Dirksen Building

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the VA's Department of Medicine and Surgery's implementation of the Office of Management and Budget's circular A-76, providing for the contracting out of certain government services.
412 Russell Building

10:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on State implementation of block grant programs and to examine the impact of further budget reductions of State and local governments.
318 Russell Building

*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the State with respect to abortion.
2228 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the impact of media on juveniles.
6226 Dirksen Building

NOVEMBER 6

9:00 a.m.
*Energy and Natural Resources
To continue oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).
3110 Dirksen Building

9:30 a.m.
Rules and Administration
Business meeting, to mark up certain provisions of title I (consolidation of Federal assistance programs) of S. 807, establishing procedures for the administration and auditing of Federal assistance programs and the requirements imposed on assistance recipients.
301 Russell Building

10:00 a.m.
Labor and Human Resources
Investigations and General Oversight Subcommittee
To resume oversight hearings on the activities of the National Cancer Institute.
4232 Dirksen Building

10:30 a.m.
Judiciary
Courts Subcommittee
To hold hearings to examine the role of State and Federal criminal justice systems in controlling drunk driving offenses.
2228 Dirksen Building

NOVEMBER 9

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on barriers to U.S. trade.
5302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

2:00 p.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

NOVEMBER 10

8:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation and effects of the Staggers Rail Act of 1980 (Public Law 96-448), reducing ICC regulations of the railroad industries and providing opportunities for railroads to improve their financial viability.
1318 Dirksen Building

Finance
Estate and Gift Taxation Subcommittee
To resume hearings on S. 1695, repealing the generation-skipping transfer tax, S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions; S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions; and S. 1733, providing a procedure for determining the fair market value of certain assets for estate tax purposes, and providing for declaratory judgments relating to installment payment of estate tax.
2221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on international drug trafficking.
3302 Dirksen Building

Labor and Human Resources
To resume hearings on S. 234, to encourage the establishment of home health care programs and to provide expanded coverage of home health services under the medicare and medicaid programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 12

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on international drug trafficking.
3302 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint

Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

Judiciary
*Criminal Law Subcommittee
To resume hearings on S. 101 and S. 751, bills to eliminate or establish an alternative to the exclusionary rule in Federal criminal proceedings.
5110 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on Senate Joint Resolution 111, consenting to an extension and renewal of the interstate compact to conserve oil and gas.
3110 Dirksen Building

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to mark up S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

1:30 p.m.
Judiciary
Constitution Subcommittee
To resume oversight hearings on the implementation of the Freedom of Information Act, and to hold hearings on S. 1247, S. 1235, and S. 587, bills providing for the exception of certain confidential information from disclosure requirements of the Freedom of Information Act.
2228 Dirksen Building

2:00 p.m.
*Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to continue markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

NOVEMBER 13

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on international drug trafficking.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 267, making the Federal tort claims procedure the exclusive remedy in medical malpractice actions resulting from federally authorized National Guard training activities.
5110 Dirksen Building

Judiciary
Courts Subcommittee
To hold hearings on S. 653, proposed Habeas Corpus Procedures Amendments Act.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
*Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

NOVEMBER 16

9:30 a.m.
Judiciary
Agency Administration Subcommittee
To hold hearings on S. 1775, revising certain provisions of the Federal Criminal Code relating to tort actions filed against the United States and Federal employees.
5110 Dirksen Building

Judiciary
Courts Subcommittee
To hold hearings on S. 1529, proposed National Court of Appeals Act.
2228 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to markup S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

2:00 p.m.
Environment and Public Works
Business meeting, to continue markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

*Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.
2228 Dirksen Building

NOVEMBER 17

9:00 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on United States-Canadian trade policies, focusing on impact on border States' industries.
6226 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on international drug trafficking.
3302 Dirksen Building

Labor and Human Resources
To hold joint hearing with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on international drug trafficking.
3302 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

*Veterans' Affairs
To hold oversight hearings on the effects of the use of Agent Orange.
1224 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To resume hearings to examine the impact of media on juveniles.
357 Russell Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to discuss the retention or destruction of certain Federal Government files.
2228 Dirksen Building

2:00 p.m.
Environment and Public Works
Business meeting, to resume markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

NOVEMBER 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on international drug trafficking.
3302 Dirksen Building

Labor and Human Resources
Business meeting, to consider the nomination of John R. Van de Water, of California, to be a member of the National Labor Relations Board.
4232 Dirksen Building

10:00 a.m.
Judiciary
Criminal Law Subcommittee
To resume hearings on S. 186, authorizing funds through fiscal year 1988 for the Department of Justice, to provide assistance to State and local governments for the improvement of the States criminal justice system.
2228 Dirksen Building

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 312, a private relief bill.
357 Russell Building

NOVEMBER 23

9:30 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on certain preference requirements of the Immigration and Nationality Act
5110 Dirksen Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 24

9:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on State implementation of Federal regulations, focusing on standards of the Resource, Conservation and Recovery Act.
3302 Dirksen Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

2:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 25

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

DECEMBER 1

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

DECEMBER 2

9:30 a.m.
Labor and Human Resources
To continue oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

DECEMBER 4

9:30 a.m.
*Banking, Housing, and Urban Affairs
To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of titanium.
5302 Dirksen Building

JANUARY 13, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 14, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 20, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision and, to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

JANUARY 28, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 4, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 11, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 18, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

FEBRUARY 23, 1982

11:00 a.m.
Veterans' Affairs
To hold hearings on legislative recommendations of the Disabled American Veterans.
Room to be announced

FEBRUARY 25, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings to discuss the implementation of the Voting Rights Act of 1965, and on proposed legislation to extend for an additional 10 years the automatic application of the preclearance provision, and to extend certain other provisions for an additional 7 years.
2228 Dirksen Building

CANCELLATIONS

OCTOBER 30

10:00 a.m.
Judiciary
To resume oversight hearings on the implementation of the Copyright Act of 1976, focusing on section 101 relative to cable TV policy.
2228 Dirksen Building

NOVEMBER 10

10:00 a.m.
*Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold hearings on S. 1226, establishing the National Nuclear Property Insurance Corporation, and providing supplemental insurance coverage for certain cleanup costs following damage to nuclear powerplants.
Room to be announced

NOVEMBER 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

NOVEMBER 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building